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CHIEF WHITE FIRES BACK WITH THE FACTS at the 'so called Investigation

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Following the Citizen's Supervisory Committee meeting on Thursday, April 29, 2004, the City of Dothan's Personnel Board Chairman, Mr. Gary Griffin appeared on the local evening news programs and was quoted in the following day's Dothan Eagle story.

Referring to the Personnel Board's much reported investigation, Mr. Griffin said, "We're only trying to get at the truth." One does not "get at the truth" by embracing and chasing undocumented, unsubstantiated rumor and innuendo. Only by pursuing and following facts does one ever "get at the truth."

Along with a majority of good, well-meaning citizens serving on both the Supervisory Committee and the Personnel Board, the local media has been swayed into giving credibility to this undocumented, unsubstantiated rumor and innuendo. Our community is to the point of almost being choked by this constant stream of inaccurate and misleading information.

It has become abundantly clear that the true target of the Personnel Board investigation is me and only me and the entire ordeal reeks with the stench of politics.

In fact, I now have learned that Mr. Gary Griffin, through the Board's attorney, contacted the attorney representing Captain John Givens and "offered" Captain Givens an opportunity to meet with the attorney and Griffin for a "private chat." Givens' attorney was told that if the Captain agreed to the meeting, it would be beneficial to him (Givens) in the future. Captain Givens quickly accepted the invitation, and on Friday, March 12, 2004, the two attorneys, Captain Givens, and Gary Griffin met at the office of the Captain's attorney. According to Captain Givens, the Board's attorney made a statement similar to, "We've got what we need to get John White", or words to that effect. Captain Givens jumped at the opportunity to explain the facts and dispel the rumors. However, the facts provided by Captain Givens were apparently not to the liking of these personnel board representatives since he was later asked to submit to a polygraph examination.

I have also learned that Mayor Sowell and some Commissioners have met with former Captain Jim Smith on one or more occasions. During these meetings, Smith reportedly provided them with so-called damaging evidence of my wrongdoing. I find it extremely ironic that Smith was eager to provide this allegedly damaging evidence to the Mayor and some Commissioners, but that he refused to provide the information to the FBI and instead asserted his Fifth Amendment privilege against incrimination.

Any reference to the investigation being targeted to the Dothan Police Department is incorrect and misleading; furthermore, allegations that the police department is being investigated casts a shadow on the nearly three hundred men and women who have pledged to “protect and serve” the citizens and visitors of Dothan, Alabama.

I’ve attached a short list of quotes and reported statements made in the press on a page entitled, “Public Comments leave a false impression”.

I would like to take this opportunity to formally request that the Citizen’s Supervisory Committee and the Dothan Personnel Board refrain from making further press statements and/or releases, which indicate or imply that they are somehow investigating the police department. I am aware of no order or instruction given by the Citizen’s Supervisory Committee to investigate the Dothan Police Department. Rather it appears to me that the Personnel Board has been instructed to investigate me. I would appreciate the members of the Personnel Board and the Citizen’s Supervisory Committee making that distinction clear in their press statements, since statements to the contrary are incorrect and misleading and serve only to damage the reputation of the police department.

Some insinuate and others simply state that my employees are covering up, lying, or trying to avoid “testifying against me”, as a result of their loyalty or fear of reprisal. It is my understanding that the basis for the issues raised by the employees who have sought court intervention is that they are concerned that the Dothan Personnel Board is acting outside the scope of its authority under the City of Dothan Civil Service Act. It is also my understanding that if the courts disagree with their assertion, they will appear and submit to interviews as requested by the Personnel Board. I hardly consider those legal actions taken by these employees to be attempts to avoid testifying. Rather, it appears to me that these employees are merely trying to make sure that the Board has the right to do what it is trying to do.

Upon learning that allegations of pager cloning and unlawful monitoring of telecommunications had been lodged against me in a document posted on a local radio station’s (WWNT) web site, I immediately contacted the United States Attorney for the Middle District of Alabama and requested that the Federal Bureau of Investigation be dispatched to Dothan to investigate me and the issue concerning alleged pager cloning.

A conviction in federal court for wiretap violations could result in my being sent to federal prison, not to mention the removal of my privilege to practice law as an attorney. I guess the Personnel Board could submit an unflattering report on me to the City Manager and City Commission, which is not very alarming when compared to federal prison. The concept of the Personnel Board conducting a criminal investigation simultaneous to the FBI simply does not make sense to me.

The very Officers and Support Staff that the Personnel Board’s Chairman has labeled as obstructionists have already been interrogated by Special Agents of the FBI, cooperating fully and without hesitation or reservation. However, I have been advised that the

predominant source of the Personnel Board's information, former Captain Jim Smith, sought immunity from prosecution before submitting to the Agent's interview and when it was not granted, he asserted his Fifth Amendment privilege against self-incrimination and refused to be interviewed by the FBI in any fashion.

Most importantly, if I walked off the job today, my staff and every other classified city employee's due process issues with the Personnel Board would remain until settled by the Court. In other words, my personal job status has nothing to do with the arguments raised by these employees who are apparently concerned about the personnel board setting a dangerous precedent of conducting investigations like this and then possibly disciplining employees on the basis thereof. It is important to note that one of the functions of the personnel board is to hear employee grievances and to sit as an impartial trier of fact in disciplinary and termination appeal hearings. I think that the point these employees are trying to make is that they are concerned that the very body (Dothan Personnel Board), which is purporting to conduct this investigation, is also the body, which would then hear appeals to determine whether its actions concerning discipline or termination were appropriate under the City of Dothan Civil Service Act.

I have attempted to speak publicly and answer any and all questions regarding allegations made of my staff and me whether in Jim Smith's unsigned letters or his estranged wife's publications but I have not been allowed to do so.

My inability to speak publicly has placed suspicion upon me and members of the Dothan Police Department. Good men and women who risk their lives for this community and each other deserve better than being labeled as crooks and conspirators.

At this point I don't know whether to call this an investigation, executive session, witch-hunt, or the Hunt's revenge mission because I've heard it referred to as each of these in addition to many more monikers, which are inappropriate to mention in a press release.

It's time to help shine a little sun on this dark cloud that a small group seems to thrive on. I've made the statement publicly on more than one occasion that I'm an open book. But for reasons I can't seem to swallow, no one wants to ask me the questions that many don't want me to answer. What ever happened to a free press with investigative reporters?

Mr. Gary Griffin made it clear last Thursday that they are investigating me, implying that I'm attempting to "run and hide." If future executive sessions involve my good name and character, regardless of who is testifying, I expressly waive any consideration and demand that future sessions be held in an open public meeting. The people I serve should know what they're getting in a police chief and then some.

Now that I've clarified the Board's target, let's talk about the matters they claim to be investigating:

1. **Circumstances surrounding the resignation of Captain Jim Smith.**
Following a detailed internal investigation, I considered the evidence and directed that a termination notice be served on Jim Smith. The following morning Smith's attorney, Mr. Hornsby, who told me that he was calling on behalf of Smith, contacted me. Smith wanted Hornsby to ask me if I would consider withdrawing the termination, and allow Smith to resign. I advised Mr. Hornsby that the appropriate forms and documents along with the termination notice had been sent to the personnel department for processing. Mr. Hornsby then advised that a family member of Smith's had been diagnosed with cancer and he wished to resign and prayed that I would contact Kai Davis, the personnel director, and attempt to withdraw the termination. I immediately called Ms. Davis and found that the termination had not yet been processed. Ms. Davis also informed me that my required decision deadline would not expire until the following midnight. I then asked Ms. Davis to return the paperwork to me and she did. Once the original document was in my possession, I phoned Mr. Hornsby to advise him of the withdrawal. Mr. Hornsby later delivered Smith's written and signed resignation. Mr. Hornsby further advised me that Smith wanted to settle this incident as quietly as possible and without fanfare. He said the last thing that Jim wanted was a battle of words in the press.

Once this investigation started, Kai Davis informed me that she had told Board members or a board member that she had been privy to the internal investigation from early on, had reviewed all of the evidence and there was no question in her mind that Smith wrote the unsigned letters and was guilty of the charges which she assisted me in drafting. Ms. Davis also told others that she agreed with my decision to terminate Smith. As many of you know, Ms. Davis is the Personnel Director for the City of Dothan and as such advises the Personnel Board on personnel matters on a regular basis as part of her job responsibilities.

I'm confident that Ms. Kai Davis has conveyed her involvement with and approval of the steps taken in the Smith termination and subsequent resignation to Board members. The original disciplinary forms required in the rules and regulations are filed in her department.

In addition to Ms. Davis, the Interim City Manager and the City Attorney were briefed and kept abreast of the internal investigation of Jim Smith. Current policy from the City Manager's Office dictates that he and the City Attorney be made aware of employee disciplinary actions which could result in suspension and or termination. All three of my colleagues were aware of the actions, the ultimate decision to terminate, my subsequent withdrawal and acceptance of Smith's written resignation.

2. **Alleged falsification of Smith's last performance evaluation.** This allegation stems from information apparently provided to Dothan Eagle

Reporter Jim Cook by Jim Smith as part of a news article published on January 6, 2004. When Mr. Cook called me on January 5, 2004 for a comment on the upcoming story, I was in my vehicle driving home from a meeting in Montgomery. At that time, I did not have access to Smith's personnel records and assumed that any dates and or facts that Mr. Cook cited would be accurate. Mr. Cook asked me why Smith's performance evaluation dated December 1, 2003, would have given him exemplary ratings if there was already an ongoing internal investigation into whether Smith was the author of the defamatory letters which had been anonymously sent to elected officials and to at least one radio station (WWNT), where the talk-show host read the anonymous letter live on the air and was undoubtedly heard by any number of listeners. I told Mr. Cook that "if his dates were correct", the only reason I knew of for giving Smith high marks on his performance evaluation would have been to avoid tipping him off to the investigation into his involvement with the anonymous letters. However, after I had an opportunity to review the original evaluation form in the Personnel Department, I discovered that Mr. Cook had been provided with inaccurate information, possibly for ulterior motives. In fact, the evaluation was completed on November 6, 2003 and returned to the Personnel Department the same day. The end result of reviewing Smith's last performance evaluation is a finding that it was prepared and submitted to the Personnel Department some 18 to 20 days prior to my receipt of the first unsigned letter. I had absolutely no knowledge of the unsigned letters at the time I completed Smith's last evaluation and his evaluation was prepared prior to the institution of any internal investigation into the author of the unsigned letters.

The original record is filed in the Personnel Department, and I'm confident that Ms. Kai Davis shared this information with the Board early on. I find it hard to believe that the Personnel Board continues to bat around the theory that I somehow falsified Smith's last performance evaluation when the Personnel Department's own records completely refute that assertion.

3. **Allegations of pager cloning.** Upon learning of these allegations I immediately notified the U.S. Attorney and requested an investigation due to the seriousness of the accusations.

Until recently, the police department was charged with the management and administration of the city's pager system, to include the programming and replacement of lost, damaged, or defective pagers.

Pagers were some times cloned for legitimate reasons such as "copying" a lost pager. For example, if an employee lost or damaged their pager, a clone was programmed within a matter of seconds. The act of cloning a pager is not a violation of federal law and is in fact necessary from time to time when replacing lost or misplaced pagers. However, if one were to secretly copy or "clone" someone else's pager so as to be capable of contemporaneously

viewing another person's messages as they received them, this would violate Title 18, section 2511 of the U.S. Code and would constitute criminal activity in the absence of a court order allowing such.

As administrator of the city's pager system, a certain number of police and communications personnel had the responsibility, placed upon them by the City Manager and the City Commission, of reviewing "sent" pages to ensure the appropriate use of the system, and successful systems operation. In fact, when Jim Smith was with the department he supervised the Communications Division and instructed the Senior Dispatchers to review "sent" pages each night and forward any pages of interest or inappropriate use to his office. Pages that were discovered to sexual, racially derogatory, or harassing in nature were often forwarded to the appropriate department head of offending employees.

ALL of the references to pages sent and received, which are documented in the 122-page report, which has been released publicly, were discovered from the "sent" pages file on the city's computer system. In other words, the review of "sent pages" under city policy is not done contemporaneously with the actual pages being sent or received. Rather, this review is only done usually well after the fact to monitor the use of pagers and ensure that they are being used in compliance with city or departmental rules and regulations.

NOTE: There is NO expectation of privacy with regard to the city's computer files. With few exceptions, the files are public record. This is clearly spelled out in the policies and procedures of the City of Dothan and all employees are, or should be, aware of that policy.

Within a few days of my request for the federal investigation, FBI agents interrogated me and several members of my staff. In addition to our voluntary statements, I also provided agents with copies of the 122-page report that was previously submitted to the City Commission and the ABI as well as copies of the unsigned letters and postings to WWNT's web site, which alleged that this criminal activity was taking place.

Interestingly, the only person who asked for immunity from prosecution as a prerequisite to being interviewed by the FBI was Jim Smith. All other police department employees who were requested to submit to FBI interviews did so, including many of those who are asking the Circuit Court to determine whether the Personnel Board is acting outside the scope of its authority in this investigation.

I am stating publicly and for the record that I have never been involved in any way with the illegal cloning and monitoring of pagers. I do think, however, that if such serious allegations are levied against me, they should be

investigated by a non-political law enforcement agency such as the FBI instead of the Dothan Personnel Board.

4. **Allegation of illegally retrieving information from the city's computer system.** To the best of my knowledge, Mr. Gary Griffin first identified this as an investigative effort in his report to the Citizen's Supervisory Committee meeting last Thursday, April 29, 2004. Mr. Griffin was also quoted in the April 30, 2004; Dothan Eagle story as indicating this was a part of their investigation.

April 29, 2004, was the first time that I have ever heard of this allegation. However, I will unequivocally state that I have never "illegally retrieved information from the city's computer system".

If the Personnel Board would be so kind as to actually disclose what it alleges constitutes "illegal retrieval information from the city's computer system", I will be more than happy to provide the public with any information at my disposal.

In my 30 years of police work I've had the opportunity to draft and ask the tough questions in pursuit of the truth. I feel that I owe it to the people I serve and the professional men and women that I share duties with to assist Mr. Gary Griffin "get at the truth." I have prepared a list of questions for the press and citizens to ask and demand answers to. Just like Ms. Sally Buchanan, I too am a tax paying, bonafide resident of Dothan, Alabama, and I believe that quick and truthful responses to the attached questions are in order.

I'm flustered and exhausted with "good name and character" excuses every time someone wishes to hide their lies while suppressing the truth. I'm fully aware of the fish bowl that I spend my working and personal life in every day, and my wife and sons are pretty much used to it too. I would like to take this opportunity to ask the Personnel Board to stop retreating into executive session every time the issue of this investigation comes up. Since I am obviously the target of this investigation, I believe that I have the right to waive any formal requirement for the Personnel Board to go into executive session to discuss my "good name and character".

There's not one blemish on my reputation or character, except the abuse I've caused to my wife, family and friends by always placing my job first - before their births, birthdays, anniversaries, ballgames, graduations, holidays and other times that they just wanted or needed me with them. The legacy that I leave my sons and their future families is the single most important gift I may bequeath them. Rest assured that it will be one of Loyalty, Integrity, and Honesty.

Some will say that I am making this too personal and they're absolutely right. This obvious effort to malign me has become very personal and it's impossible to take it any differently.

A long-time, close friend of Jim Smith and his estranged wife Denise, Sally Buchanan, sent a letter of complaint to the Citizen's Supervisory Committee, which has given someone and or a small number of malcontents an opportunity to pursue me anonymously and seek my removal. Little does Ms. Buchanan realize that contrary to her belief and proud statement commonly made to her co-workers at Wallace College that, "I got John White, I did my homework", she really has little to do with the desired outcome.

I find it ironic that Mike Tew proposed to ask anonymous questions about an investigation that stems from anonymous letters, all the while espousing disbelief that someone actually lost their job as a result of anonymous letters.

To the contrary, the questions I've attached are not anonymous but very pertinent. The public deserves careful consideration and truthful answers to each and every one.

As one friend summed it all up, "I can explain it to you, but I can't understand it for you."

"If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how - the very best I can; and I mean to keep doing so until the very end. If the end brings me out all right, what's said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

Abraham Lincoln, Esq.
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In the interest of full disclosure, those interested in reviewing my complete press release, attachments, and entire list of questions that deserve answers should visit the following web site:

www.TheMeck.com

Chief John C. White, Esq.