

Approved

Revised April 14, 2016



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

March 10, 2016
55 Trinity Avenue, SW
2nd Floor Atrium Committee Room One
Office Telephone: 404-865-8622
Atlanta, Georgia 30303
6:30 p.m.

The March 2016 meeting was called to order by *Chair Sherry Williams* at 7:12 p.m. opening with prayer.

AGENDA

ROLL CALL

(The ACRB has eleven members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS (*Chair/Williams*) (7:06 p.m. arrival)

CECILIA HOUSTON-TORRENCE (*Torrence*)

HAROLD HARDNETT (*Hardnett*)

GERALD SOUDER (*Vice Chair/Souder*)

PAUL BARTELS (*Secretary/Bartels*)

ACTIVE MEMBERS ABSENT

BILL BOZARTH (*Bozarth*)

GINO BROGDON (*Brogdon*)

WILLIAM HARRISON (*Harrison*)

RUTH PRICE (*Price*)

VACANT BOARD SEATS

APAB-NPU (*Group S - Z*) – (10 months)

Office of the Mayor (*vacant 2 years and 7 months*)

STAFF ATTENDEES

SAMUEL LEE REID, Executive Director(*Reid*); **SHEENA ROBERTSON**, Investigation Manager

(*Investigator Robertson*); **ROBIN LOLAR**, Investigator, Sr., (*Investigator Lolar*); **CHARLES CURRY**,

Outreach Specialist (*Curry*); **BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*); **MYOLA SMITH**,

Project Manager (*Smith/Transcriber*); **LYNN GARRETT**, Executive Admin. Assistant (*Transcriber*);
VERONICA HOFFLER COA Law Department; **VIRGINIA ROBINSON**, COA Law Department

Note: Chair Williams advised the board that there are five (5) board members tonight to have a quorum and the order of the agenda will be changed due to the fact that there are two (2) new members present and they are unable to vote on the cases that were received on last month.

APPROVAL OF MINUTES OF THE LAST MEETING, FEBRUARY, 2016

Chair Williams postponed the approval of the minutes because the new board members were not present during last month's meeting. The approval of the minutes will be discussed at the April board meeting.

Special Presentation- Andrew Benjamin, Federal Bureau of Investigation.

Director Reid advised the board that the special presentation with Andrew Benjamin, Federal Bureau of Investigation will be rescheduled at a later date. *Reid* informed that the presentation will be open to the public to participate in the FBI activities which will be a great community outreach.

EXECUTIVE DIRECTOR'S REPORT

The following highlights were reported by *Director Reid*:

Proposed Ordinance Changes:

- *Director Reid* thanked everyone who attended and those who wanted to attend the Public Safety Committee work session, but were not able to make it to the presentation.
- *ACRB* made its presentation at the work session, called by Public Safety Committee Chair, C.T. Martin regarding the proposed ordinance changes. *Director Reid* presented the thirteen (13) changes and addressed concerns that were brought up during the work session. One concern noted came from the Department of Corrections. Chief Labat indicated that his department would like to have been more involved in the ordinance process. *Reid* expressed appreciation to everyone, the Board and staff for the amount of work and time that was put into developing these ordinance changes. He indicated that he was also grateful for the community feedback. *Director Reid* said, "We made our case and we are in a good position to move forward." The Public Safety Committee will meet March 15th at 3 p.m., Atlanta City Hall, Committee Room One.

A. BOARD TRAINING

- *Director Reid* thanked the board for responding and providing feedback to his email regarding the training areas with the Atlanta Police Department. He stated that once he gets the dates and times in place, he will inform the board. *Reid* stressed that the majority of the trainings will take place during the board meetings. If not, then additional dates will be looked at.

INTAKE REPORT FOR FEBRUARY 2016

Investigation Manager *Robertson* reported that for the month of February 2016, the ACRB received twenty-two (22) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to dismiss 14 of the 22 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. 16-014 – False Arrest
Recommend dismissal for lack of jurisdiction.
2. ACRB Case No. 16-016 – Other
Recommend dismissal for lack of jurisdiction.
3. ACRB Case No. 16-017 - Service Complaint
Recommend dismissal for lack of jurisdiction.
4. ACRB Case No. 16-018 - Other
Recommend dismissal for lack of jurisdiction.
5. ACRB Case No. 16-019 – Service Complaint
Recommend dismissal for lack of jurisdiction.
6. ACRB Case No. 16-020 – Service Complaint
Recommend dismissal for lack of jurisdiction.
7. ACRB Case No. 16-024 – Service Complaint
Recommend dismissal for lack of jurisdiction.
8. ACRB Case No.16-025 – Falsifying Information
Recommend dismissal for lack of jurisdiction.
9. ACRB Case No. 16-026 – Excessive Force
Recommend dismissal for lack of jurisdiction.
10. ACRB Case No. 16-027 – Death
Recommend dismissal for lack of jurisdiction.
11. ACRB Case No. 16-028 – Excessive Force
Recommend dismissal for lack of jurisdiction.
12. ACRB Case No. 16-029 - Various
Recommend dismissal for lack of jurisdiction.
13. ACRB Case No. 16-032 – Theft of Property
Recommend dismissal for lack of jurisdiction
14. ACRB Case No. 16-033 – Fabricating Evidence
Recommend dismissal for lack of jurisdiction.

Investigation recommendations:

The following eight (8) cases are recommended for investigation:

1. ACRB Case No. 16-012 – Excessive Force
The Complainant alleges that on January 27, 2016, he was physically assaulted by APD officers. Staff recommends an investigation as an excessive force complain.
2. ACRB Case No. 16-013 – Excessive Force
The Complainant alleges that on December 4, 2015, he was physically assaulted by the APD officers. Staff recommends an investigation as an excessive force complaint.
3. ACRB Case No. 16-015 – False Arrest
The Complainant alleges that on September 1, 2015, he was falsely arrested by APD. Preliminary investigation revealed that the Complainant's criminal case stemming from this incident is pending adjudication in the court and the investigation into the false arrest allegation will depend on its outcome. Therefore, recommend suspension of the investigation pending the resolution of his case. If the case is resolved in the Complainant's favor, then recommend investigation as a false arrest complaint. If not, then recommend dismissal.

4. ACRB Case No. 16-021 – Harassment
The Complainant alleges that on February 4, 2016, he was harassed by two APD officers while driving on Martin Luther King Jr. Drive near Hamilton Holmes Drive. Staff recommends investigation as a harassment complaint.
5. ACRB Case No. 16-022 – False Arrest
The Complainant alleges that on January 7, 2016, he was falsely arrested by APD officers. Preliminary investigation revealed that Mr. Kosinski’s criminal case stemming from this incident is pending adjudication in the court and the investigation into the false arrest allegation will depend on its outcome. Therefore, recommend suspension of the investigation pending the resolution of his case. If the case is resolved in the Complainant’s favor, then recommend investigation as a false arrest complaint. If not, then recommend dismissal.
6. ACRB Case No. 16-023 – Excessive Force
The Complainant alleges that on February 9, 2016, he was unlawfully stopped by APD officers and as a result of the unlawful stop he was arrested for possession of marijuana.
7. ACRB Case No. 16-030 – False Imprisonment
The Complainant alleges that on January 29, 2016, an APD officer unlawfully detained him. Staff recommends an investigation as a false imprisonment complaint.
8. ACRB Case No. 16-031 – Excessive Force
The Complainant alleges that on February 17, 2015, he was arrested by APD for loitering and while at the Zone 5 precinct and in handcuffs, two (2) APD officers pushed him against the wall causing him to injure his shoulder. He further stated that he was refused medical treatment. The Complainant plead Nolo Contendere to the charges stemming from this incident and received time served.

Reconsideration of Complaint:

1. ACRB Case 12-33 – False Arrest
The Complainant filed a false arrest complaint against an APD officer pertaining to an incident that occurred on April 7, 2013. The investigation into the Complainant’s complaint was suspended pending the adjudication of her criminal case stemming from this incident.
2. ACRB Case 15-080 – False Arrest/Excessive Force/Abusive Language
On July 20, 2015, the Complainant filed a false arrest, excessive force and abusive language complaint against APD officers pertaining to an incident that occurred on June 11, 2015. The assigned investigator has been unable to get a statement from the Complainant despite many attempts concerning this complaint. The Complainant has been very uncooperative and has missed several appointments. Therefore, staff recommends dismissal for lack of cooperation.

B. BOARD VOTES ON INTAKE REPORT

Bartels moved to accept the Intake Report. *Souder* seconded. Hearing no discussion, the motion is approved by all.

Note: *Director Reid* acknowledged Gerald Souder for speaking on behalf of ACRB at the work session. *Souder* provided a board member’s perspective on how frustrating it is to take the time and effort in making decisions for the cases and then to have the chief send back a letter that doesn’t explain why the decision was made. “I think that the council members that were there understood what he was saying!”

OLD BUSINESS

No Discussion or Comments

NEW BUSINESS:

No Discussion or Comments

ADJOURNMENT

The *Chair* entertained a motion to adjourn. *Souder* moved to adjourned. *Bartels* seconded. Meeting adjourned 7:30 P.M.

ACRB Minutes for March 10, 2016 were approved: April 14, 2016
Paul Bartels, Board Secretary

Transcribed: MS