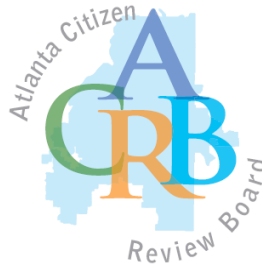


**APPROVED: January 9, 2014**



**ATLANTA CITIZEN REVIEW BOARD  
DECEMBER MEETING MINUTES**

55 Trinity Avenue, S.W., Committee Room Two  
Atlanta, Georgia 30303  
December 12, 2013  
6:30 p.m.

The December 2013 meeting was called to order by the *Chair* at 6:35 p.m.

**A G E N D A**

**ROLL CALL**

*(Eleven Members of the Board)*

ACTIVE MEMBERS PRESENT

<b>PAUL BARTELS</b> ( <i>Chair/Bartels</i> )	<b>ALAN MORRIS</b> ( <i>Morris/Secretary</i> )
<b>BILL BOZARTH</b> ( <i>Bozarth</i> )	<b>RUTH PRICE</b> ( <i>Price</i> )
<b>WILLIAM HARRISON</b> ( <i>Harrison</i> )	<b>GERALD SOUDER</b> ( <i>Souder</i> )
<b>BARBARA HUBBARD</b> ( <i>Hubbard</i> )	<b>MACEO C. WILLIAMS, SR.</b> ( <i>Vice-Chair/Williams</i> )

ACTIVE MEMBERS ABSENT

**OSA BENSON** (*Benson*)

VACANT BOARD SEATS

**Atlanta Business League** (*vacant 18 months*)

**Office of the Mayor** (*vacant 4 months*)

STAFF ATTENDEES

**SAMUEL LEE REID, II** (*Reid*), Executive Director; **SHEENA ROBERTSON** (*Robertson*), Investigator; **MYOLA SMITH** (*Smith*), Transcriber; **TRACY TAYLOR** (*Taylor*), Community Outreach Liaison; **SAUL SCHULTZ** (*Attorney Schultz*), COA Department of Law, Appointed Counsel for ACRB

*Chair Bartels* welcomed citizens announcing that public comments would be heard later in the agenda. The public is required to sign up to speak and limit comments to three (3) minutes. The *Chair* also welcomed staff from the Atlanta Police Department (APD), Office of Professional Standards.

## APPROVAL OF MINUTES OF THE LAST MEETING, NOVEMBER 14, 2013

The *Chair* directed the Board's attention to the minutes for November 14, 2013. The floor was opened for discussion and corrections to the minutes.

*Morris* moved to adopt the minutes. *Price* seconded. Hearing no further discussion, the motion was approved by all.

## EXECUTIVE DIRECTOR REPORT

Highlights from Director *Reid's* Report:

- Winners of Art and Essay Contest  
The winners of the Art and Essay Contest were presented before the televised Atlanta City Council Meeting on December 2, 2013. There were a total of six winners. The day included a reception in their honor and for their families and school. Gift cards, trophies and gift baskets were awarded to the winners. The school of each winner was presented a proclamation from the Councilmember presiding over the district where the school was located.
- ACRB Presents to the City Council Public Safety Committee  
The 2012 Annual Report and the 2013 Semi-Annual Report were presented to the Public Safety and Legal Administration Committee November 26, 2013 by *Director Reid*.
- Board Training and Orientation  
*Reid* announced that he will continue reaching out to those members who have not received orientation training including the newest member selected by APAB to replace *Barbara Hubbard* who will be leaving soon.
- Other Information:
  - ✓ At the next board meeting there will be a discussion about initiatives that will be pursued in 2014, *i.e.*, *mediation, use of the website and social media*.
  - ✓ Members are encouraged to view a brief video, approximately 20 minutes in length, entitled "Hollywood vs. Reality." *Reid* stated that he and *Investigator Robertson* had recently taken an officer involved shooting investigation course. He explained that the video gives an inside look at how an officer handles incidents vs. public perception based on movie watching. The video is stored on a flash drive and is available to members wanting a copy. *Reid* said that he will try to show it at the next board meeting.
  - ✓ Earlier this year, *Reid* and *Price* went to the APD Training Academy and made a presentation to the recruits. *Reid* and *Price*, over time, have maintained contact and recently followed up with them regarding future presentations. *Reid* said that the academy plans to make a better effort at getting ACRB scheduled on a regular basis to present to the recruits.
  - ✓ Boardmember *Harrison* recently graduated from the Atlanta Police Citizen's Academy. *Reid* reported that *Harrison* met some of the trainers and they expressed an interest in coming to the board meetings and possibly conducting sessions on what the officers are being trained on at the academy. *Reid* indicated that he thought the sessions with the Board was a good idea and could close the loop on training and education. He also noted that if the Board agreed, then training would have to be scheduled based on their availability. The Board may desire to hold the training before or after meetings or perhaps on a Saturday.
  - ✓ IAPro Training was held today for the staff. *Reid* reported that the training would improve reporting ability. "With a little more work, we'll be able to create more reports faster. One of the goals is to be able to send data out faster so that ACRB can start doing analysis and

get on the front end of trends; as well as, reporting information to the police and corrections departments.

- ✓ ACRB has a newly appointed board attorney. His name is *Saul Schultz*. Mr. *Schultz* replaces Bill Casting who retired from the city last week.
- ✓ *Reid* reported that he is in the process of hiring a replacement for the vacant investigator position. He indicated that he was considering contracting the position out for a few months. Eventually, the contract will lead to an employment situation. When asked why a contract as oppose to regular hiring, *Reid* said, “We need someone strong and we want to make sure we have a good fit. To open the position up or not is something that I have been wrestling with. Deciding to open it up, go through the process and then wind up *not* getting what we need is what I am hoping to avoid.”

## INTAKE REPORT FOR NOVEMBER 2013

A total of seven (7) complaints were received for the month of November. *Investigator Robertson* reported the following:

1. Complaint Number: ACRB No. 13-111, Shiba and Deangle Rivers alleging False Arrest, Excessive Force and Abusive Language

Ms. Jackson alleges that on October 18, 2013, APD Officer Phyllis White falsely arrested her. Furthermore, both Shiba and Deangle allege that Officer White threatened to shoot them and was verbally abusive towards them.

*Recommend investigation as an excessive force complaint, abusive language and possibly a false arrest complaint. However, preliminary investigation revealed that Ms. Rivers' criminal case is pending adjudication in the Fulton County State Court and the investigation into the false arrest allegation will depend on its outcome. Therefore recommend suspension of the investigation pending the outcome of adjudication.*

2. Complaint Number: ACRB No.13-112, Isralah Rivers alleging Harassment

Ms. Rivers alleges that APD Officer Phyllis White has been harassing her and her family since May 2013. *Recommend investigation as a harassment complaint.*

3. Complaint Number: ACRB No.13-113, Stefan Owens alleging Abusive Language, False Imprisonment and Excessive Force

Mr. Owens alleges that on November 8, 2013, while at the Hartsfield-Jackson International Airport, APD Officer Willie Arnold improperly detained him, engaged in excessive force and was verbally abusive towards him. He further alleges that an unidentified officer who arrived on the scene was also verbally abusive towards him. *Recommend investigation as an abusive language, excessive force and false imprisonment complaint.*

4. Complaint Number: ACRB No. 13-114, DeBorah Evans alleging Excessive Force

Ms. Deborah Evans alleges that on November 15, 2013, her son, Corey Peden, was physically assaulted by APD officers. Preliminary investigation revealed that APD was not involved in this incident. The involved officers are employed by the MARTA Police Department. Ms. Evans was referred to MARTA Internal Affairs Department.

*Recommend dismissal for lack of jurisdiction.*

5. Complaint Number: ACRB No. 13-115, Zalman Strickland alleging False Arrest

Mr. Strickland alleges that on October 17, 2013, he was falsely arrested by APD Officers Robert Crosby, J. Basulto and A. Singh. Preliminary investigation revealed that Mr. Strickland's criminal case has not been resolved.

***Recommend suspension of the investigation pending its adjudication.***

6. **Complaint Number: ACRB No. 13-116, Naomi Pittman alleging Improperly Issued a Citation and Rudeness**

Ms. Pittman alleges that on November 13, 2013, an APD Officer improperly issued her a traffic citation for failing to use her turn signal. She further alleges that the officer was rude and unprofessional.

***Recommend dismissal for lack of jurisdiction and referred Ms. Pittman to OPS.***

7. **Complaint Number: ACRB No. 13-117, Daniel Williams alleging False Arrest and Excessive Force**

Mr. Williams alleges that on November 19, 2013 APD officers falsely arrested him and engaged in excessive force. Mr. Williams was mailed a complaint form to complete and return. ***If a signed complaint is received within the next few weeks, recommend investigation as an excessive force and possibly a false arrest complaint depending on the status of his criminal case.*** However, if the signed complaint is not received, ***recommend dismissal.***

*Discussion Summary...*

*Regarding Complaint #13-114, Bozarth asked if there was any way for the Board to expand its jurisdiction to include MARTA based on the legislation. The Chair explained that the only jurisdiction the ordinance created for the Board is just for the City of Atlanta. He added that MARTA goes into quite a few other areas other than the City of Atlanta, and there is board oversight and probably, an internal affairs for MARTA but no citizen review board. "Basically, the entire ordinance will have to be re-written to accommodate it and the logistics would be pretty confounding."*

It was moved by **Morris** to accept the Intake Report. **Souder** seconded the motion.

Hearing no further discussion, the vote was called and the motion to accept was approved by all.

## **REVIEW OF COMPLAINTS**

### **CASE NO. 12-50, CLIFFORD PITTS**

A. **CASE SUMMARY:**

ACRB Lead Investigator Sheena **Robertson** investigated the complaint.

Mr. Pitts filed a complaint with the ACRB on October 11, 2012. He alleges that on April 21, 2012, Atlanta Police Officer Jerron Powell and Investigator Elizabeth Walters falsely arrested him. He further alleges that during the incident, Officer Powell engaged in excessive force and was verbally abusive towards him.

Mr. Pitts alleged that Officer Powell engaged in excessive force when he picked him up from the chair, pushed him in the chest and squeezed his handcuffs without provocation. He further stated that he complained to Officer Powell about the handcuffs being too tight, but he ignored him. Mr. Pitts stated that as a result, he sustained injuries to his wrists. Officer Powell vehemently denied Mr. Pitts allegations.

Mr. Pitts and Officer Powell present contradictory accounts of the incident and there were no witnesses to corroborate either account. There was nothing in the Fulton County Jail medical records to indicate that Mr. Pitts complained or was treated for injuries to his wrists or for any other injuries. Furthermore, Mr. Pitts stated in his ACRB interview that he only experienced pain in his wrist for one day and did not seek any further medical treatment.

Based on the testimonial and documentary evidence obtained during the course of the investigation, the staff recommends the following:

1. **Excessive Force** against Officer Jerron Powell be assigned a finding of “**Not Sustained**” (*the investigation established that there is insufficient evidence to conclude that the officer committed the alleged acts of misconduct*).
2. **Abusive Language** against Officer Jerron Powell assigned a finding of “**Not Sustained.**” There were no witnesses who could corroborate either account.
3. **False Arrest** against Officer Jerron Powell and Investigator Elizabeth Walters assigned a finding of “**Exonerated**” (*the investigation that the alleged acts occurred but were justified, legal or proper within department policy*). Also, it should be noted that Mr. Pitts accepted a plea deal on the criminal charges associated with the false arrest complaint.

**B. BOARD VOTES ON STAFF’S RECOMMENDATION:**

*Discussion summary...*

*Overall the Board agreed with the staff’s recommendation on all allegations.*

1. **Recommendation: False Arrest** against Officer Jerron Powell and Investigator Elizabeth Walters assigned a finding of “**Exonerated**”

It was moved by **Bozarth** to accept staff recommendation to exonerate charges against Officer Powell and Investigator Walters. **Price** seconded. Hearing no further discussion the motion was approved.

2. **Recommendation: Excessive Force** against Officer Jerron Powell be assigned a finding of “**Not Sustained**”

It was moved by **Morris** to accept staff recommendation to not sustain charges of excessive force against Officer Powell. **Souder** seconded. Hearing no further discussion the motion was approved.

3. **Recommendation: Abusive Language** against Officer Jerron Powell assigned a finding of “**Not Sustained.**”

It was moved by **Souder** to accept staff recommendation to not sustain charges of abusive language against Officer Powell. **Price** seconded. Hearing no further discussion the motion was approved.

**CASE NO. 13-57, DONNESHIA JACKSON**

**A. CASE SUMMARY:**

ACRB Lead Investigator Sheena **Robertson** investigated the complaint.

Ms. Donnesha Jackson alleges that Officer Jon Ware was verbally abusive towards her during a traffic stop that occurred on May 30, 2013. Specifically, Ms. Jackson alleged that Officer Ware made repeated statements to her such as, “You gonna learn to shut the hell up.” She further stated that when she asked to speak to a supervisor, Officer Ware made statements such as, “I ain’t calling no damned body.” Also, “Oh, your ass still wants to wait for a supervisor because I’ll make your ass wait all day.”

Ms. Jackson’s mother corroborates her account. Officer Ware denied Ms. Jackson’s allegation and contends that at no time during the stop did he threaten, verbally abuse, or use profane language towards her. He maintains that he was professional at all times. Officer Larry Harris was present on the day of the incident on patrol with Officer Ware.

Ms. Jackson and both Officer Ware and Harris presented contradictory accounts of the incident. In fact, Officer Harris’ account is very different from Officer Ware’s and Ms. Jackson’s version and thus does not appear to be credible. Officer Harris stated that Ms. Jackson was in her vehicle the entire time during the stop, except for a brief moment when they first initiated the stop. Officer Ware and Ms. Jackson both stated that the entire encounter occurred outside in front of 2060 Alison Court. Ms. Jackson’s account describing Officer Ware’s behavior and the way he talked to her is corroborated by her mother.

Therefore, based upon the information obtained during the course of the investigation, the ACRB staff recommends that the **abusive language allegation** against **Officer Jon Ware** be assigned a finding of “**Sustained**” (*the investigation established that there is sufficient evidence to conclude that the officer committed the alleged acts of misconduct*).

**B. BOARD VOTES ON STAFF’S RECOMMENDATION:**

*Discussion summary...*

*Overall the Board agreed with the staff’s recommendation as alleged by the complainant.*

It was moved **Williams** to accept staff recommendation to sustain the allegation of abusive language against Officer Jon Ware. **Bozarth** seconded. Hearing no further discussion, the motion was approved by all.

**C. BOARD VOTES ON DISCIPLINE RECOMMENDATION**

It was moved by **Souder** to recommend that Officer Jon Ware receive an oral reprimand. **Price** seconded. Hearing no further discussion, the motion was approved.

## **AGENDA AMENDED**

**Morris** moved to amend the agenda to include a NACOLE presentation and other community announcements by **Vice-Chair Williams**. **Harrison** seconded. No discussion, the motion was approved as amended.

**A. NACOLE CONFERENCE REPORT**

The 2013 NACOLE conference was attended by three members of the board: **Williams**, **Harrison**, and former board member, Ryan Johnson. **Williams** distributed copies of the schedule for the conference that was held in Salt Lake City in September of this year. He stated that he also shared ACRB outreach documents and newsletters with conference attendees. **Williams** reported that he and **Harrison** are both on national committees. **Harrison** will be working on elections and program committees next year and **Williams** will be serving on public relations and outreach committees. **Williams** invited others to run for national positions next year. He announced that the 2014

NACOLE conference will be held in Kansas City. **Williams** expressed a desire for Atlanta to host the 2015 conference; however, the deadline has passed in order to be considered.

**B. COMMUNITY OUTREACH ANNOUNCEMENTS**

**Williams** announced that the annual King March is scheduled for January and he will be providing more information at a later date. He is asking ACRB to get involved and if possible, to participate the same as last year. **Williams** also express the urgency of getting more involved in honoring noted civil rights leaders.

**C. POLICY AND PROCEDURES COMMITTEE**

**Chair Bartels** announced that he would like to appoint a Policy and Procedures committee. He asked that over the next couple of weeks that if anyone is interested and would like to serve on the committee to send him an email. A reminder email will go out within the next couple of weeks.

**PUBLIC COMMENTS:**

*Only one person signed up to speak*


Speaker: John Michael

*Mr. Michael is a former member of the ACRB. He stated that was addressing the Board on behalf of a complainant whom he was trying to assist to file a complaint against MARTA police. Mr. Michael expressed appreciation to board member **Bozarth** for his comments on MARTA. He said, "There are some extreme conditions happening on the MARTA and their new program "Respect The Ride," I believe that is what they are calling it, is going to be very effective if they use force, like they used on my friend. He's had a lot of problems. You have his name because I did come up (to ACRB office) as a courtesy of reporting this. I'm going to bring him back next month because of an ongoing confrontation with an old zealous officer who has a history with this person."*

*Mr. Michael continued to express his concerns regarding MARTA police indicating that he felt that the new safety program was really geared towards getting rid of homeless and people who pan handle. He feared that these people, who are the focus of the program, would encounter unnecessary force from officers who are not well trained and pronged to use excessive force.*

**ADJOURNMENT**

The **Chair** entertained a motion to end the meeting. It was moved by **Harrison** to adjourn the meeting. **Morris** seconded. The meeting adjourned at 7:38 p.m.

Approved as to form and content,  
Alan Morris  
Board Secretary,  
  
Signature  
Date: January 9, 2014