

Narrative of the Circumstances Surrounding the Complaint

[01/22/2019 09:40, RAMIRK, 1724, DPS] [01/22/2019 09:41, RAMIRK, 1724, DPS]

Officer(s) Involved

SysID #: 1586

Code	Officer Name	Code #	Assignment	Date Empl.	Race	Sex
AC	ALCARAZ, ANDRES	2569	CCPD, DUI, 2100, MORN	08/31/2015	W	M

All Conf. Info

Complaint Investigation

On 01/22/19, I, Detective Bastis was assigned to investigate complaint #1586. I received a forwarded email from Sergeant Ramirez. The email contained a complaint on Cobb County Police. The complainant, Shantay Cloud advised in her email she and her husband had been pulled over on 01/20/19 around 2:04am by Cobb County Police. Mrs. Cloud stated the officer never introduced himself only as a Cobb County Police Officer. Mrs. Cloud stated they were unfairly targeted for no reason and stalked.

The officer was identified as Officer Alcaraz.

On 01/24/19 at 1015 hours, I contacted [REDACTED] and advised her I was assigned to investigate her complaint. I told Mrs. Cloud I had reviewed her email and asked if there was anything additional she wanted to advise me. Mrs. Cloud said she was told by her husband, he didn't think the officer had his body camera on when he first approached their vehicle.

I explained to Mrs. Cloud I would be reviewing Officer's Alcaraz body camera and dash camera footage for her claim he didn't introduce himself and the traffic infraction. I advised Mrs. Cloud I would be calling her back for additional questions after everything is reviewed.

VuVault database was researched and Officer's Alcaraz's body camera footage was downloaded and attached to the complaint.

I then reviewed Officer Alcaraz's body camera footage. The date and time of the traffic stop was 01/20/19 at 0201 hours. The total time of the traffic stop was 5 minutes and 28 seconds.

At 02:01:07, Officer Alcaraz approached the vehicle.

At 02:01:21, Officer Alcaraz stated "Good Morning". The passenger, [REDACTED] Cloud immediately asked "Why did you pull us over". Officer Alcaraz stated he was about to explain. Officer Alcaraz then introduced himself as Cobb County Police Officer Alcaraz. Officer Alcaraz explained the reason he pulled them over was because the vehicle went over on the right side fog line. The driver made a statement but could not be understood because of the wind.

At 02:01:35, Officer Alcaraz asked where they were coming from. The driver stated the movies and Officer Alcaraz asked what movie. The driver responded with "Glass". Officer Alcaraz asked if the movie was good.

At 02:01:44, Officer Alcaraz asked the driver for his license. The driver handed Officer Alcaraz the driver's license. Officer Alcaraz asked if the information on the licenses was correct and the driver stated yes. Officer Alcaraz then asked if the driver realized he had went over the right side fog line, the driver said no.

From 02:02:15 to 02:05:57, Officer Alcaraz was in his vehicle checking the driver on his computer. During that time, Officer Alcaraz had connection issues with his MDC and requested the OLN be checked through Cobb County dispatch. Cobb County dispatch advised they also were having connection issues.

At 02:06:14, Officer Alcaraz returned to the complainant's vehicle and handed the driver his licenses back. Officer Alcaraz

told the complainant and the driver that he was looking for "drunks" and the driver obviously was not one. Officer Alcaraz thanked them and told them to be safe.

The body camera footage ended at 02:06:33.

On 01/25/19 at 0845 hours, I researched VuVault and downloaded Officer Alcaraz's dash camera footage. The dash camera footage was attached to the complaint.

I then reviewed the dash camera footage.

The footage started when Officer Alcaraz was travelling behind a vehicle. It appeared he was about car length to car and half length behind the vehicle.

At 00:13, the vehicle brakes.

At 00:15, it appeared the vehicle drove close to or on the white line next to the curb. It is difficult to see from the video footage.

At 00:56, Officer Alcaraz illuminated his emergency lights and conducted the traffic stop. The rest of the dash camera footage is consistent with the body camera footage.

On 02/01/19 at 0700 hours, I contacted Officer Alcaraz and stated I had reviewed the body camera footage and the dash camera footage. Officer Alcaraz confirmed he had been parked in a turning lane when the complainant passed him. Officer Alcaraz said the complainant's vehicle was in a group of vehicles when he got behind the complainant's vehicle, and witnessed the traffic violation. Officer Alcaraz said he regularly parks at that location to locate impaired drivers.

Mrs. Cloud's complaint was Officer Alcaraz never gave his name when he first approached the vehicle, and they were targeted for no reason and falsely accused of driving impaired.

After reviewing Officer Alcaraz's body camera and dash camera footage, Officer Alcaraz did state his name to Mr. Cloud and then explained to Mr. Cloud why the traffic stop occurred. The dash camera footage appeared to show the vehicle drive over or on the fog line. When Officer Alcaraz's told them he had been looking for drunk drivers and that the driver was not drunk, Officer Alcaraz was stating a fact and did not accuse them of being drunk.

Officer Alcaraz is accused of violating DPS Code of Conduct:

1.23 Courtesy

a. Employees shall at all times be courteous and respectful to the public and to one another. Employees shall be tactful in the performance of their duties, shall control their tempers, and shall exercise patience and discretion as appropriate under the circumstances.

b. In the performance of their duties, employees shall not use inappropriate gestures or express any prejudice concerning sex, gender, race, ethnic background, religion, age, politics, national origin, lifestyle, or similar personal characteristics.

[01/25/2019 10:46, BASTIT, 2193, DPS]

On 02/13/2019 at 2150 hours I reviewed the original complaint, the investigation by Internal Affairs, and both the car and body worn camera's for Officer Alcaraz for this incident. The complaint was that Officer Alcaraz did not state his name, the reason for the stop was fictitious, Officer Alcaraz was rude, Officer Alcaraz treated them like they were lying by asking what movie that went to see, and Officer Alcaraz did not have his body worn camera activated at the beginning of the stop.

Officer Alcaraz does introduce himself, even after the complainant interrupts his first attempt at an introduction to ask why they were stopped. The complainant is the front seat passenger in the vehicle. The complainant stated that Officer Alcaraz's tone changed during the stop. I saw no change in tone and he was exceptionally polite and professional during the entirety of the stop, despite both occupants appearing to be upset from the beginning that they were stopped.

As for unfairly targeting this vehicle or the lack of a reason to stop the vehicle, I found the video evidence contradicted both claims. Officer Alcaraz states he began following a group of vehicles, looking for a violation. This is further supported by the complainant's own statement that Officer Alcaraz followed behind another vehicle at some point and there is at least one other vehicle present on the video, beside the complainant's vehicle. Officer Alcaraz is not following too close and is not driving in a manner to incite a violation. As officer's only need reasonable articulable suspicion to stop a vehicle, I believe that video clearly shows that Officer Alcaraz at the very least met this standard and it appears he has actually established probable cause. The complainant's vehicle does appear to strike the clearly marked right fog line, also braking at the same time for no apparent reason, then drifts back and comes very near to striking the same line again, and then drifts back completely across the lane and does or nearly does strike the hashed lane dividers. Striking the right fog light would be a violation of OCGA 40-6-48: Failure to Maintain Lane and Officer Alcaraz could have issued the driver a citation for this violation, but instead used his officer discretion and decided to issue only a verbal warning. Further, a vehicle being driven at 0200 hours that is weaving in its lane and braking unnecessarily, is a clear NHTSA indicator of an impaired driver, and a reasonable officer could ascertain that the driver is likely to be impaired.

As for the final claim that Officer Alcaraz treated the complainant and her husband as if they were lying by simply asking what movie they went to see, I find no cause for this either. Officer Alcaraz is clearly trying to determine if the driver is impaired upon contact. Officers are trained to get the driver to talk to them, so that they can ascertain: if there is an odor of an alcoholic beverage on their breath, they have slurred or other speech impairments, all while the officer is also observing the driver's eyes and overall condition as it relates to impairment.

Once Officer Alcaraz determines that the driver is not impaired, he returns to his vehicle to quickly check to be sure the driver has a valid license and no outstanding warrants. This is standard operating procedure for this department and law enforcement as a whole. The entire stop is under six minutes and there is no undue delay to the complainant and her husband.

[02/13/2019 22:43, CRONIP, 2571, DPS]

SUPERVISOR'S RECOMMENDATION

This complaint is being sent to the chain of command for their review. [02/08/2019 09:06, TRULOB, 1655, DPS]

I find this complaint to be Unfounded in its entirety. Sgt PM Cronin (badge 1609) [02/13/2019 22:43, CRONIP, 2571, DPS]

After reviewing the complaint and the investigation already completed by Internal Affairs Detective Bastis and Precinct V Sergeant Cronin, I find none of the complaints filed against Officer Alcaraz to be valid. I recommend this complaint to be UNFOUNDED. [02/14/2019 03:58, NICHOE, 1762, DPS]

I have reviewed the Officer Alcaraz's video and read the investigation completed by Detective Bastis. I concur with the findings that Officer Alcaraz had a valid reason for the stop, introduced himself, acted in a professional manner, and never accused anyone of being drunk. I recommend this complaint be UNFOUNDED.

Employee's Signature: _____ Date: _____

Employee's Name: _____ Badge #: _____

Supervisor's Signature: _____ Date: _____

Supervisor's Name: _____ Badge #: _____

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: _____

Informal Complaint

Date Place in Preliminary File: _____ File Name: _____

Approved By: _____

Formal Complaint

Control Number Assigned: _____ Date Assigned: _____

Type of Complaint: _____

Investigated By: _____ Services Internal Affairs Unit

Redaction Log

Total Number of Redactions in Document: 2

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	All Conf. Info	<p>O.C.G.A. § 50-18-72(a)(20) - Records that reveal an individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information, insurance or medical information in all records, unlisted telephone number if so designated in a public record, personal e-mail address or cellular telephone number, day and month of birth, and information regarding public utility, television, Internet, or telephone accounts held by private customers, provided that onitemized bills showing amounts owed and amounts paid shall be available. Items exempted by this subparagraph shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath by such person or a person legally authorized to represent such entity</p> <p>which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting; and provided, further, that such access shall be limited to social security numbers and day and month of birth; and provided, further, that the news media organization exception in this subparagraph shall not apply to paragraph (21) of this subsection.</p>	1

Redaction Log

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