



Effective Date:  
November 12, 2009

APD.SOP. 2300  
Department Employees  
Cooperation with the Citizen  
Review Board

Applicable To: All sworn and civilian employees

Approval Authority: Chief Richard J. Pennington

Signature:

Date Signed:

11/13/09

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1. PURPOSE

To establish procedures and policies to insure effective interaction and cooperation between the Atlanta Police Department and the Citizen Review Board (CRB) or its representatives.

2. POLICY

City of Atlanta Code of Ordinances, Chapter 2, Article XVI, Division 11 "Citizen Review Boards" Section 2-2211 and 2-2212 requires Atlanta Police Department employees to cooperate with the CRB. It is the policy of the Department to enforce and obey the laws of the State of Georgia and the City of Atlanta and the Department and its employees will fully cooperate with the Citizens Review Board.

3. RESPONSIBILITIES

3.1 Bureau, division, and section commanders will ensure compliance with this directive.

3.2 Supervisors will ensure that their subordinates receive, read, understand, and adhere to this directive.

3.3 Employees are responsible for adhering to this written directive.

4. ACTION

4.1 Department employees will cooperate fully with the CRB in the investigation and adjudication of a complaint. If an employee refuses to report before the CRB when requested to do so, he or she will be subject to Department disciplinary actions.

4.1.1 During any CRB hearing or CRB investigation, all statements made by a Department employee and evidence gained as a result of such statements will not be used against the Department employee in criminal proceedings involving the Department employee except in cases of perjury.



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- 4.1.2 Department employees may have counsel or representation present at any and all hearings/interviews conducted by the CRB.
- 4.1.3 Department employees will produce the following to the CRB, upon request:
1. Department documents
  2. Department records
  3. Department files
  4. Any other information, if needed and approved by the employee's supervisor and/ or commander.
    - a. If a Department employee produces, gives, or presents any document(s) to the CRB, he or she will promptly notify the Office of Professional Standards.
- 4.1.4 Department employees will be available to meet with and be interviewed by the CRB or its representatives.
- 4.1.5 Upon request, Department employees will also testify before the CRB.
- 4.2 The Powers and Duties of the CRB
- 4.2.1 In order to accomplish the CRB's goals, the CRB has full access to the Department's personnel for interview and to relevant documents, including, but not limited to, the following:
1. OPS files, citizen complaints, and determinations made pursuant thereto; Department's review files; ethics and accountability files, and the files of any other internal investigative agency charged with investigating police misconduct incidents;
  2. Department paperwork (e.g., Department documents and other paperwork produced by the Department, for the purpose of investigating suspects or to aid in their prosecution, excluding information from "open" criminal investigations that would hamper the successful prosecution of the criminal investigation and in undercover situations which could potentially jeopardize the safety of undercover officers );
  3. Information related to past assignments and disciplinary action;
  4. Department directives and other police documents that the board deems relevant to the issue under review; and
  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 CRB.
- 4.2.2 The CRB, at its discretion, may make specific recommendations at any time, and will issue a public report summarizing its activities and recommendations not less than once a year to the chief of police, and will make copies of the report available to the public in the office of the Municipal Clerk of the City of Atlanta.



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- 4.2.3 No CRB findings or recommendations will 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.
- 4.2.4 The CRB will acknowledge receipt of complaints filed by individuals alleging Department employee misconduct within ten business days of receiving any such complaint. Such response will indicate whether, in the exercise of its discretion, the CRB will study the allegations made, not study them, or request additional information to enable it to make a decision on its options. The CRB will notify the Office of Professional Standards in writing concerning the nature of the complaints that are received and the identities of the accused Department employees. This information will be forwarded to the Office of Professional Standards within ten business days of receipt of a citizen complaint to the CRB.
- 4.2.5 The CRB has the responsibility of informing the public about the CRB and its duties, and will develop and administer an ongoing program for the education of the public regarding the provisions of the Atlanta Code of Ordinances. In addition, the Chief of Police, or his or her designee will meet with the CRB periodically to aid in its fact-gathering function and pursuant to the provisions of the City of Atlanta Code of Ordinances.
- 4.2.6 The chair of the CRB may request that the committee on council exercise its subpoena power to compel access to, or production of, such materials or the appearance of such person as may be requested.
- 4.2.7 Failure to comply with a subpoena pursuant to City of Atlanta Code of Ordinances, Sections 2-2211 and 2-2212 will be punishable in accordance with the City of Atlanta Code of Ordinances, Section 1-8.
- 4.2.8 Department employees who are designated the subject of a related criminal investigation by a law enforcement agency may elect not to appear until the conclusion of that investigation. Department employees that elect not to appear must promptly notify the Office of Professional Standards; who will be responsible for notifying the CRB of the employee's decision.
- 4.2.9 Hearings will be informal and strict rules of evidence will not be applied.
- 4.2.10 Testimony under oath will be received from all persons who appear and purport to have information which is material to the complaint.
- 4.2.11 A record will be kept and will be made available, upon payment of costs, to any person requesting same.
- 4.2.12 All hearings will be open to the public, except when, in the opinion of the CRB, executive sessions are required.
- 4.3 Authority of the CRB
- 4.3.1 The CRB has the power to recommend that the Chief of Police take certain actions, including, but not limited to recommending 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).



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- 4.3.2 The Chief of Police will retain full and ultimate authority, power, discretion, management prerogatives, and responsibility to set disciplinary policies or take other lawful actions he or she deems appropriate relative to the Department, under the provisions of the City of Atlanta Code of Ordinances.
- 4.3.3 The Chief of Police will not accept a recommendation from the CRB that will 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.
- 4.3.4 Nothing in this directive will be construed to limit the rights of members of the Department 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.
- 4.3.5 The provisions of this directive will not be construed to prevent or hinder the investigation or prosecution of members of the Department 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.
- 4.3.6 The CRB will report a summary of findings semi-annually to the public safety committee.
- 4.3.7 Within 30 days of the submission of a recommendation for action by the CRB, the chief of police, will respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications.

5. DEFINITIONS

- 5.1 The Citizen Review Board (CRB): The board that advises the mayor, the president of council, council members and the chief of police on policies and actions of the police department with the purpose of improving the ability of police personnel to carry out their duties, and to improve the relationship between the department and the community.

6. CANCELLATIONS

N/A

7. REFERENCES

City of Atlanta Code of Ordinances, Chapter 1, Section 1-8.

City of Atlanta Code of Ordinances, Chapter 2, Article XVI, Division 11 "Citizen Review Board"

Garrity v. New Jersey, 385 U.S. 493 (1967)