



Received by:

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## CITY OF ATLANTA

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Mayor

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Atlanta Police Department  
George N. Turner  
Chief of Police

December 16, 2016

Ms. Sherry Williams  
Atlanta Citizen Review Board  
City Hall Tower, Suite 9100  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

RE: 14-018 Complaint of Ericka Tucker

Dear Ms. Williams:

I am in receipt of the Atlanta Citizen Review Board's letter pertaining to the complaint of Ericka Tucker, recommending that the allegations of false arrest and excessive force be sustained against Officer Denis Joseph.

The Office of Professional Standards has concluded its investigation and it has determined, from evidence, to exonerate Officer Denis Joseph for the Atlanta Police Department work rule 4.1.1 Appropriate Action Required and not sustain Officer Joseph for the Atlanta Police Department work rule 4.2.50 Unnecessary Force.

The evidence shows that Officer Denis Joseph was dispatched on a legitimate call for service, and while doing so he mistakenly went to the wrong address, which appeared to be done in good faith. Officer Joseph did observe what appeared to be a violation of the law; the burning smell of marijuana coming from a vehicle parked in the driveway. Afterwards, he attempted to investigate the possible illegal drug activity. In the investigation review, there appears to be no evidence that would suggest Officer Joseph falsely arrested Ms. Tucker during this incident. There was also no evidence that Officer Joseph used excessive force when he took Ms. Tucker into custody. The video supplied by the complainants does not show the actual hands-on portion of the incident. Differing of opinions on the level of force used by Officer Joseph exists, and the medical records of Ms. Tucker do not support her level of injury she claims to have sustained. There was also no evidence that Officer Joseph used any profane language towards Ms. Tucker during this incident. WatchGuard video is regularly saved in any situation where it is deemed necessary and pertinent; as noted in the investigation. Ms. Tucker believes that there should be video from Officer Joseph's patrol vehicle documenting the incident; however, the incident was not a "triggered event" in the WatchGuard system. In any event, Officer Joseph's vehicle was parked facing down the street and the incident took place perpendicular to the car's positioning (outside the camera's view). Officer Michael Soprano was sustained for the Atlanta Police Department work rule violation of 4.2.33 Conformance to Directives. Ms. Tucker made an allegation that money was taken from her vehicle at the time of her arrest. In review of the

neighbors phone video, you can see several officers standing around the open trunk of the vehicle while it was being searched but all the officers on the scene deny taking any money. The cell phone video did show Officer Soprano entering both passenger and driver side of the complainant's vehicle prior to the issuance of a search warrant and he therefore received an oral admonishment. It should be noted that 3.2 ounces of marijuana was turned into property control by Officer Joseph; this total amount included marijuana found in the house pursuant to the search warrant as well as a small amount found in the car when an APD K9 dog alerted on it. This investigation did reveal that Sgt. Andrew Cerul failed to prepare a use of force report required by policy at the time of the incident. Sgt. Cerul was sustained for his violation of the policy and issued an oral admonishment.

Having assessed the Atlanta Citizens Review Board and the Department's investigative findings regarding this matter, I reject the findings of the Atlanta Citizens Review Board.

Major J. Durant, Commander of the Office of Professional Standards, can be contacted at (404) 546-5945, if you have any concerns regarding this complaint.

Sincerely,



George N. Turner  
Chief of Police

GNT/jw