MEETING CALLED TO ORDER

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

ROLL CALL
(Eleven Members of the Board)

ACTIVE MEMBERS PRESENT

PAUL BARTELS (Chair/Bartels)  
BILL BOZARTH (Bozarth)  
WILLIAM HARRISON (Vice Chair/Harrison)  
BARBARA HUBBARD (Hubbard)  
CHARIS JOHNSON (C. Johnson)  
RYAN JOHNSON (R. Johnson)  
ALAN MORRIS (Secretary/Morris)  
RUTH PRICE (Price)  
MACEO WILLIAMS (Williams)

ACTIVE MEMBERS ABSENT
PAMALA ALINIECE (Aliniece)

ONE VACANT APPOINTMENT
Office of the Mayor (vacant 11 months)

STAFF ATTENDEES
BILL CASTING, Board Assigned Attorney (Casting), City Law Department; MYOLA SMITH, Transcriber (Smith); AMANDA HARDEMAN, Student Intern (Hardeman)

The Chair welcomed citizens and guest announcing Public Comments are heard at the end of the agenda, and if anyone cared to speak, to please sign up. Comments are limited to three (3) minutes per person.

AGENDA

INTRODUCTION OF NEW BOARD MEMBER

The Chair welcomed new member Bill Bozarth to the Board. He was appointed to the ACRB by the Atlanta Planning and Advisory Board (APAB) for a three year term representing NPU’s “A” through “F” filling the seat vacated by Joy Morrissey. Mr. Bozarth has lived in Atlanta for the last twenty years and has been active in civic and neighborhood groups including five (5) years service on the board of NPU-B. He retired from IBM and has
held subsequent jobs in the IT industry. Most recently, he served as Executive Director of Common Cause Georgia for eight (8) years. Bozarth expressed excitement about being appointed to serve on the board.

APPROVAL OF MINUTES OF THE LAST MEETING

A. APRIL 18, 2012 SPECIAL CALLED MEETING:
The Chair directed attention to the minutes of the Special Called Meeting held on April 18, 2012. Following a brief review of the minutes, the Chair noted one correction (page 9; paragraph 3) and opened the floor for a motion.

It was moved by Williams to approve the minutes as corrected. The motion was seconded by Harrison. Hearing no further discussion, the motion was approved with correction.

B. MAY 10, 2012 BOARD MEETING:
The Chair then allowed several minutes for review of May 10, 2012 Board Meeting minutes. Following the review of the minutes, the Chair opened the floor for a motion.

It was moved by Morris to approve the minutes. The motion was seconded by Harrison. Hearing no further discussion, the motion was approved with one Nay vote (R. Johnson).

It should be noted that R. Johnson indicated that his Nay vote was due to not having enough time to thoroughly review the minutes since the minutes were just released the day before the meeting. The Chair explained that the office is very short staffed. He said, “They are very busy and they have a lot on their plate.” Smith indicated that in addition to the day-to-day operation, the months of May and June are the busiest time of the year, i.e., budget and fiscal year-end close-out, overlapping investigations and law enforcement interviews and transcription of those interviews (with one investigator), assisting the Personnel Search Committee and planning a Community Forum to name a few.

INTRODUCTION OF COMMUNITY OUTREACH CONSULTANT, SANDRA ALLEN, PANACHE COMMUNICATIONS

The Chair introduced Sandra Allen of Panache Communications. Ms. Allen will assist ACRB, on a part-time basis, with outreach services. A summary of her background and experience was sent out to the Board along with the agenda.

Allen explained that over the next few months, she will be working to improve public awareness of the work of the Board. She said, “Panache Communications has a long history of involvement in outreach and is familiar with the operations of the City of Atlanta, the Atlanta Police Department (APD), the Atlanta Department of Corrections, the media, and the community. We have the expertise that is needed to go out into the community and be an advocate for ACRB because most residents of Atlanta do not know exactly what the ACRB do. They also are not aware of what a citizen needs to know and do, to take advantage of the services provided by the ACRB and why the work of the Board is important to the Atlanta community. My goal is to help answer some of these questions for the community by implementing a structured public information campaign. As the organization transitions to a new Executive Director and several new board members, the opportunity is presented to formally introduce the services of the ACRB to the community as a whole.”

Allen highlighted a few objectives: to improve public awareness of the work of the Board; enhance the distribution of accurate information to the various publics; develop meaningful outreach that supports public safety initiatives; and to infuse digital and social media in outreach information where appropriate. To accomplish
these objectives, her campaign will be rolled out in two phases. A report detailing the status of Phase One and what to expect in Phase Two will be provided in monthly reporting, email updates and one on one contact with members of the board and the new Executive Director.

Discussion...

1. **R. Johnson** indicated that he was not aware that a person had been hired. He asked, “Have we voted on this and how much is the contract? Excuse me but I need to know everything about it.”

2. **Smith** asked to be recognized. She stated that this is not a contract, such as the one voted on last year requiring the signatures of the Board Chair to execute. She said, “This is not a contract like the one the board approved for the Interim Director. You are not hiring a staff person. This is a vendor service agreement executed via a purchase order (PO). It is what we do operationally, everyday...from Consultants to buying paper clips...and does not require a vote of the board. Purchase Orders are monitored and approved via guidelines established by the City of Atlanta Department of Procurement and City Code. This particular PO came about as a result of some City Council members suggesting ACRB use year-end savings for community outreach which has been neglected by the Board. Ms. Shields reported on this at the last board meeting and Ryan (Johnson), if you will recall, you asked questions about what the Council specifically had in mind. Sharese (Shields) explained to you that during the budget hearings, Community Outreach and hiring a new Executive Director were the two initiatives that the Council members, who were present, indicated that they were most interested in the ACRB pursuing. One Council member, in particular C.T. Martin, suggested that we consider using budget savings from the current fiscal year to fund the cost of providing some temporary services with respect to Community Outreach. Based on that dialogue, Ms. Shields sent an email to the officers of this board reminding them that we were near the end of close-out and since we had a surplus, she wanted to have a discussion about how that money could be used. We had a small window to use the money or lose it. We have a zero-based budget and by the time a new Executive Director comes on board, we will be well into the next budget year and that opportunity gone. The decision was made, with the knowledge of the Chair and others, to use the surplus instead of lose it. Departments like ACRB are allowed to spend up to $20,000 without having to bid out for services. ACRB would be losing the benefit of using a year-end saving of $45,000 plus dollars. Out of that amount, $19,000 was set aside to bring on someone to help with Community Outreach; Ms. Allen’s outlined a scope of work that totaled only $14,000. Given the time frame and because she was already an approved vendor, registered by the City to do business with the city, she was a logical choice. She started the end of May and her agreement wraps up the first week of September.”

3. **R. Johnson,** “I was a member of the committee that developed a strategic outreach plan. Are we going to use any portion of that at all? I’m just asking and don’t get me wrong. I am not questioning the integrity of Ms. Allen, because I recall her coming to one of our community outreach meetings and she had some good ideas and she presented well, but I just don’t know about this because this is the first time I am hearing about it so I need to know everything about it.”

4. **Bartels** asked **R. Johnson** about specific concerns.

5. **R. Johnson** replied, “I have major concerns and well, I just don’t think this past the smell test.”

6. **Bartels** asked, “How is it supposed to smell?”

7. **R. Johnson,** “I didn’t know about it!”

8. **Harrison** indicating that he recalled an email going out asking for recommendations. “I even recommended someone.”

9. **Williams** stated, “Ryan (R. Johnson) I hear what you are saying because we did say, we were going to wait on the new Director before we did anything and see what they had to say, and if I remember correctly, you stated in a Community Outreach Meeting (which you missed at least 2/3rd’s of) that we shouldn’t do any more on outreach and just wait until whomever will be the person that takes over and let them complete the un-done part because you don’t feel that anything else has to go in it. “Now wouldn’t you think that Ms. Allen is that person? Also, what I am hearing is the money wouldn’t be there if we waited.”
10. **R. Johnson** responded, “It is done and in the past. Forget about it and let’s move on.”
11. **Williams** responded, “Now, that’s why you said, ‘It is done and let’s move on.’”

Following the discussion, the **Chair** thanked Ms. Allen for her report.

**CONSIDERATION OF INVESTIGATION #11-47, COMPLAINT OF TREMAYNE JORDAN ALLEGING EXCESSIVE FORCE – SHEENA ROBERTSON INVESTIGATOR**

**Investigator Robertson** was not present at the meeting; therefore, **Chair Bartels** summarized the complaint filed by Mr. Jordan in **Robertson**’s absence.

**A. ALLEGATION**

The **Chair** reported that Mr. Tremayne Jordan filed an Excessive Force complaint with the ACRB.

Mr. Jordan alleges that on June 29, 2011, Officer Robinson struck him twice, without provocation, in the face (once on each side) with his ASP baton causing his jaw to break. He further alleges that Officer Robinson jumped on his left leg, pressed down and broke it.

**B. OFFICERS INTERVIEW**

An interview was conducted with Officer Robinson. Officer Robinson denied having any physical contact with Mr. Jordan except when he searched him and again when he tried to handcuff him. Officer Robinson contends that Jordan’s injuries were caused when he jumped over a large pile of trash/debris that was approximately 2½-3 feet in height, lost his balance, and landed face down on the concrete.

During the interview with **Investigator Robertson**, Sergeant Grigsby stated that when he arrived on the scene, he noticed a large pile of debris/trash present and described it as being approximately three feet in height.

**C. INVESTIGATIVE FINDINGS**

During the course of the investigation, **Investigator Robertson** could not locate any witnesses that could corroborate either Mr. Jordan’s or Officer Robinson’s version on how Mr. Jordan was injured. What is not in dispute is that on the day of the incident, Mr. Jordan was transported to Grady Hospital for treatment of the injuries he suffered as a result of the encounter with Officer Robinson. As documented in the medical report, there is no doubt that Mr. Jordan suffered significant injuries to his jaw and left leg; however, how he sustained those injuries are uncertain.

As a result of Mr. Jordan’s and Officer Robinson’s conflicting accounts as to the nature of how Mr. Jordan sustained his injuries, the ACRB submitted Mr. Jordan’s medical records, along with the written transcripts of Mr. Jordan’s and Officer Robinson’s interviews with the ACRB for review by Ms. Diane White, a registered nurse with 24 years’ experience who specializes in injuries sustained as a result of trauma to the body. It is Ms. White’s professional opinion that Mr. Jordan’s injuries were consistent with a fall.

**D. ACRB STAFF RECOMMENDATION**

Based upon the documentary and testimonial evidence obtained during the course of this investigation, there appears to be insufficient evidence to support Mr. Jordan’s allegations that his injuries were caused by Officer Robinson.

Therefore, given the facts presented, the ACRB staff recommends that the allegation of “Excessive Force” against Officer Alex Robinson as alleged by Mr. Tremayne Jordan be assigned a finding of “NOT SUSTAINED.”
E. BOARD VOTES ON STAFF RECOMMENDATION

The floor was opened to questions and discussion.

Discussion...
1. Bozarth asked if Mr. Jordan broken leg was addressed.
2. Bartels indicated that there was a statement in the report that addressed the broken leg.
3. Price asked if there were any lab reports to support the allegation.
4. Bartels asked, “Does the complainant recall how he was injured? There are parts of the story that do not add up.”
5. R. Johnson expressed concern regarding the motive and no witness.
6. C. Johnson stated, “To understand what really happened, we probably need to get more information.”
7. Regarding the police report, Harrison stated, “Officers are paid to be detailed, and he missed the car plus there are too many inconsistencies.”

The Chair entertained a motion.

It was moved by Price to accept the recommendation of staff to ‘NOT SUSTAINED’ the allegation of Excessive Force by Officer Alex Robinson as alleged by Mr. Jordan. The motion was seconded by Morris. Hearing no discussion, the vote was called and the motion was approved with two Ney votes (Williams and Harrison).

CONSIDERATION OF INVESTIGATION #11-90, COMPLAINT OF EDWINA BLOUNT ALLEGING FALSE IMPRISONMENT AND EXCESSIVE FORCE – SHEENA ROBERTSON INVESTIGATOR

Chair Bartels summarized the complaint filed by Ms. Edwina Blount alleging False Imprisonment and Excessive Force. The complaint was invested by Sheena Robertson.

A. ALLEGATION
Ms. Edwina Blount filed a complaint with the ACRB alleging False Imprisonment and Excessive Force by Sergeant Edgar Irish, Officers Brandon Puetz, Brian Ernest, Andrea Webster, Tyrone Diggs, Gregory Smith, and Tony Jones all of whom are members of the Atlanta Police Department’s (“APD”) Narcotics Unit.

B. OFFICER INTERVIEWS
Interviews were conducted with all of the involved officers. All of the officers stated that they knocked and announced their presence prior to making a forcible entry into Ms. Blount’s residence. Ms. Blount claims the officers did not knock; however, there was no one present to corroborate her claim. Pursuant to APD.SOP 3020, §4.2.8(6), it is permissible for an officer to use reasonable and necessary force to affect entry into any building or property...to execute a search warrant if, after verbal notice, the person in the residence refuses to acknowledge and answer the verbal notice.

C. INVESTIGATIVE FINDINGS
The testimonial and documentary evidence obtained during the course of the investigation indicate that the officers had an active search warrant to enter Ms. Blount’s residence and search for her son, Jeffrey Shack. The search warrant also indicated that there were two outstanding warrants for Mr. Shack’s arrest for possession of marijuana and crack cocaine.
As it relates to the officers having their weapons drawn when they entered Ms. Blount’s residence, this issue is not disputed. The issue is whether or not the amount of force used was excessive and unnecessary. The staff contends that the level of force used in this situation is permissible in accordance with the aforementioned SOP because the officers were searching for a wanted person accused of committing a felony ([distribution of illegal narcotics]).

Ms. Blount further alleges that they improperly detained her for no justifiable reason. There is no dispute between Ms. Blount and the subject officers that she was ordered to get down on the floor when they encountered her in the residence. As indicated previously, the officers had a valid search warrant to enter the residence to search for her son. Ms. Blount was only briefly detained as a safety measure while the home was being searched; she was not handcuffed. Once the officers searched the residence and determined that the residence was safe, Ms. Blount was no longer detained.

D. ACRB STAFF RECOMMENDATION

The ordinance defines False Imprisonment as, “intentionally restraining another person without having a legal right to do so; physically detaining someone without the legal right to do so.”

Therefore, given the facts presented, the ACRB staff recommends that the allegation of “False Imprisonment and Excessive Force” against Sergeant Edgar Irish, Officers Andren Webster, Tony Jones, Tyrone Diggs, Gregory Smith, Brian Ernest and Brandon Puetz as alleged by Ms. Edwina Blount be assigned a finding of ‘EXONERATED’ (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

E. THE BOARD VOTES ON STAFF RECOMMENDATION

The Chair opened the floor for questions.

Discussion...

1. **Williams** asked, “What is the average length of time an officer waits before entering a house in a case like this? Ruth (Price) can you answer that?”

2. **Price** responded indicated there is no average amount of time and she said, “They act on what is considered to be a ‘reasonable amount of time.’ You have to understand, police have to use a lot of discernment in their work. In high intense situations like that you can’t expect them to be out there counting seconds...30, 29, 28...etc. because they don’t know what is behind that door waiting on them.”

3. **R. Johnson** said, “I believe she said, she was at the back of the house and maybe didn’t hear the knock.”

4. **Harrison** said, “For me it is just another reminder of Kathryn Johnson. I worked these cases...you knock, you burst the door down.”

5. **Bartels** expressed concerns regarding 4th Amendment rights.

6. **Bozarth** concerns were more centered on police policy. He said, “This is a policy question.”

Following the discussion, the Chair entertained a motion.

It was moved by Bozarth to accept staff recommendation of Exonerated on both charges. Williams seconded. Hearing no further discussion, the vote was called and the motion was approved with one Nay vote (Harrison).

**INTAKE REPORT FOR MAY 2012**

The monthly Intake Report was presented by Amanda Hardeman. She reported ACRB received six (6) complaints for the month of May and they are:
• Complaint #12-08 filed by Kevin Anderson alleging Racial Profiling & Harassment by APD. Staff recommends dismissal for two reasons; the complaint contains allegations involving racial profiling and is not within the Board’s jurisdiction and the harassment allegation is not the type of harassment defined by the ordinance. Harassment is defined as “the act of tormenting by continued persistent verbal or physical attacks.”

• Complaint #12-09, Patrick Turner filed a Service complaint accusing two APD officers of failing to adequately investigate a car accident involving his wife and another motorist. He also alleges that APD failed to provide them with a complete police report as it pertains to this incident. Staff recommends dismissal because the complaint is not within the Board’s jurisdiction.

• Complaint #12-10 filed by Frank Strickland alleging Abusive Language & False Arrest by APD Officer Stay, who took his wallet and coached witnesses on their statements. He further alleges that while Officer Stay was transporting him to the jail, he said to him, “Nigger, I will see you in six month.” Staff recommends investigation as an abusive language complaint; however, regarding the false arrest allegation, recommends investigation if and when the matter is adjudicated in favor of Mr. Strickland.

• Complaint #12-11 filed by Jeffery Wolcott on behalf of his son, Daniel Andrew Wolcott. They are alleging excessive force and other allegations by APD Officer Thornton. Staff recommends investigation as an excessive force complaint.

• Complaint #12-12 filed by Tacomi Winters, an inmate at the Fulton County Jail. Mr. Winters alleges that there are unspecified acts of misconduct occurring at the facility. He was mailed a complaint form to complete. Staff recommends dismissal for failure to file a signed complaint.

• Complaint #12-13 filed by Carla Bashir alleging Rudeness by employees of the Fulton County Sheriff Department. Staff recommends dismissal because the complaint involves allegations against the Fulton County Sheriff’s Department and is not within the Board’s jurisdiction.

The Chair entertained a motion.

It was moved by Williams to accept the staff report and recommendation. The motion was seconded by Harrison. Hearing no discussion, the vote was called and the motion was unanimously approved.

PERSONNEL SEARCH COMMITTEE REPORT

Committee Chair Bill Harrison provided the Board with an update on the activities to date. He reported that there were 13 people who qualified out of 113 applicants. Upon review of the 13 qualifying applicants, the committee selected five candidates for the first round of interviews: The following applicants were selected: Andrea Beckman, Las Vegas, Nevada; Samuel L. Reid, Minneapolis, Minnesota; Sheena Robertson, Marietta, Georgia; Victoria Urbi, Antioch, California; Holly Wiseman, New Orleans, Louisiana. Two of the aforementioned candidates (Beckman and Robertson) withdrew for personal reasons and two candidates (Clyburn Halley and Richard A. Rasmussen), of the remaining 13, were selected by the Committee to replace them. For the first round of interviews, four people had a telephonic interview and one person flew to Atlanta for a face-to-face meeting.
Following the interviews, four people were selected for a second interview and to participate in a public forum: Richard Rasmussen; Samuel Reid; Victoria Urbi; and Holly Wiseman. **Harrison** said, “Going forward, I will call each candidate and advise them that they have been selected.”

**Discussion...**

1. **C. Johnson** asked if the candidates were interviewed by telephone.
2. **Harrison** responded, “Four were but one, Victoria Urbi, traveled to Atlanta for a face-to-face.”
3. **Williams** stated that the list was supposed to be reduced to three people. He then asked **Harrison** to explain why four (4) out of five (5) people were selected for a second interview, instead of three (3).
4. **Harrison** indicated that members of the committee were asked to select their top three candidates from the list of five. He said, “Two people were selected unanimously but there was a tie vote on the third selection. We couldn’t break the tie; therefore, both candidates were included.”
5. **C. Johnson** asked, “Do all the candidates have oversight experience?”
6. **Harrison** answered, “They all have extensive background in oversight.”

**Chair Bartels** thanked the members of the Committee and then asked the body to consider a date for the community forum. **Smith** was asked to check on the availability of a room to host the community form. Dates for consideration are June 19th, 21st, 25, and 26th. Pending the availability of a room large enough to accommodate the forum on either of the aforementioned dates, an email confirmation of the date, location and time will be sent out by the **Chair** to the entire board.

The Board then discussed and voted on a stipend amount to assist the candidates with their travel to Atlanta.

The **Chair** opened the floor for a motion. It was moved by **Harrison** to provide each candidate with a $500 stipend to assist them with travel expenses. The motion was seconded by **C. Johnson**. Hearing no further discussion, the vote was called and the motion was approved with two Nay votes (**Morris** and **R. Johnson**).

**PUBLIC COMMENTS:**

**Chair Bartels** opened the floor for public comments reminding each speaker of the three (3) minutes time limit allowed per person.

*Note: Only one person signed up to speak; however, he left before the floor was opened to the public.*

**ADJOURNMENT**

**Chair Bartels** entertained a motion to adjourn. **Harrison** moved to adjourn the meeting.

The meeting adjourned at 8:10 p.m.

*Alan Morris, Board Secretary*

*July 12, 2012*

*Date:*

8