



ATLANTA CITIZEN REVIEW BOARD

MINUTES OF THE LAST MEETING

NOVEMBER 4, 2010, 6:30 PM

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

ROLL CALL

Members Present

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

Members Absent

RODERICK EDMOND (*Edmond*)

One Vacant Appointments to the Board
Atlanta City Council President's Office

STAFF ATTENDEES

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

MEETING CALLED TO ORDER:

The meeting was called to order at 6:35 PM. The *Chair* called the roll and asked each member to state their name and the agency that appointed them to the Board. Following roll-call, all guest, citizens and members of the Atlanta Police Department were welcomed by *Chair Morrissey*.

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 on October 14, 2010 and also the minutes for September 9, 2010 that were tabled in October. It was moved by *Edmond* to accept the minutes for October 14, 2010 and September 9, 2010 Board meetings. The motion was seconded by *Morris*. No discussion. The motion was approved.

ACTION ITEMS:

CONSIDERATION OF INVESTIGATION 10-25 – COMPLAINT OF VERDELL MARTIN

(Agenda Item III)

The *Chair* directed members to Agenda Item III, *Director Beamud's* memo dated October 28, 2010 summarizing the investigation of Complaint #10-25. *Investigator Robertson* provided an overview of the complaint.

A. SUMMARY OF COMPLAINT

Ms. Verdell Martin is a 57 year old African American female who filed an Excessive Force complaint with ACRB. She alleges that on the morning of April 7, 2010, an APD Officer, who she identified as 'Officer Murdock', appeared at her front door. According to Ms. Martin, the officer forced his way inside her apartment, handcuffed and dragged her from the residence for no justifiable reason. Ms. Martin did not sustain any physical injuries; however, she indicated that she suffered stress as a result of the incident.

B. WHAT THE INVESTIGATION REVEALED

Robertson reported, "During the interview with Ms. Martin, she claimed that an officer by the name of Murdock appeared at her door for no apparent reason. Ms. Martin said that she had no idea as to why he was there. Ms. Martin said the same officer had been at her residence the night prior to this incident responding to her 911 call. On that particular evening, she said she called 911 to report that her 16 year old nephew had struck her and she wanted him removed from the residence. Ms. Martin also indicated that although she was involuntarily taken to Grady Hospital, her stay was due to a medical condition, "sarcoidosis" (*a disease in which swelling occurs in the lymph nodes, lungs, liver, eyes, skin or other tissues*) and not due to mental illness as alluded to by the officer."

"According to APD records, the officer that responded to Ms. Martin's residence on the day of the incident was Officer Michael Gaither, not Officer Murdock as the complainant indicated. Also, an APD Officer did respond to Ms. Martin's residence the day prior to this particular incident; however, it was not Officer Murdock. It was Officer Bryon Martin."

"During the investigation, Ms. Martin claims that she had no idea as to why Officer Gaither was at her door. APD records reflect that on the day of the incident, Ms. Martin called 911 twice that morning (7:46 a.m. and 8:21 a.m.) and demanded that they send someone to her residence because she wanted her 16 year old nephew removed from the home. The audio recordings reflected that on both those occasions, Ms. Martin became extremely agitated when questioned by the operator and hung up the phone both times. As a result of Ms. Martin's calls to 911, Officer Gaither was dispatched to her residence. He arrived at 8:22 a.m. and reports that he is at the location and that Ms. Martin appears to be extremely demented. He then requested the dispatcher to send assistance and an ambulance so that she could be transported to the hospital. Officer Gaither further reports that Ms. Martin is running through the house and slamming doors. The recordings also reflect that Lieutenant Richard Tellis was advised to report to the location at Ms. Martin's request for the presence of a supervisor."

"Officer Gaither denies the allegations and contends that the only force he used was when he handcuffed Ms. Martin and with the assistance of Officer Schiffbauer, they carried her out of the apartment. He further contends that the force he used to restrain her was justified because she was behaving in a violent manner and appeared to be a danger to herself and others."

“The other officers who responded to the incident, Lieutenant Richard Tellis and Officer Timothy Schiffbauer when interviewed stated that Ms. Martin appeared to be suffering from some type of mental illness and needed to be transported to Grady Hospital for an evaluation. Officer Schiffbauer said that the only thing that he recalled them doing was getting her handcuffed, carrying her out and placing her on the gurney so that she could be transported to Grady Hospital.”

“Medical Records were obtained from Grady Hospital and EMS personnel reported that Ms. Martin’s behavior was violent and aggressive. While being treated she became very agitated and was given medication used to treat anxiety disorders or anxiety associated with depression to calm her. She was also diagnosed with an “altered mental status” and acute psychosis. Records further indicated that Ms. Martin was also treated for sarcoidosis as she alluded to in her interview. She was hospitalized for a period of seven days.” Investigator *Robertson* completed her summary.

C. STAFF RECOMMENDATION

Regarding Complaint #10-25/Verdell Martin, the staff recommends a finding of ‘**Exonerated**’ because there was sufficient evidence to establish that the use of force by the Officer to restrain Ms. Martin was not excessive and appears to have been justified. Also, the fact that Ms. Martin did not suffer any physical injuries further corroborates the conclusion that Officer Gaither did not use excessive force.

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

The *Chair* entertained a motion to accept the staff’s recommendation regarding Complaint #10-25. It was moved by *Edmonds* to accept the recommendation of the staff to **Exonerate** Officer Gaither. *Morris* seconded the motion. Hearing no discussion, the motion was approved.

CONSIDERATION OF INVESTIGATION 09-37 – COMPLAINT OF EXZAVIROUS TIGNER

(Agenda Item IV)

The *Chair* directed members to Agenda Item IV, *Director Beamud’s* memo dated October 1, 2010 summarizing the investigation of Complaint #09-37. *Investigator Addington* was asked by the *Chair* for an oral overview of the complaint.

A. SUMMARY OF COMPLAINT

Investigator Addington reported that case #09-37 is based on allegations by Exzavirous Tigner alleging excessive force against members of the Atlanta Police Department Narcotics Team 4.

Addington reported, “The case was filed on behalf of Exzavirous Tigner by his finance, Consuelo Knighton alleging that Mr. Tigner was subjected to excessive force by members of the Atlanta Police Department Narcotics Unit on October 14, 2009 at 1620 Westwood Avenue. Ms. Knighton indicated during the interview that she was called to the scene at 1620 Westwood Avenue where her finance’ was being placed under arrest. She said that she arrived at the scene and observed her finance, Mr. Tigner, on the ground in handcuffs, clothes torn and bleeding from the face. She claims that she approached the Sergeant on location and asked him to call EMS. Initially, he refused, but evidently placed the call to EMS. When EMS arrived, she claims that the Sergeant told EMS that Tigner didn’t need any help and he was going to jail not to the hospital. EMS was told to leave. Ms. Knighton then indicated that she noticed that his condition became worse, and she dialed 911 and requested an ambulance to come back to the scene and the medics returned. Mr. Tigner was taken into custody and transported to Grady Hospital.”

An interview was conducted with the complainant, Mr. Tigner. “During the interview, Mr. Tigner indicated that he was standing outside his mother house at 1620 Westwood Avenue talking when he was approached by two Atlanta Police Officers. He stated that the larger, more muscular of the

two officers, struck him in the face without provocation. He claims after being hit, he lost consciousness and when he awoke, he was in handcuffs and bleeding from the nose and mouth. He indicates that he recalls the EMS coming twice to see him and eventually being transported to Grady Hospital but he has no recollection of the Sergeant making a comment about him not needing to go to the hospital. Mr. Tigner denied being inside the residence where the warrant was being served and claimed that he did not jump out of a window as alleged by the officers. He said that he did not run nor offer resistance. Mr. Tigner also claims there were some additional witnesses, but he could not provide their information. Medical records confirm that Mr. Tigner suffered soft tissue swelling and a fractured nose with two broken bones in the nose. He filed a complaint with the Office of Professional Standards.”

B. WHAT THE INVESTIGATION REVEALED

It should be noted Sergeant Jeff Branum, Investigator David Stribling and Investigator Peter Trotta initially, refused to answer questions regarding the investigation. The officers were summoned again and this time, they gave statements after the ordinance, requiring the Chief of Police to discipline officers who do not cooperate, was passed by the City Council. *Addington* reported “Branum, Stribling, Trotta and Investigator Tony Jones, were all part of the Narcotics Team involved in the execution of a search warrant at 1620 Westwood Avenue. During the interview with Sergeant Branum, he said the aforementioned officers involved in the matter were serving on the perimeter team outside the Westwood residence. Sergeant Branum indicated that there was some radio traffic alerting them that there was a male subject jumping out of the side window of the residence. This person was later identified as Exzavirous Tigner. Sergeant Branum claims that Mr. Tigner ran to the rear of the adjacent house and was followed by Investigator Stribling. Sergeant Branum and Investigator Trotta ran to the front of the adjacent house and chased Mr. Tigner for three to five houses down the street before they confronted him and tackled him to the ground. Sergeant Branum said that he saw Mr. Tigner fall at different times and did not know where the blood on Mr. Tigner came from. Sergeant Branum advised that he completed an APD ‘Use of Force’ report because of the injuries sustained by Mr. Tigner.”

“When Investigator Stribling was interviewed, he claimed that he was at the rear of the house when he heard crashing sounds a few seconds after the police entered the residence. He indicated that he observed a black male face down in the bushes underneath the broken window. Investigator Stribling then indicated that Mr. Tigner got up and began to run toward the adjacent houses in the rear of the location where Mr. Tigner was confronted by Investigator Peter Trotta who tackled him to the ground. Investigator Stribling said that and he and Sergeant Branum went to assist Investigator Trotta and placed Mr. Tigner into handcuffs. Investigator Stribling recalls that Mr. Tigner was bleeding from his face but he did not recall how he was injured.”

Investigator Peter Trotta statement of facts was similar to that of Investigator Stribling and Sergeant Branum. “Investigator Trotta said he recalled seeing Mr. Tigner fall several times during the chase while running away from the officers. Investigator Trotta said he confronted Mr. Tigner in a driveway, three houses down from the 1620 location. Investigator Trotta claims that when he challenged Mr. Tigner to stop, Mr. Tigner assumed an aggressive stance and he then tackled Mr. Tigner to the ground. While attempting to handcuff Mr. Tigner, Investigator Trotta indicated that his harness came loose on his gun-belt and he reached to adjust it but by this time, Sergeant Branum and Investigator Stribling had placed Mr. Tigner into handcuffs. Investigator Trotta recalled that Mr. Tigner was bleeding in the face, but did not recall how he was injured.”

“Sergeant Tony Jones reported that he was a part of the entry team that went into the house at 1620 Westwood Avenue. He indicated that he did not observe the arrest of Mr. Tigner nor did he observe any force used against him. Sergeant Jones said he did observe the ambulance come twice and he saw scratches and bleeding from Mr. Tigner’s nose. He did not know how Mr. Tigner received his injuries.”

According to Investigator *Addington*, the witnesses who may have seen this incident could not be located. Mr. Tigner pled guilty to the charges of possession of marijuana, possession of cocaine and obstruction of law enforcement on November 24, 2009.

C. STAFF RECOMMENDATION

Addington reported that while it is obvious that Mr. Tigner received injuries to his face and suffered a broken nose, there is no clear and convincing evidence as to how the injuries were sustained. “The Board may want to consider the mechanism and the specifics of Mr. Tigner’s injuries and decide whether the injuries could be a result of falling through a window or falling face down on the ground. However, based on the information gathered regarding Complaint #09-37, the staff recommends that the allegation of Excessive Force be ‘**Not Sustained**’ against the officers.”

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

At the conclusion of *Addington’s* overview, regarding Complaint #09-37, the *Chair* entertained a motion to accept the staff’s recommendation. It was moved by *Morris* that the Board accept the recommendation of the staff to **Not Sustain** the allegation of Excessive Force. *CJohnson* seconded the motion.

Discussion...

1. *Edmond* stated. “Looking at the medical records from Grady Hospital, specifically, on page 11 of Investigator *Addington’s* report, the Doctor’s assessment of the injuries to Mr. Tigner’s face, indicates, ‘*bi-lateral abrasions to the face (both sides) causing pain to the cheeks in bi-lateral orbits.*’ For the record, the injuries that Mr. Tigner sustained **are not** consistent with him falling out of window. He would have had to fall on both sides of his face without bracing himself. The physical findings are consistent with Mr. Tigner being punched a couple of times. That being said for the record, I will sustain the staff recommendation but the injuries sustained are not consistent with Mr. Tigner falling out of a window or falling on the ground unless he fell out of the window and hit himself on the right side and then fell on the ground and hit himself on the left side. This is highly improbable because with each fall, he would have to *not* brace himself. I think he was punched multi times on both sides of his face.”
2. *CJohnson* stated, “I agree with *Dr. Edmonds* that Mr. Tigner’s injuries are very questionable; however, there is also an issue of who punched him and an issue of causation.” *Addington* interjected and said, “Mr. Tigner indicated during his interview that it was a very large, tall muscular black male officer that hit him and of all the officers present, there was only one that fit this description and that would be Investigator Stribling.”
3. *Edmond* said, “Another reason I will vote to sustain the recommendation of the staff...Mr. Tigner indicated that he knew of two witnesses to the incident; however, he failed to provide their names and you can’t have it both ways.”
4. *Morrissey*, “How did the gun belt coming a loose play into this? *Addington* stated, “Investigator Trotta indicated that after he initially tackled Mr. Tigner to the ground, he briefly became disengaged because he was trying to keep his gun belt from falling. This caused Investigator Trotta to briefly lose eye contact with Mr. Tigner and when Investigator Trotta looked up, Mr. Tigner was being handcuffed by the other officers.”

No further discussion, the motion to **Not Sustain**, as recommended by the staff, was approved unanimously.

CONSIDERATION OF INVESTIGATION 10-34 - - COMPLAINT OF RUSSELL REED

(Agenda Item V)

The *Chair* directed members to Agenda Item V, *Director Beamud's* memo dated October 28, 2010 summarizing the investigation of Complaint #10-34, Russell Reed. *Investigator Addington* gave an overview of the complaint.

A. SUMMARY OF COMPLAINT

Investigator Addington stated that Mr. Russell Reed filed a timely complaint with the ACRB alleging that Officer Casey D. Johnson used abusive language towards him at Hartsfield Jackson Airport on June 12, 2010. "Mr. Reed explained that he temporarily stopped his vehicle at the airport in the passengers' drop-off/pick-up area to look for a passenger who had just arrived at the airport. While parked, he was approached by an Atlanta Police on a bicycle. He identified the officer as Officer Casey Johnson. He claims that Officer Johnson approached the driver's side of his car, said nothing, and just stared at him. After a few seconds, Mr. Reed rolled down the window and asked the officer if there was the problem. The officer did not respond and continued to stare at him. At that point, Mr. Reed apologized to Officer Johnson because he thought the officer did not hear him and he then repeated his question. There was silence for a about a minute and a half. Mr. Reed claims that Officer Johnson began what he described as a verbal triad. Mr. Reed said that Officer Johnson told him that 'you are not to speak to a police officer unless directed to do so' and 'you are to comply when I ask you question' and other statements of this nature. Mr. Reed said that he asked the officer what was his violation. Officer Johnson ordered Reed to surrender his license. Mr. Reed complied. According to Mr. Reed, the officer started yelling saying that he was going to impound his vehicle and told him he was not to say anything unless directed to do so. Mr. Reed claims this lasted several minutes while Officer Johnson wrote the parking citation. When Officer Johnson finished writing the citation, Mr. Reed indicated that Officer Johnson approached him and stood approximately two to three inches from his face, yelled at him in a way that Mr. Reed described as a berating and in a threaten manner. Mr. Reed claims that at this point, he was genuinely scared that Officer Johnson was going to hit him. During the entire time, Mr. Reed indicated that he did not say a word to Officer Johnson nor offer resistance that would cause this type of behavior from Officer Johnson. Officer Johnson ultimately issued him a traffic citation and ordered him to leave the airport."

B. WHAT THE INVESTIGATION REVEALED

Addington reported that he interviewed Officer Johnson; however, Johnson said that he did not remember the incident. *Addington* indicated that Johnson was provided a copy of the citation that he issued, but he still could not recall the incident. He explained that during a typical day, he may interact with 50 to 100 people."

Officer Johnson has tenure of eleven years as a police officer at Hartsfield-Jackson Airport. A review of his OPS disciplinary file revealed that he had six (6) courtesy complaints filed against him during his tenure at the airport. All six of these complaints involved courtesy allegations and the scenarios surrounding the incidents, closely match what occurred between him and Mr. Reed. It should be noted that none of the complaints were sustained by OPS but they all involved language used by Officer Johnson that was inappropriate and abusive. In one of the complaints filed in 2007, the complainant stated that Officer Johnson seemed to be "baiting" him in an attempt to escalate the situation so that he would be arrested.

C. STAFF RECOMMENDATION

Regarding Complaint #10-34, the staff recommended that the allegation of abusive language be '**Sustain.**' Reason: Numerous courtesy complaints in Officer Johnson OPS history.

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

Regarding Complaint #10-34 / Russell Reed, it was moved by **CJohnson** to accept the recommendation of the staff to sustain. **RJohnson** seconded the motion. The Chair called for a discussion.

Discussion...

1. **Morrissey** stated, “The police force could be better served without such officers. In the public position as an officer at the airport, this is not what the City of Atlanta needs. There is a very glaring systematic behavior by this officer that indicates that he has a courtesy issue. I can well imagine how difficult it would be for a police officer to be on duty for everybody in Atlanta that comes by the Baggage Claim section. This is a difficult place to be and officers need to be rotated out of that airport spot. We keep getting complaints from the public, even when I know the public will go to great extent to park where they are not suppose to park, but we still have to have officers that can handle that kind of pressure. If they are there for eleven years that is ten years too long.”
2. **Edmond** stated that obviously, Mr. Reed was waiting on someone. “Did that person ever come?” **Addington** answered, “Yes, they did, but not until after the officer left the location and there was no video because they only keep video for thirty days.” **Edmond** asked, “Did you inquire why he (Reed) waited four months to make a complaint?” **Addington** answered, “The incident occurred on April 23, 2010 and Mr. Reed does not live in Atlanta. He lives in Chicago and works as an auditor and is frequently on the road. He filed on June 12, 2010. Mr. Reed acknowledged that he was not supposed to park where he parked and therefore accepts the ticket; but indicated that he was more concerned by the officer’s behavior.”
3. **C. Johnson** asked, “Did he file a complaint with OPS?” **Addington** answered, “I don’t believe he did.” **Beamud** confirmed that Reed did not file a complaint with OPS. “He called shortly after the incident, but it took him some time to return the signed complaint form to us and we don’t count the complaint until we get something formal.”
4. **Hubbard** stated, “I see that Officer Johnson had numerous complaints against him. How many complaints were filed against him?” **Addington** stated, “At the airport, he has had six complaints. During his eleven year tenure with APD (starting in 1991), he has had nineteen (19) violations. In the past five years, he has had eight violations. Of the eight violations, only one was sustained by OPS and that was failing to obey an order of a supervisor. Of the six complaints filed against Officer Johnson at the airport, one courtesy complaint at the airport is still open.”

Following the discussion, the motion was approved unanimously.

E. RECOMMENDATION FOR DISCIPLINE – ABUSIVE LANGUAGE

The **Chair** asked for the OPS grid guidelines. **Addington**, “Per the OPS grid, it would be an ‘A’ category offense with discipline ranging from a written reprimand to training.”

Discussion...

1. **Edmond**, “With all due respect to the grid, it is extremely concerning about this officer’s history of being abusive to citizens and visitors to Atlanta. I am in favor of this officer being suspended without pay for three days.”
2. **Shields**, “I agree that a reprimand is too light concerning the history, but I would only be in support of one (1) day without pay and training.”
3. **Edmond**, “The training needs to be much more active because if this officer is going around telling citizens that they cannot speak to him unless they are spoken to, he’s got it wrong and that needs to be corrected. It sounds like he could be suffering from burn out.”
4. **RJohnson**, “Is it possible for this Officer to be transferred to another station location?”

5. **Morrissey**, “I would be in favor of that recommendation to transfer the officer because that is a really hard job at the airport dealing with passengers in and out. Everybody thinks they have a right to be where they are supposed to be. It is a very trying position and to keep someone there in that position for that many years (eleven), is asking for trouble.”
6. **Shields**, “Is there any sort of policy in place that talks about how long people should remain in certain assignments?” **Beamud** answered, “There are some policies that address vice squads officers and narcotic officers; however, I am unaware of any policies that specifically address this patrol officer. Some police are patrol officers their entire career.” **Shields** added, “I don’t think this has to be a policy, but the airport should be the place where you want to put your best officers with the most pleasant temperament.”

Following the discussion, the **Chair** entertained a motion. It was moved by **Shields** to recommend one day suspension without pay, sensitivity training and reassignment to a different beat. The motion was seconded by **Edmond**. No further discussion, the motion was approved unanimously.

INTAKE REPORT (*Agenda Item VI*)

A copy of the Intake Report was included in the handout distributed to the members. **Director Beamud** reported that the office received the following complaints for the month of October 2010:

The complaints are:

- #10-58 / Complainant: Ben ElBey / Allegation: False Arrest
Recommendation: Dismissed because there is no legal support for his position that members of the Pembina Nation are not subject to the traffic laws of the states.
- #10-59 / Complainant: ACRB / Allegation: Supervisory Failure
Recommendation: Perform a study as requested by a vote of the Board at the September meeting. The Board is interested in supervisory responsibility for the sustained allegations at the Eagle Bar.
- #10-60 / Complainant: Bonnie Hunt / Allegation: Excessive Force
Recommendation: Investigate as an allegation of excessive force.
- #10-61 / Complainant: Betsy Crawford / Allegation: False Arrest
Recommendation: Dismissal because it is beyond 180 day limitation.

Regarding Case #10-59, **Beamud** stated: “The Board asked me to produce the study for November; however, I didn’t get it done. Today, I interviewed Major Williams and I had to re-interview all of the sergeants and lieutenants and that was the hold up. You have a lot of cases next month and the Christmas dinner and this study is the kind of thing you are going to have to spend a little time on. Also, the Pierre George Case is completed. If we give you the Eagle case and George case, your time would not be well spent. You may be better off reviewing the Eagle case another month because I don’t know if you will have time next month. However, if you want me to complete the Eagle Study for next month’s meeting, I will be glad to complete it by next week and email it to you.”

The **Chair** indicated that although the Board will not discuss the study at next month’s meeting, she stated that she is ready to read it and digest it as soon as it is completed. **Beamud** stated that she would complete it and send it electronically.

Comments...

1. *Regarding obvious complaints that are without merit and considering the amount of time staff has to invest in reviewing such complaints, **Edmond** stated, “For the record, to the extent possible, and I know there is tension between being comprehensive and also being efficient, we need to try as a group to maximize the tax dollars.” **Edmond** requested that the staff to keep this thought in mind.*
2. *The **Chair** stated, “All complaints still need to come before the Board and we can deal with those types of complaints swiftly.”*
3. ***Beamud** stated, “It just important that all complaints are documented.”*

The **Chair** entertained a motion to accept the **Director’s** report. It was moved by **Morris** to accept the Director’s Intake Report. **Shields** seconded. No discussion. The motion was approved.

DISCUSSION ON ETHICS DECISION: (*Agenda Item VII*)

The **Chair** directed the Board’s attention to incoming correspondence from the State Bar of Georgia responding to the Board’s request for a formal advisory opinion: *Is the City of Atlanta Law Department prohibited from representing the Citizen’s Review Board and the Police Department pursuant to Bar Rule 1.10 (Imputed Disqualification) and Rule 1.7 (a) (Conflict of Interest)?*

A. SUMMARY OF THE REQUEST FOR A FORMAL OPINION

Beamud provided background on the complaint. “In May or June, the Board asked me to draft a letter to the Georgia State Bar asking them to review our situation with our attorney and whether or not someone who works in the City Attorney’s Office...the same supervision, can represent both the Board and also the Police Department; particularly, since the Board has had so many legal issues and many of these issues are not entirely resolved. Therefore, we asked the State Bar to issue an opinion and the letter received in the office last week, indicates that they do not intend to do so. In a conversation with a former Board member, who also had a conversation with the General Counsel of the State Bar of Georgia, it was indicated that the State Bar only issue opinions when the matter is somewhat hazy and could serve as instruction to the rest of the legal community. When a situation is pretty clear and is improper, they do not want to spend a lot of time issuing opinions because it is a very lengthy and time intensive process. The recommendation is that we make an actually complaint to the State Bar and let them rule on the complaint. The other alternative is to pursue the ‘Ethics Hotline’ idea where they issue an informal complaint. The General Counsel of the State Bar of Georgia has been asked to consider calling Atlanta’s new City Attorney, Ms. Hampton and have a conversation with her about this situation. I have an appointment to speak with Ms. Hampton and that meeting is scheduled for next week. Also, I spoke with a person at the State Bar and they said, in Georgia, there is no Chinese Wall. The Law Department has been asserting this *Chinese Wall* for quite a while and this is not permissible. The only way that you can represent two clients that have adverse interest is if they consent to the representation and it has been very clear that all of you have objected. The Board may want to consider at the next meeting whether or not, we are going to file a formal complaint.”

B. COMMENTS REGARDING THE REQUEST

1. **Shields** asked if this would be a complaint against the City Law Department or the City Attorney individually. **Beamud** answered, “I think it would be individually that gets it because the license is individual and not the firm.”
2. The **Chair** stated, “We look forward to conversations to happen that are being planned with the new City Attorney and the conversation between the Bar’s Counsel and Ms. Hampton.”

TRAINING PLANS: (*Agenda Item VII*)

Beamud stated that at the last meeting, the Board requested her to schedule a tour of the 911 Center. “The tour has been scheduled for the 17th of November and should take about 30 minutes. An email was sent to everyone about the arrangements. Regarding the other request to arrange for Citizen Police Academy training activities, I had a conversation with the Head of the Academy and I think it is too much of a time commitment for every board member to go through the whole Citizen Police Academy. However, he is perfectly willing to put together an abbreviated time that you can come and join the Citizen Police Academy but not commit to attending all of the meetings. One of the things that the **Chair** would like to see happen is the Fire Arms Assimilation, Use of Force and some other things. If you have anything that you want me to arrange and you are willing to do this, then I will be glad to arrange it.”

PUBLIC COMMENTS: (*Agenda Item IX*)

Chair Morrissey opened the floor for public comments. There was one guest speaker, Ms. Verdall Martin.

Ms. Martin comments were focused on her complaint (#10-25) that presented to the Board this evening. She expressed disappointment with the findings and indicated that several things that were reported by the police were incorrect. Ms. Martin stated that she would continue to fight against what was reported by the police with regards to what actually happened and her mental state of mind at the time.

ADJOURNMENT:

Following Public Comments, the **Chair** entertained a motion to adjourn. **Morris** moved to adjourn and **C. Johnson** seconded. The meeting adjourned at 7:40 p.m.

Approved as to form and content,

Charis Johnson
Board Secretary,



Signature

Date: 12/09/2010