

2009-00113 092909 MK

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Munkel, Robin Race: W Sex: F Age: 32 Date of Birth: 120677
Address: 415 Norton Crossing City: Woodstock Zip: _____

Home Phone: [Redacted] Business Phone: [Redacted]

II. Deputy/Civilian Employee Information:

Name: Wells Rank: Cpl I.D.#: _____
Division: Traffic Unit Number: 180

Name: _____ Rank: _____ I.D.#: _____
Division: _____ Unit Number: _____

III. Location of Incident:

Kellogg Creekd Rd. @ Kellogg Dr.

Date: 071109 Time: 2015 Case Number: _____

IV. Description of Incident: [X] Allegation [] Inquiry [] Commendation

Ms Munkel alleges that during the traffic stop, where her husband was arrested for DUI, Cpl Wells was rude to her. She continues by saying that she and her husband was stopped the week before July 4 by Cpl Wells and she feels that today he was "waiting " for them to stop again.

V. Witness Information:

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

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

VI. Person Taking Report:

Name: S. Edwards Rank Capt.

Division: UPD Shift: _____ Badge Number: 252

VII. Supervisor's Comments/Recommendations:

VIII. Allegation/Inquiry/Commendation Information:

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

A/I/C Referred to: Lt. Rentz

A/I/C Resolved on Initial Contact Allegation/Inquiry Withdrawn

IX. Documentation Attached: Incident Report Written Statement Other

X. Division Commanders Review: _____

(Signature)

(Date)

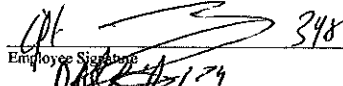
- No further Action Required.
 Refer to _____ for further investigation.
 Recommend Formal Commendation.

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.


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Employee Signature

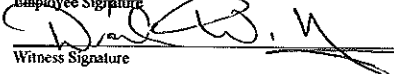
07/509
Date

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Date

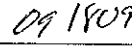
XII. Notification of Findings

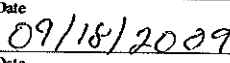
I understand that the investigating officer has the duty to inform me of the outcome of this investigation (sustained, not sustained, exonerated, unfounded, or policy failure) and I hereby certify and affirm that he / she has done so. I further understand that the investigating officer is merely a finder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



Employee Signature


Witness Signature



Date


Date

Distribution: Division Commander
 Internal Affairs

Incident Report CHEROKEE COUNTY SHERIFF'S OFFICE

09-72567

Supplement No
ORIG

498 CHATTIN DRIVE

Reported Date
07/11/2009
Nature of Call
DUI
Officer
WELLS, MIKE

(678) 493-4200

Administrative Information

Agency	Report No	Supplement No	Reported Date	Reported Time
CHEROKEE COUNTY SHERIFF'S OFFICE	09-72567	ORIG	07/11/2009	20:05
CAD Call No	Status	Nature of Call		
090113648	INCIDENT REPORT	DRIVING UNDER THE INFLUENCE		
Location	City	Beat	From Date	
KELLOGG CREEK RD AT KELLOGG DRIVE	CH	21	07/11/2009	
From Time	Officer	Assignment		
20:05	000431/WELLS, MIKE	TRAFFIC ENFORCEMENT UNIT		
Entered by	Assignment	RMS Transfer	Approving Officer	
000431	TRAFFIC ENFORCEMENT UNIT	Successful	000431	
Approval Date	Approval Time			
07/15/2009	17:20:50			
DUI Involved	Audio/Video Tape	Arrest Tab		
X	X	X		

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
ARR	1	I	MUNKEL, CHRISTOPER JOHN	396935	W	M	██████/1970

Vehicle Summary

Invl	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
PRI	B	TM0034	TN	2009	2005	CHEV	TAH	UV	GRN

Incident Report

CHEROKEE COUNTY SHERIFF'S OFFICE

09-72567

Supplement No
ORIG

ARRESTEE 1: MUNKEL, CHRISTOPHER JOHN

Involvement	Invl No	Type	Name	MNI	Race	Sex
ARRESTEE	1	Individual	MUNKEL, CHRISTOPHER JOHN	396935	WHITE	MALE

Date of Birth	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
1970	39	No	5'09"	185#	BROWN	GREEN

Type	Address	City	State
HOME	415 NORTH CROSSING	WOODSTOCK	GEORGIA

ZIP Code
WOODSTOCK

Type	ID No	OLS
STATE OPERATOR LICENSE	084222771	GEORGIA

Type	ID No
SOCIAL SECURITY NUMBER	

Phone Type	Phone No
CELL	

Involvement	Arrest Type	Arrest Date	Arrest Time	Book Date	Book Time	Status
ARR	O	07/11/2009	20:22:00	07/11/2009	22:00:00	ARRESTED

Charge	Level	Charge Literal	Warrant No	Warrant ORI
40-6-181	X	SPEEDING	133054	GA0280000

Charge	Level	Charge Literal	Warrant No	Warrant ORI
40-6-391	X	DRIVING UNDER THE IN	133055	GA0280000

Charge	Level	Charge Literal	Warrant No	Warrant ORI
40-6-391 (L)	X	ENDANGERING A CHILD	133056	GA0280000

Vehicle: TM0034

Involvement	Type	License No	State	Lic Year	Lic Type	Year
PRIVATELY OWNED	PICKUP TRUCK	TM0034	TENNESSEE	2009	PASSENGER CAR	2005

Make	Model	Style	Color
CHEVROLET	TAH	SPORTS UTILITY VEHICLE - UTILITY PASSENGER	GREEN

Narrative

****DUI ARREST****

On 071109, Deputy Boughner and I were running LASER on Kellogg Creek Road at the bridge West of Kellogg Drive. I noticed a truck (turned out to be an SUV) pulling a boat round the curve and rapidly approach the line of cars traveling East on Kellogg Creek Road. I estimated the vehicle's speed at 50 miles per hour. The posted speed limit on Kellogg Creek Road in 35 miles per hour. I placed the heads up display of the LASER (serial number UX007652) on the vehicle, and the LASER displayed a speed of 49 miles per hour. As the vehicle passed I pulled out after the vehicle and Deputy Boughner pulled out after another vehicle he caught speeding.

When I got behind the vehicle, I noticed the boat trailer had no tag. The vehicle pulled onto Kellogg Drive. I noticed the driver step out of the vehicle, and I immediately noticed his unsteady exit from the vehicle. The driver walked back to me, and I explained to him why I stopped him. I asked him why he did not have a tag on the boat trailer, and he said in Tennessee he didn't have to have a tag on the trailer. I then remembered stopped this driver several weeks ago for the tag violation on Towne Lake Parkway and he told me he was a resident of Georgia now.

I noticed the odor of an alcoholic beverage coming from the driver's breath, and I noticed his eyed were bloodshot and glassy. I asked the driver how many alcoholic beverages he had consumed today, and he said none. I asked him for his license, and he said it was in the boat. The driver climbed into the boat to retrieve his driver's license. I noticed when the driver got out of the boat, he nearly fell off the boat. I had the driver walk to the front of my car, and I retrieved

Incident Report

CHEROKEE COUNTY SHERIFF'S OFFICE

09-72567

Supplement No
ORIG

Narrative

the Alco-Sensor FST from my patrol car.

I asked the driver for a breath sample, and he gave me one. I noticed the driver barely blew into the Alco-Sensor which given my experience is always an indicator of someone who has been drinking. Regardless the driver tested positive for alcohol (0.121). I asked the driver again how many alcoholic beverages he had consumed today, and he then said two beers. I then noticed a white female (his wife as I learned later) exit the vehicle and walk back towards me. I told her to have a seat in the vehicle, and she refused at first. She eventually went back to the vehicle and sat on top of it. I performed standardized field sobriety on the driver, and the following are the clues I observed and my observations of the driver.

HORIZONTAL GAZE NYSTAGMUS

Clues:

- 1) Lack of smooth pursuit in the left eye
- 2) Lack of smooth pursuit in the right eye
- 3) Distinct and sustained Nystagmus at maximum deviation in the left eye
- 4) Distinct and sustained Nystagmus at maximum deviation in the right eye
- 5) Onset of Nystagmus prior to forty-five degrees in the left eye
- 6) Onset of Nystagmus prior to forty-five degrees in the right eye

Observations:

The driver had equal tracking and pupil size. The driver swayed while balancing, and had difficulty keeping his head still.

WALK AND TURN

Clues:

- 1) Started too soon
- 2) Did not walk heel to toe
- 3) Incorrect number of steps
- 4) Stopped walking
- 5) Used arms for balance
- 6) Incorrect turn

Observations:

The driver swayed during the instructional phase.

ONE LEG STAND

Clues:

- 1) Swayed

Based on my observations of the driver, the clues I observed during Standardized Field Sobriety, and the driver's admittance to consuming alcoholic beverages prior to operating a moving motor vehicle, I told the driver he was under arrest for driving under the influence of alcohol. I placed him in handcuff's which were checked for fit and double locked. I then noticed the driver's wife and two other subjects exit the vehicle and begin walking back towards me. I told them to have a seat in the vehicle and I would be up there in a little bit, but they refused. I called for back up, and continued giving them commands to stay in their vehicle. Eventually they got into the vehicle.

I then read the driver Georgia's Implied Consent Notice for suspects age 21 or over, and

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CHEROKEE COUNTY SHERIFF'S OFFICE

09-72567

Supplement No
ORIG

Narrative

asked the driver if he would submit to the state administered chemical test of his breath. He said he was unsure because he was always told to refuse the test. I told him I would give him time to think about it, and noticed he now had something in his mouth. I asked him what was in his mouth, and he said gum. I told him he needed to spit the gum out, and he said why. I told him he could not have gum in the back of my car or in the jail, and he refused to spit it out. I then noticed a large bulge in the side of his cheek. I asked him what he was cheeking, and he said nothing. I then noticed he was having a hard time swallowing what was in his mouth.

I knew this to be a sign of someone trying to swallow a bag of drugs. I grabbed his cheeks to see what was in his mouth, but it was too late. The driver had already swallowed the large object. I placed him in the rear of my patrol car, and went to the driver's vehicle. The driver's wife was behind the wheel of the vehicle, and I explained to her her husband was under arrest for driving under the influence of alcohol. I also told her he swallowed some drugs on me, and before I could ask her what kind it was she blew up at me. While she was yelling at me, I noticed a small child in the vehicle. I asked her how old the child was, and she said four. I asked her if she had been drinking so she could drive the vehicle, and she said no.

I asked her for her license, and she said it was in the boat. I asked her to get it for me so I could release the vehicle to her, and I began to walk back to the boat. As I walked back, she grabbed my arm out the window. I told her not to touch me, and asked her to get her license. She continued yelling and cursing at me, but I eventually got her license. When Captain Edwards arrived on scene I let him handle her, and I took the driver to the Adult Detention Center.

When we arrived, I setup the Intoxilyzer 5000 (serial number 68-000655). My permit number to operate this instrument is 28393. I asked the driver if he was going to take the test, and he said he would. The driver gave me two valid breath samples. The first was 0.135 and the second was 0.133. I logged the test, and completed citations for DUI, DUI child endangerment, and speeding. I gave him warning on failure to obtain a Georgia license in 30 days, failure to register a trailer, and failure to register a vehicle in 30 days. He was released to the staff at the Adult Detention Center for booking.

Nothing Further
HEAT

Incident Report CHEROKEE COUNTY SHERIFF'S OFFICE

498 CHATTIN DRIVE

09-72567

Supplement No
0001

Reported Date
07/11/2009
Nature of Call
DUI
Officer
BOUGHNER, OLEN

(678) 493-4200

Administrative Information											
Agency	CHEROKEE COUNTY SHERIFF'S OFFICE		Report No	09-72567	Supplement No	0001	Reported Date	07/11/2009	Reported Time	20:05	
CAD Call No	090113648	Status	INCIDENT REPORT		Nature of Call		DRIVING UNDER THE INFLUENCE				
Location	KELLOGG CREEK RD AT KELLOGG DRIVE			City	ACWORTH		ZIP Code	ACWORTH			
From Date	07/11/2009	From Time	20:05	Officer	000043/BOUGHNER, OLEN		Assignment	K-9 UNIT	Entered by	000043	
Assignment	K-9 UNIT	RMS Transfer	Successful	Approving Officer	000431		Approval Date	08/26/2009		Approval Time	19:59:49

Narrative

While operating LASER with Cpl. Wells on Kellogg Creek Road just east of the bridge, Cpl. Wells told me he got a vehicle traveling 49 miles an hour in a posted 35 mile an hour zone. I pointed my LASER (PL1516) at the vehicle rapidly approaching the vehicle Cpl. Wells got while coming around the curve at 69 miles an hour in a 35 mile an hour zone. As the vehicles passed our location, I pulled out first to stop traffic and Cpl. Wells went and conducted a traffic stop on his vehicle and I conducted a traffic stop on the vehicle that was going 69 miles an hour.

After making contact with the driver and issuing him a citations for Speeding, Cpl. Wells called for back up in reference to 3 people on his traffic stop were becoming disorderly. When I arrived on scene with Cpl. Wells, I noticed he had a male under arrest and was reading him Georgia Implied Consent Notice. Cpl. Wells asked the male what he had in his mouth and the male stated chewing gum. Cpl. Wells told the male to spit the gum out and the male refused to. Cpl. Wells again told him to spit the gum out and explained to him why he needed to. Cpl. Wells noticed the male was pushing his tongue into his cheek as if he had something other than gum in his mouth. The male was having trouble swallowing what was in his mouth. Cpl. Wells grabbed the males cheeks to prevent him from swallowing what was in his mouth but the male was able to swallow the item before Cpl. Wells could stop it. Cpl. Wells placed the male in the back seat of his patrol vehicle and made contact with a female on the driver side of the vehicle. I approached from the passenger side and stood next to the passenger side front door.

Cpl. Wells asked the female if she had a license and advised her of what was going to happen to her husband. Cpl. Wells explained to the female that her husband swallowed something that he believed might be drugs. The female began to yell and cuss at Cpl. Wells and I noticed the female reach out of the window and grab Cpl. Wells's arm. Cpl. Wells told the female not to touch him as he pulled away from her. The female kept yelling and cussing about her husband doesn't do drugs. Cpl. Wells was trying to get her license so he would be able to turn the vehicle over to her. While Cpl. Wells kept talking to her I began speaking with another male inside the vehicle. The female turned to me and began yelling at me about the situation for no reason. I advised her to talk to Cpl. Wells since I was talking to the other male. I asked the male if he had been drinking as well and he stated that he had but earlier in the day. I asked him if he would blow into an Alco-Sensor to see if he would be able to drive. The male stated

Report Officer	000043/BOUGHNER, OLEN	Printed At	09/18/2009 11:37	Page 1 of 2
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Incident Report

CHEROKEE COUNTY SHERIFF'S OFFICE

09-72567

Supplement No
0001

Narrative

that he would. The male blew into the Alco-Sensor but he was over the legal limit to be driving.

Cpl. Wells finally obtained the females license and I began to speak with her as Captain Edwards arrived on scene. The female stated Cpl. Wells pulled them over a couple weeks ago because they didn't have a tag on the trailer and that Cpl. Wells had it out for them. The female also said that Cpl. Wells was very rude, which at no point was Cpl. Wells rude or unprofessional. I explained to the female they were stopped for speeding not for the tag. The female stated she wanted to file a complaint and Captain Edwards began talking to her. The vehicle was then turned over to the female after she talked with Captain Edwards.

Nothing Further
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Cherokee County Sheriff's Office
MEMORANDUM

To: Major Lacey

From: Lt Rentz *AR*

Date: 18 September, 2009

Ref: Munkel AIC on Cpl Wells

Major, I have spoken with Mrs Munkel about her complaint against Cpl Wells. She feels that her husband and she have been targeted by Cpl Wells. She states that Cpl Wells was rude, possibly on steroids, when she touched his arm- he threatened to arrest her for assault, that he cut the inside of her husbands cheek and chipped a tooth when Cpl Wells grabbed his face. I assured her that I would fully investigate the incident and call her back.

Upon speaking with Cpl Wells, D/S Boughner and reviewing the video of the incident I have come to the following conclusion :

Cpl Wells had stopped the Munkels approx 3 weeks earlier for a registration violation on their boat. He gave them a warning .

Cpl Wells stopped a vehicle pulling a boat for speeding occupied by the Munkels. Cpl Wells suspected that the driver; Mr Munkel; of DUI. Cpl Wells did field sobriety and arrested Mr Munkel for DUI. Munkel had something in his mouth that he stated was gum. Cpl Wells directed Munkel "4" times to spit the gum out before entering his patrolcar. Munkel tried to swallow what was in his mouth and Cpl Wells grabbed Munkels cheeks fearing it was drugs in his mouth. Munkel swallowed whatever was in his mouth. Cpl Wells stated that Munkel had no injuries, D/S Boughner concurs. Munkel was seated in the patrolcar

Cpl Wells was professional throughout the stop. He did not tell Mrs Munkel that she would be arrest when she grabbed his arm (in an attempt to get Cpl Wells attention).

I will commend Cpl Wells for maintaining his cool when dealing with 4 intoxicated persons on this stop.

Nothing Mrs Munkel stated about the incident is factual.

I have left several messages for Mrs Munkel to call me but none to this date have been made.