



**Police Department**

420 West Trinity Place

P.O. Box 220

Decatur, Georgia 30031

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info@decatur-ga.com ■ <http://www.decatur-ga.com>

January 30, 2014

Mr. Don Denard  
714 South Candler Street  
Decatur, GA 30030

Dear Mr. Denard,

I have completed my review of the investigation into your concerns that you were subject to racial profiling by staff of the City of Decatur Police Department. The investigation was conducted by Captain W.S. Richards and reviewed by Deputy Chief J.K. Lee before it was forwarded to me. A copy of the investigative file is enclosed for your detailed review and for your records. I apologize for any embarrassment you might have suffered due to this incident, as that was certainly not our intent.

There were extenuating circumstances that contributed to the situation. During previous holiday seasons there had been a number of burglaries and entering autos in the 600-1100 blocks of South Candler Street and in addition we had increased activity in the general Winnona Park and South Candler Street area throughout 2013. A general description of the types and numbers of activity that had occurred is included as part of the "Holiday Patrol Detail" report that is enclosed. This will provide you with some additional background in regards to our patrol response.

Based on our previous experience, we initiated a specific detail whose primary function was to undertake plain clothes patrol and surveillance of the neighborhood in an attempt to prevent potential criminal activity and to be able to immediately respond in case something happened. As part of the special detail, officers were relying on their professional training and experience to particularly look for specific suspicious behavior indicators consistent with typical actions shown by people engaged in burglaries and entering autos. Unfortunately, the patterns that Investigator Hall was looking for were present as she saw you leaving your house.

Officers are required to investigate suspicious activity daily and in most incidents, their suspicions are dispelled and no further action is taken. I believe that to be the case in this incident. There was a reasonable suspicion to stop you based upon Inv. Hall's observations which were that she saw you walking from the rear or side area of the residence where no vehicles were visible from her vantage point. Inv. Hall stated she watched you to determine if you were the resident and were going to the mailbox. When you bypassed the mailbox and proceeded to walk away from the residence, she decided to investigate further.

She knocked on the front door of your residence and got no response. She saw unopened mail lying on the porch and then walked up the driveway to the rear of the house. She then observed the rear door to the house was ajar. Only after observing the open door did she contact patrol officers to attempt to locate the person she saw leaving the location. The audio tape between Inv. Hall and radio dispatch confirms these actions.

Officer Tavius Brown contacted you based upon Inv. Hall's suspicious person look-out. Officer Brown stated that once you identified yourself as the resident of the home, he notified you of the open door and offered you a ride to check your residence. You declined his offer and the encounter ended after approximately one minute.

Given the totality of the circumstances, Inv. Hall had a reasonable basis to issue a suspicious person look-out. Officer Brown had reason to stop and contact you. In hindsight, your actions were entirely innocent, but neither Inv. Hall nor Officer Brown had that knowledge. I do not believe, nor have I seen, any evidence to suggest your race was the basis for this stop. There does not appear to be any record that indicates you were treated disrespectfully or were threatened with arrest or any other type of legal or criminal action. Based on the information in the investigation, the officers acted in accordance with City of Decatur Police Department policies, standard investigative procedures, state and federal laws.

In your letter you also request that there be departmental training for "racial sensitivity." The City of Decatur Police Department has a long-standing policy that prohibits bias based policing. In addition, we conduct annual training on that policy. Since 2007, all newly hired police officers participate in mandatory training on "Biased Based Profiling". We also have conducted diversity training and strive to treat everyone we encounter professionally, courteously, and with empathy to their circumstances.

You are valued as a resident of the City of Decatur. I hope that even if you continue to disagree with what happened, you can see the reasons why you were stopped. Again we were trying to be proactive during the holiday season in an attempt to make your neighborhood safe. Unfortunately, the unintended consequence of that effort was we caused you to lose faith in our police department. This was unintentional and I hope that by reading the investigation in its entirety, you will have better understanding of exactly what occurred prior to us ever coming in contact with you that day. We value you as a person and a resident. Hopefully we can continue to build off of all of this and we can work together to restore your faith in us as a police department.

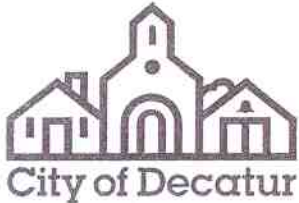
I would like to meet with you in person for a cup of coffee wherever it is convenient and comfortable for you. I can be reached at (678) 553-6618 or emailed at [mike.booker@decaturga.com](mailto:mike.booker@decaturga.com).

Sincerely,



J.M. Booker  
Police Chief  
Decatur Police Department





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**TO:** J.M. Booker  
Police Chief

**FROM:** J.K. Lee   
Deputy Police Chief

**DATE:** January 15, 2014

**RE:** Don Denard Complaint  
2013-00011

I have completed my review of the investigative file completed by Captain W.S. Richards in regards to the above described citizen complaint. After careful review, I concur with Captain Richards' findings. I based my decision upon the totality of the circumstances and evidence revealed in the investigation. A synopsis of information pertinent to my decision is as follows:

1. At the time of the incident Investigator Hall was working a special detail to address burglaries and entering autos in the area where the complainant resides. This special detail was due to documented crimes in the area.
2. Investigator Hall clearly explains the behavior of Mr. Denard, which first drew her attention, i.e., walking from the rear or side area of the residence where no vehicles were visible from her vantage point. Inv. Hall stated she watched Mr. Denard to determine if he was the resident and was going to the mailbox. When Mr. Denard bypassed the mailbox and proceeded to walk away from the residence, she decided to investigate further.
3. Investigator did not immediately stop Mr. Denard, but rather investigated her suspicions. In doing so, she attempted to contact the residents by knocking on the front door. Upon receiving no answer and seeing mail lying on the porch, Inv. Hall walked up the driveway to the rear of the residence. At this time she observed vehicles in a detached garage, but also observed the rear door was ajar. Only after observing the open door did she contact patrol officers to attempt to locate Mr. Denard. The audio tape of police radio traffic corroborates this timeline.
4. Officer Tavius Brown contacted Mr. Denard based upon Inv. Hall's observations. Officer Brown stated that Mr. Denard accused him of racial profiling almost immediately after the initial contact.
5. The duration of the entire encounter between Mr. Denard and Officer Brown was one minute and four seconds. Once Mr. Denard had dispelled the officer's suspicion he was free to leave. The officers even offered Mr. Denard a courtesy escort back to this residence to check on the open door.
6. At no time did officers search or touch Mr. Denard.

If you have any questions, please contact me.



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To: Deputy Chief Lee  
From: Captain W.S. Richards *WJR*  
Date: January 15, 2014  
Re: Complaint on Inv. Hall (IA#2013-00011)

On December 20, 2013, I was forwarded a citizen complaint. The complainant was a Don Denard. Mr. Denard's four page complaint was addressed to Chief Booker. The focus of Mr. Denard's complaint was that he believed he was racially profiled by Inv. Hall, Officer Brown, Officer Mack, and Sgt. Wragg on December 15, 2013. Mr. Denard stated Inv. Hall observed him leaving his residence located at 714 South Candler Street. Mr. Denard stated he was walking to the Kroger on Commerce Drive from his residence for exercise. Mr. Denard believed he was racially profiled during the stop and he felt publicly humiliated.

Mr. Denard went on to state that as he was walking on South Candler Street, Officer Brown stopped his patrol vehicle in the roadway and asked him, "Sir, where are you going?" Mr. Denard stated he replied to Officer Brown that he lived in the neighborhood and that Officer Brown did not need to know where he was going. Mr. Denard stated Officer Brown then got out of his patrol vehicle and walked toward him. Mr. Denard stated Officer Brown then demanded to see his identification. Mr. Denard stated he told Officer Brown he had no right to see his identification because he had done nothing wrong. Mr. Denard told Officer Brown he lived at 714 South Candler Street and that he was being racially profiled. Mr. Denard then stated two additional patrol vehicles pulled up with their lights flashing. Mr. Denard stated one of the officers was black and one was white. Mr. Denard stated he stood there with Officer Brown and the white officer (Sgt. Wragg) while the other black officer (Officer Mack) was standing by preventing him from leaving.

Mr. Denard stated Officer Brown rejected the fact that he felt he was being profiled. Mr. Denard stated that Officer Brown told him that if he did live at 714 South Candler Street then there was an investigator at his house and his back door was open. Mr. Denard told Officer Brown he did not believe that as he left from the side door and locked it behind him. Mr. Denard stated he then asked Officer Brown to get the investigator on the radio and allow him to speak to the person because he didn't believe what Officer Brown was telling him. Mr. Denard stated Officer Brown would not call the investigator on the radio but instead demanded to see his identification again. Mr. Denard stated



Officer Brown told him that if his house (Officer Brown's) had been burglarized then he would want the police to do what they were doing in order to catch a burglar. Mr. Denard stated he disagreed with Officer Brown's logic. Mr. Denard stated Officer Brown again demanded to see his identification and this time he reluctantly obliged. Mr. Denard stated the identification obviously showed he lived at 714 South Candler Street. Mr. Denard stated he then told Officer Brown he wanted to go to his residence to meet with the investigator. Mr. Brown stated Officer Brown volunteered to give him a ride, but Mr. Denard refused to get in the back of a police vehicle because he stated he would have been publicly humiliated even more.

Mr. Denard stated as he got near Green Street, a black unmarked car with tinted windows pulled up. Mr. Denard stated a young white woman, who he identified as Inv. Hall exited the vehicle. Mr. Denard stated Inv. Hall walked toward him offering her hand while saying, "Mr. Denard, I'm glad that was you I saw leaving your driveway." Mr. Denard stated he, Inv. Hall, and Officer Brown then discussed the incident. Mr. Denard stated Inv. Hall told him that she was on patrol and drove past his house as he was leaving the driveway. Mr. Denard stated Inv. Hall saw the mail that he had put on the front porch that he had planned to take inside upon his return from Kroger. Mr. Denard stated Inv. Hall then walked to the back of his house to continue to "look around." Mr. Denard then questioned why Inv. Hall came onto his private property, uninvited in the first place. Mr. Denard stated Inv. Hall told him she observed the back door not closed. Mr. Denard acknowledged that when he returned home he observed the door was not completely closed and it was slightly ajar. Mr. Denard stated Inv. Hall told him that upon observing the door open, she "called it in" and had Officer Brown stop him. Mr. Denard stated he thanked Inv. Hall for telling him what occurred and shook hands with her.

In his complaint, Mr. Denard stated he was convinced of the following:

1. He was found guilty by the Decatur Police officers of "walking while black." He believes that Inv. Hall felt he "did not fit" with the setting in which she saw him. Mr. Denard described the dark clothing that he was wearing. Mr. Denard believes that because of being black and the clothing that he was wearing in the Historic Agnes Scott district, it led to Inv. Hall's suspicion and his public humiliation. Mr. Denard stated that if Inv. Hall had a hunch that he was the owner, then she should have suggested to the officers to discreetly follow him to his next location.
2. Mr. Denard stated Officer Brown told him that racial profiling is not all bad while he was explaining that if his house was burglarized then he would be glad the police were stopping a suspect.
3. Mr. Denard stated the 4<sup>th</sup> Amendment guarantees "my right to be secure in my person from unreasonable searches." Mr. Denard stated for an armed police officer to demand to know where he is going and to demand to see his identification is "unreasonable and outrageous."

4. Mr. Denard stated that he believes the 9<sup>th</sup> Amendment guarantees him that he should be left alone and not publicly humiliated in his neighborhood by police officers when he did nothing wrong.

On December 23, 2013 at 1646 hours, I interviewed Inv. Hall in reference to the incident. After Inv. Hall told me what occurred during the incident, I asked her if she racially profiled Mr. Denard. Inv. Hall adamantly denied racially profiling Mr. Denard and stated that if she was given the same set of circumstances again and the individual was white, then she would not do anything different. Inv. Hall was then asked to write a written statement concerning the incident. Inv. Hall provided me with the written statement on December 24, 2013 at 1048 hours.

It should be noted the incident was previously brought to my attention on December 15, 2013 by Inv. Hall. Inv. Hall had informed me of the incident on that date because she believed Mr. Denard was not happy with the encounter. On that date, Inv. Hall was working a residential burglary / entering auto detail from 0800-1800 hours. The detail was a plain clothes assignment and Inv. Hall was utilizing her unmarked departmental issued vehicle, which is a black in color Ford Fusion.

The following is Inv. Hall's written statement detailing the incident:

*"On 12-15-2013 from 0800 hours through 1800 hours, I was on duty conducting holiday patrols of residential areas as part of a special detail. This was a plain clothes assignment, and I was using my City-issued, unmarked vehicle. The focus of the special detail was crime suppression, specifically entering autos and residential burglaries, and one of the target areas for patrol was the 600-1100 blocks of S. Candler St. based on prior incidents in the area.*

*At approximately 1345 hours, I was traveling northbound in the 700 block of S. Candler St. and was approaching Kirk Rd. As I slowed for the traffic signal, which was cycling from yellow to red, I glanced to my right (east) because I saw movement in my peripheral vision. I observed a man walking from the rear of the residence at 714 S. Candler St. and down the driveway toward the street. I didn't see any vehicles in the driveway, and it appeared no one was at home. The man was wearing all dark clothing, including a windbreaker/hoodie with the hood up and black gloves. He appeared to be adjusting his jacket near the waist, and he looked all around him as he walked. Based on my knowledge, training, and experience as a criminal investigator, and based on the precipitating factors which were the focus for the special detail, I was mindful that many burglary suspects target residences where it appears no one is at home. I was also aware that in many residential burglaries, smaller items such as jewelry and smaller electronics are often stolen because they are easily carried on a suspect's person.*

*I turned right (east) on Kirk Rd. and stopped to observe. The man appeared to walk directly toward the mailbox, which was on the west side of the street. I considered that he may have been the resident at 714 S. Candler St. and was simply checking his mail. As I continued to observe, however, he bypassed the mailbox and began walking northbound on the western sidewalk. He reached in his jacket pockets and again appeared to be adjusting something. I waited until he walked past Green St., in the event I needed to provide a last known direction of travel. I then turned around and parked my vehicle in the driveway of 714 S. Candler St. I notified radio that I was on a follow-up at that location, although, in retrospect, I should have used the term "location check".*

*I walked up the driveway and immediately noticed a stack of mail on the front steps. Leaves were on top of the stack of mail, which furthered my suspicion that the resident was out-of-town. I knocked on the front door and*



received no response. Through the glass of the front door, I could see no movement inside the residence, and no lights were on.

I proceeded back up the driveway to check the rear of the home to make sure it was secure. I then observed at least one (possibly two) vehicles parked in a detached garage in the rear. I also observed that the right French door on the rear of the home was ajar. Considering the totality of the circumstances, I believed a burglary may have been committed. I requested that the south patrol unit make contact with the person I'd seen leaving the residence. I provided a last known direction of travel and a detailed description: black male wearing all navy blue or black, wearing black gloves, last seen walking northbound in the 600 block of S. Candler St. I further advised that a burglary may have just occurred, as the rear door of the residence at 714 S. Candler St. was found to be open.

I returned to the front of the home and requested that radio check Records Management for a phone number for Don or Carolyn Denard or for 714 S. Candler St. I'd obtained these names from addressee portion of the letter at the top of the aforementioned stack of mail. Radio responded that a "Willie Denard" was located in Records Management. I asked Sgt. Wragg via radio if he could advise on the name of the suspicious person, as Sgt. Wragg and Ofc. T. Brown had just made contact with him further north on S. Candler St. Sgt. Wragg replied that male was determined to be the homeowner. I requested that Sgt. Wragg notify the homeowner that his rear door was open, and I left the scene.

When I heard Sgt. Wragg notify radio that he was back in service, I called him on his cell phone and explained my observations. Sgt. Wragg notified me that the homeowner was angry because of the police contact. Minutes later, Ofc. T. Brown notified me via radio that the homeowner was en route to 714 S. Candler St. to meet with me. I replied that I'd gone back in service. I then asked Ofc. T. Brown if the homeowner specifically requested to meet with me, and Ofc. T. Brown replied that he did. I notified Ofc. T. Brown that I'd be back en route to meet with the homeowner.

I located the homeowner walking southbound in the 600 block of S. Candler St. on the western sidewalk. I pulled my vehicle in ahead of him on Green St., exited, and extended my hand to him as he approached. At the time, I was wearing plain clothes, but I wore my departmental badge and lanyard. I introduced myself to him and told him I was glad it was determined he was the resident at 714 S. Candler St. Mr. Denard did not extend his hand in return and simply asked where I'd been when I'd first seen him. I explained to him all of the aforementioned details and circumstances which lead to his being contacted by Decatur Police. Mr. Denard asked, "You were in my yard?" I explained that when I'd found his rear door ajar, I became concerned that a burglary had just occurred. Ofc. T. Brown arrived at our location at this time. Mr. Denard asked if I'd shut his door, and I told him I did not, although I requested that the officers notify him it was open. Mr. Denard then extended his hand to shake mine and asked me to repeat my name. I shook his hand and again provided my name. He looked at Ofc. T. Brown and said, "And you're Officer Brown." Ofc. T. Brown replied that he was, and Mr. Denard turned and walked away.

At no time was I racially profiling Mr. Denard. It was a totality of the circumstances, and not solely one particular observation, that lead to my actions at 714 S. Candler St. on 12-15-2013. I take full responsibility for my actions based on the aforementioned observations and circumstances, as my actions were a result of my knowledge, training, and experience. I would take the same course of action, given the same observations and circumstances, regardless of the person's race or gender."

On December 24, 2013 at 0940 hours, I called Mr. Denard to notify him that I had received his complaint and that I would be the one investigating the incident. I asked Mr. Denard if he had anything to add to the complaint that he may not have mentioned. Mr. Denard stated at the time, he did not. I gave Mr. Denard my contact information and told him that if he had any questions to please call me.

On December 24, 2013 at 1022 hours, I requested the radio traffic for the incident from Lt. Woodward. The following is an exert of the radio traffic for the incident:

Inv. Hall: "540 to Radio."

Dispatch: "540."

Inv. Hall: "I'll be at 714 South Candler Street follow-up."

Dispatch: "714 South Candler."

Ofc. Brown: "566 clear."

Dispatch: "10-4."

Inv. Hall: "540 to the south unit."

Ofc. Brown: "566."

Inv. Hall: "10-4 can you 10-94 the 5 and 600 block of South Candler for a black male wearing what appears to be navy blue clothing, blue ball cap, and glasses wearing gloves. He may have just, uh, committed a 42 at 714. I got a signal 3 door on the rear."

Ofc. Brown: "10-4 in the area."

Sgt. Wragg: "All units go ahead and go to the area to circulate."

Ofc. Mack: "567 clear."

Ofc. Phillips: "570 copy."

Sgt. Wragg: "174 to 540 give that 78 out one more time please."

Inv. Hall: "Looks like he is wearing an, uh, navy blue wind suit uh solid navy blue kind of sheer fabric and he got a navy blue ball cap and glasses and looks like black gloves walking northbound on the west side of the street South Candler started in the 700 block."

Sgt. Wragg: "10-4."

Ofc. Phillips: "570 in the area."

Ofc. Brown: "566 10-7 300 block with subject."

Dispatch: "Radio is clear."

Ofc. Mack: "567 out."

Dispatch: "10-4."

Inv. Hall: "540 radio."

Dispatch: "540."



Inv. Hall: "Can you check in-house for 714 South Candler see if you can find a PX? The names may be Don and Carolyn Denard.

Sgt. Wragg: "174 to radio we'll be out in the 300 block with subject matching that 78."

Dispatch: "10-4."

Dispatch: "Radio to 540 you advise subjects last name will be Denard?"

Inv. Hall: "That's 10-4."

Dispatch: "10-4 I have a PX for a Willie Denard at that location."

Inv. Hall: "10-4. Break. 174 can you advise the subject's name?"

Sgt. Wragg: "10-4. Going to be the homeowner."

Inv. Hall: "10-4 will you advise him his rear door was signal three?"

Sgt. Wragg: "10-4."

Inv. Hall: "540 to Radio."

Dispatch: "540."

Inv. Hall: "I'll be 10-8."

Dispatch: "10-4."

Ofc. Phillips: "570 10-8 TOT."

Dispatch: "10-4."

Ofc. Mack: "567 10-8 TOT."

Dispatch: "10-4."

Ofc. Brown: "566, 540."

Inv. Hall: "Go ahead."

Ofc. Brown: "10-4 the 87 of the home is 10-76 to speak with you, uh, 59 near the (inaudible)."

Inv. Hall: "I'm 10-8."

Ofc. Brown: "10-4."

Inv. Hall: "566, is he requesting to speak to me?"

Ofc. Brown: "10-4, he wishes to speak with you."

Inv. Hall: "10-4, I'll be enroute."

On January 8, 2014, I interviewed Officer Brown in reference to the incident. Officer Brown stated he stopped Mr. Denard on South Candler Street based on the information he received from Inv. Hall. I asked Officer Brown specific questions based on Mr. Denard's complaint. I asked Officer Brown if he had his blue lights on when he went out with Mr. Denard, and he stated he did not think that he did. I asked Officer Brown about asking for Mr. Denard's identification. Officer Brown stated he did ask Mr. Denard to see his identification, but he only asked him one time, not the three times that Mr. Denard stated in his complaint. I asked Officer Brown if at any point Mr. Denard was prevented from leaving the scene and Officer Brown stated he was not. I asked Officer Brown if he remembered Mr. Brown complaining about being racially profiled and Officer Brown stated he did remember Mr. Denard stating that. I then asked Officer Brown if Mr. Denard asked to speak to Inv. Hall over the radio and he stated he did ask. However, Officer Brown stated he told Mr. Denard Inv. Hall was still at his residence and he could give him a ride to talk to her. Officer Brown stated Mr. Denard denied the ride and instead walked back to his residence. I also asked Officer Brown if he made a statement similar to that if it was his residence that had been burglarized then he would be happy for the police to be investigating. Officer Brown stated he did say something similar to that statement but he wasn't sure of his exact words. Finally, I asked Officer Brown if he made a statement indicating that racial profiling was not all bad. Officer Brown stated he never made that statement to Mr. Denard. Officer Brown also stated he completed a Field Interview Report of the incident in the police department's Records Management System on the day the incident occurred.

Officer Brown also provided a typed statement for the incident. The following is Officer Brown's written statement:

*"On December 15<sup>th</sup>, 2013 at approximately 1345 hours, I, Officer T. Brown (Badge #566 / Decatur PD) was sitting stationary within the 800 block of S. Candler Street operating laser. While doing so, Investigator Hall (Badge #540 / Decatur PD) informed me of a possible burglary that had just occurred at 714 S. Candler Street. Investigator Hall stated that the suspect was last seen walking northbound on S. Candler Street. Investigator Hall had also given a clothing description (I can't remember the given clothing description at the time of this statement). I began to travel northbound on S. Candler Street when I observed the subject walking northbound (west sidewalk) within the 300 block of S. Candler Street. I stopped my patrol car in the northbound lane. I did not activate my blue lights (I am unsure if I turned on my "left directional" lights or not for traffic that was approaching). I got out of my patrol car and began walking towards the male who was later identified as Mr. Willie Denard. Mr. Denard was still walking northbound as I was walking towards him. I got his attention by saying "excuse me sir". He turned around and looked at me as if he was confused while I was walking towards him. I identified myself to Mr. Denard and asked where he was coming from? He stated, "I'm coming from my house at 714 S. Candler Street and I feel that I'm being racially profiled" or words to that effect. Mr. Denard said that he "haven't done anything wrong" and asked why I was stopping him? At this time, I can't remember if I informed him that (1) he was free to leave but asked if he would show me his ID before he left or (2) if I asked if he would show me his ID then informed him that he was free to leave after it was provided. After I asked Mr. Denard if he would show me his ID, he asked why I wanted to see his ID. I informed him that I only wanted to see the address on his ID*



and informed him that I would be able to tell him more information after I verify his address. Mr. Denard handed me his Georgia ID and I saw his listed address as 714 S. Candler Street. I immediately gave his ID back to him (I don't believe I ran his OLN/Name/DOB through Decatur Dispatch/Radio).

I informed Mr. Denard that Investigator Hall (I believe I only said "investigator" and didn't mention a name) was at his home and the Investigator believed he had committed a burglary at 714 S. Candler Street without knowledge of him being the homeowner and this was the reason for DPD officers making contact with him. He asked why the Investigator thought he had committed a burglary? I informed him that I do not know what the Investigator observed but I at least knew his back door was open to his residence. Mr. Denard appeared to be upset that Investigator Hall was at his residence and was trying to figure out how she able to see his back door open. Mr. Denard also seemed to be upset and/or embarrassed that I was speaking with him as well. I apologized on behalf of Decatur Police Department if he felt offended about this particular incident. I informed him that an increase in burglaries had occurred in the area and officers were trying to take proactive efforts for decreasing burglaries. I informed him that officers had no knowledge of the residence being his residence. I also informed him that if this was a true burglary, he would've wanted DPD to take the appropriate actions to apprehend any suspects. Mr. Denard appeared to have been getting upset the more I spoke with him so Sgt. Wragg attempted to intervene. Mr. Denard seemed as if he didn't want to speak with Sgt. Wragg but continued to speak with me about the incident that had taken place.

Mr. Denard stated that he wanted to speak with Investigator Hall. I thought Investigator Hall was still at his residence so I told Mr. Denard that I would give him a courtesy transport to his residence if he wished so that he could speak with her. Mr. Denard refused for me to give him a courtesy transport and stated that he would walk back to his residence. I informed Investigator Hall via radio that Mr. Denard was coming back to his residence to speak with her. She informed me via radio that she had already left the residence. Investigator Hall was able to make contact with Mr. Denard on S. Candler Street (Unknown Block #). Investigator Hall and Mr. Denard had dialogue with each other but I do not know what the two of them spoke about. Mr. Denard then left and began walking towards the direction of his home.

Mr. Denard was never detained. He was never told that he was not able to leave and he never asked if he was free to leave. Mr. Denard was able to walk back towards his residence freely and voluntarily. At no point did I tell Mr. Denard that racial profiling was not all that bad."

On January 11, 2014, Sgt. Wragg provided a written statement of the incident. The following is Sgt. Wragg's written statement:

"On 12/15/13 at approximately 1345 hours, Sergeant Wragg, Officer Brown, and Officer Mack responded to the area of 714 South Candler Street in reference to a possible burglary which just occurred. Responding officers were alerted by Investigator Hall of a possible burglary at the previously mentioned residence. Inv. Hall advised via her radio, of a black male exiting the rear of 714 South Candler Street and walked northbound. Inv. Hall provided the following description of the subject: black male, wearing a light blue sweat or track suit with the hood pulled over his head, and black gloves. Inv. Hall, who was assigned to a plain clothes burglary detail at the time, stated she believed the subject may have committed a burglary at the aforementioned address. Inv. Hall went on to say she walked the perimeter of the residence and located an open rear door. Based on Inv. Hall's articulation of the incident, Sgt. Wragg believed a burglary occurred and asked all available City of Decatur Police units to circulate the area for the subject described by Inv. Hall. Sgt. Wragg then responded priority one (emergency equipment activated) to the area. A few moments later, Officer Brown advised over the radio he was out with the subject matching the description given by Inv. Hall in the 200 block of South Candler Street. Shortly after that, Officer Mack advised over the radio he was out with Ofc. Brown. Sgt. Wragg then deactivated his emergency equipment and continued to the location.

Upon arrival, Sgt. Wragg noticed Ofc. Brown's vehicle parked on the opposite side of the street from where Ofc. Brown and the subject, later identified as Willie Denard, were talking. Ofc. Mack's vehicle was parked on the same side of the street as Denard was traveling but approximately 30 feet in front of Denard and Ofc. Brown. Sgt. Wragg did not observe any emergency equipment activated on either patrol vehicle. As Sgt. Wragg exited his vehicle, he observed Denard standing in front of Ofc. Brown with his wallet in his hand. It appeared to Sgt. Wragg that Denard



*had his wallet out in order to produce his identification card. Sgt. Wragg does not remember hearing Ofc. Brown request or demand Denard's identification.*

*As Sgt. Wragg approached Ofc. Brown and Denard, he heard Ofc. Brown apologize to Denard. Ofc. Brown stated something to effect of "we had no idea you were the homeowner." Sgt. Wragg then attempted to intervene in the conversation. Sgt. Wragg introduced himself to Denard and attempted to explain the circumstances of why the police made consensual contact with him. Sgt. Wragg explained a plain clothes officer observed him coming from behind his house, wearing a hood over his head and black gloves and then walk up the street. The officer's suspicions were heightened, so she decided to check the rear of his residence. Upon inspection, the investigator located an open rear door to his residence, which made the investigator believe a burglary just occurred. Sgt. Wragg reiterated Ofc. Brown's apology and also stated, "The police were just trying to lookout for you". Denard responded by saying, "How can she (Inv. Hall) be looking out for me? She just saw a black man and assumed I didn't belong." Sgt. Wragg then stepped back from the conversation to speak with Inv. Hall via cell phone. It was then confirmed through Denard's identification and mail at the residence that Denard was in fact the resident of 714 South Candler St. Denard then requested Ofc. Brown raise Inv. Hall on the radio. Ofc. Brown stated Inv. Hall was still currently at his residence. Ofc. Brown then asked if Denard would like a ride back to meet with her. Denard denied the courtesy transport to his residence, electing instead to walk. At no point during the incident did Sgt. Wragg hear Ofc. Brown make any unprofessional comments to Denard."*

In reviewing the in-car video cameras for December 15, 2013, I located an in-car video of the incident from Officer Mack's patrol vehicle, Unit 1039. Officer Mack responded to assist Officer Brown when he radioed that he was out with Mr. Denard. Officer Mack's in-car video from Unit 1039 is on as he is responding to Officer Brown's stop location. At 13:48:24 hours, you can hear Officer Brown notify Dispatch that he was out with Mr. Denard. At 13:48:41 hours, Officer Mack pulls his vehicle onto the curb along South Candler Street. You can see Officer Brown's patrol vehicle, Unit 1040, stopped in the northbound lane of travel on South Candler Street. From the video it doesn't appear that Officer Brown had his front or rear blue lights activated while the vehicle was in the lane of travel. Also, there is no reflection of the blue lights coming off of the vehicles that pull behind Officer Brown's vehicle to indicate he had his rear blue lights activated. The recording screen for Unit 1039 does not indicate Officer Mack's blue lights were on. You can then see Officer Brown standing on the southbound side of the sidewalk talking to Mr. Denard. Officer Brown is seen standing south of where Mr. Denard is standing, thus not preventing Mr. Denard's movement. As Officer Mack approaches Mr. Denard and Officer Brown, he stands north of where they are standing. Officer Mack has his body microphone activated and you can hear Officer Brown tell Mr. Denard, "O.K. Sir I'm telling you right now we have an investigator at your house right now. (Inaudible) When she arrived there your back door was open. That's what's going on." Mr. Denard then replies but his words are inaudible. Officer Brown then replies, "O.K. let's go there, you want me to give you a ride there? Mr. Denard replies, "No, I'll walk."

At 13:49:20 hours, the video shows Sgt. Wragg pulling up in his patrol vehicle, Unit 1025. Sgt. Wragg pulls his patrol vehicle along the sidewalk and in front of Officer Mack's patrol vehicle. Sgt. Wragg's patrol vehicle does not have its blue lights activated. Officer Mack then walks back to Sgt. Wragg and tells him, "From what I've heard he is saying he is the homeowner where Hall is at now." Sgt. Wragg then walks up to Officer Brown and Mr. Denard. Officer Mack then moves Officer Brown's patrol vehicle out of the roadway and out of site.

After moving the patrol vehicle, Officer Mack walks back to Mr. Denard and the other officers. You can hear Mr. Denard explaining that he came out of the side door. Sgt. Wragg tells Mr. Denard maybe it was the side door, "I'm not there, I don't know." Sgt. Wragg then tells Mr. Denard that we (the police) thought somebody had broken into your house. You can then hear Sgt. Wragg trying to explain to Mr. Denard why he was stopped. You can then hear Officer Brown tell Mr. Denard, "Just trying to



help, Sir." Mr. Denard then questions how Inv. Hall could see his back door and states, "I don't get it. I don't get it. I'm actually offended by it." Officer Brown is then heard telling Mr. Denard, "O.K. well I apologize." Mr. Denard is then heard stating, "It's a presumption of guilt. (Inaudible) and I don't appreciate it. I pay taxes here." Officer Brown is then heard telling Mr. Denard, "We had no idea you were the homeowner, I apologize." Sgt. Wragg is then heard telling Mr. Denard that Inv. Hall was just looking out. Mr. Denard questions that statement asking, "How is she just looking out? (Inaudible) She saw me coming out and I guess she assumes I am a black person coming out (inaudible). At 13:51:51 hours, Officer Mack walks a couple of steps away from Officer Brown, Sgt. Wragg, and Mr. Denard and you can't make out what they are saying. At 13:53:45 hours, Officer Mack goes back in service.

On January 15, 2014, Officer Mack provided a written statement of the incident. The following is Officer Mack's written statement:

*On 12/15/2013 at approximately 1348 hours, I responded to the 400 block of S. Candler Street, to assist Officer T. Brown #566 with a suspicious person incident. When I arrived on scene, I parked my patrol car alongside the curb of S. Candler Street, facing southbound. I activated my rear directional strobe lights, to prevent any traffic congestion. I exited my patrol car and began to approach Officer Brown and Mr. Denard. During my approach, I observed Officer Brown speaking with Mr. Denard. During my observation, it appeared that Mr. Denard was upset and confused, based on his body language.*

*I heard Officer Brown explain to Mr. Denard, the reason for police stopping him. Officer Brown advised Mr. Denard, that Investigator A. Hall #540 found an open back door at 714 S. Candler Street, and that he was seen leaving from that location. Once Mr. Denard heard the address, he advised Officer Brown that the 714 S. Candler Street address was his residence. Mr. Denard began to question Officer Brown, as to why Investigator Hall was at his residence.*

*After hearing that the home belonged to Mr. Denard, Officer Brown requested Mr. Denard's drivers license to confirm, that Mr. Denard was the homeowner of 714 S. Candler Street. Initially, Mr. Denard refused to provide Officer Brown with any identification, but after Officer Brown explained the reason why, Mr. Denard provided his driver's license. After Officer Brown reviewed the license, Mr. Denard felt that he was being racially profiled. Officer Brown stated to Mr. Denard, the reason as to why he was being stopped, and that the stop had nothing to do with his race.*

*Mr. Denard stated he wanted to speak with Investigator Hall, and Officer Brown offered to give Mr. Denard a ride home. Mr. Denard's freedom or liberty to leave the scene was not restricted by me or Officer Brown. I heard Officer Brown repeatedly explain to Mr. Denard, the reason as to why he was being stopped, and that he was not being racially profiled.*

In Officer Mack's written statement, he indicates he activated his vehicle's rear directional strobe lights as he pulled along the sidewalk. In reviewing the in-car video from Unit 1039 again, the recording screen never indicates the blue lights were activated. If Officer Mack had just activated the rear blue lights and not the front blue lights, then it would not be indicated on the recording screen that the lights were activated. However, when questioned, Officer Mack stated he always activates all the blue lights and then toggles the switch back one notch when just leaving the rear blue lights activated. During the course of the video, the video screen does not indicate that Officer Mack activated his blue lights and then toggled it back to just activate the rear blue lights. Therefore, it is not certain if Officer Mack had his rear blue lights activated.

The investigation has found the following:

On December 15, 2013, Inv. Hall was working a residential patrol detail in her unmarked vehicle. The detail was in place from November 22, 2013 – January 2, 2014. The times for the detail were from 0800-1800 hours. Inv. Hall's focus was specifically targeting entering autos and residential burglaries. During previous burglaries, the suspects had stolen electronics and jewelry. One of the targeted areas for the detail was the 600 to 1100 blocks of South Candler Street.

At approximately 1345 hours, Inv. Hall was traveling northbound on South Candler Street in the 700 block. Inv. Hall slowed for the traffic signal and observed Mr. Denard walking from the rear of the residence and down the driveway toward the street. It appeared to Inv. Hall there were no vehicles in the driveway. Inv. Hall observed Mr. Denard adjusting his jacket near his waist and she also observed him looking around as he walked. Based on Inv. Hall's training, knowledge, and experience while being a police officer as well as a criminal investigator, she is fully aware that most often burglary suspects will target residences where no one is home. Inv. Hall is also fully aware that in many residential burglaries small items such as jewelry, electronics, currency, etc. are often stolen because they can be concealed by the suspect easier than larger more bulky items.

As Inv. Hall continued to observe Mr. Denard, she noticed him walking toward the mailbox and she thought he may be homeowner. Inv. Hall observed Mr. Denard walk past the mailbox and at one point he again reached into his jacket and appeared to be adjusting something. As Mr. Denard walked up South Candler Street, Inv. Hall parked her vehicle and exited. Inv. Hall notified Dispatch that she would be out at 714 South Candler Street. Inv. Hall walked up the driveway and noticed mail on the front steps. Inv. Hall noticed leaves on top of the mail which led her to believe the mail had been there awhile and the resident was possibly not at home. Inv. Hall knocked on the front door and did not get anyone to come to the door. Inv. Hall looked inside the residence through the door and did not see anyone inside or any lights on inside the residence. Inv. Hall then went to the rear of the residence to check it. It was at that time, that Inv. Hall observed one or two vehicles parked in the detached garage. Inv. Hall then checked a set of French doors on the rear of the residence and discovered it was ajar. Inv. Hall had legal authority to enter onto Mr. Denard's property to investigate Mr. Denard's suspicious behavior. Believing that a burglary could have occurred, Inv. Hall requested via radio that the south side patrol unit make contact with Mr. Denard as she found the rear door open. Inv. Hall did not ask for officers to stop Mr. Denard until after her observations at the residence. The actions she stated she took are supported by the radio traffic for the incident.

Based on Mr. Denard's complaint, he feels as though he was racially profiled and publicly humiliated as a result of being stopped. Also, as a result of the incident, Mr. Denard has concluded the following:

1. He was found guilty by the Decatur Police officers of "walking while black." He believes that Inv. Hall felt he "did not fit" with the setting in which she saw him. Mr. Denard described the dark clothing that he was wearing. Mr. Denard believes that because of being black and the clothing that he was wearing in the Historic Agnes Scott district, it led to Inv. Hall's suspicion and his public humiliation. Mr. Denard stated that if Inv. Hall had a hunch that he was the owner, then she should have suggested to the officers to discreetly follow him to his next location.



2. Mr. Denard stated Officer Brown told him that racial profiling is not all bad while he was explaining that if his house was burglarized then he would be glad the police were stopping a suspect.
3. Mr. Denard stated the 4<sup>th</sup> Amendment guarantees "my right to be secure in my person from unreasonable searches." Mr. Denard stated for an armed police officer to demand to know where he is going and to demand to see his identification is "unreasonable and outrageous."
4. Mr. Denard stated that he believes the 9<sup>th</sup> Amendment guarantees him that he should be left alone and not publicly humiliated in his neighborhood by police officers when he did nothing wrong.

I will now address Mr. Denard's concerns. Based on my investigation, I find that Inv. Hall had articulable reasonable suspicion to stop Mr. Denard. Articulable reasonable suspicion is a legal standard in United States law. Articulable reasonable suspicion or A.R.S. is a set of facts or circumstances which a reasonable and prudent officer suspects, based on their knowledge, training, and experience, that criminal activity is being or is about to be committed by the person under suspicion. The suspicion must be more than a mere hunch and is based on a set of articulable facts and circumstances. It is the basis for an investigatory stop or Terry stop by police and requires less evidence than probable cause. If reasonable suspicion exists, then an officer may briefly detain a person for investigation. Based on Inv. Hall's observations of Mr. Denard, her observations while at his residence, and the fact that the location, date and time of the incident were within the targeted time frame of previous burglaries, Inv. Hall was within her legal authority to ask officers to stop Mr. Denard. The stop was not based on the color of Mr. Denard's skin, but instead based on his behavior and what Inv. Hall discovered at the residence.

In addressing Mr. Denard's second concern, my investigation revealed that Officer Brown denies ever telling Mr. Denard that racial profiling is not all bad. Officer Brown did acknowledge that he told Mr. Denard something to the fact that if a burglary occurred at his residence then he should be glad the officers were stopping a suspect.

In addressing Mr. Denard's third concern, my investigation revealed that officers did not violate Mr. Denard's 4<sup>th</sup> Amendment rights. Mr. Denard states the 4<sup>th</sup> Amendment guarantees "my right to be secure in my person from unreasonable searches." Mr. Denard states it was "unreasonable and outrageous" for an armed police officer to demand to know where he was going and to demand to see his identification. When Officer Brown stops Mr. Denard, Officer Brown positions himself in such a manner as to not obstruct Mr. Denard's movement. Mr. Denard's person was not searched at any point during the stop. Officer Brown was simply conducting an investigative stop and/or field interview with Mr. Denard. An officer is allowed to detain a person for a "reasonable" period of time in order to conduct his investigation, and the brief detainment must be based on articulable reasonable suspicion. According to Officer Mack's in-car video, Officer Brown calls out over the radio that he is out with Mr. Denard at 13:48:24 hours. At 13:49:28 hours, you hear Officer Brown asking Mr. Denard if he wants a ride to his residence. It is 1 minute and 4 seconds from the time Officer Brown stopped Mr. Denard to the time he offers to give Mr. Denard a ride to his residence. It would be reasonable to assume that even prior to that time, Mr. Denard had dispelled their suspicions and the investigative stop was concluded. Thus, Mr. Denard's detainment was reasonable.

In addressing Mr. Denard's fourth concern, my investigation revealed the officers were well within their legal right to stop Mr. Denard and investigate Inv. Hall's suspicions. Officer Brown stopped Mr. Denard and two additional officers responded. Officer Mack was his backup officer and Sgt. Wragg was the patrol supervisor. Believing they were stopping a burglary suspect, it is not uncommon to have more than two officers on scene. Mr. Denard also believes he was humiliated by the patrol vehicles flashing lights. I can't fully determine whether or not Unit 1039 had the rear blue lights on during the encounter. However, it is common practice for an officer to activate the patrol vehicle's rear blue lights to notify approaching motorist a portion of the vehicle is in the roadway and to use caution as they pass.

Based on my investigation of the incident, I find that Officer Hall, Officer Brown, Officer Mack, and Sgt. Wragg followed departmental policies and no violations occurred. This incident is closed and marked as unfounded.



December 16, 2013



Police Chief Mike Booker  
Decatur City Police  
Wells Fargo Building  
250 E. Ponce De Leon Ave., Suite T-130  
Decatur, GA 30030

Subject: Internal Affairs Complaint

Dear Chief Booker:

My name is Don Denard. My family and I have lived in the City of Decatur for about 27 years at 714 South Candler Street near the intersection of South Candler and Kirk Road. Prior to that, we lived at 431 East Pharr Road, also in the City of Decatur, beginning in 1981.

I am a 63-year old Black male citizen writing to you because I was racially profiled by Special Investigator Hall, uniformed patrol Officer Brown, and two other uniformed Decatur City police officers this past Sunday, December 15, 2013 at about 2:45P. I was walking from my home on South Candler to the Kroger on Commerce Street as part of my exercise and was stopped by Officer Brown based on information he received from Special Investigator Hall. Please consider this letter as a formal police internal affairs complaint filed by me based on racial profiling and public humiliation by 4 officers, three of whom pulled up in patrol cars with lights flashing and confronted me as I stood there on the sidewalk on my street in my neighborhood.

Appointed by the Decatur City commission to the school board for the City Schools of Decatur in 1989, I later became an elected public official when the constitution of the State of Georgia was changed and served on the school board until 1997. I am a law-abiding citizen who pays Decatur City taxes, and I am employed by The Carter Center as Associate Director of Finance.

#### What Happened

Officer Brown stopped his northbound patrol car in the middle of the street at Bruton Street and South Candler Street at about 2:45P this past Sunday as I was walking northbound on South Candler on the sidewalk on the west side of the street. He rolled down the window of his patrol car in the middle of the street traveling northbound. He called out to me, across the southbound lane of South Candler, "Sir, where are you going?" I told him I live in this neighborhood and that he did not need to know where I was going.

At this point, he got out of his car, left it in the street in the northbound lane, and walked toward me. Passing cars had to drive around his parked patrol car that was pointing north. Two more patrol cars traveling southbound on South Candler drove up with lights flashing, stopped, and parked on the curb pointing southbound.

Officer Brown, a Black man, demanded to see my ID. I told him he had no right to demand to see my ID because I had not done anything wrong. I told him I live at 714 South Candler Street and that he was racially profiling me. About this time, the two other arriving officers, one White, one Black, were out of their cars and joined in the spectacle that had been created. I stood there confronted by Officer Brown and the White officer with the other Black officer standing by thus preventing me from leaving. Cars were passing the scene going in both directions on the busy street. I told Officer Brown that he was racially profiling me and that this was exactly the issue that I had just finished reading about in a book titled *The Presumption of Guilt* by Charles Ogletree, a law professor at Harvard who wrote about the issue I was

experiencing at that moment – racial profiling. This occurred on my street, in my neighborhood while I was minding my own business.

The book deals with Professor Ogletree's defense of Harvard Professor Henry Louis Gates, one of my wife's friends, who was jailed by Cambridge, Massachusetts police on the front porch of his home a few years ago. This was a national story that resulted in the infamous "White House beer summit."

Officer Brown rejected my accusation that I was being racially profiled telling me that, if I live at 714 South Candler Street, there is a "special investigator" at my house now and that my back door is open. I told him I don't believe that as I exit from the rear of the house, that I left by the side door, and that I locked the door. I asked him to get the investigator on his radio and let me speak with the person because I didn't believe what he was saying. He wouldn't do that and again demanded my ID despite my initial response to his demand. He said to me that, if my house had been burglarized, I would want them to be doing what they were doing in terms of stopping me as this would help catch a burglar. Of course, I disagreed with his reasoning and justification. He demanded again that I show him my ID. I reluctantly produced my ID, realizing that when an armed, badge-wearing officer of the law tells you to do something, it is a demand made on behalf of a sovereign. The ID obviously proved that I live at 714 South Candler. I told him I wanted to go to my house to see this special investigator to see what the situation was. Officer Brown asked if I wanted a ride, however, I was not about to sit in the back of his patrol car and further my humiliation and degradation. I turned to walk back home.

#### Special Investigator Hall

As I reached the corner of Green Street and South Candler, a black unmarked car with tinted windows turned off South Candler onto Green Street and stopped. This was Special Investigator Hall, a young White woman. She got out of her car, walked toward me, and offered her hand saying, "Mr. Denard, I'm glad that was you I saw leaving your driveway." What I understood her to mean was that she was glad that I was the homeowner that she had seen, not a burglar.

However, what she told me next establishes the veracity of my claim that I was racially profiled.

Officer Brown drove up and the three of us (Brown, Hall, and I) stood there talking at the corner of Green and South Candler, about 150 feet from my house. I asked Special Investigator Hall what happened. She said, in so many words, that she was on patrol and was driving past my house as I was leaving my driveway on foot. (Our house is on the east side of the street next to the northbound lane. To be safe, I crossed over to the west side of the street in order to walk facing the southbound traffic as I walked north.) From her account as to what happened, just by seeing me leave my own home, Officer Hall decided that something didn't seem right. So she stopped her unmarked police car and, without ever being called to my home or to the scene in general, she decided, on her own volition, to come onto my private property and walk up our driveway to, in her words, "look around."

She told me that she saw the mail I had left on the front porch steps, which I had done after taking the mail from the mailbox at the curb with the plan of taking it into the house upon my return from my walk up to Kroger. Special Investigator Hall said she then walked to the back of our house and continued to "look around." I'm sure she saw that there were two cars in the garage. The compelling question in my mind is "why did she come, uninvited, onto our private property in the first place?"

She said she saw that the back door...she gestured to describe the type doors, and I told her French doors. She said, "yes," the door was not closed. (When I finally got home, I saw that the one door that



opens was not completely closed. It was slightly ajar.) Seeing that, she "called it in" and apparently told the patrol officers to stop me, which Officer Brown did when I reached Bruton Street and South Candler.

I thanked her for telling me what happened, shook hands with her, and walked the 150 feet to my home. I went immediately to the back door and saw that the door was slightly ajar.

#### My Conclusions

I closed the back door firmly and decided to continue my walk up to the Kroger because I had not gotten in my exercise and this would give me a chance to think about the disturbing event that had occurred and what it meant. It occurred to me, first of all, that leaving the back door to my own home slightly ajar is not a crime. But then I wondered how my back door ever came to the attention of Special Investigator Hall, since she could not see that my back door was slightly ajar without first coming onto my private property.

The more I thought about it, the more convinced I became of the following conclusions:

[1] I was found guilty by the Decatur Police officers of "walking while Black." In the mind of Special Investigator Hall, I apparently "did not fit" with the setting in which she saw me. In addition, it was a cold day, so I was wearing a black baseball cap and lined navy blue sport pants and jacket...with a hood. I concluded that being Black and being dressed like that in the Agnes Scott Historic district of the City of Decatur was probably the cause of Special Investigator Hall's actions that led to my public humiliation. She probably could not imagine that I owned that house. If she had imagined that I could have possibly owned the house but still had a hunch that something was wrong, that I fit the profile of someone they were looking for, she might have suggested to the officers that this just might be the owner, so maybe they should follow me discreetly to see where I was going (instead of approaching me and foolishly demanding that I tell them where I was going and demanding to see my ID). If they had seen me go into the Kroger, come out with a couple of bags, and return to the house, case closed.

But that was not to be. When she called in the "suspicious person" and the "suspicious situation" alert to Officer Brown and the other officers and gave them the description of the person of interest, I guess I fit the profile of someone they should check out because, to them, I apparently looked like I could have burglarized the house that Special Investigator Hall had investigated based on her suspicions.

[2] Officer Brown contended essentially that, if my house had been burglarized, I would be glad that they were approaching a suspect, as they were approaching me, to try to apprehend him. Unbelievably, Officer Brown told me that racial profiling is not all bad. The problem with their reasoning is that the practices of the Decatur City Police officers on Sunday, December 15, 2013, at about 2:45PM on South Candler victimized a person like me, a 63-year old Black man who had done nothing wrong. This demonstrates the folly of thinking that racial profiling is an acceptable practice.

December 4, 1997 was declared "Don Denard Day" by the Decatur City Commission for my years of service on the school board. However, the luster of that honor bestowed on me as an elected public official wore off on December 15, 2013 due to the degrading experience I suffered at the hands of the police on my street, in my neighborhood, in the city of Decatur. The repeated demands from Officer Brown for my ID were eerily reminiscent of the infamous pass laws enforced against Blacks in South Africa during the apartheid era.

[3] The 4<sup>th</sup> Amendment guarantees my right to be secure in my person from unreasonable searches, so for an armed, uniformed police officer to demand to know where I'm going in my neighborhood and to demand to see my ID for no good reason is unreasonable and outrageous.


[4] My interpretation of the 9<sup>th</sup> Amendment is that it guarantees that I should be left alone and be protected from police officers publicly humiliating me in front of my neighbors (or total strangers) when I have not done anything wrong – unless you consider walking while Black and thereby causing a young White female officer and young Black and White male officers to jump to conclusions is doing something wrong.

I'm reminded of the publicized case of a White burglar in the Washington D.C area being interviewed and stating (I'm paraphrasing here) "thank God for racial profiling. Being White and keeping myself clean cut, whenever I finished a burglary, all I had to do was to make it to the sidewalk. I would be beyond suspicion if I could get to the sidewalk."

#### My Demands

- A. I demand a formal apology from Special Investigator Hall, Officer Brown, the two other officers who participated in my public humiliation, and from the Police Chief.
- B. I demand that the officers involved be punished in a tangible way for violating my right to be left alone, for going onto my property without proper cause, for wasting my time, for preventing me from going about my lawful activities, and for publicly humiliating and degrading me.
- C. More importantly, I demand that the City of Decatur establish a systematic process of on-going professional development and racial sensitivity training. The purpose would be to assist police officers in becoming smarter, broader in their thinking, more aware of the rights and realities of all people, and aware of their prejudices so that they can learn to behave with more sensitivity and be less prone to faulty reasoning and actions. We need smarter policing that leads to more safety, security, and law enforcement. Blackness is no more a negative than Whiteness is a positive.
- D. Finally, I demand for a copy of all police reports completed by all the police officers involved in this incident.

Sincerely,

  
Don Denard  
714 South Candler Street  
Decatur, GA 30030

Cc: Decatur City Commissioners



# Decatur Police Department

420 W TRINITY PL., DECATUR, GA 30030

## Field Interview Report

Contact Date/Time  
12/15/2013 1417

### Field Interview Location Information

Str # / Box	Dir	Street / Rt	Apt. / Ste.	City	State	Zip Code	Country
300		S CANDLER ST		DECATUR	GA	30030	USA
Jurisdiction	Common Place Name		Secondary Location		Neighborhood Name		
CITY OF DECATUR							
Sector / Beat	Zone / Pct	Geo / Grid	Ward	Latitude	Longitude		

### Vehicle

Veh. Year	Make	Model	Style	License Number	State
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### Property

Type	Quantity	Description	Value
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### Person Information

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
DENARD, WILLIE	B	M		63	N		

### Addresses

Type	Street	City	State	Zip Code	Country
RESIDENCE	CANDLER ST	DECATUR	GA	30030	USA

### Phone Numbers

Type	Phone	Ext/PIN
HOME		

### Email Addresses

Type	Email Address							
Drivers License	Type	State	Expires	Restrictions	Marital Status	Resident Status	Ethnicity	Language
	OPERATOR	GA		NONE	UNKNOWN	R	NON HISPANIC	

### Aliases

Last Name	First Name	Middle Name	Suffix	SSN	DOB
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### Physical Description

Height	Weight	Build	Skin Color	Complexion	Eyes	Type of Eyewear	Place of Birth	
601	180	MEDIUM		MEDIUM	BRO	NONE	City	State
Hair	Hair Length	Hair Style	Beard	Mustache	Side Burns	Mannerisms	Country	
BLK	SHORT		NONE	YES	YES			

### Scars/Marks/Tattoos

Scar / Mark / Tattoo	Code	Body Location	Short Description	Long Description
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### Clothing

Item Type	Color	Markings
JACKET/COAT	BLUE	
HAT/CAP	BLK GLOVES	

### Education

Read / Write	Institution	Last Grade Completed	Status
<input type="checkbox"/>			

Identification Numbers	Local PD #	Local SO #	State #	FBI #	NCIC #	DOC #
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Reporting Officer	BROWN, TAVIUS
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# Decatur Police Department

420 W TRINITY PL., DECATUR, GA 30030

## Field Interview Report

Contact Date/Time  
12/15/2013 1417

Military ID #	Branch	Rank	
Passport ID #	Type	Issued By	Exp. Date
Alien Reg.	Type	Issued By	Exp. Date

### Employment

Company Name	Job Title	Schedule	
Street	City	State	Zip Code
		Phone No.	Ext

Special Tracking Referral	Special Tracking Code	Refer To
---------------------------	-----------------------	----------

Refer Reason

### Field Interview Statement / Information

On December 15th, 2013 at approximately 1345 hours, a DPD officer that was working a plain clothes detail (holiday patrol) notified units via radio of a possible burglary that had just occurred at 714 S. Candler Street. The plain clothes officer stated that the back door was open to the location and gave a description of the person that was observed leaving the area. I made contact with the person described, who was identified as Willie Denard within the 300 block of S. Candler Street. I began having conversation with Mr. Denard and asked where he was coming from? He stated that he was leaving his home at 714 S. Candler Street. Mr. Denard stated that he haven't done anything wrong and felt as if I was racially profiling against him. Mr. Denard provided his ID upon request, I then explained the situation to Mr. Denard. Mr. Denard appeared to be agitated that a member of Decatur Police Department was at his home without his knowledge and also appeared to be agitated because I was speaking with him. I apologized to Mr. Denard because of him feeling offended by the situation but I did inform him that if this was in fact a true burglary, he would've wanted DPD to take the proper action to apprehend any suspects. I also informed him that we had no knowledge of him being the homeowner prior to speaking with him.

Reporting Officer **BROWN, TAVIUS**



#### INV. HALL'S ACTIONS, 714 S. CANDLER ST., 12-15-2013

On 12-15-2013 from 0800 hours through 1800 hours, I was on duty conducting holiday patrols of residential areas as part of a special detail. This was a plain clothes assignment, and I was using my City-issued, unmarked vehicle. The focus of the special detail was crime suppression, specifically entering autos and residential burglaries, and one of the target areas for patrol was the 600-1100 blocks of S. Candler St. based on prior incidents in the area.

At approximately 1345 hours, I was traveling northbound in the 700 block of S. Candler St. and was approaching Kirk Rd. As I slowed for the traffic signal, which was cycling from yellow to red, I glanced to my right (east) because I saw movement in my peripheral vision. I observed a man walking from the rear of the residence at 714 S. Candler St. and down the driveway toward the street. I didn't see any vehicles in the driveway, and it appeared no one was at home. The man was wearing all dark clothing, including a windbreaker/hoodie with the hood up and black gloves. He appeared to be adjusting his jacket near the waist, and he looked all around him as he walked. Based on my knowledge, training, and experience as a criminal investigator, and based on the precipitating factors which were the focus for the special detail, I was mindful that many burglary suspects target residences where it appears no one is at home. I was also aware that in many residential burglaries, smaller items such as jewelry and smaller electronics are often stolen because they are easily carried on a suspect's person.

I turned right (east) on Kirk Rd. and stopped to observe. The man appeared to walk directly toward the mailbox, which was on the west side of the street. I considered that he may have been the resident at 714 S. Candler St. and was simply checking his mail. As I continued to observe, however, he bypassed the mailbox and began walking northbound on the western sidewalk. He reached in his jacket pockets and again appeared to be adjusting something. I waited until he walked past Green St., in the event I needed to provide a last known direction of travel. I then turned around and parked my vehicle in the driveway of 714 S. Candler St. I notified radio that I was on a follow-up at that location, although, in retrospect, I should have used the term "location check".

I walked up the driveway and immediately noticed a stack of mail on the front steps. Leaves were on top of the stack of mail, which furthered my suspicion that the resident was out-of-town. I knocked on the front door and received no response. Through the glass of the front door, I could see no movement inside the residence, and no lights were on.

I proceeded back up the driveway to check the rear of the home to make sure it was secure. I then observed at least one (possibly two) vehicles parked in a detached garage in the rear. I also observed that the right French door on the rear of the home was ajar. Considering the totality of the circumstances, I believed a burglary may have been committed. I requested that the south patrol unit make contact with the person I'd seen leaving the residence. I provided a last known direction of travel and a detailed description: black male wearing all navy blue or black, wearing black gloves, last seen walking northbound in the 600 block of S. Candler St. I further advised that a burglary may have just occurred, as the rear door of the residence at 714 S. Candler St. was found to be open.

I returned to the front of the home and requested that radio check Records Management for a phone number for Don or Carolyn Denard or for 714 S. Candler St. I'd obtained these names from addressee portion of the letter at the top of the aforementioned stack of mail. Radio responded that a "Willie Denard" was located in Records Management. I asked Sgt. Wragg via radio if he could advise on the name of the suspicious person, as Sgt. Wragg and Ofc. T. Brown had just made contact with him further north on S. Candler St. Sgt. Wragg replied that male was determined to be the homeowner. I requested that Sgt. Wragg notify the homeowner that his rear door was open, and I left the scene.

When I heard Sgt. Wragg notify radio that he was back in service, I called him on his cell phone and explained my observations. Sgt. Wragg notified me that the homeowner was angry because of the police contact. Minutes later, Ofc. T. Brown notified me via radio that the homeowner was en route to 714 S. Candler St. to meet with me. I replied that I'd gone back in service. I then asked Ofc. T. Brown if the homeowner specifically requested to meet with me, and Ofc. T. Brown replied that he did. I notified Ofc. T. Brown that I'd be back en route to meet with the homeowner.

I located the homeowner walking southbound in the 600 block of S. Candler St. on the western sidewalk. I pulled my vehicle in ahead of him on Green St., exited, and extended my hand to him as he approached. At the time, I was wearing plain clothes, but I wore my departmental badge and lanyard. I introduced myself to him and told him I was glad it was determined he was the resident at 714 S. Candler St. Mr. Denard did not extend his hand in return and simply asked where I'd been when I'd first seen him. I explained to him all of the aforementioned details and circumstances which lead to his being contacted by Decatur Police. Mr. Denard asked, "You were in my yard?" I explained that when I'd found his rear door ajar, I became concerned that a burglary had just occurred. Ofc. T. Brown arrived at our location at this time. Mr. Denard asked if I'd shut his door, and I told him I did not, although I requested that the officers notify him it was open. Mr. Denard then extended his hand to shake mine and asked me to repeat my name. I shook his hand and again provided my name. He looked at Ofc. T. Brown and said, "And you're Officer Brown." Ofc. T. Brown replied that he was, and Mr. Denard turned and walked away.

At no time was I racially profiling Mr. Denard. It was a totality of the circumstances, and not solely one particular observation, that lead to my actions at 714 S. Candler St. on 12-15-2013. I take full responsibility for my actions based on the aforementioned observations and circumstances, as my actions were a result of my knowledge, training, and experience. I would take the same course of action, given the same observations and circumstances, regardless of the person's race or gender.

 #540

Inv. A. Hall #540

12-24-2013





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To: Captain S. Richards

From: Sergeant Wragg #174

Date: 01/11/14

RE: Written Statement

On 12/15/13 at approximately 1345 hours, Sergeant Wragg, Officer Brown, and Officer Mack responded to the area of 714 South Candler Street in reference to a possible burglary which just occurred. Responding officers were alerted by Investigator Hall of a possible burglary at the previously mentioned residence. Inv. Hall advised via her radio, of a black male exiting the rear of 714 South Candler Street and walk northbound. Inv. Hall provided the following description of the subject: black male, wearing a light blue sweat or track suit with the hood pulled over his head, and black gloves. Inv. Hall, who was assigned to a plain clothes burglary detail at the time, stated she believed the subject may have committed a burglary at the aforementioned address. Inv. Hall went on to say she walked the perimeter of the residence and located an open rear door. Based on Inv. Hall's articulation of the incident, Sgt. Wragg believed a burglary occurred and asked all available City of Decatur Police units to circulate the area for the subject described by Inv. Hall. Sgt. Wragg then responded priority one (emergency equipment activated) to the area. A few moments later, Officer Brown advised over the radio, he was out with the subject matching the description given by Inv. Hall, in the 200 block of South Candler Street. Shortly after that, Officer Mack advised over the radio, he was out with Ofc. Brown. Sgt. Wragg then deactivated his emergency equipment and continued to the location.

Upon arrival, Sgt. Wragg noticed Ofc. Brown's vehicle parked on the opposite side of the street from where Ofc. Brown and the subject, later identified as Willie Denard were talking. Ofc. Mack's vehicle was parked on the same side of the street as Denard was traveling but approximately 30 feet in front of Denard and Ofc. Brown. Sgt. Wragg did not observe any emergency equipment activated on either patrol vehicle. As Sgt. Wragg exited his vehicle, he observed Denard standing in front of Ofc. Brown with his wallet in his hand. It appeared to Sgt. Wragg that Denard had his wallet out in order to produce his identification card. Sgt. Wragg does not remember hearing Ofc. Brown request or demand Denard's identification.

As Sgt. Wragg approached Ofc. Brown and Denard, he heard Ofc. Brown apologize to Denard. Ofc. Brown stated something to effect of "we had no idea you were the homeowner". Sgt. Wragg then attempted to intervene in the conversation. Sgt. Wragg introduced himself to Denard and attempted to explain the circumstances of why the police made consensual contact with him. Sgt. Wragg explained a plain clothes officer observed him coming from behind his house, wearing a hood over his head and black gloves and then walk up the street. The officer's suspicions were heightened, so she decided to check the rear of his residence. Upon inspection, the investigator located an open rear door to his residence, which made the investigator believe a burglary just occurred. Sgt. Wragg reiterated Ofc. Brown's apology and also stated "the police were just trying to lookout for him". Denard responded by saying "How can she (Inv. Hall) be looking out for him? She just saw a black man and assumed I didn't belong." Sgt. Wragg then stepped back from the conversation to speak with Inv. Hall via cell phone. It was then confirmed through Denard's identification and mail at the residence that Denard was in fact the resident of 714 South Candler. Denard then requested Ofc. Brown raise Inv. Hall on the radio. Ofc. Brown stated Inv. Hall was still currently at his residence. Ofc. Brown then asked if Denard would like a ride back to meet with her. Denard denied the courtesy transport to his residence, electing instead to walk. At no point during the incident did Sgt. Wragg hear Ofc. Brown make any unprofessional comments to Denard.



## Scott Richards

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**From:** Tavius Brown  
**Sent:** Sunday, January 12, 2014 7:22 AM  
**To:** Scott Richards  
**Subject:** Officer T. Brown - Denard Incident - 12/15/2013 - S. Candler Street

On December 15<sup>th</sup>, 2013 at approximately 1345 hours, I, Officer T. Brown (Badge #566 / Decatur PD) was sitting stationary within the 800 block of S. Candler Street operating laser. While doing so, Investigator Hall (Badge #540 / Decatur PD) informed me of a possible burglary that had just occurred at 714 S. Candler Street. Investigator Hall stated that the suspect was last seen walking northbound on S. Candler Street. Investigator Hall had also given a clothing description (I can't remember the given clothing description at the time of this statement).

I began to travel northbound on S. Candler Street when I observed the subject walking northbound (west sidewalk) within the 300 block of S. Candler Street. I stopped my patrol car in the northbound lane. I did not activate my blue lights (I am unsure if I turned on my "left directional" lights or not for traffic that was approaching). I got out of my patrol car and began walking towards the male who was later identified as Mr. Willie Denard. Mr. Denard was still walking northbound as I was walking towards him. I got his attention by saying "excuse me sir". He turned around and looked at me as if he was confused while I was walking towards him.

I identified myself to Mr. Denard and asked where he was coming from? He stated, "I'm coming from my house at 714 S. Candler Street and I feel that I'm being racially profiled" or words to that effect. Mr. Denard said that he "haven't done anything wrong" and asked why I was stopping him? At this time, I can't remember if I informed him that (1) he was free to leave but asked if he would show me his ID before he left or (2) if I asked if he would show me his ID then informed him that he was free to leave after it was provided. After I asked Mr. Denard if he would show me his ID, he asked why I wanted to see his ID? I informed him that I only wanted to see the address on his ID and informed him that I would be able to tell him more information after I verify his address. Mr. Denard handed me his Georgia ID and I saw his listed address as 714 S. Candler Street. I immediately gave his ID back to him (I don't believe I ran his OLN/Name/DOB through Decatur Dispatch/Radio).

I informed Mr. Denard that Investigator Hall (I believe I only said "investigator" and didn't mention a name) was at his home and the Investigator believed he had committed a burglary at 714 S. Candler Street without knowledge of him being the homeowner and this was the reason for DPD officers making contact with him. He asked why the Investigator thought he had committed a burglary? I informed him that I do not know what the Investigator observed but I at least knew his back door was open to his residence. Mr. Denard appeared to be upset that Investigator Hall was at his residence and was trying to figure out how she able to see his back door open. Mr. Denard also seemed to be upset and/or embarrassed that I was speaking with him as well. I apologized on behalf of Decatur Police Department if he felt offended about this particular incident. I informed him that an increase in burglaries had occurred in the area and officers were trying to take proactive efforts for decreasing burglaries. I informed him that officers had no knowledge of the residence being his residence. I also informed him that if this was a true burglary, he would've wanted DPD to take the appropriate actions to apprehend any suspects. Mr. Denard appeared to have been getting upset the more I spoke with him so Sgt. Wragg attempted to intervene. Mr. Denard seemed as if he didn't want to speak with Sgt. Wragg but continued to speak with me about the incident that had taken place.

Mr. Denard stated that he wanted to speak with Investigator Hall. I thought Investigator Hall was still at his residence so I told Mr. Denard that I would give him a courtesy transport to his residence if he wished so that he could

speaking with her. Mr. Denard refused for me to give him a courtesy transport and stated that he would walk back to his residence. I informed Investigator Hall via radio that Mr. Denard was coming back to his residence to speak with her. She informed me via radio that she had already left the residence. Investigator Hall was able to make contact with Mr. Denard on S. Candler Street (Unknown Block #). Investigator Hall and Mr. Denard had dialogue with each other but I do not know what the two of them spoke about. Mr. Denard then left and began walking towards the direction of his home.

Mr. Denard was never detained. He was never told that he was not able to leave and he never asked if he was free to leave. Mr. Denard was able to walk back towards his residence freely and voluntarily. At no point did I tell Mr. Denard that racial profiling was not all that bad.



January 15, 2014

To: Capt. W. S. Richards

From: Officer C. Mack

Re: Citizen Complaint

Capt. Richards,

On 12/15/2013 at approximately 1348 hours, I responded to the 400 block of S. Candler Street, to assist Officer T. Brown #566 with a suspicious person incident. When I arrived on scene, I parked my patrol car alongside the curb of S. Candler Street, facing southbound. I activated my rear directional strobe lights, to prevent any traffic congestion. I exited my patrol car and began to approach Officer Brown and Mr. Denard. During my approach, I observed Officer Brown speaking with Mr. Denard. During my observation, it appeared that Mr. Denard was upset and confused, based on his body language.

I heard Officer Brown explain to Mr. Denard the reason for police stopping him. Officer Brown advised Mr. Denard, that Investigator A. Hall #540 found an open back door at 714 S. Candler Street, and that he was seen leaving from that location. Once Mr. Denard heard the address, he advised Officer Brown that the 714 S. Candler Street address was his residence. Mr. Denard began to question Officer Brown, as to why Investigator Hall was at his residence.

After hearing that the home belonged to Mr. Denard, Officer Brown requested Mr. Denard's driver's license to confirm that Mr. Denard was the homeowner of 714 S. Candler Street. Initially, Mr. Denard refused to provide Officer Brown with any identification, but after Officer Brown explained the reason why, Mr. Denard provided his driver's license. After Officer Brown reviewed the license, Mr. Denard felt that he was being racially profiled. Officer Brown stated to Mr. Denard the reason as to why he was being stopped, and that the stop had nothing to do with his race.

Mr. Denard stated he wanted to speak with Investigator Hall, and Officer Brown offered to give Mr. Denard a ride home. Mr. Denard's freedom or liberty to leave the scene was not restricted by me or Officer Brown. I heard Officer Brown repeatedly explain to Mr. Denard the reason as to why he was being stopped, and that he was not being racially profiled.

B-567  
1/15/14