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October 24, 2011

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

RE: Complaint of Ralph Andrews, Case #11-37

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint filed by Ralph Andrews alleging excessive force and false arrest.

Mr. Andrews filed a complaint alleging that on May 23, 2011 at 914 Welch Street, officers from a task force broke into his house, handcuffed him and his stepson and put them on the floor of the house. They had their firearms drawn and pointed at him when this happened. After the officers put them on the floor, he was advised that there was a warrant for his arrest. He explained to the officers that he had turned himself in on the warrant the previous week. The officers verified this information and removed the handcuffs. One of the officers told him that he could be charged with obstruction. When Mr. Andrews asked how he could be charged with obstruction, the officer provided a telephone number for Mr. Andrews to arrange to have his door fixed. His wife tried to call the number but no one seemed to be aware of the problem. Mr. Andrews explained that there were seven (7) or eight (8) officers who were dressed in plain clothes and were wearing vests and hats that had something like “taskforce” printed on them.

Officer Munson is assigned to the US Marshalls Task Force. He participated in the “round-up.” He explained that sometimes task force members and the local police work together to serve arrest warrants for individuals wanted for committing crimes. Officer Munson said his team routinely receives approximately 30-40 arrest warrants as part of this operation. He said he arrived at the complainant’s address at about 9:00 AM with documents that provided evidence that Mr. Andrews lived at the location. One team of officers went to the rear of the house and a second team went to the front of the house. Officers at the front of the house knocked on the door announcing their presence and they

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observed movement in the front room. The officers knocked in an attempt to get someone to answer the door. Munson said a member of the task force went to a neighbor's house and showed a picture of Andrews and the neighbor confirmed that Andrews lived at the house. Officer Munson observed Mr. Andrews look through a back curtain and then walk away. The officers at the front made entry into the house. They handcuffed the two individuals in the house and both were seated on a sofa. Andrews told them that he had turned himself in on the charges and Munson verified this information. They removed the handcuffs and left. Andrews was provided a telephone number for him to contact the US Marshall's office to file a tort claim for the repair of the door. Officer Munson explained that the underlying warrant was for a battery and that he had previously checked on the validity of the warrant and failed to remove the warrant from the stack. He accepted full responsibility for this error. He did not participate in breaking down the door or pointing weapons.

Officer Kevin Pope was the second officer involved in this arrest. He verified the information provided by Mr. Andrews when Mr. Andrews explained that the warrant was withdrawn. He entered the house through the front door with his weapon drawn and pointed.

For the above reasons, the Board voted to '**Sustain**' the allegation of **False Arrest** against both **Officers Munson and Pope**. They further voted to '**Not Sustain**' the allegation of **Excessive Force** as to **Officer Munson**. They voted to '**Sustain**' the allegation of **Excessive Force** against **Officer Pope** because he pointed his firearm when it was not necessary or reasonable. The Board also voted to recommend that the Atlanta Police Department adopt a policy to address warrant sweeps and the necessity to verify the validity of an active warrant before entering a home in this fashion. Currently, there is no Standard Operating Procedure which requires this and it would be helpful, if this task were assigned to a specific person so that there is no confusion about the importance of this responsibility.

While the classification of the allegations might call for more serious discipline, the Board was impressed with the officers' candor and realizes that this was a mistake. The Board voted to recommend that Officers Munson and Pope be orally admonished for the violations.

Please let me know if you will need any further information or would like a copy of the investigation.

Sincerely,



Joy Morrissey,
Board Chair

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