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Conduct and Performance Policy



Applies only to Board of Commissioners Employees

Effective Date: Adopted 11/89; Revised 6/92, 12/96, 4/06, 10/15

§-I. PURPOSE To provide employees with a statement of requirements related to their responsibilities and the performance of their duties; and requirements relative to employees managing their personal conduct and actions compliant with County expectations.

§-II. SCOPE Board of Commissioners' Employees

§-III. PROCEDURES

Employees are required to perform their duties in compliance with specified expectations set forth in County policies, rules, and regulations and consistent with the official operation of their agencies and departments and the public interest.

Employees are accountable for the proper performance of their assigned duties and for compliance with the policies, rules, and regulations of the County in managing their conduct. Guidelines and policies fostering respectful and civil conduct also apply to online and electronic interactions. Failure to adhere to the applicable standards will be cause for intervention and/or disciplinary action, up to and including termination.

The following conduct and performance requirements are provided to ensure that employees have clear guidelines as to acceptable and unacceptable behavior.

A. General Conduct

Employees are required to conduct themselves at all times, both on and off duty, in a manner that reflects most favorably on the County. In this regard, employees must:

1. Perform their assigned duties at or above satisfactory levels;
2. Maintain a satisfactory record of attendance;
3. Be aware of and comply with requirements for workplace behavior and appearance, whether set forth in this policy or elsewhere;

4. Refrain from engaging in any action or becoming involved in any matters that interfere with or detract from the performance of their duties; and
5. Accept responsibility for their actions. Employees shall not shift the burden or responsibility for any action or omission related to the performance of their duties.

B. Compliance with Rules

Employees are required to comply with all County policies, rules and directives, whether stated in the Employee Handbook, in departmental policy statements, and/or conveyed orally or, in writing, or electronically, or any other form of communication by a supervisor or member of management. Employees are also required to comply with all applicable County Code provisions and state and federal laws while engaged in the performance of their duties.

An employee will be considered to have engaged in unbecoming conduct for actions that violate laws, or that tend to bring the County into disrepute, that reflect discredit upon the person as a member of the County staff, or that tend to impair the operation or efficiency of the County or its employees. Such conduct or action is prohibited whether presented in writing, verbally, physically, or electronically, such as defined in the *Electronic Communication Policy*. An employee's ignorance of applicable laws, policies, regulations, or rules will not justify any violations.

Since it is impossible to specify every instance that might result in a violation of policy or procedure, a standard of reasonableness will apply to determine whether specific conduct is unacceptable if such conduct is not specifically addressed in this policy or in other applicable rules, policies, or laws.

C. Conflict of Interest

All employees are required to conduct County business in an ethical manner and to avoid any real or apparent conflicts of interest. In this regard, employees must:

1. Avoid any direct or indirect interest, financial or otherwise, that is in conflict with the proper discharge of the employee's duties;
2. Adhere to the *Gifts & Gratuities Policy*; and
3. Adhere to the following standards of conduct:
 - (a) No employee shall use and/or attempt to use his/her official position or any resource within his/her trust or perform his/her official duties to secure a special privilege, benefit or exemption for him/herself or others;
 - (b) No employee shall disclose or use privileged information or information not available to members of the general public and gained by reason of the employee's official position for personal gain or advantage or to provide any other person or entity with an actual or

potential advantage. If the employee discovers that s/he has an outside financial interest that could be affected by County plans and/or activities, the employee must immediately report the situation to his/her supervisor;

(c) No employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or doing business with, the County and which creates an actual or apparent conflict of interest between the employee's private interests and the performance of his/her public duties or which might impede the full and faithful discharge of the employee's public duties.

D. Secondary Employment

Prior to engaging in outside employment, including consulting or other self-employment, employees must obtain prior written approval each year to engage in and/or to continue such employment. It is not the intent of this section to prevent any employee from accepting other employment or from following any pursuit which does not create an actual or potential conflict of interest and/or which does not interfere with the employee's ability to fully and faithfully discharge his/her duties.

E. Performance of Duties

Employees are required to properly perform their duties and fulfill the responsibilities of their positions. As such, employees are required to:

1. Demonstrate knowledge of their assigned duties;
2. Possess competency to perform their assigned duties;
3. Report for duty as assigned;
4. Remain alert and capable of performing their assigned duties;
5. Remain at their assigned work or duty locations, unless otherwise authorized;
6. Perform their assigned duties so as to satisfy the work standards established for the employee's position; and
7. Perform their assigned duties efficiently and effectively.

An employee's performance will be considered unsatisfactory if the employee does not satisfy the objectives and expectations for his/her position (e.g., for excessive or unexcused absences/tardies; for being unable or unwilling to perform assigned tasks; for failing to take appropriate action; **for refusing to adhere to County or departmental codes of conduct**; for failing to meet requirements established for a position).

F. Accurate, Truthful, Timely Reporting

Employees are required to submit all necessary reports on time and in accordance with established standard operating procedures. Reports submitted are to be truthful and complete, and no employee shall knowingly enter or cause to be entered on any record any inaccurate, false, or improper information.

G. Reports of Sickness or Injury

Employees are expected to report to their supervisor any accident, injury, or illness to themselves or others that would, in the employee's judgment, affect the performance of duty.

Employees shall not feign illness or injury, falsely report themselves or anyone else to be ill or injured, deceive or attempt to deceive any official of the County about the condition of their health, or otherwise abuse sick leave as defined in the *Sick Leave Policy*.

H. Use of County Property

Employees shall use County property only for its intended purpose, in an appropriate and safe manner, and in the furtherance of official activities. **Electronic communication equipment such as computers, telephones, and cell phones should be used in accordance with guidelines established under the County's Electronic Communication and Security Policy and the Information Technology and Security Standards.**

Employees must demonstrate proper care for County property and equipment, maintain it in proper working order, ensure that it is not damaged, abused, wasted, lost, or misappropriated.

Employees may not, directly or indirectly, possess, use or allow County property to be used for any purpose other than official activities.

In operating official County vehicles, employees are expected to exercise care and to comply with all laws of the State of Georgia and the Safety Manual.

I. On-the-Job Business Activities & Distribution of Materials

Employees are expected to dedicate their efforts during working hours to their employment duties for the County. As such, employees may not engage in any business for profit other than their regular duties during working time. Distribution of advertising or other business-related material, as well as business solicitations by employees, are prohibited actions.

J. Employee Relations

Employees are expected to be courteous to the public and employees. In demonstrating courtesy, employees are expected to be tactful, to control their tempers, and to exercise patience and discretion. In performing their duties, employees are expected to refrain from abusive, threatening, harassing, violent,

intimidating, crude, vulgar, profane, or insolent language, gestures, or actions. As well, employees are expected to refrain from expressing prejudice toward any person(s) or any group(s) based upon sex, race, national origin, age, religion, politics, lifestyle, or any personal characteristics.

K. Supervisory Responsibilities

Supervisors must ensure that the performance and conduct of employees under their authority complies with the County's *Conduct and Performance Policy*. In managing employee performance and conduct, supervisors have a responsibility to address conduct and activity that violates the County's requirements and expectations in a fair and consistent manner.

L. Compliance with Supervisory Directives

Employees are expected to comply with directions and/or any lawful order of a supervisor or member of management. Such directions or lawful orders may be relayed from a supervisor through an employee of the same or lesser position.

Employees are not expected to follow any direction or order which would require them to commit an illegal act. If an employee is in doubt as to the legality of an order, the employee should request that his/her supervisor clarify the order or confer with higher authority.

If an employee receives direction which s/he believes conflicts with a prior rule or directive, the employee should respectfully inform the issuing supervisor of the perceived conflict. If the supervisor does not alter or retract the direction given, then the employee should obey the direction and will not be held responsible for failure to obey the rule or directive. Under such circumstances, the supervisor shall be responsible for the appropriateness of the employee's actions.

M. Customer Service

When individuals apply for assistance or seek advice, whether by telephone or in person, employees are expected to obtain pertinent information in an official and courteous manner and to properly act upon requests in a timely and fair manner.

Employees are expected to courteously and promptly accept any complaint made against any employee or about County policy, procedure, or actions. Employees may attempt to resolve complaints, but should not attempt to dissuade any individual from making a complaint.

N. Privileged or Confidential Information

Employees who deal with plans, programs, and other information of significant interest may only release information that they have authority and responsibility to release to persons authorized to receive such information.

Department/Agency Heads, Division Managers, other supervisors, and department representatives who are entrusted with confidential employee information must hold that information in the strictest confidence. Unless the information needs to be

conveyed for a business purpose, the information should not be discussed or shared with other employees.

O. External Communications

Employees must refrain from publicly criticizing or ridiculing the County, its policies, or other employees by speech, writing, **any form of social media (including but not limited to all forms of electronic communication)** or other expression, where **such speech, writing, electronic posting,** or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the County, interferes with the maintenance of discipline, or is made with reckless disregard to its truth or falsity.

Unless employees have received advance permission from an appropriate level supervisor, they are expected to refrain from addressing public gatherings, appearing on radio or television, preparing articles for publication, acting as correspondents for newspapers or periodicals, or releasing or divulging County information while holding themselves out as having an official capacity in such matters.

P. Use of Medication

In accordance with the County's *Drug-Free Workplace Policy*, employees who are taking prescribed medication should not misuse or abuse such medication. Employees must notify their supervisors if they report for work while taking prescribed medication that could affect their ability to safely and efficiently perform their jobs.

Q. Complaints & Grievances

Employees should bring forward complaints and/or grievances regarding working conditions, employee relations, and policy concerns (other than those related to the *No Harassment & No Discrimination Policy*) to the attention of their management. Employees should bring grievances related to harassment and discrimination to the attention of management as described in the *No Harassment and No Discrimination Policy*.

R. Cooperation in Investigations

Employees must cooperate fully and answer truthfully all questions related to the scope of employment and operations of the County in any investigation.

In connection with investigations, employees must disclose pertinent information, including medical or financial information, upon request.

S. Non-Interference

Employees must refrain from interfering with any issue being handled by another County employee unless: (a) the employee is first contacted, and (b) the intervening person can show a reason that led him/her to believe beyond a reasonable doubt

that a manifest injustice would result from inaction, or (c) the employee was directed to do so by a supervisor.

T. Other Specific Requirements

Employees are required to adhere to the following standards of conduct:

1. Employees may not fight, engage in disorderly conduct, and/or engage in "horseplay" while on duty, on County property, in County vehicles, or in or around vehicles used for County purposes.
2. Employees may not gamble or conduct gambling activities while on duty, on County property, in County vehicles, or in or around other vehicles used for County purposes.
3. Employees may not commit any acts of theft, fraud, or embezzlement from the County, other employees, or any other individual, firm, business, organization, or governmental entity.
4. In accordance with the *Drug-Free Workplace Policy*, employees may not possess, distribute, purchase, or sell alcohol or illegal drugs while on duty or on County property, in County vehicles, or in or around other vehicles used for County purposes.
- 5. Employees must adhere to all safety standards, rules, instructions, and programs specific to the performance of their duties; including those that apply to the proper use of equipment, safety gear, and safety attire.**
- 6. Employees must conduct themselves in accordance with requirements established in the *Cobb County Employee Safety Handbook*.**
7. Employees may not possess firearms or illegal weapons of any kind while on duty, on County property, in County vehicles, or in or around other vehicles used for County purposes, unless they are required to do so by the nature of their positions.
8. Employees must remain awake while on duty. If unable to do so, an employee must report to his/her supervisor, who shall determine the appropriate course of action.
9. Employees may not post unauthorized notices, deface walls or other work surfaces, or tamper with bulletin boards without prior authorization.
10. Employees may not distribute advertising materials, handbills, or other literature during work time or in work areas without prior authorization.

Progressive Discipline Procedures Policy



Applies only to Board of Commissioners Employees

Effective Date: Adopted 6/92 Revised 9/98, 4/06

§-I. PURPOSE To provide guidance to supervisors regarding progressive discipline procedures that are designed to direct the behavior of employees.

§-II. SCOPE Board of Commissioners' Employees.

§-III. POLICY When corrective or disciplinary action is deemed necessary, the type of discipline will be determined by the nature and circumstances of the violation. Under appropriate circumstances, progressive steps of discipline should be utilized to assist employees in addressing problems and to nurture their growth. Disciplinary action should not be intended to degrade the employee, but rather to assist the employee or to correct a problem. Discipline should be progressive when appropriate; however, some violations warrant immediate suspension or dismissal without prior disciplinary action.

§-IV. PROCEDURES

A. Appropriate corrective or disciplinary action may be administered by an employee's supervisor, division manager, Department/Agency Head, depending on the step, or level, of discipline.

B. Appropriate corrective or disciplinary action should be determined based on factors, including, but not limited to, the nature, severity, or frequency of the violation; the degree of deviation from expectations; the discipline taken by the decision-maker for the same or similar violations; and the individual's employment record.

C. Corrective or disciplinary action may take place in several forms. When progressive action is determined to be appropriate, the steps may include some, but not necessarily all, of the following steps of discipline:

1. **Verbal Warnings or Counseling Sessions** may take place in situations that are less serious in nature and are not recurring. Efforts to determine and resolve the cause of the problem should be made at this stage. The employee should be advised that s/he is receiving a formal warning. Documentation of the verbal warning or counseling session should be made and maintained in departmental files.

2. **Written Reprimands** are generally used to address situations that are less serious in nature but have recurred, even after a verbal counseling session, and in situations that are more serious in nature than those warranting only a verbal warning or counseling session. Copies of written reprimands should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

3. **Suspensions** are more severe actions that should be used for the constructive improvement of employees. Suspensions should be issued when it is determined that an additional warning or reprimand is not appropriate **or** when an incident is too severe for a warning, but not sufficiently severe for demotion or dismissal.

Depending on the circumstances, suspensions may vary in length, but ordinarily may not exceed thirty (30) days. Suspension notices should indicate the reason(s) for the discipline, the dates of the suspension, and the employee's right of appeal, if any.

If a suspension does not produce the desired results, consideration should be given to a lengthier suspension, demotion, or dismissal of the employee. Copies of suspensions should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

4. **Demotions** are corrective or progressive disciplinary actions that result in a change of the employee's assignment from a position in one classification to a position in another classification with a lower pay grade. Demotion may be used when an employee is unable to successfully perform in his/her current position, but may be capable of performing satisfactorily in another position. Demotion may also be used to remove an individual from a supervisory position based on performance or conduct issues that make the employee an unfit supervisor. Demotion may also be appropriate for other serious or recurring conduct and/or performance deficiencies. Copies of demotion letters should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

5. **Dismissals** should result when the employee commits an extremely serious offense(s) or fails to perform a critical duty, for which immediate discharge is warranted; **or** when other disciplinary measures have been attempted but failed; **or** when the employee is unfit to perform his/her assigned duties; **or** when the employee abandons his duties or position; **or** where the employee's continued employment poses a threat to the security and well-being of the County or its employees. Examples of conduct that will ordinarily result in immediate dismissal are: violation of the *Drug-Free Workplace Policy*, fighting on County property, carrying a weapon without a business purpose on County property, theft or embezzlement, intentional harassment, falsification of records, threats or acts of violence, gross insubordination, and destruction or misuse of County property. Copies of dismissal letters should be distributed to the employee, to Human Resources for inclusion in the employee's file, and maintained in the departmental file.

D. Before imposing written reprimands, suspensions, demotions, or dismissals, Department/Agency Heads or their designees should contact Human Resources and/or the County Attorney's Office for review and advice.

E. Corrective or disciplinary action should be conducted privately with the employee. Those in attendance should be limited to the decision-maker and a member of management.

F. In certain cases, an investigation may be necessary to determine whether disciplinary action is appropriate. In these cases, the employee may be placed on administrative leave for a period not to exceed ten (10) working days. For administrative leave to continue beyond ten (10) days, the Department/Agency must consult with Human Resources and/or the County Attorney's Office and must obtain approval from the County Manager.

G. Civil Service employees cannot be suspended without pay for more than thirty (30) calendar days in one calendar year without approval of the Civil Service Board. A suspension may be extended for up to ninety (90) additional calendar days only with the approval of the Civil Service Board.

**RULES AND STANDARDS
OF THE
COBB COUNTY CIVIL SERVICE BOARD**

COBB COUNTY, GEORGIA

Adopted: December 10, 1996
Amended: October 13, 2015

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RULE 1. DEFINITIONS

- Par. 1.1 "Act" or "The Act" or "Civil Service Act" means Act 733, approved by the Governor March 10, 1964, as amended.
- Par. 1.2 "Appointing Authority" means a department head, elected official, or division head.
- Par. 1.3 "Board" means the Cobb County Civil Service Board as provided in Act 733, approved by the Governor, March 10, 1964, as amended.
- Par. 1.4 "Civil Service" means the Cobb County Civil Service System established under Section 2 of the Act.
- Par. 1.5 "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience, and such other characteristics, that the same title, the same tests of fitness, and same schedule of compensation may be applied to each position in the group; and which has been recognized as such in the Classification Plan established by the Board of Commissioners.
- Par. 1.6 "Classified Position" means a position occupied by a person who receives a salary or wages in whole or in part from Cobb County and which may be placed under the Cobb County Civil Service System pursuant to the terms of "the act."
- Par. 1.7 "Command Staff Appointments" shall be appointments in the Sheriff's Office, Police Department, Corrections Department and Fire Department to certain management and administrative positions held by officers with the title of Deputy Sheriff Assistant Division Commander, Assistant Chief Deputy Sheriff, Police Commander, Assistant Police Chief, Assistant Warden-Corrections, Fire Captain, Fire Battalion Chief, Fire Division Chief and Deputy Fire Chief. Employees filling command staff appointments shall retain permanent status in the position they held prior to such appointment.
- Par. 1.8 "Delinquency" means negligence or failure in doing what is required.
- Par. 1.9 "Demotion" means a reduction of an employee to a position of a different class with a lower salary grade.
- Par. 1.10 "Department" means any county department under the Civil Service System and designated as a department by the Board of Commissioners. Department shall not mean the Office of the County Manager or Board of Commissioners or Clerk to the

- Board of Commissioners.
- Par. 1.11 “Director” means the Human Resources Director of Cobb County.
- Par. 1.12 “Employee” means an occupant of a “position” as hereinafter defined under the civil service system.
- Par 1.13 “Family Member” means spouse, son, daughter, father, mother, brother, sister, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, son-in-law, or daughter-in-law. These relationships shall include those arising from adoption.
- Par. 1.14 “Full-time Employee” means an incumbent of a position under the civil service system authorized by the Board of Commissioners as full-time who works 30 hours or more each week on a continuous basis, who is eligible for benefits.
- Par. 1.15 “Governing Authority” means the Cobb County Board of Commissioners.
- Par. 1.16 “Incompetence” means the lack of abilities or the incapability of doing the job. Skills, knowledge and abilities are inadequate, unsuitable or obsolete to perform at minimally acceptable standards of performance.
- Par. 1.17 “Inefficiency” means unproductive, wasteful use of time, energy or material, or repeated errors and mistakes.
- Par. 1.18 “Insubordination” means the unwillingness or refusal to perform assigned work, or deliberate failure to comply with written or verbal instructions from a proper supervisory authority.
- Par. 1.19 “Misconduct” means mismanagement of job responsibilities and county property, improper behavior, or violation of county policies, state or federal law.
- Par. 1.20 “Negligence” means careless disregard for or lack of attention to job related matters.
- Par. 1.21 “Part-time Employee” means an incumbent of a position not under the civil service system authorized by the Board of Commissioners as part-time who works less than 30 hours per week on a continuous basis, who is not eligible for benefits.
- Par. 1.22 “Per Diem Employee” means an incumbent of a position not under the civil service system authorized by the Board of Commissioners as per diem who works for an approved daily fee for each day worked, who is not eligible for benefits.
- Par. 1.23 “Promotion” means advancing an employee to a different class with a higher salary grade.

- Par. 1.24 "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time employment of one person.
- Par. 1.25 "Public Notice" unless otherwise expressly stated, means a written notice on a bulletin board accessible to the public during business hours and other publicity as may be deemed necessary by the Director to assure reasonable notice to those concerned.
- Par. 1.26 "Unclassified Position" means a position occupied by a person who receives a salary or wages in whole or in part from Cobb County and which is either precluded from being placed under the Cobb County Civil Service System by law or which is one of the following types of positions:
- a) A position established as the head of a department;
 - b) A position established as the head of a division of a department;
 - c) A position held by an elected official;
 - d) A position head by an individual who is appointed by such elected official to serve on a policy making level, is under the direct supervision of the selecting elected official, and has regular contact with such official, or is an immediate advisor to the elected official with respect to the constitutional or legal powers of his office and is appointed by the elected official; or
 - e) A position occupied by a person in a managerial capacity, which person consents in writing to accept such managerial position knowing that such employment is in an "unclassified position" as defined in this paragraph and which position is approved as an "unclassified position" by the Cobb County Civil Service Board. The Human Resources Director shall review each request for a position to be approved as an "unclassified position" pursuant to this subparagraph and report to the Civil Service Board regarding the Human Resources Director's opinion of said request.
- Par. 1.27 "Unfitness" means incapable or unable to perform the duties assigned with or without reasonable accommodation for any reason.
- Par. 1.28 "Unlawful discrimination" means different treatment with respect to an employee's compensation, terms, conditions or privileges of employment because of race, color, religion, national origin, sex, age, disability, or other protected class as established by applicable state or federal law.

RULE 2. CIVIL SERVICE BOARD

SECTION 2.100 CIVIL SERVICE BOARD

Par. 2.101 Organization of Board

- A. The Board shall consist of five (5) members who shall be appointed or elected as pursuant to the Civil Service Code.
- B. A vacancy in the membership of the Board caused by a member's death, resignation, disqualification, removal for cause, or other condition shall be filled in the same manner as the member of the post in which the vacancy occurred was appointed. Except, if less than one year of the term remains at the time the vacancy occurs, then such vacancy shall be filled by appointment of the Board of Commissioners to fill the unexpired term. Notwithstanding the foregoing, the Board of Commissioners shall have the right to make an interim appointment during any time a vacancy exists.
- C. The Board shall, at the regular meeting in January each year, elect one member to act as Chairman for a term of one year, or until a successor is duly elected. At the same time the Board shall elect one of its members to act as Vice-Chairman for the same term and to act for the Chairman in his absence. If the office of Chairman is vacated because of death, resignation, or in any other manner, before the expiration of his or her term as Chairman, the Board shall elect a successor at its next meeting, and that person shall serve as Chairman for the unexpired term.
- D. Meetings of said Board shall be held as frequently as may be required for the discharge of its duties.
- E. Meetings of the Board may be called by the Director or any quorum of the Board upon giving twenty-four hours advance notice in writing to each member of the Board and Appointing Authority whose interests might be affected by such meeting.
- F. All meetings of the Board shall be open to the public.
- G. The Board shall adopt procedures for the conduct of its activities. Meetings of the Board may be informal, subject to such rules of order as may be declared by the Chairman of the Board. The Chairman may participate fully in all hearings, including but not limited to offering a motion, seconding a motion, or voting on an issue or appeals before the Board.
- H. Three members of the Board shall constitute a quorum for the transaction of all business.

- I. The time and place of each meeting of the Board; names of the Board members present; all official acts of the Board; the votes of each member except when the acts are unanimous, shall be recorded in the minutes. The original minutes or a true copy thereof, upon approval of the Board, shall be open to inspection by Appointing Authorities and the public.
- J. All decisions resulting from a hearing conducted by the Board shall be typewritten, subscribed to by the Board members concurring, and filed as a part of its proceedings with the minutes.
- K. The several Appointing Authorities shall have the right to attend or to be represented at and to participate in meetings of the Board, but shall be without voting power.

SECTION 2.200 Duties of the Board.

Par. 2.201 It shall be the duty, function, and responsibility of the Board within the scope of this Rule:

- A. To represent the interest of the public in the improvement of personnel administration in the departments covered by the Civil Service System.
- B. To hear appeals from any civil service employee, who claims to have been improperly suspended, demoted, discharged, unlawfully discriminated against, or improperly dismissed or adversely affected pursuant to a reduction-in-force.
 - 1. The Board's authority regarding an appeal by an employee who claims he or she was dismissed or adversely affected due to a reduction- in-force shall be limited to whether the action was in fact due to shortage of work, shortage of funds, abolishment of position, or other material changes in duties or organization to reduce the overall staff of the organization.
 - 2. In conducting hearings and rendering decisions, the board shall determine whether the appointing authority, department head or person whose action is being appealed had authority to exercise such action and did exercise such action for cause within the Rules and Standards of the Civil Service Board. If so found, the board shall affirm the action of the appointing authority. In the event that the board finds that the action appealed is contrary to the Rules and Standards of the Civil Service Board, the board shall reverse such action. The board shall not modify the terms and conditions of said action of the person, appointing authority or department head, but may in its order of affirmance or reversal make recommendations of disposition which shall have persuasive force only.

3. In addition, the board may recommend amendments to the Rules and Standards of the Civil Service Board to the governing authority, so as to carry forth purposes of such recommendation disposition, and when such rules and standards have been approved and adopted by the governing authority of Cobb County, they shall be binding upon all parties affected by the civil service.
- C. To meet as may be required for the discharge of its duties.
- D. To avoid the appearance of impropriety, bias, or prejudice. To that end, no member of the Civil Service Board shall:
1. Preside, act, serve, deliberate, or vote in any case or proceeding in which the member has a financial interest;
 2. Preside, act, serve, deliberate, or vote in any case or matter when the member has a family member that has a direct interest in the result of the case or matter;
 3. Preside, act, serve, deliberate, or vote in any case or matter when the member has a family member who is employed by Cobb County in the appointing authority's department that is involved in the case or matter.

Any Board member who has a relationship or interest in such case or matter that prohibits the member from sitting on such case or matter should disqualify himself or herself. If the member does not do so, any person appearing before the Board may object to a Board member participating in the case or matter. If the Board member does not disqualify himself after such an objection is made, the Board, excluding the challenged member, will determine whether the member shall participate.

SECTION 2.300 Removal of Board Members for Cause

Par. 2.301 No board member of said civil service board may be removed prior to the expiration of their term except for cause, after having been given notice and afforded a public and open hearing before the governing authority of said county, pursuant to procedures established by said governing authority. Prior to said hearing, said member shall be served personally or by registered or certified mail addressed to his residence as shown in the files of the governing authority at least ten (10) days before the date set for hearing, with written specifications of charges. Any person or persons desiring a board member be removed for cause must file a petition with the Clerk of the governing authority stating the reasons such member should be removed for cause. The Clerk will have the duty of notifying said member of the petition and serve the petition on said member. The Clerk will notify said member and the petitioning party or parties of the date scheduled for a hearing before the governing authority. In no event will that date exceed sixty (60) days from the date said member is served with the petition. Service shall be deemed completed on the date personally served or three (3) days from the date of mailing.

Par. 2.302 For "cause" shall include, but not be limited to:

- Exhibiting bias or prejudice;
- A demonstrated contempt for rules and/or proceedings;
- Disruptive or disorderly conduct;
- An inability to perform the functions of the position;
- Violation of the oath of office; or
- Any other good cause.

RULE 3. GENERAL PROVISIONS

SECTION 3.100 PROHIBITION OF POLITICAL ACTIVITY

Par. 3.101 No person shall be appointed to, or demoted or dismissed from any position under the Civil Service System or in any way favored or unlawfully discriminated against with respect to employment under the Civil Service System because of his or her political or religious opinions or affiliations.

Par. 3.102 No employee holding a position under the civil service system shall participate in political activity, except as follows:

- A. An employee may:
 - 1. Exercise his or her right as a citizen privately to express his or her opinion;
 - 2. Cast his or her vote; or
 - 3. Run for political office provided that the office sought is outside the boundaries of Cobb County Service and the elected office must not create a conflict of interest for the employee.
- B. If the governing authority finds that a conflict of interest exists, notice of same must be given to the employee, and the employee must relinquish the elective office within thirty (30) days or be subject to dismissal.
- C. An employee may actively support a candidate for political office if for an elective office outside the boundaries of Cobb County, by:
 - 1. Contributing monetarily to the candidate's campaign;
 - 2. Speaking on behalf of the candidate;
 - 3. Passing out campaign literature; and
 - 4. Displaying a candidate's political signs.

- D. Any such activity as described in paragraph C above shall not be conducted during working hours, and the employee must not represent himself or herself as an employee of Cobb County.
- E. At no time shall an employee, in support of a candidate, engage in activity that would bring his or her employment with Cobb County into disrepute.

Par. 3.103. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position under the Civil Service System, or to secure a promotion, an increase in pay, or any advantage in employment.

Par. 3.104. No person shall use or promise to use, directly, or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position under the Civil Service System, or an increase in pay, or any other advantage in employment in any such position for the purpose of influencing the vote or political action of any person, or for any consideration.

Par. 3.105. It is the intention, in adopting these rules, to provide protection to employees from the political process, not to impede the rights of employees to exercise their right to free speech. In addressing the issue of prohibited political activity by an employee, the Board will consider the nature of the activity, the nature of the employee's responsibilities, whether the political activity is partisan or nonpartisan, and whether there is a realistic potential for conflict between the employee's position with Cobb County and the political activity involved.

SECTION 3.300 RECORDS

Par. 3.301 Records Open to Public. All records of the Civil Service Board shall be considered public records and may be inspected and/or copied for a fee, upon application made to the office of the Director during scheduled office hours.

RULE 4. ELIGIBILITY

SECTION 4.100 WORKING TEST

Par. 4.101 The first twelve months of service in a position to which an employee fills a vacant position pursuant to the Cobb County Employment Policy constitute a working test period. The Board may fix a different length for the working test period as it applies to positions of one or more classes. Such a period shall not be fixed at less than three months nor more than eighteen months. Any change in the length of the working test shall apply to all positions in the class or classes affected, but shall not affect the length of the working test of employees who are serving in such status at the time of the change. If the employee is absent for more than a four week period during his or her working test period, the working test will be extended for the period of absence. The Board also may extend the working test period based on a request from the appointing authority after hearing any input from the employee. The working test shall be utilized for the most effective adjustment of a new employee and for the elimination of any employee whose performance does not meet the required standard of work during the working test period.

Par. 4.102 At any time during a working test period an employee may be disciplined or separated from his position under the Civil Service System without right of appeal or hearing, but the reasons given for the separation shall be filed with the Board. An employee serving a working test period because of promotion within the civil service system retains civil service status in the lower class and may be demoted to the lower class without right of appeal or hearing.

Par 4.103 An employee who makes a lateral career move within the civil service system shall be required to serve a working test period as provided in Par.4.101 in the new position. While serving a working test period in the position, the employee retains civil service status in the former position.

Par 4.104 Supervisors of working test employees should evaluate those employees periodically during the working test period. Whether formal or informal procedures are used, it is the responsibility of the supervisor to point out areas of deficiency and inform the employee in the correct and expected manner to perform the job. It shall be the responsibility of the department head to obtain a statement in writing from the proper supervisor to the effect that the services of each employee appointed for an initial appointment working test period have or have not been satisfactory and that the employee is or is not recommended to be retained. The statement shall contain an appraisal of the value of the employee's service upon the employee's performance evaluation form. The department head shall obtain this statement prior to the completion of the working test period, and make a recommendation to the Director. No working test employee shall be considered to have attained civil service status as an employee of Cobb County until certified by the Director. If the employee is not certified as a civil service status employee, the department head shall notify the employee in writing in advance of the date on which the employee's services are to be terminated, and transmit a copy to the Director.

SECTION 4.200 EMPLOYEES COVERED

Par.4.201 (Rev. 1/99) Included in the jurisdiction of the Cobb County Civil Service Board and as members of said Cobb County Civil Service System shall be all eligible personnel in the following departments:

- Communications Department
- Community Development
- County Attorney's Office
- Elections and Registration Department
- Finance Department
- Fleet
- Human Resources
- Information Services Department
- Juvenile Court
- Medical Examiner's Office
- Parks, Recreation, and Cultural Affairs Department
- Property Management
- Public Safety Department (includes Police, Fire and Emergency Services, 911 and Animal Control)
- Purchasing Department
- Senior Services
- Sheriff's Office
- Tax Assessor Department
- Tax Commissioner's Office
- Department of Transportation
- Water System

Employees of classified positions in these departments are covered under the Civil Service System as described in the following paragraphs.

Par. 4.202 Employees who have completed their working test period in a classified position in a civil service department shall be a part of the Civil Service System.

Par. 4.203 Employees who are a part of the Civil Service System and transfer to another position of the same class shall retain the same status as he or she obtained in the position from which he or she was transferred.

Par.4.204 An employee covered by the civil service system as defined in 4.202 who is demoted shall retain civil service status in the former position.

Par.4.205 Employees who have been promoted will serve a working test period in their new assignment but will retain civil service status in the lower position. An employee serving a working test because of promotion may be demoted to the lower class without right of appeal or hearing.

Par. 4.206 Employees appointed to "Command Staff" positions as defined in the rules, serve in those appointments at the pleasure of the Appointing Authority, which may revoke those appointments, without being subject to these rules. Civil Service status does not extend to the "Command Staff" appointment, but employees will retain civil service status in the position he or she held at the time of such appointment.

SECTION 4.300 EMPLOYEES NOT COVERED

Par. 4.301 Employees serving in a part-time, temporary, or per diem positions, all Cobb County board of education employees, all appointed boards, members of commissions or authorities, court reporters, the County Manager and employees of his or her office, personal staff of the Board of Commissioners, all judges and their personal staff, and any other persons or officials expressly exempt by law.

Par. 4.302 Employees serving in a working test period as described in section 4.100 of these rules.

Par. 4.303 Employees making a lateral career move to a Civil Service Department. An employee who makes a lateral career move to a position in the Civil Service System from a position outside the Civil Service System will serve the same working test period as all employees who are covered by these rules.

Par.4.304 Departments not covered by Civil Service. No employee in a department not covered by civil service is covered under the Civil Service System.

Par.4.305 Unclassified Employees. Employees in positions in Civil Service Departments which are precluded from being under the Civil Service System by law are defined as unclassified.

RULE 5. ADMINISTRATIVE LEAVE

Par. 5.101 An Appointing Authority may, upon written notice stating reasons therefore, place an employee on administrative leave with pay when said employee is the subject of an investigation for an alleged violation for a period not to exceed 30 working days, unless extended by the County Manager.

Par.5.102 Employees placed on Administrative Leave shall have no right of appeal to the Civil Service Board.

RULE 6. ACTS THAT CAN BE APPEALED

SECTION 6.100 SUSPENSION

Par. 6.101 An Appointing Authority may, upon written notice stating the reasons therefore, suspend an employee without pay for:

- Delinquency;
- Negligence or inefficiency in performing the duties of the position held;
- Unfitness to perform assigned duties;
- Insubordination;
- Misconduct reflecting discredit on the department;
- Political activity in violation of Section 3.100;
- Abandonment of position or failure to return to work from an approved leave of absence; or
- Other good cause,

for a period not to exceed thirty calendar days in one calendar year, provided however that such suspension may be extended for not more than ninety additional calendar days, with the approval of the Civil Service Board.

Par. 6.102 A suspended employee must appeal in writing to the Board within ten calendar days from the date of the act complained of by the employee. The decision of the Board shall be final. If the Board exonerates an employee for the charges upon which his suspension is based, such employee shall be reinstated to the position from which he or she was suspended and shall be paid any salary and benefit lost as a result of the suspension.

SECTION 6.200 DEMOTION FOR CAUSE

Par. 6.201 An Appointing Authority may, upon written notice stating the reasons therefore, demote an employee for:

- Delinquency;
- Negligence or inefficiency in performing the duties of the position held;
- Unfitness to perform assigned duties;
- Insubordination;
- Misconduct reflecting discredit on the department;
- Political activity in violation of Section 3.100;
- Abandonment of position or failure to return to work from an approved leave of absence; or
- Other good cause.

Par. 6.202 A demoted employee must appeal in writing to the Board within ten calendar days from the date of the act complained of by the employee. If the Board exonerates an employee from the charges on which the demotion is based, such employee shall be reinstated to the position from which he or she was demoted and shall be paid any salary and benefits lost as a result of the demotion.

SECTION 6.300 DISMISSALS

Par 6.301 The Appointing Authority may, upon written notice stating specific reasons therefore, and after allowing the employee an opportunity to refute the charges, dismiss any employee for good cause. The Appointing Authority may suspend an employee without pay when proposing termination. The Appointing Authority shall send a copy of the notice to the Board. For the purpose of these rules, "good cause" for dismissal shall be:

- Delinquency;
- Negligence or inefficiency in performing the duties of the position held;
- Unfitness to perform assigned duties;
- Insubordination;
- Misconduct reflecting discredit on the department;
- Political activity in violation of Section 3.100;
- Abandonment of position or failure to return to work from an approved leave of absence or;
- Other good cause.

Par. 6.302 A terminated employee must appeal in writing to the Board within ten calendar days from the date of the act complained of by the employee. If the Board exonerates an employee from the charges on which the termination is based, such employee shall be reinstated to the position from which he or she was terminated and shall be paid any salary and benefits lost as a result of the termination.

SECTION 6.400 UNLAWFUL DISCRIMINATION

Par. 6.401 An employee under the Civil Service System who feels that he or she has been unlawfully discriminated against may appeal this action to the Civil Service Board. Unlawful discrimination shall mean different treatment with respect to an employee's compensation, terms, conditions, or privileges of employment because of race, color, religion, national origin, sex, age, disability, or other protected class as established by state or federal law.

Par. 6.402 If an appeal is filed by an employee on the basis of unlawful discrimination, such appeal shall be filed with the Director and include the date, time, place, name and specific act of unlawful discrimination. The employee must appeal in writing within ten calendar days from the date of the act complained of by the employee.

SECTION 6.500 REDUCTION-IN-FORCE

Par. 6.501 An appeal by an employee dismissed or adversely affected due to reduction shall be limited to whether the dismissal was in fact due to:

- Shortage of work;
- Shortage of funds;
- Abolishment of a position; or
- Other material changes in duties or organization to reduce the overall staff of the organization.

Par. 6.502 An adversely affected employee pursuant to a reduction-in-force must appeal in writing to the Board within ten calendar days from the date of the act complained of by the employee.

RULE 7. APPEAL PROCEDURES

SECTION 7.100 FILING AN APPEAL

Par. 7.101 Any employee who has been suspended, demoted or dismissed, or who believes unlawful discrimination has been exercised, or who has been adversely affected pursuant to a reduction-in-force, may file an appeal to the Civil Service Board for a hearing. Such an appeal must be filed in writing with the Board not later than ten calendar days from the date of the act complained of by the employee.

Par. 7.102 The Director will promptly transmit copies of an appeal to the Appointing Authority concerned.

Par. 7.103 The Director will designate an appropriate time and place to conduct the hearing when a quorum of the Board can be present. The appellant and the Appointing Authority concerned shall be notified in writing at least ten (10) working days in advance of the time and place designated for hearing the appeal, and shall have the right to present witnesses, to give evidence and to have legal representation. All appeals shall be heard and determined by the Board within sixty (60) days from the date said appeal is filed with the Board, or as soon as reasonably possible thereafter as determined by the board as provided in Section 7.201. No such hearing shall be held in closed or executive session.

SECTION 7.200 REQUEST FOR CONTINUATION

Par. 7.201 A continuation of an appeal will be granted by the Board if the following conditions are met:

- A. It is the first time the hearing has been scheduled; and
- B. A written request verifying each party's agreement to the continuation and conditions is received in the office of the Director prior to the meeting; and
- C. The agreement stipulates that both parties waive the right to have the appeal heard and determined within 60 days. If the appellant requests the continuation, the agreement also waives any claim to back pay or benefits during the period beginning with the scheduled date of the appeal until the date the appeal is heard.

Par. 7.202 Any request for continuation not meeting the above stated conditions must be requested in person at the scheduled meeting. Both parties should be in attendance and prepared to go forward should the Civil Service Board deny the requested continuation.

SECTION 7.300 HEARING PROCEDURES

Par. 7.301 In the hearing of an appeal before the Board, parties may represent themselves or be represented by counsel. The Civil Service Board does not provide an attorney for either side. The proceedings shall be as informal as is compatible with justice. The following procedures shall prevail:

- A. The Chairman will call for the hearing.
 - 1. Charges against the employee are read.
 - 2. Appeal letter from the employee is read.
- B. All witnesses to testify in the case will be sworn by the Civil Service Board Attorney.
- C. Opening statement will be offered.
 - 1. Opening statement is offered by the Appointing Authority.
 - 2. Opening statement is offered by the Employee.
- D. Presentation of evidence.

The Board shall hear evidence upon the charges and specifications as filed by the Appointing Authority, and shall not consider any additional evidence beyond the scope of the charges, and may exclude evidence which is purely cumulative. The evidence of each party may be supported by the submission of pertinent documents

 - 1. The Appointing Authority presents evidence.
 - a. Witness may be cross-examined by the Employee.
 - b. Any Board member may ask questions to witnesses.
 - 2. The Employee presents evidence.
 - a. Witness may be cross-examined by the Appointing Authority.
 - b. Any Board member may ask questions to witnesses.
- E. The Appointing Authority may present rebuttal evidence.
- F. Closing Arguments are offered.

1. Closing Arguments are offered by the Appointing Authority.
 2. Closing Arguments are offered by the Employee.
 3. Closing Arguments are offered by the Appointing Authority.
- G. After due consideration, the Board will then consider the case and render its judgment affirming or disaffirming the action of the Appointing Authority. The Board shall not modify the terms and conditions of said action of the Appointing Authority, but may in its order of affirmance or reversal make recommendation of disposition which shall have persuasive force only.
1. The Board may vote immediately.
 2. The Board may retire and discuss the case before a vote.
- H. A majority vote shall constitute the decision of the Board. In the event of a tie, no decision shall be deemed to have been reached, and the matter shall be submitted for rehearing by the full Board.

RULE 8. AMENDMENTS

SECTION 8.100

If, and when it seems desirable in the interest of good administration, the Board, by simple majority vote, may make recommendations as to amendments, additions to, or changes in these Rules, to the Governing Authority of Cobb County. Such amendments shall be effective upon adoption by the Board of Commissioners.

RULE 9. EFFECTIVE DATE

SECTION 9.100

These rules and standards shall be effective upon adoption by the Board of Commissioners.

ARTICLE II. CIVIL SERVICE

Division 1. Generally

Sec. 22-21. Authority of general assembly to create civil service system.

Secs. 22-22—22-40. Reserved.

Sec. 22-21. Authority of general assembly to create civil service system.

Article VII, section IV, paragraph I, of the constitution of Georgia for 1945 be and the same is hereby amended by adding at the end of said paragraph the following language:

"The General Assembly shall have the authority, however, to enact laws creating a Cobb County Civil Service System for any or all those persons, other than those officials elected by the people, whose wages or salaries are paid in whole or in part out of the funds of Cobb County."

(1963 Ga. Laws (Act No. 52), page 685, § 1)

Editor's note—

The above local amendment to Ga. Const. (1945), art. VII, § IV, ¶ I, was continued by 1986 Ga. Laws (Act No. 1084), page 4505. See Ga. Const. (1983), art. XI, § I, ¶ IV.

Secs. 22-22—22-40. Reserved.

Division 2. Civil Service System Act

Sec. 22-41. Short title.

Sec. 22-42. System created; employees included generally.

Sec. 22-43. Classified service and unclassified service.

Sec. 22-44. Employees included; electing to come within.

Sec. 22-45. Authority of departments to withdraw from system.

Sec. 22-46. Exclusion of director of juvenile court services.

Sec. 22-47. Civil service board—Created; members.

Sec. 22-48. Same—General responsibility; organization; meetings.

Sec. 22-49. Same—Duties and functions enumerated.

Sec. 22-50. Appeal procedures.

Sec. 22-51. Subpoena powers of civil service board.

Sec. 22-52. Political or religious affiliation/activities.

Sec. 22-53. Payment of expenses.

Sec. 22-54. Exceptions.

Sec. 22-55. Severability.

Sec. 22-41. Short title.

This division may be cited as the "Cobb County Civil Service System Act."

(1964 Ga. Laws (Act No. 733), page 2502, § 1)

Sec. 22-42. System created; employees included generally.

- (a) There is hereby created in Cobb County a civil service system or merit system of personnel administration, to be known as the Cobb County civil service system. All persons who receive salaries or wages in whole or in part from Cobb County may be placed under said civil service system except:
- (1) Any persons occupying unclassified positions;
 - (2) All Cobb County board of education employees;
 - (3) All appointed boards;
 - (4) Members of commissions or authorities;
 - (5) Part-time, temporary, and per diem employees;
 - (6) Court reporters for the courts of Cobb County;
 - (7) The county manager and employees of his or her office;
 - (8) Personal staff of the board of commissioners;
 - (9) All judges and their personal staff; and
 - (10) Any other persons or officials expressly exempt by law.
- (b) The governing authority of Cobb County is hereby expressly delegated the authority to amend this Act, pursuant to the authority for county home rule granted by Article IX, Section II, Paragraph I of the Constitution of the State of Georgia, 1976. The personnel who have or hereafter become subject to this Act shall be placed under the jurisdiction of the county governing authority for the purpose of the Cobb County civil service system.

(1964 Ga. Laws (Act No. 733), page 2502, § 2; 1969 Ga. Laws (Act No. 107), page 2228, § 1; 1977 Ga. Laws (Act No. 392), page 3208, § 1; Ord. of 11-26-96, § 2)

Sec. 22-43. Classified service and unclassified service.

- (a) As used in this division, the term:
- (1) *Classified position* means a position occupied by a person who receives a salary or wages in whole or in part from Cobb County and which has been placed under the Cobb County civil service system pursuant to the

terms of this division or by law.

- (2) *Unclassified position* means a position occupied by a person who receives a salary or wages in whole or in part from Cobb County and which is either precluded from being placed under the Cobb County civil service system by law or which is one of the following types of positions:
- a. A position established as the head of a department;
 - b. A position established as the head of a division of a department;
 - c. A position held by an elected official;
 - d. A position held by an individual who is appointed by such elected official to serve on a policy-making level, is under the direct supervision of the selecting elected official, and has regular contact with such official, or is an immediate advisor to the elected official with respect to the constitutional or legal powers of his office and is appointed by the elected official; or
 - e. A position occupied by a person in a managerial capacity, which person consents in writing to accept such managerial position knowing that such employment is in an "unclassified position" as defined in this paragraph and which position is approved as an "unclassified position" by the Cobb County civil service board. The personnel director shall review each request for a position to be approved as an "unclassified position" pursuant to this subparagraph and report to the civil service board regarding the personnel director's opinion of said request.
- (b) An individual employed in a classified position shall be entitled to the benefits and protections of this division, whereas an individual in an unclassified position shall receive none of the benefits or protections of this division.
- (c) In the event a question arises as to whether a position comes within the definition of a classified position, an affected individual shall have the right to appeal to the civil service board for a determination as to whether the position in question comes within the definition of a classified position. The civil service board shall make a determination as to whether the position in question comes within the definition of a classified position, which decision shall be final for the purpose of determining whether an individual occupying said position is entitled to the benefits and protections of this division.

(1988 Ga. Laws (Act No. 944), page 4004, § 1; 1989 Ga. Laws (Act No. 57), page 3869, § 1)

Sec. 22-44. Employees included; electing to come within.

Included under the jurisdiction of the Cobb County civil service board and as members of the said Cobb County civil service system shall be all eligible personnel in the following departments:

- (1) Community Development;
- (2) Corrections;

- (3) County Attorney's Office;
- (4) Elections and Registration;
- (5) Finance;
- (6) Fire;
- (7) Information Services;
- (8) Internal Audit;
- (9) Juvenile Court;
- (10) Parks, Recreation, and Cultural Affairs;
- (11) Personnel;
- (12) Police;
- (13) Property Management;
- (14) Public Safety;
- (15) Purchasing
- (16) Senior Services;
- (17) Sheriff's Office;
- (18) Tax Assessors;
- (19) Tax Commissioner;
- (20) Transportation; and
- (21) Water.

All other personnel of Cobb County, except those heretofore expressly excluded, may come under the jurisdiction of the said civil service board as members of the said Cobb County civil service system, providing their respective departments have elected to be governed under the Cobb County civil service system according to the procedure hereinafter set out. Each respective department of Cobb County, other than those hereinabove specified, shall have the option of determining whether or not that department shall be governed by the civil service system of Cobb County. Upon a petition signed by 20 percent or more of the employees of a department, including those eligible and ineligible for civil service status, being presented to the said civil service board stating that those employees desire that an election be conducted to determine whether or not this particular department shall be governed by the Cobb County civil service system, the board shall set a date for an election for that purpose.

Only one such election shall be held for each department in any one calendar year. Said election shall be conducted according to the procedures set out by the board, but shall be by secret ballot of all the employees of the petitioning department. If two-thirds or more of those employees voting elect to be governed under the Cobb County civil service system, then that department and all of its eligible personnel shall be included under the jurisdiction of the said civil service board. A department for the purposes of this chapter shall mean a group of employees so designated as a department by the governing authority of Cobb County.

(1964 Ga. Laws (Act No. 733), page 2502, § 5; Ord. of 11-26-96, § 5)

Sec. 22-45. Authority of departments to withdraw from system.

Each department of Cobb County which has been included under the jurisdiction of the Cobb County civil service system pursuant to an election as provided in section 22-44 shall have the option, pursuant to this section, of determining whether or not that department shall be withdrawn from under the jurisdiction of that civil service system. Upon a petition signed by 20 percent of the employees of such a department being presented to the Cobb County civil service board stating that those employees desire that an election be conducted to determine whether or not that particular department shall be withdrawn from the Cobb County civil service system, the board shall set a date for an election for that purpose. Only one such election shall be held for each department in any one calendar year. Said election shall be conducted according to the procedure set out by the board, but shall be by secret ballot of all the employees of the petitioning department. If two-thirds of those employees voting elect to be withdrawn from the Cobb County civil service system, then that department and all of its personnel shall no longer be included under the jurisdiction of the said civil service system. After July 1, 1987, an election by employees of a department to withdraw from the civil service system pursuant to this section may not be held until at least 24 months have elapsed since employees of that department elected to come under the jurisdiction of that system.

(1986 Ga. Laws (Act No. 1363), page 5448, § 1)

Sec. 22-46. Exclusion of director of juvenile court services.

Notwithstanding any other provisions of this division, the director of juvenile court services for the juvenile court of Cobb County shall not be included under the jurisdiction of the Cobb County civil service system but shall be appointed, compensated, and have established other terms of employment as provided in O.C.G.A. § 15-11-9.

(1988 Ga. Laws (Act No. 863), page 3792, § 1)

Sec. 22-47. Civil service board—Created; members.

- (a) There is created and established the Cobb County civil service board which shall consist of five members who shall have been residents of Cobb County for two years or more immediately prior to the date of taking office and who shall hold no other elected, appointed, or salaried public office or position, or occupy any other position where wages are paid in whole or part by either federal, state, county, or municipal funds, either during the six-month period preceding appointment or for the duration of the term. A person shall not be eligible to serve as a member if he or she has a family member who holds an elected, appointed, or public office or position in Cobb County or who occupies any position where wages are paid in whole or in part by Cobb County during any portion of the term of office, or has held such an office or position during the six months period preceding the appointment or election. "Family member" is defined as "spouse, son, daughter, father, mother, brother, sister, step-father, step-mother, step-son, step-daughter, step-brother, stepsister, son-in-law, or daughter-in-law."
- (b) All persons holding post numbers 1, 3, 4, and 5 shall be elected or appointed

with the effective date of the person's term of service being April 1. The present members of the civil service board shall serve the remainder of their terms and those terms shall be lengthened as set forth in this section.

- (c) The expiration of the term of office and of the term of the person currently holding post number 1 is extended from April 1, 1995 to April 1, 1996; the expiration of the term of office and of the term of the person currently holding post number 5 is April 1, 1993. Upon said expiration the terms of office for post numbers 1 and 5 shall thereafter be for four years, beginning April 1 of the year of expiration of the preceding term of office for each post. Post numbers 1 and 5 shall be filled by secret ballot election by all the employees of Cobb County who are at that time under the Cobb County civil service system. Any person desiring to appear as a candidate on the ballot for such election shall announce his candidacy in writing to the chairman of the board of commissioners of Cobb County by February 1 preceding the date of expiration of the term of office of the post subject to election. The chairman of the board of commissioners of Cobb County shall cause notice of such candidacy to be given to all department heads, who shall post such notice in a conspicuous place for examination by all department employees. The election shall be administered by the chairman of the board of commissioners of Cobb County or his designee. The ballot shall provide voters the choice to reject the entire slate of candidates appearing on the ballot. A voter may vote affirmatively in favor of an individual or he may reject the entire slate, but he may not do both. If no person receives the majority of votes cast, then a runoff election between the two top candidates shall be held two weeks from the date of the first election. The candidate receiving the majority of votes cast in the runoff election shall be the new member of the board. Notice of the time, date, and place of the runoff election, together with the names of the candidates, shall be given in the manner provided in this subsection.
- (d) Prior to March 1, 1989, persons were to be appointed by the board of commissioners to hold post number 3 through February, 1993, and to hold post number 4 through April, 1990. The expiration of the term of office and of the term of the person appointed by the board of commissioners of Cobb County under prior law to fill post number 3 is extended from April 1, 1993, to April 1, 1994; the expiration of the term of office and of the term of the person appointed to fill post number 4 is April 1, 1995. The successor to the member of the board serving from post number 3 shall be appointed to serve for a term of three years, to expire April 1, 1997, and until a successor is appointed and qualified. The successor to the member of the board serving from post number 4 shall be appointed to serve for a term of four years, to expire on April 1, 1999, and until a successor is appointed and qualified. Thereafter, future successors to members serving from post numbers 3 and 4 shall serve for terms of four years beginning April 1 of the year of expiration of the preceding term of office for each post. The governing authority shall appoint the persons to hold post numbers 3 and 4 for the terms of office set forth in this subsection.
- (e) The expiration of the term of office and the term of the person holding post number 2 is extended from February, 1993, to May 1, 1993. Upon said expiration, the term of office for post number 2 shall thereafter be for four years beginning on May 1 of the year of expiration of the preceding term of office for

post number 2. The person holding post number 2 shall be appointed by the majority vote of the persons holding post numbers 1, 3, 4, and 5 [as] of May 1 of the year of the appointment. A quorum for the purposes of this vote shall be three members. The chairman of the board of commissioners of Cobb County shall cast a vote in the event of a deadlock.

- (f) The five members of the civil service board shall designate one of their number as chairman and another as vice-chairman. No board member may serve as chairman of the Cobb County civil service board for more than two consecutive years. Members of the civil service board shall be paid a sum of \$150.00 per month.
- (g) A vacancy in the membership of the Board caused by a member's death, resignation, disqualification, removal for cause, or other condition shall be filled in the same manner as the member of the post in which the vacancy occurred was appointed. Except, if less than one year of the term remains at the time the vacancy occurs, then such vacancy shall be filled by appointment of the board of commissioners to fill the unexpired term. Notwithstanding the foregoing, the board of commissioners shall have the right to make an interim appointment during any time a vacancy exists.
- (h) A board member whose term has expired shall continue to serve until the successor to the post occupied by that board member has been either elected or appointed and the successor has qualified to serve.
- (i) No member of said civil service board may be removed prior to the expiration of his or her term except for cause, after having been given notice and afforded a public and open hearing before the governing authority of said county, pursuant to procedures established by said governing authority. Prior to said hearing, said member shall be served personally or by registered or certified mail addressed to his residence as shown in the files of said governing authority at least ten days before the date set for hearing with written specification of charges. Any person or persons desiring a board member be removed for cause must file a petition with the clerk of the governing authority stating the reasons such member should be removed for cause. The clerk will have the duty of notifying said member of the petition and serve the petition on said member. The clerk will notify said member and the petitioning party or parties of the date scheduled for a hearing before the governing authority. In no event will that date exceed 60 days from the date said member is served with the petition. Service shall be deemed completed on the date personally served or three days from the date of mailing. Cause for removal shall include, but not be limited to exhibiting bias or prejudice, a demonstrated contempt for rules and/or proceedings, disruptive or disorderly conduct, an inability to perform the functions of the position, violation of the oath of office, or any other good cause.

(1964 Ga. Laws (Act No. 733), page 2502, § 3; Res. of 11-9-76, § 1; 1977 Ga. Laws (Act No. 392), page 3208, § 2; 1982 Ga. Laws (Act No. 988), page 4074, § 1; 1989 Ga. Laws (Act No. 57), page 3869, § 2; 1992 Ga. Laws (Act No. 713), page 5530, § 1; 1992 Ga. Laws (Act No. 747), page 5416, § 1; 1993 Ga. Laws (Act No. 173), page 4498, § 1; Ord. of 11-26-96, § 3)

Boards, commissions and authorities, § 2-141 et seq.

Sec. 22-48. Same—General responsibility; organization; meetings.

It shall be the duty, function, and responsibility of the civil service board to represent the interest of the public in the improvement of personnel administration. All meetings of the civil service board shall be held in offices provided therefore by the governing authority of Cobb County or in a courtroom of the superior court of Cobb County. The governing authority of said county is authorized to provide necessary clerical assistance to the board. Said board shall hold meetings as frequently as may be required for the discharge of its duties.

(1964 Ga. Laws (Act No. 733), page 2502, § 4; Res. of 11-9-76, § 2; 1977 Ga. Laws (Act No. 392), page 3208, § 3; 1989 Ga. Laws (Act No. 57), page 3869, § 3; Ord. of 11-26-96, § 4)

Sec. 22-49. Same—Duties and functions enumerated.

[The duties and functions of the civil service board shall be as follows:]

- (1) To hear appeals from any civil service employee who claims to have been improperly suspended, demoted, discharged, unlawfully discriminated against, or improperly dismissed or adversely affected pursuant to a reduction-in-force. The board's authority regarding an appeal by an employee who claims he or she was dismissed or adversely affected due to a reduction-in-force shall be limited to whether the action was in fact due to shortage of work, shortage of funds, abolishment of a position, or other material changes in duties or organization to reduce the overall staff of the organization. In conducting hearings and rendering decisions, the board shall determine whether the appointing authority, department head or person whose action is being appealed had authority to exercise such action and did exercise such action for cause within the rules and standards of the civil service board. If so found, the board shall affirm the action of the appointing authority, department head or person. In the event that the board finds that the action appealed is contrary to the rules and standards of the civil service board, the board shall reverse such an action. The board shall not modify the terms and conditions of said action of the person, appointing authority or department head, but may in its order of affirmance or reversal make recommendations of disposition which shall have persuasive force only. In addition, the board may recommend amendments to the rules and standards of the civil service board to the governing authority so as to carry forth purposes of such recommended disposition, and when such rules and standards have been approved and adopted by the governing authority of Cobb County, they shall be binding upon all parties affected by the civil service.
- (2) The civil service board shall keep and maintain an accurate record of minutes and shall be furnished clerical assistance by the governing authority to keep and maintain its minutes and records.
- (3) Said board shall be authorized to make recommendations as to amendments, additions to, and changes in said rules and standards of the civil service board from time to time and when said amendments, changes, or additions are adopted by the governing authority of Cobb County, said amendments shall be binding on all parties affected by the civil service.

- (4) Unlawful discrimination shall mean different treatment with respect to an employee's compensation, terms, and conditions and privileges of employment because of race, color, religion, national origin, sex, age, disability, or other protected class as established by applicable state or federal law. If an appeal is filed by an employee on the basis of unlawful discrimination, such appeal must include date, time, place, name, and specific act of unlawful discrimination.
- (5) The board shall have no authority to review or pass upon the budget or proposed budget of Cobb County, as all fiscal affairs are reserved to the discretion of the governing authority of Cobb County.

(1964 Ga. Laws (Act No. 733), page 2502, § 6; Res. of 11-9-76, §§ 3—5; 1977 Ga. Laws (Act No. 392), page 3208, §§ 4, 5; Ord. of 11-26-96, § 6)

Sec. 22-50. Appeal procedures.

Any civil service employee who claims he or she was suspended, demoted, or dismissed without cause, or claims unlawful discrimination, or claims he or she was adversely affected pursuant to an unlawful reduction-in-force shall have the right to appeal pursuant to the rules and standards of the civil service board. Any employee must file his or her appeal with the board in writing within ten calendar days from the date of the act complained of by the employee. Such appeal must be heard and determined by the board within 60 days of the date said appeal is filed with the board, or as soon as reasonably possible thereafter as determined by the board.

(1964 Ga. Laws (Act No. 733), page 2502, § 7; 1994 Ga. Laws (Act No. 1062), page 4625, § 1; Ord. of 11-26-96, § 7)

Sec. 22-51. Subpoena powers of civil service board.

- (a) The civil service board of Cobb County, Georgia, and any litigant entitled to appeal before said civil service board is hereby authorized to cause subpoenas to be served upon any person or persons, whether resident or nonresident of the county, requiring the attendance of such person or persons before the civil service board to offer testimony or other evidence or to offer testimony and other evidence. The civil service board shall have the power to require the production of such books, records, papers and documents as may be necessary to enable the board to carry out its duties under this division. The civil service board shall also have the right to provide for discovery in the same manner as courts of record of this state have the right to require discovery.
- (b) When a subpoena is issued pursuant to subsection (a) of this section, such subpoena may be enforced pursuant to paragraph (7) of subsection (a) of section 14 of the act known as the "Georgia Administrative Procedure Act," approved March 10, 1964 (1964 Ga. Laws (Act No. 947), page 338) (O.C.G.A. § 50-13-13(a)(7)) as now or hereafter amended.

(1978 Ga. Laws (Act No. 733), page 3637, § 1)

Sec. 22-52. Political or religious affiliation/activities.

In applying the provisions of this Act or in doing any of the things thereby provided, no person whosoever shall give any consideration to political or religious affiliations. No employee holding a position under the civil service system shall participate in political activity, except as follows:

- (1) An employee may exercise his or her right as a citizen privately to express his or her opinions cast his or her vote, and run for political office, provided that the office sought is outside the boundaries of Cobb County. Service in the elected office must not create a conflict of interest for the employee. If the governing authority finds that a conflict of loyalty exists, notice of same must be given to the employee, and the employee must relinquish the elective office within 30 days or be subject to dismissal.
- (2) An employee may actively support a candidate for political office, if for an elective office outside the boundaries of Cobb County, by contributing monetarily to the candidate's campaign, speaking on behalf of the candidate, passing out campaign literature, and displaying a candidate's political signs. However, such activity shall not be conducted during working hours, and the employee must not represent himself or herself as an employee of Cobb County. Furthermore, at no time shall an employee, in support of a candidate, engage in activity that would bring his or her employment with Cobb County into disrepute.

(Ga. Laws 1964 (Act No. 733), page 2502, § 8; Res. of 11-9-76, § 7; 1977 Ga. Laws (Act No. 392), page 3208, § 6; 1994 Ga. Laws (Act No. 1062), page 4625, § 1; Ord. of 11-26-96, § 8)

Sec. 22-53. Payment of expenses.

All costs for salaries, expenses, [and] supplies for the establishment and operation of the civil service system and civil service board shall be borne by Cobb County and paid out of county funds as a cost of administration.

(1964 Ga. Laws (Act No. 733), page 2502, § 9)

Sec. 22-54. Exceptions.

The governing authorities may, by resolution, provide for exceptions under the civil service rules and regulations so to provide for employees coming into the Cobb County civil service system from other municipalities, political subdivisions, or other governmental agencies, which functions are consolidated by contract authorized under article VII, section VI, paragraph 1, of the constitution of the State of Georgia, as such contract may provide as to eligibility and seniority of such employee; provided, however, that such employee shall be subject to any and all other rules and regulations under the civil service system applicable to him as a member of the civil service system.

(Res. of 11-9-76, § 6; 1977 Ga. Laws (Act No. 392), page 3208, § 7)

Sec. 22-55. Severability.

If any chapter, section, or other portion of this Act is found to be invalid by a duly constituted authority, it shall not affect the validity of the balance of the provisions herein.

(Ord. of 11-26-98, § 9.2)

Sec. 2-32. Powers and duties of chairman.

The chairman shall be the chairman of the board of commissioners of the county, shall preside over meetings of the commission, shall appoint the vice-chairman of the commission on an annual basis, shall appoint the committee chairmen, and shall appoint the heads of the departments of the county government from a list provided by the county manager and with the consent of a majority of the commission members and chairman.

(1964 Ga. Laws (Ex. Sess.) (Act No. 22), page 2075, § 10; 1982 Ga. Laws (Act No. 1000), page 4111, § 2; 1983 Ga. Laws (Act No. 383), page 4283, § 2; 1986 Ga. Laws (Act No. 981), page 4157, § 2; Ord. of 6-11-91, § 2; 1992 Ga. Laws (Act No. 682), page 5100, § 7)

Sec. 2-33. County manager.

- (a) There is created the office of county manager of Cobb County, who shall be appointed by the chairman with the consent of the commissioners. The qualifications, term of office, compensation, procedure for removal or suspension, method of filling vacancies, and other related matters pertaining to the office of county manager shall be provided for by resolution of the board of commissioners of Cobb County.
- (b) In his or her discretion, the chairman of the board of commissioners of Cobb County may select a person for the office of county manager solely upon the person's executive and administrative qualifications with specific reference to actual experience in or knowledge of accepted practices in respect to the duties of the office. In his or her discretion, the chairman of the board of commissioners may require any person appointed to the office of county manager to hold a bachelor's degree in business administration, accounting, finance, or related fields and possess at least five years' experience as a county or city manager or as an assistant county or city manager; or the chairman of the board of commissioners may require any person appointed to the office of county manager to hold a master's degree in any of the aforementioned fields and possess at least three years' experience as a county or city manager or as an assistant county or city manager.
- (c) The county manager shall be the chief executive officer of Cobb County and the administrative head of the county government. He shall be responsible to the board of commissioners for the proper and efficient administration of all affairs of the county, except as otherwise provided by law. It shall be the duty of the county manager to:
 - (1) See that all laws and ordinances of the county are enforced;
 - (2) Exercise control over all departments or divisions of the county which the board or chairman of the board has heretofore exercised or that may hereafter be created, except as otherwise provided in this article;
 - (3) Keep the board of commissioners fully advised as to the financial condition and needs of the county;
 - (4) Supervise and direct the official conduct of all appointive county officers

and department heads, except as may be otherwise provided in this article;

- (5) Attend all meetings of the board with the right to take part in the discussions, provided that the county manager shall have no vote on any matter or issue before the board;
- (6) Supervise the performance of all contracts made by any person for work done for Cobb County and to supervise and regulate all purchases of materials and supplies for Cobb County within such limitations and under such rules and regulations as may be imposed by the board of commissioners, provided that the county manager is authorized to make purchases and contracts for the county in amounts not exceeding the formal sealed bid limit as defined by Cobb County ordinance or resolution and as may be amended from time to time;
- (7) Confer and advise with all other elected or appointed officials of Cobb County who are not under the immediate control of the board of commissioners but who receive financial support from said board;
- (8) Devote his entire time to the duties and affairs of his office and hold no other office or employment for remuneration while so engaged; and
- (9) Perform such other duties as may be required of him by the board of commissioners.

(1983 Ga. Laws (Act No. 383), page 4283, § 3; 1989 Ga. Laws (Act No. 226), page 4422, § 1; 1992 Ga. Laws (Act No. 682), page 5100, § 8; Ord. of 7-8-97, § 1; Ord. of 9-14-04, § 1)

Sec. 2-34. Powers generally; specific powers.

The commission shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules and regulations governing all matters reserved to its exclusive jurisdiction, which policies, rules and regulations, when so adopted, with proper entry thereof made on the commission minutes, shall be conclusive and binding on the county manager. The policies, rules and regulations so adopted by the commission shall be carried out, executed and enforced by the county manager as chief executive officer of the county; and the commission shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. Any action taken by said county manager which is in conflict with such adopted resolutions and which deals with matters exclusively reserved to the jurisdiction of the commission shall be null, void and of no effect. The following powers are hereby vested in the commission and reserved to its exclusive jurisdiction:

- (1) To levy taxes.
- (2) To make appropriations.
- (3) To fix the rates of all other charges.
- (4) To authorize the incurring of indebtedness.
- (5) To order work done where the cost is to be assessed against benefited property, and to fix the basis for such assessment.

- (6) To authorize contracts and purchases except as otherwise provided for herein or under such rules and regulations as may be imposed by the board of commissioners, involving the expenditure of county funds.
- (7) To establish, alter or abolish public roads, private ways, bridges and ferries, according to law; provided, however, that the chairman shall have the authority to accept subdivision plats when the requirements established by the commission for subdivisions have been met.
- (8) To establish, abolish or change election precincts and militia districts according to law.
- (9) To allow the insolvent lists for the county.
- (10) To accept, for the county, the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county, or by the commissioner or board of commissioners of the county.
- (11) To exercise all powers, duty and authority heretofore imposed upon or vested in the commissioner of roads and revenues of Cobb County in respect to zoning and planning.
- (12) To create and change the boundaries of special taxing districts authorized by law.
- (13) To fix the bonds of county officers where same are not fixed by statute.
- (14) To enact any ordinances or other legislation the county may be given authority to enact.
- (15) To determine the priority of capital improvements.
- (16) To call elections for the voting of bonds.
- (17) To exercise all of the power and authority heretofore vested by law in the commissioner of roads and revenues of Cobb County or in the Cobb County advisory board together with the power and authority which may be delegated by law to the governing authority of the county, by whatever name designated, except such authority or power given to the chairman by the provisions of this article.
- (18) To make purchases in amounts over the formal sealed bid limit as defined by Cobb County ordinance or resolution and as may be amended from time to time; provided, however, that for any purchases in amounts over the formal sealed bid limit, advertisements for bids or proposals shall be first published for a minimum of two consecutive weeks in the official organ of Cobb County and/or through the internet. Formal sealed bids or proposals, after said advertising has been published, must be obtained on all purchases exceeding the formal sealed bid limit. Advertisement and the obtaining of formal sealed bids or proposals may be dispensed with when, in the discretion of the commission, an emergency exists which will not permit a delay, or such is not required by the laws, rules and regulations as may be imposed by the board of commissioners or by general law. Nothing contained herein shall supercede more restrictive general laws applicable to county purchasing authority.

(1964 Ga. Laws (Ex. Sess.) (Act No. 22), page 2075, § 11; 1982 Ga. Laws (Act No. 1000), page 4111, § 3; 1983 Ga. Laws (Act No. 383), page 4283, § 4; 1989 Ga. Laws (Act No. 226), page 4422, § 2; 1992 Ga. Laws (Act No. 947), page 6128, § 1; Ord. of 7-8-97, § 2; Ord. of 9-14-04, § 2)

2

DEPARTMENT CODE OF CONDUCT

Effective Date: Adopted 1978 **Revised:** 07/23/2008

1.02 Unbecoming Conduct

Personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Police Department. Unbecoming conduct shall include that which tends to bring the Department into disrepute or reflects discredit upon the person as a member of the Department, or that which tends to impair the operation or efficiency of the Department or its personnel.

1.25 Courtesy

Personnel shall at all times be courteous and respectful to the public and to one another. Personnel shall be tactful in the performance of their duties, shall control their tempers, and exercise patience and discretion. In the performance of their duties, personnel shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning sex, gender, race, ethnic background, religion, age, politics, national origin, lifestyle, or similar personal characteristics.

3

Cobb County Police Department

Policy 1.03

ORGANIZATION OF THE DEPARTMENT

Effective Date: February 1, 2015
Rescinds: Policy 1.03 (December 15, 2013)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 10
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to outline the structure and responsibility of the components that make up the Cobb County Police Department.

I. GENERAL

- A. The rank of a supervisor assigned to command is commensurate with the number of employees assigned and the complexity of the tasks. Personnel shall not be given the responsibility for a function without the commensurate authority to carry it out.
- B. Each component of the Department is under the command of only one supervisor. Every employee within a component of the Department, under normal circumstances, is immediately accountable to only one supervisor.
- C. Sworn investigative positions within the Department are the same in rank and grades as in the Uniform Patrol Bureau.

II. OFFICE OF THE CHIEF OF POLICE

A. Chief of Police

The Chief of Police is the Commander of the Cobb County Police Department. He is appointed by the Cobb County Board of Commissioners.

The Chief of Police may grant or delegate authority to ranking members of the Department as necessary for the efficient operation of the Department. He has the ultimate responsibility for the preservation of life, property, order, investigation of crime, suppression of criminal activity, and enforcement of state laws and county ordinances. These objectives are accomplished through written and oral orders, policies, procedures, guidelines and directives, as well as personal leadership exerted through subordinate commanders and officers.

1.03 Organization of the Department

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The general duties and responsibilities of the Chief of Police are planning, directing, coordinating, controlling, and staffing of the operational, administrative, and staff activities of the Department. The Chief is responsible for ensuring the written goals and objectives for the agency and each organizational component in the agency are formulated and updated on an annual basis. He is responsible for making appointments to key managerial positions as well as those supervisory positions authorized by Civil Service. He administers the Oath of Office to all newly hired sworn personnel. The Chief is ultimately responsible for the enforcement of all rules and regulations.

B. Deputy Chiefs of Police

The Deputy Chiefs of Police are appointed by the Chief of Police. They report directly to the Chief and act on his behalf in his absence.

The authority of the Deputy Chiefs is subject to the direction of the Chief, and pursuant to the laws of the State of Georgia, the ordinances of Cobb County and the policies and rules of the Police Department. The Deputy Chiefs exercise authority over all components of the Department and confer regularly with the Chief on operational and administrative matters.

C. Adjutant Office

The Chief's Office is assigned an Adjutant. He is responsible for assisting the Chief and Deputy Chiefs, and completing administrative projects as assigned.

1. Reserve Coordinator

The Reserve Coordinator reports to the Adjutant. He is responsible for coordinating the activities of all Reserve Police Officers and other duties as requested.

2. False Alarm Reduction Unit

Personnel assigned to the False Alarm Reduction Unit report to the Adjutant. The responsibilities of the Unit are to educate the public on the alarm ordinances, maintain the no-response alarm list, and reduce the incidents of residential and commercial false alarms.

3. Budget Coordinator

The Budget Coordinator is a part time position that reports to the Adjutant. He is responsible for monitoring and analyzing the current and future budgets; as well as tracking expenditures, facilitating Department purchases, and assisting on other financial projects as needed.

4. Crime Analysis

Crime Analysis personnel report to the Adjutant. Their mission is to provide current Crime Analysis for the Department. They will generate periodic status reports as well as other reports on request.

D. Cobb County Public Safety Training Center and Police Academy

The Police Academy is responsible for the administration of the Georgia Peace Officers Standards and Training Council Mandate Basic Training Program for new police recruits. It acts as the training function of the Police Department by maintaining training records on personnel. Other police-related sections include Physical Fitness, Firing Range, Advanced Training, and Specialized Training. The Academy Director reports to the Chief of Police, or his designee.

III. PRECINCT OPERATIONS

The Precinct Commanders report to the Precinct Operations Adjutant, who reports directly to the Precinct Operations Deputy Chief. Each Precinct Commander is responsible for the preservation of life, property, order, investigation of crimes, suppression of criminal activity, and enforcement of state law and county ordinances within his area of operation.

A. Patrol Shifts

Patrol shifts are established to prevent crime, enforce laws, and respond to calls for service 24 hours a day, seven days a week. The commander of each patrol shift reports to the Precinct Commander.

B. Criminal Investigation Units

Each precinct is assigned a Criminal Investigation Unit (CIU). The CIU Commander reports to the Precinct Commander. The CIU assigned to each precinct is responsible for investigating the following:

1. Burglary – both residential and commercial;
2. Theft – felony and misdemeanor, and incidents of shoplifting;
3. Impersonating a Police Officer;
4. Discharging of Firearms/No Injury;
5. Pawned stolen property (responsibility of Pawn Shop Squad); and
6. Vehicle Theft – to include autos, motorcycles, boats and aircraft (responsibility of Auto Theft Squad).

IV. SUPPORT OPERATIONS

A. Crimes Against Persons Division

The Crimes Against Persons Division Commander reports directly to the Support Operations Deputy Chief.

1. Robbery/Homicide Unit

The shift commanders of the Robbery/Homicide Unit report directly to the Crimes Against Persons Division Commander. This unit is responsible for the investigation of the following:

- Deaths – homicides, suicides, natural, accidental (except traffic fatalities), and others as requested;
- Assault/Battery – including those against children shot or stabbed, but excluding cases of Family Violence;
- Sex offenses – involving victims over the age of 17 years;
- Kidnapping – except parental “snatching” or incidents involving the sexual assault of a juvenile;
- Missing Persons;
- Extortion;
- Harassing, obscene, or threatening telephone calls;
- Product Tampering;
- Terroristic Threats; and
- Robberies (except intimidation between juveniles)

a. High Tech Crime Squad (HTCS)

The supervisor of the HTCS reports to the designated shift commander of the Robbery/Homicide Unit. The HTCS is responsible for investigating computer crimes or cases involving computer evidence, as well as providing support for the forensic analysis of electronic devices.

b. Crime Scene Technicians

The Crime Scene Technicians reports to the designated shift commander of the Robbery/Homicide Unit. They are responsible for the collection of evidence at crime scenes, conducting forensic analysis as requested, and operation of the Department’s Automated Fingerprint Identification System (AFIS).

2. Special Victims Unit

The commander of the Special Victims Unit reports directly to the Crimes Against Persons Division Commander.

a. Crimes Against Children (CAC) Unit

The CAC supervisors report directly to the Special Victims Unit Commander. This unit is responsible for the investigation of the following incidents:

1.03 Organization of the Department

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1. Investigation of child abuse/neglect of persons under the age of 18.
2. Sexual offenses where either the perpetrator or victim is a juvenile.
3. Domestic snatching (parental kidnapping), and juvenile missing persons (if foul play is evident, the Homicide/Persons Unit will investigate).
4. All aggravated assault and/or aggravated battery involving persons under the age of 17 (unless death appears imminent, then the Homicide/Persons Unit will investigate).
5. Family Violence cases involving a juvenile victim.
6. Robbery involving intimidation between juveniles.
7. Offenses on school property which involve illegal drugs.

b. Domestic Violence/Stalking (DVS) Unit

This DVS supervisors report directly to the Special Victims Unit Commander. The unit is responsible for investigation of the following incidents.

1. Domestic Violence
2. Stalking
3. Family Violence cases involving Department employees, or sworn officers from other jurisdictions
4. Family Violence cases involving in-patient hospitalization, serious injury, or other specific factors, will be referred to the DVS unit.

B. Administrative Services Division

The Administrative Services Division Commander reports directly to the Support Operations Deputy Chief. He is responsible for general administrative activities for the Department to include legal research. He also serves as a liaison to government and community agencies on behalf of the Department. The Public Information Officers and the Special Projects Unit report to the Administrative Services Division Commander for administrative purposes.

1. Central Records Unit

The manager of the Central Records Unit reports directly to the Administrative Services Division Commander. The Central Records Unit maintains files, records, and documents submitted to the Records Unit for processing, retention and storage. The Central Records Unit is responsible for disseminating reports in accordance with Open Records Laws. The National Crime Information Center (NCIC) and Georgia Crime Information Center (GCIC) computer system is also maintained and operated by this unit.

a. Permits Unit

The supervisor of the Permits Unit reports directly to the manager of the Central Records Unit. The Permits Unit is responsible for licensing and enforcement in any activity regulated by Cobb County Ordinances (alcohol beverage sales, wrecker services, taxi services, etc.).

b. Property and Evidence Unit

The supervisor of the Property and Evidence Unit reports directly to the manager of the Central Records Unit. The Property and Evidence Unit is responsible for the storage and return of property recovered by the Police Department. This unit is responsible for the handling, storage, processing and disposition of all evidence.

c. Public Information Office

Personnel assigned to the Public Information Office report to the manager of the Central Records Unit, however, they have the authority to report directly to the Chief of Police on media and public relations issues. The Public Information Office is the primary point of contact for the dissemination of information from the Department to the media and general public. The Public Information Office is also responsible for the Community Education / Crime Prevention Function. Personnel conduct crime prevention seminars and training, and coordinate similar activities conducted by the precincts and special units.

d. RMS Coordinator

The RMS Coordinator reports to the manager of the Central Records Unit. The RMS Coordinator is responsible for monitoring the system functions of the Department's records management computer system, examining work process to ensure quality control, and providing technical support as necessary.

e. Special Projects Unit

Personnel assigned to the Special Projects Unit report to the manager of the Central Records Unit, however, they have the authority to report directly to the Chief of Police in all matters regarding unit assignments. The unit is responsible for accreditation and certification management, policy development, and conducting planning and research. The unit provides administrative support to other components of the Department when requested to do so by the Chief of Police or his designee.

C. Special Operations

The Special Operations Commander reports directly to the Support Operations Deputy Chief. Special Operations is responsible for dedicated police operations designed to meet specific law enforcement objectives within the County.

1. Selective Traffic Enforcement Program (STEP)

The Selective Traffic Enforcement Program (STEP) Commander reports directly to the Special Operations Commander. STEP is responsible for investigating fatal traffic crashes and enforcement of traffic laws in those areas which analysis indicates an elevated mean of traffic crashes and disregard for traffic laws, administration and execution of the Motor Carrier Safety Assistance Program, special security details, and investigation of traffic crashes involving Department vehicles when requested.

a. Motor Unit

The Motor Unit supervisors report to the STEP Commander. Motorcycle officers are utilized for investigating traffic complaint areas, Motor Carrier Safety Assistance Program enforcement, extended traffic direction details, and police escorts.

b. Hit and Run

Hit and Run is assigned to STEP. The unit investigates traffic crashes in which an involved party fails to report the crash or leaves the scene.

2. Driving Under the Influence (DUI) Task Force

The commander of the DUI Task Force reports to the Special Operations Commander. The DUI Task Force is responsible for enforcement of laws governing DUI.

3. Violent Incident Prevention and Early Response (VIPER) Unit

The commander of VIPER reports to the Special Operations Commander. The primary mission of the VIPER Unit is to reduce the occurrences of street level violent crimes.

a. Quality of Life Unit

The Quality of Life Unit supervisor reports to the VIPER Commander. The primary mission of the Quality of Life Unit is to enhance the quality of life for the citizens of Cobb County by

enforcement of state law and county ordinances. The Unit focuses on neighborhoods and enforces existing ordinances related to property maintenance, littering, illegal car sales and any other laws pertaining to quality of life issues.

4. Tactical Unit

The commander of the Tactical Unit reports directly to the Special Operations Commander. The Tactical Unit supports both Precinct and Support Operations. The unit provides directed patrols in high crime areas, high risk warrant service and covert surveillance of entities likely to be victims of violent crimes.

5. Canine Unit

The commander of the Canine Unit reports to the Special Operations Commander. Canines are used for the detection and apprehension of criminals, detection of contraband, and any other duties which deters criminal activity or supports the welfare of the community.

a. Ranger Unit

The Ranger Unit reports to the commander of the K9 Unit. The primary mission of the Ranger Unit is the enforcement of state laws and Cobb County Ordinances on Cobb County Park properties, and at other installations and locations at the direction of the Chief of Police.

V. SPECIAL UNITS

Members of the following units are assigned to regular duties in the Department. They report to these specialized units when a request for services is initiated. For administrative purposes the CNT, USRT, SWAT, and Bomb Squad report to the Special Operations Commander; and the commander of the Honor Guard reports to the Chief of Police. During operations, or at a critical incident, the units will follow their internal chain of command and report to their unit leader or the On-Scene Commander.

A. Underwater Search and Recovery Team (USRT)

Personnel assigned to the USRT are qualified divers. They have the responsibility for the recovery of persons, property, or evidence known or believed to be located in a body of water within Cobb County. Upon the request of other agencies, the team will respond outside Cobb County at the direction of the Chief of Police or his designee.

B. Special Weapons and Tactics Team (SWAT)

Personnel assigned to the SWAT Team respond to the following incidents when

requested by a Department supervisor:

1. A dangerous felon(s) or escaped prisoner(s) have fled or are known to be in an area too large for an effective perimeter by on-duty personnel. An element of danger must be present which makes immediate apprehension necessary.
2. A suspect has taken hostages and/or is barricaded in a position after having used force or threatened to use force on themselves or others.
3. High risk and/or "no knock" warrant service.

Upon the request of other agencies, the team will respond outside Cobb County at the direction of the Chief of Police or his designee.

C. Bomb Squad

Personnel assigned to the Bomb Squad respond to incidents where a suspected explosive device is discovered. It is the duty of the assigned personnel to handle, transport, and/or render safe any explosive device.

D. Crisis Negotiation Team (CNT)

Crisis Negotiators respond to incidents involving hostage/barricaded subject incidents. Crisis Negotiators will also respond to any other incidents at the request of a supervisor where their skills and capabilities are of use in resolving an incident or situation.

E. Honor Guard

The Honor Guard represents the Department when a ceremonial display of colors or respect is required as directed by the Chief of Police.

VI. MARIETTA-COBB-SMYRNA (MCS) ORGANIZED CRIME UNIT

MCS is sub-divided into two separate units (Narcotics and Intelligence), each with its own unit commander, personnel and responsibilities. The Department participates in this organization by providing both supervisory and non-supervisory personnel. All complaints of drug, vice or other organized crime activity that can not be investigated by field personnel (due to the complexity of the investigation) will be forwarded to the MCS Organized Crime Unit. The Intelligence Unit commander reports administratively to the Support Operations Deputy Chief.

A. Criminal Apprehension and Gang Enforcement (CAGE) Unit

The CAGE Commander reports to the MCS Intelligence Lieutenant. The purpose of the CAGE Unit is to identify gangs, gang activity, and gang members in Cobb County. They will investigate illegal activity conducted by gangs and gang

members, and pursue charges based upon gang related statutes. The CAGE Unit will also perform a community education role by educating the public on gang activity.

VII. DEPARTMENT OF PUBLIC SAFETY SUPPORT

The Department of Public Safety administers several support components essential to the success of the Police Department. These components and their duties are:

A. Recruitment Unit

The Recruitment Unit actively seeks potential sworn employees for the Police Department through public information presentations. The unit consists of sworn officers.

B. Internal Affairs Unit

This unit investigates the background status and conducts other hiring requirements for new personnel. The unit investigates and/or refers complaints concerning possible policy or rules violations by members of the Police Department. Non-rated sworn officers assigned to this unit are designated as Investigators. Rated officers will maintain their respective rank designations.

C. Personnel Administration Section

This section is responsible for maintaining personnel files for all employees of the Police Department. It is also responsible for maintaining salary accounts, benefits programs, and other employee-related procedures. This section is staffed by civilian employees.

D. Communications Center

The Communications Center is responsible for radio communications with all police units. The Center maintains and operates the 911 emergency system for Cobb County. It is under the supervision of a civilian director.

E. Property Maintenance and Supply Units

These units are under the supervision of civilians and are responsible for building maintenance, office supplies, and uniform and equipment issuance for the Police Department.

VIII. CIVILIAN POSITIONS

The Cobb County Police Department utilizes civilian personnel in various support functions within the agency. Civilian positions may be added or deleted to accommodate the needs of the Department at the discretion of the Chief of Police.

Cobb County Police Department

Policy 1.04

CHAIN OF COMMAND

Effective Date: January 12, 2013
Rescinds: Policy 1.04 (June 10, 2009)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 3
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The chain of command is based upon the concept that management, supervision and staff must communicate in order to be effective. All Police Department personnel will observe the chain of command as set forth in this policy.

I. AUTHORITY AND RESPONSIBILITY

- A. Each supervisor of the Department is accountable for the performance of the employees assigned to his command.
- B. Each employee of the Department is vested with the authority to make a decision to accomplish the assigned task. Each member, in whom delegated authority is vested, is accountable for the use of such delegated authority, as well as the failure to use it.

II. CHAIN OF COMMAND

- A. The chain of command, according to rank, shall be as follows:
 - 1. Sergeant
 - 2. Lieutenant
 - 3. Captain
 - 4. Major
 - 5. Deputy Chief
 - 6. Chief

Above the rank of Chief the chain of command continues to the Department of Public Safety through the Director, when authorized or required.

- B. If a person is assigned to a special unit or function which does not have all ranks of the chain of command, he would be expected to utilize those ranks which are assigned to the unit. For example, if a unit is commanded by a Lieutenant, but has no Sergeant in the chain of command, the Lieutenant would be the first in the chain.

III. CHAIN OF COMMAND INVOLVING MORE THAN ONE SECTION

In police incidents, there are often occasions when personnel of different Bureaus or Units of the Department are at a scene. When situations such as these arise, the highest ranking officer assuming responsibility of the incident will be in charge of the incident. However, the ranking official may defer authority to the Bureau or Unit with primary responsibility of the specific incident to be in command (i.e., at the scene of a homicide, the ranking Detective; at a traffic fatality scene, ranking S.T.E.P. Officer, etc.). This highest ranking officer, even if deferring authority to a lower ranking officer, shall always be responsible and accountable for the supervision of the incident.

In the event two or more Department members of the same rank are present at an incident, the member having primary responsibility of the scene will be in charge of the incident. (e.g. if the on-duty supervisor (Sergeant) and the S.T.E.P. supervisor (Sergeant) are present at a traffic fatality scene, the S.T.E.P. supervisor will be in charge.)

IV. ISSUES OUTSIDE THE CHAIN OF COMMAND

If an employee in one chain of command needs to formally communicate a matter of administration or operations to an employee in a different chain of command, the matter should go to the highest level necessary in one chain before transfer to another chain. For example, when an employee has a formal complaint against an employee in another precinct, he should forward it through his chain to his precinct commander, who will forward the issue to the appropriate precinct commander.

V. CIRCUMVENTING THE CHAIN OF COMMAND

Circumstances may arise which make it necessary to alter the traditional chain of command (e.g. – illegal, immoral, or improper conduct by a superior officer; matters which, if reported through the proper chain of command, might hold the reporting employee up to ridicule, retaliation, or other such actions; emergency situations, crime scenes, etc.).

- A. Should it become necessary or appropriate to alter the chain of command and proceed past a specific person, the employee will notify his immediate supervisor as soon as possible, if appropriate. A higher member of the chain of command may relieve the employee of that responsibility.
- B. Employees should not circumvent the chain of command by falsely disguising any operational or official issues directly impacting the Department as a “personal matter” or matter of urgency. Employees must realize that efficient operation is paramount and personal lives are often impacted by the work schedules and events inherent in the law enforcement profession. Issues regarding work schedules, assignments, equipment problems, etc., should be addressed to the immediate supervisor and handled by the chain of command.

- C. Employees of the Department should not construe this policy to mean that they are prohibited from greeting or otherwise engaging in causal conversation any superior officer in this Department or any official outside this Department.

VI. WRITTEN COMMUNICATIONS

- A. Written communication shall be directed up the chain of command using the following example:

MEMORANDUM

TO: Chief

FROM: Officer

THRU: Deputy Chief
Major
Captain
Lieutenant
Sergeant

SUBJECT: Transfer

DATE: January 1, 2000

- B. Written communication using this format must actually be sent through each level specified in the memorandum. It is not permissible to send the original to the "TO" with copies to persons in the "THRU" line. Copies may be sent to persons outside the chain of command who have a need for the information.
- C. Any person in the "THRU" line, with valid cause, has the option to refuse to forward the communication on through the chain of command. Such action would dictate returning the memorandum to the sender with an explanation of why it is not being forwarded through the chain of command. This explanation must be written.
- D. Written correspondence should be addressed to the person responsible for taking action on the subject. Not all correspondence needs to go to the Chief of Police.

Cobb County Police Department

Policy 1.05

INSPECTIONS

Effective Date: November 11, 2011
Rescinds: Policy 1.05 (August 8, 2010)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 4
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

This policy establishes and defines guidelines to be followed in conducting inspections of agency personnel, equipment, and all organizational components within the Department.

The purpose of inspections is to examine and evaluate the quality of the operations of the Cobb County Police Department, ensuring that the Department's goals are being pursued, identifying the need for additional resources, and ensuring that control is maintained throughout the agency.

I. POLICY

All property belonging to the Department is subject to inspection at any time without notice since there is no expectation of privacy. Property owned by the Department includes, but is not limited to, government vehicles, desks, containers, files, storage lockers, as well as assigned equipment and clothing.

II. DEFINITIONS

As used in this policy, the following words and terms shall have the meaning ascribed:

A. Line Inspections

Inspections conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected. Line inspections may be carried out by any supervisor within the chain of command and is often conducted by supervisory personnel who may also be responsible for ensuring that any substandard conditions revealed in the inspection are corrected.

B. Staff Inspections

Inspections conducted by personnel who do not have control of the persons, facilities, or procedures being inspected. Staff inspectors are generally members of a specialized component responsible for conducting inspections throughout the agency.

The results of staff inspections are usually reported to the chief.

C. Unusual Occurrence Equipment Inspections

Inspections conducted to ensure the readiness of equipment and supplies to be used in support of emergency operations or unusual occurrences.

III. LINE INSPECTIONS

Line inspections and correction of deficiencies are ongoing activities and are a primary responsibility at every level of supervision. Line inspections provide a mechanism for achieving accountability within the Department.

- A.** Supervisors will conduct inspections of facilities, vehicles, equipment, and personnel on a daily basis. Daily line inspections may be conducted in a formal military manner or informally, at the discretion of the supervisor.
 - 1. Facilities and furniture should be inspected for general condition and cleanliness, the status of holding cells should be verified, an adequate supply of paperwork should be observed, log books examined, etc.
 - 2. Vehicles should be inspected for overall condition of the vehicle and emergency equipment.
 - 3. Shared equipment should be visually inspected and accounted for.
 - 4. Personnel should be inspected for compliance with grooming and dress standards, general appearance, readiness for duty, and general condition of equipment.
- B.** At least once per month, a shift/unit supervisor will conduct a formal inspection of unit facilities, vehicles, equipment, and personnel. Formal inspections will be documented on a Formal Line Inspection Form and attached to the Monthly Report.
- C.** At any time a supervisor may direct a special purpose line inspection. Examples of a special purpose inspection may include: employee policy and procedure manuals; uniforms and equipment; assigned lockers on loan for employee use; training manuals; property/evidence room audits, etc.
- D.** Whenever a deficiency is found, the supervisor will immediately take corrective action, if possible. Problems that cannot be corrected by the supervisor should be reported to the respective precinct/unit commander, in writing, describing the problem and recommending a solution.
- E.** Any supervisor reporting a deficiency that he can not correct, will be responsible for follow-up to ensure that corrective action has been taken.

IV. STAFF INSPECTIONS

Staff inspections complement and augment the line inspection function. Ideally, the focus of staff inspections should be on how things are being done, not necessarily on the people who are doing them. The staff inspection function in the police profession is similar to the quality control process in the private sector.

A. Staff Inspector

The Chief of Police will designate a subordinate commander(s) to conduct staff inspections.

B. Staff Inspection Procedures

1. Notification to the unit being inspected may be made prior to initiating any inspection, but is not necessary.
2. Staff inspections will be conducted with as little disruption of routine unit activity as possible. The operation of the unit being inspected should not be unnecessarily restricted.
3. Staff inspections should include, but not be limited to, the following:
 - Examination of the individual or standard operating procedures
 - Examination of mandated records and files
 - Observation of operating procedures
 - Examination of equipment and work areas
 - Interviews with selected personnel
4. Staff inspections should provide answers to questions of vital importance, such as:
 - Are established policies, procedures, and rules being followed and in the spirit for which they were intended?
 - Are these policies, procedures, and rules adequate to attain the desired results?
 - Are the resources at the Department's disposal, both personnel and equipment, being utilized to the fullest extent?
 - Are the resources adequate to carry out Departmental goals and objectives?
 - Does or could there exist any deficiency in personnel, training, morale, supervision or policy which should be corrected or removed?
 - How accurate and reliable is the data that the Department collects?
 - Of what quality are the responses to calls for services and the reporting system?

C. Report of Findings

At the completion of the inspection, the inspector(s) will discuss with the commanding officer the results of the inspection and recommendations being made. The inspector(s) will then prepare a written report for submission to the Chief of Police. The report will summarize the staff inspection activities, discuss strengths and weaknesses identified, and make any recommendations for improvement. All reports should be clear and concise and conclusions should be supported with appropriate documentation.

D. Staff Inspection Follow Up

The results of the staff inspection will be discussed with the Chief of Police, Deputy Chief, inspector(s), and affected precinct/unit commander. The precinct/unit commander will be responsible for preparing a written report for noted deficiencies that were not immediately corrected. The Chief of Police may require a follow-up inspection of areas with noted deficiencies.

E. Frequency of Staff Inspections

All organizational components will receive a staff inspection at least once every three (3) years. The Chief of Police may direct more frequent staff inspections as needed.

V. UNUSUAL OCCURRENCE EQUIPMENT INSPECTION PROCEDURES

Each month, all equipment designed for use in unusual occurrence situations is inspected for operational readiness

- A.** Specialized unit commanders will be responsible for conducting the inspection of their respective equipment. Equipment shall include that which is issued to the unit as well as unit equipment issued to individual officers.
- B.** Precinct commanders will be responsible for conducting the inspection of the equipment assigned to their respective precinct. This shall not include items issued to individual officers.
- C.** A report on the results of the above listed inspections will be included in the monthly report.
- D.** Should it be discovered that any special purpose vehicle or equipment designated for use in an unusual occurrence is inoperable, the inspector or unit commander of the assigned equipment will immediately notify the designated on-scene commander who will, in turn, notify the Chief of Police.

Cobb County Police Department

Policy 2.13

DISCIPLINARY INVESTIGATIONS

Effective Date: February 1, 2015
Rescinds: Policy 2.13 (November 11, 2011)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 5
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this order is to outline procedures to be used in the investigation of disciplinary issues.

I. AUTHORITY

Discipline is a function of command. All supervisors are responsible for enforcing all Department policies and rules and for taking appropriate action when violations occur.

- A. All allegations of serious employee misconduct (criminal activity, excessive force, sexual harassment, fitness for duty, drug/alcohol violations, etc.) shall be referred directly to the Department of Public Safety Internal Affairs Unit for investigation. As soon as possible, the Chief of Police will be notified, through the chain of command, of allegations of serious employee misconduct. The IA Commander has the authority to report directly to the Chief of Police.
- B. Less serious infractions (courtesy, vehicle operations, report writing, etc.) shall be handled by the appropriate chain of command. If a question arises concerning the proper investigative authority in a particular case, the matter shall be referred to the Commander of the Internal Affairs Unit.
- C. When an investigation is referred to Internal Affairs, the IA Commander will have the authority to decide if the alleged violation is to be handled by Internal Affairs, returned to the chain of command for investigation, and/or investigated by another appropriate authority.

II. ADMINISTRATIVE INVESTIGATIVE LEAVE

- A. A supervisor has the authority to relieve a subordinate of duty and place him on administrative leave with pay for no more than one complete shift. An employee should be relieved of duty and placed on administrative leave with pay only in emergency situations, where continuing the employee on duty would constitute a danger to the employee or others (e.g., an employee who cannot stay awake or

who is believed to be under the influence of intoxicants). In such cases, the involved supervisor shall, before the employee's next regular shift, notify the chain of command.

B. The Chief of Police, Deputy Chief of Police, or the Commander of the Internal Affairs Unit may place an employee on administrative leave in accordance with the Civil Service Board Rules and Regulations. Examples include, but are not limited to:

1. When an employee must be relieved of duty pending the results of an investigation into allegations of misconduct;
2. Fitness for duty; or
3. An incident involving serious bodily injury or death.

Prior to release from administrative leave, the Chief of Police will be informed as to the progress and details of the investigation.

III. COMPLAINT RECEIPT PROCEDURE

It is incumbent upon the supervision and management of the Cobb County Police Department, and the Department of Public Safety Internal Affairs Unit, to ensure the integrity of the Police Department. In order to accomplish this objective supervisors will receive, evaluate, and appropriately investigate (or refer) complaints against the agency or its employees, to include anonymous complaints.

A. Any valid complaint received by any supervisor regarding any violation of the Code of Conduct, Policy Manual, Department Procedures, Cobb County Policies and/or Procedures, or State/Federal Law shall be properly documented on a Complaint Form. A valid complaint is one that can not be resolved immediately by a supervisor without the need for additional investigation. An inquiry as to the validity of a citation is not a valid complaint.

B. Complaints about a policy or practice of the Cobb County Police Department will be directed to the Special Projects Unit.

C. The complainant, if known, shall be notified of the receipt of the complaint. Notification may be done by phone or in writing (email or letter), but will be included with the documentation of the investigation.

D. Prior to beginning an investigation, the receiving supervisor will enter the complaint into the Citizen Complaint module of the PISTOL Records Management System (RMS).

- I. A brief synopsis of the complaint should be entered into the "Complaint" section under the "Page 1" tab.

2.13 Disciplinary Investigations

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2. Each complaint will receive a System ID Number (not each employee or complainant). The System ID Number is automatically generated by RMS.

Example: If two citizens complain about the same officer for the same actions, this is one complaint and it receives one System ID Number. The same holds true for one complainant making accusations against multiple officers arising from the same incident.

IV. INVESTIGATIONS

Any member of the Police Department or Internal Affairs Unit charged with investigating a complaint will have open access to all areas in the Department in relation to the investigation.

A. Purpose of Investigations

The purpose of investigations is to:

1. Clear the innocent.
2. Allow the Department to assist employees in job functions without resorting to disciplinary actions.
3. Establish guilt of employees engaged in misconduct.
4. Facilitate prompt and just disciplinary action.
5. Expose policies or procedures which have been found to be defective.

B. Interviews with Employees

All personnel will ensure the following guidelines are adhered to when interviewing employees of the Department:

1. The rights and privacy of all involved employees will be protected at all times. Employees will not be threatened or subjected to offensive or abusive language; they will be treated with respect and dignity.
2. Interviews with employees will take place at a location designated by the investigating officer and at a reasonable hour (unless the urgency of the investigation dictates otherwise).
3. The employee will be advised of the nature of the investigation and the name of the complaining party in the matter before the interview begins.

2.13 Disciplinary Investigations

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4. The interview will be conducted only for a reasonable length of time. Breaks will be taken for personal necessities, meals, and rest if requested by the employee, and if such requests are made at reasonable intervals.
5. Interviews may be recorded. The employee being interviewed will be told he may take notes and is also allowed to audio record the interview, but his tape will remain in the custody of the investigating authority. Upon conclusion of the investigation and disposition of the case, the tape will be authorized for release to the employee.
6. Any employee being interviewed by Internal Affairs:
 - a. May request to have his attorney present during the interview. The attorney may be allowed to sit in during the interview, but will not be allowed to participate in any way.

If the lawyer does not respect the guidelines established by Internal Affairs, he will be removed from the interview and the employee told that the refusal to answer questions without the attorney could subject him to disciplinary action, including dismissal from the Department.

- b. Will be advised of the administrative nature of the investigation and will be advised of their Garrity Rights.
- c. Will be asked to swear to the truthfulness of the statement given and ordered not to discuss the incident or the interview with anyone outside the Internal Affairs Unit.

C. Periodic Status Reports

Should an investigation take longer than ten (10) business days, the complainant, if known, shall be notified that the investigation is still on-going. Other periodic notifications should be made as needed. Notifications may be done by phone or in writing (email or letter), but will be included with the documentation of the investigation.

D. Investigative Results

1. Generally, investigations will be completed within ten (10) business days from receipt of the complaint. The precinct/unit commander may extend this time limit on a case by case basis.
2. A detailed synopsis of the investigation will be entered into the "Supervisor's Actions" section under the "Page 2" tab.
3. Completed investigations shall be categorized according to the result of the investigation.

2.13 Disciplinary Investigations

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a. Unfounded

The investigation reveals the allegation is false or was not factually based. No disciplinary action is warranted.

b. Exonerated

The incident complained of did occur, but was lawful or proper. No disciplinary action is warranted.

c. Not Sustained

There is insufficient evidence to either prove or disprove the allegation. No negative discipline may result, but positive discipline in the form of training, counseling, etc., may be appropriate.

d. Sustained

The allegation is supported by sufficient evidence. Appropriate disciplinary action is warranted.

4. The complainant, if known, shall be notified of the results of the investigation upon its conclusion. Notification will be of the category only, not the discipline administered. Notification may be done by phone or in writing (email or letter), but will be included with the documentation of the investigation.
5. When a completed Internal Affairs investigation is submitted to the chain of command for review, the unit captain/major will be responsible for ensuring a synopsis of the investigation is completed, and each charge in the investigation has been categorized (unfounded, exonerated, not sustained, sustained).
6. Completed investigations, and all associated investigative materials (video/audio, witness statements, investigative synopsis, etc.) will be forwarded through the chain of command to the Bureau Deputy Chief.
7. After review by the Chief's Office, completed investigations will be forwarded to Internal Affairs for retention purposes. Records will be stored in a secure area with limited access to protect confidentiality.

Cobb County Police Department

Policy 2.14

DISCIPLINARY ACTIONS

Effective Date: February 1, 2015
Rescinds: Policy 2.14 (January 9, 2011)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 4
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The actions established by this policy will be utilized to ensure accountability for the conduct of all members of the Department.

I. POLICY

It is the policy of the Cobb County Police Department that discipline be administered in a fair and consistent method to promote good order and morale. Discipline will be administered as a function of the command responsibility to ensure compliance with directives established by the Department and its subordinate units.

Disciplinary Actions will be administered in accordance with the Progressive Discipline Policy and with the procedures set forth in the Rules and Standards of the Cobb County Civil Service Board.

II. SUPERVISORY ROLE

The role of first line supervisors is particularly crucial. These supervisors have the best opportunity to observe the actions and conduct of members of the Police Department. Additionally, they are best able to detect those instances where disciplinary actions are warranted.

- A. Supervisors should talk to each subordinate informally, at least once each month, concerning work performance. While the performance evaluation system assists in communicating approval of progress and work accomplished, it should not take the place of communication between supervisors and employees.
- B. Superior officers of the Department shall be responsible for both their appropriate use of discipline, and also for supporting and assisting supervisors under their command in the appropriate use of discipline.

III. FORMS OF DISCIPLINE

The following are examples of different forms of discipline which may be utilized solely or in conjunction with one another.

A. Counseling of Employees

Counseling may be used by supervisors to reinforce good performance by an employee, or to correct the actions of an employee for minor conduct violations or performance related issues. It may also be utilized to notify the employee that his continued actions or conduct may result in progressive disciplinary action. Counseling may be done in either a verbal or written manner.

1. Counseling is most often performed by first line supervisors. It should be done as soon as practical after gaining knowledge of the conduct or performance related issue.
2. Notes related to counseling and/or the Critical Incident Reminder form are not formal disciplinary documents; they are generally used to address issues during the performance evaluation process. However, in certain circumstances counseling notes and/or the Critical Incident Reminder form may become part of a formal disciplinary action or fitness for duty document.
3. When a Critical Incident Reminder form is completed, it will be signed by the employee and his supervisor. A copy of the Critical Incident Reminder will be forwarded electronically through the Chain of Command to the appropriate Deputy Chief. If there are no electronic means to do so, it will be forwarded via inter-department mail.

B. Training

Training actions may be utilized by supervisors to enhance the skills of an employee. It may also be used to correct inadvertent actions or conduct by an employee that violates directives or procedures.

1. Recommendations for Training: Training recommendations may be part of the performance appraisal for an employee, or be used to prepare an employee for new or potential assignments.
2. Directed Training: An employee may be directed by a supervisor to attend training to improve his knowledge, skills, or abilities. The attendance of the employee at the training will be coordinated by the supervisor, through his appropriate chain of command and the Cobb County Public Safety Training Center. An employee who is directed to attend training may be relieved from official duties pending the successful completion of the training.

3. Training actions may be utilized with other disciplinary actions in support of improving the employee's conduct or skills.

C. Punitive Actions

Punitive actions may be applied to any employee for any misconduct, or pattern of misconduct, where other means of discipline have not been successful, or are not appropriate. Punitive actions are most often applied in those instances of employee actions or conduct that represent willful misconduct and disregard for the directives of the Department. Additionally, it may be applied in those instances of employee misconduct that constitute a potential high liability situation for the Department. Punitive actions may be used solely or in conjunction with one another and consist of written reprimands, suspensions, demotions, and dismissals. For more information, refer to the Cobb County Progressive Discipline Policy.

1. Supervisors are responsible for recommending punitive actions appropriate to the offense(s) and circumstances thereof. However, all punitive actions must be approved by the Chief of Police, or his designee.
2. In all circumstances where punitive action is to be taken or recommended, the employee's Internal Affairs file and permanent personnel record should be reviewed.
3. Although written reprimands are not appealable to the Civil Service board, they may be appealed to the Chief of Police.
4. During a suspension, an employee will not conduct any official Department business, other than those functions he is directed to perform by a superior officer (such as court appearances). If the employee is directed to perform Department business during his suspension, he will be compensated for those hours worked, or in accordance with the United States Department of Labor, Fair Labor and Standards Act (FLSA). The employee may be required to surrender Department credentials and equipment during his suspension.
5. Any employee who is dismissed will be provided with a formal letter citing the reason for termination and the effective date of the termination. Additionally, the Cobb County Department of Public Safety Personnel Unit will prepare a written statement as to Cobb County benefit status, and retirement status.

IV. EMPLOYEE VIOLATION FORM

The Employee Violation Form (EVF) will be used to document all formal disciplinary recommendations (i.e. -- training, punitive actions, other recommendations, etc.).

2.14 Disciplinary Actions

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- A. Normally, neither the counseling of employees, nor the Critical Incident Reminder, requires the completion of an EVF.
- B. A System ID Number will be included on the EVF where indicated.
 - 1. If the EVF was initiated due to a citizen complaint, the System ID Number from the Complaint Form will be used.
 - 2. If the EVF was initiated by supervision, and not via a citizen complaint, the investigating supervisor will obtain a System ID Number from the PISTOL Records Management System.
 - 3. If the EVF was initiated due to an Internal Affairs investigation, the Internal Affairs case number will be used.
- C. Part 1 of the EVF will be used to document the specific charge(s) against the employee. This form should not be used to re-state the entire investigation. (If you were to equate the investigation to an incident report, you would likewise equate Part 1 of the EVF to a warrant.)
- D. Part 2 of the EVF will be completed by the accused employee.
- E. Part 3 of the EVF will be completed by the supervisor after review of Part 2, and will not be presented to the accused employee.

V. DISCIPLINARY RECORDS - RETENTION PROCEDURES

The original documentation concerning any disciplinary action will be forwarded through the chain of command to the Chief of Police. After review by the Chief's Office, the documentation will be forwarded to Internal Affairs for retention in accordance with the Georgia Records Retention Schedule. Records will be stored in a secure area with limited access to protect confidentiality. A copy of any letters relating to disciplinary action will be forwarded to the DPS Personnel Unit for inclusion in the employee's personnel file.



Cobb County Police Department

Employee Violation

Part 1 – Violation



The following employee is hereby charged with violation(s) of the policy/procedure(s) listed below:

System ID Number:	Name of Employee:	Badge #:
Policy/Procedure Number:	Policy/Procedure Title:	

Details of Offense:

Accusing Supervisor Signature:	Badge #:	Date:
Accused Employee Signature:	Date:	

Employee signature indicates acknowledgement of charges. Employee may utilize Part 2 (Employee Response) to make any response or comments.



Cobb County Police Department
Employee Violation
Part 2 – Employee Response



The following is my response to the charges against me for the violation(s) of policies and/or procedures of the department:

Accused Employee Signature:

Date:



Cobb County Police Department Employee Violation



Part 3 – Recommendation & Approval (to be completed after review of Part 2)

System ID Number:	Name of Employee:	Badge #:
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Recommendation	<p>Recommended Disposition: The supervisor completing the investigation will attach a Memorandum of Justification for the recommended disciplinary action. The Memorandum of Justification should list the employee's disciplinary history as well as any awards or commendations received by the employee. Any additional comments should be attached in the memorandum.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Remedial training (specify in memo) <input type="checkbox"/> Letter of reprimand <input type="checkbox"/> Suspension without pay for _____ days <input type="checkbox"/> Demotion in rank to _____ <input type="checkbox"/> Dismissal <input type="checkbox"/> Other (specify in memo) <p style="text-align: center;"> _____ Signature/Title Date </p>
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Approval	<p>If you are the first officer in the chain of command to review this investigation, and you agree with both the FINDING and RECOMMENDATION, check "Approved." If you do not agree, check "Disapproved" and attach a Memorandum of Disagreement. Sign and date this form and forward all materials to the next officer in the chain of command.</p> <p>For all other officers in the chain of command, "Approved" checks indicate approval of the action immediately prior to yours, not to the original finding and recommendation. If you do not agree with the finding and recommendation immediately prior to yours, check "Disapproved" and write a Memorandum of Disagreement. Sign and date this form and forward all materials to the next officer in the chain of command.</p>		
	Lieutenant:	_____ Signature Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	Captain:	_____ Signature Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	Major:	_____ Signature Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	Deputy Chief:	_____ Signature Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	Chief of Police:	_____ Signature Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

Upon approval by the Chief, the Deputy Chief or his designee shall carry out the disciplinary action in accordance with Civil Service Rules and Regulations. In cases of demotion or dismissal the Chief or his designated representative shall take the necessary action.

Cobb County Police Department

Policy 3.06

CAR VIDEO RECORDING EQUIPMENT

Effective Date: December 15, 2013
Rescinds: Policy 3.06 (January 12, 2013)
Related Orders: Code of Conduct
Issued By: Chief J.R. Houser Page 1 of 2
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to provide guidelines for the use of car video cameras and the disposition of video recordings made by such devices.

I. POLICY

Audio/video recording equipment mounted in patrol vehicles (to include a wireless audio transmitter) will be used for the purpose of collecting evidence to assist in the prosecution of those who violate the law.

II. GENERAL USE

Officers shall engage car video recording equipment on all self-initiated activity and dispatched calls for service.

- A. At the start of the shift, users should ensure they are signed in to the car video recording system with their identification number, ensure their transmitter is properly synched, and ensure the date/time listed is correct.
- B. Officers are not required to inform the public of car video recording equipment, but shall disclose its use upon inquiry.
- C. The audio transmitter will be worn on the person and utilized whenever the system has been activated.
- D. Difficulties or malfunctions with the equipment will be reported to supervision as soon as possible.

III. DATA SECURITY AND ACCESS

- A. All recordings on Department equipment are subject to random unannounced review for training and investigative purposes, and to ensure compliance with policy.

3.06 Car Video Recording Equipment

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- B. Personnel shall have access to view data from the car video recording equipment and make copies as needed for training, evidence, report, or court purposes. Under no circumstances shall an employee make a copy of a video file for personal use.
- C. Officers shall not tamper with the car video recording equipment, change any settings, disconnect any cable or wiring, or perform any other action that will disable the equipment or limit its capabilities. Officers are prohibited from manipulating any data stored on the secured server except for making copies as noted above.
- D. The system administrator and designated subject matter experts shall have full access rights to the video system, including managing the system and assigning user access rights, managing files within the system, conducting routine audits, and maintaining and updating the system as needed.
 - 1. The car video recording equipment in the patrol vehicles and the video file server/viewing program shall be configured to prevent unauthorized deletion or editing of video files.
 - 2. The secure server that stores the files will track all user activity on the system, to include but not limited to; system log on, file viewing, and file format conversion in preparation for copying to disk.
 - 3. Only authorized personnel will be permitted to remove memory cards.
- E. All recordings captured by car video recording equipment are subject to the rules and regulations of the Georgia Open Records Act (OCGA 50-18-70 et. seq.). Requests for copies of data or audio/video shall be directed to the Department Records Custodian or his designee. This paragraph shall not preclude an employee from providing a copy to the court at their request.

IV. DATA STORAGE AND RETENTION SCHEDULE

Data from the car video recording equipment is recorded to a removable memory card contained within the system. Recordings are then automatically uploaded to a secure server for storage, via a wireless network, when a user is logged into the system and the vehicle is near certain Department facilities. Old VHS/DVD recordings will be stored by the Department Records Custodian.

- A. Officers should periodically check the playback list to ensure videos are uploading. If videos are not properly uploading via the wireless network, it may be necessary to reboot the system, or remove the memory card and upload them manually.
- B. Data, as well as any VHS/DVD recordings, will be maintained in accordance with the Georgia Records Retention Schedule.

Cobb County Police Department

Policy 3.10

RECORDS MANAGEMENT

Effective Date: December 15, 2013
Rescinds: Policy 3.10 (November 11, 2011)
Related Orders: Policy 5.21 "Vehicle Impounds"
Issued By: Chief J.R. Houser Page 1 of 4
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The following records management guidelines serve as reference for the maintenance of records at the unit, precinct, and Department level.

I. CENTRAL RECORDS

Central Records is responsible for establishing and/or following records management guidelines for the processing, retrieval, dissemination, and storage of records within the Department. Central Records maintains the original reports consisting of, but not limited to, incident reports, traffic crash reports, citations, officer's dailies, and vehicle impound releases. Records may be stored in a computer-based Records Management System (RMS), or in paper format.

II. PRIVACY AND SECURITY OF RECORDS

A. Security and Access

1. All Department records will be maintained securely; electronic records should be in a password protected system. If, at any point, the security of Department records becomes compromised, the unit commander will be notified immediately.
2. Access to Department records will be limited to authorized personnel only.
 - a. Employees may access records in the performance of their duties, and shall only share records with persons not employed by the Department, or other criminal justice entities, in the performance of duty, and in conformance with policy, procedure, and law.
 - b. Some criminal justice entities outside the Department may have direct access to records (i.e. – the Cobb County Court System) and others may be granted access on a case-by-case basis. If there is any

question as to the individual's authority to access records, the Records Custodian or his designee should be contacted.

- c. Individuals not listed above may have access to Department records under the provisions of the Georgia Open Records Act. Only the Records Custodian or his designee shall have the authority to grant access to these individuals.

B. After Hours Accessibility

Reports and other records are available to personnel on a continual basis via the Records Management System. Personnel who have trouble accessing the system should notify their supervision.

C. Juvenile Records

Records in which the victim or suspect/offender is 16 years old or younger, will be classified as juvenile records, and are generally marked "Juvenile" when printed.

1. Fingerprints, photographs, and other forms of identification for juveniles should not be collected, disseminated, or retained by Department personnel, except as evidence, or intelligence information gathered in accordance with MCS policy.
2. Juvenile records will be kept separate from adult records; physical records will be maintained in a locked room, electronic records will be in a password protected system. Access to all records pertaining to juveniles is restricted to authorized personnel only.
3. After an individual reaches adult age, any juvenile records for that person will remain in the juvenile file. Records regarding any activity as an adult will be maintained with all other adult records.
4. Expungement will be handled in accordance with Central Records standard operating procedures.

III. REPORT SUBMISSION

Accurate, timely, and complete reports are fundamental to this Department's efficient and effective operation. Therefore, the following guidelines will be followed:

- A. Reports should be typed in the appropriate module of the Department's Records Management System (RMS). However, if no module exists for the type of report to be entered, or should the RMS be inoperable, reports may be typed or printed legibly in black ink on approved report forms.

3.10 Records Management

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- B. Reports by uniform personnel will be completed and submitted to a supervisor by the end of the shift, unless prior approval has been granted. Generally, no more than a three- day extension should be permitted.
- C. The supervisor will check each report for accuracy and completeness.
- D. After each report has been read and checked by the supervisor, he will enter his name in the proper section, indicating that the report has been approved.
 - 1. Reports completed electronically in the RMS, will be submitted to the main server electronically by the end of the shift.
 - 2. Reports that are not entered into the RMS will be forwarded to Central Records by the end of the shift.

IV. REPORT ACCOUNTING SYSTEM

- A. On a daily basis, each field unit (e.g. – the precincts, STEP, DUI, Rangers, etc.) should complete a Daily Activity Report noting his activities for the day. The Daily Activity Report should include a listing of all calls answered, paperwork completed (with associated case numbers), and other events conducted.
- B. Detective unit commanders are responsible for regularly reviewing all incident and supplemental reports submitted by the field. Traffic crash reports will be reviewed by the Hit and Run Unit. Reports that require further investigation, or contain pertinent information to a specific function of the Department, will be assigned to the appropriate unit for review/follow-up. Supervisors whose personnel are assigned cases for follow-up investigation will be responsible for monitoring the progress of those investigations while the case is active.

V. DISTRIBUTION AND RELEASE OF RECORDS

Central Records is the main repository for all reports completed by all agency components, except as authorized by policy.

A. Distribution of Records

- 1. Incident/supplemental reports are available to the court system.
- 2. All traffic crash reports that occur on public roadways are sent to the State of Georgia Accident Reporting Bureau. Traffic crash reports are also available to Cobb County DOT.
- 3. Central Records shall ensure citations and juvenile complaint forms are sent to the appropriate court.

3.10 Records Management

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4. Whenever a vehicle is impounded by an officer, the driver of the wrecker service removing the vehicle will be provided with a copy of the vehicle impound inventory form.
5. All other reports will be distributed on an as-needed basis in accordance with policy, procedure, and law.

B. Release of Records

1. The following reports may be released to all involved parties (suspects, victims, and witnesses) at the precinct level, free of charge:
 - Traffic crash reports
 - Vehicle impound releases (see Policy 5.21 “Vehicle Impounds”)
 - Initial incident reports that do not involve:
 - Juveniles
 - Stalking
 - Rape or sexual abuse
 - Domestic violence where no arrest was made
 - Health/mental health issues (e.g. – suicide, natural death, person injured, emotionally disturbed persons, etc.)
2. Certain records are available on-line via the Department’s website.
 - a. Traffic crash reports are available to all involved parties/witnesses.
 - b. The date/time, location, case number, and crime type of certain incidents are available to all visitors of the website.
3. Release of all other records should be referred to Central Records and handled in accordance with the Georgia Open Records Act.

VI. RECORDS MAINTAINED OUTSIDE OF THE RECORDS SECTION

Most reports generated by Department personnel are maintained by Central Records. However, some records, usually of either a confidential nature or containing such information which renders them more appropriately stored in a specific unit or section, are maintained outside of Central Records. Examples of other sections and units which maintain reports and records are, but are not limited to, Personnel, Training, Internal Affairs, MCS, Organized Crime, and the Detective Units.

VII. UNIFORM CRIME REPORTING (UCR) PROCEDURES

Data for the Uniform Crime Report (UCR) will be retrieved from the RMS. UCR reports will be submitted to the Georgia Crime Information Center (GCIC) on a monthly basis by Central Records.

Cobb County Police Department

Policy 5.01

CALL AND INCIDENT RESPONSE

Effective Date: February 1, 2015
Rescinds: Policy 5.01 (January 12, 2013)
Related Orders: Policy 6.03 "Public Information;" Policy 2.09 "Injury and Death Notification"
Issued By: Chief J.R. Houser Page 1 of 8
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to establish general guidelines for the response to calls and incidents by the Cobb County Police Department.

I. POLICY

All officers shall follow the appropriate/applicable procedures on conducting preliminary and follow-up investigative activities and other essential tasks; the protection, collection, and preservation of evidence; and the documentation of activities in criminal investigations and non-criminal activities as established by Department policy/procedures and training.

II. CRIMINAL CASE RESPONSE PROCEDURE

Uniform officers are generally responsible for conducting the preliminary investigations of all assigned or discovered crimes, except in those instances where the presence of a uniform officer would obviously hinder a proper investigation, or specific expertise is required.

A. Initial Response and Preliminary Investigation

The responding officer shall initiate the preliminary investigation and perform tasks as designated below, unless otherwise directed by a superior officer, detective, or other officer specifically assigned to criminal investigations:

1. Be cognizant of suspects and/or vehicles that may be leaving the scene.
2. Provide aid to the injured and/or summon medical assistance if required.
3. Locate and identify victims and witnesses. Request that they remain present at the scene until they can be interviewed.
4. Determine whether an offense has actually been committed and, if so, the exact nature of the offense.

5.01 Call and Incident Response

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5. Determine the identity of the suspect(s) and effect an arrest if it can be accomplished either at the scene or through immediate pursuit. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of victims and others against the safety of the public if the perpetrator were allowed to escape.
6. Relay all relevant or essential information to other field units, through the Communications Center, such as:
 - a. Nature of the incident/crime committed
 - b. Description of any perpetrator(s)
 - c. Mode of escape and/or direction of flight
 - d. Description of any vehicles used by the offender and any accomplices
 - e. Use of firearms or other deadly weapons
 - f. Any support required at the scene (e.g. – additional units, detectives, supervisory personnel, specialty teams, fire department, DOT, etc.)
7. Protect the crime scene to ensure that evidence is not lost or contaminated. As necessary, and considering the nature and seriousness of the crime, officers should:
 - a. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence.
 1. Erect crime scene tape, rope, or cordon off, lock, or otherwise secure the immediate crime scene.
 2. Restrict access to defined crime scene perimeters to only those individuals who are directly involved in the investigation.
 - b. In the case of homicides or other major crimes:
 1. Responding officers should enter crime scenes only for purposes of aiding victims or others in need of immediate assistance, apprehending perpetrators, or securing the area.
 - a. Officers making entry should avoid touching, walking upon, or moving objects, or otherwise altering or contaminating the crime scene.
 - b. Crime scenes should be approached in a single defined line in order to avoid destruction of evidence.
 2. The On-Scene Commander shall ensure that the identity of all

persons entering the crime scene is recorded.

- c. Record any alterations/actions made at the crime scene due to emergency assistance to victims, apprehension of the perpetrator, actions of persons reporting the crime, handling of any items of evidentiary value, etc.
8. Request backup assistance as needed.
 9. Observe and note all appropriate conditions and events, including time, temperature, weather conditions, lighting, etc. Note any remarks made by victims, witnesses, bystanders, suspects, etc.
 10. Note the license plates of vehicles parked near the crime scene and be aware of suspicious persons on hand at, or near the crime scene.
 11. Determine if an investigative unit should be contacted in accordance with Section B below.
 12. If the incident meets the criteria for mandatory PIO notification (as stated in Policy 6.03 "Public Information") the Chief of Police, or his designee, will be notified of the incident via the chain of command.
 13. Provide superior officers and any other investigative personnel arriving on the scene with complete information concerning the offense and the measures taken thus far by officers and others.
 14. Arrange for the collection of evidence.
 - a. Evidence may be collected by any officer, detective, investigator, or crime scene technician. Unless exigent circumstances exist, or authorization of a supervisory officer is received, initial responding officers at major crime scenes should not engage in collection of items of potential evidentiary value.
 - b. If a detective responds to the scene (e.g. a homicide), the detective will be responsible to arrange for the collection of evidence.
 - c. All personnel will follow crime scene processing and evidence collection procedures and principles as established in the Georgia Peace Officers Reference Text, applicable procedures learned through training, and any applicable state or federal statutes.
 - d. Officers having questions about the collection and preservation of evidence should consult with a detective or an evidence technician.

5.01 Call and Incident Response

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15. As appropriate, interview the complainant, victim, witnesses, and suspect. Determine what information is known and obtain written statements if possible.
 - a. Initial responding officers at major crime scenes where investigative personnel are summoned should only engage in obtaining basic information. Unless directed otherwise, in depth interviews and written statements should be obtained by responding investigators.
 - b. Contact the E-911 Center for language translation services if required.
16. As appropriate, canvass the neighborhood/area surrounding the crime scene as soon as possible, in order to identify additional witnesses or others who may have some knowledge of the crime.

B. Investigative Assistance

The Department maintains investigative specialists both on-duty, and in an on-call status when not on duty, to provide assistance in the investigation of incidents.

Generally, investigative specialists, will conduct the investigation of any major crime, any incident that is complex in nature, or any incident that would require the uniform officer remain out-of-service for an extended period of time. The responding officer or supervisor should notify the appropriate investigative unit of the following types of incidents:

- All death investigations
- Robbery
- Rape
- Aggravated assault
- Aggravated battery
- Kidnapping
- Criminal damage to property (in which damage exceeds \$5,000.00)
- Burglary (in which loss exceeds \$5,000.00)
- Child abuse or neglect
- Elder abuse or neglect
- Arson
- Hazardous devices located, or credible threats of a hazardous device
- Fatality traffic crashes
- Information of an evidentiary value resides on a computer or other electronic storage device, and the device is plugged in or turned on.
- VGCSA cases where:
 - Drug Identification is needed.
 - There is any quantity of heroin.
 - Methamphetamine laboratory chemicals/compounds are found.

5.01 Call and Incident Response

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- A large quantity of drugs appears to be packaged for shipping/resale.
- The suspect wants to give credible information concerning other drug suspects/sales.
- More than \$500.00 cash is found, or a vehicle is to be seized, in conjunction with possession of four ounces of marijuana or more than 1 gram of (pure) cocaine or other drug.

Based upon the circumstances of the incident, the detective or investigator may or may not assume immediate responsibility for the investigation of the incident. Regardless of whether the detective or investigator responds, the officer will follow any guidance given to him by a detective or investigator.

III. NON-CRIMINAL CASE RESPONSE PROCEDURE

A. Public Assistance

The Department is routinely requested to assist the public in non-criminal cases. The role of the officer in these cases includes, but is not limited to:

- Interviewing complainants and witnesses.
- Locating missing persons.
- Returning found/evidentiary property to the owner, if known/possible.
- Making necessary personal notifications.
- Conducting inspections.
- Documenting civil disputes.
- Investigating deaths, suicides, and overdoses.
- Investigating suspicious activities and injuries.
- Recording information obtained in these activities.

B. Notification of Next of Kin

At times it also becomes necessary for line personnel to notify or assist in the notification of next of kin of deceased, seriously injured, or seriously ill persons. When this occurs the following guidelines should be used:

1. Use good common sense, understanding, and compassion. Make every effort to avoid unnecessary grief on the part of the family.
2. Always attempt to notify in person.
 - a. If the person being notified is elderly or has a history of illness, the officer should seek professional help, such as the personal physician or personal pastor of the person(s) being notified.
 - b. The officer should not notify a minor, but should leave word for the parents to call the police or seek other relatives.

- c. If the next of kin is out of state, the officer will attempt to have the police in that jurisdiction personally notify the next of kin.
3. Every effort should always be made to be helpful and provide as much information as possible.
4. In the event a Department employee is seriously injured or killed, the procedure outlined in Policy 2.09 "Injury and Death Notification" will be followed.

C. Terrorism Intelligence/Information

The Department recognizes the need to quickly assess terrorism-related intelligence and direct that information to one or more organizations best suited to analyze and evaluate such information.

1. Liaison with Other Agencies
 - a. The Department participates in the regional Joint Terrorism Task Force (JTTF) of the Federal Bureau of Investigation (FBI). The JTTF serves as liaison with other organizations for the exchange of terrorism-related information.
 - b. The Department participates in the MCS Intelligence Unit, a county-wide joint task force, which gathers and investigates terrorism related information/intelligence.
2. Suspected Terrorism Contacts
 - a. Officers who make contact with a subject who is suspected of terrorism-related activities will contact an MCS Intelligence Agent before releasing the individual. The MCS Agent will determine if it is necessary to respond to the scene for further investigation.
 - b. A thorough vehicle search and inventory is desirable on any vehicle suspected of being involved in terrorism-related activity. Department policy regarding vehicle searches applies.
 - c. Officers will document all terrorism-related information/intelligence (whether encountered or reported by the public) on an incident report. The incident report will be forwarded to the MCS Intelligence Unit for follow-up investigation.

IV. INCIDENT REPORTING

Officers conducting preliminary and follow-up investigations shall complete appropriate reports in accordance with Department policy.

A. Initial Report

The initial report documents an incident/event, leading up to the point where the officer determines that further investigation is required. The initial report generally consists of all activities completed by the initial responding officer and any back-up officers until they leave the scene, or an investigator responds to the scene and assumes responsibility for the investigation. All of the initial report is released under the open records law (50-18-72 et seq). Trying to protect information by putting it under a supplemental or officer narrative does not protect it from release. Release is judged by the content of the narratives.

Generally, an incident report should be filled out for the following incidents:

- All criminal offenses, county ordinance violations, or status offenses
- All custodial arrests
- All recoveries of stolen or found property
- All disturbances whether civil, domestic, or criminal
- Any lead information/intelligence pertaining to suspected criminal activity
- Any damaged, lost, and/or stolen Department equipment or property
- Any case where a person is injured, whether or not a crime was committed
- Any incident where an officer must clarify his actions in accordance with Departmental policy.

Do not make reference to any supplemental reports (i.e. - "see supplemental") in the initial report.

B. Investigative Follow-up/Supplemental Reports

Investigative follow-up/supplemental reports are used to add other pertinent information to a report. An incident may contain none or many investigative follow-up/supplemental reports. The following personnel will complete a supplemental report documenting their actions.

- Back-up officers who take action at the scene of an incident
- Personnel who take action after they leave the scene of an incident
- Investigators who respond to the scene of an incident and assume responsibility for the investigation
- Personnel conducting follow-up activities.

C. Accuracy and Thoroughness of Reports

Personnel should consider accuracy and thoroughness of utmost importance when submitting an incident/supplemental report. The report should contain sufficient

information to provide a thorough recording of details and should provide the reader with a clear understanding of what actually occurred. Information which should be included in a report includes, but is not limited to:

1. A chronological order of events, to include the answers to the following questions: who, what, where, when, why and how.
2. The elements of any crime committed.
3. How the crime was discovered and reported; and the relationship of reporting individuals to victims or others involved.
4. Physical evidence discovered and the names of the officers responsible for evidence collection.
5. Complete information about the complainant, victims, witnesses, suspects, and arrestees (name, address, telephone number(s), etc.).
6. Results of interviews/interrogations.
7. Any relevant weather or situational conditions at the scene.
8. The identity of individuals who made any diagrams, sketches, photographs, audio/video recordings, etc. at the scene.

Officers who process a crime/traffic crash scene shall complete an incident/supplemental report containing the details of the activities conducted.

D. Report Classification

Reports will be classified in one of the following categories:

1. **Active:** requires further investigation.
2. **Unfounded:** investigation reveals that the reported incident never occurred.
3. **Cleared by Arrest:** subject is in custody or a warrant has been issued.
4. **Ex-Cleared:** a case is exceptionally cleared if:
 - a. No criminal offense was committed (i.e. – natural death, construction accident, etc.).
 - b. The offense perpetrator is known, but the officer is not going to prosecute, and the victim is advised on procedures for obtaining a warrant.
 - c. The victim states that no further action is wanted.
 - d. If the offense perpetrator is known and a decision is made to refer the case to another service organization (i.e. – runaway, fraud, etc.).

Cobb County Police Department

Policy 5.18

TRAFFIC ENFORCEMENT

Effective Date: February 1, 2015
Rescinds: Policy 5.18 (December 15, 2013)
Related Orders: Policy 5.11 "Arrest Procedures"
Issued By: Chief J.R. Houser Page 1 of 14
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to establish the traffic enforcement guidelines of the Cobb County Police Department.

The responsibility for the enforcement of traffic laws and regulations rests with all uniformed personnel of the Department. All sworn officers, while on duty and in uniform, shall take appropriate enforcement actions for all violations of traffic laws and regulations they observe.

I. TRAFFIC ENFORCEMENT GOALS AND OBJECTIVES

The objective of the Department's traffic enforcement program is the reduction of fatalities, personal injuries, and property damage as a result of traffic crashes. To this end, the Department will compile and review traffic crash and enforcement data in order to direct selective enforcement efforts to those areas or conditions that contribute to traffic crashes. The areas of enforcement, education, engineering, and emergency medical assistance are the primary disciplines of influence.

The reduction of the number and severity of traffic crashes will be the sole motivation of the Department's traffic enforcement efforts. The generation of revenue or imposition of quota systems will not be a determining factor.

The goal of each shift or unit involved in the Department's selective enforcement effort will be a reduction in the number of severe traffic crashes in areas targeted as a result of a comparison of traffic crash and enforcement data. The Department will also investigate traffic complaints received from citizens.

II. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) UNIT

The Selective Traffic Enforcement Program (STEP) Unit is the Department's traffic enforcement component and is primarily responsible for enforcement of traffic laws that cause motor vehicle and pedestrian-involved traffic crashes.

The work shifts for STEP officers are as assigned by the unit commander/supervisors. These flexible hours provide for coverage during times of high traffic volume or crashes. Hours and days off are subject to immediate change at the discretion of the commander/supervisor in order to facilitate manpower requirements as needed. In addition to enforcement of traffic laws, the STEP Unit shall be responsible for:

- Compilation and review of traffic crash data.
- Compilation and review of traffic enforcement activities data.
- Comparison of traffic crash data and enforcement activities data.
- Evaluation/coordination of enforcement activities resulting from citizen complaints.
- Inspection of commercial vehicles to ensure compliance with the Federal Motor Carrier Safety Regulations.
- Traffic Safety Education.
- Calibration and maintenance of speed measuring devices and preliminary breath testing devices (alco-sensors).

III. PRECINCT/WATCH RESPONSIBILITIES

Each watch will, whenever practical or possible, assign an officer(s) to traffic enforcement duties and direct its selective traffic enforcement efforts to areas that are:

- Determined to be high areas of traffic crashes or law violations. Decisions will be based on monthly reports and general traffic crash patterns.
- The subject of citizen complaints regarding violations of traffic laws.

IV. ENFORCEMENT ALTERNATIVES

Officers are to use individual discretion, based on professional judgment, when deciding which form of enforcement action will be taken. Action will be appropriate for each violation of the law, with the basic premise that enforcement should be an educational experience, rather than immediate punishment, for the violator. This action will be accomplished in a fair, impartial, courteous, and businesslike manner. Four action options are at the discretion of the officer:

- A. Verbal Warning: A verbal warning is appropriate when the violator commits a very minor violation that results in little or no potential danger to the public.
- B. Written Warning: A written warning is a proper alternative in response when a violator commits a minor traffic violation, but the officer feels that court or other judicial action is not warranted. A written warning will be issued on the Uniform Traffic Citation form with the word "Warning" written through the court date section.
- C. Written Citation: Traffic citations should be issued to violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic. A written citation will be on the Georgia Uniform Traffic Citation form.

- D. Physical Arrest: The physical arrest of a driver for a traffic offense shall be made in accordance with Policy 5.11 "Arrest Procedures."

V. TRAFFIC PATROL

A. Visible Traffic Patrol

1. Area – moving or stationary observation in an area that includes a number of streets or sections of highway.
2. Line – moving or stationary observation on a specific street or highway between two points.
3. Directed – area or line patrol that is specifically directed by supervisory personnel and is based on unfavorable traffic crash or enforcement data.

B. Stationary Observation

1. Covert – concealed or barely visible enforcement (when operating speed detection devices, vehicles will not be concealed (OCGA 40-14-7)).
2. Overt – traffic enforcement vehicles will be positioned in such a manner near the roadway intersection, that they are clearly seen by persons using ordinary powers of observation.

C. Unmarked Vehicles

Unmarked vehicles will not normally be used in traffic enforcement. However, should an officer driving an unmarked vehicle see a violation that he feels needs to be addressed, he may take action.

VI. TRAFFIC STOP PROCEDURES

A. Stopping and Approaching Traffic Violators

It is recognized that varying conditions such as roadway construction, volume of traffic, and the urgency of making vehicle stops may require an officer to adjust to particular conditions. However, the following procedures are to be followed whenever possible:

1. Once an initial decision has been made to stop a motorist, the officer should select an area that provides reasonable safety – avoiding curves, hills, heavily trafficked and poorly lit areas, and roads without shoulders. Whenever possible, the officer should also avoid the use of private drives, business locations, and areas where a large volume of spectators are likely to gather.

2. When a location has been selected, the officer shall notify the Communications Center of the nature of the stop; providing unit location, vehicle tag number (and state, if applicable), description of the vehicle, and the number of occupants. Additional information may be given as necessary.
3. At the desired location, the officer should activate the overhead emergency lights and, if necessary, the siren. If practical, the officer should be in close proximity to the vehicle before activating the vehicle's emergency equipment. This may reduce the violator's temptation to attempt to elude the officer.
 - a. On multilane roads, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
 - b. Should the violator stop abruptly in the wrong lane or location, the officer should instruct him to move by using the appropriate hand signals or by activating the public address system.
4. Once properly stopped, the officer should position the police vehicle about one car length behind the violator's vehicle and at a slight angle, with the front of the police vehicle approximately two feet to the traffic side of the violator's vehicle.
5. When exiting the patrol vehicle, the officer should be alert to suspicious movements or actions by the occupants(s) of the vehicle. (At night, the spotlight may be used to illuminate the vehicle's interior once stopped.)
6. Approaching from the driver's side, the officer should be observant of the passenger compartment, and stop at a point to the rear of the trailing edge of the left front door in order to communicate with the driver.
 - a. Where circumstances dictate, particularly where traffic is close enough to create a potential problem, the officer may choose to approach the violator's vehicle from the right side and stop at the trailing edge of the right front door.
 - b. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to throw the door open against the officer.
 - c. In two-officer police vehicles, the passenger officer should be responsible for radio communications, note taking, and relaying messages to the Communications Center. He will also act as an observer and cover for his fellow officer.

7. In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following additional procedures should be followed:
 - a. The location selected for the stop should provide enough room for the vehicle, sufficient stability to support the vehicle's weight, and sufficient time and distance to allow the operator to stop.
 - b. Approach the cab from the rear, using the operator's outside mirror to observe the operator and activity in the cab.
 - c. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the operator's door and ask him to exit the vehicle, if necessary.
8. An officer may take reasonable action to protect himself during a traffic stop. As such, the officer may ask the driver or passenger(s) to step out of the vehicle. In doing so, the officers should consider external factors such as weather, crowds, etc.

B. Violator Contact

Traffic enforcement is a daily task performed by officers, but for the violator it is frequently an emotional experience. Officers should be aware of these conditions and strive to make each contact educational, leaving the violator with the impression that the officer has performed a necessary task in a professional and friendly manner. This awareness should also assist officers in taking appropriate enforcement action in an attempt to favorably alter the violator's future driving behavior.

1. A violator should be informed of the reason for the stop as soon as possible.
2. The officer should be flexible and maintain a professional demeanor throughout the contact period.

C. Issuing a Citation

1. When issuing citations, or conversing with the violator, the officer and other parties should be positioned with safety as the primary factor, and within view of the police vehicle's on-board video camera. The officer should position paperwork and related materials in a manner that allows him to maintain visual vantage over actions of the violator and other occupants.
2. Cobb County has established a Traffic Violations Bureau (TVB) to handle payable violations for minor driving offenses that occur in unincorporated Cobb County. The Traffic Violations Bureau Bond Order sets out these payable violations and applicable fines. Normally, a TVB offense shall be

released upon a copy of the citation. However:

- a. If such officer has reasonable and probable grounds to believe that the person will not obey such citation and agreement to appear, the officer may require such person to surrender his driver's license in accordance with 40-13-53.
- b. When a TVB offense is charged in conjunction with other crimes for which a custodial arrest can be made the TVB offense becomes a misdemeanor and can be charged in the same manner as the other offenses.

TVB offenses are updated periodically and are listed on both the Cobb County Government website and the Department's intranet website.

3. Each violator will be assigned a court date (for juveniles, a court date is assigned by Juvenile Court). The issuing officer will inform the violator of any special information in regards to the charge(s) and instruct the violator to call Court Services to obtain information pertaining to:
 - a. Mandatory or optional court appearance; and
 - b. Ability to enter a plea and / or pay the fine by mail or in person.

D. Making High-Risk Vehicle Stops on a Known or Suspected Felon

All high-risk traffic stops will be performed according to the training received by the officer, in addition to the following guidelines. Officers should remember that every stop will be different and may require modification of the stop and extrication procedures. Always act and react in accordance with the training received in practical exercises including proper exit, handcuffing, and search procedures.

1. When a vehicle driven by a known or suspected felon is located, the officer will notify the Communications Center immediately. The officer will inform communications of a location, license plate information, a thorough description of the suspect vehicle, and a description of the occupants.
2. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. The officer will keep support units informed of the location and direction of travel to facilitate their approach with minimal use of emergency equipment.
3. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time, or the urgency of the situation demands immediate action.

VII. SPECIAL PROCESSING PROCEDURES

A. Non-Residents

1. If a violator's state of residence is a member of the Non-Resident Violator Compact, the officer may release the person on a copy of the citation and will advise the violator that if the citation is not paid, or if he does not appear in court on the date indicated, the Georgia Department of Public Safety will notify the violator's home state Department of Public Safety, and the driver's license will be suspended until the fine is paid.
2. If a violator's state of residence is not a member of the Non-Resident Violator Compact (Alaska, California, Michigan, Montana, Oregon, Wisconsin), the violator may be required to post a bond (see Policy 5.11 "Arrest Procedures" for more information).

B. Juvenile Offenders

1. If a citation for violating a traffic law or ordinance is written on a driver who is 16 years old or younger, whether with or without a valid driver's license, it should be directed to the Cobb County Juvenile Court. No court date should be given, either verbally or written, because the Juvenile Court will handle any notifications concerning the appearance of the juvenile. The Remarks section of the citation should be clearly marked "JUVENILE."
2. A Juvenile Complaint form and incident report will be completed when charging a juvenile with the following violations:
 - Homicide by vehicle
 - Manslaughter
 - Driving Under the Influence (DUI)
 - Failure to stop and render aid
 - False affidavit relating to ownership of vehicle
 - Commission of a felony in which a motor vehicle is used
 - Racing on the highway or street
 - Fleeing or attempting to elude an officer
 - Fraudulent or fictitious use of a license
 - Hit-and-run, duty of driver to stop at or return to scene of accident
 - Laying drags
 - Display of another person's license
 - Aggressive driving
 - Reckless driving
 - Excessive Speed – 24 mph and over
 - Any traffic offense committed by an unlicensed driver 15 and younger

- Other offenses that can be charged by citation (underage possession/consumption, misdemeanor marijuana, etc.)

Citations should not be issued for the above offenses.

3. Juveniles taken into custody for Driving Under the Influence should be read the appropriate Georgia Implied Consent Law for the purpose of the chemical test(s). The chemical test results/refusal should be noted on the Juvenile Complaint form.

VIII. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

Appropriate uniform enforcement action is important if motorists are to enjoy safe driving in Cobb County. Good judgment by the police officer, in consideration of the circumstances and conditions at the time of the violation, will ensure appropriate action and gain the public's confidence in traffic enforcement.

A. Driving Under the Influence (DUI) of Alcohol/Drugs

1. Driving under the influence has been interpreted by various courts to mean that there is a presumption of impairment when a motorist's ability to operate a moving motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. The mere fact that a driver has the odor of alcoholic beverage on his breath is not sufficient cause for arrest. The violation occurs when the driver's ability is impaired.
2. Officers should arrest any driver found to be in violation of DUI laws. Arrests will be determined by the driver's observed operations on the roadway or involvement in a traffic crash, and field sobriety tests.

B. DUI Countermeasures Program

Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of this County. Consequently, a comprehensive, coordinated, and on-going countermeasures program involving education, enforcement, adjudication, treatment, and public support is essential if a program is to have long term success in combating the DUI problem.

1. The Department maintains the DUI Task Force consisting of officers who are subject matter experts on the detection and evaluation of suspected DUI drivers. The DUI Task Force is assigned to those areas and times where there is a high incidence of DUI driving and/or DUI related traffic crashes. Though the Department maintains the DUI Task Force, the responsibility for the detection and apprehension of DUI drivers is a responsibility of all officers of the Department.

2. Enforcement is one of the key elements in the DUI Countermeasures program. If the Department does not detect and apprehend impaired drivers, the rest of the program cannot function.
3. Patrol officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists. After conducting an initial examination at the scene of the traffic contact, and upon determining that probable cause to arrest is present, the officer should effect a physical arrest of the subject.
4. All officers will be familiar with impaired driver detection cues and field sobriety testing. If any officer recognizes a need for additional training in either area, the officer should seek advanced training. Officers may also seek advanced training as a Drug Recognition Expert.
5. The DUI Enforcement Program uses various combinations of the following countermeasures: selective assignment of personnel to, and surveillance of, locations where significant violations/crashes have occurred; analysis of DUI related traffic crashes; selective safety checks for deterrence purposes; and enforcement of DUI laws.

C. DUI Procedures

The procedures below will be followed by all personnel in DUI cases:

1. If you have cause to believe the driver's ability to be impaired, you have the right to request the driver to step from the vehicle to observe the driver's balance, appearance and to have the driver perform field sobriety tests.
2. After you have administered field sobriety tests, and you have determined that the driver is under the influence, you should at this time place him under arrest for DUI. Once the driver is placed under arrest for DUI, he becomes subject to testing procedures under the Implied Consent Law.
3. It is now imperative that you read the suspect the Implied Consent Warning in its entirety and without unnecessary delay. You must read it understandably and clearly. It must be read exactly as it is printed on the card currently issued by the Department of Public Safety.
4. As soon as possible the suspect should be transported to a location where the requested state test(s) can be administered. All Department-owned instruments used to administer state breath tests will be located in an area(s) that makes it easy to monitor the actions of the suspect while completing the test and associated paperwork.
5. Once the driver has been read the Implied Consent Warning and given the state administered test(s), he may at any time before being turned over to the

jail for confinement make a request for an additional test by someone of his own choosing. Any additional tests and analysis costs are at the expense of the driver (should the driver request an additional breath test, one will be provided to him at no charge on an instrument used for the state test). If a test is requested that requires transportation to the nearest or reasonably requested hospital, the officer is required to oblige.

6. The arresting officer shall take the driver's license of the driver and forward it to the state with the appropriate paperwork.

D. Speed Law Violations

Speeding violations are to be considered a type of offense which causes traffic crashes, property damage, and injuries. The enforcement of speed violations is considered to be a high priority, especially in those areas which have proven to possess a high injury-crash rate. Speeding enforcement should also be given to the residential streets, and at those locations where citizen complaints have indicated that speeding violations occur. The following guidelines should be followed when taking enforcement action:

1. Speeding violations should be enforced by a written warning or citation, especially at the locations and times noted in selective enforcement reports.
2. When speed has been determined to be the causative factor in a traffic crash, a citation should be issued. This includes speed related offenses such as "Following Too Closely" or "Too Fast for Conditions."

E. Hazardous Moving Violations

Hazardous traffic violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways, enacted primarily to regulate safe movement of vehicles and pedestrians. It will be practice to issue citations or arrest, if appropriate, for hazardous moving violations and operating unsafe or improperly equipped vehicles.

F. Equipment Violations

When a vehicle is found to be in violation of equipment requirements, a citation should usually be issued for the most serious violation.

G. Commercial Vehicles

Enforcement of commercial vehicle laws will be governed by applicable federal and state laws and local ordinances.

H. Non-Hazardous Violations

Minor traffic infractions may be resolved by verbal or written warnings.

I. Multiple Violations

When multiple violations are observed which can be classified separately as having distinctly different elements, they shall be dealt with independently. For example, a motorist stopped for following too closely and subsequently found to be operating without a driver's license, should be issued two separate citations.

1. In situations where two violations are similar to the extent that the elements of one law are included in the other law, only the most serious should be charged. For example, a motorist who has been charged with reckless driving would not be charged also with speeding or improper driving on the roadway if these offenses occurred concurrently with, and are important factors in, the charge of reckless driving.
2. A warning citation may be issued at the officer's discretion for a non-hazardous (and non-serious) violation in conjunction with another citation for a more serious equipment or hazardous moving violation. For example, a warning for a seat belt violation may be issued when a subject has been stopped and given another citation for speeding.

J. Pedestrian Enforcement

In enforcing traffic laws pertaining to pedestrians, officers will concentrate their efforts on pedestrian violations in those areas where pedestrian-involved traffic crashes have been frequent and severe.

K. Bicycle Enforcement

It is incumbent on the police to enforce laws relating to the safe operation of bicycles. The following procedures are discretion guidelines which result in a more uniform and consistent application of the law:

1. In areas where congestion and the frequency of traffic crash experience involving bicycles has been predominant, laws pertaining to the proper operation of bicycles should be strictly enforced.
2. On arteries with a substantial flow of vehicular traffic, and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws should be enforced.
3. In areas where traffic flow is minimal, visibility is unobstructed, and traffic crash experience low, officers should exercise discretion in the application of laws regarding safe operation of bicycles.

L. Off-Road and Recreational Vehicles

When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted, in writing, to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators are in violation of state law OCGA 40-7-4. If violations of other applicable laws occur while operating a recreational vehicle, such as DUI, reckless driving, hit-and-run, or criminal damage, additional enforcement action may be taken by officers. Any recreational vehicle driven upon public roadways will be held to the same motor vehicle and registration laws as any other motor vehicle driven upon public roadways.

M. Parking Violations

Officers are encouraged to enforce parking violations they discover. Particular emphasis will be placed on enforcing improper parking on properly marked fire lanes and handicapped parking spaces. A Department Parking Citation or, if the driver is present at the time of issuance, a Georgia Uniform Traffic Citation should be issued.

N. Driving with a Suspended License

The officer should conduct a computer check by the violator's name and date of birth, or driver's license number for the current status of driving privileges.

1. If the violator was issued a license in this state or his state of residence, and the violator's driving privileges have been revoked or suspended with a service and/or surrender date, the officer should cite the violator for not having a driver's license, or driving under the suspension, and the driver should be arrested.
2. If the violator was issued a license in this state or his state of residence, and the violator's driving privileges have been revoked or suspended, but there is no service and/or surrender date, the officer should cite the violator for not having a driver's license or driving under the suspension. The violator should also be served with DPS Form 1150, (Suspension Service) or DPS Form 1030, (Habitual Violator Service), whichever is applicable. The decision to arrest the violator should be based upon applicable law.
3. If the driver is not arrested, the driver shall not be allowed to drive from the location of the traffic stop; other arrangements should be made (e.g. another licensed driver in the vehicle, or someone who can pick the vehicle up).
4. If there is doubt about the suspension status of a license, and verification cannot be gained within a short period of time (approximately 15 minutes), the officer should release the driver. The officer may further investigate the

status of the license and take appropriate action at a later time.

O. New Laws

When new traffic laws are enacted, it is permissible for officers to use their discretion when issuing citations. Generally, the issuance of warning citations for a period of 30 days after a new traffic law has been enacted is acceptable. However, there may be certain circumstances where issuing a citation with a court return date would be the most appropriate action.

IX. REQUESTS FOR RE-EXAMINATION OF DRIVERS

Any officer having reason to believe that a person is not physically or mentally qualified to be a licensed driver in Georgia, should send that person's name, address, and date of birth to the Georgia Department of Public Safety (OCGA 40-5-34(c)). The request for re-examination will be a letter to the Driver's License Advisory Board.

Physical or mental defects must be described in specific detail and the specifics of the incident must be written in such detail that reasonable grounds for the re-examination are conclusively established. The request for re-examination letter must be signed by the initiating officer and the officer's supervisor.

X. ACCOUNTABILITY FOR TRAFFIC CITATIONS

A. Electronic Citations

The Mobile Field Reporting System electronically issues citations to officers as requested. Each electronic citation is given a unique citation number and contains the issuing officer's name, both of which can not be altered by the requestor. Citations are electronically stored by the computer and can be accounted for as needed. Electronic citations are contained in a secure environment, accessible to only those Department employees who have been granted access.

B. Traffic Citation Books

Blank traffic citation books will be issued to individual officers as needed. Records of the issuance of traffic citation books will be maintained by the unit or precinct on the Department Citation Book Issue form. Officers will be expected to account for all traffic citations issued to them. Copies of all issued citations will be forwarded Central Records so they may be forwarded to the appropriate court, and copies stored in accordance with the Georgia Records Retention Schedule. Any voided, damaged, or otherwise unused traffic citations will be marked with the officer's name and badge number, and all copies forwarded to the Records Section. An incident report will be made on all lost or stolen traffic citations. Traffic citation books will be kept in a secured storage area accessible only to supervisors.

XI. SPEED MEASURING DEVICES

The Department will use speed detection devices in high or potentially high traffic crash locations when speed is a factor, in areas where speed limit violations are prevalent, and in response to citizen complaints concerning speeding motorists.

A. Equipment Specifications for Speed Measuring Devices

1. RADAR / LASER

RADAR/LASER units used shall be in compliance with DPS rule 570-7-.05.

2. Pacing / Speedometer

The speedometer of each vehicle used for traffic enforcement will be certified annually for accuracy.

B. Operational Procedures

Speed measuring devices shall be operated in accordance with manufacturer's guidelines and the requirements set forth in OCGA 40-14.

C. Proper Care and Upkeep

1. Every year each operational RADAR and LASER unit will be professionally calibrated by a factory-authorized technician.

2. Care and upkeep on a continual basis, including cleanliness of units and reporting needed repairs to units, is the responsibility of patrol officers certified to operate RADAR or LASER.

D. Maintenance and Calibration Records

Records shall be maintained of each RADAR or LASER unit to include:

1. Statement of origin and accuracy;
2. All calibrations performed, including certificates of calibration; and
3. All reported defects or repairs to each unit.

E. Operator Training and Certification

All officers using speed measuring devices must successfully complete an initial basic operator program and receive certification prior to issuing citations. Officers will attend re-certification training as required (OCGA 35-8-12).

Cobb County Police Department

Policy 5.30

BIAS BASED PROFILING

Effective Date: December 15, 2013
Rescinds: Policy 5.30 "Biased Based Profiling" (November 11, 2011)
Related Orders: Policy 2.13 "Disciplinary Investigations"; Policy 2.14 "Disciplinary Action"
Issued By: Chief J.R. Houser Page 1 of 1
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to define and prohibit biased based profiling by members of the Cobb County Police Department.

I. DEFINITION

Bias Based Profiling: the selection of an individual(s) for enforcement action based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

II. GENERAL RULES

- A. Bias Based Profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts is prohibited.
- B. All agency enforcement personnel will receive training in Bias Based Profiling issues including legal aspects.
- C. All complaints received will be handled in accordance with policy and procedure. Complaints that include Bias Based Profiling will be so indicated on the complaint form. Should an officer of the Department engage in Bias Based Profiling, he shall be subject to disciplinary action in accordance with policy.
- D. The Chief of Police, or his designee, shall conduct a documented annual administrative review of agency practices including citizen concerns. This review shall be completed in March of each calendar year.

Cobb County Police Department

Policy 6.03

PUBLIC INFORMATION

Effective Date: January 12, 2013
Rescinds: Policy 6.03 (July 20, 2012)
Related Orders: Policy 6.10 "Ride-Along Program"
Issued By: Chief J.R. Houser
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The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The Cobb County Police Department recognizes that police activities are of public interest. The purpose of this policy is to ensure the smooth flow of information to the news media and to ensure that such information is released in compliance with federal, state and local laws.

I. POLICY

It is the policy of this Department to disclose available information concerning police activity when permissible and as promptly as circumstances permit. At no time will information be released prematurely, nor will information be withheld for the exclusive benefit of any individual reporter or segment of the news media.

II. PIO NOTIFICATION

The Public Information Officer is to be immediately notified of the following incidents by the Supervisor or Incident Commander:

- Homicide or malicious wounding with serious injury.
- Confirmed abductions.
- Barricade or hostage situation.
- Special Weapons and Tactics Team (S.W.A.T.) activations.
- Major raids conducted.
- Robbery of financial institutions.
- Property crime with a stolen value in excess of \$50,000.
- Major transportation crashes, i.e. aircraft, trains, or buses.
- Death by any other cause than natural or suicide.
- Traffic crashes involving pedestrians or fatalities.
- Bombings where a device is found or mass evacuation occurs.
- Arrest of suspects in any homicide, rape, or armed robbery.
- Escape of any suspect in police custody.
- Incidents involving an individual of public interest by virtue of their position.

- Any incident involving the use of deadly force by an officer
- Injury to an officer which requires transport to a hospital.
- Any incident where there may be a question as to the agency's liability.
- Natural or man-made disasters resulting in death, multiple injuries, or extensive property damage.
- Any event that has or potentially will attract media attention or be of great concern to the public.

III. INTERACTION WITH THE MEDIA

The news media may photograph and report anything they observe when legally present at an emergency or crime scene.

- A.** Members of this Department will not prevent the photographing of defendants when they are in public places, however, they will not permit the deliberate posing of a person in custody. Officers will neither encourage nor discourage photographing or televising of persons in custody.
- B.** When publication or broadcast would interfere with an investigation, or place a suspect, victim, or others in jeopardy, the Commanding Officer at the scene, or the Public Information Officer, will explain the situation to the news media representatives and request that they withhold the story or certain components of the investigation. Withholding broadcast or publication is dependent upon a cooperative press, not censorship by the Department.
- C.** Personnel of the Department will not interfere with a reporter's activities as long as those activities remain within the confines of the law and boundaries of Department policy. No member of this Department shall forcibly take audio/video recording equipment, cameras, film/tapes, phones, notes, records, etc. from a member of the media present at any incident scene. If the media has information that could be considered or used as evidence, the PIO will be notified.
- D.** In the event of a major incident, crime, or disaster where police lines are established for crowd control and the preservation of evidence, the following guidelines will be followed:
 - 1. Initially, the media will only be permitted in those areas established for the general public. As soon as possible, a media contact area should be established. Reporters and camera crews should be asked to gather at this point and given instructions as to the operational format for briefings.
 - 2. The Commanding Officer of an incident may authorize closer access to the media than that which may be granted to the general public. News media vehicles and equipment may be located at points nearer the scene than permitted by normal traffic control, but such locations shall be at the discretion of the Incident Commander and Public Information Officer.

Special media access shall not be granted if it will interfere with emergency operations. All media representatives will be granted the same privileges, regardless of their affiliation.

3. Statements and interviews concerning the situation should be released from the media contact point only. Regular briefings should be held throughout the incident to keep the public informed.
 4. Only the Chief's Office, Public Information Officer, Incident Commander, or a designee, will be authorized to release information concerning the incident.
 5. Upon completion of on-scene police investigations, only the owner, legal occupant, or their agents may grant permission to the media to enter private dwellings or the surrounding curtilage to gather news.
- E. Incidents involving unprofessional or discourteous actions of the news media should be brought to the attention of the Public Information Officer or Chief's Office. If the nature of the complaint is significant, the Chief's Office or the Public Information Officer will contact the reporter's news agency and relay the complaint.

IV. RELEASE OF INFORMATION

Generally, the PIO is responsible for the release of information for all media inquiries that are not filed under the Georgia Open Records Act. His duty is to serve as the primary point of contact for news media representatives.

A. Active Incidents

In the absence or pending arrival of the Public Information Officer, the Incident Commander of any scene, or his designee, may release pertinent, verified preliminary information to the news media such as:

1. Location and type of incident.
2. Confirmation of arrest.
3. Identity of arresting agencies.
4. The suspect's age and sex.
5. The victim's age and sex.

Request for more detailed information will be referred to the Public Information Officer.

B. Past Incidents

When a media inquiry is made concerning an incident/investigation that the Public Information Officer does not respond to, a supervisor familiar with the incident/investigation may release the following information:

1. Location and type of incident.
2. Confirmation of arrest.
3. Identity of arresting officers and agencies.
4. The suspect's name, age, sex, and address if 17 years old or older.
5. The suspect's age, sex, and general area of residence if under the age of 17.
6. The victim's name, age, sex, and address if 17 years old or older.
7. The victim's age, sex, and general area of residence if under the age of 17.
8. Confirmation of the presence of witnesses, but no witness information.
9. Request for assistance in obtaining evidence, when approved by the lead investigator or supervisor.
10. Composite sketches, photos, video, or other images of suspects, victims, and witnesses, when approved by the lead investigator or supervisor.
11. Announcement of seizure of any evidence except confessions, when approved by the lead investigator or supervisor.

If more detailed incident information is requested by the media, the Public Information Officer should be consulted.

- C. Employees not directly responsible for an investigation will not release any information that is not indicated on an official Public Information Release form without the approval of the responsible investigator or higher authority.

V. MAJOR INCIDENT FORM

Supervisors, or a designee, will initiate a Major Incident Form on incidents that may be of interest to the press or public. These forms should be completed by the end of the shift of occurrence and forwarded to the Public Information Office, Chief's Office, Bureau Deputy Chief, and Division, Unit, or Precinct Commander.

VI. PUBLIC INFORMATION OFFICER

The Public Information Officer shall serve as the primary point of contact for news media representatives. He will be available for on-call responses to the scenes of major incidents and to respond to news media inquiries. The Public Information Officer is responsible for, at a minimum:

- A. Assisting media personnel in covering news stories at the scenes of incidents.
- B. Preparing and distributing agency media releases.
- C. Arranging for, and assisting at media conferences.
- D. Coordinating and authorizing the release of information about victims, witnesses, and suspects.

6.03 Public Information

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- E. Coordinating and authorizing the release of information concerning confidential agency investigations and operations.
- F. Coordinating the release of information at all major incidents involving the Department. Where more than one agency is involved, the agency having primary jurisdiction should be responsible for coordinating and releasing information.
- G. Ensuring periodic surveys of local media are conducted to determine the level of relations between the Department and the media, and possible methods for improving the flow of information. The Department should involve the media in the development of changes in policies and procedures relating to the public information function.
- H. Coordinating with investigators and supervisors before releasing information concerning ongoing investigations.
- I. Consulting with the Chief's Office prior to arranging feature segments concerning individual officers, detectives, units, or the Department at large.
- J. Maintaining records of news reports involving Cobb County Police activities, and notifying the Chief's Office of news reports which portray the Department in a negative manner.
- K. Coordinating reporter ride-alongs in accordance with Policy 6.10 "Ride-Along Program."
- L. Generating Public Information Releases (PIRs) about significant events/incidents that involve Department activities/investigations. The PIRs will be sent internally to all Department of Public Safety and Medical Examiner employees, and externally to media personnel. PIRs will be made available to the general public.

Cobb County Department of Public Safety

Policy 9.01

FITNESS FOR DUTY

Effective Date: April 16, 2002	
Rescinds: November 1995	
Related Orders: CCPD Policy 3.03 II, Administrative Investigative Leave Civil Service Rule 5, Administrative Leave Civil Service Rule 7, Appeals CCPD Policy 2.02, Secondary Employment CCPD Code of Conduct, Rule 1.12, Employment Outside of Department	
Issued By: Director James D. Arrowood	Page 1 of 6

§-I. PURPOSE

It is the goal of the Cobb County Department of Public Safety to provide effective public safety services and to provide a safe and secure work environment for its employees. Accordingly, all employees must be mentally and physically able to perform the duties of their current job classification. The Cobb County Department of Public Safety will not knowingly allow any employee to undertake job responsibilities which he is physically or mentally incapable of performing, or where an employee is a direct threat to either the employee or others.

Reasonable accommodation will be undertaken as required or appropriate as determined by the Appointing Authority. The procedures set forth in the following sections of this policy shall govern an employee's "Fitness for Duty". This policy supersedes all other Fitness for Duty Policies currently in effect throughout the Department of Public Safety.

§-II. SCOPE

All employees assigned to the Cobb County Department of Public Safety.

§-III. PROCEDURES

A. Definitions

1. "Administrative Leave" - Refers to paid leave for a maximum period of 10 working days, granted by the Cobb County Department of Public Safety, pursuant to Civil Service Policy, while an internal investigation is conducted.
2. "Appointing Authority" - The person or groups of persons authorized by statute or lawfully delegated authority to make appointments to fill positions.
3. "County Physician" - A State of Georgia licensed physician, psychiatrist, or psychologist contracted with by Cobb County to conduct pre-employment examinations or fitness for duty examinations. When used in the context of this policy, the professional specialty of the physician shall be related to the condition being evaluated.
4. "Fitness" or "Fit for duty" - The ability to perform every essential or non-essential duty of the employee's current job classification with or without reasonable accommodation where required or appropriate.

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Effective Date: Adopted 11/95

5. "Restricted duty" or "Fit for restricted duty" - The employee is able to work, but unable to perform every essential or non-essential duty of his current job classification, even with reasonable accommodation as required or appropriate.
6. "He, him, his, himself" - is used generically and shall refer to both genders.
7. "Physician" - Shall include a State of Georgia licensed physician, psychiatrist, or psychologist. When used in the context of this policy, it is implied that the professional specialty shall be related to the condition being evaluated.
8. "Unfitness" or "Unfit for duty" - The employee is unfit for duty or unfit for restricted duty.
9. "Commanding Officer" - Command level personnel holding the rank of Agency Director, Chief, Deputy Chief, Department Manager, Department Assistant Manager, Commander, Division Chief, Battalion Chief, or higher.
10. "Threshold Determination" - A threshold determination is a preliminary determination, usually made by an employee's first level of supervision, using all facts and observations available to the supervisor at the time.

B. Notification Requirement

An employee shall notify his supervisor in writing of any condition, physical or mental, which could reasonably be expected to impair his ability to perform the essential or non-essential duties of his current job classification. Such notification shall be made when the employee becomes aware of the situation if already on the job, and prior to beginning work if the situation arises while off duty.

C. Determination of Fitness for Duty

1. Pursuant to Section I, an employee's immediate supervisor, with the concurrence of the Commanding Officer or his designee, will make a threshold determination of whether the employee is fit for duty. Such a determination shall be based upon observable behavior or other articulable facts which would reasonably bring the employee's fitness for duty into question. Such factors would include, but not be limited to:
 - Obvious physical or mental impairment.
 - Inappropriate behavior.
 - Notification of impairment, or possible impairment, from the employee or the employee's physician.
 - Excessive personnel complaints, whether originated internally or externally, particularly
 - Complaints of the use of unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating an inability to exercise self-control and self-discipline.
 - An abrupt and negative change in customary behavior.
 - Irrational verbal conduct or behaviors, including delusions and hallucinations.
 - Suicidal statements or behaviors, or personal expressions of mental instability.

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Effective Date: Adopted 11/95

- Unexplained and excessive fatigue or hyperactivity.
 - Dramatic change in eating patterns resulting in sudden weight loss or gain, or
 - Diagnosis of a life-threatening disorder.
2. Once a situation has arisen which brings an employee's fitness for duty into question, the employee's supervisor shall reduce the incident to writing. The written report shall concisely describe:
 - a. The factors which gave rise to the evaluation.
 - b. The determination that was made.
 - c. A justification for the decision.Such written report will be approved by the employee's Commanding Officer, and forwarded to the DPS Personnel Unit to be retained in the employee's confidential medical file.
 3. In the event of a threshold determination that the employee is not fit for duty, an employee occupying a sworn position or any position may for good cause be immediately placed on administrative leave with pay by the Appointing Authority or his designee pending a medical determination of the employee's physical or mental fitness for duty.
 4. In the event of a threshold determination that the employee is not fit for duty, or in circumstances where a determination cannot be accurately rendered, the employee will be referred to the County Physician for a fitness for duty evaluation. The decision of the County physician shall be determinative and shall be reported on a "Fitness for Duty Affidavit" (Form # DPS101a).

D. Appeal Process

1. If the employee does not agree with the determination made by the County Physician, the employee may obtain an examination by a second physician of his choice and at his own expense. The physician will be required to submit a "Fitness For Duty Affidavit" (Form # DPS101a) provided by the Cobb County Department of Public Safety. Assuming a determination of fitness, and with the concurrence of the County Physician, the employee may continue to work or return to work.
2. If a dispute exists between the treating physician and the County Physician as to the employee's fitness for duty, the County Physician shall provide a list of at least three State of Georgia licensed, board certified specialists from which the employee may select for a further examination. The cost of such examination shall be paid by the County. The results of this examination shall be deemed determinative as to the employee's fitness for duty. The specialist will be required to submit a "Fitness For Duty Affidavit" (Form # DPS101a).

E. Restricted Duty

1. The Cobb County Department of Public Safety will attempt, where required or appropriate, to place employees who are not fit for duty in a "restricted duty" assignment. Unless the employee's restrictions are the result of a Workers'

FITNESS FOR DUTY POLICY 9.01

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Compensation injury, all restricted duty assignments shall be of a limited duration of six (6) months or until the employee is fit for duty, whichever is sooner. If, at the expiration of six (6) months, the employee is not fit for duty, he may be eligible for accumulated paid leave or leave of absence without pay.

2. Employees who are not fit for duty as a result of a Workers' Compensation injury are eligible for "restricted duty" assignments for an initial six (6) months. However, the Cobb County Department of Public Safety will attempt, where required or appropriate, to place such employees who remain not fit for duty after the expiration of six (6) months in a "restricted duty" assignment for up to an additional six (6) months. The Public Safety Director will consider each extension request on a case by case basis.
3. Employees placed on a restricted duty assignment shall continue to receive the same rate of pay as that of their permanent job classification and shall suffer no loss of benefits.
4. All employees placed on restricted duty shall be required to acknowledge specific work related expectations and restrictions as set forth in the "Restricted Duty Acknowledgment Form" (Form # DPS101b). The form shall be completed by the employee's Commanding Officer or his designee and acknowledged by the employee's immediate supervisor as well as the employee. The employee shall acknowledge, by his signature, that he has read and understands the expectations and restrictions set forth in the form regarding the restricted duty assignment.
5. Public Safety personnel, while performing restricted duty, shall not undertake any law enforcement related responsibilities without the specific approval of a supervisor. In like manner, firefighters shall not perform fire fighting duties, and communications officers will not perform any emergency communications duties while in a restricted duty assignment without the specific approval of a supervisor.

F. Extra-Departmental Employment

Public Safety personnel, while in a restricted duty assignment, shall not engage in extra-departmental employment which is in any way dependent upon their being able to exercise the duties and responsibilities of a Peace Officer, Firefighter or Emergency Communications Officer.

G. Americans with Disabilities Act, Family and Medical Leave Act, or Applicable Law

This policy shall be interpreted, modified, and/or implemented consistent with the requirements of the Americans with Disabilities Act, the Family and Medical Leave Act, or other applicable law.



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
Marietta, Georgia 30060-1454
(770) 499-3900 • fax: (770) 499-4195
www.police.cobbcountyga.gov

J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. Cox *Deputy Chief of Police*

MEMORANDUM ORDER

TO: All Sworn Personnel
FROM: Chief J.R. Houser
SUBJECT: Body Cameras
DATE: April 20, 2015

Effective immediately:

All personnel who utilize a body camera will engage the device on all self-initiated activity, calls for service, and other incidents to include interviews with victims, witnesses, suspects, etc. However, when within residential private premises (eg: houses, apartments, mobile homes, motel rooms and similar residences), officers should not activate the body camera without the consent of all parties being recorded.

1. Once a video has been captured, personnel will maintain control of their body camera at all times until all of their videos on that device are uploaded to the server. However, officers will relinquish their body camera, even if it contains video, upon demand from a superior officer or his designee.
2. All video should be uploaded by the assigned officer by the end of his tour of duty each day.
3. Body cameras will be subject to all relevant sections of Policy 3.06 "Car Video Recording Equipment."



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R.L. Prince *Deputy Chief of Police*

C.T. Cox *Deputy Chief of Police*

MEMORANDUM ORDER

TO: All Personnel
FROM: Chief J.R. Houser
SUBJECT: Receiving Complaints
DATE: October 1, 2015

Effective immediately:

In order to ensure that the complaint procedure is handled properly and expeditiously, please be sure to follow the below instructions and review and comply with Cobb County Police Policy 2.13 Section III, Complaint Procedures.

- A complaint can be taken by phone, in person, by mail, or email and can be submitted verbally or in writing in any format.
- The complaint can be taken at Headquarters or any precinct, regardless of the assignment of the officer(s) being complained on. Do not send a complainant to another precinct or location to file a complaint.
- If a supervisor is not available to take the complaint at that time, obtain the complainant's name, phone number, name of the involved officer(s) if known, location of the incident, and date and time. Complaints can be made anonymously if the complainant chooses.
- If the direct supervisor of the involved officer is known, email the complainant's information to that supervisor, and copy their precinct or unit commander.
- If the officer or direct supervisor is not known, email the on duty supervisor at your location and copy your precinct or unit commander. That supervisor will be responsible for forwarding the information to the appropriate supervisor.
- Provide the complainant with your name (the person initially receiving the complaint) and contact number.
- Advise the complainant that you will forward their information to a supervisor who will follow up as soon as possible.

4

INVESTIGATIVE REPORT

Prepared by Sam Heaton,

Public Safety Director

I. COMPLAINT RECEIVED

On the morning of July 14, 2015, at 2:22 am, Commissioner Cupid called me and told me about an incident that had occurred that frightened her. She described how she was followed very closely by a car from the Wingate Hotel to and through her neighborhood. She stated that she felt as if she were going to be attacked, and by not knowing what was happening, she decided to flee the area, go to a well lit place, and call 911. When the officers arrived, she was told that the car that had been following her was an undercover police officer. She was also told why the officer followed her and the reason for the operation that was taking place. She said the officers who responded to her location were very nice and even escorted her back to her home. She told me that she wanted the matter investigated, and I assured her I would work with Chief Houser to investigate it and we could meet with her the next morning to let her know what we had found out at that time. I apologized to her that this incident occurred, and we ended the conversation.

II. ACTIONS TAKEN

I immediately phoned the County Manager and Deputy Chief Tim Cox to make them aware of the incident and asked Cox to have the Sergeant gather some information for me so we could share it with Commissioner Cupid. I met Commissioner Cupid before the Board of Commissioners meeting to let her know that I had some information and asked if we could meet. She agreed and we met at approximately 11:00 am to discuss the information we had gathered.

Commissioner Cupid, Chief Houser, Bianca Keaton, and I met in the BOC conference room to discuss the incident. Chief Houser and I described what we knew of the incident based on the information we had received from Sgt. Marchetta. Commissioner Cupid described the incident from her point of view and how the incident made her feel. Chief Houser and I both apologized to her that this incident occurred and assured her we would gather more information as she requested to address some of her concerns. Chief Houser also offered to provide a police escort for her in the future if she planned to continue using the hotel.

I believed we had covered many of the questions asked; however, there were still some unanswered, such as:

- *What is the policy for undercover cars and is there a better way to do this to prevent this from happening in the future?*
- *What did the officer see to suspect me?*
- *Why did the officer close in on my vehicle so fast?*

These questions could not be answered without speaking with the officer involved and reviewing current policies.

When we left the meeting, it was my understanding that Commissioner Cupid wanted us to investigate further, to review our current policies and compliance of said policies, and to get back with her regarding our findings and any actions we had taken to possibly avoid this type of incident from occurring in the future. She also mentioned that she would like for us to examine some type of medium to help mediate these types of events in the future. We did not set a timeline for completing the investigation and return visit with her. Upon leaving, Chief Houser and I both agreed that police staff would begin working on the investigation immediately, but we would allow her time to complete her bar exam before we got back with her.

I contacted the County Manager and advised him that I thought the meeting went well, but we still had some work to follow up on.

The next morning, on July 15, 2015, at 10:20 am, Commissioner Cupid sent an email with an attached memo that included her purpose for the memo, her description of the events of July 14, her outstanding questions, her observations, and her suggested path forward.

Later in the day on July 15, 2015, at 1:28 pm, I received an email from Bianca Keaton requesting photos of the car involved in the incident and a copy of the audio from the 911 call she made on July 14. I sent Commissioner Cupid an email with the 911 call attached and let her know that I had photos of the vehicle involved, but had to check with Police and Legal before I released them due to it being an undercover car and the possibility of jeopardizing cases or endangering police officers.

She sent me a return email that evening at 6:25 pm stating she understood the issue with the photos, but also stated she expected a much quicker and detailed response of why the officer followed her and why he sped after her car in the manner he did. I responded to her email the following morning at 7:12 am letting her know I was working on a response for her. I sent her my response at 3:01 pm on July 16, 2015.

A full chronology of actions taken in response to the complaint is contained in the investigation section of this report under the heading "Investigation: Chronology of Actions".

III. COMMISSIONER CUPID'S ACCOUNT OF THE INCIDENT

Commissioner Cupid's memo of July 15 contained a detailed account of the events of July 14, 2015, and asked a number of questions. Her outstanding questions will be answered in

the investigation section of this report, but the following is the Commissioner's description of the events that occurred:

Yesterday I feared for my safety as someone I believed with criminal intent sought to cause me harm, only to find out that it was a Cobb County police officer in an unmarked vehicle. Below is a detailed, bulleted list of events as experienced and perceived.

- For the past 2-3 weeks I have been studying at the Wingate Hotel in preparation for my bar exam.
- I study there because the hotel is one of the few gathering spaces in our community, and no more than 2 minutes away from my home in the Six Flags area.
- I am also friends with the owner, who I had met while serving on my homeowners association.
- Each night I typically wrap up my studies at the hotel between 11pm and 1am, but this particular evening I stayed until 1:30am.
- As typical, an employee of the hotel either watches me or walks me out to my vehicle to make sure I get in safely.
- In continuance of that vigilance, and more so in my hypersensitivity to criminal reputation of the area, I always intently keep watch of my surroundings as I drive home from the hotel, until I see my garage door fully close.
- But this night felt different. I felt like I had pushed it a little too far in leaving past 1am albeit for 30 minutes.
- An employee of the hotel walked me to my car, but before I entered, the employee and I carried on a brief conversation.
- Upon close of that conversation, I headed home.
- I felt uneasy, perhaps because I was tired.
- And I could tell because I did not completely stop at a stop sign.
- I felt that this was a perfect opportunity for me to get stopped by a police officer.
- That did not happen.
- In caution, I drove home, glad the light in front of me was green, and that I saw no flashing lights.
- As I began to turn into my subdivision, I saw a car at the bottom of the street as I made my way towards the top.
- On occasion I will see another car in the neighborhood as I head home, though uncommon.
- Still I looked back again being cautious and sensitive of my surroundings.
- What I saw seemed to create a scene of all that I had feared for in my routine late night travels from the hotel to the home.
- A car with a defective headlight sped rapidly towards my car at the top of hill.
- The grade of the street and curve at the top of the street are steep enough and sharp enough for me to evaluate the cars speed as erratic.
- When I stopped at the stop sign, the car stopped behind me as if to hit me.
- I began to be filled with fear.
- I looked at the car again so see that its front window is pitch black. No one was identifiable in the car. That is when I began to panic. I couldn't make out the disposition of the person or how many people were in the car.
- I debated in making a right away from my home or to the left.
- I don't know why but I chose left.
- I prayed the car chose right.
- It did not.

- Instantly my panic escalated.
- When I looked at the car again, I observed it was dull gray and the body of the car was unfamiliar to any type of car I had seen before. This car had the features of a coupe type car, with elongated and blocky features more reminiscent of 90s cars. The car if not an old Impala, looked to be a chop shop type car. The thing that scared me was the windows on the driver's side and the driver's rear were also pitch black, so I again could not quickly piece together a comfort from seeing some type of life form in the car. I did not know, was there one person in the car? Two? A car full? Were their guns propped and ready?
- The car also had distinct black block letters with what I also believe to be black stripes along the lower body of the car placed in such a manner that showed less care for style than it was to send a message.
- My home was only six homes away on the left.
- I did not want those in the car to know where I lived so instead of turning left into my driveway I made a quick turn into a short cul-de-sac on the right believing I could take short refuge as the car proceeded past.
- There are only about 5 homes in the cul-de-sac and almost 300 homes in the subdivision so the likelihood of the car turning in to the cul-de-sac was almost nil.
- To my greatest fear the car made a right.
- At this moment I knew that this car, the person in the car, the people in the car were dead set to get me. I looked to my home to only see it had no lights on—my husband probably asleep. I knew I would not have enough time to get his attention to be safe from the intentions of this vehicle.
- I quickly turned left out of the cul-de-sac back towards the front of the neighborhood.
- Only this time, I was the one driving erratically down the steep and curved road.
- I didn't see the car behind me, but also did not want to look back either.
- I fumbled around the passenger seat for my phone. It was in my bag and I frantically dumped out its contents to retrieve it.
- I did not know whether to drive to a police precinct which was at least 20 minutes away or somewhere else
- I chose somewhere else where I have seen Cobb County police in the past: at the QuikTrip off Six Flags Drive.
- As I headed there, I frantically called 911 fearful at any moment the car would be right behind me, this time with a definite intent to harm me for not acquiescing in the cul-de-sac near my home.
- The 911 operator told me to go to QuikTrip, but to utter dismay no police car, and people hanging out up front.
- I did not want their attention, as I thought they would see a woman out by herself at night in her car and I become a victim twice.
- I sat in my car, realizing at this point that my entire body is shaking uncontrollably.
- The operator told me to keep her on the phone. I did. (I am grateful to God for her)
- I also left my car running while I waited inside at the QuikTrip parking lot just in case I would have to speed off again.
- At this point every person I saw looked as if they were a suspect that could get me. Even worse, I thought every car that drove to or past QuikTrip was going to be the gray car.
- To my dismay a gray sedan pulled into QuikTrip. But it lacks the strange shape, tint, and block letters of the car I had recently encountered. I again am filled with great fear. A young man,

probably early 20s steps out. He does not look angry nor does he look my way. He finishes putting gas in the car and drives off.

- I continue to wait for what seems to be an eternity, though again it took about 10 minutes from the time I called 911 for the police to appear.
- An officer approached my car. I was still shaking.
- He was cordial and apologized, explained that the car that I was fearful of was an unmarked undercover vehicle.
- He provides that surveillance has been increased in the area due to the increase of breaking into autos particularly at the hotel.
- He provides that I was followed by the officer purposefully for being in the area of the hotel.
- He provided that when the officer that was following me called in to have my tag read, they saw that the vehicle belonged to me and ceased all action in following my car.
- I expressed neither relief nor anger.
- I was still in a shock.
- My shaking had not subsided.
- I cannot remember the entire conversation as vividly as other events.
- I recall talking with the officer and the 2nd one that arrived about my bar examination and that I was out late.
- I recall the officer providing in the future that I can have a police escort from the hotel.
- I did ask for an escort home that night I was still very much shaken by what occurred, and feared driving home as much as I feared not being home.
- When I arrived home I immediately woke up my husband.
- I shared with him what happened and began to have questions, and began to feel frustrated not only for me, but for my community, and for any other person whose interaction with police is initiated by either undue or excessive police provocation.
- I called all persons within the chain of command of the police officers: Captain Adcock, Chief Houser, Director Heaton, and the County Manager. I left messages with all, but was able to directly speak with Director Heaton.

IV. INVESTIGATION

The following statements are based upon the results of an investigation of the Complaint presented by Commissioner Cupid relative to the events of July 14, 2015.

BACKGROUND

On July 7, 2015, Captain Adcock, the Precinct Commander at Precinct II, received an email from the department Crime Analyst referencing a significant increase in "Entering Auto" crimes at various hotels located in the 215 Beat (areas serviced by patrol officers). The Crime Analyst provided an illustration of the crimes on a map and said they had experienced 15 "Entering Autos" from June 29 through July 9. The hotels noted were located on South Service Road and Lee Industrial Boulevard. The Wingate Hotel at 65 South Service Road has had over 35 calls for police services in the last year to include thefts, suspicious persons, and damage by vandals, among other things. There have also been over 130 "Entering Autos"

since the first of the year within a one-mile radius of this address. The email and data led to conversations during squad meetings and the Sergeants at the Precinct wanted to take a proactive approach by conducting an undercover detail. Undercover operations were selected as an effective method to place officers in a specific geographic location with a significant possibility of identifying or apprehending the offenders.

COBB POLICE OFFICERS' ACCOUNT OF THE INCIDENT

On July 14, 2015, Cobb County Police Officer Lawson (Precinct 2) was assigned to a surveillance detail to work the South Service Road / Six Flags area to combat entering auto crimes that had been occurring in the area. The Department had seen an 83% increase in entering auto crimes in that precinct beat area (215 beat) for the first six months of 2015 when compared to the first six months of 2014. A second officer was assigned to the detail in a marked uniform police car to conduct any traffic stops or enforcement activities that might be needed.

Officer Lawson began this detail at approximately 22:30 hours. At approximately 01:40 hours, he was parked in an unmarked police vehicle (Pontiac Grand Prix) in the parking lot of 65 South Service Road (Wingate Hotel). Officer Lawson was observing the parking lot area and the entrance/exit of the parking area. While doing so, he had focused his attention on a family that had arrived at the hotel and was unloading their vehicle. During this time, he saw the reverse (back-up) lights become activated on a SUV that was also in the parking lot. He had not noticed anyone walk to the vehicle from the hotel or anyone leave the vehicle and walk back to the hotel. He stated that he was thinking that the vehicle must have arrived at the hotel, conducted a "turn around" maneuver in a parking space, and was attempting to leave. The SUV left the parking lot and traveled east on South Service Road. The officer noticed that it was traveling at what he perceived a higher speed than other vehicles he had observed. Officer Lawson stated that he noticed the SUV make a left turn onto Six Flags Parkway without using a turn signal. He became suspicious that some type of criminal activity may have been occurring so he decided to follow the vehicle.

Officer Lawson exited the hotel parking lot and attempted to catch up to the SUV. He called for the marked uniform police car that was supporting the surveillance operation to respond. The SUV turned into the Silver Mine neighborhood, on Silver Mine Trail. At that point, Officer Lawson was finally able to catch up to the vehicle. He made note that the vehicle was still traveling at a high rate of speed in the residential area, an observation that continued to raise his suspicion. Officer Lawson was finally able to get the SUV tag number and asked the 911 dispatcher for a registration check as he approached Silver Mine Trail and Silver Mine Crossing. The SUV turned left onto Silver Mine Crossing, and took an almost immediate right onto Silver Mine Court. The officer did not want to lose sight of the vehicle, so he continued following onto Silver Mine Court. This roadway is a cul-de-sac area, and as he turned into it, the SUV was turning around in the cul-de-sac to return from the direction it came. At that time, information was provided on the police radio that the vehicle was Commissioner Cupid's vehicle. Sergeant Marchetta heard this and realized that the vehicle was in Commissioner Cupid's neighborhood. He instructed Officer Lawson to discontinue his

involvement with the SUV. Officer Lawson complied and drove back through the neighborhood and returned to the hotel parking lot. He never saw the SUV again. The time from when Officer Lawson saw the vehicle leave the hotel until he discontinued his involvement was approximately two and half minutes and covered approximately one and a half miles. Following is the officer's timeline of the incident:

22:30 hrs – 2151(call sign for Officer Lawson) Begins hotel surveillance in the South Service road area / Wingate Hotel

01:40 hrs (approx) - 2151 Observes vehicle (later determined as a Lexus) activity, then rapidly departing the Wingate Hotel. Vehicle turns right on South Service Rd as 2151 starts his car. When 2151 reaches Hotel entrance the vehicle was then turning left on Six Flags Parkway. When 2151 reached South Service Rd and Six Flags Pkwy, the vehicle was then at Lee Industrial Blvd.

01:40:59 hrs - 2151 gives 911 vehicle description and tag

01:41:33 hrs - 2151 advises vehicle on Silver Mine turning around.

01:41:58 hrs - 2102 (Sgt. Marchetta) ask 911 who the tags returns to.

01:42:20 hrs - 911 advises Lisa Cupid, 2004 Lexus, Silver Mine Crossing, Austell

01:42:30 hrs - 2102 confirms with 911 Lisa Cupid?

01:42:34 hrs - 911 advises affirmative and officer discontinues involvement

911 CALL AND ESCORT

At approximately 01:44 hours, Commissioner Cupid called 911 about a suspicious vehicle that had followed her. She drove to the Quick Trip, located on Six Flags and waited for a Cobb County Police unit to be dispatched to her. Sergeant Marchetta responded to the location and met with the Commissioner. He listened to her concern that a suspicious vehicle had just followed her from the Wingate Hotel to her neighborhood and that she was very concerned and upset, feeling that the person in the vehicle meant her harm. Sergeant Marchetta explained that the vehicle was a Cobb County Police vehicle that was involved in a surveillance detail. He attempted to ease Commissioner Cupid's fears and offered to have an officer escort her home. She accepted the offer and was escorted home by another Precinct 2 police officer that was in a uniform marked unit. Below is a timeline of Commissioner Cupid's call and escort home.

01:44:50 hrs – 911 call placed by Commissioner Cupid

01:48:51 hrs - 911 raises 2103 (Sgt. Latham)

01:48:52/01:49:02 hrs - 911 notifies 2103 of a signal 54 call (suspicious person) from Quik Trip on Six Flags Pkwy

01:49:08 hrs – 2116 code 8 (enroute) to QT

01:49:19 hrs – 2102 requests the name of the complainant at QT

01:49:27 hrs – 911 advises Lisa Cupid

01:49:30 hrs – 2102 acknowledges and is code 8 (enroute)

01:52 hrs (approx) - 2102 10-7 (on the scene)

02:01:12 hrs – 2116 (Officer Bridges) 10-7 (on the scene)

02:02:32 hrs – 2102 and 2116 10-8 (in service)

02:02 hrs – 2116 Begins escort

02:06 hrs – 2116 Ends escort

INVESTIGATION: CHRONOLOGY OF ACTIONS

The investigation began at 2:22 am on July 14, 2015, when I received a phone call from Commissioner Cupid and she explained to me what had happened and described how upset she was from the incident. I assured her that I would get with Chief Houser to gather information regarding the incident and we would get back with her as soon as possible to discuss the issues. I apologized to her that the officer's actions had made her feel threatened. I immediately notified County Manager David Hankerson and then contacted Deputy Chief Tim Cox so he could begin the investigation. Below is a timeline of the work that has been done since the complaint was received:

July 14, 2015 / 2:38am

I contacted Mr. Hankerson and advised him of the situation and that we were gathering information and would follow up with the Commissioner and keep him advised.

July 14, 2015 / 2:40am

I called Chief Houser and was not able to connect.

July 14, 2015 / 2:41am

I spoke with Deputy Chief Cox and advised him of the situation and requested to have information gathered.

July 14, 2015 / 3:40am

I received an email from the Commissioner asking for the incident to be investigated and that she would like to be provided with a copy of the detailed report.

July 14, 2015 / 3:57am

I received an email from Deputy Chief Cox advising he had spoken with Sgt. Marchetta and giving me a brief description of what had happened based on what he was told and that Sgt. Marchetta was putting together an email to send.

July 14, 2015 / 4:46am

Chief Houser and I received an email from Sgt. Marchetta through Deputy Chief Cox describing the incident.

July 14, 2015 / 8:55am

I met with the Commissioner before the start of the BOC meeting and advised I had some information and asked if she would like to meet. The Commissioner agreed and suggested we meet after the BOC meeting.

July 14, 2015 / Approximately 11:00am

Chief Houser, Bianca Keaton, and I met with the Commissioner in the BOC conference room to discuss the incident. Chief Houser and I described what we knew of the incident based on the information we had received from Sgt. Marchetta. The Commissioner described the incident from her point of view and how the incident made her feel. Chief Houser and I both apologized to her that the incident occurred and assured her we would get the information requested. Chief Houser also offered to provide a police escort for the Commissioner in the future if her plans included the continued use of the hotel. I felt we had covered many of the Commissioner's questions; however, there were still some unanswered, such as:

What is the policy for undercover cars and is there a better way to do this to prevent this from happening in the future?

What did the officer see to suspect the Commissioner?

Why did the officer close in on the Commissioner's vehicle so fast?

When we left the meeting, it was my understanding that the Commissioner wanted us to investigate this further, review our current policies and compliance of said policies, and get back with her on our findings and what actions we had taken to possibly avoid this type of incident from occurring this in the future. The Commissioner had also mentioned that she would like for us to examine some type of medium to help mediate these types of events in the future. We did not set a timeline for completing the investigation and return visit with the Commissioner. Upon leaving, Chief Houser and I both agreed that police staff would begin working on this immediately, but we would allow the Commissioner time to complete her bar exam before we got back with her.

I contacted the County Manager and advised him that I thought the meeting went well, but we still had some work to follow up on.

July 14, 2015 / 1:25pm

Chief Houser met with Deputy Chiefs Prince and Cox to discuss the incident and how to gather the information needed to answer the Commissioner's questions.

July 14, 2015 / 2:48pm

An email was sent to all precinct commanders stopping all undercover (U/C) operations until further notice.

July 14, 2015 / 10:00pm

Deputy Chief Cox spoke with Sgt. Marchetta by phone and advised him that Commissioner Cupid may be requesting escorts and that doing so had been approved by HQ.

July 14, 2015 / 21:17hrs

DC Cox sent a follow up email to Precinct II Lieutenants and Captain Adcock advising of the approval of the escort.

July 15, 2015 / 8:26am

Officer Lawson (driver of U/C car) was sent an email requesting detailed information of his observations and actions regarding incident (he was on scheduled time off, but calls were made and messages left for him).

July 15, 2015 / Approximately 9:00am

DC Cox contacted Crimes Analysis personnel and requested crime stats for a one mile radius of S. Service Road from January 1, 2015 to present.

July 15, 2015 / 10:20am

I received an email with a memo from the Commissioner describing the incident and stating she had remaining questions (many that had been discussed the day before) and that she was requesting an adequate response that would include:

- Uncovering the details of how something like this occurred from a matter of protocol and practice
- Providing details as to what actually occurred and what could be done to prevent its occurrence
- Providing what measures will be taken to restore not only the Commissioner's peace of mind but those of communities and individuals subject to such activity

July 15, 2015 / 12:14pm

DC Cox requested data received from Crime Analysis which showed an 83% increase in entering autos since last year in 215 beat.

July 15, 2015 / 1:28pm

I received an email from Bianca Keaton requesting photos of the car involved in the incident and a copy of the audio from the 911 call the Commissioner made on July 14.

July 15, 2015 / 1:49pm

DC Cox requested pin map reflecting above data and same was received.

July 15, 2015 / 2:00pm

Requested calls for services at address of Wingate Hotel (65 S. Service Road) for 1 year period showing approximately 40 calls.

July 15, 2015 / Afternoon

DC Cox gathered information regarding window tinting on vehicles and any exceptions to law enforcement.

July 15, 2015 / 3:17pm

DC Cox sent Shift Lt. Ballard a list of questions about the incident to be answered. Questions were:

1. What led to the decision to conduct this operation?
2. What restrictions or criteria were put into place prior to the operation?
3. Comparison of crime stats in 215 beat.
4. How many supervisors were working on Morning Watch on Monday-Tuesday night shift?
5. Was a supervisor assigned just to oversee this operation or was supervision spread between the beats and the operation?

He responded at 5:57am on July 16, 2015. Lt. Ballard also advised Officer Lawson would be off for the next three days. Will continue to reach out to him for his report.

July 15, 2015 / 2:49pm

I received an email from Chief Houser with the photos of the car and the 911 audio. Because the vehicle is an undercover vehicle, I wanted to be sure it was clear to release the photos so as not to put cases or officers at risk. I contacted Legal for advice, but due to being unable to make contact before the close of business, I sent the Commissioner an email explaining the situation at 4:57 pm.

July 15, 2015 / 6:25pm

I received an email from the Commissioner letting me know she received the email and that she expected a quicker response from us regarding the incident.

July 16, 2015 / 7:12am

I sent the Commissioner an email letting her know that I was working on the response and would like to meet with her if possible.

July 16, 2015 / 12:50 pm

Received an email from Officer Lawson, through his chain of command, explaining his actions as the undercover vehicle operator on the morning of July 14, 2015.

July 17, 2015

Spent majority of the day reviewing all information gathered regarding the incident as well as department policies and procedures. Spent time responding to questions asked by Commissioner Cupid in her two emails. Met with County Manager and Legal to discuss response letter.

V. Commissioner Cupid's Questions with Answers

In two emails Commissioner Cupid asked questions related to this incident and although some were discussed in the meeting held on July 14, I would like to provide answers in this report, addressed to Commissioner Cupid. Below are the questions and responses:

From memorandum dated July 15, 2015

1: What justified this unmarked officer in intimidating me and speeding towards my car as if to hit me?

The investigation of this matter revealed no intention or desire of the officer to intimidate you. He did close in on your vehicle to obtain a tag number, make and model of the vehicle, and possibly the number of subjects in the vehicle.

2: What is the benefit of such protocol?

Obtaining information from a tag assists officers in determining if a vehicle is possibly stolen, wanted, or does not match make and model. The use of unmarked vehicles also enhances the department's ability to conduct surveillance and interdict crime before it is completed.

3: How does it serve a purpose of catching those breaking and entering vehicles?

The use of unmarked vehicles enhances the department's ability to conduct surveillance and interdict crime before it is completed thereby preventing citizens from being victimized.

4: Why was such a vehicle being used to tail someone?

The use of unmarked vehicles enhances the department's ability to conduct surveillance and interdict crime before it is completed thereby preventing citizens from being victimized.

5: What if my children were in my car?

While conducting law enforcement activities, officers are constantly evaluating their actions to determine the safest manner to obtain information on possible suspects while also protecting any uninvolved citizens that are in the area. When officers observe children in the area, they adjust their tactics to ensure that the safety of the children is maintained.

6: Would this action still be justified?

If the officer had knowledge of a child's presence, he would evaluate his response to the situation and make the child's safety the most important factor.

7: At what moment in the night did I become a suspect (When I was walking out the hotel, driving)?

Officers are trained to evaluate the "totality of the circumstances" in determining if reasonable suspicion exists to conduct an investigatory detention of a person. In your case, you were never stopped and the officer was still gathering facts related to the totality of the circumstances to determine if a stop was warranted.

8: What about me, my car, my actions made me a suspect?

As stated above, officers are trained to evaluate the totality of the circumstances to determine if reasonable suspicion exists to conduct an investigatory detention, which did not occur. In this case the undercover officer was working a detail when he saw reverse lights and thought your vehicle must have arrived at the hotel while he was looking away, conducted a "turn around" maneuver in a parking space, and was attempting to leave. His observation was that the vehicle left at a higher rate of speed than normal and he became suspicious and decided to follow the vehicle.

9: Did he see me when I left my hotel, when I was in my car?

As stated above, your vehicle was first observed when the back-up lights came on in your vehicle while it was in the parking lot. The officer did not see you before you entered your vehicle.

10: Did he know I was young, a female, black?

No. The officer did not see you and had no description of who was in the vehicle.

11: What justifies criminalizing members of an entire community to catch criminal activity?

The Cobb County Police Department does not criminalize anyone. This area of the County has seen an 83% increase in entering auto crimes this year over the same time period of last year. The officers assigned to work this area were striving to reduce this criminal activity.

12: How pervasive is this type of activity that out of the 700,000 members of Cobb County community, that one of the five persons who run this County is a victim of this type of activity?

This question requires clarification and statistical information not within the control of the department at this time to provide an accurate answer.

13: When the police officer ran and pulled my tag and saw the vehicle was mine, why did he stop pursuit?

As stated in the Background Section, a field supervisor heard your name on the tag return and directed that the operation be ceased.

14: If the concern was about breaking into vehicles, how did the officer not know that car was being stolen?

When the field supervisor heard it was your car and had pulled into your neighborhood, the supervisor evaluated the totality of the circumstances and determined a stop was not warranted.

15: If the officer ran my tag and stopped pursuit upon seeing the vehicle belonged to me, what would have been the officer's course of action had he run the tag and saw the vehicle did not belong to me and belonged to an ordinary citizen? What if an ordinary citizen were driving the car? My neighbor, young adults, my parents.

The officer and supervisor would have used the totality of the circumstances to determine if a brief investigatory stop was warranted and would have a marked police car conduct a stop, if it was legally justified.

16: Why is it justifiable for a police officer to engage in actionable offenses of speeding and tailing someone?

Officers are required to drive with due regard for the safety of all persons at all times. There are situations, while driving with due regard, when an officer's conduct may be justified when it is in reasonable fulfillment of his duties as a government officer.

17: Why is it okay for a police officer to cause apprehension, instill sheer fear and intimidate?

The conduct of the officer in this incident was not intended to cause apprehension, fear or intimidation to anyone.

18: Why is it okay for the police to drive with a broken headlight and with opaque black windows? Are they not creating a questionable element?

It is a violation of the Georgia traffic code for a vehicle to operate on Georgia roadway with a defective headlight. This is an equipment issue that will be repaired. In regard to the window tint on the vehicle, the vehicle's window tint level is within the legal limits of Georgia law.

Even if it were not, O.C.G.A. 40-8-73.1 contains an exemption to any law enforcement vehicle. This vehicle is owned by Cobb County government and assigned to the Police Department for law enforcement activities. The need for window tint on a vehicle that is used in surveillance operations is to conceal the presence of police officers within the vehicle for safety purposes while they are observing potential or actual criminal activity.

19: Why was a marked Cobb County police car not used instead of a very seedy looking undercover car?

Although I disagree that the car used was "seedy", the use of unmarked vehicles enhances the department's ability to conduct surveillance and interdict crime before it is completed thereby preventing citizens from being victimized. A marked car would have been used if a stop was being initiated.

20: What if I in my state of panic I drove erratically and got into an accident?

The Cobb County Police Department does not want any resident or visitor to be involved in an automobile crash or to drive erratically. If a driver makes a decision to drive erratically and has an accident, the officer's first responsibility would be to preserve life and reduce any further injury. The Department's supervision is constantly reviewing the actions of its officers to ensure that their actions do not violate our policy or cause hazardous situations.

21: What if I drove erratically and the cops continued pursuit?

While this incident did not involve a motor vehicle pursuit, the Cobb County Police Department has a detailed policy regarding police pursuits and has ensured its officers have been trained on that policy. Any pursuit that is conducted is thoroughly reviewed by supervision for policy and safety compliance.

22: Upon confrontation, would they criminalize me for not responding calmly, cooperatively to their own initiated, intimidating provocation?

The Cobb County Police Department does not criminalize any individual. The Department follows criminal law concerning reasonable suspicion and probable cause to determine if a crime has been committed.

23: What benefits are reaped when the police exacerbate the already tenuous concerns around safety in their actions to deter it? How do they themselves not constitute the unsafe element of this community?

As stated previously, the actions of the police in this situation were to interdict crime and protect victims, not to cause fear in the community. The Cobb County Police Department has taken great steps, while working with elected officials in the community, to strengthen relationships between the community and the department.

The following are questions presented in Commissioner Cupid's July 15th e-mail labeled "Follow-up to yesterday's meeting"

1: Why did the officer follow me?

Answered above.

2: Why did the officer speed after my car in the manner he did?

Answered above.

3: What were the specific facts that made him follow me?

Answered above.

4: What protocol was he following when he approached my car and followed it?

Answered above.

5: When he decided to follow me and if the concern is about breaking and entering autos, why did he make the decision to not continue pursuit?

This is answered in Questions 13 and 14 above.

6: What immediate steps were put in place to make sure this does not happen to anyone?

After meeting with you on July 14, an email was sent to all precinct commanders stopping all undercover (U/C) operations in the precincts until we had a chance to investigate the incident. The Department is reviewing its policy on surveillance operations and precinct involvement to ensure the policy is consistent with generally accepted police practices. It is noted, however, that the Department cannot ensure how a person will perceive actions of the police in any condition or incident.

7: Was there an immediate change articulated to all officers in the protocol of when and how to use unmarked cars vs. marked cars?

The Department is reviewing its policy on surveillance operations and precinct involvement to insure the policy is consistent with generally accepted police practice.

VI. FINDINGS

While investigating this incident and reviewing the comments/questions by Commissioner Cupid, the data provided, and the involved officer's comments, I can see this case from the perspective of both individuals.

First, I can identify with the fear that Commissioner Cupid perceived based on the totality of the circumstances. As she stated in her memo "... so I again could not quickly piece together a comfort from seeing some type of life form in the car. I did not know. Was there one person in the car? Two? A car full? Were their guns propped and ready? Therefore, Commissioner Cupid did what she should have done if she suspected a suspicious person was following her. She moved quickly to elude the person, called 911, and went to a well lit, populated area.

At the same time, I can identify with the officer who might have been asking himself the same type questions as he followed an unknown vehicle from a location that was under surveillance due to an increase in crime. He observed a vehicle leaving that location at a high rate of speed and moving quickly through an unknown neighborhood. The officer's job was to identify the vehicle, possibly determine the number of occupants in the vehicle, and based on the totality of the circumstances, determine whether reasonable suspicion existed to conduct an investigatory detention. If so, the officer's procedure would have required him to notify a police officer in a marked vehicle to make the stop. Once the officer knew the occupant of the vehicle, the matter was concluded.

Based upon my review of all circumstances, I conclude there was never any intent to frighten or intimidate anyone by the officer. This incident reflects an unfortunate series of events that occurred over a few minutes that inadvertently frightened Commissioner Cupid, understandably so. At the same time, the actions of the officer were initiated based on proactive police work in an effort to deter and reduce crime in the community.

Following a thorough review of the facts surrounding this incident, it is my conclusion that the officers involved acted within departmental policies and guidelines. The officers were working together in an effort to prevent crime in an area that has seen a substantial increase over the last year. I have apologized to Commissioner Cupid and commended her on her actions as she did what should be done if one feels she or he is being followed.

Although the officer's actions in this incident were within departmental policies and procedures, the Department always seeks to obtain and benefit from lessons learned from such incidents. Officers will be made aware of how an unmarked vehicle may be perceived in today's world of car-jackings, hit-and-run robberies, and other similar crimes. The circumstances of this incident will be used as a training tool to remind officers of how their actions may be perceived when they operate in undercover vehicles and what actions they may take to lessen the impact of similar incidents in the future. Undercover work will continue in the Precincts on Monday, July 20, 2015, following policy review and discussion with the Precinct Commanders.

Repairs have been made to the headlight on the undercover vehicle used during this incident. Moving forward, the department will check the operational effectiveness of undercover vehicles before each use to lessen the chance of having faulty equipment during undercover operations.

The Department has and will continue attempts to improve community awareness of crimes and/or ongoing issues in the community through public forums such as town hall meetings, business associations meetings, home owner's association meetings, neighborhood meetings, police electronic notification system (PENS), and neighborhood watch programs.

The Department will review their Complaint Receipt procedures to ensure valid complaints are received, evaluated, appropriately investigated, and documented to include a response to the complainant.

5

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Cobb Commissioner: Police tailed me because I wasn't white or in affluent neighborhood



COMMENTS

5:09 p.m. Wednesday, July 22, 2015 | Filed In: Local News



LOCAL NEWS

HYOSUB SHIN / AJC

November 13, 2012 Austell - Portrait of Lisa Cupid, Cobb County Commissioner-elect of District 4, at Wingate Hotel in Austell on Nov. 13. Cupid, a community activist and engineering professional, beat incumbent Woody Thompson for the southeast Cobb seat on the County Commission. HYOSUB SHIN / HSHIN@AJC.COM

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"That police officer was not there to protect and serve. He was there to harass and intimidate."

That's how Cobb County Commissioner Lisa Cupid, in a seven-page memo obtained by The Atlanta Journal-Constitution, describes a police officer she said improperly followed her in an undercover vehicle late one night last week.

Cupid says in the memo to county leadership that she believes "this type of provocation is protocol" for Cobb police.

"I believe the officer who followed me had complete and utter disregard for my safety, my well-being and the sanctity of community," her memo says, adding, "I do not believe for one moment that a Lexus ... would be tailed and intimidated by a police officer in East Cobb, West Cobb or North Cobb, Vinings (or) the Cumberland area — especially if the driver was white or (in) a neighborhood of affluence."

Cobb officials said the officer "acted within departmental policies and guidelines" — but that "the incident reflects an unfortunate series of events" that "inadvertently frightened Commissioner Cupid, understandably so."

Click here to see the complete MyAJC story, including more details about the night in question and Cupid's memo

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Cobb police deserve apology, not second guesses

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Lisa Cupid

Southwest Cobb Commissioner Lisa Cupid continued her push at Tuesday's commission meeting for the creation of an independent citizen advisory committee to investigate the policies, procedures and practices of the county police department.

Her quest is motivated by the events of July 13, when a Cobb police officer in an unmarked car followed her SUV closely for a couple miles and into her subdivision after she left a late-night study session for the state bar exam at the Wingate Hotel off I-20 in south Cobb. The officer in question had been assigned to a stakeout because of the large number of vehicle thefts experienced at the hotel, and broke off the pursuit after determining the vehicle was being driven by a county commissioner.

By her own admission, the incident left Cupid badly rattled, and she repeatedly has accused the department and the officer of racism, saying she would have been treated differently if she were white and driving in a nicer part of town.

"I am pretty sure that someone without my level of authority would fare much worse than me, so I do greatly believe that there is need for a citizen review board," she said at Tuesday's meeting.

Northwest Cobb Commissioner Bob Weatherford minced no words about her allegations.

"I believe Commissioner Cupid owes an apology to (police)," said Weatherford, echoing the view we suspect is shared by most Cobb residents.

"This particular incident has created a division that in my view may impede her from being able to govern her district in the appropriate way," added Weatherford, a former Acworth policeman.

The Cobb Police Department has been the envy of the state for decades, regardless of what Cupid might think.

And as a practical matter, the type of "citizen review panel" she proposes could quickly devolve into a forum for ax-grinding, unsubstantiated allegations and the airing of long-held grudges, with the potential for racial animus in the mix as well.

It's hard to see how public safety in Cobb would be helped by giving the green light to those with no background in policing to start second-guessing the policies and decisions of those who've dedicated their lives to public safety.

Cobb's police deserve an apology, not more finger-pointing.

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westcopper2 | August 16, 2015

Full disclosure - I'm a 66 year old white male.

So, if you were leaving some location at 1:30 AM and immediately was followed by an unmarked car, and that car followed you into your subdivision, I would think that you - or anyone else - would be in PANIC mode. For those that aren't in a panic mode, I suspect they would be reaching for their firearm in the glove compartment of their auto.

It's totally reasonable for the reaction of Commissioner Cupid had towards this type of activity. I think it reprehensible for the Cobb County Police to act in this manner. If they are going to police areas of high crime, and follow unsuspecting individuals around in the middle of the night, the police should be in MARKED police cars, not unmarked cars.

This is a form of harassment that should not be tolerated by people that are here to protect us, NOT scare us to death.

This is really a perfect example of harassment by intimidation that we are seeing too many examples of in the news these days.

I have high regard for those individuals that put their lives on the line everyday, and I continue to tell police officers that I appreciate what they do for us. But there is a line that doesn't need to be crossed when private citizens become frightened when driving home in the middle of the night. I applaud Ms Cupid for pointing out a serious issue within our Cobb Counties' Finest.

Reply

Leopuzzled | August 15, 2015

Who dreamed up the asinine abbreviation LEO? What kind of primitive mind would consider that editorially acceptable? No wonder we accept unmarked police cars and defective

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Monday, August 17, 2015 10:00 AM
Headlights will not fit a whimper. Are we the worlds oldest democracy or a dictatorship run by

Commissioners like ex-cop Weatherford? God help us

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Reply

Indefenseoftruth | August 15, 2015

If the area around Wingate is crime ridden, then it would make sense to station more police in marked cars and functioning headlights at night. Let's pull coverage away from Weatherford and Yarbrough neighborhoods where crime is low. This is what a experienced general would do. Last time I checked we still have Freedom of Speech and the Commander in Chief is a Civilian. Commissioner Cupid has every right to demand a change in police practices and assignments. Unmarked police cars with defective headlights is Unamerican. Sounds very dictatorial, Kirby, Weatherford and Yarbrough.

Reply

Equalrightsforall | August 15, 2015

Commissioner Weatherford owes an apology to Commissioner Cupid. This country is governed by Civilians not by the Police Force. After all, we taxpayers pay for their services. To drive an unmarked car with a defective headlight in the middle of the night is irresponsible. Weatherford can learn a lot about freedom of speech, shame on him and the MDJ editorial board for sleazy PR spearheaded by Yarbrough.

Reply

Old timer | August 16, 2015

Thank you to all your hard work Cobb PD...we are proud of you and how hard you work....

Reply

CALLING BULL | August 15, 2015

She is making false accusations of racism when the police were sent there by Cobb crime analysts to stop the auto thefts. She is hypocritical to ask police to do under cover police work in her district at a shopping complex known for drugs and crime. They agreed to do so and made multiple drug busts and decreased the crime reports from 25 in one year's time to only 2 in a 6 months time period at this shopping complex. She states "this is a success for me." She takes credit for reducing the crime by police doing undercover police work that she asked for. While police were doing undercover work at that shopping complex, would it have been unreasonable for them to be suspicious of a car pulling out from that shopping center's parking lot at 1:30 am running a stop sign and not using a blinker? Did she ask police officers not to question anyone in that shopping center that was a minority unless they saw solid proof with their own two eyes unquestionably drugs exchanging hands? Regardless, she broke the law when she ran the stop sign. She brought the attention on herself that night by running the stop sign. The known high crime rate in that area raised further suspicion combined with the late hour. Even if the officer saw her get in her car escorted by a manager, her initial erratic driving out of the parking lot raised red flags. He was on the opposite side of the building and didn't see her get in the vehicle. Had she not sped out of the parking lot, this incident would not have happened. The officers apologized to her when they met her at the QulkTrip. There was a 10 page explanation as to why the police were there. She was very hostile from the beginning, and the lowlife hired a PR firm to agitate the situation further so that she can exploit national police relation issues and gain political favor. She has jumped on creating a Civil Review Board without even taking the time to get involved in Cobb's Citizen Academy or their Neighborhood Safety Commission that is already established. Why? It's pretty obvious. Ego #1. She stated how offended she was that "her subordinates took their time getting back to her" when speaking about the police and police chief at the Commission Meeting. #2 It's for the same reasons that there are hundreds of activists groups with the same cause. She wants the credit and claim to fame. She's exploiting a police officer she's never met and specifically calling him out for racial profiling caring less about the person behind that badge all for her political gain. It's despicable.

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anonymous | August 14, 2015

Why should a person of color be concerned about a meaningless confrontation with police?
What could possibly go wrong?

Reply

Devils Advocate | August 14, 2015

What could go wrong if they simply follow the LEO directives, and don't run, when approached by a LEO.. Nothing! It's really that simple. Considering blacks disproportionately commit most of the crime in this country you can't blame LE for being cautious when they approach a black person for questioning. If they want to change that perception by the public and LE clean up their act. That too is really that simple. Change starts in your own backyard.

anonymous | August 15, 2015

@ Devils Advocate Since you believe that blacks disproportionately commit most of the crime in this country it would appear that you believe blacks have already been convicted, in the eyes of the police, no matter what they do. No wonder blacks live in terror of the police. Have you ever known a conservative that would question an authority figure no matter what they did.

Old timer | August 15, 2015

Police never turned lights on...never confronted her.....

anonymous | August 13, 2015

The whole hog blanket rejection of Cupid's comments/concerns, with 100% "not-a-single-thought-of-inquiring-further" of the police reminds me of the mindless way liberals will jump to the defense of "their guy" ---no matter what the circumstances might be. And, it strikes this "very tired of hearing racism is everywhere" commentor as coming largely from the direction of East and West Cobb.

I am surprised the MDJ has ignored Commissioners Cupids claim that her questions to the Police department have been ignored, while the Police Department is seemingly very chatty with all of Cupids detractors. Are they not answering her questions or not? If not, why not? Why will the MDJ not look into this? ...at least once (perhaps before they print the next misslve blasting commissloner Cupid?)

FMW, I have a great deal of respect for the Cobb Police...they are top notch in my book. But, I think they can endure the scrutiny.

Reply

also anonymous | August 14, 2015

All of Commissioner Cupid's questions were answered and printed in the MDJ in the memos from police and public safety officials addressed to Cupid. The fact that she doesn't like the answers doesn't mean that the questions were not answered.

anonymous | August 17, 2015

also anon - would love to see where they were printed in the MDJ. Got any cites?

Monday, December 07, 2015

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Friday, December 11, 2015

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Victim calls for officer's resignation in traffic stop incident

by Meris Lutz

December 11, 2015 12:11 AM | 935 views | 0 | 5 | | | |



Former Atlanta City councilman Derrick Doazman speaks at a news conference outside the Cobb police headquarters. / Staff-Meris Lutz

MARIETTA — Brian Baker said his life has been turned "upside down" since he went public with his complaint against a Cobb Police officer who made racially charged comments to him during a traffic stop last month, an incident now under investigation by the county attorney.

"The fear that this man tried to put in me, it did get there, I have to admit, and as a man, I don't want to be afraid of anything," said Baker, adding that he avoids coming to Cobb. "I will not drive out here; it's just a scary situation."

Baker, a resident of Fulton County who teaches in Clayton County, said he has faced difficult questions from his family and students since video of the incident went viral.

"I told (my students) that the police are here to help us, and that this is not a thing that happens all the time, and talk to your parents about it," he said.

Baker's comments were made during a news conference held outside Cobb Police headquarters Thursday where local African-American leaders and civil rights advocates demanded Police Chief John Houser fire the officer, Maurice Lawson. Some also called for an investigation of the police command structure.

Lawson, who is white, can be seen in dashboard and body camera footage telling Baker, who is black, "Go to Fulton County, cuz," and "I don't care about your people."

He then challenges Baker to get out of the car, and later tells other officers, "I lose my cool, man, every time."

Public Safety Director Sam Heaton issued a statement Monday saying "This officer's actions and comments are unacceptable and do not reflect the attitude and vision of this department or Cobb County."

"I believe this incident is an isolated occurrence and not indicative of a department wide problem," he continued, adding that he would not comment on an ongoing personnel matter.

Heaton asked the county attorney to look into the apparent "breakdown in communication with the command staff of the police department" due to leadership's failure "to realize the level of discredit this incident could bring upon the officer, the department, and Cobb County."

Heaton said the results of the internal investigation and proposed recommended disciplinary action to the officer would be announced Monday.

County Communications Director Sheri Kell confirmed the county attorney, Deborah Dance, has taken up the case.

Chairman Tim Lee also condemned the officer's comments and actions, saying "There is no place for discrimination in Cobb County." He said the overwhelming majority of officers "faithfully execute their duties in the line of fire every day."

This is the second time Lawson has been at the center of a racial bias inquiry. The first was initiated by Commissioner Lisa Cupid in July after Lawson followed her as she was leaving a late-night study session for the bar exam. That investigation cleared Lawson of wrongdoing. Cupid

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was criticized by some commissioners and members of the public for using the incident to push for broad police reform, including a citizen review board
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Baker's attorney, Kimberly Bando, suggested a pattern of discrimination.

"How they handle this situation (with Baker) will determine how people of color feel about coming to Cobb County," she said. "Right now, people feel excluded; we feel unwelcomed."

Bando and Baker were flanked by supporters, including former Atlanta city councilman Derrick Boazman; Ben Williams of the Cobb County Southern Christian Leadership Conference; Gerald Rose of New Order Human Rights; Rich Pellegrino of the Cobb Immigrant Alliance; and Michael Langford of the United Youth-Adult Conference.

"When the police do not police themselves, people lose confidence in them," Boazman said. "Either Chief Houser is going to ... stand on the right side of history and on the right side of the law, or they're going to continue to provide cover for a rogue cop."

Following the news conference, Boazman led the group inside police headquarters where they unsuccessfully attempted to meet with Houser. They left a letter stating their request that the department fire Lawson, and promised not to drop the issue until their demands were met.

"If you fail to act on removing an Officer who has clearly stated his disdain for African-American people, you endorse and support his mindset and behavior in your Police Department," the letter stated.

Houser did not respond to a request for comment. Heaton could not be immediately be reached for comment.

Commissioner Cupid was scheduled to attend a monthly meeting of the Atlanta Citizen Review Board, a police oversight body that has been active since 2007, Thursday night.

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6



MISCELLANEOUS TRANSACTION FORM

Legal Name M T Lawson Employee ID# 030617

Effective Date 11-22-15 Agency _____ Unit _____ Position # _____

Title _____ Work Phone# 7-499-4184

Salary \$ _____ Supervisor? (Y/N) _____

*DDPAY \$ _____ Fire Pay \$ _____ \$Other \$ 1.00 SPECIFY Shift diff

Shift Differential Pay? No Primary Shift Schedule _____

EMPLOYMENT TYPE

REGULAR

TEMPORARY

OTHER

CHECK ALL THAT APPLY

PROMOTION (PROMO)

DEMOTION (DEMOT)

APPOINTMENT (APPTM)

ADVANCEMENT (ADVAN)

SALARY ADJUSTMENT (SALAJ)

SHIFT CHANGE (SHFCH)

SPECIALTY PAY CHANGE (SPCHG)

*specify all specialty types _____

TRANSFER

PART TIME

FULL TIME

OTHER _____

LOCATION CHANGE (LOCCH)

PAY LOCATION 22524C

WORK LOCATION _____

OTHER _____

APPROVED _____

DIVISION MANAGER

DATE

[Signature]
DEPARTMENT HEAD/ELECTED OFFICIAL

11-25-15
DATE



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
Marietta, Georgia 30060-1454
(770) 499-3900 • fax: (770) 499-4195
www.police.cobbcountyga.gov

J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. COX *Deputy Chief of Police*

MEMORANDUM

TO: Officer M.T. Lawson

FROM: Deputy Chief C.T. Cox
Major J.R. Patellis

SUBJECT: Transfer to Precinct 4

DATE: November 22nd, 2015

Effective Sunday, November 22nd, 2015, you will be transferred to Precinct 4. Please contact Captain Quan for assignment details.

Best of luck on your new assignment;

Cc: Chief's Office
Deputy Chief Cox
Major Patellis
Captain Little
Captain Adcock
Captain Quan
Lieutenant Benson
Lieutenant Alter
DPS Personnel
Nikki Brown, Uniform Supply
Chris Bell, RMS
Tami Conniff, 911
Tracy Roberts, 911
Training
Internal Affairs
File

030617-C



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
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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: Officer M.T. Lawson

FROM: Lieutenant J.M. Benson 

SUBJECT: Shift Assignment

DATE: November 23, 2015

Effective Monday, November 23rd, 2015, you will be transferred to Morning Watch and as such are entitled to shift differential pay consistent with County Policy. Please contact Lt. R.T. Plunkett for assignment details.

Best of luck on your new assignment.

Cc: Chief's Office
Deputy Chief Cox
Major Patellis
Captain Quan
Lieutenant Plunkett
DPS Personnel
Nikki Brown, Uniform Supply
Chris Bell, RMS
Tami Conniff, 911
Tracy Roberts, 911
Training
Internal Affairs
File



COBB COUNTY POLICE DEPARTMENT

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Marietta, Georgia 30060-1454
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www.police.cobbcountyga.gov

J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. Cox *Deputy Chief of Police*

MEMORANDUM

TO: Officer M.T. Lawson
FROM: Captain J.L. Quan
SUBJECT: Shift Assignment
DATE: November 30, 2015

Effective Sunday November 22, 2015, you will be assigned to Precinct 4 Morning Watch. You will be entitled to shift differential pay consistent with County Policy. Please contact Lt. Plunkett for off days and reporting times.

CC: Chief J.R. Houser
Deputy Chief R.L. Prince
Deputy Chief C.T. Cox
Major J.R. Patellis
Regina Lovinggood/DPS Personnel
Lt. Scherer/Accreditation
Lt. Mitchell /Internal Affairs
Captain Batterton/Training
Chris Bell/RMS Coordinator
Nikki Brown/Supply
Tami Conniff/911
Chris Johnson/IS
Lt. R.T. Plunkett



MISCELLANEOUS TRANSACTION FORM

Legal Name Maurice Lawson Employee ID# 030617

Effective Date 09-27-15 Agency _____ Unit _____ Position # _____

Title Police Officer II Work Phone# _____

Salary \$ 20.16 Supervisor? (Y/N) _____

*DDPAY \$ _____ Fire Pay \$ _____ \$Other \$ _____ SPECIFY _____

Shift Differential Pay? Yes No Primary Shift Schedule _____

EMPLOYMENT TYPE

REGULAR

TEMPORARY

OTHER

CHECK ALL THAT APPLY

PROMOTION (PROMO)

DEMOTION (DEMOT)

APPOINTMENT (APPTM)

ADVANCEMENT (ADVAN)

SALARY ADJUSTMENT (SALAJ)

SHIFT CHANGE (SHFCH)

SPECIALTY PAY CHANGE (SPCHG)

*specify all specialty types _____

TRANSFER

PART TIME

FULL TIME

OTHER _____

LOCATION CHANGE (LOCCH)

PAY LOCATION _____

WORK LOCATION _____

OTHER _____

APPROVED

DIVISION MANAGER

DATE

DEPARTMENT HEAD/ELECTED OFFICIAL

DATE

10/1/15



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: Tony Hugler
Director of Human Resources

From: John Houser *JH*
Chief of Police

Date: August 24, 2015

Subject: Advancement of Maurice Lawson

Effective September 27, 2015, Maurice Lawson, will be advanced from the position of Police Officer I, grade 50, to the position of Police Officer II, grade 51. I recommend Mr. Lawson's pay rate be increase by 5.0% of the grade 51 market control point. If approved, this recommendation will increase Mr. Lawson's pay rate from \$18.98 per hour to \$20.16 per hour.

Your consideration of this request is greatly appreciated

Approved per Stewart Policy

John Houser

9-28-15

P-2 MORN

Working Test Period Appraisal

Employee's Legal Name: Lawson, Maurice T. L.

Department Name: Police Department Org.# 2100

Employee ID #: 030617 Job Class: Police Officer I

Date of Employment: 03/17/2014 Rating Period: From 03/17/2014 To 09/17/2015

Purpose of Report: (Check one) Interim Working Test Final
Certification by Supervisor

I hereby certify that this report constitutes my best judgment of the job performance of this employee and is based on personal knowledge of his/her work. I further certify that I have pointed out areas of deficiency and have informed him/her of the correct and expected manner to perform the job.

I understand that additional justification will be made available to the employee if requested.

If the employee has worked under my supervision less than twelve (12) months, I certify that I have discussed the employee's job performance with the previous supervisor and that the employee's performance during the time under that supervisor is reflected in this review.

Immediate Supervisor's Signature: A.M. MARCHELLOTTA A.M. MARCHELLOTTA
Title: SERGEANT Date: 08-12-15
Printed Name

Name of previous supervisor providing input into this review (if applicable):

Name: _____

Title: _____ Date: _____

I hereby certify that I have carefully reviewed this report and agree with the recommendation given.

Signature of Reviewer: [Signature]

Title: Lieutenant Date: 08/12/15

Signature of Reviewer: [Signature]

Title: [Signature] Date: 08/14/15

②

I have received a copy of this appraisal and it has been discussed with me.

Signature of Employee: [Signature] Date: 8/12/15

Approval by Elected Official/Department Head
Signature of Elected Official/Department Head: [Signature] Date: 8/24/15

Rating Scale: (check one) Good Performance Unacceptable Performance

This employee is recommended to be retained.
 This employee is not recommended to be retained.

Area(s) of Deficiency: _____



Miscellaneous Transaction Form

Legal Name M T Lawson Employee ID# 030617
 Effective Date 11-23-14 Agency _____ Unit _____ Position# _____
 Title _____ Work Phone# 770-499-4182
 Salary \$ _____ Supervisor? (Y/N) _____
 *DPPAY\$ _____ Fire Pay \$ _____ Other \$ _____ SPECIFY _____

If the promotion/transfer/demotion is not within your own Agency, the Human Resources Department will have to complete the transaction within the Advantage HR payroll system.

ASSIGNMENT TYPE

REGULAR TEMPORARY OTHER _____

CHECK ALL THAT APPLY

- PROMOTION (PROMO)
- DEMOTION (DEMOT)
- APPOINTMENT (APPTM)
- ADVANCEMENT (ADVAN)
- SALARY ADJUSTMENT (SALAJ)
- SPECIALITY PAY CHANGE (SPCHG)
- *specify all specialty types _____
- TRANSFER PART-TIME FULL-TIME OTHER _____
- LOCATION CHANGE (LOCCH)
- PAY LOCATION 22522C
- WORK LOCATION _____
- OTHER _____

Approved: [Signature]
 Division Manager

Date 11-3-14

Department Head/Elected Official _____ Date _____

The selection process complies with the policies set forth by Cobb County Government.

Signature of Recruiter _____ Date _____

Mandate 34 Assignments

Precinct 1

<u>Recruit</u>	<u>Badge #</u>	<u>FTO</u>
Atkinson, J.S.	2320	McClure, K.W. #1050
Hepburn, R.A.	2313	Daniel, B.J. #1683
Lovelady, J.D.	2260	Spiker, D.L. #1432
Payne, M.C.	2322	Kurtz, J.D. #0555
Reber, D.S.	2315	Desrosiers, T.M. #0945
Solomon, E.R.	2318	Leone, N.A. #1235
Spradlin, N.J.	2262	Hoskins, N.C. #1506

Precinct 2

Henderson, J.C.	2258	Moore, J.C. #1136
Lawson, M.T.L.	2259	Lammers, A.L. #1568
Morales, T.A.	2262	Hill, J.R. #1687
Putnam, J.A.	2263	Grant, P.A. #1640
Reld, C.B.	2316	Gossett, A.B. #1625
Russell, C.M.	2317	Holt, J.M. #1696
Sinatra, S.P.	2325	Gosman, M.D. #1716
Whetstone, J.L.	2319	Cronin, P.M. #1609

Precinct 3

Green, L.D.	2311	Mack, M.L. #1693
Hardage, G.A.	2312	Moore, B.C. #0884
Laycock, M.J.	2224	Shinholster, E.M. #0987
Maret, M.B.	2314	McFarland, J.B. #1559
Salazar, J.E.	2336	Moore, J.L. #1028
Sandoval, A.R.	2277	Newsome, C.M. #1283
Smith, D.J.	2278	Fuller, T.M. #1217
Stoney, R.D.	2270	Freunsch, B.E. #0537

Precinct 4

Benson, W.P.	2323	Denson, C.J. #1616
Kim, J.H.	2321	Hultberg, S.M. #0263
Perelra, A.W.	2332	Wagnon, W.E. #0118
Smith, A.S.	2265	Nerio, W.D. #1561
Stevenson, A.J.	2333	Bishop, J.J. #1373
Sylvester, A.A.	2271	Kennedy, P.K. #1670
Tidwell, B.P.	2275	Desvernine, K.C. #1242



Cobb County...Expect the Best!

Fleet Management - Fuel Authorization "FuelMaster" Fueling System

Driver Addition or Deletion Notification

Date: 3/17/14

Department Name: COBB COUNTY

Department Number/
Agency Number: 130

Employee Name: MAURICE LAWSON

Employee Badge #: 030617

- Add Employee
- Delete Employee

Supervisor Name/Title: Jason Best
(Please Print)

Phone Number: 7-590-9054

- Department will be responsible for all charges incurred for fuel dispensed to operator
- It is each department's responsibility to notify Fleet Management with any and all changes to authorized employees
- No employee will be added or deleted without written notification

- Request may be:
 - faxed to 770-528-1115 or 770-528-1124
 - mailed to Al Curtis, Ilona Mercure

Cobb County Vehicle/Equipment Fueling Policy Statement

This Vehicle/Equipment Fueling Policy has been adopted as an official Cobb County policy and requires strict adherence by all users. Employees who abuse this policy by any method will be subject to discipline, which could include the termination of employment.

Individual Cobb County Departments may have additional policies regarding the fueling of vehicles and/or equipment. These additional departmental fueling policies are considered to be secondary to the County policy set forth in this document; however employees must adhere to both policies.

General Policies:

- The use of County fuel for personal use, including vehicles, equipment, fuel containers or tanks is strictly prohibited.
- Employees who drive County vehicles are required to complete a Defensive Driving class every two years.
- Employees who have need of both diesel fuel and gasoline (for maintenance purposes) shall be issued two fuel keys, which are different in color. The employees who are issued two keys shall be held responsible for making sure that the right type of fuel is put into the vehicle or equipment in their charge.
- At no time shall an inmate be allowed to utilize the fueling facilities.
- Oil, fluids, antifreeze, and tire pressure shall be checked by the employee each time a vehicle is fueled.
- Only vehicles authorized by the County shall be allowed in fueling facilities. Personal vehicles are not allowed.
- If replacement fuel keys are required, the cost will be charged to the department requesting the key.
- Supervisor keys (override keys) will be issued to selected personnel if approved by the Department Head or Elected Official.

Fueling of Vehicles:

- Only authorized Cobb County employees may fuel the vehicles that have been assigned to them.
- Fueling keys are assigned to specific vehicles, and may only be used to fill that vehicle.
- It is strictly prohibited for an employee to use their authorization code to fuel another employee's County vehicle.
- Accurate odometer readings will be entered at the time of fueling. Falsified odometer readings will subject the employee to discipline.

Fueling of Equipment, Fuel Containers or Tanks:

- Only authorized Cobb County employees may fuel the equipment, fuel containers, or tanks that have been assigned to them.
- It is strictly prohibited for an employee to use their authorization code to fuel another employee's County equipment, fuel containers or tanks.

Safety Policies:

- The engine must not be left running during the fueling operation.
- Unattended vehicles shall not be left idling at any time (except for emergency public safety vehicles).
- Fuel is to be used for vehicle or equipment operation only; and is not to be used for any other purpose, such as a cleaning solvent.

I have read and fully understand this Cobb County Fueling Policy Statement and I agree to abide by the regulations herein. I further understand that my failure to abide by these regulations and/or to abuse this policy in any way, are grounds for discipline, which may include the termination of my employment.

<u>MAURICE LAWSON</u>	<u>030617</u>
Employee's printed name	Badge I.D. #
	<u>3/12/11</u>
Employee's signature	Date
<u>130</u>	<u>2570</u>
Department. Number	Unit. Number



New Hire Information Sheet

Legal Name: MAURICE TERRY LYNN LAUSCH Date of Birth: [REDACTED] Employee ID #: 030617 2259

Home Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Mailing Address if different: SAME AS ABOVE

Home Phone #: N/A Call Phone #: [REDACTED]

Race/Ethnicity: * Asian Hispanic or Latino
 American Indian Native Hawaiian or Pacific Islander
 Black/African American Two or more races
 Caucasian/White Other

Gender: Male Female
Marital Status: Single Married

Emergency Contacts (list two):

Name: [REDACTED] Name: [REDACTED]
Phone (H): [REDACTED] Phone (H): [REDACTED]
Phone (Cell): [REDACTED] Phone (Cell): [REDACTED]
Phone (W): [REDACTED] Phone (W): [REDACTED]
Relationship: FATHER Relationship: MOTHER-IN-LAW

I understand that as a full-time employee, the pre-tax retirement contribution is mandatory and will be deducted from my paycheck.

Signature of Employee: [Signature] Date: 03/16/14
Recruiter Signature: [Signature] Date: 3-19-14

Department Head/Elected Official: _____ Date: _____

DEPARTMENT USE ONLY

Employment Date: 3-17-14 Work Telephone Number: 7-499-4100
Position Number: 5055267 Work Location (clock group): Pub 596
Pay Location: 23900P Unit Number: 2115
Dept Number: 130 Schedule (shift): Global NGL
Salary: [REDACTED] Supervisor (Y/N): N
Time Keeping Access: Phone Y PC Assignment: X rag temp (Date it ends): _____

COBB COUNTY DEPARTMENT OF PUBLIC SAFETY

APPLICANT HIRE-IN

APPLICANT: Lawson (Last) Maurice (First) Terry (Middle)

POSITION: Police Officer

INTERNAL AFFAIRS/BACKGROUND UNIT

The individual named above has been processed in accordance with the policies and procedures of this agency and has met has not met all hiring standards which apply to the applicable position. Therefore, this candidate is presented for hiring consideration.

[Signature] 01/20/14
Signature of Background Investigator
Sgt. Williams 02/10/2014
Signature of Sergeant

Lt. S.C. Hill
Signature of Lieutenant
D.O. Davidson 2/11/14
Signature of Captain

INTERMEDIATE HIRING AUTHORITY

I have reviewed this candidate's file and interviewed the candidate and find the candidate:

- Acceptable Not Acceptable

Recommended Assignment: _____ Shift: _____

Comments: _____

Signature of Hiring Authority _____

HIRING AUTHORITY

I have reviewed this candidate's file and interviewed the candidate.

- Candidate Acceptable Hire Date: 03/17/2014 [Signature] Sgt
- Candidate Not Acceptable

Comments: _____

Hiring Authority [Signature] Date: 02-26-14

(PLEASE PRINT)

NAME: LAWSON MAURICE TERRY LYNN
(Last) (First) (Middle)

SOCIAL SECURITY NUMBER: [REDACTED]

MAIDEN NAME: _____

OTHER NAMES USED: "Rocky" LAWSON

CURRENT ADDRESS: [REDACTED]
(Number, Street, Apt #)
[REDACTED]
(City, State, Zip Code)

OTHER STATES OF RESIDENCY: NORTH CAROLINA

HOME PHONE: [REDACTED] WORK PHONE: [REDACTED]

DATE OF BIRTH: [REDACTED] RACE: WHITE SEX: MALE

PLACE OF BIRTH: LITHIA SPRINGS GA U.S.A.
(City, State, Nation)

DRIVER'S LICENSE NUMBER: [REDACTED] STATE: GA

EXPIRATION DATE: [REDACTED]

HGT: 5'-10" WGT: 170 lbs EYE COLOR: HAZEL HAIR COLOR: BROWN

OTHER DRIVER'S LICENSES YOU HAVE HELD:

(State)	(License Number)
<u>NC</u>	<u>[REDACTED]</u>
_____	_____
_____	_____
_____	_____

[OVER]

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Cobb County Government

100 Cherokee Street
Second Floor
Marietta, GA 30090-7006

Public Safety Application

Cobb County is an equal opportunity employer.

Cobb County Government does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

Cobb County... Expect the Best!

Requisition Number: 0001942	Requisition Title/Job Title: POLICE OFFICER I
--------------------------------	--

Personal Information

First Name: Maurice	Middle Name:	Last Name: Lawson	Other names used: Rocky Lawson
Address: [REDACTED]	City: [REDACTED]	State enter NA if a non US address: [REDACTED]	Zip Code: [REDACTED]
Primary Contact Number: [REDACTED]	Alternate Contact Number: [REDACTED]	Email Address: [REDACTED]	

Additional Information

I certify that I have included the last 10 years of my work experience to include my current position under the Employment Experience section of this application. I understand, a resume may be attached only as additional information and will not be accepted in lieu of completing the Employment Experience section. Yes	I certify that I have included all education (high school and above) under the "Educational History" section of this application. Yes	I understand that if I am hired, I cannot start working until I have produced a copy of diplomas, degrees and/or certifications that are required for this position. Yes	I understand that the work-related information provided in my "Supplemental Questions" must be documented and verifiable in the "Work Experience" section of my application in order to be given credit for that work experience. Yes, I understand and agree to these terms.
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Military Service

Branch of Service: United States Marine Corps	Final Rank: Sergeant
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Educational History

Name of School: Pebblebrook High School	City: Mableton	State: GA	Major: College Prep
Type of Degree: High School Diploma	Did you graduate? Yes	Number of Years Completed:	Last Date Attended: 05-2007

Name of School: American Military	City: Manassas (Online)	State: VA	Major: Business Administration
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University			
Type of Degree: Bachelors of Science	Did you graduate? No	Number of Years Completed: 2 years / 64 semester hours (Still Attending)	Last Date Attended:

Employment History

Employer Name: Wellstar Health System	City: Austell	State: GA	Job Title: Inventory Specialist	Employed From: 04-2013
Employed To:	Most Recent/Ending Salary: 11.65/hour	Number of Hours Worked Per Week:	Supervisor's Name: Terry Hughes	Supervisor's Title: Manager
Work Performed: Stocked and accounted for all surgery equipment and supplies. As well as receiving all goods for hospital.				
Reason for Leaving: Wanting career change		May we contact this employer? Yes		

Employer Name: United States Marine Corps	City: Camp Lejeune	State: NC	Job Title: Sergeant	Employed From: 12-2008
Employed To: 12-2012	Most Recent/Ending Salary: \$26,000 Base Salary	Number of Hours Worked Per Week:	Supervisor's Name: 1st LT. Caelyn Furman	Supervisor's Title: Platoon Commander
Work Performed: Squad leader/ Platoon Sergeant in motor vehicle operator unit.				
Reason for Leaving: End of Active Service		May we contact this employer? Yes		

Employer Name: J.V.S. Construction	City: Mableton	State: GA	Job Title: Pipe Fitter	Employed From: 08-2007
Employed To: 12-2008	Most Recent/Ending Salary: \$15.00/hour	Number of Hours Worked Per Week:	Supervisor's Name: John Snook	Supervisor's Title: Owner/Operator
Work Performed: Fit and laid pipe for installation of above and underground tanks.				
Reason for Leaving: Beginning Active Duty in the Marine Corps		May we contact this employer? Yes		

References

Name of Reference: Judge Jim "Tex" Farr	Phone Number:	Email Address: (unknown)	How do you know this reference? Family Friend
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Name of Reference: 1st LT Caelyn Furman	Phone Number:	Email Address: n	How do you know this reference? Former Supervisor
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Name of Reference: Nick Newlin	Phone Number: 262-685-7423	Email Address: nmnewlin@gmail.com	How do you know this reference? Colleague in Marine Corps
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Pre-Interview Questions

IMPORTANT INSTRUCTIONS: *Being truthful is the most important part of your pre-hiring process.* You will be barred from employment here if you are untruthful in your statements (written or verbal). The public expects public safety employees to be of good integrity, not innocent, but truthful about their past. Please remember this throughout your process. Absolute truthfulness is a must. You must answer every question. Enter "N/A" if not applicable.

Do you understand that your application will be removed from the process as incomplete if you fail to answer each question completely? Yes	Do you understand that you must complete this application yourself and failure to do so will result in your removal from the process? Yes	Do you understand that you must answer all questions truthfully? Yes	Do you understand a complete background investigation will be conducted based on the answers you have provided in this application? Yes
Enter your full name: Maurice Terry Lynn Lawson			
What is your current mailing address? [REDACTED]			
List your current home phone (include area code): [REDACTED]	List your current work phone (include area code): [REDACTED]	List your current pager or cell phone (include area code): [REDACTED]	Are you at least 21 years of age? Yes
What is your gender?: Male	What is your current education level? College	If you attended college, how many years attended? 2 years (still attending)	Have you been fired from any job in the last 7 years? No
If "yes" list date and place of business along with reason why: N/A			
Have you ever used Marijuana/Hashish in any form? No			
If "yes" list date, month, year, and age of last use: N/A			
List the total number of times you used Marijuana: N/A	Have you ever used illegal drugs other than Marijuana? No		
If "yes" list types and dates of last use of drugs other than marijuana along with number of times used: N/A			
Have you ever sold, traded or given away illegal drugs? No			
If "yes" list type of drug and whether it was sold, traded or given away along with number of times: N/A			
Do you have a valid driver's license? Yes	If yes, what state: Georgia	Have you been issued any citations in the past 7 years? Yes	
If yes, list the number of citations and what state they were issued in: 2 - North Carolina			
Has your driver's license ever been suspended or revoked? No			
If yes, in what state did it occur and what was the reason: N/A			

List the last 3 traffic citations you received and give date, place, and charge. Please include any citations, guilty or not: Speeding - Jacksonville, NC - March 2011 Speeding - Hubert, NC - August 2010 Stop Sign - Mableton, GA - September 2006			
Have you ever been charged with DUI, racing, attempting to elude a police officer, vehicle homicide or reckless driving? No			
If yes, list the date, place, charge and disposition for each charge: N/A			
Have you ever been arrested or charged with a crime as an adult or juvenile? I have NEVER BEEN arrested or charged with a crime.			
If "yes" give date, place, charge and disposition explain: N/A			
Have you ever been questioned as a suspect, victim, witness, or involved party in a police investigation? No			
If yes, please explain: N/A			
List all public safety agencies with which you have applied for employment in the past 2 years: Paulding County Sheriff's Office			
Were you ever in the military service? Yes	Did you serve 180 days of continuous duty? Yes	Were you honorably discharged? Yes	Have you ever applied with Cobb County Government before? Yes
If yes to above question, when and what position: October 26, 2013 - Sheriff Deputy			
Are you a US citizen? Yes	Under the penalty of OCGA 16-10-71, False Swearing, I certify that all information entered on this supplemental questionnaire pertaining to me is true, correct and complete: Yes	Were you referred by a Cobb County Employee? No	If you were referred by a Cobb County Employee, what is the person's name (list NA if it does not apply): N/A

Supplemental Questions

Have you ever been suspended, dismissed or asked to resign from any job? No
If yes, explain in detail. (Enter N/A if not applicable) N/A
Are you related to anyone currently employed by Cobb County Government? No
If yes, list each relative's name, their relationship to you, and the department they work for. (Enter N/A if not applicable) N/A
Are you a current Cobb County Government employee? No
If yes, in what department of Cobb County Government are you currently employed? (Enter N/A if not applicable) N/A
Can you, after employment, submit proof of your legal right to work in the United States? Yes
How did you hear about this employment opportunity? Other
Have you previously been employed by Cobb County Government? No
If yes, please provide dates and department information. (Enter N/A if not applicable) N/A
Do you currently hold a Georgia POST Certification as a police officer or deputy sheriff? No

Elements and Duration of Selection Process and Reapplication Policy 32.1.4

Unless otherwise provided by an employment contract to the contrary, the elements of the selection process for all police officer applicants shall include the following: written examination, physical abilities testing, medical examination, drug screening, psychological evaluation, polygraph examination and oral interview. An extensive background investigation will also be conducted. This investigation will include a current check on the applicant's credit, criminal and driver history. All information provided in the background booklet will be verified as well as any contact with any law enforcement agencies. Personal or verbal contact will be made with all references supplied by the applicant and/or other sources. The applicant will be required to provide written explanations for any issues in questions brought forth during the background investigation.
I agree to the terms stated

Elements and Duration of Selection Process and Reapplication Policy 32.1.4

The duration of the selection process will vary by applicant due to availability for appointments and other factors. The average time period for completion of all elements of the background process is approximately three months. Reapplication by any applicant previously removed from the process will be taken on a case by case basis specific to each applicant's situation and past reason for removal. I hereby acknowledge that if I elect to continue in the application process, all elements will be subject to Cobb County Department of Public Safety's Hiring Standards.
I agree to the terms stated

Are you 21 years of age or older?

Yes

Agreement

I certify that the information given in this application is true and complete to the best of my knowledge.

I understand that if employed, any misstatements or omissions of fact in this application may result in my disqualification as an applicant for employment or may result in my dismissal at any time during my employment with Cobb County Government.

I authorize the release of high school and college transcripts, information concerning my present employment, my previous employment, and any information my current and/or former employers may have pertinent to this application and the employment procedures of Cobb County Government. I release all parties from all liability for any damage that may result from requesting, providing, processing, retaining or releasing any information about me. A photographic copy of this authorization shall be as valid as the original.

I understand letters of reference or other attachments submitted with the application become the property of Cobb County Government and cannot be returned.

I understand the information I have provided on the application is subject to public disclosure under the Georgia Open Records Act.

I understand that this application is not a contract of employment. I further understand that should employment be offered, my employment and compensation may be terminated with or without cause at any time.

I understand that submission of this application in no way assures me a position and that no County representative has the authority to enter into any employment agreement with me contrary to the foregoing.

I understand that failure to submit a complete application may disqualify me from consideration for a position.

BY SIGNING BELOW, I certify that I have read and agree with these statements.

Maurice Lawson

Applicant's Name

Applicant's Signature

Date

[Close Window](#)

GA

DRIVER'S LICENSE

02/1989

DL NO. [REDACTED]
CLASS CM

DOB [REDACTED]
EXP [REDACTED]

MAURICE TERRY LYNN
LAWSON

Restrictions A
Iss [REDACTED]

End NONE

Sex M Eyes HAZ
Hgt 5-10" Wgt 170 lb

DD: [REDACTED]

M. Lawson



Rev 8/2013

www.dfs.ga.gov
(678) 212-6200
035
\$0.00



MEDICAL
RESTRICTIONS:
None

1X746442020001



CLASS: CARS 26,000 Lbs. GVWR and Trailer 5 to 2000 lbs. All recreational vehicles and 2 or 3
wheeled motorcycles
ENDORSEMENTS: None
RESTRICTIONS: A=None



SOCIAL SECURITY

[REDACTED]

THIS NUMBER HAS BEEN ESTABLISHED FOR

MAURICE TERRY LYNN LAWSON

M. T. Lawson

SIGNATURE

STATE OF GEORGIA CERTIFICATE OF LIVE BIRTH

Local File Number [REDACTED] State File Number 1. [REDACTED]

2. CHILD'S NAME: FIRST MIDDLE LAST JR., SR., II SEX (M or F) 7. DATE OF BIRTH (Mo., Day, Year) 8. TIME OF BIRTH

Maurice Terry Lynn LAWSON Male [REDACTED] 7:05 P.

9. THIS BIRTH (Single, Twin, Triplet, Etc.) 10. IF NOT SINGLE SPECIFY BIRTH ORDER 11. CITY, TOWN, OR LOCATION OF BIRTH

Single [REDACTED] Lithia Springs

13. HOSPITAL/FACILITY NAME (If not Hospital, give Street and Number) 13. IF NOT HOSPITAL (Check one)
 1 Clinic/Doctor's Office 3 Free Standing Birthing Center
 2 Residence 4 Other

HCA Parkway Medical Center 14. COUNTY OF BIRTH

15. MOTHER'S NAME: FIRST MIDDLE LAST 16. Maiden (Last Name) 19. DATE OF BIRTH (Mo., Day, Year) 20. STATE OF BIRTH (If not U.S.A., Name Country)

[REDACTED] [REDACTED] [REDACTED] Georgia

21. RESIDENCE - STATE 22. COUNTY 23. CITY, TOWN OR LOCATION 24. STREET AND NUMBER OF RESIDENCE

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

25. MOTHER'S MAILING ADDRESS - IF SAME AS ABOVE, ENTER ZIP CODE 26. RESIDENCE INSIDE CITY (Check Yes or No)

[REDACTED] Yes

27. FATHER'S NAME: FIRST MIDDLE LAST 29. DATE OF BIRTH (Mo., Day, Year) 31. STATE OF BIRTH (If not U.S.A., Name Country)

[REDACTED] [REDACTED] [REDACTED]

32. I CERTIFY THAT THE PERSONAL INFORMATION PROVIDED ON THIS CERTIFICATE IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF (Small print text)

33. RELATION TO CHILD

[REDACTED] [REDACTED]

34. I CERTIFY THAT THE ABOVE NAMED CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE (Small print text)

35. DATE SIGNED (Mo., Day, Year) 36. ATTENDANT AT BIRTH (Type of Person) (Name)

[REDACTED] [REDACTED]

37. (Y/N)

38. CERTIFIER - NAME AND TITLE (Type or Print) 39. PHYSICIAN'S MEDICAL LIC. NO. 40. CERTIFIER - MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)

Janet Bull M.D. AB1691937 939 Thornton Road Lithia Springs, Georgia 30057

41. REGISTRAR (Signature) 42. DATE RECEIVED BY LOCAL REGISTRAR (Mo., Day, Year)

Gasmas J. Baker [REDACTED]

Form 2001 (Rev. 3-88) DEPARTMENT OF HUMAN RESOURCES, VITAL RECORDS SERVICE

STATE COPY

This is to certify that this is a true and correct copy of the certificate filled with the Vital Records Service, Georgia Department of Human Resources. This certified copy is issued under the authority of Chapter 33-10, Vital Records Code of Georgia.

Michael R. Jordan
 State Vital Records Registrar
 and Custodian, Director,
 Vital Records Service

County Custodian Gasmas J. Baker
 Issued by [Signature]
 Date: 4/3/04
 (Void without original signature and impressed seal.)

High School

Atlanta



Georgia

This Certifies That

Maurice Perry Lynn Flammion

Having satisfactorily completed a Course of Study as prescribed by the Cobb County Board of Education, is declared a Graduate of this School and is therefore awarded this

Diploma

Given this twenty-sixth day of May, two thousand and seven.

Regina Montgomery
Principal



Andrew T. Lewis
Superintendent,
Cobb County Board of Education



Superintendent
Cobb County School District

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES

THIS IS AN IMPORTANT RECORD. SAFEGUARD IT.

ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle) LAWSON Maurice Terry Lynn		2. DEPARTMENT, COMPONENT AND BRANCH USMC-11		3. SOCIAL SECURITY NUMBER [REDACTED]	
GRADE, RATE OR RANK Cpl	b. PAY GRADE E-4	5. DATE OF BIRTH (YYYYMMDD) [REDACTED]	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) 20160930		
7a. PLACE OF ENTRY INTO ACTIVE DUTY MEPS Fort Gillem GA 30297		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) [REDACTED]			

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND CLR2 2dMLG CamLeJ NC 28542	b. STATION WHERE SEPARATED IPAC MCB CamLeJ NC 28542 RUC 45020
--	--

9. COMMAND TO WHICH TRANSFERRED Commanding General, MARFORRES, 2000 Opelousas Street, New Orleans, LA 70146 RUC 88801	10. SGLI COVERAGE <input type="checkbox"/> NONE AMOUNT: \$ 400,000
--	---

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 3531 Motor Vehicle Operator 3 years 3 months	12. RECORD OF SERVICE			
	a. DATE ENTERED AD THIS PERIOD	2008	12	09
	b. SEPARATION DATE THIS PERIOD	2012	12	08
	c. NET ACTIVE SERVICE THIS PERIOD	04	00	00
	d. TOTAL PRIOR ACTIVE SERVICE	00	00	00
	e. TOTAL PRIOR INACTIVE SERVICE	00	00	00
	f. FOREIGN SERVICE	00	06	20
	g. SEA SERVICE	00	00	00
	h. INITIAL ENTRY TRAINING	0	04	06
	i. EFFECTIVE DATE OF PAY GRADE	2010	11	01

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)
Navy and Marine Corps Achievement Medal, Marine Corps Good Conduct Medal, Afghanistan Campaign Medal (w/ Bronze Service Star), Sea Service Deployment Ribbon, Global War on Terrorism Service Medal, National Defense Service Medal, Navy Unit Commendation, NATO Medal-ISAF Afghanistan, Certificate of Commendation, Letter of Appreciation.

14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
Tractor Trailer Operator crs (35Z) 2009, Motor Vehicle Operator crs (35X) 2009, Brown Belt crs (2012), Green Belt crs (MMD) 2010, Gray Belt crs (MMD) 2010, Tan Belt crs (MMB) 2009.

a. COMMISSIONED THROUGH SERVICE ACADEMY	YES	X	NO
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b)	YES	X	NO
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If yes, years of commitment:)	YES	X	NO

16. DAYS ACCRUED LEAVE PAID RLB: 1.5 SLB: 0.0	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION	YES	NO
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18. REMARKS
SER: 45020-2012-9834. Delayed Entry Program (20081001-20081208). Good Conduct Medal period commences 20111209. SNM contributed to the MGIB \$1,200.00. Subject to active duty recall and/or annual screening. While a member of the Marine Corps Reserve, you will keep the Commanding General, MARFORRES (Toll-free 1-800-255-5082) informed of any change of address, marital status, number of dependents, civilian employment, or physical standards. Item 13 CONT Rifle Qualification Badge (Expert), Pistol Qualification Badge (Marksman), SNM participated in Operation ENDURING FREEDOM, Afghanistan (2010727-20120216).

The information contained here in is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.

19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) [REDACTED]	b. NEAREST RELATIVE (Name and address - include Zip Code) [REDACTED]
--	---

20. MEMBER REQUESTS COPY 5 BE SENT TO (Specify state/locality) GA OFFICE OF VETERANS AFFAIRS	X	YES	NO
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)	X	YES	NO

21a. MEMBER SIGNATURE [Signature]	b. DATE (YYYYMMDD) 20121012	22a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature) J. B. BELLE, CWO2, PERSO, USMC [Signature]	b. DATE (YYYYMMDD) 20121012
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SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION Released from active duty	24. CHARACTER OF SERVICE (include upcodes) HONORABLE
SEPARATION AUTHORITY MARCORSEPMAN PAR 1005	26. SEPARATION CODE MBK1
28. NARRATIVE REASON FOR SEPARATION COMPLETION OF REQUIRED ACTIVE SERVICE	27. REENTRY CODE RE-1A

29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) None	30. MEMBER REQUESTS COPY 4 (Initials) [Initials]
--	---

SEDITION AND SUBVERSIVE ACTIVITIES QUESTIONNAIRE
Required by Georgia Laws No. 994, 1974 Session Page 411, codified by O.C.G.A. §16-11-13.

1. Department Cobb County Department of Public Safety
2. Name LAWSON MAURELLE TERRY LYNN
(Last Name) (First) (Middle)

Other names used: (Maiden name, names by former marriages, former names changed legally or otherwise, aliases and nicknames. Specify which and show dates used.)

ROCKY LAWSON DS/1989 - PRESENT

3. Address [REDACTED]
(Street & No.) (City) (State) (Zip Code)

4. (a) Are you now or have you been within the last ten (10) years a member of any organization which to your knowledge at the time of membership advocates or has as one of its objectives, the overthrow of the government of the United States or of the government of the state of Georgia by force or violence?

Yes No If "Yes", state the name of the organization and your past and present membership status including any offices held therein.

(b) If the answer to (a) is "Yes" and the employing authority deems further inquiry necessary, you will be notified of such determination. No action adverse to your application will be taken because of an affirmative answer until after such an inquiry, with notice to you and an opportunity for you to present evidence, and only if the result of such inquiry brings your application within the prohibition within the Sedition and Subversive Activities Act of 1953.

5. (a) Have you ever been convicted or are any charges now pending against you, by Federal, State or other law enforcing authority, for any violation of any federal law, state law, county or municipal law, regulation, or ordinance? (Do not include anything that happened before your sixteenth birthday. Do not include minor traffic violations for which a fine of \$35 or less was imposed. All other convictions must be included even if they were pardoned.)

Yes No

(b) If the answer to (a) is "Yes", state the reason convicted, the date convicted, and the place where convicted.

6. Space for Continuing Answers or Explanations: (Show item number to which answers or explanations apply. Attach separate sheet(s) if more space is needed.)

I understand that I make the preceding statements under the penalties of false swearing.

[Signature] 11-15-2003
(Signature and Date)

DEPARTMENT OF PUBLIC SAFETY
Supplemental New Hire Check-List
POLICE/SWORN EMPLOYEE

COBB COUNTY

Training Cost Repayment Policy
Sedition and Subversive Activities Questionnaire
Vehicle/Equipment Fueling Policy Statement
Fleet Management - Fuel Authorization Form

COBB COUNTY PUBLIC SAFETY DEPARTMENT

Policies & Policy Acknowledgments
Emergency Contact Data Form
Drivers History Authorization Form

COBB COUNTY POLICE DEPARTMENT

Policies & Policy Acknowledgments

STATE OF GEORGIA

Awareness Statement for Criminal Justice Employees
Peace Officers' Annuity & Benefit Fund Information
Peace Officers' Association of Georgia Information
Indemnification Program Information Booklet

My signature below confirms that I have received the aforementioned items specific to my particular position within the Public Safety Department and that I have or will question the Department Personnel Representative responsible for my new hire session regarding any concerns I may have in regards to the above information.

New Hire's Signature: _____

Date: 2/12/14

2-12-07

Maurice Lawson

Department of Public Safety

Statement of Acknowledgement and Understanding

I. INSTRUCTIONS FOR ALL EMPLOYEES:

Read the following Acknowledgement of Receipt and Statement of Understanding. Sign and date this form in the space provided at the bottom of the form, and return it to the DPS Personnel Unit.

II. ACKNOWLEDGEMENT OF RECEIPT OF POLICIES:

I, MAURICE LAWSON, do hereby acknowledge that I have received a copy of the following Cobb County Department of Public Safety policies:

DPS Policy	Effective Date	Updates
Code of Conduct, Police	July 2008	
Reserve Police Officer Program Policy 6.11	November 2009	
Fitness for Duty Policy 9.01	April 2002	
Take Home Vehicle Assignments Policy 9.02	November 1997	
Time Reporting Procedures Policy 9.03	February 1999	
Public Information & Media Relations Policy 9.04	February 2000	
Communications Policy 9.05	May 2006	
Public Safety Special Commendations 9.06	March 2004	
Credentials & Equipment for Non-Employees Policy 9.07	April 2006	
Benevolent Organizations Policy 9.08	April 2006	
<u>Police Policy</u>	<u>Effective Date</u>	
Cobb County Police Department Policy Manual	November 2009	

III. STATEMENT OF UNDERSTANDING:

I understand that it is my responsibility to read these documents and to discuss any questions I have with my supervisors. I understand that violations of these policies may result in disciplinary action up to and including immediate termination.

I understand that DPS policies and procedures are under continuing review, and are subject to change at any time. I understand that I will be provided a copy of all such policies and procedures as well as all changes in writing, and that I will be responsible for complying with these policies and procedures from the date I receive them. I understand that no supervisor or manager other than the Director of Public Safety or his designee has the authority to change any policy within the Department of Public Safety.

I understand that I am responsible for maintaining these documents in proper condition and order, including all future additions, revisions or corrections, and for requesting replacement documents should I misplace any issued copy of these policies. I understand that these documents are the property of the Cobb County Department of Public Safety, and must be returned to the DPS Personnel Unit upon separation from this department.

Signature: 

Date: 3/17/09

Cobb County Department of Public Safety



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
Marietta, Georgia 30060-1454
(770) 499-3900 • fax: (770) 499-4195
www.cobbcounty.org

G.B. Hatfield *Chief of Police*

J.R. Houser *Deputy Chief of Police*

R.D. Storey *Deputy Chief of Police*

POLICY MANUAL ACKNOWLEDGEMENT FORM

This CD-ROM contains a version of the Policy Manual in Adobe PDF. It can be inserted into the CD-ROM drive of any Windows 98 computer or higher, and accessed like any other Adobe PDF document.

The Police Department Policy Manual is also available to all personnel in the following ways:

1. The Policy Manual is part of a Department Intranet Resource Site. This site may be accessed through computers located at all work locations.
2. Policy Manual books are provided at work areas for each organizational component of the Department.

Any employee who would like a copy of the Policy Manual book may obtain one by checking the appropriate block on the Acknowledgement Form. It is important for those employees with paper Policy Manual books to realize that the Resource Site will contain the most up-to-date versions of the Department's policies.

Please direct any further question to your immediate supervisor.

I have read and understand the above information and acknowledge receipt of the Policy Manual on CD-ROM.



 Signature 3/17/14
 Date

____ Please initial here if you wish to be issued a Policy Manual book. Once issued a book, I understand that it will be my responsibility to maintain the book and keep it updated.

04/15/2008



Equal Opportunity Employer

Cobb County...Expect the Best!



AWARENESS STATEMENT FOR CRIMINAL JUSTICE AGENCY EMPLOYEES

Access to Criminal Justice Information, as defined in GCIC rule 140-1.02 (amended), and dissemination of such information is governed by state and federal laws and by GCIC Rules. Criminal Justice Information cannot be accessed or disseminated by any employee except as directed by superiors or as authorized by approved standard operating procedures.

State law (Georgia Laws 1973, p. 1314, as amended) provides specific criminal penalties for unlawfully accessing or disseminating Criminal History Record Information (defined in GCIC Rule 140-1.02). The Georgia Code states:

35-3-38. PENALTIES FOR VIOLATIONS

- (a) Any person who knowingly requests, obtains, or attempts to obtain criminal history record information under false pretenses, or who knowingly communicates or attempts to communicate criminal history record information to any agency or person except in accordance with this article, or any member, officer, employee or agent of the center, the council, or any participating agency who knowingly falsifies criminal history record information or any records relating thereto shall for each such offense, upon conviction thereof, be fined not more than \$5,000.00, or imprisoned for not more than two years, or both.
- (b) Any person who communicates or attempts to communicate criminal history record information in a negligent manner not in accordance with this article shall for each such offense, upon conviction thereof, be fined not more than \$100.00, or imprisoned not more than ten days, or both.
- (c) Any person who knowingly discloses or attempts to disclose the techniques or methods employed to ensure the security or privacy of information or data contained in criminal justice information systems except in accordance with this article shall for each such offense, upon conviction thereof, be fined not more than \$5,000.00 or imprisoned not more than two years, or both.
- (d) Any person who discloses or attempts to disclose the techniques or methods employed to ensure the security and privacy of information or data contained in criminal justice information systems in a manner not permitted by this article shall for each such offense, upon conviction thereof, be fined not more than \$100.00 or imprisoned not more than ten days, or both.

I acknowledge that I have received instructions about the intent and content of federal and state regulations concerning the security and privacy of criminal justice information. I further acknowledge that I have read and understand the above section of the Georgia Law.

Signed: _____



Print Name: _____

NAVALE LAWSON

Date: _____

3/17/2014

Witnessed: _____





COBB COUNTY POLICE DEPARTMENT



OATH OF OFFICE

I, mtc, swear (or affirm) that I am not incumbent in any office of trust in this State, of the United States or of any foreign State and should I seek such, my separation here from shall be instant;

I further swear (or affirm) that I am not the holder of any public monies due this or any other State or political subdivision unaccounted for;

I swear (or affirm) I am qualified to hold the office to which I am appointed, and for so long as I am employed with the Cobb County Police Department, I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America and the Constitution of the State of Georgia, and I will faithfully perform and discharge the duties of my position, conscientiously and without malice or partiality, to the best of my ability;

I further swear (or affirm) to obey, to adhere to, to uphold and to enforce the laws of the United States of America and of the State of Georgia at all times;

So Help Me God.

Signature

Maurice TL Lawson

Name Typed

Maurice TL Lawson

Agency Head

John R. Houser

Administrator
of Oath

John R. Houser

Notary Public

Renee Marie Cannon

Date

11/21/14

Notary Public, Cobb County, Georgia
My Commission Expires Jan. 21, 2016

Distribution: DPS Personnel (Original)
Chief's Office (Certification Files)
Advanced Training (Trainee Record)

**COBB COUNTY POLICE PROBATIONARY EMPLOYEE
QUARTERLY OBSERVATION TRAINING REPORT**

QUARTER: **OCT-DEC** YEAR: **2014**

I a. EMPLOYEE INFORMATION
 Employee Name: **Lawson, Maurice** | Date of Employment: **03-17-2014**
 Employee Signature: *[Signature]*

I b. EMPLOYEES COMMENTS (Optional)

II a. RATER INFORMATION
 Rater Name: **Marchetta, A.M.** | Rater Signature: *[Signature]*
 Rater's Title: **SGT** | Date of Rating: **01-27-15**

II b. RATER COMMENTS (Optional)
 Currently in Field Training.

III. PERFORMANCE AREAS	D	M	E	N/A
Adherence to Applicable Rules, Regulations and Policies:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision Making/Problem Solving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interpersonal Relations:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acceptance of Supervisor/Instructor Feedback:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Care/Custody of Department and/or Assigned Equipment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality/Quantity of Work:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communications:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attendance/Promptness:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stress Tolerance:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D - Does Not Meet M - Meets E - Exceeds N/A - Not Applicable

IV. REVIEWER INFORMATION
 Reviewer Name: **Lt. D.L. Ballard** | Reviewer Signature: *[Signature]*
 Reviewer's Title: **Lieutenant / Shift Commander** | Date: **02/02/15**

V. CHAIN OF COMMAND REVIEW (ACKNOWLEDGE AS APPROPRIATE)
 Precinct / Unit Commander: *[Signature]* | Date: **020315**
 Chief's Office: **D/C Cox** | Date: **020415**



**POLICY MANUAL UPDATES
ACKNOWLEDGEMENT OF RECEIPT**



I hereby acknowledge that I have been advised of the release of the Policy Manual updates listed below. I understand that I am responsible for becoming familiar with the content, and shall comply with all directives therein.

I am aware that if I am ever unable to access the policy manual, either on the Resource Site or in hard copy, I will notify my supervisor immediately.

Date of Policies/Revisions: February 1, 2015

Policy Numbers:
1.03

2.07 2.13 2.14

3.03 3.07 3.08 3.14

5.01 5.03 5.04 5.05 5.11 5.13 5.14 5.18 5.27

6.06 6.11

Table of Contents; Organizational Chart; Non-Sworn Code of Ethics

Print Name: NADARILE L. ANDERSON

Badge Number: 2259

Signature: [Handwritten Signature]

Date: 02/02/2015



POLICY MANUAL UPDATES
ACKNOWLEDGEMENT OF RECEIPT



I hereby acknowledge that I have been advised of the release of the Policy Manual updates listed below. I understand that I am responsible for becoming familiar with the content, and shall comply with all directives therein.

I am aware that if I am ever unable to access the policy manual, either on the Resource Site or in hard copy, I will notify my supervisor immediately.

Date of Policies/Revisions: February 1, 2015

Policy Numbers:

1.03

2.07 2.13 2.14

3.03 3.07 3.08 3.14

5.01 5.03 5.04 5.05 5.11 5.13 5.14 5.18 5.27

6.06 6.11

Table of Contents; Organizational Chart; Non-Sworn Code of Ethics

Print Name: MAVILLE LAWSON

Badge Number: 2259

Signature: 

Date: 02/02/2015



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
Marietta, Georgia 30060-1454
(770) 499-3900 • fax: (770) 499-4195
www.police.cobbcountyga.gov

J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. Cox *Deputy Chief of Police*

MEMORANDUM

TO: M. T. Lawson, 2259
FROM: Captain J.D. Adcock
SUBJECT: Shift Assignment
DATE: March 11, 2015

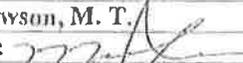
Effective Sunday, March 29, 2015, you will be assigned to the Morning Watch at Precinct Two. Please contact Lieutenant D. L. Ballard for your specific work schedule.

I wish you the best of luck in your new assignment.

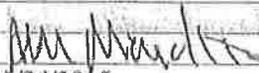
Cc: Chief's Office
Deputy Chief C. T. Cox
Alicia Hicks, Chief's Office
Sonya Walker, D/C Chief's Office
Sarah Maness, IA
Shana Adams, DPS Personnel
Regina Lovinggood, DPS Personnel
Laura Quibell, Training
Chris Bell, RMS Coordinator
Leo Scherer, HQ
Nikki Brown, Uniform Supply
Tami Conniff, 911
Kimberly Lemley, IS
Lieutenant D. L. Ballard
File
A.A.

**COBB COUNTY POLICE PROBATIONARY EMPLOYEE
QUARTERLY OBSERVATION TRAINING REPORT**

QUARTER:	JAN-MAR	YEAR:	2015
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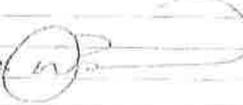
I a. EMPLOYEE INFORMATION	
Employee Name: Lawson, M. T.	Date of Employment: 03-17-2014
Employee Signature: 	

I b. EMPLOYEES COMMENTS (Optional)

II a. RATER INFORMATION	
Rater Name: Marchetta, A.M.	Rater Signature: 
Rater's Title: Sergeant	Date of Rating: 05/24/2015

II b. RATER COMMENTS (Optional)

III. PERFORMANCE AREAS	D	M	E	N/A
Adherence to Applicable Rules, Regulations and Policies:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision Making/Problem Solving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interpersonal Relations:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acceptance of Supervisor/Instructor Feedback:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Care/Custody of Department and/or Assigned Equipment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality/Quantity of Work:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communications:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attendance/Promptness:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stress Tolerance:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>D - Does Not Meet M - Meets E - Exceeds N/A - Not Applicable</i>				

IV. REVIEWER INFORMATION	
Reviewer Name: Damon Bellard	Reviewer Signature: 
Reviewer's Title: Shift Commander	Date: 06/02/15

V. CHAIN OF COMMAND REVIEW (ACKNOWLEDGE AS APPROPRIATE)	
Precinct / Unit Commander: 	Date: 06/02/15
Chief's Office: C.T. Coy	Date:

Meets Requirements

COBB COUNTY PERFORMANCE APPRAISAL

EMPLOYEE INFORMATION

Employee ID: 030617
 Employee Name: LAWSON, MAURICE TERRY LYNN
 Job Title: POLICE OFFICER I Date of Employment: 03/17/2014
 Department Number: 130 Department Name: Department Of Public Safety

RATER INFORMATION

Raters Name: Jason Ryan Best Rating Period: 10/01/2013 to 09/30/2014
 1st Progress Discussion: 2nd Progress Discussion: 08/22/2014
 If you did not have a Progress Discussion Explain why: Lawson was not employed by county at time of 1st Progress Discussion

EVALUATION FACTORS

Job Knowledge

(Demonstrates knowledge of all phases of work, assigned department and relevant County policies and procedures)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Recruit Lawson is currently in training to become a certified police officer in the State of Georgia through our mandated academy that began on July 30, 2014. To date he has satisfactorily performed all tasks and duties associated with police academy training to date.	Delete

Work Quality/Quantity

(Thoroughness, accuracy, neatness and organization; work quantity is consistent with department requirements; prioritizes and plans work to meet deadlines; follows up on and completes assigned tasks.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Recruit Lawson has put forward a satisfactory effort academically. Lawson came to us as one of the more physically fit officers and has increased his physical fitness level during mandate training through hard work.	Delete

Judgment and Decision Making

(Analyzes problems or procedures and selects the best course of action to include making logical and sound decisions)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.
Recruit Lawson has demonstrated a good decision making process and continues to develop and adjust his thought process to the police officer role. During mandate training Recruit Lawson has acted as the class leader and serves a Jason for his fellow recruits to the instructors. Due to his military background and disciplined mind set he has help maintain his classmates discipline level and understanding in the chain of command process. He is serious minded recruit that shows a great level of maturity.

Safety/Care of Equipment

(Follows all applicable safety policies and procedures; takes appropriate care of all equipment for both safety and cost reasons.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Number of At Fault Accidents for this Rating Period: _____

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Recruit Lawson has no safety violations and has properly maintained his equipment to standard to date.	Delete

Communication

(Expresses self in a clear and concise manner in both speaking and writing, if applicable; listens effectively; expresses self appropriately in order to have effective working relationship with coworkers, supervisors, departments and citizens.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requi

Provide at least one example of how this ability is or is not demonstrated.
Recruit Lawson is a team player that communicates with both his coworkers and supervisors effectively. He has maintained a positive attitude during this rating period. Lawson has no problem being the center of the attention to improve the overall morale of his classmates. He has an appropriate level of respect towards citizens and his supervision alike.

Work Principles

(Assumes responsibility for job requirements; arrives to work and meetings prepared; stays on task; readily volunt projects and assignments.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Recruit Lawson takes ownership for his job performance and arrives to work on time prepared for the day's instruction. He is a receptive student that is able to assimilate the instruction he is given and demonstrates a working knowledge of the material when tested.	Delete

Professional Conduct

(Cooperates, gets along with others; exercises self-control; displays an appropriate appearance for the work environment' shows commitment to the general public and Cobb County' conforms to all applicable policies and procedures such as Conduct and Performance.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Recruit Lawson works well with his fellow recruits and manages to accomplish the mission successfully without requiring special attention from his instructors to complete the task or modify his behavior to a positive and desired one. Recruit Lawson conduct reflects most favorably on the department	Delete

Time/Attendance

(Present on time and available for work when scheduled according to departmental policy, does not abuse leave.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Number of Tardies for this rating period: _____

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Recruit Lawson has no absences or any tardiness during this rating period.	Delete

FOR MANAGEMENT AND SUPERVISORY POSITIONS

Leadership/Management

(Establishes, directs and guides team effort toward common objectives. Collaborates with other departments and builds

effective working relationships, assesses staff needs and provides training, development, coaching and evaluation. Assigns work so that employees are fully engaged.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
	Delete

CURRENT GOALS AND OBJECTIVES

Progress Acceptable?	Type Goal below (If you selected "no" for progress unacceptable, please explain why)	Add Row
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Recruit Lawson should remain focused and determined to continue to increase his base of job related knowledge to successfully transition this to the field in phase two of the training process. He should continue to work to improve and then maintain his firearms proficiency and physical fitness level.	Delete

FUTURE GOALS

(Type Goal, Description and Completion Date)	Add Row
Goal	Completion Date
Successfully graduate Mandate academy	11/26/2014
Successfully complete Phase II of training process	05/26/2015
Successfully complete Phase III of training process	05/26/2015

**OVERALL RATING COMMENTS
OVERALL PERFORMANCE RATING**

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Performance plans must be included with overall ratings of "Does Not Meet" or "Needs Improvement".

Please list any significant achievements or accomplishments for this employee during this rating period	Add Row
Recruit Lawson has completed all required courses and testing to date and is on track to graduate the Basic Law Enforcement Training Course in November 2014.	Delete

Please list any disciplinary actions during this rating period	Add Row
none	Delete

Upload/Email disciplinary actions taken that are relevant to the employee's performance:

USE THIS OPTION IF YOU ONLY HAVE ADOBE READER XI>>>

USE THIS OPTION IF YOU HAVE ADOBE PRO>>>

ADOBE READER XI ATTACH
ADOBE PRO UPLOAD DOC

Has this employee been transferred or reported to another manager within this evaluation period?

Yes No

If Yes to above question, please type the name of the previous manager.

Have you discussed this evaluation with the previous manager?

Yes No

Additional Comments	Add Row
	Delete

I acknowledge that this appraisal has been discussed and reviewed with me. I understand that I can view this appraisal electronically or receive a paper copy (if I do not have access to a computer) after it has been signed by the department head/elected official.

Send to Employee

EMPLOYEE COMMENTS & ACCEPTANCE

Employee Comments	Add Row
	Delete

Employee Signature	Maurice T Lawson <small>Digitally signed by Maurice T Lawson DN: cn=Maurice T Lawson, ou=Cobb County Police Department, ou=PC17 2, email=Maurice.Lawson@cobbcounty.org, c=US Date: 2014.11.05 10:34:43 -0500</small>	Date	11/05/2014
If you are unable to create a digital signature please intitial below for completion:			
			Submit to Supervisor

DEPARTMENT HEAD & SUPERVISOR APPROVAL

SUPERVISOR SIGNATURE	Jason Ryan Best <small>Digitally signed by Jason Ryan Best DN: cn=Jason Ryan Best, ou=Cobb Police, ou=LawData, ou=JRMason@cobbcounty.org, c=US Date: 2014.11.09 10:49:21 -0500</small>	Date	10/29/2014
			Submit for Approval

DEPARTMENT HEAD SIGNATURE	Ronald L Prince <small>Digitally signed by Ronald L Prince DN: cn=Ronald L Prince, ou=Cobb Police, ou=Police, email=Ronald.Prince@cobbcounty.org, c=US Date: 2014.12.17 15:03:31 -0500</small>	Date	12/17/2014
			Submit for Approval

PLEASE CHOOSE SIGNATURE		Date	
Submit to Department Representative			

Submit to HR for Filing

RATING DEFINITIONS:

No Response - (Leaving the rating blank) Acceptable when there is no applicable use for this job factor in the employee's position. For example, it is acceptable to leave the rating blank on the Leadership/Supervision job factor for an employee who has no supervisory or management responsibilities. A blank rating may also be acceptable if the employee is new to the position, however, an explanation to this effect should be made in the comment section.

Exceeds - The employee CONSISTENTLY performed above and beyond expected or required standards in this job factor. The employee is considered to be the subject matter expert in this job factor and required little to no supervision while completing this job factor throughout the evaluation cycle. **Note:** Carefully consider the employee's true performance before assigning this rating. Do not allow personality to overshadow performance, resulting in an inaccurate (too high or too low) rating.

Meets - The employee performed up to expected or required standards in this job factor. The employee required little to average supervision while completing this job factor throughout the evaluation cycle.

Needs Improvement - The employee performed below expected or required standards in this job factor. The employee required more than average supervision while completing this job factor throughout the evaluation cycle.

Does Not Meet - The employee does not meet the expected or required standards for this job factor. The employee required constant supervision to complete this job factor.

HR USE ONLY- OVERALL RATING

Meets Requirements

COBB COUNTY PERFORMANCE APPRAISAL

EMPLOYEE INFORMATION

Employee ID: 030617
 Employee Name: LAWSON, MAURICE TERRY LYNN
 Job Title: POLICE OFFICER I Date of Employment: 03/17/2014
 Department Number: 130 Department Name: Department Of Public Safety

RATER INFORMATION

Raters Name: Marchetta, A.M. Rating Period: 10/31/2015 to 09/30/2015
 1st Progress Discussion: 03/15/2015 2nd Progress Discussion: 07/07/2015
 If you did not have a Progress Discussion Explain why:

EVALUATION FACTORS

Job Knowledge

(Demonstrates knowledge of all phases of work, assigned department and relevant County policies and procedures)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Officer Lawson has worked diligently to perfect his DUI investigative skills. He has studied on his own, worked with a senior officer, and has attended SFST training. This effort has yielded results.	Delete
Officer Lawson is knowledgeable in all aspects of patrol duties. An example of his general knowledge is Case No. 15085965. In this instance, he documented a civil incident that resulted in damage to property.	Delete
Officer Lawson completed field training during the rating period. His job knowledge was successfully demonstrated.	Delete

Work Quality/Quantity

(Thoroughness, accuracy, neatness and organization; work quantity is consistent with department requirements; prioritizes and plans work to meet deadlines; follows up on and completes assigned tasks.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Officer Lawson is a highly motivated employee. He completed 225 Incident Reports, arrested 86 subjects, wrote 340 citations, investigated 37 accidents, and answered 1,056 calls for service. He is one of the shift leaders in overall performance.	Delete
Officer Lawson's incident reports are written well. He has the ability to bring the reader to the incident. He clearly articulates probable cause, pertinent facts, and draws appropriate conclusions. Examples of his report writing skills are: Case No. 15085965 Interference with Custody; Case No. 15078499 Aggravated Assault; and Case No. 15086330 VGCSA Heroin.	D
On 09/30/2015, Officer Lawson responded to a subdivision to a report of suspicious suspects in a subdivision in the middle of the night. Officer Lawson was able to locate the subjects. The subjects immediately fled on foot. Officer Lawson pursued the subjects and was able to apprehend one of the subjects in the woods, and in a creek. This apprehension was beginning of an investigation that resulted in the clearing of 30 some-odd cases of Entering Auto that night. Captain Adecock noted that: 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 2nd and 3rd suspect as well as the identification of the 4th suspect. His observation skills were keen and of course his physical condition allowed for a quick apprehension of the suspect."	D

Judgment and Decision Making

(Analyzes problems or procedures and selects the best course of action to include making logical and sound decisions.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Officer Lawson is able to execute his field investigative duties in a proficient manner. He has investigated a variety of incidents involving civil disputes, misdemeanor and felony crimes, and accidents.	Delete
Officer Lawson investigated a noise complaint by Mr. Stan Jennings. His actions and report reflects his judgment and decision making actions (15036269).	Delete

Safety/Care of Equipment

(Follows all applicable safety policies and procedures; takes appropriate care of all equipment for both safety and cost reasons.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Number of At Fault Accidents for this Rating Period: 0

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Officer Lawson safeguards shared use equipment. He documents equipment that he signs out. He habitually signs out an alco-sensor.	Delete
Officer Lawson has safely operated his patrol vehicle in a variety of situations and weather conditions.	Delete
On video reviews I have observed his actions on traffic stops and DUI investigations. He utilizes officer safety skills such as proper lighting of stopped vehicles, proper approach, and maintaining appropriate distance from subjects and proper body positioning when speaking with suspects.	Delete
Officer Lawson is proficient with his issued firearms. He routinely scores in the high 90s with pistols, rifle and shotgun.	Delete

Communication

(Expresses self in a clear and concise manner in both speaking and writing, if applicable; listens effectively; expresses self appropriately in order to have effective working relationship with coworkers, supervisors, departments and citizens.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
During Phase III (WORs) I had weekly meetings with him concerning his performance. He was receptive to suggestions for improving his performance. He readily engaged in conversations about his performance, which demonstrated active listening skills.	Delete
Officer Lawson has developed good working relationships with his peers. He readily sought advice from a senior officer, Officer Nadeau, on how to conduct effective DUI investigations.	
Officer Lawson should continue to develop his interpersonal skills with the public. Sergeant Latham documented an incident involving a "difficult customer" on 06/13/2015. This subject likely has gang affiliations. The subject was being somewhat defiant towards the officers at the scene. Officer Lawson engaged the subject, and though he did not use profanity he used jargon from the United States Marine Corps (Officer Lawson is a former Marine). The suspected gang member did not understand Officer Lawson, and due to this verbal exchange escalated. Officer Lawson should assess the type of individual he is dealing with, and adjust his communication appropriately.	

Work Principles

(Assumes responsibility for job requirements; arrives to work and meetings prepared; stays on task; readily volunteer projects and assignments.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Officer Lawson routinely arrives to work early, and is prepared to assume his duties at the end of roll call and does so in a prompt manner.	Delete
Officer Lawson diligently patrols his beat, and ensures that he handles the calls within his beat.	Delete
Officer Lawson is also a diligent beat partner. He consistently backs up his beat partners, and willing assists in their investigations. This willingness to assist his beat partners is reflected in the 1056 calls for service that he responded to.	Delete
Officer Lawson willingly volunteered to "stake out" a motel parking lot for entering auto perpetrators.	Delete

Professional Conduct

(Cooperates, gets along with others; exercises self-control; displays an appropriate appearance for the work environment' shows commitment to the general public and Cobb County' conforms to all applicable policies and procedures such as Conduct and Performance.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	A
Being a former United States Marine, Officer Lawson's appearance is exceptional. He has excellent bearing.	
Officer Lawson exceeds in physical fitness, and received a blue fitness bar.	
Officer Lawson received a Letter of Reprimand for inappropriately applying the pursuit policy. Of note it was the second day of the new pursuit policy. It was also his first "solo" day and his first "solo" traffic stop. Officer Lawson willingly accepted accountability for his actions. There have been no other violations of policy.	

Time/Attendance

(Present on time and available for work when scheduled according to departmental policy, does not abuse leave.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirement

Number of Tardies for this rating period: 0

Provide at least one example of how this ability is or is not demonstrated.	Add Row
Officer Lawson has had no tardies and no unauthorized absences.	Delete
Officer Lawson submits leave in a timely manner.	Delete
On a variety of occasions, Officer Lawson has come to work when not feeling well. Additionally, he has had long days in court but still willingly comes to work enthused.	Delete
FOR MANAGEMENT AND SUPERVISORY POSITIONS	

Leadership/Management

(Establishes, directs and guides team effort toward common objectives. Collaborates with other departments and builds effective working relationships, assesses staff needs and provides training, development, coaching and evaluation. Assigns work so that employees are fully engaged.)

Does Not Meet Requirements Needs Improvement Meets Requirements Exceeds Requirements

Provide at least one example of how this ability is or is not demonstrated.	Add Row
	Delete

CURRENT GOALS AND OBJECTIVES

Progress Acceptable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type Goal below (If you selected "no" for progress unacceptable, please explain why)	Add Row
	Complete all phases of training.	Delete

FUTURE GOALS

		Submit to Supervisor:
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DEPARTMENT HEAD & SUPERVISOR APPROVAL

RATERS SIGNATURE	Andrew Marchetta	<small>Digitally signed by Andrew Marchetta Date: 2015.11.20 03:56:36 -05'00'</small>	Date	11/20/2015
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Submit for Approval

SUPERVISOR SIGNATURE	Damon Ballard	<small>Digitally signed by Damon Ballard DN: cn=Damon Ballard, o=Cobb County Police Department, ou=District 2 Morning Watch Commander, email=damon.ballard@cobbcounty.org, c=US Date: 2015.11.25 15:29:30 -05'00'</small>	Date	11/25/2015
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Submit for Approval

MANAGER SIGNATURE	Jeff Adcock	<small>Digitally signed by Jeff Adcock DN: cn=Jeff Adcock, o=Cobb County Police Department, ou=Cobb County Police Department-District II, email=jeff.adcock@cobbcounty.org, c=US Date: 2015.11.30 10:55:02 -05'00'</small>	Date	11/30/2015
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Submit to Department Representative

	Submit to HR for Filing
--	-------------------------

RATING DEFINITIONS:

No Response - (Leaving the rating blank) Acceptable when there is no applicable use for this job factor in the employee's position. For example, it is acceptable to leave the rating blank on the Leadership/Supervision job factor for an employee who has no supervisory or management responsibilities. A blank rating may also be acceptable if the employee is new to the position, however, an explanation to this effect should be made in the comment section.

Exceeds - The employee **CONSISTENTLY** performed above and beyond expected or required standards in this job factor. The employee is considered to be the subject matter expert in this job factor and required little to no supervision while completing this job factor throughout the evaluation cycle. **Note:** Carefully consider the employee's true performance before assigning this rating. Do not allow personality to overshadow performance, resulting in an inaccurate (too high or too low) rating.

Meets - The employee performed up to expected or required standards in this job factor. The employee required little to average supervision while completing this job factor throughout the evaluation cycle.

Needs Improvement - The employee performed below expected or required standards in this job factor. The employee required more than average supervision while completing this job factor throughout the evaluation cycle.

Does Not Meet - The employee does not meet the expected or required standards for this job factor. The employee required constant supervision to complete this job factor.



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
Marietta, Georgia 30060-1454
(770) 499-3900 • fax (770) 499-4195
www.police.cobbcountyga.gov

J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. Cox *Deputy Chief of Police*

MEMORANDUM

TO: Officer M.T. Lawson 
FROM: Captain J.D. Adcock 
RE: LETTER OF REPRIMAND
DATE: April 18, 2015

I. BACKGROUND

On March 18, 2015 you conducted a traffic stop of a vehicle being driven by an individual who had failed to operate his vehicle within a single lane and whose driver's license was suspended. The suspect driver initially stopped his vehicle but after you made contact with him he fled the stop in the vehicle. You pursued the suspect driver in your police vehicle and arrested him shortly after the pursuit terminated in the suspect's driveway. Of note in this incident is the fact that March 18, 2015 was your first shift to patrol alone without your Field Training Officer. Additionally, the traffic stop that resulted in this vehicle pursuit was your first "solo" traffic stop conducted without the oversight of a Field Training Officer.

II. VIOLATIONS

The fact that you initiated a vehicle pursuit of a violator in order to enforce traffic charges is in violation of Cobb County Police Department Code of Conduct 1.01 (Violation of Rules) and Cobb County Police Department Policy 5.17 (Vehicle Pursuits).

County Police Department Code of Conduct 1.01 (Violation of Rules) states the following:

Personnel shall promptly perform every duty required by law, these rules, or any Department order, instruction, or command, and do so to the best of their ability. Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards in carrying out the functions and objectives of the Police Department and the Department of Public Safety.

Cobb Police Department Policy 5.17 III B, (Vehicle Pursuits), states, in pertinent part, the following:

An officer shall only pursue a motor vehicle when there is reasonable suspicion based upon the totality of the circumstances that the driver and/or occupant(s) have committed, are attempting to commit, or are committing:

- *Murder*
- *Voluntary Manslaughter*
- *Involuntary Manslaughter*
- *Aggravated Assault*
- *Aggravated Battery*
- *Kidnapping*
- *Rape*
- *Armed Robbery*
- *Hijacking a Motor Vehicle*
- *Any other crime which may include the immediate risk of serious bodily harm to any person (Note: The risk posed by the pursuit may not be the sole justification for the pursuit under this particular justification.)*

As a result of a Chain of Command investigation, it has been determined that you should receive this formal Letter of Reprimand for your violation of Code of Conduct section, 1.01 (Violation of Rules) and Departmental Policy 5.17 (Department Vehicles) which will be placed in your personnel file. Let this Letter of Reprimand serve as a warning that any future violations may result in more serious disciplinary action, up to and including termination.

III. CONSIDERATIONS

In reaching this determination for your level of discipline, I considered your time of service and experience, your prior disciplinary history, your response on Part II of the Employee Violation, the impact your conduct may have upon the department, and the Board of Commissioners' Progressive Discipline Policy.

In viewing your employment history, I note and considered that you have been a Cobb County Police Officer for the short tenure of one year (1) year and one (1) day as of the time of this incident. Additionally, I note that you attended training provided by the Cobb County Department of Public Safety Training Center to update officers on the new Vehicle Pursuit Policy, 5.17, which went into effect on March 15, 2015. As such, I expect that you were then, and are now, fully aware of the DPS Code of Conduct and Cobb County Police Department policy at issue.

In reviewing your personnel file, I note that you have had no previous formal disciplinary action which weighs heavily in your favor.

In reviewing your response on Part II of the Employee Violation Form I note and appreciate that you "take full responsibility for violating the policy". I also considered your justification for pursuing the violator and the fact that the traffic stop that resulted in this pursuit was your first "solo" traffic stop conducted on your first day of patrolling alone without the oversight of a Field Training Officer.



I considered the impact your conduct may have had on the Department. The Cobb County Police Department Pursuit Policy was designed to "provide members of the Department with guidelines involving police motor vehicle pursuits". Those guidelines identify specific criminal violations for which a vehicle pursuit may be initiated which do not include traffic violations. Violation of those guidelines exposes you, other officers, the motoring public and suspect(s) to an element of danger that exists in all high speed pursuits. This pursuit was no different. Finally, adherence to Department policies ensures the professional delivery of police services to the citizens we serve, provides a measure of safety to Department employees and prevents embarrassment to the Department.

In consideration of the factors above, and in light of the Board of Commissioners' Progressive Discipline Policy, it has been determined that you are to receive this Letter of Reprimand for a violation of DPS Code of Conduct 1.01 (Violation of Rules) and Department Policy 5.17 (Vehicle Pursuits).

If you wish to discuss this matter further, you may schedule an appointment with Chief Houser within five (5) days of the receipt of this letter. To do so, contact Ms. Alicia Hicks at 770-499-3904.

Cc Personnel
Internal Affairs
Chief's Office
Lieutenant D.L. Ballard



7

**GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS, ACCUSATION**

Court Case Number **GA0330200** Citation Number **3456917**
 NCIC No. **COBB COUNTY POLICE**

Month **November** (Day) **16** (Year) **2015** at **01:50** AM PM
 Operator License No. **058291966**

License Class or Type **C** State **GA** Endorsements **BRIAN** Expires **2018**
 Name **BAKER** (First) **JARVIA** (Middle)

Address **111 BAGBY CT**
 City **UNION CITY** State **GA** Zip Code **30291**

DOB **11/21/1982** Hair **BLK** Hgt. **6'00** Wgt. **220** Sex **M** Eyes **BRO**
 Vch Yr **2012** Make **ACUR** Style **TSX** Color **GRY**

Registration No. **CDW8661** Yr. **2015** State **GA**
 CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO

2-LANE ROAD DRIVER REQUESTED ACCURACY CHECK VASCAR LASER RADAR
 Within the State of Georgia, did commit the following offense: SPEEDING - Clocked by PATROL VEHICLE OTHER
 (Serial # _____ Calibrator/Check _____) at _____ MPH in a _____ zone

DUI (Test Administered: BLOOD BREATH URINE OTHER) DUI Test Results _____
 TEST ADMINISTERED BY (If Applicable): _____

OFFENSE (Other than above) **FAILURE TO MAINTAIN LANE/IMPROPER LANE CHANGE**
 In Violation of Code Section **40-6-48** of State Law Local Ordinance

REMARKS **3 times**

VEHICLE TOWED BY (If Applicable): _____
 BEAT # **215** ZONE **E** CASE # **15108804**

WEATHER	(A) ROAD	(B) TRAFFIC	(C) LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input type="checkbox"/> Clear	<input type="checkbox"/> Dry	<input type="checkbox"/> Conceal	<input type="checkbox"/> Daylight	<input type="checkbox"/> 16+ Passengers
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Wet	<input type="checkbox"/> Blacktop	<input type="checkbox"/> Darkness	<input type="checkbox"/> Commercial Vehicle Violation
<input type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Hazardous Material Violation
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	

County of **COBB** and _____ miles _____ of (city)
 on **MABLETON PKWY** at or near _____ mile post _____ or within (city)
 OFFICER (Secondary Location) **DOYLE DR** Badge # **2259** Div. **2100**
 (Print) **LAWSON**

You are hereby ordered to appear in Court to answer this charge on the **14** day of **January**
2016 at **08:30** AM PM in the **WARNING Only Use For Warning** Court
 City **Marietta** Georgia.

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designator Court to forward your driver's license number to the Department of Driver Services and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO _____ COPY
 SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE **3456917** ARRESTING OFFICER'S CERTIFICATION
 The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE _____ Badge # **2259**
 AUTHORIZED AND APPROVED PURSUANT TO: _____
 CODE 40-13-1 - D.D.S. REG. 975-3-4-.01

COURT COPY

DATE _____ COURT ACTION AND OTHER ORDERS

The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to file a complaint.
 Complaint filed _____
 Bail fixed at \$ _____ or cash deposit of \$ _____

Signature of person taking bail _____
 Signature of person giving bail _____
 Fine in the amount of \$ _____ received as required by court schedule

Signature of Clerk _____

Continuance to _____ Reason _____
 Continuance to _____ Reason _____
 Warrant issued _____ Warrant Served _____
 Waives Trial by Jury _____

ON ARRANGEMENT, THE DEFENDANT PLEADS **APPEARANCE, PLEA OF GUILTY AND WAIVER**

I, _____ have been advised that I am being charged with _____ and that the maximum punishment that I can receive is _____ mos. imprisonment and/or a \$ _____ fine.

I have been advised of my rights to be represented by counsel and have counsel appointed to represent me if I am indigent; plead not guilty and be tried by a jury or a Judge; confront the witnesses against me; and, not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea and do freely and voluntarily enter my plea of Guilty.

This _____ day of _____, _____

Accused _____

_____ have advised the above-named accused as indicated above of his/her rights, the nature of the case against him/her and the possible consequences of the plea as entered. I am satisfied that there is a factual basis for the guilty plea which the accused has entered and that it was entered freely and voluntarily with understanding of the nature of the charge and the consequences of the plea.

DISPOSITION AND SENTENCE
 Court _____ City _____ JUDGE _____

Defendant Pleads: (3) Guilty Not Guilty (4) Not Guilty
 Trial: Jury Court Adjudicated (1) Guilty Not Guilty

Other Action: (2) Bond Forfeiture No Record No Record
 Sentence: Amount Fine/forfeiture \$ _____
 Days (Months) in jail _____ Traffic School _____ Days (Months) probation _____
 Community Service _____ Hrs/Days _____ Other Order _____

Appeal Bond of \$ _____ filed for _____ Court _____
 Appeal to _____

As provided by law, I hereby certify that the information on this ticket is a true abstract of the record of this court or bureau in this case.

DISPOSITION _____
 DATE _____ Signature of Judge or Clerk _____

Signature of Judge or Clerk _____

Signature of Judge or Clerk _____

Signature of Judge or Clerk _____

UNIFORM TRAFFIC CITATION, SUMMONS, ACCUSATION

COURT ACTION AND OTHER ORDERS

COURT Case Number **GA0330200** Citation Number **3456916**

NOIC No. **COBB COUNTY POLICE**

Upn Month **November** (Day) **16** (Year) **2015** at **01:50** AM PM

Operator License No. **058291966**

License Class or Type **C** State **GA** Endorsements **BRIAN** Expires **2018**

Name **BAKER** (First) **JARVIA** (Middle)

Address **111 BAGBY CT** City **UNION CITY** State **GA** Zip Code **30291**

DOB **11/21/1982** Hair **BLK** Hgt **6'00** Wgt **220** Sex **M** Eyes **BRO**

Veh Yr. **2012** Make **ACUR** Style **TSX** Color **GRY**

Registration No. **CDW8661** Yr. **2015** State **GA**

CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO

2-LANE ROAD DRIVER REQUESTED ACCURACY CHECK VASCAR LASER RADAR

Within the State of Georgia, did commit the following offense: **SPEEDING - Clockd by PATROL VEHICLE** OTHER

(Serial # _____) at **65** MPH in a **45** zone

DUI (Test Administered: BLOOD BREATH URINE OTHER) DUI Test Results _____

TEST ADMINISTERED BY (If Applicable) _____

OFFENSE (Other than above) **SPEEDING** **40-6-181** of State Law Local Ordinance

In Violation of Code Section _____

REMARKS: _____

VEHICLE TOWED BY (If Applicable): _____

BEAT # **215** ZONE **E** CASE # **15108804**

WEATHER	FA	ROAD	GB	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input type="checkbox"/> Clear	<input type="checkbox"/> Dry	<input type="checkbox"/> Concrete	<input type="checkbox"/> Light	<input type="checkbox"/> Daylight	<input type="checkbox"/> 16+ Passengers	
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Wet	<input type="checkbox"/> Blacktop	<input type="checkbox"/> Medium	<input type="checkbox"/> Dusk/Dawn	<input type="checkbox"/> Commercial Vehicle Violation	
<input type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Other	<input type="checkbox"/> Hazardous Material Violation	
<input type="checkbox"/> Other	<input type="checkbox"/> Other					

County of **COBB** and _____ miles _____ of (city) _____

on **MABLETON PKWY** at or near _____ mile post _____ or within (city) _____

Officer **LAWSON** **DOYLE DR** Badge # **2259** City, **2100**

You are hereby ordered to appear in Court to answer this charge on the **14** day of **January**

2016 at **08:30** AM PM in the **Warning Only Use For Warning** Court

at _____ **WARNING WARNING** Court

City **Marietta** Georgia.

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services and your driver's license shall be suspended. (Georgia Code 17-5-1 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO _____ COPY

SIGNATURE **3456916** ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to _____

SIGNATURE _____ Badge # **2259**

AUTHORIZED AND APPROVED PURSUANT TO: _____

CODE 40-13-1 - D.O.S. REG. 375-3-4-.01

DATE _____ COURT ACTION AND OTHER ORDERS

The within complaint has been examined and there is probable cause for filing the same. Leave is hereby granted to file the complaint.

Complaint filed _____

Bail fixed at \$ _____ or cash deposit of \$ _____

Signature of person taking bail _____ Signature of person giving bail _____

Fine in the amount of \$ _____ received as required by court schedule.

Continuance to _____ Reason _____ Signature of Clerk _____

Continuance to _____ Reason _____

Warrant issued _____ Warrant Served _____

Waives Trial by Jury _____

ON ARRAIGNMENT, THE DEFENDANT PLEADS _____

APPEARANCE, PLEA OF GUILTY AND WAIVER

_____ have been advised that I am being charged with _____ and that the maximum punishment that I can receive is _____ mos. imprisonment and/or a \$ _____ fine.

I have been advised of my rights to be represented by counsel and have counsel appointed to represent me. If I am indigent, I have been advised that I can receive _____

plead not guilty and be tried by a jury or a judge, confront the witnesses against me, and not give incriminating evidence against myself. I hereby waive these rights; state that I have not been induced by any threat or promise to enter this plea and do freely and voluntarily enter my plea of Guilty.

This _____ day of _____

Accused _____

_____ have advised the above-named accused as indicated above of his/her rights, the nature of the case against him/her and the possible consequences of the plea as entered. I am satisfied that there is a factual basis for the guilty/plea which the accused has entered and that it was entered freely and voluntarily with understanding of the nature of the charge and the consequences of the plea.

DISPOSITION AND SENTENCE

City _____ JUDGE _____

Court _____

Defendant Pleads: (3) Guilty Not Guilty (4) Not Guilty

Trial: Jury Court Adjudicated (1) Guilty Not Guilty

Other Action: (2) Bond Forfeiture No Bill No Record

Sentence: Amount Fine/Forfeiture \$ _____

Days (Months) in jail _____ Traffic School _____ Days (Months) probation _____

Community Service _____ Hrs/Days _____ Other Order _____

Appeal Bond of \$ _____ filed for _____

Appeal to _____ Court

As provided by law, I hereby certify that the information on this ticket is a true abstract of the record of this court or bureau in this case.

DISPOSITION _____

DATE _____ Signature of Judge or Clerk _____

COURT COPY

8

United States Census U.S. Department of Commerce (<http://www.commerce.gov>) | Blogs (http://www.census.gov/about/contact-us/social_media.html) | Index A (<http://www.census.gov/main/www/a2z>) | Glossary (<http://www.census.gov/glossary/>) | FAQs (<http://ask.census.gov>)



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Welcome to QuickFacts

Fulton County, Georgia

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

QuickFacts

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People

Fulton County, Georgia

Population

Population estimates, July 1, 2014, (V2014)	996,319
Population estimates base, April 1, 2010, (V2014)	920,579
Population, percent change - April 1, 2010 (estimates base) to July 1, 2014, (V2014)	8.2%
Population, Census, April 1, 2010	920,581

Age and Sex

Persons under 5 years, percent, July 1, 2014, (V2014)	6.4%
Persons under 5 years, percent, April 1, 2010	6.8%
Persons under 18 years, percent, July 1, 2014, (V2014)	23.2%
Persons under 18 years, percent, April 1, 2010	23.9%
Persons 65 years and over, percent, July 1, 2014, (V2014)	10.4%
Persons 65 years and over, percent, April 1, 2010	9.1%
Female persons, percent, July 1, 2014, (V2014)	51.4%
Female persons, percent, April 1, 2010	51.3%

Race and Hispanic Origin

White alone, percent, July 1, 2014, (V2014) (a)	46.7%
White alone, percent, April 1, 2010 (a)	44.5%
Black or African American alone, percent, July 1, 2014, (V2014) (a)	44.3%
Black or African American alone, percent, April 1, 2010 (a)	44.1%
American Indian and Alaska Native alone, percent, July 1, 2014, (V2014) (a)	0.3%
American Indian and Alaska Native alone, percent, April 1, 2010 (a)	0.2%
Asian alone, percent, July 1, 2014, (V2014) (a)	6.7%
Asian alone, percent, April 1, 2010 (a)	5.6%

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Native Hawaiian and Other Pacific Islander alone, percent, July 1, 2014, (V2014) (a)	0.1%
Native Hawaiian and Other Pacific Islander alone, percent, April 1, 2010 (a)	Z
Two or More Races, percent, July 1, 2014, (V2014)	2.0%
Two or More Races, percent, April 1, 2010	2.2%
Hispanic or Latino, percent, July 1, 2014, (V2014) (b)	7.6%
Hispanic or Latino, percent, April 1, 2010 (b)	7.9%
White alone, not Hispanic or Latino, percent, July 1, 2014, (V2014)	40.5%
White alone, not Hispanic or Latino, percent, April 1, 2010	40.8%

Population Characteristics

Veterans, 2010-2014	45,965
Foreign born persons, percent, 2010-2014	12.6%

Housing

Housing units, July 1, 2014, (V2014)	448,897
Housing units, April 1, 2010	437,105
Owner-occupied housing unit rate, 2010-2014	52.6%
Median value of owner-occupied housing units, 2010-2014	\$237,600
Median selected monthly owner costs -with a mortgage, 2010-2014	\$1,867
Median selected monthly owner costs -without a mortgage, 2010-2014	\$576
Median gross rent, 2010-2014	\$992
Building permits, 2014	8,098

Families and Living Arrangements

Households, 2010-2014	373,005
Persons per household, 2010-2014	2.50
Living in same house 1 year ago, percent of persons age 1 year+, 2010-2014	80.3%
Language other than English spoken at home, percent of persons age 5 years+, 2010-2014	16.6%

Education

High school graduate or higher, percent of persons age 25 years+, 2010-2014	90.7%
Bachelor's degree or higher, percent of persons age 25 years+, 2010-2014	48.6%

Health

With a disability, under age 65 years, percent, 2010-2014	6.5%
Persons without health insurance, under age 65 years, percent	 21.0%

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 *Source: 2013 Small Area Health Insurance Estimates (SAHIE). Estimates are not comparable to other geographic levels of health estimates.*

Economy

In civilian labor force, total, percent of population age 16 years+, 2010-2014	67.2%
In civilian labor force, female, percent of population age 16 years+, 2010-2014	62.3%
Total accommodation and food services sales, 2007 (\$1,000) (c)	4,133,808
Total health care and social assistance receipts/revenue, 2007 (\$1,000) (c)	8,483,025
Total manufacturers shipments, 2007 (\$1,000) (c)	10,428,483
Total merchant wholesaler sales, 2007 (\$1,000) (c)	40,824,135
Total retail sales, 2007 (\$1,000) (c)	13,239,670
Total retail sales per capita, 2007 (c)	\$13,363

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2010-2014	27.3
--	------

Income and Poverty

Median household income (in 2014 dollars), 2010-2014	\$56,642
Per capita income in past 12 months (in 2014 dollars), 2010-2014	\$36,827
Persons in poverty, percent	 18.2%

 *Source: 2013 Small Area Income and Poverty Estimates (SAIPE). Estimates are not comparable to other geographic levels of poverty estimates.*

Businesses**Fulton County, Georgia**

Total employer establishments, 2013	33,874
Total employment, 2013	723,886
Total annual payroll, 2013	46,351,161
Total employment, percent change, 2012-2013	3.1%
Total nonemployer establishments, 2013	99,463
All firms, 2007	106,113
Men-owned firms, 2007	53,460
Women-owned firms, 2007	34,244
Minority-owned firms, 2007	37,367
Nonminority-owned firms, 2007	61,746
Veteran-owned firms, 2007	10,310
Nonveteran-owned firms, 2007	86,556

Geography**Fulton County, Georgia**

Population per square mile, 2010	1,748.0
Land area in square miles, 2010	526.64

QuickFacts

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Metropolitan or Micropolitan Statistical Area

Atlanta-Sandy Springs-Roswell, GA Metro Area

FIPS Code

13121

[Export to CSV \(/quickfacts/download.php?fips=13121&type=csv\)](/quickfacts/download.php?fips=13121&type=csv)

⚠ This geographic level of poverty and health estimates are not comparable to other geographic levels of these estimates

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info **i** icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2014) refers to the final year of the series (2010 thru 2014). Different vintage years of estimates are not comparable.

- (a) Includes persons reporting only one race
- (b) Hispanics may be of any race, so also are included in applicable race categories
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data

- D Suppressed to avoid disclosure of confidential information
- F Fewer than 25 firms
- FN Footnote on this item in place of data
- NA Not available
- S Suppressed; does not meet publication standards
- X Not applicable
- Z Value greater than zero but less than half unit of measure shown

Up one level

[Georgia \(/quickfacts/table/PST045214/13\)](/quickfacts/table/PST045214/13)



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- FAQs [\(/ask.census.gov/\)](/ask.census.gov/)
- Director's Corner
[\(/www.census.gov/about/leadership.html\)](/about/leadership.html)
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[\(/www.census.gov/foreign-trade/schedules/b/\)](/foreign-trade/schedules/b/)
- NAICS
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- Governments
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- Local Employment Dynamics
[\(/ehd.ces.census.gov/\)](/ehd.ces.census.gov/)
- Survey of Business Owners
[\(/www.census.gov/econ/sbo/\)](/econ/sbo/)

PEOPLE & HOUSEHOLDS

- 2020 Census
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- 2010 Census
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- American Community Survey
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- Income
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9

Brian Baker Telephone Interview with Sgt. McCreary

B: Hello, this is Brian, how can I help you

M: Hey Mr. Banks, this is Sgt. McCreary again, from Cobb P.D., How are you?

B: I'm good, how you doing?

M: I'm good, I just want to let you know this has never happened, before, to me, um I came back into the precinct to review Officer Lawson's video and Officer Lawson was here waiting for me, and ah I asked him if he needed something, and he said "yes sir, I wanted to let you know of an incident that happened" and I said ok, and he told me about your traffic stop and he told me he lost his cool and he told me that he made a statement that he believes was inappropriate and he said he did not mean to it reflect anything racial, he just got a little upset with you, he felt like you were being a little uncooperative and he said that he did say that, sorry we got a little foot chase going on too that I'm trying to listen to.

B: Go ahead, take your time.

M: He said that he said "you people, I'm tired of you people, you can go back to Fulton County".

B: And he kept saying it though, how can you keep saying it, he kept saying it.

M: Well I asked him, what did you mean by you people? He said I just meant people who are constantly, you know hard on police. He said he's out here, he saw you fail to maintain your lane several times, and speeding, he felt like maybe you were a possible DUI, he said you called him a Gestapo, he said

B: I did not call him a Gestapo, that's a lie, I called, the other guy, I said man what are ya'll doing, are ya'll the Gestapo, I sure did, I told you. I didn't lie to you when I said that I'm not the easiest one to deal with when I'm angry, when I don't think I'm wrong and I admit that. I did not call him the Getsapo, he gave my Id to someone else.

M: And he didn't say you directly he just said he called us the Gestapo, so I guess he took it as you know as a group thing, um and then he said that you wouldn't tell him where his address was and

B: Why would I have to criminalize . . . I understand we had a whole, I hope you reviewed the video, we had a whole discussion about it. Cause I said hey look man, I don't feel like if I say one thing I get another (cough) something else. See what I'm saying, So I really don't want to criminalize myself, so can you just send it to the one on the address, I know the one on the address.

M: Well you know, you know the ah Georgia law says you are required to give your name, your birth date, your address upon request.

B: And I said it's the one on there, I say that's the one I'm gonna check, the 111 Daven Court, is that your address though?, is that your address?, that's the one I'm going to check. Is that your address? That's the one I'm gonna check. That's what Georgia law (inaudible)?

M: And to be fair, he's just trying to do his job, and say is that your address cause your address has to be correct on your license also. But

B: He admittedly said something wrong man, what is now? See what I'm saying cause that doesn't do nothing for me, cause like, for one I was minding my business, and then he was angry for one say I'm hard on police because I wouldn't tell him where I was going and then when I wouldn't tell him where I was going, or where I was coming from, I don't have to tell him that do I?

M: Ahh no, but it's an investigation tool, you know the officers, he pulled you over for failure to maintain your lane

B: Right

M: He's basically trying to make sure you are safe on the road.

B: Is this an investigation tool?

M: Yea absolutely

B: I understand that, I'm not gonna help him investigate, like criminalize me like I was coming from a bar, even though I wasn't.

M: I understand that, I completely understand that, I appreciate that. But he can ask, you know what I'm saying

B: (inaudible).

M: Honestly, here's the reality, sometimes we ask people hey can I check your pockets and they know there's dope in there and they say yea and they let us do it anyway, sometimes we ask and we get it and sometimes we ask and we don't.

B: (inaudible)

M: It is upon the officer to maintain professionalism all the time, there is no question about that. There is no question about that, I told him you know the person you pull over can call you names all day long, he can call you whatever name he wants, it can be the most offensive thing out there you as a police officer have to maintain professionalism and it doesn't sound like he did. So what I did is, I sat down I've counseled him, I talked to him, I told him I would call you, (phone rings in background) I told him I would call you and let you know that, he approached me with it, asked me what he should do. And I said, well I tell you what, let me get with Mr. Banks and find out exactly you know, what he has told me so far and let you know my plan is to move forward with some counseling and some training and to put something in his file.

B: I understand that, but...alright, alright, (inaudible) and I appreciate ya and I even appreciate the officer even admitting that he was wrong. But at the same time you gotta understand that you have to protect and serve and mind you I'm the only black person there, you see what I'm saying. . (inaudible) I teach in a completely white school district and I get called all kind of names from nigger to everything else and so I can't call them names back but the fear that was in me when he said that..... I was scared shitless.

M: Well yea, hey I told him I said you ask 10 out of 10 citizens if a police officer says you people they are going to say its race based, their gonna say its race based.

B: Well maybe he didn't mean race, maybe he just meant Fulton County which is still wrong, well I was just

M: Well he didn't even mean that. What he meant was. What he told me is he felt like, we get hassled a lot and he was just tired of being hassled by, he was just trying to do his job. This is a young guy, you know, I mean these are 20 year old kids out here, I don't know how old you are sir, but I'm 41 years old, I couldn't imagine what it would be like if some 21 yr old kid started telling me what to do, you know what I'm saying, these are kids, and, in that sense. They are adults and we will hold them accountable for it but they're kids and they make mistakes and their immature and they do things that when you were 20 you may have been a little quick on the trigger also, a and no pun intended there, but just sometimes you say things and like I said it's never happened to me before where an officer comes to me and says hey I did this and I messed up and I think I'm in the wrong

B: Cause he's sorry, he know I was scared, I was scared at that point, and then I felt like he wanted me to run over his foot, because he was standing so close to the car, you know what I mean, and he said, you can go, and I said I don't want to run over your foot and I say can you take a step back,

M: And I will tell you this, it's really difficult at 1:00 in the morning. I guarantee you those officers are scared, they don't want to be the next guy, next officers whose life is taken on camera, you know what I'm saying? I understand what you're saying and I appreciate you bringing it to my attention, I'm just letting you know I know officer Lawson, I worked with officer Lawson and this is not indicative of his character that I know of. He lost his cool, or he made a mistake and I, you know and I told him he's going to have to pay. You can't do that. We expect Cobb County Police and I don't know if you said you live in Cobb County or no?

B: Na, I have a girlfriend that lives in Cobb County, I was coming from a girlfriend house going to my other girlfriend house (chuckles)

M: There ya go.

B: Chuckling.... So

M: Well you should have been in a great mood then.

B: Yea you right.

M: So you know what, but here's the thing, we require officers to be professional at all times.

M: We require these guys at 21 years old to be professional at all times, and guess what? It doesn't always happen, you know.

B: (inaudible)

M: Unfortunately.

B: Well, I wanna ask you this then, is it possible, is it possible, you know I gotta go to court for the ticket and all is it possible, imma go to court and everything, but is it possible that officer Lawson can at least apologize in writing through email anything.

M: Inaudible, clearing throat, I'm battling a little bit of a cold.

B: Damn Sure is

M: Ummm

B: I actually afraid to talk to this guy. Cause like

M: Here's what, He just left, he's been up 30 hours, the poor guy, he works overnights, so he just left. Let me get with him on it and maybe we can coordinate something.

B: I can give you an email address;

M: Give me your email address Mr. Banks.

B: Brian.Jarvis.Bakerxxxxxxxxxx (repeats) I know its long and all I want is, the thing that you told me right now. I want him to tell me in his own. Like I said I was afraid, you see what I'm saying, I've never been afraid like that,

where you got, I even let down all the windows, cause I'm like, there's an officer standing right there, I done seen all the shit on facebook and all that kind of stuff, is this shit about to happen to me, what in the hell is going on?

M: Well you know what, I think if you'll be honest with yourself, ah you would agree that these officers are scared too. These officers out here at 1:00 in the morning...(inaudible)

B: That's why I rolled the windows down cause I didn't want him to think I was trying to hide anything and I wanted the other guy to hear what was going on as well.

M: Yea, and I understand and there's a lot of things that we can do that ahh you know help each other because.

B: Honest ... they're probably scared, more scared than me, you see what I'm saying cause they don't know me they don't know if I (inaudible) they don't.

M: It's a tough job, I ain't gonna lie it's a tough job. I started, I got out of the military and became a police officer at 27 yrs old, so I was a little bit older, these kids are 24, 22, 23, 24 yrs old and their out here and their told to go work overnights, approach these cars, we are in the highest crime area in the county 77% of all crimes that occur in Cobb county happen in zone 2.

B: Wow.

M: We fight these, we fight criminals we fight them tooth and nail, these officers get hurt, they get thrown down, they get attacked, and you know what you don't hear about it.

B: You right. Absolutely.

M: These guys are scared too, and you know he lost his cool and I'm gonna hold him accountable to it cause we expect better, but you know what, imma tell you this much Mr. Baker, this is the truth. He is remorseful because he disrespected you, he disrespected himself and he disrespected the CCPD and I know cause we hold these guys to a high standard that, that's going to eat at him and hopefully he'll learn from it. That's what we learn, when we make mistakes that's when we learn the most, you know?

B: Well, like I said (inaudible) I am a law abiding citizen I try my best to be.

M: Yes sir.

B: I, like I said I didn't even argue with him over the speeding ticket cause I didn't know that I was speeding or not. I don't know (inaudible) he got things to say that I was, and I don't think he would lie on me, but when he said that, that when it caused questions in my mind like is he just trying to put something on me, and that was my thing, you see what I'm saying.

M: Right

B: And that was my thing, you see what I'm saying. If you could have him handle business and email me or call me whatever, I would prefer it in writing because, I would just feel better about it personally.

M: Let me get with him and I will check our procedures too, cause I don't want to cut any corners and it be wrong. I wanted to call you and give you a heads up on that and let you know I appreciate you giving us a phone call, I'm going to forward this to his supervisors also, they may call you but we'll see if we can handle it from here on out. Okay?

B: I appreciate it.

M: Alright, Mr. Baker, thank you so much.

B: Have a good day.

M: Take care.

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COBB COUNTY POLICE

MARIETTA, GA

SysID #: 893

COMPLAINT FORM

Date Complaint Received	11/16/2015	Time	21:00	Hours
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Complaint Received	TELEPHONE	Type of Complaint	EXTERNAL	Nature of Complaint (check one)	COURTESY
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Complainant

Name & Personal Data	Name	Race	Sex	Date of Birth
	BAKER, BRIAN JARVIA	B	M	11/21/1982
Home Address	Street, City, State, Zip			Home Phone
	111 BAGBY CT, UNION CITY, GA 30291			- -
Work Address	Employer, Street, City, State, Zip			Work Phone
				- -

Incident

Date Incident Occurred	11/16/2015	Time Incident Occurred	01:50	Location Incident Occurred	MABLETON PKWY MABLETON, GA
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Narrative of the Circumstances Surrounding the Complaint

Mr. Baker complained that OFC Lawson's verbal comments and actions were improper during a traffic stop.

Investigation initiated. [11/18/2015 05:23, MARCHA, 1510, DPS]

Officer(s) Involved

SysID #: 893

Code	Officer Name	Code #	Assignment	Date Empl.	Race	Sex
	AC LAWSON, MAURICE T	2259	CCPD, PCT4, 2100, MORN	03/17/2014	W	M
	02/19/1989					
	WI GRIZANTI, ANTHONY J	1810	CCPD, PCT2, 2100, MORN	11/29/2010	W	M
	11/12/1986					
	WI KNIGHT, STEPHEN E	2423	CCPD, PCT2, 2100, MORN	02/02/2015	W	M
	07/30/1985					

Supervisor

Supervisor's Action Towards Resolution of the Complaint

Mr. Baker left a telephone message for me at 1330 hours on November 16 concerning OFC Lawson's conduct during a traffic stop. I contacted him at approximately 2045 hours on the same date by phone. He stated that he had been stopped in a motor vehicle by OFC Lawson and two unnamed officers (who I determined were FTO Grizanti and RCT Knight). Mr. Baker's complaint was that OFC Lawson used the phrase "go to Fulton County to your people." He also expressed concern that OFC Lawson was hostile and that he felt intimidated. He made no complaint about FTO Grizanti or RCT Knight.

At approximately 0200 hrs., on November 16, 2015, OFC Lawson initiated a traffic stop of a vehicle being operated by Mr. Brian Baker. In-car video captures the paced speed of the vehicle (65 MPH/45 MPH zone), and that the vehicle failed to maintain lane multiple times. He activated his blue lights and the vehicle abruptly yielded at Mableton Pkwy near Doyle Dr. I then began a review of the incident. The entirety of the stop is captured on video.

OFC Lawson exited his patrol car and made contact with the driver, Mr. Brian Baker. OFC Lawson informed Mr. Baker of the reason for the stop. At contact Mr. Baker states that he is "sober" and immediately challenges OFC Lawson's explanation by stating "I didn't do nothin' wrong man" for the stop. OFC Lawson again states the reason for the stop in a raised voice. Mr. Baker makes a comment to OFC Lawson that OFC Lawson is agitated. OFC Lawson informs him that they are being video recorded. Mr. Baker hands OFC Lawson his license. OFC Lawson states "Thank you, Sir."

OFC Lawson then asks if Mr. Baker is the registered owner of the vehicle, and Mr. Baker informs him that he is. OFC Lawson then asks where he is coming from. Mr. Baker states something unintelligible and then informs OFC Lawson that it is none of his business. OFC Lawson then asks Mr. Baker where he is going to and Mr. Baker informs him again that it is none of his business. OFC Lawson then asks Mr. Baker what his address is. Mr. Baker states words to the effect that it is the one on the ID (license). This question is asked several more times, and Mr. Baker's response is the same.

OFC Lawson then asks for an insurance card for the vehicle. Mr. Baker then states that OFC Lawson is giving him "a hard time." OFC Lawson states "Sir, I am just trying to conduct my investigation." OFC Lawson again asks for an insurance card and Mr. Baker tells him that he does not have one. OFC Lawson then states that "you'll take the ticket" and returns to his car.

As he is working inside his car, FTO Grizanti and RCT Knight arrive at the stop. FTO Grizanti asks OFC Lawson if there is "anything interesting?" OFC Lawson responds with "Yea, do you want a 36?" OFC Lawson then explains to FTO Grizanti the nature of the initial contact, and expresses his frustration by use of profane language (not in public but inside of the patrol car). FTO Grizanti and OFC Lawson discuss the stop further and OFC Lawson explains that the registration does not match the address on the license. FTO Grizanti then offers to contact Mr. Baker to clarify this discrepancy and determine the correct address.

FTO Grizanti then ensures that his bodycam is operating and approaches the vehicle. He makes contact with Mr. Baker. He engages Mr. Baker in conversation about the stop. During this conversation, Mr. Baker repeatedly talks over FTO Grizanti. Mr. Baker makes reference to wanting to get his ticket and to go. FTO Grizanti informs him that they are trying to do that, and begins to address the issue of a different address on the vehicle registration and the license. FTO Grizanti calls Mr. Baker's attention to the date on the registration which is more recent, than the date on the license. FTO Grizanti explains that they want to make sure that they have the right address for the court system. Mr. Baker then states his

current address (111 Bagby Ct). FTO Grizanti asks if he lives at one address and has the vehicle registered at another address. Mr. Baker states that he lives at "about three different addresses." To this, FTO Grizanti states simply "OK." Mr. Baker then asks him if there is anything else. FTO Grizanti politely states "it's a pretty nice car." To this comment Mr. Baker responds "Yea, Gestapo." FTO Grizanti asks "What's that?" Mr. Baker states "Gestapo, are you the Gestapo?" FTO Grizanti clarifies the question "are you the Gestapo?" Mr. Baker then states "you asked the question, and you are still going on are you the Gestapo?" FTO Grizanti then asks "what is your problem, do you not like the police?" To this, Mr. Baker states, "no, I don't like you." FTO Grizanti states "you don't like me? I have been nothing but nice to you." Mr. Baker responds with "I appreciate it community policing that is what you are doing." At about this time, Mr. Baker retrieves his Smartphone, and it appears that it is video recording. In a calmer voice Mr. Baker states that "Dude, your antagonizing behavior is unprofessional." He then stated that he had answered the question, and what else did he want? FTO Grizanti stated that he had not asked anymore questions, and that it was Mr. Baker who told him he was impolite. Mr. Baker then begins to roll up his window and FTO Grizanti stated that he is going to get him on his way and returns to the patrol car.

Once at OFC Lawson's patrol car, FTO Grizanti briefs him on his discussion with Mr. Baker and that he had confirmed his address. FTO Grizanti informs OFC Lawson that he had called him "Gestapo." OFC Lawson discusses the term and FTO Grizanti states that it is a NAZI. OFC Lawson then stated the NAZI police. FTO Grizanti then asks how many citations are being issued, and OFC Lawson states "two."

OFC Lawson then re-approaches the vehicle and states to Mr. Baker that he is giving him two tickets, one for Speeding and one for Failure to Maintain Lane. While he was issuing the tickets OFC Lawson asked him to sign the tickets "if you don't mind." Apparently, this was confusing to Mr. Baker as it seems that he thought OFC Lawson said "Bond." OFC Lawson repeated himself for Mr. Baker, and politely stated "if you don't mind" which Mr. Baker now understood. Mr. Baker then signed the ticket, and told OFC Lawson that he needed to "wash his hands." Mr. Baker then stated "can I go?" OFC Lawson then responded "Can you go?" Mr. Baker then stated again "can I go?" OFC Lawson responded with "I am asking you, can I go?" Mr. Baker stated "I don't know." OFC Lawson then said "please go away to Fulton County I don't care about you people." Mr. Baker then referenced my people, to which OFC Lawson responded "go to Fulton County cuz, go" and he snapped his fingers. Mr. Baker then stated "...you don't care about my people? That is what you said." This conversation is rapid, and intermixed in the conversation is that OFC Lawson stated "go to Fulton County" and words to the effect of "...I did not say your people...I said you people and go to Fulton County (please refer to video for specific interaction). To this (after OFC Lawson responded that had said "your people") Mr. Baker stated "that is not what you said, you said that you don't care about your people...that is mean."

OFC Lawson then asks Mr. Baker to step out. OFC Lawson later stated that he saw that he was being recorded on Mr. Baker's Smartphone. Mr. Baker responded that OFC Lawson wanted him to step to fight the police. OFC Lawson responded that he wanted Mr. Baker to "step out and talk to me." Mr. Baker wanted to know what there was to talk about. OFC Lawson stated "I am asking you sir, if you want to get out and talk to me." Mr. Baker then continues to talk, and states "you said you don't care about your people." OFC Lawson responds again "yea, and go back to Fulton County, sir." Mr. Baker says something unintelligible, and OFC Lawson tells him that he "is free to leave from this traffic stop." Mr. Baker states "I know" but does not leave. OFC Lawson states "go please." Mr. Baker makes some reference to OFC Lawson's position next to the car, and OFC Lawson indicates that there is enough room for him to leave. A few moments later, Mr. Baker leaves the traffic stop. OFC Lawson informed me at the conclusion of the traffic stop as Mr. Baker drove off he stated "Gestapo" and "jackass."

[11/22/2015 03:16, MARCHA, 1510, DPS]

SUPERVISOR'S RECOMMENDATION

Based upon my review I believe that OFC Lawson violated Code of Conduct 1.02 (Unbecoming Conduct) and Code of Conduct Rule 1.25 (Courtesy). During the above traffic stop, OFC Lawson failed to be tactful in the performance of his duties and failed to control his temper when Mr. Baker demonstrated a belligerent attitude. OFC Lawson's repetitive statements "of can I go;" "go to Fulton County;" and "your people" or "you people" and to "step out and talk to me" were ill advised, improper, discourteous and brought discredit to the Department and Officer Lawson.

Violation of Cobb County Police Department Code of Conduct Rule 1.02 (Unbecoming Conduct) and 1.25 (Courtesy) is sustained.

The Cobb County Police Department does not now nor has ever condoned the behavior demonstrated by Officer Lawson during his interaction with Mr. Baker. Misconduct as demonstrated by Officer Lawson is a very serious violation of our Code of Conduct and not

considered lightly. The Cobb County Police Department has a long and proud history of holding each officer to a very high standard of professional conduct. Officer Lawson's conduct as he spoke with Mr. Baker does not meet our high standards, has in fact brought discredit to the department and himself, and is not now nor will ever be tolerated.

I direct, consistent with management agreement, that he attend and successfully complete 20 hours of directed remedial training in the area of Verbal Defense and Influence on March 8 through 10, 2016 at the Georgia Public Safety Training Center.

In order to address the stress and frustration that he exhibited, he is to attend one-on-one remedial training with CPT T.R. Alexander for Stress Management. This course is no longer offered by Cobb Academy, and there are no courses available in the near future at area academies. CPT Alexander is the former instructor for this course, and the length of the one-on-one training will be at his discretion. This training is to be completed no later than 12/31/2015.

I recommend, consistent with management agreement, that he be transferred to another precinct.

Finally, I recommend disciplinary action to address the Code of Conduct violations at issue.

[11/22/2015 03:19, MARCHA, 1510, DPS]

SysID #: 893

Employee's Signature: _____ Date: _____
Employee's Name: _____ Badge #: _____
Supervisor's Signature: _____ Date: 11/22/2015
Supervisor's Name: MARCHETTA, ANDREW M Badge #: 0549
Lieutenant's Signature: _____ Date: _____
Lieutenant's Printed Name: _____
Captain's Signature: _____ Date: _____
Captain's Printed Name: _____
Major's Signature: _____ Date: _____
Major's Printed Name: _____
Deputy Chief's Signature: _____ Date: _____
Deputy Chief's Printed Name: _____
Chief's Signature: _____ Date: _____
Chief's Printed Name: _____

FOR USE BY INTERNAL AFFAIRS UNIT ONLY	
Date PD-82 Received in Internal Affairs Unit: _____	
<u>Informal Complaint</u>	
Date Placed in Preliminary File: _____	File Name: _____
Approved By: _____	
<u>Formal Complaint</u>	
Control Number Assigned: _____	Date Assigned: _____
Type of Complaint: _____	
Investigated By: _____	Services <input type="checkbox"/> Internal Affairs Unit