



September 14, 2009

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Post 3

Mr. Richard Pennington  
Chief of Police  
Atlanta Police Department  
226 Peachtree Street  
Atlanta, Georgia 30303

RE: Complaint #08-13

Dear Chief Pennington:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint that was filed by TaiRance Kelly against Atlanta Police Officers Craig Fries and Ivory Streeter.

Ms. Kelly alleged that October 23, 2008 she and her partner, Keturah Kelly and their six year old daughter were in the driveway of their residence located at 2412 Lakewood Avenue in Atlanta when they were stopped at gunpoint by Atlanta Police Officers Craig Fries and Ivory Street. The officers reportedly jumped out of their vehicle with weapons drawn, pointed at the women and ordered them to get back into their car. The officers then approached the vehicle and began to question them and demanded to see Ms. Kelly's license and registration. When Ms. Kelly inquired as to why she had been stopped, the officers allegedly began to yell and curse at them. They called 911 to complain about the officers' conduct and requested the presence of a supervisor. Ms. Kelly was issued two citations; one for improperly marked drive-out tag and one for a child safety requirement. According to Ms. Kelly, the supervisor, Sergeant Patterson, responded some time later and explained that the reason the officers used force was because there had been many car thefts in the area and the officers probably assumed that her vehicle had been stolen because it lacked a permanent license plate.

The investigation revealed no further identifiable witnesses other than Ms. Keturah Kelly. The officers refused to give statements regarding this complaint to Ms. Robertson. Sergeant Patterson refused to give a statement. The Office of Professional Standards did not conduct an investigation. The radio communications tapes were reviewed that there was no evidence that the officers had information which would indicate that the vehicle was stolen. The Atlanta Police Department Standard Operating Procedure governing the use of firearms states that "(e)mployees

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will not point firearms at persons in circumstances unless the discharge of that firearm would be justifiable" (**SOP2010.4.6.09 (B)**). There was no evidence that any crime which would pose a danger of serious physical harm to any person had been committed by the occupants of the passenger car.

The Board considered the evidence and voted unanimously to recommend that the allegation of Excessive Force against Officer Fries and Streeter be **sustained**. Further, the Board notes that Sergeant Patterson neglected to complete a Use of Force report as required by Atlanta Police Department Standard Operating Procedures. It is also worthy of note that one of the witnesses reported that an officer repeatedly asked Ms. Kelly if she was a man or a woman. This appears improper.

The Board considered the nature of the offense and the circumstances surrounding this incident. They also considered the Atlanta Police Department's Standard Operating Procedure governing discipline (**SOP 2020**) in order to make a recommendation concerning the appropriate level of discipline for the officers who used the force. This offense falls into the category of "Unauthorized Force," which is a Category C-D violation. A Category C violation includes a discipline range of 4 to 15 days of suspension. For this reason the Board voted to recommend that the Chief impose a suspension of five working days for the violation.

Please let me know if you have any questions or concerns or if you would like to have a copy of the investigation. The ordinance requires that the Chief respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief. See **Sec. 2-2211(O)** of **Ordinance 07-0-0141**.

Sincerely,



Roderick E. Edmond, M.D., J.D.  
Chair

cc: Mayor Shirley Franklin  
Council President Borders  
Atlanta City Council Members