



ATLANTA CITIZEN REVIEW BOARD MINUTES OF THE LAST MEETING

FEBRUARY 10, 2011, 6:30 P.M.

55 TRINITY AVENUE, S.W., COMMITTEE ROOM TWO, ATLANTA, GEORGIA 30303

ROLL CALL

Members Present

PAUL BARTELS (*Bartels*)
BARBARA HUBBARD (*Hubbard*)
CHARIS JOHNSON (*C Johnson*)
RYAN JOHNSON (*R Johnson*)
ALAN MORRIS (*Morris*)
JOY MORRISSEY (*Chair/Morrissey*)
SHARESE SHIELDS (*Shields*)
MACEO WILLIAMS (*Williams*)

Members Absent

OWEN MONTAGUE (*Montague*)

Two Vacant Appointments to the Board

City Council President's Office (vacant 10 months)
City of Atlanta Council Members (vacant 2 months)

STAFF ATTENDEES

MARC ADDINGTON, Investigator (*Addington*); **CRISTINA BEAMUD**, Executive Director (*Director/Beamud*); **SHEENA ROBERTSON**, Investigator (*Robertson*); **MYOLA SMITH**, Administrative Analyst (*Smith /Transcriber*); **WILLIAM CASTINGS**, Board Attorney, City of Atlanta Department of Law (*Bill Castings*)

MEETING CALLED TO ORDER:

The meeting was called to order at 6:35 p.m. The *Chair* welcomed guest, citizens and members of the Atlanta Police Department: Lieutenant Sharonne Steed, APD, Office of Professional Standards; Major Elder Dancy, Commander, APD, Office of Professional Standards.

A G E N D A

APPROVAL OF MNUTES OF THE LAST MEETING:

The *Chair* entertained a motion to approve the minutes of the last meeting held January 19, 2011 at 5:30 p.m. It was moved by *Williams* to accept the minutes for January 19, 2011 meeting. The motion was seconded by *Bartels*. Following some discussion with noted corrections, the motion was approved.

CONSIDERATION OF INVESTIGATION 10-43, COMPLAINT OF MARLON KAUTZ

(Agenda Item III)

The *Chair* directed members to Agenda Item III, *Director Beamud's* memo to the Board dated February 8, 2011 summarizing the investigation of Complaint #10-43. *Investigator Addington* provided oral remarks regarding the complaint.

A. SUMMARY OF COMPLAINT

Addington reported that the complaint involved an allegation of excessive force made by Mr. Marlon Kautz against the Atlanta Police Department. On April 22, 2010, Mr. Kautz alleged that Officer Anthony Kirkman used excessive force against him when he forcibly removed his cell phone camera from him. Mr. Kautz is a member of COPWATCH and was in the area of Euclid Avenue. He began to film the incident and Officer Kirkman ordered him to stop filming because he was working undercover. Mr. Kautz ignored Officer Kirkman's request and continued filming. Officer Kirkman grabbed the phone and pushed it down. Mr. Kautz resumed filming after Kirkman let go. Officer Kirkman became upset, grabbed the phone and tried to take it away from Kautz. Mr. Kautz asked Officer Kirkman to "please let go of the camera." Two other officers assisted Kirkman to secure the phone. Mr. Kautz said the officers turned him around as Kirkman twisted his arm behind his back and wrenched the phone from his hands. Mr. Kautz was not charged with any crime and he indicated that he eventually retrieved his cell phone from APD Property Room; however, the video footage was corrupted and not viewable.

B. WHAT THE INVESTIGATION REVEALED

Addington reported that as part of the investigation, APD incident report #100711969, completed by Officer Kirkman, was reviewed. He said the report indicated that officers were involved in a narcotics investigation at 1150 Euclid Avenue when they observed complainant Marlon Kautz either filming or taking pictures of them while involved in their investigation. According to Officer Kirkman, he observed Mr. Kautz and asked him to stop filming them as it jeopardized their safety since they worked undercover. Officer Kirkman also wrote that he was concerned for the person whom they were arresting. The arrestee was thought to be a possible cooperating witness for future criminal narcotic investigations. Officer Kirkman expressed concern that images taken might be published on the internet. He also wrote that he noticed that Mr. Kautz was still filming after being asked to stop so he made the decision to take his phone.

Ms. Adele Maclean was a witness and was interviewed. Ms. Maclean confirms Officer Kirkman's version of the incident; however, she indicated that Officer Kirkman twisted Mr. Kautz's arm behind his back to remove the phone from his grasp.

Interviews were conducted with the officers who assisted Officer Kirkman. Those officers are Officer Anthony Kirkman, Officer Mark Taylor and Sergeant Stephen Zygaj. All of the officers interviewed indicated that Mr. Kautz was asked to stop filming their activities as they were concerned for their safety since they often worked uncover. They were also concerned for the safety of the individual whom they were arresting as he was going to assume the role of a cooperating witness in a future narcotics investigation.

Officer Taylor and Sergeant Zygaj both stated that they were aware that Officer Kirkman removed the camera from Mr. Kautz's possession but did not see or recall how it was removed. Officer Kirkman stated that he did take the camera from Mr. Kautz but he could not recall if he twisted his arm behind his back to remove the camera. All of the officers interviewed indicated that they felt they were justified in confiscating the camera because of their concerns for safety.

C. STAFF RECOMMENDATION

The complainant and the witness claim that Kirkman twisted Kautz's arm behind his back to remove the phone from his grasp. Two of the officers interviewed claim that they did not see the actual transfer of the phone from the complainant to the officer. Officer Kirkman indicated that he did remove the phone from Mr. Kautz's possession but did not recall twisting his arm behind his back. Atlanta Police SOP 3010 Section 4.1.1. and 4.1.2 addresses the appropriateness of using force when interacting with the public, "*employees are expressly prohibited from the unnecessary or unreasonable use of force against any person or property*" and "*employees will only use that force which is reasonable or necessary to effect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend the officer or another from physical assault, or to accomplish other lawful objectives.*"

Addington stated, "Based on the above investigation, the ACRB staff recommends that the allegation of Excessive Force against Officer Anthony Kirkman be **sustained**."

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

The **Chair** entertained a motion to accept the staff's recommendation regarding Complaint #10-43. It was moved by **Bartels** to accept the staff recommendation of **sustained**. **Morris** seconded the motion.

Discussion and Questions...

1. **Williams** stated, "Which officer indicated that he could not recall if they used any type of force to remove the phone?" **Addington** replied, "That was Officer Anthony Kirkman, who actually removed the phone." **Williams** commented, "He could recall everything else about the incident except how he retrieved the telephone." **Addington** replied, "Exactly."
2. **Bartels** asked, "In your report, you indicated that the officers said that this was a possible cooperating witness, but did he (the witness) actually agree to cooperate?" **Addington** stated that in the interview they indicated that there was this preliminary discussion, but by the time they left the scene with the individual, he had refused to cooperate.
3. **Bartels** asked **Addington**, "Were you able to determine from the police officers if they were, as alleged in the complaint, wearing jackets that had 'police' on them. **Addington** stated, "Yes. They were in tactical gear and some were in plain clothes wearing a vest that said 'Police'. Also, there was video on the phone taken of this incident; however, when the officers took the phone from Mr. Kautz, they attempted to remove the footage but did not have the password. My understanding is they made some preliminary negotiations to give the phone back, if the complainant would remove the footage. However, instead, the officers took the phone to the Property Room, and initially, failed to label it. Without the label, the Property Room thought the phone was evidence and unless a case is disposed, they will not release it. As a result, Mr. Kautz had a problem getting his phone back. After a period of time, he finally got the camera phone back. The video footage was corrupted and unclear but we were able to see one of the officers walking by wearing some type of tactical gear. I believe there was a K-9 officer that was at the location at some point."
4. **Bartels** asked, "Do we know if the APD has a policy regarding their position on people filming police officers?" **Addington** stated, "I do not believe there is anything in their SOP that addresses specifically, this issue."
5. **Beamud**, responding to **Williams** question regarding recent legislation addressing citizens being able to filming officers, stated that she was not aware of any new legislation. "Constitutional law that applies is pretty clear in this circuit. You can film police officers even if they are in an undercover capacity, as long as, of course, it would be in place that is otherwise accessible to the public. You do not need a statute when the Constitution says that you can do it."
6. **Hubbard** asked, "If you film someone working undercover, are you saying this does not compromise the officer?" **Addington** replied, "It could but the police were assuming that the

video was going to be put on the internet. They could have worn a mask as some undercover officers often do when they are in public situations where they might be exposed. They could have also considered an alternative route to remove the person that was being arrested.” **Beamud** added to **Addington’s** comments, “*The court has considered that issue of undercover officer safety and has rejected that... it is a constitutional right of the individual to take these photographs. The case in the Eleventh Circuit is specific as to undercover officers and they say citizens may photograph. Regardless of the peripheral issues, it has been considered and decided by the federal courts.*”

Hearing no further discussion, the motion was approved with one NO vote from **Ryan Johnson**.

E. DISCIPLINE RECOMMENDATION

Following the adoption of the sustained vote, **Chair Morrissey** turned the discussion to recommending discipline.

Before the discussion, **Addington** provided the Board with Officer Anthony Kirkman disciplinary history. He reported that Kirkman has been employed with APD since 2000. He has had a total of six complaints filed against him. Regarding the number of sustained complaints, Kirkman had one sustained complaint in September 2001 for failing to document use of force. He was given a written reprimand. The associated complaint of Excessive Force was not sustained. This is a Category ‘C’ offense ranging from four (4) to fifteen (15) days suspension.

The **Chair** entertained a motion. **Williams** moved to recommend a 15 day unpaid suspension on Officer Kirkman for violating the SOP addresses force. The motion was seconded by **Bartels**.

Discussion / Questions...

- 1. To answer **R. Johnson’s** question, **Addington** clarified that Officer Kirkman had six complaints filed against him; however, only one was sustained.*
- 2. Regarding the one sustained complaint, **R. Johnson** asked how was Kirkman disciplined for the offense. **Addington** replied, “He received a written reprimand amounting to a warning.”*
- 3. **C. Johnson** asked if the complainant received any physical injuries requiring hospital or other medical treatment. **Addington** replied, “No, just his arm was twisted behind his back.”*
- 4. **Bartels** said, “One thing to consider because it does bother me that this officer could recall all the details but could not remember the kind of force he used to get the phone away from the complainant.”*

Following the discussion, the **Chair** called for the vote. The motion failed with only one yes vote. The **Chair** opened the floor for a new motion.

Morris moved to impose a four day suspension without pay for Officer Kirkman. **C. Johnson** seconded the motion.

Discussion / Questions...

- 1. Regarding Officer Kirkman prior sustained complaint, **C. Johnson** asked, if there were any similarities to this complaint. **Addington** stated, “No, the sustained complaint was the result of a chase. The individual exited the vehicle and fled and Kirkman and another officer had to chase and subdue him. He had to use force to take him into custody, but he failed to document the incident as required.”*
- 2. **Bartels** said, “This is something that I would like for everyone to consider because this kind of relates back to what we discussed earlier. Not only do we need to look at the individual officer’s acts but is the department very clear that this is a policy situation. I would be more inclined to go along with the recommendation that it would be beneficial if the department would say something to the effect that this is what constitutional law in this Circuit says about individuals taping police in public place when they are doing their job and on the clock. The*

first step is that needs to be made clear. If the department were to do that then it would come down to whether the officer is willing to obey the law. I would like to make this recommendation as a friendly amendment to the motion.”

3. **Chair Morrissey** asked if the APD has a policy. To answer the question, **Major Elder Dancy** stated that the Department was currently looking at this issue. “However,” he stated, “it is clear that if you have a right to be where you are, you have a right to video. If the public has access, they can video tape.”

Morris accepted the friendly amendment to his motion. To clarify the motion and amendment, **Secretary Johnson** restated the motion, “We are recommending a four day suspension without pay for Officer Kirkman regarding the issue of Excessive Force. We further recommend that APD have a clear policy, included in the SOP, that all officers are familiar with regarding what constitutional law says about citizens being able to video tape police in a public place when officers are doing their job and on the clock.”

No further discussion, the motion was approved with two members, **Williams and R. Johnson** voting ‘No’ against the motion:

CONSIDERATION OF INVESTIGATION 10-50, COMPLAINT OF HUGWITT DAVIS

(Agenda Item IV)

The **Chair** directed members to Agenda Item IV, Consideration of Investigation #10-50. **Investigator Addington** was asked by the **Chair** for an oral overview of the complaint.

A. SUMMARY

Investigator Addington reported that on August 18, 2010, Mr. Hugwitt Davis filed complaint #10-50 alleging excessive force and abusive language that occurred on August 14, 2010 at 2261 Cheshire Bridge Road. In the complaint, Mr. Davis alleges that he was standing behind the rear of a strip shopping center speaking to another individual when he was approached by Sgt. Sokloski who Mr. Davis claims, began to beat him for unknown reasons. Regarding the abusive language, Mr. Davis alleges that Sgt. Sokloski was joined by several others who used abusive language against him, as well as, excessive force.

B. WHAT THE INVESTIGATION REVEALED

Addington reported that the Atlanta Police Incident Report indicated that Sgt. Sokloski was patrolling the area of 2261 Cheshire Bridge Road, which is known for illegal narcotics activity, when he observed a black male, later identified as Hugwitt Davis, engaged in suspicious activity behind the strip shopping center in the rear. The report said that Sgt. Sokloski observed Mr. Davis engage in what appeared to be a narcotics transaction with a white male at the location. Sgt. Sokloski approached the individuals to investigate. Mr. Davis walked away and Sgt. Sokloski followed Davis and attempted to stop him. Mr. Davis attempted to strike Sokloski in an attempt to flee as he placed a white substance that was in his hand into his mouth. Sgt. Sokloski, who was later joined by Sgt. Sinks, began to fight with Davis in an attempt to place him in custody. Mr. Davis was eventually placed into the rear of the police vehicle when another officer, at the location, observed Davis with his hands cuffed behind reaching into the rear of his pants in an effort to hide something. Mr. Davis was removed from the vehicle and the officers discovered a white chalky substance in the seat that was consistent with the appearance of crack cocaine. Mr. Davis was on the ground in handcuffs and the officers attempted to further search Davis for additional narcotics but he continued to resist their attempts. Mr. Davis was placed in a different vehicle where he continued to place his hands in the area of his buttocks. Fearing that Davis was attempting to conceal narcotics inside his body, the officers made the decision to transport him to Grady Hospital for evaluation in lieu of taking him directly to jail.

There were two witnesses located who were not sworn officers. They were citizens who had been in the area when this incident occurred. One witness was a female at a shop located near the arrest location. She indicated that she did not see the officers place Mr. Davis in handcuffs, but what she did observe was Mr. Davis standing on his own two feet, with his hands cuffed behind his back, untouched and screaming at the top of his lungs, yelling for the officers to stop beating and raping him. She indicated that no officer put a hand on Mr. Davis. She said they were just standing around looking at him. In fact, another civilian witness stated that Davis was acting in a bizarre manner trying to attract attention. One of the witnesses, identified as the individual who Sgt. Sokloski originally observed Davis interacting with, also admitted to staff investigator that Davis was attempting to sell him crack cocaine and that he had purchased crack cocaine on several occasions prior to this incident.

Several officers were interviewed and all of the officers gave similar accounts of Davis's behavior and actions. Two of the officers interviewed who accompanied Davis to Grady Hospital indicated that it took several people at Grady to restrain Davis so he could be evaluated.

Medical Records were obtained that indicate that Davis had an altered mental status and that he was extremely combative. The records indicated that Davis had to be administered medication for his behavior in an effort to safely evaluate him. Mr. Davis was also treated for kidney complications associated with what doctors described as cocaine abuse.

The investigation also revealed that on October 4, 2010, Davis plead guilty in Fulton County Superior Court to the charges of possession of cocaine with intent to distribute, tampering with evidence and two counts of felony obstruction.

C. STAFF RECOMMENDATION

Addington stated, "Based on the information obtained from the witnesses interviewed and the medical records, the ACRB staff recommends that the allegations against Sgt. Sokloski be **not sustained.**"

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

At the conclusion of *Addington's* overview, the *Chair* entertained a motion to accept the staff's recommendation regarding Complaint #10-50. It was moved by *Morris* that the Board accept the staff recommendations. *Bartels* seconded the motion. No further discussion, the motion was approved with one 'No' vote from *Williams*.

CONSIDERATION OF INVESTIGATION #10-51 – COMPLAINT OF BLUETTE HECTORS (*Agenda Item V*)

A. SUMMARY

Robertson provided an overview of complaint #10-51 filed with ACRB by Ms. Bluette Hector, a 61 year old woman who alleges Excessive Force against her by APD Officer Brain Thomas. Ms. Hector is the Property Manager for the Stanford Village Apartments located at 2265 Perry Boulevard. In her complaint, she alleges on July 2, 2010, Officer Thomas used unnecessary and excessive force against her when he applied handcuffs extremely tight and placed her in the backseat of his patrol car for approximately two hours with the windows closed and no air-conditioning. She further alleges that Officer Thomas refused her request to loosen the handcuffs and as a result, she sustained injuries to her wrists.

On the day of the incident, Ms. Hector had a meeting with a tenant concerning her lease. When the tenant arrived, she was also accompanied by her 19 year old daughter. Ms. Hector wanted to speak with the tenant alone and asked the daughter to leave the office. The daughter refused to leave but the

tenant pleaded with her for about ten minutes to leave and finally, she left. Ms. Hector said she then informed the tenant that she was not going to renew her lease because of the numerous problems she had with her daughters. The tenant got upset and began to cry. As she was leaving the office, she told her daughter, who was standing right outside the door; she was responsible for getting her kicked out. The tenant's daughter said she called 911 and reported that Ms. Hector had struck her.

Shortly thereafter, Officer Brian Thomas arrived and spoke to both parties. After listening to both accounts, he handcuffed Ms. Hector and placed her in the back seat of his patrol car. Ms. Hector was subsequently released and issued a citation for disorderly conduct.

B. WHAT THE INVESTIGATION REVEALED

Robertson reported that during her investigation, she interviewed Ms. Hector and she said that she told Officer Thomas, along with the maintenance supervisor who was also present during the incident that she never struck the tenant's daughter. However, when Officer Thomas returned after speaking with the tenant and her daughter, he instructed Ms. Hector to place her hands behind her back. Ms. Hector said Officer Thomas refused to give her a reason as to why she was being handcuffed. Ms. Hector said she pleaded with him to provide her with an explanation but he would not give one. She also stated that she pleaded with him to call a supervisor but again, he refused.

Ms. Hector said after Officer Thomas handcuffed and put her in the back seat of his patrol car, she said she complained to him numerous times that the handcuffs were too tight and that she was in pain, but he ignored her. She said she felt humiliated, mistreated and disrespected. She said he apologized to her after he released her. She said he also apologized to her a second time when they appeared for her court hearing.

Ms. Hector said immediately after the incident, she went to Zone 1 Precinct to file a complaint and spoke to Sergeant (*now Lieutenant*) Johnny Hall. She said Lt. Hall told her that Officer Thomas could not arrest her and he would look into getting the citation pulled.

C. INTERVIEWS

1. Two witnesses: Brian Smith, Maintenance Supervisor and Lagretta Wheat, resident in the complex, were present during the incident. They were interviewed and both confirmed Ms. Hector's version of the incident. Mr. Smith and Ms. Wheat said they told Officer Thomas that Ms. Hector never struck the tenant's daughter. They also confirmed that Ms. Hector complained numerous times to Officer Thomas about the handcuffs being too tight; however, he did nothing. They added that it was extremely hot that day and she was sweating profusely in his patrol car for a long period of time.
2. Officer interviews: Lieutenant Johnny Hall, Officer John Davis and Officer Thomas were interviewed. Initially, Lt. Hall and Officer Davis were not forthcoming with what they knew about the incident.
 - a. **Lieutenant Hall** claimed that he only learned of the incident when Ms. Hector came to the precinct to file a complaint. After further questioning, he admitted that Officer Davis called him while on the scene and informed him what was going on. He said he did not recall specific details of the conversation but said that Officer Davis told him that Officer Thomas was trying to arrest Ms. Hector based on a biased witness statement. He said he told him that he could not do that. Lieutenant Hall said he could not recall if he gave Officer Davis any specific instructions to relay to Officer Thomas.
 - b. **Officer Davis** claims that when he arrived on the scene, he did not speak to anyone except Officer Thomas. However, after further questioning, he admitted that he spoke to several witnesses on the scene and based on their statements, he said that it did not seem right that Ms. Hector was being arrested. Officer Davis confirmed that Ms. Hector asked for a supervisor. Officer Davis said that he called Lt. Hall and told him that he needed to come to the scene because it did not seem right to arrest Ms. Hector. He did not recall whether Lt.

Hall gave him specific instructions. Officer Davis was asked about his conversation with Officer Thomas and he could not provide details of the conversation and evaded the question and said that Officer Thomas told him there were conflicting stories and Ms. Hector refused to allow him to detain her. Officer Davis said that Ms. Hector did complain about the handcuffs but only after they had been removed.

- c. **Officer Thomas** stated that the reason he handcuffed Ms. Hector was based on the statements of the tenant and her daughter. He claimed that he did not intend to arrest her...only detain her. However, upon further questioning of Officer Thomas, he admitted that he was going to take her to jail but based on his discussion with Lt. Hall, he chose not to do so. He acknowledges that Ms. Hector did complain to him about the handcuffs being too tight and stated that he thought he loosen them but was not sure. He said that when he eventually, removed the cuffs, he noticed a mark on her wrist but he claims that she received the injury as a result of her pulling away from him when he was trying to handcuff her. He also claimed that she was only in the patrol car for 10 minutes but was unsure if the windows were up or down.

3. Documentary Evidence:

- a. **APD Recordings** – The recordings show that Officer Davis was present and his reported time of arrival and stay at the location was approximately one (1) hour and twenty (20) minutes. Ms. Hector was handcuffed shortly after he arrived.
- b. **Weather Information** - The reported temperature for Atlanta on the day of the incident was between 84 and 85 degrees.
- c. **Medical Documentation** - Ms. Hector provided medical documentation to show that she did seek medical treatment for her wrists which included numbness and soreness.
- d. **Photographs** - Ms. Hector provided photographs of her injuries indicating redness and bruising.
- e. **Court Records** - Ms. Hector's case was dismissed due to the victim's non-appearance.

D. STAFF RECOMMENDATION

The ACRB staff recommends the Excessive Force allegation against Officer Brian Thomas be assigned a finding of **sustained**. This recommendation is based on the following:

1. no justifiable reason as to why Ms. Hector was placed in handcuffs;
2. she was at her place of employment and did not pose a safety risk, and
3. she made no attempts to leave the property.

Therefore, given the facts presented, we concluded that Officer Thomas' action in leaving Ms. Hector, a 61 year old woman in his patrol car in the heat for at least one hour, with tight handcuffs, of which he refused to loosen after she complained to him that they were too tight, was unreasonable and excessive.

NOTE: OPS also conducted an investigation into this matter and its investigation was concluded on 1/3/2011 and they determined that Officer Thomas was exonerated in regards to the excessive force allegation; however, he was found in violation of APD Work Rule 4.1.01 regarding Appropriate Action. He was issued a written reprimand for failure to take appropriate action when Ms. Hector requested that a supervisor be called to the scene.

E. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION

Following the conclusion of **Robertson's** summary, the **Chair** opened the floor for a motion on the staff's recommendation. It was moved by **Williams** to accept the staff recommendation to sustain the Excessive Force allegation. The motion was seconded by **Shields**. The **Chair** called for questions and discussions.

Discussions and Questions...

1. **Bartels** asked, "Do you know what was the basis for OPS exonerating Officer Thomas on the issue of excessive force...did they say there was probable cause for this arrest?" **Robertson** replied, "No, they did not say there was probable cause."
2. **R. Johnson** stated, "If I understand this correctly, the Department is saying basically, that it is OK to hold a 61 year old lady in tight handcuffs, in a patrol car in 85° weather, with the windows rolled-up." **Robertson** stated, "That was my assessment of the excessive force. I took all those factors into consideration when looking at this complaint as an excessive force allegation. In APD's file, I did not see anything about the weather or how long she was in the car or anything like that...I do not think those factors were even taken into considerations."
3. The **Chair** stated, "Everything this woman (Ms. Hector) said, she said without a lot of prejudice. She really spoke to her heart. There is this disease that is happening in front of our eyes and it is called "I DO NOT RECALL" and that is very unacceptable. The complainant story is very, very believable."

Following the discussion, the motion was approved.

F. RECOMMENDATION AND VOTE FOR DISCIPLINE

The **Chair** asked **Investigator Robertson** to provide background information on Officer's Thomas disciplinary history.

1. **Robertson** stated, "Officer Brian Thomas has been employed since February 11, 2003. He has a total number of 17 cases. Within the five year reckoning period, he had 14 cases lodged against him. Eight (8) out of the 14 cases were sustained; five (5) were failure to appear in court; one (1) was a vehicle accident, one (1) Domestic Violence case and one (1) failure to call supervisor (*Hector case*). Eight (8) were sustained, one (1) was exonerated, two (2) were *not sustained* and three (3) cases are pending.
2. **Shields** asked the nature of the two 'not-sustained' cases. **Robertson** replied, "The two 'not-sustained,' one was a *recovered property* allegation and the other was *performance to directive* where they conducted an investigation into the status of his post certification. The exonerated case would be the Bluette Hector case."
3. **Williams** asked about the cases still pending to which **Robertson** replied, "Three (3) cases are pending and they consist of various work rule violations *i.e., appropriate action*, not submitting reports, and he was alleged to be racially profiling when conducting a traffic stop. Another involved removing a computer from a police vehicle that he was not assigned and moving it to his assigned vehicle and lying when questioned about it. Also, there is one other violation that dealt with recovered property but there was not much in the files and I was unable to access exactly what the allegations were in this instance. Interesting enough, although this is not within the five year reckoning period, a year after Officer Thomas was hired, he obtained a bullet proof vest from APD Property Room and gave it to a friend. Initially, when questioned, he lied about it. Instead of being fired for untruthfulness, which is the normal penalty, he received a thirty day suspension for the violation."
4. **Robertson** indicated that according to the APD grid, this is a category 'C; with four (4) to fifteen (15) days suspension.

The **Chair** entertained a motion regarding disciplinary action against Officer Thomas. It was moved by **Morris** to recommend Officer Brian Thomas receive a fifteen (15) day suspension, the maximum allowed according to APD grid, for use of Excessive Force. The motion was seconded by **Bartels**. Hearing no further discussion, the motion was approved.

INTAKE REPORT *(Agenda Item VI)*

A copy of the Intake Report was included in the Board packets. **Director Beamud** reported five complaints were received for the month of January, 2011. The complaints are:

#11-01 / Dimitry F (*prefer to remain anonymous*) alleging Excessive Force
Staff recommends dismissal for lack of signed complaint as required by ordinance.

#11-02 / Darrell Bowser alleging False Arrest
Staff recommends investigation as a false arrest complaint.

#11-03 / Mario Taylor alleging Unlawful Imprisonment
Staff recommends dismissal because it is beyond statute of limitations.

#11-04 / John Adams alleging False Arrest
Staff recommends dismissal because it is beyond statute of limitations.

#11-05 / Juliet Kilby alleging Excessive Force
Staff recommends dismissal because the complaint was beyond the 180 limitation period and because there is no signed complaint.

The **Chair** entertained a motion to accept the **Director's** Intake report. It was moved by **Williams** to accept the Director's report. The motion was seconded by **Bartels**. The **Chair** called for a discussion. Hearing no discussion, the motion was approved.

ELECTION OF OFFICERS: FEBRUARY 2011: *(Agenda Item VII)*

The **Chair** called attention to the paper ballots that were provided in the packets. It should be noted that **Maceo Williams** asked for his name to be add to the ballot for the office of Vice Chair.

Members were then asked to cast their ballot for new members to assume office beginning, March 2011 until February 2012.

Secretary C. Johnson confirmed the vote and announced the following results:

Board Chair: **Joy Morrissey**

Board Vice-Chair: **Maceo Williams**

Board Secretary: **Alan Morris**

Following the announcement of the new officers for 2011, **Secretary C. Johnson** congratulated all the newly elected officers. She indicated that the ballots will be certified and submitted as part of this public record.

TRAINING UPDATE FOR 2011: BOARD MANAGEMENT, MARCH 9, 2011

Beamud stated that the training will take six hours with an hour for lunch. "It will be held in the ATL Stats room located on the ground floor (*basement level*) of City Hall. It is a very good training and everyone is encouraged to attend. The training starts at 9:00 a.m. until 4:00 p.m. A continental breakfast will be provided and a box lunch."

Regarding training at the Academy, **Beamud** announced that she has been in contact with the training people at the Police Academy; however, they have not yet scheduled the next Citizen Academy, but they want to schedule it for March or April. "I will stay on top of this, until we get a date confirmed."

To answer if a 'ride along' was possible, the **Chair** said, "Citizens can ride along with the police whenever and it is encouraged. Please give that some thought, especially, if you are new, because I highly recommend *ride alongs*."

PUBLIC COMMENTS:

Chair Morrissey opened the floor for public comments.
No one signed up to make comments.

ADJOURNMENT:

The **Chair** entertained a motion to adjourn. **R. Johnson** moved to adjourn and **Morris** seconded. The meeting adjourned at 7:50 p.m.

Approved as to form and content,

Alan Morris
Board Secretary,

Signature

Date: