

APPROVED: January 14, 2016



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

December 10, 2015  
55 Trinity Avenue, SW  
3<sup>rd</sup> Floor Auditorium  
404-865-8622  
Atlanta, Georgia 30303  
6:30 p.m.

The December 2015 meeting was called to order by *Chair William Harrison* at 6:36 p.m.

**AGENDA**

**ROLL CALL**

*(The ACRB has eleven members)*

**ACTIVE MEMBERS PRESENT**

**PAUL BARTELS** (*Secretary/Bartels*)

**BILL BOZARTH** (*Vice-Chair Bozarth*)

**SHERRY WILLIAMS** (*S. Williams*) (7:19 p.m. arrival)

**GINO BROGDON, JR.** (*Brogdon*)

**WILLIAM HARRISON** (*Chair/Harrison*) (6:41 arrival)

**RUTH PRICE** (*Price*)

**GERALD SOUDER** (*Souder*)

**ACTIVE MEMBERS ABSENT**

*All Members Present*

**VACANT BOARD SEATS**

**APAB-NPU** (*Group S-Z*) – (7 months)

**Atlanta Business League** (*vacant 3 years and 6 months*) *Nomination Pending*

**Office of the Mayor** (*vacant 2 years and 4 months*)

**League of Women Voters** (*vacant 2 months*) *Nomination Pending*

**STAFF ATTENDEES**

**SAMUEL LEE REID** (*Reid*), Executive Director; (*Investigator Robertson*); **SHEENA ROBERTSON**, Investigation Manager (*Investigator Robertson*); **ROBIN LOLAR**, Investigator, Sr., (*Investigator Lolar*);

**BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*); **MYOLA SMITH**, Project Manager (*Smith/Transcriber*); **VERONICA HOFFLER**, COA Law Department.

## **APPROVAL OF MINUTES OF THE LAST MEETING, NOVEMBER 12, 2015**

Chair (**Harrison**) opened the floor for discussion and corrections to the minutes. Two corrections were made to the minutes.

1. **Bartels** noted that on page 3, under Discussion and Comments, item #5(**Bartels**) should be corrected to read: *“I just have one comment. I’m aware of the Georgia Law that allows police officers to appear before the grand jury. Obviously, that is something you or I or none of us would be able to do. With a proposed law enforcement officers’ Bill of Rights, what will they include?”*

**Bartels** moved to approve the minutes with noted correction. **Price** seconded. Hearing no discussion, the motion to adopt was approved by all.

## **EXECUTIVE DIRECTOR’S REPORT**

The following highlights were reported by **Director Reid**:

- A. HOLIDAY RECEPTION AND RECOGNITION CEREMONY  
Reception will be held tomorrow night, Friday, December 11th in the Old Council Chambers Auditorium starting at 6:00 p.m.
- B. DECEMBER 16<sup>th</sup> BODY WORN CAMERAS DEMO AND UPDATE  
**Reid** informed that APD will have a BWC update and demo at the Adamsville Recreation Center, starting at 6 p.m. An announcement of the event will be put on ACRB’s Facebook.
- C. ACRB PROPOSED ORDINANCE UPDATE  
**Reid** reported that ACRB was unable to submit the ordinance for 2015; but hope to have it ready for the first quarter of 2016.
- D. BODY WORN CAMERA (BWC) INFORMATION UPDATE  
No meeting has been scheduled yet with APD regarding BWC, but anticipates a meeting soon to continue to discuss ACRB’s concerns.

**Note for the Record:** **Vice Chair Bozarth** joined the meeting at 6:42 p.m. **Chair Harrison** noted that **Brogdon** will leave the meeting at 7:30 p.m.

## **COBB COUNTY COMMISSIONER LISA CUPID – SPECIAL PRESENTATION**

Commissioner Lisa Cupid is spearheading an effort to bring civilian oversight to Cobb County. Since ACRB is the only oversight agency in the state, she thanked the Board for its efforts in serving and addressing citizen’s concerns. Commissioner Cupid also thanked the Vice Chair and Chair whom she met at this year’s NACOLE conference. She said, “I can’t tell you how excited I am to be here. In my frustration regarding my own personal incident with the police, it was like I was the town pariah for even mentioning there could be any type of problem going on in public safety. I felt if I could be treated this way as a Commissioner even from people who are my subordinates in the county, how will

they treat the average citizen who comes in and has a legitimate complaint?” Ms. Cupid indicated that she had received very little support from the Cobb Commissioners. She got so much push back that she decided to pull back and allow the citizens to take the lead if they wanted to oversight. However, a second incident occurred that was similar to her encounter with the Cobb police, involving a young man who refused to accept mistreatment from a police officer or to accept the standard Cobb response regarding an officer’s behavior. He complained to everyone who would listen. “I am so grateful to this young man who had the braveness and boldness that was needed...because it was this case that gave us momentum and our force.” “Citizen Review Boards are the way to go and I just hope to get the word out. I am very glad to be here and I would love to lean on you who are here in this room for as much as I can.”

Commissioner Cupid also updated the ACRB on the following:

- In lieu of a Citizen Review Board, a group of 30 to 40 people citizens came together and formed a grievance committee to receive and properly address and track the influx of complaints against Cobb County police officers. They want to insure that if someone was complaining about the Cobb County Police, a record of the complaint would be documented and made available to followed-through on so that there will be a response.
- Since the Grievance committee was formed, complaints have increased overwhelmingly. At this time, the committee is not evaluating complaints but wanted to send a message that the complaints are being acknowledged and recorded.

*Discussion and Comments...*

1. **(Bozarth)** Thank you for being here Lisa. We appreciate you coming in and I do wish you well and your colleagues in your quest. I need some verification as to what the structure is for law enforcement in Cobb County. I know you have several municipalities in the County. Am I correct that the police force of the county is one unit or is it in fact several departments you’re dealing with here?
2. **(Cupid)** *We have a Cobb County Police Department and a Cobb County Sheriff Department. Cobb County Police have jurisdiction primarily in unincorporated counties; unless they have some type of governmental agreement with the cities; and if they do, then they have jurisdiction inside the city limits. Our Sheriff Department is considered to be primarily responsible for the jails. I think that it very infrequent that I expect to see them out in the community policing; even though I do think that they have that authority.*
3. **(Bozarth)** *I would like to ask you a question because one of the challenges we have with our complaints; we have to reject or not hear a number of them because they are against the police entity that we don’t have any jurisdiction over; the political challenge moving forward in the metropolitan area or in the state is that the only method that we have to actually enact some sort of civilian oversight is city by city, or county by county. I don’t know if there’s a magic way to get around that. I would just say as we talk about trying to be an inspiration for other municipalities in the metro area to do something like what we do to create a better community relationship between the police department and its citizens is what we are trying to do. As we do that we have to do it one-by-one.*
4. **(Cupid)** *And maybe, this sounds somewhat elementary because I’m on the outside looking in but, I would just say, don’t discount the strength you have head even hearing those issues. Although you may not have the ability to correct issues outside of your jurisdiction; but even just to have a platform for somebody to get that issue out. One of our goals for our grievance committee; we said that if anything happen outside of district for or even in one of the cities, we will hear it , we will document it and we will send it to you; whoever has that authority over that jurisdiction. So they know that we know, and when we know, we will find out what that*

*complete process is and whenever someone comes to us with a complaint, we can tell them where to go.*

5. *(Harrison) I guess with that being said, anything that we can do to assist you, we will be willing to help out and thank you for coming out.*
6. *(Cupid) Thank you and I really appreciate you.*

**Note for the Record:** S. Williams joined the meeting at 7:19 p.m.

## **INTAKE REPORT FOR NOVEMBER 2015**

Investigation Manager Robertson reported that for the month of November 2015, the ACRB received sixteen (16) complaints.

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

#### **Dismissals:**

The ACRB staff is seeking approval to dismiss 12 of the 16 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.15-128 - Harassment  
Recommend dismissal for lack of jurisdiction.
2. ACRB Case No. 15-129 - Other  
Recommend dismissal for lack of jurisdiction.
3. ACRB Case No. 15-130 Service Complaint  
Recommend dismissal for lack of jurisdiction.
4. ACRB Case No. 15-131 - False Arrest  
Recommend dismissal for lack of merit.
5. ACRB Case No. 15-132 - False Arrest & Excessive Force  
Recommend dismissal for over 180 days and is timed barred.
6. ACRB Case No.15-133 - Harassment  
Recommend dismissal for type of harassment does not fall with ACRB's jurisdiction.
7. ACRB Case No.15-135 - Service Complaint  
Recommend dismissal for lack of jurisdiction.  
Recommend dismissal for lack of jurisdiction.
8. ACRB Case No.15-137 - Service Complaint  
Recommend dismissal for lack of jurisdiction.
9. ACRB Case No. 15-138 - Excessive Force  
Recommend dismissal for lack of jurisdiction.
10. ACRB Case No. 15-139 - Other  
Recommend dismissal for lack of jurisdiction.
11. ACRB Case No.15-142 - False Arrest  
Recommend dismissal for lack of jurisdiction.
12. ACRB Case No.15-143 - Verbal Abuse  
Recommend dismissal for lack of jurisdiction.

#### **Investigation recommendations:**

The following four (4) cases are recommended for investigation:

1. ACRB Case No. 15-134 - False Imprisonment

The male complainant alleges that on October 16, 2015, he was unlawfully stopped and cited by an APD officer for stopping in the roadway. Staff recommends an investigation as a False Imprisonment complaint.

2. ACRB Case No. 15-136 - False Imprisonment

The male complainant alleges that on November 16, 2015, he was unlawfully detained and handcuffed by APD officers. Staff recommends an investigation as a False Imprisonment complaint.

3. ACRB Case No.15-140 - Excessive Force

The male complainant alleges that on October 16, 2015, he was physically assaulted by APD officers. He further alleges that during the arrest, the officer applied the handcuffs extremely tight. Staff recommends an investigation as an Excessive Force complaint.

4. ACRB Case No. 15-141 - Excessive Force

The male complainant alleges that on July 1, 2015, he was shot in his right arm and another shot grazed his head by two APD officers. Staff recommends an investigation as an Excessive Force complaint.

*Discussion & Comments...*

No Discussion

B. BOARD VOTES ON INTAKE REPORT

*The Chair* opened the floor for a motion. *Bozarth* moved to accept staff's recommendation. *Price* seconded. Hearing no discussion, the motion is approved by all.

COMPLAINTS REVIEW:

**ACRB CASE NO. 13-70, ERNEST ZAUS BARNETT**

*Note: This case was tabled at the November 12, 2015 meeting pending review of the video of the police shooting of Mr. Barnett.*

A. REVIEW OF ALLEGATION SUMMARY AND VIDEO OF SHOOTING

It should be noted that the victim is deceased. The complaint was filed by Sean Kornegay and Detzorah Wall. The complainants alleges that on May 31, 2013, while at 13<sup>th</sup> Street and Crescent Avenue, Atlanta Police Officer David Bourne and Sergeant Neil Welch used excessive force when they shot Ernest Zaus Barnett multiple times. The complainants, Mr. Kornegay and Ms. Wall further alleged that the officers caused Mr. Barnett's death when they shot him. It is also alleged that Sergeant Welch and Officer Bourne yelled words to the effect, "Drop the motherfucking gun!" to Mr. Barnett.

*Investigator Fleming* ran the video starting at the point right before the actual shooting occurs. *Fleming* explained some details indicating that the video would show where the incident took place, some of the fighting, Mr. Barnett retrieving a gun from the car, and the officers arriving on the scene and the actual subsequent shooting.

The staff recommendations are as follows:

- Death as a result of Excessive Force  
ACRB staff recommends assigning a finding of **exonerated**.
- Allegation of Abusive Language  
ACRB staff recommends assigning a finding of **sustain**.

Following the Board viewing the videotaping of the incident, the floor was opened for discussion.

*Discussion...*

1. **(Bozarth)** *I think that I missed the part that was crucial. According to Investigator Brian, he reported that Barnett had his hand up with the gun and I just didn't see that. Did you see that?*
2. **(Bartels)** *That is what appears on the tape.*
3. **(Bozarth)** *Just in case anyone in the audience was not here last month. We talked about the case that took place in the parking lot down on 12<sup>th</sup> or 13<sup>th</sup> street; at the night club; fighting there, and at some point he went into the glove compartment and pulled out a pistol; had the pistol in his hand when the officers arrived. The officer shot him and he died. I guess the thing that I wanted to see, and I didn't, was the clarity in which you apparently made your conclusion about the shooting that we cannot blame the officers because he was armed. They asked him to drop the gun; he did not; he held it up and that's why I didn't see it; is what I'm saying. If everybody else did; I'm not going to make that a point.*
4. **(Harrison)** *Is there any other discussion?*
5. **(Souder)** *I came down to the office and watched it the other day and I watched it like 3 or 4 times. It was clearer than it was on this screen, but it did show him raising the gun to the officer's face and they did say obviously a couple of times "Drop the gun or drop the fucking gun!" It was well worth watching the video before coming to a conclusion; but, I think, based on what I saw, at least, seem like they had cause to do that.*
6. **(Price)** *I read it three times and I felt that the officers were more than justified and they met the requirement. The suspect had the ability; the opportunity and he put those officers in jeopardy and those are the three elements that are required by law to shoot the suspect. I think that the officers were more than justified and I want to commend those police officers that they did such a good job; once the man died, the homicide investigators could go right in and take over and put it all together.*
7. **(Brogdon)** *I just want to say that this is a tough case. Whenever there is someone's life whose loss, it is a tough case, but I do think that the officers made the right decision. Some reasons there are, there's no way for him to distinguish in that second whether you are going to drop that gun or not; you have to go off on instinct; as we learned in the shooting training.*
8. **(Bartels)** *I thought that it was clear that his arm was raising; maybe, he was trying to surrender but, the gun was still in his hand. That's dispositive for me in this case. It's a sad case all around. It is sad when anybody dies no matter what the circumstances. I am comfortable with staff's recommendation.*
9. **(Harrison)** *It's an unfortunate situation. I did see that on the video as well when he raised his hand and like Gino (Brogdon) said, when we were at the academy, in the shoot or don't shoot scenario, the suspect did raise his arm. It was pretty clear to me as well.*
10. **(Brogdon)** *We can talk about the abusive language.*
11. **(Bartels)** *I think that the staff's recommendation is to Sustain in the abusive language allegation because the policy makes no exceptions even for a deadly force.*
12. **(Price)** *I like to interject something. From my experience, I never worked homicide, but I work Internal Affairs for 5 years and you have to realize that everything is stressful. You do not know what it is like to be out there when somebody is shooting at you.*

B. BOARD VOTES ON DEATH AS A RESULT OF EXCESSIVE FORCE ALLEGATION

**Bartels** moved to accept staff's recommendation to **exonerate** the complaint as alleged against Officer David Bourne and Sergeant Neil Welch. **Price** seconded. Hearing no further discussion, the vote was called and the motion was approved

C. BOARD VOTES ON DEATH AS RESULT OF EXCESSIVE FORCE 2<sup>ND</sup> ALLEGATION

**Brogdon** moved to accept staff's recommendation on the allegation of excessive force resulting in death. **Bartels** seconded.

Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD VOTES ON ABUSIVE LANGUAGE

**Investigation Manager Robertson** stated that the staff recommends that the allegation against Officer Bourne be assigned as **sustain**, and assign **not sustain** against Sgt. Welch.

*Discussion and Comments...*

*(Bozarth) I guess my reaction is staff has recommended that we sustain that allegation; pretty clear that he said those words and there was no denial. In light of what happened and being exonerated on the others, I think it almost; what is the right word? It seems inconsequential to even deal with it; but, I guess we have to deal with it.*

**Souder** moved to accept staff's recommendation to **sustain** on the charge of Abusive Language complaint against Officer Bourne in addition to accept staff's recommendation on Officer Welch to **not Sustain**. **Williams** seconded. Hearing no further discussion, the vote was called and the motion was approved.

E. BOARD VOTES ON DISCIPLINE FOR SUSTAINED ALLEGATION OF ABUSIVE LANGUAGE

*Discussion and Comments...*

1. **(Fleming)** Officer Bourne has been employed with APD since April 17, 2008, according to the records of the Office of Professional Standards. A total of nine (9) complaints have been filed against him; of those complaints, seven (7) of those nine (9) were within the past five (5) years; of the seven (7), five (5) resulted in the finding of sustained, three (3) were exonerated and one (1) of those cases, you are hearing tonight.
2. **(Harrison)** How many of those cases were excessive force cases?
3. **(Harrison)** Please go through the list of complaints that were sustained.
4. **(Fleming)** The first sustain case that he had; he told someone to "shut the fuck up!" The second one, he did not show up for court; he shot a pit bull, which was exonerated, I'm sorry, he has seven cases, I put the wrong number down. Seven cases; two (2) **Sustained**...the case where he said "Shut the fuck up" and the other was excessive force, when he shot the pit bull, he was exonerated for that. So, to answer your question, one (1) sustained case.
5. **(Bartels)** Just the verbal incident?
6. **(Fleming)** Just the verbal one and it happened September 27, 2012.
7. **(Bartels)** What is normally the range of penalties for that?
8. **(Fleming)** For abusive language based on his disciplinary history, this is a category B. This should be his second go round and the penalty would range from a written reprimand to one to three days suspension; proactive corrective action; will be trained; written counseling or detoxification program.

9. *(Bartels) I was wondering does anybody know if APD is planning or thought about modifying that policy? If it is like an urgent emergency, like trying to get somebody to drop a gun?*
10. *(Bozarth) Paul, it kind of goes back to my comment. Situations; use of deadly force; we were talking about; compared to that something we want to discourage but not nearly in the same categories. I voted to sustain the charge. If he used it before, maybe, we can assume that something has been order to advise him that the public expect more than that from the officer. How do we do that is my question?*
11. *(Souder) I have a question. First, when you said that it would be category B, the chart that I got shows that ...you said he had the sustained in 2012?*
12. *(Fleming) Yes.*
13. *(Souder) That is only under consideration for misconduct one (1) year from the date.*
14. *(Fleming) I stand corrected. Yes, it is a category A.*
15. *(Souder) Which is oral admonishment or written reprimand?*
16. *(Harrison) So he is under category A?*
17. *(Fleming) Yes.*
18. *(Harrison) But, if I'm not mistaken, we can actually go outside that grid. We don't have to stick to that. So, if you feel like the behavior was egregious enough to move outside of the category A, then your discussion should be around that thought process but, if not, stick within category A.*

### **Recommendation Regarding Officer Bourne**

*Bartels* moved to recommend a written reprimand for the **sustained** allegation of Abusive Language against Officer Bourne. *Price* seconded. Hearing no discussion, the vote was called and the motion passed with one nay vote (*Souder*).

### **ACRB CASE NO. 13-37, MARVIN HARVEY**

#### **A. ALLEGATION SUMMARY**

The complainant alleged that on May 10 2013, APD Lieutenant Clifton Johnson and Officer Richard Youngblood engaged in excessive force when they grabbed and pepper sprayed him during an encounter at his residence.

#### **B. STAFF RECOMMENDATION**

The ACRB staff recommends that the allegation of excessive force against Lieutenant Johnson and Officer Richard Youngblood be assigned a finding of **Exonerated**.

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

1. *(Bozarth) Ms. Robertson, this is your case correct?*
2. *(Robertson) Yes.*
3. *(Bozarth) When I read through this, I was confused about him making the U-turn on Mayson Avenue and coming back and parking on the wrong side in front of his house. If you look at the map, if he's headed toward La France Street where the road block was and he made a U-turn, he would be on the right side of the street in front of his house. So, the picture of the map kind of sustains that, maybe you can help me on that.*
4. *(Robertson) This is something that he said that he does every day, that's how he parks in front of his house; park facing the opposite direction. That's just something that he does every day.*
5. *(Bozarth) According to the map, he would not have had to make a U-turn; he would have just pulled over to the left side and parked on the wrong side of the street. Everybody in the testimony referred to the U-turn, I believe even the complainant.*
6. *(Robertson) Yes. He said that maybe he did regularly make U-turns.*



7. **(Bozarth)** Well, the physical layout does not confirm him turning, so, let me assume for the moment that he simply pulled over to the left in front of his own house.
8. **(Bozarth)** The road block was down at the corner of La France, he was going towards the road block. So, he had to be proceeding towards La France in order to park in front of his house; but he's on the left, he would have just pulled the car over, if he was parking on the wrong side and the wrong way. Would you agree? So it goes to the heart of my question, assuming that I am reading this right; that the only reason the police might have had to come over was that he had parked on the other side of the street that he normally do; which I don't believe is that uncommon especially on these small neighborhood streets. According to the police, he was coming towards the road block at an excessive speed. That was part of the report. I think that our decision whether to sustain this or not, in my mind, resides on, did the police have any reason really to come into the yard to comfort him; which a situation went downhill from there and obviously, if he had done the right thing and not gone inside the house, none of this would have ever happened. It seems to me that the reason he did not perhaps want to speak to the police, he did not have a driver license when he was asked for identification. It turned out that he was convicted for not having his license.
9. **(Robertson)** Of course that is not what he said during the interview. He claims that he just really didn't need to show it because he was at his house.
10. **(Bozarth)** And I sympathize with that somewhat, I guess. I am trying to set the framework for what I am thinking about this case; I might not agree with your conclusion.
11. **(Robertson)** He also admitted that he had been drinking.
12. **(Bozarth)** It has to do with...did they have reasonable suspicion to come and approach him? That is what I am wondering; If I just got out of my car and get in my yard, do I really have to show identification? I think that is what he didn't want to do. Those are my comments, I'll come back later. I will let someone else make their comment.
13. **(Bartels)** I have a question. Was it ever confirmed that parking on the wrong side of the street or facing the wrong way, is that a violation of a city ordinance or state law?
14. **(Robertson)** That's another department.
15. **(Bartels)** Mr. Bozarth raises an interesting question about the U-turn. The other thought that I had is if indeed somebody makes a U-turn as they are approaching a DUI roadblock; that by itself is not a reasonable articulable suspicion. I know because I had to research this question with some cases I've had. This just making a U-turn by itself which results in avoiding a roadblock is not a reasonable articulable suspicion; however, if it's done, the Georgia courts say if it is done in the erratic manner or in a fashion that violates any law, then the police have reasonable articulable suspicion to detain somebody. I think that one option is to look at this at next month's meeting. Perhaps there are some issues that we want to look into. Especially the map issue.
16. **(Williams)** What I got from the case is that he was coming toward them in an excessive great speed. The other question that is raised; how many feet was the U-turn made at the intersection? Because there is a law about U-turning so many feet of an intersection and one of my pet peeves is parking on the wrong side of the street, even though it is accepted by a lot of people all across the country that doesn't make it right. I have an issue with that because anything can happen if you are driving on the wrong side of the street even if you are just pulling in front of your house. Those are the two issues that I have. Clearly, all of the testimonies that I read have said the excessive greater speed was one issue and the wrong side of the street was the other and I don't know how many feet they were up to the intersection to make that particular issue that nobody raised.
17. **(Bozarth)** The house that he stopped in front of was three houses from the intersection.
18. **(Williams)** But that still does not tell me how many feet away from the intersection.
19. **(Harrison)** Which issue Mr. Bartels did you want to have Investigator Robertson reconsider?
20. **(Bartels)** The issue of whether parked on the wrong side of the street or pointed in the wrong direction is a violation of any law.
21. **(Williams)** But driving on the wrong side of the street is a violation, so once you pull over to the wrong side of the street, whether you are parking or driving, it's against the law.

22. *(Bartels) You're saying because by definition you had to get on the wrong side of the street. Good point.*
23. *(Bozarth) We have a case here where officers approached him not about that, but simply without giving any explanation; asked him for identification, which he chose not to give, which triggered the incident.*
24. *(Souder) That's not exactly what I read. What I read in the two reports was that, the officers saw him approaching them at a high rate of speed on the wrong side of the road and then he stopped in front of that house; that's when they came up and approached him. So it would seem to me like that was the reason for them coming up there.*
25. *(Bartels) The other thing that I would add is that, it's also technically a violation of the law to drive without having a driver's license on your person.*
26. *(Bozarth) But, the officers had no way of knowing that he had a license. It's like I'm sitting in an intersection, the police officer suspects I do not have a license; then coming over to ask me to show him; I don't have to show him.*
27. *(Williams) Right; and that is not what happened.*
28. *(Bozarth) The man was standing in his yard, they asked him for identification; he chose not to show it; which, in his own yard; that seems to be not an unreasonable thing for a citizen to be able to say.*
29. *(Williams) But, he had just gotten out of a car and he was driving on the wrong side of the street.*
30. *(Bartels) Let's face it. The reason they stopped him is because he did a U-turn. They figured that he had something to hide.*
31. *(Bozarth) The way that it is laid out; he was going to U-turn, he would be on the correct side of the street*
32. *(Bartels) I agree on this. It seems impossible to say that he didn't turn the way that he did; there's visual representation there.*
33. *(Williams) One of the statements says here from one of the officers, on page six (6), "Harvey Marvin Donnell Jr., was seen entering Mayson Avenue from 1<sup>st</sup> Street at a high rate of speed. The vehicle continued to accelerate in our direction but driving on the left (wrong) side of the road. Just as the vehicle was reaching our location the truck pulled suddenly to the left curb coming to a sudden stop facing against traffic flow."*
34. *(Bozarth) He was parking in front of his own house.*
35. *(Williams) On the wrong side of the street.*

**C. BOARD'S DETERMINATION VOTE ON CASE NO. 13-37**

The **Chair** opened the floor for a motion. **Souder** moved to accept staff's recommendation to **Exonerate** AP Lieutenant Clifton Johnson and Officer Youngblood for allegation of excessive force. **Williams** second. Hearing no discussion, the vote was called and the motion passed with one nay vote (**Bozarth**).

**OLD BUSINESS**

No additional report.

**NEW BUSINESS**

No New Business.

**PUBLIC COMMENTS**

It should be noted that two people signed up to speak. One person had to leave and the other person sign up by mistake. Therefore, there were no public comments made.

#### CLOSING COMMENTS FROM THE BOARD:

- *The **Chair** acknowledged AP's representative for his attendance.*
- ***S. Williams** thanked Lieutenant Webb for attending the meeting. "It is good that you are here and we want to make sure that your colleagues can fill in when you are not. Because it seems like when you are not here, we have questions. So thank you."*
- ***Bozarth** also thanked the visitors from Cobb County. "Good luck to you and your endeavors. Please come back to see us soon, and contact us anytime."*

#### ADJOURNMENT

The *Chair* entertained a motion to adjourn. *Bartels* moved to adjourned. *Williams* seconded. Meeting adjourned at 7:48 P.M.

ACRB Minutes for December 10, 2015 were approved: January 14, 2016  
*Paul Bartels, Board Secretary*

Transcribed: LG