



Written by [C. Mitchell Shaw](#) on June 19, 2020

Confusion and Division: Atlanta Cop Charged With Felony Murder, but What Really Happened?

In the aftermath of the police shooting of Rayshard Brooks in Atlanta June on 12, the only thing that's clear is that nothing is clear. In a nation torn apart anew by a manufactured racial divide and a legitimate political divide, Atlanta serves as an example revealing how deep those divides go.

In the week since the shooting — which was immediately and inaccurately [compared to the death of George Floyd](#) in Minneapolis — the fallout has been extreme. The Atlanta police chief resigned almost immediately. Also almost immediately, Officer Garrett Rolfe (who fired the shots) was fired and officer Devin Brosnan (who initially answered the call and called Rolfe as backup) was placed on administrative duty. By the next night, riots were breaking out all over Atlanta, leading to violence and destruction. In fact, the Wendy's where Brooks had passed out in his car in the drive-through (which prompted the call to police in the first place) was burned to the ground.



Since then, Rolfe has been charged with 11 crimes, including felony murder, and Brosnan has been charged with aggravated assault. If convicted, Rolfe could face the death penalty. Atlanta has broken out in a pandemic of “Blue Flu” — a name given to police officers calling out sick before their shifts to protest actions by the brass. In this case, the criminal charges against Rolfe and Brosnan preceeded the outbreak of “Blue Flue,” which has left half of Atlanta's six policing zones without coverage.

That much is all clear as part of the record. But everything else is murky.

For instance, the prosecutor who proffered those charges, Fulton County District Attorney Paul Howard, [claimed that Brosnan had “turned state's witness” and would testify against Rolfe](#). Brosnan [denies](#) that claim, with his lawyer replying to media with a statement saying, “Officer Brosnan has not agreed to testify. He has not agreed to plead guilty,” and “has not agreed to be a ‘state's witness.’” In this, Brosnan seems the more credible source, since contradicting the district attorney would not serve his purposes if he were trying to cut a deal by testifying against Rolfe.

That district attorney has other credibility issues, as well. Just days before claiming that Rolfe overreacted to Brooks firing a taser at him by saying that a taser is not a deadly weapon, he had charged two police officers with aggravated assault for using tasers on two college students. In a press



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conference announcing those charges, Howard said, “The second officer is Willie Sauls and charged with aggravated assault of Miss Pilgrim. And this is for pointing a taser at [Miss] Pilgrim and as many of you all know, under Georgia law, a taser is considered as a deadly weapon.”

So, according to district attorney Howard, a taser is a “deadly weapon” when used by a cop (even if he only points it at someone), but is not a “deadly weapon” when used against a cop (even by a fleeing criminal who just assaulted two officers and not only points the taser at one of them, but also fires it at him).

Furthermore, Howard’s charges against the officers came as a complete surprise to the Georgia Bureau of Investigation, which was tasked with the investigation of the shooting and had not completed that investigation when Howard charged the officers. In fact, the GBI had not submitted anything to the DA and the DA had not consulted with the GBI prior to filing those charges. The GBI issued the following [statement on Facebook](#) after Howard’s press conference:

The Georgia Bureau of Investigations was requested by the Atlanta Police Department on Friday night, June 12, to investigate an officer involved shooting at a Wendy’s Restaurant on University Avenue. We are in the process of conducting this investigation. Although we have made significant progress in the case, we have not completed our work. Our goal in every officer involved shooting case we are requested to review, is to complete a thorough, impartial investigation before we submit the file to the respective District Attorney’s Office.

The GBI was not aware of today’s press conference before it was conducted. We were not consulted on the charges filed by the District Attorney. Despite today’s occurrence, the GBI will complete its mission of completing an impartial and thorough investigation of this incident and we will submit the file, once completed, to the Fulton County District Attorney’s Office.

This, of course, demands that one ask, “If the DA did not have the facts from the investigation, on what did he base the charges?”

The DA says that video (including dashcam, bodycam, surveillance, and mobile-phone video) shows the officers kicking Brooks and standing on his shoulder while he was on the parking lot after being shot. The officers claim they kicked the stun gun from his hand and briefly placed a foot on his hand to ascertain that he did not have another weapon.

Until the full and complete videos of the shooting are released, the reasonable thing to do is wait and resist the urge for a rush to judgment. The division (both political and racial) over this shooting is tearing Atlanta and America apart. Everyone needs to remember that there is a ditch on either side of the road. In this issue — as in too many before — people seem to be lining up on sides. One side seems to pretend that police can never do anything wrong. The other side seems to pretend they can never do anything right. The truth — as always — is somewhere between those two extremes.

The spin in all of this is not limited to the DA, either.

While police scanners show that calls — even those dealing with armed suspects — are going unanswered in half of Atlanta’s six zones, Atlanta Police Department officials claim that they are not experiencing a major bout of “Blue Flu.” Except when they admit they are. Responding to “Internet rumors claiming massive walkouts,” Atlanta PD issued a statement Wednesday night denying those “rumors.” That statement included the following:

Earlier suggestions that multiple officers from each zone had walked off the job were inaccurate.



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However, the department is experiencing a higher than usual number of call outs with the incoming shift. We have enough resources to maintain operations and remain able to respond to incidents throughout the city.

And the Associated Press [reported](#) that “Interim Chief Rodney Bryant told The Associated Press in an interview that the sick calls began Wednesday night and continued Thursday, but said the department had sufficient staff to protect the city. It’s not clear how many officers called out.”

But the call-outs have been severe enough to draw the attention of a local Atlanta news team. Atlanta’s 11Alive [reported](#) that police scanners monitored by the news station indicated a situation far worse than Atlanta PD admits. After multiple calls — including “a person with a gun on University Avenue,” “an audible alarm at 1101 Ponce de Leon Avenue” and “the intoxicated person at 880 [inaudible] street,” — went unanswered, there was this exchange between dispatch and an officer:

Officer: “We’re having our unit come back to the main. We are not answering 911 calls right now due to personnel issues. If you can reach out to other zones, or I will to have them assist with our pending.”

Operator: “Received. They are strapped for units also.”

Operator: “Due to safety issues I’m having my units [inaudible].”

Operator: “County supports precinct.”

So while Atlanta is visited with violent rioting, looting, and fires, cops are calling out “sick” in protest over the arrest of two fellow officers. APD is “not answering 911 calls right now” and the administration claims it has “enough resources to maintain operations and remain able to respond to incidents throughout the city.”

As Atlanta and America wait for the other shoe to drop, it appears that no one — on either side of this issue — is being completely honest.

The truth will come out — as it almost always does. Let us just hope that cooler heads can prevail until then. If not, the fires (literal and figurative) that are destroying America will have done their damage before we even know what really happened that night.



Photo of Rolfe and Brosnan: AP Images

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