
INTEROFFICE MEMORANDUM

TO: Captain Fields
FROM: Lt. Jose M. Rivera
SUBJECT: Complaint – [REDACTED] Trejo
DATE: 10/12/2021

On October 1, 2021, Lt. Rivera was requested to conduct an internal investigation of a complaint made by [REDACTED] Trejo in reference to the off duty conduct of Deputy Carlos Martinez. The complaint was made in person to Sgt. Jared Southern. The complaint was described as follows:

“On 10/1/2021 at approximately 1440 hours Sergeant Southern was advised of a citizen complaint in reference to Deputy Carlos Martinez. Sgt. Southern took the call due to all court service supervisors being unavailable. [REDACTED] Trejo, the caller, stated that last night around 2140 to 2200 hours she went to her backyard to feed her dogs. Ms. Trejo lives at [REDACTED] Street. As she walked outside, she saw a shadow in a dark part of the yard and realized it was Deputy Martinez. Ms. Trejo stated that he had scared her when she noticed him hiding in the shadows.

Ms. Trejo advised that Deputy Martinez had parked at the back of her residence behind some bushes that prevented her from seeing his vehicle. He began speaking with her about marital problems he was having with his wife, and Ms. Trejo gave him advise while they talked about it. She stated Deputy Martinez then told her that he had been at the gym and that he was able to lift up one of his coworkers. He then asked her if she thought he could lift her up. Ms. Trejo stated to Sgt. Southern that she thought this was weird and that she felt as though he was asking her permission. She told him no, indicating she did not want to be picked up.

Ms. Trejo stated that Deputy Martinez then grabbed her by the wrist and she was unable to pull away. He then began to try and lift her up but she told him to stop and that she had a dress on. Ms. Trejo said she heard Deputy Martinez giggle and she was then able to pull away and go

inside. Nothing further happened that night. Ms. Trejo then stated that the next morning on 10/1/21, Deputy Martinez called her to apologize for the situation. She advised that she did not accept his apology because what happened was not right.

At 1447 hours, while speaking with Ms. Trejo via phone, Sgt. Southern received a message on his work computer from Deputy Martinez. The message contained Deputy Martinez's phone number and asked if Sgt. Southern could give him a call. Sgt. Southern did not respond to the message. Approximately 15 minutes later, Deputy Martinez pulled up beside Sgt. Southern at the church on Pleasant Grove and Old Grade Road while he was still making phone calls in reference to the incident. Deputy Martinez asked if the citizen complaint was in reference to him. Sgt. Southern stated that he was unsure if he could tell him that. Deputy Martinez asked if he could discuss the incident and Sgt. Southern advised him that he could, but it would be better not to. Deputy Martinez asked what he should do and Sgt. Southern advised him to notify his supervisor or wait until they contact him. Deputy Martinez then stated that he thinks it's a misunderstanding and he does not want to lose his job over a misunderstanding. No other conversation was had.

Lieutenant Paige was notified of the situation and advised Sgt. Southern to refer Ms. Trejo to come to Central Control if she wished to file a formal complaint. Lieutenant O'Mahony later advised Sgt. Southern that Captain Pangle wanted an incident report done and to meet with Ms. Trejo if possible. Sgt. Southern then met her at her work at [REDACTED] Street at 1622 hours. While there, she advised that Deputy Martinez was not in his work uniform when he had shown up last night. Sgt. Southern observed a red mark on her right wrist and a dark mark on her right forearm. She stated the red mark was from the incident last night and the mark is not normally there but it does not hurt. Lieutenant Rivera and Detective Amos responded to the scene to investigate. At this time, the scene was turned over to them. While speaking with Ms. Trejo in person and on the phone, she appeared distraught about the situation. She was crying and often had difficulty speaking about the incident."

As noted above Lt. Rivera and Crime Scene Investigator Amos responded to the scene and did speak with Ms. Trejo about the incident in person. Sgt. Southern's statement accurately describes the information provided by Ms. Trejo about the incident. Sgt. Southern completed an incident report (2021-05784). While on scene, Investigator Amos took several photographs of Ms. Trejo and the injuries sustained during this incident. (See case file for photographs of light bruising and redness to Ms. Trejo's wrists).

Additionally Ms. Trejo provided the following:

- Ms. Trejo advised that she had reconnected with Deputy Martinez earlier this year.

- Ms. Trejo advised that she saw Deputy Martinez at the courthouse and the two exchanged numbers.
- Ms. Trejo advised that she went to school with Deputy Martinez when the two were juveniles.
- Ms. Trejo advised that Deputy Martinez never really called her and that he never hung out with her.
- Ms. Trejo advised that Deputy Martinez had been by her residence in the past to serve her civil papers for tardiness through juvenile court.
- Ms. Trejo advised that she had never given Deputy Martinez her physical address.
- Ms. Trejo advised that Deputy Martinez only came by the residence one time last night and that the encounter lasted approximately eight minutes.
- Ms. Trejo advised that Deputy Martinez is married and that she is only friends with Deputy Martinez. Ms. Trejo advised that there is no romantic involvement with Deputy Martinez.
- Lt. Rivera asked Ms. Trejo what she would like to occur in this incident. Ms. Trejo advised that she didn't want anything done criminally at the time but wished for Deputy Martinez to be told not to return to her residence and not to have any contact with Ms. Trejo.
- Lt. Rivera also advised Ms. Trejo that he/Rivera could contact the GBI if she wished so that a criminal investigation could be launched. Ms. Trejo again expressed the desire for Deputy Martinez to just be told to leave Ms. Trejo alone.
- Lt. Rivera then requested Ms. Trejo to provide Lt. Rivera with a detailed written statement as to what had occurred. Ms. Trejo agreed to do so. The following is Ms. Trejo's statement: (See case file for original written statement)

“I was going out to my backyard to feed my dogs around 9:40 pm or 10 pm as I was coming down my steps to my left I seen a shadow and Noticed it was Carlos so then I told him he scared me. We stood a talked for a few min and he was telling me that he had his daughter in the car which I could not see. Then he tells me he was having issues with his wife and he was working it out at the gym and he mentioned he picked up a coworker and he ask if could pick me up and I told him no and he proceeded to get close to me and grabbed my wrist and I told him no

and I was pulling away and we fought for a bit till he yanked me toward him and then tried to put his arm under my legs from the back and as he did that I was able to get away then my daughter opened the back door and said mom. And I ran inside but when I made it inside my daughter was in the kitchen and did not see or hear nothing. He calls me this morning ask if I was busy told him yes I was with brother Luis Martinez that came in to get a quote for his autos. Carlos tell me not to tell his brother. I hung up so an hour later he calls from another number and I answer. He apologized and I told him no its not ok that I dont want him near my house ever and hung up.

██████████ T. Oct. 1, 2021 5:33 pm”

After gathering Ms. Trejo’s written statement, Lt. Rivera advised Ms. Trejo that he would conduct an internal investigation of the incident and would call her back with the results of the investigation. Lt. Rivera also advised Ms. Trejo that he/Rivera wished to meet with her the next date so that additional pictures could be taken of her injuries. Ms. Trejo agreed to meet with Lt. Rivera and Investigator Amos the following date. Lt. Rivera requested to walk back to Ms. Trejo’s residence so that the scene of the incident could be photographed. Ms. Trejo did escort Lt. Rivera and Investigator Amos to her residence where the photographs were taken.

After speaking with Ms. Trejo Lt. Rivera then returned to the Whitfield County Sheriff’s Office where contacted was made with Deputy Martinez. Lt. Rivera called Deputy Martinez at approximately 1806 hours via cellular phone number ██████████ Deputy Martinez did answer and agreed to speak with Lt. Rivera about this incident. At approximately 1820 hours, an interview was conducted of Deputy Martinez. The interview was audio and video recorded in an interview room at the Whitfield County Sheriff’s Office Criminal Investigation Division. Prior to conducting the interview of Deputy Martinez, Lt. Rivera explained to Deputy Martinez the different investigations that Lt. Rivera investigates and explained to Deputy Martinez the reason for the interview. Deputy Martinez advised that he understood. Lt. Rivera also explained to Deputy Martinez that he was not under arrest but was being compelled to give a statement as to what had occurred. Lt. Rivera advised Deputy Martinez that based on these facts, Lt. Rivera would be reading Deputy Martinez his Internal Investigation Warning (Garrity Waiver). The form reads as follows:

“I wish to advise you that you are being questioned as part of an official investigation being conducted by the Whitfield County Sheriff’s Office. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness of duty for office.

You are entitled to all the rights and privileges guaranteed by the Constitution of the State of Georgia and the Constitution of the United States, including the right not to be compelled to incriminate yourself in any criminal matter.

I further wish to advise you that if you refuse to testify or to answer questions truthfully that are specifically directed and narrowly related to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings. However, these statements may be used against you in relation to subsequent discipline.”

After being read his Garrity Waiver, Deputy Martinez signed the document and did give a statement as to what had occurred with Ms. Trejo. The following information was obtained during the interview:

- Deputy Martinez advised that he has worked at the Whitfield County Sheriff's Office for approximately five years. Deputy Martinez advised that he is currently assigned to Court Services.
- Deputy Martinez advised that he is familiar with Ms. Trejo, as they had gone to school together in the past. Deputy Martinez advised that the two have never been in an intimate relationship and were only friends.
- Deputy Martinez advised that sometime earlier in the year he had reconnected with Ms. Trejo. Lt. Rivera asked Deputy Martinez how they reconnected and he initially stated that he had found her phone number in RMS but later in the interview would state that he had seen Ms. Trejo at Walmart and the two exchanged phone numbers.
- Deputy Martinez advised that he often went to Ms. Trejo's residence on N. Hamilton Street. Deputy Martinez advised that his mother lives close by to the residence and that he often took this route to go pick up his daughter after work.
- Deputy Martinez advised that if Ms. Trejo is standing outside in the yard, he sometimes stop by to talk with her at her residence.
- Deputy Martinez advised that yesterday, September 30 2021, he had left work at approximately 1800 to 1900 hours.
- Deputy Martinez advised that after leaving work, he went to the gym and worked out. The gym is located at Walnut Square Mall.
- Deputy Martinez advised that he returned to the Annex Building, where he works, and called Ms. Trejo. Deputy Martinez advised that he called Ms. Trejo from this phone due to his wife/girlfriend not approving of him speaking with Ms. Trejo.

- Deputy Martinez advised that after reconnecting with Ms. Trejo earlier in the year, he had stopped by on one occasion after being invited over by Ms. Trejo. Deputy Martinez advised that during that incident, he left after only being at the residence for a couple of minutes.
- Deputy Martinez advised that he then returned to his residence and received a text message from Ms. Trejo asking why he left so soon. Deputy Martinez advised that his wife saw the message and questioned him about being over at Ms. Trejo's residence.
- Deputy Martinez advised that since that incident he/Martinez now only speaks with Ms. Trejo from the phone at the Annex Building or the phone at the metal detectors at the Court House.
- Deputy Martinez advised that recently he has been having marital problems. Deputy Martinez advised that he often confides in Ms. Trejo and seeks advice from her about his relationship with his wife.
- Deputy Martinez advised that during this incident he wanted to share what had occurred recently with his wife with Ms. Trejo. Deputy Martinez advised that he had received a text message earlier in the day from his wife thanking him for the flowers she had received.
- Deputy Martinez advised that he never sent his wife flowers and was upset that someone else had sent flowers to her. Deputy Martinez advised that he asked his wife who sent her the flowers but that his wife would never answer. Deputy Martinez advised that he wanted to share this information with Ms. Trejo so he went to her residence.
- Deputy Martinez advised that he would later discovered that the text messages from his wife asking about the flowers were actually a "Tik-Tok prank" in which the person is supposed to send their significant other a text message thanking them for the flowers and record their reaction.
- Deputy Martinez advised that after working out at the Mall and calling Ms. Trejo from the Annex building, he then stopped by and spoke with Ms. Trejo at her residence for approximately twenty minutes.
- Deputy Martinez advised that he told Ms. Trejo that he had to pick up his daughter but that he might stop by later on, if she was outside.
- Deputy Martinez advised that after picking up his daughter on Crown Street from his mother's residence, he then went back to Ms. Trejo's residence.
- Deputy Martinez advised that he never called Ms. Trejo to tell her he was heading back to her residence. Deputy Martinez advised that he initially drove by the

residence then noticed that Ms. Trejo was outside so he drove back to the residence and parked behind the residence.

- Deputy Martinez advised that Ms. Trejo was on the phone at the time he arrived. Ms. Trejo ended her conversation on the phone and the two continued their conversation about what had been going on with Deputy Martinez's wife.
- Deputy Martinez advised that during the conversation, he had told Ms. Trejo that he just had finished at the gym but that he had a lot of energy from taking a pre-workout prior to exercising.
- Deputy Martinez advised that he "was showing off" and told Ms. Trejo that he thought he could pick Ms. Trejo up.
- Deputy Martinez advised that he told Ms. Trejo that he had recently picked up another co-worker and he thought he could pick her up as well.
- Deputy Martinez advised that Ms. Trejo told him "you gonna hurt yourself".
- Deputy Martinez advised that he asked Ms. Trejo how much did she weighs. Deputy Martinez advised that Ms. Trejo told him that she weighed 159 to 160 pounds.
- Deputy Martinez advised that he then tried to grab her arm and attempted to pick her up.
- Deputy Martinez advised that Ms. Trejo then said "no stop". Deputy Martinez advised that Ms. Trejo was wearing a dress and that she had mentioned to Deputy Martinez that she was not wearing any panties.
- Deputy Martinez advised that this interaction only took approximately ten seconds. Deputy Martinez advised that he was not attempting to hurt Ms. Trejo or do anything sexual to her.
- Deputy Martinez then described how he attempted to pick Ms. Trejo up and the force that he used in doing so. Lt. Rivera noted that Deputy Martinez would make a fist with his hands and squeeze to the point that his muscles throughout his arms contracted.
- Lt. Rivera asked Deputy Martinez if that is how tight he squeezed on Ms. Trejo's wrists. Deputy Martinez advised that it he did.
- Lt. Rivera asked Deputy Martinez if he had ever attempted to pick up Ms. Trejo in the past. Deputy Martinez advised that he had not. Lt. Rivera asked what made him believe that it was acceptable to do so during this incident.

- Deputy Martinez advised that as he was leaving Ms. Trejo placed her hand on his arm and said, "You're strong". Deputy Martinez advised that he was only trying to show off how strong he was so he attempted to pick Ms. Trejo up.
- Deputy Martinez advised that this incident took place in Ms. Trejo's backyard at her residence. Deputy Martinez denied placing his hands under Ms. Trejo's legs as she had described. Deputy Martinez also denied this interaction taking approximately a minute as Ms. Trejo had also described.
- Lt. Rivera then asked Deputy Martinez if Ms. Trejo attempted to get away from him during the incident. Deputy Martinez advised that Ms. Trejo did attempt to get away from him by turning her body and attempting to walk back towards her residence.
- Lt. Rivera asked Deputy Martinez if he had allowed Ms. Trejo to move freely during this encounter. Deputy Martinez advised that after Ms. Trejo said no that he released his grip from around her hands.
- Lt. Rivera asked Deputy Martinez if he as a deputy would categorize his actions as a crime, what would that crime be. Deputy Martinez advised "simple assault and false imprisonment".
- Lt. Rivera asked Deputy Martinez if Ms. Trejo had given him permission to place his hands on her. Deputy Martinez advised that Ms. Trejo never said no and only said that Deputy Martinez might hurt himself if he tried to pick her up.
- Lt. Rivera asked Deputy Martinez if he had been at her residence previously. Deputy Martinez advised that he had and that it was common for him to go visit Ms. Trejo. Deputy Martinez advised that he had been to Ms. Trejo's residence five or six times previously.
- Lt. Rivera asked Deputy Martinez if he had received Ms. Trejo's physical address from her. Deputy Martinez stated, "I want to back out, the first time I saw her was at Walmart".
- Deputy Martinez further advised that after reconnecting at the Walmart he then began to speak with Ms. Trejo on the phone.
- Deputy Martinez advised that he told Ms. Trejo where he worked at and what he did for a living. Deputy Martinez advised that he asked Ms. Trejo where she worked at and where she lived. Deputy Martinez advised that Ms. Trejo told him she worked at the insurance company on N. Hamilton Street.
- Deputy Martinez advised that Ms. Trejo told him that she lived in front of the insurance building where she worked.

- Deputy Martinez advised that Ms. Trejo did not give him the exact address so he drove over to the area and ran a tag to a vehicle through GCIC that was located at a residence close to the Insurance Company where Ms. Trejo worked. Deputy Martinez advised that he was then able to verify that this was where Ms. Trejo was living. Deputy Martinez also admitted to “looking her up” on his GCIC terminal in the past.
- Deputy Martinez advised that he had also served juvenile paperwork at Ms. Trejo’s residence in the past. Deputy Martinez advised that he believed this occurred back in March of 2021. Deputy Martinez advised that he had also been to Ms. Trejo’s residence while on duty to provide Ms. Trejo with a court date.
- Deputy Martinez advised that he last spoke with Ms. Trejo earlier this morning. Deputy Martinez advised that he called to apologize to Ms. Trejo about what had occurred.
- Deputy Martinez advised that Ms. Trejo told him that he was not welcomed back over to Ms. Trejo’s residence due to what had occurred the previous date.
- Lt. Rivera then asked Deputy Martinez to provide Lt. Rivera Ms. Trejo’s phone number. Deputy Martinez advised that Ms. Trejo’s phone number was [REDACTED]
- Lt. Rivera asked Deputy Martinez for consent to search his phone for any contact made with Ms. Trejo via Deputy Martinez’s cellular phone. Deputy Martinez did grant Lt. Rivera consent to do so. No conversations were located between the two parties.
- Lt. Rivera also confirmed the conversation that Deputy Martinez described with his wife in which Deputy Martinez’s wife had played a prank on him.
- Lt. Rivera asked Deputy Martinez if he had went to see Ms. Trejo due to still being upset with his wife and wanting to get back at her through Ms. Trejo.
- Deputy Martinez acknowledge that he had gone to Ms. Trejo’s residence to “flirt” with her in retaliation to what had occurred with his wife.
- Deputy Martinez expressed his desire for his wife not to be told or questioned about this incident if possible. Lt. Rivera explained to Deputy Martinez that at this time Lt. Rivera did not need to speak with Deputy Martinez’s wife but may depending on where the investigation led. Deputy Martinez advised that he understood.

After gathering this information from Deputy Martinez, Lt. Rivera then requested for Deputy Martinez to provide Lt. Rivera with a written statement as to what had been going on

with Ms. Trejo. Deputy Martinez agreed to do so. The following is Deputy Martinez's written statement: (See case file for original hand written statement).

"I met [REDACTED] Trejo in elementary school we've been friends for a long time she has always been there for me to give me advises, One day earlier this year I saw her at Walmart in 2545 Walnut ave thats when I started talking to her again. She gave me her number and I gave her mine she told me when she worked and where she lived. She sayed she worked at an insurance company located in Halmiten St and that she lived right in front of her work place. She invited me to go over and hang out, have a couple of beers and to invite my wife. I told her yes but me or my wife didnt go my wife wouldn't like the idea of going with her

I've had seen her before and had talked to her on the phone before. I've even had gone to her house a couple of times just to talke about the past or just a simple conversation she always give me advises when I need them and always tries to help me out. She has invited me into her house before and I've gone in to talk bust just to have a conversation. We had just talked whenever I go visit her yesterday date I got off work, changed and then went to the gym after going to the gym I stoped at the annex building to use the phone and called Rosario. I told her that I wanted to talked to her if she was ok with me coming over. She said yes. I went over to her house around 830 845 and was there for a little bit. I then told her I was going to go pick up my daughter and left. I picked up my daughter at my parents house and then left my parents house. I passed through Hamilton St. again because thats normally the way I go home. I passed through her house and saw that she was still outside, so I turned around and stop at her house again. then I got off my truck and we began to talk again about a text message that I received from my wife saying that she had received some flowers and thanking me for the flowers I never sent my wife flowers so I wanted to talk to her about it. then we started to talk about me working out at the gym I was showing off by telling her how much I can lift. I told her I bet I can pick you up and she said you will hurt yourself. I said again na I think I can pick you up. I picked up a coworker before so Im pretty sure I can pick you up. I was just trying to show off, not trying to harm her. I grabber her arm and told her watch I can pick you up she then turned around and said no I dont have no panties on. I then stop immediatly and apologize. I had no intentions of hurting her or sexual desires. before all that happened she did mention come on Ill walk you to your truck I told her no my daughter is on the truck then we started to talk about the gym. My intentions were no to hurt her. I was just showing off.

I've used the Annex Phone to contact her as the court metal detector phone.

C. Martinez 10/1/21 -753"

After gathering, Deputy Martinez has written statement, Lt. Rivera then continued his interview of Deputy Martinez. The following information was obtained:

- Deputy Martinez confirmed that after seeing the CAD information in reference to someone filing a complaint, he/Martinez made contact with Sgt. Southern.
- Deputy Martinez advised that he sent Sgt. Southern a message on his mobile computer requesting Sgt. Southern to call him.
- Deputy Martinez advised that Sgt. Southern never called so that he checked his mobile computer and looked for Sgt. Southern's vehicle GPS location.
- Deputy Martinez advised that he met with Sgt. Southern and asked him if the complaint was about him/Martinez.
- Deputy Martinez advised that Sgt. Southern told him that he was not able to release this information at this time but that if Deputy Martinez believed the complaint was about him, that he should go speak with his supervisor about the complaint.
- Deputy Martinez advised that he did contact Lt. Page and Sgt. Thorne to make them aware of the incident. Deputy Martinez advised that he shared with Lt. Page and Sgt. Thorne his side of what had occurred at Ms. Trejo's residence.
- Deputy Martinez advised that he was sorry for what he did and admitted that he was wrong for what he did to Ms. Trejo.
- Lt. Rivera advised Deputy Martinez that it seemed that someone was lying to Lt. Rivera. Lt. Rivera advised Deputy Martinez that he/Rivera would continue to investigate the previous contact that Deputy Martinez and Ms. Trejo had in the past.
- Lt. Rivera informed Deputy Martinez that Ms. Trejo had stated that she had never given Deputy Martinez her physical address.
- Lt. Rivera asked Deputy Martinez if he had ever ran Ms. Trejo's tag or license information to obtain information about Ms. Trejo. Deputy Martinez advised "I ran her black Explorer tag".
- Lt. Rivera asked Deputy Martinez why he ran Ms. Trejo's vehicle tag. Deputy Martinez advised that he did so to make sure that he had Ms. Trejo's "right address" and "that it was the house she lived at".

After gathering this information, Lt. Rivera made Deputy Martinez aware that he would be on administrative leave pending the outcome of this investigation. Deputy Martinez advised that he understood. The interview was then concluded. (See case file for full interview of Deputy Martinez conducted by Lt. Rivera).

On October 2, 2021, Lt. Rivera and Investigator Amos travelled back to Ms. Trejo's residence to speak with Ms. Trejo and once again document her injuries. Investigators arrived at approximately 1007 hours. Investigator Amos photographed the vehicles present at the scene to attempt to locate the tag information that Deputy Martinez admitted to running on his mobile computer while attempting to find an address for Ms. Trejo. At the scene Investigators did make contact with Ms. Trejo. The following information was obtained from Ms. Trejo during this interview:

- Ms. Trejo advised that she had not been completely honest with Lt. Rivera about her involvement with Deputy Martinez.
- Ms. Trejo advised that Deputy Martinez is married but has been experiencing marital problems recently.
- Ms. Trejo advised that Deputy Martinez told her that his wife did not approve of their renewed friendship.
- Ms. Trejo advised that she has communicated with Deputy Martinez via phone and that Deputy Martinez has come by to visit her at her residence on several occasions.
- Ms. Trejo advised that during these visits and conversations, Ms. Trejo would often question Deputy Martinez about his job and what he did. Ms. Trejo advised that Deputy Martinez would also talk to her about his marital problems.
- Ms. Trejo advised that she has also visited Deputy Martinez at the Annex Building while he was on duty prior to this incident.
- Ms. Trejo advised that during an after-hour visit at the Annex Building, Ms. Trejo asked Deputy Martinez "what are you going to do with the handcuffs" referring to Deputy Martinez's county issued handcuffs.
- Ms. Trejo advised that she said it jokingly and that ever since that day Deputy Martinez brings up the comment about the handcuffs in every conversation they have.
- Ms. Trejo advised that while at the Annex Building Deputy Martinez told her that he could show her how to use the handcuffs. Ms. Trejo advised that she responded to Deputy Martinez by stating, "I've used handcuffs before. I have the fluffy ones at the house".

- Ms. Trejo advised that during this incident Deputy Martinez took her to a breakroom at the Annex Building and attempted to handcuff her. Ms. Trejo advised that Deputy Martinez forcefully put her hand behind her back and then bent her over a table.
- Ms. Trejo could not remember specifically when this occurred. Ms. Trejo advised that she expressed to Deputy Martinez that it was not okay to place his hands on her and that Deputy Martinez quickly apologized.
- Ms. Trejo advised that the next day, Deputy Martinez again called to apologize to her. Ms. Trejo advised that she forgave Deputy Martinez but told him “don’t do that again, you have a wife and we are only friends”.
- Ms. Trejo advised that she told Deputy Martinez that she was not interested in any type of relationship other than friendship with Deputy Martinez.
- Ms. Trejo advised that during another incident, Deputy Martinez came by her residence off duty.
- Ms. Trejo advised that during this incident, Deputy Martinez brought her a set of “fluffy handcuffs”.
- Ms. Trejo advised that during this incident, Deputy Martinez again attempted to handcuff Ms. Trejo.
- Ms. Trejo advised that Deputy Martinez pinned her up against the siding of her house and forcefully pulled her hands behind her back.
- Ms. Trejo advised that she told Deputy Martinez, “you’re hurting me”.
- Ms. Trejo advised that her children came outside during this incident and questioned why she had been kissing Deputy Martinez.
- Ms. Trejo became physically emotional and advised that she was not making out with Deputy Martinez.
- Lt. Rivera asked Ms. Trejo why she had not previously reported these incidents. Ms. Trejo could not provide Lt. Rivera with a response. Ms. Trejo advised that she has always tried to forgive people when they do wrong to her.
- Ms. Trejo advised that in her past relationships things have been physical with the fathers of her children.
- Ms. Trejo advised that she is used to being able to handle herself in those incidents.

- Ms. Trejo advised that with Deputy Martinez she felt as though she cannot handle herself due to his strength and position as a law enforcement officer.
- Ms. Trejo advised that she never meant to lead Deputy Martinez on and that their relationship is only one of friendship.
- Ms. Trejo confirmed that Deputy Martinez had called her prior to coming over on October 1, 2021.
- Ms. Trejo advised that during this conversation she did not clearly hear what Deputy Martinez had said due to her children being loud in the background.
- Ms. Trejo agreed that it was possible that Deputy Martinez told her he was coming over.
- Lt. Rivera then asked Ms. Trejo for consent to search her phone for the phone calls that Deputy Martinez made to her. Ms. Trejo did grant consent.
- Lt. Rivera was able to verify that Deputy Martinez had in fact called Ms. Trejo several times, as he had told Lt. Rivera.
- No text-message conversations were located on Ms. Trejo's cellular phone.

After gathering the above information, Lt. Rivera advised Ms. Trejo that he would document the additional inappropriate contact by Deputy Martinez. Lt. Rivera explained to Ms. Trejo based on additional information obtained during the investigation he/Rivera would be contacting the GBI to investigate any criminal actions committed by Deputy Martinez. Lt. Rivera explained that a GBI agent might request to speak with her in the future. Ms. Trejo advised that she understood. After gathering the above information from Ms. Trejo, the interview was concluded.

On October 4, 2021, Lt. Rivera requested to review Deputy Martinez's Mobile Terminal Log in reference to searches he/Martinez had done on GCIC. Patrol Administrative Assistant Amy Phillips did provide Lt. Rivera with this information. Lt. Rivera noted that Deputy Martinez had ran and received a return through GCIC for Ms. Trejo's driver's license information five times dating from January 11th, 2021 through May 18th, 2021. Deputy Martinez had also ran the tag number of TAW-4595 on May 18, 2021. Lt. Rivera noticed that the vehicle ran by Deputy Martinez was on scene during the interviews of Ms. Trejo at her residence. Lt. Rivera also detected a pattern of vehicle information being ran by Deputy Martinez of Hispanic females ranging in age from 20-40. Lt. Rivera requested Internal Affairs Coordinator Marcy Cochran to

provide Lt. Rivera with a spreadsheet as to Deputy Martinez's Mobile Terminal Log. (See attached document for spreadsheet of GCIC queries made by Deputy Martinez)

On October 4, 2021 at approximately 1000 hours, the Georgia Bureau of Investigation launched an independent criminal investigation in reference to Deputy Martinez's off duty conduct and misuse of GCIC terminal. GBI Agent Steve Rogers conducted an interview of Deputy Martinez at the Whitfield County Sheriff's Office Criminal Investigations Division. The interview was audio and video recorded in an interview room. The following information was obtained from the interview:

- Agent Rogers explained to Deputy Martinez the reason for the interview. Deputy Martinez agreed to speak with Deputy Martinez.
- Agent Rogers asked Deputy Martinez to explain what had occurred. Deputy Martinez provided Agent Rogers with the same information he/Martinez provided Lt. Rivera about the incident.
- While interviewing Deputy Martinez, Agent Rogers asked Deputy Martinez how he had reconnected with Ms. Trejo. Deputy Martinez advised that he had looked Ms. Trejo up using his "work computer" referring to using his GCIC terminal to locate information about Ms. Trejo.
- Agent Rogers asked Deputy Martinez if he had ever looked anyone else up using his mobile terminal for non-work related reasons. Deputy Martinez advised that he had.
- Agent Rogers asked Deputy Martinez what was the purpose of looking these other individuals up.
- Deputy Martinez advised that he thought he knew the people he ran and wanted to confirm that through GCIC.
- Deputy Martinez advised that he thought he had done so approximately six times in the past.
- Agent Rogers asked Deputy Martinez if he had ever ran anyone's tag that he thought were attractive. Deputy Martinez advised that he had. Deputy Martinez further advised, "I run tags randomly".
- Agent Rogers asked Deputy Martinez to explain this statement. Deputy Martinez advised that he ran the tags because he was curious whom the person was.

- Agent Rogers clarified once again that Deputy Martinez was not running these tags for work related reason but was doing so for personal knowledge. Deputy Martinez agreed that he had been running these tags for personal reasons.
- Agent Rogers asked Deputy Martinez why he would do that. Deputy Martinez again advised that he did so because he wanted to know if he knew that person.
- Agent Rogers asked Deputy Martinez when the last time he ran a tag for personal reasons. Deputy Martinez advised that he could not remember when the last time he had done so was.
- Agent Rogers asked Deputy Martinez if he had ever ran the tag to obtain license information for the person so that he/Martinez could see the picture of the person. Deputy Martinez advised that he had.
- Agent Rogers then asked Deputy Martinez what his understanding was about running tags for personal use and whether or not it was okay to do so. Deputy Martinez advised that he was trained to be “nosey” while he was in FTO training.
- Agent Rogers asked Deputy Martinez if during the FTO training he had been told that he needed to be investigating a crime prior to running someone’s tag information. Deputy Martinez advised “kind of in a way”.
- Agent Rogers explained to Deputy Martinez that running the tag information in the way that Deputy Martinez was doing so is illegal. Deputy Martinez agreed that he knew this to be true.
- Agent Rogers asked Deputy Martinez if he had received GCIC training in the past. Deputy Martinez advised that he had. Deputy Martinez advised that he did not want to lose his job because of this.
- Agent Rogers explained to Deputy Martinez that he would be presenting the case to the District Attorney to see if Deputy Martinez’s case would be prosecuted. Deputy Martinez became emotional and advised that he understood.
- Agent Rogers then reviewed the GCIC report for Deputy Martinez’s mobile computer.
- Agent Rogers asked Deputy Martinez about the returns he had received for Ms. Trejo. Deputy Martinez admitted to running Ms. Trejo’s license number and vehicle tag.

- Agent Rogers then asked Deputy Martinez about running Perla [REDACTED]. Deputy Martinez advised that he ran Ms. [REDACTED] because he thought he knew her. Deputy Martinez advised that he had attended school with Ms. [REDACTED] when the two were younger.
- Agent Rogers then asked Deputy Martinez about running [REDACTED] Paez. Deputy Martinez advised that he did not know why he ran her information.
- Agent Rogers then asked Deputy Martinez about running Melissa [REDACTED]. Deputy Martinez advised that he did not know why he ran her information.
- Agent Rogers then asked Deputy Martinez about running Graciela [REDACTED]. Deputy Martinez advised that he did not know why he ran her information.
- Agent Rogers then asked Deputy Martinez about running Ana [REDACTED]. Deputy Martinez advised that he did not know why he ran her information.
- Agent Rogers then asked Deputy Martinez about running [REDACTED]. Deputy Martinez advised that he had located Ms. Garza's vehicle on the courthouse camera system. Deputy Martinez advised that he ran the tag because he knew Ms. Garza and wanted to confirm that it was her vehicle.

After gathering the above information, the criminal interview of Deputy Martinez was concluded. (See case file for full interview of Deputy Martinez conducted by Agent Steve Rogers).

At approximately 1113 hours, Lt. Rivera again spoke with Deputy Martinez. The interview was audio and video recorded in an interview room in the Criminal Investigations Division. The following information was obtained from the interview:

- Lt. Rivera re-read Deputy Martinez his Garrity Waiver. Deputy Martinez agreed to speak with Lt. Rivera.
- Lt. Rivera explained to Deputy Martinez that Lt. Rivera was able to confirm that Deputy Martinez had been over to Ms. Trejo's residence several times before.
- Lt. Rivera explained to Deputy Martinez that Ms. Trejo had informed Lt. Rivera that Deputy Martinez had placed his hands on her previously. Lt. Rivera asked Deputy Martinez to explain what had occurred.
- Deputy Martinez described an incident at Ms. Trejo's residence where he/Martinez attempted to handcuff Ms. Trejo with "fake dollar store handcuffs". Deputy Martinez advised that Ms. Trejo had asked Deputy Martinez to bring her

some handcuffs. Deputy Martinez advised that the two often joked about handcuffs and Deputy Martinez showing Ms. Trejo how to use them.

- Deputy Martinez advised that he had also handcuffed Ms. Trejo at the Annex building. Deputy Martinez advised that Ms. Trejo had come to visit him afterhours.
- Deputy Martinez advised that Ms. Trejo asked him to put the handcuffs on her. Deputy Martinez advised that he did.
- Deputy Martinez advised that Ms. Trejo then handcuffed him. Deputy Martinez advised that nothing else occurred during this incident.
- Lt. Rivera asked Deputy Martinez if he had bent Ms. Trejo over a table in the breakroom while attempting to handcuff her. Deputy Martinez advised that he did not bend Ms. Trejo over but did attempt to handcuff Ms. Trejo.
- Lt. Rivera then asked Deputy Martinez why he had ran Ms. Trejo's license information multiple times. Deputy Martinez advised that the last time he ran her license was due to Ms. Trejo thinking that she had a warrant out for her arrest.
- Deputy Martinez advised that he was not going to share this information with Ms. Trejo but did check to see if Ms. Trejo had any outstanding warrants for her arrest.
- Deputy Martinez advised that on another occasion, he/Martinez had ran Ms. Trejo's license information after Ms. Trejo told him that she had been traffic stopped in another jurisdiction. Deputy Martinez checked to make sure that Ms. Trejo did not have a warrant for not showing up to her court date.
- Deputy Martinez advised that he never shared any of the information with Ms. Trejo. Deputy Martinez advised, "I know better than to tell her".
- Lt. Rivera asked Deputy Martinez if he had received GCIC training in the past. Deputy Martinez advised that he had.
- Lt. Rivera advised Deputy Martinez that after reviewing his GCIC return information for his mobile computer, Lt. Rivera noticed that the majority of the persons ran by Deputy Martinez were Hispanic females.
- Lt. Rivera asked Deputy Martinez why this was the case. Deputy Martinez advised that he was curious as to who they were. Deputy Martinez advised that he knew he was not okay for him to do so.

- Lt. Rivera asked Deputy Martinez what his intentions were with Ms. Trejo and where he thought their relationship was going.
- Deputy Martinez ultimately confirmed that he was hoping to have a sexual relationship with Ms. Trejo and believed that Ms. Trejo did as well.

After gathering the above information, the interview of Deputy Martinez was concluded. (See case file for full interview of Deputy Martinez conducted by Lt. Rivera).

At approximately 1355 hours, Agent Rogers notified Lt. Rivera that the District Attorney's office would be presenting a criminal case to the Whitfield County Grand Jury against Deputy Martinez in reference to the GCIC violations.

At approximately 1420 hours, Lt. Rivera again met with Deputy Martinez. Lt. Rivera explained to Deputy Martinez that the District Attorney had agreed to present the criminal case against Deputy Martinez to the Whitfield County Grand Jury. Lt. Rivera advised Deputy Martinez that he/Rivera would be completing his internal investigation and would be recommending termination based on all the facts of the case. Lt. Rivera asked Deputy Martinez what he would like to do at this time based on the information Deputy Martinez was provided. Deputy Martinez advised that he wished to resign his position at the Whitfield County Sheriff's Office. (See case file for resignation letter).

These findings are in response to the accusation in the Citizen Complaint incident reported in person by [REDACTED] Trejo on October 1, 2021 against Deputy Carlos Martinez for his off duty. This investigation was turned over to Lt. Rivera for additional review.

- 1. Deputy Martinez forcefully placed his hands on Ms. Trejo leaving bruises on Ms. Trejo's wrists and arms.**

Sustained: Deputy Martinez admitted to doing so. Additionally, Ms. Trejo still had visible marks on both arms that were photographed by Investigator Amos.

- 2. Deputy Martinez restrained Ms. Trejo and did not allow Ms. Trejo to move freely during this incident.**

Sustained: Deputy Martinez admitted to doing so. Ms. Trejo describes being held against her will for approximately one minute. Ms. Trejo advised that after she was able to get free from Deputy Martinez, she then went inside her residence.

- 3. Deputy Martinez attempted to pick Ms. Trejo up off the floor after being advised of Ms. Trejo's wishes against this occurring.**

Sustained: Deputy Martinez admitted to doing so. Ms. Trejo advised that she told Deputy Martinez on several occasions not to attempt to pick her up due to Ms. Trejo being in a dress and not wearing any panties. Deputy Martinez still attempted to do so.

- 4. Deputy Martinez ran Ms. Trejo driver's license information and vehicle tag through his Mobile Terminal for personal use.**

Sustained: Deputy Martinez admitted to doing so. Deputy Martinez advised that he ran Ms. Trejo's information to verify her address and to check to see if she had any outstanding warrants.

- 5. Deputy Martinez ran additional persons pertinent information through his Mobile terminal for personal use.**

Sustained: Deputy Martinez admitted to doing so. Deputy Martinez advised that he "randomly runs tags" to see if he knows the person. In most cases the person's information being ran was that of Hispanic females ranging in age from twenty to forty.

Pursuant to Whitfield County Sheriff's Office policy 13.02 – The Five Factors of Equity will be applied to determine what action will be taken, if any, against a member of this agency.

1. The seriousness of the offense as it relates to the nature and extent of damage or potential damage or future liability to the County as an employer.

Deputy Martinez's off duty conduct fail to adhere to and uphold our professional code of ethics set forth by Whitfield County Sheriff's Office Policy. Deputy Martinez will now potentially face criminal charges for violation of Georgia Law. If allowed to remain a deputy for our department, Deputy Martinez would pose a serious liability to our department.

O.C.G.A 16-10-1 Violation of oath by public officer

O.C.G.A 16-9-93 (C) Computer Invasion of Privacy

2. The deterrent effect (i.e., message) that needs to be conveyed to other members to prevent similar infractions or to ensure those similar infractions will not occur or be tolerated.

To adhere to and uphold our professional code of ethics set forth by Whitfield County Sheriff's Office Policy. To revert back to their training, knowledge and experience when running and obtaining sensitive information via their mobile computer devices. To follow all guidelines set forth in O.C.G.A as it relates to G.C.I.C information.

3. The degree of member culpability (i.e., fault), if any, and the member's attitude about acknowledging wrong doing and making a commitment to improve; this includes the member's cooperation in the investigation and resolution processes.

Deputy Martinez provided Lt. Rivera with a recorded interview and written statement as to what occurred during this incident. Deputy Martinez acknowledged his wrongdoing during this incident and fully cooperated with the investigation.

4. The member's previous disciplinary and performance records to include but not limited to time between other offenses, the nature of other offenses, work productivity, attendance rates, cost of supervision, types of performance errors and the like.

Deputy Martinez has no previous disciplinary issues on record during his employment at the Whitfield County Sheriff's Office.

5. The member's seniority

Deputy Martinez had been employed at the Whitfield County Sheriff's Office from June 6, 2016 until his resignation on October 4, 2021.

After application of the five factors of equity, Lt. Rivera believes that Deputy Martinez's actions were unprofessional and do not reflect the standards set forth by the Whitfield County Sheriff's Office. Deputy Martinez violated the following Whitfield County Sheriff's Office Policies during this incident:

Section 11.01 Exercising Common Sense and Affirmatively Promoting the Organization's Values

Members shall exercise ordinary common sense and strive to find ways in every contact with the public to promote the Office's values as expressed in its standards (such as the mission, code of ethics, goals and objectives, these standards of conduct, and other lawful directives and legitimate expectations). For purposes here, ordinary common sense will be defined as that level of knowledge that a common person with average capabilities and life experiences possesses.

(A) Business Necessity for This Standard

Members shall accept full responsibility for their attitudes, behaviors and the results of their behaviors on duty as well as off duty. Attitudes and behaviors that may not be considered wrong in private employment could be wrong in the public sector because of the need to gain and maintain the public's confidence and trust.

Historically, citizens are quick to criticize public servants and expect them to exercise common sense and judgment in their actions. Those who wish to hold the honor of a public position and enjoy the privileges of public trust share a responsibility to conduct themselves (on duty as well as off duty) in a manner that does not bring public image or trust into question.

(B) Nonexclusive Listing of Non-violations

1. Conduct during non-duty hours outside the community when the member is not identified with the Whitfield County Sheriffs Office and when the conduct is not discovered by the general public or does not appear on a record associated with the Office.
2. Off-duty conduct or behavior (non-criminal in nature) that has no impact or probable impact on the effectiveness or efficiency of the Whitfield County Sheriff's Office. On-duty conduct or work behavior that is questioned by a citizen and through a fact finding effort or formal investigation can be honestly explained and justified by the demands of the situation existing at the time.

(C) Nonexclusive Listing of Violations

1. Consistent complaining from a member's neighbors concerning the member's violations of law.
2. Controversial conduct displayed on or off duty that brings public criticism and causes management or supervisory personnel to formally investigate or respond to the criticism.
3. Failing to properly identify oneself (such as giving a name, identification number, or badge number) to any person legitimately requesting it.
4. Failing to wear a designated uniform or present a neat, tasteful appearance and to be suitably attired and groomed during working hours or when representing the Office.
5. Failing to treat members of the public with respect and courtesy.
6. Loud or crude language made to or about another member or a member of the public.
7. False or malicious criticisms of Office operations when such actions damage the public's trust without providing substantial evidence that such actions were of public concern.
8. Smoking or chewing smokeless tobacco while meeting the general public, while in nonsmoking areas, public buildings, operating or riding in public vehicles.

(D) Enforcement Guideline

- Progressive discipline up to and including termination, unless public trust and confidence is substantially damaged. Severe damage of public trust or irrefutable damage to the employer-member relationship will result in termination.

Section 11.18 Observance of Laws

Members shall obey all constitutional, criminal, and civil laws imposed on them as a member of the Whitfield County Sheriff's Office and as a citizen of this state and country.

(A) Business Necessity

Service and protection of the public, impartial administration and carrying out of duties, observing and obeying the laws, and providing equal service to all are covenants public members have with citizens. Members are bound to honor their obligations in these areas if they wish to remain in public service. Members who lose or destroy public faith and respect weaken the ability of the Whitfield County Sheriffs Office to achieve its mission, goals and objectives,

(B) Nonexclusive Listing of Non-violations

There are no exemptions.

(C) Nonexclusive Listing of Violations

1. Committing an unlawful search, seizure, or detention of another person or person's property.
2. Committing non-exempted infractions of traffic codes (e.g., driving over the speed limit, failing to observe traffic control devices, parking in unauthorized locations, failing to wear seat belts, etc.).
3. Inflicting punishment or mistreatment (includes both physical as well as mental) upon a prisoner, or person in custody or detention, or member of the public.
4. Unlawfully copying or distributing computer software, publications or other documents or copyright materials.
5. Unprivileged publication of a false statement that harms the reputation of another member or any person in general.

(D) Enforcement Guidelines

- Termination if substantial evidence exists to establish that the member acted with malice, intent, or blatant disregard for another's civil rights.
- Progressive discipline up to and including termination.

Section 11.21 Use and Care of Property and Equipment

Members are accountable for the proper use and care of any property or equipment assigned to them, used by them, or under their direct or constructive care.

Constructive care means caring for equipment not being used or equipment found unattended or unsupervised. All members are accountable for assuming the care for such equipment and are required to take action affirmatively to return it to its place of proper storage.

Property means tangible and intangible ownership of goods, rights, or privileges of the Office. Equipment is the tools by which the Office is able to accomplish its objectives and represents a capital investment of public resources.

(A) Business Necessity

Management has the specific right and inherent interest in assuring the public that its equipment will be cared for and used in an effective, efficient and safe manner. Part of this responsibility includes designating what equipment will be used, how it will be

used, who shall and shall not use such equipment or property, and how it shall be cared for while entrusted to a member.

(B) Nonexclusive Listing of Non-violations

1. Any equipment damaged as a result of properly performing an authorized function is not a violation of this standard.
2. Unique uses of equipment in an emergency situation to save a life or prevent the potential of serious life-threatening injury are not a violation of this standard.

(C) Nonexclusive Listing of Violations

1. Purposefully damaging equipment (e.g., acts of sabotage).
2. Through inattention or other acts of negligence, causing equipment to be damaged.
3. Failing to perform routine and regular maintenance on assigned equipment.
4. Failing to report damaged or dysfunctional equipment.
5. Leaving a vehicle running and unsecured.
6. Misuse of radios by transmitting slang or other non-official communications.

7. Display of negative attitudes over the radio or otherwise transmitting non-professional communications.
8. Private use of equipment without the approval of appropriate supervisory personnel.
9. Purposefully disabling or damaging equipment or equipment used by another.
10. Testing or using equipment in an unauthorized manner that results in damage.
11. Use of another person's equipment without gaining the other's prior approval.
12. Using Whitfield County Sheriff's Office identification or credentials to gain admission or privileges into any public or private gathering, event or establishment for non-approved reasons.
13. Using special or restricted equipment without gaining proper supervisory authorization.

(D) Enforcement Guidelines

- Termination if an infraction creates a substantial safety risk to another member or if loss or damage to any equipment or property is substantial. An example of substantial may be the cost that the normal member would not normally be capable of repaying if the cost of the equipment and its replacement were to be deducted from the member's annual salary.
- Progressive disciplinary action up to and including termination for all other situations.

Recommendation: Termination

These findings will be forwarded to the Division Captain for review.

Lt. Jose M. Rivera

Whitfield County Sheriff's Office

Criminal Investigations Division

Date

Captain Steve Fields

Whitfield County Sheriff's Office

Division Captain – Court Services

Date