



Cherokee Sheriff's Office

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"A NATIONALLY ACCREDITED AND STATE CERTIFIED LAW ENFORCEMENT AGENCY"

Frank Reynolds, Sheriff

To: Office of Professional Standards
From: Captain James D. Cox 
Date: September 11, 2024
Subject: Deputy N. Glass-Misconduct Allegation

On September 10, 2024 I received an Allegation (AIC) from Corporal S. McClure regarding one of his deputies, Deputy N. Glass. The allegation and accompanying memo outlined the alleged incident of inappropriate touching of the complainant's breast by Deputy Glass during her arrest on September 9, 2024 at Hartsfield-Jackson International Airport. The incident was recorded on Deputy Glass' body worn camera (BWC) as it was activated prior to him encountering the complainant and remained activated for the duration of the incident until his arrival to Adult Detention Center.

On September 10, 2024 at approximately 5:00 PM I, with Sergeant J. Campbell witnessing, served Deputy Glass the AIC I was in receipt of alleging his misconduct. I also provided Deputy Glass with a copy of the Employee Duties and Rights During an Internal Investigation and a copy of the AIC for his records. Deputy Glass acknowledged the service and agreed to answer questions pertaining to the allegation.

When asked about the misconduct alleged, Deputy Glass denied touching the complainant's breast. Deputy Glass did say he remembered the complainant saying "Don't touch my breast". I inquired how the the complainant's statement affected his mindset or why he thought she would make such a claim. Deputy Glass indicated it did not affect him as he thought/figured TSA had given her a difficult time and she was trying to just make things difficult overall and did not want to offer up any response(s) or cooperation. This interaction and statement can be found at approximately the 00:15:37 mark on his BWC footage. Deputy Glass continued with the application of security restraints and he and the complainant were escorted out of the airport by U.S. Customs and Border Patrol personnel to the transport vehicle, where upon placing her in the backseat they returned back to the ADC without any additional stops. Deputy Glass indicated he was not familiar with nor had he had any prior interactions with the complainant before the incident.

After review of the BWC footage, I concur with Corporal McClure's assessment in identifying Deputy Glass' professionalism and patience with the complainant. The footage clearly shows Deputy Glass acting in an appropriate, respectful, and courteous manner to the complainant as the video does *not* provide evidence of him touching the complainant inappropriately as alleged. If there was any contact made to the breast of the complainant, it was in such a manner not picked up on BWC during his application of security restraints (as outlined in aforementioned time frame.)

Based upon the BWC footage of the complainant's arrest and the interaction(s) of both Deputy Glass and the complainant, the findings show the incident *may have possibly* occurred in an incidental and instantaneous manner only, without any ill-advised intent or misconduct. Deputy Glass performed his duties in a professional, lawful, and proper manner, therefore, the allegation of misconduct is **EXONERATED**.

2024-00045

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: September 10, 2024

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Morgan Whitmer Race: W Sex: F Age: 33 Date of Birth: [REDACTED] 1990
Address: 903 Peachtree St NE City: Atlanta Zip: 30309
Home Phone: [REDACTED] Business Phone:

II. Deputy/Civilian Employee Information:

Name: Glass, Noah Rank: Deputy I.D.#: 16881
Division: ADC Shift 2 Unit Number: 796
Name: Rank: I.D.#:
Division: Unit Number:

III. Location of Incident:

Customs at Atlanta Hartsfield Jackson Airport

Date: 09/09/2024 Time: 23:09 Case Number:

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

See Attached

V. Witness Information:

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

VI. Person Taking Report:

Name: Steven McClure Rank: Corporal
Division: ADC Shift: 2 Badge Number: 795

VII. Supervisor's Comments/Recommendations:

After reviewing video and audio evidence it appears Deputy Glass should be exonerated.

VIII. Allegation/Inquiry/Commendation Information:

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

A/I/C Referred to: Captain Cox

☐ 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.
☐ **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.

* On 9/11/24 @ 10:50 A.M and 11:02 AM attempts were made to contact Complainant regarding findings of the investigation. Both attempts unsuccessful with no option of Voicemail. Attempts Recorded. J-Cap

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.

[Signature]
Employee Signature
Sgt
Witness Signature

9/10/24
Date
091024
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.

X [Signature]
Employee Signature
Sgt
Witness Signature

9/10/24
Date
091024
Date

Distribution: Division Commander
Internal Affairs

Memorandum

To: Captain Cox

From: Corporal McClure

Date: September 10, 2024

Subject: Deputy Glass AIC Allegation

On September 10, 2024, Ms. Morgan Whitmer alleged that Deputy Glass touched her left breast with the back of his hand while trying to apply waist chains and handcuffs at Atlanta Hartsfield Jackson Airport for transport back to Cherokee County ADC. After hearing that Ms. Whitmer said that Deputy Glass touched her left breast while applying handcuffs. She stated that it occurred in a hallway and two male Customs Agents were present while this happened. Deputy Glass had his body camera active during this interaction.

I reviewed Deputy Glass's body camera footage from the incident. While Deputy Glass was in the process of applying handcuffs he was accompanied in a hallway by two Customs Agents. At 11:08 PM Deputy Glass applied the waist chains to Whitmer's waist. He handed her the chain to hold and retrieved the handcuffs. Deputy Glass placed the left handcuff into the waist chain and asked her to place her left hand in the handcuff. Deputy Glass was holding the left handcuff open with both hands, Whitmer moved her left hand to the handcuff quickly stating, "Don't touch my breast." Deputy Glass secured both handcuffs and double locked them. Deputy Glass applied leg irons to Whitmer's ankles as she stood supporting herself on the wall.

During the interaction, Deputy Glass was courteous and professional. He gave her clear instructions on what he needed her to do. It appears there was no wrongful actions or intentional contact with Whitmer's breast during the incident. The incident was recorded and tagged in the Axon body camera system.

Corporal McClure 795

Cherokee Sheriff's Office

Memorandum

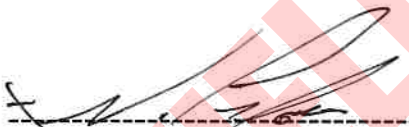
To: Deputy N. Glass

From: Captain J. Cox

Date: September 10, 2024

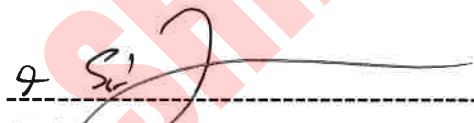
Subject: Internal Affairs Investigation

1. This is to inform you that an Internal Affairs Investigation has been started in regards to a situation which was reported on .
2. A copy of the allegation is being supplied to you for your information. I have also supplied you with a copy of the "Employee's duties and rights during Internal Investigations."
3. You are hereby ordered not to discuss this case with any person other than the Internal Affairs Office, Chief Deputy, Sheriff, or legal counsel. Any efforts on the contrary will be considered obstruction of this investigation and a violation of a direct order.



(Signature)

(Date)



(Witness)

091024

(Date)

EMPLOYEE DUTIES AND RIGHTS DURING INTERNAL INVESTIGATIONS:

1. SCOPE OF QUESTIONING DURING INTERVIEW a. Prior to an interview conducted by the Internal Affairs Officer or his designee, concerning ALLEGATIONS OF CRIMINAL or ADMINISTRATIVE MISCONDUCT, the employee will be given a proper Garrity warning, indicating that: (1) S/he can be required to answer all questions specifically, narrowly and directly related to the performance of his or her official duties; (2) Refusal to comply with an order to answer such questions is a violation of the agency's Code of Conduct which may subject the employee to further discipline up to, and including dismissal; AND (3) Any required self incriminatory admission made during the interview may only be used in subsequent administrative or civil proceedings, and shall not be used against the employee in future criminal proceedings. b. If an employee begins to disclose incriminating evidence of a criminal nature that is beyond the scope of the original investigation, the "Garrity interview" must either be terminated or the interview must be refocused to its original area. 2. EMPLOYEE DUTIES: During any internal investigation, agency employees have a duty to FULLY COOPERATE with the investigator. Additionally, employees involved in an internal investigation, in any capacity, SHALL: a. Be honest and forthright in all aspects of the investigation; b. Comply with ALL instructions from the investigating officer, including those relating to Aids to Investigations listed below; c. Adhere to the Employee Rules of Conduct outlined in O 1-03-02 and the agency's Code of Conduct SOP; AND d. Not discuss any part of the investigation except as permitted by the Internal Affairs Officer or Division Commander, as appropriate. 3. AIDS TO INVESTIGATIONS: During the course of an internal investigation, it may become necessary to perform certain examinations and/or to obtain personal information from an employee to help establish a conclusion of fact. Such examinations, procedures, and/or requests for information must be narrowly related to a particular open investigation and will not be used randomly in order to establish the basis upon which to initiate an inquiry. a.

MEDICAL OR LABORATORY EXAMINATION: (CALEA 52.1.7a) (1) An employee may request in a timely manner, an intoxicimeter, blood, urine, psychological, or medical examination if it is believed that such measures would be beneficial to his or her defense. (2) The agency may require that an employee submit to a medical examination or other appropriate testing procedure upon the direction of the Sheriff or his designee, when it is probable that the examination will produce relevant evidence. (3) An on-duty supervisor is required to direct an employee to submit to a breath, blood, or urine test when a level of inebriation or drug usage is suspected as the factor directly related to an employee's duty performance or operation of an agency vehicle. b. PHOTOGRAPHS: (CALEA 52.1.7b) If it becomes necessary to take or provide a photograph of an employee, the photograph in the official agency personnel file shall normally be used. However, when such photographs are outdated or otherwise inappropriate to the matter under investigation, an employee may then be directed to have a photograph taken by investigative personnel. c. LINE-UP: (CALEA 52.1.7c) If an identification or photographic line-up is solely for administrative purposes, and criminal prosecution is not anticipated, an employee may be required to participate in the line-up. d. FINANCIAL DISCLOSURE: (CALEA 52.1.7d) During the course of corruption, fraud, embezzlement, drug trafficking, white collar, or other similar investigation, an employee may be required to provide certain investment, banking, credit card, real estate, or other financial documents. e. POLYGRAPH EXAMINATION: (CALEA 52.1.7e) (1) In the event an employee is ordered to take a polygraph, the person making the original complaint must also agree to submit to a polygraph, but only if the individual is not an agency employee. In such cases, the individual making the complaint must take the polygraph before the employee under suspicion UNLESS the employee either initiates the request for a polygraph or agrees to take the examination before the complainant. (2) When a polygraph examination is conducted, the questioning will be limited to the performance of an employee's official duties as related to the matter under investigation. f. SEARCH OF PROPERTY (1) Property belonging to the agency is subject to inspection when there is reasonable suspicion that evidence of work related misconduct will be found therein. Such property includes, but is not limited to, vehicles, desks, files, and storage lockers. (2) However, employee property of a purely private nature, such as a purse, athletic bag, or closed luggage may not be searched without the employee's consent or probable cause. 4. EMPLOYEE RIGHTS DURING AN INTERNAL INVESTIGATION: a.

NOTIFICATION: (CALEA 52.1.6) a. Prior to any interview conducted by or special examination directed by the Internal Affairs Officer, the employee under suspicion will receive a confidential written notification of the complaint. This notification will include the employee's rights and responsibilities relative to the investigation and a copy of the original complaint or a summary adequately listing the relevant facts. b. CONDUCT OF INTERVIEWS: (1) Whenever possible, interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required. (2) Unless placed under arrest an employee has the right to leave the interview at any time. (3) Employees under investigation shall not be subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No promise or reward shall be made by the investigator as an inducement to answer any questions.

c. RECORDINGS: Interviews of employees under suspicion conducted by the Internal Affairs Officer shall be recorded. Any interruptions will be noted, and any relevant discussions transpiring during breaks will be summarized on the tape recorder and verified for accuracy by the employee. d. STATUS OF INVESTIGATIONS: Employees under suspicion or their supervisor may contact the Internal Affairs Officer to ascertain the status (on-going, completed, or forwarded to the Commander, Headquarters Operations for appropriate action) of the investigation. e. OBSERVER AT INTERVIEW: (1) Employees will be permitted to have: an attorney (at their own expense), supervisor or other agency representative with them during any interview concerning allegations of misconduct. (2) Such individuals are limited to acting only as observers during the interview and are not permitted to participate in the proceedings.

Employee Signature: _____

Date: 9/19/24