

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Carey A Paul Race: w Sex: m Age: 47 Date of Birth: [REDACTED]/1973
 Address: 485 Gilmer Ferry Rd. City: Ball Ground Zip: 30107
 Home Phone: [REDACTED] Business Phone:

II. Deputy/Civilian Employee Information:

Name: Michael Wells Rank: Sgt. I.D.#:
 Division: UPD Unit Number: D3
 Name: Rank: I.D.#:
 Division: Unit Number:

III. Location of Incident:

Cumming Hwy. at Shady Lane

Date: 8/16/2020 Time: 1522 Case Number:

IV. Description of Incident: Allegation Inquiry Commendation

See Attached

V. Witness Information:

Name: Rachael Hart Address: 485 Gilmer Ferry Rd City: Ball Ground
 Home Phone: [REDACTED] Business Phone:
 Name: Address: City:
 Home Phone: Business Phone:

VI. Person Taking Report:

Name: David Simmons Rank Lt.

VII. Supervisor's Comments/Recommendations:

See attached

VIII. Allegation/Inquiry/Commendation Information:

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

A/I/C Referred to: Capt. New

A/I/C Resolved on Initial Contact Allegation/Inquiry Withdrawn

IX. Documentation Attached: Incident Report Written Statement Other

X. Division Commanders Review: CAPTAIN [Signature] 08172020
(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.
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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.

Sgt [Signature]

Employee Signature

081720

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.

Sgt [Signature]

Employee Signature

081720

Date

Witness Signature

Date

Distribution: Division Commander
 Internal Affairs

CHEROKEE COUNTY SHERIFF'S OFFICE
MEMORANDUM

TO: Captain John New

FROM: Lt. David Simmons

DATE: 8/17/2020

SUBJECT: AIC against Sgt. Wells

1. On Monday, August 17, 2020, I received a phone call complaint from Carey Anthony Paul regarding Sgt. Wells being rude and acting in an unprofessional manner. Specifically Mr. Paul stated to me that he was stopped by Sgt. Wells on Cumming Highway on Sunday, August 16, 2020 sometime after 1500 hours, but before 1600 hours. Mr. Paul said he was in a "deep conversation" with his wife and was not paying attention to his speed. He said he was "following the vehicle in front of me and just wasn't paying that much attention". When he saw Sgt. Wells approaching he said he looked down and saw he was driving 60MPH. When Sgt. Wells turned around on him, Mr. Paul said he pulled right over. Mr. Paul said from the start Sgt. Wells' demeanor and attitude were "confrontational" and Mr. Paul said it was like he "was looking for a fight". Mr. Paul said when he asked for a RADAR accuracy check, Sgt. Wells became more confrontational, but went back to his vehicle. Mr. Paul said he watched in the rear view mirror and saw Sgt. Wells "try seven times" to test the RADAR. Mr. Paul said he is a former law enforcement officer and knows "how this works" and stated he believed Sgt. Wells was "trying to get the reading he wanted". Mr. Paul said when Sgt. Wells came back to him Mr. Paul asked why it took so many times to get the test performed. He said Sgt. Wells became defensive and said he is a RADAR instructor and "knows what he is doing" Mr. Paul said he asked Sgt. Wells for a supervisor and that Wells told him he was the supervisor. Mr. Paul said he then asked for Sgt. Wells' supervisor and was told to "look it up on the web site". Mr. Paul said he signed the citation and Sgt. Wells returned his license. Mr. Paul said his wife was upset by this as well and convinced him to call and report this. Mr. Paul was told by me of the steps involved in taking and investigating a formal AIC. I explained that I would review Sgt. Wells' in car video/audio and then write up his allegation and forward it up the chain of command. Mr. Paul said he would await the results of the inquiry.

2. I next checked the Digital Ally VuVault system for the video from Sunday, but it was not on the system. I contacted Sgt. Wells and asked him about uploading his video for review and he told me he had anticipated the possibility of a complaint and had made a DVD copy of the patrol video, which was on his desk along with a copy of the citation. When asked why he believed there may be a complaint from this stop, Sgt. Wells said the male was argumentative with him from the start. Wells also said the wife (passenger) was interjecting herself as well. I watched the video and noted the following:
3. First Sgt. Wells was proceeding on Cumming Highway EAST bound when Mr. Paul's vehicle approached WEST bound. There was NO vehicle in front of Mr. Paul as he claimed to me over the phone.
4. Sgt. Wells turned around on Cumming Hwy. and Got behind Mr. Paul's vehicle, which did immediately pull over.
5. As Sgt. Wells approached the vehicle, Mr. Paul already had his license in his hand held out of the open driver's window. The microphone pack Sgt. Wells has would cut in and out, making it difficult to get any dialog between the parties. Add to this the noise of the traffic on Cumming Hwy. and it becomes even more difficult to determine what was said by either party. The initial encounter between them is brief (40seconds) and nothing in Sgt. Wells' body language suggests any problems with the stop.
6. Sgt. Wells returns to his patrol vehicle and fills out the citation. During his time in the patrol vehicle he doesn't say anything and gives no indication of being upset with the initial encounter. Once the citation is complete Sgt. Wells approaches the vehicle again. Again the audio is cutting in and out and it is difficult to hear the dialog between the two. Mr. Paul asks for the radar accuracy check and at 6:55 minutes into the stop I could hear Sgt. Wells say he would check the radar and be right back. I hear Sgt. Wells ask for "another unit" over the radio. Sgt. Wells repositions his patrol vehicle and begins the accuracy check. I can distinctly hear the tuning forks at least five times on the video and as the last fork is struck I hear Sgt. Wells state "perfect". He repositions his vehicle back to the original orientation and gets out to approach Mr. Paul's vehicle again. The entire radar testing took 2 minutes and 10 seconds. I can hear Sgt. Wells at one point explaining the different parts of the accuracy test. I can hear Mr. Paul raising his voice, but I cannot tell what he is saying. Sgt. Wells is never heard raising his voice. I can hear Sgt. Wells explaining the court date too. I never heard the encounter that Mr. Paul says is him asking for a supervisor or Sgt. Wells telling him to look it up on line. Sgt. Wells said when asked about his supervisor, he told Mr. Paul that

Lt. Simmons is his supervisor and that he would be in Monday morning. He did say that Mr. Paul could look up the precinct information on our website.

7. Based on my investigation of this incident I am recommending the matter be closed, either: 1. ***Exonerated***; as I cannot find any evidence that Sgt. Wells was either rude or unprofessional, but Mr. Paul can be heard raising his voice twice, or 2.; ***Not Sustained*** as there is insufficient evidence, due to the bad audio, that proves or disproves Mr. Paul's allegation.
8. A copy of the citation and the in car video are attached.

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

260245

NCIC No. SS NR-GA028000

Court Case Number SS NR-GA0280000 Citation Number 260245

CHEROKEE SHERIFF'S OFFICE

Upon Month August 16 2020 at 1522 A.M. Operator License No. 050110673 State GA Exp. Anthony

SECTION I - VIOLATOR

Name Paul (Last) State GA Endorsements none License Class or Type C City Ball Ground State GA Zip Code 31007

DOB [redacted] Hair Bro Hgt 510 Wgt 225 Sex M Eyes Bro Veh. Yr. 2012 Make Chevrolet Style S10 Color Gray State GA

Registration No. EGT 4172 Yr. 2021 State GA CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO

TEST ADMINISTERED BY (If Applicable): SPEED 70-6-181

SECTION II VIOLATION

OFFENSE (Other than above) SPEED 70-6-181 In Violation of Code Section 40-6-181 of State Law Local Ordinance

REMARKS Must SWI TWA/VEH/ FAY 6/16/17 ASD

Should be thought he was only 60 1530

PAY ONLINE AT WWW.CHEROKEECOTIX.COM OR CALL 678-493-6550

SECTION III LOCATION

WEATHER Clear (A) ROAD (B) TRAFFIC LIGHTING COMMERCIAL VIOLATION INFORMATION

County of CHEROKEE miles and or near at or near mile post location (secondary location) Hwy 20 Street Ln

OFFICER (Print) Sgt M Webb Badge # 349 Div. 11A You are hereby ordered to appear in Court to answer this charge on the 2020 at 9:00 AM in the STATE SUPERIOR JUVENILE Court at CHEROKEE COUNTY STATE COURT 90 NORTH ST. SUITE G170 PHONE (678) 493-6550

SECTION IV SUMMONS

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 Driver Services, 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 Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE [Signature]

SECTION V 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 [Signature] Badge # 349 AUTHORIZED AND APPROVED BY: [Signature] Signature of Arresting Officer