UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEOFFREY CALHOUN, et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action File No.: 1:09-CV-3286-TCB
RICHARD PENNINGTON, et al.,	)	
Defendants.	)	

PLAINTIFFS' SECOND MOTION FOR CONTEMPT,
AND DISCOVERY NOTICE REGARDING CONTEMPT

I. INTRODUCTION

Plaintiffs have become aware that Defendant City of Atlanta (the "City") is in violation of the December 15, 2012 Order of this Court (ECF No. 280). Plaintiffs are filing this Motion for Contempt to notify the Court of the violations of which Plaintiffs are currently aware, and of Plaintiffs' intention to conduct discovery regarding the full extent of the City's non-compliance. When the extent of the City's non-compliance has been determined through discovery, Plaintiffs will file an amended motion for such sanctions as are appropriate in light of the facts.

II. PROCEDURAL HISTORY

This case arose from the unlawful raid of a gay bar by Atlanta police officers in September, 2009 (the "Atlanta Eagle Raid"). On December 8, 2010, the parties concluded a settlement of the above-styled action under which the City agreed to undertake certain reforms intended to deter future occurrences of police misconduct such as those that took place during the Atlanta Eagle Raid. These reforms were enumerated in Exhibit A ("Reforms of the Atlanta Police Department") to this Court's Settlement Order of December 8, 2010 (the "Settlement Order"). ECF Nos. 265, 265-1, Dec. 8, 2010.

By June, 2011 – six months after entry of the Settlement Order -- it had become apparent that the City was not complying with the terms of the Settlement Order. Multiple letters, emails, and meetings -- including Plaintiffs' offer to waive attorney fees in return for simple compliance -- failed to persuade the City to comply with the agreement, and on June 16, 2011, Plaintiffs filed a motion for sanctions to enforce the Settlement Order. ECF Nos. 271, 272-1, June 16, 17, 2011.

The Court ordered the parties to appear at a status conference scheduled for December 20, 2011, and in a last minute action to avoid sanctions, just one week before the scheduled conference, the City agreed to:

- Comply with all demands set forth in Plaintiffs' motion for sanctions;
- Consent to the conversion of the Settlement Agreement into an Order of the Court; and
- Pay $25,000.00 as attorney's fees to compensate Plaintiffs' counsel for the necessity of filing the motion for sanctions.

Joint Status Report and Consent Agreement, ECF No. 279, Dec. 14, 2011.

The Court issued an Order incorporating the City's commitments on December 15, 2011, specifically ordering the City to implement the "Reforms of the Atlanta Police Department" in the December 8, 2010 Settlement Agreement. ECF No. 280, Dec. 15, 2011.

Now, more than three years later, it is apparent that the City is again failing to comply with what is now an Order of this Court.

III. DETAILS OF THE CITY'S NON-COMPLIANCE WITH THE DECEMBER 15, 2011 ORDER OF THIS COURT

The City is in violation of numerous sections of the Order, including those requiring revision of unconstitutional APD Standard Operating Procedures and recurrent training of police officers.

In particular, the City is in violation of the following sections of the Order:

- Section 1: Revocation or Amendment of Unconstitutional Policies
- Section 2: Identification Requirement for APD Officers

- Sections 4 and 5: Documentation of Seizures and ID Checks
- Section 6: Training
- Section 7: Timely Resolution of Citizen Complaints

1. Revocation or Amendment of Unconstitutional Policies (Section 1 of the Court's Order)

Section 1 of the Settlement Order required the City "permanently to revoke or amend all Atlanta Police Department SOPs" which contained provisions inconsistent with Fourth Amendment law, "including but not limited to… SOP.3065." *See* ECF No. 280, Dec. 15, 2011 (emphasis added).

SOP.3065 is the City's "Stop and Frisk" procedure. The version in effect at the time of the Atlanta Eagle Raid instructed police officers to detain and frisk "suspicious" individuals without the reasonable articulable suspicion required by the Fourth Amendment.

The City's refusal to revise SOP.3065 in accordance with the December 8, 2010 Settlement Order was one of the failures for which Plaintiffs requested sanctions in June, 2011. ECF Nos. 271, 272. As part of the City's last minute bid to avoid sanctions, the City finally revised SOP.3065 on December 8, 2011, just a week before the scheduled sanctions hearing, to include the following language:

> Officers may detain an individual only when they have reasonable articulable suspicion that the individual is involved in criminal activity. If, following the stop, the officer reasonable believes that the

> person is both armed and presently dangerous, they may frisk for weapons.

APD.SOP 3065, signed 12/8/11, Section 4.1.1., Exhibit A.

The inclusion of this language rendered SOP.3065 constitutional, and Plaintiffs informed the Court that "Defendant City of Atlanta promulgated revisions to the Atlanta Police Departments Standard Operating Procedures (SOPs) in accordance with specific requests made by the Plaintiffs, and Plaintiffs acknowledge that Defendant City of Atlanta is now in compliance." ECF No. 279, p.1.

Plaintiffs have just recently learned that, after revising the SOP in 2011 to avoid sanctions, in 2013 the City removed the language it had added. In other words, although this Court "ORDERED the City to implement the terms of …"Reforms of the Atlanta Police Department," which specifically included the "permanent" revision of SOP.3065 on December 15, 2011(ECF No. 280) the City un-revised SOP.3065 in 2013 without notice to the Court or Plaintiffs. As a result, the SOP in place today is once again identical to the unconstitutional SOP that was in place at the time of the Atlanta Eagle Raid. (*Compare* APD.SOP 3065, Signed 5/6/13, Section 4.1.1., Exhibit B *with* APD.SOP 3065, Signed 9/29/05, Section 4.1.1., Exhibit C)

It is hard to imagine a more flagrant example of bad faith, or a more shocking example of a city's disrespect for its own agreements and the authority of a federal court, than a city that waits until the Court and opposing party are no longer paying attention and deliberately undoes something it did to avoid sanctions, in violation of an order of the Court.

As a result of the City' unauthorized change, the version of SOP.3065 that is currently in effect incorporates blatantly unconstitutional instructions to Atlanta police officers. The SOP instructs officers to "to contact, identify, and document encounters with suspicious persons and vehicles" in order to "remove the anonymity of potential criminals, thereby reducing suppressible crimes." SOP.3065, Sections 1, 2. But since 1967 it has been unlawful for police officers to detain "suspicious" persons or "potential criminals" – whatever those terms may mean – without the specific requirement set forth by the Supreme Court: reasonable articulable suspicion that the individual is involved in criminal activity. *Terry v. Ohio*, 392 U.S. 1 (1967). Under *Terry* and its progeny officers are simply not allowed to intrude on the liberty of "potential criminals" without satisfying this very specific requirement.[1]

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[1] And there is no question that this SOP instructs officers to detain individuals -- commonly known as a "Terry Stop" -- rather than engage in a consensual citizen

The SOP further instructs officers to "obtain the person's name, date of birth, address, and identification." SOP.3065, Exhibit B, Sections 4.2.1. But since *Brown v. Texas* officers have been prohibited from demanding the name or identification documents of any individual without reasonable articulable suspicion to believe the individual is engaging or has engaged in criminal conduct. *Brown v. Texas*, 443 U.S. 47 (1979).

Perhaps most bizarrely, the SOP instructs officers that "After stopping a person and the officer finds that he or she has a legitimate reason for being at the location and the officer's suspicions have been satisfied… officers will tactfully alter the encounter into a less formal citizen contact and not detain the person any longer than necessary." SOP.3065, Exhibit B, Sections 4.3.4. But contrary to the suggestion in this SOP, officers cannot "alter" a Terry Stop into a consensual "citizen contact" after the fact; once a Terry Stop has occurred, it has occurred, and if the officer did not have reasonable articulable suspicion before detaining the individual the stop is unlawful and the officer is personally liable for civil damages and even potential criminal liability.

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contact, because the SOP specifically refers to "stopping a person." SOP.3065, Exhibit B, Sections 4.3.4.

It is hard to imagine a more flagrant example of a city's disrespect for the Constitution, or for the rulings of the Supreme Court, than a city that deliberately removes from its police "stop and frisk" regulation the requirement, imposed by the Supreme Court, that police officers may stop an individual and demand identification only with reasonable articulable suspicion that the individual is involved in criminal activity.

It is also shocking that the City would expose its police officers to civil and even criminal liability by instructing them to do something that is clearly unlawful.

The very essence of this case was the City of Atlanta's disregard for the law generally and for the Fourth Amendment jurisprudence of the Supreme Court in particular, and it is hard to imagine a clearer example of the City's continued intention to disregard the law than its deliberate removal of a "permanent" revision ordered by the Court to remedy an unconstitutional operating procedure.

2. Identification Requirement for APD Officers (Section 2 of the Court's Order)

Section 2 of the Order requires "all Atlanta police officers who are in uniform, other than a rain slicker or traffic direction vest, to wear a conspicuously visible nametag."

During the "Ferguson protests" in Atlanta in December, 2014, it became obvious from press photographs and news reports that many Atlanta police officers were not wearing a nametag as required.[2] The City itself has admitted that some Atlanta police officers "assigned to the Ferguson detail did not have conspicuous name identification on the riot gear they donned over their regular uniforms." Email from Karen Thomas to Daniel Grossman, Dec. 10, 2014, Exhibit D.

Plaintiffs do not yet have sufficient information to know how widespread this problem may have been or whether or not Atlanta police officers have failed to wear nametags on other occasions, and therefore Plaintiffs do not know if this problem merits sanctions or merely remedial measures. Plaintiffs firmly believe the identification requirement of this Order is a crucial element of accountability, since a citizen cannot complain or seek redress against a police officer he cannot identify, but it is not possible for Plaintiffs to know if this issue is a widespread problem or an aberration without conducting additional discovery.

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[2] Jim Burress, *Does the Arrest of a Journalist During Atlanta's Ferguson Rally Point to Bigger Problems?*, WABE 90.1 FM, Dec. 8, 2014, http://wabe.org/post/does-arrest-journalist-during-atlantas-ferguson-rally-point-bigger-problems

3. Documentation of Warrantless Seizures and ID Checks (Sections 4 and 5 of the Court's Order)

Sections 4 and 5 of the Order require Atlanta police officers to document specific information in connection with certain types of warrantless seizures and ID checks. With regard to such seizures, officers are required to "fill out a written or electronic form before the end of his or her shift" recording the following information:

- the specific crime(s) of which the individual was suspected;
- the specific facts giving rise to reasonable articulable suspicion regarding that crime;
- whether the individual was frisked for weapons, and if so the specific facts giving rise to reasonable articulable suspicion that he was both armed AND dangerous;
- whether the individual was searched for anything other than weapons, and if so giving the specific facts giving rise both to probable cause and exigent circumstances; and
- the specific authority for the ID check (whether by consent or pursuant to a Terry stop or arrest)

On December 8, 2014, Plaintiffs asked the City to provide "copies of all the forms completed by APD officers in compliance with the 'Documentation of Warrantless Seizures' and 'Documentation of ID Checks' required by the court order in Calhoun v. Pennington." Email from Daniel Grossman to Robert

Godfrey, Dec. 8, 2014, Exhibit E. In response the City produced several hundred documents that it claimed were these forms.[3] But not a single one of the documents produced by the City includes the information required to be recorded by police. Indeed, it appears that the City has not even developed a usable "written or electronic form" for officers to record this information if they want to. The "form" provided by the City is the pre-existing "Demographics" section of the standard APD Incident Report, which does not even have the appropriate questions or check boxes for officers to supply the required information. The City's failure even to develop an appropriate form, as required by the Order, means the City has not made it possible for conscientious officers who want to comply with the Order to do so.

4. Training (Section 6 of the Court's Order)

Section 6 of the Order requires the City to "conduct mandatory, in-person training for all sworn employees of the Atlanta Police Department" regarding "the changes contained in this agreement" and "the law regarding detentions, arrests, frisks, and searches generally" and to provide "recurring training on

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[3] Letter from Deputy City Attorney Karen Thomas to Daniel Grossman, Jan. 15, 2015, para. 4, Exhibit F. Plaintiffs are attaching a few examples of the forms produced by the City. Exhibit G. Plaintiffs will file all documents produced by the City at the Court's request.

these topics … to each sworn officer every two years." While the City eventually provided the initial training, after Plaintiffs filed their 2011 motion for sanctions, it is now apparent that the City has not provided the recurrent training as required.

In December, 2014, when Plaintiffs became aware of this problem, they asked the City if the recurrent training had been accomplished. Letter from Daniel Grossman to Cathy Hampton, Dec. 5, 2014, Exhibit H. In response the City provided documents that, the City claimed, demonstrate compliance with this training requirement. Email from Karen Thomas to Daniel Grossman, Dec. 10, 2015, Exhibit D. But these documents do not show compliance and actually suggest the lack of it. Therefore, on January 27, 2015, Plaintiffs' counsel Daniel Grossman wrote to Karen Thomas of the City's Law Department and asked:

> Please confirm that these documents, and those you provided by email on December 10, 2014, represent all information reflecting the city's attempt to comply with the court orders in these three cases. If there is any additional information we should also take into account, please provide it without delay.

Letter of Daniel Grossman to Karen Thomas, Jan. 27, 2015, Exhibit I.

The City never responded to this inquiry. The only information provided by the City, therefore, indicates that the City has not conducted the recurrent training required by the Order, as discussed in detail below.

The City's failure to train police officers as required by various court orders, including the one in this case, is viewed as such a serious problem by police officers themselves that Atlanta's police union, the International Brotherhood of Police Officers Local 623 (the "Police Union"), has addressed a letter to this Court and other courts that have issued similar orders. The letter states that "adequate training on these issues appears to have fallen short of the intended outcome" and that there is a "disconnect" between the training required by these orders and "what actual training has been given." Letter of Ken Allen, President of IBPO Local 623, Mar. 13, 2015, Exhibit J.

a. Training regarding search and seizure

Among the documents provided by the City to show compliance was a training roster of officers who attended "Agency Training for Course INA00G" on specific dates during 2013. Exhibit K. The City provided no material to indicate the contents of "Course INA00G." The City did provide Plaintiffs with copies of two lesson plans (a "Search and Seizure refresher" that was "Prepared/Completed/Taught" on March 13, 2013, and a "Use of Force" lesson "Prepared/Completed/Taught" on April 9, 2013; Exhibits L and M) but there is no indication that these lesson plans were included in "Course INA00G," and indeed they could not have been: The training roster shows that many Atlanta police officers attended "Course INA00G" in February and early March, 2013,

and those officers could not have been trained from lesson plans that did not exist until mid-March and early April, 2013.

It is possible, naturally, that "Course INA00G" included earlier versions of similar training, and it is equally possible that "Course INA00G" had nothing to do with these subjects at all; there is no way for Plaintiffs to determine that from the information provided by the City, so Plaintiffs will need conduct discovery to determine what recurrent search and seizure training, if any, was actually provided to Atlanta police officers.

b. Training regarding the changes contained in the Settlement Agreement

The City provided no documents whatsoever to indicate that officers received the recurrent training required by the Order about "the changes contained in [the Settlement Agreement]." For example, the City provided no documents to suggest that officers received any recurrent training about Section 3 of the Order (prohibiting "Interference with Audio or Video Recordings") before December, 2014, when Plaintiffs informed the City about their concerns regarding non-compliance.

Similarly, in response to Plaintiffs' request for all information and documents demonstrating compliance with the Order, the City provided no information to suggest that officers have ever received recurrent training about

Section 2 of the Order (concerning "Identification Requirement for APD Officers"), Section 4 of the Order ("Documentation of Warrantless Seizures"), or Section 5 of the Order ("Documentation of ID Checks").

5. Timely Resolution of Citizen Complaints (Section 7 of the Court's Order)

Section 7 of the Order requires the Atlanta Police Department to "investigate and finally adjudicate all citizen complaints of police misconduct of any kind within 180 days of the complaint." In response to Plaintiffs' request for information regarding compliance with this Order, the City provided nothing at all to demonstrate compliance with this section of the Order, and Plaintiffs have received anecdotal information indicating that the City is in violation of this requirement. Plaintiffs will propound a discovery request requiring the City to disclose, with regard to each citizen complaint of police misconduct since the date of the order, the following information:

a) the date the complaint was made;

b) the name of the complainant and file number assigned to the complaint;

c) the name of the officer against whom the complaint was made;

d) the law, rule, or SOP the officer was alleged to have violated;

e) the date the complaint was finally adjudicated;

f) and the disposition of the complaint (i.e., whether the complaint was sustained, not sustained, unfounded, or exonerated).

IV. EVEN ATLANTA'S POLICE OFFICERS AGREE: THE CITY MUST BE MADE TO OBEY THIS ORDER

Even Atlanta's police officers agree that the City should be made to provide training as required by court orders. In its letter to this Court and others the Police Union set forth its concern that training deficiencies can lead to misconduct by even well-intentioned officers:

> IBPO Local 623 fundamentally believes that the CITY of ATLANTA should adhere to and follow any COURT ORDERED training to ensure that the Rank-and-File of the Atlanta Police Department meet and/or exceed the courts expected standards. Any shortcoming in these expectations increases the risk of disciplinary actions towards the officers, and further creates the possibility of criminal and/or civil liabilities.
>
> IBPO Local 623 Leadership agrees that these particular topics of court-ordered training are of the utmost importance and ALL standards must be met and maintained, to prevent conflicts of interest and future liabilities.

Allen Letter , Exhibit J.

Plaintiffs fully agree with the Police Union's concern: The City's failure to train officers as required by these orders is fundamentally unfair to the police officers of Atlanta. It is the City's obligation to train its police officers and it is unreasonable for any City to send its officers out to do their jobs without adequate (and in this case, court ordered) training about search and seizure and

other important topics, since individual officers themselves face civil and criminal liability -- as well as discipline or dismissal by the City -- if they are not aware of these laws. Police officers have a right to expect thorough and adequate training, but the City seems unwilling to train its officers appropriately, even in the opinion of the officers themselves. This Court has the power – at least with regard to the training required by the Order in this case – to impose effective sanctions to coerce and compel such training.

V. DISCOVERY

Because it is not possible to determine the full measure of the City's non-compliance without conducting discovery, Plaintiffs will conduct discovery toward that end. The scope of discovery in civil matters is governed by Rule 26(b)(1) of the Federal Rules of Civil Procedure, which provides that "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense …." Fed. R. Civ. P. 26(b)(1). *See Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978). The Eleventh Circuit, for example, has found that Rule 26(b)(1) allows a party to conduct discovery for the purpose of enforcing a judgment. *Nat'l Service Industries, Inc. v. Vafla Corp.*, 694 F.2d 246, 250 (11th Cir. 1982) (citations omitted). *See also Cheeves v. Southern Clays, Inc.*, 797 F. Supp. 1570, 1580 (M.D. Ga. 1992) ("Discovery under the rules is … available with respect to a wide variety of collateral or ancillary issues") (citations omitted).

Having established that the City is not in compliance with at least certain aspects of this Court's order, Plaintiffs are entitled to discover information concerning the full extent of the City's non-compliance. Such information will, at the very least, have a bearing on the nature and type of sanctions that Plaintiffs will ask this Court to impose against the City for its contumacious behavior. *See United States v. United Mine Workers of America*, 33 U.S. 258, 304 (1947) (in imposing coercive sanctions, court should "consider the character and magnitude of the harm threatened by continued contumacy, and the probable effectiveness of any suggested sanction in bringing about the result desired"); *Mercer v. Mitchell*, 908 F.2d 763, 769 n.10 (11th Cir. 1990) (contempt sanctions are appropriate where "prior conduct" of offending party "indicates that it will not continue to comply with the court's [order]").

VI. SANCTIONS

After determining the extent of the City's non-compliance through discovery Plaintiffs will request such sanctions as seem appropriate and necessary in light of the facts. Plaintiffs will certainly ask the Court to fashion a remedy that includes reporting or monitoring to encourage future compliance with the Order of this Court. The City has an established track record of complying with court orders only when pressed to do so. It took a full year for the City to comply with the December 8, 2010 Settlement Order in this case, and

then only because the City faced the threat of sanctions, and as soon as the City believed the Court and Plaintiffs were no longer paying attention it reversed a "permanent" SOP change that it had promulgated to avoid sanctions. And despite having paid $25,000.00 of taxpayer money in December, 2011, as attorney fees for its initial non-compliance, the City again did nothing to meet its continuing compliance obligations during the following three years.

The City's track record of complying with court orders in similar cases is equally dismal. In *Anderson v. City of Atlanta*, No. 11-CV-3398-SCJ, the Hon. Steve C. Jones issued an Order on March 22, 2012, requiring the City to amend a particular SOP to prohibit destruction of photo and video evidence. Exhibit N. The City did not make the required revision until December 18, 2014, two and a half years later, and then only after the plaintiff in that case expressed concerns about the City's failure to comply with the order.[4] The City's failure to comply with the order in *Anderson* is detailed fully in the Motion for Sanctions that the plaintiff in *Anderson* recently filed against the City, attached hereto as Exhibit O.

Similarly, in *Walker v. Reed*, No 1:11-CV-3334-CAP, the Hon. Charles A. Pannell, Jr. issued an Order on March 20, 2012, requiring the City "to conduct

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[4] Counsel for the plaintiff in *Anderson* include two of the attorneys who represent Plaintiffs here, Gerald Weber and Daniel Grossman.

mandatory in-person training of all Atlanta police officers every two years" regarding the unlawfulness of strip searching suspects in public. Exhibit P. Yet according to the documents provided by the City and referenced in Exhibits D and F, the City apparently made no attempt whatsoever to comply with that order until December, 2014, again two and a half years later, and again only after the plaintiffs in that case expressed concerns about the City's failure to comply with the order.[5]

Given the City's track record, at a minimum it seems necessary to impose on the City the affirmative duty to report to Plaintiffs regarding future compliance. For example, since the City "un-revised" a permanent SOP without any notice to Plaintiffs, it would seem appropriate to impose an affirmative duty on the City to advise Plaintiffs of any future revisions to the SOPs covered by the Order in this case. And since the City failed to provide required training, it would seem appropriate to impose an affirmative duty on the City to advise Plaintiffs in advance of scheduled training sessions and to allow Plaintiffs to attend and video the training sessions to verify compliance.

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[5] Counsel for the plaintiffs in *Walker* include one of the attorneys who represent Plaintiffs here, Daniel Grossman.

A. Monetary or Coercive Sanctions and Attorney Fees

It is premature for Plaintiffs to suggest monetary or coercive sanctions before conducting discovery to determine the extent of the City's non-compliance, but some form of sanctions will likely be appropriate depending on the information obtained during discovery, and Plaintiffs are entitled to recover attorney fees in connection with this motion.

The only defense available in a contempt action requires proof that the defendant "either … did not violate the court order or that he was excused from complying." *Id*. (citation omitted). Efforts to comply with a court order must be done with "reasonable diligence" in order for it to be considered a defense to contempt. At a bare minimum, "reasonable diligence" means that the offending party must "become aware of [its non-compliant behavior] quickly – through its own efforts, not those of [the complainant] – and to set about correcting them." *Sizzler Fam. Steak Houses v. Western Sizzlin Steak*, 793 F.2d 1529, 1537 (11th Cir. 1986).

It is well-established that "[c]ourts have inherent power to enforce compliance with their lawful orders through civil contempt." *Citronelle-Mobile Gathering, Inc. v. Watkins*, 943, F.2d 1297, 1301 (11th Cir. 1991) (citing *Shillitani v. United States*, 384 U.S. 364, 370 (1966)). Once the court finds a party in contempt it is vested with "wide discretion in fashioning an equitable remedy for civil

contempt." *McGregor v. Chierico*, 206 F.3d 1378, 1385 (11th Cir. 2000) (citation omitted). Such sanctions may be imposed to achieve "either or both of two purposes: to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained." *Local 28 of the Sheet Metal Workers' Int'l Assoc. v. EEOC*, 478 U.S. 421, 443 (1986) (citation and internal quotation marks omitted). But the goal of both forms of sanctions, is, in essence, the same: to "vindicat[e] the authority of the court." *Chandler v. James*, 180 F.3d 1254, 1268 (11th Cir. 1999) (Tjoflat, J., specially concurring) (citation omitted). The Eleventh Circuit has found appropriate sanctions in the form of "a coercive daily fine … attorneys' fees and expenses … and coercive incarceration." *Watkins*, 943, F.2d at 1304 (citations omitted).

VII. CONCLUSION

It is disheartening and depressing that the City of Atlanta does not <u>want</u> to provide its police officers with adequate training and constitutional SOPs voluntarily, simply as a matter of good government. But it is shocking that the City will not do so even when ordered by multiple federal courts. It is in the interest of both the residents and the police officers of Atlanta for the City to provide officers with appropriate guidance and training, and Plaintiffs hope this Court will ultimately fashion a remedy that is sufficiently persuasive to make these continuing problems a thing of the past.

Respectfully submitted this 17th day of March, 2015.

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CERTIFICATION REGARDING FORMAT

Counsel hereby certifies that this document has been prepared in Book Antiqua font (13 point) in accordance with Local Rule 5.1C.

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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2015, I electronically filed the attached with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

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