

**Approved: February 20, 2014**



**ATLANTA CITIZEN REVIEW BOARD  
JANUARY MEETING MINUTES**

City of Atlanta City Hall  
55 Trinity Avenue, S.W., Committee Room Two  
Atlanta, Georgia 30303  
January 9, 2014  
6:30 p.m.

The January meeting was called to order by the *Chair* at 6:35 p.m.

**A G E N D A**

**ROLL CALL**

*(Eleven Members of the Board)*

ACTIVE MEMBERS PRESENT

**PAUL BARTELS** *(Chair/Bartels)*

**BILL BOZARTH** *(Bozarth)*

**RUTH PRICE** *(Price)*

**WILLIAM HARRISON** *(Harrison)*

**GERALD SOUDER** *(Souder)*

**ALAN MORRIS** *(Morris/Secretary)*

**MACEO C. WILLIAMS, SR.** *(Vice-Chair/Williams)*

ACTIVE MEMBERS ABSENT

**OSA BENSON** *(Benson)*

VACANT BOARD SEATS

**APAB – NPU G-L** *(Pending City Council Confirmation)*

**Office of the Mayor** *(vacant 5 months)*

**Atlanta Business League** *(vacant 19 months)*

STAFF ATTENDEES

**SAMUEL LEE REID, II** *(Reid)*, Executive Director; **SHEENA ROBERTSON** *(Robertson)*, Investigator; **MYOLA SMITH** *(Smith)*, Transcriber; **TRACY TAYLOR** *(Taylor)*, Community Outreach Liaison; **SAUL SCHULTZ** *(Attorney Schultz)*, COA Department of Law, Appointed Counsel for ACRB

*Chair Bartels* welcomed citizens, announcing that public comments would be heard later in the agenda. The public is required to sign up to speak and limit comments to three (3) minutes. The *Chair* also welcomed

staff Major Elder Dancy and staff from the Atlanta Police Department (APD), Office of Professional Standards.

## **APPROVAL OF MINUTES OF THE LAST MEETING, DECEMBER 12, 2013**

The *Chair* directed the Board's attention to the minutes for December 12, 2013. The floor was opened for discussion and corrections to the minutes. *Souder* moved to adopt the minutes. *Bozarth* seconded. Hearing no further discussion, the motion was approved by all.

## **EXECUTIVE DIRECTOR REPORT**

Highlights from Director *Reid's* Report:

- King March and Breakfast  
*Reid* announced that ACRB would purchase a half page ad in the King Breakfast brochure. Based on the response to an earlier email, it is unlikely that a table will be purchased for the breakfast Friday, January 17<sup>th</sup>. ACRB will participate in the march on Saturday, January 18<sup>th</sup>. *Reid* is encouraging everyone to participate in the march, which is schedule to start at 1:45 p.m. through Downtown and ending on Auburn Avenue.
- Board Elections  
Next month at the February 13<sup>th</sup> meeting, the Board's annual election will be held for the office of the Chair, the Vice Chair and Secretary. *Reid* advised all boardmembers interested to reconcile any and all outstanding travel advanced monies received from the City, to be up to date on training, including board orientation training, and have a satisfactory board meeting attendance. *Reid* also suggested that the election manual be reviewed again that was given out last year. Additional copies will be provided upon request. The manual affords tips and points to consider when selecting someone of office.
- Atlanta Corrections Department Meeting  
*Reid* met with Chief Labat from the Atlanta Corrections Department. He reported that the Corrections Department has given indication that they would like ACRB to have a presence at the Atlanta City Jail. They spoke of interest in ACRB advertising in their information book dispensed to inmates. They have offered phone connections to ACRB office for individuals wishing to file a complaint or get information. They also expressed interest in including an ACRB video in a loop format of local information and events shown on screens in the intake and lobby area of the jail. There was talk of incorporating the ACRB on a board, also situated in the intake area, containing lists of bonding companies. In addition to the board, include ACRB information on a handout consisting of bonding companies and other numbers that people may find of interest. These handouts are located in the lobby.
- Atlanta Citizen Officer Mediation Program  
*Reid* provided a brief summary of the program. The ACRB made a proposal for a mediation program for the FY 2014 budget. The Mayor included funding for the development and implementation of a joint ACRB and APD complaint mediation program. The APD had also been researching a mediation program. A joint committee (*APD-OPS, Robertson and Reid*) met five times between September and December. Reid said, "The program is meant to be informal, provide face-to-face contact, and a quicker resolution in an investigation. What we're striving for is to have the officer and the citizen on equal footing, to where they can have an opportunity to discuss the issue in a stable and neutral environment." The proposed mediation program is not meant to mediate all complaints. Only qualified complaints would be offered mediation, mostly 'A' level complaints (*abusive language, not including racial, sexual orientation or religious; low-level abusive of*

authority, courtesy type of complaints, etc.). The complainant and officer would both have to agree to mediate the complaint.

Mediation would provide an opportunity for the citizens to learn the basis of an officer's actions. Other mediation programs have shown that there is a great amount of satisfaction from the citizen being able to talk with an officer. Officers have reported that there is greater satisfaction with the mediation. A third party neutral will help facilitate the conversation.

The ACRB and the APD have agreed that ACRB will manage the scheduling of mediations. Under the proposal, if the citizen and officer agree to mediate and the mediation is successful, the complaint will close. If the mediation is unsuccessful and the complainant wants an investigation, the complaint would be forwarded to an ACRB investigation or Office of Internal Affairs. The investigation authority will depend on which agency received the complaint.

- **Training**

*Reid* presented a video to the Board entitled, 'Hollywood vs. Reality Officer Involved Shootings.' The purpose of the video is to provide insight into Hollywood myth verses reality type of shootings.

## **INTAKE REPORT FOR NOVEMBER 2013**

A total of seven (7) complaints were received for the month of December. *Investigator Robertson* reported the following:

1. **Complaint Number: ACRB No. 13-118, Sam Thomas alleging Excessive Force**  
Mr. Thomas alleges that on October 7, 2013, members of the APD Narcotics Unit forcibly entered his residence and physically assaulted him.  
*The recommendation is to investigate as an excessive force complaint.*
2. **Complaint Number: ACRB No.13-119, Clinton Wilson alleging False Arrest and Abuse**  
Mr. Wilson alleges that on November 9, 2013, he was falsely arrested by Marta Police Officers. He further alleges that he was abused by the correction officers at the Fulton County Jail.  
*The recommendation is to dismiss for lack of jurisdiction.*
3. **Complaint Number: ACRB No.13-120, QuaEisha Pittman alleging False Imprisonment and Harassment**  
Ms. Pittman alleges that on December 9, 2013, two APD officers improperly detained and harassed her sister.  
*The recommendation is to investigate as a false imprisonment complaint only (the harassment allegation is not the type of harassment defined by the ordinance. Harassment is defined as "the act of tormenting by continued persistent verbal or physical attacks).*
4. **Complaint Number: ACRB No. 13-121 Richard Coleman alleging False Arrest**  
On December 11, 2013, Mr. Coleman filed a complaint alleging that on November 19, 2013, he was falsely arrested by APD Officers Robert Byers and Antoine Harp. Later that same day, Mr. Coleman called the ACRB office and withdrew his complaint against the officers.  
*Recommend dismissal based on withdrawal of complaint.*
5. **Complaint Number: ACRB No. 13-122, Kelly Rodriquez alleging Excessive Force**  
Ms. Rodriquez alleges that on November 10, 2013, APD Officer Brian Carswell unjustifiably shot and killed her dog.  
*The recommendation is to investigate as an excessive force complaint.*
6. **Complaint Number: ACRB No. 13-123, Larry Deshazor alleging Unprofessional and Rude Behavior**  
Mr. DeShazor alleges that on December 17, 2013, an APD officer at the Atlanta Municipal Court was rude and unprofessional toward him.

*Recommend dismissal for lack of jurisdiction and referred Mr. DeShazor to OPS.*

7. Complaint Number: ACRB No. 13-124, Gary Murphy alleging Improper Conduct

Mr. Murphy alleges that on November 1, 2013, he was the victim of a robbery and feels that the officer did not take his complaint seriously.

*Recommend dismissal for lack of jurisdiction and referred Mr. Murphy to OPS.*

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 to accept was approved by all.

## REVIEW OF COMPLAINTS

### CASE NO. 13-22, AMBROSE KING ALLEGING FALSE ARREST

#### A. CASE SUMMARY:

Mr. Ambrose King filed a timely complaint with the ACRB alleging that on March 3 and March 23, of 2013, he was falsely arrested by Atlanta police officers, who lacked probable cause to arrest and charged him with violation of the City's sound level ordinance and obstruction. ACRB Lead Investigator Sheena *Robertson* investigated the complaint.

#### *1<sup>st</sup> Arrest:*

Mr. King alleged that on March 3, 2013, he had a small party at his residence. He said at approximately 3:00 a.m., he was upstairs with his guests when he heard someone downstairs yelling "Hello, hello." Mr. King said he went downstairs and three APD officers (*Jay Teasley, Justin Beck and Adam Thrower*) were in his living room. Mr. King said the officers told him that they had knocked on the door, but no one answered so they entered the house. Mr. King said one of the officers asked him for ID. He alleges that he told the officer that he would give it to him if they stepped outside the door. He said the officers complied and he proceeded upstairs to retrieve his license. While upstairs, Mr. King said he called the Zone One Precinct and requested a supervisor be sent to his residence. Mr. King said approximately ten minutes later, he heard a knock at his door, so he went down stairs and encountered Sergeant Daniel Genson. Mr. King said that he stepped out on the porch and handed Sergeant Genson his identification. He said Sergeant Genson told him, "These officers asked for your identification and they came out here for a complaint." Sergeant Genson then ordered him to turn around and instructed Officer Teasley to handcuff him. He said he was charged with violating the sound limit and obstruction. He said he was then taken to the Atlanta City Jail, where he remained in custody for twelve (12) hours.

According to Sergeant Genson and Officer Teasley, the decision to arrest Mr. King was based on the volume of the music, and his failure to provide his identification to Officer Teasley when it was requested. Officers Teasley, Thrower and Beck were dispatched to Mr. King's residence, to investigate a loud noise complaint. The officer stated that as they were driving up to the house, they could hear the music well beyond the property line.

The investigation revealed that APD has received numerous loud noise complaints concerning Mr. King's residence, since he moved into the house in August, 2012. Although Mr. King claims that this was a small gathering, an internet service revealed that on March 2, 2013, he sent out a tweet from his Twitter account that stated, "BYOB Party Tonight, 11 p.m. Ladies free, guys \$5" which seems to indicate that it was more than a small gathering, and corroborates the officer's account regarding the number of people at the residence. Reports indicated that Mr. King did not give the officer identification, so legally they can issue him a citation. The court record shows that this arrest was dismissed not on the merits, but due to Officer Teasley's non-attendance at the hearing, through no fault of his own.

Staff recommendation is to exonerate the officers of the charge.

**B. BOARD VOTES ON STAFF'S RECOMMENDATION**

It was moved by *Harrison* to accept the staff recommendation to exonerate the officers. *Price* seconded. No further discussion, the vote was called and the motion was approved by all.

**2<sup>nd</sup> False Arrest:**

On March 23, 2013, Mr. King stated he had another gathering at his house when Officers Barrett and Jones came to his residence because of a loud noise complaint. According to Mr. King, he said that the officers told him that they did not hear anything. Sergeant Polite was also present at the location and he spoke to the officers and they all left.

Mr. King stated that about a half hour to an hour later, several APD officers showed up at his home with their emergency lights activated. Mr. King stated that he and one of his roommates, Brandon Whitehead, walked onto the porch, closed the door and spoke with Officers White, Eisenhower and Jones. He alleges that he was ordered by Officer White to shut down the party and he asked the officer why. He said he also informed Officer White that the officers, who were there earlier, did not find noise violations. He said Officer White instructed Officers Eisenhower and Jones to handcuff him and Mr. Whitehead and detained them while they cleared out the party.

Mr. King said that he and Mr. Whitehead were placed in Officer Jones' patrol car for about two hours before they were transported to the precinct and later they were taken to the City Jail. He said that when he returned home his front door was broken. He said his friends told him they locked the door, but the officers forcibly opened the door causing the lock to break.

Mr. King believes that the officers arrested him because of pressure from one of his neighbors who lives behind him on Jones Avenue. He alleges that Officer Jones arrested him without probable cause for violating the city's noise ordinance. Officer Jones denies the allegation. He contends that he had probable cause to arrest Mr. King.

Staff investigation reveals there were three calls to 911, complaining about loud noise coming from Mr. King's residence, and officers were dispatched on two separate occasions. A verbal warning was given the first time. When they responded the second time, Sergeant Polite, and Officer Jones stated that the music could be heard approximately a thousand feet from the residence. The court records indicate that the case was dismissed for evidentiary reasons (*evidentiary reason can mean many different things*). Based on the information, ACRB staff recommends that the false arrest allegation against Officer Jones be assigned a finding of **exonerated**.

**C. BOARD VOTES ON STAFF'S RECOMMENDATION**

*Harrison* moved to accept staff's recommendation to exonerate the officer. *Souder* seconded. No further discussion the vote was called. None opposed, and the motion passes.

As a follow-up to this complaint, it was recommended that the Board refer the matter to OPS for further investigation, to determine if there was any merit to Mr. King's claim that the officers forcibly and illegally entered and searched his residence, as it relates to the second arrest. This is not an area of investigation that falls within the Board's jurisdiction.

*Bozarth* motioned to include the recommendation. *Williams* seconded. No further discussion. The vote was called, and the motion passed with one opposing vote (*Morris*).

## CASE NO. 13-50, ANDRE BILLUPS

### A. CASE SUMMARY:

Mr. Billups alleged that Atlanta Police Officer Jason Berg has been harassing him for over a year. Mr. Billups further alleged that on or about April 11, 2013, Officer Berg was verbally abusive toward him. ACRB Lead Investigator Sheena *Robertson* investigated the complaint.

According to Andrew Mr. Billups, during the summer of 2012, between 7:00 a.m. and 8:00 a.m., while cleaning the outside of the Edgewood Retail Mall, Atlanta Police Officer Jason Berg began to harass him and his employees. He said Officer Berg approached him and his employees several times and ordered them to turn off their blowers and equipment or he would take them to jail and seize their equipment. Mr. Billups said he tried to explain to Officer Berg that he was the owner of the company and was contracted by the Mall to clean the property between those hours. He said Officer Berg did not care and continued to harass and prevent them from performing their duties. He alleges this continued for a few months.

A second incident occurred on April 11, 2013, when Mr. Billups was at the Mall pressure washing the front of the Kroger Supermarket. He alleges that Officer Berg and another officer pulled up in their patrol car. He said Officer Berg got out of his car and said to him, "I thought I told you don't be making no fucking noise? What is this pressure washer doing in front of Kroger?" Mr. Billups said he did not respond and he began to pick up the debris resulting from the pressure washing. He said Officer Berg said, "I'm talking to you!" Mr. Billups said again he did not respond and continued picking up the debris. He said at some point, one of his employees told him that Officer Berg was inside his truck. He said when he looked in the direction of his truck, he saw Officer Berg inside his truck and he had taken the keys out of the ignition. Mr. Billups said Officer Berg said to him, while waving his keys in his hand, "I'm talking to you! I thought I fucking told you no more making noise! Now come and get your keys, you don't lie to a cop ever!" He said he told the officer that he had not lied to him. He said Officer Berg accused him of not telling him that he was the owner of the company and threatened to put him in jail. He said, he didn't get his keys back and had to call his office and have one of his employees bring him the extra set of keys for the truck. Once his employee brought him the extra set of keys, he said that he quickly gathered up his things and left the area and did not return for a few days.

Three weeks later, while cleaning the inside of his truck, he noticed that the keys had been put back in the vehicle. It is his belief that Officer Berg had been in his truck a second time and returned them. He further stated that as he was cleaning out his truck, he noticed that his ledger that contained a lot of confidential information about his business and employees was missing and he believes that Officer Berg took the ledger.

After a review of APD records, the officer in question is confirmed to be Jason Berg, and he was at Kroger Supermarket on April 11, 2013 between 7:30 a.m. and 8:00 a.m. The records also reflect that on that same day Officer Samuel Louis Jr., a trainee was on patrol with Berg. City personnel records reflect that Officer Berg retired from his position with APD on July 24, 2013, prior to the initiation of this investigation. Therefore, ACRB did not get an opportunity to interview him concerning Mr. Billups' allegations. Officer Samuel Louis was on patrol with Officer Berg and ACRB interviewed him.

Officer Louis stated that Edgewood Retail Mall was part of the Officer Berg's direct patrol. He stated that during his patrol with Officer Berg on several occasions while they were patrolling the Mall, that Officer Berg ordered individuals to turn off their equipment because, they were in violation of the city's notice ordinance. He further indicated that he recalled on one occasion when Officer Berg stuck his hand through a window that was rolled down and turned off the ignition of a car, because the music was blaring from it. When Officer Louis was asked about Officer Berg using abusive language, he stated that he did not hear Officer Berg use any profanity or abusive language towards any of those individuals. There were no other independent witnesses that could corroborate either account.

Therefore, based upon the information obtained during the course of the investigation, the ACRB staff recommends the following:

1. Harassment: The act of harassment occurred during the summer of 2012. Mr. Billups filed his complaint on June 4, 2013. His complaint, as it relates to the harassment, was not timely filed within 180 days. Since the incident occurred outside the 180 day time limit imposed by the ordinance, the recommendation is to dismiss the complaint of harassment against Officer Berg.
2. Abusive Language: Officer Samuel Lewis, who was with Officer Berg (*now retired*) on the day of the incident, stated that he did not hear Officer Berg use any profanity or abusive language towards any of the individuals. There were no other independents that could corroborate either account. Therefore, based upon the information obtained during the course of the investigation, ACRB staff recommends that the abusive language allegation against Officer Jason Berg be assigned a finding of not-sustained, meaning that the investigation established there is insufficient evidence to conclude by a clear and convincing evidence standard that the officer committed the alleged acts of misconduct.

#### B. BOARD VOTES ON STAFF'S RECOMMENDATION:

1. Regarding the allegation of harassment, **Harrison** moved to accept staff's recommendation to dismiss. **Morris** seconded. No further discussion, the motion was approved.
2. Regarding the allegation of abusive language, **Souder** made a motion to accept staff's recommendation of not-sustained. **Williams** seconded. Calling for the vote, the motion passes.
3. **Robertson** announces one other recommendation that's not reflected on the report. Initially, Mr. Billups thought that the involved officer was Officer Robert Byers. She said he was interviewed as the subject, until she found out that he was the wrong officer. **Robertson** recommends that the allegation of harassment and abusive language against Officer Byers be unfounded, because he was not present at the incident.

**Bozarth** moved to accept the recommendation of unfounded against Officer Robert Byers. **Harrison** seconded. None opposed, motion passes.

#### FINAL COMMENTS FROM THE BOARD

**Williams** made a brief announcement concerning the King March Committee and events scheduled during the coming weeks. **Williams** is encouraging everyone to participate, and to make every effort to attend the Human Rights breakfast on January 17<sup>th</sup>, and the march on the King Holiday, Monday, January 20<sup>th</sup>.

**PUBLIC COMMENTS:**

*Let the record reflect there were no public comments from the audience.*

**ADJOURNMENT**

The *Chair* entertained a motion to end the meeting. It was moved by *Williams* to adjourn the meeting. *Morris* seconded. The meeting adjourned at 7:48 p.m.

Approved as to form and content,  
Alan Morris  
Board Secretary,  
  
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Signature  
January 20, 2014