

2024-00003

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 01/23/24

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Lindsey, Eli Race: B Sex: M Age: 48 Date of Birth: [REDACTED] 75
Address: 227 Crescent Moon Way City: Canton Zip: 30114
Home Phone: [REDACTED] Business Phone:

II. Deputy/Civilian Employee Information:

Name: Reilly, Rober Rank: CPL I.D.#: 16315
Division: UPD Unit Number: D7
Name: Rank: I.D.#:
Division: Unit Number:

III. Location of Incident:

Union Hill Rd at Union Hill Trail

Date: 01/14/2024 Time: 0800 Case Number: SO24-000574

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: Rank
Division: Shift: Badge Number:

VII. Supervisor's Comments/Recommendations:

See attached

VIII. Allegation/Inquiry/Commendation Information:

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

A/I/C Referred to: OPS

☐ A/I/C Resolved on Initial Contact ☐ Allegation/Inquiry Withdrawn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

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.

Relly #620
Employee Signature
Jim Thompson
Witness Signature

2-1-24
Date
02-01-2024
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.

Relly #620
Employee Signature
Jim Thompson
Witness Signature

2-1-24
Date
02-01-2024
Date

Distribution: Division Commander
Internal Affairs

CHEROKEE SHERIFF'S OFFICE

MEMORANDUM

To: Lt. Barone, Lt. Mitchell

From: Sgt. M. Wells

Date: 01/23/24

Subject: Cpl. Reilly allegation of misconduct

On 01/18/24, I was contacted by Eli Lindsey reference a crash Cpl. Reilly worked involving him on 01/14/24. He stated Cpl. Reilly found him at fault in the accident when the other driver was actually at fault because he was trying to pass the other driver in the right lane that becomes a turn lane turning right onto Union Hill Rd from Cumming Hwy. He said the other driver was driving too slow on Cumming Hwy so he wanted to get around him.

After explaining to me what I was going to do to "fix this", Eli then stated Cpl. Reilly had a bias to him because the other driver had a "Mason sticker" on his car and he knew law enforcement and the Mason's get along. He also said there was a blue line sticker on the other vehicle as well and he was "black" and the Cpl. Reilly and the other driver were all "white".

Due to the nature of the complaint and race was brought up during the conversation, I am forwarding the AIC to the Office of Professional Standards for review. The conversation was recorded on my Axon body cam and I have attached the crash report to this as well. Eli was given my email address so he could send me documents and pictures, but as of now he has failed to do so.

The Office of Professional Standard received a memorandum and an allegation of misconduct on Corporal Robert Reilly. Sergeant Wells was contacted by Eli Lindsey. Mr. Lindsey was involved and was found at fault in a vehicle accident. Mr. Lindsey explained that the other driver was actually at fault because he (Mr. Lindsey) was trying to pass the slow-moving driver on the right in a turn lane. Mr. Lindsey wanted someone to "fix" the report. He further stated that the other driver had a Mason sticker and a blue line sticker on his vehicle, and both the other driver and Cpl. Reilly were white. Sergeant Wells forwarded the complaint to OPS because Mr. Lindsey indicated race was a factor in the determination of who was at fault.

On February 1, 2024, I interviewed Corporal Robert Reilly in the Internal Affairs Office. I supplied him with a copy of the AIC as well as the Employees Duties and Rights during an Internal Investigation. I read him the Cherokee Sheriff's Office Internal Affairs memorandum and Internal Investigation Warning (Garrity Warning). Corporal Reilly said he understood and signed both copies. I asked Corporal Reilly to tell me about the incident. Corporal Reilly explained that he was dispatched to a two-vehicle accident on Union Hill Road. When he arrived, he spoke to both drivers. The first driver Corporal Reilly spoke to was Brian Walters. Mr. Walters said the other driver (Lindsey) was on his bumper so he was pulling over in the right turn lane so the other driver could pass. When Mr. Walters was getting over, the other driver hit his vehicle. Corporal Reilly spoke to Eli Lindsey. Mr. Lindsey told Corporal Reilly that the other driver was driving slowly, he tried to pass him in the right lane, and the other driver got over. Mr. Lindsey struck the other vehicle in the rear. After reviewing the physical evidence and verbal testimony, Corporal Reilly stated he cited Mr. Lindsey with Following to Closely and Improper passing.

I reviewed Axon Body Cam and the In Car videos. Corporal Reilly was respectful to all parties. Corporal Reilly followed Cherokee Sheriff's Office policies and procedures and is Exonerated.

The Office of Professional Standard received a memorandum and an allegation of misconduct on Corporal Robert Reilly. Sergeant Wells was contacted by Eli Lindsey. Mr. Lindsey was involved and was found at fault in a vehicle accident. Mr. Lindsey explained that the other driver was actually at fault because he (Mr. Lindsey) was trying to pass the slow-moving driver on the right in a turn lane. Mr. Lindsey wanted someone to "fix" the report. He further stated that the other driver had a Mason sticker and a blue line sticker on his vehicle, and both the other driver and Cpl. Reilly were white. Sergeant Wells forwarded the complaint to OPS because Mr. Lindsey indicated race was a factor in the determination of who was at fault.

On February 1, 2024, I interviewed Corporal Robert Reilly in the Internal Affairs Office. I supplied him with a copy of the AIC as well as the Employees Duties and Rights during an Internal Investigation. I read him the Cherokee Sheriff's Office Internal Affairs memorandum and Internal Investigation Warning (Garrity Warning). Corporal Reilly said he understood and signed both copies. I asked Corporal Reilly to tell me about the incident. Corporal Reilly explained that he was dispatched to a two-vehicle accident on Union Hill Road. When he arrived, he spoke to both drivers. The first driver Corporal Reilly spoke to was Brian Walters. Mr. Walters said the other driver (Lindsey) was on his bumper so he was pulling over in the right turn lane so the other driver could pass. When Mr. Walters was getting over, the other driver hit his vehicle. Corporal Reilly spoke to Eli Lindsey. Mr. Lindsey told Corporal Reilly that the other driver was driving slowly, he tried to pass him in the right lane, and the other driver got over. Mr. Lindsey struck the other vehicle in the rear. After reviewing the physical evidence and verbal testimony, Corporal Reilly stated he cited Mr. Lindsey with Following to Closely and Improper passing.

I reviewed Axon Body Cam and the In Car videos. Corporal Reilly was respectful to all parties. Corporal Reilly followed Cherokee Sheriff's Office policies and procedures and is **Exonerated.**

Agency Case Number SO24-000574	Agency NCI 0280000	GEORGIA MOTOR VEHICLE CRASH REPORT	County CHEROKEE	Date Rec. by DOT 1/14/2024
-----------------------------------	-----------------------	---------------------------------------	--------------------	-------------------------------

SHIELDS OF SHAME

SHIELDS OF SHAME

SHIELDS OF SHAME

This accident report has been redacted pursuant to [O.C.G.A. §50-18-72 (a)(5)]

Cherokee Sheriff's Office

Memorandum

To: Robert Reilly

From: Gpt. Kim Thompson

Date: 02-01-2024

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)

2-1-24

(Date)



(Witness)

02-01-2024

(Date)



Cherokee Sheriff's Office
Office of Professional Standards

498 Chattin Drive
Canton, Georgia 30115
678-493-4200

Fax (678) 493-4186

"A NATIONALLY ACCREDITED AND STATE CERTIFIED LAW ENFORCEMENT
AGENCY"



INTERNAL INVESTIGATION WARNING

I wish to advise you that you are being questioned as part of an official investigation of the CHEROKEE COUNTY SHERIFF'S OFFICE. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the Laws and The Constitution of this State and The Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges, which could result in your dismissal from the Sheriff's Office. If you do answer questions neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

In addition to the above rights, you have the right to have counsel present during this questioning.

(Signature)

Betty #826

(Date)

2-1-24

(Signature)

Kim Thompson

(Date)

02-01-2024