

APPROVED

8/10/2017



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

June 8, 2017

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

The June 2017 meeting was called to order at 6:36 p.m. by *Vice Chair Brogdon*.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

GINO BROGDON *(Brogdon)*

PAUL BARTELS *((Secretary/Bartels)*

BILL BOZARTH *(Bozarth)*

WILLIAM HARRISON *(Harrison)*

CECILIA HOUSTON-TORRENCE *(Houston-Torrence)*

TRACEE MCDANIEL *(McDaniel)*

ACTIVE MEMBERS ABSENT

SHERRY WILLIAMS *(Chair/Williams)*

HAROLD HARDNETT *(Hardnett)*

SHUNTAY PITRE *(Pitre)*

VACANT BOARD SEATS

APAB-NPU, Group M-R *(four (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)*; **BRIAN FLEMING**, Investigator, Sr., *(Investigator Fleming)*; **LYNN GARRETT**,

Executive Assistant (Garrett/Transcriber); **CHARLES CURRY**, *Outreach Specialist, (Curry)*; **VIRGINIA ROBINSON**, COA Law Department, (*Robinson*), **LIEUTENANT SCOTT BENNETT**, Atlanta Police Department, (*Lt. Bennett*)

APPROVAL OF MINUTES OF THE LAST MEETING, MAY 2017

Bozarth moved to adopt the minutes as corrected. **Harrison** seconded. Hearing no discussion, the motion was approved.

EXECUTIVE DIRECTOR'S REPORT

The Board received a copy of the ED's report in advance of the meeting. The following highlights were reported on by Director **Reid**:

- Art and Essay Contest Winners
The 2017 ACRB Art & Essay Contest concluded on April 24, 2017. It was by far the most hotly contested and toughest to judge. This year there were about four times as many participants as in 2016. First place winners from the art contest are: Terriana Spiller, Arieann Houston, Dasha Lushington. First place winners from the essay contest: Daishalyn Satcher, Mohammed Hashim and Hope Begashaw. All winners will be honored at a future Atlanta City Council meeting this summer.
- Mediation Training at the APD Training Academy
The mediation presentations are continuing. The presentations have been positively received. The presentations are on Mondays and Wednesdays.
- Community Mediation Presentations
If you know of any organizations, individuals, groups, or locations that we can conduct mediation presentations, please do not hesitate to let staff know. We are trying to spread the word about mediation to everyone.
- APD Citizens' Academy Training Completion
Congratulations to Cecilia Houston-Torrence and Tracee McDaniel for completing the APD Citizens' Academy Training. Graduation is June 20, 2017 at 7:00 p.m. in City Council Chambers. Board members were asked to come out to acknowledge their accomplishment. The majority of the board members have completed the academy training, which will reduce the number of hours that is projected for the training with APD. **Reid** announced that a one-time training of 6-8 hours coupled with other training, will be included during board meetings. August 19th and 26th are being considered as preference training dates.

Website Refresh

The agency has received positive feedback and compliments about the ACRB's website. **Reid** reported that the office is considering a new layout for the website and adding additional features.

NACOLE Site Visit

NACOLE and the Police Foundation are doing a study. The assessment is on civilian oversight. They are requesting to interview 2 -3 board members between June 25th – 29th. **Reid** would like the chair, vice chair and secretary to meet with the groups. If there are any board members that would like to participate in the study; if the board officers are unavailable, please contact **Reid**. The interviews will last for approximately 30 minutes. The investigative models that they are interviewing are in Atlanta and Washington D.C.

- Georgia Coalition for the People's Agenda Appointee
People's Agenda appointee Tamara Orange was sworn in on Monday, May 15. We welcome Ms. Orange to the board and the agency.
- Reports to Appointing Agency
Board members were reminded to submit their reports to their appointing entities.
- Georgia Association of Black Women Attorneys (GABWA)
On May 18, 2017, GABWA held a panel discussion on the topic of "Getting on the Radar for Non-Judicial Appointments." The panelists representing different levels of the government presented various perspectives on moving from the practice of law to appointment positions within government. The event also proved to be an excellent opportunity to share information with the GABWA membership about the ACRB. **Reid** thanked the Georgia Association of Black Women for the invitation to sit on the panel and their warm hospitality.
- Community Outreach
Our Community Outreach activities have been significantly enhanced by the addition of N. Kozmo Miller, a multi-talented Morehouse College Theater Arts graduate, actor, event planner, writer, nationally known voice over and marketing specialist among others. He has taught at KNOW YOUR RIGHTS Training Workshops for children ages 5-12. He has appeared at various festivals and libraries on behalf of the ACRB. Kozmo has also assumed the role of ACRB's superhero Captain Integrity. Mr. Miller services are contracted as needed.

Discussion and Comments...

1. **(McDaniel)** On the August 19th or 26th dates, will we be training on individual dates or chose one out of those...
2. **(Reid)** Yes, the August 19th or 26th. Those are the two dates that we are looking at. Hopefully, we can get a majority.
3. **(Brogdon)** Are we going to get an email thread?
4. **(Reid)** Yes.

Special Acknowledgment:

Welcome new Board Member Tamara Orange

Reid welcomed ACRB's newest member, Tamara Orange from The Coalition for the Peoples' Agenda to the board. Ms. Orange expressed her excitement to participate on the Atlanta Citizen Review Board.

INTAKE REPORT FOR APRIL 2017

Investigation Manager **Robertson** reported that for the month of May 2017, the ACRB received fifteen (15) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to possibly dismiss seven (7) of the fifteen (15) complaints. Four (4) complaints are waiting for signatures. 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. 17-061 – Unwarranted Traffic Citation

The Complainant alleges that on April 22, 2017, she was stopped and cited by an Atlanta Police (APD) officer because one of her tail lights was out which she claims was false. **Recommend dismissal because involved a traffic dispute that needs to be resolved in the courts.**

2. ACRB Case No. 17-064 – Discrimination

The Complainant alleges that on April 21, 2017, while at the Atlanta Hartsfield Jackson International Airport, his wife was issued a traffic ticket by a black male APD officer for stopping in a construction zone. The Complainant stated that other drivers were also parked in that area and was not issued a ticket and feels that his wife was given a ticket because she is white. **The Complainant does not have firsthand knowledge of the incident. He was advised to have his wife submit the complaint. Recommend dismissal.**

3. ACRB Case No. 17-065 – Robbery

The Complainant alleges that on April 22, 2017, he was robbed by an Atlanta police officer. **Preliminary investigation revealed that the subject officer is not employed by the APD. Recommend dismissal for lack of jurisdiction.**

4. ACRB Case No. 17-067 – Inaccurate Incident Report

The Complainant alleges that in September 2016, she was involved in a car accident and the responded APD officer put inaccurate info in the accident report. **Recommend dismissal because complaint is outside the 180 days.**

5. ACRB Case 17-073 – Other

The Complainant filed a complaint against the Department of Public Works employees that pave her street. **Recommend dismissal for lack of jurisdiction.**

6. ACRB Case No. 17-074 – Provided Incorrect Information

The Complainant alleges that on May 27, 2017, an APD officer discredited her name by claiming that she had provided fraudulent documents. **Preliminary investigation into this complaint revealed that the Complaint contacted the subject officer and was told that she was mistakenly given the incorrect information. It appears that this issue has been resolved and the officer giving the incorrect information was not done intentionally. Recommend dismissal for lack of merit (does not rise to the level of misconduct).**

7. ACRB Case No. 17-075 – Harassment

The Complainant alleges that on May 30, 2017, she was harassed by Morrow Police officers. **Recommend dismissal for lack of jurisdiction.**

Awaiting Signed Complaints:

The following four (4) cases are awaiting signed complaints:

1. ACRB Case No. 17-062 – Inadequate Investigation & Failure to Complete Report

The Complaint alleges that on May 5, 2017, the APD officer that responded to an incident at her home did not conduct an adequate investigation and failed to complete a report. **Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as an appropriate action required complaint.**

2. ACRB Case No. 17-066 – Unlawful Entry & Illegal Search

The Complainant alleges that on March 2017, APD officers unlawfully entered and searched her home. **Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as an appropriate action required complaint.**

3. ACRB Case No. 17-068 – Harassment & Abusive Language

The Complainant called the ACRB Office to file an abusive language and harassment complaint against APD officers pertaining to an incident that occurred on May 10, 2017. The Complainant did not want to provide any details over the phone and requested that a complaint form be mailed to his residence. **Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as an abusive language and harassment complaint.**

4. ACRB Case No. 17-071 – Excessive Force (Amendment)
The Complainant alleges that on May 17, 2017, she witnessed APD officers physically assault her nephew Mark Morris. **Recommend investigation as an excessive force complaint. If the signed complaint is received within the next few weeks and there is merit to the complaint, then recommend investigating complaint under the categories that is assigned to it in the Intake Report. If not received, then recommend dismissal.**

Investigation recommendations:

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

1. ACRB Case No. 17-063 – Inappropriate Conduct
The Complainant alleges that on May 8, 2017, the APD officer that responded to her residence pertaining to an incident involving her 13-year-old son was rude and unprofessional towards her. **Recommend investigation as a conduct complaint.**
2. ACRB Case No. 17-069 – False Arrest & Excessive Force
The Complainant alleges that on May 15, 2017, he was falsely arrested and slammed to the ground by an APD officer. **The Complainant alleged that on May 15, 2015, he was falsely arrested and slammed to the ground by an APD officer.**
3. ACRB Case No. 17-070– Inappropriate Conduct
The Complainant alleges that on May 16, 2017, an Atlanta police officer spoke to her in a rude and threatening manner. **Recommend investigation as a conduct complaint.**
4. ACRB Case No. 072 –Inappropriate Conduct
The Complainant alleges that during a traffic stop, an APD officer was rude and spoke to her in a demeaning and belittling manner. **Recommend investigation as a conduct complaint.**

B. RECONSIDERATION OF COMPLAINTS

1. ACRB Case No. 16-137 –Inadequate Investigation
The Complainant filed a complaint alleging that on June 16, 2016, APD officers failed to adequately investigate an incident involving her nephew. **Preliminary investigation revealed that the East Point Police Department is the primary agency in charge of the investigation of this incident, and not APD. Thus, recommend dismissal.**
2. ACRB Case No. 16-152 –Inadequate Investigation
The Complainant filed a complaint alleging that the APD officer that responded to her residence on October 21, 2016 failed to properly investigate her complaint. **Records show that the subject officer is no longer employed by the APD (has retired) and there is no report related to this incident. Therefore, recommend dismissal because the officer is no longer with the department**

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.

COMPLAINTS REVIEW:

ACRB CASE NO 15-140

A. ALLEGATION SUMMARY

The Complainant alleged that on October 16, 2015, while at 879 Crew Street, Atlanta Police Officers Phillip Skidmore and Zachary Atha falsely arrested him. The Complainant also alleged that Officers Skidmore and Atha used excessive force against him when they: (1) Dragged him on the ground while handcuffed, causing aggravation to his hernia and abrasions to his leg, (2) handcuffed him too tightly, and (3) while at the Zone 3 Precinct's Holding Room, they slammed him on his back and handcuffed him tightly to a bench. The Complainant further alleged that Officers Skidmore and Atha were verbally abusive towards him when they stated to him words to the effect, "You ain't nothing but a crackhead nigger."

B. STAFF RECOMMENDATION FOR ALLEGATION OF FALSE ARREST AGAINST OFFICERS SKIDMORE AND ATHA

The ACRB staff recommends that the allegation of **false arrest** against Officers Skidmore and Atha be assigned a finding of **exonerated** (*the investigation established that the alleged act occurred, but was justified, legal or proper within department policy*).

C. STAFF RECOMMENDATION FOR ALLEGATION OF EXCESSIVE FORCE AGAINST OFFICERS SKIDMORE AND ATHA

The ACRB staff recommends that the allegation of **excessive force** against Officers Skidmore and Atha be assigned a finding of **exonerated** (*the investigation failed to prove or disprove the alleged act(s) occurred*).

D. STAFF RECOMMENDATION FOR ALLEGATION OF ABUSIVE LANGUAGE AGAINST OFFICERS SKIDMORE AND ATHA

Discussion and Comments...

1. **(Bozarth)** *Because this incident happened back in October 2015, why is it just coming forward for resolution?*
2. **(Fleming)** *We were waiting for his criminal case to resolve before we move forward. Once it is resolved, then we moved forward with the investigation.*
3. **(Bozarth)** *How was the case resolved?*
4. **(Fleming)** *He was found guilty of all charges.*
5. **(Bartels)** *I would just add that I would accept staff's recommendation...regarding false arrest, generally, I know under protective order, there's a stay-away for over 200 yards and obviously if he is actually on the premises, that's in violations. The legal definition of burglary is entering into a residence or structure with the intent to commit either a thief or a felony therein...aggravated assault would qualify as a felony...so, I would go with the recommendation.*
6. **(Houston-Torrence)** *Is that a motion?*

7. *(Bartels) Unless anybody wants to discuss it further.*
8. *(Bozarth) staff is recommending Exoneration on the false arrest charge, so is that your motion?*
9. *(Bartels) Well, we, maybe we need to discuss that. I mean, is it going to be exonerated or Not Sustained?*
10. *(Houston-Torrence) The recommendation is to exonerate.*
11. *(Bartels) I would think that would be appropriate, because exonerated means that it occurred. He was arrested, but the evidence does show that they were justified doing that...*

E. BOARD'S VOTE ON ALLEGATION OF FALSE ARREST AGAINST OFFICERS SKIDMORE AND ATHA

Harrison moved to adopt staff's recommendation to assign a finding of **exonerated** for **false arrest** against Officers Skidmore and Atha. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

F. BOARD'S VOTE ON ALLEGATION OF EXCESSIVE FORCE AND ABUSIVE LANGUAGE AGAINST OFFICERS SKIDMORE AND ATHA

Discussion and Comments...

1. *(Bartels) Just to clarify...neither of the officers were wearing body-worn cameras, correct?*
2. *(Bozarth) This was in 2015.*
3. *(Bartels) what's the timeline for them getting cameras in these zones, do we know?*
4. *(Lt. Bennett) Most of the zones have them, except Zone 5 is supposed to be rolling out on July 1st.*
5. *(Bozarth) My comment on the other two charges is that since there's no corroborating witness...our normal pattern is to not sustain the complaint.*

Bozarth moved to adopt staff's recommendation to assign a finding of **not sustained** for **excessive force** and **abusive language** against Officers Skidmore and Atha. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-061

A. ALLEGATION SUMMARY

The Complainant alleged that on March 9, 2016, he was falsely arrested by Atlanta Police Officers. The Complaint further alleged that the officers engaged in excessive force when they grabbed him from behind, threw him to the ground, kneed him in the back, twisted his arm backwards and applied the handcuffs extremely tight.

B. STAFF RECOMMENDATION FOR ALLEGATION OF EXCESSIVE FORCE AGAINST OFFICERS JASON MARCHIONE AND LEON DELAIN

The ACRB Staff recommends that the allegation of **Excessive Force** against Officers Jason Marchione and Leon be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officers committed the allege acts of misconduct*).

Discussion and Comments...

1. *(Bozarth) Ms. Robertson, we've had several complaints before on Police Officer Marchione? Correct?*

2. *(Robertson) Yes.*
3. *(Brogdon) Do we like staff's recommendations on this? Do we agree, disagree?*
4. *(Bartels) I think this is another case of, you know, he said, he said, although there were other witnesses here who tended to support the officers' side more.*

Vice Chair Brogdon opened the floor for a motion. **Houston-Torrence** moved to accept staff's recommendation to assign a finding of **not sustained** for **Excessive Force** allegations against Officers Marchione and Delain. **McDaniel** seconded. Hearing no further discussion, the vote was called and the motion was approved.

C. STAFF RECOMMENDATION FOR ALLEGATION OF FALSE ARREST AGAINST OFFICERS JASON MARCHIONE AND LEON DELAIN

Discussion and Comments...

(Bartels) The recommendation here was exonerated as well. Because again, he was arrested but the evidence does show the police reported that he was interfering with the EMTs. It was justified.

Bartels moved to accept staff's recommendation to assign a finding of **not sustained** for **Excessive Force** allegations against Officers Marchione and Delain. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved

ACRB CASE NO 16-129

A. ALLEGATION SUMMARY

The Complainant alleged that on September 12, 2016, Atlanta Police Officer Lawrence LoBianco engaged in unnecessary excessive force when slammed in his hand in the trunk of his vehicle, threw him to the ground and kned him in the back. The Complainant further alleged that, while on the ground, Officer LoBianco and another officer, whom he described as a black male, "manhandled" him.

B. STAFF RECOMMENDATION

The ACRB Staff recommends that the allegation of **excessive force**, against Officer LoBianco 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*).

As it pertains to the allegation of **excessive force** against Officers Corey Hill, Martin Shaft, Carl Harp, Daniel Dey and Jermaine McLendon, the ACRB staff finds no evidence that the officers used any physical force on the Complainant and recommends a finding of **unfounded** (*the investigation established that the alleged act was not committed*).

Discussion and Comments...

1. *(Houston-Torrence) Okay, he told a really different story than the officer about how his hand got slammed in the, trunk of the car and the officer's seemed a little more reasonable.*
2. *(Bartels) I know that his girlfriend indicated that he got off the interstate and made an illegal U-turn. Is that correct? He said that he had a flat tire? Were we able to determine whether it was a flat tire or not? Did he have the receipt or anything?*
3. *(Robertson) No, she said...and she stuck to her story that they were looking for some food. That's why they exited the interstate.*

4. *(Bozarth) So they may have not had a flat tire at all?*
5. *(Robertson) Right.*
6. *(Bartels) I was a little confused in terms of what the police officer was saying was the reason he got his hand stuck in the trunk.*
7. *(Robertson) When he went to grab him to detain him...the trunk was already up...so, he hit the trunk and it slammed on his hand.*
8. *(Bartels) But if the trunk is up, he would have to hit downward to close it on the hand.*
9. *(Robertson) Right, and he said that's what happened. He said that when he was trying to get his hands behind his back and he was leaning away from him, he hit the trunk, and that's how it went down.*
10. *(Bozarth) It seems the subject might have been intoxicated? There is an indication of that?*
11. *(Robertson) Well, the medical records, they indicate that, but the dash cam video that was available, it didn't capture the apprehension or when he approached him, but it did show him inside of the patrol car, and it appeared that he may have been intoxicated.*
12. *(Bartels) Now is this the case where he was handcuffed in the front?*
13. *(Robertson) You can clearly see that he was handcuffed to the front.*
14. *(Brogdon) I need a little clarity on the trunk, so the officer, he hit it up intentionally and it bounced back down? Is that the allegation?*
15. *(Robertson) The allegation is that he claims that he had his hand by the trunk and that the officer slammed it down on his hand.*
16. *(Bartels) I am not sure how he could have slammed the trunk on his hand by waving the other one around. I am inclined to go along with staff's recommendation. I just don't get you're waving your arms around...you kind of stumble...I image that it is possible.*

G. BOARD'S VOTE ON ALLEGATION OF EXCESSIVE FORCE AGAINST OFFICER LOBIANCO

Vice Chair Brogdon opened the floor for a motion. *Bozarth* moved to adopt staff's recommendation to assign a finding of **Not Sustained** for **Excessive Force** allegations against Officer LoBianco. As it pertains to the allegation of Excessive force against Officers Corey Hill, Martin Shaft, Carl Harp, Daniel Dey and Jermaine McLendon, the Board moved to adopt staff's recommendation to assign a finding of **Unfounded**. *Houston-Torrence* seconded. Hearing no further discussion, the motion was approved.

H. BOARD'S VOTE ADDITIONAL RECOMMENDATION

Staff recommends the APD to look into whether Officer LoBianco violated any rules and/or policies when he paid for Marian McGrain's hotel room with personal credit card.

Discussion and Comments...

1. *(Bozarth) Lieutenant (Bennett), what's your policy when an officer decides to do something like that (use his personal money)? Is it improper contact when an officer chooses to do that?*
2. *(Lt. Bennett) We don't have a policy that addresses that and I'm not familiar with another incident where anyone has done that in recent years. Officers have come out of their pocket for years to give people money. We don't have a rule that affects that.*
3. *(Bozarth) Given that the leadership of the police department probably doesn't have a policy against it. I say we don't have any reason to recommend any sort of action on that.*
4. *(Bartels) I don't see anything improper.*
5. *(Lt. Bennett) You've got an officer right now that's been all over social media and the news that because a little girl shoplifted shoes and he bought her the shoes and the news media ran with that. We don't have a policy on officers spending their personal money...giving money to anyone they encounter during the course of their duties.*

Following the brief discussion, the board decided not to accept staff's additional recommendation.

ACRB CASE NO 16-134

A. ALLEGATION SUMMARY

The Complainant alleged that on August 20, 2016, Atlanta Police Officer Aaron Voorheis engaged in unnecessary excessive force when he: (1) shoved him into the patrol car which caused injury to his back, (2) grabbed him by the handcuffs, lifted his arms up high and forcibly walked him out of the holding area of the Atlanta Detention Center without allowing him to put his shoes back on, and (3) when they arrived at Grady Hospital, Officer Voorheis, again, grabbed him by the handcuffs, lifted him arms up very high which forced him to walk on his toes as Officer Voorheis pushed him towards the hospital. He further alleges that Officer Voorheis called him "an asshole" and took \$400.00 from him and failed to put the money into Property.

The Complainant further alleged that he complained to the officer, whom he described as a Latino male that transported him to the jail, that he was injured, however, the officer ignored him and did not get him medical attention.

B. STAFF RECOMMENDATION

a) Excessive Force:

The ACRB Staff recommends that the allegation of **Excessive Force** against Officer Voorheis be assigned a finding of **Not sustained** (*the investigation established that there is insufficient evidence that the officer committed the allege acts of misconduct*).

b) Abusive Language:

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

c) Appropriate Action Required

1st ISSUE:

The Complainant allegation that he complained to the officer, whom he described as a Latino male that transported him to the jail, that he was injured; however, the officer ignored him and did not get him medical attention.

The ACRB staff recommends that the allegation of **appropriate action required** against Officer Juan Restrepo, as it relates to this issue, be assigned a finding of **unfounded** (*the investigation established that the officer did not commit the alleged act of misconduct*). Although this particular allegation was not lodged against Officer Voorheis, the investigation concluded that it was more than likely that he transported the Complainant to the jail. Therefore, the ACRB staff recommends that the allegation of **appropriate action required** against Officer Voorheis, 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 allege acts of misconduct*).

2nd ISSUE:

The Complainant's allegation that Officer Voorheis took \$400.00 from him and did not put the money into Property.

Officer Voorheis denies that the Complainant's allegation and contends that all the money he seized from him was recorded and placed into Property. APD records shows that Officer Voorheis seized a total of \$244.94 from the Complainant (\$230.00 in cash and \$14.94 in coins), which was placed into Evidence. The Complainant did not provide any evidence that could corroborate his claim.

The ACRB staff recommends that the allegation of **appropriate action required** against Officer Voorheis, 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 misconduct*).

BOARD'S VOTE ON ALLEGATION OF EXCESSIVE FORCE AGAINST OFFICER VOORHEIS

Discussion and Comments...

1. **(Bozarth)** *There seems to be a witness, Zachary Butler, who was sitting in the station at the same time as Mr. Jackson. He seemed to confirm Mr. Jackson's version of the story, that there was some, "manhandling" of the complainant at the precinct. Sometimes we have corroborating witnesses, and we believe them. For some reason, you did not choose to give that credibility. Can you help me out as to what your thinking was?*
2. **(Robertson)** *First of all, that was his friend. And second of all, if, I think he pretty much more corroborated what Officer Voorheis said, that when he pushed him up against the wall, um, he put his hands behind his back so he could handcuff him, and that's what Officer Voorheis actually admits to doing.*
3. **(McDaniel)** *Is the appropriate action required in reference to the \$400.00 that was stolen?*
4. **(Robertson)** *Yes.*

Vice Chair Brogdon opened the floor for a motion. **Houston-Torrence** moved to accept staff's recommendation to **Not Sustain** the second charge of **Appropriate Action Required** against Officer Voorheis. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

BOARD'S VOTE ON ALLEGATION OF ABUSIVE LANGUAGE AGAINST OFFICER VOORHEIS

Bartels moved to accept staff's recommendation to **Not Sustain** the second charge of **Abusive Language** against Officer Voorheis. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER RESTREPO – 1st ISSUE

Discussion and Comments...

1. **(Brogdon)** *I think we're kind of running into all the same problem. With the excessive force or the abusive language...I don't know how the rest of the board feels, but it's kind of...we don't have a witness, we don't have a recording.*
2. **(Bartels)** *What can we do? I would not vote to sustain the complaint. I am not sure that the evidence establishes that he clearly didn't...it seems kind of ambiguous. What do you all think about to not sustain, rather than unfounded?*
3. **(Brogdon)** *Isn't the unfounded, like there's no evidence. Then not sustained is more like*

4. *(Robertson) It didn't occur, and that's because, in regards to Mr. Jackson's claim that Officer Restrepo...that he complained to him while he took him to the jail that he was injured and the needed medical attention. But the records show that it was actually Officer Voorheis that took him to the jail and not Officer Restrepo). Officer Restrepo) took Zachary Butler to the jail. That's what the records show.*

Houston-Torrence moved to accept staff's recommendation to **Unfounded** for the allegation for **Appropriate Action Required** against Officer Restrepo. **Bartels** seconded. Hearing no further discussion, the motion was approved

BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER VOORHEIS – 1st ISSUE

Discussion and Comments...

1. *(Robertson) before you decide that, to the same issue... now that we know that the records show that Officer Voorheis took him to the jail, then you need to decide whether or not he complained to him...and that was a not sustained.*
2. *(Brogdon) So the same allegation of not giving medical attention, just against Officer Voorheis.*

Bartels moved to accept staff's recommendation to **Not Sustained** for the allegation for **Appropriate Action Required** against Officer Voorheis, as it relates to the 1st issue. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER VOORHEIS – 2nd ISSUE

Discussion and Comments...

1. *(Bozarth) Did anyone check the property records to see if the amount of money that the officer stated was in fact on the record?*
2. *(Robertson) It totaled 244 dollars and 94 cents. That's how much he took from him.*
3. *(Bozarth) So we could assume that he, according to the complainant thought that he had more money and claimed he had more money, but in fact, the true amount was likely less. That's your conclusion?*
4. *(Robertson) The records show that he put in 244 dollars and 94 cents. So, I can't say with absolute certainty that's how much money he had. That's why we say Not Sustained. That's the record.*

Bozarth moved to accept staff's recommendation to **Not Sustained** for the allegation for **Appropriate Action Required** against Officer Voorheis, as it relates to the 2nd issue. **Bartels** seconded. Hearing no further discussion, the motion was approved

ACRB CASE NO 17-012

A. ALLEGATION SUMMARY

An Anonymous Caller alleged that on January 18, 2017, at approximately 4:00 p.m., an APD officer driving a marked patrol vehicle #30998, cut the caller off almost causing an accident.

APD records show that Officer Jeffrey Henderson was operating the vehicle in question and is therefore treated as the subject of this investigation.

B. STAFF RECOMMENDATION ON THE APPROPRIATE ACTION REQUIRED ALLEGATION

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Jeffery Henderson 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. **(Bozarth)** *I'm just curious, how might we have sustained this? What evidence might we have seen that this improper traffic move was executed? There's no way we would be able to confirm that, is there?*
2. **(Robertson)** *we were hoping that maybe there was a GPS tracker on the vehicle, but there wasn't, not on that particular car.*
3. **(Bozarth)** *So a GPS tracker could have seen those lane changes?*
4. **(Robertson)** *No., not a lane change, but to show that he was in that area and at that time.*
5. **(Houston-Torrence)** *It was talking about how he couldn't have made it from...Howell Mills to Buford Highway in the amount of time...and he couldn't, but depending on traffic, he could have. Why would she...I'm assuming it was a woman because we tend to document stuff like that, but I was wondering why would she do that if he didn't do that? I've seen that happen a lot. Leaning towards that, he may have done something inappropriate. Almost made her have a wreck.*
6. **(Bozarth)** *This is like almost every other case. I don't know how we can take a different position on this one, even though your instinct might be right. There is no way to sustain that.*
7. **(Houston-Torrence)** *My thing is that I'm not going to go out of my way to document something that didn't happen.*
8. **(Bozarth)** *No. There is no obvious motive to do that if they had not observed it.*
9. **(Bartels)** *With preponderance of evidence, there is not mathematical formula, it's just a judgment call.*
10. **(Brogdon)** *I do think this is a situation where we have people on two different sides, although I think your instincts might be right, I've seen the same things you have. We have to go on what we got here.*

C. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER HENDERSON

Bozarth moved to assign a finding of **Not Sustained** for the allegation for **Appropriate Action Required** against Officer Henderson. **Bartels** seconded. Hearing no further discussion, the motion was approved with two (2) opposed votes (**McDaniel and Houston-Torrence**).

OLD BUSINESS / NEW BUSINESS

None

PUBLIC COMMENTS:

No public speakers

CLOSING COMMENTS:

Houston-Torrence acknowledge Ms. Orange's mother, Mrs. Cleo Orange, widow of Reverend James Orange, civil rights activist. Mrs. Cleo Orange is currently a community activist leader here in Atlanta.

ADJOURNMENT

No further business, by show of consensus, the meeting adjourned at 7:20 P.M.

ACRB Minutes for June 8, 2017 were approved: August 10, 2017
Paul Bartels, Board Secretary

Transcribed: LG