

OPS Complaint File Closeout Report

OPS Control Number: 23C0332UAF Date Investigation Received: 06/14/2023

Date Investigation Completed: 08/30/2023 Date Investigation Adjudicated: 09/25/2023

Accused Employee: MELVIN POTTER R/S: BLACK/MALE Unique ID: 6603

Accused Employee's Assignment: CID APEX
 DIVISION SECTION WATCH

Investigative Disposition:

	Work Rule #1	Work Rule #2	Work Rule #3	Work Rule #4	Work Rule #5
Rule Number(s):	2.50				
Disciplinary Action:	EX				
Modified Action:					
Disciplinary Category:					
Date of Action:	09/25/2023				

Vaiver: YES NO CVSA: YES NO SAA: YES NO

Reimbursement Payment: YES NO

Special Conditions and/or Agreement: _____

Accused Employee: _____ R/S: / Unique ID: _____

Accused Employee's Assignment: _____
 DIVISION SECTION WATCH

Investigative Disposition:

	Work Rule #1	Work Rule #2	Work Rule #3	Work Rule #4	Work Rule #5
Rule Number(s):					
Disciplinary Action:					
Modified Action:					
Disciplinary Category:					
Date of Action:					

YES NO CVSA: YES NO SAA: YES NO

Reimbursement Payment: YES NO

Special Conditions and/or Agreement: _____

Completed by: _____ Date: _____



Atlanta Police Department
Office of Professional Standards Internal Affairs Unit

OPS File # 23-C-0332-UAF

The Department requires an investigation into the allegation that Officer Melvin Potter struck an arrestee in the face with handcuffs still in his hand on 06/13/23.

An investigation of the allegations of this complaint, and any other allegations which arose during the investigation, has been completed.

Summary of Complaint:

On 06/13/23 the City of Atlanta Police Department APEX Unit along with the Gangs Unit were conducting a detail at the Allen Temple Apartments. A unit conducting surveillance observed a group of males smoking marijuana at or near the apartment building at 105 Allen Temple Court NW. The surveillance unit relayed this information to nearby officers at approximately 1855 hours. Per BWC footage, Ofc. M. Potter and Ofc. K. Craddock from the APEX Unit were riding together in the same patrol vehicle and they responded to the area where the males were observed. Multiple officers approached the group of males and upon observing the police the group of males split up and fled on foot in different directions as the uniformed officers pursued them on foot.

Ofc. Potter alone pursued Dcoris Toland (male, DOB [REDACTED]) on foot behind the apartment buildings on Allen Temple Court NW and Dcoris Toland tripped and fell while Ofc. Potter was running after him (this occurred approximately 40 seconds into the foot pursuit). After Dcoris Toland fell in the grassy area behind the apartment buildings, Ofc. Potter was able to catch up to him and Ofc. Potter verbally ordered Dcoris Toland to "get down," and to show his hands. Dcoris Toland returned to his feet and turned away from Ofc. Potter and began walking off and did not comply with Ofc. Potter's orders. Ofc. Potter pulled Dcoris Toland to the ground in a controlled manner as Dcoris Toland physically resisted arrest and refused to follow commands. Ofc. Potter repeatedly ordered Dcoris Toland to put his hands behind his back. Dcoris Toland, while kneeling on the ground and facing downwards, continued to try to stand up and kept pulling his arms and hands towards the front of his body and towards his waist. Dcoris Toland then rolled onto his back and with his right hand he clenched at the front waistband of his red colored shorts near where a pistol was clipped onto his shorts. Ofc. Potter gained control of Dcoris Toland's left hand as Dcoris Toland continued to physically resist arrest. As Ofc. Potter tried to roll Dcoris Toland back into a prone position, Dcoris Toland attempted to sit upright. Ofc. Potter removed his handcuffs and with his handcuffs held inside of his closed right hand, Ofc. Potter struck Dcoris Toland twice on the left side of his face while ordering him multiple times to turn over and to surrender his hands (note: per Ofc. Potter's BWC footage, he had used his right hand to deploy the strikes and his handcuffs were palmed in his right hand at the time. No part of the metal handcuff appeared to have contacted Dcoris Toland's face). Ofc. Potter was then able to gain some control of the left wrist of Dcoris Toland and he placed a handcuff on the left wrist. Ofc. Potter continued to order Dcoris Toland to "turn over" in order to be handcuffed but Toland would not surrender his right arm / hand. Ofc. Potter then utilized two additional compliance strikes (no object in his hand) to the left side of Dcoris Toland's head and upper body area as Dcoris Toland rolled onto his front side and pulled his left hand (which was already handcuffed) away from Ofc. Potter

OPS File #

and towards the front of his body. Ofc. Potter grabbed the back of Dcoris Toland's head as Ofc. McCants (APEX) arrived to assist (Ofc. McCants arrives approximately 1 minute and 10 seconds after Ofc. Potter first physically made contact with Dcoris Toland). Dcoris Toland continues to physically resist, pulling his arms away from both of the officers towards his front waist area, and he does not obey the orders of either Ofc. Potter or Ofc. McCants. After approximately 45 seconds of struggling by Ofc. Potter and Ofc. McCants, Dcoris Toland is handcuffed behind his back. Both Ofc. Potter and Ofc. McCants are breathing heavy from the physical struggle with Dcoris Toland. Dcoris Toland is then rolled onto his side and Ofc. K. Craddock arrives and removes the pistol that is clipped to the front waistband of Dcoris Toland's shorts. The pistol is a loaded Glock 9mm which was determined to have been stolen (per an NCIC query) out of South Fulton. Per the police report, Dcoris Toland was later interviewed and claimed that he was just holding the pistol for another person but did not provide a name.

After his arrest, Dcoris Toland was examined by EMS and transported to Grady Detention with complaints of back pain, jaw pain, wrist pain and vomiting. Visible injuries were minor scratches / lacerations. Ofc. Potter completed a police report under case number 231641639 and Dcoris Toland was charged with Theft by Receiving Stolen Property and Willful Obstruction of Law Enforcement (felony). Ofc. Potter's supervisor completed a Use of Force report and determined that the defensive tactics used by Ofc. Potter (compliance strikes) were justified based on the totality of circumstances (armed subject actively resisting). In addition, the Training Academy reviewed the incident and determined that Ofc. Potter's use of compliance strikes was not excessive based on the circumstances and that the handcuffs being held by Ofc. Potter when he administered the strikes were in his palm and did not appear to make contact with Dcoris Toland's face though it was possible that a strand of the handcuff may have made contact with Dcoris Toland.

On 06/14/23 Ms. Sheena Weaver filed a telephonic complaint with OPS alleging that Dcoris Toland was physically beaten by several APD officers. On 06/16/23 Ms. Weaver filed an identical OPS complaint using the online portal (APD0002312) alleging that Ofc. Potter struck Dcoris Toland in the face with handcuffs and that Toland sustained scratches to his face and a bloodied mouth due to the incident. The complaints were opened as this file (23-C-0332-UAF) for an allegation of Unnecessary Force against Ofc. Potter.

RECOMMENDED INVESTIGATIVE DISPOSITION:

Of the Complaint against:	Officer	Melvin Potter
RULE	<p>APD.SOP.2010 Work Rules - 4.2.50 Maltreatment or Unnecessary Force</p> <p>1. Employees are expressly prohibited from the unnecessary or unreasonable use of force against any person or property.</p> <p>2. Employees shall only use that force which is reasonable and necessary to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend himself/herself or another from physical assault, or to accomplish other lawful objectives. The reasonableness inquiry refers to whether the employee's actions are "objectively reasonable" in light of the facts and circumstances confronting him or her, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation.</p>	
Recommended Disposition	Exonerated	
<p>Supporting Facts: Ofc. Potter provided an employee statement to OPS on 07/12/23. A summary of his statement is below. A complete transcript along with an audio recording of Ofc. Potter's OPS statement is part of this OPS file.</p>		

Ofc. Potter stated that on 06/13/23 he and other APEX officers attempted to contact a group of males which the Gang Unit had indicated (via surveillance) were engaged in possible illegal drug use and that the males had run off as soon as they observed the APEX officers approaching. Ofc. Potter stated that the males ran different directions, and he followed one of the males, later identified as Dcoris Toland. While chasing Dcoris Toland on foot, Dcoris Toland fell down and Ofc. Potter ordered him to stay down. Ofc. Potter stated to OPS, "I was telling him to stay down cause he was getting up after he tripped. So I told him to stay down and, um, he didn't listen." Dcoris Toland did not comply with orders and physically resisted Ofc. Potter. During his OPS statement Ofc. Potter stated, "...I'm trying to get his wrists and his arms and turn him over, telling him to turn over, telling him to gimme his hands. He's just not doing it. And he kept, um, he kept motioning towards his shorts. Um, uh, in the 78 (description) that was given out the, um, the intel, they said that, um, a couple of them were possibly armed that they had bulges coming out of their pants. And then during that is when I did see his bulge. Um, I saw the bulge and, and I could also see the, um, the handle poking out." Ofc. Potter became aware that Dcoris Toland had a pistol in his waistband near his right front hip and that the pistol was not in a holster but was rather clipped onto the pair of shorts being worn by Dcoris Toland. Ofc. Potter stated that Dcoris Toland used his hands to grab near where the firearm was located more than once while he physically resisted arrest.

When questioned by OPS regarding the strikes utilized while attempting to arrest Dcoris Toland, Ofc. Potter described that he struck Dcoris Toland in the face / head area to gain compliance. Prior to the compliance strikes, Ofc. Potter had observed that Dcoris Toland begun looking around to see who else was nearby and Ofc. Potter feared for his safety and believed that Toland was about to escalate. Ofc. Potter stated that his fist covered his handcuffs and that his handcuffs did not touch Dcoris Toland's face during the compliance strikes. Ofc. Potter's handcuffs were in his hand because he was attempting to arrest and handcuff Dcoris Toland at the time.

During his OPS statement, Ofc. Potter indicated that Dcoris Toland, by his estimate, was approximately 6'01" to 6'02" in height and 280 to 300 pounds. Ofc. Potter is approximately 175 pounds and shorter in height than Dcoris Toland.

Ofc. Potter stated that he did not observe any lacerations to Dcoris Toland's face after Dcoris Toland was in custody and stated that Toland was transported to Grady Hospital as a precautionary measure because he had vomited after being arrested.

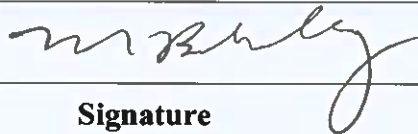
The allegation of a violation of *APD.SOP.2010 Work Rules, 4.2.50 Maltreatment or Unnecessary Force*, by Ofc. Potter was investigated and the recommended disposition is exoneration. The force used by Ofc. Potter was appropriate given the circumstances (larger in size armed male physically fighting and grabbing towards his firearm) and there is no indication that the handcuffs which Ofc. Potter held in his palm were intentionally utilized as a striking weapon.

Review of Disposition

Employee Name	Disposition	Rule
Officer Melvin Potter	Exonerated	APD.SOP.2010 Work Rules - 4.2.50 Maltreatment or Unnecessary Force

Investigation Completed by:

Sergeant M. Buckley



August 30, 2023

Rank and Name

Signature

Date

Internal Affairs Unit Lieutenant

I concur I do not concur With the recommended disposition of this investigation.

Lieutenant Justina Collins



09/15/23

Rank and Name

Signature

Date

Internal Affairs Unit Commander

I concur I do not concur With the recommended disposition of this investigation.

Major Carlo Peek



9-25-23

Rank and Name

Signature

Date

Atlanta Police Department
Office of Professional Standards
Internal Affairs Investigative Summary

OPS File #	23-C-0332-UAF
Date of Complaint	06/14/23
Complainant	Sheena Weaver (telephonic and online complaint)

Subject Employee(s)	
Name	Policy Violation(s)
Officer Melvin Potter	APD.SOP.2010 Work Rules - 4.2.50 Maltreatment or Unnecessary Force

Witness(s)	
Officer Kelsey Craddock (7546)	

Checklist			
Body Worn Camera	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why:	
Axon Dash	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Surveillance	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Incident / Accident Report(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why:	
Use of Force Report(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why:	
Pursuit Report(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Audio /Written Statement(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why:	
Photographs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Audio Statement(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why:	
Transcript(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, why:	
Medical Records	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Financial Documents	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Phone Records	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Lab Results	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A
Miscellaneous	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If no, why:	N/A

COMPLAINANT(S) RESPONSE

Civilian	Sheena Weaver
<p>Complainant Sheena Weaver filed a filed a telephonic OPS complaint on 06/14/23 alleging that Dcoris Toland was physically beaten by several APD officers. On 06/16/23 Ms. Weaver filed an identical OPS complaint using the online portal (APD0002312) alleging that Ofc. Potter struck Dcoris Tolan in the face with handcuffs and that Toland sustained scratches to his face and a bloodied mouth due to the incident. (Note: Ms. Weaver states that the subjects name is D'Chari Toland in her online complaint). The narrative of Ms. Weaver's online complaint reads:</p>	
<p><i>Officers were chasing some other people when D'Chari (Chari) exited the car and start running towards the building where we were hanging to grab something. He was caught in the mix of them pursuing others who he was not with. Officer ran him down and attacked him. Officer was hitting him and Chari stated he was being hit with the cuffs but the officer replied nawl it was all fists. Which I may add sound like a reply of an arrogant officer with a chip on his young shoulder. As I looked at the officer fist he has no redness or bruises to signify he hit with his hands which shows he was hitting him in his face with cuffs. Chari wasn't doing anything to deserve being physically assaulted by this officer. Chari was arrested and transported to Grady hospital for care due to his injuries. His face had scratches, his mouth was bleeding and he stated his jaw was hurting as they transported him to police car from around the building. This isn't the 1st time an officer have assaulted him with excessive force without reason. It is time to speak up for many they do this all the time in our neighborhood and everyone in the hood isn't bad people.</i></p>	
<p>On 08/28/23 I (Sgt. Buckley) attempted phone contact with Ms. Weaver at the she number provided to OPS and received no answer. A voice message was left. On 08/29/23 I attempted phone contact with Ms. Weaver a second time and Ms. Weaver returned my call (recorded). Ms. Weaver advised that she attempted to obtain copies of the BWC footage from the arrest of Dcoris Toland, but she was not able to receive copies due to the case being an active investigation at the time. Ms. Weaver indicated that she would attempt to gather cell phone videos from citizens who were at the scene and she would provide the videos to me. Ms. Weaver was provided my city email address. Ms. Weaver was not a direct witness to the incident. If Ms. Weaver provides any video recordings or images to OPS, the items will be reviewed and added to this OPS file. On 08/29/23 I also attempted phone contact with a person whom Ms. Weaver listed as a witness in her online complaint. Ms. Weaver listed a Deshon Toland as a witness and provided a phone number of [REDACTED]. I received no answer and left a voice message for Deshon Toland.</p>	

SUBJECT EMPLOYEE(S) RESPONSE

Officer	Melvin Potter
<p>During his OPS employee statement Ofc. Potter stated that on 06/13/23 he and other APEX officers attempted to contact a group of males which the Gang Unit had indicated (via surveillance) were engaged in possible illegal drug use and that the males had run off as soon as they observed the APEX officers approaching. Ofc. Potter stated that the males ran different directions, and he followed one of the males, later identified as Dcoris Toland. While chasing Dcoris Toland on foot, Dcoris Toland fell down and Ofc. Potter ordered him to stay down. Ofc. Potter stated to OPS, "I was telling him to stay down cause he was getting up after he tripped. So I told him to stay down and, um, he didn't listen." Dcoris Toland did not comply with orders and physically resisted Ofc. Potter. During his OPS statement Ofc. Potter stated, "...I'm trying to get his wrists and his arms and turn him over, telling him to turn over, telling him to gimme his hands. He's just not doing it. And he kept, um, he kept motioning towards his shorts. Um, uh, in the 78 (description) that was given out the, um, the intel, they said that, um, a couple of them were possibly armed that they had bulges coming out of their pants. And</p>	

OPS File #

then during that is when I did see his bulge. Um, I saw the bulge and, and I could also see the, um, the handle poking out.” Ofc. Potter became aware that Dcoris Toland had a pistol in his waistband near his right front hip and that the pistol was not in a holster but was rather clipped onto the pair of shorts being worn by Dcoris Toland. Ofc. Potter stated that Dcoris Toland used his hands to grab near where the firearm was located more than once while he physically resisted arrest.

When questioned by OPS regarding the strikes utilized while attempting to arrest Dcoris Toland, Ofc. Potter described that he struck Dcoris Toland in the face / head area to gain compliance. Prior to the compliance strikes, Ofc. Potter had observed that Dcoris Toland begun looking around to see who else was nearby and Ofc. Potter feared for his safety and believed that Toland was about to escalate. Ofc. Potter stated that his fist covered his handcuffs and that his handcuffs did not touch Dcoris Toland’s face during the compliance strikes. Ofc. Potter’s handcuffs were in his hand because he was attempting to arrest and handcuff Dcoris Toland at the time.

During his OPS statement, Ofc. Potter indicated that Dcoris Toland, by his estimate, was approximately 6’01” to 6’02” in height and 280 to 300 pounds. Ofc. Potter is approximately 175 pounds and shorter in height than Dcoris Toland.

Ofc. Potter stated that he did not observe any lacerations to Dcoris Toland’s face after Toland was handcuffed and secured.

WITNESS(S) RESPONSE

Officer	Kelsey Craddock
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On 08/16/23 Ofc. K. Craddock provided an employee statement to OPS. Excerpts from her OPS statement are below. A complete transcript along with the audio recording of Ofc. Craddock’s OPS statement is part of this file.

When asked about the detail at the Allen Temple Apartments on 06/13/23, Ofc. Craddock stated, “Officer Potter was my partner that day. Um, we were, we were advised by the plain clothes officers that there were about four to five black males smoking marijuana on the stoop, I guess is what you would call it for lack of better terms. So when Officer Potter and I, he was driving, I was in the passenger seat. When we pulled up and got out of the vehicle, they began to run, when they ran, and by that time other officers were on scene as well. They ran through like the breezeway of the apartment complex. I ran around the building just to see if I could catch different eyes. I was also told you don’t run, stay right behind him. So I went around the building. By then Officer Potter like began to pass me and he was chasing an individual. I saw, after he, after I, excuse me, after I noticed he was chasing him, I saw another guy cut up. I, I went that way. And then when I realized I, there was no way I was gonna catch him, I came back down. I, Officer McCants kind of had met up with me at that point and she ran down to assist Officer Potter. All I saw was that there was a male struggling on the ground. Officer Potter was telling him to, you know, put his hands behind his back. Officer McCants then went up, tried to like, assist with grabbing his hands. When I came down the hill, they told me that the guy had a gun. I asked him where the gun was, he says in the, his front. So I just like, they leaned him over. I grabbed a gun. I, it was a pistol with a clip, like clipped onto his pants.” Ofc. Craddock further stated, “Officer Potter was trying to like, get him in handcuffs and the guy had, I don’t, I don’t remember what was going on with his right arm, but his left arm was under him, like in front of him. And they said he was trying to reach for a gun. So his right, his, when I, when I first came down, his right arm was under him by the time Officer McCants got down there, which was seconds before I did, his arm was out. And so then when they told me that he had a gun, that’s when I got it.”

When asked if the pistol she retrieved from Dcoris Toland's waistband was in a holster, Ofc. Craddock stated, "No. So it was just, it, they had like drilled a clip, I guess you could say. I don't know. I don't know terminology. But they had, it was like a clip that you would like clip onto anything. They had drilled it onto the side and it was just clipped onto his, uh, he had shorts on." Ofc. Craddock also described that the trigger of the gun was not covered and was exposed and that she cleared the firearm to make and safe and found that the pistol was loaded.

Ofc. Craddock was not present when Ofc. Potter used compliance strikes on Dcoris Toland. When asked about any injuries to Dcoris Toland which she had observed, Ofc. Craddock stated, "I know that he had like some scrapes. He complained that, he complained a lot of different things was hurting 'cause I actually was down at Grady with him. He said that his jaw hurt. He said that his hip hurt and he some, something with his leg he was saying was hurting as well."

ATLANTA POLICE DEPARTMENT DISCIPLINARY COMPLAINT FOLDER INDEX

EMPLOYEE NAME: Ofc. Melvin Potter (6603)

OPS CONTROL #: 23-C-0332-UAF

Item No.	Item	Number of Pages	Initials	Date
1	Disciplinary Complaint Folder Index	1	MB	08/30/23
2	Supervisor Complaint Investigation Checklist	1	MB	08/30/23
3	Preliminary Complaint Form	1	MB	06/22/23
4	Opening docs (Citizen telephonic and online complaints, OPS opening letter)	6	MB	06/22/23
5	Incident report with Arrest and Property modules - 231641639	10	MB	08/08/23
6	Arrestee's FCSO jail booking entry and booking photo from 06/14/23	2	MB	08/18/23
7	Supervisor Use of Force review and write-up - 231641639	3	MB	08/08/23
8	Training Academy Use of Force review and write-up - 231641639	2	MB	08/08/23
9	Ofc. M. Potter employee statement to OPS on 07/12/23	15	MB	07/13/23
10	Ofc. K. Craddock employee statement to OPS on 08/16/23	9	MB	08/16/23
11	60-day letter to complainant	1	MB	08/18/23
12	2 DISC's (Ofc. Potter, Ofc. Craddock, Ofc. McCants and Sgt. Hill BWC	2 DISCs	MB	08/30/23
13	footage, Audio recordings of Ofc. Potter and Ofc. Craddock's			
14	statements to OPS and audio from phone call with the			
15	complainant on 08/29/23)			
16				
17				
18				
19				
20				

**ATLANTA POLICE DEPARTMENT
SUPERVISOR COMPLAINT INVESTIGATION CHECKLIST**

EMPLOYEE NAME: Ofc. Melvin Potter (6603)

OPS CONTROL #: 23-C-0332-UAF

INVESTIGATIVE FOLDER

- 1. Disciplinary Complaint Folder Index
- 2. Supervisor Complaint Investigation Checklist
- 3. Preliminary Complaint Form (For all formal complaints)
- 4. Citizen Statements (Where applicable)
- 5. Employee Statements
- 6. Complaint Investigation Disposition Form (Command Investigations) OR
Complaint Transmittal Summary Memorandum (OPS Investigations)
- 7. Any Supporting Documentation (See below list)
 - Offense Report
 - Accident Report
 - Medical Release
 - Other
 - Lab Results
 - Photos
 - Video Tape/Audio Tape
 - Other

Sgt. M. Buckley

08/30/23

Investigation Completed By

Date Completed

DETERMINE DISCIPLINARY ACTION

 8. Disciplinary Worksheet (Filled out by supervisor)

NON-ADVERSE ACTION

 9. Oral Admonishment given to (Employee) _____ by _____
(Supervisor) _____ for rule _____ on _____

 10. Written Reprimand given to (Employee) _____ by _____
(Supervisor) _____ for rule _____ on _____

I have received a copy of this form. _____ on _____
(Employee Name) (Date)

ADVERSE DISCIPLINARY ACTION

 11. Notice of Proposed Adverse Action (NPAA) issued (Date) _____

 12. Extension of time form (When applicable)

 13. Notice of Final Adverse Action (NFAA) issued (Date) _____
NFAA issued by (Name)

PROACTIVE CORRECTIVE ACTION

 14. Memorandum on Corrective Action (If applicable, includes counseling)

 15. Training given on _____ for _____

 16. Other

ATLANTA POLICE DEPARTMENT PRELIMINARY COMPLAINT FORM

 OPS INVESTIGATION

 COMMAND INVESTIGATION

 COMPLAINT NUMBER **23-164-1639**

 OPS CONTROL NUMBER **23-C-0332-UAF**

DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT				ADDRESS OF OCCURRENCE			
MO	DAY	YR.	TIME	MO	DAY	YR.	TIME	3086 MIDDLETON RD ATLANTA, GA			
06	14	2023	1100	06	13	2023	1855				

BRIEFLY DESCRIBE ALLEGATIONS

AUDIO AND VIDEO TAPES THAT ARE PART OF THIS FILE			
VIDEO TAPES OF INTERVIEWS	AUDIO TAPES OF 911 RADIO	OTHER TAPES	<input checked="" type="checkbox"/>

THE DEPARTMENT REQUESTS AN INVESTIGATION INTO THE ALLEGATION THAT OFFICER MELVIN POTTER STUCK AN ARRESTEE IN THE FACE WITH HANDCUFFS STILL IN HIS HAND ON 6/13/2023.

APD.SOP.2010/4.2.50 Maltreatment or Unnecessary Force

"C" FOR COMPLAINANT, USE "P" FOR PARENT OR GUARDIAN, USE "W" FOR WITNESS, USE "S" FOR SUPERVISOR

CODE	NAME (LAST, FIRST, MI)						RACE	SEX	DOB		
C	WEAVER, SHEENA										
RESIDENT ADDRESS						HOME PHONE	BUSINESS PHONE				
105 ALLEN TEMPLE CT NW ATLANTA, GA 30311											
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID #	SUSPECT WEAPON	WEAPON SERIAL #		
						-	-	-	-		
BIASED BASED INCIDENT DESCRIPTION						TYPE OF BIASED ALLEGATION					
						AGE	RACE	SEXUAL ORIENTATION	GENDER	CLASS	
						-	-	-	-	-	
ACCUSED #1 NAME (LAST, FIRST, MI)						RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
POTTER, MELVIN						OFF	B	M		01/29/15	6603
DIVISION	ASSIGNMENT SECTION	WATCH	ON DUTY	OFF DUTY	DUTY STATUS	TMP ASGN	XTRA JOB	WEAPON	FIREARMS DISCHARGE ONLY		
CID	VCI	APEX	X						WEAPONS SERIAL #	# SHOTS	
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID NO.	TYPE OF DRUG TEST			
						-	-	-			
ACCUSED #2 NAME (LAST, FIRST, MI)						RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
DIVISION	ASSIGNMENT SECTION	WATCH	ON DUTY	OFF DUTY	DUTY STATUS	TMP ASGN	XTRA JOB	WEAPON	FIREARMS DISCHARGE ONLY		
									WEAPONS SERIAL #	# SHOTS	
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID NO.	TYPE OF DRUG TEST			
						-	-	-			
ACCUSED #3 NAME (LAST, FIRST, MI)						RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
DIVISION	ASSIGNMENT SECTION	WATCH	ON DUTY	OFF DUTY	DUTY STATUS	TMP ASGN	XTRA JOB	WEAPON	FIREARMS DISCHARGE ONLY		
									WEAPON SERIAL #	# SHOTS	
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID NUMBER	TYPE OF DRUG TEST			
						-	-	-			
SUPERVISOR RECEIVING COMPLAINT						INVESTIGATOR ASSIGNED			DATE ASSIGNED	DATE COMPLETE	
SGT. W. DEAN						SGT. M. BUCKLEY			06/22/23		



ATLANTA POLICE DEPARTMENT

OFFICE OF PROFESSIONAL STANDARDS

Response Complaint Summary / Preliminary Investigation Summary

"Received; Not Opened (RNO)" Number or Control Number: _____

REQUIRED INFORMATION

Date of Response Call/Complaint Receipt: June 14, 2023

Approximate Time of Call/Visit/Electronic Submission (if Applicable): 1100hrs

Incident Date and Approximate Time: June 13, 2023 / 1855hrs

Incident Location: 3086 Middleton Rd

Was ID provided? Yes No

Complaint Received Via: Telephonic, APD Website/Email, In-Person, ACRB Other

APD or Other Law Enforcement (Include Other Agency Name) Case Number: 231641639

Complainant's Name: Ms. Sheena Weaver

Complainant Alleging Physical Injury (as a Result of Possible APD Action): Yes No

Complainant's Contact Number: [REDACTED]

Complainant's Contact Address: 105 Allen Temple Ct NW Atlanta GA 30311

Complainant's Witness Name and Phone Number (if Applicable):

Accused Employee's Name(s)/Description(s), Unique ID Number(s): Officer Melvin Potter

Accused Employee's Date(s) of Employment, With Name(s) Preceding Dates if Multiple:

Accused Employee's Badge Number(s), Relevant Identifying Features, Assignment(s), etc.:

Video / Audio Requested: Yes No

Body-Worn Camera Video: Yes No

Taser Camera Video: Yes No

File Currently: OPEN CLOSED PENDING REVIEW

Complaint Allegation Request for office to review closed complaint

Additional Evidence Other: Click here to enter text.

Addendum Statement

Summary of Complaint:

Ms. Sheena Weaver ([REDACTED]) contacted the Office of Professional Standards to make a complaint on the officers that arrested her Godson (D'CKari Toland) on yesterday at the Allen Hills (formally Allen Temple apartments. Ms. Weever stated that her Godson was beaten by several APD officers who people on the street call "the Green Team".

Recommendation for or Against a Formal Investigation to be Initiated; Reasoning:

An investigation [beyond this preliminary investigation] DOES or DOES NOT appear to be appropriate, due to the follow reason(s):

After reviewing the bwc, it appears that Officer Potter struck Mr. D'CKari Toland in the facial area with his handcuffs still in his hand.

It was not articulated that his handcuffs were used during the attempt to get Mr. Toland into custody.

231641639

If a Formal Investigation IS Recommended (Meaning: There Either is or Potentially is Credibility to the Complaint, OR That the Probability of an Alleged SOP Violation's Occurrence Was Not Immediately Dispelled Through BWC Video or Other Known Facts), Indicate the Most Appropriate Investigative Option Below (ONE BOX MUST BE CHECKED):

OPS Investigation Command Investigation

REMEMBER TO INCLUDE ALL REPORT(S), VIDEO(S), STILL IMAGE(S), RECORDING(S), WRITTEN STATEMENT(S), ETC. (WITH THIS INTERNAL FORM) TO THE FILE ROOM

Form Completed By: Inv A. Nixon Date Given to File Room: June 22, 2023

Concurring OPS Supervisor, if Applicable (Sign and Place Unique ID and Date)

Report Title: APD Citizen Complaint Details
Run Date and Time: 06/22/2023 11:33:28 Eastern Daylight Time
Run by: Jamir Denson
Table name: sn_customerservice_use_of_force

APD Citizen Complaint

Number:	APD0002312	State:	Assigned
Channel:	Citizen Reported	Opened:	06/16/2023 10:46:04
Anonymous Citizen:	No	Parent:	
Complaint Type:	Use of Excessive Force	laPro case#:	
First Name:	D'Ckari	Assignment group:	APD-OPS Non-Integrity Team
Last Name:	Toland	Assigned to:	Jamir Denson

Short description:
 Citizen Use of Force Complaint

Description:

Officers were chasing some other people when D'Ckari (Ckari) exited the car and start running towards the building where we were hanging to grab something. He was caught in the mix of them pursuing others who he was not with. Officer ran him down and attacked him. Officer was hitting him and Ckari stated he was being hit with the cuffs but the officer replied nawl it was all fists. Which I may add sound like a reply of an arrogant officer with a chip on his young shoulder. As I looked at the officer fist he has no redness or bruises to signify he hit with his hands which shows he was hitting him in his face with cuffs. Ckari wasn't doing anything to deserve being physically assaulted by this officer. Ckari was arrested and transported to Grady hospital for care due to his injuries. His face had scratches, his mouth was bleeding and he stated his jaw was hurting as they transported him to police car from around the building. This isn't the 1st time an officer have assaulted him with excessive force without reason. It is time to speak up for many they do this all the time in our neighborhood and everyone in the hood isn't bad people.

Incident Summary

Incident Date:	06/13/2023	Address:	Hickman Dr
Incident Time:	6:40 pm	City:	Atlanta
Did this incident include excessive use of force?:	Yes	Valid Address:	false
Is there any evidence about the incident? (Traffic Tickets, Police Reports, etc):	true	Validated Location:	
Evidence Description:	I will be getting a copy of Police report, medical records, recordings/photos taken in the community from several sources. Also will be requesting body camera recording.	Police Zone:	
		District:	
		Signature of Complaining Party (Type in your full name):	Sheena Weaver
		Date of Signature:	06/16/2023
Name of Witness(es) to Incident:	Keshon Toland and Sheena Weaver		
Contact Information of Witness(es) to Incident:	[REDACTED]		
Name of Officer(s) Involved:	Melvin Potter from APEX Unit		
Badge Number of Officer(s) Involved:	7301		

4-3-6

Physical Description of Officer(s) Involved: Average height man , average built, light skin(red) with pink lips and a lil chin hair. Had a low fade hair cut with a wolf tattoo on his left arm and a bead bracelet on his right wrist.

Citizen Information

Citizen Address:	3164 Cushman Cir	Telephone Number:	[REDACTED]
Citizen City:	Atlanta	Alternate Phone Number:	[REDACTED]
Citizen Zip:	30311	Email:	Ssweaver@atlantaga.gov
Citizen State:	GA	Date of Birth:	10/15/1999
		Gender:	Male
		Race:	Black or African American
		Employer:	Self Employed

Investigation Details

Investigation Manager:	[REDACTED]	Investigator:	[REDACTED]
Investigator Recommended Allegation Findings:	[REDACTED]	Recommended Discipline:	[REDACTED]

Mediation Details

Mediation Date:	[REDACTED]	Mediation Result:	[REDACTED]
------------------------	------------	--------------------------	------------

Board Hearing Details

Board Hearing Date:	[REDACTED]	Chief's Decision on Allegations:	[REDACTED]
Board Hearing Decision:	[REDACTED]	Reasons for Disagreement:	[REDACTED]
		Discipline Imposed:	[REDACTED]

Resolution Details

Resolution code:	[REDACTED]	Closed Date:	[REDACTED]
Resolution notes:	[REDACTED]	Closed by:	[REDACTED]

Notes

Work notes list: [REDACTED]

Work notes:

06/22/2023 11:32:30 - Jamir Denson (Work notes)

This complaint was already made with our office via phone with Inv. Nixon. He has requested this complaint be opened for investigation against Officer Melvin Potter. This online complaint will be placed on RNO status as it relates to file number 23C0332UAF

4-4-6

Related List Title: Special Handling Notes List

Table name: sn_shn_notes

Query Condition: Sys ID In

Sort Order: None

None

Related List Title: Email List

Table name: sys_email

Query Condition: Target table = sn_customerservice_use_of_force AND Target = df81191c1bebe110b37bcaa7624bcbf5

Sort Order: None

4 Emails

Created	Recipients	Subject	Type	Notification type	User ID
06/16/2023 10:46:23	ssweaver@AtlantaGa.Gov	APD Case Assigned	sent	SMTP	
06/16/2023 10:46:23	JJCollins@AtlantaGa.Gov, CPeek@AtlantaGa.Gov, RBurks@AtlantaGa.Gov, APD-GLawrence@AtlantaGa.Gov	Complaint APD0002312 has been assigned to your group	sent	SMTP	
06/16/2023 12:48:17	jtdenson@AtlantaGa.Gov	Complaint APD0002312 has been assigned to you	sent	SMTP	
06/16/2023 10:46:23	APDOPSSUnit@AtlantaGA.Gov	Complaint APD0002312 has been submitted	sent	SMTP	

4-5-6



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

226 PEACHTREE STREET, SW
ATLANTA, GEORGIA 30303
404 - 546-6900

ATLANTA POLICE DEPARTMENT
DARIN SCHIERBAUM
CHIEF OF POLICE

June 22, 2023

Ms. Sheena Weaver
105 Allen Temple CT NW
Atlanta, GA 30311

Re: 23-C-0332-UAF

Ms. Sheena Weaver,

Thank you for taking the time to express your concerns regarding the actions of Officer M. Potter, an employee of the Atlanta Police Department.

The Office of Professional Standards (OPS) has reviewed the allegations indicated in your statement. Sergeant M. Buckley will be handling the investigation and may contact you if additional information is required to conduct a thorough investigation of your complaint. If the investigation exceeds sixty (60) days, Sergeant M. Buckley will advise you of the reason for the delay in writing. Upon completion of the investigation, you will also be notified of the outcome of the investigation in writing by the Office of Professional Standards.

If you have any additional questions or concerns, please call Sergeant M. Buckley at 404-546-5945. The address is 185 Ted Turner DR SW, Suite 2100, Atlanta, GA 30303.

Sincerely,

Major C. Peek, Commander
Office of Professional Standards

CP/kdm
cc: File

4-6-6



Atlanta Police Department

Case # 231641639 - Incident Report Cover Sheet

Table with 3 columns: REPORT DATE / TIME, ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5, EVENT START DATE / TIME - EVENT END DATE / TIME

OFFENSE-1

OFFENSE CODE
Other Offenses (90Z)

Table with 3 columns: OFFENSE LOCATION, OFFENSE START DATE, OFFENSE END DATE

INVOLVED PERSONS

Table with 6 columns: INVOLVEMENT, NAME, HOME ADDRESS, DOB / ESTIMATED AGE RANGE, RACE, SEX

INVOLVED ORGANIZATIONS

Table with 3 columns: INVOLVEMENT, NAME, ADDRESS

INVOLVED PROPERTY

Table with 3 columns: STATUS, ITEM CATEGORY, DESCRIPTION

NARRATIVE

6/13/23 At approximately 6:55pm I Officer Potter and other Atlanta Police units were conducting surveillance in the Allen Temple neighborhood. 4 males were observed smoking Marijuana near the front of the complex.

Myself and units 1856 and 1866 arrived on scene to further investigate the illegal activities. Immediately upon our arrival the 4 males in question began to display furtive movements as we approached them. All males began Walking away from us ignoring commands to stop.

After catching up to Mr Toland, he was asked to put his hands behind his back. He refused and contined to try to evade me. Because of his refusal to follow lawful orders I decided to perform a takedown on Mr Toland in an effort to gain compliance and take him into custody.

While on the ground Mr Toland still refused to follow my orders to put his hands behind his back. He began to reach for his front right waistband, at this point I was able to see a bulge in his shorts to which I believed to be a gun based on my knowledge training and experience as an Atlanta Police Officer.

At this point after realizing that he was in possession of a firearm I asked Mr Toland again to stop resisting and to give me his hands or I would be forced to strike him. He still refused my orders thus resulting in me striking Mr Toland in his facial region in an effort to gain compliance in an attempt not to further escalate any Use of Force options.

After checking the Glock45 9mm off of him and running the serial number (BWDM787) through ACIC it was found that the weapon was stolen out of South Fulton PD. Case # 2022-019920 in a vehicle break in. After being Mirandized, Mr Toland was asked how he obtained the firearm. He advised that he was "holding it for someone" but could not advise who that someone was.

Furthermore, after a background check was done on Mr Toland it was found that he is a documented member of PFK and Goodfellas

Table with 2 columns: REPORTING OFFICER SIGNATURE / DATE, SUPERVISOR SIGNATURE / DATE

Atlanta Police Department

NOTE: Summarized report. More data regarding this report may exist in the RMS. Mark43 RMS Form v2.0 generated by M. Buckley #4346 on Aug 8, 2023 14:17.

5-1-10

gang organization. Also, This is Mr Toland's second time being caught in possession of a stolen firearm. The first time being in 2021. Atlanta Police Department case # 211041241. After speaking to all parties involved in this particular case, Investigators found that Mr Toland lied about how he obtained the firearm.

Mr Toland was taken to Grady Detention after complaining of pain in his wrist, jaw and lower back. After he was discharged from Grady I transported him to Fulton County Jail.

Nothing further to report at this time.

REPORTING OFFICER SIGNATURE / DATE

Melvin Potter #6603 Jun 14, 2023 04:11 (e-signature)

PRINT NAME

Melvin Potter #6603

SUPERVISOR SIGNATURE / DATE

Tyler Capps #5555 Jun 14, 2023 18:38 (e-signature)

PRINT NAME

Tyler Capps #5555

Atlanta Police Department

NOTE: Summarized report. More data regarding this report may exist in the RMS.
Mark43 RMS Form v2.0 generated by M. Buckley #4346 on Aug 8, 2023 14:17

Pg 2 of 2

5-7-10

Case # 231641639 - Incident Report

REPORT DATE / TIME Jun 14, 2023 03:52	ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5 1 / 111	EVENT START DATE / TIME - EVENT END DATE / TIME Jun 13, 2023 18:55 - 19:57
REPORT AUTHOR Melvin Potter #6603	BODY WORN CAMERA? 1. Yes -- Video Footage Available	
ASSISTING PERSONNEL / TYPE(S) De'Shure Raston #7615 (Involved Officer), Kelsey Craddock #7546 (Involved Officer)		
REPORT TAKEN LOCATION 3086 MIDDLETON RD NW, 1 ALLEN TEMPLE CT NW & 3000 HICKMAN DR NW, ATL, GA 30311 105 ALLEN TEMPLE CT NW, ATLANTA, GA 30311		
STAT REPORTING		
<input type="checkbox"/> Bellline Incident	<input type="checkbox"/> Tourniquet Used	
<input type="checkbox"/> Pursuit Report Form Required	<input type="checkbox"/> Use of Force Form Required	
<input type="checkbox"/> NARCAN/Naloxone Used?	<input type="checkbox"/> Assisted by LPR?	
<input checked="" type="checkbox"/> Firearm Involved	<input type="checkbox"/> ShotSpotter Alert?	
<input type="checkbox"/> Atlanta Public Schools student involved?	<input type="checkbox"/> De-Escalation Techniques Used	

NARRATIVE

6/13/23 At approximately 6:55pm I Officer Potter and other Atlanta Police units were conducting surveillance in the Allen Temple neighborhood. 4 males were observed smoking Marijuana near the front of the complex.

Myself and units 1856 and 1866 arrived on scene to further investigate the illegal activities. Immediately upon our arrival the 4 males in question began to display furtive movements as we approached them. All males began Walking away from us ignoring commands to stop. They then began to run all in different directions. I pursued Mr Dcoris Toland for about a 30 seconds through the apartment complex. Mr Toland continued to ignore verbal commands to stop running but refused.

After catching up to Mr Toland, he was asked to put his hands behind his back. He refused and continued to try to evade me. Because of his refusal to follow lawful orders I decided to perform a takedown on Mr Toland in an effort to gain compliance and take him into custody.

While on the ground Mr Toland still refused to follow my orders to put his hands behind his back. He began to reach for his front right waistband, at this point I was able to see a bulge in his shorts to which I believed to be a gun based on my knowledge training and experience as an Atlanta Police Officer.

At this point after realizing that he was in possession of a firearm I asked Mr Toland again to stop resisting and to give me his hands or I would be forced to strike him. He still refused my orders thus resulting in me striking Mr Toland in his facial region in an effort to gain compliance in an attempt not to further escalate any Use of Force options. It was during this time another unit came to assist me in getting Mr Tolands hands away from his waistband so that he could be safely taken into custody.

After checking the Glock45 9mm off of him and running the serial number (BWDM787) through ACIC it was found that the weapon was stolen out of South Fulton PD. Case # 2022-019920 in a vehicle break in. After being Mirandized, Mr Toland was asked how he obtained the firearm. He advised that he was "holding it for someone" but could not advise who that someone was.

Furthermore, after a background check was done on Mr Toland it was found that he is a documented member of PFK and Goodfellas gang organization. Also, This is Mr Toland's second time being caught in possession of a stolen firearm. The first time being in 2021. Atlanta Police Department case # 211041241. After speaking to all parties involved in this particular case, Investigators found that Mr Toland lied about how he obtained the firearm.

Mr Toland was taken to Grady Detention after complaining of pain in his wrist, jaw and lower back. After he was discharged from Grady I transported him to Fulton County Jail.

Nothing further to report at this time.

OFFENSE-1

REPORTING OFFICER SIGNATURE / DATE Melvin Potter #6603 Jun 14, 2023 04:11 (e-signature)	SUPERVISOR SIGNATURE / DATE Tyler Capps #5555 Jun 14, 2023 18:38 (e-signature)
PRINT NAME Melvin Potter #6603	PRINT NAME Tyler Capps #5555

5-3-10

OFFENSE CODE

Other Offenses (90Z)

OFFENSE START DATE Jun 13, 2023 18:55	OFFENSE END DATE Jun 13, 2023 19:57	SUSPECTED COMPUTER/ HANDHELD DEVICE USE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
--	--	--

SUSPECTED ALCOHOL CONSUMPTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SUSPECTED DRUG USE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
--	---

OFFENSE LOCATION

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT. UNIT, STE / DESCRIPTION
105 ALLEN TEMPLE CT NW

CITY ATLANTA	STATE GA	ZIP 30311	COUNTRY CODE US
-----------------	-------------	--------------	--------------------

LOCATION CATEGORY Highway/ Road/ Alley/ Street/ Sidewalk	ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5 1 / 111
---	--

VICTIMS-1

VICTIMS-1 NAME (LAST, FIRST MIDDLE) V-1 Hill, Chauncey	DOB / ESTIMATED AGE RANGE 18 - 80 years old
---	--

SEX Male	RACE / ETHNICITY Unknown / Unknown
-------------	---------------------------------------

PRIOR DIFFICULTIES BETWEEN THE PARTIES? No	VICTIM APPRISED OF AVAILABLE REMEDIES? No	VICTIM RELIGION Other
---	--	--------------------------

SUSPECTS-1

SUSPECTS-1 NAME (LAST, FIRST MIDDLE) S-1 Toland, Dcoris Jamin	DOB / ESTIMATED AGE RANGE [REDACTED]
--	---

SEX Male	RACE / ETHNICITY Black or African American / Not Hispanic Or Latino	PHONE NUMBER [REDACTED] (primary, Mobile Phone)
-------------	--	--

HOME ADDRESS
3164 CUSHMAN CIR SW, A7, ATLANTA, GA 30311

STOP & THINK

- You were in a commercial or residential building or structure
- You were not immediately responding to a civilian 911 call

LOCATION OF STOP

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT. UNIT, STE / DESCRIPTION
105 ALLEN TEMPLE CT NW

CITY ATLANTA	STATE GA	ZIP 30311	COUNTRY CODE US
-----------------	-------------	--------------	--------------------

LOCATION CATEGORY Highway/ Road/ Alley/ Street/ Sidewalk	ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5 1 / 111
---	--

INVOLVED PERSONS

INVOLVED PERSON-1 NAME (LAST, FIRST MIDDLE) P-1 Toland, Dcoris Jamin	DOB / ESTIMATED AGE RANGE [REDACTED]
---	---

SEX Male	RACE / ETHNICITY Black or African American / Not Hispanic Or Latino	PHONE NUMBER [REDACTED] (primary, Mobile Phone)
-------------	--	--

HOME ADDRESS
3164 CUSHMAN CIR SW, A7, ATLANTA, GA 30311

INVOLVEMENT TYPE A
Arrestee

INVOLVED ORGANIZATIONS

REPORTING OFFICER SIGNATURE / DATE Melvin Potter #6603 Jun 14, 2023 04:11 (e-signature) PRINT NAME Melvin Potter #6603	SUPERVISOR SIGNATURE / DATE Tyler Capps #5555 Jun 14, 2023 18:38 (e-signature) PRINT NAME Tyler Capps #5555
---	--

5-4-10

INVOLVED ORGANIZATION-1 NAME

O-1 State of Georgia

INVOLVEMENT TYPE A

Victim

INVOLVED LOCATIONS

LOCATION

105 ALLEN TEMPLE CT NW, ATLANTA, GA 30311

VEHICLE / PROPERTY & ITEMS SUMMARY

DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY	TOTAL (\$) VALUE
GLOCK / Glock, Inc. / 45	EVID-Seized / Jun 13, 2023 / Evidence	BWDM787	1	UNKNOWN

PROPERTY & ITEMS ADDENDUM

231641639-1 FIREARM - GLOCK

FIREARM TYPE	DESCRIPTION
Handgun, Semi-Automatic	GLOCK
FIREARM MAKE	SERIAL #
Glock, Inc.	BWDM787
FINISH	GRIP
Black	Black Polymer
CALIBER / GAUGE (OTHER)	# OF SHOTS
9	16

IN POSSESSION OF

Dcoris Jamin Toland

STATUS	STATUS DATE	TOTAL (\$) VALUE	QUANTITY
EVID-Seized	Jun 13, 2023	UNKNOWN	1

IN ATLANTA POLICE CUSTODY	REASON FOR POLICE CUSTODY
Yes	Evidence

RECOVERING OFFICER / ID # / PERSON

Christina McCants #7697

STATEMENT OF FACTS

WAISTBAND OF SUSPECT

STORAGE LOCATION / PERSON / DESTINATION / INTAKE PERSON

Annex > Drop-off

REPORTING OFFICER SIGNATURE / DATE	SUPERVISOR SIGNATURE / DATE
Melvin Potter #6603 Jun 14, 2023 04:11 (e-signature)	Tyler Capps #5555 Jun 14, 2023 18:38 (e-signature)
PRINT NAME	PRINT NAME
Melvin Potter #6603	Tyler Capps #5555

5-5-10



Atlanta Police Department

Case # 231641639 - Property Entry Form - 1 Report

REPORT DATE / TIME Jun 13, 2023 19:57	ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5 1 / 111	EVENT START DATE / TIME - EVENT END DATE / TIME Jun 13, 2023 18:55 - 19:57
--	--	---

REPORT AUTHOR Christina McCants #7697	BODY WORN CAMERA? 1. Yes -- Video Footage Available
--	--

ASSISTING PERSONNEL / TYPE(S)
De'Shure Raston #7615 (Involved Officer), Kelsey Craddock #7546 (Involved Officer), Melvin Potter #6603 (Involved Officer)

REPORT TAKEN LOCATION
3086 MIDDLETON RD NW, 1 ALLEN TEMPLE CT NW & 3000 HICKMAN DR NW, ATL, GA 30311
3086 MIDDLETON RD NW, 1 ALLEN TEMPLE CT NW & 3000 HICKMAN DR NW, ATL, GA 30311

INVOLVED PERSONS

INVOLVED PERSON-1 NAME (LAST, FIRST MIDDLE) P-1 Toland, Dcoris Jamin	DOB / ESTIMATED AGE RANGE [REDACTED]
---	---

SEX Male	RACE / ETHNICITY Black or African American / Not Hispanic Or Latino	PHONE NUMBER [REDACTED] (primary, Mobile Phone)
-------------	--	--

HOME ADDRESS
3164 CUSHMAN CIR SW, A7, ATLANTA, GA 30311

INVOLVEMENT TYPE A
Arrestee

INVOLVED LOCATIONS

LOCATION
3086 MIDDLETON RD NW, 1 ALLEN TEMPLE CT NW & 3000 HICKMAN DR NW, ATL, GA 30311

VEHICLE / PROPERTY & ITEMS SUMMARY

DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY.	TOTAL (\$) VALUE
GLOCK / Glock, Inc. / 45	EVID-Seized / Jun 13, 2023 / Evidence	BWDM787	1	UNKNOWN

PROPERTY & ITEMS ADDENDUM

231641639-1 FIREARM - GLOCK

FIREARM TYPE Handgun, Semi-Automatic	DESCRIPTION GLOCK
FIREARM MAKE Glock, Inc.	SERIAL # BWDM787
FINISH Black	GRIP Black Polymer
CALIBER / GAUGE (OTHER) 9	# OF SHOTS 16

IN POSSESSION OF
Dcoris Jamin Toland

STATUS EVID-Seized	STATUS DATE Jun 13, 2023	TOTAL (\$) VALUE UNKNOWN	QUANTITY 1
-----------------------	-----------------------------	-----------------------------	---------------

IN ATLANTA POLICE CUSTODY Yes	REASON FOR POLICE CUSTODY Evidence
----------------------------------	---------------------------------------

REPORTING OFFICER SIGNATURE / DATE Christina McCants #7697 Jun 13, 2023 20:08 (e-signature)	SUPERVISOR SIGNATURE / DATE
PRINT NAME Christina McCants #7697	PRINT NAME

5-6-10

RECOVERING OFFICER / ID # / PERSON

Christina McCants #7697

STATEMENT OF FACTS

WAISTBAND OF SUSPECT

STORAGE LOCATION / PERSON / DESTINATION / INTAKE PERSON

Annex > Drop-off

REPORTING OFFICER SIGNATURE / DATE

Christina McCants #7697 Jun 13, 2023 20:08 (e-signature)

PRINT NAME

Christina McCants #7697

SUPERVISOR SIGNATURE / DATE

PRINT NAME

5-7-10

Case # 231641639 - Property/Evidence Summary Report Report

VEHICLE / PROPERTY & ITEMS SUMMARY

DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY.	TOTAL (\$) VALUE
GLOCK / Glock, Inc. / 45	EVID-Seized / Jun 13, 2023 / Evidence	BWDM787	1	UNKNOWN

PROPERTY & ITEMS ADDENDUM

231641639-1 FIREARM - GLOCK

FIREARM TYPE	DESCRIPTION
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FIREARM MAKE	SERIAL #
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Black	Black Polymer
CALIBER / GAUGE (OTHER)	# OF SHOTS
9	16

IN POSSESSION OF
Dcoris Jamin Toland

STATUS	STATUS DATE	TOTAL (\$) VALUE	QUANTITY
EVID-Seized	Jun 13, 2023	UNKNOWN	1

IN ATLANTA POLICE CUSTODY	REASON FOR POLICE CUSTODY
Yes	Evidence

RECOVERING OFFICER / ID # / PERSON
Christina McCants #7697

STATEMENT OF FACTS
WAISTBAND OF SUSPECT

STORAGE LOCATION / PERSON / DESTINATION / INTAKE PERSON
Annex > Drop-off

5-8-10

Case # 231641639 - Arrest Report

REPORT DATE / TIME Jun 14, 2023 04:11	ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5 1 / 111	EVENT START DATE / TIME - EVENT END DATE / TIME Jun 13, 2023 18:55 - 19:57
REPORT AUTHOR Melvin Potter #6603	BODY WORN CAMERA? 1. Yes -- Video Footage Available	
ASSISTING PERSONNEL / TYPE(S) De'Shure Raston #7615 (Involved Officer), Kelsey Craddock #7546 (Involved Officer)		
REPORT TAKEN LOCATION 105 ALLEN TEMPLE CT NW, ATLANTA, GA 30311		
STAT REPORTING		
<input type="checkbox"/> ShotSpotter Alert?	<input type="checkbox"/> Tourniquet Used	
<input type="checkbox"/> Assisted by LPR?	<input type="checkbox"/> NARCAN/Naloxone Used?	
<input checked="" type="checkbox"/> Firearm Involved	<input type="checkbox"/> Beltline Incident	
<input type="checkbox"/> Atlanta Public Schools student involved?	<input type="checkbox"/> Pursuit Report Form Required	
<input type="checkbox"/> Use of Force Form Required	<input type="checkbox"/> De-Escalation Techniques Used	

NARRATIVE

6/13/23 At approximately 6:55pm I Officer Potter and other Atlanta Police units were conducting surveillance in the Allen Temple neighborhood. 4 males were observed smoking Marijuana near the front of the complex.

Myself and units 1856 and 1866 arrived on scene to further investigate the illegal activities. Immediately upon our arrival the 4 males in question began to display furtive movements as we approached them. All males began Walking away from us ignoring commands to stop. They then began to run all in different directions. I pursued Mr Dcoris Toland for about a 30 seconds through the apartment complex. Mr Toland continued to ignore verbal commands to stop running but refused.

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At this point after realizing that he was in possession of a firearm I asked Mr Toland again to stop resisting and to give me his hands or I would be forced to strike him. He still refused my orders thus resulting in me striking Mr Toland in his facial region in an effort to gain compliance in an attempt not to further escalate any Use of Force options. It was during this time another unit came to assist me in getting Mr Tolands hands away from his waistband so that he could be safely taken into custody.

After checking the Glock45 9mm off of him and running the serial number (BWDM787) through ACIC it was found that the weapon was stolen out of South Fulton PD. Case # 2022-019920 in a vehicle break in. After being Mirandized, Mr Toland was asked how he obtained the firearm. He advised that he was "holding it for someone" but could not advise who that someone was.

Furthermore, after a background check was done on Mr Toland it was found that he is a documented member of PFK and Goodfellas gang organization. Also, This is Mr Toland's second time being caught in possession of a stolen firearm. The first time being in 2021. Atlanta Police Department case # 211041241. After speaking to all parties involved in this particular case, Investigators found that Mr Toland lied about how he obtained the firearm.

Mr Toland was taken to Grady Detention after complaining of pain in his wrist, jaw and lower back. After he was discharged from Grady I transported him to Fulton County Jail.

Nothing further to report at this time.

ARREST #231641639-1 (ARRESTED ON SCENE (FULTON COUNTY JAIL))

ARREST DATE / TIME Jun 13, 2023 18:55	ARREST TYPE Arrested on Scene (Fulton County Jail)	ARRESTING OFFICER Melvin Potter #6603
REPORTING OFFICER SIGNATURE / DATE Melvin Potter #6603 Jun 14, 2023 04:15 (e-signature)	SUPERVISOR SIGNATURE / DATE Tyler Capps #5555 Jun 14, 2023 18:39 (e-signature)	
PRINT NAME Melvin Potter #6603	PRINT NAME Tyler Capps #5555	

5-9-10

CHARGE TYPE
General Felony Arrest

ARRESTEE



ARRESTEE NAME (LAST, FIRST MIDDLE) D-1 Toland, Dcoris Jamin		SEX Male
DOB / ESTIMATED AGE RANGE [REDACTED]	RACE / ETHNICITY Black or African American / Not Hispanic Or Latino	
PHONE NUMBER [REDACTED] (primary, Mobile Phone)	EMAIL ADDRESS	
HOME ADDRESS 3164 CUSHMAN CIR SW, A7, ATLANTA, GA 30311		

ARRESTEE WAS ARMED WITH
Handgun

ARREST LOCATION

LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT. UNIT. STE / DESCRIPTION
105 ALLEN TEMPLE CT NW

CITY ATLANTA	STATE GA	ZIP 30311	COUNTRY CODE US
LOCATION CATEGORY Highway/ Road/ Alley/ Street/ Sidewalk		ZONE / BEAT / SUBDIVISION 4 / SUBDIVISION 5 1 / 111	

CHARGES

CHARGES - 1 16-8-7 GUN THEFT BY REC STOLN PROP, GUN			COUNT 1
ORIGINAL FILE # 231641639	OFFENSE CODE Other Offenses (90Z)	OFFENSE START DATE Jun 13, 2023 18:55	OFFENSE END DATE Jun 13, 2023 19:57

OFFENSE LOCATION
105 ALLEN TEMPLE CT NW, ATLANTA, GA 30311

CHARGES - 2 16-10-24.B OBSTRUCTING OF OFFICERS - FEL			COUNT 1
ORIGINAL FILE # 231641639	OFFENSE CODE Other Offenses (90Z)	OFFENSE START DATE Jun 13, 2023 18:55	OFFENSE END DATE Jun 13, 2023 19:57

OFFENSE LOCATION
105 ALLEN TEMPLE CT NW, ATLANTA, GA 30311

REPORTING OFFICER SIGNATURE / DATE
Melvin Potter #6603 Jun 14, 2023 04:15 (e-signature)
 PRINT NAME
Melvin Potter #6603

SUPERVISOR SIGNATURE / DATE
Tyler Capps #5555 Jun 14, 2023 18:39 (e-signature)
 PRINT NAME
Tyler Capps #5555

5-10-10

Jail Records Search Detail

State Jail System - Contact My Account Search Menu New Jail Search Refine Search Black

Help

Booking #: 2309372
Facility:

Atlanta Police Department
Booked: 06/14/2023

Released:

TOLAND, DCORIS
TOLAND, DCORIS; TOLAND, DICORIS
PO1091608
GA-060873176
960 Constitution RD SE
BLDG 300
Atlanta, GA 30315-6836

Black Male 6' 1" 200 lbs
Black
Brown



Warrant #	Charge	Issuing Auth	Offense Date	Bond/Type	Fines/Crt Costs	Disposition
EW-0406020	Theft By Receiving Stolen Property - Misdemeanor		06/13/2023			
EW-0406021	Willful Obstruction Of Law Enforcement Officers By Use Of Threats Or Violence - Felony		06/13/2023			Decline to Prosecute
22CP206257	THEFT BY RECEIVING STOLEN PROPERTY					Decline to Prosecute
22CP206257	Possession of marijuana less than 1oz.					



G-2-2



Atlanta Police Dept A

226 Peachtree St SW
Atlanta, GA, 30303
(140) 424-3663

Use of Force S-231641639-1

Use of Force S-231641639-1

Primary Officer: Hill, Brian (6008)

: Hill, Brian (6008)

: Zygaj, Stephen (3456)

Approved: 06/13/2023 22:23

Approved: 06/21/2023 10:40

Overview

Event Information

Event Details

Incident ID: 231641639 Date: 06/13/2023 Time: 18:55 Location: 105 Allen Temple Ct NW, Atlanta, GA, 30311, USA

Location Type: Residence/Home Zone of Occurrence: 1 Beat of Occurrence: 111 INITIAL SIGNAL ON CALL?: 54

FINAL SIGNAL ON CALL?: 5469 Incident Type: Drug Related, Suspicious Person

Reason For Initial Contact: Criminal Suspicious Activity Video of Incident: On-Officer Ambushed: No

Was Senior Officer Present?: No Other Agencies Involved?: No

Duty to Intercede

Was there an attempt to intercede regarding the force used?: No

Offense: 16-10-24(a) - 16-10-24(a) - WILLFUL OBSTRUCTION OF LAW ENFORCEMENT OFFICERS - MIS

Offense: 16-8-7 - 16-8-7 - THEFT BY RECEIVING STOLEN PROPERTY - MIS

Citizens

Toland, Dcoris

Citizen Role

Role: Subject

Citizen Details

Last Name: Toland First Name: Dcoris DOB: [REDACTED] Age: 23 Sex: Male Race: Black Height: 6' 1"

Weight: 150 Clothing Type: Loose / Hanging

Identifying Documents

ID Type: State ID Issuing State: Georgia ID Number: 060873175 Expiration Date: 10/13/2025

Class: UNLICENSED DRIVERS

Contact

Address Type: Home Location: 3164 Cushman Cir SW, Atlanta, GA, 30311, USA

Phone Number Type: Home Phone Number: [REDACTED]

Use Of Force Circumstances

Subject Armed: Yes Weapon Type: Handgun Weapon Position: Concealed On Person, In Hand Shots Fired By Subject: No

Subject Impaired: Pending Subject Resisted: Yes Resistance Level: Active Aggressive, Passive

Types of Resistance: Escape/Flee from Custody, Noncompliance, Resisted Being Handcuffed/Arrested Subject Arrested: Yes

Restraint Used: Yes Types of Restraint: Handcuffs

Citizens (continued)

Toland, Dcoris (continued)

Injury & Medical Treatment

Subject Injury After Police Contact: Minor Intended Effect, Other Injury Requiring Medical Attention Injury Cause: Officer Force

Injury Description

The subject Dcoris Toland took flight at the sight of police and fell down the stairs in a corridor of the apartment complex located at 105 Allen Temple Atlanta Ga. 30311. The subject got up and continued to run from officer Potter in effort to escape. The subject fell again and was not compliant with verbal commands from officer Potter to "lay down on the ground and roll over" the subject continued to be non compliant and lay on top of the firearm inside his waist band. The subject then reached for his waist and officer Potter struck him one time in the face causing minor swelling and discomfort. Mr. Toland also obtained minor scrapes to his knees which were treated by Grady units on scene.

Medical Treatment: Yes Types Of Treatment: EMS Provided on-site, Transported to Medical Facility

Injury Location: Face Injury Type: Minor Abrasions

Injury Location: Knee Joint Injury Type: Minor Abrasions

Officers

Potter, Melvin (6603)

Officer Details

Role: Involved Officer / Employee Number: Potter, Melvin (6603) Officer Years of Service: 7 Officer Identifiable: Yes
Officer Was Uniformed: Yes Officer Was On Duty: Yes Rank: Police Officer Officer Gender: Male Officer's Race: Black
Officer's Age: 29 Division: Criminal Investigations Division (CID) Section: Violent Crimes Interdiction Unit/Watch: Titans
Officer Injured: No

Force

Force Used Against: Citizen Citizen Force Use Against: Toland, Dcoris Subject Injury From Force: Minor / Intended Effects

Injury Description: Minor bruising and abrasions Force Objective: Compliance

Did the Officer attempt to deescalate the situation?: Yes Is there BWC footage of the incident?: Yes

Describe Deescalation attempted: The officer gave specific verbal commands in attempt to deescalate the subjects behavior by giving him a chance to comply. The subject was non compliant and posed a threat to the officer by reaching for his firearm stored in his waist band.

Threat Perceived: Immediate Danger To Officer

Force Type: Defensive Tactics Effectiveness: Effective Technique: Strikes/kicks

Reviewing Sergeant

Sergeant: Hill, Brian (6008) Recommended Disposition: Justified

Sergeants additional comments

The Officers actions were justified to protect himself and third party residents.

Reviewing Lieutenant

Lieutenant: Welch, Neil (3348) Recommended Disposition: Justified

Lieutenants Additional Comments

Force used was reasonable under the circumstances and in accordance with Georgia State Law and APD policy.

Officers (continued)

Potter, Melvin (6603) (continued)

Reviewing Major

Major: Zygaj, Stephen (3456) Recommended Disposition: Justified

Investigative Summary

Investigative Summary

Investigative Summary

Officers were conducting a undercover detail in the area of 105 Allen Temple when officers observed several males smoking marijuana and brandishing firearms. This suspicious and illegal behavior was conducted around multiple children and citizens in the area. Upon officers identifying Probable cause due to Marijuana possession they moved in to further investigate the crime. The subject Dcoris Toland then took flight at the sight of police and fell down the stairs in a corridor of the apartment complex located at 105 Allen Temple Atlanta Ga. 30311.

The subject got up and continued to run from officer Potter in effort to escape. The subject fell again and was not compliant with verbal commands from officer Potter to "lay down on the ground and roll over" the subject continued to be non compliant and lay on his side to conceal his firearm inside his waist band. The subject then reached for his waist and officer Potter struck him one time in the face causing minor swelling and discomfort. Mr. Toland also obtained minor scrapes to his knees due to falling twice on scene.

These injuries were treated by Grady units on scene however, the subject was transported to Grady due to throwing up in the presence of Police. The review of Officer Potter's BWC was consistent with the events described by Officer Potter. I find that Officer Potter's actions were justified to protect himself, officers on scene and residents in the area.



Atlanta Police Dept GA
 226 Peachtree St SW
 Atlanta, GA, 30303
 (140) 424-3663

Custom Entities Template S-231641639-2

Custom Entities Template S-231641639-2

Primary Officer: Bivins, Teakillour (5637)

: Bivins, Teakillour (5637)

Approved: 06/14/2023 09:35

Training Review Summary

Training Review Summary

INCIDENT ID 231641639	CONTROL NUMBER	INCIDENT DATE 06/13/2023
INCIDENT SUMMARY		

Officers

Potter, Melvin (6603)

Officer Details

OFFICER / EMPLOYEE NUMBER Potter, Melvin (6603)	SECTION	ROLE
TYPE OF FORCE USED		
<input type="checkbox"/> ASP Baton	<input type="checkbox"/> Firearm	<input type="checkbox"/> O.C.
<input checked="" type="checkbox"/> Physical	<input type="checkbox"/> Taser (CEW)	

Training Review

ARE THERE ANY TRAINING RECOMMENDATIONS THAT SHOULD BE CONSIDERED FOR THE OFFICER INVOLVED? Yes
EXPLAIN TRAINING ISSUE Officer should be more mindful that empty hand controls, should be administered with "empty hands". Officer Potter made the discussion to use a compliance strike to gain compliance in the securing of the suspect. Officers Potter used the same hand he was holding his cuffs to deliver this strike. It did not appear that cuff that was in officer Potter's palm made contact with the suspect. It did appear after the strike was given the loose part of the cuff may have made contact with the suspects face. Given the totality of circumstances this maneuver did not appear excessive, the suspect was armed and continued to resist to prevent Officer Potter from placing him in handcuffs and gaining access to the weapon he had in his waist band.
WILL THE TRAINING RECOMMENDATION IDENTIFIED REQUIRE REVISIONS OF THE DEPARTMENT'S CURRENT WRITTEN DIRECTIVES OR REVISIONS OF THE CURRENT TRAINING No
EXPLAIN POLICY CONCERN
WERE ANY MALFUNCTIONS IDENTIFIED REGARDING THE EQUIPMENT (OC CANISTER, ASP BATON, TASER, FIREARM, ETC.)? No
EXPLAIN MALFUNCTION

Officers (continued)

Potter, Melvin (6603) (continued)

Reviewing Officer

REVIEWING OFFICER Stewart, Steven (3903)	I HAVE REVIEWED THE USE OF FORCE INCIDENT FOR TRAINING IMPLICATIONS AND: Concur
REVIEWING OFFICER EXPLAIN WHY YOU DON'T CONCUR	

Reviewing Supervisor

REVIEWING SUPERVISOR Stewart, Steven (3903)	I HAVE REVIEWD THE USE OF FORCE INCIDENT FOR TRAINING IMPLICATIONS AND: Concur
REVIEWING SUPERVISOR EXPLAIN WHY YOU DON'T CONCUR	



ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 23-C-0332-UAF

This statement form will be completed for every employee, accused or witness, in its entirety by the interviewer, and will be signed by the employee, prior to obtaining a statement for any allegation being investigated by the investigating authority.

I am aware that I will be **dismissed** for a Sustained violation of APD.SOP.2010, "Employee Work Rule" 4.1.03 (Truthfulness) which reads:

"Employees will be truthful in their written and spoken words at all times."

Do you understand this statement?

Yes

No

Ofc. Melvin Potter

(Employee's Printed Name)

(Employee's Signature)

7/12/23 4:30

(Date/Time)

Sgt. M. Buckley

(Interviewer's Printed Name)

(Interviewer's Signature)

07/12/23 @ 1635 hrs.

(Date/Time)

(Witness Representative's Printed Name)

(Witness/Representative's Signature)

(Date/Time)

ATLANTA POLICE DEPARTMENT
Written Notice of Allegations

Employee: Ofc. Melvin Potter

APD ID # 6603

OPS#: 23-C-0332-UAF

Allegation: (Type Allegation and Work Rule #)

The Department requests an investigation into the allegation that Officer Melvin Potter struck an arrestee in the face with handcuffs still in his hand on 06/13/23.

APD.SOP.2010 / Maltreatment or Unnecessary Force

According to APD.SOP.2020 your responsibilities, restrictions, and rights as an employee are:

3.4 Employee Responsibilities

All employees must answer questions and/or make available any relevant materials or sworn statements concerning an investigation of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees will provide all relevant information and materials and answer all questions honestly, completely, and to the best of their ability. **An employee's refusal to cooperate and provide sworn statements, answers, or relevant materials during an authorized administrative investigation will result in disciplinary action, up to and including dismissal.**

Any employee reporting for duty under the influence of any substance such as prescription medications, alcohol, over the counter medications, or other substances that, while legal, may adversely affect the judgment or performance of that employee during duty hours, must notify his or her immediate supervisor prior to commencing work.

3.5 Employee Restrictions

Except as authorized, in an investigation into employee misconduct, employees may not:

Interfere with the complaint investigation in any manner

Independently participate in the investigation

Be present during any investigative contact with a complainant or with witness involved in the investigation

Contact the complainant or witness concerning the allegations; or

Discuss the existence or facts of a complaint with anyone except designated Department authorities conducting the investigation.

This restriction will not be construed to prohibit an employee from discussing any aspects of a complaint with his or her attorney or other representative, or to prevent his or her attorney from developing information for his or her defense.

3.6 Employee Rights

All employees have the right to have an attorney or other representative present during questioning in an administrative investigation. However, any employee who is either an accused employee or a witness in a complaint investigation may not act in the capacity of representative for any other employee being questioned as an accused or witness in that complaint investigation. An employee's representative shall be allowed to consult with the employee, and to object to questions, but shall not delay or interfere with the questioning process. Any objections to the form or content of the questions will be noted, but the employee shall still be required to answer fully and completely any and all questions presented during the investigation. An employee cannot delay questioning for more than three hours beyond the time he or she was given notice to appear for the questioning.

The employee being questioned as the accused will be issued the Written Notice of Allegations form (Form APD 848), which includes, but is not limited to a written statement of the allegation(s) and the employee's rights and responsibilities relative to the investigation against him/her prior to any questioning.

All employees who are subject to any form of discipline, whether non-adverse or adverse action, will be given written documentation of the disciplinary action taken. This written documentation must state the work rule which applies to the disciplinary action taken, information and/or documentation supporting the alleged work rule violation, and the disciplinary action that was taken. Employees must sign the written documentation stating that they have been notified of the disciplinary action taken. The employee's signature does not constitute an admission of guilt or wrongdoing, it serves only as receipt of the written documentation of disciplinary action and notification of the same.

The employee against whom a complaint has been filed may review the investigative folder upon completion of that investigation. The OPS commander will designate the area where the folder is to be reviewed and establish rules governing the review of the folder.

If the employee is being questioned as a suspect in a criminal investigation, the employee will be afforded complete Miranda Rights.

Administrative statements made by employees and evidence gained as a result of such statements shall not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

I have received a copy of the allegation(s) and my rights and responsibilities relative to the investigation against me as the accused prior to any questioning.

 7/12/23
Employee Signature/Date

Witness/Date

Evidence Title: 23-C-0332-UAF - Ofc. M. Potter employee statement to OPS on 071223.WMA

This transcript has been verified by Buckley, Michael (4346)

This transcript starts at Jul 13, 2023 10:06 AM -04:00 and is 12m 14s in length

1 [10:06 AM / 00:02]

2 **Sgt. Buckley / OPS:** All right. Today is July 12th, 2023. The time is 4:37 PM. I'm Sergeant Michael
3 Buckley, Atlanta Police Department, OPS, and we are at the OPS office at 185 Ted Turner. This
4 interview is in reference to OPS control number 23-C-0332-UAF. Please state your name for the
5 record and spell it.

6
7 [10:07 AM / 00:29]

8 **Ofc. M. Potter:** Melvin Potter. M-e-l-v-i-n P-o-t-t-e-r.

9
10 [10:07 AM / 00:33]

11 **Sgt. Buckley / OPS:** And what is your unique ID number?

12
13 [10:07 AM / 00:35]

14 **Ofc. M. Potter:** 6603.

15
16 [10:07 AM / 00:37]

17 **Sgt. Buckley / OPS:** Approximately how long have you been a sworn officer of the Atlanta Police
18 Department?

19
20 [10:07 AM / 00:42]

21 **Ofc. M. Potter:** Um, seven years...

22
23 [10:07 AM / 00:43]

24 **Sgt. Buckley / OPS:** Okay.

25
26 [10:07 AM / 00:44]

27 **Ofc. M. Potter:** ...some change.

28
29 [10:07 AM / 00:46]

9-3-15

30 **Sgt. Buckley / OPS:** I'm Sergeant Michael Buckley of the Atlanta Police Department. You're being
31 questioned as an Accused in an official investigation by the department, and you do not have a
32 representative with you at this time, is that correct?

33
34 [10:07 AM / 00:57]

35 **Ofc. M. Potter:** Correct.

36
37 [10:07 AM / 00:57]

38 **Sgt. Buckley / OPS:** And that's, that's by your choosing?

39
40 [10:07 AM / 00:59]

41 **Ofc. M. Potter:** Mm-hmm. <affirmative>.

42
43 [10:07 AM / 00:59]

44 **Sgt. Buckley / OPS:** Is that a yes?

45
46 [10:07 AM / 01:00]

47 **Ofc. M. Potter:** Yes.

48
49 [10:07 AM / 01:00]

50 **Sgt. Buckley / OPS:** Okay. All employees must answer questions and make available relevant
51 materials or sworn statements concerning an investigation of allegations of employee misconduct
52 when directed to do so by a disciplinary authority or duly appointed investigator. Employees may
53 obtain representation but cannot delay questioning for more than three hours beyond the time he or
54 she was notified of the questioning. Before we begin the interview, you need to be aware that except
55 as authorized or required, an employee shall not interfere with nor contact persons involved in an
56 internal investigation, nor disclose or discuss with anyone except the designated departmental
57 authority, the existence or facts of an internal investigation. This restriction will not be construed to
58 prohibit an employee from discussing any aspect of the investigation with his or her representative.
59 Administrative statements made by employees and evidence gained by reasons of such statements
60 may not be used against the employee in criminal proceedings involving the employee except in
61 cases of perjury. Do you understand what I've just explained to you?

62
63 [10:08 AM / 02:12]

9-4-15

64 **Ofc. M. Potter:** Yes.

65
66 [10:08 AM / 02:13]

67 **Sgt. Buckley / OPS:** And I've shown to you and explained to you the awareness statement for
68 Truthfulness?

69
70 [10:08 AM / 02:17]

71 **Ofc. M. Potter:** Yes.

72
73 [10:08 AM / 02:18]

74 **Sgt. Buckley / OPS:** And you signed it and dated it, indicating that you understand that if you are
75 untruthful in this investigation, you will be dismissed. Is that correct?

76
77 [10:09 AM / 02:26]

78 **Ofc. M. Potter:** Yes.

79
80 [10:09 AM / 02:27]

81 **Sgt. Buckley / OPS:** What is your current rank and assignment with the Atlanta Police Department?

82
83 [10:09 AM / 02:31]

84 **Ofc. M. Potter:** An officer on the APEX Unit.

85
86 [10:09 AM / 02:35]

87 **Sgt. Buckley / OPS:** On June 13th, 2023, what was your assignment and were members of your
88 assigned unit conducting a detail at the Allen Temple Apartments in Zone One?

89
90 [10:09 AM / 02:45]

91 **Ofc. M. Potter:** Yes.

92
93 [10:09 AM / 02:46]

94 **Sgt. Buckley / OPS:** Okay. So you were assigned to APEX that day?

95
96 [10:09 AM / 02:48]

97 **Ofc. M. Potter:** Yes.

98
99 [10:09 AM / 02:48]

9-5-15

100 **Sgt. Buckley / OPS:** And your unit was conducting a detail?

101
102 [10:09 AM / 02:50]

103 **Ofc. M. Potter:** Yes.

104
105 [10:09 AM / 02:51]

106 **Sgt. Buckley / OPS:** What type of detail was it?

107
108 [10:09 AM / 02:53]

109 **Ofc. M. Potter:** Uh, we were working with Gangs. Gangs was, was looking at certain, certain areas
110 and that was just the area they were sitting in.

111
112 [10:09 AM / 03:01]

113 **Sgt. Buckley / OPS:** Okay.

114
115 [10:09 AM / 03:01]

116 **Ofc. M. Potter:** At that time,

117
118 [10:09 AM / 03:03]

119 **Sgt. Buckley / OPS:** Did members of your unit observe a group of males engaged in illegal or
120 suspicious activity?

121
122 [10:09 AM / 03:09]

123 **Ofc. M. Potter:** Yes.

124
125 [10:09 AM / 03:10]

126 **Sgt. Buckley / OPS:** How did you approach the males?

127
128 [10:09 AM / 03:13]

129 **Ofc. M. Potter:** Um, I think it was myself, my partner and I think one other car. So four total, four of
130 us, and we put, we just pulled up. They matched the 78 that was given out by, um, by, uh, Gangs and
131 didn't even get to say two words to 'em. They just, uh, took off when we got out the car, uh, told 'em to
132 stop running, you know, we just kept running. They all went like different ways. It was like four or five
133 guys. So, um, yeah, I just locked onto one and, you know, the rest happened.

134

9-6-15

135 [10:10 AM / 03:48]

136 **Sgt. Buckley / OPS:** Okay. Uh, my next question was, did the males flee on foot? You kind of
137 answered that. They did, correct?

138
139 [10:10 AM / 03:53]

140 **Ofc. M. Potter:** Mm-hmm. <affirmative>. Yes.

141
142 [10:10 AM / 03:55]

143 **Sgt. Buckley / OPS:** Did you pursue a male later identified as Dcoris Toland?

144
145 [10:10 AM / 03:58]

146 **Ofc. M. Potter:** Yes.

147
148 [10:10 AM / 04:00]

149 **Sgt. Buckley / OPS:** Did Dcoris Toland fall down while you were pursuing him on a foot?

150
151 [10:10 AM / 04:04]

152 **Ofc. M. Potter:** Yes.

153
154 [10:10 AM / 04:05]

155 **Sgt. Buckley / OPS:** What verbal commands and instructions did you state to Dcoris Toland?

156
157 [10:10 AM / 04:09]

158 **Ofc. M. Potter:** I was telling him to stay down cause he was getting up after he tripped. So I told him
159 to stay down and, um, he didn't listen.

160
161 [10:10 AM / 04:18]

162 **Sgt. Buckley / OPS:** Okay. Did he comply?

163
164 [10:10 AM / 04:21]

165 **Ofc. M. Potter:** Not at all, no.

166
167 [10:10 AM / 04:23]

168 **Sgt. Buckley / OPS:** Did Dcoris Toland physically resist arrest?

169
170 [10:11 AM / 04:26]

9-7-15

171 **Ofc. M. Potter:** Yes.

172

173 [10:11 AM / 04:27]

174 **Sgt. Buckley / OPS:** How so?

175

176 [10:11 AM / 04:28]

177 **Ofc. M. Potter:** Um, just, uh, when he fell, he got back up after I told him not to. Um, then he tried to
178 keep walking and then, you know, I told him to stop. He didn't stop, so I grabbed him by his shoulders
179 and pulled him down. Um, then he was trying to get up again, ignored my commands to, you know,
180 stop. Um, and like somehow he got on his back and he's like looking up at me and I'm trying to get his
181 wrists and his arms and turn him over, telling him to turn over, telling him to gimme his hands. He's
182 just not doing it. And he kept, um, he kept motioning towards his shorts. Um, uh, in the 78 that was
183 given out the, um, the intel, they said that, um, a couple of them were possibly armed that they had
184 bulges coming out of their pants. And then during that is when I did see his bulge. Um, I saw the
185 bulge and, and I could also see the, um, the handle poking out, so...

186

187 [10:12 AM / 05:30]

188 **Sgt. Buckley / OPS:** Of a pistol?

189

190 [10:12 AM / 05:32]

191 **Ofc. M. Potter:** Of a pistol. Mm-hmm. <affirmative>. So when he, he just wasn't listening, um, to any
192 of my commands for the few seconds, which seemed like forever, but you know, he just wasn't
193 listening.

194

195 [10:12 AM / 05:44]

196 **Sgt. Buckley / OPS:** What would you estimate the height and weight of Dcoris Toland to be?

197

198 [10:12 AM / 05:50]

199 **Ofc. M. Potter:** Probably like 6'1", 2". Weight, probably, probably 280 to 300.

200

201 [10:12 AM / 05:59]

202 **Sgt. Buckley / OPS:** How mu, how much do you weigh?

203

204 [10:12 AM / 06:00]

9-8-15

205 **Ofc. M. Potter:** I'm 175, 7.

206
207 [10:12 AM / 06:06]

208 **Sgt. Buckley / OPS:** Was Dcoris Toland armed with a deadly weapon while he was physically
209 resisting?

210
211 [10:12 AM / 06:11]

212 **Ofc. M. Potter:** Yes.

213
214 [10:12 AM / 06:12]

215 **Sgt. Buckley / OPS:** What type of weapon was he armed with and where was it located on his
216 person?

217
218 [10:12 AM / 06:16]

219 **Ofc. M. Potter:** It'll be on his right front hip. Um, you said, what kind of gun was it?

220
221 [10:13 AM / 06:24]

222 **Sgt. Buckley / OPS:** Yeah, I said what type of weapon?

223
224 [10:13 AM / 06:26]

225 **Ofc. M. Potter:** Just, yeah, it's a gun, a black gun. Um, I can't remember the make and model right
226 now, but a

227
228 [10:13 AM / 06:31]

229 **Sgt. Buckley / OPS:** Handgun, though.

230
231 [10:13 AM / 06:32]

232 **Ofc. M. Potter:** Yeah. Mm-hmm. <affirmative>. It was in his front hip.

233
234 [10:13 AM / 06:36]

235 **Sgt. Buckley / OPS:** Did you observe the firearm in his waistband when, you kind of already stated
236 that, so you could, at some point you saw a bulge, but then you're saying that you later actually could
237 see that it was a handgun?

238
239 [10:13 AM / 06:47]

240 **Ofc. M. Potter:** Right. Mm-hmm. <affirmative>,

241
242 [10:13 AM / 06:50]

243 **Sgt. Buckley / OPS:** Was it in a holster?

244
245 [10:13 AM / 06:53]

246 **Ofc. M. Potter:** Uh, no. Mm-hmm.

247
248 [10:13 AM / 06:56]

249 **Sgt. Buckley / OPS:** Did Dcoris Toland use one of his hands to grab near where his firearm was
250 located while you were attempting to de, to detain and handcuff him?

251
252 [10:13 AM / 07:05]

253 **Ofc. M. Potter:** Mm. More than once. Yeah.

254
255 [10:13 AM / 07:06]

256 **Sgt. Buckley / OPS:** Yes?

257
258 [10:13 AM / 07:07]

259 **Ofc. M. Potter:** Yes.

260
261 [10:13 AM / 07:08]

262 **Sgt. Buckley / OPS:** What types of techniques and force did you utilize with Dcoris Toland?

263
264 [10:13 AM / 07:13]

265 **Ofc. M. Potter:** Um, yeah, after, so I remember a certain point where I was on top of him trying to get
266 him to turn over or giving his hands, and he just, you know, wasn't listening and he started looking
267 around. Um, and so me knowing now that he's armed and he's looking around, I'm thinking he's about
268 to do something, you know? So it was just an instinct at that point. Like I was trying to get my
269 handcuffs out and when I did that, he like, put his arm down and tried to get back up and just reflex. I
270 just hit him. Uh, and I think I hit him probably like three, four times maybe. Um, I know the first time I
271 did have the handcuffs in my hand still. Um, like I said, that was a reflex, but after I got the cuff on, he
272 continued to resist, so I, you know, hit him a couple more times.

273
274 [10:14 AM / 08:07]

9-10-15

275 **Sgt. Buckley / OPS:** Did you strike the Toland in his face or head?
276
277 [10:14 AM / 08:10]
278 **Ofc. M. Potter:** Yes.
279
280 [10:14 AM / 08:11]
281 **Sgt. Buckley / OPS:** And what was the purpose of those strikes?
282
283 [10:14 AM / 08:14]
284 **Ofc. M. Potter:** Just trying to get him to, um, comply.
285
286 [10:14 AM / 08:19]
287 **Sgt. Buckley / OPS:** Um, where were your handcuffs when you struck Dcoris Toland in his face and
288 head area initially?
289
290 [10:15 AM / 08:25]
291 **Ofc. M. Potter:** Initially, um, they were in my right hand.
292
293 [10:15 AM / 08:31]
294 **Sgt. Buckley / OPS:** Did your handcuffs make contact with the Dcoris Toland when you administered
295 the strikes with your hands?
296
297 [10:15 AM / 08:37]
298 **Ofc. M. Potter:** No, my fist covered the, uh, covered the handcuff, so the cuff didn't, didn't touch 'em.
299
300 [10:15 AM / 08:44]
301 **Sgt. Buckley / OPS:** So to clarify, the cuff was in your grasp, but not, it wasn't like wrapped around
302 like a brass knuckles kind of thing. It was actually in your hand...
303
304 [10:15 AM / 08:52]
305 **Ofc. M. Potter:** Right, right.
306
307 [10:15 AM / 08:53]
308 **Sgt. Buckley / OPS:** So the cuffs did not, the actual metal handcuff did not make contact with him?
309
310 [10:15 AM / 08:56]

9-11-15

311 **Ofc. M. Potter:** Correct.

312

313 [10:15 AM / 09:00]

314 **Sgt. Buckley / OPS:** Um, was assistance required from other officers to counter Dcoris Toland's
315 resistive behavior and to secure him?

316

317 [10:15 AM / 09:07]

318 **Ofc. M. Potter:** Yes. Yes. Uh, two of my partners came up eventually.

319

320 [10:15 AM / 09:13]

321 **Sgt. Buckley / OPS:** Did you fear for your safety and the safety of the general public?

322

323 [10:15 AM / 09:17]

324 **Ofc. M. Potter:** Yes.

325

326 [10:15 AM / 09:19]

327 **Sgt. Buckley / OPS:** Was the firearm which Dcoris Toland had in his waistband loaded or unloaded?

328

329 [10:15 AM / 09:23]

330 **Ofc. M. Potter:** It was loaded.

331

332 [10:16 AM / 09:25]

333 **Sgt. Buckley / OPS:** What type of firearm was it?

334

335 [10:16 AM / 09:28]

336 **Ofc. M. Potter:** A handgun. I think, yeah, I think it was like a Glock.

337

338 [10:16 AM / 09:32]

339 **Sgt. Buckley / OPS:** Was the firearm queried in NCIC?

340

341 [10:16 AM / 09:36]

342 **Ofc. M. Potter:** Yes.

343

344 [10:16 AM / 09:36]

345 **Sgt. Buckley / OPS:** What was the status of the firearm?

346

9-12-15

347 [10:16 AM / 09:38]

348 **Ofc. M. Potter:** Um, stolen.

349

350 [10:16 AM / 09:41]

351 **Sgt. Buckley / OPS:** What criminal charges was Dcoris Toland arrested for?

352

353 [10:16 AM / 09:45]

354 **Ofc. M. Potter:** I gave him, um, felony Obstruction and possession of, um, or Theft by Receiving.

355

356 [10:16 AM / 09:56]

357 **Sgt. Buckley / OPS:** What physical injuries did Dcoris Toland sustain?

358

359 [10:16 AM / 10:01]

360 **Ofc. M. Potter:** Um, he complained of being nauseous. I know he threw up on the scene. Um, but I

361 don't, I don't recall him being specific with any injuries. Um, we did get Grady out there. They came

362 out and checked him out. Um, and then I took him to the hospital after.

363

364 [10:16 AM / 10:18]

365 **Sgt. Buckley / OPS:** Did you observe any lacerations to his face?

366

367 [10:16 AM / 10:22]

368 **Ofc. M. Potter:** No.

369

370 [10:17 AM / 10:24]

371 **Sgt. Buckley / OPS:** And I, you kind of already mentioned this, but he was, you stated he was

372 transported by EMS and that was because of?

373

374 [10:17 AM / 10:33]

375 **Ofc. M. Potter:** Just precaution, precaution with everything that just happened.

376

377 [10:17 AM / 10:36]

378 **Sgt. Buckley / OPS:** Okay. Did you research Dcoris Toland and determine if he had any prior criminal

379 arrests or history?

380

381 [10:17 AM / 10:43]

9-13-15

382 **Ofc. M. Potter:** Yes.

383

384 [10:17 AM / 10:44]

385 **Sgt. Buckley / OPS:** What did you find?

386

387 [10:17 AM / 10:46]

388 **Ofc. M. Potter:** Um, I found that he was in possession of a, um, wasn't, I think there was a second

389 time in possession of a stolen firearm. Um, yeah, I would've to go back and look at specifically, but it,

390 it wasn't his first time with a stolen firearm.

391

392 [10:17 AM / 11:00]

393 **Sgt. Buckley / OPS:** Did you complete a police report?

394

395 [10:17 AM / 11:02]

396 **Ofc. M. Potter:** Yes.

397

398 [10:17 AM / 11:04]

399 **Sgt. Buckley / OPS:** Did you detail your encounter with Dcoris Toland in the police report?

400

401 [10:17 AM / 11:08]

402 **Ofc. M. Potter:** Yes.

403

404 [10:17 AM / 11:10]

405 **Sgt. Buckley / OPS:** Did you state in your police report that you were holding handcuffs when you

406 administered strikes to Dcoris Toland?

407

408 [10:17 AM / 11:16]

409 **Ofc. M. Potter:** Um, yeah, I think, no. No.

410

411 [10:18 AM / 11:26]

412 **Sgt. Buckley / OPS:** Is there anything you would like to add to your statement regarding this matter?

413

414 [10:18 AM / 11:30]

415 **Ofc. M. Potter:** No.

416

417 [10:18 AM / 11:31]

9-14-15

418 **Sgt. Buckley / OPS:** Did you understand all of the questions I asked you today?

419
420 [10:18 AM / 11:34]

421 **Ofc. M. Potter:** Yes.

422
423 [10:18 AM / 11:35]

424 **Sgt. Buckley / OPS:** Have you been truthful in your statement?

425
426 [10:18 AM / 11:37]

427 **Ofc. M. Potter:** Yes.

428
429 [10:18 AM / 11:38]

430 **Sgt. Buckley / OPS:** And are you aware that this is an open and ongoing investigation and you are
431 not to discuss this case with anyone other than your attorney, union representative or a peer
432 representative?

433
434 [10:18 AM / 11:49]

435 **Ofc. M. Potter:** Yes.

436
437 [10:18 AM / 11:51]

438 **Sgt. Buckley / OPS:** And be advised that should it become necessary in this investigation, you may
439 be directed to submit to a computer voice stress analyzer exam per APD SOP 3120. Do you
440 acknowledge this as an official notification?

441
442 [10:18 AM / 12:05]

443 **Ofc. M. Potter:** Yes.

444
445 [10:18 AM / 12:06]

446 **Sgt. Buckley / OPS:** Okay. That's gonna conclude your employee statement. It is 4:49 PM.

447

9-15-15



ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 23-C-0332-UAF


This statement form will be completed for every employee, accused or witness, in its entirety by the interviewer, and will be signed by the employee, prior to obtaining a statement for any allegation being investigated by the investigating authority.

I am aware that I will be **dismissed** for a Sustained violation of APD.SOP.2010, "Employee Work Rule" 4.1.03 (Truthfulness) which reads:

"Employees will be truthful in their written and spoken words at all times."

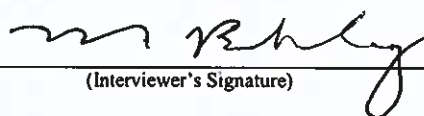
Do you understand this statement? Yes No

Ofc. K. Craddock (7546)
(Employee's Printed Name)


(Employee's Signature)

8/16/23 13:01
(Date/Time)

Sgt. M. Buckley
(Interviewer's Printed Name)


(Interviewer's Signature)

08/16/23 @ 1301 hrs.
(Date/Time)

(Witness Representative's Printed Name)

(Witness/Representative's Signature)

(Date/Time)

Evidence Title: 23-C-0332-UAF - Ofc. K. Craddock employee statement to OPS on 081623.WMA

This transcript has been verified by Buckley, Michael (4346)

This transcript starts at Aug 16, 2023 3:02 PM -04:00 and is 7m 54s in length

1 [03:02 PM / 00:00]

2 **Sgt. Buckley / OPS:** All right, today is August 16th, 2023. The time is 1:03 PM. I'm Sergeant Michael
3 Buckley, Atlanta Police Department, Office of Professional Standards. We're at the OPS office at 185
4 Ted Turner. This interview is in reference to OPS control number 23-C-0332-UAF. Please state your
5 name for the record and spell it.

6
7 [03:02 PM / 00:27]

8 **Ofc. K. Craddock:** Officer Kelsey Craddock. K-E-L-S-E-Y C-R-A-D-D-O-C-K.

9
10 [03:02 PM / 00:34]

11 **Sgt. Buckley / OPS:** And what is your unique ID number?

12
13 [03:02 PM / 00:36]

14 **Ofc. K. Craddock:** 7546.

15
16 [03:02 PM / 00:39]

17 **Sgt. Buckley / OPS:** Approximately how long have you been a sworn officer of the Atlanta Police
18 Department?

19
20 [03:02 PM / 00:43]

21 **Ofc. K. Craddock:** Uh, approximately four years.

22
23 [03:02 PM / 00:46]

24 **Sgt. Buckley / OPS:** I am Sergeant Michael Buckley of the Atlanta Police Department. You're being
25 questioned as a witness in an, in an official investigation by the department. And you do not have a
26 representative with you at this time, is that correct?

27
28 [03:03 PM / 00:57]

29 **Ofc. K. Craddock:** That's correct.

30

31 [03:03 PM / 00:58]

32 **Sgt. Buckley / OPS:** And that's by your choosing?

33

34 [03:03 PM / 00:59]

35 **Ofc. K. Craddock:** That's by my choosing.

36

37 [03:03 PM / 01:01]

38 **Sgt. Buckley / OPS:** All employees must answer questions and make available relevant materials or
39 sworn statements concerning an investigation of allegations of employee misconduct when directed to
40 do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation
41 but cannot delay questioning for more than three hours beyond the time he or she was notified of the
42 questioning. Before we begin the interview, you need to be aware that except as authorized or
43 required, an employee shall not interfere with nor contact persons involved in an internal investigation
44 nor disclose or discuss with anyone except the designated departmental authority the existence or
45 facts of an internal investigation. This restriction will not be construed to prohibit an employee from
46 discussing any aspect of the investigation with his or her representative. Administrative statements
47 made by employees and evidence gained by reasons of such statements may not be used against
48 the employee in criminal proceedings involving the employee except in cases of perjury. Do you
49 understand what I've just explained to you?

50

51 [03:04 PM / 02:07]

52 **Ofc. K. Craddock:** Yes.

53

54 [03:04 PM / 02:09]

55 **Sgt. Buckley / OPS:** And I've shown to you and explained to you the awareness statement for
56 Truthfulness. Is that correct?

57

58 [03:04 PM / 02:13]

59 **Ofc. K. Craddock:** That's correct.

60

61 [03:04 PM / 02:14]

62 **Sgt. Buckley / OPS:** And you signed it and dated it indicating that you understand that it, that if you
63 are untruthful in this investigation you will be dismissed. Is that correct?

64

65 [03:04 PM / 02:22]

66 **Ofc. K. Craddock:** Correct.

67

68 [03:04 PM / 02:23]

69 **Sgt. Buckley / OPS:** What is your current rank and assignment with the Atlanta Police Department?

70

71 [03:04 PM / 02:26]

72 **Ofc. K. Craddock:** I'm an officer in the APEX Unit.

73

74 [03:04 PM / 02:29]

75 **Sgt. Buckley / OPS:** On June 13th, 2023, um, what was your assignment on that date and were

76 members of your assigned unit conducting a detail at the Allen Temple Apartments in zone, in Zone

77 One?

78

79 [03:04 PM / 02:42]

80 **Ofc. K. Craddock:** Um, I was a member of APEX and yes, there was a plain clothes detail going on

81 with Gangs.

82

83 [03:04 PM / 02:51]

84 **Sgt. Buckley / OPS:** Um, at any point did you assist Officer Potter and what did you assist him with?

85

86 [03:05 PM / 02:56]

87 **Ofc. K. Craddock:** Officer Potter was my partner that day. Um, we were, we were advised by the

88 plain clothes officers that there were about four to five black males smoking marijuana on the stoop, I

89 guess is what you would call it for lack of better terms. So when Officer Potter and I, he was driving, I

90 was in the passenger seat. When we pulled up and got out of the vehicle, they began to run, when

91 they ran, and by that time other officers were on scene as well. They ran through like the breezeway

92 of the apartment complex. I ran around the building just to see if I could catch different eyes. I was

93 also told you don't run, stay right behind him. So I went around the building. By then Officer Potter like

94 began to pass me and he was chasing an individual. I saw, after he, after I, excuse me, after I noticed

95 he was chasing him, I saw another guy cut up. I, I went that way. And then when I realized I, there

96 was no way I was gonna catch him, I came back down. I, Officer McCants kind of had met up with me

97 at that point and she ran down to assist Officer Potter. All I saw was that there was a male struggling

10-4-9

98 on the ground. Officer Potter was telling him to, you know, put his hands behind his back. Officer
99 McCants then went up, tried to like, assist with grabbing his hands. When I came down the hill, they
100 told me that the guy had a gun. I asked him where the gun was, he says in the, his front. So I just like,
101 they leaned him over. I grabbed a gun. I, it was a pistol with a clip, like clipped onto his pants.

102
103 [03:06 PM / 04:24]

104 **Sgt. Buckley / OPS:** Okay. So you physically removed the pistol from the arrestee's waistband?

105
106 [03:06 PM / 04:29]

107 **Ofc. K. Craddock:** Yes.

108
109 [03:06 PM / 04:29]

110 **Sgt. Buckley / OPS:** Was it, and it was not in a holster?

111
112 [03:06 PM / 04:32]

113 **Ofc. K. Craddock:** No. So it was just, it, they had like drilled a clip, I guess you could say. I don't
114 know. I don't know terminology. But they had, it was like a clip that you would like clip onto anything.
115 They had drilled it onto the side and it was just clipped onto his, uh, he had shorts on.

116
117 [03:06 PM / 04:49]

118 **Sgt. Buckley / OPS:** So the trigger guard and trigger of the gun wasn't covered with a holster or
119 anything like that?

120
121 [03:06 PM / 04:55]

122 **Ofc. K. Craddock:** No.

123
124 [03:07 PM / 04:56]

125 **Sgt. Buckley / OPS:** And it was visibly exposed in his waistband?

126
127 [03:07 PM / 04:58]

128 **Ofc. K. Craddock:** Yes.

129
130 [03:07 PM / 04:59]

131 **Sgt. Buckley / OPS:** And you removed it from his waistband?

132

133 [03:07 PM / 05:01]
134 **Ofc. K. Craddock:** I did. And I cleared it.
135
136 [03:07 PM / 05:02]
137 **Sgt. Buckley / OPS:** And it, was the gun loaded?
138
139 [03:07 PM / 05:04]
140 **Ofc. K. Craddock:** The gun was loaded, yes.
141
142 [03:07 PM / 05:05]
143 **Sgt. Buckley / OPS:** Uh, loaded magazine and loaded chamber?
144
145 [03:07 PM / 05:08]
146 **Ofc. K. Craddock:** I don't remember about the chamber, but it definitely had, it definitely had rounds
147 in it. And it was stolen.
148
149 [03:07 PM / 05:15]
150 **Sgt. Buckley / OPS:** Who determined it was stolen?
151
152 [03:07 PM / 05:16]
153 **Ofc. K. Craddock:** I, um, I ran it on AC... either, either Officer Raston or myself ran it on ACIC. I'm not
154 sure, but I know it was stolen outta South Fulton, I believe.
155
156 [03:07 PM / 05:26]
157 **Sgt. Buckley / OPS:** And when you first got to the location where, uh, Officer Potter and Officer
158 McCants were attempting to, uh, detain the subject, did what, did you, you observed him physically
159 resisting at that point, or what did you observe when you first got there?
160
161 [03:07 PM / 05:46]
162 **Ofc. K. Craddock:** Officer Potter was trying to like, get him in handcuffs and the guy had, I don't, I
163 don't remember what was going on with his right arm, but his left arm was under him, like in front of
164 him. And they said he was trying to reach for a gun. So his right, his, when I, when I first came down,
165 his right arm was under him by the time Officer McCants got down there, which was seconds before I
166 did, his arm was out. And so then when they told me that he had a gun, that's when I got it.

167
168 [03:08 PM / 06:14]

169 **Sgt. Buckley / OPS:** So his arm was under him near where his firearm was being carried?

170
171 [03:08 PM / 06:17]

172 **Ofc. K. Craddock:** Yes.

173
174 [03:08 PM / 06:18]

175 **Sgt. Buckley / OPS:** Okay. Do you know the identity of the male? Did you know, were you guys
176 familiar with him?

177
178 [03:08 PM / 06:23]

179 **Ofc. K. Craddock:** I, I had never seen him. I'm still pretty new to the unit though, so.

180
181 [03:08 PM / 06:27]

182 **Sgt. Buckley / OPS:** Did you observe that, um, any point Officer Potter strike him?

183
184 [03:08 PM / 06:32]

185 **Ofc. K. Craddock:** I didn't see any striking. He, the, the guy mentioned it, but I didn't see anything.

186
187 [03:08 PM / 06:38]

188 **Sgt. Buckley / OPS:** Did you notice that the male received any injuries?

189
190 [03:08 PM / 06:42]

191 **Ofc. K. Craddock:** Um, I know that he had like some scrapes. He complained that, he complained a
192 lot of different things was hurting 'cause I actually was down at Grady with him. He said that his jaw
193 hurt. He said that his hip hurt and he some, something with his leg he was saying was hurting as well.

194
195 [03:09 PM / 06:57]

196 **Sgt. Buckley / OPS:** But no visible injuries that you recall?

197
198 [03:09 PM / 07:02]

199 **Ofc. K. Craddock:** I don't remem... if there may have been like some scrapes or something like that,
200 but I didn't see anything visible, no.

201
202 [03:09 PM / 07:10]

10-7-9

203 **Sgt. Buckley / OPS:** Um, is there anything you would like to add to your statement regarding this
204 matter?

205
206 [03:09 PM / 07:14]

207 **Ofc. K. Craddock:** No.

208
209 [03:09 PM / 07:15]

210 **Sgt. Buckley / OPS:** Did you understand all of the questions I asked you today?

211
212 [03:09 PM / 07:17]

213 **Ofc. K. Craddock:** Yes.

214
215 [03:09 PM / 07:18]

216 **Sgt. Buckley / OPS:** Have you been truthful in your statement?

217
218 [03:09 PM / 07:20]

219 **Ofc. K. Craddock:** Yes.

220
221 [03:09 PM / 07:21]

222 **Sgt. Buckley / OPS:** And are you aware this is an open and ongoing investigation and you are not to
223 discuss this case with anyone other than your attorney union, union representative or a peer
224 representative?

225
226 [03:09 PM / 07:31]

227 **Ofc. K. Craddock:** Yes.

228
229 [03:09 PM / 07:31]

230 **Sgt. Buckley / OPS:** And be advised that should it become necessary in this investigation, you may
231 be directed to submit a, submit to a computer voice stress analyzer exam per APD SOP 3120. Do you
232 acknowledge this as an official notification?

233
234 [03:09 PM / 07:46]

235 **Ofc. K. Craddock:** Yes.

236
237 [03:09 PM / 07:48]

238 **Sgt. Buckley / OPS:** Okay. And it is 1:10 PM and this is going to conclude your employee statement.

239

10-9-9



CITY OF ATLANTA

Andre Dickens
Mayor

226 Peachtree Street SW
Atlanta, Georgia 30303
(404) 546-6900

Darin Schierbaum
Chief of Police

August 18, 2023

Sheena Weaver
105 Allen Temple Court NW
Atlanta, GA 30311

RE: OPS Complaint File #23-C-0332-UAF

Ms. Weaver,

This office is currently conducting an administrative investigation into the actions of Ofc. M. Potter. The investigative file is still open due to:

_____ Pending Statement(s)
_____ Pending Document(s)-
 X Investigative Write-up
 X Command Review

If you require further detail concerning the progress of this investigation, please contact Sgt. M. Buckley at (404) 546-5945 between the hours of 8am and 4pm, Monday through Friday. The Office of Professional Standards is located at 185 Ted Turner Drive SW, Suite 2100, Atlanta, GA 30303.

Respectfully,

Sgt. M. Buckley
Office of Professional Standards

Cc: File



CITY OF ATLANTA

Andre Dickens
Mayor

226 Peachtree Street, SW
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
Darin Schierbaum
Chief of Police

October 4, 2023

Sheena Weaver
105 Allen Temple Ct
Atlanta, Ga 30311

RE: 23-C-0332-UAF

Dear Sheena Weaver,

Thank you for taking the time to express your concerns regarding the actions of Officer Melvin Potter.

The findings for each allegation are below:

Employee Name	Disposition	Rule	Discipline Issued
Officer Melvin Potter	Exonerated	2.50 Maltreatment or Unnecessary Force	None Issued

Definition of Findings:

Unfound	Exonerated	Exceptionally Closed	Not Sustained	Sustained
Complainant admits to false allegation, the charge is false or not factual, or the accused employee was not involved in the incident.	The incident occurred but the employee's actions were justified, lawful, and proper.	Reasons outside the Department's control prevent it from continuing or completing its investigation of a complaint, and/or from charging and prosecuting an accused employee when sufficient evidence exists to charge the accused employee. Examples may include: the employee resigns, dies, or is no longer employed by the Department.	There is insufficient evidence to sustain a finding that the employee committed the violation.	The investigative file provides sufficient evidence to support the finding that the employee committed the violation. If found sustained, the appropriate corrective actions have been taken against the employee.

This file will be available for your inspection, by **APPOINTMENT ONLY**, for a period of twenty-five (25) days at the Office of Professional Standards.

Thank you for bringing this matter to our attention and your continued interest in the Atlanta Police Department. If you have any questions concerning this complaint, please contact Lt. Burks (404)546-5945.

Sincerely,

Major C. Peek, Commander
Office of Professional Standards

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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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CITY OF ATLANTA

Andre Dickens
Mayor

226 Peachtree Street, SW
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
Darin Schierbaum
Chief of Police

October 25, 2023

Ofc. Melvin Potter

Unique ID #6603

CID/ APEX

RE: 23-C-0332-UAF

Dear SPO Dorn Lawrence,

The findings for each allegation are below:

Employee Name	Disposition	Rule	Discipline Issued
Officer Melvin Potter	Exonerated	4.2.50 Maltreatment or Unnecessary Force	None Issued

Definition of Findings:

Unfound	Exonerated	Exceptionally Closed	Not Sustained	Sustained
Complainant admits to false allegation, the charge is false or not factual, or the accused employee was not involved in the incident.	The incident occurred but the employee's actions were justified, lawful, and proper.	Reasons outside the Department's control prevent it from continuing or completing its investigation of a complaint, and/or from charging and prosecuting an accused employee when sufficient evidence exists to charge the accused employee. Examples may include: the employee resigns, dies, or is no longer employed by the Department.	There is insufficient evidence to sustain a finding that the employee committed the violation.	The investigative file provides sufficient evidence to support the finding that the employee committed the violation. If found sustained, the appropriate corrective actions have been taken against the employee.

This file will be available for your inspection, by **APPOINTMENT ONLY**, for a period of twenty-five (25) days at the Office of Professional Standards.

Thank you for bringing this matter to our attention and your continued interest in the Atlanta Police Department. If you have any questions concerning this complaint, please contact Lt. Burks (404)546-5945.

Sincerely,

Major C. Peek, Commander
Office of Professional Standards