

2015-00066
H. [Signature]
11/23/15

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 11/14/2015

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Andy Ellise Race: Sex: M Age: Date of Birth:
Address: City: Zip:
Home Phone: [Redacted] Business Phone:

II. Deputy/Civilian Employee Information:

Name: Mike Wells Rank: Sgt. I.D.#:
Division: TEU Unit Number:
Name: Rank: I.D.#:
Division: Unit Number:

III. Location of Incident:

1575 at Towne Lake Parkway

Date: 11/14/2015 Time: 1100 hrs Case Number: None

IV. Description of Incident: Allegation Inquiry Commendation

See Attached

V. Witness Information:

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

VI. Person Taking Report:

Name: Rank
Division: Shift: Badge Number:

VII. Supervisor's Comments/Recommendations:

VIII. Allegation/Inquiry/Commendation Information:

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

Email

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A/I/C Resolved on Initial Contact Allegation/Inquiry Withdrawn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

M. J. O'Neil *11-19-15*
(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.

Employee Signature

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.

Notified by email

Employee Signature

Date

[Signature]

Witness Signature

11-19-15

Date

Distribution: Division Commander
 Internal Affairs

From: Andy Ellise [REDACTED]
Date: November 14, 2015 at 11:36:35 AM EST
To: <Rdgarrison@cherokeega.com>
Subject: Incident on 11/14/15

Sir,

First, let me say that I have the utmost respect for members of the law enforcement community. This especially includes members of your agency.

I am a citizen of Cherokee county and wanted to bring something to your attention. Without question, you have higher priorities than what I am about to tell you, but you should be made aware nonetheless.

This morning (Saturday 11/14), I was entering the on-ramp to 575 at Towne Lake Parkway. I observed one of your officers turn left (from downtown Woodstock) onto the same ramp. He or she was ahead of me. I then observed the officer accelerate, and overtake another vehicle continue to accelerate up to what I'd estimate to be approximately 80 mph. The officer did not deploy lights or sirens and continued to travel down 575, merging into 75, and finally exit at 261 for Delk Road headed west.

Had I accelerated in this manner, the officer would certainly pulled me over - and it would have been his duty to do so. I would likely have been issued a ticket for speeding, and most likely, would have also been cited for reckless driving. That would have been deserved.

So, why, unless an officer is responding to an emergency situation, would he or she have a need to accelerate so rapidly and travel at such a high rate of speed? For the most part, the officer appeared to observe the posted speed limit for most of the trip to Delk Road. Are officers not expected to observe the speed limit in non-emergency situations. Should they not be expected to drive safely and courteously?

The irony of the situation is that this was a traffic enforcement unit. But, perhaps I am uninformed and LEOs aren't subject to the same standards of safe motor vehicle operation as are the rest of us. Whatever the case, I think it's a poor reflection on the department, and honestly, leads to some of the cynicism directed at officers in general.

Again, you have more important things on your agenda, but felt you should be aware. I did get the unit and tag numbers, but decided not to send those along, because I have no desire to harm the reputation of one of your officers. And, because I do not know the whole story. Perhaps his or her driving in the manner that they were driving was, in fact, necessary.

Anyway, a sincere thank you for all that you and your officers do every day to keep us safe. I really do appreciate it very much. (And, now I feel badly for writing this.) :)

Sincerely,

Andy

CHEROKEE SHERIFF'S OFFICE

LOGISTICS/SPECIAL OPERATIONS

MEMORANDUM

To: Captain J New
From: D/S P Mazzuca
Date: 11/18/15
Re: Video from Vehicle 791

Captain,

On 11/18/15 at 1330 hrs. I downloaded the videos from vehicle 791 and did not find any videos from 11/14/15 as requested. I also checked the SD card and did not find any videos from that date on the card either.

Thank you
D/S P Mazzuca
Logistics Officer/Special Operations

CHEROKEE SHERIFF'S OFFICE

MEMORANDUM

To: Captain New

From: Sgt. Michael Wells

Date: November 19, 2015

Subject: Complaint from 11/14/15

On 11/14/15, I was headed to the Chattahoochee Technical College Marietta Campus to take my in class proctored event for my psychology class. The use of a marked agency vehicle is allowed in policy 04-01-03, Take Home Vehicle Program. I left my apartment and proceeded to Interstate 575 (coming from the opposite direction as stated in the complaint). When I got to Interstate 575 I turned right to get onto the on ramp. The on ramp is two lanes with the right lane ending and having to merge about 1000 feet from the entrance to the ramp.

When I turned onto the on ramp I started in the right and got into the left lane as I do every time I get onto the ramp. I do this because the lane ends and most people in the right lane do not accelerate to the speed limit of the interstate as the on ramps are designed to allow you to do which creates a hazard. I accelerated to Interstate speeds and most likely reached a speed of around 70 miles per hour as I entered Interstate 575. As I got to I-575 traffic was backed up and I slowed down and was able to get in the left lane where I followed the same white truck down I-575 between 60 and 65 miles per hour.

When I got to I-75 I merged with traffic and stayed in the right two lanes as traffic was backed up due to construction. I followed the traffic to Delk Road where I exited and proceeded to South Cobb Drive and to the Marietta Campus. I did not at any time drive "recklessly", in any manner without regard to the safety or property of others, or in a manner in which if I had observed the driving, I would have arrested the driver for reckless driving. I did not speed excessively or more so than the motoring public. I most likely did pass a vehicle on the two lane on ramp, but I did not violate any traffic laws in doing so as the ramp allows for passing of slower vehicles to the left.

From: Olie Q. Cushing
Sent: Tuesday, November 17, 2015 2:28 PM
To: [REDACTED]
Subject: RE: Incident on 11/14/15

Mr. Ellise,

Thank you for bringing this incident to our attention. I am currently in the process of investigating the officer involved and will make certain we resolve this issue. If you prefer I will gladly notify you of the outcome and any actions taken. I can appreciate that you did not want to see any trouble for the officer but we do consider speeding and reckless driving unacceptable behavior. We have policies and procedures that discourage such actions. If you have any questions or future concerns, please email or call me anytime. The number listed below is my direct office number.

Respectfully,

Major O. Q. Cushing
Cherokee Sheriff's Office
Field Operation Commander
678 493-4156

CHEROKEE SHERIFF'S OFFICE

MEMORANDUM

To: Lt. C. Sims

From: Major O. Cushing

Date: November 19, 2015

Subject: Complaint from 11/14/15

The vehicle in question is Sergeant Mike Wells.

When asked about this incident he said he was on his way to college classes at a Marietta campus (See attached memo). He did not have reason to activate his camera so there is no video.

He assured Cpt. New that he was not speeding. He explained the traffic conditions were heavy and speeding was not possible.

I checked with GDOT and they advised that traffic was congested Saturday morning. They could not tell me average speeds but informed me there was a stalled vehicle on 575 southbound at Hwy 92. There was also an accident on I-75 south at Windy Hill Road which shut down one lane of traffic. Those lane closures did cause delays. Also:

- Sign structure work which required one southbound lane to close on I-75 just before the SR 5/ SR 5 Spur/Canton Road Connector from 7 a.m., until 3:30 p.m., Saturday;
- Sign structure work which required one southbound lane to close on I-75 just before the I-285 interchange from 7 a.m., until 5 p.m., Saturday;

With all that said the speed limit is 65 on 575 south of exit 20 to I-75. Sgt. Wells was reminded to watch his speed at all times.

I made contact with Mr. Ellise and offered to speak with him about this complaint. Mr. Ellise did not return my email.

Based on the traffic conditions documented by GDOT and Sgt. Wells' account of traffic flow, this complaint will be unfounded.