

# Southern Center for Human Rights

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## ***Police Letter***

The Southern Center for Human Rights represents prisoners in class action lawsuits that challenge unconstitutional and illegal practices and policies in prisons and jails. Due to our extremely limited resources, attorneys at the Southern Center for Human Rights generally do not take individual non-death penalty criminal defense cases. We are unable to do any investigation into the problems you describe, but we do have some suggestions for what you can do to ensure that law enforcement officers in your community protect your constitutional rights, not ignore them.

As you may know, police harassment and abuse is a nationwide problem that has led to increasing numbers of men, women, and children in our jails and prisons, not to mention the mental and physical pain that victims of police brutality experience. A failure to adequately train police officers, the prevalence of racial profiling, and a lack of accountability for abusive officers are all factors that increase the numbers of police brutality cases across the country.

In May 2008, a jury convicted an Atlanta police officer of lying to investigators after a disastrous drug raid that resulted in the death of 92-year-old Kathryn Johnston.

In November 2006, plainclothes narcotics officers burst into a northwest Atlanta home using a special "no-knock" warrant to allegedly search for drugs. Johnston fired a single bullet at the invaders, and they responded with a hail of 39 bullets. Johnston was hit five or six times.

Police originally said they had gone to the woman's house after an informant said he bought drugs there. But in the weeks after the killing, a probe revealed holes in the story. The shooting brought scrutiny to the police use of no-knock warrants, which are typically used to search for drugs and weapons. The Georgia State Senate has since voted to tighten requirements to obtain the warrants, but the House has yet to follow suit. The botched raid also led to an investigation of the Atlanta Police Department, which forced the department to tighten its warrant requirements, and led to a shakeup of its narcotics unit.

While this story received much-deserved media coverage, and led to some positive changes, many other victims of police misconduct go unnoticed. Police misconduct happens all across Georgia, and most Georgians never hear about it. By reporting police misconduct you may help others by identifying a "bad apple" officer.

Below is a list of steps that you can take to put pressure on your city or county police department to change their behavior:

- File a Complaint with the Police Chief or Internal Affairs/Professional Standards Office  
Many police and sheriff's departments have internal systems that monitor, discipline and in the worst cases terminate officers -- while in other cities and counties complaints are made directly to the police chief or sheriff. Call the police chief or sheriff to find out the process. It does not cost anything to file a complaint, and you usually need only answer questions to an investigating officer by phone or in person. While there are sometimes issues of the police monitoring themselves, these watchdogs often take action against problem officers or fix other problems identified by citizens.
- File a Complaint with the Civilian Review Board  
A handful of cities, including Atlanta, have Civilian Review Boards where appointed citizens take and investigate complaints about problem officers or police practices. These independent monitors of law enforcement can take action and issue reports, and submitting a complaint to them is free and often worthwhile.
- Attend City/County Commissioner and Public Safety Meetings To Voice Concerns  
These are public hearings. Your elected city and county commissioners have a responsibility to hear the concerns of citizens. Bringing a group of supporters to the meeting shows the commission that police misconduct is an issue that they cannot ignore, and its members may respond to your concerns at the meeting. The treatment that their constituents are receiving from police officers whose salaries are funded by your tax dollars should be important to a group of people who can be voted out of office. Contact your city or county commission clerk to get a schedule of their meetings.
- Get Background Histories of Problem Officers  
By contacting the Georgia Peace Officers Standards and Training Council (GA POST), and filing an open records request (ORR) with the city or county, you can get the employment histories of bad officers in your area in order to see if they've been reprimanded or dismissed from previous law enforcement agencies because of their misconduct. **This information is public and you have a right to see it.** All requests must be in writing.

A sample ORR can read as follows:

Date

J. Rankin Thomas III  
Georgia POST  
5000 Austell Powder Springs Rd.  
Austell, GA 30106

Police Chief xx  
address

Fax Number: 770-732-5952

Dear Mr. Thomas,

Pursuant to the Georgia Open Records Act, I would like to request a copy of the employment history, training profiles and any citizen or other complaints concerning two officers: **John Doe** and **Jane Smith**.

Thanks very much. You can fax this information to me at \_\_\_\_\_, or mail it to the following address.

As noted above, this information is open to the public, and the GA POST has 3 days to respond to your request. NOTE: You will be charged 25 cents a page and officials can charge for labor after performing 15 minutes of work on your request. You can ask for an indigence waiver if you cannot afford these charges. Request the waiver in the same letter as your request.

- Ask for Incident Reports  
If you or a loved one were involved in an altercation with a police officer, that officer is required to write a report describing what occurred and what force was used. This information is also open to the public. You can request this report through your local city or county police department by filing an ORR listing the name of the officer, name of victim, date of incident, and location. The same charges listed above would apply with this request also.
- Start a Petition Asking for The Dismissal of Problem Officers  
You are probably not the only person in your community who has suffered from police brutality, or is concerned about the issue. Speak with people in your area about their experiences and see if they would be interested in participating in an effort to reform your police department. Collect as many signatures as you can, and present it to your mayor, city council, or other governing body. The more signatures calling for change, the better.
- Contact Elected Representatives  
Oftentimes, the people we elect to represent our interests are not always aware of what's happening on our streets. Informing your legislator(s) of the abuses that are taking place at the hands of local police officers, and

urging them to take a stand against police brutality, racial profiling, and the constant firing and re-hiring of known problem officers will hopefully lead to changes in our state laws. You can find out who your state representative is by calling Project VoteSmart at 1-888-VOTE-SMART, or, if you have internet access, their website is [www.vote-smart.org](http://www.vote-smart.org). You will need your 9-digit zip code. If you don't know the last 4 digits of your zip code, you can call your local post office or visit their website at [www.usps.com](http://www.usps.com).

- Monitor City and County Courtrooms  
By watching court procedures, you will get a sense of how city police officers, in particular, bring charges against citizens, and become familiar with their arrest practices.

We understand that this whole process may be intimidating. But you have a right to be safe in your community, and you have a right to know if officers are routinely abusing people. Do not be discouraged. The steps listed above have actually worked, such as in the case of Sarah Jackson of Stewart County, Georgia:

Ms. Jackson was walking home from a club one night in Richland, Georgia, a small town in western Georgia, close to the Alabama border. A police officer stopped Ms. Jackson in order to ask her some questions. Ms. Jackson did not respond to his requests that she speak with him, so he pepper sprayed her in the face.

Ms. Jackson collected more than 400 signatures from other concerned citizens in Richland and presented the signatures and a petition calling for the officer's dismissal to the city council. Ms. Jackson continued to pressure city officials to take action, and after asking for the incident report that documented her attack, the officer was removed from the Richland Police Department.