

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SARAH C. DOZIER, as)
Administrator of The Estate)
of KATHRYN JOHNSTON,)
)
Plaintiff,)
)
vs.)
)
CITY OF ATLANTA, et al.,)
)
Defendants.)

CIVIL ACTION FILE

NO. 1:08CV00007MHS

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Videotaped Deposition of MAJOR ERNEST FINLEY,
taken on behalf of the Plaintiff, pursuant to
Notice, in accordance with the Federal Rules of
Civil Procedure, before Louise Nielson, Certified
Court Reporter, at 68 Mitchell Street, S.W., Suite
4100, Atlanta, Georgia, on the 29th day of
September, 2009, commencing at the hour of 2:40
p.m.

REGENCY-BRENTANO, INC.
CERTIFIED COURT REPORTERS
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1 Q Did you do any qualitative analysis on lead
2 sheets to determine what percent were credible or
3 reliable complaints involving drug activity?

4 A Based on the, the officers or the
5 investigator going out there to initiate
6 investigation, they would make that determination if
7 this particular location in need of further
8 investigation.

9 Q Okay. That's not my question. Was there a
10 qualitative analysis made as to what percent of leads
11 were determined to be credible or reliable as related
12 to the reporting of criminal activity?

13 A I can't recall.

14 Q Okay. Can you sit here and tell me what
15 percent of leads are going to be credible or reliable
16 as related to the reporting of actual criminal
17 activity?

18 A The narcotics lead, I will say probably
19 about a quarter of them were really good information
20 based on enforcement actions taken.

21 Q Okay. So based on your experience in
22 narcotics, 25 percent of the leads involved good
23 information that --

24 A Excellent. Yes, sir.

25 Q Okay. All right. And of that 25 percent,

1 Based on your training, experience and your
2 analysis at that time frame, my question to you was
3 of those 25 lead sheets that gave good information
4 about potential criminal activity, what number of
5 those would you expect would lead to a, a valid
6 arrest?

7 MR. YOUNG: Same objection. You can answer
8 it if you know.

9 THE WITNESS: I, I don't have any idea.

10 Q (By Mr. Mitchell) No credible, reliable
11 guess. Is that fair? Or strike that.

12 It would be nothing more than a guess. Is
13 that fair to say?

14 A Let me just -- the lead sheets, I, I will
15 say -- I can't, I can't, I can't recall.

16 Q Okay. Now, of course, you've never done an
17 analysis of what percent of lead sheets led to an
18 arrest, have you?

19 A We, we had a database with the lead sheets
20 and it was kept by Investigator Sandra Jackson. And
21 all of that information will be, as far as the
22 results of the, the lead sheets will be in that
23 database.

24 Q That's fine and dandy, but my question to
25 you, sir: You don't have any --

1 A No, no, sir.

2 Q -- analysis?

3 And you never did any analysis, did you?

4 A No, sir.

5 Q Okay. And that is why you can't tell me or
6 don't know of 25 percent of those 25 cases what
7 percent would lead to a valid, legal arrest, correct?

8 A Not necessarily. I think that with these
9 lead sheets, if we got probable cause, we will make
10 an arrest.

11 Q Exactly.

12 A A lot of these lead sheets that we get
13 is -- it's the way for the community to vent, to get
14 some type of police visibility. Again, these
15 officers are not motivated to go out there and arrest
16 the world. If they don't have PC, they will not make
17 an arrest. A lot of the responses on these lead
18 sheets were bad addresses, no activity, no activity.
19 And so, again, it was part of what we do, but it
20 wasn't anything that was numbers driven. And, again,
21 a high percentages of those lead sheets were no
22 activity whatsoever.

23 Q And it's fair to say it wouldn't be numbers
24 driven as related to lead sheets because they're so
25 unpredictable and unreliable. True?