ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE LAST MEETING
JULY 14, 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)
BARBARA HUBBARD (Hubbard)
CHARIS JOHNSON (C. Johnson)
JOY MORRISSEY (Morrисsey)
SHARESE SHIELDS (Shields)
MACEO WILLIAMS (Williams)

MEMBERS ABSENT
PAUL BARTELS (Bartels)
RYAN JOHNSON (R. Johnson)

Two Vacant Appointments to the Board
City Council President’s Office (vacant 15 months)
City of Atlanta Council Members (vacant 7 months)

STAFF ATTENDEES

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

MEETING CALLED TO ORDER:

The meeting was called to order at 6:35 p.m. The Chair welcomed guest, citizens and members of the Atlanta Police Department including Major Elder Dancy, Office of Professional Standards.

AGENDA

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

The Chair entertained a motion to approve the minutes of the last meeting held June 9, 2011 at 6:30 p.m. It was moved by Williams to accept the minutes of the last meeting. The motion was seconded by Morris. No discussion, the motion was approved.
CONSIDERATION OF INVESTIGATION 11-13, COMPLAINT OF JEREMIAH ERVIN
(Agenda Item III)

The Chair directed members to Agenda Item III, Director Beamud’s memo to the Board dated July 5, 2011 summarizing the investigation of Complaint #11-13. Investigator Robertson conducted the investigation and provided an oral summary of the complaint.

A. ALLEGATION SUMMARY

Robertson reported that Jeremiah Ervin filed an excessive force complaint with ACRB. He alleged that on February 2, 2011, members of the MARTA Police Department, Atlanta Police Department and Capitol Police physically assaulted him during an arrest. Robertson indicated that she did an extensive investigation to see if APD was actually involved with the incident. A review was conducted of the radio recordings, daily activity logs and police reports. It appears the only physical contact APD had with Mr. Ervin was after he was apprehended and taken into custody and later questioned at the Marta Police station. There was no evidence to support the Atlanta Police Department participated in this arrest or use of force.

B. STAFF RECOMMENDATION REGARDING COMPLAINT #11-13

For the above reason, the ACRB staff recommends that the allegation of Excessive Force by members of the Atlanta Police Department be ‘Unfounded.’

C. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION

Following the summary, the Chair opened the floor for discussion and questions regarding Jeremiah Ervin’s complaint #11-13. Hearing no discussion, the Chair called for a motion.

It was moved by Williams to accept the staff’s recommendation of “Unfounded” regarding complaint #11-13. The motion was seconded by Morris. Hearing no further discussions, the motion was approved.

CONSIDERATION OF INVESTIGATION #11-14 – COMPLAINT OF GEORGE NELSON (Agenda Item IV)

The Chair directed members to Agenda Item IV and Director Beamud’s memo dated July 5, 2011 regarding the complaint. Investigator Addington provided an oral summary of the complaint.

A. SUMMARY OF ALLEGATION

Investigator Addington stated that George Nelson filed a complaint with the ACRB regarding an incident that occurred on October 1, 2010 at the intersection of Carol Street and Chattahoochee Avenue. The complainant alleges he was subjected to abusive language and excessive force in an incident involving APD Officer Leif Reddick. According to Mr. Nelson, he was near the intersection of Carol Street and Chattahoochee Avenue talking with two clients of his security business at approximately 10:45 p.m. Mr. Nelson claims that Officer Reddick approached him with his weapon drawn. He said that the officer asked what he was doing and then became abusive and told him to put his hands up or he would “blow his fucking head off.” Mr. Nelson claimed the officer repeated this four times and he also pointed a gun at him. Mr. Nelson was handcuffed and detained for what he described as four hours. Two supervisors responded and one told Officer Reddick to write Mr. Nelson a citation for operating a red strobe light in his vehicle and release him. Mr. Nelson was armed at the time of the stop.

B. WHAT THE INVESTIGATION REVEALED

Adam Brook was one of the two clients. He was served with a subpoena to appear and answer questions. He stated that they were approached by an APD officer asking questions about what they were doing. He did not recall if the officer drew his weapon or used abusive language but he indicated his brother, Matt,
was handcuffed by the officer. He said the officer was concerned about the identification and badge Mr. Nelson had on his person. He estimated the detention lasted for two hours; however, Mr. Nelson remained after he and his brother were allowed to leave.

According to Reddick, he was on his way to the APD Property Room when he observed a car pull behind another car that had a red strobe light on the dashboard. He was aware about robberies that were being perpetrated by individuals who were impersonating officers, so he decided to investigate. He said that Mr. Nelson was in dark clothing and had a gun belt with a gun in the holster. Officer Reddick approached with gun drawn and told all three of them to put their hands on the vehicle. He called for back-up and more officers arrived. Officer Reddick said he was able to secure a Glock semi-automatic pistol from the holster of Mr. Nelson. He placed Mr. Nelson and Matt Brock in handcuffs. Officer Reddick investigated further and found a badge and identification that was in Mr. Nelson possession. According to Reddick, the badge resembled those worn by Georgia State Patrol but it had Georgia Traffic Trooper on it. The ID inside Nelson’s wallet identified him as George Nelson, Security Officer. Mr. Nelson presented a State of Georgia Concealed Weapon permit.

Officer Reddick was able to determine there was not a robbery in progress and that Mr. Nelson was in fact, speaking to other individuals about a security business he was operating. Officer Reddick released the Brocks because they were not involved in the incident; however, he was concerned about the red light and badge that was in Mr. Nelson’s possession. According to Reddick, he notified APD Communication to have a Georgia State Trooper come to the scene to see if they wanted to investigate possession of the badge. The Georgia State Patrol did not have a trooper available to come to the scene; therefore, a decision was made to issue Mr. Nelson a citation for operating a red light without a permit. Mr. Nelson was released and he was not adjudicated by the time ACRB conducted its investigation. The radio recordings were reviewed and appear in the investigative report.

C. STAFF RECOMMENDATION
Although Officer Reddick determined that Mr. Nelson was not involved in a robbery as he initially believed, he was concerned about Mr. Nelson’s possession of the badge which was similar to that of a Georgia State Trooper. The State of Georgia code requires a person to be certified to use an amber red or blue light; therefore, the issuance of the citation was appropriate. The allegation of excessive force was addressed by this investigation and Mr. Nelson claims that the officer threatened and pointed a fire arm at him. This issue turns upon whether the force used was reasonable. The APD-SOP permits the officer to use this level of force when a person is armed. Mr. Nelson was armed; however, it is not clear whether the officer reasonably believed Mr. Nelson posed an immediate threat of serious bodily injury to the officer or others when he used this level of force. Officer Reddick said that he probably used some profanity when he initially confronted the men at the traffic stop but he claims to not recall the exact words he used. Based on this information, the ACRB staff recommends that the Board assign a finding of ‘Sustain’ to the allegation of abusive language and the finding of ‘Not Sustained’ be applied to the allegation of excessive force.

D. VOTE BY THE BOARD REGARDING STAFF RECOMMENDATION
Following the conclusion of Addington’s summary, the Chair opened the floor for questions and a motion on the recommendation.

Hearing no questions, the Chair entertained a motion on the allegation of excessive force. It was moved by Morris to accept the staff recommendation to ‘not sustain’ the allegation of excessive force against Officer Reddick. The motion was seconded by Williams. No discussion, the motion was approved.

The Chair entertained a motion on the allegation of abusive language. It was moved by Williams to accept the staff recommendation to ‘sustain’ the allegation of abusive language against Officer Reddick. The motion was seconded by Morris. No further discussion, the motion was approved.
E. RECOMMENDATION AND VOTE FOR DISCIPLINE

Addington reported Officer Reddick has been employed with APD since 2007. He has no disciplinary incidents in his file and the allegation being discussed tonight would be his first. It is a category ‘A’ offense which is subject to an oral reprimand.

The Chair entertained a motion to recommend that Officer Reddick receive an oral reprimand.

It was moved by Alinniece to recommend that Officer Reddick receive an oral reprimand for the allegation of abusive language. The motion was seconded by Williams. Hearing no discussion, the motion was approved.

BUDGET UPDATE (Agenda Item V):

Director Beamud provided a spreadsheet detailing the new budget for 2012. She stated, “The good news is they gave us back the money that we lost with the exception of $5000.00. The total budget for FY 12 is $365,778.00. Once you have an opportunity to take this information home and look at it, let me know if you have any questions.” Shields asked if the salaries were reduced. Beamud indicated that no salaries were reduced.

The Chair stated, “I am very glad some of our money was returned after it had been taken away. I am extremely glad that the personnel costs were not as impacted as they had planned it to be. The $365,778 budget is nothing and very small in comparison to other cities. The District of Columbia has a budget over $3,000,000 and this is a huge difference.”

INTAKE REPORT for APRIL, 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 June, 2011. The complaints are:

#11-35 / Allan King alleging Unlawful Imprisonment
Staff recommends dismissal because the complainant was not detained; he merely asserted his right to not answer the officer’s questions.

#11-36 / Freddie Willis alleging Constitutional Violations
Staff recommends dismissal because the complaint involves only allegations against the State of Georgia.

#11-37 / Charlotte Stallings alleging False Imprisonment
Staff recommends investigation as a complaint of unlawful imprisonment.

#11-38 / James Martin alleging Constitutional Violations
Staff recommends dismissal because the matter is not within the ACRB’s jurisdiction.

#11-39 / Kimberly Chancellor alleging Poor Service
Staff recommends dismissal for lack of jurisdiction.

The Chair entertained a motion to accept the Director’s Intake report. It was moved by C. Johnson to accept the Director’s report. The motion was seconded by Morris. The Chair called for a discussion. Hearing none, the motion was approved.
Special Note: Beamud indicated that this would be the last meeting for founding member Shareese Shields. The Chair stated, “Ms. Shields was the first Board Chair and without her, the Board would not be where we are today. Personally, I will truly miss her.”

Reflecting on her time with the Board, Shields said, “I am going to miss you all as well. It has been a long four years. We have done a lot and I have some great friendships that I hope will continue on beyond the Board. I know you will continue to do a good job. I wish you well and if I can ever be a resource, do not hesitate to call.”

REPORT FROM VICE CHAIR WILLIAMS ON MEETING AT THE STATE HOUSE AND VISIT FROM STUDENTS (Agenda Item VII):

As a matter of information, Williams reported on the following issues:

- Meeting at the State Capitol
  Williams reported that he was recently at the Capitol Building. The bill known as the 2011 Criminal Justice Reform Bill is being implemented by the State of Georgia. “I have assembled a book including the summaries and presentation about the bill which basically outlines how the State will carry out sentencing in the Criminal Justice system. The South Carolina model was used for this bill and I plan to attend future meetings at the Capitol regarding this matter and through emails, I will keep you informed regarding the latest effort surrounding this issue.”

- Visit from Students on July 29, 2011
  Williams indicated he is affiliated with a student exchange program consisting of students from Chicago and Indianapolis. “These students are involved in an organization called See Hope. They planned to visit City Hall on July 29, 2011 and meet from 4:00 p.m. to 5:00 p.m. in Committee Room Two. One of the subjects that will be discussed at this meeting is ‘Community Policing’ and the importance of learning about this at an early age.”

- Visit from the Quitman 10
  “The Quitman 10 is a group of individuals from Quitman, Georgia near Valdosta. Elections were held last year and ten African Americans were arrested in Brooks County after being accused of illegally helping people vote by absentee ballot in the Democratic Primary for Labor Commissioner. In this election, black office-seekers defeated white incumbents. The Secretary of State is involved and the ten people arrested have been released pending further investigation. Because of what has happened in Quitman, they are interested in forming a Citizen Review Board. I will be aiding them in this effort. It is unfortunate Atlanta is the only city in this state with a Citizen Review Board. In my opinion, many more boards are needed in the state. The Quitman delegation will be in Atlanta on July 19 and plans to stop by City Hall to view our facility and office.”

- APAB and NAACP Support Letters Regarding ACRB Appointments and Budget
  Williams reported that he had received and distributed letters of support from APAB and the NAACP regarding the vacant seats on the Board and the budget being underfunded. “We got some of our money back, but these organizations applied the necessary pressure to make that happen. The money other cities provide in their overall budget for citizen review boards, average between $2,000,000 and $3,000,000 a year. The City of Atlanta has decided to fund its Review Board with a budget of $365,778 which is pitiful in comparison to other cities. There is a problem. We were promised more money during the campaigns and that promise has not been kept. A second problem we have is filling the vacant seats on the board. After tonight, another seat will be vacant, totaling three vacant seats. The President of City Council has not appointed a person since he was elected. They need to step up and fill these vacancies. I am grateful to APAB and the NAACP for all of their support regarding these issues. Other organizations were asked to write letters; however, they have yet to respond and next Tuesday in front of the Quitman 10, I will address these organizations that did not respond.”
The Chair also noted that she, Paul Bartels and Beamud attended the LGBTQ Advisory Board Meeting. “The discussion focused on the 2009 Atlanta Eagle raid. There was a panel of nine (9) members and it was a very good exchange. People expressed dismay the City had taken everything so lightly. You probably have seen the recent news that several police officers were fired over this, but the main reason they were fired was for a lack of truthfulness. A lot of the officers lied about what they had done and they are not going to be disciplined for the fact that they deleted messages and images from their cell phones. There was texting going back and forth. This was proven by the outside report, but with some of the cell phones, they could not extract that information so it is not anything that could be acted upon. This deletion of information is egregious. Some of these police officers who are entrusted with our safety and our belief of honesty, took the initiative, individually and together as a group, and deleted information. Our board member, Paul Bartels, who is not here tonight, spoke on behalf of the board and he did an awesome job.”

PUBLIC COMMENTS (Agenda item IX):

Chair Morrissey opened the floor for public comments.

One person signed up to speak, Ms. Delessa Nichole Flunder-Wysinger, a student at Georgia State University (GSU). Ms. Wysinger is also Vice President of the GSU’s Criminal Justice Student Association (CJSA). Attending with her tonight, were two other students from GSU currently taking a ‘Policing in America class. Acting on a class assignment, the students posed a question to the board, “Do you feel that this board is effective in controlling police misconduct?”

In response to the question, Shield stated, “As a general rule, civilian oversight is effective simply because it is a body the citizens trust that is not connected to the police department. We investigate, we talk to witnesses, we review police reports and we speak with those who have an interest and make a decision as to whether or not we think police misconduct occurred. We then make a recommendation to the Chief of Police as to what should happen in any given scenario where there has been an allegation. We are a volunteer board and are not part of the law enforcement community; nevertheless, we have very competent staff who knows how to investigate. They turn over every stone and get to the bottom of the allocation and usually, can find the truth. Now what happens to our recommendation is another story. The law says that we can’t force the Police Department to do anything, all we can do is make a recommendation and to that extent, we can’t force the Police Chief to discipline an officer if we found that there has been some sort of misconduct. But what we can do is bring to light things that might not otherwise get the level of attention that the public feels a situation deserves. The Eagle Raid is a prime example of that because if was one of our cases and we feel some sense of contribution to the truth coming out in that process. Yes it works. Could it be better...absolutely! Could we have more teeth...yes, and maybe one day, we will. More money helps, but the citizens take comfort in knowing there is an independent body looking critically at allegations against the police.” On behalf of the students, Ms. Wysinger expressed appreciation to the Board and indicated that they will be attending future meetings.

Williams added some additional comments, “In the future, as we improve our outreach and bring in more stakeholders to interact with us, we will be taken more seriously. Response sometimes is very slow and that includes the Mayor and the President of City Council. Responding to Williams, C. Johnson stated, “When we first started, we had nothing and I understand that change comes slowly. Yes, there were people who initially paid us ‘lip service,’ but the veil and the cover-up regarding the issues that have taken place is being lifted on that code of silence that goes on in the Police force. People are saying enough is enough and I think this is the reason you are seeing the push back. Once misconduct is exposed, people will push back. This Board has hired a very competent staff and we are going to continue on as long as this board remains in existence. Regarding the appointments to this board, which is our life-blood, we are going to have to stay on them in order for them to respond and appoint the appropriate people. To that end, perhaps we need to start identifying people who would be interested. It is actually unconscionable these positions have not been filled in all of this time. It is really shameful and we need to call them out.”
Beamud stated, “I would like to suggest that if any member of the Board is available, please attend the next Public Safety meeting, Tuesday, July 26 at 3:00 p.m. They have public comments and it might be appropriate to remind the Public Safety Committee of these vacancies.”

ADJOURNMENT (Agenda item X):

Chair Morrissey entertained a motion to adjourn. Morris motioned to adjourn the meeting. The meeting adjourned at 7:35 p.m.

Approved as to form and content,

[Signature]

Date: August 11, 2011