ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE LAST MEETING
January 19, 2010, 5:30 PM
55 TRINITY AVENUE, S.W., COMMITTEE ROOM ONE, ATLANTA, GEORGIA 30303

ROLL CALL

Members Present
PAUL BARTELS (Bartels)
BARBARA HUBBARD (Hubbard)
OWEN MONTAGUE (Montague)
CHARIS JOHNSON (C Johnson)
RYAN JOHNSON (R Johnson)
ALAN MORRIS (Morris)
JOY MORRISSEY (Chair/Morrissey)

Members Absent
SHARESE SHIELDS (Shields)
MACEO WILLIAMS (Williams)
Two Vacant Appointments to the Board
City Council President’s Office
City of Atlanta Council Members

STAFF ATTENDEES

MARC ADDINGTON, Investigator (Addington); CRISTINA BEAMUD, Executive Director (Director/Beamud); SHEENA ROBERTSON, Investigator (Robertson); MYOLA SMITH, Administrative Analyst (Smith/Transcriber); WILLIAM CASTING, Board Attorney, City of Atlanta Department of Law (Bill Casting)

GUEST: Lieutenant Sharonne Steed, APD, Office of Professional Standards; Major Elder Dancy, Commander, APD, Office of Professional Standards.

MEETING CALLED TO ORDER:

The meeting was called to order at 5:38 PM. The Chair welcomed all guest, citizens and members of the Atlanta Police Department.

AGENDA

APPROVAL OF MINUTES OF THE LAST MEETING:

The Chair entertained a motion to approve the minutes of the last meeting held December 9, 2010 at 6:30 PM and the minutes of the Special Call Meeting held December 15, 2010 at 12:00 Noon. It was moved by Morris to accept the minutes for both meetings held on December 9, 2010 and December 15, 2010. The motion was seconded by Montague. No discussion. The motion was approved.
ACTION ITEMS:

CONSIDERATION OF INVESTIGATION 10-28, COMPLAINT OF MANTRELL PERRY
(Agenda Item III)

The Chair directed members to Agenda Item III, Director Beamud’s memo to the Board dated January 6, 2011 summarizing the investigation of Complaint #10-28. Investigator Addington provided oral remarks regarding the complaint.

A. SUMMARY OF COMPLAINT

Addington stated that the complaint involved an allegation of excessive force made by Mr. Mантrell Perry against the Atlanta Police Department. On April 9, 2010, Mr. Perry alleged that he was subjected to excessive force by officers after they stopped him at a roadblock. Mr. Perry claims he was driving a car and stopped at the roadblock. An officer approached his window and asked for his license and insurance. He claims that when he attempted to comply with the order, he was unable to roll down the window on the driver’s side. He said, he then tried to pass the license through the rear passenger window behind him but the officer opened his door, reached into the car and ordered him out of the car. Mr. Perry said that as he went to disengage his seat belt the officer began to strike him. Another officer reached through the front passenger window where his 9 year old daughter was sitting in the front seat and also began to him strike him reaching over his daughter. According to Mr. Perry, he was drugge out of the vehicle and was repeatedly struck by the officers. He also said one officer, whom he was not able to identify, deployed his ASP baton and struck him over the head. He said he received a laceration on the top of his head that required stitches to close the cut to his scalp. He claims that he did not resist the officers’ order and that there was no reason for the force. He said that he may have pressed the accelerator when the officer began to hit him, but he never tried to purposely drive away.

B. WHAT THE INVESTIGATION REVEALED

Addington reported there were also two passengers in the car whom Mr. Perry felt could provide information as a witness. One was his nine (9) year old daughter, Miesha Young and an additional passenger, Mr. Robert Seabrum.

Interview with Seabrum revealed that an officer approached the vehicle and ordered Mr. Perry to roll down his window and provide his license and registration. He said as Mr. Perry was attempting to comply with the request, the officer opened the door and struck Mr. Perry. Another officer reached through the passenger side and also began to strike Mr. Perry. Mr. Seabrum said that an officer also grabbed him from the rear backseat of the vehicle, threw him to the ground and he was struck by the officer.

Interview with nine year old Miesha Young gave the same version of events as Mr. Seabrum and Mr. Perry. She was in the front passenger seat of the car. She was interviewed in the presence of her guardian. She explained that she observed the officers hit her father with a black stick after he was handcuffed. She said that she was removed from the car and seated on the ground next to the car.

Officers Jeremy Monnat, McCalla, Berhalter, Klein and Sergeant Gentile were at the scene.

Officer interviews:

Officer Monnat explained that he was conducting a roadblock at the intersection of Macon Drive and Polar Rock Road and Mr. Perry’s vehicle approached the roadblock and when they attempted to stop the vehicle, they noticed an odor of marijuana emitting from the vehicle. Monnat ordered Mr. Perry to provide his driver’s license and insurance as they started to
investigate the odor. He asked the driver to roll down the window and Mr. Perry tried to hand him his license and insurance information through the driver’s side rear window. Monnat said that Perry never put the car in park and he tried to open the driver’s door and asked Mr. Perry to step out of the car. Perry did not immediately comply so he reached into the car and grabbed his wrist. Mr. Perry pushed the accelerator and Officer Monnat perceived this as an attempt to flee. Officer Monnat said that he tried to place the car into park but Mr. Perry began to strike him in the chest with his closed hand and elbow. Mr. Perry continued to struggle and the officer said that if Perry had been successful in fleeing the location, the officer would have been injured due to the position of the car. Officer Monnat said that Officer Klein entered the car from the front passenger side and was able to turn the ignition off and remove the keys from the ignition. Officer Monnat recalled that Mr. Perry had some lacerations to the side of his face. He received medical treatment for an open wound. Officer Monnat denied using his ASP baton and he could not recall if any of the officers used their baton.

Officer Klein, he provided a similar version of the incident as Officer Monnat. Officer Klein was the officer that approached the passenger side of the Mr. Perry’s vehicle. He said that he saw Monnat trying to remove Perry from vehicle and the vehicle moved in a matter that appeared as if Perry was pressing on the accelerator of the vehicle. Officer Klein indicated that he reached into the passenger side of the vehicle, across the 9 year girl, attempting to assist Officer Monnat with Mr. Perry, whom he alleges was resisting arrest. He said he was able to turn the car off and remove the keys from the ignition. Officer Klein admitted that Officer Monnat struck Mr. Perry in an attempt to prevent him from fleeing the location because they perceived the motion of the vehicle to be an attempt to leave the location and they were concerned for their safety and the other officers at the location because the vehicle was trying to leave.

Officer McCalla said that he also heard the car accelerate but that he did not observe the activity that occurred between the officers and Mr. Perry because he was concentrating on Mr. Seabrum in the rear of the vehicle. He was near the rear end of the vehicle and assisted with removing the rear passenger, Mr. Robert Seabrum, from the vehicle.

Sergeant Gentile indicated that he was a few feet from the location talking to another citizen when he heard the sound of a car engine revving and he turned to look and saw that Officer Monnat was partially inside the vehicle yelling at Mr. Perry to stop the car. He indicated that Perry was agitated and resisted the arrest and began to strike the officer and the officer responded by hitting Mr. Perry.

All of the officers interviewed regarding this situation indicated that there was no ASP baton deployed during the incident. A Use of Force Report completed by Sergeant Gentile indicated there was no force used other than the hands of the officer on the driver’s side of the vehicle and that Mr. Perry was taken to the ground, after being ripped from the vehicle, in an attempt to place him into handcuffs. The officer on the driver’s side of the vehicle (Officer Monnet) indicated that when he reached into the car attempting to prevent Mr. Perry from driving away, he admitted that he did hit Mr. Perry several times in the head to keep him from fleeing the location. Monnat believed these blows caused the lacerations that Mr. Perry’s sustained to his head. Medical records provided by Grady Hospital indicated that Mr. Perry was seen in the emergency room on April 9, 2009. He sustained laceration to his scalp and it took three sutures to close the wound.

C. STAFF RECOMMENDATION
The statements conflicted. The juvenile and the rear passenger indicated that they were removed from the vehicle. Mr. Seabrum was placed on the ground and the juvenile was on the opposite side of the vehicle where she was placed on the ground with a female officer. The statements
contradicted when they said they were able to observe the officer strike with the ASP baton when they were on the ground. It seems implausible that they could witness this. The young female may have been able to witness it, because she is only three to four feet tall and on the ground but the passenger that was removed and placed on the ground at the rear of the vehicle in handcuffs, could not have witness the particular incident. All the officers indicated that they heard the car accelerate and that they observed Mr. Perry appear to flee the location as the officer was reaching in the vehicle. The officers in the immediate area perceived this attempt to flee, as a threat because they were concerned for their safety and everyone in the area.

Based on these facts, we recommend that the Board not sustain the complaint but it should be noted that the Use of Force Report associated with this incident was not filed promptly after the incident.

The Chair opened the floor for questions to Investigator Addington:

Discussion/Questions...

1. Bartels asked, “Do you recall the position of the lacerations on his (Perry) scalp? Addington indicated that Medical Records were obtained but did not indicate where or what side of Mr. Perry’s scalp.

2. R. Johnson asked if it was mentioned in the report that marijuana was found in the vehicle. Addington said yes and also, Mr. Perry pled guilty to possession and obstruction charges. Morrissey noted that in the report it appears that Mr. Perry not only had marijuana. Addington stated that he believed that he had cocaine and a lot of money.

3. Montague asked the age of the juvenile passenger in the car. Addington stated that she was nine years old. Montague said, “All this occurred in front of her?” Addington said, “Yes and according to the officers, because of the threat, they did not have time to remove her first before they began to interact with Mr. Perry.”

4. R. Johnson asked, “When the engine revved, why didn’t the car immediately speed off? I assuming if the engine is revving, the car is going to start moving or it is already in park. As I recall, one of the officers indicated that the car was never in park. Addington said, “The officer said that when he began to strike Mr. Perry, he (Perry) would step on the brake. There was another officer on the passenger side of the vehicle, now it was not clear as to who put the car in gear or into park, but the officer did indicate that he was the one who remove the keys from the ignition and threw them outside the vehicle. The vehicle also is an older model (Impala) with the gear switch located on the steering column.

5. Bartels, “When Mr. Perry was taken down, do you recall if it was on pavement or grass? Addington stated that it was on the road next to the vehicle.

D. BOARD VOTE REGARDING STAFF RECOMMENDATION

The Chair entertained a motion to accept the staff’s recommendation regarding Complaint #10-28. It was moved by R. Johnson to accept the staff recommendation of not sustained. Montague seconded the motion. Hearing no discussion, the motion was approved.

CONSIDERATION OF INVESTIGATION 10-38, COMPLAINT OF JOHNNY DIXON

(Agenda Item IV)

The Chair directed members to Agenda Item IV, Director Beamud’s memo dated January 6, 2011 summarizing the investigation of Complaint #10-38. Investigator Robertson was asked by the Chair for an oral overview of the complaint.
A. **ALLEGATION SUMMARY**

*Investigator Robertson* reported that case #10-38 is based on excessive force allegations made by Mr. Johnny Dixon against Officers Ivory Streeter and Shaun Houston.

*Roberston* reported that Johnny Dixon filed an Excessive Force complaint with the ACRB. He alleges that on June 7, 2010, APD Officers Ivory Streeter and Shaun Houston conducted a traffic stop of a vehicle that he was a passenger in at gunpoint, for no justifiable reason.

B. **WHAT THE INVESTIGATION REVEALED**

*Roberston* reported that Dixon was one the three occupants in the vehicle: (1) Dixon was seated in the front seat passenger side; (2) Courtney Green was seated in the back seat of the vehicle on the passenger side and (3) Gregory Hayes was the driver. The stop occurred at approximately 2:40 p.m. at the Texaco Gas Station located on Campbellton and Fairburn Roads by APD Officers Shaun Houston and Ivory Streeter, members of the APD Auto Theft Task Force Unit.

All three of the occupants of the vehicle were interviewed and they stated that Officer Houston approached the passenger side of the vehicle with his weapon drawn and pointed at Dixon and Green. Officer Streeter’s weapon was not drawn.

Both officers stated that an undercover officer informed them that the vehicle had the wrong tag and it was possibly stolen. Officer Houston admits to drawing his weapon but denies that it was drawn and un-holstered when he approached the vehicle. He claims that he only drew his weapon because when the car stopped, the vehicle’s reverse lights came on which led him to believe that the driver was trying to flee. He was standing in the vehicle path and was afraid of getting run over. He claims that it was pointed towards the ground and not at the vehicle. The driver denies having his reverse lights on.

Officer Streeter corroborated Officer’s Houston claim concerning the reverse lights but he claims that he did not see whether Officer Houston’s weapon was drawn because he was focused on the vehicle. He stated that he never un-holstered his weapon at anytime during the stop.

Officer Raynard Price, the undercover officer, was also interviewed. He confirmed that he provided officers Streeter and Houston with the incorrect information. He also stated that he could not recall his exact words to the officer; however, it is possible that he alluded to them that the vehicle may be stolen.

“According to APD SOP 4010, Section 4.5.2 that governs Felony Stops, it states the following: “It is permissible for Officers to draw their weapons when conducting a felony stop.”

C. **STAFF RECOMMENDATION**

*Roberston* stated that based on the facts presented, the staff recommends the following:

1) The Excessive Force allegation, against Officer Ivory Streeter, is assigned a finding of Unfounded. There is no evidence that he un-holstered his weapon at anytime during the stop.

2) The Excessive Force allegation against Officer Shaun Houston is assigned a find of Exonerated. Officers Houston and Streeter reasonably believed that the vehicle was stolen based on information they received from an undercover police officer. Therefore, it appears that the officers had a legitimate basis to stop and detain Mr. Dixon and the other occupants of the vehicle to determine if the car had been stolen. Under Atlanta Police Department Standard Operating Procedures, ADP.SOP 4010, Section 4.5.2, it is permissible for an officer to draw his/her weapon when conducting a felony stop. Therefore, whether or not Officer Houston’s weapon was drawn before or when he approached the vehicle seems to be insignificant.”
D. BOARD VOTE REGARDING STAFF RECOMMENDATION

At the conclusion of Robertson’s overview, regarding Complaint #10-38, the Chair entertained a motion to accept the staff’s recommendation. It was moved by Montague that the Board accept both recommendations made by the staff. Morris seconded the motion. No further discussion, the motion approved.

CONSIDERATION OF STUDY REGARDING SUPERVISORY RESPONSIBILITY IN THE EAGLE BAR MATTER – COMPLAINT #10-59 (Agenda Item V)

The Chair asked Ms. Beamud to provide a summary of the study.

Before starting, Beamud asked the Board’s Attorney, Bill Casting to explain the position of the City of Atlanta (COA) Law Department concerning releasing the report.

A. RELEASEING THE REPORT TO THE PUBLIC

Casting said that, the question was: “If two agencies, within the same governmental entity, are conducting a concurrent investigation of the same subject matter and one agency concludes its investigation, is the closed investigation privileged pursuant to the Open Records Act? We checked with our Open Records attorney and we concluded that once you have concluded your investigation and a report has been submitted to the Mayor, Council, and to the Police Chief and 10 days have lapsed, then you would have to release it.”

Morrissey interjected, “In the ordinance it says ‘three days.’ Casting said, “You don’t have to wait the ten days. You can do three days...it says you can wait up to 10 days. To answer the Chair’s question, Casting stated that this is the opinion of the department’s Open Records Attorney, as well as, the consensus of the City Law Department that you could, if there is an open records request, release all reports after they have been sent to the parties that we just mentioned. The Chair asked if the study could be discussed at tonight’s meeting. Casting stated, “Yes, you should discuss it because you may want to change or modify the report. You would not want to send a report out that is not finalized. It is still pending, but once you (the Board) have made a decision and finalize the report, and it has gone to the Mayor, Council and Chief Turner, after the required number of days, you could go ahead and release it, if you had an open records request.”

B. OVERVIEW AND SUMMARY

Beamud explained that the Board received twelve complaints from patrons and employees of the Atlanta Eagle Bar over the course of the end of 2009 and the beginning of 2010. These matters were investigated and adjudicated. “The first complaint considered was made by David Shepherd, Complaint #10-16. Mr. Shepherd was an employee of the Eagle Bar; however, he was not working that evening. He was in his apartment and officers went up to his apartment and arrested him charging him with various city code violation relating to conduct of the activity that had been reported to them in the past. The Board considered the investigation and voted to sustain the allegation against the officers who participated in that arrest. Those officers were Sergeant Brock and Investigator Bridges. The recommendation to the Chief of Police was a three day suspension on each of the two officers.”

The Board considered two other complaints made by the owner and another employee: Robert Kelly and Ernest Buehl. On August 12, the Board voted to sustain the allegation that the officers had used abusive language. Mr. Kelly alleged that he was called a fag and was told that he had no rights and to shut the fuck up. Mr. Kelly alleged that he also heard an officer say, “Raiding a fag bar is fun and we should do this every week.” The fourth allegation made by Mr. Kelly was that he heard an officer threaten a patron with a bar stool. Mr. Buehl complained that the officers told
him and other patrons to shut the fuck up. The Board considered these two allegations and voted to adjudicate them by sustaining the allegations. No recommendation was made concerning the appropriate discipline for this matter.

The third and the largest group of complaints that were investigated were complaints made by patrons. Those complaints were that they had been unlawfully detained and subjected to abusive language. The Board considered these complaints and asked for a study into the supervisory responsibility for what had occurred. One of the issues that became problematic for the Board and staff, regarding the last group of complaints, was we could not readily identify which officers uttered which words and which officers were responsible for the unlawful detention.

We conducted a careful analysis of the SOPs that address supervisory issues and the responsibilities of the police officers. They include supervisory responsibilities, work rules (requirement that officers obey the law), the SOP that address search and seizure, the SOP that addresses Special Enforcement section (Vice Squad—people who invested and initiated this arrest series); also, the SOP that addresses the responsibility of the Red Dog Unit and finally, the work rule that requires truthfulness. It should be noted that all of the officers denied either using the language that was reported or hearing other officers use that language.

C. INTERVIEWS CONDUCTED FOR THE STUDY

Sgt. Brock was previously interviewed and re-interviewed. He was the Sergeant in charge of the Vice Squad and was Officer Bennie Bridges’ supervisor and he was present. Sgt. Kelly Collier, the second Sergeant in the Vice Squad who was present at the scene was also re-interviewed. Lt. Crawford who is the Sgt. Brock and Sgt. Collier’s supervisor was interviewed. Lt. Crawford was not present at the raid. Lt. Scott Pautsch, the Lieutenant in charge of the Red Dogs at that time, was interviewed. Major Deborah Williams who was in charge of both the Red Dog as well as the Vice Squad Unit was interviewed. Sgt. Willie Adams who was in charge of the Red Dog Unit was re-interviewed.

The SOP that addresses Supervision at Section (4.1.4) says, “Where there are two units involved in an activity, the unit that is responsible for the supervision is the unit that conducted the investigation and/or arrest.” In this case, it is the Vice Squad Unit. The supervisors, who were present at the scene with the Vice Squad Unit, were Sergeants Brock and Collier. The supervisors not present were Lt. Crawford and Major Williams. It is deeply embedded in our system of justice that merely being supervised does not mitigate your responsibility to do what the rules say you have to do. In this case, all of the supervisors deny that heard officers use any foul language.

The interview with Sgt. Collier revealed that he was assigned to the bar area and that he felt his only responsibility was to guard the bar area. He said that he did not remember whether Lt. Pautsch was there and later was discovered that the Lieutenant was not there. Sgt. Collier said he may have said something at the briefing but he couldn’t remember. He believes that Sgt. Brock directed the tactical briefing, but he wasn’t sure. He could not remember the instructions that were given to the officers at the briefing. When he was shown the tactical plan, he read it out loud. He said he couldn’t remember exactly what he saw but he may have observed some people dancing on the bar. He said he was assigned to observe the bar and there were two, three or four bartenders there. He didn’t know how many officers came into the bar. He does remember that Red Dog officers told everyone to be quiet. He claims it was Sgt. Brock’s idea to have the occupants (patrons) go to the floor. He was not sure how long they were kept on the floor and he only remembered that somebody at the bar tried to warn the other patrons that the police were coming. He denied seeing any officer unholster his weapon. He remembers that patrons got down on the floor, and they were told to be quiet. He did not hear any foul language. He did not know who told the patrons to produce identification. He said, “no one was told to produce ID at the bar. When asked specifically, he said that he went upstairs and he admitted that when he went upstairs,
he went with Investigator Bridges and Sgt. Adams. Regarding the Shepherd arrest, he could not remember if the officers knocked at the door or how the door became opened. He could not remember how many times he observed criminal behavior at the Eagle Bar and he said that he did not do anything to establish the identity of the persons who committed criminal acts in their prior investigations. He said that Sgt. Brock notified the Lieutenant and he could not remember the contents of an email that he wrote to Major Williams.

Lieutenant Crawford was the Commander of the Vice Squad on the day in question. He said that he did not participate in the investigation or the arrest. He checked on the status of the investigation; he was aware that Sgt. Brock had requested the assistance of the Red Dog Unit to conduct the arrests; he had approved the request to ask Red Dog to come in and he had allowed Sgt. Brock to sign the tactical plan because he explained that the Vice Unit often produces these reports and it was common to allow a Sergeant to approve a tactical plan. He claims that he did not know that the Red Dog Unit was going to order all the patrons to the floor but explained that this was not unusual.

Another issue addressed in this study was training. Lt. Crawford said he attended all in-service training each year since being employed and that he did not recall any recent training in constitutional law.

Lieutenant Pautsch was in charge of Red Dog but he was not present. He explained that he was approached by Sgt. Brock on the 9th or 10th of September and was asked if the Red Dog Unit could assist the Vice Squad. He does not recall the specific conversation, but he says that he did not notify anybody else. He said that he made the decision not to notify anyone higher up, which would have been Major Williams. When asked about his training, he explained that the Red Dog Unit trains every other week and they frequently practice entries for conducting ‘high-risk’ warrants. He explained that Sergeants are frequently, the highest ranking officer at the scene of high-risk warrants; but, he also understood there was no warrant for the Eagle Bar. He said that he has attended all in-service trainings and there have been times that he has received Fourth Amendment law updates. He could not recall specifically, what exactly was presented.

Major Williams stated that she was aware of the investigation. She had received updates concerning the investigation; however, she was not aware that they were going to be making multiple arrests on the day in question. She was not informed that they had called Red Dog. When asked about policy issues, specifically, about the tactical plan, that was submitted, she said, “A Lieutenant is suppose to sign the tactical plan and a Sergeant is only authorized to sign if the Lieutenant had knowledge of the details of the plan. When a Lieutenant is not available, a Major would be the appropriate contact. When asked whether a Sergeant could employ or deploy an entire Unit such as the Red Dog Unit, she explained that a Unit Commander would need to make this type of decision concerning a request for assistance. However, sometimes, the Unit Commander is indeed, a Sergeant.” When asked if the Red Dogs Unit does this type of detention for each commander at public places where they need to make an arrest, Major Williams said, “Red Dog is utilized as an entry team when the police are going to execute a warrant. Sometimes, Red Dog is used when there is a need for extra personnel. Anytime there is a possibility of a crowd and/or probable cause to believe that someone might be armed, the Red Dog would require people to get on the floor.” She said that other bars have been treated similar to the patrons in the Eagle Bar; however, she could not recall the names of those establishments.

The Police Academy was asked then to produce the records of the in-service legal training for the last two years. In 2008, there were 50 minutes of legal updates. The materials associated with these updates include a compilation of statutory law changes. Most of them were traffic related and not relevant to issues that we are looking at.
D. RECOMMENDATIONS

Regarding recommendations, Beamud’s indicated that her recommendations were included at the end of the report. “They are complicated because each violation was analyzed according to the SOP.” For each officer, here are the following violations and recommendations and it should be noted that some of the violations overlap:

1. Sergeant Brock
   - SOP 1010 – 4.1.4 Employee Performance & 3.2 Accountable to Immediate Supervisor
   - SOP 2010 – Work Rules (4.2.03 Supervisory Responsibilities)
   - SOP 2010 – Work Rules (4.1.05 Obey the Law) in this case, Constitutional Law.
   - SOP 3020 – Search and Seizure
   - SOP 5030 – Special Enforcement Section

2. Sergeant Collier
   - SOP 1010 – Employee Performance & 3.2 Accountable to Immediate Supervisor 4.1.4
   - SOP 2010 – Work Rules (4.2.03 Supervisory Responsibilities)
   - SOP 2010 – Work Rules (4.1.05 Obey the Law) Constitutional Law
   - SOP 3020 – Search and Seizure
   - SOP 2010 – Work Rules (4.1.03 Truthfulness)

3. Sergeant Adams
   - SOP 1010 – 4.1.4 Employee Performance & 3.2 Accountable to Immediate Supervisor
   - SOP 2010 – Work Rules (4.2.03 Supervisory Responsibilities)
   - SOP 2010 – Work Rules (4.1.05 Obey the Law) Constitutional Law
   - SOP 3020 – Search and Seizure
   - SOP 5140 – Red Dog Unit at 4.3.1 which requires Red Dog supervisors to notify the commander of the involved zones of the current areas of operations.

4. Lieutenant Crawford (Vice Unit)
   - SOP 1010 - 4.1.4 Employee Performance & 3.2 Accountable to Immediate Supervisor
   - SOP 2010 – Work Rules (4.2.03 Supervisory Responsibilities)

5. Lieutenant Pautsch
   No violations because he was not there and due to the fact that the Vice Unit had primary responsibility for the actions.

6. Major Williams
   - SOP 1010 - 4.1.4 Employee Performance & 3.2 Accountable to Immediate Supervisor
   - SOP 2010 – Work Rules (4.2.03 Supervisory Responsibilities)

E. APPROPRIATE RECOMMENDATIONS OF THE VIOLATIONS BASED ON APD GUIDELINES

Beamud explained that the violations fall into Category A. The underlying violations include Profanity to a Citizen and Improper Arrest Procedures. It may also fall into the category of Unsatisfactory Performance which would be a Category B-D violation. The failure to supervise adjudication applies the same level as the employee who was not supervised. If the Board decides that the applicable Category is A, the SOP recommends a penalty of an oral admonishment or a reprimand and allows for training and counseling. If the Board decides that this is “unsatisfactory performance,” then the applicable Category is B. The SOP recommends a penalty of a written reprimand to a three-day suspension. It also permits training and written counseling for these violations.
The remaining violation concerns Sergeant Collier. If the Board agrees that the violation of Untruthfulness should be sustained, the suggested penalty is termination.

F. OTHER RECOMMENDATIONS

Beamud also is recommending Training. She said, "It became clear that during the course of the investigation that many officers are unfamiliar with the constitutional requirements for conducting a search and/or a seizure. They genuinely believed that it was proper to place all the patrons on the floor and frisk them because of officer safety and considerations. This is not law. Officers need reminders about the limits of their authority. The training materials from the Police Academy, provided included no mention of constitutional principles. In the past, the Board has recommended that officers receive more training on the subject of Terry Stops but the recommendation was rejected by Chief Pennington. I am suggesting that you renew the recommendation that Fourth Amendment training take place on a more regular basis."

It is also clear that while the lieutenants were aware of the plans to make arrests at the Eagle, no one above that rank was informed before the operation was planned. There was no contact with the Zone Commander and this is troubling. A Zone Commander is in the best position to make judgments about the propriety and priority of making multiple arrests in his or her zone. Also, there was a deployment of more than 20 officers and no one, about the rank of Sergeant, was at the scene and no one above the rank of Lieutenant knew of the plans. This is not good practice. An SOP should address the limits of a Sergeant's authority to deploy this large a number of personnel.

At her conclusion, Beamud stated, "Finally, it is notable that the Board found that the officer used profane language and all of the officers denied the use of the words that were heard by many of the patrons. The Atlanta Police Department should use all of the tools available to them to ensure that officers answer questions honestly, including the use of Voice Stress Analysis when this many people have un-reconcilable versions of the same event."

Following the conclusion of Director Beamud's summary, The Chair opened the floor for questions and deliberation.

Discussions and Questions...

1. Morris asked, "Do you know why the Vice Squad asked for Red Dog assistance?" Beamud replied that they were expecting mass arrest and initially, they ask for Gang Unit assistance and the Gang Unit was tied up so they asked for Red Dog.

2. Bartels stated, "You mentioned that Red Dogs were used to service high-risk warrants, what's the definition of high-risk warrants?" Beamud replied, "A high-risk warrant would be reliable information that a person is armed or a person is dangerous. In public safety, the greatest danger is the human life."

3. Bartels also said that there some evidence that officers were present at this property previously and observe some illegal activity. "Do you know what the reason given was for not just arresting people right then?" Beamud stated, "Investigator Addington asked this question and he was told that they wanted to regroup because they had been shocked by the behavior."

4. R. Johnson indicated that he believed that the officers' behavior represent a systemic problem and not an isolated incident. "The behavior seems to be acceptable and obviously, according to their SOP, it is not acceptable. For the supervisors not to have a written reprimand or verbal warning lets me know that it is acceptable across the board in the department."

G. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION

Following the discussion, the Chair directed attention to the task of deciding what discipline would be recommended based on the study. "This is going to be a difficult thing to do because
this study is large. There are many people involved and we need to decide what we are going to do. Personally, I am going to recommend that all officers involved receive a written reprimand and training on the Fourth Amendment. From there, we can look at the individual officers and recommend discipline for each separately.” Beamud said, “Regarding the supervisors, the Board still has to either sustain or not sustain the allegation and then make recommendations in terms of discipline.”

The Chair entertained a motion. It was moved by C. Johnson to recommend that all of the supervisors in the report, including but not limited to: Sergeants Brock, Collier, Adams and Lt. Crawford, Maj. Williams, receive written reprimands for failure to supervise and retraining in Fourth Amendment rights and more specifically, search and seizure. The motion was seconded by Morris.

Discussion:
Bartels cautioned the Board about being more specific when it comes to Fourth Amendment training.
No further discussion, the motion was approved.

H. VOTE AND RECOMMENDATION FOR DISCIPLINE REGARDING SPECIFIC SUPERVISORS

The Chair entertained a motion regarding additional disciplinary action regarding Sgt. Collier.

1. Vote by the Board Regarding Allegation of Untruthfulness
   It was moved by R. Johnson to sustain the allegation that Sgt. Collier violated SOP 2010-Work Rules (4.1.03 Truthfulness). The motion was seconded by Morris.

Discussion…
C. Johnson stated, “Because of the egregious nature of what Sgt. Collier did, the potential disciplinary measure would be higher because a supervisor lied.
Following the discussion, the motion was approved.

2. Discipline Recommendation regarding Sgt. Collier
   a. Discussion…
      1) To answer Morris question, Beamud stated that according to the SOP grid, the recommendation for untruthfulness is termination.
      2) Montague said, “It’s clear, termination it is. If the police themselves have indicated there is nothing in between a lower level of punishment and they have said that termination is what they recommend and we have been looking very closely at what the grid says and we go along pretty much with what the grid said, because presumably they know what they are doing, then I think we should go with the grid and that means termination.
      3) R. Johnson said, “The only reason that I am reluctant to go that far is because there was no voice analysis done or any other effort to verify or support our claim other than our gut feelings. Yes, I believed he lied, but we can make a statement and acknowledge the fact that we expect our police officers to be truthful with us especially, considering the type of investigations that we are doing. Also, they need to support our efforts to improve on relationships between the citizens and police. I feel we can still make a statement and we need to. I would definitely recommend, at least, a suspension. I realize the grid calls for a termination but I’m definitely for a suspension.
4) **Hubbard**, “Does the grid say straight out, termination or is does the wording include 'up to and dismissal’?” **Beamud** replied, “There is no spread.”
5) **Bartels**, “An option to consider, should we decide not to recommend termination, is suspension for thirty (30) days.”
6) **Montague**, “Am I understanding the reason you do not want to terminate, is because you are not sure that he lied? Do we believe that Sgt. Collier lied?”
7) **R. Johnson** answered, “Yes we do believe that he lied, but a voice analysis wasn’t provided to support that he lied and besides the investigation didn’t involve around just this particular officer and that is why I am in favor of an extended suspension.”
8) **Bartels**, “The other issue to think about is the possibility or the chance of getting our recommendation accepted by the Police Department?”
9) **Montague**, “The track record of the Police Department is that they don’t accept anything that we recommend that requires discipline towards the police and there is no reason for them to support this either. I support the maximum.”

b. **Vote on discipline regarding Sgt. Collier:**
Following the discussion, The **Chair** entertained a motion. It was moved by **Montague** that the Board recommend that Sgt. Collier be terminated for violation of SOP 2010 - Work Rules (4.1.03 Truthfulness). The **Chair** asked for a second of the motion. Hearing none, the motion failed.

It was moved by **C. Johnson** that the recommendation for discipline for Sgt. Collier be that of a thirty (30) day suspension without pay. The motion was seconded by **R. Johnson**. No further discussion. The motion was approved with one No vote from **Montague**.

3. Regarding training and other recommendations included in the study, the Board agreed that in addition to Fourth Amendment law training, Terry Stops and addressing the limits of a sergeant’s authority to deploy a large number of personnel, that APD should use all of the tools available to them to ensure that officers answer questions honestly, including Voice Stress Analysis. Also, as suggested by **Bartels**, videotaping planned raids.

4. The **Chair** opened the floor for discussion and a vote regarding discipline recommendations in the cases involving all of the patrons where the Board sustained in September, 2010, the allegation of unlawful imprisonment and abusive language against all the officers that participated in the raid.

a. **Discussion...**
   1) **Bartels** said, “To be fair, one thing we need to keep in mind is that the people who were really responsible for the false imprisonment, I lay most of that at the feet of the supervisors and all the way up for not providing training. Keep in mind, these officers are not attorneys and have not been given information about basic Fourth Amendment law. We should keep that in mind regarding that sustained allegation. It does not make it right but it would not be as egregious if they had been trained and chose to ignore it.”

2) **Montague** asked if the Board knew for sure that the officers had not been trained. **Beamud** replied that she had been directed to Police Academy by Major Williams where they keep records on the types of training. “I asked for the last two years of training and there was nothing in those records that was
specific to Fourth Amendment issues.” Bartels, “So basically, no documented training during the two years.”

3) Morrissey, “I agree with Mr. Bartels and although, I think that the behavior of the majority of the officers at the Eagle Bar, that night, was reprehensible. I don’t think that problem was just with them. I think we have to look on up the road at the training and the people who are in charge of them. We need to put accountability where accountability needs to be. It is not always on the rank and file. The Sergeants, Lieutenants and Majors need to be held responsible for their employees.”

4) R. Johnson, “In the matter of the abusive language; however, those supervisors do not tell you what to say out loud.” The Chair agreed.

b. The Chair entertained a motion regarding discipline for the remaining officers. It was moved by C. Johnson that all of the officers involved in this investigation at the Eagle Bar receive a Category B discipline and be subjected to a three-day suspension. Morris seconded the motion. Hearing no further discussion, the motion was approved.

c. Morris commended the Director and staff for the all the work and effort that went into the study. “It was a thorough investigation of those who were responsible for the raid. The study succeeded in what the Board wanted and certainly what I was hoping to see.”

INTAKE REPORT (Agenda Item VI)

A copy of the Intake Report was included in the Board packets. Director Beamud reported that eight complaints were received for the month of December 2010.

The Chair entertained a motion to accept the Director’s Intake report. It was moved by Morris to accept the report. The motion was seconded by Bartels.

**Discussion...**

As a matter of information, R. Johnson asked the Director if the new intake complaints were previewed before making a recommendation to the Board. Director Beamud replied that she filters the complaints. “The Board gets to see all of the complaints, but I make assessment and recommendations before you get it.”

Hearing no further discussion, the motion was approved by all.

ELECTION OF OFFICERS: FEBRUARY 2011: (Agenda Item VII)

Beamud reported that the ordinance (Rules and Regulations) requires that every year we hold elections in February. “I have had some conversations and Joy Morrissey is willing to serve for another year as Chair. There is a lot of work being the Chair...numerous phone conversations, lots of planning and work and time. It is the board’s decision, but I would like to recommend that Alan Morris, if he would agree, accept the role of Secretary and Charis Johnson, if she agrees, accept the Vice-Chair position. If anyone else has an interest and cares to step-up, the election will take place at the next board meeting.”

DISCUSSION REGARDING PLANNING AND TRAINING FOR 2011:
The Chair stated, “We have to train as required of us in the ordinance.” Beamud indicated that she has been working with the Police Training Section to arrange training for the Board to attend the Citizen Police Academy and train only in the categories that apply to us. “Following the training at the academy, we can look at more training in terms of organization of boards and how to keep the board moving. This type of training will require hiring a facilitator. A facilitator can also help the Board to ‘vision build,’ i.e. ... establish a mission, come up with goals and discuss how you want to improve the quality of your work.” Beamud indicated that she will be sending an email regarding specifics.

PUBLIC COMMENTS:

Chair Morrissey opened the floor for public comments.

The first person to speak was Thomas Hayes. Mr. Hayes expressed his gratitude regarding the study. “I am grateful that this kind of effort went into this report. However, I have to express that the Board has highly disappointed me tonight. Previously, all of you (the Board) agreed that the grid was not enough and yet tonight, you had a chance to do right by the citizenry of this City and you didn’t even follow the grid to recommend dismissal. I am highly disappointed.”

The second and last citizen to speak was Xanna Don’t. Her comments and concerns were regarding Officer Bennie Bridges. She wanted to know if he was included in the list of supervisors that the Board was recommending for discipline. Beamud told Don’t that Officer Bridges is not a supervisor. He is a detective. Don’t explained that the reason she asked was because she recalled that the Board had mentioned, at a previous meeting, that it had the authority, within the grid, to recommend rehabilitation. She said, “Since it had been established that while Officer Bridges was at the Police Academy, he had a drinking incident. He (Officer Bridges) also admitted, at the Eagle Eight trial, that he was drinking during the raid. I feel that rehabilitation should have been recommended for Officer Bennie Bridges and that the Board was remised in not addressing this issue.”

Chair Morrissey thanked everyone for their comments.

SPECIAL COMMENTS FROM THE BOARD:
Owen Montague announced that he will be leaving the board. He introduced Ms. Pamala Aliniece whom the Business League will be appointing as his replacement. Montague stated that he would remain on the board until Ms. Aliniece had been confirmed. He said, “I have been here since day one when all we had was a law and now it has developed into what we have today. I must admit we have come a long way. We hired an extraordinary Director and she hired an equally extraordinary staff. It has been a pleasure serving on the Board and I take my hat off to the three remaining founding members with particular praise to Shareese Shields because she was our first Chair and she had to assume so many other roles. It has been my pleasure.”

ADJOURNMENT:

The Chair entertained a motion to adjourn. Morris moved to adjourn and R. Johnson seconded. The meeting adjourned at 7:55 p.m.

Approved as to form and content,
Charis Johnson
Board Secretary,

<signature>

2/10/11
Date