ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE LAST MEETING
55 Trinity Avenue, SW, Committee Room Two
Atlanta, Georgia 30303
April 12, 2012 / 6:30 P.M

ROLL CALL
(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAMALA ALINIECE (Aliniece)  RYAN JOHNSON (R. Johnson)
PAUL BARTELS (Chair/Bartels)  RUTH PRICE (Price)
BARBARA HUBBARD (Hubbard)  ALAN MORRIS (Morris)
WILLIAM HARRISON (Harrison)  JOY MORRISSEY (Morrissey)
CHARIS JOHNSON (C. Johnson)  MACEO WILLIAMS (Williams)

ONE VACANT APPOINTMENT
Office of the Mayor (vacant 2 months)

STAFF ATTENDEES
MARC ADDINGTON (Addington), Investigator; WILLIAM CASTING (Casting), City Law Department, Assigned Board Attorney; SHEENA ROBERTSON (Robertson), Investigator; SHARESE SHIELDS, Interim Executive Director; MYOLA SMITH, Transcriber (Smith)

AGENDA

MEETING CALLED TO ORDER

The meeting was called to order at 6:36 p.m. The Chair welcomed the Atlanta Police Department represented by Major Elder Dancy and staff of the Office of Professional Standards. The Chair also announced Public Comments would be taken at the end of the meeting and if anyone cared to speak, to please sign up. Comments are limited to three (3) minutes per person.

APPROVAL OF MINUTES OF THE LAST MEETING

The Chair asked if there were any corrections to the minutes of the last meeting held March 8, 2012. Smith called attention to page 12, ‘Board Votes Following Closed Session’ section, third bullet point ‘Personnel Committee Recommendation.’ She stated there was no record of the Board voting on this issue. Smith then asked if anyone could clarify if and how the vote proceeded. Hearing no others corrections, it was moved by
Morris to delay approval of the minutes until the Board had a chance to discuss the vote. Morrissey seconded. Hearing no discussion, the motion was approved with one Nay vote from Williams.

CONSIDERATION OF INVESTIGATION #11-53, COMPLAINT OF EZOEKE AND NAQUASHA PARKS ALLEGING EXCESSIVE FORCE AND ABUSIVE LANGUAGE/INVESTIGATION BY SHEENA ROBERTSON

A. ALLEGATION

Robertson reported that ACRB Case #11-53 was filed by Ezoeye Parks on behalf of herself and her 14 year old daughter, Naquasha.

Ms. Parks alleges that on August 23, 2011, Atlanta Police Officer Jose Vidal used unnecessary and excessive force against her when he kicked her in the stomach, dragged and pulled her by the hair, and kneed her in the back during an arrest. She further alleges that Officer Vidal subjected her to abusive language during the incident.

Ms. Parks also alleges that Atlanta Police Officer Narottam Holden used unnecessary or excessive force and abusive language against her daughter, Naquasha when he grabbed her by her neck, pulled out his pepper spray and said, "I will pepper spray your mother f-word ass, you better sit your ass down." Also, Naquasha alleges that Officer Holder kneed her in the stomach.

B. COMPLAINANT EZOEKE PARKS’ ACCOUNT OF THE INCIDENT

According to Ms. Parks, this incident occurred at the Allen Temple Apartments located at 3086 Middleton Road.

On the day in question, Ms. Parks’ children had gotten into an altercation with one of her neighbor’s kids and the mother of the neighbor’s kid, Ms. Arteler Jackson, called the police and Officers Holden and Vidal responded. According to Ms. Parks, the officers came to her apartment to speak to her about the matter, but she was not home. Instead, she said they told her mother to tell her that when she got home they were going to arrest her. The officers then returned to Ms. Jackson’s apartment.

Ms. Parks said when she got home, she went to Mrs. Jackson’s apartment where she encountered Officer Vidal (Officer Holder had left) and told him that she was the mother of the children Ms. Jackson called about. She said while talking to Officer Vidal, she and Ms. Jackson began to argue and at some point Officer Vidal interrupted and they began to argue and he used profanity towards her. She alleges he officer repeatedly using the F-word and MF-word. As they continued to argue, Ms. Parks said her fiancé, Corey Cousin, arrived and he and Officer Vidal began to argue. She alleges Officer Vidal continued using profanity and F-word. Ms. Parks said at some point she left her fiancé and Officer Vidal arguing and went back to her apartment.

Ms. Parks said shortly thereafter, a neighbor came to her apartment and told her that she needed to get her fiancé because he was going to get arrested. She said while standing in the doorway, she yelled out to Mr. Cousin several times for him to come inside; and eventually, he did. Ms. Parks added that at some point, Mr. Cousin went unto the balcony to smoke a cigarette. She said by that time, Officer Holden had returned and both he and Officer Vidal were standing in front of the Leasing Office, which is located directly underneath her balcony. She said she heard Officer Vidal yell out to Mr. Cousin, “Bring your ‘M F-word’ ass downstairs because you are going to ‘MF-word’ jail.” Ms. Parks said then, Officer Vidal and Mr. Cousin began arguing back and forth.
According to Ms. Parks, the same neighbor returned and again asked her to get Mr. Cousin so he would not get arrested. She said while standing in her doorway, she yelled to Cousin to leave it alone and that they will go to the renting office the following morning. She said Officer Vidal shouted, “Don’t nobody give a damn about no MF (word) renting office, I know the renting manager personally, and you are going to jail for making terroristic threats.” She said she told Vidal that she did not want to talk to him and went back into her apartment. She said the next thing she knew, Officer Vidal kicked open her door and kicked her; causing her to fall. She said Vidal said, “Get your ‘M F (word) ass up” and began dragging her by the hair and kneeling her in the stomach. During that time, she said her 14 year old daughter, Naquasha, came into the apartment, saw what was happening and jumped on Officer Vidal’s back in an attempt to get him off of her. She said, Officer Holden, who was also present, grabbed Naquasha by her neck, pulled out his pepper spray and said, “I will pepper spray your MF (word) ass, you better sit your ass down.” By that time, she said Mr. Cousin had come back inside and got Naquasha away from the officer. Ms. Parks said Officer Holden then grabbed Mr. Corey, slammed him onto the sofa; causing the sofa to break and began tussling with him. He was then handcuffed and taken outside.

Residents in the complex had started to gather in her apartment and began questioning the officers about what they were doing to her. Ms. Parks said the officers drew their weapons and told those individuals, “To shut the fuck up.” Ms. Parks said her mother arrived and also tried to get the officer to explain to her what happened but they told her to “Shut the F-(word) up, you can’t ask nothing. You ain’t got nothing to do with it.” Ms. Parks said her mother told her to get down and let the officer handcuff her and she got down. However, Vidal continued kneeling her in the back. She said as Officer Vidal was taking her to the patrol car, he kept pulling her by the hair and jerking her body back and forth.

C. NAQUASHA STATEMENT REGARDING THE INCIDENT
According to Naquasha, immediately after her mother entered the apartment, the officers pushed opened the door, walked inside and kicked her mother, causing her mother to fall to the floor. She said the officer then began pulling her mother by the hair, had one of his knees in her stomach and the other knee was in her neck. Upon seeing this, Naquasha said she ran over to the officer in an attempt to get him off of her; however, she stated that she did not touch him. She said the officer yelled out to the other officer for him to move her away from them. Naquasha said that officer grabbed her by the neck and put his knee into her stomach.

D. INVESTIGATIVE FINDINGS
1. APD Police Report: The police report was reviewed pertaining to this incident and it identifies the involved Officers as Vidal and Holden. It also indicates that Officer Vidal, at the time, was off-duty and working an extra job at the Allen Temple Apartments, the scene of the incident.
2. Court Records: The Fulton County Superior Court’s records revealed that Ms. Parks was charged with Obstruction of Law Enforcement Officer; Terroristic Threats and Acts, and Disorderly Conduct. On November 21, 2011, Ms. Park’s case was placed in “dead docket” status pending her completion of the Pre-Trial Intervention program.
3. Medical Information: Neither sought medical treatment; however, Naquasha said she did experience some neck pain afterwards.
4. APD Use of Force Report: The ACRB obtained a copy of the Use of Force pertaining to this incident. A review of the report indicates that it was prepared by Sergeant Joseph Bogolin and it details what was reported by Officer Vidal and Holden as to why force was used to subdue and apprehend Ms. Ezoeka and Corey Cousin. Sergeant Bogolin concluded that the officers use of force was justified and within departmental guidelines.

E. WITNESSES INTERVIEWS
Several individuals who witnessed the incident were interviewed by ACRB and they corroborated Ms. Parks’ account of the incident. Those individuals are Corey Cousin, Dequavious Clark, Angelina Parks, Tomeka Hightower and Keyoshia Smart.
F. OFFICERS INTERVIEWS

1. Officer Jose Vidal: Vidal admits using force on Ms. Parks, but contends that the amount of force was minimal and justified because she was resisting arrest. He also admitted to using profanity, but added, he was merely repeating the same profane words to Ms. Parks that see was using towards him. Specifically, Officer Vidal stated that during the altercation, he did, in fact, knee Ms. Parks in the stomach and pulled her hair while struggling to get the handcuffs on her. However, he stated that no other force was used once Ms. Parks was in custody.

2. Officer Narottam Holden’s Statement:
Officer Holden was not interviewed by ACRB concerning these allegations because he resigned from APD September 21, 2011, prior to the initiation of this investigation.

Ms. Parks alleged that Officer Holden used excessive and unnecessary force when he grabbed Naquasha by her neck and according to Naquasha, he also put his knee into her stomach. Several of the witnesses interviewed by ACRB indicated that they saw Officer Holden grab Naquasha by her neck but none of them corroborated Naquasha’s claim that he also kneed her in the stomach.

According to Officer Holden’s statement contained in the police report, he indicated that he put out his right hand, with an open palm, and hand-checked Naquasha in her chest in order to prevent her from interfering with the arrest of her mother because she refused to stop upon his command. Regarding the use of profanity, Officer Holden was not interviewed concerning these allegations; however, he does not indicate in his report that he used profanity at any time during this encounter. Besides Ms. Park’s statement that he did use profanity and abusive language towards her daughter Naquasha, there were no other witnesses that could corroborate Ms. Park’s claim that Officer used profanity.

G. STAFF RECOMMENDATION

Robertson stated that based on the documentary and testimonial evidence obtained during the course of this investigation, the ACRB staff recommends the following:

1. Officer Jose Vidal:
   a) The allegation of Excessive Force against Officer Vidal assigned a finding of “SUSTAINED.” Ms. Parks’ account of the incident was corroborated by several eyewitnesses. Also, based upon Officer Vidal’s statement during his interview, it is clear that he was angry with Ms. Ezoike and her fiancé for the comments they allegedly made to him at the onset of the encounter. Therefore, when Officer Vidal attempted to effectuate the arrest of Ms. Parks, the ACRB contends that he used more force than was necessary.

   b) The allegation of Abusive Language against Officer Vidal assigned a finding of “SUSTAINED.” Officer Vidal admitted to using profanity during the encounter, but stated that he was merely repeating the same profane words to Ms. Parks that she used towards him. However, even if Officer Vidal’s assertions are true, this does not excuse Officer Vidal’s us of such language in response. A police officer is expected to have a greater tolerance for verbal assaults and to maintain their professionalism when faced in these types of situations. In fact, APD.SOP2010, Section 4.2.02 is quite clear in prohibiting the use of profane language by officers.

2. Officer Jose Vidal:
   a) The allegation of Excessive Force against Officer Holden assigned a finding of “SUSTAINED.”
Based on Ms. Parks and Naquasha’s statements, as well as, the statements from other witnesses, there appears to be corroborating evidence that Officer Holden grabbed Naquasha by her neck and did not merely push her with a hand check as he alleged.

b) The allegation of Abusive Language against Officer Holden assigned a finding of “NOT SUSTAINED.” Officer Holden does not indicate in his report that he used profanity at any time during this encounter. Furthermore, besides Ms. Parks’ statement, there were no other witnesses that could corroborate Ms. Parks’ claim that Officer Holden used profanity.

H. BOARD VOTE ON STAFF RECOMMENDATION
Before the vote, the Chair entertained discussion and questions:

Questions...
1. Price asked if the officers, at any time, called a supervisor to indicate that the situation had gotten out of hand. Robertson responded, “It was after the situation had ended that Sgt. Coverland came on to the scene. He basically just took the statements of Officers Holden and Vidal, and used them in a Use of Force Report that I have provided for you in your report.”

2. Morrissey asked if this was a second job for Officer Vidal and how long he had been working these specific apartments. Robertson responded, “Yes it was an extra job. I am assuming he hasn’t been working there that long because prior to that, a year ago, he was working an extra job at IHOP for the past two years.”

Following the discussion, the Chair called for a motion regarding each individual allegation.

Officer Jose Vidal / Excessive Force:
It was moved by R. Johnson to accept the staff’s recommendation to Sustain the allegation of Excessive Force. The motion was seconded by Williams. Hearing no discussion, the motion was approved by all.

Officer Jose Vidal / Abusive Language:
It was moved by R. Johnson to accept the staff’s recommendation to Sustain the allegation of Abusive Language. The motion was seconded by Williams. Hearing no discussion, the motion was approved by all.

Officer Narottam Holden / Excessive Force:
It was moved by Williams to accept the staff’s recommendation to Sustain the allegation of Excessive Force against Officer Holden. The motion was seconded by R. Johnson. Hearing no discussion, the motion was approved by all.

Officer Narottam Holden / Abusive Language:
It was moved by Price to accept the staff’s recommendation to Not Sustain the allegation of Abusive Language against Officer Holden. The motion was seconded by Morris. Hearing no discussion, the motion was approved with two (2) Nay votes: Williams and R. Johnson.

I. BOARD VOTE ON DISCIPLINE RECOMMENDATION
Before the discussion and vote, Investigator Robertson provided information on Officer Vidal’s disciplinary record:

Officer Vidal: He has been employed by the Atlanta Police Department since December 12, 2006. He has had eight (8) complaints filed against him since his employment and of the eight complaints, three (3) of them including the Ezenoke Parks’ complaint, involved allegations of Use
of Excessive Force. Regarding one (1) complaint, he was exonerated and the other two (2) were not sustained.

**Officer Narottam Holden:** He was hired by APD in October 2009. He resigned from the department, September 21, 2011. Personnel records indicate that he cited personal reasons as the reason for his resignation. He has had two (2) complaints filed against him, including the park's case and both involved allegations of excessive force. One complaint, he was exonerated and the other was not sustained.

**APD Disciplinary Penalty Guidelines:**

- **Excessive Force** / APD WORK RULES 2.50 – This is a Category C violation: 4-15 day Suspension/Proactive Corrective Actions, such as training.

- **Abusive Language** /APD WORK RULES 2.02 (Courtesy) & 1.01 Appropriate Action — This is a Category A Violation: Oral or Written Reprimand/Proactive Corrective Actions, such as training and/or counseling.

**Officer Vidal/ Excessive Force:**

It was moved by R. Johnson to recommend a four (4) day suspension and a psychological evaluation for Officer Vidal regarding the use of Excessive Force. Harrison seconded the motion. Hearing no further discussion, the motion passed by a vote of 6 to 3 Nays. Williams, C. Johnson and Morris voted against the motion.

**Officer Vidal/ Abusive Language:**

It was moved by R. Johnson to recommend a written reprimand for Officer Vidal regarding the allegation of Abusive Language. Williams amended the motion to include training. R. Johnson accepted. The motion with the amendment was seconded by Price. Hearing no further discussion, the motion was approved by all.

**Officer Holden/ Sustained Excessive Force Allegation:**

*Note: Officer Holder is no longer employed by APD; however, the Board chose to proceed with a recommendation for discipline and to be included in the former officer’s personnel file.*

It was moved by Price to recommend a one day suspension. The motion was not seconded; therefore the motion failed.

It was then moved by R. Johnson to recommend a four (4) day suspension and a psychological evaluation for Officer Holden regarding the allegation of Excessive Force. Williams seconded the motion. Hearing no further discussion, the motion was approved by all.

**INTAKE REPORT FOR MARCH, 2012**

The monthly Intake Report was reported by Investigator Robertson. Two (2) complaints were received for the month of March 2012.

- **ACRB Complaint #12-04** filed by Linda Kemp involved an allegation of False Arrest against Atlanta Police Officer Eric Wheeler. Preliminary investigation revealed that Ms. Kemp’s criminal case is still pending adjudication in the Fulton County Superior Court. Staff recommends investigation if and when the matter is adjudicated in favor of Ms. Kemp.
- **ACRB Complaint #12-05** filed by Allen Proffitt involved an allegation of False Arrest & Excessive Force against Atlanta Police Officer Ryan Heald. Staff recommends dismissal of Mr. Proffitt excessive force allegation because it is not the type of excessive force defined by the ordinance. The ordinance defines excessive force as “the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.” However, concerning the false arrest allegation, the staff recommends investigation if and when the matter is adjudicated in favor of Mr. Proffitt.

The Chair entertained a motion to accept the Intake report and recommendation. It was moved by R. Johnson to accept the report and staff recommendations. The motion was seconded by Morris. The Chair called for a discussion. Hearing none, the motion was approved by all.

**PERSONNEL MATTERS – EXECUTIVE SESSION**

Chair Bartels entertained a motion to go into Executive Session to discuss personnel matters. It was moved by Morrissey to go into Executive Session. Morris seconded the motion. Hearing no objection, the motion was approved.

**Members of the Board met in closed session starting at 7:13 p.m. to 8:10 p.m.**

Followed by a brief seven minute recess

Chair Bartels entertained a motion to end closed session and resumed the regular meeting. It was moved by Williams to resume the regular meeting and R. Johnson seconded the motion. Hearing no objection, the motion was approved.

**PUBLIC COMMENTS**

Chair Bartels opened the floor for public comments reminding each speaker of the three (3) minutes time limit allowed per person. The following people spoke:

1st Speaker: Tiffany Roberts

Ms. Roberts is a member of BLOCS. Ms. Roberts stated, “Since 1984, Atlanta has been struggling with police oversight...over two decades. Since 2007, this Board is the closest thing we have to true competent police oversight. Inherited in the idea of having a competent oversight board, you need a director who is capable of advising you on constitutional law issues, who is knowledgeable about contemporary police oversight mechanism, who can advised you of changes in Constitutional law: someone who is able to withstand pressure from the outside, and someone who doesn’t have conflict of interest with the Atlanta Police Department.”

2nd Speaker: Jessica Stern

Ms. Stern, a member of BLOCS, indicated in her comments that there is nothing wrong with admitting that the Atlanta Police Department needs improvement. “You have this real opportunity now with appointing an Executive Director to make the City of Atlanta, more respected.”

3rd Speaker: Charlene Burton

Ms. Burton echoed the sentiments of her BLOCS co-members. “You are charged with the task of appointing an Executive Director who can hold APD to the standard that they should be held to.”
4th Speaker: Hubert Roberts
Mr. Roberts has been a resident of Atlanta for the past 15 years. “I have had some interaction with the Atlanta Police Department. I remember when I was a student at Morehouse, I had a gun drawn on me because I ran a stop sign and this has impacted me since that day.” “I bring this up, because no matter who you are, you should have a way to express your voice, and even though you do this on a volunteer basis, you are the mechanism for a lot of people to be able to express their voice who live here in the City of Atlanta.”

5th Speaker: Peter Pankiewicz
Mr. Pankiewicz is on the Board of Directors of an organization that works on English Avenue and in the Vine City community called Historic Westside Cultural Arts Council. He stated, “We have been operating in that community for about three or four years now. As you know, this is the part of town where Mrs. Kathryn Johnson was murdered and that is still a big deal in that community. We are a cultural arts council but we are in the business of rebuilding communities.” “By and large, at our meetings, I can say the police are very respectful at the meetings. I can only speak as a outsider, I can’t speak of the person who lives in that community but I see the Police at the NPU meetings and I see them at the Neighborhood Association meetings and in general, I am impressed; but, I have to say, and I am certain, that one of the main reasons for some of the changes and progress we’ve made is having a strong ACRB.”

6th Speaker: John Michael
Mr. Michael is a former member of the ACRB. He expressed concern regarding the types of cases still coming before the Board. He said, “The ACRB is the last chance to get some reconciliation and changing of the laws, and as I have said in many meetings when this room was empty, except for me and one other person, until the head of police is accountable enough to come to these meetings and answer questions about the behavior of what I just heard, there will be no change.”

7th Speaker: Jodi Williams
Ms. Williams stated that she wished to address the Board on behalf of the Peoples’ Agenda, the Georgia Coalition of the Peoples’ Agenda and all affiliated organizations with the Peoples’ Agenda. She said, “I want to commend the Board for their diligence, commitment and concerns for the citizens of Atlanta. This selection is very vital and crucial and a crucial component is a re-enforcement of the faith of the citizens in the justice system. Specifically, the Peoples Agenda is asking that you reconsider the search and re-open the process. We are hopeful, you will consider our request.”

BOARD VOTES TO SELECT NEW EXECUTIVE DIRECTOR

Chair Bartels announced that the Board would take a vote to select the next Executive Director. He indicated that the process would proceed via ballot.

Following the ballots voting and after counting each ballot, Chair Bartels announced, “At this point, there is not one candidate who has a vote of the majority of the Board.”

The Chair entertained a motion. It was moved by Harrison to go into Executive Session to discuss the ballot process. The motion was seconded Price. The motion was approved with two Nay votes from Williams and Morris.

** Members of the Board met in closed session starting at 8:30 p.m. to 8:40 p.m. **

Chair Bartels entertained a motion to end closed session and resumed the regular meeting. It was moved by Williams to resume the regular meeting and C. Johnson seconded the motion. The motion was approved.
The regular session resumed with a continuation of the Board voting process to select new Executive Director.

Chair Bartels asked Interim Director Shields to announce the results of the first vote taken prior to the closed session. Shields announced that Clyburn Halley received three votes, Holly Wiseman received five votes and Sheena Robinson received two votes.

The Chair opened the floor for a motion with regards to a second vote. Williams moved to eliminate the candidate with the lowest vote and vote between the two candidates with the highest vote. Morris seconded the motion. Hearing no discussion, the motion was approved.

The board proceeded to vote regarding the two candidates with the highest number of votes: Clyburn Halley and Holly Wiseman.

After counting the ballots for the second vote, the following results were announced. Holly Wiseman received six (6) votes and Clyburn Halley received four (4) votes.

The Board then voted on an alternate candidate in the event Holly Wiseman is unable to serve. After counting the ballots for the ‘alternate’ candidate, the following results were announced. Sheena Robertson received one (1) vote; Holly Wiseman received one (1) vote and Clyburn Halley received eight (8) votes.

In announcing the next steps, the Chair stated, “The issue has been raised as to what is the next step and certainly we need to make an offer to Ms. Wiseman and that is going to require Human Resources to put together a letter and make a definite offer. We will do that as soon as possible and that offer will be contingent on the background check.”

ADJOURNMENT

Chair Bartels entertained a motion to adjourn. R. Johnson moved to adjourn the meeting. The meeting adjourned at 8:55 p.m.

Approved as to form and content,

Alan Morris
Board Secretary

Signature
May 10, 2012
Date: 