

NACOLE Case Studies on Civilian Oversight

Atlanta Citizen Review Board

Atlanta, Georgia
Investigative-Focused Model

by Michael Vitoroulis



COPS
Community Oriented Policing Services
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Contents

- Program Context** 1
- History of Civilian Oversight in Atlanta** 2
- Genesis and Evolution of Atlanta Citizen Review Board** 3
- Structure of Civilian Oversight in Atlanta** 6
 - Board structure, appointment, and terms 6
 - Board member training 7
 - ACRB staffing 8
 - Budget 9
- Scope of Authority and Board Duties** 10
 - Complaints 10
 - Policy and disciplinary recommendations 12
 - Access to information 12
 - Mediation 13
 - Outreach 13
 - Public meetings and reports 14
- Procedures** 15
 - Complaint intake and investigation 15
 - Board hearings and adjudication 16
 - Disciplinary and policy recommendations 17
 - OPS complaint investigation review 18
 - Mediation 18
 - Policy recommendations 19
 - Community outreach 20
 - Transparency 21

Program Context

The Atlanta Citizen Review Board (ACRB) is the investigation-focused civilian oversight agency responsible for overseeing the Atlanta Police Department's (APD) 2,000 sworn officers and the 230-sworn officer Atlanta Department of Corrections (ADC). Created three years after the fatal shooting of a 92-year-old woman in a botched drug raid, the ACRB receives, investigates, adjudicates, and issues disciplinary recommendations on complaints received from Atlanta's 472,000 residents. The ACRB also runs a mediation program, conducts outreach, coordinates an innovative volunteer program, and offers policy recommendations to the chief of police or chief of corrections.

History of Civilian Oversight in Atlanta

Atlanta's troubled history with creating effective civilian oversight began in 1984, when then Mayor Andrew Young failed to receive enough city council support to pass an ordinance that would create the city's first civilian review board. In 1987, Young pushed through his oversight agenda by executive order, creating Atlanta's Civilian Review Board.¹ The resulting investigative agency, with 27 board members responsible for adjudicating cases, suffered from persistent board vacancies, a lack of investigative staff, and insufficient access to information.² The board remained an ineffective, stagnant, and forgotten entity in the city's public safety infrastructure until the 1996 shooting of Jerry Jackson by an APD officer. That same year, then Mayor Bill Campbell sought to create an agency to undertake misconduct investigations independent from the APD's Office of Professional Standards (OPS), unaware that such a board had already been created just nine years earlier.

Mayor Campbell's Administrative Order 96-1, "An Administrative Order to Continue the Civilian Review Board,"³ did little to strengthen civilian oversight in the city. While now authorized to investigate alleged excessive force, serious bodily injury, and in-custody deaths as well as ADC misconduct, the board still lacked the necessary staff, resources, and subpoena power to be effective. It was also limited procedurally in that it was not allowed to review cases attached to any pending litigation. This meant that in practice, because the board had jurisdiction only over excessive force allegations that usually led to criminal or civil suits, the board's narrow scope limited its opportunity to effectively carry out its mandate. Similarly, the board was criticized for its lack of transparency: It did not issue reports, hold public meetings, or make findings and recommendations available to the public.⁴

1. Law Office of the Southern Center for Human Rights, *Supporting an Effective & Fair Citizen Review Board* (Atlanta: Southern Center for Human Rights, 2009), <https://www.schr.org/files/post/SCHR%20CRB%20Report.pdf>.

2. Law Office of the Southern Center for Human Rights, *Supporting an Effective & Fair Citizen Review Board*, 2 (see note 1).

3. "An Administrative Order to Continue the Civilian Review Board, Define its Composition and to Establish the Criteria and Scope of Review for this Board," Administrative Order 96-1, Office of the Mayor, City of Atlanta, January 5, 1996.

4. Law Office of the Southern Center for Human Rights, *Supporting an Effective & Fair Citizen Review Board*, 2 (see note 1).

Genesis and Evolution of Atlanta Citizen Review Board

In 2006, APD officers shot and killed 92-year-old Kathryn Johnston while serving a no-knock warrant pursuant to a drug raid.⁵ An ordinance creating the ACRB was passed unanimously by city council in 2007, creating an independent investigative agency with subpoena power, jurisdiction over more than force-related complaints, and more resources for staff and other needs.^{6,7}

The 2007 ordinance creating the ACRB allowed for an 11-member board of civilians—appointed by a combination of entities—to review and adjudicate ACRB investigations, recommend discipline to the chief of police and chief of corrections, and advise on policy changes.⁸ Complaint investigations were limited to allegations of abusive language, false arrest, false imprisonment, harassment, use of excessive force, serious bodily injury, and death as a result of the actions of sworn APD and ADC officers. Subpoena power was also granted, subject to approval by a city council committee.⁹

The ACRB’s work was initially stymied by officers refusing to submit to interviews, which created backlogs in the board’s caseload.¹⁰ Police-community tensions remained volatile after the APD stormed a gay bar without a warrant, detained patrons, and searched them illegally in 2009.¹¹ In 2010, the Atlanta city council passed a bill amending the ACRB’s ordinance, streamlining its process by requiring the board to vote on the issuance of subpoenas and compelling

5. Gracie Bonds Staples, “Remembering Kathryn Johnston 10 Years after Deadly Atlanta Police Raid,” *The Atlanta Journal-Constitution*, October 28, 2016, <https://www.myajc.com/news/crime-law/remembering-kathryn-johnston-years-after-deadly-atlanta-police-raid/pXPW8i7zQakltq76YXc27N/>.

6. Staples, “Remembering Kathryn Johnston” (see note 5).

7. City of Atlanta Ordinance No. 2007-13 (07-O-0141), 3-13-07, https://library.municode.com/ga/atlanta/codes/code_of_ordinances/177780?nodeId=PTIICOORENOR_CH2AD_ARTXVIBOCOCOAU_DIV11CIREBO.

8. City of Atlanta Ordinance No. 2007-13 (see note 7).

9. City of Atlanta Ordinance No. 2007-13 (see note 7).

10. Lauren Sudeall Lucas, “Atlanta Police Fight New Board,” *The Atlanta Journal-Constitution*, November 10, 2009.

11. Bill Torpy, “Eagle Gay Bar Raid Still Haunts Atlanta Police Department,” *The Atlanta Journal-Constitution*, August 10, 2017, <https://www.ajc.com/news/local/eagle-gay-bar-raid-still-haunts-atlanta-police-department/3zIdWiuCNQwoK0YxW1crCK/>.

the police chief to discipline any officer who refused to testify before the board.¹² Shortly thereafter, these changes were memorialized into an APD policy (which has since been revised and updated) requiring sworn and civilian personnel to cooperate fully with the ACRB.¹³

Despite this progress, frustrations in both the community and the ACRB itself continued for years. The APD's responses to the ACRB's information requests were often incomplete and severely delayed. The department continually disregarded the board's investigations and disciplinary recommendations on sustained cases.¹⁴ From 2007 to 2012, the APD's chief of police rejected every recommendation submitted by the board. Board vacancies, particularly the mayoral appointment, persisted, and sitting members frequently disagreed among themselves over the strategic directions the board should take. In late 2011, the agency's first executive director (ED) resigned, citing frustration with the APD's consistent lack of cooperation. By August 2012, a new ED was put in place following an extensive nationwide search by the board.

Furthermore, the ACRB's work was stymied by the narrow jurisdiction it had over cases. Because the board was allowed to investigate complaints across just seven types of allegations, a large share of the complaints received had to be dismissed. In 2012, 55 percent of complaints received were dismissed.¹⁵ In 2013, 70 percent of complaints were dismissed, nearly half because of the board's lack of jurisdiction.

In 2016, four years into his new position, the ACRB's ED earned enough trust and support from city council to usher through a significant revision to the board's ordinance. Coupled with a notable budget increase, the 2016 ordinance revision widened the board's complaint jurisdiction, endowed it with the authority to receive anonymous complaints, established a mediation

12. Ernie Suggs, "Citizen Board Given Power to Subpoena Police," *The Atlanta Journal-Constitution*, August 11, 2012, <https://www.ajc.com/news/local/citizen-board-given-power-subpoena-police/iphJUUQwrml8tUB8JiM35I/>.

13. "APD.SOP.2300 Department Cooperation with the Atlanta Citizen Review Board (ACRB)," *Atlanta Police Department Policy Manual* (Atlanta: Atlanta Police Department, 2020), <https://www.atlantapd.org/home/showpublisheddocument/3677/637449527865570000>.

14. Gwynedd Stuart, "Will the Citizen Review Board's New Director be . . . Too Transparent?" *Creative Loafing*, last modified April 13, 2012, <https://creativeloafing.com/content-215749-Will-the-Citizen-Review-Board's-new-director-be-...-too-transparent?>

15. Atlanta Citizen Review Board, *2012 Annual Report* (Atlanta: City of Atlanta, 2013), <http://acrbgov.org/wp-content/uploads/2010/08/2012-Annual-Report-Final-8.30.13.pdf>.

program, put in place requirements for community outreach, and required the police chief to provide a written rationale for his or her decisions. Because this report was drafted shortly after the ordinance change, it is too early to comprehensively evaluate the implications of these changes. They do, however, signal a significant departure from what is seen as the board's previous shortcomings.

Structure of Civilian Oversight in Atlanta

The ACRB consists of a 13-member board and, as of July 2018, eight office staff responsible for advising the mayor, president of the city council, city council members, chief of police, and chief of corrections on policies and procedures that would improve the department's operations and relations with the community.¹⁶ The ACRB reports to the City Council's Public Safety Committee on a semi-annual basis.

Board structure, appointment, and terms

The 13-member board is appointed by various entities throughout the city of Atlanta.¹⁷ Prior to the ordinance revision in 2016, the board consisted of 11 members. Two seats were added, which required appointments from additional community groups to increase the board's diversity and address quorum concerns. The enabling ordinance prescribes that¹⁸

- one member be appointed by the mayor;
- one member be appointed by the city council;
- one member be appointed by the president of the city council and have previous experience as a law enforcement professional (but may not currently be a sworn member of law enforcement);
- four members be appointed by the Neighborhood Planning Units;¹⁹
- one member be appointed by the Gate City Bar Association;
- one member be appointed by the Atlanta Bar Association;
- one member be appointed by the League of Women Voters;

16. City of Atlanta Code of Ordinances § 2-2201, https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORENOR_CH2AD_ARTXVIBOCOCOAU_DIV11CIREBO.

17. City of Atlanta Code of Ordinances § 2-2203.

18. City of Atlanta Code of Ordinances § 2-2203(a).

19. The City of Atlanta is divided into twenty-five Neighborhood Planning Units or NPUs, which are citizen advisory councils that make recommendations to the mayor and city council on zoning, land use, and other planning issues.

- one member be appointed by the Atlanta Business League;
- one member be appointed by the Georgia Coalition for the People’s Agenda;
- one member be appointed by the Urban League of Greater Atlanta.

All nominees must be confirmed by the Atlanta city council.²⁰ Board members must be residents of the city of Atlanta unless an exception is granted through legislative action. Board members may not hold any public office or be employed by the City of Atlanta.²¹ Terms are for three years, with a maximum of two consecutive terms.^{22,23} Board members may be recommended for removal by city council for incompetence, neglect of duty, misconduct, malfeasance, or failure to participate in training requirements.²⁴

In practice, board members devote roughly 10–12 hours per month to board responsibilities, excluding the minimum of three community outreach events board members are required to participate in annually as required by the 2016 ordinance revision. The revised ordinance also compensates members \$50 per public meeting or training session attended.²⁵

Historically, board vacancies have been a persistent issue for the ACRB because of the mayor’s or city council president’s failing to submit nominations and more recently because of difficulties finding a suitable nominee with previous law enforcement experience. During our site visit, ACRB staff suspected that filling this vacancy may be difficult because many former law enforcement members, following their careers in law enforcement, now live outside the boundaries of the city of Atlanta.

Board member training

Another addition from the 2016 ordinance revision is the requirement that board members participate in annual training sessions arranged by the ED.²⁶ Within one year of their appointment, members must complete a ride-along with APD and select portions of a curriculum, determined

20. City of Atlanta Code of Ordinances § 2-2203(c).

21. City of Atlanta Code of Ordinances § 2-2204(c).

22. City of Atlanta Code of Ordinances § 2-2206(3).

23. City of Atlanta Code of Ordinances § 2-2205(b).

24. City of Atlanta Code of Ordinances § 2-2211(c).

25. City of Atlanta Code of Ordinances § 2-2211(a).

26. City of Atlanta Code of Ordinances § 2-2207.

by the ED, at the APD Citizen’s Academy.²⁷ According to the ACRB ordinance, the training curriculum covers the following subjects: board orientation, use of force, criminal procedure, open meetings law, ethics, conflicts of interest, the Fourth Amendment, and APD/ADC policies and procedures.²⁸ The APD Training Academy also provides board members with periodic scenario and simulation training as requested and needed.

ACRB staffing

The ACRB is authorized to hire an ED and appropriate investigative and administrative staff to assist in its duties.²⁹ One month after the first ED’s departure in November 2011, an interim ED who had four years of experience on the board and was its first chair was hired while the board initiated its search process.³⁰ The board’s Personnel Committee selected five applicants and chose the top three qualified candidates. It then held a public forum for the entire board and interested stakeholders to meet and question each candidate.³¹ A full-time ED was selected in July 2012.³² Like the ACRB’s first ED, the current ED is an attorney with notable experience leading a civilian oversight agency.

Seven staff support the ED’s work: two senior investigators, one investigation manager, one community outreach specialist, one project manager, one executive assistant, and one administrative assistant. A volunteer program, detailed in the following sections and consisting of roughly 15–20 volunteers, assists the ACRB’s outreach efforts. The mayor’s office, city attorney, APD, and ADC may provide additional staff support upon request by the board.

27. City of Atlanta Code of Ordinances § 2-2207.

28. City of Atlanta Code of Ordinances § 2-2207(b).

29. City of Atlanta Code of Ordinances § 2-2204(e).

30. Atlanta Citizen Review Board, “Minutes of the Last Meeting,” January 12, 2012, <http://acrbgov.org/wp-content/uploads/2010/08/2011DecemberApprovedMinutes.pdf>.

31. Atlanta Citizen Review Board, “Minutes of the Last Meeting,” March 8, 2012, <http://acrbgov.org/wp-content/uploads/2010/08/2012FebruaryApprovedMinutes.pdf>.

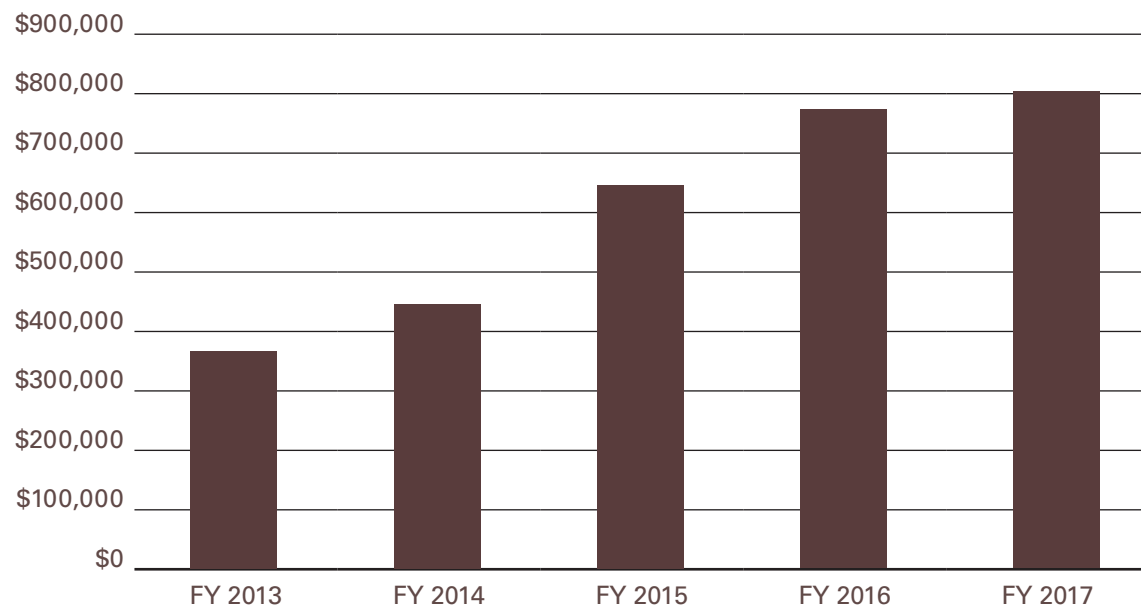
32. Atlanta Citizen Review Board, “Minutes of the Last Meeting,” September 13, 2012, <http://acrbgov.org/wp-content/uploads/2012/10/2012AugustApproved.pdf>.

During our visit, the ED stressed that the investigative staff comes from mixed investigative backgrounds, including one investigator with law enforcement experience, one who formerly worked as an investigator at a large civilian oversight agency, and another who has a law degree and worked as an internal investigator in the Compliance Unit of the city of Atlanta’s Law Department. Investigative staff also receive the same training as board members on a regular basis.

Budget

The amount of funds allocated to the ACRB by the city of Atlanta has more than tripled since the agency’s inception, in part because the ACRB has developed a comprehensive plan for future operations and has garnered the trust of elected officials. Its first operating budget in 2007 was \$250,000,³³ and the allocation increased slightly until significant increases began in 2013. Figure 1 shows the budget levels for fiscal years 2013 through 2017.

Figure 1. Atlanta Citizen Review Board budgets Fiscal Years (FY) 2013–2017



Source: “Historical Budget Documents,” City of Atlanta, GA, accessed October 1, 2020, <https://www.atlantaga.gov/government/departments/finance/budget-fiscal-policy>.

33. Atlanta Citizen Review Board, *2010–2011 Biennial Report* (Atlanta: Atlanta Citizen Review Board, 2012), 20, <http://acrbgov.org/wp-content/uploads/2010/08/Atlanta-Citizen-Review-Board-Biennial-Report-2010-2011.pdf>.

Scope of Authority and Board Duties

Per its enabling legislation, the purpose of the ACRB is to provide an outlet for independent investigations into civilian complaints and to advise the mayor, city council and its president, chief of police, and chief of corrections on ways the APD and the ADC can improve their work and their relationship with the community.³⁴

The ACRB is authorized to receive, investigate, adjudicate, and mediate community member complaints. It is also authorized to offer disciplinary recommendations for cases it adjudicates, submit policy recommendations, review Office of Professional Standards (OPS) investigations, and conduct community outreach to inform the community of its work.

Complaints

Among the ACRB's core functions are receiving and investigating complaints, including those made anonymously,³⁵ provided the alleged incident occurred within 180 days of the complaint and the complainant's statement is under oath.³⁶

Prior to the 2016 ordinance revision, the ACRB was required to dismiss a significant number of complaints because the allegations fell outside the jurisdiction of what it was allowed to investigate. The expanded ordinance allows for a broader range of complaints to be investigated by the board, including allegations of abuse of authority, appropriate action required,³⁷ conduct,

34. City of Atlanta Code of Ordinances § 2-2213(a).

35. City of Atlanta Code of Ordinances § 2-2201(a)(4).

36. City of Atlanta Code of Ordinances § 2-2201(a)(3).

37. "Appropriate reaction required" refers to employees being required to respond to all situations in a manner that is considerate of the rights, feelings, and interests all of those involved. In addition, employees are required to take the necessary actions in each situation that will allow them to provide the appropriate service and to provide proper notification to supervisors and superior officers when circumstances warrant. If the officer is unsure of the appropriate action required in a situation they must request assistance from a supervisor or superior officer. See City of Atlanta Code of Ordinances § 2-2202.

discrimination, discriminatory reference,³⁸ failing to provide identification, retaliation, and violation of policy by sworn APD and ADC personnel, as well as the allegations allowed in the original ordinance. As an independent investigative agency, complaints received by the ACRB are a separate “stream” of civilian complaints. When the ACRB receives a complaint, after forwarding the complaint information to the OPS per the ACRB ordinance, it initiates its own investigation into the alleged incident. The OPS will then conduct a parallel investigation while the ACRB investigation is underway. The opposite, however, is not true: When the OPS receives a complaint, it is not required to forward it to the ACRB, and under these circumstances the ACRB is not permitted to conduct an investigation. Upon completion of the investigation by the OPS, a civilian who is dissatisfied with the OPS investigation may request that a review be done by the ACRB. The differential in complaint volume between OPS and the ACRB is worth noting. The OPS typically receives approximately 700–800 internally generated and civilian complaints against officers annually.³⁹ Conversely, the ACRB, which does not have jurisdiction to investigate internally generated complaints, received 184 complaints in 2016. The board does not have a time limit to complete investigations, but OPS has 180 days to finish their own investigations.

OPS and ACRB investigations are similar in they both conduct thorough and comprehensive investigations that include the review of medical records, audio and video recordings, and contracting professional consultants as needed. However, they do differ in that the ACRB has the authority to adjudicate and issue recommendations on discipline and any policy changes it finds appropriate throughout the course of its work. The OPS assumes a strict fact-finding role and does not adjudicate complaints based off its findings of fact.

The ACRB is also authorized to review completed OPS complaint investigations.⁴⁰

38. “Discriminatory reference” is defined as a derogatory reference to an individual because of their gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political preference. See City of Atlanta Code of Ordinances § 2-2202.

39. Note that the number of complaints OPS receives necessarily includes all complaints received by the board. In other words, a notable share of the complaints dealt with by OPS are “duplicates” of complaints initially submitted to ACRB.

40. City of Atlanta Code of Ordinances § 2-2213(f).

Policy and disciplinary recommendations

The ACRB may, at any time, issue recommendations regarding general reforms to each department's operation.⁴¹ The board may also issue specific recommendations regarding individual officers including hiring, firing, promotion, discipline, or commendation.⁴² The chief of police or chief of corrections is required to respond in writing within 30 days to the ACRB's recommendations providing a legal or factual justification for his or her decision.⁴³

Furthermore, the board may initiate studies upon request by the board, the community, the APD, or the ADC.⁴⁴

Access to information

While the ACRB initially struggled to obtain the information necessary for conducting a timely and thorough investigation, this situation has changed considerably. The improved cooperation can be attributed in part to ordinance revisions that have streamlined and clarified the board's information access and the APD's adoption of a standard operating procedure in 2010 requiring sworn and civilian personnel to cooperate fully with the board's information requests.⁴⁵ Failure to cooperate with the board can result in administrative discipline determined by the department.

By ordinance, the ACRB has full access to APD and ADC personnel and is authorized to receive copies of relevant documents including OPS files, community member complaints and determinations, and other internal investigative documents; police paperwork; information related to past assignments and disciplinary action; summaries and statistical compilations on shootings, injuries, training, and other related documents; and personnel files for individual officers.⁴⁶

The board is authorized to issue subpoenas by majority vote.⁴⁷

41. City of Atlanta Code of Ordinances § 2-2213(m)(1).

42. City of Atlanta Code of Ordinances § 2-2213(m)(1).

43. City of Atlanta Code of Ordinances § 2-2213(o).

44. City of Atlanta Code of Ordinances § 2-2213(e).

45. "Standard Operating Procedure 2300" (see note 13).

46. City of Atlanta Code of Ordinances § 2-2213(f).

47. City of Atlanta Code of Ordinances § 2-2213(i).

Mediation

The 2016 ordinance revision also granted the ACRB authority to contract mediators and refer complaints deemed eligible for mediation.⁴⁸ Among the list of complaint allegations eligible for mediation are courtesy, language (excluding discriminatory language used in reference to one's race, gender, or sexual orientation), abuse of authority, appropriate action (minor detentions without legal authority), and harassment.⁴⁹ If a mediation is unsuccessful, the complaint enters back into the investigation pool under the normal investigatory procedures. If mediation is successful, the complaint is closed as mediated after all parties have signed the mediation agreement.^{50,51}

Outreach

Among the ACRB's primary responsibilities is developing and administering ongoing programs to educate the public of the ACRB's duties and accomplishments.⁵² This requirement has largely been addressed by the Outreach Specialist on staff and with the assistance of the Community Outreach Volunteer Ambassador Program (COVAP) (detailed at the end of this report), attending community events, and using various methods to keep the public informed of its work.

As stated earlier, board members are required by ordinance to participate in a minimum of three community outreach events annually.⁵³ In addition, board members are required to file quarterly reports with their appointing entity, thus keeping community groups, neighborhood planning units, and various constituencies throughout the city up to date on the ACRB's achievements.⁵⁴

48. City of Atlanta Code of Ordinances § 2-2213(p).

49. City of Atlanta Code of Ordinances § 2-2213(p)(1).

50. City of Atlanta Code of Ordinances § 2-2213(p)(6).

51. *Policies and Procedures Manual and Bylaws* (Atlanta: Atlanta Citizen Review Board, 2016), 20, <https://acrbgov.org/wp-content/uploads/2016/08/ACRB-Bylaw-and-Policy-approved-7-14-16-5.pdf>.

52. City of Atlanta Code of Ordinances § 2-2213(b).

53. City of Atlanta Code of Ordinances § 2-2213(b)(1).

54. City of Atlanta Code of Ordinances § 2-2213(b)(3).

Public meetings and reports

The board is authorized and required to host public hearings in accordance with Georgia's Open Meetings Act.⁵⁵ Complaints submitted to the ACRB immediately become public record upon intake, and the board is authorized to post completed investigations on its website after notifying the mayor, city council, chief of police, or chief of corrections of its decision on an individual complaint. The board must also issue semi-annual reports to City Council's Public Safety Committee.⁵⁶

55. City of Atlanta Code of Ordinances § 2-2213(l).

56. City of Atlanta Code of Ordinances § 2-2213(n).

Procedures

Complaint intake and investigation

Civilian complaints can be filed in-person at the ACRB office; by phone, fax, or mail; and through the agency’s website. When a complaint is filed anonymously, staff work to develop as comprehensive an intake report as possible because anonymous contact information cannot be retained under Georgia’s Open Records Act and follow-up with complainants is not possible. All complaints submitted to the ACRB, after review and assessment by staff, are presented to the board during the monthly board meeting. In practice, roughly 90 percent of the complaints received by the ACRB are against sworn APD personnel; the agency receives very few complaints against ADC officers.

When a complaint is received by the ACRB, it is assigned to an investigator and a copy of the complaint is forwarded to the OPS. Complaints may be dismissed if the complaint is unsigned, contains an allegation outside the board’s jurisdiction, involves officers who are not sworn APD or ADC personnel, or is filed outside of the allowed timeframe (more than 180 days); the complainant fails to cooperate; the allegation is lacking in merit; or there is a lack of adequate information.⁵⁷

The OPS and the ACRB conduct parallel independent investigations. In very rare instances and upon request of either party, information may be reviewed by the ACRB or OPS after the initial investigation is closed. Because, procedurally, the ACRB initiates its investigation first, OPS has the option to accept interview statements received by the board or to invite relevant parties to re-interview at the department. In practice, the OPS often opts to conduct its own interviews. The ACRB has expressed concern about the parallel investigations because complainants, witnesses, and officers are subject to multiple interviews and this practice creates legitimacy and resource allocation issues.

57. “ACRB Complaints Received/Assigned for Investigation/Dismissals, January 2016–December 2016,” 2016 *Annual Report* (Atlanta: Atlanta Citizens Review Board, 2017), 30, <http://acrbgov.org/wp-content/uploads/2018/02/2016-ANNUAL-REPORT.pdf>.

ACRB investigators have access to body-worn cameras (BWC) and dashboard camera footage. In addition, staff may collect external evidence and medical records, issuing subpoenas when and where necessary. Throughout the course of the investigation, ACRB investigators look to see whether APD policies and procedures were properly applied during the encounter—including additional policy violations that may have occurred leading up to the encounter—and take an officer’s training history into consideration. Investigators may append additional alleged policy violations to a complaint if they are identified throughout the course of the investigation.

While the ACRB does not have a time restriction to complete its investigation, the APD is required to complete its own internal investigations within 180 days. In 2016, the average time for the ACRB to complete cases was 134 days.

Figure 2 provides a graphical summary of the investigation and adjudication process.

Figure 2. Summary of Atlanta Citizen Review Board Investigation and Adjudication Process



Source: Atlanta Citizen Review Board, *2012 Annual Report*, 20 (see note 15).

Board hearings and adjudication

Upon completion of an investigation, ACRB staff prepare a detailed investigative report containing recommended adjudications for each allegation and recommended discipline, which is reviewed by the ED.

Once the ED approves the investigation, it is forwarded to the board, which then reviews the investigative findings in a public meeting. Complainants and subject officers are notified of the date of the meeting regarding their complaint, and both parties may be present during the public meeting. When a finding of sustained is recommended by the board, the APD disciplinary matrix is consulted in order to determine the appropriate level of discipline commensurate to the offense.

During the board's meetings, each scheduled case is reviewed and openly discussed between board members and investigative staff. The board can vote to accept staff recommendations or to assign a different finding to a complaint. The board has the option to request evidentiary hearings in addition to reviewing and discussing findings of the staff if deemed necessary—a power that, to date, the board has not exercised. The board may go into executive session when deemed necessary; however, all voting is conducted openly before the public.

ACRB adjudication decisions include the following:

- **Unfounded.** The review or investigation shows that the act or acts complained of did not occur or were misconstrued.
- **Exonerated.** The acts that provide the basis for the complaint occurred, but the review or the investigation shows such acts were proper.
- **Sustained.** The review or investigation discloses sufficient facts to prove the allegation(s) made in the complaint.
- **Not sustained.** The review or the investigation fails to disclose sufficient facts to prove or disprove the allegation(s).
- **Dismissed.** Where, for example, the complainant failed to produce information to further the investigation, the review or investigation revealed that another agency was responsible, the complainant withdrew the complaint, the complainant is unavailable to clarify the complaint, or the officer is no longer employed by the City of Atlanta.

Disciplinary and policy recommendations

When the board votes to sustain an allegation, it moves to a discussion of the appropriate disciplinary penalty to recommend to the chief of police. Staff provide the officer's personnel records at this time to assist in the determination. Among corrective and punitive actions the board may

recommend are coaching, training, oral and written reprimands, suspensions, and terminations. The board may also include recommended policy changes and retraining if deemed necessary throughout the handling of a case.

Board findings and disciplinary recommendations are sent to the chief of police for review. The chief has 30 days to respond and determine whether to accept or reject the board's recommendations. As a result of the 2016 ordinance revision, the chief is required to present a detailed rationale providing a legal or factual justification or managerial prerogative explaining why a particular recommendation was either accepted or rejected.

Historically, the ACRB has had trouble with the chief's responses to its recommendations. In cases where the ACRB assigned a finding of sustained to a complaint, the ACRB's 2016 Annual Report states that the chief accepted the board's recommendations 18 percent of the time that year and just 24 percent of the time from 2011–2016. The chief has typically accepted the board's recommended dispositions only of exonerated, unfounded, or not sustained.⁵⁸

OPS complaint investigation review

While the ACRB is authorized to review OPS investigations, it typically conducts them only under atypical circumstances. Such review may occur when parallel investigations are occurring but the OPS completes its investigation first. In this case, the ACRB may request the OPS interviews for review as a part of its investigation. In some cases, the ACRB may also conduct reviews of OPS complaint investigations even when the complaint was not initially filed with the ACRB. This typically occurs when a complainant is not satisfied with the outcome of the OPS investigation.

Mediation

The ACRB's mediation program was established in March 2017, based in part on the mediation program managed by the now-defunct Minneapolis Civilian Police Review Authority (CPRA).⁵⁹ The CPRA's program at the time was considered one of the leading programs in the country. Its former ED, now the ED of the ACRB, brought many aspects of the program to Atlanta.

58. "2018 Complaints Reviewed," Atlanta Citizens Review Board, accessed August 31, 2020, <http://acrbgov.org/2018-complaint-review/>.

59. The CPRA was disbanded and rebuilt as the Minneapolis Office of Police Conduct Review in 2012 following an amendment to the Minnesota Peace Officers' Discipline Procedure Act, which prohibited Civilian Review Boards from "making a finding of fact or determination regarding a complaint against an officer."

Complaints are referred to mediation at the discretion of the ED. Eligible allegations include discourtesy, abusive use of language, abuse of authority, and harassment. Complaints attached to pending litigation are not eligible to be mediated. Both the complainant and subject officer must agree to participate in the mediation for it to take place.

If a mediation is successful, the mediator and participating parties sign a mediation agreement and the complainant's case is closed as "successfully mediated." If a mediation is unsuccessful, the case may be referred back to ACRB investigative staff for further review and investigation.

Five mediators are contracted by the ACRB, all of whom are registered with the State of Georgia as certified neutrals. The certification requires 40 hours of training and three to five years of mediation experience. At the time of this report, the roster of mediators contracted included two retired judges, a former law enforcement officer, a court mediator, and a professor. Mediators receive \$100 per hour for their work.

Because the mediation program was newly implemented at the time of the site visit, only a handful of complaints have been determined eligible for mediation. At the time of this writing, one mediation has taken place and the outcome been successful. As the mediation program gains traction, the ACRB aspires to see roughly 40 percent of complaints received by the board be eligible for mediation with at least 25 percent of the total complaints received being successfully mediated. These numbers will be dependent on the types of complaints received and whether the complainants and officers agree to mediate the complaints.

Policy recommendations

While the ACRB is authorized to submit policy recommendations to the chief of police and chief of corrections at any time, policy analysis and recommendations are a realm in which the board hopes to develop the capacity to conduct further work. While the ACRB currently has no dedicated policy staff, it has used current staff to conduct policy-related work in the past.

Recommendations on policy changes may be included in the complaint adjudication letter sent to the chief. In the past, the board has recommended that APD policy ensure dashboard cameras are operable at all times and that arrestees are secured with a seatbelt when being

transported in a patrol vehicle. Furthermore, the board is permitted to use any and all of the information it has access to conduct a study into a particular aspect of the department's policies and procedures, including reviews of closed OPS investigations requested by the board.

The ACRB's most substantial policy study to date was on the APD's BWC policy. In the fall of 2014, the board's community outreach specialist facilitated a focus group with community stakeholders to gather perspectives on several issues relating to the deployment of BWCs, including perceived benefits, concerns, expectations, privacy matters, and access to footage.⁶⁰ The ACRB published a subsequent report drawing on comparative research and stakeholder input to develop a series of recommendations for APD's BWC policy. The study also took into consideration the impact BWC footage will have on its own work, noting that the BWC policy should ensure that the ACRB has timely access to footage so that it is able to conduct its work more expeditiously.

Community outreach

In 2015, COVAP was created to share the board's mission and solicit feedback concerning the effectiveness of the agency. COVAP is a program consisting of 15–20 volunteers who are committed to using their individual set of skills, talents, resources, and contacts to inform the public of the agency's work through various activities selected by the community outreach specialist and project manager. COVAP volunteers are also encouraged to solicit feedback about the work the board does, and the program challenges individuals to become more active members in their community.

Eventually an Integrity Street Team (IST) was created in response to the immense growth of the COVAP program. Members of the IST are responsible for spreading the ACRB's mission through a "boots on the ground" operation. Unlike COVAP volunteers, IST members are compensated for their work.

Outreach takes additional forms such as organizing public service advertisements, "ACRB Day at the Mall;" know your rights training; focus groups; door-to-door knocking; and attending town hall meetings, block parties, community barbecues, parades, and more. Programs targeting youth

60. *Body-Worn Camera Focus Group Report* (Atlanta: Atlanta Citizen Review Board, 2014), <http://acrbgov.org/wp-content/uploads/2010/08/BWC-Focus-Group-Report-Final-Print-3-6-15.pdf>.

outreach, such as storytime readings, school presentations, an ACRB-branded coloring book, and a superhero named “Captain Integrity” are also integral parts of the ACRB’s outreach strategy. The agency also holds an annual art and essay contest for youth to express and share their thoughts surrounding law enforcement and the community.

During our visit, the community outreach specialist asserted, “Our goal is to establish one-on-one contact with members of the community.” In 2016, the members of the board participated in or attended 146 outreach events. A calendar of outreach events is available on the ACRB website and is updated regularly.

The ACRB also uses video and social media to reach the public. It has an active YouTube channel with videos explaining the board’s work and showing its participation at outreach events and interacting with the community. The YouTube channel also features a series of celebrity endorsements spreading the board’s mission.

Transparency

The board’s executive director stressed that the amount of information posted on the agency’s website empowers the community to push elected officials to do more to hold the chief accountable. ACRB Annual Reports, meeting minutes, newsclips, outreach events, bylaws, and complaint forms are all publically available online.

The ACRB maintains a “Complaint Review” on its website, which presents an archive of the board’s determination letters to the chiefs of police and corrections and any responses by either the APD or ADC chiefs.⁶¹ An interactive map of allegations received on the agency website also helps citizens understand where complaints are originating throughout the city.⁶²

ACRB staff members also provide monthly data on intake and dismissals to the board during monthly meetings.

61. “2018 Complaints Reviewed” (see note 58).

62. “Complaints Map,” Atlanta Citizen Review Board, accessed August 31, 2020, <http://acrbgov.org/incident-map/>.

The wave of high-profile incidents in 2020 between police and community members prompted widespread calls for greater community oversight of law enforcement agencies. *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*, a white paper by the National Association for Civilian Oversight of Law Enforcement, outlines the history of civilian oversight including reference to this case study of the Atlanta Police Department and eight others.



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National Association for Civilian
Oversight of Law Enforcement
P.O. Box 20851
Indianapolis, IN 46220-0851