



January 20, 2010

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

RE: Complaint #10-28, Mantrell Perry

Cristina Beamud

Executive Director

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint of excessive force filed by Mantrell Perry.

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Mr. Perry alleged that on April 9, 2010, he was driving a car and stopped at the roadblock. An officer approached his window and asked for his license and insurance. He claims the officer opened his door and ordered him out of the car and claims that as he was disengaging his seatbelt, the officer began to strike him. Another officer reached through the passenger window and also began to hit him. Mr. Perry said he received a laceration to the top of his head that required stitches to close. He claims that he did not resist the officer’s orders and that there was no reason for the force. He said that he may have pressed the accelerator when the officer began to hit him, but he never tried to purposely drive away. He claims that he was struck by an ASP baton.

Robert Seabrum was one of two passengers in the car. His interview revealed that Perry was ordered to roll down his window and provide his license at an Atlanta police roadblock. The officer approached the driver, Mr. Perry, and because the window did not function properly, the officer opened the door and began to hit Mr. Perry as he reached for seat belt. Mr. Seabrum said that there was a point during the altercation that Mr. Perry may have moved the car forward while officers were hitting him.

The third person in the car was **Miesha Young**. Ms. Young is Mr. Perry’s nine year old daughter. She was in the front passenger seat of the car. She was interviewed in the presence of her guardian. She explained that she observed officers hit her father with a black stick after he was handcuffed. She said that she was removed from the car and seated on the ground next to the car.

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Officers Monnat, McCalla, Berhalter, and Klein were involved in the stop. Sergeant Anthony Gentile was also present. Each officer was interviewed. **Officer Jeremy Monnat** explained that APD Zone 3 FIT team conducted a road block at the intersection of Macon Drive and Polar Rock Road. Officer Monnat said that he saw Mr. Perry's vehicle approach and stop short as if the driver was hesitating before approaching the officers. When the car stopped, Monnat said that they smelled marijuana. He asked the driver to roll down the window and Mr. Perry tried to hand him his license and insurance information through the driver's side rear window. Monnat said that he tried to open the driver's door and asked Mr. Perry to step out of the car. Perry did not immediately comply so he reached into the car and grabbed Mr. Perry's left wrist. Perry pushed the accelerator and he perceived this an attempt to flee. Monnat said that he tried to place the car into park but Perry began to strike him in the chest with his closed hand and elbow. Perry continued to struggle and Officer Monnat said if Perry had been successful in fleeing the location, the officer would have been injured due to his position in the car. Monnat said that Officer Klein entered the car from the front passenger side and was able to turn the ignition off and remove the keys from the ignition. Officer Monnat recalled that Perry had some small lacerations to the side of his face and Officer Monnat received medical treatment for an open wound that he sustained. He said that he did not use his ASP baton and he could not recall if any of the officers used their baton.

Officer McCalla said that he smelled marijuana coming from the car. He took a position near the rear driver side door and observed Officer Monnat struggle with the driver. He attempted to remove Seabrum from the car and Seabrum resisted. McCalla struggled with Seabrum and does not recall seeing Officer Monnat fighting with the driver or seeing Officer Klein assist Monnat. He said he was focused on the rear passenger and did not observe the altercation. He denied using his ASP baton and did not see another officer use theirs.

Officer Berhalter said that he observed Officer Monnat partially inside the driver's side door telling Mr. Perry to stop resisting. He saw the car move a couple of feet as Monnat and Perry continued to fight and he assisted Officer Monnat to remove Perry from the car and handcuff him. He did not see any officer use force against Perry other than the struggle between Officer Monnat and Mr. Perry. He denied using a baton or witnessing another officer use a baton.

Officer Klein said that he smelled marijuana and approached to the rear of the car on the passenger side. He heard Officer Monnat order Perry to open his window and Perry did not comply. Officer Monnat opened the car door and ordered Perry to stop the car. Perry resisted the commands and Monnat reached into the car and tried to put the car in park. He observed Mr. Perry hit Officer Monnat with his fist as they struggled to place the car into park. He said that he feared for Monnat's safety so he reached into the passenger window and turned the ignition off and removed the keys from the car. He said Perry then struck Officer Klein with his right hand to prevent him from touching the ignition. He explained that Mr. Perry continued to resist by placing his hands under his body. They recovered several bags of crack cocaine from him. Officer Klein denied using his ASP baton and claims that he did not observe any others use their batons. He observed some abrasions to Perry's face, who subsequently refused medical treatment.

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Sergeant Gentile was the ranking supervisor during the roadblock. He heard the sound of a car engine revving and saw Officer Monnat partially inside the vehicle and was yelling at Mr. Perry to stop the car. He said Mr. Perry was very agitated and resisted arrest during the time he was there, and he saw Officers Monnat, Klein and McCalla remove Mr. Perry from the car and Mr. Perry resisting arrest. He confirmed that Mr. Perry sustained a cut to the top of his head. Sergeant Gentile said he never used his ASP baton and he did not observe officers use a baton while there. A Use of Force report was filed on July 16, 2010, three months after the incident date.

Mr. Deke Cooper was identified as an independent witness by Tierra Dupree. Ms. Dupree is engaged to Mr. Perry. He was subpoenaed to compel his cooperation. Mr. Cooper said that he observed the officer attempting to handcuff Mr. Perry outside of the car and it appeared to him that the officers were struggling with Perry. He did not witness what occurred while inside the car.

The medical records provided by Grady Hospital indicated that Mr. Perry was seen in the emergency room on April 9, 2009. He sustained a 3 centimeter superficial laceration to his scalp and he received 3 sutures to close the wound.

Given the conflicting statements, the Board voted to assign this investigation an adjudication of not sustained.

The Board further noted that the Use of Force report associated with this incident was not filed promptly after the incident.

Please let me know if you have any questions or concerns of if you would like to have any further information. 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,



Joy Morrissey
Board Chair

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