During the January 2020 ACRB meeting, a Board member made a comment that citizens have the right to resist an unlawful arrest. While many members of the Board and public were taken aback by the statement, according to the law, the Board member is correct.

Like our May 2015 campaign entitled “Don’t Run,” the member’s comment provoked sharp feelings because of the realities of law enforcement’s treatment of black men and women. An overwhelming number of people around the country supported the campaign; however, some critics protested that people had a legal right to run and that we couldn’t tell them not to run. A few Councilmembers joined the critics voicing the same. When you tell someone you have a right to resist, there is so much to unpack with the comment that the agency would be remiss to not address the reality of the right to resist an unlawful arrest.

The right to resist an unlawful arrest has a long history in Georgia. It is an important and necessary right. It protects citizens from abuse at the hands of an officer who is not performing an official duty arrest or detention based on probable cause or articulable suspicion or a rogue officer. Moreover, it protects citizens from excessive charging (battery/obstruction of a law enforcement officer) piled on during an illegal arrest.

Furthermore, the right to resist an unlawful arrest protects citizens from additional charges stemming from the natural reaction of protecting oneself from an officer’s excessive use of force. While we cannot say that there is never a reason to resist an arrest, citizens should be cautioned with exercising the right to resist what they believe to be an unlawful arrest because most often the consequences that will occur during and after the arrest could be avoided. Death, injuries, and additional charges are the likely consequences one can experience from resisting.

CORONAVIRUS SHUTS DOWN ATLANTA CITY HALL AS EMPLOYEES WORK FROM HOME

On Monday, March 23rd, Mayor Bottoms issued a stay-at-home order in response to the novel coronavirus. During these uncertain times, the ACRB is still open to assist should you have a concern about the actions of an Atlanta police or corrections officer. If you have a complaint, go to acrbgov.org and click the “File a Complaint” tab on the menu bar at the top of the page. If you have a general question, use our "Comment" button on the bottom left side of the screen. Our staff is available and ready to serve your needs. To find out what the City of Atlanta is doing in response to the Coronavirus (COVID-19), please visit the city’s website: www.atlantaga.gov.

Atlanta City Council, which authorized the creation of the ACRB in 2007, produced a comprehensive COVID-19 how-to video guide for its citizens and employees living and working from home.
CITY OF ATLANTA PUBLIC DEFENDER’S OFFICE OFFERS A PARTNERSHIP WITH ACRB

Speaking before a meeting of the Board, Kenneth Days III, Director of the Municipal Court of Atlanta’s Office of the Public Defender, offered to partner his agency with the ACRB. The Public Defender Office provides legal representation services for those who cannot afford an attorney and are entitled to legal defense at the public's expense. The office is responsible for representing indigent defendants who are accused of violating various city ordinances. "We’re not just waiting for somebody to have a case," Days explained, "we’re actually out in the community on a weekly basis, meeting clients where they are, in some instances trying to be proactive so that person never becomes a client.

Usually, if you have a police encounter, most people can tell the story about an interaction with police because of a traffic stop," Days continued, "so, we’re right there on the front line with that. The second most common way you’re going to have a police/citizen encounter is in your community. Because we are in these communities and for the City of Atlanta, from a demographic standpoint, those communities where police/citizen encounters tend to be highest are the poor and more minority communities. That represents about 98 percent of our client base. So, we're typically on the front lines of persons that may have a negative experience with that. We see we are a good fit for a collaboration with the Board.

In terms of information-sharing, Days also noted, “Our office is in a position of trust. If there is something to share, we more than likely, will be the first person that that person is going to share that issue with. So, we see there are some collaborative ways that we can help not only shine more light on some of these police/citizen encounters, but also do something to educate folks about the fact that this is a service that does exist and it’s something that's beneficial to them.”

IMAGES FROM THE 2020 ACRB ARTS & ESSAY CONTEST

WIN BIG PRIZES! ANYONE CAN ENTER! GO TO ACRBGOV.ORG FOR DETAILS
INTERVIEW: JUDGE DAVID HOORT (RETIRED)
LEGAL ADVISOR TO THE ACRB EXECUTIVE DIRECTOR

For more than a quarter century, in State District Courts and Circuit Courts, Retired Judge David Hoort presided over thousands of civil, criminal and appellate cases. Since November 2019, ACRB has been honored to have Judge Hoort serve as the Legal Advisor to the Executive Director.

ACRB: In terms of background, what would you consider to be the highlights of your 26-year career on the bench?

Judge Hoort: One of the things that I took great pride in was always responding to inquiries that I would receive more times than not from disenfranchised people that were either prior litigants, witnesses, family members, people that were in prison and people who just believed the system did not give them a fair shake. I take great pride in that I responded to every inquiry that I received over my tenure as a judge.

ACRB: As a lawyer and retired judge, what do you believe is the greatest challenge in improving citizen and police officer relations?

Judge Hoort: I believe it's the ability to communicate, to understand the position of the other side. It seems citizens feel they were not respected by the officer, and likewise, officers believe citizens just don't understand how hard it is to be a police officer. So, to me it's the communication, getting people on the same page, and the more they understand each other, I think the more they can work together and become a better police force and support the community.

ACRB: What made you become interested in civilian oversight, particularly, the ACRB's work?

Judge Hoort: I saw a sign, sort of speak, on a park bench and was interested and curious as to what it was. So, I went online, checked out the website. The more I read, the more I learned, the more I wanted to be part of that. It really encompasses so much of what I did as a judge. It also encompassed what I did as the assistant prosecutor back in Michigan, many times speaking or working in behalf of police officers; and then likewise, as a defense attorney, representing civilians that many times had a legitimate complaint against a police officer. So, the more I got into it, the more it just seemed, wow, this is something worth pursuing. It's as important as anything I can think of in the criminal justice community.

ACRB: The ACRB, as you know, has a mediation program to assist citizens and officers resolve certain complaints. How do you believe this type of resolution for certain complaints is beneficial for citizens and officers?

Judge Hoort: It really serves a legitimate purpose of getting both sides to the table and by that maybe understanding what the other side is trying to say. When you actually sit at the table, hopefully listen to the other side, get an opportunity to speak your position, and then have a professional mediator who works with the two parties, and by that helps them to understand each other and maybe work toward a compromise or resolution that both sides are satisfied with. I really believe in the mediation program.

ACRB: What would you like to contribute to the success of the ACRB?

Judge Hoort: I would like to see the City of Atlanta allow our Executive Director to require mediation in many, if not all cases. Certainly, if there is a shooting or a very serious type of incident, mediation may not be appropriate. However, so much of what we see just is…that lack of communication, that lack of understanding and the lack of respect. If we could increase the mediation a hundredfold, or a thousandfold, whatever, to me, it would really help people to understand each other, whether it's a police officer or a civilian. The other thing I would like to see is the Citizen Review Board expand its review of cases. We really should be doing a review of any type of officer shooting or incident where there is a serious injury or death. I don't want to interfere with any police investigation, but I think that it's very important that the community and the police see that an independent, neutral, unbiased body does a thorough investigation and then reviews the case. I would also like to see us work with the police department, so far as, doing some reviews that really are not necessary to go likewise, through the department itself. I think that would be a benefit to the police department and a benefit to the community. It would certainly save resources. What they (police) would really benefit from is an independent neutral body such as the ACRB, conducting the investigation and reporting back to the Chief of Police. I'm not saying that we should substitute our opinion for hers (Chief of Police), so far as, what would be an appropriate penalty, but I am saying we are more able to do an investigation and a review than any other agency to my knowledge.
KNOW YOUR RIGHTS AND BE HEARD!

The keyword in the Atlanta Citizen Review Board is CITIZEN. The agency is only as effective as the level of Citizen involvement. ACRB urges all Citizens to regularly monitor, question and support its work. Therefore, ACRB urges all Citizens to know where your elected officials stand on civilian oversight related to police and corrections. It is so important for Citizens to be registered and vote and that is why Citizens need to join and be active in community groups. Get involved in Neighborhood Planning Units (NPUs). Attend Public Safety meetings and attend Atlanta City Council meetings and fill the chambers to capacity when Council votes to fund issues that matter to Citizens like you. Attend KNOW YOUR RIGHTS Training Workshops and become a member of the ACRB Board. Currently, there are two vacancies. Contact ACRB for details. Thank you, Citizens of Atlanta, for your continued support.

AN ACRB TESTIMONAL

“In today’s world…good service is appreciated.”

Michael Shain is a mortgage officer from Milford, Massachusetts. He was visiting Atlanta on vacation with his wife in May 2019 when he discovered that his American Express card was missing. He put a hold on his account. Two hours later, AMEX reported to him that several large charges were made on his account. Shain went to the APD, filled out a police report and was told he would receive a response in ten days. There was no response in that time. He made repeated calls to the APD, but there were no updates. "I had to be the one to initiate the phone calls to see what was happening," said Shain. He even wrote letters to mayor and police chief about the lack of response. "Atlanta wants tourists. Crime doesn't help tourism. I just didn't think my case was given a priority. Consumers, should be protected." Weeks later, out of frustration, Shain contacted a local consumer investigator who referred him to the ACRB. He filed a complaint with the agency. Shain says the response was "very good, I was very impressed. They got back to me right away." ACRB investigators determined the detective who was assigned to the case, failed to conduct an adequate investigation into the theft of his credit card. The Board accepted the staff recommendation and called for a written reprimand and training on proper procedures against the detective. AMEX restored the funds to Shain's account. Shain wanted to be clear that he has high regard for all first responders, especially now. Nevertheless, “In today's world, good service is appreciated.”

TRACEEE MCDANIEL EARNs FIRST IVORY LEE YOUNG AWARD

Kudos to Board Vice Chair Tracee McDaniel for earning the first Ivory Lee Young, Jr. Award for community service. It is the first such award named in honor of the late Atlanta City Councilman who played a pivotal role in the establishment of the ACRB following the shooting death of Kathryn Johnston, a 92-year old grandmother, in her Vine City home by corrupt officers of the Atlanta Police Department more than a decade ago. Young always stressed that citizens should play an active role in their communities, especially in low income areas that experience a higher rate of police/citizen interactions.

Young's sister, Vanessa Manley, attended the brief award ceremony for McDaniel before the Board. Manley said "Thank you so much for recognizing him in this special way. Thank you to the Orange family for informing me about this honor. Just continue to do the work that we were called to do that he was so passionate about.”

McDaniel exceeded her fellow Board members in identifying the most ACRB outreach events for the staff in 2019 which exposed citizens to the many programs and services of the agency. McDaniel was clearly touched by the gesture. "I just really appreciate this, thank you so much. It means a lot," said McDaniel as she hugged Executive Director Reid who awarded the first Ivory Lee Young, Jr. trophy to McDaniel.

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Tracee McDaniel is photographed with Vanessa Manley and ACRB Executive Director Lee Reid