

2021-00002

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 1/12/2021

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Amy Lynn Cundiff Race: Wht Sex: F Age: 54 Date of Birth: [REDACTED] 1966
Address: 108 Carl Barrett Dr City: Canton Zip: 30115
Home Phone: Cell: [REDACTED] Business Phone: N/A

II. Deputy/Civilian Employee Information:

Name: Cody Jones Rank: Sergeant I.D.#: 16250
Division: UPD Unit Number: A-4
Name: Rank: I.D.#:
Division: Unit Number:

III. Location of Incident:

Hickory Flat Precinct

Date: 07/17/2020 Time: 0030 hours Case Number: 20-63876
into on
07/18/2020 07/18/2020

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

Ms. Cundiff alleges Sgt. Cody Jones [REDACTED] when they were parked in the Hickory Flat Precinct parking lot. When Ms. Cundiff was asked to explain what she meant by [REDACTED] and she explained Sgt. Jones stood her up outside the patrol vehicle passenger side rear door and [REDACTED]
[REDACTED] Ms. Cundiff advised the [REDACTED] took place for approximately 2 minutes.

V. Witness Information:

Name: N/A Address: City:
Home Phone: Business Phone:
Name: Address: City:

Home Phone: _____

Business Phone: _____

VI. Person Taking Report:

Name: David Barone Rank Lieutenant
Division: OPS/IA Shift: Days Badge Number: 276

VII. Supervisor's Comments/Recommendations:

Refer to Criminal Investigations for the alleged criminal [REDACTED] and then OPS/IA will look into any policy or procedure violations once the criminal investigation is completed.

VIII. Allegation/Inquiry/Commendation Information:

How A/I/C Received: ☒ Telephone ☐ Written Form ☐ Personal Contact

A/I/C Referred to: CID for criminal investigation & OPS/IA for policy and/or procedure violation

☐ A/I/C Resolved on Initial Contact ☐ Allegation/Inquiry Withdrawn

IX. Documentation Attached: ☒ Incident Report ☐ Written Statement ☐ Other

X. Division Commanders Review:

(Signature)

(Date)

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

Additional Comments:

- ☐ **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. *RB*
☐ **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

Witness Signature

Date

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 _____
Witness Signature Lt. David Bacon

Date 3/23/21
Date 03-23-21

Distribution: Division Commander
Internal Affairs

SHIELDS OF SHAME

CHEROKEE COUNTY SHERIFF'S OFFICE



498 CHATTIN DRIVE
CANTON GA 30115

Phone
(678) 493-4200
Fax

20-63876

Supplement No
ORIG

Reported Date
07/17/2020
Rpt/Incident Typ
DUI
Member #
JONES, CODY

Administrative Information

Agency CHEROKEE COUNTY SHERIFF'S OFFICE		Incident No 20-63876		Supplement No ORIG		Reported Date 07/17/2020		Reported Time 23:35	
CAD Call No 200107611		Status ARREST		Rpt/Incident Typ DRIVING UNDER THE INFLUENCE					
Location 108 CARL BARRETT DR								City CANTON	
ZIP Code 30115		Area 3202		Zone A		Beat 32		From Date 07/17/2020	
						From Time 23:35		To Date 07/17/2020	
						To Time 23:59			
Member # 000714/JONES, CODY				Division UNIFORM PATROL HICKORY FLAT PCT					
Entered By 000714		Division UNIFORM PATROL HICKORY FLAT PCT				RMS Transfer Successful		Prop Trans Stat Successful	
Approving Officer 000714			Approval Date 07/18/2020			Approval Time 04:54:34			
# Offenses 1	Offense 40-8-23			Description TAIL LIGHTS REQUIRED			Complaint Type		
# Offenses 2	Offense 40-6-391 (A) (4)			Description DUI MULTIPLE SUBSTAN			Complaint Type		
# Offenses 3	Offense 16-10-24 (A) (MISD)			Description OBSTRUCTION OFFICER			Complaint Type		

Person Summary

Invl ARR	Invl No 1	Type I	Name CUNDIFF, AMY LYNN					MNI 738337
Race W	Sex F	DOB 1966						

Vehicle Summary

Invl SUS	Type A	Tag No RFY4984	State GA	Tag Year 2020	Year 2016	Make FORD	Model ESC	Style 4D	Color WHI
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Summary Narrative

Traffic Stop-Arrest Made

Vehicle stopped for operating with no tail lights. Driver then drove into her garage and shut the garage door. Driver found to be DUI and arrested for same. Search warrant secured for an Implied consent refusal.

20-63876

Supplement No
ORIG

CHEROKEE COUNTY SHERIFF'S OFFICE

ARRESTEE 1: CUNDIFF, AMY LYNN

Involvement	Invl No	Type						
ARRESTEE	1	Individual						
Name			MNI	Race	Sex			
CUNDIFF, AMY LYNN			738337	WHITE	FEMALE			
DOB	Age	Ethnicity	Juvenile?	Height	Weight	Hair Color	Eye Color	
██████/1966	53	NOT OF HISPANIC ORIGIN	No	5'00"	100#	BALDING	BROWN	
PRN 693944								
Type	Address							
HOME	108 CARL BARRETT DR							
City	State	ZIP Code	Date					
CANTON	GEORGIA	30115	07/18/2020					
Type	ID No	OLS						
STATE OPERATOR LICENSE	054814237	GEORGIA						
Type	ID No							
SOCIAL SECURITY NUMBER	██████████							
Phone Type	Phone No	Date						
PRIMARY	██████████	07/18/2020						
Employer/School	Position/Grade				Phone Type			
JASPER DENTAL	DENTAL				BUSINESS			
Phone No (999) 999-9999								
Involvement	Arrest Type	Arrest Date	Arrest Time	Booking No	Book Date	Book Time	Status	
ARR	T	07/18/2020	00:18:00	20-7345	07/18/2020	02:33:00	ARRESTED	
Dispo	Arrest Location							
ARRESTED	108 CARL BARRETT DR							
City	Area	Place of Birth	City of Birth	Beat				
CANTON	3202	ILLINOIS	SKOKIE	32				
Charge	Level	Charge Literal						
40-8-23 0000	M	TAIL LIGHTS REQUIRED						
Warrant No	Warrant ORI							
TBT	GA0280000							
Charge	Level	Charge Literal						
16-10-24 (A)	M	OBSTRUCTION OFFICER						
Warrant No	Warrant ORI							
TBT	GA0280000							
Charge	Level	Charge Literal						
40-6-391 (A) (1)	M	DRIVING UNDER THE IN						
Warrant No	Warrant ORI							
TBT	GA0280000							
Vehicle: RFY4984								
Involvement	Type	Tag No	State	Tag Year	Tag Type	Year		
SUSPECT	PASSENGER VEHICLE	RFY4984	GEORGIA	2020	PASSENGER CAR	2016		
Make	Model	Style	Color					
Ford/Courier/Ford Goldline Camper	Escort	SEDAN, 4 DOOR	WHITE					
VIN	# Occupants							
1FMCU0GX2GUB01091	1							
Modus Operandi								
Crime Code(s) DUI								

Narrative

On the above date and time, I was patrolling Hickory Road and Morgan Road in unincorporated Cherokee County. As I neared the above intersection, I observed an SUV operating on Hickory Road without working taillights. In fact, it appeared as if only the day time running lights were activated and the operator failed to turn the headlights on.

I pulled my marked patrol vehicle behind the SUV as it turned onto Carl Barrett Drive. I activated my emergency equipment and identified the vehicle as a 2016 Ford Escape displaying the Georgia tag#: RFY4984. The Ford pulled into the driveway of 108 Carl Barrett Drive.

With my marked patrol lights activated and strobing a bright red and blue I pulled into the driveway of 108 Carl Barrett Drive behind the Ford. The Ford then pulled into the garage of the residence. I observed as the driver's

CHEROKEE COUNTY SHERIFF'S OFFICE**Narrative**

door began to open and the female operator of the vehicle began shutting the garage door.

I approached the closing garage door and it closed fully. I observed a small in stature white female standing at the driver's door. The female made eye contact with me and then began reaching into her car for her purse. I shined my flashlight at her and told her to come her she was being pulled over for a lawful stop. The female placed her right index up in the air as to indicate "give me 1 moment". I then watched as the female entered the residence through an open door and then close the door behind her.

I called for backup and Officer M. Adams with the HSPD arrived a short time later. I stood near the front door telling the female she needed to come outside. Less than 30 seconds elapsed and the female emerged at the front door. I immediately observed the female walking off balance and observed her eyes to be red and watery.

The female did not have her license on her, yet I identified her by her name and date of birth as Amy Lynn Cundiff. I explained to Amy she was involved in a lawful traffic stop. Amy told me she did not even realize she was being pulled over. I asked if she saw my emergency lights, she stated she did but thought it was because of criminal activity in her area. I asked if she saw me pull in behind her and she stated she did, but assumed it was for someone else. I asked why she looked at me and shut the garage and she stated she was at home.

While speaking with Amy she was very confrontational and defensive. Having dealt with similar personalities in my career, I spoke slowly and concisely. I explained she was being stopped for operating a motor vehicle with no working tail lights. I explained she exhibited mannerisms that were consistent with someone who was under the influence of a drug or alcohol. Amy denied the consumption of any drugs or alcohol.

I asked Amy if she would allow me to look at her eyes and conduct the HGN evaluation. She stated she would consent to the evaluation. I asked Amy if she wore glasses or contacts and she stated she only needed glasses to read. I learned she was coming from her boyfriend's house who lived approximately three blocks up the road.

I explained the Horizontal Gaze Nystagmus evaluation and Amy stated she understood. As I began moving my stimulus, Amy would move her head. I explained the evaluation again, and again Amy would move her head. I asked Amy what she did for a living and she stated she was a 1st and 3rd grade elementary school teacher. I slowed my speech, explained she only needed to move her eyes and not her head a third time. Amy stated she understood. My observations are as follows:

HGN:

- Lack of smooth pursuit in both eyes
- Distinct and sustained nystagmus at maximum deviation in both eyes
- Onset of nystagmus prior to forty-five degrees in both eyes

I then asked Amy if she would consent to more field sobriety evaluations. She asked what we would be doing and I explained I would move my patrol vehicle to the road and explain. This was done because I was parked on the slope of her driveway and it was not a conducive location to complete the evaluations.

Once my patrol vehicle was moved onto Carl Barrett Drive, I asked Amy to join me. I asked her to stand in front of my patrol vehicle and face away from the hood of my patrol vehicle. I even pointed in the direction I wanted her to stand. Amy did not listen to the verbal nor pay attention to the non-verbal cues I was giving her. I had to redirect her attention several times to have her stand in the correct location.

Once Amy listened to my instructions, I explained the walk and turn evaluation. I then demonstrated the evaluation and asked if she had any questions. She then went off on a tangent about her leg and how she fell weeks ago. I asked if it prohibited her from operating a motor vehicle and she said no. I explained the evaluation again and she started asking about her dog. After explaining the evaluation and demonstrating the evaluation two times, Amy stated she understood the instructions. I asked Amy if she had any questions and if she understood my instructions. Amy stated she understood. It should be noted Amy was wearing flip-flops. I asked her if she wanted to remove them and she stated she did not. My observations are as follows:

Walk and Turn:

CHEROKEE COUNTY SHERIFF'S OFFICE**Narrative**

- Cannot keep balance while listening to instructions
- Does not touch heel to toe
- Uses arms for balance
- Turns Incorrectly
- Takes 10 steps down and 7 steps back (3 of the 7 steps back were on a 90-degree angle)

I then explained the one leg stand evaluation. Again, I verbally and non-verbally explained where I would like Amy to stand. Again, she seemed confused and did not understand basic instructions. I explained the one leg stand and demonstrated an abbreviated portion of the evaluation. Amy stated she understood the instructions before beginning. My observations are as follows:

One Leg Stand:

- Sways while balancing
- Uses arms for balance
- Puts foot down at approximately 10 seconds, counts to 8. Picks foot back up and stares back counting at 10.

I then spoke with Amy about her level of education. She stated she went to Florida State University and stated she had a degree in dental hygiene. This was contradictory to her previous statements of being an elementary school teacher. I asked if she understood the American alphabet and she stated she did. I asked her to recite the alphabet starting at G and going to O with out repeating any letters. My observations are as follows:

Alphabet G-O:

- Recites "G,H,I,J,K,L,M,N,O,P"

I asked Amy if she thought it was a good idea to operate her motor vehicle on this date and she stated she was at home. I placed Amy in handcuffs behind her back. I checked the cuffs for proper fit and double locked the cuffs for her safety. I explained to her she was under arrest for DUI.

I immediately read her Implied Consent for suspects 21 and over. Amy refused to submit to the State administered chemical test of her blood. Amy unwillingly was placed into the rear of my patrol vehicle. No force was used, but an extensive amount of verbal reasoning had to be used for Amy to enter the patrol vehicle.

Amy requested her purse and cell phone from inside her motor vehicle. She gave Corporal Artigas, who arrived on scene, consent to enter her home to retrieve said items. Her vehicle was searched incident to arrest finding no fruits of the crime. However, in her purse a bottle of [REDACTED] belonging to Amy was located. The label stated "MAY CAUSE DROWSINESS AND DIZINESS. CAREFUL USING VEHICLE, VESSEL, MACHINES. MAY CAUSE BLURRED VISION."

Amy was transported to the Hickory Flat Precinct where a search warrant was secured (E006910). When we arrived at the precinct, I opened the rear door to ask Amy to step out. It was at this time and after being confined in the rear of my patrol vehicle, I could smell the odor of metabolized alcohol. During the warrant process, Amy yelled obscenities like "I bet you have a small dick and a big ego", "I bet something happened to you when you were six years old". In fact, while on the video recording with the judge, Amy began having a conversation with the judge even after being advised not to. During this rant, Amy admitted to consuming wine at her boyfriend's house.

Once the warrant was secured, Station 23 EMT's were summoned to the precinct. Once there, Amy refused to allow them to draw the blood. I explained I would be transporting Amy to [REDACTED] and she began begging me to have the Fire personnel come back to draw her blood. I explained she refused their services and I was following my standard operating procedures.

It should be noted that during this process, Amy slipped out of her handcuffs was yelling and was very argumentative.

I arrived at [REDACTED]. Once there, Amy became apologetic and basically volunteered her arm to give blood. [REDACTED] RN administered the legal blood draw. I handed her an unopened GBI blood kit and

CHEROKEE COUNTY SHERIFF'S OFFICE**Narrative**

she handed me a sealed blood kit back with two tubes of blood from Amy.

I then transported Amy to the ADC without further incident. She was released to jail staff with the proper paperwork. Warrants to be taken in a timely manner. The blood kit was recorded on the ECR 31580 and placed into Evidence for proper testing.

Sgt. C. Jones 765

A-4

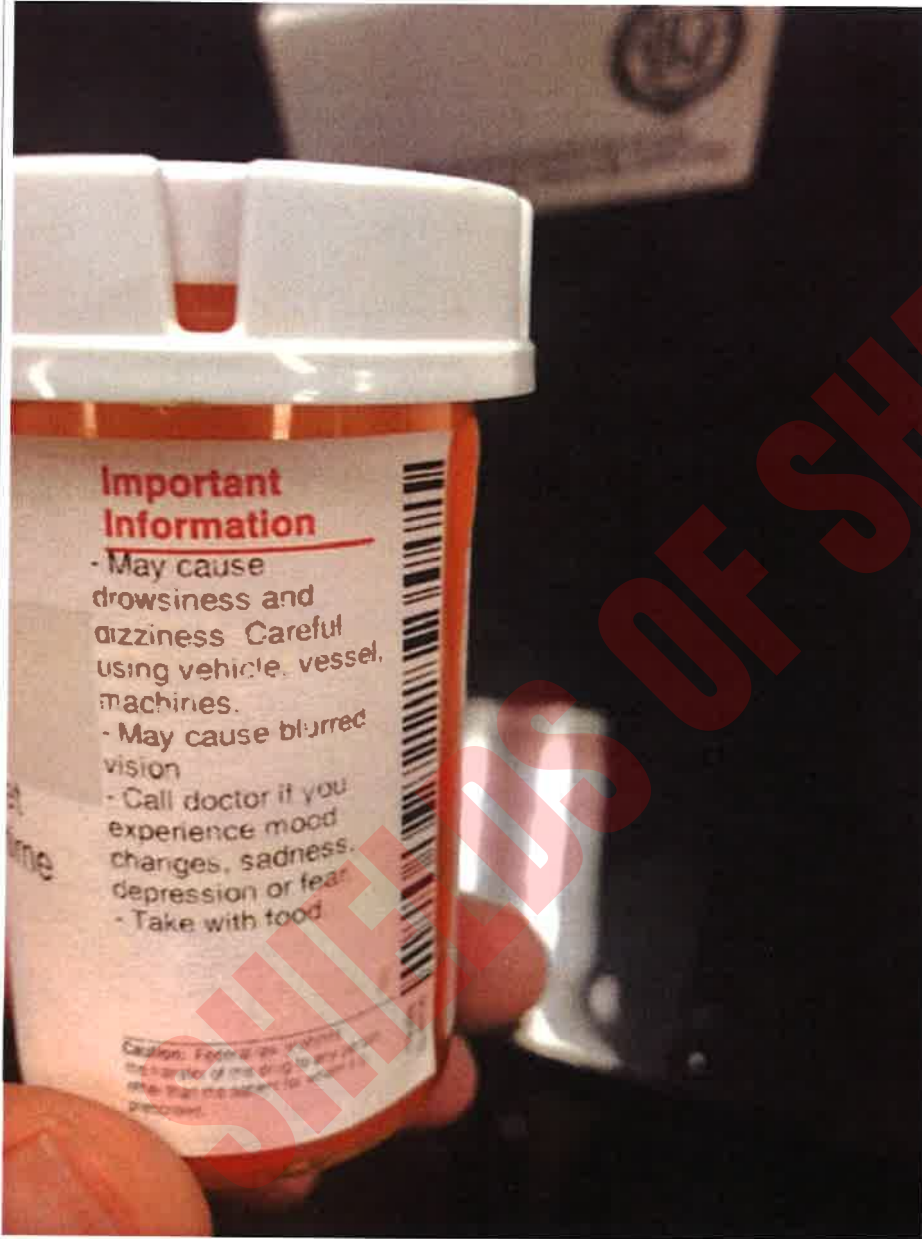
SHIELDS OF SHAME

CHEROKEE COUNTY SHERIFF'S OFFICE

Images

Date	Time	Member #	Type
07/18/2020	04:55	000714	

Description
IMG_3092.jpg



20-63876

Supplement No
ORIG

CHEROKEE COUNTY SHERIFF'S OFFICE

Images

Date	Time	Member #	Type
07/18/2020	04:55	000714	

Description
IMG_3093.jpg



On January 12, 2021, Ms. Amy Cundiff contacted the Cherokee Sheriff's Office, Office of Professional Standards to file a complaint against Sergeant Cody Jones. Ms. Cundiff explained she was placed under arrest by Sgt. Jones back on July 17, 2020 with the charges being Driving under the Influence (Alcohol), Tail Lights Required and Obstruction of an Officer (misdemeanor). Ms. Cundiff explained Sgt. Jones [REDACTED] her while they were parked in the Hickory Flat Precinct parking lot. I asked Ms. Cundiff to explain to me what she meant by [REDACTED]. She advised when Sgt. Jones came to get her out of his patrol vehicle, he [REDACTED]. At that time, she said she asked Sgt. Jones, "What are you doing? Why are you touching me? Why are you touching me?" She then told me Sgt. Jones [REDACTED] I asked her if this was in the backseat of the patrol car and she told me, "Yes." She then added that she was begging him to stop when the in-car video stopped recording. Ms. Cundiff said Sgt. Jones "stopped the video and proceeded for probably a couple more minutes and then realized the other police officer was coming up behind him and got behind me and forcefully, you know, [REDACTED] and threw me into the police station." I needed clarification and asked Ms. Cundiff where the [REDACTED] occurred. Ms. Cundiff told me, "In the backseat and then next to the police car. Then he pulled me up next to the police car, that's where he decided [REDACTED] me. I have it on video." She then added, "Mind you, this is probably not the first time he has done this to someone and it's probably not going to be the last time because he knew exactly what he was doing. I felt like I was [REDACTED]"

Ms. Cundiff explained when she was inside the precinct, firefighters came to conduct a blood draw, but she refused because she was not thinking properly and she didn't realize they were there to take her blood. She advised, "He (Sgt. Jones) took me to the hospital and he is

acting as nice as possible. I told them at the hospital that that police officer did something to me in the car, but nobody would believe me.” Ms. Cundiff then told me, “I even told them when I got to the jail. The first thing I said to them when I got to the jail, I said that police officer did something to me in the car. Can you please put that down in your report?”

I asked Ms. Cundiff to explain to me why she waited 6 months to file this accusation with internal affairs? Ms. Cundiff told me she did report it and told people right away, but no one believed her and they all asked her where her proof was. She told me she finally got that proof from Sgt. Jones’ in-car video. She told me her attorney, Mr. Heller received the in-car video from a discovery request. Ms. Cundiff told me the proof is at the end of the in-car video. She said you can hear her begging Sgt. Jones to stop touching her and that is the proof she needed, because no one would believe her without that video. I asked her if she told Mr. Heller what Sgt. Jones did to her and she advised she did. I asked her what Mr. Heller told her. Ms. Cundiff advised Mr. Heller told her she can report it, but they could wait until they get their discovery back and then they could probably see more on the video.

Ms. Cundiff also advised that “they” did so many things that were not appropriate. I asked her what she meant. She told me they went through her house and searched it without a search warrant or her consent. She also contends her vehicle was searched without a search warrant or her consent.

I told Ms. Cundiff I understand this is very hard for her, but I need to make sure I understand how and when [REDACTED]. I asked her to explain to me once again how Sgt. Jones [REDACTED]. Ms. Cundiff started to cry and breath heavy. She then explained that Sgt. Jones [REDACTED]. She later apologized and told

me Sgt. Jones [REDACTED]. She said he then pushed her down while she was still seated in the backseat of the patrol car. She continued and said Sgt. Jones took her seatbelt off, [REDACTED] and then pushed her down. She told me Sgt. Jones then pulled her up [REDACTED]. Ms. Cundiff told me she actually kicked Sgt. Jones around this time. I asked Ms. Cundiff if she was wearing any under garments and she told me she was wearing a thong. I asked her how Sgt. Jones was able [REDACTED] [REDACTED]. Ms. Cundiff told me it was a thong and wasn't very hard for him because it was a thong. I asked her which [REDACTED] Sgt. Jones [REDACTED] [REDACTED] and she told me it was his [REDACTED]. I then asked her how long she thought [REDACTED] took place and she felt it lasted for a couple of minutes. Ms. Cundiff told me that Sgt. Jones [REDACTED] while they were standing outside the patrol car and this is where he [REDACTED]. She then asked if Sgt. Jones has ever been accused of something like this. I explained I have been working in the office of professional standards for close to 4 years and I have never received an accusation against Sgt. Jones like the one she is alleging. I told her Sgt. Jones recently received a promotion to the rank of sergeant and that he is one of the agencies exemplary officers.

I explained to Ms. Cundiff that I am going to turn this investigation over to the sheriff's office criminal investigation division because she is accusing a Cherokee Sheriff's Office employee of a felonious [REDACTED]. I then explained how the office of professional standards investigates employee policy and procedure violations. Ms. Cundiff told me she understood and would be waiting for a telephone call from a detective.

On January 12, 2021, this criminal investigation was assigned to Det. Tanshawn Clark. The internal affairs investigation will be postponed until the criminal investigation is completed.

On February 26, 2021, Lt. O. Boughner turned over Det. Clark's criminal investigation case file. Through Detective Clark's investigation, she was able to disprove Ms. Cundiff's accusation that she [REDACTED] by Sgt. Jones. Video evidence shows when Ms. Cundiff exited Sgt. Jones' patrol car while parked in front of the Hickory Flat Precinct. Once Ms. Cundiff exited the patrol vehicle, she immediately walked to her right. She was approximately 3-5 feet from Sgt. Jones when he closed the rear door. He then opened the front passenger door and shut the in-car camera off. This disproves her allegation that Sgt. Jones [REDACTED] [REDACTED] as she was standing directly next to the passenger side rear seating compartment of the patrol vehicle.

The following is a synopsis of Det. Clark's criminal investigation. Please refer to the criminal investigations case file for further details.

On January 12, 2021, Ms. Amy Cundiff alleged Sgt. Jones [REDACTED] her on July 18, 2020. The evidence showed Sgt. Jones did not [REDACTED] her. The alleged incident was captured on a video and audio recording. She said he [REDACTED], pushed her backwards and then forcefully pulled her out of the car and she landed on her feet. While in the backseat, Ms. Cundiff's voice was clear, calm and steady during the time she said Sgt. Jones [REDACTED] [REDACTED], pushed her backwards and picked her up out of the car. This was a clear indication he did not do as she said. When she exited the vehicle, she can be seen in the glass doorway. Her shirt and skirt were intact. She was not disheveled.

Ms. Cundiff further stated, immediately after he picked her up out of the vehicle and placed her on the ground, he stood in front of her, with his back to the precinct. He then [REDACTED] [REDACTED]. He [REDACTED] for about a minute. This is not

true. Immediately after she exits the vehicle, she calmly walks away from the vehicle and stands by the bushes. Sgt. Jones closed the rear passenger door and a big bag is visible in his left hand. He then walks past Ms. Cundiff and opened the front passenger door and reached inside. During this time, Ms. Cundiff calmly walked past him, towards the front of his vehicle and the camera stops at 00:30:29. Sgt. Jones swiped his door card, to enter the Hickory Flat precinct at 00:30:54.

Ms. Cundiff told Lt. Barone she told the hospital staff and deputies at the jail what Sgt. Jones did to her. I (Det. Clark) spoke with [REDACTED] [REDACTED] conducted the blood draw, and she said no one reported such to her. I (Det. Clark) spoke with Deputy Bailey, Deputy Kay, Deputy Sanford and Deputy Yarborough, who came in contact with her at the jail. They all said Ms. Cundiff did not report the incident to them.

When I (Det. Clark) interviewed Ms. Cundiff she said she did not tell anyone at the jail. But, told the nurse, who wheeled her in the wheelchair, what Sgt. Jones did to her. I obtained the transport video from the precinct to the hospital. Ms. Cundiff said during the ride, she feared Sgt. Jones was going to take her down the road [REDACTED]. When I (Det. Clark) listened to the transport video, Ms. Cundiff indicated she did not want to go to jail, not that she feared he was going [REDACTED]. She mentioned things like, she pays taxes, her boys are successful in sports, she is not a criminal, her husband is a bad man and "I don't want to go to jail."

Criminal Investigations Disposition: Unfounded and Closed

On March 1, 2021, I watched Sgt. Jones' and Cpl. Artigas' in-car videos. Sergeant Jones body microphone was not operable at the time of the traffic stop. Corporal Artigas' body microphone was working properly and captured a lot of Sgt. Jones' interaction with Ms. Cundiff.

When I first spoke with Ms. Cundiff, her main complaint or accusation against Sgt. Jones was that 1) he [REDACTED] while she was seated in the backseat of his patrol vehicle. She advised that Sgt. Jones [REDACTED] and then pushed her down while she was still seated in the backseat. She also accused Sgt. Jones of an [REDACTED]. Ms. Cundiff claims Sgt. Jones had her exit the patrol vehicle and he [REDACTED] her while she was standing next to the passenger side rear seating compartment of the vehicle. She claimed Sgt. Jones was standing above her when 2) he placed his [REDACTED] [REDACTED] Ms. Cundiff also accused Sgt. Jones of some "minor" accusations. She claims Sgt. Jones was 3) intimidating her while he was conducting Field Sobriety Tests, specifically the A,B,C test. She advised that Sgt. Jones was standing so close to her during the test that she couldn't place a finger between the two of them. Ms. Cundiff also accuses Sgt. Jones and Cpl. Artigas of 4) searching her home and vehicle without a search warrant and without her consent. She also said Sgt. Jones 5) "forcefully" put her into the rear seat of his patrol vehicle once she was placed under arrest. Lastly, Ms. Cundiff accuses Sgt. Jones of 6) cranking the heat up in his patrol vehicle even though it was the middle of July and was extremely hot outside.

Sergeant Jones in-car camera and in-car microphone were activated during his DUI investigation, the prisoner transport to the Hickory Flat Precinct, the prisoner transport to [REDACTED] and then the prisoner transport to the adult detention center once the blood draw was completed at the hospital. When Sgt. Jones pulled into the Hickory Flat Precinct parking lot, the in-car camera was pointed toward the precinct's front door. This door has a reflective film on it and captured the time when Ms. Cundiff accuses Sgt. Jones of [REDACTED]

[REDACTED] The video and audio prove that Sgt. Jones

never [REDACTED] while she was seated in the rear seating compartment of the patrol car. While Ms. Cundiff was in the backseat, her voice was clear, calm and steady during the time she said Sgt. Jones [REDACTED] pushed her backwards. The video shows when she exited the vehicle her shirt and mini skirt were intact and she did not appear to be disheveled. Ms. Cundiff alleges Sgt. Jones picked her up out of the car and was standing above her while they stood next to the passenger side of the patrol car. Video and audio evidence prove Sgt. Jones did not pick up Ms. Cundiff as she alleges. Sergeant Jones placed his hand on Ms. Cundiff's right bicep to get her to step out of the patrol vehicle. This is the time Ms. Cundiff can be heard telling Sgt. Jones not to touch her. She then steps out of the vehicle and walks approximately 3-5 feet away from Sgt. Jones while he closed the rear door and then opens the passenger side front door. It is also at this time Ms. Cundiff alleges Sgt. Jones stood in front of her with his back to the precinct door [REDACTED]. She advised this [REDACTED] took place for about a minute. Video and audio evidence prove Sgt. Jones did not [REDACTED] Ms. Cundiff.

Ms. Cundiff accuses Sgt. Jones of intimidating her by standing so close to her while he was conducting the field evaluations. Video and testimonial evidence prove this did not take place as Ms. Cundiff alleges. Sergeant Jones stood within 1-3 feet of Ms. Cundiff while he conducted his testing and was never within one finger width as Ms. Cundiff alleges.

Ms. Cundiff accuses Sgt. Jones and Cpl. Artigas of searching her home and vehicle without a search warrant and without her consent. Ms. Cundiff asked for her purse after she was placed under arrest by Sgt. Jones. Sergeant Jones asked her where her purse was and Ms. Cundiff answered, "In my house." On Cpl. Artigas' in-car video and at 23:58:28 hours, Sgt. Jones told Ms. Cundiff, "That requires a law enforcement officer of the State of Georgia to enter your home

and into your vehicle. Are you giving permission to do so?" Ms. Cundiff speaks, but it was inaudible. Sgt. Jones continued, "With that being said do you give him (Cpl. Artigas) permission to open that garage door? I'm going to have to search your car incident to arrest, as well." Ms. Cundiff speaks, but it is inaudible. At 23:59:19 hours, Sgt. Jones asked, "Do you give him (Cpl. Artigas) permission to go inside?" Ms. Cundiff speaks but it is inaudible. Approximately 8 seconds later, Cpl. Artigas is seen walking away from Sgt. Jones' car towards Ms. Cundiff's house. Detective Clark interviewed Cpl. Artigas and his testimony is that Ms. Cundiff asked him to get her purse and cell phone. He asked Ms. Cundiff where those items were located and if he could get into her house. Ms. Cundiff told Cpl. Artigas where those items were located and gave him permission to go inside the home. Once Cpl. Artigas located Ms. Cundiff's personal items, he gave Ms. Cundiff's little dog some food and water and then used her keys to lock the door. Neither Cpl. Artigas, nor Sgt. Jones ever searched Ms. Cundiff's home or vehicle as she alleges.

Ms. Cundiff accuses Sgt. Jones of forcefully putting her into his patrol vehicle. Video and audio evidence prove that Sgt. Jones did not forcefully place Ms. Cundiff into his patrol vehicle. Ms. Cundiff was speaking to Sgt. Jones when she entered the patrol vehicle and there was no indication of a struggle and her voice was calm and steady. Ms. Cundiff was passively aggressive and only had to be guided by Sgt. Jones to enter the patrol vehicle. Sergeant Jones never had to use physical force against Ms. Cundiff.

Cherokee Sheriff's Office policy #01-03-02 (F) (2) states:

2. UNBECOMING CONDUCT: Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the agency. Conduct unbecoming shall include that which tends to discredit or cause the public to lose confidence in the agency or

Cherokee County government; which is prejudicial to good order; OR that otherwise tends to impair the operation, efficiency, and/or morale of the agency.

Ms. Amy Cundiff accuses Sgt. Jones [REDACTED] [REDACTED] while she was under arrest. She also accuses Sgt. Jones of intimidating her during the Field Sobriety Tests by standing so close to her that she couldn't place a finger between the two of them. Ms. Cundiff also accuses Sgt. Jones and Cpl. Artigas of searching her home and vehicle without a search warrant and without her consent. She also accuses Sgt. Jones of "forcefully" putting her into the rear seat of his patrol vehicle once she was placed under arrest. Lastly, Ms. Cundiff accuses Sgt. Jones of cranking up the heat in his patrol vehicle during the prisoner transports.

Video evidence prove that all of Ms. Cundiff's accusations are false. Sergeant Jones in-car camera and in-car microphone were activated for his DUI investigation, the prisoner transport to the Hickory Flat Precinct, the prisoner transport to [REDACTED] and then the prisoner transport to the adult detention center. When Sgt. Jones pulled into the Hickory Flat Precinct, the in-car camera was pointed at the precinct's front door. This door has a reflective film on it and captured the alleged incident when Ms. Cundiff accuses Sgt. Jones [REDACTED]

[REDACTED] The video and audio prove that Sgt. Jones never [REDACTED]. Ms. Cundiff accuses Sgt. Jones of intimidating her by standing so close to her while he was conducting the field evaluations.

Video and testimonial evidence prove this did not take place as Ms. Cundiff alleges. Sergeant Jones stood within 1-3 feet of Ms. Cundiff while he conducted his testing and was never within one finger width as Ms. Cundiff alleges. Ms. Cundiff accuses Sgt. Jones and Cpl. Artigas of searching her home and vehicle without a search warrant and without her consent. Ms. Cundiff

asked for her purse after she was placed under arrest by Sgt. Jones. Video evidence and Cpl. Artigas' testimony is that Ms. Cundiff asked them to get her purse and cell phone. Ms. Cundiff was asked where those items were located and if he (Cpl. Artigas) could go into her house. Ms. Cundiff told Cpl. Artigas where those items were located and gave him permission to go inside the home. Ms. Cundiff's home and vehicle were never searched as she alleges. Ms. Cundiff accuses Sgt. Jones of forcefully putting her into his patrol vehicle. Video and audio evidence prove that Sgt. Jones did not forcefully place Ms. Cundiff into his patrol vehicle. Ms. Cundiff was speaking to Sgt. Jones when she entered the patrol vehicle and there was no indication of a struggle as her voice was calm and steady. Ms. Cundiff was passively aggressive and only had to be guided by Sgt. Jones to enter the patrol vehicle. Sergeant Jones did not violate the Cherokee Sheriff's Office Code of Conduct policy, specifically Unbecoming Conduct and these accusations are **EXONERATED.**

Amy CONDIFF

3rd Cody Jones

2nd

CASE # 20-63876

3rd Complaint
"has proof"
"going on long enough"

Maryann Butterworth

Falsely accused
of Felony!!!

01-12-21 @ 9:55 AM

Told Nurse

&

Jail Staff

Ms. CONDIFF alleges

- ✓ 1) Sgt. C. Jones [REDACTED]
- ✓ 2) Sgt. Jones committed [REDACTED]
- ✓ 3) Sgt. Jones was intimidating her by standing so close during his FST (A, B, C test) ✓
- ✓ 4) He forcefully put her in the backseat of patrol car
- ✓ 5) He "cranked up" the heat to 100° in his patrol car even though it was the middle of July
- ✓ 6) He and the other officers searched her home without a search warrant. Also searched her vehicle without a search warrant.

Outside
Hickory
Flat P

Adult Detention Center Records



BOOKING RECORD

Booking No 20-7345 Jail ID P-78067
Housing CC-OSA-0001
Booking Date 07/18/2020 Booking Time 02:33
Race Sex W F

Booking Name CUNDIFF, AMY LYNN
Date of Birth [REDACTED] 1966
AFIS Number [REDACTED]

Address 108 CARL BARRETT DR
State ZIP Code GA 30115

City CANTON

Height Weight Hair Color Eye Color POB ST Ethnicity Soc Sec No OLN
5'00" 100# BLD BRO IL N [REDACTED] 054814237

OLS Citizen Marital Complex
GA YES D AVG

Build Bin No
LIT

Occupation Employer Emplr Phone No
DENTAL JASPER DENTAL

Notify Relative Notify Name
FRIEND ROZA GAVROVLOV

Notify Phone No [REDACTED]

Notify Address
CARRINGTON FARMS

Notify City CANTON

Notify State Notify ZIP Code
GA 30115

Incident No. Arrest Agency
20-63876 CHEROKEE COUNTY SHERIFF'S OFFICE

Chg	Cnts	Lvl	Statute	Warrant/Citation	Bail	Charge Descrip
1	1	M	40-8-23 0000	TBT	Y	TAIL LIGHTS REQUIRED
2	1	M	40-6-391 (A) (1)	TBT	Y	DRIVING UNDER THE INFLUENCE ALC
3	1	M	16-10-24 (A)	TBT	Y	OBSTRUCTION OFFICER (MISD) 480

BAIL OR FINE \$3,176.00

I HAVE RECEIVED THE JAIL RULES AND KNOW THEY ARE POSTED IN THE LIVING AREAS OF THE FACILITY
I UNDERSTAND HOW TO OBTAIN MEDICAL CARE WHILE IN CUSTODY.
I HEREBY DO / DO NOT WAIVE THAT RIGHT.

Initials _____

INMATE SIGNATURE

DATE

BOOKING OFFICER

ID #

DATE

CUNDIFF, AMY LYNN

Person

Case

Print

User Print

JID

P00078067

Booking No 2007345

MNI

00738337

Height

5-00

Weight

100

Sex

F

Date of Birth

1966

Hair Color

BLD

SSN

Eye Color

BRO

DL#

Glasses

Race

Charge

Image Type: MugShot

Image Taken: 07/18/2020 03:20:54

View: Front



[Click here to open document](#)



BOOKING RECORD

CUNDIFF, AMY LYNN
F 5-00 100 BLD
P00078067 2007345



Booking Date 07/18/2020 Booking Time 02:33
Race Sex
W F

Booking Name
CUNDIFF, AMY LYNN
Date of Birth 1966 AFIS Number

Address
108 CARL BARRETT DR
State ZIP Code
GA 30115

City
CANTON

Height Weight Hair Color Eye Color POB ST Ethnicity Soc Sec No OLN
5'00" 100# BLD BRO IL N 054814237

OLS Citizen Marital Complex
GA YES D AVG

Build Bin No
LIT 69

Occupation Employer Emplr Phone No
DENTAL JASPER DENTAL

Notify Relative Notify Name
FRIEND ROZA GAVROVLOV
Notify Phone No

minm

Notify Address
CARRINGTON FARMS
Notify State Notify ZIP Code
GA 30115

Notify City
CANTON

Incident No. Arrest Agency
20-63876 CHEROKEE COUNTY SHERIFF'S OFFICE

Chg	Cnts	Lvl	Statute	Warrant/Citation
1	1	M	40-8-23 0000	TBT
2	1	M	40-6-391 (A) (1)	TBT
3	1	M	16-10-24 (A)	TBT

Bail	Charge Descrip
Y	TAIL LIGHTS REQUIRED
Y	DRIVING UNDER THE INFLUENCE AL
Y	OBSTRUCTION OFFICER (MISD) 480

BAIL OR FINE
\$3,176.00

1st 29 check
To: GCIC By: Sanford # 209
Date: 7/18/20 Time: 03:42
Holds: Neg.
Issued Inmate Population Kit ☐

2nd 29 check
To: GCIC By: Bailey # 1163
Date: 7/18/2020 Time: 0756
Holds: NEG
Release Reason: Cherokee Bail Bonds
Approved By: [Signature]
Returned Inmate Issued Items ☐

I HAVE RECEIVED THE JAIL RULES AND KNOW THEY ARE POSTED IN THE LIVING AREAS OF THE FACILITY
I UNDERSTAND HOW TO OBTAIN MEDICAL CARE WHILE IN CUSTODY.
I HEREBY DO / DO NOT WAIVE THAT RIGHT.

Initials _____

[Handwritten Signature]

INMATE SIGNATURE

7/18/2020
DATE

D/S Sanford
BOOKING OFFICER

209 7/18/2020
ID # DATE

Cherokee Sheriff's Office, Adult Detention Center

Inmate PREA Acknowledgment Form

The Cherokee Sheriff's Office Adult Detention Center is a ZERO TOLERANCE facility regarding sexual misconduct and abuse. You may report these allegations to any person, at any time.

You may disclose allegations of sexual abuse any of the following ways:

1. Inmates may confidentially disclose incidents of sexual misconduct, sexual contact, sexual abuse, and sexual harassment to any staff member, contract employee, or volunteer either verbally, on the KIOSK, or in writing. Inmates may file a sexual misconduct complaint through the grievance procedure. This process allows for confidential reporting by inmates 24 hours a day, 7 days a week. Any inmate may file a grievance of sexual abuse or sexual misconduct on behalf of themselves or on behalf of another inmate at any time.
2. Located in each pod, the **Inmate Crisis Manual** contains contact numbers for Rape Crisis Centers, victim advocates, community information and prevention programs, and support groups for rape survivors.
3. You may report abuse to any public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.
4. If you are detained for civil immigration purposes, information shall be provided to you detailing how to contact relevant consular officials and relevant officials at the Department of Homeland Security through the grievance system. These calls are unmonitored and free of charge.

Your report will be handled as privately as possible and in a timely manner.

I understand the Cherokee Sheriff's Office Adult Detention center follows the national standards for PREA, and will take all the necessary steps to safe-guard me from sexual assault and harassment. I also understand the steps to take to report any such abuse.

Furthermore, I acknowledge receipt of how to access the **Inmate Handbook** on the KIOSK (or written upon request) outlining all written rules and regulations that clearly define rules of conduct for this facility and the penalties for violations of these rules.

Inmate Signature and P # 78067

7/18/2020
Date

Conditt, Amy Lynn
Inmate Printed Name

D/S Sanford 219
Witnessing Staff Signature

7/18/2020
Date

**Cherokee Sheriff's Office Adult Detention Center
Sexual Predator and Victimization Intake Screening**

Condiff, Amy Lynn
Inmate Name

P-78067

Jail ID Number

Staff Member

7/18/2020
Date

Directions: Complete the following scales using information obtained from the inmates Criminal History and/or intake booking process. Total the scores separately and identify as either: High Risk Sexual Predator, Potential Victim of Sexual Assault or not currently indicated. File with classification personnel.

Sexual Predator Predictor Scale	Points
1. History of sexual abuse or violence in an institutional setting (15 points)	0
2. Previous disciplinary convictions for sexual predatory or abusive behavior (10 points)	0
3. Current charge of a sexual or assaultive nature against adult or child (5 points)	0
4. Criminal history of a sexual or assaultive nature against adult or child (5 points)	0
5. Prior convictions of violent offenses (10 points)	0
6. Current registered sex offender (10 points)	0

Sexual Victimization Predictor Scale	Points
1. First time offender/ incarceration (2 points)	0
2. Small size or thin build, or frail, youthful appearance (2 points)	2
3. Mental, physical or developmental disability (3 points)	3
4. Prior experience with sexual victimization (5 points)/ Inmate fears future abuse (5 points)	0
5. Age of inmate: 17-26 years old (3 points)	0
6. Prior conviction for sexual offenses against adult or child (5 points)	0
7. Inmate is or is perceived to be gay, lesbian, bi-sexual, transgender, intersex or gender non-conforming (5 points)	0
8. Inmate is detained solely for civil immigration purposes (5 points)	0

Sexual Predator Predictor Scale (Please check one of the following)	Sexual Victimization Predictor Scale (Please check one of the following)
☐ High Risk Sexual Predator: 15 points or higher	☐ Potential Victim of Sexual Assault: 11 points or higher
☒ Not Currently Indicated: 10 points or lower	☒ Not Currently Indicated: 14 points or lower

Please Note: If an individual is a registered sex offender, please fax this form to Criminal Investigations Division, to the attention of the Sex Offender Registry Detective at 770-924-0866.

Classification Manager Review	Date:	Time:	Signature:
Comments:			

COPY GIVEN TO MENTAL HEALTH CLINICIAN ☐

ADC SUPERVISOR SIGNATURE

CPL. Van Schuyver #467

DIVISION COMMANDER SIGNATURE

(IDENTIFIED SEXUAL PREDATORS ONLY)

Cherokee County Adult Detention Center
Officer Assessment Form

Arrestee's Name Amy Cundiff DOB 8/23/66

*** Please complete form and ensure an ADC supervisor has reviewed form prior to leaving intake. ***

1.	Y	☒ N	Has this arrestee engaged in or shown signs that he may engage in any assaultive or violent behavior?
2.	Y	☒ N	Has your search of this arrestee uncovered any dangerous contraband to include illegal drugs, narcotics, or weapons ?
3.	Y	☒ N	Are you aware of the need to keep this arrestee separated from other persons housed in this facility (i.e. gang affiliation, co-defendants)?
4.	Y	☒ N	Are you aware of this arrestee's consumption or use of alcohol and/or illegal drugs or narcotics ? Excessive or dangerous levels?
5.	Y	☒ N	Was an Alco-Sensor used at time of arrest? If so, please indicate preliminary breath test results. <u> </u> BAC
6.	Y	☒ N	Are you aware of any medical condition or injury that may require immediate medical attention (Narcan use, use of force, car accident, sexual assault)?
7.	Y	☒ N	Has this arrestee demonstrated any behavior that might suggest mental illness, mental retardation, or brain injury ?
8.	Y	☒ N	Has there been any indication of past or present self-injurious behavior? Was suicide-by-cop or any other potential suicidal intentions expressed?
9.	Y	☒ N	Are you aware of any reason why the arrestee should be placed in protective custody (i.e. high-profile, prior public safety employee, severity of offense)?

Please explain answers marked (Y) above in the space provided below:

Date 7/15/20 Reporting Officer (PLEASE PRINT NAME) Sgt. C. Jones
Reporting Officer Signature [Signature]
Date 7/15/20 ADC Supervisor (PLEASE PRINT NAME) Det. Van Schuyver
ADC Supervisor Signature [Signature]

Cherokee County Adult Detention Center
FIRST APPEARANCE HEARING
BOND INFORMATION

Inmate's Name: _____

Cundiff, Amy
(Last, First, Middle Name)

Jail ID #: _____

P-78067

FIRST APPEARANCE HEARING

Date: _____

Deputy: _____

Judge: _____

Charge OCCA CODE/ MISDEMEANOR or FELONY	Warrant # NO CITATION NUMBERS ONLY FW OR MW #'s	Bond (Including surcharges)	First Appearance Bond confirmed by Supervisor/ Date Approved

*** ADDITIONAL INMATE INFORMATION ***

INMATE INFORMATION

DATE ADDED

DEPUTY / BADGE #



INMATE PROPERTY RECEIPT

Booking No 20-7345 Jail ID P-78067
Housing
CC-OSA-0001
Booking Date 07/18/2020 Booking Time 02:33
Race Sex
W F

Booking Name
CUNCLIFF, AMY LYNN

Date of Birth
[REDACTED]/1966

Taking Date
07/18/2020
Release Date

Taking Time
02:39
Rels Time

Taking Officer
001151
Rls Officer

Bin No

69

Item No	Description	Status	Date	Comments
1	PAIR OF BROWN HEALS	PR	07/18/2020	
2	ONE BROKEN PHONE	PR	07/18/2020	
3	ONE BLACK SHIRT	PR	07/18/2020	
4	ONE MULTI COLORED SKIRT	PR	07/18/2020	
5	ONE PINK UNDERWEAR	PR	07/18/2020	
6	ONE BLUE BRA	PR	07/18/2020	
7	ONE PAIR OF WHITE EARRINGS	PR	07/18/2020	
8	ONE WHITE NECKLACE	PR	07/18/2020	
9	ONE YELLOW NECKLACE	PR	07/18/2020	
10	ONE WHITE PURSE WITH CONTENTS	PR	07/18/2020	
11	MEDICINE BOTTLE	PR	07/18/2020	
12	NOTHING FURTHER	PR	07/18/2020	

D/S Sanford

OFFICER

[Signature]

INMATE

[Signature]

RECEIVING PERSON



INMATE PROPERTY RECEIPT

Booking No 20-7345 Jail ID P-78067
Housing
CC-OSA-0001
Booking Date 07/18/2020 Booking Time 02:33
Race Sex
W F

Booking Name
CUNCLIFF, AMY LYNN
Date of Birth
[REDACTED] 1966

Taking Date
07/18/2020
Release Date

Taking Time
02:39
Rls Time

Taking Officer
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69

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10	ONE WHITE PURSE WITH CONTENTS	PR	07/18/2020	
11	MEDICINE BOTTLE	PR	07/18/2020	
12	NOTHING FURTHER	PR	07/18/2020	

All Property
Released @ 0814
7/18/20

[Signature]

[Signature]

OFFICER

INMATE

RECEIVING PERSON



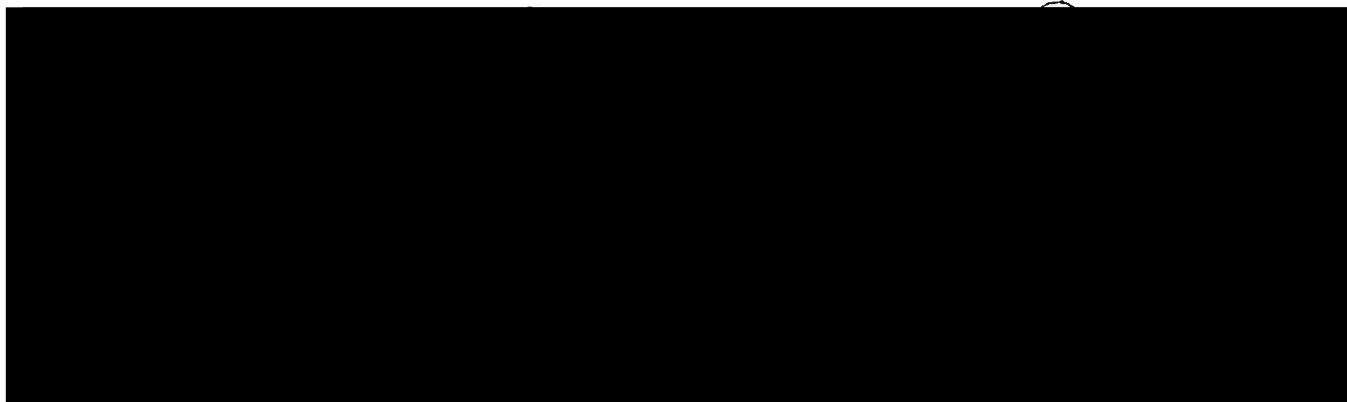
SHIELDS OF SHAME



SHIELDS OF SHAME



SHIELDS OF SHAME



SHIELDS OF SHAME



SHIELDS OF SHAME



SHIELDS OF SHAME

SHIELDS OF SHAME



SHIELDS OF SHAME



RELEASE AUTHORIZATION

Booking Name
CUNDIFF, AMY LYNN
AFIS Number

Booking No
20-7345
Jail ID
P-78067
Housing
CC-OSA-0001
Booking Date
07/18/2020
Booking Time
02:33
Race Sex
W F

Address
108 CARL BARRETT DR
State ZIP Code
GA 30115
Age Soc Sec No
53 [REDACTED]

City
CANTON

CHARGE SUMMARY REVIEW

Chg	Charge Descrip	Status	Bail/Fine	Receipt	Days	Release Date	Disposition Date
1	TAIL LIGHTS REQUIRED	PT					07/18/2020
2	DRIVING UNDER THE INFLUEN	PT					07/18/2020
3	OBSTRUCTION OFFICER (MISD	PT					07/18/2020

08/23/1966

OSA

Cherokee
Bail
Bonds

Rls Officer
001053
Rls Reason
BAIL
Days Served
1

[Signature]
RELEASING OFFICER

DATE/TIME

ACCEPTING OFFICER

DEPARTMENT

INMATE'S SIGNATURE

DATE/TIME

§ 3176

Bonding Information

Contact Information

Time Stamp

Bonding Company: CHEROKEE BAIL BONDS

Contacted By: Amy Cundiff

Date: 7-18-20

On This Date/Time: 7-18-20

Inmate's Name: Amy Cundiff

Contact Number: -

Please accept this notification of my intent to post bond for the inmate above and contact me at the number below when the inmate is ready for release. I hereby swear/affirm that this bond was initiated by the above contact and that I have followed all applicable

Cherokee County Sheriff's Office Rules/Regualtions and state laws regarding this bonding process.

Bondsman: D Bryant

Bonding Contact Number: 770-224-9150

SHIELDS OF SHERIFF

Criminal Investigations

Case file

Cherokee Sheriff's Office
Criminal Investigations Division

SO21-001502

V: Cundiff, Amy

S: Jones, Cnd

UNFOUNDED



Cherokee Sheriff's Office

Case Report

Case Number
SO21-001502
Report Type
Follow-Up Report

Administrative Information			
Case Report Number	Verified Offense	Disposition	
SO21-001502-001		Unfounded	
Summary			
Incident Information			
Entered On	Reported On	Reporting Officer	
2/4/2021 10:51:34 AM	1/12/2021 10:45:00 AM	Clark, Tanshawn	
Occurred On	Or Between		
7/18/2020 12:00:00 AM			
Call Source	Related Cases	Supplemental	
Location Information			
Location Name	Address		
Hickory Flat Precinct	7675 Vaughn Rd Woodstock, Ga 30188		
Offense Information			
Offense	Location Type		
	Government/Public Building		
Completed	Hate/Bias		
Yes	None (No Bias)		
Domestic Related	Using		
No	Alcohol		
Weapons	Criminal Activity		
None	Using/Consuming		
Suspect Information			
Name		Juvenile	
Jones, Cody		No	
Addresses			
Phones			
Emails			
DOB	SSN	Race	Sex
1985		White	Male
Height	Weight	Hair	Eyes
DLN	DLS	DL Country	
County Resident		Employer/School	
Nonresident			
Victim Information			
Victim Type		Victim Of	
Individual			

**Cherokee Sheriff's Office**

Case Report

Case Number
SO21-001502
Report Type
Follow-Up Report

		BATTERY	
Name		Juvenile	
Cundiff, Amy Lynn		No	
Addresses			
Home			
Phones			
Mobile			
Emails			
DOB	SSN	Race	Sex
		White	Female
Height	Weight	Hair	Eyes
5' 0"	100	Blond	Brown
DLN	DLS	DL Country	
054814237	Georgia	United States of America	
County Resident		Employer/School	
Resident			

Property Information	
Property Type	Description
77	E7-statement
Status	Count
Evidence (Seized)	1
Serial Number/VIN	Vehicle Year
Vehicle Make	Vehicle Model
Type	OAN
Finish	Condition
Color	Vehicle Damages
Other Identifiers	
Evidence Tag	Disposition
Notes	

Property Information	
Property Type	Description
19	E6-Cundiff's vm's and interview
Status	Count
Evidence (Seized)	1

**Cherokee Sheriff's Office**
Case ReportCase Number
SO21-001502
Report Type
Follow-Up Report

Serial Number/VIN		Vehicle Year
Vehicle Make		Vehicle Model
Type		OAN
Finish		Condition
Color	Vehicle Damages	
Other Identifiers		
Evidence Tag	Disposition	
Notes		

Property Information	
Property Type	Description
19	E5-Sample video/time
Status	Count
Evidence (Seized)	1
Serial Number/VIN	Vehicle Year
Vehicle Make	Vehicle Model
Type	OAN
Finish	Condition
Color	Vehicle Damages
Other Identifiers	
Evidence Tag	Disposition
Notes	

Property Information	
Property Type	Description
19	E4-Cpl. Artigas video
Status	Count
Evidence (Seized)	1
Serial Number/VIN	Vehicle Year
Vehicle Make	Vehicle Model

**Cherokee Sheriff's Office**
Case ReportCase Number
SO21-001502
Report Type
Follow-Up Report

Type	OAN
Finish	Condition
Color	Vehicle Damages
Other Identifiers	
Evidence Tag	Disposition
Notes	

Property Information	
Property Type	Description
19	E3-Cundiff's bookin video
Status	Count
Evidence (Seized)	1
Serial Number/VIN	Vehicle Year
Vehicle Make	Vehicle Model
Type	OAN
Finish	Condition
Color	Vehicle Damages
Other Identifiers	
Evidence Tag	Disposition
Notes	

Property Information	
Property Type	Description
19	E2 Interviews
Status	Count
Evidence (Seized)	1
Serial Number/VIN	Vehicle Year
Vehicle Make	Vehicle Model
Type	OAN

**Cherokee Sheriff's Office**
Case ReportCase Number
SO21-001502
Report Type
Follow-Up Report

Finish		Condition
Color		Vehicle Damages
Other Identifiers		
Evidence Tag	Disposition	
Notes		

Property Information	
Property Type	Description
19	E1 Traffic stop
Status	Count
Evidence (Seized)	1
Serial Number/VIN	Vehicle Year
Vehicle Make	Vehicle Model
Type	OAN
Finish	Condition
Color	Vehicle Damages
Other Identifiers	
Evidence Tag	Disposition
Notes	

Narrative		
Name	Date	Subject
316 - Clark, Tanshawn	2/3/2021	Report

On July 18, 2020 at approximately 0018 hours, Sgt. Cody Jones arrested Amy Cundiff for Driving Under the Influence and Willful Obstruction of a Law Enforcement Officer. On January 12, 2021, Ms. Cundiff reported Sgt. Jones acted inappropriately the day of her arrest.

Narrative		
Name	Date	Subject
316 - Clark, Tanshawn	2/12/2021	Case File



Cherokee Sheriff's Office

Case Report

Case Number
SO21-001502
Report Type
Follow-Up Report

On February 12, 2021, this case disposition was changed to Unfounded and Closed. Ms. Amy Cundiff alleged Sgt. Jones [REDACTED] her on July 18, 2020. The evidence showed Sgt. Jones did not [REDACTED] her. The alleged incident was captured on a video and audio recording. She said he [REDACTED], pushed her backwards and then forcefully pulled her out of the car and she landed on her feet. While in the backseat, Ms. Cundiff's voice was clear, calm and steady during the time she said Sgt. Jones [REDACTED], pushed her backwards and picked her up out of the car. This was a clear indication he did not do as she said. When she exited the vehicle, she can be seen in the glass doorway. Her shirt and skirt were intact. She was not disheveled. Ms. Cundiff further stated, immediately after he picked her up out of the vehicle and placed her on the ground, he stood in front of her, with his back to the precinct. He then [REDACTED] [REDACTED] for about a minute. This is not true. Immediately after she exits the vehicle, she calmly walks away from the vehicle and stands by the bushes. Sgt. Jones closed the rear passenger door and a big bag is visible in his left hand. He then walks past Ms. Cundiff and opened the front passenger door and reached inside. During this time, Ms. Cundiff calmly walked past him, towards the front of his vehicle and the camera stops at 00:30:29. Sgt. Jones swiped his door card, to enter the Hickory Flat precinct at 00:30:54. Ms. Cundiff, told Lt. Barone she told the hospital staff and deputies at the jail what Sgt. Jones did to her. I spoke with Katie Kile, who conducted the blood draw, and she said no one reported such to her. I spoke with Deputy Bailey, Deputy Kay, Deputy Sanford and Deputy Yarborough, who came in contact with her at the jail. They all said Ms. Cundiff did not report the incident to them. When I interviewed Ms. Cundiff she said she did not tell anyone at the jail. But, told the nurse who wheeled her in the wheelchair what Sgt. Jones did to her. I obtained the transport video from the precinct to the hospital. Ms. Cundiff said during the ride, she feared Sgt. Jones was going to take her down the road [REDACTED]. When I listened to the transport video, Ms. Cundiff indicated she did not want to go to jail, not that she feared he was going to [REDACTED]. She mentioned things like, she pays taxes, her boys are successful in sports, she is not a criminal, her husband is a bad man and "I don't want to go to jail."

Disposition: Unfounded and Closed

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Officer NarrativeCase Number
SO21-001502

Narrative		
Entered On	Entered By	Subject
2/3/2021 12:00:00 AM	316 - Clark, Tanshawn	Aggravated Sexual Battery
Narrative		
Supplemental		

On January 12, 2021 at approximately 1045 hours, **Captain Anderson** told me Lt. Barone said a female reported a Sergeant [REDACTED] in the performance of his lawful duties, and he asked me to respond. At approximately 1105 hours, I arrived at the Cherokee Adult Detention Center and met with **Lt. Barone**, who told me Amy Lynn Cundiff, reported Sergeant Cody Jones [REDACTED]

He further stated, he received three voicemails from Ms. Cundiff, notifying him of the incident. She left two voicemails on January 11, 2021 and left the third voicemail this morning, the 12th of January of 2021. He provided me with those voicemails and they are as follows:

1st voicemail at 1426 hours: "Hi Lt. Barone, I was told to call you by the Solicitor's Office. My name is Amy Cundiff. I need to make a complaint on an officer that [REDACTED]. My phone number...I'm actually home sick today from work. My phone number is [REDACTED]. Again, my name is Amy. Thank you."

2nd voicemail at 1503 hours: "Hello Lt. Barone, this is Amy again. I was told to call you. I need to make a complaint of [REDACTED] by a police officer uh and I was told to call you. I am not feeling well. I'm home from work. I was trying to get you before I laid down. I have to go to sleep. Um...I'm sorry my phone number is [REDACTED]. If I don't answer, I can um call you back as soon as I wake up. Thank you."

3rd voicemail at 0825 hours: "Hi um Lt. Barone, I tried to call yesterday um my name is Amy. I'm actually home sick today. I have a complaint to make, [REDACTED] complaint to make on one of the officers in Cherokee County. I have proof of this and it's been going on long enough and I need to speak with somebody about it please. Uh excuse me...um sorry I'm not feeling well. My phone number...I'm so sorry my phone number is [REDACTED]. Uh If you could call me back uh at some point today, I would really appreciate it. Thank you."

Lt. Barone goes on to say, he returned Ms. Cundiff's phone call this morning. He provided me with his interview with Ms. Cundiff and I heard her say the following: In July she was coming home from a dinner with a couple of friends. She's going to be honest, she had a drink at dinner and she drove home. As she was pulling into her driveway, she saw the "police lights" come on. She already had the garage door going down. She

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thought, "Are they at the wrong house? Did they...something going on? Cause my kids were not home at that time...something happened with my kids?" She didn't know.

She continued, she went around and answered the door. Just right off the bat, this guy was just brutal. He was screaming at her, "You have a busted taillight! Why didn't you stop?" She told him there was nothing wrong with her taillight. She showed him there was nothing wrong with her taillights. He told her he pulled her over for a taillight violation. He started, "taking this thing and going over with my eyes." This went on for about thirty minutes. If you follow somebody's eyes for thirty minutes, you're gonna see something. They are not going to be able to do it over and over and over again.

The other officer went through her whole house and her car to find something to pin on her. They pulled out her overnight and dental bag that she keeps in her trunk. For the past twelve years, she has taken prescription medication every night due to [REDACTED]. Every once and while she will stay over at a friend's or boyfriend's and she has to take the medication. She never takes the medication during the day because it can make her tired. He pulled out the overnight bag that was in her trunk, not the purse that she used that night. She kept telling him over and over again her purse is orange and it was on her kitchen table.

He accused her of driving under the influence. He gave her an A, B, C test. When he did the A, B, C test there was no room between them. He was standing so close to her, she could not put a finger between them. He was intimidating her. He performed this test in her driveway, in front of his patrol vehicle. Her ring door camera captured the footage. This was "Covid time" there was no reason for him to be standing that close to her. She messed up the test because she couldn't concentrate due to him being so close to her. She asked him to back away. But, he wouldn't back away.

She goes on to say, "He went again and did the eye test." She was wearing heels and a skirt and "he made me walk the thing. I walked absolutely fine. But he decided to arrest me for DUI." He did this in the middle of her neighborhood, in front of everybody in her neighborhood. It was ridiculous. She wasn't in an accident. She wasn't arguing with him.

After arresting her, he very forcefully put her in the backseat of his police car. It was the beginning of the Summer and he "cranked up" the heat to 100 degrees in his patrol vehicle. She couldn't breathe. She screamed she couldn't breathe and to open a window or put the air conditioner on. She asked why did he had the heat on and why he was doing this to her.

She added, prior to putting her in his vehicle, he patted her down for weapons, in front of the other police officer. When he decided to get her out of the car, this is where "the [REDACTED] happened." He started [REDACTED]. She asked, "What are you doing? Why are [REDACTED]?" Then he stuck [REDACTED]. Lt. Barone asked, if this occurred while she was in the backseat and she replied, "Yes."



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She continued, she begged him, "Please stop. Why are you touching me? Why are you touching me like that? Why are you touching me like that? And, then the video stopped. He stopped the video. And preceded probably for a couple of more minutes and then realized the other police officer was coming up right behind him...And got behind me and forcefully [REDACTED] and threw me into the police station. At this point, I'm thinking what am I gonna do, call the police?"

She clarified, the incident occurred in the backseat of the patrol vehicle and next to the patrol vehicle. She has the incident on the video her attorney sent her after discovery. She has waited all of this time because no one was listening to her. She is heard on video saying, "what are you doing? Stop touching me like that. Please stop, please stop. What are you doing? Get off me. Please stop. What are you doing? Get off of me and then the recording stops."

She is standing next to the patrol vehicle when he stops the recording. This is probably not the first time he's done this to someone and probably won't be the last time. He knew exactly what he was doing. She went inside of the police station and was surrounded by two or three male cops. She felt like she was going [REDACTED]. That is all that was going through her mind.

She remembers the firefighter came to draw her blood. However, due to everything that occurred, she wasn't listening to anything he said to her. She didn't realize he was there to take her blood. Everything was a blur. Then he took her to the hospital and he was acting as nice as possible. She told them at the hospital the police officer did something to her. But, no one believed her. When she got to the jail, the first thing she said was, "that police officer did something to me in the car." She asked them to please write that down. She told her attorney, Mr. Heller. Her attorney told her if there is something in the discovery, she will probably need to report it. She said, it's embarrassing she didn't want to talk about it. She's a mom.

She further stated, she didn't wait until now to report this. She told people right away, but they asked, where is her proof? She now has the proof, as she is heard on the video that was in her discovery packet, saying "stop touching me." There is her proof.

Lt. Barone asked her to repeat how he touched her. She said the following: She was handcuffed in the back and was sitting in the backseat of the patrol vehicle. He came and [REDACTED]. He used [REDACTED]. He pushed her down. He took the seatbelt off, grabbed her breast and pushed her down. When he pushed her down, [REDACTED].

Lt. Barone asked her to explain how he pushed her down in the backseat. She replied, "In the backseat and then he pulled me up and when he pulled me up, [REDACTED]" She asked him, "What are you doing?"



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Lt. Barone asked, when she said he pulled her up, is she standing now. She stated, "Yes, at this part, I'm standing. Yes, at first he pushed me down [REDACTED]. When he pulled me back up, when he pulled me up, [REDACTED] uh I'm sorry, [REDACTED]. And then with that [REDACTED] i was asking him why he was doing... why he was touching me. What are you doing? Why are you touching me? Cause I thought he was doing me another pat down and then [REDACTED] And, I kept begging him to stop over and over. I actually kicked him and I was trying to push him away."

They were standing outside of the vehicle. His back was to the precinct. She thought she was going to [REDACTED]. Once inside of the precinct, there were three other officers. She honestly thought she was going [REDACTED]. One of the officers walked by her and said, "Oh nice." She stated, "I'm not a bad looking woman. But, there is absolutely no, no way he has not done this before and he's going to do it again."

She stated, after he did that to her, he took her inside of the police station. That is when the other officer showed up, the rookie officer, and there was another officer in there. It was just her and the three of them. There were no other officers outside, when he [REDACTED]

She was wearing a thong and a skirt. He [REDACTED] lasted for a couple of minutes. He started [REDACTED] This occurred as they stood outside of the vehicle. She added, she would email her ring door camera footage. The interview ended.

On January 13, 2021 at approximately 1504 hours, I called **Amy Cundiff** and left a voicemail requesting a return call.

At approximately 1458 hours, I called **Corporal Claudio Artigas**. I left a message requesting a return call.

At approximately 1503 hours, I called **Deputy Kelsey Kay** and left a voicemail requesting a return call.

At approximately 1507 hours, I called **Deputy Scott Sanford**. I told him the reason for my call. He said he was in training with Deputy Kay in July of 2020. He does not remember Ms. Cundiff. He returns to work Friday, January 15th. He will review her booking photo in hopes that will jog his memory. I told him I will follow up with him Friday. We ended the call.

At 1511 hours, **Ms. Cundiff** left a voicemail asking me to call her in a week. She is suffering from the [REDACTED] and a couple of other [REDACTED]. She's is probably going to have to put this off for a week or until she gets better. She is sorry. I can call her back in a few



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days to see if she's ok. She added, she is losing her voice, but I should feel free to text or email her.

At approximately 1518 hours, I called **Deputy Amanda Bailey** and left a voicemail requesting a return call

At approximately 1528 hours, I received a call from **Deputy Bailey**. I told her the reason for my call. She said she does not remember Ms. Cundiff's name. Usually she remembers last names really well. I asked if she recalled anyone alleging they were [REDACTED] by a deputy before being transported to jail. She told me the only person who has ever said anything about [REDACTED] was [REDACTED]. When that happened, she informed her supervisors and they looked into the matter. I thanked her and we ended the call.

At approximately 1545 hours, I called [REDACTED]. I spoke with [REDACTED], the charge nurse. I asked to speak with Ashley [REDACTED]. She told me she doesn't have an Ashley [REDACTED], but has a [REDACTED], who works night shift. [REDACTED] is scheduled to return to work Friday. She said she would email my contact information to [REDACTED]. I thanked her and we ended the call.

At approximately 1559 hours, I received a call from **Corporal Artigas**. I told him the reason for my call and he told me the following: When he responded to the home as backup, Sgt. Jones was already speaking with Ms. Cundiff in front of her home. From his understanding, Sgt. Jones noticed her behavior while she was driving down the road. He followed her into her subdivision. He turned his emergency lights on and she ignored the lights and kept going. Sgt. Jones said over the radio, "he was still rolling." She continued to ignore his lights, pulled into her driveway and into the garage. She told him to wait for a second, pushed the button and closed the garage door.

I asked if he observed Sgt. Jones conduct the Horizontal Gaze Nystagmus (HGN) evaluation. He said he did. Some of the test she was not doing correctly. She was very argumentative. She talked over him and would not follow the instructions she was provided.

I asked how close was Sgt. Jones to Ms. Cundiff, as he conducted the evaluations. He said, Sgt. Jones was within an appropriate distance to conduct the test properly.

I asked him to tell me how he ended up going inside of her house to get her purse. He told me she asked him to get her purse and cell phone. He asked her if the purse was inside and could he get in. She gave him permission to enter her house and she told him where he could find her purse and cell phone. He went inside and collected the items. He took her keys and locked the door. I asked if he searched the home. He said, he did not.

I asked if he observed Sgt. Jones put Ms. Cundiff in the patrol car. He said there was a Holly Springs officer there. He thinks he observed Sgt. Jones put her in the car and



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there was no force used. If force was used, he would have went over to help. He doesn't remember touching her to get her inside of the car. He added, Ms. Cundiff was talkative and argumentative.

I asked if remembered Ms. Cundiff doing the walk and turn evaluation. He said he did not. I asked if he remembered the shoes she was wearing. He said, he doesn't think they were heels. But, he doesn't remember.

I asked who left the scene first, him or Sgt. Jones. He said, he remembers giving the little dog food and water. He locked the house door. He believes Sgt. Jones pulled off first and he was behind him.

I asked did he go to the precinct afterwards. He said, he doesn't remember. He could have gone to the precinct, but he does not recall.

I asked who else worked on his shift that day. He said, he doesn't recall. I asked who was on his shift in July of 2020. He said there has been staff changes. So, he doesn't remember.

He reiterated, use of force was not used, if it was he would have completed a use of force report. I thanked him for speaking with me and ended the interview.

At approximately 1555 hours, I called **Sgt. Sheila Jackson** at the Cherokee Adult Detention Center. I asked which nurse was on intake duty July 18, 2020. She told me she would find out and call me back.

At approximately 1609 hours, **Sgt. Jackson** left a voicemail stating it appears Ms. Cundiff bonded out of jail before she saw the intake nurse.

At approximately 1624 hours, I called **Sgt. Jackson** and she told me the nurse, later identified as, [REDACTED] LPN, was unable to find Ms. Cundiff's name in their system. Therefore, she was not seen by them. I thanked her for speaking with me and ended the call. Subsequently, I went to the Adult Detention Center and Sgt. Burkhardt assisted me with obtaining the booking video of Amy Cundiff on July 18, 2020. The following jail deputies had contact with her: Deputy Sanford, Deputy Kay, Deputy Mason Yarborough and Deputy Bailey.

At approximately 1643 hours, I received a call from **Deputy Kay**. I told her the reason for my call and she said she does not recall Ms. Cundiff. She stated if someone were to make allegations [REDACTED] by a deputy, she would report it. I told her I would forward her a picture of Ms. Cundiff to see if she recognizes her. I thanked her for speaking with me and ended the call.



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On January 15, 2021 at approximately 1440 hours, I called **Cpl. Blackerby** and asked if he would download Cpl. Artigas' car video from the incident. I also requested he download Sgt. Jones' rear camera's view, if available. He agreed to do so.

At approximately 1619 hours, I received a call from **Cpl. Blackerby**. He told me he burned Cpl. Artigas' car video to a disc and Sgt. Jones only had a front camera's view. I told him I would pick up the video from the Hickory Flat Precinct. I thanked him and we ended the call.

At approximately 2056 hours, I called [REDACTED] (D.O.B. [REDACTED] 1993), Registered Nurse at [REDACTED], who administered Ms. Cunditt's legal blood draw. I introduced myself and told her the reason for my call. She told me she does not recall anyone complaining of such. She added, she is usually one of the ones who administers the legal blood alcohol draws. Therefore, she would do the report and she would hope she would remember something like that. I thanked her for speaking with me and ended the call.

On February 1, 2021 at approximately 1201 hours, I emailed **Lt. Irene Ruiz** at the Cherokee Adult Detention Center. I asked if she would assist me with obtaining the medical intake form for Amy Cundiff from the previous healthcare provider. The healthcare provider contracted during July of 2020 was no longer the contract healthcare provider with Cherokee Sheriff's Office.

At approximately 1207 hours, I received a call from **Lt. Ruiz**. She forwarded the medical intake report from the previous healthcare provider, WellPath Correct Care Solutions. According to the document, Ms. Cundiff did not report [REDACTED] by Sgt. Jones or any other employee/deputy.

At approximately 1300 hours, I conducted a search on **Tiburón** for Amy Cundiff. On October 25, 2017, an incident report #17-110937 was created in reference to a referral that was made to the Department of Family and Children Services regarding Amy Cundiff and her children Jack (13 yo) and Cody (11 yo) Cundiff. It was reported, when Ms. Cundiff dropped the children off at school that morning, she sped up and slammed the car in park, using her emergency brake and yelled very loudly at the boys. After the children exited the vehicle, Ms. Cundiff was heard yelling, "You should go and live with Ms. Farmer!" A teacher approached Ms. Cundiff and told her she needed to slow down and Ms. Cundiff sped away. Five minutes later, Ms. Cundiff called the school and notified them she was coming back to speak with the children about a medical emergency.

Once Ms. Cundiff arrived, she was heard belittling the children's father. She told the children their dad was doing something illegal by moving into the home where he was currently living. She told the children she was having a major surgery and their dad was



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supposed to care for them, but now she is not going to allow him to do so, since he is staying with Ms. Farmer. She further stated, she is solely responsible for their care. However, the reporter noted, the custody papers on file, shows the parents have joint custody. In the parenting plan, there was a special stipulation that stated one parent is not to belittle the other in front of the children. The reporter added, they have known the family for many years and this has been the family's situation since Kindergarten. The reporter was concerned about Ms. Cundiff's erratic behavior towards her children.

There was another referral made to the Department of Family and Children Services on October 22, 2019. According the referral, the school staff has observed multiple concerns involving Cody Cundiff that collectively prompted the referral. The mother requested the school resource officer arrest the child for truancy. At that time, the child had one unexcused absence and 5 absences total. A referral to the school social worker was made instead. On numerous occasions the child has reported to the school counselor and his social worker, his mother constantly yells at him and that she had been diagnosed with [REDACTED]. The mother has contacted the school counselor and other school staff to complain about the child's behavior at home. School staff has had multiple interactions with the mother, whose reactions have been inappropriate for the situation. The school's primary concern is about the [REDACTED] at home. The child failed all his academic classes first quarter. The school staff feels the family would benefit from counseling services.

The video footage from Sgt. Jones and Cpl. Artigas' cars were reviewed. Sgt. Jones' body worn microphone was not working, but his car's microphone was working. Some communication between Sgt. Jones and Ms. Cundiff was captured on Cpl. Artigas' body worn microphone. Documentation below was gathered from both Sgt. Jones and Cpl. Artigas' videos. Note, the videos have different times, as the vehicle's clocks were not the same. However, Sgt. Jones' vehicle's clock is set to the same hour and minute as dispatch. This was confirmed in CAD when he notified dispatch of the arrest and transport of Ms. Cundiff.

Ms. Cundiff said Sgt. Jones very forcefully put her in the backseat of his police car after her arrest. Sgt. Jones' video indicated she was not forcefully placed inside of his vehicle, as there were not any signs of a struggle. Ms. Cundiff was speaking as she entered the vehicle and her voice was calm and steady.

Ms. Cundiff's arrest (Below times reflect Cpl. Artigas' audio).

At 23:55:49, Sgt. Jones, "I need you to put your hands behind your back."

At 23:55:51, Ms. Cundiff, "wait, wait, wait."

At 23:55:52, Sgt. Jones, "Let go of whatever is in your hand. You are under arrest."



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At 23:55:57, Ms. Cundiff, "wait, wait...what are you talking about?"

At 23:55:58, Sgt. Jones, "You are under arrest for driving under the influence."

At 23:55:59, Ms. Cundiff, "Oh my God. No, no, no, no."

From 23:56:00-23:56:11, Ms. Cundiff continued to speak (inaudible)

At 23:56:12-23:56:16, Ms. Cundiff, "Wait, wait, wait, wait, wait."

At 23:56:19, Sgt. Jones, "You are under arrest."

At 23:56:21, Sgt. Jones, "Do not pull away from me. You are under arrest."

At 23:56:24, Ms. Cundiff, "Why?"

At 23:56:25, Sgt. Jones "I've already explained that to you."

At 23:56:27, Ms. Cundiff, "But, why?"

Sgt. Jones directing Ms. Cundiff to the front of his vehicle (Cpl. Artigas' audio)

At 23:56:42, Sgt. Jones "You are under arrest. I need to read something to you. I need you to walk right over here. I need you to walk right over here."

Ms. Cundiff speaks (inaudible)

At 23:56:49, Sgt. Jones, "I'm not gonna ask you anymore. You are under arrest."

Ms. Cundiff speaks (inaudible)

At 23:56:53, Sgt. Jones, "I've asked you about the 4th time to step over here."

At 23:56:54, Ms. Cundiff, "Oh my God. This is not ok."

Sgt. Jones directing Ms. Cundiff to the front of his vehicle (Sgt. Jones' video)

At 00:14:11, Sgt. Jones points to the front of his vehicle. Ms. Cundiff did not move.

At 00:14:13, Cpl. Artigas lightly touches Ms. Cundiff's right shoulder and motioned for her to move towards Sgt. Jones' vehicle. Sgt. Jones also motions for Ms. Cundiff to walk towards his vehicle. Ms. Cundiff did not move.

At 00:14:17, Cpl. Artigas points at Sgt. Jones' vehicle. Ms. Cundiff did not move.

At 00:14:19, Sgt. Jones points at and motioned for Ms. Cundiff to walk towards his vehicle. Ms. Cundiff did not move.

At 00:14:20, Sgt. Jones points at his vehicle and motioned for Ms. Cundiff to walk towards it. Ms. Cundiff did not move.



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At 00:14:21, Cpl. Artigas points at Sgt. Jones' vehicle, motioning for Ms. Cundiff to walk towards it.

At 00:14:22, Ms. Cundiff moves her right foot and walked towards Sgt. Jones' vehicle.

At 00:14:28, Sgt. Jones, Cpl. Artigas and Ms. Cundiff reached the front of his vehicle. Sgt. Jones lightly turned her around so that her back was to the windshield.

At 00:14:48-00:15:48, Sgt. Jones read Implied Consent

Sgt. Jones obtains permission from Ms. Cundiff to allow Cpl. Artigas to enter her home (Cpl. Artigas' audio)

At 23:58:23, Ms. Cundiff, "Can I have my purse please?"

At 23:58:23, Sgt. Jones, "Where is your purse?"

At 23:58:26, Ms. Cundiff, "In my house."

At 23:58:28, Sgt. Jones, "That requires a law enforcement officer of the State of Georgia to enter your home and into your vehicle. Are you giving permission to do so?" Ms. Cundiff speaks, but it was inaudible. Sgt. Jones continued, "With that being said do you give him permission to open that garage door? I'm going to have to search your car incident to arrest, as well." Ms. Cundiff speak, but it is inaudible.

At 23:58:46, Sgt. Jones, "You're under arrest for DUI. I'm gonna search your car for fruits of the crime."

At 23:59:19, Sgt. Jones, "Do you give him permission to go inside?" Ms. Cundiff speaks (inaudible).

At 23:59:27, Cpl. Artigas is seen walking away from Sgt. Jones' car towards the house.

At 23:59:29, Cpl. Artigas stops and turns facing Ms. Cundiff. Ms. Cundiff's is heard speaking, but it's inaudible.

At 23:59:33, Cpl. Artigas, "Inside the car. Okay." Then he walks towards the house.

Sgt. Jones escorts Ms. Cundiff to the rear passenger seat of his vehicle (Sgt. Jones' video)

At 00:17:01, Sgt. Jones lightly touches Ms. Cundiff's left shoulder with the fingertips of his right hand and walks her to the rear passenger side of his vehicle.

At 00:17:12, There was a noise which sounded like the door may have opened.

At 00:17:14, Sgt. Jones, "Alright ma'am I need you... (Inaudible)"

At 00:17:16, Ms. Cundiff, begins to speak (inaudible)



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From 00:17:16 to 00:17:46, Sgt. Jones and Ms. Cundiff speak (inaudible)

At 00:17:47, Ms. Cundiff has a raised voice

At 00:17:52-00:17:55, Sgt. Jones, "Hey Claudio, do you mind coming to help me real quick?"

At 00:17:57, Ms. Cundiff, "I just need my phone and my purse."

At 00:18:03, Ms. Cundiff, "I need my phone and my purse."

At 00:18:03, Cpl. Artigas runs up and stops at the curb, as Ms. Cundiff is entering the vehicle. He stood by and watched until Sgt. Jones reappeared on camera.

At 00:18:06, Ms Cundiff, "But um, you're gonna pay in the end. Not me." (It is apparent, she entered the vehicle at this moment because her voice became clearer. There was no indication of a struggle as her voice was calm and steady.

At 00:18:11, Car door shuts.

At 00:18:14, Sgt. Jones reappears on the front passenger side of his vehicle.

At 00:18:21, Sgt. Jones radioed to dispatch Ms. Cundiff was arrested.

At 00:18:42, Dispatch logged CUFF in CAD. (CUFF means an officer has placed a person under arrest). There was a 21 second time difference.

At 00:21:26, Ms. Cundiff, "That's not my purse officer. Officer that's not my purse. My purse is sitting on my counter in my kitchen. It's orange and so is my phone. Please put that back where you got it. That's not my purse."

The drive to Hickory Flat Precinct

At 00:23:38, Sgt. Jones radioed he was leaving the scene and enroute to the Hickory Flat Precinct.

At 00:24:01, Dispatch logged the transport to Hickory Flat Precinct.

At 00:25:48, Ms. Cundiff, "What's wrong with you?"

At 00:23:58, Ms. Cundiff, "Turn the heat off! Turn the heat off in the back of the car! It's 90 degrees outside. Why would you turn the heat on in the back of a cop car!"

At 00:26:09, Ms. Cundiff, "Is something wrong with you?"

At 00:26:48, Ms. Cundiff, "Is there a reason you have the heat blaring in the back of my car? Like 100%!"

At 00:26:56, Ms. Cundiff, "Officer I'm asking you a question! Why do you have the heat blaring back here when it's 90 degrees outside?"



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At 00:27:06, Sgt. Jones, "There is no heat blaring ma'am. I have the windows rolled down and the air conditioner on. This my protocol under my standard operating procedure during the Covid 19 crisis."

At 00:27:14, Ms. Cundiff, "You are full of crap! There is heat coming back here like a motherfucker! I can't breathe! Turn the heat off now!"

At 00:27:21, Sgt. Jones, "There is no heat on ma'am."

The arrival at Hickory Flat Precinct

At 00:28:50, Sgt. Jones notified dispatch the transport was complete.

At 00:29:02, Dispatch logged the completed transport.

At 00:29:09, Sgt. Jones pulled into a parking space front of the door leading into the precinct in the authorized personnel only area.

At 00:29:10, Sgt. Jones exits the vehicle.

At 00:29:21, Sgt. Jones walks to the front passenger door of his vehicle.

At 00:29:23, Sgt. Jones opens the front passenger door.

At 00:29:35, Sgt. Jones closes the front passenger door and says, "Hey".

At 00:29:38, Sgt. Jones opens the rear passenger door. The reflection in the precinct glass door, shows Sgt. Jones feet and lower leg at the outer edge of the fully extended open door.

At 00:29:40, Ms. Cundiff, "Shame on you."

At 00:29:42, Ms. Cundiff, "Shame on you."

At 00:29:44, Ms. Cundiff, "Shame on you."

At 00:29:45, A vehicle pulls up and someone walks over to Sgt. Jones.

At 00:29:50, Sgt. Jones and the male are speaking (inaudible)

At 00:29:50, Ms. Cundiff, "No, it's not ok. He arrests me for DUI

At 00:29:54, Ms. Cundiff, "on my driveway."

At 00:29:56, Ms. Cundiff, "And, I'm not even drunk."

At 00:29:58, Sgt. Jones' feet and lower legs are in same position.

At 00:29:59, The male walked away from Sgt. Jones

At 00:30:00, Ms. Cundiff, "Nothing is ok."



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At 00:30:02, Ms. Cundiff, "How am I supposed to get out with an injured leg?"

At 00:30:03, Sgt. Jones takes a step inward

At 00:30:05, Ms. Cundiff, continued, "And handcuffs?"

At 00:30:05, Sgt. Jones, "Put both legs in. I'll help you get out."

At 00:30:06 to 00:30:07, Ms. Cundiff, "I don't want you touching me."

At 00:30:09, Sgt. Jones, "Put both legs in."

At 00:30:11, Ms. Cundiff, "You have"

At 00:30:12, The other vehicle left the parking lot.

At 00:30:12 to 00:30:14, Ms. Cundiff, "No...Do not touch me." Ms. Cundiff's speaks slowly and her voice is calm and steady.

At 00:30:15, Ms. Cundiff, "Do" (Ms. Cundiff's voice is calm and steady)

At 00:30:16, Ms. Cundiff, "Not touch" (Ms. Cundiff's voice is calm and steady)

At 00:30:17, Ms. Cundiff, "me" (Ms. Cundiff's voice is calm and steady)

At 00:30:18, One of Ms. Cundiff's legs is out of the vehicle. (There is no indication of a struggle)

At 00:30:19, Both of Ms. Cundiff's legs are out and she exits vehicle. Her reflection is in the precinct's door. Her shirt and her skirt are appropriate (not disheveled).

At 00:30:20, The rear passenger door closes and Sgt. Jones is immediately seen with a large purse in his left hand.

At 00:30:23, Sgt. Jones opens the front passenger door with his right hand.

At 00:30:27, Ms. Cundiff calmly walked towards the front of the vehicle, past Sgt. Jones, as he is reaching inside of the front passenger side of the vehicle.

At 00:30:29, Sgt. Jones turns the camera off.

At 00:30:54, Sgt. Jones swiped his key card at the Hickory Flat Precinct.

On January 26, 2021, **Lt. Hands and Cpl. Artigas** conducted a sample test of the time on the key card entry and the car video. At 15:50:41 hours, Lt. Hands stopped the car's video. Cpl. Artigas swiped his key card at the Hickory Flat precinct at the same time. I received Cpl. Artigas' card history and it showed his card was swiped at 3:50:57 PM. There was a 16 second time difference. However, there was a time change since the incident. The time in the patrol car was updated manually. Therefore, this sample test

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conducted by Lt. Hands and Cpl. Artigas will not be a true testament of the time or time difference on July 18, 2020.

On February 1, 2021, I called **Deputy Bryant Moyer**. I introduced myself and told him the reason for my call. He said he recalls the incident, but he did not encounter Sgt. Jones or Ms. Cundiff, as he was out on patrol. I told him she said there were two other deputies with Sgt. Jones and asked if he knew who was there? He said, he did not. He believes Cpl. Artigas and Sgt. Jones were on the stop together. I told him they were on stop together. However, Cpl. Artigas said he did not go back to the precinct.

I asked how often they bring women to the precinct late at night for DUI. He said, all of the time. They are leading in DUI arrests at their precinct. They arrest more women than men. He had thirty DUI's last year and 25 of them were between July and December.

He added, Deputy Murphy is on his shift now, but she wasn't there during July of last year. He said, Investigator Swindler, who is now in the Criminal Investigation Unit, may have been on shift, at that time. He doesn't remember going back to the precinct. I asked if the name Amy Cundiff sounded familiar and he said it does not. I thanked him for speaking with me and we ended the call.

On February 3, 2021, at approximately 1751 hours, I called **Sgt. Cody Jones** and asked if he was available to speak with me this evening or tomorrow. He stated he was available this evening. However, Cpl. Artigas was off today and tomorrow, so he needed to find someone to cover his shift, in his absence. I told him I would come to his precinct to speak with him.

At approximately 1820 hours, I arrived at the Hickory Flat Precinct and spoke with **Sgt. Jones** in his office. Sgt. Jones told me the following: Regarding the case he had with Ms. Cundiff, he was doing normal patrols. He saw a vehicle traveling down Hickory Rd. with no operating taillights. In fact, it looked like only the daytime running lights were on. As if the headlights were not turned on at all. He got behind the car and activated his emergency equipment to conduct a traffic stop. The vehicle didn't initially stop, but, he did not feel the vehicle was deliberately fleeing from him.

The vehicle pulled into Barrett Farms Subdivision and pulled into a driveway. Before he could get out of his patrol car, the defendant raised the garage door, pulled her car inside of the garage and closed the garage door before he could make contact with her. He walked up to the garage door and knocked on it. He told her, "hey all this behind you is for you. This is a traffic stop." Initially, she acted like she couldn't hear him and then disappeared in the house. He requested back up and explained what had just happened. A few moments later, she comes out of the front door, where he made contact with her.

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He explained to her this was a traffic stop and why he pulled her over. She said, "I'm at my house. How can you stop me if I'm at my house?" From the very first contact with the defendant, she was confrontational. She was very defensive, even though, he had just witnessed her and captured a traffic stop on his patrol car and captured all that happened after the fact.

He basically explained to her she was not free to go. This is a traffic stop and he is now conducting a DUI investigation at this time because she exhibited mannerisms that were consistent with DUI, based on his training, knowledge and experience in the field. He attempted to do the HGN with Ms. Cundiff. She was very confrontational. It took three or four times to explain HGN to her. Every time he would start the evaluation, she would move her head, stop, or start talking. Again, she was very confrontational, very defensive, and made it very difficult to conduct the test. This took place in her driveway, in front of his patrol car.

He continued, her driveway way was steep. If he recalls correctly, it was at about a 45 degree angle. So, he backed his patrol car out to the street, where it was flat. His objective was to determine whether she was under the influence, not to make her look foolish. Therefore, he didn't want to do anything on her driveway. Once they moved to the roadway, he explained the walk and turn and a series of other evaluations that were consistent with his training. Based on all of her mannerisms and her driving abilities that evening, he placed her under arrest for DUI. He placed her in handcuffs, double locked them, and checked for proper fit, due to his policies and CALEA standards. She was then placed in the rear seat of the patrol car.

Afterwards, she wanted her wallet, cell phone or purse. They gained consent from her to retrieve the items from inside of her home. She was under arrest, so "technically" her vehicle was able to be searched at that time. She was under arrest for DUI. He had the ability to search the vehicle for fruits of the crime. However, that search was not conducted.

He believes Cpl. Artigas was there and he went inside of the house and into the garage. He retrieved her wallet, purse and cell phone and brought those items to him. She was transported here (Hickory Flat Precinct) for a blood draw. This occurred after reading her Implied Consent.

In this case, he believes he had to write a search warrant for her blood because she refused. So he brought her back to the precinct to write the search warrant and again that is per policy. At this time, between late Spring and Summer of 2020, they received a field directive, where basically the laws changed with DUI's. Even though, he got a search warrant, he can't make her give him blood. Previously, it was done that way. Case Law, Elliott v. State, changed the way blood draws are handled. After a search warrant was obtained, if she refuses the blood draw, where EMT would draw the blood, she has to be transported to [REDACTED] to get the blood draw.

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If he recalls correctly, she refused everything, which makes their job very difficult. Again, their job is to prove a case. They are to give the case to the prosecutor and be able to say, "this is a case beyond a reasonable doubt." In this particular case, she refused everything. He read her the implied consent laws so she knows her driving privileges are subject to be suspended based on her refusal in this case. This is the only noteworthy portion of the case on how confrontational she was from the very beginning all the way to the end, after writing the search warrant.

I told him Ms. Cundiff said he was so close to her when he conducted HGN, she could not even put a finger between the two. I asked how close were he and Ms. Cundiff when he conducted the HGN examination. He told me the following: He is going to be completely honest with me. He is going into his eleventh year in law enforcement. Every time he is in a situation where someone is outside of handcuffs, outside of a correctional facility, the training division has taught him to be an arm length and coke can away. In this case, in order to do HGN, he has to be within 24 inches from the person, to hold up his stimulus, which would be his finger. She has to follow that stimulus left to right, with her eyes only. So, he would have been less than two feet.

He goes on to say, it's the same thing with the walk and turn, they are outside of a correctional facility. This is someone who is not in handcuffs and someone who has been accused of a crime or detained because he suspects she has committed a crime. He has had people run from him and various other things. He's always within touching distance of the individual when they are outside of a correctional facility and inside of a lawful investigation.

I told him after he escorted Ms. Cundiff to the rear passenger side of his vehicle, he asked Cpl. Artigas to come and help him. I asked what was happening at that time. He told me the following: Ms. Cundiff was confrontational from the beginning to the end. She refused to get in the backseat of the car. They were able to coax her in the vehicle. In his opinion, she is a petite female. There was absolutely no reason for two grown men to use a larger level of force than needed. They were able to coax her in. She had no choice. She was not free to go. She was under arrest. Even if force was used, it would have been justified. If someone does not do what he tells them to do, there is justifiable force there. However, force was not used in this case.

I asked if Cpl. Artigas opened the other (driver's side rear door). He said he does not remember specifics, as this was about a year ago. However, that would be consistent with how two deputies would be able to get someone into a patrol car. One deputy would be pushing and the other would be pulling.

I asked from his recollection, did she get into the vehicle on her own or did he have to put hands on her to help her in the vehicle. He told me the following: There were hands on her to move her to the rear door of the car. When they asked her to get in the backseat of the car, she refused. He hasn't watched the video recently, but if he asked

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Cpl. Artigas to assist, he would have been on the other side to pull her inside the vehicle. But, he doesn't think they did that in this case. He thinks they were able to coax her into the vehicle, once they made her "very aware" she was under arrest.

I told him I didn't hear any sound of a struggle, as she got into the car. However, she said he forcefully threw her inside of the car and I wanted to give him the opportunity to respond. He replied, he can say as a matter of fact, she was never pushed.

I asked if he remembered what she complained about from the ride to the precinct from her house. He said, he does not remember specifically what she said. Her house is about a mile and a half from the precinct. One of the most common complaints is "my handcuffs are too tight," in which case they are sitting on their hands. They haven't properly listened to how to properly sit in the patrol car with handcuffs on. However, as far as he knows, there weren't any accusations that her handcuffs were too tight.

I told him she complained the heat was on and it was too hot. Again, he said he doesn't know recall specifically what she complained about. But, he does know the window was rolled down. At that time, we were amidst one of the greatest pandemics this country has ever seen. One of their standard operating procedures was to roll the windows down in the backseat of the car. They wanted air flowing through the vehicle during that time.

I told him after he pulled into the precinct, his reflection was seen in the precinct door. I asked why he open the front passenger door. He replied, his key card and phone sits in his passenger seat. Typically, when he gets out of his patrol car, he will reach in to get those things. In this case, he doesn't recall specifically. He also keeps his blood kits in the front seat. But, typically he opens the front passenger door to get his personal items out of the vehicle, so he can get into the precinct.

I asked where he put her purse after Cpl. Artigas gave it to him. He said, it would have been in the front seat, as well. It would have been there or in the trunk. But, in this case, he believes all of her personal items were in the front seat area.

I told him after he retrieved the items from the front passenger side, he opened the rear passenger door and a vehicle pulled into the parking lot. Moments later, a male approached him. I asked, who was that person? I heard a male say, "hey", but I was unable to tell if it was his voice or the other person's voice. He stated, he doesn't remember. He knows Cpl. Artigas left the scene and would have been shortly behind them. But, he doesn't remember specifically. There are four deputies who worked for him at this time. So, it could have been any of those four.

I told him I didn't know if the person asked if everything ok, because Ms. Cundiff sounded as if she was replying. She said, everything was not ok and he arrested me for DUI in my driveway. Sgt. Jones stated, it doesn't surprise him that she would say that because again she was confrontational from the beginning to the end.



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I told him I could see the reflection of his feet in the precinct's glass door and I saw the other person walk away. I attempted to play the video of the encounter, but it would not play. I asked whether Ms. Cundiff had an injured leg, as she asked him how was she supposed to get out of the vehicle with an injured leg and handcuffs. He replied, during the walk and turn evaluation, she was given the opportunity to not do the evaluation in the shoes she was wearing. He gave her the opportunity to take the shoes off, offered to get her flat shoes and she refused. One of the most common excuses for defendants in the same case or circumstance Ms. Cundiff was in, is to say "I have a [REDACTED] injury." She was unable to provide documentation or no ability to explain on the roadside what happened to her leg. There was no injury sustained during her time with him. If she had something, it would have been pre-existent.

I asked him to tell me what happened next, as I heard him tell her, "If you put your legs in, I can help you." He stated, in the Chargers, the patrol vehicle, he was utilizing, there's a molded piece of plastic between the driver's compartment and the passenger's compartment. When you slide your feet in the vehicle, your knee rest up against the hard piece of plastic. By referencing, "pull your legs in," that meant to get her knees past that hard piece of plastic, so she could swing her legs out of the opening of the door. The patrol cars are not like a Chevy Tahoe or Expedition, where they have plenty of leg room. So, you have to do some manipulating "of yourself physically" to get in and out of a patrol car.

I asked, what was happening after he told her to put her legs in and she said, "I don't want you to touch me." I asked had he reached in the vehicle at that point. He said the following: When they were at the precinct, he asked her to get out of the car. She is a grown person. She has the ability to get in and out of a car. She was not handicapped. Even with the handcuffs on, there was nothing prohibiting her from getting in the patrol car by herself, which she refused to do or getting out of the patrol car by herself, which she also refused to do. The only time she was touched was getting in the patrol car and getting out of the patrol car.

I asked how he assisted her in getting out of the vehicle. He told me, "I'm right handed. I do everything in my life with my right hand." If he is going to throw a baseball to his son, he would throw it right handed. If he's going to go fishing, he's going to cast the fishing rod right handed. So, if he is going to physically put his hand on a detainee that could potentially hurt him or harm others, why would he do it with any other hand, other than his right hand. So, every time he puts hands on someone, he always uses his right hand.

I told him, she said he [REDACTED] He said, "No." I asked, what part of her body would he have touched, when he assisted her in getting out of the vehicle. He said, "It would have been her triceps." She was sitting in the patrol car with her hands behind her back. His right hand would have grabbed the back of her right tricep "and trying to turn her outside of the patrol car to get her out." He would have

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been facing the vehicle. Regardless, he does everything with his right hand. The only place appropriate for males or females is to grab the back of the tricep. That physically gets them moving in the direction you're asking them to go.

I asked if he pushed her down and pulled her back up, at any time, while she was in the backseat. He said, "Absolutely not. Absolutely not." I asked, after he placed his right hand on her tricep, did she easily come out of the car or did he have to use extra force to get her out. He explained, he knows the word force is different in "our" line of work than other places, this wasn't a level of force that needed documentation. We have three levels of force at this agency that need documentation. This was not the situation where there was so much force used, that he's physically escorted this person out of the patrol car. This was a passive aggressive individual, who is under arrest in the backseat of a patrol car and is refusing to get out. The level of force was enough to use against a passive aggressive individual. Once he grabbed the back of her arm, pulled it in the direction he wanted her to go, she ultimately stepped out and into the precinct.

I stated, after she was out of the vehicle and he closed the door, it appeared a large bag or purse was in his left hand. I asked if he recalled that. Again, he said, he doesn't recall specifics, but it's very common for him to put arrestee's property in the front seat of his patrol car. I asked if it was possible when he removed his key card and other personal items from the front seat, whether he removed her purse at that same time. He said, "Absolutely." I told him the purse wasn't clearly seen when he initially closed the front passenger door, but I know purses wouldn't typically ride in the backseat with the arrestee. He confirmed he has been doing this (work) for a long time and he's never left anything in the back.

I asked if he remembered why he opened the front passenger door after closing the rear passenger door. He was reaching in for a period of time and then the camera was turned off. He reiterated, he keeps his personal items, citation book, ink pens, blood kits, etc. in the passenger seat. The reason for the deactivation of the camera is because he is at the precinct with other persons present. He didn't see any reason "in eating up" storage on his camera system facing the precinct's door. He knew he was about to type a search warrant and have EMT come over for the blood draw. There is not a 24 hour Magistrate. So, he knew this was going to take some time. He didn't see any reason for the camera to download images of the front door of the precinct, which is why he deactivated the camera.

I told him she has alleged after the camera was turned off; he [REDACTED]. He said, "Absolutely not. That's absurd." I told him his car video stopped at 00:30:29. He swiped his key card at Hickory Flat Precinct at 00:30:54. I explained, in order to find out whether the vehicle's time and the time on the card entry were similar; I had a test conducted by Lt. Hands and Cpl. Artigas on January 26, 2021. They started the car video and swiped Cpl. Artigas' entry card. As a result, it appeared the car video and time at the precinct had a 53 second difference. I



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told him if this time difference was the same at the time of the incident, he would have been outside of the precinct for a minute and 18 seconds before swiping his card. I asked what was happening during that time. He said, "There is no reason to have been outside for a minute and 18 seconds. Absolutely not."

Correction-When Lt. Hands and Cpl. Artigas conducted the test, there was only a 16 second difference. The video stopped at 15:50:41 and the time stamp for Cpl. Artigas' card swipe was 15:50:57.

I told him she said someone came up from behind, when [REDACTED] I asked if he remembered if someone followed them into the precinct. He said, "Again, I don't remember uh specifics. I mean I've had the same four people on the shift for, for ... since that time frame. So, it could have been a number of those deputies. But, uh the only one I know specifically that was here ah, after the fact, is I know that Claudio showed up eventually. I just don't know if he was the first one behind me or if someone else pulled in behind me or who that particular person was." He works with these people every day. He doesn't really keep up with when they pull into the precinct.

I asked which deputies were working that day. Ms. Cundiff said there were three of them at the precinct. She added, there were no women present and she thought all three of them [REDACTED]. Deputy Moyers said he was not at the precinct, but out patrolling, at the time. I asked if he would look at his roster and tell me who was working that day. He said if Deputy Moyers was not in the precinct, it would have been Deputy McClellan and Cpl. Artigas. I told him Cpl. Artigas said he didn't remember coming back. He then said, eventually there were two Fire/Emt personnel there, as well, to draw her blood. So, there could have been some confusion about who was with the Sheriff's Office and who was with the Fire Department.

I told him Deputy Moyers said that Investigator Swindler may have been on the shift back in July. He reviewed a county line up for July 31, 2020 and it showed Deputy Moyers, Deputy McClellan, Deputy Murphy and Cpl. Artigas were working. I told him Deputy Murphy (female Deputy) was not there according to Ms. Cundiff.

I asked when he first learned she made these allegations against him. He said he received a call from the Office of Professional Standards about a month or so ago. He was aware of the complaint that initially came through OPS. He was told it was a situation beyond what Office of Professional Standards handle, as there was a criminal accusation made against him from this particular female. Since that time, the only other mention about it, was when Lt. Hands came to him and asked for his time card and patrol car. But, he had forgotten he had gotten another patrol car. He was made aware Lt. Hands and Cpl. Artigas did the time test, on vehicle #804, that we discussed.

I told him she said when she went to the hospital she told them what he had done to her. I asked, if he remembered her making an outcry to the nurses. He told me the following: No and to prove how frivolous that is, he too was a Detective at this Agency.



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There is not a medical professional, whom we work with, that is not a mandated reporter. If a female made an accusation to this extent, against a male patrol officer, in the presence of a nurse, there would have been a mandated report completed by the nursing staff. There was never any conversation like that. She was pissed off because she was under arrest for DUI. She was pissed off that she was going to jail. She was pissed off from the very beginning of this traffic stop. She pulled into her garage and shut the door. Literally from the very beginning to the very end, she has been difficult. It has obviously continued well past post arrest, as well, by her making these frivolous accusations.

I stated, I spoke with [REDACTED] whom he said did the blood draw, and she said no one made those accusations and she would have been the one to do the report. I asked if he recalled Ms. Cundiff saying anything to the jail deputies that he'd done anything to her. He stated, even if there was a situation where there was an accusation made, he's the Sergeant, the highest ranking person on patrol, there's a Lieutenant at the jail. She would have had the opportunity to report it, if she wanted to. When he received the phone call from OPS a month ago about this complaint, was the first he had heard anything about Ms. Cundiff, since he arrested her. He never received a phone call or open records request regarding Ms. Cundiff, until now.

I asked if he had anything else he wanted to add. He said, "I do actually and just so it's on the record." He is a 36 year old male. He's happily married. He has two children and a step son. Recently, Georgia's Legislature has passed a law, where there are frivolous accusations against individual officers, that officer has the ability to sue the individual making the frivolous accusations. This is a situation that is literally the definition of the House Bill. When he was a Detective, there was only one crime, in the law book, that only a male could be charged with and that's rape. Anyone can tell a story about anything and "our lives literally videotaped and recorded. Whether or not that equipment works a 100% all of the time, it's technology. I can't help that. I can't help what the agency supplies me with and so, I do know there were some audio issues with this particular situation. But, uh never in my career, never have I ever, uh and again happily married with three kids, I don't need Ms. Cundiff to be happy in my life. I'm perfectly content and so on and so forth. And so, um but, that's the last thing that I'd like to add to this investigation. There is state law that now prohibits this from happening. And, ah again, I'm very, very happy with my life and I don't need Ms. Cundiff to be happy. That's for certain so." I thanked him for speaking with me and ended the interview.

After speaking with Sgt. Jones, I spoke with **Deputy Jordan McClellan**. I told him the reason for my visit and he told me the following: He doesn't remember the name Amy Cundiff. They make quite a bit arrests for DUI. He started on shift with Sergeant Jones shift in July. He has made 25 DUI arrests already. A lot of people arrested for DUI are argumentative. I provided him with Ms. Cundiff's description and asked if he



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remembered her. He told me he did not. He also stated, no one has ever told him, an officer [REDACTED] since he's worked at the Hickory Flat precinct.

Someone mentioned there was an investigation. However, he believes those allegations are false. Everything Sgt. Jones does is "wholeheartedly aboveboard." He ensures the cameras are always on, especially when it comes to females. He has never seen anything that could be potentially construed "that way." He knows he does everything aboveboard, as well as, Deputy Moyers, Deputy Murphy and himself.

I asked if he remembered Fire coming to do a blood draw and the female refused. He said, they have a lot of females refuse. I thanked him for speaking with me and ended the interview.

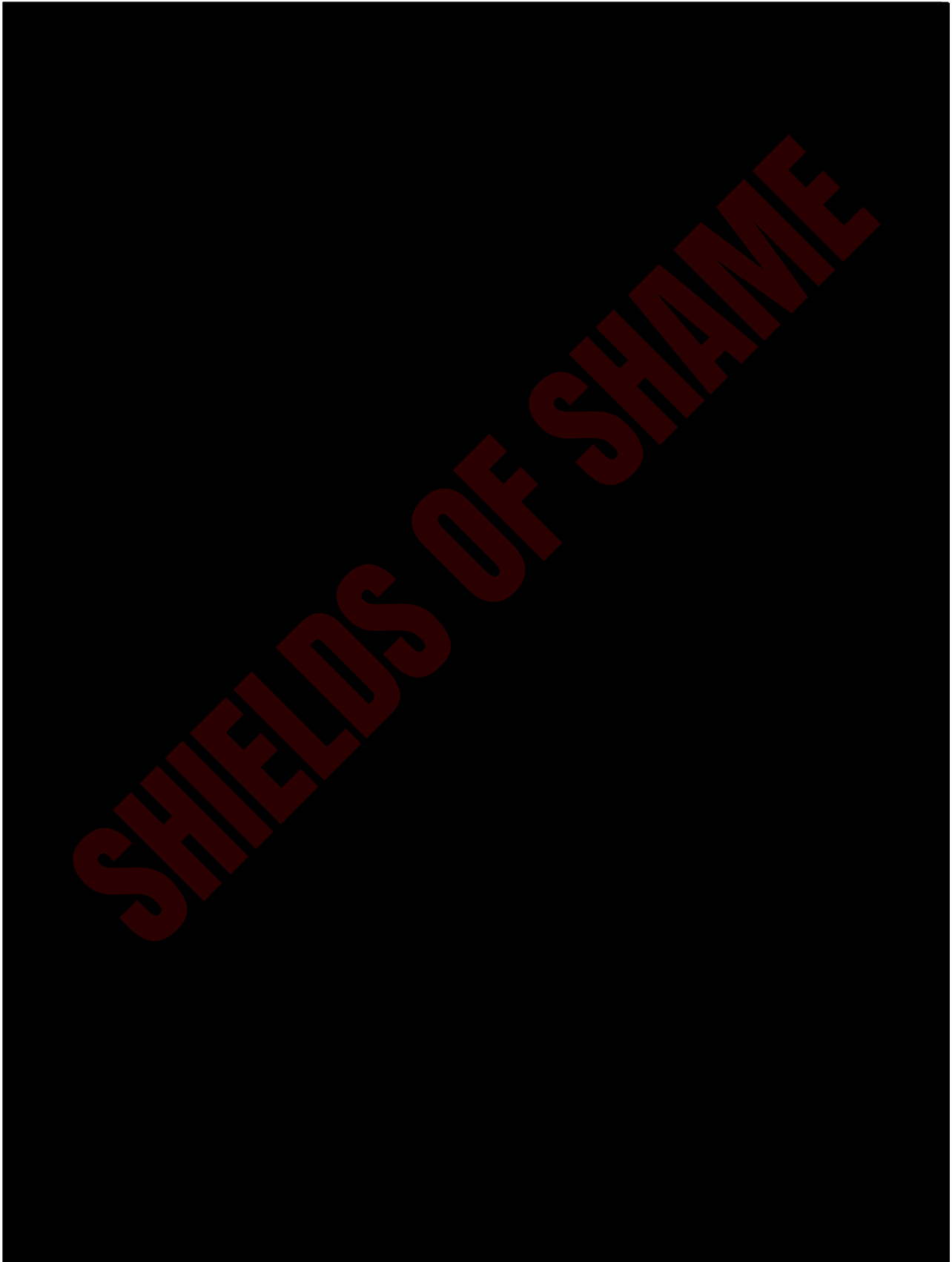
On February 4, 2021 at approximately 0930 hours, I asked Taylor Cowart, receptionist to run Amy Cundiff's criminal history and OLN. Ms. Cundiff has a valid Class C license and her criminal history record is as follows:





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At approximately 1500 hours, I went to the Hickory Flat Precinct and Cpl. Blackerby gave me a copy of the video from the precinct to the hospital. He stated there was no video from the hospital to the Adult Detention Center.

At approximately 1615 hours, I watched the video and observed the following: Cpl. Artigas was heard in the rear of Sgt. Jones' patrol vehicle with Ms. Cundiff. Ms. Cundiff said she would do whatever they say and she didn't understand. I could hear Cpl. Artigas speaking softly to her, but I could not understand what was said. The rear door closes and Cpl. Artigas and Sgt. Jones walked from the rear passenger side of the vehicle to the front of the vehicle. Cpl. Artigas went inside of the precinct and Sgt. Jones got into the vehicle.

Once he entered the vehicle, Ms. Cundiff said, "Will you call them back and tell them to come back? I didn't understand what was going on." Sgt. Jones replied, "I'm gonna get a nurse to do it." Ms. Cundiff said, "Sorry, I didn't understand." At 01:26:25, Sgt. Jones radioed he was enroute to [REDACTED] with Ms. Cundiff.

During the ride to the hospital, Ms. Cundiff is heard saying the following: "Is there any way I can call my boyfriend so he can be here for me? Please officer. Do you have a wife? If you were in trouble wouldn't you want your wife to...why do you have the heat on like a 1000 degrees back here." Sgt. Jones replied, "Ma'am there's no heat and your windows are rolled down." She mentioned she was dental hygienist. She does for people all day long. She does for her children, her dog, her neighbors, for the school and for her work all day long. "I'm not a criminal officer! There's people that do really bad things in this world and I would not hurt a hair on anybody! I like return things. I give to the needy. I just gave backpacks to charity! You don't know what you're doing."

She continued, "I pay taxes. I give everything I can for my children the minute I wake up and before I go to bed. Everything I can. My son is on the Sequoyah high football team. He's a star football player. My other son is an incredible boxer. They're both on the honor roll. They're both straight A students because of me! Because I taught them (inaudible)...You're arresting the wrong person officer. I'm sorry if I said anything bad to you. But, I was just scared."

Ms. Cundiff cried and continued to speak, but it was not clear. She goes on to say, "I don't want to go to jail. Please. Can I please call my boyfriend? Please?" She said, she is telling the honest truth. Her dog is sick. She's blind. She cannot go "like 8 hours without me tending to her. Somebody has to help her. Officer please."

Sgt. Jones continued to drive. She asked if she could bond herself out. She asked if he would talk to her please. He told her, "I will in just a second, when we get out of this car okay." She asked, "Can I just bond myself out of this?" He replied, "We'll talk as soon as I get out of the car okay." She said, "Officer please." She asked, "And why is it so bad that I take medicine to help me sleep at night? Why is that so bad? I've been taking it every single day since my divorce. I'm sorry. Yes, I have problems with [REDACTED] and I..I



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take prescription medication at night, every night. I'm telling you the truth. I mean it is what it is. My ex-husband is not a good man. But, I'm a really good mom and nobody's ever gonna say I'm not a good mom."

At 01:33:58, Sgt. Jones notified dispatch transport is complete. He pulls up to the front entrance of the emergency room and stops his vehicle. Ms. Cundiff cried, "Officer please, no. Please take the handcuffs off. I'm not gonna go anywhere. Please. I don't.." The camera stopped.

At approximately 1613 hours, I called **Deputy Yarbrough**. He did not answer.

At approximately 1614 hours, I called **Deputy Yarbrough** and told him the reason for my call. He told me the following: Amy Cundiff does not sound familiar. He knows Sgt. Jones and he does not remember him bringing in a female for DUI. I asked, if he would remember if someone told him they were assaulted by a police officer prior to being brought to the jail. He said, he would absolutely remember and no one has told him that. He has been employed at the Sheriff's Office since September of 2019. I thanked him for speaking with me and ended the call.

On February 5, 2021 at approximately 0945 hours, **Amy Cundiff** arrived at the South Annex for our scheduled interview. I escorted her to the interview room. She told me her son had a [REDACTED] and she had to take him to the doctor. But, this is just as important. I thanked her for coming in. I told her I know she has already spoken with Lt. Barone. She said, "Briefly, yeah." I told her I wanted to go over everything that happened in detail. I asked if she needed any water. She said she did not. She stated she has this headache. She was very, very sick for about three weeks. She had a complication from the [REDACTED]. So, she was still kind of battling that. She's much better and is almost recovered. But, it's just gonna take time. I asked if she was in the hospital. She said, she was three times. I asked if she was admitted. She said, she was probably more sick than Covid patients. However, due to the pandemic, [REDACTED] was at 100% capacity. The emergency room physician said unless it was life threatening, he could only treat her for 12 to 24 hours and he'd have to let her go. This happened to her three times. One time, she [REDACTED] with a [REDACTED]. The next time she had a real [REDACTED] and her body wasn't responding to the medication. She had to receive her medication [REDACTED]. The third time she ended up getting [REDACTED]. Her family and her friends were saying they had to admit her. He said, he couldn't because they didn't have any room. It was swarming with Covid patients. She was scared she was going to get Covid, but she didn't get it.

She's a dental hygienist and works in Sandy Springs. She is actually the head hygienist. She works for Dr. Hegedus at Smile Partners. I asked her to write down her complaint or concerns. I gave her the forms, a pen and told her I would come back to check on her.



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Subsequently, I re-entered the interview room and read her statement. As I read the statement, I asked her about a word she had written. She said, the word was stance. She explained, her house is right in the middle of her neighborhood. She is very well known in her neighborhood and it was quite embarrassing. All of her neighbors were watching, "like he was parading me." I asked if the neighbors were outside. She said, some of them were because they were concerned. There was a policeman at her house. They are like a little family in her neighborhood. They watch out for each other. They were all there for her when she was sick.

As I read the statement, I asked for her to read other words that were illegible and she did. She clarified, Sgt. Jones stopped [REDACTED] when the other officer walked up and they went inside of the precinct. I asked if anyone else pulled up outside before they entered the precinct. She said they did not. He told her there were guys there to take her blood, but she didn't see them.

When I reached another part, regarding the drive to the hospital, I asked what she'd written. She read on the drive she thought he was going to "do something again." She explained, she was thinking, "Oh my Gosh, I'm in the car with this guy again. All these things were going through my mind. Um that he was going to pull over somewhere. You know. Are we really going to the hospital? Is he going to do something to me? Like all these things were playing in my mind." I continued to read. She added, "Because if he was the only one in the car with me, not the other officer or anything when we went to the hospital, so I'm thinking the worst in my mind. Like what's he gonna do now? Am I really going to the hospital? Is he gonna pull me in the woods somewhere? Like, I just had major [REDACTED]. There were just things going through my mind like crazy when I was in the car at that time. I was definitely scared to death."

I asked if she said anything to him when they were enroute to the hospital. She replied, she said a couple of things that she probably shouldn't have said because she was trying to hurt him, like he hurt her. She asked him, "Did someone do something to you when you were a kid? Like you know when you were six or something? Why did you do that to me? He just would just laugh or whatever. Just tryna maybe make it like...indirectly maybe hurt hurt him. Like I was so filled with being scared and being anxious. Typically, I would never act that way because I'm a lady and I've always tried to act like a lady. But, uh I was scared to death and I might look little. Like, you know whenever, but I'm actually a 54 year old woman. But, he might have thought well she looks young and whatever. You're single and I mean I don't know what was going on in his brain."

Referring to the traffic stop, I asked when did she see Sgt. Jones' emergency lights? She told me the following: When she was shutting her garage door, she saw the lights on the side of her eye. She just thought they were going down the street for somebody. She had no idea they were in her driveway. She came in her house and went around to the front. She was about to take her dog out and she heard them pounding on her door.

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There were two police officers. The main one came to the door and was yelling at her. He asked her why didn't she see him or shut the door. She told him, she honestly didn't and she was pleading with him over and over again. She needed to walk her dog.

She goes on to say, she asked him if everything was ok. He said, her taillight was out. She told him she didn't think so. But, they could check and verify it. He said, "No, it's ok." She said, she was going to go and let her dog out. She had no idea why he was at her house. Again, he said her taillights were out. She said she was going to open her garage door and they would see because there is nothing wrong with her taillight.

Once he got her outside, he said, "I need you to stand over here ma'am." He was very loud. He said he needed her to follow his light with her eyes. He must have done that some many times. He did it over and over. Even the other officer was like, "Gosh, what are you doing?" Every time she thought he was done, he would say, "No, don't move. We're doing it again." She was doing it exactly how he asked her. She was talking to him like she's talking to me. She was not drunk. She was not falling over. There was nothing wrong with her driving. There was nothing wrong with her speech. There was nothing wrong with her.

He had her come to the side of her house to conduct the A, B, C test. She doesn't know why he moved her to the side of the house. He moved her to her front door. They were almost behind her car when he did the "lights." She knows why he moved her now. At the time, she didn't know why. He didn't want it to be on his dash camera. But, it is on her ring door camera. **He was standing over her and there was literally not any space between them.** He was intimidating her. She couldn't concentrate to know her name because he was over her. She didn't know what he was going to do.

He told her he needed her to say the A, B, C's and stop at a letter. But, she doesn't know which letter he said. Apparently, she stopped at the wrong letter. He started to get really loud, really upset. He said, "Now I need you to uh walk." Either after or right before that, **he said they were going to search her house.** She asked, why was he going to search her house. He said, "Because we need to." She did not give permission to him. **He went all through her house and her car.** They got an overnight bag she keeps in the trunk of her car, in case she goes to a friend or her boyfriend's house, when her kids are at their dad's. She also keeps her dental supplies in the bag in case she has to work the day after she spends the night somewhere other than her house. She said that she does that "because I'm very responsible. I hardly ever miss work."

She further stated, she takes a prescribed medication called [REDACTED]. She's been taking it for fifteen years. She only takes it at night. It's for [REDACTED] and helps her sleep at night. It all started when she went through her divorce. The only other things she takes is an [REDACTED] every morning, which is also prescribed to her and vitamins every day.

She kept pleading with him, over and over again, that is not the purse she went out tonight to have dinner with her friends. She had an orange purse. She kept telling them



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the purse was sitting on the kitchen table and it was. He kept saying her overnight bag was her purse and she kept telling him it was not. She kept telling him that was not her purse. Her purse is on the kitchen table. Eventually, he ended up getting it.

She explained she injured her [REDACTED] a couple of weeks prior. She wasn't able to walk properly. There was an incident at Lake Lanier. A woman pushed her down and she got hurt. Her [REDACTED] was [REDACTED]. But, nothing was broken. He made her walk and said, "What's wrong with your [REDACTED]?" She told him she had an injury. Her [REDACTED] was [REDACTED] "down to the bone." Afterwards, he told her she was under arrest for DUI. She asked, if he wanted to do a breathalyzer. He said they will do all of that when they get down to the Station. He patted her down "a little bit." But, not like what happened when they got there. When they arrived at the Station, that's when "all that happened."

I asked, who put her in the car after the arrest. She said, "he did." I asked her to tell me about it. She said, "Ah I mean he just pretty much handcuffed me and put me in the car. Then was talking to the other officer." He was appropriate when he patted her down and put her in the car.

She stated, after getting in the car, he "cranked up" the heat. She doesn't know if he did that to aggravate her or to push her buttons. But, it was literally between 90 and 95 degrees outside. It was hot and in the dead of Summer. She was wearing a skirt and a top because it was hot. He purposely cranked the heat. She's not dumb. She knows he did that on purpose. She said, "Can you please turn that off? What are you doing?" He said, "What are you talking about? I have the air on." She asked, "Why do you have the heat blaring back here?" She told him turn it off because she can't breathe. He was just "laughing." He was putting the radio on and he was completely ignoring her. She asked him to turn the heat off over and over again. She doesn't know what music he was playing. He was talking. He didn't care that she was uncomfortable and could barely breathe with the heat blaring. He did not acknowledge her.

She was really upset because she was arrested. She has children. She has a life. She has a career. She has a dog. She was thinking what is going on. When they got to the police station, he came around to her door. He put his [REDACTED] and was "touching me that way and literally he was kinda like pushing me like pushing me down." She said, "What are you doing? Please stop. You know. Why are you touching me like this?"

She explained she was sitting on the right side of the car. I asked if she had a seatbelt on. She said, he took it off. After he unbuckled the seatbelt, [REDACTED]. He was kind of pushing her back with that hand. I asked if he was facing her and she said, "yeah." She said he did that to her [REDACTED]. She asked him, "Why are you touching me like that?" Then he pulled her up. She clarified, when he pushed her, she was "somewhat" laying in the left seat. He pulled her back up quickly. She can't remember how many hands he used to pull her back up.

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I asked what part of her body did he grab to pull her back up. She said she thinks he grabbed her arm to pull her back up. She demonstrated he grabbed her tricep.

I asked when he pulled her up, was she now sitting upright? She said, "No, he pulled me up to a standing position." He was standing next to her outside of the car. I asked her to explain how she got out of the car. She said, he told her to get up and with both hands, she demonstrated he grabbed her. She said he picked her up. I asked at when did her feet hit the ground. She said, she's not even a 100 lbs. and he's a huge guy. She said, "He probably just picked me up." Then she said, "It was probably one motion and as he was lifting me, I probably put you know my feet out, cause he was forcing me to stand back up." He was a lot bigger than her.

I asked if he made a comment when he first opened her door. She stated the following: She doesn't remember what he said to her. He opened the door and put his hand [REDACTED]. She was in shock. She asked why was he touching her. When she was leaning down, she guesses he realized this was not going to work. She thinks he used his hand. She then demonstrated. She grabbed her right arm, stood up and indicated she leaped out of the vehicle.

She goes on to say, she's standing outside of the vehicle. She was wearing a skirt and a thong. He was standing above her. She thought they were going to go in the police station. He was literally right in front of her, blocking her. [REDACTED]

[REDACTED]. At this point, she doesn't think she is saying anything to him. She's like oh my God what are you doing. She was in shock. It didn't last very long. She wants to say it was less than a minute. He immediately stopped. [REDACTED] really fast because he saw the other car pulling up. She believes he took her by her left arm into the Station. She was thinking, "What the heck?"

She continued, she is in the Station and she tried so hard not to cry. She wiped her eyes and said, "Sorry." She started to cry. She went on to say the following: There were no women there. There were only men. She was thinking, "Who am I gonna tell? The police? He's the police." She's thinking the worst. She thought they were going to do something and she was [REDACTED]. One of the guys walked by and said, "Oh nice." She's thinking, "Oh my God I'm [REDACTED] I'm [REDACTED] First I'm arrested and now I'm [REDACTED]. You know. And, I was [REDACTED] a minute ago and I'm thinking Oh my God, Oh my God, I'm gonna [REDACTED]. My thoughts after that were just gone. I mean I couldn't even think, function. I was just beyond you know upset and disgusted." He is a police officer, so she didn't know what to do. There were no women there. She thought, "who am I gonna tell?" If she said something, they were probably going [REDACTED]. She didn't know what to do.

She further stated, she said something to one of the nurses that were at the hospital. But, she probably didn't believe her. He was all "macho" coming to the hospital and he



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is very loud. He left for a minute and she told the nurse [REDACTED]. She was afraid he was going to do something else to her. She put her hands to her face, cried and said the whole way to the hospital she thought he was going to do something to her. She still has it in her head all the time. She thinks about it. She thought he was going to take her into the woods and [REDACTED]. She is probably not the first person he did this to and she knows she's not going to be the last.

She added, she still thinks about it every single day, she thinks he was preying on her. He probably saw a pretty girl in the car and stopped her. He wanted to pin something on her so bad, he tried to pin her prescription medication on her and [REDACTED]. He paraded her around, like he's got this big arrest for DUI. The way he did it seemed so calculated. He has no regard for women.

She discussed with her girlfriends there should be a law that says when a woman is arrested, regardless of the crime, there should be a female police officer present. She felt so [REDACTED] by him. When she got into the police station there were only men. She was terrified something was going to happen.

I asked her to tell me what happened after she was out of the car. She told me the following: She could not see anything. He was hovering over her, like he did when he did the A, B, C test. She thinks [REDACTED], but she can't remember. But, the next thing she knew [REDACTED].

[REDACTED] It didn't last very long. At first she was thinking, "Is this the way that they check somebody, if they have drugs [REDACTED]?" There were so many things going through her mind because she doesn't get arrested every day. She's a house mom. She was thinking, "Ok, well he can tell there were no drugs [REDACTED]" She was thinking, "Wait a minute, did he just [REDACTED]? Or, is this the right thing to do?" There were so many things going through her head. She already felt [REDACTED] because there was nothing wrong with her taillight. He kept her there forever doing test in her driveway.

I asked what did he say when [REDACTED]? She told me the following: He wasn't saying anything at all. He was holding her shoulder with his other hand. When he was done he said, "Let's go."

I asked if she said anything [REDACTED]? She said the following: At the beginning when he was [REDACTED] she said, "What are you doing? Why are you touching me? What are you doing?" He was very forceful when he picked her up out of that car. She was scared and thinks she was in shock to be honest. She did not know what was going on because she plead with him to stop and he didn't. At that point, she wasn't saying anything. She thinks she might have said something like, "What are you doing?" For the most part, she wasn't saying anything when "he was doing that."

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I asked when he was [REDACTED] she didn't say anything? She said, "No, the other." I asked, when she was out of the car, she thinks she said, "What are you doing?" She said, "I think I might have said it. I was very, very upset and I was shocked."

I asked, what did he say after she asked, "What are you doing?" She said, "Nothing." He was just standing over her.

I asked, what happened [REDACTED]. She stated, "He just said, let's go. That's it. Then we went inside the police station."

I told her earlier she said he stopped when someone pulled up. She said, "Yes. I mean I don't know, but it seemed that way to me because we saw the car come around the other way and that's when he stopped."

I asked if anyone ever got out of the car. She said, she thinks it was the other police officer. I asked if she saw the person. She said, "No." But, it was probably him because he had come in when they were coming in.

I ask [REDACTED] before or after he saw the car pull up. She said, she thinks he was startled when he saw the car come around and he stopped. That's what she recalls. She doesn't know what was going on in his mind to be honest with me. I explained, I am asking what she remembers, as she said she saw the car [REDACTED]. She said, she looked and she saw the car. I asked when she saw the car did she [REDACTED]. She said, "He stopped at that time. Yes." I reiterated the order of events as written and asked if that was correct. She said, "Yes." I told her if it's wrong, I want her to correct me. She said, "I think that's pretty much what it was. Now, if that's why he stopped, I don't know."

I asked did she and Sgt. Jones go into the precinct first or did the other officer go in first. She said, she thinks the other officer came in a different way. She said, she can't really remember. I told her that was ok. If I ask something and she doesn't remember, just say, "I don't remember."

I asked how many officers were in the building when she first entered. She stated, "There was two and then after a while, there was three." I asked if she remembered what they looked like. She said, one of the officers was Hispanic. He said he was a "rookie or something." She's not sure. He was actually pretty nice. He was not loud and arrogant like the other guy. Another officer came in a little while later. He is the one who made "that comment" to her. He was a white male, thin, with sandy brown hair.

I asked her to tell me about what happened when Fire came to do the blood draw. She said, she did not see them. She just knows the officer, who arrested her, was very upset with her. She's not arrested every day, so she doesn't know the various policies. All she knows is she felt violated at her home and violated in the car. And, now he was screaming at her. At this point, she didn't want to do anything he asked of her after "what he did to me." He yelled, "Now look what you did. I had to call them at 2 in the



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morning or whatever he said, 1 in the morning, to get them out of bed because of you. You did this. Screaming at me. Um to get blood and now you're saying you don't want to do it. Don't you think that they have families?" He told her she was inconsiderate and a bad person. He was now going to have to take her to the hospital and he was going to make them keep her in jail longer because of this. He screamed and yelled at her over and over. He definitely had a temper. She never saw the firemen.

I asked her to tell me what happened next. She said she probably should have complied with him, but she wasn't in right mind because of what he'd just done to her. She goes on to say, he put her back in the police car and took her to the hospital.

I asked if she told the officer, she referred to as being Hispanic and nice, what Sgt. Jones did to her. She said she didn't because he was one of the arresting officers at her house. She really didn't trust any of them there. Even though, he was being nice, she didn't trust him.

She added, she told the nurse at the hospital what happened. After Sgt. Jones left, this nurse wheeled her somewhere in the wheelchair. She told that nurse, "the officer that just left did something inappropriate to me. Like he touched me and he shouldn't have did what he did." She was just like, "Oh ok." I asked her to describe the nurse. She described her as being young, blonde shoulder length hair. She doesn't remember if she was tall or not. The nurse didn't say anything. She brushed it off because they were thinking she's drunk, on drugs or just this criminal. She (Ms. Cundiff) thought, if this is the way it's going to be, she just won't tell anybody until she has proof. Finally, when she got her discovery and "I saw at the end I was like oh my God finally, finally I have something here."

I asked how she felt during the car ride to the hospital. She said, she had a lot of things going through her mind. She was thinking, "I don't think that what he was doing was actually checking me for drugs. I think he actually [REDACTED] and thinks he's going to get away with it. He's probably gonna go drive me somewhere and do something to me now." She was terrified.

I asked if he knew she was terrified. She said, probably not. She didn't want anything to do with him. She knows she probably said some things to him, she shouldn't have said. She was scared and upset. I asked, how did he respond to what she said. She stated, he didn't say anything. She said some things to him because she was trying to indirectly let him know what he did to her wasn't ok or she was trying to scare him. She doesn't know why she acted that way. She's not proud of it.

I asked if she talked to him about what he did. She said, she did not because he was so upset and he had a temper. She didn't know what to do. She was scared. She asked him, "Did something happen to you when you were a child, for you to act this way?" That's basically all she said. She thinks she said, "Maybe when you were six or something like that." She might have also said, she didn't know that he really needed to



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take her blood. He can call them back and they can do it now. She didn't want his anger to show up again. He told her it was too late and they were going to the hospital. She had her chance and she should have done it like he told her.

She further stated, the video clearly shows she is not drunk. She is not on drugs. She is lucid with all of her actions. He didn't pull her over because she was driving erratically. This all happened because he was being a "Predator." When she got out of jail, she and her friend took pictures and videos of her taillight and there was nothing wrong with them. She showed this evidence to her attorney.

I asked her to tell me about the ride to the jail from the hospital. She said, she thinks she was pretty quiet at that time. She remembers he was on the phone a lot in the car. She knows when she got to the jail there was a police officer there that took her out of the car and into the police station. It was a female officer. I asked if she told anybody what happened to her at the jail. She said, "No." She thought they were not going to believe her. She had [REDACTED] at the jail and they thought she had Covid. I asked, if she did not feel comfortable with the female officer. She said, she didn't because she was still an officer. She just felt like "they were just all one big group of police officers." She was arrested for DUI and the female officer was probably going to think she was on drugs or drunk. So, no she didn't say anything. She just wanted to get in and out, as fast as, possible and get back to her kids. She did not see a nurse while at the jail.

She added, she has a Type A personality. She's very responsible. Maybe she should have come forward when it happened. But, she didn't want it to be her word against his. So, the second she saw that (video) she immediately told her attorney. She thought to herself, "Hallelujah, I've got something here." No one would be able to say it's his word against her word. She can be heard pleading with him to stop.

I asked after he took her out of the car, did he immediately [REDACTED] or did something else happened before that. She said, he was so close to her, nothing could fit between them and "then he, yes...very quickly did it."

I asked had he shut the door or was the door still open. She said, she doesn't remember. I asked if she remembered him going back in the car prior to going in the precinct. She said she doesn't remember. She remembers he walked her in and said, "You need to sit here." There was a table. She doesn't remember if walked back out or not. She remembers it was "incredibly bright" in the police office.

I asked what she thought he would say happened. She said, "Oh he's not gonna be honest. I mean he wasn't honest from the beginning. He said my taillight was out. He said I was on drugs. He said I was drunk, which I wasn't. He said that you know that was my purse and it wasn't my purse." He was intimidating to her while she was doing the A, B, C's.



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I told her I listened to her interview with Lt. Barone and she told him she told the jail staff what Sgt. Jones did to her that morning. She said she doesn't remember telling jail staff, but told the nurse at the hospital. She said, maybe she did tell them at the jail. But, she thought they are the police and aren't not going to do anything.

I asked when she told her attorney. She said she told him right away, but didn't expand on it because there was a lot of stuff going on, at that time. She asked if he wanted to do something about it. He told her she could pursue it on her own or wait and see what's in the discovery. There wasn't a lot of conversation about it. She met with him at his office at one point and explained it again to him.

I asked what she told her attorney exactly. She said, she was embarrassed and didn't tell him a lot about it. She told him "he did something to me in the back of the car." They didn't talk a lot about it. He wanted the details about the stop.

I explained, I'm asking because these are very serious allegations and it's hard to believe she could tell someone and it would be brushed off. I told her if someone were to make these allegations to me, it wouldn't be brushed off. She reiterated, she told the nurse, who didn't do anything. If she said something at the jail, she still thought they would only see her as an arrestee for DUI and not believe her. She could have said something at the police station. But, she thought she would [REDACTED] She even asked Lt. Barone was she wasting her time, since she's bringing allegations against a police officer. It's the police. It's not like her neighbor did something to her. Lt. Barone told her he would not be protected because he is a police officer. The allegations will be investigated.

She talked to the paralegal, immediately after she looked at the video. She asked the paralegal if she looked at the end of the video, where she can be clearly heard pleading with him to stop what he was doing to her. The paralegal told her they have it and she needed to report it. She (Ms. Cundiff) said she didn't want it to appear she was making these allegations to get out of her charges. Therefore, she needed proof, which she got in her Discovery. Her family and friends begged her to report it. She can guarantee he's done this before and is going to do it to somebody else.

I asked if she told the paralegal, Sgt. Jones [REDACTED] She said, "No, I did not." The only persons she told the details to are Lt. Barone and me. I clarified, she didn't tell any of her family. She said, "I did tell a couple of my friends and my family. Yes, I did." I reiterated, Lt. Barone, some family, friends and I all know the details. She said, "Yes."

I told her I watched the video. I asked if she was sure things happened as she described. She said, "Yes. Pretty certain. Yes." She looked at her watch and said her son had a doctor's appointment. I began discussing what I saw in the video that contradicted her statements. The video showed someone walk up to them when Sgt.



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Jones was attempting to have her get out of the vehicle. However, no one else was seen coming up after she got out of the vehicle.

Regarding her saying, "Do not touch me," Sgt. Jones asked her to get out of the car. Her response was how can she get out with an injured [REDACTED] and handcuffs? Sgt. Jones told her to put her legs in and he will help her. That is when she said, "I don't want you touching me." I read to her what she said. I told her she spoke with a clear, calm and steady voice. She spoke slowly until her feet exited the car. Once her feet touched the ground, she got up and walked away from the car.

I told her I was able to see this in their reflection in the precinct's door. She asked, what about what he did to her on the side of the car. I told her that is the reason I asked what happened when she immediately got out of the car. When she exited the vehicle, her shirt and skirt were intact. She did not appear disheveled. She walked away from the car as he closed the rear passenger door.

She said something is not right then. The video must have stopped. Something is not right. I told her not only did I see her image in the door, I did not hear any signs of a struggle while she was in the backseat of the car. She said he pushed her back and pulled her up forcefully. She stated, he wasn't saying anything. I told her she was talking with a calm and steady voice during that time. Also, if someone pushed you and forcefully pulled you out of the car, you would hear that something was happening.

She stated she thinks the audio stopped before she got out of the car. I told her it did not stop because she was speaking the entire time. I read her the documented time log started at 00:30:05, when she said, "How am I supposed to get out with an injured [REDACTED]?" I ended with 00:30:18, when her leg came out. The other leg followed and she walked away from the vehicle. She stood by a bush and Sgt. Jones shut the rear door. After the door was shut, I immediately saw a large purse/bag in his left hand. He walked passed her, said something and opened the front passenger door and reached inside. Therefore, the audio was still on, at that time.

She said something must have been shut off at some point. I told her it wasn't shut off at the time she said he [REDACTED]. I explained, the camera shut off at 00:30:29 and his key card to enter the precinct was swiped at 00:30:54. I told her I'm trying to understand when he had the opportunity [REDACTED]. She said, "I don't know how many times I have to say it. When we were standing outside of the car is when he did it. Right before we went in." His back was towards the precinct and he was standing right in front of her.

I told her I wanted to talk about the ride from the precinct to the hospital. I told her there was a recording of the ride from the precinct to the hospital. She interjected and said she needed to call her son. I asked if she needed any water and she didn't. I told her I would be back and left the room.



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Moments later, I returned to the interview room. I told her I was going to wrap it up so she can get to her son. I read what she said to Sgt. Jones as he drove her to the hospital. I told her I understand that victims react differently. However, the things she chose to speak about did not reflect the thought she had that he was going to pull off the road [REDACTED]. She said she was also terrified she was going to jail. In the back of her mind, she was trying to decipher, was it appropriate what he did to her? Was he checking for drugs? Was it standard?

I told her I have her criminal history and she has been arrested more than once. She and I both know, there is not an officer, male or female, who is going to [REDACTED] to check if drugs are in there. She said, "Right. I'm telling you a hundred percent, I was scared to death on that ride. I was also scared to death to go to jail."

She continued, she did say those things I read to her. She said them because she was scared. She was scared to go to jail. She didn't know if she was going to [REDACTED] in jail. I told her I don't protect officers. If the officer did something wrong and the evidence shows it, it will be reflected in my report. She started to say what if he did something wrong and the evidence doesn't show it. I told we have evidence and it showed what she said happened in the backseat, of that patrol car, did not happen. I told her the evidence showed after she exited the car, he didn't immediately [REDACTED], as she said. I explained this is the reason I asked a few times, what happened immediately after she got out of the vehicle.

I told her I've reviewed the evidence, to include the video of the drive from the precinct to the hospital. That is a video that was not in her discovery. I told her the way she interacted with him on that drive was not indicative of someone who was just [REDACTED]. Her conversation did not suggest she was afraid for her safety and that he was about to take her off road and [REDACTED]. I asked was she confused.

I asked if she had been previously charged with making a false report. She said, "For what?" I said I am asking has she ever been charged with making a false report. She mentioned it had been dropped. I told her I was not asking for the outcome. I am only asking has she ever been charged with making a false report and she said, "Yes." She said she is not making a false report. She is telling the truth. She said she waited to get the discovery, "so I could have that on there."

I told her I spoke with all of the deputies who came in contact with her at the jail. All of them, except one, said no one has made a complaint of [REDACTED] by a Deputy or Sergeant on the road. That is something they would remember. I asked if someone were to accuse her boys of a crime, would she want it thoroughly investigated or would she just want them to take the word of the person. She cried, she would want it investigated. I asked would she want the detective to follow the evidence or dismiss it and take the word of the reporter. She said follow all of the evidence. I told her that is what I have done in this case.



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She cried and asked was she hallucinating because she thought it happened. She asked if something is wrong with her because she thought it happened. I told her I just want the truth. She said she doesn't know what to think. She is not saying I'm lying right because she knows I do really good work. She's not saying she's lying either. I told her what she has told Lt. Barone and I is not the truth. She said, "How can it be in my head and not the truth?"

She asked could this have been something she created in her mind "to get the trauma away from being arrested?" I told her apparently she created in her mind, as I am certain the evidence shows, what she has alleged, did not occur. I told her she didn't tell the nice deputy (Cpl. Artigas) what Sgt. Jones did to her. She just told Cpl. Artigas to call the men to come back and she will do the blood draw, as he puts her in the car. Even if she didn't trust any police, she would have had a better chance of trusting Cpl. Artigas, than the man who she is accusing [REDACTED]. Yet, when Sgt. Jones drives her to the hospital, she chose to talk about her sick dog, her boys are straight A students, she's a good mom, she pays taxes and gave backpacks to charity. Again, I told her the conversation did not show she feared he was about to run her off the road [REDACTED].

She said it was in her mind. She didn't want to go to jail. She asked him to take the handcuffs off of her when they got to the hospital. I told her she said what was in her mind. I also told her the videos that I watched showed Sgt. Jones was professional. She was uncooperative at the scene when he conducted the field sobriety tests. She was uncooperative when he placed her in handcuffs. He also had to redirect her several times to walk to the front of his car, so he could read implied consent. She did not show she was afraid at her house, nor when they were going to [REDACTED]. She said sometimes when she gets scared, she gets really riled up. Sometimes she acts differently than other people when she gets scared.

She said she is very intelligent woman. However, I explained the evidence in the case to her in depth; she felt something was wrong with her. I told her I am not a psychologist. I am telling her what she said to Lt. Barone and me is not the truth. She asked is there anyway the camera could have been cut off. I told her absolutely not. She said she probably needs to see someone because obviously she has a problem with trauma. She can't imagine it not being true.

I reiterated, her voice was calm, clear and steady during the time she said [REDACTED]. I noted she identified he had the "heat" blaring during her transport to the precinct. Yet, she does not identify what he is doing [REDACTED] in the back of his patrol car. She said, she asked why was he touching her. I told her she did not say why. She only said, "Do not touch me." She spoke the entire time she was in the backseat until she exited the vehicle. Yet, her voice inflection never changed, even when she said he forcefully picked her up and stood her on the ground. I also reminded her, she began saying, "Do not touch me," in response to, him saying he would help her get out of the



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vehicle. After she asked, how is she supposed to get out with an injured [REDACTED] and hand cuffs.

She said, if what I'm telling her is true, there is something wrong with her. She's a good person. In her mind, she keeps seeing the same thing replaying over and over again. I told her to replay the video when she gets home. She said she had to go and get her son. She said she is overwhelmed right now. I asked if she needed a moment and she said she did. I left the room.

Subsequently, I re-entered the interview room. I asked her if she wanted to tell the truth. She said she is little traumatized right now. I asked why was she traumatized. She said, from everything I have said, she feels something is wrong with her. She has had this in her mind all of this time. I asked has she been honest or has she lied. She said, she has been honest. I asked if she lied to Lt. Barone. She said, "No, not knowingly because she really did think that this had happened." She maintained she thought it happened. I asked whether she had a therapist to speak with or if she needed a referral. She said, she had someone to talk to. I asked if she was able to drive and she said she was. We ended the interview and I escorted her to the lobby.

CHEROKEE COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

Date: 2/5/21 Place: Sheriff's office Time: 9:53

I, the undersigned, Amy Cudiff, am 54 years of age, my date and place of birth being the [redacted] day of [redacted], 1966, at Skokie, IL.
I now live at [redacted] 8 Carl Barrett Drive, Canton GA 30115

I have been informed by Det Clark of the Cherokee County Sheriff's Office that I am not under arrest nor am I being detained in any manner or am I being accused of any criminal offense. I further understand that I am free to go at any time.

I declare that the following statement is made of my own free will without any promises or threats having been made to me and without pressure or coercion having been used against me.

7/18/20

I was pulling into my driveway when I saw police lights out of my side of my eyes. I thought they were heading down my street. I did not realize they were in my drive way. I was getting ready to take my dog out and I heard banging from my door. The officer was yelling at me "Didn't you see me?" I said "No" I thought I saw lights heading down the street. "What is up?" He started on your tail lights are not. I said "Really?" I don't think so. Let's go take a look and verify it. He said "No! That's not necessary." I said "OK, well I have to take my dog out." He said, again your tail lights are not. I said again "OK, there is nothing wrong with my tail lights. Let's look at them." He said "Ma'am, step out of your house. I said "I did. As I thought we were going to prove to him nothing is wrong with my tail lights. He said "I need you to follow me my light & your eyes. I said "I

I have read each page of the statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials. I certify that the facts contained herein are true and correct.

Statement completed at 1000 hrs on the 5th day of February, 20 21.

Witnessed: Det J. Clark

Signed: _____

CHEROKEE COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

Date: _____ Place: _____ Time: _____

I, the undersigned, _____, am _____ years of age, my date and place of birth being the _____ day of _____, 19____, at _____, I now live at _____.

I have been informed by _____ of the Cherokee County Sheriff's Office that I am not under arrest nor am I being detained in any manner or am I being accused of any criminal offense. I further understand that I am free to go at any time.

I declare that the following statement is made of my own free will without any promises or threats having been made to me and without pressure or coercion having been used against me.

"Did you want to see my tail lights? As I opened the garage door he said 'Not necessary!'" He took a very long time approx 20 min had me follow his light & my eyes over over many times. I said OK "I need to walk my dog" he then said. He needed me to say ABC & stop at M. He was having over me very close to me & made me very uncomfortable. I could not concentrate & I stopped at M instead of M. Then he said they were searching my house & car. I said "Why?" I was getting very upset & concerned at this point. I also had an injured [redacted] I was not feeling well. He made me walk in front of my neighborhood to check my fence which was fine. He made the other officer search my house & car. He came out & my overnight bag I keep in my car that had my Rx & [redacted] medication in there for when I spend the night at my boyfriend's home or friends home. I was not

I have read each page of the statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials. I certify that the facts contained herein are true and correct.

Statement completed at 1000 hrs on the 5th day of February, 2021.

Witnessed: Det. J. Calk

Signed: _____

CHEROKEE COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

Date: _____ Place: _____ Time: _____

I, the undersigned, _____, am _____ years of age, my date and place of birth being the _____ day of _____, 19____, at _____ . I now live at _____.

I have been informed by _____ of the Cherokee County Sheriff's Office that I am not under arrest nor am I being detained in any manner or am I being accused of any criminal offense. I further understand that I am free to go at any time.

I declare that the following statement is made of my own free will without any promises or threats having been made to me and without pressure or coercion having been used against me.

The purse I used that evening. The purse I was
using that evening was orange + I explained
this several times to him. Over & over, I stated
the white bag was an overnight bag not my purse!
He was trying to pin something on me.
The he said it was arrested for DSI. He put me
in the back of the car + drove me to the station. On the
ride he cranked the HEAT full force on a
90 something summer day + I felt like I
couldn't breathe. "I asked him several
times as he was very rude. A please turn
the heat off. I can't breathe."
He was not admitting that he put the heater
to upset me. Then he pulled into the station
and came around to my side and proceeded to
[redacted]. He took his right hand
I was saying "Why are you
touching me like that?"
Dr. [redacted] + Dick [redacted]

I have read each page of the statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials. I certify that the facts contained herein are true and correct.

Statement completed at 1000 hrs on the 5th day of February, 20 21.

Witnessed: Det. J. Conk

Signed: _____

CHEROKEE COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

Date: _____ Place: _____ Time: _____

I, the undersigned, _____, am _____ years of age, my date and place of birth being the _____ day of _____, 19____, at _____, I now live at _____.

I have been informed by _____ of the Cherokee County Sheriff's Office that I am not under arrest nor am I being detained in any manner or am I being accused of any criminal offense. I further understand that I am free to go at any time.

I declare that the following statement is made of my own free will without any promises or threats having been made to me and without pressure or coercion having been used against me.

There was 2 other men there & I thought to myself. This is it now I'm going to say something but they were the police. And a police man did this to me. They were laughing & cutting up & then another man walked by me and said "Nice!" Again, no warning & I thought I was asked me to take a blood test. At that point I was disgusted & scared by his actions I was not going to do anything else. He scolded me "Over these men I had to let you up to take your blood!" How dare you defy me! etc. etc. You're going to go to the hospital & they will take your blood etc etc. When we got to the hospital & the whole thing I thought he would do something serious. I thought I would tell someone & I did but nothing happened, because he was the police & made it seem like

I have read each page of the statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials. I certify that the facts contained herein are true and correct.

Statement completed at 1000 hrs on the 5th day of February, 2021.

Witnessed: Det. [Signature]

Signed: _____

**CHEROKEE COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT**

Date: _____ Place: _____ Time: _____

I, the undersigned, _____, am _____ years of age, my date and place of birth being the _____ day of _____, 19____, at _____
I now live at _____

I have been informed by _____ of the Cherokee County Sheriff's Office that I am not under arrest nor am I being detained in any manner or am I being accused of any criminal offense. I further understand that I am free to go at any time.

I declare that the following statement is made of my own free will without any promises or threats having been made to me and without pressure or coercion having been used against me.

I was drunk in a club which I was
not. I mentioned it to my lawyer but
was never mentioned again. We received the
discrepancy I had
that he did
that night. So, I called him
to the Sheriff's office at Cherokee County
to report his actions.

I have read each page of the statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials. I certify that the facts contained herein are true and correct.

Statement completed at 1000 hrs on the 5th day of February, 2021.

Witnessed: Det. J. Clark Signed: _____

On January 26, 2021 I, along with Corporal Claudio Artigas, accrued data from CSO vehicle #804 and the electronic access entry device at the Hickory Flat Precinct, 7675 Vaughn Rd. To maintain sterilization I have no access to the door entry time stamp data, and did not purposely observe the time on the in-dash camera. The trials were conducted beginning at approximately 1540 hours. This was conducted at the request of Inv. T Clark.

I conducted four trials. In the initial trial I initiated recording, then stopped recording, exited the vehicle and walked to the precinct door and initiated entry through use of the access card.

For the second trial I initiated recording, stopped the recording, exited the vehicle, walked to the rear and simulated opening the rear passenger door, closing it, then walking to the precinct door and initiated entry through use of the access card.

The third trial I enlisted Cpl. Artigas and asked him to utilize the access card at the same time I stopped recording which I would indicate him through use of a hand signal. There was a miscommunication and the timing was off. The fourth trial I started recording, stopped and in conjunction gave Cpl. Artigas a hand signal and he initiated a time stamped entry into the precinct at almost the same time.

The vehicle was parked in front of and facing the precinct door in the northern most spot before the median island, as indicated in yellow in the embedded photograph.

Lt. LA Hands



CARD HISTORY

ACCOUNT : Account1 [From: Tuesday, January 26, 2021 12:00:00 AM To: Tuesday, January 26, 2021 11:59:00 PM]

S.No	Gen Time	Seq ID	Type	Status	P	Reader	Site	Card Number	Name	Operator	Message
1	1/26/2021 12:16:53 AM	127308	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	
2	1/26/2021 4:53:18 AM	127357	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	
3	1/26/2021 3:48:11 PM	127516	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	
4	1/26/2021 3:49:11 PM	127517	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	
5	1/26/2021 3:50:19 PM	127519	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	
6	1/26/2021 3:50:57 PM	127520	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	
7	1/26/2021 3:51:42 PM	127521	Card	Card Found	79	Hickoryflat - Reader 1a		18867	Artigas, Claudio	System	

file:///C:/Program%20Files%20(x86)/WINPAKPRO/Tempfiles/_TMP_REPORT_1-26-20... 1/26/2021

CARD HISTORY

ACCOUNT : Account1 [From: Saturday, July 18, 2020 12:00:00 AM To: Saturday, July 18, 2020 11:59:00 PM]

S.No	Gen Time	Seq ID	Type	Status	P	Reader	Site	Card Number	Name	Operator	Message
1	7/18/2020 12:30:54 AM	62783	Card	Card Found	79	Hickoryflat - Reader 1a		18868	Jones, Cody	System	

SHIELDS OF SHAME

Adult Detention Center Wellpath Medical Records

CUNDIFF, AMY



SHIELDS OF SHAME

SHIELDS OF SHAME



Cherokee Sheriff's Office

498 Chattin Drive
Canton, Georgia 30115
(678) 493-4200
Fax (678) 493-4195



Frank Reynolds, Sheriff

"A NATIONALLY ACCREDITED AND STATE CERTIFIED LAW ENFORCEMENT AGENCY"

TO: Colonel Pinyan

FROM: Lieutenant Barone (Acting HQ Commander) 

DATE: March 10, 2021

SUBJECT: Final Report of Internal Affairs Investigation


03/30/2021

1. On January 12, 2021, Lieutenant David Barone received an AIC accusation against Sergeant Cody Jones. On July 17, 2020, the complainant, Ms. Amy Cundiff was placed under arrest by Sgt. C. Jones for Driving under the Influence (alcohol). Ms. Cundiff alleges Sgt. Cody Jones [REDACTED] when they were parked in the Hickory Flat Precinct parking lot. Ms. Cundiff was asked to explain what she meant by [REDACTED] and she explained Sgt. Jones stood her up outside the patrol vehicle passenger side rear door and [REDACTED]. Ms. Cundiff advised the [REDACTED] took place for approximately 2 minutes. She also alleges Sgt. Jones [REDACTED] while she was seated in the backseat of his patrol vehicle. Ms. Cundiff advised Sgt. Jones intimidated her during his DUI investigation, searched her home and vehicle without her consent or search warrant, forcefully placed her into his patrol vehicle and then turned on the heat in his patrol vehicle even though it was the middle of July. Due to the accusations involving a possible criminal [REDACTED] the criminal investigation was turned over to the Cherokee Sheriff's Office Criminal Investigations Division. Detective Tanshawn Clark was assigned the criminal investigation. Once her investigation is complete, Internal Affairs will investigate the policy and procedure aspect of the complaint.
2. Detective Clark interviewed Amy Cundiff, Deputy Scott Sanford, Deputy Amanda Bailey, Deputy Kelsey Kay, Deputy Yarbrough, Sergeant S. Jackson, Deputy Bryant Moyer, Deputy Jordan McClellan, Sergeant Cody Jones and Registered Nurse [REDACTED] during this investigation. All reports pertaining to this incident were reviewed. The details of this investigation are outlined in the attached IA Case Report.
3. The findings of the criminal investigation are as follows: Detective T. Clark's criminal investigation has shown that Ms. Amy Cundiff's accusations are false. Video and audio evidence prove that Sgt.

Jones did not [REDACTED] This criminal investigation was UNFOUNDED.

The findings of the Internal Affairs investigation are as follows: Cherokee Sheriff's Office policy #01-03-02 (F)(2) states:

UNBECOMING CONDUCT: Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the agency. Conduct unbecoming shall include that which tends to discredit or cause the public to lose confidence in the agency or Cherokee County government; which is prejudicial to good order; OR that otherwise tends to impair the operation, efficiency, and/or morale of the agency.

4. Video evidence prove that all of Ms. Cundiff's accusations are false. Sergeant Jones' in-car camera and in-car microphone were activated for his DUI investigation, the prisoner transport to the Hickory Flat Precinct, the prisoner transport to [REDACTED] and then the prisoner transport to the adult detention center. When Sgt. Jones pulled into the Hickory Flat Precinct, the in-car camera was pointed at the precinct's front door. This door has a reflective film on it and captured the alleged incident when Ms. Cundiff accuses Sgt. Jones [REDACTED] The video and audio prove that Sgt. Jones never [REDACTED] Ms. Cundiff accuses Sgt. Jones of intimidating her by standing so close to her while he was conducting the field evaluations. Video and testimonial evidence prove this did not take place as Ms. Cundiff alleges. Sergeant Jones stood within 1-3 feet of Ms. Cundiff while he conducted his testing and was never within one finger width as Ms. Cundiff alleges. Ms. Cundiff accuses Sgt. Jones and Cpl. Artigas of searching her home and vehicle without a search warrant and without her consent. Ms. Cundiff asked for her purse after she was placed under arrest by Sgt. Jones. Video evidence and Cpl. Artigas' testimony is that Ms. Cundiff asked them to get her purse and cell phone. Ms. Cundiff was asked where those items were located and if he (Cpl. Artigas) could go into her house to collect them. Ms. Cundiff told Cpl. Artigas where those items were located and gave him permission to go inside the home. Ms. Cundiff's home and vehicle were never searched as she alleges. Ms. Cundiff accuses Sgt. Jones of forcefully putting her into his patrol vehicle. Video and audio evidence prove that Sgt. Jones did not forcefully place Ms. Cundiff into his patrol vehicle. Ms. Cundiff was speaking to Sgt. Jones when she entered the patrol vehicle and there was no indication of a struggle as her voice was calm and steady. Ms. Cundiff was passively aggressive and only had to be guided by Sgt. Jones to enter the patrol vehicle. Sergeant Jones did not violate the Cherokee Sheriff's Office Code of Conduct policy, specifically Unbecoming Conduct and these accusations are

EXONERATED.