The March 2017 meeting was called to order at 5:31 p.m. by former Vice Chair Bozarth who was asked to preside over the meeting by the Chair who was ill, and due to the absence of the other two officers’ work related schedules.

**Special Note:** The meeting was scheduled to start one hour early to accommodate training for the board; however, it should be noted that the training was postponed and at the time of order, the board lack the requirement for a quorum. While awaiting a quorum, the Executive Director made a special presentation of the Mayor’s Phoenix Award.

In special recognition, Director Reid presented Dick Blick Art Materials with the Mayor’s Phoenix Award. Present to accept the award was Elizabeth Hartzell, General Manger. The Phoenix Award is presented to individuals who have made significant contributions to the local community, and are celebrating a major milestone. The company has generously provided art supplies to ACRB’s 2016 and 2017 Art & Essay Contests. This year, Dick Blick Art Materials has made a commitment to provide supplies to over 200 Atlanta Public Schools and Libraries.

**AGENDA**

Following the special recognition, by a show of consensus, the meeting was suspended awaiting a quorum. At 5:55 p.m., the board reconvened with a quorum.

**ROLL CALL**

(The ACRB has thirteen members)

**ACTIVE MEMBERS PRESENT**

BILL BOZARTH (Bozarth)  
HAROLD HARDNETT (Hardnett) (Arrival 5:55 p.m.)  
TRACEE MCDANIEL (McDaniel)  
SHUNTAY PITRE (Pitre)
ACTIVE MEMBERS ABSENT
GINO BROGDON (Brogdon)
PAUL BARTELS ((Secretary/Bartels)
SHERRY WILLIAMS (Chair/Williams)

VACANT BOARD SEATS
APAB-NPU, Group M-R one (1) month
APAB-NPU, Group S – Z (one year and 10 months)
City Council President (nine (9) months)
Coalition for the Peoples’ Agenda (11 months)

STAFF & CITY EMPLOYEES ATTENDEES
SAMUEL LEE REID, Executive Director (Reid); SHEENA ROBERTSON, Investigation Manager (Investigator Robertson); BRIAN FLEMING, Investigator, Sr., (Investigator Fleming); MYOLA SMITH, Project Manager (Smith/Transcriber); LYNN GARRETT, Executive Assistant (Garrett/Transcriber);
MELISA REESE, Administrative Assistant (Reese); VIRGINIA ROBINSON, COA Law Department, (Robinson); LIEUTENANT SCOTT BENNET, Atlanta Police Department, (Lt. Bennet).

APPROVAL OF MINUTES OF THE LAST MEETING, FEBRUARY 2017

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

BOARD TRAINING – OPEN RECORDS/OPEN MEETING ACT

Special Note: It should be noted that the training on Open Records/Open Meetings Act, presented by the Office of the City Attorney’s Office has been postponed to April’s board meeting due to the lack of board members attendance. Next month’s training will begin promptly at 5:30 p.m. Director Reid has requested that all board members be in attendance for this important training.

Presiding Chair Bozarth asked that in the future, when the agenda is going to be adjusted, especially when the adjustment effects the time of the meeting that more notice be provided to the members regarding the change.

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:

Special Introduction:

Director Reid introduced Attorney Kaleema Al-Nur. Ms. Al-Nur will be working under contract for ACRB to assist with case back log. She came to ACRB as a Community Volunteer Ambassador Program (COVAP) volunteer because of her commitment to building more trust within the community.

- New Board Officers
During the February board meeting, the Board re-elected Sherry Williams for the ACRB Board Chair, Gino Brogdon for Vice Chair, and Paul Bartels for Secretary.

- **APD Citizens Academy**
  The next APD Citizens Academy begins March 15, 2017. Board members interested in attending the academy should contact Executive Assistant Lynn Garrett as soon as possible to register for the class. Board members will receive a stipend of $50.00 per training day.

- **Reports to Appointment Entities**
  Board members are encouraged to continue to report to their appointing entity and to communicate to the staff that they have made their report.

Members should report to their appointing entities at least once a quarter; however, the staff has only been receiving notification of reports to appointing entities from two to three board members.

This is a requirement of the ordinance. As a result, Reid recommends that the board place on the April agenda, and going forward, an item title “Board Member Appointing Entity Report.” This would allow those board members who prefer to make oral reports to do so on the record. Board members would simply state the appointing entity meeting they attended or provide a copy of the communication that they sent to the appointing entity. The report should contain the highlights of the report to the appointing entity. For example, board member A (appointed by XYZ) attended the March XYZ meeting and informed the organization of the ACRB’s roll out of the mediation program, the new information that has been placed on the ACRB website, and the COVAP volunteer opportunities.

- **Important Financial Disclosures Dates**
  If you served on the board after February 15, 2016, for any period of time, by law, you must file a disclosure.

  ✓ March 1, 2017 – Go Live Date. 2017 Financial Disclosure Statement is available online.
  ✓ March 20, 2017 – E-Filing in City Hall Atrium
  ✓ April 3, 2017 – Filing deadline
  ✓ April 17, 2017 – Filing grace period ends
  ✓ April 18, 2017 – Late filing penalties begin

- **BWC Training in April**
  The APD will provide BWC training to Zone 4 officers from April 3 through April 7, 2017. If a member has not attended the BWC training, please contact Lynn Garrett to schedule a time to attend. There is a limit of two ACRB spots. Board members will receive a $50.00 stipend for the training.

- **Website Members’ Only Section**
  The ACRB has placed April cases in the ACRB “Member Login” section of the website. Board members should receive an email with a user name and password, and detailed instruction for how to access the section. The password can be reset once logged in with the provided password.

  For those who would like to receive their cases via Members’ Only section, please send an email to Lynn Garrett, ldgarrett@atlantaga.gov and Myola Smith, mmsmith@atlantaga.gov indicating your preference.

- **New Board Forms**
  As an administrative improvement, the staff is requesting that Board members use the Outreach participation form and the Training Attendance Form for verification and standardization of the tracking.

- **New Policy**
The office has created a new policy for the submission of documents for the office. During Board meetings, all board member documents must be submitted to Lynn Garrett. If emailing verification of training or outreach attendance, the emails also must be sent to Garrett. The policy is an attempt to make the Board member administrative process and procedures more efficient.

- **Mediation Roll Out**
  The ACRB mediation program is scheduled to kick-off on March 13. This Friday, the agency will release an Op-Ed piece on the importance of the mediation program. Over the next two weeks, the agency will roll out the program details to the public through various media including radio, interviews, news releases and distribution of printed materials.

- **Community Outreach Volunteer Ambassador Program (COVAP) Meeting**
  COVAP held a meeting on Saturday, March 4, 2017. The group expressed concerns about APD’s rollout of the BWCs and the ACRB’s follow-up information related to the APD BWC cameras. One member expressed that the APD should make efforts to speed up the rollout of the cameras so every officer would have the tool before the summer begins. Comments about the ACRB’s follow-up to the BWC report centered on the agency providing an update to them and the public.

**Discussion and Comments…**

1. **(Bozarth)** What does the mediation consist of?
2. **(Smith)** The program will roll out on Monday, March 13th over the next two weeks starting with ongoing announcements, media interviews, PSA development, an Op-Ed piece and distribution of brochures. We have specific brochures for the citizen and brochures specifically for the officer both designed to explain the merits of the program in detail. We think that this is going to be a great opportunity as an alternative to an investigation. There is a lot to be said about this program. We have been very successful in bringing on some very experienced mediators. We are really excited about the program.
3. **(Bozarth)** When you said bring them on...you mean that they are standing to be assigned...
4. **(Smith)** They have not actually signed an agreement or contract as of yet, but in our meetings with some and through emails they have accepted and they are very excited about being involved. Three have been trained through the Justice Center. They come highly recommended and we are really excited about the quality of the mediators.
5. **(Bozarth)** Go back to the Police Academy to clarify for me. How many dates of attendance are required to commit to that?
6. **(McDaniel)** Do you know how many days per week?
7. **(Reid)** It’s one day a week for three hours a session for a total of eight weeks. Usually, it is on a Wednesday, from 6:00 p.m. to 9:00 p.m. Members will receive a stipend of $50.00 per night for the training. The training is at the Academy located at 180 Southside Industrial Parkway.
8. **(Garrett)** An email was sent out with the information and application.

**Note:** Presiding Chair Bozarth acknowledged the arrival of Board Member Harrison.

**INTAKE REPORT FOR FEBRUARY 2017**

Investigation Manager Robertson reported that for the month of February 2017, the ACRB received sixteen (16) complaints.

A. **COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS:**
   The ACRB staff is seeking approval to possibly dismiss eight (8) of the sixteen (16) complaints. Four (4) complaints are waiting for signatures. 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. 17-020 – Harassment**
The Complainant alleges that he is being harassed by APD officers. *Awaiting Complainant’s signed complaint.* If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as a harassment complaint. If signed complaint is not received, then recommend dismissal.

2. **ACRB Case No. 17-021 – False Arrest**
A Caller contacted the ACRB office to file a false complaint on behalf of two Complainants (the Caller has no firsthand knowledge about the incident). The Caller was advised to have the Complainants contact the ACRB to file a complaint. *Awaiting the Complainants’ signed complaint.* If the signed complaint is received within the next few weeks, then recommend investigation as a false arrest complaint. If signed complaint is not received, then recommend dismissal.

3. **ACRB Case No. 17-022 – Unlawful Eviction, Rude & Unprofessional Behavior**
The Complainant alleged that on January 30, 2017, APD officers unlawfully assisted the landlord with getting her evicted. She also alleged that the officers were rude and sarcastic when speaking with her and her family members. The Complainant further alleged that one of the officers removed his Body Worn Camera and gave it to the landlords so that they could go inside the residence and record footage. *Awaiting the Complainant’s signed complaint.* If the signed complaint is received within the next few weeks, then recommend investigation as an appropriate action required and conduct complaint. If signed complaint is not received, then recommend dismissal.

4. **ACRB Case No. 17-024 – Excessive Force**
The Complainant alleges that correction officers at the Dodge State Prison used excessive force against him on November 10, 2016. *Recommend dismissal for lack of jurisdiction.*

5. **ACRB Case No. 17-027 – Conduct**
The Complainant alleges that on February 10, 2017, while driving on Metropolitan Avenue, he observed an officer drive around six people and run a red light. He alleges that what the officer did was illegal. The Complainant did not have a description of the officer (except that he was white) or the patrol car number. *Recommend dismissal for lack of information.*

6. **ACRB Case No. 17-026 – False Arrest, Excessive Force & Mishandling of Personal Property**
The Complainant alleges that on December 19, 2015, he was falsely arrested, tased and his personal property was mishandled by APD Officers. *Recommend dismissal because the incident occurred outside the 180 days and is time barred.*

7. **ACRB Case No. 17-028 – Unknown**
The Complainant contacted the ACRB to file a complaint against APD for an incident that occurred between 1992 and 2002. *Recommend dismissal because the incidents occurred outside the 180 days and are time barred.*

8. **ACRB Case No. 17-030 – Inhumane Treatment**
The Complainant, an inmate at the Fulton County Jail, is alleging inhumane treatment by the prison officials. *Recommend dismissal for lack of jurisdiction.*

9. **ACRB Case No. 17-031 – False Arrest**
The City of Atlanta Auditor’s Office forwarded a complaint to the ACRB that their office received from the Office of the State Inspector General, a complaint filed by a Complainant alleging false arrest by APD officers and misconduct on behalf of judges pertaining to an
incident that occurred in 2013.  

**Recommend dismissal because the incident occurred outside the 180 days and is time barred.**

10. **ACRB Case No. 17-032**  
The Complainant alleges that he was falsely arrested by Clayton County Police in May 2016.  
**Recommend dismissal for lack of jurisdiction.**

11. **ACRB Case No. 17-034 – False Arrest, Excessive Force & Inappropriate Conduct**  
The Complainant alleges that in October 2016, APD officers falsely arrested her, used excessive force and inappropriate conduct towards her.  
**Awaiting the Complainant’s signed complaint. If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as a false arrest, excessive force and appropriate action required complaint.**

12. **ACRB Case No. 17-035**  
The Complainant alleges that on March 2, 2016, he was falsely arrested by APD officers.  
**Recommend dismissal because the incident occurred outside the 180 days and is time barred.**

**Investigation recommendations:**

The following four (4) cases are recommended for investigation:

1. **ACRB Case No. 17-023 – False Arrest & Intimidation to Provide False Information**  
The Complainant alleges that on February 2, 2017, he was falsely arrested by APD.  He further alleges that he was instructed by officers to lie against his brother.  
**Therefore, recommend investigation as a false arrest and conduct complaint.**

2. **ACRB Case No. 17-025 – Excessive Force**  
The Complainant alleges that on January 25, 2017, he was slammed to the ground by APD officers for no cause and as a result, he sustained injuries.  
**Therefore, recommend investigation as an excessive force complaint.**

3. **ACRB Case No. 17-029 – False Imprisonment**  
The Complainant alleges that on January 18, 2017, an APD officer refused to allow her to leave a Family Dollar Store.  
**Recommend investigation as a false imprisonment complaint.**

4. **ACRB Case No. 17-033**  
The Complainant alleges that she felt racially profiled and harassed by an APD officer when she was stopped on February 23, 2017 in the Virginia/Highlands area.  
**Recommend investigation as a discrimination and harassment complaint.**

B. **RECONSIDERATION OF COMPLAINTS**

1. **ACRB Case No. 16-162 – False Arrest**  
The Complainant filed a false arrest complaint against APD officers pertaining to an incident that occurred on November 9, 2016.  
**The Atlanta Municipal Court records show that on December 5, 201, the Complainant plead guilty to the charge stemming from the arrest. Therefore, recommend dismissal for lack of merit.**

2. **ACRB Case No. 17-007 – Conduct**  
In January 2017, an Anonymous Caller filed a conduct complaint against APD Officer J. Clark, alleging that on December 23, 2016, he was responsible for getting a shuttle bus driver for
Airport Park Ride, suspended by lying to the driver’s manager that she was acting in an unprofessional manner pertaining to an incident involving the driver and the officer on said date. The caller stated that the alleged incident between the officer and the driver occurred on December 23, 2016 at 10:45 a.m. at the South Terminal of the Airport.

Preliminary investigation revealed that, according to the APD records, the only officer with last name Clark and whose first name begins with a J (Jerry) is a recruit that is and has been assigned to the Training Academy. Furthermore, according to the APD’s records, there is only one officer whose last name is Clark that is assigned to the Hartsfield-Jackson International Airport precinct and his first name is Damien. However, their records show that Officer Damien Clark is assigned to the Airport Sections Evening Watch (2:00 p.m. to 11:00 p.m.) and on the day of the incident, he was on patrol at the North Terminal Car Lot.

Therefore, recommend for dismissal for lack of information.

Discussion and Comments...

1. (Bozarth) Is this one of your first anonymous complaint?
2. (Robertson) We had another one prior to this one. This is a second one that we have received.
3. (Bozarth) I guess that they can become problematic because you don’t always have much to work with.
4. (Robertson) In your package, you are receiving an anonymous complaint. That’s one case that you will be able to make a decision on.
5. (Bozarth) We’ll hear that in April?
6. (Robertson) Yes.

C. BOARD VOTES ON INTAKE REPORT

Houston-Torrence moved to accept the Intake Report for February. Harrison seconded. Hearing no further discussion, the motion was approved.

COMPLAINTS REVIEW:

ACRB CASE NO 16-072

A. ALLEGATION SUMMARY

The Complainant alleged that on April 28, 2016, while in the vicinity of 62 Coca Cola Place, SE, Atlanta Police Officer Quinton Green falsely arrested him.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of False Arrest against Officer Quinton be assigned a finding of Not Sustained (the investigation established that the alleged acts occurred, but were justified, legal or properly within Department policy).

Discussion and Comments...

1. (Houston-Torrence) This is the same person that we are reconsidering? Is that correct?
2. (Robertson) Yes.
3. (Bozarth) This is a case where there’s a 911 call and the officer arrives; arrested the man on the scene; there’s an altercation and he accused of false arrest.
Harrison moved to adopt staff’s recommendation to assign a finding of Not Sustained for False Arrest against Officer Green. Houston-Torrence seconded. Hearing no further discussion, the motion was approved with one opposing vote (Pitre).

ACRB CASE NO 16-093

A. ALLEGATION SUMMARY

The Complainant alleges that on June 22, 2016, Atlanta Police Officer Phillip Skidmore unlawfully entered her residence and detained her. The Complainant further alleged that Officer Skidmore engaged in unnecessary excessive force when he struck her with the handcuffs, repeatedly struck her through her body and dragged her throughout the residence.

B. STAFF RECOMMENDATION

ACRB staff recommends that the allegation of False Imprisonment against Officer Skidmore be assigned a finding of Exonerated (the investigation established that the officer’s act was lawful, justified and in accordance to APD policy).

ACRB staff recommends that the allegation of Appropriate Action Required against Officer Skidmore be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence that the officer committed the allege acts of misconduct).

ACRB staff recommends that allegation of Excessive Force against Officer Skidmore be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence that the officer committed the allege acts of misconduct).

Discussion and Comments...

1. (Bozarth) He came there to because some people that accused the Complainant of having taken the dog. It’s a trailer park; they went into her unit. The officer went there and asked the question; she opened the door...closed the door. He got himself back in. He tried to ask her to submit to being handcuffed. She resisted. She was a large woman. They said that she was 350 lbs., so naturally, there were difficulties restraining her. There were some interviews with witnesses that provided information.

2. (McDaniel) From reading this report, it said that Officer Skidmore; after he had originally spoke with the Complainant, he was leaving and then he heard a dog bark and then that’s when he turned around?

3. (Robertson) Yes.

4. (Bozarth) As it turned out, the dog inside was not the dog that the people had accused her of stealing and I think that’s part of your rationale, right? Because he did think that the dog was inside...he had reasonable suspicion to go in and investigate.

5. (Robertson) Not to go inside of the resident for her to be handcuffed. He should have questioned her further about the dog. She did have the dog in her possession that day.

6. (McDaniel) Officer Skidmore explained that he got into the resident because she pulled him inside?

7. (Robertson) Correct.

8. (Bozarth) We did interview two witnesses. Witness Clark did corroborate what the Complainant said. Did you see some problems with the credibility of the testimony?

9. (Robertson) The other witness said that she allowed the officer inside.

10. (Bozarth) He was not necessarily rough with her. Again, Witness Clark’s testimony corroborate to that. Did that influence you in any way?

11. (Robertson) The video didn’t show that. The video didn’t capture him at the door. It captured him after he had gotten outside.
12. **(Bozarth)** And you didn’t interview the officers because they already had the testimony from OPS?

13. **(Robertson)** I had the OPS investigation, the incident report and the video and there was no inconsistency that was needed to have to call the officer to interview him again.

14. **(Bozarth)** And I assume OPS did not sustain the officer? Correct?

15. **(Robertson)** I think that he was exonerated.

16. **(Lt. Bennett)** He was not sustained on the appropriate action required. He was exonerated on false imprisonment.

17. **(Robertson)** Entering the resident was a not sustained.

18. **(Bozarth)** Are you recommendations consistent with OPS findings?

19. **(Robertson)** Yes. Let me correct that. For false imprisonment...exonerated. We recommend exoneration. For the second two issues, we’re saying not sustained.

Pitire moved to accept staff’s recommendation to assign a finding of Exonerated for False Imprisonment, Not Sustained for Appropriate Action Required and Excessive Force allegations against Officer Delicioix. Houston-Torrence seconded.

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

**ACRB CASE NO 16-147**

**A. ALLEGATION SUMMARY**

The Complainant alleged that on October 7, 2016, Atlanta Police Officer Roderick Bowens unlawfully stopped and detained him for not wearing a seatbelt.

**B. STAFF RECOMMENDATION**

ACRB staff recommends that the allegation of False Imprisonment against Officer Bowens be assigned a finding of not sustained (the investigation established that there is insufficient evidence that the officer committed the allege acts of misconduct).

Discussion and Comments...

1. **(McDaniel)** The Complainant had presented the shirt that he said was similar to the seatbelt...would that have made a difference?

2. **(Robertson)** No. The officer said, from where he was positioned when the Complainant was driving in his vehicle; which was about 10 feet away, he clearly could see that he did not have his seatbelt on. He said that is why he initiated the stop. He could clearly see when he put on his seatbelt.

3. **(Bozarth)** Did this case go before a judge?

4. **(Robertson)** It’s still pending.

5. **(Bozarth)** For something like this, it is clearly something that could be resolved by the courts. You might reconsider in the future this not being a real complaint. It’s really whether the charge was true. It’s not necessarily a misconduct by the officer; just a disagreement. Have you thought about whether something like this should be a case?

6. **(Robertson)** Mr. Reid, would you like to address that? We are talking about traffic citations.

7. **(Reid)** In the past, yes, for those false arrests complaints... are the ones that we try to resolve. Next month, you are going to see a couple of cases, but in terms of case load, we currently have fifteen, that are holding waiting for the court to resolve. Our ordinance allows us to be able to take these cases. If the board decision is to just to hold on to them, we can do that. But understand that we have our process on what we need to do. In this case here...we will respond back to you.
8.  *(Bozarth)* I am not asking for a major decision on this.  I just think that this is one for the courts.

9.  *(Hardnett)* In a situation like this, the officer does not show that the driver did not have a seatbelt on from his body camera tape...was it automatically thrown out of court?

10. *(Bozarth)* I understand the body worn camera protocol...he would turn it on when an incident occur, but the timing of seeing someone in the car and being able to capture that on a video...although it has 20 seconds of lead, so that is capturable.  Would you agree Lieutenant?

11. *(Lt. Bennett)* Yes.

12. *(Bozarth)* So if happened to be aiming that way, he might have caught it.  There a possibility that we could have gotten some evidence.  I think in the future, we are going to get better data with the cameras.  This is only my opinion.  This is not a board’s decision at all, but seems to me that the courts should be able to handle it.

13. *(Houston-Torrence)* For me it was quite simple.  It was a matter of the officer’s word against the complainant’s.  He had no witnesses.

14. *(Bozarth)* So you agree with something like this.

15. *(Houston-Torrence)* Yeah, I’m just not clear on what goes first.  I think that this particular case is cut and dry.  There are no witnesses.

16. *(Harrison)* The allegation is false imprisonment, so if he was stopped then the officer would articulc suspicion...then no false imprisonment.

*Harrison* moved to adopt staff’s recommendation to assign a finding of not sustained for False Imprisonment against Officer Bowen.  *Hardnett* seconded.  Hearing no further discussion, the motion was approved.

**OLD BUSINESS / NEW BUSINESS**

None

**PUBLIC COMMENTS:**

No Public Comments

**CLOSING COMMENTS:**

*Director Reid* recognized guest, Alvin Lolic, Legal Investigator from the City of St Louis Department of Public Safety Civilian Oversight Board.  Mr. Lolic expressed an interest to learn more about ACRB’s citizen oversight.

*Discussion and Comments...*

1. *(Bozarth)* Did you attend the NACOLE Conference?

2. *(Lolic)* Yes...it was great seeing people at the conference from all over the place and kind of made it a little easier to understand that we are not the only one facing some of the issues and problems that we come across.

3. *(Bozarth)* What are the appointing authorities?  Who appoints your board members?

4. *(Lolic)* We have seven board members that are nominated by the alderman out of each bordering city and appointed by the mayor.

5. *(Bozarth)* And how many board members?

6. *(Lolic)* Seven.
ADJOURNMENT

No further business. It was moved by Houston-Torrence to adjourn the meeting. Pitre seconded. The meeting adjourned at 6:33 P.M.

ACRB Minutes for March 9, 2017 were approved: April 13, 2017
Paul Bartels, Board Secretary

Transcribed: LG