



October 19, 2009

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

RE: #09-11 & #09-14
Complaint of Brandin Thomas

Dear Chief Pennington:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of two complaints filed by Brandin Thomas. Mr. Thomas alleged that on February 12, 2009 while he was walking and talking on his cellular phone he was stopped by Dekontis Davis. He was arrested for an outstanding warrant and transported to Zone 5. Mr. Thomas claimed that Officer Davis pulled him from a chair, slapped in the face three times and slammed him onto the floor and kned him in the chest. There were no witnesses but he believes that other officers and a sergeant were aware of the activity. Mr. Thomas claims that he complained to the sergeant and requested medical assistance and the sergeant ignored his requests. He was transported to the municipal jail where he refused medical treatment. He was treated at Grady Memorial Hospital for injuries to his neck and back after his release.

Officer Dekontis Davis was interviewed and said that he was working with Officer Carrow when he observed Mr. Thomas walking in the roadway and blocking the sidewalk by “Pink City.” Mr. Thomas gave several false names and eventually, he was arrested for a warrant. He was transported to Zone 5 in order to confirm the warrant and upon arrival went into the roll call room. Officer Davis claims that he was never alone with Mr. Thomas and he did not strike him. Officer Davis produced a booking photograph that revealed no visible injuries.

Grady Memorial Medical Records revealed that he was examined on February 17, 2009 and he had mild edema to his middle back and noted that the area was warm and tender to the touch. He was prescribed Motrin and Vicodin.

The Board considered the evidence and voted unanimously to recommend that the allegation of **False Arrest be Unfounded** because this arrest was based on a warrant. The Board also considered the allegation of **Excessive Force** and voted unanimously to recommend a finding of **Not Sustained** because Mr. Thomas’ allegations were not corroborated.

Mr. Thomas filed a second complaint alleging that he was subjected to retaliatory arrests and unnecessary and excessive force (09-14). Specifically, Mr. Thomas said that on March 12 and April 14, 2009, Officer Andry harassed him by arresting him for being a pedestrian in the roadway. Also, during the April 14th arrest, Mr. Thomas alleged that Officer Andry left him handcuffed and strapped in a patrol car with the windows rolled up and without air conditioning for approximately 45-50 minutes while the officer talked on his cell phone on a personal call. He said that his previous back injury was exacerbated by these restraints. He also alleged that Officer Andry inappropriately searched him and squeezed his buttocks and touched his genitals at the municipal jail. He claimed that this was witnessed by Sergeant Ellis Williams. He refused medical treatment and received treatment at Grady Memorial Hospital the day after his release.

While Mr. Thomas claims that he received a cellular phone call from Officer Andry, he did not produce his cell phone records. Medical records from Grady Memorial Hospital indicated that he was examined on April 15, 2009 but there were no visible signs of injury.

Lieutenant Vincent Moore is a Zone 5 supervisor who stated that Brandin Thomas had not complained of being harassed. He recalled that he responded to the scene one time when Mr. Thomas was arrested by Officer Andry and that when he arrived, Thomas refused to speak to him.

Officer Andry revealed that he had in fact arrested Mr. Thomas on March 12 and April 14, 2009 for walking in the street. Officer Andry denies that it was because he filed a complaint against Officer Davis. He further denies calling Mr. Thomas on his cellular phone. Officer Andry said that when he arrested Thomas April 14, 2009, he placed Mr. Thomas in the backseat of the patrol car with the safety leg bar in place and locked and that he sat in the car for approximately 30-35 minutes waiting for the transport wagon, however, the transport wagon was delayed, so he drove him to the jail. He said that the air conditioner was on and that he was not talking on his cellular phone on non-business related matters.

Officer Andry said that after he arrived at the jail, Mr. Thomas was taken to the intake area. He does not recall whether he searched Thomas at the jail, but remembers searching him before putting him in the patrol car. He did not squeeze Thomas' buttocks or touch his genitals. He claims that Thomas told him that he was going to falsely accuse him of fondling him.

Ms. Robertson conducted the investigation. The Board voted unanimously to recommend a finding of **Not Sustained to the allegation of harassment**. Harassment is defined by the ordinance as, "the act of tormenting by continued persistent verbal or physical attacks." The record indicates that Mr. Thomas was arrested for being a pedestrian in the roadway. His claims that he was walking on the sidewalk are not corroborated. Mr. Thomas' allegation of excessive force was assigned a finding of Not Sustained because the allegations were not corroborated by the witnesses or the medical records.

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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,

Handwritten signature of Roderick Edmond in cursive, followed by a slash and the initials 'cb'.

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

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