



August 16, 2010

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

RE: Complaint #10-20 / Tony Smith

Dear Chief Turner:

The Atlanta Citizen Review Board (“the ACRB”) completed its investigation and adjudication of the complaint that was filed by Tony Smith against Investigator Charles Brown.

Mr. Smith alleged that Investigator Charles Brown used excessive force when he arrested him at Grady High School on October 7, 2009. Mr. Smith was a juvenile at the time of his arrest for unarmed robbery. Mr. Smith and Sanquavious Anderson were arrested by Investigators Brown and Larry Bennett at about 8:30 a.m. They were taken to the office of the Assistant Principal. He claimed that during his detention he complained to the officers that his handcuffs were too tight. According to Mr. Smith, Investigator Brown ignored his complaint that his handcuffs were on too tight. He said that Investigator Bennett loosened the handcuffs but Mr. Smith produced photographs that show red indentations to his wrists. The photograph that was taken with his cell phone shows him handcuffed to the filing cabinet. He further stated that he was held handcuffed in the schools in various locations until about 3:15 p.m. before being transported to a juvenile detention facility.

Investigator Bennett was interviewed and he explained that when Mr. Smith complained about the tight handcuffs, he (*Bennett*) loosened them. He never witnessed Investigator Brown purposely tighten the handcuffs.

Investigator Brown was interviewed and he denied purposely tightening Mr. Smith’s handcuffs. He further denied that Mr. Smith was handcuffed to the file cabinet. He explained that Mr. Smith was always within eye sight of himself or Investigator Bennett.

Mr. Sanquavious Anderson was interviewed and said that he and Mr. Smith were arrested together. He observed Mr. Smith handcuffed to a file cabinet in a room near the Assistant Principal’s office. They were separated but he could hear and speak freely with Mr. Smith throughout their detention in the school. He said that Mr. Smith complained about the handcuffs being on too tightly just prior to their transport to Juvenile Detention. He said that Investigator Bennett loosened Mr. Smith’s handcuffs.

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Assistant Principal Roosevelt Foreman said that he never witnessed Mr. Smith complain to the officers that the handcuffs were too tight. He said that the young men were laughing and joking.

While the photographs show injury to Mr. Smith's wrist, this is not conclusive that there was excessive force, particularly since 2 witnesses claim that when Mr. Smith complained that the cuffs were too tight, Investigator Bennett loosened the. For this reason, the Board voted to recommend that this allegation be assigned the finding of not sustained. However, the Board was concerned that there were some policy violations that may have contributed to this complaint.

The Atlanta Police Department SOP 3190 addresses juvenile procedures. It requires officers to bring the juvenile to the appropriate juvenile detention facility within a reasonable amount of time (unless the juvenile is in need of emergency medical treatment). These juveniles were held for at least seven hours before being transported by a prisoner transport wagon. There was no explanation for this delay. Atlanta Police Department SOP 3030 requires the arresting officers to transport juvenile prisoners. This was not performed. The third apparent violation was the manner of handcuffing. Atlanta Police Department SOP 3030 states that, "when no other suitable method of detention is available, detainees may be secured to an immovable object that is designed for such use." Clearly, a filing cabinet is not designed to be used to handcuff detainees and this may have contributed to the complainant's injuries.

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. See Sec. 2-2211(O).

Sincerely,



Joy Morrissey
Board Chair

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