CIVIL SERVICE BOARD OF HALL COUNTY

STATE OF GEORGIA

JACK DODD and)
RANDY L. HENSLEE,)
Appellants,)
vs.)
HALL COUNTY, GEORGIA)
Appellee.)

* * *

Hearing Before the

Civil Service Board of Hall County

November 18, 2013

9:00 a.m.

Hall County Government Center
2875 Browns Bridge Road
Gainesville, Georgia

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MR. BARFIELD: I will entertain a motion that we open this hearing up. Do I hear a motion.

MR. WAYNE: Move.

MR. BARFIELD: Do I hear a second?

MS MACK: Second.

MR. BARFIELD: All in favor, let it be known by saying aye.

BOARD MEMBERS: Aye.

MR. BARFIELD: We're ready.

MR. SARTAIN: Mr. Dodd, Mr. Henslee, my name is Mr. Perry Sartain. I'm counsel for the Civil Service Board. My job here is to make sure that you have an impartial hearing today. Even though it's an informal hearing, we still take the testimony under oath. The Civil Service Board are volunteers. These are volunteers, and so if you would, please get to the point. Make your testimony brief, but to the point.

At the end of the testimony, each of you will have an opportunity to give a closing statement. At the end of the closing statement, I'm going to ask everyone to leave and the board will deliberate. Once the deliberations are finished, you'll be brought back in, and at that point the vote will be taken and the decision issued.

Mr. Barfield, as you know used to work with the county, the sheriff's department, and so I just want everybody to be aware of that and I'd ask each of you if you have any objection to Mr. Barfield sitting today?

MR. DODD: No objection.

MR. BRALOCK: We have none.

MR. SARTAIN: Have you decided which of you wants to go first?

MR. DODD: I would like to go first.

MR. SARTAIN: Okay. And Bill, do you want to swear then in.

[!WITNESS NAME], having been first duly sworn, were examined and testified as follows:

MR. DODD: One question, sir, will there be opening statements or just go directly into it?

MR. SARTAIN: You can have an opening statement as well.

MR. DODD: All right. Ladies and gentlemen of the Civil Service Board, my name is Jack Dodd. This is Larry Henslee, and we are the appellees or the appellants in this matter. I'm going to give a brief opening statement. This is basically what we intend to prove at this hearing.

(Discussion ensued off the record.)

MR. DODD: I'll start again. My name is Jack Dodd. This is Larry Henslee. We are the appellants in this matter. I'm going to give a brief opening statement of what we intend to prove in this and what we believe that the evidence will prove.

The evidence in this matter is going to show that Hall County Sheriff's Department had policy and procedure in place that would allow only a ratio of five to one. That is there were only five prisoners to one law enforcement officer allowed. We were not supposed to take anymore than five per officer. The evidence is going to show that we were ordered to disregard those and we have taken -- when I say we, myself and Larry Henslee have taken as many people up, two of us, as 30 at a time. Additionally, in the afternoon, we were required to pick up as many as 19 with one officer.

The evidence in this matter is going to show that we did not allow the prisoners to escape because of negligence or inattentiveness. It was just the fact that we could not handle that many prisoners. It was a violation of policy. The real reason -- the evidence is going to show that

Henslee and Dodd didn't fail to do our job, but in addition to being required to carry more than policy and procedure said, we asked constantly to be given a place to unload and load the prisoners, a secured area. The Hall County Sheriff's Department refused to give us a secured area. The evidence will show that we had to load and unload all of these high number of prisoners either by ourselves or just the two of us out on the sidewalk in the middle of citizens walking up and down, in the middle of people that were friends of the prisoners. Many times -- the evidence is going to show that many times we have prisoners that would -- or people that would walk out on the sidewalk yelling back and forth to the prisoners. We've had to ask them to move on and order the prisoners to keep quiet.

The evidence in this matter is going to show that Henslee and Dodd did not fail to properly restrain James Cantrell before he escaped. There is policy that says they must be handcuffed and shackled. It says that they should have waist belts, waist chains on them and they should be shackled. And I would ask that you keep this in mind; there is a section in there that says that

they should have been crossed or crisscrossed and handcuffed in a crisscross manner. The evidence is going to show -- I believe and I think the evidence is going to show that that policy was not even in effect, that the crisscross was added after we were terminated.

At any rate, when there is a policy like this one, we were told immediately in the transport thing that if a person is injured in any way, that we are not supposed to handcuff. If they have visible injuries, we are not to -- in fact, it says we don't have to shackle or handcuff if that person is injured.

The evidence will show that James Cantrell was injured. He had a knee injury, and the investigation performed by Sergeant Long himself says that James Cantrell was not only injured, but he was scheduled for surgery. We are ordered by policy and procedure -- the evidence will show this -- that we are to treat the prisoners humanly. That's exactly what we did. We followed policy to the tee.

In the situation where we did not have a secured area, the evidence is going to show that there are two Hall County captains that came up,

looked at the secured area and discussed with between themselves, with myself and Henslee and with a fence contractor putting up a fence. Had that fence been put up, ladies and gentlemen, there absolutely would not have been an escape. It would have been an impossibility. Again, Hall County Sheriff's Department didn't do anything to send us up there and put us out in that position.

The evidence is going to show that immediately after the escape of Cantrell, we were -- myself and also Henslee were relieved of duty, transport duties and transferred to the jail. Immediately after our termination, the evidence is going to show that the Hall County Sheriff's Department began putting people, enough people in. This will be shown by direct testimony. They immediately, after the escape, the sheriff's department started putting in adequate number of law enforcement officers to transfer all of those prisoners. They didn't do it until after we were terminated and after the escaped.

The evidence is also going to show that rather than using what we call the minibus, the minivan, which is a 19-seating arrangement for the

prisoners to be taken, immediately after or shortly after, the minibus was sold. The evidence is going to show that the transport officers were ordered to drive the minivan without the proper license. We have checked into it. We were told there is an exception for law enforcement. There is not. We were ordered to disobey the laws of the State of Georgia and drive that minibus. That was done by the supervisors of the transport division.

The evidence is going to show when we objected to all of these violations of policy, we were told to either do it or we'll get somebody else to do your job. In fact, they told us we're going to fire you if you don't do it.

The evidence is going to show that there were cameras in place at the Hall County courthouse and that those cameras -- I'm assuming -- I've only been able to see it one time, but those cameras viewed the entire movement of every prisoner from the time they're picked up inside the sally port, going through all of the outer doors, out and into the van. No one obviously was viewing that -- those cameras. Now, they are viewed -- the evidence will show that the personnel from the

courthouse sit in the control room and view those or can view those prisoners, every single one of them going out, but nothing was viewed. Apparently they weren't viewing it and if they had been, as I recall, the videos, it shows Cantrell stepping off to the right. If they had been viewing that, ladies and gentlemen, the evidence is going to show that the escape would have been stopped right there.

The evidence is going to show by testimony that when the prisoners were brought to the jail, that Deputy Henslee carried all of the inmates in except for one. That was a female arrestee. By policy that we have followed and procedure that we have followed for four or five years, I took the arrestee into the booking area. Deputy Henslee took the inmates into the transport area. I was in booking. The evidence is going to show that I was in booking, and I admit that I don't know what happened in there when the actual head count was supposed to have taken place. I know from the report, which is evidence, that the person that's supposed to have taken that report was Lisa Harris. Lisa Harris -- I'm sorry, not taking the report, but to make the head count was Lisa

Harris. Lisa Harris did not make the head count. She was there. Officer Henslee -- the video shows Officer Henslee walking in and he didn't see Lisa Harris, who was supposed to be out doing the head count. He went on in and put the people in the cell. I don't know which cells, but that's what happened. That failure was done by Lisa Harris, that counting. She was required to do the head counting. She didn't do it. The only difference was -- and the evidence is going to show that if Lisa Harris was not present, then the head count was supposed to have been done by whichever one of us was there, either myself or Deputy Henslee; however, she was there. Deputy Henslee didn't see her, but she was there.

At this point, I won't take note -- well, I'll make that in a motion.

The evidence is going to show that neither myself or Officer Henslee knew anything about the prisoner escaping until I was sent to the courthouse at 2:00, somewhere around 2:00. I had to go to the courthouse to pick up a juvenile to take to the Original Youth Development Center. The evidence will be shown by testimony that Sergeant Tapia was up there. He met me and asked

me -- he was taking a stolen truck report. He asked me if we had lost a prisoner, and I told him I had no knowledge of any prisoner being missing. At that point the evidence is going to show that is the first time that we knew -- had any indication that there may have been a problem. I immediately -- the evidence will show that I immediately called Deputy Henslee and asked him if we had anyone missing and to check. Officer Henslee said he would do it and he did so. He at that point had gone back into booking. At that point Deputy Henslee talked to Deputy Larocque -- I think Corporal Larocque from the courthouse. They determined that a prisoner was missing. He called me on the phone and told me that there was a prisoner missing. That is the first time that we ever knew it. Had no idea that a prisoner was missing until then. At that point, the evidence will show, through testimony, that I dropped the witness off -- the person off at OYDC, and immediately I had asked for Deputy Henslee to get me the address of Cantrell. He did so. I immediately went to Cantrell's address and there was probably 15 or 20 vehicles, law enforcement vehicles in that area. People were all given the

information that James Cantrell had escaped, who he was, what he looked like, and at that point, what he was driving, the vehicle that was stolen.

The evidence is going to show in this matter that Deputy Henslee at the exact time that he found out from the corporal at the courthouse and he found it out, the exact time that he found it out, the evidence is going to show that Sergeant Ashley, who was in the jail, was standing there. He overheard the conversation. He asked, was there an escape. Deputy Henslee said yes. That is important to know because the evidence is going to show we had no supervisors in effect at that time. Terry Baines, who was -- had been relieved of being sergeant, or at least he was no longer a sergeant. He was relieved of that. He wasn't present. The only person that -- in actuality, the evidence is going to show Lieutenant Seymour, who had been in that position for less than two weeks, and he was nowhere around.

The evidence will show that in that case, the supervisor that we had was Sergeant Ashley, and he knew immediately that there was someone missing and he locked the jail down, he and the lieutenant.

I'm concluding, and I'm sorry I took so long, but the evidence that we're going to show is going to show that these policy violations and these alleged occurrences, which always encompass the same thing, is negligence and inattentive did not exist. The sole reason that this happened is that we could not do our job adequately because we were overloaded. Thank you.

I would like to point out there may be some misconception. I am not the attorney for Larry Henslee. I will do what I can because both of our case is the same, but I do not represent Larry Henslee. So in that event, he has the same right, I would say, to open.

MR. BLALOCK: Mr. Henslee, do you want to have an opening?

MR. HENSLEE: No.

MR. BRALOCK: Mr. Chairman, members of the board, as you know, I represent the county -- Bill Blalock, county attorney. And once again, we are here to determine whether or not certain employment with the county should have been terminated.

You are sitting as factfinders and you're sitting basically as administrative judges, in a

sense, and what you heard this morning from Mr. Dodd was opening statement setting forth his, and I assume Mr. Henslee's position with regard to what happened.

This is a little bit of an unusual case. You will see today video of the actual event. We have the video. It was taken from security cameras at the courthouse and you will see how these prisoners were transported. You will see what was done and what was not done, and you will see what substantially forms the basis of what ultimately ended in a termination of employment from these two deputies. So it's not a matter that he said, she said. It's a matter that we will have to show you as the event occurred because it is on security cameras. The courthouse has the security video system, and what it will show and what the report will show -- and the report has been referred to by Mr. Dodd as the investigative report that Sergeant Long did. It will show that notwithstanding good intentions and notwithstanding their service with the county, on July the 16th, 2013 while detailed as transport officers, they allowed a prisoner to escape. It's not a matter of if we had had more, we could have

done more or if we had fences, we could have done this or we could have done that.

You will see on the video what they didn't do, and you will have pointed out to you by their supervisor what they should have done with regard to how they handled this transport.

Now, we have several officers here, including the sheriff from the sheriff's department. This was not a decision made by one person in the sheriff's department. This decision was made by a direct supervisor. It was appealed to the sheriff. You will see that the evidence shows that the sheriff upheld this termination, so it was not likely taken. It was not a quick decision without a great deal of thought put into it.

So what you'll have today is you'll have a presentation by Mr. Henslee and Mr. Dodd followed up by a presentation from the county or the sheriff's office. And at the end of all the evidence, we will ask you to uphold the Sheriff's decision, that these two deputies while carrying out their duties as a transport officer were negligent to the extent they allowed an inmate out of their sight to simply walk away from the group he was in, hide in an alcove ultimately after they

left with their other prisoners, came out and he stole a pickup truck out of the garage area there behind the courthouse. The inmate has escaped, but you will also see from the evidence that that wasn't all that occurred. When they got back to the jail and the prisoners were unloaded, the first thing that was asked by Officer Harris, who was another deputy handing out lunches to the inmates, is I've got an extra lunch, Mr. Henslee, Deputy Henslee, where is Mr. Cantrell. And the response was, according to the investigation, oh, I think he's in or I know he's in the holding pen back there.

Well, at that point, under the rules and regulations and the requirements of the sheriff's department, someone should have verified that he was or he was not in that cell. As it turned out, he couldn't be in that cell. He was well on his way out of town in a stolen truck at that point, but immediate action was not taken by Deputy Henslee, as a matter of fact, by Deputy Harris to verify whether or not he was there. And, in fact, as Mr. Dodd indicated, ultimately the way the sheriff's department found out that he made his escape is someone reported a stolen vehicle from

the courthouse, and that's when they found out that Cantrell was missing. The vehicle was gone and the alert was put out.

So you got two things here that you're going to hear today. Number one was did they perform their duties properly. We suggest the evidence shows they did not. They were negligent and you'll see how. Number two is under the guidance and direction of written orders and policies of the sheriff's department, they were under an obligation to immediately, upon suspecting they had an escape on their hands, to immediately report that there had been an escape or it was suspected that there had been an escape so that action can be taken as opposed to an hour or two or three later, after the man has already disappeared and left the area.

So at the end of the day or at the end of the conclusion of the evidence as you're going to hear today, we're going to ask you to uphold the termination as dictated by the evidence and as found to be appropriate by the Sheriff of Hall County.

Thank you very much.

MR. SARTAIN: Mr. Dodd, do you have a witness

or do you want to take the stand?

At this point if you're going to give testimony, I would ask that you go ahead and take the seat.

MR. DODD: Ladies and gentlemen, I will be testifying basically to the things that I said before. I will start off by saying again, my name is Jack Dodd. I was a deputy with the Hall County Sheriff's Department for about four or five years and I was in the transport division. My partner for that entire time was Deputy Larry Henslee. All during the time that we worked together at the transport division, we worked part of the time for Sergeant Nicely and part of the time for -- our immediate supervisor was Sergeant Nicely and part of the time sergeant Terry Baines, or then Sergeant Terry Baines. We, the entire time that I worked there, were required -- let me back up and say policy, and that is not objected to, as I understand, from the Hall County Sheriff's Department. As I stated, it's a five-to-one ratio. We are not allowed -- not supposed to carry more than five prisoners for one deputy. And as well as did the policy and procedure said, if it's a murderer or something like that, you

should have two deputies carrying that one murderer, if it's a person like that if it's still a five-to-one policy. At no time from the time I arrived there until the time I was terminated were we allowed to carry just five-to-one ratio. Terry Baines told us that we would carry the number of personnel that were there. In the mornings when we took -- we would sometimes take 30, 40 prisoners. In the morning Terry Baines would ride with us with enough personnel usually, adequate personal. Sometimes they were short, but he would ride with us and the adequate personnel. That was in the morning. At the evening pick-up, we had three delivery and then pick up during the day, but after that first delivery in the mornings, we had no help whatsoever. It dropped down to two personnel, myself and Deputy Henslee. We were either to drive the minibus or a van or what we call the large bus, and that was a school bus, a converted school bus, depended on how many prisoners there were. At the first, I suppose, couple of years -- I'm not certain about that time. For the first couple of years, we had to pull into Broad Street, which is at the courthouse, and they finally put a yellow curb

there, but it was not up at the trash door. It was back the side of it where you just pulled in and there was a yellow curb. Again, we had to park on the street. There was absolutely no security. We complained about that. We complained about it to Sergeant Baines. He wouldn't do anything about it. Nothing was ever done about it. Finally a yellow curb was put up by the City of Gainesville. Shortly after that, we -- the department filed the minivan, which helped 19 people, 19 inmates, and it was divided into three sections so that we could separate the females from the males and also it was five prisoners in the back, 12, I think it was in the middle, and then two up front. At any rate, it all totalled out to 19, and we had to put the females up front.

At no time despite requesting to be sent to the State patrol and to get our CDL license, despite complaining about that, we never were allowed to get a CDL license. We were told to drive without them, which is a violation of state law. The sheriff's department refused to let us get the license.

At any rate, when we would take those

prisoners up, we would either have to drive the minibus and vans and sometimes cars and sometimes that big bus. We had to park out the outside in the middle of the citizens of Hall County on the sidewalk, unsecured, no security whatsoever, and we had to take all of those prisoners off. And again, as I said, in the morning, we had adequate help. At the 12:00 pick-up or carry-up, it was just myself and Henslee. In the afternoon sometimes it was Henslee and I, but then sometimes it was just us by ourself or Deputy Peppers, Deputy Simons, other transport officers that would have to go by themselves, sometimes driving the minibus, picking up 19 prisoners and bring them back. I've done it myself, 19 prisoners that I would have to take out there. Most of the time, we would have -- and I will say this: The Hall County courthouse tried as much as they could to help us, but unfortunately they were shorthanded and many, many times, most of the time, they didn't have anyone that could go out with us and certainly did not go down with us to the courthouse -- I mean to the jail. Excuse me.

I will start on the 16th of July, the morning that we took the prisoners up, I think that we

took twenty -- I'm not exactly sure, twenty something prisoners. There was adequate personnel provided to take those prisoners up that morning. James Cantrell, the inmate that escaped, was one of those twenty something prisoners. They were taken in. In the mornings when we -- before we go in, the system is one of us had to go in and count those prisoners off and mark them off by name when they brought them down and put them into cells. That was in the transport office prior to taking them up to the courthouse. At that point, we would verify from court, at least, that we had every prisoner. Most of the time or a lot of the times, we would have the wrong prisoner, but we caught it right there.

Handcuffing, we would handcuff every prisoner. Every prisoner that was taken to that courthouse was handcuffed. We would not -- and policy says -- I will introduce that at this time -- wait just a moment. Would I give -- I would like to submit this for evidence and testify from it. Who would I --

MR. BRALOCK: I just need to look at it, Mr. Dodd, to see if I have an objection.

MR. DODD: I have to testify to that one and

then I have to use that one, if it's okay with you.

MR. BRALOCK: I have no objection.

MR. SARTAIN: If you would, just identify what you have there.

MR. DODD: I'll identify this as -- I'll mark general order number 9.3-01-03A. I'll identify it as Plaintiff's P-1.

MR. SARTAIN: If you would just mark that as Dodd Exhibit 1.

MR. DODD: All right. It's considered Plaintiff's Exhibit 1. We'll mark it as Dodd-1.

(Plaintiff's Exhibit Dodd-1 was marked for identification.)

MR. SARTAIN: It's admitted.

MR. DODD: I have this marked as Dodd Exhibit 2. This is general order number 9.3-01-03.

(Plaintiff's Exhibit DODD-2 was marked for identification.)

MR. SARTAIN: Admitted.

MR. DODD: I will introduce this into evidence as Dodd-3, and it is general order number 1.02F.

MR. BRALOCK: No objection.

(Plaintiff's Exhibit DODD-3 was marked for

identification.)

MR. SARTAIN: Admitted without objection.

MR. ROBISON: Mr. Dodd, the procedures here is P-Dodd-1?

MR. WAYNE: Has this been verified that this is the procedure? Is that what we're being presented with, the procedures?

MR. BARFIELD: Apparently, yes. It's the general order, so that would be yes.

MR. WAYNE: Not being familiar with the sheriff's department's rules and regulations, I'm just wondering what I'm looking at.

MR. BARFIELD: That's what you're looking at.

MR. WAYNE: And they're trying to show us that this thing is underlined. Is that the only thing they're trying to show us here?

MR. BARFIELD: Evidently.

MR. WAYNE: I just want to be sure I'm not missing something.

MR. BARFIELD: Okay.

MR. DODD: I would like to enter this into evidence as Dodd-4, and it will be four years of performance evaluation report on myself from the Hall County Sheriff's Department.

MR. BRALOCK: No objection.

(Plaintiff's Exhibit DODD-4 was marked for identification.)

MR. SARTAIN: Admitted.

(Discussion ensued off the record.)

MR. BRALOCK: My objection is that these documents, whatever they are, are not certified or signed as official documents.

MR. SARTAIN: What kind of documents are they?

MR. BRALOCK: I'm not sure what they are.

MR. DODD: These are documents served that are given to us every day by Hall County in the mornings with a list of prisoners. They are not signed by anyone. They are just a printout of the prisoners that we carry and the number of prisoners, their names and everything. There's no place for a signature because no one person gives them out. They are just printed off of the computer by the personnel in the transport office and given to us.

MR. SARTAIN: That's fine. Are those original?

MR. DODD: Yes, sir. These are the ones that are given to myself. I can testify that they were given to us in the morning both dates, and these

were the originals that were given to us and we kept them and marked them off when we were taking them up.

MR. SARTAIN: Bill, do you have --

MR. BLALOCK: Can I ask a further --

MR. SARTAIN: Yes.

MR. BRALOCK: Why don't you get over to the microphone so that the board can hear us.

EXAMINATION

BY MR. BLALOCK:

Q With regard to these documents, you testified that these are documents that you maintain. Personally you've maintained these documents?

A After being given to us, we maintained some, but --

Q Are those documents not something you're supposed to turn in with a head count?

A No, sir, it is not.

Q What do you do with such documents?

A We took these documents every morning and as the prisoners were brought in, we would count them off by numbers and by names and mark them off that we were taking to court. These same pieces of paper were used when we picked up the prisoners at 12:00. And in the afternoons, if we were up there -- it could have been another

officer -- we would, again, use these to call off the prisoners' names when we picked them up at the courthouse to make sure that we had picked up the prisoners.

Q Do any of these documents reflect the date of July the 16th, 2013?

A No, sir, they're not. This is just to show the typical numbers that we had. The only reason I'm introducing these is to show that we at times were told to take 20, 30 prisoners at a time.

MR. BLALOCK: In addition to authenticity, I would further object to the basis of relevance. This is not relevant to this particular incident.

MR. SARTAIN: I'm going to sustain the objection, but you can testify to what was done, but I'm going to sustain the objection and not admit those records.

MR. DODD: Yes, sir.

MR. SARTAIN: Was that Dodd-4 or was that Dodd-5?

MR. DODD: Dodd-5.

MR. SARTAIN: Okay.

MR. DODD: Ladies and gentlemen, I apologize that I do not have a separate copy for each of you. As often happens, when I was making copies, and most of it was yesterday, that I had my copier

pick that exact time to flash up that I was out of toner and I could not make copies, and I apologize to you for that because I would have liked for each of you to have a copy.

Testifying from -- I don't know -- I've lost -- I'm testifying now to 9.3-01-03A, which is a general order from inmate transport external, and on this -- and I had marked it -- it says: Inmates will be properly restrained with handcuffs and leg irons for transport unless a physical condition, disability or other conditions would make such restraint impractical or further aggravate a medical condition. This is the beginning of that general order. It says: Officers should be familiar with the general procedures as outlined previously in section one. At that point, it goes on to say that all inmates will be thoroughly searched and restrained in handcuffs with waist chains, belts and leg shackles or handcuffed in a crisscross manner. Crisscross means one prisoner handcuffed with the right hand to the other prisoner's right hand. That's a crisscross. We never used a crisscross manner. We always handcuffed right hand to left hand. That allowed them to go up the stairs and

steps into the van, keep them from falling. To put a crisscross on it, would put them in a position of falling.

Now, going back to that first, it states that handcuffs, leg irons do not have to be used if there is a physical disability.

James Cantrell was injured and the investigation has shown that by Sergeant Long. He was injured. His knee was injured. I don't even know who and still don't know to this day -- I did not shackle any injured person. I did not hesitate to shackle any injured person. I'm not the person who did not shackle, but I think Larry Henslee made that decision, which I would have concurred with and I would not have shackled him. He was injured. To shackle him would put him in a position to fall. We're ordered to treat prisoners -- treat them humanly, and to shackle him would have put him in a position to falling, and he was supposed to go for surgery already. So that's why he was not shackled. It was completely within policy. We did not violate any policy.

I would point out on that following section where it says all inmates will be thoroughly searched and restrained in handcuffs with waist

chains, belt and leg shackles or handcuffed in a crisscross manner, I have never seen any kind of a order that said in a crisscross manner. It did not exist.

Deputy Henslee will testify to the same thing, I'm sure. Deputy Peppers will testify to the same thing. What happened was -- and I have about four or five CDs that we were given by the Hall County Sheriff's Department that has policies -- all latest policy and procedure. Policy nine is completely missing from any of those. Not one single CD has anything with a nine policy in it. It just appeared after we were terminated. It comes up with a crisscross manner. It never existed prior to our termination, and it was not issued to us. So crisscross, we had no idea. However, when we would transport, many times -- well, not many times. I know one or two occasions, Captain Mark Bandy went with us. On several occasions in the morning, Terry Baines would go with us. There were other sergeants that went, other people that went with us, and not one time had we ever been told handcuff in a crisscross manner. Not one time has anyone ever told us that we were doing the wrong method of

handcuffing or shackling. Waist chains, it says that we should have waist chains. Not one time in the period of time that I had been working there had we had waist chains available to us. There was two or three, I think, that was in Baines' office locked up, but we couldn't get to them. We never had waist chains. That would be just the chains where you were hooked in the front. You had to have the chain and lock and then you could handcuff in the front. We've never had those. The only belts that we've ever had were leather belts, and we had four or five of those. Transporting as many prisoners we had, we were transporting those. In any event, we would never, ever have taken a belt and put it on Cantrell with him injured, would never have done it. In fact, we were go beyond putting the handcuffs on him. Actually if we would have left the handcuffs off, we would have been okay. Even putting the shackles on him, if we could have and that would have been improper, it had nothing to do with the escape because the only thing the shackle does is prevent the prisoners from running or kicking. That's the only two things it does. You can walk with them.

The evidence that you are going to see on the videos shows him walking and that's all. Whether he had those shackles or not, he could have still have taken the steps to move to the right to hide.

On Dodd-2, very briefly, this is the old 9.3-01-3. It was under Steve Cronic. It's identical with the new nine system with the exception of crisscross handcuff. The only difference between it -- and I want to show you the difference that this is what we were operating on. There was nothing that said crisscross. Again, crisscross shouldn't enter into it because we were told not to handcuff anyway, but I just want to show that we were never told to crisscross until after the termination of myself and Henslee. The other officers were asked if they wanted to. That will be testified to by Deputy Peppers.

The Code of Conduct, Dodd-3, states that -- and I'm just showing you some of the things that we were required to pay attention to. It says: Employee shall not mistreat nor allow any other person to mistreat persons who are in their legal custody. Persons in custody shall be handled in accordance with law and established procedures. The established procedures in this entire incident

was do not handcuff -- well, handcuff and shackle is at the discretion of the transporting officers and don't handcuff someone if it will aggravate or injure them more, and it very well would have aggravated and injured him by putting shackles on him where he couldn't walk good, where he was -- if he had fell off one of those things. We were completely within policy.

I'd like to point out number 27 on this, which is number 1.02F, general order, and it is signed by Gerald Couch or his name is on there. It says: Lawful orders: Employee shall obey all lawful orders issued by superior including any order relayed from the superior or by any employee of the same or lesser rank. Employees who are given an otherwise proper order which is in conflict with a previous order -- at this point I'm pointing out that after one policy -- and we were told take as many as there is. Not only you two. This is a conflict with a previous order regulation or directive -- shall respectfully inform the individual issuing the order of conflict -- not every time, not every day we did not tell Terry Baines you're in conflict, but we told him several times. Well, he knew that

anyway, that he was in conflict in ordering us to go in conflict with a five to one. It puts us in danger and just absolutely loading us to the point where we could not carry that order out. And it says: If the person issuing the order does not alter or retract the conflicting order, the last order shall stand and be followed. Under such circumstances, the responsibility shall be upon the supervisor who issued the order and the employee shall not be held responsible for disobedience of the order previously issued.

That places the responsibility for anything that happens for us carrying more than a five-to-one ratio squarely on the shoulders of Terry Baines. Not one thing has ever been said, to my knowledge, to Terry Baines about violating that policy.

I would request number 31. I request you remember this, and I know I'm putting a lot on you and I apologize. It says: Immediate supervisor's failure to take action, supervisors, regardless of rank or position are prohibited from failing to supervise assigned employees in compliance with agency rules, orders, directives and policy.

B, not initiating complaint procedures or

notifying superiors when required or when appropriate, or failing to take other appropriate actions necessitated by the situation by agency directives, or that is otherwise required by duty.

I would point out to you that Terry Baines never, ever has given myself or Deputy Henslee a reprimand. Never has he given us any kind of verbal reprimand followed up by document of that verbal reprimand. He has never given us -- he has never written us up for a violation of any kind of policy, never, and yet, he said out there by his own admission, and it will be coming up -- he sat out there and watched us load and unload all those prisoners and then complained about it in this instance after the prisoner was gone and had never, ever did any disciplinary action towards Henslee and myself. In fact, in the performance evaluation reports I gave you, you get a three for a normal -- doing a normal job, doing okay. You get a four for above average. You get a five for, I suppose, excellent. I have never received anything other than fours or fives the entire time I've been there. And there is a section there that says Dodd follows orders when given those orders. Not one time have I ever been written up

for ever violating policy or doing anything wrong contrary to what you will hear testimony given.

Again, I got to the point, but I had to introduce that paperwork as to the procedures that should be followed. When we got to the courthouse and I went over and took the person into the booking area, I had to stay over there with that female until she was searched, her property was checked out, handcuffs removed, shackles removed and she was taken into the system in booking before I could go over into the transport area, and when I got to the transport area, the head count was sufficient or was already performed as far as I know because it was several -- the head count is supposed to be performed immediately when those prisoners are brought in. It's supposed to be performed by Officer Harris. I learned later, way later that Officer Harris failed to do it. There's a statement going to be made that Officer Dodd and Henslee were supposed to do it when she wasn't there, the head count. She was there. That was not our responsibility. That was hers. I understand that it was hectic when we bring in prisoners like that. I understand why she didn't do it, but she didn't ask anybody else to do it.

She was in and out going other places, doing other things that wasn't -- I'm not even sure was her job, but she never one time asked Officer Henslee, according to his report that I'm sure they'll introduce into evidence. She never, not one time ask for any assistance in the head count. I wasn't there. I wasn't charged with that violation.

Speaking of numbers, there has never been ever any policy or directive, general order ever given to us concerning the minibus, the minivan, nothing. There's never been a policy or procedure that I'm aware of -- and I always could be wrong, but show me if I'm wrong. There's never been anything that said we count the personnel when we come out of the courthouse. We started out with the policy of counting. That was Henslee and I started it, but we were never required and didn't because when we take the prisoners into the courthouse or take them in in the handcuffs and then take them up, they perform their duties in court, brought back down. When we go back in there on the 16th, the two officers that went picked up 17 prisoners. That's far past the policy, far past the policy. There should have

been four people. Four transport officers were supposed to be there for it to be within policy. Complaint does no good. We're just told you do it or you're fired, you can find another job, but there was not four people there. There was two. When we took those prisoners out that day, we did like we always do. They are counted and accounted for by name and number as they go out the courthouse. If we take them up with shackles, then they go out with shackles. If we don't take them up with shackles, the courthouse could shackle them if they wanted to. They have their own shackles, but they didn't shackle Cantrell. When he left up there, he still was not shackled. Entirely within policy, the way it was supposed to be. Once we account for all the people that we're taking back, and there was 17 at that time, we take them out into the sally port, a secured area. No problem. We then go through a door, which D-2, we cannot get through those doors. No one can get through these doors. It has to be electronically released by the Hall County courthouse personnel in the office and they remotely open the doors. We go into one and it is a very, very small room. We have two officers and 17 people. We're trying

to get all of these people in as close to keep an eye on them, transfer them all through this very small room into what is known as the trash room, which is exactly that, a totally unsecured area that has trash from the entire courthouse. At times we have seen lead pipes. We have seen pieces of metal, glass, bottles, everything. We complained, told them they need to watch that. That's not our place. We can't tell them to stop using all that and stop putting it there. They were using it as trash and they continued using it for the entire time that was in the unsecured area outside. They would not give us an area to take those prisoners through. So once you get from the small room, D-2, into the trash room, which is a large room, they then -- usually a lot of times we had to call on the cell phone, which I had to do that day, and tell them open the door from D-3. D-3 was going into the trash room. And I had to call on my cell phone because they weren't watching and open it automatically for us to get in. We had all those prisoners surrounding us. As I recall, and I could be wrong, we couldn't get them all in there because it was so many, and Henslee was back with a handicap person. By

handicap, I'm talking about on a walker, and he was back with them and the female, which we have to keep in the rear because the male prisoners would pinch the females; therefore, we can't put them anywhere around the males. We have to put them in the rear. Henslee was back there trying to watch them. I was up front with 17 prisoners closely behind me.

It has been stated that we should have followed a policy of the internal transport, which is the jail policy. It has nothing to with the external. It's a possibility. We were told that we should have lined them up single file and walked them through. I had 17 people behind me, 17 prisoners. I had an open door out onto the sidewalk where anybody, everybody and their brother could come passing and do anything they want to us. I had to -- every single day one or two of us had to make the decision of either turn our back on the prisoners or turn our back on somebody that could be waiting out there with a gun, had a chance to have weapons, anything that they can bring against us and come at us, as opposed to prisoners who had been searched and watched and were handcuffed. Yes, I turned my

back on those prisoners because I had to. Had there been four officers, there could have been an officer up front. I would have taken that or another officer. That would have left at least two officers right there with those prisoners, then we could have lined them up. You can't do it with one. What you're trying to do is get them through that dangerous area and get them on that bus as quickly as you can. That bus is locked. Every section back there is locked. When I got up to that bus, those prisoners were right there like we've had it done for years and years. I would get in there, open those doors, bring the first five in, put them in the back, lock them up, trying to keep an eye through the bus of all the prisoners that's out there. It's hard to do, impossible to do. You can't do it with that many prisoners.

Again, let me emphasize, we asked for help and we couldn't get it, but that prisoner could not have stepped aside and got out if we had two more officers. Now, to be sure, there were two courthouse personnel that had -- not assigned to walk out with us, just that happened to walk up, and they said, we'll walk out with you. Where did

they stay? To the rear behind Henslee. They were absolutely no use to me. They didn't help me. Policy requires one officer to be up front at the door to the van, whether it's a van or the minibus, one officer to be back with the prisoners and moving them forward. That's exactly what we would have done if we would have had two more officers. When you don't have it, you can't do it. There's no way we could do it. We got those prisoners on there as fast as we could.

Now, he stepped off to the side as you see on the video, if the video is allowed. I have objection to the video, but that will come into effect when they try to produce it, but it shows the man walking off. Yes, he got away from us, not because of negligence, not because of inattentiveness, because we were overwhelmed. We could not handle that many prisoners going back to MR. SARTAIN, going back to the sally port. When we got there, I can only testify to the fact of what happened up to that point.

Now, once I left the booking area, I came straight into the transport area to help whatever they were doing. Shortly after -- we had no idea that anyone had escaped. I don't know -- I

believe the reason for all the mix-up is because we had 17 or 16, excuse me, 15 prisoners in there, and as in this report, Officer Harris was overwhelmed. Well, Officer Henslee was in there. He was overwhelmed. All of these prisoners that he has to take in -- now, he doesn't see Officer Harris, who is behind him in her office, and is supposed to be out there to do the head count. He doesn't see her, so he's trying to get -- when booked in, we have to take off handcuffs and shackles from every prisoner, every person. That was 15 people that Officer Henslee had to do by himself. He had to line up by requirement, line them up on the wall, unshackle them, unhandcuff them, put them in the cells. He had no help. If we had enough people, it wouldn't be a problem. We would have caught it right then. If Officer Harris had been able to do her job or had done it correctly, we would have caught it right then, but there was a lot of people running back and forth. I came in from the booking area. Within a few minutes, not knowing any escape had taken place, nobody says anything about it, Officer Henslee is directed to go to the correctional institute, which is just up the street from the jail and pick

up four prisoners, turned out to be six, and bring them back. I was then told go to the courthouse, pick up a juvenile and transport her to the Original Youth Development Center, which I did.

I met Henslee coming in with all his prisoners as I was going out. I got to the courthouse at around 2:00. When I got out at the courthouse, Sergeant Tapia was outside taking a report on a stolen truck. He asked me if I knew anything about the truck. I told him no. He said, did you know that there is rumor that a person with an orange jumpsuit was seen getting into a truck by a citizen and driving off. I told him, no, sir, I didn't know that. I immediately called on my cell phone at -- I think it's 12:04 -- I mean, 2:04, called Deputy Henslee. I said, Larry, are you sure we are not missing anybody. They're saying that somebody in an orange jumpsuit stole a truck, probably stole a truck and left. Larry said, I don't know, I will check. About 15 minutes later, he called me and he said, we're missing James Cantrell. At that point I was in my patrol car taking the OYDC, the girl down to OYDC. I told Henslee, I said, get me an address on him where I can go. As soon as I

drop this girl off, I will go. It takes several minutes to get into OYDC. They're very slow down there, very meticulous about the intake. I told them to hurry. They did. I came out. Henslee calls me with the address and I go straight over to start looking, and when I got there, I would say there was probably without exaggeration, ten or fifteen vehicles, law enforcement vehicles riding all around in that area, looking for Cantrell around his house.

When Larry Henslee called and told me we had that prisoner missing, that was the first time that we knew. That was after I had called him and told him to check. That's the first time that we knew that there was a prisoner missing.

The Hall County courthouse didn't go back and look. If they had when they first came out and found out about that person in an orange jumpsuit -- I was told that there were some that saw it from whatever that is over there. He had seen it happen and he had told them about it at that point. I would have thought that they would have checked it, but nobody checked the video to see if anybody was missing. They were still investigating the truck. And at that point, after

I called it in, it was discovered that that prisoner was missing.

The report states clearly that when Henslee called, he was in the booking area. He had gone back into the booking area and he called and was talking to Corporal Larocque at the courthouse, and she told him you have 17 that you were supposed to have back and you arrived with 16, counting the arrestee. She says, that's where it happens right there. You're missing a person. We still had no idea where we were missing from. And of course, he called me immediately that he was in booking. He walked from booking on into the transport area with a -- it was a prisoner. Martinez tells Henslee then you got a man missing. That's the first time any -- as I understand it. I never was told by anyone and I wasn't there. At that point Henslee told him, yes, I know, and it's Cantrell. He knew it at that time, and they went ahead. What took place after all of this, I do not know because I was not there.

There is no policy and procedure that we violated certainly intentionally or negatively, and I'm not saying that we're angels with wings. Yes, we could have done this and we could have

done that, and we could have taken a chance. We could have stopped him, lined them up along the wall right up next to all these weapons and stuff and the trash bin. There are other things that we could have done which would have put us in more danger, put the citizens in more danger. There are things that we could have done. Maybe we should have just refused and took determination for refusing to obey a direct order. That's our choices. You either violate the policy and procedure or we're going to fire you. At no point were we negligent.

Again, I want to point out that you would definitely carry far more than the policy said when we were carrying 30 people with two officers or 19 prisoner with one officer with the knowledge of the Hall County Sheriff's Department, the direction of the Hall County Sheriff's Department. I don't understand how they can say that we're negligent. We were doing everything that we could possibly do.

That concludes my testimony.

EXAMINATION

BY MR. BRALOCK:

Q Jack, from what I can tell from your testimony,

you feel like the blame for this incident lies with Officer Harris; is that correct?

A Some blame, yes, sir.

Q Officer Baines?

A Most of the blame, yes, sir.

Q What about the Sheriff himself, is he to blame in this case?

A Well, you're asking for my opinion. I think the Sheriff is responsible for anything that happens under his administration. Now, I'm not saying that he was there and said go ahead and take more than you were supposed to, but it's his personnel that ordered it done. To that extent, yes, sir, I think the Sheriff is absolutely responsible, and he, I think, will tell you the same thing.

Q Well, is there any blame on your part or Officer Henslee's part at all?

A Yes, sir. I told you about that. We thought about that. We could have said we're not going to follow that order and gotten fired because that's what the policy says --

Q Who would have fired you, Jack or Mr. Dodd?

A Hall County.

Q Who would have fired you if you would have taken that position?

A The Hall County Sheriff's Department.

Q Who runs the Hall County Sheriff's Department?

A Gerald Couch.

Q Right. Did you ever take this issue up with Gerald Couch?

A Now, that's a good point, Bill. I'm glad you asked that because I just read the policy that once an issue has been raised, once you say wait a minute, this is not correct, this should not be done, we are to follow that order that is policy and procedure. That's one thing. Right there it says you will follow this order or else, and then the blame, if anything happens on at that point would have been Baines, but let me say this: You do not go to the Sheriff with a complaint. There is a chain of command that you have to go through.

Q Did you go through the chain of command with the complaint?

A I sure did.

Q Who did you talk to?

A That was the sergeant, and the sergeant -- and at that point --

Q Sergeant who?

A Sergeant Baines.

Q And did you get an adequate response to your complaint?

A Nothing other than do it, take them up or --

now, that day -- this is -- if you're asking me if that day --

Q Well, did you ever a complain that day?

A Yes, sir.

Q Did you refuse to carry these folks without two more guards?

A You can't refuse an order unless it's illegal, Mr. Blalock.

Q Mr. Dodd, you have introduced general order number 9.3-01-03, have you not?

A I did.

Q I believe that is your Exhibit D-1; is that correct?

A Let me make sure. That's 03A -- 9.3-01-03A.

Q Well, 9 -- well, let's look at either one of them. 9-3, 9.3-01-03A. You introduced that as D-1; is that correct?

A That is correct, sir.

Q Look at page seven of that document. Do you have that before you, the bottom of the page, line above G. Do you see that?

A That's correct.

Q Do you see that note?

A Yes, sir, I do.

Q It's in bold point type, is it not?

A Yes, it is.

Q What does it say?

A "Note: Transports will only be conducted if adequate and qualified personnel are available."

Q Well, on the 16th of July was there adequate and qualified personnel available for you to transport these prisoners from the courthouse back to the jail?

A No, sir, there was not.

Q Then why did you proceed in violation of the policy?

A Because when we had asked Sergeant Baines to give us adequate personnel to take them, Sergeant Baines refused. He told us we don't have the personnel. You will have to do the best you can. We'd already done that. That day on the 16th, as I testified, Mr. Blalock, the sergeant was not available. Well, actually, he was no longer a sergeant. He had been removed. We had no sergeant.

Q Who was in the chain of command above Sergeant Baines?

A Lieutenant Seymour.

Q Did you get ahold of Lieutenant Seymour and advise him of your concerns?

A Lieutenant Seymour was nowhere to be found.

Q Did you try to get ahold of him?

A Yes, we did.

Q How did you do that?

A Asked if anybody knew -- I asked Larry do you know where the lieutenant is. No, nobody knows. I can't recall if we asked, but the reason that you don't keep asking day after day, after day would be ridiculous because you've already been told we don't have the personnel and we can't get them for you. You're going to have to do what you can do. And when you do it day after day, after day, after day for two or three years, asking for help all along, asking for security and you are told no, then no, sir, you don't every single day ask for that because you know --

Q On this particular day of July 16th, you couldn't find Lieutenant Seymour; is that right?

A We couldn't find Lieutenant Seymour. I don't even know where he was.

Q Who is the chain of command above Lieutenant Seymour?

A Probably the first lieutenant.

Q And who would that be?

A Mustachio.

Q Did you get ahold of Mustachio?

A No.

Q Did you try?

A No.

Q And who would have been in the chain of command above Lieutenant Mustachio?

A Lieutenant -- Captain Danny Woods.

Q Did you get ahold of Captain Danny Woods?

A No.

Q Did you try?

A No.

Q Now, did you ever call this at any time to the attention of the Sheriff and tell him that you felt like there was a problem with security?

A No, sir. You don't jump the chain of command. Once you go to a position, as it was with Sergeant Baines, as I told you before, once you go to it, policy and procedure and you see something is wrong, as we have complained numerous times for almost two or three years or maybe four, and you see there's a problem, you give your immediate supervisor notification, sir, there is a problem with this, it is not within policy. Once that sergeant says you will do it, you're required by policy and procedures, Mr. Blalock, to follow that order. It is not an illegal order.

Q Mr. Dodd, are you required to violate policy and procedure by an order from one of your superiors? You just read that a while ago, didn't you?

A Yes, sir, I am required.

Q Well, let me ask you again, are you required to violate policy by someone giving you an illegal order?

A That's not an illegal order, sir.

Q Well, if they told you to proceed without the proper security and the general order says transport will only be conducted if adequate and qualified personnel are available, then that becomes an illegal order, doesn't it?

A It's not an illegal order, sir.

Q What is it?

A It's an improper order. You need to understand that an illegal order is a violation of a statute or a code. That's illegal and that was not an illegal order.

Q That would be a violation of the general order, wouldn't it?

A It's a violation, but that's an improper order clarified and stopped by the fact that we told Sergeant Baines that we did not have adequate personnel, and at that time, Sergeant Baines said it doesn't matter, I want you to carry him out. Now, not that day, previously. Many, many, many times he says I don't care what the policy is. You will carry on. You have all of the personnel from Captain Woods and Ms. Mustachio, who had cameras on their desk watching us every day, I assume, loading and unloading all these prisoners by ourself. Never told us to stop. Never told us the chain, but that order right there says in black

and white, Mr. Blalock, if the person who issued the order does not alter or retract conflicting order, the last order shall stand and be followed. That's what we did, and you're telling me --

Q Even though it violates the general order for you to do that, you're telling me that you did it anyway?

A Yes, sir, because he has the authority to tell us and then if there's a problem, the responsibility is on him. That's what it says.

Q Let me ask you this, Mr. Dodd, had you refused to transfer out transport duty that day because you felt like you didn't have enough people and you could point out where that was true under the general order that you introduced and that you refused to carry out that duty, do you think this sheriff would have fired you for carrying out his orders, his lawful orders?

A I don't know. I didn't think he would terminate for carrying out the policies and procedures ordered by the sergeant of carrying 30 people up there with two officers, but he did.

Q Well, let me ask you this: You have two officers, you've got 16 or 17 inmates. Wouldn't that put you on an even more acute status about your surroundings and about the number of inmates that you have? Wouldn't you take every security measure to ensure that you were

going to be safe and that they were going to be safe under such circumstances?

A Everything I could do, every possible thing that Henslee and I could do, but when you are covered up and you can't do it because there's so many, yes, it's not just that day. We're on a heighten sense every day we take up there. We know full well that we are over -- the only reason we don't get hurt or killed is because those prisoners didn't want to hurt or kill us. We knew that we had to go up there and carry all of these prisoners for an excess and we were heightened. Yeah, you have to be heightened.

Q Well, if you were heightened, Mr. Dodd, why would you turn your back on them to lock or unlock the bus without having them stand up against the wall or to back up or to come forward one by one or two by two instead of just walking over, turning your back to them, walking into the bus without ever looking back?

A Okay. If you had seen, I was looking out once we get into the bus because it has to be unlocked.

Q So you turned your back on the prisoners?

A Yes, I did. May I answer?

Q Sure.

A All right. Go up to that door, you have to turn your back to walk out to get to the door on those

prisoners. I had 17 prisoners behind me, 17, Mr. Blalock.

Q And that's the point.

A Yes, sir. I'm trying to answer if I can continue.

Q Go ahead.

A If I had said you guys stand here until I go out here and get on the bus, I would have left those people in an area that was a trash bin with weapons, pipes, everything you can think of to use as a weapon that they could have got. I was trying to move those people in, get them on the bus, as I had been doing for three or four years, as fast as I could without stopping them in that area. Now, when we have enough where both officers, Henslee and I are in that area, we can control it and we can stop it, but when I'm alone up there with 17 prisoners, it's get them out of this area where they pick up something and kill you with it and get them on up there.

Q But yet you turned your back on them under those circumstances?

A Yes, sir. I had to move them as fast as I could because I didn't have any help in there.

Q And it was at that point that Mr. Cantrell simply stepped around the corner and into the little cubby hole that he hid, was that not?

A Yes, sir.

Q You've seen the video?

A Yes, sir, but let's get this out of the way. We have requested copies of the -- and I think you were the one that did this. We requested copies, day one of the investigation and were told you can't have it because of continuing investigation, which you brought, by the way.

Q There's nothing wrong with that, is it?

A No, because it's a continuing investigation. Possibly there's nothing wrong. The investigation was completed with Officer Henslee and myself. That could have been released, and the only thing that they would have had to worry about -- the fact is even when we did receive the report, finally, that was in November, the first of November, that's July until November that we've been trying to get that report, they still did not give us a copy of those videos and we don't have one to this day.

Q Have you seen it?

A Brought in, told to look at it, don't ask any questions, you're not allowed to ask questions. Look at it.

Q You've seen it?

A You run it through --

Q Who showed it to you?

A I saw it very brief.

Q Who showed it to you?

A Dale Long and Lieutenant Mustachio.

Q Now, you have indicated that also under the guidance that you introduced, which is general order 9.3-01-03, that you were not required to leg shackle Mr. Cantrell because of some health problem? Is that what you testified?

A That's correct.

Q Now, under section IV, chapter C2 of that guidance -- you got that before you there? I believe your document is E-2, Dodd Exhibit-2.

A Yes, I have it.

Q Look at page four of that document.

A Yes, sir.

Q C2, read that for me.

A C2 reads: "All inmates will be thoroughly searched and constrained in handcuffs with waist chains or belt and leg shackles."

Q Was Mr. Cantrell handcuffed with waist chains on this particular date, to your recollection?

A I know he wasn't handcuffed to the chains around his waist because we don't have them. We never have had.

Q Was that available if you asked for it?

A No, sir.

Q You don't?

A No, sir, we do not.

Q You don't have them at all in the inventory?

A I don't know where they are, but we didn't have them available.

Q Did you ask for waist chains?

A On occasions if we needed it, we would have asked for it. We didn't need it on Cantrell.

Q Why didn't you?

A Because Cantrell was injured and the policy, the first order, as you have just pointed out, is and these too are contradictory which one we're supposed to use, but common sense --

Q Why didn't you need waist chains with Mr. Cantrell on this day?

A Well, in the first place, if we -- he is no different than anyone else, Cantrell or anyone else. We didn't have them available. We never have had waist chains available to us or the lock to put them in. We had -- the only thing we had was about five or six leather belts. That's the only thing we had.

Q And what are those used for?

A Putting the -- you strap it around and put the handcuffs in front.

Q Did you have a leather belt on?

A No.

Q Why not?

A Because once you handcuff them -- and by the way, that had nothing to do with the escape, but once you put someone -- and it says here we don't have to use handcuffs or leg shackles. Once you put those on there, that totally destroys balance on anyone. You're having to go up into a van with several sharp -- I mean, extremely sharp edges, probably could be fatal with a person who has a knee injury and who is supposed to have surgery. That's why he wasn't -- why he didn't have one on.

Q It didn't affect his walking, though, did it?

A The leg thing?

Q The waist bands or the handcuffs.

A You think it doesn't affect walking?

Q I don't know. I said did it affect his walking?

A Yes. It affects anyone's walking.

Q Was he able to walk away from the group?

A Yes, he was. He could have walked off with shackles on.

Q If he would have had a waistband or leather belt or handcuffs, do you think he could have maneuvered an automobile as he did?

A Sure, because, Mr. Blalock, what you're talking about -- the only thing we had available to us -- we never

had the waist chains now, so you're wasting your time asking me to do that. If we had put that on there, when you walk out with a waistband, it's buckled in the back, okay. You know what I'm talking about? Just like a normal belt is hooked in the back, and then there's a ring or whatever about that big that the handcuffs go through and then you handcuff them.

Q And his hands are held out in front of him?

A Hands are still down in front. You got 16 prisoners behind him. All they have to do is reach out and it's gone. It would be useless.

Q Reach out and do what?

A Open the belt, take it off for him.

Q Of course, they're also handcuffed and shackled?

A Yeah, but okay look, I'm sorry -- all right. You got prisoners that are not handcuffed -- I mean, they're handcuffed in the front. The waist belt is a leather belt usually about that thick. It is fastened in the back just like a normal trouser belt. You just slip it in through there and hook it up. The handcuffs are in the front through a round ring. If I'm standing here and I'm a prisoner behind him, all I have to do is reach up there, flip it and hook it and he's out and he's gone. A totally useless gesture on their part. Frankly --

Q Mr. Dodd, let me ask you this: If you're keeping proper distances between prisoners, if you're making prisoners stand single file against the wall while you're taking care of other procedures, that minimizes any chance they're going to help each other if they're in shackles or handcuffs, doesn't it?

A No, sir.

Q It doesn't?

A Think about what you're saying. As I have said before, sure. Now, that single file thing is a policy that's written not for transport, sir. That is for the jail, inmate transfer. Now --

Q Well --

A Can I finish? Do you want me to wait? Go ahead.

Q No. I was going to ask you doesn't it appear to be at least common sense that you keep proper distances between these prisoners so that they can't help them or if you have something to do in which you have to turn your back on them, would you not put them in a stationary position until you are able to carry out whatever function you've got to do before you wave them on/off the bus?

A Sure enough. That's exactly what I would have done if I would have had enough personnel to sit there and watch them, but when you got 17 people spread out that far,

you're going to have them back in the sally port with two officers now, back in the sally port, and then you're doing going to have them in D-2, which is the small room. You're going to have them go into there, and I'm not even certain if they can unlock two doors at the same time. Maybe they can, but you're going to have them spread out. Then you're going to have them spread out all the way through the transport, through the trash room where there is pipes, bottles, trash and everything with not one single officer there. Nobody there. They can pick up whatever they want because I'm up here trying to get the van open and put them on there. Larry is in the back with 17 people between us and there's no way we can watch them, and you're suggesting that I space them out and let them stand there while I go out and get on the van and unlock it, where I can't see them. At least when they were up there right up on me, I could look out the van and see them. Now, I'm not denying that Cantrell stepped off. He could have stepped off whether he had shackles or not. By the way, shackles don't have a thing to do with it. All that would have done was hurt him if he fell or caused him to fall and get hurt. Shackles have nothing to do with it, but I would have -- I had that -- as I said before, I had the choice to make, do I want these people in there picking up weapons where they can kill me when they come out, hit me, hurt me, all that

sort of stuff or do I want to get them through there as fast as I can because I don't have anybody to help me. Everybody is in the back. Larry is doing everything he can do. Two courthouse personnel standing in the back, one of them drinking a Coke, don't even come up, so I can't --

Q Mr. Dodd, if you were in such a dangerous environment, this sally port you're talking about where all these weapons are lying around --

A No, sir. It's the trash room.

Q And that empties into the sally port, doesn't it?

A No, sir. Okay. You've got -- you've got the holding area where the prisoners are when we go to pick them. When they come down from court, they are placed in the holding area downstairs courthouse control room. When we come and get them, we handcuff them, take them out into the sally port. At that point you're in the sally port, but it is a secured area. Okay. You've got -- then you come up to what is D-2, as I recall D-2, and that is a small room which off to your left goes into D-3 or the trash room, straight on -- never even before there. I think it probably goes into the courthouse, and that's used by civilians, but they have to push a button or get somebody in the courthouse control to open those doors before they can come in. They're locked, secured. That's

a very small room right there. Then once you get courthouse control, no cards, no way to open it yourself. Once you get courthouse control to open it, then you walk into a large area probably as far as from here to the corner of the pillar or whatever with the two TVs on it, full of trash, full of all sorts of everything. There's a rollup door there that is, again, handled by the personnel in the courthouse. They have to push button and raise the door to let us out. That is a totally unsecured area out there. Now, it's not -- the trash room is not secured because it's not -- no card, no nothing to lock up all that trash, weapons and stuff. It's just out there in the open for anybody that wants to get it. Then you raise that door and you're out there on the street where the citizens are. We have no control over who comes in or everything. I'm being redundant and apologize for being redundant, but --

Q Mr. Dodd, let me ask you this: Do you understand that as directive of Hall County Sheriff's Department as a transport officer, that you should at all times have your eyes on your prisoners, your inmates at all times?

A Okay.

Q Answer the question first and then you can provide an explanation.

A Yes. I know there's a policy and procedure

that says that. Do you want me to continue?

Q Yeah. Go ahead.

A All right. That policy and procedure was written for vehicles. If you will look at that where it says you will keep your eyes on the prisoners at all times, in that same sentence it says patrol car. It's written for a patrol car when you have one, possibly two law enforcement officers and the most you have is three prisoners, well within the range and they can keep an eye on those prisoners at all times. They can do it. It's easy to do. And it was written exactly for the patrol car. Now, it has nothing to do and it's a physical impossibility when you've got two officers, 17 prisoners between you. Three rooms you have to go through trying to run through, nobody, but nobody, unless you have adequate number of officers, can keep an eye at all times on all prisoners. Physical impossibility, ladies and gentlemen. I'm not trying to get out of anything. I'm just telling you how can you do it. It can't be done. It's a physical impossibility. It was written -- of course, nothing was written for us. We have no directive actually for the transport. We don't have one, or at that time we didn't have a policy except if you were driving a van -- a van, not minibus with 11, you should have two officers, which is right there in policy. And probably at that point, I'm not

sure that you could with 11 people. Maybe you could. I don't know. I wouldn't want to do that because that's violation of policy if you have more. You can only get 11 in there, but we weren't transporting 11 that day. We were transporting 17, and there is no physical way. They can say, yeah, you -- right here it says you're supposed to keep your eyes on them. Ladies and gentlemen, it's a physical impossibility, for us anyway.

Q You've testified that you are undermanned, that you had more prisoners than you should have been required to transport, but you turned your back on those prisoners and when you did, one of them walked away, but you still don't feel that one of your most important duties was to make sure that you had your eye on those prisoners at all times? Is that what your testimony is today?

A No. No. What I'm saying is that's a truism. What I consider, ladies and gentlemen, a truism. Y'all watch those prisoners, don't let them escape, true. Don't let them escape because you're negligent. That's true. Because you're this, that and the other, that's true. Most of these complaints that they complain against us is a truism, and yes, you should say we should watch them, but you have to physically be able to do what you're required to do, and it's bad enough if I get out there and mess up, but it's double when you have an order from a supervisor

telling you you're going to take more, and when you have 17, physical impossibility. Like I said before, when it goes on up to twenty something, with two and possibly one officer, how can you watch 19 people by yourself? A constant thing that we had to do in the afternoons when we picked up. It was common to go down there, one officer driving that minibus, pick up 19 prisoners and take them out there. Now, the Hall County sheriff's courthouse room did have personnel when they had them. I have on occasion taken them out by myself moving fast, get them on that van and get them gone, but it was a common, everyday thing that we could handle up to 19 by ourselves. Many days Henslee would drive either the minibus or van and we would be carrying what, 19 and 11, that's 29 --

Q Mr. Dodd, you got far afield with the question. Let me ask you this question: You took an oath of office as a jailer, I believe, on 12/27/2012; is that correct?

A Yes, sir.

Q Do you have a copy of that?

A Actually, I probably do, but I don't have it right now.

Q Let me show you.

A I know what it is.

Q Is that it right here?

A Okay. You want me to read it?

Q I want you to identify it.

A It's an oath and I have no objection.

Q Did you sign it?

A Yeah.

Q The first paragraph of that oath -- and I'm going to read it. You tell me if this is what it says. "I, Jack Dodd, do swear or affirm I will well and truly do perform, all and singular, the duties of jailer of County of Hall and that I would humanly treat prisoners who may be brought to the jail of which I am keeper and not suffer them to escape by any negligence or inattention of mine." Is that what it says, to your recollection?

A Yes, sir.

Q Do you feel like there was some inattention on your part that led -- approximately led to the escape of Mr. Cantrell?

A I don't think so for this reason, as I have said many times before, how can you say I'm inattentive when I'm doing everything I can, but I have 17 people rather than five. That's really all I'm supposed to be responsible for, ladies and gentlemen, at any time in transport is five. Now, if I may, if you have no objection, sir, I will point out that the jailer's oath is saying that -- and all that is true. That's another truism. I shouldn't allow somebody to escape because of

negligence or inattentive. I wasn't negligent or inattentive. I was, by golly, doing everything I could do with 17 prisoners behind me with no help, so I don't feel like I was negligent or inattentive. Again, I say I am not an angel and I am not perfect, but I did not allow anyone to escape because of negligence or inattentiveness. Had there been five-to-one ratio, whatever it's supposed to be, that escape would not, absolutely one hundred percent would not have happened.

Q Mr. Dodd, again, I think we're getting far afield from the question.

A Okay.

Q Let me ask you this one final question.

A Yes, sir.

Q If you'd been looking at Cantrell when he made that step, he wouldn't have gotten away, would he?

A If I had been looking at him?

Q If you would have been watching him and looking at him when he made those steps to the right, you would have taken action, wouldn't you?

A Absolutely.

Q What would you have done?

A I would have walked back over there, got him, put him back in, probably -- now, I'm just saying this is what I would have done. I would have walked over there to

those people, walked over there, took him up front, kept my hands on him, put him on the bus, took him back and --

Q And there would have been no escape?

A And there would have been no escape, no, sir, absolutely not.

MR. BLALOCK: That's all I have.

MR. DODD: And I would like to follow that up, if I may. Again, with the same thing, if it had been a five-to-one ratio, I could have done that and we would have caught it and it wouldn't have happened. If we had had a secured area, it wouldn't have happened and both of those was in the control, not of me, but of the Hall County Sheriff's Department.

MR. SARTAIN: Do you have any witnesses, any additional witnesses?

MR. DODD: I have nothing further at this time.

MR. SARTAIN: Want to take ten1 or push on through? A short break?

MR. BARFIELD: Yes.

(Recess from 10:49 a.m. to 11:01 a.m.)

MR. SARTAIN: Mr. Dodd, I think you said you had one witness.

MR. DODD: Yes.

MR. SARTAIN: Go ahead.

MR. DODD: Mr. Peppers, Dusty Peppers.

EXAMINATION

BY MR. DODD:

Q Mr. Peppers, you're under oath. Do you remember taking the oath?

A Yes, sir.

Q Go ahead and start your full name for the record, please.

A Phil Dustin Peppers.

Q Mr. Peppers, are you presently employed?

A Not at this time.

Q Okay. Have you ever worked for the Hall County Sheriff's Department?

A Yes, sir, twice. From '97 to 2000 and from '06 to August 8th of this year.

Q Okay. What were your duties -- not the first time, but the last time that you were employed by the Hall County Sheriff's Department, what were your duties?

A My most recent duties as of, I guess, the last four years was as a transport officer.

Q Okay. Who were your superior at that time?

A Sergeant Baines, for a while Lieutenant Nix, Lieutenant Seymour and, of course, further staff.

Q Okay. Was one of your duties transporting

inmates to and from the courthouse?

A That is correct.

Q Okay. To your knowledge, was there policy and procedure which limited the numbers of inmates being transported? I'm particularly asking about the ratio of deputies to inmates.

A It was always stated, but I never saw it in writing.

Q What was that statement?

A There would be a five-to-one inmate ratio.

Q Did you follow that limit?

A To the best of my abilities. It just simply wasn't possible due to the number of inmates and manpower. We would have been at work at 12:00 trying to haul inmates five people to one, particularly when I was the only one left after 5:00 on many occasions.

Q What's the most number -- what's the highest number that you've transported by yourself?

A I've hauled as many -- when we were doing the Fulton County boarding program, I hauled as many as 15 to one by myself at that time to Fulton County jail.

Q Okay. In your opinion, did you -- let me ask you this: Were you doing that transport without your supervisor's knowledge?

A No, sir. Supervisors knew.

Q Okay. When you transported in the afternoons -- I'm aware that you just said you transported some by yourself. Did you ever have any help to transport?

A If there were people available, yes.

Q Okay. Were there people available every day that you transported?

A Not every day.

Q Okay. All right. Where did you -- when you went up to the courthouse to pick up and drop off, transport inmates, where did you park?

A Depended on the vehicle I was in, if I could pull into the sally port, the garaged area, I most definitely did that, but that can only be achieved in a car due to clearance issues. If I was in the minibus or in a van, I would have to pull out on the curb and exit through the trash door, as it's called.

Q Was that a secured area?

A Absolutely not.

Q Okay. To your own personal knowledge, do you know of anyone in the department that has done any checking of that area or -- strike that.

Have you ever known of anyone requesting more security or to stop using that area?

A As far as stop using that area, well, yeah, pretty much no one, including yourself and other people we

worked with wanted to use that area; however, there was not an alternative at the time.

Q What do you know about the use of policy requiring use of waist chains, did you ever use waist chains?

A When I was previously employed with Hall County the first time, there were waist chains, and if I recall, there were waist chains. There were some, two or three maybe, available in a desk drawer somewhere. However, those waist chains are useless without locks to go on them waist chains. The same with a belly belt. If you're hauling two inmates together, the belt is useless and can actually be a weapon, and a chain even worse in that another inmate can simply reach around and unhook the restraints and then the guy has handcuffs on with a chain or a belt flapping around, whichever it may be. So the only unlimited circumstances, typically if there was a murder suspect, and generally that was only for us because previously, and I know it wasn't under this year, if it was before, but it was very common for me to haul three guys that were murder suspects, maybe me and one other guy, maybe when we were doing Fulton County, and we restrained them the best way we could. Now, when we transported our murder suspects to the jail, we obviously restrain them, you know, to the maximum that we could, you know, within

their physical abilities, which they usually were physically able to be restrained to the letter. So, yeah, as far as waist chains go, not available. Didn't see them, never was made known to me that they were even available, and even if they were, from what I understand, there were no locks for them.

Q Let me show you what has been marked as exhibit Dodd-1, page four. I ask you to look at number two. Are you familiar with that policy?

A You want me to read it out loud?

Q Yes, please.

A "All inmates will be thoroughly searched and restrained with handcuffs with waist chains, belt and leg shackles or handcuffed in a crisscross manner."

I'm familiar with all, but the last.

Q All but the last. Specifically the crisscross manner, had you ever seen that before?

A I've seen other counties do it.

Q Okay. Let me back up. Have you ever known that to be the policy of Hall County Sheriff's Department?

A Absolutely not. We never did that. There again, and I understand it's not under this administration, but just to lead up to all this, we would hire our haul 30, 40 inmates at a time in Fulton County restraining them arm to arm, one person was handcuffed or leg irons. Part of

the reason we did that was we didn't have enough handcuffs and leg irons to do everybody. And routinely when there wasn't a supervisor in charge, I handled that detail because sometimes I was the senior officer and I would go down there with the detail and we would hook these inmates up, and we routinely hooked them up in that manner. So it became -- I don't know if it was policy, but it definitely was a procedure that we did in that manner. And this crisscross thing, the first I had heard about it was after the incident. You know, after the escape, it was brought to the attention. I was asked would this be a good idea by Deputy John Marshall, and I said it would be a good idea, but there are issues with getting people on and off the bus because of the doorway only being so wide and you get really big guys on there, people who are less mobile. It could be done, was my statement, but this is the first that I have seen it in the policy. It was not in the policy previous to this, to my knowledge.

Q So what you're saying is it became policy after the termination of Larry Henslee and myself?

MR. BLALOCK: Objection. That's a leading question.

Q (By Mr. Dodd) All right. Let me show you what is marked as Dodd-2, and this is policy number 9.3-01-03, and ask you to read that for me.

A "All inmates will be thoroughly searched and restrained in handcuffs with waist chains or belt and leg shackles."

Q Is there anything in there about crisscross?

A No, sir.

Q Is that the policy that you are aware of?

A That is the policy I'm familiar with, yes.

Q Okay. So the crisscrossing was not placed into policy until after the escape; would that be correct?

A That would be correct.

MR. BLALOCK: I object. It's a leading question. You can ask him whether he knows or not.

Q (By Mr. Dodd) Okay. You've already stated, though, that you did not know about the crisscross; isn't that correct?

A To clarify, the crisscross thing that we was coming up with, I heard that three days after the escape happened. I know that's the first I've heard of it.

Q All right. And to clarify, you were asked by Mr. Marshall what you thought about adding that policy; is that correct?

A Yeah.

Q And this was after the escape?

A Yes, sir.

Q All right. Very briefly, when you were told -- did you drive the minibus?

A I did.

Q Okay. Did you have a CDL license, commercial driver's license?

A I didn't at the time, but I understand it requires a class B with endorsements.

MR. BLALOCK: I will object to this line of questioning. It has nothing to do with this incident. Nobody has been charged with illegal driving of a vehicle.

MR. SARTAIN: What is the relevance?

MR. DODD: The relevance, would be, sir, that the Hall County Sheriff's Department in addition to telling personnel to violate policy and procedure as far as with the numbers going up there, they had a habit of telling the officers -- in addition to violating policy and procedure, they also told them to violate Georgia law and violate any kind of policy that they had.

MR. SARTAIN: I sustain the objection.

Q (By Mr. Dodd) Okay. While you were transporting, did you ever transport a person or move a person to Atlanta in any situation other than a bus or van?

A The minibus and a car, of course.

Q And a car, okay. Did you ever particularly take a person, a 67-year-old handicap black female to Atlanta and drop her off? You set her off on the sidewalk upon directives from the Hall County Sheriff's Department?

MR. BLALOCK: I object again on the basis of relevancy. It has nothing to do with this.

MR. SARTAIN: I sustain the objection. I don't see the relevance.

Q (By Mr. Dodd) Have you transported -- when you transported inmates, did you go from the courthouse control area, sally port area, I'm talking about, after the trash door?

A I did.

Q Okay. How many prisoners did you take -- what's the maximum amount of number of prisoners you took out through there by yourself?

A I had taken upwards of 15 at a time by myself at one point.

Q Okay. Did you always have help from the courthouse personnel?

A When they were available, they were helpful. They made it clear that they had the same manpower issues that we did.

Q So on occasions, you had to do it by yourself?

A On occasions.

MR. DODD: That's all the questions I have.

MR. SARTAIN: Mr. Blalock?

EXAMINATION

BY MR. BLALOCK:

Q Mr. Peppers was it?

A Yes, sir.

Q Mr. Peppers, I'm Bill Blalock, Hall County attorney. And I'm just going to ask you a few questions based on your testimony.

When were you last employed by the Hall County Sheriff's Department?

A August 8th of this year.

Q 2013. Did you terminate your employment voluntarily?

A I did.

Q Prior to that had you been a transport officer?

A I was.

Q What period of time was that?

A It was approximately four years.

Q Four years?

A Yes, sir.

Q Why were you relieved of that duty?

A I never got an answer.

Q You never got an answer as to why you were relieved?

A No, sir.

Q But you were relieved, were you not?

A Yes, sir.

Q Who relieved you?

A I don't know.

Q Well, who told you?

A I was called into Lieutenant Mustachio's office saying she relieved me of that duty, but from what she said, she did not know why she was having to relieve me of that duty, so...

Q Well, were you not told that you were not following the handcuff and procedures that were prescribed --

A I was not told that, no, sir.

Q And were you ever advised that there was a problem?

A No, sir.

Q So as far as you knew, you were just relieved for no reason?

A As far as I know, yes.

Q How long after that was it that you terminated or quit your job?

A Approximately a week.

Q You testified on occasion you had to transport more than five prisoners without any help?

A That is true.

Q Are you aware that that's a violation of general order?

A I am.

Q And did you do that knowing it was a violation of general order?

A I did.

Q Why did you do that?

A I did that because, therefore again, spent many years in the jail, did not want to go back there and basically there's more or less disciplinary intimidation of keep your head down, do your job or if not, we'll find someone else who can.

Q Did you ever file a grievance or a complain about that?

A I did not. I'm not a complainer. I do my job. I do what I'm told.

Q As a transport officer, did you find that it was necessary to keep your eye on those inmates at all times?

A Yes, sir, and I did.

Q You watched them at all times?

A Yes, sir.

Q Was there an occasion where you turned your back while they were behind you and walked over to unlock

the bus without seeing where they were?

A No, sir. When I dealt in those numbers, I thought ahead everything I had to do. The bus was already unlocked.

Q So they were not out of your sight at any time?

A No, sir. To the best of my ability, I can't sit here and say that I'm perfect and I'm super cop, but I can honestly tell you that I did not let the inmates leave my side.

Q Pretty important, isn't it?

A It is, except for the fact that there were times where I was told that my escorting techniques weren't excellent and the way that you leave outside of the sally port into the trash door area, I had an officer walking behind me watching the inmates. I would go to the door that the inmates were about to go through so that I could secure that area and see what's on the other side, and I was told that was improper, but as far as cuffing techniques, I never was really instructed that any of that was a problem.

Q Did you ever have an innate escape from you?

A I never have.

MR. BLALOCK: I believe that's all I have of this witness.

MR. SARTAIN: Mr. Dodd, anything further?

MR. DODD: Yes, sir. Just a few questions.

EXAMINATION

BY MR. DODD:

Q You stated you never had anyone escape from you. Was your primary duty every day to transport back and forth from the courthouse?

A As, you know, my job varied. I did a lot of long distance transports. I handled a lot of Fulton County back and forth in the morning and late evening. So I handled the courthouse a lot, but not as much as obviously you and Larry.

Q Okay. Now, let me ask you this: When you transported with another person, what is the highest number of people that you transported with help?

A The highest I did with help, we picked up probably 30 or 40 at one time in Fulton County and I had plenty of help for that. As far as within this county, I have probably between the minibus and the van, 25, 26 inmates maybe with help. That was one person driving the minibus, one person the driving the van. Sometimes with three people if we had them.

Q Okay. If there was two people, am I to assume you were in the front and the other person was in the back?

A That is correct.

Q Okay. Would you say -- I'm not exactly sure

what you're saying. Are you saying when you had 20, that you kept your eyes on every single one of those prisoners all the time?

A If I was in front, I could not, obviously. If I was in back, then absolutely.

Q Right.

A Because that's my job at that point.

Q Right.

A Someone -- the person in front is responsible to make sure the area that you walk the inmates into, especially if it's an unsecured area is, in fact, secured before you allow the inmates there.

Q Okay. Now, you're talking about unsecured area, the trash -- not outside on the sidewalk, which you've already stated, I believe, was unsecured. Did you consider the trash area with the trash in there secured?

A Absolutely. I mean, any time -- I mean, the general public can enter that area, which somebody had to pick up the trash, obviously, and there is contraband laying about that is open and visible. It's an unsecured area.

Q So it's unsecured in that trash area?

A Yes.

MR. DODD: That's all the questions I have.

MR. BLALOCK: I have another question.

EXAMINATION

BY MR. BLALOCK:

Q Mr. Peppers, if it's an unsecured area and if you're concerned about that fact, would that not make you even more vigilant, more careful when you're passing through?

A It would.

Q And would you not particularly want to see every one of those prisoners and watch every move they make in such circumstances?

A A secured area, not a secured area, I used the same precautions.

Q And if the guy behind you, your other officer is in a position where he can't see you or the prisoners in front of the line, would that cause you some concern?

A If the officer is behind me, there's no reason he should not be able to see.

Q Well, supposedly the line has strung out and he hasn't come through the door yet and you got prisoners strung out between him and you and he can't see you.

A I cannot be responsible for what the person behind me does if I'm the lead person.

Q You're not going to turn your back on those prisoners under such circumstances, are you?

A I will do my best not to, no, sir.

MR. BLALOCK: That's all.

MR. SARTAIN: You can come down.

MR. DODD: Sir, if it's possible, he has an appointment. I'm through with him, if Mr. Blalock is through with him, can he be released?

MR. SARTAIN: Any objection?

MR. BLALOCK: No problem with me.

MR. SARTAIN: Okay.

MR. DODD: Take the stand.

MR. HENSLEE: I'm Deputy Larry Henslee. I've been with the Hall County sheriff's office 15 years.

EXAMINATION

BY MR. DODD:

Q Okay. Are you presently employed?

A I am not.

Q What period of time did you work for the Hall County Sheriff's Department?

A I worked for the Hall County Sheriff's Department from June the 22nd, 1998 until July the 23rd, 2013.

Q Okay. What was the reason for leaving DSO?

A The reason I left DSO is I was terminated.

Q While you were employed, what were your duties at the sheriff's office?

A My duties at the sheriff's office worked four years at the jail, four years at the courthouse, returned back to the jail, and then was entered into the transport in 2008, and was transport officer in 2008 to 2013.

Q While you were in the transport office, who were your supervisors?

A When I was at the transport office, my supervisors -- I had Sergeant Nicely, Sergeant Sharp. The present one just prior to this happening was Sergeant Terry Baines. At the time he was a sergeant, and Lieutenant Ken Nix was the lieutenant. And after Lieutenant Nix went to patrol, Lieutenant Seymour took over the next couple of weeks. He was the supervisor.

Q Okay. Were those supervisors always present?

A Are you talking about the particular --

Q In the transport area.

A Sergeant Terry Baines' office was located right outside -- next to the sally port, so he was in his office a lot. Normally they were there, but on this particular day, we had no supervisor.

Q Okay. When you transported -- okay. It was part of your job to transport inmates to court and picking them up?

A Yes, that's correct.

Q You transported inmates to and from the

courthouse. Does departmental policy and procedure name the number of inmates transported according to the ratio of officers to inmates?

A The ratio is supposed to be one deputy per five inmates, but due to the shortage, personnel and everything else, it was usually just two deputies, yourself and me.

Q Did any of your supervisors tell you to exceed that limit?

A Yes. In the mornings I've asked for help and the answer is, I'm sorry, boys, you're on your own, there's nobody to help you. The shift is short today, too. There's always a problem with shortage, so we did the best we could.

Q What supervisor was that?

A That would be Sergeant Terry Baines at the time.

Q Were you threatened with termination if you didn't comply with that order?

A Not as much as termination. It was like look, if you guys don't want to do the job, there's plenty of people in this department that would like to have your job.

Q How many did you usually carry to and from the courthouse?

A It averaged usually from 15 to 28, 32.

Q Okay. What vehicles did you drive back and

forth to?

A Well, it started out mostly driving the vans and then when we actually got the bus, the school bus, I actually drove the school bus, and then we actually got a minibus and drove it for the last couple of years in the school bus.

Q How many people could you transport in the school bus?

A The school bus would hold 48 people. The minibus would hold 19.

Q And the vans?

A The vans would hold 11 inmates per van.

Q Okay. Did you have a proper driver's license to drive the school bus?

MR. BLALOCK: I want to object to the grounds of relevance.

MR. DODD: Okay.

MR. SARTAIN: Just ask him if he had a CDL. Ask your question.

MR. DODD: Are you advising me to go ahead and ask the question?

MR. SARTAIN: Yes.

MR. DODD: Okay. I'm sorry. I'm having trouble hearing.

Q (By Mr. Dodd) Did you have a CDL license to

drive that bus?

A I did not have a CDL.

Q Did Sergeant Baines know you did not have a CDL?

A That's correct.

Q Did you have a CDL --

MR. BLALOCK: Again, I'm going to object to this line of question. It's irrelevant.

MR. SARTAIN: It's been answered.

Q (By Mr. Dodd) What about the minibus?

A I drove the minibus on many occasions.

Q Okay. Did you ever advise Sergeant Baines that you had too many people, that the amount you carried was more than policy?

A Yes.

Q Did Sergeant Baines ever offer to help you with transporting?

A Sergeant Baines was -- usually on the mornings when we had big transport, which was a lot of mornings, he tried to be the lead car and then have one car in the back, but once they were delivered to the courthouse, courthouse deputies would be outside waiting on us. Once they were delivered, the rest of the day was on myself and Jack Dodd to get the inmates back to the jail.

Q Was that the 12:00 pick up and the 4:00?

A It's 10:00 pick up, 12:00 pick up, 2:00 pick up, 3:00 pick up, 4:00 pick up.

Q Okay. Let's go to the area you drove the vehicle. Where were you required to park at the courthouse?

A Once we got to the courthouse, the unloading street, which was I think Broad Street, right next to the courthouse, we would park there and unload the inmates. And like Jack said before, we had a yellow curb painted, finally. We waited two years to get the curb painted so we can have a place to park because we had to park out in the street most of the time when vehicles was on that curb. So we actually -- Jack actually went to the city manager and finally we had the curb painted so we'd have a place to park the vehicle. So we could unload inmates still being out into the street so we could actually get over, but we actually parked in the street and unloaded inmates in the street.

Q I want you to clarify that. That yellow curb that you're talking about, was it in front of the trash door or behind the trash door?

A The yellow curb was -- because we were driving vans at the time, most of the time two vans. Jack would be driving one and I'd be driving one. We had to park on the curb just as you turn in on Broad Street. It wasn't up to

the trash door or the garage door. It was back farther.

Q Okay.

A Where the curb first starts, that's where the yellow curb was first painted.

Q Okay. So at any time during that process, was the loading and unloading area changed to be in front of the trash door?

A Yes. When we had the meeting about the fence, it was Captain Mark Bandy, Captain Chris Matthews, Tim Couch, and the fence contractors, that's when the loading was changed to the garage door. We were instructed that we wouldn't be parking on the yellow curb anymore and one of the reasons for that was contraband. We were constantly finding tobacco and everything in those. There's some bushes there, if you've ever been on that street. We're just finding all kinds of contraband, which we'd take it in, give it to the courthouse or take it back to Sergeant Baines. And so that's when the area was looked at about putting the fence up so we can actually pull a bus in or a minivan or whatever into a secured location. It's supposed to be a fence built with shoots to come out of the garage door so the inmates would have to go straight to the vehicle and get on it, but because of budget -- that's what I was told or whatever -- it just never was done.

Q So the entire time then that you worked there,

you were loading and unloading in front of the trash door in unsecured area?

A That's correct, unless I had one inmate or two inmates that I could get into the garage through my car, then I would actually drive into the garage, which the vans would not go in the garage because of the light bars. They couldn't pull into the sally port courthouse. Only the cars could. I know now it's been changed and the doors are fixed and they do drive vans, are allowed to drive vans into the courthouse now after this incident.

Q Okay. Let's go to policy requiring handcuffing. Let me show you what has been marked as Dodd-1. I ask you to read A and C2, please.

A "Officers shall be familiar with the general procedures as outlined in previous section." Did you say C?

Q Yes.

A "All inmates will be thoroughly searched and restrained in handcuffs and waist chains, belt and leg shackles or handcuffed in a crisscross manner."

Q Okay. Read the section right here. Read that, please.

A Section E., number E.: "Inmates will be properly restrained with handcuffs and leg irons and transported unless physical conditions, disability or other

conditions would make each restraint impractical or further aggravate a medical condition."

Q Go back to the first one. Did you read handcuff, the last word on that crisscross, were you familiar with that being policy and procedure?

A No, I'm not. I'm not familiar with the crisscross. Never done the crisscrossing. Never heard of it except when I worked at the courthouse in the holding cells to move them to the courtroom, that's the only time I've ever seen this at all.

Q Okay. So let me show you what has been marked Dodd-2. Would you read that?

A "All inmates will be thoroughly searched and restrained in handcuffs with waist chains and belts and leg shackles."

Q Does it say anything there about crisscrossing?

A No, sir. It does not say anything about crisscrossing either.

Q Is that the policy that you were given when you worked at Hall County Sheriff's Department?

A Yes.

Q Okay. Are you familiar with waist chains?

A I'm familiar with the belts that we had in transport. Like you said before, we had like six of them, leather belts. We didn't actually have waist chains.

Q So you're saying we had no waist chains available?

A We had no waist chains that I know of, but we did have leather belts, about six of them?

Q And they were made of what, leather?

A They were leather belts, handcuffs with a ring in front of the belt.

Q When you transported, did you ever have -- let's say, Captain Bandy, did he ever ride with you?

A Yes. When we first started to transport in the courthouse, he rode over with us on several occasions.

Q Did you have any lieutenants ride with you?

A On a couple of occasions, Lieutenant Ken Nix rode with us also.

Q I believe you stated that Sergeant Baines went pretty regular in the morning?

A Usually in the mornings when we had the big load, we had the car escort the bus, usually Sergeant Baines at the time, he was either with us or he had a couple of other colleagues or a couple of other deputies in the car, but he went with us.

Q Okay. When these supervisors rode with you, did any of them, captains, sergeants, lieutenants, did any of them ever tell you you were improperly handcuffing?

A They did not.

Q Did they ever say that you were improperly shackling?

A No, they didn't.

Q Most of the time when Sergeant Baines was there, where was he?

A Most of the time when he was there, he was usually back at his office just before you left the sally port throughout the jail, other places.

Q Was that office between transport and the actual sally port?

A His office is located between the transport office and the sally port.

Q How many years can you recall that he had his office there or how long, what period of time?

A I know his office was there for at least the last two years or maybe longer.

Q Okay. Did he have his door opened or closed most of the time?

A A lot of the times his door would be open and you have all those inmates going out. Inmates are noisy and they're talking and everything, so I'd always -- usually closed his door. It would be opened sometimes and sometimes closed.

Q Okay. So Sergeant Baines saw you when you were transporting the prisoners that you brought back from the

courthouse and got them into transport; is that correct?

A That's correct.

Q Okay. Did Sergeant Baines ever tell you -- stop you and tell you that you were bringing an improper amount of prisoners in?

A Never.

Q Did he ever say anything to you about being improperly handcuffed?

A No.

Q Okay. So this may be redundant, but did Sergeant Baines ever write you up, give you a verbal reprimand for not either properly handcuffing or a proper amount of prisoners that you were taking?

A No, he did not.

Q Did he ever write you up for any kind of written policy?

A No, he did not.

Q Okay. You were evaluated every year; is that correct?

A That's correct. Every year I had an eval. I had 15 years worth of evals I'd like to so enter into evidence.

Q You want to submit that into evidence?

A Yes.

MR. BLALOCK: No objection.

MR. HENSLEE: I'd like to enter this as Henslee-1 and 2.

(Plaintiff's Exhibits Henslee-1 and Henslee-2 were marked for identification.)

MR. SARTAIN: Is that Henslee Exhibits 1 and 2?

MR. DODD: Yes, sir. A letter of appreciation.

MR. SARTAIN: Okay. If you'll let MR. SARTAIN reporter have it. Henslee-1 is a letter of appreciation from the Hall County sheriff's office, and Henslee-2 is the public safety employee evaluation, performance evaluation report.

Q (By Mr. Dodd) According to your evaluation reports, are you evaluated with a number placed on there?

A Yes, I am.

Q All right. What is the number three? What level is that?

A Average.

Q What's four?

A Good.

Q Five?

A Is the best you can get on an eval.

Q Do you have any threes on your evaluations?

A I have had some threes, yes, sir, on mine, yes, I have, and all of them are mostly fours, fives.

Q Okay. Mostly fours and fives. Okay. Now, back to you were transporting particularly on the 16th of July. Can you walk us through what occurred at the 12:00 pick up?

A About the 12:00 pick up, like I said, the inmates were in the holding cell. We had one arrestee. We had 16 other inmates ready to go back, James Cantrell being one of them. The inmates were hooked up and we constantly had inmates coming down, so we had to stop, let the inmates in the holding cell and hook them up. And we had the inmates all hooked up and came out of the holding cell. James Cantrell was one of them, and they were actually logged out by MR. SARTAIN deputy. They have a log that they log them in and they log them out. Once they were logged out, they asked me how many inmates we had. We had 17, counting the arrestee, which we always do that. They say how many you got. I counted 17. They log it in in the book, which the inmates are personally signed out by the courthouse control room operator so they know that those inmates are gone. So once we were signed out and started to leave and went out into the sally port -- first of all, I had to get all of the paperwork and the arrestee's personal gear. She couldn't carry. She had a couple of

big bags I had with me in my arm and my hands and I had to get that. We went out into the sally port and then D-2 goes out in between -- I'm sorry. D-1 and D-2, we went through D-1 into that area which is D-2 across from it, and D-3 is actually the garage door. So Jack was in there. All of a sudden everything stopped. I was right in the back. I had a guy with a walker and a female, and everything basically stopped because Jack was at the door trying to get out, and the door wasn't opening, so we had to call on the cell phone to get the control room to open the door for him. Once we -- once he went into that door, the garage door, it was actually already opened. Right after that it opened at the same time, and Jack had to go up and unlock the bus. I was at the back coming up with the guy on the walker trying to hold the door, and the female behind him and the two courthouse deputies came out the door, said wait a minute, Larry, we'll walk out with you. I was already across the sally port. I was already at the door. They came over to where I was. Jack had already went outside, and between him going outside to unlock the bus door, that's when James Cantrell, which was probably the second one in line or third one, slid around the corner, which I didn't observe him because I was coming around the corner myself. I actually couldn't see everybody because it was obstructed, and then James

Cantrell went around the corner and, I guess, hid in the alcove, and then we loaded the inmates up on the bus, never realized he was gone. And we got loaded up, pulled off the curb, and I didn't know until later, until I saw the video, which I've only seen it once. That was one time. I wasn't able to get a copy of the video, so I'm trying to remember from my memory some of the stuff that took place after we got out of the jail, but anyway, once we did get to the jail, as me and Jack always worked together, Jack always take the arrestees. I always take the inmates into the transport office. I had their lunches that I took to the courthouse because I have to feed them too at the courthouse. So the ones that come back, if I bring 16 back, I bring 16 lunches back. So I had the lunches, the paperwork. We went into the transport office. Jack went to booking. As we entered into transport office, Lisa was usually at the counter. MR. SARTAIN roster was laying there, but she wasn't there, so I just took it for granted that she wasn't there to start with, and I put the inmates on the wall. I was taking all their leg irons off of them. I always do that first and put their face to the wall, take the leg irons off, then I have them put their backs on the wall, take the handcuffs off. Once I was doing that, then Lisa actually came out of the office. She was there, and I got the lunches and started feeding them and putting them

into the holding cells. Once I got them into the holding cells, she actually put the female into the holding cell on that side that was already down there or fed her, gave her lunch. After that, I had paperwork that needed to go to the front. Lisa was there, and then Lisa had to go to the -- I believe it was the property room to get some property for somebody. So she left. While MR. SARTAIN roster was laying there and everything is busy, lots going on, inmates all around, I didn't really realize that she hasn't done the head check. I didn't realize that she hasn't checked them off because she usually checks them off as I feed them. She comes back in and she says, how many did you bring to the jail, and I always count them at the courthouse, so I said we brought 17, but one was an arrestee. Jack's in booking with that one. So once that happened, then Jack came up from booking, and there was a run to go get a juvenile from the courthouse to OYDC. Well, he left on that. And then once he left on that, I was requested to go to PWC and pick up -- I was supposed to get four prisoners off the bus, but I actually got six prisoners that came in on the bus for court and bring them to the jail. I was actually in booking when I got a call from Jack telling me, Larry, something about I think an inmate may have took a truck or something off the curb up here or seen an inmate in an orange jumpsuit, something to

that affect, and he said do we have everybody. I'm thinking, yeah, we have everybody because I wasn't in the transport area, and it really didn't dawn on me that somebody was missing yet, but I told Jack I'll go check. Well, in the meantime, Lisa had come over. She was actually in the booking area, and we were talking about it, and she said, did everybody come back, and I said, there should have been 16. And the thing about the meal or whatever, I don't recall that at all, her missing a meal or whatever. We didn't even discuss that because inmates had already been fed. So she was in the booking area and I was talking to her, and this Martinez -- Abraham Martinez was in booking, too. They were both standing over there.

Q Who is Abraham Martinez?

A He's an inmate at the jail that went to court that same day that Cantrell went. He was on the workforce. Actually, he was the booking guy that cleans the holding cells and works in booking, cleans everything. Anyway, he was there with Lisa. Again, I asked Lisa, I said, did you see -- I'm getting ahead of myself.

Before that happened, I was talking to her. Jack had already called me and we were talking about the head count, who was there. Sergeant Ashley gets a phone call from Deputy Larocque from the courthouse. Well, I'm there now, so he puts her on the phone with me. She says,

Larry, how many inmates -- we think you're missing an inmate. How many did you bring back? I said, I brought back 16 regulars and one arrestee. She said, well, could you double check or count and make sure. Well, Lisa was there going out the door and I hollered at her and I said, Lisa -- I said, did you see who was in the holding cell, and Dorothy said, they said they think it was a black male, jumpsuit. That's the way she put it. I said, well, I was trying to think in my mind who it could be and the only reason James Cantrell came to my mind was because at the courthouse, when he came out of the holding cell and he was hooked up, he tried to get in the lunch bag to take one of my lunches, and I had to get on to him and put him back in line. And then I asked Ms. Lisa Harris or Officer Lisa Harris, I asked her -- I said, did you see James Cantrell in there and she stated, no, I didn't see him. Remember earlier I asked you was he in there and I said everybody should be in there because I brought back 16, but I wasn't actually looking in the holding cell. At that time she was over, and then I told Dorothy Larocque, Deputy Larocque that we had -- she said do we have one missing. I said, yes, we do, James Cantrell is missing.

Q Is that the first time you knew?

A That's the first time I knew he was missing. And Sergeant Ashley was there. He looked over at me and he

said, Larry, are you saying we got an escape? I said, yes, sir, we do, James Cantrell has escaped. He immediately put the jail on lockdown. So as far as me not reporting it to a supervisor, I thought I had, you know. I didn't get on the phone and call Captain Woods. It was a bunch of stuff going on. It just didn't dawn on me to get on the phone and call him. I just told Sergeant Ashley.

Q And he was your supervisor?

A Yes. At that time, we didn't have a supervisor. We didn't have a sergeant and Lieutenant Seymour was on vacation. He wasn't even at the jail.

Q Let me back up just a minute. I have about one or two questions. Now, according to the practice, is it your decision whether or not to shackle and/or handcuff an injured inmate?

A Yes, it is. That decision was left up to me. James Cantrell had something wrong with his leg. I didn't put shackles on him.

Q That was according to policy?

A That was according to policy, yes, it is.

MR. DODD: I don't have any further questions.

EXAMINATION

BY MR. BLALOCK:

Q Mr. Henslee, you heard the testimony this

morning about the general order, external transport, I believe, did you not?

A Yes, sir.

Q Are you familiar with that general order? I'm referring to 9.3-01-03, 9.3-01-03A. Are you familiar with those documents?

A Which one are you asking about?

Q Both of them. Are you familiar with them?

A Yes, sir.

Q Do you have a copy? Which one do you have a copy of?

A I have 9.3-01-03A.

Q Look at page seven of that document. The bottom, do you see where I'm talking about, page seven, the line above mental health inmates. That should be the one you just passed, is the one I'm looking at. The bottom of the page, is that page seven?

A Yes, it is.

Q Do you see the note that says transports will only be transported if adequate and qualified personal are available?

A That's correct.

Q Do you understand that to be the policy of the sheriff's department?

A I understand that to be the policy. It's

supposed to be the policy.

Q Whose responsibility is it to bring to the attention the fact that there may not be adequate or qualified personnel on transport? Whose responsibility is that?

A It was our responsibility, which we did on numerous occasions.

Q On the afternoon of July the 16th at the noon pick-up at the courthouse, did you make it known to anyone in your chain of command that you didn't want to make the transport because you didn't have enough people?

A I did not.

Q Did Mr. Dodd, to your knowledge?

A Not to my knowledge because we were so used to transporting that many inmates and we never had help. So we told people we needed help, so we were just trying to do the job.

Q Did you specifically ask Sergeant Baines for any help that afternoon?

A I did not, but we didn't have a sergeant. He wasn't our sergeant. He works for another section now. He does court at the courthouse for the jail.

Q So you made the decision -- I assume you and Mr. Dodd made the decision to go ahead and transport those 17, notwithstanding what you felt was a lack of help?

A Yes, sir, like we did many times.

Q Nobody ever escaped before, had they?

A That's correct, and if nobody had escaped, we'd probably be doing the same thing today.

Q Violate the policy?

A Yes, if that's what we were doing.

Q Do you have a copy of general order number 4.31C, prisoner transport? Do you have that?

A No, I do not.

MR. BLALOCK: Did you enter that into evidence, Mr. Dodd?

MR. DODD: I didn't, but I can.

MR. BLALOCK: That's fine. I'll have this one marked if you didn't. That's fine.

MR. DODD: Okay.

Q (By Mr. Blalock) Are you familiar with general order 4.31C of the sheriff's department? I believe it's titled prisoner transport.

A Yes.

Q Have you seen that before?

A Yes.

Q Look at section L on page four. Read that section there, if you will.

A "Upon transporting prisoner, the primary duty of the officer is for the safe delivery of the prisoner and

to prevent his escape. Officers will not lose sight of their prisoner and will not normally make no stops to render assistance to others unless other certified officer is in the vehicle. In this case, other individuals will not be allowed to approach the patrol car to reduce the chances of something being passed to the prisoner."

Q Thank you. On occasion involving inmate Cantrell, did you lose sight of inmate Cantrell at some point in the transport?

A I said we had 17 inmates. Jack was up front with the inmates. The inmates had already gone around the corner before I ever came around the corner, and when I did, my obstruction -- the stuff I was carrying and the inmates -- I didn't see James Cantrell escape, if that's what you're asking me.

Q Were you relying on Jack Dodd to watch inmate Cantrell at that point?

A I always rely on Jack Dodd and Jack Dodd relies on me.

Q So you didn't see him actually walk away?

A I did not see him walk away.

Q Of course, if you had, you would have stopped him?

A That's correct.

Q And Mr. Dodd testified he didn't see him

walking away. Who was watching these folks?

A Well, if we would have had the amount of people that we needed, sir, we would have been able to correct it or had the courtroom control operator with us with that many inmates, had had the camera on, they would have seen the inmate escape and they would have told us. We would have been able to stop the escape.

Q You've seen the video, I believe you testified, right?

A I've seen it once, yes, I have.

Q And you saw where inmate Cantrell just walked around the corner?

A Yes, he walked around the corner.

Q And he's on camera, is he not?

A Yes, he is.

Q And he's apparently out of your sight and out of Jack Dodd's sight at that point, is he not?

A I did not see him walk around the corner, so evidently he was out of my sight.

Q From the film, I'm talking about.

A Yes.

Q You have an oath of office, I believe, that you took; is that correct?

A That's correct.

Q And you last signed that on 12/27/2012; is that

correct?

A I believe that's correct, sir.

Q Is this the oath that you signed?

A Yes, it is.

Q Would you read the first paragraph.

A "I, Randy L. Henslee, do swear or affirm that I will well and truly do and perform, all and singular, duties of a jailer for the County of Hall and that I will humanly treat prisoners who will be brought into the jail of which I am keeper and not suffer them to escape by negligence or inattentiveness of mine."

I will state that I was not being inattentive that day. I was doing the best job I could with what I had to work with.

Q Do you think, had you or Jack Dodd been looking at all of these inmates, not let them out of your sight for even a second, that Mr. Cantrell would be able to walk away?

A I think if we had the correct amount of deputies to do the job, sir, we could have done it.

Q Why did you take it upon yourself to enter into this transport knowing that you didn't have the correct amount of deputies?

A Sir, during my 15 years of working for Hall County, there's always been a shortage. I can't remember

but one time when we was fully staffed.

Q And on occasion, have they told you just to take five and leave the rest?

A Never.

Q Never?

A Never.

Q Are you sure about that?

A I'm positive.

Q The handcuffing at this particular time with regard to inmate Cantrell, did you have any medical information on him, any documents you would like to show?

A All I had was the thing he had on his knee, and I know that he did prior to that -- I dealt with him before, that he had a problem with his knee and I didn't leg iron him.

Q So that's why you didn't leg iron him?

A That's correct.

Q You handcuffed him in front, handcuffs like this?

A Handcuffed in front, yes, sir.

Q Did you hook those handcuffs to any kind of chain, waist chains, belts?

A I did not.

Q Was that a decision you made?

A Yes, it was.

Q And why was that?

A That's because with a belt and stuff, there's a chance that you could fall. It does put your balance off, so I did not. I handcuffed him in the front.

Q Apparently his balance was pretty good to get away, wasn't it?

A He did get away, I'll say that.

Q Drove a truck?

A Drove a truck.

Q Didn't seem to have a problem walking. When you got back to the jail with all these prisoners, you walked into the transport office, Jack Dodd went to booking, Lisa Harris, Officer Harris was not there at that particular moment, and you testified that you began to unshackle and unhook the prisoners.

A That's correct.

Q Was it then that she came up to you and asked you about an extra meal and where Cantrell was?

A Sir, I do not know anything about any extra meal. I fed the inmates, most of the males myself. She fed a female inmate. I don't even know where that come from.

Q Do you deny that she asked you about --

A I do deny, yes, I do.

Q Let me ask the question first. Do you deny

that she asked you about an extra meal and where Cantrell was?

A I deny that she asked me that, yes.

Q Do you deny that you responded, oh, I put him in the holding cell?

A I did not see anything. I said I put the inmates in the holding cell. I did not even know anything about James Cantrell at the time.

Q Were you there when Mr. Martinez, inmate Martinez walked up to you and to Ms. Harris?

A That was at booking, sir, almost 45 minutes later.

Q Had you discovered he was missing at that point?

A I had already discovered he was missing because of Deputy Larocque's phone call from the courthouse.

Q So when Martinez walked up, what did he tell you?

A Martinez and Lisa Harris was at the counter in booking. I was down there. I would just fill out some paperwork for those prisoners I brought and was working on that, and she says, I think Martinez knows something. She said something like that to the effect of me, but there's a lot of stuff going on, sir. So then I get a phone call from Sergeant Ashley, tells me Deputy Larocque wants to

speak to me. So I laid off to where they were standing and went to answer the phone, and then that's when we figured out Cantrell was missing. At the time inmate Martinez said that to me, I already knew. I already knew James Cantrell was gone. I didn't need him to tell me anything.

Q When did you first suspect that he was gone?

A I first suspected when Dorothy called me and asked me if anybody was missing. When Jack first called me, I didn't really -- I thought, well, I know because I did count them when we left the courthouse.

Q So Jack called you before the deputy at the courthouse?

A Jack called me when I was over there and said they're saying something to the effect that a black male was seen maybe getting in a vehicle up here and maybe stole a truck. Sergeant Tapia is doing some kind of report, and he said, so how many did we bring back, and I said, well, Jack, we have 17, 16 regulars and you have an arrestee, but I said I will check and see.

Q Was it at that point that you suspected it might have been Cantrell?

A I didn't really think about it until Dorothy said that to me or, you know, that one was missing, and then Jack had said that to me about the guy getting in the vehicle and all that. And then I asked Officer Harris, I

said, did you see James Cantrell in the holding cell. She said no, you said you put them all in there, which I did tell her I put them all there because I thought they were all there. I didn't know he was missing.

Q Did you or Ms. Harris, either one, go to the holding cell at that point?

A The inmates --

Q Answer the question -- go to the holding cell at that point and check with Jack for Mr. Cantrell?

A No, we did not, sir, because the inmates were already transporting to their pod, sir.

Q Why didn't you go --

A This is 45 minutes later or whatever. This is after the fact.

Q Why didn't you go to confirm his presence one way or the other?

A I didn't have to. Officer Harris got on the phone and called the pod, and so whoever was working that classification there, they called the pod and he was not there, and I know for a fact, he was in that line because he tried to take a lunch out of the lunch bag and I had to get onto it.

Q And that's what made you think that it might have been Cantrell, because of that incident you just testified?

A Exactly, right.

Q And when you thought about that, why didn't you immediately put out an alert?

A Sergeant said, Henslee, are you saying we got an escape. I said yes, sir, we got an escape, James Cantrell has escaped. I thought I reported it, and there's a lot of stuff going on. I just didn't think to get on the phone and call Captain Woods or I would have.

MR. BLALOCK: I believe that's all I have of the witness at this time.

EXAMINATION

BY MR. DODD:

Q Larry, this is the first time I've heard of it, that on five and leave the rest -- I'm assuming that what they saying is that you should have taken five in from the minibus and leave the rest on the bus. Is that what they're saying?

A I'm not sure, sir.

Q I don't understand. Okay. If you had taken five in, you would have had to have left all the rest of those prisoners on the bus unattended, wouldn't you?

A That's correct.

Q Would that not be losing sight of the prisoner? Is that what they're asking you to have done?

A Yes, sir.

Q Okay. That remark on losing sight -- not losing sight of that prisoner, that was meant for a patrol car, was it not?

A That's correct, that was meant for a patrol car. You may have two people in a patrol car, but you don't have 17, 18 or 20 or whatever in a patrol car.

Q Okay. He asked you if Cantrell's balance was good enough to step aside because of no shackles. If he had been wearing shackles, would he had still have been able to step aside?

A He could have still stepped aside. He could have walked to the exact same place where he went and hid in the exact same place he hid in. It wouldn't have slowed him down at all.

Q Okay. So his balance was good when he was handcuffed and no shackle. He had a good sense of balance, you would say; is that correct?

A I suppose he did. He didn't seem to have any problem.

Q And that was the purpose of not putting shackles on him?

A That was the purpose, yes, sir.

Q Okay. There's a section that -- are you familiar with the section on there that says you're supposed to use common sense when notifying of an escape?

A Yes, sir, I am.

Q Okay. Is it common sense to you when you have no supervisor other than Sergeant Ashley when you reported to him using common sense? Is that not your superior?

A I considered him to be a supervisor and I considered I told somebody. I didn't realize that I was supposed to get on the phone and call Captain Woods or I would have done it.

Q Did you have other things that you had to do?

A Yes, I did. I was filling out production orders on the six inmates I brought from PWC. There was a lot of stuff going on at that particular time.

Q Did you ever see Cantrell limping?

A Like I said before to Mr. Blalock, I worked with Cantrell before. I know he had a leg problem from before, and actually, I think at one time he was actually on a crutch or something prior to that.

Q Okay. In actuality, Cantrell was supposed to have an operation on his knee; is that not correct?

A That's right. That's correct.

MR. DODD: Okay.

MR. BLALOCK: I don't have any other questions of the witness at this time.

MR. SARTAIN: Mr. Henslee, did you have any other witnesses?

MR. HENSLEE: I'd just like to say one thing. I worked for Hall County for 15 years, and like I said, there's always been a shortage problem, and all I was doing that day was doing my job, and I was a team player for Hall County doing my job and that's all I was doing.

MR. SARTAIN: At this point, if y'all are rested, then we'll take a break for lunch. We'll recess. Try to be back a little after 1:00.

MR. BARFIELD: That's good.

MR. SARTAIN: We'll recess until after 1:00.

(Lunch recess from 12:19 p.m. to 1:11 p.m.)

MR. SARTAIN: Mr. Blalock, if you'll proceed.

MR. BLALOCK: Members of the Board, we're going to present the evidence from several witnesses here today. I'm going to make it short, sweet and to the point. You also have before you a record that you have been provided, which consist of personnel document, personnel file and the investigative report that we will be talking about a little later. So that is the record, and it'll be introduced in addition to those documents that Mr. Dodd introduced and maybe three or four more documents. I'm going to hand you policy guidelines. There's also a video which I want to

lay a foundation for at this point with Captain Chris Matthews.

EXAMINATION

BY MR. BLALOCK:

Q Captain Matthews, can you state your name, please.

A Chris Matthews.

Q I believe you've previously been sworn.

A I have.

Q By whom are you employed?

A Hall County sheriff's office.

Q What are your duties?

A I'm the captain over court services and civil process.

Q And do you work at the courthouse?

A I do.

Q Do your duties include supervising courthouse security, video security in particular?

A It does.

Q And how long have you been in that position?

A Five and a half years as captain.

Q And do you, in fact, have video security in place at the courthouse?

A We do.

Q Did you have it in place on July 16th, 2013?

A Yes, we did.

Q Were you on duty that day?

A I was.

Q Was the video operating properly so far as you know that day?

A Yes, sir.

Q Now, you heard, I believe, testimony from Mr. Dodd that somebody during the video footage, as it was being taken should have picked up on this escape. Did you hear that testimony?

A I did.

Q How is it that these video monitors are, in fact, monitored?

A Well, we have six monitors in our control room and that's for 143 cameras. Out of those six monitors, three are stationary. One is located always in the clerk's office because they have high volume. One is located at the front door because we have high volume of people that come in the front door of the courthouse, and the other one is outside X-1, where people come in from the outside of the -- well, it's X-1 from the outside to the sally port. So they're always on those locations, leaving you three other cameras for another 140 cameras or three other monitors for 140 cameras.

Q And how many people do you have monitoring

those cameras?

A Two of them.

Q On July the 16th, 2013, how did you become aware of any problem with regard to an escape?

A Well, I was at lunch and I had a call from Sergeant Roger Tapia that a car had been stolen at the courthouse, and I said, it was stolen. He said, yes, it was stolen outside the courthouse along the side where we unload inmates, and it was stolen from the individuals that were placing the new doors to our sally port, and it was a red pickup. At that time I left lunch immediately and went back to the courthouse.

Q Did you contact anybody or further investigate the report?

A I did. At that time I said let's do a head count. We did a head count. Our head count came up right. I said, call down to the jail, which was Corporal Dorothy Larocque. And she called down there and I said, they took 17. We got 17 logged out. She called down to the jail and said, how many do you have? She turned to me and said, they've got 16. I said we've got one missing then. At that time we started pulling up video, and that's when we learned who was the person that was missing. At that time we put out a BOLO.

Q What was the approximate time that you got

that?

A I want to say it was about 30 minutes, 40 minutes after that had happened. I don't have the reports right in front of me. I'm wanting to say somewhere around 1300 to 1330, but I don't have it in front of me.

Q So it would have occurred somewhere within the hour before?

A Yes, sir.

Q Now, with regards to the video footage that you have indicated, did you have a chance to review that video footage on the 16th for evidence of any escape?

A Yes, sir, I did.

Q And did you do that personally?

A I did.

Q And did you find such evidence?

A I did.

Q And based on your findings, did you redact from that video or duplicate that evidence onto a DVD?

A I did.

Q I want to hand you this. Is this the DVD you brought in with you this morning?

A Yes, sir, it is.

Q And what does it contain?

A It contains three different areas. It has a footage of the front of the courthouse or out the side of

the courthouse from the roof camera. It has also a footage in there of people going out the trash door area where the inmates were when James Cantrell did escape, and then it also has another area in there where you can notice one pushing on the door, James Cantrell, trying to get out.

MR. DODD: Excuse me, Mr. Blalock. Captain, can you hold up just a moment. For the record, I want to object to the use of this video. We have asked for it continuously. We've never been provided a copy of it. That's a violation of our due process right and we object to it. Also, it's hearsay, so we just object to it for the record.

MR. BLALOCK: And in response to the objection, I believe the testimony has been both by Mr. Dodd and Mr. Henslee that they both had an opportunity to view the video prior to the hearing this afternoon.

MR. SARTAIN: So ruled.

Q (By Mr. Blalock) Now, going forward, Captain Matthews, in addition to repairing the excerpts of the tapes that you found to be relevant, are you familiar with the security procedures used at the courthouse and at the jail as concerns handcuffing, shackling or chaining?

A I do.

Q There's been much testimony here today that

nobody ever required there to be any type of chaining, belly chaining. Is that your experience?

A Well, we've always used belly chains and chains before and leg irons. Everything changed for us on March 7th, 2005 in Fulton County. So at that time, we started handcuffing and leg ironing all inmates that were going to go to court, dealing with court services.

Q On the 16th of July of this year, 2013, was there any particular guidance in effect that excused the use of leg irons and/or chains and/or handcuffs for security purposes?

A Not that I know of, no.

MR. DODD: I believe he's with you.

EXAMINATION

BY MR. DODD:

Q The personnel that's in the control room, did they -- are you saying that they have control of the cameras completely? Okay. Let me narrow that. Do they have control of the cameras going out into the sally port, to D-2 room and D-3 room?

A Are you saying control for as remote control?

Q Yes.

A Yes, they do.

Q Okay. So the fact that they -- is there any particular order that you know of that would keep them from

viewing a prisoner transport when it was going out through there?

A Depending on court, we sometimes have to use our best judgment of what we have going on in the courtroom. When you're dealing with a number of cameras, 143 with only six of those monitors being available and three of them being taken up, they usually keep them in the courtrooms where the deputies and people are in custody or out of custody.

Q Okay. In view of the fact that there were 17 people taken out by two transport officers, would you not think that it would be a good thing for them to do just sitting there, to watch until those prisoners got out?

A It could be done.

Q Okay. Thank you, sir. What I'm asking you, don't you think it would be a good idea for them to watch those prisoners until they got out?

A I would probably say yes, depending on the circumstances.

Q Okay. Now, let's go back to transport. When you say having waist chains and belly belts and all that, are you familiar with whether or not transport has access to waist chains?

A No, I'm not. I'm not familiar if you got access to that or not. I know we do, but I wouldn't know

about transports.

MR. BLALOCK: You can come down, Captain Matthews.

Captain Matthews, I do have one other question. You can stand from there.

EXAMINATION

BY MR. BLALOCK:

Q The excerpt that you have provided, have you reviewed it?

A Yes, sir, I have.

Q Does it truly and accurately reflect the original videotape that was made on the 16th of July?

A Yes, sir, it does.

Q Has it been altered or modified, to your knowledge?

A No, sir.

MR. BLALOCK: Thank you. At this time I will tender the tape. I want to play it and have testimony provided by Lieutenant Seymour with regard to what it shows.

(Defendant's Exhibits HC-1, HC-2, HC-3, HC-4, HC-5 were marked for identification.)

MR. SARTAIN: It's admitted.

MR. BLALOCK: Bill, please get this thing started. What I'd like to do, ladies and

gentlemen, is have Lieutenant Seymour narrate this tape, tell what it is and what is shown, pause it at a point where he sees there to be a violation of rules and regulations to explain what he sees. Now, it's a little bit small, of course, from your view point. We've got four monitors, but in the event that you can't see it, I don't have any problem with you getting down close if you'd like to see it. If you need to do that after we get started, you can certainly do that. Let's go to D-3.

EXAMINATION

BY MR. BLALOCK:

Q And what does this show us, Lieutenant Seymour?

A This is what they call the trash room where they're exiting the courthouse.

Q Is that the bus out in the opening area?

A Yes, it is. This right here would be the bus.

Q This is looking from the interior of the courthouse going out?

A Yes, it is.

Q What does this show?

A This is showing Officer Dodd walking and the inmates walking behind him to the exit. It also shows that the inmates are not walking in line or in a straight line.

You can stop. At no time did Officer Dodd look to the left or right. And if you can see, the inmates are still out of order, almost like the officers do not have control of the inmates. Go ahead. The inmates all go out. Stop. Officer Dodd has to go up to the bus to unlock the bus. The inmates should have stopped at the door prior to Officer Dodd going out to unlock the bus. All the inmates should have been in a straight line and facing the wall. If -- as you see right here, there's no control of the inmates. All the inmates are going out to the street while Officer Dodd has his back to them to unlock this van.

Go ahead. Stop. You can see if I walk up, this right here is inmate Cantrell. He's already started to the right to exit and go to the little hiding hole thing.

Q Back that up just a second. All right. Right there, is that inmate Cantrell making the corner there to the right?

A Yes, it was.

Q Okay. Go ahead.

A Officer Dodd has got all these inmates up on him and has not even noticed inmate Cantrell bearing off to the right. Again, all the inmates should have been stopped prior to going outside that door until he got the bus unlocked. Officer Henslee is following behind, who has also no control of the inmates. They're all just going out

and doing as they please as far as walking. There was no control of the inmates whatsoever.

Q Hold it right there. Based on Mr. Henslee's testimony, he testified he was around the corner, was not in a position to see Mr. Cantrell when he stepped to the right. Are you familiar with that court or have you been down through there?

A I have not been down to see how far it is between that camera where they exited the door to there, but I do know that the way the inmates were staggered all in that room, he wouldn't have been able to see it.

Q Okay. Go ahead.

A There comes the one with the walker with the two officers from MR. SARTAIN following him behind.

Q Were they in the very rear of this procession?

A Yes, they were.

Q Would they have been in a position to see Mr. Cantrell step to the right?

A No, they would not. And still as they're getting on the bus, there still are no control of the inmates. They should be standing in a single file line.

Q Now, when you say they should be in a single file line, they should have been up against the wall. Is that policy found in some of the general laws we talked about this morning?

A I believe it's something we practice in the jail, where we transport all the inmates and they face the wall.

Q Are your transport officers trained in that procedure?

A Yes.

Q Were these two officers here, Henslee and Dodd, were they trained in that procedure?

A Yes.

Q At the time of this incident, July the 16th, what was your position as regard to Henslee and Dodd?

A My position was lieutenant over-warns external transports and maintenance.

Q So you would have been their supervisor?

A Yes.

Q All right. I think that's probably all we can see on that. Let's go to two.

MR. BLALOCK: Can y'all see all right? I know it's a little difficult from where you are.

MR. BARFIELD: Yes, sir.

Q (By Mr. Blalock) Tell us what this is.

A This is a rooftop view. This here is the bus that they're going to come out on. They'll come out at this area right here.

Q What is directly across the street to orient

where this is with regard to the courthouse?

A I believe it's a parking lot right above it. I don't know what is it.

Q Is that the law office right next door, the courthouse on the corner?

A It is a building there.

Q So this is around to the side of the courthouse, it's not on the main street?

A No. It's on the side of the courthouse.

Q If you follow on up to the rest of the bus, there's a little cul-de-sac above it, isn't there?

A Yes.

Q So this is not on the main thoroughfare?

A Right.

Q All right. Go ahead.

A There is Officer Dodd coming out to the bus, trying to unlock the side door. And the inmates here are coming up behind them. As you can see, they're all just crowding in behind him. You even have one inmate that was here that went off to the left that appeared that he wouldn't even notice. All the inmates are crowding in to get on the bus. There's still no control of the inmates as they're loading the bus. Still are waiting on the inmates loading the bus still at this time.

Q Has Cantrell made his turn at this point?

A Yes. Cantrell has already made his turn.

Q All right. Let's go back. I want you to tell us when that occurred. Go back to the very earliest point when they're loading the bus. Do you see Cantrell making a turn?

A You won't see him on this camera making a turn. There's Officer Dodd. He's already made the turn. This is about the third, fourth inmate from the front. He's already --

Q So he's not visible on this camera?

A That's correct.

Q Okay.

A He's visible later, but not at this time.

Q Fast forward, if you will, to the point where he comes.

A Keep going.

Q At this point is the bus loaded?

A Yes. The bus is loaded. The bus is pulling off.

Q Now, where is Cantrell during this sequence?

A He is somewhere in this area right here.

Q He's outside?

A He is outside.

Q Okay. Does he appear here later?

A Yes. He appeared here, then he walked down the

sidewalk and then back in there.

Q Let us know when he appears.

MR. DODD: If I might object. I don't see the relevance as to what happened after the van had left. The only thing relevant is we had no control over what happened then. The only thing that's relevant is what happened when we were there. So I would object to the relevance.

MR. BLALOCK: Would you stipulate that he escaped and stole a vehicle?

MR. DODD: Of course. I'm not dumb. I stipulate.

MR. BLALOCK: Then I think the stipulation would be the video would be relevant to the stipulation as to how it occurred.

MR. SARTAIN: Objection overruled.

THE WITNESS: There he is top right.

Q (By Mr. Blalock) Show us.

A He's right here. He's coming down looking to see if anybody is around.

Q Is that him?

A That's him there.

Q Okay.

A He goes up, takes into this truck and then he'll come back down. There he is again still at the white

truck. He's walking down the sidewalk.

Q Did he go back in the alcove there?

A He did and then he'll come out in the lower part. He'll come out somewhere down in here shortly. There he is again to the right just sticking his head out to see if he sees anybody.

Q You can fast forward.

A There he is. You can still see Mr. Cantrell sticking his head out, looking up and down to see if anybody has noticed him. He's walking down to -- down the sidewalk and I believe this is where y'all end up --

Q Is there a way to go into the garage from where he's located?

A Yes. There.

Q Is that where he went into?

A Yes.

Q Let it play.

A Maybe a little bit further down where the garage part is, but there is an entrance to the garage prior to where he's at.

Q Is that him there at the entrance?

A Yes. I believe this is where he'll go into the parking lot where he steals the truck. And there goes the truck.

Q Is that the one that was stolen?

A Yes, it was.

Q Okay. Let's look at the next video, which is the sally port, the large room between D-3 and sally port.

CAPTAIN MATTHEWS: That's not on that one. The D-2 one is on the other disc.

MR. BLALOCK: Okay. Well, this one is showing. Let's look at this one first.

Q (By Mr. Blalock) What is this, Lieutenant?

A This is the side of the building where you'll see the inmates come out. This right here is the front of the bus right here.

Q So we're looking down the side of the building towards the bus?

A Yes. And they'll come out at this door here.

Q Okay. Is that black doorway there above the center of the screen, is that the alcove?

A Yes. This is where inmate Cantrell will go when he steps out to the road. There's Officer Dodd and then the inmates are following right behind him, and there's Cantrell when he goes to the right. All the inmates -- you can stop there. If you see how the inmates come out at one time, there was no control of the inmates, having them stop, stay inside the building until he had that vehicle unlocked. You can see inmate Cantrell is already hiding in that little corridor.

Q Now, if one or the other or both, Mr. Dodd or Mr. Henslee had been watching the inmates, looking directly at them, could they have seen him when he turned to the right?

A Yes. If they had stopped all the inmates from coming out that door until the van was unlocked and keeping them there, then this wouldn't have happened.

Q Okay. Let's go next to the sally port, large room between D-3 and the sally port. Is that on there?

CAPTAIN MATTHEWS: Not on this. It should be on the other disc.

MR. BLALOCK: This disc, did you make a copy of it?

CAPTAIN MATTHEWS: I think that's one of them, yes.

Q (By Mr. Blalock) Let's go to the door between the sally port, D-3.

A This is a shot of the sally port. The inmates are coming from this direction over here and walk over -- I believe it's to here, if I'm correct. There's Officer Dodd going to where they're -- stop right there. You see the distance that Officer Dodd and the inmates had, and at no point did Officer Dodd turn around to check on the inmates, to see what they were doing, making sure that they were in line and in control. Go ahead. Here, as you see, the

inmates are just coming out in a row, I guess you would say, not in a straight line, not in control, and they're all looking. There's an exit right here. I don't know what they were looking at there, but neither one of them are looking at that point.

Q What are they going into here?

A They're going into the room. It goes into another door that they have to exit that goes into -- they call it the room that exits out the building.

Q Okay.

A They call it the trash room.

Q Let's go to the other. D-3 all the way, I guess. Is that it?

A They'll come in from here where we just left off at and they're going to exit out of here, and you'll see them when they come in.

Q What does D-3 and D-2 indicate from those doors?

A I'm not familiar.

Q You don't know where they go?

A No.

Q Are they going out on D-2?

A D-3 I know goes out to the parking lot. I do not know where D-2 goes to. You can see the door just come open here. It would be Officer Dodd with the inmates

coming in behind him. He checks to see if the door is open, which is not, and if you look in this hand here, he has a phone. At this point he should have lined the inmates up against the wall, facing the wall until all of them are in there and this door is secured before opening that door. Right there is Cantrell. You'll see him. He'll walk around behind Dodd. Still Dodd has not noticed him, until that point he did look. All the inmates, like I said -- hold it. Inmate Cantrell is pushing on D-2 now to see if it'll open. He's still not looking behind him. He goes over to the other door. He's bumping it to see if that door opens. Officer Dodd opened D-3, and he still has not looked back to see Cantrell pushing on the door. If all the inmates had been lined up instead of all bundled in there like that in a straight line in their control, inmate Cantrell would have never had opportunity to check the door to see if it was unlocked. This is all of them just gushing out at one time to where the trash room is where they go out to the parking lot.

Q That's the first video you saw?

A That is the first video we saw.

Q If you'll take your seat, Lieutenant Seymour.

How long had you been in charge of transport officers on July 61th?

A Only a few weeks. I was on vacation the week

that that happened.

Q You heard the testimony from both Mr. Henslee and Mr. Dodd that they were required on many occasions to transport officers without proper personnel to help them, assist them. Did you hear that?

A Yes, I did hear that.

Q Was that ever brought to your attention by either of these gentlemen?

A No, it was not.

Q Do you know of any occasion when it happened, when they asked for assistance and they weren't given assistance?

A No. As a matter of fact, if anybody has ever asked me to help, I've helped them myself.

Q Did you ever direct Sergeant Baines to tell them they had to take what they had, if you didn't have enough people, that was just tough or words to that effect?

A No, I did not.

Q Would that be policy of the sheriff's department?

A No, it would not.

Q And if they didn't have proper security, proper personnel to help you, what should they have done?

A They should have went to the sergeant, which was out then. I did have a warrant sergeant that was on

duty. They could have went to them for help because sometimes when the warrants -- the warrant officers will help with any transports that they need. They should have gotten ahold of the warrant sergeant.

Q And whose responsibility is it to ask for proper assistance when it's needed?

A That would have been Officer Dodd and Officer Henslee.

MR. BLALOCK: He's with you.

EXAMINATION

BY MR. DODD:

Q Lieutenant Seymour, I assume that you can remember what you testified to in the video, correct?

A Yes.

Q All right. You stated that you had not worked for that long in transport. Actually it was just two weeks; is that correct?

A I don't know the specific date that I was -- I don't know the specific date that I was moved over from the shift to transport.

Q So you couldn't argue -- if we say it was two weeks, you couldn't argue with that, right?

A I don't know the specific date.

Q All right. First off, were you at the courthouse on -- I believe you testified you were on

vacation when this occurred, correct?

A Yes.

Q So you don't know anything of your own knowledge, just from the video, correct?

A I know what I was told when my sergeant called me.

Q So you're basing all of your -- what you're saying is based on the video and what you were told by somebody else; is that correct?

A The video and what my sergeant told me who escaped, yes.

Q Okay. Do you know what the policy is as far as for ratio of officers to prisoner in transport, external transport? Do you know what the ratio is?

A It's always been five inmates to one officer.

Q Okay. All right. During those two weeks that you worked -- and I understand that you were off on vacation -- do you know how many we had to take to the courthouse? By we, I mean Officer Henslee and myself.

A No, I do not.

Q Okay. And if we told you that we had to pick up and take 25 and 30 at the time on some days, could you say that was incorrect?

A I can check MR. SARTAIN listings and see how many.

Q I'm talking about from your knowledge and what you testified today, are you aware that we had to carry 20, 30, sometimes 40 people up there and then pick up 19, 20, 25 with one or two officers? Are you aware of that?

A No.

Q Okay. Would you have -- if we had told you we had that many and we needed one officer for every five prisoners, would you have provided that?

A Yes, I would.

Q If sergeant --

A Even whenever I was lieutenant on shift, Sergeant Baines had come to me before or Lieutenant Nix and asked if I could -- they can use an officer on a transport to the courthouse and I've provided that.

Q All right. Did Sergeant Baines come to you and tell you on the two weeks that you were talking about that we were understaffed and we needed help?

A No.

Q All right. Now, you're talking about a single line -- you made that statement several times. In actuality, that is an internal transport amount, isn't it, directive, right?

A It's also whenever we would bring in the board-ins from Fulton County, that's the way we had them walk, all one straight line coming into the sally port or

from the bus to the sally port or entrance to the booking area.

Q Okay. I stand corrected, but is that the policy -- has that policy ever been pushed on external transport for the courthouse? Have they ever been told to keep everybody in a straight line?

A I'm not aware if that has been forced. I've never been to the courthouse to see how they were unloaded or loaded from the courthouse.

Q Actually, that's a good point. You've never transported prisoners up there to the courthouse, have you?

A Yes, I have, but not with the bus, no. In a patrol car, yes.

Q I'm talking about the external transport duties with a van or the bus, either bus or the minibus, you've never transported anyone, have you?

A Prior to that, no.

Q All right. Now, you were viewing one, the video of the trash room. You know what I'm talking about, the trash room just before you go out on the street?

A Yes, sir.

Q Are you familiar with the trash cans on both sides? Do you remember seeing that?

A Yes, sir.

Q What was in those trash cans?

A I have no idea. Trash, I assume.

Q Okay. As a matter of fact, if we said that there was all kind of trash like lead pipes, Coke bottles, glass, all kind of metal stuff in there, you couldn't say it's not true, could you?

A No. I don't know what was in the trash can.

Q Okay. All right. Now, in view of the fact -- how many times have you viewed this video, by the way?

A I believe this is the third time, counting this time.

Q So you got to view it three times, okay. How many people -- who was with you at the time that you viewed it?

A Dale Long and the attorney.

Q Okay. Now, you just stated a few minutes ago that I came walking out into the sally port area -- and that first door is D-2. Do you know what I'm talking about?

A Yes, sir.

Q And you just made the statement that both Jack Dodd has let him get way back and kept him back behind you, yet just a little bit later, you said, look, Jack Dodd has got him up close behind him. So it's just whenever it's convenient for you or whatever they say that's wrong? I mean, if they're close, that was wrong, and if they're

back, that was wrong. Is that what you're saying?

A No. I'm saying at that point when y'all come out into the sally port, the distance between you and the inmate at that time was too far, that you could not tell what the inmates were doing. And if they had come out in a straight line and you were out with them and had control of them, then they would have all went in that room at the same time and not bunched up together.

Q Okay. Now, on the five-to-one ratio, we had two officers, two transport officers up there at the time they came out of the sally port into the D-2 room, which is compacted and then straight on into the trash room; is that correct?

A You and Officer Dodd?

Q Henslee, yeah.

A Yeah.

Q Is that not correct?

A Yes, sir.

Q All right. Given the ratio of five to one, had we had two more transport officers, do you not think that escape would have been stopped?

A You had two more.

Q Pardon me?

A You had two more.

Q All right.

A Let me answer.

Q Okay.

A There were two courtroom or courthouse security right behind Officer Henslee. If you had got to where y'all exit to the bus, if you would have stopped right there before they exited, having faced the wall and watched them in one straight line until Officer Henslee got up there to where he could watch them, then you could have went out, unlocked the van and had them loaded at that point.

Q Okay. You're avoiding my question. If we had had two more officers as we were required to have, transport officers on a five-to-one ratio, which we did not have, are you saying that that wouldn't have made a difference?

MR. BLALOCK: Object. Asked and answered.

MR. DODD: I don't believe it has, sir. He hasn't answered it. I'm asking --

MR. BLALOCK: He answered it. You just didn't get the answer you're looking for.

MR. DODD: I think he has a ruling on it.

MR. SARTAIN: Rephrase your question.

Q (By Mr. Dodd) All right. Let me put it like this: You're saying that they -- let's go back to D-2. Going into D-2, that's a small area, correct?

A Yes, sir.

Q Okay. And those personnel go in there and view on the camera that I was at the door; is that correct?

A Yes, sir.

Q Who operates those doors?

A I assume the control room at the courthouse.

Q Control room. All right. Who locks those doors that you said Cantrell went to and attempted to open?

A The question is that I'm not familiar with what doors are unlocked at the courthouse, but I assume that the control room operator is the one that unlocks those three doors.

Q Okay. But you're saying that we were negligent in there, is that correct, or inattentive or whatever you said, correct?

A Yes.

Q But you don't know if that door -- you don't know who locks and unlocks any of those doors other than what you've been told, correct?

A That's correct.

Q Okay. Now, are you aware of whether or not when those doors open, like going into -- from D-2 into the trash door, how does that door work there? Does it spring open? Do you know whether it springs open or it just stays there or what?

A I don't know, but I did see when you pushed the handle down, but I don't know if there's a lock.

Q Okay. So if I were to stand here and tell you that door can't be opened unless an officer is standing there pushing down on it and open it, you have no reason to disagree with that, right?

A I do not know how that door opens, if it's electronically locked or not. I've never been in that room.

Q Yes. That's a good point. What I'm trying to say is even if they opened it electronically and I see it, it won't open unless I'm standing there mashing that door handle and pushing it, you have no reason to say that's not true, is it?

A That's correct.

Q You don't know, right?

A Correct.

Q So I have to stand there, push that door with these prisoners around me?

A Yes.

Q Okay. All right. Now, let's go back to the straight line. When the door is opened into the trash room, are you saying at all times that we should have had a single line of those prisoners maybe facing the wall or something down to there at all times; is that what you're

saying?

A I'm saying that from the time you exited that door until you exited the building. Now, I don't know if all the inmates would have fit in there as a single line, but I do know from the video that you could have put two or three lines in there, enough to where that door was secured and Officer Henslee could have gotten there with the other two officers that were in the video to watch the inmates until you unlock the van.

Q So you're saying that I should have taken those prisoners in an area that has, for lack of better terminology, contraband, steel pipes, knives and I'm supposed to leave them in there with no officers?

A I didn't say leave them there. I said I would have stayed there and watched them and put them in a line until all of them were in there and Officer Henslee was in there. Then when Officer Henslee was watching them, then you leave and go and unlock the van.

Q I would still have to be in one position or the other with those prisoners facing the contraband, all 17 people down through there until Henslee came up. I still would have to watch 17 people lined up with pipes and everything. Is that what you're saying?

A Yes.

Q All right. Now, when the trash door is opened,

is that area secured out there?

A What do you mean secured?

Q Is it secured? Are you familiar with the fact that it's out on the sidewalk with no control? Are you familiar with that?

A Yes.

Q Okay. Are you familiar that citizens walk up and down the sidewalk and cars drive up and down --

A Yes.

Q -- outside?

A Yes. That's why I say when you get to that exit to where you're exiting the building, you have control of the inmates to where you're watching them and then the officer comes up behind and he's watching them until you go and unlock up the bus and then you have the inmates come on in a single line.

Q Okay.

A And you are in control of the inmates.

Q Okay. Now, I'm assuming since you've never been up there and done it, you're looking at that video. Again, I'm asking you what you're telling me is that I have to get somewhere where I can try to watch number one of 17, number 17 coming in a door right here, all this garbage and trash and everything, and I'm supposed watch all of that, and you're saying stop the prisoners and allow them to do

whatever when I'm trying to keep an eye on all of them? That's what you're saying is the best procedure?

A Yes, because when you exited the building, you just walked straight to the bus. You didn't check for anything to see if they were gathering anything out of the trash can, to begin with.

Q I'm keeping them moving, though, and I can't argue with you -- are you saying that I should not try to keep those people moving, get them on the bus as fast as I could, which would keep people that's walking down the sidewalk from attacking us, from shooting us, from hitting us? Are you saying that I should have just left them back there and then I go out there and nobody's with those prisoners in there and they're in there with a contraband?

MR. BLALOCK: I'm going to object to the testimony by Mr. Dodd as opposed to asking the question. He's testifying.

MR. SARTAIN: If you want to do rebuttal, you can do that, but if you have a question, just ask the question.

Q (By Mr. Dodd) I believe I prefaced that with do you understand that I have two choices, Lieutenant; one, to keep them moving into the van; or two, stop them and leave them in there by themselves to go to the van regardless of a short period of time with weapons. Do you

understand that that's my two positions?

A Okay. That is not what I said. I said when you get to the exit of the door where the van is and the inmates stop, face the wall, whether you have a single line or you have to double the lines, you're watching the inmates. Then when Officer Henslee and the other officers come in from behind, as you're watching them and you see that other door secured and them officers are back there, that's when you turn and go to the bus and unlock the bus and in a single line have them load the bus.

Q Okay. We've been over that before, what can and can't be watched in there, okay. We'll just go from there.

Did Sergeant Baines ever bring the situation to your attention, that we were carrying more than the five-to-one ratio?

A No, he did not.

Q You said something about Cantrell, I believe, getting into the garage area. Actually, I don't think Cantrell could not ever get into the garage area; is that correct? I'm talking about the sally port area, not the garage. Pardon me.

A Yeah. When you walks down the side of the building, getting into the garage is unsecured.

Q That's the garage you're talking about, but not

the secured area, correct? He was locked out of it?

A He was locked out of it as far as I know.

Q Again, if we had had two additional transport officers as required by policy, that escape wouldn't have happened, would it, Lieutenant?

A You had two additional officers from the courthouse that was behind you. If things had been different and y'all had more control of the inmates, then that escape would not have happened.

Q Those two officers, where did they stay the entire time, Lieutenant?

A Behind the inmates until they were loaded.

Q There was not one of those officers that came out and assisted me with 17 people behind, was there, Lieutenant?

A No. That's the reason I say when you get to that exit point, that's where you stop.

Q You keep saying that those two officers was the same as transport, would have two additional transport, plus those two officers. That was even better, but we did not have the correct number there, according to the policy of the Hall County Sheriff's Department, did we, Lieutenant?

A You had four officers there and if you needed more help, then you could have called for more help.

Q You can avoid that question all you want. What I'm asking you is did we have four transport officers there that we were required to have, transport officers? Did we have those four?

A That was assigned to the transport?

Q Yes.

A No, but you had four officers with you when you was loading the bus.

Q Which were at the back and no help at all, right? I have no further questions.

MR. BLALOCK: You can come down, Lieutenant. Sergeant Baines.

EXAMINATION

BY MR. BLALOCK:

Q Would you give us your full name, please.

A Officer Terry Baines, Hall County Sheriff's Department.

Q You've been sworn, have you not?

A Yes, sir.

MR. SARTAIN: Mr. Blalock, do you anticipate using the video anymore?

MR. BLALOCK: No. I don't think we need it right now.

Q (By Mr. Blalock) Give us your name, please.

A Officer Terry Baines.

Q By whom are you employed, Terry?
A Hall County Sheriff's Department.
Q What's your position?
A I am currently a court liaison officer.
Q Were you at one time assigned to transport duty?
A Yes. I was a transport sergeant.
Q How long?
A I was assigned there, I believe, it was May of 2009 up until June of this year.
Q June of this year?
A Yes. June the 1st of this year, yes.
Q I'm sorry?
A The first week of June of this year.
Q First week of June. And then where did you go?
A Then I went to MR. SARTAIN liaison position.
Q You were the sergeant of transport; is that correct?
A Yes, sir.
Q As the sergeant of transport, did these two gentlemen work for you?
A Yes, they did.
Q Dodd and Henslee?
A Yes, sir.
Q You heard the testimony that they indicated

that on various occasions, several occasions they inquired or complained about not having additional and proper help to transport prisoners. Did you hear that? Did you hear them testify to that?

A Yes, I did hear that.

Q Did they ever come to you and tell you that that was a problem and a recurring problem?

A Not at all.

Q Not at all?

A No, sir.

Q Did they ever write anything to you in the way of a memo or anything?

A Not at all.

Q Send you an email to that effect?

A No, sir.

Q Did y'all ever have a conversation about what they should do if they didn't have proper personnel for transport?

A Yes, sir.

Q And what was that?

A The ratio has always been a one-to-five ratio. There's been comments made many, many times that if they had ever had an opportunity where they felt they were not comfortable with the transport ratio, that they should call me. At that time I would make arrangements to have an

officer, including myself, help with the transport.

Q Is that given to your officers in their training?

A Yes.

Q And were these gentlemen here trained in transport duty?

A Yes. In fact, we had actually had a previous transport course that was put on by the training division. Part of that training encompassed security once you got up to the courthouse, the transport from the jail to the courthouse, what you did once you got to the courthouse. One of the main priorities once you got to the courthouse was securing the area. That would mean if you were outside that area where the bus was parked, that road would have been shut down. There would have been no vehicle traffic going through there. There would have been no pedestrian traffic going through there. There would have been an officer watching to make sure that wasn't happening.

Q That wasn't done according to the video, was it?

A No.

Q Had you seen the video before?

A Yes.

Q You heard the testimony Lieutenant Seymour thinks you found wrong with the procedure, did you not?

A Yes, I did.

Q Do you disagree with any of these points?

A No, I do not.

Q With regard to handcuffing, shackling or waistbanding inmates for proper transport, are you familiar with what the rules and regulations require?

A Yes, sir.

Q You heard the testimony that apparently this man escaped, Cantrell, apparently had something wrong with the knee or leg, did you not?

A Yes, sir.

Q Were you aware of that fact?

A For that particular transport, I was not the transport sergeant, so I'm not aware of that. I can only refer back to previous transports that were done and that had medical conditions.

Q What happens when you have someone with a medical condition if you don't want to shackle them?

A Well, we would first verify with the medical department what the condition might be, what would create that kind of problem, what kind of restraints we should use, and then take whatever appropriate steps necessary to restrain the best way possible.

Q Do you depend on the medical advice to make that decision?

A Yes.

Q What about the waistband, you heard the testimony about there not being chains, waist chains. Do y'all have or utilize waist chains from time to time?

A Ever since I've been in the transport office, we've had chains. The chains have always been in the outer office of the transport, in a milk crate box. There was two boxes of chains there. I did hear testimony that with proper chains, you'll be able to restrain them, to lock them chains and so forth. Chains are good for particular type transports. Lap belts are better for others. If you have, for instance, somebody who's got an arm in a cast, you can still use a lap belt and restrain one hand with that lap belt even though the other arm is in a cast. The main thing you're trying to do is make the inmate not feel comfortable with transport. You're trying to put him in an uncomfortable position to know that you're in control, not the inmate.

Q Do you know of any reason why this man, Cantrell, was not lap belted or chained as well as handcuffed on the date?

A Like I said, I wasn't the transport sergeant that particular time, but under normal circumstances, he should have been more properly restricted.

MR. BLALOCK: He's with you.

EXAMINATION

BY MR. DODD:

Q Sergeant Baines, you say you were transport sergeant May 2009 until June 1, 2013?

A Approximately, yes.

Q And you're sitting there telling these people that we, Larry Henslee, I or Peppers, Dustin Peppers never asked you for any additional help?

A No, that's not what I'm saying.

Q What are you saying?

A I'm saying when you did ask for additional help, I found you additional help.

Q How many times would you guess that we asked you to give us transport officers?

A You didn't ask very often. My question would be if you were at the courthouse with that many inmates to transport, why would you not make more than one trip from the courthouse to take five inmates, go back up and get five more inmates versus taking 15 or 16?

Q Have you ever made any arrangements with the courthouse to leave them up there, leave any of them up there?

A Yes, sir.

Q Okay. How many did you leave?

A I couldn't give you a figure amount. I could

tell you that even once I'd even gone home for the day, while I'm sitting at home, my radio would go off, my phone would go off where I get phone calls from officers at the courthouse advising me what they have up there and how they want me to handle it. At that time I will make phone calls to the jail, Lieutenant Seymour, whoever is up there to seek any additional help. Sometimes I would even go out myself to give additional help.

Q The only time that you ever went to the courthouse, I would say, 99 percent of the time was in the morning; is that not correct?

A 99 percent of the time, I would say that's probably -- that's not correct.

Q That's what?

A That's not correct.

Q Okay. So you are saying that you would go up all during the day at 12:00 and 2:00 and 4:00 and 5:00, is that what you're telling these people?

A I question why you come up with --

Q Mr. Baines, please answer the question. Don't question me.

A Rephrase the question.

Q You'll have your chance.

A Rephrase the question, please.

Q What I'm saying to you is are you saying that

in all these transporting issues when we had more than a five-to-one ratio, are you saying that every day you were available for us and would always get us more people?

A If I was notified, absolutely.

Q And yet, you have no idea how many times that Henslee and I and Peppers and the rest of the transport personnel asked for more personnel? You're saying that we never asked for it?

A No. That's not what I said. What I said is every time I was asked for additional personnel, I obtained additional personnel.

Q Did you get that personnel every time we asked for it?

A Absolutely. If I did not get the additional personnel, then I would make arrangements for the personnel to -- for the inmate to be transported differently. If we didn't have enough officers to handle the transport, then I would instruct the officer to handle transport differently.

Q Okay. Are you saying then that you observed us violating that five-to-one ratio all the time? Is that what you're saying, that we didn't ask, and when we did it, you didn't see it or didn't know anything about it; is that correct?

A No. I'm not aware of you violating policy by transporting more than a one-to-five ratio of inmates.

Q All right. Where was your office?

A As has been previously stated, my office was outside the transport door to the door to the sally port.

Q And you saw us walking in with the prisoners every day, is that not correct, Sergeant?

A Not every day, but I would say if I was in my office and I saw prisoners come in, yes, I would see that.

Q Okay. How many times did you give a verbal warning to Officer Henslee about not complying with the five-to-one ratio?

A I'm not for sure that I ever did give one because, to the best of my knowledge, we were adhering to that policy.

Q Okay. How about myself, did you ever give me a verbal warning about I was violating the five-to-one ratio?

A No, sir.

Q But you saw us bringing all those prisoners in, correct?

A I saw you moving inmates. What happened from the inmates from the courthouse there, I'm not for sure how the transfer went down. As far as I know, you could have had two other officers in a car escorting you back to the jail. Once you brought them in from the sally port to the transport area, I'm not sure how many officers brought them to that area.

Q When you were with us up to the courthouse, are you saying that there was -- on this 12:00, 2:00, are you saying that we were in policy five-to-one every time?

A If it wasn't a hundred percent policy, no, I can't say that. Can I sit here and say that were we adhering to the policy the best way we could, absolutely.

Q That's what we're saying. Okay. Now, how many times have you seen this video?

A Once.

Q Now --

A Twice counting today.

Q Okay. You say that the chains were available to us at all times?

A Yes, sir.

Q Where were they?

A They're on the floor inside the transport office where the classification officer used to sit in the milk crates.

Q I'm not talking about waist belts, Sergeant. Be careful about what you're saying. Are you saying that those chains were there all the time?

A Absolutely. These are the chains that were originally put together by Deputy Combs to be used in jail for, later determined that they were not going to be feasible in jail court, so they were brought down to the

transfer office.

Q Did you hear Deputy Peppers say that the chains weren't available?

A I heard him say that, but that is not correct.

Q He's lying. Okay. I gotcha.

Now, those times that you rode up there with us and we were in violation of the policy, you say you made no efforts to correct us, took no disciplinary action or anything; is that correct?

A If I was up there with you, you weren't in violation of policy.

Q Okay. So if we went up there and picked up 20 and there was two of us, you and I, for example, and you would say because you're with us, we're not in violation of policy; is that what you're saying?

A I never recall that I went up there with any other officer and picked up more than at least 11 inmates at a time, which would have been in the van.

Q So you never went up with Deputy Henslee and picked up more than 11 officers?

A Not that I can remember.

Q Not that you can remember. And you never went up with me and picked up more than 11 inmates?

A If we picked up more than 11 inmates at any given time and I was on that transport, there would have

been other officers on that transport.

Q Okay. Whose responsibility is it, Sergeant, to see that there's enough personnel to transport? Or Mr. Baines. I'm sorry.

A It would be the officer conducting the transport.

Q So you're saying that there is no policy that says it's the administration's responsibility to make sure there's enough officers available?

A I'm saying it's not a policy. I'm saying it's the individual officer that's doing the transport to make sure that he has adequate control or adequate personnel to handle the transport.

Q But you're the administrator supervisor, you're supposed to make sure it is their ultimate responsibility that that ratio is correct, is that not right?

A And if an officer comes to me and tells me that he needs personnel, I would find the personnel.

MR. DODD: Okay.

MR. BLALOCK: Mr. Henslee, do you have any questions?

MR. HENSLEE: I got one.

EXAMINATION

BY MR. HENSLEE:

Q Sergeant Baines, if we were violating policies

and everything at the time you were our supervisor, I don't understand why we wasn't pulled to the side or reprimanded or something if we were violating.

A Are you asking a question?

Q Yes, I'm asking you a question. How come you didn't say something?

A I was the one that conducted your appraisals and your performance reviews. Nowhere in the performance reviews did you ever see me writing you up for not having the proper controls the way you handled inmates because if you brought it to my attention, I would handle it. If you were doing transports that were outside the policy of the sheriff's department, you did not have my permission to do that.

Q I'm just saying if we're violating policy and procedure that bad, I'm just wondering why you didn't say something to us?

A Because I wasn't aware of it.

MR. DODD: I have one follow up, if you don't mind.

EXAMINATION

BY MR. DODD:

Q Okay. Sergeant Baines, if are you maintaining now that you never knew it, never knew anything about it for two or three years, you didn't know anything about it,

but yet you did evaluations on both of us and gave us fours and fives; is that correct?

A That's exactly right.

MR. DODD: I have nothing further.

MR. BLALOCK: You can come down, Sergeant Baines.

I call Lisa Harris.

EXAMINATION

BY MR. BLALOCK:

Q Ms. Harris, I don't believe you've been sworn, have you?

A No, sir .

LISA HARRIS, having been first duly sworn, was examined and testified as follows:

Q (By Mr. Blalock) Would you give us your name, please.

A Officer Lisa Harris.

Q And who are you employed by?

A Hall County sheriff's office.

Q What position?

A I'm a transport officer.

Q And how long have you been a transport officer?

A I've been in the transport department -- I started out as a clerk in the transport department in 2010, February, became an officer August of last year.

Q And as a transport officer, are you responsible for assisting in the transport of prisoners to various locations outside the jail?

A Yes.

Q And their return to the jail?

A Yes, sir.

Q On July the 16th, 2013, were you a transport officer?

A Yes, sir.

Q Did you work that day?

A Yes, sir.

Q Were you involved in the transport of prisoners to the courthouse on that particular day?

A Yes, sir. I did go that morning, yes, sir.

Q And who helped you do that?

A I had gotten -- I had called Deputy Story and told him I was coming down to him. I said wait for me to get there because we had a large group that day. So when I had got there, they had already been shackled and handcuffed and I put my belongings in my cabinet and stepped inside the room as we were going out. So, I mean, Jack and Larry were there, Deputy Story, and I believe maybe Combs, Deputy Combs.

Q Was that the group that Mr. Henslee and Mr. Dodd were charged with transporting or was that another

group?

A No. That was that group that morning.

Q That's the same group?

A That was the original group that morning when we left, yes.

Q Did you go to -- did you assist in going to the courthouse?

A I did, yes, sir.

Q Now, upon their return from the courthouse back to the jail, were you involved in that transport?

A No, sir. I was at the jail in my office.

Q Did you return to the jail prior to them coming back to the jail?

A Yes, sir. Right after the drop-off, I came back.

Q Were you there when they arrived back at the jail?

A I was in my office, yes, sir.

Q Approximately what time was it, do you remember?

A I'm not sure. I don't remember the exact time. It had to be between 10:00 and 11:30. It was some time -- I don't have the exact time, no, sir.

Q When did it become -- when did you suspect that there was a problem with inmate Cantrell and how did you

suspect that he may not be present?

A After I had called the role -- after we had checked in the inmates, we always have a habit of -- Larry and I would always check each other with our numbers and then according to my list, and I had asked him -- at that time I said, how many do we still have up there, and he said two, and I said, no, sir, we have three still up there.

Q And that was right after they checked in?

A Yes, sir. They were still downstairs in the transport office, yes, sir.

Q Was there a particular time in which you were handing out meals?

A Yes, sir. I believe I had assistance that day with the meals. Larry, I believe, fed the male inmates. I fed the female.

Q All right. Did you have occasion to question Mr. Henslee about a meal that was extra or apparently left over and where Mr. Cantrell was?

A Well, not at the same time. I did notice that this was before. I noticed the meal being extra before. I had gotten some milks out of the refrigerator and I had noticed that we had an extra, but I didn't say anything particular at that moment. I just thought it was strange that we had an extra one because you don't normally have

extra food.

Q Was that after the prisoners had come back through there?

A Yes. They were still in the holding cell in the transport office.

Q Did you ask Mr. Henslee about the extra meal?

A In passing, I had made a comment that I noticed and I just put it in the refrigerator.

Q Did you make any comment about whether or not it belonged to Mr. Cantrell?

A No, because at that time, no, we hadn't even had the discussion yet about who was still left at the courthouse.

Q So that discussion came on afterwards?

A Yes, sir.

Q And when did the discussion focus on Mr. Cantrell?

A Just like I said, we always had a habit -- you know, there were things that we did. I had my court list, and he was kind of the numbers man, and we would always confer back and forth when he came back as to how many -- he kind of helped us keep up with him during the day to make sure everybody was where they're supposed to be.

Q And you told him --

A I asked him how many.

Q How many were still at the courthouse?

A Yes, sir, I did.

Q And he told you what?

A He told me that there was two, Campbell and Adams, and I said, no, sir, there's three, I said, because Cantrell is not here.

Q And what was his response to that?

A Yes, he is, he's in the cell.

Q Did you go check the holding cell he was referring to?

A Yes.

Q Did you go check the holding cell?

A I did not get up out of my seat at that moment, no, sir, but I did tell him -- I said, no, sir, he's not in there.

Q So you told him you didn't think he was in the holding cell?

A No. I told him he was not in there. I told him twice at that time.

Q Had you already checked?

A Because when they come in, I have a checklist and we check them off, and I had three slots still open on my checklist.

Q What, if anything, did he do at that point with regard to checking the whereabouts of Mr. Cantrell?

A We didn't do anything at that moment, sir.

Q Why not?

A Because he had the paperwork from the courthouse and he was going through giving the inmates copies. Sometimes they'll get copies for the inmates, and he was handing that out. It was a loud group. The door was still open and so he was doing that. It was just -- I think Combs had also come in at that time because he -- I had to pull one going to, I believe it was Stephens County. So there was a lot of commotion there, but sometimes, you know, I knew we were going to take a moment just to get on track as far as the count, him and I, the two and the three, but at that split moment, we did not.

Q So you had a discrepancy in your head count at that moment?

A Yes, we did.

Q And he couldn't account for it?

A Well, he said he was in his cell.

Q And you knew he wasn't?

A Yes, sir.

Q Did that raise any concern with regard to whether there had been a possible escape in your mind?

A No. I would never had thought there had been an escape, sir.

Q What would you have thought?

A Just that maybe the inmate was still at the courthouse, because sometimes they put them in -- like when they come out of the courtroom, they're put in like a holding cell at the courthouse and I thought maybe he was still in there at the courthouse.

Q But Mr. Henslee told you he was in the holding cell at the jail?

A He did, yes, sir.

Q You knew that wasn't correct?

A Well, I knew he wasn't in the holding cell at the jail. I'm assuming he was at the courthouse, yes, sir.

Q Did you or Mr. Henslee, either one call Mr. Cantrell's absence to the attention of other jail personnel, sheriff's department personnel at that point?

A No, sir, not at that point because I thought he was still at the courthouse.

Q Did you call it to the attention of the sheriff's department or sheriff's personnel at a later time?

A No, because the whole time I thought he was still at the courthouse.

Q But you had been told that he was supposed to be in the holding cell at the jail by Mr. Henslee?

A Yes. He told me he was in that group.

Q And you didn't see it as being a discrepancy,

what he told you and what you actually knew?

A Yeah. There was a discrepancy. It's just that we hadn't finished discussing it at the moment.

Q After he told you, Mr. Henslee, that Cantrell was in the holding cell and you knew he wasn't, did you further comment?

A Other than telling him twice, no, sir, he's not in there because I know he's not. I would know if Cantrell is back because he's a rather loud inmate.

Q What action, if any, did Mr. Henslee take at that point?

A Nothing in regard to the comment to me at that moment about Cantrell because internal transport came to pick up the inmates.

Q Did he say anything about doing anything, about checking on Mr. Cantrell?

A Not at that time, sir, not at that moment. Later, we did, later.

Q Okay. Tell us about later. What happened?

A Well, at that moment, we -- internal transport came to pick up and I knew I had to go with her to transport the inmates to the back because of the ratio. She couldn't take them all by herself. So we -- internal transport -- I can't even remember how many or who was there that day. I just knew I needed to go because of the

amount, and I knew that when I came back from that, I was going to get with Henslee and that we would verify that Cantrell was still at the courthouse. So I left, transported the inmates back, came back to my office.

Q And how long did that take?

A I don't know. Maybe 10 minutes, 15 minutes or so. It doesn't take that long to get them back.

Q And did you again talk with Mr. Henslee at that part?

A He -- I had had -- six inmates had come in on the bus at the CI, and he knew that, and I had the paperwork ready, and so he said I'm going to go pick up the six inmates from the CI. So I knew he had left, and I knew he was going to come back. When I came back to my office, he was already gone to pick up those inmates, and so I was just going to discuss it with him when he came back.

Q How long was it before you saw him again after that?

A I don't know. Maybe 20, 30 minutes. It doesn't take that long to bring down. Once I was back to my desk.

Q When came back to the jail, did you pick up your conversation with him about Cantrell?

A I was sitting at my desk and he had came in the door, and it was a little after 2:00, I think, at this

point. The only reason why I say I remember the time is because when he came around, he came around with what we call our booking man, the cleaning man. His name was Abraham Martinez, and it surprised me that he was coming in because he doesn't come in and clean until 3:00.

Q And what did Mr. Martinez say to you?

A Well, he came in. He goes, Ms. Lisa, Ms. Lisa, he said, I've been trying to get your attention. He had gone with us to court that day, and he said, I've been trying to get your attention, but I didn't want to do it in front of the other inmates. He said, you've been good to me and I got to tell you something.

Q What did he tell you?

A Well, about that time, you know, Henslee looks at me and he just says Cantrell, and I looked at him and I said what -- I said, what's wrong with Martinez? I said, Martinez, what's wrong with you, because he was like nervous, I mean, jumping up and down, and the next thing I know, Martinez takes off, and I'm like, Henslee, what is wrong? Why is he like that? And he said, remember you asked me about Cantrell. I said, yeah, he's at the courthouse, and he kind of just looked at me, had a funny look on his face, and I said, hold on, let me call the courthouse. I said, I'll show you he's probably at the holding cell. Before I said -- then I said, wait a minute,

never mind, let me just call -- because he said, no, he came back. So I said, well, then let me call the tower, which in turn I didn't call the tower. I knew he wasn't there, but I said, I'll show you he's not there, then we'll call the courthouse. And then I called the tower, and they said, no, he's not here. And that's when I told Henslee that he must be at the courthouse, and he says to me, no, he's not at the courthouse, and I looked at him and I got a weird feeling. I said, why would you say that, and I said, where else would he be? And he just looked at me and then he said, because of the lunches, and I said, what lunches? And it wasn't the lunch that we had talked about a few minutes ago, me and you. It was the lunches -- because whenever we do a pick up in case some of the inmates still come back, we have to feed them. So we had brought enough lunches for everybody in a green bag. And apparently, he told me -- he said -- I said, how do you know for sure? And he said, he was with me, and I said how do you know for sure? And he said, because the lunch bag -- there's a little bench right there in the control room area where the inmates come in and out of cells, and he said Cantrell tried to get a lunch out of the bag, and he told him get your behind back at the end of the line. And he said, Cantrell said, well, what are you going to do with those lunches, and he said that he told him don't worry about it,

get your ass back at the end of the line. And that's when I looked at him and I said, Henslee are you sure, you're saying he left that room with you, and he says to me yes. By that time, of course, I got a really sick feeling in my stomach and then I kind of realized we may have a problem, but at the same time, I wasn't quite sure, wasn't positive because I had yet to talk to the courthouse, but I got nervous. And so his phone rings and he steps into the little room that's right outside my office, and I don't know who he spoke to, but at that point, I got up and went to the sally port and called Deputy Story. He was always just really calm because I was nervous because I then felt like something was going to happen. This all happened in a matter of just a few minutes, and I went back inside and I looked at Henslee, and I said, what's wrong, and he put his head down, and he said, we're on lockdown.

Q So when you came back and you talked to him for what, the third time during the interim between the time the prisoners were brought back and the time the escape was discovered, was that the third time you spoke with him?

A I don't remember if it was the second or third time.

Q The last time you spoke with him?

A The last time is when he said we're on lockdown.

Q And he already knew that Cantrell was missing, did he not?

A I mean, I can't tell you what he knows, but he knew. He said that he left that room with them.

Q But he also said he's not at the courthouse. He told you that?

A He said he was in the holding cell, yes, sir.

Q And you knew he wasn't in the holding cell?

A No, no, sir, he wasn't because I didn't check him off.

MR. BLALOCK: She's with him.

EXAMINATION

BY MR. DODD:

Q Lisa?

A Yes, sir.

Q I just have a few questions. You are familiar with the handcuffs and everything that's kept in front of the transport office?

A Yes, sir.

Q Have you ever known chains and locks with those chains to be up there?

A They're in a box underneath -- you know the shelf where we have the first-aid kit, there's like a box, and I mean, maybe at one time it had been in crates, but there's a box of just chains, chains in there.

Q Where is this now?

A You know how my desk is right here in that little room where the counter is, if you look to the left where we keep the first-aid kit and the heart monitor kit, there's a box. I mean, like it used to hold paper, copy paper, and that's where the chains are in, underneath right there. They're there. They've been there forever.

Q Were they ever given to us to use? I mean, did anybody ever tell us, to your knowledge, to use the chains?

A I mean, there were for -- I mean, we didn't ever use the whole time, but they were there. I knew they were there from what he said, from -- that they had been to use them in jail court, but they didn't.

Q Did any transport officer use chains there?

A Not any of those chains, no, sir.

Q Okay. Were there locks in there?

A I'm not sure, sir. I never pulled the chains up. I couldn't tell you that.

Q Okay. All right. While you were working back in the transport office, were you ever aware that we were taking more than a five-to-one ratio to the courthouse?

A I mean, I didn't ever count every day, but there were times -- I mean, I would always say to whoever was leaving, make sure you have enough people.

Q Okay. Were you aware that we were taking more

than a five-to-one ratio when we were going out to pick up and bring back? Did you ever see more that a five-to-one ratio there?

A I didn't always go on the transports. It wasn't my responsibility.

Q I'm not saying it's your responsibility. I'm just saying while you were working there and you would call the role when they came in, you would call the role on there, did you ever see Larry and I bring more than 10 inmates back?

A I mean, I wasn't always out in the sally port. I knew that day that he was by himself when he came in because I noticed -- you know, I always would be conscious of people coming in, and he was by himself and I asked him where you were that day, and he said you were in booking with an arrestee, a new arrestee.

Q So I wasn't even around when all of this was going on?

A No, sir. You had taken a new arrestee over to booking.

Q But my question that day of the escape, we brought in 15, correct?

A I don't remember the exact count, sir, at this point, no, sir. I mean, I'd have to have my sheet with all the transports.

Q Okay. If I said that we had brought back 17 from the courthouse, you didn't call the role, though, so you wouldn't know many we brought back?

A What do you mean I didn't call the role?

Q On the head count when they walked back in --

A I checked them off on the role, yes, sir.

Q How many was there?

A You're asking me. I don't have an exact number in my head. I don't remember that day. We transported a lot since then.

Q How many did you wind up bringing back?

A I don't remember the exact count, sir. I'd have to have my sheet.

Q Okay. So if I told you that Henslee brought in 16, there's no way you can deny that, right, because you don't know how many?

A They have my sheet. We'll go by my sheet because that's how many there was.

Q I have no problem with you getting wherever you want to get. He hasn't introduced it, but if I were to say to you there's 16, you have no way of saying that's not correct, correct?

A Unless I reviewed the sheet that day. I mean, I don't want to answer and say the wrong thing.

Q Okay. All right. When Mr. Martinez -- did you

take Mr. Martinez to the booking area?

A Did I take him?

Q Yeah.

A I can't remember if we dropped him off. He would have had to have changed his clothes back. So he would have went to B-3 and then they would have been brought back to the laundry room because he has to have straps on. So we would not have dropped him off in his orange jumpsuit to work. He would have had to have changed.

Q But when he was back in the booking area, at that point in time, no one knew that Cantrell was missing; is that correct or am I misunderstanding?

A Yeah. I had told Henslee that he had -- before we took the inmates back, we did our check like me and Larry always used to do, and I said to him how many is at the courthouse and he said two. I said, no, sir, there's three. That was before we even left our area. He told me that there's two, and I said, no, sir, there's three. Cantrell is not here.

Q So at that point in time no one knew. Other than what you were saying, that Cantrell wasn't there, Henslee had no idea of whether he was there or not; is that correct?

A Henslee said he was in the holding cell.

Henslee told me himself he's in there.

Q Okay. He thought that he was in the holding cell, so he did not have any idea at that point in time?

A I don't know if he had an idea. I'm just telling you later in our conversation he was very clear to me that Cantrell had followed him out of that room. He knew Cantrell was with him preparing to leave.

Q At the courthouse?

A Uh-huh.

Q Yeah, okay. I understand that, but what I'm talking about is -- what I'm trying to point out to you is is it correct when we say that the first time that Larry Henslee absolutely knew that there was a prisoner missing, absolutely for sure was when Corporal Larocque, I think is her name, called him in there and told him that we had a prisoner missing?

A I can't tell you what he knew, but I can tell you that we had a discussion that he told me that he was in that room and I told him he was not.

Q But you didn't report that to the sergeant, the lieutenant, the captain or anybody?

A If he didn't come back and he is not checked off my list, that man should have been at the courthouse. So what was I reporting?

Q Or escaped. But the fact is when he was

missing, you didn't call anyone and say we've got a prisoner missing or reported to anyone, right?

A I never knew he was missing, sir. I assumed he was at the courthouse. I was told by Larry Henslee that he had escaped. We're on lockdown and it's Cantrell. Those were his words.

Q I know, but think back just a minute here. You're saying that Larry knew that he was missing because he told you he was in that room and you knew he wasn't and yet, you're not --

A Hang on. Start over just a minute because I need to keep up with what you're saying.

Q Okay. You're not intimating that Larry Henslee absolutely knew at that time that Cantrell was missing and was hiding? That's not -- and Larry was hiding. You're not saying that, are you?

A Are you asking me my opinion of how he seemed or whatever? I don't know what you're asking me.

Q Once you knew at the time -- when you said I knew he wasn't there --

A He wasn't there because according to the checkoff on my list, he was not there, nor was his body there because I said to him, he is not here because I know he's now here because he's loud. You know as well as I do that Cantrell is a loud inmate and everybody knows when

he's there. He is not there, and according to my list, he was not there.

Q At that very instant, do you think that Larry Henslee knew that he was missing, James Cantrell, that he had escaped?

A You're asking me to give you what he thinks and my opinion is that's not --

Q You are saying on one hand that he wasn't in there and Larry had to have known he was missing and on the other hand you're saying I don't know if he was missing or not.

A Well, when Larry Henslee told me later on in our conversation that he knew that Cantrell left that courthouse with him.

Q What does that mean?

A I don't know. You tell me. You're asking me to give you my opinion.

Q No. I'm asking what you know, but that's okay.

A He's saying that the man was in the holding cell, and I told him that he was not checked off on the list.

Q And at that point, you suspected that he was either at the courthouse or --

A That he would have been at the courthouse, sir. I would never have thought escape. Why would I -- no. He

would have been at the courthouse.

Q Escaped?

A If he wasn't with me, he should have been at the courthouse.

EXAMINATION

BY MR. HENSLEE:

Q How are you doing, Lisa?

A I'm good, Henslee. How are you?

Q Good. I think the confusion here is, you know, I had to go get the six inmates at PWC that you had the paperwork there except for one. I picked up the inmates, and this is after the inmates was already unhandcuffed, put in a holding cell, which I fed them, and you actually fed a female or something there.

A Uh-huh.

Q Okay. And then, I guess, while I was gone to get those at PWC, the inmates was taken back to the pod and I guess maybe Martinez was dropped off and changed clothes or whatever because when I saw you next -- this is the way I remember it --

MR. BLALOCK: I'm going to object to the testimony. He can ask the questions. He's testifying.

Q (By Mr. Henslee) Okay. Well, the question is: You were in booking when I came back from picking up those

inmates at PWC. You were coming through booking, and I got a -- Sergeant Ashley put me on the phone with Corporal Larocque.

A No, sir. I was at my desk and you brought Martinez around.

Q Well, you had come to booking, though, because I remember seeing you there.

A Well, probably because I was on -- I had dropped off the inmates.

Q Okay. Do you know about the phone call that Sergeant Ashley received? Do you know about that?

A No. All I was asked -- I got on the radio. I was asked where I was at and for me to go to my office and get my court list.

Q Okay.

A I didn't know anything about any of the phone calls until you told me.

Q Sergeant actually received a phone call in booking. I was put on the phone with Corporal Larocque from the courthouse.

MR. BLALOCK: Objection to the form of the question. It's his testimony.

Q (By Mr. Henslee) What I'm asking you is did I know James Cantrell escaped before I was talking on the phone at the courthouse? Did I actually know the man

escaped? Did I tell you the man escaped before that time?

A You didn't say the word "escape," but you did acknowledge the fact that when we talked about -- I said, how do you know Cantrell is not at the courthouse? Those were my exact words to you. I said, how do you know he's not, and you said to me because of the lunches. I said, what about the lunches, and you said that you saw him --

Q Okay. Let me stop you right there. You're talking about something that took place at the courthouse. Yes, I did tell you that. I had to get on his butt for trying to take a meal out of my bag.

A Right.

Q I ain't talking about then. I'm talking about they're trying to say that I knew James Cantrell escaped. When I come back to the jail, I had no knowledge of it until Dorothy Larocque from the courthouse called me.

MR. BLALOCK: Objection to the question.

MR. SARTAIN: Mr. Henslee, if you have a question, you can ask it, but you can also have an opportunity for rebuttal testimony. So instead of testifying, if you can ask the question, that would be fine.

Q (By Mr. Henslee) The question is, Ms. Harris, did I know James Cantrell was escaped when I come to the jail, when I brought those inmates back from court?

A I don't know if you knew that he escaped. I knew that you knew there was a problem with the head count, the count.

Q Okay. First of all, the head count wasn't done as far as I'm concerned.

A Sure it was.

Q I didn't know you did it or not because --

MR. BLALOCK: Again, objection to the form of the question.

THE WITNESS: Henslee, you were standing right there with me.

Q (By Mr. Henslee) No, I wasn't. I was taking the inmates and doing --

A When the inmates first came back, they were on the wall.

MR. SARTAIN: Excuse me. Mr. Henslee, ask a question.

MR. HENSLEE: I'm going to.

MR. SARTAIN: Mr. Henslee, I haven't finished. Ask a question. If you have some rebuttal testimony, you can give it.

MR. HENSLEE: Yes, sir.

MR. SARTAIN: Ask a question.

Q (By Mr. Henslee) The question is, we fed the inmates, correct? Did we feed the inmates?

A Well, before we fed the inmates --

MR. SARTAIN: I'm sorry. Excuse me. Let him finish his question.

THE WITNESS: I'm sorry. Go ahead.

Q (By Mr. Henslee) We did feed the inmates, correct?

A You fed the males and I fed the female.

Q And then you did ask me one time, the people, I said I put them in the holding cell. There should be 16. Did I not say that to you?

A I don't remember the count, sir.

Q I said 16. I didn't recall anything else about James Cantrell until after I went to PWC.

MR. BLALOCK: Objection.

THE WITNESS: Henslee, we had that conversation, Henslee. When you came in and the inmates, you brought them in and I said to you specifically, I said, are you by yourself, and you said, Jack's in booking with a new arrestee, and I knew it was a large group of people and they were loud and they were on the wall, and you were unhandcuffing and unshackling. I then did the count. I mean, when I say count, I mean, I looked at each inmate and you're here, you're here, you're here. As soon as I got done, we started

having a problem with that one guy and I knew the inmates would start up about him because when I went to unshackle him, he started to come back around on me, and I put him in a separate cell because they indicated there was going to be a problem if we put them together. We then got everybody undone, put them in the cell. You had the paperwork. You fed the males. I fed the female. We all got done. It was still loud in there. You gave them their paperwork. Jack even had come around from booking and got the paperwork to take to the front desk because he even dropped one accidentally on my counter, which later I had to take up there, but that's besides the point. At that point right then before the inmates even left, I asked you how many is at the courthouse. You said, two. I said, no, sir, there's three. And I said, Cantrell is the other because you sad Adams and Campbell. We agreed on that, and I said, the third person missing is Cantrell, and you said no, he's in the cell, and I said, no, sir, he's not. He's not in there.

Q (By Mr. Henslee) When I said he should be in the cell, I thought they were all in there because --

A Yeah, you said -- no. You said, he's in there.

You didn't say he should be. You said, he's in there because I said to you -- I said, no, sir, I know Cantrell. I mean, from years in the jail, you just know people, and I said, no, he's not. And so you knew right then that we had a problem. Now, what you knew as far as -- I don't know really -- I can't tell you what you knew in your head. I'm telling you what we talked about.

Q I don't recall mentioning James Cantrell?

A No. I told you it was James at that point because he was my only other person on the list that hadn't been checked off, and then that's when I took him back, and whether you saw me coming through booking after that, I'm not quite sure. You probably did from where I brought the inmates back. Do you see what I'm saying? And I went back to my office, and that's when you came around with Martinez after you come back from the CI because you had come back to talk to me, plus you had the AV sheets that you still were filling out.

Q Okay. Now, when I came up the hallway with Mr. Martinez --

A I don't know what hallway you came around into my office.

Q I came from booking to your office. I had already -- the jail was already on lockdown. Did I not tell you that?

A Oh, no, sir. No, no, no, no, no. You came -- and I tell you what, I didn't even know. I mean, I knew we still had to talk about Cantrell, but it was just a matter of confirming where he was. No, I would never -- no, you never said anything about that. I came with Martinez and Martinez came around to me and he started jumping up and down. I told you I noticed the clock. Why you were bringing him before 3:00, I didn't understand. Plus he came to me saying you've been good to me, I got to tell you something, but I couldn't tell you right then because of all the other inmates. He didn't want to get beat up for telling that he was gone, and that's what he was going to tell me and then you interrupted him. He was jumping up and down and I kept saying to you, what is wrong with him, and that's when you said to me, Cantrell, and I said, yes, we still have to talk about Cantrell, and then you just kind of looked at me, and I said, he's at the courthouse, and then you said, no, he came back, and that's when I called the cell -- I mean the tower, and the tower said no, and that's when we had the discussion then about the lunches and you told me. I said, why do you keep insisting that Cantrell is not at the courthouse, and you said, because of the lunches, and I said, what about it, and you said, he tried to get out of line to get a lunch and you put him back in the line, and he said what are you going to

do with those lunches, and you said, get your ass back in the line. Sorry.

Q Anyway, when I came to your office with Mr. Martinez, I had already received -- can I make a statement?

MR. SARTAIN: If you're finished questioning, you'll have a point where you get to do your own rebuttal testimony, but if you're finished with the witness, then that'll be time to do it afterwards.

Q (By Mr. Henslee) So what you're saying here is when I came to your office, the jail was not on lockdown when Martinez came up there with me, and I told you the jail was on lockdown, Sergeant Ashley had locked the jail down?

A You didn't tell me that the jail was on lockdown. After Martinez left, you and I had a discussion about the lunches. Your phone rings or something because that's -- I mean, I would never have gotten out in the middle of our discussion and walked out. Your phone rings, you go into the little room that's right there where the counter is, and at that point, yeah, I started getting a little nervous. Like, I mean, I had never been through an escape. I didn't never even think about that. I still knew that he was at the courthouse, but I had an

uncomfortable feeling, so I stepped out and used the phone and called Story and said, where are you, and he says, I'm coming down the hill, what's wrong, and I said, I'm not sure, just come, I think something is wrong. And when I walked in the door from the sally port, you looked at me and you said, we're on lockdown, and I said, why are we on lockdown, and you said, Cantrell has escaped. That's exactly what you said to me. And then, of course, we still talked about Cantrell. And I was like, are you sure it's Cantrell, are you sure it's Cantrell?

Q Okay.

A And everything kind of got crazy after that. All I know is I got called telling me to get my court list because I know after that I had gone to booking to find Martinez, and that's when I went around to Martinez and he said, I was looking for you, and that's why I grabbed Henslee to let him know. I don't know this man. He's an older, black man. He's not from here. He's Gwinnett. He didn't know Cantrell. And then I was standing in booking when I got the call to go back to my desk.

Q So you're saying all this took place before I went back to PWC with the inmates?

A No, sir. You and I had one discussion about Cantrell before you went to PWC, and that was the fact of when I said to you how many inmates are at the courthouse.

You said, two, Adams and Campbell, and I said no, sir, there's three. I said Cantrell is not here, and you said, yes, he's in that cell, and I said no, sir, he's at the courthouse. And then we had the further discussion about Cantrell when you came back with Martinez, but I let you know then that he wasn't with that group.

Q Okay. The question I want to ask you is did I know -- did I tell you right then whenever this stuff started occurring about the thing, did I know right then that James Cantrell had escaped?

A At what point, sir?

Q When I got back and we fed them, did I know that James Cantrell had escaped before I even went to PWC?

A I don't know what you knew. I'm telling you that I asked you how many was at the courthouse, and you said, two, and I said, no, sir, three, Cantrell is not here.

MR. HENSLEE: That's all.

MR. BLALOCK: Ms. Harris, you can come down. I call Dale Long.

Can we take about five minutes?

MR. SARTAIN: Sure. Take your time.

(Recess from 3:00 p.m. to 3:10 p.m.)

MR. BLALOCK: Is the chairman ready to proceed?

MR. BARFIELD: Yes, sir.

EXAMINATION

BY MR. BLALOCK:

Q Mr. Long, what is your full name, please?

A It's Dale Long.

Q Have you been sworn to testify today?

A Yes, I have.

Q By who are you employed?

A The Hall County Sheriff's Office.

Q And how long have you been so employed?

A This March will be 27 years.

Q What are your current duties?

A I'm currently the Internal Affair Sergeant assigned to the administrative bureau.

Q How long have you been the Internal Affairs Sergeant?

A February of -- since February.

Q This year?

A Yes.

Q And were you the internal affair sergeant on July the 16th, 2013?

A I was.

Q And were you assigned the duties to investigate the circumstances surrounding the escape of inmate Cantrell?

A Yes, I was.

Q And did you undertake to do that investigation?

A I did.

Q And what steps did you take to conduct that investigation so far as interviews, review of documents?

A I may miss a few things, but overall, basically interview all the parties involved, collect the videotapes, get statements, you know, from the inmates involved. Basically like any investigation, one thing leads you to the next, so really it's kind of -- it's led by what you start from and you may wind up anywhere.

Q Did you review the videotapes that we've seen here today?

A I did, yes.

Q And did you review the documentation, the general orders that have been introduced in evidence today?

A I have, yes.

Q Are you familiar with those?

A Yes, sir.

Q Was there an interview with Mr. Henslee and Mr. Dodd, a personal interview?

A Yes, there was.

Q What period of time did the investigation take?

A The first interview with Deputy Henslee was -- pardon me just for the sake of accuracy. It was actually

on I believe that date, the 16th.

Q And over what period of time did it take you to complete your investigation?

A Oh, good Lord, probably a week or so.

Q And did you do, in fact, complete the investigation?

A Yes, I did.

Q I'm going to hand you, and I believe for the record, I think this investigation is matter of record. I believe the board members have it there, but I want to ask you about it.

What I handed you just now, is that a copy, a true and accurate copy of your original investigation?

A Yes, sir, it appears to be.

Q Okay. I'm not going to ask you to go through it page by page, but I am going to ask you based on the investigation from your interviews of all the witnesses, including Mr. Henslee and Mr. Dodd, from your review of the videos and from your review of the various documents, including general orders, were you able to come to a conclusion as to whether or not Mr. Henslee and Mr. Dodd were inattentive or negligent in the carrying out their duties?

A Yes, sir. On the date of the escape, essentially there were several policy violations, what we

call general orders, which are orders issued to a specific unit, like the external transport. There were violations of those. Also, basic police procedure 101 and the things that happened that occurred against what they were trained to do and numerous hours of training as well.

Q With regard to particularly Mr. Henslee's alleged failure to report immediately the escape, what evidence were you able to gather with regard to that?

A Basically when they came back to the jail, I conducted an interview with Ms. Harris. Of course, she almost verbatim repeated to y'all today what she told me in my office that day. Essentially that when they came back to the jail, they became aware at some point, suspected that inmate Cantrell had escaped, and then she told me that even at one point, Deputy Henslee told her that he knew it was Cantrell. And then through the investigation, I found out that there was even an elapse of time from the time they had that conversation until the actual, I guess, you would say the alarm bell is sounded that we got an inmate on the run, and, in fact, discovered that that was actually -- the alarm bell was sounded by a Sergeant Ashley, who overheard Deputy Henslee on the phone with Corporal Larocque.

Q Over what period of time between the actual escape or the alarm bell or the notice of that being put

out or the alert of that being put out, what period of time expired, approximately?

A Probably you're looking at 45 minutes to an hour, hour and 15 minutes, something like that.

Q Were you instrumental in investigating the theft of the vehicle from the courthouse as a part of this investigation?

A No, sir. I wouldn't have anything to do with that.

Q You were just involved in investigating the escape itself?

A Yes. Policy, violations and things of that nature.

Q Did Mr. Dodd ever comment to you that had he had to do it all over again, he would be much more vigilant?

A Yes, he did.

Q Is that in your investigation?

A Yes, it is.

Q By the way, I want to tender the investigation at this time. Since it's already in the record, I want to tender it based on the foundation as laid by the investigating officer. It's HC No. 6, Hall County 6.

(Defendant's Exhibit HC-6 was marked for identification.)

Q (By Mr. Blalock) If you look at page nine, the top of the page, fourth line down, do you see the sentence starting with Deputy Dodd stated?

A Yes, sir.

Q Read that, please.

A "Deputy Dodd stated he was mad at himself, that he would be much more vigilant in the future if he continued to have the same job."

Q And what was that response made to or what discussion were you having when he made you that response?

A Basically this was the initial onset interview that I did with Deputy Dodd. We were discussing what had actually occurred, their route of travel, everything to that nature, and currently at the time we were discussing where -- and actually there was a bit of missing information at this point. I had been misinformed that Cantrell had hid actually inside the little room, not out in the alcove, but we were discussing where Cantrell had actually hid to affect his escape, and that is when Mr. Dodd made that statement that in the future he would be much more vigilant.

Q With regard to summation that you have prepared, which is at the end of your investigation, did you conclude that policy violations had occurred are as to the handling of these inmates?

A Yes, sir.

Q You heard the testimony by Lieutenant Seymour today, did you not?

A I did.

Q He narrated the videos.

A I did.

Q Do you agree with his observations about policy and procedures that were not adequately used or properly used?

A Yes, sir. As a matter of my investigation, I, in fact, had Lieutenant Seymour come into my office, view the video, and as the supervising entity over the transport unit, I said I want you to tell me what you see here that is not, you know, being followed that should be, and he did essentially the same walk-through.

Q Did you find any evidence during your investigation of routinely officers being required to transport with less than the adequate number of personnel to assist them?

A No, sir.

Q From the investigation that you conducted, were you able to conclude whether Officer Henslee and/or Officer Dodd were negligent in carrying out their duties?

A Well, certainly -- I mean, you can watch the videotape and you can see that there's little to no control

over what's going on as they make those movements through those rooms. I know that the deputies, everybody at the jail has received training. You're given copies of the policies and you're to be familiar with them if you work there, and when you see people actually traveling inside the jail, moving inmates about, you normally see them moving orderly, right side of the hallway, you know, and an officer has to use a certain degree of common sense certainly because your environment is ever evolving. I mean, when you pull somebody over on the side of the road, you never know what environment you're going to be in, so you've got to be aware of your surroundings at all given time, and essentially there just wasn't a lot of control in keeping these guys controlled.

Q If you had to pinpoint the main cause or the major cause that allowed this escape to happen, could you do that?

A One singular event, lack of controlling inmates, inattentiveness to what was going on as they traveled. He mean, it's really hard to give it a singular cause because you've got, you know, too large a distances. The things that I look for in an investigation is I'll watch Deputy Dodd as he traveled ahead and I ask myself how times did he turn around and look behind him. There was once right before he stepped to the van to unlock it. At

no time during three rooms did he turn around and look behind him. In D-2, in that crowded room, he did turn around and looked back at Cantrell at one time, but basically to answer your question, you know, it's a lack of control of the inmates. Probably complacency. They've just done it day in and day out so many times and nothing went out, and I think that's kind of what Jack was mad at himself about. He just said, you know, I'll be much more vigilant in the future. I think complacency probably is the correct term on this one.

MR. BLALOCK: The witness is you, Mr. Dodd and Mr. Henslee.

EXAMINATION

BY MR. DODD:

Q Mr. Long, I had made this statement that I will be more vigilant in the future. Are you saying that that was an admission that I was negligent or could that have been a feeling that I wish, and I know that in the future I'll be more vigilant and maybe that will help? Can you distinguish between that? Are you saying that?

A No. It could be either one.

Q It could have been either one, but you took it as an admission. Is that what you took it as?

A No, sir. I simply documented what you said.

Q Okay. All right. Now, the right side of the

hallway, you're walking down and you keep a single line, is that policy for the external transport or the internal transport?

A I know there was some confusion on that earlier. There are two policy. There's the Hall County jail policy and then there's the Hall County external transport policy. If you worked in the jail, wherein external transport is contained, you are also under the policy of the jail. So you need to be familiar with the jail policy and the specific policy to external transport, and the jail policy is the one that dictates how you move inmates. External transport may not specifically have that wording, but it doesn't need to because the jail policy does. And certainly I would hope that I wouldn't need to tell you or any other deputy that traveling with 17 inmates in a straight line on the right-hand side is much safer than having them spread out, more or less, however they want to, that's that a safer way to travel. I shouldn't need to tell you that. If there's a policy you read somewhere in your mind, or I'm sorry, read it in reality, there's nothing preventing you as a deputy sheriff who needs to be safety conscious at all times from utilizing that technique when it's effective.

Q And following up on that, sir, if I'm out there on a external transport and I'm looking and I say there's

no way that putting them out there in a single line and putting them in the transport or the trash room by themselves and I make that decision, are you still going to say that I should not have made a decision external transport-wise, I should have went with the internal transport?

A No, sir. What I'm saying is you need to do what is effective and safe to accomplish the job that you are tasked with. That job that you were tasked with was the safe, secured transport of inmates externally outside the jail to keep them within your site at all times, not to suffer them to escape. All those things are in policy. That obviously didn't occur in this situation, and you have to ask the question what caused it. And I'm telling you that what my investigation revealed is that we haphazardly transported those guys across three rooms, we didn't keep control them, and a guy was, not through having to attack an officer, not through throwing a grenade in the corner, he was able to step to the right five feet and hide and get away. If that happens, somebody's not paying attention.

Q Okay. Now, are you saying that -- are you aware of the policy of five-to-one ratio?

A I am.

Q Now, you know that there were two transport officers up there transporting those 17, is that correct,

until it got up to the bus? There's two transport officers, just transport officers.

A Transport officers, yes, there were two.

Q Now, I'm up front with 17 people behind me. Are you saying that I knew that there was two courthouse personnel back with Larry Henslee?

A I certainly don't know what you knew, but y'all got radio communication with each other. You can shout across the inmate's heads if you need to. You need to coordinate with each other what's going on when you move through that courthouse.

Q Okay. I'm moving up there. I asked you a question. Are you saying that I knew that those two transport officers -- excuse me -- the courthouse officers were back there?

A I don't know what you knew, sir.

Q Okay. All right. Now, if there was one person up in front of 17 people, I knew that Mr. Henslee was behind me, behind the 17 inmates and it would be safe to assume that I'm trying to get those inmates through two unsecured areas and on that van as quickly as possible? Wouldn't you say that would be the correct thing to do?

A You're asking me to assume. All I can tell you is what I saw on the video, Mr. Dodd.

Q Sir, you're assuming on what you saw on the

video, that we were never given a copy of, you are assuming that we're negligent. You're assuming that we're inattentive; is that not correct?

MR. BLALOCK: Objection to the form of the question.

MR. DODD: I'm trying to ask the question. Is that not correct?

MR. BLALOCK: I believe you're testifying, Mr. Dodd.

MR. SARTAIN: Rephrase your question.

Q (By Mr. Dodd) Okay. Would it not be a correct thing to say that if I am transporting prisoners through an unsecured area, would it not be a correct thing to do to try to get those people into a secured van as soon as possible?

A Not in that fashion that I watched on that video, no.

Q Sir, yes or no, that's all I'm asking you.

MR. BLALOCK: He's answered the question.

Q (By Mr. Dodd) So now, would that policy of five-to-one ratio, if we had had two other officers as required, do you think we could have controlled that situation?

A I think you could have controlled it better. You could have controlled that situation as it were if you

had done some of the things Lieutenant Seymour pointed out. You could have controlled it better with 20 men. You could have controlled it better shutting down the City of Gainesville. The problem is you didn't do what was necessary to do what an external transport officer is tasked with doing and that is safely transport the prisoners without letting them escape.

Q I'm just asking you to say yes or no. Could we have controlled that situation if we had had the correct number of personnel under the policy of a five to one? Could we have done it without problem?

A Sure. You could have done it better.

Q Okay. Now, from the position of where they first go in to the D-2 area and to the D-3 area and they were gathered together, do you know how many -- if we had put them on a one line -- line them up one right behind the other, space them out, how many rooms that would have occupied?

A I think the point was that you put them along the wall inside the room that you were in and keep control of -- at least for you with your back to that door can see those guys and let Henslee get caught up with you. There's certainly nothing wrong at that point with letting Henslee leave some of the guys in the courtroom under the security of the people in there, okay, and you and him take five to

the bus and you come back and you get the other five, okay. Now, I understand your point. That's not a vigilant thing to do when you've got to leave the bus and leave five guys sitting in the bus by themselves, no, that's not what I'm saying, but to get them out of that courthouse safely, if you didn't have enough people, leave some of them in that room in there under the security of the courthouse people, who were watching the videos. The cells are right there in front of them, are they not, and walk five out, come back and get your five.

Q Are you saying walk those five out to the van and then stand out there? Is that what you're saying?

A I'm not saying stand out there. I'm saying with the two other officers that were there that you could utilize, okay, and they're there, you're the transport officer. If you need their help, it is your -- the policy states it is the sole responsibility of the transport officer to safely do that. If you've got two personnel at your disposal standing right there, absolutely. Post one of them. Post Mr. Henslee out there in the bus with them. If you feel that's the safest way to do it, walk them all 17 with the four people that you have because you're within the bounds then of the five to one, but the thing is that what we saw there was just no control. You didn't turn around and look at them once.

Q Mr. Long, you are assuming for the sake of this discussion again that I knew that there was additional officers back there. I walked out. I knew that there was one officer back there and, that is Larry Henslee, and that is an everyday occurrence?

MR. BLALOCK: I object to the lack of question.

MR. SARTAIN: Sustained.

Q (By Mr. Dodd) Would that not make a difference? If I was up front, would it not make a difference -- if I know that I've got one officer back there and I'm trying to get these people through, would it make a difference at that point as to where I could stop people and try to keep them moving? Are you saying it makes no difference as to whether it's one person up front with 17 behind him and only one officer?

A It doesn't make any difference when you handle it like we saw, no. It doesn't make any difference.

Q Okay. You're familiar with the trash area there? Sergeant, are you familiar with the pipes, metal pipes, glass, everything that's been in the trash door?

A No, sir, I'm not.

Q Are you saying that there was never anything out there in a trash door that a prisoner could have used?

A I know they went back that evening and did a

sweep of that area to see what was in there. There was nothing but standard courthouse trash because that door normally stays down unless y'all were coming in and out of it, and the trash that is collected is actually from the people who have already passed through there. So there shouldn't be a lot of weapons and things of that nature in that room.

Q You're right, there shouldn't be, but what I'm saying to you is you can't say that we were absolutely one hundred percent correct when we say we have in the past saw all kinds of material in there for weapons?

A No, sir.

Q All right. Now, once we get on the bus, I believe maybe you didn't say that we didn't count the inmates when we got them on the bus. Was there a point in there or am I imaging that? You didn't say that?

A I asked you during the interview if y'all were required to count on the bus and you told me you were not.

Q Okay. Now, when we got to the jail, all of this was going on that Ms. Harris was talking about, I was not even in that area, was I?

A No, sir.

Q Okay. I had nothing to do with that. Now, when Larry Henslee walked up to Lisa Harris with prisoner Martinez, inmate Martinez, are you saying that was before

or after he talked -- I'm confused about that. Are you saying that's before or after the Deputy Larocque talked to him?

A It's before.

Q Okay. All right. So you're saying that the telephone call -- I mean, Martinez was brought out, brought back over to the holding area -- I mean to the transport area and then Henslee left and went back over and talked to Larocque; is that what you're saying?

A There's a video that I had Lisa Harris walk me through. You heard the same thing up here just a minute ago. She said that Martinez and Henslee come back to where her desk is and she advices him that Martinez -- or that Henslee already knows that Cantrell has escaped at that point, and then there is a phone call that comes in from Corporal Larocque, be it in booking or be it in transport, but there's a phone call that comes in from Corporal Larocque from the courthouse. I conducted a separate interview with Sergeant Ashley and I asked him, tell me exactly what occurred when this phone call came in from Corporal Larocque. He stated he took the phone call from Corporal Larocque. She asked for Henslee. He gave the phone to Henslee. Ashley said he was overhearing the conversation and she said how many you got. He said, well, we first had this money, we have this many, yes, it's

Cantrell that's escaped. At that point Sergeant Ashley tells me in a tape recorded interview, he asked Henslee, are you telling me we've got an escape; yes, sir, we do. And at that point is the first time in my investigation that Deputy Henslee had spoken to a supervisor and told them that we have an escaped inmate.

Q Okay. And at that time where was Martinez?

A Probably back in booking. I don't know.

Q The phone call from Larocque to Henslee was in booking, is that not correct?

A I'm not sure.

Q You don't know. So if Henslee says that he got the call from Larocque back in there and he carries Martinez out to go up to talk to Lisa Harris in transport, you can't -- there's no way you could say that?

A Yes, sir, I can because I interviewed Abraham Martinez.

Q Did Martinez tell you that it didn't occur in the booking area? I didn't see that in the report.

A He did say it occurred in the booking area.

Q Pardon?

A He did say it occurred in the booking area. He stated he went to get -- Lisa Harris and another officer came to pick him up and he wanted to tell Lisa then, but because she had another deputy with her, he couldn't tell

her. He come in and Lisa went ahead on to her office, okay, or went off somewhere, according to Martinez. This is when he decided to grab Larry Henslee and he said he walked up to Larry Henslee and he told him Old School is missing, and Old School is what they call James Cantrell.

Q And that was in booking, correct?

A Yes, that was in booking.

Q All right.

A He said you're missing a man, you're missing a man. Now, at that point, I imagine they either go back over to Lisa's office and that's when he tells her Cantrell is missing.

Q That is after he learned Cantrell was missing in the booking office, then walked around with Martinez, around to the transport office and told Lisa I've just received a call that Cantrell missing. That was the first time that he told her that, is that not correct? That's what your report says.

A That's the first time who told who?

Q All right. That was the first time that he actually told -- according to your report, he took Martinez from booking, walked around back into transport, Lisa was in the office at that time. He takes Martinez up to Lisa and Martinez says Old School or whoever is missing?

A No. Martinez told him that in booking.

Q Okay. But that was after Larocque --

A No, sir.

Q Sir, that's what you've got in your report.

A My report indicates that they had the conversation in Lisa's office. Henslee told her he knew Cantrell was escaped, and then after that, the phone call comes in from Corporal Larocque. Now, how much time after that, I don't know. It could have been minutes.

Q As a matter of fact, Martinez wouldn't have been in there at that point from what you're saying because Martinez was in booking; is that not correct?

A No, sir.

Q Well, I don't understand what you're saying because that's what was in the report. You're saying that Henslee got the call, that Martinez was in booking and Henslee then took Martinez out and around. That was my understanding.

A Yes. And then you see like Lisa testified, Martinez is all hyped up and he leaves and he goes back over around booking, and then you see on video, you see Larry Henslee leave and go.

Q Go where?

A Back to booking. And then when I'm speaking to Sergeant Ashley, he says that that's when the phone call comes in from corporal Larocque and he overhears him tell

Corporal Larocque Cantrell is missing, and Ashley goes, hold up, are you telling me we got an escape; yes, sir, we do, and then he locks down the jail at that point.

Q Okay. So what you're saying is that Henslee was in booking twice. Once he's over there with Martinez, got the call, then comes back over, then he goes back over there for whatever purposes and Martinez is not over there. He's gone somewhere else?

A I don't know where Martinez is. It's not pertinent. What's pertinent is that the phone call came in and we finally got notified that the escape had occurred.

Q Are you familiar with a meeting that took place between two Hall County captains and myself, Henslee and a fence contractor and I believe maybe Sergeant Larocque -- I mean Sergeant Couch? I'm not certain if he was there or not. Are you familiar with that, the exact area that Cantrell escaped from? Are you familiar with that?

A You mentioned to me there was some kind of meeting like that in our interview, but I'm not familiar with what was discussed.

Q So if I said to you that there was a meeting with all these people and they said we've got to put up a offense here to stop an escape --

MR. BLALOCK: Objection. It's not a question. It's testimony.

MR. SARTAIN: Move on.

MR. DODD: All right. I don't have any other questions.

MR. BLALOCK: Mr. Henslee.

MR. HENSLEE: No.

MR. BLALOCK: You can come down. I call the Sheriff at this time.

EXAMINATION

BY MR. BLALOCK:

Q Sheriff, I believe you've been sworn; is that right?

A Yes, sir, I have.

Q Will you give us your name, please?

A Gerald Couch.

Q What position with Hall County do you hold?

A I'm the Sheriff of Hall County.

Q How long have you been in that position?

A I took office January 1st of this year, 2013.

Q Prior to taking office as sheriff, had you served in law enforcement during your career?

A I have.

Q Over what period of time?

A I started October of 1981 until I left the sheriff's office in 2011, what was Gainesville Police Department, and then I left there to run for sheriff.

Q Have you ever served in your career as a transport officer?

A Yes, I have.

Q And was it once or more than once?

A Oh, more than once.

Q Was that with the sheriff's department?

A Yes, sir.

Q How about the police department?

A No. I was a deputy chief of police there.

Q Is that Hall County's department, sheriff's department?

A Yes.

Q Were you trained at that time in the proper way to escort prisoners to and from the jail?

A Yes.

Q You've seen the video, I believe, today; is that correct? You've seen it earlier; is that correct?

A That is correct.

Q And in reviewing the appeal from the termination by Captain Woods, you had an opportunity, I guess, also to interview the investigative report Sergeant Long testified to?

A Yes, I have.

Q And you had an opportunity to have a face-to-face conference with Mr. Dodd, did you not?

A That is correct, yes, sir.

Q And you were aware of their involvement with the sheriff's department, how long they served in their record?

A Yes. I've seen their entire file.

Q After reviewing the investigative file and after looking at the video, after reviewing the documentation, that is the general orders, did you have any doubts about whether or not termination was proper in this particular case?

A No, I had no doubt at all.

Q And why not?

A Because it rose to such an egregious level that the gross negligence, is what I would call it, in the performance of their duties upheld those terminations on both ends.

Q With regard to the actual escape, that is Mr. Cantrell's escape, do you know how long he was out in the community?

A I believe it was five, maybe six days.

Q Are you aware of any further violations, criminal violations during that period of time?

A When he stole the truck and left the courthouse, of course, he escaped, so...

Q When you took office in January, did you sign

an order adopting previous administrations, general order policy?

A Yes, I did.

Q I'll hand you what I'll mark as Hall County No. 7.

MR. DODD: No objection.

(Defendant's Exhibits HC-7 and HC-8 were marked for identification.)

Q (By Mr. Blalock) Is this the general order which you signed adopting -- telling the policies of the previous sheriff's office?

A Yes. This is a bridging document putting in place all the policy and procedures that were in place under Sheriff Cronic. I continued those policies until they were updated or changed under my administration.

Q You heard the testimony, I believe, earlier today by both Mr. Henslee, and Mr. Dodd that apparently the policy had changed with regard to restraining or constraining prisoners as involving cross cuffing or cross handcuffing, whatever that term is?

A Yes, I did.

Q Has the policy changed since July 16th?

A It has been updated with that particular part about crisscrossing with handcuffs.

Q When was that done, do you know?

A No, sir, I do not.

Q Well, if we hand you a copy of that update, can you tell what effective date it was done?

A The date of issue was 10/15/07, effective date, February the 1st of '09, then revision date says January 1st of '09.

Q So that policy would have been in effect in July of this year, would it not?

A According to this, yes, it would.

Q You heard Lieutenant Seymour testify -- narrate basically from testimony, the videos?

A Yes, sir.

Q Did you or do you agree that the points that he made with regard to improper procedures were valid points?

A Yes, I do.

Q And you, I believe, upheld by means of a termination letter the initial termination of these two officers; is that correct?

A That is correct.

Q That initial termination was made by Captain Woods; is that right?

A That's correct.

MR. BLALOCK: I believe he's with you.

THE WITNESS: Yes, sir.

EXAMINATION

BY MR. DODD:

Q Sheriff Couch, what were your duties when you serve in transport?

A When I first started with the sheriff's office back in 1981, I worked as a jailer in the jail over on Bradford Street, and part of my duties there would also include, not only being a jailer taking care of the inmates at the jail itself, but was involved with picking up prisoners from out of county and/or transporting inmates to the courthouse.

Q How many inmates did you focus -- the maximum number that you carried to the courthouse at any given time?

A Back in 1981, maybe just patrol cars. We didn't have any vans or anything. I would have three at a time in my car.

Q So you didn't transport 20 or 30? You and another officer, you didn't transfer 20 or 30?

A No.

Q Okay. Now --

A We wouldn't have done that even back then.

Q And what you're saying is that Deputy Henslee and myself took it on ourselves to transport all those inmates at no directive from you and nobody from your administration?

A As a deputy sheriff, you have the responsibility and duty to safely affect your duties. And in policy and in common sense if you needed more help, you're transporting a large number of inmates, if it poses a threat to your community, then you have that authority to request additional personnel to assist you.

Q That's correct. And if we requested that help -- and you weren't here. There was three officers saying we requested help from Sergeant Baines. Did you hear that? Did you hear that statement made my myself, Henslee and Peppers that we had requested help from Sergeant Baines?

A I heard you say that, and I also heard them say that you did not.

Q Okay. So it's his word against -- you didn't hear Deputy Henslee say that?

A Yes, you both said that.

Q Both of us said that. You didn't hear Deputy Peppers say that he carried more than a ratio of five to one, you didn't hear that?

A Sent the transport officer to request additional help.

Q Sir, just answer my question. Did you not hear Deputy --

A I heard the deputy.

Q He said the same thing?

A Yes.

Q All right. Do you sign off on evaluation reports?

A I do.

Q Okay. Do you recall signing any kind of evaluation for myself or Deputy Henslee?

A I sign all evaluations in the sheriff's office including yours.

Q Now, I understand that's too many for you to remember any, but in particular on myself, did you see any evaluation or words come through there that said I refused orders?

A No.

Q Did you see any that said that I did not follow the policy and procedures of the Hall County Sheriff's Department?

A No.

Q Okay. If we had carried a correct ratio of five to one, we won't argue who's correct or who's wrong, but if we had carried ratio of five to one, do you believe that escape would have happened?

A Additional officers is always helpful. In this date and this incident here, you did have additional officers there. You had well within your control and

ability to either slow down the entire process or stop the process for those inmates gathering around you until the other officers could catch up with your party. You failed to do any of those.

Q Sheriff Couch, you can argue you, but I just asked for a simple yes or no. If we had been allowed to carry --

MR. BLALOCK: I'm going to object to the instruct that the witness can't explain his answer because I think he can.

MR. DODD: Okay.

MR. SARTAIN: You should answer the question and then explain your answer.

Q (By Mr. Dodd) Okay. The question was do you believe that if there had been a five-to-one ratio of transport officers, would that have prevented that escape?

A It would have certainly helped.

Q If we had had a secured area up there with a van, bus, car or anything with a fence around it, would that have prevented that escape?

A It would be an additional tool in order to prevent the escape, but still you have to go back to the basics, and that is keeping sight of your prisoner, keeping your inmate under control by basic handcuffing techniques. Certainly a fence would help and assist, but that does not

take the place of basic officer precautions.

Q Are you saying that if we have 17 prisoners and you have two, that ratio of five to one, that we could have helped that just as easily as a transport vehicle, patrol car I'm talking about, you're saying that we should have been able to see all of those prisoners exactly as if we were driving a car?

A If you had given the inmates instructions on what to do instead of allowing them to do pretty much whatever they wanted to do, then you could have easily have prevented. You could have easily seen the inmate Cantrell, see him slip away from the group, had they been in an orderly fashion.

Q How do you know that we didn't give them instructions, Sheriff? Were you there?

A No. According to the video and looking at the way you went out to the van, there was no instructions given whatsoever.

Q How do you know we didn't give them instructions before we walked out of the control room?

A Did they follow your instructions? I didn't see anything of any control given.

Q But the fact is you just said we didn't give them any kind of instructions or tell them what to do. That's not correct.

A There's no evidence to the fact that you did.

Q Okay. All right. You didn't see all of them, but you just saw it after they went out to the sally port.

Now, in actuality, everything that you testified to as far as the control of the people is what you observed and thought when you saw the video; is that correct?

A That and the investigation, yes, sir.

Q And the investigation?

A Of course.

Q After July the 16th, how many transport officers transported at 12:00 from the courthouse to the jail?

A I have no idea.

Q Do you know if there were any changes made after July the 16th?

A We changed the doors and the situation there with being able to pull a van into the courthouse. That was changed.

Q That would make it secured, wouldn't it?

A More secured.

Q More secured. So you're saying -- okay. So you're saying that by more secured, what you're saying is parking out on the street in the middle of citizens driving by and walking up and down the sidewalk, that's secured?

Is that your opinion?

A No. That's not my opinion.

Q Okay. Can you tell the Civil Service Board why you allowed it to go on the entire time from January 1st until --

A The truck that was stolen that day was actually there from the door company that was installing extra security doors to make sure that we had adequate security at the courthouse. We were in the process of upgrading the security when this escape occurred.

Q Say that again.

A We were in the process of upgrading our security measures at the courthouse when this escape occurred.

Q All right. How long does it take to upgrade to keep someone from escaping when they go out into an unsecured area? How long does it take?

A Well, that'll be up to the transport officer, make sure they keep up on the inmates, I would think --

Q And --

A Excuse me. I haven't finished.

Q Okay. I'm sorry.

A Adhering to basic security functions that everybody is taught in the police academy and that you can continue to get inservice training about. Those security

measures have to be in place regardless of the doors, of fencing, of everything else. It takes eye contact and physical restraints to restrain inmates and to help ensure that there is no escape.

Q I agree with you, sir. So if we're transporting -- two of us are transporting 30 people, are you saying that we too can watch every single one of those 30 prisoners? Is that what you're saying, Sheriff?

A At that point you should have called for extra officers and you should have employed any technique that you possibly can employ to make sure that you could keep your eye upon these 17 inmates, not 30.

Q And if you -- well, that 17 was that date, but have carried up to 30 and 40?

A This is the day in question.

Q Don't tell me how -- the judge will handle that.

Now, I'm asking you if those prisoners, there were that many prisoners on there, can you see that two officers could have kept an eye on all 30 prisoners at all times or 40? Is that what you're saying, just yes or no?

A You're asking me hypothetically if you had 40 inmates, that two officers could -- would that be a safe environment, is that what you're asking me?

Q No, sir, I'm not. What I'm saying to you is if

we were carrying 30 to 40 prisoners at a time with two officers --

MR. BLALOCK: I'm going to object to the form of the question.

MR. SARTAIN: Sustained. Please move on.

MR. BLALOCK: There's no evidence whatsoever of those facts.

MR. SARTAIN: You're asking a hypothetical. It's about what may or may not have possibly happened at some other time under some other conditions. Let's talk about what happened today.

Q (By Mr. Dodd) Okay. On the date, the 16th when there were 17 people with the prisoners, inmates going to three different rooms and spread out, are you saying that two people could have kept an eye on all those prisoners at all times?

A Well, as the transport officer, you should never allow inmates to go across three rooms. Jack, I'm sorry I'm not answering your question.

Q Sir, you're not answering the question. You're arguing with me.

MR. BLALOCK: Objection. The witness is trying to answer.

MR. DODD: No, he's not. All it sakes is a yes or no answer. I'm asking him if those two

officers could keep an eye on 17 people spread out through the room. It's yes-or-no answer.

MR. BLALOCK: And he tried to answer your question. He has a right to explain his answer.

MR. SARTAIN: He may answer the question and he can explain.

MR. DODD: He's not answering the question. He's going through an explanation. Just say yes or no and then go into that motion because I'd like to hear.

THE WITNESS: Ask your question again, please.

Q (By Mr. Dodd) Okay. Here we go: If the officers are transporting on that day 17 people through three different rooms, is it -- are you stating -- here's the question: Are you stating that those two officers keep an eye on 17 prisoners spread out through three different rooms with contraband or whatever in it, are you saying that those two officers could have kept a physical eye on every one of those prisoners?

A No, they could not, and I'll explain my answer.

Q Okay.

A First off, it's your responsibility to make sure that those inmates you have total control of them, that they're not spread out over three rooms. That's

ridiculous. That's incompetent. That is negligence. You should have control of those inmates at all times, giving them verbal commands what to do, what not to do, not turn your back on those inmates and allow them to do just whatever they want to do. Not only is that a public safety issue, but it also goes back to your safety. Allowing those inmates to do that in such a fashion, you placed everyone at risk. So therefore, you should have taken control of your inmates. Those were your charges, your responsibility and you failed to do so.

Q If those inmates were taken and run through three rooms, you have two officers trying to control it because those other two officers at the rear had nothing to do with it, if you had those two officers, you are saying that we should have stopped them in there where we had knew that it was a trash room open to the public with weapons, that we should have stopped them in there, one of us stood up at the front, wait until the other one to come up; is that what you're saying?

A There are a lot of security measures that should have been in place that day that you did not employ that you had available to you. You keep saying about this room that has all the lead pipes and all these weapons, it had a couple of bags of garbage and a trash can in it that day. I don't know that the courthouse produces a great

number of lead pipes. I have not seen that, and even more reason for you to be vigilant and even more reason to keep an eye on your charges or your inmates, to make sure that they don't grab a weapon and carry it on to the bus with you.

Q When we went through there -- you saw the video. What was in those trash cans?

A I have no idea.

Q You have no idea if it was weapons in there or not. So the fact that we knew weapons were definitely stored in that area or things that could be and we were trying to move through makes no difference. We should have went ahead and stopped?

A You're also charged with the responsibility of not only checking the vehicle for any contraband or weapons, but any areas where inmates may come in contact with contraband or weapons. So that would go back to you as well, that your responsibility is to check that room. If you feel that there's a threat to you or the other inmates, then it's yes, your responsibility as well. It comes with the job.

Q Okay. And as part of our job, we're supposed to get those people from one point to another and move them through and handle with two rather than carrying out your policy of five to one, and you're just saying it doesn't

matter if we had these, you were wrong in what you done; is that what you're saying, Sheriff?

A You were wrong in what you did and the choices you made and it is your responsibility. You were supposed to go by the policy of adhering to the five-to-one ratio. You chose not to do that.

Q And that's not a fact, Sheriff. Are you, telling me that if Sergeant Baines ordered us to transport more than five to one, regardless of whether he says he did or not -- you got three people. If Sergeant Baines ordered us to take more than that five to one, policy orders us to follow that order, is that not correct?

A Sergeant Baines testified that he never gave you --

Q Sir, I know what he testified to. I'm asking you if we -- that's for these judges up here to believe. They're the ones that will make that decision, who's saying the truth and who is not saying the truth. That's for them, not you. We're saying that he's lying. He's saying that we're lying.

MR. BLALOCK: I object to testimony by counsel.

MR. SARTAIN: Mr. Dodd, you also will have an opportunity to give some rebuttal testimony.

MR. DODD: All right. I don't have any other

questions.

MR. BLALOCK: Mr. Henslee?

EXAMINATION

BY MR. HENSLEE:

Q The question is I know you stated before that you do sign all evals?

A I do.

Q The eval I had two weeks prior to this incident, if you could recall, did you see anything where I was violating policy, any derogatory information in it?

A No. You had a good evaluation.

MR. HENSLEE: Thank you.

MR. BLALOCK: I don't have any further questions.

MR. DODD: No further questions.

MR. BLALOCK: Can we excuse the other officers here that aren't testifying? Do you have any objection?

MR. DODD: No objection.

MR. BLALOCK: At this point, we rest after tendering Hall County Exhibits 1 through 7. I believe they've been admitted at this point.

MR. SARTAIN: Admitted. Anything further?

MR. BLALOCK: That's all we have at this time.

MR. SARTAIN: Mr. Dodd, if you'd like to give some rebuttal testimony, now is the time to do it, but I would ask you to please make your point, get to it and let's not argue. If you want a final statement, we'll do that, but if you have additional testimony, now is the time.

MR. HENSLEE: What I'd like to say is the thing with the lunches with Ms. Harris, Deputy Harris is I don't recall any of this taking place in the office about the meals. As far as I'm concerned, that didn't happen. I was on the phone with Deputy Larocque at the courthouse when I realized James Cantrell had escaped, and at that time is when I got with Mr. Martinez and we went to her office. That's all.

MR. SARTAIN: Mr. Dodd?

MR. DODD: No.

MR. SARTAIN: Would you like a final statement, Mr. Dodd? You don't have any additional rebuttal testimony, but would you like to make a final statement?

MR. DODD: I'm going to make the closing. Are you through with your witnesses?

MR. BLALOCK: Ladies and gentlemen, it's been a long day. It seems like every time we try one

of these cases, it gets longer. I apologize because I'm partially responsible, but you have -- particularly you got two cases you're trying to get and you got a lot of people, a lot of facts and a lot of circumstances that have got to be reviewed before you can make a reasonable decision about the evidence that you're witnessing here today.

First of all, this was an incident that happened back in July 16th, and I had to go up there and look at the courthouse because I couldn't quite envision in my own mind where this door was, but it's the side street between the law office on the corner there and the courthouse. It's not in the garage. It's not out in front on the garage entrance side. It's on the backside of the courthouse, the backside of the garage, and there is this door which you saw on the video.

Now, I told you when we began that this is an unusual case because it's not a matter of one witnessing swearing to one thing and another witness swearing to something else. We have it on film. You know the whole story, a picture is worth a thousand words and we go the picture. You know what happened, and the only question is why

did it happen.

The sheriff's department, starting from the sergeant, first lieutenant, the captain, all the way to the sheriff himself reviewed the facts and circumstances of what happened on July the 16th, and they reviewed the guidance that these folks are trained to adhere to. They reviewed the interviews. They reviewed the investigation report that Sergeant Long put together, which was a fairly thorough report. He interviewed a lot of folks. He covered a lot of territory in a short period of time, but the biggest thing I think that's here today that should weigh more importantly than anything else is that video right there. And you saw what happened, and you saw as Deputies Dodd and Henslee were proceeding out of the courthouse through the doors and through the various rooms, the route that they had to take. It was a gaggle. That's about all you can se. It was a gaggle prisoners. They were just out like they were going on a picnic, and Mr. Dodd was leading the picnic. They didn't have any order. They didn't have any control, which is required under the policy that Mr. Dodd introduced, general order 9.3-01-03A. You got to keep control of your

inmates. There was no control. And I understand they'd probably done this several times. Nothing ever happened before, but it only takes one time for something to occur, which could have been much more tragic. We got lucky. Cantrell got away, but so far as we know other than stealing a car, he didn't commit any other crime and certainly didn't commit any violent crimes. Now, he'll be tried for escaping and some of the same evidence will be used in the trail, I'm sure. We got lucky we caught him four or five days later.

And you can see what occurred and what led to the fact that he could just walk out and take a right -- he didn't run. He didn't say anything. He just took a right face, went about 10 steps, stepped into the alcove and then watched while everybody drove away. That would not have happened if, as suggested to Mr. Dodd and Mr. Henslee by the sheriff, by Sergeant Long, by Lieutenant Seymour, if they had kept their eyes on the ball. If someone or the other or both had been watching those inmates from the time they left the courthouse to the time they got in that transfer vehicle, this wouldn't have happened because they would have seen it. It was bright, a

clear day and he just took a right face, and the reason he was able to do that is because Mr. Dodd had his back turned and he was trying to get in the van, and Mr. Henslee was too far back to see what was going on because these prisoners were strung out. And if he had stopped them at the door and said everybody against the wall, Henslee, you watch them while I open the van, we wouldn't be here, and I understand. And you heard what Sergeant Long said: Inattentiveness, complacency got the best of them that day. And I'm sorry because they were good officer. They had good OARs, but ladies and gentlemen, letting a prisoner escape, I mean, other than committing a crime yourself as a law enforcement officer, there's hardly anything worse than letting a prisoner escape, and that's what happened.

Now, the policies that were introduced, they speak to prisoner transport. Policy No. 4.31C, which I introduced, talks about prisoner transport: The safe transporting of all prisoners and persons in the custody of the Hall County sheriff's office is one of the most important aspects of the duties of this department. When a person is in custody of the Hall County Sheriff's

Department, he has a legal duty to take all reasonable steps to ensure the safety of the officer, the general public and the person in custody.

He's got everybody's concern is his duty, himself, the prisoner, you and me as the public. That's a pretty heavy load, but these officers are professionals. They're trained to handle it, but they've got to follow the training because if they don't exactly what happened on July 16th is bound to occur sooner or later.

And this guy, Cantrell, you saw the video whether they're in the small room, D-3 and D-2. He's over behind pushing on the door. He had it in mind, I'm trying to get out of here. It didn't come up all of a sudden. He's had this plan for sometime. And Mr. Dodd has his back to him using his telephone trying to open the door. Well, I understand he had to have the door open, but he didn't have to have the guy behind him trying to open the door, and if he had seen that, that would have made him particularly alert to this guy who looks like he's got escape on his mind. They go through the door. They go down the hall, through the trash room, which basically is nothing more

than a trash room. You heard the testimony. There are no iron pipes and no shotguns lying down there. There's no broken glass that can be used. All of that is supposition. All of that is just wishful thinking. It didn't happen. There is no evidence of that. And when Dodd gets to the door, which is open, the trash door, he walks straight out the door. He doesn't look to the right. He doesn't look to the left. He doesn't look behind him because if he did, he's got about four or five right on his neck basically. He walks over and starts to unlock the van, and while he's doing that, Cantrell makes his right face, goes three or four five steps down the steps into the alcove and he's watching as they drive on. And the reason nobody saw it was because Jack Dodd had his back turned. And Mr. Henslee was in no position to see because he was strung out with all these prisoners too far back to see what was going on. And the courthouse deputies were back there with him, so they couldn't see it either.

So what you got, ladies and gentlemen, is clearly evidence of inattentiveness and negligence and that's a violation, not only of policy, it's a violation of their oath of office, they shall not

suffer a prisoner to escape based on their negligence or inattentive. And any way you stack it, any way you stack it, the fault within the officer in charge. He takes responsibility for that prisoner. He better know what he's doing and he better follow his training.

Now, if somebody had ambushed them, if it was something that happened beyond their control, you certainly don't hold them to blame. That's not something they could have helped, but when it comes to the fact that the guy is just able to walk on down the street in broad daylight right under their nose because they weren't looking, yeah, that's where the blame lies, and that's what happened here, and I'm sorry it that happened. They were good officers. They worked a long time with Hall County, but like I said, and the Sheriff said, this was an egregious offense. How in the world do you maintain an officer in the force who allows something like this to that happen. You lose all confidence in them because he's not following his training. He's endangering his life. He's endangering the life of the prisoner and he's putting the public at risk when he allows something like this to happen. And you can say

anything you want to, you can point your finger at everybody, but jack Dodd and Mr. Henslee are the primary people at fault here.

Now, with regard to the charge that they didn't immediately notify was also required by policy. They didn't immediately notify of a potential escape when they suspected it. You heard the testimony from Ms. Harris. She says, Mr. Henslee, Deputy Henslee, I've got three people missing. How many are at the courthouse? And you heard what he said. I know Cantrell is not at the courthouse. I put him in line. He got on the bus. He's in the holding cell. She says, no, he's not, no he's not because I had body count when hey came in and you got three people missing. How many are in the courthouse. Well, a light should have come on right then. That officer, Mr. Henslee, should have said wait a minute, let me go see if he's, in fact, in the holding cell. I think he is, but I'll make sure. He didn't do that. He went around and he went on doing something else, and in fact, she, Ms. Harris, should have also gone back probably and checked to see if he was, in fact, there, but she's already checked him off as absent and she says I would

have known if he was there. He's a big mouth; he's a loud mouth; we always know when he's around. But he goes on, Mr. Henslee goes on to transfer another load of prisoners, comes back 20 or 30 minutes later and they have another conversation. This is when Mr. Martinez, the other inmate comes in with Mr. Henslee and has apparently already told him you're missing Cantrell, and they confront Harris, and then it becomes obvious that there is an escape, and Mr. Henslee is still not blowing the whistle and giving the alert. It was not until a few minutes later, apparently, that he gets a call from Larocque, and it became obvious that they, administration knew that there was an escape, that he acknowledged that there was an escape. Well, in the meantime, anywhere from minutes to an hour has passed based on the testimony. So it all comes right back to roost. It's the responsibility of the officers.

These two gentlemen on the day in question were the transport officers. You saw how they conducted their duties that day and you saw critique of that by everybody that testified up here, and they just failed to carry out their

training and failed to carry out their responsibility, and they got terminated, and I'm sorry, but that's exactly where it is.

Now, your duty as a board officer is not to substitute yourself for the sheriff and say, well, I don't know, maybe I wouldn't have done it; maybe I wouldn't have terminated; maybe I would have reduced them in rank; maybe I would have suspended them. That's not your job.

What this Civil Service Act says is you will hear the evidence and if there is evidence to support the action taken, you will uphold that action. You may not agree with it, but if there's evidence to support what was done, you will uphold it, and that's what it says, and that's exactly what we have here. There's evidence to support what was done, and I'm sorry to say I wish there could have been something else done and I'm sure the sheriff would have done something else, had he felt confident that these folks can continue serving after such an egregious breech of their duties, but we ask that you uphold the decision of the Sheriff, that it was not lightly made. It was not done on the spur. There was an investigation. There was an interview of every witness possible,

and this is what has come down, and this is the conclusion, a long, thought out process starting in July, and that is simply the way that it is and should be, and I'm sorry, and I'm always sorry when somebody loses their job, but you got to place responsibility and you got to place blame where it belongs and here it belongs with the officers involved. Thank you.

MR. SARTAIN: Mr. Dodd?

MR. DODD: Ladies and gentlemen of the Civil Service Board, thank you for your attention. I know it's been a rough day on y'all, a rough day on all of us.

What we have done today and is an issue is we have shown that we did exactly what we were told. We did what we were told to do, and that's what the policy says, that we have to follow the last order that we're given. That last order was to take more than the personnel that we were supposed to take, five-to-one ratio. We asked Sergeant Terry Baines -- at that time, Sergeant Baines, do not make us take that many and to get us help. He says it didn't happen. You got three officers, myself, Larry Henslee, Dusty Peppers. I've been in law enforcement for 30 years. I've got a

perfect record. I've never, ever had anybody say that I didn't tell the truth and didn't do what I was supposed to do. Every one of the policies that they accuse us of violating -- I'm not talking about where they're saying you were negligent because you let him escape, that's not true. We weren't negligent. What we were doing as attentive as we could be with what we were given to do.

Ladies and gentlemen, I've said it over and over and over again. There's no way that they can say that they didn't know that we were taking all these prisoners. Terry Baines sat up there in his office. He saw us bringing them in and out every single day. Terry Baines never gave us an order or any kind of disciplinary action to say we were doing anything wrong. We had captains, sergeants and lieutenants riding with us in those vans. They never ever said you're handcuffing them wrong, you're traveling wrong, you're doing something wrong.

On the few occasions that Sergeant Terry Baines went up with us, he never told anybody up there we were doing something wrong or that we had done something wrong. Okay. The policy of

handcuffing, they're completely -- we were issued CDs -- and I talked about those prior in the opening statements. We were issued CDs, four CDs and not one of those CDs that said all this is an update up till August, August of 2013. Not one of those CDs, and there was four of them, not one of them had anything to do with the nine -- whatever it is -- A, not one of them. It's excluded completely. And the only reason that I point that out is that the one thing in those policies that was added. We didn't know anything about, that they kept saying over and over again, you were negligent because you didn't crisscross. They changed it after we left. That policy was changed and put into effect, otherwise it wouldn't have been on those CDs.

Now, we have also -- the evidence has clearly shown and they don't even deny it, Captain Matthews, even the Sheriff, everybody says that was not a secured area. It was a dangerous area. Ladies and gentlemen, we were put out there and told to unload them there and load them there, even after we continuously told them this is not a secured area. Then two captains come up there, Captain Matthews and Captain Bandy along with the

fence contractor and they told them it's not a secured area, we're going to lose somebody and right here is the most dangerous spot.

MR. BLALOCK: I'm going to object to the testimony of not being sported by the evidence. There's not evidence of that whatsoever.

MR. DODD: I believe this is not evidence. This is closing arguments and doesn't carry evidence.

MR. SARTAIN: It still needs to be based on what's in the evidence, but go ahead and continue.

MR. DODD: Okay. At that area, it has to be in evidence that we were parking up there on the street. That's in evidence. We have stated that we parked on the street outside and we testified to that, that we parked outside the trash door next to -- I testified to that myself and so did Larry, I think, that we parked out there where the citizens were walking up and down the road, completely dangerous area. Now, over a period of about three or four years of us doing that, it is totally unbelievable that the Hall County Sheriff's Department didn't know that that was a dangerous area.

Now, by the same token, ladies and gentlemen,

I beg to believe for Terry Baines to say, and he said in there in his office, which he saw every prisoner that we brought in and every prisoner that we took out, to say that he didn't know that we were carrying to many prisoners. He didn't -- if we were carrying those prisoners and he saw it happening, again, I asked him why wasn't something done. Why weren't we written up? Why weren't we at least given a verbal reprimand. He's required by policy and I read that into effect. He's required by policy. When he sees something going on, he's supposed to do something about it, required by policy. If he doesn't, it's nonfeasance, and yet not once did he ever do anything.

The cold heart facts to at least paraphrase Mr. Blalock is this: If the Hall County Sheriff this followed five-to-one ratio, it is guaranteed that that escape would not have taken place. We would have had enough officers up there to have stopped the escape. We would have stopped it. If a proper secured area, which they secured the area after the escape, but it was the old horse and the barn door situation. They made their corrections after this person left. It's obviously that none

of that would have happened. We were overloaded. We were extended. I'm not saying again that we weren't at fault. Perhaps we could have done it. Much had been said about me going up, turning my back to the prisoners and going to the van. I had 17 people up there. I could have turned around, walked backwards, put my hands behind my back and try to open the door, kept my eyes on all those prisoners. The fact is I couldn't do it like that. I had to get up there, get those prisoners on fast, get them out of that area. There is nobody that contradicted us when we testified that there was weapons in that area. Now, nobody can testify that there were no weapons. They said we went back up and there weren't any weapons. To be honest with you, maybe there was, maybe there wasn't that day, but for several days, there were weapons out there. We shouldn't have ever been sent through that area, ordered to go through there. We were told you will not go anywhere else except directly through here.

That is Hall County's responsibility. What can we do? We were doing everything that we can do on it.

The criteria -- believe me, please I'm not

trying to tell you what to do, but your criteria, I believe one says does not substantially comply with sound management principals consistent with the rules and regulations. How can the management principals be sound when a management orders transport officers and it happened to daily ignore policy and procedure? How can it be sound management principals when the officers are ordered to load and unload inmates out on the public street surrounded by citizens and friends of the inmates? How can it be sound policy or management principal when the would two principal officers are expected to keep an eye on 17 prisoners? That was just on this day. There's more. As we testified, it went up to 30 or 40.

It's the sound management principal, ladies and gentlemen, to require two and some times one transport officer to take prisoners through trash rooms, where lead pipes and additional dangerous items are stored. Is it sound management principals to make one transport officer in the afternoons to transport -- and you heard testimony from Peppers, not just us -- 11 or 19 prisoners, depending on what he was driving by himself, what kind of sound management principal is it for -- I

won't go there. It's other violations that have occurred, but they're saying that it shouldn't be brought up.

The second thing is not supported by a preponderance of the evidence, maintaining the findings of facts and judgment.

I'm not here to say that he walked out, stepped over to the right and got away. That happened and there's nothing I can say to prevent it or to prevent that from coming out. It happened. He walked out there. He walked off to the right. Much was said about he wasn't shackled, but indeed, if he had been shackled, it wouldn't have made any difference. He would have walked right over there. I was in that van watching through the van windows and trying to unlock the doors in the back. You can't leave that open. I think somebody, maybe Lieutenant Seymour said we could have left that open. You can't leave those vehicles open. People will go in there and leave everything in the world in those vehicles. You can't do it. You have to leave them locked. That means we had to get back in there and unlock it. I'm trying to unlock those, turn around, look at all those prisoners

that I can possibly see out there, 17 prisoners that I'm trying to watch get that unlocked, then run back out and get those five. That's a common occurrence and on and on. We can't get any help because we did ask for that help.

It's not reasonable and relative to the severity of the offense. Well, by golly, when you let somebody escape, that's severe, egregious, whatever you want to call it. It's serious and I admit that. That's not good. I hated it. I would have done anything I could to stop it, but ask yourself, ladies and gentlemen, was this caused by us being inattentive and negligent or was it caused by just simply being overloaded? That's the question. There's obvious answer. We simply could not handle that many prisoners. The other would that walked out from the courthouse didn't even bother walking up. They could have come up and helped me and we would have stopped it, whether they were transport or not, but would we have enough transport officers, we would not have had that escape. We would have had a secured area. We wouldn't have had the escape that happened, but it was because Hall County said we're not following the policy and you're not

ordering us to drive vehicles without license, to not following policy and procedures. It's the worst I've ever seen, and all agents that I've every seen of a department saying we don't care, we don't have enough, got a freeze zone, no hiring, and we're not going to give you the personnel.

So I would ask you to consider those things, ladies and gentlemen, if it's an impossibility for to us do our job because Hall County refuses to follow a policy and procedure. We need help. We did not deserve to be terminated. There was no way that we deserve termination of this. So I would ask you -- I know it's a heavy burden on y'all. I know you're independent. Y'all are really the new sheriff in town, so it's up to y'all, but I would just ask that you consider all of these facts.

Thank you for your time.

MR. SARTAIN: Mr. Henslee?

MR. HENSLEE: Ladies and gentlemen of the Civil Service Board, I appreciate you coming today. It's been a long day for me too and all of y'all.

I'd just like to say that yes, there was some

mistakes made on that day by Jack Dodd and myself, but Jack Dodd and Larry Henslee is not the only one to blame. There's other factors helping, shortage of personnel and everything. So I'd just like to you keep that in mind when you make your decision. Thank you.

MR. BLALOCK: I would just like to complete the record at this time with making sure that the copy of the current civil service rules and regulations are included in the record.

MR. WAYNE: Can you speak up. I can't hear you.

MR. BLALOCK: I want to complete the record with a copy of the current civil service rules and regular rations so that y'all have that for any guidance, any discussion that you may have before you go into deliberation.

MR. SARTAIN: Mr. Dodd, do you have those exhibits?

MR. DODD: No.

MR. SARTAIN: They're all up there?

MR. DODD: Yes, sir.

MR. BLALOCK: And I think all the ones I have are up there.

MR. SARTAIN: That concludes it. At this

point what happens is I'm going to ask everyone to leave. We'll have an executive session. The board is going to consider the cases. I'll be in here. I don't take part in the vote. I'm not part of the deliberations. Once they reach a decision, then you'll all be brought back in. The vote will be taken and then after that, a written decision will be issued, so if y'all would...

(At this time, the members of the board deliberate.)

MR. BARFIELD: Y'all ready?

MR. DODD: Yes, sir.

MR. BARFIELD: Mr. Blalock, Mr. Dodd?

MR. DODD: Yes, sir.

MR. BARFIELD: Mr. Henslee, Mr. Sartain, the board and the sheriff's department, I'm sorry, the board has voted unanimously to reverse your termination, Mr. Dodd, and your termination, Mr. Henslee.

MR. SARTAIN: I'll be issuing a written order to that effect.

MR. DODD: Thank you.

MR. BLALOCK: Thank you.

CERTIFICATE

STATE OF GEORGIA

COUNTY OF HALL

I hereby certify that the foregoing hearing was taken down, as stated in the caption, and the colloquies, questions and answers were reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the forgoing transcript, unless said disassembly or photocopying is done under the auspices of Appalachian Court Reporting and the signature and original seal is attached thereto.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I financially interested in the action.

This, the 27 day of Nov 2013

Aurora Gutierrez

Aurora Gutierrez
Certified Court Reporter
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