

City of Memphis
Police Division
Inspectional Services Bureau

Principal Officer Statement

Officer's Name: Marks, Clement	Rank: POLICE OFFICER II
DOB: DOE: 10/11/2010	IBM: 12482
Assignment: Airways Station	Shift: C
Statement taken at: 2714 Union Ext.	Date\Time: 4/13/15, 1026 hrs
Typed By: Ketressa Gaines	Date\Time: 4/15/15, 1511 hrs
Questioned By: Sergeant Rosario & Sgt. Chatman	
Relative to ISB File: FD2015-009	

Q: Please state your name and IBM for the record?

A: Clement Marks, IBM is 12482.

Q: Are you aware that this statement is being recorded?

A: Yes sir.

Q: Have you read and did you understand the Garrity Advisory Form?

A: Yes sir.

Q: Have you dated and signed the form?

A: Yes sir.

Q: Do you understand that a refusal to answer questions in this investigation constitutes a violation of policies and procedures?

A: Yes sir.

Q: Will you now participate in the interview by the Inspectional Service Bureau of this department?

A: Yes sir.

Q: Were you afforded an opportunity to read the allegations prior to this statement being taken?

A: Yes sir.

Q: Do you understand that you are a principle and if the facts determine that you are in violation of policy, procedures and or directives then appropriate action will be taken?

A: Yes sir.

Q: Do you wish to have an adviser present?

A: Yes sir.

Q: Adviser please state your name and IBM for the record.

A: Essica Littlejohn IBM 1705.

Q: Officer Marks how long have you been employed by the Memphis Police Department?

A: Ah four and a half years.

Q: What is your current duty assignment?

A: Airways, Charlie.

Q: What car were you assigned to on ah excuse me on ah April 10, 2015 at about 10:00 pm?

A: Tango 12.

Q: And a Tango car what kind of car is that?

A: A GHSO ah traffic.

Q: Ok what area were you ah working for your GHSO that night?

A: Ah Old Allen.

Q: Ok ah were you a one man or two man car?

A: One man.

Q: Were you involved in a police related shooting on April 10, 2015 at approximately 2300 hours?

A: Yes sir.

Q: Was it a dispatched call?

A: Yes sir.

Q: Ah dispatched...

A: Ah well it was ah the call put out by an off-duty officer.

Q: Ok ah what was the nature of that call?

A: Ah regarding ah suspicious vehicle from Homicide.

Q: Ah you mentioned off-duty officers can you explain how the call went out?

A: Ah officers called for additional cars they had possible suspect ah the possible vehicle that was involved in a homicide.

Q: Did they...

A: And ah they advised the direction the direction of travel.

Q: Did they put out a description of the vehicle?

A: Yes sir.

Q: Ah were you in the area?

A: Yes sir.

Q: Ah did you pull down into the area and behind that vehicle?

A: Yes sir.

Q: Where did you first contact that vehicle?

A: Ah Airways and South of the interstate 240.

Q: Ok ah can you describe that vehicle for me?

A: Ah maroon SUV ah had a, a spare tire on the back, back passenger side dark tinted windows.

Q: Ok did you attempt to stop that vehicle?

A: Yes sir.

Q: Where did you stop it?

A: Ah it's in the park ah hotel parking lot there at Airways and Democrat.

Q: Ok ah tell me what happened when you initially stopped the vehicle?

A: Ah I got out of my vehicle ah went to approach the vehicle and the passenger bailed out on foot.

Q: Ok did you have any other officers there on the scene with you at this time?

A: No sir just the ah the off-duty officers.

Q: Ok ah what happened after the passenger bailed out?

A: Ah I chased him.

Q: And what direction did you chase him?

A: We chase ah ran westbound through the com through the parking lot and northbound behind a building.

Q: Ok and how far did you chase him, approximately?

A: Maybe 80 to 100 feet.

Q: Ok ah as you chased him what happened next?

A: Ah he got when he got to the fence line he turned, he turned towards my way went to the waist the waistline his waistline.

Q: When you say he went to his waistline can you explain that a little bit more.

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A: Ah he was reaching for something some object.

Q: Ah how far away from him were you when he reached for his waistline?

A: Ah maybe 20 to 30 feet.

Q: Ah what was your response to him reaching for his waistline?

A: I pulled my service weapon and fired.

Q: How many times did you fire?

A: I fired two.

Q: Then what happened next?

A: Ah he went through ah the fence a hole in the fence and I (inaudible) continued to chase through the fence and I ah stuck my head through the hole in the fence he was coming up out of the ditch pointing towards my direction.

Q: Ah when you say pointing as he was facing your direction?

A: He was facing...

Q: Or was he motioning with his hands?

A: He was motioning with his hand in my direction.

Q: Ok ah did you see a fire arm?

A: I saw an object.

Q: Ok ah did-did you believe that to be a firearm at the time you saw it?

A: Yes sir.

Q: Were you in fear for your safety?

A: Yes sir.

Q: Ah were you ah did you have the opportunity or did you have sufficient time ah to issue any verbal commands?

A: No sir.

Q: Ah when you went through the fence and he pointed an object at you what was your response then?

A: I fired another shot.

Q: Do you know if the suspect was struck?

A: I believe he yes sir he was.

Q: Ok ah were you able to take him into custody then?

A: Yes sir.

Q: Did you get on the air and advise that shots were fired at that point?

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A: Yes sir.

Q: Ah what were the lighting conditions?

A: Ah dark no light.

Q: Now is that both ah in the area you fired shots before going through the fence and after or?

A: Before, before the ah going through the fence it was a little light.

Q: Ok.

A: But when I went through the fence it was no light.

Q: Ok what was your background when you fired the first two shots?

A: Ah fence and wooded area.

Q: Ok and on the third shot when you were on the other side of the fence what was your background over there?

A: Mostly ground and a ditch.

Q: Ok was it anybody else present in the area while, when you fired shots?

A: No sir.

Q: How close were you to the suspect when you ah when you made-made it to the other side of the fence when you fired that third shot?

A: Maybe 10 feet.

Q: What was the ah suspects actions immediately after you fired your last shot?

A: Ah he stated, "you shot me" and climbed out the ditch and tried to run again.

Q: Did you have to use any other subsequent force to take him into custody after he continued to run?

A: No sir.

Q: Ah did he just give up at that point and go to the ground or?

A: He went he went to the ground.

Q: Do you have any idea what happened to the object that the suspect was holding?

A: No sir he was he was in a ditch a ditch of water.

Q: Ah how-how well were you able to see or not see the objects in his hand?

A: Ah you could see like a shadow figure ah based up on the background you could like see his figure.

Q: Ah at that moment in time during the foot pursuit ah and-and your-you're firing at him was there any doubt in your mind that he was reaching for a gun?

A: Yes sir.

Q: There was doubt or was not doubt.

A: Ah no sir no doubt.

Q: No doubt.

Q: When he said you shot me was that the only communication he gave to you during the entire incident?

A: Yes sir he just ah, what was the word, continued saying repeating it.

Q: During any of the foot pursuit did you give any verbal instructions or announce yourself?

A: Police, stop.

Q: Just once, many times?

A: Just once.

Q: Ah you were working a Tango car that night.

A: Yes sir.

Q: Ah was it a marked car?

A: Yes sir.

Q: Ah blue lights and sirens activated?

A: Blue lights and sirens.

Q: What was your uniform that night?

A: Ah it was a class "B" uniform.

Q: So standard police issued uniform.

A: Standard issue.

Q: There's no doubt that he would have known you were a police officer?

A: Yes sir.

Q: Did the ah member of the Inspectional Services do a check and count of your weapon after the incident was over?

A: Yes sir.

Q: Do you normally carry, how many rounds do you normally carry?

A: Ah it's just three-three mags of twelve so that's 38 rounds.

Q: 12 in each mag and 1 in the chamber?

A: 12, 33, 34 that's the three mags and 12 and one in the chamber.

Q: So 37 total.

A: 37.

Q: Do you know what the count was when-when ah the count was conducted?

A: I don't remember.

Q: Ok.

Q: But you normally carry your weapon fully?

A: Fully, fully issued.

Q: One more question you said initially when-when he went around the corner ah came to a fence line and turned.

A: Uh huh.

Q: You said he turned and went for his waistband.

A: Yes sir.

Q: When you say he turned did he turn away from you toward you?

A: Towards me.

Q: So he turned to face you?

A: Yes sir.

Q: Ok.

Q: Is there anything else that you'd like to add to your statement?

A: No sir.

Ok show this statement ending at 10:36 am.

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.

Clayton Mack 12482
Signature

4-17-15
Date