

APPROVED: October 9, 2014



**ATLANTA CITIZEN REVIEW BOARD
SEPTEMBER MEETING MINUTES**

City of Atlanta City Hall
55 Trinity Avenue, S.W., Committee Room Two
Atlanta, Georgia 30303
September 11, 2014
6:00 p.m.

The September 11, 2014 meeting was called to order by *Secretary Bartels* at 6:14 p.m. pending the arrival of *Chair Harrison*.

A G E N D A

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAUL BARTELS <i>(Secretary/Bartels)</i>	ALAN MORRIS <i>(Morris)</i>
GERALD SOUDER <i>(Souder)</i>	RUTH PRICE <i>(Vice Chair/Price)</i>
SHERRY WILLIAMS <i>(Williams)</i>	**WILLIAM HARRISON <i>(Chair/Harrison)</i>

ACTIVE MEMBERS ABSENT

BILL BOZARTH *(Bozarth)*
MACEO C. WILLIAMS, SR. *(Williams)*

VACANT BOARD SEATS

Office of the Mayor *(vacant 1 year and 1 month)*
Atlanta Business League *(vacant 2 years and 3 months)*
Gate City Bar Association *(vacant 1 month)*

STAFF ATTENDEES

CRYSTAL BYRD (*Byrd*), Community Outreach Specialist; **ROBIN LOLAR** (*Investigator Lolar*), Investigator; **SAMUEL LEE REID**, (*Director Reid*), Executive Director; **SHEENA ROBERTSON** (*Investigator Robertson*), Investigation Manager; **MYOLA SMITH** (*Smith*), Transcriber; **SAUL SCHULTZ**, COA Department of Law, Appointed Counsel for ACRB

Guest Attendees: Atlanta Police Department, Office of Professional Standards, Lieutenant Jesse Webb

Secretary Bartels welcomed guests and members of the public to the meeting.

APPROVAL OF MINUTES OF THE LAST MEETING, JULY 10, 2014

Secretary Bartels directed the Board's attention to the minutes for July 10, 2014. It should be noted that the minutes for July 10, 2014, were tabled at the last meeting because the requisite minimum number of five persons was not reached in the August meeting in order to form a vote on the July minutes. The floor was opened for discussion and corrections to the minutes.

Morris moved to approve the minutes. *Price* seconded. Hearing no further discussion, the motion was approved by all.

APPROVAL OF MINUTES FOR AUGUST 14, 2014

Secretary Bartels directed the Board's attention to the minutes for August 14, 2014.

Morris moved to approve the minutes. *Price* seconded. Hearing no further discussion, the motion was approved by all.

PUBLIC COMMENTS

Special Note: Public Comments were heard at the beginning of the meeting to allow citizens to speak on body worn cameras (BWCs).

Executive Director Reid opened with remarks: "Good evening, as most of you know, body worn cameras (BWCs) have been a topic across the nation after the death of Michael Brown in Ferguson, Missouri. Some people believe that BWCs will allow the public to be able to see what happened, as well as benefit the police departments and other law enforcement agencies. The benefits to law enforcement agencies are reduce complaints against them, reduce the city's liability and reduce false claims against police officers. Now, some critics, though, have mentioned that the cameras will also invade citizen's and officer's privacy rights, and would we really receive the benefits of the cameras if other things are not in place as far as enforcement of actual discipline policies that you have on the police officer. Also will citizens be able to have access to the camera recordings. These are a few of the concerns the critics have. And the reason we have this special time for public comment is to try to solicit comments from the public, regarding the body worn cameras and also just see what generally people are thinking about. We realize that this is our first public comment on this issue. We will have

another opportunity for more input, and we appreciate those who would like to speak tonight. So, some of the general questions, I have for anyone who would like to speak would be: 1) How do you feel about public access to being in the recordings? 2) Do you have any privacy concerns about body worn cameras? 3) How do you feel about having an option to give or not consent to be recorded, and what do you think the recording should be...what do you think officers should be able to record.”

Board Comments...

1. **Bartels:** “**Mr. Reid**, could you just clarify the second question? Do you know what the APD’s exact plans are in terms of body cameras, and how many officers would be equipped and when that would happen?”
2. **Reid:** “I do not know how many would receive cameras. I know that it has been reported in the news, that they are currently testing several models of the cameras, and if I remember correctly, they’re testing some out at the airport and along the Atlanta beltline. In fact, when we were at National Night Out, we met an officer who had on one of the test units, and so, that’s pretty much where they are. I believe at the last Public Safety meeting, they were saying that they’re going to be releasing their study on the cameras in five weeks.”

PUBLIC COMMENTS

It is noted that three (3) people signed up to speak: Leonard Jones; Sumita Dutta and Tracey Mosley.

Due to the length and importance of the comments, a separate attachment has been made to the minutes to record all comments in its entirety.

Bartels thanked the citizens for their comments and said, “I think I would add that I certainly believe it’s (BWCs) a step in the right direction. I think it does protect those, the citizen and the police officer. A lot of departments have heard of the authorities using cameras and they can see a significant drop in complaints about misconduct. It will be interesting to see where it goes.”

***It should be noted that **Chair Harrison** arrived by the end of Public Comments and begin presiding over the meeting.*

EXECUTIVE DIRECTOR’S REPORT

Director Reid reported the following:

- **Public Service Announcements** - Public service announcements are currently playing on radio stations Streetz 94.5 and Hot 107.9
- **Op-Ed on Ferguson** - A few weeks prior, **Director Reid** wrote an op-ed on the recent Ferguson incident that sparked national news media coverage. He also was interviewed on 1380 WAOK Radio and V-103. The People’s Station.
- **Atlanta Planning Advisory Board (APAB) Citizen Engagement** –APAB will be holding a forum for citizens at City Hall in the Council Chambers with regard to general information from departments and boards and City activities. ACRB will make a presentation at the forum. This annual event will take place Saturday, September 13 at 9:00 a.m.
- **Day of Dignity** - Sunday, September 14, the ACRB will be lending its support and handing out ACRB literature at the Day of Dignity, an annual community service event, which will provide wholesome meals, free health screenings, free haircuts, clothing, hygiene kit and school for the homeless and the needy in the community.

- **Historic Westside Festival** - Saturday, September 20 and Sunday, September 21 from 10:00 to 7:00 p.m.
- **Atlanta Youth Street Smarts** - Saturday, September 27 from 2:00 p.m. to 6:00 p.m.
- **Environmental Justice** – In addition to all the forums, there are also environmental justice events held a few weeks before at one of the local high schools.
- **Investigator Position** - An investigator position is currently open. *Director Reid* invited the Board to direct anyone they may know having investigative experience to contact City Hall and submit an application.
- **NACOLE Conference** - *Director Reid* will be sending an email listing of questions and items of interest to the staff that will need to be met, from those who will be attending the NACOLE Conference in Kansas City, MO from September 14 until September 18, 2014.

INTAKE REPORT FOR JULY 2014 AND AUGUST 2014

A. A total of eight (8) complaints were received for the month of July. *Investigator Robertson* gave the following report:

1. Complaint Number: ACRB No. 14-049, Troy Henderson alleging Excessive Force
Mr. Henderson alleges that correction officers and staff at the Fulton County Jail are engaging in unspecified acts of misconduct. Mr. Henderson was referred to the Office of the Attorney General.
Recommend dismissal for lack of jurisdiction.
2. Complaint Number: ACRB No. 14-050, Fela Yepassis alleging Verbal Abuse and Threats
Mr. Yepassis alleged that on July 7, 2014 while on the grounds of the Chamblee Public Library, he was verbally abused and threatened to be arrested by two police officers. Preliminary investigation revealed that the officers in question are employed by the DeKalb County Police Department.
Recommend dismissal for lack of jurisdiction.
3. Complaint Number: ACRB No. 14-051, Amber Meeks alleging Excessive Force
Ms. Meeks alleges that on April 1, 2014, she was falsely arrested by APD officers. She further alleged that during the incident, the officers engaged in excessive force. Awaiting Ms. Meeks's signed complaint. If signed complaint is received within the next few weeks, recommend investigation as an excessive force and possible false arrest complaint. Preliminary investigation revealed that Ms. Meeks's criminal case is pending adjudication in the Atlanta Municipal Court and the investigation into the false arrest allegation will depend on its outcome.
Therefore, recommend suspension of the investigation pending the adjudication. If signed complaint is not received, recommend dismissal.
4. Complaint Number: ACRB No. 14-052, Anita Zachary alleging Inappropriate Conduct
Ms. Zachary alleges that on July 7, 2014, an APD officer inappropriately placed her six year old grandson in the backseat of a patrol along with his father, who had been arrested.
Recommend dismissal for lack of jurisdiction.
5. Complaint Number: ACRB No. 14-053, Yvonne Daniels alleging Improperly Issued Citation and Rude Behavior
Ms. Daniels alleges that on June 7, 2014, APD Kenneth Thomas improperly issued her and her husband a citation. She further stated that he was rude towards them.
Refer to OPS. Recommend dismissal for lack of jurisdiction.
6. Complaint Number: ACRB No. 14-054, Danielle Henry alleging Harassment

Ms. Henry alleges that she is being harassed by two APD Officers. Awaiting Ms. Henry's signed complaint for further details before making a recommendation.

However, if signed complaint is not received within the next few weeks, recommend dismissal.

7. Complaint Number: ACRB No. 14-055, Troy Henderson alleging Illegal Search & Other Unspecified Acts of Misconduct

Mr. Woodley alleges that on October 31, 2013, several supervisors within APD participated in an illegal search of his residence. He further alleged that the officers engaged in other unspecified acts of misconduct.

Recommend dismissal because the incident occurred beyond the 180 days imposed by the ordinance.

8. Complaint Number: ACRB No. 14-056, Derek Schatz alleging Verbal Abuse

Mr. Schatz alleges that on July 27, 2014, he was subjected to verbal abuse by APD Officer Juan Cooper while at the Hartsfield International Airport.

Recommend investigate as an abusive language complaint.

It was moved by *Bartels* to accept the Intake Report. *Souder* seconded the motion. Hearing no further discussion, the vote was called and the motion to accept was approved by all.

B. INTAKE REPORT FOR AUGUST 2014

A total of seventeen (17) complaints were received for the month of August. *Investigator Robertson* gave the following report:

1. Complaint Number: ACRB No. 14-057, Nakita Carter alleging Harassment

Ms. Carter alleges that APD officers are harassing her. Ms. Carter was subsequently contacted in order to obtain further information concerning her complaint. Ms. Carter alleges that fire trucks, ambulance, and APD patrol cars, with their siren blaring, has been following her. Ms. Carter could not provide any specific details or any identifying information as it relates to the allegation against the APD. *Recommend dismissal for lack of merit.*

2. Complaint Number: ACRB No.14-058, Rachell Baker alleging Excessive Force

Ms. Baker alleges that on July 8, 2014, her niece, Shavonica Sinkfield was slammed to the ground by an APD officer. She further alleges that an officer pointed a gun at Ms. Sinkfield. Ms. Baker subsequently advised that her niece does not want to pursue this matter and she did not have a firsthand knowledge about this incident.

Therefore, recommend dismissal for lack of signed complaint.

3. Complaint Number: ACRB No. 14-059, Natasha Williams alleging Excessive Force

Ms. Williams alleges that on December 2, 2014, a Union City police officer fired shots at her vehicle. She further alleges that she was placed in handcuffs and thrown into a patrol car. She also alleges that while handcuffed, a lieutenant tried to tase her.

Recommend dismissal for lack of jurisdiction.

4. Complaint Number: ACRB No. 14-060, Rekike Getaneh alleging Improperly Detained and Illegal Search

Ms. Getaneh alleges that in July 2014, a Norcross police officer improperly detained her. She further alleged that the officer illegally searched her vehicle.

Recommend dismissal for lack of jurisdiction

5. Complaint Number: ACRB No. 14-061, Tyree Page alleging Rude Behavior, Falsified Police Report & Lack of Investigation

Mr. Page alleges that on June 5, 2014, APD Officer Ramose was rude and sarcastic towards him while responding to an incident at his home. He further alleged that the officer falsified his police report, refused to arrest the suspect and failed to follow up with him.

- Recommend dismissal for lack of jurisdiction.*
6. Complaint Number: **ACRB No. 14-062, Troy Henderson** alleging Excessive Force
Mr. Henderson alleges that on February 10, 2014, he was physically assaulted by APD officers while at the precinct. **Recommend investigate as an excessive force complaint.**
 7. Complaint Number: **ACRB No. 14-063, Antron Jackson** alleging Excessive Force & Verbal Abuse
Mr. Jackson alleges that he was physically and verbally abused by Fulton County Jail deputies. **Recommend dismissal for lack of jurisdiction.**
 8. Complaint Number: **ACRB No. 14-064, Jonathan Harmon** alleging Harassment & Verbal Abuse
Mr. Harmon alleges that on August 11, 2014, APD Officer J. Edwards harassed him when he threatened to arrest him. He further alleged that the officer was verbally abusive towards him. **Recommend investigate as a harassment and abusive language complaint.**
 9. Complaint Number: **ACRB No. 14-065, Raymond Washington** alleging Harassment
Mr. Washington alleges that APD Officer Stokes has been harassing him by following him on several occasions during the month of July and August of 2014. **Recommend investigate as a harassment complaint.**
 10. Complaint Number: **ACRB No. 14-066, Cecilia Thomas** alleging False Arrest
Ms. Thomas alleges that on August 6, 2014, her son was falsely arrested by officers. Preliminary investigation revealed that Ms. Thomas' son was arrested by the Marta Police Department pursuant to a warrant. **Recommend dismissal for lack of jurisdiction.**
 11. Complaint Number: **ACRB No. 14-067, Kaletta McDade** alleging Improperly Detained and Excessive Force
Ms. McDade alleges that on January 1, 2013, she was improperly detained by APD officers. She further alleges that the officers had their guns pointed at her. **Recommend dismissal because incident occurred outside of the 180 day time limit imposed by the ordinance.**
 12. Complaint Number: **ACRB No. 14-068, Laverne Ballard** alleging False Arrest
Ms. Ballard alleges that on April 30, 2014, APD Officer Michael McEckron falsely arrested her pursuant to an invalid warrant. **Recommend investigate as a false arrest complaint.**
 13. Complaint Number: **ACRB No. 14-069, Yazhim Singleton** alleging Inappropriate Conduct
Ms. Singleton alleges that on February 27, 2014, a Hapeville police officer threatened to arrest her. **Recommend dismissal for lack of jurisdiction.**
 14. Complaint Number: **ACRB No. 14-070, Darryl Thomas** alleging Improperly Detained and False Arrest
Mr. Thomas alleges that on July 2014, he was improperly detained and falsely arrested by APD Officer K. Rudman. Awaiting Mr. Thomas's signed complaint. If signed complaint is received within the next few weeks, recommend investigation as an excessive force and possibly a false arrest complaint. If Mr. Thomas's criminal case is still pending, then recommend suspension of the investigation pending the adjudication. However, if the signed complaint is not received within the next few weeks then recommend dismissal.
 15. Complaint Number: **ACRB No. 14-071, Mariam Cash** alleging False Arrest
Ms. Mariam Cash alleges that on 2013, she was falsely arrested by a Sandy Springs Police Officer. **Recommend dismissal for lack of jurisdiction.**
 16. Complaint Number: **ACRB No. 14-072, Douglas Jefferson** alleging Improperly Detained

Mr. Jefferson alleges that on August 22, 2014, he was improperly detained and falsely issued a citation for selling alcohol by two APD undercover officers. Preliminary investigation revealed that this incident involved Marta Police Officers.

Recommend dismissal for lack of jurisdiction.

17. Complaint Number: ACRB No. 14-073, Henry Caslin alleging Inappropriate Conduct

Mr. Caslin alleged that on August 26, 2014, while at the Phillips Arena Parking Garage, an APD officer banged on his car door and belligerently shouted at him that he was blocking traffic.

Recommend dismissal for lack of jurisdiction.

Bartels moved to accept staff's recommendation. **S. Williams** seconded. The motion was approved by all.

Investigator Robertson added that all complaints that were dismissed were referred to the appropriate agencies.

REVIEW OF COMPLAINTS

A. CASE NO. 12-18, DUANE BLOCKER

False Arrest: Mr. Blocker alleges on June 1, 2012, at the Woodruff Park, Atlanta Officer Jordan Wolford falsely arrested and charged him with violating Code of Atlanta, section 1-6-81, *Disorderly Conduct, which provides that direct fighting words towards another that is words which by their very nature, tend to incite immediate breach of the peace.* Fulton County State Court records indicate that Mr. Blocker's case was dismissed by way of 'Not on the Docket.' APD records reflect that on the day of the incident, a dispatcher with the Ambassador Force called 911 and reported that several individuals in the chess area of Woodruff Park were threatening the ambassador.

Officers Craig Randerson, Sheriff Morrison, Chaz Brown and Jordan Wolford, responding to the location and all were interviewed during the course of this investigation. False arrest is defined by the City Ordinance as 'an arrest by a police officer of the wrong person without probable cause to believe the crime is being committed, and/or without a warrant and or when the arresting party knowingly holds someone who has not committed a crime.' When considering probable cause involving a false arrest, the Georgia State law instructs "Lack of probable cause shall exist when the circumstances are such as to satisfy a reasonable man that the accuser had no ground for proceeding but his desire to injure the accused." Meaning, the officer's arrest had to occur with malice. All of those who were interviewed, except Officer Brown, stated that Mr. Blocker was acting very aggressively towards them using a lot of profanity, and refused numerous commands to leave the park. They further stated that Mr. Blocker's action was causing the crowd to form.

Based on the testimony, and the documentary evidence obtained during the course of the investigation, Mr. Blocker's actions and words, as evidenced by the investigative statements and records, tend to support that Officer Wolford had probable cause to arrest Mr. Blocker. Based on the involvement in the absence of any supporting evidence from Mr. Blocker's allegation, or any evidence contrary to the officers and the ambassador's version of the event, the ACRB staff recommends that the allegation of false arrest against Officer Wolford be assigned a finding of **not sustained**.

Discussion...

1. **Souder** asked why the recommendation was for not sustained instead of unfounded.
2. **Bartels**: “Well, my opinion is I think it’s a close call, but the question we have to deal with is was there probable cause to it, and that depends on the statutory language of the disorderly conduct statute, and part of that is fighting words, and, you know, there is some case law. I mean, what the witness’s statements were was that he used the word ‘bitch’ and also ‘fuck you’ once and you know, according to the appellate courts, those can be fighting words. I think the rest of it is kind of vague in terms of having an attitude, but those words, I think, were what, you know, they believe gave them probable cause.
3. **Souder**: “I agree to that. It looked like it was probable cause based on reading the case, but I’m just...it seemed to be like it would be unfounded versus not sustained as far as the end result. That’s all I was asking, why?”
4. **Bartels** said he thinks the distinction is that if it’s unfounded, that means that it didn’t happen and not sustained means that it’s basically there’s not enough evidence that it was a violation by clear and convincing evidence.

Morris moved to accept staff recommendation of not sustained. **S. Williams** seconded. The motion was approved.

B. CASE No. 12-32, MONICA MALCOM

In this complaint Ms. Malcom alleges **False Arrest** and **Abusive Language**:

False Arrest

Ms. Malcom alleges that Officer Stover did not have probable cause to arrest her. She stated that Officer Stover claims that she was speeding and attempting to elude him. She claims that the officer’s allegation that she was speeding and attempting to elude him is false. She stated that her music was very loud and she did not hear the sirens. ACRB did not get an opportunity to interview Officer Stover because he retired prior to the investigation. However, according to Officer Stover’s OPS statement, he arrested Ms. Malcom because when he attempted to stop her for speeding, she continued to drive away. According to APD records, Officer Stover communicated to dispatch that he was following a Chevy Impala, which was identified as the vehicle that Ms. Malcom was driving that refused to stop. According to the OPS statement, Officer stated that his lights and siren were activated at the time he attempted to stop Ms. Malcom. Ms. Malcom claims that she did not see the lights nor hear the sirens; however, she did state that her music was very loud.

According to some of the witnesses interviewed, Officer Stover’s lights were activated when they saw Ms. Malcom pull over at the school. There were no other independent witnesses that could corroborated Officer Stover’s claim that his emergency equipment was activated at the time he attempted to stop Ms. Malcom, and nothing can be heard over the radio transmissions.

Therefore, the ACRB staff recommends that the allegation of false arrest against Officer Kenneth Stove be assigned a finding of not sustained, meaning that there’s insufficient evidence to conclude the Officer committed the alleged acts of misconduct.

Discussion...

1. *S. Williams* questioned if it is standard procedure to impound a vehicle after it is searched.
2. *Bartels* said that the general rule is if there's another person at the scene with a license, no, the vehicle is impounded, but if no one else is at the scene the vehicle can be legally impounded.
3. *Bartels* said in so many cases we receive its one person's word against another, and there's no independent witness who can corroborate either person's side of the story. There has to be more evidence than not and in a case such as this, a body mic would be of help.

False Arrest - *Bartels* moved to accept staff's recommendation of not sustain seconded by Price. No further discussion, the vote was called and the motion was approved without opposition.

Abusive Language

Ms. Malcom alleges that on April 20, 2012, Atlanta Police Officer Kenneth Stover falsely arrested and charged her with speeding and fleeing or attempting to elude a police officer. She further alleged that during the traffic stop, Officer Stover was verbally abusive towards her. Ms. Malcom alleges that the officer made statements such as "Her ass is going to fucking jail." Officer Stover denied using any profanity toward Ms. Malcom. Furthermore, everyone interviewed corroborate his claim, however, some of the witnesses did state that Ms. Malcom was angry and was using profane language during the incident.

Therefore, the ACRB staff recommends that the abusive language against Officer Stover be assigned a finding of **not sustained**, meaning the investigation established that's there's insufficient evidence to conclude that the officer committed the alleged acts of misconduct.

Souder moved to accept staff's recommendation of **not sustain**. *Morris* seconded. No further discussion, the vote was unanimous. Motion carried.

C. **CASE No. 13-118, SAM THOMAS**

Excessive Force Allegation: Mr. Thomas alleges that on October 7, 2013, Atlanta Police officers assigned to the department's Narcotics Unit engaged in excessive force, when he grabbed the back of his head and slammed him to the ground. He further alleges that while on the ground, he was kneed and was repeatedly struck in his back. On the day of the incident, officers in the Narcotics Unit executed a search warrant of Mr. Thomas's residence. The warrant authorized APD to enter and search Mr. Thomas's residence for illegal narcotics, weapons, and money assets derived from drug sales. According the APD records, the officers who participated in the execution of the warrant are Investigators Brandon Puetz, Nicholas Chimino, Brian Ernest, Kettly Turnier, Marlon Noble, Reginald Burks, Gary Walker, and Terrance Capitol. Investigator Puetz was identified as the lead investigator. Mr. Thomas alleged that when the officers forcibly entered his residence, one of them grabbed the back of his head and slammed him to the ground and even in the back. He further alleged that while thrown on the ground, they repeatedly punched him in the back. He said that although he could not see their faces, he claims that the involved officers were Caucasian. All of the officers that were present at the scene were interviewed and deny Mr. Thomas's allegation. They contend that was the only force that was used when Mr. Thomas was pulled out of the doorway.

Based on the documentary evidence and the testimony obtained during the course of the investigation, there is insufficient evidence to substantiate Mr. Thomas's claim. A copy of the video footage, as it relates to this incident, was obtained and refutes Mr. Thomas's claim that when the officers forcibly opened his door, he was grabbed by the back of his head and thrown to the floor. The video clearly shows Mr. Thomas pulling down his pants and lying face down on the ground with no assistance from officers. The video also shows an officer grabbing Mr. Thomas by the arm and pulling him out of the doorway. However, when Mr. Thomas was removed from the doorway, he was no longer in view of the camera, so, what occurred at that point is not shown. Mr. Thomas claims that while on the ground, he was kned and repeatedly punched in the back. The officers deny this allegation, and there were no independent witnesses to corroborate either account. Furthermore, there is nothing in the medical records to indicate that Mr. Thomas was treated for any injuries related to this incident. Based on these facts, the ACRB staff recommends that allegation of excessive force against Investigators Puetz, Chimino, Ernest, Turnier, Noble, Burks, Walker and Capitol be assigned a finding of **not sustained**.

Discussion...

1. **Bartels** said that there was no indication in the medical records that treatment was given for any injuries.
2. **Robertson** said he did not receive treatment for any injuries, but he did receive treatment for a diabetic condition.
3. **Bartels** asked if there were any abrasions, bruises or anything.
4. **Robertson**: "No."
5. **S. Williams**: "Well, the other thing that was interesting in this was that when the medical personnel arrived, he couldn't pinpoint where and then when he got to the jail and he asked for medical treatment, there was never any consistency in what was going on. So, I found that to be pretty interesting."
6. **Bartels** said he thinks this is another case where if all the officers had had body cameras, it would be a much better idea.
7. **S. Williams** said there was a camera, even though some of it was not in view. "The video contradicts what he said happened and what he said clouds his credibility and as for as the bruising, he could not consistently tell where he was injured."

S. Williams motioned to accept staff's recommendation. **Price** seconded. No further discussion, the vote was called and the motion was approved without opposition.

D. CASE No. 14-002 REGINA WATTS

This case involves two allegations, **False Imprisonment** and **Excessive Force**:

- **False Imprisonment**: Ms. Watts alleges that on July 13, 2013, Atlanta Police officer Denis Joseph had no legal right to stop and obtain her. She further alleges that during the stop, Officer Joseph engaged in excessive force, when he approached her with his firearm drawn and pointed at her face. She also alleges that Officer Joseph grabbed and twisted her arm.

The investigation reveals that Officer Joseph was involved in the search of the area for burglary suspects. Ms. Watts was driving a black Dodge Nitro in the area. The radio lookout description was for a white Dodge Caravan and gold Intrepid, two black males: one wearing a red shirt, one wearing a black shirt. Suspect in the red shirt has twists in his hair. Officer Joseph report provided that unit 2306 gave a lookout for a white Caravan and a

black Dodge Nitro, and a gold Intrepid as being involved in the burglary. Nothing in the APD records indicated a black Dodge Nitro was being involved in the burglary. Officer Joseph initiated a traffic stop. Officer Joseph stated that he stopped Ms. Watts, who was driving a black Dodge Nitro because the car was traveling behind a white Dodge Caravan, and suspected of being involved in a robbery earlier that day. Based on his experience, Dodge Nitros have been used by suspects when changing vehicles. After the stop, Officer Joseph approached Ms. Watts's vehicle and drew his weapon. Officer Joseph stated that he drew his firearm because Ms. Watts refused to comply with his commands to raise her hands from the steering wheel, and it appeared that she had something in her hands. He stated he did not twist her arm, but grabbed her hand because she would not roll down the window and open the door.

The ACRB staff recommends that the allegation of false imprisonment against Officer Denis Joseph be assigned a finding of **sustained**. The investigation established that there is sufficient evidence that the officer committed the alleged acts of misconduct. Officer Joseph lacked reasonable suspicion to stop Ms. Watts. Accordingly, she was subject to seizure without legal justification.

Discussion...

1. **Bartels** agreed with the staff's recommendations and found it interesting that nothing in the initial crime report or the police transmission said anything about a black Nitro. "I think to say that that came across as a be-on-the lookout-for, it just, you know, that lacks credibility." Another concern was that the vehicle was not suspected and the two suspects reported were males.
2. **S. Williams**: "I have a quick question. It talks about Sergeant Michael Mozgawa was following the white van, but it didn't say whether or not it was ever stopped."
3. **Bartels**: "I thought that was kind of curious too."
4. **Souder** noted that he had sent that question to Investigator Robertson, and the answer came back indicating that APD does not have records of a white van ever being stopped.
5. **Bartels**: "And that's all the vehicles that actually were involved, but they stopped the one behind it."

S. Williams motioned to accept the recommendation of **sustained** on the allegation of false imprisonment. **Bartels** seconded. No further discussion, the vote was called and the motion was approved without opposition.

- **Excessive Force**: The ACRB staff recommends that the allegation of excessive force against Officer Denis Joseph be assigned a finding of **sustained**, meaning that the investigation established that there is sufficient evidence that the officer committed the alleged acts of misconduct.

Question...

Bartels: "I'd be inclined to vote to accept that recommendation as well. There is here testimony that he did point the gun at her and he doesn't refute that. He says he doesn't remember, so I think that meets the standard."

It was moved by **Bartels** to accept staff's recommendation to **sustain** the allegation of excessive force. **S. Williams** seconded the motion. Motion approved.

- **DISCIPLINE RECOMMENDATION TO POLICE CHIEF**

FALSE IMPRISONMENT

Before the board voted on discipline, **Investigator Robertson** reported on Officer Joseph's disciplinary history. She stated that there were a total of seven complaints, including this complaint against Officer Joseph since his employment in April 2008. Out of the seven, two resulted in a finding of sustained, three were not sustained and two were exonerated. Based on the APD grid, the discipline is a Category A.

It was moved by **Price** and seconded by **Bartels** that Officer Joseph receives a written reprimand for false imprisonment. No further discussion, the motion was approved.

EXCESSIVE FORCE

Investigator Robertson reported that Officer Joseph had previously received two oral admonishments that were sustained: failing to obey a supervisor's direct order in 2009 and failure to print the crime scene as required by the SOP and failure to send in an incident report in 2011. This allegation is a category C violation.

Bartels moved to recommend twelve (12) to fifteen (15) days suspension regarding the excessive force. **S. Williams** seconded. Calling for the vote, the motion was approved with a one (1) nay vote made by **Price**.

E. CASE No. 14-008 AMBROSE KING

Excessive Force: Mr. King alleges that Officer Joseph Daniels engaged in excessive force when he responded to Mr. King's residence for a loud party call. Mr. King alleges that the officer's excessive force occurred with damage to his bedroom door. Officer King responded to a dispatch call to Mr. King's residence because of a loud party complaint. He told security to shut down the party but after several failed attempts by the security to shut the party down, Officer Daniels approached the door. When the door opened, marijuana smoke came from inside the house. Officer Daniels asked to speak to the owner of the house, Ambrose King, several times, but he did not make contact with Mr. King. The officers cleared the house. It is verified that Officer Daniels did not make contact with Mr. King because as Mr. King provided in his statement, he and his friends ran interference while he locked his bedroom door from the inside.

The ACRB ordinance defines *excessive force as use of greater physical force reasonably necessary to repel and attack or terminate resistance*. The ACRB recommends that the allegation of excessive force against Officer Joseph Daniels be assigned a finding of **unfounded**, meaning that the investigation has established that the allegation is not factual to meet the ACRB allegation requirement.

With no discussion, **Morris** moved to accept staff's recommendation of unfounded. **Souder** seconded. No further discussion, the vote was called and the motion was approved with no opposition. Motion carries.

OLD BUSINESS

A. COMMITTEE REPORTS

- **By Laws:** *Chair Harrison* said with regard to new business and the By Laws Committee, Harrison said, “I do want to set something up with regard to jurisdiction. I think I mentioned that once before, so I think we need to establish a committee to expand our jurisdiction.
Bartels explained it would have to be done by an ordinance change.
Harrison: “Jurisdiction may be the incorrect word, but I want to extend our purview.”
- **Compensation:** *Price* said she has inquired around as to why the board had not received any compensation and was told that no one asked for it, and that \$8,000 discretionary funds should be used if ACRB has it. *Price* announced that because her term is about to come to an end and no one else wants to be compensated that she will withdraw from the committee. *S. Williams* commented that the board’s time is just as important as the other boards, and board deserves equal treatment in terms of compensation. *Price* also noted the importance of the staff being in unclassified positions. She said, “I have also asked why our staff is considered unclassified because they have no rights on anything. However, I was told that they didn’t realize it. So I think people who work as hard and are as professional as our group, they need to be unclassified.”
- **Community Outreach:** - No report. *M. Williams*, the committee leader, was absent.

NEW BUSINESS

- *Director Reid* stated that ordinance changes and expansion of jurisdiction involves a process. “Pretty soon you will be receiving an email from me asking you to look through the ordinance, and see if there are some things that you think we should be focused on and talked about over the next few months, expanding our jurisdiction to investigate some of those things that we currently cannot investigate. It will not be as simple as saying we want to change the ordinance...that won’t happen. It is a process and we need to start talking about what we want to investigate. Also, with the possibility that we may have body worn cameras in Atlanta, at some point it is going to be important because we may start seeing more allegations that we cannot investigate which is a disadvantage to the citizens. It’s not fair to the citizen, and I’ve said this before and said it in reports. If a citizen makes a complaint to the ACRB, he or she has made contact with the City and appraised the City as to what is going on. They should not have to go to another entity within the City to have it looked at. They choose the ACRB because that’s where they wanted to come, and we should be able to take care of all the allegations and concerns that they have at that time.”
- *Director Reid* also announced that the second thing that the staff is working on, is a study of all the complaints we have sent over the past two years to APD, and the decisions that we receive from them. “We need to see where there may be some differences in the investigations or in the assessment of the evidence, or differences in disciplinary philosophy between the board and the police department. So, we have quite a few cases that we need to really look at, and see what is happening. We have to go through the files with a fine tooth comb. We want to do this as quickly as possible, but the cases will have to be closely looked at and we need to do a thorough analysis to see if there needs to be changes made and address situations, and the facts to support any changes the ACRB would like to see happen.” *Reid* also added that there are different things that we see that come through the office that do not fit nicely into our categories, and that needs to be tweaked some and open up a little bit, so that we can better serve the citizen.”

Other Comments:

Morris asked the **Chair** about the outcome of his meeting with Mayor Reed. **Harrison** stated, "The meeting didn't occur, so we are going to reschedule to sometime in October."

ADJOURNMENT

Souder entertained a motion to end the meeting. **Bartels** seconded to adjourn the meeting. The meeting adjourned at 7:35 p.m.

*These minutes were officially approved by the
Atlanta Citizen Review Board on **October 9, 2014.***

A handwritten signature in black ink, appearing to read "Paul E. Bartels", written over a horizontal line.

PAUL E. BARTELS
ACRB Secretary

Attachment

Public Comments Regarding Body Worn Cameras (BWCs)

1st Speaker: Leonard Jones

Good evening, my name is Leonard Jones. It's a pleasure to be back. I represent the National Action Network here in Atlanta, Georgia, Reverend Al Sharpton's organization. Of course, I'm sure you all are aware about our push for police officers to wear body cameras, and we think that will not only decrease the amount of inappropriate behavior, but also give a fair accounting of what actually happens when police confront the public." We are pushing these cameras at all of our chapters and all of the cities that we associate in, and we hope to be able to do whatever we can to help voters like this who are interested in public comment. I've actually had people come to me to try to get a doorway into presenting quotes and things from cameras for APD and that type of thing, and there was really no way to refer them, except to the ACRB or directly to the Atlanta Police Department. So, we look forward to all of the information that is received and the data that is collected to present, not only to our local bodies, but send it up the chain nationally as well, and hopefully, we can put the spotlight on Atlanta to curb police brutality. There are a lot of interests in Atlanta, especially with the passage of the ability to carry guns wherever you would like. So here in Atlanta, I think that body cameras serve several purposes, not just to protect the public, but to protect police as well, because we are aware that some people may have a reason to make false reports against police and things like that. However, being a direct support system for the community, we get all those stories where those police are not behaving appropriately, and we prepare complaints and things like that to actually to send to this board as well, and we would like to continue to do so, and to also push the Citizen's Review Boards in every state where have an established chapter. So, anything that we can do to help you all to bring this information to the public, we will definitely get out that there's a next public meeting and [indistinct] to all of our members, so more people in the community to show up. Thank you so much.

2nd Speaker: Sumita Dutta

"Good evening, my name is Sumita Datta. I'm a resident of southwest Atlanta in Sylvan Hills, and I'm also part of group of queer and trans-people of color in Atlanta. I'm the only one in our group here right now today, but I want to speak to the fact that I think it would really benefit the help and wellness and security of poor black and brown communities in Atlanta for the police to be wearing security cameras. For many reasons, we've gotten--we received at our community, particularly of gender queer and trans-women and men are targeted unjustly by the police. We know that what's going on in Ferguson, is not just in Ferguson and the people there are speaking out, and places where this is on the rise, people want to be a part of that process of physically watching the police, because that's our responsibility, and I think that the cameras are a way for police to know that we basically really do want them to know that they're being watched because they're not conducting themselves like there's anybody who reprimands them. I am really glad that y'all put this public forum out today, and that you are also the folks that we can contact if we have the badge number or names or cop car numbers of folks, police, meaning who are not...who are committing any kind of police violence. I would also like to say that many times those who do know their rights will say that we don't consent to searches and will still be searched or still have our car looked through, and I think the cameras are ways to have that on record. Again, thanks for you all's time today."

3rd Speaker: Tracey Mosley

“Thank you for the opportunity to speak to you today. My name is Tracey Mosley. I am the director with the Urban League of Greater Atlanta, and we are a federal organization. We are the oldest civil rights organization in the nation. We’re in ninety-six cities and thirty-six states, so, we expand the nation much like- the National Action Network. We’re here to speak--to speak to you, regarding what we have been communicating with our several affiliates around the country, as well as our national office in New York, New York. In New York City, we are started a national human research to gather facts, because you know, we really have to speak on the facts instead of what we personally think. Well, what that person thinks doesn’t really matter, but the facts that we are finding is that the use of body cameras by law enforcement, like anything else, have pros and cons, but the pros far, far outweigh the cons. We have research in Saint Louis, California, L.A., Anaheim, the list goes on of law enforcement agencies that already use--utilize body cameras, and they have been effective in solving crimes. They’ve been effective in, believe it or not, the protection of the officers. A lot of times, when individuals see that there’s body cameras, that they’ve been videotaped or whatever the case is, it causes people to kind of step back a little bit, so it’s does twofold: it’s the protection of the citizen, which we are most importantly being concerned about, but it also, as human beings, it protects the officers as well, and has been known to prevent as a preventive measure in a lot of cases as well. I can’t see in a municipality like Atlanta, Georgia not having an interest in at least furthering and pursue and testing this piece of technology, that I believe and we believe at the Urban League of Greater Atlanta will bring more safety, you know, bring more comfort to the community at large, and I just want to speak briefly on that. Thank you, and we intend to join other civil rights organizations around the country and around this city to help raise support and help kind of bring to face what this piece of technology can really do. Thank you very much.”

**** End of comments ****