



ACRB Members

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March 15, 2010

Chief George Turner
Atlanta Police Department
226 Peachtree Street
Atlanta, GA 30303

RE: 09-13 Complaint of Minnie Carey

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of a complaint filed by Minnie Carey. Ms. Carey made a complaint to the ACRB on August 26, 2009. Additionally, she filed a complaint with the Office of Professional Standards on August 18, 2009. Ms. Carey complained that on March 26, 2009 at about 3:00 P.M., while standing on a sidewalk in front of a convenience store on Boulevard, she was arrested by Officers Dolson and Nelson of Zone 5. She claimed that she was merely standing on the sidewalk with a group of 3 or 4 people and that Officer Dolson ordered the group to move. She said that the persons with her began to leave but she stayed and asked the officer why she had to move. He responded, “(b)ecause, I said so.” Ms. Carey told him that she was a citizen and a tax payer and she had a right to be there. She was arrested, handcuffed and transported to the Pre-Trial Detention Center. She remained in custody for nine hours. Ms. Carey explained that the criminal charges were dismissed because the officers did not appear in court.

Investigation included inspection of the place of arrest, a review of court records and incident reports filed, as well as an interview with one of the other people who were standing on the street talking when Ms. Carey was arrested. The witness confirmed Ms. Carey’s version of the incident. The court records indicated that the criminal case was dismissed because the officers failed to appear. The incident report filed by the arresting officers did not include any information that would have justified an arrest. In order for a person to be

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arrested for this offense of disorderly conduct, she must present an obstruction or an impediment on the sidewalk or public way. There was no indication in the police report or the interview conducted with Officer Nelson that this occurred. This requirement is further explained in the Atlanta Police Department S.O.P. 3030 – 4.1.3. This procedure requires officers to comply with the United States and Georgia Constitutions. It instructs officers that citizens have the freedom to peaceably assemble. The SOP further states that disorderly conduct, “will not be used to interfere with, restrict, or deny citizens’ rights of speech, press or religion, unless an actual obstruction or impediment occurs, as specified in the ordinance.”

Officer Nelson submitted to an interview by the ACRB staff and she could not remember the details of the arrest. She could not remember how many individuals were in the group. She did recall that both she and Officer Dolson gave verbal commands to move and that all of the people moved with the exception of Ms. Carey. Officer Nelson said that there were pedestrians who were moving about the area where the incident occurred. She could not recall the court disposition. Officer Dolson appeared in the ACRB office and refused to give a statement.

For the above reasons, the ACRB board members voted unanimously to **sustain the allegation of False Arrest against Officer Brandy Dolson**. The Board voted 8-2 to **Not Sustain the allegation of False Arrest against Officer Nelson**. In order to develop a disciplinary recommendation, the Board requested the factual details of Officer Dolson’s prior complaint and disciplinary history. The Board considered his record on March 11, 2010.

Officer Dolson was hired in 2001. He has sixteen entries in his disciplinary complaint history. Twelve of these complaints have been adjudicated. Of those twelve, four allegations have been sustained. Four investigations remain open and unresolved.

The Board considered only his prior history. The sustained complaints involve motor vehicle accidents. It was noteworthy that some of the cases that were not sustained or exonerated, involved complaints of excessive force (OPS # 03-C-0081- UAF, 04-C-0129 UAF, 06-C-1060-MISC). His current active cases are quite troubling. Because of his limited number of sustained complaints, the Board

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recommends that the Chief of Police impose a **suspension of fifteen days without pay and refer this officer for a psychological evaluation and/or a fitness for duty evaluation.**

As you know, the ordinance requires the Chief of Police to consider the Board's recommendations and respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty days.

Sincerely,

Joy Morrissey
Chair

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Members of City Council



CITY OF ATLANTA

Kasim Reed
Mayor

226 Peachtree Street
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
George N. Turner
Interim Chief of Police

March 28, 2010

Joy Morrissey, Chair
Atlanta Citizen Review Board
55 Trinity Avenue, SW
City Hall Tower, Suite 9100
Atlanta, GA 30303

RE: 09-13 Complaint of Minnie Carrie

Dear Ms. Morrissey:

I am in receipt of the Atlanta Citizen Review Board's letter, dated March 15, 2010, recommending that the allegation that Officer Brandi Dolson made a false arrest be Sustained.

The Atlanta Police Department has concluded its investigation into Ms. Minnie Carrie's allegation of false arrest and has come to the conclusion to Not Sustain the allegation against Officer Dolson. The file was inconclusive in determining whether a work rule violation occurred.

I accept the Board's recommendation that Officer Dolson be referred for a psychological evaluation. It should be noted that his non attendance in court on this case is still under active investigation.

Major M. A. Perdue, Commander of the Office of Professional Standards, can be contacted at (404) 658-7028, if you have any further concerns regarding this complaint.

Sincerely,

George N. Turner
Interim Chief of Police

GNT/nk

cc: Ms. Cristina Beamud, ACRB
Asst. Chief P. N. Andresen
Major M. A. Perdue
File