

ATLANTA CITIZEN REVIEW BOARD
APPROVED MINUTES for MARCH, 2009

Meeting Date: MARCH 12, 2009, 6:30 PM
Location: 55 TRINITY AVENUE, SW, COMMITTEE ROOM #2, ATLANTA, GA 30303

BOARD MEMBERS IN ATTENDANCE

J.L. BOOKER (*Booker*); RODERICK EDMOND (*Edmond*); SETH KIRSCHENBAUM (*Kirschenbaum*); JOHN MICHAEL (*Michael*); OWEN MONTAGUE (*Montague*); JOY MORRISSEY (*Morrissey*); SHARESE SHIELDS (*Shields*)

BOARD MEMBERS ABSENT

KATHY CRAWFORD (*Crawford*); LASHAWN HOFFMAN (*Hoffman*); CHARIS JOHNSON (*Johnson*)

STAFF ATTENDEES

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

CALLED TO ORDER:

Chairman Edmond called the meeting to order at 6:45 p.m. He acknowledged the presence of Mr. John Gordon, Atlanta resident and business owner. Mr. Gordon contacted Director *Beamud* earlier in the week and requested an opportunity to speak before the Board. To accommodate Mr. Gordon, as directed by the Chair, Public Comments were moved to the front of the agenda.

PUBLIC COMMENTS:

John Gordon expressed his appreciation and gratitude to the Board for volunteering and stated that the work being done by the Board is vital. Gordon said, "The country's justice system is a fundamental principal of government and when we start to make little compromises, we begin to erode the tremendous experience that we have had in this country for over 200 years."

During his comments, he asked the status of the proposed changes to the Ordinance. He said, "It seems apparent that Council would not support it." He indicated also that the Board may want to consider allowing the Ordinance to be brought out of Committee, get it before Council and let them vote on it. He said, "This Board has made a lot of progress and hired a qualified Director. Atlanta deserves the benefit of what you are doing and I want to continue to work as an ordinary citizen helping the Board to achieve its goals and have the resources to be effective."

Edmond expressed appreciation to Mr. Gordon for his comments and support and stated that on behalf of the Board, he was always welcome, like all citizens, to come before the Board to address their concerns.

APPROVAL OF MINUTES:

FEBRUARY MINUTES

After reviewing the minutes of February 12, 2009 Board Meeting, **Edmonds** entertained a motion to approve. **Booker** moved to approve the minutes; **Michael** seconded; Motion approved unanimously.

OLD BUSINESS:

A. COMPROMISE PROPOSAL SUBMITTED BY GREG PRIDGEON

1. **Edmond** directed attention to a memo addressed to the Board and prepared by Greg Pridgeon, Mayor's Chief of Staff. At the last board meeting, Mr. Pridgeon was asked to submit, in writing, the Police and Administration's proposed changes to the Ordinance. According to Mr. Pridgeon's presentation at the last Board meeting, the proposed changes were compromises that hopefully, would be received favorably by the Board.
2. **Edmond** said, "Upon review of the memo, I do not see much difference from the proposed Ordinance. The very first bullet point, essentially, captures the essence of the intent of what they were trying to do with the proposed Ordinance." It states, "The departments of Police/Corrections will provide weekly updates and a copy of all non-criminal related documents." He said, "The issue of criminal is going to revolved on just about every one of the most sensitive issue that we are suppose to look at as a Board. The most egregious allegations of misconduct probably will deal with issues of criminal conduct on the part of the Police Department. For the Board to agree or represent to the Council that we are 'Ok' with not getting criminal related documents, is the same thing as the amendment to the Ordinance." He stated that while no action is required tonight, he asked to hear from the other members.
3. **Booker** stated that he felt the Board was established to represent the Police, Corrections and the citizens. He said, "All doors need to remain opened and all materials related to any case, should be available to the Board. Officers paid by the City should stand and be accountable."
4. **Shields** indicated that at the last meeting, Mr. Pridgeon was asked to submit his report in writing for consideration by the Board within a certain period of time. She said, "In fact, he volunteered to get the report within a few days of the following week. The deadline should have been noted in February's minutes. In light of the fact that the memo from him just came yesterday and if there is ever a question as to why we didn't

act on it, it needs to be reflected in the minutes that we asked for the report earlier than we actually got it. It was received one day before the today's board meeting."

5. **Edmond** asked for the statement to be reflected in the minutes.
6. **Beamud** stated that several emails were sent to him requesting the proposal so that the Board could have adequate time to consider its content.
7. **Edmond** stated that he also recalled that the report was promised within the week. He added that he would recommend that the Board not act on the proposal tonight but wanted to put the issue on the radar. He also highlighted two points on the second page of the memo:
 - a) 2nd bullet point states, "each member of the ACRB (staff and board members) will sign the confidentiality and non-disclosure agreement (*attached as Exhibit A*)." **Edmond** said, "The fact that the law, as it is written and as it applies to us as a board, makes it as such that we can't divulge any confidential information. We took an oath to do our jobs and we agreed to do this. This is duplicitous. It's a simple issue that could come down to a PR decision; but, while I personally don't have a problem signing, others may."
 - b) 3rd bullet point states, "The ACRB will not make any public pronouncement of its decision on a case until the Chief of Police or Corrections has sent forth an administrative decision to the ACRB on a case." **Edmond** said, "I think this one will require much more discussion."
8. **Michael** said, "This (proposal) appears to be a delay tactic and the administration could carry on this discussion until the term for the Mayor is up.
9. **Kirschenbaum** said, "We are dealing with a Police Dept that will not give us information that the Ordinance requires them to give us and we are being asked to compromise and amend our procedures, actually, amend the Ordinance, in a sense, by agreeing to procedures that favor the police in a way that the Ordinance does not. I don't think we should agree to anything that limits our authority in any way, shape or form. Regarding signing the Confidentiality Agreement, I strongly disagree with the suggestion that we sign the agreement for several reasons:
 - a) We are already bound by Ordinance to keep matters confidential. It is condescending asking the Board to sign something that we are bound to do by law.
 - b) We are agreeing that if we violate this agreement, (and who decides whether we have violated it) this could result in criminal action against us or the person who violates it. I am strongly against signing something that exposes us to criminal action if the police decide we have violated the agreement.
 - c) We should not agree to not make any public pronouncement until the Police have sent forth their administrative decision. What if it takes them three years or five years?
 - d) By signing on to this agreement, does it mean that we cannot issue an opinion on a case that we have investigated because they haven't done their administrative work? If they haven't concluded a case in 90 days, as a good

faith effort, all they have to do is put a reason in writing which could be anything.

10. In reference to the suggestion that Mr. Gordon made at the beginning of the meeting, **Edmond** asked how the Board felt about pressing to get the proposed Ordinance out of Public Safety Committee and on to the Council floor for a vote.
11. **Shields** stated that we should think it through. She asked, “What is likely to happen with full Council? What will it accomplish? What will it gain?”
12. **Edmond** said, “It appears it is going to fail. The gain will be it will shine a light on the tactics that they are using to undercut the ability of the Board to do its job and also, they may be less inclined to do similar things in the future.”
13. **Kirschenbaum** stated that he was worried about sending the bill to the Council. We won the battle and I don’t think we should prolong it.
14. **Montague** stated that he is supportive of the Kirschenbaum comments. He said, “Our job is not to have an ongoing war with the Police Dept but to mitigate between the two. We don’t want to have a ‘we against them’ situation and if we have won the battle, let’s go on to the next step.”
15. For the record, **Morrissey** corrected the name of the speaker giving public comments earlier in the meeting. His name is “Gordon” *not* Morton. She said, “Mr. Gordon is an active member of the community and a great person whom the members should consider keeping as a strong supporter and friend.”
16. **Kirschenbaum** said, “We have to be mindful of the fact that we must strive to be an impartial tribunal that is not taking sides in this work that we are trying to do, but in an impartial way, evaluate complaints that come before us and issue impartial decisions that come before us based on the facts.”
17. **Kirschenbaum** asked what was the Board’s decision regarding Mr. Pridgeon’s memo?
18. **Edmond** said, “Considering that it came too late for us to absorb it and act, we can table our decision.”
19. **Shields** questioned if further deliberation was needed.
20. **Kirschenbaum** stated that although we didn’t have time to absorb it, we have to respond and answer the proposal that has been presented by the administration.
21. **Shields** questioned what would happen between now and the next meeting. She said, “I don’t think that further deliberation is needed since I did not hear any member that was supportive of the proposal. Probably, the prudent thing is to give the proposal a little more thoughtful consideration but how are we planning to do that...in Committee? Will the Director draft a response based on what we said tonight?”

22. **Beamud** stated that her recommendation would be that the Board merely, vote it down and say that it is not acceptable. She said, “It really changes the Ordinance and, in particular, it changes the time limits with which the Board should withhold their findings. There is a section in the Ordinance that defines when the Board should make its decision, when we should notify the Chief and when the decision can be made public. I am personally uncomfortable modifying an Ordinance by vote of a Board or by the agreement of the Board and certain members of the administration. I don’t think we are allowed to do that. The legislative body has to change the law.”

B. DECISION ON COMPROMISE PROPOSAL

1. **Edmond** entertained a motion to reject the proposal submitted by Mr. Pridgeon.
2. **Shields** moved to reject the proposal. **Kirschenbaum**, seconded. The motion was approved unanimously.
3. **Montague** asked if the next step will be to send Pridgeon a memo from the Chair.
4. **Edmond** said, “The Director will draft the memo for my signature.”
5. **Beamud** stated that she will draft the memo tomorrow and send it to everyone for review.
6. **Edmond** said, “I am not sure how this entire proposal came about, but hopefully, this memo will bring it to an end and we will not have to continue trading memos to and from.”
7. **Castig** stated that he thought this arose from the Public Safety Committee when Councilmember Martin suggested that they come up with some sort of compromise. There is no problem rejecting it, but that is how it originated and it does change the Ordinance completely.
8. **Montague** stated that a positive response should be sent stating that the Board support what the legislators have put together, but their proposal seeks to change the law. We support the City Council who voted 15 to nothing for the law and we agree with them that this is the law and anything that changes the law, at this time, is out of our purview.
9. **Michael** stated that the statement should come directly from the Chair.
10. **Beamud** stated that she will draft the memo for the Chairman’s signature.

NEW BUSINESS:

A. TRAINING RECOMMENDATIONS

1. Beamud stated that the Vice Chair asked for a training regime to be put together for consideration. She stated that she had found a course specifically for training boards by the University of Georgia, Carl Vinson Institute. She said, “The course can be tailored to fit our needs at a cost of \$1,700 total for six hours. We have it in the budget and believe it will be money well spent. I recommend that everyone take the training and since it is 6 hours, a Saturday would be the best time to have it. The training will help us organize our work and make decisions in a more streamline fashion which is a problem that Boards, in general, seem to have. The facilitators of the course have an extreme amount of experience.” Details of the Vinson Institute training were provided in this month’s board package of information.
2. **Shields** asked the Director if she proposed that the training take place in April.
3. **Beamud** stated that she is proposing the Vinson Institute training for April and the other topics can be split-up in ways that are convenient for the Board.
4. **Edmond** said, “Everyone is not going to be able to make every training date. While I am sure we will do our best to attend, logistically, it is almost impossible for a Board of this size.” He asked the Director to proceed with setting up the training and encouraged everyone to do their very best to attend.
5. **Shields** said, “If the trainers would be interested in hearing from the Board on what type of topics they need to address, we should take full advantage of this and really think about what we need and want help with and get those questions/comments to the Director. Then we can decide later on the dates.”
6. **Edmond** asked everyone to send all questions, information to Beamud to be incorporated in the training. He stated that dates for training would be provided later.
7. **Beamud** stated that she will send a reminder to everyone tomorrow regarding possible training dates—good/bad dates. She said, “I heard from the Board before that evening training was not a good option. The Vinson training is for six hours; therefore, we have to look at a Saturday. We have a location here at City Hall that is perfect for training.”
8. **Edmond** entertained a motion to agree to a training schedule based on what the Director proposed with the dates being determined later.
9. **Shields** moved to agree to the training scheduled as proposed. **Booker** seconded. Motion was approved unanimously.

B. TELEVISED BOARD MEETINGS

1. **Edmond** opened the discussion by asking members their opinion of televised board meeting. He noted that the idea has come up several times especially when *public awareness* was being discussed.
2. **Morrissey** stated there are pros & cons—good & bad reasons to televise meetings.

3. **Beamud** stated that in her experience running board meetings that were televised, one good reason to televise is we gather knowledge and people become involved. She said, “However, the down side is candid conversations without a filter. Some people have used boards like this for political office or to advance an agenda to the general population.”
4. **Shields** recalled that Rhonda Johnson, Municipal Clerk, mentioned early on that the Board may want to think about televising board meetings. **Shields** said, “We need community support and I am in favor of it and believe we could benefit as a Board. However, I feel that we also may need some training so that everyone is mindful of conduct, body language and how we are being perceived.”
5. **Edmond** said, “For all the fears, televising makes citizens aware of our existence and it will be beneficial. Candid conversations can be done over the phone.”
6. **Morrissey** noted for the record that AT&T U-verse service does not carry the City’s Channel 26 station.
7. **Edmond** stated that televised meetings can enhance our effectiveness and with strong community support, it may prove to be a sobering moment to Police. He added that we don’t have to decide at this meeting, but we just need to figure out how to make it happen.

C. ROBERTS RULES

An Introduction to Roberts Rules of Order was distributed to each member present. The **Chair** asked each member to review the information. **Edmond** said, “While you don’t have to be an expert, every member is asked to get a working understanding of the rules.”

RECOMMENDATIONS FROM THE SCREENING PANELS:

A report of the outstanding complaints, including investigations and screenings, was given to each member present.

A. SCREENING PANEL I

Beamud reported that Screening Panel I voted to investigate Complaint #09-01. She stated that this is the case that we are seeking a subpoena.

B. SCREENING PANEL II

1. **Beamud** reported that Screening Panel II decision regarding #09-02 is still pending because we were unable to reach panel member Hoffman to set up a conference to decide what to do about the case. She said, “The problem with the three member panel is when one member is not available, the case cannot be decided on if the two members

- reviewing the case disagree. We have to come up with a way to make the process work.”
2. It was suggested that when only two members are available, a member of another screening panel can shift and fill in for an absent member to prevent delaying a decision.
 3. Regarding complaint #09-02, **Morrissey** has agreed to temporarily stand in for **Hoffman**. Panel II members and **Morrissey** will be contacted by staff for a new conference call date.
 4. **Beamud** reported that since a decision was made to investigate, two complainants have not responded. In one case, the letter came back undeliverable.
 5. **Edmond** stated that we need to discuss what a reasonable amount of time is for them to respond and send a certified letter if we are going to dismiss the case due to a lack of response.
 6. **Beamud** said, “Some folks are experiencing so many difficulties and complainants, from time to time, will drop out...that is the nature of the business.”
 7. **Edmond** stated that the initiative will have to be taken up by the Rules and Procedures Committee.
 8. **Beamud** stated that a draft of the Rules & Procedures is being formatted and will be sent to Committee members next week for review.

EXECUTIVE DIRECTOR REPORT

A. BEARD DAILEY

1. **Beamud** asked Montague to give an update on Beard Dailey contract.
2. In his update, **Montague** stated that the company is now moving along quickly with the website. He asked Board members to participate in what would be the last board wide survey regarding the website. Members were asked to vote on three different exhibits to decide which of the three would be used as the prototype (*‘the look’*) for the website. A final vote tally will be shared with the board at a later date.

B. INVESTIGATIONS

Beamud introduce **Sheena Robertson** as the new Investigator. **Beamud** stated that she is on board and brings to the job a wealth of understanding and experience involving a number of investigations. **Robertson** greeted everyone, answered a few questions and provided her contact information. Members were told to feel free to contact Robertson if anyone had any questions.

C. BUDGET

Beamud reported that all departments are preparing a proposed budget for FY10 budget year. A budget preparation meeting was held earlier this week laying out the process. Beamud stated that in preparation of the new budget, she will be working very closely with our Budget Analyst, Sterling Thomas and will also look at Ethics and Audit's budget identifying trends to develop a similar budget. She said, "We are currently waiting on numbers regarding personnel costs which is 90% of our budget. The deadline for detailed budgets to be submitted is March 19th."

OTHER BUSINESS:

- A. Regarding the shooting (*Complaint #09-01*), **Edmond** asked the Board if they wanted to proceed with a subpoena since our requests for information have gone unanswered.
 1. **Beamud** stated that she sent an email to Chief Pennington asking him to respond by Wednesday on whether or not the documents would be released. She said, "He has not responded and we probably need to proceed with a subpoena." She also noted that Council is scheduled to go on recess in the next few weeks.
 2. **Edmond** entertained a motion for the subpoena. **Booker** moved to subpoena the records on the shooting; **Montague** seconded. Motion approved.
- B. In light of an earlier discussion, **Casting** pointed out that the subpoena will probably raise again the issue of the proposed changes to the Ordinance.
- C. **Booker** stated that we have made an effort, it was rejected and therefore, we should proceed.

ADJOURNMENT:

Edmond entertained a motion to adjourn. **Booker** moved for adjournment; **Kirschenbaum** seconded. Motion approved. Meeting adjourned at 8:12 PM.