The regular board meeting for the month of April was called to order at 6:30 p.m. by Chair Torrence.

AGENDA

ROLL CALL
(The ACRB consist of thirteen board members)

ACTIVE MEMBERS PRESENT

CECILIA HOUSTON TORRENCE, Board Chair (League of Women Voters)
TAMARA ORANGE, Vice Chair (GA Coalition for the Peoples Agenda)
TRACEE MCDANIEL, Secretary (Office of the Mayor)
JAMES HARDY (APAB, NPU Group A-F)
MICHAEL HOPKINS (APAB, NPU Group M-Z) (Arrived 6:39 pm)
SHUNTAY PITRE (Urban League of Greater Atlanta)
SHERRY WILLIAMS (APAB, NPU Group G-L)
GLORIA HAWKINS WYNN (Atlanta City Council)

ACTIVE MEMBERS ABSENT

TRUDY BOYCE (City Council President’s Office)
BARBARA WARD GROVES (APAB, NPU Group M-R)
KEITH HASSON (Atlanta Bar Association)

VACANT BOARD SEATS

Gate City Bar Association (one (1) year)
Atlanta Business League (one (1) year and nine (9) months)

ACRB STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director(Reid); SHEENA ROBERTSON, Investigation Manager (Investigator Robertson), MYOLA SMITH, Project Manager & Transcriber (Smith); BRIAN FLEMING, Investigator, Senior (Inv. Fleming); TONYA RICHARDSON, Investigator, Senior (Inv. Richardson); RONALD JACKSON, Investigator, Senior (Inv. Jackson); MELISA REESE, Community Affairs Assistant
APPROVAL OF MINUTES FOR MARCH 14, 2019

Hawkins-Wynn moved to approve the minutes. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was approved by Orange, McDaniel, Wynn, Hardy, Pitre, Williams. Motion carried.

APPROVAL OF MINUTES FOR SPECIAL CALL MEETING, MARCH 27, 2019

McDaniel moved to approve the minutes. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved by Orange, McDaniel, Wynn, Hardy, Pitre, Williams. Motion carried.

EXECUTIVE DIRECTOR’S REPORT

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

- **Special Call Meeting scheduled for April 25, 2019**
  Reid explained that the purpose of the meeting is to review additional cases. The Call Meeting will take place April 25 in the Committee Room Two. Case reports and materials will be available on the ACRB website, Board Member portal.

- **APD Ride-A-Longs**
  All board members are required to participate in an APD Ride Along. Please contact the office regarding availability.

- **Last Online Web Quiz Regarding Police Interaction**
  The third and final ACRB Police Interaction quiz was posted on April 8, 2019. Members are encouraged to take a few minutes to test their knowledge and pass the information about the quiz to colleagues, family, neighbors and friends.

- **Investigations**
  Reid reported there are currently 29 open investigations. The top three allegations received by the office are Appropriate Action Required (including False Arrest complaints), Excessive Force and Conduct.

INTAKE REPORT

Investigations Manager Robertson reported that for the month of March 2019, the ACRB received five (5) complaints. The details of the complaints are listed below:

A. **COMPLAINT BREAKDOWN AND STAFF RECOMMENDATIONS**

   ACRB COMPLAINT NO. 19-024
   **Allegation:** False Arrest
The male complainant alleged that on February 27, 2019, he was falsely arrested by Atlanta Police Department (APD) officers. Staff is awaiting a signed complaint from the Complainant. If the complaint is received within the next few weeks and has merit, staff recommend investigation as an Appropriate Action Required complaint. If not, then recommend dismissal.

ACRB COMPLAINT NO. 19-025
Allegation: Illegal Search
The male complainant alleged that on March 5, 2019, an APD officer illegally searched his vehicle. Staff is awaiting a signed complaint from the Complainant. If the complaint is received within the next few weeks and has merit, staff recommend investigation as an Appropriate Action Required complaint. If not, then recommend dismissal.

ACRB COMPLAINT NO. 19-026
Allegation: False Arrest
The male complainant alleged that on March 13, 2019, he was falsely arrested by APD officers. Staff is awaiting a signed complaint from the Complainant. If the complaint is received within the next few weeks and has merit, staff recommend investigation as an Appropriate Action Required complaint. If not, then recommend dismissal.

ACRB COMPLAINT NO. 19-027
Allegation: Inappropriate Conduct
The male complainant alleged that in 2008, he was falsely arrested by APD. The incident occurred over 180 days from the date the Complainant filed his complaint. Therefore, staff recommend dismissal because the complaint is time barred.

ACRB COMPLAINT NO. 19-028
Allegation: Forcible Removal
The male complainant alleged that on March 27, 2019, he was forcible removed from Burger King by an APD officer. Preliminary investigation revealed that the subject officer is not APD but employed by a private security company. Staff recommend dismissal for lack of jurisdiction.

Special Note: Those citizens whose complaints fell outside of ACRB’s jurisdiction and/or were dismissed, staff provided referrals to the proper authorities.

B. RECONSIDERATION OF COMPLAINTS:

1. ACRB Complaint No. 18-130
   Allegation: Unprofessional Conduct
   In November 2018, a Male Complainant filed a complaint alleging four (4) unidentified APD Detectives mocked and jeered him when he went to APD Headquarters on said date inquiring about his vehicle he had reported stolen the day prior. The Complainant listed the name “Mosely” as one of the involved detectives. The Complainant also provided physical descriptions of the subject officers.

   The ACRB has made numerous attempts to identify the subject officers related to this complaint without success. Therefore, due to the lack of details in the complaint, coupled with the unavailability of the Complainant, the ACRB recommends that the complaint be dismissed for lack of information.

2. ACRB Complaint No. 16-049
   Allegation: False Arrest
   In March 2016, a Male Complainant filed a false arrest complaint against APD officers related to an incident that occurred on March 13, 2016. The Board suspended the investigation into the Complainant’s case pending the court’s adjudication.
The Fulton County State Court records reflect that on February 27, 2019, the Complainant accepted a plea deal to the charges stemming from this incident. Therefore, staff recommend dismissal for lack of merit.

C. BOARD VOTES ON INTAKE REPORT
Williams moved to accept the Intake Report for March 2019. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was approved by Orange, McDaniel, Wynn, Hardy, Pitre, Williams. Motion carried.

OLD BUSINESS
No discussion.

FOR THE RECORD: Michael Hopkins joined the meeting at 6:39 p.m.

CASE REVIEWS FOR THE MONTH

ACRB CASE NO. 18-017
(Investigated by Sheena Robertson)
The Complainant alleged that on January 5, 2018, Atlanta Police Officer Ian Mayfield engaged in Excessive Force when he tased him and struck him in the head with the Taser.

A. ALLEGATION #1 - EXCESSIVE FORCE AGAINST OFFICER IAN MAYFIELD
The ACRB staff recommends that the allegation of Excessive Force, as it relates to the tasing claim against the officer 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 STAFF RECOMMENDATION TO EXONERATE THE OFFICER
Williams moved to accept staff’s recommendation. Pitre seconded. Following a brief discussion, the vote was called, and the motion was approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins. One opposing vote from Wynn. Motion carried.

B. ALLEGATION #2 - EXCESSIVE FORCE AGAINST OFFICER IAN MAYFIELD
The ACRB staff recommends that the allegation of Excessive Force, as it relates to striking Mr. Cooper in the head with the taser 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 STAFF RECOMMENDATION TO EXONERATE THE OFFICER
Hawkins-Wynn moved to accept staff’s recommendation to Sustain the allegation against the officer. McDaniel seconded. Following a brief discussion, the vote was called, and the motion failed with four opposing votes (Hardy, Williams, Orange, Hopkins).

Williams moved to “Exonerate” Officer Mayfield and not accept staff’s recommendation. Hardy seconded. Hearing no further discussion, the vote was called, and the motion was approved by Hardy, Williams, Orange, Hopkins. Three members voted to opposed (McDaniel, Hawkins-Wynn, Pitre). Motion carried.
ACRB CASE NO. 18-053  
(Investigated by Tonya Richardson)

The Complainant alleged that on May 27, 2018, while at Johnny’s Hideaway, she was falsely arrested by APD Sgt. Kevin Knapp. The Complainant further alleges that Sgt. Knapp used excessive force when he twisted her arm, threw her against a wall, and applied the handcuff’s extremely tight.

A. APPROPRIATE ACTION REQUIRED ALLEGATION AGAINST SGT. KEVIN KNAPP
   The ACRB staff recommends that the allegation of Appropriate Action Required related to the false arrest claim against Sgt. Kevin Knapp be assigned a finding of “Not Sustained” (the investigation failed to prove or disprove that the alleged act(s) occurred).

BOARD VOTES ON STAFF ALLEGATION
McDaniel moved to accept staff’s recommendation of “Not Sustained.” Hopkins seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

B. EXCESSIVE FORCE AGAINST SGT. KEVIN KNAPP
   The ACRB staff recommends that the allegation of Excessive Force, against Sgt. Kevin Knapp be assigned a finding of “Not Sustained” (the investigation failed to prove or disprove that the alleged acts occurred).

BOARD VOTES ON STAFF ALLEGATION:
Pitre moved to accept staff’s recommendation of “Not Sustained.” Hardy seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

BOARD VOTES ON A SECOND RECOMMENDATION:
Williams moved to further recommend that the APD require all officers, who are authorized to perform extra off-duty jobs, wear a Body Worn Camera (BWC) while working those assignments. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was approved by Orange, McDaniel, Hardy, Pitre, Williams, Hawkins-Wynn. The motion carried with one abstention by Hopkins who opted not to vote and did not provide an explanation.

ACRB CASE NO. 18-023  
(Investigated by Brian Fleming)

Two (2) Complainants (one male and one female) alleged that on February 28, 2018, Atlanta Police Officers Sidney Agenord and Michael Gaither unlawfully detained the male complainant.

They further alleged that Officer Gaither did the following: (1) unlawfully searched their vehicle, and (2) unlawfully entered and walked through their living room, (3) ordered the male complainant to leave their residence without provocation, and (4) inappropriately conducted a computer check on them.

A. ALLEGATION OF FALSE IMPRISONMENT
   The ACRB staff recommends that the allegation of False Imprisonment against Officers Sidney Agenord and Michael Gaither 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 STAFF RECOMMENDATION:**
Hopkins moved to accept staff’s recommendation of “Exonerated.” Hardy seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

B. APPROPRIATE ACTION REQUIRED ALLEGATION #1 AGAINST OFFICER GAITHER
The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Michael Gaither as it pertains to the claim that of an unlawful search of the complaints vehicle the first time, 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 STAFF RECOMMENDATION:**
Williams moved to accept staff’s recommendation of “Exonerated.” Hardy seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

C. APPROPRIATE ACTION REQUIRED ALLEGATION #2 AGAINST OFFICER GAITHER
The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Michael Gaither as it pertains to the claim that the officer unlawfully entered and walk through the complainants’ living room, 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 STAFF RECOMMENDATION:**
Hawkins-Wynn moved to accept staff’s recommendation as it pertains to this issue. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

D. APPROPRIATE ACTION REQUIRED ALLEGATION #3 AGAINST OFFICER GAITHER
The ACRB staff recommends that the allegation of Appropriate Action Required as it pertains to whether Officer Gaither made the male complainant leave his residence without provocation, 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 STAFF RECOMMENDATION:**
Pitre moved to not accept staff’s recommendation as it pertains to this issue and instead motion to recommend that the allegation be Not Sustained. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn. Hopkins opposed the motion. The motion carried.

E. APPROPRIATE ACTION REQUIRED ALLEGATION #4 AGAINST OFFICER GAITHER
The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Michael Gaither as it pertains to the claim that the officer inappropriately conducted a computer check on the complainants, 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 STAFF RECOMMENDATION:**
McDaniel moved to accept staff’s recommendation as it pertains to this issue. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.
F. VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES
The staff indicated that this allegation was not raised by the complainants; however, the investigation revealed that Officer Sidney Agenord failed to activate his Body Worn Camera (BWC) during the incident as per APD.SOP.3133, Section 4.3.2.

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 Agenord as it pertains to this issue, 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 STAFF RECOMMENDATION:
Hawkins-Wynn moved to accept staff’s recommendation as it pertains to this issue. Pitre seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

G. BOARD VOTES ON DISCIPLINE OF THREE SUSTAINED ALLEGATIONS:

Officer Michael Gaither:
The allegation of Appropriate Action Required against Officer Michael Gaither as it pertains to the claim that the officer unlawfully entered and walk through the complainants’ living room.

Williams moved to recommend as a penalty against Officer Gaither, a Written Reprimand. McDaniel seconded. The vote was called, and the motion was unanimously approved (Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn).

Officer Michael Gaither:
The allegation of Appropriate Action Required against Officer Michael Gaither as it relates to the claim that the officer inappropriately conducted a computer check on him.

Orange moved to recommend as a penalty against Officer Gaither, a Written Reprimand and Training on the Proper Use of GCIC and NCIC. Hawkins-Wynn seconded. The vote was called, and the motion was approved by Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn. One opposing vote by Pitre. Motion carried.

Officer Sidney Agenord:
The allegation of Violation of Department Standard Operating Procedures related to Officer Agenord’s failure to activate his body worn camera (BWC) while on the scene.

Hawkins-Wynn moved to recommend as a penalty against Officer Agenord, a Written Reprimand and Training on the Proper Use of BWC. Williams seconded. The vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn, Pitre.

ACRB CASE NO. 18-029
(Investigated by Brian Fleming)

The Complainant alleged that on February 12, 2018, APD Officer Louis Mitchell: (1) refused to provide her the insurance information of the driver who struck her vehicle while it was parked inside the Diamond Club’s parking lot, and (2) acted inappropriately towards her when he asked if he could call her and take her out on a date.

The Complainant further alleged that on March 16, 2018, Officer Mitchell: (1) failed to complete a report documenting her battery, and (2) threatened to arrest her when she spilled water inside of a taxi cab.
A. APPROPRIATE ACTION REQUIRED ALLEGATION #1
Based on the evidence obtained during the course of the investigation, the ACRB staff recommends that the allegation of Appropriate Action Required against Officer Louis Mitchell as it relates to the issue that the Officer refused to provide her the insurance information of the driver who struck her parked vehicle 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 STAFF RECOMMENDATION:
McDaniel moved to accept staff’s recommendation as it pertains to this issue. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

BOARD VOTES ON DISCIPLINE:
Hawkins-Wynn moved to recommend as a penalty, a Written Reprimand and Training on how to Properly Conduct Traffic Accident Investigations. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

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

BOARD VOTES ON STAFF RECOMMENDATION:
Williams moved to accept staff’s recommendation as it pertains to this issue. Pitre seconded. Hearing no further discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn. One opposing vote by McDaniel. The motion carried.

C. APPROPRIATE ACTION REQUIRED ALLEGATION #2
The ACRB staff recommends that the allegation of Appropriate Action Required as it pertains to the claim that Officer Mitchell failed to complete a report documenting the Complainant’s claim of battery be assigned a finding of “Unfounded” (the investigation established that the alleged act(s) did not occur).

BOARD VOTES ON STAFF RECOMMENDATION:
Hawkins-Wynn moved to not accept staff’s recommendation of unfounded and instead motioned to “Not Sustained” the allegation as it pertains to this issue. Pitre seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

D. APPROPRIATE ACTION REQUIRED ALLEGATION #3
The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Louis Mitchell, as it pertains to the Complainant’s allegation that she threatened to arrest her when she spilled water inside the taxi cab, 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 STAFF RECOMMENDATION:
McDaniel moved to accept staff’s recommendation as it pertains to this issue. Hardy seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.
**BOARD VOTES ON DISCIPLINE:**
Pitre moved to recommend as a penalty, an Oral Admonishment. Hardy seconded. Hearing no further discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

E. **VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES**
Although this allegation was not raised by the Complainant, the investigation revealed that Officer Mitchell failed to keep his Body Worn Camera (“BWC”) activated throughout the duration of each incident as per APD.SOP.3133, Section 4.3.6. Therefore, the ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures, specifically APD.SOP.3133, Section 4.3.6 against Officer Mitchell be assigned a find of “Sustained” (the investigation established that there is sufficient evidence that the officers committed the alleged acts of misconduct).

**BOARD VOTES ON STAFF RECOMMENDATION:**
Pitre moved to accept staff’s recommendation as it pertains to this issue. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

**BOARD VOTES ON DISCIPLINE RECOMMENDATION:**
Williams moved to recommend as a penalty, a Written Reprimand and Training on the Proper Use of the BWC. Pitre seconded. Hearing no further discussion, the vote was called, and the motion was approved by all Orange, McDaniel, Hardy, Pitre, Williams, Hopkins, Hawkins-Wynn.

**PUBLIC COMMENTS**
Two people signed up to make comments:

1st Speaker: Jermaine Cooper
Mr. Cooper thanked the board for their service on the board; however, he expressed disappointment with the Board’s determination regarding his case. He stated, “There was no need for what the officer did to me. He tased me several times and I was already down.”

2nd Speaker: Jamida Orange
Ms. Orange thanked the Board for allowing Public Comments earlier in the agenda.

**NEW BUSINESS**
- The NACOLE Conference for 2019 will be held in Detroit, Michigan, September 22, 2019 through September 26, 2019.
- The second Special Call Meeting for the Board will be April 25 at City Hall in Committee Room Two at 6:30 p.m.

**ADJOURNMENT**
It was moved by Hopkins to adjourn the meeting. The meeting adjourned at 7:54 p.m.