

GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL

PO Box 349

Clarkdale, Georgia 30111-0349

Ken Vance
Executive Director



Telephone: (770) 732-5604
Fax: (770) 732-5952

March 05, 2014

CERTIFIED MAIL # 91 7199 9991 7033 9199 1000

Mr. Osborn Nesbitt, Jr.

RE: Petition for Reinstatement of Certification

Dear Mr. Nesbitt:

On March 05, 2014, the Georgia Peace Officer Standards and Training Council (P.O.S.T.) considered your Petition and took the following action(s).

- **Deny Reinstatement of Certification and Deny Application for Certification**

Records of the Council have been updated to show the Council action(s) effective March 05, 2014.

For the P.O.S.T. Council,

Bradley L. Pope

Bradley L. Pope, Director
Investigations Division

Cc: P.O.S.T. File

/bp

GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL
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Austell, Georgia 30106

P.O.S.T. Website
www.gapost.org



Telephone (770) 732-5974
Fax (770) 732-5952

June 19, 2007

CERTIFIED MAIL #:

91 7108 2133 3933 1479 0013

Osborn Nesbitt, Sr.

Re: Petition for Reinstatement of Certification and,
Petition for Reconsideration of Application for Certification

Dear Mr. Nesbitt:

On June 19, 2007, the Georgia Peace Officer Standards and Training Council (P.O.S.T.) considered your Petitions and made the following recommendation(s).

Deny Reinstatement of Certification

Deny Reconsideration of Application for Certification

For the P.O.S.T. Council,

Bradley L. Pope

Bradley L. Pope, Director
Investigations Division

cc: File

/bp

CASE SUMMARY

This individual is multi-certified (Basic 02-11-88, Radar 09-02-93) and is a candidate for Correction Officer certification (P-2 05-08-00). This officer was employed by the most recent law enforcement agency on 04-16-00. This officer was arrested on 08-20-98 for Sexual Battery and Making False Statement to Conceal Facts.

On 08-09-98, at approximately 3:00 a/m, a student of a local college and her friend were riding bicycles to a service station for tissue paper. The students noticed that an officer was following them in a marked patrol unit. The officer first approached them at the service station. The station had no tissue paper so they decided to go to a nearby grocery store. The officer approached them again asking why they were out so late and then ordered the friend to go home. The student went into the grocery store where the officer followed and approached her again. This time the officer ordered her outside and into the front seat of the patrol unit. The officer then allegedly told the student to pull up her shirt and the officer searched under her bra on the pretense of looking for drugs. The officer then allegedly put his/her hand inside her panties.

On 08-11-98, a photo lineup was shown to the student who identified this officer.

On 08-12-99, the officer was interviewed and stated he/she had been on special assignment and denied seeing the student or being at the grocery store. The agency knew of no special assignment and terminated the officer for working unauthorized special duty.

Other witnesses were interviewed and remembered seeing a policeman in the parking lot talking to a young female. The cameras at the service station showed the victim on tape and what looked like a police unit in the parking lot.

On March 04, 1999, the District Attorney determined that there was insufficient evidence to submit to a grand jury and terminated any further prosecution.

On February 06, 2001 this information was submitted to the POST Council Probable Cause Committee. The committee recommended that the officer be requested to submit to a polygraph examination.

On 03-07-01, the POST investigator mailed a letter to the officer's last known address advising him/her of this request. On or about 03-16-01, the letter was returned as "undeliverable as addressed".

On 04-25-01 telephone information was researched with no listing for the officer in the last known area of residence.

CASE NO. 002-347-06-00

Based on Georgia drivers license information, on 04-25-01, a letter was mailed to a second address as listed on drivers license records. As of 06-27-01, no response to this letter was received.

On 06-27-01, another attempt was made to contact the officer via United States Postal Service, at the address said officer had listed on the last known application for employment.

On 09-05-01, POST received an open records request from a law enforcement agency conducting a pre-employment background investigation on this officer. Based on this contact information, the POST investigator talked by phone with this officer on 09-07-01 and advised the officer of the request for a polygraph examination. The officer was to get back with the investigator during the week of September 2001.

The officer has made no more contact with the investigator subsequent to this request.

The officer is not currently employed by a law enforcement agency.

DISCIPLINARY HISTORY

Recommendation to Council:
pursuant to O.C.G.A. 35-8-7.1(1,2,6,8)

Council Action:

Deny Corrections Officer Certification

PCC Recommendation

Revoke Peace Officer Certification

Approved

Bill Kicklighter

J. Tyson Stephens

PCC Chairman

Council Chairman

Date: February 15, 2002

Date: April 3, 2002

CASE SUMMARY

SSN:

Case No: 5 - 75-02-91
Name: NESBITT, OSBOURNE

Agent: WEAVER
Sex: M

Date Assg: 05/28/91

Certification Status C

Dob:

Dept: RICHMOND CO MARSHALL'S OFFICE

Inv. Status: C

Agency ID: PD121070003

Doe: 04/23/90

Dov: / /

001 NO VIOLATION

VIOLATIONS:

SANCTIONS:

Pcc:

Action Code:

Date of Action: / /

Action:

Council:

Action Code:

Date of Action: / /

Action:

Hearing:

Date Requested: / /

Date Scheduled: / /

Con. Order:

Action Code:

Date of Action: / /

Action:

Ini. Dec.:

Action Code:

Date of Action: / /

Action:

Fin. Agcy:

Date Requested: / /

Date of Action: / /

Action Code:

Action:

Cou. Rev. Req:

Date Requested: / /

Date of Action: / /

Action Code:

Action:

Sup. Ct.:

Date Requested: / /

Date Mailed: / /

Action Code:

Action:

FINAL ACTION:

Action Code: 000

Final Act Date: 02/27/91

Action: NOT SUSTAINED

Reinstatement Requested: / /

Action:

Reconsideration Requested: / /

Action:

COMMENTS

Last Update: 10/21/91

Case Status: C

GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL
351 THORNTON ROAD, SUITE 119
LITHIA SPRINGS, GEORGIA 30057

DIVISIONS

Administrative
Certification
Training Standards



TELEPHONE

404-739-5217

FRANKIE H. LOVVORN, EXECUTIVE DIRECTOR

February 28, 1991

Marshal, M. Steve Smith
Richmond Co. Marshal's Office
Room 313 City-County Bldg 11
Augusta, GA 30911

Dear Marshal Smith:

In response to your request for an investigation relative to officer Osborn Nesbitt.

One of our investigators, Mark Weaver, has conducted an investigation into the matter by interviewing several persons including Assistant D.A. Jerri L. Collins and have reached a decision that there was no criminal intent on the part of officer Nesbitt. Therefore there is no need for any action by P.O.S.T. Council.

Should you have any questions or if we can be of further service, please let me know.

Yours truly,

A handwritten signature in cursive script, appearing to read "Pat Baker".

Pat Baker
Special Agent/Field Operations
Ga. P.O.S.T. Council

TO: L.B. Ridley
FROM: Mark Weaver
REF: Ozbourn Nesbitt

In reference to the above mentioned officer, an internal administrative investigation was conducted by myself on 8-22-90 on orders from yourself. This investigation was initiated from a letter dated 8-17-90 from Marshal Smith of Richmond County to Mr. Lovvorn requesting an investigation be done. The matter of the incident is that on 8-8-90, Officer Ozbourn Nesbitt was testifying in a preliminary hearing. During officer Nesbitt's testimony, a confidential informant was produced and Nesbitt attempted to conceal or protect the name of his informant. Attorney for the defense requested all of Nesbitt's testimony be stricken from the record because Nesbitt had lied to the Court to protect the informant, and the testimony was stricken.

On 9-17-90, Reporting Agent met with Chief Investigator Hendrix, Richmond County D.A. Office. Hendrix stated he had not been contacted to review the case and did not know if it was going to be prosecuted. Reporting Agent then met with Nesbitt and obtained a taped interview with him concerning his statement to the incident. (Tape attached in file.)

On 9-19-90, Reporting Agent contacted Marshal Smith and he stated Nesbitt has been a good officer, and has had no problems with him. Marshal Smith stated he did not think Nesbitt intentionally purgered himself and that he was trying to protect his informant and did not know how to go about it.

Reporting Agent received a letter on 12-15-90 from Ms Jerri Collins, Asst. D.A., Richmond County. Ms Collins was asked by Reporting Agent to make a statement on her feelings on this matter. (See letter in file.)

After reviewing all the obtained information, it is this agent's opinion that officer Ozbourn Nesbitt did not intentionally purger himself while testifying at a preliminary hearing in the Magistrate Court of Richmond County on 8-8-90.