

0514-00081

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 10/06/2014

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Castro, David Race: _____ Sex: _____ Age: _____ Date of Birth: _____
Address: 108 Oak Grove City: Acworth Zip: 30102
Place

Home Phone: [REDACTED] Business Phone: _____

II. Deputy/Civilian Employee Information:

Name: Jones, Cody Rank: Deputy I.D.#: 16250
Division: UPD Unit Number: _____

Name: Sullivan, Joseph Rank: Deputy I.D.#: 16152
Division: _____ Unit Number: _____

III. Location of Incident:

108 Oak Grove Place

Date: 10/05/14 Time: 2200 Case Number: 14-94685

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

See attached email for details.

V. Witness Information:

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

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

VI. Person Taking Report:

Name: T.K. Pinyan Rank: Captain
Division: OPS/IA Shift: _____ Badge Number: _____

VII. Supervisor's 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☐ A/I/C Resolved on Initial Contact ☐ Allegation/Inquiry Withdrawn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:

(Signature)

(Date)

10-15-14

- ☒ No further Action Required.
☐ Refer to _____ for further investigation.
☐ Recommend Formal Commendation.

Additional Comments:

I concur with paragraph 5.a.

- ☐ 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.

Employee Signature

Date

Witness Signature

Date

CHEROKEE COUNTY SHERIFF' S OFFICE
MEMORANDUM

To: Capt. J. Satterfield
From: Lt. Jason Donley *JD*
Date: 2014-Oct-09
RE: AIC 2014-00081: Warrant service at 108 Oak Grove Place

1. On 10/06/2014 I received an AIC Allegation from Capt. Pinyan (Internal Affairs) regarding an attempted warrant service at 108 Oak Grove Place, Acworth, GA. The complaint and email from Mr. Castro is attached.
2. I retrieved and reviewed videos from both Deputies Jones and Sullivan for this call. I also obtained a copy of the warrant and the CAD report. The warrant is for felony VOP, attached.
3. In reviewing the video the warrant service is conducted properly with two deputies. Jones covers the back of the house while Sullivan goes to the front door and knocks. Once the homeowner realizes it is the Sheriff's Office at the door, he opens the door and invites the deputies in and explains there was previous attempt to serve the warrant and they were new tenants who did not know the wanted subject. Mr. Castro is a little upset to have been bothered again and especially within such a short period of time. He also expresses concern about potential consequences had he aimed his pistol at someone or something in the backyard to use his weapon mounted light to illuminate things. Deputy Jones stated that he cannot legally shoot things in the backyard just because they are there and points out that Mr. Castro had not in fact seen him in the backyard at all; at this point Deputy Jones does chuckle. In reviewing the video it is apparent to me Deputy Jones was attempting to deescalate the situation and did not intend to make light of Mr. Castro's concerns. When I later spoke with Deputy Jones he reiterated this sentiment and said Mr. Castro seemed very concerned and was quite serious so he was hoping a bit of levity would ease the tension. Unfortunately, this did not ease the tension but apparently upset Mr. Castro.
4. I recommend Deputies Jones and Sullivan be exonerated. They properly conducted a warrant service for a felony warrant. It was late but not so late as to be unreasonable. Not every member of the community to respond the same way to de-escalation techniques that have worked reliably in the past and it is not reasonable to expect deputies to predict every person's reactions with certainty. Jones and Sullivan attempted the diffuse Mr. Castro's concerns but he took their efforts as being dismissive instead. Mr. Castro also acknowledged this in my follow up phone call with him this date.
5. I also find a procedural deficiency in this agency with regards to communicating failed warrant service attempts. The agency has become large and there is little communication between different divisions regarding failed warrant service attempts and known bad addresses.
 - a. As a remedy I agree with D/S Jones suggestion that all members of the agency who attempt to serve a warrant and find a truly "bad address" be instructed to contact GCIC by telephone to request a note be fixed (stapled) to the warrant noting the bad address, who determined it was bad, and the date service was attempted.

Thomas K. Pinyan

From: Roger D. Garrison
Sent: Monday, October 06, 2014 10:45 AM
To: Karen P. Johnson; Thomas K. Pinyan
Subject: Fwd: Wrong House for Search Warrant

See what our issue is, find out if someone laughed at him

Sheriff Roger Garrison

Begin forwarded message:

From: "PayThePrice71" [REDACTED]
Date: October 5, 2014 at 10:56:45 PM EDT
To: <rdgarrison@cherokeega.com>
Subject: Wrong House for Search Warrant

Sheriff Garrison,

For the second time within a week we have had your office at my door looking for someone named "Felicia." My wife and I moved into this address at the beginning of July this year.

The first time your officers came to my door I let them know she does not live here and we also provided information for our landlord. Your deputies that came by the first time screwed up. The information on this Felicia woman should have been updated so we were not disturbed again. Someone could have gotten shot tonight.

Tonight your officers stopped by again and this time one of them was in my backyard. I didn't know this, but your officer told me he was. In these uncertain times I take my safety very seriously, and your officers risk their lives daily a stupid mistake like this could have ended very badly. I have firearm at my side all the times had the officer in my back yard seen me jump up and grab my firearm I am sure this could have been worse.

After I verified who was knocking at my door after 10 pm at night I opened the door and invited your officers into my house. After I explained to them that we had already been over this we walked outside. Then the officer that was in my backyard laughed about me not seeing him after I had just made it clear I was looking out for their safety as well as mine. Laughing in my face after you scared the hell out of my wife and I is not acceptable. What in the hell is so funny.

When a loud knock on my door happens this late at night my first instinct is to ready my weapon and identify who is knocking at my door. Had this officer seen me ready my weapon what could have happened? I asked him what could have happened had I seen someone sneaking around in my back yard and I started taking aim. His response was that I shouldn't be shooting at a target I cannot identify.. Well no shit. I am retired military I know how to protect myself and my home. I then told the officer that was in my back yard my flashlight is on my firearm, what could have happened had he seen me raise my weapon then get blinded by my flashlight as I was identifying who was there? Then the other officer who actually knocked on my door said they probably would not have seen my firearm because of the light.

This ended with nobody getting hurt, but I am quite sure you can see where this could have gone terribly wrong. I analyze my actions after every encounter that could have been worse. I suggest your department gets their act together and update and verify my address for any future encounters.

So for the record;

David & Rachel Castro live at 108 Oak Grove Place Acworth, GA 30102 NOT some woman named Felicia.

I want it verified that it has been updated. Again this could have been a bad situation had I seen someone sneaking around in my backyard. This is for your officer's safety as well as mine. They should also make it a habit to close gates they open, had my dogs got out and got lost my wife and I would have been filing a complaint. We love this county so far, please correct this deficiency.

Be Safe,

David & Rachel Castro



This email was Anti Virus checked by Astaro Security Gateway.
<http://www.sophos.com>

Detailed History for Police CAD# #P140157000 As of 10/06/2014 12:00:19

Priority:3 Type:1017 - WARRANT SERVICE

Location:108 OAK GROVE PLC,CH

LocCross:btwn OAK GROVE WAY and SPANISH OAK DR

Created:	10/05/2014 22:00:06	OP6	400155
Entered:	10/05/2014 22:00:06	OP6	400155
Dispatch:	10/05/2014 22:00:06	OP6	400155
Enroute:	10/05/2014 22:00:06	OP6	400155
Onscene:	10/05/2014 22:00:06	OP6	400155
Control:	10/05/2014 22:03:05	OP6	400155
Closed:	10/05/2014 22:06:18	OP6	400155

PrimeUnit:C25 Dispo:13 Type:1017 - WARRANT SERVICE

Agency:SO Position:P1 Beat:21 Block:2101

Case #:SO140094685 ☐ Detail

22:00:06 CREATE Location:108 OAK GROVE PLC,CH Unknown:btwn OAK GROVE WAY and SPANISH OAK DR
 22:00:06 ENTRY Type:None-->1017 Position:None-->P1 Area:None-->2101 TypeDesc:None-->WARRANT SERVICE
 Priority:None-->3 Response:None-->POL1 Agency:None-->SO
 22:00:06 DISPOS C25 Location:108 OAK GROVE PLC,CH Operator:000714 OperNames:JONES,CODY
 22:00:06 DISPOS C29 Location:108 OAK GROVE PLC,CH Operator:000636 OperNames:SULLIVAN,JOSEPH
 22:00:06 -PRIU C25
 22:00:06 -CASE C25 Case#:SO140094685
 22:00:07 -PREMIS Comment:PPR
 22:03:05 OK C25 C29
 22:06:18 CLEAR C25 C29 Dispo:13
 22:06:18 -CLEAR
 22:06:18 CLOSE

WARRANT FOR ARREST FOR PROBATION AND
PETITION FOR ADJUDICATION OF GUILT/IMPOSITION OF SENTENCE (FOA)STATE OF GEORGIA
vsCOUNTY OF CHEROKEE
DOCKET NO.FELICIA M. PARRIS10CR1019RECEIVED
JUN 19 2014
CHEROKEE CO.
SHERIFF'S OFFICE
WARRANT DIV.

NOW COMES Michael Thompson PO II, Probation Officer, in the name and behalf of the State of Georgia, and brings this action against FELICIA M. PARRIS, hereinafter called the probationer, and shows that the probation was sentenced on 02/23/2011 by the Court for the offense (s) Nine (9) Counts of Fraudulent Credit Card (F) and was given a sentence to include probation, the conditions of which are fully set forth in the original sentence. The probationer has violated the following terms and conditions of probation:

General Condition #1- Do not violate the criminal laws of any governmental unit.

General Condition #2- Avoid injurious and vicious habits, especially alcoholic intoxication, and use of narcotics or other dangerous drugs unless prescribed lawfully.

General Condition #4- Report to the Probation Officer as directed and permit such officer to visit with you at home or elsewhere.

Special Conditions- Pay Court Ordered Monies and Perform Community Service Work.

Probationer is charged with violation of these conditions, in willful disregard of Court Order, specifically as follows:

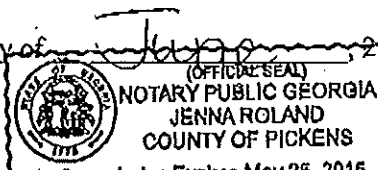
In that the Probationer has committed the offenses of Theft by Shoplifting (M) in Cobb County, GA on March 10, 2014; Possession of Methamphetamine (F) and Possession of Schedule 1 Controlled Substance on 06/02/2014 in Cobb County, GA. Probationer last date to reporting the Canton Probation Office via PRCC 01/31/2014, last date performing Community Serve Work 12/19/2013 with arrears of 34 hours, and last payment of \$25.00 on 04/01/2014 with arrears of \$3382.32. Probationer has paid Two (2) payments in 2014; \$50.00 on 02/01/2014 and \$25.00 on 04/01/2014.

The State of Georgia prays that a copy of this document be served on the probationer upon arrest, and that the probationer be directed to appear before this Court to show cause why probation should not be modified or revoked.

Michael Thompson PO II
Probation Officer, Blue Ridge Judicial Circuit

This 13 day of June, 2014Sworn to and subscribed before me on this 13 day of June, 2014

Notary Public (Seal)



TO THE SHERIFF OF THE ABOVE NAMED COUNTY AND SHERIFF'S ENFORCEMENT OFFICER OF THE STATE:

Under authority of the Georgia Statewide Probation Act you are hereby **COMMANDED** to take the body of:

NAME: FELICIA M. PARRIS ADDRESS: 108 Oak Grove Place, Acworth, GA 30102

EMPLOYER: NA and safe keep her until she may be returned to this Court on a day and time to be fixed after arrest, there to show cause before me why said probation should not be revoked or modified for violation of the preceding general and/or special conditions of probation. It is also ORDERED that the probationer, upon arrest, be served with a copy of this Order by the Cherokee County Sheriff's Office, with proper documentation of service on the reverse side specifying the date and time of said hearing.

Issued this 18 day of June, 2014Honorable David Lee Cannon, Jr.

ACKNOWLEDGEMENT

I hereby acknowledge service of this document and understand that I am to appear before the Court at the Cherokee County Courthouse in Canton, Georgia at _____ (am/pm) on the _____ day of _____, 20____ and that I may employ legal representation for said hearing.

This _____ day of _____, 20____

PROBATIONER

Sentencing Judge: _____

Revocation Court Date: _____

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this document upon the probationer in person.

This _____ day of _____, 20____

SIGNATURE

PRINT NAME/TITLE

NON EST INVESTUS

The undersigned officer hereby certifies that a thorough and diligent search for the probationer listed in this warrant has been made at the address listed on this warrant and his/her whereabouts are unknown and cannot be located.

Signed this _____ day of _____, 20____ at _____

Georgia, _____ CITY _____ COUNTY

Signature _____

Title _____

PARRIS, FELICIA M
10CR1019

COUNTY OF CHEROKEE

STATE

VS.

FELICIA M. PARRIS
FELICIA M. PARRIS

AUTHORITY TO ARREST

Received _____

Executed _____

By _____

Title _____

PERSONAL DATA

SS# _____ DOB _____ 1985

RACE White SEX Female

Height 5-2 Weight 110

Hair Brown Eyes Green

Expiration Date 02/22/16

Last known address and employer:

108 Oak Grove Place

Acworth, GA 30102

108 Oak Grove Place

Acworth, GA 30102

NA

JUN 19 '14 PM 12:41

EXTRADITION:

Approved by DA: _____

Disapproved by DA: _____

Date Received: _____

10/ NCID/Services

JUN 19 2014

Record Entered Operators Initials: DV

GA Plu only

SHIELDS OF SHAME

SHIELDS OF SHAME

SHIELDS OF SHAME