

Approved

1/11/2018



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

December 14, 2017

Tower, 3rd Floor Auditorium

Atlanta, Georgia 30303

404-865-8622

6:30 p.m.

The December 2017 meeting was called to order at 6:31 p.m. by *Chair Williams*.

AGENDA

ROLL CALL

(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS *(Chair Williams)*

GINO BROGDON *(Vice Chair Brogdon)*

PAUL BARTELS *(Vice-Chair Brogdon)*

BILL BOZARTH *(Bozarth)*

MICHAEL HOPKINS *(Hopkins)*

TRACEE MCDANIEL *(McDaniel)*

TAMARA ORANGE *(Orange)*

SHUNTAY PITRE *(Pitre)*

ACTIVE MEMBERS ABSENT

CECILIA HOUSTON-TORRENCE *(Houston-Torrence)*

VACANT BOARD SEATS

Atlanta City Council, *(six (6) months)*

Atlanta Business League *(six (6) months)*

APAB-NPU, Group M-R *(ten (10) months)*

City Council President *(1 year and six (6) 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)*

Note: Bozarth motioned to modify the agenda. Chair Williams acknowledged that the agenda is correct and it is to remain as is. Bozarth withdrew his motion.

APPROVAL OF MINUTES FOR NOVEMBER 2017

Bartels moved to approval the minutes as recorded. *Orange* seconded. Hearing no discussion, the motion was approved with one (1) abstention (*Brogdon*).

INTAKE REPORT FOR NOVEMBER 2017

Investigation Manager *Robertson* reported that for the month of November 2017, the ACRB received thirteen (13) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss eight (8) of the thirteen (13) complaints. Three (3) complaints are waiting for signatures and two (2) 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. 17-140– False Arrest, False Imprisonment & Various Other Allegations
The Complainant alleges false arrest, false imprisonment and other misconduct violations against the Chatham County Sheriff's Department. **Recommend dismissal for lack of jurisdiction.**
2. ACRB Case No. 17-141 Corruption
The Complainant alleged that the FBI has corrupted the APD into committing crimes against him. **Recommend dismissal of the allegations for lack of merit.**
3. ACRB Case No. 17-145 – False Arrest
The Complainant alleged that on May 5, 2017, she and her husband were falsely arrested by APD officers. **Recommend dismissal because the arrest occurred over 180 days and is time barred.**
4. ACRB Case No. 17-147 – Rude & Demeaning Behavior
The Complainant filed a complaint on behalf of a friend, The Complainant's friend alleging that on November 15, 2017, during a traffic stop, the APD officers were belligerent and demeaning to her. **The Complainant did not possess firsthand knowledge of the incident and was advised to have the friend file the complaint. Thus, recommend dismissal.**
5. ACRB Case No. 17-148 – Inaccurate Information on Accident Report a Citation
The Complainant alleges that on September 15, 2017, she was involved in a car accident with another motorist and the APD officer that responded conducted an inadequate investigation and put inaccurate information on the accident report. **Recommend dismissal for lack of jurisdiction because involved a traffic dispute that needs to be resolved in the courts.**
6. ACRB Case No. 17-149 – Other
The Complainant alleged that the judge at the Atlanta Municipal Court is keeping him locked up. **Recommend dismissal for lack of jurisdiction.**
7. ACRB Case No. 17-150– Failure to Compete a Supplemental Report

The Complainant alleges that an APD officer failed to do a supplement report pertaining to an incident that occurred in 2007 which he orally agreed to do. **Recommend dismissal because the incident occurred outside the 180 days and is time barred.**

8. ACRB Case No. 17-151 – Other

The Complainant alleges that the APD was responsible for getting his home seized by State of Georgia because they refused to stop the drug activity occurring at the location. **Recommend dismissal for lack of jurisdiction.**

Awaiting Signed Complaints:

1. ACRB 17-139 – Harassment

The Complainant alleges that on November 1, 2017, while sitting in his vehicle in the Publix parking lot at 3730 Carmia Drive, he was harassed by two APD officers.

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 harassment complaint.

2. ACRB Case No. 17-143– Illegal Stop

The Complainant alleges that on November 7, 2017, he was illegally stopped because he has various campaign information on his vehicle and as a result of the stop, he was arrested due to an outstanding warrant.

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 false imprisonment complaint.

3. ACRB Case No. 17-146 – Failure to Conduct an Adequate Investigation & Harassment

The Complainant alleges that the APD officer that responded to her 9-1-1 call pertaining to a neighbor harassing her failed to conduct an adequate investigation. She further alleged that the same officer has been harassing her for the past three months. **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 an appropriate action required and harassment complaint.**

Investigation recommendations:

1. ACRB Case No. 17-142 – Harassment

The Complainant alleges that APD officers are illegally accessing his cellphone, illegally entered his home and took two cell phones and veneers and accessed his Facebook account and wrote “*I am gay*” on his page. **Recommend investigation as a harassment complaint.**

2. ACRB Case No. 17-144 –False Arrest & Excessive Force

The Complainant alleges that on November 3, 2017, she was falsely arrested by APD officers. She further alleged that the officers pushed her inside the patrol car and pepper sprayed her. **Recommend investigation as an appropriate action required and excessive force complaint.**

B. BOARD VOTES ON INTAKE REPORT

Brogdon moved to accept the Intake Report for November 2017. *Bartels* seconded. Hearing no further discussion, the motion was approved.

OLD BUSINESS

Discussion and Comments...

1. **(Reid)** Regarding Public Comments on the agenda, on Monday, the 11th, a committee discussed how to handle public comments, as it relates to cases that are before the board. **Bozarth, McDaniel, Williams, Pitre and Hopkins** were at the meeting. We had a really good conversation. The committee had considered what they wanted to bring before the board today...and that is, when individuals have public comments that they want to bring to the board, and it's relating to a case before the board, an investigator will meet with that individual to determine if they have some pertinent information regarding the case, then that case will be pull from discussion to allow the staff enough time to check out the information; to verify the information and then present it back to the board, after we have had an opportunity to examine the information. That is something that we will talk about for a few months to see how it works out. We are going to start making sure that we notify citizens in writing. If they have new information, then they need to let the staff know prior to the discussion of their case and that will also be for the sign-in sheet, and it will be on the sheet of acknowledgement, that the complainant must sign.
2. **(Williams)** We will remind them again when we contact them to let them know when their case will be heard?
3. **(Reid)** Yes. We contact them on that.
4. **(Brogdon)** I think that's a great middle ground for the two sides with the board...in terms of figuring out on how to interpret new information without standing outside procedures. It gives it a procedure, but it also allows new information.

Note for the record: **Bozarth** made a moved to approve the new procedure effectively. Motion was withdrawn and restated.

Bartels suggested that the board implement this procedure for 90-days to see how effective it is.

Bozarth restated his motion to accept the committee's recommendation with an amendment to add a time period of 90-days. After the 90-day period, the board will review the procedure to see its effectiveness. **McDaniel** 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: August 19, 2017 Board Training**

For those who missed the Board member training on August 19, 2017, we are placing the training on the website, under the Member's Only section. It is important that you watch the video and communicate to the office when you have completed the training. You may also stop by the office to watch the video. The training is four hours long. So far, four board members have completed the training.

- **Mediation Presentations**

We have conducted ten (10) mediation presentations to various NPUs and neighborhood organizations. The audiences have been very receptive of the information and were impressed that the agency is offering this service to citizens. To date, we have made presentations to the following organizations.

- ❖ NPU – B
- ❖ Peoplestown Neighborhood Association
- ❖ Oakland City Community Organization
- ❖ Ardmore Park Neighborhood Association
- ❖ Historic Westin Heights/Bankhead Neighborhood Association

- ❖ NPU-R (Reschedule)
- ❖ Home Park Association
- ❖ Little Five Points Business Association
- ❖ Urban League of Greater Atlanta
- ❖ West End Neighborhood Association (Reschedule)

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

- **Reports to Appointing Entities**

This is a friendly reminder for board members to submit their reports to their appointing entities. We are coming to the end of the calendar year, and staff has started preparing annual reports for all the appointing entities. Individual reports will include meeting attendance, participating in training, community outreach and documented reporting.

- **Community Outreach Year End Report**

Please ensure that you have reported your outreach efforts to staff for the year-end reporting. Per the ordinance and bylaws, board members are responsible for participating in three community outreach events during the calendar year. We will report each member's standing to their appointing entity.

- **Community Outreach Highlights**

November 11:

- ❖ Know Your Rights Training Workshop for members of the Atlanta Youth Advisory Board at Atlanta City Hall – Second Floor Atrium Conference Room 2.

November 13:

- ❖ Weekly breakfast meeting of the Concerned Black Clergy of Metropolitan Atlanta

November 18:

- ❖ Meeting of the ACRB Community Outreach Volunteer Ambassador Program (COVAP)
- ❖ ACRB Presentation Day at Greenbriar Mall
- ❖ Santa and ACRB's Captain Integrity arrival at Greenbriar Mall for Children

November 21:

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

- **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 opened December 4, 2017. Please share the contest information with your contacts (see attachments).

- **Board Member Contest**

We are initiating a contest for board members to help us increase the awareness and participation of high school students in the essay portion of the 2018 Art and Essay Contest. The board member who has referred the most entrants in the essay contest will receive, as an award, the fulfilment of their 2018

community outreach requirement. We hope that the board members will accept this challenge and encourage high school students to participate in the essay contest.

Entrants should write the name of the board member on the entry form to track the referrals.

Discussion and Comments...

1. **(Bozarth)** *(Comment as it relates to Mediation Presentation) I will be at one of the NPUs meeting on Monday night. I should have asked you ahead of time, can I get some materials from your office before I go?*
2. **(Reid)** *Yes. We will get it to you tonight.*
3. **(Williams)** *Has this contest been sent out to APAB?*
4. **(Hopkins)** *Yes. I have seen a memo from Jennifer.*
5. **(Pitre)** *As regards to the Art and Essay Contest, I deal with a lot of out-of-school youth, they are trying to obtain a GED. They qualify?*
6. **(Reid)** *Yes.*
7. **(Williams)** *You said high school, middle school, correct?*
8. **(Reid)** *High school for essay. You can encourage anyone to enter the contest. We are really trying to get the high school students to do the essays. Last year, we only had three (3) essays from Atlanta Public High Schools. All of the other essays came from high schools were submitted from outside of APS.*
9. **(Williams)** *Do we not have a contact with APS?*
10. **(Reid)** *We do. A couple of weeks ago, we established another contact from APS. They said that they were going to help us promote the contest.*
11. **(Orange)** *The essay questions are strictly for high school students.*
12. **(Reid)** *Yes.*
13. **(Orange)** *And the elementary and middle is, art?*
14. **(Reid)** *Yes. There is an essay for the open category too? That is for people outside of the city...adults and students.*
15. **(Bozarth)** *Looking at your entry form, it says that grades 6-8, you are also looking for essays there.*
16. **(Reid)** *Sixth -12th. Regarding the jail tour, let me know tonight so that I can send that email out tomorrow.*

Pitre moved to accept the ED Report. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 15-072

A. ALLEGATION SUMMARY

The Complainants alleged that on April 1, 2015, they were unlawfully stopped, detained and arrested by Atlanta Police Officers Welborn Davis and Jamie Young. They further alleged that the officers engaged in excessive force when:

- Officer Young pepper sprayed them and forcibly removed one of the Complainants from the vehicle;
- Officer Davis tackled one of the Complainants to the ground and, along with other unknown officers, struck him several times, kned him in the back and tased him about four times.

APD records show that Officers Joseph Daniels, Casey Freeman, Dexter Sanchez and Ronald Polzin were also involved in this incident and are thus treated as subjects for the purposes of this investigation.

B. STAFF RECOMMENDATION

I. **False Imprisonment Allegation:**

Based on the evidence obtained during the course of the investigation, the ACRB staff recommends that the allegation of **False Imprisonment** against Officers Davis and Young be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officers committed the alleged act of misconduct*).

II. **Appropriate Action Required Allegation**

The ACRB staff recommends that the allegation of **Appropriate Action Required, as it pertains to the false arrest claim**, against Officers Davis and Young be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officers committed the alleged act of misconduct*).

III. The ACRB staff recommends that the allegation of **Excessive Force** against Officers Davis, Young, Daniels, Freeman, Sanchez and Polzin be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged acts of misconduct*).

Discussion and Comments...

1. *(Bartels) In the Complainant's interview, he said that Officer Young initially drew his gun, he told him to get out of the car when the stopped commenced. I didn't see any mention of that in any of the other interviews or accounts. Is there any evidence to support that?*
2. *(Robertson) No, and unfortunately, there was no type of video, no dash cam...*
3. *(Bartels) This was 2015?*
4. *(Robertson) Yes.*
5. *(Bartels) That would be a serious issue and concern. You saw the .22 rifle on the back seat. That is legal. It's legal to carry a concealed gun if somebody has a permit. Since there is nothing to add to that...*
6. *(Robertson) They also claimed that there was cell phone footage. I did get the cell phone from Evidence, but I couldn't get into it because it was locked. I tried to get in contact with one of the Complainants. I was unable to because she had moved from her residence and she doesn't have the same number of course. I took it back to Evidence.*
7. *(Brogdon) Do we know what happened to the ticket?*
8. *(Robertson) All of them were dismissed.*
9. *(Bozarth) Is there any reason why their dash cam wasn't on as soon as they stopped the car?*
10. *(Robertson) I think that it is my understanding that those vehicles do not have a WatchGuard in them. Those vehicles are part of the street crime unit and they are not equipped with WatchGuard.*
11. *(Pitre) Do we know why the other three officers are no longer working for APD?*
12. *(Robertson) No, and the only thing that was in their personnel file was that they resigned.*

C. BOARDS VOTE ON ALLEGATION OF FALSE IMPRISONMENT

Pitre moved to accept staff's recommendation to assign a finding of **Not Sustained** for **False Imprisonment** allegation against Officers Davis and Young. *Bartels* seconded. Hearing no further discussion, the vote was called and the motion was approved.

D. BOARDS VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED

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

E. BOARDS VOTE ON EXCESSIVE FORCE

Discussion and Comments...

(Bartels) I would like to note that is like quite a few cases that we've seen before the adoption of body worn cameras where the body cam footage would have been very helpful, in knowing what happened.

Bartels moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Excessive Force** allegation against Officers Davis, Young, Daniels, Freeman, Sanchez and Polzin. **McDaniel** seconded. Hearing no further discussion, the vote was called and the motion was approved.

ACRB CASE NO 17-056

A. ALLEGATION SUMMARY

The Complainant alleged that on March 28, 2017, during a traffic stop, Atlanta Police Officer Maximillian Brewer disparaged or belittled him by calling him outside of his name when he referred to him as "Little Man."

B. STAFF RECOMMENDATION – CONDUCT

Based on the evidence obtained during the course of the investigation, the ACRB Staff recommends that the allegation of **Conduct** against Officer Brewer be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

Discussion and Comments...

1. *(Brogdon) One of the things in this case that bugged me just a little bit, was the fact that the claimant remembers and the officer does not. And I don't know if that's a conflict, but it was kind of described as two conflicting stories. I don't know that that necessarily means if it is sustained, but I would give some benefit of doubt to the complainant. Also, the thing that this was based on...was his ties to law enforcement. It's like somebody married to an officer, they're going to have more empathy for the officer, and going through this process is more meaningful. So, to me, that gave more credibility to the complainant. I know it's a preponderance of the evidence, so it's a more likely than not standard. This is one that I'm not sure of. It's kind of one of those scenarios where someone say that I remember and someone say that don't and you're stuck in between.*
2. *(Robertson) Well, this is Investigator Kaleema Al-Nur's case, but based on the recommendation of this being Not Sustained, it's his word against the complainant, would that change anything? If there was no body-worn camera, there's no dash cam because he was on a motorcycle. There was no one else on the scene that had any evidence that was there to corroborate either account.*
3. *(Brogdon) The cases also were bound over to Fulton County State Court.*
4. *(Robertson) They're still pending. They haven't been placed onto their system yet.*
5. *(Brogdon) But I think that's even more credibility, because that's a pain to have it bound over.*
6. *(Pitre) Do they all now have body-worn cameras, or will they be getting them?*
7. *(Lt. Bennett) I believe they do (inaudible)*

8. *(Williams) So I would like to ask Lee (Reid), our executive director, in the timeline that we were given when the dash cams and the new vehicles and the body-worn cameras, was that listed among the rollouts? You know how we were given each zone?*
9. *(Robertson) They were part of a specialized unit; they were going to be the last. This happened early 2017, this was in March, so they didn't have any. They were still going through with the zones.*
10. *(Brogdon) Kaleema (Al-Nur), one of the things I have a little bit of trouble with today was, the way it was written was kind of like it was a conflict when the officer really didn't remember. I understand not remembering. He deals with this, you know, day in and day out, but shouldn't more credence be given to the person that does remember, as opposed to saying this didn't happen?*
11. *(Al-Nur) Good evening. The way I see it is, in the best case scenario, both have memories. And even if they both had memory, there would still be a he said, she said type of situation, and in that case there's no evidence and there's no other clue, in terms of what was actually said. I probably would still have the same outcome.*
12. *(Bozarth) Kaleema, I had a question and it really goes to how you chose to handle two of the cases that you present tonight. Because one we're going to hear in a moment with Officer Ho had a complaint against him, and one of the complaints was that he should have backed off on the need for insurance...*
13. *(Williams) Can we just deal with this case?*
14. *(Bozarth) I think my point is well taken. Just hear me out, please. In that case, he said he could have found the insurance by looking at the registration. On this one, one of the allegations in Case, 056 is that, he gave a ticket for no proof of insurance. It seems to me that even if we can't prove the other allegations, it would seem to be inappropriate since we've already determined from the research in the other case that proof of insurance doesn't have to be something you've got in the hand, and the complainant claimed he actually had it, only the officer wouldn't take it from his hand. I'm a little confused on how you're leaving us to reconcile those two different treatments. It seems that if proof of insurance is available from the inquiry on the radio that not having it should never be an offense.*
15. *(Al-Nur) Comparing Bertram's 056 with Wright's 084 in terms of the issue of insurance, with Bertram, the issue was conduct and not insurance. So that wasn't one of the part of the decision-making in terms of the allegations. With Wright, he had an expired tag. That was really the big issue, they were able to verify insurance. The fact is that his tag had expired. There's a third point on them both. I think that what I said as far as 092 was not coming down on what the officer should or shouldn't do about insurance, but that he had that option. Does that help to clarify it?*
16. *(Williams) And to be fair, we really and truly need to take each case separately. If you see a pattern after we have ruled, I believe that's the best way to give this case a fair, because we're not simply hearing cases...*
17. *(Bozarth) We need to be consistent. If I understand you, I believe Mr. Bertram was cited for two offenses. One was the illegal left turn somewhere in downtown Atlanta.*
18. *(Al-Nur) Yes, but we were only looking at the conduct allegation, was that he alleged that the officer called him outside his name.*
19. *(Bozarth) He also alleged that when he held up the insurance card, he said it was too late or something to that effect.*
20. *(Williams) That's not part of what we're making a ruling on.*
21. *(Bozarth) I think it is.*
22. *(Robertson) Can I interject? I'm the one that interviewed Mr. Bertram, and he didn't want that. His issue was the comment with "the little late." That was his only issue. His issue was that conduct and the way that he spoke to him.*
23. *(Brogdon) And you're required to keep insurance on you regardless.*
24. *(Al-Nur) Yes, and that's why I never come down to say, you should have just looked at it because that's not the case. What I mentioned in Barlow, and what happened in Barlow is a good example, and that is that the officer had the discretion. They can, and in this case,*

the sergeant who was called on the scene and the supervisor said, exercised his discretion and said, "We're going to leave that alone, look it up." I don't say that this is what they should do because that's not the case, if that helps to clarify it.

25. **(Bozarth)** No, I'm still uncomfortable. Because one part of the complainant's statement was "I was holding the card in my hand, and the officer refused to take it." I think that's improper conduct if that's what really happened. And if that happened to me, I would not like it. I can understand that part of the complaint.
26. **(Al-Nur)** And as Investigator, Sheena **(Robertson)** mentioned, he just wanted the issue of what the officer said to him to be addressed. I understand what your concerns are, but that he wanted to keep it to that allegation, and so that's what we ended up focusing on.
27. **(Brogdon)** Does it change the analysis? If that's a part of the conduct? I mean, it's still the same thing, right? One person says it happened. The other person doesn't remember. And we all agree that if he did that, it's improper conduct. So, whether we take that into consideration or not, false memory, it's the same situation.
28. **(Bozarth)** If I heard you and understood you correctly before, you were contemplating giving credibility to the claimant.
29. **(Brogdon)** I was. But that was because the claimant went through the process of binding it over to state court, which means he's going to have a trial on it, and not a municipal court trial. And also, this includes fees and that type of thing, but the other piece is this is someone that is closely aligned with law enforcement. So, in coming to the ACRB, it just means more in my opinion for somebody to do that. Now that doesn't mean, in my opinion, that the claim is sustained. I think those are factors that have to be thought about because it does raise the credibility of the claimant, in what he's done.
30. **(Bartels)** I would just add, I see your point, Gino **(Brogdon)**, but I would also add there are a number of reasons why a case might be bound over from municipal court. You know, sometimes, not very often, but I've had situations where they're just so overloaded, they're like, "We're just going to send all these over to state court now." And sometimes, not often, but cases have been known to get lost, and that's a strategy that some people use. They'll bind it over and hope that the case gets lost, which has happened.

C. BOARDS VOTE ON ALLEGATION OF CONDUCT

Brogdon moved to accept staff's recommendation to assign a finding of **Not Sustained for Conduct** allegation against Officer Brewer. **Orange** seconded. Hearing no further discussion, the vote was called and the motion was approved with two (2) opposing votes (**McDaniel & Bozarth**) and one (1) abstention (**Hopkins**). **For the record**, **Hopkins** indicated that he was in need of additional training and therefore, did not feel comfortable voting.

ACRB CASE NO 17-084

A. ALLEGATION SUMMARY

The Complainant alleged that on June 5, 2017, APD Officer Jose Rivera and Sergeant Wesley Glass-Hess were "threatening" and "intimidating" and he feared aggression when he signed a citation under duress after being pulled over for an expired tag.

B. STAFF RECOMMENDATION - CONDUCT

The ACRB Staff recommends that the allegation of **Conduct** against Officer Rivera and Sergeant Wesley Glass-Hess be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy*).

C. BOARD'S VOTE ON ALLEGATION OF CONDUCT

Discussion and Comments...

(Bozarth) Bozarth. I think the body cam evidence to me, it proves that the officers behaved properly in this instance. And again, it's good to have a body cam because we can make this assertion much better.

Pitre moved to accept staff's recommendation to assign a finding of **Exonerated for Conduct** allegation against Officer Rivera and Sergeant Glass-Hess. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

Discussion and Comments...

1. *(Brogdon) Did you have any problem with them trying to leverage the signature with impounding the vehicle and going to jail?*
2. *(Al-Nur) If a person refuses to sign, then the officer is required to let them know the effects and the consequence. I had a problem with the fact that he said he was going to give him time. He said he would try to let him know when he was ready after he had finished researching, that he could leave after. I had a problem with that because I think it caused some confusion and tension, but unless they were operating according to standard operating procedures when they let him know what the consequences of his reason to sign would be.*
3. *(Bartels) I would add that they are actually required by law to do that because I looked at the pertinent statute, and the idea is that there has to be some assurance the person will be in court. If they sign the citation, they're agreeing to appear in court and if they won't, then the officers have the option of taking them into custody so that they can post a bond to assure their appearance. Then they are required to tell them that.*

ACRB CASE NO 17-092

A. ALLEGATION SUMMARY

The Complainant alleged that on June 23, 2017, when APD Officer Tommy Ho arrived at the scene of a traffic accident involving the Complainant and another driver, he failed to take appropriate action when he:

1. Failed to confirm Complainant's account that she placed a 9-1-1 emergency call prior to the collision, reporting the other vehicle's reckless driving;
2. Denied the existence of traffic enforcement camera at the location and failed to investigate whether cameras had captured events leading up to accident;
3. Refused to call a supervisor to the scene after three (3) requests;
4. Threatened Complainant with "obstruction of justice" when she declined to sign the ticket until a supervisor arrived; and
5. Permitted the other driver to leave the scene without conducting a proper investigation to ascertain wrongdoing.

The Complainant further alleged that when Officer Ho's supervisor, Sergeant Donovan Clements arrived on the scene, he simply followed Officer Ho's discretion.

B. STAFF RECOMMENDATION - APPROPRIATE ACTION REQUIRED

As it pertains to Officer Ho, the allegation of **Appropriate Action Required, as it relates to the obstruction of justice issue related to the signing of the citation**, be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the alleged acts occurred*).

However, as it relates to the other issues raised by the Complainant, it is recommended that the allegation of **Appropriate Action Required** against Officer Ho be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy*).

As it pertains to Sergeant Clements, it is recommended that the allegation of **Appropriate Action Required** 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. **(McDaniel)** *Ms. Barlow was following close enough for the person to slam on the brakes for her to hit them from behind. Usually, you're following too close if you hit someone with your car, right?*
2. **(Williams)** *And it is a question as to whether or not she actually did follow him off the highway or not.*
3. **(McDaniel)** *It wasn't following him off the highway, it was following close enough to slam on the brakes.*
4. **(Pitre)** *When she called the police the first time, if she would just have allowed the police to respond to the reckless driver and they could see if he was under the influence or not. However, she did appear to be the aggressor. Of course, watching the video implicates her, you know. She went to follow him. He knew she was following him. However, she shouldn't have been following him so close and she kind of messed her case up when she reacted and they have it on videotape. I think I agree with your recommendations on this.*

C. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED – OBSTRUCTION

Bartels moved to accept staff's recommendation to **Sustained** for allegation of **Appropriate Action Required** against Officer Ho. **McDaniel** seconded. Hearing no further discussion, the motion was approved.

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

Bartels moved to accept staff's recommendation to **Exonerated** for allegation of **Appropriate Action Required** against Officer Ho. **Pitre** seconded. Hearing no further discussion, the motion was approved.

E. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED – SERGEANT CLEMENTS

Brogdon moved to accept staff's recommendation to **Exonerated** for allegation of **Appropriate Action Required** against Sergeant Clements. **Orange** seconded. Hearing no further discussion, the motion was approved.

Officer Information and Professional Standards History:

Officer Ho has been with APD since September 1, 2006. Officer Ho has no prior disciplinary history

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

Discussion and Comments...

1. **(Bozarth)** *She's right. He has very little time on the force. It's sort of a rookie error. I think we're thinking because he did not tell the complainant that it was not an admission of*

guilt that she was signing, that was the one thing we got him on. I think that's pretty minor. I would suggest we go for a rather minimum amount of discipline on something like that, which is an oral or written reprimand.

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

NEW BUSINESS

None

PUBLIC COMMENTS:

None

Closing Remarks:

Pitre announced that she has been on the Atlanta Citizen Review Board for one (1) year now. She expressed that she is happy to be with a board that is passionate about servicing the citizens and providing public safety.

Chair Williams reminded everyone to keep Board Member **Houston-Torrence** in prayer because she had a death in the family. She thanked the board members for their dedication and hard work. **Chair Williams** wished all a Merry Christmas.

Reid thanked the board members and staff for their service and commitment to the Atlanta Citizen Review Board and he look forward to 2018.

ADJOURNMENT

No further business, by show of consensus, the meeting adjourned at 7:26 P.M.

ACRB Minutes for December 14, 2017 were approved: January 11, 2018
Paul Bartels, Board Secretary

Transcribed: LG