



## COBB COUNTY POLICE DEPARTMENT

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J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. COX *Deputy Chief of Police*

### MEMORANDUM

**TO:** Chief J.R. Houser

**FROM:** Officer M.T. Lawson

**SUBJECT:** Response to Discipline Proposal Dated January 4, 2016

**DATE:** January 13, 2016

Chief Houser,

Please accept this as my timely formal written response to the disciplinary proposal I received from Deputy Chief C.T. Cox. I appreciate the extension of time to respond. I retained an attorney, Lance LoRusso, on January 5, 2016. I did so because I take this matter very seriously and since this traffic stop became public, the incident, the investigation, and the disciplinary process have become the subject of repeated news stories and scrutiny. I have cooperated fully with this process, including a two-hour interview with a county attorney while I was out of the country on vacation, fitness for duty examinations and will continue to cooperate. However, the comments by elected officials and individuals who are not connected with this process as well as media articles have failed to tell the entire truth concerning Mr. Baker's actions, the department's attempts to be transparent, and my remorse at being rude to Mr. Baker, have convinced me that I would be foolish to proceed without legal counsel. The statements by public officials and people unconnected with this incident are, I believe, tainting the process.

Through this entire process and the media attention focused on this traffic stop, two facts have received short shrift. First, I was cleared of any wrongdoing in the July 2015 complaint lodged by Commissioner Cupid. Second, there has never been any evidence that I am racist based upon my actions in stopping Mr. Baker, choosing the charges, or my actions at any time during my tenure with the Cobb County Police Department.

While no one has bothered to ask me, I feel it is important to tell you that I am related to African-Americans who are my first cousins. In additions, one of my second cousins adopted children of other races. They are part of my family. My family gatherings resemble the schools I attended and my group of friends growing up in Zone 2. They, along with several friends of color, have offered to step up at any time to write letters or speak with the press to confirm that I am not a racist. However, I have tried to

keep them out of this process. The department and Cobb County may state that I was rude to Mr. Baker and violated work rules, but I will neither tolerate nor remain silent in the face of allegations of racism. Would the media have portrayed me as a racist if they knew about my family? Is genealogy required to disprove an allegation of racism? Perhaps the simplest way for someone to know what I meant by "I don't care about you people" was to ask me. I meant the people who attack law enforcement officers every day on the news and on YouTube videos and the people who antagonize law enforcement officers hoping to provoke a rude response. Maybe it was harder to ask me than to label me a racist.

### Traffic Stop at Issue

Mr. Baker violated a Georgia law on November 16, 2015. I pulled him over because I paced him at 65 miles per hour in a 45 mile per hour zone. I was told, along with the rest of my academy class, that the Ford Taurus vehicles in our fleet had calibrated speedometers. I only learned after this incident that they are not calibrated. Further, Mr. Baker failed to maintain his lane on three occasions as I followed him. Please note that I only wrote him one ticket for the three lane violations.

According to the National Highway Traffic Safety Administration, drivers who fail to maintain their lane and speed simultaneously have a 65% chance of being under the influence of an intoxicant. I learned this in the academy, and I have vigorously sought out DUI drivers. Aside from being a violation of Georgia law, DUI drivers are particularly dangerous in Zone 2 where many people travel as pedestrians. In addition, I grew up in Zone 2 and many of my friends still live there. Until a year ago, when my father was shot and nearly killed in a home invasion robbery, he lived in Zone 2. Stopping and arresting DUI drivers is not only my job, but it helps keep the community safe.

When I stopped Mr. Baker, he acted strangely even before he brought his vehicle to a stop. He appeared to stop, then he accelerated before stopping abruptly. This is another cue that the driver might be impaired. When I approached the driver's window, Mr. Baker rolled his window down only a few inches. This was yet another sign that the driver might be impaired as I have seen and been taught that impaired drivers will do this to prevent an officer from smelling alcohol or observing them clearly through tinted windows. In short, the longer the stop went on, the more my suspicions rose that Mr. Baker might have been driving under the influence.

Mr. Baker's initial response to me was confrontational. When I asked how he was, he replied, "Sober, why did you stop me?" I have stopped a lot of cars alone and with my FTO and I have never received that response before.

I began my inquiry at the traffic stop like any other. I attempted to engage Mr. Baker in conversation to look for signs of intoxication. One of those inquiries, as you know, is to ask where the driver is coming from, where they are going, the time of day, any other questions that have a potential to point out any mental confusion. I have asked these questions on nearly every traffic stop I have made. Never have I received the type of rude responses Mr. Baker provided. When I realized he was just going



to be difficult, I attempted to confirm the address on his driver's license to ensure that the court system would have accurate information. This, as you also know, is a standard practice. He was extremely uncooperative when I asked him to repeat the address on his license that I was holding. As you know, this is also a technique to look for signs of mental impairment. When Mr. Baker became even ruder, I asked for his insurance card hoping that his home address would be on it and I would be able to verify it that way. He became even more rude and uncooperative, and I elected to return to my vehicle.

When I returned to my vehicle, I was somewhat satisfied that Mr. Baker was probably not impaired, at least not on alcohol as he was talking a lot and very quickly but I did not smell an odor or alcoholic beverages, nor did I hear him slur his words. I sensed that Mr. Baker did not like the police and did not like being stopped. His statements that he had done nothing wrong were clearly incorrect, and I knew that his actions, his statements, and his demeanor were captured on my car video. I even told him he was being recorded when I was at his driver's window.

I later learned that Mr. Baker's reason for not telling me where he was coming from and where he was going was not based upon his personal belief that his constitutional rights did not require him to say so. His responses, "Don't worry about where I'm heading" and he was heading "To mind "his" business" were more a defense to him being embarrassed. As he told Sergeant McCreary on a telephone call, he was leaving one girlfriend's house and going to another girlfriend's house. If he had told me that, I would have understood his embarrassment and it also would have provided an answer that would have allowed me to further assess any mental impairment.

I was in my vehicle when FTO Grizanti and his recruit, Officer Knight approached. I did not call for backup. They just came to check on me as most officers do on traffic stops, especially in Zone 2. FTO Grizanti agreed to approach Mr. Baker to ask why his tag and driver's license showed different addresses. I believed this was a good idea as perhaps Mr. Baker just had a problem with me for some reason. However, the video from FTO Grizanti's body camera clearly shows that Mr. Baker intended to be rude to any police officer who approached him and obstruct any lawful inquiry that night. He called FTO Grizanti "the Gestapo", argued with him about having three addresses, and when asked if he just didn't like the police told FTO Grizanti, "I just don't like you." You can watch the video and I'm certain you have, but Mr. Baker had known FTO Grizanti for approximately one minute at that point. It was clear that it was the police uniform or perhaps just an authority figure that Mr. Baker did not like.

While I observed four violations of Georgia law, speeding (O.C.G.A. §40-6-181) and three incidents of failure to maintain lane (O.C.G.A. §40-6-48), all of which can be seen on my car video, I elected only to write two citations. Georgia law would have allowed me to write four, but I chose to exercise proper discretion and write two. I was not sure what was going on with Mr. Baker, but we have seen more instances of people attempting to provoke confrontations with law enforcement both on traffic stops and on calls for service. I thought he might just distrust or dislike the police or perhaps he was just having a bad day. In any event, when I got out of my car to provide him the two citations, I was determined to do my best to start over, put on a professional demeanor, and complete the traffic stop.

When I approached the car, Mr. Baker was playing with his iPhone and appeared to be texting. I stood there for a bit before he acknowledged that I was there. I believe he saw me the entire time I was



standing there. Please note that only one officer approached his driver's window at any time to avoid any feeling of intimidation. When he finally reacted to my presence, Mr. Baker again rolled his window down only a few inches. I began speaking to him about the two citations I was giving him. As I was doing so, he began saying something about "bond". Mr. Baker was speaking very quickly and his voice goes up when he speaks so I could not tell what he was saying, especially since I had said nothing about a bond and did not use the word. After an effort to get him to calm down, I repeated my statements about his tickets and he acknowledged that I said, "If you don't mind" instead of using the word "bond". Perhaps if his window was rolled down, he would have been able to better understand what I was saying.

I passed the citations to Mr. Baker and instructed him to sign the top copies per protocol. When he was done, I asked him to return my copies and my pen and keep his driver's license. When he handed me my pen, through the partially open window which was awkward, he told me "You should wash your hands." I was taken back by his comment and had no idea what he meant so I repeated it to him. It was such a bizarre comment that I had no idea what to say. After I repeated it, Mr. Baker states, "Yeah, wash your hands." To this day, I have no idea what he meant.

The traffic stop was clearly completed. Mr. Baker had two citations and I returned his driver's license. It was at this point that Mr. Baker said, "Can I go?" I repeated what he said because I had no idea why he was asking. When I asked him what he meant by asking, "Can you go?" Mr. Baker stated, "You the Gestapo, can I go?" It should be noted that Mr. Baker lied to Sergeant McCreary and denied ever calling me the Gestapo. I frankly could not believe he was calling me that- a Nazi. It was then that I stated, "Leave. Go Away. Go back to Fulton County. I don't care about you people." I NEVER said I don't care about your people. Mr. Baker accused me of saying "your people" and I repeated it back to him. Mr. Baker was again getting out of control, raising his voice, and his voice was going up in pitch to a point where it again became difficult to understand him. I'm certain that having the window rolled up did not help. He kept arguing with me and I said, "You're free to leave from the traffic stop. Otherwise, it's awkward." I had no idea what to tell him. He had two tickets and his driver's license and he wouldn't leave. It was a bizarre moment. I recall him saying something about me being close to the car and I told him he could drive away and even stated, "I do this every day." I was trying to convey to him that he had room to drive away. In response, Mr. Baker stated, "I know you harass all day. Ask me where I'm coming from and where I'm going."

When Mr. Baker would not leave, I even asked him if he wanted to talk some more. This was a weird moment on the side of the road with a man who complained about being stopped then would not leave when the stop was over. I asked him if he wanted to step out of the car to speak with me because I did not know what else to do. He would not leave. I had no intention of trying to intimidate him or challenge him. I was trying to get him to leave and if he wanted to speak with me more about the stop, it was better to do so with him standing there than through a car window that was open a few inches. Finally, Mr. Baker pulled away calling me a "Jackasso" as he left.

When I looked at the camera and said, "I lose my cool every time" I knew I was being recorded. I had the ability to turn off my microphone within the bounds of our policy but I spoke out loud anyway. This was my way of acknowledging that he had gotten the best of me. Mr. Baker set out to be rude,



obnoxious, confrontational, and to obstruct my investigation and that is exactly what he did. Unfortunately, I was rude back to him. I know that policy requires us to maintain our composure and not be rude to citizens, but I believe every officer, no matter how long they have been on the job, will smart off to someone if provoked. Anyone will in any profession. No one can honestly look at that video and believe that Mr. Baker was not trying to provoke a confrontation. His use of the term "Gestapo" on multiple occasions and telling me to wash my hands alone would have been sufficient to provoke anyone to be rude to him.

People are saying I am a racist because I said "I don't care about your people." As stated above, I NEVER said that. The other criticism is that I reportedly stated, "Go back to Fulton County, Cuz." I never said that either. I told Mr. Baker, "This is Cobb County, Cuz." That is the way I speak. I was not using the term "cuz" to be demeaning. I use that term often and it has been used around me and with my friends my entire life. It is amazing that people listen to a term like that and presume that I am racist when I use that term because I am white. Here is another fact. Listen to the music in my patrol car when I stop Mr. Baker. I am listening to rap music, "Down in the DM," composed by Yo Gotti. That is the music I prefer and what I was listening to when driving around on patrol. The term "cuz" is used quite often in rap music. I do not consider it a racially demeaning term and never have. Again, no one bothered to ask me why I used the term.

Recently, Chairman Lee yelled at Commissioner Lisa Cupid in a public meeting. He apologized and people moved on. The NAACP declared "war" on the Cobb County Police. Later, a leader with that group apologized and people moved on. I was rude to Mr. Baker. I reported it on my own to a sergeant. I apologized at the time and in writing when I was presented with discipline. Why is my apology not being accepted? Why am I subject to losing an entire two-week paycheck that will deprive my wife and two children of support? Mr. Baker made it clear when he spoke with Sergeant McCreary that all he wanted was an apology albeit in writing. While I am not sure how he went from wanting an apology to standing with a group of people who want to have me terminated, accusing me of being a racist, and attempting to indict the entire Cobb County Police Department is a matter for inquiry. However, I guess only he can answer those questions.

Mr. Baker's first statement to the news media is indeed telling. He said something to the effect of "The Officer should have maintained his composure." That begs a question: In the face of what? Mr. Baker refused to answer basic questions that were reasonable and intended to rule out intoxication. His voice is high, he was speaking extremely quickly to the point that I was having difficulty understanding him, he refused to roll down his window more than a few inches, he called me and FTO, Grizanti "the Gestapo", he refused to verify his address or explain the reason why the address on his tag that was issued in August 2015 was different from the address on his driver's license that was issued in February 2015, again refused to roll his window down when I approached to provide his citations even when he was having trouble understanding me, told me to wash my hands when he returned my pen to me, and never spoke to me in a civil tone. I should not have been rude to him and I admitted that. However, to completely disregard the fact that Mr. Baker did everything he could to provoke a rude response is unjust and out of step with the Cobb County Progressive Discipline Policy. In fact, as he drives away, he calls me a "jackass."



I was written up twice for this traffic stop. Both times by Sergeant Marchetta. The recommended punishment was a letter of reprimand, training, and later the transfer to a completely different precinct. My meeting with Deputy Chief Cox was the third time a supervisor has presented a proposed punishment to me about this traffic stop. I do not see how the punishment in this case can justifiably be raised from a letter of reprimand to an 80-hour suspension. The only thing that makes this case unusual is the high degree of publicity surrounding the traffic stop. That is not a justification for such an increase.

The September 30, 2015 arrest of subjects who were entering autos mentioned in the proposed discipline is particularly upsetting to me. The day after this arrest, I received a written Critical Incident Reminder praising my actions. In an email about the arrest, Captain Adcock stated, "I am very proud of Officer Lawson and the fact that he caught our first suspect which of course set the foundation for the arrest of the 2<sup>nd</sup> and 3<sup>rd</sup> suspect as well as the identification of the 4<sup>th</sup> suspect. His observation skills were keen and of course his physical condition allowed for a quick apprehension of the suspect." In response to this email, Major Pattellis wrote, "Clearly Headquarters echo's the thoughts expressed by Captain Adcock. Zone 2 continues to actively work to protect the citizens they serve despite distractions and I am personally proud of the professionalism and tenaciousness of each of the officers in that precinct. Please know I and Headquarters support you fully." How has this same incident now become the focus of an internal affairs investigation and how does it have any bearing on a traffic stop made two months later?

Deputy Chief Cox states in his letter that because of this incident and the media coverage "the Department has concerns regarding whether your ability to function as a police officer has or will be impaired." I did nothing to magnify this courtesy complaint into the media spectacle it has become, nor did I have anything to do with the involvement of the Cobb County Attorney's Office in this matter. What more could I have done to prevent both of those things? I was rude on a traffic stop, and I reported it to my sergeant immediately. I have done everything I can to resolve this issue at every opportunity.

Mr. Baker's comments toward FTO Grizanti, and me were simply deplorable. Calling two separate officers the Gestapo, along with "jackass" is something worth objecting to, no matter the race of either party or the situation in which you find yourself. To know that Mr. Baker is a school teacher astonishes me even more, that this could be what he is teaching the youth, especially at such an influential age. However, I will give Mr. Baker the benefit of the doubt, something that a police officer no longer has, and hope that he did not mean the words that he said. His words and his actions were not only disrespectful, they were hurtful. I am very proud of the uniform of the Cobb County Police Department and of the work that the department does in the community. The only people on the roadway that night on the traffic stop who put their lives on the line for strangers of other races were wearing Cobb County Police uniforms. I am honored and happy to do that, even though I know it may be the last thing I do one day. Despite the insults he hurled at me and the way he has supported an effort to end my law enforcement career, I can say that I forgive Mr. Baker's words that night.

I have been in combat defending our country as a United States Marine. Take a look at the citizens of Afghanistan we defended and protected. Are they white? Are the Marines I fought beside and protected with my life all white? I was involved in my off time with the startup of the Cobb County



Police Athletic League. In two or three days, I helped coach baseball to 120 children from age 4-13. The children were from Zone 2 and the majority were black. Most of the non-black children were Hispanic. A very small percentage was white. The mother of a young black participant who was about 8 years old approached me and said I was very good with her son. She asked me to coach him individually for money. The young man is very talented and I gave her my cellphone number. I do not know how long I could coach him or if I would even take any money to do it, but I was happy to be there on my off days without being paid to help those kids. Are those the actions of a racist? Why isn't anyone telling the media about that?

### Investigation Demanded by Commissioner Lisa Cupid

I cannot respond to the incident with Mr. Baker without mentioning the incident in July 2015 involving Commissioner Lisa Cupid. The two are tied together in the media and that media attention is mentioned in the discipline proposal. I feel that I was the victim of an assault on my character in July, and I don't believe that I was ever really "cleared" of those accusations. Since July, I have been a topic of discussion, and was never forgiven for the misunderstanding, where I was simply doing my job. I believe Commissioner Cupid began a race fueled complaint during this incident. Her accusations that the incident would not have happened if she was white, or in an "affluent" neighborhood, are the definition of a race debate. Instead of more productively basing her encounter on her agenda for transparency policies, she insisted on attempting to make me the subject or issue she was trying to eradicate. Thus, I fell under unwarranted scrutiny from someone who just so happened to think that the police were negligent. I believe after calling 911 any citizen would be relieved to know that it was a police officer following her and everything was okay. Instead, I became the butt of a bad joke amongst my co-workers, and soon to be a 6 o'clock news story. After the investigation, Commissioner Cupid was not pleased with the county's response, and made it known. Her vendetta against me continued for the remaining months, by calling for a citizen review board, which again, I was reportedly the cause for. The scrutiny against me was just not coming to an end and continues. This placed an inordinate amount of scrutiny upon me.

Commissioner Cupid accused me of racially profiling her, when she knew nothing about me. The commissioner did not know who I was, where I came from, or what I stood for. She turned her unfortunate encounter into an attack on me, advising the media that I was there to "harass and intimidate." Little did she know that I was a product of her own district. She didn't know that I was raised in the heart of Mableton. She didn't know that I was an honor student/athlete for Pebblebrook High School, as well as nominated to the Homecoming Court and voted Most Spirited. Little did she know I went on to defend my country in Afghanistan, always remaining true to my roots, and not forgetting where I came from. I returned decorated, and yearned to become a police officer for my hometown. She didn't know that my dad was shot and nearly killed in her district, the day after I began the police academy nor did she bother to inquire or mention that my father was one of her constituents. Did she even know or bother to find out? I do not believe her lack of personal concern for my father after he was attacked was due to his race so why does she believe that my actions were due to her race? And little did she know how thrilled I was to be selected to work in her district, in *my* neighborhood, after the academy's completion. She knew nothing about me. The commissioner of the fourth district knew nothing about the police officer that worked to protect her, her constituents, and many of my friends. Yet she was allowed to slander my name, and question my integrity all over local news stations,



while I was required to remain silent. The effects of her actions have undeniably led to the calls for my termination today.

During the July incident, I was gladly and willingly assigned to a hotel in such a high crime area that the number of entering autos were up nearly 100%. My assignment was to observe the parking lot for any suspicious activity, and report it to my fellow officers; and if need be, pursue. Unfortunately, I missed the commissioner walking from the entrance of the hotel to her vehicle because I was observing a family unloading their vehicle in the parking lot. People are particularly vulnerable at this time. If I saw her, I would have never pursued the vehicle. However, what I did see struck me as suspicious; brake lights leaving the parking lot, not having seen anyone walk to a vehicle. I followed that vehicle leaving a hotel at 0130 (strange), that failed to stop completely at a stop sign (illegal), which pulled into a subdivision a half of a mile away (strange), and speeding almost twice the limit (illegal and strange). All of these factors provide the definition of reasonable articulable suspicion and probable cause. I had every reason to follow her vehicle.

The commissioner speaks as if I was going to ram her car. Imagine speeding on an incline, with one headlight, when its dark out, trying to read a tag number; its much, much easier said than done. Once I was able to dispatch her tag, a co-worker advised that it belonged to the Commissioner. I immediately pulled to the side of the road, as the commissioner continued driving throughout the subdivision. I sat for about 30 seconds to ensure whoever was driving did not believe I was following them, and then went back to the hotel to continue my surveillance.

The issue of "racial profiling" arises at this point. It was not until the commissioner passed my undercover vehicle and after I found out who the car belonged to, that I saw that the driver was a black female; not a second sooner. Some would not believe this, so I challenge anyone who questions me: get behind a vehicle with tinted back glass; like most vehicles on the roadway, during night time hours, and see if you can see: how many occupants or the sex and/or race of the occupants. Even with spot lights, it's nearly impossible. Even with non-tinted glass, it's difficult due to obstructions inside the vehicle, such as headrests.

I say this only to express my feelings on "racial profiling" especially for night time officers. I believe that it is an over-played and abused claim by anyone who believes they are a victim of such. Believe me, I would love to have the ability to clearly see inside every vehicle that I pass while heading to an armed robbery call when the suspects were last seen in a vehicle headed in my direction. I would love to be able to see inside the vehicle of the white male who has committed armed robbery on over 30 different occasions at Waffle House restaurants around the fourth district. I would love to be able to see inside the vehicle of the entering auto perpetrators that just left the scene minutes prior! These are just ideas that make "profiling," especially in the fourth's district high crime rate, just much more ridiculous.

As an example of how this issue with Commissioner Cupid will not go away, I met with her and she advised Captain Adcock and me that the issue was resolved. However, she has been silent regarding Mr. Baker's complaint. In addition, the media continually references the incident with Commissioner Cupid when discussing Mr. Baker, but they do not say that I was cleared.

#### Appeal of Proposed Discipline



Based upon what I have heard and my lawyer's experience, an 80-hour suspension is excessive for a courtesy complaint. My attorney has submitted an open records request to verify this understanding. I have completed one training class and look forward to the second class. I am also willing to accept any other retraining although I am concerned that the recommendation that I ride with an FTO does not contain a time frame. I am willing to accept discipline, but one entire paycheck is, I believe, excessive. Not only will it create an inappropriate hardship on my family in relation to the violation of policy, it sets a bad precedent within the Cobb County Police Department that if an employee infraction gets enough media attention, the punishment will be increased to satisfy those who scream the loudest. It is indeed ironic that Chairman Lee recommended suspending me without pay which would have been a violation of Cobb County Policy, and Mr. Baker's supporters who claim to complain about his unfair treatment sought to deny my due process rights by calling for my immediate termination. I submit to you, Chief Houser, that nothing short of termination and ruining my career with any department will satisfy those who are screaming the loudest. No amount of punishment will make them happy. Therefore, I ask that you avoid the unattainable goal of appeasement and instead impose a fair punishment consistent with our policies

