

SUMMARY OF INVESTIGATIVE RESULTS

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I. INVESTIGATION SCOPE

Outside counsel for Douglas County (the “Investigators” or “Investigative Team”) were tasked with evaluating Douglas County Fire Department (“Fire Department”) Chief Roderick Jolivette’s (“Chief Jolivette”) investigation of circumstances surrounding the retention and employment of the Fire Department’s employee, Daymetrie Dayco Williams (“Williams”). Specifically, Chief Jolivette was directed to investigate facts related to an alleged outstanding criminal arrest warrant and criminal history related to Williams, as well as other information that could possibly impact Williams’ employment with Douglas County. The Investigators were asked to review the completeness and accuracy of the information provided by Chief Jolivette to the County in connection with his investigation, based, in part, on the County’s belief that it had received inconsistent or incomplete information from Chief Jolivette. Set forth below is a summary of the investigation.

II. WILLIAMS’ ALABAMA ARREST WARRANT

On January 23, 2023, the Circuit Court of Madison County, Alabama, issued an “Order for Capius Warrant” in the matter, *State of Alabama v. Daymetrie Williams*, No. 21-2110, “for the defendant’s failure to appear at a duly scheduled court hearing” (“2023 Court Order”). The 2023 Court Order required the Sheriff of Madison County to: (1) issue a warrant for Williams’ arrest (“warrant”); and (2) enter Williams’ arrest warrant into the NCIC database. The 2023 Court Order provided the Sheriff of Madison County with up to 14 days to enter Williams’ Warrant into NCIC and 28 days for Williams to show good cause why his appearance bond should not be forfeited.

III. ANALYSIS

a. Chief Jolivette’s Investigation of Williams’ Arrest Warrant and Related Information.

Chief Jolivette was tasked with investigating Williams’ arrest warrant, as well as other matters related to Williams’ employment and criminal history. As to the multiple directives Chief Jolivette received related to the investigation of Williams, they are as follows:

1. On January 27, 2023, Commissioner Mark Alcaez (“Commissioner Alcaez”) reported to Chief Jolivette that he had learned that Williams likely had an active arrest warrant in Alabama, and he asked Chief Jolivette to investigate the matter. Chief Jolivette said he would do so. However, on January 30, 2023, Chief Jolivette reported back to Commissioner Alcaez that he was unable to obtain active warrant information from the relevant Alabama agency. Chief Jolivette did nothing further to investigate the situation in response to Commissioner Alcaez’s request.
2. On or about February 2, 2023, Commissioner Alcaez confirmed that Williams had an active arrest warrant. The Commissioner thereafter called Chief Jolivette to report the information he had learned and to ask him to contact the Douglas County Sheriff’s Office to obtain information (as Commissioner Alcaez had done). Commissioner Alcaez asked Chief Jolivette to address the situation as soon as possible. Chief Jolivette never communicated with the Douglas County Sheriff’s

Office to confirm the warrant or obtain information related to it after receiving Commissioner Alcarez's request.

3. On February 2, 2023, during a telephone conversation in which Chief Jolivette, Commissioner Alcarez, Chair Romona Jackson Jones ("Madam Chair"), and Deputy County Administrator Frederick Perry ("DCA Perry") participated, Madam Chair asked Chief Jolivette to investigate the matter of Williams' arrest warrant and criminal history. Chief Jolivette agreed to do so but took no action in response to this request.
4. DCA Perry asked Chief Jolivette to contact Williams to discuss the arrest warrant. In response, Chief Jolivette arranged for his assistant to tell DCA Perry (on February 7, 2023) that an in-person meeting already was scheduled for February 10, 2023, to be attended by Chief Jolivette, Williams, and Deputy Chief Miles Allen ("Deputy Chief Allen"). After being informed about the meeting, DCA Perry sent an email on February 9, 2023, stating that he would not attend but that Chief Jolivette and Deputy Chief Allen were to go forward with the meeting without DCA Perry, and were to confirm "if there is any information in [Williams'] background that has occurred since his employment that the county should be aware of." The meeting scheduled for February 10, 2023, never took place. According to County Administrator DCA Perry, Chief Jolivette told him he cancelled the meeting because Williams was on leave and the County would have to pick him up. However, when Deputy Chief Allen was asked about the meeting by the Investigators, he stated that he had no knowledge of and was never asked to participate in any meeting with Williams and Chief Jolivette planned for February 10, 2023. After Chief Jolivette cancelled the meeting, Assistant County Administrator Tiffany Stewart-Stanley ("ACA Stewart-Stanley") directed Chief Jolivette to contact Williams. Chief Jolivette did not contact Williams but directed Deputy Chief Allen to do so.
5. On February 15, 2023, during a meeting attended by Chief Jolivette, County Administrator David Corbin ("CA Corbin"), DCA Perry, Madam Chair, and ACA Stewart-Stanley, Chief Jolivette stated that he had not yet begun any investigation of the Williams warrant matter because he was waiting on a meeting with the Administration, and also because he thought "legal" was handling the investigation. During that same meeting, CA Corbin directed Chief Jolivette to investigate all information related to Williams, including the arrest warrant, Williams' employment history (including retention and performance), and all Williams' background information, stating that he wanted to understand all history and facts related to Williams, his employment, and his criminal history, and how such information may impact Williams' employment with Douglas County. CA Corbin also directed Chief Jolivette to provide all documentation related to and supporting the investigation to be performed. Further, CA Corbin directed Chief Jolivette to obtain assistance from the Fire Department's Chief Investigator, Brad Stewart ("Investigator Stewart"), and gave Chief Jolivette a deadline of February 20, 2023

to submit an investigative report and provide all supporting and relevant documentation.

Chief Jolivet did instruct Investigator Stewart to investigate the matter, but failed to provide the Administration Team with any part of Investigator Stewart's February 17, 2023 report or advise as to the existence of the same.¹ Instead, Chief Jolivet provided his own report to CA Corbin on February 19, 2023 (the "Jolivet Report"), which provided little of the information requested by CA Corbin. The Jolivet Report contained large amounts of information that had nothing to do with Williams, did not discuss any of Williams' disciplinary record, and did not provide the Administration with the information to explain that Williams had (i) provided false statements to his supervisor when asked about his arrest warrant, and (ii) omitted information related to his criminal misdemeanor convictions on his Fire Department Pre-employment Questionnaire that specifically sought such criminal history information (*see* discussion, *infra*).

Chief Jolivet also did not provide to CA Corbin or the Administration Team the criminal history report obtained by Investigator Stewart, stating that he was unable to provide it because it was to be used for criminal justice purposes only. Nor did Chief Jolivet provide to the Administration other relevant documentation and reports, or documentation in Williams' personnel file. Instead, Chief Jolivet took possession of Williams' Fire Department personnel file and locked it in a file cabinet in his office, without notifying the Administration of this action. The Fire Department personnel file was located by the Administration weeks later. The Administration Team finally obtained the Stewart Report on or about February 27, 2023, obtaining it directly from Investigator Stewart after learning that it existed.

6. After Chief Jolivet's submission to CA Corbin of the Jolivet Report on February 19, 2023, CA Corbin asked Chief Jolivet to attend a meeting related to the investigation on February 20, 2023. CA Corbin instructed Chief Jolivet to bring Public Information Officer Rick Martin ("PIO Martin") and Investigator Stewart to that meeting. Investigator Stewart was out of town and unavailable, but as to PIO Martin's attendance, Chief Jolivet did not follow this directive, and instead told PIO Martin not to attend. During that February 20, 2023 meeting, attended by Chief Jolivet, CA Corbin, DCA Perry, HR Manager Latefah Terry-Bolds, and ACA Stanley-Stewart, CA Corbin discussed that the investigation and the Jolivet Report failed to include the information that had been requested and did not provide sufficient information to the Administration Team to assess the situation related to Williams.

b. Chief Jolivet's Comments to the Media.

¹ Investigator Stewart's report was supported by attachments. Chief Jolivet also failed to provide or advise of the existence of those attachments.

On February 10, 2023, the Douglas County Sentinel published an article titled, *Firefighter Wanted in Alabama*. The Sentinel article reported, in substance, that Williams had an active bench warrant for his arrest after skipping a court appearance related to a felony theft by deception charge in Huntsville, Alabama on June 19, 2019. The Sentinel Article credits Chief Jolivette for publicly discussing an ongoing personnel matter relating to Williams, Williams' medical care, making statements about the effect of an arrest on Williams' employment, and what information would or would not show up on a background check. Specifically, the article attributes statements to Chief Jolivette to include, as to the warrant, this was the "first I've heard, we will act on that," "we will definitely launch an investigation," and "those charges could warrant termination." According to the article, Chief Jolivette disclosed that Williams was under a doctor's care for an injury, and stated he was not sure if the background check related to Williams' employment only included a Georgia criminal history or included information from the more expansive NCIC database.

As to most of the statements in the Sentinel article attributed to Chief Jolivette, he states that they are untrue, and initially claimed to the Administration that he never gave an interview to the Sentinel reporter. However, Chief Jolivette stated to the Investigators that he did not recall specific details about the interview, but acknowledged that he did say to the reporter, regarding the warrant, "[t]hat's the first I've heard of that" and that he "would check it out."

c. Conclusions as to Chief Jolivette's Actions.

Regarding the investigation with which he was tasked, weeks after Chief Jolivette undisputedly began to tell Douglas County representatives and employees as well as the public that he would look into the matter, and after repeated directives to investigate, the Administration still did not have the necessary information to evaluate Williams' employment history, hiring process, employment performance, criminal history, or press scrutiny concerning Williams' arrest warrant. Chief Jolivette did not perform a timely or proper investigation into the Williams matter as directed, and failed to follow multiple directives to perform an investigation and address the situation.

Douglas County has a strict policy that all news media requests and conversations should go through the Communications Department, and specifically PIO Martin. The failure to direct the Sentinel reporter to the Communications Department was a violation of that policy. Moreover, the statement Chief Jolivette admits he made to the Sentinel reporter on February 10, 2023—that "this was the first he heard of that"—is false. By that date, Chief Jolivette had been told about the Williams arrest warrant repeatedly since January 27, 2023.

Finally, with regard to the County's concern about information Chief Jolivette provided to the County regarding the investigation with which he was tasked, certain of the facts gathered by the Investigators raise legitimate questions about the completeness and accuracy of such information. Illustrative examples are set forth below.

- After being given a deadline to complete his investigation of the matter, the chief failed to disclose that Investigator Stewart had prepared an investigative report that contained much of the information that the County wanted to receive. Instead, Chief Jolivette prepared a separate report containing only selected portions of this information, and inexplicably

included substantial information about himself that was irrelevant to the matter being investigated.

- After being asked by CA Corbin to invite PIO Martin to a meeting to discuss the investigation on February 10, 2023, Chief Jolivet told PIO Martin not to attend the event, but failed to disclose that he had given this instruction or that PIO Martin was available to attend.
- Chief Jolivet never disclosed that Williams had failed to accurately report his criminal record relating to misdemeanor convictions in his Fire Department Pre-employment Questionnaire (“Questionnaire”), although that was made clear by Investigator Stewart’s investigation, and seemingly had been available to the Chief much earlier.
- Chief Jolivet indicated to multiple individuals that he would investigate the outstanding warrant allegation but failed to promptly do so. Even after being told by Commissioner Alcaez that the Sheriff’s Office could verify the warrant, he failed to contact the Sheriff’s Office, and never disclosed to his direct supervisors that the Sheriff’s Office had verified the arrest warrant to Commissioner Alcaez.
- Mr. Williams’ personnel file was removed from its proper location, and inadvertently discovered in a locked file cabinet only accessible to the Chief and his assistant. The Chief never disclosed that the personnel file had been moved and placed in the locked cabinet.

d. Williams’ Representations in Employment Questionnaire, His Warrant, and Representations to Supervisor.

Williams is a Merit System employee who was hired in May 2021 as a “Firefighter 1.” Under the Merit System, an employee may be disciplined or terminated for various reasons, including, but not limited to: (i) “Willfully giving false statements to supervisors, officials or the public (*see* Douglas County Merit System Handbook, § 13-101(7)); (ii) “Violation of the provisions of Division 11, Ethics and Conduct” (*id.* § 13-101(13)²; and (iii) “Intentionally giving a false statement or information furnished in an employment application. Based on the information collected related to Williams (most of which was not provided by Chief Jolivet), the Investigators note the following.

- 1. Willfully Giving False Statements to a Supervisor.** During his employment with Douglas County, Williams’ immediate supervisor, Deputy Chief Allen, called Williams on February 10, 2023. During that telephone conversation, Deputy Chief Allen asked Williams if he knew he had a warrant in Alabama. Williams responded by stating he had not been in Alabama since 2015 and denied any knowledge of a warrant there. Williams’ criminal history report states he was arrested on

² Division 11 contains § 13-143 which states: “All persons employed by the county shall ... (b) uphold ... laws and legal regulations of the United States and the state of all governments therein and never be a part to their evasion....” (Merit System Handbook, § 13-143(b)).

September 9, 2019, for an offense of “theft by deception” in Alabama.³ Further, the criminal history reveals that Williams was convicted twice for misdemeanors in Alabama in 2019: (1) Cruelty to Animals, for which he was sentenced to confinement for seven days (June 20, 2019); and (2) Confining an Animal to a Pen (October 19, 2019), for which he was sentenced to confinement for five days. His statement that he had not been in Alabama since 2015 appears to be false and, if it is, would constitute a false statement to his supervisor, amounting to a violation of § 13-101(7) of the Douglas County Merit System rules.

2. **Williams’ Violation of the Ethics Code, Including Violations of the Laws of the United States or Any State Therein.** As stated, Williams has an active warrant for his September 9, 2019 arrest in Alabama for a failure to appear for a jury trial on a felony “theft by deception” charge. Failing to appear may constitute a violation of the laws of Alabama and § 13-101(13) of the Douglas County Merit System rules.
3. **Williams Intentionally Giving a False Statement or Information Furnished in an Employment Application.** In connection with his Douglas County hiring process, Williams completed a General Job Application, and completed a Fire Department Pre-employment Questionnaire in which he acknowledged by his signature that “all answers given on this questionnaire are true and correct to the best of my knowledge” and further that “the giving of false information will result in dismissal of my application.” The Questionnaire sought criminal history conviction information, asking “[h]ave you ever been convicted of a crime (whether misdemeanor or felony).” Williams placed an “X” in the “Yes” box. The Questionnaire stated, “[i]f yes, please explain: (Use back of sheet if necessary).” Williams wrote: “2005 possession charge, No jail time.” He provided no further information in response to the criminal history question on the Questionnaire. As stated, Williams’ criminal history reveals that he was convicted twice in Alabama in 2019, but he failed to disclose those convictions on his Questionnaire. This may

³ The Court docket for the “theft by deception” charge in Case No. CC21-2110 DSP states that Williams was arrested on June 19, 2019, that he was released from jail on June 22, 2019, and was indicted by the Grand Jury on July 30, 2021. Count 1 of the Grand Jury Indictment states that Williams “did knowingly obtain, by deception, control over the following property...: lawful currency of the United States, the property of ... Reuben Taylor, of the total and combined value of ... an amount of \$10,000.00, with the intent to deprive the owner of said property, in violation of Section 13A-8-3(c) of the Code of Alabama...” After the arrest warrant was issued on January 23, 2023, for Williams’ failure to appear for a jury trial, Williams’ counsel filed a “Motion to Set Aside Capias Warrant” on March 6, 2023, stating that “the Defendant suffered a substantial work related injury where he tore muscles in both of his shoulders rendering him unable to drive.” The Circuit Court of Madison County, Alabama entered an order on March 6, 2023, denying the “Motion to Set Aside Capias Warrant.” The Court stated that, “[t]his was not Mr. Williams’ first failure to appear for court.... The medical documentation is dated January 4, 2023. Despite having *at least* three weeks’ notice of his inability to drive on the trial date, he took no action to inform the Court or request a continuance. He simply ignored the trial date and continued to ignore it for another 42 days.”

constitute an intentionally false statement in an employment application under § 13-101(20) of the Douglas County Merit System rules.⁴

⁴ It also should be noted that O.C.G.A. § 16-10-20 provides: “A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state, shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years or both.”