



September 13, 2010

**ACRB Members**

Joy Morrissey  
Chairperson  
Charis Johnson  
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Roderick Edmond  
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Chief George Turner  
Department of Police  
City of Atlanta  
226 Peachtree Street, S.W.  
Atlanta, Georgia 30303

Cristina Beamud  
Executive Director

RE: Complaint #10-07 / Domicie Irving

Dear Chief Turner:

**MAYOR of ATLANTA**  
KASIM REED

The Atlanta Citizen Review Board (“the ACRB”) completed its investigation and adjudication of a complaint against Detective Andrew Silberman.

**Atlanta City Council**

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Post 1-At-Large  
Aaron Watson  
Post 2-At-Large  
H. Lamar Willis  
Post 3-At-Large

Mr. Domicie Irving complained that he was falsely arrested by Detective Silberman on September 29, 2009 at 855 Coleman Street. He said that he was hired by the homeowner to perform yard work; however, when he arrived, the owner was not home so he waited on the porch. He explained that shortly thereafter, approximately fifteen (15) Atlanta police officers arrived, ordered him to the ground and handcuffed him. The officer entered the residence and found illegal drugs. Irving said that the officers took him inside the residence and ordered him to put on some of the occupant’s clothing in an attempt to establish that he lived there. The officers had a search warrant for the home, but did not have an identified suspect. Mr. Irving was charged with Possession with Intent to Distribute Marijuana and Cocaine. He spent one and a half months in jail until he was released on bond. A motion to suppress hearing was held regarding the criminal charges. The motion was allowed and the case was dismissed

The ACRB investigation revealed that the court ruled that the search conducted by members of the Atlanta Police Department was not proper. Interviews with the officers involved in this arrest revealed that they found a backpack in the kitchen and it belonged to Mr. Irving. They also said that he had a key in his possession which opened the burglar bars that were located at the front door of the house in question. Mr. Irving had a pink pill in his pocket which was the same as some prescription medicine that was found inside the house. All of the officers claimed that they had no knowledge of Irving prior to the execution of the search warrant.

*Please continue...*

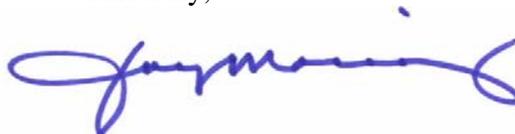
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The Board concluded that this arrest was made in violation of the Fourth Amendment. The evidence indicated that Detective Silberman may have had reasonable suspicion to stop and detain Mr. Irving; however, he lacked probable cause to arrest. The mere fact that Mr. Irving was sitting on the porch did not give Detective Silberman probable cause to search and arrest him.

For these reasons, the ACRB voted unanimously to sustain the allegation of False Arrest against Detective Andrew Silberman. The Board voted to recommend that you impose a one day suspension on the officer. This recommendation is consistent with Atlanta Police Department disciplinary guidelines.

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

*JM/mms*

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