



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

September 14, 2017

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

The September 2017 meeting was called to order at 6:31 p.m. by *Chair Williams*.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS <i>(Chair/Williams)</i>	SHUNTAY PITRE <i>(Pitre)</i>
PAUL BARTELS <i>((Secretary/Bartels)</i>	TRACEE MCDANIEL <i>(McDaniel)</i>
BILL BOZARTH <i>(Bozarth)</i>	TAMARA ORANGE <i>(Orange)</i>
CECILIA HOUSTON-TORRENCE <i>(Houston-Torrence)</i>	

ACTIVE MEMBERS ABSENT

GINO BROGDON *(Vice Chair/Brogdon)*

VACANT BOARD SEATS

Atlanta City Council, *(three (3) months)*
Atlanta Business League *(three (3) months)*
APAB-NPU, Group M-R *(seven (7) months)*
APAB-NPU, Group S – Z *(2 years and four (4) month)*
City Council President *(1 year and three (3) months)*

STAFF & CITY EMPLOYEES ATTENDEES

SHEENA ROBERTSON, Investigation Manager *(Investigator Robertson)*; **MYOLA SMITH**, Project Manager *(Smith/Transcriber)*; **BRIAN FLEMING**, Investigator, Sr., *(Investigator Fleming)*; **KABRAL BRATHWAITE**, Investigator, Sr., *(Investigator Brathwaite)*; **LYNN GARRETT**, Executive Assistant *(Garrett/Transcriber)*; **MELISA REESE**; Administrative Assistant *(Reese)* **REGINALD MCCLENDON**,

APPROVAL OF MINUTES FOR AUGUST 10, 2017

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

Note: **Smith** requested members to be mindful not to engage in multiple conversations when another board member is speaking. She explained that at the last board meeting, the audio was difficult to transcribe due to members speaking at the same time and not identifying themselves when they have the floor.

EXECUTIVE DIRECTOR'S REPORT

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

- New Board Member – Michael Hopkins (APAB – NPUs S-Z)

We are pleased to announce the confirmation of a new board member, Michael Hopkins. Mr. Hopkins represented APAB, NPUs S-Z. Mr. Hopkins will officially assume duties as a board member at the October meeting.

- 2017 Art and Essay Contest Winners City Council Recognition

On Monday, September 18, 2017, the Atlanta City Council will recognize the 2017 ACRB Art and Essay Contest Winners. The winners represent City Council Districts 2, 7, 8, 9 10, 11 and six of the Fulton County districts.

- Community Mediation Presentations

Any member of the board who knows of an organization, individuals, groups, or locations whereby staff can conduct a mediation presentation, please let staff know. We are trying to spread the word about mediation to everyone.

- Mediation Presentation to NPU and Neighborhood Associations

The office is working on arranging mediation presentations with the NPUs and neighborhood associations this month. The APAB representatives who serve on the board are being asked to attend at least two presentations that will be conducted in the areas they represent.

- Mediation Training at the APD Training Academy

We are approaching the end of the mediation presentations to APD officers. This is our last month of presentations. It has been a great opportunity for the agency to go before the officers to answer and hear concerns.

- Reports to Appointing Entities

This is a friendly reminder for board members to submit their reports to their appointing entities.

Special thanks to **Chair Williams** and **Bill Bozarth** for attending the NPU meetings and reporting on the ACRB. If members have been reporting to their appointing entity, please let the office know...we are keeping a record of board member activity.

- APD Training for the ACRB Board

Thanks to board members Sherry **Williams**, Bill **Bozarth**, Tamara **Orange**, and Tracee **McDaniel** for attending the APD defensive tactics, search and seizure (*pedestrian, traffic, and home*), non-warrant encounters, and BWC policy training. For those board members who were unable to make the training, the video is available for your review. Every board member who missed the training will need to watch the video. Please arrange a time to stop by the office to watch video training. The training is four hours.

- APD Training on Effective Communication

Staff attended a three-day Effective Communication Training Course with APD officers. The training was very informative and highlighted the department's efforts to provide officers with more options to handle interactions with citizens. This would be a good training for the board to recommend for officers who receive sustained complaints related to rudeness and language.

- Visit from Andre Joyce from City of Miami Community Advisory Board

ACRB met with Andre Joyce from the City of Miami Community Advisory Board. The purpose of the meeting with Mr. Joyce was to discuss ACRB's operation and the challenges of civilian oversight.

- Community Outreach Highlights

Staff met with a committee of individuals from the Ben Hill United Methodist Church and adjacent neighborhood associations to discuss plans for a mediation presentation to be hosted at Ben Hill United Methodist Church. Meeting with neighborhood churches and associations is part of our mediation communication strategy. If you know of any churches, organizations or groups that staff can share information on the mediation program, please let the office know.

The ACRB Outreach team attended the 94.5 FM StreetzFest. It was a great opportunity to spread the ACRB message to a demographic (18 to 30 years of age) that has been a challenge to reach.

- NACOLE Conference

Board Member Shuntay **Pitre** is currently attending the NACOLE conference in Spokane, Washington. She will provide a report to the board regarding the conference, when she returns.

INTAKE REPORT FOR AUGUST 2017

Investigation Manager **Robertson** reported that for the month of August 2017, the ACRB received eleven (11) complaints, however, two (2) of those complaints have been referred for mediation (if the mediation does not fall through or not successful, then recommend investigating those complaints under the allegation category assigned to them.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss four (4) of the eleven (11) complaints. Two (2) complaints are waiting for signatures. It should be noted that the proper referrals were given to those citizens whose complaints fell outside of ACRB's jurisdiction.

The following is a list of the complaints that are being recommended for dismissal and the reason for the recommendation:

1. ACRB Case No. 17-107– Refused Medical Attention & Harassment
The Complainant alleges that he did not receive any medical attention while at the Atlanta Detention Center. He further alleged that he was harassed by the officers at the Fulton County Jail. **Recommend dismissal for lack of jurisdiction.**
2. ACRB Case No. 17-109– False Arrest
The Complainant alleges that on August 11, 2017, he was falsely arrested by APD officers. Preliminary investigation revealed that the Complainant pled guilty to the charges stemming from the arrest. **Recommend dismissal for lack of merit.**
3. ACRB Case No. 17-010 – Lack of Response
The Complainant alleges that on August 17, 2017, he called 911 because a dog tried to bite him and no one responded. **Recommend dismissal for lack of jurisdiction.**
4. ACRB Case No. 17-115 – Personal Issues
The Complainant alleges that the Georgia Department of Corrections erroneously placed a “No-Rehire” stamp on her personnel record. **Recommend dismissal for lack of jurisdiction.**

Awaiting Signed Complaints:

1. ACRB Case No. 17-106 – Inadequate Investigation
The Complainant alleges that on July 28, 2017, he was involved in a traffic accident and the responding APD officer failed to adequately investigate the incident.
Awaiting the Complainant’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as an appropriate action required complaint.
2. ACRB Case No. 17-112 – False Arrest, Excessive Force & Abusive Language
The Complainant alleges that on April 15, 2017, he was falsely arrested by APD. He further alleges that the officers engaged in excessive force and was verbally abusive towards him.
Awaiting the Complainant’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as an appropriate action required, excessive force and abusive language complaint.

Investigation recommendations:

1. ACRB Case No. 17-105 – Harassment
The Complainant alleges that an APD Officer showed up at his job on several occasions and harassed him. **Recommend investigation as a harassment complaint.**
2. ACRB Case No. 17-108 – Inappropriate Conduct & Statements
The Complainant alleges that on August 10, 2017, the APD officer that responded to her sister’s residence pertained to a domestic dispute was rude and made inappropriate comments. **Recommend investigation as a conduct complaint.**
3. ACRB Case No. 17-114 – Failure to Complete a Report
The Complainant alleges that on July 30, 2017, he went to the Zone 6 Precinct to report a crime and the officer refused to prepare a report. **Recommend investigation as an appropriate action required complaint.**

B. BOARD VOTES ON INTAKE REPORT

Houston-Torrence moved to accept the Intake Report for August 2017. *Bartels* seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 16-094

A. ALLEGATION SUMMARY

The Complainant alleged that on April 23, 2016, Atlanta Police Officer Loubens Lundi falsely arrested him and abused his authority as a police officer. The Complainant further alleged that Officer Lundi called him an “asshole.”

B. STAFF RECOMMENDATION

The ACRB Staff recommends that the allegation of **False Arrest** against Officer Lundi be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the alleged act(s) occurred*).

The ACRB Staff recommends that the allegation of **Abuse of Authority** against Officer Lundi be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the alleged act(s) occurred*).

The ACRB Staff recommends that the allegation of **Abusive Language** against Officer Lundi be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the alleged act(s) occurred*).

Discussion and Comments...

1. **(Robertson)** Can I point out for the record that the Complainant is here in the audience. I want to remind the board to not ask him any question or anything that pertains to you reviewing his case.
2. **(Bartels)** I just actually have a couple of questions, Ms. Robertson, were you able to determine one way or another if the officer knew ahead of time about the incident?
3. **(Robertson)** No, I wasn't. The e-mail that was provided didn't have this particular name on it, so he claims that he didn't know until later on that day when he was there.
4. **(Bartels)** The officer had alleged that Mr. Hughes had been drinking. He said he smelled alcohol on his breath. Did you find any other corroboration of that? No other witness said they smelled alcohol or anything?
5. **(Robertson)** No, and I just want to clarify that it was former ACRB Investigator Lolar who actually investigated the complaint. I just reviewed all the evidence and wrote the report, but based on the evidence in the file, there was no evidence that Mr. Hughes had been drinking.
6. **(Bozarth)** Is it correct that Officer Lundy was working an off-duty job for the Shops of Buckhead?
7. **(Robertson)** That is correct.

C. BOARDS VOTE ON ALLEGATION OF FALSE ARREST

Houston-Torrence moved to accept staff's recommendation to assign a finding of **sustained** for **false arrest** allegation against Officer Lundi. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

C. BOARDS VOTE ON ALLEGATION OF ABUSIVE AUTHORITY

Houston-Torrence moved to accept staff's recommendation to assign a finding of **sustained** for **abuse of authority** allegation against Officer Lundi. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD'S VOTE ON ALLEGATION OF ABUSIVE LANGUAGE

Discussion and Comments...

1. **(Robertson)** Chairwoman, could you please explain to the audience what sustained mean?
2. **(Williams)** Sustained means that the staff agrees with the findings of the charges that are being alleged.
3. **(Bozarth)** Before we vote to sustain, Ms. Robertson did have corroboration from some of the other witnesses that the language reference was used by the officer correct?
4. **(Robertson)** Yes. He also admitted that he did say that.
5. **(Bozarth)** The mitigating circumstances was that the complainant used the word first...
6. **(Bartels)** I would tend to think that the police officer should be held to a higher standard, in terms of being able to control how they interact.
7. **(Bozarth)** It was conflicting in the reports by different people there after the complainant used the word the first time. I believe one of the versions says, "Now who's being an asshole?" Is that really addressing that description to the citizen, or is that simply referencing something that was already said? I think we ought to be comfortable with that. That's still holding the officers to a higher standard if we expect him to not refer to the language that he was address and ...
8. **(Williams)** I'd like to say that he's been on the force since 2007. So he's been on the force for nine years. And I'm sure someone has used similar language in the past, and part of their training is how to handle those situations so that they don't escalate. I agree with, **Bartels**...he wasn't new or wasn't fresh out of the academy, so I'm sure he's had these situations before.
9. **(Houston-Torrence)** And there was some conflicting testimony. The witness, Allison Green. She basically said that the police officer said that, "You're an..."
10. **(Robertson)** The SOP states that an employee will "be civil, orderly, and courteous to the public, co-workers" and so forth. So regardless of the way that he may or may not have said it. He did admit that he did use the word so, it is a violation of the SOP.

McDaniel moved to accept staff's recommendation to assign a finding of **sustained** for **abusive language** allegation against Officer Lundi. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved

Officer Information and Professional Standards History:

Officer Lundi has been with the APD since November 27, 2007. In the last five (5) years, he has had four (4) complaints; two (2) were vehicle complaints; one (1) internal complaint (not sustained, excessive force); last complaint was in 2016 (still pending).

H. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION FOR ALLEGATIONS - FALSE ARREST & ABUSE OF AUTHORITY

Discussion and Comments...

1. **(Robertson)** Based on the disciplinary history and the categories of the allegations of false arrest and abusive language, it would be a Category A, the penalty would be based on the grade; oral admonishment or a written reprimand or training. Abuse of authority is a Category B and would be a written reprimand to a three-day suspension.
2. **(McDaniel)** Would that be for the false arrest?
3. **(Robertson)** The false arrest and the abusive language would fall under Category A. The abuse of authority would fall under Category B. We may just want to lump the two of those together.
4. **(Bozarth)** It's the abuses of authority we want to focus on, and based on the fact that he had not decided to arrest Mr. Hughes when he first encountered him, but came back later and may have done so because of retribution.
5. **(Robertson)** Yes.
6. **(Bartels)** And the concern being that Mr. Hughes is walking away, but then asked what the officer's name was, and it was apparent over the radio that he was asking for that, and at that point, the officer came and arrested him. I just think that's clearly improper.
7. **(Williams)** So far the false arrest allegation and the abuse of language are both Category A. We can take those together unless anyone has any concerns, as was recommended. What say you, oral, written, or training?
8. **(Houston-Torrence)** I think written and training because oral doesn't seem to be sufficient in this case. I wasn't clear on why he was so obstinate. I didn't quite get that through all the testimony. I think written and training.

9. **(Robertson)** Before you make a motion, you need to specify what training you are recommending.
10. **(Bartels)** Well, the other question that I have is, is this just for the false arrest and abusive language? So, we will be voting again on the abuse of authority?
11. **(Orange)** My question would be with an officer of his tenure, what help would be offered, because I do know that, coming out of the academy, they would probably teach them how to communicate with the public but after eight, nine years, what else can you possibly learn from training, or what other kind of training?
12. **(Bartels)** I think some type of training in de-escalation would be a good idea.
13. **(McDaniel)** Is that relevant to the SOP? I think there should be some more SOP training as far as interaction with the public.
14. **(Williams)** Is that a SOP and de-escalation training?
15. **(Bartels)** Yes. I want to make a motion for both of those types of training.
16. **(Williams)** What do we want the written admonishment to be? Ms. **Robertson**?
17. **(Robertson)** I am assuming that for allegations 1 and 2, the false arrest and abusive language, you are recommending a written reprimand and training on SOP as it relates to the false arrest and the abusive language...SOP training as it relates to the false arrest complaint and dealing with SOP and then de-escalation training as it pertains to abusive language.

Houston-Torrence moved to recommend that Officer Lundi receive a written reprimand and de-escalation training. **McDaniel** seconded. Hearing no further discussion, the vote was called and the motion was approved.

I. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION FOR ALLEGATIONS - ABUSIVE LANGUAGE

Discussion and Comments...

1. **(McDaniel)** McDaniel recommends a three-day suspension. With being an officer, an officer for so long, he should already know how to interact with the public.
2. **(Bartels)** Do we know why the charge was dropped?
3. **(Robertson)** I tried to get that information from the court, but they never got back with me.
4. **(Bartels)** I would be inclined to agree with a three-day suspension. I think even if the case is dismissed, that doesn't just mean everything is all right. Every time somebody is falsely arrested, you know, they're booked into jail, it's traumatic. They have to stay in jail, and they have to post bond and they risk losing their job. I've seen people who were arrested falsely and were in jail for days or weeks and they lose their job or maybe even their home or whatever. I think a three-day suspension would be appropriate given the facts of this case.
5. **(Houston-Torrence)** I agree, because it could have been a lot worse. It could have really escalated, not knowing the two involved. It could have very easily gone south. I agree.

Bartels moved to recommend that Officer Lundi receive a 3-day suspension. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-112

A. ALLEGATION SUMMARY

The Complainant alleged that on April 14, 2016, Atlanta Police Officer Ryan Jones and Detective Anthony Ball unlawfully detained her when they denied her entry into the Halycon Hospice facility where her uncle was receiving care.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of **False Imprisonment** against Officer Ryan Jones and Detective Anthony Ball be assigned a finding of **Unfounded** (*the investigation established that the officer did not commit the alleged acts of misconduct*).

Discussion and Comments...

1. **(Bartels)** Just to clarify, did the complainant ever say specifically what the officers did or said that made her feel like she wasn't free to leave or go into the facility?
2. **(Robertson)** No, and this was another case that was investigated by former Investigator Lolar and based on the evidence that she obtained, the answer is no. I guess she felt because of the police presence, they were preventing her from going inside of the facility or that she couldn't leave. But even her husband said that he didn't feel that way. They never gave him that impression that they couldn't leave.

Houston-Torrence moved to accept staff's recommendation to assign a finding of **unfounded** for **false imprisonment** allegation against Officer Ryan Jones and Detective Anthony Ball. **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-153

A. ALLEGATION SUMMARY

The Complainant alleged that on October 26, 2016, during a traffic stop, in the vicinity of Peachtree Road, NE and Bolling Way, NE, Atlanta Police Officer Leslie Okoka, was rude and used threatening towards her in that he snatched her driver's license from her hand, screamed at her and repeatedly threatened to issue her a citation.

B. STAFF RECOMMENDATION

The ACRB Staff recommends that the allegation of **Conduct** against Officer Okoka be assigned a finding of **Not Sustained** (*the investigation failed to prove or disapprove the alleged act(s) occurred*).

The ACRB Staff recommends that the allegation of **Violation of Department Standard Operating Procedures, specifically APD.SOP.2060**, against Officer Okoka be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the alleged act of misconduct*).

Discussion and Comments...

1. **(McDaniel)** When an officer is doing extra duty without a permit, then what is the process? How are we supposed to proceed?
2. **(Fleming)** They are not supposed to work without an extra job permit. They have to get approval from APD.
3. **(Robertson)** If they don't, they are discipline.
4. **(McDaniel)** Internally?
5. **(Robertson)** Yes.
6. **(Bozarth)** I asked Brian to try and find out who (referring to the extra job location) he was working for. So far, he has been unable to do that. And I know this location very well. It's where Peachtree Road and Roswell Road comes together. Apparently, the officer was somehow controlling traffic southbound on Peachtree Road when maybe this lady made a U-turn while he was out there? Again, this is the second out of three complaints where an officer is working another job and enforcing a private policy. I'm going to say it again, I think coming into these cases, I think we need to really try to develop a policy about officers working second jobs, and part of the problem, of course, is a lot of them have to work second jobs because they aren't paid enough money. However, if he hadn't been there, this would never have happened. The staff has recommended not to sustain the complaint. I'm not sure if what he did was inappropriate or not, but we only have his word against hers.
7. **(McDaniel)** But wasn't it inappropriate just being there without a permit?
8. **(Bozarth)** Well, we are not sustaining the complaint of conduct, I don't believe, right.
9. **(Fleming)** Right.

10. **(Bozarth)** *But, we would have another issue where we could rule on, that was not brought forth by the complainant in this case; discovering that he was working without permission to have a second job.*
11. **(Orange)** *If he's working without permission, how can those actions be looked at as official, if he's not supposed to be working? Anything that he does when he's not working should not really be official, because you're officially not on duty especially if you don't have approval. You have to be granted permission by the police department to do anything, and I understand that they do take an oath, you know, where they have to jump in and assist, but in this particular situation, he was not officially on any type of duty. And if he had been, yes, the, traffic stop might have been okay, but he didn't have approval and wasn't granted permission from the City of Atlanta Police Department...*
12. **(Bartels)** *I think the question is, if an officer is working a second job, and acting as a peace officer; in terms of detaining or arresting somebody, under the Color of Law if they don't have a permit to do this...I am not aware of any law that says that they can't do that off duty unless they have a permit. I think that they can do it 24/7. I think that those are two separate issues.*
13. **(Orange)** *And I get that. I'm not sure if this is how Atlanta works in these things, but coming from DeKalb, if they don the DeKalb County uniform, if at that particular moment he had on the Atlanta Police Department uniform, he was a representative of the Atlanta Police Department, and anything that he had done would be under the guise that he was representing the City of Atlanta. So, I understand what you're saying in that, you know, he's a peace officer, and if he's a peace officer, you know, they can do that. But once they put on the uniform of the City of Atlanta, you're an agent of the City of Atlanta. So anything he does is going to be like, they give him permission to do it. Am I right or am I wrong?*
14. **(Lt. Bennett)** *You are all right. Basically, there is a policy that they have to have a signed permit that goes up through the chain of command on file for that includes the address, location, name of business to work a second job and he didn't have it.*
15. **(Williams)** *And we have the SOP 2060 for extra jobs right here, and 4.1.1 "No employee will work an extra job without an approved or temporary extra job permit. Employees must have the approved or temporary permit (or a copy thereof) readily available while working the perspective extra job and produce it to any supervisor or SIU employee upon request." So, I mean, that's very clear.*
16. **(Lt. Bennett)** *Ms. Orange is correct in what she was complaining about.*
17. **(McDaniel)** *Just out of curiosity, if he was working and he fatally shot someone without a permit, then what would happen?*
18. **(Houston-Torrence)** *Even though the officer did not have a work permit, he could be walking down the street and something happen, and he has to, like you say, shoot somebody, he wouldn't be reprimanded for that. He was reprimanded because he was working and getting paid. It's not his action. I mean, you know...*
19. **(Williams)** *But her question is, suppose he was working that extra job and he shot somebody, what would be the consequences for him to be working an extra job? Am I right? Without the proper permit. Who in the room knows the answer to that question?*
20. **(Bozarth)** *Let me give you a little bit of the big picture here. That's why I get on my high horse about second jobs. What we're doing is reviewing a private entity. In this case, I think it was one of the office building that's perhaps around this intersection. Or in the case of Mr. Hughes' case, it was Shops of Buckhead. We are allowing them to hire an APD officer at 30 bucks an hour or whatever they come for, and basically you have the force of the badge and all the privileges of the police enforcing private rules in one way or the other. This happens more and more in my part of town. In the streets of Buckhead, every day on Pharr Road, he stops all the traffic so that people coming and going from the garage can come out, and all you have to do is go anyplace in Buckhead and you'll see a hire-a-cop on the streets giving preference to the people that work.... So you know, this is just an extension of that phenomenon. It bothers me that we're putting people in these positions, and they're not enforcing the law as such. They're enforcing the wishes of the person who's paying them. And it just bothers me that we see this again and again. Four out of the five cases tonight are individuals who were not working officially, but on a second duty. We wouldn't even be here if they didn't have to take those jobs and be in that position. This is not necessarily relevant to this case, but it is relevant to the larger issue which keeps coming up again and again, and I think this board, or this organization ought to be looking at some policy advice to the City around this.*
21. **(Bartels)** *I would just add that I do agree with that. I think my way of phrasing it would be that my concern is when a private entity can buy extra attention or special treatment or additional attention from a government authority that people without that money are not able to get. I guess that's another way of saying it. I know that it's legal. It's certainly authorized. And like you said, now*

- especially if an officer has a family, I can understand that they may have to do that, you know, because of the pay. I do share that concern.*
22. **(Bozarth)** Lieutenant Bennett, do you have any idea how many of the APD officers on the force participate in second jobs? Is it a pretty large percentage? Would you give a rough estimate?
 23. **(Lt. Bennett)** I would disagree with you that it's a large percentage. I couldn't give you an exact number. But I would say this, many of the events where you see police officers working, those officers are off duty. The city doesn't have and has never had enough officers for these events. If you go to a ballgame or a concert, any kind of sporting event, those officers are off duty. They're not working and are not being paid by the City of Atlanta. There's no way the city could provide on-duty police officers for an event of that size.
 24. **(McDaniel)** But the average person wouldn't know that they're off duty. But when they put the uniform, they are identified as being on duty.
 25. **(Lt. Bennett)** That is why they have to have the permit.
 26. **(McDaniel)** So would it be possible for whenever they're doing off-duty work like that...is to not wear their uniform?
 27. **(Williams)** They have to wear the uniform.
 28. **(Robertson)** And the city is still liable for allowing them to work that extra job.

BOARD'S VOTE ON ALLEGATION OF CONDUCT

Bartels moved to accept staff's recommendation to assign a finding of **not sustained** for **conduct** allegation against Officer Okoka. **Bozarth** seconded. Hearing no further discussion, the vote was called and the motion was approved.

BOARD'S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

Houston-Torrence moved to accept staff's recommendation to assign a finding of **sustained** for allegation of **Violation of Department Standard Operating Procedures, specifically ADP.SOP.2060** against Officer Okoka. **Mc Daniel** seconded. Hearing no further discussion.

BOARD'S DISCIPLINE RECOMMENDATION

Officer Information and Professional Standards History:

Officer Okoka has been employed with APD since October 31, 2006. Officer Okoka has ten (10) complaints that has been file against him. In the last five (5) years, he has had three (3) complaints. Of those three (3) complaints, two (2) resulted in a finding of sustained; one (1) not sustained.

Discussion and Comments...

1. **(Bartels)** What is the sanction for the sustained conduct... working without the permit?
2. **(Fleming)** This would be a Category A.
3. **(William)** No, no, no. We're going to ask you that. I just asked out of context, what is the penalty when APD finds out that they don't have a permit?
4. **(Fleming)** APD actually gave him a written reprimand regarding working without a job permit.
5. **(Bartels)** So in other words, this category received an oral or written reprimand, correct?
6. **(Fleming)** Yes.
7. **(Robertson)** I do want to interject before you actually make a penalty recommendation. APD has already investigated this complaint, and they pretty much have come to the same conclusion that you have based on both the allegations, and based on his disciplinary history and based on the category that these allegations fall upon. They gave him the appropriate penalty for that, which would be an oral or written reprimand. For the Board to actually reprimand, unless you don't feel that that penalty was just and you want to recommend something else just for the file, because he has already been disciplined for that, you can't go back and re-discipline him.
8. **(Houston-Torrence)** Was it oral or written?
9. **(Fleming)** It was written.

Bartels moved to recommend that the board is aware that the APD had also conducted an investigation into this incident and came to the same conclusion as the APD on both allegations and imposed on Officer Okoka a written reprimand as penalty for violating APD.SOP.2060. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 16-173

A. ALLEGATION SUMMARY

The Complainant alleged that on December 5, 2016, while leaving the Philips Arena, an Atlanta Police officer acted inappropriately in that he struck the Complainant's driver's side window with his flashlight and refused to give the Complainant his name.

B. STAFF RECOMMENDATION

The ACRB Staff recommends that the allegation of **Conduct** against Officer Willie Thomas be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove that the alleged act(s) occurred*).

The ACRB Staff recommends that the allegation of **Violation of Department Standard Operating Procedures** against Officer Thomas be assigned a finding of **Sustained** (*The investigation established that there is sufficient evidence that the officer committed the alleged acts of misconduct*).

Discussion and Comments...

1. **(McDaniel)** Mr. Fobbs never responded to identify the officer, right?
2. **(Fleming)** No, he didn't do a photo lineup.
3. **(Bartels)** He didn't identify the other officer, the deputy who was there that should have been a witness?
4. **(Williams)** That was the county guy. We don't know who the county person was.
5. **(Bartels)** Because he didn't show up for that?
6. **(Fleming)** We wanted to show him a full lineup. I spoke with Phillips Arena and they told us who the officer was.
7. **(McDaniel)** So, that's where you based your finding on... that he didn't identify the officer?
8. **(Fleming)** I am not sure I understand your question.
9. **(Robertson)** There is no way for us to prove or disprove that it happened.

BOARD'S VOTE ON ALLEGATION OF CONDUCT

Bartels moved to accept staff's recommendation to **Not Sustain** for allegation of **conduct** against Officer Thomas. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

BOARD'S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

Discussion and Comments...

1. **(McDaniel)** Just out of curiosity, what is the process for applying for an extra duty permit?
2. **(Robertson)** You have to reapply every year. At some point, he had a valid permit and it expired actually a week or so prior to that.
3. **(McDaniel)** They don't get a notice that the expiration date is approaching or are they responsible for being aware of that?
4. **(Robertson)** I don't know. Maybe Lieutenant Bennett can answer that part.
5. **(Lt. Bennett)** It's like your car tag...it's your birthday.

6. **(Bozarth) Brian (Fleming)**, I think if I took my notes right, you said that you found a work permit for the Philip Arena for the 18th of November through the 20th of November, and this then occurred on December 5th.
7. **(Fleming)** Yes.
8. **(Bozarth)** It's not like he had a short-term permission as compared to maybe one weekend or something...I t expired on November of 2016.
9. **(Williams)** It looks like a one-year permit expired and he did not have a new permit.
10. **(Fleming)** Correct.
11. **(Williams)** This was like most permits and tags...you know 30, you can pay for it or renew it 30 days in advance or 60 days in advance, so what you're giving to us Mr. Bozarth is, that there was some type of processing time. So, if there was some processing time, but this was two weeks, then he may not have applied at all or he may not have applied in time for it to be approved.
12. **(Robertson)** And just to clarify, his work permit was filed on November 18, 2015, and the incident happened on December 5, 2016.
13. **(Fleming)** This is like two weeks after it ended.

Bozarth moved to accept staff's recommendation to **Sustained** for allegation of **Violation of Department Standard Operating Procedures** against Officer Thomas. **Bartels** seconded. Hearing no further discussion, the motion was approved.

C. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION ON OFFICER BURKETT

Officer Information and Professional Standards History:

Officer Thomas has been employed with APD since December 26, 1995. In the last five (5) years, he has had two (2) complaints filed against him since his employment. One complaint within the last five (5) years (not sustained). The complainant alleged that the officer, during a conversation with her, the officer stated to her, "you started screwing to early."

Discussion and Comments...

(Bartels) I think that it is pretty remarkable that he has done 20 something years, and only one, well two complaints total. One in the last five years that wasn't sustained. That means he's going out of his way to interact appropriately.

Houston-Torrence moved to recommend that Officer Thomas receive a written reprimand. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

ACRB CASE NO 16-182

A. ALLEGATION SUMMARY

The Complainant alleged that on October 28, 2016, while at the Sun Trust Plaza, Atlanta Police Officer Christopher Craft was abusive towards her and did not act within APD protocol.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Craft be assigned a finding of **Unfounded** (*the allegation established that the Officer did not commit the alleged acts of misconduct*).

The ACRB staff recommends that the allegation of **Conduct** against Officer Craft be assigned a finding of **Unfounded** (*the investigation established that the officer did not commit the alleged acts of misconduct*).

Discussion and Comments...

1. **(Bozarth)** Well, as I read the case that Brian (**Investigator Fleming**) has given us, I think we have reason to conclude this woman has some other problems. One of the things she said was that she owned bank holding companies. She refers to a pre-civil right kidnapping and so forth. Again, this is a case of here comes a police officer in the bank. He was the one who had asked her to leave, instead of the bank's security, and we have a complainant. I don't think there's anything in the story that suggests that this police officer has done anything inappropriate. I think staff has recommended Unfounded on both charges, and I would certainly support that.
2. **(McDaniel)** But why would she go into a bank making those kinds of comments?
3. **(Bozarth)** You interviewed her, what would you conclude Mr. Fleming?
4. **(Fleming)** I can only tell you what she said. She went to the bank and she made those comments.

McDaniel moved to accept staff's recommendation to **unfounded** for allegation of **appropriate actions required** against Officer Christopher Craft. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

Bozarth moved to accept staff's recommendation to **unfounded** for allegation of **conduct** against Officer Christopher Craft. **Orange** seconded. Hearing no further discussion, the motion was approved.

OLD BUSINESS / NEW BUSINESS

NACOLE Annual Conference:

Discussion and Comments...

1. **(Smith)** The NACOLE conference started Sunday and ended today. Boardmember **Pitre** is in Spokane attending the conference. Since she is acting on behalf of the board, her absence tonight is excused.
2. **(Williams)** When are the new members coming? Do we have any dates?
3. **(Smith)** Michael Hopkins (APAB) was confirmed and he is scheduled to be sworn in if he hasn't already taken the oath by now. He should be fully on board by the next board meeting.
4. **(Williams)** But he has to be sworn in and he has to go to training first. Is there anybody else in the pipeline other than him?
5. **(Smith)** Yes he has to be sworn in, and again, he may have taken the oath, I don't know, and he will need to complete orientation before he can review cases, but he has been confirmed by City Council. As of today, he is the only person that has been recently recommended to the board.

PUBLIC COMMENTS:

Chair Williams opened the floor for public comments.

Speaker Robert Hughes (Note: His case was reviewed tonight): Mr. Hughes thanked ACRB for reviewing his case. He expressed how difficult it is to accept the penalty that was imposed on the officer for his behavior, but understands that it is the highest penalty that the Board can give the officer. He closed by saying that he appreciates the board's time and respects what they do.

CLOSING COMMENTS:

No additional comments were made.

ADJOURNMENT

No further business, by show of consensus, the meeting adjourned at 7:34 P.M.

ACRB Minutes for September 12, 2017 were approved: October 12, 2017
Paul Bartels, Board Secretary

Transcribed: LG