ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE JANUARY 2019 BOARD MEETING
Atlanta City Hall
Second Floor, Committee Room One
55 Trinity Avenue, SW
Atlanta, Georgia 30303
January 10, 2019
6:30 p.m.

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

AGENDA

ROLL CALL
(The ACRB has thirteen board seats.)

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)
TAMARA ORANGE (GA Coalition for the Peoples Agenda)
BARBARA WARD-GROVES (APAB, NPU Group M-R)
SHERRY WILLIAMS (APAB, NPU Group G-L) (arrival 7:09 p.m)

ACTIVE MEMBERS ABSENT

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

VACANT BOARD SEATS

Gate City Bar Association (Nine (9) months)
Atlanta Business League (one (1) year and six (6) months)

ACRB STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director (Reid); MYOLA SMITH, Project Manager (Smith); SHEENA ROBERTSON, Investigation Manager (Investigator Robertson), BRIAN FLEMING, Investigator, Sr.
APPROVAL OF MINUTES FOR DECEMBER 13, 2018

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

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:

- **Online Web Quiz Update**
  The first quiz, in a series of three quizzes, is almost over. Swag gift bags are awarded to winners scoring 90% or better. The second quiz has been posted. A Grand Prize winner will be selected among the winners who have taken and passed all three quizzes. The Grand Prize gift will be donated by the city Department of Cultural Affairs. A framed jazz poster commemorating this year’s Jazz Festival, two tickets to a local theatrical play are among the items included in the prize.

- **February Complain Cases for Review**
  February cases will only be available online on the ACRB’s website. Go to the menu bar at the top of the web page, click on Board Members and Members Login. Board members should immediately check individual access to confirm sign-on capability allowing you to view cases for discussion for next month and each month thereafter. If anyone needs a password or assistance to access the cases, call the office and Charles Curry will be able to help you.

- **King March 2018**
  The agency will participate in the M.L. King March, Monday, January 21. The board is encouraged to join staff and volunteers to participate in the annual march. This event also counts as an outreach requirement.

Questions...

1. **Hardy**: What time is the march?
2. **Reid**: We will assembly around 1:15 p.m. at the Corner of Peachtree and Ellis.
3. **McDaniel**: Will we receive notice when the cases have been uploaded to the portal?
4. **Robertson**: Yes, I will send out a notice as soon as the cases are uploaded.
5. **Groves**: We recently received a stack of responses to our recommendations from APD Chief Shields. There are times when they agreed with us but there seems to be more times when they
disagreed. Do we have data on how often they have taken our recommendations? Are we working with them to resolve these issues?

6. **Reid:** Yes. We are currently working on the 2018 stats for the Annual Report. The 2017 number was 30% in agreement. We have had some conversation with OPS and we will continue talking with them because we want to see those numbers improve. We would also like to see where the breakdowns occur that prevents us from moving pass the 30%. However, when you look at oversight in general, those numbers are pretty much in line with a lot of other jurisdictions. This is always the challenge to oversight, but we want to do better than what everyone else is doing. We want to get our numbers up higher.

7. **Orange:** I see in the ED written report you wrote about your interview on the Rashad Richey Radio Talk Show. I listened, and I thought it was awesome. His show is on AM but what I want to know is are you planning to do more shows...maybe during the morning rush hour where you can possibly reach more people?

8. **Reid:** Yes, we are always looking to do more radio and TV. We put out information on the quiz and Dr. Richey was the one of the first to respond. He called and asked us to come on and talk about the quiz and other things as well. We’ve done other radio shows and TV. We are always looking for opportunities.

9. **Orange:** You guys did great. I was thoroughly impressed.

10. **Hawkins:** Likewise. I had mentioned that Fulton County Commissioner Marvin Arrington had previously interviewed you. He said that he would love to bring you back on, as well as, bring on others...board members, constituents. But my question goes back to an earlier question regarding what percentage of the cases by which we (Board) have found no violations and the City (APD) found a violation.

11. **Reid:** That is a very, very rare situation. I can’t give you an exact number off the top of my head, but that is extremely rare.

12. **Hawkins:** Some of the cases must have been before I joined the board.

13. **Reid:** They probably were. There is a ‘lag’ time between when we give them a case and receive a response from them. The ordinance states that the Chief is supposed to respond in 30 days from the date of the letter. To comply with that quite often, we get a letter from the Chief saying that we received your letter and our investigation is on-going, and we will send you another letter updating you on the status. Depending on how it is being worked over there can mean that it will be a while before we get a response. This is one of the things that we track also in our annual report...how long it takes the Chief to respond to our letters.

14. **Hawkins:** I also see there are some non-responses.

15. **Reid:** Yes, there are. We had a conversation in October or November with OPS about how we can close the gap. We are looking at A, B, C and D, and we might get a letter saying we decided on A & B. Well what about C and D? It’s a matter of continuing to talk to them and trying to close the gap and alien these processes on how each department makes assessments. It’s challenging but we must continue working on it.

**INTAKE REPORT FOR DECEMBER**

Investigation Manager **Robertson** reported that for the month of December 2018, the ACRB received eight (8) complaints.

**A. COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS**

The ACRB staff is seeking approval to dismiss two (2) of the eight (8) complaints. It should be noted that the proper referrals were given to those citizens whose complaints fell outside of ACRB’s jurisdiction.

**Dismissal Recommendations:**

1. **ACRB Case No. 18-129 – False Arrest**
The Complainant alleged that on September 7, 2018, she was falsely arrested by a Newnan Georgia Police Officer.

*Recommend dismissal for lack of jurisdiction*

2. **ACRB Case No. 18-133**
The Complainant alleged that he is having issues with the neighbors in his community, as well as, complaints about crime in his neighborhood. Complainant was contacted, and he advised that he did not have any complaint against a particular officer.

*Recommend dismissal for lack of jurisdiction.*

**Awaiting Signed Complaints:**

**ACRB Case No. 18-134 – Excessive Force**
The Complainant alleged that on December 13, 2018, while seated in her vehicle along with her two young children, an APD officer had his firearm drawn and pointed towards one of her children.

Awaiting the Complaint’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.*

**Signed Complaints:**

1. **ACRB Case No. 18-128 – Harassment**
The Complainant alleged that on December 4, 2018, an APD sergeant followed him in his patrol car to his job. He further alleged that the sergeant, while pointing his finger at him, told him he “better keep his mouth shut.”.

*Recommend investigation as an Harassment complaint.*

2. **ACRB Case No 18-130 – Unprofessional Conduct & Inadequate Service**
The Complainant alleged that on November 28, 2018, four APD officers jeered, mocked and dismissed his complaint involving an incident where his vehicle was stolen.

*Recommend investigation as a Conduct and Appropriate Action Required complaint.*

3. **ACRB Case No 18-131 – Rudeness & Unprofessional Conduct**
The Complainant alleged that on November 30, 2018, while at Eye Elements, an APD officer yelled at him. He further alleged that the officer said to him, “What you gonna do, kick my ass?”

*Recommend investigation as an Conduct and Abusive Language complaint.*

4. **ACRB Case No. 18-132 – Harassment**
The Complainant alleged that on December 1, 2018, while in Cookout *restaurant*, an APD officer tried to intimidate him when he “got in his face” and then stood behind him while he was trying to purchase some food, he was falsely arrested by APD officers.

*Recommend investigation as an Harassment complaint.*

5. **ACRB 18-135 – Rude Behavior**
The Complainant alleged that on December 7, 2018, while at the Hartsfield-Jackson International Airport, an APD officer yelled at him.

*Recommend investigation as an Conduct complaint.*
B. BOARD VOTES ON INTAKE REPORT

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

OLD BUSINESS

Questions/Discussion/Comments:

1. Hawkins: Any updates from the training center?
2. Reid: We are trying to work out the dates with the Police Department. When something is worked out we will shoot for a 30-day notice.
3. McDaniel: We did have one scheduled for this coming Saturday. Is that confirmed?
4. Reid: That is not confirmed.

COMPLAINTS REVIEW

ACRB CASE NO 18-066

The Complainant alleged that on July 3, 2018, she was harassed by Atlanta Police Officer Jonathan Smith when he unlawfully pulled her over for an alleged traffic infraction.

The Complainant further alleged that when she went to the Zone 1 Precinct to complain about Officer Smith, Sergeant Mark Benson did not take her complaint seriously and failed to conduct an adequate investigation.

Staff Recommendation and Board’s Vote:

A. ALLEGATION #1: FALSE IMPRISONMENT- APPROPRIATE ACTION REQUIRED

Ms. Foster’s allegation that Officer Smith unlawfully stopped and detained her.

The ACRB staff recommends that the allegation of False Imprisonment against Officer Jonathan Smith be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or properly with Department policy).

BOARD VOTES ON FALSE IMPRISONMENT, ALLEGATION #1 - APPROPRIATE ACTION REQUIRED

It was moved by Hopkins to accept staff’s recommendation to Exonerate Officer Jonathan Smith of False Imprisonment, Appropriate Action Required. Orange second the motion.

Discussion...

1. Hawkins - I agree with the findings that it is not necessarily False Imprisonment as the issue is framed, but the way he conducted the stop that lends to something else that is more of a conduct issue in my opinion. I agree with staff.
2. McDaniel - Is it required when an officer informs dispatched that there may be a stop that they must specify why they are stopping the person or do they just make a general notification that they are making a traffic stop?
3. Robertson - They just have to notify dispatch that they are making a stop, the location and how many people are in the vehicle.
Hearing no further discussion, the vote was called, and the motion was approved by all: Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Houston-Torrence, Hawkins, Williams.

B. ALLEGATION #2 - HARASSMENT
The Complainant alleged that Officer Smith harassed her during the traffic stop.

The ACRB staff recommends that the Harassment allegation against Officer Jonathan Smith be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or properly with Department policy).

BOARD VOTES ON HARASSMENT, ALLEGATION #2 - APPROPRIATE ACTION REQUIRED

It was moved by McDaniel to accept staff’s recommendation to Exonerate Officer Jonathan Smith of Harassment, Appropriate Action Required. Boyce second the motion.

Discussion...

1. McDaniel: To me it appeared that she was being rude and disrespectful being on the phone. I don’t think the Officer was harassing her.
2. Hawkins: Probable Cause existed before this stop. He pulled her tag to show that this was not a license driver and he subsequently alleged that she was speeding. It appeared that if he was going to exercise his discretion, he should have exercised it fully and not made the stop. But if he was going to make the stop, which in my opinion made it less than harassment, he should have made the stop immediately once he pulled the tag and then determined that the registered driver was not licensed, coupled with the speeding...but instead, he decides to do it after he pulls up against the driver and subsequently, feels that now I am going to exercise my discretion separately. I had a problem with that.
3. Hopkins: But there was no evidence to prove that he was driving beside her. That was her saying so, and he had run the tags. I believe the individual who owns the car, her grandmother, also did not have a license.
4. McDaniel: I have a question...so because the registered owner of the car did not have a license, and the person that was driving the car did have a license, why was he not able to ticket her?
5. Houston-Torrence: He used his discretion and as you know, it is left to the officer’s discretion.
6. Ward-Groves: This seemed so unnecessary and I had to give the officer credit for de-escalating a situation that really could have gotten out of hand. A lot of officers could have taken her actions to be disrespectful and it could have escalated to something else.

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

C. ALLEGATION #3 - APPROPRIATE ACTION REQUIRED
The Complainant’s allegation that Sergeant Benson failed to conduct an adequate investigation into her complaint against Officer Smith.

The ACRB staff recommends that the allegation of Appropriate Action Required against Sergeant Mark Benson 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).

BOARD VOTES ON APPROPRIATE ACTION REQUIRED - ALLEGATION #3
It was moved by Williams to accept staff’s recommendation to Sustain the allegation of Appropriate Action Required against Sergeant Benson for failing to conduct an adequate investigation. Hawkins second the motion.

Following a couple of brief comments, the vote was called, and the motion was approved by all: Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Houston-Torrence, Hawkins, Williams.

D. BOARD VOTES ON SUSTAIN ALLEGATION #3 – FAILURE TO CONDUCT AN ADEQUATE INVESTIGATION, APPROPRIATE ACTION REQUIRED AGAINST SERGEANT BENSON

Sergeant Benson Disciplinary History:
Sgt. Benson has been with APD since 2002. He has had six (6) complaints within the last five (5) years: Vehicle accident, absent from duty, Non-sustained courtesy complaint; 2014 sustained complaint for responsibilities of a supervisor; 2015 Appropriate Action Required received an oral admonishment.

Allegation #3 is a category ‘A’ violation with discipline ranging from oral admonishment to a written reprimand.

It was moved by Williams to recommend that Sgt. Benson receives a written reprimand. McDaniel second. Calling for the vote, the motion was approved by all Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Houston-Torrence, Hawkins, Williams.

ACRB CASE NO 18-021

The Complainant alleged that on February 20, 2018, APD Officers David Duncan and Dustin Autry: (1) failed to conduct a proper investigation and make an arrest, (2) offer medical treatment in a timely matter, and (3) intimidated a witness. The Complainant further alleged that she was unlawfully detained.

A. FAILURE TO CONDUCT A PROPER INVESTIGATION AND MAKE AN ARREST, ALLEGATION #1 - APPROPRIATE ACTION REQUIRED

Ms. Dowd’s allegation that Officers Autry and Dustin failed to conduct a proper investigation and make an arrest.

The ACRB staff recommends that the allegation of Appropriate Action Required against Officers Dustin Autry and David Duncan, pertaining to this issue, be assigned a finding of “EXONERATED” (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

BOARD VOTES ON ALLEGATION #1: FAILURE TO CONDUCT A PROPER INVESTIGATION AND MAKE AN ARREST - APPROPRIATE ACTION REQUIRED

Hopkins moved to accept staff’s recommendation. that the allegation of Appropriate Action Required against Officers Dustin Autry and David Duncan be assigned a finding of “EXONERATED. Hardy seconded.

Discussion...
1. Williams – I think this is a clear case of “He said, she said.” There was not ample footage on the Body Worn Camera (BWC), or dash cam or the place across the street to see what was really going on. So, you make a judgement. The officer did not take either person to jail.
2. McDaniel – I found the case very confusing. Apparently, the two people both live at the same boarding house. It was hard to figure out what was going on.
3. **Hopkins** – There was no evidence that the gentleman was caught peeping.
4. **Hawkins** – Since she seemed so discombobulated, it made the officers somewhat bias. I found her sister to be the most credible. When her sister came to the scene she was able to corroborate that something had gone on since 2017. The sister asked her, “Why did you let this guy get that close to you?” As if they knew and identified him. The complainant said that she had been advised to call the police whenever she see him and to do all she could to identify him. I think all her unusual actions were about identifying him. Also, there was some records that she had previously called the police about him.

5. **McDaniel** - The Complainant alleges that hot coffee was thrown on her; but witnesses reported that she tried to run the person over. She was supposed to identify him not run him over.
6. **Groves** – This was a very difficult case for me. Because if you read her Grady Hospital Patient Report it does indicate that she had burns and blisters, so she was damaged by him. If you ask if the officers did all they could, I would have to exonerate them, but it just not a clear case. I can’t say that she (the Complainant) did something wrong. I think it’s just like people trying to make the best decision that they can. The case was very difficult for me.

Following the discussion, **Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Houston-Torrence, Williams** voted to approved. The motion passed with one opposing vote (**Hawkins**).

**B. FAILURE TO OFFER TIMELY MEDICAL TREATMENT – ALLEGATION #2 APPROPRIATE ACTION REQUIRED**

The Complainant alleged that Officers Autry and Duncan failed to offer timely medical treatment?

The ACRB staff recommends that the allegation of Appropriate Action Required against Officers Dustin Autry and David Duncan, as it relates to this issue, be assigned a finding of “EXONERATED” (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

**BOARD VOTES ON FAILURE TO OFFER TIMELY MEDICAL TREATMENT – ALLEGATION #2 APPROPRIATE ACTION REQUIRED**

**Hopkins** moved to approved, the staff recommendation of Appropriate Action Required against Officers Dustin Autry and David Duncan be assigned a finding of “EXONERATED.” **McDaniel** seconded.

Following a brief discussion, **Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Houston-Torrence, Williams** voted to approved. The motion passed with one opposing vote (**Hawkins**).

**C. CONDUCT – ALLEGATION #3**

Ms. Dowd’s allegation that Officers Autry and Duncan intimidated a witness.

The ACRB staff recommends that the allegation of Conduct against Officers Dustin AUTRY and David Duncan be assigned a finding of “EXONERATED” (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

**BOARD VOTES ON CONDUCT – ALLEGATION #3**

**Orange** moved to accept the staff recommendation of Conduct against Officers Dustin Autry and David Duncan be assigned a finding of “EXONERATED.” **McDaniel** seconded.

Hearing no discussion, **Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Hawkins, Houston-Torrence, Williams** voted to approved. The motion passed.
D. FALSE IMPRISONMENT - ALLEGATION #4
The Complainant’s alleged Officer Autry unlawfully detain her when he placed her in handcuffs and threaten to arrest her for ‘Disorderly Conduct’

The ACRB staff recommends that the allegation of False Imprisonment against Officer Dustin Autry be assigned a finding of “EXONERATED” (the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).

BOARD VOTES ON FALSE IMPRISONMENT - ALLEGATION #4

Hopkins moved to accept the staff recommendation that the allegation of False Imprisonment against Officer Dustin Autry be assigned a finding of “EXONERATED” Hardy seconded.

Following a couple of brief comments, the vote was called. Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Hawkins, Houston-Torrence, Williams voted to approved. The motion passed with one opposing vote (Groves).

ACRB CASE NO 18-091

ALLEGATION SUMMARY
The Complainant alleged that on September 17, 2018, during a traffic stop, Atlanta Police Officer Corey James acted inappropriately when he threatened to issue him additional unwarranted citations for asking questions pertaining to the stop.

The ACRB staff recommends that the allegation of Conduct against Officer Corey James be assigned a finding of “Not Sustained” (the investigation failed to prove or disprove that the alleged act(s) occurred).

BOARD VOTES ON CONDUCT ALLEGATION AGAINST OFFICER COREY JAMES

It was moved by McDaniel to accept staff’s recommendation that the allegation of Conduct against Officer James be assigned a finding of “Not Sustained.” Hawkins-Wynn seconded.

Discussion…
1. McDaniel - Why is the Motorcycle Unit of APD not required to wear BWCS?
2. Major Tyus, APD – BWC have not been assigned to them yet. It is a fiscal process. We will get around to issuing them cameras. The units in the high crime areas are being fitted first, but they will get to them sometimes this year.

Following the discussion, the vote was called. Boyce, Ward-Groves, Hardy, Hopkins, Hasson, McDaniel, Orange, Hawkins, Houston-Torrence, Williams voted to approved. The motion passed without opposition.
PUBLIC COMMENTS:

No comments from the public.

NEW BUSINESS

ACRB Public Information Officer Charles Curry thanked the City of Atlanta Cultural Affairs Department for donating gifts for the Grand Prize that will be awarded in May to the final winner in the Police Interaction quizzes currently running on the website. Cultural Affairs has agreed to donate two vouchers for the legendary True Colors play production and a much sought after commentative Jazz Poster. The beautiful poster will be framed and the ACRB would like to publicly thank Ms. Camille Love and the entire Cultural Affairs Department for their generosity and support.

Other comments:

- Hawkins-Wynn expressed how pleased she was the ACRB Art & Essay Calendar. She said, “I thoroughly enjoyed that calendar. I was just enamored not only with the Art work, but the way kids do law enforcement. I just looked at the calendar and I laughed, and I enjoyed it.

- Williams: Reminded of the King Holiday. “Remember it is a day of service, not a day off.” She also reminded everyone to be mindful of street closing and to take advantage of the MARTA schedule which will start running 24/7 for the big game a week prior.

Williams announced that February 4 is Mrs. Rosa Park’s Birthday and that equity in transportation is still very important. Beginning February 11th through the 16th, Georgia will celebrate National Transit Equity Week in Georgia which had been delayed by a week due to the Super Bowl. She stated, “If you ever ride a train or bus in your life, you need to understand the necessity of public transit and getting people to work and to doing whatever they need to do, and to have affordable options.”

The Chair reminded and encourage all members to send in their information regarding community outreach activity for 2018. “The staff will include this information in a year-end report and we want it to be as accurate as possible. Also, the Board’s annual election will be held at the next meeting. If you are considering running for one of the three offices, please see the comments in the ED Report.”

ADJOURNMENT

No further business. It was moved by Hasson to adjourn. Seconded by Hopkins. The meeting adjourned at 7:26 P.M.