

3

Citizen or Employee Complaint Form

Complaint # 9907261422-44 Date: 7/26/99

Initial Supervisor: Sgt John Billy

COMPLAINANT

Name: Humane Society of Putnam Co, Inc Jane Byers *abuse officer*

Address: 2105 West Jackson St 38501

Work Place: Humane Society

Phone: (Home) 528-0332 (Work) 526-3647

Complaint Against: (Department or Employee) Amos Spurlock

Type of Complaint: Failure of Duty, Cruelty to Animals,  
(SEE NEXT PAGE)

Referred to Investigating Supervisor: BRUCE LAMB SGT or ☐ I.A.

Initial Supervisor's Comments: \_\_\_\_\_

Conclusion of Fact --- (Documented by Investigating Supervisor or Chief of Police)

- ☐ Exonerated: The incident complained of occurred; however, the actions of the employee were lawful and proper.
- ☐ Sustained: The allegation is supported by sufficient evidence to believe the incident complained of occurred and is in violation of department policy or procedure.
- ☐ Policy Failure: The allegation is supported; but, the employee was in compliance with policy. Therefore the policy may need to be modified.
- ☐ Not Sustained: The hearing disclosed insufficient evidence to either support or disprove the allegation.
- ☒ Unfounded: The hearing disclosed that the alleged incident never occurred and therefore, is false.

Administrative Use Only

The above information and all documentation of this complaint file is complete.

Administrative Commander or Chief of Police: \_\_\_\_\_

Date Filed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Citizen or Employee Complaint Form

Complaint # 9907261422-44 Date: 7/26/99

Initial Supervisor: \_\_\_\_\_

COMPLAINANT

Name: JANE BYERS

Address: \_\_\_\_\_

Work Place: \_\_\_\_\_

Phone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Complaint Against: (Department or Employee) AMOS SPURLOCK

Type of Complaint: FAILURE TO PERFORM DUTY

Referred to Investigating Supervisor: BRUCE LAMB SGT or ☐ I.A.

Initial Supervisor's Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conclusion of Fact -- (Documented by Investigating Supervisor or Chief of

☐ Exonerated: The incident complained of occurred; however, the actions of the employee were lawful and proper.

☒ Sustained: The allegation is supported by sufficient evidence to believe the incident complained of occurred and is in violation of department policy or procedure.

☐ Policy Failure: The allegation is supported; but, the employee was in compliance with policy. Therefore the policy may need to be modified.

☐ Not Sustained: The hearing disclosed insufficient evidence to either support or disprove the allegation.

☐ Unfounded: The hearing disclosed that the alleged incident never occurred and therefore, is false.

Administrative Use Only

The above information and all documentation of this complaint file is complete.

Administrative Commander or Chief of Police: \_\_\_\_\_

Date Filed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

# INTEROFFICE MEMORANDUM

*Jane Byers*

Case Number: 016

Assigned To:

HS  
EAO

County  
ACO

City  
ACO

Baxt  
ACO

Mont  
ACO

Date: 4-6-99

Time: 2:35 (approx)

From: Humane Society of Putnam County:

Subject: Animal Abuse/Animal Control:

Description/Type of Abuse:

*Chain into skin of Dog*

Date/Time of Incident: Date: 4-6-99 Time: 2:00 (approx)

Description of Animal(s)

*med Blk Dog*

Location of Animal(s) (address, if possible):

*1515 Ford Dr Lot 75*

Name of Animal(s) Owner: *Mr. Fulton*

Description of Abuser: Age: 20's Height: 5-9 Weight: 120

Clothing description:

License Plate #

Description of Vehicle:

Complainants Information:

Name: *David Daniels*

*(OOES ENFORCEMENT - CLK)*

Address:

Telephone #: 520-5233

Was complainant an eyewitness:

Yes

No:

(if yes) will complainant testify in court:

Yes

No:

Additional Comments:

Officer Signature:

*Jane Ellen Byers*

Date:

*4-6-99*

INTEROFFICE MEMORANDUM

OFFICERS USE ONLY

Date/Time of Investigation: Date: 4-6-99 Time: 2:55 pm approx

Location of Investigation: 1515 Ford Dr. Lot 75

Condition of Animal(s) and Animal(s) Habitat:

Weather Conditions: Sunny 81°

Was shelter present: Yes No: Describe: Under house

Was food present: Yes: No Was water present: Yes: No  
Was rabies license current: Yes: No

Was contact made with owner: Yes No:  
(if yes) give a brief report:

Were there children present: Yes No:  
(if yes) describe their welfare:  
looked OK

Action taken (if any)  
a. Pictures taken: Yes No:  
b. Citations written: Yes: No  
(is yes) code  
c. Verbal warning: Yes: No:  
d. Other: - see  
attachment A

Follow up (if any):  
Action taken (if any):  
Date: 4-7-99 Time: 4:15 pm approx  
4-9-99

see attachment B  
see attachment C  
see attachment D  
4-21-99 - Subjects have moved no known forwarding address  
Officer Signature: Jane Ellen Byers Date: 4-8-99

## **Attachment: A**

On April 4, 1999 I was advised of a possible animal abuse case (dog) located at 1515 Ford Drive, Lot 75. Upon arrival I identified myself and ask to speak with Mr. Fulton. I was advised by a white female with blonde hair, that Mr. Fulton was not there. I then asked said female if she was Mrs. Fulton, at which time she advised me she was. I again told Mrs. Fulton who I was and that we had received a complaint. Mrs. Fulton then advised me that they were going to take the dog in question to the shelter to be put down tomorrow. I advised Mrs. Fulton that I still needed to see the dog at this time. Mrs. Fulton then took me to the back of the residence, where I observed a small black (what looked to be a puppy), a calico cat, both running at large and a medium black dog tied with a chain around its neck. Upon further investigation of the tied dog I observed that the chain had lacerated the neck approximately 1/4 to 1/2 inch depth, 3/4 of the way around the neck. Upon seeing this I advised Mrs. Fulton that this was animal cruelty and that since she wanted to give up the dog, if she would sign a release form I could take the animal today, and that I could get medical treatment for said dog. Mrs. Fulton agreed, and I told her I would be back, that I had to go get a transport crate, and that I would return, Mrs. Fulton agreed to wait for my return. Upon leaving, an unknown subject (appeared to be consuming an alcohol beverage) became belligerent, so I decided to advise the police and to have them with me upon my return. Upon returning to the above address Mr. Fulton meet with myself and the police officer, he advised us that a man had given him this paper (showed us a orange paper that had violation codes on it and some hand writing but was not dated or signed) I asked the officer if he had any knowledge of the paperwork, he did not. So I explained to Mr. Fulton that I was not aware of what it was, but I would look into it. I explained the situation with his dog and he advised he would sign the relinquish form, since he was going to be taking the dog to the Humane Society anyway the next day. Mr. Fulton showed concern for the animal, but was doing what he thought was the right thing. Mrs. Fulton then advised me that she had been treating the area in question with medication, but it was not helping due to the animal being on the chain. I then left and took the dog to the Humane Society and took pictures before bedding it down.

**Attachment: B**

On April 7, 1999 I spoke with Amos and asked him if he had some type of form that he left with people if he did not write them a warning or a citation, or if they were not at home. Amos then produced they same orange paperwork that I saw at Mr. Fulton's residence. I asked Amos if I could have a copy of it (see attached copy).

**Attachment: C**

On April 7, 1999 at approximately 4:20pm I returned to 1515 Ford Dr. Lot 75 and spoke with Mr. Fulton. I asked him what the person looked like that had given them the orange paperwork. Mr. Fulton advised that it was a older man dress in a blue uniform and driving a truck with a city round circle on it. I asked Mr. Fulton if he still had the piece of paper, he said he thought he did, but it was in his van and his wife would not be back until late. Mr. Fulton then said I could have it so we made arrangements for me to pick it up on April 9, 1999 around 5pm. Mr. Fulton also advised me that he thought it was not right what the man had done, since his wife had shown the man that the dogs neck was sore, and that he man said he did not care that the dog had to be tied up or pen up. Mr. Fulton said since we did not have a pen I had to tie her (meaning the dog) back up. I just did what I was told.

## Attachment D

On April 9, 1999 I returned to 1515 Ford Dr. Lot 75 at approximately 4:45PM, I spoke with Mr. Fulton. Mr. Fulton showed me the paperwork where he had his cat vaccinated for rabies, and said he would be doing his puppy the next day. Mr. Fulton then gave me the orange paperwork that we had spoke about on April 7, 1999. See attached.



## Violation Notice

While you were away, a Cookeville Rabies Control Officer or City Police Officer visited your residence to talk with you about the following municipal ordinances violated by your dog(s).

### Section:

- ☒ 3-201 Dog(s) not vaccinated or registered.
- ☒ 3-202 Dog(s) not wearing vaccination or registration tag.
- ☒ 3-203 Dog(s) running at large.
- ☒ 3-204 Dog(s) believed to be vicious and not securely restrained.
- ☒ 3-205 Dog(s) too noisy.
- ☒ 3-206 Dog(s) suspected of being rabid, must be confined.
- ☒ 3-207 Dog(s) seized by officer and impounded.

*Failure to correct these violations will result in court action.*

Your cooperation in working with us to correct these violations will be greatly appreciated. If you dog has been impounded, please call the Police Department during the hours of 7:00 a.m. until 3:30 p.m. Monday through Friday. If you have any questions or if we can be of further assistance, please call us at 526-2125.

\_\_\_\_\_  
Rabies Control Officer

\_\_\_\_\_  
Cookeville Police Officer

## Violation Notice

While you were away, a Cookeville Rabies Control Officer or City Police Officer visited your residence to talk with you about the following municipal ordinances violated by your dog(s).

### Section:

- If tags are not kept in pen or on chain they will be destroyed.*
- ☐ 3-201 Dog(s) not vaccinated or registered.
  - ☐ 3-202 Dog(s) not wearing vaccination or registration tag.
  - ☐ 3-203 Dog(s) running at large.
  - ☐ 3-204 Dog(s) believed to be vicious and not securely restrained.
  - ☐ 3-205 Dog(s) too noisy.
  - ☐ 3-206 Dog(s) suspected of being rabid, must be confined.
  - ☐ 3-207 Dog(s) seized by officer and impounded.

### Failure to correct these violations will result in further action.

Your cooperation in working with us to correct these violations will be greatly appreciated. If you dog has been impounded, please call the Police Department during the hours of 7:00 a.m. until 3:30 p.m. Monday through Friday. If you have any questions or if we can be of further assistance, please call us at 526-2125.

Rabies Control Officer

Cookeville Police Officer



*Jane Byers*

On April 28, 1999 the Humane Society RTO (returned to owner) a dog to a Rena Huddleston at 379 Whitson, Cookeville. At that time she was told to bring back proof of rabies vaccination by May 8, 1999. On May 10, 1999 she was called by the Humane Society and left a message, and again on May 18th. On May 20<sup>th</sup> I contacted Rena Huddleston and left word with her Aunt to have her contact us in reference to the rabies vaccination. I also talked with Amos and asked him if he could write her a citation for NO rabies vaccination. He told me that he could not, because he did not know if she did or did not have a rabies vaccination. I then explained to him, again, the above situation and asked, how are we to make these people follow the law. Amos replied with a shrug of his shoulders. I then suggested that if I contacted the District Attorneys Officer and asked them how, would he follow their advice? Amos said he would, so on May 25<sup>th</sup> I told Amos what the District Attorney had said, and that he could in fact write this lady for no rabies vaccination. Amos then said he could not, but maybe one of the Officers would. On June 2, 1999 I contacted Amos to see if he made contact with Mrs. Huddelston. He said that she wasn't home and again took all the information down. (I had to explain everything again to him including address, and pass history). On June 9, 1999 I went to Amos again asking about Mrs. Huddelston, again I had to repeat the entire story. Amos then said he had not been there for a while, but she was never home.

Jane Byers

On June 14, 1999 Amos picked up a DOA (shepherd killed on roadway)(front of DA office on spring) he tied the dog to the tailgate of the city truck and brought it to the Humane Society. He never covered the animal, so any child could observe this animal. Upon arrival Amos brought the animal in to the back for cremation, but failed to advise the Shelter staff that he had taken a blue collar off the dog. We take numerous lost calls a day and possibly this collar could have helped us locate an owner. Also the Shelter Manager had to run him down to find out what he was bring in, when she asked him he was walking away with his head down, mumbling and was inaudible. He never stopped, he just continued on until she yelled at him again.

*Jane Byers*

On June 21, 1999 Amos arrived at the Humane Society at about 7:50 am with (12) dead animals from the veterinarians, and two other animals (road kills). When asked what the road kills were, he responded one was a fox the other he could not remember. We ask for this information with our lost and found data. When asked why he brought the vet cremations on Monday (knowing Tuesday, Wednesday, Thursday, are the days for vet cremations) he responded he did not know what day it was.

*Jane Byers*

On June 30, 1999 Amos brought in two kittens before the shelter opened, when asked what he had, he replied "cats 10-7". He was then asked where he got them (location), he replied he could not remember. When I arrived at the shelter later that morning I was told he had brought two kittens in and that one had been shot in the head. I then went and examined the bodies, one did appear to have been shot. I then contacted a veterinarian and asked if an autopsy could be done, one was scheduled for the following day. On July 1, 1999 the autopsy was performed and the results were a shot to the head. A 22-caliber jacket was removed from the cat.

*Jane Byers*

On July 1, 1999 I gave to rabies checks to do. (See attachments) I then asked him to let me know if they in fact had their new rabies vaccinations. As of today's date Amos has not replied.



ID Number: <u>0599-211</u>		Kennel: <u>H LOBB</u>		Building:	
Type:		2nd Kennel:		ID Number:	
<input checked="" type="radio"/> Dog	<input type="radio"/> Puppy	<input type="radio"/> Cat	<input type="radio"/> Kitten	3rd Kennel:	
Sex:		Approximate Age:		Breed:	
<input checked="" type="radio"/> Male <input type="radio"/> Female		<u>2-3</u> w/mo/yr		<u>Shih Tzu</u>	
Collar:		Type of Collar:		Collar Color:	
<input checked="" type="radio"/> Yes <input type="radio"/> No - N/A		<u>Nylon</u> <input type="radio"/> Leather <input type="radio"/> Flea		<u>Blue</u>	
Animal In-Take				AC.O. - Owner - Found Information	
Name: <u>Amos Spuebeck</u>				Reason:	
Drop Box: <input checked="" type="radio"/> Stray <input type="radio"/> A.C.O. <input type="radio"/> Owner Surrender <input type="radio"/> Other				Address/Area Found: <u>1148 East 10th</u>	
Color: <u>White with Gray</u>				City of Cookeville <input checked="" type="radio"/> Putnam <input type="radio"/> Overton <input type="radio"/> Pickett <input type="radio"/> Jackson <input type="radio"/> Clay <input type="radio"/> White-Smith <input type="radio"/> Other:	
1st Vaccination: <u>N6</u> 2nd Vaccination:				Euthanization Information	
Housebroken: <input checked="" type="radio"/> Y <input type="radio"/> N		Good w/Children: <input checked="" type="radio"/> Y <input type="radio"/> N		Neutered/Spayed: <input checked="" type="radio"/> Y <input type="radio"/> N	
Good with Cats: <input type="radio"/> Y <input type="radio"/> N		Good With Dogs: <input type="radio"/> Y <input type="radio"/> N		Euthanized: <input type="radio"/> Y <input type="radio"/> N	
Date of Arrival: <u>5-20-99</u>		Adoption Date:		Date of Euthanization:	
				Administered By:	

Drop Box - Stray - A.C.O. - 3 day hold (do not count the day of arrival or Sunday)

Owner Surrender:

I hereby relinquish all ownership rights to the animal described herein to the custody of the Humane Society of Putnam Co., Inc. for disposition at their discretion. I certify said animal has not bitten anyone during the last 14 days, to my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes:	
<u>Robies -</u>	<u>"Punky"</u>
<u>RTO 5/21</u>	<u>Marla Farley</u>
	<u>955 Shanks Ave</u>
	<u>CKU1, TN</u>
	<u>528-1318</u>

Name of In-Take Employee: \_\_\_\_\_

- ☐ Entered All Information On Cage Card
- ☐ Made Collar
- ☐ Vaccinated Animal Before Going Into Cage
- ☐ Attached Cage Card to Cage

Owner agrees to  
Bring robies vacc  
to shelter by  
SAT 5/29/99.

Marla Farley

ID Number: <u>0599-134</u>		1 <sup>st</sup> Kennel: <u>B2</u>	Building:
Type: <u>Dog</u>		2 <sup>nd</sup> Kennel: <u>A12</u>	ID Number:
<input checked="" type="radio"/> Dog	<input type="radio"/> Puppy	<input type="radio"/> Cat	<input type="radio"/> Kitten
3 <sup>rd</sup> Kennel:		Kennel Numbers:	
Sex: <u>Male</u>	Approximate Age: <u>3 w/mo</u>	Breed: <u>Collie X</u>	1 <sup>st</sup> Kennel:
Collar:	Type of Collar:	Collar Color:	2 <sup>nd</sup> Kennel:
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A	Nylon/Leather/Flea		3 <sup>rd</sup> Kennel:
ACO - Owner - Found Information			
Animal In-Take		Name: <u>? AMOS Spurdock</u>	Reason:
Drop Box	<input checked="" type="radio"/> Stray	<input checked="" type="radio"/> A.C.O.	<input type="radio"/> Owner Surrender
Color: <u>Sable/white</u>	collar, front legs + thin blaze	Address/Area Found: <u>Hwy 70 CC Camp Rd</u>	
1 <sup>st</sup> Vaccination: <u>N/A</u>	2 <sup>nd</sup> Vaccination:	City of Cookeville - Putnam - Overton - Pickett - Jackson - Clay - White - Smith Other:	
Housebroken: Y-N-?	Good w/Children: Y-N-?	Neutered/Spayed: Y-N	Euthanized: Y-N
Good with Cats: Y-N	Good With Dogs: Y-N	Reason:	
Date of Arrival: <u>5-13-99</u>	Adoption Date:	Date of Euthanization:	Administered By:

Drop Box - Stray - A.C.O. - 3 day hold (do not count the day of arrival or Sunday)

Owner Surrender:

I hereby relinquish all ownership rights to the animal described herein to the custody of the Humane Society of Putnam Co., Inc. for disposition at their discretion. I certify said animal has not bitten anyone during the last 14 days, to my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes:	<u>PTO 20<sup>th</sup> Trapped + Left @ Shelter 7:30am Thurs 5/13</u>
Owner: <u>Debra O'Brien</u>	<u>"Lassie"</u>
<u>1334 W. Broad St.</u>	
<u>Civil, TN - 38501</u>	
<u>No phone</u>	
<u>Sister - Melinda Hussien</u>	<u>MUST See AMOS before we Release.</u>
<u>520-6365</u>	<u>DOS to owner.</u>

Name of In-Take Employee: \_\_\_\_\_

- ☐ Entered All Information On Cage Card
- ☐ Made Collar
- ☐ Vaccinated Animal Before Going Into Cage
- ☐ Attached Cage Card to Cage

Robie's 5/14/98  
next SAT 5/29/98.

owner of Leans at  
first house above gas  
station on Hwy 70 &  
CC Camp

⊗ Debra O'Brien

# **MEMORANDUM** FROM Sgt. Bruce Lamb

**DATE:** July 26, 1999  
**TO:** Complaint File  
**SUBJ:** Byers vs. Spurlock

---

Today, Jane Byers, Putnam County animal abuse officer, came into the station and made a formal complaint against Amos Spurlock, animal control officer. I told Captain J. T. Bennett and he said that I was to investigate it.

The type of complaint is failure to perform duty and cruelty to animals. The cruelty to animal complaint stems from an incident at the Ford trailer park on April 4, 1999. Byers says that she investigated a possible animal abuse case at lot 75. She found a dog, that was chained up, that had a lacerated neck. The chain that was around the dog's neck evidently caused the laceration. Even though the statement does not say, I assume Byers is claiming that since Spurlock told the person to put the dog in a pen or chain it, and since they did chain it due to Spurlock's orders, he aided in cruelty to the dog.

The failure to perform duty claim stems from several incidents. One incident started on April 28, 1999, when Byers asked Spurlock to write a person a citation for not having a dog vaccinated. Spurlock told her that he couldn't do it. Byers contacted the DA's office who told her that Spurlock could write the offender a summons. After she told him this, he said that he couldn't, but maybe he could get a police officer to do it. As of this date, he still has not made contact with the offender yet.

On June 14, 1999, she claims that Spurlock brought in a dog that had been run over. He transported the dog on the tailgate of his truck without covering it up and also removed the collar, which could be used to help an owner locate a lost dog. Also, he didn't give the shelter manager information on the dog.

On June 21, 1999, Spurlock brought in dead animals from the veterinarians and had two other road kills. This was on Monday and dead animals from the veterinarians are supposed to be brought in on Tuesday, Wednesday and Thursdays. Also, he didn't provide data on the road kills.

On June 30, 1999, Spurlock brought in two dead cats. He didn't give the shelter any information on the cats. Also, the statement tells about the one of the cats being shot with a .22 cal. bullet. Byers may be claiming that Spurlock shot the cat.

On July 1, 1999, Byers asked him to check a couple of addresses to see if their animals had their rabies vaccinations yet. As of this date, he has not replied.

## Bruce Lamb

---

To: Nathan Honeycutt  
Cc: J.T. Bennett  
Subject: Citizen's Complaint #9907261422-44

Byers vs. Spurlock

7-26-99

As required by GO 12-3, I am notifying you of a citizens complaint against Amos Spurlock. Today, July 26, 1999, Jane Byers, animal abuse officer, came to the station and charged that Spurlock failed to perform his duty and was cruel to an animal. Capt. J. T. Bennett instructed me to investigate.  
Bruce

**MEMORANDUM** FROM Sgt. Bruce Lamb

**DATE:** July 26, 1999  
**TO:** Amos Spurlock  
**SUBJ:** Citizens Complaint

---

In accordance with General Order 12-3, I am advising you that a complaint has been lodged against you and that I have been instructed by Capt. J. T. Bennett to investigate.

Jane Byers, animal abuse officer, came to the station today and made charges of failure to perform duty and cruelty to animals. She cites an incident at the Ford trailer park for the cruelty to animal charge. Several incidents were cited as to the failure to perform your duty charge. I will not be back to work until Friday, July 30, 1999. I will get with you then or next week and go over these charges with you. Hold off on writing me a statement until then.

As you already know, I am required to tell you of the disciplinary possibilities associated with this complaint against you. If, after my investigation is complete, I find that you have violated any department rules or orders, then you could receive anything from counseling to dismissal. Included with this memo is a copy of the section of General Order 12-2 referring to the classes of orders, the penalty range which would apply for a violation of each class, conclusion of fact list and the appeals process. One other thing is included (I forgot to include this with the other complaint): a copy of the employee's rights that is found in General Orders 12-3.

**COPY**

cc: Citizen Complaint File

## ADMINISTRATION

[DISCIPLINARY ACTION]

General Order 12-2  
Page 10

- B. Under normal circumstances, this does not apply to entry-level probationary employees.

### 12-2.6 Rules and Regulations

General Orders Manual of the Cookeville Police Department contains both a Rules and Regulations section in addition to the various General Orders. Together, these units specify the codes for the conduct and appearance of all department employees. These codes specify the conduct expected of all employees as well as identifying prohibited employee behavior. Each employee is provided with a copy of the Police Manual. During employment orientation, the Rules and Regulations and General Orders are explained. Subsequently during the Field Training and Evaluation Program, field training officers help each new officer thoroughly understand them. Supervisors are encouraged to periodically review these Rules and Regulations and General Orders with all employees.

**COPY**

### 12-2.7 Classes of Orders

- A. The Department has established a Class System for the contents of the General Orders Manual. The State of Tennessee has identified its criminal codes as capital crimes, felonies, and misdemeanors. In a parallel manner, the Department will identify its Rules and Regulations and General Orders by Class: Class A, or Class B, or Class C. The various Classes of Orders are instituted for the purpose of promoting employees' compliance with same. The violation of a Class A order is defined as "most severe." Violation of a Class B order is defined as "severe." Violation of a Class C order is defined as "minor." These definitions are relative among the various Classes. They serve to demonstrate the Department's interest to ensure that employees conform to the Rules and Regulations and General Orders as stated in the General Orders Manual. All of the contents of the Police Manual will carry, at a minimum, a Class C designation. Numerous areas, either entire General Orders or parts thereof, may carry a higher Class designation. The overall purpose of the Class system is to identify those areas of the Policy Manual in which the Department's management has a greater interest and to promote employees' compliance with same. Some general orders, rules and regulations, and procedures have identified specific disciplinary actions. In this case, these should be followed. Remedial training may be considered in all classes.

## ADMINISTRATION

[DISCIPLINARY ACTION]

General Order 12-2  
Page 11

- B. Each of the specific Classes is assigned a specific range of penalties which will attach in the event of a violation. Penalties will be administered in light of both the aggravating and mitigating circumstances surrounding the incident.
- C. The penalty range which will apply for the violation of a Class A order will include (but not limited to) any or all of the following:
1. Dismissal,
  2. Demotion in rank,
  3. Suspension from duty 1-30 work days without pay,
  4. Probation, or
  5. Written reprimand.
- D. The penalty range which will apply for the violation of a Class B order will include (but not limited to) any or all of the following:
1. Suspension from duty 1-15 work days without pay,
  2. Probation, or
  3. Written reprimand.
- E. The penalty range which will apply for the violation of a Class C order will include (but not limited to) any or all of the following:
1. Suspension from duty 1-5 work days without pay,
  2. Written reprimand, or
  3. Counseling.

### 12-2.8 General Complaints

- 2.9.1 Some complaints, whether initiated from within or from outside the department, will be substantiated and result in disciplinary action. Others will be false or unfounded. Each allegation of misconduct brought to the attention of the supervisory personnel will contain a "conclusion of fact."

**COPY**

## ADMINISTRATION

### [DISCIPLINARY ACTION]

General Order 12-2  
Page 12

#### 2.9.2 Conclusion of fact

The supervisory personnel will classify all hearings as follows.

- A. **Exonerated:** The incident complained of occurred; however, the actions of the employee were lawful and proper.
- B. **Sustained:** The allegation is supported by sufficient evidence to believe the incident complained of occurred and is in violation of Department policy or procedure.
- C. **Policy Failure:** The allegation is supported; but, the employee was in compliance with policy. Therefore the policy may need to be modified.
- D. **Not Sustained:** The hearing disclosed insufficient evidence to either support or disprove the allegation.
- E. **Unfounded:** The hearing disclosed that the alleged incident never occurred and therefore, is false.

#### 2.9.3 Appeals Hearings

- A. Appeals to punitive disciplinary actions will be processed through the Executive Board.
- B. Employees who wish to appeal punitive disciplinary action must formally request a review of Disciplinary Action by written letter.
- C. Employees must complete the request and submit same to the supervisor issuing the disciplinary action within five days after the effective date of the Notification of Disciplinary Action Form in order for the review to be conducted. Requests for review which are submitted after this time frame will not be considered.
- D. Employees may contest either the conclusion of fact on which the disciplinary action is based or the specific penalty which is prescribed.
- E. Each Division Commander will act as an voting member of the review board.

**COPY**



## ADMINISTRATION

### [DISCIPLINARY ACTION]

General Order 12-2  
Page 13

- F. The Operation Commander will act as a nonvoting chairman to conduct the Administrative Hearing. He/She shall have the authority to include other members of the department as voting members of the hearing.
- G. In case of a tie the deciding vote shall be determined by the Operation Commander.
- H. The employee and the supervisor will each have their opportunity to talk before the board.
- I. Once the board has made their decision, the Operation Commander will inform both parties and the Chief of Police of the recommendation based on the "Conclusion of Fact".
- J. The Chief of Police will make the final decision on the appeal.

#### 12-2.10 Records

The initial filing of all disciplinary action should be through the chain of command. This will ensure all necessary supervisory personnel are informed and

informal review process of the disciplinary matter has begun. The record section shall ensure proper dissemination of the documentation.

- A. All counseling sessions will be documented in writing on a Counseling Form.
  - 1. One copy will be given to the employee.
  - 2. One copy will remain with the issuing supervisor.
  - 3. One copy will be given to the Chief of Police. (Placed in the PIF)
- B. All remedial training requests and training documentation will be documented. Requests for remedial training shall be submitted on a Counseling Form. Therefore, filing will follow part A (above).
- C. All punitive disciplinary actions taken will be documented in writing on a Notification of Disciplinary Action (PF7).

COPY

## ADMINISTRATION

[COMPLAINTS]

General Order 12-3  
Page 11

### Appendix A

#### Employee's Rights: Internal Affairs Investigations.

- A. Employees may be ordered to submit a written response and/or submit to interrogation concerning alleged acts of misconduct. Employees will extend their total cooperation with officers who are investigating complaints of misconduct. Refusal to cooperate in an Internal Affairs investigation will constitute insubordination by the employee and subject the employee to disciplinary measures and/or dismissal.
- B. Immediately prior to any investigation, employees will be advised of the name and rank of the investigating officer and of any individual present during questioning, and the nature of the investigation.
- C. Interrogations should be conducted at the Cookeville Police Department. Interrogations should be conducted while the employee is on duty unless the allegation is of such a serious nature as to require immediate action. Employees summoned to an interrogation while off duty will be entitled to overtime pay.
- D. Interrogation will be reasonable in length with time afforded for adequate rest periods when requested by the employee.
- E. All interrogations should be tape recorded and subsequently reduced to writing. Employees may also use their own tape recording equipment.
- F. Employees who are witnesses or otherwise knowledgeable about other employees' misconduct may also be administratively compelled to submit a statement as to their knowledge, and may be compelled to submit to interrogation. Witness employees' refusal to comply will constitute insubordination and subject them to disciplinary action and /or dismissal.
- G. On occasion that a complaint at a Executive Committee Hearing is classified as showing no fault of the officer, the officer will have the right to file charges against the complainant for False Report. Employees may also council with their attorney concerning civil remedy against the complainant.
- H. No employee shall be required or requested to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his family or household, unless such information is necessary in investigating a possible conflict of interest with respect to the performance of his official duties, unless such disclosure is required by law, or unless such information is related to an investigation.

## ATTACHMENT X

JOB TITLE: Animal Control Officer

Job Desc Number: 6105

DEPARTMENT: Police

EXEMPT STATUS: Nonexempt

REPORTS TO: Captain/Uniform Svcs. Cmdr.

SAFETY SENSITIVE: Yes

PAY GRADE: 6

DATE APPROVED: 8/98

POSITION AUTHORITY: Nonsupervisory

### Job Summary

Employees in this class are under general supervision. Work performed in capturing and impounding unlicensed, strays and uncontrolled animals and investigating animal attacks.

Examples of work performed: receives complaints of animal attacks or other animal-related problems; interviews complainants, animal owners, and others to determine action to be taken; may or may not issue warning or citation as a result of investigation; captures animals using trapping devices; transports animals to the shelter by truck; appears in court to testify regarding citations issued; performs related work as required.

### Required Knowledge and Abilities

- Knowledge of city and state animal control ordinances and regulations
- Knowledge of city street locations and names
- Knowledge of animal-capture techniques
- Knowledge of effective interviewing techniques
- Ability to react quickly and calmly in emergency situations
- Ability to explain and interpret pertinent provisions of ordinances and regulations requiring effective oral and written communication skills
- Ability to operate assigned motor vehicle
- Ability to establish and maintain an effective working relationship with the public and other employees
- Ability to safely use rifles (dart or .22 LR) as needed in populated areas

### Qualifications

High school education or equivalent and a valid Tennessee driver's license are required. Experience in working with animals is preferred.

### Essential Functions

Frequently requires pushing and lifting heavy animals up to 100 lbs. after being captured. Large dogs and other domestic animals may have to be chased and captured. Therefore, requires good physical conditioning, strength, and agility.

# **MEMORANDUM** FROM Sgt. Bruce Lamb

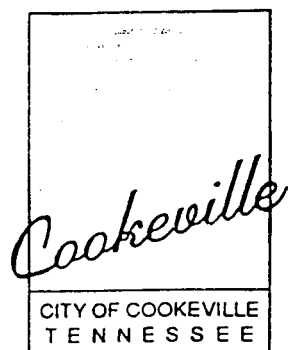
**DATE:** July 30, 1999  
**TO:** Complaint File  
**SUBJ:** Byers vs. Spurlock

---

Case Number 9907261422-44

I spoke to Jane Byers today on the phone to clear up some questions that I had about her complaint. Cruelty to animal charge stems from the incident on May 4, 1999, where Byers investigated a possible animal abuse case. She said that Ofc. Spurlock knew that the dog's neck was cut due to being put on a chain, but told the owner of the dog to either put the dog in a pen or chain it, with the threat of killing the dog if they didn't do one or the other. Since the owner could not afford to build a pen, the only choice they had would be to chain the dog to comply with the orders of Ofc. Spurlock. According to Byers, this constitutes cruelty because of his orders. Byers said that he should have given the owner other options instead of chaining the dog. Also, the incident on June 30, 1999, where Ofc. Spurlock brought in two kittens, one was shot and the other's spine had been severed (like someone had twisted it). She said that he brought them in but didn't give them any information about them. If he killed them, then that would constitute cruelty according to Byers. If he didn't kill them, then he failed to perform his duty because (1) he didn't give Shelter employees information on the kittens and (2) he didn't start an investigation on the obvious abuse.

The April 28 and the July 1, 1999, incidents involve Ofc. Spurlock not following up on rabies vaccination cases. Byers said that during this time, they would release animals to the owners with the promise that they would get them vaccinated. They would be required to bring back proof that they got the animal vaccinated. If proof wasn't brought back within a reasonable time, they would ask Ofc. Spurlock to check on it. On the one case, he says that he can't find them home and on the other, he has not given them any information back.



**COOKEVILLE POLICE DEPARTMENT**  
**CHIEF R. E. TERRY**  
**P.O. BOX 849, 10 EAST BROAD STREET**  
**COOKEVILLE, TN 38503-0849**  
**931-526-2125**  
**FAX 528-9368**

August 2, 1999

Jane Byers  
Animal Abuse Officer  
Putnam Co. Human Society  
2105 W. Jackson Street  
Cookeville, Tennessee 38501

Dear Ms Byers,

This is in reference to your complaint against Animal Control Officer Amos Spurlock. I am writing to inform you that I will not be able to complete my investigation and notify you of the results within the required ten day period. Our General Orders authorizes me to extend the investigation period as long as I have notified you in writing. The delay is due to the complexity of the complaint and other circumstances beyond my control. I will notify you of my decision in this matter as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Lamb".

Sgt. Bruce Lamb  
Afternoon Shift Supervisor

**COPY**

cc: Complaint File

**Bruce Lamb**

---

**To:** Nathan Honeycutt  
**Subject:** Citizen's Complaint

Byers vs Spurlock  
9907261422-44

8-2-99

This is to let you know that I can't complete my investigation within 10 days. I sent the complainant a letter advising that it will take more time to complete.

Bruce

WF

Byers vs Spurlock4.doc

8-10-99

my first question is if this happen on the first of April why wait until the first of August to complain. I do not remember talking to a Mr. Fulton I talked to some woman at this location. I did tell her K9s must be cained, chained or put in pen. Mrs. <sup>Byers</sup> States she saw the K9 in question, plus a K9 and a cat running at large in the back yard of the trailer. If they were in the yard of the owner they were not at large. The animal that I talked to the woman about was a small poodle type K9 black with long matted hair. She said she would get it tied.

On the 5th of April I gave people at Lot #12 a warning about K9s running loose.

On the 6th of April I picked up 3 K9s at the park. On March 30th I picked up 1 K9 running at large at the park.

On March 16th I gave the owners of the park a warning about 3 K9s at large.

On April 27th I gave a warning about a Collie dog at large.

The violation notice she shows does not have any violations marked on the middle part of the page and is not signed by me. How Mrs. Byers or Mr. Fulton got the notice I do not know.

8-10-99

As for the Trailer park NO longer Exist  
as a Trailer park I could not find Any of  
the people who were Involved. Some of the  
Trailers Have been Destroyed.

REC 8/10/99



8-10-99

ON JUNE 30 1999 I did Retrieve and Deliver  
3 10-7 Cats to the pound before it opened for  
Daily Business. All cats were 10-7 meaning they  
were Dead. According to Mrs Byers one Had been  
Shot in the Head, the other Just Dead. Had Mrs  
Byers understood the fact that 10-7 means Dead and  
Being obvious one was shot, the other being Run  
over by a Car City & County money could have  
been saved by Not having a Necopsy performed  
on the Animals. Dead is Dead. A Necopsh will Not  
Change this fact. Did it Really matter what Kind  
of Bullet was Used. As much fowding as the  
Animal Shelter Asks for and Always Needing more,  
The Time AND Expense of a Necopsy could be much  
Better spent in other ways. As for as the  
Bullet Being of 22 caliber there is no way  
that we can find who fired the Bullet  
as there Are Any Number of people in the  
City that own 22 caliber Rifles & pistols.

Amos E. Zwick

REC 8/15/29  
L 1

# COMPLAINT CARD REVIEW

Date: 04/05/99    Rec: 747    Arrive: 747    Response: 1  
 Disp: 747    Complete: 747    Total: 1

Compl #: 99-04-05-0747-07    Location: CHESTNUT VILLAGE  
 Zone: L-17    Address: 1515    FORD DR

Call Code: 102 ANIMAL CALL

Note: STRAY K-9/OWNER IS LOT 75

Note:

Note:

Complainant (last):

(first):

Address:

Phone: 615 525-3538

Unit: 684 Report?: N Tag/State  
 Back-up: 0 False?: N U.I.N.  
 Back-up: 0 Arrest?: N YR/MAX/MOD  
 Supv.: 610 911Call?: N COLOR/Hold?  
 OffDuty WRECKER  
 c258 c258 OWNER

VEH ONE  
 TN

VEH TWO  
 TN

0

0

N

N

CONTINUE (Y/P/N) ?? Y

# COMPLAINT CARD REVIEW

Date: 04/06/99 Rec: 1551 Arrive: 1557 Response: 6  
 Disp: 1551 Complete: 1609 Total: 18

Compl #: 99-04-06-1551-72 Location:  
 Zone: L17- Address: 1515 FORD DR

Call Code: 102 ANIMAL CALL  
 Note: HELP JANE SERVE CITATION  
 Note:  
 Note:

Complainant (last):		(first):	
Address:		Phone: 615 111-1111	
Unit: 619	Report?: N	UEH ONE	UEH TWO
Back-up: 0	False?: N	TN	TN
Back-up: 0	Arrest?: N	0	0
Supv.: 630	911Call?: N	N	N
OffDuty			
c265	c265	WRECKER	
		OWNER	
CONTINUE (Y/P/N) ?? Y			

**MEMORANDUM** FROM Sgt. Bruce Lamb

**DATE:** August 14, 1999  
**TO:** Complaint File  
**SUBJ:** Byers vs. Spurlock

---

Case Number 9907261422-44

Today, I spoke to David Daniels, who is the code enforcement officer for the city of Cookeville. He is the complainant that contacted Jane Byers about the abused dog at the Ford Trailer Park, lot 75. He said that the dog had a chain around its neck and it was secured to a dog house by a chain. He said that he stood about 3 feet from it and he could clearly see that it had a cut around its neck. He believed that the owner, Mr. Fulton, moved to Pickett County Tennessee.

I attempted to make contact with the new owner of the trailer park, Donnie Meadows, but he was not in. I did leave a message for him to see if he had a forwarding address or phone number for Fulton.

I located a complaint card that showed Ofc. Amos Spurlock answered a call to lot 75 on 4/5/99 and the complaint card that showed where Ofc. Ken Clement accompanied Byers to Ford Trailer Park (no lot number given) 4/6/99.

**MEMORANDUM** FROM Sgt. Bruce Lamb

**DATE:** August 16, 1999

**TO:** Complaint File

**SUBJ:** Byers vs. Spurlock

---

Today, I spoke to Terry Hrasok, the animal shelter manager. She states that Jane Byers has a dual purpose with the Humane Society. She was appointed by the Humane Society board to be the animal abuse officer and answers only to the board concerning those duties. She is also employed with the shelter and comes under the authority of Hrasok in the performance of her duties there.

Hrasok states that she has been there about a year. She said that she has told Ofc. Spurlock what information they needed, several times. She said that she has provided him with the form that they use when doing an intake on live animals. She said that the policy was enacted by the board and that some of the information needed is required by law. As to the vaccination cases they asked him to follow-up on, she said that those cases were the ones that he brought in himself.

(1)

In Regards to Rena Huddleston at 379 Whitson Ave. I have made several attempts to contact this lady. No one is ever at home when I have been at this house. I cannot write a ticket if I never see the lady or the dog. The pound messed up by releasing the dog in the first place. I feel as if I have done all I can to rectify the pound mistake due to my other duties.

(2)

As for the shepherd picked up on Spring St. I could not lift the dog inside the truck. So as a result having no cover I had to do the best I could. As to the collar on the dog if they know it was blue there should be no problem describing the dog. As to the mumbling and inaudible speech. For about 3-4 months by the middle of the day I cannot hear very good or speak good.

(3)

As to taking dogs to pound on Monday there has never been a problem taking them any days. Some time she ask me to wait for another day which I do.

4

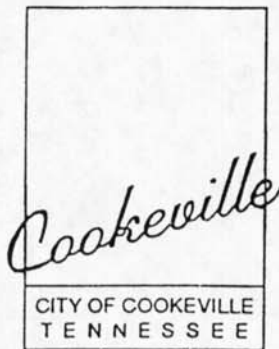
This has ~~been~~ been answered in other  
complaint. If I need to shoot a cat or K9  
I will do so.

5

These 2 checks should not have happen  
due to the pound releasing K9s without  
proof of Rabies shots. I did try to  
contact the people involved & could not  
do so.

Amos E. Szulock





COOKEVILLE POLICE DEPARTMENT  
CHIEF R. E. TERRY  
P.O. BOX 849, 10 EAST BROAD STREET  
COOKEVILLE, TN 38503-0849  
931-526-2125  
FAX 528-9368

August 26, 1999

COPY

Jane Byers  
Animal Abuse Officer  
Putnam Co. Human Society  
2105 W. Jackson Street  
Cookeville, Tennessee 38501

Dear Ms Byers,

I have concluded the investigation of one part of your complaint against Ofc. Amos Spurlock. You have charged that Ofc. Spurlock failed to perform his duty and was cruel to an animal. In this letter, I will present my decision on the charge of animal cruelty. Hopefully, by the end of next week, I will have a decision rendered on the other charge. In reference to the animal cruelty charge, you refer to two incidents:

1. He ordered a dog chained up that had a cut around its neck from the chain. This was on April 5<sup>th</sup> at the Ford Trailer Park
2. He brought a dead cat in that had been shot with a .22 cal. bullet. No information was provided shelter employees. Assumption was that he shot the cat. This was on June 30<sup>th</sup>.

As to the incident at Ford Trailer Park, Ofc. Spurlock did not contribute to animal cruelty by ordering the dog to be secured. Ofc. Spurlock remembers speaking to someone at lot 75 of the Ford Trailer Park about their dog running loose, but he doesn't remember seeing a dog with a cut around its neck. Even if he was aware of the injury and he told the owner to "chain" it, that would not necessarily mean that he expected the owner to actually put a chain around its neck. The dog's owner, Mr. Fulton, had the responsibility to care for his dog and also to keep it from running loose. It was up to Mr. Fulton to decide how his dog would be secured. Responsibility for disobeying the law relating to animal cruelty rests totally with Mr. Fulton.

In reference to the incident where the cat had been shot with a .22 caliber bullet, Ofc. Spurlock could not remember if he had found the cat in that condition or if he had shot and killed it. If he did shoot the cat to death, that, intrinsically, would not constitute animal cruelty. Many times, Ofc. Spurlock is not able to catch stray animals. If the animal is a nuisance or dangerous and can't be caught, then his only recourse is to shoot the animal.

The charge of animal cruelty against Ofc. Spurlock is without merit. Conclusion of fact: **UNFOUNDED.**

Sincerely,

*Bruce Lamb*  
Sgt. Bruce Lamb  
Afternoon Shift Supervisor

cc: Complaint File  
Ofc. Amos Spurlock  
Capt. J. T. Bennett, Patrol Division Commander  
Capt. Nathan Honeycutt, Administration Division Commander



# MEMORANDUM FROM Sgt. Bruce Lamb

**DATE:** September 2, 1999  
**TO:** Captain Jefferson T. Bennett, Patrol Division Commander  
**SUBJ:** Recommendation on Spurlock Complaint

---

Byers vs. Spurlock 99 07 26 1422 44

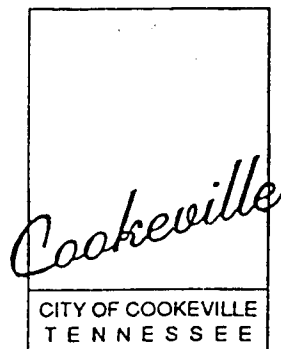
As you know, I have been investigating a complaint against Ofc. Amos Spurlock. The animal abuse officer of the Humane Society and also an employee of the animal shelter, Jane Byers, has charged that Ofc. Spurlock failed to perform his duty by not supplying needed and wanted information to the shelter employees. By his own admission, Ofc. Spurlock states that he doesn't provide data sometimes because of the following reasons:

- Persons unknown leave animals in his truck. He doesn't know where the animals come from in this instance and, therefore, can't provide the data to the shelter. This would be something beyond his control. However, if officers of the Cookeville Police Department are the ones putting the animals in his truck, then they could be instructed to leave him a note with the needed information.
- He forgets where he got the animal. This is an inexcusable reason, for all he would have to do is write the information down on a notepad when he picks up the animal.
- His speech is inaudible sometimes. This is another inexcusable reason. He should be able to communicate effectively with any member of the community.

I believe that all employees of the Cookeville Police Department should cooperate as much as possible with other agencies, especially, organizations such as the animal shelter that we work with on a daily basis. If the shelter employees ask for certain data, then, unless it is illegal, against department policy or unreasonable, it should be given. For example, if they ask Ofc. Spurlock to tell them the sex of the animal that he brings in, I believe that would be unnecessary because they can determine that themselves. However, if they ask where the animal was picked up, then that is not unreasonable and it should be provided them.

I recommend that Ofc. Spurlock be counseled and instructed to work with the shelter employees in a more cooperative spirit.

COPY



**COOKEVILLE POLICE DEPARTMENT**  
**CHIEF R. E. TERRY**  
P.O. BOX 849, 10 EAST BROAD STREET  
COOKEVILLE, TN 38503-0849  
931-526-2125  
FAX 528-9368

September 2, 1999

Jane Byers  
Animal Abuse Officer  
Putnam Co. Human Society  
2105 W. Jackson Street  
Cookeville, Tennessee 38501

**COPY**

Dear Ms Byers,

I have completed my investigation of the complaint that you have brought against Ofc. Amos Spurlock. You charged that Ofc. Spurlock was cruel to an animal and that he failed to perform his duties. Last week I sent notice of my judgment on the animal cruelty charge. This letter will address my decision concerning Ofc. Spurlock neglecting his duties.

From your statements concerning this charge, you cite two reasons that Ofc. Spurlock failed to perform his duty:

1. He failed to follow-up your request for verification of vaccination of dogs that he brought to the shelter which was subsequently released back to the owner.
2. He refused to give information, in whole or part, to shelter employees concerning animals, dead or alive, that he brought in.

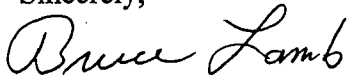
Regarding his failure to follow-up on the vaccination cases, it is his duty to investigate when complaints are received in reference to a dog not being vaccinated. Ofc. Spurlock said that he tried to locate these people, but could not find them at home. Since he had difficulty finding the parties at home during his tour of duty, he should have passed the information on to the supervisor on the afternoon shift. They may have had a greater probability of locating the persons on their shift. Because of the length of time that has elapsed from the first request to the time the complaint was filed, Ofc. Spurlock should have made more progress. While I agree that he failed his duty in this situation, I can't render a culpable judgment in this instance due to the fact that the shelter, who released the dogs without proof of vaccination, created a situation that should have never occurred. To release the dogs with a promise from the owners to have it vaccinated and then bring

in proof of such vaccination, was defective. The implementation of the new policy by the shelter (showing proof that the vaccination cost was paid before the dog is released), would indicate the inadequacy of the former policy.

As to not providing information to the shelter personnel; When working with other agencies, all employees of the Cookeville Police Department should cooperate and assist in providing requested information, as long as it is not illegal, against department policy or unreasonable. Ofc. Spurlock states that he provides the requested information most of the time. There are times when he doesn't remember where he picked up an animal, thus, he can't provide the information asked for. Also, he admits that sometimes, when communicating with the shelter employees, he speaks to the point where he is inaudible. Therefore, I find that the evidence is sufficient to indicate that Ofc. Spurlock failed his duty as to this part of the complaint.

I have recommended to Captain Jefferson T. Bennett, Jr. that he should be counseled about his communication problems with the shelter employees. Conclusion of fact: **SUSTAINED.**

Sincerely,



Sgt. Bruce Lamb  
Afternoon Shift Supervisor

COPY

cc: Complaint File  
Ofc. Amos Spurlock  
Capt. Jefferson T. Bennett, Patrol Division Commander  
Capt. Nathan Honeycutt, Administration Division Commander



**COOKEVILLE POLICE DEPARTMENT**

**CHIEF R. E. TERRY**

**P.O. BOX 849, 10 EAST BROAD STREET**

**COOKEVILLE, TN 38503-0849**

**931-526-2125**

**FAX 528-9368**

September 2, 1999

Jane Byers  
Animal Abuse Officer  
Putnam Co. Human Society  
2105 W. Jackson Street  
Cookeville, Tennessee 38501

Dear Ms Byers,

I have completed my investigation of the complaint that you have brought against Ofc. Amos Spurlock. You charged that Ofc. Spurlock was cruel to an animal and that he failed to perform his duties. Last week I sent notice of my judgment on the animal cruelty charge. This letter will address my decision concerning Ofc. Spurlock neglecting his duties.

From your statements concerning this charge, you cite two reasons that Ofc. Spurlock failed to perform his duty:

1. He failed to follow-up your request for verification of vaccination of dogs that he brought to the shelter which was subsequently released back to the owner.
2. He refused to give information, in whole or part, to shelter employees concerning animals, dead or alive, that he brought in.

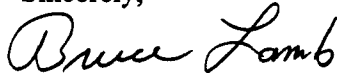
Regarding his failure to follow-up on the vaccination cases, it is his duty to investigate when complaints are received in reference to a dog not being vaccinated. Ofc. Spurlock said that he tried to locate these people, but could not find them at home. Since he had difficulty finding the parties at home during his tour of duty, he should have passed the information on to the supervisor on the afternoon shift. They may have had a greater probability of locating the persons on their shift. Because of the length of time that has elapsed from the first request to the time the complaint was filed, Ofc. Spurlock should have made more progress. While I agree that he failed his duty in this situation, I can't render a culpable judgment in this instance due to the fact that the shelter, who released the dogs without proof of vaccination, created a situation that should have never occurred. To release the dogs with a promise from the owners to have it vaccinated and then bring

in proof of such vaccination, was defective. The implementation of the new policy by the shelter (showing proof that the vaccination cost was paid before the dog is released), would indicate the inadequacy of the former policy.

As to not providing information to the shelter personnel; When working with other agencies, all employees of the Cookeville Police Department should cooperate and assist in providing requested information, as long as it is not illegal, against department policy or unreasonable. Ofc. Spurlock states that he provides the requested information most of the time. There are times when he doesn't remember where he picked up an animal, thus, he can't provide the information asked for. Also, he admits that sometimes, when communicating with the shelter employees, he speaks to the point where he is inaudible. Therefore, I find that the evidence is sufficient to indicate that Ofc. Spurlock failed his duty as to this part of the complaint.

I have recommended to Captain Jefferson T. Bennett, Jr. that he should be counseled about his communication problems with the shelter employees. Conclusion of fact: **SUSTAINED.**

Sincerely,



Sgt. Bruce Lamb  
Afternoon Shift Supervisor

cc: Complaint File  
Ofc. Amos Spurlock  
Capt. Jefferson T. Bennett, Patrol Division Commander  
Capt. Nathan Honeycutt, Administration Division Commander