ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE MEETING
February 8, 2018
2nd Floor Atrium, Committee Room One
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303
404-865-8622
6:30 p.m.

The February meeting was called to order at 6:30 p.m. by Chair Williams.

AGENDA

ROLL CALL
(The ACRB has thirteen members)

ACTIVE MEMBERS PRESENT

SHERRY WILLIAMS (Chair Williams)  TRACEE MCDANIEL (McDaniel)
BILL BOZARTH (Bozarth)           TAMARA ORANGE (Orange)
MICHAEL HOPKINS (Hopkins)        SHUNTAY PITRE (Pitre)
BARBARA WARD-GROVES (Groves)     CECILIA HOUSTON-TORRENCE (Torrence)

ACTIVE MEMBERS ABSENT

GINO BROGDON (Vice Chair Brogdon)

VACANT BOARD SEATS

Atlanta Bar Association (one month)
Atlanta Business League (eight (8) months)
APAB-NPU, Group M-R (eleven (11) months) Oath of Office Pending
City Council President (1 year and eight (8) months)

ACRB STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director (Reid); MYOLA SMITH, Project Manager (Smith); SHEENA ROBERTSON, Investigation Manager (Investigator Robertson); BRIAN FLEMING, Investigator, Sr., (Investigator Fleming), Sr., (Investigator Al-Nur); LYNN GARRETT, Executive Assistant (Garrett/Transcriber); REGINALD MCCLENDON, COA Law Department, (McClendon), LIEUTENANT SCOTT BENNETT, Atlanta Police Department, (Lt. Bennett)
Acknowledgement: Chair Williams introduced ACRB newly appointed board member Barbara Ward-Groves, representing Atlanta Planning Advisory Board (APAB), Groups M-R.

Ward-Groves stated that she is from Atlanta and that she recently retired from the Food & Drug Administration, as an investigator. She currently serves as Vice President for NPU –Q. She represents APAB NPU cluster M-R. Ward-Groves said, “I believe in the mission of the Atlanta Citizen Review Board and would like the board to hold me accountable.”

APPROVAL OF MINUTES FOR JANUARY 2018

Houston-Torrence moved to approve the minutes. McDaniel seconded. Hearing no discussion, the motion was approved by a vote of seven (Groves, Hopkins, McDaniel, Orange, Pitre, Torrence, Williams) with one abstention (Bozarth – Abstained because he was not present at last meeting).

POLLING OF THE AUDIENCE FOR CASE INFORMATION

No comments or additional information reported.

EXECUTIVE DIRECTOR’S REPORT

The Board received a copy of the ED’s report in advance of the meeting. The following highlights were reported on by Director Reid:

- **REMINDER: August 19, 2017 Board Training**
  The August 19 Board member training, is on the website under the Members’ Only section. You may also stop by the office to watch the video. The training is four hours long. **Please let the office know when you have completed the training.**

  The training will also be a part of the new board members’ orientation. New board members will receive passwords for the Members’ Only sections.

- **Mediation Presentations**
  Mediation presentations are ongoing in various communities. Since the January meeting, staff presented to the following organizations:
  - NPU-J
  - NPU-H
  - Ben Hill Church Council
  - Westview Community Association
  - Mechanicsville Community Association

- **2018 ACRB Art and Essay Contest**
  The 2018 ACRB Art and Essay Contest continues on. There is still time to let your contacts know about the contest. If you need additional information or entry forms, please let staff know. The contest is scheduled to end, March 12.

- **Reports to Appointing Entities**
  Members were reminded to continue reporting to their appointing entities.
• Law Department Matter

Reid indicated that he would send an email to the board next week related to the agency’s relationship with the City Attorney’s Office. Background and details regarding this matter will be outlined in the email.

• March Board Meeting

In keeping with the agency’s commitment to bring the ACRB to the community, the March board meeting will be held at the Rick McDevitt Youth Center in Atlanta.

Discussion and Comments...

1. (Williams) Have we requested our new mayor, Lance Bottoms to attend our March or April meeting at her convenience? That would be great if we can hear from her and start a relationship between the new Mayor and the board.
2. (Reid) We have started requesting meetings with first the new Councilmembers and we will also put in a request for the board regarding a meeting with the Mayor.
3. (Houston-Torrence) Has the appointment for the City Council President been filled yet?
4. (Reid) No, not yet. They are aware of it. She is working on it.
5. (Bozarth) I did speak with the new council president, whom I have known for a number of years. I advised her that it has been vacant for a year or so. That gave her a sense of urgency. During her campaign, she was supported by the police union. I suggested that there is no better way to find a qualified officer...she said, that’s a good idea. Next time I talk to her, I will remind her again. In addition to the City Council President’s appointment, we are still missing the City Council appointment.
6. (Reid) And Atlanta Business League and the Atlanta Bar Association.
7. (Smith) I want to give you an update on the City Council appointment. She has been confirmed by Council. The last thing for her is to be sworn in. We found out today that the Municipal Clerk’s Office holds group swearing in ceremonies on full council meeting day and we will make sure she gets in on the next one. She told me today to tell you that she can’t wait to become a member of the board. She is eager and ready to go. The oath is the last step. Her name is Gloria Hawkins-Wynn.

INTAKE REPORT FOR FEBRUARY

Investigation Manager Robertson reported that for the month of February 2018, the ACRB received twelve (12) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss four (4) of the twelve (12) complaints. Six (6) complaints are recommended for investigation. It should be noted that the proper referrals were given to those citizens whose complaints fell outside of ACRB’s jurisdiction.

The following is a list of the complaints that are being recommended for dismissal and the reason for the recommendation:

1. ACRB Case No. 18-001– Inadequate Service involving APD 9-1-1
   The Complainant alleges that on January 1, 2018, he called the Atlanta Police Department’s (APD) 9-1-1 Center twice to report an assault of a neighbor, but no one responded. Recommend dismissal for lack of jurisdiction.

2. ACRB Case No. 18-002 Unfairly Cited, Inaccurate Accident Report & Inappropriate Conduct
   The Complainant alleged that she was involved in a car accident on December 9, 2017 and the Fulton County Officer unfairly ticketed her, wrote an inaccurate report and failed to provide the
hospital staff her name. **Recommend dismissal because the arrest occurred over 180 days and is time barred.** ACRB also lacks jurisdiction regarding the Fulton County Officer.

3. **ACRB Case No. 18-007 – Harassment**
The Complainant alleged that he is being followed by APD & DeKalb officers. The Complainant could not provide any names, descriptions, badge numbers, vehicle tag numbers, etc., of the officers involved. Therefore, recommend dismissal.

4. **ACRB Case No. 18-008 – Unlawfully Stopped**
The Complainant alleges that APD officers are constantly stopping him and towing his vehicle because it is not registered. **Recommend dismissal for lack of merit.**

**Awaiting Signed Complaints:**

1. **ACRB Case No. 18-009 – Inadequate Investigation**
The Complainant alleged that her father is the victim of identity theft and the APD officer assigned to investigate the case is not conducting an adequate investigation. **Awaiting the Complainant’s signed complaint.** If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as an Appropriate Action Required complaint.

2. **ACRB Case No. 18-011 – False Arrest**
The Complainant alleged that on January 15, 2018, she was falsely arrested by an APD officer. **Awaiting the Complainant’s signed complaint.** If the signed complaint is received within the next few weeks and the complaint has merit, then recommend investigation as an Appropriate Action Required complaint.

**Investigation recommendations:**

1. **ACRB Case No. 18-003 – Inappropriate Conduct**
The Complainant alleged that an APD officer came to her residence and grabbed her son by his arm, handcuffed him and took him to the patrol car without his shoes and socks. She further alleged that she was not allowed to see the warrant until her son was placed into the patrol car. **Recommend investigation as an Appropriate Action Required complaint.**

2. **ACRB Case No. 18-004 Inappropriate Conduct**
The Complainant alleged that on January 15, 2018, an APD officer pointed his gun at her dog that was not posing a threat to anyone. She also alleged that the officer threatened to lock her up. **Recommend investigation as an Appropriate Action Required complaint.**

3. **ACRB Case No. 18-005 Excessive Force & Inappropriate Conduct**
The Complainant alleged that on January 5, 2017, her boyfriend was physically assaulted by APD officers. She further alleged that on said date, an APD officer inappropriately ran a computer check on her. **The Complainant did submit a signed complaint pertaining to the allegation involving her and the officer and thus, recommend investigation as an Appropriate Action Required complaint.**

4. **ACRB 18-006 – Inadequate Investigation & Inappropriate Conduct**
The Complainant alleged that the APD Investigator assigned to investigate the theft of her belongings from her that occurred on January 8, 2018 was “short and very unconcern” with her and failed to conduct an adequate investigation. **Recommend investigation as an Appropriate Action Required complaint.**

5. **ACRB 18-010 – Excessive Force**
The Complainant alleged that APD officers used excessive force during an arrest that occurred on November 25, 2017. **Recommend investigation as an Excessive Force complaint.**

6. **ACRB Case No. 18-012 – False Arrest & Inappropriate Conduct**
The Complainant alleges that on January 8, 2018, he was falsely arrested by APD officers. He also alleged that he was kept inside the prisoner transport wagon for 1½ hours and once he was transported to the precinct, he was also there 1½ hours before he was transported to Grady Hospital to receive medical attention for the injuries sustained as a result of the altercation that led to the arrest. The Complainant further alleged that the officers left his crock-pot and space heater plugged in and did not lock his door which could have resulted in a fire-loss to his home or being burglarized. **Recommend investigation as an Appropriate Action Required complaint.**

**Reconsideration of Complaints:**

1. **ACRB Case No. 17-137 – Harassment**
The Complainant filed a complaint alleging that on October 26, 2017, he was followed by an APD officer for no justifiable reason.

Preliminary investigation revealed that the officer that was operating the vehicle in question was on call that was located seven (7) miles and twenty-three (23) minutes’ drive from the alleged incident location. Furthermore, the ACRB’s numerous attempts to obtain a statement from the Complainant pertaining to his complaint were unsuccessful.

**Therefore, due to the lack of details in the complaint, coupled with the unavailability of the complaint, the ACRB is unable to move forward with the investigation. Therefore, based on the evidence obtained, it is recommended that the Complainant’s complaint be dismissed for lack of merit.**

2. **ACRB Case No. 17-142 – Harassment**
The Complainant alleged that unknown officers assigned to the APD’s Narcotics Unit are illegally accessing his cell phone, hacked his Facebook account, and, or one occasion, entered his home without his permission utilizing a fake work-order, whereby two cell phones were stolen.

**Due to the lack details in the Complainant’s complaint and his inability to provide any information to assist with the investigation, the ACRB is unable to move forward. Therefore, it is recommended that the Complainant’s complaint be dismissed.**

**B. BOARD VOTES ON INTAKE REPORT**

_Houston-Torrence_ moved to accept the Intake Report for January 2018. _Pitre_ seconded. Hearing no further discussion, the motion was unanimously approved (_Bozarth, Groves, Hopkins, McDaniel, Orange, Pitre, Torrence, Williams_).

**OLD BUSINESS**

None

**COMPLAINTS REVIEW:**

**ACRB CASE NO 15-069**
A. ALLEGATION SUMMARY

The Complainants alleged that on April 30, 2015, Atlanta Police Officers Jeffery Cook and Omar Thyme caused Alexia Christian’s death when they shot her.

B. STAFF RECOMMENDATION

Based on the evidence obtained during the course of the investigation, the ACRB staff recommends that the allegation of Death against Officers Cook and Thyme be assigned a finding of Exonerated (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

(Fleming) Before you all begin discussing, I am going to play the video tonight. First, I want you to know that it is going to be graphic. We are not going to watch all of the video because of time constraints. What you will not see, because of time constraints, the officers arriving at the scene. You have the reports in front of you when they arrived on the Martin Luther King side of this building…and drove around to the parking spot. You won’t see them because of the angle of the camera…or them actually walking her to the car. The video will pick up where she is actually at the car. I want you to just listen. You will be able to hear before, during and what happened after the shooting. Any questions before we get started? Again, it is graphic.

Please note: Board members are watching the surveillance video for Case #15-069 at this time.

Discussion and Comments:

1. (Houston-Torrence) Reading through the case, there was one thing that wasn’t clear to me. I know that their procedure is to wait for a female cop... Why did they not search her before getting into the car? Was it because the officers were notified that there was a gun in the truck?

2. (Fleming) I think that you are asking two questions. The first question, I asked the same thing. He said that, “I just didn’t search her.” He couldn’t give an explanation. As far as them being notified about the gun in the truck, they weren’t notified when they were dispatched the call that there was a gun in the truck.

3. (Pitre) Do we know the proper procedure in regard to searching a female?

4. (Fleming) I looked at the policy. They can pat her down, but as far as going into her undergarments, that can get sticky. The policy say that they should do protective pat-down...they didn’t do that at all.

5. (Pitre) I have a question for the Lieutenant (Bennett). In regard to that same question we just asked, do they need the female outside of the car or were they able to put the female in the car while they are waiting for someone to come?

6. (Lt. Bennett) I don’t have the policy sitting in front of me...I don’t believe that it dictates anything one way or the other as far as the specifics. As Brian (Fleming) noted, the policy is...the male officer will only search a female under certain circumstance and even that search is supposed to be a pat-down with the back of the hand. Otherwise, the female officer supposed to search female prisoners. I don’t have the either officers’ statements sitting here in front of me, but I do know that both admitted that they did not search her. I don’t know if there is anything as to why...I do know that the clothing that she was wearing...it was a warm spring day and she was wearing very light clothing. For whatever reason, they made the tactful decision to place her in the car, and then to get in the car with her. To clarify it, they did not know that there was a gun in the truck. That issue was investigated thoroughly by both APD and the District Attorney’s Office. The truck was originally reported stolen in Fulton County and it was transferred to Atlanta’s 911 to Fulton County 911. The owner of the vehicle did tell Fulton 911, by the way, there was a gun in my truck. That information was not transferred to Atlanta 911. So, the officers had
7. *(Fleming)* The officers also added that they were going to call for a female while they were sitting there, but the shooting happened and they never had the chance to.

8. *(McDaniel)* In regard to someone dying, in a case like this, what is APD internal process of investigating?

9. *(Lt. Bennett)* We conduct an internal investigation at every officer involved shooting whether a person dies or not. If the officer discharges their firearm or the officer use some form of deadly force that results in death or serious injury of a suspect, we conduct an internal investigation.

10. *(McDaniel)* Is that investigation, regarding this case, completed?

11. *(Lt. Bennett)* Yes ma’am. I believe that you all have a copy of it.

12. *(Houston-Torrence)* The only breakdown that I see was that Officer Shoemaker, who was the officer of Fulton County, did not relay the information that there was a gun.

13. *(Fleming)* The operator did not relay that information to APD at all and Fulton County has disciplined that operator.

14. *(Orange)* Based on the video, based on the report, it shows that the weapon was discharged three times, they got out of the car, then they opened the door, they asked her where was the gun, at that point—they’re engaging in conversation with her because she’s saying, “I don’t have a gun, I don’t have a gun!”

15. *(Fleming)* I asked that question during the interview, the officer explained to me, after she fired those three shots, they went into shock and they jumped out the car. As they jumped out of the car, they explained that, when she was initially placed in there in the car, she was on the right side of the back seat, but then, she was out of one cuff, he saw her aim at the other officer, like this, and that’s when they were telling her to “drop it, drop it.” She wouldn’t drop it and then they discharged their weapons.

16. *(Williams)* I have is a procedural question. From Fulton County 911, to Atlanta 911, it’s a verbal translation of the message, it’s not that it has to be written and read precisely...is that how it (the information about the gun) got left out?

17. *(Fleming)* I can’t speak of that policy, I looked at it. They held her accountable. They said that you should have relayed the message that there was a gun involved. They did discipline her. She admitted that she did not tell APD that there was a gun involved.

18. *(Pitre)* Did they find out in regard to her being handcuffed...I think one of the handcuffs was off.

19. *(Fleming)* That is one of the questions that I asked the officers. You had some officers say, “I don’t remember,” some said that she had only one handcuffed.

20. *(Williams)* But remember, it was hard to hear...she said it was too tight, and he said, “which one.” So, he readjusted it. It appeared that she had on two because he said, “which one?” Obviously, that must have been the one that she was able to wiggle out of when he adjusted it.

21. *(Pitre)* And I did see in the file where she stole a squad car previously in 2006.

22. *(Fleming)* Yes, during the investigation, I believe it was in Fulton County, pulled up her record. Mr. Christian stole a squad car in 2006 and she slipped out of her handcuffs.

23. *(Lt. Bennett)* That was her encounter with APD. She did the same thing. She talked an officer in loosening her handcuffs. She crawled through the screen because it was halfway opened. He vented it because she was hot. When he wasn’t paying any attention, she crawled through the screen and jumped in the front and took off.

24. *(Williams)* But she also didn’t give her correct name. She said, “Tamika Lock”

25. *(Fleming)* That is correct.

C. BOARD’S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED - FALSE ARREST

*Houston-Torrence* moved to accept staff’s recommendation to assign a finding of *Exonerated* for the cause of Death allegation against Office Smith. *Orange* seconded. Hearing no further discussion, the
vote was called and the motion was approved unanimously (*Bozarth, Groves, Hopkins, McDaniel, Orange, Pitre, Torrence, Williams*).

ACRB CASE NO 16-121

A. ALLEGATION SUMMARY

The Complainants alleged that on September 4, 2016, while at the Metro Fun Center located at 1959 Metropolitan Parkway, S.W., Atlanta Police Officer Trever Harris committed the following acts:

1. Exhibited inappropriate conduct when the officer initiated a verbal and physical altercation with one of the complainants by placing his (Officer Harris) head and chest against the complainant’s and referring to him as “Chicago” and “Chi-Town” in a derogatory manner;
2. Attempted to unlawfully detain the complainants when he (Officer Harris) told him that he could not leave the facility and chased after him;
3. Engaged in excessive force when he reached for his gun, took out his APD issued baton and swung it at him, un-holstered his Taser and attempted to pepper spray him,
4. Responsible for having him falsely arrested him; and
5. Appeared intoxicated while on duty.

B. STAFF RECOMMENDATION

Both parties’ present contradictory accounts of the incident and there are no witnesses, video footage or available information to substantiate either account. Therefore, based on the information obtained during the investigation, the ACRB staff recommends that the allegations of Conduct, False Imprisonment, Excessive Force, Appropriate Action Required and Violation of Department Standard Operating Procedures against Officer Harris be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct).

Discussion and Comments...

1. (*Bozarth*) Lt. Bennett, here is another one of my favorite complaints. Here is another officer during a second job and getting in trouble as a result. Brian (*Fleming*), one thing that jumped out at me was...I don’t know if you got an impression from interviewing the officer...he is 51 years old, he’s been with APD for six (6) years. So, that mean that he came on board as a 45 years old officer. Is that kind of unusual?
2. (*Fleming*) I honestly don’t know why he joined the force. He applied and they brought him on.
3. (*Bozarth*) I know that you can’t sustain the complaint. You don’t have any corroborating evidence. A 51-year-old should have enough discipline to not to get into an altercation, even if provoked, and it’s not clear, from the evidence how it got started.

C. BOARD’S VOTE ON ALL ALLEGATIONS

*Bozarth* moved to accept staff’s recommendation to assign a finding of Not Sustained on all allegations against Officer Harris. *Houston-Torrence* seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously (*Bozarth, Groves, Hopkins, McDaniel, Orange, Pitre, Torrence, Williams*).

ACRB CASE NO 16-172

A. ALLEGATION SUMMARY
The Complainant alleged that on November 27, 2016, during a traffic stop that occurred on Campbellton Road, S.W. and Honeysuckle Lane, S.W., Atlanta Police Officer Jayda Floyd engaged in unnecessary excessive force when she applied the handcuffs extremely tight, threw him on the hood of the patrol car, and re-injured his knee when she forcibly kicked his legs open.

B. STAFF RECOMMENDATION

Excessive Force Allegation

The ACRB staff recommends that the allegation of Excessive Force against Officer Lloyd be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence that the officer committed the alleged acts of misconduct).

Comments...

(Bozarth) I came and watched the entire video from the point of view from the front of the car. There was no evidence of what he’s alleged. It looks like he fabricated it for what I can see. Because they recorded the whole incident...you couldn’t see everything, but you could hear everything that was said. The one thing that I did question on the officer’s conduct was, he (Complainant) was more suspicious because he didn’t have his license with him. But, I didn’t see a reason why she had to handcuff him. I believe the report said, he was fidgety and therefore, she felt like she needed to handcuff him. She had about a year or a year and a half on the force at that time, so she’s a young officer. When the Sergeant was there, discussing, you can clearly hear him coaching her. I think that this was a bad judgment on the inexperience of an officer to initiate a handcuffing when I didn’t see the need to do that.

Houston-Torrence moved to accept staff’s recommendation to assign a finding of Not Sustained for Excessive Force allegation against Officer Lloyd. Pitre seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously (Bozarth, Groves, Hopkins, McDaniel, Orange, Pitre, Torrence, Williams).

NEW BUSINESS

General Comments

Chair Williams requested that once staff receive dates on the NACOLE Conference and the Citizen Police Academy to notify board members.

Houston-Torrence encouraged board members to experience the Citizen Academy. The Atlanta Police Ride Along was encouraged as well.

NACOLE

Reid informed board members that the NACOLE Conference will be held in St. Petersburg, Florida on September 30 – October 4, 2018. It will be held at the Vinoy Renaissance. Board members who wish to attend the conference, need to contact staff. Members that have never attended are encouraged to attend the conference. The maximum number of board members that can attend the conference is three (3).

Pitre shared her 2017 NACOLE Conference experience and because the things that she learned while attending the conference, she encouraged board members to take advantage of the opportunity.

Election for 2018 Board Officers

Executive Director Reid facilitated the election announcing the three open positions of leadership: Chair, Vice Chair, and Secretary.
Board members who expressed an interest are: Gino Brogdon (Chair position), Shuntay Pitre (Vice-Chair position) and Cecilia Houston-Torrence (Secretary position).

The floor was opened to the nominees to address the board explaining why they wanted to hold the Chair, Vice Chair and Secretary positions. The following comments were made:

**Shuntay Pitre, Candidate**
“I would like to serve as vice chair. I have a proven track record for providing resolutions for problems and outcome for the citizens of Atlanta. I will do team work, and I would respect others and I would like to serve."

**On behalf of Gino Brogdon – Chair Williams**
“Gino has done a great job in serving and his insight as an attorney has been very helpful to the board. At one point, it seemed like half the board were attorneys and now, we only have one attorney. Is that correct? Which sometimes it is really good to clarify technical issues that we have about law. I am very impressed about his insight and his commitment to the board."

**Cecilia Houston-Torrence - Candidate**
“I have served in the capacity as a recording secretary, financial secretary and a secretary for several organizations. I feel that I am qualified and if I am elected, I will do a good job. I am willing to step up and accept this position."

The following people were voted on and elected as new officers:

- **Gino Brogdon** was elected as Board Chair
- **Shuntay Pitre** was elected Board Vice Chair
- **Cecilia Houston-Torrence** was elected Board Secretary

Members of the Board and staff congratulated the 2018 officers!

**PUBLIC COMMENTS:**

None

**Closing Comments:**

*Chair Williams* thanked ACRB staff and the board for their support while she served as the board chair. *Reid* acknowledged and praised *Chair Williams* for her outstanding leadership over the past two years.

*Chair Williams* reminded board members to continue to share with their appointing entity and others information about the ACRB Art & Essay contest.

*Reid* asked board members to review the Year-end Report included in their board packet to ensure that the report information was accurate and that everyone received the proper credit for attendance, training, community outreach participation, monthly agency reporting and travel. Board members should send an email to Lynn *Garrett* if they have corrections or to add an activity that may have been omitted.

**ADJOURNMENT**

No further business, by show of consensus, the meeting adjourned at 7:33 P.M.