From the Board Chair…

Dear Stakeholders:

As you review the 2015 annual report, please take the time to share it with others who also care about the work we are doing. With your support, we can be the catalyst that helps Atlanta become the model city for citizen review boards.

This report provides information that will allow citizens to understand the role of the ACRB in the City of Atlanta’s effort to hold Atlanta police and corrections officers accountable.

As an independent investigative agency empowered to receive, investigate, hear, make findings and recommend action on complaints against sworn officers of the Department of Atlanta Police and Atlanta Department of Corrections, we value your concerns. Formed as a result of the tragic police shooting death of Ms. Kathryn Johnston, we realize that for many citizens, the ACRB is the only way they believe that their complaints will be taken seriously. With that understanding, the board and staff work diligently to address obstacles that impede the accountability and transparency that citizens expect the agency to provide. One of the biggest obstacles that we continue to encounter is the lack of discipline on sustained citizen complaints against Atlanta police and corrections officers. We are hopeful that in 2016 with the passage of the ACRB ordinance amendments, we will begin to close the enormous gap between the ACRB sustained complaints and the APD’s response to those sustained complaints.

Our volunteer board of citizens understands their role in seeking truth, justice, and transparency for citizens and officers. We are committed to increasing the dialogue between citizens, law enforcement, and elected officials with regard to improving community/law enforcement relationships. We believe this dialogue would give all sides the opportunity to share concerns on the type of complaints that keep occurring. Through dialogue, we may be able to find solutions to reduce the recurring situations that often pit officers and civilians against each other. Moreover, listening to each other’s concerns and knowing the law can keep both parties from feeling as if they are trapped, setup, prejudged and misunderstood. Communication is a powerful proactive tool when used effectively BEFORE problems arise.

As an independent board, we also need the support of citizens. To that end, we are committed to meeting citizens in their neighborhoods and maintaining an open and accessible office to hear citizens’ concerns. We encourage citizens to visit our monthly meetings, our website, and social media outlets. We want you to take advantage of all available training, workshops, and information that can empower you when a need a rises.

We are dedicated and fully committed to working with and serving all citizens of Atlanta.

Sincerely,

Sherry B. Williams
Executive Director’s Letter

Dear Stakeholder:

Thank you for taking the time to read the 2015 Atlanta Citizen Review Board (ACRB) Annual Report. In 2015, the ACRB embarked on its most aggressive community outreach efforts ever. The agency expended its contact to the citizens of Atlanta through various outlets. One of its biggest campaigns involved the use of billboards to communicate the awareness of running from police officers. That campaign brought local, state, and national attention to the agency.

Another notable action that occurred in 2015, Council Member Ivory Young agreed to introduce changes to the ACRB ordinance to increase the agency’s service to citizens and officers of Atlanta. While the changes to ACRB ordinance did not occur in 2015, under the leadership of Council Member Young, the ACRB ordinance changed in March 2016 to include all of the recommendations that the agency had requested.

The ACRB looks forward to continuing to work diligently in 2016 to improving the relationships between citizens and officers. The agency understands that it cannot improve the relationships without the help of citizens, officers, the city’s law enforcement departments, and elected officials. In 2016, the ACRB will continue to create ways to engage all stakeholders in its mission and work.

The ACRB thanks Mayor Kasim Reed and the Atlanta City Council for their continued support of the ACRB. Their support has allowed the agency to increase its community awareness and education outreach to the citizens of Atlanta and grow the agency in a reasonable and responsible manner.

Best regards,

Samuel Lee Reid II

MEMBERS OF THE BOARD
Sherry B. Williams, Chairperson / Gerald Souder, Vice-Chairperson / Paul E. Bartels, Secretary
Bill Bozarth / M. Gino Brogdon, Jr. / Harold Hardnett / William L. Harrison / Ruth Price / Cecilia Houston-Torrence

Samuel Lee Reid, II
Executive Director
Executive Summary

The Atlanta Citizen Review Board (ACRB) is proud to present the 2015 ACRB Annual Report. This report provides information and data related to the ACRB’s work during 2015. The ACRB continued to engage in proactive community outreach by participating or hosting 174 outreach events and activities. Filed complaints increased by 28% and the board’s sustained complaint percentage rose by 6%. However, the chief of police’s discipline percentage was only 11% of ACRB sustained complaints, which is disturbingly low.

The agency worked diligently to draft proposed changes to the ACRB ordinance to provide better service to the citizens of Atlanta. The major proposed changes included: (1) a requirement that the chiefs of police and corrections provide greater detailed letters with regard to their responses to ACRB sustained complaints, (2) implementation of a mediation program, and (3) expanding ACRB allegation classifications.

The ACRB conducted its biggest outreach campaign during the spring of 2015 when it started a Don’t Run Campaign to educate the public about the issues of running from the police during a citizen police encounter. The campaign gained national exposure and support because of its commonsense message and proactive contribution to community education. Given significant changes to the ACRB ordinance in 2016, the agency is looking forward to a year of greater service to the citizens of Atlanta.

<table>
<thead>
<tr>
<th>A Quick Look</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Complaints</td>
<td>158</td>
</tr>
<tr>
<td>Dismissals</td>
<td>124</td>
</tr>
<tr>
<td>Average Number of Investigative Days</td>
<td>184 days*</td>
</tr>
<tr>
<td>Chief’s Discipline on Sustained ACRB Complaints</td>
<td>11%</td>
</tr>
<tr>
<td>Cases Closed</td>
<td>32</td>
</tr>
<tr>
<td>Board Sustained Rate</td>
<td>28%</td>
</tr>
</tbody>
</table>
| Top Three Allegations | False Arrest 37%
                       | Excessive Force 25%
                       | False Imprisonment 21%
                       | Other 28%          |
| Community Engagement Activities | 174    |

*Average number of investigative days is affected by the complexity of the investigation, the type of allegation and, in some cases, the underlying disposition of associated criminal charges.
Board

2016 Board Members

Sherry Williams, Chair
Gerald Souder, Vice Chair
Paul Bartels, Secretary
Gino Brogdon Jr.
Bill Bozarth
Harold Hardnett
William Harrison
Ruth Price
Cecilia Houston-Torrence

2015 Board Members

William L. Harrison, Chair
Bill Bozarth, Vice Chair
Paul Bartels, Secretary
Alan H. Morris
Ruth Price
Gerald Souder
Maceo C. Williams Sr.
Sherry Williams
Gino Brogdon Jr.

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Samuel L. Reid II
Charles Curry
Brian Fleming
Lynn Garrett
Robin Lolar
Melisa Reese
Sheena Robertson
Myola Smith

Executive Director
Public Information Officer
Investigator Senior
Executive Assistant
Investigator Senior
Administrative Assistant
Investigations Manager
Project Manager

Why and what we do?

In 2006, 92-year old Kathryn Johnston was killed when three undercover Atlanta police officers illegally raided her home in the Northwest Community of English Avenue/Vine City. Ms. Johnston’s death and the details surrounding the police officers’ misconduct brought home the community’s concerns about police officers’ relationships with the community and officer accountability. As a result of many committed and dedicated citizens’ actions and demands, elected officials answered the call and created the Atlanta Citizen Review Board.
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Mission
Our mission is to provide the citizens of Atlanta credible, fair, and independent investigations and recommendations on Atlanta police and corrections officer misconduct complaints. Our work provides opportunities for both departments to consider policy change recommendations and correct officer behavior to promote the highest standards of conduct. Our aim is to lessen the possibility of urban unrest and promote public confidence in the Atlanta police and corrections departments.

Vision
• To be known for integrity, competence, and results.
• To be recognized as national experts in improving community/police relationships.
• To provide the best citizen oversight of a local enforcement agency in the nation and be recognized as the experts in civilian oversight.

Values
Integrity
Accountability
Results Driven
Teamwork
Service
Objectivity

Credibility
Fairness
Commitment
Excellence
Justice

“It’s an organization that came into existence with a fiery spirit to give citizens a very loud and strong voice (for those who) really feel that citizens have been neglected for many years and no resource to deal with those who retaliate on them.” – Reverend Benford Dwight Stellmacher
The Role of the Atlanta Citizen Review Board

The Atlanta Citizen Review Board (ACRB) has an essential role in promoting trust and confidence in the City of Atlanta’s law enforcement officer accountability systems. The ACRB is responsible for independently investigating citizen complaints against Atlanta law enforcement officers\(^1\) and making recommendations for corrective action on officers who receive sustained complaints. The agency also has the authority to conduct studies on policing issues and make recommendations with regard to the Atlanta Police Department (APD) and Atlanta Department of Corrections (ACD) policies.

The ACRB Board sustained Erica Tucker’s allegation of false arrest.

The agency’s primary areas of operations include: (1) Investigations, (2) Community Engagement, and (3) Studies and Policy Recommendations.

The ACRB is comprised of a citizen board and city employees. The board is currently authorized for 11 residents of the City of Atlanta. Board members are appointed by elected officials (3), Atlanta Planning Advisory Board (APAB), Neighborhood Planning Units (NPUs) (4), local bar associations (2), a business association (1) and a civic group (1). The Atlanta City Council confirms the appointments.

Service on the ACRB is voluntary and nonpaid. The board activities and duties require approximately 10 hours per month to be an effective board member. In 2015, the board operated with approximately 64% of the full board, which was consistent with 2014.\(^2\)

The ACRB staff consists of eight staff members who conduct the day-to-day operational duties – investigations, outreach, training, and administration.

The ACRB is committed to protecting the ACRB process as established by the City Ordinance. The commitment to maintain a fair and objective forum for receipt and investigation of citizen complaints is paramount to secure the trust of citizens and officers.

**Investigations**

The agency conducts independent investigations of citizen complaints and renders decisions on the complaints. The ACRB accepts the following allegations (as of 2015):

- **Abusive Language** – cursing, foul language, disrespectful names
- **False Arrest** – illegally arrested

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1. For this report, law enforcement officers include Atlanta police and corrections officers.
2. Several appointing entities did not appoint a replacement to the board for many months.
False Imprisonment – illegally stopped and detained.
Harassment – continuous contact with police officer for no legal reason.
Excessive Force – officer using more force than needed during an encounter: hitting, kicking, baton strikes, pepper spray, kneeling, slapping, takedown, etc.
Death or Serious Bodily Injury – serious bodily injury or death alleged to be the result of the actions of an employee of the Police or Corrections Departments.

The ACRB process is citizen friendly. Citizens may make complaints by phone, walk-in, online, email and letter. In most situations, the citizen would only need to participate in the investigative interview. At the conclusion of the ACRB process, citizens receive notification of the agency’s actions on their complaints. The ACRB process is depicted below.

ACRB Process

Studies and Policy Recommendations

Studies and policy recommendations are a growing area for the ACRB. Studies and policy recommendations are time intensive activities that require research, analysis, and writing. The ACRB views these activities, when completed timely, as valuable input that can be used to assist the law enforcement departments and educate the public. The increase in the ACRB budget will allow the ACRB to conduct studies.

Community Engagement

The ACRB approaches community engagement through building citizen awareness of the agency and providing community education related to citizen interactions with law enforcement officers.

**AWARENESS** – The purpose of the awareness goal is to increase the agency’s visibility and the public and officers’ understanding of the ACRB. Awareness of the agency and its function is critical to building trust and confidence in the agency’s work. Through this goal, the agency demonstrates its commitment to assertively seek and create opportunities to discuss the ACRB and citizen/officer encounters.

“Just because you live in the so-called ‘hood’, you shouldn’t have to be treated like that…I’m glad there is a venue for us to go … someone is going to listen to us.” – Regina Watts

The ACRB Board sustained Regina Watts claim of excessive force.
EDUCATION – The purpose of the education goal is to proactively engage citizens about their concerns related to officer conduct and provide information about citizens’ rights and responsibilities. Through this goal, the ACRB intends to increase mutual understanding of needs and expectations between citizens and officers and provide opportunities for citizen empowerment as it relates to interactions with officers and seeking redress when issues arise.

Through the ACRB’s community engagement work, the agency has become keenly aware of the concerns that citizens have about the agency and law enforcement.

Distrust/Ambivalence of Law Enforcement

Having engaged in dialogue with a wide range of citizens, a lingering, pervasive attitude of distrust and ambivalence in many local communities about law enforcement has clearly made one of the nation’s toughest professions even more challenging. Atlanta residents and others have expressed how valuable it is to have an organization that fosters a better relationship between citizen and police.

Noted civil rights activist Reverend Benford Dwight Stellmacher said, “It’s an organization that came into existence with a fiery spirit to give citizens a very loud and strong voice (for those who) really feel that citizens have been neglected for many years and no resource to deal with those who retaliate on them.” Tara Jackson, whose son filed a sustained excessive force complaint against a sworn officer of the Atlanta Police Department, described the agency as “a gateway for possible mediation between citizens and police.”

Awareness of the Agency Moving in the Right Direction

Fewer Atlanta residents with whom the agency came in contact in 2015 were unaware of the Atlanta Citizen Review Board thanks in part to diverse and aggressive outreach and media advertising campaigns. Those who became aware were surprised and pleased to discover the agency’s programs, including its KNOW YOUR RIGHTS TRAINING WORKSHOPS.

Lack of Power Perception

In the 2014 ACRB Annual Report, the agency addressed the perception of the agency’s lack of power that continues to present challenges to the faith and confidence that citizens have about the agency and its assurance that officers will be held accountable for their actions. In 2015, the agency found new support sprouting from the community to strengthen the ACRB. More citizens and organizations are realizing that APD’s responses to the ACRB sustained complaints do not support the aspirations and goals of the ACRB ordinance or community expectations. This growing realization has started a call for the creation of an independent commission with
authority to make determinations on citizen and ACRB appeals of APD decisions that may be counter to citizens’ expectations of police accountability.

Major Initiatives and Successes

Proposed ACRB Ordinance Changes

In 2015, the ACRB drafted significant changes to the ACRB’s ordinance. The intent of the proposed changes was to fill gaps in the ordinance related to board functioning, chiefs of police and corrections response to ACRB sustained complaints, and increase the level of service to citizens.

The recommendations were broken into four categories:

- increased efficiency,
- increased accountability,
- increased governance of the Board, and
- increased service to citizens.

The recommendations will correct several deficiencies in the current ACRB ordinance.

1. Increased Efficiency
   The recommendations will increase efficiency through offering a mediation program to citizens and officers.

2. Increased Accountability
   The recommendations will increase accountability through a requirement that the chiefs of police and corrections provide greater detail for disciplinary decisions.

3. Increased Governance of the Board
   The recommendations will increase governance of the board through required board training, board member term limits, an alternative process to fill prolonged board vacancies, an offering of board member compensation, and a more detailed protocol for board member removal.

4. Increased Service to Citizens
   The recommendations will increase the agency’s service to the citizens through expanding the allegation jurisdiction, which will reduce the number of complaints dismissed due to a lack of jurisdiction; expand the jurisdiction to acceptance of anonymous complaints; provide clarification of definitions and new definitions; require board member outreach, and set the proper standard of proof for evidence.

On March 30, 2016, the proposed ordinance changes became law.
Body-Worn Cameras (BWCs)

In 2015, the ACRB advocated for several changes to the APD proposed Body Worn Camera (BWC) Policy. One of the chief concerns that the ACRB had with the APD’s proposed policy was officers having the authority to review recordings prior to writing their police reports. The ACRB expressed its concerns with stakeholders, media, and editorials. The agency also had direct communication with the police department regarding concerns about the BWC. At the time of writing of this report, the APD has indicated that officers will be allowed to review recordings prior to writing their police reports, except in situations where force was used. While the ACRB advocated for no reviews of recordings prior to writing reports, the change associated with use of force is a move in the right direction. Additional ACRB concerns that the agency will monitor as the APD continues to develop and implement its BWC policy and program and include auditing of the BWC program, officer discretion to record, and citizens’ privacy concerns.

Educating Citizens about Interactions with Police

The ACRB is a strong advocate for community education as it relates to citizen interactions with police officers. The agency has a unique perspective of citizen/police interactions because of the daily examples of proper and improper interactions that are examined in the office. During the examination and investigation of many complaints, staff is able to pinpoint many instances where the interaction between citizen and officer became a problem. In 2015, the ACRB initiated one of its most powerful community education initiatives since its inception focused on the serious issues involved with running from the police during a police encounter. The “Don’t Run” campaign was a part of the agency’s community education “Know Your Rights” trainings. The ACRB’s “Don’t Run” campaign raised the level of consciousness about running from the police and sparked a lively community conversation. The agency heard from many citizens and organizations, locally and nationally. The agency received overwhelming support for taking a proactive approach to an issue that many believed should be commonsense. The critics of the campaign proved to be invaluable because their voices helped push the conversation further than the agency had envisioned. In the end, the campaign proved to be a success because the agency’s intended message received widespread attention.

Year 2015 was another great year for the agency’s community outreach efforts. With the addition of a community outreach specialist, the agency increased its community outreach efforts by more than 300%, participating or hosting 174 activities. The agency had a presence throughout the city. The outreach specialist made presentations at community meetings, organizations, and community events, allowing the agency to connect personally with more people than it has ever had in the past. One of the highlights of 2015 was the agency’s partnership with the Atlanta-Fulton Public Library System for community education trainings.
Information Source for Metro Atlanta Communities

With local and national attention on officer-involved shootings and other officer misconduct, several Atlanta Metro communities expressed interest in starting civilian oversight agencies. As the only civilian oversight agency in the state, the ACRB regularly receives complaints from citizens wishing to file a complaint against officers outside the ACRB’s geographical jurisdiction. In 2015, 40% of the complaints dismissed involved officers from outside the agency’s jurisdiction. Over the past year, citizens contacted the ACRB to file complaints against officers from the following jurisdictions:

<table>
<thead>
<tr>
<th>Cobb County</th>
<th>City of Roswell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fulton County Jail</td>
<td>DeKalb County</td>
</tr>
<tr>
<td>Atlanta Fire Department</td>
<td>Fulton County District Attorney</td>
</tr>
<tr>
<td>Georgia Department of Corrections</td>
<td>City of Brookhaven</td>
</tr>
<tr>
<td>City of East Point</td>
<td>City of Hapeville</td>
</tr>
<tr>
<td>Union City</td>
<td>City of Douglasville</td>
</tr>
<tr>
<td>City of Forest Park</td>
<td>Georgia Department of Public Safety</td>
</tr>
<tr>
<td>City of Villa Rica</td>
<td>Fulton County Superior Court</td>
</tr>
<tr>
<td>Veteran Affairs Police</td>
<td>Georgia State Patrol</td>
</tr>
<tr>
<td>MARTA Police</td>
<td>City of Fairburn</td>
</tr>
</tbody>
</table>

Whenever the ACRB receives complaints involving officers from other jurisdictions, the agency acknowledges the complaint, informs the citizen that the agency’s jurisdiction only includes Atlanta Police and Corrections officers, and provides the contact information to file a complaint with the officers’ department.

During 2015, the ACRB had the honor of meeting with citizens and organizations in Cobb and DeKalb Counties to discuss civilian oversight in general and the ACRB operation. It is inspiring to witness communities working to find ways to improve policing and the relationships between citizens and officers. It is an ongoing conversation as the agency responds to all inquiries with essential data to assist other communities in the creation of their own civilian oversight entities.
2015 Performance Measures

The ACRB performance measures and agency outcomes were developed from feedback received from conversations with citizens, elected officials, and APD personnel. The performance measures are divided among the agency’s three performance goals that support the ACRB mission.

<table>
<thead>
<tr>
<th>ACRB Mission</th>
<th>Agency Outcomes³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Goal</td>
<td></td>
</tr>
<tr>
<td>Goal 1: Provide a trusted neutral forum for the receipt of, investigation of, and decisions on citizen complaints against Atlanta police and corrections officers.</td>
<td>Number of Complaints Types of Allegations Dismissals</td>
</tr>
<tr>
<td>Goal 2: Encourage citizen trust and confidence in the City’s law enforcement accountability systems.</td>
<td>Investigation Timeline Cases Closed Board Decisions Chief Discipline</td>
</tr>
<tr>
<td>Goal 3: Educate the public concerning the agency and police interactions.</td>
<td>Community Engagement</td>
</tr>
</tbody>
</table>

Goal 1: Provide a trusted neutral forum for the receipt of, investigation of, and decisions on citizen complaints against Atlanta police and corrections officers

Complaints Received

The data associated with this goal are indicators of citizen interactions with law enforcement that affect citizens’ perceptions of law enforcement and their satisfaction with officers’ behaviors and actions. The data also provide an indicator of how well the ACRB is communicating its mission and message to the public. The ACRB tracks complaints filed, distribution percentage of filed complaints, dismissals and assigned allegations to measure how well the agency is meeting its goal. The ACRB conducts a preliminary investigation on every complaint received. The length of the preliminary investigation depends on the amount of information that a citizen is able to provide during the intake process. While most complaints assigned to investigations involved Atlanta police officers, the ACRB received one complaint involving an officer from the Atlanta Department of Corrections.

³ Data that quantifies the agency’s work to enable the public to measure the agency’s progress towards its performance goals.
The ACRB received, reviewed and conducted preliminary investigations on 158 complaints in 2015. Thirty-four of those complaints received were assigned to investigations. The top three allegations assigned to investigations were: (1) False Imprisonment (35%), (2) Excessive Force (27%), and (3) False Arrest (23%).

**Dismissals**

In 2015, forty-percent of the dismissed cases involved allegations that fell outside of the ACRB jurisdiction.

As mentioned in previous years, the high percentage of dismissed complaints involving allegations not covered by the ACRB ordinance is an indication that the agency is underserving the needs of the community. With the passage of the new ordinance, the ACRB would be in a better position to accept many of the complaints currently dismissed because of the allegation falling outside of the ACRB’s jurisdiction.

As the table below shows, dismissals based on matters outside of the ACRB’s jurisdiction (officer/allegation) accounted for nearly 69% of the dismissed complaints. While the new ordinance expanding the agency’s allegation jurisdiction will reduce the number of complaints dismissed, complaints involving officers outside the agency jurisdiction will continue. No signed complaints and time-barred complaints are areas that the ACRB will continue to address through community education and assertive follow-up with the citizens who expressed an interest to file a complaint but did not return the signed complaint.

<table>
<thead>
<tr>
<th>Total No. of Complaints Received Jan 2015-December 2015</th>
<th>158</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assigned for Investigation</td>
<td>34^5</td>
</tr>
<tr>
<td>Dismissals</td>
<td>124</td>
</tr>
<tr>
<td>• No Signed Complaint</td>
<td>16</td>
</tr>
<tr>
<td>• Outside of ACRB’s Jurisdiction-Officer/Dept.</td>
<td>36</td>
</tr>
<tr>
<td>• Outside of ACRB’s Jurisdiction -Allegation</td>
<td>49</td>
</tr>
<tr>
<td>• Time Barred (over 180 days)</td>
<td>14</td>
</tr>
<tr>
<td>• Lack of Merit</td>
<td>02</td>
</tr>
<tr>
<td>• Lack of Cooperation</td>
<td>06</td>
</tr>
<tr>
<td>• Withdrawal of Complaint</td>
<td>01</td>
</tr>
</tbody>
</table>

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^4 Out of the 34 complaints assigned for investigation, 11 of them (15-024, 15-058, 15-069, 15-072, 15-080, 15-083, 15-088, 15-089, 15-090, 15-093, & 15-095) are still in suspended status pending resolution of the complainant’s criminal case) and 1 is on administrative hold because the subject officer is no longer employed by APD.

^5 As of January 19, 2016, 3 complaints are awaiting signed complaint forms and are not included in the totals.

^6 During 2015, the Board dismissed 124 complaints; however, 2 of those complaints stemmed from 2014 (14-079 & 14-085)
Challenges Associated with Goal #1

- Educate public on current allegation jurisdiction.
- Expand allegation jurisdiction.
- Educate public on complaint filing time limit.
- Continue to build citizen awareness of the agency.

Agency Action

- Propose new legislation to expand the ACRB jurisdiction to include rude behavior, inappropriate conduct, and unsatisfactory service.\(^7\)
- Continue community outreach efforts to explain the ACRB jurisdiction and filing time limitation.

Goal 2: Encourage citizen trust of the City’s police accountability system

Civilian oversight agencies are typically created because the citizens of an area determined that the local police department could not be trusted to conduct investigations of their agencies or provide corrective action on their departmental personnel. The lack of confidence in local police departments gave rise to civilian oversight in hopes that the oversight agency would increase the level of citizen trust in their police departments and the police officer accountability systems.

The critical data related to measuring the success of the ACRB’s efforts to meet the needs of the community are captured with the investigative timeline, case closures, board decisions, and chief decisions. These measures address many of the concerns that citizens and elected officials express during conversations related to the effectiveness of the agency and the cooperation of the law enforcement departments.

Average Investigative Days

The average investigative timeline increased by 46 days, representing a 33% increase, which is still within the reasonable expectations of completing investigations. The ACRB recognizes the importance of completing investigations as quickly and thoroughly as possible. During 2015, the ACRB had several complex investigations that required more time to complete. In addition, the agency had several false arrest complaints that had been suspended and were finally resolved through the court process.\(^8\) Complaints involving false arrest allegations are generally suspended until a resolution is made on an associated criminal complaint, which could take several months.

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\(^7\) New legislation was introduced and passed, becoming effective March 30, 2016.

\(^8\) Under Georgia law, to be successful on a false arrest claim there (1) must be an arrest, under the process of law; (2) without probable cause; (3) made maliciously; (4) with prosecution terminating in the favor of the complaining party.
or years. The resolution of the criminal complaint is important because if a citizen accepts a guilty plea (including pleading to a lesser charge), is found guilty, or has the case dead-docketed, there is an immediate impact on the complainant’s ACRB false arrest investigation because the presumption is that the officer had probable cause to make the arrest. In other words, a citizen must prevail in the criminal complaint to be successful in a false arrest claim against an officer. However, a successful outcome on the criminal case does not guarantee a successful misconduct complaint against the officer because, as mentioned above, the officer may have had probable cause to make the arrest, but the prosecution may not have been able to prosecute for other reasons. The investigator and board would need to examine all facts and factors.

The ACRB is hopeful that with passing of the ordinance changes the agency will be able to reduce the number of suspended complaints related to false arrests allegations by reclassifying false arrest allegations.

Closed Investigations

The ACRB continues to increase the number of complaint investigations closed each year for the past four years. Closed complaints allow citizens and stakeholders the transparency to evaluate the types of complaints investigated and the ACRB’s handling of those complaints. The ACRB discusses the complaint investigations during open meetings and provides the discussions of the complaints in the monthly minutes.

Most importantly, timely closed complaint investigations allow citizens opportunities for quicker closure on experiences that many would prefer to forget.

Closed Investigations

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>18</td>
</tr>
<tr>
<td>2013</td>
<td>24</td>
</tr>
<tr>
<td>2014</td>
<td>28</td>
</tr>
<tr>
<td>2015</td>
<td>32</td>
</tr>
</tbody>
</table>

Board Decisions

Board complaint reviews and recommendations are one of the most important aspects of the ACRB operation. The reviews and decisions provide the opportunity for the citizens to weigh in on officers’ actions. The board members represent a cross-section of Atlanta residents. They have the opportunity and obligation to communicate Atlanta residents’ expectations of what is acceptable policing in Atlanta. This critical feedback can be used by the APD and ACD to get a
general sense of citizens’ perspective on police interactions. In 2015, the ACRB received one complaint involving an abusive language allegation against an officer from the ACD. The Board rendered a not sustained decision on the abusive language allegation.

**Distribution of Board Decisions**

<table>
<thead>
<tr>
<th>Decision</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Sustained</td>
<td>48%</td>
</tr>
<tr>
<td>Sustained</td>
<td>16%</td>
</tr>
<tr>
<td>Exonerated</td>
<td>10%</td>
</tr>
<tr>
<td>Unfounded</td>
<td>13%</td>
</tr>
<tr>
<td>Partially Sustained</td>
<td>13%</td>
</tr>
</tbody>
</table>

Despite the difficulty of sustaining some one-on-one incidents, citizens should not be discouraged about filing complaints on these incidents because the filing of a complaint creates a permanent record of the complaint, exposes the citizen concern about the officer’s behavior. Most importantly, the filing of a proper complaint serves as a reminder that inappropriate actions and behaviors will be checked, which can lead to some officers self-modifying questionable behavior. The agency is hopeful that with the implementation of body-worn cameras, recordings of these types of incidents will aid in the decision making process.

The board uses the APD complaint disposition designations for ACRB complaints. This allows the ACRB and the APD to operate from common meanings with regard to the complaint decisions.

**Exonerated:** The incident occurred but sworn officer’s actions was justified, lawful, and proper.

**Not-Sustained:** There is insufficient evidence to sustain a finding that the officer committed the violation.

**Sustained:** The investigative file provides sufficient evidence to support the finding that the officer committed the violation.

**Unfounded:** Complainant admits to false allegation, the charge is false or not factual, or the accused officer was not involved in the incident.

In 2015, the ACRB fully sustained 16% and partially sustained 13% of the complaints that came before the board. Depending on the types of complaints received, investigated, and heard, the percentages may fluctuate which reflects the characteristics of the complaints. Abusive language allegations involving one-on-one situations are challenging to sustain due to lack of witnesses or other corroborating information or evidence. False arrest allegations are also difficult to sustain.
because the determination turns on the question of whether probable cause existed for the arrest, which is a very low threshold to meet as compared to securing a criminal conviction.⁹

**APD Chief’s Decisions**

Generally, after the APD receives a complaint decision from the ACRB, the APD sends a first response letter to comply with the 30-day ordinance requirement. This letter typically indicates that the APD has rejected the Board recommendation because they had not completed its investigation and at the conclusion of its investigation, a second response (final response) letter would be forwarded to the ACRB. In 2015, the ACRB was awaiting a first response letter on 20% of its complaint decisions.

The Chief’s final response letter is provided to ACRB at the conclusion of the APD investigation. This letter indicates the Chief’s final decision on the ACRB complaint. At the end of 2015, the ACRB was awaiting a final response letter on 55% of its complaint decisions, which means that many citizens had not received closure on the incident. Despite the ACRB’s efforts to complete its investigations timely, the subsequent delays frustrate citizens’ expectations of the APD to hold officers accountable on citizen complaints.

At the end of 2015, the APD chief’s final response letter agreed with 11% of the ACRB sustained recommendations. This rate is alarming and indicates a need for change. No other measure determines the public’s perception of police accountability than the police department’s response to citizen allegations of police misconduct. For many citizens, the disciplinary percentage of agreement on sustained complaints is the most critical factor of how well the law enforcement departments are attempting to hold their officers accountable. This percentage is also the citizens’ measuring stick about the effectiveness of the oversight agency and the police department’s respect for the agency’s work.

Timely investigations and responses to completed investigations are critical to building citizen trust and confidence in the City’s officer accountability mechanisms. The ACRB and APD will need to continue to work cooperatively on ways to reduce the amount of time taken to receive the chief’s second response letter.

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⁹ The acceptance of a guilty plea, being found guilty, or having a case dead-docketed will generally create an inference that probable cause existed for the arrest.
Challenges associated with Goal #2

- Increase the rate of agreement between the ACRB and APD on sustained ACRB complaints.
- Continue to reduce the investigative timeline.

Agency Action

- Advocate for legislation that requires the chiefs of police and corrections to provide response letters with greater detail that is based on a factual or legal basis on ACRB sustained complaints.
- Propose new legislation to expand the ACRB allegation jurisdiction to include appropriate action, conduct, discrimination, discriminatory reference, failing to provide identification, retaliation and violations department standard operating procedures.
- Continue community outreach efforts to explain the ACRB jurisdiction and filing time limitation.
- Advocate for body-worn cameras (BWC), citizen participation in BWC policy development, and strict enforcement of policies.

Goal 3: Educate the public concerning the agency and police interactions

Consistent community engagement is essential to the ability of the agency to address the concerns that citizens may have about officer accountability. The ACRB ordinance requires the ACRB to engage in a program of community education. When the ACRB office opened in 2008 up to 2012 (approximately 4½ years), community outreach activities were minimal or non-
existential, due in part to small staff and few resources. In 2012, the ACRB developed two parts to the community education program – (1) awareness building and (2) community education. This program has been consistently followed since 2012.

In 2015, the ACRB conducted and participated in more community engagement activities than it had ever done in the past.

The ACRB increased its community outreach efforts by increasing the frequency of its communication to the public, which included opinion-editorial pieces, media interviews, social media posts, canvassing, radio public service announcements and collaborating with community partners for participation in events throughout the City of Atlanta. One the most successful collaborations in 2015 involved the ACRB’s work with the Atlanta Fulton Public Library System through the Central Library. The most successful outreach campaign of the year was the “Don’t Run” campaign. The agency also made presentations to 21 of the 25 Atlanta Neighborhood Planning Units (NPUs). The agency conducted 27 “Know Your Rights” trainings throughout the city.

“What got me involved...it was not one thing (but) many things...too many people having bad encounters with police. Growing up I was told how to handle certain situations. Maybe my experience in the world could have saved a life. There are so many people going to jail and in the prison pipeline. While we can’t save the world, we can save one here and there. My youngest is 21. We’ve had many of these conversations. We’re trying to share with others because a lot of them don’t have male figures in their lives except for the people they meet on the streets.” – Ron Jerido

Ron Jerido was the first to volunteer for ACRB’s 2015 Community Outreach Volunteer Ambassador Program or COVAP

Community Engagement Activities
Challenges associated with Goal #3

- Lack of awareness of the agency and services
- Increase citizen understanding of proper interactions between citizen and officers
- Increase flow of information to the community and from the community

Agency Action

- Continue with awareness and education outreach
- Conduct more focus groups and roundtables to increase feedback
- Continue with board meetings in the community

Officer-Involved Shootings

In September 2013, the ACRB started collecting data on officer-involved shootings where a citizen was injured. The purpose of this data collection was to monitor the length of investigations and the outcome of the investigations. Citizens expect the agency to be aware of critical incidents even when a complaint is not filed with the agency, especially if the incident is reported in the news.

The ACRB received notification from the APD of seven officer-involved shootings in 2015. These critical incidents involved officer shootings where a citizen was injured or killed by an officer.

Currently, all seven incidents are under investigation. The ACRB will continue to track these critical incidents through their resolutions.

The ACRB currently has three officer-involved shootings under investigation. Unfortunately, these investigations are suspended pending the completion of the criminal investigations.

Looking Forward

Over the past two years, the nation and the Atlanta community have experienced the frustration and disappointment involving the actions of law enforcement and citizens. It is important that citizens understand that there are resources available to hear their concerns and investigate their complaints against law enforcement. The coming year will find the ACRB working harder than ever to increase citizen awareness and understanding of the ACRB. The ACRB will continue to provide timely and thoroughly investigated complaints and reduce the investigative timeline. One of the most important actions for the ACRB will be expanding the ACRB jurisdiction to
reduce the percentage of complaints dismissed because the allegations fall outside of the agency’s jurisdiction.

Even with all of the above actions on the ACRB’s part, the ACRB’s success is tied to the APD’s acceptance of the ACRB sustained complaints. The APD’s actions on ACRB sustained complaints is the most important factor in determining whether police accountability can work on a highly sustainable rate. The first step to creating an environment with a consistently high rate of agreement between the ACRB and APD is increasing the understanding of why APD denies discipline on many ACRB sustained complaints. This will enable the ACRB and the APD to address concerns that are preventing the departments from achieving a high rate of agreement on sustained ACRB complaints. Citizens expect that officers who engage in misconduct will be disciplined for breaking policies with the same enthusiasm and vigor that citizens are held accountable for breaking laws. A police department’s acceptance and action on properly investigated and fairly determined civilian oversight sustained complaints is an indication of that department’s positive change toward citizen concerns.

Lastly, the ACRB is looking forward to implementing its mediation program in 2016. Mediation will be a great opportunity for citizens and officers to share perspectives of an interaction that may lead to increased mutual understanding and respect.
The Atlanta Citizen Review Board is a proud agency of the City of Atlanta.

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