

APPROVED

9/14/2017



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

August 10, 2017

Rosel Fann Recreation Center
365 Cleveland Avenue, SE
Atlanta, Georgia 30354
6:30 p.m.

The August 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)*
GINO BROGDON *(Vice Chair/Brogdon)*
PAUL BARTELS *((Secretary/Bartels)*
BILL BOZARTH *(Bozarth)*

CECILIA HOUSTON-TORRENCE *(Houston-Torrence)*
TRACEE MCDANIEL *(McDaniel)*
TAMARA ORANGE *(Orange)*
SHUNTAY PITRE *(Pitre)*

ACTIVE MEMBERS ABSENT

All active members present.

VACANT BOARD SEATS

Atlanta City Council, *(two (2) months)*
Atlanta Business League *(two (2) months)*
APAB-NPU, Group M-R *(six (6) months)*
APAB-NPU, Group S – Z *(2 years and three (3) month)*
City Council President *(1 year and two (2) months)*

STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director *(Reid)*; **SHEENA ROBERTSON**, Investigation Manager *(Investigator Robertson)*; **MYOLA SMITH**, Project Manager *(Smith/Transcriber)*; **BRIAN FLEMING**, Investigator, Sr., *(Investigator Fleming)*; **LYNN GARRETT**, Executive Assistant *(Garrett/Transcriber)*; **ALEXANDER HOPE**, COA Law Department, *(Attorney Hope)*, **LIEUTENANT SCOTT BENNETT**, Atlanta Police Department, *(Lt. Bennett)*

APPROVAL OF MINUTES FOR JUNE 8, 2017 & JUNE 28, 2017

*Noted Corrections: June 8 - **Bartels** corrected page 6, line 5, under “Discussion” statement to read, “...aggravated assault would qualify as a felony.” **Bartels** corrected June 28 minutes, page 4, line 9 statement to read, “there was corroboration...”*

Houston-Torrence moved to adopt the minutes as corrected. **Bartels** seconded. Hearing no discussion, the motion was approved.

Special Note: July board meeting was canceled due to lack of quorum.

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**:

- First Mediation Scheduled
Reid expressed his excitement that ACRB will have its first mediation case next week, and is in the process of scheduling the second mediation.
- Mediation Training at the APD Training Academy
The mediation presentations are continuing. The presentations have been positively received. Staff presents twice a week to an average class size of 28 police officers. Since May, staff have presented to approximately 750 officers.
- Community Mediation Presentations
Board members were asked to contact the office if they know of any organizations, individuals, groups, or locations that would allow staff to conduct a mediation presentation. **Reid** stated, “We are trying to spread the word about mediation to everyone.”
- Reports to Appointing Entities
This is a friendly reminder for board members to submit their reports to their appointing entities.
- NACOLE Site Visit
Thank you to the Board’s leadership for participating in the NACOLE study interview.
- APD Training for the ACRB Board
ACRB Board training with the APD is August 19. **Reid** is in the process of confirming the time for the training.
- Community Outreach Highlights for July
 1. 2017 Safety Jam Sponsored by American Medical Response (AMR), July 8th, 12-4 p.m. at Gresham Park. A free community festival event, for all ages.
 2. Concerned Black Clergy of Metropolitan Atlanta, Inc. Monday morning forums.
 3. ACRB Bi-Monthly Outreach COVAP Meeting, July 15, City Hall STAT Room
 4. NPU-M Public Safety Meeting, July 20th, MLK Recreation Center, 90 Boulevard NE, Atlanta, Georgia 30312

5. The Annual Burgers & Backpacks Event in the English Avenue Neighborhood, Saturday, July 22nd, 1 p.m. – 3 p.m.), The English Avenue School Campus, 627 English Avenue NW, Atlanta, Georgia 30318
6. Praise in the Park, Lakewood Amphitheatre, July 29th, 2002 Lakewood Avenue SE, Atlanta, Georgia 30315.

- NACOLE Conference

The 2017 NACOLE Annual Conference will be held in Spokane, Washington beginning September 10 through September 14. The board is encouraged to send two members this year to attend the conference. In order to finalize registration and travel arrangements, staff will need the names immediately of the members traveling to Washington for the conference. Please be advised that since the conference is only a few weeks away, the host hotel may no longer be available.

- NEW ACRB STAFF

Reid welcomed and introduced ACRB's new assigned City Attorney, Alexander Hope and ACRB's newest **Senior Investigator Kabral Brathwaite**

Discussion and Comments...

1. **(Bozarth)** *I think that you sent a separate email saying that we have a first time mediation. Can you elaborate on that?*
2. **(Reid)** *We have two mediations on the table...one is scheduled and we have another one that we hope to schedule soon. The first one is scheduled two weeks from now. We are really excited about that. In fact, the officer that is participating in that mediation, was at a mediation presentation that I did Monday at the Training Academy. He spoke very highly about the program. Our challenge with the mediation program is of course getting the word out to the public.*
3. **(Bozarth)** *If someone comes forward with information as if they were going to file a complaint, do you make them aware of the program?*
4. **(Reid)** *Yes. It has to be a qualifying allegation.*
5. **(Reid)** *Regarding the NACOLE conference, we are looking at two members to attend NACOLE in Spokane Washington, September 10-14th. If you have not been and you would like to go, check it out.*
6. **(Smith)** *We've already missed a major deadline regarding the conference. Please keep in mind that travel cost for arrangements increase the longer we wait. We have already missed early registration, so the sooner you decide, the better.*
7. **(Reid)** *Also since the Conference is only a month away and because of the time limit, the two members that would like to attend the conference, should respond to office by next Wednesday.*

INTAKE REPORT FOR JUNE 2017

Investigation Manager **Robertson** reported that for the month of June 2017, the ACRB received seventeen (17) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss four (4) of the seventeen (17) complaints. Four (4) complaints are waiting for signatures. 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. 17-077– Inadequate Service
The Complainant is alleging false arrest, false imprisonment and other misconduct violations against the Chatham County Sheriff's Dept. **Recommend dismissal for lack of jurisdiction.**
2. ACRB Case No. 17-081– Unwarranted Traffic Citation
The Complainant alleges that on May 14, 2017, she was in a traffic accident and the responding APD officer found her at fault. **Recommend dismissal because involve a traffic dispute that needs to be resolved in the courts.**
3. ACRB Case No. 17-088 – Inaccurate Report
The Complainant alleges that an APD officer put inaccurate information in his report pertaining to an incident that occurred on February 29, 2016. **Recommend dismissal because the incident occurred outside the 180 days and is time barred.**
4. ACRB Case No. 17-090 – Inaccurate Report
The Complainant alleges that an APD officer put inaccurate information in his report pertaining to an incident that occurred on July 21, 2015.

Awaiting Signed Complaints:

1. ACRB Case No. 17-076 – Inadequate Service
The Complainant alleges that her boyfriend is harassing her and the Atlanta Police Department (“APD”) is not helping her.
Awaiting the Complainant’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as an appropriate action required complaint.
2. ACRB Case No. 17-079 – Inappropriate Behavior
The Complainant alleges that in April 2017, an APD officer responded to her residence pertaining to a domestic incident and refused to return her driver’s license.
Awaiting Ms. Scott’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as an appropriate action required complaint.
3. ACRB Case No. 17-083 – False Arrest
The Complainant alleges that on June 20, 2017 she was falsely arrested by an APD officer. **Awaiting the Complainant’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as an appropriate action required complaint.**
4. ACRB Case No. 17-087 – Inaccurate Report
The Complainant alleges that on February 18, 2017, the APD officer that responded to investigate a traffic accident involving her and another motorist put inaccurate information on the report. **Awaiting the Complainant’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as an appropriate action required complaint.**

Investigation recommendations:

1. ACRB Case No. 17-078 – Inaccurate Report
The Complainant alleges that on March 11, 2017, he was falsely arrested by APD and the officers engaged in excessive force. **Recommend investigation as an appropriate action required and excessive force complaint.**
2. ACRB Case No. 17-080 – Excessive Force
The Complainant alleges that during his arrest on June 7, 2017, he was physically assaulted by APD officers. **Recommend investigation as an excessive force complaint.**
3. ACRB Case No. 17-082 – False Arrest
The Complainant alleges that on June 10, 2017, she was falsely arrested by APD. **Recommend investigation as an appropriate action required complaint.**

4. ACRB Case No. 17-084 – Inappropriate Behavior
The Complainant alleges that on June 5, 2017, during a traffic stop, he felt threatened and intimidated by APD officers. **Recommend investigation as a conduct complaint.**
5. ACRB Case No. 17-086 – Excessive Force
The Complainant alleges that on June 15, 2017, he was physically assaulted by APD officers. Recommend investigation as an excessive force complaint.
6. ACRB 17-091 – False Arrest
The Complainant alleges that he falsely arrested by APD officers on June 20, 2017. Recommend investigation as an appropriate action required complaint.
7. ACRB 17-092 – Inadequate Investigation, Refusal to Call Supervisor to Scene & Inappropriate Conduct
The Complainant alleges that on June 23, 2017, the APD officer that responded to a traffic accident involving her and another motorist failed to conduct an adequate investigation, refused her request to call a supervisor to come to the scene, and threatened her with obstruction of justice when she asked to wait for his supervisor to arrive before signing the citation. Recommend investigation as a conduct and appropriate action required complaint.

INTAKE REPORT FOR JULY 2017

Investigation Manager **Robertson** reported that for the month of July 2017, the ACRB received twelve (12) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to possibly dismiss four (4) of the twelve (12) complaints. Six (6) complaints are waiting for signatures. 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. 17-093 – Inadequate Service & Excessive Force
The Complainant alleges that a Clayton County police officer failed to provide adequate service, pulled his firearm at him and sprained his wrist during the detainment. **Recommend dismissal for lack of jurisdiction.**
2. ACRB Case No. 17-094 – Child Trafficking
The Complainant alleges that a Fulton County Police Officer is engaging in the child trafficking in her area. **Recommend dismissal for lack of jurisdiction.**
3. ACRB Case No. 17-100 – False Arrest
The Complainant alleges that he was falsely arrested by APD officers on July 18, 2017. **Preliminary investigation revealed that the arrest was by Fulton County Police Department. Recommend dismissal for lack of jurisdiction.**
4. ACRB Case No. 17-102 – Tampered With Evidence
The Complainant alleges APD officers tampered with the evidence related to her August 2016 arrest at the airport. **Recommend dismissal because the incident occurred outside the 180n days and is time barred.**

Awaiting Signed Complaints:

The following six (6) cases are awaiting signed complaints:

1. ACRB Case No. 17-095 – Failure To Complete a Report

The Complaint alleges that an Atlanta police officer refused to file a report pertaining to him being struck in the face by an unidentified female. **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 appropriate action required complaint.**

2. ACRB Case No. 17-096 – Excessive Force
The Complainant alleges that on March 2017, APD officers unlawfully entered and searched her home. **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 excessive force complaint.**
3. ACRB Case No. 17-097 – Inadequate Investigation
An unknown male sent a text message to an ACRB investigator alleging that on July 9, 2017, an APD officer that responded to an accident involving him and another motorist failed to adequately investigate the matter. **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 appropriate action required complaint.**
4. ACRB Case No. 17-099 – False Arrest
The Complainant alleges that June 19, 2017, she was falsely arrested by APD 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 appropriate action required force complaint.**
5. ACRB Case No. 17-103 – Illegally Went Inside Mailbox
The Complainant alleges that July 21, 2017, an APD officer illegally went inside her mailbox. **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 appropriate action required complaint.**
6. ACRB Case No. 17-104 – Failure to File Report
The Complainant alleges that the APD Officer that responded to an accident involving him and another motorist refused to complete a report. **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 appropriate action required force complaint.**

Investigation recommendations:

The following two (2) cases are recommended for investigation:

1. ACRB Case No. 17-098 – False Arrest, Interfered with Medical Treatment & Taking Photos & Video of Injuries
The Complainant alleges that on April 29, 2017, he was falsely arrested by APD. He further alleges that the officers prevented him from receiving medical treatment and would not allow him to take photos and video of his injuries. **Recommend investigation as an appropriate action required complaint.**
2. ACRB Case No. 17-101 – Providing False Name & Coercion
The Complainant alleges that on May 27, 2017, an Asian male officer gave him a false name and tried to coerce him into meeting with the FBI concerning bankruptcy fraud that occurred in 2005. **Recommend investigation as a conduct complaint.**

B. RECONSIDERATION OF COMPLAINTS

ACRB Case No. 17-034 –Inadequate Service, False Arrest & Excessive Force

On March 23, 2017, Ms. Goodwin filed a complaint alleging that on October 17, 2016, APD officers mishandled a child custody matter involving her and her daughter. She also alleged that on October 28, 2016, she was falsely arrested and during the arrest the officers used excessive force on her.

Preliminary investigation revealed that the APD has already investigated and resolved the October 17th incident and sustained the appropriate action required allegation against the involved officers. In light of this information, recommending that the Board dismiss this part of the Complainant's complaint.

C. BOARD VOTES ON INTAKE REPORTS

Bartels moved to accept the Intake Report for June 2017. *Brogdon* seconded. Hearing no further discussion, the motion was approved.

Houston-Torrence moved to accept the Intake Report for July 2017. *McDaniel* seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 16-042

A. ALLEGATION SUMMARY

The Complainant alleged that on October 14, 2015, Atlanta Police Sergeant Kevin Knapp; (1) unlawfully detained him, (2) falsely arrested him, (3) grabbed and handcuffed him too tightly and (4) told him to “*Shut Up!*”

B. STAFF RECOMMENDATION FOR ALLEGATION OF FALSE IMPRISONMENT AGAINST SERGEANT KEVIN KNAPP AND OFFICER SHERRICK MORRISON

The ACRB Staff recommends that the allegation of **Excessive Force** against Sergeant Knapp and Officer Morrison be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred, but were justified, legal or properly within Department policy*).

Please Note: Chair Williams recused herself from the case. She informed the board that she knows the complainant. For this reason, the gavel was passed to Vice Chair Brogdon to preside over the case.

Discussion and Comments...

1. *(McDaniel) Was he (Complainant) an extension of a Fugitive Recovery Agent? Is it possible to be arrested for impersonating an officer?*
2. *(Lt. Bennett) He presented himself as such...*
3. *(Bozarth) I don't think that is the issue here.*
4. *(Bartels) That is an issue that I struggle with. I guess that we can talk about false imprisonment and false arrest because they kind of go together. I struggle with the impersonation charge. I would vote to accept staff's recommendation because I clearly think that was a suspicion and probable cause regarding jaywalking.*
5. *(Bozarth) I went to watch the video. It is my contention with the facts that I have before me is, the Complainant was trying to get himself arrested. He was baiting the police to do something. I think that they handled it in appropriate way. I think that you are right Paul, he stretched it a little bit.*
6. *(Bartels) Were you able to find out why the charge of nolle pros?*
7. *(Fleming) We contacted Fulton County, they did not get back with us.*

B. BOARDS VOTE ON ALLEGATION OF FALSE IMPRISONMENT AGAINST SERGEANT KNAPP AND OFFICER MORRISON

Bartels moved to accept staff's recommendation to assign a finding of **exonerated for false imprisonment** allegations against Sergeant Knapp and Officer Morrison. *McDaniel* seconded. Hearing no further discussion, the vote was called and the motion was approved.

C. STAFF RECOMMENDATION FOR ALLEGATION OF FALSE ARREST AGAINST SERGEANT KEVIN KNAPP AND OFFICER SHERRICK MORRISON

The ACRB Staff recommends that the allegation of **False Arrest** against Sergeant Knapp and Officer Morrison be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove that the alleged act(s) occurred*).

D. BOARDS VOTE ON ALLEGATION OF FALSE ARREST AGAINST SERGEANT KNAPP AND OFFICER MORRISON

Houston-Torrence moved to accept staff's recommendation to assign a finding of **not sustained** for **false arrest** allegations against Sergeant Knapp and Officer Morrison. **McDaniel** seconded. Hearing no further discussion, the vote was called and the motion was approved

Discussion and Comments...

1. (**Houston-Torrence**) *Is "shut up" not acceptable language? Is it considered inappropriate?*
2. (**Lt. Bennett**) *Is not addressed that is why we went with...we can go with the courtesy rule. Because courtesy states...violence, profane, abusive language and "shut up" is very subjective...We didn't go with the courtesy, we went with appropriate action and we not sustained. In some cases, "shut up" would not be appropriate and in some cases, "shut up" might not be appropriate enough.*

E. STAFF RECOMMENDATION FOR ALLEGATION OF EXCESSIVE FORCE AGAINST SERGEANT KEVIN KNAPP AND OFFICER SHERRICK MORRISON

The ACRB Staff recommends that the allegation of **Excessive Force** against Sergeant Knapp and Officer Morrison be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove that the alleged act(s) occurred*).

F. BOARD'S VOTE ON ALLEGATION OF EXCESSIVE FORCE AGAINST SERGEANT KEVIN KNAPP AND OFFICER SHERRICK MORRISON

McDaniel moved to accept staff's recommendation to assign a finding of **not sustained** for **excessive force** allegation against Sergeant Knapp and Officer Morrison. **Houston** seconded. Hearing no further discussion, the vote was called and the motion was approved

G. STAFF RECOMMENDATION FOR ALLEGATION OF ABUSIVE LANGUAGE AGAINST SERGEANTS KNAPP, PETTIS AND OFFICERS MORRISON

The ACRB staff recommends that the allegation of **Abusive Language** against Sergeants Knapp, Pettis and Officer Morrison and be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove that the alleged acts(s) occurred*).

H. BOARDS VOTE ON ALLEGATION OF FALSE ARREST AGAINST SERGEANTS KNAPP, PETTIS AND OFFICER MORRISON

Pitre moved to accept staff's recommendation to assign a finding of **not sustained** for **abusive language** allegation against Sergeants Knapp, Pettis and Officer Morris. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

Special Note: Following the discussion and vote of Case No. 16-042, **Vice Chair Brogdon** relinquish the gavel and return control of the meeting to **Chair Williams**.

ACRB CASE NO 16-046

A. ALLEGATION SUMMARY

The Complainant alleged that on February 12, 2016, Atlanta Police Officer Quinton Green, (1) falsely arrested him, (2) verbally abused him when he repeatedly told him to “*Shut up,*” and (3) engaged in unnecessary excessive force when he struck him in the back.

B. STAFF RECOMMENDATION FOR ALLEGATION OF FALSE ARREST AGAINST OFFICER GREEN

The ACRB Staff recommends that the allegation of **False Arrest** against Officer Green be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer did commit the alleged acts of misconduct*).

Discussion and Comments...

1. **(Houston-Torrence)** *There was no evidence of physical contact. There was no bruising...*
2. **(Bozarth)** *I would like to see how the case is handle in court sometimes... This particular case is dismissed three days after it occurred. The court dismissed it because the victim failed to show up. Brian (Fleming), you have to help me to understand this...the victim was the other party who also was arrested?*
3. **(Fleming)** *That is correct.*
4. **(Bozarth)** *How could they not have that person be part of the process?*
5. **(Lt. Bennett)** *Maybe he had bonded before he did.*
6. **(Bartels)** *The other possibility is...I have seen this happen, two people that are involved in an altercation, they're both arrested and for some reason, each case is assigned a separate courtroom.*
7. **(Lt. Bennett)** *She was only charged with city ordinance violation, he was charged with state charges, correct? If she made bond on a city ordinance violation, you don't have to come back to court on that. You basically pay your fine if you are arrested for disorderly conduct or some sort of violation of the city code. I am guessing that is probably what happened.*
8. **(Bozarth)** *So, any time you see the court system, they really do prosecute these people. I always ask this question...did we really do the right thing; arrest, take them to jail? Is that what we want? Is that when we want the sanction to occur? We see so many cases...they get to face the court they will nolle pros ...and there is never any real prosecution in these cases.*
9. **(Bartels)** *I see what you are saying. Whenever something like this happens, I am always curious to why was it dismissed. Sometimes it's not able to be determined. I've said this before, the threshold is a lot lower than the guilty beyond reasonable doubt.*
10. **(Brogdon)** *Then there are all types of prosecutorial discretions that we are not going to have all the insight to so I don't want to make judgement calls based on what happened subsequently in court, because we just don't know.*

Brogdon moved to accept staff's recommendation to assign a finding of **not sustained** for **false arrest** allegation against Officer Quinton Green. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

C. STAFF RECOMMENDATION FOR ALLEGATION OF ABUSIVE LANGUAGE

The ACRB Staff recommends that the allegation of **Abusive Language** against Officer Green be assigned a finding of **Not Sustained** (*the investigation failed to prove or disapprove the alleged act(s) occurred*).

Chair Williams opened the floor for a motion. **Houston-Torrence** moved to accept staff's recommendation to assign a finding of **not sustained** for **false arrest** allegation against Officer Quinton Green. **Pitre** seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. STAFF RECOMMENDATION FOR ALLEGATION OF EXCESSIVE FORCE

The ACRB Staff recommends that the allegation of **Excessive Force** against Officer Green be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove the alleged act(s) occurred*).

Discussion and Comments...

1. *(Bartels) Was there any type of video available?*
2. *(Fleming) No.*
3. *(Bartels) Is there a camera there?*
4. *(Fleming) It's only for monitoring.*
5. *(Bartels) So, it only in real time*
6. *(Fleming) Right. The outside camera is gone. It only kept for 10 days. He made this complaint a month and a half after the incident.*
7. *(Williams) Is that for all precincts?*
8. *(Robertson) They're on video, but they video interviews and things like that. There's no continuous videoing.*

Brogdon moved to accept staff's recommendation to assign a finding of **not sustained** for **excessive force** allegation against Officer Quinton Green. **Pitre** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-156

A. ALLEGATION SUMMARY

The Complainant alleged that on November 1, 2016, Atlanta Police Officer Rawdon Lorde acted inappropriately by arresting him.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of **False Arrest** against Officer Lorde, as it relates to this issue, be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged acts of misconduct*).

Allegation of Violation of Department Standard Operating Procedures

Although this particular allegation was not raised by the Complainant in his complaint, it was determined through the investigation that Officer Lorde's report pertaining to this incident was not complete and accurate as per APD.SOP.3060. Officer Lorde stated in his OPS statement that one of the witnesses he interviewed at the incident location told him that Mr. Henderson never touched the Complainant; neither this information nor the witnesses' name is reflected in his report.

The ACRB Staff recommends that the allegation of Violation of Department Standard Operating Procedures, specifically APD.SOP.3060 and APD.SOP.2010, Section 4.2.21, against Officer Lorde be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the alleged acts of misconduct*).

C. BOARD'S VOTE ON ALLEGATION OF FALSE ARREST AGAINST OFFICER LORDE

Discussion and Comments...

1. *(Bozarth) It always tend to bother me when the person who calls 911 is the one that gets arrested. Something doesn't sit right with me on that. I also don't understand where Officer Lorde was dispatched at 8:06. It took him 31 minutes to get there. It seems that if they had gotten an officer*

there a lot sooner, they wouldn't have had a problem. I think that thirty minutes is reasonable, but in my ride-along, when you get a call, you are usually 5-10 minutes away.

2. **(Williams)** *And if it happened the way he said, they called 911 a second time...then there was no actual report...*
3. **(Robertson)** *No. The residence is a rooming house. The people come and go. No one had any other information. They were gone; both the victim and one of the witnesses that he had named in his report and no one had any of their contact information.*
4. **(Bozarth)** *There were a couple of things that he was charged with. One looks like disorderly conduct, fighting with his roommate. It also mentioned in the "Conclusion", "physical obstruction." Can you clarify that on page 7?*
5. **(Robertson)** *That was probably was an error on my part. Sorry about that.*

Brogdon moved to accept staff's recommendation to **Not Sustain** the second charge of **false arrest** against Officer Lorde. **Bartels** seconded. Hearing no further discussion, the motion was approved with two (2) opposed votes (**Bozarth & McDaniel**).

Discussion and Comments...

1. **(Robertson)** *Just to clarify it, even though it is a false arrest allegation, we are investigating it now under an appropriate action required, so Mr. Brogdon was correct with that part of it.*
2. **(Brogdon)** *So will the false arrest not be here anymore or it will just be...*
3. **(Robertson)** *It will be under appropriate action required.*

D. BOARD'S VOTE ON THE 2ND ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

Houston moved to accept staff's recommendation to **Sustain** the second charge of **violation of Department Standard Operating Procedures** against Officer Lorde. **Pitre** seconded. Hearing no further discussion, the motion was approved.

E. BOARD'S DISCIPLINE RECOMMENDATION ON OFFICER FALL

Officer Information and Professional Standards History:

Officer Lorde has been with the Atlanta Police Department since June 13, 2013. He has two (2) complaints. All are for vehicle accidents; which occurred in 2016. Officer Lorde has no citizen complaints against him. The discipline falls under a Category: A (Oral Admonishment/Written Reprimand/Training)

Bartels moved to recommend that Officer Lorde received an oral admonishment for violation of Department Standard Operating Procedures. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-168

A. ALLEGATION SUMMARY

The Complainant alleged that on November 20, 2016, Atlanta Police Officer Paul Burkett and Sergeant Anthony Moore acted inappropriately when they allowed the Complainant's former tenant to enter the Complainant's residence and retrieve his personal belongings. The Complainant also alleged that Officer Burkett and Sgt. Moore were rude and unprofessional while speaking with him. He further alleged that while at the scene, Sgt. Moore was laughing about the incident.

B. STAFF RECOMMENDATION ON THE APPROPRIATE ACTION REQUIRED ALLEGATION

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Burkett and Sgt. Moore be assigned a finding of **Sustained** (*the allegation established by clear and convincing evidence that the officers committed the alleged acts of misconduct*).

Discussion and Comments...

1. **(Orange)** *I was wondering whether or not this was a legal eviction, or an illegal eviction. If it was a legal conviction, he should have allowed the person to come back in the house. I understand if he didn't pay the rent, but there is a process they you have to go through...*
2. **(Bozarth)** *Brian, did you suspect the officer on the scene to be fully versed in tenant law to make that determination? Clearly, this is a civil matter. The officer is not expected to adjudicate there on the spot.*
3. **(Lt. Bennett)** *Landlord and tenant disputes are so common. Everybody knows that you can't take somebody's property. I can't deprive you of your property without due cause and your landlord can't do it either just because you haven't paid your rent your landlord can deprive you of the right to your property. We found in this instance, where the officer allowed him to get his property wasn't rare.*
4. **(Bartels)** *That does raise a dilemma...You have to follow court procedures for a dispossessory warrant even if they are not paying rent and just saying there. If somebody improperly kicks somebody out of their home, to get their things back they would have to go to court, file in something that is called Claims Court and get a judge's order to get their property back.*
5. **(Lt. Bennett)** *We have become known for prohibiting people from becoming involved in civil disputes. So, that rule comes into play if the officer attempted to decide whether or not they can get involved in an eviction...we're not there for that...we are there for protection.*
6. **(Reid)** *The policy said not to engage in civil disputes. I understand what you're saying, give them some lead-way. That's not written in the policy.*
7. **(Lt. Bennett)** *We don't get involved to the extent where we decide whether or not you paid your rent.*
8. **(Williams)** *It's clear that because he didn't have the necessary paper ...because he did officially evict him, as you said Lieutenant, he didn't have probable cause to not allow him to remove what belong to him...*
9. **(Lt. Bennett)** *Your property is still your property and the fact that you didn't pay your rent has nothing to do with that.*
10. **(Brogdon)** *And I agree with staff. As a civil attorney, I know that it is a pain, but there is a process. It is a slippery slope, if we allow the police to allow them back in to retrieve their property, first, that is not the process. Secondly, who said, what is the property? The police officer can't resolve that dispute. That's why there's a simple process. You go through that process because...no matter what, we have to give that tenant their property back. I do agree with the staff that the proper thing to do was to allow them to go through the civil steps to fix this. We have to point our fingers at the protocol that allows officers to do that to justify a vote of not sustained. Because as we are sitting here deciding that it is a violation of procedure to allow them back to the house...we don't have justification that the officer...in a technical sense, is allowing somebody back on personal property and as a owner, they have rights to say who they want on the property.*
11. **(Lt. Bennett)** *In the spirit of that rule, when you are dealing with a roommate situation, the rule says, we don't involve ourselves in civil disputes. But you know what, we got involved when you called 911, so we can't just stand there with our hands in our pockets either, and I wouldn't want to deprive someone of their property. Your problem with your landlord, your problem with your tenant, rent...we are not getting involved with that. If a man wants his stereo, we'll give him his stereo.*
12. **(Brogdon)** *I understand what you are saying. It's a easiest and practical way to handle this is having the officer say, "hey man, get your stuff." That is generally how it is handled. I do think that we are getting into a slippery slope area because, then you allow someone to take potential something that is not theirs. It is not the officer's fault.*
13. **(Reid)** *This sounds like a situation where once they deal with this case, we probably need to do a deeper discussion on the actual practice that's occurring because it is not being conducted in the spirit in which the law was created. I get what you are saying.*
14. **(Robertson)** *But in those type of situations, the officers are called to the scene to keep the peace. If they were able to talk to the tenant, to get him to allow the citizen to come and get his stuff, then that's something totally different. This particular complainant was adamant saying that, he is not coming inside my residence, but the officer forced him to make that decision. Well, not even that decision, he forced him to without his consent to go into his house and get whatever was supposedly was his.*

15. (**Fleming**) *I think in this instance ACRB is tasked with judging the officer's action based on the policy and you have to look at the policy. The policy says that they were wrong. That's the policy that they gave their officers and you have to hold the officers accountable based on what they set forth and this instance, they went against the policy.*
16. (**Robertson**) *If they could have convinced the tenant to allow him to get his property, then that is fine. They are there to keep the peace and make sure that there's no violence taking place. But the landlord was adamant that he's not coming in my house. So, the court has to resolve it.*

Houston moved to accept staff's recommendation to **Sustain the appropriate actions required** against Officer Burkett and Sergeant Moore. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

C. STAFF RECOMMENDATION ON THE ALLEGATION OF CONDUCT

1st Issue: The Complainant alleged that Officer Burkett and Sgt. Moore were rude and unprofessional when speaking with him

The ACRB Staff recommends that the allegation of **Conduct** against Officer Burkett and Sgt. Moore be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove the alleged act(s) occurred*).

2nd Issue: The Complainant further alleged that Sgt. Moore was laughing about the incident while at the scene.

The ACRB Staff recommends that the allegation of **Conduct** against Sgt. Moore be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove the alleged act(s) occurred*).

F. BOARD'S VOTE ON ALLEGATION OF CONDUCT AGAINST SGT. MOORE AND OFFICER BURKETT – ISSUE #1

Houston-Torrence moved to assign a finding of **Not Sustained** for the allegation for **Conduct** against Sgt. Moore and Officer Burkett. **Bartels** seconded. Hearing no further discussion, the motion was approved.

*Note: **Smith** requested board members to identify themselves by calling out their names.*

G. BOARD'S VOTE ON ALLEGATION OF CONDUCT AGAINST SGT. MOORE – ISSUE #2

Bartels moved to assign a finding of **Not Sustained** for the allegation for **Conduct** against Sgt. Moore. **Brogdon** seconded. Hearing no further discussion, the motion was approved.

H. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION ON OFFICER BURKETT

Officer Information and Professional Standards History:

Officer Burkett has been with APD since April 22, 2010. Seven (7) complaints have been filed, five (5) within the last five years; four (4) were not sustained and one (1) is still pending an investigation.

Discussion and Comments...

1. (**Bartels**) *So basically, there are no sustained complaints against him in the last five years.*
2. (**Fleming**) *There are no sustained complaints against him within the last five years.*
3. (**Williams**) *Were they all for the same thing?*
4. (**Fleming**) *No they weren't. One complaint was that he failed to provide a citizen a case number when he was going to court. Another one was he left a 22 year old mentally challenged person and an 8 year old child in the car when someone was arrested and he didn't notify the family. Another*

- complaint was that he had a bad attitude and lied about the complainant's alleged speeding and the other one is that he didn't inform a citizen about what he was pulled over for during the traffic stop.*
5. **(Brogdon)** *What was it? Not sustained?*
 6. **(Fleming)** *Not sustained.*
 7. **(Brogdon)** *I don't think this needs some type of major punishment. I think this is some kind of policy training.*
 8. **(Williams)** *This is a category A*
 9. **(Fleming)** *Yes, a category A. Which is an oral admonishment or a written reprimand and corrective action.*
 10. **(Pitre)** *I think that it still involves training. If the policy says one thing, it appears that it could be training...there's a little confusion in regard to, how to proceed in this situation...(unclear)*
 11. **(Bozarth)** *As Lt. Bennett pointed out, the policy is not specific.*
 12. **(Reid)** *We sustained the complaint, right? Then that becomes a policy failure based on what he's saying regarding their course of conduct that they want them to do something different than what the policy is. Forget about what the practice is, it is what the policy says that people will look at when they start holding people accountable. That is when people get into trouble. Not following the policy and doing what you want to do. That is why this board is convened, to address those concerns. If you don't want to discipline the officer for not following the policy, that is fine just as long as it says that they need to look at their policy to get it in line with their training/conduct...whatever it is. As far as the discipline goes, if they choose to discipline them, they would take that into consideration.*
 13. **(Bozarth)** *In fact, what we are asking them to do...they need to change their policy.*
 14. **(Reid)** *I don't think that we have enough information about what actually happened, but we do know the policy.*
 15. **(Pitre)** *Is it possible that there's training on this particular SOP? On civil actions?*
 16. **(Reid)** *Yes.*
 17. **(Reid)** *Certainly, training is a part of it. The training should occur on the policy as it is.*
 18. **(Robertson)** *And you also have to take into account that all these policies that are in place, go through their legal department.*

Bozarth moved to recommend that Officer Burkett receive training on APD's Standard Operating Procedures, as it relates to civil actions. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

I. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION ON SGT. MOORE

Officer Information and Professional Standards History:

Sergeant Moore has been employed with APD since September 23, 1988. Since that time, he has received twenty-two (22) complaints. Four (4) complaints within the last five years. Of those complaints, two (2) were sustained; one (1) was not sustained and one is still pending. The two sustained cases: Sergeant Moore allegedly failed to inform APD that he had lost his city issued radio; the second sustained case, Sergeant Moore went to the Howell Mill Maintenance Facility and removed four hub caps from a City of Atlanta Fire Department vehicle and replaced them on his patrol vehicle in 2015.

Discussion and Comments...

1. **(Bozarth)** *I think that I feel the same with the two officers. I will make a motion that Sergeant Moore receive training in nuances of civil interference.*
2. **(Robertson)** *It's part of your work rule.*
3. **(Lt. Bennett)** *What does it say?*
4. **(Fleming)** *Employees should not render any aid or assistance in an official capacity to either party in a civil dispute except when ordered to do so by the court. This should not prohibit an employee from advising a person that a matter is civil and referring that person to the proper agency for service. So basically, they can tell them it's a civil manner, tell them where to go per policy and that is it.*

Bozarth moved to recommend that Sgt. Moore receive training on APD's Standard Operating Procedures, as it relates to civil actions. **Brogdon** seconded. Hearing no further discussion, the motion was approved.

Discussion and Comments...

1. **(Orange)** *I want to make recommendation that we get with the police department to ask them to modify that in the SOP... They are putting the officers in a bad situation. Is that possible for us to recommend that?*
2. **(Reid)** *I would suggest, before you think about redoing the policy, asking them to change the policy, we may want to make to find out what is going on in other cities?*
3. **(Williams)** *That is fine. We just need to work on the wording. So basically, we need to look at what's going on in other cities.*
4. **(Reid)** *Before you make any recommendations on any policy changes, I would suggest that you study how the policy is being handled? How it's been implemented out in the street? Compare and contrast the policy before you start saying that you think that you should align the policy...clearly, the policy was created. Staff will send an email over to APD to find out what is happening with the civil suit policy as it relates to the officers out on the streets...doing their job. When we get that information back, then we will have a conversation...*

J. BOARD'S ADDITIONAL RECOMMENDATION

Bartels moved to recommend that an email be sent to APD to find out what is happening with the civil actions policy as it relates to officers. **Orange** seconded. Hearing no further discussion, the motion was approved with one opposed vote (**McDaniel**)

ACRB CASE NO 17-005

A. ALLEGATION SUMMARY

The Complainant alleged that on or about August 26, 2016, Atlanta Police Department Officers Christopher Beauvil and Leon Delain failed to take appropriate action when they seized certain personal property from the Complainant subject to the arrest, but "did not return property in."

B. STAFF RECOMMENDATION ON THE APPROPRIATE ACTION REQUIRED ALLEGATION

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officers Beauvil and Delain be assigned a finding of **Sustained** (*the allegation established by clear and convincing evidence that the officers committed the allege acts of misconduct*).

Bartels moved to accept staff's recommendation to **Sustain** the **appropriate actions required** against Officers Beauvil and Delain. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

C. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION ON OFFICERS BEAUVIL AND DELAIN

Officer Beauvil's Information and Professional Standards History:

Officer Beauvil has been employed with APD since February 23, 2012. He had three (3) complaints filed against him; none were sustained: 1) excessive force. 2) the complainant alleged that \$250 was missing from her purse after retrieving it from Property after being arrested by Officer Beauvil and another officer. APD did not sustain it because the officer claimed that he didn't see the money and he didn't know whether or not she even had it in her purse (not sustained) and 3) the complainant alleged that the officer took too long to respond to a traffic accident (exonerated).

Bartels moved to recommend that Officer Beauvil receive oral admonishment as appropriate action required. **Brogdon** seconded. Hearing no further discussion, the motion was approved.

Officer Delain’s Information and Professional Standards History:

Officer Delain has been with APD since 2011. He has 7 complaints filed against him; two (2) sustained complaints (written reprimands); sleeping while on duty and working an extra job without approval.

Brogdon moved to recommend that Officer Delain receive oral admonishment as appropriate action required. **Pitre** seconded. Hearing no further discussion, the motion was approved.

Discussion and Comments...

1. **(Bozarth)** *Is it possible to destroy the person’s property after 90 days? Is that what happens when you go to jail?*
2. **(Williams)** *We had a similar case where this came up before because the person was in jail when the property was destroyed. I remember asking this question...if can they get someone else to get the property for them.*
3. **(Robertson)** *They have to have something notarized saying that person can pick up the property.*
4. **(Williams)** *But, do they know that?*
5. **(Robertson)** *Before the property is destroyed, supposedly, they have to give them notification that their property is about to be destroyed and what the process to retrieve it. Whether or not it’s done in practice, I don’t know.*
6. **(Al-Nur)** *In this case, he was notified, but like we said, it was just a three-day period, do he didn’t act quick enough basically, but he does acknowledge that he received a phone call.*
7. **(Bozarth)** *Well, there was money there. I mean, they don’t destroy money, do they?*
8. **(Al-Nur)** *They don’t, but there was no money there.*
9. **(Robertson)** *There was no evidence that there was money.*

ACRB CASE NO 17-015

A. ALLEGATION SUMMARY

The Complainant alleged that on December 1, 2016, at or in the vicinity of Thomasville Estates and Constitution Road, Sergeant Robert Daniels and Officer Jonathan Davis did the following:

- 1) Improperly impounded a used (car) dealer-owned vehicle;
- 2) Interfered with the Complainant’s repeated request to 911 for a supervisor;
- 3) Failed to provide impound documentation of the towed dealer vehicle; and
- 4) Recorded false information on the Incident Report.

Lastly, the Complainant alleged that Sgt. Daniels showed a hostile and aggressive demeanor towards him and told him to “*shut up.*”

B. STAFF RECOMMENDATION

APPROPRIATE ACTION REQUIRED ALLEGATIONS:

1st Issue: Impoundment of Vehicle

The ACRB Staff recommends that the allegation of Appropriate Action Required against Sergeant Daniel and Officer Davis as it relates to this issue be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

2nd Issue: Impound Report to Owner (s)

The ACRB Staff recommends that the allegation of Appropriate Action Required against Sergeant Daniels and Officer Davis as it relates to this issue be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

3rd Issue: Interference with Request for a Supervisor

The ACRB Staff recommends that the allegation of Appropriate Action Required against Sergeant Daniels and Officer Davis as it relates to this issue be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

4th Issue: False Report

The ACRB staff recommends that the allegation of Appropriate Action Required against Sergeant Daniels (as supervising office) and Officer Davis (as reporting officer), as it relates to this issue, be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

I. STAFF RECOMMENDATION

CONDUCT ALLEGATION

The ACRB Staff recommends that the allegation of **Conduct** against Sergeant Daniels be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

ADDITIONAL RECOMMENDATION

The board may wish to recommend the following:

- a) That the APD train its officers regarding valid proof of registration and insurance of fleet vehicles belonging to used car dealerships and proper stops with relationship to dealer tags, to prevent the possibilities of running afoul of the law and unnecessary impounds.
- b) As it relates to Sgt. Daniels' comment to the Complainant that he would wait for the Complainant's business partner to come to the scene and produce proof of insurance, but subsequently, changed his mind and had the vehicle towed before the Complainant's business partner was able to show the documentation. The Board may want to recommend that the APD discuss with officers the negative perception that can or could discredit the department and the officer when they agree to extend courtesies, but fail to honor them.

Discussion and Comments...

1. **(McDaniel)** This is for clarification. On page 21, the insurance was inactive. One page 23, it says that the insurance was active.
2. **(Al-Nur)** It was active at the time.
3. **(Bozarth)** The problem is, he didn't prove it before they arrested him.
4. **(Williams)** Well, the way that I looked at the timeline...It says in the policy that they can accept an email. Somebody was on the phone (wife). She bought papers, but it was too late. He was on the phone with the insurance agent. The insurance agent said that she never spoke to the police. The first problem that I have with this is that, I think that the officers should know that it is a fleet policy, all cars are covered they are not listed. That was the first issue that caused confusion and so the tow truck called and the officer (unclear). They called the tow truck immediately and I think that they

jumped the gun because it's a serious thing to tow somebody's car. They started talking about how much time it took.

5. **(Orange)** *It looks to me like they had followed procedures because they ran the license plate and from my experience, when they run the information, it should come back whether or not if the car had a valid registration.*
6. **(McDaniel)** *The officer was looking for that specific car on the insurance. Fleet insurance doesn't specify cars.*
7. **(Brogdon)** *So the allegation for appropriate action required...what else was the police officer supposed to have done?*
8. **(Williams)** *But the procedures did say that they could send an email.*
9. **(Al-Nur)** *If I can clarify what the procedure says about proof of insurance and this is why I ended up recommending not sustained because, although training encourages them and the common practice is to, you know, give them the benefit of the doubt and officers do commonly allow them to verify it electronically, the procedure says that they need that insurance card. So, this is what's clear, the owner could not produce this at that time and that is why I knew that was a not sustained. He could have waited for the wife. He could have talked to the insurance agent. He could have done other things, but he wasn't required to.*
10. **(Williams)** *I'm saying that the officer should have known because it is serious to me if somebody's car is towed. It can cause all kinds of economic implications. I think that they should do whatever it takes to make sure before they tow a car... There is still no reason why the sergeant left the scene without telling the complainant that his boss was on the way.*
11. **(Al-Nur)** *Although the vehicle has been towed at this point.*
12. **(Williams)** *Correct.*
13. **(Bozarth)** *What is a reasonable amount of time to wait for the person to bring the necessary papers?*
14. **(Williams)** *Your boss is on the way, you know that your boss is on the way and you decide to leave?*
15. **(Reid)** *I think that's one of the additional recommendations.*
16. **(Robertson)** *We did address that after additional recommendation outside of the allegations that you all should be making a recommendation on. You may want to recommend about extending courtesy and what that implicates to the public and also about the training on insurance.*
17. **(Al-Nur)** *Just to back that up, there is a training issue clearly and I absolutely agree that it needs to be addressed. It does have an economic impact on people.*
18. **(Bozarth)** *How much time lapsed?*
19. **(Williams)** *It was over an hour.*
20. **(Al-Nur)** *I'd have to look back in my notes. I can tell you, he did wave the tow truck before his wife came. He said that they would wait on her to come with the papers. He actually offered to pay the tow truck driver to stay and he agreed. The officer waved him on.*
21. **(Brogdon)** *Are we discussing the allegations or the secondary recommendation because if we're not discussing the allegation, then we should move to the recommendation.*

J. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTIONS REQUIRED AGAINST SGT. DANIEL AND OFFICER DAVIS– ISSUE #1

Brogdon moved to accept staff's recommendation to **not sustain the appropriate actions required** against Sergeant Daniel and Officer Davis as it relates to Issue #1. **Bartels** seconded. Hearing no further discussion, the motion was approved with one opposed vote (**McDaniel**)

K. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTIONS REQUIRED AGAINST SGT. DANIEL AND OFFICER DAVIS– ISSUE #2

Brogdon moved to accept staff's recommendation to **not sustain the appropriate actions required** against Sergeant Daniel and Officer Davis as it relates to Issue #2. **Pitre** seconded. Hearing no further discussion, the motion was approved.

L. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTIONS REQUIRED AGAINST SGT. DANIEL AND OFFICER DAVIS– ISSUE #3

Discussion and Comments...

1. *(Bozarth) So your point is that they should have waited for the Lieutenant?*
2. *(Williams) Because initially, when he called...(unclear) the officer on the scene said that he would handle it. So, they canceled the call. The second time, the supervisor was on the way (unclear)*
3. *(Al-Nur) If I can just clarify that. The Complainant's complaint is that the officer actively interfered with a supervisor, with his call for a supervisor by getting on the radio and saying, I've got it handled. That's the part that I'm addressing, that radio communication whether it took place or not.*
4. *(Williams) Isn't this the actual rule that if someone request for a supervisor, it has to be honored?*
5. *(Lt. Bennett) Someone can request a supervisor (unclear)*
6. *(Williams) He said on his radio, "I got this."*
7. *(Al-Nur) That's the accusation. That's the allegation that the Complainant made and so I recommended not sustained because I was not able to confirm it.*
8. *(McDaniel) Did the radio transmission indicate that he did call a supervisor at some point?*
9. *(Al-Nur) Yes. We have the radio transmissions and the two 911 calls that he actually made. In both instances, the operator said we're dispatching supervisor. For some reason, they didn't do it on the first call. I think you could draw some inferences in terms of what happened, but in the second case, the one that you're referring to, the Lieutenant was (unclear) dispatched and they did leave the scene. But again, I don't know if we are limited to the allegations that the Complainant made, but he heard the sergeant say, "I got this handled" when he called 911.*
10. *(Brogdon) Did the sergeant deny that?*
11. *(Al-Nur) Yes, he did deny it.*
12. *(Brogdon) It's a split, in terms of, you have one person said that they did, the other said they didn't. the only objective out of this would be to call and cancel. I think that...*
13. *(Williams) We are not talking about the first call anymore.*
14. *(Robertson) Right, the allegation is the Complainant heard him say over the radio that he has this handled. We listened to the radio transmission. There is no evidence that happened.*
15. *(Williams) Does the allegation interferes (unclear) with the request for a supervisor?*
16. *(Robertson) What he's saying is that it appeared that he got on the phone and cancelled it by saying he was handling it.*
17. *(Williams) But he also interfered by not informing.*
18. *(Al-Nur) In the first call, there was some information that the operator received that there was a sergeant on the scene and she told the Complainant that. Well, I understand that there's already a supervisor on the scene and they got to a point where it was clear to the operator that he wanted another supervisor to come out. They had that exchange and she said, "okay." We know that she received that understanding and that she was supposed to send, I don't know why the supervisor didn't come in that first call, but we know in the second call that the Lieutenant was dispatched. You are absolutely right, by the time he got there, they were gone.*
19. *(Williams) And the sergeant was on the way?*
20. *(Al-Nur) I can't confirm that, but it was definitely on radio conversation. But I can tell you that the Complainant's allegation is that the sergeant actually got on the radio and said, "I got his handled." Effectively cancelling his call for a supervisor and therefore interfering.*
21. *(Williams) Is it possible for the supervisor on scene and supervisor requesting, not know that the supervisor is on the way?*
22. *(Lt. Bennett) I am not sure I understand your question. From my understanding, the car was impounded and he wanted to speak with a supervisor.*
23. *(Al-Nur) He called 911.*
24. *(Robertson) When the first 911 call was made, the dispatcher concluded that since there was a sergeant on the scene, not knowing that the sergeant the issue. She assumed, okay, a supervisor is on the scene and didn't dispatch a lieutenant to come to the scene. When the second 911 call was made, she realized that ok, okay, you want somebody different. That is when the Lieutenant was dispatched.*

Brogdon moved to accept staff's recommendation to **not sustain** the **appropriate actions required** against Sergeant Daniel and Officer Davis, as it relates to Issue #3. **Bartels** seconded. Hearing no further discussion, the motion was approved.

M. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTIONS REQUIRED AGAINST SGT. DANIEL AND OFFICER DAVIS- ISSUE #4

Discussion and Comments...

1. *(Bozarth) (unclear)*
2. *(Robertson) Ms. Nur (Al-Nur) investigated that complaint. She can answer that.*
3. *(Al-Nur) One of the false reporting was that Officer Davis, in his incident report, reported that most of the paperwork in the folder regarding the vehicle registration, insurance all that was unreadable because of water damage. He did later say that it was readable. It was legible. He also said in terms of the false complaint that the reason for the stop was never mentioned and then he felt like it was invented as an afterthought in the incident report in terms of the Mr. Blocker running the stop sign. He also said that initially, Officer Davis said that he ran the information, the car's, the vehicle's information through the system that it came back that he didn't have insurance or registration...the system checked returned as unknown as regards to the insurance so he learned his insurance was expired in the course of his investigation. So, contrary, I am going to just read back because at this point, I don't totally remember. The Complainant's allegation, Officer Davis wrote in his incident report that the system check returned as unknown with regard to the insurance, but he learned that the insurance was expired. That's what it was. I guess initially, he said that that they system check came back in terms of the insurance as unknown, but actually, in the incident report, he learned that it had expired. This was moot because, initially, when he spotted the vehicle, Officer Davis radioed the vehicle's information. The registration was confirmed and the insurance did come back as unknown. He learned later that it was expired through his investigation.*
4. *(Williams) The police records said that it expired, but the car actually did have insurance.*
5. *(Al-Nur) It did, but in terms of what Officer Davis told the Complainant on the scene, what he recorded in his incident report, he initially said the insurance status was unknown and then the Complainant took exception to that because in the incident report, he said it expired. But, it's true, when he initially ran it, it did come back as unknown and then later in his investigation, he determined that it was expired because Mr. Phillips was not able to produce the insurance card.*

Bartels moved to accept staff's recommendation to **not sustain** the **appropriate actions required** against Sergeant Daniel and Officer Davis, as it relates to Issue #4. **Brogdon** seconded. Hearing no further discussion, the motion was approved with one opposed vote (**McDaniel**).

N. BOARD'S VOTE ON ALLEGATION OF CONDUCT ALLEGATION AGAINST SGT. DANIEL

Discussion and Comments...

1. *(Bozarth) You did say in your report that the Complainant's wife confirmed (unclear)...and we normally give some credence to another witness, but you chose not to. Can you clarify that for me?*
2. *(Al-Nur) Just because the timelines didn't match up, I took the Complainant's statement about when he was told to shut up and then he was still on the call, he still had the 911 operator on the phone, so that whole interaction just between he and the sergeant was recorded and it would have taken place in that conversation based on the Complainant's statement. His wife was nowhere near the scene at that time. That is how I got there. That's why I didn't give her statement as much credence.*
3. *(Bozarth) She wasn't there when...*
4. *(Al-Nur) I don't believe so and I didn't hear him say shut up in that conversation.*
5. *(Bozarth) So we don't know what really happened.*

Bozarth moved to accept staff's recommendation to **not sustain** the **conduct** allegation against Sergeant Daniel. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

O. BOARD'S VOTE ON ADDITIONAL RECOMMENDATIONS

Bartels moved to accept staff's additional recommends to Atlanta Police Department. **Brogdon** seconded. Hearing no further discussion, the motion was approved.

OLD BUSINESS / NEW BUSINESS

None

PUBLIC COMMENTS:

Chair Williams opened the floor to signed up public speakers.

Speaker, Brenda Carter for the Southside Citizen Community expressed that she attended the meeting to forward information about the Citizen Review Board to other concerned citizens.

CLOSING COMMENTS:

Chair William informed that on Monday, August 28th at 10:00 a.m., there will be a statue unveiling of Dr. Martin Luther King at the State Capital.

ADJOURNMENT

No further business, by show of consensus, the meeting adjourned at 8:34 P.M.

ACRB Minutes for August 10, 2017 were approved: September 14, 2017
Paul Bartels, Board Secretary

Transcribed: LG