

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

March 9, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, March 9, 2006, at 7:25 p.m. in the Finance Department Conference Room with Chairman Don Nielsen presiding and the following members present:

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| Ike Black | Marcia Cole |
| Jet Hollander | Rick Pender |

Members Absent: Anita Hairston, Renarde Earl

Staff Present: Lee Garrity, Assistant City Manager
Patricia D. Norris, Police Chief
Captain Kevin Leonard
Joseph Ferrelli, Police Lieutenant
Chuck Byrom, Police Sergeant
Angela Carmon, Assistant City Attorney
Julie Risher, Public Safety Attorney
Paige Deal, Deputy City Secretary

Mrs. Carmon reiterated that the purpose of this Closed Session was to comply with N.C.G.S. 143-318.11(a)(1) and (a)(6) to prevent the disclosure of confidential personnel information pursuant to N.C.G.S. 160A-168. No other matters may be discussed.

Lieutenant Ferrelli advised that Carter Crump was contacted on December 5, 2005, but he declined to be interviewed. He expressed a concern about a potential lawsuit and he wanted to protect himself. He did say that he had looked for Willard Brown as a result of Regina K.'s assault.

Mr. Hollander mentioned that there was someone, then, who linked the two cases.

Lieutenant Ferrelli stated that written reports do not reference one case to the other, especially since it was believed that Brown was in jail at the time of the Sykes' murder. There is some mention in the files of "related cases," but it is not clear what those cases were.

Lieutenant Ferrelli advised that Retired Lieutenant Riley Spoon was interviewed on November 29, 2005. He stated that Mr. Spoon did turn all of his notes and files over to the Police Department. Mr. Spoon was part of the 1986 investigation, and he does not recall Willard Brown at all. He did remember the SBI trying to determine if there was another suspect, but no definitive answer was decided, especially as it related to Kevey Coleman. Mr. Spoon remembers Johnny Gray identifying Terry Thomas. Lieutenant Ferrelli stated that Mr. Spoon was very cooperative, but admitted that it

was difficult for him to always remember when events occurred in this case, when he learned things and who he learned them from.

The next interview was with J. I. Daulton – actually two interviews with Mr. Daulton were conducted. Lieutenant Ferrelli advised that Mr. Daulton is retired from full-time service, but is currently employed by the Police Department on a contract basis. Mr. Daulton avoided answering questions regarding the Terry Thomas identification. There was a search warrant issued for Mattie Mitchell's home, but the warrant appears to be questionable in that although Mr. Daulton's signature appears on the warrant, he stated that he did not prepare it, serve it, or help conduct the search.

Mr. Hollander asked why other detectives were sent out with the search warrant and why was Mr. Daulton kept on the case.

Lieutenant Ferrelli responded that it would have been a management decision. Mr. Daulton stated that he never felt he was in control of the case; rather, it was managed by higher ranking officials in the department.

During discussion of the investigation by certain police department personnel, Mr. Garrity commented that the crime scene photographs of Mrs. Sykes and Regina K. were amazingly similar with same wound patterns, etc.

Sergeant Byrom stated that Mr. Daulton told him that he (Daulton) was told not to put so much information into his reports because information was being leaked to the Hunt defense team.

Lieutenant Ferrelli noted that there were allegations that the Police Department was too close to the District Attorney's office.

Chairman Nielsen asked that Charles Poteat be contacted for an interview.

Lieutenant Ferrelli briefly summarized the second interview with Mr. Daulton.

At 8:08 p.m., Mr. Hollander made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Mrs. Cole and unanimously carried.

MINUTES RELEASED: _____
DATE RELEASED: _____

MINUTES HELD: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

April 6, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, April 6, 2006, at 7:24 p.m. in the Finance Department Conference Room with Chairman Don Nielsen presiding and the following members present:

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| Ike Black | Marcia Cole |
| Jet Hollander | Rick Pender |

Members Absent: Anita Hairston, Renarde Earl

Staff Present: Lee Garrity, Assistant City Manager
Patricia D. Norris, Police Chief
Kevin Leonard, Police Captain
Joseph Ferrelli, Police Lieutenant
Chuck Byrom, Police Sergeant
Angela Carmon, Assistant City Attorney
Julie Risher, Public Safety Attorney
Paige Deal, Deputy City Secretary

Mrs. Carmon reiterated that the purpose of this Closed Session was to comply with N.C.G.S. 143-318.11(a)(1) and (a)(6) to prevent the disclosure of confidential personnel information pursuant to N.C.G.S. 160A-168. No other matters may be discussed. She also recommended that the committee avoid comparing and contrasting statements at this time.

Lieutenant Ferrelli stated that he interviewed Anthony Stover who was a member of the Police Department from 1981 until 1989. He was the patrol officer who responded to the Linda E. attack. Linda E. was the first woman attacked that fit the profile. Mr. Stover stated that he did not remember this case at all, but recognizes his signature on the property sheet. He advised that he did not know why he would have ordered the destruction of the clothing because it was not his case at the time the destruction was ordered. He told Lieutenant Ferrelli that he was on vacation at the time of the Sykes murder.

Mrs. Cole asked if it was possible or reasonable to believe that someone would not remember a case.

Lieutenant Ferrelli replied yes, he believed it was reasonable to not be able to recall specific incidences which happened more than 20 years ago.

Sergeant Byrom summarized the interview with Mr. Al Beaty, former Assistant City Manager. (See interview transcript marked Confidential for details.)

In reference to the following statement, Mr. Hollander asked what was the purpose of Mr. Beaty and Mr. Stuart speaking to the SBI.

“ . . . he seemed to recall one meeting in Raleigh with the head of the SBI that he and the City Manager had before they started on their report, but they did not ask for any specific assistance. Mr. Beaty described this meeting as one where the SBI was being advised of the intentions of the City Manager’s office as related to creating such a report. He stated it was also mentioned that the City Manager’s Office might request to look at some of the work the SBI did at that time on the Deborah Sykes case.”

Sergeant Byrom stated that Mr. Beaty knew that the SBI would be involved in an investigation at some point.

Mr. Hollander stated that there appeared to be an adversarial relationship between Mr. Beaty and the Police Department.

Sergeant Byrom responded that this would be a fair statement. During the City Manager’s review, Mr. Beaty had to do all of the interviews and research himself, and people were not very forthcoming at all.

Mr. Hollander pointed out that this was the third or fourth time someone has stated that they were told that Willard Brown was in jail at the time of the Sykes murder.

Sergeant Byrom and Lieutenant Ferrelli stated that Mr. Beaty had no written documentation to offer and relied on his memory of the events for purposes of the interview.

During the review of the investigation conducted by certain police department personnel, a discussion ensued regarding documentation of exactly when Willard Brown was in jail.

Mr. Garrity advised that there is documentation that Terry Thomas was in jail at the time of the murder.

At 7:59 p.m., Mrs. Cole made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Mr. Black and unanimously carried.

MINUTES RELEASED: _____

MINUTES HELD: _____

DATE RELEASED: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

May 4, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, May 4, 2006, at 7:24 p.m. in the Finance Department Conference Room with Chairman Don Nielsen presiding and the following members present:

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| Ike Black | Marcia Cole | Renarde Earl |
| Anita Hairston | Jet Hollander | Rick Pender |

Staff Present:

- Lee Garrity, Assistant City Manager
- Louis O. Saunders, Assistant Police Chief
- Kevin Leonard, Police Captain
- Joseph Ferrelli, Police Lieutenant
- Chuck Byrom, Police Sergeant
- Angela Carmon, Assistant City Attorney
- Julie Risher, Public Safety Attorney
- Paige Deal, Deputy City Secretary

Mrs. Carmon reiterated that the purpose of this Closed Session was to comply with N.C.G.S. 143-318.11(a)(1) and (a)(6) to prevent the disclosure of confidential personnel information pursuant to N.C.G.S. 160A-168. No other matters may be discussed.

Ms. Risher advised the committee that the Public Safety Attorney does not routinely review all search warrants, only for unusual or complicated cases. However, at the time Darryl Hunt was arrested, the Police Department was much smaller and search warrants were much less frequent. She would surmise that at that time, the Public Safety Attorney would have been involved with drawing or reviewing a search warrant.

She stated that the issue with the search warrant was that several witnesses' statements were melded into one and listed as "citizen informant."

Sergeant Byrom pointed out that the application for search warrant contains an oath on the part of the applicant, who in this case was James I. Daulton, that the facts are true, correct, and sufficient to establish probable cause. As of the date of the search warrant (September 14, 1984), there is no documentation that any of the witnesses—Murphy, Hooper, Gray—had referred to a black t-shirt with a spider design, which is listed on the search warrant as an item of interest. During his interview, Mr. Daulton stated that he had no idea how probable cause was developed.

Sergeant Byrom informed the committee that Detective Weavil, during his interview, stated that he did not know how probable cause was developed, just that they were looking for a black t-shirt with

a spider design. A portion of Claire McNaught's written response regarding the warrant is as follows:

"... Sgt. Matthews asked me to review the affidavit. I asked Sgt. Matthews and Off. Dalton (sic) some questions in an effort to establish if there were salient facts which might not have been articulated in the affidavit but would go to the determination of probable cause. They did tell me some additional information, which I noted on the document. I told them the information they had provided did not amount to probable cause. I told them they should contact Charles C. Walker of the District Attorney's office. The affidavit was not returned to me nor was I told what happened after they left my office."

Mr. Pender asked when was the t-shirt first mentioned in documentation.

Sergeant Byrom responded that the first mention of the t-shirt in writing was the search warrant. It appears that Officer Daulton took a little bit of information from everyone he talked to and made it appear that it came from one person. It appears that Officer Daulton knew that Darryl Hunt owned a spider t-shirt.

Sergeant Byrom stated that District Attorney Tisdale advised against the warrant. In fact, no items seized as part of the search were ever brought into court. A subsequent internal Police investigation did not mention the search warrant, and it was not addressed in the City Manager's report.

Sergeant Byrom also advised that there is evidence that Darryl did not buy the t-shirt until after the murder.

Mr. Hollander stated that the fact of the t-shirt was publicized; however, Ms. Risher pointed out that there is no documentation of any specific article of clothing prior to the search warrant, which carries two indications of intentional deception: the spider t-shirt and the melding of more than one witness statement into a single statement and offering it as a single witness account.

Sergeant Byrom remarked that the search was conducted prior to Darryl Hunt being charged. He stated that the warrant should have been addressed during the Police Department's initial internal review, but it was not.

Mr. Earl asked what would happen to an officer if that officer knowingly provided false information.

Ms. Risher responded that Internal Affairs would investigate the matter.

Sergeant Byrom stated that Mr. Rabil apparently declined to pursue since the items seized during the search were not admissible evidence. He noted that this was a big omission under Brady.

Mr. Garrity explained that this was an illegal search warrant and Mr. Daulton's actions could establish perjury which is a felony offense.

Mrs. Cole asked if others would have been aware of this, and Mr. Garrity stated yes.

Chair Nielsen asked if the report will contain confidential information.

Ms. Carmon replied that the City will probably seek a court order when the draft report is ready and the Council has authority to release it.

Sergeant Byrom reviewed Mr. Hunt's statement regarding Officer Homer Craig pushing him down the stairs.

At 8:26 p.m., Mr. Earl made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Ms. Hairston and unanimously carried.

MINUTES RELEASED: _____

MINUTES HELD: _____

DATE RELEASED: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

June 15, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, June 15, 2006, at 7:28 p.m. in the Finance Department Conference Room with Chairman Don Nielsen presiding and the following members present:

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| Ike Black | Marcia Cole | Renarde Earl |
| Jet Hollander | Rick Pender | |

Member Absent: Anita Hairston

Staff Present: Patricia D. Norris, Police Chief
Kevin Leonard, Police Captain
Joseph Ferrelli, Police Lieutenant
Chuck Byrom, Police Sergeant
Angela Carmon, Assistant City Attorney
Julie Risher, Public Safety Attorney
Paige Deal, Deputy City Secretary

Mrs. Carmon reiterated that the purpose of this Closed Session was to comply with N.C.G.S. 143-318.11(a)(1) and (a)(6) to prevent the disclosure of confidential personnel information pursuant to N.C.G.S. 160A-168. No other matters may be discussed.

Sergeant Byrom presented information regarding the interview with Homer Craig, who arrested Mr. Hunt on the charge of taking indecent liberties with a minor. Mr. Craig advised that he worked the downtown beat, and his only other involvement with the case was that he was standing outside the room while the identification of Terry Thomas took place. When asked about the incident regarding Mr. Hunt being pushed down the stairs, Mr. Craig emphatically and categorically denied the incident ever happened, and the first time he heard about such an allegation was in 2004 when he applied for the Police Chief position.

Sergeant Byrom reminded the committee that the allegation was from a statement made by Darryl Hunt. There was no evidence to support or dispute the allegation.

Chief Norris commented that if Mr. Craig was still an employee at the time the allegation was made, the incident would have been turned over to Internal Affairs for investigation.

Sergeant Byrom stated that he asked Mr. Hunt why he didn't report the incident at the time it happened. Mr. Hunt replied that he had more important things to worry about at that point in time.

Mr. Pender asked who brought the incident to the City Manager's attention in 2004, and Sergeant Byrom replied that he did not know.

Ms. Risher noted that Mr. Stuart, City Manager, is one of the remaining interviews to be conducted, and perhaps he could be asked how he learned of the incident.

At 7:39 p.m., Mr. Hollander made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Mr. Earl and unanimously carried.

MINUTES RELEASED: _____

MINUTES HELD: _____

DATE RELEASED: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

August 17, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, August 17, 2006, at 6:35 p.m. in the Finance Department Conference Room with Chairman Don Nielsen presiding and the following members present:

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| Ike Black | Marcia Cole | Renarde Earl |
| Anita Hairston | Jet Hollander | Rick Pender |

Staff Present:

- Patricia D. Norris, Police Chief
- Louis O. Saunders, Assistant Police Chief
- Kevin Leonard, Police Captain
- Chuck Byrom, Police Sergeant
- Angela Carmon, Assistant City Attorney
- Julie Risher, Public Safety Attorney
- Paige Deal, Deputy City Secretary

As committee members reviewed the notes and drawings from the Arthur Wilson case file, Sergeant Byrom advised that Bobby Spillman, during his interview, stated that he had no knowledge of any "score sheets," and that he had nothing to add to the documentation already in the files.

Mr. Pender asked if the notes and drawings were done by Mr. Spillman. Sergeant Byrom responded that they appear to be in Mr. Spillman's handwriting, and when Randy Weavil was asked about them, he advised that they were not his.

Committee members discussed the significance of the notes and drawings and how staff arrived at the assumption that these were done by Mr. Spillman during the Arthur Wilson trial. However, since very few reports were handwritten during that time, Sergeant Byrom stated that comparisons were done from various signatures in Police files.

Sergeant Byrom reviewed the interviews with Randy Weavil. Mr. Weavil was given the opportunity to review the notes and drawings, but stated that they were not his and he did not know what the letters at the top of the columns meant.

Mr. Hollander asked what is the department's policy with regard to derogatory, racist or sexist comments and/or behavior?

Sergeant Byrom responded that this would be considered conduct unbecoming an officer and would be subject to disciplinary action, including up to termination.

Mrs. Carmon advised that this is not only the policy of the police department, but is the City's policy as well.

During the course of the discussion, Assistant Chief Saunders noted that when Warren Sparrow mentioned "scoresheets" during his comments to the committee, investigators went back and took a closer look at the file to determine if there was any documentation. This is when these notes were discovered.

Chairman Nielsen asked what it would mean if the drawings/doodles were found to be racist.

Sergeant Byrom replied that racism was one of the allegations made by Darryl Hunt's defense attorneys.

Sergeant Byrom then reviewed the two telephone conversations with Teresa Hicks. He advised that they could not agree on a time for an interview since Ms. Hicks wanted to review all documentation prior to any interview and would not commit to a time by which she could do this.

Ms. Risher mentioned that she saw Ms. Hicks out in the community and since the two knew one another on a personal level, Ms. Hicks made a comment that she was concerned about the limitation and pressure she felt with regard to this investigation. Ms. Risher asked her if she recalled the other rape cases, and Ms. Hicks reacted with surprise. She remarked that to the best of her memory, the Deborah Sykes case was initially about a robbery and everything pointed to two assailants. The Linda E. and Regina K. cases were reported as assaults without robbery as a motive with only one assailant. Ms. Risher stated that Ms. Hicks' comments at least gave her a little more insight into what may have been the thinking during that time.

Sergeant Byrom commented that Ms. Hicks would not consent to an interview and expressed surprise when she realized that her telephone conversation with Sergeant Byrom was being recorded.

Chairman Nielsen asked if some sections of the final report would be kept confidential.

Mrs. Carmon responded that staff intends to seek permission to release all information to the public.

At 7:31 p.m., Mrs. Cole made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Mr. Hollander and unanimously carried.

MINUTES RELEASED: _____
DATE RELEASED: _____

MINUTES HELD: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

September 21, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, September 21, 2006, at 6:25 p.m. in the Finance Department Conference Room with Chairman Don Nielsen presiding and the following members present:

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| Ike Black | Marcia Cole | Anita Hairston |
| Jet Hollander | Rick Pender | |

Member Absent: Renarde Earl

Staff Present: Patricia D. Norris, Police Chief
Louis O. Saunders, Assistant Police Chief
Barry Rountree, Assistant Police Chief
Joseph Ferrelli, Police Lieutenant
Chuck Byrom, Police Sergeant
Angela Carmon, Assistant City Attorney
Julie Risher, Public Safety Attorney
Paige Deal, Deputy City Secretary

Chairman Nielsen asked if Mr. Daulton's death affected the confidentiality of any of the documents under review.

Mrs. Carmon responded no.

Lieutenant Ferrelli reviewed interviews conducted with Randy Patterson and Bob Peddycord. He also reviewed a follow-up interview with Riley Spoon, who was present when Johnny Gray positively identified Terry Thomas. Mr. Spoon also assisted in the SBI investigation. The identification of Terry Thomas was not mentioned in the SBI investigation. Lieutenant Ferrelli stated that when he asked Mr. Spoon if SBI Agents Keller and Stone were aware of this, Mr. Spoon replied that they were.

Sergeant Byrom then explained a follow-up interview with former Assistant City Manager Al Beaty. When City Manager Bryce A. Stuart retired, there were some files that were cleaned out and some notes were discovered. Those notes were turned over to investigators, and shared with Mr. Beaty, who did not recall ever seeing them, but recognized Mr. Stuart's handwriting. Mr. Beaty remembered a meeting with Larry Little at which time the spider tee-shirt was discussed, but did not recall any concerns with regard to the search warrant. He advised the investigators that any discipline would have been the decision of the City Manager.

Mr. Garrity noted that there was also a handwritten disciplinary action from Mr. Stuart to then Chief Masten.

Mr. Hollander asked if the disciplinary action occurred prior to or after the publication of the City Manager's report.

Mrs. Carmon remarked that the City would not have revealed the nature of any disciplinary action, nor the date it occurred. She stated that Mr. Daulton's lawsuit was based primarily on questions of due process.

Sergeant Byrom noted that Mr. Cornatzer did not receive any disciplinary action.

At 6:40 p.m., Ms. Hairston made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Mr. Pender and unanimously carried.

MINUTES RELEASED: _____

MINUTES HELD: _____

DATE RELEASED: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

Sykes Administrative Review Committee

October 19, 2006

The Sykes Administrative Review Committee met in Closed Session on Thursday, October 19, 2006, at 6:38 p.m. in the Fire Department Conference Room, Third Floor of the Public Safety Center with Chairman Don Nielsen presiding and the following members present:

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| Jet Hollander | Rick Pender |
| Anita Hairston | Marcia Cole |

Members Absent: Ike Black, Renarde Earl

Staff Present: Lee Garrity, City Manager
Joseph Ferrelli, Police Lieutenant
Chuck Byrom, Police Sergeant
Angela Carmon, Assistant City Attorney
Julie Risher, Public Safety Attorney
Paige Deal, Deputy City Secretary

Committee members took some time to read the interview with Bill Stuart and some of his handwritten notes discovered in a file after he retired as city manager.

Mr. Hollander asked who made the decision to take disciplinary actions.

Sergeant Byrom responded that it was Chief Masten's decision to impose disciplinary actions.

With regard to the handwritten reprimand of Chief Masten by Bill Stuart, Mr. Garrity explained that such a reprimand would have been made part of Chief Masten's personnel file, and would be considered as the first level of discipline.

Mr. Hollander asked if anyone knew why Mr. Stuart wrote the reprimand in longhand because it gives the impression that it was never to be made known.

Sergeant Byrom responded that since it was a personnel action, it was not intended to be made public in any event, but people in the department were aware that some level of discipline occurred.

Mr. Hollander asked if Masten was named police chief during this same time frame.

Mr. Garrity advised that Chief Masten's disciplinary action occurred after the promotion.

A brief discussion occurred regarding Mr. Stuart's notes, and Lieutenant Ferrelli observed that Mr. Stuart's notes reveal that he had many of the same questions and concerns contained in the scope of the committee.

Mr. Hollander raised the issue of who made the decision to prosecute Darryl Hunt. He asked if District Attorney Tisdale made that decision.

Lieutenant Ferrelli responded that there is no evidence to indicate that Darryl Hunt was selected for prosecution by Mr. Tisdale. Darryl Hunt was originally arrested for taking indecent liberties with a minor and was identified by witnesses in several lineups.

Mr. Hollander asked if there was any evidence to indicate that the Police Department selected Darryl Hunt.

Lieutenant Ferrelli replied that the Police Department had probable cause to arrest Mr. Hunt, and Ms. Risher commented that if Mr. Tisdale did not believe that probable cause existed, he would not have moved forward with prosecution.

Mr. Hollander asked if there was an arrest warrant for Darryl Hunt for murder.

Lieutenant Ferrelli stated yes, and that Larry King was the magistrate who signed the warrant. He advised that the initial arrest of Mr. Hunt on the indecent liberties charge also served to separate Mr. Hunt from Sammy Mitchell.

Mr. Garrity commented that if committee members have additional questions, they could contact Lieutenant Ferrelli and Sergeant Byrom.

At 7:15 p.m., Mr. Hollander made a motion to adjourn the Closed Session and resume Regular Session. The motion was duly seconded by Mr. Pender and unanimously carried.

MINUTES RELEASED: _____
DATE RELEASED: _____

MINUTES HELD: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

SYKES ADMINISTRATIVE REVIEW COMMITTEE

JANUARY 4, 2007

The Sykes Administrative Review Committee met in Closed Session on Thursday, January 4, 2007 at 6:38 p.m. in the Public Works Conference Room with Chairman Don Nielsen presiding.

Members Present: Don Nielsen, Ike Black, Marcia Cole, Renarde Earl, Jet Hollander, and Rick Pender.

Member(s) Absent: Anita Hairston.

Staff Present: Lee Garrity, City Manager; Patricia Norris, Police Chief; Louis Saunders, Assistant Police Chief; Joseph Ferrelli, Police Lieutenant; Chuck Byrom, Police Sergeant; Julie Risher, Public Safety Attorney; Angela Carmon, Assistant City Attorney; and Rose DuBose, Recording Secretary.

Chairman Nielsen thanked the staff for putting together such a detailed report and stated that the Committee should not be in a rush to review the report, but instead should take its time in order to give the report a thorough review. He also wanted everyone to understand that it was the City Manager's report. He then asked for input from the Committee regarding overall impressions with the report.

Mr. Pender concurred that it was a very good report and asked Mr. Garrity to go through the *City Manager's Recommendations* section. Mr. Garrity gave a complete review of the following sections of the report: Education and Training Issues; Supervision, Management, and Accountability Issues; Case Management; Evidence Collection, Storage, and Retention; Police Department's Relationship with the District Attorney's Office; Diversity; Truthfulness; and Public Access.

During Mr. Garrity's review, several questions were asked from Committee members that were addressed to their satisfaction.

Chairman Nielsen asked if Mr. Garrity felt City Council would commit to the dollars to handle the steps recommended if Council adopts the report. Mr. Garrity stated he was confident that the recommendations would be completed over the next two years. He and Chief Norris further stated that many of the procedures have been implemented.

Chairman Nielsen suggested that the Committee reconvene sometime in the future to review the results of the handling of the recommendations in the report. It was suggested that only the Chairman and Vice Chairman meet with City staff at a later date.

Ms. Cole and Mr. Pender stated they felt the Committee should issue a proactive unified statement in

order to show solidarity of the report. Mr. Hollander stated he was not in a position to do that, as it was not the report he would have written. He further stated he would not have taken anything out of the report but would have added to it.

Mr. Hollander further stated that he had many suggestions to recommend. Mr. Earl asked if Mr. Hollander could e-mail his suggestions to the members. Mr. Hollander stated he would prefer submitting them to Mr. Nielsen and Mr. Garrity prior to the Committee reviewing his suggestions. Mr. Hollander stated he would get his suggestions to Mr. Nielsen and Mr. Garrity by Monday, January 8, 2007 by noon.

Chairman Nielsen asked if there was anything in the report that anyone wished to address at that time. Ms. Cole suggested that, due to the late hour, the Committee adjourn.

It was suggested that the starting time for the January 11, 2007 meeting be moved to 2:30 p.m.

Mr. Black made a motion to adjourn the Closed Session and resume the Regular Session. The motion was unanimously carried.

MINUTES RELEASED: _____ MINUTES HELD: _____

DATE RELEASED: _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION

SYKES ADMINISTRATIVE REVIEW COMMITTEE

JANUARY 11, 2007

The Sykes Administrative Review Committee met in Closed Session on Thursday, January 11, 2007 at 2:45 p.m. in the Public Works Conference Room, with Chairman Don Nielsen presiding.

Members Present: Don Nielsen, Ike Black, Marcia Cole, Renarde Earl, Anita Hairston, Jet Hollander, and Rick Pender.

Staff Present: Lee Garrity, City Manager; Patricia Norris, Police Chief; Barry Rountree, Assistant Police Chief, Louis Saunders, Assistant Police Chief; Kevin Leonard, Police Captain; Joseph Ferrelli, Police Lieutenant; Chuck Byrom, Police Sergeant; Julie Risher, Public Safety Attorney; Angela Carmon, Assistant City Attorney; and Rose DuBose, Recording Secretary.

Mr. Garrity opened the Closed Session by explaining that the changes made in the new pages of the report given to all Committee members were as a result of suggestions made at the previous meeting.

In order to make sure everyone had a thorough understanding of the *City Manager's Findings*, Chairman Nielsen asked Mr. Garrity to review his findings. He asked him to explain what was meant in the report by "probable cause." Julie Risher explained why the statement was in the report.

Committee members asked questions related to the *City Manager's Findings* section of the report. Staff responded to all of the questions to the satisfaction of the members.

Vice Chairman Black stated that he thought the *Key Issues* section was well documented and complimented Joe Ferrelli and Chuck Byrom on their thoroughness.

Chairman Nielsen then asked for comments regarding Mr. Hollander's report, which all Committee members received prior to the meeting. Ms. Risher explained that the concern staff had with the report is that staff cannot prove the points Mr. Hollander mentioned, and stated that the report should only address those issues that are factual. Mr. Hollander then explained his reasons for the statements in his report.

Mr. Pender said that a concern he had with the report was that once the report is made public, it might place the City in a compromising situation unless we can defend it. He further stated that he felt Mr. Hollander's report was out of the Committee's scope.

Several Committee members expressed their thoughts on the report and thanked Mr. Hollander for his hard work in pulling together his report.

A motion was made by Renarde Earl and seconded by Anita Hairston to submit the original report to the City Council.

Chairman Nielsen then asked for any discussion from Committee members. At the end of the discussion period, where there were several suggestions offered and agreed to, Mr. Garrity stated that staff would make the changes agreed upon and send a final copy of the report to each member.

Mr. Pender asked if there was going to be a public apology, and Mr. Garrity said that it would be up to the City Council to decide. He further stated that a public apology was not a part of the Committee's scope.

Mr. Earl made a motion that we forward the report with the agreed upon changes to the City Council. Ms. Hairston seconded the motion, and it was unanimously approved.

Mr. Garrity agreed to draft a transmittal letter to the City Council and said that he hoped to bring the report to the Council in February.

A motion was made to adjourn the Closed Session and resume the Regular Session. The motion was unanimously carried.

MINUTES RELEASED: _____ MINUTES HELD: _____

DATE RELEASED: _____