The July meeting was called to order at 6:32 p.m. by Chair Houston-Torrence.

**AGENDA**

**ROLL CALL**

(The ACRB consist of thirteen board members.)

**ACTIVE MEMBERS PRESENT**

GLORIA HAWKINS-WYNN (Hawkins Wynn)  
SHUNTAY PITRE (Vice Chair Pitre)  
CECILIA HOUSTON-TORRENCE (Chair Houston-Torrence)  
TRACEE MCDANIEL (Sec. McDaniel)  
TAMARA ORANGE (Orange)  
BARBARA WARD-GROVES (Ward-Groves)

**ACTIVE MEMBERS ABSENT**

SHERRY WILLIAMS (Williams)  
MICHAEL HOPKINS (Hopkins)

**VACANT BOARD SEATS**

APAB NPU-Group A-F (three (3) months)  
Gate City Bar Association (four (4) months)  
Atlanta Bar Association (seven (7) months) - Pending Oath of Office  
Atlanta Business League (one (1) year and one (1) month)  
City Council President (2 years and two (2) month) - Pending Oath of Office
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); GINNY ROBINSON, COA Law Department, (Attorney Robinson), LIEUTENANT BRYAN PADEN (Lt. Paden), Atlanta Police Department, Office of Professional Standards

APPROVAL OF MINUTES FOR JULY 2018

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

POLLING OF THE AUDIENCE FOR CASE INFORMATION

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

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:

• **Board Appointment Update**
  During the August 6th Atlanta City Council meeting, City Council President ACRB nominee Trudy Boyce and Atlanta Bar Association nominee Keith Hassen were had their first reading. The nominees will appear before the City Council Public Safety committee on August 14.

  APAB has a nominee in the pipeline to replace Bill Bozarth. He is currently going through the investigation stage, before his nomination can be sent to the Clerk’s Office to be added to the City Council’s agenda as a first read or introduction.

• **APD Citizen Academy**
  The APD Citizen Academy is now accepting applications for the September 11, 2018 academy. Emails were sent to board members on July 23, 2018. If you have not attended the citizens’ academy, please register for this class. It provides a foundation for your board work. It is also a requirement to serve on the board.

• **Board Training**
  Please begin thinking about training commitments. We are planning an adjudication training for later this month or September. The training is scheduled for three hours. Some members prefer training during the board meeting, while others prefer weekend training. If you have specific dates or days that are not good for you for the next few months, please let me know as soon as possible.

  **Continuation on Board Training:**

  1. **(Reid)** The board training, we have a retired judge who is planning to provide some adjudication training to the board...how we look at the evidence, ask appropriate questions. We are looking at a three-hour training. I would like for the board members to think about how you would like to do that. I think a block would be a better way to do it than to just
keep the continuity of it. Have everybody attend a 3-hr training and then we will be done with it, as oppose to trying to break it up over two or three sessions. Just think about that. I do want to get that done before the end of the year...December, we don’t have a regular type of meeting, so we are looking at September, October, November to try and have a training.

2. (Houston-Torrence) Can we get a consensus now so that we can see where the most preference would be?

3. (Pitre) Pitre, would prefer three-block. It can be during the week or on the weekend.

4. (Hawkins-Wynn) Likewise, it can be a 3-hr block. Preferably, not the weekend.

5. (McDaniel) I agree...three hours.

6. (Orange) Three-hour block.

7. (Houston-Torrence) So, the consensus is a three-hour block. As soon as you can arrange that, let us know.

8. (Reid) I heard a couple of people say...weekend. It would be a Saturday morning. Week day, we are talking about maybe, 6 p.m. – 9 p.m.

9. (Houston-Torrence) I know that I am retired...maybe 2 p.m. to 5 p.m.?

10. (Reid) You’re talking about during the week, right?

11. (Houston-Torrence) Yes. Does anyone have any objections to during it during the week?

12. (Pitre) It would depend on what days we choose. I am available the latter part of the week from 2 – 5 p.m., Mondays, Tuesdays...Wednesdays will be kind of iffy.

13. (Houston-Torrence) Could it be on the same day as the board meeting, maybe September, come in at 2 p.m., have a break, then go into our meeting? Will that work?

14. (Reid) Yeah. The judge is retired, I think that she has the flexibility. We just have to secure a room.

15. (Hawkins-Wynn) Is it possible to have whatever handouts that the judge may have in advance?

16. (Reid) I will check with her. That will help speed things along.

10-Minute Training Modules for the Board- Discipline Matrix

Executive Director Reid distributed a 10-minute quiz to the board members. The questions on the quiz pertained to the role of board members and their knowledge and understanding of reviewing complaints. The answers will be discussed at next month’s meeting.

Here are some of the comments:

1. (Hawkins-Wynn) Are we expected to bring the board manual...? I didn’t know this.

2. (Reid) Yes. There are a least a couple of things that you need to bring; your disciplinary matrix, it wouldn’t hurt to bring the ordinance, it wouldn’t hurt to bring the bylaws and the policy and procures. You have two things that you have to read, the cases and the information for the board. You are not going to need it every time. Just in case a question comes up or somebody needs to refer to something. You can go to the manual and look at it real quick.

INTAKE REPORT FOR JUNE

Investigation Manager Robertson reported that for the month of July 2018, the ACRB received Thirteen (13) complaints.

A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS

The ACRB staff is seeking approval to possibly dismiss six (6) of the thirteen (13) complaints. Six (6) 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. 18-067 – Excessive Force & Illegal Stop
   The Complainant alleged that on June 2017, APD Officer, “Patrick Kovack” illegally stopped and detained her. Preliminary investigation revealed that the named officer is not employed by the APD. Therefore, recommend dismissal for lack of jurisdiction.

2. ACRB Case No. 18-068 – False Imprisonment
   The Complainant alleged that on June 4th & 5th of 2018, he was falsely arrested by APD officers.
   Preliminary investigation revealed that the Complainant plead guilty to the charges stemming from both arrest. Therefore, recommend dismissal for lack of jurisdiction.

3. ACRB Case No. 18-069 – False Imprisonment
   The Complainant alleged that he is being falsely imprisoned by officers at the Autry State Prison. Therefore, recommend dismissal for lack of jurisdiction.

4. ACRB Case No. 18-072 – Rude Behavior
   The Complainant alleged that on July 11, 2018, APD Officer “Jerrod Dately” exhibited rude and disrespectful behavior towards her during a traffic stop. Preliminary investigation revealed that the named officer is not employed by the APD. Therefore, recommend dismissal for lack of jurisdiction.

5. ACRB Case No. 18-073 – Unprofessional Conduct
   The Complainant alleged that on August 27, 2017, an APD officer was unprofessional towards her during a traffic stop. The incident occurred 180 days ago. Therefore, recommend dismissal because the complaint is time barred.

6. ACRB Case No. 18-076 – Excessive Force
   An anonymous caller contacted the ACRB office to file an excessive force complaint against APD officers pertaining to two separate incidents that were captured on video. The caller was not a witness to either incident and was unable to provide any details. However, the caller did provide the location on social media where the videos can be viewed. Recommend dismissal for lack of firsthand knowledge.

Awaiting Signed Complaint:

ACRB Case No. 18-075- Rude Behavior
   The Complainant alleged that on July 18, 2018, the APD officers that responded to an incident involving her and a male security officer at the Barnes & Noble Bookstore were rude and discourteous towards her. Awaiting the Complainant’s signed complaint. If complaint is received within the next few weeks and has merit, then recommend investigation as a Conduct complaint. If not, then recommend dismissal.

Signed Complaints:

1. ACRB Case No. 18-066 – Illegal Stop & Failure to Adequately Investigate Complaint
   The Complainant alleged that on July 3, 2018, she was illegally stopped by an Atlanta Police Department officer. She further alleged that the officer’s supervisor failed to adequately address
and investigate her concerns pertaining to the traffic stop. **Recommend investigation as an Appropriate Action Required and False Imprisonment complaint.**

2. **ACRB Case No. 18-070 – False Arrest, Tight handcuffs & Loss of Property**
   The Complainant alleged that on July 9, 2018, she was falsely arrested by APD officers. She further alleged that the handcuffs were applied too tight and some of her items were not placed into Property. **Recommend investigation as an Appropriate Action Required and Excessive Force.**

3. **ACRB Case No. 18-071 – False Arrest & Excessive Force**
   The Complainant alleged that on June 24, 2018, he was falsely arrested by APD officers. He further alleged that during the arrest, the officers physically assaulted him. **Preliminary investigation revealed that the Complainant plead guilty to the charges stemming from the arrest. Therefore, recommend investigation as an Excessive Force complaint only.**

4. **ACRB Case No. 18-074 – Illegal Stop, Detainment & Search of Vehicle**
   The Complainant alleged that on July 12, 2018, he was illegally stopped and detained by APD officers. He further alleged that the officers illegally searched his vehicle. **Recommend investigation as an Appropriate Action Required and False Imprisonment complaint.**

5. **ACRB Case No. 18-077 – False Imprisonment and Failure to Provide Identification**
   The Complainant alleged that on July 19, 2018, he was illegally stopped and detained by an APD officer. He further alleged that the officer refused to provide his name and badge number upon request. **Recommend investigation as a False Imprisonment and Failure to Provide Identification complaint.**

6. **ACRB Case No. 18-078 – False Arrest & Excessive Force**
   The Complainant alleged that on May 6th & June 6th of 2018, she was falsely arrested by APD officers. She further alleged that during both arrests, she was physically assaulted by the officers. **Recommend investigation as an Appropriate Action Required & Excessive Force complaint.**

**B. BOARD VOTES ON INTAKE REPORT**

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

**OLD BUSINESS**

None

**COMPLAINTS REVIEW:**

**ACRB CASE NO 16-034**

**A. ALLEGATION SUMMARY**

The Complainants alleged that on December 29, 2015, Atlanta Police Officers Calvin Roberson, Gustavo Marin and Sgt. John Miller committed the following:

1) falsely arrested him during a traffic stop;
2) inappropriately threatened use of force against him;
towed his vehicle instead of allowing his wife to pick it up; 
4) “Joy rode” with him at dangerously high speeds for over an hour while transporting him to jail; and 
5) Handcuffed him so tightly and for such a prolonged period that he required medical attention.

B. STAFF RECOMMENDATION

I. Appropriate Action Required (there are 3 issues under this allegation):

1st Issue: Did the officers have probable cause to arrest the Complainant?

The ACRB staff recommends that the allegation of Appropriate Action Required, as it relates to the false arrest claim, against Officers Roberson, Marin and Sergeant Miller be assigned a finding of Exonerated (the investigation established that the alleged act occurred by was justified, legal or proper within Department policy).

2nd Issue: The Complainant’s allegation that Ofc. Roberson improperly had his vehicle towed instead of allowing his wife to come to the scene and retrieve it.

The ACRB staff recommends that the allegation of Appropriate Action Required, as it relates to this issue, against Officer Roberson, be assigned a finding of Exonerated (the investigation established that the alleged act occurred but was justified, legal or proper within Department policy).

3rd Issue: The Complainant’s allegation that Ofcs. Roberson and Marin “joy rode” with him at dangerously high speeds for over an hour while transporting him to jail.

The ACRB staff recommends that the allegation of Excessive Force against Officers Roberson and Marin be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence to establish that the alleged acts occurred).

II. Excessive Force Allegation (there are 2 issues under this allegation):

1st Issue: The Complainant allegation that Sgt. Miller engaged in unnecessary excessive force when he pointed his taser at him and threatened to deploy it on two separate occasions.

The ACRB staff recommends that the allegation of Excessive Force against Sgt. Miller, as it relates to the 1st threat of the use of the Taser, be assigned a finding of Sustained (the investigation established that there is sufficient evidence to establish that the alleged acts occurred).

However, as it relates to the 2nd threat of the use of the Taser, the ACRB staff recommends a finding of Not Sustained (the investigation established that there is insufficient evidence to establish that the alleged acts occurred).

2nd Issue: The Complainant’s allegation that he was handcuffed extremely tight for such a prolonged period that he required medical attention.

The ACRB staff recommends that the allegation of Excessive Force against Officers Roberson and Marin be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence to establish that the alleged acts occurred).

ADDITIONAL RECOMMENDATION
The Board may wish to recommend to the APD that they remind officers of the nature of their position, which requires them to compassionately engage with members of the public in varying degrees of emotional and physical crisis.

Further, the Board may wish to call on the APD and related policymakers to clarify acts inclusive of the “use of force” and adopt a definition which adequately addresses a range of harms that may become excessive, gratuitous or abusive in nature.

Here are some of the comments:

1. (McDaniel) It was unclear if the body worn cameras were issued at that time...
2. (Robertson) No.
3. (McDaniel) So they weren’t. Ok.
4. (Pitre) I have a couple of questions. Did Grady arrive?
5. (Al-Nur) Grady did arrive and they left, so they did not transport him.
6. (Pitre) Was there not a report?
7. (Al-Nur) Grady did not want to provide a report. We were not able to locate any records and in addition…the complainant said that he also sought medical attention after he was released as a result of this incident. He was complaining about his hands after being handcuffed...
8. (Pitre) Grady came? Dispatched?
9. (Al-Nur) This was through transmission.
10. (Pitre) So they showed that they did arrive?
11. (Al-Nur) Yes,
12. (Hawkins-Wynn) I believe that the Complainant himself, stated in his statement that they arrived...
13. (Pitre) He said that he had problems and I just want to make sure that Grady arrived. The report stated that Grady cleared him. I just want to make sure because normally, we get a report from Grady.
14. (Al-Nur) Looking back at the complainant’s statement, and I haven’t put my eyes on it yet, in terms of his statement about Grady… The information that I got about Grady, their arrival time, their clearing, their departure time is all done through radio transmission because Grady said that they don’t have a record of the complainant. He didn’t complain of mistreatments from Grady or medical issues that were not address… Are there any other concerns?
15. (Pitre) Both of the officers stated that Grady came out. I didn’t see the paper.
16. (Hawkins-Wynn) I have a couple of questions that I have for the officer. Lt. Paden, the offenses, the complainant was charged with failure to adhere to traffic control device and improper U-turns. Are those consider low-level offenses?
17. (Lt. Paden) They are just traffic offenses. They don’t equate to reckless driving, speeding...
18. (Hawkins-Wynn) No serious offenses?
19. (Lt. Paden) They are traffic offenses. All of them are serious to me, but it’s not like reckless driving.
20. (Hawkins-Wynn) So, reckless driving is considered a higher aggravated misdemeanor, is that correct?
21. (Lt. Paden) It is definitely elevated.
22. (Hawkins-Wynn) But failure to obey a traffic signal is not, is that correct? Under state law?
23. (Lt. Paden) I think that it depends on what results from that…if a person disobeys the traffic control device and they slam into a car and kill the individual…that is pretty serious.
24. (Hawkins-Wynn) When we talk about the authority of an officer, are there some mandated instances, traffic instances where...arrest is mandatory.

25. (Lt. Paden) An arrest will probably follow, same as you...driving on the road, and you don’t have insurance, they are going to take your car, and they are going to incarcerate you. You don’t have a driver’s license...in your car, you don’t have insurance...you are going to get bond...something like that.

26. (Hawkins-Wynn) So, there are certain instances where there is a mandatory arrest, based on the offense. Is there a mandatory arrest based on failure to obey a traffic signal?

27. (Lt. Paden) Traffic signal?

28. (Hawkins-Wynn) Running a red light.

29. (Lt. Paden) Normally, you would not arrest an individual for something like that. But, in a situation where an individual...you do have to sign your ticket. You will have to make bond if you do not sign your ticket. I think the reference for this case, that is why that individual was taken out of that car...

30. (Hawkins-Wynn) The SOP states that...

31. (Lt. Paden) That’s state law. But you have to sign those citations.

32. (Orange) I think that we are getting caught up right now is, in the feeling of how we want to be treated and I know with this particular case of the end of the findings, there was also a section that says, what we might want to recommend, I think, this conversation that we are having now is something that we should look at at that point because it sounds like what you are saying is, there should be some kind of sensitivity training or up to the discretion of the officer...and that right there, doesn’t have anything to do with what this investigation, at this point, is talking about. Because the Complainant admitted he did whatever he did. So, the officer was justified. If he broke the law, he broke the law.

C. BOARD’S VOTE ON APPROPRIATE ACTION REQUIRED ALLEGATION – ISSUE #1

Orange moved to accept staff’s recommendation to assign a finding of Exonerated for allegation of Appropriate Action Required, as it relates to the false arrest claim against Officers Roberson, Marin and Sergeant Miller. Pitre seconded. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, McDaniel, Orange, and Houston-Torrence with one opposed vote (Hawkins-Wynn)

D. BOARD’S VOTE ON APPROPRIATE ACTION REQUIRED ALLEGATION – ISSUE #2

Discussion and Comments:

1. (McDaniel) So, this was another discretionary decision...he could have said, yes or he could have said no, either way, he wasn’t inappropriate.

McDaniel moved to accept staff’s recommendation to assign a finding of Exonerated for allegation of Appropriate Action Required, as it relates to this issue against Officers Roberson, Marin and Sergeant Miller. Orange seconded. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, McDaniel, Orange and Houston-Torrence with one opposed vote (Hawkins-Wynn)

E. BOARD’S VOTE ON APPROPRIATE ACTION REQUIRED ALLEGATION – ISSUE #3

Here are some of the comments:

1. (McDaniel) Officer Marin admitted that he was driving a little fast. So, my motion is to not to accept staff’s recommendation to not sustain.
2. (Pitre) I also have a question as regards to that...that could possibly be addressed to the officer. Is it standard procedure for an officer to go to another call while having someone detained?

3. (Lt. Paden) That has occurred. It is not uncommon...

4. (Houston-Torrence) It has been moved and seconded...Gloria Hawkins-Wynn. All in favor not accepting staff’s recommendation to not sustain the allegation of appropriate action...

5. (Hawkins-Wynn) I believe, I’m understanding is that we’re finding it sustained by the police officer’s admission that he was driving fast. So the allegation in the violations are sustained...meaning that the complaint has met his burden of proof because the officer had admitted that he was driving fast. So, the motion is sustained.

6. (Robertson) Is this for both officers?

7. (McDaniel) It was Officer Marin that admitted driving fast, so, I guess that it is against Officer Marin.

8. (Hawkins-Wynn) Wouldn’t that be cast against the driver?

9. (McDaniel) Officer Marin was the driver, right?

10. (Hawkins-Wynn) So, it’s sustained against Officer Marin and would it be exonerated against Roberson?

11. (Robinson) If you have two different officers...you will need a specific motion for each officer, clarifying for the record what the recommendation is.

McDaniel moved to disagree with staff’s recommendation to assign a finding of Not Sustained for allegation of Appropriate Action Required Officers Roberson and Marin. The Board determined that the allegation of Appropriate Action Required against Officer Marin, be assigned a finding of Sustained. However, assigned a finding of Not Sustained against Officer Roberson. Hawkins-Wynn seconded. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, McDaniel, Orange, Houston-Torrence, Hawkins-Wynn.

F. BOARD’S VOTE ON EXCESSIVE FORCE ALLEGATION (2 Issues)– ISSUE #1

Here are some of the comments:

1. (Hawkins-Wynn) I move that the allegation of excessive force be sustained and let the evidence show that Sergeant Miller did admit to pointing the Taser at the complainant while he was handcuffed; on the ground...sitting on the curb.

2. (McDaniel) I find that unnecessary for him to threaten him...if he was already handcuffed.

Hawkins-Wynn moved to accept staff’s recommendation to assign a finding of Sustained for allegation of Excessive Force, as it relates to the 1st threat of the use of the Taser be assigned a finding of Sustained against Sergeant Miller. McDaniel second. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, McDaniel, Orange, Houston-Torrence, Hawkins-Wynn.

Hawkins-Wynn moved to accept staff’s recommendation to assign a finding of Not Sustained for allegation of Excessive Force, as it relates to the 2nd threat of the use of the Taser against Sergeant Miller. Orange second. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, Orange, Houston-Torrence, Hawkins-Wynn with one opposed vote (McDaniel).

G. BOARD’S VOTE ON EXCESSIVE FORCE ALLEGATION – ISSUE #2 (Tight Handcuffs)

Orange moved to accept staff’s recommendation to assign a finding of Not Sustained for allegation of Excessive Force against Officers Roberson and Marin. McDaniel second. Hearing no further
discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, Orange, Houston-Torrente, and McDaniel with one opposed vote (Hawkins Wynn).

BOARD’S DISCIPLINE ON ALLEGATION OF APPROPRIATE ACTION REQUIRED – ISSUE #3 – OFFICER MARIN

Officer Information and Professional Standards History:
Officer Marin has been with the Atlanta Police Department since August 15, 2013. Officer Marin has had eleven (11) complaints. Seven of the eleven complaints involved vehicle complaints; 3 citizens’ complaints (2 were not sustained; 1 was unfounded) and one firearm discharge (exonerated).

The discipline for Violation of Department SOP, Category A – is an oral or written reprimand and training.

Pitre moved to recommend that Officer Marin receive a written reprimand. McDaniel seconded. Hearing no further discussion, the vote was called and motion was approved.

BOARD’S DISCIPLINE ON ALLEGATION OF EXCESSIVE FORCE – SGT. MILLER

Officer Information and Professional Standards History:
Sergeant Miller has been with the Atlanta Police Department since November 27, 2007. Officer Marin has had one (1) complaint (suspended) within the last 5 years.

The discipline for Violation of Department SOP, Category C – 4 -15 days suspension.

McDaniel moved to recommend that Sergeant Miller receive a 3-day suspension and Taser training. Pitre seconded. Hearing no further discussion, the vote was called and motion was approved with one opposed vote (Hawkins-Wynn).

H. BOARD’S VOTE ON ADDITIONAL RECOMMENDATION

The Board may wish to recommend to the APD that they remind officers of the nature of their position, which requires them to compassionately engage with members of the public in varying degrees of emotional and physical crisis.

Further, the Board may wish to call on the APD and related policymakers to clarify acts inclusive of the “use of force” and adopt a definition which adequately addresses a range of harms that may become excessive, gratuitous or abusive in nature.

Ward-Groves moved to accept staff’s additional recommendations. McDaniel second. Hearing no further discussion, the vote was call and the motion was approved by Pitre, Ward-Groves, Orange, Houston-Torrente, and McDaniel and Hawkins Wynn.

ACRB CASE NO 17-104

A. ALLEGATION SUMMARY

The Complainants alleged that on March 17, 2017, Atlanta Police Officer Kermit Ward failed to complete a traffic accident report and was belligerent while speaking with him.

B. STAFF RECOMMENDATION
I. **Allegation of Appropriate Action Required Allegation**

The ACRB staff recommends that the allegation of **Appropriate Action Required**, as it relates to the report issue, against Officer Ward be assigned a finding of **Not Sustained** (*the investigation failed to prove or disprove the alleged act(s) occurred*).

II. **Allegation of Conduct**

The ACRB staff recommends that the allegation of **Conduct** against Officer Ward be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct*).

III. **Allegation of Violation of Department Standard Operating Procedures**

Although this particular allegation was not raised by the Complainant, the investigation revealed that Officer Ward failed to activate his Body Worn Camera during the incident as per APD.SOP.3133, Section 4.3.2 which states, “Employees shall place the BWC in event (recording) mode upon arriving on scene of a call for service requiring recording of an incident, or when interacting with the public in a law enforcement capacity which the officer and/or his or her supervisor deems necessary to record and document.”

Therefore, the ACRB staff recommends that the allegation of **Violation of Department Standard Operating Procedures, specifically APD.SOP.3133, SECTION 4.3.2** against Officer Ward be assigned a finding of **Sustained** (*the investigation established that there is sufficient evidence that the officers committed the allege acts of misconduct*).

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

*Here are some of the comments:*

1. *(McDaniel)* How was the officer able to determine that no accident occurred once he arrived on the scene?
2. *(Fleming)* In his statement, he said that he looked at both cars, and particularly the young lady’s car. He said that there was a layer of dust that wasn’t disturbed at all. That was based on his assessment of it. Not that it happened.
3. *(Hawkins-Wynn)* My understanding is that, she stopped and they both stopped because they both acknowledged that there was some kind of touchy impact.
4. *(Fleming)* No. Only the complainant did. We weren’t able to talk to the young lady.
5. *(Hawkins-Wynn)* What I am saying is that she stopped at some point and he stopped. She acknowledged, and according to him, she offered him $200.00 to let it go away.
6. *(Fleming)* That is what he is alleging. We can’t verify that.
7. *(McDaniel)* However, the Complainant’s photo indicated that there was damage to his car and I don’t know if there are ways to determine...if it was there previously or after the incident. So, I moved that we do not accept staff’s recommendation for not sustained. I don’t think that there was a way for Officer Ward to determine if it did occur or not.
8. *(Fleming)* What we look at was, did he fail to complete a traffic accident report. That is what the Complainant’s complaint was about...specifically for the appropriate action required...
9. *(Pitre)* And I would say to sustain it because...The officer in his comments...they go back and forth. He obviously, the Complainant, felt like there was a problem. For him to immediately report to the station and speak to the supervisor, I would be inclined to believe that they were credible.
10. **(McDaniel)** And also, according to the investigation, Officer Ward admitted that not writing a traffic accident report at the scene because there was no evidence indicated that the other motorist had struck the Complainant’s vehicle. He only did so after he was instructed by his supervisor because he was unable to show footage. He had recorded on his BWC documenting lack of damage...

11. **(Pitre)** It also stated that, if the Complainant had asked him during that time...he would have wrote a report.

12. **(Houston-Torrence)** So there is a conflict right there. He said that he was not asked at the scene to do a report. Who made the motion?

13. **(McDaniel)** I made the motion to sustain.

14. **(Pitre)** And Pitre seconded.

15. **(Houston-Torrence)** It has been moved and properly seconded that we sustain the allegation of appropriate action required...

16. **(Ward-Groves)** I am going to abstain. I guess that I am confused at what you are looking at to make your determination and what we are reviewing to make our determination.

17. **(Fleming)** The issue of what we were looking at was, not if an accident happened, that’s up for grabs, we don’t know. But the issue was, the officer did not do a report concerning the alleged accident.

18. **(Orange)** Do they...any kind of officer, do they engage with the citizen if a report is generated, regardless to what the situation is? Especially like this...alleged accident.

19. **(Lt. Paden)** It really just depends. If an individual wants a report and they stay on the scene, that officer has to facilitate that report. Now, you can have a situation where by folks having accidents may say, I just want to work this out between the two of us, that’s what it is...if an officer refuses to do a report on the scene, then that individual who’s complaining...I want a supervisor on the scene. They could very well do that...it’s not uncommon.

20. **(Hawkins-Wynn)** One other question Mr. Reid. Two meetings ago, I asked when do you abstain...when was it appropriate to abstain? I thought that I was told that abstentions are only available when there is a conflict.

21. **(McDaniel)** She meant to say nay because she doesn’t know anyone that was involved in the accident. She doesn’t know the officer or the person that made the complaint.

22. **(Houston-Torrence)** So, is that correct? Are you saying nay as opposed to abstain?

23. **(Ward-Groves)** I was trying to abstain because, in reading the case, and the way that he presented it, I agreed with his findings and his outline. And the discussion seemed to go into a different direction other than the way that he presented it. I wasn’t truly able to follow newly discussion after I had read and prepared myself to vote on what he presented. That is why I took that motion.

24. **(Reid)** Two ways to handle that. One, having your board members explain to you how they arrived at that point, right? Second thing is, your understanding of the case and the facts, is what you vote on. So, that will be a nay...I don’t support what they are saying. The other thing is this, when you have a sustain, here is what we want to avoid. When the record shows these are the facts that support investigator’s finding...support why the investigator made the recommendation, and you want to do something different; which you have every right to do. What you must do is, in the letter that goes to the chief, it needs to point out the reasons why. You just can’t say, oh yeah, we will sustain it. That’s it and move forward. I think that you had, three or four reasons...I think that you said, credibility. Those are issues that you will need to...we need to sustain in this case because, A, B, C, D, E... If he/she looks at the summary, all they are going to see is the investigator’s facts with the determination that is different from those facts. So, you have to put in those facts to say...this is why the board is voting this way. The case that you just sustained, now you need to go back and say, here are the facts that support our sustained determination.

*McDaniel* moved to disagree with staff’s recommendation to assign a finding of **Not Sustained** for allegation of **Appropriate Action Required** against Officer Ward. The Board determined that the
allegation of **Appropriate Action Required** against Officer Ward, be assigned a finding of **Sustained.** *Pitre* seconded. Hearing no further discussion, the vote was call and the motion was approved by *Pitre, Orange, Houston-Torrence, McDaniel* and *Hawkins Wynn* with one abstention (Ward-Groves).

**Ward-Groves** made a motion to reconsider her abstention vote. *McDaniel* seconded. The motion was approved by *Pitre, Ward-Groves, Orange, Houston-Torrence, and McDaniel* and *Hawkins Wynn*.

*McDaniel* moved to disagree with staff’s recommendation to assign a finding of **Not Sustained** for allegation of **Appropriate Action Required** against Officer Ward. The Board determined that the allegation of **Appropriate Action Required** against Officer Ward, be assigned a finding of **Sustained.** *Pitre* seconded. Hearing no further discussion, the vote was call and the motion was approved by *Pitre, Orange, Houston-Torrence, and McDaniel* and *Hawkins Wynn* with one opposed vote (Ward-Groves).

Here are some of the comments after voting:

1. **(Hawkins-Groves)** In conjunction with what Mr. Reid said, we have to give a rationale for why we are sustaining...

2. **(Reid)** During the discussion, you said some reasons but, I don’t know if we picked up those reasons necessarily. It would be nice if we could get it on the record what those reasons were. So, when we send the letter to the chief of police, they will have some guidance as to why the board made the decision. So, that way, when they send the letter back and if it says, we reject the board’s decision, the rejection is not based on them trying to take your determination and find the facts…they are taking your determination and applying it to the reason why you said it. Now, we can have this conversation on why the decision is being made. We want to try and close this loop between this discipline. One of the ways of doing that is making sure that we provide clear points as to why we are voting the way that we’re voting.

3. **(McDaniel)** Just for clarification, I recommended sustained because I believed that the Officer should have written a report on the scene and he didn’t have a witness to determine if there was an accident or not.

4. **(Robinson)** Think of it this way, you are creating a record...motion, second, discussion vote. And your discussion should be the reasons that explain you vote the way you vote. That is how the record is developed. When the letter is being written to Chief Shields, whoever is writing that letter will pull the record…it’s a mini court.

D. **BOARD’S VOTE ON ALLEGATION OF CONDUCT**

*Pitre* moved to accept staff’s recommendation to assign a finding of **Not Sustained** for allegation of **Conduct** against Officer Ward. *Ward-Groves* seconded. Hearing no further discussion, the vote was call and the motion was approved by *Pitre, Ward-Groves, Orange, Houston-Torrence, Hawkins-Wynn* with one opposed vote (*McDaniel*).

E. **BOARD’S VOTE ON ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES**

*Hawkins-Wynn* moved to accept staff’s recommendation to assign a finding of **Sustained** for allegation of **Violation of Department Standard Operating Procedures** against Officer Ward. *McDaniel* seconded. Hearing no further discussion, the vote was call and the motion was approved by *Pitre, Ward-Groves, Orange, Houston-Torrence, Hawkins-Wynn* and *McDaniel*.

F. **BOARD’S DISCIPLINE RECOMMENDATION – Appropriate Action Required**

**Officer Information and Professional Standards History:**
Officer Ward has been with the Atlanta Police Department since February 9, 2012. Officer Ward has had eight (8) complaints within the last five years. Four of the eight complaints were not sustained; four were sustained. All complaints were Category A violations.

The discipline for Violation of Department SOP, Category B – is a written reprimand or 1-3 days suspension and proactive correction action

*Ward-Groves* moved to recommend that Officer Ward receive a 1-day suspension in addition to body worn camera training. *McDaniel* seconded. **The motion was not approved.** Nay votes: *Pitre, Orange, Hawkins-Wynn.*

**Comments…**

1. *(Pitre)* I don’t recommend a one-day suspension for that one…the written report. I move that we do a written reprimand.

*Pitre* moved to recommend that Officer Ward receive a written reprimand. Hearing no further discussion, the vote was call and the motion was approved by *Pitre, Orange, Hawkins-Wynn and Houston-Torrence* with one opposed vote (*Ward-Groves & McDaniel*).

G. **BOARD’S DISCIPLINE RECOMMENDATION - Violation of Department Standard Operating Procedures**

The discipline for Violation of Department SOP, Category B – is a written reprimand or 1-3 days suspension and proactive correction action

*Pitre* moved to recommend that Officer Ward receive a written reprimand and body worn camera training. *McDaniel* seconded. Hearing no further discussion, the vote was call and the motion was approved by *Pitre, Hawkins-Wynn and Houston-Torrence and McDaniel* with one opposed vote (*Orange*).

**ACRB CASE NO 17-113**

A. **ALLEGATION SUMMARY**

The Complainant alleged that on August 7, 2017, during a traffic stop, Atlanta Police Officer Tania Bright was extremely rude and loud while speaking to her. Specifically, the Complainant alleged that Officer Bright yelled, “I was behind you the entire time, why didn’t you pull over? She further alleged that Officer Bright asked, sarcastically, if her car belonged to her.

B. **STAFF RECOMMENDATION**

**Conduct Allegation:**

Both parties provide conflicting accounts of the incident and there are no independent witnesses or documentary evidence that could corroborate either version. Although there is dash camera footage that captured the traffic stop, there is no audio recording of Officer Bright’s and the Complainant’s conversation. Therefore, the ACRB staff recommends that the allegation of **Conduct** against Officer Bright be assigned a finding of **Not Sustained** (*the investigation established that there is insufficient evidence to establish that alleged acts occurred.*)

C. **BOARD’S VOTE ON CONDUCT ALLEGATION**
McDaniel moved to accept staff’s recommendation to assign a finding of Not Sustained for Conduct allegation against Officer Bright. Pitre seconded. Hearing no further discussion, the vote was call and the motion was approved by Pitre, McDaniel, Orange, Houston-Torrence Hawkins-Wynn, Hopkins, Ward-Groves.

NEW BUSINESS

Reid informed the Atlanta Planning Advisory Board representatives (APAB), that Sherry Williams is asking APAB representatives to rotate attending their monthly meetings so that it is not a burden on any one person. Be prepared to provide information on ACRB and what is going on. The next APAB meetings are August 18th and September 15th. An email will be sent out to members from Board Member Williams with more information.

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

ADJOURNMENT

No further business. McDaniel moved to adjourn the meeting. Hawkins-Wynn seconded. The meeting adjourned at 8:13 P.M.

ACRB Minutes for August 9, 2018 were approved: October 11, 2018

Tracee McDaniel, Board Secretary

Transcribed: LG/MS