

APPROVED: October 11, 2012



ATLANTA CITIZEN REVIEW BOARD

Minutes of the Last Meeting, September 2012
55 Trinity Avenue, SW, Committee Room Two
Atlanta, Georgia 30303
September 13, 2012
6:30 P.M.

MEETING CALLED TO ORDER

The meeting was called to order by *Chair Bartels* at 6:40 p.m. He welcomed citizens announcing Public Comments will be heard later into the agenda, and if anyone cared to speak, to please sign up. Comments are limited to three (3) minutes per person. The *Chair* also welcomed members of the Atlanta Police Department, Office of Internal Affairs: Major Elder Dancy and members of his staff.

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAUL BARTELS <i>(Chair/Bartels)</i>	LABRIAH D. LEE <i>(Lee)</i>
BILL BOZARTH <i>(Bozarth)</i>	ALAN MORRIS <i>(Morris)</i>
WILLIAM HARRISON <i>(Harrison)</i>	RUTH PRICE <i>(Price)</i>
BARBARA HUBBARD <i>(Hubbard)</i>	MACEO WILLIAMS, SR. <i>(Williams)</i>

ACTIVE MEMBERS ABSENT

CHARIS JOHNSON <i>(C. Johnson)</i>	RYAN JOHNSON <i>(R. Johnson)</i>
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ONE VACANT APPOINTMENT

Atlanta Business League (vacant 2 month)

STAFF ATTENDEES

SAMUEL LEE REID, II *(Reid)*, Executive Director; **SHEENA ROBERTSON** *(Robertson)*, Investigator; **MYOLA SMITH** *(Smith)*, Transcriber

A G E N D A

APPROVAL OF MINUTES OF THE LAST MEETING, AUGUST 9, 2012

The *Chair* noted one minor correction to the minutes (*page 2, Discussion item 5*).

Hearing no further corrections, it was moved by *Bozarth* to approve the minutes as corrected. The motion was seconded by *Harrison*. No further discussion, the motion was approved by all.

INTRODUCTION OF NEW BOARD MEMBER, LABRIAH D. LEE

It should be noted that this agenda item was delayed for discussion later while Ms. Lee was being sworn in by the Municipal Clerk.

WELCOME NEW EXECUTIVE DIRECTOR, LEE REID

Chair Bartels welcomed Lee Reid (*Reid*) as the new Executive Director. He stated, “We really appreciate the work you have done so far meeting with all of us individually. I will say I feel real confident about the direction where things will be going.” The *Chair* then yielded the floor to the new director.

Reid stated, “It is good to be here. I am happy and excited. The thing that I was most excited about, when I got here was the staff. I walked into a situation where I have two wonderful people working with me in the department and I only see us going to the next level. I had an opportunity to meet with several of the board members. It was good talking with you and I learned some of your concerns, some of the things you would like to see happen with the Board, with the staff and with the ACRB. Actually, many of those issues that we talked about, I think are important and I would like to assist the Board in trying to achieve them. So many things I see us being able to accomplish and I am looking at, over the next year, really putting a big dent in a lot of the things we want to see happen.

Reid laid out his goals and plans for the coming year. After reviewing some of the processes and the materials over the last three weeks, *Reid* made note of several project currently under way. First, he touched based on developing a business plan and how important it is for the Board and staff to be in conjunction on a lot of the ideas contained in the plan. He also talked about plans for training and a retreat for the Board and staff. Another area mentioned was community outreach and education. *Reid* said, “The Board and the staff had already worked on outreach plan that I was quite impressed with and I think it is going to be great to implement. There are some things that I have looked at that I want to bring back before the Board... ideas to see how for the Board wants to react to and include into the outreach plan.”

Reid also expressed major interest regarding strategic partnerships. He said, “I really want to increase strategic partnerships with the community members and other people in the city who are going to be able to help us hopefully, serve the citizens and the purpose for what we are here for. Without some of these strategic partnerships, it is going to be more difficult to get the results that we want. The staff and I have been discussing values and our mission...things that motivate and encourage you to do your best work. Two values in particular are integrity and credibility. These are the cornerstones of all the work that we do. You have to have the integrity and the credibility...you want to provide the service...you want to be fair and then, you can get the results that you need. When the Board has it retreat, we can discuss these values and more that we can all buy into and together present that one image out there to the public. When you talk about community outreach and community education, people want to know what you are doing and they want to know that you have a plan with what you are doing. I’m excited about this! I think we’ll really go to some good places. I am just looking for people to work with me. I’m willing to work with everyone and let’s make it happen!”

Questions and discussion...

1. *Bartels* asked *Reid* to update the board on the status of filling the new vacant investigator position. *Bartels* said, “I did notice that just looking through the materials that we’ve got, we have five (5) cases to discuss at the next meeting; plus 42 complaints have been received, to date, on the new intake and that is leading to twenty investigations. So there is definitely room for the second investigator.”
2. *Reid* answered, “This week we have had six interviews. We hope to have a new investigator in place by mid-October. Mr. *Chair*, I’m glad you brought that up about the five cases for next month. Since we were not able to have the case reviews because there was no Executive Director, we need to play catch up now. One of the things that I would like to see happen, over the next few weeks before the October 11th meeting, is for us to have a review training. Basically, it will be a quick meeting to just see where we are with how we handle the reviews. I have not had the opportunity to sit in on a review

yet, but in your materials, I have created a little guide with some helpful tips and things to think about when you are conducting your reviews. I would like to go over that with you and have some communication about the importance of how those reviews are perceived by the public; how we do the work that we do when we are doing our annual reviews and the things we might want to consider. Since I haven't observed the reviews, I can't really gauge where everything is, but these are the suggestions that I know from my experience that have served other places well."

3. **Morris** asked **Reid** if he had a chance to meet with Chief Tuner.
4. **Reid** responded, "I have not, but I have several meetings coming up. My strategy first, I wanted to meet with as many Board members as I could. I thought it would be most important to get an understanding of where board members are coming from and where the staff is coming from. I'm trying to get my hands on what is happening in the office."
5. **Williams** asked, "About outreach, would you be willing to go out to the different organizations and that sort of thing and tell them your plan and how you plan to interact with them about your vision?"
6. **Reid** responded, "Yes, Mr. **Williams** and in order to do this work effectively, you have to instill confidence in everyone that you are dealing with...police officers and with citizens. The only way you can do that is by being out there where people can meet you and have the opportunity to see that you and the organization have the integrity, have the credibility and they only get that sense of you, if they have those interactions with you."
7. **Williams** stated, "Thank you very much for that because the bottom line is, for instance, the people we have here in the audience right now. We have one person that is here from the Criminal Justice Committee of the People's Agenda which is Rev. Lowery's outfit. We have another individual who is a minister over in Kathryn Johnston's district, the woman who got killed who started this in the first place. He (the minister) has a very a very large and profound church, and we need to not only go to organizations but to go in front of congregations also."
8. **Reid** replied, "Let me put it like this, the work we do is about service and I am not shy to go and talk to people who we need to talk to or want us to talk to them. Ultimately, we are here to serve the citizens. The thing that I want to bring to mind to everyone, is the service that we deliver is for the citizen and the police department. Meaning we have fair, thorough, complete investigations. We are not looking to get into a push-pull situation with one side or the other. We are neutral, that is what we do and that is the only way we are going to be able to do it effectively and that is what people expect of us. I will go out and talk to anybody, or have anybody to come in and talk to me. It is an open door. That is how I operate and how I like to do things."
9. **Harrison** asked, "Welcome to the ACRB. I have a question. I want to get an update as to where we stand with Sandra Allen. Is she going to give a report tonight?"
10. **Reid** stated, "Ms. Allen and I have met on several occasions. I was not aware that the Board was expecting a report from her tonight but I will talk with her and see if she can come in October and see if she can work that into her schedule. However, we have been discussing a lot of things in the office. Some things are just not at that point to talk about them right now. However, there are a lot of things that we have been working on in the office and I definitely understand the concerns all the board members have and you are going to be just as excited as I am, when you see things rolling out."

For the sake of new board member, Labriah **Lee**, who was not around when the board was searching for a new Executive Director, **Chair Bartels** asked **Reid** to give **Lee** some background information.

Reid welcomed **Lee** to the board indicating that this was also his first meeting. He said, "I just moved here from Minneapolis, Minnesota. I was there for nine years. Two of those years, I had a small private law practice...a community practice. Then I started working for the City of Minneapolis running their civilian review which actually, it's model is pretty similar to the model that we have here...independent investigations, board mediations and things of that nature. I went to Morehouse College undergraduate and North Carolina Central Law School for my JD and MBA. I was in the U.S. Navy and I'm just excited to be here. To be in Atlanta is one thing that is definitely great and being closer to my family in North Carolina, but I really believe in civilian oversight. If you have a firm commitment to it and the resources are giving to it, and smart confident people are running it, you can really have some good results out of it. I want to be able to come to Atlanta and prove that and make that happen."

That's what I am trying to do. So many civilian oversights are challenge with a lot of political fighting. People don't want them and people do want them; but if it is run efficiently, with resources that are needed, you can affect some change for the citizens and for the police department. Are you (Lee) on board with me?"

Lee responded that she is on board.

INTRODUCTION OF NEW BOARD MEMBER, LABRIAH D. LEE

Chair Bartels welcomed *Lee* to the ACRB and asked her to share her background.

Lee stated, "I am very excited to be here. I am from Georgia, and I grew up in Cobb County. I came to Atlanta quite regularly until I went to college. I went to Vanderbilt University in Nashville for undergrad where I majored in Human and Organizational Development." *Lee* explained that Human and Organizational Development are a mixture of economics, communications and policies and the study of how those things are fused together. While in Nashville, she worked for Nashville's metro government and was very active in the city and community. *Lee* was also an ambassador for the Tennessee Titans. She explained, "I spent a lot of time rolling around Tennessee volunteering with the community."

After leaving Nashville, *Lee* moved to D.C. and attended law school at Howard University School of Law and continued to volunteer in the community. *Lee* served as a member of the Sports and Entertainment Law Association and Fair Housing Clinic. While working at the clinic and as a student, she represented families facing housing issues.

Following law school, she moved back to Georgia. She said, "I live in the old Fourth Ward. I work at Alston and Bird and there, I am an associate in the Intellectual Property Litigation group. I also do a lot of work with our pro bono *Chair* and In-kind Committee where I have been practicing as a lawyer in the city. This will be my fifth year. I'm thrilled to be here. I'm happy that I was considered. Through some of my work in the community and I am still active with my sorority, I think that we can definitely make an impact here. As a daughter of someone who was actually in law enforcement for a long time in Kennesaw, I am thrilled to be on the Board and help and offer my skills and services in any way to serve the city. I really appreciate it and I am looking forward to working with you."

INTAKE REPORT FOR JUNE 2012

Director Reid reported on the number of complaints received for the month of August 2012. *Reid* reported that a total of 15 complaints were received for the month and they are listed as follows:

Complaint Number: **12-28, Bryon Godwin** alleging **False Arrest**

Staff recommends investigation as a false arrest complaint.

Complaint Number: **12-29, Terrance Parker** alleging **False Arrest**

Staff recommends dismissal because the complaint occurred beyond the limitation period of 180 days as imposed by City Ordinance.

Complaint Number: **12-30, Shemetra Carter-Fair** alleging **Abusive Language**

Staff recommends investigation as an abusive language complaint.

Complaint Number: **12-31, Archbishop Anthony Brown** alleging **Harassment**

Staff recommends dismissal because the type of harassment alleged by Mr. Brown does not constitute harassment as defined by City Ordinance. *Harassment is defined as the act of tormenting by continued persistent verbal or physical attacks.*

- Complaint Number: **12-32, Monica Malcom** alleging **False Arrest & Abusive language**
Staff recommends suspension of the investigation pending the outcome of Ms. Malcom's criminal case.
- Complaint Number: **12-33, Wendy Brown** alleging **False Arrest**
Staff recommends suspension of the investigation pending the outcome of Ms. Brown's criminal case.
- Complaint Number: **12-34, Unray Jones** alleging **Excessive Force**
Staff recommends investigation as an excessive force complaint.
- Complaint Number: **12-35, Unray Jones** alleging **Excessive Force**
Staff recommends dismissal because the complaint involves allegations against an employee of the Fulton County Jail and is outside the Board's jurisdiction.
- Complaint Number: **12-36, Jasmine Jones** alleging **False Arrest**
Staff recommends dismissal because the incident occurred beyond the limitation period of 180 days as imposed by City Ordinance.
- Complaint Number: **12-37, Euriah Bennett** alleging **Abusive Language**
Staff recommends investigation as an abusive language complaint.
- Complaint Number: **12-38, Ted McFeders** alleging **Constitutional Violation & Abusive Language**
Staff recommends investigation of only the abusive language allegation; the unconstitutional allegation is outside the Board's jurisdiction.
- Complaint Number: **12-39, Stacie Johnson** alleging **False Arrest and Unprofessional Behavior**
Staff recommends suspension of the investigation pending the outcome of Ms. Johnson's criminal case.
- Complaint Number: **12-40, Yvonne Jackson** alleging **False Arrest**
Staff recommends dismissal because the complaint involves allegations against the Capital Police Department and is not within the Board's jurisdiction.
- Complaint Number: **12-41, Michael Broadnax** alleging **False Arrest and Other**
Staff recommends dismissal because Mr. Broadnax pleaded guilty to the charge and the other allegation does not fall within the Board's jurisdiction.
- Complaint Number: **12-42, Nysut Ani Hetep-El** alleging **False Arrest**
Staff recommends dismissal because the incident occurred beyond the limitation period of 180 days as imposed by City Ordinance.

Reconsideration of Complaint from JULY 2012 INTAKE REPORT:

- Complaint Number: **12-27, Robert Marks** alleging **False Arrest and Excessive Force**
Staff recommends dismissal for failure to file a signed complaint as imposed by City Ordinance.

Summary of ACRB Complaints Received from January 2012 through August 2012:

Total Citizen Complaints Received:	42
Investigation Initiated	20

Discussion...

1. **Williams** inquired about cases #4, #5, #6, #8 & #12. He asked, “You are recommending dismissal and I guess the bottom line is, why?”
2. **Reid** responded: “If a criminal case has not been resolved at the time that person is filing a complaint, you will not know if it is false arrest or not; therefore, you can’t really investigate the complaint. Once the criminal charge is disposed of in some manner, then we will know how to handle the complaint. This will become very important as we grow our work. We are going to want to make sure we are focusing our resources on complaints we can take action on at that time. As we grow and receive more complaints, we will have to decide which complaints we really have to look at and how we are going to look at those complaints. In this situation, what potentially could happen is the complaint moves through our process and the criminal case gets resolved and the person either pleads guilty to the charge or is convicted of some charge, then we have made a decision that it was a false arrest.”
3. **Bartels** interjected, “Just to clarify, the complaint is not being dismissed, it is just being suspended...just put on hold until the case is resolved. The point I would make is that we are getting significantly more complaints now than we have in the past. At least that seems to be the short term trend and we need to be somewhat selective of how we focus our time to where it can do the most good. I would agree that if a complainant said, ‘This is a false arrest, I wasn’t doing anything’ but yet at some point during the criminal process they plead guilty that is inconsistent. I don’t think that would be a wise use of our resources.”
4. **Harrison**, “I happen to agree with regards to the false arrest, but number five (Case #12-32), is a false arrest and abusive language. My question is why can’t we pursue the abusive language complaint, while the false arrest is going through the criminal process?”
5. **Robertson**, “The Board had discussed this issue a couple of years ago and you came up with a policy decision that if it involves the same officer and to call that officer in on just that particular allegation then have to call him back again to discuss the false arrest, would not be fair.”
6. **Bartels**, “It would also be duplicative because if you split the two charges, we investigate one charge and then later the person’s case is dismissed. If they go to trial and they are acquitted, then we would have to start that all over again.”
7. For future consideration, **Price** said, “This is something that would have to go before City Council, but I don’t think we should allow the citizens to have 180 days to file a complaint. Too many things happen...the officer gets transferred, people’s memory get all confused and so on, and I know we can’t do it but I wouldn’t mind the City Council reconsidering six months to file a complaint because it is entirely too long.”
8. **Williams** indicated that he was just the opposite of **Price**’s opinion.
9. Regarding time limits, **Reid** added, “Across the nation, there are different standards. Some people have no time limit; other places have 30 days, six (6) months, etc. In Minneapolis, we had a year. Honestly, even with a year time frame, people didn’t use that year. Yes, at some point, it becomes a question of memory lapse for the officers and for the citizens; and it becomes a question of the seriousness of it. Some people would argue if it was that serious, you would come in but the problem we have is this--and this is why I would say reducing the time frame would not help us in all situations—because we are at this point where we want to build awareness. It may take somebody six months to even find out we exist. We can’t hold that against people because we are not at that point yet where everyone knows what we are doing and everyone knows we are here on the ninth floor, come see us. As we move forward, that may be something that we will probably want to look at.
10. **Bozarth** asked, “One of the cases not being pursued because the officer in question is an employee of Fulton County and the complainant was in jail there. How do we house the prisoner population arrested by APD? Are some of that in our facilities and some of it basically in a negotiated deal with Fulton County? If so, isn’t that prisoner really someone in our custody even though the county may be housing them?”
11. **Bartels**, “When the Atlanta Police Department arrests somebody, they can either take them to the Atlanta Municipal Jail downtown on Garnett or to the Fulton County Jail on Rice Street. The

- Municipal Jail is staffed by the Atlanta Department of Corrections and those officers are individuals we do have jurisdiction to review complaints against them. If they are taken to Fulton County Jail (Rice Street), they are being supervised by the Fulton County Sheriff Department and we don't have jurisdiction over complaints against the Sheriff's Department employees."*
12. **Bozarth**, "If some alleged misconduct occurred there (Rice Street), is there a path for them to complain, just like we have one in the City, or are they just out of luck?"
 13. **Bartels**, "I'm not aware of any recourse they have except for the internal review with the Fulton County Sheriff Department. Of course, they can always complain to law enforcement authorities."
 14. **Williams** stated, "I have talked to Sheriff Jackson about this particular subject and I have been trying to get them to put in a drop box because my theory was they house people from Atlanta, the County facility sits inside of Atlanta and wouldn't it be right to put a drop-box in there for those complaints that are originated from Atlanta? Sheriff Jackson said at the time, there was something in place; however, he would not mind and would entertain putting a drop-box in there. I was also talking about putting a drop-box in the Municipal Jail."
 15. **Reid** asked, "For complaints against Atlanta Officer or Fulton County Officers?"
 16. **Williams** answered, "Against both, but I know the ordinance don't allow us to investigate Fulton County officers."
 17. **Harrison** said, "I spoke to Sheriff Department personnel about having a box in there and Sheriff Jackson stated that he wouldn't mind having a drop-box for what we had jurisdiction for. The county has jurisdiction for complaints that arise inside the jail. They have a process in place and they can do that. What we are discussing now is policy for our Board which we can expand or discuss or reduce the time period when we discuss policy as a Board when we decide to address our policy and procedures as a board. We can look at the 180 days, at another time but since this topic is just about the intake report, I think we should just stick to the intake report and address our policy and procedures later. But to go back to what you (**Williams**) said that Sheriff Jackson would not mind having a drop-box in Fulton County Jail. What you have to understand is felonies was suppose to go to Fulton County and misdemeanors was suppose to go to City Jail but you still have APD officers who commit egregious acts on people they arrest and they end up taking them to Fulton County Jail and something should be there for the individuals to respond to that type of situation in the Fulton County Jail. That is something we missed out on."

The **Chair** entertained a motion. It was moved by **Morris** to accept the Intake Report. **Harrison** seconded the motion. Hearing no further discussion, the vote was called and the motion was passed unanimously.

FINAL COMMENTS:

Regarding the Complaint Review Guide included in the board packet, **Reid** stated that the Board will have five complaints coming up in October and the guide will be a good tool to use. He acknowledged that in the past, the Board normally, reviewed two cases on the average per month; however the guide will help sort through the cases and get the complaints out.

Chair Bartels encouraged everyone to take the time required to go through the five complaints. "Read them pretty carefully and think about them before coming to the meeting. My reason for saying that is five is a lot and the recommendation we discussed last time about how long meetings are; I am glad to do this work but I don't want to stay any longer than necessary. I think two hours is good guideline and enough time to do what we need to. If we read all these complaints and think about them ahead of time and are prepared to discuss them, when we come into the meeting, we are not going to be here until 9 or 9:30 p.m. I would just encourage everybody to be prepared."

Reid stated, "It is not in the packet, but we developed a sheet in the office that we hope will help with this review of the cases. It is basically a board case review sheet where you can put down the information, jots note, any questions that you would have and the findings are there as far as definitions, things that will organize as you

review the case. I think that will help with keeping all the information in line. I don't think it is in the packet, but we will email it to you tomorrow."

PUBLIC COMMENTS

Chair Bartels opened the floor for public comments. One person signed up to speak.

Speaker: Byron Godwin.

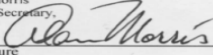
Mr. Godwin addressed the Board. He welcomed Ms. Lee and Mr. Reid. He said, "I really came here just to find out if my case was accepted or was it thrown out. I heard you call out some numbers, but I wasn't aware if one of the case numbers was mine or even if mine was called tonight."

Chair Bartels responded to Mr. Godwin indicating that his case was accepted and it will be investigated.

ADJOURNMENT

Chair Bartels entertained a motion to adjourn. **Harrison** moved to adjourn the meeting. The meeting adjourned at 7:28 p.m.

*Alan Morris,
Board Secretary*

Approved as to form and content,
Alan Morris
Board Secretary,

Signature

October 11, 2012

Date