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November 30, 2016

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

RE: Complaint of Lenard Miller, ACRB File #16-068

Dear Chief Turner:

Please be advised that the Atlanta Citizen Review Board (ACRB) has concluded its investigation and adjudication of the complaint filed by Lenard Miller alleging that on April 28, 2016, the driver of the patrol car that stopped him engaged in unnecessary excessive force when the officer repeatedly struck him in the face causing injuries to his left eye. APD records indicate that Officers James Spear (Unique ID # 5585) and Leon Delain (Unique ID #5796) were involved in this incident. However, the records did not indicate which officer was the driver of the vehicle, therefore, for purposes of this investigation both officers were treated as subjects.

The Board assigned a finding of **Sustained** for the Excessive Force allegation against Officer Delain and recommends that he receives a 10 day suspension and Use of Force training.

As it pertains to Officer Spear, the Board determined that the Excessive Force allegation against him be assigned a finding of **Unfounded**.

However, the Board recommends that the APD review Officers Spear and Delain's ACRB statements which shows that Officer Spear's statement is contradictory to Officer Delain's and suggests that he (Spear) was being untruthful. The APD should review Officer Spear's statement for truthfulness and take appropriate action against him that is in accordance with the department's disciplinary matrix.

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,

A handwritten signature in black ink, appearing to read 'Sherry'.

Sherry B. Williams  
Board Chair

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