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CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 12/04/2014

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Robin Honaker Race: White Sex: Female

Address: _____ City: _____ Zip: _____

Home Phone: [REDACTED] Business Phone: _____

II. Deputy/Civilian Employee Information:

Name: Joseph Sullivan Rank: Deputy I.D.#: 697

Division: Uniform Patrol Unit Number: C-29

Name: Cody Jones Rank: Deputy I.D.#: 765

Division: Uniform Patrol Unit Number: C-25

III. Location of Incident:

6199 Highway 92 (Kroger)

Date: 12/04/2014

Time: 1835

Case Number: 14-112202

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

On 12/04/2014 I was requested via Dispatch to contact Robin Honaker regarding a complaint against D/S Jones and D/S Sullivan arresting Robin's mother, Brenda Phillips. Upon contacting Robin she immediately began a long, rambling statement that both D/S Sullivan and D/S Jones needed to be reprimanded and terminated for putting their hands on Robin's mother, Brenda, because "no man should ever put their hands on my mother". Robin further informed me that all of Cherokee County was corrupt and for that reason, and because she has an active warrant for her arrest, she would not be returning. Robin then insisted deputies had pushed Robin's son, who was at the scene and on the phone with Robin at the time of the incident, and her son was [REDACTED] disabled by [REDACTED] and [REDACTED]. Robin further informed me she was positive there was no way her mother could have stolen money from the Salvation Army kettle she was maintaining because all of the kettles are padlocked. As a result of this information Robin was insistent the arrest was illegal and it needed to be fixed or the news media would be called to report the incident. During much of the first few minutes I was unable to understand many of the things that

Robin said due to her extremely slurred speech. Robin also informed me she was on [REDACTED] and dying in Illinois, but if she needed to come turn herself in to free her mother she would do so. After listening to Robin for several minutes I had to clarify with Robin that the basis of her complaint was that her son, Ryan Honaker, had been pushed and she felt the arrest of her mother was unlawful.

V. Witness Information:

Name: <u>Allison Tidwell</u>	Address: <u>805 LAKE MIST CV</u>	City: <u>Alpharetta</u>
Home Phone: <u>[REDACTED]</u>	Business Phone: <u> </u>	
Name: <u>Brenda Phillips</u>	Address: <u>6310 BELLS FERRY ROAD LOT</u>	
City: <u>Acworth</u>		
Home Phone: <u>[REDACTED]</u>	Business Phone: <u> </u>	

VI. Person Taking Report:

Name: <u>John Brookshire</u>	Rank <u>Sergeant</u>
Division: <u>Uniform Patrol</u>	Shift: <u>4</u> Badge Number: <u>414</u>

VII. Supervisor's Comments/Recommendations:

I contacted D/S Jones about the incident and determined he was investigating a theft of cash from a wallet left in a shopping cart, at which point he determined the theft was committed by Brenda Phillips. Brenda was arrested and handcuffed by D/S Jones with no use of force. She was then transported to the South Annex where Brenda Phillips admitted to the crime during an interview. The arrest appears lawful and proper, supported by ample probable cause and a confession. D/S Jones informed me Brenda had multiple family members on the scene who were upset over her arrest and were vocal about it, including Ryan Honaker, who repeatedly was warned about using profane language in the parking lot of Kroger.

I contacted D/S Sullivan about the incident and he explained as D/S Jones began handcuffing Brenda, Ryan Honaker began rapidly approaching the area where D/S Jones was. D/S Sullivan extended his hand with his palm extended and facing Ryan in a "stop" fashion, at which point Ryan ran into D/S Sullivan's hand and exclaimed "Don't touch me". Ryan then walked away while talking on the phone and could be overheard telling someone on the phone "he just pushed me". After Ryan walked away the victim, Allison Tidwell, informed D/S Sullivan she had seen the incident and told D/S Sullivan she knew he had not pushed Ryan.

At this point, Robin's allegation of a false arrest is unfounded as Robin's mother confessed to the crime. Contact with the victim/witness has not been made due to a nonworking phone number. Patrol videos are unrevealing as the participants were not in camera view.

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]
(Signature)

12-18-14
(Date)

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

Additional Comments:

I confer with Lt. Donley -
Exonerated -

Distribution:

Division Commander

Internal Affairs

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 _____
Witness Signature _____

Date 12-10-14
Date 12/10/14

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.

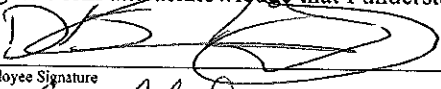
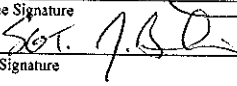
Employee Signature _____
Witness Signature _____

Date 12-31-14
Date 12-31-14

Distribution: Division Commander
Internal Affairs

XI. Service of Employee

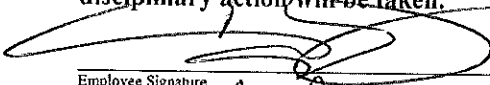
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Witness Signature

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Employee Signature

Witness Signature

12/31/14
Date
12-31-14
Date

Distribution: Division Commander
Internal Affairs

CHEROKEE COUNTY SHERIFF'S OFFICE



498 CHATTIN DRIVE
CANTON GA 30115

Phone
(678) 493-4200
Fax

14-112202

Supplement No
ORIG

Reported Date
12/04/2014
Rpt/Incident Typ
THEFT
Member #
JONES, CODY

Administrative Information											
Agency CHEROKEE COUNTY SHERIFF'S OFFICE				Incident No 14-112202		Supplement No ORIG		Reported Date 12/04/2014		Reported Time 18:38	
CAD Call No 140188105		Status INVESTIGATE		Rpt/Incident Typ THEFT							
Location 6199 HIGHWAY 92										City ACWORTH	
ZIP Code 30102		Area 2101	Zone C	Beat 21	From Date 12/04/2014		From Time 18:35		To Date 12/04/2014		To Time 22:11
Member # 000714/JONES, CODY						Division UNIFORM PATROL OAK GROVE			Entered By 000714		
Division UNIFORM PATROL OAK GROVE				RMS Transfer Successful		Prop Trans Stat Successful		Approving Officer 000320			
Approval Date 12/08/2014		Approval Time 17:29:39									
# Offenses 1	Offense 16-8-6				Description THEFT OF LOST OR MIS			Complaint Type			
Person Summary											
Invl ARR	Invl No 1	Type I	Name PHILLIPS, BRENDA							MNI 475420	
Race W	Sex F	DOB 1945									
Invl VIC	Invl No 1	Type I	Name TIDWELL, ALLISON ROXANNE							MNI 555168	
Race W	Sex F	DOB 1987									
Invl WIT	Invl No 1	Type I	Name SMITH, JESSICA							MNI 553754	
Race W	Sex F	DOB									
Summary Narrative											
Theft of Lost or Mislaid Property-Arrest Made											

14-112202

Supplement No
ORIG

CHEROKEE COUNTY SHERIFF'S OFFICE

ARRESTEE 1: PHILLIPS, BRENDA

Involvement	Inv No	Type						
ARRESTEE	1	Individual						
Name	PHILLIPS, BRENDA					MNI	Race	Sex
						475420	WHITE	FEMALE
DOB	Age	Ethnicity	Juvenile?	Height	Weight	Hair Color		
1945	69	NOT OF HISPANIC ORIGIN	No	5'07"	160#	BLONDE/STRAWBERRY		
Eye Color	PRN							
BLUE	481623							
Type	Address							
OTHER	6310 BELLS FERRY ROAD LOT 76							
City	State	ZIP Code	Date					
ACWORTH	GEORGIA	30102	11/18/2011					
Type	Address							
HOME	6310 BELLS FERRY RD							
City	State	ZIP Code	Date					
ACWORTH	GEORGIA	30102	12/04/2014					
Type	ID No				OLS			
STATE OPERATOR LICENSE	230628670				GEORGIA			
Type	ID No				OLS			
STATE IDENTIFICATION NUMBER	4106232M				GEORGIA			
Type	ID No							
SOCIAL SECURITY NUMBER								
Phone Type	Phone No	Date						
PRIMARY		12/04/2014						
Involvement	Arrest Type	Arrest Date	Arrest Time	Booking No	Book Date	Book Time	Status	
ARR	T	12/04/2014	19:42:00	14-9054	12/04/2014	22:05:00	ARRESTED	
Arrest Location							City	
6199 HWY 92							ACWORTH	
Area	Beat							
2101	21							
Charge	Level	Charge Literal						
16-8-6	X	THEFT OF LOST OR MIS						
Warrant No	Warrant ORI							
TBT	GA0280000							

VICTIM (Person) 1: TIDWELL, ALLISON ROXANNE

Involvement	Inv No	Type						
VICTIM (Person)	1	Individual						
Name	TIDWELL, ALLISON ROXANNE					MNI	Race	Sex
						555168	WHITE	FEMALE
DOB	Age	Juvenile?	PRN					
1987	27	No	481624	3104 Shirley Dr, Kenn 30144				
Type	Address							
HOME	805 LAKE MIST CV 5007 Melanie Dr NW, Kennesaw 30144							
City	State	ZIP Code	Date					
ALPHARETTA	GEORGIA	30004	12/04/2014					
Type	ID No				OLS			
STATE OPERATOR LICENSE	049651957				GEORGIA			
Phone Type	Phone No	Date	Phone Type	Phone No				
PRIMARY		12/04/2014	PRIMARY					
Date	12/04/2014							

WITNESS 1: SMITH, JESSICA

Involvement	Inv No	Type	Name					
WITNESS	1	Individual	SMITH, JESSICA					
MNI	Race	Sex	PRN					
553754	WHITE	FEMALE	481625					
Type	Address							
WORK/BUSINESS	6199 HIGHWAY 92							
City	State	ZIP Code	Date					
ACWORTH	GEORGIA	30102	12/04/2014					
Phone Type	Phone No	Date						
PRIMARY		12/04/2014						

CHEROKEE COUNTY SHERIFF'S OFFICE

Modus Operandi

Premise Type	Theft Type	Victim's Race	Victim's Sex	Victim's Age
PARKING LOT	THEFT BY TAKING MISDEMEANOR	WHITE	FEMALE	ADULT
Crime Code(s) GRAND AND LARCENY THEFTS				

Narrative

On the above date and time, I was dispatched to a possible entering automobile call for service at 6199 Highway 92 [Kroger].

When I arrived on scene, I met with the caller and alleged victim identified as Allison Tidwell. Allison stated her gold Michael Kors wallet [\$150 value] was taken from her shopping cart as she unloaded her groceries into her vehicle. This seemed odd to me because she stated her wallet and her shopping cart never left her side. She told me she had approximately \$1,100 cash in her wallet that was intended to be used to buy her children Christmas presents. At first she did not realize that her wallet was missing or stolen, as she made it all the way back to her residence before realizing she had misplaced it. She then returned to Kroger and went and spoke with a customer service representative, who walked her through the store and parking area looking for the wallet. She told me approximately forty five minutes elapsed between her leaving Kroger the first time and then returning back to the store.

Allison told me while she and the Kroger representative walked through the parking lot; she had spoken with an older female who worked for the Salvation Army. She described the woman as an elderly female and she stood in front of the store ringing a bell collecting donations. Allison went on by saying the Salvation Army lady had located her wallet underneath a tire of a vehicle in the parking lot and she had given it to the customer service representative at Kroger, and in return it had been returned to her. She retrieved her wallet from inside of her vehicle and counted \$227 inside of the wallet, and this was all that remained from the initial \$1,100 she had in it to begin with. She specifically told me she had (2) \$100 bills and several \$20 bills totaling approximately \$1,100.

I went and spoke with a women identified Brenda Phillips, the Salvation Army representative. Brenda stated she had seen a male and female in their twenties walking near parked cars in the parking lot. She told me the male party bent down and picked something up and then they both walked away laughing toward Robin Road. She was very vague in her descriptions of the male and female and was unable to provide me with any identifiable characteristics other than their age. She said nothing about finding a wallet in the parking lot as Allison had stated.

Once I collected Brenda's statement I informed her that she could leave, and she went and got into her vehicle and drove away. A few moments passed by and I looked across the parking lot and saw Brenda's car parked on the opposite end of the parking lot Allison and I were standing in. She was parked in the middle of the Kroger parking lot and she was walking toward the Krystal's restaurant nearby. I then turned my attention to Jessica Smith, the customer service representative of Kroger and she informed me that I needed to come inside of the store and review the store surveillance video with her.

While speaking with Jessica, I heard a series of excited yells coming from the direction of Krystal's and I observed Allison running toward Brenda. I went to see what the excitement was all about, and I could hear Brenda yelling to Allison "I found your money; it is hear in these leaves". As I approached their location, I observed a large sum of twenty dollar bills and one, one hundred dollar bill mixed in with a pile of leaves in a drainage area of the parking lot.

Before moving the bills I photographed the money and used a pair of latex gloves to collect and count the money. The amount found in the pile of leaves was \$525. In total there were (21) \$20 bills, (1) \$100 bill and (1) \$5 bill found in the pile of leaves.

I went back and spoke with Allison and informed her how much I had located and counted the money with her in view of my patrol vehicle's camera. At this time, my backup had arrived and I had an opportunity to go and speak with Jessica [Kroger] inside of the store.

Jessica told me Allison had come into the store and reported that she had lost or her wallet was stolen. She then assisted her in an attempt to find the wallet but was unsuccessful. When she and Allison went into the parking lot, the Salvation Army lady [Brenda] asked what they were looking for as Allison was visibly upset and crying. She informed her [Brenda] that a wallet was missing or stolen, and she [Brenda] stated she had seen a young male

CHEROKEE COUNTY SHERIFF'S OFFICE

Narrative

and female in the parking lot earlier in the evening.

A few moments elapsed, and Allison went outside and called 9-1-1 and Brenda came into the store and handed her a gold wallet. She [Brenda] told her that it had been located in the parking lot underneath a vehicle tire. She told me this seemed odd to her because they had already informed her [Brenda] about the missing wallet and it was not until there was a mention of the police that Brenda presented the wallet to her.

Jessica reviewed the store surveillance video and it showed the series of events after Allison left the store the first time. She told me the video showed Brenda walking to her vehicle several times after Allison had left the store. In addition, on this date Brenda came to her [Jessica] and stated she was going home an hour early. This too seemed odd as Brenda frequently works at this store location and her normal quitting time is eight p.m. and she attempted to leave at seven around the time the alleged theft occurred.

I went back and spoke with Brenda and I read her Miranda. I asked her point blank if she had taken the money from Allison's wallet and she looked away from me and swallowed a lump in her throat and she said "no". I asked her why she had left her original parking space on one side of the Kroger parking lot and then drove to the other side of the Kroger parking lot and parked. She explained to me that she planned to go to Krystal's to eat and decided to park in the Kroger parking lot instead of the Krystal's parking lot. Once she parked, she randomly selected the drainage area to walk through, kicked up the leaves and located the missing money from Allison's wallet.

During this conversation I asked Brenda if she had any money or anything else she was not supposed to have inside of her vehicle, to which she replied "no". I asked for consent to search her vehicle and she voluntarily agreed to allow me to do so. Inside of the vehicle, I located a purse sitting inside of the passenger side of the vehicle. Inside of the purse sitting on top of other items was (1) \$100 bill and (1) \$20 bill.

I exited the vehicle and asked Brenda how much money she had inside of her purse, and she said she only had a few dollars. I asked her if she had a one hundred dollar bill and a twenty dollar bill and she said she did not think she did.

At this time, I had developed a series of events that I believed had occurred. I believe Allison had dropped her wallet somewhere in the parking lot and Brenda had picked it up. I believe Brenda grabbed some money out of the wallet suddenly and took it to her vehicle. Only when she realized how upset Allison was about losing her wallet did she return the wallet to Kroger staff. When I completed my initial conversation with Brenda, I believe she drove to the other side of the store and placed the stolen money into the pile of leaves and tried to conceal it. This would explain why she parked in the Kroger parking lot and not Krystal's since that is where she was allegedly going to eat. Further, I believe the other \$100 bill that was not located inside of the pile of leaves was the one I located inside of Brenda's purse as she stated she should not have had a \$100 bill in her wallet.

I believed I had established probable cause to make an arrest and I placed Brenda in handcuffs behind her back, checking the cuffs for proper fit and double locking them for her safety. I told her she was under arrest and placed her in the rear seat of my patrol vehicle. I collected the money and the surveillance videos and I transported Brenda to the South Annex for an interview. The evidence in this case was turned over to the detectives, and I was made aware that Brenda had confessed to taking the money from the wallet.

I then transported Brenda to the ADC without incident and released her to jail deputies with the proper paperwork. She was booked in for Theft of Lost or Mislaid Property (M) and a warrant will be secured on her behalf in a timely manner. After I checked the rear seat of my patrol vehicle for contraband, I advised dispatch and went back into service.

C-25



CHEROKEE COUNTY SHERIFF'S OFFICE

498 CHATTIN DRIVE

CANTON GA 30115

Phone
(678) 493-4200
Fax

14-112202

Supplement No
0001

Reported Date
12/04/2014
Rpt/Incident Typ
THEFT
Member #
SULLIVAN, JOSEPH

Administrative Information											
Agency CHEROKEE COUNTY SHERIFF'S OFFICE				Incident No 14-112202		Supplement No 0001		Reported Date 12/04/2014		Reported Time 18:38	
CAD Call No 140188105		Status INCIDENT REPORT			Rpt/Incident Typ THEFT						
Location 6199 HWY 92										City CH	
Area 2101		Zone C	Beat 21	From Date 12/04/2014		From Time 18:35		To Date 12/04/2014		To Time 22:11	
Member # 000636/SULLIVAN, JOSEPH						Division UNIFORM PATROL OAK GROVE				Entered By 000636	
Division UNIFORM PATROL OAK GROVE				RMS Transfer Successful		Prop Trans Stat Successful		Approving Officer 000320			
Approval Date 12/08/2014			Approval Time 17:29:03								

Summary Narrative

Supplemental

PERSON 1: HONAKER, RYAN											
Involvement PERSON		Invl No 1	Type Individual		Name HONAKER, RYAN						
MNI 206918		Race WHITE	Sex MALE	DOB 1990	Age 24	Ethnicity NOT OF HISPANIC ORIGIN			Juvenile? No	Height 6'05"	Weight 220#
Hair Color BLACK		Eye Color BROWN	PRN 481627								
Type HOME		Address 6310 BELLS FERRY RD #76									
City CH		State GEORGIA		Date 12/04/2014							
Type STATE IDENTIFICATION NUMBER				ID No 054174423				OLS GEORGIA			

Narrative

On December 4, 2014 I responded to 6199 Hwy 92 as a back up unit on a theft call. Deputy Jones was currently on scene conducting an investigation. During his investigation he established probable cause to place Brenda Phillips under arrest. At this point Brenda's grandson, Ryan Honaker, was on scene inquiring about the situation. It was obvious that Ryan was upset about the situation by the way he was voicing his opinion.

Once Deputy Jones began to place handcuffs on Brenda, Ryan began yelling and started toward our direction. I walked toward Ryan and placed my hand out in front of me with my palm out. I told Ryan that he needed to calm down and that he needed to stop. Ryan was still moving forward at this point and my palm made contact with his chest. Once my hand made contact with him, Ryan stated "don't touch me". Ryan then turned around and began yelling that I pushed him to the person he was currently on the phone with. Right after the incident, I heard a females voice to the left of me say "you didn't push him I saw it". I never took my eyes off of Ryan but assumed it was the victim of the theft we were investigating.

Ryan paced back in forth through the parking lot stating he was going to call my superior. I continued to explain to Ryan that he just needed to stay away while Deputy Jones finished his investigation. I remained on scene until Deputy Jones no longer needed my assistance. I then returned to service.

C29

CHEROKEE COUNTY SHERIFF' S OFFICE

MEMORANDUM

To: Capt. J. Satterfield
From: Lt. Jason Donley *JDonley*
Date: 15-Dec-2014
RE: AIC on Sullivan and Jones reference 14-112202

1. On 12/04/2014 Sgt. Brookshire took a complaint from Robin Honaker regarding 14-112202, see attached.
2. I reviewed the video from the incident and spoke with the victim, Allison Tidwell, listed on the incident report. It took several days to locate a good telephone number for Ms. Tidwell, it is handwritten on the incident report attached.
3. Regarding Ms. Honaker's complaint that her mother, Brenda Phillips, was improperly arrested; Ms. Phillips made several admissions when interviewed by CID and returned the stolen cash. Arrest was made by Deputy C. Jones.
4. Regarding the complaint that her son, Ryan Honaker, was pushed; the victim who was present when this allegedly happened. Ms. Tidwell said the deputy (J. Sullivan) was very calm and only put his arm out to prevent Ryan Honaker from interfering with the arrest being made by Deputy Jones. I asked Ms. Tidwell if Deputy Sullivan pushed Ryan Honaker; she said he did not. I asked Ms. Tidwell if Deputy Sullivan assaulted Ryan Honaker as had been alleged; she said if anyone assaulted the young man it was himself by walking into the deputy's hand multiple times. Ms. Tidwell even complimented Deputy Jones and Sullivan on their calm demeanors in spite of Ryan Honaker's behavior.
5. On 12/15/2014 I called Robin Honaker and advised her of my findings. She did not believe her mother had admitted to any thefts and insisted her son, who has special needs, was improperly treated. I explained that I could find nothing to support her statements in the videos or from the witness present. Ms. Honaker was still not satisfied.
6. The complainant lives out of state and is heavily medicated. Additionally Ms. Honaker has an extensive criminal history as well as numerous rule violations when she has been housed in the jail. Bearing this in mind I still directed the complaint be taken and investigated.
7. My recommendation is this AIC be UNFOUNDED and the deputies be EXONERATED.