The March 12, 2015 meeting was called to order by **Chair Harrison** at 6:32 p.m.

**AGENDA**

**ROLL CALL**

(Eleven Members of the Board)

**ACTIVE MEMBERS PRESENT**

PAUL BARTELS *(Secretary/Bartels)*

ALAN MORRIS *(Morris)*

BILL BOZARTH *(Bozarth)* Noted arrival -6:36pm**

GERALD SOUDER *(Souder)*

WILLIAM HARRISON *(Chair/Harrison)*

MACEO C. WILLIAMS, SR. *(M. Williams)*

SHERRY WILLIAMS *(S. Williams)* Noted arrival -6:45 p.m. **

**ACTIVE MEMBERS ABSENT**

RUTH PRICE *(Price)*

**VACANT BOARD SEATS**

Office of the Mayor *(vacant 1 year and 7 months)*

Atlanta Business League *(vacant 2 years and 9 months)*

Gate City Bar Association *(vacant 7 months)*

**STAFF ATTENDEES**

SAMUEL LEE REID, Executive Director *(Director Reid)*; SHEENA ROBERTSON, Investigation Manager *(Investigator Robertson)*; ROBIN LOLAR, Investigator, Sr., *(Investigator Lolar)*; BRIAN FLEMING, Investigator, Sr., *(Investigator Fleming)*; CHARLES CURRY, Community Outreach Specialist *(Curry)*;

MYOLA SMITH, Project Manager and Minutes Transcriber *(Smith)*; SAUL SCHULTZ, City Attorney Assigned to ACRB, COA Law Department,

*Chair Harrison* welcomed members of the public to the meeting.
Chair Harrison directed the Board’s attention to the minutes for February 12, 2015. The floor was opened for discussion and corrections to the minutes.

Noted for the record, M. Williams said, “I see that my name is just down here maybe twice, one at the call for adjournment and the one I got highlighted. But I got my name in there somewhere, else. I know that I had a lot to say at the last meeting and especially about the crook that we were going to hire by accident and the conversation that went down with interaction with Bill Harrison. That did not get put in the minutes at all. I’m talking about the person that got caught out there in Conyers, as well as, came to our meeting a few time, saw me a few times, you know, and then, also, said that he was in the company of Ruth Price. Which didn’t get put down there, which should have gotten put down? So, I just want that to be on the record because the people need to know that.”

Smith responded. “As a reminder and this has been said many times, if you want to guarantee your comments are included in the record, you must indicate that it is for the record. We can’t include every statement or comment, the minutes would be 30 or 40 pages long, but if you have a comment that you feel is important, simply say, ‘for the record’ and it will be included. Thank you.”

Morris moved to adopt the minutes. Bartels seconded. Hearing no further corrections or discussion, the motion was approved with comments. There was one opposing vote by M. Williams.

**Chair recognized the arrival of B. Bozarth (6:36 p.m.)

EXECUTIVE DIRECTOR’S REPORT

The following are highlights from Director Reid’s report:

A. CHANGES TO THE ORDINANCE

Reid provided an update on the changes to date. He indicated that he had received comments from only a couple of the board members, Bozarth and Bartels. He said that the current ordinance has been reorganized and marked up in such a way that once the city attorney has another look at it to see if it’s meeting a more consistency with how they normally present things, then we will be moving forward and talking with city council members and other people in the community to get these into law. “I’m hoping that we can get this done this quarter. Now the thing we are up against is the budget season which has started, so I’m going to talk about that in a second and Council being in recess. The Council’s Public Safety Committee will meet March 10th and the 24th, and only one time in April. So it’s going to be tight, but we are going to try and make it happen. So the goal is to find a sponsor for these changes and then get it to Public Safety on the agenda, and then we proceed with the normal process. We will talk to several council members and make sure they understand what we are trying to do and hopefully, one of them will sign on to it and bring some of the others along with them. You know, last year, at the budget meeting that we had, Councilmember Martin had expressed that it’s probably time for us to revisit the ordinance since we have been in operation for a while and maybe there are some things that need to be changed and tighten up on. Just by us working with it every day, we notice some things that probably could be done a little differently. So taking that view we are going to proceed trying to get it changed.

Discussion:

1. Chair: What help do you need from us, since the board has some contact with certain Councilmembers?
2. Reid: “The help that we need from the board is bringing it to the attention of the council members, and if there’s anyone that you know who may be interested or helpful in getting the ordinance changed as well. What we are talking about is significant change and one of them
being the detail of the letters we receive from the police department. That’s critical because what we find ourselves in now, is that, we get the letters from APD saying we completed our investigations and we disagree with the ACRB’s findings. Well that doesn’t tell us enough. So what we have to do now is go back and look at all these cases. What we are not getting is a letter pointing out well during the course of our investigation we uncovered some new evidence, or we believe that the discrepancies between what the citizen and officer said is so great that we could not discipline the officer, or something, you know; something to give us more to hang our hat on so we can have this conversation about why discipline wasn’t done. So that’s one of the most critical pieces that we need to make sure happens. Then, of course, the other one is, it’s the allegations, the expansion of the jurisdiction. We are dismissing approximately thirty percent of the complaints that you see in our intake and that is very disturbing to the citizens. We need to try to correct that and expanding the jurisdiction will allow us to be able to do that. And another one is mediation.”

3. Chair: “You want to have all this done by March 31st?

4. Reid: “No, no. I didn’t put a date on when we want to have it done because all that is dictated upon having someone sign on to it and presenting it through the process. So now what we are trying to do is make sure that it’s in a form or format that it needs to be in and then talking with council members to find someone who will be willing to sign on and sponsor it. It may be a thing that after talking to the council members, so when they say; I like the idea, but I don’t want to do all that. I just want to do this and this; so we might have to break it up some, but the goal is to pass some changes in place.”

5. Chair: “What piece do you want to have completed by the first quarter?”

6. Lee: “I would like to have all it done by July as we walk into the new fiscal year; but realistically with the budget stuff and recesses and taking in everything like that it maybe a little challenge. If it doesn’t take that long to get someone to sign on to it, then maybe we might be able to slide in there. But I know that if you guys are contacting the council members expressing a need for the changes and getting it in front of the public safety committee, hopefully soon, would help move it along. The other thing we don’t want to happen is it goes before them and then they get stuck and they decide to put it on hold, then we will be just waiting in limbo. Hopefully, we can get it on the agenda and present at the meeting, April 28th.”

7. Chair: “Why don’t you have proposed dates for every step? And that way it’s easier for the board to stay in line with what’s going on. Alright, so at your next executive report you can offer dates as to when you expect certain things to happen. Then it’s easier for us as a board to be able to keep up.”

8. Reid: “Yes.”

9. M. Williams: “This deadline is April 28th and our next board meeting is the 2nd week in April. That mean this time line is going to be like today or today after tomorrow.”

10. Reid, “The April 28th date is the outside date that I want to be able to have someone signed on and able to present at the public safety meeting, which by that time, all the changes that needed to be made, would then be done. Now the best case scenario would be somebody signs on and says, hey, I’m willing to do this you can bring it at the March 24th meeting. Like, I’m sort of iffy about that one because right now we just wrapped up the budget stuff so that’s what we are really getting into right now.”

11. Board Attorney Schultz: “Generally speaking when legislation is introduced by a councilmember it’s usually done at the end of the city council meeting, not usually at the closing. So, I think the April 20th would be the city council meeting they have on Monday. Generally that’s when papers introduced by council members are handled at the very end of the city council meeting.”

12. Chair: “This is a long process it’s got several steps to it and if Lee were to lay out at our next meeting, which is going to be the second week in April, dates for all of those proposed steps not just the step that have been completed, but all of the steps then it makes it easier for us to follow through.”

13. M. Williams: “I hear you. I hear you. But at the same time what type of mass location are you talking about expanding out to? What’s our limit on this new proposal?”
14. *Reid*, “You remember at the last meeting, February, when we were in Buckhead. I made the presentation for about 15 or 20 minutes talking about the ordinance changes. That’s what this is about. Then I emailed the same information to you asking for you to send in your responses and comments about the changes. So this is what I need to have happen, I need the board members to go back and look at that email with those changes that I am proposing. Look at it, send your suggestions to me because we are at the stage where I’m trying to finalize a product that I can present to someone and if there is still questions hanging out there that people don’t understand or just not clear on; or feel that things should be handled differently, we need to have that discussion before I go talk to a city council member about what we are proposing, ok? So that’s where we are.”

15. *Chair*: “Yeah, but I think Maceo’s question went more towards jurisdiction, right?

16. *Reid*: “There was a meeting scheduled on a Monday, about two weeks ago for members to attend. If you were not able to attend then in lieu of attendance, you were asked to send in your comments about the proposed changes. Several board members submitted their comments and informed me that they weren’t going to be able to make it, but here are my thoughts. I did not hear from everyone. I was here for the meeting but no one else came. So look at the information that’s been sent out because the train is moving and we want to try to keep it moving. I will probably have some tentative dates, but definitely by the next board meeting I’ll be able to let you know exactly what’s happening, as far as, moving forward, and how to do so. Some of the things that we are trying to do in the next budget year is tied to things that are already in the ordinance, such as, having a mandated program for community outreach. So we will be asking for dedicated staff to do outreach, which will allow us not only to have a structured program, but also, for us to be able to concentrate on a lot of our core functions that we are supposed to have and that are already part of our mandate. We will also be discussing office space. My intention was to have an annual report for you guys, today. But with the new things that came down for the budget, I had to drop that to start working on some information that had to be submitted by tomorrow morning. So, I’m hoping that we can have the annual report to you guys over the next couple of weeks.” *Reid*, also noted that last weekend, he participated in a panel discussion about community and police dispute resolution and police reform. The event was hosted by the University Of Georgia Law School. “If you want more information on that, I have two documents that I could send out to you related to my panel. Also, there was a town hall on Saturday before that, which dealt with the Chain Visions Advocacy Group that was at the Apex Museum, and it was a good affair, also.”

17. *Chair*: “Yes, would you please send that information about the panel out to the board. *Reid* indicated that he would.

18. *S. Williams* asked about the findings and conclusions from the panels. “What were most of the people saying, requesting, what were their common themes?”

19. *Reid*: “Most of the concerns from the two panels was, the sense was people were concern about police actions and can it ever change and that it’s good to have programs and agencies in place. But, if they don’t have support they can’t do their jobs effectively. So that’s pretty much where they were coming from. Regarding the forum at the Apex Museum, a lot of the discussion was focused on the police department because the assistant chief was there. And a lot of that discussion was how serious are they about trying to address citizens’ concerns. Cecil P. Jones of APD was there. The forum was good. It was a small crowd, but it was an opportunity for people to really ask questions and be engaged in the process. A presenter from U.G.A. talked about things we need to look into if we are really trying to affect the police and have an impact on how police officers deal with citizens. I thought that was very interesting and actually I wanted to reach out to him so we could have further conversation about it. See if there is something we could do as an agency down that line.”

20. *M. Williams* regarding the proposed ordinance changes, “I’m still baffled, ok. The fact that we have been reaching out and asked some people to submit things; asked organizations to submit things; asked for Peoples Agenda to submit things. So, I’m asking Georgia stand-up, Georgia trade-up, Georgia build-up, to help us out. And submit things for ordinance changes that are going to affect your life out there because y’all are the citizens and the folks that’s...”
getting beat down, getting shot at by bullets or tasers, okay, and stand up for what you talk about every day that I’m with you all the time for anyway, so we need your help. That’s what I’m talking about.”

21. Reid: “I understand but the things that we have been discussing are the core changes that we want to see in the new ordinance. So we will need the board’s help talking to the council members to get the changes included.”

22. Bozarth: “This is not a question, but in terms of your strategy for needing someone on the council that will carry the legislature forward, let’s talk about that tomorrow. I want to exchange some thoughts with you on that, so I’ll call you.”

B. COMMUNITY OUTREACH
Charles Curry provided an update reporting that the agency continues to work with various organizations including civil rights organizations, LBGTQ community, women’s groups, community groups, and the message is always the same, you should know your rights and you deserved to be heard. The following are highlights from his report and recent outreach activities:

Know Your Rights Workshops
“This will become a much bigger, broader outreach.” Recent workshops were held at the Darnell Center to about 100 seniors and at the Urban League to ex-offenders and a pre-prom night presentation over the weekend to teens to let them know what they should know and do if they should encounter the police.

Distribution of General Information
On Wednesdays a group called ‘Under the Bench’ provides meals for the homeless at Woodruff Park. ACRB partnered with them with them for this activity and distributed information.

Community Partnerships
Outreach is partnering with big organizations and small organizations. “We get in where we fit in and we offer people to do the same with us. At the Mall West-End on selected weekends, we were available to take complaints as people shopped. We also have developed a relationship with the Atlanta Fulton County Library system.” ACRB Outreach has brochures and information in all 34 branches with plans to expand our presence even more in the incoming weeks and months. “We will be a part of the story time reading that they do on a regular basis for the spring and the summer. You will see people reading ACRB activity books and other media to the young kids. ‘Know your rights’ training will be offered at the libraries for age groups 3-5, teenagers and for adults, as well.”

Media
Curry reported that at the February board meeting held at the Peachtree Hills Recreation Center, there was an anchor and reporter from 11Alive television in attendance. “She did a very positive report about expanding the ordinance on 11Alive. Recently over the past weekend, the executive director appeared on NPR radio station WAVE and we were given time on the air to review claims by Chief George Turner that ACRB does not have subpoena power. So the by-product of all this is that we are gathering on groups and volunteers for supporters to getting much needed feedback from citizens and we’re getting the word out about ACRB on a lot of different levels.”

Discussion...
1. Bozarth: “Charles let me give you some feedback from the meeting at Peachtree Hills because it was in my part of town and I did my best to get some people in there. Actually a few people who came were a result of that. When we have a public venue like that, one of the things that made it less affective and I think you will agree with this, was the distance between the audience and us; it was the set-up, as if two hundred people were going to come and be in the bleachers when in fact there was a dozen or so. In the future, I would just advise you to try and create a more intimate setting. Maybe just put out some chairs and move those folks right in front of us, so that we didn’t
have the challenge of them not hearing us as well. And of course there were the facility challenges of the blower being so loud we couldn’t hear ourselves. So, we can go to the venue ahead of time, to make sure those things are taken care of and being ready to be flexible, for instance, to move people so they can actually hear us. I think that would make those community outreach meetings more affective and just adding, I would like to see us do more meetings per year instead of in this room and venues like that in the community.”

2. Curry expressed his appreciation regarding the comments. “I thank you so much and I agree with what you are saying. We have anticipated some of those things where the sound system and a few other things that didn’t turn out the way we wanted, but we have noted all of those and we are going to be acting accordingly.”

3. M. Williams: “Can I break that down one second here? That means that if you wanted to host us at your meeting, I’m meeting at your house, you can invite all your folks to it?”

4. S. Williams: “Have you had any conversations with the ‘Concern Black Clergy’?

5. Curry: “It’s been one of the most valuable experiences that we have had. The ‘Concern Black Clergy’ is a regular calendar event on my schedule. We attend that meeting every Monday from 9:30 a.m. to 2:00 p.m.”

6. S. Williams: “But have you actually done a presentation, getting on the program to do a present this year?

7. Curry, “Lee has presented to the group.”

8. Reid, “We did one after Christmas. It was their first meeting of this year.

9. Curry: “We received a lot of valuable information, contacts and resources from that group and now it is a regular thing with us...attending the meeting.”

10. Reid: “When we finally get our ordinance where we want it to be and every board member’s feedback and comments regarding the proposed changes, that will also be one of the places where we want to talk about the ordinance changes that we are looking at...as we try to move forward with it.”

11. M. Williams: “Is it possible you can get in touch with Brother Rasheed Richie? He reaches a lot of minority audiences.”

12. S. Williams: “He is on WAOK, 1390 AM and Derrick Bozeman.” “What about news media?”

13. Curry: “We are pursuing community newspapers that are charity responsible. We are trying to go to some of the major community newspapers that have the greatest impact. We are trying to see if we can do some work with them. Including The Ponce’s Press, The Archdiocese of Greater New York their newspaper, as well...we cover a wide range of community groups.”

14. M. Williams: “I can share a list with you, too.”

15. Chair: “I want to point out to you with regards to our community service stuff, all the activities that we are doing, and prior to your joining us and I want to make this part of the record so we can remember but, prior to you joining us, with regard to the board itself--all the members of the board--it makes it a little bit easier for us since we are volunteer members of the board and we have other interest, if at the beginning of the week you can send out a calendar as to what supposed to be approached.”

16. Several board members indicated that they were receiving a weekly calendar. Curry stated that he would check to make sure that the Chair’s email address was correct on his distribution list.

17. S. Williams: “I just want to thank-you for the progress that you have made so far. Obviously there are tons of organizations that are out there, we can’t be everywhere, but you have made some significant progress in the way people are, the more they see you, the more they will remember what you do, they will tell others as we get other organizations to come here. You know Director Reid, can tell you, if I had a million more of the cards, I hope you all have some more. You know, I can get rid of five hundred a week with no problem and people are always excited. I hand them out at the grocery store and I would advise our other board members, it’s not that you do something different, it’s wherever you go, when you in line at the Walgreens; there’s somebody in front of you, behind you and the cashier. You go through the drive thru window hand it to them, say I think that you or somebody you may know may appreciate this. They look at it and go, ‘oh yeah’ this is great. So that’s the way to really get to the grass root folk who actually need what we have and don’t even know to ask us for it.”
18. **M. Williams:** “I commend Sherry, she’s out there. That’s Debra Scott right there (pointing to a female in the audience) she’s over Georgia Stand-Up. She’ll be willing to host us one month. Have us at their particular area, they will get everybody out for us, so you need to interact with her.”

19. **Reid:** “Just real quick as it relates to the comments of Chief Turner. We did send a letter to Chief Turner and to the Police Department and to the radio station expressing that the ACRB does have subpoena power and everything. So that’s how we got on the radio, so we can try to clear that up. One of the challenges of the outreach is trying to just correct all of this information out there about the agency...one that we exist and two people not understanding what we do and our powers and everything. So that’s what we are trying to focus so much energy on getting this, having this sustainable outreach program.

20. **Chair:** “Let me respond to that to, Charles, you know, when you look at our board or our organization across the country, we actually have one of the most powerful, you know, our organization is amongst the most powerful in the country. So, you know if the Chief had said that and you had responded via letter, like send us email us a copy, so we can have it. That way when we have conversation we can actually clarify that. Because I was just on the phone with some people, actually, a member of the President’s commission last week. Had I known that I would have brought it up to him to say, “This is the kind of misinformation that goes on out there, but I didn’t know anything about it.”

21. **Reid:** “The host asked me why would the chief have said that, and I think it was, when you look at the context of his statement, it must have been one of those things where he forgot. Yeah, I don’t think it was intentional.” “The way he put it, was if the police chief says you must comply with an oversight agency then, as far as, making the officer’s come then why would you need subpoena power.” “As we know, subpoena power is more important right now for us, for third party stuff. Because we have the ordinance and we have the policy, so now if a new chief were to come in and want to change the policy then we would still by law have subpoena power which will play a big role. Therefore, when this was said, we had to try and go ahead and correct it. But you know the sad thing is even though we may have corrected it that day, we’re not going to get the same people listening to it the same day. I mean the day when the statements were made, ok. So we have to keep educating people about who we are and what we do.”

22. **S. Williams** asked if the Chief of Police could be invited to one of our meetings. “As far as, communications, it may be good to invite him once a year or two, to come and address us because when the left hand knows what the right hand is doing then we can be more affective and not rely on third parties to communicate our thoughts, our feelings and our concerns. The second thing is I would like to know what members of city council are our cheerleaders. Which one of them would stand in the gap and fight for us no matter what? If we don’t have a champion on city council then we need to find one. Because they are obvious our allies and perhaps the at-large people would be the best ones for us to deal with since they are all over the city.”

23. **Chair:** “I think all of the city council members are our cheerleaders. Because of the board itself, it was birth out of city council. They came together and voted and so the board exists. So we have to operate on the premise that all of the city council is basically a cheerleader for the board. Now I get what you are saying and I get what you are asking, but maybe that’s a conversation for another time.”

24. **S. Williams:** “I understand where you’re coming from, but obviously there have been elections and there have been people, but at the end of the day we still need to know. I understand, but still we need to know what one or two when we need something instead of trying to go to each one who can communicate what we need. Because obviously there is a communication issue.” “Because if we have an opening with the Mayor, if there was someone on the city council that, you know, would stand up and take some arrows. Because, you know, this is in their blood then I don’t think we would have that position opened, as long as, it has been opened.”

25. **Reid,** “Council member Martin during the public safety meeting, maybe a few months ago had sent a letter to the Mayor’s office requesting that they find someone to replace the last person who was appointed to the board by the Mayor’s Office. He has periodically been following up on that. So that’s been good.”
INTAKE REPORT FOR THE MONTH OF FEBRUARY 2015

Investigation Manager Robertson reported that for the month of February, the ACRB had twenty-one complaints and thirteen of those complaints staff is requesting a dismissal. Regarding the dismissals, she said, “I would just like to add that a lot of those allegations that we are dismissing, if we get an ordinance change, then we will move forward in our purpose because these will become cases that we will be investigating.

The following is a list of the ACRB complaints:

1. No. 15-017, allegation of False Arrest
2. No. 15-018, allegation of False Arrest & Excessive Force
3. No. 15-019, allegation of Inadequate Service
4. No. 15-020, allegation of False Arrest
5. No. 15-021, allegation of False Arrest
6. No. 15-022, allegation of False Arrest & Mistreatment
7. No. 15-023, allegation of False Arrest
8. No. 15-024, allegation of False Arrest & Excessive Force
9. No. 15-025, allegation of False Arrest
10. No. 15-026, allegation of Service Complaint
11. No. 15-027, allegation of Harassment
12. No. 15-028, allegation Unknown
13. No. 15-029, allegation of False Imprisonment
14. No. 15-030, allegation of Harassment
15. No. 15-031, allegation of Missing Property
16. No. 15-032, allegation of Service Complaint
17. No. 15-033, allegation of False Imprisonment
18. No. 15-034, allegation of Service Complaint
19. No. 15-035, allegation of Rude Behavior
20. No. 15-036, allegation of Harassment
21. No. 15-037, allegation of False Imprisonment

Complaints for Reconsideration:
1. No. 14-079, allegation of False Arrest
2. No. 15-010, allegation of False Arrest & Excessive Force

Staff recommendations regarding the 21 complaints:

- Complaints numbers: one and six are alleging false arrests however the incident occurred outside of the 180 days and we were time barred.
- Complaints number three, four, nine, ten, eleven, fifteen, sixteen, eighteen and nineteen involves we are requesting dismissal for lack of jurisdiction because either the allegations are outside the agency’s jurisdiction or involve different parties.
- Complaint numbers five and twenty-one requesting dismissal for lack of findings at this point.

Which would bring us to a total of eight complaints that I would like to move to our attention?

- Complaint number two (15-018), the complainants has filed a false arrest and that’s the fourth complaint concerning the incident that happened November 25, 2014 where we are recommending that we investigate that complaint for those two reasons.
- Complaint Number seven (15-023), the complainant, is also, she called to file a false arrest complaint concerning an incident that happened September 30, 2014 we are waiting on her to sign the complaint if
the complaint is received within the next few weeks we will be recommending and depending on the resolution of her criminal cases, if it’s resolved in her favor then we are recommending an investigation into that complaint and if it’s not then we are recommending a dismissal. If it’s still pending then we are recommending suspension.

- Complaint number eight (15-024), the complainant filed a false arrest and excessive force complaint against APD concerning an incident that happened on February 1, 2015. Staff is recommending an investigation of excessive force, possible a false arrest complaint, but partly his case is still pending adjudication of the court, so of course that would depend on the outcome of that case. So we are investigating it and technically requesting a suspension.

- Complaint number twelve (15-028), we’re not exactly sure what her allegations are, so we sent her a complaint form and we are waiting for her signed complaint. When we receive it and we will review it and determine if it’s something that we can investigate. If it’s not anything we can investigate then we are requesting a dismissal. If we don’t receive her signed complaint then we are requesting a dismissal.

- Complaint number thirteen (15-029), the complainant is alleging false imprisonment concerning the incident that happened February 11, 2015 involving a traffic stop with an APD officer. We are recommending an investigation as a false imprisonment complaint.

- Complaint number fourteen (15-030), the complainant, has filed another harassment complaint against an APD officer. We are waiting for his signed complaint to assess whether or not this is something that falls within our harassment definition. If we receive the signed complaint then it will be something we can investigate if it falls under harassment, if not, we are requesting a dismissal and if we do not receive his signed complaint, then we are, also, requesting a dismissal.

- Complaint number seventeen (15-033), the complainant is alleging false imprisonment concerning an incident that happened on February 19, 2015 against an APD officer concerning a traffic stop. We are, also, waiting for his signed complaint. When we receive it within the next few weeks, we are requesting an investigation as a false imprisonment, if not, we are requesting dismissal.

- Complaint number twenty (15-036), the complainant is alleging harassment by APD officers; however we are waiting for his signed complaint to access whether or not it falls within our harassment definition. If not, we are requesting dismissal and if we don’t receive a copy of the sign complaint then we are requesting dismissal.

- Three previously considered complaints are being requested for reconsideration:
  Complaints numbers: 14-079, 15-010 and 15-013. All of the complainants have not responded to any of the investigators numerous telephone calls and notices for them to contact the office, so they can be interviewed; therefore, staff is requesting a dismissal for lack of cooperation.

Discussion and Questions…

1. Chair: “If we don’t go back and, those won’t be retroactive though, right?”
2. Robertson: “No.”
3. S. Williams: “What percentage of unsigned complaints become signed complaints.”
4. Robertson: “The majority of them become signed complaints. We normally see that after I send them another notice or two that we haven’t received their complaint, we send them a form, we usually get that back.”
5. S. Williams: “So 80%?” Robertson agreed.
6. Bozarth: “There’s a question on number fifteen where the woman claimed that when she was released from jail some of her belongings were not returned to her. What is the recourse of somebody; I know we normally like to point them to another place to get their issue dealt with. In that case what recourse does a citizen have?” Robertson indicated that the person would be referred to O.P.S.
7. S. Williams: “I have a question on that, when their belongings are being checked in are they present when they are going through them? Is there a camera?” Robertson indicated that she was not sure, but asked Lt. Ware of the APD if he could answer the question.
8. Lt. Ware: “They normally are, but the jail takes some items too. So it’s kind of hard to say.” Regarding the camera, “Well I’m pretty sure that the jail, if they are doing it at the jail, I’m pretty sure there is a camera. I’m not sure about somewhere else like at the precinct.”
10. **Robertson:** “He’s not sure if he wants to file a complaint or a law suit. He said if he decides that he wants to, that he will go onto our website and do so.

11. **Reid:** “One of the things that we are doing is going back in the past years and contacting those individuals who did not send a signed complaint back in. We are following up with those individuals to see if there is anything in the process that we need to tweak or whatever to improve; you know to capture those complaints because obviously somebody contacted us to file a complaint but whatever reason decided not to.”

It was moved by **Bartels** to accept the staff’s recommendation regarding the February 2015 Intake Report of complaints. **S. Williams** seconded the motion. Hearing no further discussion, the motion was approved without objection.

**COMPLAINTS REVIEW:**

Before discussion of the complaints, the **Chair** stated: “I want to make a couple of comments and some housekeeping rules to the board members. It was sort of brought to my attention that our participation with regards to review of the complaints maybe lacking just a little bit. I just wanted to brief the board and remind the board that it is our responsibility to read the complaints prior to coming to the meetings and to offer some sort of spirited debate for discussion regarding the complaints before we arrive at our determination, whether we agree with the investigator or not, that’s number one.”

The **Chair** also asked board members to be mindful of the confidentiality of investigation documents. Once a complaint has been reviewed, discussed and voted on, he opened the discussion as to what happens with the documents. The general consensuses seem to be that the documents were being shredded at home or returned to the office to be destroyed.

**Discussion…**

1. **Chair:** “For the board members who are keeping the documents that are provided in your packets, are you turning those back into the office or are you destroying them when you get home?”
2. Several members indicated that they were shredding them.
3. **Smith** stated, “We should destroy these documents. That is very important. Over the years, I have asked board members to return the case information for staff to shred to prevent personal information from being exposed, or left on the table. I did make that clear that we need to do that and several members through the years have complied. I know Paul, and some other people, have been very good about returning their files for us to shred. I can’t make you do that but I can tell you that this information should not be held on to. It should be destroyed.”
4. **Chair:** “So I would like to revisit that and to make sure that each board member is aware that the case information should be turned back in, unless you take it upon yourself to shred the documents, in light of the HIPPA Regulations. And I say that with regard to the complaints that we have coming up, we have medical records included in these complaints and they cannot sit in a file at home or anything like that.”
5. **M. Williams:** “I got a question to that particular concern issue there, even though I try to do the right thing as much as possible. This is effective on what particular date because I remember, five, six years, ago there was no such thing as that. What happens to those board members that were there? The documents that they took home and we now got to return that sort of thing. Do we go get those documents from those people and that sort of thing? I just want to know what date that became effective not that I got anything against it. I just, since you bringing it out there, we going to bring it out there.”
6. **Smith:** “Maceo, as I said before, I have asked in several meetings, if members had documents to shred. Many members, over the years, have returned stacks of old case files. Barbara Hubbard, a former member was diligent about that. I have to go back and check the minutes and let you know when I made the announcements, but you know, as a professional person with experience handling confidential information that should register automatically with you as the right thing to do. You
don’t just store files on an individual that includes personal and medical history. Besides why would you want to do that?”

7. **M. Williams:** “Well, I understand what you are saying, but I’m just saying.”

8. **Smith:** “Especially with all the stuff that’s been in the media about finding personal records in open trash bins and situations like that. We can really put what we do at risk. I have asked members to return files before you were on the board, and since you have been on the Board, but some people have indicated that they want to hold on to the files. I can only make the announcement but it is up to you to conduct yourselves accordingly.”

9. **Bozarth:** “Can I make a point, I’m guilty of hanging on to them and I used them sometimes as a reference, especially when we get a complaint from somebody who’s filed a previous complaint and that happens. Sometimes it’s useful to have that information in order to apply good judgment to the case before us. If I wanted to keep some records of it, at least the cover sheet. I mean are we talking about every single sheet, or is it only sensitive information that’s critical here?”

10. **Chair:** “It’s the sensitive information.”

11. **Bozarth:** “I mean I’ll shred everything at home. I don’t have a problem doing that… I mean I’ll have to get a shredder, somewhere because I got a lot of stuff.”

12. **M. Williams:** “I just want us to be as diligent on destroying the information that we’re talking about doing on behalf of everybody’s interest. Just, as hard as, I want to do community outreach and do work on the board. Just like we want to get paid.”

13. **Chair:** “In the essence of time and to speed this up, let’s just adhere to what Myola is advising the board to do and stick to that. And as of today let’s make sure we follow up and do just that. So we want to be clear at this meeting that you either hand them back in or you take it upon yourself to shred the documents.”

A. REVIEW AND DISCUSSION of CASE NO. 14-023, EXCESSIVE FORCE

The female complainant alleges that on April 1, 2014, Sgt. Jason Rhine and Officer Christopher Brown falsely arrested and used excessive force on her. Jason Ryan has been employed with the Atlanta Police Department since March of 2005, March 8, 2005 and is a sergeant currently assigned to Zone 5 in the Field Operations Division. Christopher Brown has been employed with the Atlanta Police Department since May 13, 2010. He is currently assigned to Zone 3, Field Operations. The complainant was initially arrested for prohibited burning within city limits. There is no dispute that Ms. Meeks was burning a card board sign in the street and that this act was witnessed by Sgt. Jason Ryan. The ACRB staff found that the arrest of the complainant was justified and legal and recommends that the allegations of false arrest against Sgt. Jason Ryan and Officer Christopher Brown be assigned a finding of exonerated-meaning that the investigation established the alleged act occurred was justified and legal within APD policy.

During the execution of the complainant’s arrest, she resisted Sgt. Ryan attempt to place her in handcuffs and Officer Brown had to assist him. The complainant continued to resist after she was handcuffed causing the officer’s to apply more restraint in order to gain control of her. The complainant’s resistance dictated the level of force used by the officers. She did not sustain injury as the result of force used. ACRB found that the force used against the complainant was reasonable and necessary under the circumstances and recommends the allegation of excessive force against Officer Jason Ryan and Officer Christopher Brown be assigned a finding of exonerated.

Discussion...

1. **Souder:** “I pretty much agree with what the investigator recommended, but my question was, why did they put the mask over her face? It’s indicated there.”

2. **Investigator Lolar:** “The mask was what you call a spit mask, and that was the reason it was put on to prevent her from spitting on the officers. It’s made of mesh material to protect the officer. The mask prevents the saliva and fluids from getting on the officers or anyone else around if the individual is spitting.”

3. **Bozarth:** “Did you interview her directly?”

4. **Lolar:** “Yes, Sir.”
Following the discussion, it was moved by Bozarth to accept the staff recommendation to exonerate the two officers in this case. Bartels seconded. Hearing no further discussion, the motion was approved with M. Williams opposing.

B. REVIEW AND DISCUSSION of ACRB CASE NO. 14-020 ALLEDGING HARRASSMENT

The female complainant alleges that on September 27, 2013 while at Atlanta Hartsfield-Jackson International airport Officer Willie Arnold treated her in a harassing and discourteous manner. Officer Willie Arnold has been employed with the Atlanta Police Department since January 28, 2003 and is currently assigned to Zone 1 Field Operation Division. In the complaint to ACRB, she alleges that Officer Arnold harassed her by ordering her to leave the airport. The complainant also alleges that Officer Arnold accused her of being homeless and refused to allow her to use the restroom. She further alleges that Officer Arnold referred to her attire as being a costume and laughed at her. Under the city ordinance, ACRB has jurisdiction to investigate the complaint for possible harassment.

Based on the facts, ACRB staff found the allegations of harassment against Officer Arnold should not be sustained (the investigation established that there is insufficient evidence that the officer committed the allege acts of misconduct).

Discussion...

1. **S. Williams:** “I have a question about it. Once he (officer) saw her ticket the first time and it was valid, I don’t understand why he had to see it a second time when he saw her again, not unless he didn’t remember who she was. And even after he saw it, he escorted her away to take a bus or something. What is the procedure at the airport for somebody being there waiting for the next flight?” “She wasn’t sleep. She was trying to use the bathroom...or she asked to use the bathroom or she just wanted to use the bathroom. He didn’t say she was causing a disruption. What does the city ordinance says?”

2. **Bozarth:** “My reading of the report is that when he saw the ticket the first time, she said she was trying to get an earlier flight and he let her stay. Twenty-four hours later he encountered her again, and probably made some determination that she was in fact using the airport to hang out in it until that flight on the 30th. That was in violation of the ordinance not hanging out in the airport unless you got a reason. He chose to make the arrest on that basis. Using his judgment
she really wasn’t trying to get on the flight. She was simply using the airport as a place to be and that’s against the law. So that’s why he made the arrest.”

3. **M. Williams**: “I got something to say to that accord and that is, during the time of a critical emergency; snow storm, flights some place cancelled these flight here that’s sort of thing, hundreds of people sometimes are out there, this is one individual right here, you know. Compared to what Sherry (S. Williams) was just saying about what’s the general procedure? In my light it’s called body slamming and that’s what they do to women out there, ok. So the thing is, according to what you know, how you bringing in your brain factor in, how you calculate this situation, you know because the girl got something to say, there.”

4. **Bozarth**: “I’ll ask Ms. Lolar, she said that the officer went after her because of her color, her age and her religion. Can you elaborate on what that meant to her and what she to you about that?

5. **Investigator Lolar**: “All I can say, sir, is that was her perception and that area was not pursued because that’s something that we do not cover under our jurisdiction of what we could investigate. However that was investigated by O.P.S. that portion of that allegation and they found it was insufficient of evidence to sustain.”

6. **Bozarth**: “But you don’t have any idea of what that means?”

7. **Lolar**: “She was a black female and she was saying it was because of her race.”

8. **Bozarth**: “What’s the religion aspect of this, the costume, what was that all about?”

9. **Lolar**: “She was wearing a collar. A clergy collar.” “She was never arrested. She was just told to leave the premises.”

10. **S. Williams**: “She said her main complaint was not being allowed to use the bathroom before she left the premises.”

11. **Lolar**: “She was given the opportunity to use the restroom and she refused that opportunity when given.”

12. **M. Williams**: “That might have been a rebellion type of situation at the time that she refused. But then again, also, you have to remember over there in California, L.A., especially in San Francisco area, that sort of thing, they have had so many grievances against them doing the wrong thing towards people their P.D. might be trained completely different then our P.D. and that sort of thing. It’s something to take into consideration.”

13. **Morris**: “It doesn’t have anything to do with APD.”

14. **Bozarth**: “Maceo (M. Williams), I don’t think it’s any question what they can do. This law is probably enforced sporadically. HE made a judgment here and the question is did he make a judgment that we should uphold the charges because of what he did. That’s what we have to deal with.”

15. **Souder**: “It would seem to me like that if this is an actual quote from the ordinance, it’s pretty clear unless it’s an emergency or weather or whatever. You can’t stay there. Unless obviously, they may not enforce it all the time, but that’s pretty clear what it says. So I would think that she violated that.”

16. **Bozarth**: “She had a ticket to fly on the 30th and she was first encountered on the 26th. So the allegation is she was hanging out at the airport until she could leave town. Probably did not have any other place to be, I can imagine.”

Following the discussion, Bartels move to accept the staff’s recommendation of not sustained complaint 14-020. Morris seconded the motion. Hearing no further discussion, the motion was approved with two opposing votes from S. Williams and M. Williams.

C. REVIEW AND DISCUSSION of ACRB CASE NO. 14-080

A male complainant alleges that on September 14, 2014, Atlanta Police Officer’s Matthew Johns and Michael Soprano engaged in unnecessary and excessive force when they repeatedly struck him in the face, head and throughout his body. He further alleges that one of the officer’s peppered sprayed him in the face. Both parties were present and both parties were present contradictory accounts of the incident. Mr. Cato alleged he was tackled to the ground, struck multiple times, pepper sprayed without provocation. The officers contends that Mr. Cato was resisting arrest and that the use of force, which was consistent,
which consistent of no more than two strikes to his face and or rib cage and the use of the OC spray was necessary and justified in order to gain compliance. As to this issue Mr. Cato’s medical record appears to be the most credible evidence and support Mr. Cato’s claims he was struck multiple times and not just once or twice as alleged by the officers. Furthermore the photographs, as well as, the witnesses’ statements, also, will support Mr. Cato’s account that he was struck multiple times. The officer’s implausible account of the amount of force used against Mr. Cato is an implication or at best questionable that they reported use of force and the reasons behind the force is nothing less than credible.

The ACRB staff recommends that the allegations of excessive force against officers Michael Soprano and Matthew Johns are assigned a finding of **sustained**-meaning that the investigation established that there is sufficient evidence that the officer’s committed the alleged acts of miss-conduct.

The **Chair** clarified that both officers were assigned a sustain allegation. The Board was instructed to vote on each officer separately.

**Discussion regarding Officer Michael Soprano...**

1. **Bartels:** “I did have one question, Mrs. **Robertson**: it sounds like there is some dispute as to the reason for the stop. It sounds like the officers are saying he made a turn without using his signal. **He’s** saying that he turned using his signal. **Does** he have any idea from his point of view why the police went after him?”
2. **Robertson: “No, he doesn’t. He just felt that, he acknowledged that at some point he did recognize that it was police officers who were trying to get his attention, but he sped off, anyway.”**
3. **Chair Harrison:** “How did all this start just by him making that left turn? **Robertson** responded, “Yes.””
4. **Bozarth:** “Did you ever determine if the complainant had something to hide that would have made him run? Did that ever come out in the discussion? He didn’t have an open warrant or something that sometimes make people run?”
5. **Robertson:** “No, nothing was found on him. He wasn’t charged with drugs or anything like that or a warrant.”
6. **Chair:** “Which officer reached him first, Soprano or Johns?”
7. **Robertson:** “If I’m not mistaken, it was officer Soprano.”
8. **S. Williams:** “It was officer Johns came later to assist him.”
9. **Bozarth** “The corroborating witnesses said pretty much the same story. I read all of the dialogue from the witnesses.
10. **Robertson:** “Yes in terms of being consistent and seeing that there were multiple strikes, you know, they saw the officers constantly hitting him. Yes.”
11. **Bartels:** “Did any of the witnesses’ say that they heard the officers say “show us your hands or stop resisting”? **Robertson** responded, “No.”
12. **Bozarth:** “The witnesses’ testimony seemed credible, I mean, we got what they said, but in the interview how did you feel about their credibility?”
13. **Robertson:** “Yes, I felt they were credible.”
14. **Bartels:** “Do we know how long Mr. Cato was in jail before he went to the precinct?”
15. **Robertson:** “It was less than a day and the photographs were taken when he was at the precinct, prior to going to jail.” “This all happened at midnight.”
16. **M. Williams:** “So the pictures were fresh?” **Robertson** responded, “Yes.”
17. **Souder:** “Is it just for Officer Soprano, right? I read in the witness statement that only one officer was doing the hitting, not the other officer, that it was the bald guy that did all the hitting.”
18. **Robertson:** “Soprano is saying that he never struck him and he only used his OC spray. Later he said he only hit him once or twice.”
19. **Chair:** “But the complainant is alleging that even the OC spray was excessive. So you got excessive force against both of them.”
Following the discussion, **Bozarth** moved to accept staff’s recommendation to **sustain** the charge against Officer Soprano. The motion was seconded by **M. Williams**. Hearing no further discussion, the vote was called and the motion was approved.

**Discussion regarding Officer Johns...**

1. **Souder:** “Same as before. My concern and question, I guess would be, why would you recommend sustained for him when the witnesses only identified Officer Soprano?”
2. **Robertson:** “Because he did use his OC spray after the complainant was tackled to the ground.”
3. **Chair:** “That was Michael Soprano who tackled him to the ground and Officer Johns came behind the tackle and used his OC spray multiple times even though he said that the complainant was still combative. But the witnesses said the complainant had already surrendered and already in handcuffs.”
4. **Robertson:** “Then Officer Johns comes along and spray him after he surrendered and was handcuffed.”
5. **Chair:** “The witness also said in her statement that the second officer, which was Officer Johns, also hit the complainant several times and used his OC spray. Look at the statement from the witness. When you read her statement; she says that the second officer was upset because he had hit the tree and goes back over to the complainant and hits the complainant multiple times.”
6. **Robertson:** “One of the other things that I based that he was struck more than one time was the medical records. Because there is some inconsistencies in terms of who hit whom, how many times and it was dark outside. So that’s why we relied a lot on medical records and the photographs.”
7. **Morris:** “It says none of the witnesses witnessed the other officer strike Mr. Cato. One officer did the striking.”
8. **Robertson:** “That’s what they said.”

Following the discussion, **Morris** moved to accept the staff’s recommendation to **sustain** the allegation of excessive force against Officer Johns. **Bartels** seconded. Hearing no further discussion, the vote was called and the motion was approved with one opposing vote from **Souder**.

**BOARD DETERMINES DISCIPLINE AGAINST OFFICER MICHAEL SOPRANO.**

**Investigator Robertson** provided the disciplinary background of Officer Soprano. She stated, “This is a category C violation and recommended penalty will be 4 to 15 day suspension. I’m looking at Officer Soprano’s disciplinary history and he’s been on the force since October 2011 and he’s had only three complaints lodged against him and only one of those was for excessive force, which is actually this particular case here that was pending. The only other two complaints were minor and one was a car accident which was exonerated.”

**Discussion...**

1. **Chair:** “With regards to Michael Soprano, we are now in the disciplinary phase and it’s a category C violation and the discipline range on that is a 4 to 15 days suspension, but, also, there is proactive and corrective action of training and or demotion. So you actually have all of those available to us.
2. **Bartels:** “How long has he been on the force?
3. **Robertson:** “Since 2011.”
4. **Bozarth:** “My comment is in relative to some of the other cases we have handled, which in my opinion were more blatant than this that the disciplinary would be towards the low end of the range group for both of these individuals.”
5. **Bartels:** “I would say some suspension is warranted. But then again, like you said towards the lower half of that.”
6. **Morris:** “I would recommend five days.”
Following the discussion, S. Williams recommended as discipline for Officer Soprano 5 days suspension and proactive corrective training regarding the use of force. The motion was seconded by M. Williams. Hearing no further discussion, the motion was approved by all.

BOARD DETERMINES DISCIPLINE AGAINST OFFICER MATTHEW JOHNS.
Investigator Robertson reported on the disciplinary of Officer Johns. She said, “Officer Johns has been on the force since November 12, 2009. He has had five complaints lodged against him since that time and two of them were excessive force. The excessive force case which was back in 2013, if you all will remember, was for Ted Goodman. You all had rendered a decision on that not to sustain. He was one of the officer’s that was part of that and OPS actually exonerated him for that complaint. But he was found in violation of courteous and was sustained for that because if you recall he had tased the guy and he had used excessive power with the taser. The other excessive force complaint is this particular ACRB complaint.

Discussion...
1. Chair: “How many disciplinary complaints does he have?”
2. Robertson: “Five complaints.”
3. Chair: “Is this a category D instead of a category C?”
4. Robertson: “No it’s still a C.”

Following a brief discussion, Bartels moved for a five days suspension, as well as, corrective training on use of force. M. Williams seconded. Hearing no further questions, the motion was approved with one opposing vote from Souder.

OLD AND NEW BUSINESS AND OTHER COMMENTS

The Chair opened the floor for discussion of any old or new business.

A. OLD BUSINESS

Discussion...
1. S. Williams: “I want to know where we are, as far as, whether or not we will be compensated, what is the regulation status?” She also asked if the ordinance specifically says the Board will not get compensated.
2. Reid, “Compensation, as it relates to the ordinance, is one of the ordinance changes that we’re going to try to pursue. So again, board members who are interested in that need to contact your city council members and get behind some ordinance changes.” “There is a debate about board members getting compensation. Some people found value in you guys not being compensated because it seems like you don’t have any skin in the game. You come in here and you make the decisions on the cases and then go and not because you’re getting money, which may change your decision. One of the arguments about paying board members is that; one, we are looking for individuals who will make the commitment to the board, which is more than just attending to a two hour board meeting a month, which you read the files and as we grow it’s going to be more work to be done. There’s the community outreach stuff that we’re talking about in the ordinance change. There are the training things that need to happen. There’s a lot more we are going to be asking of our board members, as well. So we think that board members should be compensated.”
3. S. Williams: “My concern is not being paid. My concern is that there may be someone that wants to serve on the board, but they don’t have gas in the car.”
4. Reid, “I understand and yes you can right now submit your expenses as they are tied to the board, this can still be a challenge for some.”
5. S. Williams: “No, no I understand that, but you are assuming that, that a person has the cash for this to be here in person. I’m not speaking for myself; I’m just thinking that there are people who are between situations that would love to do this, but they may not. I mean these are challenging
times. So it’s not that they are not a good person and doesn’t care, but they may not be in a position to be reimbursed.”

6. **Reid:** “Two things about that; one, you don’t get paid until after you’ve done the work. I mean you are attending the board meetings and if a person doesn’t want to take money then we just go on to the next one. To your point though some people have said that if you pay, if you offer pay for those individuals who maybe self-employed or whatever the case maybe. It will allow them to say well I’m missing out on some other things that I can be doing to serve on the board.

7. **S. Williams:** “Ok, so my question is we’re talking about what $50.00 dollars? Regardless if it is reimbursed or whatever the case might be, I’m just thinking that, as you say, that there’s more to be done in all of these different places to go to. We don’t want to not have a quality person because to some people that $50.00 dollars, so they can get to all of those places may be just what they need to get around to all those places depending on what kind of car you got to run around to four different things a month. So, I’m not talking about thousands of dollars, I’m just thinking of, you know people that maybe that to servant.”

8. **Souder:** “It would seem to me like, I know some people on some other boards for the city and they get that $50.00 dollars for maybe, but they still get reimbursed for expenses. My sore spot, if they’re expenses you get reimbursed regardless and $50.00 dollars is just a start.”

9. **S. Williams:** “And you are correct and my other thing is that is our work any less important than the other boards?

10. **Reid:** “If you, to the points that you just made, if you look at the chart that you guys received, it mentions those reasons as why board members should receive some type of compensation, $25.00 dollars, $50.00 dollars, I mean, whatever. But the board, this board here, is sort of, mixed on it.”

B. **NEW BUSINESS:**

    Discussion...

1. **S. Williams:** “When is the next event that you think that all of us need to be in attendance?”

2. **Curry:** “We have our regular meetings on Monday and Wednesday we go to woodruff Park, but nothing really sticks out right now.”

3. **Reid,** “It would probably be nice if a board member was able to attend one of the council meetings or the Black Clergy Meeting as an introduction type of thing so that you can get to know them and they can get to know who serve on the ACRB.”

4. **S. Williams:** “They meet every Monday.”

5. **Curry:** “That information is on the weekly calendar that I send out.”

**PUBLIC COMMENTS**

There were no public comments. It should be noted that one person signed up, but he left early.

**ADJOURNMENT**

Hearing no further business, the Chair entertained a motion to adjourn. **S. Williams** motion to adjourn. Meeting adjourned at 8:40 p.m.

The minutes for March 12, 2015 were approved by the ACRB on April 9, 2015.

Paul Bartels, Board Secretary