

SPECIAL CALLED CIVIL SERVICE BOARD MEETING

MARCH 3, 2015

A special called meeting of the Clayton County Civil Service Board was held on Tuesday, March 3, 2015, in the Commissioners' Board Room.

Members present: Larry Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Dr. Cephus Jackson, Member
 Virginia Phillips-Hall, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and staff; Civil Service Board Attorney Joe Harris; County Attorney Pamela Everett; County Attorney Michelle Youngblood; Police Department Legal Advisor Kenneth Green; Police Chief Gregory Porter; Michael Brayton; Benjamin Hernandez; Richard Meehan; Attorney Keith Martin; Terry Jerome Lee; Richard Meehan; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:12 a.m., and noted for the record that all Board members were present.

1. **Appeal** – Considered appeal filed by Michael Brayton, Police Department, on January 18, 2012, with regards to: Termination.
 Appeal – Considered appeal filed by Benjamin Hernandez, Police Department, on January 18, 2012, with regards to: Termination.
 Appeal – Considered appeal filed by Richard Meehan, Police Department, on January 18, 2012, with regards to: Termination.
 - a. Chairman Bartlett stated there were housekeeping issues prior to the start of the meeting. (1) Need to establish timeframes and that if needed, the Board would meet more than three days to complete this hearing. After a brief discussion, County Attorney Michelle Youngblood and Attorney Keith Martin agreed to take a maximum of 4.5 hours per side and (2) Scheduling – there are two board members who needed to be out by 1 p.m., on Thursday, March 5, 2015, and Chairman Bartlett had a funeral on Wednesday, March 4, 2015 (would need to recess at 12:15 p.m. and return by 2:30 p.m.). After a brief discussion, it was agreed to take an extended lunch break on March 4, 2015 (12:15 p.m. – 2:30 p.m.) and to end the hearing at 1:00 p.m., on Thursday, March 5, 2015. If needed, the Board would extend the hearing either this week or next week to complete.

- b. Chairman Bartlett stated that the witnesses would be sworn in and that each side should make sure they refer to each Appellant by their name.
- c. Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- d. A brief discussion occurred among the Board, Attorney Youngblood and Attorney Martin regarding everyone's availability on Friday, March 6, 2015 or Monday of next week.
- e. A discussion began concerning the County's objection to Appellants Exhibit 15, but turned to the receipt of the Appellants' witness list. Attorney Youngblood objected and explained that Attorney Martin did not provide the Appellants' witness list by the deadline and explained in detail. Attorney Martin responded to Attorney Youngblood's objection.
- f. Board member, Mark Trimble stated that in all fairness he was compelled to allow all witnesses. Board member, Dr. Cephus Jackson concurred.
- g. Chairman Bartlett called for a motion to over-rule the County's objection to allowing Appellants' witness list. Mr. Trimble made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- h. Chairman Bartlett stated the Board would entertain the County's motion regarding Appellants Exhibit 15 after the witnesses were sworn in.
- i. Chairman Bartlett had all witnesses present to stand and say their name so that Vice-Chair Lancaster could check off all names on list. The list of witnesses who were present: Major Kevin Roberts, Major Johnny Robinson, Officer Kenneth Cameron, Sgt. Larry Arnold, Sgt. David Ricks, Officer Michael Roberts, Sgt. Robert Warner; Sgt. Renee Ferachi; Michael Brayton, Benjamin Hernandez, Richard Meehan, Capt. Craig Hammer, Eddie Rivera; Major Alan Parker and Police Chief Gregory Porter.
- j. Civil Service Board Attorney Joe Harris swore in all witnesses present.
- k. Attorney Martin requested an order of sequestration. Chairman Bartlett advised the witnesses not to discuss testimony with anyone and asked Attorney Youngblood to place her witnesses "on call", if they were not needed right away. Chairman Bartlett dismissed the witnesses to the lobby.
- l. Chairman Bartlett entertained the County's objection to Appellants Exhibit 15 (the Board had no idea what it was – had not been given a copy).
- m. A discussion among the Board, Attorney Youngblood and Attorney Martin occurred.

- n. Vice-Chair Lancaster made the motion to allow Appellants Exhibit 15, second by Mr. Trimble. Discussion on the motion made: Chairman Bartlett stated the Board would disregard any markings on the exhibit. No further discussion on the motion made. Motion carried by unanimous vote. (Note: Appellants Exhibit 15 was handed out to all parties and placed in the Witness Stand Exhibit binder).
- o. Attorney Martin asked to receive contact information for witnesses who were "on call". Civil Service Board Secretary, Renee Bright, collected this information from the witnesses.
- p. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- q. Chairman Bartlett called the meeting back to order.
- r. Chairman Bartlett advised that in his career he supervised the Night Hawk Unit along with Joe Reynolds and explained. He asked if an order of recusal was needed. Neither side had any objections to Chairman Bartlett remaining.
- s. Chairman Bartlett advised that Mr. Trimble would be the timekeeper and at any time either side could receive a time check.
- t. Attorney Youngblood gave the County's opening statement. Attorney Martin gave the Appellants' opening statement.
- u. Attorney Youngblood called Sgt. Renee Ferachi to the witness stand. She stated her name, where employed, position, tenure in position, 2011 position and where currently assigned. Attorney Youngblood began questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned Exhibit 1 pages 110-113, 115, 116, 117. Sgt. Ferachi stated she did not prepare page 114.
- v. Attorney Youngblood continued questioning Sgt. Ferachi. Attorney Martin objected to hearsay coming in as Duane Hiers was not here and stated he was not coming and explained in detail. Attorney Youngblood responded to Attorney Martin's objection. A discussion occurred between the Board members. Chairman Bartlett made the motion to over-rule Attorney Martin's objection, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote. Attorney Keith Martin renewed his objection for "matter of record".
- w. Attorney Youngblood continued questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned Exhibit 1 pages 130, 120-123, 125-129, 127, 128, 129, 202, 205-247, 248-251, 252-254, 326-398, 399-410, 317-320, 321, 322-234, 325, 536-537, 535, 538, 539, 540, 459, 460, 461, 462, 463, 464, 466, 467, 157 and 158-197.

- x. Attorney Youngblood continued questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Youngblood. Attorney Martin objected as the witness could not “opined the credibility of a person”. Chairman Bartlett sustained the objection. Attorney Youngblood responded and explained. Attorney Martin renewed his objection and stated the witness could not testify to the credibility of a person. Chairman Bartlett asked Attorney Youngblood to continue or rephrase the question. Attorney Youngblood rephrased the question.
- y. Attorney Youngblood continued questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned Exhibit 1 pages 60, 66-79, 83, 44-47 and 48-59.
- z. Attorney Martin cross-examined Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Exhibit 1 pages 120 and 122.
- aa. Attorney Martin continued the cross-examination of Sgt. Ferachi. Attorney Youngblood objected to a question posed by Attorney Martin. Attorney Martin withdrew the question.
- bb. Attorney Martin continued the cross-examination of Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Appellants Exhibit 15.
- cc. Attorney Martin continued the cross-examination of Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Exhibit 1 pages 538, 462 and 130.
- dd. The Board questioned Sgt. Ferachi. She responded in detail to all questions posed by the Board. Attorney Martin addressed the Board (his statement was not acknowledged by the Board). County Attorney Pamela Everett objected to Attorney Martin directing the Board. The Board did not acknowledge Ms. Everett’s objection either.
- ee. There being no further questions, the witness was dismissed (subject to rebuttal) and was retained - placed “on call).
- ff. Chairman Bartlett called for a motion for a lunch break until 1:30 p.m. Mr. Trimble made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
- gg. Chairman Bartlett called the meeting back to order.
- hh. Attorney Everett called Capt. Craig Hammer to the witness stand. He stated his name, where employed and duties. Attorney Youngblood began questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Youngblood. (Note: A point in his testimony Attorney Everett gave

Capt. Hammer two flex cuffs that were inside a brown envelope and questioned him regarding the flex cuffs).

- ii. Attorney Everett continued questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned Exhibit 1 pages 36 and 255.
- jj. Attorney Martin cross-examined Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned the Index of Exhibits and Exhibit 3 and asked Capt. Hammer to read verbatim from it.
- kk. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Everett objected as Attorney Martin was "arraigning" the witness. Chairman Bartlett over-ruled the objection and asked Attorney Martin to allow the witness to finish his answer then he could pose another.
- ll. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question posed as "asked and answered". Chairman Bartlett over-ruled the objection and explained.
- mm. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question posed as "asked and answered". Chairman Bartlett over-ruled the objection and stated the witness was not answering Attorney Martin's question.
- nn. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question posed as "assuming facts not in evidence". Chairman Bartlett sustained the objection.
- oo. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Appellants Exhibit 15.
- pp. Attorney Martin continued the cross-examination of Capt. Hammer. Attorney Martin asked Chairman Bartlett to direct the witness to respond to his question and to add a minute to his time until he answers. Attorney Everett objected to a minute being added back to his time. Chairman Bartlett stated the witness answered but added things not relevant and no time would be added.
- qq. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Exhibit 1 pages 487, 488, 484-485 and Exhibit 7 page E1-7 #7.

- rr. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to the "form of the question" and explained. Chairman Bartlett over-ruled the objection.
- ss. Attorney Martin continued the cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Attorney Martin.
- tt. The Board questioned Capt. Hammer. He responded in detail to all questions posed by the Board.
- uu. There being no further questions, the witness was dismissed (subject to rebuttal) and was retained - placed "on call".
- vv. Chairman Bartlett called for a short break. Vice-Chair Lancaster made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- ww. Chairman Bartlett called the meeting back to order.
- xx. Attorney Youngblood called Major Alan Parker to the witness stand. He stated his name, history of background and educational background.
- yy. Attorney Everett began questioning Major Parker. Major Parker responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned Exhibit 1 pages 115, 125 and 126. Attorney Martin asked Attorney Everett to identify what Police Chief Gregory Porter was holding up. Attorney Everett stated she would identify and lay a foundation.
- zz. Attorney Everett continued questioning Major Parker. Major Parker responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned Exhibit 1 pages 533, 534, 493, 477, 478, 479, 480, 482, 483, 491, 470, 471, 504-506, 495, 498, 499, 501, 258, 265, 271, 457, 544-548b and 36.
- aaa. Attorney Everett continued questioning Major Parker. Major Parker responded in detail to all questions posed by Attorney Everett.
- bbb. Attorney Martin cross-examined Major Parker. Major Parker responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Exhibit 1 pages 62, 248, 263, 325, 418, 533F, 506, 326, 205 and 276.
- ccc. Attorney Martin continued the cross-examination of Major Parker. Major Parker responded in detail to all questions posed by Attorney Martin.
- ddd. The Board did not have any questions for Major Parker.
- eee. There being no further questions, the witness was dismissed (subject to rebuttal) and was retained - placed "on call", by Attorney Martin.

- fff. Attorney Youngblood advised Major Parker was not on Appellants' witness list. Attorney Martin responded that he stated "any witnesses of County" was to be on Appellants' list as well.
- ggg. Police Legal Advisor Kenneth Green asked to approach the bench. He was allowed. A discussion among the Board, Mr. Green, Attorneys Martin, Everett and Youngblood occurred.
- hhh. Chairman Bartlett stated that everyone should be back tomorrow by 9:30 a.m., on Wednesday, March 4, 2015.
- iii. Mr. Trimble gave both sides a time check as follows: The County had used 2:24:03 and the Appellants had used 2:06:59.

Chairman Bartlett stated that all matters have been concluded for the day and called for a motion to adjourn (recess until 9:30 a.m., on March 4, 2015) this meeting. Mr. Trimble made the motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.


LARRY A BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR