



May 14, 2012

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

RE: Complaint of Ezoek Parks, Case No. 11-53

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint filed by Ezoek Parks alleging excessive force and abusive language by Officers Jose Vidal and Narottam Holden.

Ms. Parks alleges that on August 23, 2011, Officer Jose Vidal used unnecessary and excessive force against her when he kicked her in the stomach, dragged and pulled her by her hair and kned her in her back during an arrest. She also alleges that Officer Vidal subjected her to abusive and profane language during said incident.

Furthermore, Ms. Parks alleges that Officer Narottam Holden used unnecessary and excessive force and abusive language against her 14 year old daughter, Naquasha when he grabbed her by her neck, pulled out his pepper spray and said, “*I will pepper spray your mother (F-word) ass, you better sit your ass down.*” Also, Naquasha alleges that Officer Holden kned her in her stomach.

During the course of the investigation, an interview was conducted with Officer Vidal. Officer Vidal admits to using force on Ms. Parks but contends that the amount of force was minimal and justified because she was resisting arrest. Specifically, Officer Holden stated that during the altercation, he did, in fact, knee Ms. Parks in the stomach and pulled her hair while struggling to get the handcuffs on her. However, he stated that no other force was used once Ms. Parks was in custody.

Officer Holden was not available to be interviewed by Investigator Robertson because he had resigned from APD prior to the initiation of this investigation. In lieu of the ACRB interview, Investigator Robertson relied on Holden’s statement contained in the police report as it relates to this incident. Officer Holden indicated in his statement that he put out his right hand, with an open palm, and hand-checked Naquasha in her chest in order to prevent her from interfering with the arrest of her mother because she refused to stop upon his command. Officer Holden does not indicate in his report that he used profanity at any time during this encounter. During the interview with Officer Vidal, he stated that he did not see Officer Holden grab Naquasha’s neck; however, he did add that he saw Officer Holden pull out his OC spray and advise everyone present to step back.

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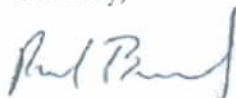
The Board considered the evidence and voted to recommend a finding of **Sustained** applied to the allegation of excessive force against both Officers Vidal and Holden. Ms. Parks' account that Officer Vidal kicked her in the stomach, dragged and pulled her by her hair and kneed her in her back without provocation was corroborated by several eyewitnesses. Based upon Officer Vidal's statement during his interview, it is clear that he was angry with Ms. Parks and her fiancé for the comments they allegedly made to him at the onset of the encounter. Therefore, when Officer Vidal attempted to effectuate the arrest of Ms. Parks, the Board contends that he used more force than was necessary. Furthermore, based on Ms. Parks' and Naquasha's statements, as well as the statements from witnesses, there appears to be corroborating evidence that Officer Holden grabbed Naquasha by her neck and not a merely push as he alleged. The Board contends that grabbing a child by the neck appears to be excessive and unnecessary in this situation.

The Board also voted to **Sustain** the allegation of abusive language against officer Vidal and **Not Sustain** the abusive language allegation against Officer Holden. During his interview with Investigator Robertson, Officer Vidal admitted to using profanity, but added that he was merely repeating the same profane words to Ms. Parks that she was using towards him. Even if Officer Vidal's assertions are true, this does not excuse Officer Vidal's use of such language in response. As it pertains to Officer Holden, besides Ms. Parks' statement, there were no other witnesses that could corroborate her claim that Officer Holden used profanity.

Having considered Officers Vidal and Holden's disciplinary records, the Board recommends that, as it relates to the excessive force allegations, both officers be suspended for (4) four days without pay and receives a psychological evaluation. The Board acknowledges that Officer Holden is no longer employed with the APD, but nonetheless voted that the recommendation be made part of his APD file. In regards to the abusive language allegation, the Board recommends that Officer Vidal receive a written reprimand and courtesy training.

Please let me know if you will need any further information or would like a copy of the 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 the Ordinance 07-0-0141.

Sincerely,



Paul Bartels,  
Board Chair

PB/SHR/mms

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