

**HARRIS COUNTY BOARD OF COMMISSIONERS  
APPEAL HEARING OF TERMINATION ---- EDWARD WALKER**

July 15, 2014  
5:45 PM

Commissioners Present: Harry Lange, Joey M. Loudermilk, Becky Langston, Jim Woods, Charles Wyatt. Staff Present: Greg Wood, County Manager; John M. Taylor, County Attorney; Nancy D. McMichael, County Clerk.

**CALL TO ORDER.** Chairman Lange called the Appeal Hearing of Edward Walker to order and asked John Taylor, County Attorney, to explain and conduct the hearing.

**APPEAL HEARING.** Mr. Taylor said that this hearing is in regard to the appeal of termination of employment of Edward Walker, as Deputy Warden, by Alex Haden, Warden, and of Greg Wood, County Manager, who upheld the Warden's decision to terminate Mr. Walker for violation of various rules and regulations. He then asked that Mr. Walker and Warden Haden take seats at the table and swore them in. Mr. Taylor asked Mr. Walker if he had received the letter from Nancy McMichael, County Clerk, dated June 26 advising that the appeal request had been received, advising of the scheduling of the hearing, that the hearing would be open to the public, and that he had the right to be represented by legal counsel, to which Mr. Walker responded that he had. Mr. Taylor said that he assumed Mr. Walker wanted to proceed without legal counsel, to which Mr. Walker said that was correct. Mr. Taylor then explained the procedures involved with the hearing to include that both Mr. Walker and Warden Haden would have the right to present evidence, cross-examine and call witnesses, and then give closing statements. Neither Mr. Walker or Warden Haden had any questions regarding the procedures.

Mr. Taylor then reviewed the documents being submitted into evidence, which included:

- Item A: Letter of April 17, 2014, from Warden Haden to Edward Walker, setting out allegations
- Item B: E-mail from Mr. Walker to Warden Haden denying the charges
- Item C: Letter of May 1, 2014, from Warden Haden to Mr. Walker terminating employment
- Item D: Letter of May 13, 2014, from Nancy McMichael to Mr. Walker requesting the return of County property
- Item E: Confirmation receipt of May 16, 2014, regarding the County property
- Item F: Letter of May 19, 2014, from Mr. Walker to Greg Wood, County Manager, appealing the decision of Warden Haden
- Item G: Letter of May 29, 2014, from Mr. Wood to Mr. Walker upholding Warden Haden's decision to terminate employment
- Item H: Letter of June 16, 2014, from Mr. Walker to Mr. Wood requesting a hearing before the Commissioners
- Item I: Letter of June 26, 2014, from Mrs. McMichael to Mr. Walker advising of the Appeal Hearing scheduled for today
- Item J: 25 Excerpts from the Department of Corrections Standard Operating Procedures
- Item K: Harris County Personnel Policies, Chapter X, Disciplinary Action
- Item L: Harris County Personnel Policies, Chapter XI, Grievances and Appeals
- Item M: List of 82 Incidents of Discussion, to the extent that it is relevant

The above documents can be found in "Miscellaneous Documents" file as MD #14-14.

Mr. Taylor then asked Warden Haden if he had any witnesses, and Warden Haden said that Phillip Tipton may be called as a witness. Mr. Taylor asked Mr. Walker if he wished to invoke the rule to have Mr. Tipton wait outside the room, and Mr. Walker invoked the rule. Mr. Taylor asked Mr. Walker if he had any witnesses, and Mr. Walker said that he did not.

Mr. Taylor then asked Warden Haden the reasons and evidence on which he based his decision to terminate Mr. Walker as Deputy Warden.

Warden Haden said that on March 24, 2014, there was a site visit by Carl Humphrey, Field Operations Manager for the Georgia Department of Corrections, during which certain information must be made available; that the morning of the visit, he had not received the necessary information from Mr. Walker for the visit and had to do it himself. He explained that during such visits, Mr. Humphrey reviews any Use of Force issues, after which a tour of the site is made to include sanitation and security procedures; that there is a procedure where anyone entering the facility has to go through either a metal detector or wanded by a hand-held device, and any items that may be considered a weapon or contraband is taken away and documented; that once the person passes the inspection, they are permitted in the secure part of the prison; and that the last two visits by Mr. Humphrey, there were site visit failures due to front entry procedures and accountability procedures. Warden Haden continued

by saying that on this particular visit Mr. Walker had been instructed to conduct the entry procedures to make sure they were done correctly; that the Deputy Warden is also chief of security, which is pretty much state-wide; that once the Use of Force was reviewed, they went back to the secure part of the prison, where there is a vestibule from the admin area to the secure area where people are asked their name, about any contraband, and about cell phones, which are documented as they enter and make sure they have it when they leave; that while Mr. Humphrey was asked about his name and contraband, he was not asked about his cell phone or even wanded; that at that point, he (Haden) asked Mr. Humphrey if he had a cell phone, which he did; that during the tour of the facility, a head count was performed incorrectly; and that after they were back in his (Haden) office, Mr. Walker asked Mr. Humphrey if the Prison got a "C", to which Mr. Humphrey said that it was an "F" because if the count is not right, nothing is right. Warden Haden said that it was Mr. Walker's responsibility, as Deputy Warden over training and security, to make sure the correct procedures were performed; that the same issue had occurred twice before the March 24 visit; and that the incorrect count procedure was not the only reason the site visit failed.

In continuing with the reasons for termination, Warden Haden said that on March 28 he found a Use of Force form, dated March 10, on Mr. Walker's desk; that Standard Operating Procedures (SOP) indicates that there are five days in which to forward the entire Use of Force package to Internal Affairs of the Department of Corrections; and that the form had not been forwarded to him or to Internal Affairs.

Continuing with the reasons for termination, Warden Haden said that on that same date (March 28), an inmate had to be transferred to another prison; that the car assigned to Mr. Walker was used to transport the inmate; that prior to the transport, officers conducted a search of the vehicle and found, in the glove box, a set of high restricted keys. He said that any keys at the prison are to be on a metal key ring that has been epoxied or brazened to prevent the removal of keys, have a chit indicating the hook number the keys are usually on and a chit indicating the number of keys on the ring; that the key ring was not brazened and there were no chits on the ring; and that those keys should not have been in the car or out of the key control area of the Prison. He then explained the procedures involved regarding the issuance of keys.

In conclusion of the reason for termination, Warden Haden, said that audits were not in compliance and did not pass; that it was Mr. Walker's responsibility as Chief of Security for the audits; and that failure to pass is a violation of the Department of Corrections SOP.

He said that any one of the five items could have resulted in termination, but as a whole it points to a systematic breakdown in security at the Prison; that there were several meetings with Mr. Walker about the audits to include what needed to be done to correct the problems, but there was no progress; that there is either an indifference or a misunderstanding on Mr. Walker's part as to the problems; and that security and accountability go hand-in-hand. In response questions from Mr. Taylor, Warden Haden acknowledge sending the letter of April 17, 2014, which included the allegations he just reviewed and that Mr. Walker could respond to same; that Mr. Walker's e-mail response to the letter was taken into consideration in making his decision to terminate employment and there were no oral statements made by Mr. Walker; that he (Haden) took the only action he could, which resulted in the letter of May 1 to terminate; and that Mr. Walker appealed to the County Manager and that the County Manager upheld the decision to terminate.

Mr. Taylor asked Mr. Walker if he had any questions for Warden Haden relevant to the allegations of violations and findings.

In response to questions from Mr. Walker, Warden Haden responded that it was his job to teach him (Walker); that over the months, there was documentation where he tried; that Mr. Walker had had verbal reprimands; that Mr. Walker was to have processed Mr. Humphrey in; that Mr. Walker did not have a normal shift because he was Deputy Warden although he had been assigned a shift; that Officer Tipton was assigned to Shift One; that there is always someone in charge of a shift, but that does not mean those are the only duties they have; that the keys were found in Mr. Walker's assigned car the day after Mr. Walker left the Prison; that Officer Tipton took Mr. Walker home from the Prison; that Officer Tipton was responsible for the car at the time he took Mr. Walker home; that the Use of Form letter had been found on Mr. Walker's desk the day after Mr. Walker had been sent home; that he did not know which officer was in charge of the shift without looking at the schedule, but as Deputy Warden, Mr. Walker would be responsible; that he had started keeping copies of the Use of Force paperwork, but the file, as far as he knew, still remained in the Deputy Warden's office; that it is normal for the person over the audit to be present; that if a person knows an audit is coming, they are present; that a search for the paperwork (for audit) should not be necessary since most is used on a day-to-day operation; that the site visit failed, part of which was due to the procedures; and that he (Haden) did not have the site visit information and had to put it together before the visit.

Mr. Taylor asked the Board if there were any questions for Mr. Haden.

In response to questions from Commissioner Langston, Warden Haden said that Mr. Walker was hired in 2003 and made Deputy Warden October 4, 2013; and that there were previous performance issues that did not pertain to his position as Deputy Warden.

In response to questions from Commissioner Loudermilk, Warden Haden said there is only one Deputy Warden at the Prison; that Mr. Walker started work in 2003, and named Deputy Warden in October 2013; that he was a Correctional Officer when he was hired in 2003; that there is a job description for Deputy Warden; that the 82 incidents, although viable, were not part of the five allegations for which Mr. Walker was terminated; that Mr. Walker's e-mail response (Exhibit B) denying the allegations did not necessarily address the allegations although he had a copy of each; that he did not expect a more definitive response from Mr. Walker because past counseling sessions resulted in no improvements so a blanket denial was not unexpected; and that no one wanted Mr. Walker to succeed more than he (Haden), but he had to take action since no improvements were being made.

In response to questions from Chairman Lange, Warden Haden said that Mr. Tipton was assigned the inmate mail with Mr. Walker as back-up; that keys were assigned to Mr. Walker; that most institutions have two Deputy Wardens, but Harris County Prison is not of the size to have two; that there are procedures for each and every aspect of the Prison and are well documented, but someone has to oversee such, with him, as Warden, being over that person; that if the Deputy Warden does not understand his responsibility, he can't teach others properly; and that while there are assigned hours, they are not set in stone, as the Deputy Warden, as well as himself, can be called in after hours and on weekends.

Commissioner Woods said that he would prefer there be written reprimands as they hold more weight. In response to questions from Commissioner Woods, Warden Haden said that in the Prison environment, not everything has a written reprimand, that some things require immediate termination; that usually written reprimands are done, especially in connection with those that go to the County Manager's office; that when Mr. Walker was made Deputy Warden, it was a new position, although he had been doing it for some time; and that all infractions are not reported to the County Manager's office.

In response to questions from Commissioner Wyatt, Warden Haden said that the keys referred to in the confirmation receipt were Mr. Walker's assigned keys; that everyone has assigned keys; that those keys should never have been outside of the Prison itself; that the keys that were found (in the vehicle) were another sets of keys; that as Deputy Warden, Mr. Walker had access to all keys; that key rings are to be made through a written process; and that the keys found in the car were not in compliance with required key rings (not brazened, no chits).

There being no further questions, Mr. Taylor asked Mr. Walker if he had any follow up questions for Warden Haden. There being none, Mr. Taylor asked Warden Haden if he wanted to call his witness, and Warden Haden said that he would not call his witness. Mr. Taylor asked if either Mr. Walker or Warden Haden had any additional evidence to submit. There being none, Mr. Taylor asked Mr. Walker to testify by making whatever statements he desired to make.

Mr. Walker said that on that Friday he was told there would be an audit; that all officers were to take care of their individual audit; that Mr. Tipton called several officers in to make sure audits were correct; that he (Walker) worked all weekend long to get the audits correct; that on Monday morning, he was told there would not be an audit so he continued getting prisoners out on detail; that he was called to the Warden's office and because he thought the Warden needed the paperwork, he took it with him, but instead he had to connect the TV to review the Use of Force (tape); that he asked the Warden if he needed the paperwork, and was told that he had it; that after the Use of Force was viewed they went back to the rear of the Prison; that he had to get a locator card for the FOM (Carl Humphrey, Facilities Operation Manager); that he called Mr. Tipton on the radio to meet him, the FOM, and the Warden in the sally port because it was his shift; that he opened the door to the sally port, the FOM stepped into the sally port, Haden was behind him (Walker), Tipton at the other door; that he asked the FOM if he had a cell phone and wrote it down on the paperwork, and was waiting for Mr. Tipton to wand the FOM, but he did not do so; normally, you walk through a metal detector and if you fail, you are wanded down; that the prison has a metal detector, but the warden is not willing to use it; that if a person tried to do their job properly, they don't have the equipment to do their job; that his office is directly outside the sally port with a big window; that his desk was totally empty, and the FOM said that it looked like he had cleaned off his desk and that all paperwork was probably in the desk, then headed into the prison; that he understood that Mr. Tipton was over his shift; that #55 (in the list of 82 incidents) indicates that he and Mr. Tipton were put on rotating shifts; that #54 indicates he was assigned to Shift Two; that even though he was Deputy Warden title, he was

basically over Shift Two; that if he knew he was over the shift, he would have taken complete responsibility, and if the incident had taken place on Shift Two, he would have take responsibility; that Tuesday went by with nothing said, Wednesday the Warden had a meeting with the FOM in Newnan, the Warden called him (Walker) and said the meeting went well; that on Thursday around 3:00 he was called to the Warden's office and was told to either resign or be terminated; that he was not given an explanation of what he had done; that he was told he had to surrender his assigned car and that Officer Tipton would take him home and bring back the car; that he went to his office, there was nothing on his desk; that Mr. Tipton drove him home at which time he got all his personal belongings out of the car, opened the glove compartment, had Mr. Tipton walk around the car with him to make sure tools were in the truck and that nothing else was in the car, so that if there was Mr. Tipton would have seen it; then Mr. Tipton left and he texted the Warden that Mr. Tipton was on his way back; that he did not hear from the Warden until Monday or Tuesday when he was called and told he needed to go ahead and resign or be terminated; that he felt he had not done anything wrong and told the Warden that he (Warden) needed to do what he had to do; that he called Nancy (McMichael) about it and was told that she knew about it and that the paperwork would be forthcoming; and that on Friday, he got the paperwork. Mr. Walker continued by saying that he was terminated for no reason because if he was that bad as Deputy Warden he should have been demoted because he had been an outstanding officer for 11 years with the last two as Deputy Warden, which apparently was too much for him, and it seems like a demotion would have been right; that he asked about being demoted and was told that he could not be demoted because he (Haden) did not have an opening, but yet he hired a Deputy Warden internally. Mr. Taylor asked Warden Haden if he had any questions of Mr. Walker.

In response to questions from Warden Haden, Mr. Walker said that Mr. Humphrey had a cell phone, because he asked about it and wrote it down; that Mr. Tipton was standing at the door; that he thought Mr. Tipton should have taken over at that point; that he thought he (Walker) was in the position of observing; that had it happened on his shift, he would have taken responsibility; that he thought as Deputy Warden, he observed employees to make sure they doing proper procedures; that the sally port is about 5' x 6'; that the FOM was at the door, the Warden was behind him, he (Walker) was on the left side of the sally port door, Tipton was at the sally port door, and FOM was to his (Walker) right; that Haden was in the door when it all happened; that the FOM stepped forward, walked passed Mr. Tipton who closed the door behind him and walked into the prison; that it was not security proper, but sometimes there had to be one door open; that the metal door cannot be opened without a key and the wooden door at the other end doesn't lock on the inside so it could be opened; that the sally port is longer than it is wide; and that they all could not fit in there at that particular time.

There being no further questions from Warden Haden, Mr. Taylor asked if there were any questions from the Board for Mr. Walker.

In response to questions from Commissioner Loudermilk, regarding exhibit M, the 82 incidents, Mr. Walker said that he did not know of the 82 incidents until they were documented; that he has not read all the 82 incidents; that if he had known he was doing a bad job he would have stepped down; that he has 11 years invested in Harris County with plans to retire from Harris County; and that he has more sick hours (about 860+) on the books, more than anyone else because he does not stay out.

Chairman Lange asked Warden Haden about the counseling with the Deputy Warden, since there are a number of incidents spread out over a period of time; and that should have Mr. Walker known that there were short comings and was he given things to do which were followed up. Warden Haden said that there is a listing of the meeting with the items that were discussed during the meetings; that all meetings are documented, to show what was discussed, what was not being done, what needed to be done to fix those items, and the time frame in which to do it in; that an audit is not something you stay up all day working on, an audit is a review of day to day operations.

In order to get the record straight, Mr. Taylor asked Warden Haden if the letter of April 17 listed five grounds for which disciplinary actions could be imposed upon Mr. Walker, to which Warden Haden said that was correct. Mr. Taylor said that based on the April 17 letter, violations #1 and #2 occurred on March 24, 2014, #3 and #4 occurred on March 28, and #5 were audit meetings, and asked Warden Haden if those five reasons are the reasons on which he decided to terminate Mr. Walker, to which Warden Haden said that was correct. Mr. Taylor asked Warden Haden if the other 82 incidents were considered as part of the termination of Mr. Walker, and Warden Haden responded that item #5 does allude back to the meeting mentioned in the list of 82 incidents, those incidents were not considered as reasons to terminate.

Commissioner Woods said that wandng would be a major issue and that if Mr. Humphrey had started to walk through without being wanded that each person (Walker, Tipton, Haden) should have stopped him. Warden Haden said Mr. Humphrey was stopped, and there are two walk-through metal detectors, which if they are moved have to be recalibrated, so they usually use the hand-held wand detector, which may be a little more accurate; and that Mr. Humphrey was stopped at that point.

In response to a question from Commissioner Wyatt, Warden Haden confirmed that he as Warden has the final decision on security clearance for the Prison.

Mr. Taylor again asked if there were any other documents to submit as evidence. Mr. Walker said that there was a Use of Force after he left on April 6 concerning an incident where Mr. Tipton checked “no”, which shows he (Tipton) is not up to his job; and that he (Tipton) might have found it on his (Walker) desk after he left and placed it on his (Walker) desk after he left. Mr. Taylor said that it could be tendered but may not be relevant, and Mr. Walker said that it shows that he (Tipton) is not up on his job. The document was not tendered as evidence.

Mr. Taylor closed the evidence submission and asked that both Warden Haden and Mr. Walker give a brief summation.

Warden Haden said that Mr. Walker was his choice as Deputy Warden because of his work ethics, but work ethics and just being present were not the only things to be considered, that job effectiveness is needed; that there were several times where ineffectiveness was discussed with Mr. Walker and told to improve; that any one of the five allegations violate the SOP of the Prison and any one of those would be more than enough for termination; that when taken as a group, it just shows a systematic breakdown whereby Mr. Walker was not doing his job correctly; that Mr. Walker does not adhere to the fact that it was his responsibility as Deputy Warden; that the Deputy Warden is in charge when the Warden is not present, so he is responsible for everything; and that he (Haden) would be remiss in doing his duties if he had not terminated Mr. Walker, as unfortunate as it may be; that by March 24, he had exhausted all corrective measures in dealing with the various issues; that at that time, he revoked Mr. Walker’s security clearance; and that it was determined security measures weren’t being done by Deputy Warden, and that just can’t be allowed.

Mr. Walker said that he guesses that he wasn’t taught the proper procedures to do his job; that the Warden is responsible for teaching him; that if the Warden had written him up or written down the verbal reprimands it would have been different; that as far as he knew he was doing his job correctly; that anytime he asked, he was told he was doing a good job; that the Commissioners don’t know what goes on at the Prison; that the Commissioners should get a team, like Muscogee County, to do an audit at the Prison to find out what goes on; and that after the Commissioners talk to the officers privately, they will get a good idea as to what goes on. He thanked the Board for the opportunity to give his side of it; that he has 11 years of service with the County.

Mr. Taylor closed the appeal hearing and explained that the Board has the obligation to make a determination in the appeal; and that it may be discussed in the open session or in Executive Session, but that no decision may be made in Executive Session, but must be made on motion and vote in open session.

**RECESS FOR EXECUTIVE SESSION.** Commissioner Langston made the motion at 7:06 PM to go into Executive Session for the purpose of discussing this personnel matter. The motion was seconded by Commissioner Loudermilk and passed unanimously. Greg Wood, County Manager, said that because he was part of the appeal process, he would not be part of the Executive Session.

**RETURN TO APPEAL HEARING.** The motion to go back into the Appeal Hearing was made by Commissioner Wyatt, seconded by Commissioner Woods, and passed unanimously.

**DECISION.** Commissioner Wyatt made the motion to deny the appeal and to uphold the termination of Mr. Walker by Warden Alex Haden and County Manager Greg Wood. Chairman Lange seconded the motion. Commissioner Wyatt said that Mr. Humphrey played a big part in this matter and that he would have liked to have seen more documentation on his visit and about his cell phone. The motion to deny the appeal and to uphold the termination passed unanimously.

#### **ADJOURNMENT**

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J. Harry Lange, Chairman

Attest:

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Nancy D. McMichael, County Clerk