CITY OF ATLANTA
CIVIL SERVICE BOARD
FINDINGS OF FACT AND ORDER

APPEAL NO. 2019-025AP

Effective Date: June 28, 2019

APPELLANT: **Isaiah Bradley**

Hearing Date: December 19, 2019

City of Atlanta ("City")
Atlanta Police Department ("APD")

ACTION:

Dismissal and 20-day Suspension

HEARING OFFICER/BOARD:

Robert Hawkins, Chair
Will N. Chandler, II
Sterling P. Eaves, DWB

APPEARANCES

City of Atlanta's Representatives:

Kareemah Lewis, Esq.

Appellant Counsel/Representatives:

Stephanie A. Mutti, Esq., SEIU/NAGE

City/Respondents/Witnesses:

Major Carven Tyus, APD

Inv. Gartrell Walton, APD

Appellant's Respondents/Witnesses:

Isaiah Bradley, Appellant

Observers:

Chandler Davis, City Law Department

STATEMENT OF AUTHORITY

Under the authority and provisions of Chapter 114, Article VI, Division 3, §114-546 through 556 of the Atlanta City Code ("Code"), a hearing in the above-referenced case was held before the above-named hearing officers of the Atlanta Civil Service Board ("Board") on the date set forth above in Conference Room 2174 of the City Hall Tower located at 68 Mitchell Street, Atlanta, Georgia 30303.

EXHIBITS

City of Atlanta:

C-1. City of Atlanta APD Notice of Final Adverse Action ("NFAA"), employee Isaiah Bradley, issue date June 20, 2019, 6 pages

C-2. City of Atlanta APD Notice of Proposed Adverse Action ("NPAA"), employee Isaiah Bradley, issue date June 14, 2019, 6 pages

C-3. APD Policy Manual, APD.SOP. 2010, Work Rules, 4.1.4 Conduct, 1 page

C-4. APD Policy Manual, APD.SOP. 2010, Work Rules, 4.2.33 Conformance to Directives, 1 page

C-5. APD Policy Manual, APD.SOP. 2010, Work Rules, 4.6.1 Approved Type and 4.6.4 Ammunition, 1 page

C-6. APD Employee Discipline Worksheets, employee Isaiah Bradley, dated November 28, 2018 and April 29, 2019, 2 pages

C-7. APD Internal Correspondence, Office of Professional Standards, Internal Affairs Unit, to Major C. Tyus, from Lt. B.P. Paden, re: Investigation and Disposition OPS File #18-C-0396-SXM, dated October 30, 2018, 8 pages

C-8. APD Internal Correspondence, to Chief E. Shields and Asst. Chief T.O. Coyt, from Dep. Chief J.L. Glazier, re: POS Complaint Investigation #18-C-0396-SXM, dated April 30, 2019, 6 pages

C-9. APD Relief from Duty, OPS Control # TBD, to Off. Isaiah Bardley from Lt. H. Zenelaj, re: Relief from Duty Notice, dated July 27,2018, 1 page

C-10. Transcribed Interview with Deanne Boyd, Interviewer Inv. Gartrell Walton, 08-07-18, Case # Isaiah Bradley File, 13 pages

C-11. Transcribed Interview with Off. Isaiah Bradley, Interviewer [Inv.] Gartrell Walton, 10-05 18, Case # Isaiah Bradley File, 6 pages

C-12. Printed text messages between Deanne Boyd and Off. Isaiah Bradley, 10 pages

Appellant:

A2. APD Policy Manual, APD.SOP.3080, General Procedures, effective date March 15, 2018, pages 1-3 of 27, 3 pages

A3. APD Policy Manual, APD.SOP. 2010, Work Rules, effective date November 7, 2018, pages 1-23 of 23, 23 pages

Stipulations Sequentially Numbered:

1. [The Appellant admits] he was made aware of APD Work Rules 4.1.4, 4.2.33, 4.6.1 and 4.6.4.

2. [The Appellant admits] that he was on duty, employed by APD as an Atlanta Police Officer on July 17, 2018.

3. [The Appellant admits] that he encountered Ms. Deanne Boyd at or near her residence on July 17, 2018 while responding to a 9-1-1 call.

4. [The Appellant admits] that he was not the lead officer responding to the 9-1-1 call listed in Stipulation #3.

5. [The Appellant admits] that the call for service to Ms. Boyd's residence was completed on July 17, 2018, after which he left the scene.

6. [The Appellant admits] that he was on duty during each of the visits to Ms. Boyd.

7. [The Appellant admits] that he was taken off of patrol duty, placed on administrative/desk duty, had to surrender his City issued firearm, ammunition and badge to APD.

8. [The Appellant admits] that after he was placed on administrative duty, he worked an unauthorized extra job at a Buckhead establishment.

9. [The Appellant admits] that while he was working the unauthorized extra job, he was in his APD uniform, armed with an unauthorized personal firearm.

10. [The Appellant admits] that while he was working the unauthorized extra job, he was in his APD uniform and had unauthorized ammunition in his unauthorized personal firearm.

11. [The Appellant admits] that he did not request or obtain a valid extra job permit from APD for the subject extra job, infra.

12. [The Appellant admits] that the unauthorized personal firearm and ammunition he had while working the extra job was not issued or approved by APD.

VIOLATIONS INCLUDING DISPENSED DISCIPLINE

1. APD Work Rule 4.1.4 Conduct (Dismissal)

2. APD Work Rule 4.2.33 Conformance to Directives (5-day Suspension)

3. APD Work Rule 4.2.33 Conformance to Directives (5-day Suspension)

4. APD Work Rule 4.6.1 Approved Type (5-day Suspension)

5. APD Work Rule 4.2.33 Ammunition (5-day Suspension)

INFRACTION/CHARGES

1. "Conduct: *Employee will not act in an official or private capacity in a manner that will bring discredit upon the Department or themselves.*

Specifically: You brought discredit to yourself as an Atlanta Police Officer and to the department by visiting Ms. Deanne Boyd's residence on multiple occasions, while on duty for the purpose of starting a personal relationship."

2. "Conformance to Directives: *Employees are required to familiarize themselves with, and conform to, the rules, regulations, directives, and standard operating procedures of the Department.*

Specifically: On July 27, 2018, you were dispatched and responded to 140 Fairfield Place. Upon your arrival, you encountered the caller, Ms. Deanna Boyd. Ms. Boyd indicated that you visited her residence several times and during one of the visits, you touched her inappropriately and without consent. During the course of the internal investigation, it was revealed [that, sic] you failed to activate your Body Worn Camera (BWC) as required by Atlanta Police policy.

Your actions as described above are in violation of said listed work rule 4.2.33 (APD.SOP. 3133 Body Worn Camera §4.3. *Sworn employees shall place their BWC into event recording mode for the following circumstances listed to include but limited to: #14. While interacting with the public in a law enforcement capacity."*

3. "Conformance to Directives: *Employees are required to familiarize themselves with, and conform to, the rules, regulations, directives, and standard operating procedures of the Department.*

Specifically: On July 27, 2018, you were relieved from duty and placed on administrative status regarding an internal investigation. You were instructed that your extra job privileges had been revoked and you were prohibited from working extra jobs. However, you worked an extra job at

Big Sky Restaurant, located at 3201 Cains Hill Pl., NW, Atlanta, GA, on more than one occasion, while still on administrative status. Additionally, the investigation reveal[ed] that you did not possess a valid extra job permit for your extra job at Big Sky Restaurant.

Your actions in the aforementioned instance are contrary to APD.SOP. 2060 Extra jobs, sections:

4.2.1 *No employee will work an extra job without an approved or temporary extra job permit. Employees must have the approved or temporary permit (or a copy printed from the APD Extra Job Site (https://scheduling.atlantaga.gov/extrajobs) readily available while working the respective extra job and produce it to any supervisor or Staff Inspections Unit (SIU) employee upon request.*

4.2.4 #2. *Employees are prohibited from working any extra jobs while on suspension or administrative leave with pay. This includes interim actions such as relief from duty or Force Usage Review Assignment (FURA) status. See APD.SOP. 2020 {Disciplinary Process}, §4.10.5"*

4. "Approved Type: *While on duty or performing official duties employees shall only carry firearms and weapons that have been issued and/or approved by the Department.*

Specifically: On July 27, 2018, you were relieved from duty with pay. You were prohibited from working extra jobs. However, you worked an extra [job] at the Big Sky Restaurant on at least two occasions while [relieved] from duty. An internal investigation further revealed that you worked the extra job in full uniform and armed with a personal weapon, which was not approved by the Atlanta Police Department.

Your actions in the aforementioned instance are contrary to APD.SOP. 2010, §4.6.1 (Approved Type)."

5. "Ammunition: *Employees shall only carry and/or use ammunition issued and/or approved by the Department. Ammunition issued and/or approved by the Department for training purposes shall only be carried and/or used for training purposes while participating in training activities.*

Specifically: An internal investigation into your actions revealed that while relieved from duty, you worked an extra job in full uniform and armed with a personal weapon. Additionally, your personal weapon was loaded with ammunition not approved by the Atlanta Police Department.

Your actions in the aforementioned instance are contrary to APD.SOP. 2010, §4.6.4 (Approved Type)."

FINDINGS OF FACT

1. The Appellant was employed as a Patrol Officer for APD in Zone 1 as a "roust-about".

2. The Appellant was, at the time of his dismissal, a City employee with ten (10) years tenure.

3. An Internal Affairs ("IA") investigation was opened in July 2018 after Ms. Deanne Boyd complained to APD that the Appellant had inappropriately touched her breast and buttocks.

4. Shortly thereafter and while the IA investigation was ongoing, the Appellant was relieved of duty and placed on administrative desk duty, and he had to surrender his service weapon, ammunition and badge.

5. The investigation found that the Appellant did not follow APD directives and rules in that he repeatedly went to Ms. Boyd's residence while on duty, with the intention of establishing a personal romantic/sexual relationship.

6. Additionally, the investigation found that on each visit to Ms. Boyd's residence, the Appellant violated APD rules when he never (1) told dispatch where he was located, (2) told dispatch about the purpose of his visits, (3) recorded on his daily shift log/Blue Sheet his visits, and he (4) failed to activate his body camera on any of the visits.

7. During his administrative duty assignment, the Appellant was told in writing that his privilege to work an extra job was revoked.

8. However, the Appellant worked an unauthorized extra job on at least two occasions in his full APD uniform, using his unauthorized personal weapon with unauthorized personal ammunition while on Administrative duty.

9. The Appellant was previously disciplined by the City for sexual misconduct after it concluded an IA investigation into a 2013 incident involving a minor child while he was on duty with APD as a Patrol Officer in the same beat of Zone 1 ("First Incident").

10. The discipline the Appellant received for the First Incident was twenty (20) days of suspension from duty.

DISCUSSION

By way of the Stipulations in this appeal, the Appellant admits to having committed violations numbered 2 through 5 infra as charged by APD. What the Appellant does not acknowledge is having committed the violation as charged in number 1 above. The Appellant believes (1) that his actions did not bring "discredit" on himself or APD and (2) because "discredit" is not defined anywhere in APD policies, rules or procedures, he could not have committed this violation.

On July 17, 2018, the Appellant responded to a roommate dispute call as a back-up officer. The call was dispatched to two other officers, but the Appellant was in the area and he responded. The 9-1-1 caller, Ms. Deanne Boyd, was a tenant in the rooming house in the City and her complaint was that other tenants in the house were smoking crack. The Appellant testified that as is the usual course, he gave his APD contact card with his personal cell phone

written on it to Ms. Boyd and he told her he would be back to "check on her." Later that evening and while still on duty, he returned a second time to the residence and made contact with Ms. Boyd.

On July 18, 2018, the Appellant returned a third time to Ms. Boyd's home while on duty, in his uniform and in his marked patrol car. During the entire period of interaction between the Appellant and Ms. Boyd, they carried on contact via salacious text messages, he via his personal cell phone. Included in the text messages between the two was notice to Ms. Boyd that the Appellant was on the way to her residence and then a request for Ms. Boyd to open the door as the Appellant was waiting outside. After an hour gap in the text messages, Ms. Boyd responds "thank you" to which the Appellant replies "glad you enjoyed it." The Appellant has denied ever having gone inside Ms. Boyd's residence. Having seen and heard this evidence, the Board was armed only with their imaginations to reconcile the factual events in this appeal.

On July 21, 2018, the Appellant returned to visit Ms. Boyd a fourth time. At some point, on that date, the relationship soured, and Ms. Boyd contacted the Zone 1 management and filed a complaint against the Appellant. In her complaint Ms. Boyd alleged that while the Appellant was in full uniform and on duty, the Appellant had inappropriately touched her breast and buttocks. The Board contends that whatever happened, Ms. Boyd must have felt strongly that the Appellant had violated her for her to go to the trouble of contacting APD Zone 1 management and complain about a patrol officer's actions while on the job.

The resulting IA investigation of this Second Incident began shortly thereafter. In addition to the stipulated facts in this case, during his recorded interview with IA, the Appellant admitted that he went to Ms. Boyd's home repeatedly while on duty, in full uniform and in his marked patrol car for the purpose of pursuing a personal romantic relationship with her. This, the second IA investigation into alleged sexual misconduct by the Appellant, found the Appellant did not follow APD directives and rules when he visited Ms. Boyd at her home because not only was he pursuing a romantic relationship with a citizen while on the job but he never told dispatch about his location or the purpose of his visits, he never recorded on his daily shift log/Blue Sheet his visits to Ms. Boyd's home nor did he activate his body cam on any of the visits with her.

One of the Appellant's positions in this appeal is that all of his contact with Ms. Boyd was in furtherance of community policing as provided in APD policies. He argues that APD rules and policies encourage all patrol officers to make personal contact with the residents of the officer's beat by stopping by their residence, to introduce themselves and get to know the residents - all for the purpose of aiding in the building of community trust and communications between the City's citizens and APD. In fact, SOP 3080, §4.2.2 encourages officers to be actively involved in the community he points out. The Board, nonetheless, finds this line of argument to be ludicrous as common sense alone defies the notion that APD intends for all patrol officers to visit its residents while on duty for the purpose of pursuing and/or having a sexual relationship with them.

Giving deference to the Appellant's appeal argument, the Board had to consequently examine all discipline received by the Appellant over his tenure with APD, including the First Incident and the subsequent IA Investigation. In that matter, the Appellant was investigated for

the alleged inappropriate contact with a fifteen (15) year-old female in 2013. While the Appellant was patrolling his beat after 11:00pm one evening, he saw a female walking alone on a City street. The Appellant's account of this incident was, at best, fuzzy because he never admitted knowing at the time that he was interacting with a minor. But he told IA that he originally engaged in a citizen-police encounter with the child because he believed she was out on the street after 11pm and therefore in violation of City curfew laws. That IA investigation also revealed that during the time period at issue, the Appellant had also used his personal cell phone to exchange pictures of his naked body and of the child's scantily clad body between them.

Even at the hearing of this appeal (of the Second Incident), the Appellant maintained his assertion that he did not know the child was a minor until the child's aunt confronted him to make him aware that she was a minor when he returned to visit the child a few days later. To make matters worse, during that confrontation, when the aunt asked the Appellant for his name and badge number, he intentionally covered his name and badge on his uniform so that the aunt could not see them in violation of APD Work Rules. In time, APD administration meted out discipline of twenty (20) days suspension against the Appellant and he filed no appeal in that case.

Returning to examine the Second Incident, shortly after the start of the IA investigation, the Appellant had been relieved of duty and was assigned to administrative duty. Also, and as is the usual procedure, APD had the Appellant surrender his City issued gun, ammunition, badge and APD credentials and he was told in writing that his privilege of working extra jobs had been revoked. But during his administrative duty assignment, the Appellant wittingly worked a non-approved extra job on at least two occasions, in full uniform and while using a personal unapproved weapon loaded with unapproved ammunition. To all these resulting charges the Appellant admits.

But as to the disputed conduct charge in this case, when his command staff was weighing all the evidence to determine discipline against the Appellant, Major Tyus testified that the Appellant had been given a twenty (20) day suspension for the First Incident. Once an officer has been disciplined by APD, depending on how the infraction is classified by the department, the discipline may be dropped from their permanent personnel file/jacket while that employee remains with APD and cannot be used as a prior disciplinary episode against the employee. Unfortunately for the Appellant, however, the First Incident was classified by APD as a sexual misconduct case which meant it never was dropped from his jacket as a recorded disciplinary event. This also meant until the Appellant left the employ of APD, the First Incident could be used by administrative command staff as a step-up to accelerate any future recommended discipline against the Appellant above or beyond the recommended guidelines. And so it was in this case - the Second/2018 Incident was also classified as a sexual misconduct case making it a second violation of the same type and the top administrators of APD were authorized to increase discipline beyond the recommended progressive discipline guidelines.

As explained by Major Tyus, APD management reasoned that the Second Incident warranted a stiffer penalty than the First Incident but by the discipline guidelines, the maximum discipline available on a second violation was only a thirty day suspension, just ten more days of suspension than what he received for the First Incident. But because, as discussed earlier, APD

administrative command staff can always dispense discipline above the guidelines where warranted, it was recommended to the Chief that in light of the First Incident and it's resulting discipline the Appellant had already received, plus the fact that as a result, the Appellant already knew the consequences of sexual misconduct during his employment with the City, the only appropriate discipline in this the Second Incident was dismissal from APD employment. The Chief accepted the recommendation and the Appellant's employment with APD was terminated.

While there are limitless ways a rogue patrol officer can commit misconduct while on the job, the Board submits that sexual misconduct is one of the highest bad acts not only to sully the violating officer's reputation, but it causes distrust within and outside the department. Accordingly, the Board, having considered the evidence including testimony in this case, finds that the Appellant's actions in the Second Incident, especially in light of the Appellant's admitted actions and discipline received in the First Incident, did unquestionably bring discredit upon not only the Appellant himself but also upon all of APD and the citizens of the City, in violation of APD Rules and Procedures.

ORDER

This Board **DENIES THE APPEAL** and confirms the dismissal of the Appellant from the employment of APD.

_____

This the 30th day of January 2020.

Signed:

Robert Hawkins

Robert Hawkins, Chair

Will Chandler

Will N. Chandler, II

Sterling Eaves

Sterling P. Eaves, DWB