

Approved

Revised April 14, 2016



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

February 11, 2016
55 Trinity Avenue, SW
City Hall Tower Building
Auditorium Room #3100 (Old Council Chambers)
Office Telephone: 404-865-8622
Atlanta, Georgia 30303
6:30 p.m.

The February 2016 meeting was called to order by *Vice Chair Bill Bozarth* at 6:38 p.m.

AGENDA

ROLL CALL

(The ACRB has eleven members)

ACTIVE MEMBERS PRESENT

PAUL BARTELS (*Secretary/Bartels*) **WILLIAM HARRISON** (*Chair/Harrison*)
BILL BOZARTH (*Vice-Chair Bozarth*) **RUTH PRICE** (*Price*)
SHERRY WILLIAMS (*S. Williams*) (6:45 p.m. arrival) **GERALD SOUDER** (*Souder*)
GINO BROGDON, JR. (*Brogdon*)

ACTIVE MEMBERS ABSENT

WILLIAM HARRISON (*Harrison*)

VACANT BOARD SEATS

APAB-NPU (*Group S-Z*) – (*9 months*)
Atlanta Business League (*vacant 3 years and 8 months*) *Nomination Pending*
Office of the Mayor (*vacant 2 years and 6 months*)
League of Women Voters (*vacant 4 months*) *Nomination Pending*

STAFF ATTENDEES

SAMUEL LEE REID (*Reid*), Executive Director; **SHEENA ROBERTSON**, Investigation Manager (*Investigator Robertson*); **ROBIN LOLAR**, Investigator, Sr., (*Investigator Lolar*); **CHARLES CURRY**, Outreach Specialist; **BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*); **MYOLA SMITH**, Project

Manager (*Smith/Transcriber*); **LYNN GARRETT**, Executive Admin. Assistant (*Transcriber*); **VERONICA HOFFLER**, COA Law Department.

GUEST PRESENT:

- Mr. Harold Hardness, Atlanta Business League pending appointee
- APD Representative - Police Lieutenant Jesse Webb.

APPROVAL OF MINUTES OF THE LAST MEETING, JANUARY 14, 2016

Vice Chair Bozarth opened the floor for discussion and corrections to the minutes.

1. *Souder* noted that on page 4, under section 'A', and subtopic: 'Four Complaints Recommended for Possible Investigation Pending Receipt of Signed Complaint' should be corrected to read 'Three Complaints Recommended for Possible Investigation Pending Receipt of Signed Complaint.'
2. *Souder* noted also that page 7, under Discussion & Comments, item #1 should be corrected to read: "I was just wondering...."

Brogdon moved to approve the minutes with noted corrections. *Bartels* 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. NEW BOARD MEMBERS UPDATE

Anticipate new appointed board members to be voted on at the next Public Safety Council meeting. The nominees are Ms. Cecilia Houston Torrence, nominated by the League of Women Voters and Mr. Harold Hardnett nominated by the Atlanta Business League. If they are approved at the committee level, their nomination will return to full Council for a second read and final confirmation.

Board vacancy letters were sent to APAB regarding NPU (S-Z), and to the Mayor's Office. Anyone that is interested in serving on the board needs to contact the appointing agency.

Discussion and Comments...

1. (*Bozarth*) *May I ask a question? Are you aware if they are unable to get someone from those NPUs to come forth or have they just not completed the process?*
2. (*Reid*) *I am not aware that they are unable to get anyone. They have not communicated that to us. I know that it's been a few months now since Maceo left the board and they have not put anyone in that position. I do not know how actively they're looking.*
3. (*Bozarth*) *Mr. Souder, are you up to speed with that? I know that you were recently at the APAB meeting.*
4. (*Souder*) *Yes, but then they ran over time, I didn't get to give the report, but I sent a copy to you and Sherry and to the APAB. I also put the same thing in there that we have the vacancy and we are hoping that they will find someone.*

B. BODY WORN CAMERA (BWC) INFORMATION UPDATE

Executive *Director Reid* informed the Board that the BWCs plans are put on hold by the courts due to a lawsuit filed by a company that raised an issue about the way the cameras were procured. The cameras have been pulled from the streets until the litigation has been resolved.

C. BOARD TRAINING

Reid met with the APD Training Academy to discuss training for board members. He reported that the academy presented a 40 hour training proposal based on the board interest. "In order to do this some of the training can be done perhaps two hours before a board meeting. Another suggestion is by attending selected citizen training modules, and two or three of them that will require the Board coming together as a group to train in four hour training blocks. We just need to decide on dates between April and June that we can set aside and do at least three blocks of training. As we consider the dates, we need to stay away from the weekends, because the officer will have to be paid overtime for weekends. We can talk more about dates during the New Business discussion." **Reid** indicated that those board members will receive a training plan, and some of the training will also be conducted by the ACRB staff and the Law Department.

Discussion and Comments...

1. **(Bartels)** *I think that it will be helpful if we could get some idea how many hours per month or like, for example; during the month of April, you want us to be able to commit to one-four hour block or two-two hour block so that we can get some idea of how many hours, spread over what period of time? I think that will be a good place to start.*
2. **(Reid)** *Okay. What I'm looking at is one-four hour block in April, one-four hour block in May and two - four hour blocks in June or one full day in June and would get it out the way. Just to give you an idea about what the training would include and why more time is needed, for those full blocks (four hours), we are talking about the use of force and the use of Tasers because they want you to participate in scenarios and things of that nature. They have criminal procedures training that will be discussed in the citizen academy.*
3. **(Bozarth)** *Yeah, let's do it a little later and do what we can and if we can't finish tonight, we'll make another plan.*
4. **(Reid)** *Okay.*

D. BOARD ELECTION AND REAPPOINTMENT

Reid reminded the board that the annual election of officers is scheduled for tonight. He also stressed how important it is to communicate and work with the group or agency that appointed each member to the board to remain in good standing especially, if a member plans run or maintain a leadership position. To clarify the email that was sent to the board earlier, he stated, "A letter is sent by staff to remind agencies and board members when their time is about to expire on the board. If you maintain a strong relationship with your appointing agency, when your term is up, you can ask to be reappointed usually without a problem. If your term is up and you don't want to continue serving on the board, the appointing agency will also value your recommendation and assistance to find someone to replace you. If anyone is interested in running for an officer position and their term has expired, you are not in good standing and you should get a letter from the appointed agency indicting that they plan to reappoint you; otherwise you will not be able to serve in that position."

INTAKE REPORT FOR JANUARY 2016

Investigation Manager **Robertson** reported that for the month of January 2016, the ACRB received eleven (11) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to dismiss 8 of the 11 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. 16-001 – Service Complaint

- Recommend dismissal for lack of jurisdiction.
- 2. ACRB Case No. 16-003 – Reckless Driving
Recommend dismissal for lack of jurisdiction.
- 3. ACRB Case No. 16-005 - Service Complaint
Recommend dismissal for lack of jurisdiction.
- 4. ACRB Case No. 16-006 - Unknown
Recommend dismissal for lack of jurisdiction.
- 5. ACRB Case No. 16-007 – Racial Discrimination
Recommend dismissal for lack of jurisdiction.
- 6. ACRB Case No. 16-008 – Inappropriate Conduct
Recommend dismissal for lack of jurisdiction.
- 7. ACRB Case No. 16-010 – Inappropriate Conduct
Recommend dismissal for lack of jurisdiction.
- 8. ACRB Case No. 16-011 - Service Complaint
Recommend dismissal for lack of jurisdiction.

One Complaint Recommended for Possible Investigation Pending Receipt of Signed Complaint

ACRB Case No. 16-009 – False Imprisonment

The Complainant alleges that on January 23, 2016, she was unlawfully stopped and detained during a traffic stop by an APD officer. Awaiting Complainant’s signed complaint. If the complaint is not received within the next few weeks, staff recommends dismissal

Investigation recommendations:

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

- 1. ACRB Case No. 16-002 - False Arrest Imprisonment
The Complainant alleges that on January 7, 2016, while at the Hartsfield-Jackson International Airport, he was unlawfully detained by the APD officers. Staff recommends an investigation as a false imprisonment complaint.
- 2. ACRB Case No. 16-004 - Excessive Force
The Complainant alleges that on July 29th, 2015, he was physically assaulted by APD officers. Staff recommends an investigation as an excessive force complaint.

B. BOARD VOTES ON INTAKE REPORT

The Vice Chair opened the floor for a motion. *Bartels* moved to accept the Intake Report. *Price* seconded. Hearing no discussion, the motion is approved by all.

COMPLAINTS REVIEW:

ACRB CASE NO. 15-078, RAYMOND WASHINGTON

A. ALLEGATION SUMMARY

Vice Chair *Bozarth* summarized indicating that the complaint is a case mistaken identity. He stated that Officer David Holleman responded to a 911 call on Lindsey Street in northwest Atlanta. Officer Holleman saw a man on the street when he arrived on the scene who was Mr. Raymond Washington. Mr. Washington was near the caller’s location and he matched the description of the man who brandished the gun at the 911 caller, whose name was Ms. Betty Gates. The officer detained the complainant and searched him before Ms. Gates came on the scene and told the officers that Mr.

Washington was not the man who had threatened her. Mr. Washington was released but stayed on the scene until a police sergeant came to hear his complaint about how he had been treated.

According to the complainant, Mr. Raymond Washington, he alleges that on March 28, 2015, Atlanta Police Officer, David Holleman falsely imprisoned him when he unlawfully stopped and detained him. Mr. Washington further alleges that during the encounter, Officer Holleman engaged in excessive force when he pointed his gun at him, grabbed and threw him against the squad car and searched him.

STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of False Imprisonment against Officer David Holleman be assigned a finding of “**Exonerated**” (*the investigation established that the alleged acts occurred but were justified, legally or properly with Department policy*).

The ACRB staff also recommends that the allegation of Excessive Force against Officer David Holleman be assigned a finding of “**Not Sustained**” (*the investigation failed to prove or disprove that the alleged acts occurred*).

Discussion & Comments...

1. **(Brogdon)** *There is kind of a discrepancy in some of the timing on the dispatch. At one point, it says in the materials that there were tattoos on his face of the suspect and I wanted to know when that was said.*
2. **(Fleming)** *That was when Ms. Gates called 911 and she told that to the call taker. The call taker did not dispatch the call. I guess the way they have it set up, there is a call taker and then there is a person that dispatch the call; somewhere in between there, that information was lost.*
3. **(Brogdon)** *So, that information never got to the officer?*
4. **(Fleming)** *Absolutely not.*
5. **(Williams)** *You said that there was no dash cam video?*
6. **(Fleming)** *No.*
7. **(Williams)** *Is that because the car doesn't have a dash-cam or the car wasn't in a position to...*
8. **(Fleming)** *I believe at that time his dash cam didn't work. Looking at attachment #10, it says here due to an unfortunate chain of events, the server crashed, and all requested video that had been on it was gone.*
9. **(Bartels)** *Mr. Fleming, I have a question. Does Mr. Washington have tattoos?*
10. **(Fleming)** *No, not on his face like that.*
11. **(Bartels)** *Were the officers told before or while Mr. Washington was detained that the suspect did have tattoos? That didn't come out until after the detention was over. My impression, correct me if I'm wrong, the only information the officer had at the time he detained Mr. Washington was that it was a black male, heavy set.*
12. **(Fleming)** *That's it.*
13. **(Bartels)** *Okay.*
14. **(Williams)** *I have another question. I'm having a hard time with this. It says, as you said, due to an unfortunate chain of events, all requested video that had been on our server has been lost prior to 05-22-2015; both the main server and the back-up hard drive. How is that possible?*
15. **(Fleming)** *I can't tell you, I don't keep up...*
16. **(Williams)** *I understand, I'm just saying...I find this hard to believe that the server, hard drive and the back-up...I think that we need to check into this. I would like to know how many dash cams this affected and was it just a one day thing... all in this zone? This just doesn't sound right to me. Am I paranoid? Is anyone else concern about this?*
17. **(Bartels)** *I am. I'm wondering how all the data could be lost.*
18. **(Brogdon)** *I definitely agree. I don't know that seeing the incident would change a lot of what this case comes down to. What it comes down to is...is it a reasonable suspicion here, the description of someone being heavy set and black enough to stop someone?*
19. **(Bartels)** *I actually did some research on this because in criminal law, it frequently is an issue. Did the police have reasonable suspicion to stop somebody and does an investigative or a Terry stop? There is no clear rule; no checklist of factors that have to be there; all the courts will say is that it is a totality of circumstances case and you have to consider everything. I struggle with this case because I think that it is a close call. I think there're could be reasonable arguments made in either*

- directions. I don't think that it comes up to reasonable suspicion and I say that looking at all the circumstances. They only had three factors to go by...black male and heavy set and I am looking at this...what time of day this is and this was ten o'clock in the morning. If it was in the middle of the night, I think there might be more suspicion for anybody out; let's say 2:00 a.m. or 3:00 a.m. but, this was 10:00 a.m.in the morning. They didn't have any other physical description other than his race. I think that this is primarily an African American neighborhood so, I don't know if that should really count for much. Aside from that, you got a stocky male and I think that you can make a good argument either way, and because of that, I would not be inclined to ...I would factor that into whatever sanction an officer might receive but, I don't think it rises up to reasonable suspicion.*
20. **(Williams)** *One of the reasons why I am a little concern about the server and the back-up because to me that leaves the integrity of the whole incident. How can we believe the rest of what they said if we can't verify something as important as this?*
 21. **(Brogdon)** *I don't know if it's fair enough to doubt the entire case based on that. There is something wrong there. We need to figure out what is wrong. I think the incident itself kind of comes down to what Paul said in terms of what is reasonable suspicion and when the courts look at this, it actually goes both ways. We are not in court but we are setting some precedent mark decisions. We are setting precedent; race in the day time, weight and gender is enough to detain somebody. That is somewhat of a precedent we are setting here as a board. I just don't know if that is enough to hold somebody against their will because that is what detaining is.*
 22. **(Bartels)** *When I was looking through cases, I didn't research exhaustibly but, I spent a significantly amount of time and usually there are other factors that are present when a court upholds a Terry stop, like example; height, clothing...there is no description. Usually clothing is pretty strong; if they have this color shirt, this color pants. If that matches, the person that was detained; gender and race is the same; usually, courts will uphold that. I think just being stocky and a black male, in this neighborhood and at this time of day, I haven't found a case with that kind of information where courts have upheld it. Regarding the video, a lot of the facts here are not in dispute; the fact that the officer just knew about the race, gender and stocky built, nobody is disputing that. I think the camera would help with the excessive force because, I believe that Mr. Washington said that the officer pointed his gun at him. The officer said that he just had his gun at low ready. I think that a video would help with that.*
 23. **(Souder)** *For what I read, looking through the interview and I'm assuming verbatim from off the video recording, I thought it also said that the person had dark clothing.*
 24. **(Bartels)** *If I recall, I think that was relayed to the dispatcher but, I don't know if it was relayed to the officer.*
 25. **(Fleming)** *It was relayed to the call taker, but not given to the dispatcher.*
 26. **(Bartels)** *I think what counts is what the officer knew at that time; as opposed to what he should have known or should have been told but wasn't.*
 27. **(Bozarth)** *Any comments? Are you Mr. Washington?*
 28. **(Washington)** *I am Mr. Washington.*
 29. **(Bozarth)** *Welcome. We looked for you earlier. The way we conduct this is not a back and forth with the audience. We will continue to debate and decide. If you signed up for comment, you are welcome to do that at that time later in the meeting. Anybody else have anything they want to say before we try and come to a decision? We're now talking about the false imprisonment. We are not talking about excessive force. So any other comments about that aspect of the complaint?*
 30. **(Williams)** *On page five (5), it says the dispatcher confirmed that Officer Holleman and Duncan were on Lindsay Street and asked Duncan if the man that Officer Holleman described, now known as Raymond Washington, had tattoos. Officer Duncan asked the dispatcher to re-advise and the dispatcher said that she saw that the description of the subject indicated that he had tattoos. The dispatcher then asked, "Is this affirmed? Officer Holleman responded, be advised there's an irate male out here wearing a fur coat. It's not going to be him; as Ms. Gates is heard saying in the background.*
 31. **(Robertson)** *That conversation took place after he was stopped. So after he was stopped... when the dispatcher came on to give more information, the victim also was coming up the street saying that's not the guy.*
 32. **(Bartels)** *I just want to clarify when the issue of the dispatcher asked did he have tattoos. It seems like right at that time is when the victim said that's not going to be him. That's correct?*
 33. **(Fleming)** *Yes.*
 34. **(Bartels)** *The detention and especially the frisk, did that happened after that point?*

35. **(Fleming)** *I believe so. What actually happened was the officer pulled up before the officer stopped Mr. Washington, the officer told the dispatcher that there's a black male, I'm going to pull him over. Then, that's when the dispatcher started asking questions. By the time the dispatcher asked the questions, the officer had already stopped Mr. Washington. At that point, after the victim came up and said you have the wrong man, the officer then realized this was not who they were looking for and the officer came back on and told the dispatcher that the person that I stopped is not the one.*
36. **(Bartels)** *And at that point, he had already been frisked before that happened?*
37. **(Fleming)** *Yes*
38. **(Bartels)** *All right.*

B. DETERMINATION OF ALLEGATION FOR FALSE IMPRISONMENT

The Vice Chair opened the floor for a motion. **Brogdon** moved to **sustain** the allegation of false imprisonment against Officer Holleman. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved by all (5 to 0 vote. However, it should be noted that there were six members present but the Chair only votes in the event of a tie.)

C. DETERMINATION OF ALLEGATION FOR EXCESSIVE FORCE

Discussion and Comments...

1. **(Bozarth)** *The next thing to consider is the allegation of excessive force. Again, this was part of the incident that took place as the officer put Mr. Washington up against the car in order to search him or frisk him. I guess there's a difference, right Paul, between a full search and a pat down? I don't think there's any indication that the officer went beyond that but, the question is, in the handling of Mr. Washington, did he exceed the proper methods in order to make that happen?*
2. **(Bartels)** *Correct.*
3. **(Bozarth)** *If you would Mr. Fleming, just give us a couple of highlights of that so we can have that as a start of our discussion.*
4. **(Fleming)** *Mr. Washington alleged that during the encounter with Officer Holleman, he (Officer Holleman) engaged in excessive force with him, and once he got out of the car, the officer had his gun pointed at him (Mr. Washington). The officer grabbed Mr. Washington and threw him against the squad car and searched him.*
5. **(Bozarth)** *One of the questions that I have about this part of the charge, there were a couple of written testimonies in here from people who were on the street that day.*
6. **(Fleming)** *Yes, we reached out to them to get formal statements. We called and went by the house of the one whom we had the address for and he wasn't there. I left a card for him and we sent letters. They did not cooperate with this investigation.*
7. **(Bozarth)** *Is there anything from what we have in writing here that...by the way, how did we get that in writing? Was that from Atlanta Police Department's...?*
8. **(Fleming)** *Mr. Washington submitted that to us.*
9. **(Bozarth)** *Did you determine in your investigation that there was some worth in those to help us decide whether the handling was excessive or not?*
10. **(Fleming)** *There was no way for me to make that type of determination without talking to them.*
11. **(Bozarth)** *What did Officer Holleman say in terms of how he handled the situation when you interview him?*
12. **(Fleming)** *From my memory, basically he denied the allegations...he said, I had my gun...I might have had my gun out; if I did it was low ready. He said that he did not search Mr. Washington because he did a pat down...at protective pat down. He denied throwing Mr. Washington against the squad car. I specifically asked him about the gun...did you or didn't you have your gun out? He said that he honestly believes that he did but, he could not totally remember and if he did have his gun out, it was because he was answering a call about a person with a gun.*
13. **(Bartels)** *This is a general comment just to throw out for discussion. It seems to me that if there's not legal justification for the stop then any physical contact would be excessive force. I think that it's disputed whether his gun was out or whether it was pointed. There's some discrepancies in terms of whether Mr. Washington was thrown up against the car but, there is no dispute that there was at least an outer pat down and again, that's what they call a Terry frisk and that does require a reasonable suspicion. Now that we have decided that there wasn't a reasonable articular suspicion, I would have to think that we would have to sustain the excessive force compliant based on that.*

14. (**Brogdon**) *I also think that there're some questions as to the officer's memories. We listen to Mr. Fleming's description. It sounds like, "If I had my gun out, then it was for those reasons." Well, that's more speculative than I had my gun or I didn't have my gun out and we are balancing that verses someone that is very specific about what happened and seems to remember what's going on. I think that's a factor and Paul, I think that you are absolutely right. If he doesn't have a reasonable suspicion to detain him, then any touching is excessive force.*
15. (**Williams**) *The other thing that I want to add to this. The sergeant didn't follow up with the complaint. That doesn't sound good to me and then he said something about why he didn't file the complaint initially...here it is. Sergeant Moore said that he did not recall Mr. Washington telling him that Officer Holleman threw him up against the squad car and searched him. Sergeant Moore said that Mr. Washington requested to file a complaint against Officer Holleman but, he did not register the complaint because there was no need. "I did not perceive that the event escalated to the point that it did. It happens on so many occasions." So he took it upon himself to say that here was no need. That's then leads to credibility for me...the whole situation.*
16. (**Bozarth**) *Mr. Fleming has recommended that we discuss the behavior of Sergeant Moore separately from our decision of Officer Holleman, so, let's defer that.*

The **Vice Chair** opened the floor for a motion. **Bartels** moved to **sustain** the allegation of excessive force against Officer Holleman. **Williams** seconded. Hearing no further discussion, the vote was called and the motion was approved by all (5 to 0 vote) Note: *The Chair only votes in the event of a tie.*

D. BOARD VOTES ON DISCIPLINE FOR SUSTAINED ALLEGATION OF EXCESSIVE FORCE AND FALSE IMPRISONMENT

Discussion and Comments...

1. (**Bozarth**) *The thing that we want to discuss is the sanctions against the officer for both charges. Either Mr. Fleming or Ms. Robertson can give us some guidance on this and give us an indication of the officer's past record please.*
2. (**Fleming**) *Officer David Holleman has been employed as a police officer with the Atlanta Police Department since June 2010. According to the records of the Office of Professional Standards (OPS), he has a total of seven (7) complaints since his employment and two (2) of those complaints involved traffic stops. One complaint took place in 2013 in which it was not sustained, but there were two that were sustained. He did not have the person whom he stopped sign a consent form to search their vehicle and he did not have that person sign their ticket. The other traffic stop involved incident that was back in 2014 in which he was exonerated for the traffic stop. The third case was a vehicle pursuit. He had two vehicle accidents on his record; and two (2) excessive forces, one which took place in 2012. The complainant felt that the officer was a little bit rough with him while he was being taken into custody. That was a not sustained allegation. The second case involves the one that is before you, which is Mr. Raymond Washington's case. OPS actually looked at the facts to see if the search was unlawful? That was the thing that they investigated at that time.*
1. (**Bartels**) *You mean the pat down?*
2. (**Fleming**) *Yes...he was exonerated.*
3. (**Bozarth**) *And what type of violation is this and what is the appropriate range of discipline?*
4. (**Fleming**) *For the false imprisonment, that is a category A and the range is an oral admonishment or a written reprimand.*
5. (**Price**) *I recommend a written reprimand.*
6. (**Bozarth**) *We have two charges. Sometimes we discuss them separately. With the board's indulgence, let's discuss handling both charges with the same discipline, if there are no objections. Mrs. Price is recommending that we advise the chief to give a written reprimand to the officer for violations of this complaint.*
7. (**Bartels**) *I would be in agreement with that. I would not support anything more beyond that because I don't think that there's any indication that the officer acted in any bad faith or with any malice. In terms of stops and Fourth Amendment, there is no good faith exception to that in*

Georgia. Under the law of some states, there are ...if the officer thinks that what he's doing is ok, fortunately in my opinion, that's not the case in Georgia. So the fact that he appeared to act in good faith does not mean that there was reasonable articulable suspicion. Because of that, I would go with a written reprimand.

8. **(Bozarth)** I am comfortable with that as well. I would just say, even with Mr. Washington here listening, we hear a lot of cases where we've sustained the charge or not but the complainant has suffered a lot more grievances than what the case is here. Mr. Washington was detained only for a few minutes at the most; no physical harm came to him. We have had cases where people actually went to jail. Given that factor here, I think that I'm comfortable with what Mrs. **Price** recommended. If there are no other comments, do we have a motion to make that the discipline for both violations as a written reprimand?
9. **(Fleming)** Excuse me. You all didn't look at the... excessive force is a category C. I just want to make you aware of the discipline for excessive force, which is from 4-15 days suspension.
10. **(Bozarth)** So you only gave us the guideline for the false imprisonment
11. **(Fleming)** Yes.
12. **(Bozarth)** My mistake here. Mrs. **Price** do you have different feelings on your recommendation for both of those offenses?
13. **(Bartels)** We can go outside of the guidelines.
14. **(Price)** I can honestly say that the officers should not get any suspension time with that. It wasn't anything like a person beat up, bruised or anything. I wouldn't go higher than a written reprimand.

The **Vice Chair** opened the floor for a motion. **Price** moved to recommend that Officer David Holleman receive a written reprimand for both allegations for excessive force and false imprisonment. **Brogdon** seconded. Hearing no further discussion, the vote was called and the motion was approved.

E. STAFF ADDITIONAL RECOMMENDATIONS

Separate of the two allegations sustained, the Board revisited Investigator **Fleming's** earlier recommendations regarding Sgt. Anthony Moore. The following recommendations were made by staff for the board's consideration:

1. To have APD look into whether Sgt. Anthony Moore violated any APD policies pertaining to his actions as it relates to him failing to register Mr. Washington's complaint. Staff noted that during the investigation, they asked Sgt. Moore did Mr. Washington say that he wanted to make a complaint. Moore said yes. When staff asked Sgt. Moore why didn't he, Moore said he just didn't. Also look into transporting Mr. Washington to work in an APD vehicle when he was not under arrest.
2. Determine whether 911 Dispatcher Jacqueline Benton violated any APD policies pertaining to her actions as it relates to providing Officers Holleman and Duncan incomplete subject information when dispatching the call;
3. To investigate into Mr. Washington's claim that while he was waiting for a supervisor to arrive on the scene, Officer Holleman tried to coerce him to leave the scene.

Following a brief discussion, **Bartels** moved to accept staff's additional recommendations on all three accounts and to pass recommendations to APD for further investigations. **Price** seconded. Hearing no further discussion, the vote was called and the motion was approved

ACRB CASE NO. 15-087, MICHAEL STYLES

A. ALLEGATION SUMMARY

Vice Chair **Bozarth** summarized the complaint. He stated that the complainant, Mr. Michael Styles, an employee of Fulton County, was sitting in front of the court house eating his lunch when Officer Sherrick Morrison approached him and asked him to lift his leg presumably on the suspicion that Mr. Styles had drugs on him. Shortly afterwards, Officer Morrison did arrest another man nearby on drug charges.

Mr. Styles alleges that on July 8, 2015, while in the vicinity of 115 Peachtree Street, Atlanta Police Officer Sherrick Morrison falsely imprisoned him when he ordered him to lift up his leg, grabbed his pants legs and looked under his foot.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of **False Imprisonment** against Officer Morrison be assigned a finding of **Sustained** (*the allegation established by clear and convincing evidence that the officer committed the alleged act of misconduct*).

Discussion & Comments...

1. *(Souder) I would just say looking at the report and the fact that the witnesses verified what the complainant said; and again, another case where there is no video or anything. I would have to support staff's recommendation.*
2. *(Bartels) I would agree...again, this is one of those cases where there's not a whole lot of dispute, it to the material facts. I think that it's pretty clear that the officer believed the individual that he was chasing had discarded whatever contraband he might have had and that it might be under Mr. Styles' foot. You know again, any kind of touching or lifting up one's leg, that does restricts somebody's freedom of movement. I think it probably could have been appropriately handled if the officer had just asked, Sir, could you please lift up your foot?*
3. *(Bozarth) If I understand your investigation Brian (Fleming), what happened was that one of the men across the street told the officer to go look at this gentleman and that's why he did it and that was sort of like a diversion from what you concluded?*
4. *(Fleming) Actually the officer said that he received some details that there was a man selling some drugs in the area. He saw the subject that was later arrested but, in the process of watching the subject, the subject walked across the street from where the officer was sitting. As the subject was approaching some men, the officer gets out of his car and follows the subject; he walks pass the area of Mr. Styles...never talking to Mr. Styles, no contact whatsoever. During the investigation, I asked the officer, what made you stop Mr. Styles? He said that he just stopped him for no reason basically.*
5. *(Bozarth) I got the feeling from what I read that at least the officer was claiming that maybe it was the complainant that said that he thought one of the fellows across the street had pointed the officer to him. Do I have that wrong?*
6. *(Fleming) I believe so, but, from what the officer was saying, he did not state where he got his details. He said that he was told that a man was doing something over there. He said that he saw the guy and that is when the incident took place.*
7. *(Bozarth) Did the officer offer an explanation when he deposed him of why he did what he did?*
8. *(Fleming) No he did not. When I asked him what specifically drew him to Mr. Styles? What made you do what you did? He said that he was just hanging around; Mr. Styles was in his view. There was Mr. Styles, there's the subject that he was looking for and he just stopped Mr. Styles first.*

The **Vice Chair** opened the floor for a motion. **Williams** moved to accept staff's recommendation to **sustain** the allegation of false imprisonment against Officer Morrison. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved

C. BOARD VOTES ON DISCIPLINE FOR SUSTAINED ALLEGATION OF FALSE IMPRISONMENT

Discussion & Comments...

1. **(Fleming)** *Officer Sherrick Morrison has been employed by the Atlanta Police Department since February 25, 2010. According to the records with OPS, he has received a total of two (2) complaints. Both were filed within the last five (5) years. One resulted in a finding of sustained; one not sustained. The not sustained was for a violation...he did not place someone's personal items into inventory when they were taken into custody. The sustained allegation was that he was driving under the influence. Officer Morrison allegations as it pertains this case, is a category 'A' violation and the penalty ranges from a written reprimand to one (1) to three (3) days suspension.*
2. **(Bozarth)** *The range is oral to written?*
3. **(Fleming)** *Oral to written.*
4. **(Bozarth)** *I would say the same thing about this case; no one was physically hurt or really harassed very strongly. I would say that we don't want to go beyond the recommendation. What do you think Mrs. Price?*
5. **(Price)** *How long this officer been employed with APD.*
6. **(Fleming)** *He's been on the force since February 2010. He is coming up on his sixth anniversary.*
7. **(Price)** *Sometimes I think that we need to consider those officers going back to training. One of the issues that I see is that these supervisors are not going out on these calls. In fact, I've made it known to some folks in the police department. When we get these cases...I don't know who's supervising them. They are just out there.*

Williams moved to recommend that Officer Sherrick Morrison receive a written reprimand for the allegation of false imprisonment. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved by a vote of 5 to 0.

PUBLIC COMMENTS

It should be noted that the order of the agenda was changed allowing Public Comments to be heard before the Election of new officers.

The **Vice Chair** opened the floor to public comments. One person signed up to speak, complainant Raymond Washington. Mr. Washington complaint was reviewed by the board earlier in the agenda.

Mr. Raymond Washington thanked the board for hearing his complaint filed with the ACRB. Mr. Washington stressed his concerns with Atlanta Police Officer David Holleman detaining him because there was no reasonable suspicion. "This officer admitted, but he won't swear to it on this document at all because he alleged that he didn't point a gun at me at all. This is the investigation, I have the documents right here. I gave a copy to Mr. **Fleming** and Mr. **Reid**. Prior to Officer Holleman stopping me, I had my cell phone out and his assertion to me was because you pointed your cell phone at me, I am going to point my dash cam at you. And that is why Ms. **Williams** you can't find the dash cam because the dash cam has come up missing somewhere. There was no reasonable suspicion."

ELECTION OF OFFICERS FOR 2016

Vice Chair Bozarth announced that February is the month whereby each year, new officers are elected to lead the board.

Executive **Director Reid** facilitated the election announcing the three open positions and the names of the candidates who had expressed an interest:

Board Chair
Sherry Williams

Board Vice Chair:
William Bozarth

Board Secretary:
Paul Bartels

Reid opened the floor for additional nominations. The following nominations were made from the floor:

Williams nominated Gerald Souder to be Vice Chair.

Discussion and Comments...

1. **(Bartels)** *I have a question. If there's another vote and there's still a tie, will that be taken up at the next meeting when there's possibly be more members available to cast their vote?*
2. **(Reid)** *That's a very good question.*
3. **(Bartels)** *Maybe we can cross that bridge when we get there.*
4. **(Brogdon)** *Didn't William Harrison send an email out?*
5. **(Reid)** *He did. Earlier today, I sent out an email related to being in good standing if you plan to run for office. Questions were raised such as:*
 - a) *How long do you have to be on the Board to become an officer?*
 - b) *Is there a time limit?*
 - c) *Do you have to actually be within your time limit if you are appointed or elected as an officer?**I reached out to the Law Dept. to find the answers for these questions. Based on the information that I received that if you wanted to be in an elected position you need to be reappointed or currently within your appointment time on the board. It's not about how long you being on the board. If you were just appointed to the board, and wanted to be Chair or in a leadership position, you could. There are two people currently serving and their time has expired, and cannot hold a leadership position. They are Ruth **Price** and Bill **Harrison**. Both positions expired in September of 2014. An appointment occurred last year outside of that fame and shouldn't have but it did. That's unpleasant, but we have to move ahead and deal with it like that.*

Following the comments, each member received a ballot and with the exception of Gerald **Souder** being nominated from the floor, no other nominations were made from the floor.

The following people were nominated:

Board Chair: Sherry Williams (*unopposed*)
Vice Chair: Bill Bozarth and Gerald Souder
Secretary: Paul Bartels (*unopposed*)

Following the vote, it should be noted that the two people running for the Vice Chair position received an equal number of votes. The floor was opened to the Vice Chair nominees to address the board explaining why they wanted to hold the Vice Chair position. The following comments were made:

Gerald Souder, Candidate

"I would feel more involved at an officer level. I would try to make sure that I attend all of the meetings, read all of the cases as they come up. I would keep an open mind, and listen to the facts (unclear) and make my decision independently of that. I would also try to be involved in some of the community outreach and will continue to do that. I think that Bill would make a fine vice chair and I think that I would also. I am committed. I will say that I will not run but one term because I think that we need different people in the positions."

William Bozarth, Candidate

"I think that my worthy opponent is also quite qualified. One of the things that I like to do to continue to serve the board is not only the business that we do the 2nd Thursday of the month, it's a lot of other things

that we are looking into...how to extend the reach of the organization into the whole debate that's going on now in America around better police community relations. I think that we have an opportunity in Atlanta to really be ahead of that. As you know, we got involved with Cobb County folks to try and extend our reach into some of the surrounding areas. Lee and I been talking about a strategy; and about going down to see the major at the academy based on one of the decisions and some of the things that really go to policy, beyond the basic cases. I like to continue to do that as a member of the executive committee or not. I would appreciate your vote for a second term as vice chair."

Following the comments, the votes for Vice Chair were re-cast. The results of the election are as follows.

Board Chair: Sherry Williams
Vice Board Chair: Gerald Souder
Secretary: Paul Bartels

Direct **Reid** extended congratulations to the newly elected officers for 2016.

New Board Chair **Sherry Williams** said, "I just want to thank you guys for electing me chair. I also would like to thank everyone on the board. I think that it's a good problem to have that we have a board full of people that are willing; but capable in serving in leadership positions. I think it's a wonderful problem to have and I hope that we will continue to have this quality of people who have a passion for the work that we are doing; who will also put in the time to make sure that we are carrying the excellent moving forward. With that, I would pray that we can get the City of Atlanta leaders on board to help in this critical work that we are doing for such a time as this."

OLD BUSINESS

Proposed Ordinance Changes

Discussion and Comments...

1. **(Reid)** *Good news. On Monday, the ordinance proposed changes will be introduced at the city council meeting. It's a long time coming.*
2. **(Williams)** *What time?*
3. **(Reid)** *The meeting is at 1p.m. This is just the introduction to the full council (First Read) and once it's introduced, if there are no hiccups, then the legislation will go to the Public Safety Committee on the 23rd for a discussion and recommendation and vote. If the vote is favorable and survives that round, then it goes back to the full council on January 29 for confirmation. On Monday, February 15th, if you can make it, I understand. However, on the 23rd, that is when it would be great for the board members to attend because we have all put in a lot of time and effort into this ordinance and we may need to address the Committee members.*

NEW BUSINESS:

MARCH 2016 BOARD MEETING

Discussion and Comments...

1. **(Bozarth)** *We discussed possibly rescheduling the March meeting but given what happened (election) and the fact that we will have two new board members in March, I don't believe that we will have a problem having a quorum.*
2. **(Reid)** *If there's a thought of wanting to change it, let's vote on it now.*

3. *(Bartels) I was going to say that if we are going to take up the issue of whether to reschedule the March meeting, maybe we can get a show of hands to see who's going to be here.*

Note: It was agreed that with the show of hands, and the new members coming on board, there appeared to be enough members for the meeting to go on as scheduled; therefore, the meeting will not be scheduled.

BOARD TRAINING UPDATE:

Discussion and Comments...

- 1 *(Bartels) Can we get some idea? You reported earlier that four hour block in April, four hour block in May and eight hours in June. Maybe we should get an idea if that is four hours at once, or two hours one day or two hours the next and what time of day? Pretty much up until 6ish or so, Monday through Friday, I'm not available. And you said weekends will be an issue.*
- 2 *(Reid) Weekends may be an issue only because the officers normally work the Monday through Friday schedule and they will probably be working overtime on weekends. They are willing to accommodate us. We are pretty much looking at the evening hours or maybe a Saturday.*
- 3 *(Bartels) If it is a four hour block on a week night, the earliest I could probably get there is around 6:00 p.m. and that's putting us out at 10:00 p.m.*
- 4 *(Reid) I just want to make sure most of the training is something that we can either do at the Citizen Academy or do it during the Board meeting. Maybe extending the meeting by two hours over six or eight board meeting. But there are some training, like assimilated training and other activities that will have to be done at the Academy. We may be able to work out some things as well but I wanted to see if we would be able to get some dates for the larger blocks of training. Keep in mind if the ordinance pass, you will be compensated.*
- 5 *(Laughter)*
- 6 *(Brogdon) It may be a little more efficient to name a month that we want to do it in. Then by email, people throw out their best dates.*
- 7 *(Bartels) That was my suggestion I was going to make, and the other suggestion I would have is my experience is when you're trying to get a good number of people who are real busy and have a lot of commitments together, it may be better to specific the dates they can't make as oppose to trying to get a bunch of suggestions as to when people want to meet.*
- 8 *(Reid) Okay, I will send out an email, but when you get it, I really need you to respond to it.*
- 9 *(Souder) Also, when you send the email regarding the dates, you mentioned the schedule. Can you send that out too? It would be helpful to know what we are committing to."*
- 10 *(Reid) Yes, because it's more than just dates and training with APD, it is also training with the City Attorney's office and the training that we (staff) wants to do as well*
- 11 *(Bozarth) So you will send out an email process on this?*
- 12 *(Reid) Yes.*

ADJOURNMENT

The *Chair* entertained a motion to adjourn. *Brogdon* moved to adjourned. *Bartels* seconded. Meeting adjourned 8:30 P.M.

ACRB Minutes for February 11, 2016 were approved: April 14, 2016
Paul Bartels, Board Secretary

Transcribed: LG