



Sheila Mathews <sheila@the-grip.net>

Questions for upcoming article

Sheila Mathews <sheila@the-grip.net>
To: Mike Yates <myates@cityofgriffin.com>
Bcc: Sheila Marshall <sheila@the-grip.net>

Wed, Sep 11, 2019 at 1:31 PM

Chief Yates,

In accordance with the revisions you have made to the Griffin Police Department Standard Operating Procedure Chapter 29 Public Information/Media Relations policy, I respectfully submit the following questions, and I request your responses by the close of business Friday, Sept. 13, 2019.

At 9:23 p.m. Friday, July 6 2018, you sent the following text message to Griffin Judicial Circuit District Attorney Ben Coker

–

“Do I have your permission to release the entire Will Sanders Facebook information relative to Mathew Boynton and his relationship to Mathew Boyntons Mother subject to the Open Records Act? I ask since Boyntons case has not been concluded but I doubt Wills stull has an baring on it. Wanted to ask first (sic all).”

At 9:41 p.m. – 18 minutes later – you posted the following comment on the City of Griffin Police Department Facebook page –

“Mr. Sanders,

The police department and myself have been the subject of numerous unfounded and defamatory accusations by you and others which are without merit nor supporting evidence. I have received permission to release your personal Facebook material related to the Mathew Boynton case from the District Attorney prior to the adjudication of the Boynton criminal matter. Given this fact, as of this coming Monday morning ALL of this material, much of which is related to your relationship with Mathew Boynton’s mother will be made available under the Georgia Open Records Act. Any persons interested in the entire scope of your actions, activities, motives and history will be available upon request. This material will be released in the interest of transparency and context and I am sure that you agree that this is what is important.”

Your statement to Ben Coker establishes you “doubted” Will Holloway Sanders’ private Facebook messages had any bearing on the Matthew Boynton false statement criminal case, and it was upon that position you personally requested permission to release such records pursuant to the Georgia Open Records Act prior to the adjudication of that criminal case.

You subsequently fabricated and released a document that falsely identifies Sanders as Boynton’s father.

As the city of Griffin has formally confirmed, Will Holloway Sanders has never been the subject of a criminal investigation by your agency. Ergo, I present the following information with relevant questions highlighted in bold for ease of reference.

Sincerely,
Sheila Mathews
Publisher
The GRIP
sheila@the-grip.net
770.713.5839

Griffin Police Department Standard Operating Procedure

Chapter 1 Agency Role and Authority

1.1.4 CODE OF ETHICS

All sworn officers shall adhere to the Law Enforcement Code of Ethics. A printed copy shall be dated and signed by each police officer prior to his assignment to any enforcement duties. A copy is placed in the officer’s personnel file in the Chief of Police’s office and another copy given to employee, a copy of the Code of Ethics will remain in the SOP Manual.

Would the fabrication and release of a false document that is unrelated to any criminal case be a violation of the Griffin Police Department Code of Ethics?

CODE OF ETHICS –

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property;

to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

Would the fabrication and release of this false document that is unrelated to any criminal case be deemed deceptive?

Was the fabrication and release of this false document that is unrelated to any criminal case based on your personal animosity towards Will Holloway Sanders?

If not, upon what professional basis were you acting?

1.2.2 USE OF DISCRETION BY POLICE OFFICERS

In the performance of his duty to serve society, an officer is often called upon to make difficult decisions. He must exercise discretion in situations where his rights and liabilities and those of the Department hinge upon his conduct and judgment. An officer's decisions are not easily made and occasionally involve a choice which may cause him hardship or discomfort. An officer must be faithful to his oath of office, the principles of professional police service, and the objectives of the Department, and in the discharge of his duty he must not allow personal motives to govern his decisions and conduct. While the diverse nature of police work give police discretionary powers, officers should employ the doctrine of "fundamental fairness" (is the action fair to all concerned?). Uniformity in application of laws is necessary to gain public support. Application of tolerance in law enforcement is not an effort to destroy or distort the intent of the law; it is designed to strengthen the spirit of the law by making enforcement reasonable. Discretion is limited to departmental policy. Officers shall not make discretionary decisions which exceed prescribed departmental policies.

Did your personal motives govern your decisions and conduct in the fabrication and release of this false document that is unrelated to any criminal case?

Was the fabrication and release of this document "fundamentally fair?"

Chapter 14 Disciplinary Procedures

14.1.6C

Stealing, altering, forging or tampering with any police record, report or citation is prohibited. The removal of any record card, report, letter, document, or other official file from the department, except by process of law or as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining or supplicating or attempted obtaining or duplication of any information from department files, sources or reports other than that which in is properly entitled in accordance with one's duties or assignments is prohibited.

Did the altering of Will Holloway Sanders' private Facebook messages, which was evidence in a criminal case obtained by a search warrant, for use in this fabricated document violate GPD Standard Operating Procedure 14.1.6C?

Was the forging – or fabrication – of this document a violation of SOP 14.1.6C?

Chapter 26 Criminal Intelligence

26.1.3 Case File Content

Materials stored in the Criminal Investigations Division case files will be restricted to documents of criminal intelligence. Examples of **excluded** materials are religious, political or sexual information which does not relate to criminal conduct. Associations with individuals which may not be of a criminal nature shall also be **excluded**.

The fabricated document identifying Will Holloway Sanders as the father of Matthew Boynton was at some time filed in the Boynton false statement criminal case file. However, that document was not created until more than four months after the closure of that criminal case. How did that document represent "criminal intelligence?"

As this document is personal in nature and does not relate to criminal conduct, should it have been excluded from that case file content?

Was its inclusion a violation of SOP 26.1.3?

26.1.6 Information Quality Control

Information to be stored in the case files should undergo a review for compliance with established file input guidelines and Departmental policy prior to being filed.

The quality control requirement will be the responsibility of a carefully selected and specifically designated individual hereafter referred to as the CID intelligence officer.

The CID intelligence officer is responsible for seeing that all information entered into the case file conforms with the Department's file criteria and has been properly evaluated and classified. Review of file input will assure the Department of the quality of the case files in meeting established guidelines.

Was the placement of this document in the closed Boynton false statement criminal case file approved by the GPD CID intelligence officer?

Does this document conform to all GPD file criteria?

Was it properly evaluated and classified?

Does the presence of this fabricated document in a criminal case file closed months earlier assure the quality of GPD case files and meet established guidelines?

If the answer to any of those questions is no, would that represents violation(s) of SOP 26.1.6?

26.2.4 General Procedures:

II. B. Limitations to Information Gathering

The Department prohibits the gathering of information, for intelligence purposes, that does not meet established criteria. Specifically, information shall not be gathered or retained purely for the purpose of curiosity or personal interest.

Information shall not be gathered merely on the basis of any individual's religion and/or political affiliations or the fact that the person(s) supports unpopular causes, or merely on the basis of a person's ethnicity or race.

Upon what GPD established criteria was personal information regarding Will Holloway Sanders gathered, retained and used?

As the personal information in the fabricated document was unrelated to any criminal case, does it constitute a violation of SOP 26.2.4?

Chapter 42 Computers and Related Technology

42.1.4 A. Use of Departmental Personal and Mobile Computers

2. Employees will only use the department's computers and related technology in the direct performance of their assigned duties unless authorized by their supervisors.

How does the fabrication and release of this document more than four months after the closure of the Boynton criminal case relate to the direct performance of your assigned duties?

Were you authorized to fabricate and release this document by your supervisor, Griffin City Manager Kenny Smith?

If it does not relate to the direct performance of your duties, and if you acted without Smith's authorization, would your actions constitute a violation of this SOP?

42.1.9 F. Prohibited Activities While Using Computers, Telephones, and Software

1. Employees will not:

g. Disseminate sensitive documents, photographs, electronic data or other information without authorization or legal authority.

Would a fabricated document falsely identifying a private citizen as the father of a former police officer – a document that is unrelated to any criminal matter – not constitute a “sensitive document?”

Were you authorized to release this document by your supervisor, Griffin City Manager Kenny Smith?

If this is a sensitive document and you were not acting under Smith's authorization, would your actions constitute a violation of this SOP?

OCCA 16-10-1 Violation of oath by public officer

Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

Would the fabrication and release of a false record unrelated to any criminal case constitute a violation of oath by a public officer?

Would violations of multiple provisions of the SOP and state criminal codes constitute a violation of oath by a public officer?

OCCA 16-10-20 False statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department to or agency of state government or of the government of any county, city, or other political subdivision of this

state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Would the fabrication of a document falsely identifying Will Holloway Sanders as the father of former Griffin police officer Matthew Boynton constitute a violation of OCGA 16-10-20 False statements and writings, concealment of facts, and fraudulent documents in matters within jurisdictions of state or political subdivisions?

OCGA 16-10-20.1 Filing false documents

(a) As used in this Code section, the term “document” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form and shall include, but shall not be limited to, liens, encumbrances, documents or title, instruments relating to a security interest in or title to real or personal property, or other records, statements, or representations of fact, law, right, or opinion.

(b) Notwithstanding Code Sections 16-10-20 and 16-10-71, it shall be unlawful for any person to:

(1) Knowingly file, enter, or record any document in a public record or court of this state or of the United States knowing or having reason to know that such document is false or contains a materially false, fictitious, or fraudulent statement or representation; or

(2) Knowingly alter, conceal, cover up, or create a document and file, enter, or record it in a public record or court of this state or of the United States knowing or having reason to know that such document has been altered or contains a materially false, fictitious, or fraudulent statement or representation.

Would the filing of this false fabricated document in the closed Boynton false statement criminal case file constitute a violation of OCGA 16-10-20.1 Filing false documents?

OCGA 16-11-40 Criminal defamation

(a) A person commits the offense of criminal defamation when, without a privilege to do so and with intent to defame another, living or dead, he communicates false matter which tends to blacken the memory of one who is dead or which exposes one who is alive to hatred, contempt, or ridicule, and which tends to provoke a breach of the peace.

Would the fabrication and dissemination of this false document regarding a private citizen, Will Holloway Sanders, constitute a violation of OCGA 16-11-40 Criminal defamation?

Did you fabricate and disseminate this false document under the authorization of your supervisor, Griffin City Manager Kenny Smith?