



**ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE MEETING**

September 10, 2015
City Hall Tower Building
55 Trinity Avenue, SW
Auditorium Room #3100 (Old Council Chambers)
Atlanta, Georgia 30303
6:30 p.m.

The September 2015 meeting was called to order by *Chair William Harrison* at 6:32 p.m.

AGENDA

ROLL CALL

(The ACRB has eleven members)

ACTIVE MEMBERS PRESENT

PAUL BARTELS *(Secretary/Bartels)*
BILL BOZARTH *(Vice-Chair Bozarth)*
SHERRY WILLIAMS *(S. Williams)*

WILLIAM HARRISON *(Chair/Harrison)*
RUTH PRICE *(Price)*
GERALD SOUDER *(Souder)*

ACTIVE MEMBERS ABSENT

ALAN MORRIS *(Morris)*
GINO BROGDON, JR. *(Brogdon)*

VACANT BOARD SEATS

APAB-NPU *(Group S-Z) – (4 months)*
Atlanta Business League *(vacant 3 years and 3 month)*
Office of the Mayor *(vacant 2 years and 1 month)*

STAFF ATTENDEES

SAMUEL LEE REID *(Reid)*, Executive Director; **SHEENA ROBERTSON**, Investigation Manager *(Investigator Robertson)*; **ROBIN LOLAR**, Investigator, Sr., *(Investigator Lolar)*; **BRIAN FLEMING**, Investigator, Sr., *(Investigator Fleming)*; **MYOLA SMITH**, Project Manager *(Smith/Transcriber)*; **JOHNNA L. GOODMARK**, Chief Counsel, COA Law Department.

APPROVAL OF MINUTES OF THE LAST MEETING, AUGUST 13, 2015

The **Chair** directed the Board's attention to the minutes for August 13, 2015 meeting. Copies of the minutes were only available the day of the meeting due to a computer problem, the minutes were tabled until the next meeting to allow the board time to thoroughly review them before voting.

Bartels moved to defer approval of the minutes until the October meeting. **Bartels** seconded. Hearing no discussion, the motion was approved.

EXECUTIVE DIRECTOR'S REPORT

Director Reid reported. Below are highlights from the report:

A. BUDGET

Director Reid made a point of clarification regarding the budget. Referring to last month's discussion regarding the budget as it relates to the number of people going to the NACOLE Conference, the question was raised why only two members could go. **Bozarth** asked if the budget had a line item just for the conference. To clarify, **Reid** explained that there is one line item specifically designated for the board. "The adopted budget funds this account at approximately \$4300, which is about half of what it has been in comparison to previous years. Other than the changes we are proposing in the new legislation, we are talking about unpaid board members' stipends, training, and board meetings; all of which will be funded from that pool of money but we have to put a little more money with it. What that means regarding NACOLE, we will probably be restricted to sending one person to NACOLE a year, as opposed to two.

Discussion...

1. **(Bozarth)** - For fiscal years 2016, the number for all board expenses is \$4300.00.
2. **(Reid)** - I believe that is correct.
3. **(Bozarth)** - Are we anticipating that the legislation would pass as we propose it; so at some point in the fiscal year, we will start paying board members for attendance?
4. **(Reid)** Yes
5. **(Bozarth)** - If we send someone next year to NACOLE, it will be in the fiscal 2017 year budget. So, we will probably want to do our budget in anticipation of what we plan to do.
6. **(Reid)** - The issue is someone going multiple times and others have not. That is what the whole deal was. As for as budgeting goes, if we get the \$50.00 stipend for board meeting and training, then when we create the budget for next year, this pool of money is for the board for board operation things. If we want to send someone to NACOLE at about \$2,500 to \$3,000 per person, depending on where it is and how much it will cost, we have to add that into our budget request.
7. **(Bozarth)** When will you start working on the fiscal year 2017 budget?
8. **(Reid)** March.
9. **(Bozarth)** Why don't we revisit it to see what we want to do (to see if the \$4300.00 is the right amount for the following year or to adjust it).
10. **(Smith)** Initially, when a budget was set-up for the ACRB, there was \$18,000.00 set aside in our budget for board expenses. The board was just forming and lots of training etc. was needed therefore this specific amount was set aside by Finance in the ACRB budget. Once the office was up and running, that amount was reduced to a little under \$8,000 and the then finally to \$4300.00. When the line item for the board was added, the Executive Director had no say in determining the amount of money that was designated for the board. However, if the legislation passes, then that line item would have to increase by a minimum of a 100%.to just support the ordinance changes alone and specifically the stipend payment.
11. **(Bozarth)** - We do have the discretion if we have a pot of money. Staff particularly has the discretion to allocate within a larger number.
12. **(Smith)** Yes.

B. COMMUNITY OUTREACH

Outreach Specialist, Charles **Curry** was not present; however, he sent the board a written report of the most recent outreach activities. **Curry** was representing the agency at the Buckhead Public Safety Town Hall Meeting.

Discussion and Comments...

1. (**Bozarth**) *I just wanted to tell the board and staff that I was able to attend one of Charles' presentation two weeks ago at the Job Corp Center over on West Lake Avenue. There were about 300 young people there, and he did a very good job. It was sort of impressive to me that we got that much exposure and he has those kinds of sessions fairly often; not always with that many people. I would encourage the board to attend and to see the interaction with the public. It was very well done.*
2. **Reid** *thanked everyone for showing their support. He also specifically thanked Souder for coming out to the West End Mall to assist staff with Outreach activity.*
3. (**Souder**) *I think that the weekly calendar it is very helpful that Charles (**Curry**) puts out. We have options to participate on what is a festival or non-festival event.*

C. OTHER COMMENTS:

Reid thanked members who provided comments related to the ordinance proposal. He indicated that under old business, he plans to discuss the letter to APD regarding Body Worn Cameras (**BWCs**).

INTAKE REPORT FOR JULY 2015

Investigation Manager **Robertson** reported that for the month of August 2015, the ACRB received ten (10) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

Dismissals:

Out of the 10 complaints, ACRB is requesting that nine (9) be dismissed:

ACRB Case 15-094 - False Arrest & Loss of Property

Recommends dismissals for lack of merit as it relates to the false arrest allegation and dismissal for lack of jurisdiction related to the property issue.

ACRB Case 15-096 – Lost Property

Recommend dismissals for lack of jurisdiction.

ACRB Case 15-097 – Rude Behavior

Recommend dismissals for lack of jurisdiction

ACRB Case 15-098 – False Arrest

Recommend dismissal because incident occurred over 180 days and is time barred.

ACRB Case 15-099 –False Arrest

Recommend dismissal because incident occurred over 180 days and is time barred.

ACRB Case 100 – Rude Behavior

Recommend dismissal for lack of jurisdiction.

ACRB Case 15-101 – Verbal Abuse

Recommend dismissal for lack of jurisdiction

ACRB Case 15-102 – Intimidation

Recommend dismissal for lack of jurisdiction

ACRB Case 15-103 – Domestic Issue
Recommend dismissal for lack of jurisdiction

*****It should be noted that the proper referrals were given to those citizens whose complaints fell outside of ACRB's jurisdiction.**

One Complaint Recommended for Investigations:

- ACRB Case 15-095 – False Imprisonment and False Arrest

The Complainant alleges that on June 28, 2015, two APD officers forcibly entered his property at 795 Lee Street and illegally detained and arrested him.

Staff recommended an investigation as a false imprisonment and possibly false arrest complaint. Preliminary investigation revealed that Mr. Malobe's criminal case is pending adjudication in the courts and the investigation into the false arrest allegation will depend on its outcome. Therefore, recommend suspension of the investigation pending the resolution of the case.

Discussion & Comments...

1. **(Bozarth)** *(Referring to the fourth complaint) Is that an example of when we modify our list of permissible complaints that we might pick up?*
2. **(Robertson)** *The majority of these we will pick up. If you notice that there are a few of them with Rude Behavior and we would investigate those. One that we would probably not do is Loss of Property. I don't think that would fall within our jurisdiction even with the ordinance changes.*
3. **(Bozarth)** *This is a comment, not so much on the Intake Report but on the continued phenomenon of people complaining about alleged misbehavior in other police jurisdictions. Lot of publicity in the news about Cobb County where the County Commissioner was stopped by an officer and has raised the issue and has sort of created a political storm out there. The establishment thinking that their police, perhaps unlike other police forces, do not need investigation. Do we have a role as more communities in the Metro area are becoming aware of the possible value of a Citizen Review Board? Do we have a role in speaking up? I know that you have been quoted in some of the articles. We can defer that to a different point to discussion. It does raises a question of what is our role encouraging what we do in other places.*
4. **(Reid)** *Other metro counties have contacted us for expertize on civilian oversight, and whenever we have been asked to come out to do a presentation; usually it is at the invitation of a community group. There are two county groups (DeKalb County and Cobb County) who have contacted us about starting a Citizen Review Board. We have spoken with them and they are preparing to meet. One is coming up in soon. There were some rumbling in Clayton County but we have not heard from anyone actually out there.*
5. **(Robertson)** *One of the counties in Tennessee contacted our office also.*
6. **(Harrison)** *What you will find is that, to answer your question, as far as the role of the board members, because I have been contacted myself from different states, different agencies within the metro area and that's part of our role a little bit; to be able to explain what we do and how we do it and how we were able to accomplish some of the things that we have accomplished. To answer your question, yes, that is something that we do.*
7. **(Bozarth)** *I think that in today's climate that's going to be something where we have an opportunity to play a role.*
8. **(Price)** *That has been my feeling all along to get this board here organized and start our own. I would call it Southern Regional whatever because there are enough people out there who want to know what we are doing without dealing with a national office.*
9. **(Bozarth)** *The challenge is, the metro area people sort of see this as a seamless group of communities but everything is divided politically and I don't see any path towards a regional approach to this challenge. Every city, College Park and East Point, all these separate communities are going to have to address it with their own. There is some loss of efficiency when you look at it that way, but I don't see any other way that this is going to roll out.*
10. **(Reid)** *The most that we can hope for is that if each metro area jurisdiction has an agency, in the strength of those individual agencies combined, then we can make some things happen or effect some change.*

11. **(Harrison)** *Going back to the ordinance that we are trying to get changed, if we have something like #4 (Case 15-097, rude behavior) that would be one of those complaints that we can pick up under the new ordinance. My question is do we have something in place so as when the new ordinance has passed and the 180 days haven't passed that we can somehow go back and look at the complaint again or is the citizen going to be forever timed barred? In other words, if we get the ordinance passed and all of a sudden her complaint fits and the 180 days hasn't passed, is she still going to be timed barred? Does she have to re-file a complaint?*
12. **(Reid)** *The complainant would have to re-file once the ordinance change has occurred because the board has already taken an action on her current complaint by dismissing it.*
13. **(Harrison)** *So is that what we are doing, letting them know that?*
14. **(Reid)** *When it happens, we will have to inform the citizens of the ordinance change when that happens but for now, we let them (those complainants whose complaints fall outside our jurisdiction) that we are in the process of trying to expand our jurisdiction.*
15. **(Harrison)** *But it could possibly change.*
16. **(Reid)** *Right, that it could possibly change and then, when it does change, we'll need to do a massive communication thing, letting everybody know. Then if they still fall within the 180 days then they would be able to come in. I don't see us going back trying to contact people to file their complaint; from the office stand point. But, if you all decide that is what you want us to do, then we will do that.*
17. **(Harrison)** *You letting them know that your complaint today doesn't fall within the parameters of what we would investigate; however, we have something before city council where those parameters may change and it could possibly fall into those parameters later on and if it does we will let you know. Something like that or you could contact us back.*

B. RECONSIDERATION OF ACRB CASE 15-062 – EXCESSIVE FORCE

The complainant filed an excessive force complaint against APD Officer Lawrence Barnes concerning an incident that occurred on April 22, 2015 involving her son Santerrio Thomas.

Investigator **Lolar** has been unable to get a statement from Ms. Thomas' son, Santerrio concerning this complaint and Ms. Thomas did not witness the incident. Ms. Thomas and Santerrio have been very uncooperative and have missed several appointments and have failed to return telephone calls or respond to notices. Therefore, staff recommends dismissal for lack of cooperation.

Discussion...

1. **(Bozarth)** *I certainly agree that we would dismiss it but, to amplify on that, when we get these situations, and we have had other ones, where they changed their minds pretty much. Do you get a feel of what happens between the time the complaint files a complaint and the follow through?*
2. **(Lolar)** *The mom does not have control over the son at this time, so without his statement, we just can't move forward.*

C. BOARD VOTES ON INTAKE REPORT

The **Chair** opened the floor for a motion. **Bartels** moved to accept staff's recommendation. **S. Williams** second. **Chair** moved to second to accept the intake report as presented. Hearing no discussing, the motion is approved.

COMPLAINTS REVIEW:

ACRB CASE NO. 14-100, ANTHONY WILLIAMS

A. ALLEGATION SUMMARY

The complainant Anthony Williams filed this complaint with ACRB on October 31, 2014. Mr. Williams alleged that on May 17, 2014, Atlanta Police Officer Kevin Romer and Sergeant Thomas Apple used excessive force against him while attempting to place him in handcuffs. Mr. Williams claimed the officers twisted and pulled his injured right arm and wrist which resulted in the re-fracturing of his right wrist, causing him much pain. When he requested medical attention, he was denied.

B. STAFF RECOMMENDATION

Based on the evidence obtained during the course of the investigation, the ACRB staff recommends that the allegation of Excessive Force against Officer Kevin Romer and Sergeant Thomas Apple be assigned a finding of “**Not Sustained**” due to insufficient evidence to conclude that the officers committed the alleged acts of misconduct.

Discussion...

1. *(Bartels) Ms. Lolar, did you find any information indicating there was a record of him requesting medical attention?*
2. *(Lolar) No Sir and given the condition that he was in at the time, there was also questions regarding his credibility.*
3. *(Bozarth) You mentioned in the report that he had been treated five days earlier for this injury and he was supposed to go to an orthopedic. Was that to have it set and put in a cast and he never did that? What happened there?*
4. *(Lolar) According to him he was supposed to go to see them to see whether or not he would need a cast.*
5. *(Bozarth) So the Atlanta Medical Center put him in a splint and a sling and sends him on his way?*
6. *(Lolar) That is correct, and he stated that he didn't go back because he could not afford it at the time.*
7. *(Bartels) You said that he is currently incarcerated, is that due to the charges that were associated with his case?*
8. *(Lolar) Yes sir.*
9. *(Bozarth) But he's gotten quite a rap sheet. She included his previous history.*
10. *(Lolar) That was for an aggravated assault regarding the incident that occurred that caused him to have contact with an officer.*
11. *(Bozarth) My feeling is under the circumstances, he probably didn't get some medical attention that would have been appropriate but, I would not be inclined to sanction the officer around that given that he was a tough case to handle. I would tend to agree Ms. Lolar recommendation to not to sustain the charge.*

C. DETERMINATION OF EXCESSIVE FORCE ALLEGATION

• **Allegation Against Officer Kevin Romer**

It was moved by *S. Williams* to accept the staff recommendation to **not sustain** the allegation of Excessive Force against Officer Romer. *Price* seconded. Hearing no further discussion, the vote was called and the motion was approved by all.

• **Allegation Against Sergeant Thomas Apple**

It was moved by *Bartels* to accept the staff recommendation to **not sustain** the allegation of Excessive Force against Sergeant Thomas Apple. *Bozarth* seconded. Hearing no further discussion, the vote was called and the motion was approved by all.

ACRB CASE NO. 15-055, RICKY CLARK

A. ALLEGATION SUMMARY

The complainant Mr. Ricky Clark filed a complaint with the ACRB on April 6, 2015. Mr. Clark alleged that on April 5, 2015, Officers Davon Green and Drew Marshall falsely imprisoned him when they stopped and detained him.

B. STAFF RECOMMENDATION

Based on the obtained facts, the ACRB staff recommends that the allegation of False Imprisonment against Officers Green and Marshall be assigned a finding of Sustained (*the allegation established by clear and convincing evidence that the officers committed the alleged act of misconduct*).

Staff also recommends that APD looks further into this matter; specifically, APD must determine if Officer Casey Freeman violated any APD Policies pertaining to his actions as it relates to him following Mr. Clark and providing the officers with the information that led them to stop Mr. Clark in the first place.

Discussion...

1. **Bozarth**—*I think the real villain here, if there is one, is the other officer who gave him this tip. I will have a question for you Ms. Price. It almost seems like a trick that you play on the rookie; something like that. Does that kind of thing happen and could that be maybe what happened here? I'm just guessing.*
2. **(Price)** *An officer is riding down the street and an off duty officer wave you down and tells you he smells marijuana from a car. That off- duty officer, Freeman, was not in an official capacity and those officers should not have responded that way.*
3. **(Bozarth)** *Part of the recommendation I believe is to follow up on this other officer named Freeman and why he would have done what he did, even though the complaint is not against him.*
4. **(Bartels)** *I have a question; can we consider a complaint against Officer Freeman? Because I think that his behavior was as troublesome as anybody else.*
5. **(Bozarth)** *It sounds like what I said, a trick that the experienced officer would play on the couple of guys who only a couple of years on the force. Almost as a joke. Does that kind of stuff happen?*
6. **(Harrison)** *It's not really a trick. It's not the first time this has happened. It has happened at least since 2003 or 2002, a number of times that off-duty officer sometimes assist these officers. It's like an unwritten rule with APD. I have seen this before. I have actually seen it in police reports and in court fall out that way. To address your question, as to whether we can establish a complaint, I think that should be directed to Lee **(Reid)** but, I do think that we should mention it in our letter to the police chief.*
7. **(Price)** *The most that I would recommend is that the supervisor of this off-duty officer be told about what this trained officer did and handle it on that level.*
8. **(Bartels)** *The other thought that I have is , when he was there, did officer Freeman have an explanation on why he said that he smelled marijuana when nobody else smelled marijuana?*
9. **(Fleming)** *No he didn't. He said he smelled marijuana coming from Mr. Clark's car. I think somebody said how did you smell it? Were his windows down? Did you see him smoking something? What was the logic behind it? He said that I didn't see him smoking something but, I could smell marijuana coming from the car.*
10. **(S. Williams)** *He had been following him too and he didn't give him a reason for initially following him. You are off duty. If it is that serious, you call 911.*
11. **(Bartels)** *The other thing when you asked Officer Freeman; what did he look like; he said that he didn't know. Now, how could you notice somebody smoking but didn't realize what they look like. This does not add up.*
12. **(Bartels)** *So we can't consider a complaint?*
13. **(Harrison)** *Lee **(Reid)**, how do we move forward with the complaint on the off duty officer?*
14. **(Robertson)** *The allegations against him doesn't fall within our jurisdiction so that is why we want to refer this back to APD for them to look into Officer Freeman's behavior and that is part of our recommendation.*
15. **(Bartels)** *The other thought that I have, is that he did something that directly caused somebody to be falsely imprisoned; even though he wasn't under the officers who actually conducted the traffic stop, he reported that. To me, he was like an accomplice to that.*
16. **(Price)** *There is a rule that says if I am given an unlawful order by a superior officer, I am to comply and then turn it over to OPS. I don't know what they were thinking, but the most I would do is send a letter indicating to the chief of police that officers are playing out there on the streets.*

17. (**Bartels**) *I think when the two officers first pulled him over; they were in their rights to do that because an officer can reasonable rely on what another officer tells them and they were told that this guy smells of marijuana and so on by Officer Freeman. But the point that they should have disengaged and let him go was when they realized there was no smell of marijuana and he doesn't have any contraband. If I understand correctly, beyond that point, didn't they detain him and do license check?*
18. (**Fleming**) *They did get his license. They checked it and then they let him go.*
19. (**Bartels**) *To me, they should have let him go as soon as they didn't smell marijuana.*
20. (**Bozarth**) *We get a lot of complaints where people are sent to jail and spent time in jail. This man was delayed for 5 minutes. So by comparison, I think we have to sustain the charge. But, I am really concerned. The real culprit here is the person that the complaint isn't against, so we do need to take an additional action that we talked about.*
21. (**Souder**) *I think everybody agrees. Well I do. Even though I agree with staff's recommendation to sustain the charges, I'm kind of leery about any kind of serious punishment because they acted on that tip and they had reasonable suspicion to do it but they should have let them go.*

Bozarth moved to accept staff recommendation to **sustain** the allegation against Officer Devon Green, as well as, accept staff's recommendation to include in the letter to Chief Turner regarding off-duty officer Casey Freeman that APD looks further into this matter. Specifically, APD must determine if Officer Casey Freeman violated any APD Policies pertaining to his actions as it relates to him following Mr. Clark and providing the officers with the information that led them to stop Mr. Clark in the first place. **Souder** seconded. Hearing no further discussion, the vote was called and the motion was approved.

Bartels moved to accept staff recommendation to **sustain** the allegation against Officer Drew Marshall. **Souder** seconded. Hearing no further discussion, the vote was called and the motion was approved.

C. DISCIPLINE RECOMMENDATIONS TO APD

- **Recommendation Regarding Officer Green**

Officer Green has no disciplinary history. He has been on the force for two years. The discipline for this allegation is considered a Category A.

Bozarth moved to recommend that Officer Green receive an oral admonishment from his Sergeant. **S. Williams** seconded. Hearing no further discussion, the vote was called and the motion was approved.

- **Recommendation Regarding Drew Marshall**

Officer Green is no longer with APD. He had been on the force for three years without disciplinary history. The discipline for this allegation is considered a Category A.

Bartels moved to recommend that if Officer Drew Marshall was still employed with APD, that he receive an oral admonishment. **Price** seconded. Hearing no further discussion, the vote was called and the motion was approved.

- **Recommendation Regarding Officer Casey Freeman**

Regarding Officer Casey Freeman, it was also noted earlier in the discussion, that he was the problem in the situation. **Bozarth** said, "In the letter to the Chief, make it real clear that he is what was wrong with the situation. He irresponsibly told officers to stop a vehicle and he should not have done that, and someone needs to talk with him and get this squared away."

ACRB CASE 15-059, ANTHONY BROWN

A. ALLEGATION SUMMARY:

Mr. Antonio Anthony Brown filed a complaint with the ACRB on April 23, 2015. Mr. Brown alleged that on April 18, 2015, Officer Jean Saint Jean used abusive language towards him in that he stated words to the effect, "I should lock your ass up."

B. STAFF RECOMMENDATION

Base on the facts obtained during the course of the investigation, the ACRB staff recommends that the allegation of Abusive Language against Officer Saint Jean be assigned a finding of **not sustained** (*meaning the investigation failed to prove or disprove that the alleged act(s) occurred*).

For the record, it should be noted that prior to the discussion, Ruth **Price** recused herself from the discussion citing her association with Officer Saint Jean as the reason.

Discussion...

- 1.) (**Souder**) *I would say in this particular case, it looks like a he said, she said situation, and the officer denied saying anything. So there is really no evidence.*
- 2.) (**Bozarth**) *My hunch is he probably did say something like this. You are right Gerald (Souder). But, I would like to know did you get a chance Brian (Investigator Fleming) to look into this and contact Councilwoman Smith and see if Mr. Brown does have some sort of quasi-official capacity to try and keep order in the community?*
- 3.) (**Fleming**) *I did not. The reason that I didn't is because at the time of investigation, she was not a witness and at the time I felt that she wouldn't add any weight specifically to this allegation.*
- 4.) (**Bozarth**) *My inclination on this case would really hinge more on whether Mr. Brown was as much of the sort of a nuisance to the community as Officer Jean portrayed him to be. The officer and he used the word "terrorizing" the community; scaring the people. Mr. Brown is maintaining that he is actually helping keep order there. You interviewed Mr. Brown. In your opinion, which side of the line might be falling on from what you know?*
- 5.) (**Fleming**) *I do think that Mr. Brown calls the police quite often. Neighbors have implied that he sees himself as the neighborhood security and 'This is what I do. If I see something I'm going to call.' So, he might be a nuisance to the police."*
- 6.) (**Bartels**) *In all fairness, I think that in some neighborhoods, there is a kind of informal understanding between maybe some merchants and shopkeepers. If somebody hangs out in the neighborhood, they may say, hey, why don't you keep an eye out for things and let me know if it's okay. It can be an informal arrangement. I've seen that before but be that as it may, I am kind of in agreement that, it's quite possibly that the officer did say that. It is a 'he said, she said' situation.*
- 7.) (**S. Williams**) *I just want to mention that when I read this I was very alarmed by it because, like you Bill (Bozarth), I even called Brian (Fleming) to ask him if he had called the council's office. Not because she was there but sometimes there are people informally that are doing things and end up being more of a barrier than a solution and to see if there was anything credible to his claim. Because if he calls 911 every time there is a panhandler, that is not good use of police resources. I would like to know if the NPU even knows that this guy is doing this. He may have an informal agreement, he may not. It appears that if this is true that he is a frequent caller to 911, I think that somebody needs to check this guy out because if you cry wolf long enough, when there really is a problem, somebody could die or be injured more severely if the 911 operator or the people who know he calls all the time won't take him seriously.*
- 8.) (**Bozarth**) *The bottom line for me is the officer, I believe the officer did, out of frustration, used the words he said but, since we do not have strong evidence then, I am inclined to accept the staff recommendation.*

C. DETERMINATION OF ALLEGATION

Bozarth moved to accept staff recommendation to **not sustain** the complaint as alleged against the officer. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Price**).

OLD BUSINESS

A. ACRB ORDINANCE

Director Reid provided an update on the proposed ordinance changes receive from the board to date. A copy of the document was distributed to the board. **Reid** reported on some of the main points still in question:

- ✓ Disagreement about stipend amount.
- ✓ Removing the Atlanta Business League because they have not appointed anyone successfully to the board in over three years. **Reid** noted that this week, the ABL submitted a name to the City Clerk.
- ✓ Defining the time frame for Executive Director to respond in a timely manner regarding back ground checks.
- ✓ Clarify the time limits on appointments to read two consecutive terms with a one year break.
- ✓ Put some method in place that will deal with the length of time a seat can remain vacant. One suggestion made was that the vacancy would be directed to the city council after 90 days or 120 days.
- ✓ Board members who go out and talk to other organizations or any entity outside of ACRB, they must report back to the Board about what happened so that everyone is kept informed. It was suggested in the meeting that feedback should be provided to the Board within 30 days or at the next board meeting.
- ✓ Board members should file a monthly report with their appointing entity. The Executive Director shall maintain a record of all such reports. The purpose of this is to make sure, when we are trying to get someone appointed to the board, because of the ongoing reporting, these entities are aware of ACRB and what is going on with the board. As far as what the written report would look like, that is something that the Board can talk about and include in the by-laws as to what should be included in the written report.
- ✓ Review Panels will be pulled due to limited option regarding meeting locations, expense, etc.
- ✓ Everyone agrees that APD & Corrections providing a legal explanation, facts for justification as to why they made the decision and include a copy of the summary investigation.

Reid indicated that the document will be sent out the next day and he is requesting a quick turnaround. He said, "I'm hoping to get a very quick turn around because we need to keep moving with this. So if you have any ideas after reviewing the documents, please get back with me quickly."

Discussion...

- 1.) **(Bozarth)** *The version that you sent us to review was blessed by the legal department?*
- 2.) **(Reid)** *Yes. They checked into the legal aspects of it. We have someone from the legal department here tonight, Ms. Johnna L. Goodmark. Their position is; it's our ordinance to propose, we just need to find someone on the City Council to sponsor it.*
- 3.) **(Bozarth)** *Is it still your intent to let Young carry it?*
- 4.) **(Reid)** *Yes, Young is one of our supporters.*
- 5.) **(Bartels)** *Sounds like you have identified some support on the City Council.*
- 6.) **(Reid)** *Yes. We have met with several councilmembers and they are supportive.*
- 7.) **(Harrison)** *With regards to your changes, you and I spoke on the phone; and you had mentioned that OPS sometimes will do simultaneously investigations. Do you know if they do these simultaneously investigation; even without the complaint being filed by the citizen?*
- 8.) **(Reid)** *Yes. He was saying that the OPS does a simultaneously investigation without the complainant actually filing with OPS. Yes, they have the authority to do that and they do it. Based on the complaint received during our intake process.*
- 9.) **(Harrison)** *So my concern is if the citizen does not want OPS to investigate it, will OPS actually call our complainant, even though they may not want be contacted.*
- 10.) **(Reid)** *Yes, they will probably contact them. That is one of the problems that we had with that letter that we are talking about...the Martin letter; citizens were concerned that they were receiving letters*

from OPS, and they were feeling like they were being intimidated. To address it correctly, we need to start having a real discussion about these investigations. We want to express our position publicly to officials and the police department to get them to understand that when they get our decisions; they don't need to do a full investigation on a complaint. It has already been done.

11.) *(S. Williams) I still think that there should be an Atlanta Police Department Officer here and I know that there is one assigned. I have mentioned this to him that if he is not able to come, it would be nice if he sent someone else in his place.*

B. ACRB RESPONSE TO APD BODY WORN CAMERA (BWC) INFORMATION SESSION

Regarding the APD BWC information session that the board attended on July 30th, a working group from the board convened two weeks ago to identify and discuss issues that we want to bring to APD's attention related to the BWC policy presentation. **Reid** said, "I appreciate the work, assistance and the input from members of the working group. They put together a good letter that will hopefully elevate the conversation of the concerns that we had. Some of the issues and topics that we had with the presentation:

- *Officer viewing the recordings before writing their reports. That was an issue that many of us had.*
- *Record retention. This is a big one because some of their time retention periods, range from 25 days, 45 days and 90 days and our time to file a complaint is 180 days. We need to get that in better alignment with that, so we are addressing that issue.*
- *Since the technology is new, someone needs to ensure that they are following their own policies with how they deal with the recordings that they receive.*
- *Discipline associated with APD BWC Pilot Program. When you look at the disciplinary matrix, there are certain things that are highly valued. If this is something that you want to really make your officers pay attention to; then APD needs to put the proper amount of emphasis on it. Depending on the severity of the officer's action, discipline can be adjusted on the A through D scale.*
- *Training of Supervisors and making sure that they are holding their officers accountable on handling the recordings and the cameras. Notification and consent; the privacy of non-involved citizens; this is related to redacting or blurring of recordings. Presentations of recordings; dealing with deletion capabilities of the cameras. The cameras that they are considering have the capabilities to delete recorded footage; this raises a concern.*
- *Public access to recordings; assuring that the police department does not shield citizens from being able to access recordings and know exactly what is happening on those recordings.*

Discussion...

- 1.) *(Bozarth) The letter has gone?*
- 2.) *(Reid) No. It will go out on tomorrow.*
- 3.) *(Bozarth) What are you anticipating?*
- 4.) *(Reid) With this letter, we anticipate the police department to continue to want to talk about this in an open forum.*

NEW BUSINESS

No Report

PUBLIC COMMENTS

Two people signed up to speak: Ms. Denise Grant and Mr. Duane Blocker; however, due to the building's fire alarm being activated, the meeting had to end abruptly. Ms. Grant and Mr. Blocker were invited back to speak, and everyone was asked to vacate the building.

ADJOURNMENT

Due to immediate evacuation orders, *Chair Harrison* called for adjournment at 8:05 P.M.

Minutes for September 10, 2015 were approved: October 15, 2015
Paul Bartels, Board Secretary

Transcribed: MS