

THE CITY OF
GREENWOOD
MISSISSIPPI

Mayor

Carolyn McAdams

Administration

Thomas Gregory
Chief Administrative Officer

City Clerk

Nick Joseph, Jr.
City Clerk

Police Department

Ray Moore
Chief of Police

Fire Department

Marcus D. Banks
Fire Chief

Public Works

Susan Bailey
Director

Community

Development
Victor L. Stokes
Director

Human Resources

Regina Rich
Director

City Council

Johnny Jennings, Ward 1
Lisa Cookston, Ward 2
Ronnie Stevenson, Ward 3
Charles McCoy, Sr., Ward 4
Dorothy Glenn, Ward 5
David Jordan, Ward 6
Carl Palmer, Ward 7

Municipal Judge

Carlos Palmer

City Hall

101 W Church St.
P.O. Box 907
Greenwood, MS 38935
Phone: 662.453.2246

Website

www.cityofgreenwood.org

Social Media

Facebook: [cityofgreenwood](https://www.facebook.com/cityofgreenwood)
Twitter: [@cityofgreenwood](https://twitter.com/cityofgreenwood)

John Pittman Hey
The Taxpayers Channel
405 River Road
Greenwood, Ms
04/20/2015

Mr. Hey,

I have received your three (3) Public Records Request dated April 9th and two (2) dated April 10th, 2015.

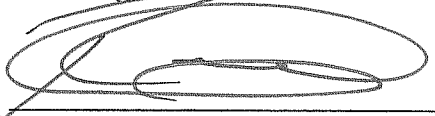
In reference to the one dated April 9th, 2015 I have enclosed copies of Jelani Barr's arrest report, affidavit and warrant. Your request for incident report, which we do not have, our reports are investigative reports, and statements are denied at this time. These items are part of an ongoing investigation and release of this information at this time may jeopardize the integrity of this investigation.

Your Public Records Request dated April 10th for a policy of the Greenwood Police Department about citizens filming police. The Greenwood Police Department does not have a written policy that directly addresses this issue. However since I became Chief of Police I have covered this topic at several supervisors meeting and have enclosed a copy of a request from the ACLU as well as my response, a copy of emails between myself and Greenwood Commonwealth reporter Byrn Stole on March 13, 2015 in regards to a concern he had on this matter. Also enclosed is a department memo issued 04/08/2015 reminding all employees of this situation.

Your Public Records Request dated April 10th, 2015 requesting all video, photographs and recordings with Jelani Barr or any officer pertaining to this arrest is denied at this time as they are part of an ongoing investigation and release of this information may jeopardize the integrity of this investigation.

If you wish you may resubmit your request at the conclusion of this investigation and any items that you request shall be provided to you pursuant to the Mississippi Public Records Act of 1983.

Sincerely;



Raymond Moore
Chief of Police
City of Greenwood
04/20/2015

AFFIDAVIT

THE STATE OF MISSISSIPPI,
LEFLORE COUNTY

} IN THE POLICE COURT, City of Greenwood

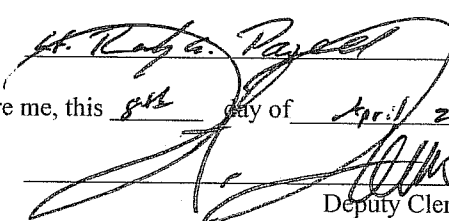
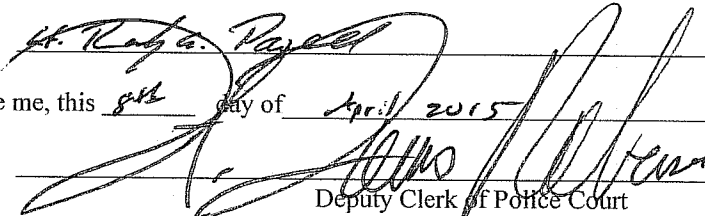
This day personally appeared before the undersigned Deputy Clerk of the Police Court of said City of Greenwood

LT. RANDY POWELL

Who makes oath that JELANI BARR within the corporate limits of the said City of Greenwood, in the county and State aforesaid, on the 07th of April, A.D. 2015 did then and there willfully and unlawfully, with intent to provoke a breach of peace refuse to comply with the request of Lt. Randy Powell, a state law enforcement officer, who had the authority to then and there arrest any person for a violation of the law, to immediately move on and disperse upon order from the scene of an investigation from which Barr stood in interference. This occurred within the city limits of Greenwood, Leflore County, and MS [97-35-7(1)].

Contrary to the Laws and Ordinances of said City made and provided, against the peace and dignity of the State of Mississippi.

Sworn to and subscribed before me, this 8th day of April 2015



Deputy Clerk of Police Court

WARRANT

STATE OF MISSISSIPPI
Leflore County
City of Greenwood



IN POLICE COURT

To any Lawful Officer of City – GREETING:

We command you forthwith to take the body of JELANI BARR
and HIM safely keep so that you have HIM before the Police Justice of said City of Greenwood, in the County and State
aforesaid, at his office in the said City of Greenwood on Monday the 11th day of MAY A. D. 2015 at 9:00 o'clock A. M.,
to answer said City of Greenwood on a charge of Disorderly Conduct –Failure to Comply(Interference W/Police
Officer)

[97-35-7(1)]

WITNESS my hand this, the _____ day of _____

Police Justice

GREENWOOD POLICE DEPT
ARREST REPORT Incident: 2015040119

Incident No.: 2015040119

Arrest Date/Time: 4/07/2015 21:34

Arrestee Name (Last, First, Middle, Suffix) BARR, JELANI

Arrestee Address: 1931 BRADFORD AVE GREENWOOD MS 38930-0000

Social Security No.: [REDACTED] Driver's Lic. (No., State, Type) [REDACTED] MS R

Race:	Sex:	Eyes:	Hair:	Height:	Weight:	DOB:	Age:	Marks:
B	M	BRO	BLK	511	175	12/29/1984	30	

Arrestee No: 2015040035 Fingerprint Card No.: Arrest Type: ON-VIEW

Arrest Location: BOWIE LANE @ CARROLLTON AVE

Arresting Officer: POWELL, RANDY ARNEZ

Miranda (Date, Time, Place)

Miranda Officer:

Type Weapon: UNARMED

Statute (LRS#): 97-35-7	Offense: DISORDERLY CONDUCT-FAILURE TO COMPLY	Location Type:
Offense Date/Time, Location 04/08/2015 01:58 0 CARROLLTON AVE/ BOWIE LANE GREENWOOD		18

Property/Vehicle: N

Notes:

Report Made By: _____ Date: _____ Time: _____

MEMO

TO: All Officers

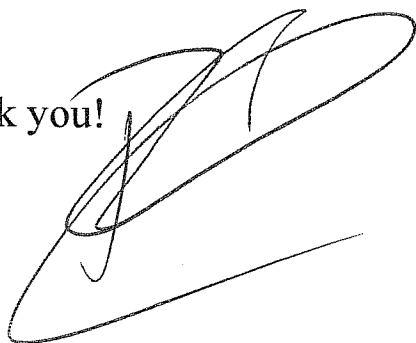
FROM: Chief Raymond Moore
Greenwood Police Department

DATE: April 8, 2015

RE: **Private citizens and media**

This is just a reminder that this department has a standing order that private citizens or the news media has a right to photograph, video or audio record any public police activity as long as they do not interfere with the investigation being conducted. Only in extremely limited circumstances would this not be allowed. Each of these type situations will be evaluated case by case, and a decision will be made at that time.

Thank you!

A large, stylized handwritten signature in black ink, likely belonging to Chief Raymond Moore, positioned below the 'Thank you!' text.

Ray Moore

From: Bryn Stole <bstole@gwcommonwealth.com>
Sent: Friday, March 13, 2015 5:14 PM
To: Ray Moore
Cc: Tim Kalich
Subject: taking photos of officers
Attachments: IMG_4227.jpg

Chief Moore,

I certainly appreciate your help in this matter. I'll say first off that I've never been actually prevented from taking photographs by anyone in your department and that, with very few exceptions, I've generally had enjoyable interactions with the all the officers and detectives. That said, what happened this afternoon certainly came off as an attempt — either intentional or simply through a lack of knowledge of the law — to harass me while doing my job.

Earlier this afternoon, I was over at the Church's Chicken/Double Quick after someone called in reports of a shooting. I drove around back and parked in the parking lot of the Greenwood Little Theatre after I noticed a number of officers looking over the car wash area. As soon as I started taking photographs (through the chain link fence and from a distance) I was told by an out-of-uniform officer (pictured here wearing a red jacket and red ball cap) to stop and that I couldn't take photographs at the moment. He told me (erroneously) that he could sue me and the Commonwealth for publishing photographs of him without his permission. On an earlier occasion, while taking photographs of a bullet-riddled car that had crashed off Sycamore Ave. on Jan. 25, the same officer had told me (again, erroneously) that I couldn't include any policemen in the photos. That wasn't an issue at the time (the car was far more interesting), but he's quite clearly mistaken on the law.

This afternoon, I continued to take photographs as the officers got in their vehicles to leave. At that point, Officer Calhoun came back over to tell me, "You know you can be sued for publishing those photographs" and continued to try to convince me that I needed the individuals' permission to publish the pictures.

Bryn Stole
Reporter
Greenwood Commonwealth
(662) 581-7235 (office)
(314) 749-8573 (cell)

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5751 / Virus Database: 4306/9276 - Release Date: 03/11/15

Ray Moore

From: Bryn Stole <bstole@gwcommonwealth.com>
Sent: Friday, March 13, 2015 5:25 PM
To: Ray Moore
Subject: Re: taking photos of officers

I appreciate it, chief. I certainly don't want to ruffle too many feathers but I think it's an important issue.

----- Original Message -----

From: [Ray Moore](#)
To: [Bryn Stole](#)
Sent: Friday, March 13, 2015 5:20 PM
Subject: Re: taking photos of officers

Bryn, you can rest assured I will address and correct this issue !!!

Sent from my iPhone

On Mar 13, 2015, at 5:16 PM, "Bryn Stole" <bstole@gwcommonwealth.com> wrote:

Chief Moore,

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Bryn Stole
Reporter
Greenwood Commonwealth
(662) 581-7235 (office)
(314) 749-8573 (cell)

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Version: 2015.0.5751 / Virus Database: 4306/9276 - Release Date: 03/11/15

<IMG_4227.jpg>

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Version: 2015.0.5751 / Virus Database: 4306/9276 - Release Date: 03/11/15



September 26, 2014

Chief Ray Moore
Greenwood Police Department
406 Main St.
Greenwood, Ms 38930

Dear Chief Moore,

We write on behalf of the American Civil Liberties Union of Mississippi, to address an important constitutional issue confronting police departments today: the right of private citizens to make audiovisual recordings of public police activity. In order for us to gain a better sense of current policies and practices among Mississippi police and sheriff departments, we are surveying departments throughout the state and as part of that survey, we ask that you provide us with a copy of your policy and all accompanying training materials regarding the rights of citizens to record police activity.¹

There is a consensus of circuit courts of appeals that "the First Amendment encompasses a right to record public officials as they perform their official duties and that "photographing a police officer performing his official duties falls under the umbrella of protected expression."² Unfortunately, many officers are either unaware of this right or refuse or fail to appropriately act in accord with same. Due to the prevalence of cell phone cameras, misunderstanding between police and citizen journalist have arisen with increasing frequency in recent years, and the ACLU is often contacted by citizens alleging violation of their rights to record official conduct. As a result, the ACLU and the ACLU of MS have been involved in legal challenges over this issue and have benefited from input by the United States Department of Justice³ allowing us to develop considerable expertise in the area. Thus beyond our collection of information about current police practices and policies, it is our hope that by providing examples and sharing information about best practices with law enforcement officials, we can assist police in protecting the rights of citizens as well as public safety, and establish Mississippi as a national leader in this area of constitutional law.

¹ Please consider this a formal request under the Mississippi Code of 1972 Annotates, Section 25-61-5. Public access to records. If your department does not have a policy specifically addressing this issue, please let us know that. In that instance, you might consider using the enclosed model policy as a guide to develop your own.

² Buehler v. City of Austin, A-13-CV-1100 ML (W.D. Tex. July 24, 2014) (Memorandum Opinion and Order. Granting In Part And Denying In Part Defendants' Rule 12(b)(1)&(6) Motion to Dismiss)

³ The Department of Justice (DOJ) intervened in a ACLU lawsuit against the Baltimore City Police Department in which a Maryland man challenged police erasure of his cell phone videos after he recorded officers violently arresting his friend.

The DOJ has offered the following guidance on important elements police departments should include in their policies and training:

- (1) affirmatively set forth the First Amendment right to record police activity;
- (2) describe the range of prohibited police responses to individuals observing or recording the police;
- (3) clearly describe when an individual's actions amount to interference with police duties;
- (4) provide clear guidance on the necessity of supervisory review of any proposed action to be taken by officers against an individual who is recording police;
- (5) describe the narrow circumstances under which it is permissible for officers to seize recordings and recording devices; and
- (6) indicate that no higher burden be placed on individuals exercising their right to record police activity than that placed on members of the press.

DOJ's guidance was intended to assist police departments in developing appropriate policies and training programs with respect to the public's right to record. In light of recent events in Ferguson, MO it is our hope that we will take heed of DOJ guidance, we believe we can make Mississippi's law enforcement officers a model for others to follow.

Sincerely,



Charles Irvin
Legal Director



Rebecca Curry
Director of Policy and Advocacy

THE CITY OF
GREENWOOD
MISSISSIPPI

November 19, 2014

Mayor
Carolyn McAdams

Administration
Thomas Gregory
Chief Administrative Officer

City Clerk
Nick Joseph, Jr.
City Clerk

Police Department
Ray Moore
Chief of Police

Fire Department
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Greenwood, MS 38935
Phone: 662.453.2246

Website
www.cityofgreenwood.org

Social Media
Facebook: [cityofgreenwood](https://www.facebook.com/cityofgreenwood)
Twitter: [@cityofgreenwood](https://twitter.com/cityofgreenwood)

Charles Irvin

Leal Director

ACLU

Mr. Irvin:

This letter is in response to your letter dated Nov. 6, 2014 in regards to Greenwood Police Department policy about the right of private citizens, and to make audio visual recording of public policies activity.

The Greenwood Police Department does not have a written policy that specifically addresses this issue. However, I have a standing order that private citizens have the right to video or audio record any public police activity. This has been addressed by staff and safety meetings. All of our patrol units have in car cameras and body mics and the officers have been advised to use this equipment when encountering the public. This department is currently conducting a survey on the use of personal body cameras, and getting prices and information on them. I personally feel that the use of this type equipment is extremely helpful in interacting with the public. Not only does it make sure that our officers always act in a professional manner with the public, it also gives us a first-hand view of the public reaction with the officers. Your letter also asked under what circumstances the public would be prevented from exercising this right. There is only extremely limited circumstances that this would be prevented etc: ERT training and response, hostage and tactical situations where public knowledge of our tactics and response would put our officers or citizens in danger of serious harm or death. Each of these type situations would be evaluated case by case, and decision will be made at that time.

If I can be of anymore assistance, please do not hesitate to contact me

Raymond Moore

Chief of Police