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June 20, 2013

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

RE: Complaint of Tremaine Malcom, ACRB File 13-10

Dear Chief Turner:

Please be advised that the Atlanta Citizen Review Board (ACRB) has concluded its investigation and adjudication of the complaint filed by Mr. Tremaine Malcom alleging that Atlanta Police Officer Reginald Burks (Unique ID # 4197) & Sergeant Eddie Smith (Unique ID # 1040) used excessive force against him during an arrest that occurred on December 16, 2012. Mr. Malcom further alleged that during the incident, Sergeant Smith was verbally abusive towards him.

The Board determined that there was sufficient evidence to **Sustain** both allegations against Sergeant Smith. Therefore, the Board is recommending that the following discipline be imposed in concurrence:

- Excessive Force-Five (5) day suspension
- Abusive Language-One (1) day suspension

The Board determined that the excessive force allegation against Officer Burks be assigned a finding of **Unfounded**.

The file is available for review upon request. 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

cc: Mayor Kasim Reed
Council President Cesar Mitchell
Members of the Atlanta City Council
ACRB Members
Executive Director Lee Reid