

APPROVED

August 11, 2016



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

July 14, 2016

Thomasville Recreation Center

1835 Henry Thomas Drive, SE

Atlanta, Georgia 30315

404-624-0816

6:30 p.m.

The July 2016 meeting was called to order by *Chair Sherry Williams* at 6:37 p.m. opening with prayer.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS *(Chair/Williams)*

CECILIA HOUSTON-TORRENCE *(Torrence)*

HAROLD HARDNETT *(Hardnett)*

WILLIAM HARRISON *(Harrison)*

PAUL BARTELS *((Secretary/Bartels)*

GERALD SOUDER *(Vice Chair/Souder)*

BILL BOZARTH *(Bozarth)*

GINO BROGDON *(Brogdon)*

ACTIVE MEMBERS ABSENT

(All active members present)

VACANT BOARD SEATS

APAB-NPU *(Group S - Z) – (1 year and 2 month)*

City Council President *– (1 month)*

Coalition for the Peoples' Agenda *(Appointment Pending)*

Mayor's Office *(vacant 2 years and 11 months)*

Urban League of Greater Atlanta *– (Appointment Pending)*

STAFF & CITY EMPLOYEES ATTENDEES

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

GARRETT, Executive Admin. Assistant, (*Garrett/Transcriber*); **VERONICA HOFFLER**, (*Hoffler*) COA Law Department; **LIEUTENANT JESSE WEBB** (*Lt. Webb*) Atlanta Police Department

APPROVAL OF MINUTES OF THE LAST MEETING, JUNE 9, 2016

Chair Williams opened the floor for discussion and corrections to June minutes. There were no corrections noted for the record.

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

For the record: Smith noted that on page 9, item “G”, the name of the second person, opposing the motion vote, was omitted because the voice on the recorder was inaudible and staff was unable to identify that person. For the record, she asked the board to clarify who the person was opposing the vote.

Bartels indicated that he was the second vote.

It should be noted that Bartels’ opposing vote will be included in the record for June 9th board meeting minutes.

EXECUTIVE DIRECTOR’S REPORT

The following highlights were reported by *Director Reid*:

- **Community Outreach Participation**
Under the new ordinance, Board members are required to engage in community outreach events on a yearly basis. Events are tracked to show your involvement in community outreach, please contact *Reid, Smith or Curry* to inform them of the events that you have attended or will going forward.
- **Art and Essay Update**
We have had to postpone the recognition of the ACRB Art and Essay Contest due to scheduling conflicts with Council calendars. We will recognize the winners during the August or September City Council meeting.
- **New Board Positions**
Recently, the Urban League of Greater Atlanta submitted a letter nominating Ms. Shuntay Pitre to the Board. The process for her nomination has begun. Council is expected to be on recess the first two weeks in August and therefore, Ms. Pitre will probably not be confirmed until September’s meeting.
- **National Night Out**
The ACRB will be participating in the annual “National Night Out” crime prevention event being held in the Peopletown neighborhood on Tuesday, August 2, 2016 at Fourcorners Park, 1040 Crew Street in southwest Atlanta (*30315 zip code*), on the corner of Haygood Avenue and Hank Aaron from 4:30 p.m. to 7:30 p.m.
- **Question Update**
The Board’s questions from the June meeting have been submitted to the APD. As soon as we receive the responses, I will notify the Board.

- **Staff's Role regarding the Nomination to the Board**

During the last board meeting, Ms. Price announced that she was leaving the board and there were comments from members regarding her replacement and related process. "To clarify staff's role in the nomination process of board members, staff does not participate in the selection or nomination of board members to the ACRB. Staff will discuss with appointing entities, the appointment process and vacancies. As staff, we avoid all appearance of having undue influence as to who serves on the board and reject behavior that might be perceived as such. The citizens decide who should serve on the board, and anyone desiring a seat on the ACRB, the staff will advise them to directly contact the appointing entities with vacant seats on the board. A list of which can be found on the ACRB website."

"Because of staff's limited role in the appointment of new board members, it is important that when a member plans to leave the board, they immediately start working with the appointing entity to help find their replacement. Most of the former board members have generally taken this route because they have invested a great deal of time in the work of the board and want to ensure that the board has a healthy quorum and remain in a position to conduct business as usual once they are gone."

- **New Atlanta Police Department Office of Professional Standards (OPS) Commander**

Major Jonathan Durant is the new OPS Commander.

- **Community Outreach Volunteer Ambassador Program (COVAP)**

The lessons learned from volunteers recruited in the inaugural 2015 class of the Community Outreach Volunteer Ambassador Program (COVAP) have resulted in a bigger class in 2016 that is more focused on ACRB policies and procedures, more engaged in reaching out in their own communities and bringing other volunteers to COVAP. The result has been a class of volunteers that is using their talents, skills, abilities, resources and contacts to quickly help the agency's outreach efforts far beyond last year's primary goal.

- **Press Release Regarding Meeting Between Mayor Reed and Black Lives Matters**

The agency wrote a press release regarding the upcoming meeting between Mayor Reed and Black Lives Matter. This meeting was scheduled due to the recent protests about the tragic police killings of Alton Sterling (Louisiana) and Philando Castile (Minnesota). ACRB was not invited to the meeting, but we hope that some of the issues that we pointed out will be raised during the meeting. Also, Tom Jones from Channel 2 News interviewed Reid today regarding the same Press Release

Discussion and Comments...

1. **(Harrison)** Has the offer to attend changed? The meeting that you spoke of?
2. **(Reid)** No

- **OVERVIEW OF ACRB**

For the sake of those citizens attending an ACRB meeting for the first time, **Reid** provided the following overview.

Atlanta Citizen Review Board (ACRB) was created to address citizens' concerns about the Atlanta Police and Correction Officers. It was established by law in 2007 following the public outcry over the shooting death of 92 year old Ms. Kathryn Johnston by Atlanta Police Officers.

Through the community's activism and advocacy, the City created this board and actually, it was the first of its kind in Atlanta to be an independent investigative agency. The agency is able to take complaints; review those complaints without being influenced by the police or anyone else. The board is made up of citizens from across the city. They review the cases to ensure that it falls into the categories that the ordinance requires, and then make a decision; which is forwarded to the Police Chief or

Corrections Chief so that a final disciplinary decision can be made. The end goal is working to get a better Police Department and to educate citizens.

It should be noted that the order of the agenda was changed by the **Chair** and **Vice Chair** to allow Public comments to be heard before the investigative cases. **Bozarth** moved to accept the revised changes of the agenda. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

Special Note: The Board, by consensus, agreed to move public comments up in the agenda to accommodate the citizens and other guest speakers.

PUBLIC COMMENTS

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

❖ *Keldric Thomas, Psychologist from Atlanta*

Mr. Thomas addressed the prevalence of the killing of our youth and believes that there is a need to address the issue that is relevant to a lot of police interactions which has been intensified. Mr. Thomas wanted to know if the Board has the power to advise the Mayor and the APD on different policies and what type of interventions or practices that the board has recommended or is willing to recommend in dealing with these issue?

Comments...

(Chair Williams) The way these meeting are actually set up is that we take your public comments and we take notes of what your questions are and then we can respond to them in a more appropriate manner when we have more information. We need to make sure that we have your contact information. We can have you to come back to the next meeting if you like. We want to know what your comments and we want to make sure that we are thorough as possible answering your questions and so that we are not going back and forth.

❖ *Sarah Walton, Trainer of Law Enforcement, Co-Author of Law Enforcement Officer's Manual*

Ms. Walton stated that research shows that crime and rates of violence increases where there is no trust in the police department. Ms. Walton thanked ACRB's director for getting the Standard Operating Procedure (SOP) on ACRB's website. She stressed that under the Law Enforcement Guide, the SOP is open to the public and she encouraged everyone to review it.

❖ *Gabby Hammons, Representative a group of Quakers for Racial Equality*

Ms. Hammons noted two concerns that she wanted to address; an initiative that is being started and Body Worn Cameras (BWCs). She indicated that she attended a Council meeting in December 2015. Ms. Hammons quoted that the cameras cost approximately 1.3 million and 60% of the cameras went to the airport and were not distributed to the streets. Ms. Hammons said that she and others are working to develop a tool kit for non-attorneys to obtain, review and change policies. It will allow the individual to be proactive.

❖ *John Michael, Former ACRB Board Member*

Mr. Michael is an inaugural member of the ACRB. He is charging the Board to do more to mandate that Chief Turner responds more readily to citizens' questions.

❖ *J. L. Booker, Inaugural Board Member*

Mr. Booker is an inaugural member of the ACRB. He is also a retired APD officer who retired at the rank of Major. He passionately stressed to the Board that they have the power to stop some of the

things that are going on. He indicated that he will contact the Governor to rescind a law that was passed; allowing guns to be carried. Since this law was passed, there has been an increase in shootings and killings and he advised the Board to take a hard look at the cases they review and to make a decision on the officer.

❖ *Major Ruth Price, Former Board Member, Retired Major, APD*

Ms. Price worked for the Atlanta Police Department for 26 years and expressed her love for APD. She indicated that in her opinion police officers are having some real issues policing our neighborhoods, but she also said that before we fix our communities, we need to fix our families.

Chair Williams thanked everyone for their comments and encouraged them to attend ACRB meetings in the future. *Williams* asked *Charles Curry (Community Outreach Specialist)* to give an overview of the Outreach Program and to explain to everyone how they can become involved. Curry commented on the following:

- ACRB holds “Know Your Rights” training workshops (*mostly through the Public Libraries*), but will come to your facility.
- ACRB held an Art and Essay Contest for grade school, middle school and high school students to express their concerns through written words and art. Winning students will be honored by City Council in August.
- ACRB participates in community and city events, parades, malls and other functions.
- ACRB has volunteers that are from all over Atlanta that are interested in what the organization is doing and wants to make a difference.
- ACRB wants your feedback so that ACRB can be better as a board.

Chair Williams advised that a formal request has been submitted to meet with Mayor Reed to discuss some of the concerns that were addressed. She stated that once a meeting is secured with the mayor, ACRB will send out a press release.

INTAKE REPORT FOR JUNE 2016

Investigation Manager *Robertson* reported that for the month of June 2016, the ACRB received eighteen (18) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to dismiss seven (7) of the 18 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. 16-079 – False Arrest
Recommend dismissal for lack of merits.
2. ACRB Case No. 16-081 – False Arrest
Recommend dismissal for lack of jurisdiction.
3. ACRB Case No. 16-082 - Other
Recommend dismissal for lack of jurisdiction.
4. ACRB Case No. 16-086 – Failure to Give Miranda Warnings
Recommend dismissal for lack of merits.
5. ACRB Case No. 16-087 – Excessive Force
Recommend dismissal for lack of jurisdiction.
6. ACRB Case No. 16-090 – False Arrest
Recommend dismissal for lack of jurisdiction.
7. ACRB Case No. 16-091 – Coercion
Recommend dismissal for lack of jurisdiction.

Investigation recommendations:

The following eleven (11) cases are recommended for investigation:

1. ACRB Case No. 16-080 – Excessive Force
The Complainant alleges that on April 24, 2016, he was assaulted by APD officers during an arrest. Awaiting Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as an excessive force complaint. If not received, then recommend dismissal.
2. ACRB Case No. 16-083 – False Arrest, Excessive Force & Abusive Language
The Complainant alleges that on December 3, 2015, she was falsely arrested by the APD officers. She further alleges that during the arrest, the officers used excessive force and abusive language towards her. Recommend investigation as an excessive force, abusive language and possibly a false arrest complaint if Complainant's criminal case is resolved in her favor. If the Complainant's case is still pending adjudication in the courts, then recommend suspension of the investigation pending its resolution.
3. ACRB Case No. 16-084 – Harassment
The Complainant alleges that on May 28, 2016, APD officers have been harassing him repeatedly citing him for the same offense. Recommend investigation as a harassment complaint.
4. ACRB Case No. 16-085 – Failure to Adequately Investigate
The Complainant alleges that on April 20, 2016, an APD officer arrested him for disorderly conduct. He alleges that the officer failed to ask for his side of the story and instead took his girlfriend's side because the officer was familiar with her. The Complainant accepted a plea to said charges. Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as an appropriate action required complaint. If not received, then recommend dismissal.
5. ACRB Case No. 16-088 – Unlawfully Detained and Handcuffed & Illegal Search
The Complainant alleges that on June 11, 2016, an APD officer unlawfully stopped and detained her for failing to stop at a stop sign. She is further alleges that the officer illegally searched her vehicle and applied the handcuffs extremely tight.
6. ACRB Case No. 16-089 – Inappropriate Conduct
The Complainant alleges that on June 19, 2016, an officer at the Atlanta Detention Center made threatening statements to him after he (Conley) reported the officer's unprofessional conduct towards another inmate to his fellow officers. Recommend investigation as a conduct complaint.
7. ACRB Case No. 16-092 – Inappropriate Conduct
The Complainant alleges that on June 22, 2016, while incarcerated at the Atlanta Detention Center, an officer was belligerent and threatening towards him. Recommend investigation as a conduct complaint.
8. ACRB Case No. 16-093 – Excessive Force, False Imprisonment & Illegal Entry
The Complainant alleges that on June 22, 2016, an APD officer forced his way into her home, unlawfully detained her and physically assaulted her. Recommend investigation as an excessive force, false imprisonment and appropriate action required complaint.

9. ACRB Case No. 16-094 – False Arrest, Abuse of Authority & Verbal Abuse
The Complainant alleges that on April 23, 2016, he was falsely arrested by an APD officer. He further alleges that the officer abused his authority and was verbally abusive. Recommend investigation as a false arrest, abuse of authority and abusive language complaint.
10. ACRB Case No. 16-095 – Excessive Force
The Complainant alleges that on June 18, 2016, during an arrest, he was thrown to the ground by an APD officer and as a result, his left pinky finger was broken. Awaiting Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as an excessive force complaint. If not received, then recommend dismissal.
11. ACRB Case No. 16-096 – False Arrest
The Complainant alleges that on June 20, 2016, he was falsely arrested by an APD officer. Preliminary investigation revealed that Complainant's criminal case stemming from this incident is pending adjudication in the Atlanta Municipal Court and the investigation into the allegation will depend on its outcome. Therefore, recommend suspension of the investigation pending the resolution of his case.

Reconsideration of Complaint:

ACRB Case No. 16-003 – Inappropriate Conduct

The Complainant had filed a complaint alleging that on January 10, 2016, he was walking on Bankhead Highway and Donald Lee Hollowell Parkway when an APD patrol car (#32104) traveling approximately 80 mph, with no emergency lights or siren activated, almost struck him. The Board voted to investigate as an allegation of appropriate action required complaint. ACRB's numerous attempts to obtain a statement from Mr. Washington have been unsuccessful. Therefore, staff is recommending dismissal for lack of cooperation.

Discussion and Comments...

1. *(Williams) Can you give your full name for those who are here for the first time?*
2. *(Robertson) I am the Investigation Manager, Sheena Robertson.*
3. *(Williams) Can you clarify something for the audience here? You said that several of these are being dismissed because they are not signed complaints. Can you explain to them, how someone files a complaint and what is required for it to be actually considered?*
4. *(Robertson) In order for us to investigate a complaint, we have to have a signed complaint form; which they can come in person, mail the form, or they can go onto ACRB's website and submit it electronically.*

B. BOARD VOTES ON INTAKE REPORT

Bozarth moved to accept the Intake Report for June. **Hardnett** seconded. Hearing no further discussion, the motion was approved without complaint.

COMPLAINTS REVIEW:

ACRB CASE NO 15-093, LABRENTOUS SMITH

A. ALLEGATION SUMMARY

The Complainant alleged that on July 19, 2015, Atlanta Police Officer Kyle Turner (Unique ID #5621) used excessive force against him when he: (1) slammed the Complainant's head on the ground; (2)

pulled him by the arm and dragged him across the concrete; (3) rammed his head on the corner of the patrol car door approximately 20-30 times, and (4) grabbed him by the arm and pushed him inside the patrol car.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Excessive Force against Officer Kyle Turner be assigned a finding of **not sustained** (*the investigation failed to prove or disprove that Officer Turner committed the alleged acts of misconduct*).

Discussion and Comments...

1. (**Bozarth**) *Seems the gentleman had just been released from jail that same day. His behavior would suggest that perhaps, this is a case where, probably more of a mental health problem than a crime problem. Nevertheless, staff recommendation that the officer in this case, handled the situation the best that he could. Even family members so justified. I am willing to incline to agree with the staff's recommendation that the officer be...I believe exonerated, I guess.*
2. (**Bartels**) *No Sustained.*
3. (**Bozarth**) *That is my comment, not a motion*
4. (**Bartels**) *I agree with Mr. Bozarth's comments. There were family members who corroborated the officer's side of the account. Also, the allegation about getting his head slammed 20-30 times. That's something that would result in death or serious injury if it had occurred. For those reasons, I'm comfortable with staff's recommendation.*

Chair Williams opened the floor for a motion. **Bartels** moved to adopt staff's recommendation to assign a finding of **not sustained** for Excessive Force against Officer Turner. **Harrison** seconded. Hearing no further discussion, the vote was called and the motion was approved.

For the record, it should be noted that prior to the discussion of the next case, **Chair Williams** recused herself from the discussion citing her association with the people involved. **Chair Williams** turned over the discussion to **Vice Chair Souder**.

ACRB CASE NO 15-115, WILHY HARPO

A. ALLEGATION SUMMARY

The Complainant alleges that on March 31, 2015, Atlanta Police Officer William Lynch (Unique ID #5314) unlawfully detained him.

B. STAFF RECOMMENDATION

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

Discussion and Comments...

1. (**Bozarth**) *This was a situation at the MLK Center...the complainant had an altercation with the security guards...call the police. The witness testified and I believe that probably, the main reason staff recommended exonerated was that Mr. Robert Bailey, made one point that he was a former police officer himself. As I read this, it seems that Mr. Harpo was trying to get into the MLK Center, an area that is not normally accessible to the public. The security guard restrained him. I don't know of anything in the complaint that suggested that the officer acted out of order. I am inclined to accept staff's recommendation.*

2. (**Bartels**) *I would be inclined to accept staff's recommendation also. It did rise to the level of investigative detention; the Terry Stop. Giving all the circumstances, it didn't rise to the level of an arrest. I think that there was reasonable suspicion to detain temporarily.*

Bartels moved to recommend that the allegation of *Excessive Force* against Officer William Lynch be assigned a finding of **exonerated**. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

For the record, after the discussion, **Chair Williams** resumed her role of presiding over the meeting.

ACRB CASE NO 15 - 124, SAMANTHA LEROY

A. ALLEGATION SUMMARY

The Complainant alleged that on October 12, 2015, Atlanta Police Officers Arkeda Collins and Terrence Whitten unlawfully stopped her and issued her a citation for not having her dog on a leash.

B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment and False Arrest against Officers Arkeda Collins and Terrence Whitten be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the alleged act of misconduct*).

Discussion and Comments...

1. (**Brogdon**) *I thought what was important about this case and what wasn't revealed in the description just now, was the officer initially approached him and gave them a warning for not having their dogs on a leash. After some back and forth, they put the dogs on leashes and walk away. The officer re-approaches them and then gives them the citation. After you give them a warning, you can't come back and give them a citation. The other piece of this is there's evidence that the officers did not tell the truth. They said that they had gotten a call from their supervisor to cite the individuals and when they went back and checked the records, there was actually no call about forcing the officer to cite the individuals. I agree with staff's recommendation to sustain.*
2. (**Souder**) *I would also agree. The fact that the complainant actually had a cell phone video that recorded what the officer said; which was very important. It gets back to the point where we firmly believe that the body camera and videos makes a big difference in investigating a case like this. The officers denied that they said what they said, but when the cell phone video was played, it showed that the officer actually did say it. That pretty much tells us the credibility of the officer in question. So, I agree with staff's recommendation.*

Chair Williams opened the floor for a motion. **Bozarth** moved to recommend that the allegation of False Imprisonment and False Arrest against Officers Arkeda Collins and Terrence Whitten be assigned a finding of **Sustain**. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

Note: **Bozarth** advised the board that his motion was for both allegations.

C. BOARD'S VOTE ON 1st ALLEGATION FOR FALSE ARREST ON OFFICER ARKEDA COLLINS

Arkeda Collins has been employed with the Atlanta Police Department as a police officer since September 9, 2010 and is assigned to Community Oriented Police Services (COPS) for the APD's Community Service Division (CSD) PATH FORCE Unit for the past two years.

Regarding her Office of Professional Standards (OPS) history, Officer Collins has two sustained complaints (vehicle accidents).

Discussion and Comments...

1. **(Investigator Lolar)** Officer Collins has two sustained complaints, but it's dealing with vehicle accidents, so this will be a category 'A' violation.
2. **(Brogdon)** What type of complaints were the vehicle accidents?
3. **(Lolar)** She was involved in an accident and they found she caused an accident.
4. **(Souder)** I saw in there that you requested the disciplinary records and I thought that I had asked this before, but, is there some reason why when you make recommendation to sustain, that we don't have a copy of the records included or summary at the time you give us the case to review? Which I think will help us.
5. **(Lolar)** None that I know of.
6. **(Bartels)** Could we review the range for that?
7. **(Lolar)** The range would be for the category 'A'. It would be training, counseling or oral reprimand. Written reprimand would also fall under that as well.
8. **(Brogdon)** I would say written because the issue is less, so in my opinion, the false imprisonment, the lying... officers are held to a different standard. If this was a very small thing you'll lie about, then you will lie about something much more important. There has to be a written record in the file to track this sort of thing and something oral is not tracked. I think, as a sworn officer, if you lie, there needs to be a note in the file.

Brogdon moved to recommend that Officer Collins receive a written reprimand for allegation for False Arrest. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD'S VOTE ON 2ND ALLEGATION FOR FALSE IMPRISONMENT – OFFICER ARKEDA COLLINS

Bozarth moved to recommend that Officer Collins receive a written reprimand for the allegation for false imprisonment. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

E. BOARD'S VOTE ON 1ST ALLEGATION FOR FALSE ARREST ON OFFICER TERENCE WHITTEN

Officer Information: Officer Terrence Whitten has been employed with the Atlanta Police Department as police officer since October 19, 2009 and is assigned to Community Oriented Police Services (COPS) of the APD's Community Service Division (CSD) PATH FORCE Unit for over a year.

Office of Professional Standards (OPS) History: Officer Whitten has one sustained citizen complaint that occurred in 2011. Officer failed to act appropriately or immediately to another officer's domestic violence call.

Discussion and Comments...

1. **(Harrison)** So he failed to act immediately on behalf of the officer?
2. **(Lolar)** No, on behalf of the victim of domestic violence.
3. **(Bozarth)** There was no OPS sanction?
4. **(Lolar)** That is correct.
5. **(Souder)** Based on the disciplinary guidelines, again, this is a category 'A' and the sustained incident was more than a year...it doesn't raise the category?
6. **(Lolar)** That is correct and it was a category 'A' oral admonishment.
7. **(Williams)** What you are saying is that they received an oral admonishment?
8. **(Lolar)** Yes an oral admonishment.

9. (*Souder*) So this is the same category now as the...
10. (*Lolar*) That is correct.

Souder moved to recommend that Officer Whitten receive a written reprimand for allegation for False Arrest. *Bozarth* seconded. Hearing no further discussion, the vote was called and the motion was approved.

F. BOARD'S VOTE ON 2ND ALLEGATION FOR FALSE IMPRISONMENT – OFFICER WHITTEN

Souder moved to recommend that Officer Collins receive a written reprimand for the allegation for false imprisonment. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB's Additional Recommendation:

It should be noted that according to the evidence, Officers Collins and Whitten's account of what occurred during the second encounter with Complainant was untruthful.

It is suggested that the ACRB Board recommend that the APD review the evidence and take appropriate action in accordance with APD's disciplinary matrix.

Harrison moved to accept staff's recommendation that APD review the evidence and take appropriate action in accordance with APD's disciplinary matrix. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved.

Discussion and Comments...

1. (*Harrison*) Can we track whether these officers have had previous complaints with ACRB?
2. (*Robertson*) Yes, we can. We have a data base that captures that information and more.

ACRB CASE NO 16 – 036, RONNIE CORBIN

A. ALLEGATION SUMMARY

The Complainant alleged that on February 8, 2016, Atlanta Police Officer Mark Smith falsely imprisoned him in that he unlawfully stopped and detained him.

B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment against Officer Mark Smith be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the alleged act of misconduct*).

Discussion and Comments...

1. (*Bozarth*) This is to me the most interesting case this month. The gentleman who made the complaint was homeless at the time. At 2:00 a.m., he was sitting in a parking lot and this officer approached him. One could interpret that he was trying to help him. I believe that the investigator has made a decision that in the process of possibly doing that, the man ended up getting arrested in a way had the officer not intervene, it would not have happened. I like Brian (**Investigator Fleming**) to give us the reason why you came up with a recommendation to sustain him when we basically have a case where the officer's version verses the complainant's version. What made you sustain the case?

2. *(Fleming) As mentioned in your report, the issue with the case is, not so much of him stopping and detaining him, but the issue came when he decided to do a computer check of Mr. Corbin. The policy states that you have at the base, a reasonable articulable suspicion that a crime has occurred. He admitted that there was not crime. He had no bases to run his name; which resulted in his arrest.*
3. *(Bartels) I think that is correct. Before he found out that there was a warrant; was there articulable suspicion to detain him? I don't think that's a requirement of the courts. I think that the courts have to really address that issue, but if we are going to go by APD standards in deciding whether there was articulable suspicion, then, I would agree with staff's recommendation.*
4. *(Bozarth) Is there a policy that in order to put an individual in the back of a police car that a check had to be done? I think what the officer was saying...to take him in, he had to check him out. Did you determine that? Do we know if that is true or not?*
5. *(Fleming) I am not sure if I understand your question.*
6. *(Bozarth) Well, the officer's statement...if you read the cases...in order to take him somewhere he had to run a check on him.*
7. *(Fleming) That is what the officer was saying. He came up with that..."Before I put you in my car, I'm going to run your name." That's not what APD says you can do.*

Bozarth moved to accept staff's recommendation that the allegation for false imprisonment against Officer Mark Smith be assigned a finding of **Sustained**. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

Officer Information: Officer Mark Smith has been employed with the Atlanta Police Department (APD) since December 4, 2014 and is currently assigned to Zone 1 (Patrol).

Office of Professional Standards (OPS) History: Officer Smith has no disciplinary history. This would be a category 'A.'

C. BOARD'S VOTE ON ALLEGATION FOR FALSE IMPRISONMENT – OFFICER SMITH

Discussion and Comments...

1. *(Bozarth) I believe in the testimony that Officer Smith has been six months sworn in even though he has been on the force for over a year and a half. I am willing to consider this a rookie error and say that we minimize the punishment to an oral assuming that he would know better in the future to not run a check before he can help someone get out of the cold.*
2. *(Souder) I would suggest that we also include re-training.*
3. *(Brogdon) I think that one of the concerns for me was that the Complainant was complaining of a seizure and there was never a conversation about going to the hospital.*
4. *(Fleming) When I interview him, I asked him "did you go to the hospital?" He said that he had been to the hospital. He had a prescription that he never filled. He didn't go to the hospital, he went straight to jail. Of course, they checked him out at the jail, but as far as the officer saying I am going to take him to the hospital, he might be sick. That never happened.*
5. *(Brogdon) Maybe that needs to be a part of re-training.*

Chair Williams opened the floor for a motion. **Bartels** moved to recommend that Officer Smith receive an oral reprimand and additional training on articulable suspicion and calling medical personnel. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved.

OLD BUSINESS

By-Laws Update – **Bozarth** informed board members that during the last meeting, each member received a copy of the By-Laws & Policies and was asked to share their thoughts and ideas. He indicated that no feedback has been provided. He recommended that the by-laws and procedures be provided to the board members again for review. **Bozarth** thanked the committee and everyone in helping with the By-Laws and Policies.

Chair Williams opened the floor for a motion. **Bozarth** moved to accept changes to the By-Laws. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

NEW BUSINESS:

Discussion and Comments...

1. **(Houston-Torrence)** *One of the things that I want to talk to the board is about open positions that we currently have and about filling those positions. I think that it is very important that we get a former police officer on the board. Someone approached me, Judy Walker, a former APD. I know that the Mayor's position is still open. Is that correct?*
2. **(Williams)** *Yes, the Mayor's position is still open. How long has it been open?*
3. **(Bartels)** *Two years*
4. **(Bozarth)** *The appointment process says that the appointment of the City Council President is the one who has to be someone in law enforcement. That isn't open; that was Mrs. Price appointment. If we have a candidate, I would encourage that the candidate let it be known to his office.*
5. **(Houston-Torrence)** *I'll take care of that.*
6. **(Souder)** *My question to Lee (Director Reid)...I notice in the report that we shouldn't be involved in appointments. Can you clarify what you were talking about?*
7. **(Reid)** *Staff. I was speaking of staff only.*
8. **(Souder)** *Ok. All we do is notify the appointing agency.*
9. **(Reid)** *Right. If someone expresses an interest on the board, we will have a conversation with them, but we will not steer anything.*
10. **(Bozarth)** *Can you tell us where we are with the two new appointments agencies?*
11. **(Reid)** *The Urban League submitted a letter nominating Ms. Pitre to the board. Her process has already begun. People's Agenda, they are in the process of giving the letter to us. They have identified a candidate, but we have not received the letter. We anticipate receiving it shortly. We need to start the training that we have talked about, but we don't want to start the training until we get as many people on the board as we can. I want to mention Judy Walker and another individual who also expressed interest. Former Sargent Lamar Ester has also expressed an interest. It's great that we have a least two officers who are interested. Now, we just have to get the Mayor's position, and NPU S-Z.*
12. **(Bozarth)** *I had a report from my representative and there has been a nomination. That individual went in front of the APAB Committee in June meeting and in the process of discussion, as I understand it, he asked what was required of the board member, and when told that...I think that I have this right, his reaction was, I need to think about it. We may or may not have that in place, but they at least got a name.*
13. **(Hardnett)** *The individual that expressed an interest is on the APAB board, but he still has not made up his mind if he wants to be on this board or not.*
14. **(Williams)** *As I alluded to earlier, that's one of the vacant seats, NPU S-Z, and the Mayor's position has been vacant for two years and eleven months. Are there any announcements? I have one, early voting on July 5th through July 22nd. For July 26th, Primary Runoffs.*
15. **(Curry)** *Georgia Coalition for the People's Agenda will attend our board meetings from now on will have a voting registration table outside the meeting room. Anyone who attends our meetings can also register to vote. Again this is not something we will facilitate, but it is a function of the Georgia Coalition for the People's Agenda, Ms. Helen Butler.*

Note: Chair Williams opened the floor for additional comments from the public.

PUBLIC COMMENTS:

Sir Maejor, President of the Greater Atlanta Black Lives Matter Chapter

Sir Maejor stated that Greater Atlanta Black Lives Matter operates differently than most chapters. “We have demands and we have an agenda that we are trying to accomplish.” He indicated that the organization is about leadership and accountability within the black community and local government. Sir Maejor stated that his Chapter believes that protesting and boycotting serves its purpose, but that is not how to go about changing the law or legislation. If we are unhappy about the way things are, we have to vote. I am proud of my chapter for changing and amending House Bill 941 three different times. House Bill 941 was about allowing police officers to have special privileges during grand jury hearings. The issue is when you have law enforcement with authorization from the government to use their own discretion and they get guns and badges and kill us and get away with it...that is the issue when we speak out and we say “Black Lives Matter.” When we say this, please keep in mind that we are not saying white lives don’t matter, all lives matter, black lives, and white lives, gay lives...all lives matter. We are just tired of law enforcement abusing the authority that has been entrusted to them. We thank this board for existing and the work you do and I vowed to support your efforts and become your biggest champion because I think you should have more teeth.”

Discussion and Comments...

1. *(Williams) You said that you are Black Lives Matter Greater Atlanta; does that mean that there is more than one?*
2. *(Maejor) Absolutely. Just like NAACP has more than one chapter.*
3. *(Williams) Thank you.*

ADJOURNMENT

The *Chair* entertained a motion to adjourn. It was moved by *Souder* to adjourn. Meeting adjourned at 8:06 P.M.

ACRB Minutes for July 14, 2016 were approved: August 11, 2016
Paul Bartels, Board Secretary

Transcribed: LG