

Approved

November 10, 2016



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

October 13, 2016

2nd Floor Atrium, Committee Room One

55 Trinity Avenue, S.W.

Atlanta, Georgia 30303

404-865-8622

6:30 p.m.

The October 2016 meeting was called to order by *Chair Williams* at 6:31 p.m.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS *(Chair/Williams)*

PAUL BARTELS *((Secretary/Bartels)*

BILL BOZARTH *(Bozarth)*

GERALD SOUDER *(Vice Chair/Souder)*

CECILIA HOUSTON-TORRENCE *(Torrence)*

WILLIAM HARRISON *(Harrison)*

GINO BROGDON *(Brogdon)*

ACTIVE MEMBERS ABSENT

HAROLD HARDNETT *(Hardnett)*

TRACEE MCDANIEL *(McDaniel)*

VACANT BOARD SEATS

APAB-NPU, Group S – Z *(1 year and 5 months)*

City Council President *(4 months)*

Coalition for the Peoples' Agenda *(6 months)*

Urban League of Greater Atlanta *(Appointment Pending)*

STAFF & CITY EMPLOYEES ATTENDEES

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

REESE, Administrative Assistant, (*Reese*); **VERONICA HOFFLER**, COA Law Department, (*Robinson*); **LIEUTENANT JESSE WEBB**, Atlanta Police Department, (*Lt. Webb*).

APPROVAL OF MINUTES OF THE LAST MEETING, SEPTEMBER 8, 2016

Chair Williams opened the floor for discussion and corrections to September 2016 minutes.

Bozarth moved to adopt the minutes. *Bartels* seconded. Hearing no discussion, the motion was approved with one member abstaining (*Souder*).

SPECIAL PRESENTATION – BODY WORN CAMERAS (BWCs) –Deputy Chief Joseph Spillane, Atlanta Police Department, Strategy & Special Projects Division.

Deputy Chief Spillane presented before the ACRB on the progress of the Body Worn Cameras program. Here are some of the specifics that were presented by Deputy Chief Spillane:

- ❖ Atlanta Police Department (APD) originally tried to roll out the BWCs over a year ago. Due to litigation and procurement issues, the BWCs were put on hold.
- ❖ APD went through a lengthy process of reviewing their Standard Operating Procedures and looking at best practices in the country with regards to BWCs. Deputy Chief Spillane mentioned that ACRB had been involved in the process by completing its own documentation on Body Worn Cameras.
- ❖ APD was approved through the Council and by the Mayor to purchase 1200 Taser Axon II BWCs. The first 320 cameras and 54 docking stations were received a couple of days ago.
- ❖ The three hundred twenty cameras will roll out very soon. BWC end-user officer training will be on November 1 – 2, 2016 at the Training Academy. Deputy Chief Spillane invited anyone who would like to sit in on the training to come to the police academy and watch how the officers are trained in the use of BWCs...operational procedures, when the camera has to be on/off and the concerns that everyone has regarding privacy issues if you go into a person's house.
- ❖ Deputy Chief Spillane stated that the videos from the BWC recordings will be stored securely in the cloud on servers throughout the country. Training the trainers (*the people who will be administering the system*) will occur on October 19th. The videos from the BWCs will never be deleted. Part of the contract that was signed for five years and approved by Council to fund the BWCs, included unlimited storage so there is no deletion schedule. The team being trained on the 19th will manage the massive amount of recordings including responding to open records request and redacting information as required, etc.
- ❖ First expected roll-out date for BWCs will be November 11, 2016 in Zone 4. The first roll call will include the officers wearing the BWCs, and on that day, APD will host a media briefing to take pictures, interviews and respond to questions. ACRB has been invited to attend and express their views on the BWCs issues. After Zone 4, the cameras will then roll-out in Zone 1 followed by the Airport, then the other zones in this order: Zones 3, 6, 2, and the last zone to roll-out will be Zone 5.
- ❖ Spillane believes that BWCs are great for the City of Atlanta and great for the transparency in the APD.

- ❖ All Field Operation Units will be equipped with the cameras. Ninety seven percent (97%) of the complaints come from Field Operations and that's why they are the first one to roll-out. Deputy Chief Spillane stated that APD is very aggressive about getting the cameras out there out on the streets. He anticipates a full roll-out by June 30, 2017.

Discussion and Comments...

1. *(Williams) Do you have the time for the training on November 1 & 2nd?*
2. *(Dep. Spillane) I will get that to you guys. I think that it's going to be 9a.m. to 5 p.m. or 8 a.m. to 4 p.m.; I will send an email to Mr. Reid so that he can distribute the information. There will be several sessions throughout the day. Most of the training will be on policies and procedures. The cameras are simple and easy to use; double tap then it comes on. You have to hold it in for three seconds to turn it off. You can't accidentally turn it off. You hear about cases where the officer said that "I accidentally turned it off!" You can't do that with this camera. We are training with them on this issue. You have to have it on when you have interaction with the public. Traffic stop...you get out of your car, you are approaching someone; it has to be on; arresting someone it has to be on. Positive or negative, we want it on, we want the video and we will just stock pile those on Evidence.com; which is Taser's site. Hopefully, we will have it ready for review. I was talking to the Chief of Lilburn who rolled these out last year because when citizens complain, he'll just bring them to the office and shows them the video. When they say, yeah, I did that...then they leave. Sometimes an officer was out of hand...acts inappropriately. In those cases, you can take the appropriate discipline.*

Regarding the various zones roll-out, Zone 5 is the last one and it is a little more complicated because in the zones, we have cars with rockets in the trunks that can upload the videos by Wi-Fi and these cameras are Bluetooth enabled so, while the officer is driving around, his camera will be uploading constantly. If we have a foot beat that does not have access to Wi-Fi, that camera will be holding the videos. It is an encrypted video, so if it's lost, nobody can get the video off of it. The camera that we bought holds 72 hours' worth of video; there is no danger of any video being over written or disappearing. The batteries are good for about 14 hours of recording and it has a 30 second delay...so if I'm walking up to you and I turn my camera on...it has already started recording and it has recorded 30 seconds before I turned it physically on. We are hoping that a lot of the incidents will start before the officers turn the camera on and we are hoping that it will catch that first 30 seconds. We are actually looking to increase that to 60 seconds. Sometimes incidents happen before the officers have a chance to react. In the body camera industry, the memory...muscle memory is what it is called, we train our people at the academy, they will get a camera the first day and they will be required to turn it on when they have interaction with people in the uniform. So they will get that muscle memory down, so when they hit the street, they will be turning them on without any problems. Some other cities that I have studied had problems with officers forgetting to turn them on.

3. *(Bozarth) Incidentally, we have a case before us tonight where the officer who was complained against was an employee at the jail...correction department officer. According to the information provided, he had a body worn camera on. Is the roll out to those people a different device or...*
4. *(Dep. Spillane) It is a different device. The jail went with a company called Utility. It's a body worn camera that is built in the suit. It has automatic triggers on it because of the way the jail works. They can put automatic triggers up when you go into a certain area...comes on or leave a certain area goes off. There is a streaming Wi-Fi camera. It is basically a smart phone that is put into a holder. It does go into a cloud. The jail is*

different because it is inside and it has the capability of the Wi-Fi to down load that and we don't have that out in the field.

5. **(Bozarth)** *They are going to be two separate systems?*
6. **(Dep. Spillane)** *The Police Department will be on evidence.com; which is a Taser product. The jail system will be on utility.com. Our system does not correlate with the jail.*
7. **(Brogdon)** *Is the storage with Tasers also?*
8. **(Dep. Spillane)** *Technically, the storage is with Amazon.com. Taser subcontract with Amazon. Taser at one time tried to build their own data warehouse...they spent more than 20 million dollars and they shut it down within a year because they couldn't even manage it themselves. Amazon has data centers all over the world. Our data will not be held at one location, but at three different locations.*
9. **(Brogdon)** *Thank you for being here today.*
10. **(Souder)** *We have had issues before with dash cam videos...not working, for whatever reasons... like a year. In the case with the body worn camera is there a policy where they have to check it (camera) every day or if it's not working, will they have to get it fixed?*
11. **(Dep. Spillane)** *The good thing with Taser is the contract that we signed is a replacing contract. If something went down, they will send us another one. The cameras are self-check cameras. When you turn it on, it gives you an indication that it is working. In roll-call, the supervisors will be expected to make sure that the cameras are charged and working.*

I will address the dash cam/vehicle problem so that you might be able to understand the issue. Years ago, we bought them (VD-1) from WatchGuard. They are video recorders that you have in the car and they have a disk that you have to put in them to record a DVD. Those systems are about eight years old, so when the bladder part started going out on them, we didn't replace any of them because they cost \$5000.00 and the technology is dated. What we do is every time we place a new car order, we also order brand new WatchGuard cameras with the new cars. The cars that we don't have videos in will be generally on the specialized unit. We do have new video cameras in all of the patrol cars that are used in the field operations, but some of the older cars that they use when their car is in the shop have the old ones in there that are not functioning. There is an expense of having someone to pull those out; we don't use them, but they are in there. The car will be surplus this year or next year and then we will get a new car with a new video in it. The second thing with video in the car is our system is about four years old, we have a distributed network of servers; there are eight servers. The new technology allows these cameras, in the car, in-dash to be on Taser or on Utility, so we will start transferring our fleet over to these new cameras that upload to the cloud so it just can't sit, but can't go anywhere. The officer has no control over the Taser's system. He can't do anything with it. It takes an administrator to view the video; it takes a super administrator; two people to delete a video. The reason why we even have to talk about deleting a video...if we get something that is of private nature, or some type of constitutional issue where we cannot hold that video...a juvenile or some other reason that we would delete a video...but for the most part, that process will be directed by a Chief. I would be one of the administrators and a technical person would be the other. In most cases, we wouldn't delete any kind of video.

12. **(Williams)** *But if you do delete the video, would you have to get public notice?*
13. **(Dep. Spillane)** *No. You would have a clear and legal reason. Let's say that we went into a house and there were a bunch of children that were not properly dressed and were caught on video, we would then go to the chief and say, this can't be in open record. We don't want that video that has something lewd in it; does not have anything to do with the complaint. We would go through the Law and the Chief would make that decision. Pretty much, we would wait and probably not delete it in any case; we will just flag it so that it*

can't be given out through open records. Then we would make it.....if we ever get an open record request that the whole thing has to be redacted.

14. **(Bozarth)** In your policy, what are some of the criteria for redacting contents?
15. **(Dep. Spillane)** We don't redact anything really. We go through the video and blur people faces so you can't see who they are...unless they sign a waiver to show it.
16. **(Bozarth)** Is the written policy available for us to read?
17. **(Dep. Spillane)** We are in the final review on that. The policy was written when they selected a different vendor...it was written vendor specific, because those devices were different than these. So we scrapped that policy now and we should have it available. I will send Mr. Reid a copy. It is materially not any different than the original policy when we were going to roll it out a year and a half ago.
18. **(Williams)** These are about the cars that don't have cameras, if this is too expensive to replace them? What percentage of the fleet would you say that is?
19. **(Dep. Spillane)** In field operations, there is probably only about 3-4 % of the fleet that does not have cameras in it. In other units like APEX, SWAT or like special operations...like the motorcycles don't have cameras on them; which is why we wanted them to have body cameras so they can turn them on when they pull somebody over. There were a lot of older cars that were passed out from field operations that do not have the video cameras in them due to the expense of putting them in...it's probably an additional, almost a million dollars if you want to put them in the rest of the cars. Some of those cars sit for 16 hours a day or driven 5 days a week for maybe 8 hours. They are not cars that interact with the public that much. The cars that we want the cameras in are those that interact with the public a lot. I think that the BWCs are going to be more effective though than the in-car-cameras because the in-car-cameras just get the front view and they may get sounds if they have the microphone. A lot of time those microphones go out and there is no self-test on them until you test them in the field. A lot of time we see videos with no sound and that's something that we are trying to work through now with the next vendor when we put them in our next fleet. Like I said, I will get everything that I can out to the Chair. I really think that it would be good for us to show united front out there in the field...I believe that it is a good thing. The officers absolutely love them because it prevents frivolous complaints. Hopefully, it weeds out those officers that don't need to be here. We're looking forward to this and we appreciate you guys support.
20. **(Williams)** Thank you.

EXECUTIVE DIRECTOR'S REPORT

The following highlights were reported by **Director Reid**:

- **New Board Positions**

Mayor's appointment – City Council approved the Mayor's appointment, Ms. Tracee McDaniel, on October 3, 2016. We welcome Ms. McDaniel to the Board.

- **Board Member Reporting Forms**

Follow-up Reminder: All board members should report back to their appointing entities. We have not been receiving copies of any reporting forms, and we need this information for our records. Please let me know if you need assistance.

- **Emailing Documents**

Update on providing the investigative files electronically: After talking with the City Department of Information Technology, we have hit a snag and our options are limited. Given the information that we

received from DIT, we will have to consult with the Law Department regarding transferring personal information electronically. Password protection is the only option we have at this time to send files securely.

- **NACOLE Conference**

Harold **Hardnett** and Robin **Lolar** attended the 2016 NACOLE Conference. As with all previous attendees, staff and board look forward to receiving the conference report. I sent an email to Board member **Hardnett** to advise him of the report requirement.

- **Community Outreach**

We participated in the 2016 Festival of Lights in the Vine City community. Also, I made a presentation to the Fulton County Youth Commission. We will be presenting at the Fulton County Emerging Leaders Conference on October 28, 2016 from 8:30 a.m. – 2:30 p.m. in the Loudermilk Conference Center downtown Atlanta.

Discussion and Comments...

1. **(Reid)** *If everyone would look at the Training Plan (handout). We talked about how we would like to have some training this month starting with the Ethics training, the Bylaws/Ordinance training and also Open Meetings. In addition to that training, Mr. Hardnett will do a presentation on NACOLE Conference. I am hoping that we will be able to do some of those training during the board meeting, but if not; we will have to find a date where everyone can come in maybe for two to three hours so we can start to get some of this training in especially, since we have Ms. McDaniel (Office of the Mayor) and Ms. Pitre (Urban League of Greater Atlanta) coming on board. Look at your calendar. I will send out a notice about the training next week and it will be nice for everyone to respond.*
2. **(Bozarth)** *I for one would do my best to try to extend my time here on the 1st Thursday of the month to do some of it in that time. It is certainly easier for me to extend that then it is to find another time to come downtown. I will open that up as hopefully, something that we can agree on.*
3. **(Reid)** *That's the way I've been looking at the training too...hoping that we could extend some of the board meetings maybe about an hour or two. Maybe start a little earlier or just go a little later. Something to keep in mind is that we still have cases that we have to deal with and I know that it is getting towards the end of the year so we need to start thinking about having an additional date to hear some cases.*
4. **(Bozarth)** *Those of us who have been on the board for a while, who already had some of these modules, you're still suggesting that we attend those modules?*
5. **(Reid)** *It's interesting we were talking about it in the office this morning, having something in place to where the board member can show proficiency or the knowledge of certain areas...especially for those who may already had training or for those who just couldn't make training for some reason. Everyone has baseline knowledge. That might be something that we can think about. We can talk about that. Over the past few months and even as early as last year, keep getting questions about documents. The Department of Information Technology (DIT) wasn't able to give us a way to do it that would allow us to provide additional security on the documents. One suggestion, we can put an area on the website where the board members can go in with a password and look at documents. We are going to start looking at that. Actually, Myola **(Smith)** told me that the first board...actually had a website similar to that. So that could be a quick fix.*
6. **(Bozarth)** *Other than the two positions that you mentioned in item #1, you still have the vacancy for the Coalition for the People's Agenda and for the NPU?*
7. **(Reid)** *And the City Council President.*
8. **(Bozarth)** *Did we not put forth the name of the former police officer to be considered?*

9. *(Williams) Remember we did. He's here today actually, Sergeant Hester. He is in Douglasville, but he was rejected because he did not live in the city.*
10. *(Bozarth) Didn't Cecilia have a recommendation?*
11. *(Houston-Torrence) I have a resume and I will forward it.*
12. *(Bozarth) The legislation that accommodated Ms. McDaniel appointment, will that effect the Cesar Mitchell's appointment? How is it worded at the end of the day?*
13. *(Reid) At the end of the day, that legislation only identifies Ms. McDaniel. Cesar Mitchell's office can also draft some legislation to identify another individual.*
14. *(Bozarth) So we have three other than Cesar Mitchell?*
15. *(Reid) Correct.*
16. *(Houston-Torrence) You said, that ordinance only applies to Ms. McDaniel or is it that position; that the Mayor's appointee will be under that specific ordinance? What is the final verdict?*
17. *(Reid) That is legislation that the City Council specifically passed for Ms. McDaniel. It is in her name.*
18. *(Williams) The original ordinance changed that was put forth by Councilwoman Moore; was rejected. This is the final one. Councilmember Moore talked about the Mayor's appointment would be the exception, but then they decided to do something different...and so the ordinance changed and that's what the results were.*

INTAKE REPORT FOR SEPTEMBER 2016

Investigation Manager **Robertson** reported that for the month of September 2016, the ACRB received twenty-five (25) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to dismiss five (6) of the 25 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. 16-120 – False Arrest
Recommend dismissal, the incident occurred outside the 180 days and is time barred.
2. ACRB Case No. 16-124 – Excessive Force
Recommend dismissal, the incident occurred outside the 180 days and is time barred.
3. ACRB Case No. 16-125 – Sexual Harassment
Recommend dismissal, it has been assessed that the claim does not have any merit.
4. ACRB Case No. 16-133 – Unknown
Recommend dismissal for lack of jurisdiction.
5. ACRB Case No. 16-135 – False Arrest & Excessive Force
Recommend dismissal for lack of jurisdiction.
6. ACRB Case No. 16-139 – False Arrest & Mishandled Personal Property
Recommend dismissal, the incident occurred outside the 180 days and is time barred.

Investigation recommendations:

The following Nineteen (19) cases are recommended for investigation:

1. ACRB Case No. 16-119 – Issued Wrong Citation & Driver's License
The Complainant alleges that on August 19, 2016, an APD officer recklessly issued him the incorrect citation that was intended for another motorist, as well as that person's driver's license. **Staff recommends investigation as an appropriate action requirement complaint.**
2. ACRB Case No. 16-121 – Excessive Force

The Complainant alleges that on September 4, 2016, her husband was threatened and physically assaulted by an APD officer who was working an extra job at the Metro Fun Center. **Staff recommends an investigation as an excessive force complaint.**

3. ACRB Case No. 16-122 – False arrest, Excessive Force & Illegal Tow
The Complainant filed a complaint with the City’s Ethics & Compliance Employee Hotline against an APD officer and his complaint was referred to our office. The Complainant alleges that on August 25, 2016, he was arrested by an APD officer. He further alleges that the officer pointed his gun at him, stepped on his stomach and he was handcuffed for approximately four hours. He also alleges that the officer illegally towed his vehicle that was located on private property. Currently, staff is waiting to obtain a signed complaint from the Complainant. **If signed complaint is received within the next few weeks, then recommend investigation as an excessive force, appropriate action required and possibly a false arrest complaint if Complainant’s criminal case is resolved in his favor. If case is still pending adjudication in the courts, then staff recommends suspension of the investigation pending its resolution.**
4. ACRB Case No. 16- 123 – Harassment
The Complainant alleges that she is being harassed by APD officers for sitting under a tree. Currently, awaiting Ms. Simpson’s signed complaint. **If the signed complaint is received within the next few weeks, then recommend investigation as a harassment complaint. If signed complaint is not received, then recommend dismissal.**
5. ACRB Case No. 16-126 – False Arrest
The Complainant alleges that he was falsely arrested by APD on August 26, 2016. Preliminary investigation revealed that the Complainant’s criminal case stemming from this incident is pending adjudication in the Fulton County State Court and the investigation into the false arrest allegation will depend on its outcome. Therefore, **staff recommends suspension of the investigation pending the resolution of his case.**
6. ACRB Case No. 16-127 – Harassment
The Complainant alleges that she is being harassed by APD officers. Currently, awaiting Complainant’s signed complaint. **If the signed complaint is received within the next few weeks, then recommend investigation as a harassment complaint. If signed complaint is not received, then recommend dismissal.**
7. ACRB Case No. 16-128 – Unlawfully Detained & Verbal Abuse
The Complainant alleges that her two minor sons, Tyler (15) & Ashton (11) were unlawfully detained by an APD officer. She further alleges that the officer were verbally abusive towards her sons. **Staff recommends investigation as a false imprisonment and abusive language complaint.**
8. ACRB Case No. 16-129 – False Arrest & Excessive Force
The Complainant alleges that on September 12, 2016, he was falsely arrested by an APD officer. He further alleges that the officer slammed his hand into the trunk of the car and injured his hand. Preliminary investigation revealed that the Complainant’s plead nolo contendere to all charges stemming from this incident. **Therefore, staff recommends investigation as an excessive force complaint only.**
9. ACRB Case No. 16-130 – Harassment
The Complainant alleges that he is being constantly arrested by APD and Fulton County police for being homeless. Currently, awaiting the Complainant’s signed complaint. **If the signed complaint is received within the next few weeks, then staff recommends investigation as a harassment complaint. If signed complaint is not received, then recommend dismissal.**

10. ACRB Case No. 16-131 – False Arrest & Inappropriate Comments
The Complainant alleges that on September 15, 2016, she was falsely arrested by APD officer. She further alleges that the officers made inappropriate comments. Preliminary investigation revealed that the Complainant accepted a plea deal to the charges stemming from this incident. Therefore, **staff recommends investigation as an appropriate action required complaint only.**
11. ACRB Case No. 16-132 – Harassment
The Complainant alleges that APD officers from Zone 1 are harassing her and her friends on her property when they are tailgating. Currently awaiting the Complainant's signed complaint. **If the signed complaint is received within the next few weeks, then recommend investigation as a harassment complaint. If signed complaint is not received, then recommend dismissal.**
12. ACRB Case No. 16-134 – Excessive Force
The Complainant alleges that on August 30, 2016, an APD officer physically assaulted him during an arrest. **Staff recommends investigation as an excessive force complaint.**
13. ACRB Case No. 16-136 – Inadequate Police Report
The Complainant alleges that the APD officer that responded to an incident involving her stolen vehicle left out important information in the police report and also wrote an inappropriate statement in the report. Currently, awaiting the Complainant's signed complaint. **If the signed complaint is received within the next few weeks, then recommend investigation as an appropriate action required complaint. If signed complaint I not received, then recommend dismissal.**
14. ACRB Case No. 16-137 – Inadequate Police Report
The Complainant alleges that an APD officer refused to assist her in helping her nephew from being assaulted. **Staff recommends investigation as an appropriate action required complaint.**
15. ACRB Case No. 16-138 – Rude & Disrespectful Behavior
The Complainant alleges that on September 22, 2016, an APD officer, working an extra job for Buckhead Coalition, was rude and disrespectful towards her. **Staff recommends investigation as a conduct complaint.**
16. ACRB Case No. 16-140 – Harassment
The Complainant alleges that her son is being harassed by APD. Currently, awaiting the Complainant's signed complaint. **If the signed complaint is received within the next few weeks, then recommend investigation as a harassment complaint. If signed complaint is not received, then recommend dismissal.**
17. ACRB Case No. 16-141 – Unlawfully Detained
The Complainant alleges that he was unlawfully detained and racially profiled when two APD officers pulled him over without justification. Awaiting the Complainant's signed complaint. **If the complaint is received within the next few weeks, then staff recommends investigation as a false imprisonment complaint. If signed complaint is not received, then recommend dismissal.**
18. ACRB Case No. 16-142 – Unlawfully Detained, Excessive Force & Abusive Language
The Complainants, who is filing on behalf of their nephew, is alleging that on August 18, 2016, an APD officer unlawfully detained them and was verbally abusive towards them. It is also alleged that the officer engaged in excessive force when the officer pointed her firearm at the

nephew and forced him on the ground. **Staff recommends investigation as a false imprisonment, excessive force and abusive language complaint.**

19. ACRB Case No. 16-143 – Harassment

The Complainant is alleging that he is being harassed by an APD officer. **Staff recommends investigation as a harassment complaint.**

RECONSIDERATION OF COMPLAINT

ACRB Case No. 16-111 – False Arrest, False Imprisonment & Illegal Tow

On August 16, 2016, the Complainant filed a false imprisonment, false arrest and appropriate action required complaint against APD officers pertaining to an incident that occurred on said date.

ACRB's numerous attempts to obtain a statement from Mr. Stewart have been unsuccessful. Therefore, **staff recommends dismissal for lack of cooperation.**

Discussion and Comments...

1. *(Bartels) I have a question about the complaint about being sexual harassed by a corrections officer. Did you all decide that it didn't have merit on this summary?*
2. *(Robertson) Yes. Investigator Fleming actually went to the jail to interview the complainant; he can provide you with what took place at the interview.*
3. *(Fleming) I went to talk to the complainant during her intake process. She was told that she had to take a TB test and when she refused, the officer who was there with her told her that the only areas of the body that you can take the test was her hip area, or on her chest area. She said that she had taken a TB test prior to being arrested. I asked her what did he say or do sexually towards you; she said, "That was it!" There was another case back in April where she talked about him sexually harassing her again. I asked her what did he say or do. She said that she was out in the general population and they told her to go back to her cell and while she was standing there, she saw him walking behind her; he had his hand out and she just moved out of the way. I asked her if he had said anything to her. She said no. Did he touch you? She said no. That was the basis of her complaint. There was no indication of her being sexually harassed.*

B. BOARD VOTES ON INTAKE REPORT

Souder moved to accept the Intake Report for September. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 16-098, LEON JOHNSON

A. ALLEGATION SUMMARY

The Complainant alleged that on June 21, 2016, Atlanta Police Officer Drew Hansen mishandled his personal property resulting in the loss of his wallet which contained his birth certificate, social security card and \$60.00 in cash.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Drew Hansen be assigned a finding of **sustained** (*the investigation established that there is sufficient evidence that the officer committed the alleged actions of misconduct*).

Discussion and Comments...

1. **(Bozarth)** *I was curious, has OPS already evoked some sort of discipline on this officer?*
2. **(Robertson)** *No. Not that I know of.*
3. **(Bartels)** *If there is some loss of property, it clearly is the responsibility of the officer. Is there a mechanism in place where somebody doesn't have to pay for that? The citizen doesn't have to pay for that out of their own pocket or are they just out of luck?*
4. **(Robertson)** *They are just out of luck. They can file a claim with the Law Department.*
5. **(Williams)** *Who notifies the person that they can do that?*
6. **(Robertson)** *Unfortunately, he is homeless and I have not had any contact with him.*
7. **(Bartels)** *The reason why I asked, this is a significant amount of money for somebody who is homeless. There should be some sort of mechanism in place to compensate.*
8. **(Robertson)** *Filing a complaint is the only mechanism that I know of.*
9. **(Bozarth)** *Well since the officer has essentially acknowledged that he done it, you had a fair quick decision on this one to sustain the complaint. What's your recommendation?*
10. **(Harrison)** *I would like to make a recommendation to the police department...some sort of policy change. It is going to be awfully difficult for somebody who's homeless...a situation such as that when he lost his social security card and wallet. It puts him in a disadvantage. I don't think that he should be charged with trying to find out about what the policy is to file a claim where the law department is concern. The police department should seek him out.*
11. **(Williams)** *I think what we probably need to do...this will require an ordinance; changed by the city. We need to contact our city council members who will be willing to sponsor legislation for something of this matter. I am sure this is not the first time. The good thing about this particular issue is the officer is not denying it. Since he is admitting that he did put it on his car; drove off, and he did try and find it. You are right; there should be some type of policy in place to make the person whole. We need to figure out what is the best way. Should we write a letter to the city council president to ask them how do they recommend we proceed on this or the Public Safety Committee?*
12. **(Reid)** *I would suggest that we go back and see how other cities handle that type of situation and what their policy is before we send a letter. That would be the best way to go about it. Perhaps use some type of language that would get them some direction in what we are thinking.*
13. **(Bozarth)** *I agree. Would you agree to take that on and do that research and report back to us in the November meeting?*
14. **(Reid)** *Certainly.*

Chair Williams opened the floor for a motion. **Bozarth** moved to adopt staff's recommendation to assign a finding of **sustain** for Appropriate Action Required against Officers Drew Hansen. **Brogdon** seconded.

BOARD DISCIPLINE RECOMMENDATION - OFFICER DREW HANSEN

Officer of Professional Standards (OPS) History:

Officer Hansen has been employed with APD since July 31, 2014. He has had five (5) complaints against him; four (4) are for vehicle accidents; one (1) is for a citizen complaint. The citizen complaint was filed against him in May 16, 2016 and is still pending. No details are available. The only disciplines that Officer Hansen has are related to the vehicle accidents; written reprimands on two of the complaints; a one day suspension and one is still pending.

Discussion and Comments...

1. **(Robertson)** *This complaint would fall under category A; which would be oral or written reprimand.*
2. **(Williams)** *Or training, or counseling.*
3. **(Robertson)** *Yes.*
4. **(Bozarth)** *Here is my thought...He seems to have admitted his mistake. He was distracted by something else, forgot to look on top of the car...did go back and tried to find it. My inclination is that there's not a heavy amount of discipline required on this. I think the lowest level would be appropriate which would be oral admonishment.*
5. **(Brogdon)** *I agree. I think that it was a mistake. The fact that he admitted it; went back and looked for it...says a lot about the officer. I think that it should be the lowest admonishment.*
6. **(Bartels)** *I don't think that there's any evidence that he acted in bad faith. This is something that could happen to anybody.*

Chair Williams opened the floor for a motion. **Bartels** moved to recommend that Officer Hansen receive an oral admonishment for the Appropriate Action Required (*the loss of personal property*). **Brogdon** seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-067, DARREN REED

A. ALLEGATION SUMMARY

The Complainant alleges that on April 19, 2016, while incarcerated at the Atlanta Detention Center, Officer Elwin Holt placed him in a holding cell because he asked the officer to stop using profanity.

B. STAFF RECOMMENDATION

- ACRB staff recommends that the allegation of Abusive Language against Officer Hold be assigned a finding of **Not Sustained** (*the allegation failed to prove or disprove that the alleged act(s) occurred*).
- ACRB staff recommends that the allegation of Abuse of Authority against Officer Holt be assigned a finding of **Not Sustained** (*the allegation failed to prove or disprove that the alleged act(s) occurred*).
- ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures against Officer Holt be assigned a finding of **sustained** (*the investigation established that there is sufficient evidence that the officer committed the allege acts of misconduct*).

Discussion and Comments...

1. **(Brogdon)** *Personally, I think that you did a great job on the investigation. The evidence is split. I agree with the staff's recommendation of not sustained*
2. **(Bozarth)** *I may agree with it too, but when I see the officer basically, I'll answer in the same manner. I don't think that we have dependable witnesses...I am not inclined to believe that the infraction may have occurred by the standard of evidence that we use. I would have to agree we cannot sustain the charges based on what we know. It looks like it very well might have happened. Did you get a feel about it? Can you share whatever your thoughts were?*
3. **(Fleming)** *During the interview, he was pretty much straight forward. I didn't pick up, from what I recalled him trying to hid anything. He answered every question that I asked.*
4. **(Bozarth)** *He was offended by the profanity that he said that he heard?*
5. **(Fleming)** *Absolutely.*
6. **(Bartels)** *I remember when the deputy was giving the presentation about BWCs, he mentioned the jail; the type of cameras that they use that automatically turn on when they go in certain areas. Do we know if that would have been the case here?*

7. *(Robertson) Was that part of one of the exhibit?*
8. *(Fleming) I believe it was.*
9. *(Williams) And it also said that they only time his body worn camera is automatically turned on is when he is in a confrontation or if he runs. Actually, this is contrary to what the deputy chief told us earlier.*
10. *(Fleming) We really don't know about the actual camera. We know about the policy and the only thing that we could go by was that policy and what he was governed by at the time of the incident.*
11. *(Bozarth) I notice three separate charges here in terms of violations of the standard operating procedures. You were comfortable with the procedure that he should've had the camera on?*
12. *(Fleming) Absolutely.*
13. *(Bozarth) The staff is recommending that we not sustain for abusive language and use of authority, but two sustains complaints of the violations. From my terminology, what is the name for the violation we were allowed to sustain? It's not standard operating procedures?*
14. *(Robertson) That's it. Violation of department standard operating procedures. I certainly agree with all three recommendations.*

C. BOARD'S VOTE ON ALLEGATIONS FOR ABUSIVE LANGUAGE & ABUSE OF AUTHORITY – Officer Holt

Souder moved to accept staff's recommendation to **not sustain** allegations against Officer Elwin Holt for abusive language and abuse of authority. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD'S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES – Office Holt

Bartels moved to accept staff's recommendation to sustain the allegation against Officer Elwin Holt for Violation of Department Standard Operating Procedures. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

E. BOARDS VOTE ON ADDITIONAL RECOMMENDATION
Officer of Professional Standards (OPS) History:

Officer Holt has been employed with the Atlanta Corrections Department since July 7, 1987. Officer Holt has had four complaints within the last five years; all five complaints were all sustained. Three of the complaints were for not following the Standard Operating Procedures (SOP); one oral admonishment and two written reprimands; and the last complaint was that he physically assaulted an inmate which was sustained.

1. *(Brogdon) This is someone who needs training. If you have two written admonishments...before you slam somebody with punishment, it's probably a better ideal to retrain them on SOP.*
2. *(Williams) Officer Holt has been with the ACD since 1987, and he hasn't figure out...*
3. *(Bartels) After a certain point, training somebody is only going to do so much.*
4. *(Harrison) What's our range?*
5. *(Fleming) ACD doesn't have a detailed matrix like APD. They have disciplinary actions which range from oral admonishment to dismissal. They have a correction action plan; counseling, training, re-assignment and employee referral to psychological services.*
6. *(Robertson) I also provided you all with a copy of their SOP in your package.*
7. *(Harrison) So we can suggest some days off without pay?*
8. *(Fleming) I believe so. For what I have gathered from reading the policy, you can make that suggestion...it's up to the officials to make that final decision.*

9. *(Bartels)* Within the last five years, there were three actual sustained incidents of not following polices and plus the one where there was physical assault. That concerns me. It makes me wonder how likely it was to happen in this case, but not for the camera...not being turned on. I think it should be verbally.
10. *(Williams)* What are the numbers of days that we can recommend?
11. *(Robertson)* Up to 30 days.
12. *(Williams)* This is normally a good time to have someone from Law Enforcement with us and I hope that we communicate to APD again that when an officer cannot be here...
13. *(Reid)* This is the Department of Correction. APD is here. We will make sure that we communicate to ACD.
14. *(Williams)* Thank you.

Harrison move to recommend that Officer Holt receive a three-day suspension for allegation of Violation of Department Standard of Operating Procedures based on the evidence provided. **Souder** seconded. Hearing no further discussion, the vote was called and the motion was approved.

OLD BUSINESS

No discussion

NEW BUSINESS:

Question:

(Souder) I still have the old forms on the cases where you fill out when you review them. We have new forms that list the additional charges that could be made.

(Reid) We will provide those to you next week.

General Training and AELE Training:

(Reid) regarding training, I will send out an email next week to see if there are any days that anyone would like to consider? We are just trying to extend the November meeting to include some training on Open Meeting/Open Records.

(Souder) In your email, you had stated that we have five cases for November. I saw two and three.

(Reid) The other three cases will be mailed to you all. The investigator had to be out today.

(Reid) If any of you would like to attend AELE Police Discipline Training and Internal Affairs in Las Vegas, we can send two people from the board. Let us know.

Coming Election

(Williams) I have one announcement...like to remind everyone that early voting starts October 17th.

PUBLIC COMMENTS:

No Public Comments

ADJOURNMENT

The *Chair Williams* entertained a motion to adjourn. Meeting adjourned at 7:32 P.M.

ACRB Minutes for October 13, 2016 were approved: November 10, 2016
Paul Bartels, Board Secretary

Transcribed: LG