

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

| | | |
|---|---|----------------------------|
| IVORY STREETER, |) | |
| and |) | |
| MARK GARDNER |) | |
| Petitioners, |) | CIVIL ACTION NO. |
| |) | |
| v. |) | <u>2020CV336938</u> |
| |) | |
| ERIKA SHIELDS, |) | |
| In her capacity as Chief |) | |
| of the City of Atlanta Police Department, |) | |
| |) | |
| KEISHA LANCE BOTTOMS, |) | |
| In her capacity as Mayor of the City |) | |
| Of Atlanta. |) | |
| |) | |
| Respondents. |) | |

PETITION FOR WRIT OF MANDAMUS

COME NOW Petitioners, Ivory Streeter and Mark Gardner (“Petitioners”), and file this Petition for Writ of Mandamus pursuant to O.C.G.A. § 9-6-20 showing that “a defect of legal justice would ensue from a failure to perform or from improper performance” of “official duties.” In support of the instant writ, Petitioners show this Court the following:

1.

Respondent Erika Shields is the Chief of the Atlanta Police Department, a department of the City of Atlanta, a municipal corporation, with its principal address at 226 Peachtree St. SW, Atlanta, Fulton County, Georgia, 30303. Respondent may be served with Summons and a copy of this Petition at that address or wherever she may be found within the State of Georgia.

2.

Respondent Erika Shields is subject to the jurisdiction and venue of this Court in her capacity as the Chief of the Atlanta Police Department.

3.

Respondent Keisha Lance Bottoms is the duly elected Mayor of the City of Atlanta, a municipal corporation, with its principal address at 55 Trinity Avenue SW, Suite 2500, Atlanta, Fulton County, Georgia, 30303. Respondent may be served with Summons and a copy of this Petition at that address or wherever she may be found within the State of Georgia.

4.

Respondent Keisha Lance Bottoms is subject to the jurisdiction and venue of this Court in her capacity as the Mayor of the City of Atlanta.

5.

At all times material, Petitioner Ivory Streeter was employed by the City of Atlanta Police Department, in the position of Police Investigator. Such position is sworn and below the rank of Lieutenant.

6.

Petitioner Ivory Streeter has been so employed since December 2, 2003. As such, Officer Streeter was a regular, nonprobationary employee of the City of Atlanta. A nonprobationary employee is one who has worked for the City of Atlanta for more than six months.¹ See City of Atlanta, Part II, Chapter 98, Article II., Division 9 “Probationary period reports,” §114-332, “Dismissal during probationary period.”

¹ The longest “probationary period” contained in the City of Atlanta ordinances is twelve months. See City of Atlanta, Part II, Chapter 98, Article II., Division 2 “Promotion Policy,” §98-85(a), “Probationary period” which Petitioner exceeds.

7.

At all times material, Petitioner Mark Gardner has been employed by the City of Atlanta Police Department in the position of Police Investigator. Such position is sworn and below the rank of Lieutenant.

8.

Petitioner Mark Gardner has been so employed since August 19, 1997. As such, Officer Gardner was a regular, nonprobationary employee of the City of Atlanta. A nonprobationary employee is one who has worked for the City of Atlanta for more than six months.² See City of Atlanta, Part II, Chapter 98, Article II., Division 9 “Probationary period reports,” §114-332, “Dismissal during probationary period.”

9.

On May 30, 2020, Petitioners were tasked to assist other officers and as an arrest team with riot control and enforcement of a 9:00 PM curfew instituted by Respondent Bottoms within the city limits of Atlanta; particularly, Petitioners were posted near the intersection of International Boulevard and Centennial Olympic Park Dr., Atlanta, Georgia.

10.

While so engaged, the Petitioners, along with four other persons also employed by the City of Atlanta Police Department as Police Officers, were involved in a use of force incident that arose within the scope and course of their duties. The incident was captured on video through body worn cameras. Respondents allege that Petitioners’ use of force was improper.

11.

The Petitioners deny Respondents’ allegations and contend that their use of force was proper and in compliance with the law, the policies of the Atlanta Police

² The longest “probationary period” contained in the City of Atlanta ordinances is twelve months. See City of Atlanta, Part II, Chapter 98, Article II., Division 2 “Promotion Policy,” §98-85(a), “Probationary period” which Petitioner exceeds.

