



CITY OF ATLANTA

Kasim Reed
Mayor

226 Peachtree Street, SW
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
George N. Turner
Chief of Police

December 13, 2010

Ms. Joy Morrissey, Board Chair
Atlanta Citizen Review Board
City Hall Tower, Suite 9100
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: Complaints #10-17 and #10-24/Trenton Boyd

Dear Ms. Morrissey:

I am in receipt of the Atlanta Citizen Review Board's letter dated October 18, 2010, recommending that the allegation that Officer Victor Guevara and Officer Reginald Pettis used excessive force during the arrest of Trenton Boyd on January 29, 2010 be Not Sustained.

Based upon its investigation, the Atlanta Police Department's Office of Professional Standards has concluded from its investigation that Officer Guevara and Officer Pettis be Not Sustained for maltreatment or unnecessary force during the arrest of Mr. Boyd. It cannot be proven from the contradictory statements of the officers and the complainant that unnecessary or excessive force was used in the arrest. Mr. Boyd stated he complied with Officer Pettis' orders after a short vehicle and foot pursuit; and was assaulted by the officers, concluding with Officer Pettis allegedly kicking him in the chest. Officer Pettis stated he was met with violent resistance by Mr. Boyd when he attempted to handcuff him; including, being punched and Mr. Boyd grabbing at his weapon and O.C. spray. Officer Pettis stated he only used comparable physical force to stop Mr. Boyd's resistance and the potential bodily harm to him and Officer Guevara. He stated he never kicked Mr. Boyd during the physical struggle. Officer Guevara stated that while Officer Pettis was struggling with Mr. Boyd, he was engaged with the driver, Mr. Robert Burr, who was also resisting being handcuffed. He stated he never kicked or struck Mr. Boyd during the males' arrest.

In addition to the complaint of excessive force during his arrest on January 29, 2010, Mr. Boyd complained that during a police encounter in front of Chanterelle's Restaurant on

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March 20, 2010, he was strip-searched and harassed by Officer Guevara. In the letter dated October 18, 2010, the Atlanta Citizen Review Board recommended that Officer Guevara be Sustained for false imprisonment of Mr. Boyd during that encounter. The Board found that the stop was illegal and substantiated by two (2) witnesses; and the officer's assertion that he could not recall if the stop was not credible. Additionally, the Board found the stop of Mr. Boyd was not properly documented as required by standard operating procedure.

As a result of its investigation, the Atlanta Police Department's Office of Professional Standards has concluded from its investigation that the allegation against Officer Guevara be Not Sustained for appropriate action required. It cannot be proven that Officer Guevara performed an improper search of Mr. Boyd based merely on his previous encounter with the complainant, which occurred on January 29th. It is not clear why Officer Guevara and his teammates did not recall encountering Mr. Boyd in front of the restaurant when asked by investigators; however, an unbiased witness did state in both the Board's and the Department's investigations that she did witness a Hispanic male officer speaking with Mr. Boyd, but did not see the officer searching the male.

As for the officers not pulling out with radio at the location or documenting it on their activity sheet, it cannot be substantiated that this was a field interview of Mr. Boyd and should have conformed to requirements under APD.SOP.3065. Officer Guevara is a member of the Red Dog Unit that typically patrols in a team structure and therefore, can make numerous police-citizen encounters during their tour of duty. On a daily basis, officers stop and converse with citizens; encounters that do not rise to the level of field interviews that require pulling out with radio and documenting. In this case with Officer Guevara, the stop may have been a brief stop when it is considered: (1) Mr. Boyd's statement that his friend, who was driving that day, almost collided with the officers' vehicle drawing the initial suspicion for a stop and (2) a witness who did not see Mr. Boyd being searched by Officer Guevara or any other Atlanta police officer.

Having assessed the findings of both the Atlanta Citizen Review Board and the Department's investigative summaries, I accept the recommendation of the Citizen Review Board that the allegation that Officer Guevara and Officer Pettis used excessive force during the January 29, 2010 arrest of Trenton Boyd be Not Sustained. I furthermore reject the recommendation of the Citizen Review Board that the allegation that Officer Guevara falsely imprisoned Mr. Boyd on March 20, 2010 and failed to properly document this March 20, 2010 stop be Sustained.

Major E. B. Dancy, Commander of the Office of Professional Standards, can be contacted at (404) 658-7028, if you have any further concerns regarding this complaint.

Sincerely,



George N. Turner
Chief of Police