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October 18, 2010

Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: #10-24 Complaint of Trenton Boyd

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of Trenton Boyd’s complaint alleging that Officer Guevara falsely imprisoned him and searched him without legal justification on March 20, 2010. Mr. Boyd filed a previous complaint alleging excessive force against Officer Guevara on March 18, 2010.

Mr. Boyd said that he was a passenger in a car driven by his friend, Emmanuel Hall, and his friend almost collided with a marked Atlanta Police vehicle that contained four Red Dog officers. The driver swerved to avoid the accident and then parked the car and started to walk towards Chanterelle's Cafe at 646 Evans Street in order to eat dinner. He saw a patrol car coming towards them and he realized that Officer Guevara was in the patrol car. The patrol car stopped abruptly and Officer Guevara exited the car and ran towards him and stopped him and began to search him by pulling down his pants and underwear. Mr. Boyd told the officer that he had no right to search him and that he had filed a complaint. He said another, African American officer assisted Officer Guevara with the search. The assisting officer told him to calm down and asked why his heart was beating so fast and he told the officer that he had two open heart surgeries. Officer Guevara told the other officer that he knew about this. Mr. Boyd said that the officers asked his friend for identification and told him to watch where he was going. Mr. Boyd’s friend, Emmanuel Hall, confirmed this version of the incident and added that another police vehicle drove up to the stop. The manager of the restaurant observed Mr. Boyd being confronted by two Atlanta Police officers whom, she was only able to identify as being Hispanic and African American.

Officer Guevara was assigned to a car on the day in question, along with Officers Perry, Chao and Jefferson. However, the report indicates that Officer Jefferson was off on that day. They were assigned to Zone 4, which is where the stop occurred.

Continue please...

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Officer Chao indicated that he did not recall participating in or being present at the alleged stop of Mr. Boyd and was not familiar with Mr. Boyd or Chanterelle's Cafe. Officer Perry could not recall the stop. They each indicated that they were supposed to notify the dispatcher when conducting stops and annotate the stop on their daily activity sheets.

Officer Guevara stated that he did not recall an encounter with Mr. Boyd on that day. He recalled the incident on January 29th. He said that they are required to notify dispatch and document the stop; however, he admitted that it was not always the practice. He also said that sometimes a team of three officers would have another officer join them during their tour of duty.

The Board voted unanimously that the allegation of false imprisonment be **sustained** because, in addition to the complainant, two other witnesses (*Emmanuel Hall and Jean Bridges*), observed the stop. The officers' assertion that they could not recall the stop is not credible. The stop was unlawful and not properly documented as required by the Standard Operating Procedure.

The Board further considered the appropriate discipline. The violation was assigned a Category B designation, pursuant to the Atlanta Police Department's Standard Operating Procedure. They voted unanimously to recommend that you impose a three (3) day suspension of this violation which falls within the guidelines that exist in your disciplinary procedures.

Please let me know if you have any questions or would like to have a copy of the full investigation. The ordinance requires the Chief to 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.

Sincerely,



Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Members of Council
ACRB Board Members