

APPROVED: December 12, 2013



**ATLANTA CITIZEN REVIEW BOARD
NOVEMBER MEETING MINUTES**

55 Trinity Avenue, S.W., Committee Room Two
Atlanta, Georgia 30303
November 14, 2013
6:30 p.m.

The November 2013 meeting was called to order by the *Chair* at 6:40 p.m.

A G E N D A

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAUL BARTELS *(Chair/Bartels)*

WILLIAM HARRISON *(Harrison)* **RUTH PRICE** *(Price)*

ALAN MORRIS *(Morris)* **GERALD SOUDER** *(Souder)*

ACTIVE MEMBERS ABSENT

OSA BENSON *(Benson)*

BILL BOZARTH *(Bozarth)*

BARBARA HUBBARD *(Hubbard)*

MACEO C. WILLIAMS, Sr. *(Vice-Chair/Williams)*

VACANT BOARD SEATS

Atlanta Business League *(vacant 18 months)*

Office of the Mayor *(vacant three (3) months)*

STAFF ATTENDEES

SAMUEL LEE REID, II *(Reid)*, Executive Director; **SHEENA ROBERTSON** *(Robertson)*, Investigator; **MYOLA SMITH** *(Smith)*, Transcriber; **TRACY TAYLOR** *(Taylor)*, Community Outreach Liaison; **WILLIAM CASTING** *(Attorney Casting)*, COA Department of Law, Appointed Counsel for ACRB

Chair Bartels welcomed citizens announcing that public comments would be heard later in the agenda. The public is required to sign up to speak and limit comments to three (3) minutes. The *Chair* also welcomed staff from the Atlanta Police Department (APD), Office of Professional Standards.

The **Chair** welcomed new member Gerald Souder to the Board. Mr. Souder has lived in Atlanta since 2008 in the Reynoldstown community. Mr. Souder has worked for Communications Workers of America for the past 40 plus years. His appointment to the ACRB will be a continuation of his involvement in community meetings. He replaces Ryan Johnson, representing APAB – NPU’s ‘M’ through ‘R’. Mr. Souder said that he hopes to be an asset to the Board.

APPROVAL OF MINUTES OF THE LAST MEETING, OCTOBER 10, 2013

The **Chair** directed the Board’s attention to the minutes for October 10, 2013. The floor was opened for discussion and corrections to the minutes.

Harrison moved to adopt the minutes. **Price** seconded. Hearing no further discussion, the motion was approved by all.

EXECUTIVE DIRECTOR REPORT

Highlights from Director **Reid’s** Report:

- Board Training
Reid thanked everyone who attended the orientation training held on October 22 and October 23, 2013 at the ACRB office. **Reid** suggested that the Board take advantage of forming committees to address policy issues and by-laws.

Orientation training will be scheduled for newest member Gerald Souder in the next couple of weeks based on Souder’s availability.

- Annual and Semi-Annual Reports
The 2012 Annual Report and 2013 Semi-Annual Report will be released to the public over the next few days. Copies of both reports were included in this month’s board packet.
- Other Updates:
 - ✓ Regarding ACRB Case No. 13-03, Demario Battle, the case was referred to the FBI. During a meeting with Agent Van Epps, he advised that the FBI is contacting complainants to determine the next steps.
 - ✓ **William Harrison** graduated from the Citizen Academy training.
- Outreach Report
Tracy Taylor, Outreach Liaison reported the following:
 - *Art/Essay contest entries:* There were a total of 30 essays and 50 pieces of artwork entered into the contest for consideration. The winners will be honored on December 2nd at the Atlanta City Council Meeting, and all artwork and essays will be on display in the City Hall Atrium. Proclamations are being prepared to recognize the schools and all contest winners

- *Events and Festivals:* On October 12th the Festival of Lights annual event was held in the English Avenue/Vine City community. The community really came out in support of the event. **Taylor** thanked Bill **Bozarth** for volunteering at the event.
- *Spanish Speaking Community:* **Taylor** announced that next year, the staff will venture into distribution of information to the Spanish community by means of literature, radio stations, and magazines.

INTAKE REPORT FOR AUGUST 2013

A total of fourteen (14) complaints were received for the month of October. Investigator **Robertson** reported the following:

A. OCTOBER COMPLAINTS:

1. Complaint Number: **ACRB No. 13-97, Tara Jackson** alleging **Excessive Force**
Ms. Jackson alleges that on September 12, 2013, an APD Resource Officer tased her son while at Grady High School.
Recommend investigation as an excessive force complaint.
2. Complaint Number: **ACRB No.13-98, David Levy** alleging **Unsatisfactory Service**
Mr. Levy alleges that on January 9, 2013, he and his wife got into a verbal altercation and the responding DeKalb County police officer gave his wife the vehicle that they both owned. Mr. Levy was referred to DeKalb Police Internal Affairs Unit.
Recommend dismissal for lack of jurisdiction.
3. Complaint Number: **ACRB No.13-99, Daya Manatunga** alleging **Rude Behavior**
Mr. Manatunga alleges that on October 3, 2013, an APD officer was rude towards him. Mr. Manatunga was referred to OPS. *Recommend dismissal for lack of jurisdiction.*
4. Complaint Number: **ACRB No. 13-100, Joann Thomas** alleging **False Arrest & Excessive Force**
Ms. Thomas alleged that on August 21, 2013, officers employed by the Cobb County Sheriff's Department engaged in excessive force against her son. She also stated that she was falsely arrested. Ms. Thomas was referred to the Cobb County Sheriff's Internal Affairs Unit and Atlanta Legal Services.
Recommend dismissal for lack of jurisdiction.
5. Complaint Number: **ACRB No. 13-101, Lisa Neal** alleging **Failure to Investigate**
Ms. Neal alleges that a security guard employed by a Retired APD officer and the owner of a Texaco Gas Station, are harassing her and others. She further alleges that APD refuses to help her. Ms. Neal was referred to OPS.
Recommend dismissal for lack of jurisdiction.
6. Complaint Number: **ACRB No. 13-102, Malik El** alleging **False Arrest**
Ms. El alleges that on June 25, 2013, he was falsely arrested by APD Officer Terrance Malone. Preliminary investigation revealed that Mr. El's criminal case is

pending adjudication in the Fulton County State Court and the investigation into the false arrest allegation will depend on the outcome.

Recommend suspension of the investigation pending the court adjudication.

7. **Complaint Number: ACRB No. 13-103, Quentin Smith alleging False Arrest**

Mr. Smith again called the ACRB to file a complaint (*see Case No. 13-95*). He now alleges that the officers are employed by the DeKalb County Police Department and the arrest occurred in 2012. Mr. Smith was referred to DeKalb County Police Internal Affairs Unit.

Recommend dismissal for lack of jurisdiction.

8. **Complaint Number: ACRB No.13-104, Patrice James alleging Abusive Language & Improper Conduct**

Ms. James alleges that on October 8, 2013, she was the victim of a crime and the APD officer that responded left her alone with the perpetrator. She also claims that the officers were verbally abusive toward her.

Recommend investigation as an abusive language complaint.

9. **Complaint Number: ACRB No. 13-105, Darryl Dade alleging Unknown**

Mr. Dade called the ACRB to file a complaint against a Georgia State Corrections Officer. Mr. Dade was referred to the Georgia Department of Corrections Ombudsman Office. ***Recommend dismissal for lack of jurisdiction.***

10. **Complaint Number: ACRB No.13-106, Lisa McClendon alleging False Arrest**

Ms. McClendon alleges that on May 24, 2013, she was falsely arrested by Atlanta police officers. Preliminary investigation revealed that Ms. McClendon was arrested by Fulton County Police officers. She was referred to Fulton County Police Internal Affairs Unit.

Recommend dismissal for lack of jurisdiction.

11. **Complaint Number: ACRB No.13-107, Jeffery Mills alleging False Arrest**

Mr. Mills alleges that on March 7, 2013, he was falsely arrested by APD officers. Preliminary investigation revealed that the arrest actually occurred in March 2012. Mr. Mills was referred to OPS. ***Recommend dismissal because the incident occurred outside the 180 day time limit imposed by Atlanta City ordinance.***

12. **Complaint Number: ACRB No.13-108, Connie Gamble alleging Harassment**

Ms. Gamble was mailed a complaint form to complete and return. Due to lack of information, staff will re-submit Ms. Gamble's complaint to the Board for consideration once her signed complaint has been received. However, if the complaint is not received by the next board meeting, staff will ***recommend dismissal.***

13. **Complaint Number: ACRB No. 13-109, Linda Chancey alleging Falsifying Report**

Ms. Chancey alleges that APD Officer Gregory Smith filed a false report as it relates to Nathan Chancey's arrest that occurred on December 23, 2012, in order to help his friend. Ms. Chancey was referred to OPS.

Recommend dismissal because the incident occurred outside the 180 day time limit imposed by Atlanta City ordinance.

14. Complaint Number: **ACRB No. 13-110, Unidentified Female** alleging **Harassment**
A female, who refused to provide her name, called the ACRB to complain about several police officers across Georgia and South Carolina who are harassing motorists and issuing traffic tickets totaling as high as \$1,700. She was referred to the FBI.
Recommend dismissal for lack of jurisdiction.

B. RECONSIDERATION OF COMPLAINT FROM SEPTEMBER 2013 INTAKE REPORT

- Complaint Number: **ACRB No. 13-81, Roberta Caban** alleging **Harassment**
Ms. Caban alleges that she and her friends are being harassed by APD officers because they are protesting the treatment of carriage horses. Ms. Caban was contacted to provide more detailed information concerning her complaint; however, she has not provided the additional information.
Recommend dismissal for lack of information.

Following some discussion, it was moved by *Morris* to accept the Intake Report. *Price* seconded the motion. Hearing no further discussion, the vote was called and the motion was approved by all.

REVIEW OF COMPLAINTS

CASE NO. 13-48, HOWARD WRIGHT

A. CASE SUMMARY:

Mr. Wright filed a false arrest complaint against APD Officers Michael Williams, Daniel McFarlan, and Sergeant Onnie Sherrer. He alleges that the APD officers falsely arrested and charged him with criminal trespass. ACRB Lead Investigator *Sheena Robertson* investigated the complaint.

Mr. Wright was at the first entrance of the Underground Pavilion on April 16, 2013, when he was asked to leave numerous times by the pavilion's security officer for standing at a prohibited location and signs were displayed. Wright alleges there was no sign at the time he was interviewed. Underground security officers called APD; they arrived and made several attempts to get him to leave and explained to him that the area does not permit loitering. His argument is that it's public property; he has a right to be there and refused to leave. He insisted on being arrested.

Investigator Robertson reported that she went to the site and found that there is clearly a sign displayed in the window prohibiting loitering. Based on the finding, staff recommends assigning the complaint a finding of **exonerated**.

B. BOARD VOTES ON STAFF'S RECOMMENDATION:

Discussion summary...

Overall the Board agreed that the case fits exoneration. The property is owned by the city; however, it is leased to a private company. Therefore, it is within the Underground's right to ask people to leave.

Harrison made a motion to accept staff's recommendation to **exonerate** all three of the officers. **Morris** seconded the motion. Hearing no further discussion, the vote was called and the motion was approved to exonerate all three officers of the complaint.

PUBLIC COMMENTS:


(No speakers.)

ADJOURNMENT

The **Chair** entertained a motion to end the meeting. It was moved by **Harrison** to adjourn the meeting. The meeting adjourned at 6:55 p.m.

Approved as to form and content,

Alan Morris
Board Secretary,


Signature

Date: December 12, 2013