

January 6, 2006

Friday, January 6, 2006 - Meeting between Chief David Wray, City Manager Mitchell Johnson and Human Resources Director Connie Hammond.

**MJ** - What I wanted to do today ... you met with me a little before Christmas and you asked me what was the end game. I told you then - I don't know and needed to read all of the information and documentation that was provided to me and I have completed that. And that as you know, is all based on interviews and process that that group had done, RMA and the City Attorney's Office. And, what I want to do today is to give you a bulleted outline of the report that was given to me, the information that I now have and reviewed, and let you know what my game plan is in terms of how I want to handle things moving forward. Then talk a little bit about some of all of those issues but I think the first thing that I want to do is to go ahead and review this document because that really seems to be the basis of our discussion.

**WRA Y** - reviews document (tape runs for approximately 5 minutes without anything audible.) OK.

**MJ** - Given this information that has been provided and the documentation that seems to support it, from a process standpoint, what I would like to do next is put you on administrative leave but make that effective 8:30 Monday. During that time, I would ask

you to come back at 8:30 Monday and I would ask that [REDACTED] become the Acting Chief in your absence and [REDACTED] would be here, at that time to receive it. Apparently there is a police procedure of turning over the equipment and stuff and I would want him to receive it. I want you to know from a process standpoint what I plan on doing during the administrative leave process is to ... , I've read all of the reports that were the background for this, but before I make any final decision, I wanted to look the individuals in the eyes and talk to them. I also have the issues with [REDACTED] that are still outstanding and I need to talk to them and understand why they did what they did or what they did. And I would appreciate any feedback, if you want to give it to me today or Monday, that would be OK too, about their actions in this process. To be frank, they either did what they did to some degree without you knowing about it and your finding about it later or they did what they did with you knowing about it and you directing them or knowing about it and allowing it to continue. Either way it's a serious issue, obviously. I have talked with Council because I wanted them to be prepared for where I was going, I told them I was not sure what the direction would be or what the actions would be but that given the information that had been presented to me that, I would need to come to them Tuesday night in Executive Session and get their approval to release information, because obviously when we are dealing with the Police Chief any changes that happen and any decisions that are made are going to have to be explained to the public and I need their approval to release information about personnel actions and the rationale for those actions. At this point, effective today, access to the computer in your office has been basically removed and at this time it should be locked in terms of access to your office lock key and password. I hate to take this kind of action but the problem is my trust has been completely shattered by what I have read and what I have been told. And I've had several people indicate that they feel like I need to protect records and so I've decided to do that because I think that's better safe than sorry in that instance. I'm requesting that you don't have any conversations with employees, police

employees, or other employees about pertinent issues with regard to this. Obviously, you have a lot of people that are friends, people you may want to talk to and I can't nor would I want to bar you from the ability to talk to those people but with regard to anything to do with police business or any of the issues discussed in this report, I'm asking that you not have those conversations.

Based on the information provided in the report and the reviews that have been done, I'm going to be bringing [REDACTED] back next week sometime. I'm not sure when, there's a lot to be worked out on that and I expect to return him to duty next week. I think that's basically it.

There's a lot of issues here. I've read through all of the documentation. I've read through your interviews both the October interviews and the November interviews. Fundamentally, I think my greatest disappointment is that the organization and myself, [REDACTED], the Mayor, the public has been led to believe something that based on the information that has been provided just simply was not so and that, at the end of the day, is unacceptable. There's a lot of other issues here as well but that issue for me is the one that is killing me. So, I haven't, as I say, ... in this process, I am trying to go through every ... dot every I and cross every T and go through every procedural thing that I can think of to make sure that I have been absolutely as fair as possible and during the administrative leave process, I plan on interviewing these people and I will be interviewing you, obviously, as well. I need to be able to contact you so that we can get together and go through the formal interview in terms of this stuff that's been provided but that's kind of where I am today and I will be glad to hear your response.

WRA Y - Let me make sure I understand. Computer access is locked out. Access to the office as well?

MJ - Yes

WRA Y - Is what you are saying? OK.

MJ - Now if you have something in your office that you need, I can make a call.

WRA Y - Well, I want to return down there when I leave and get anything I need out of there before I go. I'm assuming termination is the route you want to go ... I mean I have an opportunity to get my things ...

MJ - Yes ... yes

WRA Y - Mitch, I'm going to tell you that much of this I don't agree with. Much of this is not what ... is not consistent with the information I have. If, you know, if I felt like I had lied to you, I would be man enough to say - look I told you a falsehood. I would tell you right now, and look you right in the eye, that I did the very best I could and believed I was doing what was right based on the information I was given. Now, as Chief of Police, I am responsible for everything that happens on my watch and I don't deny that but I stepped into this, if you recall, one of the issues that, actually the foremost issue, that was discussed in the Chief selection process was integrity and the second thing was staffing. Integrity was the first thing and everything I have done down there has been for addressing the concerns that [REDACTED] and you gave me about integrity, staffing, other kinds of concerns that were down there, having a rapid deployment force, lots of other things. And everything that I have done was based on information that I was given from people that I had faith in and most of whom I've work with for a long time. Now, some of the folks, [REDACTED], I've had little contact over the years but others I've had extensive contact and have never been misled by them. Some of this is and is very inconsistent with that and some of this stuff, the connect the dots thing, I think I told you how that came about and how it was

something that I told Lorraine Ahearn, who was one of the folks that actually came to me about [REDACTED]. And everything that I have communicated to you and to [REDACTED], I believe it to be accurate information. Some of the things here that are the intimation that we are hiding a black book, I was trying to verify what the black book issue was and actually told [REDACTED] to secure the book. There's nothing about that that [REDACTED] secured it, got it from [REDACTED], secured it in his office and then put it in the trunk of his car because he felt like that was more secure. I mean there is a number of things here ... this thing with [REDACTED] ... that's not unusual for us to act pretty quickly on something we don't find any other information to support that and [REDACTED] was the supervisor over that and every dealing I ever had - [REDACTED] is a man of integrity. I am not aware, nor have I ever been aware, that [REDACTED] was in the employ of the Greensboro Police Department. The Intelligence Unit said this began sometime around October 2002. I wasn't the Chief at that time but I will tell you that I consulted with [REDACTED] and asked how he used intelligence and he said no different than you guys have been using ... we conducted some surveillance of officers and we followed up on what we called criminal stuff and sometimes it ended up with them knowing about it and sometimes it didn't. [REDACTED] was the supervisor of Intelligence when [REDACTED] was here. Same kinds of things and in fact used a tracker. [REDACTED] called me and I've had ten times number of people call in and say [REDACTED] is bad. You have that in policing. [REDACTED] didn't get along. [REDACTED] He took [REDACTED] everywhere he went in the department. [REDACTED]. And, in fact, I worked to try to involve them in the [REDACTED] case. Ah ... . . . . . and then there were other things and what I will do ... I mean I will prepare written responses to these and next week if you want to talk, I mean I will be prepared to answer these and I will take the hits on the things that I've done. I'm not willing to take hits on things I haven't done. That's as honest as I can be back with you.

I will be respectful of the process, respectful of your office like I've asked you to be respectful of me. Ah ... the ah ... what I need to do and if you want to send somebody with me, that's OK, and not only do I need to get some stuff but I need to let others know basically what will be going on and if you want [REDACTED] is here today, to be on call this weekend, I mean I need to go ahead and get that in motion in the event something were to happen tomorrow or Sunday. Ah ... you know throughout this entire process, I've had lots of conversations with folks but at no time have I been a part or would I be a part of trying to circumvent the investigation here and I'm not going to try and do that now but my concern is that the office be able to carry on. Ah ... now ... in terms of timing, you go to Council Tuesday - are you intending at that point to already have a decision ... or

**MJ** - No

**WRA Y** - Are you looking at this being a week or two or ... ?

**MJ** - Well ... I don't have a time line on what it will take - what I will need to do on Monday is a press release with regard to an Acting Chief. Between now and Monday as far as I'm concerned you are still the Chief but I realize being barred from your office and all that may put you in a position where you feel like you would rather be ... and if you feel like we need to go ahead and start administrative leave today, I can do that.

**WRA Y** - Well, I'm not trying to be ugly about it but I'm just trying to ... if you think about the practicality of this ... , I mean I appreciate the respect of Monday but uh ... really we probably ought to make arrangements now, if in all likelihood nothing happens over the weekend but if something

significant happened that would be probably difficult to explain. Uh ... if I'm out Sunday night and then Monday morning this occurs. Uh ... I don't know the best way of doing that. Uh ... the uh ... what I can simply do is just get [REDACTED] or one of them or [REDACTED] to be the Acting Chief throughout the weekend which is what I would do if I were out of town. And if you want to start it on Monday, I don't think it's fair to the organization that I be making calls over the weekend. The other

piece of this is ..... you know, Mitch, I'm not and have never been confused about the Manager's uh .....right to hire and fire but obviously I've got my positions on this and uh ... I think I'm right and I think I've done right and I think time will bear that out but at the same time, if you choose to do that, I mean I've got to look at my employability and my uh ... and especially my retirement. So, you know, I need to work out some logistics of that - when it comes to that and I guess Connie would be the person to work with on that. I've got probably 70 hours of annual leave to take to convert and either uh ... if it goes to termination - we need to look at what is fair in that because I'm also not going to be able to take that. Will that be a payout or conversion to leave that would go toward years' of service, you know, that's something that uh ... I'd have to look at. But, at any rate, Mitch, uh ... I appreciate your time and I appreciate your sharing this with me. I'll look at this and uh ...

MJ - Well, with regard to this key issue, you know you and I have had several conversations about [REDACTED] and about the process - what has become true and I realize after reading your interviews that, what your position is in terms of having been told a lot of this and I realize as the Chief, whether you were told or not, what happened in your shop is what happened in your shop. But, there wasn't ... most of that issue on [REDACTED] that ... I know that's what you've been told. [REDACTED]

WRA Y - I was never told that [REDACTED] was the target of an OCIDEFT. I was never told that and I've never told anybody he was the target of OCIDEFT. Uh ... his name surfaced with the [REDACTED] OCIDEFT from the case. And, that is how that information came to us.

MJ - Right

~~\*~~ WRA Y - We never portrayed him as that and, in fact, had he been a part of the OCIDEFT and had been the focus of that, [REDACTED] But, we are not at this point concerned, if you move forward with the kinds of things you need to do." And that was my first conversation with them. But uh ... uh ... the briefing that I received both, and the other assistant chiefs, downstairs here and again in my townhouse to go over it again to make sure which is all guys got asked about, you know, if you, if those guys gave you an accurate account of that, those were lengthy briefings where I asked a ton of questions and [REDACTED] was present for one of them. And uh ... so those are some of the things that I will respond to with you. Uh ... and uh ... You know, you have my word of honor that I will not be ugly about any of this and I haven't been. I mean, I've tried to not do anything down there since September that would look as if we were moving to supersede or short cut anything, in fact, I mean I was up front with [REDACTED], and told her that I did not agree with the findings of fact of [REDACTED] Report. I gave her what their findings were and marked through it and told her what mine were and what my recommendation was and you know, if I were trying to hide something at that point, I mean I would have been ducking for cover. Uh ... and stuff like [REDACTED] calling, Mitch, Police Chief gets that stuff all the time. More people called me on [REDACTED] being a bad cop than on [REDACTED] calling about [REDACTED]. But this isn't the time for this; I'm sure but uh

MJ - Well, I guess, my concern is how, of course, how we move forward in the department and I certainly understand your concern about where your career goes from here and whatever the differential issues are in terms of retirement or something, depending on what the final decision is uh ...

WRA Y - I'll tell you, Mitch, that uh ... when I took this job, I was very honored to get it and although I didn't know you quite as well as I knew [REDACTED], I absolutely wanted to make sure that [REDACTED] recognized that he had made a good decision and if you recall, we had a series of meetings, some with [REDACTED] and you and some just the two of us where we talked about a list of things that were problems in the organization and, pretty long list, and I have been about attacking those from day one. You know, probably the foremost example was the schedule. Which I knew, when I bit that off, it was going to be a problem. [REDACTED] [REDACTED] knew it was a problem and didn't want to bite it off. Uh ... and, you know, if I were concerned just about me, then I would have resisted every way I could doing what I did and I've been pretty steadfast in - guys this is the best thing. In terms of this kind of stuff, you know, if you think any Chief in his right mind wants to walk in to be told about this stuff, I mean, you're wrong. Nor have I enjoyed being called over to [REDACTED] and [REDACTED] talking about how they were going go after [REDACTED] if we didn't do something ourselves. Uh ... you know, uh ... actually I felt like my response was pretty measured doing all of this and that uh ... and I did my very best to try to what I believed was right. Uh ... and I'll tell you too, you know, I, [REDACTED], the guy that I promoted, brought him into my office and his name surfaced as someone that could be providing information and you know, Mitch, I wanted so bad to go to him and say, whatever you are doing, just stop it but I couldn't do that. If I were a liar or something, I wouldn't have been concerned about that, I would have just gone to [REDACTED] [REDACTED] and said, look here, Buddy, I want you to stop this stuff but I couldn't do it. This is a guy ~~★~~ that I [REDACTED] him every day and the issue came up while we were sitting in this

conference room that [REDACTED] had been unfairly targeted and that [REDACTED] had, not [REDACTED], but [REDACTED] on his own had had a prostitute call him to try to get information. You know, I specifically asked [REDACTED] ... this is not what [REDACTED] told me. How did you guys do this? And he gave me a story and [REDACTED] confirmed that but to go beyond that, I called across the street to talk to [REDACTED], who was the [REDACTED] that was supposed to set all of this up. I asked him; tell me if I am wrong. [REDACTED]. Uh ... because even then, I wanted to make sure you know, I have invested in [REDACTED], I've invested in [REDACTED], I've invested in [REDACTED] doesn't mean that everything that they do is right but I've invested in ... guys, you got your act together, right? And you know, even during this process, and I think they've been up to see you or maybe Legal, I'm not sure. [REDACTED] came to see me, to tell me that he didn't think, he wasn't ugly, but he didn't think we had done nearly enough and was still concerned as to why we weren't doing enough and you know, my response was - bring me something. The same thing with Lorraine Ahearn when she came in to see me and said, you've a dirty [REDACTED] out here. What are you going to do about it? Bring me something. Now ... uh, when I walk out this door, Mitch, even if it is for the last time and I've been here for 25 years with this department and have a couple of years of prior experience, I intend to hold my head high. And uh ... my career has been a good one and I've been true to my oath and I've been true on this. There may be mistakes and I told you that whatever happens in my department, anything that happens out there with all of those guys that are out there right now, it's my responsibility and I don't abdicate that. At the same time, I have been clear on the tapes and interview with [REDACTED] and the interview the second time, which I had no notice of, which was essentially an ambush, but I walked in and said the same thing. That this was what I knew, this was when I knew it and this is how I acted and moved to handle it. And ... uh ... but I figured this was coming. I mean this is not a surprise, a Friday afternoon meeting. Joe Williams is already spreading the word that the Chief would be gone by the 12<sup>th</sup> or so uh... I figured something,



something was about to happen but uh...I'll be in Monday. Uh.... you're going to have the meeting here at 8:30? And if you need me to contact [REDACTED] ... uh ...

MJ - I've asked him to be here.

WRA Y - OK, so he knows to be here ... OK

MJ - He knows to be here. And if you want to call him, I don't know if he is on duty or what, but he, I've told him, I know he is trying to take some leave, but I told him I would cover his leave. Uh ...

WRA Y - He's off today but he's like all of us, he's trying to get leave time out of the way but [REDACTED] is here, right now, or she was when I came upstairs, so ...

MJ - OK, well, think about your process and where you want to go with this. That's why I wanted to give you the weekend and be respectful of not having a meeting where you walk in and immediately ... uh ... I understand. I'm not, I guess the one thing that I would say is ... I'm willing to discuss some other kind of process but you need to tell me what you are willing to do with regard to that, with regard to your responsibility because as I said before, my concern moving forward is the department and the organization and the community and uh ... I would prefer not to get into the issue with the press of releasing a whole lot of information. I don't ... I know that Council will approve it and I will have, obviously, some control over what I release ... uh ... but I think there may be better ways to handle it.

WRA Y - You know, we're both men, grown men, uh ... and certainly I want time to think about it but layout for me what you are saying, Mitch. And ... I'm trying, I want, I appreciate the fact that you have tried to make this easy and I'm trying to make this easy for you but tell me what you are saying. Are you saying that if I chose to resign that ...

MJ - Given the information I've seen, I would be willing to discuss a resignation with you, that I could support but that would have to be combined with some sort of press release from you that does the job of explaining why you're resigned, why I have taken the position that I have taken and starts the process of healing. And, if you want to discuss that, you can. I'll get [REDACTED] involved from her ODC role and her communications role to have a second ear and she understands what I need and she understands your role and where you are \_\_\_\_\_. So ... uh ... I think that's up to you and I want you to know that I am not trying to negotiate, I just, this is a very difficult thing for me and I do not want to go, and for obviously 10 times more, a hundred million times more for you, but I don't want to go through this process in any way that is any more ... detrimental than it absolutely needs to be. And like I said, you may come back with some information, you've given me a little bit of your view, I've read your, like I said I've read your full interviews, uh ... I do understand in some parts where you're coming, I'm not sure I completely agree with your assessment of some of this but at the same time, the bottom line, for me, has to do with what was presented to the public and what I and [REDACTED] and the Mayor and others have presented that I believe [REDACTED], no longer appears to be true and that may have been the communication from what I read in the interview you had with RMA. It seemed pretty clear to me that was an awful lot of information that you were given that is not true, just simply not true. Uh ... now why that is, how that happened, I can't understand that right now, I don't understand that ... but it has created for us as an organization and for the community, it has created a tremendous problem that is going to take some real work to get out ... in terms of

trust ... so, that's why I say, I mean I am willing to discuss or work with you and try and get some other options that can, if those options can help us build trust, and move forward.

WRA Y - And, Mitch, you know, I'm concerned about the community and the department as well. But at the same time, it's something that I've got to give a lot of thought to myself because, you know, if I felt like that I had done something really wrong, betrayed trust, which is what you are suggesting, I'd have cut and run a long time ago. Uh ... I don't think I've done that. Uh ... there were mistakes made in this thing, uh ... and some people dropped the ball in different places and things weren't coordinated right and I knew that then and was dealing with it and actually held up dealing any further because you folks started your investigation. If you recall, when we sat with the 3 minority officers and Joe Williams, they brought up about 12 or 14 different cases which I immediately went downstairs and asked that folks review ... and those came back and none of those divided up among the assistant chiefs had any finding that there was any kind of problem with those investigations and I forwarded that information to you. Uh ... you know, there is, with any information that comes in, there's a price for acting on it, a potential price, but there is also a price for not acting on it. And, if I wanted to get [REDACTED], I mean, I would have been a lot more aggressive early on with this ... uh ... and as I told you earlier, based on the discussions I have had with my staff, intelligence, if it's been operating as a secret police, it's been doing so for 25 years and uh ... these are things that I have to consider and you know, and you know if, if at the end of the day, if I choose to try to not resign, which would mean perhaps termination, it that's the direction you are going to go, and the thing goes public. then I will have to accept my responsibility in it and that would be hard but I can do that. But, I will also have to defend what I feel like is uh ... things that I am being accused of that I am not responsible for. Uh ... the uh ... that's really about all I have to say. The uh ... I appreciate the time. Is there anything else that I need to know from my end?

MJ - I can't think of anything right now uh ...

WRA Y - I may be asking you on Monday for my statements that I made to, I guess, [REDACTED]

[REDACTED] and to RMA and uh ... uh ...

MJ - So, as far as this evening and the weekend goes, you are going to ask [REDACTED] or

whoever to do ...

WRAY - Yeah, and ...

MJ - Acting ...

WRA Y - Yeah, and I think that's the prudent thing. I mean, I'm going to tell you, Mitch, that I'm the sort of fellow, you can believe it today or not, that if we had something Sunday night, I mean I would go and do my best to resolve it. Uh ... but at the same time, I'm not sure it is wise for you, you know, uh ... I don't have access to the computer or anything and you know, if I go away on a weekend, it's pretty rare, I'll just tell one of the others that, you know, you got it and I can, and if [REDACTED] already knows this, if I can get up with him, I'll just say, [REDACTED], you've got it. If not, I'll get up with [REDACTED] or [REDACTED] and just say you guys have it until Monday.

MJ - Well, he's the one that I talked to, to prepare for the possibilities and I told him that I would call him to let him know where we were and if I needed him for Monday morning.

WRA Y - Well, if you want to call him, and just let him know that uh ... he'll need to be on call for the weekend but uh ... on Monday after we meet, are you going to put a press release out then? Is that right?

MJ - Right. But, I guess my concern is, at this point, between now and then there's a fairly high probability of press ... of a lot of press interest.

WRA Y - Oh, yes, I'm sure. Yeah, these things get out uh ... you know the memo that you sent me ... they somehow knew about that just hours afterward and I didn't call about it. I'm sure that there will be uh ... (long pause)

MJ - Ok, let me call [REDACTED].

HAMMOND - Are you calling [REDACTED]?

MJ - Yes.

HAMMOND-Ok

WRA Y - Mitchell, what we typically do and this is going to be your call, when we place someone on leave is uh ... badge and ID card and weapon, which I can have Monday. Now, the other stuff, are you wanting to just hold that pending the disposition, final disposition? That's what we typically do.

MJ - Yes, the badge, ID, gun ...

WRA Y - But all of the other stuff we have, typically, we leave that with the employee until we make a decision uh ...

HAMMOND - Gun, badge and keys and that kind of thing.

WRAY - Yeah. The uh ... the final thing is when do you anticipate interviewing me?

MJ - I'm going to try to do it as fast as I can but I would like to speak to [REDACTED] first and there's a couple of others so it could be ... you know it could be the end of the week, it could be the next, or the week after.



WRA Y - Ok, well, you know, I want to, obviously we do this, and I am familiar with the rules. I mean I have counsel and at some point, you know, I would like to get the counsel involved so if it comes down to some negotiation or something like that, and obviously when we interview people, we typically don't allow counsel in administrative investigations but in certain phases of it, we do. For instance, like with the, you know, the Board of Inquiry, so uh ... at some point, if we negotiate or whatever, you know, I'm going to seek the advice of counsel, would like to have counsel present, will ask that and will weigh you all's responses if it comes to that. Uh ...

MJ - I'm going to call [REDACTED], could you come to my office, please?

HAMMOND - Are we done with the official portion of this?

MJ - Yes.