

PROBABLE CAUSE COMMITTEE RECOMMENDATION TO COUNCIL

CASE NO. 007-033-04-14

1. Officer B is multi-certified (Basic Law Enforcement, Jailer, Radar Operator, Lidar (laser) Operator).
2. Officer B was employed with the most recent law enforcement unit on 05/15/12.
3. Officer B is not currently employed by a law enforcement unit.
4. Officer B has a certification that is currently under suspension for training issues.

CASE SUMMARY

On or about 04/04/14, Officer B was terminated from law enforcement employment for violating his oath of office.

On or about 04/01/14, the agency received complaints that Officer B had been reducing traffic citations to warnings for personal gain.

On or about 11/11/13, Officer B issued a citation to an individual for Too Fast for Conditions. The individual's father (complainant), who was also a wrecker driver for the city, came to the police department and asked Officer B if he would reduce the citation to a warning.

Officer B asked the complainant if he also did mechanic work. The complainant said he did. Officer B asked the complainant how much it would cost to replace the brakes on Officer B's wife's personal vehicle. The complainant told Officer B it would cost approximately \$400.00 for parts and labor. Officer B told the complainant that was about how much the fine would be. Officer B told the complainant if he would put brakes on his wife's car, he would reduce the citation to a warning.

The complainant said he walked inside the clerk's office with the Officer B. Officer B had the clerk pull the ticket and reduced it to a warning.

A few days later, the complainant put new brakes on Officer B's wife's personal vehicle. No money was exchanged.

On or about 03/07/14, Officer B issued a citation to another individual for Too Fast for Conditions. The individual worked for Vision Center. Later that day Officer R came to vision center and the individual told him about the citation. He asked Officer R if he could get it reduced. Officer R told the individual that he would speak with Officer B about getting the ticket reduced.

Officer R called Officer B to see if he could help the individual out. Officer B asked where the individual worked. Officer B then said if the individual could get his wife some contacts, he would reduce it to a warning. Officer R told Officer B that he was not getting involved in that and he did not think the individual could do that. Officer B said "yes he can if he wants the citation reduced to a warning." Officer B asked for the individual's phone number.

Officer B called the individual and said if he could get his wife some contacts, he would reduce the citation to a warning. The individual agreed, and he and Officer B met after the individual got off from work. Officer B was in uniform and driving a patrol car when they met. The individual gave Officer B one box that contained 6 contacts

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and 6 loose contacts. The value was approximately \$62.96. The citation was never reduced.

Another officer said Officer B showed him the contacts, which were in the front seat of his patrol car. Officer B told the officer, "You young guys need to understand that law enforcement was all about how you scratch someone's back and they will scratch yours."

On or about 04/04/14, Officer B was interviewed by the chief. Officer B admitted to reducing the two citations. He said he only asked for the favors after telling them that he would reduce the citations.

Officer B admitted to leaving his jurisdiction while on duty to get the contacts. He also admitted that the wrecker driver never charged him anything for changing the brakes on his wife's personal vehicle.

On or about 04/08/14, the case was turned over to the GBI to investigate for possible criminal violations.

During a GBI interview with the wrecker driver, he stated that Officer B paid him \$200.00 to change the brakes on Officer B's wife's car. He said he was confused when he said earlier that Officer B did not pay for the work.

On or about 12/11/15, the district attorney's office decided not pursue criminal charges against Officer B.

CRIMINAL HISTORY

1. On or about 11/20/90, Officer B was arrested for Homicide By Vehicle 1st Degree (Felony). The charge was reduced to Homicide By Vehicle 2nd Degree (Misdemeanor). He was fined \$1,000.00 and sentenced to 12 months, to be served on probation.
2. On or about 06/28/94, Officer B was arrested for Simple Battery and Affray (Misdemeanors). He plead guilty under First Offender Act and was fined \$500.00 and sentenced to 12 months, to be served on probation.

DRIVERS HISTORY

1. On or about 09/15/97, Officer B received a citation for Speeding (98 in 55).
2. On or about 09/26/96, Officer B received a citation for Speeding (74 in 55).
3. On or about 04/24/96, Officer B received a citation for Speeding (83 in 65).
4. On or about 11/09/95, Officer B received a citation for Speeding (57 in 35).
5. On or about 08/01/95, Officer B received a citation for Speeding (66 in 45).
6. On or about 05/28/95, Officer B received a citation for Speeding (76 in 55).
7. On or about 09/21/93, Officer B received a citation for Speeding (42 in 25).
8. On or about 04/10/93, Officer B received a citation for Speeding (80 in 55).
9. On or about 04/04/92, Officer B received a citation for Improper Passing.
10. On or about 05/27/89, Officer B received a citation for Speeding (78 in 50).

VIOLATION

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It is hereby asserted this individual is in violation of the following sections of O.C.G.A. 35-8-7.1(6);(7);(8);(11) (a), as attached:

In accordance with O.C.G.A 35-8-7.1 (b) (1), the Probable Cause Committee makes the following recommendation to the Council:

Revoke Certification

Bert Flewellen
Chairman, Probable Cause Committee
Date: April 27, 2016

Revoke Certification

Mike Yeager
Chairman, P.O.S.T. Council
Date: June 8, 2016

SHIELDS OF SHAME