



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

## **APPROVAL OF MINUTES OF THE LAST MEETING, AUGUST 11, 2016**

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

Noted Correction: *Bartels* corrected page 11, paragraph #3, 6 lines down under ‘Discussion.’ He corrected the statement to read: “Similarly, if there is no insurance on the vehicle, it would be difficult to imagine that an officer would let someone drive off in a vehicle knowing there was no insurance on it.”

*Bartels* moved to approve the minutes as modified. *Bozarth* seconded. Hearing no discussion, the motion was approved.

## **EXECUTIVE DIRECTOR’S REPORT**

*Director Reid* thanked John Marshall Law School for use of their facility for the September meeting. It was noted that the November meeting will be held in the Lakewood area. Location and details will be sent out at a later date.

The following highlights were reported by *Director Reid*:

- **Atlanta Planning Advisory Board (APAB)**

APAB is having a Citizen Engagement and Community Day on Saturday, September 10, 2016 from 9 a.m. to 11 a.m. at Zoo Atlanta. The event is free.

- **People’s Agenda**

The identified candidate for People’s Agenda, Reverend Anthony Motley has withdrawn his name as the organization’s appointee due to additional obligations that now prevents him from serving on the board. People’s Agenda is currently searching for a new candidate.

- **Mayor’s Appointment**

The Mayor’s new appointment is currently being held in the Committee on Council, pending resolution of residency concerns and a review of background screening results. The new appointment residency is in Decatur, Georgia.

- **Art and Essay Update**

On August 15<sup>th</sup>, the winners of the 2016 ACRB Art and Essay contest were recognized by the City Council. The agency also hosted a reception in their honor for the winners and their families.

- **New Board Positions**

Ms. Shuntay Pitre, the Urban League of Greater Atlanta’s appointee, background check is currently being conducted. Results of the screening and recommendation letter expected to be completed soon.

- **Response to Public Comment from the Last Meeting**

*Citizen Question:*

Dr. Hud asked a question about how the ACRB evolved in the area of human relations training, cultural intelligence, and mental health evaluations, and how does the ACRB prepare officers for the policing dynamic. Further, Dr. Hud wanted to know what parts do the areas of human relations training, cultural intelligence, and mental health evaluations play in the preparation and selection of those officers who are selected for the APD. Dr. Hud expressed to the board concerns on whether law enforcement should be a part of the board and for ACRB to share some thoughts regarding this matter.

*ACRB Response:*

The ACRB believes that human relations training, cultural intelligence, and mental health evaluations could assist with better relationships between citizens and officers. The ACRB has always had interests in those areas. With the recent changes to the ACRB ordinance, the agency will be able to make recommendations supported by agency data in those areas.

Currently, the ACRB has only provided informational sessions to the Atlanta Police Academy. We hope to expand our involvement with the APD training academy. As the question relates to officer selection, the ACRB is not involved in that process.

The question of law enforcement serving on the ACRB is raised from time to time. The ACRB ordinance requires that the President of Atlanta City Council appoint a person with law enforcement experience. The ACRB consists of 13 board members, which means that an individual board member has less than 1/10 of the voting power on the board. Second, the board actually benefits from robust discussions that involve many perspectives, including the law enforcement perspective. The ACRB has been fortunate to have retired police officers serve on the board that have been willing to share their opinions and thoughts on ACRB complaints by providing their insight on policing and specific penalties that mirror the APD's Standard Operating Procedures.

- **Mediation Program Update**

The mediation program is getting closer to implementation. We are in the process of completing the brochures and the communication plan. We are actively seeking mediators. If you know any mediators who may be interested, please have them call the office. We are looking for mediators with the following qualifications.

1. State-certified neutral
2. Minimum of 5 years' experience in mediating cases with emotionally charged parties
3. Ability to demonstrate the facilitation method of mediation
4. Pay is \$100.00 flat rate per mediation
5. Must not be associated with the ACRB, APD, ACD, or any city department

- **Board Member Reporting Forms**

Reminder: All board members should be drafting written reports and reporting back to their appointing entities. A copy of the report should be filed with the ACRB office.

- **Emailing Documents**

Information has been requested from the City's IT department on delivering documents in a secured manner to board members. We do not have a definitive process yet. We will keep the board updated.

- **Letter to Mayor Reed**

**Reid** sent a letter regarding the concerns raised by Board Member Harrison during the Mayor's visit last month. His concerns were related to the APD's responses to the Advancing 21<sup>st</sup> Century Policing Initiative Site Questionnaire conducted by Department of Justice and the Office of Community Oriented Policing Services (COPS Office).

- **Recognition at the ABLE Banquet and Silent Auction**

The ABLE Banquet and Silent Auction was a nice affair. ABLE was one of ACRB's most active supporters for the ordinance changes. The organization spoke highly of ACRB's work during the banquet.

- **Community Outreach**

We participated in the New Generations Leadership Training on August 27, 2016. Council member Andre Dickens and **Reid** spoke to the organization. **Reid** addressed how younger citizens could get involved with the ACRB and its work.

*Discussion and Comments...*

1. **(Houston-Torrence)** *I have a question about having the ordinance changed to admit someone. Has that been done before?*
2. **(Reid)** *I'm not sure. I have heard that it has been. I think that on Tuesday, they may try to address that. This is something that was recently developed today.*
3. **(Williams)** *What you are saying is that...we have a set of rules and requirements and they are going to push through an exception?*
4. **(Reid)** *That's the way that it might work out.*
5. **(Williams)** *I have a question that I would like for us to ask our Mayor. Number one, if they are going to make exceptions to push through this candidate, so that they do not have to meet the residency requirements, then they should do also the same thing for the police officer that didn't live in the City of Atlanta. A retired police officer, if you are going to make an exception for one, would probably be more instrumental. Everybody on this board is important, but if he (Mayor) is going to make the exception for that one, then we want him to make an exception for this one...or make no exceptions. We've had to turn people away in the past because they did not meet the residency requirement. Is that correct?*
6. **(Reid)** *Correct.*
7. **(Williams)** *We need to be about fairness. Either we need to change the residency requirement or we need to make an exception for everybody. Let's do it legitimately so that it is fair for everybody. We don't want to play favorites. That's not ethical.*
8. **(Bozarth)** *Has your position on this, been that you would accept that if that is what they decided to do? Have you spoken, in terms of your position...about what they are planning to do?*
9. **(Reid)** *Our jurisdiction is only over the City of Atlanta's police officers. For what I have seen of other jurisdictions that have civilian oversight, the resident requirement is usually there in the ordinance. You are talking about the local police and the people who operate under the police. When you start trying to expand that, it gets a little tricky. Here's the way something could work out; you can have a resident living in Cherokee County, who has no real connection to the City of Atlanta, but making decisions on a City of Atlanta police officer. As a board, and an individual residing in the City of Atlanta, the question is; what do you think?*
10. **(Harrison)** *Since this just came about today, then we should probably have a position on it and our position is; we don't want anyone outside of the City of Atlanta. It's not an either/or situation for me personally, but as a board, I think that we should come together now that this particular issues has come up; vote on it; decide on it; put forth our position to the Mayor as quickly as possible. Tell him basically that if you don't live in the City of Atlanta...we might as well let somebody in Chicago be on the board...as long as they can fly in every month. We can make a motion, that as a board, our position is we don't want the rule to change, we don't want an exception to our rules and we have voted on it. We don't want anybody that lives outside of the City of Atlanta.*
11. **(Bartels)** *I'm not real clear what the City Council is planning to do. My understanding is, if it is in the ordinance that the person has to live in Atlanta; what is their proposal for overriding that? Are*

- they going to repeal that part of the ordinance or they're going to pass another part of the ordinance that says we are going to make an exception for this person?
12. **(Reid)** This afternoon, we received a copy of some legislation...
  13. **(Smith)** The paper regarding residency was introduced in the Committee on Council and sent later to Public Safety Committee.
  14. **(Williams)** Did they approve it?...
  15. **(Smith)** Not sure about the sequence of how the Committees were responding...lot of moving back and forward but
  16. **(Williams)** And Committee on Council did not approve it?
  17. **(Smith)** Right.
  18. **(Harrison)** Who introduced it? Which councilmember?
  19. **(Reid)** Council Member Moore introduced it. .
  20. **(Williams)** Were there any co-signers?
  21. **(Reid)** I'm not sure.
  22. **(Williams)** Can we ask our legal counsel? (Referring to ACRB assigned Law Dept. Attorney) Do you know anything about this?
  23. **(Robinson)** I have not seen what has been drafted or submitted to council.
  24. **(Williams)** But you have to know about it to know the details?
  25. **(Robinson)** I understand what you all are talking about...the individual that the Mayor support may or may not be a resident of the city of Atlanta. What I am happy to do is go back and ask the questions and see what I can find out and get with Lee **(Reid)**.
  26. **(Houston-Torrence)** Madame Chair, I feel strongly that we do need to make a position and be in front of this as opposed to trying back track...making an exception is very dangerous. Rules are made for a reason and when you start making exceptions, where do you stop?
  27. **(Bartels)** Another issue that I would have is, if he makes an exception for one person but, you stop and you say...this person outside of Atlanta can be on the board but, this person can't. Does that person have any legal recourse? I am not completely clear on what the proposal was. Is it just legislation making an exception for one person?
  28. **(Williams)** One person.
  29. **(Reid)** Here's the language. (Reid reading from email message) They are replacing Section 2-2201(e), replacing it in its entirety with the following:
 

**Board shall be composed of 13 members who represent the diversity of this community and who shall be appointed as provided in section 2-2203. Further, all except the Mayor's appointee, pursuant to section 2-2203(a)(1), shall reside within the City of Atlanta. The Mayor's appointee shall reside within one of the following counties: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry or Rockdale.**
  30. **(Williams)** So, if they amend that to say that the President of the City Council, his appointee can also live in one of those counties, then we can have Sergeant Hester who was denied because he lives in Douglasville County. He is a retired police officer and we are supposed to have a retired police officer on this board.
  31. **(Brogdon)** There's a very slippery slope.
  32. **(Williams)** I understand then don't make an exception for one person. Why do you have the rule, if you are going to break the rule?
  33. **(Houston-Torrence)** They are saying that the mayor has that discretion...
  34. **(Williams)** The Mayor of the City of Atlanta is going to allow somebody from another city to serve on the Atlanta Citizen Review Board. Maybe it should be the Metro County Citizen Review Board.
  35. **(Bozarth)** I think why this is happening, the Mayor came to us and said that he had a candidate for us; after how long of not proposing? Almost three years. He made a big deal out of it; big deal out of saying that we needed someone from the LGBTQ community, and apparently his staff did not vet this person sufficiently to know that they didn't live in the city. I suspect that the Mayor feels embarrassed about it and this is the way he's asking some of his people from the council to help recover from that. I understand that they may want to do that. I think it is the wrong thing to make the exception. I agree with my colleagues, but, I'm saying in terms of what we ought to do is, make a vote; take a position; present that position and I would advise to let this come public. It would be highly embarrassing for him to have to tell the City that I want to appoint somebody from someplace else to make judgment on the police department of Atlanta.
  36. **(Houston-Torrence)** When the press release was done, the first question I asked, "Has this person been vetted?" They sent a press release and I know the process of getting on to this board. It took me four months and I have a very clean record. The press release was done before any of that

37. (*Williams*) *Since the Atlanta Police Department has an LGBTQ liaison, I am sure there's a host of people in the community that actually live in the city of which to pull from.. We don't have a problem with anybody that he wants to appoint as long as they meet the rules.*

**Chair Williams** opened the floor for a motion. **Harrison** moved to put in writing, the ACRB's position to adhere to the ordinance that is currently in place and that the ACRB is averse to accepting any appointees who resides outside of the City of Atlanta; including the new appointee from the Mayor's office who lives outside of the City of Atlanta. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved by all.

*Additional Comments...*

1. (**Bozarth**) *This was not in your report, but some of you probably saw the August 17<sup>th</sup> article in the AJC Metro Section that they (City) announced that they are now going to use body cameras. Of course, we knew that they were going to body cameras a year ago. There is no mention of a settlement of the challenge that must have happened. Can you enlighten any on how they got by the road block that has kept them from moving forward?*
2. (**Reid**) *I really can't speak on that.*
3. (**Robertson**) *I read that it was dismissed.*
4. (**Bozarth**) *Would you be able to do this Lee (Reid) in our October meeting...ask someone from APD who is knowledgeable about the new plans to come and give us a ten minute update on that?*
5. (**Reid**) *I do know that when I was talking with the chief, they are looking at having the cameras on the streets at the end of September or the end of October. They are working on more policies now. They are going to send the policies over for us to review. Then at that point, they will try to go forward.*

## INTAKE REPORT FOR AUGUST 2016

Investigation Manager **Robertson** reported that for the month of August 2016, the ACRB received thirteen (13) complaints.

### A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:

The ACRB staff is seeking approval to dismiss five (5) of the 13 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. 16-110– Inadequate Service  
Recommend dismissal for lack of jurisdiction.
2. ACRB Case No. 16-115 – Service Complaint  
Recommend dismissal for lack of jurisdiction.
3. ACRB Case No. 16-116 – False Arrest & Unknown Issues
4. Recommend dismissal on two grounds: (1) The incident involving APD occurred outside the 180 days and is time barred; and (2) The issues pertaining to the staff at the Fulton County Jail is outside the Board's jurisdiction.
5. ACRB Case No. 16-117 – False Arrest & Excessive Force  
Recommend dismissal, the incident occurred outside the 180 days and is time barred.

### Investigation recommendations:

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

1. ACRB Case No. 16-106 – Excessive Force  
The Complainant alleges that on April 13, 2016, he was physically assaulted by APD officers. Recommend investigation as an excessive force complaint.
2. ACRB Case No. 16-107 – Harassment

The Complainant alleges that on August 1, 2016, two female APD officers harassed her. Recommend investigation as a harassment complaint.

3. ACRB Case No. 16-110 – Inadequate Service

The Complainant alleges that she went to the police station to report that she was being stalked and that her house has been broken into and an unknown APD officer failed to register her complaint.

Awaiting 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 not received, then recommend dismissal.

4. ACRB Case No. 16-111 – False Arrest, False Imprisonment & Appropriate Action Required

The Complainant alleges that on August 16, 2016, he was unlawfully detained and arrested by APD officers. He further alleges that the officers illegally searched and impounded the vehicle and kept him inside the patrol car with the windows rolled up and no air-conditioner for over two hours.

5. ACRB Case No. 16-112 – False Imprisonment & Appropriate Action Required

The Complainant alleges that on April 14, 2016, two APD officers unlawfully detained her and refused to allow her to enter into the Halycon Hospice Care facility where her uncle was receiving care.

6. ACRB Case No. 16-113 – Excessive Force, False Imprisonment & Appropriate Action Required

The Complainant alleges that on August 18, 2016, an APD officer unlawfully entered and searched her residence. She further alleges that the officer engaged in excessive force when he forcibly grabbed her arm and injured it.

7. ACRB Case No. 16-114 – Inappropriate Conduct

The Complainant alleges that on August 22, 2016, he was stopped and cited by a male white APD officer for driving a vehicle with an expired tag. He alleges that the officer told him that he would have let him go if it was not for the black lives matters situation. Mr. Greene felt that the officer's comment was inappropriate and racist.

Awaiting Complainant's signed complaint. If the signed complaint is received within the next few weeks, then recommend investigation as an appropriated action required complaint. If not received, then recommend dismissal.

8. ACRB Case No. 16-118 – Death

The Complainant alleges that the APD was responsible for the death of his brother Brandon Pitts that occurred on March 18, 2016.

*Discussion and Comments...*

1. **(Bozarth)** Looks like we are getting complaints on our new charges. That's encouraging. This is really not part of the intake...maybe this is not the time to ask the question. We did have a complaint that was file on Alexia Christian.
2. **(Robertson)** We are waiting the DA's office to send a close out letter.
3. **(Bozarth)** That was dismissed...they decided not to file the charges...
4. **(Robertson)** We're still waiting for that decision. **Investigator Fleming** has reached out to Ms. Redman at the Fulton County District Attorney's Office and she said that they are wrapping it up.
5. **(Bozarth)** I am just wondering...can you just give me an idea from where you think we might want go that? We may be the only body that really gives this much of an airing and we do have the ability to see the videos that the police have not yet released.
6. **(Robertson)** We're conducting an investigation just like we did the other officer-involved shooting that was before you last year. It will be that same type of investigation.
7. **(Bozarth)** This is one of the things that we need to consider since the public has been demanding to see the video and APD has been reluctant to share it. We have the option to be the agent to make that more publicly available if we chose to.
8. **(Robertson)** We wouldn't do that until our investigation is closed and you all have made a decision. Then they would have to send an open record request.

9. *(Bozarth)* The one where we did the officer involved shooting, part of our decision was to show the video at a meeting, which was opened to the public. I can see maybe a situation where there's going to be a lot of public interest in how we handle that. That's not going to be coming forth?
10. *(Robertson)* Not until we get the letter from the DA's office.
11. *(Fleming)* We may have it (letter) within next week or so. We don't know.

## B. BOARD VOTES ON INTAKE REPORT

*Harrison* moved to accept the Intake Report for August. *Bartels* seconded. Hearing no further discussion, the motion was approved without complaint.

## COMPLAINTS REVIEW:

### ACRB CASE NO 16-031, JAMES JACKSON

#### A. ALLEGATION SUMMARY

The Complainant alleged that on February 17, 2016, while at the Zone 5 precinct, Atlanta Police Officers Alex Crawford and Laszlo Szutor engaged in unnecessary excessive force when they grabbed him out of a chair, slammed him against the wall, pulled his neck back and then pushed him back into the chair.

#### B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Excessive Force against Officers Alex Crawford and Laszlo Szutor be assigned a finding of “**Not Sustained**” (the investigation failed to prove or disprove that the alleged acts occurred).

#### *Discussion and Comments...*

1. *(Bozarth)* It was the other man who was arrested the same time, name Lawyer Johnson and he would have been a witness to what may or may not happened. Where you able to talk to him?
2. *(Robertson)* No, he is homeless.
3. *(Bozarth)* Is there any way that we can make an effort to find these people?
4. *(Robertson)* One of the things that he said that...he told me that Mr. Lawyer Johnson was supposed to show up for his court hearing and he did not show up. Then he saw him and apparently they had some type of disagreement...
5. *(Bozarth)* He was there. You recommended not to sustain the complaint; that's another case that we see so often...you only have the word of the complainant against the officer. You did interview three officers? None of them seem to remember very much.
6. *(Robertson)* They knew of him, but they recall being at the precinct.
7. *(Bozarth)* The complainant was very provocative? He was using racial epithet against the officers...he acknowledged that. I suspected that the officers might have reacted...it would be hard to stay calm through all of that, but I have to agree with your conclusion without further corroboration...we don't have the grounds to sustain it. That's my thought on it.
8. *(Brogdon)* Were there any past complaints on these officers?
9. *(Robertson)* I have their disciplinary history.
10. *(Brogdon)* This stuff happens a lot, but I feel like this claim is a little bit different because he stayed in jail for six days and still went to Grady for the injuries that he complained of. We usually don't have that and for him to stay in jail and then go to the hassle of sitting in Grady ER. I don't know if anybody has been to Grady's ER, but you wait a long time. For him to do that, I think that it at least substantiate the injuries at the very least. He could have gotten them otherwise, but we usually don't have that piece of it and so, I kind of wonder and that in combination without them not during the report.
11. *(Robertson)* One of the things that he did say is that it was a pre-existing injury that he had to his shoulder that got aggravated again when the officer allegedly arrested him.
12. *(Harrison)* So he was arrested for loitering? Public intoxication?
13. *(Robertson)* Yes.

14. **(Harrison)** *If you are arrested for loitering, I don't understand the force. Then, I have to agree with Gino (Brogdon). Normally when we have cases such as these, the injuries are alleged, then there's no follow up. This particular guy followed through and then, there is no report. I have to disagree with your finding.*
15. **(Williams)** *One of the things that stood out for me and you noted it in your recommendations that they failed to put in their report that both of the arrestees went to Zone 5 before they transported them to jail. I wonder why you would leave out something like that. Two reports, not one.*
16. **(Brogdon)** *Do you know that at the jail, he requested medical attention?*
17. **(Robertson)** *He did. But, by the time they were going to send him for an x-ray, he got released.*
18. **(Brogdon)** *The pain and injuries, it sounds like there's a pretty consistent evidence of pain. He complains about it even though they do not put it in the report. Goes to jail and complains about it. Then to Grady's afterwards. In my opinion, the injuries are clearly real. The question is, did the officers cause it? I think that they should get the negative imprints when you don't create a report. That would be the piece that would bring some clarity to this.*
19. **(Robertson)** *They did create a report, but they said that he never complained that he was injured.*
20. **(Brogdon)** *Ok.*
21. **(Robertson)** *Both of the officers did create a police reports.*
22. **(Brogdon)** *They just didn't put that he was injured in the police report.*
23. **(Robertson)** *Because they said that he had never complained.*
24. **(Williams)** *But they also left something else out of the report too, which is a big deal.*
25. **(Bozarth)** *I guess there may be some questions on what following procedure...again, this very well may have happened, but I don't think that we have the evidences by our standards to sustain the charge. So my feeling is, I would agree with recommendation to not sustain.*
26. **(Bartels)** *I kind of feel similar with Mr. Bozarth. I think that even if it was a preponderance of the evidence standard, I would think that yes, it's more than likely that something happened, which is preponderance of the evidence, but we do have a clear and convincing standard, which I think that is higher. I don't know if it rises to that level.*
27. **(Bozarth)** *That was changed in the new legislation..*
28. **(Bartels)** *I stand corrected.*
29. **(Williams)** *Someone asked the question about the police officers' record...is this a pattern?*
30. **(Robertson)** *I do have their disciplinary history.*
31. **(Reid)** *Before we go into that... I get the reason why you want to know...*
32. **(Williams)** *I got you.*
33. **(Bartels)** *It's similar to character evidence rule in a court case. We are supposed to decide what happened on this particular case.*
34. **(Brogdon)** *It can be an exception to the case.*

**Chair Williams** opened the floor for a motion. **Bozarth** moved to adopt staff's recommendation to assign a finding of **not sustain** for excessive force against Officers Alex Crawford and Laszlo Szutor. **Houston-Torrence** seconded. The vote was called and only two board members voted in favor (**Houston-Torrence & Bozarth**) with three (3) members objecting (**Harrison, Brogdon & Bartels**).

**The motion failed.**

**Chair Williams** re-opened the floor for another motion. **Brogdon** moved to disagree with staff's recommendation to assign a finding of **sustained** for excessive force against Officers Alex Crawford and Laszlo Szutor. **Bartels** seconded. The vote was called and the motion was approved with two (2) nays (**Bozarth & Houston-Torrence**).

*Discussion and Comments...*

1. **(Reid)** *With the disagreement on the staff's recommendation, you want to put some kind of language in there that really explains what the board is viewing as to why you disagree with the staff's recommendation. You have to have something in the letter that goes out that says... "based on what you were saying about...." You know, when you were saying about the consistency of him complaining and all of those factors. It leads to, more than likely than not, something did happen. Some language like that.*
2. **(Brogdon)** *We need to say that now?*

3. **(Reid)** That needs to be in the letter so that they can have a clear understanding as to why you made that decision.
4. **(Brogdon)** I can write it.
5. **(Reid)** Just shoot it over to us and then that way, we will make sure that we put it in.

#### BOARD'S VOTE ON ALLEGATION FOR EXCESSIVE FORCE - OFFICER CRAWFORD

##### **Officer Information and Professional Standards History:**

Officer Crawford has been employed with the Atlanta Police Department since May 2003. Within the past five (5) years, he has had two (2) complaints. One of the complaints is for oral admonishment for a sustained complaint and the second one was for a vehicle accident in which he was exonerated.

##### *Discussion and Comments...*

1. **(Bartels)** Normal grid is an oral reprimand?
2. **(Robertson)** That's a category C. That would be 4-15 days suspension. Emotion training, psychological intervention, substance abuse counseling.
3. **(Bozarth)** We have two officers involved here and we voted to sustain the charge on both of them. It would seem to me that there's a distinction and the behavior as alleged between Officer Crawford and Officer Szutor. Is there not one allegedly responsible for the...
4. **(Robertson)** He said both.
5. **(Bozarth)** I didn't agree with the sustained in the first place, so I would ask us to be toward the low side of any discipline that you recommend.
6. **(Robertson)** You don't have to go with the discipline range.
7. **(Brogdon)** I don't know about a suspension only because this is a case where we are not 100% sure about, but what I think that needs to happen on a couple of levels is training can't hurt, and training is a mark in the record. So, if it is ever reflected upon, and you say ok, what has this officer been through; if there is another issue, he received this training because training is like getting another chance.
8. **(Bartels)** Even though we voted as a majority to find sustained base on preponderance of the evidence, there's not some of the egregious facts that we have seen in other force complaints. There's no documented bleeding or that sort of thing that we have seen in some of these other cases. There's no falsification. There is information missing from the report. I would be comfortable with recommending a written reprimand and additional training. So, I will make that a motion.
9. **(Robertson)** What kind of training?
10. **Brogdon)** Some type of sensitivity training. There's no justification for excessive force, but it definitely contributes to the situation by him saying the things...the derogatory terms.
11. **(Harrison)** De-escalation..

**Chair Williams** opened the floor for a motion. **Bartels** moved to recommend that Officer Crawford receive a written reprimand and additional training on de-escalation. **Harrison** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Houston-Torrence**).

#### BOARD'S ADDITIONAL DISCIPLINE RECOMMENDATIONS - CRAWFORD

- a) Officer Crawford failed to put in his report that both arrestees (*Mr. Jackson and Mr. Johnson*) were relocated to the Zone 5 precinct before transporting them to jail. APD.SOP.2010, Section 4.2.21 requires officers to submit complete and accurate reports. Therefore, the Board should recommend that the APD reviews the evidence (*the incident reports*) and take appropriate action against Officer Crawford this is in accordance with APD's disciplinary matrix.
- b) Look into Mr. Jackson's claim that, while at the Zone 5 precinct, his request for medical attention to Officers Crawford, Szutor and an unidentified lieutenant or sergeant was denied.

#### BOARD'S VOTE ON ALLEGATION FOR EXCESSIVE FORCE - OFFICER SZUTOR

**Officer Information and Professional Standards History:**

Officer Szutor has been with the Atlanta Police Department since April 2010. Two (2) complaints were filed against Officer Szutor. One was for a vehicle accident in which he received a written reprimand, and the second complaint was a citizen complaint and was exonerated on that charge.

*Discussion and Comments...*

1. **(Bozarth)** Citizen Complaint for what?
2. **(Robertson)** I don't have the allegations, but it is an appropriate action required allegation. He was exonerated in 2013.

**Harrison** moved to recommend that Officer Szutor receive a written reprimand and additional training on de-escalation. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Houston-Torrence**).

BOARD'S ADDITIONAL DISCIPLINE RECOMMENDATION – OFFICER SZUTOR

- a) Officer Szutor failed to put in his report that both arrestees (Mr. Jackson and Mr. Johnson) were relocated to the Zone 5 precinct before transporting them to jail. APD.SOP.2010, Section 4.2.21 requires officers to submit complete and accurate reports. Therefore, the Board should recommend that the APD reviews the evidence (the incident reports) and take appropriate action against Officer Szutor this is in accordance with APD's disciplinary matrix.
- b) Look into Mr. Jackson's claim that, while at the Zone 5 precinct, his request for medical attention to Officers Crawford, Szutor and an unidentified lieutenant or sergeant was denied.

**Bartels** moved to adopt staff's recommendation for both officers. (**Harrison**) seconded. Hearing no further discussion, the vote was approved by all.

**For the record:** It should be noted that **Chair Williams** had to leave the meeting at which time, **Secretary Bartels** began presiding over the meeting.

**ACRB CASE NO 16-038, ARMALEAN BEASLEY**

**A. ALLEGATION SUMMARY**

The Complainant alleges that on February 26, 2016, while at the Hartsfield-Jackson International Airport, Atlanta Police Officer Curtis James falsely imprisoned her when he unlawfully detained her.

**B. STAFF RECOMMENDATION**

ACRB staff recommends that the allegation of False Imprisonment against Officer Curtis James be assigned a finding of **Exonerated** (*the investigation established that the alleged act occurred, but were justified, legal or proper within Department policy*).

*Discussion and Comments...*

1. **(Bozarth)** For purposes of those who are in the audience who don't know the case, this is another case...a homeless person at the airport...late at night being rounded up by the police, according to the policy established by the city. I see no evidence of anyone being mistreated here. We exonerated an officer under almost exact same circumstances last month. This was a sixty-nine year old woman, who maintained that she was a customer at a restaurant. She said that she wasn't homeless.
2. **(Fleming)** For the record, Ms. Beasley is here. Ms. Beasley is not homeless. She did not provide us a current address, but she is not homeless.
3. **(Bozarth)** All due respect Ms. Beasley, my opinion is what the City is trying to do at the airport is deal with people who are there in the late hours without a plan to catch in the best way that they can. Certainly want to entertain other points of view. My first reaction to the staff's report was that there was no mistreatment involved. The question then is, do they have a right to detain Ms. Beasley in the first place?

4. **(Brogdon)** *There were two narratives. In one, the officer said, Ms. Beasley was sleeping; and Ms. Beasley said that she was not sleeping. Without any other witnesses corroboration or evidence. I don't know that with the standard that we have, that we have enough evidence on either side to say that the officer falsely imprisoned Ms. Beasley. It really comes down to whether he had reasonable suspicion. This is a tough one... just because you don't have a ticket or a flight doesn't mean that you are loitering, but at the same time, I don't know if that means it not a reasonable suspicion. I would agree, but for different reasons with staff's recommendation.*
5. **(Bartels)** *I would also add, for better or for worse, I know from some people's point of view, it's for the worse. The ordinance is pretty generally worded and it includes not just sleeping; it also includes using the airport for temporary accommodations. Based on that part of the ordinance, I would be inclined to agree with Mr. Bozarth and accept staff's recommendation.*

**Special Note:** *Secretary Bartels* noted the arrival of Harold **Harnett** at 7:20 p.m.

**Brogdon** moved to accept staff's recommendation to **exonerate** allegations against Officer Curtis James for excessive force. **Harrison** seconded. Hearing no further discussion, the vote was called and the motion was approved.

## ACRB CASE NO 16-045, LEONARD GRESHAM

### A. ALLEGATION SUMMARY

The Complainant alleged that on March 17, 2016, Atlanta Police Officers Jason Marchione and Jermaine Shaw unlawfully stopped and cited him for "failure to signal lane change" and "failure to maintain lane."

### B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment against Officers Jason Marchione and Jermaine Shaw be assigned a finding of **exonerated** (*the investigation established that the alleged act occurred, but was justified legally and within APD policy*).

#### *Discussion and Comments...*

1. **(Bozarth)** *I would like staff's help in this. It was only a few months ago when we sustained a charge against Officer Marchione, was he in partnership with Officer Shaw in that same incident?*
2. **(Robertson)** *Yes.*
3. **(Bozarth)** *That was the case where the Morehouse College students was going home and he signaled in a certain way; they use the way he signaled as a rational...then stopping the car. In that case, they searched the car and found marijuana. Then there was a marijuana charge. We sustained the complaint because we felt they were being very aggressive and their reasons for stopping that young man. I sort of read this case the same way. There's a hint of aggressiveness in finding a way to wait for this man to drive off and find a way to stop him. I'm wondering what is going on there with these two officers. Since we sustained the other complaint, there's a lot of the same rational that would say, there's reasons to consider that here as well; even though she recommend that we not do that. This is the same repeat incident with same officers in what I consider similar behavior.*
4. **(Bartels)** *I do remember discussing that case. I think that I made the point; the pretextual stop for the purposes of searching for drugs are legal; as long as there is some legal acceptable reason to do a traffic stop. Many officers do use that as reason for some ulterior motive to search for drugs and other contra band. However, I think in this case, the complainant did acknowledge that he did make a left turn without using the left turn signal.*
5. **(Brogdon)** *I differ a little bit. I was torn on this one, because when I looked at the law, the first couple of sentences indicated that if you are turning at an intersection or turning into a private drive way or street; then that last sentence is a catch-all that says, "No person shall so turn any vehicle without giving an appropriate and timely signal." So that means if you are driving in the gas station on private property and you are just turning, you got to give signals just trying to get to your pump. I think that is an abusive discretion in trying to use that catch-all to trap people. I know that we do not necessarily have the proof of that, but I think that if you take in consideration the past behavior; which in my opinion, would be considered a pattern. It is almost the exact citation. He is turning on to a public street, which is a little bit different, but the fact that they are saying that he didn't turn his*

*blinker on so it justified a stop. Maybe that's a reasonable suspicion...I don't know. I think that this is one of those cases that walks right on the line.*

6. **(Bartels)** *The point needs to be made repeatedly that the Appellate Court, including the Supreme Court, have interpreted traffic laws and the rules of the road broadly. Under the law, the police do have very broad discretions for traffic offense. Even in the Georgia code, there is a catch-all section; which requires drivers to exercise all due care and if you violate that, that is suspicion for a traffic offense.*
7. **(Brogdon)** *If we do not sustain instead of exonerate it, it's part of the implication of not sustained. There's simply isn't enough evidence to verses this person was definitely justified.*
8. **(Bartels)** *That's another option, right?*
9. **(Bozarth)** *Not sustain against both officers?*
10. **(Brogdon)** *Yes, for both officers.*

**Secretary Bartels** opened the floor for a motion. **Brogdon** moved to disagree with staff's recommendation to assign a finding of not **sustained** for false imprisonment against Officers Jason Marchione and Jermaine Shaw. **Harrison** seconded. Hearing no further discussion, the vote was called and the motion was approved with two (2) nays (**Bozarth & Houston-Torrence**).

## ACRB CASE NO 16-051, THELONIOUS JONES

### A. ALLEGATION SUMMARY

The Complainant alleged that on March 29, 2016, Atlanta Police Officer Teresa Norwood was rude and unprofessional towards him. Complainant further alleges that Officer Norwood did not conduct an adequate investigation of the incident when she failed to complete a report and not properly identify any of the involved parties.

The Complainant further alleged that on said date when he called the Zone 4 precinct to obtain Officer Norwood's badge number, Atlanta Police Officer Zachary Bambrey was rude and refused to provide the requested information.

### B. STAFF RECOMMENDATION – OFFICER NORWOOD

ACRB staff recommends that the allegations of Appropriate Action Required against Officer Norwood be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the alleged acts of misconduct*).

### C. STAFF RECOMMENDATION – OFFICER BAMBREY

ACRB staff recommends that the allegations of Appropriate Action Required against Officer Zachary Bambrey be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

#### *Discussion and Comments...*

1. **(Hardnett)** *I think that it also goes back to the tenant as well; with her automatically accusing him of stealing some of her items out of the apartment that she was renting from.*
2. **(Bartels)** *He alleged that he had some documentation that he didn't.*
3. **(Hardnett)** *Right, he had a video tape. I understand. Being a landlord myself, you have to cover yourself. Instead of the officer trying to find out anything about if he had taking anything out of the apartment after he changed the locks, she just automatically accused him of it; by saying, "Where's the TV?" That is unprofessional.*
4. **(Bozarth)** *This is one of the first complaints I think that we had about appropriate action required.*
5. **(Robertson)** *No, we have had a few.*
6. **(Bozarth)** *Is that a new criteria?*
7. **(Robertson)** *Yes.*
8. **(Bozarth)** *This occurred on March 29<sup>th</sup>? Were we empowered to have that complaint?*
9. **(Robertson)** *He filed his complaint the day of the ordinance change.*
10. **(Bozarth)** *Thought on the previous one, I asked that question that we couldn't entertain a complaint against an officer for an infraction that was not on the books at time the infraction occurred.*

11. **(Reid)** No, if it is within that 180 days that was filed, we can still take the complaint. It has to be within the 180 days.
12. **(Bozarth)** Even though at the time the action occurred, it was not anything that we had jurisdiction over.
13. **(Reid)** The ordinance went in to effect on March 30<sup>th</sup>, anything 180 days back, can still be taken. It is still within the timeframe.
14. **(Bozarth)** Ok, just want to be consistent. I have a couple of question for you. Do we know what the police role in a tenancy disagreement really should be; normally a civil matter. When they call the police, there was no violence. She alleging thief.
15. **(Robertson)** To keep the peace. She alleged that, so she was required to do a police report.
16. **(Bartels)** This was a complaint of an actual criminal act...thief.
17. **(Bozarth)** I think that the officer seemed to have mishandled the situation. I think that the staff's recommendation to sustain the complaint against Officer Norwood is appropriate. It's a different matter against the other officer.
18. **(Harrison)** Did you get the chance to meet Officer Norwood face to face?
19. **(Bartels)** I think to her credit, she did acknowledge.
20. **(Houston-Torrence)** Is it unusual that they don't have the badge numbers on file at a Zone?
21. **(Robertson)** No, it's not unusual. With the APD they go by the officer's unique identification number.

**Bozarth** moved to accept staff's recommendation that the allegations of Appropriate Action Required against Officer Norwood be assigned a finding of **Sustained**. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved by all.

#### BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED ON OFFICER NORWOOD

##### **Officer Professional Standards (OPS) History:**

Officer Norwood has received in the last five (5) years, five (5) complaints; four (4) of the complaints were sustained:

##### Complaints against Officer Norwood

- Swiped another officer's time card. Received a written reprimand in 2011.
- Complainant alleged that he was given the run-around by the officers on site (*Officer Norwood was at the scene at the time*). Received an oral admonishment in 2013.
- Complainant (Thelonious Jones) filed a complaint with OPS for not writing a police report. Officer Norwood received an oral admonishment.
- Vehicle accident. Received a written reprimand.
- Vehicle accident. Officer Norwood was exonerated.

##### *Discussion and Comments...*

1. **(Brogdon)** It doesn't seem like a pattern and she has gotten already an oral admonishment from OPS. Would another one be repetitive?
2. **(Hardnett)** No, I don't think so.
3. **(Reid)** The ordinance says that basically... will not discipline or act on the same incident again anyway. Pretty much you can say, we support the monitoring that she had... What else do you want to say?
4. **(Bozarth)** Only if we wanted to go beyond that.
5. **(Reid)** It would stop right there. She has already been discipline.
6. **(Hardnett)** Plus the fact that she already admitted that she was short with them so...
7. **(Bozarth)** So that means anytime OPS has already handled something, that any verdict that we render...
8. **(Reid)** Could potentially not...unless you are covering something new; new facts; something that would change the situation. It's not going to be any discipline.
9. **(Bartels)** We know that whatever recommendation we make is not binding and I think that the only time that we have really taken that extra step, for example; if it was really egregious and an officer was fired; we wanted it on the record.
10. **(Reid)** If you really feel like the police department soft balled someone on a discipline and you want to make a point.

11. **(Robertson)** This is the same allegation that she received in oral admonishment on in 2013, appropriate action required. Technically, this should have been a category B.
12. **(Reid)** Now you are talking about something that you want to address. They may need to explain why they deviated from their own disciplinary policy.
13. **(Robertson)** Category B will be a written reprimand or 1-3 days suspension.
14. **(Bartels)** I tend to agree just an oral admonishment. That was done the last time and this is happening several years later. Perhaps consider a written reprimand.
15. **(Hardnett)** I don't think so, just because it happened several years later.
16. **(Reid)** What's the recommended period?
17. **(Robertson)** Three years.
18. **(Houston-Torrence)** Why wasn't it bumped up? It should have been in category B.
19. **(Reid)** If it occurred within the recommend period. The chief can always do something differently. It's up to his discretion to do that. Then the question is...why did you do it on this case? The whole idea is making sure that you have something that discipline officers can depend on.
20. **(Robertson)** Let me correct that. This was file in February 2013 and he filed this complaint was filed in March 2016.
21. **(Bartels)** Thanks for clarifying that.

**Brogdon** move to recommend that Officer Norwood receive a written admonishment. **Harrison** second. **Brogdon** withdrew his motion.

**Bozarth** moved to recommend that Officer Norwood receive an oral admonishment for the allegation of Appropriate Action Required. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved with one opposing vote (**Brogdon**).

*Discussion and Comments...*

1. **(Hardnett)** Even though it is a month outside of three years, what if it goes another three years and then another month outside of three years? It's like a third time. It's it up to the chief's discretion?
2. **(Reid)** Yes, it's always up to the chief's discretion. That's why they have polices in place. Everybody is supposed to follow the policies. OPS or whoever is making decisions are supposed to follow those disciplinary polices as well.

**BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED ON OFFICER BAMBREY**

*Discussion and Comments...*

1. **(Bartels)** Was this a 911 call or did he dial a non-emergency number?
2. **(Robertson)** Non-emergency to the precinct.
3. **(Bartels)** My understanding is that all 911 calls are recorded.
4. **(Robertson)** All 911 calls are recorded.
5. **(Bartels)** Because of that the staff recommendation is **not sustained**.

**(Bozarth)** moved to accept staff's recommendation that the allegations of Appropriate Action Required against Officer Bambrey be assigned a finding of **not sustained**. **Hardnett** seconded. Hearing no further discussion, the vote was called and the motion was approved.

*Discussion...*

1. **(Bozarth)** Before we leave this case, I see on some of his complaints about how hard it was to get through to people and the long wait times on the phone to the zone office seem credible. Would it be appropriate, we coming out of this case make the Commander of Zone 4 aware of this report as a way to make his interaction with the public better than it is?
2. **(Reid)** If you see it as a customer service issue, and you believe that you can address... We can send a separate letter to the zone commander referencing the case.
3. **(Bozarth)** We need a motion on that?
4. **(Reid)** Yes, let's get a motion.

**Bozarth** moved to make a motion to send a letter to Atlanta Police Department Zone 4 Commander referencing the Complainant's concerns regarding customer service. **Houston-Torrence** seconded. Hearing no further discussion, motion was approved by all.

## OLD BUSINESS

### *Discussion and Comments...*

1. (**Houston-Torrence**) Filling the vacancy of the police officer...what's that status?
2. (**Reid**) I spoke with his aide a couple of weeks ago; they are physically working on it. If you know anyone, have them to contact President Ceasar Mitchell's office. We are still looking for NPU (S-Z) to represent. They had someone who was interested, but they received some conflict information. If you know anyone, have them to contact Jennifer Freeman at APAB.
3. (**Bozarth**) Which part of town is that?
4. (**Houston-Torrence**) Southwest.

## NEW BUSINESS:

*No discussion*

## PUBLIC COMMENTS:

It should be noted that two people signed up to speak. Public speakers were informed that comments are to be kept to three minutes.

### ❖ Ms. Armalean Beasley (Beasley), Complainant for Case 16-038

Ms. Beasley expressed her concerns regarding her arrest by an APD officer at Hartsfield-Jackson International Airport on February 26, 2016. She advised the board that she is embarrassed by her ordeal and wanted to know if the police had the right to remove her from the restaurant. Ms. Beasley stated that she was not bothering anyone while drinking tea at the International House of Pancakes Restaurant (IHOP) and has never encountered any problems before. She added that she has been eating at the surrounding local restaurants since 1985.

### *Discussion and Comment...*

1. (**Bartels**) Ma'am, normally we are not able to engage in back and forth conversation with anybody regarding the decision by the board. If your question is, what did the investigation uncover or why was the decision made...perhaps, the board can send something in writing; explaining what the process was.
2. (**Reid**) If she would like the file, she can have it once the board has made its decision and we post it.
3. (**Beasley**) What if I go back to the airport and get an airplane out to go to Chicago or someplace. The police will come and arrest me with what you have on file? That has to be cleared up.
4. (**Bartels**) As I said, staff will be glad to send you the file that will explain the decision that the board makes and the process.
5. (**Beasley**) Something is wrong with the board. Is there a next step that you can take it to? Arbitration?
6. (**Reid**) Have you filed with the police department?
7. (**Beasley**) Yes, I have. What is the next step after that?
8. (**Reid**) A legal recourse. You can always take legal recourse.
9. (**Beasley**) I'll do that. I don't think that they did me right. I have been going to Atlanta Airport for years. Let me tell you about an incident that I had...I use to work at the Waffle House in Doraville and this police lady, she beat me up; and handcuffed me because a Spanish guy asked me...do you want a ride? I said, yeah, you can take me up there to the train station. I had just got in the car with this Spanish guy...she stalked us. I don't know what is wrong with Atlanta Police. I have never been arrested in Chicago by no police officer. These police are always coming after me. I am trying to figure out, why they are coming after me.
10. (**Reid**) I will be more than happy to talk with you after the meeting.
11. (**Beasley**) Ok.
12. (**Bartels**) Thank you Ms. Beasley.

❖ Toni Hackney, Volunteer, Community Outreach Volunteer Ambassador Program (COVAP)

Ms. Hackney voiced her disapproval of the Mayor's office making an exception for the new ACRB nominee that resides outside of the City of Atlanta. She stated that anyone that does not live in Atlanta should not be on the ACRB because they do not have the same kind of interest in the City and generally, do not have to deal with the Atlanta Police Department. She requested the board to not approve the appointment.

*Additional Comments...*

*(Reid) I just want to mention, Ms. Hackney is a part of our COVAP program that we started bringing in volunteers to help us expand our reach. Charles has been doing a great job bringing us volunteers. Myola and Charles are going to be holding a training for all of our volunteers in the next month or so. We think this is a great opportunity and I thank you for coming out.*

*One last thing, we have a new staff member, Melisa Reese. She has been with the office for three months. Her title is Administrative Assistant. She came from the State, the Department of Labor. We are glad to have her.*

## **ADJOURNMENT**

The **Secretary Bartels** entertained a motion to adjourn. It was moved by **Harrison** to adjourn. **Hardnett** seconded. Meeting adjourned at 7:55 P.M.

ACRB Minutes for September 8, 2016 were approved: October 13, 2016  
*Paul Bartels, Board Secretary*

*Transcribed: LG*