

APPROVED: March 12, 2015



**ATLANTA CITIZEN REVIEW BOARD
FEBRUARY MEETING MINUTES**

Peachtree Hills Recreation Center
308 Peachtree Hills Avenue Northeast, Atlanta, Georgia 30305
February 12, 2015
6:30 p.m.

The meeting was called to order by *Chair Harrison* at 6:43 p.m.

ROLL CALL

(The ACRB has a board membership of eleven)

ACTIVE MEMBERS PRESENT

WILLIAM HARRISON (<i>Chair/Harrison</i>)	PAUL BARTELS (<i>Secretary/Bartels</i>)
GERALD SOUDER (<i>Souder</i>)	BILL BOZARTH (<i>Bozarth</i>)
ALAN MORRIS (<i>Morris</i>)	RUTH PRICE (<i>Vice Chair/Price</i>)
MACEO C. WILLIAMS, SR. (<i>Williams</i>)	SHERRY WILLIAMS (<i>Williams</i>)

VACANT BOARD SEATS

Office of the Mayor (*vacant 1 year and 6 months*)
Atlanta Business League (*vacant 2 years and 8 months*)
Gate City Bar Association (*vacant 6 months*)

STAFF ATTENDEES

SAMUEL LEE REID, (*Director Reid*), Executive Director; **CHARLES CURRY** (*Curry*), Outreach Specialist; **BRIAN FLEMING** (*Fleming*), Investigator; **ROBIN LOLAR** (*Lolar*), Investigator; **SHEENA ROBERTSON** (*Robertson*), Investigation Manager; **MYOLA SMITH** (*Smith*), Transcriber; **AKUA COPPOCK**, COA Department of Law, Appointed Counsel for ACRB.

Chair Harrison welcomed members of the public to the meeting. He also thanked the Management of Peachtree Hills Recreation Center for hosting the meeting.

APPROVAL OF MINUTES FOR DECEMBER 11, 2014

Bozarth moved to accept the minutes for December 11, 2014. **Bartels** seconded. No further discussion, the motion was approved.

APPROVAL OF MINUTES FOR JANUARY 8, 2015

Bartels moved to accept the minutes for January 8, 2014. **Price** seconded. No further discussion, the motion was approved.

EXECUTIVE DIRECTOR REPORT

Highlights from *Director Lee Reid's* report:

- A. Introduction of New ACRB Investigator, Mr. Brian Flemings
Mr. Flemings recently moved from Chicago to Atlanta. For the past six years, he has lead investigations involving excessive force; police involved shootings, deaths in custody and domestic violence incidents. He is experienced in all aspects of police investigations. He said, "I am looking forward to working with you all."
- B. Community Outreach Report
Charles **Curry** provided an update of community involved activities and events. He reported that the Peachtree Hill Avenue Recreation Center board meeting is the second meeting that the ACRB has held out in a community. It is part of the agency's commitment to meet citizens in areas where they live so that they will have an opportunity to meet the members and see the board discuss actual police misconduct complaints. **Curry** indicated that the staff has intensified its outreach effort to become more involved in community events, other related meetings and festivals and educational activities all of which supports awareness and education. He said, "When they hear about us, they want to know more about us. They are very interested in ACRB, but so many people still don't know us, what we do and how we are structured." Some of the most recent events have included: "Know Your Rights" trainings; ACRB Day at Mall West End; ACRB Focus Group on Body Worn Cameras; Urban League Young Professionals Meeting; Police Interaction Training with Great promise Partnership Program (*Youth*); presentation at the Georgia Coalition for the People's Agenda, and #After-Ferguson Community Forum: AUC Woodruff Library.
- C. BWC Focus Group Report
Reid reported that the second BWC report is based on the focus group that assemble in November to discuss the ACRB Study on Body-Worn Cameras (BWCs) & Discussion of Concerns and Recommendations on BWCs for Atlanta Police Officers 2014 Report. A copy of the focus group report was provided to the Board. **Reid** reported on the key findings and recommended actions. As stated in the report, the study concluded that BWC recordings, if properly implemented, managed and made fully and quickly available to ACRB, should make it easier for ACRB to make decisions about alleged police misconduct with stronger evidence and improve the level of trust between police and civilians. However, is also note that training, enforcement, right to privacy issues, access to and the management of recordings are among a host of policy considerations that must be thoroughly examined and resolved before BWCs are approved by Council or used by APD.
- D. Proposed Ordinance Changes
Reid provided a copy of proposed changes to the current ordinance in a draft format. "These changes are being proposed to better service the citizens of Atlanta and increase the agency's efficiency in the delivery of services. The changes will allow us to serve more citizens with expanded jurisdiction and require the chiefs of police and corrections to provide additional details in their response letters to ACRB complaints. I will be sending it to you again to take a look at it and provide comments. Once you have looked at it, I would like for us over the next week or two, to get together and discuss the

changes further. I've already drafted some of the language but you basically have just the topic and justification for the changes now, but when we get together to meet, you will have the language that I am talking about. Take a look at it and let's find a date that we can meet."

Reid further stated that the proposed changes will explain and define areas that are vague in the current ordinance, as well as, reorganize the ordinance for clearer understanding. There are 15 areas addressed in the changes: allegations, anonymous complaints; new board members positions; board training; term limits, vacancies, member compensation and removal, review panels mediation, reconsideration, definitions; written rationale for chief's Decisions, board member outreach and standard of proof.

Comments / Questions:

1. **Harrison** asked to see the language for the proposed changes. "Some of us on the board have a legal background, so I would like to see the actual language that goes into the proposed changes."
2. **Bozarth**, asked about the strategy and who will sponsor the changes through the legislative process.
3. **Reid** indicated that there is someone in mind to but since meetings are currently being planned with Councilmembers to explain the need for the changes, he will hold this information for the meeting.
4. **Reid** indicated that when the meeting occurs to discuss the changes, the actual language will be available to the Board.
5. **Harrison**, "Let's get specific dates as to when the actual email will go out and the specific dates you want the feedback emailed back to you in order to keep everything on track to get done as much as possible. Also, **Harrison** asked **Reid** to note in his introduction that prior to the ACRB and Ms. Johnston's murder, there were previous oversight boards.

INTAKE REPORT FOR THE MONTH OF JANUARY 2015

A total of sixteen (16) complaints were received during the month of January 2015 and they are listed as follows:

1. Complaint Number: **ACRB No. 15-001, Markeevius Smith** alleging Inappropriate Conduct
Mr. Smith alleged that APD officers confiscated his property and did not put some of the items (wireless headphones & external hard drive) into property after his arrest that occurred on December 29, 2014.
Recommend dismissal for lack of jurisdiction.
2. Complaint Number: **ACRB No. 15-002, Alan King** alleging Rude Behavior
Mr. King alleges that on January 12, 2015 while at Peachtree Road & Ponce De Leon, an APD officer was rude to him.
Recommend dismissal for lack of jurisdiction.
3. Complaint Number: **ACRB No. 15-003, Juliet Kilby-Graham** allegation unknown
Ms. Graham called the office to file a complaint against APD officers but did not want to provide the information over the phone. She scheduled an appointment to file her complaint in person but failed to show. She was mailed a complaint form. If signed complaint is not received within a few weeks, recommend for dismissal. If it is received, then will review complaint and re-submit to Board for consideration.
4. Complaint Number: **ACRB 15-004, Mark Eggleston** alleging Inappropriate Conduct
Mr. Eggleston alleges that on July 22, 2014 while at the Atlanta Detention Center, his money was confiscated by the corrections officers and was not placed in property.
Recommend dismissal for lack of jurisdiction.
5. Complaint Number: **ACRB No. 15-005, Khadija Johnson** alleging False Arrest
Ms. Johnson alleges that she was falsely arrested on August 1, 2014 by a Cobb County Police officer.
Recommend dismissal for lack of jurisdiction.
6. Complaint Number: **ACRB No. 15-006, Billie Nelson** alleging Rude Behavior & Poor Service

Ms. Nelson alleges that on December 31, 2014, those two APD officers that responded to a burglary call at her residence were rude to her and appeared to be unconcerned and disinterested in her situation.

Recommend dismissal for lack of jurisdiction.

7. Complaint Number: **ACRB No. 15-007, Tahira Graham** alleging **Inappropriate Conduct**
Ms. Graham alleges that on January 15, 2015 she was unable to reach anyone for assistance at the Zone 3 precinct.
Recommend dismissal for lack of jurisdiction.
8. Complaint Number: **ACRB No. 15-008, Marcus Lee** alleging **Inappropriate conduct**
Mr. Lee alleges that during his incarceration at the Atlanta Detention Center he was not given his medications and upon his release his medications were not returned to him.
Recommend dismissal for lack of jurisdiction.
9. Complaint Number: **ACRB No. 15-009, Gary Harmon** alleging **Inadequate Investigation**
Mr. Harmon alleges that OPS inadequately investigated his complaint against an APD officer pertaining to an incident that occurred over a year and a half, ago.
Recommend dismissal for lack of jurisdiction.
10. Complaint Number: **No. ACRB 15-010, Trendevius Kellogg** alleging **False Imprisonment, False Arrest & Excessive Force**
Mr. Kellogg alleges that on August 24, 2014 he was improperly stopped and arrested by an APD officer. He, also, alleges that his vehicle was illegally searched and that an officer engaged in excessive force when he grabbed his arm, yanked him from off the ground and placed him in a patrol car.
Recommend investigation as a false imprisonment, excessive force and possibly a false arrest complaint. However, preliminary investigation revealed that Mr. Kellogg's criminal case is still pending adjudication in the Fulton County State Court and the investigation into the false arrest allegation will depend on its outcome. Therefore, recommend suspension of the investigation pending the resolution of the case.
11. Complaint Number: **ACRB 15-011, Frero Garcia** alleging **Harassment**
Mr. Garcia alleges that on January 20, 2015 a police helicopter was hovering over his workplace for no reason. He believes he is being harassed.
A preliminary investigation revealed that the incident location (2394 Northbrook Drive) is outside of APD's jurisdiction and is in DeKalb County.
Recommend dismissal for lack of jurisdiction.
12. Complaint Number: **ACRB No. 15-012, Derrick Ferguson** alleging **False Imprisonment**
Mr. Ferguson alleges that on December 12, 2014 an APD officer improperly detained and accused him of public urination and issued him a citation.
Recommend investigation as a false imprisonment complaint.
13. Complaint Number: **ACRB 15-013, Richard Roberts** alleging **False Imprisonment, Abusive Language & Excessive force**
Mr. Roberts alleges that on January 21, 2015 while at the U.S. Department of Housing and Urban Development, he was improperly detained by an APD officer working an extra job at the location. He, also, alleged that the officer was verbally abusive towards him and threatened to arrest him if he did not leave the building and if he returned. He further stated that the officer engaged in excessive force when the officer placed his hand on his service weapon, as if, he was going to use the weapon on him.
Recommend investigation as a false imprisonment, abusive language and excessive force complaint.
14. Complaint Number: **ACRB No. 15-014, Louise Solomon** alleging **Harassment**
Ms. Solomon alleges that her son is being harassed by Cobb County Police Officers.
Recommend dismissal for lack of jurisdiction.
15. Complaint Number: **ACRB No. 15-015, Darrell Hinson** alleging **Falsifying Information & verbal Abuse**
Mr. Hinson alleges that the DA's office is making false reports against him. He further alleges that an employee at the Fulton County Jail was verbally abusive towards him and lied in a report that it was him that started the incident.
Recommend dismissal for lack of jurisdiction.
16. Complaint Number: **ACRB No. 15-016, Daniel Rodriguez** alleging **Verbal Abuse**
Mr. Rodriguez, an inmate at the Atlanta Detention Center, alleges that on January 23, 2015 a corrections officer verbally abused him.

Awaiting Mr. Rodriguez's signed complaint. If complaint is received within the next few weeks, then recommend investigation as an abusive language complaint. If not received, then recommend dismissal.

Sixteen complaints were filed for February and eleven (11) were dismissed and five (5) were recommended for investigation.

Discussion/comments:

1. **Bozarth** asked **Reid** to explain to the citizens present at the meeting, why some of the complaints were dismissed.
2. **Reid** explained that approximately 25% of all complaints received have to be dismissed. "Because these allegations brought forth by the citizen were outside of our jurisdiction. Currently, we can only investigate abusive language, false arrest, false imprisonment, harassment and excessive force. However, citizens also want to file complaints such as a lack of service, misuse of authority and just plain discourteousness. When we get those types of complaints, we have to basically tell them that we can't service you and you have to take it to the APD. One of our frequent comments is "If I wanted to go to them, I would have gone to them in the first place." But we can't take them because they are outside of our jurisdiction."
3. **Bozarth**, "Also to add to what you just said, we often get complaints from citizens about the Marta Police who may have done something inappropriate, but we don't have any jurisdiction over them or Fulton County or the county's Sheriff's Department. So quite often people come to us simply because we are here, but we have to turn them back to another authority."
4. **Reid**, "And those complaints are not included in the 25% or 30% and that is another 15% that we don't have jurisdiction."
5. In regards to the Atlanta Business League's latest appointment to the ACRB and who was later confirmed by City Council and minutes later, the vote was rescinded, **Harrison** asked for all future appointees facing confirmation, that the Board be kept informed and updated on the status of the confirmation.
6. **Reid** stated that he would keep the Board informed as information from Council became available to staff.

Following the discussion it was moved by **Bozarth** to accept the Intake Report for January. **Bartels** seconded. Hearing no further discussion the motion was approved.

COMPLAINTS REVIEW:

A. ACRB Case #14-019, RAYMOND WASHINGTON (INVESTIGATOR ROBIN LOLAR)

The complainant, Raymond Washington alleged that sometime between October 2013 and December 2013, Atlanta Police Officer Adriane Warner was harassing him.

According to Officer Warner's statement to ACRB, she is not familiar with Mr. Washington and had no recall of ever coming in contact with him.

No additional summary provided or discussion continued.

The staff recommendation is that the harassment allegation against Officer Warner be assigned a finding of **Unfounded**.

Bartels moved to accept staff recommendation. **M. Williams** seconded. Calling for the vote the motion was approved by all.

B. ACRB CASE 314-065, RAYMOND WASHINGTON (INVESTIGATOR LOLAR)

The complainant, Raymond Washington alleged that on July 28, 2014, and other occasions, Atlanta Police Officer Jamahl Stokes has been harassing him by following him in Atlanta's downtown area.

No additional summary provided or discussion continued.

The staff recommends that the harassment allegation against Officer Stokes be assigned a finding of Unfounded.

Morris moved to accept staff's recommendation. **Bartels** seconded. Calling for the vote the motion was approved by all.

C. ACRB CASE #14-084, DANTEON CHAPPLE (INVESTIGATION MGR. ROBERTSON)

The complainant, Danteon Chapple alleged that on September 25, 2014, Atlanta Police Officer Brian Johnston falsely imprisoned him when he illegally stopped and detained him. Mr. Chapple was cited for having a reflective license plate and failure to change the address on his drivers' license. It is the complainant's belief that he was stopped because he is black and driving a nice vehicle in the bad part of town.

The investigation did not provide any sufficient evidence that the stop was not legally justified. Mr. Chapple has a plastic clear cover on his license plate; however it is not flat but beveled in appearance, and if viewed in a certain way, especially at night, it can obscure the visibility of the tag.

OCGA, Section 40-2-41 provides it should be the duty of the operator of any vehicle to the keep the license plate plainly visible at all times.

The staff recommendation is that the false imprisonment allegation against Officer Johnston be assigned a finding of **Not Sustained**.

Bozarth moved to accept staff recommendation. **Bartels** seconded. Calling for the vote the motion was approved by all.

ELECTION OF OFFICERS FOR 2015

The ACRB held elections for 2015. The following are the results of the election:

- **William Harrison** was elected as Board Chair (7 votes)
- **Bill Bozarth** was elected Board Vice Chair (7 votes)
- **Paul Bartels** was elected Board Secretary (7 votes)

Members of the Board and staff congratulated the 2015 officers!

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

M. Williams moved to adjourn. **Morris** seconded. The meeting was dismissed at 8:07 p.m.