

Approved

2/8/2018



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

January 11, 2018

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

The December 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 (*Vice-Chair Brogdon*) **TAMARA ORANGE** (*Orange*)
MICHAEL HOPKINS (*Hopkins*) (*Arrival 6:42*)
CECILIA HOUSTON-TORRENCE (*Houston-Torrence*)

ACTIVE MEMBERS ABSENT

BILL BOZARTH (*Bozarth*)
GINO BROGDON (*Vice Chair Brogdon*)
SHUNTAY PITRE (*Pitre*)

VACANT BOARD SEATS

Atlanta City Council, (*seven (7) months*)
Atlanta Business League (*seven (7) months*)
APAB-NPU, Group M-R (*eleven (11) months*)
City Council President (*1 year and seven (7) months*)

STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director (*Reid*); **MYOLA SMITH**, Project Manager (*Smith*); **SHEENA ROBERTSON**, Investigation Manager (*Investigator Robertson*); **BRIAN FLEMING**, Investigator, Sr., (*Investigator Fleming*), 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 DECEMBER 2017

Correction: Houston-Torrence noted that she was not present during the December 14, 2017 board meeting as reflected in the minutes.

Bartels moved to approve the minutes with correction. *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*:

- *Reid* acknowledged *Bozarth's* attendance to APAB-F on December 18, 2017.
- *Reid* announced that board member Paul *Bartels* is resigning from the board. *Reid* thanked *Bartels* for his service to the ACRB. *Bartels* has been on the board since 2010. He currently serves as the Board Secretary.

Bartels stated that he is reluctant to leave the board, but has other obligations that he must attend to. He expressed his thanks to the staff and board members for their support over the years. *Bartels* said also that he is very confident in the direction that the board is going in and he thinks that the board is in great hands.

- **REMINDER: August 19 Board Training**
August 19, 2017 board member training, t has been placed on the website under the Member's Only section.
- **Mediation Presentations**
Staff has conducted four (4) mediation presentations to various NPUs and civic associations. Since December's meeting, additional presentations have been made to the following organizations:
 - ❖ NPU-T
 - ❖ Peachtree Hills Civic Association
 - ❖ NPU-H, *C.T. Martin Natatorium (formerly Adamsville Recreation Center)*
 - ❖ Ansley Park Civic Association
- **Reports to Appointing Entities**
Staff is preparing annual reports for all the appointing entities for distribution at the end of the year.
- **Community Outreach Event Highlight**
 - 12/15: ACRB AT Greenbriar Mall
 - 1/4: NPU-T Executive Committee
 - 1/4: NPU-H
 - 1/5: Westminster Academy Presentation
 - 1/8: Peachtree Hills Civic Association
 - 1/9: Ansley Park Civic Association
 - 1/10: NPU T Presentation

- 2018 ACRB Art and Essay Contest

The 2018 ACRB Art and Essay Contest opened December 4, 2017. Members are asked to please share the contest information with individual and community contacts.

- Board Member Contest

The 2018 Art and Essay contest is going into the second month. The board member who has referred the most entrants in the contest will receive, as an award, the fulfillment of their 2018 community outreach requirement. Staff will track the board member referrals by the member's name written on the entry form. See staff for additional contest forms.

Discussion and Comments...

1. *(Williams) Paul, is there a list of your colleagues or attorneys that you are going to recommend?*
2. *(Bartels) I have not talked with anyone yet, but I got a list.*
3. *(Williams) Thank you for your service. You will be dearly missed. I hope that your Homeowners Association understand the gift that we are giving them.*
4. *(Bartels) Thank you.*

INTAKE REPORT FOR DECEMBER 2017

Investigation Manager **Robertson** reported that for the month of December 2017, the ACRB received ten (10) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss seven (7) of the ten (10) complaints. Three (3) complaints 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. 17-152– Traffic Citation Dispute
The Complainant alleges that on November 29, 2017, an Atlanta Police Officer issued her citation out of retaliation because the officer thought she was recording him on her cell phone. **Recommend dismissal for lack of jurisdiction because involve a traffic dispute that needs to be resolved in the courts.**
2. ACRB Case No. 17-153 Anonymous
The Complainant alleged that an APD Sergeant tried to sabotage him by the way the sergeant wrote the information in the Incident Report. **Recommend dismissal of the allegations for lack of merit.**
3. ACRB Case No. 17-154 – Refusal to Take Complaint
The Complainant alleged that in January 2017, her husband went to the Zone 3 Precinct to file a complaint against his sister; however, the officer refused to complete a report. **Recommend dismissal because the arrest occurred over 180 days and is time barred.**
4. ACRB Case No. 17-156 – Failure to Write Report
The Complainant that on December 9, 2017, a Fulton County Police Officer failed to complete a report pertaining to her son who had ran away from home. **Recommend dismissal for lack of jurisdiction.**

5. ACRB Case No. 17-157 – Traffic Citation Dispute & Excessive Force
The Complainant alleges that on May 9, 2017, he was involved in a car accident and the responding APD officer erroneously found him at fault. The Complainant also alleged that when the same officer detained him, the officer applied the handcuffs too tight, causing injury to his wrist. **Recommend dismissal because the arrest occurred over 180 days and is time barred.**
6. ACRB Case No. 17-158 – Excessive Force
The Complainant, on behalf of her 21 years old nephew, alleged that on November 26, 2017, during an arrest for disorderly conduct, he was physically assaulted by APD officers. The Complainant did not witness the incident and was advised that her nephew would need to file the complaint in order for the ACRB to proceed with an investigation. **Therefore, recommend dismissal.**
7. ACRB Case No. 17-161– Falsely Accused of Committing Crimes & Witness Tampering
The Complainant alleged that an officer name “Mike Adams”, whom she contends is employed with the APD, falsely accused of her of committing crimes and tampering with witnesses. **Preliminary investigation revealed that the subject officer is not employed by the APD. Therefore, recommend dismissal for lack of jurisdiction.**

Investigation recommendations:

1. ACRB 17-155 – Rude Behavior
The Complainant alleges that on November 26, 2017, while at the South Terminal of the Hartsfield-Jackson International Airport, an APD officer spoke to her in a rude and nasty manner. **Recommend investigation as a conduct complaint.**
2. ACRB Case No. 17-159– Unlawful Detainment, False Arrest, Inappropriate Conduct & Failure to Call for Medical Assistance
The Complainant alleges that on November 26 2017, she was unlawfully stopped and arrested by an APD officer. She further alleged that the officer failed to call for medical assistance and exhibited inappropriate behavior. **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. 17-160 Inadequate Service & Inappropriate Conduct
The Complainant alleged that on December 13, 2017, the APD officer who responded to her 911 call, pertaining to an issue that she was having at the YMCA, failed to provide adequate services and exhibited inappropriate behavior. **Recommend investigation as an appropriate action required and conduct complaint.**

B. BOARD VOTES ON INTAKE REPORT

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

OLD BUSINESS

Vacant Seats on the Board

Discussion and Comments...

1. *(Williams)* Did we get an update on the positions that are open?
2. *(Reid)* ... We have two that are coming up before the City Council.
3. *(Williams)* They are from which agencies?

4. *(Reid) APAB and City Council.*
5. *(Williams) So, is that the retire police officer...?*
6. *(Reid) No, that appointment comes from the President City Council. We sent a letter to President Felicia Moore this week to make sure that she is aware of the appointment.*

COMPLAINTS REVIEW:

ACRB CASE NO 17-034

A. ALLEGATION SUMMARY

The Complainant alleged that on October 28, 2016, Sergeant Michael McEckron was responsible for her getting falsely arrested and was verbally abusive when he said, ‘Lock them two bitches up.’ The Complainant further alleged that during the arrest, an officer who she described as a tall black male, forcibly threw her on the couch, placed his knee into her back and handcuffed her very tightly. **Based on the investigation, Officers Dominick Smith and Darien Tabor were also deemed as subjects.**

B. STAFF RECOMMENDATION

1. **Appropriate Action Required Allegation pertaining to the false arrest claim:**

The investigation determined that Officer Smith, not Sergeant McEckron, was the arresting officer. The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Dominick Smith be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officers committed the alleged act of misconduct*).

As it pertains to Sergeant McEckron, the ACRB staff recommends that the allegation of **Appropriate Action Required**, as it relates to this claim, be assigned a finding of **Unfounded** (*the investigation established that the officer did not commit the alleged acts of misconduct*).

2. **Excessive Force Allegation:**

The ACRB staff recommends that the allegation of **Excessive Force** against Officers Dominick Smith and Darien Tabor be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged acts of misconduct*).

3. **Abusive Language Allegation:**

The ACRB staff recommends that the allegation of **Abusive Language against Sergeant Michael McEckron** be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officers committed the alleged act of misconduct*).

4. **Allegation of Violation of Department Standard Operating Procedures:**

It was determined through the investigation that Officer Smith’s report pertaining to this incident was not completed and accurate as per APD.SOP.2010, Section 4.2.21 which states, “Employees shall submit all reports which are required of them as promptly, correctly and completely as possible.”

Officer Smith failed to document in his report their entry into the Complainant’s residence and what occurred once they entered, such as Complainant’s alleged resistance and the actions that were taken in order to get her into custody. Therefore, the ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures, specifically APD.SOP.2010, Section 4.2.21, against Officer Dominick Smith be assigned a

finding of **Sustained** (the investigation established that there is sufficient evidence that the officer committed the alleged acts of misconduct).

Discussion and Comments...

1. **(Bartels)** Regarding whether the handcuffs were checked, the only person that had recollection was Officer Smith, is that correct? He said that they were being checked for being too tight, but he doesn't recall that he did that?
2. **(Robertson)** Right.
3. **(Bartels)** Did any of the officers remember?
4. **(Robertson)** No.
5. **(Williams)** Didn't they also say that when she was transported, they gave her a different set of handcuffs?
6. **(Robertson)** Yes. That always happens...

C. BOARD'S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED - FALSE ARREST

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Not Sustained for Appropriate Action Required, pertaining to the False Arrest** allegation against Office Smith.

Bartels seconded. Hearing no further discussion, the vote was called and the motion was approved.

As it pertains to Sergeant McEckron, **Houston-Torrence** moved to accept staff's recommendation to assign a finding of **Unfounded**. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved.

For the record: Chair Williams acknowledge Board Member Michael Hopkins arrival time (6:43 p.m.).

D. BOARDS VOTE ON ALLEGATION OF EXCESSIVE FORCE

McDaniel moved to accept staff's recommendation to assign a finding of **Not Sustained for Excessive Force** allegation against Officers Smith and Tabor. **Houston Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**)

For the Record: Chair Williams noted that although Board Member Hopkins is sitting on the board, he is unable to vote until he completes his orientation training.

E. BOARDS VOTE ON ABUSIVE LANGUAGE

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Not Sustained for Abusive Language** allegation against Sergeant McEckron. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**).

F. BOARD'S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATION PROCEDURES

Bartels moved to accept staff's recommendation to assign a finding of **Sustained for Violation of Department Standard Operating Procedures** allegation against Officer Smith. **Orange** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**).

Officer Information and Professional Standards History:

Officer Smith has no prior disciplinary history. He has been with the Atlanta Police Department since May 2013.

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

Bartels moved to recommend that Officer Smith receive an oral reprimand. **McDaniel** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**).

ACRB CASE NO 17-060

A. ALLEGATION SUMMARY

The Complainant alleged that on April 21, 2017, Atlanta Police Officer Ashley Tilley failed to take appropriate action when investigating his complaint that he had been physically assaulted by the owner of Delightful Eatz. The Complainant further alleged that Officer Tilley threatened to arrest him and inappropriately said to him, “*You look like someone that would hit a woman.*”

B. STAFF RECOMMENDATION

1. **Appropriate Action Required**

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Tilley be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred, but were justified, legal or properly within Department policy*).

2. **Conduct**

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

3. **Allegation of Violation of Department Standard Operating Procedures**

It was determined through the investigation that Officer Tilley failed to keep her Body Worn Camera (BWC) on continuous record mode, as per APD policy, while on this call. By failing to do so, parts of the encounter/incident were not captured, 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 Tilley be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officer committed the alleged acts of misconduct*).

Discussion and Comments...

1. (**McDaniel**) *What are the consequences for officers who are consistently not activating their body worn camera?*
2. (**Robertson**) *It is considered a violation.... For her, it was her first offense. That would be a category A.*
3. (**McDaniel**) *So, do APD use some kind of category to determine?*
4. (**Williams**) *In the third allegation, we will make the recommendation.*
5. (**McDaniel**) *I am talking about APD itself. Do they have a list or consequences?*
6. (**Robertson**) *The disciplinary grid, for the first offense, if it is within the 5 years, it would be a category A. If something happened within that timeframe, then they would go to category B.*
7. (**Williams**) *Do we know if that is being looked into or not? That she has been written up or cited?*

8. *(Robertson) I would tell you her disciplinary history. I would tell you after you made a ruling for the findings.*
9. *(Reid) It will follow the normal process...as any policy violation.*
10. *(Bartels) I think the question maybe whether the failure to activate the BWC as required, is treated any differently than any other and I don't believe that it is as far as the standard grid.*
11. *(Robertson) No.*

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

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Exonerated** for **Appropriate Action Required** allegation against Officer Tilley. *Bartels* seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (*Hopkins*).

D. BOARD'S VOTE ON ALLEGATION OF CONDUCT

Houston-Torrence moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Conduct** allegation against Officer Tilley. *Orange* seconded. Hearing no further discussion, the vote was called and the motion was approved. with one abstention (*Hopkins*).

Note: McDaniel opposed recommendation then retracted vote. McDaniel was confused on which allegation. Vote was approved with one abstention.

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

McDaniel moved to accept staff's recommendation to assign a finding of **Sustained** for **Violation of Department Standard Operating Procedures** allegation against Officer Tilley. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (*Hopkins*).

G. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION FOR ALLEGATIONS – VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

Officer Information and Professional Standards History:

Officer Tilley has been with APD since March 2015. Officer Tilley has had only one (1) complaint case against him; vehicle accident.

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

Discussion and Comments...

1. *(Williams) This goes backed to Ms. McDaniel's question. They have not written her up or giving her any consequences for not keeping her BWC on...*
2. *(Robertson) Their case is still open. They have not made a decision on that.*
3. *(Bartels) If it is an oral admonishment, is there a record in her personnel file?*
4. *(Robertson) Yes. Part of the jacket.*

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Houston-Torrence moved to recommend that Officer Tilley receive an oral admonishment. *Bartels* seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (*Hopkins*).

A. ALLEGATION SUMMARY

The Complainant alleged that on August 8, 2017, when Atlanta Police Officer Carl Harp responded to a domestic disturbance at 1026 Washington Street, S.W., he was rude and sarcastic towards her. Specifically, she alleged that Officer Harp made comments, such as, “*What kind of crazy family is this.*” or words to that effect and yelled at her to get her hands off his patrol car. The Complainant further alleged that Officer Harp failed to conduct an adequate investigation.

B. STAFF RECOMMENDATION

1. **Conduct**

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

2. **Appropriate Action Required**

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Harp be assigned a find of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the allege acts of misconduct*).

3. **Allegation of Violation of Department Standard Operating Procedures**

It was determined through the investigation that Officer Harp failed to record the incident by not turning on his body worn camera (BWC), 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 Harp be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the allege acts of misconduct*).

C. BOARD’S VOTE ON ALLEGATION OF CONDUCT

Houston-Torrence moved to accept staff’s recommendation to assign a finding of **Not Sustained** for **Conduct** allegation against Officer Harp. *Bartels* seconded. Hearing no further discussion, the vote was called and the motion was approved with one opposed vote (*McDaniel*), and one abstention (*Hopkins*).

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

Houston-Torrence moved to accept staff’s recommendation to assign a finding of **Sustained** for **Appropriate Action Required** allegation against Officer Harp. *Bartels* seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (*Hopkins*).

E. BOARD’S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

McDaniel moved to accept staff’s recommendation to assign a finding of **Sustained** for **Violation of Department Standard Operating Procedures** allegation against Officer Harp. *Bartels* seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (*Hopkins*).

H. BOARD’S VOTE ON DISCIPLINE RECOMMENDATION FOR ALLEGATIONS – APPROPRIATE ACTION REQUIRED

Officer Information and Professional Standards History:

Officer Harp has been with the APD since April 2012. He has nine (9) complaints cases against him. Out of the nine (9) complaints, five are vehicle accidents, one was internal; one was firearm related (pending); one was a use of force (not sustained), and the last one was a vehicle dispute (sustained).

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

Discussion and Comments...

1. **(Bartels)** How many do we have that were sustained? Just the vehicle dispute?
2. **(Brathwaite)** Yes.
3. **(Houston-Torrence)** Did you say that those five accidents were from that same accident or different accidents?
4. **(Brathwaite)** Five different accidents.
5. **(Williams)** What category is this?
6. **(Brathwaite)** Category A.
7. **(Bartels)** We actually voted to sustain on two issues; one not conducting an investigation and one for not wearing a body camera. So, both would be a category A.
8. **(Brathwaite)** So, you look at his employment history, starting 2012, staff looks at the last 5 years. So, as it stands, he has one sustain that deals with policy and supervision...but it doesn't take it out of the category A to bring it to B where you can add anything else to it.
9. **(McDaniel)** Clearly, he needs training, because if he didn't get out of the car the whole time while on the scene and he didn't interview the people that were inside, then there should be some training.

McDaniel moved to recommend that Officer Harp receive training on how to conduct adequate investigations, as well as a Written Reprimand. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**)

I. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION FOR ALLEGATIONS – VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES – BODY WORN CAMERA

Discussion and Comments...

(Bartels) I think at a minimum, I would move for a written admonishment. I know that we have done an oral admonishment in the previous case. I think the fact that he misreported when he was issued the camera, that's something that I would be concerned about. That's a red flag. That combined with not conducting the investigation, that is more serious than the previous case.

Bartels moved to recommend that Officer Harp receive additional training on how to turn on Body Worn Camera (BWC), as well as a Written Reprimand. **Houston-Torrence** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**)

J. ADDITIONAL VOTE ON RECOMMENDATION FOR ALLEGATIONS – VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES – UNTRUTHFULNESS

Discussion and Comments...

(Orange) My recommendation is that we add an additional violation of truthfulness and honesty. I don't know if that is how they word it in their SOP. I think that we should look at that because, that is the importance of the BWC and he wasn't even honest about it. Like Mr. Bartels said, that is a huge red flag.

Orange moved to recommend that Officer Harp receive an additional violation for **Not being truthful about when he was issued his BWC.** **McDaniel** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**)

K. BOARD'S VOTE ON DISCIPLINE RECOMMENDATION FOR ALLEGATIONS – VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES – UNTRUTHFUL

The discipline for Violation of Department SOP, Category D – 16-30 Days suspension, Demotion or Dismissal

McDaniel moved to recommend that Officer Harp receive a three (3) day suspension for not being truthful about Body Worn Camera. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved with one abstention (**Hopkins**)

Discussion and Comments...

1. (**Orange**) *Is there a grace period that the officers have in regard to being acclimated to the body worn camera? I feel like it is such an issue, especially with... everything going on, and hence, the importance of this board. I would think, that after a certain amount of time that it should be like breathing to them to activate those body worn cameras. I don't think that not having the body worn cameras activated should fall in to a category A because, it is so important that they have those on. What would be the schedule of penalty...it should be increased.*
2. (**Williams**) *Do we know what the grace period is?*
3. (**Lt. Bennett**) *I'm not aware of any.*
4. (**Robertson**) *It's once they have been trained.*
5. (**Lt. Bennett**) *...everybody's gone through training; SOP curriculum...given a copy of the SOP... I don't ware one. I spend most of my time in the office. It is another thing to think about. I can tell you one thing that we did do, which it is costing a tremendously a lot of money, is change the buffer on the camera from thirty seconds to two full minutes. When he/she is doing all this...when they arrive, they get out of the car...depending on what kind of situation it is, people are coming at them...talking whatever and you are dealing with that and you go "oh, I need to turn my body camera on." It automatically saves the previous two minutes. Whereas before, it set by the manufactory at a thirty second buffer. We backed ours up for two whole minutes.*

ACRB CASE NO 17-116

A. ALLEGATION SUMMARY

The Complainant alleged that on August 31, 2017, Atlanta Police Officer Torrance Profit unlawfully stopped and detained her for an alleged seatbelt violation. The Complainant further alleged that Officer Profit inappropriately place his hands inside her vehicle to examine her seatbelt.

B. STAFF RECOMMENDATION

1. **False Imprisonment Allegation**

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

2. **Conduct Allegation**

The ACRB staff recommends that the allegation of **Conduct** against Officer Profit 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) The special operation section...are they not issued cameras?*
2. *(Brathwaite) At this moment, they have not been issued. The patrol cars are equipped with dash cams. We were able to look at that.*
3. *(McDaniel) At some point, will they receive them?*
4. *(Robertson) This happened in August.*
5. *(Orange) Is that a common practice when a police officer pulls somebody over and stick their hands in the car to see if the seatbelt is secured?*
6. *(Williams) He was trying to tell her how to adjust it. He even asked her about the height of her seat. He said that he was trying to help her and he didn't feel that he had done anything inappropriate... The dash cam did capture this incident. There was no sound of course.*

C. BOARD'S VOTE ON ALLEGATION OF FALSE IMPRISONMENT

McDaniel moved to accept staff's recommendation to **Not Sustain** for allegation of **False Imprisonment** against Officer Profit. *Houston-Torrence* seconded. Hearing no further discussion, the motion was approved with one abstention (*Hopkins*).

D. BOARD'S VOTE ON ALLEGATION OF CONDUCT

Houston-Torrence moved to accept staff's recommendation to **Exonerate** for allegation of **Conduct** against Officer Profit. *Orange* seconded. Hearing no further discussion, the motion was approved. with one abstention (*Hopkins*).

NEW BUSINESS

None

PUBLIC COMMENTS:

None

ADJOURNMENT

No further business, by show of consensus, the meeting adjourned at 7:15 P.M.