



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

**August 11, 2016**

Tower, 3<sup>rd</sup> Floor Auditorium  
Atlanta, Georgia 30315  
404-865-8622  
6:30 p.m.

The August 2016 meeting was called to order by *Vice Chair Souder*.

**AGENDA**

**ROLL CALL**

*(The ACRB has thirteen members)*

ACTIVE MEMBERS PRESENT

**GERALD SOUDER** (*Vice Chair/Souder*)  
**CECILIA HOUSTON-TORRENCE** (*Torrence*)  
**HAROLD HARDNETT** (*Hardnett*) arrival: 6:58  
**WILLIAM HARRISON** (*Harrison*)

**PAUL BARTELS** (*Secretary/Bartels*)  
**BILL BOZARTH** (*Bozarth*)  
**GINO BROGDON** (*Brogdon*)

ACTIVE MEMBERS ABSENT

**SHERRY WILLIAMS** (*Chair/Williams*)

VACANT BOARD SEATS

**APAB-NPU, Group S – Z** (*1 year and 3 month*)  
**City Council President** (*2 month*)  
**Coalition for the Peoples' Agenda** (*Appointment Pending*)  
**Mayor's Office** (*Vacant 3 years*)  
**Urban League of Greater Atlanta** (*Appointment Pending*)

STAFF & CITY EMPLOYEES ATTENDEES

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

Assistant, (*Reese*); **VIRGINIA ROBINSON**, COA Law Department, (*Robinson*); **MAJOR JONATHAN DURANT**, OPS, Atlanta Police Department, (*Major Durant*).

## **APPROVAL OF MINUTES OF THE LAST MEETING, JULY 14, 2016**

*Vice Chair Souder* opened the floor for discussion and corrections to July minutes. There were no corrections noted for the record.

*Bozarth* moved to approve the minutes as recorded. *Bartels* seconded. Hearing no discussion, the motion was approved.

## **EXECUTIVE DIRECTOR'S REPORT**

The following highlights were reported by *Director Reid*:

- **Art and Essay Update**

The nine winners of the ACRB Art and Essay Contest will be recognized during the August 15<sup>th</sup> City Council Meeting. Prior to the Council meeting, the ACRB will host a reception for the winners.

- **New Board Positions**

Ms. Shuntay Pitre (Urban League) and Rev. Anthony Motley (People's Agenda) are the two new nominees to the ACRB. The City's Department of Human Resources is wrapping up the background screening on Ms. Pitre. Council is on recess and will be returning next week. They should be able to do a first read on her appointment when they return.

We received the appointment letter from People's Agenda nominating Rev. Motely. He has been sent forms to complete to initiate the background investigation. Once we receive this information from him, it will be sent to Human Resources to begin the screening process.

- **National Night Out**

The ACRB participated in the "National Night Out" crime prevention event in the Peoplestown Neighborhood on Tuesday, August 2, 2016 at Fourcorners Park. The event was well attended and received a lot of community support.

- **Board Dash Cam Questions to APD Update**

Response from APD regarding Dash Cams (See attached)

- **Response to Public Comment Question**

**1. Citizen Comment:** During the last board meeting, Mr. Keltric Thomas asked whether the board had the power to advise the Mayor and APD on different policies and what type of interventions or practices has the board recommended or is willing to recommend to the APD?

*ACRB Response:* The ACRB has the power to make policy and other recommendations to the APD. In general, many ACRB recommendations are made during the complaint review stage and forwarded to the chief of police. Most of these recommendations involve issues discovered during the investigation of a complaint. The ACRB also makes policy recommendations to the APD. In the past, the ACRB has recommended policies related to body-worn cameras, dog shootings, 4<sup>th</sup> amendment concerns, mediation program, and dash cam for documentation on traffic stops.

**2. Citizen Comment:** During the last board meeting, Mr. J.L. Booker expressed concerns about his neighborhood association not receiving notification of the community meeting.

***ACRB Response:** ACRB understands the importance of holding meetings in the community and strives to provide notification of all community meetings. Anytime the ACRB has a meeting in the community, ACRB will provide notification to the surrounding neighborhood associations, APAB, and the NPUs. The ACRB will also place notices at public centers. In addition, the ACRB sends notices of community meetings through its email list. The ACRB also notifies the City Clerk's Office of changes to the meeting. The Clerk's office then posts the information publicly. Board members who represent clusters of NPUs are also charged with providing notification to their NPU clusters.*

- **NACOLE**

The NACOLE Conference is September 25-29, 2016 in Albuquerque, New Mexico. Since the ACRB is a growing board and have several members who have not had the opportunity to attend the conference, Reid recommended that attendance should be limited to those board members who have not attended a NACOLE conference. "We can send a maximum of three board members to the 2016 conference. The City of Atlanta, under the new travel policy, **no longer will advance funds for travel.** American Express Travel, under contract with the City, will handle all travel arrangements in advance pertaining to air transportation (one bag), car rental, and hotel. Registrations are direct payments. All other expenses, (*per diem, taxis, parking, shuttles*), will be reimbursed upon return with proper receipts.

- **Mediation Program Update**

We are making the last edits to the ACRB Mediation Program including the internal process and procedures, general operating rules, citizen brochure and officer brochure, related forms/letters, etc. The board can expect to receive a copy of the draft at the September Board meeting.

- **Mayor Reed Attend August Board Meeting**

**Reid** announced that Mayor Reed is scheduled to attend the meeting. "Please be prepared to ask questions. This is a rare opportunity that the board members should take advantage of."

- **September Meeting at John Marshall Law School**

Please be advised that the September Board meeting will be held on the campus of John Marshall Law School in the Blackburn Conference Center, 1405 Spring Street, NW, Atlanta, Georgia 30309.

- **Board Member Reporting Forms**

Reminder: All board members should be providing written reports to their appointing entity. "We have not been receiving any reporting forms. If you are emailing your reports, please copy the ACRB on the email or simply give us a hard copy of the report for in-house record keeping. Please let me know if you need assistance."

*Discussion and Comments...*

1. (**Bozarth**) Are the new board appointments here tonight?
2. (**Reid**) No. There is one other thing that I would like to mention. "Some board members have expressed some concern about what we can email (*referring to case files*). We are working on a process and I will see what we can work out as it relates to emailing the files."

**Special Note:** Due to the arrival of Mayor Reed at the board meeting, the **Chair** yielded the floor to the Mayor for his comments.

## **GREETINGS FROM THE MAYOR**

Mayor Kasim Reed attended his first ACRB meeting. In his comments he recognized ACRB for their service and acknowledged that ACRB is deeply appreciated by the citizens of Atlanta and his senior team. The Mayor

stated that ACRB is a vitally important board. “It provides citizen oversight over the departments of police and corrections and the conduct of our officers. As you may also know the City of Atlanta recently received and responded to a list of requests by a group of civic activists in the aftermath of police shootings around the country. One of those requests called for disbanding the current ACRB and reconstituting it with different people and powers. I came by tonight to let you know that my response to that request is simple and clear...of course, the answer was No. But I did want to explain why I rejected this particular demand and to talk a bit about your work and to shine some light on your work.

Here are some of the highlights from Mayor Reed’s comments

- Mayor Reed said that his administration is committed to the ACRB process, and he wants ACRB to be effective and meaningful for citizens, officers and the public.
- ACRB was created by the City of Atlanta in 2007, three years before he came into office. In 2010, under his administration, the ACRB’s authority was extended by empowering it to achieve subpoenas independently, rather than first obtaining preapproval through the Atlanta City Council.
- The Mayor stated that his administration has increased ACRB’s budget in each fiscal year since 2010 affirming the importance of the board. “I welcome this opportunity to hear from you now. We’re letting you know that we are absolutely committed “to doing better” citing as an example, the Atlanta City Code of Ordinances mandate that all City employees cooperate with the ACRB. Also in March 2016 further amending the code provisions governing ACRB to increase efficiency, accountability and service to the citizens of Atlanta. The jurisdictions were expanded to include claims of discrimination and abuse of authority. The 2016 changes also allow for anonymous complaints. The Chiefs of Police and Corrections are now required to provide a detail explanation for rejecting or modifying the ACRB recommendations.
- ACRB has expanded its membership from eleven (11) to thirteen (13) members; which include the Georgia Coalition for the People’s Agenda and The Urban League of Greater Atlanta. There is one more spot to fill on the board. The Mayor stated that he is planning on naming someone from the LGBT community by today.
- Mayor Reed stated that the citizens, through the power and diligence of the board, have a responsible, meaningful vehicle through which to address grievances directed towards the police and corrections departments. “The service of ACRB makes that happen. I came by today to just say thank you.”
- Mayor Reed ended by saying, that in the coming days, weeks, months and years the work of the ACRB will be increasingly important. “I want to send a clear statement that says that I really believe you all are moving in the right direction. And to the extent you need more resources, or something different from my administration then I want to open the door to let you know that I want to be a strong partner to you, and you have my gratitude.

Comments and Questions for Mayor Reed:

1. **(Vice Chair Souder)** *You were close to the Franklin administration. When the ACRB was formed after the Kathryn Johnston incident, what was the expectation at that time? What did the City leadership hope to accomplish by investing in a civilian review authority?*
2. **(Mayor Reed)** *The expectation was that we wanted to look at the model to make sure we had citizen input, and the opportunity for the citizens to hold police departments accountable. I think that we all felt that it was terrible, and that it took that kind of tragedy for us to move to do something that we should have done some time ago. I think that the legacy of Ms. Kathryn Johnston will be that this board is now a model nationally. I have looked at citizen review*

- boards around the country in terms of seeing where we needed to go, and if we are going to go through a horrific experience unlike the Johnston family, like our community went through, hopefully we would have an organization that's run the way this one is. My experience with Ms. Johnston, well that's also part of the reason that I have been supportive of almost every request that has come across my desk from this body.
3. **(Vice Chair Souder)** With only 25% of our cases being sustained by the Police Chief, in light of today's client of communities distrusting APD officers, what will you do to improve this percentage so that: a) we build the bridge of trust and respect between APD & Corrections Officers and the community; b) we all understand, (ACRB & community) are not out to get APD & Corrections Officers. We are here to help identify problem officers and areas so that we can work together to help make our communities safer; and c) We can hold APD & Corrections Officers accountable for actions that are often clearly wrong according to your own rules.
  4. **(Mayor Reed)** I think that if I can be more involved in the decisions that ultimately come down from the ACRB. One of the things that we can do better in my office is stronger monitoring of the decisions that are set forth from this body and I think that will probably influence the Police Chief's decision in these matters. I don't spend a significant amount of time monitoring the decisions that comes out of this body and seeing what actually occurs as a result. I think that question is thoughtful and that is something I can do better.
  5. **(Vice Chair Souder)** Do you see our role as an ally or an adversary? Why?
  6. **(Mayor Reed)** I see your role as an independent guardian. I don't view you as an ally or an adversary. That's why I have increased funding for this body every single year since I have been mayor. I believe that your job is to call balls and strikes and hold us accountable...and to the extent that you call balls and strikes, whether it's supportive of my team or my administration or a decision that's not necessarily satisfactory. I think that you are performing as you should. The role of this body is to hold my office, the police department and the corrections department to account and that is why I want to make sure that you are fully covered and fully staffed so that you can do your job well because I think that it's a serious important job. And we have treated you all this way. My administration has not ever tried to reach into the bosom of this body regarding any decisions to be made. You're equipped for your opinions...call like you want to call it and then we deal with the outcome.
  7. **(Souder)** I think the part of the reason for that question has to do with the fact we have very well trained and thorough investigators. They go and look at these cases; then we get the cases; we independently make a decision based on that report. After a decision has been made, if it is a sustained charge against the officer, it's sent back to APD with a summary of the report and how we determined that...then we get an answer back that was rejected and that's why we have a real big concern about that.
  8. **(Mayor)** I think that's a fair concern. I think that the best response as I have stated is that we need to be more diligent when you present your findings. One path forward is maybe for your director to come and brief me on board cases and findings. That way, I can actually have a conversation with the Chief about why they're making calls that are not consisted with your recommendations.
  9. **(Vice Chair Souder)** Why do you feel that it is important to have a transgender representative on the ACRB?
  10. **(Mayor's Reed)** It is always important to have minority voices that are particularly targeted in the city of Atlanta in a disproportionate fashion. The fact of the matter is, the history of transgender individuals that I have seen, have a tendency to be provocative to the extent that we have other folks whose voices amplifies giving them a role on this body. I was really hardened by a meeting that we had in this very room after the shootings in Orlando; which really highlighted conversations around transgender individuals that I had not been in tuned with before.
  11. **(Vice Chair Souder)** Given the police presence is heavier in minority neighborhoods, how do you reconcile the police department's tendency to detain and search minority individuals with the need to maintain trust and to respect citizens' right not to be detained without reasonable suspicion that they are committing a crime?

12. **(Mayor Reed)** *I think that it's a delicate balance that requires constant monitoring and I think that we monitor that behavior very aggressively. Every Monday in the City of Atlanta, the bulk of the time with my cabinet is spent on policing and police practices...what is going on and what we are hearing. I think that is not something that we ever put a mission accomplish badge on. The fact of the matter is, two precincts right now, are driving the spiking murders that we have right now and most of the requests and it comes from people that live in the neighborhood. There are no external groups saying, "Go to this zone or go to that zone." The people that live there are demanding in a forceful way that they want additional police protection to cut down on the number of people who are being killed and the number of gun shots that are being fired. So we have to walk a balance of adding a police presence to push back down, but also not being abusive. One of the things that I am deeply committed to personally, is I try to have my team to do everything that we can to not give people criminal records that they don't deserve. It really means a lot to me, not just as Mayor of the City of Atlanta, but as a black man...because I know what it means once somebody gets a case. So, if my officers are out snatching people up and arresting them in a fashion that is inappropriate, they are contributing to the pathology that we all care so much about and I care about; somebody that grew up in southwest Atlanta. I have gotten stopped in a car and have gotten seven (7) tickets; at once; in one stop. Not a friend of mine...me. Then I've been sent to College Park to exit East Point. This isn't some abstract deal to me. It's really like gardening; I'm letting you know how I think. Its gardening and its multiple conversations with our police chiefs. If you look at the number of interactions, certainly, the number of interactions with teenagers that got up 25% and so for us, if the teenagers are being arrested 25% less, that's an entire group of individuals who don't have a case, and it then puts them into a system when they apply for a job, and it comes up. That's why I think that you all are important. I haven't been in front of this group very much, but I tell you what, when I have gotten a request, I almost never said no. I try to stick to my values, not behind my behavior. If any of you would like to join us during my cabinet meeting, you are welcome to come so that you can have a better feeling how vigorously we question and engage in statistics. Thank you so much for your time. Thank you for what you are doing. Just want you to know that I value you and even when we disagree, I value your work.*
13. **(Souder)** *The board would certainly like to be included in talks that concerns police accountability whenever you have a meeting like that. Mr. Harrison has a specific question.*
14. **(Harrison)** *My question/comment basically centers on the President's 21<sup>st</sup> Century Initiative. They were here last week. We had two site board meetings. Part of their job basically is to send out questionnaire regarding what the Atlanta Police is doing in regards to the 21<sup>st</sup> Century Initiative. Atlanta has been selected throughout the country to participate. With regards to this site questionnaire, there's a particular section that is set aside for oversight. My question, is not so much a question, it's a request for helping you...if the department needs assistance to answering those questions, with regards to oversight, that they contact the executive director or any members of this board instead of using command staffing to answer the questions. I don't think the answers are going to be as accurate coming from command staffing. What I do know firsthand that the sight coordinators gave the board high regard with work that we do throughout the country. Some stuff that we do in Atlanta is unprecedented around the country. I implore you to ask the chief or maybe speak with the chief and say, when this particular section comes up, contact the executive director to assist you with those questions.*
15. **(Mayor)** *I receive that comment. What I would like to happen is, your executive director would prepare a letter and send out the section. I can assure that we can do that. You referenced last week and on last Monday, I met the President at the airport and hosted him during his visit to Atlanta. We had some time to talk about the police department and the entire policing component. It's one of the reasons why we are one of the fifteen cities and I think that in the next thirty days, we are going to see a series of announcements that are going to be pretty remarkable that reflect the President's compliments...in the job that you all do. I don't want to tip my hat too much to you guys, but we got some amazing announcements that are getting ready to come out regarding the police department that are largely a reflection of the work that is being done by you and by us and I really think that it is shared credit, we just have to not let*

*up. Keep pushing on each other to make things better. Which is why I took the position I did in the questionnaire explaining how I feel about the job that you do even when we disagree. I am going to let you all proceed with your meeting. Thank you for giving me a few minutes.*

## **INTAKE REPORT FOR JUNE 2016**

Investigation Manager **Robertson** reported that for the month of July 2016, the ACRB received nine (9) complaints.

### **A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:**

The ACRB staff is seeking approval to dismiss two (2) of the 9 complaints. 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. 16-097 – Rude Behavior  
Recommend dismissal for lack of merits.
2. ACRB Case No. 16-100 – Service Complaint  
Recommend dismissal for lack of jurisdiction.

### **Investigation recommendations:**

The following seven (7) cases are recommended for investigation:

1. ACRB Case No. 16-098 – Improper Handling of Property  
The Complainant alleges that during his arrest, an APD officer left his wallet on the roof of his patrol car and as a result, he lost his money, birth certificate and social security card.
2. ACRB Case No. 16-099 – Excessive Force  
The Complainant alleges that on July 8, 2016, while at the Stagecoach Bar, a white male APD officer engaged in excessive force when the officer grabbed him by the neck and forcibly removed him from the bar. Recommend investigation as an excessive force complaint.
3. ACRB Case No. 16-101 – Inappropriate Conduct  
The Complainant alleges that on July 18, 2016, while at the John A. White Park, he was ordered to leave the facility by an APD officer. Recommend investigation as an appropriate action required complaint.
4. ACRB Case No. 16-102 – Inappropriate Conduct  
The Complainant alleges that during a traffic stop by an APD officer on July 20, 2016, the officer was rude, unprofessional and approached her 21 year old son in a threatening manner. Awaiting Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as an appropriate action required complaint. If not received, then recommend dismissal.
5. ACRB Case No. 16-103 – Service Complaint  
The Complainant alleges that on July 14, 2016, she was involved in a physical dispute with a store clerk and the responding APD officer did not arrest the clerk and failed to document her version of the incident in the incident report. Recommend investigation as an appropriate action required complaint.
6. ACRB Case No. 16-104 – Harassment

The Complainant alleges that in July 2016, while driving a rental car with out of state tags on Lakewood Avenue, she was harassed by APD officers. Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as a harassment complaint. If not received, then recommend dismissal.

7. ACRB Case No. 16-105 – Inappropriate Conduct

The Complainant alleges that on July 27, 2016, APD officers damaged her front door and cut the wires to her air conditioner and cable when they came to her residence to serve a warrant on her children's father who does not live at the residence. Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as an appropriate action required complaint. If not received, then recommend dismissal.

**Reconsideration of Complaint:**

ACRB Case No. 16-077 – False Arrest, Excessive Force & Abusive Language

On May 31, 2016, The Complainant filed a false arrest, excessive force and abusive language complaint against an APD officer pertaining to an incident that occurred on May 23, 2016. ACRB's numerous attempts to obtain a statement from the Complainant have been unsuccessful. Therefore, recommend for dismissal for lack of cooperation.

*Discussion and Comments...*

1. **(Bozarth)** *Looks like the number of cases that came in July are below the previous month. Any speculation or reason for that?*
2. **(Robertson)** *No. It's just a low month this time. We have those spikes sometimes.*
3. **(Bozarth)** *It was like 20 the last couple of months.*
4. **(Robertson)** *Yeah.*

B. BOARD VOTES ON INTAKE REPORT

**Bartels** moved to accept the Intake Report for July. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved without complaint.

**COMPLAINTS REVIEW:**

**ACRB CASE NO 16-002, ARNELL SMITH**

A. ALLEGATION SUMMARY

The Complainant alleged that on January 7, 2016, while at the Hartsfield-Jackson International Airport, Atlanta Police Officer Karl E. Smith falsely imprisoned him when he unlawfully detained him.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of False Imprisonment against Officers Karl Smith and Leroy Tilghman be assigned a finding of **Exonerated** (*the investigation established that the alleged act occurred, but were justified, legally or properly within Department policy*).

*Discussion and Comments...*

1. **(Bozarth)** *For the audience, this is a case where a man who was essentially homeless, who was in the airport of January; a very cold night. It is sort of typical of some of the other*

*cases that we had in the past...homeless people trying to find shelter were rousted out. I guess the process of the airport is to sweep the area regularly once the train stops running. If someone doesn't have a good reason to be in the airport, they are taken to the precinct at the airport which is what the case is here. I think that the officers were in compliance with procedures. Do we know what are the criminal trespasses written up in these cases? They result in a court appearance and do the individual have to go before a judge?*

2. *((Fleming) No. I talk to an officer; he said that it is just kept on their file. Some people are regulars. They give them a warning. From there, if they continue to come back, then it is criminal trespasses.*
3. *(Bozarth) Did you get a feel when you investigated this; one of the alternatives is to take these folks to a shelter on cold nights?*
4. *(Fleming) Yes. That is the purpose of the HOPE Team. Not only to take them to the shelter, but also to give them additional resources.*
5. *(Brogdon) And they took them to the shelter in this case. Right?*
6. *(Fleming) It was close to the time for the first train. He wanted to catch the first train to leave.*
7. *(Bartels) Did you get a sense of whether if the police are encountering an individual that they believe may be loitering...do they just kind of see if the person doesn't have business nor do they ask?*
8. *(Fleming) They ask...are they flying in? Do you have business here?*

**Vice Chair Souder** opened the floor for a motion. **Brogdon** moved to adopt staff's recommendation to assign a finding of **exonerated** for false imprisonment against Officers Karl Smith and Leroy Tilghman. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

#### C. ADDITIONAL STAFF RECOMMENDATION

The Board may want to recommend to APD that they do the following:

- Ensure that policies and procedures governing APD's HOPE Team-Airport Initiative (HTA) are created and that the officers that are assigned to the HTA are adequately trained.
- Ensure that all officers' reports are complete and accurate as per APD.SOP.2010, Section 4.2.2.1.

#### *Discussion and Comments...*

1. *(Bozarth) I have a feeling that both are senior officer...been around eleven to fifteen years. I got the feeling that they were assigned this unit because they already did...sort of had the capacity to work this special detail. Is it really appropriate to suggest that they need to be retrained? I think that they're already are.*
2. *(Fleming) There was some confusion. One officer listed that he had contact with Mr. Smith, and the other officer listed that he was one who had contact with Mr. Smith. We were like, we know that you all had contact with him, but just be sure whenever you are doing your paperwork, make sure that you are the one. We want to know that you had contact with this person. The officer that he initially said stopped him couldn't remember and so the other officer did remember. We had to depend on the paperwork and based on the paperwork, both of them saying they stopped him. Does that make sense what I'm saying?*
3. *(Bozarth) What do you think appropriate? Recommendation to send something back with this case?*
4. *(Robertson) Part of the recommendation is that...right now we don't have any policies and procedures on that particular unit. We need to have some type of policies and procedures governing how they operate that particular unit, so that everyone is on the same page. So if*

*we are going to do that, that's part of your recommendation and then the next part that their officers be trained so that everyone knows what the policies are.*

5. **(Bozarth)** *There was something in the package called HOPE-TEAM Airport Initiative (HTA)...some four pages which describe the project...*
6. **(Robertson)** *He spoke to the commander. The Commander said that they are in the process of getting some type of policy and procedure in place.*
7. **(Harrison)** *You have a command staff here. I think if we can get work on that particular policy.*
8. **(Major Durant)** *They are still working on it.*
9. **(Bozarth)** *The motion applies to both officers*

#### BOARD'S VOTE ON ADDITIONAL RECOMMENDATIONS

The board agreed with staff's additional recommendations to include in a letter to Chief Turner:

- Ensure that policies and procedures governing APD's HOPE Team-Airport Initiative (HTA) are created and that the officers that are assigned to the HTA are adequately trained.
- Ensure that all officers' reports are complete and accurate as per APD.SOP.2010, Section

**Bozarth** moved to adopt staff's additional recommendations. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

**Special Note:** Executive Director introduced Atlanta Police Department Major Jonathan Durant. He is the new commander over the Office of Professional Standards.

#### **ACRB CASE NO 16-030, RODNEY JACKSON**

##### A. ALLEGATION SUMMARY

The Complainant alleges that on January 29, 2016, Atlanta Police Officer Michael Pender unlawfully detained him.

##### B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment against Officer Michael Pender be assigned a finding of **exonerated** (*the investigation established that the alleged acts occurred, but were justified, legally or properly within department policy*).

##### *Discussion and Comments...*

1. **(Brogdon)** *I thought that there was clear evidence that some type of scuffle occurred. Even with the officer's testimony for everybody listening, there's a place called Abdullah the Butcher...I don't know if anyone been there. It is a well-known kind of a local Bar-b-queue spot. The security officer got into a tussle with the complainant and when the police officer was called, he held on to the complainant for a little while, then ended up, I believe giving him a warning. It was clear that he had a busted lip...some type of visible abrasion and so did the security officer. When there is a scuffle, there's clear reasonable suspicion to hold somebody and to at least run the name and that is what happened here. I think that the staff did a great job on this and that it was very straight forward in terms of whether the officer had the right to hold him for a second. I feel like he did and he did not hold him for an unreasonable amount of time.*
2. **(Bozarth)** *I was wondering. Both of the security guards in question did not want to cooperate in the investigation. Can you help me to understand why that might be the case?*

3. **(Robertson)** *For what I gather...they had to go to the court. They had filed an application to get a warrant out for the security guard. They went to court for all of that. He said, "I did everything that I had to do when I went to court."*
4. **(Souder)** *Also, in the case, it shows that APD also investigated one of the complaints where the officer did not call for medical assistance and the APD-OPS found the officer in violation of the policy.*

**Bartels** moved to recommend that the allegation of False Imprisonment against Officer Michael Pender be assigned a finding of **exonerated**. **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion was approved.

## ACRB CASE NO 16-041, MARLON PIERCE

### A. ALLEGATION SUMMARY

The Complainant alleged that on March 1, 2016, Atlanta Police Officers Chance Gilbert and Richard Powell detained him unlawfully.

### B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment against Officers Chance Gilbert and Richard Powell be assigned a finding of **Exonerated** (*the investigation established that the alleged act occurred, but was justified legally and within APD policy*).

#### *Discussion and Comments...*

1. **(Bozarth)** *Ms. Lolar, one of the questions that I had...the complainant alleged that they were about to let him take his own car away, but only after he told them that he was going to file a complaint that they didn't tow his car. Did you put any stock into that testimony?*
2. **(Lolar)** *There was no evidence corroborate what Pierce alleged as far as the officers.*
3. **(Bartels)** *Again, it's like one person's word against the other, but in my experience, if there some legal reason why somebody cannot be driving a car, I never saw a police officer just let somebody go. For example, if a driver has expired license and there's no other person in the car that can drive, the police officer, they always impound the car because there is not a licensed driver that can drive it. Similarly, if there is no insurance on the vehicle, it would be difficult to imagine that an officer would let someone drive off in a vehicle knowing there was no insurance on it.*
4. **(Bozarth)** *Also, the registration had expired.*
5. **(Lolar)** *Yes. When you allow your insurance to elapse, your registration automatically is cancelled.*
6. **(Harrison)** *The car was disabled. The officer, I think, didn't risk anything by allowing him to go. So, he was waiting on a tow truck. Instead of the city towing the truck, he was going to allow the owner to tow the car. He wasn't going to drive it at all. But, I think that when the citizen said, look, I'm going to file a complaint, and then there was the sergeant on the scene, I think at that point, the officers had to go by the book. Pretty much what the investigation said; which is why I think that the car got towed. That's just my opinion.*
7. **(Bozarth)** *This is the one where you didn't interview any of the officers?*
8. **(Lolar)** *That is correct.*
9. **(Bozarth)** *They both have a year or less on the force?*
10. **(Lolar)** *That is correct. Nothing on their OPS jacket.*
11. **(Bozarth)** *I guess I would feel more comfortable if you had contacted them and gotten some direct testimonies so that we could maybe understand this retribution aspect might have been part of their reason for their action. You either go by procedure or you don't.*
12. **(Lolar)** *The procedure is that if there is a vehicle obstructing the roadway and if the vehicle is not properly registered, the officers are within their authority to tow that vehicle.*

13. *(Bozarth) He was not detained, correct? He just walked away from the encounter?*
14. *(Lolar) He walked away shortly after. He was released after they did an investigation. Because during the stop, after they ran his information, it came up that he was wanted for felony warrants. After they made the determination that he was not the individual that was wanted, he was released immediately.*
15. *(Bozarth) I guess I would commend the sergeant or whoever it was...figured out that he wasn't wanted before they took him in. That's one thing that did work right.*
16. *(Lolar) Yes, the officers, according to the Atlanta Crime Information Center (ACIC), they also worked diligent in attempting to establish whether or not it was the individual who was wanted. The sergeant came to the scene to assist and also verifying that information. Even on the recording where the officers radioed in to confirm whether or not he was the wanted person. You can hear the officers telling Mr. Piece that they were going to look into the matter and to calm down and that he will be released as soon as they find out whether he was the individual or not.*

**Bozarth** moved to recommend that the allegation of False Imprisonment against Officers Chance Gilbert and Richard Powell be assigned a finding of **Exonerated**. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved.

**Special Note:** **Vice Chair Souder** confirmed if recommendation was for both officers. **Bozarth** agreed that the recommendation is for both officers.

## ACRB CASE NO 16-048, ASHA GOMEZ

### A. ALLEGATION SUMMARY

The Complainant alleged that on March 22, 2016, Atlanta Police Officer Taurean Edwards engaged in discriminatory reference when he had the statement "These people, this is why I have to write a report?" and used terms such as, "you people" and "these people".

### B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of discriminatory reference against Officer Taurean Edwards be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

#### *Discussion and Comments...*

1. *(Bozarth) In my opinion, this would be a great case for mediation. I don't know if we have an option to steer it that way. Did we entertain that as an option when this came in?*
2. *(Robertson) No, because we don't have that program in place right now.*
3. *(Souder) I think that this is another case where there's no dash cam video, no video in the area and the officer didn't say anything like that. He did say, I admit to some words, but he did not say exactly what's alleged.*
4. *(Houston-Torrence) The determining factor for me was Ms. Gay's testimony and she was the person that door was damaged. Her testimony was that even though he did raise his voice....he did not make those comments. She said the reason that he raised his voice is because the woman was talking over him.*
5. *(Bartels) I agree as well.*

**Houston-Torrence** moved to accept staff's recommendation that the allegation of discriminatory reference against Officer Taurean Edwards be assigned a finding of **Not Sustained**. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

## OLD BUSINESS

### *Discussion & Comments...*

1. **(Houston-Torrence)** *What is the status of the vacant positions?*
2. **(Reid)** *It is in the Executive Director's Report. The Urban League position has been sent to the City's HR to conduct the background check. People's Agenda, we are still waiting on more information so that we can move to the next stage of process. Its slow moving, but we're hoping within the next month that we will at least have one done. What's being held up is the training. We don't want to do the training until we have as many people on board as possible.*
3. **(Souder)** *Have we heard any more from Atlanta Planning Advisory Board (APAB)?*
4. **(Reid)** *We received a note from Jennifer Freeman today and she is going to put in a reappointment for Sherry (Williams) and she's going to be looking for someone to take your position should you decide not to continue with the board.*
5. **(Souder)** *Ok.*
6. **(Houston-Torrence)** *Also at the last meeting, there was an officer present, he said there may have been a nominee from the city council president of retired officer...I think it was.*
7. **(Reid)** *Yes. That officer does not live in the City of Atlanta. The President of City Council will have to find someone. I believe that someone mentioned that there's another person interested at that meeting.*
8. **(Houston-Torrence)** *I'll forward that resume.*

## NEW BUSINESS:

### A. NACOLE CONFERENCE

#### *Discussion and Comments...*

1. **(Bozarth)** *Well, since the conference is coming up in October, at least we ought to take a poll among the members of the board who have not been before. I have been before, but for those who have not been; see who is willing to make themselves available as a candidate to attend.*
2. **(Houston-Torrence)** *What's the date?*
3. **(Reid)** ***The information is in my report, but the conference dates are September 25 through 29<sup>th</sup>***
4. **(Bozarth)** *Where is it going to be Robin (Lolar)?*
5. **(Lolar)** *It's going to be in Albuquerque, New Mexico. That's Sunday through Thursday.*
6. **(Reid)** *Here is what the Executive Director Report says; NACOLE Conference is September 25-29, 2016 in Albuquerque, NM. Since we are a growing board and have several members who have not had the opportunity to attend the conference, I recommend that attendance should be limited to those board members who have not attended a NACOLE conference. We can send a maximum of three board members for the 2016 conference. The City of Atlanta, under the new travel policy, no longer will advance funds for travel. American Express Travel, under contract with the city, will handle all travel arrangements in advance pertaining to air transportation (one bag), car rental, and hotel. Registrations are direct payments. All other expenses, (per diem, taxis, shuttles), will be reimbursed upon return with proper receipts.*
7. **(Bozarth)** *Looks like we don't have any takers tonight. We need to press on this.*
8. **(Hardnett)** *When do you need an answer?*
9. **(Reid)** *The sooner the better. As it gets closer, of course the expense goes up.*
10. **(Lolar)** *The host hotel is already booked, so they have another hotel across the street from the host hotel. It has not been posted yet. That will fill up pretty quick too.*

## **PUBLIC COMMENTS:**

It should be noted that two people signed to speak. Public speakers were informed that comments are to be kept to three minutes.

- ❖ Tonza Thomas, President of the NAACP, Columbus, Georgia  
Ms. Thomas thanked ACRB for allowing the public to speak. She stated that she believes that there should be police accountability and the purpose for their visit to ACRB's board meeting was to observe and get more information to take back to their city council.
- ❖ Dr. J.A. Hud  
Dr. Hud wanted to know how has the ACRB evolve in the area of human relations training, cultural intelligence, and mental health evaluations and how does the ACRB prepare officers for the policing dynamic. Further, Dr. Hud wanted to know what part do the areas of human relations training, cultural intelligence, and mental health evaluations play in the preparation and selection of those officers who are selected for the APD? Dr. Hud expressed to the board concerns on whether law enforcement should be a part of the board and for ACRB to share some thoughts regarding this matter.

## **ADJOURNMENT**

The *Vice Chair* entertained a motion to adjourn. It was moved by *Houston-Torrence* to adjourn. *Hardnett* seconded. Meeting adjourned at 7:35 P.M.

ACRB Minutes for August 11, 2016 were approved: September 8, 2016  
*Paul Bartels, Board Secretary*

*Transcribed: LG*