

Approved

8/10/2017



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

June 28, 2017

2nd Floor Atrium, Committee Room One
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303
404-865-8622
6:30 p.m.

The June 28, 2017 Special Call Meeting was called to order at 6:37 p.m. by *Chair Williams*.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS *(Chair/Williams)* **TRACEE MCDANIEL** *(McDaniel)*
GINO BROGDON *(Brogdon)* **SHUNTAY PITRE** *(Pitre)*
PAUL BARTELS *((Secretary/Bartels)*
CECILIA HOUSTON-TORRENCE *(Houston-Torrence)*

ACTIVE MEMBERS ABSENT

HAROLD HARDNETT *(Hardnett)*
BILL BOZARTH *(Bozarth)*

VACANT BOARD SEATS

APAB-NPU, Group M-R *(three (4) months)*
APAB-NPU, Group S – Z *(2 years and 1 month)*
City Council President *(1 year)*
Coalition for the Peoples' Agenda *(1 year and two (2) months)*

STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director *(Reid)*; **SHEENA ROBERTSON**, Investigation Manager *(Investigator Robertson)*; **MYOLA SMITH**, Project Manager *(Smith/Transcriber)*; **SERGEANT WILLIAM DEAN**, Atlanta Police Department, *(Sgt. Dean)*.

PURPOSE OF THE MEETING:

Chair Williams explained the purpose of the Call Meeting. The special meeting is called to handle the overflow of cases that currently needs to be reviewed.

COMPLAINTS REVIEW:

SPECIAL NOTE: Chair Williams requested a vote to change the order of the cases. ACRB Case #17-004 will be the first case to be reviewed by the board; the assigned investigator will leave the meeting early. The remaining cases will remain unchanged.

Chair Williams opened the floor for a motion. *Houston-Torrence* moved to adopt the change in the order of the cases. Hearing no further discussion, the motion was approved.

Special Acknowledgment from the Chair:

Chair Williams acknowledge Board Members Cecilia Houston-Torrence and Tracee McDaniel for completing the Atlanta Citizens' Academy Training last month. *Chair Williams* asked the board members to share their experience.

Houston-Torrence expressed that she learned a lot about Atlanta Police Department Standard Operation and Procedures (SOPs). She believes that this will help her to be more "open-minded when reading the cases." *Houston-Torrence* stated that all board members should be required to take the training.

McDaniel said that the most memorable part of the training was the APD Ride-Along because the officer that was assigned to her was someone that she previously had worked with through the Community Scenario Training. *McDaniel* said that she had fun participating in the training.

Special Note: The next Atlanta Citizens' Academy Training will start on July 19, 2017. It is every Wednesday for eight (8) weeks.

ACRB CASE NO 17-004

A. ALLEGATION SUMMARY

The Complainant alleged that on or about Tuesday, January 10, 2017, at or in the vicinity of the Zone 5 Precinct (*Underground Atlanta location*), Sergeant Devon Hall turned him away when he attempted to file a complaint against an EMS/EMT worker who allegedly assaulted him in the cafeteria of Grady Memorial Hospital located at 80 Jesse Hill Drive, Atlanta, Georgia.

B. STAFF RECOMMENDATION

The ACRB Staff recommends that the allegation of **Appropriate Action Required** against Sergeant Hall be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred, but were justified, legal or properly within Department policy*).

Discussion and Comments...

1. (*Houston-Torrence*) Reading through it, it became apparent that he wasn't being truthful. There was a lot of disparity in his testimony. I agree with staff's recommendation.

2. *(Brogdon) Are you talking about the Complainant?*
3. *(Houston-Torrence) Yes.*
4. *(Williams) I agree. He didn't seem creditable.*

Chair Williams opened the floor for a motion. *Houston-Torrence* moved to accept staff's recommendation to assign a finding of **Exonerated** for **Appropriate Action Required** allegation against Sergeant Hall. *Brogdon* seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-074

A. ALLEGATION SUMMARY

The Complainant alleged that on December 29, 2015, Atlanta Police Officer Ashely Collins was rude, unprofessional and discourteous toward him when she responded to take an accident report.

B. STAFF RECOMMENDATION ON ALLEGATION #1 - CONDUCT AGAINST OFFICER COLLINS

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

C. STAFF RECOMMENDATION ON ALLEGATION #2 - APPROPRIATE ACTION REQUIRED AGAINST OFFICER COLLINS

During the course of this investigation, it was discovered that Officer Collins failed to follow APD policy on arrest procedures.

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Collins be assigned a finding of **sustained** (*the investigation established that there is sufficient evidence that Officer Collins committed the act of misconduct in violation of APD Policy*).

D. ADDITIONAL RECOMMENDATION

There is a matter of Officer Collins truthfulness during her interview with the ACRB. Officer Collins claimed that the Complainant started walking off and she called him on his cell phone to come back. However, according to the Complainant, APD communications called and told him the officer wanted him to return which is corroborated by the radio transmissions. Therefore, the Board should recommend to the APD that they review Officer Collins' ACRB statement for truthfulness and take appropriate action against the officer that is in accordance with the department's disciplinary matrix.

E. BOARD'S VOTE ON ALLEGATION #1 OF CONDUCT AGAINST OFFICER COLLINS

Discussion and Comments...

1. *(Houston-Torrence) She has since separated from APD?*
2. *(Robertson) Yes.*
3. *(Houston-Torrence) Do you know why?*
4. *(Robertson) No.*
5. *(Brogdon) When you interviewed her, did she seem to have the same attitude as described...*
6. *(Robertson) I wasn't the actual investigator. It was Investigator Lolar. She did say that she had the same attitude.*
7. *(Brogdon) It sounded like...when they asked her about discussing it with the other police officers, she said something like...I can discuss it with the officers when I want to. Those are not the exact words. It seems that you have two witnesses that corroborated the same*

story that you have. She still has the attitude when the interviewed was done. I agree with staff. ...

8. (**Houston-Torrence**) There were at least ten different things that she couldn't remember.
9. (**Bartels**) I also agree with staff's recommendation...there was corroboration from a third party. She actually didn't deny the allegation.
10. (**McDaniel**) Her truthfulness was questionable.

Bartels moved to accept staff's recommendation to assign a finding of **Sustained** for **Conduct** allegation against Officer Collins. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

F. BOARD'S VOTE ON ALLEGATION #2 OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER COLLINS

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Sustained** for **Appropriate Action Required** allegation against Officer Collins. **Pitre** seconded. Hearing no further discussion, the motion was approved.

G. BOARD'S VOTE ON ADDITIONAL RECOMMENDATION

Chair Williams opened the floor for a motion. **Bartels** moved to accept staff's recommendation to the Atlanta Police Department to review Officer Collins' ACRB statement for truthfulness and take appropriate action. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

H. BOARD'S DISCIPLINE RECOMMENDATION ON OFFICER COLLINS

Officer Information and Professional Standards History:

Officer Ashely Collins has been employed with the Atlanta Police Department since March 13, 2014 until she resigned on January 4, 2017. Officer Collins had two (2) complaints; current complaint ("exceptionally closed" the case by APD) and a vehicle accident complaint.

Investigator Robertson reported that this is a category A requiring an oral and/or written reprimand and training.

Pitre moved to recommend that Officer Collins receive a written reprimand for Conduct allegation against Officer Collins be assigned a finding of **Sustained** and recommends that the officer receives a written reprimand and training on customer service and on the department's Standard Operating Procedures related to dealing with citizens. **Brogdon** seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-084

A. ALLEGATION SUMMARY

The Complainant alleged that on May 28, 2016, and on other occasions, Atlanta Police Department APD Officers Claude Moore III and Francesca Barber has harassed her and others by issuing them unwarranted parking citations.

The Complainant also alleged that on the date in question, Officer Moore used profanity at her when she asked him to stop the harassment.

B. STAFF RECOMMENDATION FOR ALLEGATION #1 OF HARASSMENT AGAINST OFFICERS MOORE AND BARBER

The ACRB Staff recommends that the allegation of **Harassment** against Officers Moore and Barber be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred, but were justified legal and within APD policy*).

Discussion and Comments...

1. **(Brogdon)** *I could be wrong, but it seems like they were doing their job.*
2. **(Williams)** *I found the pictures fascinating and you can go on the website. People can't say that wasn't my car. They get a copy of your tag number. This was interesting to see and they took pictures of the signage. It was pretty thorough.*
3. **(Houston-Torrence)** *She said that she was being harassed. I don't think that it was proven that it was the same officer that ticketed her multiple times. Is that correct?*
4. **(Pitre)** *Yes. Four times with Officer Moore and one time with Officer Barber.*
5. **(Williams)** *And the times that they were done they were kind of far out...except, twice in the same month. Somewhere in there, it said that they officer had no way of knowing who owned the car until she came out and complained. It was two different cars involved.*
6. **(Brogdon)** *If you continue to park illegally...even if it's once a month or multiple times a day, they have the right to take it every single time. That doesn't sound like harassment. I would agree with staff as exonerated.*

Chair Williams opened the floor for a motion. **Brogdon** moved to accept staff's recommendation to assign a finding of **Exonerated** for **Harassment** allegation against Officers Moore and Barber.

Bartels seconded. Hearing no further discussion, the motion was approved.

C. STAFF RECOMMENDATION FOR ALLEGATION #2 OF ABUSIVE LANGUAGE AGAINST OFFICER MOORE

The ACRB Staff recommends that the allegation **Abusive Language** against Officer Moore be assign a finding of **Not Sustained** (*the investigation established that there is insufficient evidence to conclude the alleged act was committed*).

D. BOARD'S VOTE ON ALLEGATION #2 OF ABUSIVE LANGUAGE AGAINST OFFICER MOORE

Chair Williams opened the floor for a motion. **Bartels** moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Abusive Language** allegation against Officer Moore. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

E. STAFF RECOMMENDATION FOR ALLEGATION #2 OF ABUSIVE LANGUAGE AGAINST OFFICER BARBER

However, although the Complainant did not raise this particular allegation against Officer Barber, the investigation determined, based on the officer's own admission that she may have used profanity during the encounter. The ACRB staff recommends that the allegation of **Abusive Language** against Officer Barber be assigned a finding of **Sustained** as there is sufficient evidence to substantiate this claim.

F. BOARD'S VOTE ON ALLEGATION #2 OF ABUSIVE LANUGAGE AGAINST OFFICER BARBER

Discussion and Comments...

1. *(Williams) I found this to be pretty interesting, because I believe that the officer was a little frustrated. The description talked about how she just came running out...basically out of control. Maybe the officer slipped or something. I know that they are supposed to use better judgement, but I can see him getting upset.*
2. *(Brogdon) My understanding when I read it is that she couldn't remember whether she cursed. Is that right? Because that is a little bit different.*
3. *(Robertson) She said that she couldn't recall...it was possible.*
4. *(Brogdon) The thing that struck me the most about this was...when someone curse at you, you should remember what words they used, because each one has very specific meaning in how they use it. For her not to remember the word and for this officer not to remember cursing...saying it's possible, she just didn't want to deny it because she doesn't remember. It's kind of like two blank memories in my opinion. This is the only one that I disagree with staff today and I believe that abusive language should be to not sustained because the two parties does not remember everything as opposed to anybody admitting to it.*
5. *(Houston-Torrence) I seem to agree with Gino (Brogdon).*
6. *(Pitre) When she said that it was possible, that is what messed her up a little bit...she is an officer and she still has to operate in a certain way and for her to say, "it's possible," I don't think that was good on her part.*
7. *(Bartels) I think that the only way that she could outright deny it is, if she had said, I remember every word or I never cuss on the job.*

Chair Williams opened the floor for a motion.

Brogdon moved to disagree with staff's recommendation and to assign a finding of **Not Sustained** for **Abusive Language** against Officer Barber. *Houston-Torrence* seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-106

A. ALLEGATION SUMMARY

The Complainant alleged that on April 13, 2016, Atlanta Police Officer Jorge Santa engaged in unnecessary excessive force when he grabbed him from behind, threw him to ground and fractured his left ankle. The Complainant further alleged that Officer Santa confiscated two watches and "a couple of dollars" from him and failed to put the items into Property.

B. STAFF RECOMMENDATION ON ALLEGATION OF EXCESSIVE FORCE AGAINST OFFICER SANTA

The ACRB Staff recommends that the allegation of **excessive force**, against Officer Santa be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer did commit the alleged acts of misconduct*).

Discussion and Comments...

1. *(Williams) This is a very interesting case. I didn't know about the 90-day rule and I talked to Investigator Robertson and she shed some additional light on it. Hold up and we will let her tell us about the 90-day law.*
2. *(Brogdon) Are we supposed to know about the 90-day law?*
3. *(Williams) You want to tell us about the law?*
4. *(Robertson) It is cited in the report. They keep property up to 90 days if not claimed. I went to the police to try and find out if there was anything pertaining to what they should do if the person is arrested and I really didn't find anything. The only thing that it says is...*

they will make reasonable efforts within two weeks of the property being disposed of...they will make efforts to find the owner to let them know that their property will be disposed of. Sergeant Dean, do you know anything more about that?

5. **(Sgt. Dean)** For cases like that, if you are arrested and you are in custody, it is my understanding that there's a form that you fill out and return to the Law Department. More like you're filing a claim. If at all possible, the property will be returned...
6. **(Williams)** Or held longer if possible. Is that ever done to your knowledge?
7. **(Sgt. Dean)** Is the property money?
8. **(Williams)** It was two watches, two disposable cell phones, and he said a couple of dollars. But listed in the Property was not listed any money.
9. **(Sgt. Dean)** My understanding is, if it not there, they will give you a form, you file the claim with the Law Department...
10. **(Williams)** My question to **Investigator Robertson** was...since they notified you within two weeks...I think that answers the question because, if I am incarcerated, and I can't get out and get it within 90 days, I want to know if there was an opportunity for me to notify my family or friends to come and get it. Is that permissible or the person have to get their own property?
11. **(Sgt. Dean)** I think that if it is your property, you have to get it...unless you sign an affidavit.
12. **(Bartels)** I was going to say, I dealt with that before with clients and they have to sign an affidavit to give you authority to get that. My concern is ...this is more of a policy issue as oppose to an execution issue.
13. **(Pitre)** Maybe things are different, but me being an officer in Louisiana, our Property Department would reach out to the actual inmate and they will get that form and they could release their merchandise to a family member or whoever they like to pick it up.
14. **(Williams)** So, our issue is that based on our policy, whether or not he was even notified and there is no evidence that somebody tried to reach out to him two weeks before they actually disposed it. That would be a procedural issue and we may want to make a recommendation for them to review that policy.
15. **(Robertson)** I don't know if that was actually done.
16. **(Williams)** Let's talk about excessive force. That is the first one.
17. **(Bartels)** My thought on that is, if there had been a recording...to the confrontation, that would have been helpful. It is always a concern when somebody is injured. On the other hand, I am inclined to agree with staff's recommendation because the medical records indicated there was some aggression on his part...combative towards the medical staff and appeared to be under the influence of something.
18. **(Williams)** So he was probably stronger than normal. It is unfortunate, he was injured in the process.
19. **(Houston-Torrence)** One thing, that I learned is that when a person doesn't comply, what happens after that, I am not saying everything is justified, but when you don't comply...when the officer says to you...put your hands behind your back, then things could happen. They do whatever they have to do to get you in handcuffs to get you to the ground.
20. **(Bartels)** I hear what you're saying, but if somebody is not complying, it doesn't give the officer a blank check. Anytime that you get a hands-on, there is a potential to get injured.

Chair Williams opened the floor for a motion. **Houston-Torrence** moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Excessive Force** allegation against Officer Santa. **Pitre** seconded. Hearing no further discussion, the motion was approved.

C. STAFF RECOMMENDATION ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER SANTA

The ACRB Staff recommends that the allegation of **Appropriate Action Required** against Officer Santa, as it relates to this issue, be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged acts of misconducts*).

Chair Williams opened the floor for a motion. *Houston-Torrence* moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Appropriate Action Required** allegation against Officer Santa. *McDaniel* seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 17-017

A. ALLEGATION SUMMARY

The Complainant alleges that on January 30, 2017, when Atlanta Police Officer Michael Searcy responded to her residence at 752 Lillian Avenue S.W., involving a dispute between her and her neighbor, Officer Searcy was rude, argumentative and unprofessional towards her. The Complainant further alleges that Officer Searcy failed to complete an Incident Report.

B. STAFF RECOMMENDATION ON ALLEGATION OF CONDUCT AGAINST OFFICER SEARCY

The ACRB staff recommends that the allegation of **Conduct** against Officer Searcy be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the allege acts of misconduct*).

Discussion and Comments...

1. *(Houston-Torrence) I find it hard to believe that she had a video and wouldn't show it.*
2. *(Williams) I think that you are assuming that even though she had a camera, it was actually active. Just because there was a camera, doesn't mean that it was currently working. As we saw in the Grady Hospital case and we hear about it all the time.*
3. *(Bartels) A lot of time even if it is working, it will tape over it by the time somebody tries to pull the incident.*
4. *(McDaniel) Didn't she tell the officer that she had it on video?*
5. *(Williams) Yes, but she also said that, "you are not coming in my house", when he asked to see the video. What does he have to go on. This definitely seems like she has something out for her neighbor. This sounds like this is something ongoing.*
6. *(Bartels) This is another situation where, if there was a body camera...I am inclined to go along with staff's recommendation.*
7. *(Williams) She moved the trash and when he said to her, show me where it was; then she goes to some bush and see something that looks like it's been there for several months...if not a year. She didn't have any current evidence that the incident occurred. When he called his supervisor, his supervisor said, you don't have to complete a report and even though his supervisor didn't remember one way or the other, but he said that, "I could have told him that since there was no evidence." At some point, they talked about the volume of people that walk in that particular precinct which I thought that was interesting. I didn't know that's the precinct that they send people to when they want to follow up on a report.*
8. *(Robertson) That was a different case. That was at the Zone 5.*

Chair Williams opened the floor for a motion. *Brogdon* moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Conduct** allegation against Officer Searcy. *Houston-Torrence* seconded. Hearing no further discussion, the motion was approved.

C. STAFF RECOMMENDATION ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER SEARCY

The Complainant further alleges that Officer Searcy failed to complete an Incident Report.

The ACRB Staff recommends that the allegation of **Appropriate Action Required** against Officer Searcy be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy*).

Brogdon moved to accept staff's recommendation to assign a finding of **Exonerated** for **Appropriate Action Required** allegation against Officer Searcy. *Houston-Torrence* seconded. Hearing no further discussion, the motion was approved.

OLD BUSINESS / NEW BUSINESS

None

PUBLIC COMMENTS:

No public speakers

CLOSING COMMENTS:

Chair Williams reiterated to everyone that the next board meeting will be held on Thursday, July 13, 2017.

For the record:

Houston-Torrence informed the board that she will not be present during the July meeting.

ADJOURNMENT

No further business. The meeting adjourned at 7:15 P.M.

ACRB Minutes for June 28, 2017 were approved: August 10, 2017
Paul Bartels, Board Secretary

Transcribed: LG