

**POSITION STATEMENT: ATTEMPTS TO UNDERMINE POLICE OVERSIGHT**

Some things are better performed in the dark. Police oversight is not one of them.

In the aftermath of the shooting death of Ms. Kathryn Johnston, the Atlanta City Council unanimously passed and Atlanta Mayor Shirley Franklin signed into law, an ordinance creating the Atlanta Citizens Review Board (ACRB), a model of citizen oversight of the police. The thinking was that if a 92 year old woman could be shot by the police in her own home and police would plant drugs in her home and cover up facts of the killing, what other acts of misconduct have been undiscovered and not investigated thoroughly by the Atlanta Police Department Office, the police branch responsible for investigating police misconduct. Citizen oversight of the police is now an established part of American policing and is virtually universal in other parts of the English speaking world. There is no single model and it is difficult to find two oversight agencies that are identical. Nonetheless, the City of Atlanta established an investigatory model that requires the police and corrections departments to promptly turn over information requested by the Board. The law allows the Board to seek a subpoena by petitioning the Atlanta City Council Committee on Council when the Police Department refuses to give the ACRB requested information. The Board receives and investigates complaints and can hold hearings in order to make recommendations to the Atlanta Chief of Police, the Mayor and the City Council.

The ACRB was pleased to announce in September 2008 that it was functional and actively accepting and investigating complaints against the Police and Corrections Departments. Complaints were received, investigations commenced, and the ACRB made requests to the Police Department for documents and records important to the investigation. Despite the requirement of the ordinance that it fully cooperate with the requests of the Board, however, the Police Department consistently and repeatedly refused to provide requested reports, information, recordings and other records to the ACRB. In an instance involving the police shooting an unarmed man, the Police Department has refused to give the ACRB any requested information. Consequently, the ACRB in accordance with the ordinance petitioned the Atlanta City Council Committee on Council to issue a subpoena to the Police Department for the requested records. The Committee on Council refused to issue the subpoena and initiated

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measures to change the ordinance so the ACRB's access to information may be limited.

As a result of these developments, it is clear that, despite public proclamations by Atlanta's politicians that this Board would be given the ability to conduct meaningful oversight, the Atlanta City Council, Mayor Shirley Franklin, and the Atlanta Police Department itself, have consistently created barriers and obstacles to restrict work of the Atlanta Citizen Review Board.

The latest assault on the ACRB was hatched by the Atlanta City Law Department lawyers who represent the Atlanta Police Department. They have concocted a proposal to significantly limit the Board's ability to get information from the Police Department as the information is generated. Instead of the Board getting information as the Police Department produces it, the Board would only get information from the Police Department when it decides the Board should have it. So long as an internal Police Department investigation is open and if the information may be important to an open criminal investigation, the Police Department would not have to give it to the Atlanta Citizen Review Board. Police Department internal investigations and criminal investigations routinely remain open for years. Changing the ordinance would result in the ACRB not having access to need information for investigations probably for years. The ordinance change will effectively give control of the ACRB to the very agency that it was created to oversee, namely the Atlanta Police Department. This is unacceptable. The Atlanta Police Department Office of Professional Standards began its investigation into the death of Ms. Kathryn Johnston over two (2) years after she was shot to death by police. With the proposed ordinance change, the Board would still be waiting over two (2) years after Ms. Johnston's murder for information held by the Police Department about this case.

The Atlanta City Council and the Mayor, responding to public outrage to the shooting and attempted cover-up by police of 92 year-old Kathryn Johnston, passed the ordinance creating The Atlanta Citizens Review Board. Their promise was that the Board would be given authority to provide meaningful oversight of the Police and Corrections Departments. This volunteer Board is comprised of 11 representatives from the community who have sacrificed tremendous time and energy and have given their expertise to develop a credible oversight and complaint system for the City of Atlanta. Now, when the ACRB is ready to perform real oversight, politicians and bureaucrats alike are fearful of true police oversight and are putting on the brakes. Atlanta Police Chief Pennington, Atlanta Mayor Franklin, and now the Atlanta City Council (by way of the Committee on Council) have defied the ordinance and the will of the citizens. Police Chief Pennington and the Atlanta Police Department have consistently broken the law by refusing to comply with the ordinance. The Mayor, by way of the City of Atlanta Law Department, has actively assisted efforts of the Police Department to change to the law that would neutralize the Board. And, Atlanta City Council Committee on Council has refused to issue the subpoena needed for the Board to get information it requested from the Police Department. The Atlanta City Council promised the public an effective oversight system when it passed the law. It now is reluctant to enforce the very law it created.

In order for there to be effective police oversight in Atlanta, the ACRB must have prompt access to information from the Police Department, as that information is generated and as mandated in the original ordinance. Any proposed change to the existing ordinance must fail. And, the Atlanta City Council must express the will of the citizens by promptly issuing subpoenas when the Police Department withholds requested information and refuses to follow the law. A fair, credible and transparent oversight system needs the light of day. Citizens of Atlanta deserve real police oversight. The Atlanta Citizen Review Board is prepared to ensure fair-minded, thorough and transparent police oversight, which will heal wounds and rebuild trust between the police and the community.

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Roderick Edmond, Chairperson  
Atlanta Citizen Review Board