

Paris City Commission
Commission Chambers
Paris, Kentucky
February 22, 2016

The Paris City Commission met in a special session at 9:00 a.m. Monday, February 22, 2016. Mayor Michael Thornton called the meeting to order.

Council for the City of Paris:
Patsey E. Jacobs and Bryan H. Beauman with Sturgill, Turner, Barker & Moloney, PLLC

Counsel for the Police Officers:
Luke Morgan and Daniel E. Whitley, Senior with McBrayer, McGinnis, Leslie & Kirkland, PLLC

Council for the City:
Robert Temple Juett with Law Office of Robert Temple Juett

Also Present:
Commissioner Matt Perraut, Commissioner Tim Gray, Commissioner Wallis Brooks, Commissioner Stan Galbraith, City Manager John Plummer, Police Chief Robert A. Williams, Kevin Anderson, Abdullah Bholat, John L. Humphries, Robert Puckett, J.P. Primm

City Manager John Plummer determined a quorum was present for the transaction of business at 9:01 a.m. on February 22nd, 2016. Thornton proceeded to conduct the meeting.

Motion by Commissioner Brooks, seconded by Commissioner Gray to adjourn the meeting at 4:54 p.m. on February 22, 2016 the motion carried 5-0 with Mayor, Thornton, Commissioners Perraut, Gray, Brooks, and Galbraith voting Aye.

Mayor

Attest:

City Clerk/Treasurer

Documented by: Rebecca Fella Registered Professional Reporter
Prepared by: Stephanie Settles

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APPEARANCES

**COUNSEL FOR THE CITY OF PARIS AND POLICE CHIEF
ROBERT WILLIAMS:**

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ALSO PRESENT: Michael E. Thornton, Mayor
Wallis Brooks, Commissioner
Tim Gray, Commissioner
Stan Galbraith, Commissioner
Matt Perraut, Commissioner
John Plummer, City Manager
Rob Williams, Police Chief
Kevin Anderson
Abdullah Bholat
Jon L. Humphries
Robert Puckett
J.P. Primm

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1 MAYOR THORNTON: We'll call this
2 hearing to order. John, if you'd do the roll call,
3 please, sir.

4 MR. PLUMMER: Yes, sir. Mr. Perraut?

5 COMMISSIONER PERRAUT: Here.

6 MR. PLUMMER: Mr. Gray?

7 COMMISSIONER GRAY: Here.

8 MR. PLUMMER: Mr. Brooks?

9 COMMISSIONER BROOKS: Here.

10 MR. PLUMMER: Mr. Galbraith?

11 COMMISSIONER GALBRAITH: Here.

12 MR. PLUMMER: And Mayor Thornton?

13 MAYOR THORNTON: Here.

14 MR. PLUMMER: You have a quorum, ready
15 to conduct business. It is 9:01.

16 MAYOR THORNTON: All right. Before we
17 start, Attorney Beauman, yesterday we received an email
18 at 2:17 addressing questions concerning this hearing.
19 Would you please address those since you were copied on
20 that email as well?

21 MR. BEAUMAN: Yeah, sure. I'll be
22 glad to. Yeah, you're right, we -- it looks like the
23 commissioners and myself, Mr. Morgan, the three TV
24 stations and the citizen -- although I think the
25 citizen's email was wrong -- the email address was

1 wrong -- we got an email yesterday about 2:15 asking for
2 a change of venue.

3 First of all, there's no way you guys
4 could lawfully, on a Sunday afternoon, decide to move
5 this meeting that's scheduled for Monday morning.

6 But in terms of the practical effect
7 of why we are here and to respond to these -- some of
8 our citizens' requests that we move this to a different
9 room or a different building, just as a real practical
10 issue, a lot of the proof that you're going to hear
11 today from Chief Williams is going to be on video, and
12 so you guys are going to need to see the video.

13 That was not feasible to do down at
14 the circuit courtroom. In a sense, we're tethered to
15 the building. As you can see, the computer here is
16 wired up. It has access to our system here.

17 There's just no way that that could be
18 done in any mechanism that was possible and feasible to
19 the City to move that down to that circuit court
20 courtroom, so what we have done is taken a few -- what I
21 think are probably extraordinary -- measures so that the
22 public could see this.

23 As you know, the monitor that you guys
24 frequently look at is tilted out to the audience. Since
25 we have glass doors to this room, that's very helpful so

1 that everyone in the hallway can see through those glass
2 doors and they can see the video.

3 Mr. Jacobs this morning has also
4 secured two additional speakers. They are out in the
5 hallway. One is just outside the door; one is down by
6 the Coke machine. I know we have a few people in the
7 hallway, and I hope they can hear me.

8 So one thing we all need to be mindful
9 of is when we're speaking, make sure we're in the
10 microphones. We all have a habit during the City
11 Commission meetings to speak about like this, so we
12 don't need to do that today and make sure everybody is
13 in the microphone.

14 I'm sure the court reporter at times
15 may not be able to hear us as well, and as court
16 reporters do, they frequently tell us lawyers we need to
17 speak up, speak slower, annunciate a little better, so
18 the court reporter is, of course, free to do that if she
19 can't hear anything today.

20 But even more importantly --
21 Lieutenant Thomas, if you will raise your hand -- for
22 anyone who doesn't know, this is Lieutenant Myron
23 Thomas. For lack of a better term, he's serving as a
24 bailiff today.

25 If anyone cannot hear -- and this

1 means right now -- if you cannot hear, let Lieutenant
2 Thomas know, and we will address that.

3 If you can't hear and you don't tell
4 us now, there's no way that we can work to address that
5 during the hearing.

6 So Lieutenant Thomas, can you tell how
7 many people we have in the hallway?

8 LIEUTENANT THOMAS: Fifteen.

9 MR. BEAUMAN: Fifteen people in the
10 hallway, plus the room here, so we'll let the hearing
11 transcript reflect that.

12 If the 15 people in the hallway cannot
13 hear or cannot see the videos through the glass door,
14 please let Lieutenant Thomas know so that the Mayor can
15 address that. Anything else?

16 MAYOR THORNTON: No, sir. Thank you.

17 All right. We are here today for the
18 purpose of conducting a disciplinary hearing involving
19 police officers pursuant to KRS 15.520, paragraph 7(k).

20 The police officers have the right to
21 request of a hearing authority in writing -- written --
22 at least three days prior to the hearing that the
23 hearing be open to the public.

24 Mr. Morgan, you are the attorney for
25 the police officers. It is my understanding that the

1 police officers in question have properly requested in
2 writing that this hearing be open to the public. Is
3 that still the case?

4 MR. MORGAN: Yes, Mr. Mayor.

5 MAYOR THORNTON: And are the officers
6 agreeable to proceeding with this hearing having the
7 charges against them tried jointly?

8 MR. MORGAN: Yes, Mr. Mayor.

9 MAYOR THORNTON: Thank you,
10 Mr. Morgan. I will now read a brief introduction to
11 today's proceedings for the benefit of all concerned.

12 We are here today by authority of
13 KRS 15.520, which is the Kentucky Revised Statute often
14 referred to as the police officer's Bill of Rights,
15 which sets forth standards to deal fairly and to set
16 administrative due process rights in certain
17 disciplinary matters concerning police officers.

18 As the result of an internal
19 investigation initiated by Chief Rob Williams,
20 Lieutenant Robert Puckett, Officers Kevin Anderson,
21 Abdullah Bholat, Jon Luke Humphries and J.P. Primm have
22 been charged with multiple violations of law enforcement
23 procedures found in the police department's standard
24 operating procedures, often called SOP.

25 And in summary form these charges are

1 as follows: Paris Police policy 100.060, 11.04, conduct
2 unbecoming; 11.16, failure to conform to rules and
3 regulations; 11.17, insubordination; 11.18,
4 inefficiencies; 11.26, dereliction of duty; and 11.27,
5 honesty.

6 Lieutenant Puckett and Officers
7 Humphries and Anderson have also been charged with
8 violations of Paris Police policy 100.60, Section 11.47,
9 the failure to properly enforce the rules of conduct as
10 a ranking officer.

11 Lieutenant Puckett has further been
12 charged with violation of City of Paris personnel
13 policies and procedures for inefficiency, horseplay on
14 City premises at any time, discourtesy to the public or
15 fellow employees, on-duty or off-duty activities that
16 discredit the City or the individual as a City employee,
17 or cause of inefficiencies in performing assigned
18 duties.

19 The hearing today shall be confined to
20 matters relevant to whether there is substantial
21 evidence to prove these charges presented. In the event
22 either party strays from the charges presented, I will
23 intervene and move the proceeding along.

24 This is an administrative-type hearing
25 and not intended to be a court of law; therefore,

1 technical Rules of Evidence, such as the concept of
2 hearsay and the requirement that evidentiary foundations
3 be laid prior to introduction of evidence, shall not
4 apply, and neither I, nor Mr. Temple Juett as my legal
5 advisor, will be making any evidentiary rulings like a
6 judge would during a trial; however, we shall follow a
7 logical procedure to ensure that each of the officers
8 have an opportunity to be heard relative to the charges.

9 The hearing shall proceed as follows:
10 In just a moment counsel for each party shall have the
11 opportunity to present a brief opening statement --
12 hopefully limited to no longer than 15 minutes.

13 After opening statements the Police
14 Department, through counsel, shall present its case in
15 support of the charges, and the officers, through their
16 counsel, may cross examine any of the Police
17 Department's witnesses.

18 I, or any of the City Commissioners,
19 may ask questions of the witnesses to clarify any issues
20 that we may have.

21 At the conclusion of the Police
22 Department's proof, the officers, through counsel, shall
23 present their case in opposition to the charges, and the
24 Police Department, through counsel, may cross examine
25 any of the officers' witnesses.

1 Again, I or any of the Commissioners
2 may ask questions to the witnesses to clarify any issues
3 that we may have.

4 At the conclusion of all proof I shall
5 allow each party to present a brief closing argument --
6 again, hopefully no longer than ten minutes.

7 To members of the public who are here
8 today, today is a special meeting of the Paris Board of
9 Commissioners to conduct a hearing under the terms of
10 KRS 15.520.

11 While witnesses may be called by the
12 parties, the statute does not call or allow for public
13 comments in these proceedings like we have traditionally
14 permitted at our regular City Council meetings. The
15 public is only here to listen today.

16 As the hearing authority, it is the
17 job of the Board of Commissioners to determine whether
18 there is substantial evidence to prove these charges and
19 determine what, if any, disciplinary action shall be
20 taken if substantial evidence does exist.

21 By law, at the conclusion of this
22 hearing we will take the matter under submission and
23 issue written findings and a final order outlining the
24 decision. The police officer's Bill of Rights does not
25 establish a time frame for issuing those written

1 findings and a final order.

2 Finally, I will point out that this
3 proceeding is being recorded by various means, including
4 by means of a court reporter to protect the record, so I
5 ask everyone participating to speak clearly into the
6 microphone.

7 For those of you not participating we
8 ask that you remain quiet during these proceedings. Any
9 unruly behavior will result in that person being asked
10 to leave the premises.

11 Are there any questions at this time?

12 MR. BEAUMAN: Would you remind
13 everyone to silence their phones?

14 MAYOR THORNTON: And I will make a
15 reminder too, if everybody that has a cell phone or any
16 other type of device that would create a distraction to
17 please turn those off.

18 I will ask that any persons expecting
19 to testify, other than Chief Williams and the officers
20 charged, remain outside the Commission Chambers until
21 called as a witness.

22 This separation of witnesses is a
23 process followed by the courts in our country, and we
24 will do the same here today.

25 Is the Police Department ready?

1 MS. JACOBS: Yes, we are, Your Honor.
2 Thank you.

3 MAYOR THORNTON: Are the officers
4 ready?

5 MR. MORGAN: Yes, Mr. Mayor. If I
6 may, though, I have a couple of preliminary things I'd
7 like to put on the record. When you tell me to do so I
8 will. Okay?

9 MAYOR THORNTON: That's fine.

10 MR. JUETT: That's fine.

11 MR. MORGAN: Go ahead?

12 MAYOR THORNTON: Yes, sir.

13 MR. MORGAN: All right. Thank you.
14 Mr. Mayor, members of the Commission, I do want to make
15 sure that we preserve here for the record the officers'
16 objection to the presence of the City Attorney and the
17 law firm for which the City Attorney works, which is
18 acting both as the Commission's counsel as well as the
19 prosecutor in this matter.

20 There is no separation between them.
21 They both are employed by the same law firm. This is
22 not a comment on those individuals or their law firm;
23 it's rather the appearance of having counsel for the
24 City also being the prosecutor for the City against
25 these officers.

1 The other matter is, as it pertains to
2 the structure of this hearing -- and I understand the
3 Mayor's instruction on the separation of witnesses --
4 that is a rule of court, and we're abiding by that --
5 and if there's anybody in here who has been -- who
6 thinks that they may be testifying later in this case, I
7 ask -- remind them or reiterate what the Mayor said,
8 please leave now.

9 But that's about the only structure we
10 have. We don't know if this is governed by KRS 13(b),
11 the administrative hearing process. This is an ad hoc
12 procedure, and I just want to make sure that we preserve
13 our issues right now for the record on any objections,
14 as this may affect these officers' due process rights.
15 Thank you.

16 MR. BEAUMAN: Can I respond?

17 MAYOR THORNTON: Yes.

18 MR. BEAUMAN: Let me just briefly
19 respond to that.

20 First of all, as the Commission knows,
21 we have -- our firm is, under the ordinance, required to
22 present the charges on behalf of whoever brings them.
23 In this situation it's the Chief of Police.

24 That's specifically why Mr. Juett has
25 been retained by the City, to act as the legal advisor

1 to the Mayor and the City Commission, so that alleviates
2 and addresses that issue.

3 As far as the witnesses -- and if you
4 wouldn't mind, Lieutenant Thomas -- there is a
5 conference room right outside Mr. Plummer's office --
6 it's probably more comfortable seating than what is in
7 this room, they're nice cushioned chairs -- so if you
8 wouldn't mind, any witnesses, they can sit in that
9 conference room outside Mr. Plummer's office.

10 And finally -- and Mr. Juett can
11 address this if he needs to -- but this is governed
12 under 15.520, and I think the Rules of Procedure are
13 pretty clear.

14 MAYOR THORNTON: Thank you both for
15 your comments.

16 MR. MORGAN: I'm sorry, Mr. Mayor, one
17 other thing, if I may.

18 MAYOR THORNTON: Yes, sir.

19 MR. MORGAN: I appreciate it. And
20 again, this is a matter just to preserve the issues
21 here.

22 The Paris Police Department's own
23 policy and procedures at Section 9 talks about how these
24 are to be brought, and 9.02 says, after written charges
25 are preferred by any person and filed with the

1 Circuit -- I'm sorry; the City Clerk and the Mayor
2 determines that probable cause exists, a hearing shall
3 be held in accordance with KRS 15.520.

4 We have no information here, no
5 evidence that -- and no signature of either the Mayor or
6 the City Clerk on any of these charges which have been
7 brought against these officers.

8 Obviously they are under notice --
9 we're here -- but this does not comport with or comply
10 with Paris Police Department's own policies for which
11 these gentlemen are being charged with violating.

12 MR. BEAUMAN: Just briefly, KRS 15.520
13 is crystal clear that to the extent that our internal
14 SOPs are inconsistent with 15.520, it's obvious that we
15 have to follow the statute.

16 The Reeves v. Georgetown case makes
17 that crystal clear.

18 COURT REPORTER: I'm sorry?

19 MR. BEAUMAN: The Reeves versus
20 Georgetown case makes that crystal clear, that to the
21 extent we have an ordinance or a policy that is not
22 consistent with a statute, we have to follow -- the City
23 has to follow the statute. That's our position on that.

24 MAYOR THORNTON: All right. Thank
25 you. That being the case, Ms. Jacobs, do you care to

1 make a brief opening statement for the Police
2 Department?

3 MS. JACOBS: Thank you, Mr. Mayor,
4 Mr. Juett, and members of the Commission, Mr. Morgan,
5 Mr. Whitley.

6 MR. MORGAN: Ms. Jacobs.

7 MS. JACOBS: We're here for a hearing
8 because the statute provides that that take place. The
9 officers have asked for a hearing, they've asked for it
10 to be public, but that does not change the fundamental
11 nature of this hearing.

12 The only issue that you will be
13 determining is whether the conduct that we present to
14 you gives you a substantial basis -- whether there's
15 substantial evidence to determine that policies were
16 violated, and we believe there will be no question in
17 your mind that policies were violated.

18 There are several policies that you
19 have already before you that they have been charged
20 with: Conduct unbecoming, and that's conduct that
21 reflects unfavorably, brings the department into
22 disrepute or reflects discredit upon the department or
23 an officer, impairs the operation or efficiency.

24 The other policy that I think is
25 perhaps most critically important here is inefficiency,

1 that the officers shall perform their duties in an
2 efficient manner, and what you're going to see is gross
3 inefficiency and gross dereliction of duty, and you're
4 going to see that through videos.

5 Now, I'll tell you, we're not going to
6 watch 49 hours of videos today. I will also tell you,
7 though, that Chief Williams has, and he's done it on
8 more than one occasion to be sure that what you're going
9 to see and what you're going to hear is what needs to
10 happen, that he's right about what he tells you and that
11 these things constitute violations of the policy.

12 This came to the Mayor's attention --
13 I'm sorry; to the chief's attention back close to the
14 end of the year when he received a complaint from a
15 dispatcher in training that she didn't have enough room
16 to sit in dispatch for training because all the officers
17 were hanging out there.

18 So the Mayor started looking into it,
19 and what he saw --

20 MR. BEAUMAN: The chief.

21 MS. JACOBS: I'm sorry; I keep saying
22 the Mayor, I apologize -- and what he saw was very
23 disturbing to him.

24 On one particular day, December 5, he
25 saw many officers hanging out in dispatch for long

1 periods of time, which means they're not on the street
2 and they're not protecting the lives and property of the
3 citizens of Paris.

4 So he expanded his investigation and
5 went back as far as he could on the videos from
6 dispatch, which was October 1. I think the chief has
7 learned a lot about the video system -- and I have
8 too -- over the last couple of weeks on how that works.

9 And so he watched all that time, he
10 watched all those videos, and he saw these officers --
11 these five officers -- in dispatch or in headquarters,
12 not on the streets, not protecting the lives and
13 property of Paris.

14 For Officer Humphries 30 percent of
15 his time from the months of October through December --
16 that means a whole month -- when he was on duty, out of
17 three months, a quarter of his time -- a third of his
18 time, he wasn't out on the street.

19 For Lieutenant Puckett 46 percent of
20 his time through the months the October, November and
21 December he was either in dispatch or in headquarters;
22 Officer Anderson, 16 percent of his time through those
23 three months; Officer Bholat, 14 percent; Officer Primm,
24 22 percent of his time through October, November and
25 December they're not doing their jobs.

1 Now, they're going to say, we were
2 always available for calls. That's not the job. The
3 job is to go out and patrol. The policies say that.
4 The job descriptions say that. They weren't doing their
5 jobs.

6 You're going to see the dispatchers'
7 office, the dispatchers' area. You're going to see the
8 officers sitting around, joking, talking. You're going
9 to see them laid back with their feet up on the desk.
10 You're going to see some inappropriate behavior and
11 horseplay.

12 You're going to see Officer Bholat
13 doing some homework for some schooling he's doing that's
14 unrelated to his duties here.

15 You going to see police cruisers
16 sitting in the parking lot right outside here for
17 hours -- hours at a time -- with the cars running,
18 entire shifts with the cruiser sitting in the parking
19 lot running.

20 We are going to show you samples of
21 these. Again, we're not going to go through every
22 single instance. We're going to show you samples of the
23 videos. Bear with us. It's not HGTV -- I mean, not
24 HDTV.

25 It's not easy to watch. Sometimes

1 it's going to be boring. It's going to be a little bit
2 hard sometimes to get the things moving, but bear with
3 us on that.

4 It's going to be long, a little
5 arduous to go through the five officers and the five
6 charges, but when we're finished I believe you will have
7 no choice but to conclude that these officers are guilty
8 of these charges and to accept the recommendation of the
9 chief that they be terminated.

10 It is not a recommendation done
11 lightly. It's not joyfully or gleefully done. We know
12 this affects lives, but this is what has to happen in
13 these circumstances. Thank you.

14 MAYOR THORNTON: Thank you.
15 Mr. Morgan?

16 MR. MORGAN: Mr. Whitley is doing our
17 opening.

18 MR. WHITLEY: Actually, I'm going to
19 introduce myself. I'm Daniel Whitley. I have the
20 pleasure of representing these gentlemen.

21 I'm going to take a second to
22 introduce them. We just heard about some conduct, but I
23 represent Mr. Bholat, Mr. Anderson, Mr. Puckett, J.P. --
24 Mr. Humphries and Mr. Primm.

25 You're going to learn and you're going

1 to discover today that we're here today because the
2 chief decided that these men violated some policy, but
3 the real reason we're here today is because these men
4 during a certain time period had elected not to switch
5 from a ten-hour shift to a twelve-hour shift.

6 There were a lot of discussions during
7 the months of November and December about switching from
8 a ten-hour shift to a twelve-hour shift, and these men
9 stood up and said they wanted more facts and more
10 information before they did that. They wanted to get
11 more information.

12 Once they elected not to switch from a
13 ten-hour shift to a twelve-hour shift they were on the
14 target. They were in Chief Williams' cross hairs.

15 You're going to hear evidence about
16 them being in the dispatch room a little too long on
17 different occasions.

18 What you're not going to hear is the
19 amount of arrests they made, how many times they
20 responded to calls or how many times they were available
21 to assist the great people of Paris. This case is
22 simple. This case is about retaliation.

23 Now, throughout this proceeding you're
24 going to see evidence and you're going to see these
25 gentlemen hanging out in the dispatch room. You're

1 going to hear from them and their explanation of why
2 they were in the dispatch room. They were there
3 because, I guess, there was a practice of being in
4 there.

5 From time to time the higher-ups would
6 say, guys, knock it off, and when they'd do that these
7 gentlemen decided at that time period they were going to
8 stop being in dispatch, they're not going to hang out
9 there anymore.

10 They got an email December the 8th --
11 right after this incident about the training -- that
12 said, guys, get out of that dispatch room, stop hanging
13 out there, and from that time forward you're not going
14 to hear any evidence of them being in there for extended
15 amounts of time. They simply did not do it.

16 You're going to hear evidence and the
17 reality is you're going to see on the video some
18 horseplaying.

19 From time to time, human beings, they
20 sit around on their duties and they joke and they play
21 around with other officers and other employees. That's
22 just a fact. You're going to see that and you're going
23 to hear that. That all occurred in the months of
24 December, November, October.

25 What you're not going to see and what

1 you're not going to hear is that when that was brought
2 to the chief's attention during the month of December he
3 went up to these officers personally, looked them in the
4 eye and said, hey, guys, cut it out, I'm going to sit
5 down, I'm going to talk to you all and we're going to
6 give you a reprimand for this behavior.

7 In fact, throughout the whole months
8 of October, November and December -- as a matter of
9 fact, in the month of January -- after it was brought to
10 the chief's attention, these gentleman were never
11 reprimanded on any of their conduct.

12 Instead there was a secret
13 investigation taking place while they were still
14 employed. In January, up until their termination -- or
15 suspension in February they were still working on the
16 force.

17 They were still entrusted to do their
18 job. The chief still entrusted them to protect the
19 citizens of Paris, and they did not know an
20 investigation occurred until they were approached and
21 said, hey, guys, this is your 40-hour notice.

22 They had no clue in February what was
23 going on, but they were still entrusted to be police
24 officers.

25 And you're going to learn and you're

1 going to discover that these guys -- most of them --
2 they were born and raised here. Most of these
3 gentlemen, they grew up here, they went to high school
4 here.

5 They know the community like the back
6 of their hands. They're going to know the good areas
7 from the bad areas. They know what time crime occurs,
8 what time crime slows down.

9 And you're going to learn that most of
10 their shifts are during the late-night hours. It's not
11 prime time morning hours. This is 9:00 p.m. up to
12 7:00 a.m., and you're going to discover that during
13 certain times, thankfully -- gratefully -- in the
14 community of Paris there's not a lot of crime going on
15 and things slow down.

16 The majority of the time you're going
17 to hear and discover of them being in dispatch is during
18 the slow hours. There's no question about that.

19 You're also going to discover and
20 you're going to learn and you're going to hear from
21 these officers that they take their job very seriously.

22 You're going to learn that these
23 gentlemen elected to become police officers. They at an
24 early age decided that law enforcement is what they
25 wanted to do as careers, and most of these gentlemen,

1 they have spent their whole lives doing nothing but
2 police work and -- gratefully -- doing nothing but
3 police work for the great City of Paris.

4 You're going to go through and you're
5 going to hear the evidence and you're going to discover
6 that a lot of them have hardly ever been in any trouble
7 at all.

8 In fact, Mr. Anderson put his life on
9 the line one time when a citizen was apprehended -- when
10 he was apprehending a citizen and almost died and,
11 unfortunately, had to use force, but he put his life on
12 the line for the great City of Paris, and we're going to
13 learn about that.

14 So ultimately -- and I'm moving pretty
15 quick -- you're going to discover that these officers
16 are not RoboCops, that they're just human beings and
17 that from time to time they're going to be caught on a
18 video playing around and joking too much.

19 But you're not going to hear that
20 these officers did not to go the aid of their other
21 officers, that they're not making arrests, that they're
22 not out in the community apprehending people, going to
23 court, testifying and making sure that the good people
24 of Paris are protected. These are good men. Mr. Morgan
25 and I are very honored to represent them.

1 So ultimately, this is a case not
2 about just doing wrong, but when they violate a policy
3 that's going to be kind of arbitrary you have a decision
4 to make: Do they stay and continue to work with a
5 reprimand or should they be terminated.

6 I mean, at the end of this Mr. Morgan
7 is going to stand up and say they deserve their jobs
8 back, they work hard and that they should not be
9 suspended. Thank you.

10 MAYOR THORNTON: Thank you.
11 Ms. Jacobs, you can call your first witness.

12 MS. JACOBS: We call Chief Rob
13 Williams.

14 **CHIEF ROB WILLIAMS**
15 having been first duly placed under oath, was examined
16 and testified as follows:

17 **EXAMINATION**

18 **BY MS. JACOBS:**

19 Q. Could you state your name and position,
20 please?

21 A. Rob Williams, Chief of Police, Paris Police
22 Department.

23 Q. How long have you been in law enforcement,
24 Chief?

25 A. This is my 31st year.

1 Q. How long have you been in Paris?
2 A. Just a little over five years.
3 Q. How long have you been chief?
4 A. Since June 1st.
5 Q. Of --
6 A. Of 2015.
7 Q. Who hired you to be chief?
8 A. I was affirmed by the Commission and the
9 Mayor and hired by the City Manager.
10 Q. Are you the person who is responsible for
11 enforcing the policies and procedures of the Paris
12 Police Department?
13 A. I am.
14 Q. Just to address something that Mr. Whitley
15 said, are you the person who's responsible for deciding
16 shifts?
17 A. I am.
18 Q. Okay. And did you hear Mr. Whitley say
19 that the officers, quote, elected not to follow the
20 12-hour shift?
21 A. I did.
22 Q. Is that their decision to make?
23 A. Not the shifts, but they did have an
24 option.
25 Q. Okay. Did you have an opportunity to begin

1 an internal investigation late last year?

2 A. I did.

3 Q. And did you write up a kind of report or
4 summary of that?

5 A. I did.

6 MS. JACOBS: I believe the
7 Commissioners and Mayor has that; is that correct?

8 MR. JUETT: They do.

9 Q. How did that --

10 MR. MORGAN: I'm sorry. Excuse me a
11 second. Ma'am, what report, because I don't -- I want
12 to make sure we have that --

13 MS. JACOBS: You do.

14 MR. MORGAN: -- as well.

15 MS. JACOBS: Let me get a copy of that
16 for you.

17 MR. JUETT: It's the summary of the
18 investigation.

19 MR. MORGAN: All right.

20 MR. JUETT: Yeah, you have that.

21 MS. JACOBS: Have you got that? Yes.

22 MR. MORGAN: Thank you.

23 Q. How did that investigate start, sir?

24 A. On December the 11th, it was reported to me
25 that a dispatcher in training had actually went to

1 Captain Elkin and complained that on the night of
2 December the 5th, that she was in there training and
3 several officers were in dispatch for -- some, a large
4 portion of their shift -- taking up all the chairs in
5 dispatch and leaving her to sit in one of the metal
6 chairs while she was in training for her shift.

7 At that point I advised Captain Elkin to
8 pull the video from that particular night, and a few
9 days later he brought it to me.

10 I reviewed it and it did show what the
11 dispatcher had complained about, so at that point I
12 decided this may not be just one night, so I wanted to
13 go back and look at the other video.

14 It was impossible, without going to
15 dispatch, to view the video -- that was the only place I
16 could look at it -- so I contacted our IT department. I
17 asked them to come put the software on my computer and
18 actually Chief Best's computer to where I could be in
19 the office and view the video also.

20 That took them a couple of weeks to do
21 before they got here, and they did put the software.
22 When I got the software installed I went back and
23 started reviewing all of the video.

24 Q. So after you reviewed that December 5 video
25 did you do an email or memo to the officers?

1 A. I did.

2 Q. And what was that? What did that say?

3 A. After the complaint -- and this was
4 actually prior to me even seeing the video -- after the
5 complaint that the officers had been in dispatch again I
6 told Chief Best to put out an email reminding the
7 officers to stay out.

8 They'd been told several times. I didn't
9 know the extent of it, but I did want it -- because I
10 didn't -- if it was happening, I didn't want it to
11 continue to happen because I wanted them out on the
12 street, patrolling the streets.

13 Q. I want to talk a little bit about the issue
14 of just being in dispatch.

15 Has that been addressed before in the
16 department about just hanging out in there rather than
17 being on patrol?

18 A. On numerous occasion since I've -- since
19 I've been here.

20 Q. Okay. And why is that a problem if they're
21 in dispatch even if they're ready to get a call or if
22 they know it's a low crime time?

23 A. Well, there -- there's two problems. The
24 first problem is, there's two dispatchers working in
25 there. They don't need any distractions.

1 If something comes in that's an emergency
2 and they're distracted by other people being in there,
3 it -- that takes up time. They may miss something. I
4 don't want them distracted.

5 The other thing is, if the officer is in
6 dispatch, they're not patrolling the streets. They're
7 not suppressing crime. Yes, they can respond to a call,
8 but that's not what all we do.

9 (Plantiff's Exhibit No. 1 was marked
10 for identification.)

11 Q. Have you seen this goals and value
12 statement before?

13 A. I have.

14 Q. And is that posted somewhere?

15 MR. MORGAN: Thanks.

16 A. It's about a three-by-four-foot framed
17 sheet that hangs in our hallway upstairs.

18 Q. And --

19 MR. MORGAN: Excuse me just for a
20 second. Mr. Mayor, members of the Commission, we'll
21 object to this. We have not been provided a copy of
22 this before just now.

23 MAYOR THORNTON: I'll sustain --
24 actually, I'm going to overrule your request,
25 Mr. Morgan, and let this stand in the record.

1 Q. And does this statement kind of document
2 the -- well, what it says -- the goals and values of the
3 police department?

4 A. It does.

5 Q. And what does it say about being on patrol?

6 A. There are six things listed in the goals
7 and values. One is protection of life and property, and
8 it states, officers will, through patrol, protect the
9 lives and property of all citizens of our community on
10 an equal basis.

11 On detection and apprehension of criminals
12 and investigation of crimes it states, officers, through
13 directed patrol and based on their training, will
14 detect, deter and apprehend criminal offenders.

15 On maintenance of public order it says,
16 officers will strive, through patrol and enforcement of
17 laws and ordinances, to maintain public order in a
18 professional and unbiased manner.

19 On crime prevention and suppression it
20 states, crime prevention and suppression will be
21 accomplished through enforcement patrol, special
22 education programs and positive interaction with the
23 citizens and civic organizations of our community.

24 So four out of the six goals and values
25 mentions in it that we will patrol.

1 Q. And when the officers are on patrol as
2 opposed to being in dispatch and just ready to accept
3 calls, what difference does that make in the prevention
4 of crime and the protection of the city?

5 A. Just the officers being visible out on the
6 street can deter crime. They can detect crime. You
7 can't detect it sitting in dispatch.

8 Q. Did you review all of the video from
9 October 1 through December 31 for dispatch on second and
10 third shift?

11 A. I did.

12 Q. And how many hours was that?

13 A. I didn't count the hours. I'm sorry.

14 Q. Okay.

15 A. I can't answer that.

16 Q. Did you review it more than one time?

17 A. I reviewed all of it completely twice.

18 Q. And then have you looked at parts of it on
19 multiple other occasions?

20 A. Several times, yes.

21 Q. And based on that, did you make your
22 calculations in the charges for these officers?

23 A. I did.

24 Q. What other video did you look at and what
25 other documents did you look at before coming to your

1 conclusions and recommendations?

2 A. I not only looked at the dispatch camera, I
3 also looked at the outside camera that shows where they
4 park when they come to work. That's how long -- that's
5 how I knew how long they had actually been in the
6 building.

7 I did go back and I reviewed time cards,
8 because there seemed to be discrepancies, and I also
9 reviewed the radio logs for each officer.

10 Q. And you came to some conclusions; is that
11 true -- with -- not only with respect to these officers,
12 but several others as well, correct?

13 A. Yes.

14 Q. Okay. And did you prepare a chart with
15 respect to all of the officers that you found issues
16 with?

17 A. I did.

18 Q. Now, some of those on this chart -- not
19 every officer who had time in dispatch was recommended
20 for termination, were they?

21 A. That's correct.

22 Q. If -- if I'm correct here, it looks like
23 one, two, three, four, five -- six got come counseling;
24 is that right?

25 A. That's correct.

1 Q. And why did they just get counseling -- or
2 a talking to, I guess -- rather than a recommendation
3 for termination?

4 A. Actually, there were -- there were 14
5 officers that I observed at some point violating policy.
6 The officers that received counseling were anywhere from
7 two to five days over the three-month period where they
8 stayed in there an hour or more. That's why they
9 reached the level that I felt like counseling was
10 sufficient.

11 Q. And then a couple of them get reprimands;
12 is that right also?

13 A. That's correct. There were two reprimands.

14 MS. JACOBS: Pass that around, if you
15 would.

16 (Plaintiff's Exhibit No. 2 was marked
17 for identification.)

18 Q. And did you prepare a chart with the time
19 calculations on there?

20 A. I did.

21 Q. Now, I have removed the names of those who
22 are not before us today and put in there what their
23 outcome was.

24 Does that accurately reflect the chart that
25 you prepared?

1 A. It does.

2 Q. And of the one, two, three, four, five --

3 six who received counseling, it looks like they were all

4 under five percent over the three months; is that

5 correct?

6 A. They were under five percent, yes, ma'am.

7 Q. Okay. And then the two who received

8 reprimands were five percent and six percent

9 respectively, correct?

10 A. That's correct.

11 Q. And then one person chose to resign; is

12 that correct?

13 A. That's correct.

14 Q. And then of these five officers --

15 Humphries Puckett, Anderson, Bholat and Primm -- they

16 were well into the two digits, correct?

17 A. Correct.

18 Q. And is that how you kind of went about your

19 determination of the seriousness of the punishment?

20 A. That's correct.

21 Q. How long did it take you to do this

22 investigation?

23 A. To watch all the video and put everything

24 together was probably a little over three weeks.

25 Q. Okay. So you have to get the video

1 installed, you have to watch that, you have to make your
2 calculations and come to some decisions; is that
3 correct?

4 A. Correct.

5 Q. And did you come to a timely determination
6 during this investigation of what should be done with
7 these officers?

8 A. I did.

9 Q. Explain to the Commission and the Mayor, if
10 you would, about the -- the overplaying of video over
11 periods of time, when some of it drops off and how
12 that's affected this, what you learned about that.

13 A. When I first started watching the video it
14 did go back to October 1. As I continued to watch it I
15 would go back to replay some, and I noticed that a day
16 would drop off, the video was gone.

17 I called the security company that
18 installed it. They said that the memory was full, so as
19 it dumped more video in it had to cut some off the front
20 end.

21 So at that point I made sure that I
22 preserved the video that was there by making a copy and
23 a backup, so up until -- I do have it saved from October
24 the 5th, and you'll see today as we get into streaming
25 some video, that's up to October 22.

1 So before that it's going to be a little
2 jumpy. Any video we watch prior to October 22 will be a
3 little jumpy and it may stick every now and then, but
4 after that it will stream because that's what we're
5 actually streaming through the building.

6 Q. So we're going to get into some video now.
7 If you would, tee up and let the Mayor and Commissioners
8 see the December 5 video that raised the alarms in your
9 head.

10 A. And this will be a little fast speed, but
11 if I try to slow it down any, it's almost slow motion.

12 Q. Well, stop it for just a second.

13 All right. Can you tell us what time this
14 is?

15 A. If you look up in the upper left corner of
16 the video screen it says 18:58.

17 Q. Which is?

18 A. So it would be 6:58. Now --

19 Q. P.m.?

20 A. P.m. I will explain right now the time
21 stamp on the video is 20 minutes fast from real time.

22 Q. But it's always 20 minutes fast --

23 A. It's always --

24 Q. -- so the totals are going to be --

25 A. Correct.

1 Q. -- the same?

2 A. The totals will be the same. On every
3 video the time stamp is 20 minutes fast.

4 Q. Okay. And what time did you say this was,
5 6:30?

6 A. 6:58.

7 Q. Almost 7:00?

8 A. Almost 7:00.

9 Q. And was there a particular event that
10 happened on December the 5th?

11 A. This was the night of the Christmas parade.

12 Q. What time was the parade over?

13 A. After everybody cleared it was probably
14 7:00, 7:30.

15 Q. And can you tell us what we're going to see
16 here?

17 A. You will see officers coming in, several
18 staying several hours, laid back in the chairs, and the
19 room will be pretty much full at certain points.

20 Q. Go ahead and play it, and then we may go
21 back and --

22 MR. MORGAN: For the record, we'll
23 object to the inadequate foundation for this video.

24 MR. JUETT: Just --

25 MS. JACOBS: I think we've laid a very

1 adequate foundation.

2 MR. JUETT: Yeah.

3 MS. JACOBS: He's reviewed it. It's
4 his personal observations. It's a recording from
5 dispatch.

6 MR. JUETT: I understand this is an
7 administrative hearing, so the Rules of Evidence are
8 relaxed in this environment.

9 Q. Okay. And who is this officer that's
10 standing up?

11 A. That is Lieutenant Dempsey.

12 Q. Are there any other officers in there at
13 this point?

14 A. Not at this point.

15 Q. What time is it now?

16 A. The time stamp is 19:09, which is 7:09.

17 Q. Do you know what time we --

18 A. I can --

19 Q. -- could you forward it a little bit?

20 A. Just a little bit.

21 Q. Tell us what's happening here.

22 A. That was Officer Primm and Officer Bholat
23 that just walked out.

24 Q. What time is it now?

25 A. It is 19:28, which the time stamp would be

1 7:29.

2 Q. And who is that?

3 A. That's Officer Bholat.

4 Q. And while we're -- while we're watching
5 this, it's not against policy to go into dispatch, is
6 it?

7 A. It's not against policy for them to walk
8 into dispatch, no, ma'am.

9 Q. What is the -- what would be legitimate
10 reasons to go into dispatch?

11 A. Official business, if they needed to pick
12 up a report or a record that they have run for them, and
13 I have allowed if the officers -- and I've told them --
14 if they wanted to go in and eat their lunch or dinner,
15 but no more than 20 or 30 minutes.

16 Q. And so who's in there now?

17 A. That would be Officer Primm and Officer
18 Bholat. There is another officer in the back that just
19 walked through.

20 Q. What's in the back?

21 A. There's a bathroom back there, some
22 lockers, storage space.

23 Q. And what time is it showing?

24 A. 19:47, which is 7:47.

25 Q. And who is that that has come in?

1 A. I'll have to wait till they come over. I
2 think it's Officer Castle, yes.

3 Q. Okay. Can you stop it right there?

4 A. That was Officer Anderson that was in the
5 back.

6 Q. Okay.

7 A. Do you want me to stop it?

8 Q. Yes, right there.

9 So who's in there now?

10 A. This would be Officer Anderson, Officer
11 Castle, Officer Bholat.

12 Q. Where did Officer Primm go?

13 A. He walked out of the room --

14 Q. Okay.

15 A. -- for the time being.

16 Q. Keep going.

17 Can you tell us what's happening now?

18 A. The same officers still there -- well,
19 actually, that's Officer Castle and Officer Anderson
20 laid back in the chair here. Officer Castle just left.
21 Officer Anderson is still there.

22 Q. Is this just Officer Anderson in there at
23 this point?

24 A. That's correct. There's Officer Bholat
25 back and Officer Primm back.

1 Q. And who's that?

2 A. Lieutenant Dempsey.

3 Q. It looks like Officer Primm is perhaps
4 eating his dinner.

5 That, in itself, is not a violation --

6 COURT REPORTER: I'm sorry; could you
7 say that again? I didn't hear you.

8 MS. JACOBS: I'm sorry.

9 Q. Officer Primm, it looks like, is eating his
10 dinner.

11 That, in itself, is not a violation of
12 policy?

13 A. That's correct.

14 Q. What time is it now?

15 A. It's 20:34, which would be 8:34.

16 Q. Again, while we're just watching, did you
17 do some -- did you note the times that Officer Primm was
18 there in dispatch that night?

19 A. Yes. Actually, I noted -- I would make a
20 log of each officer and I would note what time they came
21 in and what time they left, how many times they came in
22 and the -- and the total time that they were in there.

23 Q. Now who have we got?

24 A. That was Officer Anderson that just left.
25 Officer Bholat, Officer Primm, Lieutenant Dempsey,

1 that's all I see at this particular moment.

2 Q. So Chief, at what point in reviewing this
3 did you begin to believe that there might be something
4 more to investigate?

5 A. Just the amount of time that the
6 officers -- some of the officers spent in there on this
7 particular night, I just thought that it probably was
8 not an isolated incident.

9 Q. Okay. And Officer Primm is still there,
10 correct?

11 A. Correct.

12 Q. And based on your notes, what time frame
13 was Officer Primm there in dispatch on the night of the
14 5th of December?

15 A. (No response.)

16 Q. Let me say that -- let me change that. The
17 shift of December the 5th, so it would be the evening of
18 December the 5th --

19 A. Correct.

20 Q. -- into the morning of the 6th.

21 A. On the shift of December the 5th, Officer
22 Primm was in dispatch four times for a total of seven
23 hours and thirty-one minutes.

24 Q. What time do we have now?

25 A. It is 21:28, which would be almost 9:30.

1 Q. And I see some notes that you made that
2 Officer Primm was there from 20:24 until 22:44.

3 That would be 8:24 until 10:44; is that
4 correct?

5 A. That's correct.

6 Q. And that's in one continuous visit, right?

7 A. That's correct.

8 Q. And he was there again from 23:55, which is
9 five minutes till midnight, until 4:38; is that correct?

10 A. That's correct.

11 Q. Let's move on to December the 3rd.

12 MR. MORGAN: Very briefly, we'll
13 object to the summary testimony that was just elicited
14 without you actually seeing the video from that and that
15 being used by you as -- as evidence; instead, the
16 officers request that we see it.

17 We have no objection to fast
18 forwarding through this and going at a quicker pace, but
19 the summary testimony that I just heard from the chief,
20 the officers object to that.

21 MS. JACOBS: You know, we mentioned at
22 the first we're not planning on showing every single
23 minute of the video. We can show anything that the
24 Mayor and Commission would like us to see -- would like
25 to see.

1 We will go through each of the days
2 and each of the times with respect to each of the
3 officers, but for the sake of, you know, saving all of
4 our sanity here, we are not planning to show all of the
5 video.

6 It's all available at any time. Chief
7 Williams has reviewed it all himself.

8 MAYOR THORNTON: Well, I'll overrule
9 your objection, Mr. Morgan. This is very important for
10 us to be able to see what has happened since we've got
11 to make a decision on that today. You can continue.

12 Q. Okay. If you'll tee up December the 3rd.

13 A. Actually, do you want to see the one where
14 the dog comes in because --

15 Q. Yeah.

16 A. Okay. And this is the shift of December 3.
17 I'm going to December 4 because it was after midnight,
18 that particular thing.

19 Q. Okay. What time is it right now?

20 A. It is almost 1:00.

21 Q. In the morning?

22 A. In the morning.

23 Q. Who all have we got in there? Can you
24 tell?

25 A. We've got Officer Primm, Office Bholat,

1 Lieutenant Dempsey, Officer Anderson and Lieutenant
2 Puckett.

3 MS. JACOBS: While this is playing,
4 just to follow up on Mr. Morgan's objection, all of the
5 video was provided to the officers for their review
6 prior to the hearing.

7 MR. MORGAN: And we'll agree to that;
8 however, I think, as Ms. Jacobs pointed out in her
9 opening, at some point in time the video was not as good
10 of quality as what we're watching now.

11 It's a herky-jerky, still, start,
12 stutter type of video, and at no time did we have the
13 streaming ability to view it like we're watching now.

14 MS. JACOBS: Again, just to clarify --
15 and then we'll move on with the video -- Mr. Morgan and
16 Mr. Whitley were offered the opportunity at any time to
17 come view it here, and in fact, Mr. Morgan did come and
18 we offered to show him anything he wanted.

19 Q. So let's move on with the --

20 COMMISSIONER GALBRAITH: Can --

21 MS. JACOBS: Yes?

22 COMMISSIONER GALBRAITH: Can I ask a
23 question --

24 MS. JACOBS: Sure.

25 COMMISSIONER GALBRAITH: -- at this

1 point?

2 MS. JACOBS: Okay.

3 MAYOR THORNTON: Uh-huh.

4 COMMISSIONER GALBRAITH: I can?

5 MR. JUETT: (Nods head.)

6 COMMISSIONER GALBRAITH: At this point
7 in time how many -- you said that, I think, maybe the
8 four officers that are here today -- or I'm sorry; the
9 five officers that here today are all in there now,
10 right?

11 THE WITNESS: That's correct, sir.

12 COMMISSIONER GALBRAITH: How many --
13 how many other people would be on that shift currently?
14 How many -- I guess I'm trying to determine how many
15 people -- if we've got five plus, was the officer
16 that -- was the officer that resigned, was he likewise
17 in here at this same time?

18 THE WITNESS: He -- he was -- he is in
19 there, sir.

20 COMMISSIONER GALBRAITH: Okay.

21 THE WITNESS: And I will tell you
22 on --

23 COMMISSIONER GALBRAITH: So I'm trying
24 to determine how many people would be on shift
25 patrolling. That's what I'm --

1 THE WITNESS: This was a heavy night.
2 It looks like three would have been working from second
3 shift, which they would be going off duty in about an
4 hour.

5 You've got the three swing shift
6 officers appear to be all on duty and five third shift
7 officers.

8 COMMISSIONER GALBRAITH: So there
9 would be a total of eight?

10 THE WITNESS: Eight at this particular
11 moment for the next hour, and then after that hour you
12 would have five.

13 COMMISSIONER GALBRAITH: But at this
14 point in time there are eight total, three from one
15 shift and --

16 THE WITNESS: Oh, no. I'm sorry.
17 There's five, eight -- eleven at this particular moment.

18 COMMISSIONER GALBRAITH: Eleven?

19 THE WITNESS: Yes, sir.

20 COMMISSIONER GALBRAITH: Okay. All
21 right.

22 COMMISSIONER GRAY: I want to -- I
23 want to ask a question.

24 MR. MORGAN: I'm sorry to interrupt.

25 MR. JUETT: Did you have an objection

1 to --

2 MR. MORGAN: I did -- not an objection
3 to the council member's question -- or Commissioner's
4 question, but the officers, we respectfully disagree
5 with the chief's statement that all five of these
6 officers are in that video as you see it.

7 I think -- we believe that this video
8 shows four of them -- except for Lieutenant Humphries.
9 He is not --

10 THE WITNESS: You're correct.

11 MR. MORGAN: -- in the video.

12 THE WITNESS: You're correct, sir.

13 MR. MORGAN: Thank you.

14 THE WITNESS: That's my mistake.

15 MR. JUETT: Can I suggest that we
16 allow both sides --

17 COMMISSIONER GRAY: I just want to
18 make a quick point. That's all I want to do.

19 MR. JUETT: Okay.

20 COMMISSIONER GRAY: From what I --

21 MR. JUETT: It's your minute.

22 COMMISSIONER GRAY: I was a police
23 officer here for over 20 years. I was Chief of Police.
24 This hanging out in dispatch, all right, that's been a
25 thing for my entire career.

1 An email was sent on December 8; is
2 that correct?

3 THE WITNESS: That's correct, sir.

4 COMMISSIONER GRAY: Can we not see
5 footage from December 8 and beyond?

6 MS. JACOBS: Well, we will --

7 THE WITNESS: We can.

8 MS. JACOBS: -- present testimony
9 about that.

10 COMMISSIONER GRAY: I mean, from what
11 I'm seeing in my paperwork, it pretty much stopped after
12 an email.

13 THE WITNESS: No, sir.

14 COMMISSIONER GRAY: Pretty much.

15 THE WITNESS: No, sir.

16 COMMISSIONER GRAY: Show me video from
17 the 8th on.

18 THE WITNESS: I will.

19 COMMISSIONER GRAY: That's all I have.

20 Q. Go ahead. So what time is it at this
21 point?

22 A. It is 1:12 in the morning --

23 Q. In the morning of the 6th?

24 A. -- a.m.

25 Q. And who is in there, if you can see from

1 the still shot, before we go forward?

2 A. This is Officer Sandfort, Lieutenant
3 Dempsey, Officer Bholat, Lieutenant Puckett, Officer
4 Anderson and Officer Primm.

5 Q. So based on the records that you compiled,
6 was Lieutenant Humphries on duty that night?

7 A. He was, yes.

8 Q. But he's not in these?

9 A. Not at this particular time, no.

10 Q. Okay. Go ahead.

11 Now, what's that?

12 A. It appears that Officer Sandfort has
13 brought a dog into dispatch.

14 Q. Is that something that would be approved
15 of?

16 A. No, ma'am.

17 Q. How many officers have you got in there
18 right now?

19 A. It appears to be six.

20 Q. And who's that standing up that just walked
21 to the back?

22 A. (No response.)

23 Q. He's now standing at the back. Can you
24 tell?

25 A. That's Lieutenant Dempsey.

1 Q. And that's Officer Primm sitting right
2 there --

3 A. Yes, ma'am.

4 Q. -- kind of on the back wall?

5 A. Right there.

6 Q. Do you know who brought the dog in?

7 A. Officer Sandfort.

8 Q. Does it appear to you based on this that
9 any of the officers thought that was a bad idea, to have
10 the dog in there while they sit?

11 A. No.

12 MR. MORGAN: Objection; speculation.

13 Q. It looks like the dog --

14 MAYOR THORNTON: Sustained.

15 Q. -- made a mess in the back --

16 COURT REPORTER: I'm sorry; could you
17 repeat that question.

18 Q. It looks like the dog made a mess there
19 behind the dispatch center; is that right?

20 MR. MORGAN: Objection; speculation.

21 MS. JACOBS: Well, we can see what
22 happened on the video.

23 Q. Does that appear to be what happened?

24 MR. MORGAN: Objection; speculation.

25 MS. JACOBS: There's not speculation.

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MAYOR THORNTON: Overruled.

A. That appears what has happened.

Q. And one of the dispatchers cleaned it up and went right back to work, right?

A. Correct.

Q. And who's sitting there now?

A. Officer Anderson, Officer Primm and Lieutenant Puckett.

Q. What time is it?

A. It's 1:37 a.m. That's Officer Bouchard.

Q. Based on what you can see from the video, does it appear that any of the officers that are charged here today are conducting official business there in dispatch?

A. No, ma'am.

Q. Who's that that came in?

A. Officer Castle.

Q. What time is it?

A. 1:49 a.m.

Q. And then is that Officer Anderson?

A. Correct. Now 2:00 a.m.

Q. What time is it now?

A. 02:10.

Q. So who's that in the very back with his arm behind his head?

1 A. That's Lieutenant Puckett.

2 Q. Now, is he the officer in charge -- the
3 presiding officer, so to speak -- at that time?

4 A. At this point he and Lieutenant Humphries
5 at the time would have been both on duty.

6 Q. So how long is the dog here?

7 A. The dog is here, from what I can tell, the
8 entire shift --

9 Q. Okay.

10 A. -- from when it came in, the rest of the
11 shift. That would be Lieutenant Humphries that just
12 walked in.

13 Q. And is sitting there?

14 A. Correct --

15 Q. Okay.

16 A. -- right there.

17 Q. So at this point you have Lieutenant
18 Puckett, Lieutenant Humphries and Officer Primm in
19 dispatch?

20 A. Correct.

21 MR. MORGAN: And I would ask the
22 record to reflect there are others present as well -- at
23 least one other officer that I can see -- and the dog.

24 Q. Okay. Let's go to another day. What time
25 is it there?

1 A. 02:26.

2 Q. Again, just as a sample, October 30 -- 29,

3 30.

4 A. What time?

5 MR. MORGAN: I'll just have a standing

6 objection to this, Mr. Mayor.

7 Q. What day and time is this?

8 A. I think this is going to be the 30th. Oh,

9 wait a minute. This is October 29.

10 MR. MORGAN: And I have a very brief

11 objection to these -- to this, Mr. Mayor and

12 Commissioners, and that is, we've heard testimony about

13 this memo that came out on or about December 8 with a

14 corrective action plan, don't go to dispatch anymore,

15 and here we are going some two months before that.

16 This, from the officers' perspective,

17 is outside the scope of these charges and should be not

18 relevant.

19 MAYOR THORNTON: I'll overrule, once

20 again, on your objection. I'll remind everybody to calm

21 down too. You may proceed.

22 Q. October 30 -- 29, 30.

23 A. The shift of October 29.

24 Q. What is it that -- based on your review,

25 what is it we're going to see here?

1 A. This is video where Officer Bholat appears
2 to be working on something other than -- he's working on
3 a personal laptop is all I -- all I can say.

4 Q. How do you know that's a personal laptop?

5 A. That is not one of our MDTs that is
6 assigned to him for his work.

7 Q. Just go back just a little bit, if you
8 would.

9 What time is it now?

10 A. 23:01, which is 11:01.

11 Q. Is that Officer Bholat?

12 A. That's correct.

13 Q. And what was he carrying there?

14 A. It appeared to be a backpack.

15 Q. Is he in school for something else?

16 A. That's correct.

17 Q. What's he in school studying?

18 A. He told me that he's in nursing school at
19 the moment.

20 Q. Okay. So he's taking his backpack; is that
21 correct -- and put it in the chair?

22 A. I can't say that it's his, but he did have
23 a backpack.

24 Q. Well, he carried it in, right?

25 A. He did.

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MR. MORGAN: Object to leading.

Q. Who's that that's just come in?

A. That's Lieutenant Puckett.

Q. Chief, based on your review of this particular night, how long was Officer Bholat in dispatch?

A. On the night of 10/29, he was in there from 11:00 till almost 1:30 in the morning.

Q. About two and a half hours?

A. Correct.

Q. What about Lieutenant Puckett?

A. He was in there from -- it appears to be 22:12 up until 3:16 in the morning -- quarter after three.

Q. How long is that total?

A. I think that's supposed to be 23, so that would have been four hours.

Q. Based on what you have reviewed and are seeing at this point, do either of them appear to be engaged in official business on behalf of the City?

A. No, ma'am.

MR. MORGAN: Objection.

Q. All right. Let's go to October the 8th, please.

A. This is a copy, so --

1 COURT REPORTER: I'm sorry; could you
2 say that again?

3 THE WITNESS: I'm just saying this is
4 the one that's actually a copy, so it will not play as
5 well as that other one.

6 Q. If you'll go to about 4:25 a.m., which may
7 be the 9th.

8 A. What time did you say? I'm sorry.

9 Q. 4:25.

10 A. I think it's 5:00. I think it's 5:00.
11 I'll double check.

12 MR. MORGAN: Mr. Mayor, we're fine to
13 take a break if you want to allow the chief to get
14 things together.

15 THE WITNESS: That's fine.

16 MAYOR THORNTON: We'll take a
17 ten-minute recess.

18 (Recess taken.)

19 MAYOR THORNTON: Ms. Jacobs, are you
20 ready to proceed?

21 MS. JACOBS: Yes.

22 MAYOR THORNTON: You may do so.

23 Q. So when we broke we were trying to get the
24 October 8 video teed up, about 4:25 a.m., and I think
25 we're there.

1 A. We are.

2 Q. Go ahead and play that.

3 Who is that?

4 A. That is Officer Primm and Officer Anderson.

5 UNIDENTIFIED SPEAKER: There's no

6 video here.

7 MS. JACOBS: It's not on that back

8 one?

9 UNIDENTIFIED SPEAKER: No.

10 (Discussion off the record.)

11 MS. JACOBS: Thank you, Chief.

12 Q. Is it playing now or did you --

13 A. No, I stopped it.

14 Q. Okay. And Chief, this is what you were

15 talking about.

16 Some of the older video is a little more

17 difficult to see; is that correct?

18 A. Correct.

19 Q. Is it still Officer Primm and Officer

20 Anderson there?

21 A. Correct.

22 Q. And what do your records show is the amount

23 of time they spent there in dispatch that night?

24 A. They both came in about 04:28 a.m. They

25 both left at 6:14 in the morning.

1 Q. So about two hours each?

2 A. Correct.

3 Q. Based on your review and your observations,
4 does it appear that either are engaged in official
5 business during this period of time?

6 A. No, ma'am.

7 MR. MORGAN: Object to form.

8 MAYOR THORNTON: I'm sorry; what was
9 that?

10 MR. JUETT: I'm sorry; what did you
11 say?

12 MR. MORGAN: Object to form.

13 MR. JUETT: Can you rephrase?

14 MR. MORGAN: And the basis -- I'll say
15 it, and we'll just have a standing objection to this, if
16 that's okay -- the officers' objection is based upon the
17 chief saying whether -- his opinion of whether these
18 officers are doing any law enforcement activity or being
19 efficient or being whatever.

20 Our basis -- our objection is that
21 that's invading the province of you all. That's why
22 you're here is to make these kinds of decisions rather
23 than hearing it from the -- from the chief.

24 MS. JACOBS: I asked the chief what
25 his observation was, whether it appeared that they were

1 engaged in any business.

2 He's certainly entitled to testify
3 about what his observations are, and you're entitled to
4 make your own observations as well.

5 MAYOR THORNTON: Overruled. You may
6 continue.

7 Q. I want to move into -- we're going to go
8 through each of the officers individually now, so it's
9 going to continue to be tedious, I'm afraid. I'm going
10 to start with Officer Humphries.

11 During the time period in question,
12 October 1 through December of 2015, what was
13 Mr. Humphries' position?

14 A. He was a lieutenant with the Paris Police
15 Department.

16 Q. And what are the job duties as a
17 lieutenant?

18 A. Well, there are several. There are some
19 administrative duties that they carry out prior to the
20 shift. Most importantly, they supervise the officers
21 that are working on that shift.

22 Q. Okay. Are they to engage in patrol
23 activities?

24 A. Yes.

25 Q. Is that specifically in their job

1 descriptions, that they are to engage in patrol also?

2 A. Correct.

3 Q. And again, at this first juncture I'm going
4 to do some examples. October the 8th, I think we still
5 have that up -- actually, I don't -- we don't have a
6 time on that.

7 Have you got November?

8 A. Oh, I'm sorry; I don't have the times on
9 these anyway.

10 Q. And based on your review --

11 A. I don't have that.

12 Q. Okay. Did you review the outside video at
13 some point on August -- I'm sorry; October the 8th?

14 A. I did.

15 Q. Is that video still available?

16 A. It is not.

17 Q. And why is it not?

18 A. That's one of the videos that dropped off.

19 Q. But you did review it prior to it dropping
20 off?

21 A. Yes, ma'am.

22 Q. And what did you observe about Officer
23 Humphries at this time?

24 MR. MORGAN: Object to the form as
25 well as we haven't been given that video either. For

1 that matter, none of these officers have ever been shown
2 any of these videos.

3 MAYOR THORNTON: I'll sustain that.

4 Q. Were you able to view the videos prior to
5 October the 8th?

6 A. Yes, ma'am.

7 Q. And is one of your charges based on
8 Lieutenant Humphries' time spent in headquarters?

9 A. Yes, ma'am.

10 Q. How long did he spend at headquarters that
11 day?

12 A. Three hours and thirty-two minutes.

13 MR. MORGAN: Is this the 8th? I'm
14 sorry; I --

15 MS. JACOBS: Yes.

16 MR. MORGAN: We'll renew our
17 objection. I thought it was sustained on that.

18 Q. Okay. October the 11th, can you tell the
19 Commission and the Mayor what you saw and observed about
20 then-Lieutenant Humphries on that date?

21 A. It appeared that at the beginning of the
22 shift, at 21:00, both lieutenants spent the first two
23 and a half hours of the shift either in dispatch or at
24 headquarters.

25 There was no activity until 5:00 in the

1 morning, and Officer Humphries did not attend roll call
2 at 21:00.

3 Q. Now, is roll call something that
4 lieutenants are supposed to be doing?

5 A. That's correct.

6 Q. And they call the roll call?

7 A. They just -- the beginning roll call serves
8 two purposes. It's to make sure the officers arrive on
9 time. It's to make sure the officers are fit for duty,
10 that they're able to work.

11 Any roll call is to make sure that the
12 officers are safe and pick up any reports that they need
13 to pick up.

14 Q. And do you have that video of the 11th?

15 A. I do.

16 Q. Okay.

17 A. It's hard to see, but this is Lieutenant
18 Puckett, Officer Bholat and Lieutenant Humphries.

19 Q. And what time it is now?

20 A. It is 21:39.

21 Q. That's 9 --

22 A. 9:39 --

23 Q. -- 39?

24 A. -- yes, ma'am.

25 Q. Is Lieutenant Humphries still there?

1 A. Yes, ma'am.

2 Q. Sitting?

3 A. Yes, ma'am.

4 Q. Who is in the chair with his back to the
5 camera?

6 A. That would be Battalion Chief Duffy of the
7 fire department.

8 Q. And who is standing up to the left, kind of
9 leaning on the desk?

10 A. Here?

11 Q. Yes.

12 A. That's Officer Bholat.

13 Q. What time is it?

14 A. It is 21:51 -- 9:51.

15 Q. About an hour into the shift?

16 A. Yes, ma'am.

17 Q. What time is it?

18 A. 21:59. When it's recorded like this it
19 only goes in hour increments, so when it gets to the
20 next hour I have to load it back.

21 Q. Based on your review, how long was
22 then-Lieutenant Humphries in dispatch?

23 A. Two hours and twenty minutes.

24 Q. And is that the first two hours and twenty
25 minutes of the shift?

1 A. That's correct.

2 Q. And based on -- have you reviewed the radio
3 summaries -- I'm not sure what the right term is --

4 A. The radio log.

5 Q. -- radio log for that day for Officer
6 Humphries?

7 A. The 11th?

8 Q. 11th into the 12th.

9 A. It appears that he had no radio activity
10 except for getting 10-8, which he did at 21:03.

11 Q. Is that --

12 A. 9:03. He had no radio activity until 5:08
13 in the morning, which was a security check.

14 (Plaintiff's Exhibit No. 3 was marked
15 for identification.)

16 Q. And is that shown on the dispatch that I'm
17 passing around?

18 A. It is.

19 Q. October the 17th, into the 18th --

20 A. I'm sorry; what was that date?

21 Q. 18th.

22 A. What time?

23 Q. It's 4:22. Hold on.

24 A. No.

25 Q. Okay. On the date of October 17, going

1 into the 18th because of the shift --

2 A. Yes.

3 Q. -- did you view the video with respect to
4 then-Lieutenant Humphries?

5 A. I did.

6 Q. And what did you observe from that?

7 A. Lieutenant Humphries was in dispatch that
8 day from 1:12 in the morning till 4:21 in the morning.

9 Q. And how long is that?

10 A. A little over three hours.

11 Q. And was that one continuous visit, I'll
12 say?

13 A. Yes, ma'am.

14 Q. With respect to his --

15 MS. JACOBS: I'm going to pass around
16 this radio log table.

17 Q. What is that? How is that different? Wait
18 a minute. Hold on. I think I've got things mixed up a
19 little bit.

20 On the 17th what radio traffic does he
21 show?

22 A. He shows that he was on a traffic stop.
23 Apparently he was the responsible officer, so that was
24 his traffic stop.

25 Q. Is there any other radio activity on that

1 shift at all?

2 A. No, ma'am.

3 MS. JACOBS: Let me pass these around.
4 I apologize.

5 (Plaintiff's Exhibit No. 4 was marked
6 for identification.)

7 Q. If you'll turn to the next page, what time
8 does it show that he went in service or on call?

9 A. He went in service at 19:39.

10 Q. Which is what time?

11 A. Which is 7:39.

12 Q. And then he went off at what time?

13 A. 04:05.

14 Q. And during that time he took one radio
15 call; is that right?

16 A. That's correct.

17 Q. And during that time he was in headquarters
18 for what period of time?

19 A. Let's see. It's the 17th?

20 Q. Yes.

21 A. He was in headquarters for four hours and
22 twenty-two minutes.

23 Q. And if you'll look at the last page, which
24 is his time card for that period of time, how much time
25 did Mr. Humphries put on his time card for that shift?

1 A. Ten hours.

2 Q. And how long was he on the radio?

3 A. If you count the time he was in service to
4 out of service it's eight and a half hours.

5 Q. What's the policy with respect to being in
6 service and out of service?

7 A. When you come to work you get 10-8, which
8 means that you're in service. When you go off duty you
9 get 10-7, which means you're out of service on the
10 radio.

11 Q. And is that a specific policy?

12 A. It is.

13 (Pleading's Exhibit No. 5 was marked
14 for identification.)

15 Q. You can read that policy to the Commission,
16 please.

17 A. Policy 100.210, Subsection 3.03, Paris
18 Police personnel shall notify the communication center
19 when they are working and when they are going out of
20 service.

21 Q. So based on his radio communications in
22 service and out of service he was 8.5 hours?

23 A. Correct.

24 Q. But he put down ten on his time card; is
25 that right?

1 A. Correct.

2 Q. And then at the bottom of the time -- or
3 middle, I guess -- by selecting the check box I affirm
4 that the time reported on this card is true, is that
5 checked?

6 A. It is.

7 Q. I'd also like to look at the October 19
8 through 20th.

9 MS. JACOBS: I'm going to hand you a
10 copy also.

11 (Plaintiff's Exhibit No. 6 was marked
12 for identification.)

13 Q. What time did then-Lieutenant Humphries go
14 in service?

15 A. 23:01, which is 11:00.

16 Q. And he went out at what time?

17 A. 07:00 -- 07:04.

18 Q. Is that eight hours?

19 A. Yes, ma'am.

20 Q. And did he claim ten hours on his time
21 sheet on that date?

22 A. Yes, ma'am.

23 Q. And did he affirm that that report was true
24 and correct?

25 A. Yes, ma'am.

1 Q. So at the very least, would that be
2 considered a violation of the radio policy?

3 A. Very least, yes, ma'am.

4 MR. MORGAN: I'm glad that was brought
5 up. We would object to that because I don't think
6 Lieutenant Humphries -- or any of the officers -- were
7 charged with violating radio policy.

8 MS. JACOBS: They were charged with
9 being in inefficient and dereliction of duty.

10 MAYOR THORNTON: Overruled.

11 (Plaintiff's Exhibit No. 7 was marked
12 for identification.)

13 Q. Moving to the 23rd of October --

14 A. Yes.

15 Q. -- do your records indicate how long he was
16 in dispatch?

17 A. The 23rd, it appears an hour and thirty-two
18 minutes.

19 Q. And how long was he at headquarters?

20 A. Two hours and thirty minutes.

21 Q. And was that -- okay. And how did you
22 determine that he was at headquarters for two hours and
23 thirty minutes?

24 A. From the outside camera I can tell when
25 they pull in and when their car actually leaves.

1 Q. And was there any radio traffic that he
2 participated in on the 23rd?

3 A. It appears that he did respond to one
4 burglary call at 22:42 --

5 Q. Okay.

6 A. -- which is 10:42.

7 (Plaintiff's Exhibit No. 8 was marked
8 for identification.)

9 Q. On the 24th --

10 A. Yes.

11 Q. -- is there any time on the radio for
12 Lieutenant Humphries?

13 A. No, ma'am.

14 Q. If you can tee up the outside camera, your
15 calculation was that he was at headquarters for how long
16 on the 24th of October?

17 A. Five hours and seven minutes.

18 Q. Do we have that outside video on the 24th?

19 A. We should, yes.

20 Q. What time is this?

21 A. This is 19:29 -- 7:30.

22 Q. It's before he's coming on shift, right?

23 A. Correct.

24 Q. So how are --

25 A. Actually, he should already be on shift.

1 This is when he shows up at headquarters.

2 Q. And what time is that?

3 A. 19:32 -- 7:30.

4 Q. He went on the radio that day at what time?

5 A. 18:01.

6 Q. And the first time he's at headquarters is
7 at what time?

8 A. 19:30. This goes till then.

9 Q. Chief, I'm going to have you skip ahead.

10 Is it going -- what did you say --
11 ten-minute increments or --

12 A. Yes.

13 Q. Okay. Just keep going that way if you
14 could.

15 What time is it now?

16 A. 1:39.

17 Q. Has the car been there continuously since
18 it arrived at 19:32?

19 A. It was there from 7:30 to 1:40 in the
20 morning.

21 Q. What time did Mr. Humphries go off the
22 radio?

23 A. 04:00.

24 Q. And there's no activity recorded during
25 that period of time by him?

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A. No activity.

(Plaintiff's Exhibit No. 9 was marked for identification.)

Q. The 29th of October --

A. What time?

Q. On the 29th, on the dispatch camera how long was Officer -- then-Lieutenant Humphries in dispatch on the 29th of October?

A. Three hours and thirty-nine minutes.

Q. And it looks like that was over two visits --

A. Yes.

Q. -- correct?

A. Yes.

Q. Okay. And how long was he in headquarters?

A. Four hours and thirty-four -- thirty-five minutes.

Q. And is that based upon your review of the outside camera?

A. Yes, ma'am.

Q. And what activity did he engage in as demonstrated by the radio log during that period of time?

A. It appears that he had an agency assist at just after 10:00, a traffic stop at 10:42, another

1 traffic stop at 11:00.

2 Q. Did you record what time he came into
3 headquarters that night?

4 A. The longest time that he was in there he
5 came in at 01:00 -- 1:00 in the morning.

6 (Plaintiff's Exhibit No. 10 was marked
7 for identification.)

8 Q. November the 17th --.

9 A. Yes.

10 Q. -- actually, it's the 16th through the
11 17th, the shift, correct?

12 A. Okay. Yes.

13 Q. Let me show you the radio log.
14 What time did he come on duty?

15 A. He came on duty at 6:16 -- 18:18.

16 Q. What time did he go off?

17 A. 04:00.

18 Q. What radio activity was there in between?

19 A. No activity.

20 Q. How long is that? 6:00 to 4:00 is?

21 A. Ten hours.

22 Q. Ten hours. And how long was he in dispatch
23 during that period of time?

24 A. What's the date?

25 Q. The 16th to the 17th.

1 A. He was in dispatch two hours and ten
2 minutes.

3 Q. And he was in headquarters how long?

4 A. Five hours and twenty-one minutes.

5 Q. And the second page attached to that just
6 demonstrates there was no radio activity during that
7 shift; is that correct?

8 A. That's correct.

9 (Plaintiff's Exhibit No. 11 was marked
10 for identification.)

11 Q. Okay. November the 20th -- it's the shift
12 from the 19th to the 20th, correct? Is that right?

13 A. Yes.

14 Q. What time did he go on duty?

15 A. 18:04. 6:06.

16 Q. What time did he go off?

17 A. 04:03.

18 Q. How much radio time -- activity is
19 demonstrated during his ten-hour shift?

20 A. He had one security check at 2:37 in the
21 morning.

22 Q. And how long did that last?

23 A. A total of four seconds.

24 Q. How long was he in dispatch during that
25 shift?

1 A. I do not have him in dispatch on -- oh, I'm
2 sorry; on the 20th, yes, one hour and thirty-seven
3 minutes.

4 Q. And how long was he in headquarters on that
5 shift?

6 A. Three hours and eight mines.

7 Q. Backing up to the 19th, which would be this
8 shift -- 19th to the 20th -- how long was he at
9 headquarters?

10 A. Six hours and one minute.

11 (Plaintiff's Exhibit No. 12 was marked
12 for identification.)

13 Q. On the 25th of November, what time did he
14 radio on service?

15 A. 16:01.

16 Q. What time did he go off?

17 A. 02:13.

18 Q. And how long is that?

19 A. Eight hours.

20 Q. And how long was he in headquarters on that
21 date?

22 A. I'm sorry; that's -- that's ten hours. He
23 worked from 16:00 to 02:00.

24 Q. Ten hours?

25 A. Yes, that's ten hours.

1 Q. I gave you my sheet. Hold on. Let me take
2 it back.

3 Does he show any radio activity during that
4 period of time --

5 A. I'll have to look at yours.

6 Q. -- while he's on shift?

7 A. He does have one call at, it looks like,
8 1:00 -- 1:18 in the morning.

9 Q. And can you tell what that is?

10 A. It appears to be -- it lasted four seconds.
11 It appeared -- probably a security check.

12 Q. Is there any other activity during that
13 period of time?

14 A. No, that's it for the shift.

15 Q. And looking at that second page, that is
16 actually what it is --

17 A. It is --

18 Q. -- a security check?

19 A. -- a security business check, yes, ma'am.

20 Q. And how long was he in dispatch -- I'm
21 sorry; in headquarters during that period of time?

22 A. Headquarters, one hour and forty-eight
23 minutes.

24 Q. I think we're looking at a different date.
25 The 24th?

1 A. This would be the 24th --

2 Q. All right.

3 A. -- yes.

4 (Plaintiff's Exhibit No. 13 was marked
5 for identification.)

6 Q. I'm going to skip to the 1st of December.
7 What time did he radio on duty?

8 A. 18:01.

9 Q. When he did arrive at headquarters?

10 A. 19:00.

11 Q. And how long did he stay at headquarters?

12 A. Till just after midnight.

13 Q. So how long was that?

14 A. That would be -- he showed up at 7:00 --
15 five hours -- five hours and eight minutes.

16 Q. If he showed up at 7:00 but went on the
17 radio at 6:00, was he present for roll call?

18 A. Not that I could see, no, ma'am.

19 (Plaintiff's Exhibit No. 14 was marked
20 for identification.)

21 Q. October the 2nd -- I'm sorry; December
22 the 2nd, if we could tee that up on the video, please.

23 A. What time are you looking at?

24 Q. Do outside first. So it's actually the
25 shift of the 1st to the 2nd, right?

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A. No, it'd be the 2nd and 3rd.

Q. Okay. I'm looking for -- well, that's all right.

What time have we got up right now?

A. 20:32 -- 8:32. That would be Officer Humphries pulling in right there in the front.

Q. The first car?

A. Yes, right there.

Q. And what time did he arrive there?

A. He arrived at 20:33 -- 8:33.

Q. If you could do our increments there.

A. Okay.

Q. What time do we have now?

A. We're at almost 3:30.

Q. Has the car moved since it came in?

A. No, ma'am.

Q. What time is it?

A. 04:04.

Q. How long had he been there at headquarters?

A. Seven hours and thirty minutes.

(Plaintiff's Exhibit No. 15 was marked for identification.)

Q. On December the 3rd -- keep on that outside -- what time did he come on duty?

A. 18:04.

1 Q. And that's 6:00 -- a little after 6:00?
2 A. Yes, ma'am.
3 Q. What time did he go off duty?
4 A. 05:32.
5 Q. And how many calls did he take during that
6 period of time?
7 A. It appears to be one call during the shift.
8 Q. And is that confirmed on the sheet that is
9 behind?
10 A. Yes.
11 Q. And how long was he in headquarters that
12 night?
13 A. Dispatch, three hours and forty-eight
14 minutes; headquarters -- oh, I'm sorry; he wasn't in
15 dispatch. It would be six hours and thirty-eight
16 minutes at headquarters.
17 Q. Is that the same night the dog made his
18 visit?
19 A. That is correct.
20 COMMISSIONER GALBRAITH: What was the
21 breakdown on those hours?
22 THE WITNESS: When he worked?
23 COMMISSIONER GALBRAITH: No. You --
24 there was a question about dispatch slash --
25 THE WITNESS: That was on a different

1 day.

2 COMMISSIONER GALBRAITH: Okay.

3 Q. On the 3rd --

4 A. On the 3rd he was -- I just have him at
5 headquarters for six hours and thirty-eight minutes.

6 Q. On the 14th of December -- if you can pull
7 up that outside -- 14th through 15th.

8 A. Through the 15th?

9 Q. Is that --

10 A. Yes --

11 Q. Okay.

12 A. -- 18:17.

13 Q. Officer Humphries --

14 A. 6:17, yes.

15 Q. And he pulls in at what time?

16 A. 18:17 -- 6:17 p.m.

17 Q. 6:17 p.m.?

18 A. Yes, ma'am.

19 Q. What time does he leave?

20 A. 20:45.

21 Q. Which is?

22 A. 8:45.

23 Q. And then does he return again?

24 A. He comes back at 21:48.

25 Q. Which is quarter till twelve -- no, quarter

1 till nine?

2 A. Quarter till ten.

3 Q. Quarter till ten, okay.

4 A. Yes.

5 Q. And leaves at what time?

6 A. 12:17.

7 Q. And then does he come back one more time?

8 A. At 1:33 in the morning.

9 Q. And leaves at?

10 A. 3:52 in the morning.

11 Q. For a total of how many hours at

12 headquarters during that shift?

13 A. Seven hours.

14 Q. And this is after the directive about not

15 being in dispatch, correct?

16 A. Correct.

17 Q. Now --

18 MR. MORGAN: Objection.

19 Q. -- to be fair --

20 MR. MORGAN: Excuse me. I'm sorry; go

21 ahead. To be fair -- I want to hear that.

22 Q. To be fair, you don't have any video of him

23 in dispatch, do you?

24 A. No.

25 Q. Okay. But he was at headquarters for seven

1 hours of his shift, correct?

2 A. Correct.

3 MR. MORGAN: And excuse me for
4 interrupting. The objection is that this memo was about
5 being in dispatch, not headquarters.

6 Q. Okay. On the 18th --

7 MAYOR THORNTON: Hang on just a
8 minute, please.

9 MR. JUETT: The charges against the
10 officers are very -- are broad enough to cover these
11 alleged violations as well, so the objection is
12 overruled.

13 MS. JACOBS: And just for the record,
14 I don't think there was an objection, just a point. I
15 mean, as far as --

16 MR. MORGAN: Well, the objection is
17 and the request is to move to strike that, but that's
18 been ruled upon.

19 Q. On the 18th of December --

20 A. Yes.

21 Q. -- how long was Officer Humphries at
22 headquarters?

23 A. An hour and ten minutes.

24 Q. And on the 19th?

25 A. An hour and twenty-seven minutes.

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Q. On the 22th?

A. Three hours and forty-nine minutes.

MR. MORGAN: I'm sorry, but I'll renew this objection, though, and understanding we're just taking it that's what this witness is saying. We don't even have an offer of a video presentation of that, so I move for that testimony to be stricken.

MS. JACOBS: As we stated in my opening and as we stated in another objection, all the videos are available, all the videos have been personally viewed by the chief, all are available today to watch, all were available to Mr. Morgan and the officers' attorneys.

In the interest of time, we can sit and watch it all or we can --

MR. JUETT: No.

MS. JACOBS: -- take his testimony. If there's a specific need to watch it we will; otherwise, we're going to move forward.

MR. JUETT: In the context of a disciplinary hearing the relevancy and the admissibility is whether this is information that is relied upon or reasonably relied upon by a prudent police chief in assessing performance of officers -- like that is -- so the objection is overruled.

1 MR. MORGAN: Thank you. And just to
2 be clear, that's part of our initial objection based on
3 the lack of this not being under 13(b). There is no
4 standard for that, but I'm just putting that on the
5 record so it's preserved.

6 MR. JUETT: Noted.

7 Q. The 23rd of December -- 23rd -- what do you
8 have noted there?

9 A. Officer Humphries is on the radio, but I
10 never saw him on camera come -- come to headquarters.

11 Q. Okay.

12 A. He did not conduct a roll call that night,
13 so I -- he does have radio activity, but I never knew
14 where he was.

15 Q. Okay. And the 24th --

16 A. Yes.

17 Q. -- of December?

18 MS. JACOBS: Mayor, I'd ask that you
19 admonish the crowd to refrain from comments and gestures
20 and noises. It's distracting to the Commission and to
21 us.

22 MAYOR THORNTON: Yes, ma'am.

23 Q. The 24th of December?

24 A. He was at headquarters two hours and
25 twenty-five minutes.

1 Q. How many hours did then-Lieutenant
2 Humphries work in the month of December?

3 A. One hundred hours.

4 Q. And how long -- how many hours was he at
5 headquarters during that 100 hours?

6 A. Thirty-five point two hours out of one
7 hundred hours.

8 Q. And if he's at headquarters he's not on
9 patrol, is he?

10 A. Correct.

11 Q. As a lieutenant, is part of the
12 responsibilities to supervise others in the performance
13 of their duties?

14 A. Yes, ma'am.

15 Q. And one of the things you've noted in the
16 charges is that on several occasions he saw others --
17 subordinates, officers, or even equals in rank -- and
18 did nothing about it.

19 Would you tell the Commission what you --
20 what you saw --

21 COURT REPORTER: I'm sorry; you said
22 saw and --

23 MS. JACOBS: What he saw and observed
24 about that.

25 A. Just the time -- especially in dispatch --

1 where not only is he not correcting the behavior of them
2 sitting in dispatch, he's partaking, he's sitting there
3 with them instead of correcting their behavior.

4 Q. And is that in contradiction to his job
5 responsibilities?

6 A. Yes, it is.

7 Q. Now, we're going to go through each of the
8 charges with respect to Lieutenant Humphries, so if you
9 can turn to your disciplinary charges.

10 The first is that in October of 2015, as
11 detailed in the day-by-day report that was attached, how
12 many hours was he in dispatch?

13 A. Twenty-one point nine-five hours.

14 Q. And in October of 2015 how many hours was
15 he at headquarters?

16 A. Forty point four.

17 Q. In November of 2015 how many hours was he
18 in dispatch as detailed in the attached documentation?

19 A. Fifty-three point forty-three.

20 Q. And how many hours was he in dispatch?

21 A. (No response.)

22 Q. Go back to the --

23 A. That's what I have.

24 Q. Go back here. On the detail for

25 November --

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MR. MORGAN: Object to the
direction --

Q. -- the day-by-day --

MR. MORGAN: -- that's being given --
in fact, because there's an error on the charging
document --

THE WITNESS: Correct.

MR. MORGAN: -- there's a typo, so --

MS. JACOBS: Well, let me just say
that --

MR. MORGAN: Who's testifying here?

MS. JACOBS: Oh, please. The typo
goes to Lieutenant Humphries' benefit.

Q. It says 53 hours. In actuality, it's how
many hours, Chief?

A. Fourteen point three three.

Q. So that's how many hours he was in --

A. Dispatch --

Q. -- dispatch --

A. -- correct.

Q. -- during that month?

And he was in headquarters how many hours?

A. Fifty-three point four three.

Q. In December how many hours was he in
dispatch?

1 A. Four point one six.

2 Q. How many hours did he work in December?

3 A. One hundred. One hundred hours.

4 Q. And then how many hours was he in
5 headquarters in December?

6 A. Thirty-five point two.

7 Q. Of the 100 hours worked?

8 A. Correct.

9 Q. And based on the chart that you prepared
10 that we looked at earlier, the percentage of time that
11 he was either in dispatch and/or headquarters for
12 October, November and December is what?

13 A. For Officer Humphries it would be 30
14 percent.

15 Q. Moving on, on October the 11th, the charge
16 is that he reported ten hours of work time but was on
17 the radio only point five hours of the entire shift.

18 Is that demonstrated by the documents that
19 you reviewed?

20 A. It is.

21 Q. The next page, October the 11th, did he
22 fail to report to roll call?

23 A. Yes.

24 Q. October the 13th, did he fail to report to
25 roll call?

1 A. Yes.

2 Q. October the 17th, you noted that he
3 reported ten hours of work time but showed only eight
4 point five hours in service. Is that correct based on
5 what we've seen?

6 A. Correct.

7 Q. October the 19th, again he --

8 MR. MORGAN: Excuse me. I'm sorry to
9 interrupt, but Mr. Mayor and members of the Commission,
10 as you can tell by looking at this, essentially what
11 we're doing is the attorney is reading the charges and
12 saying, is that correct. That's not correct form under
13 any stretch of hearing or trial.

14 There has to be some testimony from
15 the chief about these things. We've heard some of these
16 things where he's just said that he wasn't at roll call,
17 but we need to have -- with all due respect, we have to
18 have some substantial evidence beyond the lawyer reading
19 the charge and asking, is that correct.

20 So my motion is to strike this
21 testimony and to require the chief to put forth evidence
22 of all of these specifics.

23 MR. JUETT: Mr. Morgan, I mean, if the
24 chief read it, would that make it any better as opposed
25 to counsel reading it? I mean, it's --

1 MR. MORGAN: Well, no. I mean, this
2 is -- this is certainly the Commission's call as to what
3 type -- what you feel is substantial evidence.

4 If you are comfortable with the chief
5 simply reading what he wrote and saying, that's correct,
6 and you believe that that's substantial evidence, then
7 obviously that's your decision to do that.

8 But I'm looking at this under American
9 Beauty as well as a long line of administrative law
10 cases that you have to have more than somebody coming in
11 and saying it's so. You have to have proof.

12 MS. JACOBS: If --

13 COMMISSIONER GALBRAITH: Hold on.
14 Just for my sake, what's American Beauty?

15 MR. MORGAN: That's the name of --

16 COMMISSIONER GALBRAITH: Is that a
17 court case, or what is that?

18 MR. MORGAN: It's a court case, yes,
19 Commissioner. It's a court case from, I think, 1960,
20 '61, something like that, in Louisville, and that was
21 really the case that set out the whole framework by
22 which administrative actions -- which this is -- how
23 they're supposed to operate.

24 And that -- and I keep saying 13(b),
25 and I apologize; I didn't say what 13(b) is. That's a

1 part of the statute -- KRS statute -- that lays out the
2 rules for administrative hearings.

3 MS. JACOBS: In response, all of the
4 things that I'm asking him to confirm now as we go
5 through each charge have already been introduced and
6 testified to through the documents, the radio logs, the
7 time cards, the videos.

8 I'm just going through each charge
9 now. It's in the record already, and again, if the
10 Commission wants to see additional video, it's all
11 there. We're going to watch more throughout the day
12 with the other officers.

13 With respect to 13(b), this process is
14 governed by KRS 15.520. It's a due process hearing, and
15 that's what we're doing. We're giving them an
16 opportunity to be heard, and that's what we're doing.

17 So I can phrase it differently, but
18 we've already been there.

19 Q. So back on October 17 then --

20 MR. MORGAN: I'm sorry; I think
21 there's a motion on the floor -- or an objection on the
22 floor.

23 MAYOR THORNTON: Go ahead.

24 MR. JUETT: I'm recommending to the
25 Mayor that he overrule the objection. The information

1 that's being put forth, as she said, is already in the
2 record. There is a lot of other evidence being put in
3 the record.

4 I think that can go to the weight
5 that's -- that's being ascribed to it, so --

6 MS. JACOBS: Has the Mayor ruled?

7 MR. JUETT: Yes.

8 Q. On October 17, tell the Commission and the
9 Mayor what you observed and noted to be a violation of
10 policy.

11 A. The time at headquarters being -- give me
12 the date again.

13 Q. October 17th, the next page.

14 A. Reported ten hours of work time; radio log
15 shows that he was only in service for eight point five
16 hours.

17 Q. October the 19th, 2015, can you tell the
18 Mayor and the Commission what your investigation
19 demonstrated?

20 A. Reported ten hours of work time, but the
21 radio log shows he was only in service for eight hours.

22 Q. And it says, as detailed in the attached
23 documentation.

24 Is that part of the charges that were in
25 the documentation that was presented?

1 A. Yes, ma'am.

2 Q. And was it presented here today?

3 A. Yes, ma'am.

4 Q. October the 24th, 2015?

5 A. Shows that he had -- he had no radio
6 activity as shown for the entire shift.

7 Q. November the 16th?

8 A. No radio activity for the entire shift.

9 Q. November the 19th?

10 A. The only radio activity for the entire
11 shift was four seconds.

12 Q. November the 24th?

13 A. The same, the only radio activity for the
14 entire shift was four seconds.

15 Q. December the 1st?

16 A. Radioed in at 18:01, he didn't arrive at
17 headquarters till 19:00, and there was no activity
18 reported prior to 19:00.

19 Q. And just to go back and kind of summarize,
20 have all of these that we've mentioned so far
21 constituted violations of policies and procedures?

22 A. Yes.

23 Q. I'll go specifically on those. December
24 the 3rd?

25 A. He only had one call for his entire shift.

1 Q. And these specific dates are specific
2 additional charges other than just being in dispatch and
3 headquarters as summarized previously?

4 A. Yes.

5 Q. December the 23rd?

6 A. Reported in service at 21:00, but never
7 appeared and conducted the roll call.

8 Q. And then also on December 23rd?

9 A. He arrived at headquarters two hours after
10 radioing that he was in service, but no other radio
11 activity during the two hour -- two hour period of that
12 time.

13 Q. And the remaining of these go to what we
14 talked about a little bit ago with regard to his
15 supervisory duties; is that right?

16 A. Correct.

17 Q. October the 3rd?

18 A. He allowed Officer Bholat and Officer
19 Sandfort to remain with him in dispatch for an hour;
20 although he was the shift lieutenant, he failed to
21 correct the violation.

22 Q. And did you observe that yourself on the
23 video?

24 A. I did.

25 Q. October the 12th?

1 MR. MORGAN: We'll renew our objection
2 on that, because we've seen no testimony and no video on
3 that, and I think the testimony that we heard is that
4 has fallen off, that video does not exist.

5 MR. JUETT: Noted.

6 Q. Did you observe that on --

7 COURT REPORTER: I'm sorry; did you
8 say something?

9 MR. JUETT: Noted.

10 MS. JACOBS: Noted.

11 Q. October the 12th?

12 A. Allowed Officer Bholat to remain with him
13 in dispatch for an hour while he was the shift
14 lieutenant and failed to correct the violation.

15 Q. October the 17th?

16 A. Allowed Officer Bholat to remain with him
17 in dispatch for three hours when he was the shift
18 lieutenant and failed to correct this violation.

19 Q. And when we go back and look at the detail
20 for that date, how long was Mr. Humphries in dispatch on
21 that date?

22 A. The 24th?

23 Q. 17th.

24 A. 17th, three hours and nine minutes.

25 Q. Go to October 24.

1 A. Yes.

2 Q. What did you observe?

3 A. Allowed Officer Bholat to remain with you
4 in dispatch for an hour and forty-five minutes; although
5 he was the shift lieutenant, he failed to correct
6 said -- correct this violation.

7 Q. November the 8th?

8 A. Allowed Officers Breslin and Sandfort to
9 remain with you in dispatch for two and a half hours and
10 allowed Officer Bholat to remain with you in dispatch
11 for three hours; although you were the shift lieutenant,
12 you failed to correct this violation.

13 Q. And then December the 2nd?

14 A. He was in dispatch for two and a half hours
15 and allowed Officer Breslin to remain with him in
16 dispatch for almost two hours; although you were the
17 shift lieutenant, you failed to correct the violation.

18 MR. MORGAN: Renew our objection; move
19 to strike that because there's been no video testimony
20 of this even though some of these apparently do exist.

21 MS. JACOBS: Once again, we can watch
22 any of it. We're not going to offer that, but it's on
23 the video. It's been offered to the officers.

24 MR. JUETT: Same ruling as before. I
25 understand, Mr. Morgan, that you object to this line of

1 questioning, you object to what's -- how they're
2 presenting this case.

3 The decision has been made to let the
4 evidence come in. As I said, the Rules of Evidence in
5 administrative hearings are relaxed.

6 You will get an opportunity to cross
7 examine the chief on all of these issues, and so with
8 that, same ruling as before. Right?

9 MAYOR THORNTON: Yes, sir.

10 Q. And based on your internal investigation of
11 Officer Humphries' activities --

12 A. Yes.

13 Q. -- from October through December of 2015,
14 did you determine that some specific policies were
15 violated?

16 A. I did.

17 Q. And what are those?

18 A. Conduct unbecoming, failure to conform to
19 rules and regulations, insubordination, inefficiency,
20 dereliction of duty, honesty, and failure to properly
21 enforce the rules and conduct as a ranking officer.

22 (Plaintiff's Exhibit No. 16 was marked
23 for identification.)

24 Q. I'm going to go through those.

25 How was his behavior during that three

1 month period of time conduct unbecoming?

2 A. It states that officers shall conduct
3 themselves at all times, both on and off duty, in such a
4 manner as to reflect favorably on the Paris Police
5 Department.

6 Conduct unbecoming an officer shall include
7 any conduct that brings the Paris Police Department into
8 disrepute or reflects discredit upon the officer as a
9 member of the Paris Police Department or the Paris City
10 Police or impairs the operation or efficiency of the
11 Paris City Police or the officer.

12 Q. And how does his actions as detailed
13 constitute conduct unbecoming, in your opinion?

14 A. In my opinion, it definitely impairs the
15 operational efficiency of that officer by sitting in
16 dispatch or headquarters.

17 Q. And is there -- does it bring the
18 department into disrepute or disrespect by not being out
19 on the street?

20 A. I do believe it does, ma'am.

21 Q. The next one is failure to conform to rules
22 and regulations. It would be 11.16.

23 And how does his conduct as we have
24 detailed violate that provision?

25 A. It states that officers and employees shall

1 obey and abide by all the rules and regulations of the
2 Paris Police Department, whether stated in this manual
3 or elsewhere, or whether stated in the form of a general
4 or special order, memorandum or any other written
5 directive.

6 Q. And did his actions during this period of
7 time violate the rules and regulations?

8 A. Yes, ma'am.

9 Q. And how did they know that they weren't
10 supposed to be in dispatch for hours upon hours?

11 A. They have been told repeatedly for a long
12 period of time. We have talked about it extensively in
13 staff meetings with the lieutenants, who pass that
14 information along to the officers, and it's been in
15 effect as long as I've been here.

16 Q. The next charge is insubordination.
17 How does his conduct violate Section 11.17,
18 insubordination?

19 A. Basically by being -- by knowing the rule
20 and otherwise to this degree blatantly disregarding that
21 rule about being in dispatch.

22 Q. The next is inefficiency, 11.18.
23 How does his conduct violate that
24 provision?

25 A. It states, they shall perform their duties

1 and assume the responsibilities of their position in an
2 efficient manner. They -- inefficiency may be
3 demonstrated by a lack of knowledge of the application
4 of the law required to be enforced, unwillingness or
5 inability to perform assigned tasks, and failure to
6 conform to work standards.

7 And I think that's where it falls,
8 inability to perform assigned tasks and conforming to
9 work standards. Our work standard is not to sit in
10 dispatch or headquarters.

11 Q. Again, you said inability to perform the
12 work tasks.

13 Was he at any time unable to perform those
14 work tasks?

15 A. You can't perform the task of patrol by
16 sitting here, so to me, that's an inability.

17 Q. And with respect to supervision of the
18 officers under his command, was there inefficiency there
19 as well?

20 A. Yes.

21 Q. And 11.26, dereliction of duty, how does
22 his conduct violate that provision?

23 A. The last section of that, officers while on
24 duty shall not sleep, conduct personal business, attend
25 to personal pleasures or engage in any other activities

1 which would cause them to neglect or be inattentive to
2 duty, and again, the time spent here does not allow him
3 to pay attention to what's going on on the street.

4 Q. Do you consider the amount of time spent in
5 dispatch and headquarters over the total time that he
6 worked to be a dereliction of his duty?

7 A. Absolutely.

8 Q. Honesty, 11.27?

9 A. The honesty part goes to the time card
10 issues to where certain amounts of time were claimed,
11 but due to the radio traffic, it does not appear that
12 those times were worked.

13 Q. Is there a possibility, an opportunity when
14 you might be doing something that you're not on the
15 radio -- for instance, working at headquarters or
16 something like that, that you're doing some
17 administrative task when you wouldn't be on the radio?

18 A. If you are working for the Paris Police
19 Department, you should be on the radio. If it's off
20 duty, we have off-duty numbers that you should be
21 getting out, and if it's -- it's for a task for the
22 police department, it should be documented.

23 Q. And even on the time card is there a place
24 to document --

25 A. There is.

1 Q. -- time that might not be documented
2 otherwise?

3 A. There is.

4 Q. And in those instances which have been
5 detailed, did Officer Humphries take advantage of those
6 opportunities to document his activities?

7 A. No.

8 Q. Did his conduct which is unsatisfactory and
9 in violation of the policies stop after the December 8
10 email?

11 A. No.

12 Q. And why is that?

13 A. Although he did not -- he was not in
14 dispatch as much, he was still here at headquarters.

15 Q. And when you tell the officers not to be in
16 dispatch, do they know the reason for that?

17 A. The reasons have been talked to quite a
18 bit. One is I don't -- again, I don't want the
19 dispatchers -- I want their attention on being
20 dispatchers, and the other reason is they're not on
21 patrol if they're sitting in dispatch.

22 Q. So if Officer Humphries is in headquarters
23 for an extended period of time in December, he's not in
24 violation of that specific email, but is he in violation
25 of the spirit and intent and policies?

1 A. Correct.

2 Q. Your recommendation at the end of these
3 charges is what to this Commission?

4 A. My recommendation would be termination.

5 Q. And why is that the only possible step, in
6 your mind?

7 A. I observed 14 officers in violation at some
8 point. I had to look at it as the chief of what level
9 that these violations occurred. I determined that six
10 officers that were in the two to five days out of three
11 months should be counseled.

12 Again, there were two officers that -- that
13 they had more violations that grew to a level of a
14 written reprimand, but I think in the case of these
15 officers that there was such an egregious and blatant
16 disregard for the order and for their performance of
17 duties that it grew to the level that termination is
18 warranted.

19 Q. And why do you think, Chief, that this is
20 not just a written reprimand or a suspension type of
21 offense with respect to Officer Humphries?

22 A. One, I mean, Officer Humphries was in a
23 capacity as a supervisor. Not only did he neglect his
24 duties, but he also allowed other officers to -- to
25 neglect their duties and sit in dispatch the same amount

1 of time without doing -- without taking any corrective
2 action whatsoever over the three-month period -- or two
3 and a half if you go up to the one point.

4 And just the amount and the pattern that I
5 saw, I think that on Officer Humphries it did grow to
6 the level of termination.

7 MS. JACOBS: I'm ready to start on
8 another officer now. I don't know if now is a good time
9 to take a lunch break, because we will be going for
10 another hour-ish before I'm ready to take another break.

11 MAYOR THORNTON: How much time do you
12 want to do for lunch?

13 COMMISSIONER GALBRAITH: May I ask a
14 question?

15 MR. JUETT: Yes.

16 COMMISSIONER GALBRAITH: Can I ask a
17 question now? I guess it's a procedure question.

18 MR. JUETT: Yes.

19 COMMISSIONER GALBRAITH: I'm more --
20 I've got more a procedure question. You mentioned we're
21 going to go to the next officer.

22 MS. JACOBS: Right.

23 COMMISSIONER GALBRAITH: Are we going
24 to -- how do I want to say it -- are we going to then go
25 to executive session to discuss all of the officers

1 simultaneously or are we going -- after this are we
2 going into executive session to discuss Officer
3 Humphries? How are we going to -- how are we doing it?

4 MR. JUETT: I think the plan is to
5 hear all of the evidence and all of the cross
6 examination --

7 COMMISSIONER GALBRAITH: And then --

8 MR. JUETT: -- and deal with all of
9 them at one time.

10 COMMISSIONER GALBRAITH: Deal with
11 everybody all at once?

12 MR. JUETT: Yes.

13 COMMISSIONER GALBRAITH: Okay. All
14 right.

15 MAYOR THORNTON: Is 30 minutes what
16 you all want to do?

17 MR. JUETT: Otherwise you'll be here
18 for days.

19 COMMISSIONER GALBRAITH: It looks like
20 we're going to be here for days anyway.

21 MAYOR THORNTON: We'll recess for a
22 30-minute lunch break, if we can do that.

23 (Recess taken.)

24 MAYOR THORNTON: Before we conclude --
25 or before we start back again, I'd like to remind -- if

1 we have any witnesses -- that we do have an area for
2 those people down here next to John's office, in that
3 room.

4 We'll turn our cell phones back off or
5 mute those, and I just want to make sure everybody can
6 hear us that's sitting here or out in the hallway and
7 just to remind them if you cannot, please let Myron know
8 and he'll -- he'll get with us very quickly. Thank you.

9 Is the Police Department ready to go?

10 MS. JACOBS: We are.

11 Q. Chief, you're still under oath, correct?

12 A. Yes.

13 Q. I'm going to turn to Lieutenant Puckett.
14 Tell me -- I just said it -- but what was his position?

15 A. He was a lieutenant for the Paris Police
16 Department.

17 (Plaintiff's Exhibit No. 17 was marked
18 for identification.)

19 Q. And is there a job description for
20 lieutenants?

21 A. There is.

22 Q. And without reading the whole thing, what
23 does a lieutenant do?

24 A. Serves as a shift supervisor supervising
25 his personnel, along with patrol duties and

1 administrative tasks.

2 Q. Okay. And in the course of your
3 investigation did you determine that Lieutenant Puckett
4 had violated some rules and regulations and policies of
5 the police department?

6 A. I did.

7 MR. MORGAN: Excuse me. I'm sorry to
8 interrupt. Where did -- from where does this come?

9 MS. JACOBS: From the police
10 procedures manual.

11 MR. MORGAN: Thanks.

12 Q. In looking at the chart that we've prepared
13 and shown before, with respect to Officer Puckett, in
14 the totality -- October, November and December -- the
15 totality of his hours worked versus the time he spent in
16 dispatch or in headquarters, what is the percentage of
17 time?

18 A. Forty-six percent.

19 Q. I'm going to walk through some of the
20 specifics, and again, you have reviewed all of the video
21 and documentation that we have -- we will be talking
22 about, right?

23 A. I have.

24 Q. And without going through every video again
25 as we have done -- but each is available -- I want to go

1 to October the 6th.

2 (Plaintiff's Exhibit No. 18 was marked
3 for identification.)

4 Q. Keep that one, and what is that that I've
5 handed you?

6 A. A radio log for Lieutenant Puckett.

7 Q. Does it show that he's on the radio at any
8 time on October the 6th?

9 A. It does not.

10 Q. Okay. When's the last time he goes off and
11 then comes on again?

12 A. He went off duty October the 3rd at 6:52 in
13 the morning. He came back on duty October the 7th at
14 8:54.

15 Q. Turning to the next page, what is that?

16 A. Actually, that is the same radio log.

17 Q. Okay. And the third page is a time sheet;
18 is that right -- a time card?

19 A. That's correct.

20 Q. And how much time is marked for October
21 the 8th -- I'm sorry; 6th?

22 A. Ten hours.

23 Q. And did you view the video and the radio
24 logs for October the 6th?

25 A. I did.

1 Q. Do you see any indication that Lieutenant
2 Puckett worked for the City of Paris Police Department
3 on that date?

4 A. I do not.

5 Q. And then down at the bottom page, again,
6 has he checked that the time reported is true and
7 correct?

8 A. He has.

9 Q. Okay. And then who's the supervisor
10 completing the time sheet?

11 A. Officer -- Lieutenant Puckett himself.

12 Q. Okay. October the 8th --

13 A. Yes.

14 Q. -- did you view the video for dispatch on
15 that date?

16 A. I did.

17 Q. And how much time did you calculate that
18 Lieutenant Puckett spent in dispatch on that date?

19 A. One hour and twenty-eight minutes -- on the
20 8th?

21 Q. I'm sorry; the 8th, yeah.

22 A. I'm sorry. Two hours and twenty-six
23 minutes.

24 (Plaintiff's Exhibit No. 19 was marked
25 for identification.)

1 Q. And I'm handing you the radio dispatch log
2 for that date. Do you see that?

3 A. I do.

4 Q. And when is the first radio activity on
5 that date?

6 A. The radio activity is 03:40 in the morning.

7 Q. And what time would he have come on to work
8 the night -- or the night before?

9 A. It should have been 21:00 -- 9:00.

10 Q. And how much time did he spend in
11 headquarters that day?

12 A. That was two hours and twenty-six minutes.

13 Q. Okay.

14 A. Oh, at headquarters -- I'm sorry -- four
15 hours and thirteen minutes.

16 Q. So he got to work at 9:00?

17 A. Correct.

18 Q. Spent four hours and thirteen minutes in
19 headquarters; is that right?

20 A. Correct.

21 Q. And then his first radio activity is a
22 security check at 3:40 in the morning?

23 A. Correct.

24 (Plaintiff's Exhibit No. 20 was marked
25 for identification.)

1 Q. I want to turn to the 10th of October, and
2 on that day how much time has he marked on his time
3 card?

4 A. Four hours overtime.

5 Q. Okay. And do you know what was going on
6 that -- that he got that four hours of overtime?

7 A. I do. He was called out for a -- I think a
8 suicidal person in Garrard Park.

9 Q. And what does the radio log show as his
10 time out?

11 A. It shows that radio actually notified
12 Lieutenant Puckett at 2:28 -- 02:28 a.m. in the morning.

13 Q. And what time did he radio back that it was
14 clear?

15 A. He cleared the call at 04:22.

16 Q. About two hours?

17 A. Correct.

18 Q. And then is there evidence on the video
19 that he then went to the dispatch area?

20 A. A short time after that, yes, ma'am.

21 Q. Okay. And I think you've teed that up on
22 the video?

23 A. Yes, ma'am.

24 Q. Okay. So what time have you got up there
25 before we start it?

1 A. If you want real time, it is actually
2 05:18 -- or 5:08.

3 Q. Okay. And that, again, is the 20
4 minutes --

5 A. The 20-minute difference --

6 Q. -- off on the video?

7 A. -- yes, ma'am.

8 Q. Okay. So if you'll go and start that.

9 MS. JACOBS: And I'll just tell the
10 Commission this is one of the -- the not great
11 recordings.

12 Q. All right. What have we got there?

13 A. We've got Lieutenant Puckett sitting here.
14 It's the morning of the 11th. The shift started the
15 10th. Lieutenant Puckett appears to -- he brought in
16 something to eat. Officer Primm just walked in.

17 Q. Can you back it up just a little bit for --
18 so we can get context a little bit better?

19 A. (Witness complies.)

20 Q. Okay. Is that Lieutenant Puckett eating?

21 A. He's -- his food is there. He's not eating
22 at that particular moment.

23 Q. And this is Officer Primm that comes in?

24 A. Correct.

25 Q. And who's the dispatcher that's over to the

1 left?

2 A. Ms. Tay Douglas.

3 Q. Okay. You can stop it right there.

4 Is what you observed on that video
5 considered to be improper conduct?

6 A. Yes, it is.

7 Q. And why is that?

8 A. Just conduct that at no time should be
9 taking place between, you know, the dispatcher and a
10 lieutenant that actually says he's on duty at that
11 point -- or even off duty.

12 Q. Okay. I want you to back it up and then
13 talk us through what you see on there.

14 MR. MORGAN: Objection.

15 MS. JACOBS: I think he's entitled to
16 describe for the Commission what he believes that
17 activity to be.

18 MR. MORGAN: We'll renew that
19 objection. I think the Commission is the ones who are
20 entitled and it's your duty to say what this activity
21 is, and we don't get to have commentary, showing it time
22 and time again.

23 MR. JUETT: Overruled.

24 Q. Go ahead and start it and then just talk us
25 through what you believe, based on your review and

1 observations, why this is inappropriate conduct and why
2 it's a violation of policy.

3 A. Truthfully, after watching it several
4 times -- after watching it several times it appears
5 while Lieutenant Puckett was eating it appears that he
6 has dropped some food or something on his pants.

7 Q. All right.

8 MR. MORGAN: Objection to the
9 speculation. This -- this is what it purports to be.

10 MR. JUETT: Sustained.

11 MS. JACOBS: Sustained?

12 MR. JUETT: Yeah.

13 Q. Okay. Go ahead.

14 A. Without the commentary?

15 COURT REPORTER: I'm sorry; what did
16 you say?

17 MS. JACOBS: Without the commentary.

18 THE WITNESS: I was asking her without
19 the commentary.

20 MS. JACOBS: Is that the sustaining?
21 Is that what you sustained?

22 MR. JUETT: Yes.

23 MS. JACOBS: Okay.

24 MR. JUETT: Yes.

25 Q. And who's that who walks in?

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A. Officer Castle.

Q. Okay. Thank you. You can stop now.

(Plaintiff's Exhibit No. 21 was marked for identification.)

Q. October the 12th, did you view the video and watch the video of dispatch and --

A. I did --

Q. -- and of the parking lot?

A. -- yes, ma'am.

Q. And how much time has Officer Puckett spent in dispatch on the 12th?

A. One hour and six minutes.

Q. And how much time was he at headquarters?

A. Three hours and thirteen minutes.

Q. And is that reflected on the radio call sheet that we see here?

A. It is.

Q. And the first call that he takes on the radio is at what time?

A. 04:03 -- 4:00 in the morning.

Q. What time would he have come on duty the night before?

A. It should have been 21:00 -- 9:00.

Q. And then there are several calls, it looks like, 4:03, 4:10, 4:14, security check 4:31; is that

1 right?

2 A. Correct.

3 Q. And what time does he go off?

4 A. I don't have that.

5 Q. It's the end of the -- okay. Is the last
6 call that's shown on there 4:13?

7 A. 4:31.

8 Q. 4:31, I'm sorry.

9 A. Yes.

10 (Plaintiff's Exhibit No. 22 was marked
11 for identification.)

12 Q. 10/17 -- I'm sorry; I'm going to back up to
13 10/13.

14 A. Okay.

15 Q. And I think the time card is on the
16 previous exhibit, okay, that reflects that same period
17 of time.

18 A. Okay.

19 Q. What time did he come on duty and go off
20 duty?

21 A. For the 13th?

22 Q. Yeah.

23 A. He came on duty at actually 19:00 -- 7:00.

24 Q. What time did he go off?

25 A. Went off duty at 03:43.

1 Q. How many hours is that?

2 A. That would be nine hours.

3 Q. How much time on the time sheet did he
4 claim?

5 A. He had 12 hours on his time card.

6 Q. Is there any explanation from him in the
7 next part about what he was doing those other three
8 hours?

9 A. No, ma'am.

10 Q. Okay. 10/17, if you can pull up the video.
11 Let's start -- let me figure out what time I want to
12 start.

13 MR. MORGAN: I'm sorry; while you're
14 finding that out, I do object to the chief's comment
15 that there was no explanation given by Lieutenant
16 Puckett.

17 In fact -- and I'm sure counsel will
18 go toward this -- but he did provide written
19 explanations for these allegations and specifically to
20 that particular one.

21 MR. JUETT: Which you can cross
22 examine him on at the time.

23 Q. Have you got the 17th up?

24 A. What time? Okay. It's ready.

25 Q. Okay. Is it the 17th or 18th?

1 A. It's actually the 19th. It was on the
2 18th, going into the 19th.

3 Q. Okay. Do you have the time where Officer
4 Puckett was there?

5 A. What was the time? I've got it right here.
6 We're almost there. It's playing.

7 Q. Okay. Tell the Commission what we're
8 looking at here.

9 A. That's Lieutenant Puckett sitting here,
10 dispatcher Douglas and dispatcher Matthews.

11 Q. And what day is this?

12 A. This is actually the shift of the 18th, but
13 it's the morning of the 19th at 00:43.

14 Q. And is that him who just left?

15 A. He actually comes right back.

16 Q. He comes right back.

17 And have you charged that as inappropriate
18 contact?

19 A. I have.

20 Q. And why do you believe that constitutes
21 inappropriate contact -- conduct?

22 A. It's just the conduct exhibited from the
23 supervisor and the -- and the two workers in dispatch.

24 (Plaintiff's Exhibit No. 23 was marked
25 for identification.)

1 Q. On that same day, on the 18th --
2 A. Yes.
3 Q. -- here's the radio traffic.
4 The one before the 18th is what, the 13th
5 of October? Is that right?
6 A. I'm sorry?
7 Q. So right here --
8 A. Yes.
9 Q. -- right above the 18th --
10 A. Yes.
11 Q. So we go from the 13th to the 18th?
12 A. Correct.
13 Q. And there's one traffic stop at 4:37 in the
14 morning; is that right?
15 A. That's correct.
16 Q. Is there any other activity on that day?
17 A. For the 18th, no, ma'am, that was the only
18 activity for that shift.
19 Q. On the 18th how much time has Lieutenant
20 Puckett claimed on his time card?
21 A. Six hours.
22 Q. Okay. Do you know what time he arrived and
23 left?
24 A. He arrived at 18:01, which would be 6:01,
25 went off duty at 12:36, and he was marked busy for the

1 first two hours, with no activity after the first two
2 hours.

3 Q. What's that mean, busy?

4 A. I don't know. It just says they're busy
5 and not available for calls.

6 Q. So is that six hours? How many hours is
7 that?

8 A. That's correct.

9 Q. But there's no activity taking place during
10 that time that you can tell --

11 A. No.

12 Q. -- from the radio calls?

13 A. No.

14 (Plaintiff's Exhibit No. 24 was marked
15 for identification.)

16 Q. Okay. October the 22nd -- and do you have
17 video on the 18th from outside that shows additional
18 inappropriate contact?

19 A. No, we don't have that video from the
20 outside on the 18th.

21 Q. That disappeared?

22 A. Yes.

23 Q. Okay. October the 22nd.

24 (Plaintiff's Exhibit No. 25 was marked
25 for identification.)

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MR. MORGAN: Thank you.

Q. How much -- what time did he go on duty and off on October the 22nd to the 23rd?

A. He came on duty at 20:57, which is three minutes till nine, and he went off duty at 03:03.

Q. Which is how many hours?

A. Six hours.

Q. How many hours did he claim on his time sheet that's attached?

A. Eight.

Q. And how long did he spend at dispatch on that date?

A. One hour, forty-four minutes.

Q. How long was he at headquarters?

A. Three hours and thirty-one minutes.

Q. So of the six hours he was on the radio, three and a half were in headquarters?

A. Correct.

(Plaintiff's Exhibit No. 26 was marked for identification.)

Q. October 29th -- 28th to the 29th, I'm sorry.

A. Yes, it would be the 28th to the 29th.

Q. Yes. What time did he come on to the radio?

1 A. 12:28 a.m.

2 Q. And what time did he go off?

3 A. 07:02 a.m.

4 Q. How many hours is that?

5 A. Six and a half.

6 Q. And how much time did he claim on his time
7 sheet that's attached?

8 A. Ten hours.

9 Q. Was there any explanation given by him --

10 A. No, ma'am.

11 Q. -- for the additional time?

12 A. It should say on the time card.

13 Q. On the time card?

14 A. (Nods head.)

15 Q. All right. If you can cue up the outside
16 camera on the 30th.

17 A. October 30?

18 Q. October 30. Are we on the right date?

19 A. I'm going to get past midnight here.

20 Q. Okay. Are we on the right date?

21 A. Yes, we are.

22 Q. The 30th or the 31st?

23 A. 31st, yes, ma'am.

24 Q. Who is that that just left?

25 A. I didn't notice.

1 Q. Okay. That's fine. That's fine. Was it
2 Puckett?

3 A. No, ma'am.

4 Q. Okay.

5 A. This is Lieutenant Puckett pulling in in
6 the SUV.

7 Q. Is this the first time, based on your
8 review, that he has been at headquarters on this
9 evening?

10 A. It is.

11 Q. Does it appear to you that the car is
12 running?

13 A. It is.

14 Q. And how can you tell?

15 A. By the exhaust.

16 Q. If you could just take us through the
17 increments again until we see that car leave.

18 A. (Witness complies.)

19 Q. What time is that?

20 A. I'll go back. I'll have to start over.

21 Q. Okay. Right there, what time is that?

22 A. 01:49.

23 Q. Okay. And then does he return at some
24 point again?

25 A. He does.

1 Q. Do you know what time he comes back?

2 A. I do -- at 02:49.

3 Q. Is he back?

4 A. He is. He just pulled in.

5 Q. Which one is it?

6 A. The SUV here on the end.

7 Q. Okay. And what time is it?

8 A. He came in at 02:48, 49, somewhere around
9 that area. He leaves at 03:47.

10 (Plaintiff's Exhibit No. 27 was marked
11 for identification.)

12 Q. Okay. I'm going to show you this radio log
13 sheet.

14 What can that tell us about the activities?

15 A. (No response.)

16 Q. There's a radio call at -- a traffic stop
17 at 2:08?

18 A. Correct, traffic stop at 2:08, a business
19 check at 3:37, an extra patrol at 3:44.

20 Q. During that shift --

21 A. Yes.

22 Q. -- how long, based on your review of the
23 video, was he in dispatch?

24 A. For two hours and thirty minutes.

25 Q. And how long was he at headquarters?

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A. Three hours and nine minutes.

Q. And is the first -- let me change that.
What is the first time that he arrived at
headquarters?

A. At 00:08.

Q. Which is?

A. 12:08.

Q. In the morning?

A. A.m., yes, ma'am.

Q. Of the 100 -- of the hours worked in the
month of October, how many hours did he spend at
headquarters?

A. Fifty-nine hours out of a hundred and
forty.

Q. And how many hours did he spend at dispatch
in October?

A. Thirty-one hours and -- point thirty-one.

Q. How many hours did Lieutenant Puckett work
in November -- did he work in the -- work in Paris?

A. He worked 40 hours for the month of
November.

Q. Okay. It looks like he had some training
and some days off --

A. He did.

Q. -- for vacation and things?

1 A. He had vacation and training, yes, ma'am.

2 Q. So he worked just four days --

3 A. Right.

4 Q. -- forty hours; is that right?

5 A. Correct.

6 Q. On the 2nd of November, if you could tee up
7 the video for the outside.

8 A. Okay. That's Lieutenant Puckett pulling in
9 at 21:20.

10 Q. Do you know how long he is there during
11 this initial period?

12 A. He is there until 02:01 in the morning.

13 Q. So --

14 A. He's actually there twice.

15 Q. Okay.

16 A. He leaves, comes back at 3:30 and is there
17 till almost 5:00.

18 MR. MORGAN: I'm sorry to interrupt,
19 but that may be on his little spreadsheet, but it's not
20 on the charge sheet.

21 There's no allegation on the charge
22 sheet that on November 2 anything inappropriate or
23 violative of rules occurred, so that's outside the scope
24 of the charge document.

25 MS. JACOBS: The charge documents

1 indicate that on November the -- in November he spent a
2 total of 19 hours, 23 minutes at headquarters out of a
3 total 40 hours worked, and it's detailed on the
4 individual sheets that he received and it's on the video
5 that was available to them.

6 MR. MORGAN: Very quickly, the first
7 page of this charging document involving Lieutenant
8 Puckett says November 2015, were in dispatch 9 -- I'm
9 sorry; 7.93 hours.

10 MS. JACOBS: Look down at the next
11 one.

12 MR. MORGAN: Okay. The next one says,
13 spent 19.23 hours out of a total of 40 as attached.

14 My -- my point, however, is that in
15 the more detailed summary here, where there are all of
16 these other instances where specific days are mentioned,
17 there's nothing dealing with November 2.

18 Additionally -- and I'll leave it at
19 this -- everything is in minutes and hours except until
20 when you see something here on page one where it says
21 November 2015 were in dispatch 7.93 hours.

22 So apparently we have two different
23 time measurements here, one in minutes and hours and
24 another in which an hour is equal to 1.00 as opposed to
25 60 minutes.

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MS. JACOBS: I'm --

MR. JUETT: Well, the way the hours are stated, whether it's in hours or minutes -- I mean, whether it's a percentage or whether it's a whole hour stated in minutes, I mean, that's not going to change the amount of time that was actually --

MR. MORGAN: Well, I think what --

MR. JUETT: -- being put forth.

MR. MORGAN: I'm sorry to interrupt.

MR. JUETT: Yeah, that's all right.

MR. MORGAN: You will see -- the members of the Commission is going to see that if you do it one way it's some number and if you do it another one it's a different number, so it does have an effect.

And that's part of our question, if he wants to address that now, as to how we -- how he determines this, that would be fine.

But it does have a significant impact when -- if you're adding -- if you're adding hours and minutes as opposed to making an hour a unit of 1.0, because that's -- that's not how time is kept.

Time is kept in a 60-minute hour and however many minutes, and here we've got a measurement on page one where it says, were in dispatch 7.93 hours.

MR. JUETT: I don't see that as a

1 significant difference, and it does go to the weight of
2 what the Commissioner members can ascribe to what
3 they're saying here, so overruled with your explanation
4 as to the objection.

5 MS. JACOBS: And I think that's
6 something he's certainly entitled to cross the chief on.

7 MR. JUETT: Sure.

8 MS. JACOBS: But with respect to
9 whether that's detailed on the -- on the sheet, it is
10 detailed on the sheet, November the 2nd, six hours, two
11 minutes at headquarters. I mean, that's what they're
12 all like.

13 Q. So do you know what time he first arrives
14 at headquarters on the 2nd?

15 A. That was the 21:20.

16 Q. Which is 9:00?

17 A. 9:00.

18 Q. 9:20?

19 A. Yeah, 9:20.

20 Q. Okay.

21 A. 9:00 real time.

22 Q. And that's where we are now?

23 A. Yes.

24 Q. And how long is he there for this period of
25 time?

1 A. He's there till 2:01 -- 02:01.

2 Q. Just play that for them. Just play it in
3 increments until he leaves.

4 Okay. What time is that?

5 A. 02:01.

6 Q. So he's been there from 9:00 till 2:00?

7 A. Yes, ma'am.

8 Q. And does he come back again that evening --
9 or that morning?

10 A. He does.

11 Q. And what time does he arrive back?

12 A. 03:30.

13 Q. Is he back yet?

14 A. Yes, ma'am.

15 Q. Okay. And how long does he stay this time?

16 A. He's there until 04:58 -- just prior to
17 5:00.

18 Q. About an hour and a half?

19 A. Correct.

20 Q. So the total -- based on what you reviewed
21 from the video, how long was he at headquarters?

22 A. Six hours and two minutes.

23 Q. On the 3rd of November, how long was he at
24 headquarters?

25 A. Three hours and thirty-three minutes.

1 Q. On the 4th of November, how long was he at
2 headquarters?

3 A. Three hours and fifty-five minutes.

4 Q. On the 5th of November, how long was he at
5 headquarters?

6 A. Five hours and forty-four minutes.

7 Q. And on that date how long was he in
8 dispatch?

9 A. Two hours and forty-nine minutes.

10 Q. And that's on two separate occasions?

11 A. Yes, ma'am.

12 (Plaintiff's Exhibit No. 28 was marked
13 for identification.)

14 Q. Let me show you the radio log sheet, and
15 this begins on the 5th of November; is that right?

16 A. Correct.

17 Q. Okay. How many dates -- I'm sorry; how
18 many times are shown that he's gone out?

19 A. Two calls.

20 Q. At -- early in the morning?

21 A. At 03:08 and 03:48.

22 Q. On the 6th of November --

23 A. Yes.

24 Q. -- how many calls does he go out on?

25 A. One.

1 Q. Would that be in the early morning hours of
2 the 6th?

3 A. 01:25.

4 Q. So is that the shift of November 5th --

5 A. Correct.

6 Q. -- to 6th?

7 A. That -- that would have been the 5th, yes,
8 ma'am.

9 Q. Okay. And during that shift when he had
10 one call he was in headquarters how long?

11 A. Actually, it would have been three calls on
12 the 5th. He was at headquarters five hours and
13 forty-four minutes, because this would be the 5th also.

14 Q. The 6th, though, is the actual date?

15 A. Correct.

16 Q. Oh, okay. I see what you're saying.

17 A. But it's the shift of the 5th.

18 Q. Got you. Okay. All right. And again,
19 after the 5th of November he was on training or vacation
20 or just regular days off, correct?

21 A. Correct.

22 Q. That sheet also -- hold on to that for a
23 minute.

24 A. Yeah, I'll put it right there.

25 Q. Okay. December the 1st, if you could pull

1 that up for us on the video outside.

2 Is that Lieutenant Puckett driving in
3 there --

4 A. It is --

5 Q. -- in the SUV?

6 A. -- yes, ma'am.

7 Q. And what time is it?

8 A. It was 21:23 -- I'm sorry; 21:22.

9 Q. 9:22?

10 A. Yes.

11 Q. And is that for beginning-of-the-shift roll
12 call --

13 A. That --

14 Q. -- when everybody comes in?

15 A. Real time that's 9:00 roll call.

16 Q. Okay. What time is it right now?

17 A. 23:15.

18 Q. Let it run there for a minute.

19 COURT REPORTER: I'm sorry?

20 MS. JACOBS: I said, let it run there
21 for a minute.

22 Q. What time is this?

23 A. 12:02.

24 Q. Has the car moved since it came in at 9:00?

25 A. No, ma'am.

1 Q. Is the car running?
2 A. It is.
3 Q. Has anyone been in or out of the car?
4 A. No, ma'am.
5 Q. Is there any legitimate business purpose
6 you can think of on behalf of the City of Paris to leave
7 a car running for four hours?
8 A. No, ma'am.
9 Q. What time does he leave?
10 A. At 12:29.
11 Q. And then does he return?
12 A. He does, at 01:29.
13 Q. If you could skip to that, please.
14 Okay. Has he returned?
15 A. He has.
16 Q. Okay. What time?
17 A. 01:29.
18 Q. Okay. How long does he stay this time?
19 A. Till 04:28.
20 Q. Is that two and a half --
21 A. Three hours.
22 Q. Three hours. Is the vehicle running during
23 this period of time?
24 A. I believe it is.
25 Q. And how can you tell?

1 A. By the exhaust.

2 Q. If you'll just play that for a little bit
3 so we can see that.

4 A. (Witness complies.)

5 Q. During that period of time did anyone enter
6 the vehicle?

7 A. No, ma'am.

8 Q. So what is the total amount of time on
9 December the 2nd that he was in headquarters with his
10 vehicle running?

11 A. Six hours and forty minutes.

12 Q. On the 3rd of December, do you -- can you
13 pull up the times from dispatch? Actually, that's one
14 we've already seen. That's the --

15 A. Yes, ma'am.

16 Q. -- dog one, okay.

17 And how long was he in dispatch on the 3rd
18 of December?

19 A. One hour, thirty-three minutes.

20 Q. And was that on one or multiple visits?

21 A. That was on one visit.

22 Q. And did you observe his car in the parking
23 lot?

24 A. Yes, ma'am.

25 Q. How long?

1 A. Five hours and eight minutes.

2 Q. And was it running during that period of
3 time?

4 A. It was.

5 Q. Without watching the entire video again --
6 have you seen the video?

7 A. I have.

8 Q. And during that period of time when he was
9 at headquarters with the vehicle running did anybody
10 else or did anyone at all get into the car to start it
11 or to turn it off?

12 A. No, ma'am.

13 Q. The 6th of December, if you could tee that
14 up, please.

15 A. Are you ready to start it?

16 Q. Yes. What time does he arrive at
17 headquarters?

18 A. 21:35.

19 Q. And that's 9:35, but back it up in real
20 time --

21 A. Right after --

22 Q. -- 15 minutes, 20 minutes?

23 A. Right after 9:00.

24 Q. For the start of the shift?

25 A. Correct.

1 Q. What time did you say? I'm sorry.

2 A. 9:35.

3 Q. Okay. And based on -- hold up just a
4 minute on that. You're getting ahead of me.

5 A. Sorry.

6 Q. Based on the radio report, that's for the
7 next evening, right?

8 A. Correct.

9 Q. Hold on just a second. All right. Look at
10 the one I'd given you previously that starts with
11 November the 5th.

12 A. Yes.

13 Q. All right. It's labeled at the top page
14 12, correct?

15 A. Correct.

16 Q. And if you go down, the last one is what?

17 A. 12/4.

18 Q. At 3:20 a.m.?

19 A. 03:20.

20 (Plaintiff's Exhibit No. 29 was marked
21 for identification.)

22 Q. And then this next page I'm giving you is
23 what -- page what?

24 A. Page 13.

25 Q. Okay. Does there -- to the best of your

1 knowledge, is there anything in between page 12 and 13?

2 A. No, ma'am.

3 Q. Okay. So what's the first dispatch on the
4 6th of October?

5 A. The first dispatch -- actually, it's a
6 self-initiated traffic stop -- was at 20:58, which is
7 8:58 --

8 Q. So probably on his way to work?

9 A. -- which he concluded at 9:06.

10 Q. And then he comes on into headquarters
11 after that, right?

12 A. Correct.

13 Q. Is there any other activity on that date?

14 A. No, ma'am, no other activity.

15 Q. Okay. If you could --

16 MR. BEAUMAN: You said October.

17 MS. JACOBS: I meant December.

18 THE WITNESS: December, yeah.

19 MS. JACOBS: Yeah, we're looking at
20 December. If I said October, I misspoke.

21 Q. So what time are we on the video?

22 A. Right now we're at 9:43.

23 Q. Officer Puckett has arrived?

24 A. Yes, he arrived at 9:35 video time.

25 Q. It looks like the other officers have left?

1 A. Correct.

2 Q. And how long does that car sit there?

3 A. That car sits there tonight for eight hours
4 and fifteen minutes.

5 Q. Is that one fell swoop or does he leave and
6 come back?

7 A. Without moving.

8 Q. Is it running?

9 A. It is.

10 Q. And how can you tell?

11 A. You'll see the exhaust. Especially when it
12 gets earlier in the morning it's quite evident.

13 Q. And during that period of time did anyone
14 come out and enter or leave that car?

15 A. No, ma'am.

16 Q. What time have you got up there now?

17 A. 23:04, which is --

18 COURT REPORTER: What did you say,
19 23:04?

20 THE WITNESS: 23:04.

21 Q. If you could, do the increments so we
22 can --

23 A. (Witness complies.)

24 Q. Okay. Go back a little bit.
25 What time have we got now?

1 A. 01:10.

2 Q. Okay. Just let it run.

3 A. Okay.

4 Q. Did you see exhaust at that point?

5 A. Yes.

6 MR. MORGAN: Let the record reflect
7 that's from the trooper vehicle, not the police vehicle.

8 COMMISSIONER GRAY: Can I ask a
9 question of the chief at this point? It's not good
10 practice to be burning the fuel, but is there a policy
11 against keeping their cars running when they're
12 unattended as far as --

13 THE WITNESS: I can't say there's a
14 policy, but they've been told over and over not, to --
15 to the point that we've told them if -- if we catch them
16 letting their cars run we're going to make them park
17 them at headquarters.

18 COMMISSIONER GRAY: Okay.

19 Q. Keep going and just do increments until the
20 time that he leaves.

21 A. There's the exhaust coming --

22 Q. There's no trooper car there, is there,
23 Chief?

24 A. No, ma'am.

25 Q. That exhaust is still going, isn't it?

1 A. Yes, ma'am.

2 Q. What time is it?

3 A. 04:13.

4 Q. Has it moved since it arrived at 9:00?

5 A. No, ma'am.

6 Q. Keep going.

7 A. 05:25.

8 Q. On the 12th of October, how long was

9 Lieutenant Puckett in dispatch?

10 A. Sixteen minutes.

11 Q. Over three different visits, so that --

12 A. Correct.

13 Q. -- you have no issue with that, right?

14 A. No problem.

15 Q. How long was he in headquarters?

16 A. Four hours and eight minutes.

17 Q. And again, on the 13th how long was he in

18 dispatch?

19 A. Sixteen minutes.

20 Q. Over one visit, right?

21 A. Correct.

22 Q. And how long was he at headquarters?

23 A. Five hours and fifty minutes.

24 Q. Does Officer Puckett know of the rule about

25 dispatch?

1 A. Yes, ma'am.

2 Q. And how do you know that?

3 A. Well, it's been talked about several times,
4 but not only that, on a particular occasion last month
5 he was in a meeting with a dispatcher to where she was
6 asked to resign.

7 At that point she made the statement that
8 Capital Elkin had told her that he didn't care how many
9 officers or other people were in dispatch, and I told
10 her that that was not my expectation and that was not
11 the rule.

12 She left the room. At that point I asked
13 Lieutenant Puckett, Lieutenant Puckett, what is your
14 understanding of the rule, and he said, only for
15 official business, sir. And I said, and how long has
16 that been in effect, and he said, long before you got
17 here.

18 Q. Okay. And this is a good time -- just over
19 the period of -- when did you start here?

20 A. December of 2010.

21 Q. Okay. Over the period of time --

22 MS. JACOBS: And this is a collection
23 of memoranda, staff meeting agendas and that type of
24 thing.

25 (Plaintiff's Exhibit No. 30 was marked

1 for identification.)

2 Q. The first one talks about what?

3 A. That the shifts will have beginning and
4 ending roll calls.

5 Q. Okay. And turn to the next page.

6 This is in March of 2012?

7 A. Correct.

8 Q. Who's at staff meetings?

9 A. All the lieutenants, the chief and the
10 assistant chief.

11 Q. And what happens in staff meetings?

12 A. We have a list of things that we go over --
13 that the chief would go over, and then when he is done
14 all the lieutenants will bring up anything that they
15 have.

16 Q. And then do the lieutenants have a
17 responsibility or anything they should do after that?

18 A. Yes -- I mean, this is coming from the
19 chief -- they're to take that information back to the
20 officers.

21 Q. Okay. On the 12th -- I'm sorry; March
22 the 12th -- was anything discussed at a staff meeting
23 that would have been passed on?

24 A. We did talk, and it states, stay out of
25 dispatch.

1 Q. All right. What's the next one?

2 A. We talked about dispatch again on 8/15/12.

3 Q. Okay. Now, again, to be fair, these

4 officers were not present at that meeting, right?

5 A. Correct.

6 Q. But their lieutenants at that time were

7 present?

8 A. Correct.

9 Q. Okay. And it's the lieutenant's

10 responsibility to pass on to their people, right?

11 A. Correct.

12 Q. What's the next one?

13 A. Fill out time cards correctly, do not be in

14 dispatch on or off duty. That's 3/13 of '13.

15 Q. Okay. What's the next one?

16 A. Talked about dispatch again and having

17 ending -- make sure you're have ending roll calls.

18 That's 9/11/13.

19 Q. Okay. What's the next one?

20 A. The next one is 10/8/2013. Actually,

21 that's about the ten-hour day for travel.

22 Q. Okay. What's the next one you were able to

23 find?

24 A. 1/15/14, again, make sure the time cards

25 are correct, roll call beginning and ending, and that

1 looks like it on that one.

2 Q. Okay. So do you have any reason to believe
3 that any of the gentlemen here today did not know that
4 they were not supposed to be in dispatch for extended
5 periods of time?

6 A. No, ma'am, none -- none whatsoever.

7 Q. All right. Now we're going to go through
8 the charges like we did before, so pull up the
9 disciplinary charges.

10 MR. MORGAN: This has been asked and
11 answered. To the extent that she's gone through and
12 there have been those occasions in which I've objected
13 and pointed out maybe something wasn't charged and --
14 but this is asked and answered. It's duplicative. It's
15 cumulative.

16 MS. JACOBS: Just to the extent that
17 they're going to stipulate that these are violations and
18 they are prepared to waive that on appeal that it's
19 substantial evidence, I'm -- we can move on.

20 MR. MORGAN: I don't know if that even
21 warrants a response.

22 MS. JACOBS: Well, you know, we're
23 going through them or you're going to waive it, one or
24 the other.

25 MR. MORGAN: I think we're going to do

1 what the Commission says we're going to do.

2 MR. JUETT: Is it going to add to what
3 you've already submitted?

4 MS. JACOBS: Well, I think it's
5 necessary that the Commission is aware of each specific
6 charge and that it violates a policy, and I think it is
7 necessary.

8 MR. JUETT: Okay.

9 COMMISSIONER GRAY: I myself have
10 studied this probably --

11 COURT REPORTER: I'm sorry. I'm
12 sorry; I didn't hear what you said.

13 COMMISSIONER GRAY: I myself --
14 speaking for myself -- have studied this inside and out
15 all weekend. We've had these materials. This is
16 speaking for myself.

17 COMMISSIONER GALBRAITH: The -- the
18 only concern -- there was -- somebody said something
19 about waiver, but doesn't -- compared to the last
20 officer, doesn't Officer Puckett have additional charges
21 that the other one -- that the other --

22 MS. JACOBS: Yes.

23 COMMISSIONER GALBRAITH: -- I say the
24 other -- the previous --

25 MS. JACOBS: Yes.

1 COMMISSIONER GALBRAITH: -- officer
2 did not have?

3 MS. JACOBS: Yes.

4 COMMISSIONER GALBRAITH: So if we get
5 into some, quote, waiver -- whatever the H that means --
6 in a court of law, what does that do if we don't --
7 maybe we don't look at the same charges over here on --
8 I call it on page three of Officer Puckett, but do we
9 need to talk about page four?

10 MS. JACOBS: Yes. I believe we do,
11 yes.

12 COMMISSIONER GALBRAITH: Because I --
13 I don't want to -- again, I'm going to -- I'm going to
14 agree with Tim. We've had these things and we've
15 studied them to a much lesser degree than has -- I guess
16 until today, till we could see this -- till we could see
17 these videos.

18 All we had was the written -- I guess
19 the word, and now we're trying to take the written word
20 and match it to the video.

21 And so I want to make sure that we do
22 our due diligence, because personally, I've been put in
23 a position that I didn't want to be in, but I've been
24 put in a position, and if I'm going to be put in this
25 position, I want to know that I'm covering myself and

1 I'm not going to do anything that's going to cause any
2 other action either for the City or for the officers
3 that are being charged here today.

4 So I know time is of the essence and I
5 realize that, but this is a hearing, right?

6 MR. JUETT: (Nods head.)

7 COMMISSIONER GALBRAITH: So I've got
8 to be careful what I -- how I say this, but I want to
9 make sure I -- I'll use the initials CYA. Okay?

10 MAYOR THORNTON: Well, if that's the
11 case, then we need to let this in and let them go
12 through each charge individually.

13 COMMISSIONER GALBRAITH: Well, I -- I
14 don't have a problem with -- I don't have a problem with
15 page three, but I just want this page four -- I want to
16 make sure we don't open the door to some appeal
17 someplace. That's just me personally. What do you
18 think, Temple?

19 MR. JUETT: If -- if we can -- if we
20 can expedite this --

21 MS. JACOBS: Okay.

22 MR. JUETT: -- if we can move through
23 this --

24 COMMISSIONER GALBRAITH: Yeah.

25 MS. JACOBS: I will, yes.

1 MR. JUETT: -- as quickly as you can.

2 COMMISSIONER GALBRAITH: Because
3 again, their side has, I guess, an opportunity to try to
4 cross examine and refute -- or whatever the words are
5 that we want to use here. Okay?

6 MS. JACOBS: Okay. I'm not trying to
7 waste anybody's time.

8 COMMISSIONER GALBRAITH: No, no. I
9 realize that. I know. We're not -- nobody is, but
10 we've been put in a position that --

11 MAYOR THORNTON: Okay.

12 Q. I think we have not covered a couple of
13 things.

14 Your calculations show that in November of
15 2015 how long was Lieutenant Puckett in dispatch while
16 on duty?

17 A. What month? I'm sorry.

18 Q. November.

19 MR. MORGAN: That's what we talked
20 about when I pointed out the 7.93 hours.

21 And I noticed something came around.
22 I wasn't sure what that document was, but it's not --

23 MS. JACOBS: That's notes from
24 co-counsel.

25 MR. MORGAN: Oh, okay. So anyway,

1 that -- if that's the -- if we're asking how many
2 times -- how many hours in dispatch in November, that's
3 the one where I complained about the time as not being
4 in hours and minutes, it's in some number that we're not
5 sure what it is.

6 It's cumulative, and I think as one of
7 the -- at least two of the Commissioners have pointed
8 out, you all have had this for several days.

9 MR. JUETT: Thank you, Mr. Morgan.

10 MS. JACOBS: I'm -- again, I'm not
11 trying to waste time, but he -- he doesn't want all the
12 time, but -- he doesn't want to go through all the
13 things, but he wants the details. I'm trying to make
14 sure that we get all the details in.

15 MR. JUETT: Sure. I think it's
16 important. You've got --

17 MS. JACOBS: Yes.

18 MR. JUETT: -- Commissioners that want
19 to hear this.

20 MS. JACOBS: Yes.

21 MR. JUETT: I think it's important
22 that it come in --

23 MS. JACOBS: Yes.

24 MR. JUETT: -- so if we can just move
25 through it as quickly as possible.

1 COMMISSIONER BROOKS: Well, is
2 there --

3 Q. Okay. In November --

4 COMMISSIONER BROOKS: -- is there a
5 way we can hear the extra charges that were --

6 MS. JACOBS: Yes.

7 COMMISSIONER BROOKS: -- against
8 Mr. Puckett instead of hearing the --

9 COURT REPORTER: I'm sorry; could you
10 speak up? I can't hear you.

11 COMMISSIONER BROOKS: Hear what's just
12 been charged against Officer Puckett that hadn't been
13 charged against the other officers would be --

14 MS. JACOBS: Well, I -- we will do
15 that, but I'm not sure we can skip over these with
16 regard to Lieutenant Puckett.

17 Q. From the total time that you observed
18 Lieutenant Puckett in dispatch in November, what have
19 you written?

20 A. In dispatch, 7.93 hours.

21 Q. Okay. And you understand what their
22 dispute is?

23 A. I do.

24 Q. Okay. And do you agree or disagree with
25 that?

1 A. Well, I just did it different because I'm
2 not a math major and that was easier for me.

3 Q. All right. But the times in the actual
4 detail is the actual time that you observed?

5 A. That is the actual time.

6 Q. Okay. Your totals may be --

7 A. Correct.

8 Q. Okay. And so in November of 2015 what is
9 the total time that you calculated that he was in
10 headquarters?

11 A. Nineteen point two three hours out of
12 forty.

13 Q. Okay. And again, whatever that adds up to,
14 it's the detail in the things up there?

15 A. Correct.

16 Q. I'm going to hit December. For dispatch,
17 the total number of hours is what?

18 A. Dispatch is 14.65 hours.

19 Q. And then headquarters, how much in
20 December?

21 A. Forty point nine eight hours out of eighty.

22 Q. Okay. We have not covered -- if you'll
23 look at page two of the charges, third from the
24 bottom --

25 A. October 11?

1 Q. October 11.

2 A. Yes.

3 Q. And did you view that video?

4 A. I did.

5 Q. And was Lieutenant Puckett the shift
6 commander or shift lieutenant at that time?

7 A. He was.

8 Q. And what is the violation that you --

9 A. That he allowed Officer Bholat to remain in
10 dispatch for over three hours without taking corrective
11 action.

12 Q. It looks like the next one down says over
13 two hours.

14 Is that two separate times?

15 A. October the 11th? It appears to be, yes,
16 two separate times.

17 Q. Okay. October the 18th, what is the
18 violation you saw there?

19 A. Lieutenant Puckett allowed Officers
20 Toadvine, Harmon and Primm to remain in dispatch for
21 over an hour, and he allowed Officer Bholat to remain in
22 dispatch for almost three hours without taking any
23 action to correct the violation.

24 Q. And was it his responsibility to take
25 corrective action at that time?

1 A. Yes.

2 Q. October 22nd?

3 A. While shift lieutenant, allowed Officer
4 Anderson to remain in dispatch for an hour and a half
5 while taking no action.

6 Q. October 24?

7 A. While shift commander, allowed Officer
8 Bholat to remain in dispatch for more than an hour
9 without taking any action.

10 Q. Again, is this based on your observations
11 of the video that's available for review?

12 A. Correct.

13 Q. October 29?

14 A. While shift lieutenant, allowed Officer
15 Bholat to remain in dispatch for two and a half hours
16 without taking any -- any action to correct this
17 violation.

18 Q. October 30?

19 A. While shift lieutenant, allowed Officer
20 Bholat to remain in dispatch for over two hours without
21 taking any corrective action.

22 Q. On November the 5th?

23 A. Remained in dispatch with all three
24 supervisors for the first two to three hours of the
25 shift.

1 Q. December 1?

2 A. While shift lieutenant, allowed Officer
3 Bholat to remain in dispatch for over an hour without
4 taking any action to correct the violation.

5 Q. And December the 7th?

6 A. While shift lieutenant, allowed Officer
7 Bholat to remain in dispatch for two and a half hours
8 without taking any action to correct this policy
9 violation.

10 Q. And are all of those instances depicted on
11 the video for the Commissioners?

12 A. They are.

13 Q. And do those things that we have talked
14 about constitute the same policy provisions through --
15 the same policy violations through the bottom of page
16 three on the charges?

17 A. Yes.

18 Q. Which are what?

19 A. These?

20 Q. Yes.

21 A. Conduct unbecoming, failure to conform to
22 rules and regulations, insubordination, inefficiency,
23 dereliction of duty, honesty, failure to properly
24 enforce the rules of conduct as a ranking officer.

25 Q. On the next page, page four, there are some

1 additional policy violations based on the City policies
2 and procedures; is that right?

3 A. Yes.

4 Q. And why are those separate?

5 A. Different -- different policies. One is
6 the citywide policy; the other ones are charged on the
7 police department policies.

8 Q. And what is the citywide policy -- I'm
9 sorry; what is the behavior -- I apologize for --

10 A. Yes.

11 Q. -- being disorganized.

12 What is the behavior that causes additional
13 charges under the City policy to be charged?

14 A. It was the behavior of the physical contact
15 with a co-worker.

16 Q. And what does that constitute under the
17 City policies?

18 A. Inefficiency, horseplay on City premises,
19 discourtesy to the public or fellow employee, on-duty or
20 off-duty activities that discredit the City or the
21 individual as a City employee or cause inefficiency in
22 performing assigned duties.

23 MS. JACOBS: Okay. And I have that
24 policy here somewhere. I apologize; I've lost track of
25 my things. I will find it before we conclude.

1 Q. So it's the additional inappropriate
2 contact that caused these other charges to be filed
3 against Lieutenant Puckett?

4 A. Yes, ma'am.

5 Q. And again, is your recommendation to the
6 Commissioners that -- is what?

7 A. My recommendation for Lieutenant Puckett is
8 termination.

9 Q. And again, why is termination, in your
10 mind, necessary as opposed to suspension, reprimand, a
11 talking to?

12 A. When it comes to Lieutenant Puckett, just
13 this -- just these violations reach a level that do
14 warrant termination -- plus he does have prior
15 discipline.

16 Q. And based on your chart, your compilation
17 of time, of his total time worked for the last quarter
18 of the year, how much time was he in dispatch and/or
19 headquarters?

20 A. Forty-six percent.

21 Q. And that means he wasn't on patrol during
22 that?

23 A. Correct.

24 Q. All right. Let me move on to Officer
25 Anderson. Are you ready?

1 A. (Nods head.)

2 Q. In the process of your internal
3 investigation into these matters did you also review
4 Officer Anderson's activities on video?

5 A. I did.

6 Q. What's his position?

7 A. He's an officer with the Paris Police
8 Department, and he was also designated by Lieutenant
9 Puckett to be the officer in charge when Lieutenant
10 Puckett was not working.

11 Q. What's that mean, officer in charge?

12 A. He basically takes the role of the
13 supervisor when the lieutenant is not working or not on
14 that shift.

15 Q. So he's -- I mean, as it says -- officer in
16 charge?

17 A. Correct.

18 (Plaintiff's Exhibit No. 31 was marked
19 for identification.)

20 Q. Is that a copy of his job description?

21 A. It is.

22 Q. What -- just in your own words -- is an
23 officer supposed to be doing?

24 A. An officer has many functions. They do
25 investigations, but the most important function they do

1 is patrol the city, deter crime, apprehend criminals and
2 do the -- follow the procedures for filling out the
3 proper paperwork.

4 Q. Do the same admonitions with respect to
5 dispatch and hanging out in dispatch or being there
6 apply to the officers as well as the lieutenants?

7 A. It does.

8 Q. Now, on Officer Anderson -- and the other
9 two we'll see in just a minute -- you haven't noted time
10 just at headquarters; is that right?

11 A. That's correct.

12 Q. Why did you not follow through on that?

13 A. When I went through and watched it the
14 second time I also looked at the second camera, and I
15 looked at the supervisors. I wanted to know how long my
16 supervisors were at headquarters. I did not go back to
17 look at each individual officer.

18 Q. So the only thing we'll be talking about
19 now is the time in dispatch?

20 A. Correct.

21 Q. It's not that they may or may not have been
22 there; it just that that's not what we're talking about
23 today?

24 A. Correct.

25 Q. In the month of October -- again, going

1 through some selections -- did you review all of the
2 video with respect to the charges against Officer
3 Anderson?

4 A. I did.

5 Q. And are the minutes that you saw him in
6 dispatch detailed in these time sheets?

7 A. They are.

8 (Plaintiff's Exhibit No. 32 was marked
9 for identification.)

10 Q. October -- again, I'm just going to go
11 through selections -- October the 9th, how long was he
12 in dispatch?

13 A. For four hours and six minutes.

14 (Plaintiff's Exhibit No. 33 was marked
15 for identification.)

16 Q. How long did he claim to be working?

17 A. Do you have the --

18 Q. I'm sorry. I have it too. I'm sorry.

19 A. He came -- he got 10-8 -- in service -- at
20 20:49, which is 8:49. He went out of service at 06:01.

21 Q. So how many hours is that?

22 A. Nine hours.

23 Q. And how many did he claim on his time
24 sheet?

25 A. Ten hours.

1 Q. And how long was he in dispatch?

2 A. For four hours and six minutes.

3 Q. On the 15th of October, how long was he in
4 dispatch?

5 A. Two hours and forty-two minutes.

6 Q. And that's over three --

7 A. Correct.

8 Q. -- three periods of time?

9 MS. JACOBS: I do have the radio sheet
10 there just to show what his activity was for that entire
11 shift.

12 (Plaintiff's Exhibit No. 34 was marked
13 for identification.)

14 Q. What does that tell you about his
15 activities on that night?

16 A. His first call was just a little after
17 9:00; his last call was at 3:22.

18 Q. Between 1:06 or 1:11, when he completed the
19 call, and 3:02, is there any activity?

20 A. No, ma'am.

21 Q. And how many occasions was he in dispatch
22 on that night?

23 A. Three separate times.

24 Q. For a total of what?

25 A. Three times for two hours and forty-two

1 minutes.

2 Q. Okay. Do you have this one?

3 A. Yes.

4 Q. The 22nd of October, do your records
5 indicate what time Officer Anderson arrived at dispatch?

6 A. You mean when he -- when he came into
7 dispatch?

8 Q. No. I'm sorry. I'll rephrase that.
9 The time that he came and stayed in
10 dispatch?

11 A. Yes.

12 Q. Okay. What time was that?

13 A. 02:36.

14 Q. Tee that up for us.

15 A. (Witness complies.)

16 Q. Okay. What time have we got?

17 A. It's -- he's not quite there. It's 02:25.

18 Q. Who's that sitting there?

19 A. That's Lieutenant Puckett.

20 Q. Who's that other officer who's there?

21 A. I just have two dispatchers.

22 Q. Oh, I'm sorry. Okay. I couldn't see the
23 shorts.

24 MR. WHITLEY: For the purpose of time,
25 can we just get straight to --

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MS. JACOBS: We are.

MR. WHITLEY: -- the time that --

MS. JACOBS: We are.

THE WITNESS: I'm looking for it. I'm
sorry, sir.

A. 02:36 is when he came in.

Q. And is that Officer Puckett there that we
see in the aisle?

A. Right there, ma'am.

Q. What time does he leave?

A. 03:13, I believe.

Q. And is Officer Anderson still over there in
the dispatcher's seat?

A. He's in the dispatcher's seat, yes, ma'am.

Q. How long is Officer Anderson there?

A. He's there until 05:17.

Q. And how long is that total?

A. It would be just -- just under two hours --
or I'm sorry; three hours.

(Plaintiff's Exhibit No. 35 was marked
for identification.)

Q. I'm going to hand you the radio log for
that day.

Is that the correct date?

A. Yes, ma'am.

1 Q. And what activity -- what time does he get
2 to dispatch?

3 A. 02:36.

4 Q. So on the second page, he's out and about
5 until 2:30?

6 A. His last call was 02:15.

7 Q. What time does his shift end?

8 A. 7:00.

9 Q. You can stop that.

10 On the 25th of October, how long is he in
11 dispatch?

12 A. Three hours and fifteen minutes -- two
13 separate occasions.

14 (Plaintiff's Exhibit No. 36 was marked
15 for identification.)

16 Q. And what's his -- and that's his radio
17 sheet I've handed you; is that right -- for that date?

18 A. Yes.

19 Q. How long is the shift, ten hours?

20 A. Ten hours, yes, ma'am.

21 Q. So on each of those dates that you've
22 detailed in October, am I reading it correct that with
23 the exception of the 13th of October, he was in dispatch
24 for not less than 31 minutes every single day that he
25 worked?

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A. Correct.

(Plaintiff's Exhibit No. 37 was marked for identification.)

Q. In November, if you could -- do you have the time that he was in dispatch on November the 1st?

A. Two hours and thirty-three minutes.

Q. And was he the officer in charge on that day?

A. He was.

Q. How do you know that?

A. I looked at the schedules, and there was no lieutenant working that particular night.

Q. So if there's no lieutenant, he's it?

A. Correct.

Q. Okay. And how long was he in dispatch on the 1st?

A. Two hours, thirty-three minutes.

Q. Was that at one sitting?

A. That's at one time, yes, ma'am.

(Plaintiff's Exhibit No. 38 was marked for identification.)

Q. November the 2nd, how long was he in dispatch?

A. An hour and forty-three minutes.

Q. And you put on your note there, Lieutenant

1 Puckett working.

2 What did you mean by --

3 A. That was just a reminder to me that -- that
4 Officer Anderson would not have been the OIC that night.

5 Q. But on two occasions he was in dispatch?

6 A. Correct.

7 Q. All right. Again, taking samples rather
8 than doing each one, on the 7th --

9 A. Yes, ma'am --

10 Q. -- was he the officer in charge?

11 A. -- he was.

12 Q. How long was he in dispatch?

13 A. Four hours and forty-six minutes.

14 Q. I'm going to back up for a minute. Look at
15 the 6th also.

16 Was he the officer in charge on that date?

17 A. Yes, ma'am.

18 Q. And how long was he in dispatch on that
19 date?

20 A. Two hours and forty-three minutes.

21 (Plaintiff's Exhibit No. 39 was marked
22 for identification.)

23 Q. Looking at what I'm going to pass around,
24 it's got both the 6th and the 7th on it, correct?

25 A. (No response.)

1 Q. The 6th and then into the 7th?

2 A. Yes, ma'am.

3 Q. And then it also has the 7th activity as

4 well?

5 A. Correct.

6 Q. On the 7th, do you have those times when he

7 was in dispatch for four hours and forty-six minutes?

8 A. I've got one of them noted from 01:13 to

9 04:35.

10 Q. Is that in one sitting?

11 A. One sitting.

12 Q. Can you tee that up for us, please?

13 A. (Witness complies.)

14 Q. What time, and what do you see?

15 A. Right now it's just Officer Primm.

16 COURT REPORTER: I'm sorry; you're

17 going to have to speak up.

18 THE WITNESS: Officer Primm. I'm

19 sorry.

20 Q. And who is that?

21 A. I'm sorry; I've got it wrong. This would

22 have been the 8th, yeah. It's after midnight.

23 Q. Okay. Who's that?

24 A. Officer Anderson came in at 01:13.

25 Q. Who is this in the office at that point,

1 any other officers?

2 A. No other officers, just the two
3 dispatchers.

4 Q. And I think you've testified you don't have
5 any problem with them having their lunch or dinner
6 there, right?

7 A. That's correct, ma'am.

8 Q. What time is it now?

9 A. 01:38.

10 Q. Is it 2:00?

11 A. Yes, ma'am.

12 Q. Is that still Officer Anderson there?

13 A. Yes, ma'am.

14 Q. What time is it at this point?

15 A. 02:24.

16 Q. And what time do you show him leaving?

17 A. 04:35.

18 Q. So that's about two hours more?

19 A. Correct.

20 Q. And is he there continuously for that
21 period of time?

22 A. Yes, ma'am.

23 Q. Is he the officer in charge that night?

24 A. He is.

25 Q. Okay. All right. Stop it right there for

1 a minute. Tell us who you see is in dispatch.

2 A. It's Officer Primm and Officer Anderson.

3 Q. What time in the morning is it?

4 A. 02:46. Real time, 02:26.

5 Q. Is that into -- what shift are we on?

6 A. Just third shift, and there should be one
7 officer out from a swing shift.

8 Q. Okay. Say that in English for me.

9 A. So I should -- all of second shift has gone
10 home. We had three on third shift that night and one
11 from a swing shift, so there's four officers total --

12 Q. Okay.

13 A. -- out.

14 Q. Four on duty?

15 A. Four on duty, correct.

16 Q. Okay. And how many are in dispatch right
17 now?

18 A. So we have two in dispatch.

19 Q. Leaving two on the street?

20 A. Correct. At 4:00 the swing shift officer
21 goes home. Do you want me to run it up?

22 MAYOR THORNTON: Can I ask a question
23 while we're on this? Is this a TV up here in this upper
24 corner?

25 THE WITNESS: Right here?

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MAYOR THORNTON: Yes.

THE WITNESS: Yes, sir.

MAYOR THORNTON: That's cable or --

THE WITNESS: Yes, sir.

MAYOR THORNTON: Okay.

THE WITNESS: It was actually put in there for weather, to watch storms and tracking the radar.

MAYOR THORNTON: Okay. Thank you.

(Plaintiff's Exhibit No. 40 was marked for identification.)

Q. Okay. We can move on. The 13th -- who was the officer in charge on the night of November 13?

A. Officer Anderson.

Q. How long was he in dispatch?

A. Four -- four hours and eight minutes.

Q. I think that looks like that's over --

A. Three --

Q. -- three visits?

A. -- three separate times, yes, ma'am.

Q. I also have a note of another officer there for an extended period of time on that date?

A. Correct.

Q. Who is that?

A. That would be Officer Primm from 02:12 to

1 05:20.

2 Q. So for three hours?

3 A. Correct -- a little over.

4 (Plaintiff's Exhibit No. 41 was marked
5 for identification.)

6 Q. Looking at the 18th, who was the officer in
7 charge on the 18th?

8 A. Officer Anderson.

9 Q. How long was he in dispatch?

10 A. On the 18th?

11 Q. Yes.

12 A. Three hours and fifty-four minutes.

13 Q. And on the radio call sheet what do you
14 show as his activity on that night -- on that shift?

15 A. For the 18th he had, it looks like, two
16 calls, one being at 22:16, one being at 05:08.

17 Q. So that's 10:16 and then 5:00 in the
18 morning?

19 A. Correct.

20 Q. And he's in dispatch how long that night or
21 that shift?

22 A. Three hours and fifty-four minutes.

23 (Plaintiff's Exhibit No. 42 was marked
24 for identification.)

25 Q. Okay. I'm going to come on down to the

1 30th.

2 How long was Officer Anderson in dispatch?

3 A. Four hours and fifty-six minutes.

4 Q. Who was the officer in charge that night?

5 A. Officer Anderson.

6 Q. Did he have any activity after 1:00, 1:30
7 or so in the morning?

8 A. He had zero activity after 1:30.

9 Q. Do your notes show what times he was in
10 dispatch on the 30th?

11 A. From 02:01 to 06:27.

12 Q. Can you pull that up for us, please?

13 A. (Witness complies.)

14 Q. And who's that?

15 A. That is Officer Anderson.

16 Q. What time is it?

17 A. 02:01.

18 Q. Now, is that the time that the second shift
19 goes off?

20 A. Real time, they'll be going off in about 15
21 minutes.

22 Q. Okay. Is that Anderson still?

23 A. Yes, ma'am.

24 Q. And how long does he remain at headquarters
25 that night?

1 A. From 02:01 to 06:27 -- almost four and a
2 half hours.

3 Q. Who is the officer in charge?

4 A. He is.

5 Q. And how many officers did you have on the
6 street that night?

7 A. At 2:00, when second shift went home, I had
8 two officers on the street. At 4:00 the swing shift
9 officer went home. That left Officer Anderson and
10 Officer Castle working from 04:00 to 5:30. Both of them
11 were in dispatch, so there were zero officers on the
12 street.

13 Q. Do you recall if that's the chair he
14 remains in throughout the remainder of his shift?

15 A. I don't -- I don't recall that, ma'am.

16 Q. Okay. You're skipping ahead a little bit.

17 MR. MORGAN: I would like the record
18 to reflect that we skipped past the point in time that
19 it appears that Officer Anderson was working on a laptop
20 computer and --

21 MS. JACOBS: Let's go back.

22 MR. MORGAN: -- actually waiting for
23 that to warm up.

24 MS. JACOBS: We can play that.

25 A. Let me see what time that was. That's

1 where we were.

2 Q. What time is it at this point?

3 A. 02:28.

4 Q. How long does it take your laptops to warm
5 up, Chief?

6 A. I don't know about the particular laptop.

7 MR. MORGAN: That appears to be paper
8 documents anyway.

9 COURT REPORTER: I'm sorry; could you
10 say that again?

11 MR. MORGAN: It looks like paperwork.

12 Q. What time does he finish with that
13 paperwork?

14 A. I don't know, ma'am.

15 Q. Well, he's left dispatch at this point,
16 right?

17 A. No. He just went to the bathroom.

18 Q. Oh, I'm sorry. He left the room.

19 Is that Officer Anderson in the dispatch
20 chair?

21 A. Yes, ma'am.

22 MR. WHITLEY: I'm not trying to be
23 smart, but I want the record to reflect that at this
24 point his laptop is out and he seems to be doing --

25 MS. JACOBS: Your Honor, he objected

1 to the chief interpreting --

2 MR. JUETT: I agree.

3 MS. JACOBS: -- but now they're
4 interpreting just by comments.

5 MR. JUETT: I agree.

6 MR. WHITLEY: They talked earlier
7 about the laptop being --

8 MR. JUETT: You're testifying at this
9 point as to what's going on in the video.

10 I think we're watching because you
11 guys asked to see this. Are you comfortable? Do we
12 need to keep watching?

13 MR. MORGAN: That's fine to -- to fast
14 forward to some other spot here. We -- I just wanted
15 the record to reflect that Officer Anderson was doing
16 work, because we've --

17 MS. JACOBS: And we'll object to --

18 MR. MORGAN: -- heard that --

19 MS. JACOBS: -- the commentary about
20 it again.

21 MR. JUETT: I think, Mr. Morgan,
22 that's where you can cross examine the chief. You can
23 bring him back to that point at some point and ask him
24 questions about that.

25 THE WITNESS: Are we done?

1 MS. JACOBS: Can we move forward?

2 MR. MORGAN: Yes, that's fine with me.

3 MS. JACOBS: Just fast forward. It
4 looks like it's hung up there, so we'll move forward.

5 (Plaintiff's Exhibit No. 43 was marked
6 for identification.)

7 Q. On -- it looks like on the 30th, into the
8 1st of December, what activity had Officer Anderson done
9 prior to arriving at headquarters and staying?

10 A. He had two traffic stops and a motorist
11 assist.

12 Q. What kind of paperwork does that generate?

13 A. Two tickets and a motor assist would not
14 generate paperwork.

15 Q. Could you tell what he was doing on the
16 video?

17 A. I can't.

18 Q. Okay. Should that paperwork be done in
19 dispatch if there is paperwork to do?

20 A. No. Just taking your MDT out of the car
21 does not give you a pass on the rule about being in
22 dispatch and going in there and watching TV.

23 We have a patrol room right across the hall
24 with two desktops. That's for the -- we made that for
25 the officers to go in and do their reports.

1 So just because you take your MDP out does
2 not mean you can just ignore the rule about going into
3 dispatch.

4 Q. Even if you're not bothering anybody in
5 dispatch?

6 A. Correct.

7 Q. Do they get to make that decision of
8 whether they're bothering anybody or not?

9 A. No, they don't.

10 Q. December the 3rd, how long was Officer
11 Anderson in dispatch?

12 A. Three hours and twenty-nine minutes.

13 Q. Do you see any radio traffic at all on that
14 date for Officer Anderson?

15 A. The 3rd he did -- actually, that would be
16 an extra patrol and possibly an intoxicated subject.

17 Q. Okay. Is that the 4th or the 3rd?

18 A. Well, it'd be the shift of the 3rd.

19 Q. Okay. But then the next one down, that
20 would be the next day, right?

21 A. Oh, yes. I'm sorry; the intoxication is
22 not -- he just had an extra patrol for the entire shift,
23 at 01:42.

24 Q. And is after that when he came to the
25 office, or can you tell?

1 A. I do not have that time listed, ma'am.

2 Q. Okay. On the 9th -- I'll hand you this --
3 here it is.

4 MS. JACOBS: I think this may have
5 been passed around already.

6 Q. On the 9th of October, how many hours was
7 he on the radio?

8 A. Nine.

9 Q. And how many hours did he claim?

10 A. Ten.

11 Q. On November the 7th, did you observe other
12 officers with Officer Anderson in charge -- I'm sorry;
13 Officer Anderson in dispatch while he was the officer in
14 charge?

15 A. What's the date? I'm sorry.

16 Q. November the 7th.

17 A. Yes, ma'am.

18 Q. And how long and who?

19 A. Officer Bholat and Officer Primm remained
20 in dispatch for an hour and a half.

21 Q. And did you observe that on the video?

22 A. I did.

23 Q. November the 10th, can you tell the
24 Commission what you observed?

25 A. Officer Anderson allowed Officer Primm to

1 remain with him in dispatch for three hours and Officer
2 Sandfort to remain with him for over an hour, although
3 he was the officer in charge.

4 Q. November 11, can you tell the Commission --

5 A. He allowed Officer Primm to remain with him
6 in dispatch for an hour; although he was the officer in
7 charge, he failed to correct the violation.

8 Q. November 13?

9 A. Allowed Officer Primm to remain with you in
10 dispatch for over three hours, and although you were the
11 officer in charge, you failed to correct this violation.

12 Q. November the 18th?

13 A. Allowed Officer Primm to remain with you in
14 dispatch for almost three hours, and although you were
15 the officer in charge, you failed to correct this
16 violation.

17 Q. And then November 30?

18 A. Allowed Officer Castle to remain in
19 dispatch with you for over an hour; although you were
20 the officer in charge, you failed to correct this
21 violation.

22 Q. And so for all the charges that we have
23 discussed -- as in the disciplinary charges -- and as
24 you've testified to, do those constitute violations of
25 the policies listed below?

1 A. They do.

2 Q. And are these the same police department
3 policies as we discussed with respect to Humphries and
4 Puckett?

5 A. Yes, ma'am, they are.

6 Q. What is your recommendation to the
7 Commission with respect to Officer Anderson?

8 A. My recommendation is termination.

9 Q. And why do you believe that's necessary as
10 opposed to a lesser form of discipline?

11 A. Again, the violations that occurred with
12 Officer Anderson reached the level that were egregious
13 and blatant and I believe warrant termination; plus, he
14 was the officer in charge and should have taken charge.

15 Q. Do you believe there is any rehabilitation
16 possibility for Officer Anderson?

17 A. No, ma'am.

18 Q. I'm going to move on to Officer Primm.

19 MAYOR THORNTON: Can we take a
20 ten-minute --

21 MS. JACOBS: Ten-minute break?

22 MAYOR THORNTON: Yeah. We'll recess
23 for ten minutes.

24 (Recess taken.)

25 MS. JACOBS: Back on the record?

1 Q. And what is his position?

2 A. He's an officer with the Paris Police
3 Department.

4 Q. And is his job description the same as that
5 of Officer Anderson?

6 A. It is.

7 Q. Does he have any supervisory
8 responsibilities?

9 A. No, ma'am.

10 Q. And based on your review of videos from
11 October, November and December, what percentage of time
12 did Officer Primm spend in dispatch during those three
13 months?

14 A. Twenty-two percent.

15 Q. To look specifically -- I'm just going down
16 through the list -- October the 4th, how much time was
17 he in dispatch?

18 A. Three hours and twenty-four minutes.

19 Q. October the 5th?

20 A. One hour and thirteen minutes.

21 Q. And could you pull up the video on October
22 the 5th?

23 A. No. We don't have that.

24 Q. We don't have any of that?

25 A. We don't have the video.

1 Q. October the 8th -- again, I'm doing samples
2 as we go through rather than each and every one --
3 October the 8th, how long was Officer Primm in dispatch?

4 A. Four hours and twenty-three minutes.

5 Q. And it looks like over a period of four
6 different visits there?

7 A. Correct.

8 (Plaintiff's Exhibit No. 45 was marked
9 for identification.)

10 Q. Look at October the 13th -- well, I'm going
11 to show you the time card for Officer Primm on October
12 the 13th.

13 How much time has he put down for that day?

14 A. Ten hours.

15 Q. Is he on video or radio at any point during
16 that day?

17 A. He is not.

18 (Plaintiff's Exhibit No. 46 was marked
19 for identification.)

20 Q. October the 16th -- that's the 13th.

21 A. Okay.

22 Q. October the 16th, how much time did Officer
23 Primm spend in dispatch?

24 A. Two hours, thirty-five minutes.

25 Q. And that is one continuous visit; is that

1 right?

2 A. Yes.

3 Q. And can you pull that up on the video for
4 us, please?

5 A. October 16?

6 Q. Yes.

7 MR. BEAUMAN: Just I want to note,
8 anybody who's in the hallway, I think there's a few
9 empty seats in here, so please feel free to come inside
10 if you wish.

11 Q. We are looking for the 16th.

12 A. Correct.

13 Q. Okay. Do you have video on that date?

14 A. No.

15 Q. Was it -- did you review it at some point?

16 A. I did, yes.

17 Q. And do you know what happened to it in
18 the --

19 A. Apparently there are a few days that did
20 not record or be copied.

21 Q. Is that a date that you would have reviewed
22 originally in this?

23 A. Yes.

24 Q. And are we still back on the recording
25 part?

1 A. We're back on the copy part, yes, ma'am --

2 Q. Okay. So --

3 A. -- until we get to the 22nd.

4 (Plaintiff's Exhibit No. 47 was marked
5 for identification.)

6 Q. Okay. All right. I want to talk about
7 October the 25th. There's no video on this. We're
8 going to talk about time cards.

9 Tell us what happened there on the 25th.

10 A. The time card reflects that he worked ten
11 hours on the 25th.

12 Q. What did he actually do that day?

13 A. Actually, he -- he would have been in route
14 to Barren River for training, travel -- travel time to
15 get to Barren River for -- for in-service -- his
16 training -- the next week.

17 Q. Okay. So there wasn't actually training on
18 that day?

19 A. No, ma'am.

20 Q. It was just travel time?

21 A. Correct.

22 Q. How far is Barren River?

23 A. A guesstimate, two and a half hours.

24 Q. And did he ride or drive himself?

25 A. He rode with Detective Asbury.

1 Q. And the second time card that -- that you
2 provided, can you tell us what that is?

3 A. That's Detective Asbury's time card where
4 he reflected the travel time as well.

5 Q. And so on the 25th what did he put down?

6 A. He put one hour.

7 Q. For driving? Is he the one that drove?

8 A. He's the one that drove, yes, ma'am.

9 (Plaintiff's Exhibit No. 48 was marked
10 for identification.)

11 Q. October the -- I'm sorry; November the 2nd,
12 look at the radio time in, time out.

13 What time did Officer Primm radio that he
14 was on duty?

15 A. 8:34.

16 Q. And what time did he go off?

17 A. 05:37.

18 Q. How many hours is that?

19 A. Nine.

20 Q. And what is reflected on the time card?

21 A. He claimed ten hours.

22 Q. Is there any explanation for what was going
23 on that extra time?

24 A. No, ma'am.

25 (Plaintiff's Exhibit No. 49 was marked

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for identification.)

Q. November the 11th -- is that the 11th?

A. The 2nd.

Q. November the 11th, how much time did
Officer Primm spend in dispatch?

A. Two hours, forty-seven minutes.

Q. And was that in one continuous visit?

A. Yes, ma'am.

Q. Okay. Do you know what time that was?

A. November the 11th?

Q. Yes.

A. From 02:10 to 04:57.

Q. Can you pull that up for us, please?

A. (Witness complies.)

Q. Is this the 11th?

A. It's the morning of the 12th, but the shift
of the 11th, yes, ma'am.

Q. Okay. Who is that?

A. That's Officer Anderson. There is Officer
Primm.

Q. And who is that in the background,
Anderson?

A. Officer Anderson, yes, ma'am.

COURT REPORTER: I'm sorry; can you
speak up?

1 THE WITNESS: (No response.)

2 MS. JACOBS: Chief, while this is
3 playing, I think I passed around the radio log from the
4 11th.

5 MR. BEAUMAN: Yes. November 11, yes.

6 MS. JACOBS: November 11, yes.

7 MR. BEAUMAN: Yes.

8 Q. What calls did Officer Primm do on that
9 night?

10 A. He had a security check, an extra patrol,
11 another security check, theft report, alarm and a
12 security check.

13 Q. Does that generate paperwork?

14 A. The theft report did.

15 Q. And what's the last time --

16 A. It doesn't show if a theft report was
17 taken, but it could.

18 Q. Okay. Is there a gap in time?

19 A. From 22:00 to 04:30.

20 Q. And what time does he leave?

21 A. 04:57.

22 Q. For a total time of?

23 A. Two hours, forty-seven minutes.

24 Q. Did you observe him to be in dispatch on
25 November the 22nd?

1 A. I did -- for three hours, forty-eight
2 minutes.

3 Q. Now, was he working that day?

4 A. He was on vacation.

5 Q. Is it okay for off-duty officers or anyone
6 to come into dispatch when they're off duty?

7 A. No, ma'am.

8 Q. What about November the 26th?

9 A. He was in there for five hours and six
10 minutes.

11 Q. Was he off duty that day as well?

12 A. He was.

13 Q. And then November the 29th?

14 A. Five hours and fifty minutes.

15 Q. Okay. And these minutes that you've
16 written down here, are those from your own observations
17 on the videos?

18 A. They are.

19 Q. And just looking at those -- those dates in
20 November, with the exception of the 5th, am I correct in
21 looking that it appears that each day he was on duty he
22 spent one hour or more in dispatch?

23 A. Not the 1st. We didn't have him on video
24 on the 5th.

25 Q. Except for the 1st?

1 A. Correct.

2 Q. Now, going back to the charges, we have
3 received some additional evidence with respect to the
4 charges on November 1, correct, and you've agreed that
5 those should be removed?

6 A. Correct. He was in school that week, so he
7 would not have been working that week.

8 Q. Okay.

9 A. It just didn't reflect on his time card.

10 (Plaintiff's Exhibit No. 50 was marked
11 for identification.)

12 Q. Okay. December the 3rd, was he in dispatch
13 for any period of time?

14 A. Yes, ma'am.

15 Q. How long?

16 A. Three hours, forty-eight minutes.

17 Q. And what work is reflected on his radio log
18 there?

19 A. It appears that he had one call, one alarm
20 at 22:26 -- 10:26.

21 (Plaintiff's Exhibit No. 51 was marked
22 for identification.)

23 Q. December the 4th, how long was he in
24 dispatch?

25 A. Two hours, thirty-three minutes.

1 Q. How long was he on duty that day?
2 A. Where is his time card?
3 Q. I don't have that one.
4 Is there any reason to think he worked
5 other than the usual shift that day?
6 A. Not that I know of.
7 (Plaintiff's Exhibit No. 52 was marked
8 for identification.)
9 Q. December the 5th, how long did you observe
10 that he was in dispatch on that day?
11 A. Seven hours, thirty-one minutes.
12 Q. And to the best of your knowledge, was he
13 working a regular shift that day?
14 A. Yes, ma'am.
15 Q. Is a regular shift ten hours?
16 A. Ten hours, yes, ma'am.
17 Q. The email was sent on the 8th with respect
18 to not being in dispatch, correct?
19 A. Correct.
20 Q. And did he return to dispatch after that?
21 A. I did not see him, no, ma'am.
22 Q. You've noted a few times down there.
23 A. I don't have it here.
24 Q. Oh, okay.
25 A. Yes, ma'am.

1 Q. Is there anything --

2 MR. MORGAN: Object to the leading.

3 THE WITNESS: These are my notes that
4 she has a copy of.

5 Q. Is there anything --

6 MR. MORGAN: Well --

7 Q. Did you create that sheet?

8 A. I created this sheet.

9 Q. Okay. Why do you have a different sheet?

10 A. That I'm not sure, but it's just -- it
11 seems to be in Officer Primm's. Probably I took it out
12 of his packet and replaced it --

13 Q. Okay.

14 A. -- with the wrong one.

15 Q. Okay.

16 A. This is my sheet.

17 MS. JACOBS: Okay. Again, could we
18 admonish the audience to refrain from comments and
19 noises?

20 MAYOR THORNTON: Please refrain.

21 Q. In December, after the email was sent, did
22 he go back to dispatch?

23 A. Some, yes, ma'am.

24 Q. Okay. It looks like nothing more than 38
25 minutes --

1 A. No, ma'am.

2 Q. -- at a time?

3 A. That's correct.

4 MR. MORGAN: May I see the different
5 sheets, please?

6 MS. JACOBS: (Tenders documents to
7 counsel.)

8 MR. MORGAN: Thank you. And then I
9 wanted to see that.

10 THE WITNESS: That's mine if he needs
11 a copy.

12 MR. MORGAN: Thanks.

13 MS. JACOBS: Did you have this one?

14 MR. MORGAN: No, but that's okay.

15 Q. Did we talk about the 13th of October? I
16 believe we did.

17 COURT REPORTER: I'm sorry; can you
18 speak up? I didn't hear you.

19 MS. JACOBS: Did we -- I was asking --

20 THE WITNESS: I just asked her what
21 was on the 13th.

22 MR. BEAUMAN: I don't think so.

23 COMMISSIONER PERRAUT: No.

24 A. Yes, we talked about that.

25 Q. We did talk about that. October the

1 13th --

2 A. Yes.

3 Q. -- is there any radio check-in, check-out?

4 A. No, ma'am.

5 Q. And did he claim time for that?

6 A. He did -- ten hours.

7 Q. Now, that's not the same day that he was
8 going to Barren River, right?

9 A. No, ma'am.

10 COMMISSIONER PERRAUT: Is there a --
11 excuse me -- is there a way you double check time? Is
12 it a lieutenant or a chief or assistant that double
13 checks time cards?

14 THE WITNESS: I'm sorry?

15 COMMISSIONER PERRAUT: Like the time
16 cards, when they submit those, is there a double-check
17 system like for like a lieutenant to check over the --

18 THE WITNESS: I believe --

19 COMMISSIONER PERRAUT: -- time card?

20 THE WITNESS: There is for them to
21 check it. Now, as far as does each lieutenant go back
22 and check every single day? They probably do not
23 because they're working with the officers and they
24 know -- the officers call them if they're taking off.

25 COMMISSIONER PERRAUT: Okay.

1 A. On this particular day he wasn't on the
2 radio till after midnight, so he did not check in on the
3 13th. He wasn't on the radio till, I think, 00:40.

4 Q. Yes. Right.

5 A. Is that correct?

6 Q. Yes.

7 A. So I can't say that he didn't work the
8 whole shift, but he's not on the radio until after
9 midnight, and I don't know when he started.

10 Q. Speaking of the time sheets, is that
11 checked affirming that the time is true and correct?

12 A. It is.

13 Q. And is it checked by a supervisor?

14 A. Lieutenant Puckett.

15 Q. Based on the documents we've reviewed and
16 the video that you reviewed, are the charges as
17 listed -- which would be the same charges for Officer
18 Anderson, without the supervisory responsibilities --

19 A. Correct.

20 Q. -- do you believe those charges are fitting
21 of the conduct that you observed and the documentation
22 that you saw from Officer Primm?

23 A. They are.

24 Q. And what is your recommendation with
25 respect to his employment?

1 A. My recommendation for Officer Primm is
2 termination.

3 Q. And why is that?

4 A. The level of the violations that he reached
5 over this time frame more than substantiates
6 termination.

7 Q. Let's move on to Officer Bholat.

8 A. I'm there.

9 Q. Okay. Did you review the same
10 documentation and go through the same process with
11 Officer Bholat as you did with the other officers we've
12 talked about?

13 A. I did.

14 Q. And what percentage of his time for the
15 last quarter of the year -- October, November and
16 December -- was spent in dispatch?

17 A. Fourteen percent.

18 Q. And that's the total over the time he
19 worked?

20 A. Correct.

21 Q. Is he an officer?

22 A. Yes, ma'am.

23 Q. What's the primary job responsibility that
24 he has?

25 A. Patrol, taking reports, crime detection.

1 Q. In the month of October did you observe
2 what's listed on the sheet with respect to the times
3 that he was in dispatch?

4 A. I did.

5 Q. And did you personally review all of those
6 videos?

7 A. I did.

8 (Plaintiff's Exhibit No. 53 was marked
9 for identification.)

10 Q. October the 17th --

11 A. Yes.

12 Q. -- how long was he in dispatch on that
13 date?

14 A. Two hours, thirty-nine minutes.

15 Q. Was that in one visit or multiple drop-ins?

16 A. That was one visit.

17 Q. Let me jump back for a minute on -- with
18 respect to Officer Primm.

19 A. Yes.

20 Q. Has he had prior discipline?

21 A. He has.

22 Q. Is that part of the basis for your
23 recommendation for termination?

24 A. It is.

25 Q. Okay.

1 MR. MORGAN: Objection. That's not in
2 the charging sheet.

3 Q. In October --

4 MR. MORGAN: Excuse me. Objection.

5 MR. JUETT: That's correct. If it's
6 not in the charging sheet --

7 MS. JACOBS: It's a part of his basis
8 for why he's recommended termination. It's not a charge
9 itself.

10 MR. MORGAN: Well, then it needs to
11 be -- with all due respect, I submit --

12 MS. JACOBS: Well --

13 MR. MORGAN: -- it needs to be on the
14 charging sheet for --

15 MS. JACOBS: Well, he --

16 MR. MORGAN: -- for -- I'm sorry;
17 almost done -- it needs to be on the charging sheet for
18 the Commission to consider it, and that's under 15.520.

19 MS. JACOBS: It goes to the punishment
20 that is being recommended with respect to the policy of
21 progressive discipline, why, in his opinion as the Chief
22 of Police, that termination is warranted.

23 MR. JUETT: I think if it goes toward
24 the punishment that's being --

25 MS. JACOBS: Yes.

1 MR. JUETT: -- recommended, then it
2 ought to come in.

3 MS. JACOBS: Thank you.

4 MR. JUETT: It should not be
5 considered a charge against the officer.

6 MS. JACOBS: That's correct. That's
7 what we offered it for.

8 MR. JUETT: Okay.

9 Q. With respect to Officer Bholat, October
10 the 17th, are you able to tell what time he was in
11 dispatch for over two and a half hours?

12 A. Maybe.

13 COURT REPORTER: I'm sorry; could you
14 speak up?

15 THE WITNESS: I'm sorry.

16 Q. October 17, is that before the date that
17 recorded?

18 A. That's the one that cut off.

19 Q. Okay.

20 A. I have it noted here.

21 Q. Were you able to view that at some point in
22 the past?

23 A. I was.

24 (Plaintiff's Exhibit No. 54 was marked
25 for identification.)

1 Q. Okay. Look at October the 29th, if you can
2 pull that up, please.

3 Did you observe Officer Bholat in dispatch
4 on that date or on that shift?

5 A. I did.

6 Q. How -- how long?

7 A. From 23:01 to 01:25, so 11:00 to 1:30.

8 Q. Can you pull that up for us, please?

9 A. We've already seen that.

10 Q. Oh, that's one we've already watched?

11 A. Yes, ma'am.

12 Q. And --

13 A. That's where he was working on the laptop.

14 Q. Okay. And was he there for that continuous
15 period of time?

16 A. Yes, ma'am.

17 (Plaintiff's Exhibit No. 55 was marked
18 for identification.)

19 Q. October the 5th -- I'm sorry; November
20 the 5th --

21 A. Yes, ma'am.

22 Q. -- and what did you observe on that day?

23 A. I don't have him in dispatch on the -- oh,
24 on November the 5th, at 21:14 --

25 Q. Which is 9:14?

1 A. -- 9:14, he checked out busy for some
2 reason with dispatch. He did not get back on duty until
3 01:30. So from 9:00 -- 9:14 to 1:30 in the morning he
4 stated that he was busy. He came back on duty at 1:30
5 and he went off duty at 1:35.

6 MR. MORGAN: I object to that. That
7 is -- that's not in these facts that are laid out here.
8 The --

9 MR. JUETT: I think his testimony is
10 what it is.

11 MR. MORGAN: Okay.

12 MR. JUETT: You can -- you can
13 question him about it on cross examination.

14 (Plaintiff's Exhibit No. 56 was marked
15 for identification.)

16 Q. November the 18th --

17 A. Yes.

18 Q. -- how long was he in dispatch? I'm sorry;
19 the 8th. I apologize.

20 A. Okay.

21 Q. I can't read my own writing.

22 A. One hour, thirty-three minutes.

23 Q. And was that in one continuous visit?

24 A. It was.

25 Q. Have you viewed that video?

1 A. I have.

2 Q. Do you know what time he was there?

3 A. From 01:22 to 04:06.

4 Q. Who is this?

5 MR. WHITLEY: I didn't hear the

6 answer. I'm sorry.

7 THE WITNESS: I haven't said an answer

8 yet because I'm not sure.

9 Q. What time are you at?

10 A. 01:22. That's Officer Breslin. That was

11 Office Abdullah that just walked in -- Officer Bholat.

12 Q. And what time is this, 1:22?

13 A. Yes. Yes, ma'am. Lieutenant Humphries

14 and, I believe, Officer Sandfort walked in the back.

15 Yes, he just left.

16 MR. WHITLEY: We'll -- we'll stipulate

17 that he's in there if we can move forward to the next

18 part of the evidence.

19 MS. JACOBS: Well, we don't want to be

20 accused of clipping off anything, like he's working or

21 something, so --

22 MR. WHITLEY: We clipped --

23 MS. JACOBS: -- we'll just watch it.

24 MR. WHITLEY: -- off a lot of time,

25 though, so just for time sake we're -- he's in there, if

1 we can move it along.

2 COURT REPORTER: I'm sorry; could you
3 repeat that?

4 MR. JUETT: I was asking counsel if
5 they were okay with moving forward or do you want to see
6 this.

7 Q. Chief, have you reviewed all of this --

8 A. I have --

9 Q. -- video --

10 A. -- yes, ma'am.

11 Q. -- for the entire time that he was there?

12 A. I have.

13 Q. Is there any point where he appears to you,
14 based on the video, to be conducting work business?

15 A. No, not that I can recall, ma'am.

16 Q. Let's move on. November the 27th --

17 A. Yes.

18 Q. -- how long was he in dispatch?

19 A. Three hours, twenty-four minutes.

20 Q. November -- let's see, November the 25th --
21 go back to that -- how long was he in dispatch?

22 A. An hour and twenty-eight minutes.

23 Q. And you made a note that he covered for the
24 dispatcher.

25 A. He did. That -- that was --

1 Q. Is that okay?

2 A. That was fine, yes.

3 Q. Okay.

4 A. There was only one dispatcher working, and
5 he covered for him while he went to get something to
6 eat. That was just my note to remind me of what
7 happened.

8 Q. Okay. So for twenty minutes out of that
9 one hour and twenty minutes --

10 A. Justified.

11 Q. -- you're fine on that?

12 A. Yes, ma'am.

13 Q. Okay.

14 MR. WHITLEY: Then for the record
15 could you have that show that it's one hour and twenty
16 minutes and not one hour and twenty-eight minutes
17 since --

18 MS. JACOBS: Well, I think the record
19 is clear that he was in dispatch for one hour and
20 twenty-eight minutes, but he made the note that twenty
21 minutes of that he was covering for the dispatcher,
22 which is fine, but he was in dispatch for one hour,
23 twenty-eight minutes.

24 (Plaintiff's Exhibit No. 57 was marked
25 for identification.)

1 Q. December the 2nd, how long was he in
2 dispatch?
3 A. Two hours, twenty-seven minutes.
4 Q. And what time does his radio activity show
5 his last activity was on behalf of the City?
6 A. His last activity was 23:43 -- 11:43.
7 Q. On the 3rd, which we have watched with the
8 dog in dispatch, how long was he in dispatch?
9 A. Two hours and fifty-one minutes.
10 Q. On the 4th, how long was he in dispatch?
11 A. Two hours.
12 Q. Was he working that day?
13 A. Off duty.
14 Q. On December the 5th, how long was he in
15 dispatch?
16 A. An hour and fifty-eight minutes.
17 Q. Was he working that day?
18 A. Off duty.
19 Q. On the 6th, was he back on -- back on
20 shift?
21 A. Yes, ma'am.
22 Q. And how long did he stay in dispatch?
23 A. Two hours, forty-two minutes.
24 Q. And on the 7th, how long was he in
25 dispatch?

1 A. One hour, forty-two minutes.

2 Q. And following the email that -- reminding
3 them not to stay in dispatch, did he continue to do
4 that?

5 A. He did.

6 Q. And what dates have you noted?

7 A. 12/24 for 59 minutes, 12/25 for an hour and
8 35 minutes, and 12/31 for 53 minutes.

9 Q. Okay. And you've skipped a couple that are
10 21 and 18 minutes?

11 A. Correct.

12 Q. Those are okay?

13 A. Those are fine with me.

14 (Plaintiff's Exhibit No. 58 was marked
15 for identification.)

16 Q. Are -- is -- based on your review of the
17 records and the personnel files, is Officer Bholat aware
18 of the activity (sic) not to be in dispatch?

19 A. He is.

20 Q. And how can you tell?

21 A. I do have a memo dated 4/19/2013. I will
22 skip the first part unless you wish --

23 Q. No --

24 A. -- me to read it.

25 Q. -- the first part does not apply.

1 A. The second paragraph states, the second
2 incident that was addressed with Officer Bholat was
3 hanging out in the dispatch center. The specific
4 incident --

5 MR. WHITLEY: I'm going to object to
6 this. I think it's speculation. I don't think they
7 laid a foundation that Mr. Bholat actually received any
8 notice.

9 They're saying that, I guess, they
10 want to introduce a note to another person saying they
11 talked to him, but there's no indication he actually had
12 knowledge of this.

13 MR. JUETT: I mean, can we talk a
14 little more about what that is?

15 MS. JACOBS: Sure.

16 Q. What is this?

17 A. This is a memo from Captain Rick Elkin and
18 Lieutenant Myron Thomas to Chief Kevin Sutton, reference
19 two incidents involving Officer Bholat.

20 Q. And is it referencing verbal counseling --
21 I guess you would call it -- with respect to being in
22 dispatch?

23 A. It does.

24 MR. WHITLEY: Then I'll object and say
25 the best evidence would be the actual -- that -- any

1 kind of documentation showing that he received the
2 verbal reprimand or warning or anything.

3 MS. JACOBS: Well, let me finish. All
4 right?

5 MR. WHITLEY: That's the whole point
6 of objecting. I mean --

7 MS. JACOBS: Well, I'm not finished
8 with my foundation.

9 MR. JUETT: Let's see where she goes.

10 Q. Okay. And was this found in the official
11 files of the Department of Police?

12 A. It was.

13 Q. Okay. And is there any indicia on here
14 that -- that it is not contained within the regular
15 records and -- and personnel files?

16 A. Not -- no. No, ma'am.

17 Q. And do you --

18 MR. WHITLEY: Then I'll object again
19 because it's not his personnel file. He does not have
20 knowledge that this has even taken place.

21 MR. JUETT: Let's let her finish
22 describing what this document is and where it came from.

23 Q. And do you know Captain Rick Elkin?

24 A. I do.

25 Q. And -- and Lieutenant Myron Thomas?

1 A. I do.

2 Q. And do you have any reason to believe they
3 would have written a memo or counseling that had not
4 taken place?

5 A. No, ma'am.

6 Q. And does it describe in there a
7 conversation that they had with Officer Bholat?

8 A. It does.

9 Q. Okay. Now, there's no signature on there
10 that he received it, right?

11 A. No, ma'am.

12 Q. Okay. Is there any indicia to you that
13 this is not a reliable document contained within the
14 regular business records of the police department?

15 A. No, ma'am.

16 Q. And describe for the Commission what it --
17 what it states.

18 MR. WHITLEY: Now I would like to
19 renew my --

20 MR. JUETT: Where -- where is the
21 document kept? I mean, where --

22 MS. JACOBS: In his discipline file --
23 in his police file.

24 THE WITNESS: It was actually in a
25 file in the -- in my office now, but then it was Chief

1 Sutton's office, and I was looking for memos relating to
2 staying out of dispatch.

3 MR. JUETT: And so it was not in his
4 personnel file?

5 THE WITNESS: No.

6 MR. JUETT: I see.

7 MS. JACOBS: Now, I will say that
8 disciplinary actions are not often kept in the --

9 MR. MORGAN: Objection. Who's
10 testifying?

11 MS. JACOBS: I'm explaining. I mean,
12 you've objected to it. I'm explaining what it is and,
13 you know, this is -- this is an administrative hearing.

14 It is the best evidence about it, and
15 we can call Officer Bholat. If he wants to deny it,
16 we'll take further steps on it.

17 But this is relied upon. Their --
18 their disciplinary actions are not necessarily kept in
19 the personnel file.

20 MR. MORGAN: That's the point of it.

21 MR. WHITLEY: That's the whole point
22 of having a disciplinary action. If he was disciplined
23 in this -- on this issue, then there would be this
24 document in his personnel file.

25 The testimony today isn't that it was

1 in his personnel file. The testimony was that in the
2 course of preparing for this hearing they started to go
3 through and comb through different chiefs' and police
4 officers' files to see if there was anything in there.

5 The question is, did he have knowledge
6 of this. We're saying no. He can't guess that he
7 had --

8 MR. JUETT: Well, but --

9 MR. WHITLEY: -- any knowledge of
10 this.

11 MR. JUETT: -- the question is -- is
12 his to answer, and if he answers that he has knowledge
13 of it, then that's something you can cross examine him
14 on and test that, and you can also ask Officer Bholat
15 about that.

16 In terms of its admissibility, the
17 standard is whether it's something that a reasonably
18 prudent police chief would rely on in assessing the
19 performance of his officers, and I think it is that, so
20 I think you all can handle that on cross examination and
21 when you call Officer Bholat, so I'll let it come in.

22 MS. JACOBS: So is the objection
23 overruled?

24 MR. JUETT: It's overruled.

25 Q. Go ahead and tell the Commission what that

1 says.

2 A. It states, the second incident that was
3 addressed with Officer Bholat was hanging out in the
4 dispatch center. The specific incident was on a Sunday
5 night. Officer Bholat could be seen on the video in
6 dispatch for approximately three hours while on duty.

7 Officer Bholat initially indicated that he
8 had been watching college basketball the night in
9 question. When it was pointed out that no NCAA games
10 were played that night, Officer Bholat stated that he
11 could not specify why he had been in dispatch -- could
12 specify -- I'm sorry -- why he had been in dispatch for
13 that time.

14 He further stated that others had been in
15 dispatch as well. No legitimate purpose can be found as
16 to why he was in dispatch for this time. This behavior
17 has been addressed numerous times -- times during roll
18 call sessions.

19 At no time did Officer Bholat take
20 responsibility for his actions.

21 Q. Okay. Moving on to January of this year,
22 was there an incident where Officer Bholat was observed
23 at a place for a period of time rather than on patrol?

24 A. Yes.

25 Q. And I'm going to hand you that.

1 Is that a memorandum that was presented to
2 you from Captain Elkin --

3 A. Yes, it is.

4 Q. -- with respect to that?

5 Tell the Commission what happened with
6 respect to this incident.

7 MR. WHITLEY: We'll object again. I
8 believe in reviewing all the documents we haven't -- we
9 haven't received this one.

10 MS. JACOBS: Yes, you did. Yes, you
11 did.

12 MR. BEAUMAN: It was attached to the
13 charges. Officer Bholat was served with it. It was
14 attached to the charges.

15 MR. WHITLEY: No, it wasn't. It's not
16 attached to the charges we have with these officers.

17 MS. JACOBS: It is.

18 MR. JUETT: So it was attached?

19 MS. JACOBS: Yes.

20 MR. JUETT: It was served? You don't
21 have it?

22 MR. WHITLEY: I'll approach you all.
23 This is --

24 MR. BEAUMAN: You all have it.

25 MR. WHITLEY: My last page stops with

1 this right here.

2 MS. JACOBS: Is it in the package that
3 you all got?

4 MR. JUETT: No.

5 MS. JACOBS: It's not?

6 MR. JUETT: No.

7 Q. All right. Based on your review of the
8 dispatch tapes for October, November and December and
9 based on your review of the November 5 radio traffic,
10 did you find certain disciplinary -- I'm sorry; certain
11 policy violations with respect to Officer Bholat?

12 A. What dates? I'm sorry.

13 Q. I'm looking at the charges, October --

14 A. Oh, okay.

15 Q. -- November and December, and then the
16 November 5 radio log, so --

17 A. All of them?

18 Q. Yes.

19 A. Okay. Yes, ma'am.

20 Q. And what policy violations have you found
21 with respect to these times and dates?

22 A. Conduct unbecoming, failure to conform to
23 rules and regulations, insubordination, inefficiency,
24 dereliction of duty and honesty.

25 Q. And based on those policy violations, what

1 is your recommendation to the Council?

2 A. My recommendation for Officer Bholat is
3 termination.

4 Q. And again, why is counseling, written
5 reprimand, suspension, why are those not acceptable, in
6 your view?

7 A. Due to the level and amount of time that
8 Officer Bholat was seen in dispatch and documentation
9 that he had been -- he alone and with all of the other
10 officers had been warned numerous times, it did reach
11 the level of termination.

12 Q. And did his conduct stop after the
13 December 8 email?

14 A. It did not.

15 Q. And just to be clear, with respect to every
16 officer we've talked about, you have reviewed personally
17 all of the videos that have been mentioned here --

18 A. Yes, ma'am.

19 Q. -- October, November, December?

20 A. Yes, ma'am.

21 Q. And even if your math might be a little bit
22 off with regard to totaling up the charges --

23 A. That's possible.

24 Q. -- totaling up the time, do you find -- do
25 you believe that they spent substantial amounts of time

1 in dereliction of their duties?

2 A. Absolutely.

3 MS. JACOBS: He's going to go check on
4 something. That may be all the questions I have for
5 you, Chief.

6 THE WITNESS: Okay.

7 MS. JACOBS: Do you want to take a
8 short break and let me check on a couple of things?

9 MR. JUETT: Okay. We'll take five
10 minutes then. Is that okay?

11 MAYOR THORNTON: Is that good with you
12 all, five minutes?

13 (Recess taken.)

14 MAYOR THORNTON: Counselors, are you
15 ready --

16 MR. MORGAN: Yes.

17 MAYOR THORNTON: -- to start again?

18 MS. JACOBS: We're back on the record?

19 MAYOR THORNTON: Yes, ma'am.

20 MS. JACOBS: If I could rewind that
21 last one that we sent around and I'll take that back
22 since that wasn't in your packet, and then that's all
23 the questions I have for you. That's all the questions
24 I have.

25 MAYOR THORNTON: Thank you.

1 Mr. Morgan, you may call your first witness.

2 MR. MORGAN: Thank you. We're going
3 to cross Chief --

4 MAYOR THORNTON: Okay. I'm sorry.

5 MR. MORGAN: It's okay. I call Chief
6 Williams.

7 -----

8 **EXAMINATION**

9 **BY MR. MORGAN:**

10 Q. Good afternoon, Chief.

11 A. Yes, sir.

12 Q. Chief, how many police officers are there
13 on the Paris Police Department as of February 1, 2016?

14 A. We have the strength of -- I think we were
15 up to 27 at that point, sir.

16 Q. Twenty-seven at that time?

17 A. Yes, sir.

18 Q. So by the firing of these six officers you
19 reduced that number to twenty-one -- some twenty,
20 twenty-three percent?

21 A. Yes, sir.

22 Q. In one fell swoop?

23 A. Yes, sir.

24 Q. Is that safe for the citizens of the city
25 of Paris?

1 A. I've pulled officers from other areas to
2 fill in the gaps.

3 Q. Those officers now have to pick up where
4 these officers can no longer serve the citizens of
5 Paris --

6 A. If that --

7 Q. -- right?

8 A. If that were to happen, sir, until I got
9 somebody else hired, yes, sir.

10 Q. Okay. Have you hired anybody?

11 A. No, sir.

12 Q. Have you interviewed for the job anybody
13 else?

14 A. I've taken applications. No interviews,
15 sir.

16 Q. And those officers who are going to be
17 pressed into service, that's going to be in addition to
18 what they would already be working? They're going to do
19 overtime, double time, whatever it takes, right?

20 A. There will be some overtime added, but most
21 of it I've got the detectives filling in right now and I
22 pulled a detective out of DESI, so I've got three
23 detectives.

24 Q. And DESI --

25 COURT REPORTER: Out of where?

1 THE WITNESS: I'm sorry.

2 Q. -- for what that's worth --

3 A. Yes.

4 Q. -- that's D-E-S-I?

5 A. Correct.

6 Q. That stands for Drug Enforcement Special
7 Investigations, correct?

8 A. Correct.

9 Q. And that's with the Kentucky State
10 Police --

11 A. Yes.

12 Q. -- correct?

13 A. Yes, sir.

14 Q. The Kentucky State Police task force that
15 Lieutenant Puckett used to serve on, correct?

16 A. That's correct, sir.

17 Q. So you're pulling from the State Police to
18 come help provide patrol and provide services for Paris?

19 A. It's still my officer that -- that I lend
20 to the State Police, and my biggest concern is the
21 citizens of Paris right now.

22 Q. Sure. Let me show you, sir, a stack of
23 documents.

24 MR. MORGAN: This will be marked as
25 Exhibit 1, and this will be left for the Commissioners.

1 (Defendants' Exhibit No. 1 was marked
2 for identification.)

3 Q. Chief, if -- if you will, there -- there
4 are two sets of documents.

5 The documents that are in the red rubber
6 band --

7 A. Yes, sir.

8 Q. -- these represent calls --

9 A. Yes, sir.

10 Q. -- made from October 1 of 2015, through
11 February 1, 2016.

12 Do you remember providing me or your
13 lawyers with those records, sir?

14 A. Yes, sir, I do.

15 Q. Those records that are in that red rubber
16 band, sir -- I invite you to look through there -- those
17 represent the calls, the activity, the responses that
18 just these five officers did.

19 This is the entire police department for
20 Paris, correct?

21 A. Correct.

22 MS. JACOBS: Well, can he have a
23 chance to look through those?

24 MR. MORGAN: Well, sure.

25 MS. JACOBS: Okay.

1 MR. MORGAN: I mean, if you need to,
2 you just let me know, Chief.

3 MS. JACOBS: Okay. Well --

4 MR. MORGAN: You -- I'm sorry to
5 interrupt, but you provided me these records, so I trust
6 you know --

7 MS. JACOBS: Well, let -- let --

8 MR. MORGAN: -- that they're accurate.

9 MS. JACOBS: -- him look at what
10 you're saying he provided you.

11 MR. MORGAN: Sure.

12 MS. JACOBS: And then you said these
13 are what?

14 MR. MORGAN: These are the not five
15 officers here.

16 Q. This is everybody else, all 22 other
17 officers?

18 A. That's the officers, correct, this one.
19 That's all the officers.

20 Q. And this -- no, that's -- this is all the
21 officers. This is everything done by the City of Paris
22 Police Department from October through January -- until
23 February 1 of 2016.

24 This is all the other -- this is all the
25 first shift guys, and this is all the second and third

1 shift guys, which is what these guys are. Please look
2 through those if you want to.

3 COMMISSIONER PERRAUT: So that's
4 second shift and third shift or is that just these five?

5 MR. MORGAN: That's going to be --

6 COMMISSIONER PERRAUT: You said
7 different things.

8 MR. MORGAN: -- second and third and
9 these guys. The ones in the red rubber band, and
10 they're highlighted --

11 COMMISSIONER PERRAUT: Okay. So it's
12 the whole second and third shift, not just these five?

13 MR. MORGAN: No, that's -- that's --
14 what's in the red rubber band -- I'm glad you're asking
15 this -- to clarify -- and please correct me if I'm
16 wrong, Chief -- but every single one of those sheets is
17 going to have some highlighted name, and that
18 highlighted name is one of these five officers.

19 The -- the code to this, the pink
20 highlights is the responsible officer.

21 Q. What is that, Chief?

22 A. The officer that actually initially takes
23 charge of the call, whatever it may be.

24 Q. And the yellow highlight is the responded
25 or assisted officer, and what is that, Chief?

1 A. They showed up for some point on the call.

2 Q. I think when you look through this, members

3 of the Commission, and when you look through it, Chief,

4 you're going to see the following: Since October 1 of

5 2015, all five of these guys combined, you're going to

6 have one --

7 MS. JACOBS: I object. If he's going

8 to ask a question that's fine, but it's not his time to

9 testify.

10 Q. Okay. Chief --

11 A. Yes.

12 Q. -- do you want to count these up and tell

13 me whether this is accurate, please, that for these five

14 responsible -- for responsible calls here -- they are

15 the responsible officer -- 1,619 times and assisted the

16 other officer 436 times?

17 A. I -- I can't speak to --

18 Q. Okay.

19 A. -- if that's true or not, sir.

20 Q. Do you know whether, looking at just

21 Abdullah Bholat, he's responsible for 568 of these calls

22 and assisted on 116?

23 Did you look at any of those numbers when

24 you were pouring through these video records?

25 A. No, sir, because I'm not saying they didn't

1 work.

2 Q. Okay. Lieutenant Humphries, responsible --
3 can you tell me, sir --

4 MAYOR THORNTON: Calm down, please.

5 Q. -- can you tell me whether you know whether
6 in this red rubber band here Humphries is responsible
7 for 173 calls and assisted on 80?

8 A. (No responsible.)

9 Q. Do you know that, sir?

10 A. No, I don't.

11 Q. Do you know that Puckett was responsible
12 for 124 calls and assisted on 36? Did you know that?

13 A. No, sir.

14 Q. Did you know that Dempsey -- well, I'll
15 leave off Dempsey.

16 Did you know that Primm was responsible for
17 208 and assisted on 86?

18 A. No.

19 Q. Did you know that?

20 A. No, sir.

21 Q. Did you know that Anderson was responsible
22 for 397 and assisted on 56?

23 A. No, sir.

24 Q. And for what it's worth, did you know that
25 Dempsey was responsible for 149 and assisted on 62?

1 MS. JACOBS: Objection to the
2 relevance. He's not before this Commission.

3 MR. JUETT: Sustained.

4 MR. MORGAN: Sustained, okay.

5 Q. Chief, you -- you said just a minute ago
6 that you're not -- or this Commission is not here
7 because of any claim that these guys didn't work,
8 correct?

9 A. May I explain my answer?

10 Q. Please.

11 A. My answer is, I'm not saying they didn't
12 take calls. I'm -- what I'm saying is they spent too
13 much time in this building to where they weren't
14 patrolling and taking care of the other stuff. I've
15 never said they didn't take calls.

16 Q. Point to -- tell this Commission any
17 incident in which a call went unanswered.

18 A. I -- I cannot tell you that, sir.

19 Q. Please tell the Commission where there was
20 an occasion that you know of that some crime went ahead
21 and occurred because these guys were here in dispatch.

22 A. I cannot tell you that, sir.

23 Q. In fact, would you agree with me after
24 hearing these numbers that these records support that
25 whenever a call went out these guys responded?

1 A. Again, sir, I didn't say they didn't
2 respond to calls.

3 Q. Chief, let me -- let me make sure we're all
4 real clear on -- on things, because this building --
5 just so the Commission members are clear on this --
6 downstairs is -- is where dispatch is?

7 A. Correct.

8 Q. Just a little -- about 50 yards maybe from
9 here, about the middle of this hallway?

10 A. Correct.

11 Q. And headquarters is on the third floor of
12 this same building, kind of pretty much straight up
13 above us, correct?

14 A. Well, if you're referring to what I
15 consider headquarters, I consider this building
16 headquarters.

17 Q. Okay. And to be real clear about this, in
18 these -- in your list of -- on this disciplinary
19 charges, when you -- it really pertains to Humphries and
20 Puckett --

21 A. Yes, sir.

22 Q. -- where you complain about them being in
23 headquarters too long?

24 A. Yes, sir.

25 Q. When you say that they are in headquarters

1 for, let's say, four hours --

2 A. Yes, sir.

3 Q. -- and dispatch for, let's say, one hour --

4 A. Yes, sir.

5 Q. -- does that mean they're in this building

6 for a total of five or really they're here for four,

7 rather one hour in dispatch and three presumably in

8 headquarters?

9 A. No, sir, the -- the totals I have under

10 headquarters is the total time here --

11 Q. Okay. Total --

12 A. -- including dispatch.

13 Q. So if -- if you say that they're in

14 headquarters for four hours and dispatch one, they're in

15 this building for four hours?

16 A. Correct.

17 Q. These lieutenants are -- they're

18 supervisors.

19 They look over paperwork to make sure it's

20 accurate, correct?

21 A. There is some hard paper.

22 Q. Okay. Well, let's say Primm makes an

23 arrest.

24 A. Yes.

25 Q. Humphries is his lieutenant. Primm does

1 paperwork, fills out the arrest report and everything.
2 That goes to Humphries -- yeah,
3 Humphries -- to review, correct?
4 A. It would be transmitted through the
5 computers, yes, sir.
6 Q. Okay. For Humphries to review, correct?
7 A. Correct.
8 Q. Okay. And that's because presumably if
9 Primm has made an arrest, somebody is charged with a
10 crime, right?
11 A. Correct.
12 Q. And those people have rights, correct?
13 A. Yes, sir.
14 Q. And those -- you want to make sure that the
15 police is representing what happened fairly and
16 accurately, correct?
17 A. Absolutely.
18 Q. That's part of the reason why the
19 lieutenant reviews what the patrolman has written up in
20 the report, correct?
21 A. Yes, sir.
22 Q. And that happens at headquarters, correct?
23 A. No, sir.
24 Q. It doesn't?
25 A. No, sir.

1 Q. Where does the lieutenant review the
2 reports?
3 A. Wherever his MDT is.
4 Q. And MDT is a mobile --
5 A. Mobile data --
6 Q. -- data --
7 A. -- terminal, which --
8 Q. Kind of like that, right?
9 A. -- which we put in their cars, yes, sir.
10 Q. It's like a laptop computer?
11 A. Correct.
12 Q. So are you telling the Commission that the
13 lieutenant should stay in his cruiser the whole time
14 looking on his laptop to review reports from the
15 police --
16 A. No.
17 Q. -- from his patrolmen?
18 A. At certain times during the night they will
19 do a transmittal, because it doesn't automatically come.
20 They'll go to their MDT and do a transmittal, which will
21 bring the reports to them all at once.
22 Q. Okay. In the position description for a
23 police lieutenant is there -- does it say in here that
24 the lieutenants should not review reports at
25 headquarters?

1 A. No, sir.

2 Q. Is there anything wrong with a lieutenant
3 looking at reports at headquarters?

4 A. If they could be out on the street, that's
5 where I would prefer them.

6 Q. Okay. But that's -- my question was not
7 what you would prefer.

8 I'm asking, is there something wrong?

9 A. There is no policy saying that they can't.

10 Q. They cannot what?

11 A. Review reports at headquarters.

12 Q. Okay. How do you know that's not what
13 Puckett and Humphries were doing in these hours that
14 they were here at headquarters?

15 A. Truthfully, looking at their shift reports,
16 I can't tell you how many I got, no significant
17 activity, so to me, there's not that much activity going
18 on --

19 Q. Well, when you --

20 A. -- that they reported to me anyway.

21 Q. Okay. All right. Fair enough. But when
22 you compare what everybody else -- what the first shift
23 is doing compared to what the second shift in the same
24 time frame, you're saying that these lieutenants aren't
25 that busy?

1 A. (No response.)

2 Q. They don't have enough reports?

3 A. I think we've -- I have seen enough video
4 to say that they aren't that busy.

5 Q. Okay. Let's be real clear about some
6 things on the -- on dispatch, sir, for -- for the sake
7 of the Commissioners.

8 When someone has a call --

9 A. Yes, sir.

10 Q. -- they call 911, it comes to dispatch,
11 correct?

12 A. Yes, sir.

13 Q. When someone wants -- they don't
14 necessarily call 911; if they call the police to report
15 something happening, it comes here, correct?

16 A. Correct.

17 Q. It comes to dispatch?

18 A. Yes, sir.

19 Q. If KSP is calling for assistance, it comes
20 here; if some other sister law enforcement agency calls
21 for help it comes to dispatch, and then it goes out to
22 the officers to do something about it, correct?

23 A. Yes, sir.

24 Q. This is the -- dispatch is -- is the nerve
25 center?

1 A. Dispatch is, yes, sir.

2 Q. And when an officer is in dispatch and a
3 call comes in, they're going to be in a position to be
4 really first line of response, they're going to be the
5 first ones to hear about this, correct?

6 A. Not particularly, because if you're in
7 dispatch, you're going to be listening to the call.
8 You're not going to run to your car, because if you do
9 that, the dispatcher still has to give you the rest of
10 the call --

11 Q. Okay.

12 A. -- so you're going to sit there and listen
13 to the call and then go.

14 When -- when you're out on the street and
15 the dispatcher gets the call, they radio it to you, so
16 they still have a mechanism to get the call --

17 Q. Okay.

18 A. -- right away.

19 Q. And -- and do you agree with me that this
20 building here is pretty much centrally located in Paris?

21 A. Yes, sir.

22 Q. And if somebody is patrolling and they're
23 down by the Bypass, they're not going to be so close to
24 the north side of town as they would be if they were
25 here in the central part of town, correct?

1 A. That is correct.

2 Q. You agree with me then by that logic that
3 if someone is down at the Bypass at Walmart and there's
4 a call for something up on the north side of town, a
5 person in the central part of Paris is going to get to
6 the north side faster than a person on the south side of
7 town?

8 A. Possibly.

9 Q. Chief, you said -- Chief, you said that you
10 had become chief here in June -- June 1 of '15, correct?

11 A. Yes, sir, that's correct.

12 Q. And you worked as an assistant chief for
13 how long here in Paris?

14 A. For five -- or four and a half years.

15 Q. Four and a half years?

16 A. Yes, sir.

17 Q. Was that always as an assistant until you
18 became the high chief --

19 A. That's correct.

20 Q. -- or the chief?

21 A. Yes, sir.

22 Q. Okay. And you had no idea, had never heard
23 about any complaints -- I'm sorry; let me -- let me
24 rephrase this.

25 As assistant chief what were your job

1 duties?

2 A. Several. I've got to review policy, make
3 sure that our policies are up to date, enforce rules and
4 regulations, to make sure we're working the right
5 schedules, to make sure the schedules are filled, to
6 make sure I've got the people in place where we need
7 them.

8 Q. Okay.

9 A. That's just a few.

10 Q. Sure. And I -- and I imagine as assistant
11 chief you're also keeping track of performance of
12 employees, correct?

13 A. The performance appraisals do come to me,
14 yes, sir.

15 Q. And -- and we heard you a few minutes ago
16 talk about how the -- the issues with dispatch are just
17 chronic, just it's been long-standing, going on for a
18 long time, correct?

19 A. I never said -- there's issues. I didn't
20 know the extent of the issues. I didn't know that it
21 went to the extent of what I saw on the video.

22 I had heard grumblings every now and then,
23 hey, so-and-so is hanging out in dispatch too long, and
24 we would talk about it in a staff meeting or put out an
25 email, make sure you guys aren't -- aren't in dispatch,

1 but until I looked at the video I had no clue how -- how
2 chronic it was.

3 Q. In the four and a half years that you were
4 assistant chief you had no idea?

5 A. No, sir --

6 Q. It wasn't until you became --

7 A. -- not to that extent.

8 Q. It wasn't until, I guess, almost six months
9 into your present position, correct?

10 A. Correct. Yes, sir.

11 Q. Okay. Before we move on to something else
12 I -- I want to ask you just a few questions about your
13 review of these -- of this video, because we've seen how
14 painstaking it is.

15 A. Yes, sir.

16 Q. And it's not just video from dispatch that
17 you reviewed; you also reviewed video from the --

18 A. Outside --

19 Q. -- back lot?

20 A. -- yes, sir.

21 Q. And you had -- and I guess you reviewed
22 that in real time? If it was one second -- I'm sorry;
23 if it was five minutes of video, you watched five
24 minutes of video? You didn't --

25 A. No, sir.

1 Q. -- condense it?

2 A. No. And like I explained on the video,
3 it's about four times faster even in real time, but if
4 you slow that down, then it's like slow motion. There's
5 no in between.

6 So on the setting we had was fast time,
7 like four times faster than real time.

8 Q. Right. So you're watching minute for
9 minute?

10 A. No, four times faster than minute --

11 Q. Oh, so you'd get four -- all right.
12 So people are walking real fast, things
13 like that?

14 A. Yes, sir.

15 Q. That's on the outside, not on the inside --
16 not on dispatch, though? On the outside video?

17 A. Both, sir.

18 Q. Okay.

19 A. And I could fast forward it. As long as I
20 could see the officer there, I could fast forward until
21 they got up. Then I would rewind and make sure I had
22 the times correct.

23 Q. Sure. About how long do you think you
24 spent doing this investigation?

25 A. The entire investigation or just viewing

1 the video?

2 Q. Viewing the video -- viewing the video of
3 dispatch.

4 A. Viewing the video of dispatch was probably
5 two and a half to three weeks of doing nothing every
6 day -- including weekends -- but watching video.

7 Q. Was that an efficient use of your time?

8 A. Absolutely not. I wish I could have been
9 doing something else, but it's something that I had to
10 do.

11 Q. And during those two and a half, three
12 weeks or so -- where you agree that it's an inefficient
13 use of your time -- you say nothing to these officers,
14 correct?

15 A. No, sir, I didn't.

16 Q. And these guys are still working, correct?

17 A. That's correct, sir.

18 Q. Does -- that two and a half, three weeks
19 that you're talking about, that's -- that's dispatch and
20 the outside video?

21 A. It was probably -- with the other video it
22 was just probably a day or so past three weeks.

23 Q. Three weeks?

24 A. Yes, sir.

25 Q. Okay. Let's -- let's say that you've

1 got -- you're looking at second and third shift, so
2 that's 16 hours a day of video, correct?

3 A. Correct.

4 Q. And you're looking at just, let's say, 30
5 days of 16 hours of video.

6 That equals 480 hours of video?

7 A. Yes, sir.

8 Q. And if you watch 24 hours of video a day
9 for 21 days, that equals 504 hours of video?

10 A. Yes, sir.

11 Q. So that means you're watching this video
12 around the clock?

13 A. That's if I do it minute for minute, but
14 I've already told you I -- I could speed it up and --

15 Q. Well --

16 A. -- control the speed.

17 Q. -- you mentioned you'd speed it up and then
18 you also mentioned that you would have to back up and
19 write down times.

20 A. Back up for a few minutes, but since there
21 was hours that I was watching that the officers -- their
22 car was outside, I could speed up two or three hours at
23 a time and then when I saw it leave I could back it up
24 to get the exact time.

25 Q. Would you just skip that -- those two or

1 three hours?

2 A. Would I skip them? No, sir. I just
3 watched them in fast time.

4 Q. Okay. Well, all right. I'll give you --
5 let's say you watched -- you can watch four hours --
6 four minutes in one minute, but you watch it twice,
7 correct?

8 A. Yes, sir.

9 Q. So your -- your savings are cut in half,
10 because if it takes you two minutes, you're now spending
11 two minutes to watch four minutes of -- of each video,
12 correct?

13 A. No. I said it was about four times, so
14 that would be eight minutes per two minutes, correct?

15 Q. No. If we're talking four minutes --
16 you're able to watch in one minute four minutes of
17 video?

18 A. Yes, sir.

19 Q. Okay. But you're having to watch it twice?

20 A. Yes, sir.

21 Q. At least twice, because you've said in many
22 instances you went back and viewed it more than twice?

23 A. There were certain occasions that I did
24 look at them more than once -- more than twice.

25 Q. Okay. So let's go back to this analysis

1 here, and I'm only talking about 30 days of video, not
2 October, November and December --

3 A. Yes, sir.

4 Q. -- which is closer to 90 days of video.
5 All right?

6 A. Yes, sir.

7 Q. So with 24 hours a day -- I'm sorry; 16
8 hours of video for 30 days is 480 hours. Let's cut that
9 in half, so that's only 240 hours of video that you
10 watched -- that you've said that you watched twice --

11 A. Yes, sir.

12 Q. -- not even having to go back.

13 So you are spending -- if you just do
14 twenty-four hours a day watching nothing else, doing
15 nothing else, that's ten hours to watch just thirty days
16 of video?

17 A. Yes, sir.

18 Q. Correct?

19 A. (Nods head.)

20 Q. I'm sorry; ten days doing nothing else for
21 twenty-four hours to watch thirty days of video?

22 A. Well, again, not with -- where I can speed
23 it up. If nobody is in dispatch, I can speed through
24 that until somebody comes in. So your times -- I'm
25 saying it's four times faster watching it as we watched

1 it today.

2 Q. Understood. Understood.

3 A. It's much faster -- if nothing is happening
4 and I could see nothing is happening, I can speed
5 through that, so --

6 Q. So it's even faster than four times?

7 A. If I watched it the way we watched it
8 today, your numbers are probably correct, sir.

9 Q. And that's only for 30 days?

10 A. Yes, sir.

11 Q. And you looked at 90 days?

12 A. I did -- every day of it.

13 Q. Chief, this started -- your investigation
14 began -- well, let me -- let me back up.

15 Before your investigation began in -- I
16 guess it was December or January -- whenever that was --

17 A. December.

18 Q. In December, okay.

19 A. That's when I got the initial complaint,
20 yes, sir.

21 Q. All right. Back in November -- in the
22 middle of November -- you came to the Paris Police
23 Department and said you're going to a 12-hour shift,
24 correct?

25 MS. JACOBS: I'm going to object to

1 the relevance of -- of that. The motivation is not
2 relevant in any way.

3 The only thing this Commission has to
4 decide is whether the evidence supports a finding that
5 policies were violated. That's all, that's it, and so,
6 you know, other things are simply not relevant.

7 MR. JUETT: I -- I would agree that
8 the relevance is questionable. I do think you've
9 already gone beyond that a little bit, so we -- I'll
10 give you a little leeway with it --

11 MR. MORGAN: Okay.

12 MR. JUETT: -- but if you'll move
13 quickly --

14 MR. MORGAN: Sure.

15 MR. JUETT: -- and get to the point.

16 MR. MORGAN: Yeah.

17 Q. Chief, let me show you a letter on City of
18 Paris Police Department letterhead.

19 MR. MORGAN: And this will be marked
20 as Exhibit Number 2. Here's one for each of the
21 Commissioners.

22 (Defendants' Exhibit No. 2 was marked
23 for identification.)

24 Q. Chief, tell the Commission what that is,
25 please.

1 A. I've never seen this before, sir.

2 Q. Never seen it before?

3 A. No, sir.

4 Q. Okay.

5 A. I had heard that there was such a letter,
6 but I had never received that letter.

7 MS. JACOBS: Again, I'm going to
8 object to the relevance. It has nothing to do with how
9 much time they were spending in dispatch or sitting
10 around in headquarters with the cars running, which are
11 the charges -- nothing whatsoever to do with that.

12 MR. MORGAN: Okay. Well, he says he
13 hasn't seen it, so I'll move on.

14 (Defendants' Exhibit No. 3 was marked
15 for identification.)

16 Q. Chief, let me show you what will be marked
17 as Exhibit Number 3, and tell us whether you've seen
18 this, please?

19 A. Yes, sir.

20 Q. You have seen that?

21 A. I have.

22 Q. And that is a memo that you ordered
23 Lieutenant Dempsey to write up regarding the meeting
24 about the complaint regarding going to the 12-hour
25 shifts, correct?

1 MS. JACOBS: Objection. It's
2 irrelevant. It has nothing to do with time in dispatch.
3 It has nothing to do with the charges that are before
4 us.

5 MR. MORGAN: If I may, members of the
6 Commission, this -- this is entirely why we're here is
7 because these officers, as you see in Exhibit
8 Number 2 -- well, you may have a hard time reading those
9 signatures, but --

10 MS. JACOBS: I'm going to --

11 MR. MORGAN: -- every one of these --
12 I'm almost done -- every one of these officers signed
13 this document, and then the evidence will show that the
14 police chief actually went out and started investigating
15 this to see who said what when and why and where, and
16 then as a result of that --

17 MR. JUETT: Well --

18 MS. JACOBS: If I may --

19 MR. JUETT: -- Mr. Morgan, the case
20 law is clear that alternative motives really are not at
21 issue in a disciplinary hearing like this.

22 The question in this hearing is
23 whether there is substantial evidence to support the
24 charges that there were violations of policies are true
25 and -- and to support -- substantial evidence to support

1 a finding that they have actually violated departmental
2 policies or City policies, and the case law is clear
3 that anything about alternative motives is not relevant
4 to that inquiry.

5 MR. MORGAN: Well, I -- I respectfully
6 disagree. I think the fairly recent case of Triplet
7 talks about how the -- in an administrative hearing the
8 person is allowed -- the person is allowed to present
9 evidence.

10 Also what we're talking about is under
11 15.520, which does permit evidence to come -- evidence
12 even to be proffered to the tribunal showing reasons why
13 the officer has been -- has been disciplined, because
14 we're in a different level here because of the peace
15 officer's Bill of Rights.

16 In all due respect, I believe these
17 officers are very much entitled to show why they alone
18 have been singled out for termination and in every
19 single instance termination is the only right thing.

20 MS. JACOBS: Let me respond so that we
21 can stop the testimony by Mr. Morgan. The case law is
22 quite clear from 2015 with respect to a 15.520 hearing
23 that whether this Officer Gilberson was wrongfully
24 terminated for whistle blowing is not relevant to
25 whether there was substantial evidence that he violated

1 the police department's rules and regulations.

2 There's nothing in 520 that talks
3 about proffering evidence at this level. If they choose
4 to appeal whatever action this body takes, that's the
5 time to do that, but in this hearing it is not relevant.

6 MR. JUETT: I agree with you, and so
7 if you'll stop that line and move on, please.

8 MR. MORGAN: Will do. Note -- note
9 our objection.

10 Q. Chief, you told us about the email that
11 went out to the officers regarding just being in
12 dispatch?

13 A. Yes, sir.

14 Q. What day was that email sent?

15 A. I believe it -- I'd have to look, but I
16 believe it was the 8th maybe.

17 Q. December 8?

18 A. Yes, sir.

19 Q. Okay.

20 A. Yes, sir, that's correct, December the 8th.

21 Q. Do you have a copy of that email with you,
22 sir?

23 A. No, sir, I do not. I'm sorry.

24 Q. Okay. But that -- that email is what
25 you're relying on as -- as providing notice to these

1 officers that they need to stop hanging out in dispatch,
2 but we don't have a copy to give to the Commission?

3 A. (No response.)

4 Q. You don't have a copy to give to the
5 Commission?

6 A. I didn't have a copy, sir. That wasn't
7 sent by me. I didn't have a copy.

8 Q. You directed it to be sent, correct?

9 A. Yes, sir, I did.

10 Q. Okay. But you didn't keep a copy of it?

11 A. I'm sure I kept a copy in my folder in
12 email.

13 MS. JACOBS: I believe you've been
14 provided a copy, have you not, Luke?

15 MR. MORGAN: I'm not saying I don't
16 have it. I'm -- I think that -- my position is if
17 the -- if the chief wants to say to the Commission, this
18 is such a significant watershed event to have this email
19 sent, that the Commission should see what it is.

20 Q. Nevertheless, Chief, let me move on.

21 You did write up a report, sir,
22 investigation of officers in dispatch center, correct?

23 A. Correct.

24 Q. Do you have that in front of you?

25 A. I do.

1 Q. Okay. The beginning of this report says,
2 on 12/11/2015, Captain Rick Elkin reported that
3 dispatcher Natalia Lorado had approached him stating
4 that while training with dispatcher Taylor Douglas on
5 the night of December 5, 2015, several officers remained
6 in dispatch for a large portion of their shift, correct?

7 A. Correct.

8 Q. But the email that you -- you've told us
9 about, that comes out from Elkin.

10 You've directed that to be sent on
11 December 8, correct?

12 A. That is correct.

13 Q. And that's three days before you say
14 anything in here about Captain Elkin reporting about
15 dispatcher Lorado?

16 A. You -- you're correct, sir.

17 Q. And in fact, you don't mention anywhere in
18 here in your investigation that an email had been sent
19 on December 8, do you, sir?

20 A. No, sir.

21 Q. You left that part out? You left out that
22 an email had been sent, but you do put in here that some
23 three days after this email was sent that somebody
24 approached Captain Elkin, correct?

25 A. Correct.

1 Q. Okay. Where is Captain Elkin's report?
2 A. He didn't have a report, sir.
3 Q. You didn't have him write up anything?
4 A. No, sir. I asked him to pull the video for
5 me.
6 Q. Okay. Where is dispatcher Natalia Lorado's
7 or dispatcher Taylor Douglas' report about this thing
8 that happened on -- on or about December 5?
9 A. There is no report, sir.
10 Q. Why not?
11 A. They made a complaint -- a verbal
12 complaint. That complaint was relayed to me, and I
13 investigated it.
14 Q. So both of these officers -- both Douglas
15 and Lorado, these dispatchers, they complained?
16 A. No, sir, I -- I didn't --
17 Q. Only Lorado?
18 A. -- I didn't say that dispatcher Douglas had
19 complained.
20 Q. All right. Who complained?
21 A. Dispatcher Lorado had complained to -- to
22 Captain Elkin.
23 Q. Did you talk to Lorado?
24 A. I did not. I just asked for the video to
25 be pulled so I could see for myself.

1 Q. So in this investigation you don't ask for
2 other people to write up anything; you're taking it on
3 what -- what you've been told verbally --

4 A. When I have --

5 Q. -- right?

6 A. When I have video, yes, sir.

7 Q. Okay. Well, Chief -- okay. But the simple
8 answer is you don't have a report from any of these
9 other persons?

10 A. No, sir.

11 Q. All right. You say that while -- going
12 back to your report, sir -- while reviewing the video
13 from the night of December 5, 2015, I observed Officer
14 Anderson stretched out in a chair for an hour and
15 eighteen minutes, Officer Bholat for one hour and
16 fifty-eight minutes, Officer Castle for one hour and
17 fifty-four minutes, Lieutenant Dempsey two hours,
18 thirty-seven, and Officer Primm laying back in a chair
19 for seven hours and thirty-one minutes.

20 Officer Primm and Officer Anderson appear
21 that they may have possibly been sleeping for part of
22 this time.

23 A. That's correct, sir.

24 Q. Isn't it true that Officer Anderson turned
25 in a sick request on -- on December 5 for five hours --

1 MR. MORGAN: Was the chief's
2 investigative report given to the Commission members?

3 MS. JACOBS: Yes.

4 MR. MORGAN: Okay. Great. This is --
5 what I'm handing out here is a copy of Anderson's leave
6 request.

7 MS. JACOBS: Well, again, I don't --
8 he said he hadn't seen it. I think somebody else is
9 going to have to testify about it.

10 Q. Okay. Going back to your report, Chief,
11 you say, all officers have been advised on several
12 occasions that the only time they are to be in the
13 dispatch center is for official business or to eat their
14 lunch or dinner.

15 There has been a standing order that these
16 visits should last no longer than 20 to 30 minutes with
17 very few exceptions.

18 Where is that standing order?

19 A. A standing order means that it -- it is
20 known. There -- there is paperwork showing it, but it's
21 not in policy, but it's like a standing order that you
22 don't go home for five hours.

23 Q. Okay.

24 A. It's a standing order.

25 Q. This is a standing order -- I think you

1 said like a standing order?

2 A. No, I think I said a standing order.

3 Q. Okay. What policy in the police -- in the
4 Paris Police Department's policy and procedure
5 regulations does it say anything about being in
6 dispatch?

7 A. There -- there is no policy, sir.

8 Q. But --

9 A. That's why I said --

10 Q. But you've been --

11 A. -- a standing order.

12 Q. Okay. But you're telling us that this has
13 been something that's been going on for years, but --
14 and you were in charge as assistant chief, in charge of
15 making sure that regulations and policies that needed to
16 be put in place were in place --

17 A. Yes, sir.

18 Q. -- correct?

19 A. Yes, sir.

20 Q. You did not put in a policy or regulation
21 pertaining to dispatch while you were assistant chief,
22 did you?

23 A. No, sir, I didn't.

24 Q. Didn't do it as the chief, did you?

25 A. No, sir, I didn't.

1 Q. Going back to your report, it says, this
2 standing rule -- so is it a standing order or standing
3 rule? Is it -- are those -- is that synonymous?

4 A. They call -- I say standing -- it should
5 say a standing order.

6 Q. Okay. Well, anyway, it says here, the
7 standing rule has been in place for at least the past
8 five years and is also included in the E 911 standing
9 operating procedure manual.

10 For the sake of the Commission members,
11 the -- correct me if I'm wrong, please, but the E 911
12 standing operating procedure is what the dispatchers
13 have, correct?

14 A. Correct. Yes, sir.

15 Q. Not what the officers -- the patrol
16 officers have, correct?

17 A. That's correct, sir.

18 Q. This order is in effect for -- going back
19 to your report it says, this order is in effect for on
20 and off-duty officers and extends to off-duty
21 dispatchers.

22 And when you say this order, is that the
23 standing rule or standing order you're referring to?

24 A. Yes, sir, it is.

25 Q. That's not in writing; it's just known --

1 A. Yes, sir.

2 Q. -- correct?

3 A. That's correct.

4 Q. So is that the reason why when Primm or
5 Bholat go to dispatch even on their days off they're
6 still being punished for going to dispatch? Is that --
7 is that what you're saying?

8 A. Yes, sir, because it has been discussed
9 about they are not to be in there on or off duty,
10 because it's still -- even if they're off duty the --
11 the dispatchers are still in there working. They
12 don't -- do not need -- they need to be focused on their
13 job.

14 Q. Sure. I understand that. Please tell the
15 Commission members any incidents that you saw on all the
16 500 hours of video that you saw where the dispatcher
17 failed to do their job for any reason.

18 A. With regard -- sir, I don't have audio. I
19 don't know if they had to take a call a second time. I
20 don't know if they had to jump down. I don't know. I
21 don't have the audio. All I have is video.

22 Q. Okay. Well, you have radio logs, right?
23 We've seen those?

24 A. Correct.

25 Q. Do you have any incidents, anything that

1 would suggest to you that the dispatcher is somehow
2 distracted?

3 A. I can't -- I can't say that that happened
4 and I can't say that it didn't.

5 Q. The -- the order or standing rule regarding
6 off-duty officers, that -- well, neither that nor any of
7 these standing orders or standing rules has anything
8 with your signature on it, correct?

9 A. Well, a standing order you've already said,
10 sir, it's not written, it's -- it's known --

11 Q. It's just known?

12 A. -- so my signature would not be on
13 something that's known.

14 Q. Do you agree with me that if something is
15 so important that it means that a person should be fired
16 from the job that they have trained for, that they've
17 done for anywhere from five to eighteen years, a job
18 that a city has paid a few thousand dollars to send them
19 off to Richmond for training and invested in these
20 persons, do you think that -- do you agree with me that
21 for those persons, they should be given some type of
22 written notice about an offense that is so egregious, as
23 you've said, that they've got to be fired for it?

24 A. Yes, sir. Like I've explained, I believe
25 that with the standing order that that -- this was a

1 blatant disregard and a dereliction of duty.

2 Q. Okay. With the standing order, with the
3 verbal everybody-knows-it-but-it's-not-in-writing
4 order --

5 A. Absolutely.

6 Q. -- that's good enough to fire a career
7 professional?

8 A. Yes, sir, it is, when it reaches this
9 level.

10 Q. When it reaches this level?

11 A. Yes, sir.

12 Q. Okay. Going back to this issue about
13 the -- the dispatchers and -- and where they are
14 distracted, you're the chief, right?

15 A. Yes, sir.

16 Q. If you say to a dispatcher, tell me
17 something, they better tell you, correct?

18 A. Yes, sir.

19 Q. You didn't ask any of these dispatchers
20 about any time they had been distracted, correct?

21 A. Again, sir, I --

22 Q. That's a yes-or-no question, sir.

23 A. Okay.

24 MS. JACOBS: Then let him explain his
25 answer.

1 A. Well, sir --

2 MR. MORGAN: You can do that on

3 redirect.

4 A. -- I'll -- I'll say no, I don't, but I

5 would like to explain my answer.

6 Q. Okay. You -- let me be real clear, and

7 I'll let you explain.

8 A. Okay.

9 Q. You did not ask any of these dispatchers

10 whether they had ever been distracted, correct?

11 A. No, sir, I didn't.

12 Q. Why not?

13 A. One, because that is -- that is not what

14 they're being charged with. That rule is in place --

15 that is one of the reasons.

16 Now, can I say that it's ever happened in

17 the past? No, sir, but to prevent it from happening in

18 the future the officers needed to stay out of there,

19 because all it takes is one time.

20 Q. And -- and you don't have an example of

21 even one time, correct?

22 A. No, I don't, but that doesn't mean that it

23 could not happen.

24 Q. Go back to your report here --

25 A. Yes, sir.

1 Q. -- Chief. On the third paragraph you say,
2 after observing this conduct I contacted the IT
3 department for the City of Paris and requested that they
4 add the software for the cameras to mine and Assistant
5 Chief Best's computers.

6 A. Correct.

7 Q. Up until this point the cameras could only
8 be viewed in dispatch.

9 So this allows you to look at these things
10 in your office, correct?

11 A. Correct.

12 Q. And how much money did that cost for the
13 City of Paris to rig up your computer with software and
14 hardware for all of that?

15 A. Nothing, sir.

16 Q. It was free?

17 A. Yes, sir.

18 Q. Okay. After -- or do you know? Do you
19 know whether there were --

20 A. No.

21 Q. -- any charges?

22 A. No, sir. It was free.

23 Q. Okay.

24 A. They just had to install the software that
25 they already had.

1 Q. Okay.

2 A. There was no hardware involved.

3 Q. All right. After this was completed myself
4 and Assistant Chief Best began reviewing the video from
5 previous months.

6 Video was only archived to October 1 --
7 October 1, 2015. Videos were reviewed for each day and
8 a log completed for each officer as to the time they
9 were in the dispatch center. That -- that's what it
10 says.

11 Nowhere in this paragraph, though, Chief,
12 does it say anything about how the video starts falling
13 off, does it?

14 A. No, sir, it doesn't.

15 Q. You did not put that in your report, did
16 you?

17 A. No, sir, I didn't.

18 Q. Why not?

19 A. At this point, actually, I was concerned
20 about losing the video. I contacted the IT department.
21 I contacted Sean Jacobs here in the building -- he's the
22 one that usually makes the recording for us -- and I
23 asked him if he could copy everything, but no, sir, I
24 didn't -- did not note that in my report.

25 Q. Okay. And my -- my question was, why not?

1 A. I -- I just didn't see it relevant, sir.

2 Q. It's not relevant. It's not relevant that
3 you're relying on things that you say that you saw and
4 you're charging these gentlemen with, but -- I'm almost
5 done --

6 A. Yes, sir.

7 Q. -- but it's unavailable for their review
8 now, correct?

9 A. There's --

10 Q. It's just gone, right?

11 A. There are five days unavailable. That's
12 about the time I saw that it was falling off. I took
13 steps at that time to preserve everything.

14 Q. Okay. But it's not documented in here,
15 correct?

16 A. No, sir, it's not.

17 Q. And before I forget, you never showed any
18 of the video to any of these officers, did you?

19 A. No, sir, I didn't.

20 Q. Why not?

21 A. At that point, after the charges, they were
22 given to you, and I assumed that you showed them the
23 video.

24 Q. No, my -- all right. Well, you gave them
25 charges on Friday, February the 5th, correct?

1 A. (No response.)

2 Q. Is that when you gave them -- or they were

3 given --

4 A. No.

5 Q. -- notice?

6 A. Notice?

7 Q. Right, notice.

8 A. No. Their notice was given February 9.

9 Q. February 9?

10 A. Yes, sir, Monday.

11 Q. That's notice of their termination, right?

12 A. Yes, sir.

13 Q. Okay. The Friday before that, I said

14 that --

15 A. Their 48-hour notice --

16 Q. Their 48-hour notice.

17 A. -- asking for a response, yes, sir.

18 Q. At that point in time you never made any of

19 the video -- sorry -- anything else available to these

20 officers, did you?

21 A. No, sir, I didn't.

22 Q. And you told them, you've got the weekend

23 to answer questions --

24 A. Yes, sir.

25 Q. -- correct?

1 A. Correct.

2 Q. But you didn't show them the proof,
3 correct?

4 A. That's correct. I did list it out. I told
5 them what I wanted.

6 Q. Chief, in looking at your investigation
7 here I notice one thing here, there's no date on this.

8 A. Oh, on the -- on my document?

9 Q. On your thing that's called an
10 investigation of officers in dispatch center, submitted
11 by Chief R.A. Williams.

12 A. You're correct, sir. That -- that's
13 probably an oversight, but it is a working document that
14 I added to as I went along.

15 Q. Okay. You haven't signed it either, have
16 you?

17 A. No, sir.

18 Q. You mention it's an oversight, correct?

19 A. Putting the date on it, yes, sir.

20 Q. Because I would say that standard police
21 practice requires that you should date things --
22 particularly if you're adding things to it, correct?

23 A. This was my investigation. This was for me
24 to go through, see what I had done, to make sure I was
25 doing what I should and following the steps and seeing

1 if there was anything else I needed to do. This was my
2 synopsis of what I had done.

3 Q. Okay. Well, it may -- that might be, but
4 now it's the Commission's.

5 A. Yes, sir.

6 Q. You're relying on this? You've given this
7 to the Commission --

8 A. Yes, sir.

9 Q. -- for them to rely upon?

10 A. Yes, sir.

11 Q. And they don't know when you did certain
12 things, correct?

13 A. They don't know when I typed it out, yes.

14 Q. Well, or when you -- when you added to
15 this.

16 You just mentioned this is a document and a
17 work in progress?

18 A. Yes, sir.

19 Q. So we don't know?

20 A. No, sir, but I can tell you I started this
21 when -- when I started the investigation.

22 Q. Okay. If you'll flip to the second page, I
23 want to make sure -- how many paragraphs do you have
24 there, sir, five?

25 A. On the second page?

1 Q. Yes, sir.

2 A. Yes, sir.

3 Q. Okay. Let's go back to the first page,
4 sir. You write, after -- and I'm on the last paragraph
5 here, paragraph four -- after reviewing all the video,
6 several officers were observed violating this policy on
7 the majority of their days worked.

8 Now, we don't -- we don't have any date
9 here as to when you were finished reviewing the video,
10 correct?

11 A. (No response.)

12 Q. It's not in here, correct?

13 A. Correct.

14 Q. You've told us here it took you some three
15 weeks or so to do that, but we don't have in here when
16 you began that or when you finished that, do we?

17 A. No, sir, you don't.

18 Q. Nevertheless, you say, after looking at
19 this, some officers had very few infractions while
20 others appeared to blatantly disobey this order by
21 spending several hours in the dispatch center --
22 sorry -- on multiple days of the month.

23 Did you write a report up for all of the
24 officers, Chief?

25 A. Did I write like a report?

1 Q. Yeah. You say, some officers had very few
2 infractions.

3 Did you write up a report for those
4 officers who had very few infractions?

5 A. I completed a log for each -- each of the
6 14 officers, yes, sir.

7 Q. Okay. So that is -- that log would be what
8 would be considered your review of everybody's --

9 A. Correct.

10 Q. -- time?

11 A. Yes, sir.

12 Q. All right. Supervisors on shift appear the
13 worst violators and are observed several times for hours
14 laid back in the chairs with their feet on the desk.

15 Several officers would come in while the
16 supervisors were in dispatch center and stay for hours
17 with the supervisor present.

18 At no time over the more than three months
19 of video observed did any supervisor appear to take any
20 kind of action to correct the behavior by the offending
21 officers.

22 You say there's more than three months of
23 video observed. What -- I thought you saw October,
24 November and December. That's three months, right?

25 A. Yes, sir.

1 Q. So where's the more than three months?

2 A. I did, after the fact, go back and look at
3 Lieutenant Dempsey's for January, but I didn't --

4 Q. But what --

5 A. -- I didn't need to include that in -- in
6 this.

7 Q. That's not in here, is it?

8 A. So it was -- it was more than three months.

9 Q. Is it in here --

10 A. No, sir.

11 Q. -- that you looked at Dempsey?

12 A. It's in my log for Lieutenant Dempsey, yes,
13 sir.

14 Q. Did -- did you look at any of these other
15 officers for January?

16 A. No, sir.

17 Q. Why not?

18 A. After the initial thing I was looking at it
19 I went through, completed my logs for the three months,
20 and at that point, after I viewed the video, I decided
21 that that was enough.

22 Q. Okay. But Chief, the email goes out on the
23 8th. That's about the time, I gather, that you start
24 looking at the videos, the 11th, 12th, maybe something
25 like that, correct -- of December?

1 A. What's the dates again that you gave?

2 Q. The email -- well, the -- the email went
3 out --

4 A. I know the email. The dates you said I
5 started to look?

6 Q. Well, according to this -- we don't know
7 for sure, but according to this, it says you got a
8 verbal complaint on December 11, so I'm just going by
9 this that at some point after the 11th you start looking
10 at these videos.

11 A. I looked at the one initial video first of
12 the 5th, and then it was -- I can't give you the exact
13 date, but it was a week or more for the IT department to
14 get here to put the software on the computers --

15 Q. Okay.

16 A. -- possibly up to two weeks. I can't give
17 you the exact date, sir.

18 Q. Okay. You -- but you went back as far back
19 as you could go --

20 A. Yes.

21 Q. -- on the video, right?

22 A. I did, yes, sir.

23 Q. And while you're going as far back as you
24 could go, you're not looking at how these officers are
25 doing from December 8, 9, 10, from after the email?

1 A. No, I did look at that, sir. I looked
2 at --

3 Q. Well, well after the fact, right?

4 A. I looked at all the way through the end of
5 December.

6 Q. Understood. And you -- I gather you did
7 this chronologically, so you start with --

8 A. Right.

9 Q. -- start with October, and then some two
10 weeks later or so you're up to December, maybe January,
11 right?

12 A. Possibly. I don't know how long it took me
13 to get through each month, but yes, sir.

14 Q. Okay. You -- you did not want to see how
15 these officers -- well, you -- your actions -- by your
16 actions you're showing you're not looking at what these
17 officers have done since the email of December 8, rather
18 you want to go back and see what they were doing in
19 October, correct?

20 A. Sir, that was my initial point in the first
21 place after I saw the -- the video from the 5th, that
22 it -- it was so egregious and I thought to myself that
23 this wasn't an isolated night that I just happened to
24 pick this night, so yes, sir, I wanted to see what had
25 been going on --

1 Q. So --

2 A. -- and I think that's part of my
3 responsibility.

4 Q. Are you saying that it really didn't matter
5 what these officers did after the email went out because
6 back in October and November they were so bad that they
7 had to be fired?

8 A. Sir, the email was put out --

9 Q. Uh-huh.

10 A. -- because my instinct told me that that
11 was going on after I saw that video and that I didn't
12 want them sitting down there any longer if they had
13 been.

14 If they hadn't been, that would have been
15 great, but they had been, and my instinct and what I
16 thought happened actually did happen and was backed up
17 by video.

18 Q. Okay.

19 A. Now, at that point I didn't want -- when --
20 when I told Chief Best to put out that email, in my gut
21 it told me what I was going to find, and I did not want
22 the officers sitting down there like I had witnessed on
23 the 5th and not be out here patrolling our streets.

24 Yes, I could have not said anything and
25 just went all the way through and watched all the video

1 and then done it, but that wouldn't have been fair to
2 the citizens of this community.

3 Q. Okay. My question, though, Chief, is that
4 the -- it did not matter to you what these officers did
5 after the December 8 email came out --

6 A. Sir --

7 Q. -- because --

8 A. -- it did matter.

9 Q. Hold on. Just -- it did -- it did matter?

10 A. It did matter.

11 Q. It did matter?

12 A. Yes, sir.

13 Q. Okay. All right. We'll get to that.
14 We'll look on the second page of the investigation.

15 MR. MORGAN: And I understand we have
16 some kind of time limit. I will not be done --

17 MR. JUETT: Okay.

18 MR. MORGAN: -- by quarter till five
19 or whenever it is that we need to break, so may -- I'll
20 just go up until I'm told to stop, okay, Mr. Mayor and
21 Commission members?

22 Q. All right, Chief. The second page here it
23 says, upon completion of all the logs for each officer I
24 went back and reviewed the videos for a second time.

25 A. Yes, sir.

1 Q. So as I gather from what this says -- and
2 we don't know the date or anything -- but you've gone
3 through all the video and you've written down who was
4 where and -- and all that, and then you go back and
5 watch it again?

6 A. The second time -- when I say I go -- went
7 back and reviewed the videos for a second time, that's
8 when I concentrated on the outside camera, and that was
9 mainly the supervisors.

10 Q. Okay. Well, let's look at that. It says,
11 this time I noted how long each supervisor remained at
12 headquarters during their shift. These times were also
13 noted on the log.

14 The three night shift supervisors were all
15 observed spending the majority of each shift at
16 headquarters and not on the streets supervising their
17 officers.

18 Two of the supervisors had an average of
19 half their shift being spent at headquarters with no
20 activity.

21 Now, nowhere in here do you say that you're
22 spending your time looking at the outdoor video camera,
23 correct?

24 A. Well, I know when -- when I tell myself,
25 this time I noted how long each supervisor remained at

1 headquarters, the only way I could tell that was to look
2 at the outside camera.

3 Q. Okay. So we -- we infer that from -- from
4 that language?

5 A. Yes, sir.

6 Q. When you say, two of the supervisors had an
7 average of half their shift with no activity, how do you
8 know they had no activity?

9 A. By the radio logs, sir.

10 Q. Okay. And not by any paperwork they may
11 have submitted, administrative actions or administrative
12 duties they performed?

13 A. No, sir, but they had no activity on the
14 radio.

15 Q. So we're going simply on the radio?

16 A. For the activity, yes, sir.

17 Q. Okay. Well, that's what the next paragraph
18 talks about. The radio logs were reviewed for the
19 officers and supervisors.

20 When you say the officers and supervisors,
21 you're talking about these five -- including Dempsey
22 would be six?

23 A. No, sir, I'm talking about all the
24 officers.

25 Q. Okay. Several discrepancies were found as

1 to the actual hours the officers worked and the hours
2 they had claimed on their time card.

3 So the other officers -- not just these
4 five, but the other ones had discrepancies also?

5 A. I didn't find any discrepancies, no, sir.

6 Q. Well, you say here you reviewed for the
7 officers and supervisors and several discrepancies were
8 found of -- as to the actual hours the officers worked.

9 A. Yes, sir, and --

10 Q. How do we know what we're -- that you're
11 talking about these now? In the second half of that
12 sentence you're only talking about these guys versus
13 the --

14 A. True.

15 Q. -- whole universe of Paris police officers?

16 A. That's true, sir --

17 Q. What's true?

18 A. -- but the only discrepancies found were
19 with these officers.

20 Q. Okay. So where you say the officers, in
21 the first part of this sentence you mean all Paris
22 police officers, but in the second part of the sentence
23 you're only talking about these officers -- these five
24 officers?

25 A. Yes, sir, that's correct.

1 Q. How do we -- how do we know -- how do we
2 track that? Where does that indicate and how does
3 your -- your report -- how is that written for -- to --
4 to guide us on that shift, that change?

5 A. Sir, this is -- this is a guidance -- this
6 is my investigation guidance for me. I know what I'm
7 talking about.

8 Q. Then why give it to the Commissioners?

9 A. To give them just a basis of how this
10 started.

11 Q. On a few occasions an officer and a
12 supervisor -- I'm sorry; I'm picking up here on the
13 second paragraph on the second page -- on a few
14 occasions an officer and a supervisor had claimed ten
15 hours worked and had no radio activity, were not seen on
16 video, nor was their ID used to gain access to
17 headquarters.

18 So what I take from the last part, the used
19 their ID to gain access, that's a card swipe --

20 A. Yes, sir.

21 Q. -- is that right?

22 A. Yes, sir.

23 Q. In any of the documents that we've been
24 provided does anything have any record of card swipes?

25 A. No, sir.

1 Q. Why not?

2 A. It wasn't included in my report.

3 Q. Well, but you mentioned it here.

4 A. Yes, sir, I did. It's something that I
5 checked.

6 Q. But you didn't provide us or the Commission
7 with a copy of these -- of these logs of the card
8 swipes, correct?

9 A. No, sir, I didn't.

10 Q. There were multiple nights -- picking back
11 up, I'm sorry -- there were multiple nights where the
12 radio log shows only when the supervisor advised they
13 were in service and the next transmission ten hours
14 later was that they were out of service.

15 A. Yes, sir.

16 Q. Chief, the -- as I understand the Paris
17 Police Department hierarchy, you're at the top?

18 A. Yes, sir.

19 Q. Next comes the assistant?

20 A. Yes, sir.

21 Q. Next comes the captain?

22 A. Yes, sir.

23 Q. And then come the lieutenants?

24 A. Yes, sir.

25 Q. And then come patrol?

1 A. Yes, sir.

2 Q. So between you and Assistant Chief Best
3 there's Captain Elkin, and then come these lieutenants?

4 A. Yes, sir.

5 Q. I gather from looking at this and from
6 hearing your testimony and the -- and the shock that
7 you've had in -- in -- in your investigation that you
8 never talked to your lieutenants, you did not look at
9 their performance, you did not look at their reports at
10 any time until December of 2015, correct?

11 A. What reports are you referring to, sir?

12 Q. Well, I'm talking about these reports, sir,
13 these -- where you say that their card swipes show that
14 they're in headquarters, where there's inactive radio
15 activity, where they're not doing a darn thing for ten
16 hours.

17 A. No, sir. You asked me if I'd looked at
18 their reports.

19 Q. Uh-huh.

20 A. I'm asking what --

21 Q. Oh, I'm talking --

22 A. -- their reports that I should be looking
23 at.

24 Q. How about what they're doing, what
25 they're -- what they're doing with their job, their --

1 the number of arrest reports that they're processing,
2 the administrative actions that they're taking with
3 their -- with their patrol officers.

4 A. Sir, I get a shift report daily.

5 Q. And you just rely on that? You're taking
6 it at face value?

7 A. I -- I put them in place to be supervisors.
8 They should be reporting it to me. I mean --

9 Q. So --

10 A. -- why -- why if they're not going to do it
11 should I question that.

12 Q. All right. Fair. That's a good question,
13 because the daily reports are coming to you, the shift
14 reports are coming to you.

15 A. Yes, sir.

16 Q. You're looking at it. You don't see
17 anything out of the ordinary -- wrong, improper or
18 otherwise, correct?

19 A. Unless I go back and check, no, sir.

20 Q. So by looking at what these officers are
21 turning in to you, it looks like they're doing their
22 job, right?

23 A. As I said several times, there are many
24 nights that said no significant activity to report, and
25 you can ask the Commission and the Mayor how many

1 reports they got like that.

2 Now, was there -- was there activity? I
3 don't know because it was never turned in to me.

4 Q. Well --

5 A. But -- but going back and looking,
6 apparently there was many nights where there was no
7 activity.

8 Q. Chief, you and -- and many of the people in
9 here pride themselves on Paris being a safe city --

10 A. Absolutely --

11 Q. -- correct?

12 A. -- sir.

13 Q. And a lot of it has to do with the actions
14 of these men, right?

15 A. (No response.)

16 Q. Are you saying no?

17 A. It could have been a lot safer, sir.
18 I'll -- I'll answer it that way.

19 MAYOR THORNTON: Excuse me. Excuse
20 me. Keep it down.

21 Q. Chief, point to us one incident -- well,
22 I've already asked about that.

23 You don't have any proof that something
24 occurred that these guys weren't there to stop, correct?

25 A. Sir, we have crimes all the time as in cars

1 getting broken into. If these guys are sitting in
2 dispatch, how do they deter that?

3 Q. Well, they respond to calls.

4 How is it if they're sitting in -- is it --
5 tell me, is there a policy or regulation that prohibits
6 them from sitting in the -- in the Hardee's restaurant
7 parking lot?

8 A. No, there's not.

9 Q. How about at the Walmart?

10 A. No, sir.

11 Q. How about just on any random street?

12 A. No, sir.

13 Q. And had they done that -- is that a safe
14 thing for those officers to do, to be in -- in their car
15 alone on a random street just parked there?

16 A. My answer to that is, sir, they should not
17 be parked anywhere for that long, the time -- the time
18 frames that they were in this building. I don't care
19 where it is.

20 And I can't regulate every place and make a
21 policy to say, you can't be at Hardee's for more than 30
22 minutes or you can't be at Walmart for 30 minutes.
23 That's something that should be known.

24 Q. Okay. You're the boss, though, Chief?

25 A. Absolutely.

1 Q. And you can't make that known?

2 A. It -- it has been made known, sir, that
3 they're not to be sitting for hours at a time and
4 they're not to be in this building and in dispatch for
5 hours at a time.

6 Q. And it's been known through word of mouth,
7 right?

8 A. Yes, sir.

9 Q. There's no piece of paper -- we're never,
10 ever -- this Commission is never, ever going to see --
11 as far as this case goes -- any piece of paper that says
12 to these officers, you can't stay in dispatch or park at
13 Hardee's or sit on any random road, correct?

14 A. No, I've given out several pieces of paper
15 we've talked about staying out of dispatch.

16 Q. Those are -- well, we'll get to that I
17 guess tomorrow or whenever we need to take a break, but
18 let me finish up here --

19 A. Yes, sir.

20 Q. -- with this investigation.

21 The third paragraph here says, on
22 February 5, 2016, and February 6, 2016, I and Assistant
23 Chief Best hand delivered a packet to each offending
24 officer and supervisor.

25 And that includes more than just these

1 officers here, correct, Chief?

2 A. That's correct, sir.

3 Q. How many others?

4 A. Actually, on that day it would have been 13
5 out of the 14. I had one on maternity leave.

6 Q. Okay. So on these two days, on the 5th and
7 6th --

8 A. Yes.

9 Q. -- half of the force gets a packet saying
10 that they've somehow offended -- that they're an
11 offending officer and supervisor?

12 A. Yes, sir.

13 Q. Half the force?

14 A. Yes, sir.

15 Q. Half of your force?

16 A. Yes, sir.

17 Q. The force that you've been either chief or
18 assistant chief of for more than five years?

19 A. Yes, sir.

20 Q. At what point do you take responsibility
21 for this, Chief?

22 A. I'm taking responsibility for it now, sir.

23 Q. By firing these guys?

24 A. I'm trying to rectify the problem.

25 Q. By firing these guys?

1 A. Yes, sir.

2 Q. You fire them and that helps you -- that
3 helps you take responsibility for this?

4 A. That is me taking responsibility for this
5 department and making sure that things run as efficient
6 as they can and providing the best service that we can
7 for this community, yes, sir.

8 Q. So this community here, having at least a
9 quarter of its police force -- they're being served by
10 your wholesale firing of these officers?

11 A. All shifts are being covered, sir.

12 Q. I hope so.

13 A. They are.

14 Q. Picking up here on the third paragraph it
15 says, contained in the packets were a schedule of each
16 month asking for justification for the particular days
17 that the officer or supervisor had remained in the
18 dispatch center or headquarters for an extended period
19 of time, a list of questions asking for explanations or
20 justifications for the discrepancies on their time cards
21 and a justification for no activity logged for an entire
22 shift.

23 So the discrepancies in time cards was not
24 limited to these five men, correct?

25 A. No, sir, the only discrepancies that I

1 believe I found was with these five men, possibly -- I
2 don't remember if Dempsey had any or not. I'm sorry.

3 Q. Okay. And do you have -- and -- but you
4 don't have a report on that; all you have is a report of
5 the dispatch time for all of the officers, correct?

6 A. I don't have what kind of reports?

7 Q. You don't have a report, any kind of a
8 piece of paper that says, only these guys and maybe
9 Dempsey had discrepancies in their time cards, but the
10 other half of the force didn't have discrepancies with
11 time cards, rather the rest of the half of the force,
12 only their discrepancies or their problems pertained to
13 dispatch?

14 A. Sir, if there was a discrepancy with
15 another officer's time, then that would have been a
16 charge on them also, so I would have had that report.

17 Q. Okay. So what my -- going back to my
18 original question --

19 A. Yes, sir.

20 Q. -- you did a log for all of these -- for
21 all of the officers -- not just these five --

22 A. Correct.

23 Q. -- but for the rest -- on when you see them
24 in dispatch?

25 A. Yes, sir.

1 Q. And that is the only log or the only record
2 that mentions other officers involved in your
3 investigation besides these guys and Dempsey, correct?

4 MS. JACOBS: I'm sorry; can you ask
5 that question again?

6 THE WITNESS: Yeah.

7 Q. Well, if you need it, Chief, I'll ask --

8 A. Please. I'm kind of --

9 MS. JACOBS: Well, I'm asking you to
10 clarify the question.

11 Q. Do you -- do you have -- you had a record
12 here that you kept track of who was in dispatch,
13 correct?

14 A. Correct.

15 Q. And you noted their times and dates and all
16 that sort -- well, I guess really --

17 MR. MORGAN: May I?

18 MS. JACOBS: Yes.

19 Q. Is this record here -- and I think this was
20 originally given also to the Commissioners, right?

21 A. Yes, sir.

22 Q. Is this the one and only record that you
23 have that pertains to your investigation of the entire
24 police department?

25 A. No, sir.

1 Q. Where is the other records for the other
2 officers? Where are the other records for the other
3 officers?

4 A. I have all the records, sir --

5 Q. Okay.

6 A. -- and it all includes what these officers
7 have for every officer. I can pull up any officer here.

8 MS. JACOBS: Well, I'm going to object
9 to the relevancy of the other officers there. We're
10 only talking about these officers here.

11 MR. MORGAN: Okay. What we got was,
12 Commission members and Mr. Mayor, is this single-page
13 report here with the time percentages on it.

14 Q. Well, so my -- my question, Chief, goes
15 back to, looking at the issue involving time records --

16 A. Yes, sir.

17 Q. -- and discrepancies with times, radio
18 logs, things like that --

19 A. Yes, sir.

20 Q. -- are you saying that these other officers
21 that -- that are mentioned here where they've been
22 assigned counseling or reprimand or whatever, they
23 didn't have any --

24 A. None that I --

25 Q. -- issues?

1 A. None that I found, sir, no, sir.

2 Q. They may have?

3 A. Possibly, but none that I found.

4 Q. Okay. Why do you think that -- well, what
5 did you do to try to figure out whether they did have
6 time discrepancies?

7 A. The way I looked at the time discrepancies
8 and the way I found them, if I saw an officer on video
9 or knew that they should be working according to the
10 schedule -- I'm sorry; let me back up.

11 According to the schedule, if they weren't
12 on video, I went back and looked to see what their time
13 card was, and then I started pulling radio logs because
14 some of them showed up later on the video, and it showed
15 that -- or if they didn't show up at roll call at the
16 exact time, if they showed up an hour later, that's when
17 I went to -- to try to find the -- the time
18 discrepancies, so --

19 Q. Well, Chief, isn't it true that the only
20 ones that you looked into for time discrepancies are
21 these five plus Dempsey?

22 A. No, sir, absolutely not.

23 Q. Okay.

24 A. If there was a discrepancy on the video, I
25 would -- on the other officers, I would look at that

1 too.

2 MR. JUETT: Mr. Morgan, if you're
3 moving forward, it's 4:50 --

4 MR. MORGAN: Okay.

5 MR. JUETT: -- and we've got a
6 Commissioner that --

7 MR. MORGAN: Understood.

8 MR. JUETT: -- has to leave --

9 MR. MORGAN: Right.

10 MR. JUETT: -- and we've been at it
11 for eight hours, so everybody can call it a day.

12 We will need to reconvene the meeting.
13 Due to the open record -- or rather open meetings
14 requirements we cannot reconvene before Wednesday
15 because we have to post the time for doing that, so at
16 this point I guess we'll -- is Wednesday good?

17 MAYOR THORNTON: Does Wednesday work
18 for you all, 9:00 --

19 COMMISSIONER PERRAUT: We'll make it
20 happen.

21 MAYOR THORNTON: -- same place? Will
22 that work?

23 COMMISSIONER PERRAUT: Yes, sir, thank
24 you.

25 MR. MORGAN: We'll be here.

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MR. BEAUMAN: Since we have all three TV stations and the newspaper, we'll still do the written agenda, but you all are on notice that we'll reconvene on Monday at 9:00 a.m.

MAYOR THORNTON: Wednesday.

MS. JACOBS: Wednesday.

MR. BEAUMAN: Wednesday -- excuse me -- Wednesday at 9:00 a.m.

MR. JUETT: And I'll just remind everybody of the 15.520 requirements that no statements can be made either by the Commission or the officers about anything to do with this.

COMMISSIONER BROOKS: So moved.

COMMISSIONER GRAY: Second.

MR. PLUMMER: We'll have to vote on that too. All in favor?

COMMISSIONER PERRAUT: Aye.

COMMISSIONER GRAY: Aye.

COMMISSIONER BROOKS: Aye.

COMMISSIONER GALBRAITH: Aye.

MAYOR THORNTON: Aye.

MR. PLUMMER: All opposed?

(No response.)

(PROCEEDINGS ADJOURNED AT 4:54.)

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STATE OF KENTUCKY)
COUNTY OF FAYETTE)

I, REBECCA FELLA, Registered Professional Reporter and Notary Public, State of Kentucky at Large, whose commission as such will expire March 26, 2018, do hereby certify that the foregoing proceedings were taken by me at the time, place, for the purpose and with the appearances set forth herein; that the same was taken down by me in stenotype in the presence of the parties and thereafter correctly transcribed by me upon computer; and that the witnesses were duly placed under oath by me prior to giving testimony.

I further certify that I am not related to nor employed by any of the parties to this action or their respective counsel and have no interest in this litigation.

Given under my hand, this 9th day of March, 2016.

Rebecca Fella
REBECCA FELLA, RPR
Registered Professional Reporter
Notary Public, State-at-Large