



December 13, 2010

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Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: Case #10-04, Complaint of Julius Rawls

Dear Chief Turner:

MAYOR of ATLANTA
KASIM REED

The Atlanta Citizen Review Board (“ACRB”) completed its investigation and adjudication of the complaint alleging excessive force that was filed by Mr. Julius Rawls against Officer Charles Yacuone.

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Post 3-At-Large

Mr. Rawls was interviewed in prison because he was convicted of the criminal charges that originated his complaint. He said that he was in the parking lot of the Citgo Gas Station on the corner of Donald Lee Hollowell Parkway and Harwell Road on September 12, 2009. Two Atlanta Police cars approached and approximately six officers exited the vehicles and ordered him to put his hands behind his back. According to Rawls, he held up his hands and the officers handcuffed him, threw him on the ground and struck him in the head and face. He could not identify which of the officers struck him because he was stunned. He was treated at Grady Hospital and the medical records indicate that Mr. Rawls suffered a contusion to the orbit of his right eye and no documented fractures. He was treated with medication and released to the jail.

Officer Malecki and Officer Johnson were part of the takedown team that was conducting an undercover narcotic operation. Officer Malecki explained that they participated in an undercover buy of cocaine and they purchased the drugs from Mr. Rawls. When they approached Mr. Rawls, it appeared that Mr. Rawls placed the cocaine in his mouth. Malecki said they ordered Rawls to place his hands behind his back and he resisted arrest. He and Officer Johnson took him to the ground. They called an ambulance because it appeared that Rawls had ingested the cocaine. When asked about the injury sustained by Mr. Rawls, he said that he recalled that Mr. Rawls had a bump near his right eye and said that the area where Rawls was taken to the ground was on a slope and contained rocks and Mr. Rawls may have injured his eye during the arrest. He said he did not strike Mr. Rawls in the face and he did not observe any other officer strike Rawls in the face.

Continue please...

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Officer Yacuone stated that he was involved in an undercover narcotic operation and said that he did not observe the actual arrest because he was assigned to the second arrest team and by the time he arrived on the scene, Rawls was already in custody. He observed Mr. Rawls become agitated and officers took him to the ground to control him after he was handcuffed.

Officer William Johnson stated that he and officer Malecki were involved in a “buy bust” and Officer Malecki approached Mr. Rawls and he observed Rawls blade his physical stance as if he was going to resist arrest. According to Officer Johnson, Rawls resisted being handcuffed and he was taken to the ground to control him. It was on a steep incline and both he and Rawls fell down during the struggle. He could not recall if Mr. Rawls was injured due to the fall or if Rawls suffered any injury. He said that he did not strike Mr. Rawls in the face and did not see any other officer strike him. An ambulance was called because Mr. Rawls was suspected of having swallowed crack cocaine.

Mr. Robert Jenkins was interviewed. Mr. Rawls reported that Jenkins was a witness. He was working at a nearby business. He observed two officers approach Rawls and they tried to handcuff him. Rawls fell to the ground. He heard Mr. Rawls question the officers about why he was detained, but did not see Mr. Rawls attempt to flee or strike the officers. He did not see the entire interaction because he was working. He directed the investigator to the slope where the officer and Mr. Rawls had fallen and the investigator observed that there were numerous small rocks.

Mr. Rawls was arrested for the illegal sale of narcotics. A use of force report was completed. The officers denied striking Mr. Rawls in the face and the injury to Mr. Rawls’ eye may have occurred as a result of the struggle. Therefore, the ACRB voted to recommend that the allegation of Excessive Force against the involved officers be “**not sustained.**”

Please let me know if you have any questions or would like to have a copy of the full investigation. The ordinance requires the Chief to respond in writing regarding which recommendations are accepted, rejected or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief.

Sincerely,



Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Members of Council
ACRB Board Members