

Approved: 7/14/16



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

June 9, 2016
55 Trinity Avenue, SW
2nd Floor Atrium Committee Room One
Office Telephone: 404-865-8622
Atlanta, Georgia 30303
6:30 p.m.

The June 2016 meeting was called to order by *Chair Sherry Williams* at 6:30 p.m. opening with prayer.

AGENDA

ROLL CALL

(The ACRB has eleven members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS <i>(Chair/Williams)</i>	GERALD SOUDER <i>(Vice Chair/Souder)</i>
CECILIA HOUSTON-TORRENCE <i>(Torrence)</i>	BILL BOZARTH <i>(Bozarth)</i>
HAROLD HARDNETT <i>(Hardnett) (arrival 6:51 p.m.)</i>	RUTH PRICE <i>(Price)</i>
WILLIAM HARRISON <i>(Harrison)</i>	
PAUL BARTELS <i>((Secretary/Bartels)</i>	

ACTIVE MEMBERS ABSENT

GINO BROGDON *(Brogdon)*

VACANT BOARD SEATS

APAB-NPU *(Group S - Z) – (1 year and 1 month)*
Office of the Mayor *(vacant 2 years and 10 months)*

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)*; **LYNN GARRETT**, Executive Admin. Assistant, *(Garrett/Transcriber)*; **VIRGINIA ROBINSON**, *(Robinson)* COA Law Department; **LIEUTENANT JESSE WEBB** *(Lt. Webb) Atlanta Police Department*

APPROVAL OF MINUTES OF THE LAST MEETING, MAY 12, 2016

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

Souder moved to approve the minutes as recorded. **Houston-Torrence** seconded. Hearing no discussion, the motion was approved with one abstention (**Bartels**) who was not present at the May meeting.

SPECIAL PRESENTATION – WatchGuard System/Dash Camera Presentation by Cedric Crochran, Manager of Electronics Maintenance and Kevin Smith, Senior Technician, Atlanta Police Department

Here are some of the specifics presented by the WatchGuard System Team:

- Basic units consist of two (2) cameras; rear and front
- There are two (2) types of videos: **After the Fact** and **Event**
 - After the Fact** – Camera records 48 hours of video after the fact. Video must be retrieved within 48 hours; otherwise the video loops and new footage is saved.
 - Event** – In order to save After the Fact footage, an officer has to create what is known as an ‘Event’ from the footage. The Event allows officers to tag and save a particular incident, and once the officer arrives at the precinct, the tagged footage is automatically loaded off of the officer’s hard drive onto the server at the precinct where that car is assigned. There are four (4) ways to start an event:
 - a car impact from a wreck which will automatically pre-record 30 seconds before impact and save to the hard drive once the officer hits stop;
 - a microphone that the officer, if outside the vehicle, can press and hold a button on the microphone and the system will tag, record and save audio to the hard drive. When the officer arrives at the precinct, a picture of the officer and audio will be downloaded from the vehicle’s hard drive to the precinct server;
 - a recording system wired through the patrol car’s lights (records rear and front panels), and when the officer turns on full bright lights the recording automatically starts saving to the hard drive.

Discussion and Comments...

1. (**Bozarth**) *Is the operating procedure such that, when an officer makes the traffic stop or any kind of stop, he is instructed to begin it like you described?*
2. (**Crochran**) *Regarding procedure, I would have to refer you to SOP. Basically, we install them to make sure they work.*
3. (**Williams**) *So, if they make traffic stop, ninety-nine percent of the time the light is on?*
4. (**Crochran**) *It’s going to come on.*
5. (**Fleming**) *How long is that video kept?*
6. (**Crochran**) *You can save any video indefinitely. Certain videos are automatically saved on the server forever.*
7. (**Fleming**) *When he does a traffic stop, it goes to the server and it’s there until it is taped over?*
8. (**Crochran**) *Right. Well, some videos, depending on the data tag; the tagging sticks for 90-days. Others are set for indefinitely.*
9. (**Harrison**) *The issue that we are having is often times when we get a complaint, I don’t want to say that it is an excuse, but the problem that we have with APD is that the camera wasn’t operable. We’ve come across a number of complaints where the camera was inoperable. Are these cameras in every car?*
10. (**Crochran**) *I will not say that they are in every car, but they are in most of the ones that are FOD, the ones that they call hot cars that answers 911 calls.*

11. **(Harrison)** *Most of us here have gone on a Ride Along and every time we have done a Ride Along, the camera is inoperable. I think that at the last two meetings, we have come across a situation where the camera wasn't working in the car.*
12. **(Crochran)** *Normal procedure is, if they have one that is not working, they will bring it into the shop and we repair it. If it's just a loose cable or a bad camera, the repair could take anywhere from fifteen minutes to an hour; maybe two hours.*
13. **(Robertson)** *I just want to make sure that I understand. Only two times that the recording comes on without having the officer to do it; when an accident or if they activate their lights. The other two, the officer has to manually do it.*
14. **(Crochran)** *Right. The officer has to hit the button to start it manually.*
15. **(Williams)** *Bill, I think that the procedural question that you had can only be answered by Standard Operating Procedure (SOP) or chief. Those are procedure issues. So we need to have them here also.*
16. **(Bartels)** *About what percentage of patrol cars would you say have the cameras?*
17. **(Crochran)** *Of the FOD vehicles (answering 911 calls), I would say maybe 70 percent.*
18. **(Robertson)** *So the specialized units don't have the units*
19. **(Crochran)** *There maybe one or two specialized units, but only the cars that answer 911 calls.*
20. **(Harrison)** *Let me be clear, because you're making delineation; so the beat cops, they don't have them in their cars.*
21. **(Crochran)** *Those are the ones that handle the 911 calls.*
22. **(Houston-Torrence)** *Are they required to have the cameras repaired within a certain time? Are there any parameters that you currently have set?*
23. **(Crochran)** *Normally, we keep spares at the shop, so if it comes in, it's going to be fixed that day. If not, we ask them to leave the car.*
24. **(Souder)** *Some of the cars, have they been inoperable for a year or two?*
25. **(Crochran)** *I'm unaware of that.*
26. **(Robertson)** *So once the cameras are activated, can they deactivate it? Can they stop it; for instance, while answering a traffic stop*
27. **(Crochran)** *Yes, once the camera is activated, they can hit the stop button to stop it from recording. That is the only way to stop it...he will have to hit the stop button.*
28. **(Ted Smith)** *But it will still be recording as After the Fact, but, the officer can go back and pull that video over the next 48 hours.*
29. **(Fleming)** *Did I hear you right when you said that it's saved on the server for ninety days?*
30. **(Crochran)** *It depends on the video. Some of the tags stay indefinitely; some of them are ninety days.*
31. **(Fleming)** *Whose responsibility is it to get a car to the shop when the camera is not working?*
32. **(Crochran)** *That's in the policy and procedures. If it's not working they are going to bring it to us, and I can only answer for what happens when it gets to shop.*
33. **(Williams)** *Who can erase the video?*
34. **(Crochran)** *There are maybe only three or four people in the City that can do it...me, Ted and maybe two (2) other people and we don't erase anything.*
35. **(Williams)** *Who are those two other people?*
36. **(Crochran)** *One just retired...so really it is just us three. If you erase the video, that too is tracked through Rock Star. You have to log in first so I can tell who erased what. It's all tracked.*
37. **(Bozarth)** *Since the upload occurs at the zone's headquarters, you have multiple servers around the City?*
38. **(Crochran)** *Each zone has its own server. For instance, a Zone 2 car cannot off-load a video at Zone 3. The only place that it can off-load is at that particular zone that it is assigned to.*
39. **(Bozarth)** *Does the zone commander have someone that works for him that is a liaison?*
40. **(Crochran)** *Yes. Each zone has what it called an administrator sergeant; basically responsible for videos. They have someone assigned for that.*
41. **(Bozarth)** *I want to ask our investigative team, when you've gone and gotten video, when we investigated cases, then you are going to the zone requesting it?*

42. **(Robertson)** *The Zone retrieves the information and they send it to us.*
43. **(Bozarth)** *You're getting it from a precinct resource?*
44. **(Robertson)** *Yes, we're getting it from where the zone is.*
45. **(Bozarth)** *And it is the zone commander's responsibility to follow procedure to keep it for the required period of time.*
46. **(Crochran)** *That is in the policy. Again, we install them; make sure that they work.*
47. **(Bozarth)** *This is anecdotal information and we certainly can't draw any conclusion from it, but, like my colleague said earlier, we have had a number of cases where we asked for the video and we'll get an answer...in some recent cases; it hasn't worked on that vehicle ever; it's been out of order. I know with one of my Ride-Along, I asked my companion officer if he had a video active, he said no, it doesn't work and it hasn't worked. I asked him why he didn't get it fixed. He said sometimes we can't afford the time to go and do it. What you are telling me unless it's a real problem; it shouldn't take too long to get it repaired.*
48. **(Crochran)** *Right, if it could be something minor. At our shop, we repair for the entire city. Sometimes an officer might bring a car in and other cars are waiting and then while they are waiting they might get a call and they have to go and don't bring the vehicle back.*
49. **(Robertson)** *Can we inquire with your unit to find out whether or not a request has been put in for a vehicle to be fixed?*
50. **(Crochran)** *You will probably need to go through the process. Then what we do, we will pull up the history of the vehicle to see what was the last thing that we did to it. We keep a record of it.*
51. **(Lolar)** *Do you have a list of all the vehicles that are equipped with the cameras? Would we be able to obtain a copy of that?*
52. **(Crochran)** *There is a procedure to get it.*
53. **(Lolar)** *And on that list, how is the information categorized? How do they identify the vehicle?*
54. **(Crochran)** *We can do it several ways; we can do it by vehicle number. Whereby we use this system...if I put in the vehicle number 32001, and it says "parent"...I hit "child," and it brings up everything that is listed in that car; or if I have the serial number of a car here, I can put that in and tell you what's installed in that car.*
55. **(Lolar)** *So even if we didn't have the list of the vehicles that are equipped; if we contact you, with that identifying information...you're able to tell us...*
56. **(Crochran)** *If you give me the vehicle number, I can tell you what's in that car.*
57. **(Williams)** *You shed a lot of light on what's available and what's not. Thank you.*
58. **(Harrison)** *This pertains to the incidents where we can't get the video; I guess this may be directed to Lee **(Reid)**. Do you think that we should start using subpoenas for open record requests in order to get these videos that they claim that they don't have?*
59. **(Reid)** *I think that's one of the things that we should be looking at. Especially with the recent cases; where one camera had not been working for over a year and a half. No one went over to look at it or checked it out because of budget constraints or time. It raises questions about that. I think that we will have a conversation with some more individuals on how this thing is playing out. Off the top of my head...right now, I can't think of where it's been refused to want to give up something. They just say, "We just don't have it because it is not working." We may need to go back and just check on a couple of those to see if the videos are working.*
60. **(Harrison)** *Do we need to make a motion on that? Is that something that you are going to look into?*
61. **(Reid)** *I think that it's something worth looking into.*
62. **(Williams)** *I don't think that we need a motion for that.*
63. **(Robertson)** *A lot of time, there's no video because a triggering event did not occur. Like he said, if the lights were not activated, and there wasn't an accident, the vehicle will not automatically start recording. The officer has to do that. When they say there's not video...there's no video because none of that occurred...not because they don't want to give it to us. There just isn't a video because they didn't record the incident. And if there's a traffic stop and there hasn't been a complaint filed within that 90 day period, then that video is no longer available.*

64. *(Harrison) I think that all that is clear. My issue is more along the lines of the comments that we got for the video not working for a year and a half.*
65. *(Williams) We can go on and talk about this for another two hours; I think that we need to speak with the folks at SOP. What is the policy...for how long a camera cannot be working? Until we know what the actual policy is, then we are just shooting in the dark. If you have ideas, go ahead and email them to Lee. I think that all of us have the same concerns.*
66. *(Robertson) I actually emailed all of you the SOP on the WatchGuard System about three weeks ago. So you have a copy.*
67. *(Williams) Thank you for that.*

EXECUTIVE DIRECTOR'S REPORT

The following highlights were reported by *Director Reid*:

- **Art and Essay Update**

On June 3rd and 4th, eight judges reviewed the art and essay submissions. Winners will be announced Friday, June 10th. A brief report about the contest will be distributed at the July Board meeting.

- **New Board Positions**

People's Agenda has selected Reverend Anthony Motley to represent the organization. We are hopeful that his process will be completed by the July meeting, but more than likely it will be in August.

- **Transparent Award**

The ACRB received its first Transparent Diamond Award Certificate from the City of Atlanta Ethics Office. The award was presented on June 8, 2016 at 11:30 a.m. The award is given to departments and boards that successfully completed its filing disclosures. Thank you for submitting your disclosures timely.

- **Email to Dan Gordon**

On behalf of the ACRB, I sent an email to the COO to thank him for attending our last meeting. The Mayor's office is continuing to work with ACRB to find a date for the Mayor to attend a board meeting.

Discussion and Comments...

1. *(Reid) The Urban League reported to me that they are working on getting someone for the vacant seat. I spoke with Ms. Johnson two days ago. She advised me that she should have someone. The last thing that I want to bring to the board's attention is Ms. Ruth Price, will be leaving us soon.*
2. *(Williams) On that note...do we have a replacement? Doesn't it say that one of the members must be a police or retired officer?*
3. *(Reid) Yes.*
4. *(Williams) Did you come up with some names?*
5. *(Price) That's a very hard task. I have spoken to people that are not interested. I have tried to convince them. I had reservations when I came on too, but I have enjoyed my four and a half years and I have worked with the most professional group of people that I have ever worked with. I respect the fact that you all respect my profession and that you stuck with the facts. I want you to know that I love the Atlanta Police Department and all of the officers there. You are a great group of people and now it is time for me to move on.*
6. *(Williams) We appreciate you more than you will ever know.*

7. *Bozarth*) The appointing party for her position, I believe is the City Council President. Is that correct?
8. *(Reid)* Yes.
9. *(Williams)* Next year we do have to elect a new mayor and everybody on the city council will be looking for some issues that are for the citizens. Maybe we can remind them that looking for someone to serve on the board might help them in some way. Thank you.

INTAKE REPORT FOR MAY 2016

Investigation Manager *Robertson* reported that for the month of May 2016, the ACRB received twelve (12) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to dismiss three (3) of the 12 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. 16-070 – Legal Malpractice
Recommend dismissal for lack of merits.
2. ACRB Case No. 16-073 - Other
Recommend dismissal for lack of jurisdiction.
3. ACRB Case No. 16-078 Other
Recommend dismissal for lack of jurisdiction

B. INVESTIGATION RECOMMENDATIONS:

The following nine (9) cases are recommended for investigation:

1. ACRB Case No. 16-067 – Abuse of Authority & Abusive Language
The Complainant alleges that April 19, 2016, while at the Atlanta Detention Center, he was placed in a holding cell because he told a correction officer to stop using profanity. *Recommend investigation as an abusive language & abuse of authority complaint.*
2. ACRB Case No. 16-068 – Excessive Force
The Complainant alleges that April 28, 2016, he was physically assaulted by two APD officers. *Recommend investigation as an excessive force complaint.*
3. ACRB Case No. 16-069 – Unlawfully Detained
The Complainant alleges that on May 2, 2016, he was handcuffed by an APD officer. Awaiting Complainant's signed complaint. *If the signed complaint is received within the next few weeks, then recommend investigation as a false imprisonment complaint. If not received, then recommend dismissal.*
4. ACRB Case No. 16-071 – Inadequate Investigation
The Complainant alleges that APD's Office of Professional Standard's investigation into her complaint involving an officer was conducted inadequately. Awaiting the Complainant's signed complaint. *If the signed complaint is received within the next few weeks, then recommend investigation as a false imprisonment complaint. If not received, then recommend dismissal.*
5. ACRB Case No. 16-072 – False Arrest

The Complainant alleges that on April 28, 2016, he was falsely arrested by the APD. Awaiting Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as a false arrest complaint if Complainant criminal case is resolved in her favor. *If Complainant case is still pending adjudication in the courts, then recommend suspension of the investigation pending its resolution.*

6. ACRB Case No. 16-074 – Rude & Unprofessional Conduct

The Complainant alleges that on December 29, 2016, an APD officer was rude, nasty and unprofessional towards him. *Recommend investigation as a conduct and appropriate action required complaint.*

7. ACRB Case No. 16-075 – False Arrest & Excessive Force

The Complainant alleges that on May 23, 2016, she was falsely arrested by APD officers. She further alleges that the officers engaged in excessive force when they placed her in a chokehold, slammed her head against the car and applied the handcuffs extremely tight. *Recommend investigation as an excessive force and possibly a false arrest complaint if the 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.*

8. ACRB Case No. 16-076 – Inadequate Service

The Complainant alleges that on May 12, 2016, the APD officer that responded to an accident involving her and another motorist failed to complete the report in a timely manner and put incorrect information into the report. Awaiting Complainant's signed complaint. *If the signed complaint is received within the next few weeks, then recommend investigation as appropriate action required complaint. If not received, then recommend dismissal.*

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

The Complainant alleges that on May 23, 2016, he was falsely arrested by an APD officer (his case was dismissed). He further alleges that the officer engaged in excessive force and was verbally abusive towards him. *Recommend investigation as a false arrest, excessive force and abusive language complaint.*

C. BOARD VOTES ON INTAKE REPORT

Bozarth moved to accept the Intake Report for May. **Bartels** seconded. Hearing no further discussion, the motion was approved by all.

COMPLAINTS REVIEW

ACRB CASE NO 15-136, LEONARD GRESHAM

A. ALLEGATION SUMMARY

The Complainant alleged that on November 16, 2015, Atlanta Police Officers James Bonnett and Sheldon Drinkard detained him unlawfully and issued him an unwarranted citation.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Harassment against Officer Sheldon Drinkard be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officer committed the alleged act of misconduct*).

Although, Officer James Bonnett was not interviewed concerning this allegation, the investigation established that there is sufficient evidence that the officer committed the alleged act of misconduct and recommends a finding of **Sustained**.

Discussion and Comments...

1. **(Bartels)** Ms. Lolar, you indicated in the report...which is really thorough by the way. Did Officer Bonnett resign? Do we know the reason for that was?
2. **(Lolar)** No, just that he resigned. He had put in his resignation letter two weeks prior.
3. **(Bozarth)** The officer that remains is the one that gets the sanctions if we decide to do that. It would be useful to me if we knew what Officer Bonnett's past record was before we make a judgment on what his partner did. Is there any reason why we shouldn't see that?
4. **(Harrison)** I just want to address what you said. I think that we can still sustain allegations against an officer who resigned. It goes in his jacket.
5. **(Bozarth)** I watched the three videos. It would seem to me that the officer that sort of lost control was Officer Bonnett. His partner was given a situation that he was dealing with and were he is still on the force, and we are anticipating sustaining a complaint against him; I believe the incident never would have happened had Officer Bonnett not gotten into this confrontation with the complainant coming out of the doors. I understand that began a series of events that resulted in handcuffs and all that. I am a little reluctant to come down as hard on Officer Drinkard since he was not really the one that behaved in the manner to get it started. That's just a thought. I would like to know what the other board members might think about that.
6. **(Bartels)** I think that we can consider both officers separately. There are a couple of things to throw out there first. Officer Drinkard also was involved in detaining the complainant without reasonable articulable suspicion and continuing to demand ID without any legal reason to do so. I think the report also noted that he was the senior officer that was present. The situation escalated rather than him saying let's try to deescalate it.
7. **(Hardnett)** I think Officer Bonnet escalated the situation by persuading him into a fight. When he took his jacket off and laid it on the back of the car...it turned into a street fight. He escalated the matter right there, rather than deescalate the situation.
8. **(Bozarth)** You are right. Officer Bonnett is much more culpable here than Officer Drinkard. It is hard to imagine an officer getting so angry that he would take off his vest and throw it on the ground; wanting to street fight with a man. Again, if we had any background; he was already leaving the department; this was his last day. Some history on what had precluded this might help me be more informed in terms of Officer Drinkard's behavior...that's why I wanted to introduce that information prior to making judgment on Officer Drinkard; not on his sheet, but Officer Bonnett's sheet. Why was he (Bonnett) on his way out anyway?
9. **(Lolar)** Well, there's no further information as far as the reason for Officer Bonnett's resigning from the force. I don't know. There is no evidence that this incident was the cause.
10. **(Williams)** Do we have his disciplinary records?
11. **(Lolar)** Yes. He has one sustained complaint. Actually, it was him and Officer Drinkard, and they were given an oral admonishment in August 2015 and that's the only sustained complaint on his record.
12. **(Bartels)** Do we know the infractions on that?
13. **(Lolar)** Yes, it was inappropriate conduct where he and Officer Drinkard took the liberty of taking photos of the arrestee's ATV while Officer Drinkard posed on it.
14. **(Williams)** Officer Bonnett has been on the force since November 2012 and Officer Drinkard since October 2011.
15. **(Lolar)** That is correct.

Following the discussion, **Chair Williams** opened the floor for a motion on the three allegations.

C. BOARD VOTE ON 1st ALLEGATION - FALSE IMPRISONMENT ON OFFICER DRINKARD

Bartels moved to accept staff's recommendation to **Sustain** on the allegation of False Imprisonment against Officer Drinkard. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD VOTE ON 1st ALLEGATION - FALSE IMPRISONMENT ON OFFICER BONNETT

Bartels moved to accept staff's recommendation to assign a finding of **Sustain** on the allegation of False Imprisonment against Officer Bonnett. **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion was approved.

E. BOARD VOTE ON 2nd ALLEGATION - FALSE ARREST ON OFFICER DRINKARD

Bartels moved to accept staff's recommendation to **Sustain** on the allegation of False Arrest against Officer Drinkard. **Souder** seconded. Hearing no further discussion, the vote was called and the motion was approved.

F. BOARD VOTE ON 2nd ALLEGATION - FALSE ARREST ON OFFICER BONNETT

Souder moved to accept staff's recommendation to **Sustain** on the allegation of False Arrest against Office Bonnett. **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion was approved.

G. BOARD VOTE ON 3rd ALLEGATION - HARASSMENT ON OFFICER DRINKARD

Bozarth made the motion to **Not Sustain** the Harassment Complaint allegations against Officer Drinkard. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved with two opposed (**Souder and Bartels**).

H. BOARD VOTE ON 3rd ALLEGATION - HARASSMENT ON OFFICER BONNETT

Bartels moved to accept staff's recommendation to **Sustain** on the allegation of Harassment against Officer Bonnett. **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion was approved.

I. BOARD DISCIPLINE RECOMMENDATIONS

1. **OFFICER DRINKARD** / Allegations: False Imprisonment and False Arrest

Discussion and Comments...

1. (**Bartels**) *We talked about Officer Drinkard but his behavior did not quite rise to the same level as Officer Bonnett. I think that in his case, something on the lower half of the range; either a lower reprimand or one (1) day suspension.*
2. (**Harrison**) *We also have training counseling too.*
3. (**Bartels**) *I think that should be a part of it.*

Chair Williams opened the floor for a motion. **Bozarth** moved to recommend that Officer Drinkard receive a one (1) day suspension for allegations for False Imprisonment and False Arrest. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

2. **OFFICER BONNETT** / Allegations: False Imprisonment, False Arrest and Harassment

Discussion and Comments...

1. (**Bozarth**) *The evidence shows that his behavior was more egregious. Since Officer Bonnett is no longer on the force, should we still go ahead and say what the recommendation would be if he was still here?*
2. (**Williams**) *I think we should decide on what should be put in his jacket since this did occur while he was serving. He may want a reference from someone and while I don't know how*

much weight it will carry, but for the record, since it happened while he was employed, there should be some notation there.

3. **(Hardnett)** *Or if he returns.*
4. **(Bartels)** *Or if he wants to try and get a job with another agency.*
5. **(Williams)** *What I'm hearing is based on the officer's behavior, that we will recommend this, but we understand that he is no longer with the agency. Is that what we're saying?*
6. **(Bozarth)** *Essentially yes.*
7. **(Souder)** *And that he is not rehireable.*
8. **(Williams)** *We can write whatever we want to write including for him not to be re-hired. We can say that if we are a board and we believe that. I don't know if that is reasonable.*
9. **(Reid)** *I would probably not put that in the letter. I think...let's say if it rises to a level of a serious excessive force type of situation or some serious legal type of conduct...remember what you are trying to do is to show that we are able to weigh things in a way that doesn't sound like we are just throwing things out there. I am only saying that because you will wind up having to keep the standard with another case.*
10. **(Souder)** *We have already done that. We had another case the same way. The officer had resigned and in the discussion, we wanted to make sure that it was in his record so that when or if he did apply with APD again, that it would be on the record.*
11. **(Reid)** *Right, but there was no mention of never to be rehired again.*
12. **(Williams)** *I understand. Can we put this in a form of a motion so that we can decide which way to go?*
13. **(Bartels)** *I agree with that. One point I will make about the recommendation about not re-hiring is, never is a long time. We don't know a lot about this Officer's individual situation. We don't know his reasons for leaving. I hate to say never rehire. I cannot support that. Having to say that, I am wondering if a three (3) day suspension would not be enough. I am thinking of something in the range of four – five (4-5) days and additional training.*

Bartels moved to recommend that Officer Bonnett receive a five (5) day suspension and additional training in de-escalation techniques. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved.

4. **OFFICER DRINKARD / Additional Recommendations**

The Board discussed recommending that the APD review the evidence and take appropriate action against Officer Drinkard that is in accordance with APD's disciplinary matrix. The additional recommendations are for the violation that he was a senior officer in charge, and the department's SOP violation of appropriate action required where an employee shall respond in an appropriate manner to all situations. Given that policy and based on the evidence, Officer Drinkard did not respond in an appropriate manner.

Bozarth moved to recommend that a letter be sent to APD to review the evidence and take appropriate actions against Officer Drinkard in accordance with the department's disciplinary matrix. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-009, JEANNIE BAILEY

A. **ALLEGATION SUMMARY**

The Complainant alleges that on January 23, 2016, Atlanta Police Officer Alexander Thorpe unlawfully stopped and detained her during a traffic stop.

B. **STAFF RECOMMENDATION**

ACRB staff recommends that the allegation of False Imprisonment against Officer Thorpe 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. **(Bartels)** *I think on the False Imprisonment, there was reasonable articulable suspicion for a traffic stop; if the tag was run and it came back expired.*
2. **(Bozarth)** *And she suggested that the officer only knew that after he stopped her.... Sheena (Robertson) indicated that he did call it (tag) in two to three (2-3) minutes before he stopped the car.*
3. **(Robertson)** *He ran it on his computer in his car.*
4. **(Bozarth)** *At 4:56 p.m. and then he stopped the car at 4:58 p.m. So that sustains his version of the story that he did have a reason to stop the car. For that reason, I will be inclined to agree with staff's recommendation that we not sustain the complaint.*
5. **(Harrison)** *You already made the motion?*
6. **(Bozarth)** *I had no further comment. Having seen the sequence of events, he searched the parties multiple times and I will refer to our attorneys here about what's appropriate on that. He only found marijuana on the young man after searching him at least twice...maybe more. I believe this complaint if it were done under the new rules, my question to staff is that...does that come under the area of appropriate action?*
7. **(Robertson)** *Yes.*
8. **(Williams)** *You also said that it is illegal; the second search?*
9. **(Robertson)** *The complaint was filed prior to the ordinance changes. We only looked at the false imprisonment part. The dash cam video pretty much shows everything that happened. We recommend that you refer this back to APD to review the dash cam and to discipline him appropriately.*

C. BOARD VOTES ON STAFF RECOMMENDATION

Bartels moved to accept staff's recommendation to assign a finding of **Exonerate** for False Imprisonment against Officer Thorpe. **Bozarth** seconded. Hearing no further discussion, the motion was approved.

D. BOARD CONSIDERS ADDITIONAL RECOMMENDATION FROM STAFF REGARDING OFFICER THORPE

The additional recommendations were based on the officer performing multiple searches which would be considered under Appropriate Action Required. The board agreed that the officer had reasonable suspicion to stop the complainant due to an expired tag, but the searches when beyond what is legally permissible during a tarry stop.

Discussion and Comments...

1. **Bartels** *noted that if there is reasonable suspicion that the tags expired that is justification for stopping a car, but an officer is not supposed to be able to frisk someone unless they have reasonable suspicion that they are in danger. I'm not seeing that here, and they can always search for contraband if that frisk for weapons reveals the presence of contraband.*
2. **(Bozarth)** *My question for Ms. Robertson is, in a case like this, had this occurred more recently, we would have had another complaint...*
3. **(Robertson)** *Right, we would have looked at it under Appropriate Action Required.*
4. **(Bozarth)** *Are we going back to some of these complainants to let them know that there's another option?*
5. **(Robertson)** *No.*

6. **(Bartels)** *I would think that time is running because we have to judge each incident by the ordinance that was in effect at the time that it happened. You can't take a new law and get retroactively upon something that happened before the law was passed.*
7. **(Harrison)** *I want to make note that this will probably be an issue with license plate readers. In this case it seems as if there was a license plate reader involved, and when you're adding a license plate reader and facial recognition; which I know that both are being used, it creates a situation like this. We know they are two different separate issues with what we're dealing with right now, but it looks like to me from behind the scene that may have been the possibility.*
8. **(Robertson)** *No it wasn't. He noticed the tag had expired; he ran the tag to make sure that it was valid. The tag had expired four (4) days prior. Which they acknowledge that it had expired.*

Bozarth moved to recommend that a letter be sent to APD to review the evidence (dash camera) and take appropriate actions against Officer Thrope in accordance with the department's disciplinary matrix. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16 - 023, ROBERT WILLIAMS

A. ALLEGATION SUMMARY

The Complainant alleged that on February 9, 2016, Atlanta Police Officers Jason Marchione and Jermaine Shaw unlawfully stopped him for failure to use his turn signal.

B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment against Officers Jason Marchione and Jermaine Shaw be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove that the alleged act(s) occurred*).

Discussion and Comments...

1. **(Souder)** *First of all, it was said that none of the cars in Crime Suppression have WatchGuard Systems. Why not, if you are trying to suppress crime? Obviously, we need to learn what the policy is. We need to find out. Why would they not have that in those cars?*
2. **(Williams)** *Can staff make a note of that? Maybe what we need to do is to have a list of questions and we can have somebody here at some point to answer all of these questions.*
3. **(Souder)** *The other concern that I had...actually, it's hard for me to make a decision on this one because; it seems like a lot of discrepancies between what the officer said and what Mr. Williams said; in addition where the stop was made... after it was made... then he told him to change the location. Did you check on that? It's listed as Baldwin Street, but the stop was basically somewhere else.*
4. **(Robertson)** *What I know is that they like to have on the Computer Aide Dispatch Report (CAD) show an actual street location as opposed to an intersection. They like to have at least an address that they can refer to. Baldwin Street is close to the intersection. It happened on the intersection of Westview Drive... For what I was told, it has nothing to do with this particular case, but when we had a discussion with the people over in Communications, they like to have an actual address so that they can put it in the CAD Report opposed to putting intersections as the location. Whatever is the closes available address is what they put on the CAD Report.*
5. **(Williams)** *So, is there a notation made to say that this is the closest address, but it happened five-hundred feet away?*
6. **(Robertson)** *The radio transmission says where the traffic stop occurred; that when he radio back and said, now we can change the incident location to that address.*
7. **(Williams)** *But on that documentation, if somebody was to go and pulled that file...*
8. **(Robertson)** *It's on the CAD report.*

9. **(Bozarth)** Can you review for me Sheena **(Robertson)** the sequence of events here? It looks like the only reason he pulled over near where the parking places near the school were because the officer signaled for him to pull over.
10. **(Robertson)** No, he was pulling over anyway.
11. **(Bozarth)** So, they charged him with improper signaling or not signaling when he pulled over. You have to signal when you just go over near the park cars?
12. **(Robertson)** That is what the code says.
13. **(Williams)** Remember, he said that he put on his flashers.
14. **(Robertson)** He said that he used his hazards.
15. **(Bartels)** Do we know why he used his hazards instead of his blinkers?
16. **(Robertson)** He said that he put on his hazards because he was getting ready to park.
17. **(Bartels)** Were you able to tell if there were no parking zones in that area?
18. **(Robertson)** I wasn't able to tell.
19. **(Bartels)** I think that this was another situation; one person's word against another. There's not corroborating third party.
20. **(Bozarth)** it seems to me sort of a flimsy situation for stopping him in the first place.
21. **(Bartels)** I think a lot of...not mentioning any one particular case; many, many traffic stops are for the purpose of seeing if there is a smell of marijuana.
22. **(Harrison)** There's a lot that I see that are similar to REDDOG (Running Every Drug Dealer Out of Georgia) and the excuses that they use are pretty much the same.
23. **(Bartels)** Of course they're given the authority to use those excuses. It's virtually impossible to drive any significant period of time without committing any infractions. They can pull you over for any infractions and if there is a smell of marijuana, then that's probable cause to search the entire vehicle or they claimed to have smelled marijuana.
24. **(Bozarth)** If we want to make a statement that we suspect that some of these stops are not necessary for reasons of true traffic violations. This is one where we could make that statement.
25. **(Williams)** In DeKalb County they just added one person to the Gang Task Force; which mean that the Task Force has been double in size. Now they have two people on the Gang Task Force. That is why I am really just beating on this because we got time for these traffic stops and we can't get rid of real serious stuff. And that's for the record.

Following the discussion, **Bozarth** moved to assign a finding of **Sustained** to the allegation of False Imprisonment against Officers Jason Marchione and Jermaine Shaw. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved with two (2) nays (**Bartels** and **Harrison**)

Discussion and Comments...

1. **(Williams)** Did you want to add any verbiage to our report?
2. **(Bartels)** One thing that we do need to keep in mind is that the Supreme Court has upheld that pre-textual stops are legal. By pre-textual stops...I mean that for whatever reason is given, and even if it's true that that's not the real reason that person is pulled over. The real reason being that they had some hunch that there is some drugs or contraband. As long as there is an acceptable legal reason, any sort of traffic violation, the Supreme Court has said that is legal.
3. **(Williams)** Even if it's legal, that doesn't mean that we can't look at what we are doing. What I would like to know...and it should be public information...what percentage of our stops are this as compared to surrounding counties and cities about the same as ours? If you can point me to a link, I will be more than happy to look it up to see if this is happening in certain cities and certain counties and is truly the norm. Let's find out. Would really appreciate your help on this.
4. **(Bozarth)** I was the one who recommended that we sustain the complaint. I recommend that the discipline be the lowest, an oral admonishment.

C. DISCIPLINE DETERMINATION

Bozarth moved to recommend that Officers Jason Marchione and Jermaine Shaw receive oral admonishment for allegations of False Imprisonment. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved with two (2) nays (**Bartels and Harrison**).

OLD BUSINESS

BY-LAWS AND POLICES COMMITTEE

A copy of the proposed By-Laws & Policies was included in the board packets. Committee Chair **Bozarth** reported that the Committee consisting of **Houston-Torrence, Brogdon, Reid** and **Bozarth** met this month to look at the new ordinance and make changes to the By-Laws and Polices that were required for that. "Most of them were pretty straight forward. You might want to look closely at two new items (*Section 3.1A and 3.1.9*) that really affects us." These items address the following:

- Determination for getting compensated
- New grounds for complaints and mediations

Bozarth asked members to share their thoughts and ideas regarding the by-laws with him at least a week before the July's board meeting to allow time to reconcile any concerns so that the board can vote on the document or a modified version of it in the July meeting.

NEW BUSINESS:

No New Business

PUBLIC COMMENTS

No Public Comments

OTHER COMMENTS:

- It was also noted that this is the last meeting for Mrs. Ruth **Price**. Mrs. **Price** is a retired Major of the APD. She is the second police officer to serve on the board since it began in 2007. Retired Major **Price** was appointed by the City Council President. Ms. **Price** said, "I have enjoyed by time on the board. I hope I have been a benefit to the board. I will forever remember you all. It has been a wonderful experience."
- The **Chair** announced that this year marks the 10th Anniversary of the fatal shooting of Ms. Kathryn Johnston. Suggestions to acknowledge the anniversary are welcomed.
- **Chair** announced that the next Citizen Police Academy starts on June 29, 2016.

ADJOURNMENT

The **Chair** entertained a motion to adjourn, and by a vote of consensus, the meeting adjourned at 8:05 P.M.

ACRB Minutes for June 9, 2016 were approved: July 14, 2016
Paul Bartels, Board Secretary

Transcribed: LG