



JIM STRICKLAND
MAYOR

DIVISION OF POLICE SERVICES
CERELYN J. DAVIS
CHIEF OF POLICE

TENNESSEE

September 22, 2022

Virginia Wilson
Civilian Law Enforcement Review Board
3030 Poplar Avenue
HR-RM L42
Memphis, Tennessee 38111

Re: **ISB file # I2020-017**

Dear Mrs. Wilson:

I reviewed your findings regarding the above referenced Inspectional Services Bureau (ISB) investigation. The *Board* sustained Mr. Charles Johnson's complaint of excessive force involving officers during his arrest on March 7, 2020. Moreover, the board concluded Mr. Johnson *did not appear to be engaging in any unlawful activity at the time of his arrest* and should not have been arrested. I concur with the excessive force finding. Notwithstanding, the drug arrest occurred in accordance with Tennessee state law.

When the officer encountered Mr. Johnson at 2380 Frayser Boulevard, he *smelled* a strong odor of Marijuana emanating from him. The marijuana smell gave the officer probable cause to believe that Mr. Johnson had been committing or was committing a crime. As a result, the officer engaged in an investigative detention, in accordance with the *US Supreme Court case "Terry V. Ohio."* During the investigative detention, the officer discovered that Mr. Johnson was in possession of 16 baggies of marijuana (16.8 grams).

Based on Tennessee Code 39-17-419, the quantity of marijuana possessed (16.8 grams) by Mr. Johnson warranted his arrest. Specifically, T.C.A. § 39-17-419 reads, "It may be inferred from the amount of a controlled substance or substances possessed by an offender, along with other relevant facts surrounding the arrest, that the controlled substance or substances were possessed with the purpose of selling or otherwise dispensing..."

In summary, the Memphis Police department agrees with the findings concerning excessive force. Nevertheless, the arrest of Mr. Johnson was consistent with Tennessee State law. Notwithstanding, the Memphis Police Department accepts all *Board* recommendations and will continue to operate within the law and the policies and procedures of the Memphis Police Department.

Sincerely,

Chief Cerelyn J. Davis,
Division of Police Services

cc: Zayid A. Saleem, Police Legal Advisor