



**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1477

AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469, ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O.C.G.A. SECTION 36-35-1 ET SEQ. AS AMENDED, BY AMENDING PART I (CHARTER AND RELATED LAWS), SUBPART A (CHARTER), TO ADD A NEW APPENDIX IV ENTITLED, "ATLANTA CITIZEN REVIEW BOARD", SO AS TO ADD THE ATLANTA CITIZEN REVIEW BOARD AS A CHARTER MANDATED BOARD; AND FOR OTHER PURPOSES.(1ST READING 7/6/20) (2ND READING, 1ST ADOPTION 8/3/20) (3RD READING, FINAL ADOPTION)

WHEREAS, the Atlanta Citizen Review Board ("ACRB") was established pursuant to Ordinance 07-O-014, adopted by the City Council on May 5, 2007, and approved as law May 13, 2007, to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta; and

WHEREAS, there were subsequent amendments to the modify the operations and oversight responsibilities of the ACRB to expand its authority and powers; and

WHEREAS, oversight of the City's law enforcement is more important than ever, to restore citizens' trust and confidence in the process; and

WHEREAS, the City Council will continue to support the work of the ACRB to increase transparency, accountability and efficiency and ensure complaints regarding law enforcement misconduct are thoroughly investigated and resolved; and

WHEREAS, adding the ACRB to the City Charter will serve to further strengthen the role of the body.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Part I, (Charter and Related Laws), Subpart A, (Charter), is hereby amended to add a new Appendix IV which shall be entitled "Atlanta Citizen Review Board" attached as Exhibit A.

A true copy,

Foris Webb III
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED per City Charter Section 2-403

AUG 17, 2020
AUG 26, 2020



EXHIBIT A

APPENDIX IV - CITIZEN REVIEW BOARD

SECTION 1: *Establishment of the Atlanta Citizen Review Board.*

- (a) The Atlanta Citizen Review Board (the "board") is established to provide a permanent agency in the City of Atlanta through which:
- (1) Complaints lodged by members of the public regarding alleged abuse of authority, abusive language, appropriate action required, conduct, discrimination, discriminatory reference, failing to provide identification, false arrest, false imprisonment, harassment, retaliation, use of excessive force, serious bodily injury, death and violation of department standard operating procedures which is alleged to be the result of the actions of a sworn employee of the police department or department of corrections, shall be processed, investigated under section 2-2213 of this chapter, and evaluated; and policies of a law enforcement unit may be reviewed.
 - (2) The board shall have the jurisdiction to investigate and mediate citizen's complaints with regard to the above described matters.
 - (3) Complaints shall be filed in writing and under oath with the board no later than 180 days following the date of the alleged infraction. All complaints filed with the board will be submitted to OPS by the board for their review. There shall be no filing fee and complainants shall be provided any necessary assistance in completing a complaint form.
 - (4) Anonymous sources, professing first-hand knowledge of alleged police misconduct, shall be allowed to file complaints anonymously when the complainant requests anonymity based upon a credible belief that the complainant will face prosecution or harassment. The determination of whether the request for anonymity is based upon a credible belief of prosecution or harassment shall be within the reasonable discretion of the executive director. However, all information provided to the board is subject to the Georgia Open Records Act as codified in O.C.G.A. § 50-18-70 et seq.
 - (5) The Chair or the Executive Director may assign Board members to a Review Panel consisting of at least three (not to exceed five) Board members to any case for review which has been fully investigated, and such other matters as the full Board may determine by resolution. For any constituted Review Panel, the Chair shall designate a Chairperson. The Review Panel, in lieu of and with the full authority of the full Board, has the authority to investigate citizen complaints and to conduct complaint investigation reviews of the City's Police Department and Department of Corrections, and such other matters as authorized under Chapter 2, Article XVI, Division 11, Section 2-2201, et seq of the City of Atlanta Code of Ordinance and the ACRB Policies & Procedures Manual and Bylaws.
- (b) Jurisdiction of the board shall extend only to complaints against police and/or corrections officers with respect to abuse of authority, abusive language, appropriate action required, conduct, discrimination, discriminatory reference, failing to provide identification, false arrest, false imprisonment, harassment, retaliation, use of excessive force, serious bodily injury, death and violation of department standard operating procedures which is alleged to be the result of the actions of employee of the police department or department of corrections defined in section 2-2202 of this chapter and by the law enforcement unit's rules and regulations.
- (c) An explanation of the board's complaint procedures shall be made to all police and corrections officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new corrections and police officers.
- (d) Each member of the board shall receive training on the issues of abuse of authority, abusive language, appropriate action required, conduct, discrimination, discriminatory reference, failing to provide



identification, false arrest, false imprisonment, harassment, retaliation, use of excessive force, serious bodily injury, death and violation of department standard operating procedures which is alleged to be the result of the actions of an employee of the police department or corrections.

- (e) Board shall be composed of 13 members who represent the diversity of this community, and who reside within the City of Atlanta and who shall be appointed as provided in section 2-2203.

SECTION 2: Definitions.

The following words and phrases as used in this chapter shall have or include the following meanings.

"Abuse of authority" shall mean using their authority as a police department or department of corrections employee to abuse, harass, oppress, or persecute any person.

"Appropriate action required" shall mean that employees shall respond in an appropriate manner to all situations by:

- (a) Being considerate of the rights, feelings, and interests of all persons.
- (b) Taking action in each situation to provide the necessary and appropriate service and insuring proper notification of the proper superiors or supervisors when indicated by the circumstances.
- (c) Requesting the assistance of supervisors when the appropriate action required is unclear or not possible given the circumstances, or not within the scope of authority of the employee of whom such action was requested. Conversely, a supervisor will not direct a subordinate employee to undertake an action which is not within the scope of the supervisor's authority.
- (d) Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.

"Abusive language" shall mean harsh, violent, profane, or derogatory language which would demean the dignity of an individual and which shall include profanity and racial, ethnic, or sexist slurs.

"Board" shall mean the Atlanta Citizen Review Board as established in section 2-2201 of this chapter and includes any Review Panel established by ordinance.

"Chief" shall mean the head of the Police Department or Department of Corrections of the City of Atlanta.

"Civilian employees" shall mean all unsworn members of the police department or department of corrections.

"Corrections" shall mean the Department of Corrections of Atlanta.

"Corrections officer" shall mean all Atlanta Department of Corrections officers certified by the Georgia Peace Officer Standards and Training (POST) Council.

"Conduct" shall mean that employees shall not act in an official or private capacity in a manner that shall bring discredit upon the police department or department of corrections, or themselves. Employee misconduct is considered but not limited to engaging in offensive, unprofessional, lewd and/or unethical behavior toward the public, inmates/detainees, fellow employees and/or supervisory personnel.

"Department" shall mean the Atlanta Police Department or the Department of Corrections of the City of Atlanta or both.

"Discrimination" shall mean actions or decisions affected by prejudice of gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political belief.

"Discriminatory references" shall mean reference to any person in a derogatory manner because of their gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political preference.

"Excessive force" shall mean the use of more force than what is reasonable and necessary to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend himself or another from physical assault, or to accomplish other lawful objectives.



"Failure to provide identification" shall mean failure to provide name and badge number upon request while on duty or performing their official duties. Sworn employees at the rank of investigator or above shall provide, upon request, the badge number that was initially assigned to them at the rank of officer.

"False arrest" shall mean arrest by a police officer of a person without probable cause to believe a crime has been or is about to be committed.

"False imprisonment" shall mean the unlawful detention of the person of another, for any length of time, whereby such person is deprived of his personal liberty.

"Harassment" shall mean a course of unwanted, unwelcomed and uninvited behavior which annoys, demeans, threatens, intimidates, alarms, or puts a person in fear of their safety.

"Hearing" shall mean a preliminary examination of the basic evidence and charges by the "board" of an accused person at which testimony is taken from a witness.

"Investigation" shall mean the act or process of investigating or the condition of being investigated; also a detailed inquiry or systematic examination.

"Mediation" shall mean an informal process, voluntarily agreed to by a complainant and the subject officer and conducted with the assistance of a certified, neutral third party, engaged in for the purpose of fully and frankly discussing alleged misconduct and attempting to arrive at a mutually agreeable resolution of a complaint.

"OPS report" shall mean the official file of an investigation conducted by the Office of Professional Standards (OPS) as the result of a complaint against a police officer.

"Police officers" shall mean all Atlanta Police Department officers certified by the Georgia Peace Officer Standards and Training (POST) Council.

"Reconsideration" shall mean a process that allows a citizen or officer to request a review of a panel decision to the full board in limited circumstances. The granting of reconsideration is within the discretion of the Board.

"Resolution Review" shall mean a final decision process for the determination of an ACRB complaint decision in disagreement with an APD disagreement.

"Retaliation" shall mean the act of interfering, harassing, or intimidating a person who filed a complaint, attempted to file a complaint, expressed a desire to file a complaint, or participated in the investigation of a complaint.

"Reviewer" shall mean the individual charged with resolving the disagreement between the ACRB and APD final complaint decisions.

SECTION 3: *Appointment of members.*

- (a) The 15 members of the board shall be appointed as follows and said appointments shall be confirmed by the city council:
- (1) One member shall be appointed by the mayor;
 - (2) One member shall be appointed by the city council;
 - (3) One member shall be appointed by the president of council with previous experience as a law enforcement professional;
 - (4) One member shall be appointed by Neighborhood Planning Unit ("NPU") group A—F;
 - (5) One member shall be appointed by NPU group G—L;
 - (6) One member shall be appointed by NPU group M—R;
 - (7) One member shall be appointed by NPU group S—Z;



- (8) One member shall be appointed from the Gate City Bar Association;
- (9) One member shall be appointed from the Atlanta Bar Association;
- (10) One member shall be appointed by the League of Women Voters of Atlanta—Fulton County;
- (11) One member shall be appointed by the Atlanta Business League;
- (12) One member shall be appointed by the Georgia Coalition for the People's Agenda;
- (13) One member shall be appointed by the Urban League of Greater Atlanta;
- (14) (15) Two members shall be appointed from a Youth-Serving Organization
- (b) "NPU groups", for this purpose, are recognized by alphabetically arranged groups of six or seven. The Atlanta Planning and Advisory Board ("APAB") shall be responsible for developing a process and coordinating the appointment of said board members.
- (c) All appointments shall be confirmed by city council. All confirmed appointees should be inaugurated no more than 30 days after council confirmation.
- (d) The members of the board may make recommendations to the mayor, president of council, and council members of prospective members to be appointed to the board.
- (e) Nominees to the board shall be subject to an employment background check as well as a criminal history check. Nominees shall execute all releases necessary for the executive director and the police department to accomplish the same. With regard to all nominees who have any employment history as law enforcement officers, such information shall also include:
 - (1) Relevant data and reports from the Peace Officers Standards and Training Council (POST) for nominees formerly or presently employed in Georgia, and from equivalent state entities or agencies for nominees employed in law enforcement in other states, and
 - (2) All available personnel files and disciplinary records from law enforcement or public safety employers of such nominees whenever they are available.
 - (3) If the nominee is determined to have committed a felony, the nomination will be withdrawn.
- (f) The executive director shall review all reports described in subsection (e) above that are received and shall then deliver said reports to the chairperson of the public safety and legal administration committee in a timely manner.

SECTION 4: *Composition of board.*

- (a) For the purposes of subsection 2-2203(a)(3), experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.
- (b) Others selected shall have skills and experience in areas relevant to the work of the board. Areas that should be represented are: civil rights work and litigation; community and business leadership; and relevant academic expertise.
- (c) No member of the board shall hold any other public office or hold employment with the City of Atlanta.
- (d) No attorney, member of his or her firm, or the immediate family of an attorney, who represents a plaintiff, defendant, witness, or a person or entity involved in civil or criminal matter involving the City of Atlanta, Atlanta Police Department or the Atlanta Department of Corrections presently or within three years shall be a member of the Board. (e) To enable the board to conduct its work, the board is hereby authorized to hire its own executive director and appropriate investigative and



clerical staff. Additional staff support to the board shall be provided by the office of the mayor, the city attorney, the police department and department of corrections upon the request of the board.

- (e) At least two members of the Board shall be between the ages of 18 and 30 at the time of appointment.
- (f) At the February meeting of the board, the chair of the board will be elected by the board from among its members.
- (g) To enable the board to conduct its work, the board is hereby authorized to hire its own executive director and appropriate investigative and clerical staff. Additional staff support to the board shall be provided by the office of the mayor, the city attorney, the police department and department of corrections upon the request of the board.

SECTION 5: *Time limit on appointments*

- (a) For all appointments of members to the board, the appropriate appointing party shall submit, in writing, names of those individuals to be considered for membership to the Atlanta City Council within 60 days prior to the expiration of the term of any member.
- (b) Board members may serve a maximum of two consecutive terms. After which, the member shall not be reappointed for at least one year. A partial term of 18 months or more counts as a full term.

Terms of office.

All board member terms will be three years.

SECTION 6: *Training of board members.*

- (a) All board members shall participate in annual training sessions as arranged by the executive director.
- (b) All new board members shall complete training in the following subject areas as arranged by the executive director: board orientation, use of force, criminal procedure, Open Meetings Law, Ethics, Conflicts of Interest, the Fourth Amendment, and Police Department and Department of Corrections Standard Operating Procedures (SOPs) as identified by the executive director and approved by the board.
- (c) All board members shall participate in an Atlanta Police Department ride-a-long within one year of their appointments to the board.
- (d) Within one year of their appointment to the board, all new board members shall complete the portions of the Atlanta Police Department Citizen's Academy that are determined by the executive director and approved by the board to be relevant to the members' board duties and responsibilities. Members shall be paid \$50.00 for each Citizen's Academy session attended.

SECTION 7: *Vacancies.*

- (a) Any membership vacancies created on the board by any reason whatsoever shall be filled in accordance with the procedure outlined in section 2-2203.
- (b) Should an appointing entity fail to nominate a prospective member of the board as outlined in section 2-2203, and a vacancy exists for more than 90 days from the date of the notice of vacancy provided to the appointing entity by the executive director, then the city council may make an appointment to the board for the remainder of the vacant term.

SECTION 8: *Organization; rules; consultations.*

The board shall hold an organizational meeting in February of each year to elect officers and transact any other authorized business. At such meeting and thereafter from time to time on the call of the chair of the board, the board shall adopt and promulgate or amend such bylaws, rules and regulations as are deemed



necessary or convenient to conduct the affairs of the board. The board and its members may consult with city officials, department heads in the performance of the business and duties of the board.

SECTION 9: *Officers.*

- (a) The membership of the board shall elect the following officers:
 - (1) The chair;
 - (2) The vice-chair; and
 - (3) The secretary.
- (b) Elected officers shall serve one year terms from the time of their election at the organizational meeting.

SECTION 10: *Compensation; conflict of interest; removal.*

- (a) Members of the board shall be paid \$50.00 for all monthly board meetings and training sessions attended. Further, board members shall be eligible for reimbursement for actual and necessary expenses incurred in the performance of their duties. Compensation shall not exceed the budgeted amount for the fiscal year.
- (b) A member of the board may not contract to provide goods and services to the city in the ordinary course of the business or profession of such member. No member shall participate as a member in the review and recommendations of the board on any proposed work or work done by any such member or any corporation, partnership or other legal entity in which such member has any financial interest.
- (c) A member of the board may be recommended for removal for good cause. Good cause may be found for the following:
 - incompetence.
 - neglect of duty,
 - misconduct,
 - unexcused absences,
 - malfeasance, or
 - failure to participate in training requirements.
- (d) Every Board member shall complete the review of at least 80% of the cases assigned to that member. Any member with an unexcused absence from review of more than 20% of the cases during any Calendar Year (January 1 through December 31) may be removed from the Board. An excused absence may be granted by the Chair or the Executive Director if the Board member notifies the Chair or the Executive Director prior to the scheduled review hearing, and as soon as reasonably possible, for the following reasons:
 - (1) An unforeseen event,
 - (2) Illness or health related issues,
 - (3) Traveling out of town,
 - (4) Religious observances, or
 - (5) Conflict of interest.

SECTION 11: *Quorum; voting.*

- (a) Five members of the board and three (3) members of a Review Panel shall constitute a quorum for each board meeting.
- (b) Decisions of the board shall be made by vote of a majority of the members present at the meeting.
- (c) The board shall use "the preponderance of the evidence" as the standard of proof for all decisions.



SECTION 12: *Powers and duties of the board.*

- (a) The board shall advise the mayor, the president of city council, city council members and the chief of police and the chief of corrections on policies and actions of the police and corrections department with the purpose of improving the ability of police personnel to carry out their duties, and to improve the relationship between the police department, department of corrections and the community.
- (b) The board shall have the responsibility of informing the public about the board and its duties, and shall develop and administer an ongoing program for the education of the public regarding the provisions of this Code section. In addition, the chiefs of police and corrections or a designee shall meet with the, board periodically to aid in its fact-gathering function and pursuant to the provisions of the Atlanta Code of Ordinances.
 - (1) Board members shall participate in a minimum of three community outreach activities each calendar year.
 - (2) Any board member failing to meet three community outreach activities during any calendar year may be recommended for removal from the board for neglect of duty. The executive director shall maintain a record of board member community outreach activities.
 - (3) Each board member shall file a quarterly written report with the board member's appointing entity. The executive director shall maintain a record of all board member written reports to appointing entities.
- (c) The board shall have the power to conduct investigations and hold public hearings.
 - (1) In the interest of promoting public confidence or where circumstances suggest doing so, the OPS or Chief, may, by written request, assign an allegation or allegations of misconduct to the ACRB to assume sole responsibility for the investigation and review of said allegation(s) of misconduct. Subject to a motion for reconsideration, infra, Board findings as to any allegation of misconduct shall be binding on a Department.
 - (2) The Board shall also investigate, review and hold a public hearing for all incidents, including those in which no allegation of misconduct is made, involving an officer's discharge of a firearm, an officer's discharge of a stun gun or taser in a manner that results in death or serious bodily injury, where a person has died or sustained serious bodily injury while in police custody, and all incidents of an "officer-involved death."
- (d) The board otherwise shall have full discretion to select appropriate individual incidents to review from any person with personal knowledge of alleged misconduct committed by either the Atlanta Police Department or Department of Corrections. Additionally, the board shall have the discretion to review broader issues to study which may be of concern to the community, the police department and department of corrections, or the chiefs of police and corrections; provided, however, that the board shall, to the best extent possible, minimize duplication of effort between the board and any other existing agencies which have jurisdiction over the same matter. The mayor, the president of city council, city council members and the chiefs of police and corrections, and other responsible officials shall ensure that all such agencies cooperate to the greatest extent possible in the performance of their respective activities, studies, and operations.
- (e) The board may initiate studies upon request to the board by any member of the public or the police department and the department of corrections, or at the board's own discretion. The board may review specific complaints or incidents of misconduct against individual police officers; including those involving language related to race, ethnicity, religion, gender, sexual orientation, gender identity, or disability.
- (f) In order to accomplish its goals as set forth above, the board shall have full access in order to interview relevant police department and department of corrections personnel and to obtain copies of and to review and examine relevant documents, including, but not limited to, the following:



- (1) OPS files, citizen complaints, and determinations made pursuant thereto; department and corrections review files; ethics and accountability files, and the files of any other internal investigative agency charged with investigating police misconduct incidents;
- (2) Police paperwork (e.g., police documents and other paperwork produced by the police department and department of corrections for the purpose of investigating suspects or to aid in their prosecution);
- (3) Information related to past assignments and disciplinary action;
- (4) Police department and department of corrections directives and other documents that the board deems relevant to the issue under review;
- (5) All general summaries, statistical compilations, and other internal reports on shootings, injuries, and complaints of abuse, training, and any other issues related to the work of the board.
- (6) The board, at its discretion, may make specific recommendations at any time, and shall issue a public report summarizing its activities and recommendations not less than once a year to the mayor, the president of city council, city council members, the chiefs of police and corrections, and the city ethics officer, and shall make copies of the report available to the public in the office of the Municipal Clerk of the City of Atlanta.
- (7) No board finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the sole basis for any such finding or recommendation.
- (g) The board shall acknowledge receipt of complaints filed by individuals alleging police or corrections officer misconduct within ten business days of receiving any such complaint. Such response shall indicate whether, in the exercise of its discretion, the board shall study the allegations made, not study them, or request additional information to enable the board to make a decision on its options.
- (h) All employees of Atlanta City Government are hereby directed to fully cooperate with the board by promptly producing documents, records, files, and any other information that the board may request. In addition, employees, on request of the board, shall be available to meet with and be interviewed by, the board or its representatives, and/or to testify before the board. Upon notification by the executive director of the board that an employee has not cooperated as requested, the police chief or corrections chief shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the board of the outcome of such action.
- (i) The board may exercise subpoena power by majority vote, and compel access to or production of such materials or the appearance of such person as may be relevant to investigate or study or review matters within the board's authority and discretion. The board shall pay a \$25.00 witness fee to Atlanta Police Department and Department of Corrections employees subpoenaed by the board to appear during any hours except the regular duty hours to which the employee is assigned.
- (j) Failure to comply with a subpoena pursuant to this section shall be punishable in accordance with section 1-8 of the City of Atlanta Code of Ordinances.
- (k) Corrections or police personnel who are designated as the subject of a related criminal investigation by a local law enforcement agency may elect not to appear until the conclusion of that investigation. Hearings shall be informal and strict rules of evidence shall not be applied. Testimony under oath shall be received from all persons who appear and purport to have information which is material to the complaint. A record shall be kept and shall be made available, upon payment of costs, to any person requesting same.
- (l) All hearings shall be open to the public, except when, in the opinion of the board, and in accordance with the Open Meetings Act, executive sessions are required.
- (m) The board shall have the power to recommend that the chief of police and the chief of corrections take certain actions.



- (1) The board may recommend general reforms (such as changes in training, changes in the preservation of records, changes in counseling available to officers) or specific actions directed at individual officers (including, but not limited to, hiring, firing, promotion, demotion, punishment, or commendation);
 - (2) Provided, however, that the chiefs of police and corrections shall retain full and ultimate authority, power, discretion, management prerogatives, and responsibility to set disciplinary policies or take other lawful actions they deem appropriate relative to the police department and department of corrections under the provisions of the City of Atlanta Code of Ordinances;
 - (3) Provided, further, that nothing in this section shall be construed to limit the rights of members of the police department and department of corrections with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise. The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the police department or department of corrections for violations of law by any court of competent jurisdiction, a Federal or State Grand Jury, the United States Attorney for the State of Georgia, the Fulton County District Attorney, or other authorized officer, agency, or body.
 - (4) The chief shall not accept a recommendation from the board that shall punish the same officer more than once for the same act or omission that constitutes misconduct for which the officer has already been punished by the city.
- (n) The board shall report a summary of findings semi-annually to the public safety committee.
- (o) Within 30 days of the submission of a recommendation for action by the board to the chief of police or corrections, the chief of police or the chief of corrections shall respond in writing regarding which recommendations are accepted, rejected, held due to a pending OPS investigation or will be implemented with modifications. The responses from the chief of police and chief of corrections shall provide a legal or factual justification or indicate a managerial prerogative that clearly states the reason for the acceptance, rejection, or implementation with modifications of the board's recommendations. For those recommendations held by the chief of police or chief of corrections because the investigation has not been completed, the police department and department of corrections shall provide a status update in writing every 45 days from the date of the initial notification letter. Once a final decision is reached, the chief of police or chief of corrections shall respond to the board no later than 90 days with a final decision and action on the recommendation.
- (1) Absent clear error, a Chief shall make all disciplinary decisions, consistent with the department's established disciplinary matrix and guidelines.
 - (2) Non-compliance with a deadline enables the full Board, by two thirds vote, to request the Chief to personally appear before the Board for further explanation or to address questions from the Board.
 - (3) If a Chief's written response disagrees with a finding of fact or refuses to follow a recommendation, the full Board, by two thirds vote, may request reconsideration, as provided herein.
- (p) The board may operate a mediation program to handle certain complaints against police and corrections officers that will allow for greater understanding of incidents between citizens and officers.
- (1) Complaints involving, but not limited to courtesy, language (excluding race, gender, and sexual orientation), abuse of authority, appropriate action (minor detainments without legal authority), and harassment, shall be eligible for mediation.
 - (2) The executive director may refer appropriate complaints to mediation as an option to resolution of the citizen complaint, subject to agreement being obtained from the complainant and officer(s) as well as no litigation pending regarding the incident to be mediated.



- (3) The board shall be permitted to contract for mediation services.
- (4) Once referred to mediation, the complainant and the subject officer(s) shall be required to participate in good faith in the mediation process. The mediation process shall continue for as long as the mediator believes it may result in the resolution of the complaint, except that it shall not extend beyond 30 days from the date of the initial mediation session, without approval of the executive director.
- (5) The complainant and the subject officer(s) shall attend the mediation session and sign the Atlanta Citizen Officer Mediation Program's Memorandum of Agreement. If mediation is successful, the mediator and the parties shall sign a mediation agreement and the complaint will be closed as mediated. A letter indicating the successful resolution of the complaint will be forwarded to the chief of police or chief of corrections.
- (6) If mediation is unsuccessful, the complaint shall be referred back to the executive director for further investigation if the complainant chooses to move forward under the normal investigative authority procedures.
- (7) If, after agreeing to participate in mediation, the complainant fails or refuses to participate in mediation in good faith and/or fails to attend the mediation session at the appointed date and time without a valid excuse, the executive director may shall dismiss the complaint.
- (8) If, after agreeing to participate in mediation, a subject officer fails or refuses to participate in mediation in good faith, such failure or refusal may constitute misconduct and grounds for disciplinary action. If warranted by the evidence, the chief of police or corrections shall cause appropriate disciplinary action to be initiated against the officer and shall notify the board of the outcome of such action. If a police officer fails or refuses to participate in mediation in good faith, the executive director shall refer the complaint for further investigation under the investigative authority procedures.
- (9) Mediation tolls the timelines established for the investigation and subsequent process.
- (10) No record will be made of the mediation proceedings. No information discussed will be used in any subsequent investigation or proceedings.
- (11) The mediators shall be neutral trained mediators unaffiliated with the board or any other department of the City of Atlanta. The mediators shall be certified through the State of Georgia.
- (q) The board shall make recommendations to the Chief of Police on the employment suitability of all applicants for employment as police recruits. These recommendations shall involve observation by one (1) ACRB Board member or staff member of the applicant interview.

SECTION 13: *Finding of necessity.*

- (a) It shall be the duty of the police department and department of corrections to provide such assistance as the board may reasonably request, to cooperate fully with studies by the board, and to provide to the board upon request records, personnel, and other materials which are necessary for the work of the board. It shall be unlawful for any document or information obtained through this process or created by the board or any member of its staff, to be released to the public unless such document is a public record under the Georgia Open Records Act.
- (b) The board and its members shall not make public any confidential police or corrections document, or information derived from any such confidential police or corrections document. The findings of the board as they may relate to conclusions drawn from interviews, study, and review of documents, shall remain confidential until the board officially releases such findings. Any findings and conclusions of the board will be by majority vote by the board members and voting by board members will be conducted in public. Said findings will be provided to the mayor, the president of city council, city council members and the chief of police or corrections, within a period of three business days from the date of the vote.



SECTION 14: *Reconsideration*

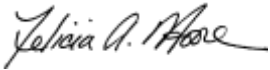
- (a) Complainants, affected Officers, a Chief and a Department may file a written motion for reconsideration of a Final Finding and Recommendation or Decision of the full Board or Review Panel.
- (b) The full Board, by two thirds vote, may file a written motion for reconsideration of any action by a Chief whereby the Chief's written response disagrees with a finding of fact or a Board recommendation is rejected, held due to a pending OPS investigation or will be implemented with modifications
 - (1) A written motion for reconsideration must be filed within thirty (30) days of the date of the mailing or personal delivery of a) the Final Finding and Recommendation or Decision of the full Board or Review Panel or b) within thirty (30) days of the date of the mailing or personal delivery of the determination of the Chief that a Board recommendation was rejected, held due to a pending OPS investigation or will be implemented with modifications.
 - (2) The motion for reconsideration must allege newly discovered material, relevant evidence not previously available to the alleged aggrieved party, or material, relevant mistake of fact or law.
 - (3) No oral argument is permitted on a motion for reconsideration.
- (c) A motion for reconsideration to the Board may be granted or denied by the Director, or, if deemed appropriate by the Director, submitted to the full Board and granted or denied by a majority vote of the full Board. If granted, in the discretion of the Director, the case may be remanded for additional investigation by the Board's staff and a Final Finding and Recommendation by the Board or submitted, without further investigation, to the full Board for a Final Finding and Recommendation.
- (d) A motion for reconsideration to the Chief, after consultation with the City Attorney, may be granted or denied by the Chief. If granted, the Chief may modify the prior determination or remand the case to the Board. The Executive Director, in his or her discretion, may require additional investigation by the Board's staff and a Final Finding and Recommendation by the Board or submit, without further investigation, the case to the full Board for a Final Finding and Recommendation.
- (e) Motions for reconsideration must be decided within twenty-eight (28) days of the date of the mailing or personal delivery of the motion for reconsideration. Non-compliance shall result in the granting of the motion for reconsideration with the relief as requested by the filing party.
- (f) No person or entity shall file a second motion for reconsideration.

SECTION 15: *Resolution Review*

- (a) The ACRB and APD may use the resolution review process to settle disagreements between final ACRB/APD complaint investigation decisions and related outcomes. Resolution review shall only be available after a reconsideration has concluded.
- (b) Selection Agreement: Reviewer shall be selected upon agreement of the ACRB and the APD. If agreement is not made within 60 days of approval of this amendment by the Council, ACRB and APD must appear before Council to explain the reasoning for the lack of agreement and related discussion. If the APD and ACRB have not reached agreement within thirty (30) days of their appearance before the Council, the power to select the Reviewer goes to the Council President.



- (c) Compensation: Paid equally out of the ACRB and the APD budgets. Pay \$100/hour
- (d) Term of Contract: Two-year term with option to extend for one year, upon agreement of the ACRB and APD.
- (e) Matters shall be referred to resolution review, upon the filing of a Notice to Move to the Resolution Review by either ACRB or APD being delivered to either ACRB or APD.
- (f) Resolution Review Time limit: Thirty (30) days from date of receipt of ACRB/APD complaint, files and supporting documents, the Reviewer shall meet with the parties. Seven days before this meeting, the parties, City Attorney, APD and ACRB may submit a Position Statement to the Reviewer
- (g) Reviewer Decision: Decisions are binding on all parties.
- (h) Decisions that may be brought before the Reviewer:
 - a. Disagreement with Sustained, Not Sustained, Exonerated or Unfounded allegation.
 - b. Disagreement with the penalty imposed on a sustained allegation.
- (i) Reviewer may remand investigations to the departments for additional work with a 30-day time limit for resubmission. Failure to re-submit investigations will cause the reviewer decision to be based on the original record submitted.
- (j) Notices: All notices shall be strictly followed.
 - a. Notice to Move to Resolution Review (provided within five (5) days of the conclusion of the reconsideration)
 - b. Notice of Filing Resolution Review and supporting documentation (filed with ten (10) days of the conclusion of the reconsideration)
 - c. Notice of Response to Filing of Resolution Review and supporting documentation (provided within five (5) days after receipt of Notice of Filing of Resolution Review.
 - d. Record – The Resolution Review record shall be limited to the complaint investigation file, reconsideration file, and the ACRB and APD Position Statements.
- (k) Withdrawal of Resolution Review: Either party may withdraw their Filing of Resolution Review and provide Withdrawal of Resolution Review of such withdrawal at any time. The moving party's withdrawal of Resolution Review allows the nonmoving party's decision to stand as the conclusion of the matter.

Certified by Presiding Officer	Certified by Clerk
CERTIFIED 8/17/2020 ATLANTA CITY COUNCIL PRESIDENT 	CERTIFIED 8/17/2020 MUNICIPAL CLERK 
Mayor's Action <i>See Authentication Page Attachment</i>	

ADOPTED BY COUNCIL

8/17/2020

