



June 13, 2011

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

RE: Complaint #11-02, Darrell Bowser

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint that was filed by Darrell Bowser alleging false arrest by Officer Benjamin L. King. The complaint was investigated by Investigator Sheena Robertson.

**MAYOR OF ATLANTA**

Kasim Reed

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Mr. Bowser complained that on September 11, 2010, two repairmen came to his apartment to repair an air conditioner. They put duct tape on it and said they would return the next day. When they returned, Mr. Bowser claimed to be unhappy with their work and asked for their supervisor’s name. He said that the repairmen would not provide the name. His friend, Anthony Canady was present and asked the repairmen to leave. Mr. Bowser said that about 20 minutes later, the two maintenance workers returned accompanied by a female Atlanta Police officer and Officer Benjamin King. Mr. Bowser said that Officer King told him to step outside the apartment but he refused and asked what was going on. He claims Officer King snatched him out of the doorway, into the hall and told the female officer to handcuff him. Mr. Bowser asked why he was being arrested and Officer King pointed to one of the maintenance men and told him that it was for hitting him. Mr. Bowser said he told Officer King he did not hit either of the men, but according to Mr. Bowser, Officer King said, “your ass is still going to jail. I am tired of your fucking ass calling my cell phone leaving messages.” He claims that Officer King also said that he was tired of him coming into the office complaining and he was going to make sure that Mr. Bowser was taught a lesson by getting him kicked out of the apartment building. The female officer took him into custody and he explained to her that he did not hit anyone and he was being retaliated against for wanting things fixed in his apartment. Mr. Bowser spent 23 hours in the Fulton County Jail and was released and the charges were dismissed. Two days later, he received a letter from the landlord notifying him that his lease was terminated. He believes that Officer King retaliated against him for making complaints. Officer King is employed as a courtesy officer in the apartment building where Mr. Bowser lived.

Officer Clink was the female officer dispatched to the apartment. She was out on medical leave so she was not interviewed. Her police report was considered, instead. The report indicates that Arturo Orosco was the victim of the assault. He was in the apartment to repair the air conditioner. Mr. Orosco was located and interviewed.

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Mr. Orosco said that Mr. Bowser was screaming at him and called him foul names. He asked for him to allow them to finish their work and Mr. Bowser yelled at them. He said Mr. Bowser attempted to strike him and threw them out of the apartment. He chased the repairmen down the hallway. He called the manager and contacted security. He waited for the police to arrive and the security person was Officer King. He went back to Mr. Bowser's apartment where he was arrested. He said the charges were dismissed because on the day of the hearing, he arrived to court late. He did not have the correct address for the hearing.

Mr. Anthony Canady was interviewed by phone. He said that Mr. Bowser had problems with the air conditioner and he asked for the name of the manager. One of the repairmen told Mr. Bowser, "I'm not here for that; I'm not here for that." Mr. Bowser told the men to leave and they refused. Mr. Canady said he opened the door and told the men to leave. They did. He denied that Mr. Bowser assaulted the repairmen. He said that Officer King told Mr. Bowser he had to come out of his apartment and when he was asked why, the officer yanked him out of the apartment and said that the repairman said that you hit him. Mr. Canady said that the repairman told Officer King that Bowser didn't hit him and Officer King told Bowser that they were going to arrest him because they were tired of him calling the maintenance office.

Officer King was interviewed and said that Officer Clink was dispatched to the call. He arrived separately. Officer King said they spoke to the maintenance man who reported that he was in Bowser's apartment trying to repair the air conditioner when Bowser tried to hit him and chased him down the hallway. He did not recall whether the maintenance man said that Bowser hit him or attempted to hit him. He went to Mr. Bowser's apartment and Mr. Bowser stepped out and they questioned him about the incident. He was unsure of Bowser's response, but Officer Clink handcuffed him and took him to jail for disorderly conduct. He may have assisted with the handcuffing. He said that he did not physically abuse nor snatch him out of the apartment. He denied saying that he would be evicted or that he would ever make such a statement because he does not have the authority to evict anyone. He had one previous interaction with Bowser and knew that the leasing office had problems with him in the past. He was on duty with the City of Atlanta when he responded to the incident.

The Board considered the investigative findings and voted to **Unfound** the allegation of false arrest because Mr. Orosco said that he was assaulted.

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,



Joy Morrissey,  
Board Chair

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