



April 12, 2010

ACRB Members

Joy Morrissey
Chairperson

Seth Kirschenbaum
Vice Chairperson

Charis Johnson
Secretary

Rod Edmond

J.L. Booker

John Michael

Owen Montague

Alan Morris

Sharese Shields

Maceo Williams

Cristina Beamud
Executive Director

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

RE: 10-01 Complaint of Christopher Gaines

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint that was filed by Christopher Gaines against Officers Lakea Gaither and Genesis Huff. Mr. Gaines alleged that he had been falsely arrested by these officers on October 28, 2009.

Kasim Reed

Mayor of Atlanta

Atlanta City Council

Cesar C. Mitchell
President

Carla Smith
District 1

Kwanza Hall
District 2

Ivory Lee Young, Jr.
District 3

Cleta Winslow
District 4

Natalyn Mosby
Archibong
District 5

Alex Wan
District 6

Howard Shook
District 7

Adrean Yolanda
District 8

Felicia A. Moore
District 9

Clarence T. Martin
District 10

Keisha Bottoms
District 11

Joyce Sheperd
District 12

Michael Julian Bond

Mr. Gaines explained that on April 14, 2009 the Atlanta Police raided his wife’s business at 2044 Campbellton Road and confiscated property. He claims that he was arrested on the following day and charged with Possession of Counterfeiting Service Marks, Criminal Sale of Recorded Material and Possession of a Firearm by a Convicted Felon. He further indicates that on October 28, 2009 he was rearrested for the same charges pursuant to a warrant.

The investigation revealed that Mr. Gaines was indicted on April 24, 2009 and a warrant issued on September 1, 2009. Officers Gaither and Huff arrested Mr. Gaines pursuant to the arrest warrant. There was no record of any arrest on or about April 15, 2009 for these charges.

Based upon the investigation, the Board voted to recommend that a finding of **Unfounded** be applied to the allegations against each of the officers. The offense of false arrest is defined as, “arrest by a police officer of the wrong person without probable cause to believe a crime has been committed and/or without a warrant, and/or when the arresting party knowingly holds someone who has not committed a crime.” Since the arrest was executed with a valid warrant, the officers acted properly and within their authority.

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 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,

A handwritten signature in blue ink, appearing to read "Joy Morrissey".

Joy Morrissey
Chair, Atlanta Citizen Review

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