ATLANTA CITIZEN REVIEW BOARD
MINUTES OF THE JANUARY 2020 BOARD MEETING
Frazer Center
1815 S Ponce De Leon Avenue, NE
Atlanta, Georgia 30307
January 9, 2020
6:30 p.m.

The Atlanta Citizen Review Board (ACRB) meeting for the month of January was called to order at 6:33 p.m. by Chair Houston-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, Board Secretary (Office of the Mayor)
TRUDY BOYCE (City Council President’s Office) SHERRY WILLIAMS (APAB, NPU Group G-L)
JAMES HARDY (APAB, NPU Group A-F) GLORIA HAWKINS WYNN (Atlanta City Council)

ACTIVE MEMBERS ABSENT
Germaine Austin (Gate City Bar Association) - Absent without Notification
Keith Hasson (Atlanta Bar Association) - Absent without Notification
MICHAEL HOPKINS (APAB, NPU Group S-Z)

VACANT BOARD SEATS
Confirmation Pending-Atlanta Business League (Two (2) years and four (4) month)
APAB, NPU (Group M-R) (Two (2) month)
Urban League of Greater Atlanta (Two (2) month)

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); MADISON TRICE, Administrative Assistant, (Trice); MAJOR C. HAMPTON (Major Hampton), head of APD, Office of Professional Standards) and LIEUTENANT SCOTT JIMENEZ (Lt. Jimenez), APD, Office of Professional Standards; MAJOR D. VILLAROEL (Major Villaroel), APD, Commander, ZONE 6
FOR THE RECORD:
- 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 or to ensure a quorum.

APPROVAL OF MINUTES FOR DECEMBER 12, 2019 BOARD MEETING

McDaniel moved to accept the minutes. Hardy seconded. Hearing no discussion, the vote was called, and the motion was approved unanimously by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

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:

- Reid welcomed Major C. Hampton, head of APD, Office of Professional Standards. Major Hampton joins OPS replacing Major Carver Tyus.
- Request for Special Call Meeting (January 28 or 29 and February 25 or 26)
  We will need to have a special meeting during the month of January and February to reduce the number of completed investigations waiting to be heard. We currently have 19 complaints that need to go before the Board.

  Special call meetings dates being proposed: January 28 or 29 and February 25 or 26. If we did special call meeting in both January and February, we will reduce the current number of pending cases by 10; however, at least four (4) completed investigations will be added to the pending list for the month.

  Seven (7) board members are needed to volunteer and attend the special call meeting. Members were asked to identify which specific dates they could meet.

- MLK March January 20, 2020
  Please be on the lookout for information about the 2020 MLK March, January 20, 2020. The march is one of the ACRB’s annual events. Board members participation in the march is very important and always welcomed. For those who have never participated, Reid indicated that if a member participated in the event, it would count as one of the three community outreach activities members are required to fulfill. Reid said, “We want to have a good representation of board/staff and supporters this year. We need you.”

- Frazer Center, Community Host for ACRB Meeting
Reid thanked the Frazer Center for hosting the ACRB community meeting. The center is in heart of Atlanta at 1815 S. Ponce de Leon Avenue. The center’s Director Bill Payne welcomed everyone and provided some information about the center and its purpose. He explained that the Frazer Center is a center for the developmental disabled. They are committed to fostering educational, vocational, and social opportunities for people of diverse backgrounds with developmental disabilities. The Frazer Center fosters inclusive communities where children and adults, with and without disabilities, gather, learn, and flourish.

The Chair thanked Mr. Payne and the Center for hosting the meeting.

Following the ED’s Report, Reid introduce Special Agent Andrew M. Benjamin, of the Atlanta Federal Bureau of Investigation (FBI) Field Office, Civil Rights Division for a special presentation to the board.

Special Agent Benjamin and two members of his staff made a special presentation to the board on its “Color of Law” work. The following is information on Color of Law Violations:

The FBI is the lead federal agency for investigating color of law violations, which include acts carried out by law enforcement officers and government officials. Officers and officials have the authority to enforce the law and ensure justice in the United States. They can detain, arrest suspects, search and seize property, bring criminal charge and use deadly force in certain situations. They have a great deal of power.

Preventing abuse of this authority is important to our democracy. That’s why it’s a federal crime for anyone acting under “color of law” to willfully deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law. “Color of law” simply means the person is using authority given to him or her by a local, state, or federal government agency.

Those violations include, but are not limited to, the following acts:

- **Excessive force:** In making arrests, violations of federal law occur when it can be shown that the force used was willfully “unreasonable” or “excessive.”
- **Sexual assault:** Sexual assault by officials acting under color of law can happen in jails, during traffic stops, or in other settings where officials might use their position of authority to coerce an individual into sexual compliance.
- **False arrest and obstruction of justice:** The Fourth Amendment of the U.S. Constitution guarantees the right against unreasonable searches or seizures. A law enforcement official using authority provided under the color of law can stop individuals and, under certain circumstances, to search them and retain their property. It is in the abuse of that discretionary power—such as an unlawful detention or illegal confiscation of property—that a violation of a person’s civil rights may occur. Fabricating evidence against or falsely arresting an individual also violates the color of law statute, taking away the person’s rights of due process and unreasonable seizure.
- **Deprivation of medical care:** Individuals in custody have a right to medical treatment for serious medical needs. An official acting under color of law who recognizes the serious medical need, but knowingly and willfully denies or prevents access to medical care may have committed a federal color of law violation.
- **Failure to keep from harm:** If it’s shown that an official willfully failed to keep an individual from harm, that official could be in violation of the color of law statute.

Citizens are encouraged to file a “Color of Law” complaint by contacting the local FBI office by telephone, in writing, or in person. Special Agent Benjamin will follow-up with the Board for a second presentation.

INTAKE REPORT FOR THE MONTH OF DECEMBER
Investigation Manager Robertson reported that for the month of December 2019, the ACRB received fourteen (11) complaints. However, recommending outright dismissal for (4) for the following reasons:

A. COMPLAINT DISMISSALS

1. ACRB COMPLAINT NO. 19-144  
   Allegation: False Arrest  
The male complainant alleged that on December 29, 2018, he was falsely arrested for murder by APD officers.  
   Staff recommends dismissal because complaint is time barred.

2. ACRB COMPLAINT NO. 19-145  
   Allegation: False Arrest  
The male complainant alleged that he was arrested by APD on November 24, 2018 for sexual battery.  
   Staff recommends dismissal because complaint is time barred.

3. ACRB COMPLAINT NO. 19-146  
   Allegation: Inadequate Investigation  
The male complainant alleged that the APD’s Office of professional Standards (“OPS”) investigation into an incident that occurred on November 26, 2018 involving himself and an APD sergeant was inadequate.  
   Preliminary investigation revealed that the male complainant is employed as an officer with APD and the matter involves an employee and employer.  
   Staff recommends dismissal for lack of jurisdiction

4. ACRB COMPLAINT NO. 19-153  
   Allegation: False Arrest  
The male complainant alleged that he was falsely arrested on June 19, 2017 by East Point police officers.  
   Staff recommends dismissal for lack of jurisdiction.

SPECIAL NOTE FOR THE RECORD: Regarding 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 (2 out of 11 Complaints)

1. ACRB COMPLAINT NO. 19-149  
   Allegation: Damaged Property  
The female complainant alleged that in November 2019, while executing a search warrant at the nearby residence (392 Elm Street), APD officers caused damage to her home (396 Elm Street).  
   Awaiting the female complainant signed complaint. If the complaint received within the next few weeks and has merit, then recommend investigation as an Appropriate Action Required complaint.

2. ACRB COMPLAINT NO. 19-150  
   Allegation: False Arrest  
The female complainant alleged that on November 1, 2019, she was arrested as a result of the APD officers submitting duplicate citations to the Atlanta Municipal Court.
Awaiting the female complainant’s signed complaint. If the complaint is received within the next few weeks and has merit, then **recommend investigation as an Appropriate Action Required** complaint.

C. COMPLAINTS THAT ARE SIGNED (5 out of 11 complaints)

1. **ACRB COMPLAINT NO. 19-143**  
   **Allegation:** False Imprisonment & Inappropriate Computer Check  
   The female complainants alleged that on November 19, 2019, an Atlanta Police Department (“APD”) officer unlawfully stopped and detained them. They also alleged the officer inappropriately ran their names. **Staff recommends investigation as an False Imprisonment & Appropriate Action Required** complaint.

2. **ACRB COMPLAINT NO. 19-147**  
   **Allegation:** Unlawfully Detained  
   The male complainant alleged that on December 6, 2019, he was unlawfully stopped and detained by an APD officer. **Staff recommends investigation as an False Imprisonment** complaint.

3. **ACRB COMPLAINT NO. 19-148**  
   **Allegation:** Failure to Act  
   The male complainant alleged that on December 6, 2019, an APD officer failed to act when the officer refused to take his complaint against an Ambassador Force officer who was retaliating against him. **Staff recommends investigation as an Appropriate Action Required** complaint.

4. **ACRB COMPLAINT NO. 19-151**  
   **Allegation:** Failure to Act  
   The male complainant alleged that on December 11, 2019, an APD officer failed to act when the officer responded to his call pertaining to an issue with the Ambassador Force officer. **Staff recommends investigation as an Appropriate Action Required** complaint.

5. **ACRB COMPLAINT NO. 19-152**  
   **Allegation:** Failure to Act & False Arrest  
   The male complainant alleged that on December 11, 2019, an APD officer failed to act when the officer responded to his call pertaining to an issue with the Ambassador Force officer. **Staff recommends investigation as an Appropriate Action Required** complaint.

*Hardy* moved to accept the Intake Report for December 2019. *Hawkins-Wynn* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.*

CASE REVIEWS FOR THE MONTH

ACRB CASE NO. 19-008  
*(Investigator Ronald Jackson)*

The male complainant alleged that on January 19, 2019, Atlanta Police Officer Joshua Williams falsely arrested him at the Mechanicsville Library.
He also alleged that during the arrest, Officers Joshua Williams, Gary Baker, Carl Harp, Wesner Agenor, James Dimaso, Roderick Mack and Sgt. Robert Godwin used excessive force when they tased him, struck and kicked him, pepper sprayed him and slammed him onto the ground.

He then further alleged that the afore-mentioned officers used abusive language towards him during his arrest.

A. ALLEGATION OF APPROPRIATE ACTION #1

**Issue:** Mr. Sidney James’ allegation that Officer Joshua Williams falsely arrested him.

The ACRB staff recommends that the allegation of Appropriate Action Required against Officer Williams related to this issue be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal, or properly within Department policy).

**BOARD VOTES OF STAFF RECOMMENDATION TO FIND THE ALLEGATION “EXONERATED”**

*Williams* moved to accept staff’s recommendation of “Exonerated.” *Boyce* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams*.

B. ALLEGATION OF EXCESSIVE FORCE #1

**Issue:** Mr. James’ allegation that during his arrest, Officers Williams, Gary Baker, Carl Harp, Wesner Agenor, James Dimaso, Roderick Mack and Sgt. Robert Godwin engaged in excessive force when they tased him, struck and kicked him, pepper sprayed him and slammed him on the ground.

The ACRB staff recommends that the allegation of Excessive Force against all the officers be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or properly within Departmental policy).

**BOARD VOTES ON STAFF RECOMMENDATION TO FIND THE ALLEGATION “EXONERATED”**

*McDaniel* moved to accept staff’s recommendation of “Exonerated.” *Williams* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams*.

C. ALLEGATION OF ABUSIVE LANGUAGE #1

**Issue:** Mr. James’ allegation that during the incident, Officers Williams, Baker, Harp, Agenor, Dimaso, Mack and Sgt. Godwin were verbally abusive towards him.

The ACRB staff recommends that the allegation of Abusive Language against all the officers be assigned a finding of “Unfounded” (the investigation proved that the alleged act(s) did not occur).

**BOARD VOTES OF STAFF RECOMMENDATION TO FIND THE ALLEGATION “UNFOUNDED”**

*Hardy* moved to accept staff’s recommendation of “Unfounded.” *Williams* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams*. 
ACRB CASE NO. 19-074
(Investigator Ronald Jackson)

The male complainant alleged that on June 23, 2019, Atlanta Police Officer Che Milton engaged in excessive force when he slammed him on the ground causing him to sustain injuries to his face.

The male complainant also alleged that during the incident, Officer Milton was verbally abusive towards him when he called him a “stupid ass motherfucker.”

He further alleged that Officer James Gikanga abused his authority when he told him that if he filed a complaint against Officer Milton, he would arrest him.

Furthermore, it is noted that the investigation also identified Investigator Dexter Dumas as a subject.

A. ALLEGATION OF EXCESSIVE FORCE (OFFICER CHE MILTON)

Issue: The Complainant alleged that Officer Milton engaged in excessive force when he slammed him on the ground and causing him to sustain injuries to his face.

The ACRB staff recommends that the allegation of Excessive Force against Officer Milton be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct).

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

Boyce moved to accept staff’s recommendation of “Sustained.” Orange seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

B. ALLEGATION OF ABUSIVE LANGUAGE

Issue: The Complainant alleged that Officer Milton was verbally abusive towards him when he called him a “stupid ass motherfucker.”

The ACRB staff recommends that the allegation of Abusive Language against Officer Milton be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct).

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

Hardy moved to accept staff’s recommendation of “Sustained.” McDaniel seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

C. ALLEGATION OF VIOLATION OF DEPARTMENTAL STANDARD OPERATING PROCEDURES – PART I
The investigation determined that Officer Milton failed to complete an incident report documenting his use of force on Mr. Sanders as required by APD.SOP.3010, Section 4.5.2.

Therefore, the ACRB Staff recommends that the allegation of Violation of Department Standard Operating Procedures related to this issue against Officer Milton be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct.)

The ACRB staff recommends that the allegation of Excessive Force against Officer Milton be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct).

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

McDaniel moved to accept staff’s recommendation of “Sustained.” Williams seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

D. ALLEGATION OF VIOLATION OF DEPARTMENTAL STANDARD OPERATING PROCEDURES – PART II

The investigation determined that Officer Milton failed to notify a supervisor after using force on Mr. Sanders as required by APD.SOP.3010, Section 4.5.7.

Therefore, the ACRB Staff recommends that the allegation of Violation of Department Standard Operating Procedures related to this issue against Officer Milton be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct.)

The ACRB staff recommends that the allegation of Excessive Force against Officer Milton be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct).

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

Orange moved to accept staff’s recommendation of “Sustained.” McDaniel seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

E. ALLEGATION OF ABUSE OF AUTHORITY (OFFICER JAMES GIKANGA)

Issue: The Complainant alleged that Officer Gikanga abused his authority when he threatened to charge him with Disorderly Conduct and take him to jail if he filed a report/statement against Officer Che Milton.
The ACRB Staff recommends that the allegation of **Abuse of Authority** related to this issue against Officer Milton be assigned a finding of **“Sustained”** *(the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct.)*

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

*Hardy* moved to accept staff’s recommendation of **“Sustained.”** *Boyce* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.*

F. **ALLEGATION OF VIOLATION OF DEPARTMENTAL STANDARD OPERATING PROCEDURES (OFFICER JAMES GIKANGA)–** **PART I**

*The investigation determined that Officer Gikanga failed to notify Communications and request a supervisor and/or OPS to come to the scene when he determined that the incident involved an off-duty officer as required by APD.SOP.2010, Section 4.2.53.*

Therefore, the ACRB Staff recommends that the allegation of **Violation of Departmental Standard Operating Procedures** related to this issue against Officer Gikanga be assigned a finding of **“Sustained”** *(the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct.)*

**BOARD VOTES ON STAFF RECOMMENDATION TO FIND THE ALLEGATION “UNFOUNDED”**

*Orange* moved to accept staff’s recommendation of **“Sustained.”** *Williams* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.*

G. **ALLEGATION OF VIOLATION OF DEPARTMENTAL STANDARD OPERATING PROCEDURES (OFFICER JAMES GIKANGA)–** **PART II**

*The investigation determined that Officer Gikanga failed complete and submit a report for this incident prior to the end of his shift as required by APD.SOP.3060 and APD.SOP.3060, Section 3.4.*

Therefore, the ACRB Staff recommends that the allegation of **Violation of Departmental Standard Operating Procedures** related to this issue against Officer Gikanga be assigned a finding of **“Sustained”** *(the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct.)*

**BOARD VOTES ON STAFF RECOMMENDATION TO FIND THE ALLEGATION “UNFOUNDED”**

*Hawkins-Wynn* moved to accept staff’s recommendation of **“Sustained.”** *McDaniel* seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.*
H. ALLEGATION OF VIOLATION OF DEPARTMENTAL STANDARD OPERATING PROCEDURES (INVESTIGATOR DEXTER DUMAS)

The investigation determined that Investigator Dumas did not have an approved extra job permit from the APD that authorized him to work at the incident location as required by APD.SOP.2060, Section 4.2.1.

Therefore, the ACRB Staff recommends that the allegation of Violation of Department Standard Operating Procedures related to this issue against Investigator Dexter Dumas be assigned a finding of “Sustained” (the investigation established by a preponderance of evidence that the officer committed the alleged act(s) of misconduct.)

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

McDaniel moved to accept staff’s recommendation of “Sustained.” Boyce seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

I. ADDITIONAL RECOMMENDATIONS (OFFICERS GIKANGA AND MILTON)

The ACRB also recommends that the Board request the APD to do the following:

1. During his ACRB and OPS interviews, Officer James Gikanga alleged that he was not trained to handle calls whereby the incident involves a citizen’s allegation against an officer who was already on the scene. Thus, the APD’s Training Unit should examine this issue and provide a response to the Board pertaining to Officer Gikanga’s claim.
2. APD re-examines Officer Che Milton’s fitness and suitability to perform extra job duties at clubs, lounges and/or bars.

BOARD VOTES ON ADDITIONAL RECOMMENDATIONS

Hardy moved to accept staff’s additional recommendation. McDaniel seconded. Following some discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

J. BOARD VOTES ON DISCIPLINE FOR SUSTAINED ALLEGATIONS AGAINST THE OFFICERS

1. OFFICER MILTON - DISCIPLINE REGARDING ALL SUSTAINED ALLEGATIONS

For the Record: It should be noted that APD has terminated Officer Milton.

Hardy moved to accept the discipline imposed on Officer Milton by APD. McDaniel seconded. Hearing no discussion, the vote was called, and the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.
2. **OFFICER JAMES GIKANGA – DISCIPLINE FOR ABUSE OF AUTHORITY AND VIOLATION OF TWO ALLEGATIONS PERTAINING TO DEPARTMENT STANDARD OPERATING PROCEDURES**

*Hardy* moved to recommend that Officer Gikanga receive a written reprimand and a three (3) day suspension. *McDaniel* seconded. Following some discussion, the vote was called, and the motion was approved by: *Boyce, Orange, McDaniel, Hardy, Williams*. *Hawkins-Wynn* did not participate in the vote deciding instead to abstain without providing explanation. Motion carried.

3. **INVESTIGATOR DUMAS – DISCIPLINE FOR ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES RELATED TO NOT HAVING AN APPROVED EXTRA JOB PERMIT**

*Williams* motion to recommended that Investigator Dumas receive an Oral Admonishment for not having an approved Extra Job Permit. *McDaniel* seconded. Hearing no further discussion, the vote was called, and the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams*.

**ACRB CASE NO. 19-017**

*(Investigator Richardson)*

The female complainant alleged that on February 2, 2019, APD Officer Lawrence Holland (1) failed to explain the citation process to her, (2) threatened to arrest her for refusing to sign the citation, (3) refused her request to contact a supervisor, and (4) was rude towards her.

**A. ALLEGATION OF APPROPRIATE ACTION REQUIRED (*PART I*)**

**Issue:** The female complainant alleged that Officer Holland failed to explain the law pertaining to the signing of the citation to her.

The ACRB staff recommends that the allegation of *Appropriate Action Required* related to this claim against the Officer Holland be assigned a finding of “Unfounded” *(the investigation proved that the alleged act(s) did not occurred)*.

**BOARD VOTES OF STAFF RECOMMENDATION TO FIND THE ALLEGATION “UNFOUNDED”**

*Boyce* moved to accept staff’s recommendation of “Unfounded.” *Hardy* seconded. Following the discussion, the vote was called, the motion was unanimously approved by all members present: *Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams*.

**B. ALLEGATION OF APPROPRIATE ACTION REQUIRED (*OFFICER LAWRENCE HOLLAND*) - *PART II***

**Issue:** The female complainant alleged that Officer Holland threatened to arrest her for refusing to sign the traffic citation.

The ACRB staff recommends that the allegation of *Appropriate Action Required* related to this claim against the Officer Holland be assigned a finding of “Sustained due to the Training Failure *(the investigation established that the alleged act(s) occurred but were justified because the officer’s actions were in adherence to Departmental training; however, the actions violated Departmental policy or procedures and/or law)*.”
BOARD VOTES OF STAFF RECOMMENDATION TO FIND THE ALLEGATION “UNFOUNDED”

Hawkins-Wynn moved to accept staff’s recommendation of “Sustained.” Hardy seconded. Following some discussion, the vote was called, the motion failed with Williams and Hardy voting in favor and four (4) voting against the motion (Boyce, McDaniel, Orange, Hawkins-Wynn).

Hawkins-Wynn moved to “Not Sustain” the allegation. Boyce seconded. No discussion. Calling for the vote the motion was approved by Boyce, McDaniel, Orange, Hawkins-Wynn. Two votes against (Williams and Hardy). Motion carried.

C. ALLEGATION OF VIOLATION OF DEPARTMENT STANDARD OPERATING PROCEDURES (OFFICER LAWRENCE HOLLAND)

Issue: The female complainant alleged that Officer Holland failed to contact a supervisor upon her request.

The ACRB staff recommends that the allegation of Violation of Department Standard Operating Procedures related to this issue against Officer Lawrence Holland be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or properly within Department policy).

BOARD VOTES TO ACCEPT STAFF RECOMMENDATION TO “EXONERATE” THE OFFICER

McDaniel moved to accept staff’s recommendation to “Exonerate.” Hardy seconded. Hearing no discussion, the vote was called, the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

D. ALLEGATION OF MISCONDUCT (OFFICER LAWRENCE HOLLAND)

Issue: The female complainant alleged that Officer Holland was rude to her during the traffic stop.

The ACRB staff recommends that the allegation of Conduct related to this issue against Officer Lawrence Holland be assigned a finding of “Exonerated” (the investigation established that the alleged act(s) occurred but were justified, legal or properly within Department policy).

BOARD VOTES TO ACCEPT STAFF RECOMMENDATION TO “EXONERATE” THE OFFICER

Orange moved to accept staff’s recommendation to “Exonerate.” Boyce seconded. Hearing no discussion, the vote was called, the motion was unanimously approved by all members present: Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams.

E. ADDITIONAL RECOMMENDATIONS PERTAINING TO THIS CASE

The Board may want to recommend to the APD, as it relates to APD.SOP.4010, Section 4.3.7(5), the following:

1. Ensure that the APD training is consistent with policy and that all officers, including supervisors, are in adherence to the policy.

2. Or change the police to reflect what is being taught to the officers at the Training Academy.
BOARD VOTES ON ADDITIONAL RECOMMENDATIONS

_McDaniel_ moved to accept staff’s “Additional Recommendations.” _Williams_ seconded. Hearing no discussion, the vote was called, the motion was unanimously approved by all members present: _Boyce, Orange, McDaniel, Hardy, Hawkins-Wynn, Williams._

ACRB CASE NO. 19-023
(Investigator Richardson)

The male complainant alleged that on October 27, 2018, he was falsely arrested by Atlanta Police Officer _Nickolus Copeland._

The complainant also alleged that during the arrest, Officers Copeland and Ryan Hinkle used excessive force when he was: (1) forcibly grabbed by his arms and wrists, (2) slammed against a patrol car, (3) punched in his left rib cage area and (4) pepper sprayed.

A. ALLEGATION OF APPROPRIATE ACTION REQUIRED

**Issue:** The male complainant alleged that Officer Copeland falsely arrested him.

The ACRB staff recommends that the allegation of “Appropriate Action Required” related to the issue of false arrest against Officer Copeland be assigned a finding of “Exonerated” *(the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).*

BOARD VOTES ON STAFF RECOMMENDATION TO “EXONERATE OFFICER COPELAND”

_Hardy_ moved to accept staff’s recommendation to “Exonerate” _McDaniel_ seconded. Hearing some discussion, the vote was called, the motion was approved by _Boyce, Orange, McDaniel, Hardy, Williams._ There was one vote against the motion made by _Hawkins-Wynn._ The motion carried.

B. ALLEGATION OF EXCESSIVE FORCE (OFFICERS COPELAND AND HINKLE)

**Issue:** The male complainant alleged that Officers Copeland and Ryan Hinkle used excessive force during the arrest.

The ACRB staff recommends that the allegation of Excessive Force related to this issue against both Officers be assigned a finding of “Exonerated” *(the investigation established that the alleged acts occurred but were justified, legal or properly within Department policy).*

BOARD VOTES OF STAFF RECOMMENDATION TO FIND THE ALLEGATION “UNFOUNDED”

_Orange_ moved to accept staff’s recommendation of “Exonerated.” _Williams_ seconded. Following some discussion, the vote was called, the motion was approved by: _Boyce, Orange, McDaniel, Hardy, Williams._ There was one vote against the motion made by _Hawkins-Wynn._ The motion carried.
PUBLIC COMMENTS
(Public comments are limited to two (2) minutes.)
The following people signed up to speak:

_Cynthia Sanders:_
Signed up to speak but left before public comments occurred.

_Jakaiser Smith:_
Mr. Smith said that he wished to formally thank the Board and the officers present for their service. He said, “Officers have a tough job interacting with people. There need to be more focus on mental health especially for the officers who put their lives on line every day. Thank you.”

_Jamida Orange:_
“Good evening. Thank everyone for being here. What I want to say is we are on a slippery slope. I am very serious about this. As a community activist and with me telling young men and women to make it home safely…it gives the wrong impression to say you can resist arrest. That goes against everything that we have been saying for the last three to five months. It makes me nervous that this Board would even entertain that type of language.”

OLD BUSINESS
None

NEW BUSINESS
_Williams_ announced that the Georgia General Assembly goes into session January 13th. She is encouraging everyone to get involved but as taxpayers, get involved.

ADOURNMENT
It was moved by _Hardy_ to adjourn the meeting. _McDaniel_ seconded. The meeting adjourned at 8:35 p.m.