Official ACRB Minutes for August 8, 2019
Approved: September 12, 2019

ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE AUGUST 2019 BOARD MEETING
East Atlanta Branch
Atlanta-Fulton Public Library System
400 Flat Shoals Avenue, SE.
Atlanta, Georgia 30316
August 8, 2019
6:30 p.m.

The Atlanta Citizen Review Board (ACRB) meeting for the month of August was called to order at 6:30 p.m. by Chair Cecilia 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 (Georgia Coalition for the Peoples Agenda)
TRACEE MCDANIEL, Secretary (Office of the Mayor)
TRUDY BOYCE (City Council President’s Office)
BARBARA WARD GROVES (APAB, NPU Group M-R)
JAMES HARDY (APAB, NPU Group A-F)
KEITH HASSON (Atlanta Bar Association)
MICHAEL HOPKINS (APAB, NPU Group M-Z) Arrived @6:35 p.m.
SHUNTAY PITRE (Urban League of Greater Atlanta)
GLORIA HAWKINS WYNN (Atlanta City Council)
SHERRY WILLIAMS (APAB, NPU Group G-L) Arrived @6:41 p.m.

ACTIVE MEMBERS ABSENT
All active members were present

VACANT BOARD SEATS
Gate City Bar Association (one (1) year and one (3) month)
Atlanta Business League (Two (2) years)

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); RONALD JACKSON, Investigator, Senior (Inv. Jackson); TONYA RICHARDSON, Investigator, Senior (Inv. Richardson); CHARLES CURRY, Public Information Officer (Curry); LIEUTENANT BRYAN PADEN (Lt. Paden), APD, 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. It should also be noted that when the Board votes on an issue, the Chair does not vote unless there is a tie vote.

**APPROVAL OF MINUTES FOR JUNE 13, 2019 BOARD MEETING**

Hasson moved to approve the minutes. Hardy seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously by all members present: Orange, McDaniel, Boyce, Hopkins, Ward-Groves, Pitre, Hardy, Wynn, Hasson.

**MINUTES FOR JULY 2019 BOARD MEETING**

*For the record:* The ACRB did not hold a July 2019 board meeting.

**POLLING OF THE AUDIENCE**

The Chair opened the floor to receive additional information from the public regarding the cases on the agenda. There was no new information presented from the audience for the board to consider; therefore, the Chair continued with the agenda.

**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:

- **Civilian Oversight and Mediation Slide Presentation**
  These two educational slide shows will be posted to the ACRB website for citizens to view when they visit the ACRB website.

- **Board Member Appointments**
  Atlanta Business League and Gate City Bar Association have identified individuals whom they plan to recommend to the Board. The appointment letters have not been received yet, but they should be coming in soon.

- **APD Ride Along**
  If a board member has not participated in an APD police ride along, please schedule a date.

- **Mediation Session**
  Recently, we had a mediation session and it was successful. Although the officer was a little reluctant, with the assistance of the mediator, the issue before them was resolved for successfully.

**INTAKE REPORT**

**JUNE INTAKE REPORT**

Investigation Manager Robertson reported that for the month of June 2019, the ACRB received nineteen (19) complaints; however, one (1) of the complaints (#19-066) has been successfully mediated. The details of the complaints and staff recommendations are listed below.
A. COMPLAINT DISMISSALS

1. ACRB COMPLAINT NO. 19-062
   Allegation: False Arrest
   The female complainant alleged that on March 8, 2019, her adult son and whom she has not had any communication with for several years was falsely arrested. Preliminary investigation revealed that her son has been released from the Fulton County jail and the female complainant has no knowledge of his whereabouts. **Staff recommends dismissal for lack of firsthand knowledge.**

2. ACRB COMPLAINT NO. 19-064
   Allegation: The male complainant alleged that on December 24, 2018, he was in a vehicle accident with another motorist and the responding officer allowed the driver, whose car insurance has expired to leave the scene. **Staff recommends dismissal for lack of jurisdiction.**

3. ACRB COMPLAINT NO. 19-065
   Allegation: Excessive Force, False Arrest & Abusive Language
   The female complainant alleged that on April 27, 2018, Atlanta Police Department (APD) Officers used excessive force against her boyfriend. She further alleged that the officers failed to activate their Body Worn Camera’s (BWCs) during the arrest. **Staff recommends dismissal because the complaint is time barred.**

4. ACRB COMPLAINT NO. 19-067
   Allegation: Inaccurate Report
   The male complainant alleged that an APD officer prepared an inaccurate report related to the theft case that occurred October 2018. **Staff recommends dismissal because the complaint is time barred.**

5. ACRB COMPLAINT NO. 19-073
   Allegation: False Arrest
   The female complainant alleged that on December 1, 2017, she was falsely arrested by Fulton County police officers. **Staff recommends dismissal for lack of jurisdiction.**

6. ACRB COMPLAINT NO. 19-075
   Allegation: Harassment
   The female complainant alleged that a Georgia Bureau of Investigation (“GBI”) investigator is harassing her. **Staff recommends dismissal for lack of jurisdiction.**

7. ACRB COMPLAINT NO. 19-077
   Allegation: Unlawfully Stopped and Detained
   The male complainant alleged that another male, whom has been driving his vehicle while he is out of town, has been stopped by APD officers on three (3) separate occasions for no reason. The male complainant has no firsthand knowledge as to what occurred during any of the alleged stops. **Staff recommends dismissal for lack of firsthand knowledge.**

Special Note: Dismissed Complainants and Complaints Outside ACRB’s Jurisdiction: It is noted that the proper referrals were given to those citizens whose complaints fall within this category.

B. AWAITING SIGNED COMPLAINTS (3 out of 19 Complaints)

1. ACRB COMPLAINT NO. 19-061
   Allegation: Unlawfully Stopped & Detained, Excessive Force & Prolonged Detainment
   The male complainant alleged that on June 4, 2019, while at Ivy Park, an APD officer unlawfully stopped and cited him for drinking in the park. He further alleged that the officer handcuffed him too tight and detained him “for over an hour.”
Awaiting his signed complaint. If the complaint is received within the next few weeks and has merit, then **staff recommends investigation as an Appropriate Action Required, False Imprisonment and Excessive Force** complaint. If it is not received, then recommend dismissal.

2. **ACRB COMPLAINT NO. 19-070**
   **Allegation: False Arrest, Excessive Force & Coercion**
   The male complainant alleged that in April 2019, he was falsely arrested by an APD officer. He further alleged that the officer used excessive force during the arrest and injured his finger. He further alleged that the officers told him to lie to the jail officials that he was not injured so he could be processed quicker and not be sent to the hospital for treatment.
   Awaiting his signed complaint. If the complaint is received within the next few weeks and has merit, then **staff recommends investigation as an Appropriate Action Required complaint. If it is not received, then recommend dismissal.**

3. **ACRB COMPLAINT NO. 19-071**
   **Allegation: False Arrest & Failure to Advise**
   The female complainant alleged that on June 18, 2019, while seated in her parked car at the Kroger’s shopping center, she was falsely arrested for Driving Under the Influence (“DUI”) by APD officers. She further alleged that the officers failed to explain to her the consequences of refusing to blow in the breathalyzer.
   Awaiting her signed complaint. If the complaint is received within the next few weeks and has merit, then **staff recommends investigations as an Appropriate Action Required complaint. If it is not received, the recommend dismissal.**

C. **COMPLAINTS THAT ARE SIGNED (8 OUT OF 19)**

1. **ACRB COMPLAINT 19-060**
   **Allegations: Excessive Force False Arrest & Abusive Language**
   The male complainant alleged that on May 20, 2019, while at the Fulton County State Court, an APD officer falsely arrested him. He further alleged that during the arrest, the officer threw him to the ground and placed his foot in his back and was verbally abusive.
   **Staff recommends investigation as an Appropriate Action Required, Excessive Force and Abusive Language** complaint.

2. **ACRB COMPLAINT NO. 19-063**
   **Allegation: Failure to Put Wallet into Property**
   The female complainant alleged that on December 24, 2018, she was arrested by an APD officer and the officer refused to place her wallet into Property and as a result her wallet was stolen.
   **Staff recommends investigation as an Appropriate Action Required complaint.**

3. **ACRB COMPLAINT NO. 19-068**
   **Allegation: Inaccurate/False Report**
   The female complainant alleged that on May 22, 2016, she was involved in a car accident with another motorist and the responding officer completed an inaccurate and false report.
   **Staff recommends investigation as Appropriate Action Required complaint.**

4. **ACRB COMPLAINT NO. 19-069**
   **Allegation: Illegal Tow & Unprofessional Conduct**
   The female complainant alleged that on June 10, 2019, an APD officer had her vehicle illegally towed. She further alleged that the officer spoke to her in an unprofessional manner.
   **Staff recommends investigation as an Appropriate Action Required and Conduct complaint.**

5. **ACRB COMPLAINT NO. 19-072**
   **Allegation: False Arrest**
The male complainant alleged that on June 17, 2019, he was falsely arrested by an APD officer. **Staff recommends investigation as an Appropriate Action Required.**

6. **ACRB COMPLAINT NO. 19-074**  
   **Allegation:** Excessive Force  
   The male complainant alleged that on June 23, 2019, while at Big Sky Buckhead, he was physically assaulted by an APD officer. **Staff recommends investigation as an Excessive Force complaint.**

7. **ACRB COMPLAINT NO. 19-076**  
   **Allegation:** Inadequate Service  
   The male complainant alleged that on June 25, 2019, APD officers failed to assist him. **Staff recommends investigation as an Appropriate Action Required complaint.**

8. **ACRB COMPLAINT NO. 19-078**  
   **Allegation:** Inappropriate Conduct  
   The male complainant alleged that on June 28, 2019, an APD officer threatened to arrest him. **Staff recommends investigation as a Conduct complaint.**

D. COMPLAINTS FOR RECONSIDERATION

1. **ACRB COMPLAINT NO. 14-046**  
   **Allegation:** False Arrest  
   On June 6, 2014, a male complainant filed a false arrest complaint against an APD officer pertaining to an incident that occurred on May 31, 2014. The complainant was charged with Criminal Trespass, O.C.G.A. Section 16-7-21. The complainant’s case stemming from the arrest was bound over to the Fulton County State Court and the investigation into his complaint was suspended pending its outcome.

   As of the time of this report, the complainant’s case has not been placed on the court’s docket. The ACRB has made attempts to contact the complainant to obtain information about his criminal case without success.

   The ACRB was unable to determine if a false arrest occurred due to an absent disposition from the court. Furthermore, the incident occurred five (5) years ago, and it would be unreasonable to question the subject officer on allegations that occurred so long ago. Therefore, **staff recommends dismissal on the grounds that the complaint is “stale.”**

2. **ACRB COMPLAINT NO. 14-091**  
   **Allegation:** False Arrest  
   On October 15, 2014, the female complainant filed a false arrest complaint against an APD officer pertaining to an incident that occurred on September 30, 2014. She was charged with two (2) counts of Reckless Conduct, O.C.G.A. Section 16-5-60 (b). The complainant’s case stemming from this arrest was bound over to the Fulton County State Court and the investigation into her complaint was suspended pending its outcome.

   On June 20, 2019, the court records show that the complainant’s case was “Nolle Prosequi” because the complainant “met all the requirements of a pretrial intervention, counselling or treatment program.” Therefore, **staff recommends dismissal for lack of merit.**

**JULY INTAKE REPORT**

*Investigation Manager Robertson* reported that for the month of July 2019, the ACRB received fifteen (15) complaints. The details of the complaints and staff recommendations are listed below.
A. COMPLAINT DISMISSALS

1. ACRB COMPLAINT NO. 19-080
   Allegations: Unknown
   A male complainant contacted the ACRB to file a complaint regarding an incident that occurred with an APD officer on October 2, 2018. Staff recommends dismissal because the complaint is time barred.

2. ACRB COMPLAINT NO. 19-086
   Allegations: Inadequate Investigation & False Arrest
   The female complainant alleged that the APD officers failed to adequately investigate the death of her son who was murdered by “rappers” on January 18, 2018. She further alleged that she was falsely arrested in June 2018. Staff recommends dismissal because the complaint is time barred.

3. ACRB COMPLAINT NO. 19-087
   Allegations: Verbal Abuse
   The female complainant alleged that on July 4, 2019, a security officer employed by the East Point Library was verbally abusive towards her. Staff recommends dismissal for lack of jurisdiction.

4. ACRB COMPLAINT NO. 19-088
   Allegations: Unprofessional Conduct
   The male complainant alleged that on July 16, 2019, an officer employed by the Ambassador Force instigated an altercation with him. Staff recommends dismissal for lack of jurisdiction.

5. ACRB COMPLAINT NO. 19-093
   Allegations: False Arrest & Excessive Force
   The male complainant alleged that on July 24, 2019, he was falsely arrested and physically assaulted by College Park Police Officers. Staff recommends dismissal for lack of jurisdiction.

Special Note: Dismissed Complainants and Complaints Outside ACRB’s Jurisdiction:
It is noted that the proper referrals were given to those citizens whose complaints fall within this category.

B. AWAITING SIGNED COMPLAINTS (5 out of 15 Complaints)

1. ACRB COMPLAINT NO. 19-081
   Allegations: Harassment & Retaliation
   The female complainant alleged that two APD officers are harassing her by following when she drives away from her apartment. She further alleged that she has received three (3) unwarranted traffic citations since filing a complaint with the ACRB against a sergeant for false arrest and excessive force pertaining to an incident that occurred on May 1, 2019 (ACRB Case #19-045). Awaiting on her signed complaint. If the complaint is received within the next few weeks and has merit, then staff recommends investigation as a Harassment and Retaliation complaint. If it is not received, then recommend dismissal.

2. ACRB COMPLAINT NO. 19-082
   Allegations: Rude and Unprofessional Behavior
   The female complainant alleged that on April 16, 2019, she was in a car accident and the responding APD officer was rude and unprofessional towards her in that she spoke to her in a harsh tone.
Awaiting on her signed complaint. If the complaint is received in the next few weeks and has merit, then staff recommends investigation as a Conduct complaint. If it is not received, then recommend dismissal.

3. ACRB COMPLAINT NO.19-083
Allegation: Excessive Force
The male complainant sent an email to the ACRB alleging that he witnesses an officer assault a bystander for no reason.
Awaiting his signed complaint. If the complaint is received within the next few weeks and has merit, then staff recommends investigation as an Excessive Force complaint. If it is not received, then recommend dismissal.

4. ACRB COMPLAINT NO. 19-089
Allegation: Rude Behavior & Inadequate Service
The male complainant alleged that on July 3, 2019, one of his vehicles was stolen and the APD officer that is assigned to investigate his case has been rude towards him when he spoke to him in a harsh manner. He further alleged that the officer has failed to return his calls and will not provide him any updates about the case.
Awaiting his signed complete. If the complaint is received within the next few weeks and has merit, then staff recommends investigation as an Appropriate Action Required and Conduct complaint. If is it not received, then recommend dismissal.

5. ACRB COMPLAINT NO. 19-091
Allegation: Unlawful Detainment
The male complainant alleged that on July 2, 2019, an APD officer unlawfully detained him and issued him a citation for panhandling.
Awaiting his signed complaint. If the complaint is received within the next few weeks and has merit, then staff recommends investigation as a false imprisonment complaint. If is it not received, then recommends dismissal.

C. COMPLAINTS THAT ARE SIGNED (5 out of 15 Complaints)

1. ACRB COMPLAINT NO. 19-079
Allegation: Inadequate Service
The male complainant alleged that APD officers failed to take appropriate action when they responded to his 911 call related to a robbery that occurred at his residence.
Staff recommends investigation as an Appropriate Action Required complaint.

2. ACRB COMPLAINT NO. 19-084
Allegations: Harassment
The male complainant alleged that on July 3, 2019, he was harassed by APD officers.
Staff recommends investigation as a Harassment complaint.

3. ACRB COMPLAINT NO. 19-085
Allegations: Inaccurate Report
The male complainant alleges that Officer McRae did not complete an accurate report when he investigated his vehicle accident that occurred on March 22, 2019.
Staff recommends investigation as an Appropriate Action Required complainant.

4. ACRB COMPLAINT NO. 19-090
Allegation: False Arrest
The female complainant alleged that on July 6, 2019, she was falsely arrested by APD officers.
Staff recommends investigation as an Appropriate Action Required complaint.
5. **ACRB COMPLAINT NO. 19-092**

   **Allegations: Abuse of Authority**

   The female complainant alleged that on July 24, 2019, the manager of her apartment complex is using an APD officer, who works an extra job at the complex, to harass and intimidate her and other residents.

   Staff recommends investigations as an Abuse of Authority complaint.

   **Discussion Question:**
   1. **Hasson:** If you are averaging 8-10 cases a month per month does that your staff have adequate resources to resolve them in a timely manner?
   2. Investigations Manager **Robertson:** So far, we have been able to handle it.

   **McDaniel** moved to accept the Intake Report for June and July 2019. **Orange** seconded. Hearing no further discussion, the vote was called, and the motion was unanimously by all members present: **Orange, McDaniel, Boyce, Hopkins, Ward-Groves, Pitre, Hardy, Wynn, Hasson, Williams.**

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**CASE REVIEWS FOR THE MONTH**

**ACRB CASE NO. 15-083**

*(Investigation Manager Sheena Robertson)*

The female complainant alleged that on June 20, 2015, APD Officer Jarvis Farley falsely arrested her. She further alleged that Officer Farley engaged in excessive force when he: (1) pushed her by her stomach into his patrol car and then pushed her inside said vehicle, and (2) applied handcuffs to tight.

**A. APPROPRIATE ACTION REQUIRED ALLEGATION**

The ACRB staff recommends that the allegation of Appropriate Action Required related to the false arrest claim against **Officer Jarvis Farley** be assigned a finding of “**Not Sustained**” (the investigation failed to prove or disprove that the officer committed the alleged act(s) of misconduct).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “**NOT SUSTAINED**”

**Boyce** moves to accept staff’s recommendation of “**Not Sustained.**” **Hardy** seconded. Following a brief discussion, the vote was called, and **Orange, McDaniel, Hardy, Hasson, Williams, Pitre, Boyce, Hopkins** voted to approve. Two members: **Wynn** and **Hardy** voted against. The motion was carried.

**B. EXCESSIVE FORCE ALLEGATION #1**

**Issue:** The complainant alleged that Officer Farley engaged in excessive force when he pushed her by her stomach into his patrol car and the pushed her inside.

The ACRB staff recommends that the allegation of **Excessive Force** against **Officer Jarvis Farley** related to this issue be assigned a finding of “**Not Sustained**” (the investigation failed to prove or disprove that the officer committed the alleged act(s) of misconduct).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “**Not Sustained**”

**Williams** moves to accept staff’s recommendation of “**Not Sustained.**” **Hardy** seconded. Following a brief discussion, the vote was called, and **Orange, McDaniel, Hardy, Hasson, Williams, Pitre, Groves, Boyce, Hopkins** voted to approve. One member: **Wynn** voted against. The motion was carried.
C. EXCESSIVE FORCE ALLEGATION #2

**Issue:** The complainant alleged that Officer Farley engaged in excessive force when he applied the handcuffs to tight.

The ACRB staff recommends that the allegations of Excessive Force related to this issue against Officer Jarvis Farley be assigned a finding of “Unfounded” (the investigation proved that the alleged act(s) did not occur).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “UNFOUNDED”

Williams moved to accept staff’s recommendation of “Unfounded.” Hawkins-Wynn seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkin.

ACRB CASE NO. 18-012

(Investigation Manager Sheena Robertson)

The male complainant alleged that on January 7, 2018, APD Officer Francesca Barber (1) falsely arrested him, (2) applied the handcuffs too tight causing injuries to his wrist, (3) provided untimely medical assistance, (4) illegally searched his residence, along with other unknown officers, and (5) left his crock pot on and residence unsecured.

The APD records reflect that Officers Christopher Jones, Terrean Moore and Adriana Pitts responded to the scene of this incident. Therefore, all were treated as subjects as it relates only to the illegal search allegation.

A. ALLEGATION OF APPROPRIATE ACTION REQUIRED #1

**Issue:** The complainant alleged that Officer Barber falsely arrested and charged him with Battery.

The ACRB staff recommends that the allegation of Appropriate Action Required related to the false arrest claim, against Officer Francesca Barber 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 RECOMMENDATIONS TO FIND THE ALLEGATION “EXONERATED”

Boyce moves to accept staff’s recommendation of “Exonerated.” McDaniel seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkin.

B. ALLEGATION OF APPROPRIATE ACTION REQUIRED #2

**Issue:** The complainant alleged that Officer Barber provided untimely medical assistance.

The ACRB staff recommends that the allegation of Appropriate Action Required related to this issue against Officer Francesca Barber be assigned a finding of “Sustained” (the investigation established by a preponderance of the evidence that the alleged act(s) occurred).
BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “SUSTAINED”

Hardy moves to accept staff’s recommendation of “Sustained.” Pitre seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkins.

C. ALLEGATION OF APPROPRIATE ACTION REQUIRED #3

Issue: The complainant alleged that Officer Barber, along with other unknown officers, illegally searched his residence.

The ACRB recommends that the allegation of Appropriate Action Required related to this issue against Officers Francesca Barber, Christopher Jones, Adrian Pitts and Terrean Moore 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 RECOMMENDATIONS TO FIND THE ALLEGATION “EXONERATED”

Hawkins-Wynn moves to accept staff’s recommendation of “Exonerated.” Ward-Groves seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkins.

D. ALLEGATION OF APPROPRIATE ACTION REQUIRED #4

Issue: The complainant alleged that Officer Barber left his crock pot turned on and residence unsecured.

The ACRB recommends that the allegations of Appropriate Action Required related to this issue against Officer Francesca Barber be assigned a finding of “Sustained” (the investigation established that the alleged act(s) occurred but were justified, legal or properly with Department policy).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “SUSTAINED”

McDaniel moves to accept staff’s recommendation of “Sustained.” Pitre seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkins.

E. ALLEGATION OF EXCESSIVE FORCE #5

Issue: The complainant alleged that Officer Barber applied the handcuffs to tight causing injuries to his wrist.

The ACRB Staff recommends that the allegation of Excessive Force against Officer Francesca Barber be assigned a finding of “Unfounded” (the investigation proved that the alleged act(s) did not occur).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “UNFOUNDED”

Boyce moves to accept staff’s recommendation of “Unfounded.” Hardy seconded. Following a brief discussion, the vote was called, and Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Hopkins voted to approve. One member: Hawkins-Wynn voted against. The motion carried.
F. OFFICER DISCIPLINARY HISTORY AND BOARD VOTE ON DISCIPLINE PERTAINING TO ALLEGATION OF APPROPRIATE ACTION REQUIRED

*Investigation Manager Sheena Robertson* reported that upon review of Officer Francesca Barber disciplinary history, both Sustained allegations against her, fall under a Category A violation.

*Pitre* moved to recommend a written reprimand against Officer Barber as it pertains to her providing untimely medical assistance. *McDaniel* seconded. Following a brief discussion, the vote was called, and the motion was approved unanimously by *Orange*, *McDaniel*, *Hardy*, *Williams*, *Groves*, *Pitre*, *Boyce*, *Wynn*, *Hopkins*.

G. BOARD VOTE ON DISCIPLINE PERTAINING TO SECOND ALLEGATION OF APPROPRIATE ACTION REQUIRED

*McDaniel* moved to recommend a written reprimand against Officer Barber as it pertains to her leaving his crock pot on and residence unsecured. *Hopkins* seconded. Following some discussion, *McDaniel* withdrew her motion.

*Williams* moved to recommend an Oral Admonishment against Officer Barber. *Pitre* seconds. Hearing no further discussion, the vote was called, and the motion was approved by *Orange*, *Hardy*, *Hasson*, *Williams*, *Pitre*, *Boyce*, *Wynn*. Two members voted against: *McDaniel and Ward-Groves*. *Hopkins* chose not to vote opting to abstain without explanation. Motion carried.

ACRB CASE NO. 18-132 (Investigator Tonya L. Richardson)

The male complainant alleged that on December 1, 2018, while at Cook Out Restaurant Officer Theodore Travis harassed him. He further alleged that Officer Travis screamed at him during the encounter.

A. ALLEGATION OF HARASSMENT

The ACRB staff recommends that the allegation of Harassment against Officer Theodore Travis be assigned a finding of “Unfounded” (the investigation proved that the alleged act(s) did not occur).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “UNFOUNDED”

*Orange* moves to accept staff’s recommendation of “Unfounded.” *Williams* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by *Orange*, *McDaniel*, *Hardy*, *Williams*, *Groves*, *Pitre*, *Boyce*, *Wynn*, *Hopkins*, *Hasson*.

B. ALLEGATION OF CONDUCT

The ACRB recommends that the allegation of Conduct against Officer Theodore Travis be assigned a finding of “Unfounded” (the investigation proved that the alleged act(s) did not occur).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “UNFOUNDED”

*Williams* moves to accept staff’s recommendation of “Unfounded.” *Pitre* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by *Orange*, *McDaniel*, *Hardy*, *Hasson*, *Williams*, *Groves*, *Pitre*, *Boyce*, *Wynn*, *Hopkins*. 
The male complainant alleged that on December 17, 2018, while he was waiting to purchase some items at Walgreen’s, he was unlawfully detained by Sergeants Josue Astorga. The complainant further alleged that, during the incident, Sergeants Astorga, James Carroll and Aaron Zorn engaged in excessive force.

A. ALLEGATION OF FALSE IMPRISONMENT

The staff recommends that the allegation of False Imprisonment against Sgt. Josue Astorga be assigned a finding of “Not Sustained” (the investigation failed to prove or disprove that the alleged act(s) occurred).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “NOT SUSTAINED”

Boyce moves to accept staff’s recommendation of “Not Sustained.” Hopkins seconded. Following a brief discussion, the vote was called, and Orange, McDaniel, Hardy, Williams, Groves, Pitre, Boyce, Hopkins voted to approve. Two members: Wynn and Hasson voted against. The motion carried.

B. ALLEGATION OF EXCESSIVE FORCE – PART 1

Issue: The complainant alleged that Sgt. Astorga pushed him.

The ACRB recommends that the allegation of Excessive Force against Sergeants Josue Astorga be assigned a finding of “Unfounded” (the investigation proved the alleged act(s) did not occur).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “UNFOUNDED”

Hardy moves to accept staff’s recommendation of “Unfounded.” Ward-Groves seconded. Following a brief discussion, the vote was called, and Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Hopkins voted to approve. One member: Wynn voted against. The motion was carried.

C. ALLEGATION OF EXCESSIVE FORCE – PART 2

Issue: The complainant alleged that Sergeants Astorga, Carroll and Zorn used excessive force when they placed him in handcuffs.

The ACRB staff recommends that the allegation of Excessive Force against Sergeants Josue Astorga, James Carroll and Aaron Zorn be assigned a finding of “Not Sustained” (the investigation failed to prove or disprove that the alleged act(s) occurred).

BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “NOT SUSTAINED”

Boyce moves to accept staff’s recommendation of “Not Sustained.” Pitre seconded. Following a brief discussion, the vote was called, and Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Hopkins voted to approve. One member: Wynn voted against. The motion was carried.
**D. ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES**

The investigation revealed that Sgt. Astorga failed to activate his Body Worn Camera during the incident. Therefore, the ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures, specifically APD.SOP.3133, against Sgt. Josue Astorga be assigned a finding of “Sustained” (the investigation established by a preponderance of the evidence that the officer(s) committed the alleged acts of misconduct).

**BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “SUSTAINED”**

McDaniel moves to accept staff’s recommendation of “Sustained.” Hardy seconded. Following a brief discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkins.

**E. BOARD VOTE TO DISCIPLINE PERTAINING TO ALLEGATION OF VIOLATION OF DEPARTMENT SOP**

Investigator Tonya Richardson reported that upon review of Sergeant Josue Astorga disciplinary history, the Sustained allegation against him, fall under a Category A violation.

Sgt. Astorga has been with the ADP since 2002. He has been a Sergeant since 2014. In the past five years, Sgt. Astorga has had four complaints against him (two vehicle accidents complaints and one was an internal investigation that was completed in November of 2016 with findings of three sustained actions and one is still pending. Appropriate Action Required (Sustained), Conformance to Directives (Sustained), and Unsatisfactory Performance (Sustained).

McDaniel moved to recommend training on Body Worn Cameras. Hardy seconded. After a brief discussion, the vote was called, and Orange, McDaniel, Hardy, Hasson, Williams, Boyce, Wynn, Hopkins voted to approve. One member, Pitre, voted against the motion. Ward-Groves did not vote opting instead to abstain without explanation. Motion carried.

**ACRB CASE NO. 19-022**

*(Investigator Tonya L. Richardson)*

The complainant alleged that on February 23, 2019, Officer Evan Clausen failed to intervene when she was being physically assaulted by a man.

**A. ALLEGATION OF APPROPRIATE ACTION REQUIRED**

The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Evan Clausen be assigned a finding of “Unfounded” (investigation proved the alleged act(s) did not occur).

**B. BOARD VOTES ON STAFF RECOMMENDATIONS TO FIND THE ALLEGATION “UNFOUNDED”**

Hawkins-Wynn moved to accept the staff’s recommendation of “Unfounded.” McDaniel seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by Orange, McDaniel, Hardy, Hasson, Williams, Groves, Pitre, Boyce, Wynn, Hopkins.

**PUBLIC COMMENTS**

*(Public comments are limited to three (3) minutes.)*

One person signed up to make a comment.
Jamida Orange:
“Thank you all for being here, I appreciate it. It was a good meeting, thank you.”

OLD BUSINESS

No discussion.

NEW BUSINESS

Williams announced that two libraries: Washington Park and Dogwood reopened following recent renovations. She explained that the libraries are a life-line in some communities providing the only internet access for many families.

Curry, “I just want to publicly thank the librarian, Ms. Tara Cribs, for allowing us to have our community board meeting here tonight and for extending the hours to accommodate the entire meeting.”

ADJOURNMENT

It was moved by Hawkins-Wynn to adjourn the meeting. The meeting adjourned at 7:41 p.m.