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May 16, 2012

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

RE: Complaint of Scott Brause, Case No. 11-81

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint filed by Scott Brause alleging false imprisonment by Officers Michael Payne and Brandon Hamberger.

Mr. Brause alleges that on October 15, 2011, he got into a verbal dispute with the bartender and manager of the Opera Night Club located at 1150 Crescent Avenue, N.E., Atlanta over the bill. The Bartender and Manager were complaining that Mr. Brause’s signature on his credit card did not match his signature on his driver’s license. At the request of the manager, Officers Hamberger and Payne responded to the scene of the dispute. The officers were working an approved extra job at the club in a security capacity. Mr. Brause was made to sign the receipt several times, in the presence of the officers, before the manager was satisfied with the signature. During his interview, Mr. Brause admits that neither of the officers threatened to arrest him nor did they ask to see his driver’s license or any other form of identification. However, Mr. Brause added that he perceived the presence of the officers as intimidating and felt that he would have been arrested if he had attempted to leave.

During the course of the investigation, both Officers Hamberger and Payne were interviewed. Both stated that when they arrived on the scene, they merely stood by while the manager resolved the dispute with Mr. Brause.

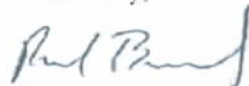
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At the interview, Mr. Brause provided the name and contact information of an individual who allegedly witnessed the incident; Page McGarity. Investigator Marc Addington's numerous attempts to contact and/or interview Ms. McGarity were unsuccessful; however, McGarity did provide the Atlanta Police Department's Office of Professional Standards with a statement which was subsequently provided to Investigator Addington. In that statement, Ms. McGarity corroborated the officers' account of the incident. She stated that the Officers Hamberger and Payne stood by as the manager had Mr. Brause re-sign the bill. She further stated that no time during the encounter did the officers threaten to arrest Mr. Brause.

The Board considered the evidence and voted to recommend a finding of **Unfounded** applied to the allegation of false imprisonment against both Officers Hamberger and Payne. There is no evidence to indicate that either officer engaged in any activity that would have prevented Mr. Brause from leaving the location or that they had any physical contact with him. Mr. Brause was not told that he was under arrest and nor were weapons brandished; or force used. Mr. Brause's perception of being arrested had he attempted to leave the club is not supported by evidence. Any conclusion as to how the officers would have reacted if Mr. Brause left the club would be conjecture and is not enough evidence to substantiate an allegation of false imprisonment against the officers.

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