ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE SPECIAL CALL MEETING
March 27, 2019
6:30 p.m.

Atlanta City Hall
ATL Stats Room
55 Trinity Avenue, S.W., ‘G’ Floor
Atlanta, Georgia 30303

The Special Call Board Meeting 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)
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)

MICHAEL HOPKINS (APAB, NPU Group M-Z)
SHUNTAY PITRE (Urban League of Greater Atlanta)
SHERRY WILLIAMS (APAB, NPU Group G-L)

ACTIVE MEMBERS ABSENT

KEITH HASSON (Atlanta Bar Association)
TAMARA ORANGE, Vice Chair (GA Coalition for the Peoples Agenda)
GLORIA HAWKINS WYNN (Atlanta City Council)

VACANT BOARD SEATS

Gate City Bar Association (Eleven (11) months)
Atlanta Business League (one (1) year and eight (8) months)

ACRB STAFF & CITY EMPLOYEES ATTENDEES

SAMUEL LEE REID, Executive Director(Reid);
SHEENA ROBERTSON, Investigation Manager (Investigator Robertson);
MYOLA SMITH, Project Manager & Transcriber (Smith);
TONYA RICHARDSON, Investigator, Senior (Inv. Richardson);
LIEUTENANT BRYAN PADEN (Lt. Paden),
Atlanta Police Department, Office of Professional Standards
CALL MEETING PURPOSE

Chair Torrence explained the purpose of the Special Call meeting. She indicated that the purpose is to review a backlog of cases currently waiting to be considered by the board. Complaints determination are the only action items on the agenda. A second Call Meeting is scheduled for next month to review additional cases.

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 consider.

COMPLAINTS REVIEW

ACRB CASE NO 18-016
(Investigated by Sheena Robertson)

The Complainant alleged that on February 8, 2018, when APD Officer Kermit Ward responded to her residence, he verbally intimidated her minor child and falsely identified their dog as the offending animal in a dangerous animal call; threatened multiple times to kill their pet dog and refused to provide his badge number and supervisor’s name upon request.

APD Officer Hantz-Pierre was also joined in this complaint as a subject officer.

A. ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER WARD
The allegation is made against Officer Ward for questioning or engaging a minor in absence of a parent or legal guardian.

ACRB Staff recommendation.
The allegation of Appropriate Action Required against Officer Ward be assigned a finding of Exonerated (the investigation established that the alleged acts occurred but were justified, legal or proper within Department policy).

BOARD VOTES ON ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER WARD
It was moved by McDaniel to accept staff recommendation of ‘Exonerated.’ Williams seconded. Hearing no discussion, the vote was called and approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams. Motion carried.

B. ALLEGATION OF FAILURE TO PROVIDE IDENTIFICATION AGAINST OFFICER KERMIT WARD
Complainant alleged that Officer Ward refused to provide his badge number and supervisor’s name upon request.

ACRB Staff Recommendation:
The allegation of Failure to Provide Identification as it relates to this issue against Officer Kermit Ward be assigned a finding of ‘NOT SUSTAINED’ (the investigation failed to prove or disprove that the alleged act(s) occurred).
BOARD VOTES ON FAILURE TO PROVIDE IDENTIFICATION AGAINST OFFICER KERMIT WARD
It was moved by Pitre moved to accept staff recommendation of Not Sustained against Officer Ward as it relates to this issue. McDaniel seconded. Hearing no discussion, the vote was called and approved by Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams. Motion carried.

C. ALLEGATION OF CONDUCT AGAINST OFFICER KERMIT WARD AND HANTZ JEAN-PIERRE
The allegation of Conduct relates to Officers Ward and Jean Pierre threat to kill the Complainant’s dog and intimidating her children.

ACRB Staff Recommendation:
The allegation of Conduct as it relates to this issue against Officers Ward and Jean Pierre be assigned a finding of Sustained (the investigation established by a preponderance of the evidence that the officers committed the alleged act(s) of misconduct).

BOARD VOTES ON ALLEGATION OF CONDUCT AGAINST OFFICER KERMIT WARD AND HANTZ JEAN-PIERRE
It was moved by Boyce to accept staff recommendation of Sustained against Officers Ward and Jean Pierre as it relates to this issue. Hardy seconded. Hearing no discussion, the vote was called and approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams). Motion carried.

D. ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES AGAINST OFFICER KERMIT WARD
The allegation is related to Officer Ward’s failure to activate his Body Worn Camera (BWC) and record his encounter with the Complainant’s children.

ACRB Staff Recommendation:
The allegation of Violation of Dept. Standard Operating Procedures against Officer Ward as it relates 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 ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES AGAINST OFFICER KERMIT WARD
It was moved by Hardy to accept staff’s recommendation to “Sustain” the allegation. Boyce seconded.
It was moved and properly seconded. No discussion and the vote called. The motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

E. DISCIPLINARY HISTORY OF THE OFFICERS

Disciplinary History for Officer Ward:
Ward has been with the APD since February 9, 2012. Within the past five years, he has had 11 complaints and 10 were citizen complaints. Included in the 10 citizen complaints, is tonight’s complaint. APD has since concluded their investigation regarding this complaint and he received a written reprimand for the BWC; however, it was not sustained for the comment. The discipline would be considered a Category A.

Disciplinary History for Hantz Jean Pierre:
Officer Jean-Pierre has been with the APD since May 2017, and he does not have a disciplinary history.
F. BOARD VOTES ON DISCIPLINE AS IT RELATES TO THE SUSTAINED VOTE OF CONDUCT AGAINST OFFICERS KERMIT WARD AND HANTZ JEAN-PIERRE

Regarding Officer Ward, it was moved Hardy to recommend an oral reprimand. McDaniel seconded. Hearing no questions, the vote was called, and the motion was approved by Boyce, Hardy, Hopkins, McDaniel, Williams. There were two opposing votes: Groves and Pitre. Motion carried.

Regarding Officer Jean-Pierre, it was moved by Hardy to recommend an oral reprimand. Pitre seconded. Hearing no questions, the vote called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

G. BOARD VOTES ON DISCIPLINE AS IT RELATES TO THE SUSTAINED VOTE OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES AGAINST OFFICER KERMIT WARD

It was moved by Williams to recommend a written reprimand and training on the proper use of Body Worn Cameras (BWCs). McDaniel seconded. No discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

ACRB CASE #18-024
(Investigated by Sheena Robertson)

The male Complainant alleged that on March 2, 2018, APD Officer Lemuel Gardner: 1) harassed him when he falsely accused him of impeding traffic and demanded his identification, and 2) failed to respond to his request for a supervisor.

The Complainant further alleged that both Officer Lemuel Gardner and Lieutenant John Ellis refused to provide their name and badge numbers upon his request.

A. ALLEGATION OF HARASSMENT AGAINST OFFICER LEMUEL GARDNER
The allegation relates to impeding traffic and demanded the Complainant’s identification.

ACRB Staff Recommendation:
The Harassment allegation against Officer Lemuel Gardner be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or proper with Department policy).

BOARD VOTES ON ALLEGATION OF HARASSMENT AGAINST OFFICER LEMUEL GARDNER
It was moved by Boyce to accept staff’s recommendation to “Exonerate” Officer Gardner. Hopkins seconded. It was moved and properly seconded. No discussion and the vote called. The motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

B. ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES (SOPs) AGAINST OFFICER LEMUEL GARDNER
The allegation relates to the officer’s refusal to respond to the Complainant’s request for a supervisor.
ACRB Staff Recommendation:
The ACRB staff recommends that the allegation of Violation of Dept. SOPs as it relates to Officer Lemuel Gardner’ regarding this issue, be assigned a finding of “Unfounded” (the investigation established that the officer did not commit the alleged acts of misconduct).

BOARD VOTES ON STAFF RECOMMENDATION OF UNFOUNDED REGARDING THE ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES (SOPs) AGAINST OFFICER LEMUEL GARDNER

It was moved by Hardy moved to accept staff recommendation of “Unfounded” as it relates to this issue. Groves seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

C. ALLEGATION OF FAILURE TO PROVIDE IDENTIFICATION AGAINST OFFICER LEMUEL GARDNER AND LIEUTANT JOHN ELLIS

The allegation relates to the officer’s refusal to respond to the Complainant’s request for a supervisor.

ACRB Staff Recommendation:
The ACRB staff recommends that the allegation of Failure to Provide Identification as it relates to Officer Lemuel Gardner and Lt. John Ellis regarding 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 TO SUSTAIN THE ALLEGATION OF FAILURE TO PROVIDE IDENTIFICATION AGAINST OFFICER LEMUEL GARDNER AND LIEUTANT JOHN ELLIS

It was moved by McDaniel moved to accept staff recommendation of Sustained as it relates to this issue. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

D. DISCIPLINARY HISORY OF THE OFFICERS

Disciplinary History for Officer Lemuel Gardner:
Officer Gardner is no longer with the department. He left in 2018; however, he started with the department January 7, 2016. He had eight (8) complaints, six (6) of them were citizen complaints. The discipline is a category ‘A.’

Disciplinary History for Lt. John Ellis:
Lt. Ellis has been with the APD since February 16, 1999. Six complaints within the past five (5) years. Three of the five were sustained. The discipline is a category ‘A.’

E. BOARD VOTES ON DISCIPLINE AS IT RELATES TO THE SUSTAINED VOTE OF FAILURE TO PROVIDE IDENTIFICATION AGAINST OFFICER LEMUEL GARDNER AND LIEUTANT JOHN ELLIS

Regarding Officer Gardner, it was moved by Hopkins to recommend a written reprimand and training on SOP. Boyce seconded. Following a question, the vote was called, and the motion was approved by Boyce, Hardy, Hopkins, McDaniel, Williams. There was one opposing vote from Pitre. Motion carried.
Regarding Lt. Ellis, it was moved by Pitre to recommend an oral reprimand. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously (Boyce, Hardy, Hopkins, McDaniel, Williams, Groves, Pitre).

ACRB CASE #18-035  
(Investigated by Sheena Robertson)

The female Complainant alleged that on April 1, 2018, APD Officers Harold King, Jinu Lee and Stephen Garrett-Whitworth failed to provide adequate service when they responded to her 911 call for assistance involving a hit and run accident.

A. ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICERS HAROLD KING, JINU LEE AND STEPHEN GARRERTT-WHITWORTH

The allegation relates to the officers’ failure to provide adequate service.

ACRB Staff Recommendation:
The ACRB staff recommends that the allegation of Appropriate Action Required against Officers Harold King, Jinu Lee and Stephen Garrett-Whitworth as it relates to this issue be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or proper with Department policy).

BOARD VOTES ON STAFF RECOMMENDATION FOR THE OFFICERS TO BE EXONERATED REGARDING THE ALLEGATION OF APPROPRIATE ACTION REQUIRED

It was moved by Boyce to accept staff’s recommendation to “Exonerate” the officers. Pitre seconded. Following a question, the vote was called, and the motion was approved by Boyce, Groves, Hopkins, Pitre, Williams. There were two opposing votes from Hardy and McDaniel. The motion carried five votes to two.

B. ALLEGATION OF VIOLATION OF DEPT. STANDARD OPERATING PROCEDURES AGAINST OFFICERS HAROLD KING, JINU LEE AND STEPHEN GARRERTT-WHITWORTH

The allegation relates to the officers’ failure to place a lookout with dispatch for the suspected vehicle involved in the hit and run, thereby in violation of APD.SOP.4010, Section 4.18.11(1).

ACRB Staff Recommendation:
The ACRB staff recommends that the allegation of Violation of Dept. SOPs against Officers Harold King, Jinu Lee and Stephen Garrett-Whitworth as it relates to this issue be assigned a finding of “Sustained” (the investigation established by a preponderance of the evidence that the officers(s) committed the alleged acts of misconduct).

BOARD VOTES ON STAFF RECOMMENDATION OF SOP VIOLATIONS ALLEGED AGAINST OFFICERS KING, LEE, AND WHITWORTH

It was moved by McDaniel to accept staff’s recommendation to “Sustained” the allegation against the officers as it relates to this issue. Groves seconded. Following the discussion, the vote was called, and the motion was approved by McDaniel, Groves, Hopkins, Pitre, Williams. There was one opposing vote from Boyce. Hardy did not vote opting to abstain without explanation. The motion carried five votes to two.
C. OFFICERS DISCIPLINARY HISTORY

**Officer Harold King:**
Off. King has been with the department since November 16, 2004. He has had three (3) complaints within the past five years. Of the three complaints, one was a citizen complaint. The discipline is a category ‘A.’

**BOARD VOTES ON SUSTAINED ALLEGATION AGAINST OFFICER KING**
It was moved by Boyce to recommend an Oral Admonishment and Training on the SOP against Officer King. Hardy seconded. Hearing no further discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

**Officer Jinu Lee:**
Officer Lee has been with the department since December 18, 2014. He has had seven (7) complaints within the past five years. Three citizens complaint and four vehicle accidents. The discipline is a category ‘A.’

**BOARD VOTES ON SUSTAINED ALLEGATION AGAINST OFFICER LEE**
It was moved by Pitre to recommend an Oral Admonishment and Training on the SOP against Officer Lee. McDaniel seconded. Hearing no further discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

**Officer Stephen Garrett-Whitworth:**
Officer Whitworth has been with the department since November 17, 2016. Three complaints within the past five (5) years. The discipline is a category ‘A.’

**BOARD VOTES ON SUSTAINED ALLEGATION AGAINST OFFICER WHITWORTH**
It was moved by Williams to recommend an Oral Admonishment and Training on the SOP against Officer Whitworth. McDaniel seconded. Hearing no further discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

**ACRB CASE #18-047**
*(Investigated by Sheena Robertson)*

The Complainant alleged that on April 8, 2018, during a traffic stop, his vehicle that he described as “Private Property” was illegally impounded by APD Officers Brandon Jackson and Justin Michael.

The Complainant further alleged that after his vehicle was impounded, Officers Jackson and Michael left him stranded on the side of the road without any transportation.

**A. ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER BRANDON JACKSON (Part-1)**
The allegation relates to the vehicle impounded claim.

**ACRB Staff Recommendation:**
As it pertains to Officer Brandon Jackson, the ACRB staff recommends that the allegation of Appropriate Action Required as it relates to this issue be assigned a finding of “Exonerated” *(the investigation established that the alleged act(s) occurred but were justified, legal or proper within Department policy).*
ACRB Staff Recommendation:

As it pertains to Officer Michael, it was discovered 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 and was acting at the direction of Officer Jackson. Therefore, it is recommended that the allegation of Appropriate Action Required, as it relates to this issue, against Officer Justin Michael be assigned a finding of “Unfounded” (the investigation established that the officer did not commit the alleged act of misconduct).

BOARD VOTES ON STAFF RECOMMENDATION TO EXONERATE OFFICER BRANDON JACKSON

It was moved by McDaniel to accept staff recommendation to “Exonerate” Officer Jackson as it relates to this issue. Boyce seconded. Hearing no discussion, the vote was called, and the motion was approved by Boyce, Groves, Hardy, McDaniel, Pitre, Williams. Motion carried with one member, Hopkins, deciding not to vote opting instead to abstain without providing an explanation.

BOARD VOTES ON STAFF RECOMMENDATION REGARDING OFFICER JUSTIN MICHAEL

It was moved by McDaniel to accept staff recommendation to assign a finding of “Unfounded.” Boyce seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

B. ALLEGATION OF APPROPRIATE ACTION REQUIRED AGAINST OFFICER BRANDON JACKSON AND OFFICER JUSTIN MICHAEL (Part-2)

The allegation relates to the claim of being left stranded on the roadway.

ACRB Staff Recommendation:

The ACRB staff recommends that the allegation of Appropriate Action Required against Officers Brandon Jackson and Justin Michael as it relates to this issue be assigned a finding of “Unfounded” (the investigation established that the officers did not commit the alleged act of misconduct).

BOARD VOTES TO ACCEPT STAFF’S RECOMMENDATION OF UNFOUNDED AGAINST OFFICERS BRANDON JACKSON AND JUSTIN MICHAEL.

It was moved by Hardy to accept the staff’s recommendation of Unfounded as it relates this issue regarding Officers Jackson and Michael. Williams seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously (Boyce, Groves, Hardy, Hopkins, McDaniel, Pitre, Williams).

ACRB CASE #18-095
(Investigated by Tonya Richardson)

On September 26, 2018, a female Complainant filed a complaint with the ACRB alleging that APD’s Office of Professional Standards (“OPS”) failed to conduct an adequate investigation in to her complaint against Officer Mason Mercure involving an incident that occurred on April 5, 2017 whereby, he failed to complete an accurate report.

The ACRB could not investigate the April 5th incident due to Ms. Wynn’s failure to file her complaint within the 180 days of the incident. However, the ACRB agreed to review the OPS investigation to determine if an adequate investigation into her complaint was conducted.
ACRB Staff Recommendation and Review Conclusion:
The review of the OPS investigative file pertaining to Ms. Wynn’s complaint did not reveal any deficiencies in their investigation into her complaint and it is recommended that this matter be closed for lack of merit.

BOARD VOTES ON STAFF RECOMMENDATION AND REVIEW CONCLUSION
It was moved by McDaniel and seconded by Pitre to accept staff’s recommendation to close the matter due to a lack of merit. Hearing no discussion, the vote was called, and the motion was approved by Boyce, Groves, Hardy, McDaniel, Pitre, Williams. The motion carried with Hopkins deciding not to vote but opting instead to abstain without explanation.

PUBLIC COMMENTS

First Speaker: Mr. Chris Thomas
First, I’d like to thank you for what you are trying to do; however, I have a couple of issues I want to raise. When I filed my complaint, I required the ACRB not to considered whether the police violated their policy but whether they violated the law. Those are two different things. Under the APD SOP policy, they are allowed to shoot an unarmed person and not even go to jail for it. That example may be an extreme but that is under their SOP policy. If someone’s private automobile, which the Supreme Court has ruled, is an extension of their home, the law states that any policing agency will have to acquire a warrant from a judge in order to take possession of their property. I realize one officer was in training and when I asked for a supervisor, a third party came on the scene. They agreed for whatever reason that they were going to take my private automobile. I am a person with both physical and mental challenges. My handicapped sticker was displayed when my automobile was taken. There was no crime committed. According to the law, a crime is committed when one individual with criminal intent or who has injured another individual and/or their property…I had not injured anyone and/or their property. A warning or a citation would have been significantly enough to address whatever issue they felt or deemed necessary to take my property without due process. They did leave me stranded without transportation. My efforts to get a way home was to call my sister in New Orleans to get an Uber to pick me up. They broke the law when they left me stranded. When you break the law, you should be held accountable. Ignorance of the law is no excuse. The response that came to my house through the mail, came to me with APD’s return address and logo on the letterhead. Is that really allowing this group to have oversight over the department if, in fact, the department that is responding to the outcome rather than this governing body?

Second Speaker: Ms. Ronda Willis
I think this is a great opportunity for me. I came from California in 2004 and I was in a program at People TV called “People Helping Strangers.” I have a complete passion to help the homeless, but I have been going through hell since I have been here trying to help the homeless. I have been arrested and my son has been arrested. I have also been beaten up by cops in Cobb County. I was so afraid, and I didn’t know what to do. I had to call the CEO of People TV to get me out of jail. Every time I have tried to get a job, or find somewhere to live, the arrest and allegations keep coming up even though they were dismissed. I have a disability. I have seizures and at times my disability prevents me from helping my son. Due to the pressure of gangs, he was in trouble a lot. I couldn’t do anything because I was sick, so he was put in foster care. During that time, he was bully into becoming a gang member. He was arrested July 3rd at the Marta Station and I tried to explain to the Police that the gang was trying to initiate him, and his back was against the wall because he was afraid. But they arrested him anyway. I’m better now and I want to help him and get him out of jail. I need to know what I can do to get him some help?

For the record: It should be noted that information was provided to Ms. Willis pertaining to her request.
ANNOUNCEMENTS:

(Williams) Mayor Bottoms will host the third of three “Community Conversations with Senior City Officials.” The meeting will be Thursday, March 28, at 6:30 p.m., at the Easley Conference Pavilion located on the Atlanta Metropolitan State College campus, Edwin C. Thompson Student Activity Center, Building 80, 1630 Metropolitan Parkway.

ADJOURNMENT

It was moved by Hopkins to adjourn. Williams seconded. The meeting adjourned at 7:23 p.m.