



ATLANTA CITIZEN REVIEW BOARD

OFFICIAL MINUTES OF THE LAST MEETING

Meeting Date: February 11, 2010, 6:30 p.m.

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

BOARD MEMBERS IN ATTENDANCE

J.L. BOOKER (*Booker*); **RODERICK EDMOND** (*Chair/Edmond*) arrived 7:10 p.m.; **SETH KIRSCHENBAUM** (*Kirschenbaum*); **CHARIS JOHNSON** (*Johnson*) arrived 7:00 p.m.; **OWEN MONTAGUE** (*Montague*) arrived 6:42 p.m.; **JOY MORRISSEY** (*Morrissey*); **JOHN MICHAEL** (*Michael*) arrived 6:43 p.m.; **ALAN MORRIS** (*Morris*); **SHARESE SHIELDS** (*Shields*)

BOARD MEMBERS ABSENT

MACEO WILLIAMS (*Williams*)

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 Legal Advisor, COA Law Department (*Castings*)

GUEST ATTENDEES: Commander Major Moses Perdue, Office of Professional Standards, Atlanta Police Department

CALL TO ORDER

Vice Chair Kirschenbaum officiated the January meeting until the arrival of the *Chair*. The meeting was called to order at 6:35 p.m.

A G E N D A

APPROVAL OF MNUTES OF THE LAST MEETING:

The *Vice Chair* asked if there were any corrections to the minutes. There were no corrections noted. *Booker* moved to approve the Minutes for January 14, 2010. Seconded by *Morris*. The motion was approved.

ACTION ITEMS:

DISCUSSION OF INVESTIGATION #09-13 COMPLAINT

Complaint #09-13 was filed August 26, 2009. A completed investigation was distributed to the Board on January 14, 2010.

A. SUMMARY OF COMPLAINT

Vice-Chair Kirschenbaum summarized the complaint and *Investigator Addington* providing additional details.

The Complainant alleged that on January 26, 2009, at approximately 3:00 p.m., she was standing on the sidewalk in front of a convenient store at 371 Boulevard with four other ladies when Officer Brandy Dolson pulled up and ordered them to ‘move on.’ Everyone walked away; however, the Complainant stayed and asked the Officer why they had to leave. “I am a citizen and a taxpayer, why do I have to move? I am not doing anything wrong.” The Complainant explained that she was just talking with friends about a funeral for a sister. She stated that the officer responded, ‘because I said so’ and he got out of the car told the female officer to search and handcuff her. She was taken into custody and charged with a city ordinance violation. The Complainant was held for nine hours.

B. WHAT THE INVESTIGATION REVEALED

The complainant was interviewed. She stated that the group was on the sidewalk for five minutes or less. The Complainant’s friend (*included in the group*) witnessed the incident and confirmed that they were on the sidewalk discussing funeral arrangement for a friend and was approached by two police officers. The witness explained that Officer Dolson became upset and then had the female officer (*Nelson*) to place the Complainant under arrest. The witness also indicated that the group (*five or less people*) was standing outside the store, but did not inhibit the ability of others to move past them or to enter the store. According to the Complainant, the criminal case was dismissed in court because the officers did not appear. This was confirmed in the court records.

The police report, submitted by Officer Nelson, said that the officers directed the group to leave and they all left except the Complainant. The report claims that the Complainant yelled, “why” and refused to leave after being instructed to do so several times.

Officer Nelson was interviewed and said that she remembered the arrest but could not provide specific details. She could not remember how many people were in the group and she said that both she and Office Dolson told the group to move from the area. Officer Nelson indicated that everyone left except the Complainant. Officer Nelson union representative provided additional charges that he claims could have been brought against Ms. Carey. Officer Dolson appeared in the ACRB office and refused to submit to an interview.

The Atlanta Police Department SOP – 3030, 4.1.3. outlines when an individual may be charged with Disorderly Conduct. It states that disorderly conduct charges “will not be used to interfere with, restrict, or deny citizens’ rights of speech, press or religion, unless an actual obstruction or impediment occurs, s specified in the ordinance.” It further states that, “officers will not interfere with or cause the arrest for obstruction of public passages of any person who is, or appears to be engaged in prayer, conversation, oratory, display and/or distribution of literature, display of picket signs reading of scriptures, singing and

chanting without the approval of a sworn supervisor.” There was no indication that a supervisor was called and there was no indication that the group standing on the sidewalk impeded the flow of pedestrian traffic.

C. COMPLAINANT RECOMMENDATION

1. STAFF RECOMMENDATION: The staff recommended that the Board vote to sustain the allegation of False Arrest. The recommendation was made because there was insufficient evidence to support the criminal charge of Disorderly Conduct and also, the officer did not contact a supervisor as required by the SOP.
2. Following a brief discussion, the Board voted to adopt the recommendation of the staff. The vote was approved.

D. DISCIPLINE RECOMMENDATION

After the vote was adopted, *Vice Chair Kirschenbaum* turned the discussion to recommending discipline.

1. *Kirschenbaum* asked *Beamud* what the SOP said about the offense. *Beamud* replied that it was a Category ‘B’ offense. “It is difficult for us to access because this officer has some disciplinary history. The guidelines indicated that a Category B offense is a serious work rule violation and if you have a previous sustained complaint for a Category B, the violation is even more serious.”
2. A question was then raised about Officers Dolson’s background and the number of complaints currently lodged against him. *Investigator Addington* stated that there are three (3) investigations against the officer pending and three other complaints against him have been sustained related to motor vehicle typed offenses. “Officer Dolson started in 2001 and has had eighteen (18) complaints against him.”
3. *Kirschenbaum* asked *Addington* about the nature of the other complaints. *Addington* indicated that he would have to request the additional information.
4. “A sixty-two (62) year old woman was handcuffed, arrested and put into a police wagon because she only asked ‘why.’ I need to see more details. Do we really want officers on the street arresting good citizens?” said *Kirschenbaum*. *Beamud* agreed.
5. *Shields* asked *Addington* if the Complainant filed a complaint with OPS. *Addington* responded, yes. *Shields* said, “Historically, we know that OPS drags cases out for a long period of time and the Board has no way of knowing if the Police Department will give our recommendations any legitimate consideration.”
6. *Kirschenbaum* said, “So far our recommendations have not been heard, but we still have a job to do. The recommendation regarding this case could be very different if I knew what this officer has been accused of.”

Following the discussion, it was moved by *Michael* to hold off making a recommendation until more information is available on the officer. Motion was seconded by *Shields*. The

vote was approved with one member opposing (*Owen Montague*) and one member abstaining (*Joy Morrissey*).

OFFICER REFUSALS:

The *Vice Chair* raised the question about what the Board intended to do regarding officers refusing to cooperate and be interviewed as required by law.

A. OFFICERS REFUSING TO COOPERATE AS REQUIRED BY LAW

1. For the record, *Shields* read the list of officer who either never appeared or appeared and refused to be interviewed. A total of 26 officers have refused to cooperate. Those officers are:

Craig Fries	Ivory Streeter	James Patterson
Carl Wilson	Michael Skillman	Drew A. Bahry
Roderick Johnson	Christopher Lanier	Darnell Perry
Dominique Patillo	Zoel Murphy	Frank Esquilin
Brandy Dolson	James Hines	David Stribbling
Bennie Bridges	Kelly Collier	Peter Trotta
Deontaye Harris	Luis Gonzalez	Craig Codon
William Porter	Brandon Jackson	Stephanie Upton
Timothy McClain	Jeremy Edwards	

2. *Kirschenbaum* stated the Board has been frustrated by the fact that former APD Chief Pennington did nothing to assist the Board with this problem. “Since this Mayor has only been in office for a little over a month, let’s give him a little more time. My recommendation to the *Executive Director* is to continue to work with the Mayor’s Office to get a meeting and the Interim Chief of Police to get answers. We can still use our subpoena power but if we can’t get a meeting with the Mayor and the Chief will not respond then we can dramatically intensify our efforts and even consider a *writ of mandamus* to get officers to comply.”
3. *Booker* said, “It would be unfair to not give them some time.”

NOTE: Before discussing the next action item, *Chair Edmond* arrived at 7:10 p.m. and chaired the remainder of the meeting starting at 7:30 p.m.

EXECUTIVE DIRECTOR’S REPORT:

A copy of the Director’s report was distributed to each member. *Beamud* reported the following:

A. ANNUAL REPORT

Beamud announced that Robertson had begun to compose the annual report. The report will focus on the Board's accomplishments, our mission and community relationships. Suggestions and recommendations are encouraged.

B. ETHICS FILING

All Board Members are required to file financial disclosures. Members with questions should call the Ethics Office at 404-330-6286. *Montague* indicated that he was having trouble filing on line. He has contacted the Ethics Office regarding the problem.

C. KATHRYN JOHNSTON REPORTS:

Beamud stated that she is completing two of the three reports involved in the study. She indicated that she is awaiting a response regarding whether the Police Department will be asserting the investigation exemption to the Public Records Act requiring the Board to discuss the study findings in Executive Session. The Chief of Police and ACRB's attorney in the Law Department has been asked to respond.

D. BUDGET

Beamud reported that the budget is due on March 5, 2010. "I will be asking for increases in personnel cost because the addition of the second investigator for an entire fiscal year, will result in much greater costs. Also, an increase in professional development is needed for additional training." *Beamud* also proposed for the Board's consideration, a new position, Public Information/Communication Specialist to assist in the positive promotion of the board activity and coordinate, build community and media relations.

It was moved by *Morrissey* moved to accept the Executive Director's Report. *Booker* seconded. The motion was carried.

OTHER BUSINESS:

ELECTION OF OFFICERS

The Board voted in new officers for 2010:

- *Joy Morrissey* was elected Chair replacing *Roderick Edmond*
- *Seth Kirschenbaum* retained the position of *Vice Chair*
- *Charis Johnson* was elected Secretary replacing *Joy Morrissey*

ADJOURNMENT:

The Chair entertained a motion to adjourn. *Booker* moved to adjourn and *Morris* seconded. Motion approved. Meeting adjourned at 8:05 p.m.