

Approved

May 11, 2017



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

April 13, 2017
Atlanta Technical College
1560 Metropolitan Parkway, SW
Atlanta, Georgia 30310
404-225-4461
6:30 p.m.

The April 2017 meeting was called to order at 6:30 p.m. by *Chair Williams*.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS *(Chair/Williams)*

PAUL BARTELS *((Secretary/Bartels)*

BILL BOZARTH *(Bozarth) (Arrival 6:33 p.m.)*

GINO BROGDON *(Brogdon)*

WILLIAM HARRISON *(Harrison) (Arrival 6:56 p.m.)*

CECILIA HOUSTON-TORRENCE *(Torrence)*

TRACEE MCDANIEL *(McDaniel)*

ACTIVE MEMBERS ABSENT

HAROLD HARDNETT *(Hardnett)*

SHUNTAY PITRE *(Pitre)*

VACANT BOARD SEATS

APAB-NPU, Group M-R *(two (2) month)*

APAB-NPU, Group S – Z *(one year and 11 months)*

City Council President *(ten (10) months)*

Coalition for the Peoples' Agenda *(1year)*

STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director*(Reid)*; **SHEENA ROBERTSON**, Investigation Manager *(Investigator Robertson)*; **BRIAN FLEMING**, Investigator, Sr., *(Investigator Fleming)*; **MYOLA SMITH**, Project Manager *(Smith/Transcriber)*; **LYNN GARRETT**, Executive Assistant *(Garrett/Transcriber)*;

MELISA REESE, Administrative Assistant (*Reese*); **VIRGINIA ROBINSON**, COA Law Department, (*Robinson*); **SERGEANT WILLIAM DEAN**, Atlanta Police Department, (*Sgt Dean*).

Note: *Chair Williams* acknowledged the arrival of Board Member **Bozarth**.

APPROVAL OF MINUTES OF THE LAST MEETING, MARCH 2017

Houston moved to adopt the minutes as corrected. **McDaniel** seconded. Hearing no discussion, the motion was approved with two abstentions (**Bartels & Brogdon**). Both members acknowledged that they were not present during the last meeting.

EXECUTIVE DIRECTOR'S REPORT

The Board received a copy of the ED's report in advance of the meeting. The following highlights were reported on by Director **Reid**:

Special Introduction:

- **Mediation Ads**
Noted actors Cree Davis and Joel Rush, whose work can currently be seen on Fox and the OWN Network, graciously provided their time, talents and celebrity to help ACRB promote our Mediation Program. They both filmed public service announcements for the mediation program that are currently running on TV26 Atlanta.
- **APD Citizens Academy**
Two board members, Cecilia Houston Torrence and Tracee McDaniel, are participating in the Atlanta Police Department (APD) Citizens Academy. Thank you.
- **Financial Disclosures**
Thank you to all the board members who completed their financial disclosure before the April 3rd deadline. We had 90 % of disclosure filed at the end of the deadline. **Reid** has spoken with the board chair to assist with the outstanding filing.
- **2017 ACRB Art & Essay Contest Media Day**
Kudos and thanks to the many volunteers and contestants who came out on Saturday, April 8, 2017 and made the 2017 ACRB Art & Essay Contest Media Day at Greenbriar Mall a big success. The contest is currently underway throughout Atlanta and Metro Atlanta until April 24th.
- **Regular Meeting Time**
The April meeting will begin at 6:30 p.m. This is our first 2017 meeting in the community:

Atlanta Technical College
1560 Metropolitan Parkway, SW
Seminar Room 117
Atlanta, Georgia 30310-4446
April 13, 2017
6:30 p.m.

- **Reports to Appointing Entities**
Please remember to make reports to your appointing entities and communicate to the board and staff that you have made your reports.
- **Website Members' Only Section**

The ACRB has placed March cases in the ACRB “Member Login” section of the website. Please use your login ID to access the section. A password can always be re-set once you have logged in under your current username and password.

For those who would like to receive their cases via Members’ Only section, please send an email to Lynn Garrett, ldgarrett@atlantaga.gov and Myola Smith, mmsmith@atlantaga.gov indicating your preference.

- **Community Outreach Volunteer Ambassador Program (COVAP) Meeting**

The evolution and expansion of the Community Outreach Volunteer Ambassador Program or COVAP has meant that trained citizens are beginning to take on administrative and program responsibilities with COVAP to assist ACRB in getting its message to the public. To that end, we like to publicly thank W. Calvin Anderson, the new Volunteer Outreach Coordinator for COVAP and Shenita Johnson, the COVAP Chair.

- **Board Vacancies**

City Council President – vacant

APAB – (NPU S-Z) – Michael Hopkins – Held in HR; need Mr. Hopkins’ signature.

APAB – (NPU M-R) – vacant

Georgia Coalition for the People’s Agenda – Tamara Orange – Submitted to City Council for processing.

- **APD Training**

Reid informed the board members that over the next couple of months, the members will do approximately 40 hours of training with Atlanta Police Department. We need to figure out how to incorporate it into the board’s time. **Reid** anticipates the training to begin when the next two appointments are on the board.

Discussion and Comments...

1. **(Williams)** you say it’s 40 hours?
2. **(Reid)** Yes.
3. **(Williams)** Are you talking about an all-day training on a Saturday or four hour training?
4. **(Reid)** Yes. Some of the models that they have... would be best given in a four hour training.
5. **(Williams)** Forty hours by when? By what date? By the end of the year?
6. **(Reid)** Hoping by the end of the year. We will break it up with the people’s schedule.
7. **(Williams)** Ok great.
8. **(Reid)** Myola or Charles will provide some information on our community outreach. Do you have any questions for me?
9. **(Brogdon)** I saw something about the access to the website. I just wanted to thank the staff for putting that together. It makes everything a whole lot easier. There hasn’t been any slip up issues. You just go online and get the documents. I appreciate you all. Thank you Mr. Curry for the map; identifying the building. I would have had a problem getting here.
10. **(Bartels)** staff gave us very helpful voluminous information on getting here so there was no reason not to be here.

COMMUNITY OUTREACH UPDATES

The following highlights were reported by **Smith**

- The Mediation Program kicked off on March 13, 2017.
- ACRB Mediation Program had two celebrities to lend their time and talents to do Public Service Announcements (PSA) for ACRB. Joel Rush from the television show, “If Loving You is Wrong” and Cree Davis from “Shots Fired.” We appreciate them for their time and energy.
- We are receiving calls from the bench advertisements. The ads have become very popular.
- Orientation for the new mediators is scheduled to begin in two weeks.
- ACRB Art & Essay Contest deadline will be April 24, 2017. We recently had a day at Greenbriar Mall. The public received it very well and the kids were excited about participating in the event. We anticipate more art entries than last year. We will need board members to judge the art, so look for our calls.
- COVAP volunteers are going strong.
- Community Outreach events for 2017 will be going out to the board members so they can start planning for the four community events that are required by the City Ordinance.

Discussion and Comments...

1. **(Bozarth)** *Regarding the mediation program, are we informing people to come forth with initial complaints? Is an option yet or is it that still in the process?*
2. **(Reid)** *When we get a complaint, we will inform them. I know that we received one recently that could potentially be one that we would use for mediation. Both parties have to agree on that. When I left the training academy yesterday, APD will have us come in to do every in-service training that they’re having with the officers; starting sometime in May.*
3. **(Williams)** *is it during the day or in the evening?*
(Reid) *It’s going to be eight o’clock in the morning. That’s tentatively what we’re looking at. It’s just for the officers. They, cycle through the entire force in the in-service training. This is one of the ways that we’re going to let them know about the mediation program and also give them more information on ACRB and answer questions.*
4. **(Williams)** *I actually saw a bench on Campbellton Road. Do you have a picture that you can show what the bench looks like? Because I remember when you guys did the billboards last time and you had a picture so we could see what it looked like. I saw it at a traffic light on Campbellton Road. It’s a lot of words. I guess if somebody’s sitting at the bus stop, they have time to read it, but it’s definitely not for the traffic.*
5. **(Smith)** *We have gotten responses; from the people and police*
6. **(Williams)** *But for the people that haven’t seen it, it would be good for...*
7. **(Smith)** *I will get you a copy and I’ll email you.*
8. **(Williams)** *Great. Good job.*

INTAKE REPORT FOR FEBRUAR 2017

Investigation Manager **Robertson** reported that for the month of March 2017, the ACRB received thirteen (13) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to possibly dismiss seven (7) of the thirteen (13) complaints. One (1) complaint is waiting for signature. It should be noted that the proper referrals were given to those citizens whose complaints fell outside of ACRB’s jurisdiction.

The following is a list of the complaints that are being recommended for dismissal and the reason for the recommendation:

1. ACRB Case No. 17-036 – Failure to Complete Report
The Complainant alleges that he was arrested for a traffic violation and the arresting officer did not complete an incident report. ***Preliminary investigation revealed that the subject officer is employed by the Georgia Department of Public Safety. Recommend dismissal for lack of jurisdiction.***
2. ACRB Case No. 17-037 – Unknown
The Complainant alleges that on February 15, 2017, she went to the Zone 6 precinct and reported that someone is trying to kill her grandmother and she is now dead. ***The Complainant did not provide any further information in her complaint and has failed to respond to the ACRB's attempts to contact her. Therefore, recommend dismissal for lack of information.***
3. ACRB Case No. 17-038 – Mishandling of Personal Property
The Complainant alleges that on March 8, 2017, her personal property was confiscated by the arresting Atlanta police officer, but was not put into property. ***After the filing of her complaint, the Complainant advised that this matter has been resolved and she would like to withdraw her complaint. Therefore, recommend dismissal.***
4. ACRB Case 17-039 – False Arrest
The Complainant alleges that he was falsely arrested by an Atlanta police officer on December 19, 2015. ***Recommend dismissal because the incident occurred outside the 180 days and is time barred.***
5. ACRB Case No. 17-041 – Wrongful Conviction
The Complainant alleges that he was wrongfully convicted of child molestation. ***Recommend dismissal for lack of jurisdiction.***
6. ACRB Case No. 17-046 – False Imprisonment, Excessive Force & Denial of Medical Services
The Complainant alleged false imprisonment, excessive force and denial of medical services against the Chatham County Sheriff's Office. ***Recommend dismissal for lack of jurisdiction.***
7. ACRB Case No. 17-047 – Abuse of Authority & Harassment
The Complainant is alleging abuse of authority and harassment against Atlanta police officers. ***Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as an abuse of authority and harassment complaint. If complaint is not received, then recommend dismissal.***
8. ACRB Case No. 17-044 – Harassment (Amendment)
The Complainant alleges that on January 20, 2017 and March 15, 2017 he was harassed by Atlanta police officers.

Both of the Complainant's signed complaints are difficult to read making it unable to ascertain what the allegations are about. Furthermore, ACRB's attempts to obtain a statement from the Complainant have been unsuccessful. Therefore recommend dismissal for lack of information.

Please note: The Complainant contacted staff and was given two weeks to come in for an interview. If the Complainant does not contact staff for an interview within the two weeks provided, then recommend dismissal.

Investigation recommendations:

The following five (5) cases are recommended for investigation:

1. ACRB Case No. 17-040 – Excessive Force
The Complainant alleges that on October 6, 2016, an Atlanta police officer applied the handcuffs extremely tight. He further alleges that while in handcuffs, the officer grabbed him from behind, slammed him to the ground and waved his Taser over his head.
Recommend investigation as an excessive force complaint.
2. ACRB Case No. 17-042 – Inadequate Service & Inappropriate Conduct
The Complainant alleges that on February 22, 2017, the Atlanta police officers that responded to her residence did not write a police report. She further alleges that one of the officers laughed at her while she was discussing her safety concerns. **Recommend investigation as an appropriate action required and conduct complaint.**
3. ACRB Case No. 17-043 – False Arrest
The Complainant alleges that on February 18, 2017, he was falsely arrested by Atlanta police officers. **Recommend investigation as an appropriate action required complaint.**
4. ACRB Case No. 17-045 – False Imprisonment & False Arrest
The Complainant alleges that on December 22, 2016, she was unlawfully stopped, detained and arrested by Atlanta police officers. **Recommend investigation as a false imprisonment and appropriate action required complaint.**
5. ACRB Case No. 17-048 – False Arrest & Excessive Force
The Complainant alleges that he was falsely arrested by Atlanta police officers on December 24, 2016. He further alleges that the officers pointed a gun and Taser at his face and threatened to use the weapons on him. **Recommend investigation as an appropriate action required and excessive force complaint. If complaint is not received, then recommend dismissal.**

B. RECONSIDERATION OF COMPLAINTS

1. ACRB Case No. 17-029 – False Imprisonment
The Complainant alleges that on January 18, 2017, an APD officer refused to allow her to leave a Family Dollar Store.
The Complainant's complaint is lacking detailed information and she has failed to respond to ACRB's numerous attempts to reach her. Furthermore, the ACRB has been unable to find any information pertaining to this alleged incident. Therefore, recommend dismissal for lack of information.
2. ACRB Case No. 17-014 – Inadequate Report
In January 2017, the Complainant filed a complaint alleging that on January 5, 2017, the APD officer that responded to the accident scene involving her and another motorist provided inaccurate information on the accident report.
3. ACRB Case No. 16-149 – False Imprisonment & Conduct
On October 17, 2016, the Complainant filed a complaint alleging that an unknown Atlanta police officer verbally abused him and acted inappropriately towards him during a traffic stop on said date. **The ACRB's extensive attempts to identify the subject officer have been met with negative results. Therefore, recommend dismissal for lack of information.**
4. ACRB Case No. 12-26 – Carla Bashir
On July 30, 2012, Ms. Bashir filed a false arrest complaint against an Atlanta police officer pertaining to an incident that occurred on July 24, 2012. The Complainant's case stemming

from this arrest was bound over to the Fulton County State Court and the investigation into her complaint was suspended pending its outcome.

As of the time of this report, the Complainant's case has not been placed on the court's docket. On February 16, 2016, the Complainant called and advised that someone from the Fulton County State Court told her that they have no record of her case. I advised the Complainant to take a copy of the disposition that she received from the Atlanta Municipal Court to the Fulton County State Court Clerk's Office so they can address the issue and provide her with documentation of how they were going to resolve the matter. Ms. Bashir has failed to provide any documentation showing that this matter has been resolved by the court. ***Absent a disposition from the court, the ACRB will be unable to determine if a false arrest occurred. Furthermore, the incident occurred almost five years ago and it would be unreasonable and unfair to question the subject officer on allegations that occurred so long ago. Therefore, recommend dismissal on the grounds that the complaint is "stale."***

Discussion and Comments...

1. **(Bartels)** What was the charge on that? Was it a misdemeanor?
2. **(Robertson)** Yes. Disorderly conduct.
3. **(Bartels)** Okay. Because I mean regardless, it sounds like the case got lost and then never got to state court which is...it's not frequent, but it does happen from time to time and the statute of limitations on that would only have been two years.

Chair Williams opened the floor for a motion. **Houston** moved to accept the Intake Report for March. **Bartels** seconded. Hearing no discussion, the motion was approved.

C. BOARD VOTES ON INTAKE REPORT

Houston-Torrence moved to accept the Intake Report for March. **Bartels** seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 15-088

A. ALLEGATION SUMMARY

The Complainant alleged that on March 19, 2015 while at 500 Cleveland Avenue, Atlanta Police Officers Christopher Fall, Garrett Rolfe, Thomas Crowder and Edgar Magana falsely arrested them.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of **False Arrest** against Officers Fall, Rolfe, Crowder and Magana be assigned a finding of **Exonerated** (*the investigation established that the alleged act occurred, but was justified, legal or proper within Department policy*).

Discussion and Comments...

1. **(McDaniel)** Was this person arrested? They were accused of the crime, but were they arrested?
2. **(Fleming)** Yes, they were arrested.
3. **(Bartels)** Well, it turns out they couldn't have committed this though, correct?

4. *(Fleming) Yes.*
5. *(Bartels) Because of their MARTA card...*
6. *(McDaniel) You're saying they couldn't have or could have?*
7. *(Bartels) Could not have. The prosecution dropped the case because their MARTA card showed that at least one of the gentlemen didn't arrive at the train station until after the 911 call had been made, so they got the wrong guys.*
8. *(McDaniel) And did you get to see a copy of this receipt?*
9. *(Fleming) No.*
10. *(Bozarth) These guys stayed in jail for eleven months?*
11. *(Fleming) Yes.*
12. *(Bozarth) And were you comfortable that it was most likely a case of mistaken identity?*
13. *(Fleming) Well, from doing the investigation, I had to look at it from a place of what information did the officers have at that time and they knew that these people have been robbed; these guys fit the description. They took them back to the scene. By them having that information, I didn't see where they were just grabbing somebody to arrest; throw them in jail, but based on what the robbery victim said in his witness, they arrested them.*
14. *(Houston-Torrence) There were two witnesses that positively ID'd them.*
15. *(Fleming) That was the victim of the robbery as well as his friend.*
16. *(Bozarth) There was no chance of them being bonded out during the eleven months?*
17. *(Fleming) I have no idea.*
18. *(Bartels) Armed robbery it's not unusual not to get a bond.*
19. *(Bozarth) you've gotten involved with the public defense and so forth. Can you explain why it would have taken this long for the evidence that basically proves they were innocent to come forward?*
20. *(Bartels) I can't say. I wasn't involved obviously in handling this case.*
21. *(Williams) But is this typical?*
22. *(Bartels) It's not unusual for cases to last longer than that. And I will say, you know, I know that we're having to consider the allegation against the four separate officers. My other thought is that these were not valid identifications. I don't think in either case. I know that there was the actual victim and the witness, Ms. Brown. With Ms. Brown, her account says that she was upstairs. It didn't say where in the building but it was at least one floor up. The officers drove up with these two suspects and stayed in the parking lot and she looked out of the window. I think it was Maurice Brown who said it was 100 yards away that they were in the parking lot and somebody else said that it was raining. If somebody is upstairs looking through a window and the people in the parking lot 100 yards away on a rainy day. I don't think that's a valid identification. Regarding the Show-Up, it seems like there are inconsistencies with how clear the identification was like...was it Brown?*
23. *(Fleming) Mr. Sanders.*
24. *(Bartels) Mr. Sanders...yeah, well he said, I'm looking at his account. He said, "I didn't recognize the face that good, but he had the hood on him, a red hood." Talking about the, the person that had the gun and then he talks about Ms. Brown. He said, "She identified them better than I did because I didn't even see the other guy." And he said he didn't see the other guy's face, but he remembered he had a grey outfit on. He said that the gentleman with the gun, "He's a black American and he had a red hood. That's all I can remember is the red." Then he said, "The other guy had light colored pants." On his statement he said, "That's all I could ...but the face I couldn't remember too good on either one of them." And then....*
25. *(Houston-Torrence) That statement was made by?*
26. *(Bartels) Mr. Sanders. Then he says, the police came and said that, "We got two guys up here at the bus stop. Let me take you up there and try to identify them next." He didn't say tell me whether this is them...he said try to identify them; which I just, I think that's too suggestive. Later on they ask him... they said, "Okay so they have the right guys?" And he says, "Well as far as I know, it was the right guys." I just, I don't think that's a positive identification. I think with the other three officers, they showed up at the scene later. They*

weren't involved with making the decision to arrest, so I would be inclined to say not sustained on the other three officers, but the officer that made the decision to arrest... I don't think there was probable cause.

27. **(Houston-Torrence)** Who was the officer that...
28. **(Bartels)** Officer Fall.
29. **(Bozarth)** There were other things...they were willing to let his brother go. According to the story, his brother remained in order to support...and he ended up spending, I believe just as much time in jail as his brother. Am I correct?
30. **(Fleming)** Yes.
31. **(Bozarth)** I mean you denied two of these people a year of their life inside the jail. I'm a little bit concerned about the arrest of the officer, but I'm obviously concerned much greater about the slowness of the process ... justice delayed is certainly justice denied in a case like this and there's nothing we can do about that. Whether or not we want to sustain the charge against one of the officers, I think that's a matter for the board to decide. I would tend to more or less agree with the staff's recommendation to not sustain the charges because if I'm an officer, I figure, I have two witnesses who are telling me with certainty that these two young men grabbed ...hijacked the car. I'm not just going to let them go and you know once they got into the system we cannot fault the arresting officer for the slowness of the process. What would you do if somebody said, "Yeah, that's the two guys." You're gonna take them in. I don't believe that we can sustain the charges, but I'm very disturbed the fact that these two young men ...I believe they had no prior record. Is that correct Brian?
32. **(Fleming)** I am not sure.
33. **(Bozarth)** I think they had prior report of at least a history of Mr. Roman...had no prior, previous arrests.
34. **(Fleming)** I can't verify that.
35. **(Bozarth)** He said that. I would be inclined not to sustain the charges against the officer. This whole story is very upsetting to me that these two young fellas spent 11 months in jail before somebody finally figured out there was a clear proof of their innocence.
36. **(Brogdon)** You know as disturbing as the 11 months in jail is...it's extremely disturbing. I don't think we can factor that into our decision because the 11 months doesn't have to do with the police officer's behavior, but I do think what Paul says is so important because when you don't do a good job in your identification and then it is not affirmed by you not finding a gun. They said they had a gun. They couldn't have gone that far. They found them pretty quickly. When it's further affirmed by not finding a gun or evidence of the crime, I mean... these aren't regular people making the arrests. These are officers that have a standard they have to fulfill and I don't want to say clear probable cause wasn't here, but they should know better. That makes it really tough in court because that person isn't going to be wearing a red hoodie in court or whatever the identification is. They couldn't even point them out if they went to trial. , It's sad that it took 11 months for somebody to check the Breeze cards. I wish it had been done earlier. I don't think that falls on the officers, but I'm inclined to agree with Paul. I do think it would be one thing if they had found a gun or something and maybe they couldn't connect it to the crime at the moment, but they arrested them for that reason because that is affirmation that something could have happened. Without the gun and with an identification like this I, I don't know. I agree with Paul. I don't think it comes up to probable cause.
37. **(Reid)** The standard for the conviction of the court is beyond a reasonable doubt. The standard for probable cause is much more than that. I can definitely understand not being able to recognize...the witness is saying a hundred yards away...it's raining and they're looking from an upstairs window. The clothes match, the proximity matches...they didn't find the weapon. How much is enough is the question. Do we let the potential armed people go, based on what the victims are saying? It's is one of those things...we arrest these people and let the courts handle it? In this case, it's bad because it was 11 months of their life. Was it shoddy that they just didn't follow their training or they just got it wrong?

38. *(Bartels)* Well, it's possible they were following their training. It's possible that these kinds of IDs, it's not unusual to do identifications under circumstances like this, but it still doesn't mean it's probable cause.
39. *(Brogdon)* There's a middle ground here. So we could sustain the charge against the officers and not do any type of punishment because it's so close. You know? I wouldn't want to sustain a claim against somebody that didn't do anything, but I think when you take the factors as a whole in our standard of review on the board is essentially more likely than not and when you add them up, I think the side of it as being sustained is a little bit heavier than the side of being not sustained.

Bozarth moved to adopt staff's recommendation to assign a finding of **Not Sustained for False Arrest** against Officers Rolfe, Crowder and Magana. **Bartels** seconded. Hearing no further discussion, the motion was approved.

BOARD'S VOTE ON ALLEGATION OF FALSE ARREST AGAINST OFFICER FALL

Discussion and Comments...

1. *(Brogdon)* I move that Officer Fall, that we sustain the charge against him.... Should there be a separate motion for?
2. *(Houston-Torrence)* He had a positive ID by the way.
3. *(Bartels)* My concern with the ID is that...
4. *(Houston-Torrence)* It's the victim...Mr. Sanders is the one that positive ID'd ... "that is the one."
5. *(Bartels)* My own thought is that it's not a valid identification.
6. *(Houston-Torrence)* Even as a witness; the person; the victim?
7. *(Bartels)* On page 2, he said, "I just didn't recognize the face that good, but I know he had on a kind of hood. He had a hood on" That's referring to the gentleman that had a gun and then the next page he said... "Ms. Brown identified them because I didn't even see the other guy." That's a direct quote. He said, "I didn't even see his face, but I saw his clothes. He had on a grey outfit. That's all I can remember is a grey outfit" He said repeatedly that he didn't see the other guy's face. On page 5, line 17, "That's all I could...the face, I couldn't remember too good on either one of them." So to me, that's far from a positive ID.
8. *(Harrison)* Who was the supervising officer
9. *(Robertson)* They all were the same rank.
10. *(Bozarth)* I go back to what I said earlier. If I'm a police officer out there and the victim is very sure that these were the people, I would feel irresponsible just letting them go.
11. *(Bartels)* But this says she's not sure at all from this statement. He says he doesn't recognize anything except the hood and the other guy had either grey outfit or light colored pants.
12. *(Bozarth)* At the time of the arrest, Mr. Sanders, according to the officer was quite certain.
13. *(Bartels)* Mr. Sanders never said he was certain in his own statement.
14. *(Brogdon)* That's a summary.
15. *(Bartels)* And on line 7 the question is, "Okay so they have the right guys?" Mr. Sanders says, "Well as far as I know it was the right guys." I don't think that's a positive ID at all.

Chair Williams opened the floor for a motion. **Brogdon** moved to **sustain** the allegation for **False Arrest** against Officer Fall. **Bartels** seconded. Hearing no discussion, the motion was approved with two opposed votes (**Houston-Torrence & Bozarth**).

Discussion and Comments...

1. *(Williams)* In a case like this do we tell them what they can do or does the court tell them what they can do since, you know, obviously they were not....
2. *(Reid)* We don't do any legal advice.

3. **(Williams)** *Officer Dean, do you know what normally happens in a case like this or anybody up here normally know what happens in a case like this when obviously, you know, it turns out that they were in jail for 11 months and they find out they didn't do it because their MARTA card showed they didn't.*
4. **(Sgt. Dean)** *It can be complicated...*
5. **(Williams)** *No, no, no my question is is there someone to tell them what their rights are?*
6. **(Robinson)** *If you are asking if ACRB should give...*
7. **(Williams)** *No, no. I want to know who tells them? Is there an organization or does the court? So no. one.*
8. **(Bartels)** *We can't give them any counsel.*
9. **(Reid)** *If somebody ask, we will tell them that they need to consult an attorney.*
10. **(Williams)** *Do we know that they actually had a public defender?*
11. **(Fleming)** *It was actually the lawyer who used the Breeze card to get them off.*
12. **(Williams)** *This is after the fact, but there were no cameras anywhere, any business nothing? Did the bus have cameras?*
13. **(Fleming)** *No. I checked them.*
14. **(Bozarth)** *The presence of cameras would not have made any difference.*
15. **(Williams)** *It could have, it could have verified where they were initially.*

BOARD'S DISCIPLINE RECOMMENDATION ON OFFICER FALL

Officer Information and Professional Standards History:

Officer Fall has been with the Atlanta Police Department since May 23, 2013. There have been seven complaints filed against him. Two were vehicle accidents. One case was not sustained. Another one was exonerated. Two were sustained and one is still pending.

Discussion and Comments...

1. **(Williams)** *What is the category?*
2. **(Robertson)** *It would be a category A.*
3. **(Bartels)** *The one that is pending, that would be the current case?*
4. **(Fleming)** *No.*
5. **(Bartels)** *So, what were the two sustained?*
6. **(Fleming)** *I can't give you the specifics, but it says that it was a courtesy complaint and also let me see... he got an oral admonishment for that. The other one was appropriate action required and he received an oral admonishment for that one as well.*
7. **(Robertson)** *So it would bump up to a category B.*
8. **(Bartels)** *A written reprimand and a 3-day suspension.*
9. **(Williams)** *Our choices are a written reprimand or a one day, two, three day suspension or?*
10. **(Brogdon)** *I think it's a training thing. It doesn't sound like he has a pattern of any type of behavior.*
11. **(Bartels)** *I mean there's no previous complaints sustained with any kind of false arrests or you know excessive force and I'm not saying that he acted with malice. I don't think that's necessary. I think that's a factor to consider for talking about a civil lawsuit against an individual which is kind of a different context here. I don't believe that either of the identifications were properly conducted even for the purposes of probable cause for the arrest. So that's my issue and it could be that, you know, he was never trained to do anything differently than that so I just see it as a training issue as well.*

Chair Williams opened the floor for a motion. **Bartels** moved to recommend that Officer Fall receive additional training on criminal procedures, specifically on Probable Cause and Show-Up. **Brogdon** seconded. Hearing no discussion, the motion was approved with one abstention (**Houston-Torrence**).

ACRB CASE NO 15-089

A. ALLEGATION SUMMARY

The Complainant alleged that on July 10, 2015, while at 322 Glenn Street, Atlanta Police Officers Jimmy Alvaran and Morris Kandakai used excessive force against him when they grabbed and slammed him against a squad car, causing him to fall to the ground.

B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of **excessive force** against Officers Alvaran and Kandakai be assigned a finding of **not sustained** (*the investigation failed to prove or disprove the alleged act(s) occurred*).

Discussion and Comments...

1. **(Houston-Torrence)** *The witness said that they did not see him fall to the ground. That's what turned it for me. He said he fell to the ground, but the witness ...through her testimony... never said he fell to the ground.*
2. **(Bozarth)** *Brian (Fleming), did you determine if the Complainant was in fact a member of a gang?*
3. **(Fleming)** *No.*
4. **(Bozarth)** *Do we have any idea why the two officers are no longer on the force?*
5. **(Brian)** *Both went to different departments.*
6. **(Bartels)** *I was going to say I'm inclined to agree with staff recommendation as well. It's another one of those where there are, inconsistent accounts from different witnesses and no really independent evidence to tip the scales one way or the other.*

Chair Williams opened the floor for a motion. **Houston-Torrence** moved to accept staff's recommendation to assign a finding of **not sustained** for **excessive force** allegations against Officers Alvaran and Kandakai. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-154

A. ALLEGATION SUMMARY

The Complainant alleged that on October 26, 2016, while seated in the back of the patrol car with no seatbelt and en-route to the Zone 2 Precinct, he hit his forehead and the bridge of his nose on the mesh cage when Atlanta Police Officer Hunter Wiggins slammed on the brakes. The Complainant further alleged that Officers Wiggins and Anthony Appleberry failed to get medical attention.

1st Issue:

The Complainant alleged that while seated in the back of the patrol car and enroute to the Zone 2 Precinct, he hit his forehead and the bridge of his nose of the mesh cage when Officer Wiggins slammed on the brakes.

2nd Issue:

The Complainant further alleged that Officers Wiggins and Appleberry failed to get him medical attention.

3rd Issue:

The Complainant's claim that he was placed in the backseat of the patrol car without a seatbelt.

B. STAFF RECOMMENDATION

1st Issue:

As it relates to the issue, the ACRB staff recommends that the allegation of **Appropriate Action Required**, against Officers Hunter Wiggins and Anthony Appleberry be assigned a finding of **not sustained** (*the investigation established that there is insufficient evidence that the officers committed the alleged acts of misconduct*).

2nd Issue:

As it relates to this issue, the ACRB staff recommends that the allegation of **Appropriate Action Required**, as it relates to this issue, against Officers Wiggins and Appleberry be assigned a finding of **unfounded** (*the investigation established that the officers did not commit the alleged acts of misconduct*).

3rd Issue:

The ACRB Staff recommends that the allegation of **Appropriate Action Required**, as it relates to this issue against Officers Wiggins and Appleberry be assigned a finding of **sustained** (*the investigation established that there is sufficient evidence that the officers did commit the alleged acts of misconduct*).

C. ADDITIONAL RECOMMENDATION

The Board should recommend that the APD ensures that officers are reminded that when transporting arrested individuals in their patrol cars that they ensure that a seatbelt is placed on the individual.

Discussion and Comments...

1. **(Brogdon)** *The underlying theme to this case... a part of it at least is the fact that the Complainant never said he was hurt. There were no visible injuries and I'm not 100 percent sure how the officers are supposed to know that somebody's hurt or supposed to take you to get medical attention if you don't say something. It would be one thing if there was blood running down his face, but everybody agreed. There was some disagreements, but everybody agreed that there were no visible injuries and that he didn't say anything.*
2. **(Bartels)** *That was on his mugshot, correct?*
3. **(Williams)** *Right.*
4. **(Bartels)** *His mugshot didn't show any visible injuries.*
5. **(Brogdon)** *The failure to give medical attention... I agree with staff, it was unfounded. The hitting his head because they slammed on brakes, you know, it's one person's word versus the other and he said he slammed on the brakes, but they didn't see him hit his head. There would be no reason to get him medical attention.*
6. **(McDaniel)** *But the officer said that he heard him squirm around, shuffle around when he hit the brakes.*
7. **(Bartels)** *Do we know why they didn't put the seatbelt on?*
8. **(Williams)** *They couldn't remember. He didn't remember whether he did it or not. The pictures still didn't show any bruising.*
9. **(Brogdon)** *He admitted that he didn't say anything.*
10. **(Bozarth)** *I think that Brogdon is advising us that his medical attention is not something that we can hold responsible for...not putting the seatbelt on is. My inclination is that we focus on that...see that we can agree on that since that is an appropriate action required.*

BOARD'S VOTE ON 1st ISSUE - ALLEGATION OF APPROPRIATE ACTION REQUIRED

Harrison moved to adopt staff's recommendation to assign a finding of **not sustained** for **appropriate action required** against Officers Wiggins and Appleberry. **Hardnett** seconded. Hearing no further discussion, the motion was approved with one abstention (**McDaniel**).

BOARD'S VOTE ON 2nd ISSUE - ALLEGATION OF APPROPRIATE ACTION REQUIRED

Brogdon moved to adopt staff's recommendation to assign a finding of **unfounded** for **appropriated action required** against Officers Wiggins and Appleberry. **Harrison** seconded. Hearing no further discussion, the motion was approved by all.

BOARD'S VOTE ON 3rd ISSUE - ALLEGATION OF APPROPRIATE ACTION REQUIRED

- a. **(Bozarth)** Just to clarify this is against Officer Wiggins not against the other officer?
- b. **(Williams)** Actually, this has against both of them ...do you want to offer something different?
- c. **(Bozarth)** Would your recommendation for both officers be sanctioned?
- d. **(Robertson)** It was for both officers because he couldn't say for certainty that it was he or Officer Wiggins that placed him in the back of the car.
- e. **(Bozarth)** Officer Appleberry is a 23 year veteran. He was basically the training officer. So it's appropriate to hold him equally responsible?
- f. **(Robertson)** I would, because neither one of them could say with certainty who put him in the back of the patrol car.
- g. **(Bozarth)** Then the motion then is for both.
- h. **(Williams)** Correct.

Bartels moved to assign a finding of **sustained** for **appropriate action required** against Officers Wiggins and Appleberry. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved by all.

BOARD'S DISCIPLINE RECOMMENDATION ON OFFICERS WIGGINS AND APPLEBERRY

Officer Information and Professional Standards History:

Officer Wiggins has been with the Atlanta Police Department since October 15, 2015. Officer Wiggins has only one case pending (current case).

Officer Appleberry has been employed with APD since November 2, 1993. He has in the past five years, six complaints. Four of the cases were for vehicle accidents; one was a failure to appear in court and one was not sustained. It was an allegation that he refused to take a report on a complainant's stolen vehicle.

Discussion and Comments...

1. **(Brogdon)** Was he the one driving?
2. **(Robertson)** No.
3. **(Williams)** So, you're saying, four accidents in five years?
4. **(Robertson)** Yes.
5. **(Bartels)** It's an occupational hazard.
6. **(Robertson)** This would be a category A; oral reprimand or written, oral admonishment or written reprimand.
7. **(Brogdon)** I would say oral only because, you know, Bill **(Bozarth)** implicated that it was going to be a rough ride, but he had no visible injuries, you know, no subsequent injuries that we know of. I feel like oral admonishment. I don't think it needs to be something written.

Brogdon moved to adopt staff's recommendation to assign a finding of **unfounded** for **appropriated action required** against Officers Wiggins and Appleberry. **Harrison** seconded. Hearing no further discussion, the motion was approved with one opposed vote (**McDaniel**).

BOARD'S VOTE ON ADDITIONAL RECOMMENDATION

Bartels moved to adopt staff's recommendation that Atlanta Police Department ensures that officers are reminded that when transporting arrested individuals in their patrol cars that they ensure that a seat belt is placed on the individual. **Harrison** seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-181

A. ALLEGATION SUMMARY

The Complainant alleged that on December 21, 2016, Atlanta Police Officer Alfred Watkins unlawfully stopped and detained her. The Complainant further alleged that Officer Watkins was verbally abusive when he called her a "Dumb bitch."

B. STAFF RECOMMENDATION

- a) **False Imprisonment Allegation:** The Complainant alleged that she was unlawfully stopped and cited for failure to obey traffic officer.

The ACRB Staff recommends that the allegation of **false imprisonment** against Officer Alfred Watkins be assigned a finding of **exonerated** (*the investigation established that the alleged acts occurred, but were justified, legal or properly with department policy*).

- b) **Abusive Language Allegation:** The Complainant further alleged that during the traffic stop, Officer Watkins called her a "Dumb bitch."

The ACRB staff recommends that the allegation of **abusive language** against Officer Watkins be assigned a finding of **sustained** (*the investigation established that there is sufficient evidence that the alleged act(s) occurred*).

BOARD'S VOTE ON ALLEGATION OF FALSE IMPRISONMENT AGAINST OFFICER WATKINS

Discussion and Comments...

1. **(Bartels)** *I think this is one of those cases where at least to me it seems like there's no real substantial disagreement these two have. I mean the complainant, does acknowledge that she didn't follow the officer's directions and the officer does acknowledge that he referred to the complainant as a bitch.*
2. **(Williams)** *He said out of frustration.*
3. **(Bartels)** *To both of their credit, they did acknowledge that. So, I am okay with staff's recommendation.*
4. **(Bozarth)** *if I'm a police officer and I tell a woman she can't go...and she goes around me, I would feel compelled to go after her to enforce the law. So her behavior was pretty abominable. I think I have to agree that we hold the officer to a higher standard. If this was one where he denied it, we would not sustain the complaint. One thing that's bothering me is if an officer is candid and comes forth in a situation, then we usually sustain the charges...whether he denies it; which he could do, then we would probably have to say we can't sustain... I hate to punish people for being honest. He shouldn't have used the word. We gotta hold him to a standard.*
5. **(McDaniel)** *When you're in that situation, it's very stressful and people do stupid stuff and they do things that put other people's lives at risk. I can understand him saying that.*
6. **(Houston-Torrence)** *I agree. Minus him making that statement, she did admit that she broke the law.*

7. *(Bozarth)* So that means it was not sustained false imprisonment.
8. *(Bartels)* Right. Exoneration is the recommendation.

Houston-Torrence moved to accept staff's recommendation to **exonerate** the allegation of **false imprisonment** against Officer Watkins. **Bozarth** seconded. Hearing no further discussion, the motion was approved by all.

BOARD'S VOTE ON ALLEGATION OF ABUSIVE LANGUAGE AGAINST OFFICER WATKINS

Houston-Torrence moved to accept staff's recommendation to **sustain** the second charge of abusive language against Officer Watkins. **Bozarth** seconded. Hearing no further discussion, the motion was approved by all.

BOARD'S DISCIPLINE RECOMMENDATION ON OFFICER WATKINS

Officer Information and Professional Standards History:

Officer Watkins has been with Atlanta Police Department since 2003. In the past five years. He's had four complaints with two of them sustained. The sustained complaints were for use of force complaints (2012). He received a 4-Day suspension for kicking a suspect while he was on the ground. The second complaint was sustained in 2014. He had another officer clock him in while he was not at work He failed to notify his supervisor. He received a 2-day suspension for that. The other two charges were sustained (one in 2004). The Complainant alleges that the officer pointed a gun at him (not sustained), and the last complaint; the complainant alleges that Officer Watkins was rude, made a rude comment to her in front of her 11 year old daughter, calling her "sweetie" (not sustained).

1. *(Williams)* This is a Class A?
2. *(Robertson)* Category A.
3. *(Bartels)* The range is oral admonishment or written...
4. *(Brogdon)* I'd go with oral admonishment.

Brogdon moved to recommend that Officer Watkins receive an oral admonishment for abusive language. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved

OLD BUSINESS / NEW BUSINESS

Discussion and Comments...

1. *(Houston-Torrence)* The report to the board...do you want that to be a written email to you?
2. *(Reid)* Yes. You can say that you reported to your agency... If you don't send an email, you can add it to the record.
3. *(Williams)* You guys can email staff after you do your reports.
4. *(Harrison)* How do cases get referred to you (referring to mediation)?
5. *(Robertson)* The citizen has to file a complaint. Once we get the complaint, we'll check it to determine whether or not it is suitable for mediation. Then we contact the complainant to see whether or not he or she will agree and then we can contact the officer to see whether he or she will agree and if they do, then we'll give it to Myola to schedule for mediation.
6. *(Harrison)* Is there a time that we can ever refer a case to you?
7. *(Robertson)* The process is still the same in terms of the ordinance. The citizen has to file a complaint with us.
8. *(Harrison)* If we have a complaint that we think that is good case for mediation...
9. *(Williams)* No. If they notify the complainant initially, if the complaint meets the qualifications for mediation and if it does, then both parties...both the complainant and the officers have to agree to mediation and then if they don't...then we get it.

10. *(Robertson) Right.*
11. *(Williams) Do we have an update on the roll out of the body cams now? Does every zone have them?*
12. *(McDaniel) Except Zone 5... they are working on Zone 5 now. All the other zones have them.*
13. *(Williams) The League of Women Voters is going to hold here on April the 25th an Atlanta mayoral candidate forum. This is a non-partisan organization that will give you information on...I think there are 12 or 14 people that have signed up to run for Mayor of Atlanta? So you can see all of those who choose to show up and ask them questions and get information and be an informed voter. All too often people say they don't know who to vote for and we will make sure that you are registered to vote and have all the necessary information and if you want to take a picture of this card or go to the website at leaguewomenvoters.org well leagueofwomenvotersgeorgia.org or lwvaf for Atlanta Fulton at .org.*

PUBLIC COMMENTS:

No public speakers

CLOSING COMMENTS:

Chair Williams acknowledged the students from North Atlanta High School and guests in the audience.

ADJOURNMENT

No further business. The meeting adjourned at 7:40 P.M.

ACRB Minutes for April 13, 2017 were approved: May 11, 2017

Paul Bartels, Board Secretary

Transcribed: LG