



October 29, 2009

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Chief Richard Pennington
Atlanta Police Department
226 Peachtree Street
Atlanta, Georgia 30303

Dear Chief Pennington:

I write this letter on behalf of the Atlanta Citizen Review Board to address some concerns that have not been resolved with the Atlanta Police Department.

As you know, the ordinance requires the cooperation of the officers. It states, “(a)ll employees of Atlanta City government are hereby directed to fully cooperate with the Board by promptly producing documents, records, files and any other information that the Board may request. In addition, employees, on request of the Board, shall be available to meet with and be interviewed by the Board or its representatives, and/or to testify before the Board” [See Atlanta Ordinance 07-0-0141 at 2-2211(H)]. We have had several communications regarding this issue. On August 25th you assured me that you were preparing a directive requiring officers to submit to interviews and that you would impose progressive discipline if officers refused to comply. On September 18th you re-assured the Board that you are in the process of developing this policy.

The Board has requested interviews with the following officers:

1. Officer Christopher Lanier (notified October 15, 2009)
2. Officer Dominique Pattillo (notified September 30, 2009)
3. Officer James W. Hines (notified October 21, 2009)
4. Officer Kelvin Johnson (notified October 21, 2009)
5. Officer MC Gresham (notified October 21, 2009)
6. Officer Darnell Perry (appeared October 28, 2009 with Counsel but refused to answer any questions)

Officers Christopher Lanier and Zoel Murphy have indicated that they will not submit to interviews until they are directed by the Atlanta Police Department to do so. This information was forwarded to you on October 19, 2009. We have not received any response concerning this problem.

The ordinance also requires that you respond to the Board’s recommendations within thirty days. The Board sent you the results of its investigation concerning a complaint that

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was filed by Ms. TaiRance Kelly on September 16, 2009. The Executive Director reminded you of the requirement on October 19 and again on October 23, 2009.

There has been no acknowledgement, explanation or response. Ms. Kelly explained that on October 23, 2008, she and her partner and their six (6) year old daughter were stopped at gunpoint by Atlanta Police Officers Fries and Streeter. The officers reportedly jumped out of their car with weapons drawn, pointed at the women and ordered them to get back into their car. Ms. Kelly inquired as to why she had been stopped and the officers yelled and cursed at them. They called a police supervisor and Sergeant Patterson responded and explained that the reason the officers used force was because there had been car thefts in the area and their car lacked a permanent license plate. The sergeant did not file a Use of Force report.

The officers and the sergeant refused to give statements to the Atlanta Citizen Review Board investigator. The investigation was carefully considered by the full Board and a recommendation was made to you to sustain the allegation of excessive force and to impose discipline which is consistent with departmental guidelines.

We spoke on the phone a couple of months ago about police not cooperating with the ACRB and refusing to answer questions during the Board's investigations. At that time, you assured me that you would issue a directive instructing officers to cooperate fully with the ACRB and that you would institute progressive disciplinary measures against officers who continued to refuse cooperate with ACRB investigations. It is my understanding that you have not initiated either of these two corrective measures to date.

It is important to note that this ordinance was enacted in March 2007. These delays risk creating backlogs and leave the impression that the Police Department is not responsive to the requirements imposed by the ordinance. Additionally, it undermines our ability to be responsive to the individuals who have filed complaints. As you know, this is an important factor when assessing the value of the services that we provide to the city.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink that reads "Roderick Edmond/cb". The signature is written in a cursive style.

Roderick Edmond, M.D., J.D.
Chair

cc: Mayor Shirley Franklin
ACRB Board Members
Greg Giornelli, COO