

2013-00057

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 06/11/2013

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Kuykendall, Amy H. Race: W Sex: F Age: 36 Date of Birth: [REDACTED] 1976
Address: 583 Green Ridge Rd. City: Cartersville, Ga. Zip: 30120

Home Phone: [REDACTED] Business Phone:

II. Deputy/Civilian Employee Information:

Name: Jones, Cody Rank: Deputy I.D.#:
Division: UPO (FTEP) Unit Number:

6-28-13
PC

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

III. Location of Incident:

130 Cherokee Way, Acworth, Ga., 30102

Date: 06/03/2013 Time: 1115 hrs. Case Number: 13-61020

IV. Description of Incident: ☒ Allegation ☐ Inquiry ☐ Commendation

See Attached

V. Witness Information:

Name: Kuykendall, Blakeston Address: 4211 Northfolk Dr. City: Acworth, Ga., 30102

Home Phone: [REDACTED] Business Phone:

Name: Bankston, Trudy (Mother-in-Law) Address: Same as Above City: Acworth, Ga., 30102

Home Phone: [REDACTED] Business Phone:

VI. Person Taking Report:

Name:	M. Pruner	Rank	Corporal
Division:	ADC	Shift:	#3
		Badge Number:	235

SHIELDS OF SHAME

VII. SUPERVISORS COMMENTS/RECOMMENDATIONS:

VIII. ALLEGATION / INQUIRY / COMMENDATION INFORMATION:

HOW A/I/C RECEIVED: ☐ TELEPHONE ☒ WRITTEN FORM ☒ PERSONAL CONTACT

A/I/C REFERRED TO: Lt. Donley

☐ A/I/C RESOLVED ON INITIAL CONTACT ☐ ALLEGATION / INQUIRY WITHDRAWN

IX. DOCUMENTATION ATTACHED: ☐ INCIDENT REPORT ☐ WRITTEN STATEMENT ☐ OTHER

X. DIVISION COMMANDERS REVIEW:

Mark M. Smith
(SIGNATURE)

4 June 13
(DATE)

- ☐ NO FURTHER ACTION REQUIRED
- ☐ REFER TO _____ FOR FURTHER INVESTIGATION
- ☐ RECOMMEND FORMAL COMMENDATION

ADDITIONAL COMMENTS:

XI. INVESTIGATOR'S FINDING

(Choose the appropriate finding of fact for allegations only, as defined by GO 94-22)

- _____ **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.
- (U) **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.

Employee Signature

Date

Witness Signature

Date

Distribution: Division Commander
 Internal Affairs

CHEROKEE COUNTY SHERIFF' S OFFICE

MEMORANDUM

To: Capt. C. Higgins
From: Lt. Jason Donley *JFD*
Date: 23-June-2013
RE: AIC Deputy C. Jones (13-61020)

1. My investigation of the allegations filed by Amy Kuykendall against Deputy C. Jones has determined her complaint is unfounded.
2. After reviewing the incident report and speaking with Cpl. Lavine and Deputy Bolls I learned the following:
 - a. Cpl. Lavine was only on scene briefly and had to leave to handle other calls for service.
 - b. Mrs. Kuykendall went to the incident location to confront her husband, John Kuykendall, because she thought he had another woman at that location. This was learned through Mrs. Kuykendall's own admission. It is unlikely Mrs. Kuykendall was entirely calm if she was going to confront her husband with the expectation of catching him with another woman.
 - c. Ms. Kuykendall restates several things in the AIC that are also documented in the incident report (hair pulling, being pushed down, swollen and red hand). This contradicts her allegation of an improper investigation when her statement appears to be accurately reflected in the incident report.
 - d. The physical evidence at the scene (broken window, knocked over television, etc) was more consistent with John Kuykendall's version of the facts than Amy's.
3. Mrs. Kuykendall alleges the call for service was not properly investigated yet a juvenile and adult witness were located and interviewed, physical evidence was noted and photographed, and the primary aggressor (Mrs. Kuykendall) was identified and arrested.
4. Ms. Kuykendall may not agree with the outcome of the investigation conducted by Deputy Jones but my inquiry has determined the call was properly investigated by Deputy Jones and Deputy Bolls.

I got to the address of 130 Cherokee Way where my husband and I have been living. I left the house for about 3 days the 4th I went to the house to go to take with my husband and kid. We sit in the living room and got ready to go. I got up to go to bathroom the bedroom door was locked I asked why he said don't matter so I tried to kick the door open he ~~then~~ took me by my hair thru me out on the porch so I ~~and~~ hit him in the face at that time he held me down with his hand around my neck. After he let go I got into my car called 911 waited on them officer Jones pulled up asked everyones side talked to my son my son told him that his dad had pulled me out by my hair and held me down with his hands around my neck. Still at this time he put cuffs on me took pictures of my husband. Never took pictures of me till I got

to the jail 1 to 1 1/2 later.
It feel as if he did not
fairly take care of the call

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