

# Canton police face civil lawsuit

BY ERIKA NELDNER

erikaneldner@ledgernews.com

Alleged actions of a few Canton police officers during a May 2008 incident has the city in a legal battle.

The 2-year-old lawsuit Hamid Lavassani, 47, of Marietta, filed in federal court still has yet to be assigned to a court calendar, according to the U.S. District Court clerk's office in Atlanta.

Lavassani is suing the police department, Police Chief Jeff Lance, Assistant Chief Todd Vande Zande, Sgt. Lamar Jones, Detective Rodney Campbell, Officer Jason Yarborough, Officer Dan Combs and one to five "John Does," for violating his Fourth, Fifth and 14th amendment rights, as well as for false imprisonment. Lavassani is suing the officers both individually and in their official capacities.

Lavassani's attorney, Brian Sams, of Marietta-based Sams & Cole, said in the complaint that the defendants also violated the state open records act by not providing requested information related to Lavassani's arrest.

Lavassani said he felt he had to sue the city because what he says was done that night two summers ago wasn't right.

"I was humiliated by their actions," Lavassani said. "I thought they were wrong to do such a thing, and I felt that if I didn't do something about it, that it would continue over and over again. I want to make sure this doesn't happen to anyone else again."

Canton City Manager Scott Wood said he is familiar with the case, even though he didn't work for the city at the time. Wood was hired as city manager last year.

"It's been turned over to our insurance company. The insurance company has a lawyer representing the city," Wood said. "That all happened before I came to town. I believe it would have been handled differently today, from what I know about it ... but I don't

want to criticize how it was handled, because I was not here. We do not take lightly any incident in which there is alleged inappropriate behavior by police officers."

Lance said he couldn't speak in detail about the incident because there is a pending lawsuit.

He confirmed there was an internal affairs investigation but said the surveillance tape from the store that captured the incident was not provided to the police department to use in their internal affairs investigation.

After the internal investigation, Jones was found guilty of violating the code of ethics, unsatisfactory performance and conduct unbecoming of an officer. Campbell was found guilty of conduct unbecoming of an officer.

Both officers were given a written reprimand. Jones, however, no longer is with the police department, but his leaving the department had nothing to do with the May 2008 incident, officials said.

Lance said policy is to first give verbal counseling, then a written reprimand, then termination.

On May 1, 2008, a Canton police officer entered Lavassani's Shell gas station and convenience store on Marietta Highway at Ridge Road around 11:30 p.m., asking the store clerk if he had seen three young males accused of an armed robbery at the nearby Alexander Ridge apartment complex.

According to the surveillance video, the clerk told the officer the boys had been inside the store two to three hours earlier. The video shows the officer leave briefly and Jones returned, saying he needed access to the surveillance video.

When the clerk said he couldn't access the video, Jones asked the man to call the store's manager to gain access.

"I need it tonight," Jones said to the clerk.

SEE CANTON, PAGE 26

# CANTON: Lawsuit claims man was falsely arrested

FROM PAGE 4

Jones is heard on the video speaking with Lavassani, who had been asleep at his Cobb County home. Lavassani reportedly told the officer that he would return at 5 a.m. and furnish police with the video.

"I want your name and number, and I'll send someone to pick you up," Jones is heard telling Lavassani over the phone. "I want the tape tonight."

Jones is heard on the video threatening Lavassani with criminal charges if he didn't go to the store immediately and provide officers with the surveillance tape.

"Do you know what obstruction is?" Jones asked Lavassani over the telephone, as shown in the surveillance footage. "You are obstructing the investigation of a strong-arm robbery."

The video shows Jones walking behind the counter, without permission or a search warrant, in what looks like an attempt to gain entry to the office to retrieve the surveillance footage.

Jones also is heard in the video threatening the clerk.

"What's your boss's name. I'm going to lock his (expletive deleted) up. I need his information. I'll lock your (expletive deleted) up if you don't give me his name," Jones said to the clerk, as evidenced from the video.

Jones allegedly told the clerk that he wasn't going to be there to help if Lavassani ever was in trouble.

"I hope your boss never gets robbed," Jones is heard saying on the video. "If he doesn't want to help someone else, then I'm not helping him out."

Other officers arrived at the store, including Campbell, who reportedly threatened to take the surveillance footage and later reportedly threatened Lavassani with a search warrant.

"I don't know how to get it either. I'll just rip (the tapes out)," Campbell is heard saying on the video. After getting on the phone with Lavassani, Campbell is heard telling him that he would station a police officer and refuse to let anyone in the store.

"I'll shut the store down. Nobody can re-enter ... I'm going to get a search warrant and take everything out," Campbell told Lavassani, before slamming the phone down.

After Lavassani reportedly agreed to come to the store from his Cobb County home, Jones told him "Why don't you march your (expletive deleted) up here

and I'll show you what we'll do."

While officers were waiting for Lavassani to arrive, some are heard racially stereotyping Lavassani, who is a U.S. citizen of Iranian descent, saying "Habib, something like that" and "Patel" when someone asked what the store owner's name was.

Officers began to help themselves to store merchandise. Campbell took a fountain drink and is seen in the video sipping on the beverage while waiting for Lavassani's arrival.

"It's our store right now," Jones said.

Another officer is heard saying, "I'm going to start cooking up some hot dogs."

Officers are not seen cooking any food on the surveillance tapes.

Lavassani arrived at the store after midnight and greeted Campbell with a handshake. The outside surveillance doesn't have audio, so the Ledger-News staff couldn't hear what was being said.

Campbell and Lavassani exchange words, and Campbell is seen getting almost nose-to-nose with Lavassani.

The storeowner then began to walk toward the door to his store, but was stopped.

On the video, about four officers are seen trying to arrest Lavassani. They are pushing him back and forth until they fall to the ground.

A letter, dated May 16, 2008, to Lance alleges that the officers kicked and kneed Lavassani, as well as twisted his arms, handcuffed him and arrested him.

Yarborough took out an arrest warrant for Lavassani for four counts of felony obstruction—charges that were later dropped by the Cherokee County District Attorney's Office, citing a lack of evidence, documents show.

The complaint alleges that the arrest warrant was falsely obtained.

Lavassani said the officers didn't read him his Miranda Rights, and he said he didn't fight back.