ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE LAST MEETING
JUNE 09, 2011, 6:30 P.M.
55 TRINITY AVENUE, S.W., COMMITTEE ROOM TWO, ATLANTA, GEORGIA 30303

ROLL CALL

MEMBERS PRESENT
PAUL BARTELS (Bartels)
BARBARA HUBBARD (Hubbard)
CHARIS JOHNSON (C. Johnson)
RYAN JOHNSON (R. Johnson)
JOY MORRISSEY (Chair/Morrissey)
SHARESE SHIELDS (Shields)
MACEO WILLIAMS (Williams)

MEMBERS ABSENT
PAMALA ALINIECE (Aliniece)
ALAN MORRIS (Morris)

Two Vacant Appointments to the Board
City Council President’s Office (vacant 14 months)
City of Atlanta Council Members (vacant 6 months)

STAFF ATTENDEES

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

MEETING CALLED TO ORDER:

The meeting was called to order at 6:30 p.m. The Chair welcomed guest, citizens and members of the Atlanta Police Department including Major Elder Dancy and Lieutenant Sharone Steed, APD, Office of Professional Standards.

AGENDA

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

The Chair directed attention to the minutes of the last meeting. Williams and Morrissey noted the following corrections to May 12, 2011 minutes:

- Page 3 – Agenda Item IV, B, last sentence – change ‘tased’ to ‘tasered’
- Page 3 - First paragraph, last sentence – change ‘Drawczyk’ to ‘Krawczyk’
- Page 6 – Section E-1, third sentence – change ‘There’ to ‘They’
- Page 10 – Budget Update, third paragraph, second sentence – change ‘question’ to ‘questioned’

Following the corrections, the Chair entertained a motion to approve the minutes of the last meeting held May 12, 2011 at 6:30 p.m. It was moved by Bartels to accept the minutes of the last meeting with the noted corrections. The motion was seconded by Williams. No discussion, the motion was approved.
CONSIDERATION OF INVESTIGATION 10-64, COMPLAINT OF ANTOINE WILLINGHAM OF FALSE ARREST AND ABUSIVE LANGUAGE (Agenda Item III):

The Chair directed members to Agenda Item III, Director Beamud’s memo to the Board dated June 3, 2011 summarizing the investigation of Complaint #10-64. Investigator Addington conducted the investigation and provided an oral summary of the complaint.

A. ALLEGATION SUMMARY

Addington reported that this complaint was made by Antoine Willingham regarding an incident that occurred on September 25, 2010 on the I-20 westbound and Hill Street.

The complainant alleges that he was a passenger in a vehicle that was stopped by Atlanta Police Officers. His uncle was driving and a neighbor was also a passenger. Officer Patrick Meegan asked if they had been drinking and the neighbor admitted that he was drinking and gave the officer a paper bag with an open container of alcohol in it. The officer asked the driver to perform field sobriety tests. Mr. Willingham claims his uncle passed the test. He indicated that Officer Meegan became upset when he called his mother on a cell phone. He said that Officer Meegan told him to shut up. Mr. Willingham tried to defend himself and was told to step out of the car. The officer searched him and found prescription medication that Willingham takes to control seizures. Mr. Willingham alleges that Officer Meegan became abusive and placed him in a police car and the medicine was confiscated. Mr. Willingham was arrested and taken to Grady Hospital. He was charged with illegal use of a horn and violation of the Georgia Open Container Law. The charges against Mr. Willingham were eventually dismissed in the Atlanta Municipal Court because Officer Meegan did not appear in court.

B. WHAT THE INVESTIGATION REVEALED

Addington stated the ACRB investigation was initially suspended because his criminal charges were still pending. After resolution of the criminal matter against Mr. Willingham, the investigation was re-opened. Several attempts were made to contact and interview Mr. Willingham and the witnesses listed on his complaint form; however, they were not cooperative with the investigation. The allegations of Willingham were based on his complaint form which included a two page statement from him.

C. OFFICERS INTERVIEWS

Two officers were at the location, Officer Patrick Meegan and a witness officer, Officer Adam Wright. The two officers were interviewed regarding the allegation. Both officers indicated that Mr. Willingham was not subjected to abusive language and that there were, in fact, open containers of alcohol in the rear passenger area of the vehicle where Willingham was seated.

D. FINDINGS AND STAFF RECOMMENDATION REGARDING COMPLAINT #10-66

Officer Meegan, at the time of the incident, was a member of the APD DUI Taskforce and because of this his car was equipped with an in-car video system. A review of the recordings revealed that much of the audio of the video was inaudible. Portions can be heard and indicate that Mr. Willingham was treated appropriately. It did not appear that Officer Meegan was upset. A horn can be heard being blown on the video but it is difficult to discern if the horn was blown from Mr. Willingham’s vehicle or a vehicle that was passing the stop location on the interstate. The officers can be viewed removing what appears to be an open container of alcohol from the rear of the vehicle.

Officer Meegan was questioned about the criminal charges against Mr. Willingham being dismissed because he failed to appear in court. Officer Meegan indicated that he appeared at the original court date of Mr. Willingham but was not subpoenaed for the final appearance when the case was reset at Willingham’s request. Records were obtained from Municipal Court that support the claim of Officer Meegan as the case was reset from October 2010 to March 2011. Based on the evidence documented in
the allegation of Mr. Willingham, his version of events that occurred during the traffic stop by Officer Meegan is not supported. Given this information, ACRB staff recommends that the allegation of False Arrest be exonerated and the allegation of Abusive Language is “Not Sustained.”

E. VOTE BY THE BOARD TO ACCEPT RECOMMENDATION
Following Addington’s summary, the Chair opened the floor for discussion regarding Antoine Willingham’s complaint #10-64.

Discussion...
1. Bartels asked, “Were you able to determine the exact reason for the initial traffic stop?” Morrissey stated that in the report, it was noted they were stopped for speeding. Addington agreed.
2. R. Johnson asked, “During the stop, while the officer was questioning the men, what was the demeanor of the officers?” Addington stated he would describe their demeanor as ‘indifferent.’ He added, “This is not unique when officers are being interviewed. In several of the interviews that I have done with APD officers, I cannot say sometimes, they still question their responsibility to come here and interview with a civilian oversight panel. He was indifferent but professional.”
3. Morrissey, “I would imagine all of the officers are going to come up here and give unemotional answers to the questions. They are probably not going to have any particular slant or let go of any personal opinions because it would not be in their best interest to do so. If we interview someone that does act in a way that they shouldn’t or something that would be revealing, I would imagine that it would be in the report. If it is not done, then it certainly should be conveyed to us in some way.”
4. For the record, R. Johnson indicated that he did not ask the question for that reason. He said, “For clarity, I just wanted to know the demeanor of the officer and not to imply that I would make a decision based on the attitude of the officer.”
5. Williams asked the definition of illegal use of a horn. Addington replied, “Basically, it is improper use of the horn in any circumstance except to avoid an accident.”

Following the discussion, the Chair called for a motion.

Regarding the allegation of Abusive Language, it was moved by Bartels to accept the staff recommendation of “Not Sustained.” Williams seconded. Hearing no further discussion, the motion was approved.

Regarding the allegation of False Arrest, it was moved by Bartels to accept the staff recommendation of Exonerated. Hubbard seconded. Hearing no discussion, the motion was approved.

CONSIDERATION OF INVESTIGATION #11-02 – COMPLAINT OF DARRELL BROWSER – FALSE ARREST (Agenda Item IV)

The Chair directed members to Agenda Item IV, Consideration of Investigation #11-02.

A. SUMMARY OF ALLEGATION
Investigator Robertson provided an overview of complaint #11-02 filed with ACRB by Darrell Browser alleging that on September 12, 2010, Atlanta Police Officer, Benjamin King was responsible for having him falsely arrested and charged with disorderly conduct.

B. INVESTIGATIVE FINDINGS
Mr. Bowser claims that Officer King had him arrested in retaliation for numerous complaints to the real estate company that manages the Park District Apartments, the complex where he resided at the time of the incident.

**Investigator Robertson** reported that at the time of the incident, both Officer King and Mr. Bowser resided at the Park District Apartments (*Bowser lease was terminated shortly after the incident*). Officer King is also employed by the apartment complex as a courtesy officer when he is off-duty. On the day in question, Arturo Orosco, an employee of the complex, called 911 and reported that Mr. Bowser tried to strike him while he was in his apartment trying to repair the air conditioner, and then chased him down the hallway of the building. Officers LaShonda Clink and King responded and arrived separately to the location. The Incident Report pertaining to his incident identifies Officer Clink as the arresting officer. Officer King stated that he provided back-up assistance. Officer Clink was unavailable for an interview because she is out on medical leave; however, the police report she prepared indicates Mr. Bowser was arrested and charged with disorderly conduct. She cited in the report that he was arrested because he was very uncooperative and tried to retreat back into his apartment as she was trying to investigate Mr. Orosco’s claim.

According to the Atlanta Municipal Court’s records, the disorderly charge against Mr. Bowser was dismissed due to the victim’s non-appearance. During the interview, Mr. Orosco indicated that the reason the charges were dismissed against Mr. Bowser was on the day of the hearing, he arrived to court late because he was given the wrong address for the hearing.

C. **STAFF RECOMMENDATION**

The ACRB staff recommends that the allegation of False Arrest against Officer Benjamin King be ‘Unfounded.’

D. **VOTE BY THE BOARD REGARDING STAFF RECOMMENDATION**

Following the conclusion of Robertson’s summary, the Chair opened the floor for questions and a motion on the recommendation. Hearing no questions, the Chair entertained a motion.

It was moved by R. Johnson to accept the staff’s recommendation of ‘Unfounded’ regarding the allegation of False Arrest against Officer King. Bartels second the motion. Hearing no further discussion, the motion was approved with one (1) No Vote from Williams.

*It should be noted that at this time the Chair, allowed another item, a subpoena request by Investigator Robertson, to be added to the agenda for the Board to consider. Investigator Robinson explained that the request came after the agenda for today’s meeting was distributed.*

**REQUEST FOR SUBPOENA**

*Investigator Robertson* indicated she was making the request in compliance with the decision the Board made at the last meeting regarding investigating false arrest complaints where the criminal case was considered ‘dead docketed.’ This particular complaint concerns Tamala Watkins, ACRB Complaint#10-32. Robertson said, “The subpoena is for the Atlanta Public Schools. Ms. Watkins is an employee of Carver High School but the incident occurred at Dobbs Elementary School and included her and her ex-husband and the APD police officer in question. We are requesting the film footage from surveillance camera located at the front entrance of the Dobb Elementary School, 2025 Jonesboro Road on January 7, 2010. We are also asking for any and all records pertaining to any disciplinary matters including incident reports relating to matters involving Tamala and Mario Watkins. Ms. Watkins is claiming that she never entered the property at the time the incident occurred. Mr. Watkins claims she was on the property and threatened him. He believes the incident was recorded by the surveillance camera.”
The Chair entertained questions and a motion.

**Question**

Bartels asked if the footage would still exist. "How often do they delete?" Robertson stated, "I spoke with the officer and according to him, there is a video of Ms. Watkins being on the property threatening her ex-husband. Ms. Watkins claims she was not there."

It was moved by Bartels to grant the request for the subpoena. Williams second the motion. Hearing no further discussions, the motion was approved.

**INTAKE ON OLAJUWAN WILSON COMPLAINT #11-16 (Agenda Item V):**

Beamud reported that Mr. Olajuwan Wilson is 17 years old. He claims he was unlawfully arrested and was subject of excessive force on September 28, 2010. He filed a complaint with the ACRB office on the 180th day after the incident in question occurred. "As you know, the ordinance requires that the complaints be signed and filed within 180 days. When he filed the complaint within 180 days, initially, it was signed by his attorney and that does not qualify as a complaint signature because an attorney who was not there, cannot sign the complaint. We proceeded with the investigation because it falls within our jurisdiction; however, we now find it is technically defective because it was not signed. As you all know, the Board has the authority to investigate anything on the vote of the Board or conduct a study based on the vote of the Board. I am asking the Board to vote to investigate the allegation made by Olajuwan Wilson."

The Chair stated, "The question before the Board is whether or not we investigate and even though the attorney signed the complaint form, the complainant did not, we need to consider and vote to accept the complaint as is and go forward with the investigation or vote to not accept it. Beamud replied, "Yes and I am recommending that we do investigate pursuant to a different part of the ordinance. The part I am referring to is Section 2.2211 which says, "The Board has broad discretion to select appropriate individual incidents to review."

**Discussion...**

1. Bartels said, "I would be in favor of accepting that recommendation. It sounds like no real investigation had been done and what's here in the memo is what we know." Beamud replied, "We know more. He is a young man, 17 years old. He claims he went to a convenience store and he was approached by a Red Dog officer who asked his consent to search him. He said OK but he didn't realize the officer was going to feel him in his groin area. He has a problem with that and he took off running towards his home on Neal Street. The police chased him and they caught him and he alleges they used excessive force. He was hospitalized for two days in the Grady Hospital. The officer said he observed marijuana, but no marijuana was recovered."

No further discussion, the Chair asked for a motion. Williams moved to investigate the complaint filed by Mr. Wilson. Bartels second the motion. Hearing no further discussion, the motion was approved.

**INTAKE REPORT FOR MAY, 2011 (Agenda Item VI)**

A copy of the Intake Report was included in the Board packets. Director Beamud reported six (6) complaints were received for the month of May, 2011. The complaints are:

- **#11-28 / Andrey Vinson** alleging Service Complaint
  Recommend dismissal because the complaint is not within the Board's jurisdiction.

- **#11-30 / Brenda Hudson** alleging Service Complaint – County Marshall
  Recommend dismissal because the complaint is not within the Board's jurisdiction.
#11-31 / Dawn Williams alleging Park Atlanta’s Ticket
Recommend dismissal because the complaint is not within the Board’s jurisdiction.

#11-32 / Latoria Scott alleging False Arrest
Recommend the Board suspends the case until the completion of the criminal case.

#11-33 / Cedric Barnhart alleging False Arrest
Recommend the Board suspend the investigation until the conclusion of the criminal case.

#11-34 / Sherwin Johnson alleging Excessive Force
Recommend dismissal for lack of jurisdiction. No allegations against Atlanta officers.

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

UPDATE ON PUBLIC OUTREACH COMMITTEE – MR. MACEO WILLIAMS (Agenda Item VII):

Williams reported the committee, to date, has met twice. “Our last meeting was yesterday. We have established our mission, goals and objectives and from there, we will develop a strategy, proposed desired outcome and measured results. Our intent is to make a full report to the Board at the September meeting. In the meantime, your comments and suggestions are welcomed.” R. Johnson added that the Committee has been really productive and made a lot of progress. “We have a lot of good ideas on educating the public about who we are and what we do. We plan to meet on a regular basis so that we can get off to a good start.”

The Chair stated, “I have read what you have put together and it is awesome work, it is a super big step, way further than what we have been. I think you are doing a great job in such a short period of time.”

COMMENTS (Agenda item VIII):

A. PUBLIC COMMENTS –
   No one signed up to make comments.

B. BOARD MEMBERS COMMENTS

   • Williams expressed concerned about what he feels is a growing trend occurring across the country to prosecute citizens who record police. He distributed information on the topic for the Board to review. Bartels expressed his appreciation to Williams for bringing the information to the Board. He indicated that he had heard about the officer that was named in the article of information and the incident in Illinois. “Illinois is actually one of two states that have that law where both parties have to consent to being photographed even if it is in a public place. It is widely used to prosecute people who do try to tape police officers but I believe it only applies to audio. If it is just video without any audio, I think that is completely legal, but it is hard to know what is happening unless you audio tape too and they are interpreting that to be illegal.”
• The Chair indicated that the NACOLE website is very informative and keeps abreast of everything that is going on nationally and internationally regarding communities and public safety. “I encourage you to visit the site and read as much as you can.”

• Beamud reminded members to look over the attached correspondence which included the City of Atlanta Board of Ethics Gift Rules that applies to not only the employees but also the board.

ADJOURNMENT (Agenda item IX):

Chair Morrissey moved to adjourn. Bartels second the motion. The meeting adjourned at 7:25 p.m.

Approved as to form and content,

[Signature]

July 14, 2011
Date: