

ATLANTA CITIZEN REVIEW BOARD

OFFICIAL MINUTES

Meeting Date: April 9, 2009, 6:30 PM

Location: 55 TRINITY AVENUE, S.W., COMMITTEE ROOM #2, ATLANTA, GA 30303

BOARD MEMBERS IN ATTENDANCE

J.L. BOOKER (*Booker*); RODERICK EDMOND (*Chair/Edmond*); SETH KIRSCHENBAUM (*Kirschenbaum*); JOHN MICHAEL (*Michael*); OWEN MONTAGUE (*Montague*); JOY MORRISSEY (*Morrissey*); KATHY CRAWFORD (*Crawford*); LASHAWN HOFFMAN (*Hoffman*); CHARIS JOHNSON – 7 PM (*Johnson*)

BOARD MEMBERS ABSENT

SHARESE SHIELDS (*Shields*)

STAFF ATTENDEES

CRISTINA BEAMUD (*Director/Beamud*), Executive Director; WILLIAM CASTINGS (*Castings*), City Law Department; SHEENA ROBERTSON (*Robertson*), Investigator; MYOLA SMITH (*Smith*), Administrative Analyst

CALL TO ORDER

Chairman *Edmond* called the meeting to order at 6:40 p.m.

APPROVAL OF MINUTES OF LAST MEETING

Corrections to the Minutes for March 12, 2009 as noted by *Kirschenbaum*:

Page 3, #9-b, line 4, change: “criminal activity” to read “criminal action”.

Page 4, #16, line 2, delete the word “really” and line 4, delete the letter “s” from the word “come”

Page 7, #4 delete entirely.

Edmond entertained a motion to approve minutes as corrected. *Crawford* moved to approve minutes with noted corrections. *Booker* seconded. Motion approved.

OLD BUSINESS:

A. STATUS OF RESPONSE TO COMPROMISE PROPOSAL FROM ADMINISTRATION

1. *Edmond* stated that Greg Pridgeon sent the Board a memo two days before the March Board meeting explaining a compromise. The Board sent out a written response to his memo rejecting the proposal.
2. *Beamud* reports that Mr. Pridgeon indicated that he had conversations with Councilmember Winslow and she wants to have a meeting with Paul Howard before taking a position on the proposal.
3. *Edmond* stated that he would like to be present at the meeting.
4. *Hoffman* questioned why Paul Howard would be in the meeting.

5. **Beamud** stated that she believes there may be some confusion and intermingling of issues Mr. Howard was included only after Ms. Winslow had several conversations with Greg Pridgeon.”
6. **Edmond** stated that one of the arguments that they are using to advance the amendment to the Ordinance is by repeatedly saying, ‘if we release the information to the Board, they would jeopardize ongoing cases.’ They are trying to build a case to support the amendment and what better way to do that than by getting the person who will be prosecuting the case to say “We support withholding certain information.”
7. **Booker** stated we are doing the same thing, but we are more sensitive to getting at the actual truth in these matters and if we wait a year or more to do our investigations, we may lose witnesses and information.
8. **Hoffman** asked where are we with the proposed ordinance and if it was on the Public Safety Committee’s agenda or Council’s agenda for April 20th.
9. **Beamud** stated that it is not on either agenda. Committee on Council will be hearing our subpoena request on April 20th. The proposed amendment to the ordinance is being held in the Public Safety Committee.
10. Referring back to Beamud’s comments regarding Greg Pridgeon having numerous conversations with Ms. Winslow and the situation shifting to include Paul Howard, **Michael** said, “There appears to be a pattern here with Mr. Pridgeon on how he interprets information and passes it on to others. He has become the unofficial *go between* the Board, Law Dept. and Council. He puts the ball in middle court and we are not able to move forward because we are left waiting for answers while he takes further action behind the scenes. Given this self appointed role, we need to ask him to be clear about what he is seeking.”
11. **Edmond** said that we will continue to act according to the Ordinance until we are directed by City Council and by variance of the ordinance to do otherwise because that is our job.

B. TRAINING RECOMMENDATIONS

The Chair asked the Director to give an update to the Board.

1. **Beamud** Training proposal is included in packet. Need guidance from the Board on when to schedule.
2. **Edmond** asked if the Board had agreed to the frequency and the number of training we will have annually. Tomorrow’s training is set, but we can agree generally, without a vote that in the next month, we need to put our heads together and decide when would be the best time to train.”
3. **Booker** asked how much training was required annually.
4. **Edmond** stated that it is not specified in the Ordinance.
5. **Beamud** agreed. The ordinance specifies the type of training that is mandated, *i.e., false arrest, abusive language, etc.*”

6. **Crawford** asked if the police training that was conducted after the Board was established, would cover some of the same issues as mandated by the Ordinance.
7. **Edmond** stated that he thought the black letter of the law had been satisfied with the Police training since all of the mandated topics were touched on; however, he felt more training would be helpful.
8. **Hoffman** stated that he felt that given the 20 or so hours of training members had been required to complete within a certain period of time, had met the mandate.
9. **Beamud** stated I don't have the records of what was provided in the training.
10. **Edmond** stated he would provide **Beamud** with information on what was covered in the police training. He said, "Let's review that information and we can make a determination...first, whether or not we have satisfied the mandate, and the second issue is the functional training which I'm sure we can all agree that we need. We just need to set up the training schedule."
11. **Beamud** stated that she would like to get an idea from the Board, the best time to schedule the rest of the training for maximum participation. There are professors at Georgia State who will provide training free of charge. Need good dates.
12. **Edmond** stated that we should be ready to agree upon a firm schedule by next month's meeting.

C. STATUS OF REQUEST FOR SUBPOENA

1. The **Chair** recapped the situation surrounding the shooting that occurred on Cheshire Bridge Road of a young man, believed to be unarmed. He stated that the records that were requested relative to the case, are yet to be forth coming and therefore, we requested a subpoena a couple of weeks ago. He then asked Beamud to give an update.
2. **Beamud** stated that the matter will be heard on the 20th of April at 11:00pm in the Committee on Council (COC). The COC briefing is at 9:30 a.m. and the public forum starts at 11:00 a.m. Alma George, the young man's aunt, will attend the hearing and she will be heard during the public forum. Generally, the public is not allowed in the briefing, but the Chair is expected to attend, because by law, he is the one requesting the subpoena."
3. **Edmond** stated that these meetings give people an opportunity to be heard. He is comfortable with Board members attending and sharing their opinions.

D. BOARD VACANCY (League of Women Voters Appointment)

1. **Edmond** stated this position has remained vacant for about five to six months.
2. **Johnson** stated she has a name of a gentleman who has agreed to fill the vacancy. She will e mail the name to the Chair and Director.
3. **Beamud** stated that upon receipt of the name, she would draft an appointment letter and handle other procedures necessary to appointment him to the position.

NEW BUSINESS:

A. BUDGET

1. **Beamud** stated that she had meetings with the Finance Dept. and it appears that the budget is going to be about \$300,000. We have two investigator positions, but Finance does not believe they will be able to finance the last position. Ninety five percent (95%) of the budget will be salaries and those costs are not negotiable and the operating cost will probably be in the area of approximately \$28,000, which is lower than the other Boards and Commissions. We are working on small equipment. Myola may be able to provide more details.
2. **Smith** stated that the operating accounts in our budget have been predetermined by Finance. Basically, what that means is another department has decided categorically, how our operating funds are expected to be spent. She said, “We have a Large Equipment account (or line Item) funded at \$7,000 for purchases over \$5,000. Currently, we don’t have any large equipment needs; however, we would like to purchase some smaller items such as a camera, Dictaphone, binder machine, etc. These items cost from \$200 to \$500 dollars and fall into a ‘Small Equipment’ account which our current budget does not have. If you try to generate a Requisition or PO to buy one of these items, the financial system will not allow the purchase because we only have a large equipment account. Thus you have funds sitting in an account for which you have no use. That’s the problem with our current budget and we are working with Finance and our Budget Analyst to make sure we do not have a similar problem in the new budget year.”
3. **Edmond** stated that he has some concerns. He asked the Director, “Do we have enough funds to do our job? There seems to be a unilateral decision not to fund the Ordinance.” He then opened the discussion for additional comments.
4. **Hoffman** then asked if the current budget designated the salaries for the 4th staff person.
5. **Beamud** said, “The problem is, until I came on board, no one designated what the salaries were going to be until I got here; therefore, they don’t have a specific salary amount. A number was thrown out in Council without anyone doing the calculations. I’m not sure how this evolved, maybe someone else that was around at the time can answer that question but certainly, \$311,000 cannot fund four positions.” **Beamud** indicated that she put enough money into the operating budget, aside from salaries to make the office run. She said, “The question becomes can I make this system work with just **Robertson** as an investigator. The answer is, yes, but, we probably cannot investigate everything and we have to be careful on how many cases we decide to give a full investigation.”
6. Referring back to **Smith’s** statement regarding specific accounts, **Kirschenbaum** asked, “When our Board was created, how did it come to pass that we were only given this inadequate number of accounts. Is it the Finance Department that makes this determination?”
7. **Smith** said, “Yes, the Finance Department predetermines the accounts and budget dollars in the accounts. The Mayor and City Council have final approval.”
8. **Kirschenbaum** stated that other Departments such as Ethics seem to have figured out what they need in terms of accounts. He asked, “Can we go to them and get a template to develop our own budget?”

9. **Smith** said, “We know what we need in terms of our budget, the challenge we face, is getting Finance to approve what we want to change and add. The meeting that the Director has requested with the Budget Chief, Budget Manager and our Budget Analyst; hopefully, will resolve any issues that are problematic for us in this current budget and the next fiscal year.
10. **Hoffman** asked if we could ask for a new line item and then transfer the money that we need.
11. **Smith** said, “That is the purpose of the meeting with the Budget Chief, his staff and our Budget Analyst. We are asking for new accounts and also for money to be moved around. At the meeting, we will let them know that the accounts that were predetermined by them for our office, for the most part, do not make it possible for us to operate. They will either approve or not approve our request. If they approve the new accounts and transfer of funds, it will be sent to Council for final approval.”
12. To answer **Morrissey’s** question about strategy, **Beamud** explained to the Board what she was trying to do to solve the problem. She said, “We have money in the budget but not in the right account. I have talked to Sterling Thomas, our Budget Analyst and he has to go before Finance Committee to get them to approve a transfer of funds. The Council is on break and by the time we figured out what we needed to do, budget season had begun and Sterling got tied up and wasn’t able to submit the request before Council recessed. Yes, we have a strategy for fixing it but it has just become a horrible source of frustration and by the time we figured out what we needed to do, recess was upon us. What we are trying to avoid for FY 10 is being stuck in the same place and having to go before Council every time we need to buy a small item or make a simple adjustment.”
13. **Michael** asked if it was possible to appropriate the money (\$17,000) that was going to be used to buy a vehicle. He said, “The car was never ordered by the Police when they were overseeing our budget. Can we get that money since it was never used?”
14. **Beamud responding in part, to Michael**, stating it was her understanding that (\$17,000) was money in the FY 08 Budget. She said, “Contrary to what some people believe, this is a very rigid rule with municipalities--if a department does not use all of its money, you don’t get to carry it over. No exceptions and that is fairly standard in all municipal governments. If that is where the money was in the FY 08 budget, then it is gone and we will never see it again. In fact, the money you didn’t spend weights against you because if you don’t spend it, they assume you don’t need it.”
15. Looking at the financial report, **Hoffman** asked, “When Council approves the transfer April 20th, will we have enough time to spend the funds before the purchasing cut-off date? According to this report, there is over \$200,000 and at some point in May they will stop processing purchase orders, because they have to prepare to close out the budget year in June. Will we have enough time to spend the money?”
16. **Smith** said, “We are near the cut-off date for processing Requisitions and PO’s. However, we know what we have to purchase and we will do our best to procure these items as quickly as possible before the cut-off date.”
17. **Edmond** stated that this issue will require two directives for us to move forward. He said, “First, we need to get functional accounts for our budget. We also, need to review the Ethics Board budget for ideas and take the request to Council as soon as possible. The second thing, which is very important, is collectively, we need to think about what we will need in order to go forward. It is reasonable to assume that in the next six months or so,

our work load will increase and we need to figure out what equipment and/or technology we will need in order to facilitate our ability to do the job and save time. We need to spend the money.”

B. INVESTIGATIVE REPORT CONCERNING 08-05 (JENNIFER THOMAS)

1. **Beamud** stated that this is the case of the woman who was detained at the Airport and complained that it took over two hours. **Investigator Robertson** has prepared a summary; however, **Beamud** urged the Board to read the interviews in order to get a real feel for the nature, detail and veracity of the report. She suggested that the Board take two weeks to read and study this investigation and the recommendations. Members should know that these are just recommendations. You can either accept the recommendations or you have the authority to conduct a hearing. You may deliberate that question and get back to me.”
2. **Edmond** reminded the Board that the information is confidential and must be protected at all times. He indicated that he agreed with the Director’s recommendation to take two weeks to review the report. Before a conference call is ruled out for 10 people, we need to try it first to see if we can deliberate by that means.
3. **Hoffman** suggested that in addition to the standing monthly board meetings, it may be necessary also to have a standing meeting date just for deliberations. He said, “Whether it is used or not but so that it is scheduled and included in the work that we do.”
4. Referring to the investigative report, **Kirschenbaum** thanked **Investigator Robinson** for a very professional job. He stated the report looks great and it included a lot of good information. He also pointed out how much work goes into investigating even a very simple case as compared to something as complex as a shooting type case. He said, “You see how much information a very simple case can generate to be digested by the Board...it’s sobering.” He also asked the following question, “If we were going to debate among the Board about whether or not to follow the recommendation of the staff, is that an Executive Session meeting? Otherwise, this would be a public debate about matters which we are required to keep confidential until after we have issued our final decision. How can we have an open and frank discussion about the merits of the case unless you talk openly on the record about matters that we are suppose to hold confidential? I don’t know the answer, because whether it is a phone conversation or meeting in this room, we are having a meeting of the Board.
5. **Edmond** stated that the question is how can we basically communicate as a body and not declare it as an open meeting? He said, “The way I understood it before, is we all have to come here and then go into Executive Session. We can’t call a meeting on the phone, because it will not be open.”
6. **Castig** stated that on Monday, he would like to confer with a member of the department, who is an expert in matters such as this, and tell her the situation and then get with the Director regarding the best way to handle it.
7. **Beamud** added that while she realizes there may be some cases that may be considered confidential but in this particular case, she stated that she does not believe this to be true with the Thomas case. She said, “It is not an open investigation and OPS has already closed their investigation and these things become public after they have been closed.” She also suggested that where there is discretion in the Open Records Act and the Open Meetings Act, we should probably err on the side of not going into Executive Session. She

said, “The Ordinance calls for us to go into open session on hearings and unless there is a good reason not to have a public meeting, we need to err on the side of transparency.”

8. **Edmond** asked **Castings** to point the Board in the right direction and follow-up with the Director on Monday.
9. **Hoffman** asked, as a point of clarity, if hearings, in general, have to be open to the public but the decisions that the Board makes have to be made in Executive Session and subsequently shared, as determined by the Ordinance.
10. **Beamud** answered yes.
11. **Hoffman** stated that the Board had not set a date to discuss the case.
12. **Edmond** stated that until it has been determined what we can do in terms of holding hearings, for now, it is best not to set a date to deliberate, but the goal is to review the case over the next couple of weeks and once we know what we can do, we will communicate with everyone and discuss prior to or at the next board meeting.

SCREENING PANEL RECOMMENDATIONS:

A. INVESTIGATIVE STATUS QUARTERLY REPORT

1. **The Chair** asked the **Director** to walk the Board through the report.
2. **Beamud** indicated that this is a report that she plans to produce quarterly. This first report consists of all the complaints that we have received, the current status, which cases have been dismissed, and cases currently being investigated.
3. **Crawford** asked when a decision is made to dismiss the complaint, is the complainant called or sent a letter. She also inquired about feedback from dismissed complaints.
4. **Beamud** stated that she sends a letter. Most people understand. We try to make it very clear and a real effort is made to say that we thank them and appreciate their concerns. I also note that while we may not investigate the case, we have kept a file on it and we may use it to establish trends.”
5. **Montague** asked if we ever include in the letters, remedies or direction about other things that they may be able to do.
6. **Beamud** indicated that if there are remedies, we indicate that.

Beamud asked the Chair for permission to leave the Investigative Report as a written report for them to refer to later. She then introduce Sterling Thomas, the Board’s Budget Analyst who arrived at the meeting.

BUDGET (...discussion resumes)

1. The **Chair** asked Thomas to explain how we obtain and establish functional accounts that are specific to our needs.
2. **Thomas** stated the City’s financial system is set up on an account line item with details tied to what is known as a commodity code. Whereby, when you go to purchase an item, it will

map to a particular account. The problem is that some of the line items are in different account groups. To change account groups is a separate process requiring City Council approval that normally can take two (2) to six (6) weeks. He said Finance has signed off on the request. The paperwork has been prepared to move the money into the correct accounts to purchase these items, but because the Council is on recess, we have had to wait even longer; therefore, it is not a matter of not being able to do it but a matter of timing.

3. **Kirschenbaum** asked if once a line item was established for the purchase of something like small equipment; does it exist forever going forward. He said, “Two years into our existence, it seems a little odd that we cannot buy a \$25 Dictaphone without an act of Congress.”
4. **Thomas** stated that he understood the frustration. He explained that line items and accounts are approved as part of the fiscal year adoption and it stays there until it is either exhausted or moved by an amendment. It is all a matter of how the budget was set up last year in anticipation of what you would need to buy this year. As it stands right now, the account group from which you would need to purchase something like a Dictaphone has been exhausted and funds had to be transferred from another account group to the supply account, which I suspect is the account you would use to purchase the Dictaphone.
5. **Kirschenbaum** asked, “In the future, when we are putting together our budget, would we have to try to anticipate, prior to the beginning of a fiscal year, what different accounts we are going to need for that year?”
6. **Thomas** said, “No, we (Finance) determine the accounts. That is always our role. While we can’t anticipate 100% what the departments will need, we do our best and appropriate accordingly.”
7. **Michael** asked Thomas if there was any way that he could assist the Board in working past our current purchasing dilemma.
8. **Thomas** said, “Everything we do is a matter of legislation. When you pass a budget, anything outside of that budget would require Council approval. The goal obviously for next year is to appropriate so that we don’t have to do this again. However, for the time being, and given the situation we are in, we are doing the best we can to make this adjustment to City Council one time and for the rest of the year, not have to do it again.”

SCREENING PANEL RECOMMENDATIONS (*discussion resumed*)

B. VOTING ON RECOMMENDATIONS

1. **Beamud** stated that at the last Rules and Procedures meeting it was decided that rather than take two votes, the Board would just be asked to accept the recommendations of the Screening Panels. This month there are two recommendations from the Screening Panels:
 - a. complaint 09-08 / recommendation to dismiss; and
 - b. complaint 09-09 / recommendation to dismiss
2. **Edmond** entertained a motion to accept the recommendation regarding **Case 09-08**.
7. Following some discussion, **Edmond** entertained a motion to accept the panel’s recommendation. **Hoffman** moved to accept the panel’s recommendation regarding Case

09-08; seconded by *Crawford*. Motion was carried with seven (7) ‘Yes’ votes. Two members, *Kirschenbaum* and *Michael*, voted not to accept the recommendation.

7. Regarding *Case 09-09*, *Hoffman* indicated that the panel recommended that the case be dismissed because it was filed outside of the 180 days.
8. *Edmond* This case raises the point of the Board proposing an amendment to the Ordinance such that it will take into consideration those complaints that fall outside the 180 day window.
9. *Kirschenbaum* posed the question whether or not the Board has the authority to initiate its own investigation without having received a complaint?
10. Referring to pg. 5 of the Ordinance, Section 2-2211 - Powers and Duties, subsection C, *Beamud* stated that the Board might, under systems, reports and analysis, be able to do that.
11. *Edmond* stated that when you read the section of the Ordinance that Director *Beamud* referred to, the 180 day restriction deals with complaints that were initiated by the public.
12. *Kirschenbaum* asked if that would also apply to investigations that the Board would choose to initiate and, if we can do this on our own initiative, are we authorized to go outside the 180 days.
13. *Edmond* asked Castings to provide a legal opinion.
14. *Edmond* entertained a motion to accept the panel recommendation on *Case 09-09*. It was moved by *Hoffman* to accept and Seconded by *Crawford*. Motion carried.
15. *Chair Edmond* noted that in the future, the Board will vote only on the report for the month instead of voting on the cases individually.

EXECUTIVE DIRECTOR’S REPORT:

A. ATLANTA BAR ASSOCIATION

Beamud thanked *Kirschenbaum* for inviting her to speak before the Atlanta Bar Association.

B. WEBSITE DEVELOPMENT

The *Frequently Asked Questions* and *Complaint Form* are finalized. We are working on is the content for the homepage. We need a headshot from everyone to include with the Bios. Please email a headshot immediately.

C. RULES & PROCEDURES COMMITTEE REPORT

Changes were formatted and emailed to the committee members for discussion at the next meeting. The next meeting date has not been determined.

D. INVESTIGATION REPORT

Beamud stated is a detailed report and all members are encouraged to read it in its entirety.

OTHER BUSINESS:

A. TELEVISED BOARD MEETINGS

1. **Edmond** asked if we had received any information about how to go about getting our meetings televised.
2. **Smith** stated that an email was sent to the person that oversees Channel 26 station, Beverly Isom, Director of Communications, asking her for information on televising public meetings. I have not heard back, but I will follow-up with her.
3. **Edmond** stated he would like for the Board to take a vote on whether or not everyone would be in favor of televising the meetings. Once we find out what is involved we can take a vote.

B. NPU MEETINGS DATES

1. **Michael** announced that the Kirkwood Neighborhood Meeting is Friday at 7:00 p.m. and Beamud will be speaking to the group.
2. **Edmond** asked the Director to send out an email to the Board whenever there is going to be an NPU meeting. He stated that all members are welcome to attend and comment.

C. FY 10 DEPARTMENT OVERVIEW

Hoffman noted the following corrections: In the Summary of Operations\states, "The CRB Board members are appointed by the Mayor and serve two-year terms." This should be corrected because the Mayor only appoints one member to the Board. The second correction pertains to the Organizational Chart in which we are referred to as a 'Board of Directors' and that is not correct.

D. TRAINING TOMORROW

1. **Edmond** encouraged all members to attend. He stated that while he realizes that everyone will not be able to attend every training, he is hopeful that as many members as possible will try to attend.

PUBLIC COMMENTS:

The Chair opened the floor for public comments recognizing Mr. Quiency Dugger.

Mr. Dugger expressed appreciation to members of the Board for volunteering to serve the Citizens of Atlanta. However, he cautioned the Board about spending too much time discussing what, he deems to be, academic issues.

The **Chair** thanked Mr. Dugger for his comments.

ADJOURNMENT:

The Chair entertained a motion to adjourn. **Crawford** moved to adjourn; **Booker** seconded. Motion approved. Meeting adjourned at 8:10 p.m.