October 28, 2019

Ms. Cecilia Houston-Torrence, Chairwoman
Atlanta Citizen Review Board
City Hall Tower - Suite 9100
55 Trinity Avenue SW
Atlanta, GA 30303

Re: Follow-up to Initial ACRB Response Letter Related to OPS File # RNO-19-070 / ACRB File # 19-005

Dear Ms. Cecilia Houston-Torrence:

This follow-up correspondence supplements the initial response letter to the Board’s letter of September 16th, 2019 which details the Board’s final determination.

With respect to the unlawful detention allegation by Complainant Raymond Washington, the surveillance video evidence and the report from Sergeant Josue Astorga support this detention of the complainant on the scene, his subsequent arrest, and his release on a copy of charges. The Complainant Washington initiated the contact with Sergeant Astorga after the sergeant had walked past him. The Complainant stood abruptly in an aggressive manner toward Sergeant Astorga and is extremely animated during their conversation. The statements that Complainant Washington made about having additional unpurchased merchandise in his other hand and being assaulted by Sergeant Astorga while seated are proven false by the surveillance video. These factors support the Probable Cause for the arrest of the Complainant on the Disorderly Conduct charge selected by Sergeant Astorga, as well as the Criminal Trespass warning he issued him during release.

The allegations of excessive force made by Complainant Washington are also not supported. The Walgreens surveillance video, the statements of the APD personnel involved, and the lack of issue expressed by the Complainant captured on BWC video do not validate the claims. Similar to the Board’s findings of Unfounded and Not Sustained against Sergeants Astorga, Carroll, and Zorn, we find no basis for these excessive force allegations.
Within the Board’s letter, it is recommended that Sergeant Josue Astorga be Sustained for a violation of the BWC policy, due to his BWC no longer holding charge during this incident at his Extra Job. This hindered his ability to record the interaction directly. Extensive surveillance video (a 25-camera system) does exist from the Walgreens store itself, which Sergeant Astorga indicated he relied on after his out-of-charge BWC battery made the device inoperable. We also have available BWC videos from other responding personnel.

Our investigation of the incident leads us to the conclusion that a formal accusation against Sergeant Astorga is not warranted with respect to the BWC battery issue. The BWC policy previously directed personnel with inoperable BWC’s to report the incident to their supervisor upon returning to their next shift/tour of duty. (The controlling policy version for this incident on December 17th, 2018 was made effective on December 14th, 2017, and updated on January 2nd, 2019, with the most recent policy update being September 25th, 2019.) It has since been amended with new procedures to address the inoperable state situation more immediately. The controlling policy section at the time of the incident is inset below:

APD.SOP.3133 Body Worn Cameras §4.12.3

If an employee’s BWC is damaged, lost, or becomes inoperable while off duty, the employee shall report the incident to their supervisor upon returning to their next shift/tour of duty and adhere to the procedures applicable in accordance with section 4.12.2 in this directive.

Additionally, the out-of-charge BWC issue was mitigated by the significant amount of surveillance cameras in the Walgreens store, Sergeant Astorga’s choice to delay physical action until backup units arrived, and the BWC video of the responding units. Given those factors, formally accusing the employee was not deemed appropriate.

I appreciate the opportunity to correspond with the Atlanta Citizen Review Board, and to be made aware of the concerns of the Board. Please do not hesitate to reach-out with any questions or concerns.

Sincerely,

[Signature]

Erika Shields
Chief of Police
City of Atlanta Police Department

ES/sj