

Approved

12/14/2017



**ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE MEETING**

November 9, 2017

2nd Floor Atrium, Committee Room One
Atlanta, Georgia 30303
404-865-8622
6:30 p.m.

The November 2017 meeting was called to order at 6:30 p.m. by *Chair Williams*.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS (*Chair Williams*) **TRACEE MCDANIEL** (*McDaniel*)
PAUL BARTELS (*Secretary/Bartels*) **TAMARA ORANGE** (*Orange*)
BILL BOZARTH (*Bozarth*) **SHUNTAY PITRE** (*Pitre*)
MICHAEL HOPKINS (*Hopkins*) (*Arrival 6:52*)
CECILIA HOUSTON-TORRENCE (*Houston-Torrence*)

ACTIVE MEMBERS ABSENT

GINO BROGDON (*Vice Chair Brogdon*)

VACANT BOARD SEATS

Atlanta City Council, (*five (5) months*)
Atlanta Business League (*five (5) months*)
APAB-NPU, Group M-R (*nine (9) months*)
City Council President (*1 year and five (5) months*)

STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director(*Reid*); **SHEENA ROBERTSON**, Investigation Manager (*Investigator Robertson*); **BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*); **KALEEMA AL-NUR**, Investigator, Sr., (*Investigator Al-Nur*); **KABRAL BRATHWAITE**, Investigator, Sr., (*Investigator Brathwaite*); **LYNN GARRETT**, Executive Assistant (*Garrett/Transcriber*); **MELISA REESE**, Administrative Assistant (*Reese*) **REGINALD MCCLENDON**, COA Law Department, (*McClendon*), **LIEUTENANT SCOTT BENNETT**, Atlanta Police Department, (*Lt. Bennett*)

APPROVAL OF MINUTES FOR OCTOBER 2017

Noted Corrections: Bartels corrected October minutes, page 5, line 10, under "Discussion to read, "...after somebody is arrested, if there's no warrant, then they have to be brought in front of a judge within 48 hours..."

Houston-Torrence moved to adopt the minutes as corrected. *Bartels* seconded. Hearing no discussion, the motion was approved.

EXECUTIVE DIRECTOR'S REPORT

The Board received a copy of the ED's report in advance of the meeting. The following highlights were reported on by *Director Reid*:

- **REMINDER: Video Replay of August 19, 2017 Board Training**

For those who missed the Board member training on August 19, please contact the office to attend a replay of the training or schedule a time to attend an individual training. The training is four hours long. So far, four board members have completed the training.

- **Community Mediation Presentations**

If you know of any organizations, individuals, groups, or locations that we can conduct mediation presentations, please do not hesitate to let staff know. We are trying to spread the word about mediation to everyone.

- **WCLK-FM Interview with Kiplyn Primus, "The Local Take"**

Executive Director Reid and Myola Smith, ACRB Project Manager, interviewed with WCLK to discuss the mediation program. The interview aired Nov. 4, 2017. WCLK has also been running our PSAs for the mediation program.

- **Reports to Appointing Entities**

This is a friendly reminder for board members to submit their reports to their appointing entities. Thank you.

- **Community Outreach Highlights**

October 14th:

- 8th Annual Youth Conference entitled, H.Y.P.E. 2017 (Helping Our Youth Prosper and Evolve) for Children in Grades 6-12
- 9th Annual Festival of Lights Parade & Outdoor Celebration, 870 Proctor Street, Atlanta, Georgia 30314
- Annual Fort Mac Fall Festival at Ft. McPherson, 1794 Walker Avenue SW, Atlanta, GA 30310

October 17th:

- ACRB Presentation at Covenant House, Sponsored by The Links. COVENANT HOUSE GEORGIA, 1559 Johnson Rd NW, Atlanta, Georgia 30318

October 23rd:

- Concerned Black Clergy Monday Morning Breakfast Forum

October 31st:

- Lunchtime Meeting of the Georgia Coalition for the People's Agenda

- **Letter to Department of Corrections – Chief Labat**

A letter was sent to ADC Chief Labat regarding the public comments the board received during the October 12, 2017 meeting (see attachment).

- **Atlanta City Jail Tour – December 19, 2017**

A tour of the city jail is scheduled for December 19, 2017. This is a mandatory training for board members. The tour will begin at 2:00 p.m. and last for about an hour. Please plan to attend the training. Board members will receive the training compensation for this training.

- **2018 ACRB Art and Essay Contest**

The 2018 ACRB Art and Essay Contest will begin on November 27, 2017.

Discussion and Comments...

1. *(Reid) Our art & essay contest for November, will open on the 27th... Like last year, we're asking that if you know of any organizations, groups, individuals who may have an interest in participating in the contest, please let us know. The forms and everything are ready and we would love to have you help us distribute this information. We can also email the forms to you.*
2. *(Reid). Just to give you an update about the mediation program really quick. We are five for five mediations so far, and each of those mediations have been successful. We're getting off to a good start on mediations. The last thing relating to the mediation program, we're making a serious effort to reach the citizens ...to let them know about the mediation program. So, if you know any groups or organizations or just anybody who we can go in front of and talk about the mediation program, please let me know. We're trying to reach all the NPUs, the neighborhood associations, the churches and community service organizations. We're sending out letters to all of those entities to see who will let us come in and give a five-minute presentation on the mediation program and the benefits of it.*
3. *(Williams), We can forward it to our organization and then they can send it out to other groups that they are a part of.*
4. *.*
5. *(Bozarth) You did contact the chief of the corrections department regarding the input we got last time?*
6. *(Reid) Yes.*
7. *(Bozarth) Have you had any response to that?*
8. *(Reid) No. I'm going to try to follow up with Major Pritchett next week and see what she has to say.*

Bartels moved to accept the ED Report. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

INTAKE REPORT FOR OCTOBER 2017

Investigation Manager **Robertson** reported that for the month of October 2017, the ACRB received fifteen (15) complaints, however, one (1) of those complaints have been referred for mediation if the mediation does not fall through or not successful, then recommend investigating it under the allegation category assigned to it.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss seven (7) of the fifteen (15) complaints. Four (4) complaints are waiting for signatures and three (3) are recommended for investigation. It should be noted that the proper referrals were given to those citizens whose complaints fell outside of ACRB's jurisdiction.

The following is a list of the complaints that are being recommended for dismissal and the reason for the recommendation:

1. ACRB Case No. 17-126– Inadequate Information On Accident Report
The Complainant alleges that the APD officer that responded to an auto accident involving her and another motorist that occurred on April 5, 2017, found her at fault and put inaccurate information in the accident report **Recommend dismissal for lack of jurisdiction because involve a traffic dispute that needs to be resolved in the courts.**
2. ACRB Case No. 17-128– False Arrest
The Complainant alleges that he was falsely arrested by the APD on January 1, 2017. **Recommend dismissal because the incident occurred outside the 180 days and is time barred.**
3. ACRB Case No. 17-130 – Rude Behavior
The Complainant alleged that on October 18, 2017, the officers (who he believed was from the APD) that responded to an incident at Club Rush located at 2715 Buford Highway, were rude and nasty towards him.
Preliminary investigation revealed that the subject officers are not employed by the APD. Recommend dismissal for lack of jurisdiction.
4. ACRB Case No. 133 – Inadequate Treatment
The Complainant's wife, on behalf of her husband, who is incarcerated at the Atlanta Detention Center, alleged that the medical staff is serving him food that he is allergic to. **Recommend dismissal for lack of jurisdiction.**
5. ACRB Case No. 134 – Unfairly Issued a Citation
The Complainant alleges that on October 1, 2017, her friend was unfairly cited for being at fault for an accident by an APD officer. **Recommend dismissal for lack of jurisdiction because involved a traffic dispute that needs to be resolved in the courts.**
6. ACRB Case No. 17-135 – Wrongful Termination
The Complainant, a former APD officer, alleged that she was wrongfully terminated by the Chief. **Recommend dismissal for lack of jurisdiction.**
7. ACRB Case No. 17-136 – Unknown
The Complainant filed a complaint against various police departments in the metro Atlanta area, including the APD. However, the Complainant's complaint (she would not specify the allegations) against the APD occurred during October 5, 2013-2016. **Recommend dismissal because the incident occurred outside the 180 days and is time barred.**

Awaiting Signed Complaints:

1. ACRB 17-124 – Inadequate Service
The Complainant alleges that on October 1, 2017 (and two weeks prior), the APD officers that responded to a domestic dispute at her residence involving another tenant failed to adequately investigate the matter.
Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as a conduct and appropriate action required complaint.
2. ACRB Case No. 17-129– Inappropriate Conduct & Inadequate Service
The Complainant alleges that on October 9, 2017, the APD officer that responded to her 911 rape call failed to take photos of her injuries and smirked at her story.

Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, recommend investigation as a conduct and appropriate action required complaint.

3. ACRB Case No. 17-131 – Failure to Complete a Report
The Complainant alleges that on October 22, 2017, he was unlawfully stopped for having an alleged broken brake light by APD officers. He also alleged that the officers illegally searched his vehicle and falsely arrested him for possession of marijuana. **Recommend investigation as an appropriate action required complaint.**
4. ACRB Case No 17-138 - Harassment
The Complainant alleges that on October 22, 2017, he was harassed by an APD officer during a traffic stop. **Awaiting the Complainant's signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as a harassment complaint.**

Investigation recommendations:

1. ACRB Case No. 17-127 – Inappropriate Conduct & Abuse of Authority
The Complainant alleges that an APD officer acted belligerent and abused his authority during his execution of an arrest warrant on September 17, 2017. The Complainant also complained about the treatment he received from the officers at the Fulton County Jail. **As pertained to the allegations against the APD, recommend investigation as a conduct and abuse of authority complaint. Recommend dismissal of the allegations against the officers at Fulton County Jail because the department is outside of ACRB's jurisdiction.**
2. ACRB Case No. 132 – Illegal Stop & Search/False Arrest
The Complainant alleges that on October 22, 2017, he was unlawfully stopped for having an alleged broken brake light by APD officers. He also alleged that the officers illegally searched his vehicle and falsely arrested him for possession of marijuana. **Recommend investigation as an appropriate action required complaint.**
3. ACRB Case No. 17-137 – Harassment
The Complainant alleged that on October 26, 2017 he was followed by an APD officer for no justifiable reason. **Recommend investigation as a harassment complaint.**

Discussion and Comments...

1. **(Houston-Torrence)** Which case was referred for mediation?
2. **(Robertson)** It's not on the intake report.
3. **(Bozarth)** And by our rules, we don't really hear about mediation complaints except the fact that you did one and it was resolved or not.
4. **(Robertson)** Right. There's just an appropriate actions allegation, but we don't give any details.

B. BOARD VOTES ON INTAKE REPORT

Houston-Torrence moved to accept the Intake Report for October 2017. **Bartels** seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 16-165

A. ALLEGATION SUMMARY

The Complainant alleged that on June 9, 2016, Atlanta Police Officer David Bourne stopped and issued him a citation outside his jurisdiction.

B. STAFF RECOMMENDATION

The ACRB Staff recommends that the allegation of **Appropriate Action Required** against Officer David Bourne be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act(s) of misconduct*).

Discussion and Comments...

1. **(Orange)** *What I wasn't clear on is, what is the rule about administering a citation outside of your jurisdiction?*
2. **(Robertson)** *And that's not something that we actually researched because it wasn't determined whether or not he was outside of his jurisdiction. I mean if that's something you want us to look at later just to have, I can do that and email you all the response.*
3. **(Orange)** *I mean it was clear there was some dispute about where he actually issued it, where he observed it. I wasn't clear if there was a case.*
4. **(Williams)** *According to number 8 on page 7, it says prior to the Complainant filing his complaint at ACRB, he filed a complaint with APD OPS. Their investigation determined that the allegation appropriate action required against Officer Bourne not sustained. Obviously, OPS chose to rule on it and they obviously know what the rules are. Our police officer is not here, is he? Okay.*
5. **(Pitre)** *When they viewed the GPS, they said that he was basically in the city...*
6. **(Bartels)** *My understanding is as Ms. Pitre said, when the traffic stop was initiated he was at one side.*
7. **(Robertson)** *A minute prior to it...he was in the city*
8. **(Bartels)** *Where the vehicle was actually pulled over and where the ticket was written we're not completely clear on that.*
9. **(Robertson)** *It occurred on the Stanton, along the access road...and according to APDs map, it is within their jurisdiction. The issue is whether or not Officer Bourne, when he first saw the traffic infraction, was he inside of the city of Atlanta and that he couldn't recall? He said because often times he would actually see it within the city limits and then stop them after and it ended up being in East Point. That was the dispute and that's why I went with not sustained.*
10. **(Bozarth)** *In my opinion, there were some suspicious characteristics in this. Number one, on the street that he wrote it up on, it was sort of on a side street up further and it seemed to be an arbitrary address on Dell Street...I think?*
11. **(Robertson)** *One of the things is when they have to call in a service to get a number for their internet, they have to find the next closest identifiable address to put on the ticket.*
12. **(Bozarth)** *That wasn't close to where you said, so I got the Google map. I looked at it. In order for them to have spotted it and then where they stopped, I determined he would have had to gone five or six blocks before he got stopped to have been in the city of Atlanta when he was spotted going south. I agree with Ms. Robertson **(Robertson)** that there's no way any of us know that for sure. I agree with the conclusion, but there's some suspicious stuff around it. If you look at a map, it's hard to believe that he really was in the city when he spotted him. And then the question was that the car was actually not registered so there was a violation that occurred whether he was seen in Atlanta or East Point. It really becomes moot to me whether we should be debating it. I agree to sustain the charge simply because he did it and he could have been in the city when he was spotted or he could not have. We just don't know.*
13. **(Bartels)** *I agree with what Mr. Bozarth said. I would also add that the issue is whether or not he actually was authorized. The citation was for an act that clearly occurred within the city limits of Atlanta. He was driving a vehicle with expired registration. It's just the exact*

point where he was pulled over and where the citation was issued is just we can't tell one way or the

C. BOARDS VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Appropriate Action Required** allegation against Officer Bourne. **Orange** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 17-045

A. ALLEGATION SUMMARY

The Complainant alleged that on December 22, 2016, Atlanta Police Officers Jeremy Crawford and Virginia Pena Barrientos unlawfully detained and arrested her when she was stopped by officers who were in pursuit of a suspect in a car theft and subsequently arrested for marijuana possession.

B. STAFF RECOMMENDATION

1. **False Imprisonment Allegation:**

The ACRB staff recommends that the allegation of **False Imprisonment** against Officers Crawford and Pena Barrientos be assigned a finding of **Sustained** (*the investigation established that the alleged acts occurred*).

2. **Appropriate Action Required Allegation:**

The ACRB staff recommends that the allegation of **Appropriate Action Required, as it relates to the False Arrest Allegation** against Officers Crawford and Pena Barrientos be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy*).

Discussion and Comments...

1. *(Houston-Torrence) The part that gave me pause...she said it was sage, right? I tend to use sage a lot and it doesn't smell like marijuana at all...allegedly.*
2. *(Al-Nur) There's two different allegations...one is the false imprisonment or false detention and the other one is false arrest, so your point goes to the arrest part. I guess it could also be imprisonment, but they did say that after Officer Crawford stopped her, when they smelled marijuana. But what actually caused the arrest was the marijuana blunt. That was the trigger. So yes, I hear you about the sage.*
3. *(McDaniel) So there was a blunt?*
4. *(Al-Nur) Yes. Both of the officers are saying that she had a blunt. He spotted it. It was on the driver's side arm rest and so when he spotted it, he asked her to step out of the car and as she stepped out of the car she grabbed it and he said that she put it in her mouth. You can see some of the video. He got her out of the car, he went looking for the blunt and he didn't see it and he did it a couple of times. He's like, "I just saw it." And she was chewing and that's when he's telling her, "Stop chewing, stop chewing."*
5. *(Bozarth) I'm just hopeful that the city having passed a law that makes it a ticket offence instead of getting arrested. I think they're going in the right direction and taking care of things like this.*
6. *(McDaniel) You can still get arrested, right?*
7. *(Al-Nur) It's a citation.*

8. *(Bartels) That is a very good step in the right direction. Unfortunately, we still have the misdemeanor statute under state law which is a misdemeanor, which is punishable up to 12 months in jail or \$1,000 fine. Until the state legislature removes that there's still that option. I would say I agree with staff's recommendation regarding the allegation of false imprisonment. This brings up an interesting question was that the reason for the initial detention? I agree with staff's recommendation if there was not reasonable suspicion to stop the complainant, but once they did investigate and they did find strong evidence of marijuana, if the stop itself is illegal, is the arrest illegal or is that looked at separately?*
9. *(Al-Nur) Well, I treated them separately. What usually happens in practice is...that the fruit, which in this case will be the marijuana blunt, is consumed of a bad arrest or bad intentions...suppressed emotions, but it goes forward and so it is litigated...*
10. *(Bartels) In my understanding is under the ordinance definitions, whether the search is legal or not is not a factor in ... false arrest. Am I correct?*
11. *(Al-Nur) That's how I understand it as well.*
12. *(Bartels) I would agree with both staff's recommendations. I don't think that there was reasonable suspicion to initially stop her because it was speculation. They we're thinking well she could have been, but what evidence did they have? I would agree with that recommendation regarding false imprisonment but once the stop did occur, I would also agree that there was probable cause for the arrest.*

C. BOARDS VOTE ON ALLEGATION OF FALSE IMPRISONMENT & FALSE APPROPRIATE ACTION REQUIRED - OFFICERS CRAWFORD & PENA BARRIENTO

Bartels moved to accept staff's recommendation to assign a finding of **Sustained** for **False Imprisonment** allegation against Officers Crawford and Pena Barrientos. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION ON OFFICERS CRAWFORD & PENA BARRIENTO

Officer Information and Professional Standards History: Officer Pena Barrientos:

Officer Pena Barrientos has been with the APD since 2013. She has had five complaints brought against her. One complaint was a vehicle accident; one is still pending; three were exonerated. This particular case was investigated by OPS and they recently concluded their investigation and they found the opposite. They exonerated the officers from both the false imprisonment and the appropriate action required.

Officer Information and Professional Standards History: Officer Crawford:

Officer Crawford has been with the APD since 2013. He has had 3 complaints. One was a vehicle accident; one is this current complaint with ACRB and the other one was an improper impound of a vehicle (not sustained).

Pitre moved to recommend that Officers Crawford and Pena Barrientos **receive a written reprimand**. *Houston-Torrence* seconded. Hearing not further discussion, the vote was called and motion was approved with one opposed vote (*Bartels*).

ACRB CASE NO 17-050

A. ALLEGATION SUMMARY

The Complainant alleged that on April 12, 2017, Atlanta Police Officer Leslie Blasini was verbally aggressive by "yelling" and behaving in a physically "intimidating" manner towards her during a traffic

stop. Additionally, the Complainant alleges that Officer Blasini falsely reported the location and weather conditions related to the traffic stop.

B. STAFF RECOMMENDATION

1. **Conduct Allegation:**

The ACRB Staff recommends that the allegation of **Conduct** against Officer Blasini be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officer committed the alleged act of misconduct*).

2. **Appropriate Action Required Allegation:**

To determine whether Officer Blasini took appropriate action in regard to the Complainant's allegations of false reporting would require further clarification from her. Unfortunately, the Complaint has made herself unavailable for further statement.

Therefore, the ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Blasini be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that alleged acts occurred*).

C. BOARD'S VOTE ON ALLEGATION OF CONDUCT

Discussion and Comments...

(Houston-Torrence) The officer self-incriminated by admitting that he yelled so it was pretty clear that he admitted that, "this was what yelling sounds like!" He was admonished at the scene by his superior for doing that.

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Sustained** for **Conduct** allegation against Officer Blasini. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED

Bartels moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Appropriate Action Required** allegation against Officer Blasini. **Pitre** seconded. Hearing no further discussion, the vote was called and the motion was approved.

E. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION FOR CONDUCT

Officer Information and Professional Standards History: Officer Blasini

Officer Blasini has been with the APD since 2004. Within the past five years, he's had seven complaints. All except for one which dealt with a vehicle accident, involved traffic stops. They were all not sustained, except this current case with ACRB (*this case was also investigated and he received an oral admonishment for the conduct allegation*).

The discipline for a Category A - Oral and written admonishment, is a written reprimand and or training.

Houston-Torrence moved to recommend that Officer Blasini **receive a written admonishment and training**. **McDaniel** seconded. Hearing not further discussion, the vote was called and motion was approved.

Note: first motion was rescinded by **Houston-Torrence**.

Discussion and Comments...

1. **(Bartels)** You may want to clarify what type of training.
2. **(Robertson)** Before you vote. He's already been discipline. He has received an oral admonishment, so what you all can say is that you don't agree with the penalty and that he should have gotten what you are recommending, and that way, it will be placed in their file.
3. **(Sherry Williams)** Now the person who made that first motion, would they want to restate their motion because we're asking them to add training because we disagree?
4. **(Reid)** APD wouldn't add that either. Once they've already been disciplined on the officer...
5. **(Williams)** We just make a statement.

For the Record, motion was rescinded and the following motion was made:

Houston-Torrence moved to disagree with APD's penalty decision on Officer Blasini. The Board determined that the Conduct allegation against Officer Blasini be assigned a finding of Sustained. The Board is aware that the APD also conducted an investigation into this matter and sustained the allegation against the officer and issued an Oral Admonishment as penalty. The Board disagrees with the penalty imposed and deems that a Written Reprimand and Courtesy Training would have been a more appropriate penalty. **McDaniel** seconded. Hearing no further discussion, the vote was called and motion was approved.

ACRB CASE NO 17-063

A. ALLEGATION SUMMARY

The Complainant alleged that on May 8, 2017, when Atlanta Police Officer Prince Bobo responded to 162 Chappell Road, N.W., he acted in an unprofessional manner when he made inappropriate statements to her during a telephone conversation.

B. STAFF RECOMMENDATION

1. Conduct:

The ACRB staff recommends that the allegation of **Conduct** against Officer Bobo be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged acts of misconduct*).

2. Allegation of Violation of Department Standard Operating Procedures:

Although this particular allegation was not raised by the Complainant in her complaint, it was determined through the investigation that Officer Bobo failed to record the incident by not turning on his Body Worn Camera, as per APD policy, which would have memorialized the incident and may have helped to prove or disprove the Complainant's allegations.

Therefore, the ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures, specifically APD.SOP.3133, Section 4.3.4 against Officer Bobo be assigned a finding of **sustained** (*the investigation established that there is sufficient evidence that the officers committed the alleged acts of misconduct*).

Discussion and Comments...

1. *(Bozarth) I think the officer was sincerely trying to provide some sort of comfort to the complainant. It obviously didn't sit well with her or she wouldn't have filed the complaint, but I didn't see anything in the dialogue that suggested that he said something inappropriate. She quoted him on some things that she said he said, which he denied. So, we don't know who is telling the truth on that. I think we expect our officers to be confronted with family situations like this to try to mitigate what's going on and it's a difficult situation...everybody is very emotional. I think the recommendation of not sustained in conduct charge is appropriate.*
2. *(Bartels). I would agree. I think there's a good probability that the officer was trying to be sensitive to the issues that are involved here and trying to give the best advice on how to handle it without escalating the situation. I think the officer's explanation that he was trying to advise the family that it would be a bad situation if this young man ended up running away. He would be on the streets. That's his explanation and I think it's plausible enough that I would agree with staff's recommendation.*

C. BOARD'S VOTE ON ALLEGATION OF CONDUCT

Bozarth moved to accept staff's recommendation to **Not Sustained** for allegation of **Conduct** against Officer Bobo. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

D. BOARD'S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

Orange moved to accept staff's recommendation to **Sustained** for allegation of **Violation of Department Standard Operating Procedures** against Officer Bobo. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

Officer Information and Professional Standards History:

Officer Bobo has been with APD since June of 2016. He has no prior disciplinary history.

The discipline for Violation of Department SOP, category A – is an oral or written reprimand and training.

Pitre moved to recommend that Officer Bobo receive an oral reprimand. **Orange** seconded. Hearing no further discussion, the vote was called and motion was approved.

ACRB CASE NO 17-080

A. ALLEGATION SUMMARY

The Complainant alleged that on June 7, 2017, Atlanta Police Officer Hodaiah Mitchell handcuffed and threw him to the ground. He further alleged that Officers Martin Shaft, Edward Irby and Christopher Mercure pushed his head against the ground and placed their knees on his back.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of **excessive force** against Officers Mitchell, Shaft, Irby and Mercure be assigned a finding of **unfounded** (*the investigation established that the officers did not commit the alleged acts of misconduct*).

Discussion and Comments...

(Bozarth) I dropped by the office earlier this afternoon and watched... not all the footage that was captured on the body-worn camera footage. A couple of comments. In our previous case, we said if we had a body-worn camera, we could have made a better decision. The amount of footage that was available because there were so many officers on the scene, I think almost the entire zone eventually showed up. It makes it very clear on what happened, I think at least in this case, the presence of the cameras allows us to make a very good decision and having watched the video, I know that Mr. Fleming (Investigator) has already put in his report that there was no proof of him being mistreated by the cops. He did hit the ground several times...but clear from the video, he threw himself on the ground. The Complainant, I think, is sort of a sad case. I think he's a disturbed person. He was obviously intoxicated that day and so from what I saw from the camera video, I agree with Mr. Fleming's recommendation to not sustain the complaint... recommended unfounded against all of the officers involved. So, I think that was a good decision.

Bozarth moved to accept staff's recommendation to assigned a finding of **Unfounded** for allegation of **Excessive Force** against Officers Mitchell, Shaft, Irby and Mercure. **Houston-Torrence** seconded. Hearing no further discussion, the motion was approved.

OLD BUSINESS / NEW BUSINESS

Chair Williams reminded the board members that have not completed the August 19th four-hour video training, please do so as soon as possible.

Bozarth thanked Lt. Bennett for helping him get in contact with Major Murphy from the Officer of Professional Standards to discuss why there are so many officers working off-duty. **Bozarth** informed the board that he has a better understanding of why there are so many officers working off-duty now. He stated that The City of Atlanta has to have off-duty officers because there would be no police officer at an event unless they're hired by the sponsors of the event.

For the Record

Houston-Torrence advised the board that she reported to the League of Women Voters Atlanta/Fulton on November 2, 2017.

Chair Williams Welcomed ACRB's newest board member, Michael Hopkins (**Hopkins**), APAB – NPU Chair, Groups M-Z.

Hopkins expressed that he is happy to be on the board and believes that this will be a great learning experience for him.

Houston-Torrence encouraged board members to attend the Police Academy.

PUBLIC COMMENTS:

(Special Note: ACRB staff has made every effort to capture comments as stated by each speaker; however, in some instance the words may have been inaudible and therefore unable to transcribe verbatim. In such cases, staff attempted to capture, at best, the essences of the statement.)

Speaker Jamida Orange

To be real honest, I really initially only signed up because the sheet was empty. However, being the community activist that I am, I would be remiss by not addressing two things. One because I worked on the marijuana legislation. I really want us to remember that it's not de-criminalizing it's a reclassification. We need to put that in our language so that people know that they still can be arrested for that if they're stopped for something

else. It's just a reclassification. Secondly, my suggestion after having been at last month's meeting, I would strongly ask that you all think about moving public comment up further like they do at city hall because you all have already decided a motion to approve and all that kind of stuff before you heard the people who submitted the complaint. You all had already voted on your responds without even hearing them. It does not give them the feeling of being heard. Even if you don't respond to while I am standing here talking... after the fact that you all have voted, I feel like what's the point of my speaking if you all have already voted on my situation. If you all would allow at least to move the comments up further. If you all would at least reconsider that because it at least gives the public a feeling that you're hearing what I'm saying even though you may vote on whatever it is you may vote on and that also takes away the thought that you all are just a rubber stamp for the police department.

Discussion and Comments...

1. **(Sherry Williams)** Thank you for your comments, Ms. Orange. We did have some discussion after the last meeting regarding that. Mr. Reid, do you want to clarify what the situation is?
2. **(Reid)** I understand the position that Ms. Orange has raised. In order for the process to work the way that it is supposed to, if you are going to have one party appearing and saying something that the board is going to take into consideration before you rule on a case, you need to ensure that all parties are going to be present. Then when we talked about the individuals who are appearing to speak, the ones who are subject of the complaint, they've already participated in the investigation. I understand they want to say something before the board, but their positions have already been included in the investigation. If they have something new that they need to add, then it needs to come back through the process because it has to be examined. Just like the rest of the case. Because when you're sitting there and somebody's saying well this is what happened to me... I mean just naturally it's an emotional..., you can respond differently to it because this person is trying to express their feelings about it and in some cases, people can disregard what's in the file. We need to make sure that we are paying attention to what's in the file You have what I wrote about it earlier. We can talk about it some, but I think that you can probably resolve this later if we started going to the panels ...where we had three members and people want to do a reconsideration afterwards because they have something new that they wanted to include it. That's something that we should think about doing. What I also suggested that... if someone shows up for a case and we know that they are in the audience, then we need to have the investigator to speak to that person to see if they have anything that they would like to add. If there is, then we need to pull that case before we hear it... to make sure that the person is having the feeling of I'm being heard. There's ways that we can think about doing it, but I would caution the board from hearing comments on a case that you're going to vote on unless we put some safeguards in place.
3. **(McDaniel)** You said we could talk about it later. What does that mean? Can we have that discussion here or at another point because I definitely agree with what was said and I felt that way at last month's meeting also and a lot of other people were suggesting that the comments be moved, public comments be moved up. When we're doing what we're supposed to be doing, I don't know if it's going to hurt to just to listen to what people are saying because I know if I was out in the audience and I had a case and I came and after everything was said and done, I would feel like I wasted my time.
4. **(Reid)** Right and what you put in the email about had you been able to hear what the people were saying before you voted, you would have voted differently?
5. **(McDaniel)** It was a possibility.
6. **(Reid)** That's where the problem is...I can get up here and say anything and it not be examined, not be questioned, not be verified and then not even ask the officer about it and then you go voting on it, that's not right. We have to make sure we're taking in the information that we, who have already examined this case, have an opportunity to ask about it. Then if there's something that's addressing the officers conduct or whatever we need to ask the officer about it as well, because when these cases leave from us, they're

going over to the other side and they're being looked at, talked about and everything like that. We want to make sure that everything that needs to be included has been and examined fairly ...

7. **(McDaniel)** What are the safeguards that we can put in place so that the public feels like they're being heard?
8. **(Williams)** I hear everybody here. One of the key things here is to have the proper communication to the people who are bringing the cases so that they have the correct expectation. They have a right to come, but for us to be legitimate, we have to go on factual information. So, if we make sure that they understand that the investigation is their side of the story and as Lee Reid said, if they have additional information then it needs to be submitted prior to and I think that one of the main things here is that a lot of us go to community meetings and we need to understand that this and probably the ethics board is similar, it is unlike a school board meeting. It's unlike city hall and it's unlike going to the state capital where you can sign up to speak because in that arena each person is giving their opinion and giving their comments and it does not have to be vetted. We accept what they say as their opinion when there's a senate bill or a house bill or the board of education is ruling on something. So, if we can communicate to the public and the people filing the cases exactly what the expectations are, then when they get here, they will understand that because we are not like other boards and that's what's hard for people, especially us advocates because we have a certain sense of expectation because all of our other meetings don't run like this and so this board is different and the ethics board is different and I think, not even zoning operates like this. We need to understand that this is different and we need to make sure that people have the right expectation so we can vet all their information.
9. **(Bartels)** I think that's well said. I think the point had been made earlier one way to accommodate all that is if members of the public will address the board before we vote on an issue, they're free to submit whatever information and opinions and if we believe that somebody has raised, before we consider an issue or a case, if we believe somebody has raised a factual issue, then we can always vote to continue with it at the next meeting and give the staff time to investigate it. Just a thought.
10. **(McDaniel)** So you're saying, hear the person out before we make the vote and if we feel that there is additional information...we vote? I agree with that.
11. **(Jamida Orange)** I'm sorry. You all represent the citizens. You all are supposed to be representatives of us. I get the investigation part and I am thankful of all that you do. Thank you very much. However, you all represent us and I think that "us", you all should have to hold yourself down as board members. We should have a stronger voice and that's it I won't say nothing else.
12. **(Reid)** Just to clarify it right there, this board is here to make sure that a fair process is in place for the citizens and for the officers. It's named the Citizens Board because the citizens are the ones that are making the decisions. They're the ones that coming from the community and yes, they are representing a thought of the community, but it's not here for just the citizens. They're here to make sure that they're investigative and adjudicative process that's fair...a process that you don't have to question. Okay, if I make this complaint to the police department, are they just going to protect their own? You guys are probably going to need to take this to a committee and think about this and look at it and examine it because even the suggestions you made Paul (Bartels) is good, let's just take this to the committee and think about it, talk about it and make sure that we have the process that's going to be fair that we can defend, that we can hold up to the light and be able to know that we're doing everything the way it needs to be done. I certainly want to make sure citizens feel that they're being heard, but at the end of the day, we're about making sure that we have a fair, objective process... not being made on emotion. We need to make sure that we are examining this stuff. People already question the work that we do...I'm talking about the officers question us because they don't like the decision. Citizens question it because they don't like the decision. We want to be able to say we did everything the way we're supposed to and kept it objective and fair. We need to make sure to protect the process like that. I think what we need to do is probably when we talk in the committee, we

may need to look at doing some ordinance changes to see how we can make the process even stronger. It's not a decision I think we need to make today.

13. **(Houston-Torrence)** With that being said, what is our process...ad hoc committee?

14. **(Reid)** Yes, we can do that.

15. **(Bartels)** Maybe you could just send out a reminder email sometime this week or next week about getting a response to who wants to be on the committee?

16. **(Reid)** Will do.

Speaker Taurean Wood

(Note: Ms. Wood's case came before the board at tonight's meeting)

My name is Taurean Wood. I signed in because I thought that I was supposed to sign in. I appreciate you all having me out here tonight because this is an experience for me. I have never experienced none of this so I appreciate that and I wanted to speak on behalf of not too much of the situation, but just give you a little bit because the way I feel is just like... now you told me a little bit about Officer Bobo...but it makes sense because you said that he has been with the force for about a year...or maybe two. I'm not here because I want you to put the hammer down on the man, but what he said that night he had my auntie calling me because I was at work. My son had run away from my auntie house. My son is dealing with a sexual identity crisis and no matter how much I try to tell him, I'm going to be here for him. There's certain rules he can't go by. Like in my home it's my home. I have nine kids, so, my son will not dress in drag in my home. He has plenty of time for that...that's one of my rules and another was...him watching porn. My son was 13 when this happened. He's 14 now. So, for Officer Bobo to tell me over the phone and my auntie was a witness, "If you don't let him dress how he want to dress, you're going to have more issues than this. If you don't let him." You basically saying it's okay, but where do I get any leeway? I'm the mom. I pay the bills. I run my house how I want to run it and I understand what you are saying. I really do, but you need to understand that I feel like even if Officer Bobo was here, I feel like we should speak sometime in the beginning. The reason why, because when it came down to it, I came forward. I work a full-time job. My auntie came forward. She works a full-time job and I don't believe in lying. I know for you all here this a lot, but where is the ethics part? This man didn't have on his body-cam and you all said, "Hey, we'll give him a verbal warning." But I would have appreciated it if you all would have given him more training because it seems like that's what he needs to learn to deal with... certain situations like this. I appreciate you all.

Chair Williams announced ACRB's next meeting, December 14, 2017 at 6:30 p.m.

ADJOURNMENT

No further business, by show of consensus, the meeting adjourned at 7:35 P.M.

ACRB Minutes for November 9, 2017 were approved: December 14, 2017
Paul Bartels, Board Secretary

Transcribed: LG