



CITY OF ATLANTA

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Atlanta Police Department
Richard J. Pennington
Chief of Police

December 1, 2009

Mr. Rod Edmond, M.D., J.D., Chair
Atlanta Citizen Review Board
55 Trinity Avenue, SW
City Hall Tower, Suite 9100
Atlanta, GA 30303

RE: 08-15 Complaint of Mr. Jared Tiller (OPS File 08-I-0368-SOP)

Dear Mr. Edmond:

I am in receipt of the Atlanta Citizen Review Board's letter, dated November 18, 2009, recommending that the allegation that Officer Thomas Gleason violated the Department's pursuit policy be Sustained.

This incident has also been investigated by the Department's Office of Professional Standards, which concluded the allegation should be Not Sustained.

I have reviewed both investigations and, while I agree with the Board's finding that the facts known to Officer Gleason at the time of this incident would not have justified a vehicle pursuit, I find insufficient evidence that Officer Gleason had actually engaged in a pursuit. Therefore, the Board's recommendation to Sustain the allegation that Officer Thomas Gleason violated the Department's pursuit policy is rejected and the OPS investigative disposition will remain Not Sustained.

In reaching my decision, I have considered the following facts:

- a. The front seat passenger in the suspect vehicle, Mr. Anthony Price, stated that they were being chased by the police at the time of the accident.
- b. Officer Gleason maintained that he was following the suspect vehicle while waiting for backup and that he did not activate his blue lights until the suspect vehicle began swerving around a curve, and that the suspect vehicle crashed less than 20 seconds later. The recordings of Officer Gleason's radio transmissions strongly support his statement.

- c. Officer Gleason stated that he activated his blue lights only to warn other motorists. While this may have been his motivation, it is also entirely appropriate for an officer to initiate a traffic stop of a vehicle being driven recklessly.

As defined by Department policy, a vehicle pursuit is "An 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." Therefore, from the officer's perspective, the pursuit begins when he continues the attempt to apprehend the vehicle's occupants after becoming aware that the driver is fleeing or refusing to stop. In this case, the driver may have been attempting to flee to avoid apprehension. However, since he was likely driving recklessly prior to Officer Gleason activating his blue lights and then crashed mere seconds later, I find insufficient evidence that Officer Gleason violated the Department's pursuit policy.

Major L. A. Hagin, commander of the Office of Professional Standards, can be contacted at (404) 658-7028, if you have any further concerns regarding this complaint.

Sincerely,



Richard J. Pennington
Chief of Police

RJP/ss

cc: Ms. Cristina Beamud, ACRB
Asst. Chief A. J. Dreher
Major L. A. Hagin
File