ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE MEETING
May 10, 2018
Grove Park Recreation Center
750 Francis Pl, N.W.
Atlanta, Georgia 30318
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 May 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)  TRACEE MCDANIEL (McDaniel)
BILL BOZARTH (Bozarth)           TAMARA ORANGE (Orange)
GLORIA HAWKINS-WYNN (Hawkins Wynn)  BARBARA WARD-GROVES (Ward-Groves)
MICHAEL HOPKINS (Hopkins) (Arrival 7:07 p)  SHERRY WILLIAMS (Williams) (Arrival 6:35p)
CECILIA HOUSTON-TORRENCE (Secretary Torrence)

ACTIVE MEMBERS ABSENT

All active members present.

VACANT BOARD SEATS

Gate City Bar Association (one (1) month)
Atlanta Bar Association (four (4) months)
Atlanta Business League (eleven (11) months)
City Council President (1 year and eleven (11) months)
ACRB STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director (Reid); MYOLA SMITH, Project Manager (Smith); SHEENA ROBERTSON, Investigation Manager (Investigator Robertson); KALEEMA AL-NUR, Contract Investigator (Investigator AL-Nur); LYNN GARRETT, Executive Assistant (Garrett/Transcriber); CHARLES CURRY, Outreach & Public Information (Curry); REGINAL MCCLENDON, COA Law Department, (Attorney McClendon), MAJOR C. MURPHY (Major Murphy) and LIEUTENANT BRYAN PADEN (Lt. Paden), Atlanta Police Department, Office of Professional Standards

APPROVAL OF MINUTES FOR APRIL 2018

McDaniel moved to approve the minutes. Orange seconded. Hearing no further discussion, the motion was unanimously approved by Pitre, Bozarth, McDaniel, Orange, Groves, 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.

Note for the Record: The arrival of S. Williams at 6:36 p.m.

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:

- APD Citizen’s Police Academy
  Board members who have not taken the APD Citizen’s Police Academy training, should sign up for the Spring 2018 academy. The Academy starts May 29, 2018 for eight weeks. Board members will receive the regular training stipend. The deadline to apply is May 22, 2018. The academy is an excellent opportunity to learn more about the APD. The training provides an opportunity to observe and participate in various policing training experiences. Also, per the ACRB ordinance, board members must participate in the APD Citizen’s Police Academy during their first year on the board.

  Each boardmember received a training application to complete and hand deliver or mail to APD Community Services Division.

- Discarding Old Case Documents
  As a reminder, information contained in the case reports is confidential. Old complaint documents should be turn in to staff immediately following each meeting for shredding.

- 2018 ACRB Art and Essay Contest
  The ACRB will present the winners of the 2018 ACRB Art and Essay Contest on May 21, 2018. The winners and their families will be honored during at a reception at 11:30 a.m. hosted by ACRB. Following the reception at 1:00 p.m., the Atlanta City Council will also honor and acknowledge the contest winners and specific schools. Please let us know if you plan to attend.
• **Board Training Video**
New board members should plan to watch the video regarding the APD training that was held last year, August 19. As a reminder, the video is on the ACRB website under the Members’ Only section. You may also stop by the office to watch the video. The training is four hours long. After you complete the training, please send the office an email confirmation for our records.

Our records show the following members need to complete the training.
- Gloria Hawkins-Wynn
- Michael Hopkins
- Cecelia Houston-Torrence
- Barbara Ward-Groves

**Discussion and Comments:**

1. *(Reid)* I sent you all some concerns that we had from the April board meeting. I didn’t get any questions from anyone relating to those concerns that we expressed. If you have questions, please let me know so that we can talk about it.
2. *(McDaniel)* As far as the police academy, for those of us that have completed it, however, we missed some of the classes, how do we make those up?
3. *(Reid)* We can contact the Academy and see if you can come in and can sit in on that class.
4. *(Williams)* What they normally require is that you tell them what class that you missed, and they will let you know what day that class will be held.
5. *(McDaniel)* Thank you. As far as the community events highlights, are those dates passed?
6. *(Reid)* Yes. Those dates were activities that we had previously. So, when you see the community outreach activity under the director’s report, they are from the last meeting. Charles (Curry) sends out the community outreach calendar with two weeks of pending activities. One other thing to mention, please remember, when you are discussing the complaints, it is very important that you...state your name when making comments, and when you second a motion. Very important for the record.

**INTAKE REPORT FOR MARCH**

Investigation Manager *Robertson* reported that for the month of April 2018, the ACRB received eleven (11) complaints.

A. **COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS**
The ACRB staff is seeking approval to possibly dismiss five (5) of the eleven (11) complaints. Five (5) complaints are recommended for investigation. One (1) complaint has been signed but lack sufficient details to determine if there is any merit to the 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. 18-036 – Other**
The Complainant alleged that the discovery evidence and what occurred on the night of the incident that involved her boyfriend, does not add up. She further alleges that the public defender handling the case is not returning her phone calls.
Therefore, recommend dismissal for lack of jurisdiction.
2. ACRB Case No. 18-037 – Inadequate Inspection
   The Complainant alleges that a code enforcement officer (non-sworn APD employee) came to
   her residence and conducted an inadequate inspection. Therefore, recommend dismissal for
   lack of jurisdiction.

3. ACRB Case No. 18-041 – Unwarranted Citation
   The ACRB received an anonymous complaint alleging that in March (5th or 6th) of 2018, an
   APD officer gave an unknown black male an unwarranted traffic citation. Recommend
   dismissal for lack of identifying information.

4. ACRB Case No. 18-042 – Other
   The Complainant came to the ACRB office to file a complaint against an unsworn APD employee
   involving a code enforcement. Recommend dismissal for lack of jurisdiction.

5. ACRB Case No. 18-045 – Harassment
   The Complainant alleges that an APD officer harassed him from 2015 – February of 2017.
   Recommend dismissal because incidents occurred over 180 days and is time barred.

Signed Complaints:

1. ACRB Case No. 18-035 – Failure to Adequately Investigate and Refusal to Take Complaint
   The Complainant alleges that on April 2, 2018, she was involved in a hit and run accident and the
   responding Atlanta Police Department officer failed to adequately investigate the incident. She
   further alleges that an APD sergeant refused to take her complaint.
   Recommend investigation as an Appropriate Action Required complaint.

2. ACRB Case No. 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 the complaint has any merit. At the time of this report, the Complainant has not been
interviewed.
   Once the Complainant has been interviewed, and it is determined that the complaint has
   merit, then recommend investigation as a Harassment complaint. If not, or if the
   Complainant fails to submit to an interview, then recommend dismissal for lack of merit.

3. ACRB Case No. 18-040 – Failure to Assist & Drinking While on Duty
   The Complainant alleges that on March 12, 2018, an APD officer refused to assist him. He further
   alleges that the officer was in a bar and drinking while on duty.
   Recommend investigation as an Appropriate Action Required and Violation of APD’s
   Standard Operating Procedures complaint.

4. ACRB Case No. 18-043 – False Imprisonment, False Arrest & Excessive Force
   The Complainant alleges that on April 18, 2018, during a traffic stop, she was unlawfully detained
   and falsely arrested. She further alleges that an APD sergeant engaged in excessive force when
   he forcibly removed her from her vehicle.
   Recommend investigation as a False Imprisonment, Appropriate Action Required and
   Excessive Force complaint.

5. ACRB Case No. 18-044 – Failure to Write a Report
   The Complainant alleges that in April of 2018, she was involved in a traffic accident and the
   responding APD officer refused to write a report.
   Recommend investigation as an Appropriate Action Required complaint.
B. BOARD VOTES ON INTAKE REPORT

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

OLD BUSINESS

Discussion and Comments:

1. **(Hawkins-Wynn)** What is the turnaround for response from APD regarding discipline recommendations from this board?
2. **(Reid)** The turnaround is 30 days. It depends on if the police department has completed their investigation. If they haven’t completed their investigation, they will send us a notice saying, “we have received the board’s recommendation and we have not completed the investigation at this time so therefore, we will not agree with the board’s findings.” Once they have completed their investigation, they will send us an update. It depends on when they will complete their investigation.
3. **(Hawkins-Wynn)** I think there was a report or op-ed where there’s not always a follow up whereby, sometimes there is no disciplinary action…no explaining whether they agree or disagree…is that still the situation?
4. **(Reid)** When it comes to agreeing with the board’s decisions…in 2016, we changed the ordinance so that we could get additional information to decide, especially on sustained complaints. What we are working on now is looking at all the letters to see how they complied with that and then also looking at the timeline when they respond to our decisions.

COMPLAINTS REVIEW:

ACRB CASE NO 17-082

A. ALLEGATION SUMMARY

The Complainants alleged that on June 10, 2017, at or near the intersection of Washington St., SW and Trinity Avenue, SW, Atlanta, Atlanta Police Officers Jeremiah Boyd and Jordon Wolford falsely arrested her for driving under the influence of alcohol upon their investigation of a traffic accident. The Complainant further alleged that Officer Wolford refused to provide his name and badge upon her request and turned his nametag away from her view.

B. STAFF RECOMMENDATION

I. Allegation of Appropriate Action Required (False Arrest):

The ACRB staff recommends that the allegation of **Appropriate Action Required** against Officers Boyd and Wolford, as it relates to the false arrest claim, be assigned a finding of **Exonerated** (*the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy*).

II. Failure to Provide Identification Allegation:

The ACRB staff recommends that the allegation of **Failure to Provide Identification** against Officer Wolford be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove the alleged act of misconduct*).
Discussion and Comments:

1. (Orange) Did they say why they did not give her a breathalyzer...I know that she was being combative when it came to them withdrawing blood...taking her vitals. Was that because she admitted that she had been drinking or what?

2. (Al-Nur) She was not admitted the breathalyzer because she was uncooperative. The principal officer, Officer Boyd, he did attempt to radio a certified specialist; specifically trained. He didn’t administer a breathalyzer or any other field of sobriety test because he said that she was totally uncooperative...he had called Wolford...back-up to get her into the vehicle. Then there are lots of notes from her medical records, in terms of the hospital staff, documenting that she was uncooperative. That is my understanding of why.

3. (Hawkins-Wynn) The first thing that caught my attention is...in the accident report, there was never any allegation of DUI. It simply said it was an improper lane change. I think that it is on page 14. It did not state DUI. It stated improper lane change. Which in my opinion, clearly, if the officer alleges that it was a DUI...that would have been placed in that accident report. Secondly, the two non-parties 911 and the other driver...according to the investigator, the 911 call was clear and coherent; which implied no evidence of what subsequently Officers Boyd and Wolford alleged. I did not hear it, but I deferred to investigator...also, during that 911 call, the other driver is asking her the questions ...she is equally clear. I’m not sure what she exactly asked for, but the investigator said, her response ...911 call to the other driver was equally clear. The other driver also said that she was acting odd, but they saw no other evidence of DUI. Thirdly, the officer’s initial response to her was just take an Uber home. He did not opt to arrest her until she also called for the officer to come to the scene. He did not arrest her until she began to challenge whether she felt he had did an adequate investigation. Those things are kind of problematic to me, because, as a question was asked earlier, was there an empirical test ...was there a blood test...an intoxilyzer? None of those things were...I understand probable cause is a kind of a totality, but I just felt ...even the hospital...basically, when she came in there under police arrest, allegation of DUI, at some point, they were deferring to the officer who initially was not going to arrest her. Again, when you look at the 911 call, to me, those words are more removed from the actual situation. They are listening...they described her fumbling, wild and erratic. I got the impression that the woman was in a hurry... she was going somewhere. My position is that the appropriate action would have been for the officer to ensure that the DUI certified officer to come to the scene. The other question. My understanding is, with insurance data, it said that she handed him a receipt? Isn’t the insurance data base now codified in their database? They don’t necessarily ask for insurance?

4. (Al-Nur) That wasn’t one of the things that she was cited for...

5. (Hawkins-Wynn) But why, he cited to say that she handed him something erroneous. He said that she handed him something erroneously. That’s not what that even ask for anymore because it’s in their database.

6. (Al-Nur) It’s not improper for them to ask. He talked about that as something going towards her inability to follow instructions; which would support his observation ...her not being sober. That’s when he asked her for her insurance card and she gave him a receipt.

7. (Reid) What typically happens is, the investigator presents her findings and everything that she found...and the questions that you just asked are, those things that you all as decision makers need to make the decision...as to whether you want to sustain or not sustain. At the end of the day, your decision is what APD is going to be answering not our recommendation. The fact that she has already ...now if there is the question of does the police department supposed to ask about the insurance card, APD may be able
to answer that one for us since they have a representative here...as far as the fact goes. Everything investigated is already here. You deliberate if you want to accept it or not...exonerate or not sustain, sustain, unfounded. When you wrap up the discussion...somebody makes a motion.

8. (McDaniel) Since the DUI specialist wasn’t available at the time, why did they not go to the hospital or what is that process?

9. (Al-Nur) My research is nothing that requires the DUI specialist to go to the hospital because the hospitals can take these tests if requested and able. I just want to distinguish between a DUI and a DUI Less. A DUI does require a more empirical evidence. As you mentioned, such as a breathalyzer, blood test, something like that to decipher certain levels of intoxication. A DUI Less is a lower standard. His observation of the five of the six characterizations of the person who is not sober, that corroboration by another officer, hospital saying that she had drinks that night. These are things that go towards an objective that a reasonable officer under those observations, could determine that she was driving, not DUI, but less safe...there is a distinction... If that’s helpful.

10. (Bozarth) It is possible that this officer upon being further confronted by the driver...I’ll show her, and sort of punish her for being less cooperative...but, even if he did that, once she got to the hospital, she could have allowed herself to be tested and exonerated any sort of intoxication...because she did not do that, I am less inclined to sanction the officer for using his judgement. With no DUI specialist on the scene, we ask officers to have that discretion to.

11. (Hawkins-Wynn) That sounds good Bill, but by then, she was totally pissed, and she thought like the whole environment had detained her. She was brought in under police escort...allegedly DUI so she is pretty upset then. Ultimately, she filed the complaint with us. Even if DUI less safe standard, it’s still DUI. It’s a discretionary. They could have gotten that certified DUI officer in that period... That’s neither a discussion. That’s kind of how I felt when I read that.

12. (Ward-Groves) Looking at it, I saw it a little different. I kind of felt that the officer was put in a really difficult situation. Especially when he approached the car, it smelled of alcohol because her passenger was drunk and throwing up and then after talking to her, she says, yeah, somehow that they had been kicked out of a club. Reading further, once they put her in the car...I think originally, I think that he was saying take Uber, not because he did not feel that she was intoxicated, I think that he did it as a matter of compassion...saying, take Uber and I don’t have to arrest you, but when she gave him the key, I think he said ok then let me arrest you. Then, once she gets in the car, she blanks out and she says, oh, I am not drunk because I didn’t throw up. She even described how the nurses came towards her and she was kind of saying that the nurses and the doctors were against her. So, I think that the officers were really in a difficult situation and later when they talked to the person that she hit, he said that she acted kind of off and that she wanted to exchange information, but he was like, there is something wrong and he called 911. After he called 911, then she called 911.

13. (Williams) I agree with you and I also read the statement on page 9 where the complainant was completely passed out, but breathing and he contacted Grady EMS, she woke up...she was combative with the EMS staff. She had to be restrained because of her behavior. Her medical records said that she had a loss of consciousness and she was diagnosed as having alcohol intoxication. They went on to say that she refused to allow vital signs or any questions. She was alert and uncooperative. It went on to say that she was slightly intoxicated in police custody for DUI, she had clear speech. All of us have seen people who didn’t have slur speech, but we know that they were completely drunk. Each alcoholic responds differently. The way that I look at this is that when she got to the hospital, she could have cleared herself, but she chose not to. She chose to say that everyone was against her. I think that the officer told her to get an Uber to go home because he thought that she might be a little tipsy, I am going to let
her go, but not let her drive. She was not having that, she was going to drive. The way that I read the case, was that he tried to use his discretion, but she wanted to have her way.

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

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

D. BOARD’S VOTE ON FAILURE TO PROVIDE IDENTIFICATION ALLEGATION

Discussion and Comments:

(Bozarth) I did ask the Investigator this afternoon if there were any BWC footage which if it were to happen in these times, it would have been…but there were not…particularly zone had not had the cameras assigned yet. So, we have no way to determine what really happened there. I think the only real choice we have is to not sustain the complaint.

Bozarth moved to accept staff’s recommendation to assign a finding of Not Sustained for allegation on Failure to Provide Identification against Officer Wolford. Houston-Torrence seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously by Pitre, Williams, Bozarth, McDaniel, Orange, Groves, Houston-Torrence and Hawkins-Wynn.

Special Note for the Record: The chair noted the arrival of Michael Hopkins at 7:07 p.m.

ACRB CASE NO 17-120

A. ALLEGATION SUMMARY

The Complainants alleged that Atlanta Police Officer Manuel Ramirez harassed him when he: (1) arrested him on August 10, 2017 for criminal trespass and, (2) threatened to arrest him a second time in Mid-November of 2017, the Complainant further alleged that during the August 10th arrest, Officer Ramirez failed to return his ID and did not place his ID into Property.

B. STAFF RECOMMENDATION

I. Harassment Allegation

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

II. Allegation of Appropriate Action Required

Based on the Body Worn Camera footage reviewed that captured this incident, the ACRB staff recommends that the allegation of Appropriate Action Required against Officer Ramirez be assigned a finding of Unfounded (the investigation established that the officer did not commit the alleged acts of misconduct).
Discussion & Comments...

1. (Hawkins-Wynn) I rarely understood the trespass ordinance. If the Complainant is saying that ...she lives there, does she not have the authority to allow him to visit her?
2. (Robertson) She is the owner of the property so, I think that she has the legal right to say who she wants on the property and the fact that she had been having problems with the complainant, as well as over some other residents for selling drugs, drinking and causing disturbances. By her having issues with him...trespassing, she thought that would keep him from coming onto the property, but it didn’t. He was given notice, given warnings, he did leave, but as soon as the officer left, he came back and that is why he was arrested. He wasn’t arrested the first time with contact, he was arrested the second time.
3. (Williams) When I read the case, one of the things that I did was, I put myself in the owner’s shoes. I said ok, I have problem with somebody that is coming over to visit, the tenant, what am I going to do with that problem? Am I going to let him persist or am I going to get him off my property? She did what she had to, and he came back. He didn’t stay away...he got the trespassing warning. He understood it and he chose to come back. If you are on property, and there is a problem with a person, and they were told not to trespass again...so, what would you do as a property owner?
4. (Hawkins-Wynn) this one seems right for mediation. He comes back in November, it occurs in August, then he comes back November and there is no arrest. The officer just looked at him and says, hey!
5. (Robertson) That is not correct... he reminded him of the criminal trespass warning and then he left. If he hadn’t left, he would have been arrested.
6. (Hawkins-Wynn) Oh, he did leave?
7. (Robertson) Yes.

C. BOARD’S VOTE ON ALL ALLEGATION OF HARASSMENT

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

D. BOARD’S VOTE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED

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

ACRB CASE NO 17-139

A. ALLEGATION SUMMARY

The Complainant alleged that on November 1, 2017, while at the Publix’s parking lot located at 3730 Carmina Drive, S.W., Atlanta Police Officers Paul Perdue and Michael Wheeler harassed him when they approached him and accused him of “watching cars.”
B. STAFF RECOMMENDATION

The ACRB staff recommends that the allegation of Harassment against Officers Perdue and Wheeler 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. **(Williams)** Was there an attempt to get footage from the grocery store?
2. **(Robertson)** No, by the time that we got the Complainant’s complaint, it was taped over.
3. **(Williams)** I thought that this was interesting because he was observed doing some suspicious things. I am always at a mindset that you call the police if there is something crazy. It is better to do that, than to wish that you would have called them.
4. **(Hawkins-Wynn)** …If they had waited a few minutes, all this would have disappeared. It was his wife that he was waiting on. They said in the notes that it was his girlfriend. Apparently, one officer who was leaving observed what he thought was suspicious. It appears that he had be circling for his wife, but it would have taken moments to do 5 or 10 minutes of observation themselves before approaching him… Further on, if you look into their reports, it’s his wife. They refused to call her wife, they called her girlfriend. Again, a white female, I don’t even know why it was necessary to tell what color the wife is. It seems too obvious to me.
5. **(Williams)** He wasn’t circling. He said that he was going from parking spot to parking spot and he was looking into vehicles. He wasn’t circling, he was going in and out of spaces.
6. **(Hawkins-Wynn)** What I was saying is there’s no independent footage. Once it gets to this level, the officer has to justify why he would point that out. To say that he was circling would not justify their approach. That bothers me when they refer to her as girlfriend and white. That is really irrelevant. What was more so, is that she corroborated what he was saying…he was in there less than 5-10 minutes. She went in to pay a bill and she was back out.
7. **(Robertson)** Let me clarify something…there was no write up…they didn’t refer to his wife by her race. That was me describing what was happening on the footage. The other thing is when I interview the other officer, he couldn’t recall whether it was his wife or girlfriend. It had happened months ago so he wasn’t sure. I don’t even think that when he spoke to her, he asked her if she was his wife or girlfriend.
8. **(Hawkins-Wynn)** Sometimes it difficult for me to determine the investigator’s narrative...
9. **(Robertson)** That information is under the documentary evidence and that is what I review. I explained that on the BWC footage, that is what I observed in the footage.
10. **(Orange)** As far as the allegation of harassment, I understand…he is running around looking for a parking space. However, they did state that there had been issue with people breaking in cars. Like Sherry was saying, if you see something, say something. I think that was something that he was doing. I don’t see there is an issue where he was being harassed in this incident. Because even in that issue about breaking into cars, it’s been blown up in the media. I think that they were doing what they were told to and they were trying to be proactive.
11. **(Bozarth)** You watched the BWC and transcribed the words, but you didn’t mention whether officer Purdue actually used phrase, “no need to get an attitude” as the complainant alleged. Do you recall if those words came through on the BWC footage? I am not sure that makes the officer culpable, but it does give a little credibility to the complainant’s description of the encounter.
12. **(Robertson)** What I recall from watching the footage, is when the officer approached him…he was calm, a respectful tone…saying, “we got a call that you were watching cars”. He immediately gets offensive. He is the one with the attitude. The officer is
pretty much trying to..."hey, I’m not accusing you of anything, we got the call and we are looking into it." The complainant immediately accuses him of being harassed. He has the attitude. It was back and forth about he has an attitude. He says, “I don’t have an attitude...I’m just asking questions.”

13. (Bozarth) There is also some inconsistencies in the dialogue that you put in your report. The off-duty officer who called in to ask Officer Purdue to check this... his name is Officer Norris. In Officer Purdue’s testimony to you, he refers to the person as Bouquette. Is there some reason why the name wasn’t the same?

14. (Robertson) At the time that I interviewed, I believe that it was Officer Purdue, at the time he thought that was the name of the officer. He later called me to say that he was sorry and that he had made a mistake...it wasn’t Bouquette, it was that officer...

15. (Bozarth) So, you don’t see a problem with that?

16. (Robertson) No.

17. (Bozarth) I don’t think that the board should send a message back to the police department that preventive policing of this sort inappropriate. If there is a history of car break-ins in the parking lots. While it might have been totally suspicious, it was suspicious enough to at least check it out. I would be inclined to say, we should not sustain the charges.

18. (Orange) Then I don’t think that we are being consistent because just last month, when we had the issue where the police were patrolling a property, we said that it was ok for the officer to be proactive and run the tag. There was a possibility because sometime illegal activities are going on. If we said that last month, then we will have to be consistent this month. They are similar situations.

19. (Bozarth) You are absolutely right Ms. Orange. Last month...to clarify, we had a case where an off-duty officer went around and checked on things and we decided that he went over the line in doing that. I have to say that I was the only one that voted no on that one. I am not being inconsistent; the board would be inconsistent if they follow that path.

20. (McDaniel) Just an observation, I think the complainant was annoyed because he thought that they said that he was “watching cars,” instead of “watching cars.”

21. (Hawkins) I agree with Ms. Orange about the sustained complaint last month. He felt like he was being followed. This month, this guy feels like he is being harassed. He is needlessly accosted in a parking lot, whereby, he is saying he is waiting for his wife... Again, I see the similarities. I think in this instance, I would have said appropriate action would have been for those officers to wait five more minutes.

22. (Williams) I understand your concerns. I think that we have an opportunity to go to the police academy and go through some of these simulations.

23. (Ward-Groves) I really don’t want to prolong the discussion because I have not been to the Police Academy. Reading the case as a citizen, it seems like...an officer called, an officer showing up...asking the question...showing the badge when asked for it and moving on. Had it taken a long period of time and interaction, had they written up something on the gentleman, had they said that they circled and came back...Had they done anything like that, I would have said, that is harassment. To me, that’s just doing due diligence. Even the complainant said, that when he asked for his badge, his attitude changed...he was friendly. I think that it was two males...interacting differently. That is how I see it.

C. BOARD’S VOTE ON HARASSMENT ALLEGATION

Houston-Torrence 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, Hopkins, Bozarth, McDaniel, Orange, Ward-Groves, Hawkins-Wynn and Houston-Torrence with one opposed vote (Hawkins-Wynn).
ACRB CASE NO 18-006

A. ALLEGATION SUMMARY
The Complainant alleged that Atlanta Police Investigator Leon Delain failed to adequately investigate her theft case that occurred on January 9, 2018.

B. STAFF RECOMMENDATION
The ACRB staff recommends that the allegation of Appropriate Action Required against Investigator Leon Delain 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. (Bozarth) I think that I understand the complainant’s frustration in this. Anybody who has had a small thing happen in a criminal way...it’s pretty clear that there’s going to be a time when the police either can’t do anything about it or, I think in some cases...the police wouldn’t always admit it...there is enough crime where they don’t have the time and resources to go into the depth on some of these things that the individual would prefer. It sounds like the inspector did what he could. He was being frank with her...he said, there’s no late prints, no video recording of the person that broke into your car. There is nothing that I can do. I’ll leave the case there, but if something comes along, there is nothing else that I can do. She didn’t like that. I can understand that. I don’t think that we can hold the officer responsible for not taking appropriate action, given he did what he could have done. You could have said that he could have gone the extra mile.

2. (McDaniel) I agree that he could have gone the extra mile. He could have gone the extra mile in securing her things...her purse and her wallet.

McDaniel moved to accept staff’s recommendation to assign a finding of Exonerated for Appropriate Action Required allegation against Investigator Delain. Hawkins-Wynn seconded. Hearing no further discussion, the vote was called and the motion was approved unanimously by Pitre, Williams, Hopkins, Bozarth, McDaniel, Orange, Ward-Groves, Hawkins-Wynn.

NEW BUSINESS

Bill Bozarth informed the board and staff that his term was ending, and this will be his last meeting with Atlanta Citizen Review Board. He has given six years of service to the ACRB and the citizens of Atlanta, representing Atlanta Planning Advisory Board (APAB), NPU Group A-F. Mr. Bozarth expressed that the work that the board is doing is very important and being on the board has been a great experience for him. He encouraged the new board members to continue to learn and become involved in every facet of the organization. Mr. Bozarth thanked the board and staff for their support.

Williams thanked Bozarth for his wisdom and his diligence while severing as a boardmember.

Executive Director Reid thanked Bozarth for his service with the Atlanta Citizen Review Board. He expressed that Mr. Bozarth has been a dedicated and active member of the board.

Smith expressed appreciation to Bozarth for giving his time, knowledge and energy to the ACRB and the City of Atlanta for the past six years. She thanked him for challenging the staff and the board.
Special Note and Closing Comments:

Bozarth advised the board that a replacement to represent APAB NPU Group A-F is currently underway. The person that will possibly will replace him is a former police officer.

10-Minute Training Modules: Reid stressed the importance of each boardmember understanding what their roles and responsibilities are while they serve on the ACRB. To assist in this effort, Reid is proposing ten-minute module trainings at the beginning of the board meetings. Each module will discuss different training topics. Reid will discuss with the Chair the details and will confirm with board members when the training will start.

Discussion & Comments...

1. (Williams) Can you let us know what is going on in terms of the vacant Chair position? …Does the Vice Chair move up to the Chair? What is the process?
2. (Reid) We are working with the City Attorney’s Office about whether to move the Vice Chair into the Chair…and then maybe elect a Vice Chair. Do we have an election for a chair? I need to get clarification on that. We need to make sure that we have a process in place. The Chair is a little more responsibility and we want to make sure that people have the time to do it.
3. (Hawkins-Wynn) It’s an annual election?
4. (Reid) Yes. New elections are held in February every year.

Other Comments:

Williams reminded everyone that May 21, 2018 is Georgia’s Primary Elections. Early voting begins April 30, 2018 to May 18, 2018. She stressed the importance of exercising your right to vote.

Reid introduced Office of Professional Standards (OPS) Liaison Lt. Bryan Paden and Major Celeste Murphy attending tonight’s meeting. Lt. Paden will serve as a APD representative at ACRB meetings. Maj. Murphy indicated that she will try to attend some additional meetings in the future.

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.)

ADJOURNMENT

No further business, Hopkins moved to adjourn. The meeting adjourned at 7:49 P.M.

ACRB Minutes for May 10, 2018 were approved: June 14, 2018

Cecilia Houston-Torrence, Board Secretary

Transcribed: LG/MS