

110304
SAB

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

2004-00162

I. Information Source:

Name: Duane Blue Race: Whi Sex: M Age: 53 Date of Birth: [REDACTED]
Address: 803 Westover Ct City: Woodstock Zip: 30188
Home Phone: [REDACTED] Business Phone: [REDACTED]

II. Deputy/Civilian Employee Information:

Name: Michael Wells Rank: Deputy I.D.#: 6058
Division: UPD Unit Number: A-37
Name: _____ Rank: _____ I.D.#: _____
Division: _____ Unit Number: _____

III. Location of Incident:

Trickum Road at Trickum Valley

Date: 102704 Time: 1945 Case Number: _____

IV. Description of Incident: Allegation Inquiry Commendation

Deputy Wells conducted a traffic stop on Mr. Blue after he checked his speed with RADAR at 63 MPH in a 40 MPH zone. Deputy Wells performed a RADAR accuracy test at Mr. Blue's request and issued him a citation. Deputy Wells was operating RADAR on Trickum Road which is a road listed on the speed detection permit for Cherokee County.

V. Witness Information:

Name: _____ Address: _____ City: _____
Home Phone: _____ Business Phone: _____
Name: _____ Address: _____ City: _____
Home Phone: _____ Business Phone: _____

VI. Person Taking Report:

Name: Sgt. C.A. Higgins Rank Sergeant
Division: UPD Shift: Evening Badge Number: 207

VII. Supervisor's Comments/Recommendations:

Sgt. Burdett informed me that Mr. Blue had contacted him in reference to a traffic stop conducted by Deputy Wells. Sgt. Burdett told me Mr. Blue was alleging that Deputy Wells was "very rude" to him during the stop, told him "You can sign the ticket or go to jail" and refused to allow him to view the RADAR accuracy test. Sgt. Burdett explained to him that he had no right to view the procedure of the RADAR accuracy test but Mr. Blue still requested I make contact with him.

I reviewed the DVD from Deputy Wells's vehicle. Deputy Wells conducted the stop in accordance with Cherokee County Sheriff's Office policy and Georgia State Law. Deputy Wells approached the vehicle, obtained a driver's license and insurance card, conducted a RADAR accuracy test on video and issued the citation. Although the audio from the incident is difficult to hear due to the loud engine noise, I could hear Deputy Wells explaining to Mr. Blue that he had conducted the accuracy test as requested. Mr. Blue asked if he could see the test and Deputy Wells informed him he could view it during court but could not exit his vehicle at this time. I also heard Mr. Blue begin to tell Deputy Wells that he was "wrong", saying it was not him speeding and Deputy Wells politely informed him that he did not intend on arguing with him about the incident on the side of the road and he would have to go to court on the matter if he did not feel he was guilty. Deputy Wells then continued explaining the citation to Mr. Blue and again Mr. Blue began arguing with Deputy Wells about the validity of the stop and his innocence. Mr. Blue then asked Deputy Wells what would happen if he didn't sign the citation, to which Deputy Wells responded that under Georgia Law he was required to sign the citation or be taken into custody and required to post a cash bond. Deputy Wells maintained his professionalism the entire time, even going as far as explaining to him the process of visually estimating speed and confirming it with RADAR. It is my opinion that Deputy Wells was professional and courteous with Mr. Blue for the duration of the stop although Mr. Blue repeatedly interrupted and was argumentative.

I called Mr. Blue and spoke to him on the phone at his residence at approximately 1930 hrs on 102804. Mr. Blue informed me he had been stopped in the past and the officer allowed him to witness the RADAR accuracy test being conducted. I explained to Mr. Blue that this was not a right under Georgia Law and I strongly encourage the officers in my charge to not allow the violator to exit their vehicle. I explained to him that this is an officer safety issue as well as a safety issue for the violator. I also explained to Mr. Blue that I had viewed the video and at no time did I construe any of Deputy Wells's conduct as rude or less than professional. I explained to him I understand that often times persons who receive tickets are frustrated at this fact and can construe the officer's actions as being rude when in fact they are merely enforcing law and operating with their own safety, and the violator's safety, in mind. Mr. Blue told me he didn't want to "say anything bad" about Deputy Wells because he thought this situation stemmed from his own misconception that he had a right to witness the accuracy test but now he has been told by several police officers that he does not have this right and understands this. I offered to allow Mr. Blue to come and meet with me and review the DVD so he could tell me where on the video he thought Deputy Wells was being rude. Mr. Blue declined and told me he didn't want to pursue the matter further.

I do not see any wrongdoing by Deputy Wells and exonerate him on this incident.

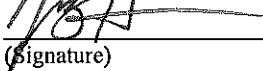
VIII. Allegation/Inquiry/Commendation Information:

How A/I/C Received: Telephone Written Form Personal Contact

A/I/C Referred to:

A/I/C Resolved on Initial Contact Allegation/Inquiry Withdrawn

IX. Documentation Attached: Incident Report Written Statement Other

X. Division Commanders Review:  11/01/04
(Signature) (Date)


- No further Action Required.
- Refer to _____ for further investigation.
- Recommend Formal Commendation.

Additional Comments:

- Sustained: The evidence is sufficient to prove the allegations.
- Not Sustained: The evidence is insufficient to either prove or disprove the allegations.
- Exonerated: The evidence shows that the incident occurred and was lawful or proper.
- Unfounded: The evidence shows that the allegation is false or not factual.
- Policy Failure: The evidence is sufficient to show that the incident occurred, but was a result of flawed policy or procedures.

XI. Service of Employee

I hereby certify that the allegations have been discussed and described to me. I have received a copy of the Employee Rights Form and acknowledge that I understand these rights.

 6/3/18
Employee Signature
SGT. C.A. Hubbard
Witness Signature

102804
Date
102804
Date

XII. Notification of Findings

I understand that the investigating officer has the duty to inform me of the outcome of this investigation (sustained, not sustained, exonerated, unfounded, or policy failure) and I hereby certify and affirm that he / she has done so. I further understand that the investigating officer is merely a finder of fact and will not determine if adverse disciplinary action will be taken.

D/S [Signature] 10348
Employee Signature

SGT. C.A. Higgins #20
Witness Signature

102804
Date

102804
Date

Distribution: Division Commander
 Internal Affairs