



ATLANTA CITIZEN REVIEW BOARD

APRIL MEETING MINUTES

55 Trinity Avenue, S.W., Committee Room Two
Atlanta, Georgia 30303
April 11, 2013 / 6:30 p.m.

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAUL BARTELS (<i>Chair/Bartels</i>)	RYAN JOHNSON (<i>Johnson</i>)
OSA BENSON (<i>Benson</i>)	LABRIAH LEE (<i>Lee</i>)
BILL BOZARTH (<i>Bozarth</i>)	RUTH PRICE (<i>Price</i>)
WILLIAM HARRISON (<i>Harrison</i>)	MACEO WILLIAMS (<i>Williams</i>)
BARBARA HUBBARD (<i>Hubbard</i>)	

ACTIVE MEMBERS ABSENT

ALAN MORRIS (*Morris*)

ONE VACANT APPOINTMENT

Atlanta Business League (vacant 10 month)

STAFF ATTENDEES

SAMUEL LEE REID (*Reid*), Executive Director; **KENNETH LIVELY** (*Lively*), Investigator; **SHEENA ROBERTSON** (*Robertson*), Investigator; **BILL CASTING** (*Casting*), Attorney, COA Law Department

A G E N D A

MEETING CALLED TO ORDER

The meeting was called to order by *Chair Bartels* at 6:40 p.m., starting with the roll call. He welcomed citizens announcing that Public Comments will be heard later into the agenda and speakers must sign up and limit comments to three (3) minutes. The *Chair* also welcomed members of the Atlanta Police Department (APD), Office of Internal Affairs: Major Dancy, Lieutenant Webb and Investigator Arthur Dixon.

APPROVAL OF MINUTES OF THE LAST MEETING, MARCH 14, 2013

The *Chair* directed the board's attention to the minutes for March 14, 2013 meeting. The floor was open for discussion and corrections to the minutes.

One minor correction on page two: *item #C-6 was noted*. No further corrections, *Bozarth* moved to approve as corrected. *Williams* seconded. Hearing no further discussion, the motion was approved.

EXECUTIVE DIRECTOR REPORT

Reid reiterated the **Chair**'s request to state name when speaking for the accuracy of the record.

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

A. NEWSLETTER

Reid provided the board with a copy of the latest ACRB newsletter. Also, he offered an apology to **Harrison** for omitting his name in the newsletter indicating that the correction would be made in newsletters moving forward.

B. RETREAT

Clarification Mediation Inc. provided a final report on the board retreat held February 23, 2013 at City Hall. **Reid** asked the members to take time out to review the report. He said that over the next couple of months, the board will receive training developed around the challenges, issues and opportunities that were identified at the retreat and written in the final report.

C. OUTREACH ACTIVITY

Reid thanked the members of the board who had arranged time for him to meet and present to the group that appointed them to the ACRB. He said, "I was invited to the APAB meeting to speak and I also presented to NPU-B & NPU-P. I enjoyed them and it was a good opportunity to be able to speak to citizens. At one meeting, in particular that I did, it was impressed upon me the work that we still need to do as far as outreach is concerned. Some people still hang on to some old views of the Board...how the Board conducts their business and the training of the Board. Other reactions have been, "Oh really, the City has a citizen review board?" So we have to continue to work on that."

Reid also announced that on April 13th, this Saturday, APAB is having a Community Engagement Seminar here at City Hall. "I will be presenting for 10 minutes on what we do and who we are and I would really like to have an opportunity for the attendees to see who the board members are and introduce the board so that people can see who they are dealing with. The event is from 9:00 a.m. to 3:00 p.m. here in the building atrium and our presentation will be somewhere in the block of 10:30 a.m. to 11:10 a.m. We will also have an exhibit table and if you can attend that will be great."

On Tuesday, April 25th, Morehouse School of Medicine is having community engagement seminars to determine what the community needs. "I have been invited to go to that to do a little presentation. The event is from 5:30 p.m. to 8:30 p.m."

Questions and Comments...

1. In reference to **Reid**'s comments on citizen's view of the board, **Chair Bartels** asked **Reid**, "What is the biggest misconception that people may have about the Board?"
2. **Reid** responded, "The main misconception relates to board operations. There were several comments on that. The other concern with that is once you meet a citizen, who knew of the Board, they expressed concerns about the Board being able to conduct its business in a professional manner. I think that was related to some issues that were going on the earlier part of last year, but we are going to be okay with that because that just goes to us having to get out there and spread the word on how we do it."
3. **Williams** announced that the President and CEO of the A.D. King Foundation would like to do a partnership with ACRB.

INTAKE REPORT FOR MARCH 2013

Investigator Robertson reported on the number of complaints received for the month of March 2013. **Robertson** reported that a total of nine (9) complaints were received for the month and they are listed as follows:

1. Complaint Number: ACRB 13-14, Claude Flynn alleging Excessive Roadblocks
Staff recommends dismissal because the allegation is outside the Board's jurisdiction.
2. Complaint Number: ACRB 13-15, Annette Wright alleging False Arrest
Staff recommends dismissal because the incident occurred beyond the 180 days time limit.
3. Complaint Number: ACRB 13-16, Marcus Carter alleging Excessive Force
Mr. Carter alleges that on March 7, 2013, he was physically assaulted by officers employed by the Fulton County Jail. Staff recommends dismissal because the allegation is outside the Board's jurisdiction.
4. Complaint Number: ACRB 13-17, Ms. Darryl Strong alleging Excessive Force
Mr. Strong alleges that on May 8, 2010, Officer Ryan Thomas pulled a gun on him. Staff recommends dismissal because the incident occurred beyond the 180 days time limit.
5. Complaint Number: ACRB 13-18, Shaka Freeman alleging Harassment
Mr. Freeman, a former city employee, alleges that on several occasions, Atlanta City Hall Security which includes retired APD Officers and private security officers violated his civil rights. He alleges that they are constantly threatening him with arrest and defaming his character to affect his employment status. Preliminary investigation revealed that APD had received several complaints from city employees that Mr. Freeman was posing a threat to them. ACRB determined that APD had not engaged in the harassment of Mr. Freeman and therefore, recommends dismissal because Mr. Freeman's claims have no merit.
6. Complaint Number: ACRB 13-19, Joetta Burnette alleging Discrimination
Ms. Burnette came to the ACRB office to file a complaint against the Capital State Police concerning an incident that occurred on August 2, 2011. Staff recommends dismissal because the complaint falls outside the Board's jurisdiction.
7. Complaint Number: ACRB 13-20, Levias Bell alleging Inadequate Investigation
Ms. Bell alleges that APD Officer Jones is conducting an inadequate investigation into his theft case. Staff recommends dismissal because the complaint falls outside the Board's jurisdiction.
8. Complaint Number: ACRB 13-21, Donald Davis alleging Disparate Treatment
Mr. Davis alleges that on May 12, 2012, APD cited his wife for illegally parking, but did not cite a vendor for not having a business license. Staff recommends dismissal because the complaint falls outside the Board's jurisdiction.
9. Complaint Number: ACRB 13-22, Ambrose King alleging False Arrest
Mr. King alleges that on March 3, 2013 and March 23, 2013, he was falsely arrested by APD officers. Mr. King was mailed a complaint form on April 4, 2013. Staff recommends suspension; both cases are still pending adjudication in Municipal Court.

Questions & comments...

1. In reference to complaint number five, **Bozarth** asked if all of the people who provide security at City Hall were Atlanta Police Officers.
2. **Investigator Lively** responded that the city hired retired police officers and a private contractor.
3. **Bozarth** also asked, "Of all the cases that came to us in March, what does the backlog of staff investigations look like?"

4. **Reid** responded, “The case loads are at a manageable point, but one of the concerns we have with the complaints is people not understanding what we can and cannot investigate. At some point, the Board may want to consider if we should look at the ordinance about our jurisdiction and approach City Council about amending that.”
5. In reference to changing the ordinance and the board’s jurisdiction, **Williams** asked **Reid**, “In what fashion?”
6. **Reid** responded saying that is something that the board would have to discuss.
7. **Bozarth** asked if the complaints received in March were generated by some of our outreach. He also asked if future reports could reflect where the complainant heard about the ACRB.
8. **Reid** indicated that it would be hard to determine if the complaints for March were a direct result of recent outreach activity. He said, “I do believe that anyone contacting us about their complaint is a good thing; however, we would like to make sure that those individuals who have concerns, bring us the proper concerns but I wouldn’t want to limit anyone’s contact to us and that’s how I look at any contact that we receive.”
9. **Bartels**, “I agree that even if we end up not accepting a case or dismissing a case, it is still a good opportunity to educate people. The question I have is at some point is it going to be possible to look at the pattern of cases that we have dismissed and see if there is some area where we do not have jurisdiction that a lot of people seem to be having complaints about?”
10. **Reid**, “The staff pulled the stats for 2011 and 2012 and we are going to be analyzing what type of concerns people are bringing to us. Once we complete looking at those cases and why they were dismissed, we can then determine what we need to do about them.”
11. **Harrison** indicated that he did not see the need to put this off. He said, “We can form a committee to look at that immediately and the first thing we need to do is expand our jurisdiction to include tasers. That was something that we discussed the first of the year. To move forward we should, at least, put before the Board, a committee to work on expanding the jurisdiction so that we can include tasers and some of the other hot button items that are going on in the city.”
12. Referring back to **Bozarth’s** comments, **Johnson** said, “To understand Bill’s (**Bozarth**) point of view, you were asking to get feedback as to how people find out about us and how they understand our purpose. Is that correct?”
13. **Bozarth**, “The question I really want to raise is when you have nine complaints brought before us in the course of a month and all but one case is dismissed because we really had no jurisdiction over the complaint, that says there is a disconnect between the community so why don’t we try to go a little deeper than that and understand why it came to us in the first place.”
14. Referring to a statement he made last month regarding the budget, **Williams** said, “What we need is money to explore outreach so that people can understand. I think that’s what I was talking about last month, when I was talking about asking for the money and don’t be scared to ask for the money. Ain’t nobody looking at Channel 26. The bottom line is what’s going on with WSB, Fox Five and that sort of thing. We can make a public service announcement video and put it out there that this is what we do...we are here to help you...this is what we cover.” **Williams** felt this method would be more effective.
15. **Reid** said, “Mr. **Williams** all of the things you have mentioned, we are currently in the process of doing. We have reached out to several outlets and we had to submit information for them to communicate back to us.”
16. Also addressing **Williams**, **Investigator Lively** said, “We have already produced a PSA which will be airing on V-103 Radio the latter part of this month or early next month. Mr. **Reid** also did interviews for this same radio station and that will be airing soon. So as Mr. **Reid** said, some of those things are already in process and we are just waiting for the media outlets to get back with us.”
17. **Robertson** said, “We are also keeping track of the complaints that come in and how they heard about us. Also some of those people who actual filed complaints, heard about us on Channel 26 and even if we can’t help them, we can refer them to other places.”
18. **Hubbard** asked, “Do we still have the person on board that was doing some PR for us?”

19. **Reid** answered stated, “We are closing out with her and she has actual done as much as we could do with her fee.”
20. **Johnson** asked how the information was being tracked and documented.
21. **Robertson** responded, “We are literally documenting our contacts...starting with every call we get, walk-in, website or mail, we document and also how they heard about us. We also put this information in our IA Pro file.”
22. **Price**, “I would like to see us move further into the process and be able to capture some data whereby we can go to the Atlanta Police Department and tell them the demographics where all the complaints are coming from. Then we can look and see if it’s the same type of allegation. It could be change that the Commander needs to see in his supervisors getting on the case. Not to discourage you, but we are not going to get a lot of complaints. If you go to the NPU’s meetings, the people there are law abiding folks. You are not going to find the people who are continuously having problems with the police officers at the churches. Those young people having problems are not going to be where we go.”
23. **Reid** indicated that he is currently working on the Annual Report and some of the things being discussed are addressed in the report. “We are looking at a number of outlets where we will come into contact with the individuals who we need to target for education and awareness building.”
24. **Benson** suggested community outreach activity in the Greenbriar Mall area. She said, “Have we thought about going out and talking to the folks out there? There are a large group of people who come through there and I know they have a huge area where a lot of conferences and meetings are held. I think it is great venue for us to reach out to folks.”
25. **Reid**, “We are looking at every opportunity and that is one that we will certainly put on our list. Thank you.”

Following the report, it was moved by **Williams** to accept the report as amended. **Harrison** seconded the motion. Hearing no further discussion, the vote was called and the motion was passed unanimously.

DISMISSAL OF COMPLAINTS

A. ACRB CASE NO 12.-38, THEODORE MCFEDERS

Investigator Lively presented the request for dismissal. He indicated the staff requested the Board to dismiss ACRB Complaint #12-28 due to the complainant’s lack of cooperation. He reported that Mr. Theodore McFeders filed a complaint dated August 27, 2012 stating that corrections officers at the Atlanta City Jail used abusive language. Although Mr. McFeders was interviewed via telephone, he failed to schedule an interview to view the photos of the officers on duty that day.

Staff had two conversations with Mr. McFeders where he stated that he would be in Atlanta during the latter part of January. He agreed that when he came to Atlanta that he would make an appointment to view the photos. To this date, Mr. McFeders has not called to make an appointment. It is impossible to identify who Mr. McFeders claimed was using abusive language without his cooperation. For this reason, it is recommended that the Board dismiss the complaint.

The **Chair** entertained a motion.

It was moved by **Bozarth** to accept the staff dismissal. The motion was seconded by **Price**. Hearing no further discussion, the motion was approved.

B. ACRB CASE NO 12-39 STACI JOHNSON

Investigator Robertson presented the request to dismiss ACRB Case Number 12-39, filed by Staci Johnson.

Robertson reported that the complainant, Stacie Johnson informed the ACRB that she is no longer interested in pursuing her false arrest complaint against Officer Charles Sendling and is withdrawing her complaint. For this reason, it is recommended that the Board dismissed the complaint due to the complainant's lack of cooperation.

The **Chair** entertained a motion.

It was moved by **Bozarth** to accept the staff dismissal. The motion was seconded by **Lee**. Hearing no further discussion, the motion was approved.

GUN SAFETY PRESENTATION, ALICE JOHNSON, ATLANTA POLICE DEPARTMENT

Ms. Johnson is the Community Affairs Liaison for the Atlanta Police Department (APD) and she addresses the Board at the invitation of Bill **Bozarth**. **Bozarth** welcomed Ms. Johnson on behalf of the Board indicating that he knew her for her work and advocacy for gun safety issues around Georgia. "She is founder of Georgians for Gun Safety and has been an advocate around that issue for a number of years." Ms. Johnson is a full time employee with APD for the past three years. Prior experience also includes working with the Fulton County Chair, John Eaves, the King Center and former Mayor Shirley Franklin on illegal guns and drugs issues.

Ms. Johnson expressed her appreciation to speak before the Board. She indicated that in her role with APD, she is responsible for a number of projects related to the work of the department. She pointed out that she is a civilian who has done non-violence advocacy work for twenty years. She started working for the City of Atlanta during the Young Administration on educational issues. Ms. Johnson has also been a director of a non-profit working specifically with gang members. She said, "It is in fact that work at the Jean Childs-Young Institute for Youth Leadership that I began my advocacy work because I saw young people carrying guns. If we were going to look at where guns came from, who carried them, who had access to them, why that access was as broad as it was, who made the guns, then overall, we had to look at the decisions made by adults and that is why I became involved in the work.

Ms. Johnson presented information that was based on her understanding of Georgia law and information that come through the Crime Analysis Unit of APD. It should be noted, as stated by Ms. Johnson, that the opinions presented are the expressed opinions of APD.

Here are some highlights from her presentation.

- Since 1995, when Preemption was passed, all local ordinance and laws around the state were null and void and every decision about *state* gun policy ***related to the manufacture, sale, distribution or possession of firearms*** is made at the Georgia General Assembly level.
- In Georgia, due to federal law, background checks are required if that firearm was purchased through a federally license firearms dealer.
- A Special Agent at of the Bureau of Alcohol, Tobacco and Firearms (ATF) (*federal agency responsible for federal regulations of firearm policy*) said that Georgia is one of the leading states in the country for theft of firearms. Part of that is because there are so many federally licensed firearms dealers in Georgia.
- Due to a huge gap in the firearm policy, 40% of firearms are transferred or sold in the country without a background check of any kind. That means someone can purchase a fire arm without undergoing any check for their criminal history, mental history or if they are on a watch list for criminal theorist; whether they have been convicted of misdemeanor domestic violence; whether they have a protective order against them; and whether they have been dishonorable discharged from the military. Therefore, the discussion about universal background check has great meaning in terms

of trying to reduce the number of firearms that have fallen in the hands of folks who are legally prohibited from possession of them.

- Georgia has a conceal carry statute and that requires an extended background check with fingerprints. The conceal carry law, if you passed, it allows you to get a permit good for five (5) years. The permit is issued through the Probate Court of Georgia. With a valid permit, someone can carry a firearm concealed on their person or in a purse or briefcase or backpack in many different locations including public gatherings, political rallies, restaurants that serve alcohol, and most other public places except churches, bars, courthouses and schools. Because the system keeping track of who has a permit is not very good, it is impossible to know whether someone with a permit may have committed a crime within the five years that would prevent them even possessing a firearm! No one will know and particularly, no one in law enforcement would know.
- The SB101 Gun Bill was recently voted on but not approved, for now, by the Georgia Assembly. This bill would have allowed concealed carry of firearms on college campuses; it would have allowed local school boards to identify and determine their school personnel who could carry concealed firearms in schools, grades K through 12 and public and private schools; it would have allowed 18 year olds to carry conceal without a permit if they have some military background. This Bill would have also allowed the mentally ill to get a permit in three (3) years instead of 25 years. The bill has been stopped for now but it is still alive. The reason it was stopped is because the Board of Regents and the university system were absolutely opposed to carrying firearms concealed on campus. Also, the Governor was not comfortable with it.
- APD numbers for 2012:
 - In Atlanta, 34,581 Part-One crimes including crimes against persons were committed.
 - Of the total number of Part-One crimes, 6,027 or 17% were crimes against persons (homicides, rape, aggravated assault and armed robbery). The rest of the crimes were property crimes (*burglary, larceny for vehicles, auto theft, etc.*).
 - 46% (or 2,753) of crimes against persons involved firearms.
 - Youth (ages 14 – 24) committed half of all of the homicide committed with firearms.
 - Fifty six percent (56%) of all robberies and 30% of all aggravated assault were committed by youth in the (14-24) age group.
 - Trends around the country reveal that while incident for violent crimes have gone down in general, but have gone up for youth violence and the ages of those youth are getting lower.
 - In Atlanta for 2012, 1375 firearms were recovered at crime scenes.
 - In the age category of 13 to 24 years old, 27% of all arrests were for possession of firearms. A lot of weapons are in the hands of youth. Those weapon types included revolvers, semi-automatic hand guns, and semi-automatic rifles (*usually referred to as assault weapons*).
- Where do the guns come from? Some are stolen. Firearms legally purchased by law abiding citizens who left their gun in their vehicle or whose residence was burglarized and the firearms were not secured, represented a huge percentage of the firearms that wind up in the hands of illegal possessors.
- New problem: In the last session of the Georgia General Assembly, police departments in Georgia are no longer allowed by state law to destroy firearms recovered at crime scenes if we cannot determine that there is, in fact, a legal owner who is still legal and to whom the gun can be returned. What departments are required to do by the State of Georgia is to auction them at public auction. This is an NRA Bill that passed last year and it was the only gun bill that passed last year, but the language is very unclear if when guns are auctioned off if a background check is required. It talks about firearm dealers but it does not specifically federally licensed firearms dealers. That loop hole is going to make it possible for people to buy firearms without a background check. In Georgia, right now, you can buy a gun at a swap meet, a flea market or any of those places and there is no background check. There is no bill of sale...nothing is required.

Following the presentation and questions, *Chair Bartels* thanked Ms. Johnson for her time and he expressed appreciation for the information presented in the report.

COMPLAINTS REVIEW:

A. COMPLAINT NO. 12-11, DANIEL WOLCOTT

This case was investigated by ACRB Investigator Sheena **Robertson**.

Chair Bartels summarized the complaint filed by Daniel Wolcott. Mr. Wolcott alleges that Officers Christopher Thornton, Joseph Daniels, Tyrone Hicks and L. Sajak physically assaulted him on May 10, 2012. “It appears that the one officer that it is not disputed to have used physical force was Officer Thornton. There is conflicting testimony between him and the complainant in terms of the circumstances under the use of that force. If you recall, I believe there was some use of force from what Officer Thornton said from the medical records regarding Mr. Wolcott’s interactions in the emergency room or in the hospital. Based on that staff’s recommendation is **not** to **sustain** the allegation.”

Discussion...

1. **Price** said, “I reviewed this report two or three times and I see a supervisor problem with this. The officer, who stopped Mr. Wolcott, stopped him because they ran the red light. Mr. Wolcott was actually a passenger and he got out of the car. He was walking away and Officer Hicks, who made the stop, radioed that one person had left the vehicle. I have problems with the fact that when Officer Hicks encountered Mr. Wolcott, he had no charges against him. The only thing he should have done was asked him for ID and frisked him and if he didn’t find anything, then he didn’t have anything on the man. All of this whole big report is because officers were acting out of place. I am floored by this. It took four officers to go by and write a ticket because a man ran a red light. The officer, who got to Mr. Wolcott, if he had done the proper thing, officers beating that man up and breaking his nose, would have never happened. My whole issue is they stayed out on the scene far too long to give the man a ticket. My experience is this...when you stop someone and you know you are going to stop them, tell them what you are stopping them for and hurry and go on about your business. This man got a broken nose...he was drunk but you (officers) are professionals they should have handled this differently and no supervisor was on the scene. When you write this up, please make it known that if a supervisor had come by there, he could have stopped all of that from happening.”
2. **Bartels** indicated that he too was conflicted by the case. He said, “Maybe I should propose putting it on the agenda for next month to do some research. My concern is and I am a lawyer, I did some research and I don’t think it is clear whether they had legal authority to detain him if he is walking away from the car. They can detain the driver to investigate a traffic violation, and they can run a background check on the driver’s ID and make sure he has insurance and all of that, but a passenger, I don’t know that he wasn’t free to leave.”
3. **Price** stated, “I agree that we need to hold this one.”

Following the brief discussion, the **Chair** opened the floor for a motion.

It was moved by **Lee** to table the case for further research and information about the legal authority to detain the passenger of a vehicle. **Hubbard** seconded the motion. No further discussion, the motion was approved.

A. ACRB COMPLAINT NO. 12-62, JOHN MYERS

Summarizing the complaint, the **Chair** said that complaint #12-62 was filed by Mr. John Myers against Officers Michael Morgan and Matthew Stewart alleging false imprisonment and verbally abusive language regarding an incident that took place on November 21, 2012. The incident involved the complainant reportedly passing through a roadblock and then going the wrong way down a one way street. The recommendation from staff is **not** to **sustain** based on the statement

from the officers, as well as, the complainant. The complaint was investigated by ACRB Investigator *Robertson*.

No discussion, the *Chair* entertained a motion for each allegation.

Officer Matthew Stewart

- It was moved by *Johnson* to accept staff's recommendation to **not sustain** the allegation of **false imprisonment** as alleged by Mr. Myers against Officer Matthew Stewart. The motion was seconded by *Lee*. Hearing no further discussion, the vote was called and the motion was approved.
- It was moved by *Johnson* to accept staff's recommendation to **not sustain** the allegation of **abusive language** as alleged by Mr. Myers against Officer Matthew Stewart. The motion was seconded by *Lee*. Hearing no further discussion, the vote was called and the motion was approved.

Officer Michael Morgan

- It was moved by *Hubbard* to accept staff's recommendation to **not sustain** the allegation of **false imprisonment** as alleged by Mr. Myers against Officer Michael Morgan. The motion was seconded by *Lee*. Hearing no further discussion, the vote was called and the motion was approved.
- It was moved by *Johnson* to accept staff's recommendation to **not sustain** the allegation of **abusive language** as alleged by Mr. Myers against Officer Michael Morgan. The motion was seconded by *Lee*. Hearing no further discussion, the vote was called and the motion was approved.

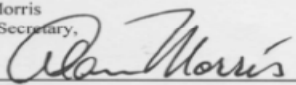
PUBLIC COMMENTS

Chair Bartels opened the floor for public comments; however, no one signed up to speak.

CLOSING COMMENTS: Ryan *Johnson*. "For the record, I recognized that our minutes are not verbatim and they are presented in a fashion as determined by the office."

ADJOURNMENT

Chair Bartels entertained a motion to adjourn. *Williams* moved to adjourn the meeting. The meeting adjourned at 8:10 p.m.

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

Signature
May 9, 2013