


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date: December 30, 2020		APD.SOP. 2300 Department Cooperation with the Atlanta Citizen Review Board (ACRB)
Applicable To: All sworn and civilian employees		Review Due: 2024
Approval Authority: Chief Rodney Bryant		
Signature: Signed by RB		Date Signed: 12/30/2020

Table of Contents

1. PURPOSE	1	4.3 The Powers and Duties of the ACRB	2
		4.4 Authority of the ACRB	4
2. POLICY	1	6 CANCELLATIONS	4
3. RESPONSIBILITIES	1	7 REFERENCES	5
4. ACTION	2	8. SIGNIFICANT CHANGES	5
4.1 Cooperation with the ACRB	2		
4.2 ACRB Hearing and Investigations	2		

1. PURPOSE

To establish procedures and policies to ensure effective interaction and cooperation between the Atlanta Police Department and the Atlanta Citizen Review Board (ACRB).

2. POLICY

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

3. RESPONSIBILITIES

3.1 The Office of Professional Standards (OPS) Commander will be the principal liaison to the ACRB.

3.2 The OPS Commander will establish a process by which Investigators of the ACRB may consult with staff of OPS on an open ACRB investigation prior to presentation to the board.

3.3 Division and section commanders will ensure compliance with this directive.

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

3.5 Employees are responsible for adhering to this written directive.



Atlanta Police Department Policy Manual
APD.SOP.2300
Department Cooperation with the Atlanta Citizen Review Board
(ACRB)



4. ACTION

4.1 Cooperation with the ACRB

Department employees will cooperate fully with the ACRB in the investigation and adjudication of a complaint. If an employee refuses to report before the ACRB when requested to do so, he or she will be subject to disciplinary actions (APD.SOP 2020, "Disciplinary Process").

4.2 ACRB Hearing and Investigations

4.2.1 During any ACRB hearing or 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 employee, except in cases of perjury.

4.2.2 Department employees shall be available to meet with and be interviewed by the ACRB or its representative/s

4.2.3 Department employees may have counsel or representation present at any and all hearings/interviews conducted by the ACRB.

4.2.4 Upon request, Department employees will produce the following to the ACRB within five (5) business days of receiving the 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. If a Department employee produces, gives, or presents any document(s) to the ACRB, he or she will promptly notify the Office of Professional Standards (OPS); and
5. Documentation of any disciplinary action taken, if available.

4.2.5 Department employees will be available to meet with and be interviewed by the ACRB or its representatives.

4.2.6 Upon request, Department employees will also testify before the ACRB.

4.3 The Powers and Duties of the ACRB

4.3.1 In order to accomplish its goals, the ACRB has full access to the Department's personnel for interviews 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;
2. Department paperwork (e.g., documents and other paperwork produced by the Department for the purpose of investigating suspects or to aid in their prosecution; excluding information



Atlanta Police Department Policy Manual
APD.SOP.2300
Department Cooperation with the Atlanta Citizen Review Board
(ACRB)



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 ACRB 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 ACRB.
- 4.3.2 The ACRB, at its discretion, may make specific recommendations on a citizen complaint 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. The ACRB will make copies of the report available to the public in the Office of the Municipal Clerk of the City of Atlanta.
- 4.3.3 No ACRB 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.
- 4.3.4 The ACRB will acknowledge receipt of complaints filed by individuals that allege an APD Atlanta Police employee misconduct after receiving such complaint. Such response will indicate whether, in the exercise of its discretion, the ACRB will study the allegations made, not study them, or request additional information to enable it to decide on its options. The ACRB will notify the OPS in writing concerning the nature of the complaints that are received and the identities of the accused Department employees.
- 4.3.5 The ACRB has the responsibility of informing the public about its purpose and duties. The Board 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 ACRB periodically to aid in its fact-gathering function and pursuant to the provisions of the City of Atlanta Code of Ordinances.
- 4.3.6 The chair of the ACRB may exercise subpoenas power if approved by majority vote of city council committee and compel access to or production of such materials or the appearance of such person as may be relevant to investigate, study, or review matters within the Board's authority and discretion. (Atlanta City Ordinance 07-O-0141 section 2-2211 (i))
- 4.3.7 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.
- 4.3.8 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 ACRB of the employee's decision.
- 4.3.9 Hearings will be informal and strict rules of evidence will not be applied.



Atlanta Police Department Policy Manual
APD.SOP.2300
Department Cooperation with the Atlanta Citizen Review Board
(ACRB)



- 4.3.10 Testimony under oath will be received from all persons who appear and purport to have information which is material to the complaint.
- 4.3.11 A record will be kept and will be made available, upon payment of costs, to any person requesting same.
- 4.3.12 All hearings will be open to the public, except when, in the opinion of the ACRB, executive sessions are required.
- 4.4 Authority of the ACRB
 - 4.4.1 The ACRB 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 (such as hiring, firing, promotion, demotion, punishment, or commendation).
 - 4.4.2 The Chief of Police will retain full and ultimate authority, power, discretion, right privilege, 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.)
 - 4.4.3 The Chief of Police may not accept a recommendation from the ACRB 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.
 - 4.4.4 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.
 - 4.4.5 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, a county district attorney, or other authorized officer, agency, or body.
 - 4.4.6 The ACRB will report a summary of findings semi-annually to the City of Atlanta Public Safety Committee.
 - 4.4.7 Within 30 days of the submission of a recommendation for action by the ACRB, 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 Atlanta Citizen Review Board (ACRB): The board that advises the Mayor, the President of the City Council, City 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

APD.SOP 2300 Department Employees Cooperation with the Atlanta Citizen Review Board (ACRB) issued November 5, 2018.



Atlanta Police Department Policy Manual
APD.SOP.2300
Department Cooperation with the Atlanta Citizen Review Board
(ACRB)



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)

Administrative Order 2020-21: Chief Operating Officer to coordinate with Chief of Police to develop a Standard Operating Procedure (SOP) for the Atlanta Police Department to interact with the Atlanta Citizen's Review Board. Signed on August 5, 2020 by the Honorable Kiesha Lance Bottoms, Mayor of Atlanta.

8. SIGNIFICANT CHANGES

Revisions were made to the policy so that procedures are in compliance with Administrative Order 2020-21: Chief Operating Officer to coordinate with Chief of Police to develop a Standard Operating Procedure (SOP) for the Atlanta Police Department to interact with the Atlanta Citizen's Review Board. Signed on August 5, 2020 by the Honorable Kiesha Lance Bottoms, Mayor of Atlanta.