

CITY OF ATLANTA



Atlanta Citizen Review Board (ACRB)

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Sweeping Ordinance Changes Proposed for ACRB

The Atlanta Citizen Review Board (ACRB) proposes the most sweeping expansion of its ordinance in its history that the agency feels will allow the ACRB to better serve the citizens of Atlanta and increase the agency's efficiency in the delivery of services. The major proposed changes will allow the agency to serve more citizens with expanded jurisdiction and require the chiefs of police and corrections to provide additional details in their response letters to ACRB complaints. The proposed ordinance changes will also provide a method for filling prolonged board member vacancies that have plagued the agency since its inception. The changes specify areas that are vague in the current ordinance, and reorganize the ordinance for clearer understanding.

Currently, ACRB has jurisdiction to investigate cases of false arrest, false imprisonment, harassment, excessive force and abusive language by sworn officers of the Atlanta Police Department (APD) and Atlanta Department of Corrections (ADC). But if approved by Atlanta City Council, the revised ordinance would allow among other things anonymous complaints and include allegations of discrimination, discriminatory references, abuse of authority, lack of service and/or discourteous behavior and failing to provide identification.

The ordinance changes would add two additional board positions. Currently, there are 11 members on the board. The proposed two new members would come from the Georgia Coalition for the People's Agenda and Urban League of Greater Atlanta and bring to 13 the total number of board members. Currently there are four from the Atlanta Planning Advisory Board representing Neighborhood Planning Units, one from the Mayor's Office, one from Atlanta City Council, one from the Council President, one from Gate City Bar, one from the Atlanta Bar Association, one from League of Women Voters and one from Atlanta Business League. There are four vacant board seats. The two longest vacancies are one for two years and three months from the Office of the Mayor and one for three years and five months from the Atlanta Business League (currently pending). This as far as the ACRB Staff is concerned is unacceptable.

There is language in the revised ordinance that calls for all board members to undergo mandatory annual training on the use of force, criminal procedure, Open Meeting Law, Ethics, Conflict of Interests, Fourth Amendment and APD policies related to jurisdiction allegations. Board members would have to participate in an APD ride-a-long and complete portions of the APD Citizen's Academy as determined by the Executive Director within one year of their appointments. The unpaid Board members would be compensated \$25.00 for attending each Citizen's Academy session and board meeting. Board members would be term-limited to two consecutive terms of six years instead of three terms of nine years to ensure new appointments sooner. Ordinance language also clarifies what it takes to remove a board member. The revised language would make it mandatory for members of the board to engage in regular outreach...attend festivals and other community events from Bankhead to Buckhead, spreading the word about Atlanta Citizen Review Board. Most of them do already, but there is no requirement for each member to participate in community outreach efforts. As a board created to address concerns in a fair and transparent manner, community outreach is an essential component of communicating to the public. It is also important for the agency to receive feedback from the public about what they need from the agency.

There is specific language for board member removal. Currently removal of noncompliant board members is not clearly explained nor defined. The proposed change would clarify the definition of a board member in good standing and adherence to organizational values and expectations. It reinforces that board members must meet acceptable norms of performance and complete training to be considered a board member in good standing.

The agency is already budgeted for a mediation program that would be created to handle complaints that would be better suited for alternative resolution. Yet there is no mediation program in the ordinance. The proposed change not only addresses mediation but also says the complaint can still be investigated if a mediated complaint fails. Mediation increases understanding and information-sharing and potentially would allow ACRB to provide citizens and officers an opportunity to resolve lower level complaints in a non-adversarial atmosphere that could in some cases be a major cost-saving for the city. Research in various jurisdictions around the country by ACRB has shown a record of success and cost-effectiveness by implementing a mediation program.

There is currently no process for reconsideration of board decisions. An appeals process would be based on new evidence or a misapplication of the law or policy.

There is also no standard of proof based on a "preponderance of the evidence" which is also being proposed. Currently ACRB by-laws provide "clear and convincing" as the standard of proof which is not the best standard to apply against administrative investigations.

Last but not least, the chiefs of police and correction would have to submit a written rationale for their decisions on ACRB complaints. Currently this does not happen. The proposed ordinance would require chiefs to provide more information in their responses to ACRB complaint recommendations.

The jurisdictional changes would bring ACRB allegations in line with APD policies.

We think the reasons for the changes are obvious: increased accountability and improved service levels. The proposed ordinance changes would be expected to significantly reduce the 30 percent rate of all complaints between 2012 and 2015 that the Board had to dismiss because it did not have the authority to investigate them.

Fiscally, the effect of these changes would be minimal. Most of them would have little if any financial impact other than the \$50.00 board member compensation and board member training.

For further information, please contact ACRB at 404 865 8622.