



## ATLANTA CITIZEN REVIEW BOARD

### MINUTES OF THE LAST MEETING

OCTOBER 14, 2010, 6:30 PM

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

### ROLL CALL

#### Members Present

RODERICK EDMOND (*Edmond*)  
BARBARA HUBBARD (*Hubbard*)  
CHARIS JOHNSON (*Johnson*)  
ALAN MORRIS (*Morris*)  
JOY MORRISSEY (*Chair/Morrissey*)  
SHARESE SHIELDS (*Shields*)  
MACEO WILLIAMS (*Williams*)

#### Members Absent

OWEN MONTAGUE (*Montague*)

#### Three Vacant Appointments to the Board

*Atlanta Bar Association*  
*Atlanta City Council President's Office*  
*NPU: M - R*

### STAFF ATTENDEES

**MARC ADDINGTON**, Investigator (*Addington*); **CRISTINA BEAMUD**, Executive Director (*Director/Beamud*); **SHEENA ROBERTSON**, Investigator (*Robertson*); **MYOLA SMITH**, Administrative Analyst (*Smith /Transcriber*)

**Guest Attendees:** APD Chief George Turner; Maj. Elder Dancy; Lt. Sharonne Steed, Office of Professional Standards, Atlanta Police Department

### **MEETING CALLED TO ORDER:**

The meeting did not start at 6:30 PM due to a lack of quorum. At 7:00 p.m., the Board had a quorum and the **Chair** officially called the meeting to order. The Atlanta Police Department and citizens were welcomed by the **Chair**.

Prior to the meeting being called to order, Chief of Police, George Turner took a moment to address the Board and introduce a new commander of the Office of Professional Standards, Major Elder Dancy. Chief Turner stated, "I came here to let you know that I will not be a stranger to these meetings. Anything that you need from me personally, do not hesitate to call my office. I hope that we are able to get to a place where we can be very transparent throughout our investigation so that we can provide the kind of oversight that citizens deserve and expect from the Atlanta Police Department."

Major Elder Dancy also expressed support for the Board, "This is my first meeting and you will be seeing me at these meetings in the future. I look forward to working with you. I understand that you are here to provide an independent and transparent process for citizen complaints. If there is anything that you need, and we can provide to assist you to thoroughly investigate those complaints, please do not hesitate to call us so that we can provide whatever you need."

# A G E N D A

## APPROVAL OF MNUTES OF THE LAST MEETING:

Due to time constraints, approval of the minutes for September 9, 2010, was tabled until the next meeting.

## ACTION ITEMS:

### CONSIDERATION OF INVESTIGATION 10-17 – COMPLAINT OF TRENTON BOYD

(Agenda Item III)

The *Chair* directed members to Agenda Item III, *Director Beamud's* memo dated October 1, 2010 summarizing the investigation of Complaint #10-17 and also, she asked *Investigator Robertson* to provide an overview of the complaint.

#### A. SUMMARY OF COMPLAINT

In her overview, *Investigator Robertson* stated that the complainant, Trenton Boyd is a 27 year old college student that filed two separate complaints with the ACRB office. "Complaint #10-17 is his first and he alleges that Officers Reginald Pettis and Victor Guevara engaged in excessive force by repeatedly striking and kicking him in the face and chest during an arrest on January 29, 2010. Both officers are members of the Red Dog Unit. In the complaint, Mr. Boyd alleges that he was a passenger in a vehicle that was driven by his friend Robert Burr and the police tried to stop the car. He said that the driver (Burr) pulled over and Officer Guevara approached the driver's side and Officer Pettis approached the passenger side. Officer Guevara ordered the driver to roll the window down. The driver rolled the window down but not all the way. He then offered his license and registration but Boyd alleges that Guevara refused to take the documents and instead ordered him to roll the window completely down as he yelled and threatened to break the window. Burr abruptly sped off and a chase ensued. Mr. Boyd alleged that he pleaded with the driver to stop, but the driver refused. He said that after a few minutes, the driver stopped the car at an apartment complex and the driver told him to run. Boyd stated that out of fear, he ran. The police chased them and drew weapons and ordered them to the ground. Mr. Boyd alleges that they both stopped and complied. More police arrived and they were surrounded by approximately five or six additional Red Dogs. He stated that Officer Guevara was dealing with his friend (driver) while another unidentified officer handcuffed him. After he was handcuffed, he alleges that Officer Pettis and two officers began punching and kicking him in his face and chest. He claims that both he and the driver were repeatedly struck and kicked. Boyd said at one point, an unidentified officer picked him up and Officer Pettis kicked him in the chest so hard that he knocked the wind out of him. He alleges that they were then dragged down a hill where he was evaluated by the fire department. He said he complained to them that he was suffering from chest pains so they called for an ambulance and he was taken to Grady Memorial Hospital for additional treatment. As a result of the altercation, Mr. Boyd sustained two fractures to his face, as well as, bruises to his chest and buttocks.

#### B. WHAT THE INVESTIGATION REVEALED

Photographs and medical records were provided in the report. Mr. Boyd was able to provide the names of three witnesses to the incident. One of the witnesses was the driver, Mr. Burr. Mr. Burr's statement was consistent with Boyd's statement. Mr. Burr said there were four Red Dog officers present and Boyd indicated there were only two. Mr. Burr admitted that he led the police on a high speed chase. The reason he gave was that he had dealt with Red Dog officers in the past and he was just afraid that they were going to do something bad to him. He also said that when

they did catch up with him, they ordered them to the ground but Boyd stood frozen with his hands up and at that point two officers, described only as African American and Hispanic, begin beating Boyd while another officer was assaulting him. Mr. Burr pointed out that at no time during the encounter did Boyd resist or strike any of the officers.

Regarding the two other witnesses identified by Mr. Boyd, one of them failed to return calls. The other witness resides in the area. This witness said that by the time he heard a loud commotion outside his house, and came outside, the situation had apparently ended. He did say that as he saw the individuals getting up from the ground and they were handcuffed. He also saw the police dragging one of them down the hill.

**Robertson** reported that she interviewed Officers Pettis, Guevara and Mayes. She pointed out that although Mr. Boyd had indicated that other officers were present, after reviewing the Red Dog Assignment sheets, she was not able to identify any other officers that may have been on the scene. "There were only three officers that were assigned to Team Two: Guevara, Mayes and Pettis. According to the sheets, besides the three officers mentioned, no other officers were in that particular car. The Daily Activity Reports of all the Red Dog Officers on duty that day were examined. There was no stop documented by other officers...only Guevara, Mayes and Pettis."

**Robertson** indicated that she listened to the radio transmission regarding the incident. "Although, the Sergeant is heard on the tape instructing all Red Dog Units to report to the scene, there is no indication that any of them reported or if they did, it is not mentioned on the tapes. During the interviews of the three officers, they all said that the other officers did come on to the scene, but they could not identify who those officers were. They also said that by the time they arrived, the situation was already under control and they did not have any dealings with them at all."

Officer Pettis admitted to striking Mr. Boyd in the face and chest numerous times but contends the use of force was justified because Boyd resisted arrest by fighting and attempting to grab his service weapon and his OC Spray. Officer Guevara denies having any interaction with Boyd and Officer Pettis confirmed that he was the only officer that hit Mr. Boyd. Officer Mayes, the driver of the Patrol Car, said that by the time he came on the scene, everything was under control; however, he admitted that he may have assisted with putting Burr and Boyd in the patrol car.

Boyd was indicted on felony and misdemeanor obstruction of a law enforcement officer and removal of a weapon from a public official. He pleaded guilty on March 8, 2010 to associated charges. The two charges of obstruction of a law enforcement officer were merged into a misdemeanor charge only. The third charge, removal of weapon from a public official, he plead guilty and was offered first offenders status and received three years probation in the agreement.

It should be noted that Mr. Boyd said the only reason he plead guilty to the charges was at the advice of his Counsel and he did not want to have a felony on his record. He is a college student and he said he didn't want a felony record to ruin his career.

#### C. STAFF RECOMMENDATION

Regarding Complaint #10-17/Trenton Boyd, the staff recommends a finding of '**Not sustained**' be applied to the complaint.

#### **Questions...**

1. **Edmond** asked if the officers had warrants for the arrest of the suspects. **Robertson** responded, "No, it was a traffic stop." **Edmond** then asked if they had a prior criminal record. **Robertson** responded, "I didn't look into that." To answer why the driver ran, **Robertson** stated that Mr. Burr indicated that he had instances with Red Dog in the past and he was afraid because they are known for beating people." When **Edmond** questioned what Officer Guevara witnessed between Mr. Boyd and Officer Pettis, **Robertson** stated

that Guevara indicated that he was busy dealing with Mr. Burr who was also resisting and couldn't see what was going on with them. Guevara, however, did say that he believed that he saw Boyd reach for Pettis duty belt.

2. **Johnson** asked if Boyd had legal representation when he made the plea agreement. **Robertson** responded, "Yes."

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

At the conclusion of the discussion, regarding Complaint #10-17 / Trenton Boyd, it was moved by **Edmonds** to accept the recommendation by the staff to **Not Sustain** the complaint. **Morris** seconded the motion.

*Discussion...*

1. **Edmond** voiced his concern regarding the complaint. "I believe in my heart that this boy was beat up unjustifiably but we cannot create the facts in the case. This in no way takes away from the work of the staff and I applaud the staff in their diligence in the research. You reached out to the witnesses and they couldn't provide much. Then there were the three officers, two of whom conveniently just did not see anything including the officer kicking and beating up the complainant and then there are the two guys who pleaded guilty. This one smells but again, we cannot create the facts of the case. For the record that is why I am voting to **Not Sustain** the complaint."
2. To clarify, **Hubbard** asked if Boyd was the passenger in the car. **Robertson** responded. "Yes."
3. **Williams** asked if any drugs or guns were found on Boyd. **Beamud** replied, "No."
4. **Edmond** stated, "No guns, drugs, warrants or prior arrest and as I understand it, no reason to run other than the fact that they are scared. Kids in school and they get facial fractures and they get charged. This case stinks but we can't create the facts; therefore, I am comfortable accepting the recommendation of staff."

No further discussion. The motion was approved.

**CONSIDERATION OF INVESTIGATION 10-24 – COMPLAINT OF TRENTON BOYD**

*(Agenda Item IV)*

The **Chair** directed members to Agenda Item IV, **Director Beamud's** memo dated October 4, 2010 summarizing the investigation of Complaint #10-24. **Investigator Robertson** was asked by the Chair for an oral overview of the complaint by

A. SUMMARY OF COMPLAINT

**Investigator Robertson** reported that this case is a second complaint filed by Trenton Boyd. The first complaint was #10-17 was filed approximately one month before this new complaint #10-24 in which Mr. Boyd alleges that Officer Victor Guevara falsely imprisoned him when he detained and searched him without legal justification on March 20, 2010.

**Robertson** reported, "Mr. Boyd alleges that on March 20<sup>th</sup> at approximately 5:20 p.m. he and friend were driving to Chantrelle's Restaurant located at 646 Evans Street to have dinner. He stated that while they were passing the restaurant, his friend (the driver) looked over at the restaurant to see if it was open and nearly collided with a marked Atlanta police vehicle that contained four Red Dog officers. Mr. Boyd said the driver swerved to avoid the collision. He said

they parked and proceeded to walk towards the restaurant when they observed the patrol car coming down the street in their direction. Mr. Boyd said he made eye contact with one of the officers in the back seat and realized it was Officer Guevara. He said the vehicle abruptly stopped, Officer Guevara exited the vehicle, ran towards him and began to search him in front of the restaurant by pulling down his pants and underwear. Mr. Boyd stated that another officer, whom he was only able to identify as being African American, assisted Guevara with the search. He stated that the officer asked his friend for ID and told him to watch where he was going and after completing the search, they returned to their patrol car and sped off. Mr. Boyd said the incident was witnessed by three people: the driver, the restaurant owner and a bystander known only to him as Danijee.”

**B. WHAT THE INVESTIGATION REVEALED**

**Robertson** reported she interviewed the first witness, Emmanuel Hall and he corroborated much of Boyd’s statements. “Mr. Hall stated that Boyd appeared to be very frightened upon recognizing one of the officers. He said that Boyd stated to him that one of the officers in the patrol car is the officer who beat him up and they are going to mess with us. Hall also stated that the patrol car turned around and drove towards them. He said that four officers got out of the vehicle and ordered them to stop. Two officers approached Boyd, while the other two officers approached Hall. Mr. Hall said that one of the officers that approached Boyd was Hispanic and was the same officer who Boyd said had beaten him up in a prior incident. He said the two officers searched Boyd in front of the restaurant; however, he was not searched but was asked a series of questions. Mr. Hall stated that he heard Boyd tell the officers that they no right to touch him and told them he had filed a complaint against them. Mr. Hall said he heard the officers tell Boyd to shut up as they continued to search him”

**Robertson** also contacted another witness, the restaurant manager and wife of the owner, Mrs. Jean Bridges. “She is an independent witness and she does not know Mr. Boyd or Mr. Hall. She stated that the only thing she knew is that the stop did occur and she saw an African American and Hispanic officer talking to Boyd and Hall in front of the restaurant. She said she was busy and did not pay attention to anything else. She did not see them being searched and she did not know why they were stopped; however, she did state that when Boyd entered the restaurant, he complained to her that this was not the first encounter that he had with one of the officers.”

Regarding the third witness, **Robertson** stated that numerous attempts were made to contact the witness known as Danijee but was not able to reach the witness. **Robertson** also reported that after Boyd and the witnesses were interviewed, she attempted to find out the identities of the other officers that were with Officer Guevara on that day. “A copy of the Red Dog Assignment Sheet for March 20, 2010 was requested and received. According to the assignment sheet, Officer Guevara was assigned to Team 5 along with Officer Darnell Perry and Derek Chao in the same car to patrol the same area in Zone 4 where the Chantrelle restaurant is located. A total of three officers; however, according to Boyd and Hall, four officers were present. APD Daily Activity Reports for all Red Dog Officers working on March 20 were obtained and a review of the documents indicated that there were no other officers assigned to Team 5. Interviews were also conducted with the officers (Chao, Perry Guevara). They all stated that they did not recall participating in the alleged stop of Mr. Boyd. Officer Guevara stated that he only recalls having one encounter with Boyd and that was the January 29<sup>th</sup> incident.”

**C. STAFF RECOMMENDATION**

Regarding Complaint #10-24, the staff recommended that the allegation of False Imprisonment against Officer Guevara be ‘**Sustained.**’ *Reasoning:* There is sufficient evidence to substantiate Mr. Boyd’s allegations. Mr. Boyd claims that the stop occurred is corroborated by other witness statements. Also, Guevara was assigned to patrol the area on the same day and in the same area where the stop occurred. The officers’ contention that they could not recall the stop is not credible

and they have every reason to be untruthful because when an officer stops or detains a person for questioning, they are required to notify the dispatcher and document the stop on the activity sheet. They failed to document the stop as required under APD SOP 3065.

**D. BOARD VOTE REGARDING STAFF RECOMMENDATION**

At the conclusion of **Robertson's** overview, regarding Complaint #10-24 /Trenton Boyd, the **Chair** entertained a motion. It was moved by **Edmond** that the Board accept the recommendation of the staff to **sustain** the allegation of the False Imprisonment against Officer Guevara. **Johnson** seconded the motion. No discussion. The motion was approved.

**E. DISCIPLINE RECOMMENDATION**

After the vote to **sustain** was adopted, **Chair Morrissey** turned the discussion to recommending discipline.

Before the discussion, **Robertson** provided the Board with Officer Guevara's Disciplinary History. She reported that Guevara has been employed with APD since July 2005. "During his employment, he has had three (3) OPS complaints filed against him...all excessive force complaints. The first complaint was in September 2006 and it was Not Sustained; the second complaint was filed January 2010 and the investigation is pending and the third complaint was filed April 2010 (by Boyd) which is still pending. "

**Discussion...**

1. **Edmond** asked, "Based on the grid that OPS uses, what would be the appropriate disciplinary actions taken."
2. **Robertson** answered that this would be considered a Category B offense with the penalty ranging from a written reprimand to a three (3) day suspension.

With no further comments, **Edmond** moved that the Board recommend to the Chief of Police that Officer Guevara be disciplined with a three (3) day suspension, without pay. **Williams** seconded the motion. No discussion. Motion was approved.

**CONSIDERATION OF INVESTIGATION 10-19 – COMPLAINT OF RANSFORD ASAMOAH**

*(Agenda Item V)*

The **Chair** directed members to Agenda Item V, **Director Beamud's** memo dated October 1, 2010 summarizing the investigation of Complaint #10-19, Asamoah Ransford. **Investigator Robertson** gave an overview of the complaint.

**A. SUMMARY OF COMPLAINT**

**Investigator Robertson** stated that Asamoah Ransford is a 21 year old African American male college student who filed a complaint alleging that APD Officer Sammie Hayslett falsely arrested him in front of J&& Gold Teeth, 82 Peachtree Street on March 9, 2010. He further alleges that Officer Hayslett engaged in excessive force when he repeatedly struck him in the face during the arrest.

"According to Asamoah, he and a friend, Anthony Chavarria, were walking on Peachtree Street when they were approached by several individuals trying to sell them marijuana. He said in an attempt to get away from the individuals selling marijuana, they stopped in front of J&J store and it was there when they were approached by Officer Hayslett. He said that the officer told them that he observed them conducting a drug transaction. Asamoah said he explained to the officer that he had done nothing wrong and that he did not have any drugs, but the officer searched him

anyway. The officer then told him he was under arrest and attempted to handcuff him. Asamoah stated that he refused to allow the officer to handcuff him because he had done nothing wrong and he knew his rights and he began to walk away from the officer. At that time, allegedly, the officer grabbed him and punched him in the face three times. He said he managed to get away from the officer and proceeded to walk in the opposite direction in an attempt to seek help. As Asamoah walked, an unidentified male civilian walked up and punched Asamoah in the face. Officer Hayslett was walking behind the civilian. An unidentified Caucasian officer in a patrol car approached and told him he was under arrest. He was taken to the police precinct where he remained for four and a half hours bleeding from his finger and nose without any medical attention. Subsequently, he was taken to Grady Hospital for treatment where he remained overnight and was then taken to jail. Asamoah claims the store where the incident occurred has surveillance cameras that captured the entire incident. He was charged with battery and felony obstruction. The charges were “dead docketed” on August 5, 2010.

B. WHAT THE INVESTIGATION REVEALED

**Robertson** reported that she interviewed Anthony Chavarria, the friend that was with Asamoah on the day of the incident and his account was similar to Asamoah’s statement.

The owner of J&J Gold teeth was also interviewed. “She said she did recall some police activity in front of the store, but she busy with a customer and did not pay much attention to them. She also stated that she does not have surveillance cameras in the store or on the property.” **Robertson** reported that she canvassed the area and did not see any cameras located near that area. Employees of J&J also could not recall any pertinent information concerning the incident.

“Officer Hayslett was interviewed and he said that he observed Asamoah and another individual talking to two known drug dealers in a staircase on 82 Peachtree Street and they appeared to be engaged in a drug transaction. Officer Hayslett said that he was on patrol in the area. The area is very familiar to him because he has patrolled in the area for many years and he indicated that he knows the people in the area too. Officer Hayslett said after watching Asamoah and the others conclude the transaction, he began to follow them. They noticed him and they separated. Officer Hayslett said he lost sight of the dealers but found Asamoah and his friend. When he stopped them, Asamoah immediately got hostile and told him that he knows the law and he has no reason to stop him. Officer Hayslett stated that he tried to calm Asamoah down to explain the reason for the stop. Mr. Asamoah got very loud and Hayslett said he made a decision to detain him by handcuffing him and escorting him back to the precinct to further question him regarding the incident. Officer Hayslett stated that when he reached for his handcuffs, Asamoah jumped back, assumed a combative posture and appeared as if he was about to punch him. He said when he noticed the combative stance he immediately punched Asamoah in the face twice. Officer Hayslett said upon noticing that Asamoah was bleeding, he stepped back and re-assessed the situation. Officer Hayslett said he again grabbed Asamoah but he managed to get away from him and ran. At that time, other officers saw him following Asamoah. The officers apprehended Asamoah and brought him back to the precinct. Officer Hayslett said he then obtained medical assistance for Asamoah and personally took him to Grady Hospital for evaluation. Officer Hayslett also indicated that he sustained minor injuries to his hand.”

Medical records revealed that Asamoah was treated at Grady Hospital on March 9, 2010. According to records, stitches were applied to a laceration on Asamoah’s ring finger of his left hand. He was prescribed pain medication and discharged to Fulton County Jail the next day.

### C. STAFF RECOMMENDATION

Regarding Complaint #10-19, the staff recommended that the Board ‘**Not Sustain**’ the first allegation of excessive force. *Reason:* Mr. Asamoah alleges that Hayslett struck him in the face without provocation. Officer Hayslett admits to using force but states that the amount of force used was necessary and justifiable because as he attempted to handcuff Asamoah, he got into a fighting stance and it appeared to him that he was going to strike him. Mr. Asamoah denies resisting arrest but admitted that he refused to let Officer Hayslett handcuff him and that he tried to walk away from him.

Regarding the False Arrest Allegation, the staff recommended that the Board find the allegation to be **Unfounded**. *Reason:* Based on the facts of the case, it appears that Officer Hayslett had reasonable suspicion to stop and detain Asamoah in order to determine if he was involved in an illegal drug sale which he believed had just occurred. When Hayslett attempted to handcuff Asamoah, he resisted by refusing to be handcuffed and walked away; thereby attempting to prevent Officer Hayslett from carrying out his official law enforcement duties.

#### *Discussion...*

1. *Williams* asked if any drugs were found on the complainant. *Robertson* responded, “No.”
2. *Hubbard* asked if the officer actually saw money exchange between Asamoah and the drug dealers. *Robertson* responded, “Yes.”
3. For the record, the *Chair* directed attention to the investigative report prepared by *Robertson*. Referring to a passage on page 6. She read, “... *the investigation continued on August 13, 2010, ACRB requested an interview with Officer Sammie Hayslett, but he refused to cooperate with the ACRB’s investigation. On August 19, 2010, he indicated that he would not appear and/or answer any questions as it relates to this incident; however, the following day, Hayslett contacted the ACRB and indicated that he now wanted to fully cooperate.*”

### D. BOARD VOTE REGARDING STAFF RECOMMENDATION

Regarding Complaint #10-19 / Ransford Asamoah, it was moved by *Edmond* to accept the recommendation of the staff regarding both allegations. *Morris* seconded the motion. No further discussion. The motion was approved.

### **SELECTION OF VICE CHAIR** (*Agenda Item VI*)

The *Chair* reported that *Alan Morris* has stepped forward and graciously accepted the position of Vice Chair pending the Board’s approval.

It was moved by *Edmond* to accept *Morris* as the new *Vice Chair* of the Board. The motion was seconded by *Johnson*. No questions or discussion. The motion was approved.

### **DISCUSSION ON ISSUES FOR STUDY ON EAGLE BAR MATTER** (*Agenda Item VII*)

*Beamud* stated that as a result of the sustained allegations in the Eagle Bar Case, the Board voted to conduct a study of the supervisory and SOP potential violations. “If you recall, the Board sustain the abusive language and the unlawful imprisonment and you asked that I produce a study concerning those two topics. I am going to have to interview the supervisory officers and I am encouraging you to let me know as soon as possible, if you have any specific issues that you would like for me to address. Once I have interviewed the officers, I will proceed to write up the report.”

The *Chair* encouraged the Board to email or call the Director by Monday, October 18, 2010.

## **DISCUSSION ON SPOKESPERSONS FOR BOARD**

*(Agenda Item VIII)*

The *Chair* asked *Beamud* to start the discussion regarding the spokesperson for the Board.

### *Discussion...*

1. *Beamud* stated that sometimes the office receives press calls and the Board has authorized her to give press statements. However, sometimes the press would like to speak with individual board members. "I am encouraging the Board to consider how you want to deal with this issue. Do you want to designate a person?"
2. The *Chair* said, "In the infancy of this Board, we saw the power of a single voice as significant in projecting a unified front and early on, we decided that the spokesperson would be the Chair of the Board. It is my recommendation that we continue to use a single spokesperson to the public; however, on occasion, maybe one of the attorneys would be the best spokesperson."
3. *Edmond* stated, "We have an Executive Board and when there is a sensitive media attention coming down the pipe, this team of three, can get together in person or on the phone and decided what the response should be or if someone should be designated like an attorney to speak on behalf of the Board. That makes sense to me."
4. The *Chair* said, "I really believe the question, at hand is, what the procedure is when the media ask someone other than the Executive Board to have an interview. This becomes a slippery slope because there are things that go on that we do not know about until we get to the next board meeting. Unless *Director Beamud* gets in touch with me about an issue, I may not know anything about it, and if I do not know about it, I doubt if anyone else knows. If a member of the media gets in touch with one of us and we are not aware of what is going on, it could be a problem."
5. *Edmond* said, "Everyone has First Amendment Rights--freedom of speech and you can say what you want to as an individual, but for continuity, it is better for the Board if we have a collective voice. If someone calls you then we basically should call the *Chair* or *Beamud* and let them handle the inquiries."
6. *Beamud* stated that she thought the discussion was good. "It is important for me to know exactly how the Board wants to handle this matter because this is your voice; however, another seed of thought that I would like to plant is that in future budget years, it would be good for the Board to start advocating now with your City Council members that we have a budget that will account for a communications person who could work with the press, do the website and coordinate community outreach. A few of you have served as *Chair*, and as you know, whenever there is an interesting topic out there, press calls can consume you for three or four days."
7. The *Chair* indicated that the *Director's* statement was relevant and that the Board has had this discussion in the past and in regards to Community outreach that would be very important.
8. *Johnson* said, "In the interim, we do not have that as a budget item and perhaps there are some other things we can consider because there are questions that sometimes we are asked to respond to when we are out in public. For instance, we could be attending a community meeting that does not have anything to do with the Review Board but we still may be asked about something in regard to the ACRB. Situations like these can catch us off guard. Therefore, I am wondering if we should have some basic talking points or make sure we all have a prepared response particularly, if there is something that we don't want to make a comment about in our capacity as a board member. The questions that come into the office, staff will have a little more time to prepare a deliberate response, but

the problems we face, is being out in public at meetings and someone comes up and ask you a question and the natural tendency is to try to respond to it.”

9. **Williams** indicated that from time to time, as a member of APAB, he is called on to give a report about ACRB. “I generally provided them with the approved minutes and I might say a few words at the podium because after all, they did appoint me to this Board and they want to know what is going on. Let’s clarify...are you telling me not to speak? Should I stop reporting? Are you including something like this or is this strictly about talking to the media only?”
10. The **Chair** stated, “I am also here through APAB representing NPU A-F. I go to NPUs and report and I think that makes good sense. Do most of you have to make a report?”
11. **Johnson** stated, “I have never been asked to report, but if they do ask me, I would need to give them the minutes or make some type of report overall about what we are doing. That is something to think about because how should we respond if asked by the appointing agency to make a report?”
12. The **Chair** stated that the discussion should be separated from the current agenda item. “We are talking about the media.”
13. **Shields** said, “I agreed with **Edmond** that a member of the Executive Board could be designated as the spokesperson or whomever they designate to discuss that particular subject. I recognize there are instances where something might come up and you receive a phone call and have to react quickly, but still it makes sense for the **Chair, Vice-Chair, or Secretary** to be the *first go-to* people for public comments. At the last Board Meeting, I was stopped out in the hall to answer a question and I just referred them to the **Chair**. I do not see why that cannot continue to happen. We just need to be more prepared as a Board to know when we have certain cases, there is going to be a particular interest and to be prepared to take the questions. I realize other entities may handle things differently, such as elected officials or school board members, but they are elected and we are not and the nature of their work is a little bit different. I am in favor of the Executive Board taking the lead. If the Executive team feels that a member of Board has a particular expertise in an area, I do not think there is anything wrong with them designating someone else to speak with the media about a case that they may be able to speak more intelligently about the matter.”
14. **Chair**, “When this Board was started, we recognize early on that it was very important that we all stay on point with what we are doing and we took a vote to have one spokesperson. While I do not recall which meeting, we did vote that the Director would be our single source for official announcements.”

## **INTAKE REPORT** (*Agenda Item IX*)

A copy of the Intake Report was included in the handout distributed to the members. **Director Beamud** reported that the office received six (6) complaints for the month of September 2010:

The complaints are:

- #10-52 / Complainant: Tonji White / Allegation: Excessive Force  
*Recommendation:* Dismissed because it is beyond the 180 day limitation set forth in the ordinance.
- #10-53 / Complainant: Darlene Brothers-Gray / Allegation: Retaliation in Work Place  
*Recommendation:* Dismissal because it is not within the Board’s jurisdiction.
- #10-54 / Complainant: Anonymous Police Employee / Allegation: Misuse of Work Time  
*Recommendation:* Dismissal because it is not within the Board’s jurisdiction.

#10-55 / Complainant: Ben Elbey / Allegation: False Arrest  
*Recommendation:* Dismissal because there are no factual issues.

#10-56 / Complainant: Naquan McNeil / Allegation: Excessive Force  
*Recommendation:* Investigate pending signed complaint form.

#10-57 / Complainant: Melvin Burns / Allegation: Excessive Force and False Arrest  
*Recommendation:* Investigate Excessive Force only.

The *Chair* entertained a motion to accept the *Director's* report. It was moved by *Shields* to accept the Director's Intake Report. *Morris* seconded. No discussion. The motion was approved with one abstention regarding Complaint #10-55 only by *Williams*.

**PUBLIC COMMENTS:** (*Agenda Item X*)

*Chair Morrissey* opened the floor for public comments. There were no guests signed-up to speak.

**ADJOURNMENT:**

Following Public Comments, the *Chair* entertained a motion to adjourn. *Shields* moved to adjourn and *Williams* seconded. The meeting adjourned at 8:10 p.m.

Approved as to form and content,

Charis Johnson  
Board Secretary,



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Signature  
Date: 11/04/2010