

KNOW YOUR RIGHTS: POLICE ABUSE ISSUES

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 injury 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. 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 inappropriate/illegal behavior by officers:

- File a Complaint with the Police Chief or Internal Affairs/Professional Standards
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 in your jurisdiction. 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 internal systems often take action against problem officers or fix other problems identified by citizens. You can obtain prior complaints against an officer by using a state’s Open Records law (see below).
- 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 Council, 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 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

Address

Re: Open Records Request

Dear Sir or Madam:

*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 government 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. For more information on Georgia's Open Records Law, go to <http://www.gfaf.org>.

- Ask for Incident Reports

If you 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 the citizen(s) involved, date of incident, and location. The same monetary charges listed above would apply to this request also.

- Start a Petition Asking for The Dismissal of Problem Officers

You may not be the only person in your community who has suffered from police misconduct, 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 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. 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.

- **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 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 engaging in misconduct. 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, 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 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.

We hope that you'll find this information useful as you try to mobilize your community in taking action against police misconduct. We will keep your letter on file. We wish you success in your efforts.

RELATED MATTERS

Statute of Limitations: In Georgia and Alabama, civil rights claims brought under 42 U.S.C. § 1983 are subject to a 2-year statute of limitations, but violations of state law may have earlier limitations periods and notice requirements.¹

Please Note: This document provides general information, but is not intended to be an exhaustive summary of the law. In addition, the law is always evolving. The date at the bottom of this page indicates when this information sheet was last updated.

¹ Section 1983 of Title 42 of the United States Code ("42 U.S.C § 1983") is part of the Civil Rights Act of 1871. This provision is the primary means of remedying constitutional violations by state actors. The provision was enacted to prevent post-Civil War racial violence in the Southern states. Section 1983 provides a mechanism for seeking redress for an alleged deprivation of a person's federal constitutional and federal statutory rights by persons acting under color of state law.