



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

August 13, 2015
Little Five Points Community Center
1083 Austin Avenue, NE
Atlanta, Georgia 30307
6:30 p.m.

The August, 2015 meeting was called to order by *Vice-Chair Bill Bozarth* at 6:33 p.m.

AGENDA

ROLL CALL

(The ACRB has eleven members)

ACTIVE MEMBERS PRESENT

PAUL BARTELS (*Secretary/Bartels*) **ALAN MORRIS** (*Morris*)
BILL BOZARTH (*Vice-Chair Bozarth*) **GERALD SOUDER** (*Souder*)
GINO BROGDON, JR. (*Brogdon*) **SHERRY WILLIAMS** (*S. Williams*) 6:44 arrival
WILLIAM HARRISON (*Chair/Harrison*) 6:50 arrival

ACTIVE MEMBERS ABSENT

RUTH PRICE (*Price*)

VACANT BOARD SEATS

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

STAFF ATTENDEES

SAMUEL LEE REID (*Reid*), Executive Director; **SHEENA ROBERTSON**, Investigation Manager (*Investigator Robertson*); **BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*); **CHARLES CURRY**, Outreach Specialist (*Curry*); **MYOLA SMITH**, Project Manager (*Smith/Transcriber*); **VERONICA HOFFLER**, City Attorney Assigned to ACRB, COA Law Department.

Guest Attendees: OPS Officer, Lieutenant Webb, Atlanta Police Department

APPROVAL OF MINUTES OF THE LAST MEETING, JULY 9, 2015

The *Vice-Chair* directed the Board's attention to the minutes for July 9, 2015. The floor was opened for discussion and corrections to the minutes.

Bartels noted corrections to the bottom of page 6, numbers: 18 and 20.

Bartels moved to adopt the minutes. *Morris* seconded. Hearing no discussion, the motion to adopt was approved with noted corrections.

EXECUTIVE DIRECTOR'S REPORT

Director Reid reported. Below are highlights from the report:

A. NEW BOARD MEMBER, GINO BROGDON, JR.

Director Reid introduced and welcomed new member Mr. Gino Brogdon to the ACRB. *Reid* indicated that *Brogdon* was sworn in approximately two weeks prior. He is a practicing attorney representing the Gate City Bar Association.

Brogdon said, "I am very excited to be here. This is a subject that I am very passionate about. I've had the opportunity to go to lunch with Lee and learned about how the general workings of this happened and how to get things done. I am looking forward to, as any new member would when given the opportunity of a new organization, to bringing new energy to the board, and hopefully, get some things done and help with the already stellar reputation."

B. APD BWC PRESENTATION

The Atlanta Police Department had an informational presentation for the ACRB, the solicitor's office and the district attorney's office. The city attorneys were also present. The discussion focused on policy development and implementation of the camera process. "Some of ideas were positive that they were looking to implement with the body worn cameras (BWCs). It was a good discussion and I'm looking forward to having some follow up discussions on the body worn cameras. I'm not sure if everyone had an opportunity to read the study released at the November meeting. We discussed some concerns that, APD thinks the policy should address regarding body worn cameras and they touched on a couple of those concerns. However, there are still some things we need to have discussion on. A couple of concerns the board brought out during the meeting dealt with the incident report. Another concern was citizen's input in the creation of these policies related to body worn cameras. There was also a concern about the retention of the recordings and how soon recordings will be available to the public. One of the things that we didn't get to talk about was the monitoring of the body worn cameras program. Yesterday I sent a request to the board asking for individuals who will be willing to draft a letter addressing concerns that we have. I know that the office staff has some, but I'm not sure how many concerns the board members may have about what was presented. So, if any of you are interested in participating in drafting a letter, please let me know. I would be grateful to see the board's thoughts; the good, the bad and the ugly so that we can send them something that will allow this conversation to continue. The timeline anticipated by APD and that was projected in the meeting is sometime in November; however, in a conversation with the Chair, it will probably be before November. They are really pushing to try and resolve some issues recently brought to light, procurement contract issues and when that is resolved it will be full steam ahead. My goal is that we get a response to them within the next week soon after we meet. We have to let them know what we need, and basically, there are two things that we need to do. One, we need to let them know our concerns and we also have to elevate this

conversation to include the ramifications of policies that are put in place. So we need to figure out a strategy on how to educate the community.

Discussion...

1. **Bozarth** stated, “Just to add to what Mr. **Reid** was saying, I was there (at the meeting) and we did try to pin down the chief a little bit on when was this was going to happen. I believe from what I read in the press, the decision has been made to which vendor the city wants to do business with but the competing vendor that did not get the contact has brought suit or threatening to bring suit. They can’t go forward until they sort that out. I believe short of that, I think that they want to at least begin the first roll-out as soon as that is behind them.”
2. **Reid** agreed, “Yes, that’s what I was saying. November was what they were shooting for because they had already selected Tasers and a local vendor here was not included in the bid process; basically because it was not an open process in the selection of a vendor and they selected Taser. The local vendor or the local manufacture wanted to be included in that, at least presented an opportunity to bid to sell the cameras to the police department. Their hope is to have resolve before November. So we have to be on top of this...”

It should be noted that several members (**Bartels, Bozarth, Brogdon, Harrison, and Souder**) agreed to meet to draft the letter or email **Reid** their thoughts and concerns to be included in the draft.

C. WEBSITE POLICY PROPOSAL

Director Reid reported that at the last meeting, the Board discussed complainant’s personal information on the website and developing a policy going forward. This was an issue that came before the Board before **Reid** was name as the Executive Director. He is asking the Board to make a clarifying decision on how much personal information should be placed on the ACRB website as it relates to citizens. “The concern for citizens is that by putting this information out there might create certain situations that can have a negative impact on job searches and housing or anything else. They want to file a complaint, but they do not want to leave their personal information out there and be unfairly judged.

The policy recommendations are:

- 1). Redact citizen’s name from all information on the website.
- 2). Redact citizen’s name upon request.
- 3). Redact citizen’s and officer’s name from the website (*example would be citizen X complaining about officers X*)
- 4). Redact citizen’s name only unless citizen request to keep name on the website.
- 5). Advising the citizen at the very beginning of the complaint process that their information will be posted on the website and giving them the option to redact their name or not.

Discussion...

1. **Bozarth** - *If I were to look at the website today and wanted to see the history of cases, what would I see?*
2. **Reid** - *You would see each person’s name, the officer’s name, the allegation, the board’s determination letter and the Chief’s response to the board’s letter. If you look at the minutes, the minutes will have all that information and many more details regarding the complaint including your discussions about the complaint, interviews with the complainant, officers and witnesses. The letters have less information but the minutes contains much more.*
3. **Bartels** - *I did have a question. I think that I know the answer just to clarify. If a citizen’s name is redacted from the website that will still have to be on the actual records maintained, correct?*
4. **Reid** - *Yes, everything in the file remains the same. We are talking about only the information seen on the website. So if someone made a request for a file, other than what’s allowed, they would be able to get this information.*

5. **Bozarth** - *So do you want to discuss this when we get to new business on the agenda? How do you want us to help you with that?*
6. **Reid** – *We just need some clarification and waiting until that part in the agenda is great.*

D. NACOLE CONFERENCE ATTENDANCE

At the last meeting, there was still a question about the NACOLE Conference and who will be attending. Due to some of the statements made during the discussion at the meeting, it was suggested that the board form a policy on attending the conference. **Reid** suggested that the board form a committee to draft a policy to be brought back to the board at the September meeting for a final vote.

Note for the Record: **Vice Chair Bozarth** recognized the arrival of **Sherry Williams** at 6:44 p.m. and **William Harrison** at 6:50 p.m. The **Vice Chair** yielded the gavel to **Chair Harrison** at this time.

Discussion...

- 1.) **Reid** - *I saw Mr. Bozarth's hand. Anyone else would like to be on that committee?*
- 2.) **S. Williams** - *I do not know how appropriate this is for the people that are going to be on the committee because obviously, the people who were going, we know how they feel about the conference, so maybe, the people who are not going should be on the committee.*
- 3.) **Harrison** - *This is for the future, right?*
- 4.) **Reid** - *This is a committee for the future but also, under the old business, we have the NACOLE attendance. Because of the concerns rose during the last board meeting. I am requesting and advising the board to go on record and decide who actually will attend this year's NACOLE Conference. The reason why is because at the end of the day, questions comes back about how the money is spent and what's being done. Since I am in charge of day-to day operations, they (the City) look at me because I'm the one who signing off on these things. So, I think on this one here, the board needs to take an affirmative step and decide on who's going to go, and that discussion is under the old business.*
- 5.) **Bartels** - *I know that in the past, it's pretty much been decided by the executive committee and as I remember that might be only because only a few people were interested in going. It was almost by default. I don't know if that's a similar situation.*
- 6.) **Reid** - *You know, it started out like that but different circumstances could expose us to some questions that we need to be prepared to answer...and I think that's what we probably need to deal with.*
- 7.) **Bartels** - *It would be helpful maybe to get some feedback on how other city departments or city boards do this. I'm sure that different departments and different boards send people to conferences all the time. I doubt that all the members have to vote on whose going. Maybe we can get some feedback from staff or from the city attorney's office on how that is handled in general when deciding who to send to conference.*
- 8.) **Reid** - *I don't know, but all I can tell you is that when I was doing it in Minneapolis, I mean, I made the decision based on new board members, who hasn't been, and who's actively participating on the board. That's how the decision was made and that's how I, if I was making the decision, would do it.*
- 9.) **Harrison** - *This is Chairman Harrison, I apologize for being late; I was caught up in traffic. I think what Paul (Bartels) was saying was how do other boards in the City of Atlanta do it?*
- 10.) **Reid** – *Right now, we don't know that. I was telling you about my experience and what I have done; because that's the only thing that I can relate to. Now as far as trying to get information on what other boards in the City have done, you guys are not going to be able to make a decision on who attends the meeting tonight. The question become this; it is August, the next meeting is in September, then the conferences will be the first week in October. If you decide*

that you want to vote later on, the next opportunity to vote; unless over it is over email, will be in September.

- 11.) **Harrison** - *We are going to put it to a vote today.*
- 12.) **Reid** - *Those individuals that want to buy a ticket then...*
- 13.) **Harrison** - *Even though that's outside of what the rules have been that sort of changes things, but I don't have a problem putting it to a vote so that we can address it.*

OTHER COMMENTS:

Public Comments on behalf of the ACRB:

As a reminder, **Reid** stated that public comments related to the ACRB should only come from the **Chair** or the **Executive Director**. To clarify, **Chair Harrison** added that this specifically applies to comments made to the media. **Reid** agreed that comments made to the media should come through the **Chair** or **Executive Director** so that the message is consistent.

Becoming an ACRB Member of the Board:

Reid stated that a citizen in the audience tonight expressed some interest in joining the board. "I'm going to make this comment to him so that he'll know. Currently, we have three vacancies on the board: APAB NPU S-Z, Atlanta Business League and the Mayor's Office. Generally how it works, is you should contact one of these organizations mentioned and express your interest in wanted to join the ACRB board and they each have their own nomination process. If you are nominated, a letter of recommendation will be sent by the organization to the Atlanta City Council and a copy of the letter to the ACRB along with resume and other information data to begin the confirmation process."

INTAKE REPORT FOR JULY 2015

Investigation Manager **Robertson** reported that for the month of July 2015, the ACRB received nine (9) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

Dismissals:

Out of the nine complaints, ACRB is requesting that two be dismissed:

- ACRB 15-086 outside the jurisdiction because it involves a police department outside of Atlanta;
- ACRB 15-092 – a false arrest allegation that is time barred because the incident took place two years ago.

Seven Complaints Recommended for Investigations:

- ACRB 15-085 –Excessive Force. *The Complainant is alleging excessive force against the officer; grabbed her from behind, grabbed her by the neck, pushed her to the ground, slammed her head on the concrete and choked her.* Staff recommended an investigation as an excessive force complaint.
- ACRB 15-087 - False Imprisonment. *The complainant is alleging that he was improperly detained and searched on July 8th 2015 by APD offices.* Recommend investigation as a false imprisonment complaint.
- ACRB 15-088 – False Arrest. *The complainant alleges that he was falsely arrested March 9th 2015. Preliminary investigation revealed that his criminal case is still pending adjudication in*

Fulton County Superior Court and false arrest allegation is depending on the outcome. Recommend suspension on the investigation pending resolution of the criminal case

- ACRB 15-089 – False Arrest and Excessive Force. *The complainant is alleging false arrest and excessive force regarding an incident that took place July 9, 2015. His case is pending adjudication in the Fulton County Superior Court and the investigation into the false arrest allegation will depend on its outcome.* Therefore, staff recommended suspension of the investigation pending the resolution of the case.
- ACRB 15-090 – False Imprisonment, False Arrest and Excessive Force. *The complainant alleges that on July 15, 2015, APD officers: (a) stopped her for allegedly failing to wear a seatbelt, (b) falsely arrested her and her husband, (c) forcibly removed from the vehicle and threatened to tase her, (d) inappropriately searched her, and (e) struck her seven year old daughter in the abdomen area while trying to separate her from her husband. Staff recommends investigation as a false imprisonment, excessive force and possibly a false arrest complaint. However, preliminary investigation revealed that the complainant criminal case is pending adjudication in the Fulton County Superior Court and the investigation into the false arrest allegation will depend on its outcome.* Therefore, we recommend suspension of the investigation pending the resolution of the case.
- ACRB 15-091 – False Imprisonment. *The complainant alleges that on July 21, 2015, he was improperly stopped and detained by an APD Officer.* Staff recommends investigation as false imprisonment complaint.
- ACRB 15-093 –Excessive Force. *The complainant alleges that on July 19, 2015, during his arrest, APD officer K. Turner threw him to the ground causing him to strike his head. He further alleges that the officer struck him in the head with the squad car door when placing him inside. Awaiting the complainant’s signed complaint. If complaint is received with the next few weeks, the staff recommends investigation as an excessive force complaint. If signed complaint is not received, then recommend dismissal.*

B. Reconsideration of ACRB 15-048.

The complainant had filed an excessive force and false arrest complaint with us back in June. The investigator has documented numerous attempts to try and get a full statement from her without success. We recommend dismissal for lack of cooperation.

C. BOARD VOTES ON INTAKE REPORT

It was moved by **Bozarth** and seconded by **S. Williams** to accept the Intake Report as presented. Hearing no discussion, the motion is approved.

COMPLAINTS REVIEW:

ACRB CASE NO. 14-062, TROY HENDERSON

A. ALLEGATION SUMMARY

Troy Henderson filed this complaint August 21, 2014. He alleges that on February 10, 2014, APD Officer Jeffery Crenshaw used unnecessary excessive force against him when he ‘slapped and punched’ Mr. Henderson without cause. Mr. Henderson also claimed that he was denied medical treatment for hours after his involvement in the car accident.

The investigation revealed that Mr. Henderson’s allegation of excessive force by an APD officer is not supported by the evidence. For this and other reasons, the ACRB staff recommends that this allegation

against Officer Jeffery Crenshaw be assigned a finding of “**Not Sustained**” (*there is insufficient evidence to conclude that the officer committed the alleged acts of misconduct*).

Discussion...

1. **Bozarth** – *This gentleman who filed the complaint was subsequently convicted of the events that led to his arrest that day. The thing that I wondered about that day, perhaps the Officer that was in the complaint, Officer Crenshaw, was not the officer who might have potentially slapped him. I asked Ms. (Investigator) Lolar because there was a lot of activity around this arrest was there any evidence that anybody else may have done that since the investigation substantiated that it could not have been Mr. Crenshaw because he was not in the place at the time. Ms. Lolar said ‘no’ she had already explored that theory and there was no way to corroborate that anyone had done that. Having heard that I was comfortable with the staff’s recommendation.*
2. **Bartels** – *The main concern that I have is that when Mr. Henderson was detained by police, the reason they gave for detaining him was there had been an accident and he matched the description of someone. When he was walking down the road, they said that he denied being involved and was vague about how he arrived in the area and from that the police handcuffed him and took him to the patrol car and took him to the scene of the accident. I know this is not a false arrest complaint, but this is really sketchy in terms of a terry stop if he gave vague answers and denied being involved in the accident. I know it could probably go either way, but I want to note that for the record.”*

B. DETERMINATION OF EXCESSIVE FORCE ALLEGATION

Following a brief discussion, it was moved by **S. Williams** to accept the staff recommendation to **Not Sustain** the allegation of excessive force against Officer Jeffery Crenshaw. **Morris** seconded. Hearing no further discussion, the vote was called and the motion was approved by all.

C. OTHER RECOMMENDATIONS BY STAFF

Mr. Henderson also claimed that he was denied medical treatment for hours after his involvement in the car incident. During the investigation, it was discovered that Mr. Henderson did not received medical attention until EMS was called to the precinct at 1:13 p.m.

While Officer Crenshaw’s attention was focused on processing the accident scene, he was not aware that Mr. Henderson was taken from the scene to the precinct by Officer Torrance Profit. While at the precinct, Officer Profit called EMS to attend to Mr. Henderson when it was determined that he was indeed involved in the accident. When Mr. Henderson received medical services, he refused their assistance. The delay in calling EMS was partly due to Mr. Henderson’s denial of being involved in the accident. Also Mr. Henderson showed no evidence of injury and made no complaint of injury.

While this claim does not fall under the allegations that the ACRB is empowered to investigate, it was discovered that Officer Torrance Profit played a big part in the apprehension, detainment and transportation of the Complainant, but he was not mentioned in any of the police reports. The ACRB investigator only found out about his involvement after hearing him on the radio even though he had been involved extensively. In Officer Profit’s interview with the ACRB he stated he did not complete a report because he was not the primary officer on the call. However, Officer Profit spent an extended amount of time with the Complainant before Officer Crenshaw took custody of him. **ACRB staff recommends that it is a requirement that assisting officers provide documented statements in the form of a supplemental report detailing what the officer observed, heard and actions taken by the officer during an incident.**

Discussion...

1. **Chair Harrison** asked if APD has a current policy.
2. **Investigator Fleming** – *There is a policy, but it is so general and vague. It needs to be maybe revisited to include more specifics in the policy.*

3. **Investigator Robertson** – We are in the process of reviewing the policy and writing a report recommending what we think the policy is lacking.
4. **Harrison** – Can we get to see the policy too? I would like to see it and for the Board to see it.
5. **Reid** – Current policy?
6. **Harrison** – Yes, current policy.
7. **S. Williams** – This is not a recommendation. We are not asking them for act of congress, just to make this recommendation and when they see that the policy is strongly worded, this should be no big deal, but I think time is a factor and there is no harm in making the recommendation and not needing it versus needing it later. My second comment is we have an officer here, why don't we ask him his understanding of the policy.
8. **Lieutenant Webb**: I'm not really familiar with this situation. Was the person actually injured by this officer?
9. **S. Williams** – No, he said he was hurt in the accident. When they found him he was actually walking around talking on his cell phone, but there was an officer on the scene who spent a great deal of time with him when he was arrested; however, he didn't feel out a report documenting his role.
10. **Lieutenant Webb**: The primary officer basically did the report?
11. **S. Williams** – Correct. However, the second officer spent a great deal of time with this individual and had he filled out a report it would have allowed our investigator (ACRB) to put the pieces of the puzzle together in a more timely manner. This officer, Officer Profit, could have help expedite this case, but there was no record of his involvement.
12. **Reid** – The second officer, Officer Profit transported the complainant to the precinct and held him for a couple of hours. During that duration, or time at the precinct, they determined that he had been injured, and they called EMS. The approximate two hour gap in time was not covered and this is important especially if something had happened to this person, where's the documentation? Who has the responsibility? The current policy doesn't really address situations like this.
13. **Webb** – I don't have the policy in front, but off the top of my head, I don't think that the second officer is really obligated.
14. **Reid** – The policy needs to be revisited.
15. **S. Williams** – Because in the end, the primary officer is held responsible, but he is not in the same location and he does not know where the person is or what is going on.
16. **Reid** – The complainant indicated that he was slapped at the precinct, but the primary officer was not at the precinct and there was no documentation about what happened at the precinct

Action Item: The **Chair** asked staff to provide the board with a copy of the current APD policy to review before ruling on the recommendation at the next board meeting.

E. BOARD VOTES ON ADDITIONAL RECOMMENDATIONS FROM STAFF

Following the discussion, it was moved by **Bartels** to revisit the recommendation related to ACRB Case #14-062 at the next month giving the Board an opportunity to review the current APD policy. **Brogdon** seconded.

Following more discussion, **Bartels** withdrew his motion.

S. Williams moved to accept staff recommendation requesting assisting officers to provide documented statements in the form of a supplemental report detailing what the officer observed, heard and actions taken by the officer during an incident. A copy of the policy will be made available to the Board and if necessary, it can be amended at the next meeting. **Bartels** seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO. 15-029- RAOUL BUSSEY

A. ALLEGATION SUMMARY

The complainant, Raoul Bussey filed a complaint on February 11, 2015. He alleges that on February 11, 2015, while at 2008 Campbellton Road, SW, Atlanta Police Officer Brian Johnston falsely imprisoned him in that he unlawfully stopped and detained him.

The ACRB staff recommends assigning a finding of **Exonerated**.

Discussion...

1. **Souder** – *On the citation, it stated that Mr. Bussey is a white male, but he is a black male. Is this relevant?*
2. **Bartels** - *I can say that mistakes like that happens all the time.*
3. **Flemings** - *And it was late at night.*
4. **Bartels** – *Visiting the scene in daylight, I take it that from your report, there actual are three different lanes...there is the left lane, the middle lane and right lane. So it appears from what you can see on the camera, he did make a turn from the middle lane?*
5. **Flemings** – *Yes sir.*
6. **Bozarth** – *In your initial review of that, you said he made it from the left lane. What changed your mind?*
7. **Flemings** – *When you look at the actual video of the dash cam, it appears that there are only two lanes, but when I visited the site, I saw there were actually three.*
8. **Bozarth** – *The only other thing that would have determine that perhaps the complaint could have been sustained is the timing of the turn. The complainant said that he only made the turn because the policeman wanted him to stop. Did you actually make sure on the video that actually did happen after the turn?*
9. **Fleming** – *Yes sir.*
10. **Bozarth** – *It would seem to me that with all that additional investigation, clearly the ticket was appropriate.*
11. **S. Williams** – *I watch the video also and I'm actually familiar with that area. When I saw it, I knew the officer was correct.*

B. DETERMINATION OF FALSE IMPRISONMENT ALLEGATION

Bozarth moved to accept staff recommendation to assign a finding of **Exonerated**. **S. Williams** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO. 15-018, JOHN RUCH (Remanded at the July 9th Meeting)

A. ALLEGATION SUMMARY:

It should be noted that this case was remanded at the July 9th Meeting because the Board requested additional information before taking a vote on the case filed by Mr. Ruch.

Investigator Fleming provided a brief summary and update:

At the last board meeting, the board requested information regarding the following:

- What policy or policies does APD have in place to govern the protest?
- Who was the officer overseeing the protest?
- Why is the Incident Report narrative different from the Arrest Citation narrative
- Who prosecuted the case and why did they dismissed it?

Staff was able to get the answers to the first three concerns about the policies, the commanding officers, as well as the narratives. I spoke with Deputy Chief Spillane; it's all in the report before you, who was able to shed some light in this case. He told us that he and Chief Brian were in charge of the protest and he confirmed basically what we talked about the last time. There were three different units

of police officers working the protest: The Mobile Force Unit which was in charge of effectuating arrest during the protest, the Transporting Unit (an arrest team) and the Processing Team,

Prior to Mr. Ruch being arrested, Deputy Chief Spillane indicated that he was the one who gave the command to make the arrest but, before giving the arrest command, he told journalist on the scene, numerous times, to remove themselves. According to Chief Spillane it was only after telling the journalist to move did he give yet another command to the officers to go forth and do the arrest.

Regarding the fourth issue, **Fleming** indicated that he was still waiting to talk with the prosecutor handling this case. "We made many phone calls, email attempts, everything to talk to the prosecutor, but as of yet, we have not heard back from the DA's office to give us a definitive answer as to why the case was dismissed.

Discussion...

- 1.) **S. Williams** - *Did the deputy chief give you any indication why they let some people go and why they booked others, even though they were contain in the same room?*
- 2.) **Fleming** - *No he didn't. One of the things that he did say was 'once the officer arrested someone, it was their job to go back to the arrest team and give the officer an update or a reason for the arrest. The Transporting Unit would then proceed with transporting them on to the station. This leads right into why the citation and the incident report were different because you have two different officers dealing with this person. Does that answer your question?*
- 3.) **S. Williams** - *No, no, because you know, everybody detained did not go to the station, so they weren't arrested and that was one of the issues. How did they decided who they were going to let go and who they would book when they were all detained for several hours, was it just at random or?*
- 4.) **Fleming** - *No, he did not touch on that*
- 5.) **Bartels** - *This is to clarify that you said that the deputy chief told you that, before the arrest, the journalists were ordered to leave the area?*
- 6.) **Fleming** - *Yes, he said they were ordered to leave. He also talked about people protesting on the Interstate, as well as, in the area where Mr. Ruch was located. In this same area where Mr. Ruch was, they were breaking into cars and things of that nature. The Deputy Chief said that there were quite a few journalists on the street and the command was "If you are on the streets, remove yourself." This was said several times, and once he finished giving the command, he said, arrest them. It was possible that Mr. Ruch was with that crowd when he was arrested.*
- 7.) **Bozarth** - *Let me make a comment, I wasn't here last month but, when I read it, the complainant provided a very detailed explanation of all the things that happened, several pages. It appeared to me that the sweep that brought these people in was done in a very aggressive way and ultimately, there were no charges against them. It concerns me that while the tactics may not be the fault of the officer against whom the complaint was, I am not comfortable with the board simply letting them off the hook because of general policy. My inclination would be to sustain the complaint because, not only this individual, probably several others were detained for several hours. Eventually, the cases were dismissed. Is that really the message we want to send the public, that if you assemble to protest something that essentially you're going to be arrested and it will be dealt with later? So, I was not comfortable with the way it was handled. I agreed that perhaps that the officer in questioned might not be the one to apply that to, but we don't really have anybody else to apply it to as I said before. So my recommendation would be that we sustain the complaint. I know that when we voted last month there was never a majority to go one way or the other, but had I been there, I believe that I would have done it, the additional information you provided Brian (**Fleming**), and thank you, does not take my position away from there. So that is where I'm coming from.*
- 8.) **Bartels** - *I would agree with what Mr. Bozarth said, and my own feelings about this case are we, as a board, have to look at statements from all parties involved. The complainant, Mr. Ruch, has given a very detailed, very specific set of allegations and having that, then we need to look at the police's response, which, I'm sure that it was very chaotic and I know that there were a number of different officers and supervisor involved in this but, what we have in response to the allegation, there are inconsistencies. For example, one of the reports (Incident Report) said that there were protestors blocking the interstate and they were order to leave and then, the citation said that there was a fight and Mr. Ruch was getting in between the police officers, so that inconsistency is a problem. The other thing that I have a problem with is that the arresting officer said that it was video tapped and*

it turned out that it was not video tapped. I don't think believe that anybody was trying to mislead ,but I think that highlights that because of everything that is going on, we don't have a clear statement from the police in terms of why this particular individual was arrested and what were the ingredients for the problem caused, so I will be inclined to sustain based on that.

- 9.) **Brogdon** - I was just going to say, I totally agree, it kind of goes to credibility and treating all people the same and everybody is a credible source. We have inconsistencies on the police officer's side and on the other side, you get a very consistent statement as to what he was doing, and if he was on the sidewalk and all the things that would imply that he should not have been arrested that night. I totally agree in sustaining this.

B. DETERMINATION OF FALSE ARREST ALLEGATION

Bartels moved to assign a finding of **sustain** to the allegation of false arrest against Sgt. Michelle McKenzie as alleged by the complainant in Case #15-018. **S. Williams** seconded. Hearing no further discussion, the vote was called and the motion was approved.

C. DETERMINATION OF EXCESSIVE FORCE ALLEGATION

Investigator Fleming provided a brief summary of the alleged Excessive Force.

“Mr. Ruch alleged that while being transferred from the mobile force team, to transport, to the arrest team and then to the station, the initial handcuffs were removed and replaced with plastic handcuffs. Mr. Ruch stated that the plastic cuffs were too tight. When asked if he complained to anyone that the cuffs were too tight? He said that he never complained at all nor did he seek medical attention for any injuries he sustained as a result of the tight handcuffs. The policy says that if the officer is made aware that the cuffs are too tight, then the officer has to make adjustments to those handcuffs.”

Discussion...

1. **Bartels:** He didn't inform anybody?
2. **Fleming** - He never told anyone.
3. **Bozarth** - I think that we have less reason to disagree with staff on this than we did with the other allegation.

Bozarth moved to assign a finding of **not sustained** to the allegation of excessive force as alleged by the complainant regarding Case #15-018. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved with one person abstaining, **Gino Brogdon**.

For the record, the reason cited, as stated by the Chair, is that Mr. Brogdon was not a member of the board when the case was first considered.

D. DISCIPLINARY RECOMMENDATION ON SUBSTAINED ALLEGATION

Investigator Fleming provided the board with Sgt. Michelle McKenzie disciplinary history:

Sgt. McKenzie has been employed by the City of Atlanta Police Department since December 17, 2002. She has been a Sgt. since July 2011. According to the Department of Office of Professional Standard (OPS) she has a total of 15 complaints filed against her since her employment. Six complaints in the past five years and of those six, four were sustained and one was not sustained and the other was a vehicle accident.

Discussion...

1. **Bartels** – Do we have information on all 15 complaints or just the six that occurred in the last five years?
2. **Fleming** –Just the last five years.
3. **Bartels** – Do we know what the four sustained complaints were for
4. **Fleming** –Yes. One was misuse of a department vehicle; oral admonishment for telling another officer not to give a citizen their identifying information. Another was making

inappropriate comments to another officer, and the last one was she accidentally discharged her weapon while out on a call.

Morris moved to recommend a written reprimand and counseling regarding professional conduct for the sustained allegation of False Arrest in Case #15-018 against Sgt. Michelle McKenzie. **S. Williams** seconded.

Discussion...

1. **Souder** – *I don't have a problem with oral admonishment and Counseling, but because there were so many officers involved, this was the only one who happened to have a complaint. I think this is a policy issue more than anything. So I can't go along with that vote.*
2. **Bozarth** – *In this particular action, and as I said earlier, maybe our sanctioning of her is symbolic of the entire operations not really being handled in a way that I am not comfortable with. The things in her record that she has been already admonished for are different than what we are talking about here and I am not inclined to sort of aggregate that in my thinking for that reason. I am going to vote against this too. This is more of indictment of a process, but I think we need to send a message that this was not handled in a way that the majority of the board is comfortable with.*
3. **Bartels** – *The offenses are different, but I think it also shows consistent problems with judgment. I think it is a pattern of some serious issues. But I do agree that there are also policy issued that are raised by this and not necessarily with this case, but some of the other mass arrest that we have seen lately like dozens and dozens of motorcycles club members were arrested in Waco, Texas and many, if not most of them were arrested with no specific allegation against them, just that they were part of a gang...whatever that means. As well as in Ferguson. I think before anybody is deprived of their freedom, the police ought to be able to point to specific facts for that particular person and that was not done here.*

Following the discussion, the vote was called and the motion failed. Three members voted in favor (**Bartels, S. Williams; Morris**); two members voting against (**Bozarth, Souder**), and one abstention (**Brogdon**).

The **Chair** opened the floor for another motion.

Morris moved to recommend for an oral reprimand and counseling with regards to professional conduct for the sustained allegation of False Arrest in Case #15-018 against Sgt. Michelle McKenzie. **S. Williams** seconded. Hearing no discussion, the vote was called and the motion passed with one nay vote (**Bartels**) and one abstention (**Brogdon**).

OLD BUSINESS

A. OUTREACH CAMPAIGN UPDATE

Following the June board meeting, **Bill Bozarth, Ruth Price** and **Sherry Williams** met with the ACRB Outreach staff to give some guidance as to how to revise the poster campaign that featured the Don't Run graphics.

Committee Chair **Bill Bozarth** reported on the committee's progress.

- **Bozarth** indicated that the June meeting included board members and staff. He said, "We brought some ideas together. We gave staff some directions and as a result of that, there were two alternate posters put together that were circulated to the board during the month of July. The staff received

response supporting one of the posters and as a result of that has move forward using that as the graphics. I thought it would be interesting for the Board to know or at least be aware, that the Don't Run poster that came to our attention because of the public attention was one message among several that had been crafted and it complimented a lot of the other work that we were doing. I asked the staff to show the board what that range of messages were, and if Charles is able to talk with us and show us what those messages are, I would suggest that we take a few minutes to accomplish that."

Outreach Specialist Charles Curry provided the board with information packets that consisted of the various media and educational messages, and the latest billboard graphics.

Curry reported that the Outreach Committee met on the 30th of June at the ACRB office. Included in that discussion were board members **Price, Bozarth and Williams** and staff: **Director Reid**, Project Manager **Smith**, and Outreach Specialist Curry. "Following the expired contract on the Don't Run billboards, the media placement that attracted the most public attention... pros and cons (more pros) .., the committee developed a number of preliminary revisions that emphasis the primary motivation of the outreach campaign and that is to get citizen to report police misconduct and draw them to our Know Your Rights Training. "The information you have before you today contains the current billboard poster recent rolled out and the current locations. The nearest billboard to City Hall is located on Memorial Drive and Decatur. We also informed and shared with the committee, future media placements as we have done without incident for radio and community newspapers. We appreciate and look forward to additional questions and comments from the Board as we move forward with the outreach and education campaign."

- **Curry** also reported that the summer 'Know Your Rights' one hour workshop continues to draw interest at any of the 34 branches of the Fulton Public Library Systems. "Recently, we re-created, specifically targeted 'Know Your Rights' presentations. One is entitled, "ACRB ASK: What is Search and Seize?" This workshop was developed after a librarian had a number of patrons who wanted to know more about search warrants and arrest warrants."
- "For children, we created a 'Know Your Rights' training which also has been a big hit. The workshop is taught using the ACRB Children Activity Book as the primary tool. Coming very soon to join the Children's workshops is ACRB's animated Super Hero, Captain Integrity who is featured in the activity and coloring book. Captain Integrity will be a great way to get children involved at an early age in their own safety and community."
- The ACRB website is starting to experience a dramatic transformation on all levels. Informational and educational video clips are going to be added to the site. If you taped your bio video earlier this year, that video can now be seen on the website. Also staff has been updating additional documents including adjudication letters from the board, chief's responses to complaints, minutes, agendas and other resources. Cosmetically, a new design home page has been created, with a rotating home page to draw attention to the sight. A layout of the new design is included in your information. The upcoming changes are design to make ACRBgov.org remarkably interactive. By the way, the BWC Study that Director **Reid** referred to earlier, can be found on ACRBgov.org

Committee Chair Bozarth said, "Having agreed after the June meeting to help focus on the Outreach Campaign, I'm very impressed that we did a good job, coming out. We don't know until we have someone come and tell us that they do not like it." The new messaging has a lightened color and graphics of a pencil and complaint form that implies that's how you deal with the problem. The word Don't Run was not remove, but it was not the primary message. We will find out from some of the people who did not like the old message, how they feel about the new message and maybe they won't like this one either, but it has been out for a week or so. We'll see."

Chair Harrison and members of the Board thanked the staff for doing a great job on the campaign.

B. NACOLE CONFERENCE

Chair Harrison opened the floor and started the discussion on the NACOLE and who will be attending the conference. He said, “Let me bring everybody up to-date as to where we are with the conference. In the past, it has always been the decision of the Board Chair to decide who actually goes to the NACOLE Conference. Basically, the way that it has been done through the years, we basically try to get a feel from the board members to see who really wants to go. Then the decision is pretty much based upon the Chairperson, Vice-Chair and Secretary and any other member who express an interest to go. This year as the **Chair**, I picked myself to go, Bill **Bozarth** and Sherry **Williams**. Then it was brought to my attention that there is some concern about me going a 3rd or 4th time. Let me be clear, it is not an issue of whether I am going or not, because I am going to the actual conference, but a matter of whether it is going to be paid for by the City. Because of my work with national conference, I will be in attendance. The vote is going to be whether the City is going to pay for me to be in attendance or what portion is the ACRB going to pay. I am willing to listen to any type of combination or paying my membership or paying my conference fees or anything like that...but I will be in attendance regardless of what the vote will be.”

Discussion...

- 1.) **S. Williams** – *You said it was the 3rd or 4th time, which is it?*
- 2.) **Harrison** – *The 4th time.*
- 3.) **S. Williams** – *I think it is not so much you personally, as it is accountability as people are looking at budgets more closely than they normally do. They ask more questions than they normally do. I think the discussion we have had, on two other occasions, had to be with the effective use of the City funds, whether it is you or me that is going for the fourth time.*
- 4.) **Harrison** – *I just want to bring it your attention that I am actually on the national conference committee and I will be there. I didn't know if you knew that or not.*
- 5.) **S. Williams** – *I understand, but that doesn't have anything to do with the efficient and effective use of City funds. Because that is what the previous conversations were about.*
- 6.) **Bozarth** – *Ms. Williams are you suggesting that we should consider sending fewer people? Apparently, we have four including staff, right?*
- 7.) **Director Reid** - *Correct.*
- 8.) **Bozarth** – *What's our budget? Do we have a line item for this kind of travel?*
- 9.) **Reid** – *It comes from operations, but No, there is no specific budget line item for board travel.*
- 10.) **Bozarth** - *We have never isolated that as a budget item?*
- 11.) **S. Williams** – *This is one of those other things where we don't have a firm policy on it, but as people are looking closer at how we spend our budgets, moving forward, we probably need to have a policy.*
- 12.) **Bozarth** – *If you want to send two and one needs to drop out, I'm more than happy to do that. I have never been to the conference. I would love to learn more about it. I think it would help me be a better board member. But if it is an issue of wanting to send fewer people, I'm more than happy to step down and if there is somebody who wants to step up, then we can entertain that.*
- 13.) **Harrison** – *I still think there needs to be three people. If the board would pay my conference membership fee, I would be willing to send one of our newest board members. I still think there needs to be three. I think that Gino (**Brogdon**) needs to go. I think that Sherry (**Williams**) needs to go and Vice Chair **Bozarth**. I'm still firm on the three.*
- 14.) **Souder** – *That's four.*
- 15.) **Harrison** – *I know. I'll be there and if you all don't want to pay my airfare or anything like that, that's fine but I'm going to still go.*
- 16.) **Reid** – *If we send three, then we would just be paying for those three. We wouldn't be paying for anything else. We wouldn't be paying for registration fees or the other expenses for a fourth person.*
- 17.) **S. Williams** – *I think you also said earlier, new people and people who haven't gone before would be the priority.*
- 18.) **Reid** – *Correct. That's how I would do if I was making the decision. That's how I use to do it in the past. You guys will be responsible for the decision.*
- 19.) **Bozarth** – *I am totally comfortable with you making the decision and abiding by it.*

- 20.) **Reid** – *What you have in this situation is in the past, it wasn't much of a decision. It was pretty much, "Who wants to go? Can somebody go to the conference?" But as we are moving forward and trying to make sure that everybody is knowledgeable of civilian oversight, and this is a great opportunity to be able to learn about civilian oversight and make great connection across the country, we need to make sure that we are allowing everyone to take advantage of that. And then when you put on top of that some of the concerns that board members have raised about why are people being able to go three and four times in a row, and "Is that a wise use of money?" And they need to go and talk to other people about their concerns, well it makes me have to sit back and go, well okay, maybe this is an issue that we need to think about it and especially me as the Executive Director. So that is why I am encouraging you all to take responsibility and decide who is going to the conference.*
- 21.) **S. Williams** – *I agree with your recommendation of two and two. And I would even be willing not to go this year, if the newest board member wanted to go because I do think it is important to be educated on what is going on. I have no problem with that. But I do think two people who have never gone are totally appropriate.*
- 22.) **Bozarth** – *Lee (Reid) how did you arrive at 4 people going? Is it because of the political winds that are blowing?*
- 23.) **Reid** – *That too, but primarily cost. Last year, we didn't do much training and we need to get back into our training...maybe have a retreat so wherever we can pull back, we need to pull back. The money for the conference in October will be taken from the current budget year at approximately \$3,000 per person. Outreach cost with the website enhancements, printing, poster ad and small radio spots have also increased. We are only two months into the new budget year with 10 months remaining. So wherever we can pull back, we need to.*
- 24.) **Bozarth** – *You answered my question, but I would advise that we budget more precisely in the future. If we decide at the beginning of the fiscal year what we are going to spend, we want find ourselves in this position. So can you take that to heart?*
- 25.) **Reid** – *Yes, but if we are going to be precise, we need a travel policy.*

Following a long discussion, it was moved by **S. Williams** to accept the Director's recommendation to send two people who have never been and two staff members to the 2015 NACOLE Conference. **Morris** seconded. Hearing no further discussion, the vote was called and the motion was approved by all.

It should be noted that the executive members of the board will decide at a later time who the two individuals, from the board, will be attending the NACOLE conference in October 2015.

NEW BUSINESS

WEBSITE POLICY VOTE

Director Reid has ask the Board to make a clarifying decision on how much personal information should be placed on the ACRB website as it relates to citizens.

A few weeks ago, **Reid** sent out an email as a possible proposal for citizen complaint information on the ACRB website. The following five policy recommendations were given to the board for consideration:

- 1). Redact citizen's name from all information on the website.
- 2). Redact citizen's name upon request.
- 3). Redact citizen's and officer's name from the website (*example would be citizen X complaining about officers X*)
- 4). Redact citizen's name only unless citizen request to keep name on the website.
- 5). Advising the citizen at the very beginning of the complaint process that their information will be posted on the website and giving them the option to redact their name or not.

Discussion...

1. **Bozarth** - We were trying to have a valid concern for the privacy, not only for the citizens but, I guess also for the officers. On the other hand, everything that we do here is a matter of public records...somebody can come and hear it and I guess can even see our material. The material we have in front of us is not proprietary, am I correct? So the rabbit is out of the hat, so to speak. So, I am not sure what we can really accomplish when in fact anyone can find out pretty much what they want.
2. **Reid** - If the person does not tell the potential employer during the interview that he or she filed a complaint against a police officer, chances are the employer will not know and therefore not be inclined to judge you one way or another. Now if the name of the person who is applying for the job is on our website, I can just do a goggle search or whatever, about this person, and it may pop up.
3. **Bartels** - Hypothetically, let's say that if somebody is applying for a job and the prospective employer Goggles their name with the word 'police' or their name with the words 'Atlanta Police' to see if they have ever been arrested, that information on the website could very well come up. I'm sure that does happen. As opposed to yes, it's a public record, but otherwise, they would have to physically come and do an open record request and that sort of thing.
4. **Reid** - People or potential employers don't usually ask if you have ever had an issue with the police department. Have you been arrested? Have you been convicted? Those are the general questions.
5. **Bozarth** - Are we talking about the protection for both the officer and complainant?
6. **Reid** - The officer is a public servant, he just has to deal with that type of stuff. The citizen on the other hand uses a system that the city has put in place for him should not have to feel any implications of actually filing a complaint.
7. **S. Williams** - It might keep some people from filing a complaint. .
8. **Bartels** - Honestly, I think the 5th suggestion is the best balance between openness and transparency vs. recognizing a legitimate privacy concern some people may have. The 5th one is advising citizen at the beginning of the compliant process that information will be posted publically on the website, giving then the option to redact the name or not. I think that strikes the best bell.
9. **Bozarth** - Let me ask the lieutenant. When OPS receive a compliant? To what degree is that record publically available?
10. **OPS Lieutenant Webb** - Only through open records and not on line.
11. **Morris** - I haven't looked at the website in quite a while. Besides the officer or complainant's name, is the zone there where the complaint happened or is it just the officer's name?
12. **Reid** - The name is, but the zone and stuff like that is not unless it came up, during the complaint discussion.
13. **Morris** - Then that will be in the minutes.
14. **Bozarth** - I see the logic and I think what you are saying is if we publicized it to a great degree, it will inhabit people from making complaints, and we don't want to do that.
15. **Reid** - It could.
16. **Bozarth** - If I'm applying for a job, the fact that I complained against an officer, you think that in the contact of having had a police altercation, that's a negative.
17. **Bartels** - Depends on the job.
18. **Reid** - A potential employer might just do a Google search just to get an idea of who it is they will be dealing with.
19. **Brogdon** - We should really take it a step further because we have to treat these people like a potential victim. These people are filing complaints asking for help. We do not know the size of their pain. I think the option to redact should be available as a choice. I don't think people will turn that down and say, "No put my name out there."
20. **S. Williams** - They don't understand what it means.
21. **Bartels** - Some people don't care.
22. **Brogdon** - All the victims' names or the people, who are making allegations, should be given the choice. I think that redaction has to be part of making information public. Google is too efficient and expose too much and your employer or whomever looking you up is not going to do an open records request, unless you are talking about litigation.
23. **Bozarth** - When you go for employment, almost any company now does a background check. That background check I assume will look at criminal history. Will it not uncover this through some means anyway?
24. **Bartels** - No, not necessarily. Most common background is through NCIC, which arrests are reported there, but if the case is dismissed, then the arrest is not available for public consumption.

GCIC which is part of NCIC. But the answer, if a respective employer just runs a standard background check, this likely will not show up. All they have to do is to look up that person's name and they probably will. That is where my concern is.

25. **Bozarth** - *I buy your logic Paul, and I'm ready, I guess as the rest of the board is to move on and vote on which one.*
26. **S. Williams** - *I want to make one more comment. Since privacy is an issue. People are doing more and more things with information on the website. It's sad that you can't put mail in our mailbox anymore because that's the #1 way for you to be a victim of identity. So I just think that, whenever possible for us to decrease our footprint on the web, we should be able to do that. Some people might say that it doesn't matter to me whether my name goes on it or not and then a year later or 6 months later, then they realized their name is coming up on all kinds of Google searches because you are looking for a job. I don't see why that we can't vote to just redact everybody's name and that will just make it more simple.*

Following the discussion, it was moved by **Bartels** to accept policy suggestion number five which reads, "advising the citizens at the beginning of the complaint process that information will be made public on the website giving them, the citizen, the option to redact their names or not." **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion passed with **S. Williams** voting against the motion.

To clarify, **Reid** said, "Based on the vote, going forward from tonight the following will happen:

- ✓ We will start advising everyone at the beginning of the complaint process that their name will be on the website, and if they do not want it on there, we will make sure it comes off.
- ✓ If someone contacts us complaining about their name being on the website, we will remove it.
- ✓ Right now, there are cases on the site dating back to 2009 to date. With each case, the name is listed out right, and there are at least two letters (correspondence) where the citizen's name will appear on the same line with the citizen's name and related case number. Also, there are at least 5 years plus of minutes and in your discussions, the names are mentioned. If you guys would have voted let's redact everything, then we would go back and remove the names from all of the documents on there now. However, since you did not vote for that then we will go forward with the policy as it is, and if someone were to contact us, we will handle it case by case.

PUBLIC COMMENTS

No public comments.

ADJOURNMENT

Hearing no further business, *the Chair* entertained a motion to adjourn. **Bartels** moved to adjourn. **Morris** seconded. Meeting adjourned at 8:35 P.M.

ACRB Minutes for August 13, 2015 were approved: October 15, 2015
Paul Bartels, Board Secretary

Transcribed: MS