



November 5, 2010

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Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: Case #09-37, Complaint of Exzavirous Tigner

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint that was filed by Exzavirous Tigner alleging excessive force against members of the Atlanta Police Department Narcotics Team 4. He and his finance, Consuelo Knighton, reported that on October 14, 2009, members of the Atlanta Police Department used excessive force while executing a search warrant at 1620 Westwood Avenue.

Ms. Knighton advised that she received a call saying that Mr. Tigner had been struck in the face by a police officer who arrested him. She arrived at the residence and observed Mr. Tigner in custody and bleeding from his nose and mouth. She asked for an ambulance and she claims that the sergeant refused to call one. She dialed 911 and requested the ambulance and when the medics arrived she claims that the sergeant told them to only check his vital signs because he needed to go to jail and not the hospital. Ms. Knighton said that the EMS left and Mr. Tigner continued to have difficulty breathing and the sergeant requested that the ambulance return. Mr. Tigner was transported to Grady Hospital. While Ms. Knighton identified one of the witnesses, she could not provide contact information for the other witnesses.

Mr. Tigner claims that he was standing on the side of his mother’s residence talking when two Atlanta Police Officers approached and one of the officers struck him in the face. He describes the officer who struck him as being large and muscular. He says that he lost consciousness and when he awoke he was in handcuffs and bleeding from his nose and mouth. He sustained a fractured nose and a swollen right eye. He confirms that the ambulance came twice. He denied being inside the residence where the warrant was being served and claimed that he did not jump out of a window as alleged by the officers. He said he did not run from the police nor offer resistance. He filed a complaint with the Office of Professional Standards.

Sergeant Jeff Branum, Investigator David Stribling, and Investigator Peter Trotta initially refused to answer questions. On May 17, 2010, an ordinance requiring the Chief of Police to discipline officers who do not cooperate was passed by the City Council. The officers were summoned again and gave statements.

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Sergeant Branum described participating in the execution of a search warrant at 1620 Westwood Avenue. He said that he was responsible for the perimeter and was accompanied by Investigators Trotta and Stribling. He was advised by Investigator Stribling that a black male, later identified as Exzavirous Tigner, jumped out of a side window of the house in an effort to evade officers. He claims that Tigner ran to the rear of the adjacent house and was followed by Investigator Stribling. He and Investigator Trotta ran to the front of the adjacent house and chased Mr. Tigner for three to five houses down the street before they confronted him. Investigator Trotta tackled Tigner and took him to the ground. Sergeant Branum said that when Trotta tackled Tigner, his (Trotta's) shoulder harness that secures his gun belt came disengaged, causing him to become distracted. According to Sergeant Branum, Investigator Stribling arrived and assisted Trotta in handcuffing Tigner. Sergeant Branum said that he saw Tigner fall at different times. He did not know where the blood came from. Sergeant Branum advised that he completed an APD Use of Force report because of the injuries sustained by Mr. Tigner.

Investigator Trotta explained that he was near the front of the house when he heard Investigator Stribling radio that someone jumped from a window of the house and that the subject was running towards the rear of an adjacent house. Trotta said that he ran and saw Tigner jump over fences. He upholstered his firearm and ordered Tigner to the ground. He then holstered his weapon and moved toward Tigner and tackled him to the ground and this caused his gun belt harness to become dislodged. He became distracted and Investigator Stribling and Sergeant Branum assisted him.

Investigator Stribling said that he was at the rear of the house when he heard crashing sounds a few seconds after the police entered the residence. He saw Mr. Tigner's face in the bushes with his feet up in the window seal. Mr. Tigner rolled over, got on his feet and began to run. Mr. Tigner jumped several fences until he was stopped by Investigator Trotta. He assisted Trotta and placed his knee in Tigner's back and placed Mr. Tigner's arm behind his back in order to take him into custody. He saw blood near Mr. Tigner's mouth and said that Tigner's facial injuries may have been caused by the fall from the window of the house.

Sergeant Tony Jones reported that he was a part of the entry team that went into the house at 1620 Westwood Avenue. He did not observe the arrest of Mr. Tigner nor did he observe any force used against him. He observed the ambulance come twice and he said that he saw scratches and bleeding from Mr. Tigner's nose. He did not know how Mr. Tigner received the injuries.

The witnesses that may have seen this incident could not be located. Mr. Tigner pled guilty to the charges of possession of marijuana, possession of cocaine and obstruction of law enforcement on November 24, 2009.

Given the conflicting evidence produced by the investigation, ACRB voted unanimously to recommend a finding of **Not Sustained**. It is worthy of note that the injuries sustained by the complainant were not consistent with the fall that the officers described. He had bilateral bruising to his face and according to one Board member, who is a physician, it is very unlikely that he fell on both sides of his face. Nonetheless, the Board made this recommendation.

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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 full investigation. The ordinance requires the Chief to 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.

Sincerely,



Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Members of Council
ACRB Board Members