




## Cherokee Sheriff's Office

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Frank Reynolds, Sheriff

"AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY"

**TO:** Lt. Colonel W. J. Smith   
**FROM:** Captain Kim Thompson  
**DATE:** March 1, 2024, 2024  
**SUBJECT:** Final Report of Internal Affairs Investigation

1. On February 5<sup>th</sup>, 2024, I began an investigation on alleged misconduct against Sergeant Michael Wells.
2. I completed multiple interviews within the department.
3. The findings of the investigation are as follows:

*Cherokee Sheriff's Office Policy #01-03-02- (F) (2) (7) (16) (23) #01-03-04 (D) (1) (g) states:*

*2. UNBECOMING CONDUCT: Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the agency. Conduct unbecoming shall include that which tends to discredit or cause the public to lose confidence in the agency or Cherokee County government; which is prejudicial to good order; OR that otherwise tends to impair the operation, efficiency, and/or morale of the agency. Examples of unbecoming conduct are, but are not limited to,*

*7. REPORTING FOR DUTY: Employees shall report for duty at the time and place required by assignment or orders (unless timely notification is provided to the immediate supervisor) and shall be physically and mentally fit to perform their duties. Employees shall be appropriately equipped and aware of the information required to perform their duties properly.*

*16. HONESTY: Employees shall not willfully, intentionally, or knowingly depart from the truth OR in any way be deceptive or provide misrepresentations, falsification, or material omissions in giving testimony, providing information (orally or in writing), or reporting in connection with any official duties. This includes the submission of fictitious or inaccurate reports or the falsification or misrepresentation of any facts or circumstance in official agency records. Upon the order of a superior, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the agency.*

*23. LAWFUL ORDERS: (CALEA 12.1.3 6th ed.) Employees shall obey all lawful orders issued by a superior, including any orders relayed from a superior by an employee of the same or lesser rank. Employees given an otherwise proper order that conflicts with a previous order, regulation, or directive shall respectfully inform the individual issuing the order of conflict. If the person issuing the order does not alter or retract the conflicting order, the last order shall stand and be*

*followed. Under such circumstances, the responsibility shall be upon the superior who issued the order, and the employee shall not be held responsible for disobeying the previously-issued order. No employee shall obey any order which they reasonably believe to be illegal. If in doubt as to the order's legality, the employee shall request that the issuing superior clarify the order or confer with higher authority.*

*g. REPORTING HOURS WORKED: Every employee is required to record accurately the number of compensable hours worked. If a time clock is available for use by the employee, it must be used. The Division Commander will approve all time*

Sergeant Wells transferred to the Free Home Precinct March 2019. He worked for Captain David Simmons until January 2022 at which time Lieutenant Billy Mitchell became the Precinct Commander. Sergeant Wells had a continuous pattern of extending his days off. He generally called out on Monday after having the weekend off, called out on a Wednesday after having Monday and Tuesday off, or he would call out on Thursday to extend his three-day weekend. Captain Simmons had informal meetings with Sergeant Wells when this pattern occurred. Sergeant Wells would tell Captain Simmons things were fine, and his attendance would be correct to perfection for weeks. Lieutenant Mitchell spoke with Sergeant Wells in January 2024 about missing work and how it effects the Free Home Precinct. Lieutenant Mitchell asked Sergeant Wells if he wanted him to find another duty post. Sergeant Wells told Lieutenant Mitchell he wanted to stay in UPD. Sergeant Wells was involved in a motor vehicle accident on duty and has issues with his back because of the injury he sustained.

Captain Simmons believed Sergeant Wells absences was due to his physical ailments, and his children's illness. Lieutenant Mitchell thought drinking and back pain was preventing Sergeant Wells from coming to work. Lieutenant Mitchell was trying to get Sergeant Wells transferred somewhere better suited so he could finish his career. Lieutenant Mitchell spoke to Captain Simmons in 2022 seeking help. Lieutenant Mitchell in

January reached out to Captain Sims and Captain Shinall to find a duty post that would promote a safer environment for Sergeant Wells.

When Lieutenant Mitchell began looking into how many days Sergeant Wells had missed, he discovered that Sergeant Wells had not been clocking in or clocking out by using the time clock. Sergeant Wells began emailing his time to payroll in February 2020. He had not used the time clock until he was given a direct order on January 16<sup>th</sup> 2024. Lieutenant Mitchell told Sergeant Wells he had to clock in and out at the precinct. On January 23<sup>rd</sup>, January 31<sup>st</sup>, and February 1<sup>st</sup>, Sergeant Wells sent an email to payroll submitting his time. Captain Simmons and Lieutenant Mitchell were surprised Sergeant Wells submitted his time after he was given a direct order. I asked Captain Simmons if he gave Sergeant Wells permission to document his time in this manner. He told me he didn't give anyone permission to do their own time.

I conducted an audit starting May 20<sup>th</sup>, 2023 to February 1<sup>st</sup>, 2024 for the days Sergeant Wells worked. I reviewed copies of the emails that Sergeant Wells sent Kayla Hester, and his time reports. I analyzed CAD information, and I used the MDT to extract the time when Sergeant Wells left his residence. Sergeant Wells did not work nineteen hours and twenty-five minutes of the time he reported. The spread sheet can be found in the case file.

Sergeant Wells discredited his integrity by misreporting the time he worked and has shed unfavorable light on the agency. The allegation of Unbecoming Conduct is **SUSTAINED**.

Sergeant Wells did not report for duty at the time and place required by his assignment. The allegation of Reporting for Duty is **SUSTAINED**.

Sergeant Wells willfully and intentionally misrepresented the time he worked. He did not use the time clock and emailed incorrect times to payroll. The CAD report and MDT movement also showed a multitude of inconsistency. The allegation of Honesty is **SUSTAINED**.

Lieutenant Mitchell gave Sergeant Wells a direct order to punch in and out at the Free Home Precinct. After receiving the order, Sergeant Wells failed to use the time clock on three occasions. The allegation of failing to comply to a Lawful Orders is **SUSTAINED**.

Sergeant Wells did not accurately record his hours worked. The allegation of Reporting Hours Worked is **SUSTAINED**.