ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE MEETING
June 14, 2018
2nd Floor Atrium, Committee Room One
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303
6:30 p.m.

(Special Note: ACRB staff has made every effort to capture comments as stated by each speaker; however, in some instance the words may have been inaudible and therefore, unable to transcribe verbatim. In such cases, staff attempted to capture, at best, the essences of the statement.)

The June meeting was called to order at 6:32 p.m. by Vice Chair Pitre.

AGENDA

ROLL CALL
(The ACRB consist of thirteen board members.)

ACTIVE MEMBERS PRESENT

SHUNTAY PITRE (Vice Chair Pitre)
GLORIA HAWKINS-WYNN (Hawkins Wynn)
CECILIA HOUSTON-TORRENCE (Sec. Torrence)
TRACEE MCDANIEL (McDaniel)

TAMARA ORANGE (Orange)
BARBARA WARD-GROVES (Ward-Groves)
SHERRY WILLIAMS (Williams) (Arriva 6:52p)

ACTIVE MEMBERS ABSENT

MICHAEL HOPKINS (Hopkins)

VACANT BOARD SEATS

APAB NPU-Group A-F (one (1) month)
Gate City Bar Association (two (2) month)
Atlanta Bar Association (five (5) months) Nomination Pending Confirmation
Atlanta Business League (twelve (12) months)
City Council President (2 years) Nomination Pending Confirmation
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, Senior (Investigator Fleming), LYNN GARRETT, Executive Assistant (Garrett/Transcriber); CHARLES CURRY, Outreach & Public Information (Curry); REGINAL MCCLENDON, COA Law Department, (Attorney McClendon), LIEUTENANT BRYAN PADEN (Lt. Paden), Atlanta Police Department, Office of Professional Standards

APPROVAL OF MINUTES FOR MAY 2018

Houston-Torrence moved to approve the minutes. McDaniel seconded. Hearing no further discussion, the motion was unanimously approved by Pitre, McDaniel, Orange, Ward-Groves, Hawkins-Wynn, Cecilia Houston-Torrence.

POLLING OF THE AUDIENCE FOR CASE INFORMATION

The Vice Chair opened the floor for additional information from the public with regards to the cases on the agenda.

Hearing no new information from the audience, the Vice Chair moved the agenda forward.

EXECUTIVE DIRECTOR’S REPORT

The Board received a comprehensive Executive Director Report in advance of the meeting. Reid highlighted the following information taken from the report:

- **Atlanta Citizen Police Academy Training**
  The next Citizen’s Academy will be held in September 2018. No new dates for the academy are available currently. Members unable to participate in the current academy, are encouraged to attend the fall academy. Each board member is obligated to complete the APD Citizen’s Academy.

- **Board Member Outreach Opportunity – Juneteenth**
  The ACRB will participate in the 2018 Juneteenth Event at Mozley Park. This will be a great opportunity for board members to participate in outreach and meet the public. The ACRB will be present from dawn to dusk on Saturday, June 16, 2018.

- **Complaint Determination Board Training**
  The agency is currently planning a complaint determination training for August or September. The dates and times will be determined soon.

- **Login on ACRB Website for Cases**
  Board Members can access and review your cases each month from the ACRB website under the Board Members tab, Members Login section. If a password is needed or if any member needs assistance to access the cases, please let the staff know. We encourage board members to receive the cases electronically to cut down on printing.
• **Reports to Appointing Entities**
  Please stay in touch with your appointing entity and continue reporting frequently to them.

• **Mediation Presentations**
  If you know any organizations, individuals, groups, or locations where we can conduct mediation presentations, please do not hesitate to let staff know.

• **Reports to Office**
  Please notify the office of all outreach activities and/or meetings attended on behalf of the ACRB. Each member’s participation is documented at the end of the year in the Year-end Report.

• **10-Minute Training Modules for Board**
  Executive Director Reid distributed a brief training hand-out to quiz the board members on their role, and knowledge and understanding of reviewing complaints. The hand-outs were collected and will be discussed at the July meeting.

**INTAKE REPORT FOR MAY**

Investigation Manager Robertson reported that for the month of May 2018, the ACRB received six (6) complaints.

A. **COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS**
   The ACRB staff is seeking approval to possibly dismiss three (3) of the six (6) complaints. Two (2) complaints are recommended for investigation and one (1) is awaiting a signed complaint. 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. 18-046 – Excessive Force**
      The Complainant alleged that Atlanta Police Department officers attempted to murder him. The Complainant later contacted the ACRB and advised that the incident occurred over 180 days. **Therefore, recommend dismissal because the complaint is time barred.**

   2. **ACRB Case No. 18-049 – Domestic Issue**
      The Complainant filed a complaint with the ACRB pertaining to a domestic issue involving himself, his wife and an APD officer. **Therefore, recommend dismissal for lack of jurisdiction.**

   3. **ACRB Case No. 18-051 – Failure to Respond to 911 Call**
      The Complainant alleges that in 2012, APD failed to respond to her 911 call. **Recommend dismissal because the incident occurred over 180 days and is time barred.***

**Awaiting Signed Complaint:**

   **ACRB Case No. 18-048 – Inappropriate Conduct**
   The Complainant, who is homeless, alleges that on March 30, 2018, APD officers tore down her and others homeless individuals tents and destroyed their property.
Awaiting the Complainant’s signed complaint. If the complaint is received within the next few weeks and has merit, then recommend investigation as an Appropriate Action Required complaint. If not, then recommend dismissal.

Signed Complaints:

1. ACRB Case No. 18-047 – Unlawful Detainment, Improper Tow & Left Stranded on Roadway
   The Complainant alleges that on April 9, 2018, he was unlawfully stopped and detained by APD officers. He further alleges that his vehicle was improperly towed, and he was left stranded on the roadway.
   Recommend investigation as an False Imprisonment & Appropriate Action Required complaint.

2. ACRB Case No. 18-050 – Excessive Force & Abusive Language
   The Complainant alleges that on May 13, 2018, an APD officer used excessive force when he grabbed her in a “turkey base position,” stuck his Taser in her back and pulled her by the arms. She also alleges that the officer used profanity at her.
   Recommend investigation as an Excessive Force and Abusive Language complaint.

Reconsideration of Complaint:

1. ACRB Case 18-039 – Harassment
   The Complainant filed a complaint with the ACRB pertaining to incidents that occurred on April 15th and 16th of 2018 involving APD officers; however, the complaint lacks sufficient details to determine if it has any merit.

   The ACRB has made numerous attempts to reach the Complainant to obtain additional information pertaining to his complaint without success. Therefore, due to the lack of details in the complaint, coupled with the unavailability of the complainant, the ACRB is unable to move forward with the investigation and recommends dismissed for lack of information.

B. BOARD VOTES ON INTAKE REPORT

Houston-Torrence moved to accept the Intake Report for May 2018. Hawkins-Wynn seconded.
Hearing no further discussion, the motion was unanimously approved by Pitre, McDaniel, Orange, Ward-Groves, Hawkins-Wynn, Houston-Torrence.

OLD BUSINESS

VACANT CHAIR SEAT

Discussion and Comments:

1. (McDaniel) Are we waiting on guidance, as far as Gino’s (former Chair) resignation, and electing another person to fill that position?

2. (Reid) Regarding Gino’s resignation, typically, what would happen, the vice chair would move to the chair position. However, we are not going to be able to do it that way this time, so we’re going to need to have an election. We are looking at July for holding an election for a new chair. So, anyone who is interested, please let us know. In the past, we would have liked individuals to have been on the board for a while; completed most of the requirements; and be a member in good standing to hold the chair position. I know that we have a lot of new people on the board. We will have to work around that as well.
3. (Hawkins-Wynn) I thought the by-laws are silent when it comes to replacing, in this instance, the chair. Was there some decision made...how was the July date determined?

4. (Reid) The Law Department didn’t give a date. The date is a date that I selected. Under the normal process, it would go to the vice chair...that is what I said when we first started talking. However, we are not able to operate that way this time, so, we will need to have an election.

5. (Hawkins-Wynn) Who constructs the by-laws?

6. (Reid) You all.

7. (Hawkins-Wynn) When is that revisited?

8. (Reid) When the board wants to.

9. (Hawkins-Wynn) So, now is the time.

10. (Reid) You need to set up a by-laws committee. It’s not something that you would do right here, in this meeting.

11. (Hawkins-Wynn) The general rule is that it is usually annually...for most boards.

12. (Reid) No.

13. (Smith) Board elections are held annually. Committees like a By-Laws Committee meets only when you need to. Anytime an officer must leave the board, for whatever reason, then the next person in line moves up to fulfill the role...if that person wants to. This has been the practice since the board started operating in 2007.

14. (Pitre) Just so that you know, I decided to not move to chair, because I want to remain as vice chair. So, that is one of the reasons why it is not going the way it did in the past.

15. (McDaniel) I was under the impression that you wanted to move to the position...and it would only be fair. Now, I understand. Would we have an election for vice chair and chair?

16. (Hawkins-Wynn) Currently, elections are held in January?

17. (Reid) Annual elections are held in February but this is a special election. Whoever will be elected the chair during this special election, would have to run again for election in February. That is what we are dealing with.

COMPLAINTS REVIEW:

ACRB CASE NO 17-025

A. ALLEGATION SUMMARY

The Complainants alleged that on January 25, 2017, Atlanta Police Officer Philip Skidmore, without provocation, engaged in excessive force when he slammed him onto the ground, causing him to lose consciousness.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Excessive Force against Officer Philip Skidmore be assigned a finding of Exonerated (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

Discussion and Comments:

1. (McDaniel) I wasn’t sure if the Complainant...did he try to spit on the officer after he was thrown on the ground?

2. (Fleming) Yes. That was after the fact.

3. (McDaniel) Was he handcuffed at the time that he was on the ground?

4. (Fleming) Yes, he was.
5. (Pitre) He was spitting blood. If you are injured, you have blood in your mouth, I think that automatically, you want to spit it out. I didn’t necessarily think…I am not sure that he was trying to spit on the officer.

6. (Fleming) What I saw from the video, he was spitting...not so much as...he was spiting just to spit...

7. (McDaniel) From the video, could you tell why he was thrown to the ground?

8. (Fleming) Yes, during the time he was being arrested. As the officer said in the packet, he was moving around and resisting. What we could not do is hear what was being said. It was said that he told the officer, “I hope that you find my gun.” That’s either yea or nay, but we could see the complainant…at that time resisting and trying to fight the officer when he was thrown to the ground.

9. (Hawkins-Wynn) I believe it said that it was a determination that he had mental health issues. Seems like some of what is combined here was the fact that... the history shows schizophrenia and some other issues. The officer too...what do they call it, a take down?

10. (Fleming) Yes, he was taken down.

11. (Houston-Torrence) And he did not deny that he had been drinking. It’s just a matter of how much he had been drinking.... three Bud Ice...

12. (Pitre) I think this is another one of those cases where the Body Worn Camera would have really helped, and we could hear an audio...

13. (Hawkins-Wynn) But there were some video…the officer’s vehicle. I think where he just escalated...he just took the beer and drank it in front of the officer.

C. BOARD’S VOTE ON EXCESSIVE FORCE

Houston-Torrence moved to accept staff’s recommendation to assign a finding of Exonerated for allegation of Excessive Force against Officer Skidmore. Orange seconded. Hearing no further discussion, the vote was called and the motion was approved by Pitre, Williams, McDaniel, Orange, Ward-Groves, and Houston-Torrence, Hawkins-Wynn.

Special Note for the Record: The vice chair noted the arrival of Sherry Williams at 6:52 p.m.

Discussion and Comments:

1. (Houston-Torrence) What is a Class C uniform?

2. (Lt. Paden) A Class C uniform is going to have a cloth badge. The buttons on the shirt...let’s say, like my shirt, are gold. On a patrolman, it is silver. On Class C, they are black. The shirt is knit, polo style shirt...it’s not made from wool like these. The trousers are going to be the same thing...a knit-like material. They will have pockets on the sides. That’s a Class C uniform.

3. (Pitre) The body worn cameras...are they officially out to every zone now or is there some people that are still waiting for the body worn cameras?

4. (Lt. Paden) I think that there are still particular areas that are still waiting for body worn cameras.

ACRB CASE NO 17-040

A. ALLEGATION SUMMARY

The Complainants alleged that on October 6, 2016, Atlanta Police Officer Victor Oates, without provocation, used excessive force when he handcuffed and slammed him onto the ground.
B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Excessive Force against Officer Oates be assigned a finding of Exonerated (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

Discussion & Comments...

1. **(Houston-Torrence)** For me it was very simple because...he ran the light and the damage to the car...I think that he said that he had hit a pole. The evidence supports staff’s recommendation. I would like to make a motion...

2. **(Hawkins-Wynn)** Basically, there was an admission. He continually said, “I ‘F-word’ up!” In my opinion, he conceded to what he had done.

**Houston-Torrence** moved to accept staff’s recommendation to assign a finding of Exonerated against Officer Oates. **McDaniel** seconded. Hearing no further discussion, the vote was called, and the motion was approved unanimously **Pitre, Williams, McDaniel, Orange, Ward-Groves, Hawkins-Wynn, Houston-Torrence.**

ACRB CASE NO 17-059

A. ALLEGATION SUMMARY

The Complainant alleged that on April 3, 2017, Atlanta Police Officers Laszlo Szutor and Hassan Khokhar falsely arrested him.

B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Appropriate Action Required, as it relates to the false arrest claim against Officers Szutor and Khokhar be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence that the officers committed the alleged act of misconduct).

Discussion & Comments...

1. **(Hawkins-Wynn)** I was speaking with Investigator Fleming...on the 25th or the 24th, the case was dismissed in Fulton County. Immediately after its dismissal, he came and filed a complaint. I somewhat find it convincing that the person feels like...at least in this regard, there was a dismissal and he came immediately and said, file this complaint. As I was speaking with Investigator Fleming, the burden of proof is always on the police and state. Although there was no body camera, even with his colleague...basically, I saw nothing...I can’t tell you what happened. Apparently, these two officers obviously ride together according to the notes, they are like a team. Even with a body worn cameras...it seems like this was a visible area. This was around a bus station in Centennial Park. There would have been more to corroborate one side of the story or the other. Plus, the officer said that he was rolling weed. But, there is no indication that there was rolling papers.

2. **(McDaniel)** The investigation facts about the APD Property Report pertaining to this incident, reflects that Officer Szutor recovered 1.3 grams of raw marijuana from the complainant and placed it into evidence.

3. **(Williams)** He just said that it wasn’t his.

4. **(Hawkins-Wynn)** He said that it wasn’t his. However, to me it would have been more than the raw marijuana. The officer is saying, what caught my attention is that, he was
rolling a blunt. So, there should have been rolling papers. He is adamantly denying it. He is saying, I am sitting there with someone else...we never get a testimony from the other person. My position is that, he comes immediately and files the complaint.

5. (Williams) I moved to accept staff recommendation...
6. (Hawkins-Wynn) May I ask a question? I believe this came up last time. I would rather abstain...I’m not real sure.
7. (McDaniel) It’s a nay.
8. (Hawkins-Wynn) When is abstention use?
9. (Robertson) Our attorney is here.
10. (McClendon) Reginal McClendon from the City of Atlanta Law Department. That is the case if you have a personal relationship with either the complainant or an officer in a case that you think that relationship has a possibility of influencing your decision...
11. (Pitre) So based on that it is yea or nay or you abstain if you have a personal relationship.
12. (Williams) When was the City’s ordinance passed about marijuana? Because I think it went into effect after this.
13. (Fleming) I think that they (City Council) did it this year, 2018. I don’t know the exact date.
14. (Williams) I thought the marijuana was last year. Officer do you know?
15. (Lt. Paden) I am not certain of that. I thought that it was last year.
16. (Williams) The end of last year...right, right. This is the City and I was wondering about that. The other thing about this case, the person spent 22 days in jail...guilty or not. Somebody spends 22 days in jail over marijuana...you lose your job, your car...everything. This is excessive. I am excited that some laws have changed so that in the future, the odds of something like this happening, will almost be zero.
17. (Robertson) I have the answer to that question. It was October 2, 2017.
18. (Williams) That the marijuana legislation was passed?
19. (Robertson) Yes.
20. (Williams) And this happened later in the year...
21. (Pitre) Yes. It happened in April.
22. (Hawkins-Wynn) Did it become effective in October as well?
23. (Robertson) They voted unanimous on October 2nd. It passed the legislation.
24. (Hawkins-Wynn) Even though it is voted, it doesn’t become effective until the next...
25. (Williams) Right, but in this case, it doesn’t matter because this event happened in April.

C. BOARD’S VOTE ON APPROPRIATE ACTION REQUIRED ALLEGATION

Williams moved to accept staff’s recommendation to assign a finding of Exonerated for Harassment allegation against Officers Perdue and Wheeler. Orange seconded. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Williams, McDaniel, Orange, Ward-Groves, Houston-Torrence with one opposed vote (Hawkins-Wynn).

NEW BUSINESS

CITIZEN POLICE ACADEMY

Discussion & Comments...

1. (Williams) Did we talk about the Police Academy?
2. (Reid) Under the Executive Director’s report.
3. (Williams) So are there any new people going?
4. **(Ward-Groves)** It’s full. They sent out the request out to the community...it was full immediately. I was going to do it.

5. **(Hawkins-Wynn)** Always be asked to be wait listed. Some people don’t show up.

6. **(Reid)** If a board member has the desire to be on it, let us know earlier so that we can let them know to save a spot for you.

PUBLIC COMMENTS:

(Special Note: ACRB staff has made every effort to capture comments as stated by each speaker; however, in some instance the words may have been inaudible and therefore, unable to transcribe verbatim. In such cases, staff attempted to capture, at best, the essences of the statement.)

No public comments

CLOSING REMARKS AND FINAL COMMENTS:

Comments regarding Case 17-059 (Marijuana Law)

Discussion & Comments...

1. **(Reid)** It’s my understanding that...we get clarification on this...while the City will not prosecute on certain marijuana charges, the officer can still use the state charge. It depends on if they direct the officer not to use the state charge when they are arresting someone. In this situation here, even if it happened in October, that the guy was arrested, when you look at the documents, they charged him with a state charge. That is something that we must keep in mind as it relates to the city ordinance.

2. **(Williams)** And that would be another question to make note of...so that when the chief comes back to see us, we can specifically ask her what her stance on this is. The community needs to know where the police stand on this.

3. **(Hawkins-Wynn)** My understanding is, if you are charged under the state, you are going to be arrested. If you are charged under a citation or the ordinance, it’s just a ticket issue to be paid.

4. **(McDaniel)** Who makes that decision, the arresting officer?

5. **(Reid)** The arresting officer determines the charges.

6. **(Williams)** But leadership determines how the officer are to handle situations like this. Correct?

7. **(Lt. Paden)** Pretty much. It is at the officer’s discretion to handle it the way that they see fit. Because that individual will have to go testify on that so, that officer has the discretion to handle it...under a city charge or state charge.

8. **(Williams)** But if the chief says, we as a force...we are going to handle this this way, then the officer will...


10. **(Hawkins-Wynn)** What is the official policy based on October 2nd legislation. It was a city or...how it executed?

11. **(Reid)** For minor marijuana?

12. **(Lt. Paden)** For a city charge? Normally, you would have a citation for that. It you got other circumstances, like obstruction, or something else that goes along with that, you must put the person on the ground, you better not charge them and let them go...you put that person on the ground and you used physical force.

13. **(Williams)** So that was why there were state charges.

14. **(McDaniel)** Is there an option on the citation if it is city or state?

15. **(Robertson)** Yes.
Pending Board Vacancies:

Smith announced that ACRB has two new nominations for the City Council President and the Atlanta Bar Association vacancies.

Williams stated that she attended one of the Atlanta Planning Advisory Board meeting last month and had the opportunity to meet the new nominee for APAB NPU Group A-F. She said that she believes that he will be a good addition to the board.

ADJOURNMENT

No further business. Houston-Torrence moved to adjourn the meeting. McDaniel seconded. The meeting adjourned at 7:19 P.M.

ACRB Minutes for June 14, 2018 were approved: July 12, 2018

Cecilia Houston-Torrence, Board Secretary

Transcribed: LG/MS