



CITY OF ATLANTA

Kasim Reed
Mayor

226 Peachtree Street, SW
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
George N. Turner
Chief of Police

May 4, 2011

Ms. Joy Morrissey, Board Chair
Atlanta Citizen Review Board
City Hall Tower, Suite 9100
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: ACRB #10-66, Complaint of Jeffrey Cash
ACRB #10-67, Complaint of Bryant Mason

Dear Ms. Morrissey:

I am in receipt of the Atlanta Citizen Review Board's letter, dated April 15, 2011, recommending Not Sustaining the allegation of excessive force against Officer Christopher Dowd in the complaint identified as 10-66, filed by Mr. Jeffrey Cash, and Sustaining the allegation of excessive force against Officer Luca Amarena in the complaint identified as 10-67, filed by Mr. Bryant Mason.¹ It was further recommended by the Board to Not Sustain against Officer William Walters and Officer Anthony Colton for the allegation of excessive force in the incidents with the complainants.

The Office of Professional Standards has concluded the investigation and found evidence to Not Sustain the allegation of Maltreatment or Unnecessary Force against the four officers in the incident at 425 Chappell Road on November 18, 2010. There was insufficient evidence to support that the officers used excessive, unnecessary, or unreasonable force against Mr. Cash and Mr. Mason. There were contradictory statements made, and both the complainants' and the officers' accounts were corroborated by each other – providing opposing recollection.

Furthermore, an examination of the reasonableness or excessiveness of Officer Amarena's striking Mr. Mason on the head with his flashlight should be examined based upon the reasonable officer standard, and must take into account that he had allegedly been struck in the mouth by Mr. Mason and that he may not have had time or the ability to drop the flashlight already in his reactionary hand, possibly obtain a city-issued weapon, and

¹ Officer Luca Amarena resigned from the Atlanta Police Department on March 30, 2011.

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then defend himself. When calculating the reasonableness of a particular use of force, allowances must be made for the fact that police officers are often forced to make split second judgments in circumstances that are tense, uncertain, and rapidly evolving, about the amount force that is necessary in a particular situation.

Having assessed the findings of both the Atlanta Citizen Review Board and the Department's investigative summaries, I reject the findings of the Atlanta Citizen Review Board regarding the allegation of excessive force against Officer Amarena and accept the findings against Officers Colton, Dowd, and Walters.

Major E. B. Dancy, Commander of the Office of Professional Standards, can be contacted at (404) 658-7028, if you have any further concerns regarding this complaint.

Sincerely,

A handwritten signature in blue ink, appearing to read "George N. Turner".

George N. Turner
Chief of Police

cc: Cris Beamud
Major E. Dancy