



**ATLANTA CITIZEN REVIEW BOARD
SEPTEMBER MEETING MINUTES**

55 Trinity Avenue, S.W., Committee Room Two
Atlanta, Georgia 30303
September 12, 2013
6:30 p.m.

The September 2013 meeting was called to order by the *Vice-Chair* of the Board at 6:41 p.m.

A G E N D A

ROLL CALL

(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

OSA BENSON <i>(Benson)</i>	RYAN JOHNSON <i>(Johnson)</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 C. WILLIAMS, Sr. <i>(Vice-Chair/Williams)</i>

ACTIVE MEMBERS ABSENT

PAUL BARTELS *(Chair/Bartels)*
Atlanta Business League *(position vacant 15 months)*
Office of the Mayor *(position vacant one (1) month)*

STAFF ATTENDEES

SAMUEL LEE REID, II *(Reid)*, Executive Director; **KENNETH LIVELY** *(Lively)*, Investigator; **SHEENA ROBERTSON** *(Robertson)*, Investigator; **MYOLA SMITH** *(Smith)*, Transcriber; **TRACY TAYLOR** *(Taylor)*, Community Outreach Liaison

Vice-Chair Williams conducted the meeting in the absence of the Board Chair. *Williams* welcomed citizens announcing that public comments would be heard later in the agenda and speakers must sign up and limit comments to three (3) minutes. The *Vice-Chair* also welcomed members of the Atlanta Police Department (APD), Office of Professional Standards: Major Elder Dancy and Lieutenant Jesse Webb.

APPROVAL OF MINUTES OF THE LAST MEETING, AUGUST 8, 2013

The *Vice-Chair* directed the Board's attention to the minutes for August 8, 2013 meeting. The floor was opened for discussion and corrections to the minutes.

Bozarth moved to adopt the minutes with noted correction. **Morris** seconded. Hearing no further discussion, the motion was approved by all.

EXECUTIVE DIRECTOR REPORT

Highlights from Director **Reid's** Report:

Board Training

Reid announced that it is time for the Board to start adding annual orientation training for incoming new members as well as the rest of the Board. He indicated that there could possibly be a change of two to three board members soon, and an annual orientation will help to ensure that everyone is on the same level and should reduce some inconsistencies of knowledge, of how we conduct our meetings, and what we do during our time away preparing for cases, etc. Members who will not be on the Board next year are still required to attend the orientation trainings.

Regarding dates for the training, the Board came to a consensus deciding to do the training on Tuesday, October 22 and Wednesday, October 23 at 6:30 p.m. at the ACRB office. **Reid** indicated that introduction videos will also be shot on those days.

Vice-Chair Williams announced that **Labriah Lee** recently resigned the Board to accept a position in New York which creates another vacant seat. **Reid** said, "We have two seats to replace and two more up for renewal or replacement which means we have a total of four seats requiring some type of action."

Outreach

The third newsletter has been distributed. **Reid** indicated that the newsletters are being used as a vehicle to increase visibility and to promote public's awareness of the agency.

Tracy Taylor Reported on the following Outreach Activities and Events:

- A reminder that Monday, September 16th is the deadline for Art and Essay contest submissions.
- September 21, the Historic Westside Village Festival will be held at 590 North Avenue N.W. from 10:00 a.m. – 8:00 p.m.
- September 28, Road to Recovery event in the English Avenue area from 2:00 p.m. – 5:00 p.m. for recovering addicts.
- **Director Reid's** interview with Press Secretary Thermice Bevelle of Channel 26 has been recorded. It can be seen online.
- A new ad will be on 94.5 starting next week of September 16th.
- September 15 at 5:00 p.m. in the Martin Luther King, Jr. International Chapel on the campus of Morehouse College is showing a play free of charge and open to the public called FOUR LITTLE GIRLS: Birmingham, 1963. **Williams** added that on Saturday, September 14, in addition to 'Four Little Girls', there will be a luncheon serving three hundred young ladies. A place can be secured for a fee.

INTAKE REPORT FOR AUGUST 2013

A total of eight (8) complaints were received for the month of August. Investigator **Robertson** read the following report:

- 1) Complaint Number: ACRB 13-68, Reggie (last name not provided) alleging unknown
Reggie called the ACRB office to file a complaint concerning an incident that occurred in Gwinnett County (*no other info was provided*). Mr. Reggie was provided contact information for the Gwinnett County Police Department and District Attorney's Office.

- Recommend dismissal for lack of jurisdiction.***
- 2) Complaint Number: ACRB #13-69, Michael Grimes alleging failure to file a police report
Mr. Grimes stated on August 3, 2013, two individuals forcibly entered his residence and assaulted him. He alleges that the two APD officers that responded to the incident failed to file a report. Mr. Grimes was referred to OPS.
- Recommend dismissal for lack of jurisdiction.***
- 3) Complaint Number: ACRB# 13-70, Sean Kornegay & Delzorah Wall alleging excessive force & death
Mr. Kornegay & Ms. Wall filed a complaint alleging that on May 31, 2013, APD Officers David Bourne & Neil Welch wrongfully shot and killed Ernest Zaus Barnett (*Ms. Wall is Mr. Barnett's mother*).
- Recommend investigation of the complaint as excessive force and death, which is alleged to be the result of the actions of a sworn officer of the Police Department.***
- 4) Complaint Number: ACRB#13-71, Darius Curney alleging unknown
The ACRB received another letter from Mr. Curney indicating that he wanted to file a complaint against a corrections officer at the Hancock State Prison. A letter was sent to Mr. Curney, informing him that the ACRB does not have jurisdiction to investigate complaints against Hancock State Prison employees.
- Recommend dismissal for lack of jurisdiction.***
- 5) Complaint Number: ACRB #13-72, Louis Laval alleging unfairly issued a traffic ticket
Ms. Laval alleges that on August 26, 2013, an APD officer unfairly issued her a traffic ticket for failure to maintain lane. Ms. Laval was advised that the ACRB does not have jurisdiction to investigate her complaint and was referred to OPS.
- Recommend dismissal for lack of jurisdiction.***
- 6) Complaint Number: ACRB #13-73, Howard Nwadike alleging false arrest
Mr. Nwadike alleges that on April 27, 2013, APD Officer Meegan falsely arrested and charged him with speeding, open container, reckless driving, DUI, failure to maintain lane and driving in proper lane. Mr. Nwadike advised that in August, 2013, he pled guilty to the reckless driving charge and the other charges were dismissed. Therefore, ***recommend dismissal.***
- 7) Complaint Number: ACRB #13-74, Abigail Merritt alleging false arrest and excessive force
Ms. Merritt was mailed a complaint form to complete and return. ***Recommend investigation as a false arrest and excessive force complaint if signed complaint is received within the next few weeks. If the complaint form is not received, recommend dismissal.*** However, it is noted that if Ms. Merritt's criminal case has not been resolved then the investigation will be suspended pending its adjudication.
- 8) Complaint Number: ACRB #13-75, Maria Carmen alleging false imprisonment
Ms. Carmen alleges that on August 28, 2013, she was improperly stopped by an APD officer. Mr. Carmen was mailed a complaint form to complete and return. ***Recommend investigation as a false imprisonment complaint if signed complaint is received within the next few weeks. If the complaint form is not received, recommend dismissal.***

Following some discussion, it was moved by **Morris** to accept the Intake Report. **Johnson** seconded the motion.

Discussion...

*The subject of the Alford plea came into question by **Benson** who asked how false arrest complaints, still pending in the court, are handled. **Robertson** explained that cases are suspended until the court rules. If the ruling results in favor of the complainant, meaning if it is dismissed or if they plead not guilty, then we would still move forward with the false arrest complaint. If they're found guilty or they take a plea, we would not move forward.*

Reid indicated that we need to figure out a way to deal with some of those complaints at an earlier stage if possible. He said that when cases are suspended, a preliminary investigation is still conducted so that important information is not lost pending a full investigation. “Some of those false arrest complaints can go on for several months before the criminal case is resolved. So, we are going to look into all the particulars of that allegation and that would be one aspect to look at, but I’m telling you the courts have said if it’s not resolved in the straight up favor of the complainant, more than likely, it’s not going to constitute a false arrest, but we’ll continue to be vigilant or if the Board request, do a study regarding false arrest cases.”

Hearing no further discussion, the vote was called and the motion was approved by all.

REVIEW OF COMPLAINTS

A. ACRB CASE NO. 12-53, WENDY BROWN

Case Summary: Investigator Kenneth *Lively* summarized the complaints indicating that on October 12, 2012, Officer Anthony Blair responded to a call at 554 Joseph E. Lowry in reference to a dispute between Wendy Brown and her neighbor. Allegedly, Ms. Brown got into the face of Officer Blair and began yelling obscenities at the officer, and a short time later, Ms. Brown allegedly did the same thing to her neighbor. Officer Blair attempted to take Ms. Brown into custody for disorderly conduct. Ms. Brown started screaming, at which point, her large dog ran out of the house to attack the officer. Officer Blair shot the dog twice killing the dog. Ms. Brown alleges false arrest and excessive force.

To explain the delay in bringing the complaint before the Board, *Investigator Lively* stated that the case was held until it was adjudicated in the courts and the court dismissed it because there wasn’t enough evidence to prosecute Ms. Brown for disorderly conduct because there were no witnesses. Ms. Brown, for a time, could not be found because she moved and therefore the case was unable to move forward.

Reid: “Regarding false arrest, one of the things we can do in a study is to see if there are other ways to handle these false arrest allegations, or see if there’s maybe some changes to the ordinance that may need to be made, to bring in some of those false arrest allegations under other categories as opposed to just false arrest.”

Bozarth says he’s always suggested that it’s a good idea to get the testimony early.

Board Votes on Staff’s Recommendation:

- False Arrest
Bozarth moved to accept staff’s finding of not sustained. *Price* seconded. Calling for the vote, the motion was approved.
- Excessive force
Benson motioned to accept staff’s recommendation along with a specific suggestion to the Police Department with regard to force against the animals. *Johnson* seconded.

Discussion and comments...

Benson indicated that while the officer was well within his right to protect himself, she suggested that the officer receive training on how to handle animals, rather than going straight for their gun and shooting the animals.

However, since it had not been determined if APD has a policy on how to handle animals when making an arrest, **Benson** withdrew the motion until further information is obtained. **Price** seconded the withdrawal.

Bozarth motioned for the Board to accept staff's recommendation that the charge of excessive force be exonerated. **Morris** seconded. Hearing no further discussion, the motion was approved with two nays, **Williams and Harrison**.

Reid also noted that the criminal charges would have to be resolved before completing the investigation.

B. CASE #13-38 GARY HOLLIMAN

Case Summary:

Gary Holliman alleges harassment against Officer Brandon Hamberger. Investigator Kenneth **Lively** summarized the complaint indicating that on several occasions, Officer Hamberger, stopped complainant Gary Holliman and asked him for ID.

Officer Hamberger contends that he issued a verbal criminal trespass warning and found out that Mr. Holliman wasn't forthcoming with his identity. Mr. Holliman allegedly gave him a false name but Holliman's father confirmed his real name. Officer Hamberger, acting as an agent of the apartment complex, instead arresting Mr. Holliman, issued him a criminal trespass warning and told him that he could not re-enter the property. When he did re-enter, Officer Hamberger stopped him reminded him of his trespass warning.

Board Votes on Staff's Recommendation:

Morris made a motion to support staff's recommendation to **not sustain** the complaint as alleged by the complainant. **Hubbard** seconded.

Discussion and questions:

The discussion centered around concerns regarding the officer's motives for stopping Mr. Holliman since Holliman's father lives on the property. Also there were repeated concerns from Bozarth about an APD officer enforcing rules set by his second employer, and using his arrest powers to make an individual comply with rules and requests and warnings.

No further discussion, the vote was called and the motion was approved with three nays - **Harrison, *Benson and Bozarth**.

It should be noted that **Benson opposed with a comment. She voiced concern about Officer Hamburger not properly substantiating or recording his warnings. **Benson** noted also that she agrees with **Bozarth** that there is a grey area between security officers and APD police officers and whether he was within his realm of proper protocol.*

C. CASE #13-35, DUANE BLOCKER

Case Summary:

Investigator **Robertson** investigated the complaint filed by Mr. Blocker. On May 31, 2013 Mr. Duane Blocker filed a false arrest complaint against APD Officer Samuel Louis. Mr. Blocker alleges that on May 10, 2013 Officer Louis arrested and charged him with disorderly conduct.

Board Votes On Staff's Recommendation:

Bozarth moves to accept the staff's recommendation to sustain the charge of false arrest against Officer Samuel Louis. **Harrison** Seconded.

Discussion...

Price indicated that she believes that Officer Louis, who has approximately eight months on the force, made errors with regards to this case and that he needs additional training.

Following the discussion, the vote was called and the motion was approved by all.

Board Votes on Discipline Recommendations:

Investigator Robertson reported that Officer Louis has no prior disciplinary history. Following APD's disciplinary grid, this would be considered a Category 'A' offense and the penalty would be a written or oral reprimand, and possibly training.

Price motioned for an oral admonishment and training. **Benson** seconded.

Discussion...

One member cautioned the Board on being careful about excusing new officers on the force indicating that an officer needs to be knowledgeable and fully prepared once leaving the academy.

Other concerns discussed:

- *The number of complaints previously filed by Mr. Blocker and if he was being targeted by the police in Zone One.*
- *The type of specific training to recommend in the letter to the police chief.*
- *The roll the supervisor played and if there were possible prejudices in view of the complainant's previous arrests and the officers involved. (It should be noted that **Robertson** stated during the discussion that there were no other officers involved other than the officer mentioned in this case.)*

Following the discussion, the motion was approved with one nay vote – **Bozarth**.

A second motion was entertained.

Benson made a motion for the officer to receive training both in probable cause and from his superior officer with regard to this particular situation whereby step-by-step present to the officer what he did or did not do wrong. **Johnson** seconded. Hearing no further discussion, the motion was approved by all.

PUBLIC COMMENTS:

Two people signed up to speak.

1st Speaker, Sheila Joyner-Pritchard:

Ms. Joyner-Pritchard stated that she has filed a complaint with the office and it should be coming soon before the Board. She indicated that she is a 64 year old woman experiencing a lot of personal challenges at this time, including eviction from her home next week. In spite of all the challenges she is facing, she felt that she had to come tonight to address the Board regarding her concerns. She said, "On November 19, 2011 my life changed forever. I was on the 16th Street Bridge and I was beaten up and arrested by the State Patrol. I was taken to the hospital where I spent a night at the hospital in a collar, as well as handcuffed and shackled to a hospital bed. I was driven around Atlanta while the State Patrolman was trying to get somebody from APD to arrest me. The worst part of it for me was that the children who were with me, my daughter, an 18 year old college student, and two other international Chinese college students staying in my

home at the time, and a 17 year young man who has lived with me since the age of 7—all of them had to see me being arrested and handled in such a way. I guess I can relate to what Mr. Johnson was saying about being fearful of police officers. It took a lot for me to come here tonight, because I don't usually come to the City of Atlanta. I have since been stopped in my car and in fact I'm told that my car is marked. The bottom line is it happened, and it happened while APD officers stood watching it happen, and even the arresting officer threatening me at Grady, telling me not to make him put his hands on me again, because I wasn't walking fast enough in shackles and handcuffs. And it happened with your corrections staff at the hospital, joking and laughing with the officer when they told him to change his report so that I could be arrested.

I was falsely arrested. The charges were dismissed, but with cause. I have the picture and I would like to show you some of the injuries that I sustained at that time. I'm in my sixties, and my life should not be turned around like this. I have never been in trouble and I've never raised my voice or hand to anyone. I would describe myself as a soft spoken person. The students who were with me, including my daughter have all attended boarding schools. I'm a professional person, a clinical social worker with a couple of degrees and post graduate background. I'm still emotionally traumatized by this, and I don't have any answers as to why it happened to me."

2nd Speaker, Duane Blocker

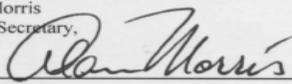
Mr. Blocker thanked the Board and also Investigator **Robertson** for her excellent work on his case. He said, "I've now been arrested six times in an eleven month period. The very first time that the officer arrested me, he took my ID and instead of turning it in to property, he kept it on his person. So, of course he's passed it around to other people in the fifth precinct, and that is why when I was arrested the fifth time, he told me then that 'we're going to keep arresting you.' I am being profiled and I have been blackballed. I now try to avoid downtown because I'm afraid that I'm being a target again. There needs to be an investigation just like Mr. **Johnson** said, because I have been targeted, only because I've exposed the illegal activities or illegal acts that police officers have done, and their colleagues are coming to their rescue. This situation goes beyond training, because we the people expect officers to be already prepared when they hit the streets."

Vice-Chair Williams thanked Mr. Blocker for their comments. He then entertained a motion to adjourn.

ADJOURNMENT

Williams entertained a motion to end the meeting. It was moved by **Benson** to adjourn the meeting. The meeting adjourned at 8:48 p.m.

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

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

Signature

Date: October 10, 2013