



**ATLANTA CITIZEN REVIEW BOARD
OCTOBER MEETING MINUTES**

55 Trinity Avenue, S.W., Committee Room Two
Atlanta, Georgia 30303
October 10, 2013
6:30 p.m.

The October 2013 meeting was called to order by the *Chair* of the Board at 6:34 p.m.

A G E N D A

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAUL BARTELS *(Chair/Bartels)*

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| BARBARA HUBBARD <i>(Hubbard)</i> | WILLIAM HARRISON <i>(Harrison)</i> |
| OSA BENSON <i>(Benson)</i> | ALAN MORRIS <i>(Morris)</i> |
| BILL BOZARTH <i>(Bozarth)</i> | RUTH PRICE <i>(Price)</i> |

ACTIVE MEMBERS ABSENT

RYAN JOHNSON *(Johnson)*

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

VACANT BOARD SEATS

Atlanta Business League *(position vacant 16 months)*

Office of the Mayor *(position vacant two months)*

STAFF ATTENDEES

SAMUEL LEE REID, II *(Reid)*, Executive Director; **KENNETH LIVELY** *(Lively)*, Investigator; **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 and speakers must sign up and limit comments to three (3) minutes. The *Chair* also welcomed Lieutenant Jesse Webb of the Atlanta Police Department (APD), Office of Professional Standards.

APPROVAL OF MINUTES OF THE LAST MEETING, SEPTEMBER 12, 2013

The *Chair* directed the Board's attention to the minutes for September 12, 2013 meeting. The floor was opened for discussion and corrections to the minutes.

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

EXECUTIVE DIRECTOR REPORT

Highlights from Director *Reid's* Report:

- Board Training
Reid announced that board orientation training will be held on October 22 and October 23, 2013 at 6:30 p.m. at the ACRB office. The same training will be offered both days to allow everyone to participate. The training should last about an hour and a half.

With regard to other training, *Reid* also noted that *William Harrison* is attending APD's Citizen Academy training. Other members also were encouraged to attend.
- Outreach Report
Tracy Taylor, Outreach Liaison reported the following:
 - The deadline to enter the Art/Essay Contest has passed and 90 students submitted entries in the contest. The next phase of the contest will begin with the selection of the winners from the three grades level groupings.
 - Media ads are currently running on Hot 107.9 FM, Streetz 94.5 and in Creative Loafing publication. The ad in Creative Loafing is appearing in their largest edition publish for the year.
 - *Past Events and Festivals*: On September 21st, ACRB participated in the Historic West End Festival on North Avenue and on September 28, ACRB exhibited at the Streets Smart Festival hosted by Road to Recovery in the English Avenue community.
 - *Upcoming Events*: On October 12, ACRB will exhibit at the Festival of Lights in the Pittsburg community.
- Follow-up Report: APD's Policy on Dogs
Reid indicated that the information requested by the Board regarding APD's policy and comparison policies around the country is included in the board packet.

Following his report, the Board discussed proposing a recommendation to APD about establishing training as a policy for the officers. A decision is pending.

INTAKE REPORT FOR AUGUST 2013

A total of twenty-one (21) complaints were received for the month of September. Investigator *Robertson* reported the following:

1. Complaint Number: ACRB No. 13-76, Andrea Perry alleging False Arrest and False Imprisonment
Ms. Perry alleges that, on July 19, 2013, she was improperly detained and falsely arrested by APD Officer J. Narian. Ms. Perry stated that her case was dismissed July 22, 2013.
Recommend investigation as a false arrest and false imprisonment complaint.

2. Complaint Number: **ACRB No.13-77, Rady Williams** alleging **Unsatisfactory Service**
Mr. Williams alleges that, on August 4, 2013, while at Martin Luther King Park, he was improperly issued a ticket by National Park Ranger, Clark Moor. He said when he called APD to complain, he was told by Lieutenant Roberts and Major Peek that they lack jurisdiction over the incident because it occurred on federal property.
Mr. Williams was referred to OPS. *Recommend dismissal for lack of jurisdiction.*
3. Complaint Number: **ACRB No.13-78, Genghis Shakan** alleging **False Imprisonment**
Mr. Shakhan alleges that on September 8, 2013, he was improperly stopped and detained by APD Officer J. McGarthy. However, Mr. Shakhan later informed the ACRB that he wishes to withdraw his complaint. *Recommend dismissal.*
4. Complaint Number: **ACRB No. 13-79, Sheila Joyner-Pritchard** alleging **False Arrest & Excessive Force**
Ms. Joyner-Pritchard alleges that, on November 11, 2011, she was falsely arrested and physically assaulted by officers of the Georgia State Patrol & APD. She further alleges that while at Grady Detention Center, she was mistreated by the correction officers.
Recommend dismissal because the incident occurred outside the 180 day time limit imposed by the ordinance. ACRB will provide Ms. Joyner-Pritchard with contact information to APD, Georgia State Patrol & Correction Internal Affairs Departments.
5. Complaint Number: **ACRB No. 13-80, Roberta Caban** alleging **False Arrest & Excessive Force**
Ms. Caban alleges that, on April 23, 2011, she was physically assaulted and falsely arrested by APD officers.
Recommend dismissal because the incident occurred outside the 180 day time limit imposed by the ordinance. ACRB will provide Ms. Caban with contact information to APD OPS.
6. 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.
Due to lack of information, staff will re-submit Mr. Caban's complaint to the Board for consideration when the information is provided. However, if Ms. Caban fails to submit the information by the next board meeting, staff will recommend dismissal.
7. Complaint Number: **ACRB No. 13-82, Reginald Platts** alleging **Reinstatement of Job**
Mr. Platts, a former APD officer called the ACRB office to obtain assistance on getting reinstated with APD. He stated that he resigned from his position on February 15, 2013 under the suspicion of a corruption charge. He was later cleared of any wrongdoing.
Recommend dismissal for lack of jurisdiction.
8. Complaint Number: **ACRB No.13-83, Leslie Dorham** alleging **Improper Conduct**
Ms. Dorham alleges that on August 5, 2013, the DeKalb Police Officer who responded to a domestic dispute between she and her sister, yelled at her. Ms. Dorham was referred to the DeKalb Police Department's Internal Affairs Unit. *Recommend dismissal for lack of jurisdiction.*
9. Complaint Number: **ACRB No. 13-84, Shameka Stringer** alleging **Fraud**
Ms. Stringer filed an on-line complaint, alleging that an APD officer defrauded money from her. *Recommend dismissal for lack of jurisdiction.* ACRB will provide Ms. Stringer with contact information to APD OPS.
10. Complaint Number: **ACRB No.13-85, Michael Bell** alleging **False Arrest & Excessive Force**

Mr. Bell alleges that on September 19, 2013, he was falsely arrested and physically assaulted by an APD officer. Recommend investigation as an excessive force and possibly false arrest complaint. Preliminary investigation revealed that Mr. Bell'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.*

11. Complaint Number: **ACRB No.13-86, Moses Allen** alleging **Unknown**

Mr. Allen called the ACRB office to file a complaint against a correction officer employed by the Henry County Jail. Mr. Allen was referred to the Henry County Sheriff's Internal Affairs Unit. *Recommend dismissal for lack of jurisdiction.*

12. Complaint Number: **ACRB No.13-87, Ernest Jackson** alleging **Unfairly Issued Traffic Citation**

Mr. Jackson alleges that on September 22, 2013, he was involved in a car accident with another motorist. He said the APD officer that responded unfairly issued him a citation. Mr. Jackson was referred to APD OPS. *Recommend dismissal for lack of jurisdiction.*

13. Complaint Number: **ACRB No. 13-88, Alphonzo Eleby** alleging **Entrapment**

Mr. Eleby alleges that in March 2013, a DeKalb Police officer planted drugs on him. Mr. Eleby was referred to the DeKalb Police Department's Internal Affairs Unit. *Recommend dismissal for lack of jurisdiction.*

14. Complaint Number: **ACRB No. 13-89, Stephen Brown** alleging **Death Threat**

Mr. Brown alleges that APD Officer Brown (first name unknown), via text, threatened to kill him for communicating with his wife on facebook. Mr. Brown was referred to APD OPS. *Recommend dismissal for lack of jurisdiction.*

15. Complaint Number: **ACRB No. 13-90, Jairobe McPherson** alleging **Harassment & Excessive Force**

Mr. McPherson alleges that on September 23, 2013, at approximately 10:15pm, he was driving on Simpson Street when APD Officer Jeffrey Patterson began to closely follow him, driving his patrol car inches from his bumper. At some point, he stopped his vehicle and so did the officer. He said he exited his vehicle, raised his hands and shouted, "Is there a problem?" He said the officer exited his patrol car with his gun out its holster, and began to approach him. They then proceed to get into a verbal confrontation. He was not arrested or cited. He feels that the officer was harassing and intimidating him. *Recommend investigation as a false imprisonment and excessive force complaint.*

16. Complaint Number: **ACRB No. 13-91, Maurice Darley** alleging **False Imprisonment & False Arrest**

Mr. Darley alleges that he was falsely arrested and improperly detained by APD Officers J. Brown and McConnel. Mr. Darley was mailed a complaint form to complete and return. *Due to lack of information, staff will re-submit Mr. Darley's complaint to Board for consideration once his complaint is received. However, if his complaint is not received by the next board meeting, recommend dismissal.*

17. Complaint Number: ACRB No. 13-92, Kim Boyd, alleging False Arrest & Excessive Force
Ms. Boyd alleges that in June 2013, she was physically assaulted and falsely arrested by a DeKalb police officer. Ms. Boyd was referred to the DeKalb Police Department's Internal Affairs Unit. **Recommend dismissal for lack of jurisdiction.**
18. Complaint Number: ACRB No. 13-93, alleging False Arrest
The Complainant alleges that on September 28, 2012, she was falsely arrested by an APD officer. The Complainant was advised that the ACRB cannot investigate her complaint because the incident occurred outside the 180 day time limit imposed by the ordinance. She was referred to APD OPS. **Recommend dismissal.**
19. Complaint Number: ACRB No. 13-94, Wanda Miranda alleging Harassment
Ms. Miranda alleges that she is being harassed by Gwinnett & Duluth Police Officers. Ms. Miranda was referred to the Gwinnett Police Department's Internal Affairs Unit. **Recommend dismissal for lack of jurisdiction.**
20. Complaint Number: ACRB No. 13-95, Quentin Smith alleging Coercion
Mr. Smith alleges that on March 21, 2012, APD Officers Brooks & Miller coerced him into making a statement that led to him being arrested and charged with rape and child molestation. Mr. Smith was referred to APD OPS. **Recommend dismissal for lack of jurisdiction.**
21. Complaint Number: ACRB No. 13-96, Maleika Mosley alleging Conspiracy
Ms. Mosley alleges that in 2009, APD Officers were part of a conspiracy to kill her. **Recommend dismissal for lack of jurisdiction.** ACRB will provide Ms. Mosley with contact information for APD OPS.

ACRB Complaint No. 13-65 Resubmitted for Consideration

It should be noted that ACRB Complaint No. 13-65, April Stinson, allegation of false arrest was submitted for reconsideration by the Board. Ms. Stinson's complaint was previously dismissed for lack of signed complaint. She has since signed the complaint and it has been received. Preliminary investigation revealed that Ms. Stinson'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.**

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

NACOLE CONFERENCE ATTENDEES REPORT

Three (3) members of the Board attended the NACOLE 19th Annual Conference in Salt Lake City, Utah: **Vice Chair Williams, William Harrison** and **Ryan Johnson**. The conference theme was 'Finding the "Right" Balance.'

Harrison reported on the various workshops and panels offered at the conference. He recommends that for those members who did not have an opportunity to attend the conference, each receive a copy of the workshops and panel information and add it to the flash-drives that were previously distributed by the staff. He indicated also that by participating in the conference, "ACRB is moving towards having a national voice."

Highlights of his report focused on updates regarding Mediation, Stop-And-Frisk and the Department of Justice consent decrees, regarding 'bad cops' who were problematic and/or terminated who were transferring from one city to another other in order to continue working in law enforcement. He noted that case law regarding Stop-And-Frisk are included in the NACOLE information for the flash-drives.

It should be noted that *Williams* and *Johnson* were not present at the meeting. Their reports will be provided at a later meeting.

REVIEW OF COMPLAINTS

A. CASE #13-34, CLINTON WILSON

Case Summary:

Mr. Clinton Wilson alleges excessive force against Officer Barsolino J. Leconte. ACRB Sheena *Robertson* investigated the complaint. The incident occurred on May 9, 2013.

Mr. Wilson alleges that on the above date, Atlanta Police Officer Leconte engaged in excessive force when he pushed him into a patrol car and caused him to injure his face and right shoulder. He further alleges that Office Leconte applied the handcuffs extremely tight and laughed at him when he complained that he was injured and needed medical attention.

Staff recommends that the allegation of excessive force be assigned a finding of ‘**Not Sustained**’, meaning there is insufficient evidence to conclude that the officer committed the alleged acts of misconduct.

However, according to radio transmissions, staff also reported that Officer Leconte can be heard saying the suspect has a “boo-boo” on his chin. This comment supports Mr. Wilson’s claim that Officer Leconte laughed at his injury. This is a violation of APD.SOP 2010, Section 4.2.2 (1), which states that employees shall be civil, orderly and courteous to the public, etc. Staff additionally recommends that the Board may want to refer this matter to APD for further investigation.

Board Votes on Staff’s Recommendation:

Bozarth made a motion to accept staff’s recommendation to **not sustain** the complaint as alleged by the complainant. However, in the letter of determination to Chief Turner, the Board instructed the staff to include language about the officer’s lack of sensitivity and inappropriate remarks regarding Mr. Wilson’s injury. *Hubbard* seconded the motion. No further discussion, the vote was called and the motion was approved.

B. CASE #13-49, CITIZEN TWO AND CITIZEN ONE

Case Summary:

ACRB *Kenneth Lively* investigated the complaint.

Citizen Two and Citizen One allege that on May 27, 2013, Officer Aqueelah James used excessive force and used abusive language. They also allege that Officer James falsely imprisoned them.

Regarding the Abusive Language allegation, Citizen Two stated that Officer James used profanity. However, based on the statements and lack of specific details of the language to have been used, there is insufficient evidence to support the allegation that Officer James used profanity towards Mr. Citizen Two or anyone during the incident. Therefore, staff recommends that this allegation be assigned a finding of ‘**Not Sustained.**’

Regarding excessive force and false imprisonment, staff recommends that Officer James be ‘Exonerated’ of the allegations.

Board Votes on Staff’s Recommendation:

1. Abusive Language

Benson made a motion to accept staff's recommendation to **not sustain** the complaint as alleged by the complainant. **Bozarth** seconded the motion. No further discussion, the vote was called and the motion was approved.

2. False Imprisonment

Bozarth made a motion to reject staff's recommendation and **'Sustain'** the complaint as alleged by the complainants. **Benson** seconded the motion. No further discussion, the vote was called and the motion was approved

For the record: It should be noted that **Benson** indicated that Officer James was wearing pink clothing.

3. Excessive Force

Bozarth made a motion to reject staff's recommendation and assign a finding of **'Not Sustain'**. **Price** seconded the motion. No further discussion, the vote was called and the motion was approved

Board Votes on Discipline Recommendations for Sustained Allegation:

Investigator Lively reported that regarding Officer James disciplinary history, there is no discipline of this nature prior to this particular incident. According to APD's disciplinary grid, this would be considered a Category 'A' offense and the penalty would be a written or oral reprimand, and possibly training.

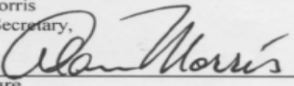
Bozarth made a motion to recommend that Officer James receive a written reprimand and additional training pertaining to reasonable suspicion and probable cause. **Price** seconded. Calling for the vote, the motion was approved.

PUBLIC COMMENTS:

(No speakers.)

ADJOURNMENT

The **Chair** entertained a motion to end the meeting. It was moved by **Morris** to adjourn the meeting. The meeting adjourned at 7:45 p.m.

Approved as to form and content,
Alan Morris
Board Secretary,

Signature
Date: November 14, 2013