ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE LAST MEETING
August 11, 2011, 6:30 P.M.
55 TRINITY AVENUE, S.W., COMMITTEE ROOM TWO, ATLANTA, GEORGIA 30303

ROLL CALL

MEMBERS PRESENT
ALAN MORRIS (Morris)
PAMALA ALINIECE (Aliniece)
PAUL BARTELS (Bartels)
CHARIS JOHNSON (C. Johnson)
JOY MORRISSEY (Chair/Morrissey)
MACEO WILLIAMS (Williams)

MEMBERS ABSENT
BARIHARA HUBBARD (Hubbard)
RYAN JOHNSON (R. Johnson)
Two Vacant Appointments to the Board
City Council President’s Office (vacant 16 months)
City of Atlanta Council Members (vacant 8 months)
Office of the Mayor (vacant 1 month)

STAFF ATTENDEES

MARC ADINGTON, Investigator (Addington); CRISTINA BEAMUD, Executive Director
(Director/Beamud); SHEENA ROBERTSON, Investigator (Robertson); MYOLA SMITH, Administrative
Analyst (Smith/Transcriber

MEETING CALLED TO ORDER:

The meeting was called to order at 6:37 p.m. The Chair welcomed citizens, guest and Lieutenant Neil Klotzer,
Office of Professional Standards with the Atlanta Police Department.

AGENDA

APPROVAL OF MINUTES OF THE LAST MEETING (Agenda Item II):

The Chair entertained a motion to approve the minutes of the last meeting held July 14, 2011 at 6:30 p.m. Before
the motion, Williams made one minor correction on page 5, Item VII, inserting ‘the’ in his comments regarding
the Quitman 10. Noting this correction, it was moved by Williams to accept the minutes of the last meeting. The
motion was seconded by Bartels. No discussion, the minutes were approved as corrected.

CONSIDERATION OF INVESTIGATION 10-32, COMPLAINT OF TAMLA WATKING-INVESTIGATOR SHEENA ROBERTSON
(Agenda Item III)
The *Chair* directed members to Agenda Item III, *Director Beamud’s* memo to the Board dated August 2, 2011 summarizing the investigation of Complaint #10-32. *Investigator Robertson* conducted the investigation and provided an oral summary of the complaint.

A. ALLEGATION SUMMARY
   *Robertson* reported that on April 20, 2010, Tamla Watkins filed a false arrest complaint with the ACRB. Ms. Watkins alleged that on January 7, 2010, Atlanta Police Officer Larry Bennett falsely arrested and charged her with criminal trespass.

   When Ms. Watkins filed a complaint, her criminal case was still pending adjudication; therefore, the Board suspended its investigation pending the outcome of her case.

   On March 11, 2011, Ms. Watkins’ case was placed in “dead docket” status as a result of her completion of 50 hours of community service.

   On May 13, 2011, the Board decided to resume its investigation into Ms. Watkins’ complaint.

B.SYNOPSIS OF INVESTIGATION
   According to Ms. Watkins, on the day of the incident, her husband who is the Assistant Principal at Dobbs Elementary School, came to her job earlier that day and took her vehicle. She claims that she called 911 to report the theft and the 911 Operator told her to wait outside the school gate for the police. Ms. Watkins stated that after she called 911, she, along with her parents and two sons, drove to Dobbs to wait for the police. Ms. Watkins claims that when they arrived at the school, her father parked outside of the gate and they did not speak to anyone.

   Ms. Watkins alleges that Officer Bennett lacked probable cause to arrest her and denies that she had previously been issued a criminal trespass warning that prevented her from being on Dobbs Elementary property. Furthermore, Ms. Watkins alleges that she only entered onto the property at the behest of the police and had not stepped foot on the property prior to their arrival.

   The complainant’s ex-husband, Mario Watkins states otherwise. He stated that prior to the police arrival, Ms. Watkins and her mother came onto the school’s property and threatened him with physical harm.

   The investigation revealed that Ms. Watkins was seen on the surveillance camera enter onto the school’s property and appear to threaten Mr. Watkins prior to the police arrival. Records also show that Ms. Watkins claims she called 911 prior to her going to school is false. The audio recording indicates Ms. Watkins contacted 911 while she was on the school’s property.

   Mario Watkins also contends that Ms. Watkins had been previously warned to stay off the school’s property. Mr. Watkins’ claim is corroborated by Dobbs’ Principal, Dana Evans. Ms. Evans said that she previously told Ms. Watkins to stay away from the school and contacted Ms. Watkins’ employer to tell her the same. During the interview with ACRB, Ms. Watkins acknowledged she had been told by her employer to stay away from Dobbs.

C. ACRB STAFF RECOMMENDATION
   Based on the facts presented, the ACRB staff recommends the allegation of False Arrest against Officer Bennett be assigned a finding of “Exonerated.” The investigation established that the alleged acts occurred but were justified, legal or proper within the department policy.

D. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION
   Following the summary, the *Chair* opened the floor for questions and called for a motion. There were no questions; therefore, it was moved by *Morris* to accept the staff’s recommendation of “Exonerated”
regarding complaint #10-32. The motion was seconded by Aliniece. Hearing no further discussion, the motion was approved with one abstention vote (Williams).

CONSIDERATION OF INVESTIGATION #11-25 – COMPLAINT OF AARON LEWIS – INVESTIGATOR SHEENA ROBERTSON (Agenda Item IV)

The Chair directed members to Agenda Item IV and Director Beanud’s memo dated August 4, 2011 regarding the complaint. Investigator Robertson provided an oral summary of the complaint.

A. SUMMARY OF ALLEGATION

Investigator Robertson stated Mr. Lewis filed a false imprisonment complaint with the ACRB against Atlanta Police Officer Gregory Dubose.

B. ALLEGATION SUMMARY

Robertson reported Mr. Lewis alleges that on March 22, 2011, Officer Dubose falsely imprisoned him when he detained him for approximately 45 minutes without legal justification. It is Mr. Lewis’ belief that he was profiled because of his appearance; a black man with long dreadlocks.

Officer Dubose, who is also African American, denies Mr. Lewis’ allegations and contends Mr. Lewis was stopped because he observed him operating a vehicle without wearing a seat belt; a claim Mr. Lewis denies. Officer Dubose said Mr. Lewis was handcuffed because of his refusal to provide his driver’s license; despite numerous requests.

There were no independent witnesses that could corroborate either account; however, the facts do not appear to support Mr. Lewis’ allegations that he was detained for 45 minutes. According to APD records, the duration of the stop lasted approximately 14 minutes. This amount of time is not clearly unreasonable based on the circumstances.

C. STAFF RECOMMENDATION REGARDING COMPLAINT #11-25

Based on the facts presented, the ACRB staff recommends that the allegation of false imprisonment by Officer Gregory Dubose of the Atlanta Police Department be “Not Sustained.”

It should be noted, Investigator Robertson declared the allegation pertaining to the legality of the search of his vehicle and belongings was not addressed because it is not within the Board’s jurisdiction. Robertson stated the Board may want to refer this matter to APD for further investigation.

E. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION

Following the summary, the Chair opened the floor for discussion and questions regarding Ms. Watkins’ complaint.

Discussion...

1. Bartels asked Robertson if she determined whether there was a video tape at the stop or not? Robertson replied, “No, there is no video tape.”

2. Bartels stated, “One recommendation we need to make, again is it would be ideal if all traffic stops were videotaped. I think it is unfortunate the equipment to do that is not in every police car. My impression is that it is mainly in the DUI task force officer’s car. It would be a win-win situation if they did have this equipment. If these allegations are correct, then it would be fair to Mr. Lewis, and if they are not correct, then it would exonerate the officer and he would not have that cloud hanging over him. I would like to include this in the motion and recommendation.”

3. Robertson noted the officer was on a motorcycle. Bartels said, “Well, there are body mikes and cameras that are being used.”
Hearing no further discussion, the **Chair** called for a motion.

It was moved by **C. Johnson** to accept the staff’s recommendation of **"Not Sustained"** regarding complaint #11-25. The motion was seconded by **Bartels**. Hearing no further discussions, the motion was approved.

A second motion was entertained by the **Chair** regarding video/audio tape of all traffic stops and **Investigator Robertson**’s recommendation to refer the searching of Mr. Lewis vehicle and his belongings to APD for further investigation. It was moved by **C. Johnson** to refer the matter to APD for investigation regarding the Fourth Amendment issues raised by the complaint and also include a recommendation that all police cars be equipped to video tape traffic stops. The motion was seconded by **Williams**.

**Discussion...**

1. **Williams** stated, “Searching without a warrant is a violation of Mr. Lewis’ Fourth Amendment rights. Can anyone else speak to this issue?”
2. **Bartels** said, “Again, since there is no video or audio tape of this happening, it is one person’s word against another. I think, clearly, the Fourth Amendment is an issue, as was with the whole Eagle situation, which had to do with very much the same. However, we do know APD is going to be giving Fourth Amendment training to their officers.”

Hearing no further discussion, the motion was approved with one No Vote by **Morris**.

**CONSIDERATION OF INVESTIGATION #11-21 – COMPLAINT OF SHEQUITA WALKER – INVESTIGATOR MARC ADDINGTON (Agenda Item V)**

The **Chair** directed members to Agenda Item V and **Director Beamud’s** memo dated August 2, 2011 regarding the complaint. **Investigator Addington** provided an oral summary of the complaint.

**A. SUMMARY OF ALLEGATION**

**Investigator Addington** reported the case presented involves allegations of False Arrest and Excessive Force. The complainant, Shequita Walker (#11-21), alleges she was subjected to False Arrest and Excessive Force during an incident involving APD Officer Kenneth Thomas. The date of the incident is April 21, 2011 and the location is at the intersection of Boulevard and Rankin Street.

**B. ALLEGATION SUMMARY**

**Addington** stated that on April 21, 2011, Ms. Walker alleges that she was sitting in a chair in a vacant lot near the intersection of Boulevard and Rankin with several other individuals when she was approached by Officer Kenneth Thomas who told them they had to leave the area. According to Ms. Walker, she asked Officer Thomas why she had to leave and stated that she was going to call Officer Thomas’ supervisor. The complainant claims that as she stood up, Thomas grabbed her left wrist and twisted her arm behind her back causing her to fall to the ground. Ms. Walker then stated an additional officer arrived and helped Thomas get her up to her feet. Ms. Walker was relocated in a police vehicle to a nearby gas station where she was assessed by Grady EMS. A determination was made by EMS that Ms. Walker was able to be transported. She was booked into Grady detention and arrested for disorderly conduct.

**C. WHAT THE INVESTIGATION REVEALED**

The investigation revealed that on the day of the incident, the complainant was sitting in a chair that was located on private property and was not interfering with public egress on the sidewalk. All of the witnesses interviewed confirmed this and Officer Thomas stated in his interview, she was probably on the vacant lot and not on the sidewalk as he originally claimed. Officer Thomas claims that he responded to
the location based on a 911 call that several black males were selling narcotics at the location. Officer Thomas stated that upon arriving, he did not observe any narcotics sales but he decided to advise the complainant and the others in the lot to move from the area. When staff asked Thomas why they had to move from the area, Thomas stated that if the 911 caller happened to be observing his action moving the people from the area, he would see him trying to be proactive and not make subsequent calls to 911. Officer Thomas confirms that when he was challenged by Ms. Walker, a crowd began to assemble around him and in his interview; he stated that he was in fear for his safety. It was at his point, he claimed he attempted to cuff Ms. Walker on her left wrist and when he did so, Ms. Walker just went limp and fell to the ground to her knees.

Officer Thomas charged Ms. Walker with violation of City Ordinance 106.81.1 Disorderly Conduct and her case was subsequently, dismissed for evidentiary reasons in Municipal Court. The investigation found that Officer Thomas had completed three versions of the incident report that documented the arrest of Ms. Walker. In each subsequent version, Officer Thomas appears to add information that bolsters his claim that he was in fear for his safety, although initially, he claimed he arrested her for her behavior not out of fear for his safety. It appeared as though Thomas was adding additional information to the report because he realized he was the subject of an internal investigation by both OPS and the ACRB.

D. STAFF RECOMMENDATION REGARDING COMPLAINT #11-21
Regarding Ms. Walker’s allegation of excessive force, there is no dispute that Officer Thomas twisted her arm behind her back in an attempt to place her into custody. This maneuver is employed often in law enforcement. Officer Thomas claims that when he twisted her arm back, Ms. Walker just went limp and fell to her knees. Officer Thomas claims Officer Patton immediately assisted him in getting her up to a sitting position. This video evidence provided by witnesses support this assertion. Additionally, the medical records obtained for Ms. Walker indicate that she had suffered a strain or sprain to her upper arm. Ms. Walker advised ACRB, during her interview, she had a pre-existing injury to her shoulder and it is not clear that Officer Thomas’ actions caused this injury to occur.

Though there is sufficient evidence indicating Officer Kenneth Thomas did not have the necessary probable cause to place Ms. Walker under arrest, there is not sufficient evidence to support her claim of excessive force. Based on these facts, the ACRB staff recommends the allegation of False Arrest be “Sustained” and the allegation of Excessive Force be “Not Sustained.”

E. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION
Following the summary, the Chair opened the floor for discussion and questions regarding Ms. Watkins’ complaint.

Discussion...

1. Beamud stated, “This took some legal analysis but one way of looking at this is it would be excessive force because no force was proper because it was not a proper arrest. However, that is not the law in the Eleventh Circuit Court. In the Eleventh Circuit, this type of force situation where an officer makes an illegal arrest but the force is not extraordinary and consisted with normal procedure, they combined the claim and considered the force with the false arrest claim. On the other hand, you could, as a Board, decide that it is excessive force and you are not bound by the Eleventh Circuit case law. I just made a decision to view it that way.”

2. Bartels commented, “I understand Ms. Beamud’s analysis. I guess it comes down to whether we are looking at it from the Eleventh Circuit point of view or point of view from the Department of Regulations. Looking at the last page and reading it verbatim, it says, ‘Employees will only use that force which is reasonable and necessary to effect an arrest, prevent escape necessary to restrict movement of a prisoner, defend the officer or for physical assault’...and here is the key phrase...’or to accomplish other lawful objectives.’ I’m reading that to say that other lawful objectives include a lawful arrest.” Beamud stated, “That is perfectly reasonable and
understandable. Our recommendations, as you know, tend to be more conservative. If I have to make a choice, I tend to lean more on the conservative side but the Board is not bound by that.”

3. Williams said, “Officer Thomas, if I am not mistaken, he has been involved in quite a few different incidents in that particular area.” Beamud answered, “Yes. Officer Thomas is the subject of a number of complaints. There are two other complaints that we are asking the Board to dismiss because we have been unable to secure the cooperation of those witness or complainants. They have been very hard to find, but yes, there have been some issues raised with actions in general of Officer Thomas. I know that Investigator Addington will address that after the Board votes on whether to sustain the recommendation as part of the background to help you make a determination for disciplinary recommendation.”

4. Williams indicated that just by looking at the picture, it clearly illustrates, Ms. Walker was not blocking the sidewalk. Bartels agreed.

Following the discussion, the Chair called for a motion.

Regarding the first allegation of complaint #11-21 pertaining to false arrest, it was moved by Morris to accept the staff’s recommendation to “Sustain” the complaint as recommended. The motion was seconded by Williams. Hearing no further discussions, the motion was approved.

Regarding the second allegation of excessive force, it was moved by C. Johnson to accept the staff’s recommendation of “Not Sustained.” The motion was seconded by Morris. Hearing no further discussions, the motion was approved with two No Votes by Bartels and Williams.

F. RECOMMENDATION AND VOTE REGARDING DISCIPLINE

Addington stated, “Disorderly conduct involves a high level of officer discretion. It can be helpful to conduct analysis of disorderly conduct arrest in an attempt to detect any patterns that could suggest misuse of discretion. There is a higher likelihood of misuse of discretion; for example, making an arrest as retribution for citizen back talk or disrespect of the police. In cases where the officer is the only victim of the disorderly conduct, as opposed to cases in which the arrested person was fighting another person or otherwise involved with other victims.

An analysis was conducted by APD Zone 5 Precinct. The data provided by APD consisted of the arrest statistics of Officer Kenneth Thomas and the arrest statistics of two other officers who are deployed in similar situations in Zone 5. They patrol similar beats and work similar hours so that a comparison could be made. The results are as follows:

- Officer Kenneth Thomas of Zone 5 arrest record from the period of January 1, 2011 to June 10, 2011 consisted of a total of thirty-eight (38) arrest and twenty-seven (27) of the arrests were for disorderly conduct or related offenses. He has been employed since 2007.

- The second policeman, Officer Jermaine Chester of Zone 5, arrest record for the period of January 1, 2011 to June 10, 2011 consisted of twenty one (21) arrests, and eight (8) of those arrest were for disorderly conduct or related offense. He has been employed since 2006.

- The third officer analyzed was Officer Vandi Mac of Zone 5. His arrest record for the same period consisted of a total of three (3) arrests and one (1) of those arrest was for disorderly conduct or related offenses. He has been employed since 2006.

The data provided by APD suggest that Officer Thomas’ activities reveal a pattern that he may be more likely to abuse his level of discretion during citizen encounters that result in physical arrest. The Board may wish to consider this information in his disciplinary recommendation to the Chief of Police.
The summary of Officer Kenneth Thomas discipline record is as follows:

*He has been employed with APD since 2007. He has had seven OPS cases since 2009. Two (2) of the cases are currently opened and they involve allegation of excessive force. One of the cases includes the complaint filed by Shequita Walker being considered tonight. The other case is an allegation of excessive force involving a burglary suspect who alleges there was excessive force during the arrest. Two (2) of the nine (9) complaints were sustained and both of those complaints were for conformance to directives and failure to appear in court. These two cases involved an escape of a prisoner during a detention at a mini-precinct and reporting late to a trainee class.*

The Chair opened the floor for discussion.

Discussion...

1. **Williams** said, “The information regarding Officer Thomas far outweighs the other officers in total arrest and disorderly conduct. Is he doing his job to the best of his ability or is he abusing his authority? Also, looking at the picture exhibit, the photo shows the complainant face down at the base of the tree with hands cuffed behind her back. This is a lady and something is wrong with that picture.

2. **Bartels**, “I too am concerned by the number of arrests made by these officers. Just from my perspective a lot of these cases for disorderly conduct, because it is such a broad, sometimes vague statute or city ordinance, can be open to abuse. Especially, if it is a case where a citizen, legally questions, why an Officer is telling them to move alone in a place they have a right to be. There is a tendency to think, if a prosecutor dismisses a case, no harm done. Well there is harm done, even if it turns out to be not a legitimate arrest and the case is dismissed because the person was put in jail and having to serve time in any jail, can be a very traumatic event. They have to post bond, they have to take time off to show up at court; hire a defense attorney and I think it needs to be addressed not from the prosecutors’ side, but before it gets to that point. The second thing that concerns me is the report was written three different times and each time, it got more serious. The first time was for refusing and using profanity; then it became, “I was in fear of my safety” and then, “I was in fear of life.” I think that raises issues of truthfulness and the report was continually modified to justify the arrest.

3. **Aliniece** indicated that she agreed with both Mr. **Bartels** and Mr. **Williams**.

4. The Chair added, “I believe this is another case in which the ordinance calls for us to point these things out. When there are very clear numbers, the possibility is likely that arrests for disorderly conduct are misuse of the abilities of the Police Department. I understand this is a rough area, but sweeping crumbs under the carpet—so to speak—by using a broad charge as disorderly conduct as a way to patrol. This is why we are here and we must bring these things come to light. I hope OPS pays attention because we are certainly starting to become very familiar with different officers and their misuse of their authority. What is category of this offense?”

5. **Addington** stated, “There are two categories that the offense can fall under. The first being a category ‘A’ failure to follow arrest procedures. The other possibility is a category ‘B,’ abuse of authority.” **Beemud** stated, “The ‘B’ violation is the more serious of the two. **Bartels** agreed that the ‘B’ category was more applicable. “Procedure for arrest implies the correct decision for arrest was already followed and it is a question of where do we go from here. Whereas, abuse of authority applies to the initial decision to arrest at all.”

6. The Chair asked Addington about discipline for a ‘B’ violation. **Addington** answered that the violation carries a suspension of two (2) to three (3) days.

7. **Williams** said, “Looking at the arrest record, I would personally recommend three days.” **Morris** also agreed with the three days of suspension.

8. **Aliniece** asked, “Since some of our recommendations do not seem to get a lot of consideration, is it possible these officers can perform community service especially, in cases, like Officer Thomas, where his record is so excessive? The Chair indicated that it was decided by the founding members to keep discipline recommendation in alignment with the APD grid. “I think...
that is a valiant idea (community service), but I recommend that we discuss this at a later time and not do it right now. The By-Laws Committee can take a look at your suggestion, and go from there.

9. C. Johnson said, “In addition to what has been shared, in terms of suspension, I would be in favor of recommending training for him. We don’t know the reasons why he has decided to arrest so many people. Is it he doesn’t know? Does he not understand...or is he just abusing his power? There does seem be an issue with discretion and being ‘arrest happy’ because his numbers are so skewed from the others.”

10. Bartels: agreed to recommend the three (3) day suspension and agree that some training is in order as to what constitute disorderly conduct and what disorderly conduct is not. In all fairness to the officer, just reading what he said to the investigator, I think it is pretty clear he felt under pressure to do something about this problem. It is not an easy area to patrol and I also know that the vast majority of residents in that area do want something done. They call the police to put pressure on them to make sure that something is done; therefore, I understand the pressure he is under. Maybe he is just not able to resolve these situations except by making an arrest.

Following the discussion, the Chair entertained a motion.

It was moved by Bartels to recommend that Officer Thomas received a three (3) day suspension and additional training for the Sustained allegation of False Arrest. The motion was seconded by Williams. Hearing no further discussion, the motion was unanimously approved.

PRESENTATION AND INFORMATION FROM THE DEPARTMENT OF JUSTICE COMMUNITY RELATIONS SERVICES – MS. SUZANNE BUCHANAN (Agenda Item VI):

Director Beamud introduced Suzanne Buchanan. She indicated Ms. Buchanan is recently here in Atlanta and she is a staff member at the Department of Justice, Community Relations Division.

Ms. Buchanan thanked the Board for allowing her to speak. “The Community Relations Service was created pursuant to the 1964 Civil Rights Act. Of course at that time, the issues the Government was thinking was that desegregation was coming down the line and they needed to create some type of response mechanism to address the massive conflict and tension that would happen at the community level. Basically, what they did was create a team of specialists who were deployed across the nation at the community level to address issues at the time that were related to race, color, and national origin. Throughout the years, we have continued to deal with issues related to race and other discrimination, but after the 2009 Shepard-Byrd Hate Crime Prevention Act, we expanded our mandate to include all of those protected categories including disability, religion, sexual orientation, gender-gender identity.”

“The way we work is we provide a confidential service that is absolutely free. We do conflict resolution work at the community level and that can be conciliation, bringing parties and conflict together; mediation, technical assistance and training. We have often served as the bridge to help communities in conflict with law enforcement. We have several trainings that we work with in law enforcement agency, as well as, other school districts and many other organizations to address tension in communities. This can range from cultural sensitivity training, such as, the work programs we have with Arabic Muslim that help officers differentiate and understand what would be the appropriate response and what to expect. A racial dialogue would be relevant to this organization. I am your conciliation specialist for the entire State of Georgia and North Carolina. I have a background in conflict resolution and I have worked internationally as well. I just wanted to introduce ourselves to you and offer our services because I believe they could help in sensitive situations and ease tension. I have met with Chief Turner this week and we discussed certain areas of Atlanta and issues such as allegations of excessive force. We may be a liaison or a bridge that can help bring some of these issues to a head and hopefully, work on some sustainable solutions.”
INTAKE REPORT FOR JULY, 2011 (Agenda Item VI)

A copy of the Intake Report was included in the Board packets. Director Beamud reported five (5) complaints were received for the month of July, 2011. The complaints are:

#11-40 / Clifford Howard alleging Improper Procedure  
It was explained that the ACRB is not authorized to conduct this type of investigation, but would forward the matter to OPS. Staff recommends dismissal for lack of jurisdiction.

#11-41 / Michael Morrison alleging Abusive Language  
Staff recommends investigation as allegation of abusive language.

#11-42 / Reiko Wimby alleging Poor Service (Failure to File Police Report)  
Staff recommends dismissal for lack of jurisdiction and incident occurred over a year ago.

#11-43 / Anita Taylor alleging Unable to Obtain Copy of Accident Report  
Staff recommends dismissal because the matter is not within the ACRB’s jurisdiction.

#11-44 / Thalectriceus Comer alleging Excessive Force  
Staff recommends investigation as an allegation of excessive force.

The Chair entertained a motion to accept the Director’s Intake report. It was moved by Williams to accept the Director’s report. The motion was seconded by Bartels. The Chair called for a discussion. Hearing none, the motion was approved.

REQUEST TO DISMISS CASES FOR LACK OF COOPERATION (Agenda Item VIII):

The following cases were recommended for dismissal because the complaints are incomplete and staff has not been able to contact the complainant:

Investigator Addington summarized the request. He indicated that while attending a community event, three people were filed complaints that day regarding the actions of Officer Kenneth Thomas. “One of the three complaints was filed by Shequita Walker. It was completed and forward to Board and discussed tonight. The other two complaints were filed by Jamil Mitchell, Case #11-24 and Jamie Smith, Case #11-23 and they are not completed. We have been unsuccessful in trying to locate them for an interview.”

- “Jamie Smith, Case #11-23, stated that Officer Kenneth Thomas drove up to her abruptly and ordered her out of the park. She claims he demanded her identification. He got back in the patrol car, sat there and continued to harass her. The complaint was received and efforts were made to contact her at her stated phone number. She responded and indicated that she would call at another time and set up an appointment to meet with us, but she never called back. A letter was subsequently sent to her listed address on July 18, 2011 asking her to contact us; otherwise, her case would be terminated. The letter was returned and marked ‘undeliverable. An attempt was also made to canvas her area to locate her, but she did not appear. Therefore, we are requesting that the Board dismiss this investigation.”

- “Jamil Mitchell, Case #11-24, also filed a complaint on the same day. He claims that he was walking on the streets near Wendy’s® and was stopped by Officer Kenneth Thomas for no reason. When Mr. Mitchell asked the officer why he was stopped, Officer Thomas demanded his identification. I have spoken with Mr. Mitchell on several occasions via his cell phone asking him to make arrangements to either meet me or come to the office for an interview. Mr. Mitchell never responded back. A letter was mailed to him on July 16, 2011 asking him to arrange an interview and if he failed to contact us, the case would be terminated. Like Ms. Jamie Smith, Jamil Mitchell has not responded; therefore, we also request that his case be dismissed.”

Beamud stated that she had just been informed that one of those complainants has not responded to us because she is incarcerated. “If I may suggest that the Board gives us the authority to dismiss Ms. Jamie Smith’s
complaint, if we cannot get her cooperation; but, we will continue to see if she will grant us an interview. If she is incarcerated, the Investigator can go to jail and they also go to state prisons. I don’t have any other information regarding Ms. Smith, but when we do, I will inform the board.”

The Chair entertained a motion to accept staff’s recommendation.

It was moved by Williams to dismiss Case #11-24 (Jamil Mitchell) and continue trying to contact Jamie Smith (Case #11-23). The motion was seconded by Bartels. The Chair called for a discussion. Hearing none, the motion was approved.

PUBLIC COMMENTS (Agenda item IX):

Chair Morrissey opened the floor for public comments. Four people signed up; however, only two decided to speak:

- First speaker: Anna Kurien. Ms. Kurien is an attorney in the Public Defender’s Office and also a member of BLOCs. She spoke on behalf of Shequita Walker (Case #11-21) who was present at the meeting. Ms. Kurien provided additional information regarding the case. She expressed concern that the summary, provided to the Board, omitted certain details that, if presented before they voted, may have convinced the Board to sustain the allegation of excessive force. She explained that Officer Kenneth Thomas had clearly abused his authority and subjected Ms. Walker to excessive force causing her to be hospitalized for three days as a result of this incident.

- Second speaker: Marie Kenney. Ms Kenney also expressed concern regarding Officer Kenneth Thomas and other officers who patrol the area. She stated that the bad behavior of Officer Thomas and others have gone on for quite some time in their community. “These officers hide behind their badges and they feel as if they can do whatever they want without worry of anything happening to them. Some members of the community are afraid to speak up because these same officers, when we make statements against them, will retaliate against us and that includes beatings. I feel if a policeman breaks the law, they need to pay just like us.”

Chair Morrissey thanked the speakers for their comments.

ADJOURNMENT (Agenda item X):

Chair Morrissey entertained a motion to adjourn. Morris moved to adjourn the meeting. The meeting adjourned at 8:00 p.m.

Approved as to form and content,

Signature
Date: 9/8/11