

ATLANTA Citizen Review Board



ANNUAL REPORT

YEAR 2009

55 Trinity Street, Suite 9100 / Atlanta / Georgia / 30301
404-865-8628 (Office) / 404-494-1520 (Fax) / acrb@gov.org

I. AGENCY INFORMATION

A. Agency Structure

In March 2007, the City of Atlanta passed legislation creating the Atlanta Citizen Review Board (ACRB), a revamped version of the Civilian Review Board. The purpose of the legislation is to ensure that city departments directly responsible for public safety, particularly the Police Department and the Department of Corrections, have the proper support of the government and its various agencies. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta.

Pursuant to Sections 2-2201 and 2-2211 of the Code of Ordinances of the City of Atlanta, Georgia, the ACRB is empowered to review and investigate grievances of citizens who have complaints against any member of the Atlanta Police or Corrections Departments with respect to; (1) abusive language, (2) false arrest, (3) false imprisonment, (4) harassment, (5) use of excessive force, (6) serious bodily injury, or (7) death which is alleged to be the result of the actions of a sworn employee of the Departments. This impartial body serves to help ensure the highest level of equality under the law for all people by providing a voice to citizens of the Atlanta community at large.

The ACRB office opened in September 2008 when Executive Director, Cristina Beamud was hired by the Board. In consultation with Board members, Ms. Beamud began the task of building the office from scratch; from hiring key investigative and administrative personnel to purchasing computers, phones and office supplies. Since September, the Office has grown to a staff of 4, taken in 39 formal complaints.

B. Atlanta Citizen Review Board Members¹

According to the City Ordinance, the Atlanta Citizen Review Board is to be composed of eleven members selected from various constituencies throughout the City of Atlanta. The selection process is designed to reflect the diversity and interests of a broad spectrum of the community. At present, there is one vacant seat on the Board. The current Board members are as follows:

Roderick Edmond, the Chair of the Board, is a founding and managing partner of the law firm Edmond & Lindsay LLP. He concentrates his legal practice in the area of plaintiffs' wrongful death and catastrophic personal injury. Mr. Edmond received his Bachelor of Science degree from Morehouse College and a medical degree from Duke University. He did post-graduate training in general surgery at Beaumont Army Medical Center in EI Paso, Texas and served five years as a physician and a Captain in the United States Army. During his last three years on active duty he served as a staff physician at the Pentagon in Washington, D.C. While practicing medicine at the Pentagon, he attended law school at night and received his law degree from Georgetown University. Mr. Edmond was appointed by the Atlanta City Council to serve on the ACRB in June

¹ More detailed information about the Board members can be found on the ACRB's website at www.acrbgov.org

2007 for a two year term. The Council reappointed him in June 2009 and sworn in as the second chair of the Board in February 2009. His second term expires on June 4, 2012.

Seth D. Kirschenbaum, the Vice Chair of the Board, is a partner of the law firm of Davis, Zipperman, Kirschenbaum & Lotito LLP where he specializes in criminal defense. He received his undergraduate degree from the State University of New York at Binghamton and his law degree from Emory University School of Law. Mr. Kirschenbaum was appointed to the ACRB by the Atlanta Bar Association in June 2007 for a three (3) year term. After joining the board, he was elected Vice Chair and re-elected Vice Chair of the Board in February 2009. His first term expires on June 18, 2010.

Joy Morrissey, the Board's Secretary, business and professional experience includes teaching in the Metro Atlanta school systems for 10 years. Ms. Morrissey received her undergraduate degree in education from Georgia Southern University and took graduate level courses from Georgia Southern University, Georgia State University, Southern Polytechnic Institute. She was appointed to the Atlanta Citizen Review Board by the Atlanta Planning Advisory Board (APAB) in May 2007 for a one (1) year term representing NPUs 'A' through 'F.' APAB reappointed her in July 2008 for a three (3) year term. Her second term expires on June 4, 2011.

John L. Booker is a retired Major from the City of College Park Police Department. He has thirty three (33) years of extensive experience in security and public safety. During his distinguished career, he received numerous awards and proclamations for esteemed performance in the line of duty. In 1997, he was distinguished as being the longest continuous serving African American Law Enforcement Official in the State of Georgia. Mr. Booker was appointed to the ACRB the President of the Atlanta City Council on May 21, 2007 for a three (3) year term. His first term expires on June 4, 2010.

Charis L. Johnson has been practicing law for over 20 years. She serves as an attorney with Ronnie Moore & Associates and Staff Counsel for Allstate and Encompass Insurance Companies in Atlanta. She is a graduate of Spelman College and earned her law degree from Howard University Law School. She currently is the President of the Atlanta League of Women Voters and a member of the Atlanta Judicial Commission. She was appointed to the ACRB by the Gate City Bar Association in June 2007 for a two (2) year term. The Gate City Bar Association reappointed her in June 2009 for a three (3) year term. Her second term expires on June 4, 2012.

John L. Michael has been a strong advocate for the poor and underserved. He is known throughout Atlanta as being committed to serving his community and the city-at-large. Mr. Michael received his bachelor's degree from Clark Atlanta University and has taken graduate courses at Georgia State University and North Carolina A&T State University. He was appointed to the Atlanta Citizen Review Board by the Atlanta Planning Advisory Board in June 2007 for a three (3) year term representing NPUs 'M' through 'R'. His first term expires on June 4, 2010.

Owen Montague is the President & CEO of ValuePlexAuctions Consulting, an Atlanta based company providing business development and technology services. He received his bachelor's degree in Clinical Psychology from LaSalle University and a master's degree in business administration from the University of Pennsylvania, Wharton Graduate School. He was appointed

to the ACRB by the Atlanta Business League (ABL) in June 2007 for a two (2) year term. He was reappointed by the ABL in June 2009. His second term expires on July 1, 2011.

Sharese Shields serves as an attorney with the law firm of Carlock Copeland & Stair, LLP. Ms. Shields earned her bachelor's degree in journalism from Clark Atlanta University and her law degree from Illinois Institute of Technology, Chicago-Kent College of Law. She was appointed to the Atlanta Citizen Review Board by former Mayor Shirley Franklin on May 21, 2007 for a one-year term. Ms. Shields played an integral role in organizing the newly created Board and was elected the Board's first chair. She was reappointed by the Mayor in June 2008 for a three year term. Her second term expires on June 4, 2011.

Alan H. Morris has a distinguished career in the field of rehabilitation. He spent most of his career working for the Georgia Department of Human Resources' Division of Rehabilitation Services. He received many awards and recognitions including a Lifetime Achievement Award from the Georgia Rehabilitation Association. He earned an associate degree in psychology from Oxford College of Emory University and his bachelor's degree in psychology from Georgia State University. He also received two master's degrees, one in Rehabilitation Counseling and the other in Public Administration from Georgia State University. Mr. Morris was appointed to the ACRB by the League of Women Voters in April 2009 for a three-year term. The City Council confirmed his appointment July 30, 2009. His first term expires on June 4, 2012.

Maceo Williams is the President & CEO of MaceoMedia, a public relations firm based in Atlanta. He was appointed to the Atlanta Citizen Review Board by the Atlanta Planning Advisory Board (APAB) in December 2009 for a three (3) year term representing NPU's 'S' through 'Z.' His first term expires on December 4, 2012.

The Board meets on the second Thursday evening of each month. At these meetings, Board members are updated by the ACRB executive director on various issues, including, developments in office infrastructure, outreach and personnel matters. In addition, they are provided with a report of the complaints received by the Office, along with their dispositions. The Board takes an active role in the work of the ACRB offering guidance on many issues that arise. They are also charged with reviewing the executive director's recommendations for dismissal of complaints and making recommendations to Atlanta Police or Corrections Departments, where appropriate, regarding Atlanta Police and Corrections Departments' training, evaluation, discipline, and supervision of officers where changes may affect the incidence of officer misconduct.

C. Atlanta Citizen Review Board Staff

The ACRB operates under the supervision of the executive director, who is appointed by the Board. Currently, the office is staffed by two investigators, all of whom take in and investigate complaints. Additionally, ACRB has an administrative assistant who provides administrative support to the staff and the executive director. The members of the staff are as follows:

Cristina Beamud became the agency's first executive director in September 2008 after working as a Police Auditor in Eugene Oregon, where she established the Police Auditor's office. The Auditor's office was designed to provide citizen oversight and input into the complaint process in matters involving the Eugene Police Department. Prior to her position in Eugene, Ms. Beamud

served as the legal advisor to the Cambridge Massachusetts Police Department. She received her undergraduate degree from the State University of New York at Albany and her law degree from Northeastern University.

Sheena Robertson, the agency's investigator, joined the ACRB in February 2009. Prior to joining the agency, Ms. Robertson worked with the City of Atlanta Department of Law as an Internal Investigator in their Compliance Unit for two years. She was responsible for investigating allegations of police corruption, fraud, and misconduct of elected officials, employees and other individuals or entities doing business with the City of Atlanta. Ms. Robertson received her bachelor's degree from the City University of New York at Queens College and her law degree from Hofstra University School of Law.

Marc Addington, the agency's other investigator, was appointed to his position in October 2009. He joined the agency with over nine years of investigative experience. Mr. Addington worked as a Fraud Investigator with a regional financial institution where he was responsible for managing both internal and external fraud investigations, for two years before assuming his current position. Prior to that, he spent several years as an investigator with the Stone Mountain Police Department and the Fulton County District Attorney Office. Mr. Addington has received specialized training in several areas of investigation that includes criminal investigations, financial crimes, mortgage fraud, and homicide investigations. He received his bachelor's degree from Thomas Edison State College.

Myola Smith, ACRB's administrative assistant, joined the agency in December 2008 from the City of Atlanta's Mayor's Office where she provided administrative support to the Mayor's Deputy Chief of Staff and later became the Mayor's Scheduling Coordinator. Prior to the opening of the office, Ms. Smith was considered the point of contact for the public and news media regarding complaints and general inquiries. She assisted the Chair and other board members with getting organized and receiving assistance from the various City departments necessary for the Board to become fully functional. Ms. Smith has over 25 years of professional experience in business and management. She attended C.S. Mott College and the University of Michigan where she pursued a degree in business administration.

D. Complaint Process

The ordinance creating the ACRB sets forth the complaint process. The law embodies a hybrid model for citizen oversight – an independent authority that investigates complaints and makes policy recommendations to the police and correction departments. Consequently, the agency operates independently of the Atlanta Police and Corrections Departments, while at the same time interacting with Department officials and fostering a mutually beneficial working relationship.

In order for ACRB to pursue a matter, the complaint must be in writing and under oath. Additionally, the complaint must be received within 180 days of the alleged misconduct and must fall within at least one of seven categories of conduct ACRB is authorized to investigate:

- (1) abusive language;
- (2) false arrest;
- (3) false imprisonment;
- (4) harassment;

- (5) use of excessive force;
- (6) serious bodily injury; or
- (7) death that is alleged to be the result of the actions of a sworn employee of the Atlanta Police or Corrections Departments.

The staff of the ACRB conducts a preliminary review and investigation to assist the Board to consider the complaint. The executive director will refer the matter to the Board for their consideration. The Board may decide to do one of the following things:

- investigate the allegations;
- refer the complaint to the Office of Professional Standards and the Chief of Police or Corrections;
- conduct further investigation of the complaint to determine if the Board has authority to review the complaint; and
- dismiss the complaint.

When a complaint is sent for investigation, it is assigned to one of ACRB's staff investigators. The investigator interviews the complainant, subject officer, and any witnesses the complainant identifies, in addition to attempting to locate and interview any other police or non-police witnesses who may be able to provide relevant information. The investigator also collects and reviews other evidence, including Atlanta Police or Corrections' Departments documents, hospital records, materials from other sources, the scene of the incident, and any other relevant information. When the investigation is complete, the investigator drafts an investigative report, which, along with all the evidence gathered in the investigation, is reviewed by the executive director.

The executive director will then forward the report to the Board who will consider the evidence. They may also conduct a hearing into the matter and subpoena witnesses and documents. The Board may then make recommendations to the Chief of Police, the Chief of Corrections, the City Council, the Mayor and the President of the Council. They may also conduct studies and analyze trends in order to improve the quality of public safety services for the City of Atlanta. If a complaint is sustained, the executive director will send the determination to the police chief or Corrections chief for review and imposition of discipline. The ordinance requires that the Chief respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief.

II. THE YEAR IN REVIEW

A. Introduction

2009 was a very busy year for the ACRB. The Board developed and filed its By-Laws and they have drafted protocols for performing intake of complaints, guiding investigations of those complaints, and the adjudication² process. Challenges have arisen which has resulted in some delays. Most notably, the Board has experienced some lack of cooperation by the police department. Officers have refused to submit to interviews and the Department has been slow to

² *Definition: Adjudication is a finding made by the Board after a complaint is investigated.*

respond to the recommendations made after the full review of the Board. We continue to try to resolve these difficulties.

B. 2009 Statistics

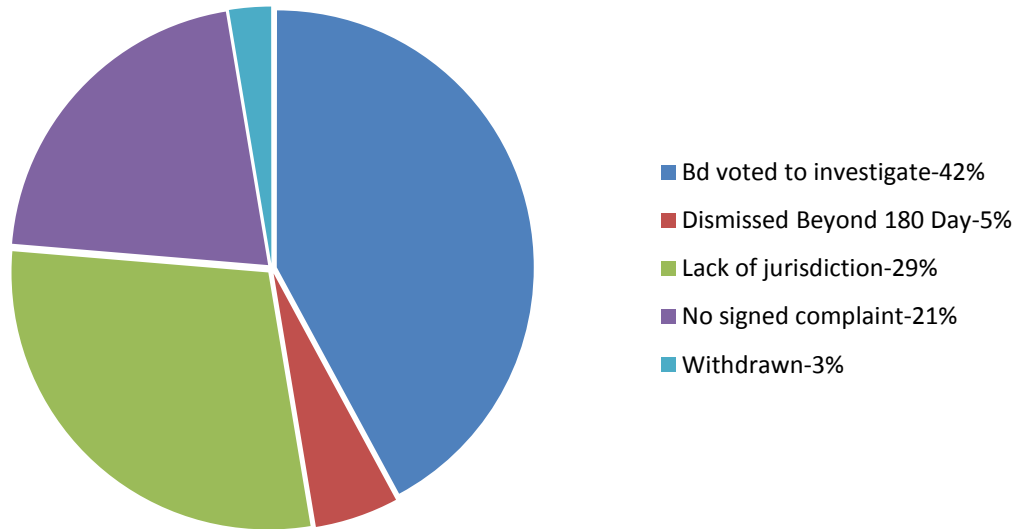
In an effort to describe the work performed by the ACRB and the nature of the complaints that the office received, ACRB has compiled the statistics that are included in this section. Three investigations received in 2008 were investigated and adjudicated in 2009.

The ACRB was contacted 39 times by citizens in 2009, January 1, 2009 through December 31, 2009, averaging 3.25 contacts per month. Of these 39 contacts, 31 resulted in formal signed complaints. Of the 31 signed complaints, the Board decided to initiate investigations concerning 17 of the complaints. The Board investigated all of the complaints that fell within their jurisdiction. The 14 cases that were administratively closed were because the complaint was either not filed within the 180 days required by the ordinance, or the nature of the complaint did not fall within the Board's authority as defined by the ordinance. The table below indicates the number of citizen contacts received by ACRB in 2009, the number of formal complaints that resulted and the disposition of each citizen contact that did not result in a formal complaint.

1. Citizen Contacts and Formal Complaints

Total Citizen Contacts (including phone, mail, walk-ins, etc.)	39
Contacts Closed – No Formal Complaint	8
Closed – Administrative Reasons	14
Total Formal Complaints Received and Investigation Initiated	17
Closed Formal Complaints – Investigated and Adjudicated	12
Pending Investigation and Adjudication	5

2009 ACRB Citizen Complaint Intake Dispositions



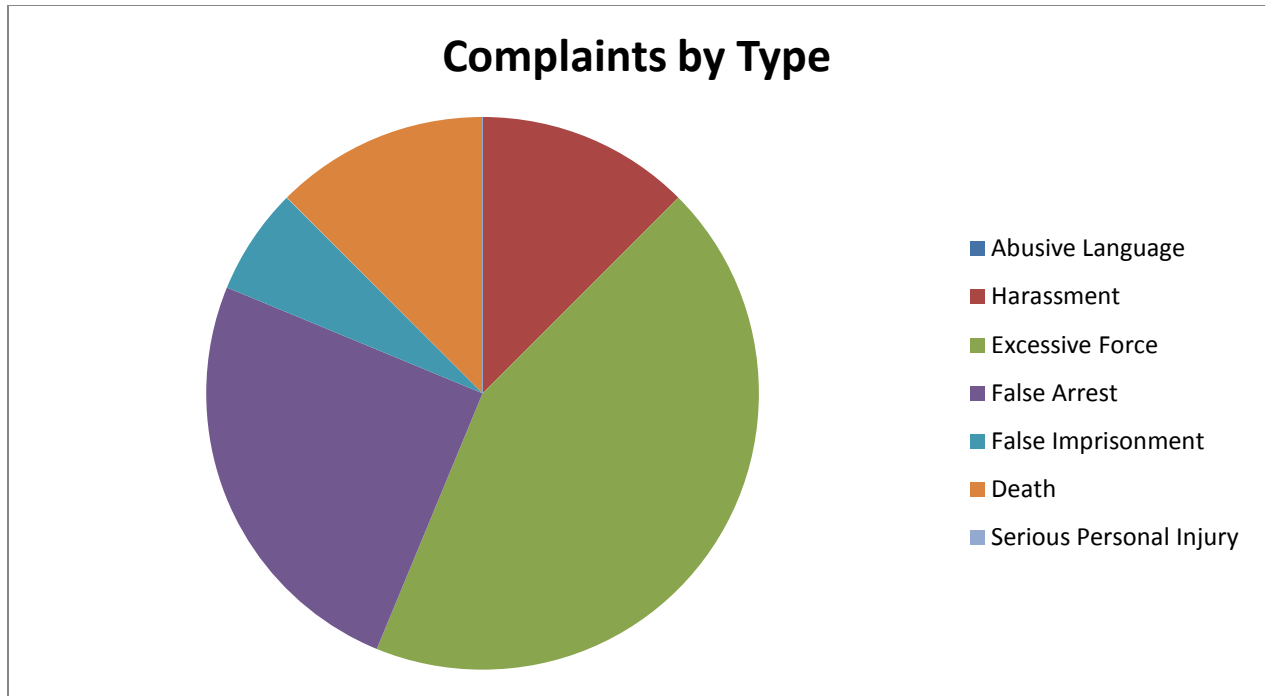
Many of 31 formal complaints contained allegations of misconduct in more than one area, i.e. excessive force and abusive language. In addition, statistics on the types and number of allegations made are based on how a complainant reports an incident. In 2009, citizens most often complained of an officer’s use of excessive force, defined by the ACRB as “the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.”³ To decrease the numbers of complaints concerning excessive force it seems clear that APD should review its officer training programs, with an eye toward more emphasis on courteous communications with citizens in initial academy courses, as well as later in-service training sessions.

The number of allegations in each category of ACRB’s authority and the percentage of formal complaints filed for each category appear below:

Abusive Language	1
Harassment	2
Excessive Force	7
False Arrest	4
False Imprisonment	1
Death	2
Serious Personal Injury	0

Formal Complaints Filed By Category- 2009

³ Section 2-2213(j)(2) of the Code of Ordinances of the City of Atlanta, Georgia, “Definitions”



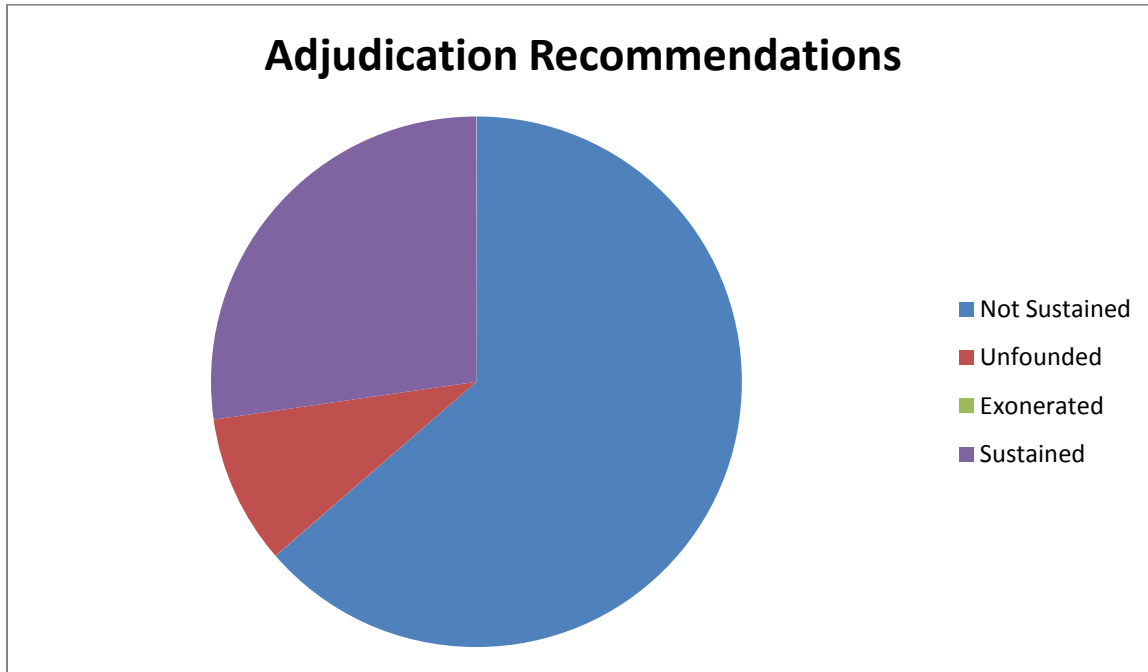
2. *Disposition of Formal Complaints*

In 2009, the ACRB staff investigated and referred eleven (11) complaints to the Board, resulting in nine (9) decisions. Two of those complaints that are indicated by an asterisk (*) were still pending review by the Board and was not decided by year's end. The Table below lists each of the resolved complaints in the order in which they were resolved and identifies the allegations in the complaint, the recommendations of the ACRB Staff, and the decisions reached by the Board and the Chief of Police.

Table 2: Statistical Breakdown of Complaint Cases Reviewed by the Board in 2009

Complaint Number	Allegation(s)	ACRB Staff Recommendation	Board Findings	Chief Findings
08-05	False Arrest Abusive Language False Imprisonment	Unfounded Unfounded Not Sustained	Unfounded Unfounded Not Sustained	Agreed with Board's Findings
09-02	Excessive Force	Sustained	Sustained	Rejected Board's Recommendation
08-13	Excessive Force	Sustained	Sustained	Rejected Board's Recommendation
09-07	False Arrest	Not Sustained	Not Sustained	Agreed with Board's Findings
08-15	Death Resulting from the Actions of a Police Officer	Not Sustained	Sustained	Rejected Board's Recommendation
09-11	Excessive Force False Arrest	Not Sustained Unfounded	Not Sustained Unfounded	No Response Received
09-14	Excessive Force Harassment	Not Sustained Not Sustained	Not Sustained Not Sustained	No Response Received
09-15	Excessive Force	Not Sustained	Not Sustained	No Response Received

09-23	Excessive Force	Not Sustained	Not Sustained	No Response Received
*09-25	Excessive Force	Sustained	Awaiting Review	TBD
*09-30	Excessive Force	Not Sustained	Awaiting Review	TBD



ACRB forwards to Atlanta Police Department’s Chief of Police all decisions made by the Board involving all officers. As indicated in the table above, in 2009, ACRB sent three (3) decisions to APD that sustained allegations of misconduct. However, APD disagreed with all three of the Board’s findings and did not impose any disciplinary actions on any of the officers involved. There is one sustained recommendation that remains unresolved. The Chief of Police agreed with the ACRB recommendation each time they recommended a not sustained or unfounded adjudication.

C. Officer Cooperation

The ordinance that established the Atlanta Citizen Review Board requires all employees to cooperate and submit to interviews. However, during the calendar year of 2009, 18 officers either failed to appear or refused to be interviewed by the ACRB staff. This undermines the Board’s ability to conduct credible, thorough and fair-minded investigations. Below is a list of the officers who refused to respond to questions regarding actions taken within the scope of their employment.

Craig Fries	08-13	April 22, 2009
Ivory Streeter	08-13	April 22, 2009
James Patterson	08-13	May 13, 2009
Carl Wilson	09-02	April 27, 2009

Michael Skillman	09-02	May 4, 2009
Drew A. Bahry	09-02	May 13, 2009
Roderick Johnson	09-07	July 30, 2009
Christopher Lanier	09-15	October 28, 2009
Darnell Perry	09-15	October 28, 2009
Dominique Pattillo	09-15	Never Appeared
Zoel Murphy	09-23	Never Appeared
Frank Esquilin	09-25	November 25, 2009
Brandy Dolson	09-13	December 3, 2009
James Hines	09-30	December 9, 2009
David Stribbling	09-37	December 17, 2009
Bennie Bridges	09-34, 09-36 & 09-38	December 21, 2009
Kelly Collier	09-34, 09-36 & 09-38	December 21, 2009
Peter Trotta	09-37	December 17, 2009

D. Community Outreach

As part of the Board's efforts to provide valuable service to the citizens of Atlanta, staff members and board members attended community gatherings and meetings in order to introduce the community to the work performed and services provided by the Board. It is our hope that this will result in the development of partnerships and relationships in order to build our own accountability. The ACRB will continue its current outreach activities and expand its engagement with the public.

Below is a sample of the organizations where informational materials were distributed and a brief overview of services was provided for the community:

- American Civil Liberties Union
- Atlanta Bar Association
- NAACP
- Neighborhood Planning Units (A-Z)
- Building Locally to Organize for Community Safety (BLOCS)
- Friends of English Avenue
- Georgia State University Department of Criminal Justice
- Lindsey Street Baptist Church

For 2010, ACRB will continue its current outreach activities and continue to focus attention on gaining and maintaining community support for its mission.

E. Board and Staff Training

In order to ensure that both ACRB staff and Board members are knowledgeable and up to date on the matters that they assess and investigate, the Board and staff attended training given by Professor Covey at Georgia State Law School. The training included the issues of abusive language,

false arrest, false imprisonment, harassment, use of excessive force, serious bodily injury, death which is alleged to be the result of the actions of a police or corrections officer. This training also fulfills the requirements of the enabling ordinance.

In addition, the Board invited Professor Robert R. Friedmann who gave a presentation concerning the role of oversight boards in Community Policing.

In order to support the efficient function of the Board, a representative from the Carl Vinson Institute of Government gave a day-long training on Effective Meeting Management for Municipal Boards and Commissions.

The Board also received training on the Open Records Act and the Open Meetings Law and the City of Atlanta Ethics Code.

F. Police Oversight and Law Enforcement Organizations

Staff and Board members have attended and participated in discussions sponsored by National Association for Civilian Oversight of Law Enforcement (NACOLE). Board members Sharese Shields and Joy Morrissey attended the national conference in 2007 and ACRB executive director and Joy Morrissey attended the 2009 conference. Ms. Beamud moderated and participated in a panel entitled, "Model Specific Roundtables." This workshop allowed oversight practitioners to meet with others working in similar agencies and to discuss issues and methods pertinent to their specific brand of oversight. Additionally, the executive director participates in the Strategic Planning Committee and the Professional Standards Committee.

G. The Future

The Board aspires to provide thorough, prompt and fair investigations of complaints made by citizens which fall within its authority. The goal of this system is to improve the quality of public safety services and to provide a community perspective for the Police and Corrections Departments. Research has found that people's feelings about an encounter with the police can depend more on whether they believed the officer was respectful and courteous than on the actual outcome. Legitimacy is used to describe the judgments that ordinary citizens make about the rightfulness of police conduct and the extent to which they support the police department or other government. Legitimacy and procedural justice can lead to greater levels of voluntary compliance with the law and when the community believes that the police conduct themselves in ways that merit support, they are more likely to cooperate with the police, which lead to few incidents that put officers at risk. Board members represent the diversity of the City of Atlanta can help to improve legitimacy and consequently, improve voluntary compliance with laws.

The Board has faced challenges providing services; most notably the lack of cooperation by some officers. It is difficult to form well reasoned conclusions without the ability to understand the officers' point of view. The Board looks forward to having more access to the officers since the City Council has enacted new legislation which requires the Chief to impose discipline on employees

who do not cooperate. It is the hope of the staff and Board that the new police administration will view the recommendations of the Board as a valuable tool which can help them to understand the needs of the community and a form of engagement and necessary dialogue which can assist them to make decisions about the provision of public safety services. The Board is committed to being a part of the efforts to improve the quality of police and corrections services for the City of Atlanta.