

FILED IN CHAMBERS
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JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

ORIGINAL

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

UNITED STATES OF AMERICA

v.

DWIGHT HAMILTON
LEONARD DREYER

Superseding Indictment

Crim. No. 1:15-CR-0240-TCB-LTW

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this indictment:

1. The DeKalb County Jail (“the jail”) was a facility in Decatur, Georgia, that housed both pretrial detainees awaiting trial and convicted inmates awaiting transfer to state prison.
2. The DeKalb County Sheriff’s Office (“DCSO”) was the law enforcement agency responsible for staffing, maintaining, and running the jail.
3. Defendant Dwight Hamilton was employed by DCSO as a Sergeant in the jail.
4. Defendant Leonard Dreyer was employed by DCSO as a Lieutenant in the jail, and was Defendant Hamilton’s direct supervisor.

5. N.S., L.L., T.P., and B.R. were being held at the jail as pretrial detainees pending trial on state charges.

6. K.H. was being held at the jail as a convicted prisoner pending transfer to state prison.

Count One

On or about January 12, 2012, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, while acting under color of law, willfully deprived B.R. of the right, secured and protected by the Constitution and laws of the United States, to due process of law, which includes the right to be free from excessive force amounting to punishment. Specifically, Defendant Hamilton tased B.R. multiple times without a legitimate penological justification. This offense involved the use of a dangerous weapon and resulted in bodily injury to B.R.

All in violation of Title 18, United States Code, Section 242.

Count Two

On or about January 12, 2012, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and

influence the investigation and proper administration of that matter.

Specifically, Defendant Hamilton authored DCSO Jail Incident Report No. 1201202, captioned "Report Made By: Sergeant D.D. Hamilton # 3067," in which Defendant Hamilton wrote, in pertinent part, that B.R. "made a step toward me which is when I immediately deployed my taser"; and in which Defendant Hamilton omitted that he had tased B.R. more than once. That report was false because, as Defendant Hamilton then well knew, B.R. did not step towards Defendant Hamilton immediately before Defendant Hamilton tased B.R.; and Defendant Hamilton tased B.R. not once but multiple times.

All in violation of Title 18, United States Code, Section 1519.

Count Three

On or about January 27, 2012, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, while acting under color of law, and while aided and abetted by Defendant LEONARD DREYER, willfully deprived K.H. of the right, secured and protected by the Constitution and laws of the United States, to be free from cruel and unusual punishment. Specifically, Defendant Hamilton—authorized, commanded, and encouraged by Defendant Dreyer—tased K.H. multiple times without a legitimate penological justification. This offense involved the use of a dangerous weapon and resulted in bodily injury to K.H.

All in violation of Title 18, United States Code, Sections 2 and 242.

Count Four

On or about February 2, 2012, in the Northern District of Georgia, Defendant LEONARD DREYER knowingly attempted to corruptly persuade P.P., J.B., and A.F., employees of the DCSO under his supervision, with the intent to hinder, delay, and prevent the communication, to a federal law enforcement officer, of information relating to the commission and possible commission of a federal offense. Specifically, Defendant Dreyer directed P.P., J.B., and A.F. to falsify their written reports about the K.H. tasing incident charged in Count Three.

All in violation of Title 18, United States Code, Section 1512(b)(3).

Count Five

On or about May 18, 2015, in the Northern District of Georgia, Defendant LEONARD DREYER willfully and knowingly made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation ("FBI"), an executive branch of the Government of the United States. Specifically, Defendant Dreyer told an FBI agent: (1) that, on or about January 27, 2012, hours before Hamilton tased K.H., he did not see anyone drag an inmate through water, and (2) that he had never ordered or encouraged anyone to tase an inmate. Those statements and

representations were false because, as Defendant Dreyer then well knew, on or about January 27, 2012, he witnessed an officer dragging an inmate through toilet water to punish the inmate for flooding a cell, and, later that shift, he directed Defendant Hamilton, his subordinate, to “tase that motherfucker,” referring to another inmate, K.H., “the first chance you get.”

All in violation of Title 18, United States Code, Section 1001.

Count Six

On or about May 8, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, while acting under color of law, willfully deprived N.S. of the right, secured and protected by the Constitution and laws of the United States, to due process of law, which includes the right to be free from excessive force amounting to punishment. Specifically, Defendant Hamilton tased N.S. without a legitimate penological justification. This offense involved the use of a dangerous weapon and resulted in bodily injury to N.S.

All in violation of Title 18, United States Code, Section 242.

Count Seven

On or about May 9, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified and made a false

entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter.

Specifically, Defendant Hamilton authored DCSO Jail Incident Report No. 11-05126, captioned "Report Made By: Sergeant D.D. Hamilton #3067," in which Defendant Hamilton wrote, in pertinent part: (1) "It appeared that Inmate [N.S.] was concealing some type of contraband inside his pants, due to him constantly putting his hands inside his waistband," (2) "As Officer Kelley approached Inmate [N.S.] to place him in restraints, Inmate [N.S.] abruptly pulled away from Officer [W.K.]," and (3) "As Inmate [N.S.] pulled away from Officer [W.K.], I observed him forming a fist with his right hand and attempt to strike Officer [W.K.]. At that moment, I deployed my Taser and struck Inmate [N.S.] in the upper rear torso." That report was false because, as Defendant Hamilton then well knew, (1) N.S. did not place his hands inside his pants, (2) N.S. did not abruptly pull away from W.K., and (3) N.S. did not form a fist with his right hand, and N.S. did not attempt to strike W.K.

All in violation of Title 18, United States Code, Section 1519.

Count Eight

On or about May 9, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, acting in relation to and in contemplation of a matter

within the jurisdiction of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter.

Specifically, Defendant Hamilton authored DCSO Jail Incident Report No. 1105126, captioned "Report Made By: [W.K.] 3377," in which Defendant Hamilton wrote, in pertinent part: (1) "Inmate [N.S.] would not remove his hands from inside of his pants," (2) "As I reached for his wrist, Inmate [N.S.] pulled his wrist from me and raised his right hand with a clenched fist," and (3) "As I stepped back to avoid the punch from Inmate [N.S.], Sergeant Hamilton deployed his taser striking Inmate [N.S.] in the rear of his upper torso." That report was false because, as Defendant Hamilton then well knew, (1) N.S. did not place his hands inside of his pants, (2) N.S. did not raise his right hand with a clenched fist, and (3) N.S. did not attempt to punch W.K., and W.K. did not step back to avoid a punch.

All in violation of Title 18, United States Code, Section 1519.

Count Nine

On or about May 9, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON knowingly corruptly persuaded W.K., an employee of the DCSO under his supervision, with the intent to hinder, delay, and prevent

the communication, to a federal law enforcement officer, of information relating to the commission and possible commission of a federal offense. Specifically, Defendant Hamilton directed W.K. to sign and adopt a false report that Defendant Hamilton had written about the N.S. tasing incident charged in Count Six.

All in violation of Title 18, United States Code, Section 1512(b)(3).

Count Ten

On or about September 5, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, while acting under color of law, willfully deprived L.L. of the right, secured and protected by the Constitution and laws of the United States, to due process of law, which includes the right to be free from excessive force amounting to punishment. Specifically, Defendant Hamilton tased L.L. without a legitimate penological justification. This offense involved the use of a dangerous weapon and resulted in bodily injury to L.L.

All in violation of Title 18, United States Code, Section 242.

Count Eleven

On or about September 5, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and

influence the investigation and proper administration of that matter.

Specifically, Defendant Hamilton authored DCSO Jail Incident Report No. 1109070, captioned "Report Made By: Sergeant D.D. Hamilton # 3067," in which Defendant Hamilton wrote, in pertinent part: (1) "After we approached one of the concrete poles in the pod, Inmate [L.L.] suddenly turned around towards me with his fists clenched. At that point, I deployed my Taser with only one dart striking him, due to Inmate Little turning towards me," and (2) "While the officers were attempting to handcuff Inmate [L.L.], he started to kick at the officers with his feet. I then drive stunned him twice on the leg." That report was false because, as Defendant Hamilton then well knew, (1) L.L. did not suddenly turn towards Defendant Hamilton with his fists clenched, and (2) L.L. did not kick at the officers.

All in violation of Title 18, United States Code, Section 1519.

Count Twelve

On or about September 5, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter.

Specifically, Defendant Hamilton authored DCSO Jail Incident Report No. 1109070, captioned "Report Made By: [W.K.]," in which Defendant Hamilton wrote, in pertinent part: "As [Inmate L.L.] began to approach his cell he made a sudden aggressive move towards Sergeant Hamilton. At this time two darts were deployed from the taser by Sergeant Hamilton." That report was false because, as Defendant Hamilton then well knew, L.L. did not make a sudden aggressive move towards Defendant Hamilton.

All in violation of Title 18, United States Code, Section 1519.

Count Thirteen

On or about September 5, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON knowingly corruptly persuaded W.K., C.S., and D.A., employees of the DCSO under his supervision, with the intent to hinder, delay, and prevent the communication, to a federal law enforcement officer, of information relating to the commission and possible commission of a federal offense. Specifically, Defendant Hamilton directed W.K., C.S., and D.A. to falsify their written reports, and adopt falsified reports, about the L.L. tasing incident charged in Count Ten.

All in violation of Title 18, United States Code, Section 1512(b)(3).

Count Fourteen

On or about November 1, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, while acting under color of law, willfully deprived T.P. of the right, secured and protected by the Constitution and laws of the United States, to due process of law, which includes the right to be free from excessive force amounting to punishment. Specifically, Defendant Hamilton tased T.P. without a legitimate penological justification. This offense involved the use of a dangerous weapon and resulted in bodily injury to T.P.

All in violation of Title 18, United States Code, Section 242.

Count Fifteen

On or about November 1, 2011, in the Northern District of Georgia, Defendant DWIGHT HAMILTON, acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, Defendant Hamilton authored DCSO Jail Incident Report No. 1111008, captioned "Report Made By: Sergeant D.D. Hamilton # 3067," in which Defendant Hamilton wrote, in pertinent part: "While I was inside the cell, Inmate [T.P.] stated that she was going to move the bed again. I told her not to move the bed otherwise she

would be considered non compliant. As I was exiting her cell, Inmate [T.P.] grabbed the bed and started pushing it towards me. At that moment I deployed my taser, striking Inmate [T.P.] in the upper torso.” That report was false because, as Defendant Hamilton then well knew, T.P. did not state that she was going to move the bed again, and T.P. did not grab the bed and start pushing it towards Defendant Hamilton.

All in violation of Title 18, United States Code, Section 1519.

A True BILL
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