



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

November 13, 2014

City of Atlanta City Hall
55 Trinity Avenue, S.W., Committee Room Two
Atlanta, Georgia 30303
6:30 p.m.

The November 13, 2014 meeting was called to order by *Chair Harrison* at 6:35 p.m.

AGENDA

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

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

ACTIVE MEMBERS ABSENT

None

VACANT BOARD SEATS

Office of the Mayor *(vacant 1 year and 3 months)*
Atlanta Business League *(vacant 2 years and 5 months)*
Gate City Bar Association *(vacant 3 months)*

STAFF ATTENDEES

CRYSTAL BYRD *(Byrd)*, Community Outreach Specialist; **ROBIN LOLAR** *(Investigator Lolar)*, Investigator; **SAMUEL LEE REID**, *(Director Reid)*, Executive Director; **MYOLA SMITH** *(Smith)*, Project Manager and Minutes Transcriber

Chair Harrison welcomed members of the public to the meeting.

APPROVAL OF MINUTES OF THE LAST MEETING, OCTOBER 9, 2014

Chair Harrison directed the Board's attention to the minutes for October 9, 2014. The floor was opened for discussion and corrections to the minutes.

Bartels moved to adopt the minutes. *Souder* seconded. Hearing no further corrections or discussion, the motion was approved by all as corrected.

EXECUTIVE DIRECTOR'S REPORT

The following are highlights from *Director Reid's* report:

Community outreach for the month of October:

- October 13, 2014 - *Reid* interviewed with WCLK Radio, a public radio program for students.
- October 17, 2014 - *Reid* interviewed with WCLK's Rob Maynard.
- October 20, 2014 - *Reid* interviewed with Jocelyn Dorsey of WSBTV
- October 11, 2014 - ACRB attended the African Community Center for Unity and Self Determination panel discussion on community support in concert with police.
- October 11, 2014 - Festival of Lights at Historic Westside.
- October 25, 2014 - Know Your Rights Training with the National Action Network.

Reid also announced that in the first quarter of 2015, ACRB plans to hold a board meeting in the Buckhead area.

Discussion...

Chair Harrison inquired about the status of the mediation program. *Reid* said he had a meeting with the police department several weeks ago. ACRB anticipates a letter from them stating their support of the program. It was thought, in the earlier stages, that it would be a joint program. Currently, the decision is to move forward with the mediation program with the officers participating.

1. *Harrison*: "When you say "move forward with our program, what does that mean?"
2. *Reid*: "That means we will have to have an ordinance change at some point."
3. *Harrison* asked if the ACRB has to establish a committee to change the ordinance.
4. *Reid*: "No, not really."

INTAKE REPORT FOR OCTOBER 2014

A total of twenty-one (21) complaints were received during the month of October. *Investigator Lolar* gave the following report:

1. Complaint Number: ACRB No. 14-085, Courtney Underwood alleging Verbal Abuse
Mr. Underwood Alleges that on August 16, 2014, Investigator Barbara Etterle was verbally abusive towards him.

Recommend investigation as an abusive language complaint.

2. Complaint Number: ACRB No. 14-086, Raymond Washington alleging Improperly Detained
Mr. Washington alleges that on September 30, 2014, he was improperly detained by two APD officers. ***Recommend investigation as a false imprisonment complaint.***
3. Complaint Number: ACRB No. 14-087, Olthea Collins alleging Rude Behavior
Ms. Collins alleges that on APD officer was rude towards her during a traffic stop. ***Recommend dismissal for lack of jurisdiction.***
4. Complaint Number: ACRB No. 14-088, Sean Curtis and Yolanda Carson alleging Excessive Force
Mr. Curtis and Ms. Carson allege on October 4, 2014, their son, who is in custody at the Milan Youth Detention Center was physically assaulted by a female officer. ***Recommend dismissal for lack of jurisdiction.***
5. Complaint Number: ACRB No. 14-089, Trevor Fulton alleging Excessive Force
Mr. Fulton alleges that on May 8, 2013, he was tased by a Fayette County deputy. ***Recommend dismissal for lack of jurisdiction.***
6. Complaint Number: ACRB No. 14-090, Joseph Bryant alleging False Arrest
Mr. Bryant alleges that on September 3, 2014, he was illegally stripped searched in a convenient store bathroom by APD Sergeant Robert Daniels. As a result of what was found during the search, he was then arrested by Sergeant Daniels and Officer Brian Carswell. Mr. Bryant's criminal case was dismissed. ***Recommend investigation as a false arrest complaint.***
7. Complaint Number: ACRB No. 14-091, Taneisha Pope alleging False Arrest
Ms. Pope alleges that on September 30, 2014, she was falsely arrested APD Officer Ashley Clay. Preliminary investigation revealed that Ms. Pope's criminal case is pending adjudication in the courts and the investigation into the false arrest allegation will depend on its outcome. Therefore, recommend suspension of the investigation pending the adjudication. If the case is resolved in Ms. Pope's favor, then investigate as a false arrest complaint. If not, complaint will be dismissed.
8. Complaint Number: ACRB No. 14-092, Cedric Howell alleging Other
Mr. Howell, an inmate at the Fulton county Jail contacted the ACRB officer requesting assistance with his criminal case. ***Recommend dismissal for lack of jurisdiction.***
9. Complaint Number: ACRB No. 14-093, Harriet Dickson alleging Unsatisfactory Police Report
Ms. Dickson alleges that on 2009, she was involved in a car accident with another motorist in DeKalb County and the responding officer put the wrong information on the accident report. ***Recommend dismissal for lack of jurisdiction.***
10. Complaint Number: ACRB No. 14-094, Sycorey Roebuck alleging Unknown
Mr. Roebuck called the officer to file a complaint against an APD officer; however, due to the bad phone connection, he was unable to provide any details of his complaint. A complaint form was mailed to Mr. Roebuck's address.
Awaiting signed complaint before making a recommendation. However, if signed complaint is not received within the next few weeks, then recommend dismissal.
11. Complaint Number: ACRB No. 14-095, Blease Gibson alleging False Arrest
Mr. Gibson alleges that on October 9, 2014, he was falsely arrested by APD.
Awaiting signed complaint. If signed complaint is received within the next few weeks, and if his criminal case is resolved in his favor, then recommend investigation as a false arrest complaint. If not, then dismissal. If his case is not resolved, recommend suspension of the investigation pending the adjudication.
12. Complaint Number: ACRB No. 14-096, Oluwaseye Olaniyan alleging Unfairly Issued a Traffic Citation
Mr. Olaniyan alleges that he was unfairly issued a traffic citation by an APD officer on October 13, 2014. ***Recommend dismissal for lack of jurisdiction.***
13. Complaint Number: ACRB No. 14-097, Antonio Tuck alleging False Arrest
Mr. Tucker alleges that he was falsely arrested by APD on August 8, 2014 and August 18, 2014. Preliminary investigation revealed that Mr. Tuck plead guilty to a lesser charge on both cases.

Recommend dismissal for lack of merit.

14. Complaint Number: **ACRB No. 14-098, Carrie Thomas on Behalf of Her Son** alleging Refusal of Medical Treatment
Ms. Thomas alleges that her son, who is currently incarcerated at the Fulton County Jail, is being denied medical treatment for his eye by the correctional officers.
Recommend dismissal for lack of jurisdiction.
15. Complaint Number: **ACRB No. 14-099, Jim Dunaway** alleging Rude Behavior
Mr. Dunaway alleges that APD Officer Sankil was rude towards him during a traffic stop.
Recommend dismissal for lack of jurisdiction.
16. Complaint Number: **ACRB No. 14-100, Anthony Williams** alleging Excessive Force
Mr. Williams alleges that during an arrest that occurred on May 17, 2014, while attempting to place him in handcuffs, APD Officer Kevin Romer twisted his arm and wrist with such force, causing him to re-injure his wrist. He further alleges that Officer Romer refused to get him medical treatment.
Recommend investigation as an excessive force complaint.
17. Complaint Number: **ACRB No. 14-101, Addie Mae Johnson** alleging Unfairly Issued a Traffic Citation
Ms. Johnson alleged that on October 23, 2014, she was unfairly issued a traffic ticket by an APD officer.
Recommend dismissal for lack of jurisdiction.
18. Complaint Number: **ACRB No. 14-102, Michael Morris** alleging Inappropriate Conduct
Mr. Morris alleges that on October 23, 2014, an APD officer yelled at him.
Recommend dismissal for lack of jurisdiction.
19. Complaint Number: **ACRB No. 14-103, Evelyn Clemons on Behalf of Her Daughter Iseyah Thomas** alleging Insufficient Police Report
Ms. Clemons alleges that on October 6, 2014, her daughter was involved in a car accident with another motorist and the responding APD officer put inaccurate information on the police report.
Recommend dismissal for lack of jurisdiction.
20. Complaint Number: **ACRB No. 14-104, Ellis Evans** alleging Harassment and Mistreatment
Mr. Evans alleges that he is being harassed and mistreated by the staff at the Federal Atlanta Prison Camp.
Recommend dismissal for lack of jurisdiction.
21. Complaint Number: **ACRB No. 14-105, Steven McDowell** alleging Improperly Detained
Mr. McDowell alleges that on September 15, 2014, an APD officer improperly stopped and issued him a traffic citation.
Recommend investigation as a false imprisonment complaint.

****** It is important to note that the proper referrals were given to those citizens whose complaints fell outside of ACRB's jurisdiction.***

Discussion...

1. ***Bartels*** said the Joseph Bryant case (number 6) raises an interesting question, and that if, for example, the detention and the search were illegal but contraband was found, would it still be probable cause for an arrest? "I think it could be investigated either as a false arrest or false imprisonment complaint. I'm sure that this young man did not consent to the strip search." He then asked if it is known what was found and what he was charged with.
2. ***Lolar*** said she's not familiar with the intake and that ***Investigator Robertson*** prepared the intake, however, it is recommended the case be investigated as a false arrest complaint.
3. ***Bartels*** said the other interesting thing was something was found and the case was still dismissed.
4. ***Bozarth*** asked for an explanation of procedure and how allegations are handled. He said some of the allegations are not areas where the ACRB has jurisdiction over; therefore, they are dismissed. "But you can take something like...one of them was inappropriate conduct and could that also be verbal abuse? The officer yelled at him."

5. **Reid:** *“We can answer that question two ways: one, that’s part of the community outreach that we’re doing, letting citizens know exactly what allegations we are able to except. A lot of the citizens don’t understand what we can accept for the jurisdiction that we have. The other part that we’re working on is expanding our ordinance to include, just broaden categories for the allegations because the way the ordinance is written out, if someone feels that an officer was just disrespectful without using abusive language or any type of harassing feeling, it wouldn’t necessarily fall within our allegation category. But it’s still the citizen that reported a concern to us, to someone within the City and we should be able to investigate it. As you recall, a few months ago, about thirty percent of the complaints that we’ve received had to be dismissed, because they don’t fall within one of our categories of allegations. We want to change that. What happens if it’s a complaint that we can’t investigate? It’s either referred to the agency that can investigate it when it’s outside of the jurisdiction, or if it’s an allegation that we can’t deal with, it goes to the APD for an investigation. Of course some citizens say, ‘Well, that’s why we’re contacting you. I didn’t want to contact them.’ So, we see that needing to expand the ordinance to include that thirty percent of the complaints that we received that citizens want us to investigate but as it stands, we can’t.”*
6. **Bozarth:** *“Well, if it’s not one of the things that are on our checklist of things we can do, you should advise the complainant right away and tell them that we’re not going to be able to help you.”*
7. **Reid** indicated that the complainant is made aware of that which is why it will be dismissed. *“The person knows it’s not something within our purview, so it’s going to be dismissed. He already knows that. We still have to count it as somebody contacting us as if filing a complaint with us even though we can’t take it.”*
8. **Bartels:** *“ACRB is not able to investigate because of a lack of jurisdiction, mainly discourtesy and rudeness, and an illegal search, an allegation that is seldom seen should be written in the ordinance because someone has to be detained when a car is searched.”*
9. **Reid** said in the coming weeks emails will be sent to the board with ordinance language changes and will be asked for input, bring about conversation and to see if a committee can be formed.

It was moved by **M. Williams** to accept the Intake Report. **Bartels** seconded the motion. Hearing no further discussion, the vote was called and the motion to accept was approved by all.

*** It should be noted that M. Williams and S. Williams arrived at this point in the agenda.*

REVIEW OF COMPLAINTS

A. CASE NO. 13-65, APRIL STINSON

Ms. April Stinson alleges that on July 18, 2013, Atlanta Police Officer Jacob Fletcher, Wayne McCalla, and Arthur Fernkorn falsely arrested and charged her with aggravated assault. At the time, Ms. Stinson filed her complaint, her criminal case was pending adjudication at Fulton County State Court and the investigation was suspended in its outcome. On January 17, it was decided not to prosecute. The investigation revealed, according to APD records, on the day of the incident, several calls were made to 911, reporting a fight involving several black teenagers. Two of the callers reported that a mother was also involved. Officers McCalla, Fernkorn and Fletcher responded to the incident. The records show that during the incident, Ms. Stinson’s daughter, Teona, was stabbed in the neck and required medical treatment. According to the involved officers, several of the individuals involved in the fight all reported that Ms. Stinson waved the knife at them, and in the process, accidentally stabbed her daughter. They also stated that Ms. Stinson admitted to them at some point, she did have a knife but denies cutting her daughter. The officers stated based on the statements of the witnesses and her admission, they believed that they have sufficient probable cause to arrest and charge her with aggravated assault. There

is no evidence to indicate that the officers did not have any reason to believe that the witnesses were not providing reliable information as it relates to Ms. Stinson's actions, and based on these facts, the ACRB staff recommends the allegation of false arrest against the officers be assigned a finding of not sustained.

Discussion...

1. **M. Williams** said that if he remembers correctly, there was a witness who stated that Ms. Stinson didn't stab her daughter because she picked the knife up off the floor after telling them of it not being on the floor. It was verified that she did not stab her daughter.
2. **S. Williams** said the witness testimony was conflicting. A part of the case she found in peculiar was the daughter was never available to testify. While there was witness testimony from both sides, they were never able to talk the daughter and the police did not obtain other information needed.
3. **Bartels** agreed that it would've been helpful one way or the other if her daughter had been able to be contacted and available for a statement. Another, is the case was dismissed by the prosecutor's office. "If the alleged victim wasn't available, it would be one reason to dismiss the case. What also would've been helpful are the statements from the juveniles that are not allowed to be released without a court order or a subpoena. The case proves probable cause, only barely."

S. Williams moved to accept staff's recommendation of not sustained. **Price** seconded. The motion was approved with no opposition.

B. CASE NO. 14-015, SYLVESTER CLARK

Mr. Sylvester Clark alleges that on January 8, 2014, Atlanta Police officers engaged in excessive force when he was forced and was slammed to the ground, causing him to injure his left foot. He further alleges that during the incident, one of the officers pointed a Taser at him. The investigation reveals that APD records reflect that on the day of the incident, Lieutenant Kevin Iosty and Officers Andrew Walker, Matthew Johns, Justin Sebastian and Michael Soprano responded to a call at the Exxon service station involving a robbery in progress. The owner of the Exxon reported that Mr. Clark was trying to rob him and provided a description. Shortly thereafter, Officer Walker apprehended and arrested Mr. Clark across the street from the incident location. Officer Walker did not recall slamming Mr. Clark to the ground and contends that Mr. Clark's refused to put his arms behind his back so that he could detain him. Officer Walker said he merely grabbed Mr. Clark's arms, placed them behind his back and handcuffed him, which is corroborated by Officer Soprano. Officers Johns and Sebastian could not recall details as it relates to Mr. Clark being apprehended. All of the officers deny pointing a Taser at Mr. Clark. Lieutenant Iosty stated that when he arrived on the scene, Mr. Clark was lying face down on the ground, but he did not see how that occurred. As it relates to Mr. Clark's alleged injuries, the medical records did not reflect that he suffered any injuries as a result of this incident.

Based on the documentary evidence and testimonial evidence obtained during the course of the investigation, the ACRB staff recommends that the allegation of excessive force against the officers be assigned a finding of not sustained.

Discussion...

1. **M. Williams** indicated that there were four officers and a lieutenant on one person. He made reference to the dashcam verses the bodycam, stating that the dashcam showed the incident up until a certain point, but the body cameras would have provided much more needed evidence.
2. **Bartels** agreed that with this case, the use of body cameras would be helpful in deciding what happened. "Also, reading the report, there was no indication of which individual officer is accused of and committed the excessive force."
3. **M. Williams** questioned the owner's native language. "Well, then, you got to look at the proprietor of the establishment, whether they were fluent speaking English or whether their nationality, who, you know, are dominating in the marketplace right now, and the fact that the

language that they used on the call to trigger the officers to come out to the place, and the way the officers came out. All that plays into this situation here, okay?"

4. **Bozarth** said he had observed that there were five officers and wanted to underline what was stated in their testimony. 'Officer Justin Sebastian vaguely recalled the officer who put the cuffs on the person arrested, and that none of the officers assisted him with the arrest.' A month after the interviews, there seemed to be a convenience of not remembering. It doesn't totally pass the smell test for me. However, if, in fact, the complainant was threatening the store owner, which sounded like he did according to the owner's testimony, they certainly had a reason to detain him. The four officers either don't say anything or corroborate the statement. If I was sitting on the jury and this was the case, I would look at that with some skepticism, but again, since we don't have another witness, we sort of do have to, I believe, accept the not sustained recommendation, simply because we can't make a case otherwise."

Bartels moved to accept staff's recommendation of not sustained. **Price** seconded. The motion was approved with no opposition.

C. CASE NO. 14-056, DEREK SCHATZ

Mr. Schatz alleges that on July 27, 2014, while at Hartsfield/Jackson Atlanta International Airport, Atlanta Police Officer Juan Cooper was verbally abusive towards him. The investigation reveals that on the day of the incident, Mr. Schatz was illegally parked along the curb of the south terminal baggage claim area at the Atlanta Airport when he encountered Officer Cooper. During the encounter, Mr. Schatz alleged that Officer Cooper referred to him as "boy", which he found to be extremely insulting and very demeaning. Officer Cooper recalled the actual encounter, but he denies Mr. Schatz's allegations, and contends that he always conducts himself in a professional manner during his encounters with the public at the airport. Mr. Schatz and Officer Cooper present contradictory accounts of the incident, and there were no other witnesses to corroborate either account. The ACRB staff recommends that the abusive language allegation against Officer Juan Cooper be assigned a finding of not sustained.

Discussion...

1. **S. Williams**: "I think it would have been nice if we had, you know, a witness or someone to say something about the officer's character, otherwise it's a he-said-she-said." She then asked in a case like this if they ever look at the airport cameras to see if the encounter was captured, the length of the altercation or anything signifying facial expressions or body language during the verbal abuse even with no audio.
2. **Reid** pointed out that in this type of situation, even with video, you won't catch anything of value.
3. **S. Williams**: "There's not enough evidence to really tell what was said, unfortunately."
4. **Bartels** asked if the officer denied using the language that he was not abusive or unprofessional.
5. **Reid** said that the report actually has the officer denying the allegation.
6. **S. Williams**: "Well, he kind of sort of did deny it."
7. **Reid** said that the officer didn't recall and denies the allegations.
8. **Bartels**: "The thing I'm struggling with this is that he's accused of calling the complaint witness 'boy', and I noticed in the form that the complaint witness is African American, and obviously, that has had a long racial connotation, that term when it's suggested to somebody. So, you know, I'm kind of struggling with that."
9. **Price**: "Again, that's one of those cases where he-said-she-said. I can understand if I had worked at the airport with all the incoming cars and parking, I wouldn't remember one particular person or incident unless a picture is shown to me."
10. **M. Williams** said that there have been incidents and complaints reviewed by the board, where citizens have had "struggles and tuggles" with officers at the airport.
11. **Bartels** said due to the nature of the airport and it being a business, tensions tend to run high as opposed to other places.
12. **S. Williams** suggested that in the future, the cams should be pulled for its capacity to capture everything from every direction as they do at banking establishments to help the board

determine cases because body language is everything. She also noted that in her experience at airports including Hartsfield Jackson, officers are generally rude.

13. **Reid**, in response to **S. Williams**, said, “I see the point about the cameras, however, visual alone may not still show anything. Another argument is some people speak using hand movements not meant for offense, but we definitely will make sure that we get video from those cameras.”
14. **M. Williams** referring to training at the NACOLE conference, “One of the tools used as evidence and asked for immediately in an investigation is the copy of the video.”
15. **S. Williams**: “The camera would help citizens get a fair shake and how it can help the Board determine the right decision.”

M. Williams made a motion to table the case for further investigation to see if any airport video footage was available for staff to view. **M. Williams** seconded. **Morris** opposed. The motion to table was approved.

Harrison followed the motion by stating **S. Williams**’s comment regarding Atlanta Police officers working at the airport is not an appointed indictment against Atlanta Police officers, is a personal opinion, and in no way reflects the Board’s opinion.

D. CASE NO. 14-024, CHARLES MAYS

Mr. Mays alleges that on April 10, 2014, Atlanta Police Officers William Kellner, Adam Galvan and Justin Christensen engaged in false imprisonment when they stopped and detained Mr. Mays without cause at the location of Myrtle Street N.E. and 5th Street N.E.

The investigation reveals that Mr. Mays resides on Piedmont Avenue, N.E. He indicated that he was walking home from the store when he was stopped by three Atlanta Police officers in an unmarked vehicle. Mr. Mays stated that he was on 5th Street at Myrtle Street when the vehicle made a U-turn and pulled up alongside him. The officer seated in the front passenger’s seat immediately exited the vehicle, and the officer seated in the back seat of the vehicle exited and stood by him. Mr. Mays stated that the front passenger officer asked him if he lived in the area, and he replied yes and told the officer where he lived. The officer then asked Mr. Mays for identification. He gave the officer his Georgia identification. The front passenger officer read off his information to the officer seated in the driver’s seat inside the unmarked vehicle. Moments later, the front passenger officer returned Mr. Mays his identification and the officers left the scene without providing Mr. Mays an explanation or a reason for the encounter.

The ACRB staff recommends that the false imprisonment allegation against Officers Kellner, Galvan and Christensen be given a finding of sustained.

Discussion...

1. **M. Williams** said that she agrees with staff’s recommendation because of two things: one, there was no report of any suspicious activity in the area; and two, the field interview states that before an officer stops a suspicious person, the officer will do an out of service with the dispatcher, which was never made. They called in Mr. May’s ID but didn’t follow procedure.
2. **Bartels** agreed with staff’s recommendation. “If someone is detained and then let go, they must be informed of the reason for the stop.” He said this can get to a shady area because the police don’t have to tell the person that they’re free to walk away. “It was indicative that it was a stop, but a nonconsensual stop because one officer exited the car and the second officer exited the car and stood with him. It showed force, leading the citizen to believe he was not free to go.”
3. **Bozarth** had a question referring to Mr. Mays’s case compared to Mr. Murphy’s case. He asked if there was alleged connection between Mr. Murphy’s activities and what Mr. Mays may have done.

4. **Lolar:** "No, sir."
5. **Bozarth:** "Is there any indication it was racial profiling here, in the sense that Mr. Mays looked like he might--didn't belong in the area? What did we know about that?"
6. **Lolar:** "That's a hard one to prove. That's a hard one to show that it was racially profiled." She said it occurred at night and Mr. Mays is of fair complexion.
7. **Bozarth:** "When you talked to the officers, did you get any idea why they had detained him in the first place? What was their suspicion?"
8. **Lolar:** "They do not recall."
9. **Harrison** said that the staff investigator indicates that Officers Kellner, Galvan and Christensen did not recall the incident or come in contact with Mr. Mays, and it comes to mind previous reports where officers gave blanket statements that 'they didn't recall.'
10. **Price** said that they had no reason to stop him.
11. **Bartels** said, "Maybe the officers wanted to stop and check someone, but it was the way it was done and he was detained."

Bartels moved to accept staff recommendation of sustained. **M. Williams** seconded. The motion was approved with no opposition.

DISCIPLINARY RECOMMENDATION

Officer Galvan has one sustained internal complaint issued on November 14, 2011; receiving an oral admonishment under category A. Officer Christensen has two sustained internal complaints

- Officer Adam Galvan has been with the Atlanta Police Department since 2010. His record reflects one sustained category A complaint.

Bartels moved to recommend that Officer Galvan receive a written reprimand. **S. Williams** seconded. Hearing no further discussion, the motion was approved.

- Officer Justin Christensen became a member of the force in 2007. His record reflects two (2) sustained internal complaints and one dress-code violation. All considered category A.

Bartels moved to recommend that Officer Christensen received a written reprimand. **S. Williams** seconded. Hearing no further discussion, the motion was approved.

- Officer William Kellner started in 2006. His record reflects three sustained complaints in 2011: one category A, one category B and one category C. In 2012 he had one sustained category B complaint.

Bozarth moved to recommend that Officer Kellner receive a one (1) day suspension. **Morris** seconded. Hearing no further discussion, the motion was approved with two (2) opposing votes cast by **M. Williams** and **Bartels**.

E. CASE NO. 14-043, CETERY WEEMS

Mr. Cetry Weems, alleged that on April 26, 2014, Atlanta Police Officer Christopher Jones falsely arrested and charged him with Domestic Violence/Simply Assault, Battery/Family Violence and Cruelty to Children-Allow Child to Witness. According to the Fulton County Superior Court record, Mr. Weems' case was placed in "Dead Docket" status (*procedural device by which the prosecution is postponed indefinitely but may be reinstated at any time at the pleasure of the court*).

The investigation revealed that Officer Jones was dispatched to 789 Magnolia Way NW. Upon arrival, Officer Jones heard a scream from the other side of the door. Officer Jones knocked, identified himself,

after which, he heard a female scream for help and someone coughing and choking. Officer Jones and Officer David Duncan, who had arrived on the scene, forced entry into the apartment by kicking in the door. Once inside, the officers observed Mr. Weems holding his wife, Halimah Aziz, by the back of her collar and she was having difficulty breathing. Officer Jones advised Mr. Weems to let go of Ms. Aziz; he complied. Mr. Weems was then handcuffed and placed in a patrol car.

Ms. Aziz told Officer Jones that Mr. Weems locked her and her son out of the apartment, so they stayed with a neighbor until she was able to speak to Mr. Weems on the phone and he told her to come home. Before returning home, Ms. Aziz told the neighbor to call 911, anticipating something was going to happen. When she entered the apartment, Mr. Weems called her a stupid bitch and pushed her and a struggle ensued. Ms. Aziz's four year old son attempted to stop Mr. Weems and Mr. Weems grabbed him and pushed him to the ground. Mr. Weems covered Ms. Aziz to keep her from screaming when Officer Jones knocked on the door. Grady EMS was called to the scene because Ms. Aziz was having difficulty breathing from being choked. Ms. Aziz was two months pregnant with Mr. Weems' child.

When Officer Jones was interviewed by ACRB he stated that when he arrived on the scene, he knocked on the door and announced his presence. He then heard a female yelling for help and heard sounds of choking and coughing. Officer Jones then got on the radio and requested another unit and Officer David Duncan arrived to assist. The two officers forced entry into the apartment. Mr. Weems was observed holding Ms. Aziz by the collar and she appeared to be choking. With weapons drawn, the officers ordered Mr. Weems to put his hands up. Mr. Weems let go of Ms. Aziz and complied with the officers' order. Mr. Weems ordered to the ground and was handcuffed. Officer Jones escorted him out of the apartment to his patrol car.

Based on the statements and documentation obtained during this investigation, there is sufficient evidence to conclude that Mr. Weems' arrest was justified and legal. ACRB staff recommends that the allegation against Officer Christopher Jones be assigned a finding of "**Exonerated.**"

Following a very brief discussion, it was moved by *Souder* to accept staff's recommendation to exonerate the officer. The motion was seconded by *Morris*. Hearing no further discussion, the motion was approved without an opposing vote.

OLD BUSINESS

Community Outreach

M. Williams invited members to attend a program on Sunday November 16, 2014, at the Lindsay Street Baptist Church honoring Ms. Kathryn Johnston. Members of the staff indicated that they plan to attend the service.

NEW BUSINESS AND OTHER COMMENTS

Determination Letters to APD

In reference to the case letters sent to Chief Turner from the Board, in particular, those cases whereby the citizen's allegations were sustained, *Souder* expressed concern regarding the number of recommendations that were rejected by the Police Chief. He asked *Director Reid* what was being done to address the number of cases rejected by the Chief.

Reid stated that the number listed in the Annual report was low because APD had not completed their investigations on several cases. He explained that according to the ordinance, the Chief has to respond to the Board's findings within 30 days of receiving the letter. If the investigation has not been completed within the 30 days, the Chief will send a letter to the Board rejecting the findings until the investigation can be completed. Once the investigation has been completed, he will send a follow-up letter either rejecting the findings again, accepting our recommendation or some other modifications.

Harrisons asked **Reid** to do a recalculation of the percentages to show how often the Chief agrees and disagrees with the Board's findings. "I would like a more realistic picture of the numbers and I don't feel like the numbers in the Annual Report were correct."

Director Reid indicated that the numbers at the time were correct because the Annual Report is for a specific period of time. He said that he would look at the numbers again and bring them up-to-date since APD had completed some of the cases that were still pending at the time the report was released."

PUBLIC COMMENTS

The **Chair** opened the floor to public comments. One person signed up to speak, Tyshun Dunbar.

Mr. Dunbar has been nominated by the Atlanta Business League to serve on the Board. He provided a brief personal introduction indicating that he is 25 years old, a former policeman and currently employed with Delta Airline as an engineer. Mr. Dunbar also made some personal observations of the board that caused him to be concern, but in spite of those concerns, he indicated that he is excited and looks forward to becoming a member of the ACRB.

ADJOURNMENT

Hearing no further business, the **Chair** entertained a motion to adjourn. **Souder** moved to adjourn. **Morris** seconded. Meeting adjourned at 8:20 p.m.

*These minutes were officially approved by the
Atlanta Citizen Review Board on **December 11, 2014.***



PAUL E. BARTELS
ACRB Secretary