



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 *mrl*
FROM Deputy Chief C.T. Cox
RE **DISCIPLINARY PROPOSAL**
RMS Complaint System ID #893
DATE January 4, 2016

I am proposing your suspension without pay for a period of **eighty (80) hours** from the Cobb County Police Department ("CCPD") based upon the distinct violations described herein.

I. BACKGROUND

On November 16, 2015, at approximately 1:50 a.m., you conducted a traffic stop on a vehicle that was driven by Mr. Brian Baker. You stopped the vehicle for Speeding (65MPH in a 45 MPH zone) and Failure to Maintain Lane.

After the citations were issued to Mr. Baker, you engaged in an exchange which included the following comments: "Please go away to Fulton County. I don't care about you (or your) people". . . "Go to Fulton County cuz, go" and "go back to Fulton County, sir." You denied that your statements were racial.

In addition, although the traffic stop was officially over when the citations were issued, you asked Mr. Baker if he wanted to step out of the car to "talk with you." Mr. Baker did not accept the invitation. In context, the invitation was unnecessary and could be construed as an invitation for a possible altercation, although you stated that was not your intent. As well, when Mr. Baker asked, "Can I go?", you unnecessarily repeated the question, leading to further banter.

After Mr. Baker drove off, you were visibly upset and made several comments (interspersed with profanity), including specifically, "I lose my cool every time..."

Following the incident, Mr. Baker formally complained to CCPD about your conduct. In response to the complaint, you were provided with an Employee Violation on November 22, 2015 detailing the incident and acknowledged your misconduct. (The contents of the Employee Violation are incorporated into these charges by reference.) Following receipt of the complaint, in an effort to work through the issues

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with the complainant and his counsel, the traffic citations were reviewed and reduced to warnings, and the Sergeant and Captain of the Precinct apologized for your conduct. Your statements have served as the basis for numerous negative public and media allegations about you and the CCPD. In addition, the traffic stop, your conduct and statements have resulted in an internal investigation, an independent investigation by the County Attorney's Office, a fitness for duty evaluation, public demands relative to your employment, and public demands for additional external scrutiny upon the CCPD. The fitness for duty evaluation and scrutiny of prior stops specifically resulted from your statement "I lose my cool every time," which led to a concern that this could have been more than an isolated incident.

II. VIOLATIONS

Cobb County Board of Commission Policy on Conduct and Performance states the following:

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.

Cobb County Police Department Code of Conduct 1.02 (**Unbecoming Conduct**) states the following:

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.

Cobb County Police Department Code of Conduct 1.25 (**Courtesy**) states the following:

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.

This BOC Conduct and Performance policy is similar to, and consistent with Cobb County Police Department Code of Conduct 1.25 (**Courtesy**) therefore, I have considered them to be the same violations.



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Based upon the chain of command review, video tape of the incident, statements of the complainant and other officers present and as reflected in the independent review by the County Attorney's Office, the final report from the County Attorney and your concession, I conclude that you violated the above BOC and Cobb County Police Department Code of Conduct policies. **First**, you engaged in unnecessary and unprofessional banter with Mr. Baker after the traffic citations were issued, failing to conduct yourself in a manner so as to reflect most favorably on the Police Department and the County. Overall, you failed to control your temper and language when interacting with Mr. Baker. **Second**, your statement to Mr. Baker to go back to Fulton County and use of terminology such as "your people" or "you people" was ill advised, improper, discourteous and resulted in an insinuation of racism that has reflected negatively not just upon you, but for the entire department and the County as a whole. **Third**, your invitation to Mr. Baker to "step out and talk to me" (given the fact that citations had been issued) can be construed as an invitation for an altercation, especially in light of the present negative atmosphere surrounding law enforcement. **Fourth**, your conduct after the stop, including profanity and the statement "I lose my cool every time" led to concerns regarding your past conduct, the need to conduct additional random reviews of video from prior stops, and a fitness for duty evaluation by the County's physician. **Fifth**, in addition to the above, your conduct has resulted in extensive negative media coverage, reflecting unfavorably on you, the Police Department and the County. As a CCPD officer, the above quoted policies require you to maintain a courteous and professional demeanour, regardless of the demeanour/attitude of citizens you encounter.

I find the accusation that you violated the Courtesy and Unbecoming Conduct Policies as **Sustained**.

III. CONSIDERATIONS

In proposing this discipline for the above violations, I considered your time of service and experience, your disciplinary history, your response on Part II of the Employee Violation form, the video of the incident, the Chain of Command review, the County Attorney's independent investigation, the fitness for duty report, the seriousness of the violation, the impact your conduct upon the department and County as a whole, and the Board of Commissioner's Progressive Discipline Policy.

Time and Service and Experience:

In viewing your employment history, I note that you have been with the Cobb County Police Department for approximately 1 year and 8 months at the time of this incident. 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.

Past Disciplinary History:

In reviewing your most recent disciplinary history, I note that you have received a Letter of Reprimand on April 16, 2015 for a pursuit violation. You were also counseled about an incident that occurred on June 13, 2015 where you used slang verbiage from your days in the Marine Corps that was misinterpreted by a juvenile.



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Employee Response:

It is noteworthy that you immediately self reported the incident on the date of its occurrence, before the official investigation was under way, and prior to any media attention, that you admitted the actions underlying the violations, that you expressed remorse, and accepted responsibility for your actions.

In reviewing your response on Part II of the Employee Violation Form, you stated the following:

. . . I accept accountability for my actions and statements during the traffic stop of Mr. Baker. I realize I said the wrong things, and I allowed him to make me upset. I realize this was wrong for me to do. There was no intent by me to make race an issue.

Accordingly, you have admitted to misconduct and have not denied in engaging in the conduct which serves as the basis for this disciplinary action.

Fitness for Duty:

Your fitness for duty was examined as a part of the application process and again based on statements you made after the interaction with Mr. Baker on November 16, 2015 (i.e., "I lose my cool every time"). On both occasions, you were determined to be fit for duty. It was also determined that there are no indications whatsoever that you represent a threat of physical harm to African Americans or any other group. Consistent with this evaluation, your immediate supervisors, Sgt. Marchetta, Lt. Ballard and Precinct Commander Captain Adcock also observed that you displayed no evidence of hostility toward minorities or other ethnic groups. Further, the supervisors expressed a belief that the November 16, 2015 incident was an isolated occurrence unlikely to be repeated.

Severity of Conduct

I find that your conduct violations were severe and reflected negatively upon you, the Department and the County as a whole as discussed throughout this proposal memorandum.

Impact of Conduct:

I have considered the serious impact your conduct has had on the Department and negative reflection upon you as a member of the Department, upon the Department, and upon the County as a whole. Your failure to control your temper and making intemperate remarks to a citizen adversely affected your credibility and the operations and efficiency of the Department.

In the short term, your chain of command has expended considerable effort in investigating and documenting the incident, in reviewing your behavior prior to and at the time of the incident, and in evaluating your fitness and suitability to continue to serve the Cobb County Police Department.



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In light of the public scrutiny brought upon you specifically, the Department has concerns regarding whether your ability to function as a police officer has or will be impaired. For example, there is a concern that your prior arrests may be open to scrutiny (e.g., following this incident, the Department has opened an investigation of your role in a September 30, 2015 incident and arrests). As a result, I am recommending that your performance be subject to more rigorous review and that you receive additional training in areas of deficiency.

Moreover, your actions on this occasion have served to injure the reputation of the Department, to the extent that the Department must engage in efforts to restore public confidence.

The Cobb County Police Department does not now nor has ever condoned the behavior demonstrated by you during the interaction with Mr. Baker. Such misconduct as demonstrated by you is serious violation and cannot be considered lightly.

Progressive Discipline Policy:

I also considered the Board of Commissioners' Progressive Disciplinary Policy. That policy states, in pertinent part, the following:

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.

In this situation, both discipline and other corrective measures are warranted. Keeping in line with the county policy on progressive discipline, noting that this is your second code of conduct violation within the last year and based upon the seriousness of the violations and all of the considerations above, I am proposing your suspension without pay for **eighty (80) hours**.

I am also proposing that you receive 20 hours of directed remedial training in the area of Verbal Defense and Influence scheduled for March 8 through 10, 2016 at the Georgia Public Safety Training Center.

In this incident, you became angry, argumentative and lost emotional control. To address such issues, I am also directing that you attend a seminar titled, De-escalation for Public Safety Officers in January, 2016.

The mandated training must be completed prior to you returning to patrol work. In addition, before returning to solo status, I am recommending that you be assigned to an FTO who will accompany you on patrols for a designated period of time.



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IV. FUTURE EXPECTATIONS

In the future it is expected that you will conduct yourself in a professional and courteous manner and you will not engage in argumentative behavior with others. Moreover, future violations of the code of conduct may result in more serious discipline, up to and including termination of your employment from the department.

You shall respond to this proposal in writing or in person in **Chief Houser's office at 09:30 hours on January 6, 2016**, after which time Chief Houser will reach a final decision on the appropriate level of discipline.

Cc. Chief's Office
Internal Affairs
DPS Personnel
Major Patellis
Captain Adcock

