Fulton County Courthouse Security Commission

Policy and Procedure Committee Final Report

Chief Deputy Lynda Coker, Chairperson

Fulton County Courthouse Security Commission
Policy and Procedure Committee Report

October 7, 2005

Marshal Richard V. Mecum, Chairman
Fulton County Courthouse Security Commission

RE: Policy and Procedure Committee Findings

Dear Marshal Mecum:

On April 22, 2005, Fulton County Sheriff Myron Freeman appointed the Fulton County Courthouse Security Commission to review the courthouse-shooting incident that occurred on March 11, 2005. Out of this Executive Committee, the Policy and Procedure Committee was appointed. This Committee has met regularly since April 22, 2005. The Committee's charge was identified and delegated through the Executive Committee.

The Committee worked diligently to accomplish our stated objectives within the parameters of our developed mission. This work product is the result of many hours of diligent effort by the members. Throughout the process, Fulton County Sheriff's Office personnel were professional, cordial, most cooperative and efficient in helping this Committee arrive at conclusions. Sheriff Freeman's staff of support and sworn personnel made themselves available to our inquiries, our need for meeting space, retrieving policy documents, and the myriad of other requests that we had. The men and women of the Fulton County Sheriff's Office experienced a serious and traumatic event on personal and professional levels, during the March 11th critical incident and in the months and weeks that have followed. The overriding commitment to their mission to protect and serve the citizens of Fulton County was evident in our interactions with staff.

On behalf of the Committee members, as chairperson, I am pleased to present you with the findings of the Policy and Procedure Committee.

Respectfully Submitted,

Lynda Coker

Chief Deputy Lynda Coker
Policy and Procedure Committee Chairperson

Policy and Procedure Committee Members
Fulton County Courthouse Security Commission

Chief Deputy Lynda Coker, Chairperson
Cobb County Sheriff's Office

Sheriff Thomas E. Brown
DeKalb County Sheriff's Office

Lieutenant Colonel Dennis S. Nelson
Forsyth County Sheriff's Office

Mr. Benny D. Crane, Sr.
Executive Insurance Agency

Dr. Gerald L. Durley, Pastor
Providence Missionary Baptist Church

Mr. Howard King
Seniors And Lawmen Together (SALT)

Mr. Winston L. Minor
Minor and Associates

Mission of the Policy and Procedure Review Committee

The mission of the Policy and Procedure Committee was to review existing policies and procedures, post orders and daily practices that are utilized in court service operations in the Fulton County Sheriff's Office, and the policies and procedures of interacting and involved judicial agencies.

In addition to the review, the Committee was to provide recommendations to make the courts safe and most effective. The Committee at our first meeting on May 3, 2005 adopted the mission and objectives

Policy and Procedure Review Committee Objectives

Does policy meet professional and/or national standards?

There were volumes of written documentation concerning defined, appropriate actions for Fulton County Sheriff's Office employees. The Fulton County Sheriff's Office is nationally accredited by CALEA, ACA and NCCHC.

CALEA

The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) oversees accreditation of law enforcement agencies through a thorough evaluation of agency policies and procedures related to role and authority, patrol, personnel, investigations, unusual occurrences, promotion, discipline, court security, prisoner transportation, and other related areas. The process is voluntary. CALEA accreditation does not address standards pertaining jail operations.

ACA

The American Correctional Association (ACA) and the Commission on Accreditation for Corrections administer the only national accreditation program for all components of adult and juvenile corrections. The purpose of these organizations is to promote improvement in the management of a voluntary accreditation program and the ongoing development and revision of relevant, useful standards. ACA standards address administration and management, the physical plant, institutional operations and services, and inmate programs. They also assess issues and concerns that may affect the quality of life at a facility such as staff training, adequacy of medical services, sanitation, use of segregation and detention, incidents of violence, crowding, offender activity levels, programs, and provisions of basic services that may impact the life, safety and health of inmates, as well as staff.

NCCHC

The National Commission on Correctional Health Care (NCCHC) program is a process of external peer review in which NCCHC, a private, nongovernmental association, grants public recognition to detention and correctional institutions that meet nationally established and accepted standards for the provision of health services. The NCCHC accreditation

program renders a professional judgment on the quality of health services provided in detention and correctional settings, and assists correctional facilities in their continued improvement. Accreditation is based on the NCCHC *Standards for Health Services*. Separate standards have been developed for health care delivery in jails, prisons, and juvenile detention and confinement facilities.

The fact that the Fulton County Sheriff's Office has been awarded accreditation by these three accrediting bodies demonstrates that policies and delivery of service meets professional and national standards.

What actions were taken on previous study recommendations?

It has since been determined that Chief Pennington's Security Survey Committee is scrutinizing all previous security surveys and will be reporting on the status of recommendations and actions taken.

Is policy reviewed for changing conditions and have revisions occurred?

The Policy Committee found that while there was policy, written directives or post orders to cover most conceivable actions, there was not concrete or documented evidence that personnel adhered to these in practice on a daily or consistent basis; nor was there evidence that guaranteed that employees were aware or actually received policy or general directives. The Committee determined that all policy evolves and that annual review and training were critical to effective implementation and employee performance. The Committee felt that the policy should be officially and formally adopted by the current Sheriff and revisions, corrections and additions be made reflecting changes in philosophy, work objectives or personnel availability.

It was suggested that the Fulton County Sheriff's Office Mission Statement should be revisited and include verbiage that denotes providing security, as well as service, to the courts be included, with a clear definition that this is the Sheriff's Office mission and purpose, as well as duty and responsibility. The Committee did feel that in some areas that the format of the current policy was vague and the additional written directives could be confusing.

Is current policy sound?

For all practical purposes, this Committee could only comment on documents reviewed, national accreditations received and interviews and interactions with Sheriff's Office personnel. It appears that there are sufficient and sound objectives and performance requirements designated in current policy. As we reviewed documents and policy, numerous questions were raised in reference to daily practice, perceptions of others and subcultures that have evolved through differing management and supervision styles and techniques.

We concluded that the report from the Internal Affairs Investigation Committee would specifically address any needed changes, corrections or additions to policy that could be the result of individual employee performance during the critical incident on March 11, 2005. Actual implementation of policy can deviate and daily practice and/or staffing shortages can adversely impact the delivery of services. Theory can be sound while lapses in supervision; management or employee attentiveness can produce substandard

performance or reduction in security. It was the overriding recommendation of this Committee that all agency policies should be reviewed and revised in a consistent and timely manner.

Review CALEA standards, reports and/or recommendation.

The Fulton County Sheriff's Office provided the Committee with final report documents provided them by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). The reports were compiled by the on-site assessment teams assigned to evaluate the Sheriff's Office in 2000 and 2002.

The accreditation process is a voluntary commitment by the agency to comply with the law enforcement standards developed by CALEA. In 2000, there were a total of 439[1] standards. In 2002, the number of standards was 443[2]. The standards address all areas of law enforcement administration, role and authority, personnel, and operations. Once an agency is awarded accredited status, the duration of the award title is three years. At the end of the three-year period the agency must undergo the process again to be awarded re-accreditation, proving that it has been complying with the applicable standards.[3]

The Fulton County Sheriff's Office is due for its second reaccreditation on-site assessment most likely in August of this year.

There are seven standards specifically addressing court security and another 25 standards addressing temporary holding facilities within the courthouse[4]. These standards work hand-in-hand with each other as the courthouses include facilities for the temporary holding of prisoners/defendants.

During the initial accreditation on-site assessment that occurred in 2000, the team found that there were thorough court security policies and procedures in place[5]. They noted that the agency employed well-trained and professional staff to ensure that appropriate service is delivered to meet the needs of the court. The team even noted that Emergency Medical Technicians are included within the staff members.

During the subsequent re-accreditation process that occurred in 2002, this team again noted that the Sheriff's Department has very detailed policies and procedures[6]. The

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[1] Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Standards for Law Enforcement Agencies Manual (4th Edition 1999)
[2] Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Standards for Law Enforcement Agencies Manual (4th Edition November 2002)

[3] Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Standards for Law Enforcement Agencies Manual (4th Edition November 2001) Introduction
[4] Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Standards for Law Enforcement Agencies Manual (4th Edition November 2001) Chapters 73 and 72
[5]Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Assessment Team's Final Report (January 22, through 26, 2000)

[6]Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Assessment Team's Final Report (December 14, through 18, 2002)

agency has been responsible for providing security in numerous high profile cases and provides high-risk escorts to prisoners with highly trained personnel. The team also stated that the agency provides extensive in-service training to court security personnel. The team also observed that the agency possessed the knowledge and equipment to perform these duties upon request. The team also made several observations of the court security personnel in action and noted that they were serious and professional in carrying out their duties.

Keep in mind however, that CALEA on-site assessments are planned events. During an assessment, the agency is usually well aware of and well prepared for the team's arrival. This would give a reasonable belief that the agency is "on its toes" during the on-site activities.

It appears that two separate CALEA assessment teams, over a three-year period were very impressed with the court security and temporary holding facilities in the Fulton County Courthouses, as well as the policies, procedures and practices. It is important to note that both assessments and accreditation awards occurred under the previous administration. There was a high level of expectation of this committee that the agency's policies and procedures would be very sound; otherwise the agency would have never received accredited status.

CONCLUSION AND RECOMMENDATIONS

It is apparent from documents reviewed, interviews conducted and physical layout of the Court Complex that a number of conclusion and comments can be reached. The Committee felt compelled to provide the following for review and reflection:

- Immediately draft a "bridging" document adopting the policies and procedures that were carried over from the previous administration. This can be a simple general order or memorandum issued by Sheriff Freeman.

- Change the procedure of dressing inmates for court from the holding cells or have more personnel available for this task.

- Retrofit all cell doors with a trap door for secure removal of cuffs. Create new policy addressing this new procedure.

- Develop and train on procedures to lock down the Court Complex and evacuate courts in critical incidents. (Developed May, 2005; training exercise in planning stages)

- If the Sheriff's Office does not have an inspection officer or inspections function, a position should be created along with the function. The position could be assigned from the existing pool of supervisors. The position/function shall audit compliance to the policies and procedures on a regular basis.

- Establish clear determination of authority for court security. Sheriff's Court Security staff works for, and is accountable to the Sheriff. This does not however, preclude an open and professional working relationship with all court staff, Judges and their personnel.

- Recommend the judges hire civilian staff (bailiffs) that would report directly to the judges and handle routine duties of the court.

- Restrict inmates' use and retention of personal property (tennis shoes, jewelry, medallions, etc.) or anything else that may pose a security risk.

- Limit number of inmates brought to court to maximize use of personnel and security of physical holding, detention and inmate movement to and from court. Review options available such as first appearance hearing at the jail; video court appearances when and wherever possible. Any limitations on movement of inmates would reduce security risks.

- Develop more current POST orders for specific positions to provide consistency and continuity of service. i.e. Atrium or Lobby entrance check points.

- Review, revise and update court procedures on a regular basis (at least annually). The effective date of the current policy is December of 2000. It is recommended that new and policies be numbered through a system that reflects the year of issuance.

- Reference males/females, physical fitness, etc., in the work force: Federal law prohibits age, gender or racial discrimination in employment or retention of employees; however, it is prudent practice for law enforcement managers to develop procedures or policy that encourage physically healthy and fit personnel. Training, evaluation, counseling and minimum standards can be tools utilized to maintain a healthy and physically fit workforce.

Policy and Procedure Comment Report submitted on July 8, 2005 to the Fulton County Courthouse Security Commission.

Chief Deputy Lynda Coker
Cobb County Sheriff's Office

Sheriff Thomas Brown
Dekalb County Sheriff's Office

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Lt. Colonel Dennis Nelson
Forsyth County Sheriff's Office

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CEO – Executive Insurance Company

Dr. Gerald Durley, Pastor
Providence Missionary Baptist Church

Mr. Howard King
Seniors and Law Enforcement Together

Mr. Winston L. Minor
President – Minor & Associates

The list on page nine represents the documents and materials reviewed by the Policy and Procedure Committee. Additionally, the Committee personally interviewed Major Whitehead and Captain Lee of the Court Security Division, Judge Wendy Schoob and Court Administrator Judy Cramer of the Fulton County Court, Lt. Reid of the Sheriff's Office, Sheriff's Office Chief of Staff John Croslan, Sgt Randy Barrett (firearms instructor) and Mr. Timothy Fautsko, of Principal Court Management Consultants.

Several committee members also experienced a tour of all areas and routes of inmate movement and conducted a review of staff responsibilities and duties on March 11, 2005.

RECEIVED DOCUMENTATION LIST

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Documents received April 22, 2005

County Courthouse Physical Security Review – March 16, 2005

Fulton County Sheriff's Department
Court Security Division Organizational Chart – February 15, 2005

Fulton County Sheriff's Department Jail Staff Deployment Management
Assessment, Findings, and Recommendations
Staffing of the Fulton County Jail – August 25, 2003

The Community Safety Institute (C.S.I.) – May 2003
Fulton County Final Report

County Courthouse Physical Security Survey – May 5, 2003

Final Report – Staffing Analysis Study – Jail Division – April 1998

Documents mailed April 25, 2005

Fulton County Justice Center Complex – Events of March 11, 2005 - Timeline

Fulton County Courts Emergency Operations Plan – June 7, 2004

Fulton County Policies and Procedures Chapter: Reception and Orientation – May 28, 2004

Fulton County Policies and Procedures Index: Use of Medical/Physical Restraints
Jan. 1, 2002

Fulton County Policies and Procedures Index Inmate Movement-External – Jan. 1, 2002

Fulton County Sheriff's Department Court Services Division
Courtroom Procedures – December 2000

Fulton County Justice Center Complex
Emergency Evacuation Plan – December 1, 1999

Fulton County Sheriff's Department Written Directives – July 1, 1998

Documents obtained from Major Whitehead on May 6, 2005

Security Improvements since 3/11/05, May 2005

Building Lockdown Procedures, May 2005

Inmates in Detention, April 2005
Court Services Division Incident Reports, March 2005

Fulton County Sheriff's Office Monthly Stats, January 2005
Jail Policy and Procedures, January 2002, May 2004

CALEA Standards for Court Security, January 1999

Escape Apprehension Written Directives, July 1998

Documents received from Captain Lindsey after the May 17, 2005 Meeting:

Copy of policy, procedure or General Directive on Sheriff's Office **response** to activation of duress alarm and schedule for **evaluating operability**.

One complete copy of Sheriff's Office Policy Manual and all addendums or directives.

Copy of the final report of the 2000 CALEA Assessment Team.

Copy of the final report of the 2002 CALEA Assessment Team.

Georgia Code (OCGA) and Summary – Duties of Sheriff

Copy of all reports from Security Committee that has been meeting to assess incident – Ms. Judy Cramer, Court Administrator.

Copy of physical educational and/or health standards, requirements, etc. defining fitness for duty as a Sheriff's Deputy.

Copy of policy, directive and/or procedure for dress code for **sworn personnel, civilian personnel** and **inmates** in custody.

Copy of policy, directive and/or procedure for use and issue of protective body armor for sworn personnel.

Copy of specific training standards and subsequent action for firearms qualifications.

Copy of policy directive and/or procedure on screening procedures and staffing at building entry points.

Documents mailed June 6, 2005

Fulton County Courthouse Security Commission Recommendation Planning Committee Chairs - Wednesday, May 25, 2005

Debriefing from the National Center for State Courts and the Public Agency Training Council – May 20, 2005

Triple Crown Information

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Fulton County Sheriff's Office Justice Center Complex Entry Procedures – December 2000

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Introduction

On March 11, 2005 Brian Nichols, an inmate of the Fulton County Sheriff's Office, was two days into second trial for charges of rape, false imprisonment and burglary. His first trial had resulted in a hung jury and Nichols was being walked from the Detention area in the basement of the Justice Center Complex to a holding cell on the eighth floor. Deputy Cynthia Hall escorted Nichols to this holding cell for the purpose of allowing him to change from inmate to court clothes. Nichols overpowered Deputy Hall causing her serious bodily injury. Taking Deputy Hall's keys, Nichols removed her firearm from a lock box in the secure hallway adjacent to the holding cell. He then walked across the pedestrian bridge to the offices of Judge Rowland Barnes in the 136 Pryor Street Courthouse. There, he temporarily held captive Sergeant Grantley White, two civilian court assistants, and an attorney. Nichols then went to the courtroom of Judge Barnes where he shot and killed the Judge as well as the court reporter Julie Ann Brandau. Nichols' retreat from the Justice Center Complex led him to the sidewalk outside where he was confronted by Fulton County Deputy Sheriff Hoyt Teasley. Sergeant Teasley was shot and killed. Later in the evening Nichols encountered an off-duty Immigration and Customs Enforcement Agent David Wilhelm. Agent Wilhelm was shot and killed. Nichols was taken into custody on Saturday, March 12, 2005.

On April 4, 2005 the Fulton County Sheriff's Office published the "Preliminary Overview of the Events of March 11, 2005 at the Fulton County Justice Center Complex". Sheriff Myron Freeman explained in his executive summary that it was not the purpose of the Overview to analyze the events from the perspective of whether laws

may have been violated, nor was it an overview of courthouse security. He indicated the overview contains a minute by minute account of the events.

Senior Fulton County Superior Court Judge Hilton Fuller sealed the "Preliminary Overview" through court order on April 6, 2005. The first fifteen pages of the overview were allowed to be released to the public.

On April 11, 2005 Sheriff Myron Freeman appointed the Fulton County Courthouse Security Commission headed by U.S. Marshall Richard Mecum. Dekalb County Sheriff Thomas Brown was named as head of an Internal Affairs Subcommittee. This subcommittee included Cherokee County Sheriff Roger Garrison, Monroe County Sheriff John Bittick and Cobb County Sheriff's Office Chief Deputy Lynda Coker.

On April 20, 2005 the Internal Affairs Subcommittee formed an investigative team of four sworn law enforcement officers from various Georgia Counties; Cherokee Sheriff's Office Captain Edward Lacey, Dekalb Police Department Captain William O'Brien, Dekalb County Sheriff's Office Lieutenant Cynthia McPherson, and Cobb County Sheriff's Office Sergeant Sonya Allen. Sheriff Brown requested Judge Fuller to release to the subcommittee the full previously sealed Fulton County Preliminary Overview. On April 25, 2005 Judge Fuller granted this request and an order was issued making the "Preliminary Overview" available to United States Marshall Richard Mecum. Judge Fuller further stated that, "such materials may be made available to task force members who are law enforcement officials, as deemed appropriate by Marshal Mecum. Judge Fuller also made known his anticipation the court would review, "the task force final reports before its publication".

The Internal Affairs Subcommittee was sworn in by Sheriff Freeman as Fulton County Deputies and he issued a memorandum directing all personnel to cooperate with the Task Force Committee during their internal affairs investigation of the events which occurred March 9 through 11, 2005. The Fulton County Sheriff's Office introduced Captain Larry Lindsey to the Subcommittee as the liaison between the department and the Subcommittee.

Forming the Investigation

The Internal Affairs Subcommittee met at the Fulton County Sheriff's Office on April 25, 2005. The Subcommittee was led on a tour of the facility and incident location. At this meeting, it was determined to expand the investigative Subcommittee due to the large number of potential interviews. By April 26, 2005, four people had been made to the Subcommittee. These were Dekalb Police Department Sergeant K. K. Jones, Dekalb County Sheriff's Office Investigators Jerry Keefer and Anton Baptiste and Dekalb Police Department Civilian Investigative Assistant Karen Lemons.

The Subcommittee recognized that with a dynamic incident such as this, guidelines and purposes needed to be clearly stated to keep the Subcommittee on task and maintain a directly and narrowly focused investigation. The Subcommittee developed eight guidelines to follow in conducting the investigation.

Investigative Guidelines

1. Utilize brainstorming techniques to identify the major investigative factors before the Subcommittee.

2. Utilize the material before us (Executive Summary and media reports), to identify personnel that appear to be connected to the issues at hand and determine how they are connected to these issues.

3. Identify and obtain additional documents, reports, etc. pertinent to the investigation.

4. Review additional documents.

5. Identify the manner in which each person plays a role, asking what knowledge each has regarding the key factors.

6. Generate a specific question list for each interviewee, and a general question list for the investigation.

7. Conduct interviews.

8. Analyze information for additional major factors. If any are identified, repeat the process.

The following purpose statement was adopted by the Subcommittee:

Purpose Statement

The Internal Affairs Investigative Team is a subcommittee of the Fulton County Courthouse Security Commission.

The purpose of the Internal Affairs Investigation Team is to provide a thorough independent and impartial administrative review of the events contributing and leading up to the March 11th, 2005 Fulton County Courthouse critical incident. The investigative team will submit a comprehensive report to the Fulton County Courthouse Security Commission that provides findings based upon a conclusion of fact in the following manner:

Exonerated: The evidence shows that an employee's actions were lawful and proper and within policy.

Unfounded: An accusation against an employee or allegation of an incident is false or not factual or did not involve Fulton County Sheriff's Department personnel.

Not Sustained: There exists an accusation against an employee or allegation of an incident. However, there is insufficient evidence to either prove or disprove the allegation and or incident.

Sustained: The evidence is sufficient to prove a violation of departmental policy.

Policy Failure: The evidence is sufficient to show that the incident or allegation occurred, but was a result of flawed policy or procedures.

Prior to receiving the "Preliminary Overview" from the Fulton County Sheriff's Office, the Internal Affairs Subcommittee began looking into the events leading up to and including the March 11th courthouse shooting. Since they had no formal records to start with, the investigators began by reviewing media reports on the events. During this

process five key factors became apparent. After receiving and reviewing the "Preliminary Report", the Subcommittee compared the report with its previous research. As a result of this comparison, it was concluded that these five key factors were still valid. These five would initially serve to guide the investigation and keep it focused. The five factors are:

- Emails and/or communication between Claritha Nichols and the Sheriff's Office regarding her fears of Nichols' future violent behavior.
- The actions or non-actions surrounding the contraband or "shanks" found in the shoes of Nichols on March 9th
- Alleged absences from Central Control on March 11th by various deputies.
- Staffing levels (alleged absences) from Courtroom Security on March 11th.
- Cynthia Hall's firearm training record

Once these factors were identified, lists of people involved or having knowledge of each factor were created. Two lists of questions were then created to guide investigators. One was a general list of questions to ask everyone involved and the other list was specific to each individual identified as being an involved party or having knowledge of the subject of the investigation. The list of personnel was then prioritized in order of interview importance. An electronic spreadsheet computer program was adopted as the method for tracking, recording and managing investigative leads and tasks.

The Subcommittee began gathering and reviewing documents on April 26, 2005 and interviews began on May 3, 2005. It became apparent that it would be difficult to obtain some documents and or evidence needed to complete the investigation. This is partly due to the existence of a concurrent criminal investigation conducted by the Atlanta Police

Department. The detectives in charge of the case, as well as the investigators and prosecutors of the Fulton District Attorney's Office, were very helpful in sharing what documentation and statements they could regarding this investigation. However, it is recognized by both sides of this investigation that it is not proper to share all information.

It may seem strange to non-law enforcement personnel that information would not be shared between officers from different agencies investigating the same incident. To explain, the problem comes when an administrative investigation is being conducted concurrently with a criminal investigation. On the administrative side, investigators are attempting to identify if any officers violated any policies and procedures of an agency. They are also attempting to identify any policies (or lack of policies) that should be changed due to contributing to an incident. During these types of investigations, law enforcement officers are required under penalty of possible termination of employment to truthfully answer all questions asked of them and to fully cooperate with the investigation. Because of the coercive nature of such questioning, the sharing of these types of statements, or evidence or information which is gained by reason of such statements, with criminal investigators has the potential to create un-necessary hurdles during the criminal investigation.

The rules are different during a criminal investigation. Witnesses cannot be compelled to give statements against themselves and, unlike an administrative investigation; a final successful outcome largely depends upon being able to pick a fair and impartial jury. For this reason, criminal prosecutors normally attempt to guard all information pertinent to their case to prevent spoiling the jury pool. In media-charged cases such as the Brian Nichols case, this is particularly difficult for prosecutors to

accomplish. This is evident by the numerous accounts of events and facts that have been released to the public through the media since March 11th. Criminal prosecutors may subpoena witnesses and take statements from them under oath. This possibility does not exist during the administrative investigation of this incident.

It should be noted that in this case, the first and main priority for all law enforcement officials involved in the different investigative bodies is to bring to justice the perpetrator of murder against four citizens of the State of Georgia. Therefore, communication between this investigative body and the detectives of the Atlanta Police Department and the Fulton County District Attorney's Office was kept at a level that would seek to minimize the impact upon the criminal investigation. This means that there may be certain documents, statements, witnesses, or events in possession of the Atlanta Police Department or the Fulton County District Attorney's Office that may go un-examined by the Internal Affairs team for the sake of protecting the criminal investigation. Likewise, there may be information gained during the administrative investigation that was not shared with the criminal investigators for fear of spoiling their evidence.

The Timelines

At the heart of this investigation is the timeline of events. The Fulton County Sheriff's Office had published a timeline of events based upon statements by deputies, video, radio, and alarm time stamps. In order to make a more accurate and understandable timeline of events for this investigation, it was determined to synchronize and adjust these times to one base time. The Fulton County Emergency Services radio time stamp was chosen for the base time to which all other times are adjusted.[1]

Every effort has been taken to synchronize all times to the Fulton County Emergency Services radio time stamp (hereafter called the PTT Report). Whenever possible an exact time differentiation has been calculated. When it was impossible to determine an exact range of time differentiation, a range of difference has been calculated and this range noted in the footnote of the report.

Times given by witnesses or deputies have not been used in the timeline unless they have been verified by a time stamp (such as the Kronos time keeping system) that coincides with the event of which they speak. The only exception is the statement by Gina Clark as to when Brian Nichols entered the Judge Barnes' chambers.[2] Gina Clark's statement has been given much public scrutiny and it was for this reason the statement is included in the timeline. This time is included in the timeline not as an event, but as a statement made by a witness as to when a specific event occurred. The time is noted by an asterisk and it is stated as an approximate time.

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[1] Memo to case file 'Emergency Services PTT to Video Time Stamp Time Synchronization and Emergency Services PTT to Alarm Computer Time Synchronization

2 Interview Summary with Gina Clark on May 23, 2005

The abridged timeline is a simplistic representation of events in a table format. The purpose of this table is to give an overall quick impression of the events that occurred on March 11, 2005. A more detailed timeline of events follows the abridged timeline and covers a greater time span as well as detail.

Abridged Timeline of Events

Start	End	Event
05:35		Security Specialist Alphonso Wright clocks in. He is assigned to Central Control. [3]
06:36		Tamer clocks in and is assigned to Central Control.
07:00		At approximately this time Lieutenant Reid called in sick to Lieutenant Smith[4]
07:57		Nichols' arrives via FCSO transport at the Justice Center Complex [5]
08:00		Court Services Roll Call briefing; There is a fight between inmates in the Detention area at approximately this same time. Detention Officer Ross uses OC Spray on the inmates [6]
08:00	08:15	Mr. Wright states he left Central Control between 0800 and 0815 to go get Captain Lee's breakfast. He does not return until after incident is discovered.
08:15	08:25	Between 08:15 and 08:25, Deputy Tamer leaves Central Control to examine the inmates exposed to OC.
08:25	08:40	Deputy Tamer returns to Central Control.
08:30		Deputy Middlebrooks clocks in.[7]
08:35		Detention Officer Swinger is notified of the OC incident by Jenkins.[8]
08:47:08		Deputy Hall enters view of camera from the elevator to holding cell 8E1/E2 escorting Nichols.
08:47:52		Brian Nichols is seen on video tape striking Deputy Hall. He follows her into holding cell 8E1 as she falls.
08:48:22		Deputy Hall's portable radio mike is keyed.[9]
08:50:00*		Gina Clark states it was 08:50 when Nichols came into the Judges Chambers.[10] *The clock she was using was unavailable to synchronize with the 911 radio time and could be off by several minutes.

[3] Kronos Time Record of Alphonso Wright 3/09/2005-03/22/2005
[4] Interviews with Lieutenant Smith and Lieutenant Reid
[5] FCSO Central Control Radio Log 03/11/2005
[6] Interviews with Deputy Tamer, Detention Office Ross, Detention Officer Jenkins, Incident Report DO Swinger
[7] Kronos Time Record of Joel Middlebrooks 03/09/2005-03/22/2005
[8] Incident Report Detention Officer III Swinger
[9] Transcript of radio traffic interpreted with the Smartnet Information Management System PTT report
[10] Interview Summary with Gina Clark on May 23, 2005

08:50:52		Nichols reaches out of cell 8E1 and obtains an object from the floor that fell from Deputy Hall. It appears to be the key to the weapon box. (on video)
08:50:56		Nichols comes out of cell 8E1 and goes into cell 8E2. (on video)
08:52:11		Nichols comes out of cell 8E2 in civilian clothes and walks toward Judge Barnes' courtroom. (on video)
08:52:20		Deputy Tamer calls Lieutenant Glenn on the radio. Lieutenant Glenn does not respond.
08:52:30		Deputy Tamer calls Lieutenant Glenn on the radio. Lieutenant Glenn does not respond.
08:56:26-	08:57:25	The Duress Alarm is depressed in the Judge's Chambers. [11]
08:57:13		Nichols (allegedly using Hall's radio) calls and asks Central for a Radio check
08:57:37		Sergeant Jarvis Williams answers the Radio Check from "1358"
08:57:55		Sergeant Jarvis Williams asks "1358" if he received the radio traffic. When there is no answer he goes to Central and asks Tamer to conduct welfare check on Sergeant White.
08:58:26-	08:59:25	Duress alarm received from Family Court Division
09:00:44		Nichols, using Hall's radio, answers Tamer on the radio using Sergeant White's call sign.
09:00:58		Nichols identifies his location as "judge's chambers" and Tamer responds by requesting a welfare check.
09:02:15		Tamer raises Sergeant Owens on the radio to divert his response from the Judge's Chambers to Family Court due to alarm received at that location.
09:02:50		Sergeant White attempts to contact Central Control via radio.
09:03:04		Sergeant Owens calls signal "officer needs assistance" on the radio and specifies courtroom 8H
09:03:53		Sergeant White states on the radio that somebody shot the judge, handcuffed him and took his weapon.
09:03:56		Sergeant Starks requests that all exits be blocked off.
09:04:06		Sergeant White transmits a description of Nichols.
09:05:01		Captain Lee advises on the radio that there are a lot of people leaving out of stairwell C and she makes a general request to "cover all exits"
9:05:35		Deputy Moore stated that the inmate that attempted to leave the building was Brian Nichols.
9:05:52		Deputy Moore requested personnel manning the metal detectors to, Shut it down".
09:07:39		Deputy Gibson reports on Court Service radio that Nichols may be in the Underground parking deck.
09:08:43		Deputy Moore requests an ambulance to 8B (inaccurately reports that a deputy has been shot, turns out to be Deputy Hall).
9:08:57		Deputy Moore calls Central Control and asks if they received his traffic.

[11] Duress Alarm Report indicates 08:58 activation time. See: Emergency Services PTT to Alarm Computer Time Synchronization

9:09:04		Deputy Moore calls Central Control and asks if they received his traffic.
9:09:09		Captain Lee answers Deputy Moore, "Affirmative, Affirmative!"
9:10:25		Thompson attempts to speak on the radio.
09:10:30		Thompson asks everyone to hold their radio traffic, announces that the suspect is in the parking deck and wants to get a report on it.

Detailed Timeline of Events

August 24, 2004: Nichols was incarcerated at the Fulton County Jail. He was charged with Rape, False Imprisonment, Aggravated Assault and Burglary. He was booked in and classified. The Classification sheet indicates he had never been incarcerated by the State, but had been in the Cobb County Jail for drug offenses. The screening indicates "GP" for general population.[12]

June 28, 2004: Deputy Hall attended firearms training at the Fulton County Training Center. Records indicate that Range Master Sergeant Randy Barrett gave Deputy Hall an evaluation of "Fail" on Weapons Handling Skills and Weapons Qualification. Her firearm was taken from her and she was rescheduled for remedial firearms training and re-qualification. Her chain of command was notified in writing of her status.[13]

June 29, 2004: Cynthia Hall completed remedial firearms training on June 29th. Records indicate she met the minimum qualification standards and her weapon was returned.[14] Hall's chain of command was notified by memo on June 30th.

February 24, 2005:[15] Sergeant Dowdell was teaching an EVOC course at the Fulton County Training center when he received a call from Pastor Otis White by cell phone. Deputy Jenkins was working in the Detention area at the time. Sergeant Dowdell called Jenkins and asked him if he knew inmate Nichols. He told Jenkins that Nichols is the son of a woman that goes to his church. Dowdell told Jenkins, "we need to be careful" because Dowdell had received information from Pastor Otis White who received information from Claritha Nichols that she feared her son would "act out" if the verdict did not go his way.

Jenkins waited until Deputy René brought Nichols back down from court later that evening and told her about the information from Dowdell.[16]

Later in the same evening, Sergeant Dowdell called Detention Officer Jenkins at home and arranged to meet with Nichols the next day.[17]

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[12] Intake screening form
[13] Hall Firearm Training Record June 28, 2004
[14] Hall Firearm Training Record June 29, 2004
[15] Memo to Case File re: date of inmate visit by Sgt. Dowdell
[16] In Dowell's interview he states that Pastor White told him that Nichols would try to go for an officer's gun in the courthouse. Jenkins does not remember Dowdell telling him anything about Nichols going for a gun, only the "act out" comment.
[17] Dowdell and Jenkins both tell of a second telephone call after duty hours and confirm that the purpose of the call was that Dowdell wanted to come visit Nichols in Detention the next day. Jenkins was not at work yet when Dowdell arrived, but Dowdell told Deputy Gibson that he had talked to Jenkins about being able to see Nichols.

February 25, 2005:[18] At 06:59 hours Sergeant W. White transported Brian Nichols and one other inmate to the Justice Center Complex. Sergeant Dowdell went to the Detention area and was in the vehicle sally port when the inmates were arriving.[19] Dowdell stated that he was in an on-duty capacity when he was let into the building by Deputy Ross. The transport bus was just arriving and the inmates were not yet placed in their cells. Nichols and another inmate were transported separately from the other inmates. Dowdell requested to visit with Inmate Nichols. He was allowed to visit with Nichols and had prayer with him while in the Detention area.

Later that morning, Deputy René went to the Court Services Roll Call briefing and announced to everyone present the information given to her by Jenkins.[20] She stated to everyone that she was working this courtroom and that if they heard of trouble everyone needed to come running. She did not mention Nichols by name. Captain Lee and Major Whitehead were both present in roll call.[21] After Roll Call, Sergeant Grantley White asked René where she received her information and was told about the conversation she had with Jenkins. Grantley White talked with Jenkins. Jenkins confirmed his conversation with Sergeant Dowdell and told Sergeant White that if he needed more information he should contact Dowdell. Sergeant White contacted Dowdell and verified the information as well as his communication with Claritha Nichols. At this time Sergeant White went to Captain Lee and Lieutenant Reid and told them of this information.[22] Lieutenant Reid remembered this conversation and stated that he dismissed the information as rumor. Captain Lee stated that she never had this conversation with Sergeant White but deception was indicated on the Computer Voice Stress Analyzer when Captain Lee was asked this question.

March 5, 2005: Cynthia Hall reported to open range at the Fulton County Training Center. She participated in "open range" training. Deputies voluntarily participate in this training and provide their own ammunition.[23]

March 9, 2005: Deputies Pauls and Hall were working the courtroom where Nichols' trial was being held. Pauls noticed that Nichols was acting suspicious. She noted that he tried to keep ball point pens that he was allowed to use, he was asking his attorney to bring him food from McDonald's, and he was moving around as if he were "testing" the deputies. [24] After Nichols was returned to his holding cell, Pauls noticed that he had kept a water bottle from the courtroom.[25] She took this from him and after taking

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[18] Memo to case file re: date of inmate visit by Sgt. Dowdell

[19] Statements by Ross, Mattox, Gibson, Jenkins.

[20] Statements from René, Whitehead, and various other deputies in attendance at roll call.

[21] Major Whitehead states he was in roll call when René gave this information. Captain Lee states that she was not in roll call. Other people state that Captain Lee was in roll call. Captain Lee indicated deception on the CVSA when she replied she was not in roll call.

[22] Reid states that White did talk to him. White states that he told Captain Lee. Captain Lee denies having any information regarding the emails prior to the finding of the contraband. Captain Lee shows deception on the CVSA regarding this issue.

[23] Hall Firearms Training Record from Open Range March 5, 2005

[24] Statement by Deputy Pauls

[25] This bottle was later retrieved from the courtroom by members of the IA Subcommittee. See Photograph.

him downstairs to Detention she requested Jenkins conduct a search of his person. Jenkins found two metal objects in his shoes. These metal objects were later determined to be thick pieces of iron that were used as brackets around light fixtures in the jail. Fastened to the metal objects was a string fashioned from material ripped from a blue inmate uniform. Jenkins notified Detention Officer III Swinger about the contraband and Detention Officer III Swinger took the property into evidence, packaged and labeled it, and ensured that reports were written by involved parties.

Detention Officer II Jenkins called Captain Lee on her Nextel and told her about the contraband being found on Nichols. Lee was on her way home after work when this occurred.[26]

Swinger distributed copies of the reports concerning the contraband found on Nichols to her chain of command in Court Services. Swinger called Lieutenant Mathis at 18:02 hours and told her about the contraband being found. At 20:30 hours Detention Officer Swinger delivered the contraband, in an evidence bag with the incident report attached, to the Jail.[27] Swinger met with Lieutenant Mathis and turned the evidence over to her. Lieutenant Mathis was serving as the Jail Watch Commander in the absence of Captain Eubanks. Mathis took the copy of the report from the evidence bag and made copies of the report. Swinger left. Mathis placed a copy of the report in the disciplinary basket for follow up. Mathis also noted in the Watch Commander's Log the fact that Swinger called her from Detention to notify her of the contraband being found, and made a later note that Swinger delivered the contraband. A copy of the report was placed in the disciplinary file, but it was not picked up from the disciplinary basket. The personnel responsible for inmate disciplinary proceedings come through once every couple of days to pick up the disciplinary forms and did not obtain this report prior to the March 11th incident. [28]

Although there was initial discrepancy as to how the contraband was delivered, the issue was later cleared up.[29]

There was an entry at the 21:05 hour mark on the March 9th entry of the Jail Watch Commander's log book indicating Major Luscious Johnson reviewed the Watch Commander's Log. He indicated this by signing the log with a red ink pen.[30] His signature was not dated nor is it timed. It is believed that he reviewed the log on March 10th.

March 10, 2005: 06:45 the contraband was at the desk in the public lobby which was verified by an interview with Detention Officer Stewart.[31]

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[26] Interview with Captain Lee
[27] Jail Log Book entry on pages 142 and 143 by Lieutenant Mathis
[28] Interview with Lisa Partin
[29] Lieutenant Mathis Interview; CVSA, handwritten note. Interview Detention Officer Swinger
[30] Jail Log Book
[31] Interview with Deputy Stewart

Approximately 08:00 hours - The report of the contraband was covered in roll call at Court Services. The report was not covered specifically as it relates to Brian Nichols, nor was the connection really made to the earlier information from Dowdell The report was presented basically as a reminder to all deputies to be careful. Major Whitehead was present during this roll-call briefing.[32]

Sergeant Grantley White advised Judge Rowland Barnes about the contraband being found on Nichols and provided him with a copy of the report including photos of the contraband. Judge Barnes told Sergeant White to go get Assistant District Attorneys Gayle Abramson and Ash Josi as well as Barry Hazen, Nichols' defense attorney, for a meeting. Sergeant White did this and left the room prior to the meeting. The Judge presented a copy of the incident report to each attorney and asked them what they thought. After much discussion concerning the reports, the issue of security was discussed. This discussion focused around concerns for safety for the defense attorney since he was the closest in proximity to Nichols during the trial. The concerns were mainly for the time of when the verdict was to be read. Judge Barnes told those present that he would arrange for extra deputies on the day the verdict would be read, and that he would have a deputy standing directly behind Nichols at this time.[33]

Lieutenant Reid is not required to attend roll call. Later in the day, Captain Lee handed Lieutenant Reid a copy of the report and made the comment, "This is yours, handle it". Lieutenant Reid stated that he and Captain Lee were not really talking to one another at this time.[34]

Grantley White stated that Captain Lee gave instructions for extra security in the courtroom. Deputies Mosley, Williams and either Pauls and or René cannot remember if Captain Lee assigned them to extra security in the courtroom or not. Nevertheless, they showed up in the Courtroom but didn't remain there the whole day.[35] Lieutenant Reid was also in the courtroom this day, but did not remain for the entirety.[36] Captain Lee denied sending anyone to the courtroom as extra security.

March 11, 2005:

05:35 Security Specialist Alphonso Wright clocked in. He was assigned to Central Control and relieved the morning watch personnel.

Approximately 0636 hours D/S Tamer clocked in and was assigned to Central Control duties. He stated that he reported to work and Mr. Wright was present in Central Control. At this time, the video cameras were locked to view the entrances and exits of the facility and were not monitoring the holding cell areas. This was routinely the case until court

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[32] Interviews with Captain Lee, Sergeant White, Deputy Watson, Lieutenant Reid, and Deputy René
[33] Statements from Ash Josi, Susan Christy and Gina Clarke.
[34] Gathered from Lieutenant Reid's statements. Captain Lee denies this but deception is indicated on her CVSA.
[35] Statement by Sergeant Grantley White.
[36] Interview with Captain Lee and Lieutenant Reid

began.[37] The monitors were not rededicated to the cameras that monitor the holding cell areas.

0700 hours Lieutenant Reid stated that at approximately 0700 hours he called and talked with Lieutenant Smith in Detention. Lieutenant Reid advised Lieutenant Smith that he would be taking a sick day today. Lieutenant Smith later informed Lieutenant Smith-Russell that Lieutenant Reid had called in sick. Lieutenant Smith-Russell was in charge of scheduling due to Sergeant Bantin having called in sick as well.

0734 hours Transfer Section unit number 1508 left the jail with 144 males and 30 females bound for the Courthouse.[38] Nichols was in this group. Pat down searches of the inmates were not conducted either at the jail prior to boarding the buses nor once they arrived and entered the courthouse facility. Instead they were asked to lift their shirts so they could be "visually scanned". This has been the practice for some time, and was the practice on March 9, 2005.[39]

0757 hours The Transport Section arrived at the Futon County Justice Center.[40] Nichols was brought to the Detention area of the courthouse. He was placed in a holding cell.

Approximately 0800 hours: Roll Call[41]

Approximately 0800 hours: There was a fight between inmates David Jones and Fabien Sheats in Nichols' holding cell. There was no evidence that Nichols was involved in the fight. During his response to this fight two inmates were sprayed with O.C. Pepper Foam by Detention Officer Ross.[42]

08:00 – 0815 Security Specialist Wright stated that he left Central Control between 0800 and 0815 hours to go to the cafeteria to get Captain Lee's breakfast. He stated that he was gone for approximately 30 to 40 minutes.

08:15 – 08:25 hours[43] Due to his EMT status, Deputy Tamer was requested to respond to the Detention area to attend to the inmates exposed to O.C. (oleoresin capsicum or pepper spray) He stated that this was between 08:15 and 08:25 hours and that when he responded to the Detention area, Mr. Wright was alone in Central Control.[44]

08:30 hours Deputy Middlebrooks clocked in and reported to work. He originally stated that he reported to work between 06:15 and 06:30, was in Central until he went to roll call at 08:00 and upon his return saw Deputy Tamer writing reports inside Central

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[37] Interview statement by Middlebrooks
[38] Central Control Radio Log - 03/11/2005
[39] Interviews with Captain Mitchell and Sergeant Thompson
[40] Central Control Radio Log - 03/11/2005
[41] It is uncontested throughout the interviews that Roll Call started at approximately 08:00.
[42] Use of Force Reports
[43] EMT Incident Reports and interview with Deputy Tamer
[44] Multiple Interviews with Deputy Tamer

Control. His memory was later refreshed using the time clock records and he remembered not coming to work until 08:30.

0835 hours Detention Officer III Swinger was notified by Detention Officer II Ross of the OC incident and notified that the inmates had been seen by Deputy Tamer.[45]

Between 0825 and 0840 According to Deputy Tamer, he returned to Central Control between 08:25 and 08:40 hours. When he arrived, Mr. Wright told him that he needed to "go run an errand". Deputy Tamer reported that due to past incidents he knew that Mr. Wright was going to go get Captain Lee's breakfast.

08:47:08 Nichols and Hall entered into cell area visible on video tape.[46] Deputy Hall walked toward the holding cell with Nichols following behind her. She opened the jail cell door, allowed him to pass by her and into the cell. He turned around and allowed her to un-cuff him.

8:47:52 Nichols stood in the threshold of the doorway of the holding cell while Deputy Hall began un-cuffing him. When Deputy Hall had the right hand un-cuffed, he turned his left shoulder toward her with the right shoulder to the rear. As she un-cuffed the left hand, he punched her in the face with his right hand and immediately followed through with a left hand, stepping as he punched. Deputy Hall fell into holding cell 8E1 across the hall and Nichols followed her out of camera view. The door to the cell started to close. However, it was wedged open by something that fell from Deputy Hall when she was punched.

The video tape shows that after Brian Nichols' handcuffs were removed, he struck Deputy Hall in the head area. As she fell across the hall into holding cell 8E, Nichols followed her.[47]

08:48:22 Fulton County Emergency Dispatch records show that Deputy Hall's radio was keyed up, but no voice traffic was recorded. It is believed that Nichols was using the radio to strike Deputy Hall, during which he keyed the radio.

0850 hours: Court Assistants Gina Clarke and Susan Christy were in the Judges Chambers. Grantley White was out of the office getting breakfast. Both ladies stated that Nichols entered Christy's office and ordered them through several offices to the judge's chambers and put them on the floor behind the judge's desk. He also gathered up Civil Attorney David Altman and took him to the judge's chambers.[48]

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[45] Detention Officer III Swinger Supplemental

[46] Video time stamp reads 08:49:00 when they enter, and 08:49:44 when Hall is struck. Time has been adjusted to synchronize with 911 dispatch Smartnet Management Systems PTT report.

[47] Video time stamp reads 08:49:00 when they enter, and 08:49:44 when Hall is struck. Time has been adjusted to synchronize with 911 dispatch Smartnet Management Systems PTT report.

[48] Interview with Gina Clarke. She states that she made a note of the time at 08:50 due to needing to be in the courtroom for a civil matter.

Gina Clarke stated that at this time she pushed the alarm button under the judge's desk. She stated that from the time Nichols came in until the time she pressed the button was only a matter of a couple of minutes (not 8 minutes as indicated by the alarm print out).

She hung her arm on the desk drawer as Nichols was coming in the room and he noticed the drawer moving and demanded to know what was in the drawer. He looked in the drawer. Both ladies stated that they soon heard Nichols and Sergeant White out in the hallway area. Both women stated that Nichols was nervously pacing back and forth between the judge's chambers and their offices. Nichols was asking where the judge and other officers were.

As Sergeant White was returning from breakfast, he was accosted by Nichols and was brought into the judge's chambers at gunpoint and was told to handcuff Christy, Altman and himself which he did. When White was placed on the floor behind the judge's desk, he feigned a heart attack. Susan Christy sees Sergeant White push the duress alarm button under the judge's desk. Gina Clarke stated that she does not remember Sergeant White pushing the duress alarm but stated that it was possible since her view was blocked by Christy. Shortly after this, Sergeant White was ordered into the bathroom.[49]

08:50:52 The video tape shows that Brian Nichols briefly reached outside of the holding cell and retrieved an object from the floor of the hallway. This object had propped open the cell door and it appears to have been the key from the weapon locker used by Deputy Hall. This allowed him to close the door on Deputy Hall when he left the cell.

08:50:56 The video tape shows Nichols leaving holding cell 8E1, walking across the hall holding Deputy Hall's gun belt. He went into cell 8E2.

08:52:11 Nichols came out of holding cell 8E2 wearing the civilian clothes left in the cell for him to change into for court. He left camera view walking in the direction of the Judges' chambers carrying a gun belt.

08:52:20 Deputy Tamer attempted to raise Lieutenant Glenn on the Court Services radio frequency. No one answered.

08:52:30 Deputy Tamer again attempted to raise Lieutenant Glenn on the Court Services radio frequency. There was no answer.

Between 08:56:26 and 08:57:25 The duress alarm was received in Central Control for Judge Barnes' courtroom.[50] Sergeant White stated that he feigned a heart attack and pushed the duress alarm and afterward was locked in the bathroom. It is believed that Nichols conducted a radio check after locking Sergeant White in the Bathroom.

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[49] Interviews with Sgt. Grantley White, Susan Christy, and Gina Clark.

[50] This is a range of time derived from the time synchronization. See the Alarm Report and Tests of the alarm system by Captain Lacey and Inv. Keefer on May 25th.

08:57:10 A radio that is unidentified by the 911 system keyed up. No intelligible traffic was recorded. Due to the next broadcasted traffic, it is believed that this was Brian Nichols.

(3 second Interval)

08:57:13 A radio unidentified by the 911 system keyed up and stated, "Thirteen five eight to thirteen hundred, radio check". The voice is not Sergeant Grantley White and is therefore believed to be Brian Nichols. Sergeant Jarvis Williams was standing in close proximity of Central Control when he heard the radio traffic and realized that no one answered 1358.

(34 Second Interval)

08:57:37 Sergeant Jarvis Williams keys up the radio and states, "twenty four forty two to thirteen five eight, I read you ten two". At the time the transmission was broadcast, Williams didn't recognize the traffic as originating from White and felt uneasy about the transmission. In retrospect, Sergeant Williams stated that he did not notice Sergeant White's island accent and thinks that this transmission was probably from Nichols using either White's or Hall's radio (Christy and Clarke state Nichols used both radios).

(18 Second Interval)

08:57:55 Sergeant Jarvis Williams keyed up the radio and asked, "Copy that five eight?"

(29 Second Interval to the next radio traffic)

Sergeant Williams walked to Central Control and standing in the hallway told Deputy Tamer to conduct a radio welfare check on Sergeant White. [51] Deputy Tamer admitted that some time prior to this it is possible that he left the room unattended to go across the hall to where the first aid equipment is kept.[52]

Between 08:58:26 and 08:59:25 A Duress alarm was received in Central Control from Family Division Courtroom C826. It was originally reported that someone in the Family Court heard the gunshots and activated their alarm. This is not the case. This alarm was activated by Court Clerk Marlene Shah. She stated that two women came in and told her that "something was going to happen" that they saw someone with a gun. It is believed that they saw Nichols walking toward the Judges' Chambers.

Between 08:59:26 and 09:00:26 The door alarm was twice activated in Stairwell C. It was originally believed that this was Sergeant Teasley following Inmate Nichols out of the building. The timeline shows that at this time the incident had not taken place in the courtroom.[53]

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[51] Interview with Sergeant Jarvis Williams and Deputy Paul Tamer
[52] Interview with Deputy Paul Tamer
[53] The alarm report shows the door alarm was activated at 09:01 hours. This time was adjusted to correspond with the radio traffic.

09:00:24 Deputy Tamer keyed up his portable radio and stated, "thirteen hundred raising thirteen fifty eight".

(11 Second Interval)

09:00:35 Nichols' voice was heard on the radio stating "Five Eight" but was cut off by Tamer's radio traffic, "Thirteen hundred raising thirteen fifty eight, Sergeant White".

(9 Second Interval)

09:00:44 Nichols using Deputy Hall's radio stated, '1358, 1358".

09:00:46 Tamer using his portable radio asked, "Location".

09:00:50 Nichols using Hall's radio broke squelch but was inaudible.

09:00:52 Tamer using his portable radio asked, "Repeat, you broke out".

09:00:58 Nichols using Hall's radio stated, "Judges Chambers".

09:01:00 Tamer using his portable radio stated, "Signal eighty nine".

09:01:12 Tamer using his portable radio stated, "Fifty eight, signal eighty nine"

09:01:20 Tamer using his portable radio stated, "Thirteen hundred raising thirteen fifty eight, Sergeant White, signal eighty nine".

09:01:32 Tamer using his portable radio stated, "Thirteen hundred to any thirteen hundred unit, one thirty six building, vicinity courtroom eight H".

09:01:37 An unknown radio keyed up and broke squelch only.

09:01:38 An unknown radio keyed up and broke squelch only.

09:01:45 Tamer using his portable radio keyed up and stated, "Thirteen hundred all thirteen hundred units Code Yellow chambers 8H-henry, 8H-henry one thirty six Pryor Street Building, Code Yellow".

09:02:10 Tamer attempted to raise 1331 Sergeant Owens on the radio to divert him to the family courtroom 826,

09:02:15 Sergeant Owens answered Deputy Tamer and was diverted to the Family Courtroom 826 due to an alarm at that location.

09:02:50 Sergeant White attempted to contact Central Control via radio.

09:03:04 Sergeant Owens called signal "officer needs assistance" on the radio and specified courtroom 8H

9:03:13 Deputy Tamer repeated the "Officer needs assistance" call on the radio, giving the location.

09:03:21 Sergeant White stated that someone shot the judge. From 9:03:04 through this point, different units were keying up the radio at the same time making it difficult (without the PTT reports) to know who was talking.

9:03:25 Deputy Tamer asked units to hold their traffic and asked Sergeant White to repeat his traffic.

09:03:53 Sergeant White stated on the radio that somebody shot the judge, handcuffed him and took his weapon

09:03:56 Sergeant Starks requested that all exits be blocked off

09:04:06 Sergeant White transmitted a description of Nichols.

09:04:41 Sergeant White, using Deputy Hall's radio reported, "Shots fired, Shots fired".

09:04:41 Deputy Gibson asked someone (inaudible) if they copied White's traffic about shots fired.

09:05:01 Captain Lee advised on the radio that there were a lot of people leaving out of stairwell C and she made a general request to "cover all exits"

09:05:35 Deputy Moore stated that the inmate that attempted to leave the building was Brian Nichols.

09:05:52 Deputy Moore advised the personnel working the metal detectors that there is an armed inmate and requests, "Shut it down, shut it down".

09:07:09 Deputy Tamer reported over the radio, "We have two [persons dead] at this location".[54] This is when Tamer went to the courtroom and examined Judge Barnes and Julie Brandau.

09:07:39 Deputy Gibson reported on Court Service radio that Nichols is in the Underground (Underground Atlanta) parking deck.

09:08:43 Deputy Moore requested an ambulance to 8B (inaccurately reported that a deputy had been shot, turns out to be Deputy Hall in the holding cell). The video shows

[54] Deputy Tamer used the radio signal number for "person dead".

Deputy Moore first looking into the holding cell and keying up his radio at 09:10:35 video time.[55]

9:08:57 Deputy Moore called Central Control and asked if they had received his traffic.

9:09:04 Deputy Moore again called Central Control and asked if they received his traffic.

9:09:09 Captain Lee answered Deputy Moore, "Affirmative, Affirmative!"

9:10:25 Thompson attempted to speak on the radio.

09:10:30 Thompson asked everyone to hold their radio traffic, announced that they have a report that the suspect was in the parking deck and that he wanted get a report on it.[56]

End Timeline[57]

[55] The time has been adjusted to correspond to the Emergency Services radio console time stamp.
[56] All radio times are taken from the Emergency Services PTT Report and by listening to radio traffic as it corresponds to this report. See transcript of radio traffic.
[57] The timeline is based upon time stamps from the alarm report, video tape, and Emergency Services PTT report. The tape of the radio traffic that was provided to the investigative team lasted up to 09:30 hours. There was no radio traffic that assists in pinpointing when Sergeant Teasley was found.

Investigative Findings

I. Information from Claritha Nichols Regarding Alleged Threats from Brian Nichols

On March 11, 2005 Sergeant Jerome Dowdell was assigned to the Training Division of the Fulton County Sheriff's office. On February 24, 2005 Sergeant Dowdell received a telephone call from Otis White, the pastor of Shiloh Baptist Church. Sergeant Dowdell was involved in teaching an EVOC course at the time. The call was received on his personal cellular telephone. Sergeant Dowdell is an active member and serves as a Deacon of Shiloh Baptist Church. Pastor White gave Sergeant Dowdell information that he had received from Claritha Nichols. Claritha is Brian Nichols' mother and works at Shiloh Baptist Church as the Human Resources Director.[58]

Pastor White told Sergeant Dowdell that he had been informed by Claritha Nichols that her son was on trial for Rape in Fulton County and that he had made statements leading her to believe that if his trial verdict did not go well he would overpower a deputy and take the officer's weapon.

Later that same day, Sergeant Dowdell contacted Detention Office Jenkins. Detention Officer Jenkins works in the Detention area of the Justice Center Complex and is a personal friend of Dowdell's (Jenkins is a part time barber and cuts Dowdell's hair). Sergeant Dowdell asked Officer Jenkins if he was familiar with Brian Nichols. Jenkins told Dowdell that he knew who Nichols was due to his status as an inmate on trial for rape. Sergeant Dowdell then told Detention Officer Jenkins that he had received

[58] Interviews with Sergeant Dowdell

information originating from Nichols' mother that Nichols would "act out" if the verdict did not go his way.[59]

At the end of the work day on February 24th Deputy René brought inmate Nichols back to the Detention area from Court. At this time Detention Officer Jenkins took the opportunity to share with Deputy René the information given to him by Sergeant Dowdell.[60] Deputy René was assigned to Nichols' courtroom. Later that same evening, Sergeant Dowdell again contacted Detention Officer Jenkins to make arrangements to visit Nichols the next morning. Sergeant Dowdell never shared with his supervisors his plans to visit with Brian Nichols, nor did he document the information given to him by Otis White.[61]

On February 25th, 2005 Sergeant Dowdell arrived at the Detention facility. Sergeant Dowdell was allowed access to the Detention area from the street by Deputy Gibson.[62] Sergeant Dowdell told Deputy Gibson that he had previously spoken to Detention Officer Jenkins about seeing Inmate Nichols and Officer Jenkins advised him to contact Gibson about the visit. Sergeant Dowdell was then allowed further access to the Detention area by Detention Officer III Mattox and Detention Officer Barron Ross. The transfer unit was just arriving at the Justice Center Complex and the inmates had not been placed in cells yet.[63] Sergeant Dowdell met Sergeant W. White of the transfer unit as he was bringing two inmates into the Justice Center complex. At Sergeant Dowdell's request, Sergeant White pointed out which inmate was Brain Nichols.

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[59] Interviews with Detention Officer Jenkins and Sergeant Dowdell
[60] Statements by Detention Officer Jenkins and Deputy René
[61] Interviews with Sergeant Dowdell as well as the absence of documentation.
[62] Interview: Deputy Ross
[63] Interview: Sgt. Dowdell and Central Control Radio Log.

Sergeant Dowdell went to and met with Nichols. He told Nichols that he had parents who loved him and a church that supported him and asked him not to do anything foolish. Sergeant Dowdell then had prayer with inmate Nichols. Sergeant Dowdell stated that he was meeting with Nichols in his capacity as a deacon of the church, although he utilized his position with the Sheriff's Office to gain access to the inmate. After the meeting, Sergeant Dowdell went to work at the Fulton Country Training Center and Nichols was taken to court.

The Court Services Roll Call briefing took place at approximately 08:00 on February 25th.[64] During this briefing, Deputy René stood and announced that she had received information that an inmate in her courtroom had made threats and may "act up" if the verdict did not go his way. Deputy René gave the information in a general fashion and did not specifically mention Brian Nichols or the alleged threat.[65] Major Whitehead made the statement that when the verdict was read in Deputy René's courtroom "everyone should go". This was not an extra security request as it is the policy of Court Services to send all available deputies to a courtroom whenever a verdict is read.[66]

Except for Sergeant Grantley White, there is no indication that any of the supervisors present in Roll Call on February 25th took any action to verify the information announced by Deputy René or to identify the inmate allegedly making the threats. Sergeant Grantley White was the supervisor assigned to Judge Rowland Barnes' courtroom. He is also Deputy René's supervisor. Sergeant White asked Deputy René where she had received her information. Deputy René told him about her conversation with Detention Officer Jenkins which had occurred the previous evening. Sergeant

[64] Based upon numerous deputies statements and the fact that the usual time for roll call is 0800.
[65] Interview: Deputy Rene, Major Whitehead, others present at Roll Call.
[66] Interview: Major Whitehead

White then contacted Detention Officer Jenkins and asked him where he had received the information about Nichols. Officer Jenkins told Sergeant White about his conversations with Sergeant Dowdell. Sergeant White followed up with this by calling and talking with Sergeant Dowdell to verify and confirm the information. Sergeant Dowdell told Sergeant White about the information as he had received it. [67] Sergeant White then took this information to his supervisor, Lieutenant Reid. None of the deputies, officers, or supervisors made any documentation on any of these conversations nor was any instruction given to take any actions outside of normal operating procedures. Lieutenant Reid dismissed the information because he had the impression that the information came through "a rumor" from someone at the jail.[68]

In the following weeks, Sergeant Dowdell remained in contact with Claritha Nichols via email. On February 26th Mrs. Nichols sent Sergeant Dowdell a message thanking him for "intervening". Ms. Nichols made a request through Pastor White that he assist in getting more people into the courtroom for Jury Deliberations, to show support for Brian. This message was forwarded to Sergeant Dowdell. He let her know through an email that, "my current position will not allow for my presence in the court room. I will encourage the brethren to support Brian in this manner. I'll continue to pray for my young brother".[69]

It is noteworthy that email communication between Sergeant Dowdell and Claritha Nichols did not initiate with the information coming from Brian Nichols regarding possible threats. There is evidence of email communication between them as far back as 2003 when Sergeant Dowdell was sending Ms. Nichols job announcements

[67] Statements by Sgt. White, Deputy Rene, DO Jenkins and Sgt. Dowdell.
[68] Statement by Lieutenant Reid and Sgt. White.
[69] March 1, 2005 email from Jerome Dowdell to Claritha Nichols. See Forensic DVD.

from Fulton County. It is also noteworthy that the email conversations between the two did not end after March 11, 2005. Communication continued between them into the month of April. Ms. Nichols had requested Sergeant Dowdell send her copies of all the emails between them, and he complied.

The Internal Affairs Subcommittee was able to obtain a forensic examination of Sergeant Dowdell's work computer. An electronic report (DVD) of the examination is included in the case file.

II. Contraband found on Nichols on March 9, 2005

On March 9, 2005 Deputies Sharon Pauls and Cynthia Hall were working the courtroom where Nichols' trial is held.[70] Deputy Pauls noticed that Inmate Nichols was acting suspicious. She noted that Nichols attempted to keep ball point pens given to him by his attorney, he asked his attorney to bring him food from McDonald's, and he was moving around as if he were "testing" the deputies.

After Nichols was returned to his holding cell, Pauls noticed that he was in possession of a water bottle from the courtroom. She took the bottle away from him, took him down to the Detention area and made a request to Detention Officer Jenkins to have Nichols searched.[71]

During his search, Jenkins found two metal objects in Nichols' shoes. These metal objects were later determined to be thick pieces of iron that were used as brackets around light fixtures in the jail. Nichols had fastened a string fashioned from material ripped from a blue inmate uniform to the metal objects. Jenkins notified his supervisor, Detention Officer III April Swinger, about the contraband. Officer Swinger packaged and labeled the property and ensured that reports were written by involved parties.[72]

Officer Swinger distributed copies of the reports concerning the contraband found on Nichols to her chain of command in Court Services. Lieutenant Mathis was serving as the Jail Watch Commander in the absence of Captain Eubanks. Officer Swinger called Lieutenant Mathis at 18:02 hours and told her about the contraband being found in Nichols' shoes.[73] Later that evening, Officer Swinger drove to the jail and met with

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[70] Court Services JCC Assignment Sheet 03/08/2005-03/11/2005
[71] Interview Deputy Pauls; Interview Detention Officer Jenkins
[72] Incident Reports by Deputy Pauls and Detention Officer Jenkins
[73] Jail Watch Commander's Log Book

Lieutenant Mathis delivering to her the contraband which had been packaged in an evidence bag with the incident reports attached. Mathis took the report from the evidence bag and made copies, one of which she placed in the disciplinary basket for follow up. Due to the personnel responsible for inmate disciplinary proceedings only coming through once every couple of days to pick up the disciplinary forms, they did not obtain this report prior to the March 11th incident.[74]

Approximately one and one half hours after Officer Swinger called Lieutenant Mathis about finding the contraband, Lieutenant Mathis became involved in an incident in the jail. An inmate was watching television and saw a news report about his three year old son getting shot in the face.[75] Lieutenant Mathis contributes her losing track of Nichols' contraband to getting extremely busy handling this inmate, ensuring mental health counseling and psychological observation.[76] A review of the Log shows that the incident with the inmate occurred an hour prior to Officer Swinger arriving at the Jail with the contraband and reports. The log reflects very little activity involving this situation after Swinger arrived at the Jail with the contraband.

Lieutenant Mathis took no action to lockdown or reclassify inmate Nichols. No action was taken to determine the origin of the metal brackets. Jail Watch Commanders have the authority to lock an inmate down, search their cell, and to take greater security measures due to contraband being found. This practice does occur at the Fulton County Jail as evidenced by a March 3rd entry in the log book. On that date the Watch

[74] Interview Lisa Partin
[75] Jail Watch Commander's Log Book
[76] Interview Lieutenant Mathis

Commander placed an inmate in lockdown and ordered that he not be allowed out of his cell without hand and leg restraints in place.[77]

In the Jail Commander's Log Book, on the page containing the entries from March 9th, Major Luscious Johnson's signature is present in red ink indicating that he reviewed the log. His signature is not dated or timed. It is believed that he reviewed the log upon coming to work on March 10th. Major Johnson took no action nor made any inquiry as to follow-up actions by the Lieutenant Mathis. Such actions could have included administrative disciplinary procedures, inmate lockdown, cell search, and extra security measures.[78]

The investigation revealed that on March 10th at approximately 06:45 hours the contraband was still located at the desk in the public lobby area.[79] At approximately 08:00 hours the report of the contraband was covered in roll call at Court Services. The information was not covered specifically as it related to Brian Nichols but was presented basically as a reminder to all deputies to be careful. No one made the connection between the earlier information provided by Deputy René and the incident of contraband being found on Nichols. Major Whitehead and Captain Lee were present during this roll-call briefing.

Following Roll Call, Sergeant White advised Judge Rowland Barnes about the contraband being found on Nichols and provided him with a copy of the report as well as photos of the pieces of metal. Judge Barnes told Sergeant White to get the attorneys

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[77] Jail Watch Commander's Log Book

[78] Similar actions are documented in the Jail Watch Commander's Log Book on March 3, 2005 when apparently an inmate was found with contraband in his shoes.

[79] Interview: Deputy Stewart

involved in the case together for a meeting.[80] Assistant District Attorneys Gayle Abramson and Ash Josi along with the defense attorney Barry Hazen met with Judge Barnes in his chambers. Sergeant White was not present during the meeting. The Judge presented a copy of the incident report to each attorney and asked them what they thought. After much discussion concerning the reports, the issue of security was discussed. This discussion focused around concerns for safety for Barry Hazen, since the defense attorney is the closest in proximity to Nichols when a verdict is read. The safety concerns discussed during the meeting focused mainly upon the time the verdict would be read. Judge Barnes told those present that he would arrange for extra deputies on the day the verdict would be read, and that he would have a deputy standing directly behind Nichols at that time.[81]

At the time of this report, the only people that can definitely be shown to have had specific knowledge of Nichols' involvement in both the threats mentioned on February 25th and the contraband mentioned on March 9th are Detention Officer Dexter Jenkins, Deputy Judith René, Sergeant Grantley White, Lieutenant Gary Reid, Captain Chelisa Lee and Major Orlando Whitehead.

Officer Jenkins was involved in receiving the information from Sergeant Dowdell and was also the officer that conducted the search and found the contraband. When he wrote his reports on finding the contraband he did not mention the earlier situation involving the possible threats by this same inmate. He stated that he believed since two

[80] Interview Sergeant White, Interview Ash Josi
[81] Interview Ash Josi

sergeants had knowledge of the threats that any responsibility he may have had was passed to them.[82]

Deputy René knew that she had passed her information regarding the threats to everyone at Roll Call on February 25th. She was not involved in finding the contraband, but was present in roll call when the reports were read. Since her sergeant knew of both incidents she states she saw no further responsibility.[83]

Sergeant White asked Deputy René, Officer Jenkins and Sergeant Dowdell specific follow up questions to verify the information regarding the threats. Once it was verified he relayed the information to Lieutenant Reid and Captain Lee. When Sergeant White received the reports of the contraband he immediately brought this information to Judge Barnes' attention. Sergeant White stated that since he arranged for the meeting between the attorneys and the judge, he believed the situation to have been handled. The judge made no special requests for extra security.[84]

[82] Interview with Detention Officer Jenkins
[83] Interview with Deputy Rene
[84] Interviews; Major Whitehead, Captain Lee, Lieutenant Reid, Sgt. White

III. Central Control Room

Central Control contains equipment for monitoring the security of the Justice Center Complex. It is located on the ninth floor. Among other duties, officers assigned to Central Control are responsible for accepting calls pertaining to deputy absenteeism, taking public inquiries by telephone, distribution of keys, monitoring the Closed Circuit Television (CCTV) cameras, monitoring alarm equipment and responding to alarms, monitoring elevator operations, responding to emergency situations such as fire alarms and emergency medical requests, and monitoring radio transmissions to coordinate emergency traffic. Both Security Specialists (civilian) and Deputy Sheriffs (sworn) are assigned to work Central Control.[85]

On March 11, 2005 at 05:35 hours, Security Specialist Alphonso Wright reported to Central Control to relieve the Morning Watch. He was joined at 0636 hours by Deputy Paul Tamer. Deputy Joel Middlebrooks is normally assigned to assist in Central Control during the early hours prior to reporting to his courtroom for duty. The only exception is when he attends Roll Call at approximately 0800 hours. However, on March 11th Deputy Middlebrooks clocked in at 0830 hours due to working eighteen of the previous twenty four hours with a sequestered jury detail. Deputy Middlebrooks did not report to Central Control, but reported to his regularly assigned courtroom.

The CCTV cameras in the Justice Center Complex are monitored in Central Control. The video feed from the CCTV cameras comes into a splitter and a digital recorder located in Central. Video from all the cameras is simultaneously recorded. By

[85] Court Security Written Directive 6.02

manipulating the splitter, however, an officer in Central Control chooses which cameras are depicted on the monitors.

During the Morning watch, the officers assigned to Central Control program the monitors of the CCTV cameras to enable them to watch only the entrances, exits, and loading dock of the Justice Center Complex.[86] This is largely due to the holding cells and Detention area of the complex being uninhabited by inmates during Morning Watch hours. This fact is important due to allegations that Deputies were not watching the CCTV monitors when Deputy Hall was attacked by Brian Nichols. It was alleged that either deputies were not present to watch the monitors or they were present and were just not paying attention. The fact that the monitors were not programmed to display images of any of the holding cell areas nullifies the argument as to which scenario is correct. The issue becomes the fact that no one took the steps necessary to monitor the holding cell areas where Deputy Hall was attacked.

Central Control has the responsibility for keeping a log of the radio traffic regarding transports of inmates from the Jail to the Justice Center as well as the Juvenile Court. On March 11, 2005, one inmate was delivered to the Detention area in the downstairs of the Justice Center Complex at 06:32 hours. At 07:57 hours this inmate was joined by 174 more totaling 175 inmates in custody.[87] Brian Nichols was among those present in Detention at this time.

At about 0800 hours, there was a fight in a holding cell in the Detention Center between inmates Fabien Sheats and David Jones. In response to breaking up this fight,

[86] Interviews with Security Specialist Wright and Deputy Middlebrooks
[87] 03/11/2005 Central Control Radio Log

Detention Officer Barron Ross exposed the inmates to Oleoresin Capsicum (O.C. or pepper) spray.

Mr. Wright told Subcommittee investigators that sometime between 0800 to 0815 hours he left Central Control and walked to the cafeteria in the building across the street to get himself and Captain Lee some breakfast. He was not exact on his times nor was he sure of how long he was gone. He did state that it could have been thirty to forty minutes. He stated that when he returned to Central Control, it "was chaos". His statements indicated that he stepped off the elevator at about the time that deputies were responding to the Officer Needs Assistance call. Mr. Wright stated that before returning to Central Control, he walked to Captain Lee's office and put her food and her change on her desk.

Deputy Tamer stated in his interview that at approximately 0815 to 0825 hours he was requested to respond to the incident downstairs to provide EMT services to the inmates exposed to O.C. The fact that he responded has been verified. However, the times he responded has not. He claims that Mr. Wright was in Central Control when he left as well as when he returned at approximately 0825 to 0840 hours. When asked what time Deputy Tamer responded to the O.C. incident, Mr. Wright did not remember Deputy Tamer responding to such a call. Deputy Tamer stated that upon his return from downstairs, Mr. Wright told him he was going to run an errand and that he left to go get the Captain's breakfast. He stated that at no time was Central Control left unattended.

Deputy Tamer's statements were backed up by Deputy Middlebrooks who contended that he went to work at approximately 0630 hours, went to Roll Call training at approximately 0800 hours. He stated that he returned to Central Control at about 08:15

to 08:20 and noticed Deputy Tamer sitting at the desk writing reports. He stated that he remained in Central Control until approximately 08:45 when he left to go to his courtroom. Deputy Middlebrooks' time records do not accurately reflect his comments.

Through several interviews and confrontations with conflicting facts, both Deputies Middlebrooks and Tamer changed their statements. Deputy Middlebrooks admitted that he did not come to work until 08:30 and therefore could not have seen Deputy Tamer writing reports in Central. Deputy Tamer admitted that he did not even write reports that morning and that there was a period of time in which Central Control was left unattended.

The Subcommittee could not determine how much time Central Control was left unattended. We do know that sometime around 08:57 hours, three events were communicated to Central Control that went unanswered. One is the activation of the duress alarm in Judge Barnes' chambers, one is the radio traffic from someone identifying themselves as "Thirteen Five Eight" asking for a radio check and the third is the duress alarm activation from the Family Division Courtroom. As many as three minutes elapsed from the first two events and the first radio traffic from Deputy Tamer, and as much as one minute elapsed between radio traffic and the third event.

Deputy Tamer originally stated that it was the duress alarms that prompted him to conduct a welfare check on Sergeant White. This version was extensively reported to the public through media outlets. Deputy Tamer advised that he did not immediately dispatch a "Code Yellow" because Sergeant Teasley (an officer killed pursuing Brian Nihcols) had previously implemented a new policy requiring him to first call officers near the alarm. The truth is that Deputy Tamer never initiated a radio welfare check on

Sergeant White. Sergeant Jarvis Williams was listening to his radio and heard that the radio traffic from "Thirteen Five Eight" to Central Control went unanswered. After Sergeant Williams attempted to verify the radio check from "Thirteen Five Eight" and was unanswered, he walked to Central Control and told Deputy Tamer to conduct a welfare check. This welfare check occurred from two to three minutes after the duress alarm was received in Central Control from the Judges' chambers. Deputy Tamer's actions were not in line with neither the current policy concerning response to alarms, nor the alleged new policy he stated was implemented by Sergeant Teasley.

IV. Absences from Courtroom Security

Allegations exist that deputies being absent from their post contributed to the incident on March 11th. The allegations mainly focused upon the fact that Lt. Reid, who is the manager of the Unit which includes Judge Barnes' courtroom, was absent from duty on March 11, 2005. Not long after the incident it was publicized that Lieutenant Reid had assigned himself as extra security to Judge Barnes' courtroom due to the weapons that were found on Brian Nichols on March 9th. Investigative efforts also focused upon rumors that a several deputies were not at work on March 11, 2005 due to working off-duty jobs. Fulton County Sheriff Myron Freeman requested an investigation as to whether any of the personnel assigned to supervise Court Services were working or coordinating such off-duty employment.

Lieutenant Gary Reid is the Unit Manager of the Eighth Floor of the Justice Center Complex. Judge Rowland Barnes' courtroom is on the Eighth Floor. Court Services Roll Call training is at 08:00 hours daily. At approximately 07:00 hours, Lieutenant Reid called Lieutenant Smith and advised him that he would be taking a sick day. He did not specify why he wished a sick day or if he was actually sick.[88]

The Court Services Written Directive 6.02 states that it is the Central Control Officers' responsibility to receive calls concerning employee absenteeism. When this information is received by Central, it is forwarded to Sergeant Bantin.[89] Sergeant Bantin then makes the Master Assignment Roster for Court Services for the day. He has the line responsibility of ensuring that manpower is adequately distributed to cover courtroom

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[88] Interview with Lt. Reid

[89] Interviews with Captain Lee, Lt. Smith-Russell, and Sergeant Bantin. It is Sergeant Bantin's responsibility to make the court calendar and the manpower allocation lists. Lt. Smith-Russell takes this responsibility when Sergeant Bantin is not present.

security. It is unknown why Lieutenant Reid made his sick call to Lieutenant Smith in Detention rather than to Central Control. The subcommittee concluded that Lieutenant Reid was not sick on March 11, 2005. Lieutenant Reid was notified the day before that his son had been given an award at school. Lieutenant Reid's wife works in the courthouse and it was decided between the two of them that he would be the one to attend the awards ceremony. His child was released from school that day at approximately 11:00, and Lieutenant Reid stated that he chose to take the rest of the day off to provide child care.[90]

Lt. Reid acknowledged that previous to March 11, 2005 he never really connected the information from Claritha Nichols and the finding of weapons in Nichols' shoes with the need to provide extra security to Nichols. He stated that he did spend some extra time in Judge Barnes' courtroom, but the reason for this was that the courtroom was in a separate building and as such there was a need for extra help in transporting the inmate. When asked if he ever led anyone to believe that he had decided to add security measures to the courtroom following the shanks being found on Nichols, he stated that he did not. When asked how this notion got started, he stated that it was Chief Cooke's idea.

All time records and reports of all Court Services personnel were reviewed for a time period covering February 23, 2005 though May 3, 2005. A pattern of excessive sick leave use was not found. However, other issues were learned through Sergeant Bantin.

As stated earlier, Sergeant Bantin is responsible for completing the Court Services Master Assignment Sheet. The assignment sheet documents which courtroom specific deputies are assigned to as well as what type of legal action is occurring in that courtroom. He stated that officers will sometimes call him and ask which judge they are

[90] Interview Lt. Gary Reid

working for that day. He stated that if a deputy does not like the judge they are assigned to they will say, "I'm sick today". Sergeant Bantin also discussed how scheduling is very difficult due to the many conflicts that must be avoided. He explained that there were several Judges who had requested that certain officers not be allowed to work in their courtrooms. He also stated that there are several officers who can't work together and certain officers who can't work with Lieutenant White. He stated that for the most part, a majority of the officers are just banned from certain courtrooms for a variety of reasons.[91] The later appears to be a reference to an OPS investigation that was conducted against Lieutenant White.[92] Sergeant Bantin stated that "When the car show comes in, we are really left short handed."

In regard to outside employment, the Internal Affairs Subcommittee obtained all outside employment requests on file for the officers assigned to the Fulton County Courthouse Security Division.[93] It was determined that eighty four outside employment permits were approved by Major Whitehead and Chief Cooke for thirty six deputies.[94] Numerous deputies and officers were asked if they had knowledge if anyone in the Agency was coordinating outside employment. The overwhelming majority stated either that no one coordinated outside employment or that each officer coordinated his / her own outside employment. Information that former Fulton County Sheriff's Office Chief Jones coordinates the Auto Show was discovered. Officers advised the Subcommittee that while Chief Jones still coordinates outside employment for the auto show, Major Whitehead is responsible for scheduling the officers.

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[91] Interview Sergeant Bantin
[92] Deputy Pauls Complaint
[93] The subcommittee requested all outside employment requests and is making the assumption that all were received.
[94] Index of Outside Employment Permits

In addition to not working for a subordinate, Fulton County Sheriff's office Written Directive 04.09 Outside Employment outlines certain prohibitions for officers to prevent themselves from violating the Private Detective and Security Agencies Act. These are:

1. Patrolling public streets.
2. Entering into a written contract where duties and responsibilities are defined by the extra job employer.
3. Receiving pay for scheduling and coordinating other officers for providing police service and not performing a specific duty oneself unless approved by the Sheriff.
4. No jobs that are on-going where people will be calling while the employee is on duty and requesting special service from the employee.

During Major Whitehead's interview he was asked if he was coordinating outside employment. He denied coordinating any outside employment for anyone at the Sheriff's Office. He stated that former Chief Jones coordinates the Auto Show and that he schedules officers to staff the detail. This event is not a recurring event and occurs only once a year. Major Whitehead stated that he does not get paid for scheduling or providing officers to work this detail. He stated that he gets paid an hourly rate and only gets paid if he shows up and works the detail. He did admit that his duties and responsibilities are not providing security at individual posts, but providing supervisory and management functions of "walking around" and making sure that all the posts are covered. No evidence was discovered that Major Whitehead is financially compensated for scheduling officers to work outside employment.

Although deception was indicated on Major Whitehead's Computer Voice Stress Analysis examination on questions pertaining to coordinating outside employment, there

is no supporting evidence that Major Whitehead is coordinating outside employment. There is no indication that he was using personnel from Court Services to staff any outside employment on March 11, 2005. Although it is not technically a violation for Command Staff officers to coordinate outside employment (as long as they are not being compensated),[95] there does exist an air of impropriety. This is due to a perception that the Division Commander may have a greater personal financial interest in staffing the outside employment than he has for staffing the division. For this reason, the subcommittee chose not to exonerate Major Whitehead of the allegations of coordinating outside employment. Instead there was a finding of Policy Failure, that his actions were not technically against policy, but policy may have failed in this instance and needs to be addressed.[96]

A larger issue is that Major Whitehead has never established minimum staffing requirements for the Court Services Division. It is common for law enforcement managers to conduct a workload analysis of their respective divisions and develop a number that represents the minimum number of officers necessary to safely conduct business. This is in keeping with the number one duty and responsibility outlined for the Division Commander. In the Court Services Written Directive 6.02 it states that the Division Commander will ensure that *"manpower requirements and personnel assignments for court-related functions are determined".*[97]

The minimum number is used when examining outside employment permits, vacation requests, training requests, and other requests from officers to be absent from duty to decide whether to grant them or not. If a division's manpower dips below the

[95]Written Directive 04.09 Outside Employment
[96] Written Directive 04-09 Outside Employment
[97] Written Directive 6.02 Court Security Page 3 Section VI

minimum number, or if workload increases above the safe operating level, extra officers may be requested from other divisions or the workload is adjusted if possible. Major Whitehead has no such number to reference when managing the Court services Division and therefore cannot evaluate whether safe manpower levels exist.

Also during this investigation the thought arose that low manpower levels may have contributed to Deputy Hall escorting Brian Nichols alone, and that if more deputies had been present she would have had assistance in conducting the escort. There is no evidence to support such a notion. Detention Officer Jenkins made the statement to investigators that when he noticed Deputy Hall escorting Nichols that we wondered out loud, "why is she escorting him by herself". Officer Jenkins states he took this situation to his supervisor. He contends that several minutes passed and before anything was resolved the radio traffic about the incident started.

There is no evidence that Deputy Hall made any attempts to request assistance in escorting Inmate Nichols. There was a statement by Deputy Pauls that leads one to believe that Deputy Hall had become quite casual with Nichols. Pauls stated that on one occasion during a talk about Nichols, Hall told her that Nichols was "innocent" and that she would talk to her later about it.

In concluding the overview of this issue it is noted that on March 11, 2005 the inmate overpowered Deputy Hall prior to the inmate being escorted out of a secure area into an unsecured area. The number of deputies assigned to the courtroom for extra security would not in any way have affected the outcome of whether Deputy Hall was attacked and overpowered. Only the issue of added security measures during escort would have possibly prevented Deputy Hall's victimization.

V. Cynthia Hall's Firearm Qualification Status

In response to allegations that Deputy Cynthia Hall had recently failed to qualify with her firearm, it was requested that the Fulton County Sheriff's Office provide the Internal Affairs Subcommittee with copies of all records dealing with Deputy Hall's firearms training.[98] The following is an overview of Deputy Hall's Firearms training records as provided to the Internal Affairs Subcommittee by the Fulton County Sheriff's Office.

- 1989: Deputy Hall was issued her P.O.S.T. certification[99]
- 1990: No firearm qualification record provided by FCSO for Deputy Hall
- 1991: No firearm qualification record provided by FCSO for Deputy Hall.
- August 1992: Deputy Hall failed to qualify, was given remedial training and failed to qualify. There is no qualification record for 1992.[100]
- 1993: No firearm qualification record for Deputy Hall.
- 1994: March Firearm Performance Evaluation shows that Deputy Hall qualified and was issued duty ammunition.[101]
- 1995: No firearm qualification record for Deputy Hall.
- 1996: February Firearm Performance Evaluation documents Deputy Hall failed to qualify and she was scheduled for remedial training. Her firearm was retained as well. In March there is another Firearm Performance Evaluation Form documenting one no score, one failing score, and two passing scores. The range master states Deputy Hall needs much more practice.[102]
- 1997: No Firearm qualification record for Deputy Hall.
- 1998: February Firearm Performance Evaluation form shows that Deputy Hall did not qualify with her firearm. She is scheduled for remedial training and her firearm is

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[98] Memorandum to Captain Larry Lindsey
[99] P.O.S.T. Certificate
[100] 1992 Firearms Evaluation Form
[101] 1994 Firearms Evaluation Form
[102] 1996 Firearm Evaluation Form

retained. Her chain of command is notified of this by memo. There is a March Firearm Performance Evaluation form documenting that she did qualify with "no turning target".[103]

- 1999: There is a May Firearm In-service Evaluation form documenting that Deputy Hall was issued duty ammunition. It does not document a qualification score.[104]

- 2000: May Firearm In-service Firearms Evaluation Form documenting that Deputy Hall failed to qualify with her firearm. She is scheduled for remedial training and her weapon is retained. Her chain of command is notified by memorandum. There is no documentation that Deputy Hall completed remedial training or qualified with her firearm.[105]

- 2001: Deputy Hall is notified that due to failure to qualify with her firearm she is scheduled for remedial training in April. There is no documentation that Deputy Hall completed remedial training or qualified with her firearm.[106]

- 2002: There are no firearms training records for Deputy Hall.

- 2003: Firearms Evaluation forms document Deputy Hall qualified with her firearm.[107]

- 2004: June 29th Firearms Evaluation form documents that Deputy Hall failed to qualify with her firearm. She is scheduled for remedial training for June 30, her weapon is retained and her chain of command is notified by memorandum.[108] June 30 Firearms Evaluation form documents that Deputy Hall qualified with her firearm. The range master recommends she attend open range.[109]

- 2005: March 5, 2005 Deputy Hall attends open range firearms training. This is self initiated training.[110]

Deputy Hall received her Peace Officer Standards and Training Basic Peace Officer Certification in 1989.[111] Firearm Qualification is a requirement for Peace Officer Certification. The Fulton County Sheriff's Office was unable to produce firearm training records for the years 1989 through 1992 for Deputy Hall. From 1992 through March

[103] 1998 Firearm Evaluation Form
[104] 1999 Firearm Evaluation Form
[105] 2000 Firearm Evaluation Form
[106] 2001 Firearm Evaluation Form
[107] 2003 Firearm Evaluation Form
[108] June 28, 2004 Firearm Evaluation Form
[109] June 30, 2004 Firearm Evaluation Form
[110] 2005 Firearm Evaluation Form
[111] P.O.S.T. Certificate

2005, there are six documented years where Deputy Hall had to participate in remedial training due to not qualifying with her firearm. There are nine years with no documentation of annual firearms re-qualification for Deputy Hall.

Fulton County Sheriff's Office Written Directive 5.01 VII. 2. requires an officer that fails to qualify to attend remedial training within ten days of the failure to qualify. The officer's weapon is taken and they are reassigned to an unarmed or non-enforcement position. If the officer fails to qualify after remedial training additional remedial training is prescribed and the officer is given another opportunity to qualify. The officer is given thirty days to qualify. If at the conclusion of these thirty days the officer does not qualify, they are recommended for termination of employment for failure to meet the minimum requirements of their employment. The only requirement is that the officer qualifies annually. There is no provision in policy that addresses how to deal with officers that repeatedly require remedial training.[112]

It has been alleged that policies and procedures were violated when supervisors allowed Deputy Hall to escort Nichols. This is based upon the belief that supervisors should have taken into account the deputy's sex, age, and size, when assigning duties requiring her to escort prisoners such as Nichols. It was found that Deputy Hall did not violate any policies, procedures or written directives when she chose to escort Nichols alone. Written Directive 6.02 Court Security IX.B.3.A.i. permits one deputy to escort a single inmate with proper restraining devices in place. It does not specify that gender or age is a factor in this decision, and it is doubtful that such a policy would withstand litigation if challenged. Using an officer's age or gender alone when making supervisory decisions regarding law enforcement duties will more than likely result in a disparate

[112] Fulton County Written Directive 5.01 Firearms

impact upon a protected class and therefore could result in a lawsuit. However, law enforcement officers make use of force decisions on a daily basis based upon the standard of reasonableness and the totality of the circumstances.

The standard of reasonableness is a legal concept which is most prevalently taught during use of force certification courses such as baton, pepper spray and firearms. It is the standard by which all law enforcement actions using force are judged. In this concept, officers making decisions regarding the type and amount of force to use in exercising law enforcement duties take use of the factors they know about the situation to make an objectively reasonable decision at the time.[113] These factors are called the totality of the circumstances.

When applying the totality of the circumstances, officers are required to compare factors that are known about an offender to factors that they know about themselves, and then choose a level of force that is neither excessive nor ineffective. These factors include age, size, gender, skill level, whether there are multiple offenders or officers present, injury, exhaustion, disability, special knowledge, or whether either the officer or offender is on the ground.[114] Officers examining these factors choose the most appropriate level of force available to them at the time to handle a particular situation. The levels of force include whether to increase the number of officers present (officer's presence), the type of verbal commands to use, the type of escort techniques (soft hands), striking techniques (hard hands), baton, pepper spray, or deadly force.[115]

Notice that it is the officer that evaluates the totality of the circumstances and selects the most appropriate level of force. This is largely due to the fact that an officer

[113] Graham v. Connor, 490 U.S. 386, 104 L. Ed.2d, 109 S. Ct. 1865 (1989)
[114] ASP Baton Training Manual, Kevin Parsons PhD.
[115] Generic Use of Force Continuum

best knows his / her abilities. If an officer is trained to apply these same concepts to decisions made prior to being in a situation where they may need to use force, learn to plan ahead and prepare, they may be able to better circumvent violent confrontations.

In this situation, Deputy Hall had been present in the courtroom during much of Nichols' first as well as second trials. She had knowledge of the nature of charges against him. She had knowledge that contraband and potential weapons had been found in his possession, and she had the same knowledge articulated by Deputy Pauls' that caused her to be suspicious of Nichols.[116] We do not know if she knew of the threats by Nichols as articulated by Sergeant Dowdell, but we assume that since Deputy Pauls knew of this information that Deputy Hall would have. Deputy Hall also knew her own personal strengths, weaknesses, and abilities. Without being able to interview her, we cannot take into account what she actually knew about the later. But, we do know that the main responsibility to recognize potential personal danger and act to prevent being in a dangerous situation rests with the individual deputy. It is the agency's responsibility to ensure that the officers have all the training, knowledge, skills, resources, and tools to make and implement such decisions.

This investigation revealed that at the time of the March 11, 2005 Deputy Hall was in compliance with the Fulton County Sheriff's Office Written Directive 5.01 Firearms. However, it is evident that although Deputy Hall had participated in annual in-service training her Officer Survival skills were lacking. In light of recent events, it is suggested that all officers receive training in Officer Survival as it relates to their specific job function (Court Services, Jail, etc.) to heighten their awareness of potential dangers.

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[116] Interview with Deputy Pauls

Other Contributing Factors

This investigation revealed that members of the Sheriff's Office were concerned about security issues involving holding criminal court at the 136 Pryor Street Building location. Investigators were given information that at least one, and possibly two, Fulton County Sheriff's had requested that all criminal courtrooms be moved from the 136 Pryor Street address.[117] This is evidenced by the September 2004 memorandum from Sheriff Theodore Jackson to Chief Superior Court Judge Doris Downs. In this memo, Sheriff Jackson asked that all courtrooms be relocated to the Justice Center Complex. Sheriff Jackson outlined the reasons for the request as; staffing shortages in Court Services, a back log calendar, time consumption and security breaches of walking inmates over to the Pryor Street location.

Our investigation revealed that on September 1, 2004 Judge Downs offered to all judges the opportunity to relocate to the Justice Center Complex. Judge Barnes made his wishes known concerning the possibility of relocating his courtroom when he wrote this message on Judge Downs responding correspondence; "Not only no, but hell no!"[118] The offers were extended to him on other occasions by Court Administrator, Judith Cramer. These he also declined.[119]

It was also noted that Judge Barnes kept an open door policy at his office. Although locking doors with an intercom and buzzer system was provided, these were routinely disabled as a matter of policy of the Judge. A hand written note was present on the intercom that stated, "door open".[120]

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[117] We were told that Sheriff Barrett requested this, we have documentation of Sheriff Jackson's request.
[118] Downs Memo to Judges provided by Judith Cramer
[119] Emails from Judith Cramer to Judge Barnes
[120] APD crime Scene photos

Recommendations

1. Consider a policy requiring officers transporting inmates to notify Central Control by radio when they have begun a transport and radio Central Control when the transport is complete. Central Control should note the officer's radio number and time of transport and check on the officer at regular intervals. This should be particularly important when officers are conducting lone transports.

2. Consider a policy that requires all monitors to be in operation whenever inmates are present in a location. This should apply to central control and require deputies to watch monitors and have a heightened awareness whenever deputies are transporting inmates.

3. Conduct a workload analysis of Court Services and develop minimum staffing levels. Use this analysis during the budget process and use the minimum number whenever determining approval of annual leave, training requests, or the need to increase personnel due to increased workload.

4. Consider a policy prohibiting Command Officers from scheduling outside employment using officers from their own division. This enables a set of checks and balances when evaluating the minimum number of officers required to staff a division against the personal need to provide officers to fill outside employment.

5. Consider officer survival training for all officers. The training should concentrate on the importance of evaluating circumstances, and planning ahead to prepare to prevent violent confrontations. It may be helpful to consider using instructors from other agencies and or academies to bring in fresh and new ideas.

6. Consider implementing better supervisory oversight procedures for evaluating the use of sick leave. This should also include tardiness. Supervisors need to be willing to document and take action on abuses.

7. Evaluate the use of the chain of command as well as establishing "Unity of Command" as outlined in Written Directive 1.05 "Organization and Management". Officers need to answer to one and only one supervisor. This chain of command has tended to become blurry with officers believing that their supervisor is the judge to whom they are assigned. Supervisory staff need to be free to address personnel issues within their purview without interference from judicial staff.

   The Court Services Division command staff needs to take charge of all supervision of employees assigned to courtroom. They need to take full responsibility for courtroom and courthouse security. Decisions regarding security should be made with the input of judicial staff, but the overall decision should rest with the Sheriff.

8. The Court Services Division Command needs to find ways to increase the professional image of the Division. Uniform requirements do not appear to be enforced at this time. This is evidenced by the requests by some judges concerning the jewelry, hair, fingernails, and grooming standards of certain officers.

9. Communication between the Jail Division and Court services should be increased. It is particularly important to combat the "that's not my job" attitude. Supervisors from these divisions must coordinate to ensure that an inmate is properly classified. An example of this in action would be if immediate action were taken when Sergeant Dowdell learned of the information concerning Nichols' threats. Whoever is in charge of that inmate needed that information immediately. The information regarding the weapons found on Nichols was shared with the Jail, but no one took action. When no action was taken, no one in Court Services followed up to make sure that Nichols was properly classified.

10. Implement proper search techniques. It appears that this may have been implemented as the time of this report. However, there needs to be someone to hold accountable for ensuring that all inmates are searched prior to coming into the Detention area, and that they are searched prior to re-entering the jail.

11. The response procedures to alarms in the Justice Center Complex need to be reviewed. Thorough training is needed to educate everyone in the Court Services Division on the proper procedure for responding to alarm calls.

Fulton County Courthouse Security Commission

Security Evaluations Subcommittee

Final Report

Joseph Beasley
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John Bittick
Sheriff, Monroe County Sheriff's Department

George M. Coleman
Chief of Police, Fulton County Police Department

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Deputy District Attorney, Fulton County

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Judge, State Court of Fulton County

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Wendy Shoob
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Submitted: February 3, 2006

The Security Evaluation Subcommittee was formed by the Fulton County Courthouse Security Commission. It was charged with gathering all subcommittee reports issued by the Commission and by the National Center for State Courts related to courthouse security to determine what recommendations are yet to be implemented, assign priorities, and suggest a timeline for implementation.

This subcommittee recognizes and has relied upon the fine work of the Commission subcommittees, and notes that many of their recommendations are in the process of implementation or have been implemented as suggested. We thank the Fulton County Sheriff's Office for their cooperation in this process.

This report addresses only those recommendations not yet implemented for reasons such as funding, policy changes or the need for further research. This report is not a synopsis of all of the previously issued reports, but rather a prioritized recommendation for use by the Sheriff in the implementation process. If further details or clarification is required, the reports relied upon are available as follows:

1. Internal Affairs Final Report
2. Security Surveys Final Report
3. Manpower Allocation Final Report
4. Policy and Procedure Final Report
5. Marshal's Report
6. National Center for State Courts Final Report

There are 3 categories with needs that will be addressed: Manpower, Physical Plant, and Operations. Each category has various needs that must be prioritized to assist in maximizing the funding requirements. It is recommended that priorities be divided into 3 tiers to allow for budgeting and implementation over the next three years. The tiers should be implemented as soon as possible, but not later than:

1. Tier 1 – Recommend implementation 2006
2. Tier 2 – Recommend implementation 2007
3. Tier 3 - Recommend implementation 2008

There will be a need for future communications between all parties involved to ensure progress and a safe courthouse environment. It is recommended that the Fulton County Chief Judge of Superior Court Doris L. Downs (or her designee) and the chair of the Courthouse Security Commission Marshal Richard Mecum (or his designee) form a collective partnership. This partnership would then be referred to as The Interagency Security Committee (ISC). The ISC would then prepare a memorandum of understanding and appoint task forces as needed to ensure the implementation process continues and that security in the courthouse is improved.

Tier 1 Recommendation (2006)

A. **Manpower**

1. Employment and Position Status Change
   - The Sheriff's Courthouse Liaison Officer should move from a temporary position to a permanent position.
   - The Courts should hire a full time Courthouse Security Manager at a level comparable to that of the Sheriff's Department employee. These two employees would then work together to see that courthouse security needs are met and necessary changes are implemented, and further communicate through their own chains of command. (It is also recommended that a Director of Interagency Security be hired along with an administrative assistant, to serve as staff to the ISC).

2. Security Checkpoints
   - All security checkpoints should be evaluated and improved as recommended in several reports.
   - A security checkpoint should be placed in the General Services area to clear vendors before they enter the building.
   - There are several recommended redesigns of the Slaton Building and the Justice Center Tower entry checkpoints which need to be researched and pursued.

3. Staffing Analysis
    - Based on the staffing analysis outlined in several reports, 314 personnel are required to effectively operate the courthouse complex (3 courthouses). The courthouses appear to be significantly understaffed. There are currently 200 – 235 deputies assigned to courthouse duties.
    - The utilization of civilian bailiffs is recommended to relieve deputies of administrative duties and allow them to focus on providing security in the courtrooms.
    - Additional deputies in the courthouse complex would alleviate single deputy movement of prisoners and ensure officer safety.

B. **Physical Plant**

1. Cameras and related equipment
    - The cameras and related equipment should be installed as outlined in the recommendations contained in several reports. The recommendations include additional cameras and upgrading of surveillance equipment.
    - The control room should be operated primarily as an Event Driven Monitoring Center. This is accomplished by integrating the access control, alarm monitoring, and CCTV systems. There also needs to be a protocol for the placement of cameras.

2. Alarms
    - The installation of all alarms previously recommended in the reports should be promptly completed.
    - Install an intrusion alarm on all exterior doors, including roof access doors on all buildings.
    - Install delayed egress panic hardware at the ground level doors to provide an additional 15 seconds of response time.
    - In the courtrooms, replace all kick plate duress switches with under-the-desk latching duress buttons. All duress alarms should cause a camera call up in the Sheriff's control room.

3. Access Card System
    - Enhance the access card system to assist in securing limited access areas as outlined in several reports.

4. Door Security
    - All security doors should be secured at all times.
    - The key card access should be available to court employees to ensure rapid and quiet entry and exit from every courtroom in the Justice Center Tower.
    - Closing times in motion sensors should be reduced.

C. **Operations**

1. POST Orders
    - Develop and implement current POST orders for specific position to provide consistency in operations.
    - There should also be a review, with revisions and updates of court procedures on an annual basis. These would include such policies as the gun and screening procedures.

2. Court Buildings
    - Encourage the acquisition of the Atlanta Municipal Court Building
    - Movement of all criminal and domestic relations courts to the Justice Center Tower.

3. Training
    - The training of judges and employees on security issues should continue on an annual basis. Lack of training is a major concern in courthouse security.
    - A critical incident emergency plan should be developed and training conducted to ensure that all personnel know their roles and responsibilities. Refer to the National Center of Courts Final Report Volume 3 and The Courthouse Commission Policy and Procedures Subcommittee for additional information and recommendations.

4. Magnetometers
    - The Sheriff's Office should inspect and calibrate magnetometers regularly and make sure they are maintained in proper operating order.

5. Security Personnel
    - Security personnel should be on duty at the entrance to all judges' corridors from 8:30 a.m. – 5:00 p.m.

Tier 2 Recommendations (2007)

A. **Physical Plant**

1. Alarms
   - Install recommended intrusion alarms as indicated in listed reports.
   - Install intrusion alarms on the ground floor windows.

2. Doors
   - Install a door in the hallway leading to the judge's corridor on the fifth floor of the Justice Center Tower.
   - Repair the jury room doors as needed and remove the electronic lock release from outside the jury room doors in the Justice Center Tower (See National Center for State Courts Report, Volume 1, page 56).

3. Monitoring Station
   - Install a monitoring station in the security office at the top of the ramp near Mitchell Street in the sally port holding area.

Tier 3 Recommendations (2008)

A. **Manpower**

1. Enforcement of Parking Ordinances
   - Ban all vehicles parking on streets adjacent to the courthouse buildings and enforce parking ordinances.

B. **Physical Plant**

1. Lighting
   - Enhance external lighting on outside of buildings with timers or light sensors with certain lights connected to generators.
   - Install battery power emergency lights to provide for an escape route in courtrooms and other windowless public areas. The bailiffs should routinely check areas.

2. Perimeter Security
    - Reevaluate all perimeter security access points as indicated in several reports.
    - Increase to eight feet the height of the fence in the general maintenance area which could allow access to the courthouse building.

3. Courthouse Stairs
    - The stairs in the Courthouse and Tower which exit to the outside should be monitored at each floor with heavy duty status switches. The switches should be connected to an alarm panel and to the matrix switcher.
    - The fire exit from the unloading area to the ground level of the General Services Courtyard should have an optical beam installed at the bottom of the stairs for early warning.
    - A camera should be installed at the top of the stairs.

4. Security Check Point
    - Redesign the security check point on the second floor between the JCB and Administration Building.

C. **Operations**

1. Command Structure
    - There should be Command Structure reorganization within the Sheriff's Office. There are too many supervisors and not enough line officers to effectively provide courthouse security.

2. Operations
    - Have security operations in place to insure that the courts can operate from 0900 – 1700 hours and to ensure a deputy is always in court when court is in session and during recesses when the public is present.

FULTON COUNTY COURTHOUSE COMMISSION

SECURITY REVIEW COMMITTEE

FINDINGS AND RECOMMENDATIONS

SECURITY REVIEW COMMITTEE

- *Chief Richard J. Pennington, Co-Chair*
- *Commissioner James Donald, Co-Chair*
- *Judge Penny Brown Reynolds*
- *Mr. Charles Felton*
- *Ms. Dale Nesbitt*
- *Rev. Darrell D. Elligan*
- *Judge T. Jackson Bedford, Jr.*
- *Sheriff Roger Garrison*

	FINDING		RECOMMENDATION		ACCOMPLISHED		If no, please explain.
					Yes	NO	
1	Inadequate external lighting.		Enhance lighting w/timer or light sensors w/certain lights connected to generators.			X	Forwarded to the General Services Department in 2003
2	Security in parking area.		Security guard to control all access to parking areas. Install a CCTV .		X		Judges parking area only.
3	Thick vegetation along base of building.		Remove vegetation.		X		General Services will only trim the trees. Will not remove.
4	Issuance of access card system and keys.		Sheriff's Office should control all access to the facility.			X	Currently in transition (Access issued by GS. Sheriff's office will take over within a month)
5	Loading dock Security Specialist can not screen deliveries		Install an x-ray machine and magnetometer (Security is now using hand wands for screening)		X		X-ray Machine has been installed; no magnetometer has been installed in this area; Armed security has been added since March 11.

6	Monitors in the Central Control Room are too far away		Deputies should be directly in front of the monitors.		X		Monitors need to be enlarged (budgetary) Requested in the 2004 Budget; also waiting on response from 1.5 million grant application)
7	Concerns regarding the Skywalk		Create a screening station at the skywalk entrance to the courts.			X	Additional staffing needed. In process of implementing Deputy has been assigned; X-Ray machine repaired but no power.
8	Chambers are accessible to the public near the cafeteria.		Construct a wall to secure the chambers; install CCTV; make door emergency exit only with an alarm and electric locks controlled by Security Specialists; and an intercom system.			X	Forwarded to General Services (budgetary); project in process of being implemented. Was requested by Judge Schoob in 2003; will ask for Special Funding for video equipment.
9	Doors chocked open, compromising security.		Inspections conducted to note security compromises and discussed at the Court Security meetings.		X		Doors are no longer allowed to be propped opened.
10	Contract security guards performing functions in the court		Hire additional Security Specialists; Sheriffs will be in complete control of screeners.		X		Retirees and Reserve Officers have been assigned.

11	Command structure - too many SSgt. & Lts.		One Sergeant per floor to be responsible for the floor rather than acting as bailiffs. One Lt. should be assigned to the Court Security Complex.			X	Reassignments have been made so that each Sgt. Is responsible for 2 courtrooms. One Lt. averages two floors to supervise. Top heavy with Sgts. Through attrition, some positions will be eliminated.
12	Hours of operation (0800-1600) Duty begins at 0900 hours.		Change hours to 0900-1700 hours.			X	Roll call and building opens at 8:30 am and inmates arrive. Impractical Private Security and Deputies are assigned to the Courthouse 24 hrs a day.
13	6 day training requirements		Consolidate training to half-day blocks at the Court facility.		X		Began in 2003
14	Protection of Judges by Court Services Unit with no formal threat assessment or management program.		Dignitary Protection Unit should be trained in threat assessment and management.		X		After March 11, a database profiling judges is being built. Sgt. Assigned is on the Dignitary Protection Unit.
15	Fulton County Marshals do not provide security to criminal courts or assist in security for the complex.		Marshal's Office should be more involved in Court security.			X	Requested Marshals do not have general police powers, therefore can not be involved in Court Security.

16	*Court Reporters are currently responsible for handling and securing evidence for court.*		*Sheriffs should be responsible for handling all evidence.*			X	*District Attorney's office helps to secure evidence.*
17	*No signed orders or notices regarding screening responsibilities.*		*Sheriff or chief Judge should issue an order and post same.*		X		*Signs posted in 2003 after the first study was conducted.*
18	*Magnetometers are calibrated and checked by county maintenance personnel.*		*Sheriffs should be responsible for inspecting the magnetometers every day.*		X		*Magnetometers are checked daily. Certified calibration is done by the company. Suggested that a Deputy be trained to calibrate instrument.*
19	*Inconsistencies in the screening process.*		*Issue a Standard Operating Procedure for screening operations and ensure that all screeners are trained annually.*		X		*<u>All</u> persons must be screened. Training should be documented. Will speak with Airport Security reference to their training of screeners.*
20	*Pryor Street entrance has issues with screening, hand-scanning, vouchering of contraband, securing firearms, and entering the Clerk's office w/o being screened.*		*Redesign entrance to allow for one-way entrance and one-way exit; Screen station with x-ray machine and 2 magnetometers; relocate contraband vouchering operation; create a traffic flow pattern.*		X		*Completed in 2003*

21	A significant number of prisoners are transported to court w/o ever being produced in court which creates a staffing and safety issue for Sheriffs.		Only prisoners with a high expectancy of appearing in court should be brought to the complex. Provisions for timely transport of others needed in court should be developed.		X		Reduced inmate limit to 225 daily
22	Lack of day-to-day communication between the Court Services Unit Command Staff and the Court Administrators.		Sheriffs should brief Court Administrators daily on any changes in security and emergency procedures.		X		Court Administrators have Security Liaison. Also weekly meetings.
23	Entrance to Justice Building is under-utilized		Should consider completely closing the entrance, closing the entrance for a portion of the day or making it an employee only entrance.			X	Difficult to gain access to the Carnes Building from other buildings. Sheriffs want an "Employee Only" entrance.
24	The [illegible] to th[illegible] exit [illegible]		[illegible] alarm[illegible] [illegible]ed by [illegible]				[illegible] request [illegible] for [illegible] CCTV [illegible]
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27	No [illegible] Juve[illegible] fa[illegible] from [illegible] dnigh[illegible] 0600 h[illegible] whic[illegible] poses a security compromise.		[illegible] monit[illegible] at t[illegible] Fulton County Jail.			X	B[illegible]

JUVENILE BUILDING

UNITED STATES MARSHALS SERVICE 2003 REPORT					
28	Because the entrance to the Judges Chambers is not controlled or secured, install an entry control package to include electric strike lock on door, monitor and two-way intercom system and a strike lock release button.		X		Intercom and camera system installed in Justice Center Tower and in the Lewis Slaton Building.
29	Install alarm buttons at judge's and secretary's desks.		X		These alarms are checked periodically. There should be a standard protocol for checking all equipment.
30	Cover all windows with blinds or curtains.		X		Recommended to Judges. Some Judges did not want blinds.
31	Install battery powered emergency lights to provide lighting for an escape route. System should be checked monthly.			X	Recommended to Judges. Have generators but no power; requested on May 17th.
32	Increase Sheriff's space to allow for expansion of court services.		X		Working on funding for project.
33	Do not allow public access to probation offices. Access should be controlled by receptionist with an electronic door lock and duress alarm (to be included in offices where interviews are conducted).			X	Will forward recommendation to Probation Office. (Because of security risks, will discuss further with Probation Office)

34	Employee entrances should remain closed and locked at all times and an entry control package installed.			X	Do not have dedicated employee entrance. (Dedicated employee is needed)
35	Chief Judge should issue a court order requiring all law enforcement personnel to secure firearms at the entry control point in gun lockers. Courthouse security personnel should always know who is armed within the facility.		X		
36	Security Screening Posts should be staffed by armed law enforcement officers. All duress alarms should terminate at this point -to the Sheriff's Office after hours and on weekends.		X		
37	All Departments accepting sizable amounts of cash, checks or money orders should be equipped with a secure public counter.			X	Must be paid for out of other department budgets (budgetary) Requested (Was not approved in previous budget)
38	Use an armored car service or armed escort for daily deposits.		X		

39	Change combinations to safes or vaults annually or with personnel changes.		X		
40	Install an intrusion alarm on windows and doors, including roof access door.			X	Budgetary (Unknown whether this was requested in the budget but it is needed. Windows will not open.)
41	Light switch controls should be key operated or kept closed and locked (no public acce		X		

42	Periodic patrol by uniformed officers		X		
43	Eliminate Sheriff's parking and create building buffer with concrete barriers			X	Forwarded to General Services Department. Was requested previously, but was denied because of a budgetary issue.
44	Street-level CCTV coverage			X	Budgetary. Requested improved CCTV System
45	Install delayed-egress panic bars, cameras and alarms on emergency exit doors.			X	Budgetary. Requested improved CCTV System.

46	Install active barriers and full CCTV coverage in prisoner vehicle sally port			X	Budgetary. Requested improved CCTV System.
47	Isolate prisoner area from judicial parking with fencing and secure gate		X		General services working on.
48	CCTV cameras directed on each cell			X	Budgetary
49	Mirror tinting of cellblock control room windows			X	In process of implementing
50	Install cuff/food ports in all cell doors			X	Budgetary. Requested of General Services Department.
51	Adjust Deputy/prisoner ratio		X		Less inmates being transported daily (Additional staff needed.
52	Install prisoner walk-thru metal detector		X		

53	Use handcuff & leg-irons on all prisoners			X	Ordered additional leg-irons and handcuffs. In the process of implementing. Currently have 4-man chains. Have ordered single man chains; should be available within a month.
54	In courtroom, use highest allowable restraints.		X		
55	Avoid single Deputy movement of prisoners			X	Buddy system used.
56	Keep leg-irons on prisoners in cell blocks.			X	No enough leg-irons (on order).
57	Consider need for Deputy to be armed		X		
58	Use contact/cover technique when armed deputy is necessary.		X		

59	Install duress alarms for Judges & Deputy Clerk		X		
60	Install ballistic material in judges bench.			X	Budgetary (Never requested)
61	Install emergency lighting in courtrooms and holding cells				
62	Relocate courtroom light switches to secure container		X		
63	Install CCTV camera for courtroom coverage and judge's entrance to parking.			X	Part of new video package requested. Working cameras

64	*Better secure holding cell weapons locker.*		X		
65	*Create security checkpoint on the 8th floor.*			X	*Checkpoint is being set up on the 2nd floor bridge. (Both building entrances are being screened now)*
66	*Increase number of CCTV monitors to make observation easier.*			X	*Requested (Budgetary)*
67	*Install motion-activated cameras to limit the number of images that need to be monitored.*		X		
Cameras in the courtrooms are not working because there is no power available. The Sub-Committee requested a copy of the request to hook up the cameras. Why have cameras not operational?					