



November 18, 2009

**ACRB Members**

Homocky Edmund  
CHAIRPERSON

Scott Stuchlik  
VICE CHAIRPERSON

Jay Minorsky  
SECRETARY

Paul Thomas

Charles Johnson

John Michael

Oliver Montano

Alan Morris

Sharon Shuff

Christina Bennett  
EXECUTIVE DIRECTOR

James Franklin  
MAYOR OF ATLANTA

**Atlanta City Council**

Les Barber  
PRESIDENT

Carla Todd  
DISTRICT 1

Robert Hill  
DISTRICT 2

Henry Lee Boyd, III  
DISTRICT 3

Debra Williams  
DISTRICT 4

Natasha Misty Arrington  
DISTRICT 5

Tommy Davis  
DISTRICT 6

Howard Slack  
DISTRICT 7

John Miller  
DISTRICT 8

Edna A. Moore  
DISTRICT 9

Clarence J. Martin  
DISTRICT 10

Jim Maddox  
DISTRICT 11

Janice Sheppard  
DISTRICT 12

Joseph L. Mitchell  
POST 1

Mary Woodard  
POST 2

Robert Joseph White  
POST 3

Chief Richard Pennington  
Atlanta Police Department  
226 Peachtree Street  
Atlanta, Georgia 30303

Re: 08-15 (OPS 08-I-0368-SOP)

Dear Chief Pennington:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint that was filed by Jared Tiller on December 16, 2008. He alleged that his son, Bryant A. Frasier Tiller, was killed after Officer Thomas Gleason improperly initiated a pursuit.

The investigation revealed that on June 2, 2008 at approximately 1:45 a.m., a citizen reported her 1996 silver Honda stolen from her driveway. At 3:43 a.m., officers were dispatched to 2506 Hyde Manor Road because there were some young men attempting to break into a car. The citizen reported that the young men left in a silver Honda and traveled towards DeFours Ferry Road. The description of the suspects and the car was broadcast to all officers. Officer Thomas Gleason observed a vehicle matching the description of the suspects' car traveling on Bolton Road near Marietta Boulevard. He checked the tag information and was told that the car had been reported stolen. He followed the car while awaiting assistance. Sergeant Branum asked the dispatcher if the car was taken in a carjacking and the response was that it was not. Officer Gleason followed the suspect vehicle for two minutes and seven seconds and reported that the car had picked up speed twenty-five (25) seconds before the crash. Officer Gleason stated in his statement to OPS that he activated his blue lights just prior to the crash in order to warn other motorists of the approaching danger. He said that the vehicle increased its speed to about 50 mph and apparently, lost control around a curve and crashed into a house. The driver of the car fled on foot and Officer Gleason chased him. When Officer Gleason returned to the scene, he realized that there were two injured persons in the car and called for the fire department and ambulance. Investigator Palma Boyd investigated the accident. Her initial reports indicate that Officer Gleason told her

that he activated his blue lights and siren to get the vehicle to stop. She then stated that this information was incorrect and that Officer Gleason did not activate his siren. She did not calculate the speed of the motor vehicle, claiming that since there were no other vehicles involved in the accident, that speed was not a factor. She further stated that she was informed by Sergeant Branum (*at least she believed it was Sergeant Branum*) that this was a police vehicle pursuit. Investigator Boyd reported that Officer Gleason reported that the vehicle had sped up to 60 miles per hour before the crash.

Investigator Boyd interviewed the other passenger in the car, Anthony Price. Anthony Price told Investigator Boyd that at the point of the gas station when Officer Gleason first observed the stolen car, they were being chased by the police car and that the police car had its lights and siren on for approximately two miles. Investigator Sheena Robertson of the Atlanta Citizen Review Board was unable to locate Mr. Price in order to conduct a subsequent interview. The driver of the car, Melvin Lewis, was charged with Homicide by Vehicle and is incarcerated. He denied being the driver of the car and thus, had no knowledge of the accident.

Officer Gleason did not submit to an interview as he is currently unavailable due to a medical condition. The Board considered the statement he gave to the Office of Professional Standards. He claims that he only turned on his blue lights to warn other motorists of the potential danger of the suspect vehicle speeding on curves.

The Board considered the facts in this matter and considered the applicable law and Standard Operating Procedures. Georgia law requires officers to use a siren when necessary to warn pedestrians and other drivers of the approach of a suspected violator of the law.<sup>1</sup> The officer asserts that this was not a pursuit because the siren was not being used. This assertion is inconsistent with both the statute and the Standard Operating Procedure ("S.O.P.") which regulates pursuits. S.O.P. 3050, 5.1.2 defines a motor vehicle pursuit as, "(a)n active attempt by a police officer in an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle. This is assuming the driver of the vehicle is aware of the attempt then increases speed, takes other evasive actions to avoid apprehension, or refuses to stop while maintaining a legal speed." The procedure does not indicate that sirens must be activated for the actions to be considered a pursuit. If this were true, then officers could avoid the policy directive by simply turning off their

---

<sup>1</sup> Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter event the driver of such vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach thereof. O.C.G.A. 40-8-94.

*Chief Richard Pennington*  
*November 18, 2009*  
*Page 3 of 3*

siren and continuing to pursue the suspect motor vehicle, despite the enormous risks involved in this type of apprehension.

The Board voted to sustain the allegation that the officer did not comply with the standard operating procedure regulating vehicle pursuits. Board members were careful to note that they do not believe that the officer had any malicious intent or that he intentionally caused harm.

Please let me know if you have any questions or concerns or if you would like to have a copy of the investigation. The ordinance requires that the Chief respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief. See Sec. 2-2211(O) of Ordinance 07-0-0141.

Sincerely,

A handwritten signature in cursive script that reads "Seth Kirschenbaum" followed by a stylized flourish.

Seth Kirschenbaum  
Vice Chair

cc: Mayor Shirley Franklin  
Council President Lisa Borders  
Council Members  
ACRB Members