

2006-00142

090706
3/13

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 09/01/06

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Donna Darnel Race: _____ Sex: _____ Age: _____ Date of Birth: _____
Address: _____ City: _____ Zip: _____
Home Phone: [REDACTED] Business Phone: [REDACTED]

II. Deputy/Civilian Employee Information:

Name: Wells, Michael Rank: Corporal I.D.#: 6058
Division: UPD/Wal Unit Number: B5
Name: _____ Rank: _____ I.D.#: _____
Division: _____ Unit Number: _____

III. Location of Incident:

Highway 140

Date: 08/31/06 Time: 1530 Case Number: Cit# 74206

IV. Description of Incident: Allegation Inquiry Commendation

Ms. Darnel called and advised me that her son had been stopped for speeding and was not allowed to view the radar unit. I advised Ms. Darnel that we are not required to allow people to view the radar we do however have to perform an accuracy check upon request. She stated that Corporal Wells refused to do an accuracy check.

V. Witness Information:

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

VI. Person Taking Report:

Name: Hill, James B Rank Captain
Division: UPD Shift: _____ Badge Number: 184

VII. Supervisor's Comments/Recommendations:

I reviewed the video recording for this traffic stop and Corporal Wells performed exactly as he should. He did perform the accuracy test and turned the camera to witness the test. He did not allow the driver to exit the vehicle to view the test and I do not feel that he should have, to do so would have put the driver at an unacceptable risk, due to the rain and partially blocked roadway. Corporal Wells is exonerated in this incident. I called Ms. Darnel to tell her my findings and she advised that she spoke with her son and discovered that an accuracy check was in fact performed.

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A/I/C Resolved on Initial Contact Allegation/Inquiry Withdrawn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

[Signature]
(Signature)

090606
(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.

[Signature]
Employee Signature

090606
Date

Witness Signature

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.

Cpt. [Signature] 348
Employee Signature

09/25/06
Date

Witness Signature

Date

Distribution: Division Commander
 Internal Affairs

GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

SS NR-GA0280000

74206

Court Case Number

NCIC Number

Citation Number

CHEROKEE COUNTY SHERIFF'S OFFICE

A.M.
 P.M.

Upon Month August (Day) 31 (Year) 2006 at 530

Operator License No. 051006132

License Class or Type C State GA Endorsements none Expires [redacted]

Name Darnell Caleb Tate

Address 271 (Last) Mills Creek Park (First) (Middle)

City Canton State GA Zip Code 30114

DOB [redacted] 88 Hair Red Hgt 511 Wgt 145 Sex M Eyes [redacted]

Veh. Yr. 1995 Make Acura Style Integra Color Green

Registration No. ATB 2507 Yr. 2007 State GA

COMMERCIAL DRIVER LICENSE YES NO COMMERCIAL VEHICLE YES NO ACCIDENT YES NO

(ONE VIOLATION PER CITATION) DRIVER REQUESTED ACCURACY CHECK VASCAR LASER RADAR

Within the State of Georgia, did commit the following offense: SPEEDING - Clocked by PATROL VEHICLE OTHER

(Serial # 617851 Calibration/Check 1536) at 73 MPH in a 55 zone

DUI (Test Administered: BLOOD BREATH URINE OTHER) DUI Test Results

TEST ADMINISTERED BY (if Applicable):

OFFENSE (Other than above) 40-6-181 of State Law Local Ordinance

REMARKS NOV SVITEBIVE 751 FA 16A 16W 1450

prev acc 1447

WEATHER	(A) ROAD	(B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input type="checkbox"/> Clear	<input type="checkbox"/> Dry	<input type="checkbox"/> Concrete	<input checked="" type="checkbox"/> Light	<input checked="" type="checkbox"/> Daylight	<input type="checkbox"/> Commercial Vehicle Violation
<input type="checkbox"/> Cloudy	<input checked="" type="checkbox"/> Wet	<input checked="" type="checkbox"/> Blacktop	<input type="checkbox"/> Medium	<input type="checkbox"/> Darkness	<input type="checkbox"/> Hazardous Material Violation (PLACARD)
<input checked="" type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Other	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other			

County of CHEROKEE and _____ miles _____ of (city) _____
on Hwy 140 at or near _____ mile post _____, or within (city) _____

at/on (secondary location) Carpenter Ln

OFFICER (Print) Cpl. M. Wells Badge # 348 Div. 110

You are hereby ordered to appear in Court to answer this charge on the

2007 at 9:00 AM PM in the STATE • SUPERIOR • JUVENILE Court

at CHEROKEE COUNTY STATE COURT • 90 NORTH ST, SUITE G170 • PHONE (678) 493-8550

City CANTON, Georgia 30114.

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Motor Vehicle Safety, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Motor Vehicle Safety.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO COPY

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE [Signature]

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE Cpl. [Signature] Badge # 348

Signature of Arresting Officer

AUTHORIZED AND APPROVED PURSUANT TO: CODE 40-13-1 - D.R.S. REG.570.19

COURT COPY

SECTION I - VIOLATOR

SECTION II - VIOLATION

SECTION III - LOCATION

SECTION IV - SUMMONS

SECTION V - OFFICER CERTIFICATION

NCIC NO. SS NR-GA0280000

Cherokee County Sheriff's Office Radar Log

Date	Operator	Operating Times				Operating Results	
		Start		Stop		Number Issued	
		Time	Opcheck	Time	Opcheck	Stat 17	Stat 18
041206	BALLARD	0645	C-4	1434	C-4	4	4
041306	BALLARD	0619	C-4	1436	C-4	4	4
041406	Roberts	1510	C-4	2231	C-4	0	0
041506	Roberts	1452	C-4				
041606	BALLARD	0722	C-4	1436	C-4	0	0
042106	BALLARD	0710	C-4	1438	C-4	0	0
042206	Roberts	1516	C-4	2242	C-4	1	0
042306	BALLARD	0653	C-4	1443	C-4	0	0
042306	Roberts	1654	C-4	2232	C-4	0	0
042906	Roberts	1442	C-4	2245	C-4	0	0
043006	Roberts	1508	C-4	2232	C-4	0	0
5-2-06	Ballett	1500	C-4	2335	C-4	0	0
051106	Wheeler	2313	C-4	0650	C-4	0	0
051506	Roberts	1451	C-4	2248	C-4	0	0
051606	Roberts	1643	C-4	2252	C-4	0	0
051906	Roberts	1615	C-4	2230	C-4	0	0
052406	Roberts	1647	C-4	2242	C-4	0	0
052506	Roberts	2250	C-4	0620	C-4	2	2
060506	Roberts	1455	C-4	2234	C-4	0	0
061506	Roberts	1451	C-4	2240	C-4	0	0
070206	BALLARD	0818	C-4	1413	C-4	0	0
070306	Roberts	1754	C-4				
070906	BALLARD	1113	C-4	1245	C-4	0	0
070606	BALLARD	0844	C-4	1230	C-4	0	1
070606	Campbell	1620	C-4	2000	C-4	0	0
070706	BALLARD	0922	C-4	1422	C-4	0	3
071206	Wheeler	2400	C-4	0607	C-4	0	0
071506	Bullant	0625	C-4	1430	C-4	1	1
072506	Wheeler	0916	C-4	0645	C-4	0	0
072906	Campbell	1458	C-4			1	1
081506	Campbell	1445	C-4	2245	C-4	0	0
081606	Campbell	1528	C-4	2241	C-4	0	2
081706	Campbell	1508	C-4	2200	C-4	0	2
081806	Campbell	1500	C-4	2230	C-4	0	0
081906	Campbell	1505	C-4	2245	C-4	0	1
082206	Campbell	1850	C-4	2226	C-4	0	1
082506	Campbell	1617	C-4	2245	C-4	0	1
083006	Wells	1450	C-4	2220	C-4	2	3
083106	Wells	1447	C-4	1536	C-4	1	0
083106	Wells	1536	C-4	2210	C-4	1	2