



December 10, 2010

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Executive Director

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

RE: Case #09-01 / Complaint of Alma George

Dear Chief Turner:

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint that was filed by Alma George alleging that Officer Figueroa unlawfully caused the death of her nephew, Pierre George on December 18, 2008.

**Ms. Alma George** filed a timely complaint alleging, “death which is alleged to be the result of the actions of an employee of the Department.” There was initial and significant delay in receipt of the files from the Atlanta Police Department. A subpoena was issued and the files were ultimately delivered in June 2009. These files were reviewed. The results of the investigation were further delayed when the District Attorney charged Jesus Galarza with involuntary manslaughter and his attorney would not allow her client to be interviewed. A decision was made to wait until after the criminal trial or adjudication in order to ascertain the exact nature of Mr. Galarza’s statements to Officer Figueroa. This investigation was conducted by a thorough review of the records provided by the Homicide Unit and the District Attorney’s Office.

Sergeant Vasquez of the Homicide Unit conducted the initial interview of Jesus Galarza. He admitted that he called the police and reported that he was being kidnapped at gunpoint. He explained on video tape that when the car was stopped by the police, Mr. George got out of the car and kept going to his waist band like he was trying to get something out. He heard one shot and saw Mr. George run from the car.

**John Wright** was a passenger in the car. He was interviewed by members of the Homicide Unit on the day of the incident. He indicated that he was picked up at a gas station by Pierre George and they agreed to purchase crack cocaine. They encountered a Hispanic man who willingly walked to the car and got into the car. They went to a couple of locations looking for crack cocaine and smoke crack cocaine twice. Mr. George purchased the drugs and left the car twice. Mr. Galarza remained in the car. He explained that Pierre George was driving the car and at some point while they were leaving an apartment complex, a patrol unit started to follow them. The patrol unit tried

*Continue please...*

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Post 3-At-Large

to pull the car over but Mr. George would not stop. The car eventually pulled over and the patrol car pulled in behind them. Mr. George tried to push the patrol car with his car and the officer told him to remain in the car. Mr. George opened the driver's side door and advanced towards the officer and Mr. Wright heard a shot. After this interview was conducted, the Homicide Unit detectives allowed Mr. Wright to leave. They later realized that Mr. Wright's statement conflicted with Mr. Garlaza's and they re-located him and brought him back and charged him with felony murder, robbery and false imprisonment. The charges were subsequently dismissed and Mr. Garlaza was then charged with Involuntary Manslaughter by the Fulton County District Attorney.

**Officer Figueroa** was interviewed by Sergeant Vazquez in the presence of his attorney. He explained that he received a lookout on a wine colored car involved in a kidnapping. He spoke to the victim via cell phone. Mr. Garlaza does not speak English and Officer Figueroa speaks Spanish. He explained that Mr. Garlaza indicated that he was kidnapped at gun point by a black man. He described his location and Officer Figueroa lost contact with the caller. He tried to call him back four or five times and at about 6:12 AM he called his phone and Mr. Garlaza answered. He told him his location and Officer Figueroa notified the dispatcher and proceeded to the area. He saw the car and he pursued the car and it stopped behind a business on Cheshire Bridge Road. He boxed the vehicle in and the driver of the car put the car into reverse and struck the patrol car. Officer Figueroa got out of the car with his weapon drawn. He approached the driver's side of the car and Mr. George with both hands near his lap and fidgeting. He ordered him to let him see his hands and he ordered him to step out of the car. Mr. George opened the driver's side door and got out of the car and had his right hand at his waist band. He ordered Mr. George to get on the ground, but he did not comply and his right hand was still at his waistband. He observed Mr. George trying to pull something from his waistband and he believed that he was armed. He fired one shot from his firearm from about four to five feet from Mr. George. Mr. George ran towards Cheshire Bridge Road and Officer Figueroa ordered the front passenger (Wright) out of the car.

The District Attorney charged Mr. Garlaza with involuntary manslaughter. His attorney would not allow the ACRB to interview him. At his plea hearing on August 26, 2010, he admitted to fabricating the kidnapping story and the contention that George was armed. He was asked why he did this. He replied that he was under the influence of drugs and did not foresee the consequences. He was sentenced to a five year term of imprisonment. This admission supports the legal justification for the deadly force used by Officer Figueroa. Thus, the Board recommends a finding of **Exonerated** with regard to the Deadly Force.

Additionally, this investigative file was sent to Elite Performance Auditing Consultants. This group of attorneys has substantial experience in auditing police use of deadly force. They examined the file and made some observations about the tactics used by the Atlanta Police Department. They were particularly critical of the delay in interviewing Officer Figueroa. They also faulted the investigator for not asking Officer Figueroa why he did not wait for backup and continued to approach the suspect's vehicle. This appears to be a violation of S.O.P. 4010 at 4.5.2. This policy requires the officer to not attempt a traffic stop of a car wanted in connection with any felony until a backup unit arrives. It also requires the

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officer to use the public address system or to speak loudly and order the occupants to place their hands behind their heads. They suggest that this should have been addressed as a training issue while adjudicating the complaint.

The report also stated that the officers did not collect and preserve evidence. The investigative report indicated that a homicide sergeant observed what appeared to be the end of a crack pipe at the scene of the incident. The item was photographed but not listed in the APD property/evidence/inventory report. The Board considered these recommendations and agrees that these policy and training issues should be addressed by the Atlanta Police Department.

The ACRB agreed that the Use of Deadly Force allegation be exonerated; however, the Board recommends that the practice of delaying officer interviews be abandoned and that the Atlanta Police Department conduct a tactical analysis after each shooting to ensure that officers are conforming to Standard Operating Procedures.

I enclose a copy of the audit conducted by Elite Performance Auditing for your information.

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

*Enclosure*

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