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AN ORDINANCE
BY: COUNCIL MEMBER NORVLEE YOUNG, JR

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE XVI, DIVISION 11, OF THE CITY OF ATLANTA CODE OF ORDINANCES (ESTABLISHING THE "ATLANTA CITIZEN REVIEW BOARD") FOR THE PURPOSE OF ADDING NEW DEFINITIONS, BROADENING BOARD JURISDICTION, PERMITTING THE FILING OF ANONYMOUS COMPLAINTS, INCREASING BOARD MEMBERSHIP, ADDING NEW BOARD MEMBER TRAINING REQUIREMENTS, REVISING QUORUM REQUIREMENTS, ADDING TO BOARD OUTREACH REQUIREMENTS, PROVIDING COMPENSATION TO BOARD MEMBERS, REVISING BOARD MEMBER TERMS OF OFFICE, ADDING PROVISIONS FOR THE REMOVAL OF BOARD MEMBERS, PROVIDING FOR A MINIMUM STANDARD OF EVIDENCE, ADDING A MEDIATION PROGRAM, REQUIRING DETAILED WRITTEN RESPONSES FROM THE DEPARTMENTS OF POLICE AND CORRECTIONS WHEN RESPONDING TO BOARD RECOMMENDATIONS, UPDATING TEXT IN THE ORDINANCE WHERE REQUIRED, DELETING NO LONGER RELEVANT ORDINANCE PROVISIONS, RENUMBERING AND RELETTERING ORDINANCE SECTIONS TO REFLECT REVISIONS TO THE ORDINANCE; AND FOR OTHER PURPOSES.
* substituted as Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 2/16/16
 Referred To: Public Safety
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First Reading

Committee: _____
 Date: _____
 Chair: _____
 Referred To: _____

Committee: Public Safety
 Date: 2-23-16
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other:
 Members:
 Refer To:

Committee: Public Safety
 Date: 2-15-16
 Chair: _____
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]
 Refer To:

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Consent
 V Vote
 RC Vote

CERTIFIED
 MAR 21 2016

COUNCIL PRESIDENT PROTEM

CERTIFIED
 MAR 21 2016
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 30 2016
 WITHOUT SIGNATURE
 BY OPERATION OF LAW

ADOPTED BY

MAR 21 2016

COUNCIL

Refer To

CORRECTED COPY
CITY COUNCIL
ATLANTA, GEORGIA

16-O-1072



AN ORDINANCE BY COUNCILMEMBER IVORY LEE YOUNG, JR. AS SUBSTITUTED AND AMENDED BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 2, ARTICLE XVI, DIVISION 11, OF THE CITY OF ATLANTA CODE OF ORDINANCES (ESTABLISHING THE "ATLANTA CITIZEN REVIEW BOARD") FOR THE PURPOSE OF ADDING NEW DEFINITIONS, BROADENING BOARD JURISDICTION, PERMITTING THE FILING OF ANONYMOUS COMPLAINTS, INCREASING BOARD MEMBERSHIP, ADDING NEW BOARD MEMBER TRAINING REQUIREMENTS, REVISING QUORUM REQUIREMENTS, ADDING TO BOARD OUTREACH REQUIREMENTS, PROVIDING COMPENSATION TO BOARD MEMBERS, REVISING BOARD MEMBER TERMS OF OFFICE, ADDING PROVISIONS FOR THE REMOVAL OF BOARD MEMBERS, PROVIDING FOR A MINIMUM STANDARD OF EVIDENCE, ADDING A MEDIATION PROGRAM, REQUIRING DETAILED WRITTEN RESPONSES FROM THE DEPARTMENTS OF POLICE AND CORRECTIONS WHEN RESPONDING TO BOARD RECOMMENDATIONS, UPDATING TEXT IN THE ORDINANCE WHERE REQUIRED, DELETING NO LONGER RELEVANT ORDINANCE PROVISIONS, RENUMBERING AND RELETTERING ORDINANCE SECTIONS TO REFLECT REVISIONS TO THE ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") has an interest in maintaining public health, safety, and welfare; and

WHEREAS, on March 13, 2007, then Mayor Shirley Franklin approved Ordinance 07-O-0141 that amended the City of Atlanta Code of Ordinances at Chapter 2, Article XVI (Boards, Councils, Commissions, and Authorities), Division 11, to create the Atlanta Citizen Review Board (the "Board"). The purpose of the Board is to ensure that the Atlanta Police Department and Atlanta Department of Corrections are subject to the oversight of a credible and independent Board to review allegations of misconduct involving police and corrections sworn officers; and

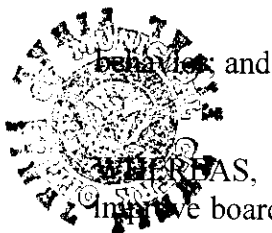
WHEREAS, oversight of the City's law enforcement departments is important to maintaining and increasing citizen trust and confidence in the accountability of sworn officers; and

WHEREAS, the Board has determined that the agency's current jurisdiction needs to be expanded to include allegations that are currently dismissed due to a lack of jurisdiction; and

WHEREAS, the Board recognizes expansion of jurisdiction will allow the agency to better meet citizen demands; and

WHEREAS, the Board has determined that clarification of language is necessary to improve the Board's ability to function; and

WHEREAS, the Board has determined that including the ability of citizens to file anonymous complaints supports the public safety goal of assertively addressing citizens' concerns about officer



behavior; and

WHEREAS, the Board has determined that increasing board membership training is necessary to improve board operations in meeting the needs of private citizens and the City's Police Department and Department of Corrections; and

WHEREAS, the Board has determined additional definitions, reorganization, and re-lettering of the current ordinance will provide a more logical understanding of the ordinance; and

WHEREAS, the Board has determined that additional members to the Board will aid the Board in reaching a quorum; and

WHEREAS, the Board has determined that a reduction in appointment time limits is important to the growth and maintenance of an effective Board, and the creation of a mechanism for filling long vacancies is necessary to maintain the proper functioning of the Board; and

WHEREAS, the Board has determined that compensation is needed to attract a wider pool of candidates and create an expectation that Board members fulfill all aspects of the Board's work; and

WHEREAS, the Board has determined that clarification of a removal process for Board members is necessary to provide more effective governance by the Board; and

WHEREAS, the Board has determined that a standard of proof needs to be established in accordance with the standard of proof used in administrative proceedings; and

WHEREAS, the Board has determined that a more detailed response from the chiefs of the Departments of Police and Corrections will aid the Board in its understanding of the Department's rationale for disagreement with complaints sustained by the Board; and

WHEREAS, the Board has determined that a mediation program will promote greater understanding of certain incidents between citizens and officers and will encourage perspective sharing that will lead to better relationships between citizens and officers; and

WHEREAS, the Board has determined that Board member participation in community outreach is an essential activity that will increase Board members' understanding of community concerns.

WHEREAS, O.C.G.A. § 24-13-28 provides for the payment of a \$25.00 witness fee payment for any law enforcement officer who shall be required by subpoena to attend court during any hours except the regular duty hours to which the officer is assigned; and

WHEREAS, it is the desire of the City Council that the Board shall pay a \$25.00 witness fee to Atlanta Police Department and Department of Corrections employees subpoenaed by the Board to appear during any hours except the regular duty hours to which the employee is assigned.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section 1: That Sections 2-2201 through 2-2213 of the Atlanta Citizen Review Board Ordinance, at Chapter 2, Article XVI Division 11 of the City of Atlanta Code of Ordinances, shall be deleted in its entirety and the following inserted in lieu thereof:

Sec. 2-2201. - Establishment of the Atlanta Citizen Review Board.

- (a) The Atlanta Citizen Review Board (the "Board") is established to provide a permanent agency in the City of Atlanta through which:
 - (1) Complaints lodged by members of the public regarding alleged abuse of authority, abusive language, appropriate action required, conduct, discrimination, discriminatory reference, failing to provide identification, false arrest, false imprisonment, harassment, retaliation, use of excessive force, serious bodily injury, death and violation of department standard operating procedures which is alleged to be the result of the actions of a sworn employee of the Police Department or Department of Corrections, shall be processed, investigated under section 2-2213 of this chapter, and evaluated; and policies of a law enforcement unit may be reviewed.
 - (2) The Board shall have the jurisdiction to investigate and mediate citizen's complaints with regard to the above described matters.
 - (3) Complaints shall be filed in writing and under oath with the Board no later than 180 days following the date of the alleged infraction. All complaints filed with the Board will be submitted to OPS by the Board for their review. There shall be no filing fee and complainants shall be provided any necessary assistance in completing a complaint form.
 - (4) Anonymous sources, professing first-hand knowledge of alleged police misconduct, shall be allowed to file complaints anonymously when the complainant requests anonymity based upon a credible belief that the complainant will face prosecution or harassment. The determination of whether the request for anonymity is based upon a credible belief of prosecution or harassment shall be within the reasonable discretion of the Executive Director. However, all information provided to the Board is subject to the Georgia Open Records Act as codified in O.C.G.A. §50-18-70 *et seq.*
- (b) Jurisdiction of the Board shall extend only to complaints against police and/or corrections officers with respect to abuse of authority, abusive language, appropriate action required, conduct, discrimination, discriminatory reference, failing to provide identification, false arrest, false imprisonment, harassment, retaliation, use of excessive force, serious bodily injury, death and violation of department standard operating procedures which is alleged to be the result of the actions of employee of the Police Department or Department of Corrections defined in section 2-2202 of this chapter and by the law enforcement unit's rules and regulations.
- (c) An explanation of the Board's complaint procedures shall be made to all police and corrections officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new corrections and police officers.

- (d) Each member of the Board shall receive training on the issues of abuse of authority, abusive language, appropriate action required, conduct, discrimination, discriminatory reference, failing to provide identification, false arrest, false imprisonment, harassment, retaliation, use of excessive force, serious bodily injury, death and violation of department standard operating procedures which is alleged to be the result of the actions of an employee of the police department or corrections.
- (e) Board shall be composed of 13 members who represent the diversity of this community, and who reside within the City of Atlanta and who shall be appointed as provided in Section 2-2203.

Sec. 2-2202. - Definitions.

The following words and phrases as used in this chapter shall have or include the following meanings.

"Abuse of Authority" shall mean using their authority as a Police Department or Department of Corrections employee to abuse, harass, oppress, or persecute any person.

"Appropriate Action Required" shall mean that employees shall respond in an appropriate manner to all situations by:

- (a) Being considerate of the rights, feelings, and interests of all persons.
- (b) Taking action in each situation to provide the necessary and appropriate service and insuring proper notification of the proper superiors or supervisors when indicated by the circumstances.
- (c) Requesting the assistance of supervisors when the appropriate action required is unclear or not possible given the circumstances, or not within the scope of authority of the employee of whom such action was requested. Conversely, a supervisor will not direct a subordinate employee to undertake an action which is not within the scope of the supervisor's authority.
- (d) Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.

"Abusive language" shall mean harsh, violent, profane, or derogatory language which would demean the dignity of an individual and which shall include profanity and racial, ethnic, or sexist slurs.

"Board" shall mean the Atlanta Citizen Review Board as established in section 2-2201 of this chapter.

"Chief" shall mean the head of the Police Department or Department of Corrections of the City of Atlanta.

"Civilian employees" shall mean all unsworn members of the Police Department or Department of Corrections.

"Corrections" shall mean the Department of Corrections of Atlanta.

"Corrections Officer" shall mean all Atlanta Department of Corrections officers certified by the Georgia Peace Officer Standards and Training (POST) Council.

"Conduct" shall mean that employees shall not act in an official or private capacity in a manner that shall bring discredit upon the Police Department or Department of Corrections, or themselves. Employee misconduct is considered but not limited to engaging in offensive, unprofessional, lewd and/or unethical behavior toward the public, inmates/detainees, fellow employees and/or supervisory personnel.

"Discrimination" shall mean actions or decisions affected by prejudice of gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political belief.

"Discriminatory references" shall mean reference to any person in a derogatory manner because of their gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political preference.

"Excessive force" shall mean the use of more force than what is reasonable and necessary to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend himself or another from physical assault, or to accomplish other lawful objectives.

"Failure to provide identification" shall mean failure to provide name and badge number upon request while on duty or performing their official duties. Sworn employees at the rank of Investigator or above shall provide, upon request, the badge number that was initially assigned to them at the rank of Officer.

"False arrest" shall mean arrest by a police officer of a person without probable cause to believe a crime has been or is about to be committed.

"False imprisonment" shall mean the unlawful detention of the person of another, for any length of time, whereby such person is deprived of his personal liberty.

"Harassment" shall mean a course of unwanted, unwelcomed and uninvited behavior which annoys, demeans, threatens, intimidates, alarms, or puts a person in fear of their safety.

"Hearing" shall mean a preliminary examination of the basic evidence and charges by the "Board" of an accused person at which testimony is taken from a witness.

"Investigation" shall mean the act or process of investigating or the condition of being investigated; also a detailed inquiry or systematic examination.

"Mediation" shall mean an informal process, voluntarily agreed to by a complainant and the subject officer and conducted with the assistance of a certified, neutral third party, engaged in for the purpose of fully and frankly discussing alleged misconduct and attempting to arrive at a mutually agreeable resolution of a complaint.

"OPS report" shall mean the official file of an investigation conducted by the Office of Professional Standards (OPS) as the result of a complaint against a police officer.

"Police officers" shall mean all Atlanta Police Department officers certified by the Georgia Peace Officer Standards and Training (POST) Council.

"Retaliation" shall mean the act of interfering, harassing, or intimidating a person who filed a complaint, attempted to file a complaint, expressed a desire to file a complaint, or participated in the investigation of a complaint.

Sec. 2-2203. - Appointment of members.

- (a) The 13 members of the Board shall be appointed as follows and said appointments shall be confirmed by

the City Council:

- (1) One member shall be appointed by the Mayor;
 - (2) One member shall be appointed by the City Council;
 - (3) One member shall be appointed by the President of Council with previous experience as a law enforcement professional;
 - (4) One member shall be appointed by Neighborhood Planning Unit ("NPU") group A - F;
 - (5) One member shall be appointed by NPU group G-L;
 - (6) One member shall be appointed by NPU group M-R;
 - (7) One member shall be appointed by NPU group S-Z;
 - (8) One member shall be appointed from the Gate City Bar Association;
 - (9) One member shall be appointed from the Atlanta Bar Association;
 - (10) One member shall be appointed by the League of Women Voters of Atlanta - Fulton County;
 - (11) One member shall be appointed by the Atlanta Business League;
 - (12) One member shall be appointed by the Georgia Coalition for the People's Agenda;
 - (13) One member shall be appointed by the Urban League of Greater Atlanta; and
- (b) "NPU groups", for this purpose, are recognized by alphabetically arranged groups of six or seven. The Atlanta Planning and Advisory Board ("APAB") shall be responsible for developing a process and coordinating the appointment of said board members.
- (c) All appointments shall be confirmed by City Council. All confirmed appointees should be inaugurated no more than 30 days after council confirmation.
- (d) The members of the Board may make recommendations to the mayor, president of council, and council members of prospective members to be appointed to the Board.
- (e) Nominees to the Board shall be subject to an employment background check as well as a criminal history check. Nominees shall execute all releases necessary for the Executive Director and the Police Department to accomplish the same. With regard to all nominees who have any employment history as law enforcement officers, such information shall also include:
- (1) Relevant data and reports from the Peace Officers Standards and Training Council (POST) for nominees formerly or presently employed in Georgia, and from equivalent state entities or agencies for nominees employed in law enforcement in other states, and
 - (2) All available personnel files and disciplinary records from law enforcement or public safety employers of such nominees whenever they are available.
 - (3) If the nominee is determined to have committed a felony, the nomination will be withdrawn.
- (f) The Executive Director shall review all reports described in subsection (e) above that are received, and shall then deliver said reports to the Chairperson of the Public Safety and Legal Administration Committee in a timely manner.

Sec. 2-2204. - Composition of board.

- (a) For the purposes of subsection 2-2203(a)(3), experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.
- (b) Others selected shall have skills and experience in areas relevant to the work of the Board. Areas that should be represented are: civil rights work and litigation; community and business leadership; and relevant academic expertise.
- (c) No member of the Board shall hold any other public office or hold employment with the City of Atlanta.
- (d) At the February meeting of the Board, the chair of the Board will be elected by the Board from among its members.
- (e) To enable the Board to conduct its work, the Board is hereby authorized to hire its own Executive Director and appropriate investigative and clerical staff. Additional staff support to the Board shall be provided by the office of the mayor, the city attorney, the Police Department and Department of Corrections upon the request of the Board.

Sec. 2-2205. - Time limit on appointments.

- (a) For all appointments of members to the Board, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Atlanta City Council within 60 days prior to the expiration of the term of any member.
- (b) Board members may serve a maximum of two consecutive (2) terms. After which, the member shall not be reappointed for at least one (1) year. A partial term of 18 months or more counts as a full term.

Sec. 2-2206. - Terms of office.

- (3) All Board member terms will be three (3) years.

Sec. 2-2207 - Training of Board Members

- (a) All Board members shall participate in annual training sessions as arranged by the Executive Director.
- (b) All new Board members shall complete training in the following subject areas as arranged by the Executive Director: Board orientation, use of force, criminal procedure, Open Meetings Law, Ethics, Conflicts of Interest, the Fourth Amendment, and Police Department and Department of Corrections Standard Operating Procedures (SOPs) as identified by the Executive Director and approved by the Board.
- (c) All Board members shall participate in an Atlanta Police Department ride-a-long within one (1) year of their appointments to the Board.
- (d) Within one (1) year of their appointment to the Board, all new Board members shall complete the portions of the Atlanta Police Department Citizen's Academy that are determined by the Executive Director and approved by the Board to be relevant to the members' Board duties and responsibilities. Members shall be paid fifty dollars (\$50.00) for each Citizen's Academy session attended.

Sec. 2-2208. - Vacancies.

- (a) Any membership vacancies created on the Board by any reason whatsoever shall be filled in accordance with the procedure outlined in section 2-2203.
- (b) Should an appointing entity fail to nominate a prospective member of the Board as outlined in section 2-2203, and a vacancy exists for more than 90 days from the date of the notice of vacancy provided to the appointing entity by the Executive Director, then the City Council may make an appointment to the Board for the remainder of the vacant term.

Sec. 2-2209. - Organization; rules; consultations.

The Board shall hold an organizational meeting in February of each year to elect officers and transact any other authorized business. At such meeting and thereafter from time to time on the call of the Chair of the Board, the Board shall adopt and promulgate or amend such bylaws, rules and regulations as are deemed necessary or convenient to conduct the affairs of the board. The Board and its members may consult with city officials, department heads in the performance of the business and duties of the Board.

Sec. 2-2210. - Officers.

- (a) The membership of the Board shall elect the following officers:
- (1) The chair;
 - (2) The vice-chair; and
 - (3) The secretary.
- (b) Elected officers shall serve one (1) year terms from the time of their election at the organizational meeting.

Sec. 2-2211. - Compensation; Conflict of interest; Removal.

- (a) Members of the Board shall be paid fifty dollars (\$50.00) for all monthly Board meetings and training sessions attended. Further, Board members shall be eligible for reimbursement for actual and necessary expenses incurred in the performance of their duties. Compensation shall not exceed the budgeted amount for the fiscal year.
- (b) A member of the Board may not contract to provide goods and services to the city in the ordinary course of the business or profession of such member. No member shall participate as a member in the review and recommendations of the Board on any proposed work or work done by any such member or any corporation, partnership or other legal entity in which such member has any financial interest.
- (c) A member of the Board may be recommended for removal for good cause. Good cause may be found for the following:
- incompetence,
 - neglect of duty,
 - misconduct,
 - malfeasance, or
 - failure to participate in training requirements.

Sec. 2-2212. - Quorum; voting

- (a) Five (5) members of the Board shall constitute a quorum for each Board meeting.
- (b) Decisions of the Board shall be made by vote of a majority of the members present at the meeting.
- (c) The Board shall use "the preponderance of the evidence" as the standard of proof for all decisions.

Sec. 2-2213. - Powers and duties of the board.

- (a) The Board shall advise the Mayor, the President of City Council, City Council members and the Chief of Police and the Chief of Corrections on policies and actions of the police and corrections department with the purpose of improving the ability of police personnel to carry out their duties, and to improve the relationship between the Police Department, Department of Corrections and the community.
- (b) The Board shall have the responsibility of informing the public about the Board and its duties, and shall develop and administer an ongoing program for the education of the public regarding the provisions of this Code Section. In addition, the chiefs of police and corrections or a designee shall meet with the, Board periodically to aid in its fact-gathering function and pursuant to the provisions of the Atlanta Code of Ordinances.
 - 1. Board members shall participate in a minimum of three (3) community outreach activities each calendar year.
 - 2. Any Board member failing to meet three (3) community outreach activities during any calendar year may be recommended for removal from the Board for neglect of duty. The Executive Director shall maintain a record of Board member community outreach activities.
 - 3. Each Board member shall file a quarterly written report with the Board member's appointing entity. The Executive Director shall maintain a record of all Board member written reports to appointing entities.
- (c) The Board shall have the power to conduct investigations and hold public hearings.
- (d) The Board shall have full discretion to select appropriate individual incidents to review from any person with personal knowledge of alleged misconduct committed by either the Atlanta Police Department or Department of Corrections. Additionally, the Board shall have the discretion to review broader issues to study which may be of concern to the community, the Police Department and Department of Corrections, or the chiefs of police and corrections; provided, however, that the Board shall, to the best extent possible, minimize duplication of effort between the Board and any other existing agencies which have jurisdiction over the same matter. The Mayor, the President of City Council, City Council members and the chiefs of police and corrections, and other responsible officials shall ensure that all such agencies cooperate to the greatest extent possible in the performance of their respective activities, studies, and operations.
- (e) The Board may initiate studies upon request to the Board by any member of the public or the Police Department and the Department of Corrections, or at the Board's own discretion. The Board may review specific complaints or incidents of misconduct against individual police officers; including those involving language related to race, ethnicity, religion, gender, sexual orientation, gender identity, or disability.
- (f) In order to accomplish its goals as set forth above, the Board shall have full access in order to interview relevant Police Department and Department of Corrections personnel and to obtain copies of and to review and examine relevant documents, including, but not limited to, the following:
 - (1) OPS files, citizen complaints, and determinations made pursuant thereto; department and corrections review files; ethics and accountability files, and the files of any other internal investigative agency

- charged with investigating police misconduct incidents;
- (2) Police paperwork (e.g., police documents and other paperwork produced by the Police Department and Department of Corrections for the purpose of investigating suspects or to aid in their prosecution);
 - (3) Information related to past assignments and disciplinary action;
 - (4) Police Department and Department of Corrections directives and other documents that the Board deems relevant to the issue under review;
 - (5) All general summaries, statistical compilations, and other internal reports on shootings, injuries, and complaints of abuse, training, and any other issues related to the work of the Board.
 - (6) The Board, at its discretion, may make specific recommendations at any time, and shall issue a public report summarizing its activities and recommendations not less than once a year to the Mayor, the President of City Council, City Council members, the Chiefs of Police and Corrections, and the city ethics officer, and shall make copies of the report available to the public in the office of the Municipal Clerk of the City of Atlanta.
 - (7) No Board finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the sole basis for any such finding or recommendation.
 - (g) The Board shall acknowledge receipt of complaints filed by individuals alleging police or corrections officer misconduct within ten (10) business days of receiving any such complaint. Such response shall indicate whether, in the exercise of its discretion, the Board shall study the allegations made, not study them, or request additional information to enable the Board to make a decision on its options.
 - (h) All employees of Atlanta City Government are hereby directed to fully cooperate with the Board by promptly producing documents, records, files, and any other information that the Board may request. In addition, employees, on request of the board, shall be available to meet with and be interviewed by, the Board or its representatives, and/or to testify before the Board. Upon notification by the Executive Director of the Board that an employee has not cooperated as requested, the police chief or corrections chief shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the Board of the outcome of such action.
 - (i) The Board may exercise subpoena power by majority vote, and compel access to or production of such materials or the appearance of such person as may be relevant to investigate or study or review matters within the Board's authority and discretion. The Board shall pay a \$25.00 witness fee to Atlanta Police Department and Department of Corrections employees subpoenaed by the Board to appear during any hours except the regular duty hours to which the employee is assigned.
 - (j) Failure to comply with a subpoena pursuant to this section shall be punishable in accordance with Section 1-8 of the City of Atlanta Code of Ordinances.
 - (k) Corrections or police personnel who are designated as the subject of a related criminal investigation by a local law enforcement agency may elect not to appear until the conclusion of that investigation. Hearings shall be informal and strict rules of evidence shall not be applied. Testimony under oath shall be received from all persons who appear and purport to have information which is material to the complaint. A record shall be kept and shall be made available, upon payment of costs, to any person requesting same.
 - (l) All hearings shall be open to the public, except when, in the opinion of the Board, and in accordance with the Open Meetings Act, executive sessions are required.
 - (m) The Board shall have the power to recommend that the Chief of Police and the Chief of Corrections take certain actions.

- (1) The Board may recommend general reforms (such as changes in training, changes in the preservation of records, changes in counseling available to officers) or specific actions directed at individual officers (including, but not limited to, hiring, firing, promotion, demotion, punishment, or commendation);
- (2) Provided, however, that the Chiefs of Police and Corrections shall retain full and ultimate authority, power, discretion, management prerogatives, and responsibility to set disciplinary policies or take other lawful actions they deem appropriate relative to the Police Department and Department of Corrections under the provisions of the City of Atlanta Code of Ordinances;
- (3) Provided, further, that nothing in this section shall be construed to limit the rights of members of the Police Department and Department of Corrections with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise. The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the Police Department or Department of Corrections for violations of law by any court of competent jurisdiction, a Federal or State Grand Jury, the United States Attorney for the State of Georgia, the Fulton County District Attorney, or other authorized officer, agency, or body.
- (4) The Chief shall not accept a recommendation from the Board that shall punish the same officer more than once for the same act or omission that constitutes misconduct for which the officer has already been punished by the city.
- (n) The Board shall report a summary of findings semi-annually to the public safety committee.
- (o) Within 30 days of the submission of a recommendation for action by the Board to the chief of police or corrections, the Chief of Police or the Chief of Corrections shall respond in writing regarding which recommendations are accepted, rejected, held due to a pending OPS investigation or will be implemented with modifications. The responses from the chief of police and chief of corrections shall provide a legal or factual justification, or indicate a managerial prerogative that clearly states the reason for the acceptance, rejection, or implementation with modifications of the board's recommendations. For those recommendations held by the chief of police or chief of corrections because the investigation has not been completed, the Police Department and Department of Corrections shall provide a status update in writing every 45 days from the date of the initial notification letter. Once a final decision is reached, the chief of police or chief of corrections shall respond to the Board no later than 90 days with a final decision and action on the recommendation.
- (p) The Board may operate a mediation program to handle certain complaints against police and corrections officers that will allow for greater understanding of incidents between citizens and officers.
 - (1) Complaints involving, but not limited to courtesy, language (excluding race, gender, and sexual orientation), abuse of authority, appropriate action (minor detentions without legal authority), and harassment, shall be eligible for mediation.
 - (2) The Executive Director may refer appropriate complaints to mediation as an option to resolution of the citizen complaint, subject to agreement being obtained from the complainant and officer(s) as well as no litigation pending regarding the incident to be mediated.
 - (3) The Board shall be permitted to contract for mediation services.
 - (4) Once referred to mediation, the complainant and the subject officer(s) shall be required to participate in good faith in the mediation process. The mediation process shall continue for as long as the mediator believes it may result in the resolution of the complaint, except that it shall not extend beyond thirty (30) days from the date of the initial mediation session, without approval of the Executive Director.
 - (5) The complainant and the subject officer(s) shall attend the mediation session and sign the Atlanta Citizen Officer Mediation Program's Memorandum of Agreement. If mediation is successful, the mediator and the parties shall sign a mediation agreement and the complaint will be closed as mediated.



A letter indicating the successful resolution of the complaint will be forwarded to the Chief of Police or Chief of Corrections.

- (6) If mediation is unsuccessful, the complaint shall be referred back to the Executive Director for further investigation if the complainant chooses to move forward under the normal investigative authority procedures.
- (7) If, after agreeing to participate in mediation, the complainant fails or refuses to participate in mediation in good faith and/or fails to attend the mediation session at the appointed date and time without a valid excuse, the Executive Director shall dismiss the complaint.
- (8) If, after agreeing to participate in mediation, a subject officer fails or refuses to participate in mediation in good faith, such failure or refusal shall constitute misconduct and grounds for disciplinary action. If warranted by the evidence, the Chief of Police or Corrections shall cause appropriate disciplinary action to be initiated against the officer and shall notify the Board of the outcome of such action. If a police officer fails or refuses to participate in mediation in good faith, the Executive Director shall refer the complaint for further investigation under the investigative authority procedures.
- (9) Mediation tolls the timelines established for the investigation and subsequent process.
- (10) No record will be made of the mediation proceedings. No information discussed will be used in any subsequent investigation or proceedings.
- (11) The mediators shall be neutral trained mediators unaffiliated with the Board or any other department of the City of Atlanta. The mediators shall be certified through the State of Georgia.

Sec. 2-2214. - Finding of necessity.

- (a) It shall be the duty of the Police Department and Department of Corrections to provide such assistance as the Board may reasonably request, to cooperate fully with studies by the Board, and to provide to the Board upon request records, personnel, and other materials which are necessary for the work of the Board. It shall be unlawful for any document or information obtained through this process, or created by the Board or any member of its staff, to be released to the public unless such document is a public record under the Georgia Open Records Act.
- (b) The Board and its members shall not make public any confidential police or corrections document, or information derived from any such confidential police or corrections document. The findings of the Board as they may relate to conclusions drawn from interviews, study, and review of documents, shall remain confidential until the Board officially releases such findings. Any findings and conclusions of the Board will be by majority vote by the Board members, and voting by Board members will be conducted in public. Said findings will be provided to the Mayor, the President of City Council, City Council members and the chief of police or corrections, within a period of three (3) business days from the date of the vote.

A true copy,

Deputy Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 21, 2016
MAR 30, 2016

ADMINISTRATIVE CORRECTION IN LEGISLATION
REQUEST FORM

TO:

Rhonda Dauphin Johnson
Municipal Clerk

Re: 16-O-1072

Legislative ID Number (Ordinance/Resolution)

3-21-16
Adoption Date

3-30-16
Approval Date

FROM:

Councilmember

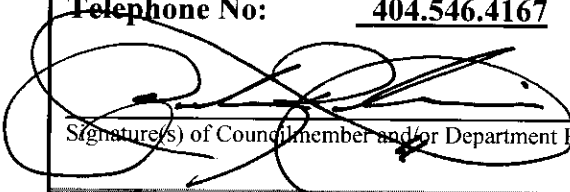
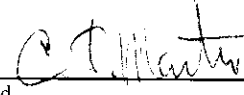
Department Head

Name: Amber Robinson

Dept/Bureau: Senior Assistant City Attorney

E-Mail Address: arobinson@atlantaga.gov

Telephone No: 404.546.4167 Fax No: 404.494.1646

 
Signature(s) of Councilmember and/or Department Head

(Questions about this form and the reverse side of page, must be completed.)

1.) What is the requested change/correction? (Give detailed description; Use additional page(s) if necessary; Provide supporting attachments as needed.)

Under Section 1, Subsections 2-2207 (d) and 2-2211(a) on pages 8 and 9 of the legislation, the written dollar amount should read Fifty Dollars, instead of twenty-five dollars. Also Under Section 1, Subsection 2-2201(e) on page 4 should read 13 members instead of 14 members.

2.) Why is the change/correction necessary? (Give detailed reason; Use additional page(s) if necessary; Provide supporting attachments as needed.)

Because the written dollar amount (twenty-five dollars) and the dollar amount listed in the parenthesis (\$50.00) do not match. The intent of council was to provide compensation in the amount of Fifty Dollars (\$50.00) to the Atlanta Citizens Review Board Members. Also, the intent of Council was to have the Board consist of 13 members, not 14 members.

3.) What Committee(s) has (have) purview over the legislation to be corrected?

Public Safety and Legal Administration Committee

[Signature]
Committee of Purview Research & Policy Analyst(s) Approval Signature(s)

5/23/11
Date

4.) Does request have Finance Department or financial impact?

Yes No

[Signature]
Finance/Executive Committee(s) Research & Policy Analyst(s) Approval Signature(s)

5/23/11
Date

5.) Have copies of request been distributed to all Councilmembers?

Yes No

Submittal to Council _____

Date

Submittal to Clerk _____

Date

FOR OFFICE OF MUNICIPAL CLERK USE ONLY

I.) Correction Completed:		Date	By	Signature
a.) Images Corrected On-Line	<input checked="" type="checkbox"/>			<i>[Signature]</i>
b.) Captions Corrected On-Line	<input type="checkbox"/>			Initial
c.) Minutes Corrected On-Line	<input type="checkbox"/>			Initial
d.) Minutes Corrected in Notebook & File Browser	<input type="checkbox"/>			Initial
e.) Filed in Original Legislation File	<input checked="" type="checkbox"/>			<i>[Signature]</i>
f.) Filed in Corrected Legislation File	<input checked="" type="checkbox"/>			<i>[Signature]</i>
II.) Correction Reported to Council		Date	Signature	

RCS# 1953
3/21/16
3:02 PM

Atlanta City Council

AGENDA

CONSENT AGENDA SECTION I: ADOPT ALL ITEMS
EXCEPT 16-O-1117 AND 16-R-3266
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Norwood
Y Young	Y Shook	Y Bottoms	B Dickens
Y Winslow	Y Adrean	Y Sheperd	B Mitchell

AGENDA