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

The November meeting was called to order at 6:31 p.m. by Chair Houston-Torrence.

AGENDA

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

ACTIVE MEMBERS PRESENT

CECILIA HOUSTON-TORRENCE, Board Chair (League of Women Voters)
TRACEE MCDANIEL, Secretary (Office of the Mayor)
TRUDY BOYCE (City Council President’s Office)
JAMES HARDY (APAB, NPU Group A-F)
KEITH HASSON (Atlanta Bar Association)
GLORIA HAWKINS-WYNN (Atlanta City Council)
MICHAEL HOPKINS (APAB, NPU Group M-Z) (arrival 7:35p)
TAMARA ORANGE (GA Coalition for the Peoples Agenda)
BARBARA WARD-GROVES (APAB, NPU Group M-R)
SHERRY WILLIAMS (APAB, NPU Group G-L) (arrival 7:09p)

ACTIVE MEMBERS ABSENT

SHUNTAY PITRE, Vice Chair (Urban League of Greater Atlanta)

VACANT BOARD SEATS

Gate City Bar Association (Seven (7) months)
Atlanta Business League (one (1) year and four (4) months)

ACRB STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director (Reid); MYOLA SMITH, Project Manager (Smith); SHEENA ROBERTSON, Investigation Manager (Investigator Robertson), MELISA REESE, Administrative Assistant (Reese); LYNN GARRETT, Executive Administrative Assistant (Garrett); STEVEN PARKER, COA Law Department, (Attorney Parker), MAJOR C. TYUS (Maj. Tyus), Atlanta Police Department, Office of
Professional Standards; LIEUTENANT BRYAN PADEN (Lt. Paden), Atlanta Police Department, Office of Professional Standards

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.

APPROVAL OF MINUTES FOR OCTOBER 2018

Hawkins-Wynn moved to approve the minutes. McDaniel seconded. Hearing no further discussion, the vote was called, and the motion was unanimously approved by Orange, Houston-Torrence, Ward-Groves, Boyce, Hardy, Hasson, McDaniel, Hawkins-Wynn

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. No new information was presented from the audience for the board to further consider.

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 Police Citizen Academy Graduates
  Congratulations to Michael Hopkins and Barbara Ward-Groves for completing the Fall 2018 APD Citizen Academy. Graduating from the citizen academy is a great accomplishment. Special congratulations to both board members for 100% attendance rate.

- New Hires
  The agency recently hired two investigators. Both investigators have extensive experience in the investigation field. One of the new investigators has law enforcement experience that includes investigations with the GBI/Medical Examiner’s office and California Department of Corrections. The other investigator has over twenty years of investigative experience that includes conducting various types of investigations. He has also been a state administrative hearing officer. They will be a great addition to the investigative staff.

- King March 2018
  The agency participates in the King March every year. This March highlights the work of Rev. Dr. Martin Luther King Jr. The march will be held January 21, 2019. More details will follow. Please save the date. We encourage Board members to take advantage of this great opportunity to support the office and spread the word about civilian oversight. This event also counts as an outreach requirement.

- Login on ACRB Website for Cases
  Atlanta continues to be recognized as a Green community, a national leader in energy conservation and a top-tier city for sustainability. Let’s do our part by receiving the cases electronically to cut down on printing. You can access and review your cases each month from the ACRB website under the Board Members tab, Members Login section. If you need a password or if any member needs assistance to access the cases, please let the staff know.

- Board Member Outreach
  Please remember to let the office know when you are or have participated in community outreach on behalf of ACRB. You should email Lynn Garrett, Executive Assistant, with your participation details. If you need ACRB business cards to assist outreach efforts, Lynn will order them for you.
• **Board Member Training Plan 2018-2019**
  For many months, we have been holding off training in anticipation of the arrival of the new board members. Since the board is over 80% full, we can resume training. Since the average time of an ACRB member is 17.73 month, the board will need to commit to at least three 4-hour blocks of training. One block of training will be devoted to APD training, a second block devoted to staff, city attorney, and ethics training, and the third block for an external training. In your packets is a draft training outline.

• **APD Ride Along**
  Every board member is responsible for participating in a ride-along with the Atlanta Police Department. Please contact the office to request the appropriate form. Board members must complete the ride-along within their first year on the board.

• **Calendar**
  You will find in your board member packet the ACRB 2018-2019 Calendar: Expressions of Atlanta Youth on Police. The calendar serves as a commemoration of the ACRB 10th Anniversary of service to the citizens of Atlanta. As with every action we take, we intend for the calendar to generate conversation among young and old. Please display your calendar in an area where people can view the work of the youth and generate conversation.

• **10-Minute Training Quiz for Board**
  Executive Director Reid distributed to the board a quiz (the role of board members, knowledge and understanding of reviewing complaints). Results of the quiz will be discussed at the next meeting.

**INTAKE REPORT FOR OCTOBER**

Investigation Manager Robertson reported that for the month of October 2018. The ACRB received thirteen (13) complaints for the month of October.

A. **COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS**
  The ACRB staff is seeking approval to possibly dismiss four (4) of the thirteen (13) complaints. 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:

**Dismissal Recommendations:**

1. **ACRB Case No. 18-107 – Misplaced Property**
   The Complainant alleged that on October 9, 2018, his laptop was confiscated by an APD officer when he was arrested. However, the officer failed to properly label the item and he is unable to get his property until the officer corrects the mishap. Subsequently thereafter, the Complainant informed the ACRB that he is no longer interested in pursuing this matter; therefore, staff **recommends dismissal.**

2. **ACRB Case No. 18-113 – Excessive Force**
   The Complainant alleged that on January 24, 2018, he was falsely arrested by APD officers. The incident occurred over 180 days from the date the Complainant filed his complaint. Therefore, recommend dismissal because the complaint is time barred.

3. **ACRB Case No. 18-114 – Harassment**
   The Complainant alleged that police officers in Richmond County, Georgia are following him. Recommend dismissal for lack of jurisdiction.

4. **ACRB Case No. 18-115 – Wrongful Conviction**
The Complainant alleged that he was wrongfully convicted in Gwinnett County, Georgia.  

*Recommend dismissal for lack of jurisdiction.*

**Awaiting Signed Complaints:**

1. **ACRB Case No. 18-104 – Conduct**  
The Complainant alleged that in September 2018, an APD officer acted unprofessionally when dealing with a domestic dispute involving her and her son.  
Awaiting the Complaint’s signed complaint.  *If complaint is received within the next few weeks and has merit, then recommend investigation as an Conduct complaint. If not, then recommend dismissal.*

2. **ACRB Case No. 18-105 – Excessive Force**  
The Complainant alleged that he was abused by APD officers (he could not recall the exact date as to when the incident occurred).  
Awaiting the Complainant’s signed complaint.  *If complaint is received within the next few weeks and has merit, then recommend investigation as an Excessive Force complaint. If not, then recommend dismissal.*

3. **ACRB Case No. 18-106 – Illegal Stop, Unprofessional Behavior & Profane Language**  
The Complainant alleged that on October 13, 2018, she was unlawfully stopped by APD officers. She further alleged that one of the officers acted unprofessionally and used profane language.  
Awaiting the Complainant’s signed complaint.  *If complaint is received within the next few weeks and has merit, then recommend investigation as an False Imprisonment, Conduct and Abusive Language complaint. If not, then recommend dismissal.*

The Complainant alleged that on September 10, 2018, she was involved in a hit and run and the responding APD officer failed to put in the report that the other driver left the scene of the accident. Awaiting the Complainant’s signed complaint.  *If 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.*

5. **ACRB Case No 18-109 – Wrongfully Cited & Unprofessional Behavior**  
The Complainant alleged that in September 2018, an APD officer wrongfully issued her several traffic citations and she was not the driver of the vehicle. She further alleged that the officer shouted at her. Awaiting the Complainant’s signed complaint.  *If complaint is received within the next few weeks and has merit, then recommend investigation as an Appropriate Action Required and Conduct complaint. If not, then recommend dismissal.*

6. **ACRB Case No. 18-110 – False Arrest**  
The Complainant alleged that on October 18, 2018, he was falsely arrested by APD officers. Awaiting the Complaint’s signed complaint.  *If 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.*

7. **ACRB 18-112 – Harassment**  
The Complainant alleged that he is being harassed by ACP officers. Awaiting the Complainant’s signed complaint.  *If complaint is received within the next few weeks and has merit, then recommend investigation as an Harassment complaint. If not, then recommend dismissal.*
Signed Complaints:

1. **ACRB Case No. 18-111 – False Arrest & Illegal Search**
   The Complainant alleged that on October 18, 2018, he was falsely arrested and illegally searched by APD officers. *Recommend investigation as an Appropriate Action Required* complaint.

2. **ACRB Case No. 18-116 – Unprofessional Behavior & Profane Language**
   The Complainant alleged that on September 26, 2018, during a traffic stop, an APD officer acted unprofessionally and used profane language. *Recommend investigation as a Conduct and Abusive Language* complaint.

B. **BOARD VOTES ON INTAKE REPORT**

*Hasson* moved to accept the Intake Reports for October. *McDaniel* seconded. Hearing no further discussion, the motion was unanimously approved by *Orange, Houston-Torrence, Ward-Groves, Boyce, Hardy, Hasson, McDaniel, Hawkins-Wynn, Williams*.

OLD BUSINESS

**VOTING PROCESS** - Comments from the Chair: *Chair Houston-Torrence* reviewed the voting process with the board members. She stressed the importance for board members to review their investigative cases in advance and if anyone has questions to be clarified, to contact the assigned investigator. She also noted that board members should limit their comments to 2 minutes per person with a 15-minute limit on each case; unless there is a motion, seconded and passed. *Chair Houston-Torrence* asked that all questions and comments be directed to the Chair.

**Discussion/Comments:**

1. *(Ward-Groves)* Before we make a motion, can you give a general overview.
2. *(Houston-Torrence)* I will provide a case summary and report the findings of the investigator. Then, we will open it up for discussion. I am going to remind everyone to please state your name before you ask a question.
3. *(Hawkins-Wynn)* Again, based on the findings of the investigators, someone will motion to approve those findings? Is that correct?
4. *(Houston-Torrence)* No. I will read the allegation, read the findings, call for a motion. After the motion has been properly seconded, we will ask for discussion and at that time the floor will be opened for discussion of the case before the vote.

**COMPLAINTS REVIEW**

**ACRB CASE NO 17-098**

**MULTI-ALLEGATIONS SUMMARY**

The Complainant alleged that on April 29, 2017, Atlanta Police Officers Christopher Thornton and Shaka Kelly (1) falsely arrested him, (2) denied him medical treatment; and (3) failed to take photographs of his injuries.

**A. FALSE ARREST, ALLEGATION #1 - APPROPRIATE ACTION REQUIRED**

The ACRB staff recommends that the allegation of *Appropriate Action Required, as it relates to False Arrest* claim against Officer Christopher Thornton be assigned a finding of *Not Sustained* (the investigation established that there is insufficient evidence to establish that the alleged acts occurred).

As it relates to Officer Kelly, it was determined through the investigation that the officer was in field training at the time of the incident and did not have any authority to make any decisions. Therefore, it is
recommended that the allegation of **False Arrest, Appropriate Action Require**, as it relates to this **issue** against Officer Kelly be assigned a finding of **Unfounded** *(the investigation established that the officer did not commit the alleged act of misconduct).*

**B. BOARD’S VOTES ON FALSE ARREST, ALLEGATION #1 - APPROPRIATE ACTION REQUIRED AGAINST OFFICER THORNTON**

*Boyce* moved to accept staff’s recommendation to assign a finding of **Not Sustained** for allegation #1 of **Appropriate Action Required** against Officer Thornton. *Hardy* seconded.

**POINT OF ORDER (7:09 p.m.): Sherry Williams** joins the meeting.

Discussion Highlights following the withdrawn motion:

1. *(McDaniel)* This was very curious to me. How was the officer able to determine who was being truthful? It was clear that Officer Thornton didn’t want to make an arrest because he wasn’t sure about who the aggressor was. Only after being forced, in my opinion, by his supervisor that he had to make an arrest, so they had to choose someone out of the two people. I don’t agree with the finding.

2. *(Hawkins-Wynn)* Is this for Officer Kelly or Officer Thornton, or both?

3. *(Houston-Torrence)* Officer Kelly. I’m sorry Officer Thornton.

4. *(Boyce)* I take back my motion. If we are talking about Officer Thornton.

5. *(Houston-Torrence)* The first allegation was for Officer Thornton; assigned a finding of not sustained.

6. *(Hawkins-Wynn)* Officer Thornton failed to establish probable cause in the arrest of the complainant. Page 14, he kept saying, “I really wasn’t... really for it because I really couldn’t determine the primary aggressor.” He goes on, “I don’t like the way this really sounds...I’m kind of more for just doing a report, let the investigators investigate and so on and so forth...Each of those sergeants, as well as Investigator Durham, denied having directed or order him to get an arrest...

7. *(McDaniel)* It was clear to me that Officer Thornton did not want to make the arrest. He was forced to do so. With that, I move that we do not accept staff’s recommendation as not sustained.

8. *(Hawkins-Wynn)* I seconded.

9. *(Parker)* Madame Chair, there’s an existing motion on the floor.

10. *(Boyce)* I withdrew.

11. *(Parker)* After it got seconded, it belongs to the body. The chair can handle that in one or two ways, you can informally ask Mr. Hardy if he would like to withdraw on his second and then, we will go back to ground zero or Ms. Boyce will need to ask the body to approve the motion to withdraw. The least formal will be to ask Mr. Hardy to withdraw his second, then we start over.

12. *(Houston-Torrence)* Do you wish to withdraw, Mr. Hardy?

13. *(Hardy)* Yes, I do.

*(Houston-Torrence)* The motion has been withdrawn. We are starting over, we are now asking for a new motion on the first allegation against Officer Thornton; which staff recommended to not sustain.

Discussion:

1. *(Hasson)* Madame Chair, one thing that I think may not have been clear...that the board needs to consider is, there is a statute in Georgia, the Family Violence Act, that requires that officers on domestic calls...to decide as to who the primary aggressor is and to initiate an arrest, if that determination can be made. My experience is that, they are basically instructed, if it is a lesser call...because of the high risk that someone will get murdered, if you leave without arresting someone, even if two people are separated, you want to make an arrest in a domestic case. Officer Thornton, while he expressed reservations about
making an arrest in this case. While we may not necessarily agree on the person that he
arrested, he was trying to follow the law by deciding as to who the primary aggressor was.

2. (Hawkins-Wynn) I think that the statue is included in the record. I believe that it says, if
the officer is able to determine who the primary aggressor is...but on several occasions,
said that he wasn’t. He did not until he got to the ACRB interview, stated that it was his
bosses that told him to do it. That each of them categorically denied.

3. (Hasson) I have a question. Investigator, I am brand new to this and I am still trying to
figure this out. I read where it says in the ordinance, appropriate action required,
performing acts in a lawful, restrained, dignified, impartial and reasonable manner. Here
is my question, at what point, does the police investigation becomes so shoddy, that we as a
board should consider to be unreasonable?

4. (Robertson) When we were looking into this, we consider what steps that he took in his
investigation. We interviewed the alleged victim, went to the other residence to interview
Mr. Milsap. He also said that he went on Horizons to see if there were any other reports of
violence, which he found. He brought it to me to show me what he had found during his
interview.

5. (Hasson) Except that prior report, was a report of a man trying to break into the apartment
that he lived in but had been locked out of.

6. (Robertson) We are not recommending for him to be exonerated. We are not saying that
what he did was right. We are saying not sustained because we can’t prove or disprove...

7. (Ward-Groves) Perhaps some of this happened because the trainee made the initial
contact...the officer, I feel, he probably couldn’t do because she had made that initial
...inside the ambulance with the gentleman. I see that is part of the miscommunication.
The other thing that I had, once this arrest was a little too soon. I can see why it may not
have been 100% because he was more of a trainer with a trainee, allowing her to take some
steps. I would have no problem because he was trainer...not sustained, as oppose to him
during it on his own.

McDaniel moved to disagree with staff’s recommendation to assign a finding of Not Sustained for
allegation of Appropriate Action Required, as it relates to false arrest claim against Officer
Thornton. The vote was called with two yea votes by (McDaniel & Hawkins-Wynn) and seven nay
votes by Hasson, Williams, Ward-Groves, Boyce, Hardy, Orange, Houston-Torrence. Vote did not
pass.

POINT OF ORDER (7:30 p.m.): Michael Hopkins joins the meeting.

Williams moved that the allegation of Appropriate Action Required, as it relates to False Arrest
claim against Officer Thornton, be assigned a finding of Sustained. Hopkins seconded. Hearing no
further discussion, the vote was called, and the motion was approved by Ward-Groves, Orange,
Hasson, Boyce, Hardy, Orange with two nays (McDaniel & Hawkins-Wynn).

As it pertains to Officer Kelly, Hasson moved to accept staff’s recommendation to assign a finding of
Unfounded. McDaniel seconded. Hearing no further discussion, the vote was called, and the motion was
approved by Williams, Boyce, Hardy, Orange, Ward-Groves, Hopkins, Hawkins-Wynn, Hasson,
McDaniel

C. DENIAL OF MEDICAL TREATMENT, ALLEGATION #2 - APPROPRIATE ACTION REQUIRED

The ACRB staff recommended that the allegation of Appropriate Action Required, as it relates to the
denial of medical treatment claim, against Officer Thornton be assigned a finding of Sustained (the
investigation established by a preponderance of the evidence that the officer committed the alleged
act(s) of misconduct).
However, it is recommended that the allegation of **Appropriate Action Required**, as it relates to this issue, against Officer Kelly be assigned a finding of **Unfounded** for the same reasons indicated previously.

### D. BOARD’S VOTES ON DENIAL OF MEDICAL TREATMENT, ALLEGATION #2 - APPROPRIATE ACTION REQUIRED AGAINST OFFICER THORNTON

**Williams** moved to accept staff’s recommendation to assign a finding of **Sustained** for allegation of **Appropriate Action Required**, as it relates to the **denial of medical treatment claim** against Officer Thornton. **Hawkins-Wynn** seconded.

**Discussion:**

1. *(Boyce)* I have an objection to it. The finding was based on Officer Thornton’s saying that he interviewed the nurse at Emory. She said that the suspect had been treated and he took her word for that. There was never an interview with that nurse, so we don’t have the verification that she didn’t tell him that the individual had been treated.

2. *(Hawkins-Wynn)* My understanding is that...he told him that he hadn’t been treated and there was an obligation to make sure that he was treated. The victim and the complainant himself, told the officer that he had not been treated.

3. *(Hardy)* A comment on the veracity of the officer. The officer said that both of his superiors told him make an arrest. They both vehemently denied it. So, his truthfulness is in question to start with.

4. *(Orange)* As far as him getting medical treatment, he started out in the ambulance...that is where the initial contact with him was made. If he was in the ambulance, then he was already being seen by EMT. Then he went to the hospital where he was there for...looks like for hours. Subsequently, he was taken from the hospital, based on what they said, to the Fulton County Jail. Once you get to the jail, the jail staff is not going to allow you to come into their facility if you are not physically sound. I am not seeing where we should sustain this allegation because there is this trail of evidence that he did seek some kind of medical treatment during his encounter with the police department.

5. *(Hawkins-Wynn)* Where is the record that reflects the medical treatment?

6. *(Robertson)* I did call for medical records. Once he was admitted in triage, he was only in triage for one minute...it said, before the officers came to arrest him.

7. *(Ward-Groves)* I must go with the records, Midtown records... because I had to go to the hospital for emergency in triage and I know how that works. You can sit there for four hours before someone come in there to take your pressure. I would have to say, based on the Midtown records, I think that one minute they deemed as treatment.

Hearing no further discussion, the vote was called, and the motion was approved (Hardy, Orange, Ward-Groves, Hopkins, Houston-Torrence, McDaniel, Hasson, Williams, Hawkins-Wynn) with one opposing vote *(Boyce)*.

### E. BOARD’S VOTES ON DENIAL OF MEDICAL TREATMENT, ALLEGATION #2 - APPROPRIATE ACTION REQUIRED AGAINST OFFICER KELLY

**Hawkins-Wynn** moved to accept staff’s recommendation to assign a finding of **Unfounded** for allegation of **Appropriate Action Required**, as it relates to the **denial of medical treatment claim** against Officer Kelly. **Hasson** seconded.

Hearing no further discussion, the vote was called, and the motion was approved by Williams, Hardy, Orange, Ward-Groves, Hopkins, McDaniel, Boyce, Houston-Torrence, Hasson, Hawkins-Wynn.

### F. FAILURE TO TAKE PHOTOS OF INJURIES, ALLEGATION #3 (PART 1) - VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES
The ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures, specifically APD.SOP.5210, Section 4.6.1 against Officer Thornton, as it relates to the failure to take photos of injuries claim, be assigned a finding of Sustained (the investigation established by a preponderance of the evidence that the officer committed the alleged act(s) of misconduct).

However, it is recommended that the allegation of Violation of Department Standard Operating Procedures, against Officer Kelly be assigned a finding of Unfounded for the same reason indicated previously.

G. BOARD’S VOTES ON ALLEGATION #3 (SOP #1 VIOLATION), FAILURE TO TAKE PHOTOS OF INJURIES AGAINST OFFICER THORNTON

Hawkins-Wynn moved to accept staff’s recommendation to assign a finding of Sustained for allegation of Violation of Department Standard Operating Procedures #1 against Officer Thornton. McDaniel seconded.

Hearing no further discussion, the vote was called, and the motion was approved by Williams, Hardy, Orange, Ward-Groves, Hopkins, Houston-Torrence, Hasson, Hawkins-Wynn, McDaniel with one abstention (Boyce).

Comments/Discussion:

1. (Hawkins-Wynn) That question has arisen previously as to when abstention is appropriate. May I hear the response to that?

2. (Houston-Torrence) It is her right to abstain. We do not encourage that. Does she have to state why she abstained?

3. (Attorney Parker) No, the board member does not need to justify their vote. Ms. Boyce is entitled to abstain for any reason or no reason.

4. (Reid) Because of this type of board...agencies, entities appointed you here to be the voice of the people. To be able to make these decisions on these cases. If you did not read or you don’t like the way something comes down in a vote, you just vote no. If the board chooses to change the board practice, that is fine because, if we do have a situation where someone decides to abstain the whole time...we do print that, and the public will make notice of that. I understand what Mr. Parker is saying here but we are not those types of boards. We are a board that address the citizens' concerns and we want to make sure that everything is transparent about how the board does its work. You can decide how you want to do it. It will be something that you will have to deal with later down the line. Either you go on the records to say, this is what we want to be able to do...make it clear, so that the citizens can see that. We will have training related to Robert’s Rules.

5. (Houston-Torrence) I appreciate that, and I know what you said in the past. I do feel strongly that we...after we have the discussion, there is no need for anybody to justify why they voted a certain way...that is what has been said in the past. We now are clear. I want all of us to be on the same page now. You do not have to justify. any reason why you abstained, why you said yes, or why you said no.

6. (McDaniel) I understand that we did it one way at one point, now we are changing it to another way. My understanding is that when we abstain for a conflict of interest, for instances, if we know the officer or the people involved... I think that it is important that we as a board and for the community to know if there is a board member who is voting or abstaining, even though they know the person or individuals involved.

7. (Williams) I think that as we move forward...Michael, you referred to that we want to make it clear that if there is a conflict, it should be stated. That is a part of transparency. Because if someone does know one of the parties involved, and they don’t state it and it comes out later, that doesn’t look good for us. As we make whatever changes in policy, I think that it still should be always...state a conflict of interest.

8. (Hopkins) I understand...that’s if there is a conflict of interest because the City Attorney stated that if there was an individual, that you had to recuse yourself and let it be known
that you know that individual. But when it comes to explaining...because you are doing an abstention, you shouldn’t have to do that. Because at the Neighborhood Planning Unit, we don’t do that.

H. BOARD’S VOTES ON ALLEGATION #3 (SOP #1 VIOLATION), FAILURE TO TAKE PHOTOS OF INJURIES AGAINST OFFICER KELLY

_Hasson_ moved to accept staff’s recommendation to assign a finding of **Unfounded** for allegation of **Violation of Department Standard Operating Procedures** against Officer Kelly. _Hawkins-Wynn_ seconded.

Hearing no further discussion, the vote was call and the motion was approved by _Williams, Hardy, Orange, Ward-Groves, Hopkins, McDaniel, Houston-Torrence, Boyce_

I. ALLEGATION #4, FAILURE TO ACTIVATE BODY WORN CAMERA, SOP #2 VIOLATION AGAINST OFFICER THORNTON

Although this allegation was not raised by the Complainant in his complaint, it was determined through the investigation that Officer Thornton failed to activate (place in record mode) his Body worn camera on three separate occasions:

1. Upon his arrival at the scene of the incident and record Officer Kelly’s interview with the Complainant.
2. Their interview with the alleged victim that took place when they relocated to the alleged victim’s residence;
3. When they approached the Complainant at the hospital and arrested him.

Therefore, the ACRB staff recommendations that the allegation on **Violation of Department Standard Operating Procedures**, specifically APD.SOP.3133, Section 4.3.2 & 4.34(h) against Officer Thornton be assigned a finding of **Sustained** (the investigation established by a preponderance of the evidence that the officer committed the alleged act(s) of misconduct).

J. BOARD’S VOTES ON ALLEGATION #4, FAILURE TO ACTIVATE BODY WORN CAMERA, SOP #2 VIOLATION AGAINST OFFICER THORNTON

_McDaniel_ moved to accept staff’s recommendation to assign a finding of **Sustained** for allegation of **Violation of Department Standard Operating Procedures #2** against Officer Thornton. _Hawkins-Wynn_ seconded.

Comments:

1. (Boyce) When I was discussing this with the investigator, I asked why Officer Thornton would not have activated his body worn camera and, in the ambulance, he wasn’t there in the ambulance and so, would not have no reason to have activated his camera at that time. There was some question about what the policy is on activating your camera in the hospital. I am curious about that.
2. (Robertson) I reached out to the training academy. They said that they are required to record, unless it is a violation of HIPPA or a medical team does not allow it.

Hearing no further discussion, the vote was call and the motion was approved by _Williams, Hardy, Orange, Ward-Groves, Hopkins, McDaniel, Houston-Torrence, Boyce, Hasson, Hawkins-Wynn_

K. BOARD’S VOTES ON DISCIPLINE: DENIAL OF MEDICAL TREATMENT, ALLEGATION #2 - APPROPRIATE ACTION REQUIRED AGAINST OFFICER THORNTON
Officer Information and Professional Standards History: Officer Thornton has been employed by the Atlanta Police Department since May 1, 2007. Within the last 5 years, Officer Thornton has had seven (7) citizens’ complaints. None of the complaints were sustained.

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

McDaniel moved to recommend that Officer Thornton receive written reprimand and training on APD SOP Procedures. Hawkins-Wynn seconded. Motion was modified.

Discussion:
1. (Hardy) I am wondering if it is appropriate to remove him from the field training officer status.
2. (McDaniel) Eleven and a half years, he should know better.
3. (Houston-Torrence) Can we make that recommendation?
4. (Robertson) You don’t have to go by the disciplinary…for APD. You can go outside of that.
5. (Hasson) This might sound like a joke, but it is not meant to be. Would someone in Officer Thornton position consider removal from field training officer status to be a punishment or considered that to be a benefit?
6. (Hardy) It could be either.
7. (Parker) Madame Chair, Ms. McDaniel’s motion is still on the table, seconded by Ms. Hawkins-Wynn. Mr. Hardy’s was not a motion…we can modify this motion or add. You can do it informally by each of the removal of the second agreeing to modify or formally to motion to amend that one to add this one to it.
8. (Hawkins-Wynn) Tracee, would you consider modifying it and I would second.
9. (McDaniel) I would consider modifying it. To removing him from training.
10. (Robertson) So, you are recommending two penalties?
11. (McDaniel) Just modifying. If he is going somewhere else, I think it is important to have a something written in his records.
12. (Hawkins-Wynn) I think that there are three penalties put in front of you on this issue; written reprimand, training and removal from field training.

Modified Motion: McDaniel moved to recommend that Officer Thornton receive training on the appropriate use of the BWC and his removal being a Field Training Officer, as penalty for Violation of Standard Operating Procedures (APD.SOP.3133, Sections 4.3.2 & 4.3.4.h). Motion withdrawn.

Discussion/Comments:
1. (Hasson) Given the nature of the injuries that were described in the report, and I am not trying to excuse Officer Thornton for his behavior. What we are talking about here in terms of discipline, it seems excessive. The punishment doesn’t seem…with respect to the denial of medical treatment.
2. (Hopkins) I think that we should stick with the oral.
3. (Hawkins-Wynn) That is not what Mr. Hasson is saying. He is saying, I believe I understand what he is saying…the level of these injuries…our penalties don’t come close to a remedy. Is that correct Mr. Hasson?
4. (Hasson) I think that our recommendation to the police department is harsh.

New Motion: Hasson moved to recommend that Officer Thornton receive a written reprimand and SOP Training. Hopkins seconded. Hearing not further discussion, the vote was called, and the motion was approved by Ward-Groves, Williams, Orange, Houston-Torrence, Hardy, Hasson, Hopkins, Hawkins-Wynn, McDaniel, with one opposing vote (Boyce).

Comments:
1. (Boyce) All of this was unfounded for Officer Kelly. I had a concern, during her interviews. She stated twice that she didn’t know certain policies and procedures that she should have known. This is when she did the interview. My concern is that Officer Kelly needs training also.

2. (Houston-Torrence) It was unfounded against Officer Kelly.

3. (Boyce) I understood that. What I am saying is that during the investigation, she was being interview, there were two instances where she didn’t know policies and procedures.

4. (Williams) That’s not to say that when we are done, we can’t make a recommendation. We can always add recommendations.

5. (Boyce) Ok. That is what I was concerned about.

6. (Ward-Groves) She was a trainee, she was going through training. We would hope that based on what happened, that her training will be enhanced. But, after we go through and vote, if you want to put in a recommendation… I don’t see a problem with that.

L. BOARD’S VOTES ON DISCIPLINE: FAILURE TO TAKE PHOTOGRAPHS OF INJURIES, VIOLATION OF APPROPRIATE ACTION REQUIRED — AGAINST OFFICER THORNTON

Hasson moved to recommend that Officer Thornton receive a written reprimand. Hopkins seconded. Hearing not further discussion, the vote was call and the motion was approved by Ward-Groves, Williams, Orange, Houston-Torrence, Hardy, McDaniel with one abstention (Boyce)

M. BOARD’S VOTES ON DISCIPLINE: FAILURE TO ACTIVATE BODY WORN CAMERA, APPROPRIATE ACTION REQUIRED — OFFICER THORNTON

Hawkins-Wynn moved to recommend that Officer Thornton receive training on the appropriate use of the BWC. Ward-Groves seconded.

Discussion:
1. (Ward-Groves) Because I see there are two actions… training and counseling. What’s the difference?

2. (Lt. Paden) In reference to counseling, you would want to recommend training for something like that… it’s not counseling. Counseling, it just a measure that you would just tell the officer, don’t do this again and it is documented. Training is totally different. You are going to have them train the SOPs and even send them back to the academy. It is much more in depth than just counseling.

3. (McDaniel) Wouldn’t an oral admonishment or a written reprimand accomplish the same task as counseling?

4. (Lt. Paden) The difference in a written reprimand is that is something that goes into your file. It is documented in your OPS file. Counseling does not enter OPS. That stays in the zone. At some junction, they can take that out of your zone file. Anything like a written reprimand, upstage within that file. It is always there...

Hearing no further discussion, the vote was call and the motion was approved by Williams, Orange, Houston-Torrence, Hawkins-Wynn, Ward-Groves, Hardy, McDaniel, Hasson, Hopkins with one abstention (Boyce). Motion approved.

Comments:
1. (Hardy) I would ask that the people that made the motion and the second amend their motion to include removed from the field training officer status, in this instance. You basically have three sustained allegations. My opinion, I think that person should not be a field training status. Especially, if he must go back to training for body worn cameras.

2. (Hawkins-Wynn) Mr. Hardy, I gladly amend my motion… support that field removal from field officer training is also added to my motion.

3. (Robertson) Can I make a suggestion? The motion can stand. You can also make recommendations.
4. (Hopkins) Couldn’t you do it a friendly amendment?
5. (Parker) Essentially, what we are doing is going back to the person that moved and the person that seconded. If they don’t have an issue with it…essentially, it is a friendly amendment. If either one of them disagree, then it would have to be a formal motion to amend with a second. We deal with that, then come back to the main motion. But, I think that Mr. Hardy was suggesting they amend the motion and both the individuals...agree.
6. (Robertson) That is one of the reasons why I said, I think that you should do a recommendation, because you’re looking at it as a whole, as opposed to just looking at that allegation.
7. (Hardy) I understood what you were saying. To me, that might be more appropriate. It might be too much for the one allegation that was sustained. I don’t think that too much for a combination of the three allegations.
8. (Williams) While we’re in discussion on this, I do think that someone has eleven in a half year on force should not only know how to use...the body worn camera, but in all three of these...if my memory is correct...we offer training. Maybe when we get to the recommendation mode or maybe, there could be an amending of the motion to add a written reprimand. I don’t understand why somebody with 11 ½ years don’t know when to turn on

Amended Motion: Hawkins-Wynn moved to recommend that Officer Thornton receive training on the appropriate use of the BWC and his removal from being a Field Training Officer status. Ward-Groves seconded. Hearing not further discussion, the vote was call and the motion was approved by Orange, Houston-Torrence, Hardy, McDaniel, Hawkins-Wynn, Ward-Groves with opposed votes (Boyce, Hopkins, Orange, Williams)

ACRB CASE NO 18-018

MULTI-ALLEGATIONS SUMMARY
The Complainant alleged that on December 12, 2017, Atlanta Police Officer Tarrance Jones (1) falsely arrested him, (2) engaged in excessive force when he grabbed him by the neck and swung him around; and (3) confiscated his gold chain and bracelet and did not put the items into Property.

A. ALLEGATION #1, FALSE ARREST- APPROPRIATE ACTION REQUIRED
The Complainant alleged that Officer Jones falsely arrested him.

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

B. BOARD’S VOTES ON ALLEGATION #1, FALSE ARREST – APPROPRIATE ACTION REQUIRED

Hawkins-Wynn moved to accept staff’s recommendation to assign a finding of Exonerated for allegation of Appropriate Action Required against Officer Jones. Hardy seconded. Hearing no discussion, the vote was call and the motion was approved by Hawkins-Wynn, Ward-Groves, Hardy, Williams, Hopkins, Orange, Houston-Torrence, Boyce, McDaniel and Hasson.

C. ALLEGATION #2, CONFISCATED COMPLAINTANT GOLD CHAIN AND BRACELET AND DID NOT PUT THE ITEMS INTO PROPERTY.
The Complainant alleged that Officer Jones confiscated his gold chain and bracelet and did not put the items into Property.

The ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures, against Officer Jones, as it relates to the property claim be assigned a finding of Not Sustained (the investigation established that there is insufficient evidence that the officer committed the alleged act of misconduct).
Hardy moved to accept staff’s recommendation to assign a finding of Not Sustained for allegation of Violation of Department Standard Operating Procedures against Officer Jones. Hawkins-Wynn seconded.

Discussion:

1. (McDaniel) If he had jewelry, then what happened to it when it was in Property? Because there was someone who saw his jewelry when he was initially arrested. All of a sudden, it’s not there. Wouldn’t they have removed those articles before? What happened to his property? We don’t know. It wasn’t checked into. They wouldn’t put him in a cell or anything with it on, right?

2. (Robertson) No. He did have on a chain. You can see it from the BWC footage and when the officer was searching him, showed that he took the things, the items, and should have placed them into Property, but it (footage) didn’t show that he took his necklace.

Hearing no further discussion, the vote was called and the motion was approved by Ward-Groves, Williams, Hopkins, Orange, Hardy, Houston-Torrence, Boyce, Hasson with two opposing votes by McDaniel and Hawkins-Wynn.

D. ALLEGATION #3, EXCESSIVE FORCE – VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES

The Complainant alleged that Officer Jones engaged in excessive force when he grabbed him by the neck and swung him around.

The ACRB staff recommends that the allegation of Excessive Force be assigned a finding of Unfounded (the investigation established that the officer did not commit the alleged acts of misconduct).

BOARD’S VOTES ON ALLEGATION #3, EXCESSIVE FORCE, VIOLATION OF STANDARD OFFICE PROCEDURES.

McDaniel moved to accept staff’s recommendation to assign a finding of Unfounded for allegation #3 of Excessive Force against Officer Jones. Hopkins seconded.

Hearing no further discussion, the vote was called, and the motion was approved by Ward-Groves, Williams, Houston-Torrence, McDaniel, Hopkins, Hawkins-Wynn, Hardy, Boyce Hasson, Orange.

Comments:

1. (Williams) I just want to make a recommendation. I actually sent an email to Sheena (Robertson) about this case. I’ve been around when there were mental challenges... or it was obvious that someone had some mental issues going on. I asked Ms. Robertson if APD had a policy in place to deal with situations such as this case here. This person was in jail for 30 days. She said that they did have a policy and I wanted the officer to speak to...when APD decides whether they are going to call for social services or someone to handle a person that clearly has some issues. This is not his first run in with APD. So maybe in the future, we can find out what APD policy is as far as helping someone of this nature other than put them in jail.

2. (Lt. Paden) Let me make sure I understand what you are asking me. We do have SOPs that governed individuals with special needs...to a significant degree. There is also training at the Georgia Public Safety Training Center that officers take, as well as training at the Police Training Academy. So that piece is in place. If an officer cannot decide on the scene, what needs to take place or what social service need to be called, first thing that they
are going to do is go to the immediate supervisor. Call that supervisor out to the scene, have that supervisor make an assessment as to what they need and then it goes from there.

3. (Williams) So, you will do that, verses taking the individual to jail?

4. (Lt. Paden) Yes. If there are special circumstances there, that’s what should take place.

Now, if you going to have issues whereby we are going to need to do a medical assessment with individuals on the scene, they will become a part of that as well. You just don’t arrest individuals who have special needs. If you got other circumstance, that might be a little different. You have protocols to go by when you have a person that has special needs.

ACRB CASE NO 18-044

A. ALLEGATION SUMMARY

The Complainant alleged that on March 24, 2018, she was involved in an automobile accident and the responding Atlanta Police Department Officer Eugene Randall, refused to complete an accident report.

The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Randall be assigned a finding of Exonerated (the investigation established that the alleged act(s) occurred but were justified, legal or properly with Department police).

B. BOARD’S VOTES ON ALLEGATION OF FAILURE TO COMPLETE AN ACCIDENT REPORT—APPROPRIATE ACTION REQUIRED

Hasson moved to accept staff’s recommendation to assign a finding of Exonerated for allegation of Appropriate Action Required against Officer Randall. McDaniel seconded.

Discussion...
1. (Hardy) I noticed that the officer said that he didn’t think that it was an accident but an incident of a road rage. To me, that raised a question as to whether the report ought to be done as an incident road rage, because the increase in violence all over the place. I was always taught, when in doubt, fill it out.
2. (Robertson) In this case, she wanted a traffic accident report.
3. (Hardy) I understand.
4. (Hasson) He did write an incident report, Correct?
5. (Robertson) Yes.
6. (Hardy) At that time?
7. (Robertson) Two weeks later, but, that is not what she wanted.

Hearing no further discussion, the vote was call and the motion was approved by Ward-Groves, Hardy, Orange, Hasson, McDaniel, Houston-Torrence, Hawkins-Wynn, Boyce, Williams, Hopkins

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.)

Jamida Orange:
Ms. Orange thanked the board for honoring her request to move the “public comments” section before the “new business” section on the agenda. Ms. Orange also voiced her concerns regarding the board using their time wisely when discussing the board cases. “You are talking too long on things that have nothing to do with the cases. You stopped right in the middle of one case and for 10 minutes, you starting talking about who needs to abstain and not abstain. You should have been discussing that case.
If that would have been my case, I would have been upset.” She also suggested the board should consider having a board retreat to start addressing some underlying issues.

NEW BUSINESS

(Chair Houston-Torrence) Thank you Ms. Orange. We have lots of training scheduled.

1. (McDaniel) This is important, and we need some clarification on how we are going to move forward as far as abstaining because we have been doing it one way ever since I was on the board and now we’re changing it. I just want to make sure that everybody understands because I am a little confused.

2. Williams) This is the place where you can make the recommendation about a committee on policy and how to move forward on voting.

3. (Chair Houston-Torrence) We can form a committee to review this policy and establish a procedure as far as how we should proceed with it comes to how we sustain, recuse, etc. Is there anyone who is willing to be a part of that process and work on the committee? This is not to address the by-laws in general, only this one procedure. Do you want to be a part of it Ms. Williams, Ms. McDaniel?

4. (Ward-Groves) I would like a part of it.

5. (Houston-Torrence) Anyone else? So, that will be Barbara, myself, Mr. Parker and...

6. (McDaniel) I would like to be a part of the committee.

7. (Houston-Torrence) Lee and Mr., The City Attorney.

8. (Hawkins-Wynn) Ms. Smith, can you add me to that list, please?

After the discussion, the following individuals agreed to serve on the committee headed by the Chair:

- Barbara Ward-Groves
- Tracee McDaniel
- Cecilia Houston-Torrence
- Lee Reid
- City Attorney Parker
- Michael Hopkins
- Gloria Hawkins Wynn

ADJOURNMENT

No further business. It was moved by Hopkins to adjourn. The meeting adjourned at 8:30 P.M.