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June 13, 2011

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

RE: Complaint #10-64, Antoine Willingham

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint that was filed by Antoine Willingham alleging false arrest and abusive language. Mr. Willingham was arrested by Officer Patrick Meegan on September 25, 2010 on Interstate 20 and Hill Street. He was charged with Improper Use of a Horn and Open Container in a Motor Vehicle.

Mr. Willingham’s complaint was received on November 5, 2010. At the time of his complaint, the criminal case was pending. The investigation was suspended until the adjudication of the underlying traffic violations. The criminal charges were dismissed on March 3, 2011 because the officer was not present in court. ACRB Investigator Marc Addington conducted the investigation.

Mr. Willingham explained in his complaint he was a passenger in a car driven by his uncle. The car was stopped for speeding and the officers asked if the driver had been drinking. The driver admitted he had and he gave the officer a paper bag with an open container. His uncle was asked to step out of the car to perform field sobriety tests and Mr. Willingham remained in the car. Another officer arrived and the new officer began another series of field sobriety tests. Mr. Willingham made a call on his cell phone and claims that Officer Meegan became angry when he asked why his uncle was being put through another sobriety test. He alleges that Officer Meegan told him to shut up. Mr. Willingham claims he told the officer that he was just asking a question and not challenging his authority and the officer told him to step out of the car. He did and he was placed under arrest.

Continue on...

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Officer Meegan is assigned to the DUI Unit of the Atlanta Police Department. His patrol car is equipped with in car video. Officer Meegan said that he was summoned to this location to assist with an alcohol evaluation. He said that Antoine Willingham was blowing the horn of the vehicle and appeared upset and smelled of alcohol. Officer Meegan placed the driver under arrest and then observed an open container of alcohol in the rear passenger compartment and decided to arrest Mr. Willingham for improper use of a horn and open container.

Officer Wright was also interviewed. He said that he called Officer Meegan to the scene to assist with field sobriety tests. Mr. Willingham became irate and started yelling out the window and blowing the horn of the vehicle. He did not observe Officer Meegan treat Mr. Willingham unprofessionally.

The in car video from Officer Meegan's car was reviewed. The video revealed the officer removing an alcoholic beverage from the back passenger seat of the car. A horn can be heard; however, it cannot be discerned whether the horn was from the stopped car or other cars on the interstate. There were no visual cues or indicators that Meegan was overly aggressive or upset. The conversation that was captured on audio recording was professional.

The Board considered the statements and the video recording. They voted to **Not Sustain** the allegation of abusive language. There was no evidence to support that the officer told him to shut up. Additionally, the Board voted to assign a finding of **Exonerated** to the allegation of False Arrest. The video clearly shows that there was an open container of alcohol in the car and the statute governing the transport of open containers applies to passengers as well as drivers. While it is unclear who sounded the horn in the car, the arrest was proper.

Please let me know if you have any questions or concerns or if you would like to have a copy of the full 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,



Joy Morrissey,
Board Chair

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