



**A SUBSTITUTE RESOLUTION  
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A SUBSTITUTE RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE LAWSUIT STYLED ANNIE MAE WILLIAMS, ET AL. V. JEFFERY K. CRENSHAW, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:00-CV-0053-MHS, IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00).**

**WHEREAS**, Annie Mae Williams, as Administratrix of the estate of John Frank Brown, and Shanita Sharpe, as the natural Guardian and Next Friend of John Frank Brown Jr. and Jontavione Sharpe, the surviving children of John Frank Brown, (hereinafter, "Plaintiffs") filed this lawsuit on January 10, 2003; and

**WHEREAS**, Plaintiffs initially filed their lawsuit against Atlanta Police Officer Jeffery K. Crenshaw in his individual capacity and asserted these causes of action pursuant to 42 U.S.C. §1983: (1) Officer Crenshaw violated Brown's Fourth Amendment rights by arresting him without probable cause; (2) Officer Crenshaw violated Brown's Fourth Amendment rights by using excessive force in arresting him; and (3) Officer Crenshaw violated Brown's Fourth Amendment rights by failing to promptly provide him medical care. Additionally, Plaintiffs brought state law claims of false arrest, false imprisonment, assault, battery, and intentional infliction of emotional distress against Officer Crenshaw; and

**WHEREAS**, the Court granted Officer Crenshaw's motion for summary judgment as to all of Plaintiffs' claims except their Fourth Amendment excessive force claim; and

**WHEREAS**, Plaintiffs allege that Officer Crenshaw violated Brown's rights under the Fourth Amendment of the U.S. Constitution and 42 U.S.C. §1983 when Officer Crenshaw attempted to arrest Brown as a result of his fleeing a house where Officer Crenshaw responded to a trespassing call. Specifically, Plaintiffs allege that the amount of force used by Officer Crenshaw to subdue and arrest Brown was excessive, ultimately contributing to Brown's death; and

**WHEREAS**, the Court found that genuine issues of material fact exist as to whether the amount of force used by Officer Crenshaw was justified; and

**WHEREAS**, the Court denied Officer Crenshaw qualified immunity with respect to Plaintiffs' excessive force claim because the law was clearly established at the time of this incident that the use of excessive force in the course of an arrest was a violation of the Fourth Amendment as applied to the states under the Fourteenth Amendment; and

**WHEREAS**, after the Court ruled on Officer Crenshaw's summary judgment motion, Plaintiffs amended their Complaint to add the City of Atlanta (hereinafter, "the

City”), as a defendant in September 2001, asserting the following causes of action: (1) The City failed to provide Officer Crenshaw with adequate training; (2) the City failed to provide Officer Crenshaw with adequate supervision; (3) the City failed to enact and follow adequate procedures for investigating excessive force complaints against its police officers, including Officer Crenshaw; (4) the City failed to enact and follow adequate procedures for investigating and disciplining officers, including Officer Crenshaw, engaged in a pattern of using unreasonable and excessive force on citizens of Atlanta; (5) the City of Atlanta failed to enact and follow adequate procedures for disciplining police officers for unconstitutional misconduct; (6) the City has tolerated, condoned and ratified a pattern of tortious conduct by police officers, including Officer Crenshaw, employed by the City; (7) the City has ratified the actions and conduct of Officer Crenshaw as being consistent with the policies and procedures to be followed by officers employed by the City; (8) the seizure of John Frank Brown was unreasonable and unconstitutional; and (9) the City is liable for Plaintiffs’ attorney’s fees; and

**WHEREAS**, the Court granted the City total summary judgment with respect to all of Plaintiffs’ claims against the City of Atlanta; and

**WHEREAS**, the City has determined that it is in the best interests of the City to execute a settlement with Plaintiffs on behalf of Officer Crenshaw with respect to the excessive force claim that remains against Officer Crenshaw; and

**WHEREAS**, the City shall execute any Consent Orders with the Court to effectuate the settlement.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the City Attorney is authorized to settle the case of Annie Mae Williams, et al. v. Jeffrey K. Crenshaw, Civil Action No. 1:00-CV-0053-MHS, United States District Court for the Northern District of Georgia, for a total amount of \$350,000.00 to be paid to the attorney for Plaintiffs, Martin & Jones.

**BE IT FURTHER RESOLVED THAT** the Settlement Agreement will not be binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested by the Municipal Clerk, approved by the City Attorney as to form and duly executed by the parties.

**BE IT FURTHER RESOLVED THAT** the Settlement Agreement shall provide that in exchange for the above payment, Plaintiffs release the City and its employees and officers including Officer Crenshaw from any and all claims, which were or could have been raised in Plaintiffs’ Complaint in the court action.

**BE IT FURTHER RESOLVED THAT** the Settlement Agreement shall provide that the settlement herein authorized shall not be deemed an admission of liability or wrongdoing on the part of Officer Crenshaw, the City of Atlanta, or any of its officers or employees, and that Officer Crenshaw shall be dismissed from the case with prejudice.



**BE IT FURTHER RESOLVED THAT** the City Attorney is authorized to approve as to form and execute the Settlement Agreement and any Consent Orders on behalf of Officer Crenshaw.

**BE IT FURTHER RESOLVED THAT** the Chief Financial Officer is further authorized and directed to issue a check in the voucher of the City Attorney in the aggregate sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) as the City Attorney directs in conformity with the Settlement Agreement, and to charge such sum to Account No. 1A01-529017-T31001.

A true copy.

*Shanda Dauphin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

September 2, 2003  
September 10, 2003

RCS# 4975  
9/02/03  
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		

03-R-1331  
(Do Not Write Above This Line)

**A RESOLUTION  
BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE LAWSUIT STYLED ANNIE WILLIAMS, as the Administratrix of the Estate of JOHN FRANK BROWN; and SHANITA SHARPE as the natural Guardian and Next Friend of JOHN FRANK BROWN, JR. and JONTAVIONE SHARPE, the surviving minor children of JOHN FRANK BROWN v. JEFFREY K. CRENSHAW, in his individual capacity and THE CITY OF ATLANTA; CIVIL ACTION NO. 1:00CV0053MHMS; PENDING IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA.

**APPROVED BY:**



LINDA K. D'AMANTIS  
CITY ATTORNEY

**ADOPTED BY**

SEP 02 2003

**COUNCIL**

- CONSENT REFER *Substituted*
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred to \_\_\_\_\_

Committee *Public Safety*

Date *SEP 02 2003*

Chair *[Signature]*

Action: \_\_\_\_\_

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
SEP 02 2003

ATLANTA CITY COUNCIL PRESIDENT

*Catherine W. Woodard*

CERTIFIED  
SEP 02 2003

*Renee Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

*Shirley Franklin*  
SEP 10 2003