



BEFORE THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

JUDE WASHINGTON,)	
)	
Complainant,)	
)	
vs.)	CASE NO. DA-2024-2482-JC
)	
JEFFERSON COUNTY)	
SHERIFF’S OFFICE)	
)	
Respondent.)	

ORDER

This matter is before the Board on the July 5, 2024, Hearing Officer’s Recommended Decision, the July 11, 2024 Objections filed by the Sheriff’s Office¹ and the July 11, 2024 Objections filed by Complainant Washington.²

The Jefferson County Sheriff’s Office employed Jude Washington as a sergeant. Washington’s employment was terminated effective January 11, 2024. Washington was accused of violating Personnel Board Rules 12.(c), (l), (m) and Jefferson County Sheriff’s Policies and Procedures 4-01.05, and 4.01-15.

As set forth in the Notice of Recommended Disciplinary Action, Washington was charged with the following.

On October 6, 2023, you [Washington], Facebook messenger Ms. Varrie Johnson, that you wanted to meet with her. On October 17, 2023, you met Ms. Johnson and talked about helping her with her ongoing federal case. You talked about a 1966 Ford Mustang that Sheriff Mark Pettway had purchased with county funds, and you

¹ The Sheriff’s Office argues that there was substantial and legal evidence to support the Sheriff’s Office decision to terminate Washington’s employment and that Washington has shown no contrition and thus, there is no reason to believe that Washington can be rehabilitated through ethics training.

² Complainant Washington argues that his termination was retaliatory. Complainant Washington does not object to the 45-day suspension or the requirement that he complete an ethics course. (See Washington’s Objections pages 5-6).

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would help her find it. A confidential source (Felecia Rucker-Sumerlin) texted you the picture of the car and the Bill of Sales that she never got rid of from her campaign for Sheriff. You texted the information to Ms. Johnson and told her that you would inform the FBI that she helped you get the information. Ms. Johnson informed you not to lie on her because she had a lot going on. You called the FBI and told them about the 1966 Ford Mustang that Sheriff Pettway had purchased with county funds and they told you they already had that information. The car's purchase was used to promote Domestic Violence awareness. The private conversation you had with Ms. Johnson was recorded, and she was not aware of it or gave you permission to record her. You admitted that you did not remember the conversation on the recording, but Ms. Johnson stated it was about Sheriff Pettway and the 1966 Mustang. You were helping her out on her case with the FBI, and the information you obtained came from your friend. The conversation was about you trying to hit on her, how your wife was married to her job, John Rogers's health, how Sheriff Pettway moved you from Vice/Narcotics to the School Resource Division, how you wanted to inform the Sheriff of what the inmates were saying about his brother and bingo, but the Sheriff thought you were investigating him, and how the Sheriff had a lot against you and your wife. You used your position with the FBI Task Force, where you are no longer assigned, to submit a personal private conversation that you had with Ms. Johnson. You admitted that you submitted the recording of Ms. Johnson's conversation to the FBI without reviewing it and having her permission. Ms. Johnson's attorney called and informed her that you had given the FBI her conversation with you, but the conversation about your wife, Bessemer District Attorney Lynneice Washington, was not in the recording. You admitted that Ms. Johnson was angry with you because she said that you purposely gave the FBI the recording. During the interview, you stated that you fucked up after giving the recording to the FBI. The information you provided to the FBI was to initiate an investigation on Sheriff Mark Pettway.

Respondent Exhibit 13.³

The Hearing Officer recommends that the decision of the Sheriff's Office to terminate Washington be reversed and reduced to a 45-day suspension, that Washington be reinstated as sergeant with back pay and benefits less the 45-day suspension, and that Washington be required

³ In addition to the decision to terminate Washington effective January 11, 2024, the Sheriff's Office advised Washington on January 10, 2024 that he was suspended for a total of 20 days for violations of Sheriff Office Police and Procedures 4-01.20, 4-02.60 and 4-02.65. Those days of suspension were not implemented due to Washington's January 11, 2024 termination. The 20-day suspension was related to Washington's conduct regarding an investigation in which Washington was accused of "us[ing] your position as a Vice/Narcotics Sergeant (FBI Task Force) with the Jefferson County Sheriff's Office to speak with Mr. W. Hines, who was trying to get his brother's prison sentence reduced, and to contact the Sheriff to set up a meeting with his brother and you for personal gain." (Respondent Exhibit 12).

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to satisfactorily complete an ethics review course. The Hearing Officer does not recommend Washington's reinstatement as Narcotics Liaison, but leaves specific job assignments to the discretion of the Sheriff. Based upon a review of the record, the Personnel Board agrees with the findings of the Hearing Officer and finds that the Hearing Officer's recommendation should be affirmed. Accordingly, Complainant Washington shall be reinstated to sergeant with the Sheriff's Office to decide specific job assignment within the class of sergeant. Washington shall be suspended for 45 days. Washington shall receive back pay and benefits for the period of time he was terminated, less the 45 day suspension. Washington shall be required to satisfactorily complete an ethics course selected by the Sheriff's Office.

Done this 23th day of July, 2024.



Hon. L. Kenneth Moore,
Chairman

Favor
 Oppose
 Abstain



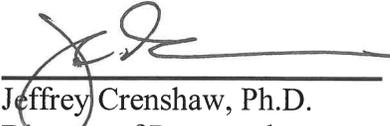
Jacqueline Smoke, Esq.
Associate Member

Favor
 Oppose
 Abstain



Donna Smith
Associate Member

Favor
 Oppose
 Abstain

ATTESTED BY:


Jeffrey Crenshaw, Ph.D.
Director of Personnel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order upon all parties and counsel of record in this cause by electronic mail, or inter-office mail, or placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 23rd day of July 2024.

Case No. DA-2024-2482-JC: Jude Washington vs. Jefferson County Sheriff's Office

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Thaddaus Smith

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Attachment



IN THE PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA

JUDE WASHINGTON,)	
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Complainant,)	
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v.)	CASE NO.: <u>DA-2024-2482-JC</u>
)	
JEFFERSON COUNTY)	
(Sheriff's Office),)	
)	
Respondent.)	
)	

REPORT AND RECOMMENDATION OF HEARING OFFICER

This disciplinary appeal is brought under Section 22 of Alabama Act 1946-248, as amended, and Rule 12 of the Rules and Regulations of the Personnel Board of Jefferson County ("PBJC"). Complainant Jude Washington was terminated from his position as Sergeant with the Jefferson County Sheriff's Office effective January 11, 2024. Complainant was served Notice of the Disciplinary Action on January 10, 2024. An appeal of this action was timely filed with the Personnel Board on January 18, 2024.

The disciplinary actions were based on the following violations:

Personnel Board of Jefferson County Rules and Regulations:

- **Rule 12.2 (c)** Conduct unbecoming a Classified Employee.
- **Rule 12.2 (1)** Violation of any rule or regulation of the appointing Authority, or failure to comply with instructions made and given by a superior officer or supervisor.
- **Rule 12.2 (m)** Violation of any lawful or reasonable regulations or order made and given by a superior officer.

Jefferson County Sheriff's Office Policies and Procedures:

- **4-01.05 Conduct Unbecoming:** A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Sheriff's Office.

- 4-01-15-Conduct Toward Others (C):** Members shall not antagonize any person with whom they come in contact and shall treat all persons in a respectful, courteous and civil manner; **(E) All deputies shall display the integrity required by the Law Enforcement Code of Ethics:** I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me of the Sheriff's Office. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of the Sheriff's Office. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

ALLEDGE CONDUCT

On October 6, 2023, Washington Facebook messaged Ms. Varrie Johnson that he wanted to meet with her. On October 17, 2023, Complainant met Johnson and talked about helping her with her ongoing federal case. Complainant also talked about a 1966 Ford Mustang that Sheriff Mark Pettway had purchased with county funds, and that he would help her find it. A confidential source, Felecia Rucker-Sumerlin, texted Complainant the picture of the car and the Bill of Sale that she never got rid of from her campaign for Sheriff. The Complainant texted the information to Ms. Johnson and told her that he would inform the FBI that she helped him get the information. Ms. Johnson informed the Complainant not to lie on her because she had a lot going on.

The Complainant called the FBI and told them about the 1996 Ford Mustang that Sheriff Pettway had purchased with county funds, and they told Complainant they already had that information. The car's purchase was used to promote Domestic Violence Awareness. The private conversation the Complainant had with Johnson was recorded, and she was not aware of it nor gave Complainant permission to record her. The Complainant asserts that he did not remember the conversation on the recording, but Johnson stated it was about Sheriff Pettway and the 1966 Mustang. The Complainant was helping her out on her case with the FBI, and the information Complainant obtained came from Complainant's friend. The conversation was about Complainant trying to hit on her, how Complainant's wife was married to her job, John Roger's health, how Sheriff Pettway moved Complainant from Vice/Narcotics to the School Resource Division, how Complainant wanted to inform the Sheriff of what the inmates were saying about his brother and bingo, but the Sheriff thought the Complainant was investigating him, and how the Sheriff had a lot against him and his wife. Complainant used his position with the FBI Task Force, where Complainant was no longer assigned, to submit a personal private conversation that he had with Johnson. Complainant admitted that he submitted the recording of Johnson's conversation to the FBI without reviewing it and having her permission. Johnson's attorney called and informed her that Complainant had given the FBI her conversation with Complainant, but the conversation about Complainant's wife, Bessemer DA Lynneice Washington, was not in the recording. Complainant admitted that Johnson was angry with him because she said that he purposely gave the FBI the recording. During the interview, Complainant stated that he “fucked up”, after he gave the recording to the FBI. The information Complainant provided to the FBI

was to initiate an investigation into Sheriff Mark Pettway.

COMPLAINANT'S CONTENTIONS

In response to the charges, Complainant denies he is guilty of the charges against him. Complainant asserts that the Personnel Board Rules and Regulations and the Jefferson County Sheriff's Office Policy and Procedures listed in the charges were inappropriately applied to him. Complainant further asserts that in addition to the fact that his actions did not violate any policy or rule, there were several acts by the department administration and its investigators that violated county and department policies. Complainant asserts that other employees have received less severe discipline for the same or similar actions to include Kenneth Holmes (3 felony indictments), Cedric Smith, Jack Self, Dennis Blackmon, Cordell Foster, Demarco Starks, Devonte Brown, Summer Ross, Robert Boyd, Terrance Smith Sergio Smith, Jaymz Bagby. Complainant submitted a statement in support of his appeal.

CLAIM FOR RELIEF:

Complainant seeks relief in the forms of reinstatement, back pay, his charges set aside, and other employee benefit(s). Complainant also seeks full reinstatement to his previous position as the narcotics liaison to the FBI along with back-pay.

FINDINGS OF FACT

Pursuant to PBJC Rule 12.5(c), the undersigned Hearing Officer held evidentiary hearings on April 24, 2024, May 31, 2024, June 12, 2024 and June 13, 2024 at which time both the Complainant and Respondent had full and fair opportunities to testify, to call witnesses, and to introduce documentary evidence in support of their respective positions. Pursuant to PBJC Rule 12.5(d), the undersigned Hearing Officer conducted the hearings "for the purpose of determining whether the employee by reason of his or her act or acts as charged and his or her record of service, merits retention in the Classified Service or should be removed therefrom, or otherwise disciplined". In conducting these hearings, the Hearing Officer was "not bound to follow technical rules of evidence." PBJC Rule 112.5(e).

Complainant was terminated from his position as Sergeant with the Jefferson County Sheriff's Office effective January 11, 2024. Complainant was served Notice of the Disciplinary

Action on January 10, 2024. An appeal of this action was timely filed with the Personnel Board on January 18, 2024. **(Exh R-13)**

Deputy Constance Echols, Internal Affairs Jefferson County Sheriff Department, was assigned to investigate a Federal Prison investigation which had been conducted by Washington in August, 2023. **(Exh R-7)**

There was a complaint made by Johnson that Complainant Washington had recorded a conversation without her knowledge and permission and had given it to the Federal Bureau of Investigation. It was also alleged that Complainant had altered the recording first. The complaint alleged that the Complainant agreed to assist Johnson with a federal case by presenting information concerning a photo of a 1966 Ford Mustang, the Bill of Sale purchased by the Sheriff's Office, and to tell the Feds that she had provided him with this information. The Complainant indicated that by doing so, it would provide some assistance with Johnson's pending federal case. Johnson stated that Washington had questioned her about the Mustang purchased by Sheriff Pettway and later sent her photos of the car stating that he had obtained them from Felicia R. Summerlin, an individual who ran against Sheriff Pettway. **(Exh R-4 Audio)** Washington admitted to having sent Johnson information on the Mustang only after Deputy Echols confronted him with his text messages to Johnson demonstrating that he had sent bills of sale and photos of the car. **(Exh R-20 Audio) (Exh R-3)**

Deputy Echols and Deputy Derrick Henley, Internal Affairs Birmingham Sheriff Department, interviewed Johnson on November 4, 2023. Johnson recounted for the investigators how Washington had reached out to her via Facebook Messenger and stated that he needed to speak with her. Johnson met with Washington at the Pelham Cracker Barrel on Highway 119. According to Johnson, Complainant posed several questions about Sheriff Pettway and the Sheriff's purchase of a 1966 Ford Mustang. **(Exh R-6)**

Deputy Echols testified that after her investigation of Complainant's interview of Inmate Hinds and the interview with Johnson, she determined that improper conduct occurred on or by Washington. To determine the improper conduct, Deputy Echols conducted her first interview

of Washington on September 9, 2023 **(Exh R-8 Audio)** after presenting him with the Garrity Warning which he signed attesting to his full understanding of what it entailed. **(Exh R-9)** During the course of Deputy Echols' interview with Complainant, Washington claimed that Hinds wanted to discuss bingo and Complainant's wife District Attorney in Bessemer, Alabama, as well as drugs. Deputy Echols determined through additional investigations that the Complainant had not been truthful. It was also noted that Inmate Hines agreed to talk to Bruce Pettway and get him to stop talking about Complainant's wife shutting down the bingo hall. **(Exh R-22 Audio)**

Deputy Echols concluded after her investigations that Washington's behavior brought "discredit" to the Sheriff's Office when he stated to Johnson that he would assist her in her legal matters by providing false information to the FBI regarding where he received the information on the Mustang purchased by Sheriff Pettway. She noted that Complainant was no longer assigned to the FBI when he recorded a private conversation between himself and Johnson and took it to the FBI without knowledge and permission by Johnson.

Deputy Echols concluded that Complainant Washington willfully presented the information on the Mustang to the FBI to open an investigation on Sheriff Pettway. **(Exh R-6)**

Deputy Chief Howard, Commander of Internal Affairs Division, testified that he agreed with Deputy Echols's findings. **(Exh R-12)** Deputy Howard stated that Complainant had violated policy by discussing personal issues with Inmate Hines and by failing to tell the truth during the interviews. He clarified how discipline was administered to the Complainant using Comparator Information. **(Exh R-14) (Exh R-15) Howard** shared that Complainant had been given 15 days for False Statements and 5 days for General Conduct. Deputy Chief Howard stated that the imposed suspensions were not served because of another violation in the Varrie Johnson's matter, Use of Position for Personal Gain, led to Termination. **(Exh R-6) Code of Ethics Violations (Exh R-17) (Exh R-18)**

Deputy Chief Howard recommended a downward departure from the Comparators (non-supervisors) because of the Complainant's long employment history with the Sheriff Department

and his service with the Drug Taskforce.

Harry Greenberg, 35-year veteran with Birmingham Police Department and Commander of the Polygraph Division, stated that he provided the Polygraph report to the Sheriff Department following Complainant Washington's exam. He stated that deception was found in regard to whether Complainant discussed Pettway. **(Exh R-10)**

Washington testified that he went to meet with Hinds because he said he could facilitate a cocaine buy. During the interview, Hinds stated that his money was bingo money and not related to drugs. According to Complainant Hinds volunteered to make Bruce Pettway apologize to his wife. Hines told Complainant that his brother would call him to set up the drug deal. Hines' brother Will did call Complainant. Complainant testified that he never asked for a personal favor.

In regard to the attainment of information on the Mustang, Complainant stated that he was truthful with the information he presented to the FBI. He did not tell the FBI that Johnson had given him the information. He concluded that it was Johnson who made the initial contact with him. The Complainant perceived the reassignment as a demotion and in a conversation with Johnson, he felt it was an unsafe reassignment for him given his previous law enforcement roles.

RECOMMENDED DECISION

The Respondent's contention that employees must be held accountable for their violations of policies involving honesty, integrity, and public trust is paramount for the success of any public service organization. The Hearing Officer finds that the Respondent met its burden of proof with respect to evidence presented and witness testimonies supporting the policy and procedure violations charged against Washington. The Complainant essentially admitted his guilt after a series of less than truthful interviews and a failed Polygraph test. However, the Hearing Officer finds that the punishment levied against Washington exceeds the offenses committed in this case given the totality of his public service employment and his lack of prior disciplinary violations introduced.

It should be noted that potentially so much damage has been done to the professional relationships that Complainant and/or peers and subordinates may find it impossible to foster relationships conducive to a positive work environment. If Complainant's job is reinstated it needs to be noted that building trust is a difficult task and consequentially to have to rebuild it becomes more of a daunting task and potentially not attainable. In which case, the Complainant should be given the opportunity to resign. Job reassignments should be left to the discretion of Complainant's superiors. Although the Complainant's actions limited his say so in job placement, any reassignment should have considered his prior positions and qualifications. The safety of the Complainant should have also been considered. To work in an undercover drug enforcement area and then move to a school resource officer position where there is tremendous visibility might be concerning.

The comparative cases presented were different from the Complainant's case in that Complainant *was not* criminally charged and *was not* arrested. That difference, in part, accounts for some degree of leniency when deciding on possible consequences for the violations committed by Complainant. A second area of consideration in this decision was that Complainant has spent his professional lifetime in public service for both his country and his communities serving as a U.S. Navy Combat Medic, Department of Corrections with Jefferson County Prison, Bessemer Jail Officer, Patrol Officer, Narcotics Division Birmingham Sheriff Office and FBI liaison with Jefferson County Sheriff Office. Although the evidence presented by the Respondent demonstrated several rules and regulation violations in the current discipline file, no prior discipline records were presented.

Accordingly, based on the facts elucidated at the hearing of this matter, the undersigned Hearing Officer recommends that the Complainant's Termination be ***Overtured*** and the original Suspension (which was never served) be reinstated and modified to 45 days without pay. Back pay less the 45 days without pay should be awarded to the Complainant. It is also recommended that Complainant's benefits be reinstated but that a full reinstatement to his previous position as the Narcotics Liaison to the FBI should be decided by the Sheriff or Sheriff designee. It is further recommended that the Complainant be required to satisfactorily complete an ethics review course or the like. If Complainant is unwilling or unable to comply, he should be given the opportunity to

tender his resignation.

The Three-Member Board will consider this Report and Recommendation at its first regular or special meeting occurring at least ten (10) business days after the date on which this Report and Recommendation is received by the PBJC Employees Relations Department. All parties are advised that they may file written submissions objecting to this Report and Recommendation, in whole or in part.

Entered on this the 3rd day of July 2024.

/s/ Mintrel D. Martin
Hearing Officer