

**Approved**

4/12/2018



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

**March 8, 2018**

Rick McDevitt Youth Center  
30 Haygood Avenue, S.W.  
Atlanta, Georgia 30315  
6:30 p.m.

The March meeting was called to order at 6:32 p.m. by *Chair Brogdon*.

**AGENDA**

**ROLL CALL**

*(The ACRB has thirteen members)*

ACTIVE MEMBERS PRESENT

**GINO BROGDON** (*Chair Brogdon*)  
**SHUNTAY PITRE** (*Vice Chair Pitre*)  
**CECILIA HOUSTON-TORRENCE**  
*(Secretary Torrence)*  
**BILL BOZARTH** (*Bozarth*)

**TRACEE MCDANIEL** (*McDaniel*)  
**TAMARA ORANGE** (*Orange*)  
**BARBARA WARD-GROVES** (*Groves*)  
**SHERRY WILLIAMS** (*Williams*)  
**GLORIA HAWKINS-WYNN** (*Wynn*)

ACTIVE MEMBERS ABSENT

**MICHAEL HOPKINS** (*Hopkins*)

VACANT BOARD SEATS

**Atlanta Bar Association** (*two month*)  
**Atlanta Business League** (*nine (9) months*)  
**City Council President** (*1 year and nine (9) months*)

ACRB 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., **KABRAL BRATHWAITE**, Investigator, Sr., (*Investigator Brathwaite*); **KALEEMA AL-NUR**, Investigator, Sr., (*Investigator Al-Nur*); **LYNN GARRETT**, Executive Assistant, (*Garrett/Transcriber*); **ALEXANDER HOPE**, COA Law Department, (*Hope*), **LIEUTENANT SCOTT BENNETT**, Atlanta Police Department, (*Lt. Bennett*)

**Acknowledgement:** *Chair Brogdon* introduced ACRB newly appointed board member Barbara *Ward-Groves*, representing Atlanta Planning Advisory Board (APAB), Groups M-R.

## APPROVAL OF MINUTES FOR FEBRUARY 2018

*Houston-Torrence* moved to approve the minutes. *Williams* seconded. Hearing no further discussion, the motion was unanimously approved by *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

## POLLING OF THE AUDIENCE FOR CASE INFORMATION

The *Chair* opened the floor for additional information from the audience with regards to the cases on the agenda.

*Reid* explained that polling of the audience is used as an opportunity for anyone in the audience that has new or additional information regarding a case on the agenda, they can provide that information to the investigator for review. If the information is new, the case may have to be remanded back to investigation for further review. If it is determined that the information is not new, the board can proceed with the case.

Hearing no new information from the audience, the *Chair* moved the agenda forward.

## 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*:

- NACOLE Conference  
Just a reminder, only four (4) board members will be able to attend the conference this year. If you are interested in attending the conference, please, send an email to Lynn (*Garrett*). Registration will begin soon, and in order to avoid additional cost related to late registration, the board must determine, as soon as possible, who those four individuals are who will be traveling to the national conference being held this year in Florida.
- Recognition of Paul Bartels  
*Director Reid* presented *Bartels* with an award of appreciation for his many years of hard work and dedicated service on the ACRB. *Bartels* joined the board in November 2010. During his time on the board, he served as Chair, Vice Chair and Secretary. Mr. *Bartels* resigned this past February after serving on the board for almost eight years.

*Reid* thanked *Bartels* for his commitment and dedication to ACRB and the citizens of Atlanta.

- Reid's Memo Regarding ACRB Legal Representation  
*Reid* sent a memo to members of the board regarding the concerns related to the City Attorney's Office representation of the Board. He is asking each member to thoroughly review the memo for discussion and conversation, as well as, to determine the next steps related to the concerns.

*Discussion and Comments...*

1. (*Williams*) Lee (*Reid*) for the new members, can you please give them a brief description of NACOLE?

2. **(Reid)** *NACOLE (National Association for Civilian Oversight of Law Enforcement) is the organization that most of the civilian oversight agencies in the county are members. They have an annual conference that basically talks about civilian oversight. It's an opportunity for individuals who are involved in oversight or want to know more about oversight and how to become involved. It has been around for about twenty-something years. There's a lot of information provided at the conference. You get to see some of the different models that are operating across the country. What you will find is that, many of us in the oversight communities, face the same issues. It's good to meet and know that there are other like-minded people out there whom you can bounce some things off of and try to implement into your local oversight.*
3. **(Reid)** *You should have received a memo from me regarding the City Attorney...concerns that we have. We will at some point pick up on that conversation. I hope that everyone has had the opportunity to read the memo.*
4. **(Bozarth)** *Regarding the concerns related to the City Attorney memo, are you going to try and get legislation sponsored?*
5. **(Reid)** *It doesn't require legislation. It requires the board to have a conversation. Then we can take the next steps.*
6. **(Bozarth)** *Maybe, I am not talking about the same one...referring to the Op-Ed.*
7. **(Reid)** *That is an old OP ED.*
8. **(Bozarth)** *It is in my package.*
9. **(Reid)** *It is part of the memo that I sent you.*
10. **(McDaniel)** *Do we have a date schedule for the conversation about the memo?*
11. **(Reid)** *Not yet.*
12. **(Brogdon)** *I propose that we start an email...to check people's availability; whether by phone or we can meet up at City Hall. Then we can talk about everything.*
13. **(Williams)** *How much time do you think it will take? The reason for my question is, we could technically do it after we adjourn the meeting, if you are talking about half of an hour or an hour ...*
14. **(Reid)** *The main point is that everyone read it and is ready to discuss it. if you are going to arrange another meeting, a time to meet, it will have to be a meeting that we will need to publicize. We need to give public notice to schedule the meeting. I just thought that it was something that I needed to let you all know about...like it says in the memo. Get your thoughts. We may have some other ideas, then we can move forward. I do think that's something that we need to have a discussion on.*
15. **(Ward-Groves)** *I did read the memo, but, I read it just generally. If it something that we really need to discuss in detail, I would like to have an opportunity to go back and really delve into what you were saying and what the background is. I think in all fairness to the subject, that it would probably be better for us to have another meeting if it is thirty minutes to an hour.*
16. **(Brogdon)** *Is it confirmed that Mayor Lance-Bottom is coming to the April Meeting?*
17. **(Reid)** *That has not been confirmed. We are working on trying to get the Mayor to come to the April meeting. Also, tthe City Council President and the Public Safety Chair. Not at the same meeting, but we would like to have all three to come through to see the board.*
18. **(Houston-Torrence)** *Who's the Public Safety Chair now?*
19. **(Reid)** *Councilmember Hillis. He used to work in President Councilmember Moore's office. Just a thought for the board members...email of course, it is a public record, so be cautious about what we put in emails. We will be having an Ethics and Open Records training...especially for new board members in the next couple of months.*

## **INTAKE REPORT FOR FEBRUARY**

Investigation Manager *Robertson* reported that for the month of February 2018, the ACRB received ten (10) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss two (2) of the ten (10) complaints. However, two (2) of those complaints has been referred to mediation. Five (5) complaints are recommended for investigation and two (2) complaints are recommended for dismissal. 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. 18-013– Inadequate Service

The Complainant alleges that on March 30, 2017, he was unlawfully detained and physically assaulted by TSP security officers and the responding Atlanta police officer failed to conduct an adequate investigation into the incident. **Recommend dismissal because the incident occurred outside of the 180 days and is time barred.**

2. ACRB Case No. 18-015 Incorrect Investigative Findings

The Complainant alleged APD's finding that her son's death that occurred on January 18, 2018 was caused by suicide is incorrect. **Recommend dismissal for lack jurisdiction.**

**Awaiting Signed Complaints:**

1. ACRB Case No. 18-022 – Inadequate Investigation

The Complainant is alleging that the APD Detective that is handling the case surrounding his sister's death is not conducting an adequate investigation. **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 complaint.**

**Investigation recommendations:**

1. ACRB Case No. 18-014 – Excessive Force & False Arrest

The Complainant alleged that on November 7, 2017, she was falsely arrested and physically assaulted by an APD officer. **Recommend investigation as an Excessive Force and Appropriate Action Required complaint.**

2. ACRB Case No. 18-016 - Inappropriate Conduct

The Complainant alleged that on February 9, 2018, an APD officer was rude and disrespectful to her and her two children when he responded to her home. **Recommend investigation as a Conduct complaint.**

3. ACRB Case No. 18-017 - Unlawful Stop, False Arrest, Excessive Force & Illegal Search

The Complainant alleged that on January 5, 2017, he was unlawfully stopped, falsely arrested and assaulted by APD officers. He further alleges that the officers illegally searched his vehicle. **Recommend investigation as a False Imprisonment, Appropriate Action Required and Excessive Force complaint.**

4. ACRB 18-018 – Excessive Force & False Arrest

The Complainant alleged that on December 12, 2017, he was falsely arrested and physically assaulted by an APD officer. **Recommend investigation as an Appropriate Action Required and Excessive Force complaint.**

5. ACRB 18-021– Inappropriate Conduct/Behavior & Unlawfully Detained

The Complainant alleged that on June 20, 2017, she was physically assaulted by a homeless man that had been stalking her and the APD officer that responded yelled at her, placed her in handcuffs for crying and threaten to arrest her. She further alleges that the officer laughed at her when she requested medical assistance and she was not allowed to go with EMS to the hospital. **Recommend investigation as an Appropriate Action Required and False Imprisonment complaint.**

B. BOARD VOTES ON INTAKE REPORT

*Williams* moved to accept the Intake Report for February 2018. *Houston-Torrence* seconded. Hearing no further discussion, the motion was unanimously approved by *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

## OLD BUSINESS

None

## COMPLAINTS REVIEW:

### ACRB CASE NO 17-043

A. ALLEGATION SUMMARY

The Complainants alleged that on February 18, 2017, Atlanta Police Officer Keith Roach falsely arrested him.

B. STAFF RECOMMENDATION

Both parties present contradictory accounts of the incident and there is no video or audio footage or independent witnesses to substantiate either version of events. Therefore, the ACRB staff recommends that the allegation of **Appropriate Action Required, as it pertains to the false arrest claim, against Officer Keith Roach 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. *(Williams) He didn't know what he stabbed him with, they never found a knife, they wouldn't press charges against each other.*
2. *(Brogdon) They are asking if you could speak through the mic.*
3. *(Williams) This is a case where the police were called, one of gentlemen was stabbed, he didn't know what he was stabbed with... the police couldn't find a knife after they looked, and several officers were called...one was eventually arrested. It's a matter of people not getting along, being abrupt with each other, then regretting that they called the police. There was no body worn camera, no dash came. We really don't know other than what they said. I can't wait until everybody has body worn cameras and dash cams. It will make it easier for everybody involved.*
4. *(Bozarth) Is it true Brian (Investigator Fleming) that Officer Roach had not yet been issued a body worn camera?*
5. *(Fleming) Yes. APD told us that they did not have body worn cameras.*
6. *(McDaniel) Ultimately, he was arrested for disorderly conduct. However, it says that there were no disorderly conduct reports filed or use of force.*

7. *(Fleming) Disorderly was based on...from talking to the officer, his behavior when the officer arrived on the scene. As Sherry (Williams) just said, he wasn't arrested for the actual altercation, but for his behavior.*
8. *(McDaniel) So, am I misunderstanding this, that the officer did not file a disorderly report.*
9. *(Fleming) No, he arrested him, he did an incident report. As far as the use of force thing...*
10. *(McDaniel) And there was no knife found.*
11. *(Bozarth) Did you interview the Complainant directly?*
12. *(Fleming) Yes, I did.*
13. *(Bozarth) Any observation on his state of mind at that time? At least in the testimony, the officer said that he is often in the park and they had incidents involving him before.*
14. *(Fleming) Yes, they have had incidents.*
15. *(Bozarth) Did you make some judgement as to why that might be happening repeatedly?*
16. *(Fleming) I could not tell you.*
17. *(Pitre) I didn't know that they had upgraded it to aggravated assault.*
18. *(Fleming) Fulton County did that.*
19. *(Pitre) That was interesting to me. I definitely understand why he arrested him for disorderly conduct, because he was irate and using abusive language.*
20. *(Bozarth) It said in your report that the trial is scheduled for November 28<sup>th</sup>, which is well in the past. Do we have a verdict report?*
21. *(Fleming) We looked into it to see what was the actual outcome. I can't tell you the specifics, but it did not go in his favor because he received probation. Their system is down. I went over to the court, they couldn't give me anything. They just said that he got probation for this incident and they gave me a print out. Assuming if he got probation, then he was found guilty.*
22. *(Hawkins-Wynn) What I am hearing is that you don't know the disposition of the charges.*
23. *(Fleming) Right, I can't give you specifics. By him being on probation, he was found guilty.*

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

*Bozarth* moved to accept staff's recommendation to assign a finding of **Not Sustained** for allegation of **Appropriate Action Required** against Office Smith. *McDaniel* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously by *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

**ACRB CASE NO 17-052**

A. ALLEGATION SUMMARY

The Complainants alleged that on April 18, 2017, when he was on the floor of the Piggly Wiggly Supermarket, Atlanta Police Officer Robert Holmes engaged in unnecessary excessive force when he pushed him, grabbed his right arm, twisted it, placed his knee in his back and put the hand cuffs on him "real hard." He also alleged that Officer Holmes "snatched me out of the car roughly" when EMS arrived on the scene. The Complainant further alleged that Officer Holmes was verbally abusive when used profanity at him.

B. STAFF RECOMMENDATION

I. **Allegations of Excessive Force & Abusive Language**

The BWC footage that was reviewed pertaining to this incident clearly refutes all of the Complainant's claims. Therefore, the ACRB staff recommends that the allegation of **Excessive Force & Abusive Language** against Officer Holmes be assigned a finding of **Unfounded** (*the investigation established that the officer did not commit the alleged act of misconduct*).

C. BOARD'S VOTE ON ALL ALLEGATION FOR EXCESSIVE FORCE

*Houston-Torrence* moved to accept staff's recommendation to assign a finding of **Unfounded for Excessive Force** against Officer Holmes. *Orange* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

D. BOARD'S VOTE ON ALL ALLEGATION FOR ABUSIVE LANGUAGE

*Pitre* moved to accept staff's recommendation to assign a finding of **Unfounded for Abusive Language** against Officer Holmes. *Orange* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

**ACRB CASE NO 17-072**

A. ALLEGATION SUMMARY

The Complainant alleged that on May 24, 2017, during a traffic stop, Atlanta Police Officer Kurtis Mitchell: (1) cited the Complainant, an Alabama driver, for making a U-turn despite her ignorance of Georgia law; (2) failed to provide the name of his supervisor or Lieutenant's name; (3) threatened to arrest her for asking questions; (4) pulled her over on a dangerous "curve" of the highway at night and demanded that she get out of the car; and (5) was "rude, nasty" and belittled "her."

B. STAFF RECOMMENDATION

I. **Appropriate Action Required Allegation**

As it pertains to the issues raised in #1-4, the ACRB staff recommends that the allegation of **Appropriate Action Required** against Officer Mitchell be assigned a finding of **Exonerated** (*the investigation established evidence that shows the officer did not commit the alleged acts of misconduct*).

II. **Conduct Allegation**

As it pertains to the issue raised in #5, the ACRB staff recommends that the allegation of **Conduct** against Officer Mitchell be assigned a finding of **Unfounded** (*the investigation established that the officer did not commit the alleged acts of misconduct*).

*Discussion & Comments..*

1. (*Orange*) *The Complainant said the officer was rude, and nasty to her, but the camera footage shows that he answered all her questions. He even converse with her mother.*
2. (*Hawkins-Wynn*) *The operative language should have been, "Signature alone is not an admission of guilt. It was just an acknowledgement of the ticket." I think that language would have diffused the whole thing.*
3. (*Investigator Robertson*) *The footage did show him saying that "By signing this is not an admission of guilt. He did say that to her. You can find this on page 5 under the dash cam footage.*
4. (*Bozarth*) *I came and watched the entire video from the point of view from the front of the car. There was no evidence of what he's alleged. It looks like he fabricated it for what I can see. Because they recorded the whole incident, you couldn't see everything, but you could hear everything that was said. The one thing that I did question on the officer's conduct was, he (Complainant) was more suspicious because he didn't have his license with him. But, I didn't see a reason why she had to handcuff*

*him. I believe the report said, he was fidgety and therefore, she felt like she needed to handcuff him. She had about a year or a year and a half on the force at that time, so she's a young officer. When the Sergeant was there, discussing, you can clearly hear him coaching her. I think that this was a bad judgement on the inexperience of an officer to initiate a handcuffing when I didn't see the need to do that.*

E. BOARD'S VOTE ON APPROPRIATE ACTION REQUIRED ALLEGATION

*McDaniel* moved to accept staff's recommendation to assign a finding of **Exonerated** for **Appropriate Action Required** allegation against Officer Mitchell. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously by *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

F. BOARD'S VOTE ON CONDUCT ALLEGATION

*Williams* moved to accept staff's recommendation to assign a finding of **Unfounded** for **Conduct** allegation against Officer Mitchell. *Pitre* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

**ACRB CASE NO 17-086**

A. ALLEGATION SUMMARY

The Complainant alleged that on June 15, 2017, Atlanta Police Officer Cierra Caleb threw him up against her patrol car. He also alleged that while seated in the patrol car, Officer David Somers grabbed him by his feet and threw him onto the ground. The Complainant further alleged that while on the ground, Officer Kenneth Thomas kned him in the head while Officer Somers held his arm up.

B. STAFF RECOMMENDATION

I. **Excessive Force Allegation**

The ACRB staff recommends that the allegation of Excessive Force against Officers Caleb, Thomas and Somers 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. **Violation of SOP**

Although this particular allegation was not raised by the Complainant in his complaint, it was determined through the investigation that Officer Caleb's report pertaining to this incident was not complete 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.*"

Office Caleb failed to document in her report that Officers Thomas and Somers had to remove the Complainant from her patrol car due to his behavior nor did she specify the steps that the officers took in order to do so. 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 Caleb 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 EXCESSIVE FORCE

*Houston-Torrence* moved to accept staff's recommendation to assign a finding of **Not Sustained** for **Excessive Force** allegation against Officers Caleb, Thomas and Somers. *Williams* seconded. Hearing no further discussion, the vote was called and the motion was approved by *Brogdon, Pitre, Williams, Torrence, Bozarth, Orange, Groves, Wynn*. One member voted to opposed the motion (*McDaniel*).

D. BOARD'S VOTE ON VIOLATION OF SOP

*Pitre* moved to accept staff's recommendation to assign a finding of **Sustained** for **Violation of SOP** allegation against Officer Caleb. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously by *Brogdon, Pitre, Williams, Torrence, Bozarth, McDaniel, Orange, Groves, Wynn*.

E. BOARD'S DICIPLINE ON VIOLATION OF SOP

Officer Caleb has been employed with the Atlanta Police Department for four years. She started in Zone 5 as a patrol officer. Her disciplinary history includes one citizen complaint for which she was exonerated. This complaint is a category A discipline, an oral admonishment or written reprimand. The corrective action will be training or counseling.

*McDaniel* moved to recommend a written reprimand and training as discipline action for Violation of SOP. *Williams* seconded. Hearing no further discussion, the vote was called and the motion was unanimously approved by *Brogdon, Pitre, Williams, McDaniel Torrence, Bozarth, Orange, Groves, Wynn*.

**NEW BUSINESS**

None

**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**

*"I would like to requested that future meetings that will be held outside of the City Hall, please make sure we have handicapped parking. That's all I have. Thank you."*

**CLOSING COMMENTS:**

In response to how many seats that still remained vacant on the board, *Reid* indicated that currently there are three vacant seats:

**Atlanta Bar Association**, vacant for two month  
**Atlanta Business League** vacant for nine (9) months  
**City Council President** vacant for one year and nine (9) months

**Reid** indicated that the Atlanta Business League may have someone in mind, but to date, no nominee has been submitted. Regarding the City Council President's seat on the board, the President is aware of the vacancy.

**Bozarth** indicated that he would reach out to Ms. Moore and **Chair Brogdon** stated that he would talk to the Atlanta Bar Association.

**Williams** announced that the Georgia State Legislation is currently in session. The session will close March 29<sup>th</sup>. She emphasis the importance of some specific legislation before the elected officials and other information that the public needs to be aware of:

- a. Legislation changing the number of voting days for the people in Atlanta, and changing current voting hours of 7 a.m. until 8 p.m. to 7a.m. until 7 p.m. Atlanta voting hours have been longer due to traffic congestion.
- b. Legislation expanding bus service into ten additional counties. The proposal is for APL Link to become a new governing body of the bus transportation system that will extend into all 13 counties

For more information, you can catch Georgia General Assembly (House & Senate) on live streaming. Williams also reminded everyone that all current officials are up for reelection.

## **ADJOURNMENT**

No further business, by show of consensus, the meeting adjourned at 7:25 P.M.

ACRB Minutes for March 8, 2018 were approved: April 12, 2018  
*Cecilia Houston-Torrence, Board Secretary*

*Transcribed: MS/LG*