

Approved: 2/11/2016



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

January 14, 2016
55 Trinity Avenue, SW
ATL Stats Room, Level G
Office Telephone: 404-865-8622
Atlanta, Georgia 30303
6:30 p.m.

The January 2016 meeting was called to order by *Chair William Harrison* at 6:47 p.m.

AGENDA

ROLL CALL

(The ACRB has eleven members)

ACTIVE MEMBERS PRESENT

PAUL BARTELS (<i>Secretary/Bartels</i>)	WILLIAM HARRISON (<i>Chair/Harrison</i>) (6:44 arrival)
BILL BOZARTH (<i>Vice-Chair Bozarth</i>)	RUTH PRICE (<i>Price</i>)
SHERRY WILLIAMS (<i>S. Williams</i>) (6:41 p.m. arrival)	GERALD SOUDER (<i>Souder</i>)
GINO BROGDON, JR. (<i>Brogdon</i>)	

ACTIVE MEMBERS ABSENT

BILL BOZARTH (Bozarth)
RUTH PRICE (Price)

VACANT BOARD SEATS

APAB-NPU (*Group S-Z*) – (8 months)
Atlanta Business League (*vacant 3 years and 7 months*) *Nomination Pending*
Office of the Mayor (*vacant 2 years and 5 months*)
League of Women Voters (*vacant 3 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*);

CHARLES CURRY, (Outreach Specialist); **BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*); **MYOLA SMITH**, Project Manager (*Smith/Transcriber*); **JOANNA GOODMARK**, COA Law Department.

APPROVAL OF MINUTES OF THE LAST MEETING, DECEMBER 10, 2015

Chair Harrison opened the floor for discussion and corrections to the minutes. **Chair** wished everyone a Happy New Year. One correction was made to the minutes.

1. **Bartels** noted that on page 6, under Discussion and Comments, (**Bartels**) item #8 should be corrected to read: “*That’s dispositive for me in this case.*”

Bartels moved to approve the minutes with noted correction. **Souder** 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

Reid anticipates the two (2) appointed Board Members for the League of Women Voters and The Atlanta Business League to be at the February board meeting.

B. UPCOMING ELECTIONS REMINDER

Next month at the February meeting, the Board’s election will be held for the office of the Chair, the Vice Chair and Secretary. **Reid** advised all board members who are interested to please contact the ACRB office.

C. ATLANTA BAR ASSOCIATION

Reid reported that he attended the Equal Justice in Law Enforcement Symposium today at Georgia State University College of Law. Board member Bartels and former ACRB Vice Chair Seth Kirschenbaum served on the panel. Kirschenbaum, when speaking about the review board highlighted that one of the concerns of citizens and the review board is the failure of the Chief to discipline on our cases.

D. ACRB ORDINANCE UPDATE

Reid provided an update on the changes within the Public Safety Committee Leadership. He announced that Council Member C.T. Martin will remain on the committee. **Reid** added that he will meet with the sponsors, Young, Dickens and Martin, on next week to see where we go from here and to try and move forward with the ordinance and the proposed changes. **Reid** indicated that he had a brief conversation with Councilmember Dickens who indicated that some of the discussion with other councilmembers has been about how to get the youth involved.

E. BODY WORN CAMERA (BWC) INFORMATION UPDATE

Atlanta Police Department had a community meeting on December 14th at the Adamsville Recreation Center to demonstrate to concerned citizens how the cameras work. **Reid** reported that there are approximately 80-100 cameras that are now out on the streets. ACRB has not received any complaints related to the cameras but, we will continue to watch what is happening with them and still push to make sure that the recommendations that we have made for their policies are included in the final policies.

F. MARTIN LUTHER KING MARCH

ACRB will participate in the annual march on Monday, January 18th at 1:15 p.m. **Reid** encouraged everyone to come and participate in the march.

Discussion and Comments...

1. **(Harrison)** *Let's start with the Body Worn Cameras. When do the remaining cameras roll out?*
2. **(Robertson)** *January 2017. That's the goal.*
3. **(Harrison)** *And with regards to our policy suggestions; you have any feedback on that from Chief Davis?*
4. **(Reid)** *The only feedback that we've had is that they understand and will more than likely put in what we ask them to put in the policy about officers not reviewing the cameras before they do the incident reports. We have to keep the pressure on them, in order for them to actually do it.*
5. **(Harrison)** *But as it stands right now, they are reviewing the footage on the camera prior to writing the report?*
6. **(Reid)** *As it stands right now, I believe the policy that they have out, it says that they can't. But I have to confirm that.*
7. **(Brogdon)** *Are there any suggestions that you can give the board as to what we can do to continue to put pressure on them? That is a really important policy. In my opinion it defies the point of body worn cameras if they can review before they make their report.*
8. **(Reid)** *I think that raising the question that we just raised tonight is good. Another way is to make a request that they come in and give us a video update on it. Write your questions; in practice what's happening with these reports? At least that will put them on record as to what they're doing and let them know that we still want to know what's going on. They haven't sent out notice about when they are having another community meeting on the cameras. It's going to be on us to keep pushing.*
9. **(Harrison)** *We can start by emailing Chief Davis. We have her email address? Don't we?*
10. **(Williams)** *Where does Concerned Black Clergy stand on this? This seems like something that they would champion if they knew what to do; when to do it; People's Agenda; either by email; write a letter or hold a press conference.*
11. **(Reid)** *Both of them are aware of our concerns about the body worn cameras. As for as them saying something publicly, I haven't heard them say anything about it. They understand the concerns we have about the cameras.*
12. **(Williams)** *Since they just rolled out, maybe this is the time to kind of say, oh, by the way, the cameras were just rolled out for a hundred and ten (110); can we count on you to write a letter; to email or hold a pressure conference to let the public know how important it is for us to put pressure on them to do this between now and January 2017? Obviously, they will get the point.*
13. **(Bartels)** *Could you just review what the current status is with the officers that have the body worn cameras? With the current policy, can they review it before they write their report?*
14. **(Reid)** *As far as I remember from what I read and then drafted, I don't believe that they can. I think that it came out right before the 14th. Again, that is what the policy says and hopefully, everyone is doing it. I think we'll give it probably a month; it will be a good time for us to ask what it looks like; even if we have not had any complaints. Just to say that we are checking in and to see what is happening with the cameras.*
15. **(Bartels)** *I was going to say also, one point to be made; and I think repeatedly, if opponents of that policy are saying that the officers do need to review the tape before they write their report, I think that is an acknowledgement that officers' memories by itself is not infallible. I think that during a stressful...yeah, there are some things that cannot be remembered exactly and I think that is an important point because if it's in a certain situation; a citizens word against an officer; the default position is, that they go with what the officer says.*
16. **(Reid)** *When we were working on our positions about it that was one of the points that we stressed. Cops have been doing this for a long time with their memories. They will say, "We need the cameras to be able to make the reports better." Then what are you staying about the current reports? And when the camera isn't operable and an officer doesn't have it so now are we supposed to just question the officer? I think that they get that. I think that since everybody*

has been talking about BWCs for a while, people are starting to poke the holes where the need to be poked. We are going down the right path.

17. **(Bartels)** *I think the kind of consensus that I got today at the symposium was that everybody pretty much believes that the body cameras are important; they are necessary but, they are not sufficient. The point was made that what happened to Eric Garner; what happened to Tamir Rice was on camera; yet still, nothing happened.*
18. **(Reid)** *But at the end of the day, the cameras have only come into play because the officers are not been held accountable. That's what it's all about...the Chiefs holding officers accountable.*
19. **(Souder)** *This is about the march on Monday. Is there a location to meet?*
20. **(Curry)** *They told us Peachtree and Baker Street.*
21. **(Souder)** *I think that's where everybody goes.*
22. **(Reid)** *We will double check but I believe for the last 3 years we have been at Peachtree and Ellis corner.*

INTAKE REPORT FOR NOVEMBER 2015

Investigation Manager Robertson reported that for the month of December 2015, the ACRB received fifteen (15) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

Dismissals:

The ACRB staff is seeking approval to dismiss 8 of the 15 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.15-144 - False Arrest
Recommend dismissal for lack of jurisdiction.
2. ACRB Case No. 15-145 - False Arrest
Recommend dismissal for over 180 days and is timed barred.
3. ACRB Case No. 15-146 False Arrest
Recommend dismissal for lack of jurisdiction.
4. ACRB Case No. 15-150 - Retaliation
Recommend dismissal for lack of jurisdiction.
5. ACRB Case No. 15-153 - Service Complaint
Recommend dismissal for lack of jurisdiction.
6. ACRB Case No. 15-156 - Service Complaint
Recommend dismissal for lack of jurisdiction.
7. ACRB Case No.15-157 - False Arrest
Recommend dismissal for type of harassment does not fall with ACRB's jurisdiction.
8. ACRB Case No.15-158 - Service Complaint
Recommend dismissal for lack of jurisdiction.

Four Complaints Recommended for Possible Investigation Pending Receipt of Signed Complaint

1. ACRB Case No. 15-152 - False Arrest & Excessive Force
The Complainant alleges that on December 5, 2015, while at a Taco Mac, an APD officer grabbed him from behind and slammed him to the ground causing him to crack his rib. He further alleges that the handcuffs were applied extremely tight causing a cut to his wrist. He stated that his criminal case stemming from this incident is pending adjudication in the courts. Staff is awaiting signed complaint. However, if Complainant's criminal case is still pending adjudication in the courts, then recommend suspension of the investigation pending its resolution. If signed complaint is not received, then recommend dismissal.

2. ACRB Case No. 15-154 - Excessive Force
The Complainant alleges that he was forcibly thrown to the ground by APD. Staff is awaiting signed complaint.
3. ACRB Case No. 15-555 - Excessive Force
Father called in on behalf of his 21 year old daughter. Father alleges that on December 11, 2015, his daughter Jeannae Stewart was at a nightclub in Atlanta when an APD officer working an extra job as security put her in a headlock and removed her from the stage. Awaiting father's signed complaint.

Investigation recommendations:

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

1. ACRB Case No. 15-147 - False Arrest, False Imprisonment & Excessive Force
The Complainant alleges that on August 18, 2015, he was unlawfully stopped and detained and arrested by an APD officer. He further alleges that during the encounter, an officer opened his car door and attempted to forcibly remove him from it. The officer then drew his taser and ordered him to exit the vehicle. His criminal case is still pending adjudication in criminal court and the false arrest of his complaint will depend on that. Recommending suspension of the case until the resolution of the criminal case.
2. ACRB Case No. 15-148 - False Imprisonment
The Complainant alleges that on October 10, 2015, he was unlawfully stopped and detained for allegedly failing to stop at a stop sign. Recommend investigation as a false imprisonment complaint.
3. ACRB Case No. 15-149 - False Imprisonment
The Complainant alleges that on December 2, 2015, he was unlawfully stopped and detained for allegedly failing to stop at a stop sign. Recommend investigation as a false imprisonment complaint.
4. ACRB Case No. 15-151 - False Imprisonment
The Complainant stated that on December 2, 2015, he was unlawfully detained by and APD officer while at the Exxon Service Station located at 400 Piedmont Avenue. Recommend investigation as a false imprisonment complaint.

Reconsideration of Complaint

1. ACRB Case No. 13-31 - False Arrest
Complainant filed a false arrest complaint against APD for an incident that occurred on April 7, 2013. Complainant has withdrawn his complaint. Therefore, recommend for dismissal.

Discussion & Comments...

1. **(Williams)** *What did you have for number 14?*
2. **(Robertson)** *It's timed barred. It was over 30 days.*
3. **(Harrison)** *I have a question with regards to the intake report in December. Remember when I had a question regarding Raymond Washington and how many complaints; how many officers; and how many times he had complained about a particular officer.*
4. *I'm trying to figure if it's one officer; and if it is harassment or what?*
5. **(Robertson)** *It is always different officers. He can't provide any names or any identifying information for us to try to use to figure out whom to investigate. We've brought forth all of those complaints before you all, and you all have dismissed most of them.*

6. (**Harrison**) *So there is no connection that can be made whatsoever as to whether that's harassment or anything like that. Does he live on the streets or does he live downtown or what?*
7. (**Robertson**) *I don't know where he is living now but, he's not homeless.*

B. BOARD VOTES ON INTAKE REPORT

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

COMPLAINTS REVIEW:

ACRB CASE NO. 15--068, MARVING LIGHTFOOT

A. ALLEGATION SUMMARY

The complainant, Marvin Lightfoot, alleged that on May 13th, 2015, while at 256 Clifton Street, SE, Atlanta Police Lieutenant Albert Carter, Jr. falsely imprisoned him in that he unlawfully detained him.

STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of False Imprisonment against Lieutenant Albert Carter is assigned a finding of **Exonerated**. The investigation established that the alleged act occurred but was justified.

Discussion & Comments...

1. (**Brogdon**) *I think that it is ...assuming that if asking for his license was being detained; it can go either way. Assuming that is being detained; he still, technically could detain him because there was reasonable suspicion that he was breaking the law; parked in the fire lane and there is at least an argument that there was a disturbing of the peace because Dr. Anderson said that she had to send the officer out there; so she heard the music from inside of the school. I think that it's clear that there was at least a reasonable suspicion for him to detain him.*
2. (**Bartels**) *I would also second that. It doesn't seem...correct me if I'm wrong, but it doesn't seem like there's any dispute that he was parked in the fire lane. He acknowledged that.*
3. (**Williams**) *And I believe that the officer was nice; he could have given him a ticket for parking in the fire lane and he didn't. I'm sure that ticket is more than \$20.00. Sometime you just got to say thank you, I was wrong and keep moving instead of complaining.*

B. DETERMINATION OF ALLEGATION

Brogdon moved to accept staff's recommendation to **exonerate** the complaint as alleged against Lieutenant Albert Carter, Jr. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved

NEW BUSINESS

Chair reported that he has been selected to attend the FBI Citizens Academy for nine (9) consecutive weeks, starting Thursday, February 4th. "That may take me away from the meetings because it is nine consecutive weeks, but I don't really know yet. I **C** will keep the board informed as to how things progress.

Discussion & Comments...

1. **(Souder)** I was just wondering if we have a date of when we are doing the outreach meeting; where we once a quarter go out to a neighborhood meeting or somewhere. Do we have a location or date coming up for that?
2. **(Reid)** No, and actually, we will start putting in those dates on the calendar. If anyone has anywhere that they would like for us to go out in the community to hold our meetings, please let us know so that we can take that into consideration.
3. **(Williams)** Sometimes it's good to be consistent, so the locations that we've had in the past; if the citizens know that we are going to be there; once a year or whatever; maybe, we can get a better drawing each time; as long as we have sufficient parking and we do sufficient advanced notice of being there.
4. **(Reid)** That's true for some of them but, the way it works is, we represent the City. Some of it is just logistics; what's available. As far as getting people out, that's more of us just doing a better job getting the word out.
5. **(Harrison)** Ok, I also want to report that the Atlanta Police Department is going to be putting on an active shooter presentation which will take place on Tuesday, January 19th. It will be at the Atlanta Civic Center, 395 Piedmont Ave, Atlanta, Georgia 30308; 6 p.m. to 8 p.m. RSVP is not required and the event will be on a first come, first served basis. If you have been keeping up with Active Shooter presentations that has been taken place in Marietta, they fill up pretty fast. There will also be an Active Shooter presentation for Lennox Square on January 31st. Actually, that is not a presentation; the one in Lennox Square is going to be a dry run. You have the police, security; people will have roles. It's going to include every aspect of law enforcement in the city pretty much.

PUBLIC COMMENTS

No public speakers

Other Closing Comments:

- **S. Williams** announced that this is the first week that the Legislative is in session and if anyone is interested in the committee hearings, you can find the information on the hearings on the Legislative website. The sessions are daily and live streamed.

ADJOURNMENT

The **Chair** entertained a motion to adjourn. **Souder** moved to adjourned. **Bartels** seconded. Meeting adjourned at 7:23 P.M.

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

Transcribed: LG