

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KELVIN J. COCHRAN,

Plaintiff,

v.

**CITY OF ATLANTA, GEORGIA;
and MAYOR KASIM REED, IN HIS
INDIVIDUAL CAPACITY,**

Defendants.

Case No. 1:15-cv-00477-LMM

**RESPONSE TO PLAINTIFF'S
STATEMENT OF MATERIAL
FACTS NOT IN DISPUTE**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
STATEMENT OF MATERIAL FACTS NOT IN DISPUTE**

Pursuant to Local Rule 56.1 and Fed.R.Civ.P. 56, Defendants hereby respond to Plaintiff's Statement of Material Facts Not in Dispute as follows:

1. In 1981, Kelvin Cochran was hired by the Shreveport Fire Department. First Amended Verified Complaint ¶ 40.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

2. Cochran was promoted to training officer in the Shreveport Fire Department in 1985, which position entailed training new recruits on operating fire trucks, hoses, and other fire apparatuses. First Amended Verified Complaint ¶¶44-45.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

3. In 1990, Cochran was promoted to Assistant Chief Training Officer at the Shreveport Fire Department, in which position he managed and conducted training programs for other fire department officers. First Amended Verified Complaint ¶¶47-48.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

4. In 1999, Cochran was appointed Fire Chief of the Shreveport Fire Department. First Amended Verified Complaint ¶49.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

5. Cochran served as Fire Chief of the Shreveport Fire Department until January 2008, when he was appointed Fire Chief of the Atlanta Fire Rescue Department by then-mayor Shirley Franklin. First Amended Verified Complaint ¶¶50-51; Def's Ex. 1.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

6. In July 2009, President Obama nominated, and in August 2009 the Senate confirmed, Cochran to the post of U.S. Fire Administrator for the U.S. Fire Administration. First Amended Verified Complaint ¶52; Exhibit 131 (FEMA 00004).

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

7. The U.S. Fire Administration is a component of the U.S. Department of Homeland Security's Federal Emergency Management Agency ("FEMA"). First Amended Verified Complaint ¶53; Exhibit 131 (FEMA 00004).

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

8. As U.S. Fire Administrator, Cochran oversaw, coordinated, and directed national efforts to prevent fires and improve fire response; and led fire prevention and safety education programs and professional development opportunities for emergency responders. First Amended Verified Complaint ¶56.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

9. Cochran resigned as U.S. Fire Administrator on June 18, 2010 to resume his duties as Fire Chief of the Atlanta Fire Rescue Department. Exhibit 130 (FEMA 00001); First Amended Verified Complaint ¶58.

RESPONSE: Admitted.

10. In 2012, Cochran was awarded Fire Chief of the Year by *Fire Chief* magazine at the International Association of Fire Chief's Fire-Rescue International Conference. Pl's Ex. 2; First Amended Verified Complaint ¶60.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

11. Mayor Reed issued a press release congratulating Cochran on the award and highlighting his exceptional leadership of Atlanta's Fire Rescue Department. Pl's Ex. 2; First Amended Verified Complaint ¶61.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

12. The Mayor's press release included the following summary of Cochran's achievements:

Under Chief Cochran's leadership, the department has seen dramatic improvements in response times and staffing. In July, the department reached full staffing of four firefighters per engine and zero vacant firefighter positions for the first time in the history of the department. The department also reached a new level of responsiveness on fire emergencies, meeting the National Fire Protection Association Codes and Standards for response coverage 81% of the time, up from 65% in 2010.

Pl's Ex. 2; First Amended Verified Complaint ¶ 62.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

13. Mayor Reed thanked Cochran in his press release for his "pioneering efforts to improve performance and service within the Atlanta Fire Rescue Department," applauded "Chief Cochran and all of Atlanta's brave firefighters for the commitment to excellence shown throughout the department," and recognized that Cochran's "national recognition" as Fire Chief of the Year was "much-deserved." Pl's Ex. 2.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

14. Under Chief Cochran's leadership, the Insurance Services Office gave the City a Class 1 Public Protection Classification (PPC) rating for the first time in Atlanta's history. Pl's Ex. 7; Reed Dep. at 86 lines 9-15; First Amended Verified Complaint ¶64.

RESPONSE: Admitted. However, Defendants further state that under Plaintiff's leadership, in late 2013/early 2014, AFRD nearly lost its accredited status with the Center for Public Safety Excellence ("CFSE"). (Deposition Transcript of Kasim Reed ("KRT"), relevant portions attached as Exhibit A,

at 76:18-23; Deposition Transcript of Kelvin Cochran ("KCT"), relevant portions attached as Exhibit B. at 89:25-90:3 and its Exhibit 19). The CFSE evaluated AFRD's operations in December 2013 for re-accreditation, concluded that the Department was not operating at a level worthy of re-accreditation, and placed AFRD into "deferred status." (KCT, 96:15-18). This downgrade was reported on in the press. (KRT, 77:3-4; 80:14-16). Thereafter, Plaintiff requested a surge of several million dollars of funding from Mayor Reed to fix the significant technological and staffing issues that had caused the deferral. (KCT, 100:1-12; KRT, 77:17-19). Reed provided the requested funding, and warned Plaintiff that if AFRD lost its accredited status, he would be fired. (KRT, 81:13-15; 116:2-5).

15. The rating, which went into effect on November 1, 2014, indicates "an exemplary ability to respond to fires," resulted in insurance premiums being lowered throughout the City, and is a rating shared by only 60 cities nationwide. Pl's Ex. 7; First Amended Verified Complaint ¶¶65-66.

RESPONSE: Admitted.

Cochran's Religious Beliefs and Their Centrality to His Vocation

16. Cochran is an evangelical Christian who holds to historic Christian beliefs. First Amended Verified Complaint ¶¶67.

RESPONSE: Admitted.

17. Cochran's sincerely held religious beliefs include a historical Christian view of vocation and work, which view compels him to honor God in all aspects of his work by doing everything with excellence throughout his job. First Amended Verified Complaint ¶¶70-71.

RESPONSE: Defendants object to the phrase "sincerely held" as constituting a legal conclusion rather than a fact. See L.R. 56.1(B)(1)(c). Without waiving this objection, Defendants admit that Plaintiff purports to hold historical Christian beliefs which compel him to honor God in all aspects of his work.

18. Cochran is a member of, attends, and is a Deacon at Elizabeth Baptist Church. First Amended Verified Complaint ¶68.

RESPONSE: Admitted.

19. Cochran believes that performing his public, secular job with excellence results in the private, religious benefit of bringing God glory. First Amended Verified Complaint ¶72.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

20. Cochran's religious beliefs also compel him to treat all fire department staff under his command, and all members of the community he serves, with dignity, justice, equity, and respect, regardless of their personal traits, characteristics, and beliefs. First Amended Verified Complaint ¶73.

RESPONSE: Defendants admit that Plaintiff purports to hold religious beliefs that compel him to treat everyone equally. Defendants further state that Plaintiff's religious beliefs compel him to view all non-saved Christians as naked, sinful, wicked, loathsome, and evildoers. (KCT, 174:9-10; 176:2-4; 176:24-177:5; 178:18-23).

21. Cochran's religious beliefs thus require him to run an inclusive fire department that respects the diverse traits, characteristics, and beliefs of all his employees. First Amended Verified Complaint ¶74.

RESPONSE: Defendants admit that Plaintiff purports to hold religious beliefs requiring him to run an inclusive fire department that respects the diverse traits, characteristics, and beliefs of all of his employees. However, this fact is not material to Plaintiff's claims. Defendants further state that Plaintiff's religious beliefs compel him to view all non-saved Christians as naked, sinful, wicked, loathsome, and evildoers. (KCT, 174:9-10; 176:2-4; 176:24-177:5; 178:18-23).

22. Cochran's leadership and management philosophy is centered on ensuring that every member of a fire department he leads is treated with dignity, justice, equity, and respect, regardless of any personal characteristic that sets them apart. First Amended Verified Complaint ¶75.

RESPONSE: Admitted. Defendants further state that Plaintiff believes that this leadership and management philosophy is essential to be a successful fire chief. (KCT, 44:16-21).

23. In 2008, when Cochran first became Atlanta's Fire Chief, he set out to achieve this goal by instructing his subordinates to assemble a group of firefighters that fully represented the diverse backgrounds, characteristics, and beliefs within AFRD. Pl's Ex. 117 at No. 14; First Amended Verified Complaint ¶76.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

24. Cochran knew that at least two LGBT employees were members of this group. First Amended Verified Complaint ¶77.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

25. Cochran worked with this group to develop a vision, mission, and governing philosophy for AFRD. Pl's Ex. 117 at No. 14; First Amended Verified Complaint ¶78.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

26. This process resulted in a document called the Atlanta Fire Rescue Doctrine. Pl's Ex. 117 at No. 15; Pl's Ex. 18; First Amended Verified Complaint ¶79.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

27. Cochran followed this procedure for developing the fire department's policies and procedures because he believes it is the best way for him to discharge his duty to God that he treat every employee within a fire department with dignity, justice, equity, and respect—thereby cultivating an inclusive culture and high level of performance that glorifies God. First Amended Verified Complaint ¶80.

RESPONSE: Defendants admit that this is what Plaintiff purports to believe. However, this fact is not material to Plaintiff's claims. Defendants further state that Plaintiff's religious beliefs compel him to view all non-saved Christians as naked, sinful, wicked, loathsome, and evildoers. (KCT, 174:9-10; 176:2-4; 176:24-177:5; 178:18-23).

28. Cochran personally experienced being treated differently based on his race during his early years within the fire service, so he worked diligently throughout his career to ensure that no one under his command would be mistreated because of their membership in a particular group. First Amended Verified Complaint ¶¶ 81-82.

RESPONSE: Admitted. However, this fact is not material to Plaintiff's claims.

29. Commissioner of Human Resources Yvonne Yancy testified that Chief Cochran “was really good at his job. He was nationally recognized at it . . .” Yancy Dep. at 114 lines 22-24.

RESPONSE: Admitted.

30. Katrina Taylor Parks, Deputy Chief of Staff to Mayor Reed, testified that Chief Cochran had a “good reputation . . . as the chief of fire.” Taylor-Parks Dep. at 56 lines 23-24.

RESPONSE: Admitted. However, Parks also testified that she did not have "intimate knowledge" of Cochran's reputation within AFRD. (Deposition Transcript of Katrina Taylor Parks ("KPT"), relevant portions attached as Exhibit C, at 30:3-6

Cochran's Self-Published Book

31. In 2012, Cochran was facilitating a men's Bible study at his Church, a unit of which focused on God's purpose for men, including the teaching on God's question to Adam in Genesis, “Who told you that you were naked?” See Gen. 3:11. First Amended Verified Complaint ¶¶83-85.

RESPONSE: Admitted.

32. Cochran thought about this question often after facilitating the study and eventually felt led by God to write a Bible study on the matter. First Amended Verified Complaint ¶¶86-88.

RESPONSE: Admitted.

33. Cochran soon discovered, however, that he had enough information to write a book. First Amended Verified Complaint ¶ 89.

RESPONSE: Admitted.

34. Cochran worked on the book over the next year on his personal time. First Amended Verified Complaint ¶ 90; Cochran Dep. at 136-137.

RESPONSE: Disputed. A review of Plaintiff's work emails reveals that Plaintiff corresponded with his publisher, reviewed drafts of his book, and even had his assistant assist him with sending copies of the book to his publisher during work hours. (See KCT, 135:17-137:20, 139:5-10, 150:7-151:2, and its Exhibits 28-30, 32).

35. On October 31, 2012—around the same time he set out to write the book—Cochran also contacted Nina Hickson, the City of Atlanta Ethics Officer, for ethics advice “regarding [the] non-city-related book he [was] authoring.” Hickson Dep. at 44 lines 14-21; Cochran Dep. at 107 line 17 – 111 line 13; First Amended Verified Complaint ¶105.

RESPONSE: Admitted. However, Defendants deny that Plaintiff called Hickson regarding *Who Told You That You Were Naked?*, as Hickson testified that Plaintiff told her he was writing a book about leadership during this phone call. (Transcript of Nina Hickson ("NHT"), relevant portions attached as Exhibit D, at 45:6-13). Further, this fact is not material to Plaintiff's claims.

36. One of the duties of the Ethics Officer is to “[e]ducat[e] and train[] all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising of the provisions of the code of ethics of the city.” Pl’s Ex. 1.

RESPONSE: Admitted.

37. The book expresses Cochran's personal religious beliefs and is the product of the private religious study he undertook for his church. First Amended Verified Complaint ¶¶ 115-16.

RESPONSE: Admitted.

38. The book, entitled *Who Told You That You Were Naked?: Overcoming the Stronghold of Condemnation*, was written for Christian men, and was intended to help them fulfill God's purpose for their life. First Amended Verified Complaint ¶¶ 92-93; Cochran Depo. at 143 line 1 – 144 line 21.

RESPONSE: Admitted.

39. One of the book's goals is to guide men to live faith-filled, virtuous lives. First Amended Verified Complaint ¶ 94.

RESPONSE: Admitted.

40. The book addresses sexual morality from a Biblical standpoint, including topics such as the propriety of same-sex marriage and premarital sex. First Amended Verified Complaint ¶¶ 96, 103; Cochran Dep. at 162 line 3 – 164 line 11; Pl's Ex. 11 at 78-85.

RESPONSE: Admitted. In the book, Plaintiff refers to homosexuals and lesbians as "unclean" and "the opposite of purity," and groups them with those who practice pederasty, bestiality, and other "sexual perversions." (KCT,191:11-22; 193:2-4 and its Exhibit 36, at 82).

41. With respect to sexual morality, the book teaches that God created sexual acts for procreation and marital pleasure in holy matrimony between a man and a woman, and further teaches that engaging in sex outside the confines of marriage between a man and woman—including fornication, homosexual acts, and all other types of non-marital sex—is contrary to God's will. Cochran Dep. at 162

line 3 - 163 line 15; Pl's Ex. 11 at 78-85; First Amended Verified Complaint ¶¶98, 100.

RESPONSE: Admitted.

42. These teachings are consistent with the Bible and historic Christian teaching. Cochran Dep. at 163 line 19 – 164 line 11; First Amended Verified Complaint ¶¶99, 101.

RESPONSE: Admitted.

43. The rest of the book deals with Christian teaching concerning original sin and the ability of Christians to overcome the influence of sin in their lives through fully embracing and understanding the sacrifice of Jesus Christ. First Amended Verified Complaint ¶ 104.

RESPONSE: Admitted. Based on the dichotomy of the concepts of "naked" vs. "clothed," Plaintiff identifies broad categories of people he considers naked. This list includes homosexuals, murderers, rapists, pedophiles, those who have sex outside of marriage, those who engage in bestiality, and all non-Christians. (KCT, 191:11-22; 193:2-4, Ex. 36, at 82; 195:12-15; 196:17-24; 197:1-10). Plaintiff characterizes these individuals as "wicked," "un-Godly," "deceitful," "loathsome," and "evildoer[s]," (KCT, 176:24-177:5; 178:18-23), and writes that there will be "celebration" when they perish. (KCT, 177:6-178:17). Plaintiff's book also presents his view on women, including his belief that mankind would never have fallen from grace if Eve had consulted with Adam before eating the forbidden fruit. (KCT, 183:17-24; 186:20-187:4; 182:15-183:4). Positive examples of women are conspicuously absent. (KCT, 188:18-190:2). Instead, Plaintiff presents examples such as Delilah, who he describes as "a nagger," "devious," and

someone who "used sex as a manipulative weapon," thereby destroying a man, Samson, with her sinful ways. (*See Who Told You That You Were Naked?* at p. 116, attached as Exhibit E).

44. Cochran finished the book in the Fall of 2013 and self-published it in late November 2013. First Amended Verified Complaint ¶ 91; Pl's Ex. 116 at No. 23.

RESPONSE: Admitted.

45. From approximately January-March 2014, Chief Cochran gave a few free copies of his book to AFRD members who he knew to be Christians and had established a prior relationship with, who knew he was writing a book, and who had requested to receive copies of it upon its completion. First Amended Verified Complaint ¶¶126-27, 129; Cochran Dep. at 217 lines 3-5.

RESPONSE: Defendants admit that Plaintiff gave copies of the book to 9-12 of his subordinates, including all of his direct reports (deputy chiefs) and four of the six assistant chiefs who reported to them. (KCT, 139:16-20; 142:8-11; 216:21-217:18). At least three of these books were distributed unsolicited. (KCT, 140:2-141:15; 142:8-11; 216:21-217:18).

46. Chief Cochran gave a copy of the book to Mayor Reed's assistant, Lilly Cunningham, about a week before the mayor's State of the City address in February 2014. Cochran Dep. at 152-53.

RESPONSE: Disputed. Plaintiff's own testimony is the only evidence that he gave Cunningham a copy of his book. Mayor Reed has no knowledge of this, and stated that he had never seen the book until Commissioner Yvonne Yancy brought it to his attention around December 2014. (KRT, 88:19-89:7; 90:4-14).

47. Chief Cochran spoke to Mayor Reed after his address and the mayor confirmed that he had received a copy of the book and intended to read it on an upcoming flight. *Id.* at 153.

RESPONSE: Disputed. Reed never received a copy of the book until Commissioner Yancy showed it to him, and only recalled Plaintiff make a passing reference to the fact that he was writing or had written a book after a Cabinet meeting some time in 2013. (KRT, 88:3-9; 90:11-14).

48. Director of Communications Anne Torres testified that the mayor did receive the book but had not read it. *See* Torres Dep. at 52-56; Pl's Ex. 72 ("He did not read the book when he handed it to him.")

RESPONSE: Disputed. However, this fact is not material to Plaintiff's claims. Torres later clarified this testimony, explaining that she did not have a distinct memory of Reed telling her that he had received a copy of the book, but that she assumed he had. She further testified that she had no personal knowledge of whether Reed had received a copy of the book prior to late 2014. (Deposition Transcript of Anne Torres ("ATT"), relevant portions attached as Exhibit F, at 100:5-16).

The City Suspends Chief Cochran Without Pay

49. From the time Chief Cochran's book was published in late November 2013 until late 2014, the City received no complaints about the book, including from any member of the AFRD. Pl's Ex. 117 at No. 1.

RESPONSE: Admitted.

50. In late October or early November 2014, Chief Christopher Wessels brought the book to the attention of Atlanta Professional Firefighters Union President Steven Borders. Borders Dep. at 54 line 9 – 55 line 6.

RESPONSE: Admitted.

51. Cochran had provided a free copy of the book to Chief Wessels—who had previously shared his Christian faith with him—in late June or early July 2014. Cochran Dep. at 141-42; 217; First Amended Verified Complaint ¶132.

RESPONSE: Admitted.

52. Cochran never conveyed to Chief Wessels that reading or following the teachings of his book was in any way relevant to his status or advancement within AFRD. First Amended Verified Complaint ¶135.

RESPONSE: Disputed. Plaintiff gave Wessels his book at a work event, which Wessels could reasonably have interpreted as implying that his acceptance of the book and the beliefs expressed therein would have an impact on his career. Not surprisingly, Wessels told Borders that the circumstances in which Plaintiff gave him the book concerned him. (Deposition Transcript of Stephen Borders ("SBT"), relevant portions attached as Exhibit G, at 63:15-24).

53. Wessels, according to Borders, “finally got around to reading [the book] or reading part of [the book], and there were some passages that were disturbing” to him, most notably “some very explicit conservative Christian ideals” contained in the book. Borders Dep. at 54 line 12 – 55 line 17.

RESPONSE: Admitted. Wessels also told Borders that the content of the book were particularly concerning in light of the fact that Plaintiff had also "very clearly and explicitly" identified himself as the fire chief for the City in the book. (SBT, 55:17-20; SBT, 62:2-9).

54. After ordering a number of copies of the book online to review it himself, Borders took a copy of the book to Councilman Alex Wan, to seek “his

counsel and advice on how [the union executive board] should handle it, how the City should handle it.” Borders Dep. at 59 line 22 – 60 line 16.

RESPONSE: Admitted.

55. Councilman Wan is gay, and testified that he believes Borders initially took the book to him, rather than to the City’s human resources department, because of the fact that he is gay. Wan Dep. at 52 lines 11-13.

RESPONSE: Admitted that Councilman Wan assumed -- without knowing -- that Borders went to him because he is gay. Borders himself testified that he went to Councilman Wan because he had developed a good relationship with him through his work as President of the union. (SBT, 60:9-12).

56. Borders “gave [Councilman Wan] one of the copies of the book and let him take it from there.” Borders Dep. at 60 lines 14-16.

RESPONSE: Admitted.

57. When Councilman Wan received the copy of the book from Borders, “there were Post-its in the book” marking certain passages. Wan Dep. at 46 lines 4-6.

RESPONSE: Admitted.

58. Borders “expressed concern about the content” of the book to Councilman Wan. Wan Dep. at 48 lines 15-18.

RESPONSE: Admitted. Borders also expressed concern about the fact that Plaintiff identified himself as the Fire Chief of the AFRD in the book, and that Plaintiff had distributed it to a subordinate at work. (SBT, 65:17-25; Deposition Transcript of Alexander Wan ("AWT"), relevant portions attached as Exhibit H, at 46:3-11).

59. Councilman Wan read the passages in the book that had been marked by the Post-its and “had concerns” about those passages that “were in reference to the gay and lesbian community.” Wan Dep. at 46 lines 11-15.

RESPONSE: Admitted. Councilman Wan also testified that he was concerned about the risk for discrimination against LGBT members of AFRD raised by the book's content. (AWT, 49:6-11).

60. Councilman Wan thanked Borders for bringing the book to him and told Borders that “while [he] didn’t know what to do right on that moment, that [he] would keep the book and [he] would determine the next step about this.” Wan Dep. at 47 lines 14-18.

RESPONSE: Admitted.

61. At about the same time that Borders met with Councilman Wan about Chief Cochran’s book, one of the Atlanta Professional Firefighters Union executive board members also contacted retired AFRD Chief Cindy Thompson, who happened to be in Atlanta at the time, in order to “get her opinion about th[e] matter.” Borders Dep. at 69 line 3 – 70 line 22.

RESPONSE: Admitted.

62. Borders knew Cindy Thompson to be “well versed on social issues” and also knew her to be “an out homosexual.” Borders Dep. at 70 line 18 – 71 line 1.

RESPONSE: Admitted. Borders further testified that they sought the opinion of Thompson because she was no longer with AFRD, and therefore, "she could add value without risking the issue getting out in the fire department and exploding on us." (SBT, 70:20-22).

63. Thus Borders concluded that Cindy Thompson would be a good person to consult, as he was “concerned about any response from the gay community in Atlanta, as well as many homosexual employees that” the AFRD had. *Id.* at 71 lines 2-4.

RESPONSE: Admitted. Borders' full testimony on this point is as follows: "[W]e were concerned about any response from the gay community in Atlanta, as well as any homosexual employees that we had, that if they found like -- if they felt like that this was an issue, how should we be prepared to respond." (SBT, 71:2-6).

64. At a lunch meeting with Cindy Thompson, Borders showed her the same passages in the book that he had showed to Councilman Wan. Borders concluded, based upon their conversation, that Cindy Thompson was “personally offended” by the “LGBT issues expressed in the book.” Borders Dep. at 71 line 14, 73 lines 10-11.

RESPONSE: Admitted. Borders further testified that Thompson "seemed to have great concern that this was going to get out in the public, and that it was going to be damaging to the fire department and potentially employees as well." (SBT, 71:15-18).

65. On November 23, 2014, a day before Chief Cochran was suspended, Cindy Thompson sent an e-mail to Mayor Reed’s LGBT Advisor, Robin Shahar, informing her that a “handful of LGBT firefighters I know, and others, are extremely insulted and saddened by the discriminatory text in the book.” Pl’s Ex. 50.

RESPONSE: Admitted.

66. Meanwhile, Councilman Wan, after meeting with Borders, eventually concluded that “based on the concerns that [he] had about the content [of the book],” that this situation presented “an HR matter.” Wan Dep. at 51 lines 23-24.

RESPONSE: Admitted.

67. Wan then “went and delivered the book to [City of Atlanta Human Resources Commissioner Yvonne Yancy] in person in her office.” Wan Dep. at 53 lines 2-3.

RESPONSE: Admitted.

68. At that meeting, which took place on Wednesday, November 19, 2014, just five days before Chief Cochran was suspended, Wan expressed his concerns to Yancy regarding the passages in the book dealing with sexual morality. *Id.*; Yancy Dep. at 20 line 4 – 21 line 9.

RESPONSE: Admitted. Councilman Wan also informed Commissioner Yancy that a current firefighter had brought the book to his attention and expressed similar concerns about it. (AWT, 53:9-11).

69. Wan also expressed concerns to Yancy that Chief Cochran had identified himself as Chief of the AFRD in the book. Wan Dep. at 53 lines 11-13.

RESPONSE: Admitted.

70. Yancy told Councilman Wan that she would read the book and “follow up appropriately.” Yancy Dep. at 22 lines 4-6.

RESPONSE: Admitted.

71. Yancy read the entire book on Thursday, November 20, 2014. *Id.* at 22 lines 20-22.

RESPONSE: Admitted.

72. Yancy was concerned that the City “had not given permission for the book” to Chief Cochran. *Id.* at 26 lines 11-16.

RESPONSE: Admitted.

73. Yancy was concerned that the book contained a reference to Chief Cochran’s role as Chief of AFRD. *Id.*

RESPONSE: Admitted.

74. Yancy “thought the content was problematic,” and was “offended by how women were referenced, and how Jews were referenced, and how the LGBT community was referenced.” *Id.* at 26 line 22 - 27 line 7.

RESPONSE: Admitted. Commissioner Yancy further testified that she "was really offended that the City of Atlanta was presented as a factor in the book because it was not a book that [she] was aware the City had in fact endorsed or approved." (Deposition Transcript of Yvonne Yancy ("YYT"), relevant portions attached as Exhibit I, at 27:7-10).

75. Yancy has testified that Cochran, by writing his book, “espoused beliefs that were in conflict with how women are treated, people of different faiths are treated, how the LGBT community was treated.” *Id.* at 63 lines 22-25.

RESPONSE: Admitted. Commissioner Yancy further testified that she was concerned about the potential for Title VII liability Plaintiff’s publication of these beliefs raised. (YYT, 62:1:22-63:14).

76. Yancy also testified that Chief Cochran, by writing the book, “espoused beliefs that were offensive to many different groups.” *Id.* at 69 lines 8-9.

RESPONSE: Admitted. Commissioner Yancy testified: "[H]e espoused beliefs that were offensive to many different groups, and he had to lead a department that reflected many different groups." (YYT, 69:8-11).

77. Yancy testified that Wan was concerned that the employees who found the book offensive were going to protest at an upcoming fire foundation breakfast later in the week. Yancy Dep. at 21 lines 21-24. (“[H]e really didn’t want us to have a sort of PR nightmare of employees protesting us at a foundation breakfast that was scheduled for later that week.”).

RESPONSE: Admitted.

78. Yancy came to share that concern and testified that she was “concerned about employees having a protest or this issue being raised to embarrass us at the breakfast.” *Id.* at 27 lines 15-16.

RESPONSE: Admitted.

79. Yancy spoke to Mayor Reed about the book and “pointed out the passage regarding members of the Jewish community, she pointed out a passage that related to women, and she pointed out a passage that related to homosexuality.” Reed Dep. at 94 lines 18-21.

RESPONSE: Admitted.

80. Mayor Reed testified that upon reading those passages he “didn’t agree . . . with some of the provisions that were highlighted and shown [to him] by Yvonne Yancy.” Reed Dep. at 125 lines 11-13.

RESPONSE: Admitted.

81. Mayor Reed further testified that he did not “agree with the comments [in the book] around homosexuality,” “other parts of the book that [he] thought

were insensitive to women,” and “other parts of the book that [he] thought were insensitive to Jewish people.” Reed Dep. at 126 line 25 - 127 line 5.

RESPONSE: Admitted.

82. Mayor Reed further testified that he “was offended by comments” in the book, “[b]ased upon [his] beliefs.” Reed Dep. at 135 lines 4-8.

RESPONSE: Admitted.

83. Sometime after Yancy showed the passages to Mayor Reed, Councilman Wan called Mayor Reed to express his concerns about the book. Reed Dep. at 92 lines 14-24, 95 lines 16-25, 124 lines 7-25.

RESPONSE: Admitted.

84. Yancy eventually concluded that because of the content of the book an investigation had to be conducted into whether Cochran’s beliefs had affected his leadership of the department. Yancy Dep. at 62 line 10 – 63 line 16.

RESPONSE: Admitted that Commissioner Yancy concluded an investigation needed to be conducted in part because of the views Plaintiff expressed in his book regarding protected groups, including non-Christians, women, and members of the LGBT community. However, Defendants deny that this reason alone prompted the investigation. Commissioner Yancy also testified that she felt an investigation was warranted because Plaintiff connected his beliefs directly to his position as Fire Chief of AFRD:

[Plaintiff] talked about how he led the -- led the fire department through his view of God and upholding God's standards. So, yes, we had [to] ensure because we had been named in the book. He had talked about his leadership role under the City of Atlanta in the book. He talked about how he chose to do leadership in the book about the City of Atlanta. We had to ensure that the actions

of Mr. Cochran were reflective of our policy. We don't particularly care how you feel about stuff. We care about what you do in our workplace. So we had to ensure that our workplace was consistent with the values and things that we espouse in our [C]ode.

(YYT, 63:25:64:13).

85. Yancy testified that “at the end of the day, you can have a viewpoint, but you have to get permission to do it.” Yancy Dep. at 121 lines 21-22.

RESPONSE: Admitted. Commissioner Yancy made this statement in the context of explaining that the root of the City's concern about Plaintiff's book was not the views it contained, but that he had not obtained the requisite permission from the City before publishing it. If Plaintiff had followed the proper protocol, the City would have gotten advanced notice of the book's contents and had time to come up with a plan to handle any public backlash they may have caused:

[T]he true of the matter is, if you'd gotten permission in advance for this book, we would have dealt with the communication plan. We would have had that tucked away. If it ever became a problem, we would have defended you. We would have backed you up. *Because at the end of the day, you can have a viewpoint, but you have to get permission to do it. You cannot put us in a negative posture. You cannot put the City or your employer in a place where we're trying to defend your point of view and we don't even know what the point of view is. That's not acceptable.*

(YYT, 121:15-122:1) (emphasis added).

86. COO Michael Geisler testified that in addition to the concern that Chief Cochran had not received permission to write and/or publish his book, “[t]here was also the issue with respect to the content of the book.” Geisler Dep. at 41 lines 14-15.

RESPONSE: Admitted.

87. A meeting was held in Yancy's office with Chief Cochran on Monday, November 24, 2014, with Yancy, Chief of Staff Candace Byrd, and Robert Godfrey from the City Law Department in attendance. Yancy Dep. at 44, 74 lines 17-21.

RESPONSE: Admitted.

88. At that meeting Chief Cochran was suspended for 30 days without pay, informed that the City would investigate the matter, and notified that he would be required to attend sensitivity or diversity training. *Id.* at 74 line 6 - 76 line 9; Reed Dep. at 149 lines 12-15; First Amended Verified Complaint ¶145; Pl's Ex. 9.

RESPONSE: Admitted.

89. The November 24, 2014 suspension meeting included a preliminary inquiry into whether Chief Cochran had ever received permission to write the book. Yancy Dep. at 93 lines 9-12.

RESPONSE: Admitted.

90. Yancy testified that at the time of the suspension meeting, Defendants "already knew he didn't have permission for the book." Yancy Dep. at 105 lines 23-24.

RESPONSE: Admitted. Commissioner Yancy already knew that Plaintiff had not received permission to publish his book from COO Geisler or Mayor Reed. (YYT, 106:2-4).

91. Yancy testified that the failure to get permission for the book constituted "enough to fire [Chief Cochran] right on its face," but that Defendants "didn't separate him. We chose to bring him back to work . . ." Yancy Dep. at 106 lines 5-9.

RESPONSE: Admitted.

92. There was also at that meeting a discussion surrounding “religion, women, and the LGBTQ issues that [were] raised in the book specifically.” Yancy Dep. at 93 lines 15-18.

RESPONSE: Admitted. Commissioner Yancy testified that these issues were discussed in the context of explaining to Plaintiff "the need for a Tite 7 investigation." (YYT, 93:18-19; 94:7-95:8).

93. Yancy explained to Cochran at the meeting that the book contained offensive content, including content “offensive to members of the LGBT community.” Cochran Dep. at 200 line 18 – 202 line 13.

RESPONSE: Admitted. Commissioner Yancy testified that these issues were discussed in the context of explaining to Plaintiff "the need for a Tite 7 investigation." (YYT, 93:18-19; 94:7-95:8).

94. Yancy also informed Cochran that Councilman Wan was offended by comments in the book. *Id.* at 202 lines 11-13.

RESPONSE: Admitted.

95. One of the reasons Defendants claim that Chief Cochran was suspended was because he failed to follow city policy in writing and publishing the book, including the failure to abide by the requirements of the ethics code and the failure to notify the mayor about the book. *See* Reed Dep. at 107 lines 12-15 (Q. What cause of action is being referred to here [in the suspension letter given to Chief Cochran]? A. Creating and producing a book for sale without authorization of the ethics board.”); Reed Dep. at 118 lines 24-25, 119 lines 1-5, 17-19 (“He was suspended without pay because, in my opinion, writing a book and earning money off of it, which we knew pretty quickly, was completely inappropriate and wrong.

And at no time did my chief of -- at fire and rescue come in my office and sit down and have an in-person conversation and say, I am writing a book and I would like you to support me. He was suspended because he wrote a book without getting an opinion from our ethics officer in writing.”); Pl’s Ex. 70 (“We suspended the Chief because he published the book without the City’s knowledge . . .”); Pl’s Ex. 71 (“Chief Cochran . . . failed to notify the Mayor of the book before it was published. City policy requires employees to notify their supervisor if they are publishing a book identifying themselves as City of Atlanta employees.”); Geisler Dep. at 84 line 21 – 85 line 1 (“Yvonne Yancy in that initial visit [before the suspension] brought up that the permission hadn’t been granted, and part of her concern had to do with the fact that the ethics board and Nina Hickson, the ethics officer, had not approved of the book or prior to its being published.”); Yancy Dep. at 75 lines 14-16 (“[A]t that juncture [at the suspension meeting], we had not found anything that indicated he had received permission from his manager or the ethics board.”); Yancy Dep. at 104-05.

RESPONSE: Admitted.

96. Defendants publicly identified, for media consumption, the beliefs expressed by Chief Cochran in his book as a predicate for discipline, stating that Chief Cochran “was informed at the time of his suspension that . . . he was espousing theories about certain groups of people that were in conflict with the City’s policy of inclusiveness.” Pl’s Exs. 80-84.

RESPONSE: Disputed. The statement to which Plaintiff cites does not support the contention that Plaintiff’s beliefs were a “predicate for discipline.” Rather, the statement reads as follows: [Plaintiff] was also informed that the issue was not the religious nature of his book, but the fact

that he was espousing theories about certain groups of people that were in conflict with the City's policy of inclusiveness." (Pl's Exs. 80-84). This fully comports with Commissioner Yancy's testimony that she raised concerns about the content of Plaintiff's book during his suspension meeting for the purpose of explaining the need for a Title VII investigation, not as a basis for his suspension. (YYT, 93:18-19; 94:7-95:8).

97. On numerous occasions City officials publicly and conspicuously took issue with the contents of the book. *See* Pl's Ex. 10; Wan Dep. at 84 lines 1-6; Pl's Ex. 108.

RESPONSE: Defendants dispute that City officials took issue with the contents of the book "[o]n numerous occasions." The documents and testimony to which Plaintiff cites in support of this contention reflect one instance in which Mayor Reed issued a statement that he disagreed with Plaintiff's views related to the LGBT community, and one instance in which Councilman Wan, who had no involvement in Plaintiff's suspension or termination, stated that he disagreed with Plaintiff's views on the same subject. (AWT, 57:19-22; 94:3-12).

98. In his Facebook statement issued on November 24, 2014 announcing Chief Cochran's suspension, Mayor Reed stated that "[t]he contents of the book do not reflect the views of . . . the Administration." Pl's Ex. 10.

RESPONSE: Admitted.

99. Mayor Reed further stated the following with respect to Chief Cochran's book: "I profoundly disagree with and am deeply disturbed by the sentiments expressed in the paperback regarding the LGBT community." Pl's Ex. 10.

RESPONSE: Admitted.

100. Mayor Reed also stated that “the material in Chief Cochran’s book is not representative of my personal beliefs, and is inconsistent with the Administration’s work to make Atlanta a more welcoming city for all of her citizens—regardless of their sexual orientation, gender, race and religious beliefs.” Pl’s Ex. 10.

RESPONSE: Admitted.

101. Mayor Reed also announced in the Facebook post that Chief Cochran would “be required to complete sensitivity training.” Pl’s Ex. 10.

RESPONSE: Admitted.

102. With regard to the passages in Chief Cochran’s book that Councilman Wan took to be referring to the “LGBT community,” Councilman Wan made the following statement to the Atlanta Journal Constitution, and repeated this statement on other occasions: “I respect each individual’s right to have their own thoughts, beliefs and opinions, but when you’re a city employee, and those thoughts, beliefs and opinions are different from the city’s, you have to check them at the door.” Wan Dep. at 84 lines 1-6; Pl’s Ex. 108.

RESPONSE: Admitted. However, this fact is not material, as Councilman Wan had no involvement in the decision to suspend or terminate Plaintiff. (AWT, 57:19-22; 94:3-12).

103. Chief of Staff Candace Byrd testified that she and the Mayor discussed Chief Cochran’s book and that “some of the excerpts . . . didn’t line up with [their] personal beliefs.” Byrd Dep. at 50 lines 14-19.

RESPONSE: Admitted.

104. Robin Shahar, the Mayor's LGBT Advisor, was offended by the comments in the book related to Jews, women, and the LGBT community, including the beliefs expressed in the book related to same-sex marriage. Shahar Dep. at 40 line 12 – 41 line 5; Geisler Dep. at 30 lines 12-15.

RESPONSE: Admitted.

105. The Anti-Defamation League (“ADL”) was invited by Shahar to give their opinion on Chief Cochran's book. *See* Mullinax Dep. at 35 lines 14-16 (“She [Shahar] thought it would be a good idea to reach out to ADL for their—not analysis, but for their opinion of this.”).

RESPONSE: Admitted. When Shahar extended this invitation to the ADL, she made clear that this request was coming from her, not Mayor Reed:

I wanted the ADL to know that what I was requesting was an objection look by them, and a decision that was 100 percent independent in terms of whether they thought anything, any response from them was needed, and if so, let them decide what they want to do.

(Deposition Transcript of Robin Shahar, ("RST"), relevant portions attached as Exhibit J, at 82:20-25).

106. Shahar thought it “was very important that other religious perspectives be put in the public domain.” Shahar Dep. at 81 lines 1-10.

RESPONSE: Admitted.

107. Special Advisor to the Mayor Melissa Mullinax testified that the ADL was “an ally” of the administration. Mullinax Dep. at 36 lines 2-9.

RESPONSE: Admitted. Mullinax testified that the ADL was an ally specifically with respect to its stance on religious freedom bills that were being introduced in Georgia and other state legislatures around the United States.

(Deposition Transcript of Melissa Mullinax, ("MMT"), relevant portions attached as Exhibit K, at 36:4-23).

108. Mayor Reed testified that the ADL “came to [his] office to meet with [him]” regarding Chief Cochran’s book. Reed Dep. at 118 lines 11-13, 120 lines 15-19.

RESPONSE: Admitted. ADL representatives requested this meeting. (RST, 84:18-21).

109. Mayor Reed testified that the ADL representatives “came to meet with [him] about how offensive they found” Chief Cochran’s book. *Id.* at 120 lines 17-19.

RESPONSE: Admitted. Shahar, who was also present for this meeting, testified that three or four people from the ADL attended the meeting, and "gave their perspective on how the book would affect -- they talked about their interpretation -- their impression of the book, and how it would affect the workplace." (RST, 85:4-11).

110. After the meeting, the ADL sent a letter to Mayor Reed concluding that the “statements of personal belief contained in [Chief Cochran’s] book blatantly contradict [the City’s nondiscrimination] policy.” Pl’s Ex. 12.

RESPONSE: Admitted.

111. The ADL concluded that Chief Cochran could not “check his prejudices at the door and lead the City of Atlanta Fire Department.” *Id.*

RESPONSE: Admitted.

The City Terminates Cochran as AFRD Fire Chief

112. Yancy testified that Defendants “intended to bring [Chief Cochran] back to work [after the suspension].” Yancy Dep. at 129 lines 21-22.

RESPONSE: Admitted.

113. Yancy testified that she had already “contracted to do sensitivity training with the vendor.” *Id.* at 129 lines 22-23.

RESPONSE: Admitted.

114. Yancy testified that the “purpose of that investigation was to ensure that Mr. Cochran in his capacity as fire chief had not treated anyone differently because of the views he espoused in the book.” *See* Yancy Dep. at 107 lines 5-8.

RESPONSE: Admitted.

115. Yancy further testified that the City “had to ensure that the actions of Mr. Cochran were reflective of our policy. We don’t particularly care how you feel about stuff. We care about what you do in our workplace. So we had to ensure that our workplace was consistent with the values and things that we espouse in our code.” Yancy Dep. at 64 lines 8-13.

RESPONSE: Admitted.

116. COO Michael Geisler concurred in his testimony regarding the purpose of the investigation, stating that the investigation “would have looked at whether or not the chief could keep a fair and unbiased view of his operations, or whether it was unduly influenced by his views as expressed in the book.” Geisler Dep. at 58 lines 2-6.

RESPONSE: Admitted. However, Geisler further testified that he played no role in the investigation, and therefore lacks personal knowledge regarding its purpose and focus. (Deposition Transcript of Michael Geisler, (“MGT”), relevant portions attached as Exhibit L, at 56:18-20).

117. Geisler also testified that another purpose of the investigation “was to address any concerns, different community groups, the LGBT would have had about the chief’s stand on things.” Geisler Dep. at 57 line 24 – 58 line 1.

RESPONSE: Admitted that is an accurate recitation of Geisler's testimony. However, Geisler further testified that he played no role in the investigation, and therefore lacks personal knowledge regarding its purpose and focus. (MGT, 56:18-20).

118. Tasked with answering these questions, the Law Department concluded in its Investigative Report that “[n]o interviewed witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs.” Pl’s Ex. 13 at 4.

RESPONSE: Admitted.

119. The Law Department further concluded in its Investigative Report that there was “no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions.” Pl’s Ex. 13 at 3.

RESPONSE: Admitted.

120. In fact, Yancy testified that this finding was consistent with her experience of working with Chief Cochran: “The investigation showed that he had in fact not treated people differently, which I was actually, frankly, ecstatic to see and hear, and it’s consistent with my knowledge of Mr. Cochran.” Yancy Dep. at 102 lines 11-14.

RESPONSE: Admitted.

121. Chief Cochran was never disciplined at any time during his tenure with the City for any act of discrimination against any AFRD employee. Pl’s Ex. 117 at No. 11.

RESPONSE: Admitted.

122. Chief Cochran was never disciplined at any time during his tenure with the City for creating or enforcing any discriminatory policy against any AFRD employee. Pl's Ex. 117 at No. 12.

RESPONSE: Admitted.

123. Chief Cochran was never disciplined at any time during his tenure with the City for permitting discrimination by or against any AFRD employee. Pl's Ex. 117 at No. 13.

RESPONSE: Admitted.

124. Melissa Mullinax testified that in her experience Chief Cochran had "always been very supportive" of "gay pride events" and "gay firefighters and others involved in pride." Mullinax Dep. at 19 line 19 – 20 line 1.

RESPONSE: Admitted.

125. Mullinax also testified that it was her impression that the Mayor agreed with her assessment that Chief Cochran had been supportive of LGBT firefighters and events. *Id.*

RESPONSE: Admitted.

126. In fact, Mayor Reed testified that he was not aware of any instances in which Chief Cochran "was unable to 'check his prejudices at the door.'" Reed Dep. at 156 lines 10-13.

RESPONSE: Admitted.

127. COO Michael Geisler testified that he was not aware of any evidence suggesting that Chief Cochran based his decisions regarding the individual career paths of AFRD members on the content of his personal religious beliefs. Geisler Dep. at 47 lines 8-13.

RESPONSE: Admitted.

128. Geisler also testified that he was not aware of any evidence that Chief Cochran had discriminated against anyone in the AFRD. *See* Geisler Dep. at 66-67.

RESPONSE: Admitted.

129. Despite the fact that the Law Department could not identify a single instance in which Cochran had ever discriminated against any AFRD employee based upon his religious beliefs, the views he expressed in his book, or for any other reason, and had never let his personal beliefs affect his disciplinary regime, Defendants terminated Cochran at a meeting held on January 6, 2015, the day his unpaid suspension ended. First Amended Verified Complaint ¶169; Pl's Ex. 34; Yancy Dep. at 122-23.

RESPONSE: Admitted.

130. The termination meeting was staffed by Commissioner of Human Resources Yvonne Yancy, COO Michael Geisler, and City Law Department attorney Robert Godfrey. Yancy Dep. at 122-23; Geisler Dep. at 72 line 25 - 74 line 7.

RESPONSE: Admitted.

131. Defendants have claimed that Chief Cochran was terminated as a result of his failure to get permission to write his book, either through the ethics process or from his supervisors. *See* Yancy Dep. at 102 lines 14-17. ("But our decision to separate Mr. Cochran was about his failure to go through the process and to speak with the people he worked for."); Reed Dep. at 167 lines 14-17 ("If someone had done this investigation and showed me a letter from the ethics board that granted him approval to write this book, I wouldn't have made the judgment

that I made.”); Pl’s Ex. 14 (“Chief Cochran’s book . . . was published in violation of the City’s Standards of Conduct, which required prior approval from the Ethics Officer and the Board of Ethics . . . Not one time during the course of preparing this book did Chief Cochran ever think that it was appropriate to have a conversation with me despite the fact that I have made my opinion and this administration’s opinion clear on this topic. So if anybody wants to know the most important factor that lead me to my decision—that is it.”); Pl’s Ex. 10 (“Chief Cochran’s book . . . was published in violation of the city’s Standards of Conduct, which required prior approval from the Board of Ethics.”); Pl’s Ex.22 (“Chief Cochran’s book . . . was published in violation of the city’s Standards of Conduct, which required prior approval from the Board of Ethics. . . . Chief Cochran also failed to notify me, as Mayor and Chief Executive of the City of Atlanta and his employer, of his plans to publish the book and its inflammatory content.”); Pl’s Ex. 36 (“Mr. Cochran ignored the City’s Ethics Code which establish a clear protocol which *must* be followed before a Commissioner may engage in private activity for pay. Mr. Cochran made numerous judgment decisions regarding the book that are unacceptable for a leader in City of Atlanta government: he sold the Book without the requisite approval . . . and he published the book without ever mentioning it to me.”); Pl’s Ex. 15 (“Chief Cochran . . . was fired because he failed to adhere to city policy. He published a book . . . without asking for approval from the mayor or his ethics office.”); Pl’s Ex. 74 (“Chief Cochran was not let go because of his religious beliefs. He was let go because he exercised poor judgment and violate [sic] the city’s ethics code by not notifying the proper city officials, Mayor included.”); Geisler Dep. at 73 lines 10-13, 75 lines 18-22 (“[The Mayor] was concerned that . . . there had been a violation of the city policy on going forward

with publishing the book. It was an ethics violation . . . it comes down to the ethics issue. It comes down to the publication of the book on—without adequate disclosure of the publication of the book . . .”).

RESPONSE: Admitted to the extent that this was one of several reasons that contributed to the Mayor's decision to terminate Plaintiff's employment. During Plaintiff's suspension, the City's Law Department also concluded that "[t]here ... is general agreement the contents of the book have eroded trust and have compromised the ability of [Plaintiff] to provide leadership in the future." (KRT, Ex. 13, at pp. 3-4). Plaintiff also refused to comply with the Mayor's directive that he refrain from public comment on the topic of his suspension. Instead, he made repeated public comments falsely perpetuating the narrative that he was being punished for his religious beliefs, and encouraged and facilitated a massive PR campaign against the Mayor personally. (KCT, 251:21-252:18; 257:16-18; 261:22-262:14; 264:16-24, Exs. 49, 50 at PL 001902; KCT, 268:10-18, 269:12-270:15, Ex. 51). (*See also* GBC Mission Board, "Help Us Defend Religious Liberty!", *available at* <https://gabaptist.org/petition/>, last visited April 17, 2017, attached as Ex. M).¹ (KCT, 274:13-22).² After learning of Plaintiff's speeches and suspecting his

¹ *See also* December 15, 2014 Georgia Baptist Convention Press Release, *available at* https://gabaptist.org/wp-content/uploads/2014/12/GBC_News_Religious_Liberty_12-15-14.pdf (last visited April 19, 2017), attached as Ex. N).

² In one of his speeches, Plaintiff stated:

involvement in the orchestration of the PR campaigns during his suspension, and upon reviewing the Law Department's findings, Reed decided to terminate Plaintiff's employment given his lack of confidence in Plaintiff and his belief that Plaintiff "could not continue with the support of the people that worked for him." (KRT,136:17-137:24;151:18-22;169:8-20).

132. After terminating Chief Cochran Defendants continued to publicly take issue with the contents of his book. *See* PI's Ex. 14 ("Because he [Chief Cochran] made the judgment that he should write a book that contains material that is clearly inflammatory and never ask me how I felt, felt about it."); PI's Ex. 22 ("Chief Cochran also failed to notify me, as Mayor and Chief Executive of the City of Atlanta and his employer, of his plans to publish the book and its inflammatory content."); PI's Ex. 36 ("Mr. Cochran made numerous judgment decisions regarding the book that are unacceptable for a leader in City of Atlanta government: . . . he distributed the book at work, despite the fact that its content expressed opinions which are contrary to the City's and my personal commitment to nondiscrimination").

RESPONSE: Defendants object to this statement as it is not supported by any of the testimony cited to by Plaintiff.

In the book I deal with sexuality as God intended it. God intended for a man and a woman to be married and to have children to populate the earth, and that any sex outside of marriage and outside of a man and a woman, outside of holy matrimony is against the word of God, and *for that stand, I've been laid off for 30 days without pay.*

(KCT, 275:15-277:15) (emphasis added).

133. In fact, just one week after Defendants terminated Chief Cochran, Director of Communications Anne Torres sent out for distribution—to all of the City’s “supporters and organizations”—myriad social media posts suggesting that the content of the book constituted discrimination against AFRD members. Torres Dep. at 76 lines 23-25 (“With the book we felt that there were passages in the book that violated our City’s antidiscrimination policy.”); Pl’s Ex. 77.

RESPONSE: Disputed. Torres testified that she was not trying to convey that there had actually been any discrimination through these posts. (ATT, 78:21-79:2). Rather, they merely reflect the City’s view that all employees have the right to be treated equally regardless of their sexual orientation or religious beliefs, and to make clear that the City did not support the discriminatory messages in Plaintiff’s book. (ATT. 76:20-23; 78:17-22). Finally, this fact is not material to Plaintiff’s claims, as Anne Torres had no involvement in the decision to suspend or terminate Plaintiff’s employment. (ATT, 100:17-22).

134. Torres sent out for distribution a suggested Tweet that read “#IStandwithKasim because all employees have a right to a boss who does not speak of them as 2nd class citizens.” Pl’s Ex. 77.

RESPONSE: Admitted. This fact is not material to Plaintiff’s claims, as Anne Torres had no involvement in the decision to suspend or terminate Plaintiff’s employment. (ATT, 100:17-22).

135. She sent out for distribution another suggested Tweet which read “#IStandwithKasim because there is no place for discrimination in the workplace.” Pl’s Ex. 77.

RESPONSE: Admitted. This fact is not material to Plaintiff's claims, as Anne Torres had no involvement in the decision to suspend or terminate Plaintiff's employment. (ATT, 100:17-22).

136. These suggested Tweets and Facebook posts—which were focused on the content of various “passages in the book”—were sent out for distribution despite the fact that the City Law Department had concluded in its Investigative Report, released by the City that very day, that no evidence existed to show that Chief Cochran had discriminated in any way against anyone in the City’s employ. Torres Dep. at 77 lines 5-7; Pl’s Ex. 36; Pl’s Ex. 13 at 3-4 (“There is . . . no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions. . . . No . . . witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs.”).

RESPONSE: Admitted. These social media posts were not intended to imply that Plaintiff engaged in discriminatory conduct. Rather, they were intended to make clear that the City did not support the discriminatory messages in Plaintiff's book. (ATT. 76:20-23; 78:17-22).

137. Special Advisor to the Mayor Melissa Mullinax forwarded these suggested Tweets and Facebook posts to at least five recipients that same day, January 13, 2015. Pl’s Exs. 93-96.

RESPONSE: Admitted. These recipients included Mullinax's aunt, live-in partner, and personal friends. (MMT, 65:11-25; 66:16-18).

The City of Atlanta’s Code of Ethics and Related City Policies and Practices

138. The City of Atlanta Law Department also concluded in its Investigative Report that Chief Cochran had not sought the approval of the Board

of Ethics prior to his writing of the book, and the Board of Ethics did not grant its approval to Chief Cochran. Pl's Ex. 13 at 1.

RESPONSE: Admitted.

139. The City of Atlanta's news release announcing the release of the City Law Department's Investigative Report in Chief Cochran's case states that "Atlanta's Ethics Code establishes the required approval process for Department heads who wish to engage in outside activities 'for remuneration.'" Pl's Ex. 36.

RESPONSE: Admitted.

140. The City news release also noted that with respect to that ethics requirement the City Law Department's Investigative Report "found that no such approval was sought or rendered in the publication" of Chief Cochran's book. *Id.*

RESPONSE: Admitted.

141. Section 2-820(d) of the City of Atlanta Code of Ethics provides that:

Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor . . . may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph.

Pl's Ex. 1.

RESPONSE: Admitted.

142. Section 2-806 of the City of Atlanta Code of Ethics provides that the "board of ethics shall conduct investigations into alleged violations of the ethics code [and] hold hearings and issue decisions" resulting from that investigative process. Pl's Ex. 1.

RESPONSE: Admitted.

143. Section 2-806 specifically provides that the “ethics officer shall conduct a preliminary investigation of any complaint and provide a written report to the board of ethics discussing the ethics officer’s findings.” Pl’s Ex. 1.

RESPONSE: Admitted.

144. Section 2-806 further provides that “[i]f the board determines after a preliminary investigation . . . that . . . probable cause [exists to support the] belief that [an ethics violation has been committed],” it is required to “give notice to the person involved to attend a hearing to determine whether there has been a violation.” Pl’s Ex. 1.

RESPONSE: Admitted.

145. Finally, Section 2-806 guarantees that “[a]ny person who appears before the board [at a hearing] shall have all of the due process rights . . . of a witness appearing before the courts of th[e] state [of Georgia].” Pl’s Ex. 1.

RESPONSE: Admitted.

146. Section 2-807 of the City of Atlanta Code of Ethics provides that while the “decision of the board after a hearing shall be final,” “such proceeding shall be subject to review by writ of certiorari to the superior court of the county.” Pl’s Ex. 1.

RESPONSE: Admitted.

147. Defendants predicated both their suspension and termination of Chief Cochran in part upon his alleged failure to abide by the City of Atlanta’s Code of Ethics and other city processes more broadly, as interpreted and enforced by Defendants. *See supra* at ¶¶95, 131; Yancy Dep. at 75 lines 14-16 (“[A]t that juncture [at the time of the suspension], we had not found anything that indicated

that he had received permission from his manager or the ethics board.”); Yancy Dep. at 49 lines 15-19 (“And so the discipline was about his failure to get approval, his failure to operate within the processes that are clearly identified, not just in the code, but in general expectations as an employer.”); Yancy Dep. at 51 lines 11-15, 55 lines 9-10 (“And then the ethics code requires that if you in fact are going to engage in receiving second income and you report the certain line in the organization, the ethics board has to actually give you approval for that as well. . . . There’s no ethics board vote giving permission for this book.”); Yancy Dep. at 102 lines 14-17 (“But our decision to separate Mr. Cochran was about his failure to go through the process and to speak with the people he worked for.”); Yancy Dep. at 122 lines 6-7 (“This is a summary of the things we discussed at the termination meeting itself. . . . [Bob Godfrey] references the standard of conduct of [Section] 2-820(d)”).

RESPONSE: Admitted.

148. Defendants provided to Chief Cochran none of the procedural requirements or protections prescribed by the City of Atlanta Code of Ethics. *See* Hickson Dep. at 84 lines 9-11 (“Q. And there was never any ethics process with respect to the book or Chief Cochran? A. Not while I was there, no.”); Pl’s Ex. 117 at No. 4 (“Defendant admits that the ethics board was not asked to, and thus did not, conduct an investigation into Chief Cochran with respect to his book, *Who told You That You Were Naked.*”); Pl’s Ex. 117 at No. 5 (“Defendant admits that the ethics board was not asked to, and thus did not, hold a hearing regarding Chief Cochran’s publication of the book . . .”).

RESPONSE: Admitted that Defendants did not follow the procedural process outlined for formal Ethics Code investigations with respect to

Plaintiff's suspension and termination. However, Defendants dispute that any procedural requirements under the City's Ethics Code applied to Plaintiff, as he was an at-will employee serving at the pleasure of the Mayor, with no due process rights in his employment. (See Defendants' Response to Plaintiff's Motion for Summary Judgment, 34-35). Moreover, no formal ethics complaint was ever made against Plaintiff, such that the procedural requirements of the Ethics Code were never triggered. (NHT, 84:4-8).

149. In fact, Defendants maintain that they can discipline a City employee for an ethics violation without the involvement of the Board of Ethics and were therefore not required to make available to Chief Cochran any of the procedural requirements or protections prescribed by the City of Atlanta Code of Ethics, even if they disciplined Chief Cochran for a breach of the provisions contained in that very code. *See* Hickson Dep. at 98 lines 7-17 (“[I]f they use that [the ethics process] as a means of disciplining somebody on the HR side, the ethics board wouldn’t have anything to do with that. Q. So the HR side can interpret the ethics code and apply it separately and independently from the independent ethics board? A. They can. Now, whether it’s wise or not is a different story, but they can—they can use that as a basis for—for dismissal.”); Yancy Dep. at 58 lines 22-25, 60 lines 20-21 (“Q. So you maintain that you can discipline an employee for ethics violation without any input from the ethics board? A. Absolutely . . . I don’t need an ethics violation to discipline an employee for a matter that’s unethical.”).

RESPONSE: Admitted.

150. Defendants concede that the Board of Ethics is an entity entirely independent of the human relations function of the City government. *See* Reed Dep. at 41 lines 3-4 (“Well, the ethics office, I think, is independent, first and

foremost. That's why it has its own board."); Yancy Dep. at 60 lines 16-20 ("[T]he ethics board is independent, and ethics actions are handled by the ethics board. Employment actions are handled by the administration and the operations groups that are led by me."); Yancy Dep. at 90 lines 4-9 (Q. So with respect to the bases for Chief Cochran's suspension, you mentioned that there was a failure to get approval from the board of ethics. Is that an ethics issue? A. It is an ethics issue, but I would defer to the ethics board on handling it."); Yancy Dep. at 91 lines 3-4 ("I cannot make an ethics determination. The ethics board makes a determination.").

RESPONSE: Admitted.

151. On its face, Section 2-820(d) does not apply to the writing or self-publication of a non-work-related, religious book. Pl's Ex. 1.

RESPONSE: Objection. This is a legal conclusion, not a fact. Further, on its face, Section 2-820(d) applies to "any private employment or [the rendering] of any services for private interests for remuneration." Publication of a book for sale clearly falls within that purview.

152. Section 2-820(d) lacks any identifiable criteria or standards to guide the Board of Ethics in determining whether to approve or deny a covered employee's request to engage in "private employment or render services for private interests." Pl's Ex. 1.

RESPONSE: Objection. This statement is a legal conclusion, not a fact. Further, the text of Section 2-820(d) indicates that review of outside business activities under its purview is to be focused on the potential for conflicts of interest, as it provides:

City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with the city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment.

(Section 2-820(d)). This focus is also reflected by the fact that this provision falls within the City's Ethics Code. The purpose of the Ethics Code is explicitly outlined in Section 2-802, which provides in part:

It is the purpose of this division to promote the objective of protecting the integrity of the government of the city by prohibiting any official or employee from engaging in any business, employment or transactions, from rendering services or from having contractual, financial, or personal interests, direct or indirect, which are in conflict with or which would create the justifiable impression in the public of conflict with the proper discharge of the official or employee's official duties or the best interest of the city or which would tend to impair independence or objectivity of judgment or action in the performance of official duties.

153. Section 2-820(d) simply states that “[t]he board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days.” Pl’s Ex. 1.

RESPONSE: Admitted that this is a correct recitation of a portion of this provision. However, further detail is provided regarding the approval process as outlined in Defendants' Response to Fact No. 152.

154. Defendants maintain that City employees must receive permission before they can write and publish a book, even one that is not related to their City employment. *See* Yancy Dep. at 87 line 14 – 88 line 5 (Q. Now, if a book doesn’t have any content that might lead to, in your view, a Title 7 issue, and isn’t

published for remuneration, is not done for profit, is not sold, and does not convey the impression of endorsement by the City, would you be able to discipline, in your view, an employee for such a book? A. If they did not follow the process to get approval to write said book, absolutely. Q. So you need to get approval for any book whatsoever? A. Absolutely. You have to get approval for anything that creates a perception of a conflict, actually is a conflict, could be remuneration, could be perceived as remuneration. You have to get permission from who you work for to do anything outside of work. The form clearly says that.”).

RESPONSE: Admitted. If a City employee publishes a book for remuneration, the pre-approval requirements of the City Code apply. (Atlanta City Code, §§ 2-820(d); 114-436-37, attached as Ex O.

155. Neither Section 2-820(d)—nor any other City policy or regulation—requires any City employee to get the Mayor’s permission before they can write and publish a non-work related book. *See* Reed Dep. at 121 lines 10-14 (“Q. The concern about him not talking with you first, is that based upon any kind of policy or is that just a practice. A. No. It’s based upon a professional courtesy, being a colleague.”).

RESPONSE: Disputed. Under the City's Code of Ordinances, all employees are required to obtain the approval of their department head prior to accepting additional paid outside employment to ensure that no conflict of interest exists with their City employment. (City Code, § 114-436; KCT, 19:11-24, 20:7-12; NHT, 54:11-55:15). Accordingly, those City employees under Mayor Reed's purview must obtain his consent prior to taking on outside employment for compensation, including publishing a book and selling it for profit.

156. Defendants maintain that City employees like those in Chief Cochran's position must receive permission from the Mayor before they can write and publish a book, even one that is not related to their City employment. Reed Dep. at 134 lines 3-8 ("And he [Chief Cochran] concluded that he could write a book with content that would clearly be offensive to some without getting an approval and make a profit. And personally I feel it was wrong that he didn't have a sit-down with me. That's it."); Yancy Dep. at 37 lines 16-17 ("I just told him [the Mayor] that we would have to make an employment decision about this matter. . . . That if in fact he [Mayor Reed] had not approved the book, that we were going to have to suspend or terminate Mr. Cochran."); Yancy Dep. at 48 lines 23-25 ("[T]here had to be disciplinary activity for his failure to get approval from his direct manager for this book").

RESPONSE: Admitted. The requirements of Sections 114-436-37 apply to all paid outside employment, regardless of type.

157. Mayor Reed testified that if a City employee wrote a book and did not sell it, the "content of the book" would determine whether an opinion from the ethics board would be required. Reed Dep. at 54 lines 2-6.

RESPONSE: Objection. This statement is an incomplete recitation of Mayor Reed's testimony on this topic. Mayor Reed went on to testify as follows: "Q: [E]ven if it didn't earn money, if there was a topic that [a book] covered, that there still may need to be a reason to get an opinion from the ethics board? A: Not that I'm aware of." (KRT, 54:12-16). Further, Mayor Reed testified repeatedly that the determining factor for whether a City employee must obtain written authorization from the Ethics Board prior to publishing a book is not its content, but whether that individual receives

compensation for doing so. (KRT, 52:17-22) (Q: [I]s it your understanding that anyone who writes a book needs to get permission from the ethics board in order to write a book? A: It's my understanding that anyone who writes a book *that receives money for it* needs to get approval from the ethics board."). (See also KRT, 53:2-8).

158. Mayor Reed testified that the disciplinary process with respect to Chief Cochran was not usual because “there was a book written without my permission.” Reed Dep. at 118 lines 3-4.

RESPONSE: Objection. This statement is an incomplete recitation of Mayor Reed's testimony. Mayor Reed further testified that the process was unusual because Plaintiff earned money for the book without obtaining the requisite written opinion, employees were complaining about the fact that they had received the book in the workplace, and members of the public, including the ADL, were seeking meetings with him about Plaintiff's conduct. (KRT, 118:2-14).

Respectfully submitted this 20th day of June, 2017.

s/Kathryn J. Hinton
David E. Gevertz
GA Bar No. 292430
Kathryn J. Hinton
GA Bar No. 542930
Hannah Jarrells
GA Bar No. 784478
**BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, P.C.**
3414 Peachtree Rd NE
Monarch Plaza, Suite 1600

Atlanta, Georgia 30326
Phone: 404-221-6512
Fax: 678-406-8816
dgevertz@bakerdonelson.com
khinton@bakerdonelson.com

Attorneys for Defendants

CERTIFICATE OF COMPLIANCE

Undersigned counsel certifies the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the Court in local rule 5.1(C) and 7.1(D).

This 20th day of June, 2017.

s/ Kathryn Hinton
Kathryn J. Hinton
GA Bar No. 542930

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *Defendants' Response to Plaintiff's Statement of Material Facts Not In Dispute* via the Court's ECF filing notification which will automatically send an electronic copy of the foregoing to the following attorney of record for Plaintiff:

Kevin Theriot, Esq.
Jeana Hallock, Esq.
Ken Connelly, Esq.
Alliance Defending Freedom
1000 Hurricane Shoals Road, NE
Suite D-1100
Lawrenceville, Georgia 30043

This 20th day of June, 2017.

s/ Kathryn Hinton
Kathryn J. Hinton
GA Bar No. 542930

Exhibit A

Deposition Transcript of Mayor Kasim Reed and it's Exhibits

(relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
)
and MAYOR KASIM REED, IN)
)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
MAYOR KASIM REED

FEBRUARY 14, 2017
9:35 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA

(TRANSCRIPT CONTAINS CONFIDENTIAL PORTIONS)
PAGE 10, LINE 4 TO PAGE 10, LINE 7
PAGE 31, LINE 4 TO PAGE 39, LINE 5
PAGE 110, LINE 4 TO PAGE 114, LINE 22

Reported by: Suzanne Beasley, RPR
CCR-B-1184

1 through human resources and Yvonne Yancy.

2 Q. Okay. So --

3 A. But I didn't speak with -- with Nina
4 Hickson or the ethics board directly.

5 Q. Okay. But Yvonne Yancy advised you that
6 the ethics board said that he did not get permission
7 to write a book?

8 A. That's correct. And there was also an
9 investigation conducted after his suspension.

10 Q. We're going to have to talk about that in
11 a little bit.

12 A. Okay. But you asked me to answer the
13 question, and I'm going to answer it.

14 Q. Sure. Absolutely. And I'll try not to
15 interrupt you when you're answering the questions.

16 A. Okay.

17 Q. The -- is it your understanding that --
18 that anyone who writes a book needs to get permission
19 from the ethics board in order to write a book?

20 A. It's my understanding that anyone who
21 writes a book that receives money for it needs to get
22 approval from the ethics board.

23 Q. Okay. Does it -- does it matter if
24 they're making any money on it or is it just if you
25 sell it for any amount of money even if you're losing

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

1 money on it?

2 A. No. It actually does matter if you're
3 making money.

4 Q. Okay.

5 A. So if you go to the municipal code, if
6 you're going to earn money, you need to get an
7 opinion from the ethics officer and you certainly
8 need to have it in writing.

9 Q. Okay. And where does it say -- are you
10 aware of what regulation says that you have to have
11 it in writing?

12 MR. GEVERTZ: Object to the form.

13 THE WITNESS: The answer is no, I'm
14 not aware of that. But what I do know is,
15 is that in this instance, a decision was
16 made to write a book, to earn money from a
17 book, and it was not cleared by our ethics
18 board or our ethics officer in writing.

19 BY MR. THERIOT:

20 Q. Okay. But you're not aware of any
21 specific provision within the ethics code that says
22 that you have to get an opinion in writing regarding
23 writing a book?

24 MR. GEVERTZ: Object to the form.

25 THE WITNESS: I'm not aware of it.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

1 BY MR. THERIOT:

2 Q. Okay. If you don't make any money -- if
3 you were to write a book and did not sell it, would
4 you have to get an opinion from the ethics board?

5 A. I think it depends what the content of the
6 book was --

7 Q. Okay.

8 A. -- and the impact that the book would have
9 upon the administration. But the fact of the matter
10 is, is in this instance, no opinion was given from
11 the ethics board for a book that earned money.

12 Q. But even if it didn't earn money, if there
13 was a topic that it covered, that there still may
14 need to be a reason to get an opinion from the ethics
15 board?

16 A. Not that I'm aware of.

17 Q. When you said that it's important
18 for -- in order for the ethics code to apply, that
19 the -- that there actually be earning of money, if
20 they could show that there was no money earned, that
21 there was actually -- they spent more on the book
22 than they actually got from it, then would they need
23 to get permission from the ethics commissioner?

24 MR. GEVERTZ: Object to the form.

25 THE WITNESS: I mean, I'm not going

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

1 correction departments have bodies of experts that
2 review your department, compare them to other
3 departments and really determine whether you are best
4 in the class or not.

5 Q. Not all fire departments or police
6 departments get accredited; is that right?

7 A. That is true. But the City of Atlanta had
8 been accredited. So this wasn't -- we weren't
9 competing for something new. This is losing
10 something that we had.

11 Q. What -- had the City of Atlanta ever been
12 in -- now, you mentioned -- I believe that you said,
13 "We would lose our accreditation."

14 A. That's correct.

15 Q. That's correct. Is there a difference
16 between losing your accreditation and being put into
17 deferred status?

18 A. Well, as Chief Cochran described it to me,
19 we were at risk of losing our accreditation.

20 Q. Okay. So it was your understanding --

21 A. So I'm not going to get into a debate
22 about deferred status. Deferred status is a step
23 from losing your accreditation.

24 Q. Right.

25 A. So we had something. We had a standard.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 77

1 We were on the verge of losing that standard. And if
2 we didn't directly respond to a series of risks, we
3 were going to lose that. And it was covered by the
4 Atlanta Journal-Constitution.

5 And so what I'm saying is, is that was the
6 first time during our relationship when my confidence
7 was shaken.

8 Q. Was -- was the City of Atlanta ever in
9 deferred status prior to that time?

10 A. I don't know the answer to the question.

11 Q. What was -- do you know the specific
12 reasons that it was -- or as you said, that you were
13 in danger of losing your accreditation?

14 A. I don't recall the specific reasons on
15 February 14th, 2017, of events that happened in '12.
16 But there was a list. There's clear documentation of
17 it. And there's also proof that after the
18 documentation that we surged financial resources to
19 support Chief Cochran.

20 MR. THERIOT: Okay. All right.

21 Let's mark this as Plaintiff's Exhibit 4,
22 please.

23 (Exhibit 4 was marked for
24 identification.)

25

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 80

1 reflect your understanding of the resources that were
2 required?

3 A. It does. It reflects PowerPoints, but as
4 I said, we had a meeting where we went into detail
5 about what was required.

6 Q. Okay. And did that meeting -- was
7 this -- is that the meeting where this PowerPoint was
8 presented?

9 A. No, it was not.

10 Q. Okay. It was not.

11 A. It was a meeting that took place with
12 myself and our COO where he informed me of the news
13 that we were getting ready to -- that we were at risk
14 of an accreditation downgrade. Shortly after that
15 there were television and print reports of that
16 downgrade.

17 Q. How did they become aware of the
18 downgrade?

19 A. I have no idea.

20 Q. Did -- that last page mentions "enhanced
21 analytics technology" and "restore Battalion 1."

22 A. That's consistent with my comments
23 regarding --

24 Q. Right.

25 A. -- his statements that there were

1 technology advancements and upgrades that were
2 needed.

3 Q. And the reason why -- did he articulate
4 the reason why those were needed, because we
5 weren't -- didn't have the funding to keeping up with
6 keeping a battalion in place and keeping the
7 technology upgraded in that meeting?

8 A. No. That wasn't the explanation that he
9 was giving.

10 If you look at what we were doing, we had
11 already started shifting resources to -- to the fire
12 department, so the "I don't have the money for it"
13 really isn't the explanation, because when he came to
14 me and said that he needed the money, he got the
15 money that he needed.

16 Q. Okay. And when did he get the money that
17 he needed?

18 A. You would have to consult our records.
19 But after that meeting, the COO and I left, and my
20 direction to the COO was to fully support what we
21 needed to do because I did not want us to either be
22 on an "at risk" list or to lose our accreditation or
23 to have our ISO rating downgraded.

24 So Atlanta currently has an ISO rating of
25 one. It had been two before. That was important to

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 88

1 Q. Who told you that he had written a book?
2 How did you find that out?

3 A. Sometime during the course of 2013
4 Chief Cochran had referenced that he was writing a
5 book or had written a book, and so during a cabinet
6 meeting said it in a casual -- after being in a room
7 like this, said that he was either writing a book or
8 had written a book. So I had heard of that sometime
9 in 2013.

10 Q. That was at a -- in a -- it was at a
11 cabinet meeting, but you don't recall exactly when
12 that was?

13 A. I don't. After a cabinet meeting, which
14 is a meeting of the city's principals, he said that
15 he was either working on a book or had written a
16 book.

17 Q. Sometime in 2013?

18 A. Uh-huh.

19 Q. When did you first actually see a copy of
20 the book?

21 A. The first time I actually saw a copy of
22 the book was when Yvonne Yancy came into my office,
23 that I recall --

24 Q. Okay.

25 A. -- and told me about Chief Cochran's book.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 89

1 Q. Approximately when was that?

2 A. It would have been sometime in the --
3 between October and December in '13.

4 Q. Okay.

5 MR. GEVERTZ: '14?

6 THE WITNESS: '14. I'm doing the
7 best I can. Towards the end of the year.

8 BY MR. THERIOT:

9 Q. Right. Okay.

10 A. I just remember that it was around the
11 holidays.

12 Q. All right.

13 A. Around the holiday season.

14 Q. Do you remember having a conversation with
15 Chief Cochran in February of 2014 around the State of
16 the City address in which you told him that you had
17 received a copy of his book?

18 A. The answer is no.

19 Q. Okay. So the first time you talked to him
20 about the book was at that staff meeting sometime --

21 A. The time that I remember --

22 Q. Right.

23 A. -- is when -- in cabinet, and he said that
24 he was either working on a book or had written a
25 book.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 90

1 Q. Okay.

2 A. And he wanted me to have a copy.

3 Q. Okay.

4 A. And so what I -- what I want to give you a
5 sense of is the amount of materials that I receive on
6 a daily basis is beyond voluminous, so I don't recall
7 ever seeing his book until Commissioner Yancy walked
8 in my office with it.

9 Q. Okay.

10 A. And I've never read it.

11 Q. Did your executive assistant,
12 Lilly Cunningham, ever mention to you that
13 Chief Cochran had left a copy of the book with her?

14 A. Not that I recall at all.

15 Q. Did -- did you ever ask her about that
16 since the events of this -- underlying this lawsuit
17 took place to see if she remembered that?

18 A. No.

19 Q. Is it possible that Chief Cochran could
20 have given her a copy of the book and gave it to you
21 and he had a conversation about that with you?

22 A. It's also possible that he did not.

23 Q. Okay. You don't have any specific
24 recollection one way or the other?

25 A. I do not. I mean, people send books to me

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 116

1 Q. Okay.

2 A. Because I had informed him in the meeting
3 that we had when he brought the downgrade to our
4 attention that if we did not retain our
5 accreditation, that he would be fired.

6 So in that meeting I said, because I
7 respect you and I know that you're a serious person,
8 I don't want there to be any miscommunication about
9 what's going to happen if we do not retain our
10 accreditation.

11 And so in my judgment, there was -- we had
12 achieved the objective.

13 Q. Okay. The meeting that you had with
14 Yvonne Yancy and several others prior to the
15 suspension of Chief Cochran that occurred -- I
16 believe you testified a couple of weeks prior to his
17 suspension.

18 A. It did. I said within 14 days, within
19 two weeks.

20 Q. Okay. What -- did you have any
21 conversations in that meeting that were not
22 attorney-client privileged?

23 A. I don't know. I haven't practiced law in
24 seven years, so I'm not going to guess at it. I did
25 receive a very strong counsel that we were in real

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 118

1 Q. Okay.

2 A. -- in almost any respect.

3 I mean, this process -- number one, there
4 was a book that was written without my permission,
5 that I was never -- it was not discussed with me.
6 There was -- there is a -- there was dollars that
7 were earned. There was no opinion given in writing
8 by our ethics officer. There were people who were
9 complaining and saying that they had received this
10 book.

11 The Anti-Defamation League came to my
12 office to meet with me regarding the matter that
13 we're discussing. So I think to say it was usual, it
14 wasn't usual.

15 This is the advice that I was getting from
16 people who have positions of responsibility, and the
17 advice was very forceful. I actually restrained it.

18 The majority opinion among my team was
19 that once -- this offense was very serious and needed
20 to be acted on immediately. I pushed back. I said,
21 we need to take our time and we need to respect the
22 chief's career, and so we did an investigation.

23 Q. Why was he suspended without pay?

24 A. He was suspended without pay because, in
25 my opinion, writing a book and earning money off of

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

1 Kevin Sandlin dated November 24th. They responded
2 right away to your Facebook post on the
3 November 24th; is that correct?

4 MR. GEVERTZ: Object to the form.

5 THE WITNESS: It appears so.

6 BY MR. THERIOT:

7 Q. Okay. And -- and they expressed
8 disagreement with your post; isn't that right?

9 A. It appears so.

10 MR. GEVERTZ: Object to the form.

11 BY MR. THERIOT:

12 Q. Were there any other responses that you're
13 aware of, other than on your Facebook page, to your
14 Facebook post?

15 A. I don't know.

16 Q. Not that you're aware of?

17 A. Not that I'm aware of. But, I mean, you
18 can't possibly mean responses in general, because
19 during the course of this, I received more than -- we
20 stopped counting at 10,000 e-mails.

21 Q. And those began when?

22 A. They began between the date that he was
23 suspended and the date that he was terminated.

24 Q. Okay.

25 A. And I have been in politics long enough to

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 137

1 know that they were manufactured. I believed it the
2 minute that we started getting e-mails that read
3 almost exactly the same.

4 Q. That -- was that the -- the basis of your
5 statement they were manufactured is the e-mails were
6 essentially the same?

7 A. They were very similar.

8 Q. Okay. Any other thing that indicated they
9 were manufactured?

10 A. No, not that I can think of right now.

11 Q. Was there any indication that you are
12 aware of that -- who was behind the manufacturing of
13 the e-mails and the texts?

14 A. No. I mean, I did not know it verifiably
15 until we got the document showing that Chief Cochran
16 was -- was a part of an effort to stimulate comment
17 towards me and my family.

18 Q. When did you get that document?

19 A. I only learned of the document during the
20 course of discovery, but I had a strong suspicion
21 that Chief Cochran was coordinating with members from
22 certain communities that didn't agree with the
23 judgment that I made to communicate their displeasure
24 to that.

25 Q. What was that suspension based upon?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 151

1 proceed.

2 Q. And that was -- so that was Ms. Yancy,
3 Mr. Geisler and --

4 A. And Ms. Hampton.

5 Q. Ms. Hampton.

6 I'm sorry, Ms. Hampton.

7 MS. HAMPTON: That's okay.

8 BY MR. THERIOT:

9 Q. That was something that you ordered them
10 to do and wasn't somebody else's idea; is that right?

11 A. No, that was a recommendation.

12 Q. A recommendation by your senior team?

13 A. Yes, from the human resources commissioner
14 about the aspects of his suspension.

15 Q. Okay. Do you know who the person was that
16 actually did the investigation?

17 A. I do not.

18 Q. You mentioned you received -- during the
19 investigation and during his suspension you received
20 thousands, I believe you may have said 10,000 --

21 A. You know that I have. You have the
22 documents. You know that 17,000 people contacted me.

23 Q. Right.

24 A. What you don't know is that my phone rang
25 so much that we could not answer it through the

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Mayor Kasim Reed on 02/14/2017

Page 169

1 A. I don't recall.

2 Q. Okay. When did you decide to terminate
3 Chief Cochran?

4 A. I came to that decision sometime in the
5 first ten days of January.

6 Q. Was that a collaborative decision with
7 your senior team?

8 A. Yeah, it was a collaborative decision
9 after the results of the investigation, which were
10 crystal clear that he had violated the path -- or the
11 process for you to write a book and sell it for a
12 profit. And he had not done it. And I did
13 not -- and he no longer had my confidence.

14 Q. And you made that -- you're the one who
15 made that final decision; is that correct?

16 A. I am the one that made that final decision
17 after consultation with our city attorney, the COO,
18 my chief of staff, and the human resources
19 commissioner, that he could not continue with the
20 support of the people that worked for him.

21 Q. Was that at a meeting?

22 A. I don't recall the forum.

23 Q. Okay. So it may not have been a formal
24 meeting where you consulted with all them together,
25 you may have consulted with them individually?

INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

City of Atlanta Law Department

January 9, 2015



INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

As requested, the Law Department conducted an investigation to determine (1) whether publication of the book *Who Told You That You Were Naked*, by Atlanta Fire Rescue Department Chief Kelvin Cochran had been authorized; (2) whether and to what extent the book had been distributed in the workplace; and, (3) if there was any indication that Chief Cochran allowed his beliefs, as expressed in the book, to influence his disciplinary decisions. The investigation involved in-person interviews with Commissioner of Human Resources, Yvonne Yancy, members of the Atlanta Fire Rescue Department's (AFRD) command staff, the City's Ethics Officer Nina Hickson, AFRD Public Information Officer Janet Ward, and union president Steven Borders.

I. Was Publication of the Book Authorized?

The Standards of Conduct provide a clear directive to “commissioners, deputy commissioners [and] department heads” to seek approval of the Board of Ethics before the department head “may engage in private employment or render services for private interests.”¹ No such approval was sought or rendered in the publication of the book that is available on Amazon.com for purchase.

At the outset of the investigation, Chief Cochran admitted that he did not inform Mayor Reed that he was publishing the book and did not have the Mayor's

¹ City of Atlanta Code of Ordinances Section 2-820 (d) Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels; provided, however, that any expense reimbursements received for such engagements must be reported in accordance with section 2-815.

INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

permission. The only indication there was any mention of the book to anyone in the Mayor's Office is the Chief Operating Officer at the time of publication remembering that Chief Cochran had talked about writing a book on leadership.

Chief Cochran insists Ethics Officer Hickson authorized both the publication of the book and the reference in the book to his position as AFRD Chief. His recollection is that he first contacted Ms. Hickson to determine if it was permissible to publish the book and that he later asked if it was appropriate to identify himself in the book as AFRD Chief. Ms. Hickson indicated that she did not approve publication of the book and had no authority to grant such approval. She said she told him that he would need to get the Mayor's permission as well as a formal opinion from the Board of Ethics.

Contemporaneous notes from Ms. Hickson's log read as follows:

31 Oct 2012...T/C 10:34 a.m.....Advise regarding non-city-related book he is authoring...will check back w/ me in about 6 mos.

2:22 p.m.....9 July 2013...T/C Fire Chief Cochran...mentioning in book...advice-> Leadership Association...assoc...MLM...get a percentage of profit...told him to clear with Mayor...then get authority from Board of Ethics.

II. To What Extent Was the Book Distributed in the Workplace?

Chief Cochran stated that he provided the book to certain members of his command staff as a personal gift. He originally stated that he did not provide it to anyone who did not request a copy. The investigation disclosed that the book was distributed in the workplace to at least nine (9) individuals. Three (3) of these officers stated that the book was given to them without a request on their part.

Battalion Chief Stephen Hill stated he had been in a professional counseling one-on-one session with Chief Cochran regarding what he needed to do to prepare himself for appointment to Assistant Chief, the only sworn position over which Chief Cochran had sole appointing authority.

Chief Christopher Wessels stated the book was given to him unsolicited at a Chiefs' retreat, but there was no discussion about the book.

INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

Chief William Collier received an unsolicited book from Chief Cochran at a workshop conducted at the airport but there was no discussion of the book's content.

Chief Cochran acknowledged that he had given these three individuals unsolicited copies of the book.

III. Did the Expressed Beliefs Influence Disciplinary Decisions?

There is currently no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions. While the fire chief has final authority over disciplinary decisions, the initiation of discipline occurs at lower management ranks for investigation by the Office of Professional Standards. Final recommendations on the level of discipline are made by a Disciplinary Review Panel consisting of chief officers that convenes to review cases sustained by OPS. This Panel then vets each case individually and recommends a level of discipline based on a preset grid that ensures consistency. The recommendation from the Panel must fall within the range set within the grid. Once the Panel forwards its recommendation to the fire chief, he then makes a decision to accept the recommendation, to reduce or to increase within the range or to refer back to the Panel for further review.

The consensus of the command staff witnesses interviewed is that Chief Cochran is more likely to adopt a level of discipline lower than what the Panel recommends. A review of the disciplinary recommendations presented to Chief Cochran from September 2012 through December 2014 shows that, of the 120 cases presented, Chief Cochran deviated from the recommendation of the Disciplinary Review Panel in three instances. In one case, Chief Cochran decreased a firefighter's discipline for a first occurrence failure to report accident infraction from the recommended written reprimand to no discipline. In two cases involving lieutenants, Chief Cochran upgraded discipline from the recommended Category B violation to Category C. In those two cases, the vote of the Disciplinary Review Panel had been split between Category B and C, and both employees held the rank of lieutenant, which Chief Cochran considered to warrant an enhanced level of accountability.

There was a consistent sentiment among the witnesses that firefighters throughout the organization are appalled by the sentiments expressed in the book.

INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

There also is general agreement the contents of the book have eroded trust and have compromised the ability of the chief to provide leadership in the future.

No interviewed witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs.

Union president Borders was unable to offer any examples of maltreatment. He echoed the sentiment of distrust and disgust created by the contents of the book with the representation in the book that Chief Cochran is speaking in his capacity as AFRD Chief. He cited to an example wherein firefighters were disciplined for expressing support of *Chick-fil-A* CEO Dan Cathy's stance on homosexuality. In that case, during the height of the controversy, a squad of AFRD firefighters took a group picture showing them in uniform at one of Cathy's restaurants. One of the firefighters then posted the picture on Facebook expressing support for Cathy's religious beliefs and his opinion of homosexuality and gay marriage. When a citizen complained, Chief Cochran directed the captain of the squad to initiate an OPS complaint. The complaint was sustained for a work rule violation and the firefighters were given thirty day suspensions. Borders' opinion was that Chief Cochran should be held to the same standard.

Retired Battalion Chief Cindy Thompson, a lesbian, expressed her views publicly after the contents of the book became an issue, indicating that she had suspected Chief Cochran had such beliefs. She stated that she took a voluntary demotion because of these suspicions. Steven Borders stated that the employees who brought the issue to his attention did not feel comfortable coming forward, but he also indicated that there were no specific complaints of maltreatment. He also advised that the employees thought the "investigation" would not be a serious effort to get at the truth, but said that he was convinced in seeing what was being done that the investigation was legitimate. He was then asked to have any of these employees who wanted to share their concerns contact us. None of them ever did so.

Robin Shahr, LGBT advisor to Mayor Kasim Reed, provided us with the names of two individuals who contacted her. AFRD retiree Mary Pharr and AFRD Lt. Joette Castronova were both contacted for telephone interviews. Both stated that they were intensely offended by the viewpoints expressed in Chief Cochran's book, but neither provided any examples of having experienced Chief Cochran displaying the influence of any of these viewpoints in his professional capacity.

Exhibit B

Deposition Transcript of Kelvin Cochran and it's Exhibits

(relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

Page 19

1 A. No.

2 (Exhibit 3 was marked for
3 identification.)

4 BY MR. GEVERTZ:

5 Q. I'm going to hand you Exhibit 3. You have
6 seen this document, correct?

7 A. Yes.

8 Q. And that's your signature in the middle of
9 the page; is that right?

10 A. Yes.

11 Q. What was your purpose in completing this
12 document; do you recall?

13 A. I understood it at the time to be just a
14 standard within the City of Atlanta for all
15 employees.

16 Q. For all employees or for employees of a
17 certain rank?

18 A. To my knowledge, for all employees.

19 Q. Okay. And what was your -- did you have
20 any understanding as to why all the employees
21 allegedly were asked to complete this document?

22 A. As I recall, it was that the City would be
23 aware of any outside employment by any of its
24 employees.

25 Q. Do you -- did you find that request to be

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

Page 20

1 improper?

2 A. No.

3 Q. Did you find it in any way to be
4 burdensome?

5 A. No.

6 Q. You completed this, and at the time you
7 certified that you were holding no outside job,
8 correct?

9 A. That's correct.

10 Q. And that was the truth, correct?

11 A. That's correct.

12 Q. How did you learn that you were obliged to
13 complete a document such as this?

14 A. I cannot recall in what setting or venue
15 this was presented to me.

16 Q. Briefly remind me, please, of your
17 educational background.

18 A. I have a bachelor's degree in
19 organizational management, a master's degree in
20 industrial and organizational psychology, and I'm
21 currently a student at Creighton University in a
22 doctoral program for interdisciplinary leadership.

23 Q. Is Creighton online classes or in person?

24 A. Yes.

25 Q. Online. Would you consider yourself

1 as to agree with me that that wasn't merely your
2 choice of leadership style, that was an essential
3 function of a good, capable fire chief, the style
4 that you just described?

5 A. Right, that's a style, a philosophy, and
6 it's really the -- really the call that I have in the
7 profession. So, you know, certainly it should apply
8 to any well-meaning fire chief with the right motives
9 for service, but it was actually who I am. It was a
10 part of who I am as a -- as a person. And it was
11 just a natural translation from the person of Kelvin
12 Cochran to the professional fire chief Kelvin
13 Cochran.

14 Q. Okay. And I hear what you're saying here.
15 Here's my more specific point, which I think we're in
16 agreement on, and that's this. This leadership style
17 and the principles that you just spoke about, I know
18 that they were yours and come naturally to you, but
19 were they also necessary to be an effective fire
20 chief within the City of Atlanta?

21 A. Yes.

22 Q. Second, the leadership style that you just
23 described included some component, if I heard you
24 correctly, of diversity within your fire department?

25 A. That's correct.

1 locate them.

2 A. I cannot recall. I don't think I did.

3 Q. I can't help but notice that your overall
4 rating was an outstanding in 2011 but only an
5 effective in 2014. Do you have any insight as to why
6 your performance was adjudged to have dropped by two
7 levels?

8 A. Yes, I recall specifically. The COO
9 indicated that it was because we had -- we were in
10 deferred status with our accreditation.

11 Q. And the COO meaning Duriya?

12 A. Duriya Farooqui.

13 Q. Did she mention any other reason that you
14 received an effective as opposed to something higher?

15 A. She mentioned that was the sole reason.

16 Q. Thank you.

17 Which entity was responsible for the
18 accreditation or reaccreditation of your department?

19 A. The department -- we had a unit within the
20 department called the office of assessment and
21 planning.

22 (Exhibit 19 was marked for
23 identification.)

24 BY MR. GEVERTZ:

25 Q. And so what body, as I hand you

1 Exhibit 19, was responsible for determining whether
2 or not you met accreditation standards?

3 A. The Center For Public Safety Excellence.

4 Q. Can you tell me a little bit in a thimble
5 of what that organization is?

6 A. It's an organization that has established
7 certain performance criteria for validating
8 efficiencies of fire and rescue departments.

9 Q. Independent body?

10 A. Yes.

11 Q. Is it run out of Washington, D.C.? Is it
12 part of the federal government?

13 A. No. They're independent from the
14 government. They're a non-governmental entity.

15 Q. And so they go -- correct me if I'm
16 wrong -- from fire department to fire department and
17 determine whether they meet certain basic standards?

18 A. Fire departments voluntarily submit for
19 what's called a self-assessment after having gone
20 through a period of what they believe implementing
21 procedures, processes, systems, and practices that
22 would meet the Center For Public Safety Excellence
23 criteria for accreditation.

24 After having done what they believe would
25 meet that criteria through a self-assessment, they

1 Q. 2013. And they would have come back and
2 told you, you're not quite ready for a peer
3 assessment or a site visit, and the fire department
4 under your supervision took an additional four months
5 to get your house in order and convince the CFAI that
6 you were ready --

7 A. Yes.

8 Q. -- for a peer review? Okay. And so that
9 peer review, at least according to the title page of
10 this document, occurred in December of 2013?

11 A. Yes.

12 Q. And the results of that peer review were
13 published, it looks like in February of 2014?

14 A. Yes.

15 Q. Okay. And those results effectively found
16 that you ought to be continued to be deferred,
17 correct?

18 A. Yes, to be deferred.

19 Q. Yes, sir. And if I look at page three of
20 this document, and I quote, "That the data that was
21 provided by the Atlanta Fire Rescue Department was
22 incomplete or inaccurate and could not be used for
23 the validation of the agency's established emergency
24 services baselines or in the meeting of fire and
25 emergency services best practices." And they went on

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

Page 100

1 Q. And very briefly, what you ended up
2 seeking from the City as a result of the
3 reaccreditation report was over a million dollars in
4 expenditure for hardware, software, and training of
5 personnel?

6 A. Well, staffing and training.

7 Q. Staffing and training. Am I correct in
8 the figure?

9 A. Yes. Well, I haven't looked at it in a
10 while, so if you'll pardon me.

11 Q. Yes, sir.

12 A. Permit me. Yes.

13 Q. Now, I don't think it's much of a leap to
14 suggest that this report put you in a tough position;
15 is that fair to say?

16 A. Yes.

17 Q. Okay. It didn't reflect well on the
18 department?

19 A. Well, when I say tough position, it really
20 put us in a very positive position.

21 Q. I'm sorry. When you said yes, it was a
22 tough position, you really meant to say --

23 A. It was challenging, but I think it was a
24 good thing that we found out exactly what we had been
25 trying to build a business case for for years. The

1 had that personal connection as members of Elizabeth
2 Baptist Church.

3 Q. Were you responsible for hiring her?

4 A. Yes, I was.

5 Q. Did the fact that you two went to the same
6 church come up at all during --

7 A. No, sir.

8 Q. -- her interview or hiring process?

9 A. No, sir.

10 (Exhibit 28 was marked for
11 identification.)

12 BY MR. GEVERTZ:

13 Q. I'm going to show you Defendants'
14 Exhibit 28, and I'm only going to refer you to the
15 top page.

16 A. Okay.

17 Q. It appears as if there was an attachment
18 to one or more of these e-mails, which was a draft at
19 the time of your book Who Told You That You Were
20 Naked?, correct?

21 A. Yes.

22 Q. You e-mail -- and I'm again on the first
23 page at the bottom -- on Tuesday at 1:30 in the
24 afternoon to Myrna Gale, the publisher, attached is a
25 revised version of the book Who Told You That You

1 Were Naked? This was sent from your work e-mail
2 address, correct?

3 A. Yes.

4 Q. During work hours on a work day, correct?

5 A. Yes.

6 Q. And then above that, at 3:43 on a
7 Thursday, your assistant Ms. Napper, N-a-p-p-e-r,
8 forwarded that same document along to your publisher,
9 as you were apparently out of the office, correct?

10 A. Yes.

11 Q. Did she do that on her own, or did you
12 direct Ms. Napper to forward that along to the
13 publisher?

14 A. More than likely, I requested her to do
15 it.

16 Q. The restriction on Internet usage to
17 business-related affairs I think you previously
18 testified you understood applied to you, correct?

19 A. That's correct, but, you know, there's a
20 couple of things that must be pointed out in the
21 context of what you established earlier.
22 Commissioners and department heads, especially in my
23 capacity as the fire chief of the City of Atlanta, we
24 don't have normal workdays. We don't work
25 8:00-to-5:00 days.

1 I'm essentially, as a chief of a fire
2 department in a metropolitan city at work all the
3 time. So it's common for commissioners, department
4 heads, to take personal time whenever they can during
5 their workday. There's not a scheduled, as some
6 organizations have, mid-morning break, a lunch break,
7 a mid-afternoon break, and then you get off. That
8 pattern does not work for a commissioner or head of a
9 department, especially in the fire chief's office,
10 and so that's common themes throughout commissioners,
11 public safety chiefs. And at no time did my work
12 interfere with my duties and responsibilities as the
13 fire chief of the City of Atlanta.

14 Q. Yes, sir. Now, Ms. Napper was not the
15 fire chief, correct?

16 A. That's correct.

17 Q. She was clearly on the clock and at work
18 working for the City of Atlanta at 3:43 in the
19 afternoon on a Thursday?

20 A. That's correct.

21 Q. Further, there was nothing that prevented
22 you in city code or ordinances or guidelines from
23 using your own personal computer to convey personal
24 items, was there?

25 A. No.

1 objection.

2 MR. GEVERTZ: Too much information in
3 one question.

4 BY MR. GEVERTZ:

5 Q. December 9th of 2013, was a Monday. At
6 3:33 on a Monday afternoon in December, you provided
7 your publisher from your City of Atlanta account the
8 final galley of your manuscript for your book with
9 edits, correct?

10 A. Yes.

11 Q. But it is your testimony that this did not
12 in any way interfere with the performance of your
13 duties as the fire chief, correct?

14 A. That's correct.

15 Q. Thank you.

16 Do you recall when you first began
17 distributing copies of your book to people within the
18 fire department?

19 A. It would have been soon after receiving an
20 initial order of books.

21 Q. And who within the fire department --
22 strike that.

23 Ideally you could do this in order, but I
24 won't test your memory to that extent. Who within
25 the fire department do you recall distributing a copy

1 of your book to?

2 A. There are essentially three categories as
3 I like to keep it organized in my head of
4 distribution. There were some Christian men. First
5 of all, all of them were Christian men who had -- who
6 I had established a prior conversation or
7 relationship with as Christians. The first group was
8 a group of Christian men that we were so close in our
9 understanding and connection with one another
10 interpersonally, they knew I was writing a copy of
11 the book, and before it was finished, they said, when
12 you finish, I want a copy of it.

13 The second group was a group of men, who
14 when they found out that I wrote a book, requested a
15 copy. There was about three, as I can recall, who
16 because we had a prior connection and established a
17 relationship or an understanding of our
18 like-mindedness in our faith, I actually gave them a
19 copy.

20 Q. I'm sorry. So there are three categories?

21 A. Yes.

22 Q. Category one was men who you were close to
23 and knew their Christian affiliation, thoughts,
24 philosophy was in sync with yours?

25 A. Right, who knew I was writing a book, who

1 requested a copy.

2 Q. Okay. And they requested it. And the
3 second group was people once they heard about the
4 book, requested a copy, and you distributed it to
5 them?

6 A. Yes.

7 Q. Help me with the third category again?

8 A. There were, and I think it was
9 approximately three men, who we knew each other as
10 Christians, but they neither knew I wrote a book and
11 requested a copy, or knew I was writing a book and
12 asked for a copy, but just in the context of our
13 relationship that we had prior established as
14 Christians, you know, I gave them a copy of the book
15 as a gift.

16 Q. So who was in the first group?

17 A. As best as I can recall, Joe Baker,
18 Randall Slaughter.

19 Q. I'm sorry, last name is?

20 A. Slaughter.

21 Q. Yes, sir.

22 A. Wilman Meadows, Bernard Coxton. I'm
23 really struggling with the names.

24 In the second category, I think it would
25 be Chad Jones. I can't -- I know it was at least

1 three in that group.

2 And then in that last group, the three
3 that I recall were Stephen Hill, Chris Wessels, and
4 William Collier.

5 I just recalled another name in that
6 middle group. Michael Simmons was another name in
7 that middle group.

8 Q. Approximately how many total people within
9 the fire department do you recall giving a copy of
10 your book to?

11 A. I'd say nine to 12.

12 Q. And your department had how many people
13 working?

14 A. Eleven hundred.

15 Q. Chaplain Miller, was he among the people
16 you --

17 A. Yes.

18 Q. Would he be in the first, second, or third
19 group?

20 A. That middle group.

21 Q. In each case I think you described the
22 categories of groups as consisting of Christian men?

23 A. Yes.

24 Q. Why did you not offer your book to
25 non-Christians?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

Page 150

1 Q. And did you sell out in Shreveport?

2 A. I don't remember. I probably did.

3 MR. GEVERTZ: Thank you.

4 (Exhibit 32 was marked for
5 identification.)

6 BY MR. GEVERTZ:

7 Q. This is Exhibit 32, and these are two
8 e-mails that occur on the same day. The first is
9 from Ms. Gale to you on a Monday afternoon at 2:10,
10 and she provided you with the updated galley. What's
11 a galley?

12 A. It's the complete document.

13 Q. And she was asking you I guess to review
14 it and ensure that it was in order so that she could
15 proceed with preordering your books?

16 A. Yes.

17 Q. And an hour and 37 minutes later, you
18 e-mail her back on that Monday from your work
19 computer telling her that everything looks fine,
20 right?

21 A. Yes.

22 Q. Meaning please proceed, right?

23 A. Yes.

24 Q. I take it then that you reviewed the
25 galley, and it met with your approval in that

1 intervening hour and 37 minutes, correct?

2 A. Yes.

3 Q. But this did not interfere with your
4 ability to perform your job duties?

5 A. No, sir.

6 Q. Did you discuss your book or its
7 principles on the radio in July of 2014?

8 A. Not that I can recall.

9 Q. Okay. Specifically with a Pastor Hollins
10 on a show entitled Have Faith in God?

11 A. Yes. Yes.

12 Q. Where is that broadcast out of?

13 A. That's in Shreveport. That was -- that
14 would have been on my trip to Shreveport.

15 Q. AM frequency? FM frequency?

16 A. AM.

17 Q. Is that an hour long show?

18 A. About 30 minutes as I recall.

19 Q. Were you the sole guest for that
20 30 minutes?

21 A. Yes.

22 Q. And did you talk about your book?

23 A. Yes.

24 Q. Was it in interview format where he asked
25 you questions and you responded?

1 A. Yes, and Jesus Christ is both your Savior
2 and your Lord.

3 Q. Would you go so far as to say that being
4 clothed is being Godly --

5 A. It is --

6 Q. -- acting in a Godly fashion?

7 A. It is a devotion of your life to try your
8 best to live a Godly life.

9 Q. To become clothed, must you be born again?

10 A. Yes.

11 Q. Consequently, if you are not born again,
12 you are not living a Godly life?

13 A. According to my understanding of the
14 scripture, yes.

15 Q. Further, if you are naked, you are
16 spiritually dead?

17 A. You can very well be spiritually dead
18 from my understanding of Scripture as a person who's
19 never accepted Christ as Savior. It's possible for a
20 person to not be spiritually dead and have Christ as
21 Savior but not allow him to be the Lord of his life.

22 Q. Would you agree with me that the naked are
23 spiritually dead?

24 A. Yes. Some of them are.

25 Q. You talk about how the naked condition was

1 A. Yes.

2 Q. Okay. So naked means that you're a
3 sinner, and clothed means you're righteous?

4 A. Yes.

5 Q. You're one or the other? And further, and
6 I think we -- I think I understand this part, if
7 you're naked, you're naked. There are no gradations
8 of being naked?

9 A. That's correct.

10 Q. And you write, "Similarly, if you are
11 clothed, you are clothed." There are no gradations
12 of clothed?

13 A. That's correct. Because according to our
14 faith, accepting Christ as our Savior and Lord, we
15 become the righteousness of God in him, that even
16 though we have issues in our carnal nature, that the
17 blood of Christ covers our sins, and in him we are
18 righteous.

19 Q. In your book you have a chapter devoted to
20 the distinction between the clothed and the naked.
21 You're still introducing the readers to these
22 concepts and that they're different from one another.

23 A. Yes.

24 Q. And some of the adjectives you use to
25 describe naked are "sinner," correct?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

Page 177

1 A. Yes.

2 Q. Naked -- the naked are wicked?

3 A. Yes.

4 Q. And un-Godly, and evildoers, correct?

5 A. Yes.

6 Q. And then you quote from the different
7 Proverbs and talk about how the naked shall perish.

8 A. Uh-huh.

9 Q. Correct?

10 A. Yes.

11 Q. Sorry. I just need you to articulate.

12 A. Sure.

13 Q. That the naked will not inherit the earth,
14 correct?

15 A. Yes.

16 Q. And that in fact, when the naked perish or
17 die, there is celebration?

18 A. The whole purpose behind -- to put it in
19 the proper context, what you just prefaced before
20 getting to Proverbs, in my research based upon the
21 definitions I discovered of naked and clothed, all of
22 those words can be used synonymously with either
23 naked or clothed, that we don't have to try to figure
24 that out.

25 If you see any one of those words that

1 fall under clothed, it's talking righteous, good man,
2 just, all those words. It's talking about one type
3 of man, a clothed man. If you look at the words that
4 fall under the heading of naked, wicked, evildoer,
5 scorner, it's talking about one type of man, the
6 naked man. And so I use those Psalms to replace
7 words that fall under those categories to see how
8 that translates into the Scripture.

9 Q. And you find it translates?

10 A. Yes.

11 Q. And so, for example, in your book you
12 write that the naked, "When the naked perish, they
13 are shouting," which I think means that there's joy
14 and celebration?

15 A. Yes. And the word synonymous to that in
16 Scripture is when the wicked, so rather than use
17 wicked, naked.

18 Q. The naked are deceitful, correct?

19 A. Yes.

20 Q. The naked are mischievous?

21 A. Yes.

22 Q. A naked man is loathsome?

23 A. Yes.

24 Q. Thank you.

25 In the book you reference your role in

1 in Christ, period, that as a husband, as a father, as
2 a fire chief, as a preacher, as a deacon. In all of
3 the stations that I hold, roles that I hold in life,
4 it's the Christian core to glorify God in all that he
5 gives you to do.

6 Q. Does glorifying God mean living up to his
7 expectations?

8 A. Yes.

9 Q. Does it mean being clothed?

10 A. Yes, being clothed, that's a part of it.

11 Q. Does it mean helping to bring those who
12 you encounter into a state of being clothed?

13 A. Yes, in -- yes, in certain contexts, it
14 does.

15 Q. I'm through with this page. Thank you.

16 In the book there's a section entitled,
17 "You need to talk to my husband." And in it you
18 begin by asking the hypothetical question what would
19 have happened if rather than responding to the
20 serpent to the Garden of Eden, Eve had said instead,
21 you need to talk to my husband. You with me so far?

22 A. Yes.

23 Q. I haven't misinterpreted it so far?

24 A. No.

25 Q. And you go on to postulate -- to

1 hypothesize that if that had happened, then there
2 would not have been a fall from grace; is that
3 correct?

4 A. Yes.

5 Q. And am I correct in understanding that the
6 reason that you don't believe that Adam and Eve would
7 have been kicked out of the Garden of Eden is because
8 Adam would have felt empowered and emboldened enough
9 by Eve referring the conversation to him to serve as
10 his protector -- as her protector?

11 A. The intent behind that was to demonstrate
12 that the decision that was made was going to impact
13 their entire family. At the time, it was just the
14 two of them, but that the power of collaboration
15 between Adam and Eve would have put them in a
16 position to making a better choice.

17 The whole spirit behind, you need to talk
18 to my husband is, in the role of the family, when
19 there's a husband and a wife and children, if God
20 blesses them to have children, on decisions that
21 impact the entire household, there should be
22 collaboration between a husband and a wife, but
23 according to the structure of God and the family, the
24 husband has a final say.

25 In the book of Ephesians it talks about

1 taking place before a final decision was made.

2 That's the intent behind that.

3 Q. Even if you disagree with my
4 interpretation as being reasonable, can we agree that
5 the concept of collaboration of Eve and Adam jointly
6 reaching a decision does not appear in your book?

7 A. I can't say that I do, because, you know,
8 again, I was a Christian man writing this book to
9 Christian men, who I had the assumption that they
10 understood the fundamentals of, you know, family from
11 what took place in the beginning in that whole
12 Genesis Chapter one, Chapter two context, and that
13 they would understand Biblical principles of
14 families, heads of households, wives as the helpmate,
15 Jesus's analogy that a man should love his wife as
16 Christ loves the church and gave himself for her. I
17 drew those conclusions in the context of, you know,
18 understanding or someone would understand that need
19 for collaboration.

20 Q. Okay. With that in mind then, let me
21 follow up on what you've just said. If I am not
22 clothed, and I am not familiar with the gospel and
23 teachings, do you believe that you wrote enough in
24 here for me to conclude that this is about
25 collaboration as opposed to deference, if I lacked

1 the context?

2 A. Without the foundation of that Biblical
3 knowledge and those Biblical principles, you know,
4 it's quite possibly that you could. But I mean,
5 that's a hard scenario to just pinpoint on what one
6 reasonable person, it's just -- it's hard to apply
7 that to every person, every time in the scenario
8 you've given.

9 Q. Okay. Let me change my scenario a bit.
10 Were you aware that your book, or at least portions
11 of your book, ultimately made its way into the hands
12 and readership of people who lacked the context of
13 your target audience?

14 A. Yes.

15 Q. Lacking that context, even though it was
16 not your intent, can you see how those people
17 reasonably could have interpreted this section of
18 your book as talking about deference as opposed to
19 collaboration?

20 MR. THERIOT: Objection. Asked and
21 answered.

22 THE WITNESS: So -- and I'm not
23 trying to be evasive, but in the
24 generalities that you speak, people that
25 don't have a foundation for that context

1 could go either way. I mean, some could,
2 some could not. I guess that's the most
3 fairest way I could answer your question.

4 BY MR. GEVERTZ:

5 Q. Okay. Can we agree that having the
6 context of a Christian man, someone learned in
7 Christianity would be necessary to appropriately
8 interpret what you're writing?

9 A. They would be best suited to understand
10 the role of husbands and wives and family to
11 understand the fact that submitting yourselves to one
12 another, you know, husbands and wives in the role of
13 family, what the wife's role and the husband's role,
14 and that decisions that impact the family should be
15 discussed among the two.

16 Q. Separate question.

17 A. Yes.

18 Q. Nowhere in your book do I find a positive
19 reference to a woman as a role model. Do you
20 disagree with that assertion?

21 A. I can't recall off the top of my head, but
22 again, the book was written by a Christian man for
23 Christian men who struggle with issues of
24 condemnation. You know, I can't think of one. I'd
25 have to review the context of the entire book, but I

1 can't -- in talking about the roles of husbands and
2 family, which I think I've reached that and certainly
3 talked about honoring wives and women in the context
4 of family.

5 Q. Let me be clear. I'm not suggesting that
6 you are suggesting that women are not germane to
7 Christianity, but in the examples that you raise in
8 your book of women, contemporary women, I see
9 references to women who are temptresses. I see
10 reference -- or could be. I see references to women
11 who can lead men astray. I see references to women
12 who display or are capable of a number of vices, but
13 I don't see any reference to a virtuous woman or a
14 woman exercising virtue. Can you -- can you tell me
15 where that appears in your book?

16 A. Because men are not struggling in those
17 areas, who have women that are virtuous women, you
18 know, really are not -- is really not the content or
19 topic subject matter. Condemnation deals with
20 categories that men actually wrestle with, and that
21 there are many Christian men who have women issues,
22 issues with women. And so it's pointing out those
23 particular challenges that men have with women.

24 Q. I think what I hear you saying in so many
25 words is I don't disagree with you, but that's not

1 the purpose of my book.

2 A. It wasn't the purpose of the book.

3 Q. In order to glorify God, one must be
4 clothed; do you agree?

5 A. Well, to glorify God is a person who
6 acknowledges God as God and who acknowledges Jesus
7 Christ as Savior and Lord and commits their life to
8 pursuing his principles.

9 Q. Well, I agree -- I understand everything
10 you've said. So to close the circle then, it seems
11 as if you must be clothed in order to glorify God.
12 You can't be naked and glorify God?

13 A. Not being naked. Condemned and deprived
14 does not glorify God.

15 Q. In fact, if you were naked, you would be
16 doing the opposite, whatever that is, of glorifying
17 God, correct?

18 A. Yes.

19 Q. Glorifying the devil perhaps or sin?

20 A. Not necessarily. God has, according to
21 the Scripture, compassion on the naked. I mean, he
22 has compassion and desires for all the naked to be
23 clothed, using the context -- using those terms in
24 the context of the book, so he's not discompassionate
25 towards the naked.

1 Q. No. I'm sorry if I misspoke. That wasn't
2 my intent. I was instead trying to try see if we
3 could agree that if you were naked, you were the
4 opposite of acting in a Godly fashion; that you were
5 instead celebrating or living in sin.

6 A. That's one context of that description of
7 nakedness, yes, sir.

8 (Exhibit 36 was marked for
9 identification.)

10 BY MR. GEVERTZ:

11 Q. I'm showing you next Exhibit 36, which is
12 another portion from your book, sir. And I ask you
13 to turn, please, to page 82. "Uncleanliness," you
14 write, "is the opposite of purity," and it includes,
15 among other things, homosexuality, lesbianism -- is
16 it pederasty?

17 A. Pederasty.

18 Q. Which I understand is a specific type of
19 pedophilia between a man and a boy?

20 A. Yes. Well, adults and children.

21 Q. Bestiality and all other forms of sexual
22 perversion. Are naked people unclean?

23 A. You know, you can't take this section of
24 the book and single out one. This is not -- this was
25 not written intended to single out one sin or one

1 that may be affected by these sins.

2 Q. But naked people by their very definition
3 are unclean, right?

4 A. Well, yes. It just depends on the extent
5 that -- there can be -- let me just say it this way.
6 According to the Scripture, there can be a person who
7 has accepted Christ as their Savior and their Lord
8 and still have issues with these 17 works of the
9 flesh.

10 Q. Understood. I'm asking the opposite
11 question.

12 A. The opposite of that -- I wanted to put
13 the answer to your question in context. So because
14 of that, because that's the purpose that Christ came,
15 to deliver us from our carnal nature, to deliver us
16 from these works of the flesh, a person who rejects
17 him or does not accept him to be their covering, to
18 be their clothing, is naked.

19 Q. Okay. If I understand what you just told
20 me, clothed people can sin?

21 A. Yes.

22 Q. Clothed people can be unclean?

23 A. Yes.

24 Q. Are naked people necessarily unclean?

25 A. Naked in the context of the definitions

1 transgression, we have forgiveness from Him.

2 Naked people are people who may be on this
3 list who does not know Christ or acknowledge Him as
4 their Savior and Lord, and that's the distinction
5 between the two.

6 Q. So you can't be an actively practicing
7 pedophile and still be clothed?

8 A. Right. It goes against the principles.

9 Q. You have to effectively be recovering, for
10 lack of a better word?

11 A. That's a good way to put it.

12 Q. Similarly, you cannot be a actively
13 practicing homosexual and be clothed?

14 A. According to my understanding of the
15 Scripture.

16 Q. But if that is your orientation or
17 proclivity, or whatever word that you want to use,
18 and you are seeking to change that about yourself,
19 working, recovering, then you can be clothed?

20 A. Yes.

21 Q. Could I say the same thing about alcohol
22 abuse?

23 A. Yes.

24 Q. If I am an alcoholic but seeking through
25 Alcoholics Anonymous to rid myself of that dependency

1 or struggle with that dependency, I can be clothed,
2 but if I'm an unrepentant or continued alcoholic, I
3 must by that definition be naked?

4 A. Yes.

5 Q. Can I be a murderer and be clothed?

6 A. If the murderer has repented of the murder
7 and seeks to not murder anymore, has confessed Christ
8 as his Savior and Lord, he can be clothed. The
9 challenge with using these singular items on this
10 list is that multiple of these 17 applies to all of
11 humanity, and the difference is their confession of
12 faith --

13 Q. I get it.

14 A. -- and their desire to want to repent,
15 which is to turn away from those behaviors that's on
16 this list.

17 Q. By extension, if I am Buddhist or Muslim
18 or Jewish and I am undergoing religious conversion, I
19 can -- I can be clothed?

20 A. Yes.

21 Q. But if I am any of those things and am not
22 seeking to convert, I must by definition be naked?

23 A. According to my understanding of the
24 Scripture, yes.

25 Q. One more hypothetical to run by you. You

1 write that "Since God made sex for procreation, he
2 only intended it to be between a man and a woman,"
3 correct?

4 A. Yes.

5 Q. And I'm sorry, I'm now on the top of page
6 85.

7 "Because procreation is a spiritual act,
8 God intended it only to occur in the institution of
9 holy matrimony or marriage," correct?

10 A. Yes.

11 Q. Would you agree with me that it is well
12 known, at least within Atlanta, that the mayor and
13 his wife conceived their child out of wedlock?

14 A. Well, no. That one gets by me.

15 Q. Well, you know that.

16 A. No, I did not.

17 Q. Notwithstanding all the coverage about
18 their engagement?

19 A. No, sir.

20 Q. You did not know that?

21 A. No, sir.

22 Q. Well, accept for a moment the truth of
23 that statement, please. Would that mean that you
24 were calling the mayor naked?

25 A. No. One act -- one act does not

1 professional development. And so those criteria were
2 used for the final ranking.

3 But I'll state it again, other than
4 collaboratively putting the process together, there
5 were others involved in this grading. I received the
6 final ranking, and I always went according from the
7 first to the second to the third. I never deviated
8 from that order.

9 Q. This promotional committee that you
10 formed, who was on it in the 2013-2014 timeframe?

11 A. You know, it in most cases always involved
12 the four deputy chiefs, unless the process was for
13 selecting assistant chiefs. Well, even selecting
14 assistant chiefs, we would use currently sitting
15 assistant chiefs. And so it was -- for example, if
16 we were selecting a deputy chief, then we would only
17 use deputy chiefs to develop the process. If we were
18 selecting assistant chiefs and battalion chiefs, we
19 would use deputy chiefs and assistant chiefs to help
20 develop the process.

21 Q. Did you provide a copy of your book to any
22 of the deputy chiefs?

23 A. Yes.

24 Q. How many deputy chiefs did you have?

25 A. Four.

1 Q. How many of them did you give a book to?

2 A. All four of them. Again, they were
3 Christian men that we had established a prior
4 relationship with, and either asked me for a copy of
5 it or heard that I had written one and wanted a copy.

6 Q. Did you give a copy of your book to any of
7 the assistant chiefs?

8 A. Yes. Yes.

9 Q. How many of them are there? How many
10 people hold the title?

11 A. As I recall, there's about six that hold
12 the title.

13 Q. And how many of them?

14 A. William Collier, Bernard Coxton, Chad
15 Jones, Chris Wessels.

16 Q. Those are the four of the six who received
17 a copy of your book?

18 A. Yes.

19 Q. Returning for a moment back to the
20 suspension letter, did you have any idea that you
21 were going to be suspended that day?

22 A. No.

23 Q. You walked into this meeting cold without
24 any heads up or tip?

25 A. Well, I knew something was going on. The

1 A. Yes.

2 Q. And you don't believe that that meeting
3 would have in any way interfered with your ability to
4 perform the functions of your job, I take it?

5 A. That's correct. It would have been done
6 on my prescribed personal time and not interfere with
7 work-related duties.

8 Q. I'm sorry. What do you mean by it would
9 have been done on your personal time?

10 A. During a work day, there's never a
11 structured time of taking a break or taking lunch.
12 Many times I work without taking either a break or a
13 lunch. From time to time when I had personal
14 meetings of this nature -- and I would emphasize from
15 time to time -- I would always schedule them at a
16 time that did not with conflict with work or business
17 and would use that time as my personal time.

18 (Exhibit 49 was marked for
19 identification.)

20 BY MR. GEVERTZ:

21 Q. Next I'm going to show you Defendants'
22 Exhibit 49.

23 Greg Harris at the Christian Index wrote
24 to you following a telephone conversation, and he was
25 providing a rough draft of an editorial that he wrote

1 about your situation. Do you recall that
2 conversation?

3 A. Yes.

4 Q. And he said he wanted you to give it a
5 careful look to make sure that you were all right
6 with it, correct?

7 A. Yes.

8 Q. What is the Christian Index?

9 A. The Christian Index is a component of the
10 Georgia Baptist Convention. My church is a part of
11 the Georgia Baptist Convention, and he works for the
12 Georgia Baptist Convention in their communications
13 department.

14 Q. So this is a communications branch for the
15 Georgia Baptist Convention?

16 A. That's correct.

17 Q. And what is the Georgia Baptist
18 Convention?

19 A. It's the state level of the Southern
20 Baptist Convention, and it has geographical regions
21 that churches within the state of Georgia who are
22 Southern Baptist actually fall under in the state of
23 Georgia.

24 Q. Is it a large organization?

25 A. Yes.

1 that, that you should not do that before your 30-day
2 suspension. What I'm saying to you is I never did
3 any one of those things through my 30-day suspension.

4 Q. I see. And what did you understand was
5 her intent in asking you to abide by those
6 directives?

7 MR. THERIOT: Objection. Calls for
8 speculation.

9 BY MR. GEVERTZ:

10 Q. No. No. What did you understand was her
11 intent?

12 A. That she did not want me to publicly
13 disclose my side of the story.

14 Q. Were you doing that?

15 A. No.

16 Q. Did the article discuss your employment
17 situation?

18 A. As I recall it did, but there is nothing
19 in the article, and I'm sure there's a record of
20 it --

21 Q. Yes, sir.

22 A. -- that could be quoted as having directly
23 coming from me, and that was not already publicly
24 disclosed by either the mayor or the communications
25 director or some other media outlet.

1 not a response to a media interview as I was directed
2 by Candace Beard -- Byrd.

3 (Exhibit 50 was marked for
4 identification.)

5 BY MR. GEVERTZ:

6 Q. Next I'm going to show you Defendants'
7 Exhibit 50.

8 You were still on suspension in December
9 of 2015, correct?

10 A. Yes.

11 Q. Who's Mike Griffin? Excuse me. Who's
12 Mark Strange?

13 A. Mark Strange. I have --

14 Q. He's on the third page of the document.

15 A. I have no idea.

16 Q. Well, his e-mail signature block holds him
17 out to be a specialist in communication services --

18 A. I see.

19 Q. -- affiliated with the Georgia Baptist --

20 A. I see that, yes.

21 Q. -- Conference.

22 Do you know who Mike Griffin is?

23 A. Mike Griffin is a member of the staff of
24 the Georgia Baptist Convention.

25 Q. And what position, to the best of your

1 knowledge, does he hold?

2 A. He's like their advocate, their
3 legislative liaison.

4 Q. He sent to you a battle plan, right?

5 A. Yes, that -- this looks like some steps,
6 yes.

7 Q. And he calls it a battle plan, right?

8 A. Well, I haven't read that part.

9 Q. Bottom of the first page, sir.

10 A. Okay.

11 Q. So while you're on suspension and asked
12 not to speak with the media, you're presented with a
13 communication battle plan, correct?

14 A. Yeah, based on his description of it.

15 Q. And it included providing testimony that
16 was recorded and would be put up on the general
17 website, correct? Number 2-D.

18 A. Okay, yes.

19 Q. And it included a petition with a web page
20 and a web address, correct?

21 A. Yes.

22 Q. And it included a release of a press
23 statement, a press release to be distributed to media
24 outlets for E, correct?

25 A. Yes.

1 it along to someone by the name of Ed.

2 A. Ed Elliott, yes.

3 Q. Who is Mr. Elliott?

4 A. He's a fire chief in, somewhere I believe
5 in Virginia, another Christian fire chief.

6 Q. So other than forwarding along the battle
7 plan seeking maximum effect to Mr. Elliott, do you
8 recall any other response that you took?

9 A. Not that I can recall.

10 Q. Did in fact the battle plan get
11 implemented?

12 A. I'm not sure. I'm familiar with that they
13 had my testimony on the website; I know the article
14 in the Christian Index; and I know that there was a
15 petition that was placed on there.

16 Q. At any point in time did you reach back
17 out to Mr. Strange and tell him that his battle plan
18 that was sought to have maximum effect was not a good
19 idea?

20 A. No.

21 Q. At any point in time, did you tell him
22 that you thought that this might run contrary to the
23 terms of your suspension?

24 A. No, I did not.

25 Q. Why not?

1 You said that Ed Elliott was a firefighter
2 colleague in Virginia? Did I hear you correctly?

3 A. Yes.

4 Q. Did he play some sort of advisory or
5 consultant role in the communications battle plan
6 that we were just discussing?

7 A. No, sir, not to my knowledge.

8 Q. On December 13th of 2014 -- and I'm
9 referring to the top page -- Mr. Elliott sounds as if
10 he's acting as your agent or consultant. He writes
11 that "I have a phone call in this morning with Mike
12 Griffin of the Georgia Baptist Convention. Awaiting
13 his return call so we can strategize best with our
14 support." Did you authorize or allow Mr. Elliott to
15 be acting on your behalf in this way?

16 A. As best I recall, Ed Elliott was -- in his
17 church affiliations was wanting to as a church show
18 some support. And I indicated to them that Mike
19 Griffin would be a good resource, to my recollection,
20 and that they had already done something similar to
21 what he was wanting to do is the spirit, as I
22 understand it.

23 Q. So is it fair to take from that that you
24 were in fact enlisting his advocacy and support?

25 A. Not enlisting it.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

Page 269

1 Q. He's offering it. Did you accept it?

2 A. I didn't deny it.

3 Q. He's just acting on his own, and you're
4 just a bystander?

5 A. He's acting on his own.

6 Q. But he's not a member, I would imagine by
7 virtue of his address, of the Georgia Baptist
8 Convention if he lives in Virginia, is he?

9 A. No.

10 Q. And he writes -- and this is toward the
11 bottom of the page, "In our lingo this is an" and I
12 quote, "offensive fire attack, but if anything feels
13 uncomfortable or too aggressive for you, please let
14 me know and we will adjust as appropriate."

15 Do you see that?

16 A. Which paragraph is that?

17 Q. Sorry. If I may.

18 A. I see it.

19 Q. And then he goes on to explain what his
20 proposed offensive fire attack would consist of on
21 the second page. And among other things, in number
22 two, wanted to contact Atlanta Mayor Kasim Reed for a
23 variety of reasons, right?

24 A. Yes.

25 Q. He was enlisting the support of fellow

1 Christians and pastors to help pressure the mayor to
2 apologize, correct?

3 A. Yes.

4 Q. And to acknowledge that he had violated
5 your rights, correct?

6 A. Yes.

7 Q. And in response to the offensive fire
8 attack when Mr. Elliott was asking you, tell me if
9 you're uncomfortable, tell me if this is too
10 aggressive, you wrote back, "This is very
11 appropriate. Only the mayor's name is Kasim.
12 Everything else is fine. Thank you, brother. God
13 bless you."

14 Did I read that correctly?

15 A. Yes.

16 Q. That's you being a bystander?

17 MR. THERIOT: Objection.

18 Argumentative.

19 THE WITNESS: I provided some
20 feedback on it.

21 BY MR. GEVERTZ:

22 Q. That was the only feedback you provided,
23 correct?

24 A. To my knowledge.

25 Q. To change an R to a K, but otherwise, it

1 THE VIDEOGRAPHER: This begins disk
2 number five in the video deposition of
3 Kelvin Cochran. We're back on the record
4 at 4:21 p.m.

5 BY MR. GEVERTZ:

6 Q. Mr. Cochran, how are you feeling?

7 A. Good.

8 Q. Able to continue?

9 A. Yes.

10 Q. The speech to the Georgia Baptist
11 Convention was not the only public speech that you
12 gave during the course of your suspension, was it?

13 A. Actually, I gave testimony I believe on
14 two other occasions.

15 Q. When were those other two? Excuse me,
16 where were those other two?

17 A. First Baptist Church, Newnan, Georgia, and
18 I believe it's called Liberty Baptist Church
19 somewhere in north Georgia.

20 Q. And those were both during the 30-day
21 suspension?

22 A. Yes, sir.

23 Q. During your speech at the First Bap -- is
24 the First -- yeah, the First Baptist Church in
25 Newnan, did you say at the beginning of your

1 testimony that "The invitation to speak was extended
2 based on a set of circumstances that I currently find
3 myself in while serving as fire chief in the City of
4 Atlanta"?

5 A. Yes.

6 Q. Did you go on to say that you wanted to
7 tell the congregation a little bit about a book that
8 you wrote that "Because of some of the content of
9 that book, I found myself in this situation of being
10 laid off for 30 days suspension without pay"?

11 A. If that's a part of that transcript, then
12 I can't deny it.

13 Q. Does it sound consistent with your memory?

14 A. Yes.

15 Q. Towards the end of that same speech,
16 testimony, did you say, "In the book I deal with
17 sexuality as God intended it. God intended for a man
18 and a woman to be married and to have children to
19 populate the earth, and that any sex outside of
20 marriage and outside of a man and a woman, outside of
21 holy matrimony is against the word of God, and for
22 that stand, I've been laid offer for 30 days without
23 pay"?

24 A. Well, if it's a part of that transcript.
25 Do you have an additional copy of that? It'd kind of

1 make this exchange a lot easier.

2 Q. Well, all I'm going to do is show you my
3 own transcript of what I think you said and my
4 question is --

5 A. Okay, yeah. And again, and I'm only
6 asking you that because I can't remember verbatim
7 what I said, but if that is a transcript of that
8 speech, then that would help me to recall better.

9 Q. Well, I'm happy to share it with you, but
10 it doesn't have much evidentiary value.

11 A. Okay.

12 (Exhibits 52 and 53 were marked for
13 identification.)

14 BY MR. GEVERTZ:

15 Q. So this is Exhibit 52.

16 MR. CORTMAN: For the record, what is
17 it?

18 BY MR. GEVERTZ:

19 Q. And I'm going to ask you to turn to what's
20 marked as page six of my transcript, towards the
21 back.

22 MR. CORTMAN: And this is a
23 transcript of what?

24 MR. GEVERTZ: Of PL 002487.

25 THE WITNESS: Is this the sermon that

1 I preached at First Baptist Newnan?

2 BY MR. GEVERTZ:

3 Q. It's the transcript of the audio that you
4 were provided, yes, sir.

5 A. Okay.

6 Q. And so my question is, if you look at
7 page six toward the middle of the page, can you
8 confirm for me that your reference and representation
9 about the circumstances of your suspension were
10 accurately transcribed, or at least consistent with
11 your memory of giving this speech?

12 A. Yes. Can you point me to the specific
13 line that you had read?

14 Q. Beginning here (indicating).

15 A. Okay. Yes.

16 Q. Thank you.

17 A. And I was simply explaining to them that
18 this book is not about sex and sexuality. I was
19 explaining to them what the theme of the book
20 actually was about.

21 Q. And you went beyond that to say that that
22 was the reason that you had been laid off for 30 days
23 without pay, correct?

24 A. Yes, because that's what was told me in
25 the meeting, the suspension meeting, and that's what



**Commission on
Fire Accreditation
International**

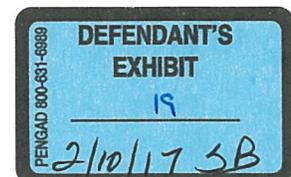
Re-Accreditation Report

**Atlanta Fire Rescue Department
226 Peachtree Street
Atlanta, Georgia 30303
USA**

**This report was prepared on February 27, 2014
by the
Commission on Fire Accreditation International
for the
Atlanta Fire Rescue Department**

**This report represents the findings
of the peer assessment team that visited the
Atlanta Fire Rescue Department
on December 8-13, 2013**

**Peer Assessment Team
Jeff Farris, Team Leader
Michael R. Arena, Peer Assessor
Michael Calderazzo, Peer Assessor
Gary Fisher, Peer Assessor
Amy Valdez, Peer Assessor**



COA-Cochran 001814

TABLE OF CONTENTS

EXECUTIVE REVIEW.....	3
CONCLUSIONS.....	11
RECOMMENDATIONS.....	12
OBSERVATIONS.....	19
Category I — Governance and Administration	19
Category II — Assessment and Planning	19
Category III — Goals and Objectives.....	21
Category IV — Financial Resources	23
Category V — Programs.....	23
Criterion 5A – Fire Suppression	23
Criterion 5B – Fire Prevention / Life Safety Program.....	26
Criterion 5C – Public Education Program	27
Criterion 5D – Fire Investigation Program	28
Criterion 5E – Technical Rescue	29
Criterion 5F – Hazardous Materials (Hazmat).....	31
Criterion 5G – Emergency Medical Services	33
Criterion 5H – Domestic Preparedness Planning and Response	35
Criterion 5I – Aviation Rescue and Fire Fighting Services.....	36
Criterion 5K – Other Programs.....	37
Category VI — Physical Resources.....	38
Category VII — Human Resources	40
Category VIII — Training and Competency	43
Category IX — Essential Resources.....	44

Criterion 9A – Water Supply	44
Criterion 9B – Communication Systems	45
Criterion 9C – Administrative Support Services and Office Systems.....	46
Category X — External Systems Relationships	47

EXHIBITS

Atlanta Fire Rescue Department Organizational Chart

Summary Rating Sheet (For Commission Use Only)

EXECUTIVE REVIEW

PREFACE

The Atlanta Fire Rescue Department asked the Commission on Fire Accreditation International (CFAI) for a site visit to determine if it could be recommended for re-accreditation. On March 1, 2013, the CFAI appointed a peer assessment team. On May 10, 2013, the peer team identified that the submitted standards of cover (SOC) document did not support a site visit. Subsequently a teleconference was conducted on May 22, 2013 with the fire chief, accreditation manager and the peer team leader. At that time the agency requested a four-month extension. Upon review of the revised SOC, the team approved the SOC and on September 22, 2013, a site visit was scheduled. The peer assessment team conducted an onsite visit of the Atlanta Fire Rescue Department on December 8-13, 2013.

In preparation for the onsite visit, each team member was provided access and reviewed the self-assessment manual, SOC, community risk analysis and strategic plan posted by the Atlanta Fire Rescue Department on the Center for Public Safety Excellence (CPSE) SharePoint site. This documentation represented a significant effort by the staff of the department and other community agencies. The department did not use a consultant to assist it with completing the documents required for accreditation.

SUMMARY

The CFAI has completed a comprehensive review and appraisal of the Atlanta Fire Rescue Department (AFRD) based upon the eighth edition of the *Fire & Emergency Service Self-Assessment Manual (FESSAM)*. The commission's goals are to promote organizational self-improvement and to award accreditation status in recognition of good performance. The peer assessment team's objectives were to validate the department's self-assessment study, identify and make recommendations for improvement, issue a report of findings and conclude if the department is eligible for an award of accreditation.

The peer assessment team followed CFAI processes and the Atlanta Fire Rescue Department did not demonstrate that its self-study accreditation manual, community risk analysis, SOC and strategic plan met all core competencies and criteria. The peer assessment team recommends deferred agency status for the Atlanta Fire Rescue Department from the Commission on Fire Accreditation International until the department has an opportunity to fully address all of the identified core competencies that were rated as unsatisfactory and a supplemental review and approval is made by the peer team leader.

The peer assessment team identified that a significant amount of the Atlanta Fire Rescue Department response performance data was incomplete or inaccurate and could not be used for the validation of the agency's established emergency services baselines or in the meeting of fire and emergency service best practices. As a result, the peer team determined the following ten core competencies were not being met: 2B.5, 2C.1, 2C.5, 5A.1, 5E.1, 5F.1, 5G.1, 5I.1, 6B.3, and 6C.1

Core competencies 2B.5¹ and 2C.5² are not being met. The peer assessment team was not able to verify and validate that baseline performance objectives for fire and non-fire risks conform to industry best practices.

Core competency 2C1³ is not being met. The peer assessment team determined the department has not adequately evaluated the non-fire risks in the community in order to establish their standards of cover.

As a consequence of not gathering and evaluating response time data, core competencies 5A.1⁴, 5E.1⁵, 5F.1⁶, 5G.1⁷, and 5I.1⁸ are not being met. The peer assessment team was not able to verify and validate staffing, response time, apparatus and equipment deployment objectives for each type of the programs provided by the agency.

Also as a consequence of not properly evaluating and documenting response times, core competencies 6B.3⁹ and 6C.1¹⁰ are not being met. The peer assessment was not able to verify and validate that facilities were appropriately distributed or that apparatus were located strategically, based on the agency's standards of cover.

The Atlanta Fire Rescue Department provides fire and emergency protection to 133 square miles, protecting an estimated population of 433,000. The city has experienced a return of popularity with residents returning to live within the city and/or surrounding communities. The estimated population is an increase from 420,000 in 2010 (according to the U.S. Census Bureau data). Atlanta is the capital city of the state of Georgia. The agency has appropriately chosen to measure and provide services based upon the urban community designation and its criteria. Some of the suburban communities continue to reflect the economic downturn with numerous abandoned or unoccupied residential communities. These are the areas where the department is experiencing the most significant fire risk.

¹2B.5 Agency baseline and benchmark total response time objectives for fire response conform to industry best practices as prescribed on page 70-71 for first due and effective response force (ERF).

²2.C5 Agency baseline and benchmark total response time objectives for non-fire incident response conform to industry best practices as prescribed on page 71 for first due and effective response force (ERF).

³2C.1 Each planning zone and population area is analyzed and non-fire risk factors evaluated in order to establish a standards of cover.

⁴ 5A.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, pumping capacity, apparatus and equipment deployment objectives for each type and magnitude of fire suppression emergency incidents.

⁵5E.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of technical rescue emergency incidents.

⁶ 5F.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of hazardous materials emergency incidents.

⁷ 5G.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of emergency medical incidents.

⁸ 5I.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of aviation emergencies.

⁹6B.3 Physical facilities are adequate and properly distributed in accordance with stated service level objectives and standards of cover.

¹⁰6C.1 Apparatus are located strategically to accomplish the stated standards of cover and service level objectives.

The Atlanta Fire Rescue Department was legally established and organized within the Atlanta City Charter. The department is a part of the executive branch of government and headed by the fire chief. The Atlanta City Charter clearly delineates the authority, powers, and duties of the department.

Following a detailed assessment and analysis, the peer assessment team believes by consensus that the alarm handling time, turnout time and the travel time for the first-due and effective response force components of the total response time continuum, cannot be quantified or verified. It is clear the department is committed to taking steps to resolve the issue.

The department has made a concerted effort over the last three years to focus on its collection and collation of performance time data and is making some progress. The department reviews performance data regularly, but despite its best efforts, software glitches have produced information that cannot be validated.

The department has developed a detailed and comprehensive strategic plan. This process included input from all stakeholders.

The department recently reviewed and updated its strategic plan to cover the period of 2014-2018. The process involved an appropriate mix of internal and external stakeholders. The department has comprehensive processes in place for the development, monitoring, measuring and refreshing of its goals and objectives in the budget process and its long-term goals and objectives in the five-year strategic plan. A system of bi-weekly and quarterly meetings is used to track and report out on progress towards the achievement of the goals and objectives through time, quality and quantity based performance measures. The city implemented a Focus On Results (FOR) program. The department is working with the senior city staff to make the necessary process adjustments that will ensure the department and the city short and long-term goals and objectives remain aligned.

The department is funded almost entirely through a tax base and Atlanta appears to be rebounding from the economic downturn and has resumed its former staffing levels. The fire chief and his executive staff share responsibility for the planning, management and prioritization of the budget process. Additionally, the chief and executive staff align and coordinate the budgeting process with the mayor's office and city priorities.

The department provides a constant staffing level of four personnel per engine company and three for truck companies. Typical and moderate risk responses are handled with an assignment consisting of three engine companies, three truck companies, one squad company and two battalion chiefs. The department is struggling with capturing accurate quantitative response time data from its records management system and is working towards a resolve to this issue in suppression as well as within all its programs.

The community affairs (CA) section is tasked with all public education activities for AFRD. The team is staffed with four persons: one lieutenant, two fire education specialists, and one special projects coordinator. Programs currently delivered are designed to target high-risk populations such as children and seniors, and a special effort is made after house fires to educate neighbors on the danger of fire.

The fire investigation section is presently staffed 24 hours a day and they investigate all fires and explosions where the suspected cause is undetermined or incendiary. Additionally, they investigate

incidents involving injuries or fatality as a result of a fire or explosion. There are typically two investigators on duty at all times.

The fire prevention/inspections program has two divisions one for field operations and one for the airport division. The division has recently been renamed as the Community Risk Reduction as an all-inclusive section bringing inspections, investigations and community affairs into one section.

The Atlanta Fire Rescue Department provides a wide range of technical rescue programs to its residents. Technical rescue responsibility is distributed across four companies. Minimum qualifications for these programs are described in the Operations Manual and adhere to *National Fire Protection Association (NFPA) 1670: Standard on Operations and Training for Technical Search and Rescue Incidents, 2009 edition*, and the National Professional Qualifications set forth by the Georgia Firefighter Standards and Training Council.

AFRD's hazardous materials (hazmat) team is considered a Georgia Emergency Management Agency Type I hazmat team. The team is comprised of four companies of hazardous materials technicians for a total complement of fourteen well-equipped technicians on duty at any one time. Two decontamination companies can also be dispatched to provide technical decontamination during an emergency that requires entry into the hot zone. All AFRD members not part of the hazardous materials team are trained to the Occupational Safety & Health Administration (OSHA) Hazardous Waste Operations and Emergency Response awareness or operations level and provide first due response where necessary.

The Atlanta Fire Rescue Department has responsibility for providing fire protection to the Hartsfield-Jackson Atlanta International Airport. Federal Aviation Authority (FAA) Directive 139.317 defines the minimum standards the department must meet in terms of the number of aviation rescue fire fighting (ARFF) vehicles and the amount of extinguishing agent. AFRD exceeds these minimum requirements. The department maintains a fleet of ten frontline ARFF apparatus providing service to all runway and taxiway areas. These units comply with all applicable NFPA standards.

The Atlanta Fire Rescue Department staffs and operates 30 fire stations in the city, and 5 ARFF stations at Hartsfield-Jackson Atlanta International Airport. It co-locates administrative personnel with police department staff in a downtown headquarters building and likewise shares warehouse space with the police department in a public safety annex on the western edge of Atlanta. The training academy uses three separate facilities to train personnel: a classroom facility and burn building, a drill ground and a separate driving course. To meet its standards of cover, the department fully staffs and operates 16 aerial ladders, 35 engines, 2 quick intervention units, 1 squad, 1 air truck, 6 battalion units, and 1 division command unit (shift commander).

Human resources functions for the Atlanta Fire Rescue Department are guided by the city's Department of Human Resources. The city human resources department reviews the Code of Ordinances established by city council and oversees the adherence to this code by all city departments. The overall administration of personnel in AFRD is adequate and meets all local, state, and federal requirements. The department has recently created a career development matrix, which creates a comprehensive outline of the career path process and promotional requirements. The assessment team also observed a strong commitment to improving and sustaining their recent phased implementation approach of the wellness and fitness initiative.

The department operates a well-organized training center to meet the requirements for training and development purposes. Performance based training is accomplished utilizing the requirements from the state for fire and medical certification. The department is nearing completion of a Professional Development Handbook that will help personnel develop their careers. In addition, the division has developed a training catalogue that encourages and supports staff to attend courses offered through the National Fire Academy and other training venues. The training division has in place an excellent program for tracking, auditing and managing training records and supporting documentation. The training facilities are quite antiquated and nearing the end of their service life.

The Insurance Service Organization (ISO) recently re-evaluated the city of Atlanta's water system for Public Protection Classification and re-instated their class 2 rating. The city's water distribution system has approximately 23,000 hydrants. Their standard is for hydrants to be no more than 500 ft. apart for residential structures and 300 feet apart for commercial areas. There are also additional hydrants for extra hazard occupancies to provide for required fire flow.

The department is presently working towards integrating pre-fire plans into the *Hansen Database* and they are on track to access hydrant information along with other water data via computer aided dispatch by the next fiscal year.

The Atlanta Fire Rescue Department receives its communications services from *911 Atlanta*. Call taking, communications and dispatch services are provided for police, fire and emergency medical services (EMS). Local dispatch services for advanced life support (ALS) ambulances are handled directly by *Grady EMS*, whose ambulances also utilize the Atlanta communications system. A separate communications center operates at Hartsfield-Jackson Atlanta International Airport. All emergency radio communications in the city are operated on a trunked, digital 800 MHz radio system and AFRD has exclusive use of twenty-seven talk groups.

The department has four major divisions each being led by a deputy chief who reports directly to the fire chief. The chief of staff deputy directs and coordinates all administrative support functions as well as written directives and standard operating procedures. There is adequate staff and fiscal support to meet the needs of the department.

The Atlanta Fire Rescue Department has implemented operations response protocols to address gaps in their coverage by use of external agency relationships. These relationships are mutually beneficial and have a direct impact on the agency's mission. The importance of these relationships is evident in their FY2014-2018 strategic plan. The department has documented relationships through several agreements and pacts. An example of this is their participation in the Atlanta Fire Rescue Department mutual Aid system (AFRDMAS), Georgia Mutual Aid group (GMAG) as well as the Atlanta-Fulton County Emergency Management Agency (AFCEMA).

During preparation for the site visit, it was identified that that department data included corrupt or unreliable data. As of the time of this report, it is uncertain how long this data was utilized both internally and externally. The department is expected to produce and analyze sound accurate data. Based upon the credibility of this analysis, the peer assessment team recommends that the department enact appropriate measures in their quest for continuous self-improvement as well as adherence to, or creation of, industry best practices.

The Atlanta Fire Rescue Department has had a less than strong relationship with agency accreditation. If the commission accepts the peer team's recommendation; it will be their second

deferral in less than seven years. In defense of the department, they have worked hard each time, committing the necessary resources and in the end, meeting or exceeding the expectations of the CFAI. Between these two deferrals, the agency accreditation manager retired and the reaccreditation efforts were assigned to a company commander without the tools, training or support necessary for the process. Review by the CFAI site team identified that the initial SOC was unacceptable for a site visit and the department accepted a 4-month extension to make the necessary amendments. During the period of the SOC rewrite, the department entered into communications with their previous accreditation manager and this individual has been brought back onto the departments staff as a civilian; unfortunately it appeared to be too late to positively influence the outcome of the site visit. With the return of their previous accreditation manager and the support of the department's fire chief and their executive staff, it appears very likely that they will take the necessary steps to meet and in many places exceed the requirements for accredited agency status. It is recommended that succession planning is put into place and that the agency create an environment where accreditation is a process and a project.

Composition

The city of Atlanta, the capitol city for the state of Georgia was incorporated in 1847 and is located in north Georgia. It includes both Fulton and DeKalb Counties, and is considered part of the Atlanta Metropolitan Area. Atlanta is situated in the northwest part of the state at the base of the Blue Ridge Mountains near the Chattahoochee River.

The Atlanta metropolitan area has been one of the fastest growing cities in the country and has seen a significant population growth. The city of Atlanta, as cited on the United States Census Bureau website, the population was 470,000 in 2007, and has decreased to 420,003 in 2010. The city, excluding the Hartsfield - Jackson Atlanta International Airport, currently occupies a land area of approximately 133 square miles, at an elevation of 1,050 feet. The 2012 estimated population is 443,775 citizens, which grows to over 1 million during the workweek.

The community of Atlanta has a combination of metropolitan, urban and suburban. AFRD has defined the community of which it provides emergency services to as urban. This designation assures the highest levels of standards of cover. For the purposes of analyzing AFRD's response performance the term urban is used.

AFRD is comprised of 1,114 employees of which 1,057 are paid firefighters functioning from 35 fire stations, consisting of 16 ladder companies and 34 engine companies. Ten engine companies currently provide advanced life support (ALS) and three additional ALS companies will become activated during fiscal year 2014. Special operations functions, including the hazardous material response unit, are provided by one squad and four task force stations that are each equipped with an engine and a ladder. The department maintains the Georgia Urban Search and Rescue (GSAR) unit, which is currently unstaffed; however, personnel from the unit's physical location respond to incidents throughout the metro area.

During the period of fiscal years 2009 – 2012, AFRD responded to 300,080 incidents. Even though call volumes have remained relatively consistent, there were noticeable trends that developed. Fires accounted for approximately 3% of all total alarms. Emergency medical services (EMS) calls accounted for approximately 58% of the total alarms for, with an 8% increase in FY 11 and FY12. Good intent calls accounted for 18% of all calls during this fiscal period. Good intent calls shows a significant increase of 56% from fiscal year 2009 to fiscal year 2012. Service calls accounted for 10 percent during the four-year fiscal period and increased yearly at an average of 774 calls per year. Conversely, false alarms and false calls were reduced significantly from 8,792 in fiscal year 2009 to 4,340 in fiscal year 2012. Hazardous materials calls accounted for approximately three percent of all calls each fiscal year. Additionally, technical rescue, severe weather and special incidents accounted for one percent of the calls for service during the four-year period.

Government

Council-Manager form of government
Mayor and 12 City Council members
Fire Chief

Fire Department

35 fire stations (30 city, 5 aviation rescue fire fighting (ARFF))
1057 uniform and 57 civilian personnel
3 shift system

Staffed Resources

35 engine companies
10 ARFF companies
16 aerial companies
6 battalion units
2 hazardous materials units
2 quick intervention units
1 squad
1 division command unit
1 air truck
1 foam truck

CONCLUSIONS

The self-study manual produced by the Atlanta Fire Rescue Department was of acceptable quality and represented considerable effort by the staff of the department to produce and present a credible document.

- The Atlanta Fire Rescue Department did not demonstrate that all core competencies were met in order to receive a credible rating. Core competencies not met include the following: 2B.5, 2C.1, 2C.5, 5A.1, 5E.1, 5F.1, 5G.1, 5I.1, 6B.3 and 6C.1.
- The Atlanta Fire Rescue Department did not demonstrate that all applicable criteria were met and received a credible rating. Criteria not receiving a credible rating include the following: 2B, 2C, 5A, 5E, 5F, 5G, 5I, 6B, and 6C.
- The peer assessment team recommends deferred agency status for the Atlanta Fire Rescue Department from the Commission on Fire Accreditation International until March, 2015.
- The peer assessment team recommends that if the deferred agency status timeframe is not met by the Atlanta Fire Rescue Department, the department should be denied accreditation.

RECOMMENDATIONS

The peer assessment team conducted an exit interview with the agency consisting of the fire chief and most of the staff that participated in the self-assessment study. The purpose of the meeting was to review the team's findings and recommendations. The department was given an opportunity to respond to any errors in findings of fact.

Strategic Recommendations

Strategic recommendations were developed from information gathered from the onsite assessment visit and the evaluation of the criteria and core competencies.

Category II – Assessment and Planning

Criterion 2B: Fire Risk Assessment and Response Strategies

Criterion 2C: Non-Fire Risk Assessment and Response Strategies

2B.5 Agency baseline and benchmark total response time objectives for fire response conform to industry best practices as prescribed on page 70-71 for first due and effective response force (ERF)..

2C.5 Agency baseline and benchmark total response time objectives for non-fire incident response conform to industry best practices as prescribed on page 71 for first due and effective response force (ERF).

It is recommended that the department accurately capture baseline response performance data in order to ensure they are conforming to industry best practices for their programs.

Criterion 2C: Non-Fire Risk Assessment and Response Strategies

Core Competency

2C.1 Each planning zone and population area is analyzed and non-fire risk factors evaluated in order to establish a standards of cover.

It is recommended that the department utilize the smaller "reporting districts" within the station territories when evaluating non-fire risk factors to achieve a better analysis of each planning zone.

Category V – Programs

Criterion 5A: Fire Suppression

Core Competency

5A.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, pumping capacity, apparatus and equipment deployment objectives for each type and magnitude of fire suppression emergency incidents.

It is recommended that the department accurately capture fire suppression response performance data, and document and maintain it in a manner that supports program appraisal and assessment. Note: This recommendation also applies to core competencies 5E.1, 5F.1, 5G.1, and 5I.1

Criterion 5C: Public Education Program

Core Competency

5C.7 An appraisal is conducted, at least annually, to determine the effectiveness of the public education program and its effect on reducing identified risks.

It is recommended the department move beyond simply tracking outputs and incorporate outcome measures that show the impact of the department's public education programs.

Criterion 5I: Aviation Rescue and Fire Fighting Services

Core Competency

5I.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of aviation emergencies.

It is recommended that the department establish benchmark performance goals for the aviation rescue and fire fighting program.

Category VI - Physical Resources

Criterion 6B: Fixed Facilities

Core Competencies

6B.3 Physical facilities are adequate and properly distributed in accordance with stated service level objectives and standards of cover.

It is recommended that the department accurately capture response performance data to allow for facility placement analysis and future assessment and planning purposes.

6B.4 Facilities comply with federal, state/provincial and local codes and regulations.

It is recommended that the department add a component to its station inspection process to account for federal, state and local code compliance to help with replacement/renovation considerations.

Criterion 6C: Apparatus and Vehicles

Core Competency

6C.1 Apparatus are located strategically to accomplish the stated standards of cover and service level objectives.

It is recommended that the department accurately capture response performance data to allow for analysis of apparatus placement and future assessment and planning purposes.

Category VII – Human Resources

Criterion 7G: Wellness/Fitness Programs

Core Competency

7G.1 The agency provides for initial, regular, and rehabilitative medical and physical fitness evaluations.

It is recommended that the department continue its efforts to implement regular medical and fitness evaluations for incumbent members through a department sanctioned and funded process.

Category IX – Essential Resources

Criterion 9A: Water Supply

Core Competency

9A.1 The agency establishes minimum fire flow requirements and total water supply needed for existing representative structures and other potential fire locations. This information should also be included in the fire risk evaluation and pre-fire planning process.

It is recommended that the department continue to establish minimum fire flow for all existing representative structures and make efforts to include those in the pre-fire planning process to make them readily available to responding personnel.

Criterion 9B: Communication Systems

Core Competency

9B.5 Standard operating procedures or general guidelines are in place to direct all types of dispatching services provided to the agency by the communications center(s).

It is recommended that the dispatch center consider implementing its own standardized emergency medical dispatch protocols to strengthen its ability to analyze and implement emergency medical system improvements.

Category X – External Systems Relationships

Criterion 10B: External Agency Agreements

Core Competency

10B.1 External agency agreements are current and support organizational objectives.

It is recommended that the department update its external agency agreements to ensure their effectiveness and application.

Specific Recommendations

Specific recommendations were developed from the appraisal of performance indicators in each of the ten categories.

Category V – Programs

Criterion 5E: Technical Rescue

Performance Indicators

5E.3 Supplies and materials allocation is based on established objectives, is appropriate to meet technical rescue operational needs, and is compliant with local, state/provincial and national standards.

It is recommended that the inspection and tracking system for technical rescue equipment illustrate documented support of compliance with national standards.

5E.6 The agency's information system allows for documentation and analysis of the technical rescue program.

It is recommended that the department formalize program evaluation procedures to capture not only work outputs but also equipment, training, and operational effectiveness.

Criterion 5F: Hazardous Materials (Hazmat)

Performance Indicators

5F.2 The agency defines and provides appropriate and adequate equipment to accomplish the stated level of response for hazardous materials response and to be compliant with local, state/provincial and national standards.

It is recommended that the department establish a separate funding account for the special operations program to allow for better tracking and accountability for the program's expenses.

5F.5 Minimum training and operational standards are established and met for all personnel who function in the hazardous materials response program, including for incidents involving weapons of mass destruction.

It is recommended that the special operations division standardize the continuing education provided to technicians on all three shifts.

Category VI – Physical Resources

Criterion 6B: Fixed Facilities

6B.2 Buildings and outbuildings are clean and in good repair and the surrounding grounds are well kept. Maintenance is conducted in a systematic and planned manner.

It is recommended that the department pursue a service level agreement with the city to help clearly delineate what each department can expect from the other in terms of station maintenance.

Criterion 6C: Apparatus and Vehicles

Performance Indicators

6C.4 A process is in place for writing apparatus replacement specifications that allows for employee input.

It is recommended the department include a member of the office of fleet services on the apparatus committee when specifying new apparatus to allow the city to standardize parts and training.

Criterion 6F: Safety Equipment

6F.4 Safety equipment maintenance, testing, and inspections are conducted by trained qualified personnel and appropriate records are kept.

It is recommended that the department implement a zero tolerance approach to personal protective gear violations.

Category VII – Human Resources

Criterion 7F: Occupational Health and Safety and Risk Management

Performance Indicator

7F.2 Procedures are established for reporting, evaluating, addressing, and communicating workplace hazards as well as unsafe/unhealthy conditions and work practices.

It is recommended that the department formalize its process for evaluating workplace hazards.

Criterion 7G: Wellness/Fitness Programs

Performance Indicators

7G.2 The agency provides personnel with access to fitness facilities and equipment as well as exercise instruction.

It is recommended that the department formalize a system to track, maintain, and replace fitness equipment on a scheduled basis.

7G.7 An appraisal is conducted, at least annually, to determine the effectiveness of the wellness/fitness programs.

It is recommended that the department identify and utilize a database system to document, track, and analyze the results of their new wellness/fitness program.

Category VIII – Training and Competency

Criterion 8C: Training and Education Resources

Performance Indicator

8C.2 Instructional personnel are available to meet the needs of the agency.

It is recommended that the department evaluate how subject matter experts and instructors are identified in the delivery of programs and training.

Category IX – Essential Resources

Criterion 9B: Communication Systems

Performance Indicator

9B.7 An adequate maintenance program is in place with regularly scheduled system tests.

It is recommended that the dispatch center conduct a full-scale exercise each year that includes the physical relocation of dispatchers to the secondary dispatch center to better assess the backup capabilities of the 911 center.

OBSERVATIONS

Category I — Governance and Administration

The Atlanta Fire Rescue Department operates within a mayor- city council form of government. The fire chief reports directly to the mayor. The mayor's executive oversight of the department is the responsibility of the city's chief operating officer, with whom the fire chief works very closely. The fire chief also works with the chairperson of the public safety committee of the city council.

The governing body and/or agency manager is legally established to provide general policies to guide the agency approved programs and services and appropriated financial resources. The state of Georgia legally chartered the city of Atlanta by Chapter 78 sections 2-222 of the States Codes of Ordinances. The mayor of Atlanta has the authority to create the chief operating officer, chief of staff, and department heads. The Atlanta Fire Rescue Department was legally established by the Atlanta City Charter, which gives the fire chief the authority for overall administration of the department.

The established administrative structure provides an environment for achievement of the agency's mission, purposes, goals, strategies and objectives. The Atlanta Fire Rescue Department is in compliance with all legal requirements. The process established by the mayor mandates that identified actions and efforts are directed through the city's legal department before implementation. When appropriate, the Atlanta Fire Rescue Department seeks advice from the Legal Department on matters which could place liability upon the city.

Category II — Assessment and Planning

Internally, the department established a planning and assessment division and assigned staff to provide support to the overall accreditation process. The efforts of the department produced an assessment of most of its programs. However, planning zones have not been adequately analyzed.

The department's planning zones are comprised of the station response territories. These territories range from two square miles to over nine square miles. The department has completed some analysis related to service demands and general population information, within station response territories for fire risk. All areas of response are treated as metro/urban response areas.

The department collects and analyzes data specific to the distinct characteristics of the community served and applies the findings to organizational planning.

An analysis in the standards of cover (SOC) identifies the city's fire risk by station territory or planning zones. The department has completed a comprehensive building survey within each planning zone.

The department cannot demonstrate that it assesses the nature and magnitude of the hazards within its jurisdiction and develops appropriate response coverage strategies. Each significant fire risk is categorized and listed to permit future analysis and study in determining standards of cover and related services. Non-fire related risk has not been evaluated in any of the planning zones. Special attention needs to be paid to identify, analyze and develop strategies for non-fire or limited fire risks that gain importance due to cultural, economic, environmental or historical value. Two criterion

statements and two core competencies were not met: criterion statements 2B¹¹ and 2C¹² and core competencies 2B.5 and 2C.5.

The benchmark service level objectives incorporated into the standards of cover are based on local needs and circumstances and industry standards and best practices adopted from the: *Commission on Fire Accreditation International (CFAI) Fire & Emergency Service Self-Assessment Manual (FESSAM), eighth edition; CFAI Standards of Cover, fifth edition; National Fire Protection Association (NFPA) 1221: Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems; NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments; Insurance Services Office (ISO); Fire Protection Research Foundation; and the National Institute of Standards and Technology (NIST).*

The department used fire related risk factor evaluations based on fire station response territories that are used as their planning zones. Each planning zone varies in size from two square miles to over nine square miles, which may be too large to allow for a comprehensive analysis. The department has developed a sophisticated analysis tool for establishing fire risk within each planning zone. Historical information has been used for fire risk factor evaluation, but is inadequate to provide a comprehensive analysis of individual planning zones. The department did not provide analysis on non-fire risk factors including but not limited to, economic, cultural and hazardous materials, emergency medical services and technical rescue risks. It is recommended that the department utilize the smaller “reporting districts” within the station territories when evaluating non-fire risk factors to achieve a better analysis of each planning zone.

The department’s assessment and planning process, used to develop its SOC, has considered a portion of the various aspects influencing its ability to deliver services. Each fire company was responsible for assessing the fire risk within its planning area. The department used the results of that process to determine the level of fire related risk.

In the development of the SOC, consideration was given to the non-fire risks in the community. The non-fire risks include technical rescue, hazardous materials and emergency medical services risks. As previously stated, the department should consider further analysis of non-fire risks to ensure the SOC accurately depicts their service area.

An informal evaluation is conducted within the strategic planning division on a regular basis. The department has not identified any significant changes in the risk, or assessed the impact on response time standards.

The department’s practice is to document alarm handling as the time interval from the receipt of the alarm at the primary public service answering point until the beginning of the transmittal of the

¹¹ Criterion 2B: Fire Risk Assessment and Response Strategies. The agency assesses the nature and magnitude of the hazards within its jurisdiction and develops appropriate response coverage strategies. Each significant fire risk should be categorized and listed to permit future analysis and study in determining standards of response coverage and related services.

¹² Criterion 2C: Non-Fire Risk Assessment and Response Strategies. The agency assesses the nature and magnitude of other hazards and risks within its jurisdiction and identified appropriate strategies, methods of operation, and resource allocation required to mitigate potential emergencies.

response information via voice or electronic means to emergency response facilities or the emergency response units in the field.

Following a detailed assessment and analysis, the peer assessment team believes by consensus that the alarm handling time, turnout time and the travel time for the first-due and effective response force components of the total response time continuum, as identified in the standards of cover, are not able to be validated as identified in the eighth edition of the *Fire & Emergency Service Self-Assessment Manual (FESSAM)*. Core competencies 2B.5¹³ and 2C.6¹⁴ are not being met. The department's total response time continuum is based upon reporting 57 percent of its total responses, calling the validity of the limited data set into question. The department recently became aware of this issue and believes this discrepancy has been created through a software glitch.

Accordingly, the peer assessment team believes that the three years of data used to formally verify and validate the department's performance is inconclusive and the peer assessment team, by consensus, believes it is unable to validate department's capabilities for the three years of total response time performance. It is recommended that the department accurately capture baseline response performance data in order to ensure they are conforming to industry best practices for their programs.

The department is aware of the criticality of being able to report on these necessary measurements. The ability to provide reliable and verifiable data within the next year will be the most important issue in its reaccreditation. The department is committed to meeting that target for implementing a successful remedy to its current problems.

A strategic plan or other form of long-term planning (three to five years in the future) is in place and, along with the budget, is guiding the activities of the agency. The plan is submitted to appropriate authority having jurisdiction. The department has a comprehensive, published strategic plan. The plan includes eleven strategic initiatives, all with specific goals and objectives and specific time constraints. The plan was developed by a large contingency of stakeholders and has received wide distribution. It is updated annually and modified as necessary.

Weekly, quarterly and annual review meetings keep the department focused on forward progress for the plan's goals and objectives. The plan's annual review and update was most recently completed and approved in 2013 and aligns with the mayor and council's Focus On Results (FOR) initiative.

Category III — Goals and Objectives

The Atlanta Fire Rescue Department is guided by a vision statement, a mission statement, a set of core values and established goals and objectives. The related performance measures are acknowledged and approved by the fire chief and serves to establish the benchmarks of the department's goals and objectives. These statements, goals, objectives and performance measures are integrated within the recently updated strategic plan for 2014-2018. The development and

¹³ 2B.5 Agency baseline and benchmark total response time objectives for fire response conform to industry best practices as prescribed on page 70-71 for first due and effective response force (ERF).

¹⁴ 2C.6 Given the importance and magnitude of service demands, a standards of cover strategy is established for each type of non-fire risk(s) and service demand.

maintenance of this document ensures the department retains an alignment with the mission and vision of the city and the needs of the community it serves.

The department has established general goals and specific objectives that direct its priorities in a manner consistent with its mission. The goals and objectives are appropriate for the community served.

The department has eleven strategic initiatives that drive the goals and objectives that follow. These initiatives have the support of the fire department and city senior staff. The goals and objectives serve to improve the community's fire protection levels.

On an annual basis, the department reviews and updates its multi-year strategic plan. The plan identifies specific, measurable, attainable, realistic and time-bound (SMART) objectives that incorporate measurable elements of time, quantity and quality to develop its goals and objectives. In some cases they are a continuation of the previous year and, in all cases, they are aligned with identified needs in the department's strategic plan and standards of cover.

The goals and objectives for each major division of the department are developed, analyzed and published as part of department's senior management initiatives. To ensure alignment with the goals of the city, the fire chief and senior staff regularly meets with the mayor and the mayor's staff to discuss the city-specified strategic goals and how they are managing their particular programs. Performance measures for the goals, and specific objectives of the major divisions, are published in the strategic planning document and are reviewed and updated annually.

The department's longer-term goals and objectives are contained in its multi-year strategic plan for 2014-2018. The long-range goals have been directly tied into city management established processes. The implementation of the published, long term objectives are currently at various levels, from early stages of activity through to completion.

A management process is utilized for implementation of goals and objectives. The department tracks progress towards implementing its goals and objectives by a management process that includes: holding stakeholder meetings annually to report and discuss the pursuits and progress of each initiative; conducting weekly, monthly and quarterly senior staff meetings to verbally discuss the progress of each initiative as it relates to the completion of performance measures and tactical objectives, both administratively and operationally. The goals and objectives, and the progress towards goal implementation, are readily available to all members of the department through the department server.

Processes are in place to measure and evaluate progress towards the completion of specific objectives and overall system performance. The goals and objectives are re-examined and modified periodically.

The fire chief receives regular updates from senior staff on various aspects of the strategic plans goals and standards of cover documents, developed by division chiefs and the department's planning and assessment division, that identifies progress towards completion of the goals and objectives; their progress and successful completion is a key component between the fire chief and senior staff. In those instances where the council changes its focus areas and related goals and objectives, the department re-evaluates and modifies, as appropriate, to ensure they are consistent with council priorities.

Category IV — Financial Resources

The Atlanta Fire Rescue Department uses internal staff to develop the initial operating and capital budgets. The processes followed during the development and approval stages of these budgets are clearly articulated in various city and fire department policies and procedures.

The department's financial planning and resource allocation processes are based on agency planning involving broad staff participation. The city of Atlanta prepares and proposes an annual budget to city council before the previous end of the fiscal year. The finance department provides direction in the budgeting and planning departments of the city including the fire department. The direction is found in the annual budget preparation manual and is in accordance with state codes and Generally Accepted Accounting Practices (GAAP) standards. Multiple budget preparation sessions are scheduled at the departmental level to ensure all procedures, expectations and requirements are followed. Their fiscal year runs from July 1 to June 30 for each annual cycle.

The peer assessment team confirmed that the city of Atlanta is in receipt of the most currently available Certificate of Achievement for Excellence in Financial Reporting (certificate) from the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR). The department has submitted its most recent GFOA certificate and CAFR as prima facie compliance with this criterion.

Financial resources are appropriately allocated to support the established organizational mission, the stated long-term plan, goals and objectives and maintain the quality of programs and services. Financial stability is a fundamental aspect of an agency's integrity. The department ensures that programs and services provided can be supported by the necessary fiscal resources using sound budgetary practices.

The annual budget is based both on current and previous year's activities. The business manager and budget analyst coordinate with specific cost center managers to develop the budget. This process provides oversight for implementation of new programs and activities as well as towards maintaining core functions. The allocation is based on the department's prioritized needs and they have been able to secure the necessary funding to maintain the core functions of the department and related programs.

Category V — Programs

Criterion 5A – Fire Suppression

The Atlanta Fire Rescue Department is a full-service fire and rescue organization designed to provide essential fire suppression to an urban area. To meet the needs of its residents and visitors, the department currently staffs 34 engine companies (4 are at airport), 16 ladder/truck companies (2 are at airport). The pump capacity of all engines and 2 airport quints is 1500 gallons per minute.

The department operates a three-shift system and has established a minimum staffing of four personnel for its engine companies and three personnel on truck companies and three for tiller-type apparatus.

A safety officer, with the rank of battalion chief, is assigned to each incident and is mandated to respond to all fires as well as all situations where a firefighter injury may occur. Typically, until a

battalion chief arrives the responsibilities for monitoring for site safety are initially filled by company officers.

All personnel expected to fill the role of safety officer have received appropriate recognized training. The safety officer is formally expected to notify the incident commander of any unsafe operations. Similar expectations extend to all emergency response personnel. The department is planning on putting all chief officers through the incident safety officer again as a review, and include the captains in the training as well during the next year.

The department cannot demonstrate that it operates an adequate, effective, and efficient fire suppression program directed toward controlling and or extinguishing fires for the purposes of protecting people from injury or death, and reducing property loss. One criterion statement and one core competency were not met: criterion statement 5A and core competency 5A.1. Additional detail related to the team's findings is located below in its observations about the ability of the department to meet the criterion statement and core competency expectations.

The department periodically completes a review of all standard operating procedures related to the program. These regular reviews assure the continued introduction of industry best practices and lessons learned from local emergency responses. These procedures are located at all fire stations and are also available on the intranet. Command level personnel utilize these guidelines for professional development and use it as a guide on how to operate on scene.

The incident management system (IMS) used by Atlanta has been adopted and is implemented on every emergency situation. Newly hired firefighters are exposed to the IMS during recruit training and members are offered the opportunity to attend state and national courses to enhance their knowledge. All personnel are required to obtain National Incident Management System (NIMS) 100, 200, 700 and 800; while chief officers have to also acquire NIMS-300 and 400.

The department is constantly appraising the suppression program and through the *AFRStat program*. The department does conduct an annual appraisal to evaluate the effectiveness of the suppression program at the senior staff level and solicits input from members at all ranks within the organization.

Core competency 5A.1¹⁵ was not met. The site visit revealed that the agency's data set was limited to approximately 28 percent of the fire suppression incidents to which it responded to in the years of 2010-2012. It is recommended that the department accurately capture fire suppression response performance data, and document and maintain it in a manner that supports program appraisal and assessment.

The department's response and deployment standards are based upon all of the community's metro/urban population density and fire demand of the community. Thirty-five fire stations provide citywide and airport coverage; department staffing is based upon station location, incident type and frequency. The targeted service level objectives in the standards of cover benchmark statements are based on industry standards and best practices, as identified earlier in this report in Category II – Assessment and Planning. The objectives have been approved and adopted by fire department

¹⁵ 5A.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, pumping capacity, apparatus and equipment deployment objectives for each type and magnitude of fire suppression emergency incidents.

management and the city council. The department's benchmark service level objectives are as follows:

For 90 percent of all low/typical structure fires, the total response time for the arrival of the first-due unit, staffed with 3 firefighters and 1 officer, shall be: 8 minutes and 03 seconds in all communities; The first-due unit for all risk levels shall be capable of: providing 500 gallons of water and 1,500 gallons per minute (gpm) pumping capacity; initiating command; requesting additional resources; establishing and advancing an attack line flowing a minimum of 150 gpm; establishing an uninterrupted water supply; containing the fire; rescuing at-risk victims; and performing salvage operations. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all low/typical risk structure fires, the total response time for the arrival of the effective response force (ERF), staffed with 16 firefighters and officers, shall be: 15 minutes and 26 seconds in all communities. The ERF should be capable of obtaining a sustained water supply, containing the spread of fire, filling out the RIT group, performing safety officer functions, rescuing trapped victims, and initiating property conservation operations. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all moderate risk structure fires, the total response time for the arrival of the first-due unit, staffed with 3 firefighters and 1 officer, shall be: 7 minutes and 2 seconds in all communities; The first-due unit for all risk levels shall be capable of: providing 500 gallons of water and 1,500 gallons per minute (GPM) pumping capacity; initiating command; requesting additional resources; establishing and advancing an attack line flowing a minimum of 150 gpm; establishing an uninterrupted water supply; containing the fire; rescuing at-risk victims; and performing salvage operations. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public, completing forcible entry; searching and rescuing at-risk victims; ventilating the structure; controlling utilities; and performing salvage and overhaul.

For 90 percent of all moderate risk structure fires, the total response time for the arrival of the effective response force (ERF), staffed with 24 firefighters and officers, shall be: 15 minutes and 42 seconds in all communities. The ERF should be capable of obtaining a sustained water supply, deploying a back-up attack line, containing the spread of fire, filling out the RIT group, performing safety officer functions, rescuing trapped victims, and initiating property conservation operations. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all high risk structure fires, the total response time for the arrival of the first-due unit, staffed with 3 firefighters and 1 officer, shall be: 6 minutes and 32 seconds in all communities; The first-due unit for all risk levels shall be capable of: providing 500 gallons of water and 1,500 gallons per minute (gpm) pumping capacity; initiating command; requesting additional resources; establishing and advancing an attack line flowing a minimum of 150 gpm; establishing an uninterrupted water supply; containing the fire; rescuing at-risk victims; and performing salvage operations. These operations shall be done in accordance with

departmental standard-operating procedures while providing for the safety of responders and the general public.

For 90 percent of all high risk structure fires, the total response time for the arrival of the effective response force (ERF), staffed with 32 firefighters and officers, shall be: 15 minutes and 42 seconds in all communities. The ERF shall be capable of obtaining a sustaining water supply, establishing lobby control and logistics, deploying a back-up attack line, initiating a search on the fire floor and the floor above, containing the fire, filling out the RIT group, performing safety officer operations, rescuing victims, initiating property conservation operations and placing an elevated stream into operation from an aerial apparatus. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

Due to the lack of data provided by the agency, the peer assessment team was unable to verify that the department's baseline statements reflect actual performance during 2009 to 2013. As a result the response performance tables are not included in this report.

Criterion 5B – Fire Prevention / Life Safety Program

The Atlanta Fire Rescue Department relies on two divisions with separate resources to administer its fire prevention and life safety program. There are a total of 37 personnel working in these divisions and each area are supervised by a section chief. There are 23 personnel assigned to the Atlanta metro area and 14 assigned at the airport division.

The department operates an adequate, effective, and efficient program directed toward fire prevention, life safety, hazard risk reduction, the detection, reporting, and control of fires and other emergencies, the provision of occupant safety and exiting and the provisions for first aid firefighting equipment.

The city of Atlanta has adopted the state of *Georgia Fire Code* (Title 25, Chapter 2) and all amendments as mandated by the State Fire Safety Commissioner of Georgia (Sec.78-56), and utilizes these as their adopted fire prevention code.

As prescribed by the state of *Georgia Fire Code*, the inspection division conducts fire safety inspections of existing buildings and structures and reviews plans and specifications for new proposed buildings and renovations or additions of existing ones. Evening safety compliance (or night inspections) are conducted on Friday and Saturday evenings from 2100-0200 hours. Additionally, hazardous condition inspections are conducted at the world's busiest airport (Hartsfield-Jackson Atlanta International Airport). All new and existing plans are reviewed by the department's fire protection engineer for compliance. The fire protection engineer position was re-established in 2010.

The department provides adequate staff with the specific expertise to meet the program goals and objectives. They presently utilize fire safety specialists to conduct inspections of multi-family and commercial occupancies within the city of Atlanta and at the airport. *Georgia Fire Code* mandates certification for all fire safety specialists and the department currently has 16 inspectors working in the 2 inspection sections.

Through annual and other periodic appraisals, the inspection and prevention program has been effective in its community risk reduction; this was evident with the evaluation and development of their new false alarm activation standard operating procedure, which has given the city the ability to charge for false alarm activations. This has subsequently reduced unnecessary responses for the operations division. Additionally, the inspection and prevention program at the airport continues to be successful in protecting thousands of safe fueling operations each day. The department should continue with its present review and assessment process and document its present performance metrics.

Criterion 5C – Public Education Program

The Atlanta Fire Rescue Department embraces the community risk reduction concept, as exemplified by the U.S. Fire Administration's five-step fire education planning model. Embedded within this model is emphasis on analyzing community risk factors and tailoring public education with the right message at the right time to the right audience. The community risk reduction (CRR) team is headed by one lieutenant, two fire education specialists and one special project coordinator. All members of the CRR team are sworn and civilian personnel assigned to 8-hour staff positions. Programs offered by the team are heavily focused on fire safety and loss prevention, but car seat safety and the Senior Link programs are aimed at the highest age-related risk groups in the community.

The department has a public education program in place and directed towards identifying and reducing specific risks in a manner consistent with its mission. The community affairs (CA) program targets specific risks and audiences based more on nationally identified risk groups such as low income, the very young and the elderly rather than on specific incident analysis. Focus, however, is heavily placed on using recent incidents as teaching moments in neighborhoods affected by fire. Every month, the special project coordinator distributes a report generated from the department's management information system, which lists the structure fires that have occurred for the previous 30-day period. The CA lieutenant maps fire locations to help with trend analysis as well as with *After the Fire* campaigns to distribute fire safety information to fire victim neighbors. Presently this trend analysis is limited to the simple listing of structure fires and their locations, which requires follow up on the part of CA personnel to ascertain the status of victims, ages of persons involved, method of ignition, etc.

A well-established car seat safety program has been implemented with car seat safety technicians at every station; families are encouraged to visit their local fire station for assistance. The CA program also targets seniors with its *Senior Link* program, which is designed to assist low-income seniors in obtaining help with local social programs and aid.

The department has established a specific standard operating procedure for community affairs. This policy describes the scope of the community affairs program and directs its activities generally. Four other policies have been promulgated for specific direction related to smoke alarm distribution, post-incident canvassing, home safety inspections and the *Senior Link* program. These policies are reviewed annually by the chief of CRR and forwarded to the fire chief for approval if changes are made to existing programs.

Each month the CA section's activities are reported to the planning division for inclusion in Focus on Results (FOR) Atlanta, the city's method for distributing real-time analysis of existing programs. At the present time, the program reports on the numbers of people reached and numbers of program

materials distributed. Reductions in risk-related fires and other emergencies are analyzed annually in conjunction with program budget preparation each year.

The department's car safety seat and *Senior Link* programs are laudable efforts to target the most at-risk populations in any community. The *Senior Link* program, in particular, with its focus on putting low-income seniors in touch with all local social assistance resources demonstrates the department's commitment to promoting safety and security for its customers.

It is recommended the department move beyond simply tracking outputs and incorporate outcome measures that show the impact of the department's public education programs.

Criterion 5D – Fire Investigation Program

The Atlanta Fire Rescue Department (AFRD) has a dedicated fire investigation branch to conduct investigations of all reported fires within the city and at the Hartsfield-Jackson Atlanta International Airport. The branch operates with one captain and nine lieutenants assigned to investigations. The fire investigators work closely with the city's police department to complete thorough investigations and to process criminal charges, where appropriate and utilize nationally accepted methods when processing these cases.

The department operates an adequate, effective and efficient program directed toward origin and cause investigation and determination for fires, explosions, and other emergency situations that endanger life or property.

The city of Atlanta Code of Ordinances Part II, Section 78-66 authorizes AFRD to conduct fire investigations under the authority of the Official Code of Georgia Annotated (OCGA) Title 25, Chapter 2, Section 9. The referenced code establishes legal authority for the department to investigate the cause, origin, and circumstances of any fire or explosion. The department's establishing and regulating by-law has described and defined the fire investigation branch as having the statutory responsibility to investigate fires and determine fire origin and cause. The investigation division investigates fire deaths, injuries and hazardous materials crimes. Personnel assigned to the investigations division have full police powers and have all attended and graduated the 640-hour Georgia Basic Law Enforcement School, and 80-hour Basic Arson Investigation School and 80-hour Advanced Arson Investigation School, in addition to an Interviews and Interrogation school and at least 40 hours of continuing education each year.

Mandated systematic investigations are scientifically conducted by the fire investigators using the *National Fire Protection Association (NFPA) 921: Guide for Fire and Explosion Investigations, 2011 edition*. Captains and battalion chiefs are provided with overview training for determining cause and origin and for determining when investigator response is required.

The current staffing level allows the department to adequately meet its mandate of conducting fire cause determination and fire injury investigations. The investigators are properly trained and routinely train on new procedures, national trends and modern investigative methods.

The branch completes a review of all standard operating guidelines on an annual basis. This was recently completed and their present standard operating procedure was changed significantly to reflect changes in technologies, and utilized NFPA 921 as a template.

A full appraisal is conducted annually to determine the effectiveness of the department's fire investigation program. The investigation branch conducts monthly scorecards to track the number of fires investigated, cause of the fires, juvenile fire investigated, and arrests made. The department is using their internal statistics, along with bomb and arson tracking, to monitor the performance and effectiveness of the fire investigation program.

Criterion 5E – Technical Rescue

The Atlanta Fire Rescue Department provides a wide range of technical rescue programs to its residents including, but not limited to: special vehicle/machinery entrapment, high and low angle rescue, swift/flood water, structural collapse, confined space and trench collapse. Technical rescue responsibility is distributed across four companies (Company 21 (Georgia Urban Search and Rescue), Company 11 (Swift Water/Flood), Squad 4 (Special Operations), and Company 14 (Collapse Rescue). Minimum qualifications for these positions are described in the Operations Manual and adhere to *National Fire Protection Association (NFPA) 1670 Standard on Operations and Training for Technical Search and Rescue Incidents, 2009 edition*, and the National Professional Qualifications set forth by the Georgia Firefighter Standards and Training Council.

The department has increased equipment and logistical support for Technical Rescue and is currently working to improve tracking and distribution of equipment in compliance with operational needs. They are working to create a line item in the fiscal year 15 budget in order to improve maintenance and replacement support for technical rescue equipment. The department has a detailed Operations Manual guiding technical rescue activities. Atlanta Fire Rescue Department participates in the Georgia Search and Rescue Program and maintains an extensive vehicle and equipment cache that is utilized to provide urban search and rescue (USAR) response within the city and state. In August of 2012 the department funded a dedicated special operations chief to oversee the implementation and evaluation of the technical rescue program.

Scene safety for technical rescue is established and maintained in compliance with the department's Operations Manual. The role of incident safety officer is automatically assigned to the second-arriving chief officer during technical rescue incidents. If necessary, the special operations assistant chief can function as the safety officer or as the operations chief upon their arrival at technical rescue incidents. All personnel assuming the roles of safety officer are trained to the incident safety officer level as taught by the National Fire Academy.

The department cannot demonstrate that it operates an adequate, effective, and efficient program directed toward rescuing trapped or endangered persons from any life-endangering cause. One criterion statement and one core competency were not met: criterion statement 5E and core competency 5E.1. Additional detail related to the team's findings is located below in its observations about the ability of the department to meet the criterion statement and core competency expectations.

Standard operating procedures (SOP) are in place and direct the department's response to technical rescue incidents. The department also has an updated Operations Manual, which guides each technical rescue discipline. The special operations chief position, created in 2012, has enabled the department to improve upon its policies and procedures and reviews are now focused on aligning operational training and tasks with the department's stated response requirements.

Since the creation of the special operation chief position, the department has completed quarterly appraisals of the activities of its technical rescue program. Prior to this change the evaluation of technical rescue effectiveness was largely handled at the operational level. The special operations chief now meets with officers monthly to monitor response and training needs. Accident and injury reports are evaluated under the direction of departmental risk management policy and procedures. The department is currently using data from the records management system to evaluate program activities.

The department has increased and updated equipment associated with performing stated technical rescue activities, however the inspection and tracking system for this equipment does not currently show documented support of compliance with national standards. The program does complete inventory and maintenance activities but current policies and tracking methods do not clearly identify compliance. It is recommended that the inspection and tracking system for technical rescue equipment illustrate documented support of compliance with national standards.

In addition, the department's records management system (RMS) has the capability to document technical rescue responses, but the system is not currently utilized or configured to analyze program effectiveness. In the past, the department has used several different reporting tools with minimal success; currently they rely on informally documented meetings to discuss program needs and activities. It is recommended that the department formalize program evaluation procedures to capture not only work outputs but also equipment, training, and operational effectiveness.

Core competency 5E.1¹⁶ was not met. The site visit revealed that the agency's data set was limited to less than ten percent of the technical rescue incidents to which it responded to in the years of 2010-2012. It is recommended that the department accurately capture technical rescue response performance data, and document and maintain it in a manner that supports program appraisal and assessment.

The department's response and deployment standards are based upon the metro/urban population density and the technical rescue demands of the community. Thirty-five fire stations provide citywide coverage; department staffing is based upon station location, incident type and frequency. The targeted service level objectives in the standards of cover benchmark statements are based on industry standards and best practices, as identified earlier in this report in Category II – Assessment and Planning. The objectives have been approved and adopted by fire department management and city council. The department's benchmark service level objectives are as follows:

For 90 percent of all technical rescue incidents, the total response time for the arrival of the first-due unit, staffed with 3 firefighters and 1 officer, shall be 11 minutes in all communities. The first-due unit shall be capable of and responsible for establishing command; sizing up the incident to determine the appropriate technical rescue response; what critical factors are involved; requesting the appropriate special operations resources required to safely mitigate the incident; securing the perimeter around the incident to deny entry to untrained personnel and providing basic life support to any victim/s when doing so will not endanger the crew.

¹⁶ 5E.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of technical rescue emergency incidents.

These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all technical rescue incidents, the total response time for the arrival of the effective response force (ERF) including the technical response team, staffed with 18 firefighters and officers, 8 being technician level trained shall be: 15 minutes and 03 seconds in all communities. The ERF shall be capable of: performing size up, hazard control, gaining access, rigging, developing raise/lower systems, disentanglement and patient packaging. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

Due to the lack of data provided by the agency, the peer assessment team was unable to verify that the department's baseline statements reflect actual performance during 2009 to 2013. As a result the response performance tables are not included in this report.

Criterion 5F – Hazardous Materials (Hazmat)

The Atlanta Fire Rescue Department (AFRD) hazardous materials (hazmat) team is considered a Georgia Emergency Management Agency Type I hazmat team. The team is comprised of three companies of hazmat technicians for a total complement of fourteen well-equipped technicians on duty at any one time. Two decontamination companies can also be dispatched to provide technical decontamination during an emergency that requires entry into the hot zone. All AFRD members that are not part of the hazardous materials team are trained to the Occupational Safety & Health Administration (OSHA) Hazardous Waste Operations and Emergency Response awareness or operations level and provide first due response where necessary.

All AFRD companies are capable of handling natural gas leaks and other minor hazardous materials emergencies. However, for incidents considered higher risk, the department deploys its three teams of technicians and two teams of decontamination units.

There is no state competency standard for hazardous materials technicians, so AFRD trains all technicians locally to the OSHA HAZWOPER rule and *National Fire Protection Association (NFPA) 472: Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents*. Continuing education training for hazardous materials team members is largely handled at the company level by experienced company commanders and hazardous materials technicians.

Safety is a critical concern for the AFRD. It is the policy of the department during hazardous materials incidents to assign the second arriving company officer to the duty of safety officer upon report of an immediately dangerous to life or health (IDLH) environment. The role of incident safety officer is automatically assigned to the second-arriving chief officer during hazardous materials incidents. If necessary, the special operations assistant chief can function as the hazardous materials safety officer or as the operations chief upon his/her arrival at a hazardous materials incident. All personnel assuming the roles of safety officer are trained to the incident safety officer level as taught by the National Fire Academy.

The department cannot demonstrate that it operates an adequate, effective, and efficient hazardous materials program directed toward protecting the community from the hazards associated with fires and uncontrolled releases of hazardous and toxic materials. One criterion statement and one core competency were not met: criterion statement 5F and core competency 5F.1. Additional detail

related to the team's findings is located below in its observations about the ability of the department to meet the criterion statement and core competency expectations.

Standard operating procedures (SOP) govern the department's response to all levels of hazardous materials incidents. The SOPs dictate the department's intended standard of cover for hazardous materials technicians and detail the specific responsibilities of all companies assigned to a working incident. The department's policy of periodic review of its SOPs has been followed by the chief of special operations; the last revision was just completed in August 2013, and has been incorporated into the department's operations manual.

Between 2010 and 2012, department-wide funding cuts shifted appraisal of the hazardous materials program to the individual companies involved in hazardous materials response. Station captains of hazardous materials response companies became responsible for evaluating crews' readiness; so centralized appraisal was largely nonexistent. In 2012, the chief of special operations position was created and an overall evaluation of the hazardous materials program was reinstated. Every month, the special operations chief meets with shift commanders, the operations assistant chief and the deputy chief of field operations to review hazardous materials incidents and special operations program performance using data retrieved from the records management system.

The special operations division does not have a budget of its own other than the provision of funding for the assistant chief of operations position. Funding for new and replacement hazardous materials response equipment must be procured using the emergency operations budget. Consequently, hazardous materials equipment funding must compete directly with funding requests from the rest of operations. Moreover, matching the program's expenses with its service level objectives as well as improving accountability for expenses is made more difficult when equipment funding is embedded with other funding. It is recommended that the department establish a separate funding account for the special operations program to allow for better tracking and accountability for the program's expenses.

Training is also an important component for hazardous materials response since demand is typically very low, but risk is extremely high. The department's use of company officers for continuing hazardous materials education is encouraged. However, a more coordinated curriculum for technicians should be pursued to standardize the training across all three shifts. The curriculum should tie directly in to the program appraisals so training deficiencies can address identified issues as promptly as possible and improve program performance. The department's *Target Solutions* platform, used to track certifications and continuing education, is an ideal way to deliver consistent distance training supplemented with tactile skills sessions and tactical simulations at the direction of the special operations chief. It is recommended that the special operations division standardize the continuing education provided to technicians on all three shifts.

Core competency 5F.1¹⁷ was not met. The site visit revealed that the agency's data set was limited to less than ten percent of the hazardous materials incidents to which it responded to in the years of 2010-2012. It is recommended that the department accurately capture hazardous materials response

¹⁷ 5F.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of hazardous materials emergency incidents.

performance data, and document and maintain it in a manner that supports program appraisal and assessment.

The department's response and deployment standards are based upon the metro/urban population density and the hazardous materials demands of the community. Thirty-five fire stations provide citywide coverage; department staffing is based upon station location, incident type and frequency. The targeted service level objectives in the standards of cover benchmark statements are based on industry standards and best practices, as identified earlier in this report in Category II – Assessment and Planning. The objectives have been approved and adopted by fire department management and city council. The department's benchmark service level objectives are as follows:

For 90 percent of all hazardous materials response incidents, the total response time for the arrival of the first-due unit, staffed with 3 firefighters and 1 officer, shall be 9 minutes and 08 seconds in all communities. The first-due unit shall be capable of and responsible for establishing command; sizing up the incident to determine the level of hazardous materials response required; what critical factors are involved; requesting the appropriate special operations resources required to safely mitigate the incident; securing the perimeter around the incident to deny entry to untrained personnel and providing emergency decontamination and basic life support to any victim/s when doing so will not endanger the crew. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all hazardous materials risk levels incidents, the total response time for the arrival of the effective response force (ERF) staffed with 10 firefighters and officers shall be 18 minutes and 15 seconds in all communities. The ERF shall be capable of performing size up, site control, material identification, confinement and containment. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

Due to the lack of data provided by the agency, the peer assessment team was unable to verify that the department's baseline statements reflect actual performance during 2009 to 2013. As a result the response performance tables are not included in this report.

Criterion 5G – Emergency Medical Services

The Atlanta Fire Rescue Department (AFRD) has an emergency medical services (EMS) program that provides two levels of pre-hospital emergency medical care. This service includes basic life support (BLS) and advanced life support (ALS). The department provides this by deployment of 25 BLS engines, 10 ALS engines, 2 ALS quick units, and 4 ALS ambulance strategically located throughout the department's response area. The department has two EMS section chiefs, one oversees the field operation EMS and the other oversees the airport EMS operations. Both operations include supervisors that provide medical oversight and quality assurance/quality improvement programs. The department has recently initiated two ALS quick intervention crews each staffed with one paramedic and one emergency medical technician (EMT). ALS patient transportation in field operations is provided by Grady Emergency Medical Services in a seamless transition between fire response and the third party provider and AFRD handles ALS transports at the airport.

The department cannot demonstrate that it operates an emergency medical services (EMS) program that provides the community with a designated level of out-of-hospital emergency medical care. One

criterion statement and one core competency were not met: criterion statement 5G and core competency 5G.1. Additional detail related to the team's findings is located below in its observations about the ability of the department to meet the criterion statement and core competency expectations.

The Atlanta Fire Rescue Department has sufficient medical protocols and standard operating procedures (SOP) in place to ensure the delivery of effective medical services. There are a number of new SOPs that are in draft form and have yet to be posted including the Health Insurance Portability and Accountability Act (HIPAA), Active Shooter, and Easy Glide Stair Chair.

Patient Care Reports (PCRs) are created for each patient treated. This report includes sufficient information to evaluate the level of care provided and to ensure the adherence of department protocols. AFRD EMS supervisors complete review of these reports as well as a random review provided by the department's medical director. When issues are identified, AFRD initiates training actions or notifications to ensure patient care is maintained within acceptable standards.

The AFRD EMS program adheres to all HIPAA regulations. Personnel are trained to meet these mandates and continuous reviews for quality assurance ensure HIPAA regulations are followed.

The AFRD conducts periodic appraisal of the EMS program through mutual sources and venues. The department's medical director works with the department to ensure protocols are appropriate to obtain the desired level of effectiveness and within current standards. Senior executive staff review response performance, incident staffing, as well as individual analysis of high profile events. The battalion chief of the EMS section assesses the level of performance through the multiple programs and efforts; recently adding the passport system. Assigned EMS supervisors and the battalion chiefs share the findings of the appraisals and reviews via mechanisms such as the *Daily Brief*.

Core competency 5G1¹⁸ was not met. The site visit revealed that the agency's data set was limited to approximately 57 percent of the emergency medical incidents to which it responded to in the years of 2010-2012. It is recommended that the department accurately capture emergency medical services response performance data, and document and maintain it in a manner that supports program appraisal and assessment.

The department's response and deployment standards are based upon the metro/urban population density and the EMS demands of the community. Thirty-five fire stations provide citywide coverage; department staffing is based upon station location, incident type and frequency. The targeted service level objectives in the standards of cover benchmark statements are based on industry standards and best practices, as identified earlier in this report in Category II – Assessment and Planning. The objectives have been approved and adopted by fire department management and city council. The department's benchmark service level objectives are as follows:

For 90 percent of all EMS basic life support (BLS) Level 1 responses, the total response time for the arrival of the first-due unit, staffed with a minimum 4 firefighters with at least two of which will be trained to the minimum level of emergency medical technician (EMT), shall arrive in: 7 minutes and 43 seconds in all communities. The first-due unit shall be capable of:

¹⁸ 5G.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of emergency medical incidents.

establishing commend, confirming patient location, making patient contact, performing A-B-C patient analysis, performing patient assessment, providing oxygen administration, taking and recording vitals, applying automatic external defibrillator (AED) and delivering shock, initiating cardio-pulmonary resuscitation (CPR) and patient ventilations, ensuring airway management, gaining intravenous (IV) access and packaging patient. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

The first arriving BLS Engine is the ERF for EMS Level 1 responses

For 90 percent of all advanced life support (ALS) Level 2 responses, the total response time for the arrival of the first-due unit, staffed with a minimum of 3 firefighters at least one trained to the level of Paramedic and at least one other trained to the level of EMT-Intermediate (EMT-I), shall arrive in: 8 minutes and 30 seconds in all communities. The first-due unit shall be capable of: establishing commend, confirming patient location, making patient contact, performing A-B-C patient analysis, performing patient assessment, providing oxygen administration, taking and recording vitals, applying AED and delivering shock, initiating PR and patient ventilations, ensuring airway management, gaining IV access and packaging patient. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

For 90 percent of all ALS Level 2 response incidents, the total response time for the arrival of the effective response force (ERF), staffed with a minimum 3 firefighters, at least 2 trained to the level of Paramedic and at least one other trained to the level of EMT-I, shall arrive in, shall arrive in: 8 minutes and 30 seconds in all communities. The ERF shall be capable of: providing incident command and producing related documentation; completing patient assessment; providing appropriate treatment; performing AED; initiating CPR; and providing IV access-medication administration. These operations shall be done in accordance with departmental standard operating procedures while providing for the safety of responders and the general public.

Due to the lack of data provided by the agency, the peer assessment team was unable to verify that the department's baseline statements reflect actual performance during 2009 to 2013. As a result the response performance tables are not included in this report.

Criterion 5H – Domestic Preparedness Planning and Response

The Atlanta-Fulton County Emergency Management Agency (AFCEMA) is the first tiered level to assist the city in domestic preparedness, planning and response. AFCEMA is responsible for drafting the Atlanta-Fulton County Emergency Management Agency Emergency Operations Plan (EOP).

Through its involvement with the county, the department operates an all-hazards preparedness program that includes a coordinated multi-agency response plan, designed to protect the community from terrorist threats or attacks, major disasters and other large-scale emergencies occurring at or in the immediate area.

The AFCEMA produces a hazard mitigation (Hazmat) plan as a generic plan for the guidance and direction to all Fulton County municipalities as well as those un-incorporated that are within Fulton County. The plan contains annexes that apply to each individual participating jurisdictions. The EOP

meets the needs of the Atlanta Fire Rescue Department (AFRD) in the planning and mitigation of natural and domestic disasters and emergencies. It was noted that the current EOP review was drafted without input from the Atlanta Fire Rescue Department; the EOP was completed and undergoing review by Fulton County Commissioners.

The Atlanta Fire Rescue Department has available to them standard operating procedures (SOP) and utilizes them to direct the domestic preparedness program, and increase effectiveness and ensure common application of policy and protocols

The city of Atlanta utilizes interoperable radio communications to ensure a unified response to emergencies and planned events. AFRD has resources within their agency to support a shared situational awareness and coordinated response, which includes cache radios, pre-programed talk groups and a communications vehicle. AFRD incident commanders have access to real-time situation reports from AFCEMA.

Criterion 5I – Aviation Rescue and Fire Fighting Services

The Atlanta Fire Rescue Department (AFRD) has responsibility for providing fire protection to the Hartsfield-Jackson Atlanta International Airport (H-JAIA). The Federal Aviation Administration (FAA) Directive 139.317 defines the minimum standards that the department must meet in terms of the number of aviation rescue and fire fighting (ARFF) vehicles and the amount of extinguishing agent required. AFRD exceeds these minimum requirements. The department maintains a fleet of ten frontline ARFF apparatus providing service to all runway and taxiway areas. These units comply with all applicable National Fire Protection Association (NFPA) standards. The department has approval to add reserve apparatus in the fiscal year 2014 budget cycle.

All personnel stationed at the airport have received ARFF training and participate in annual emergency drills on airport property. Training records are complete and kept on site to allow for FAA inspection.

The department cannot demonstrate that it operates an adequate, effective and efficient program directed toward an aviation accident or incident occurring at, or in the immediate area. One criterion statement and one core competency were not met: criterion statement 5I and core competency 5I.1. Additional detail related to the team's findings is located below in its observations about the ability of the department to meet the criterion statement and core competency expectations.

Standard operating procedures (SOP) for the ARFF program exist in both hard and electronic form and kept are up-to-date. Fire department staff assigned to the airport is involved with the review and implementation of policies affecting ARFF operations. The department meets or exceeds FAA requirements and SOPs reflect comprehensive direction for dispatch, response, training, and administrative practices at the airport.

Operation and administration of the ARFF program at H-JAIA is evaluated on an ongoing basis by a dedicated staff of uniform officers and administrators. The chief of airport operations evaluates response to both fire and emergency medical services (EMS) incidents on airport property. During the site visit the peer team identified several areas where changes have been implemented to improve service delivery, based on needs identified during ongoing appraisals. Because of the limited number of actual emergencies, program analysis is accomplished during regular FAA appraisals of response

times; firefighter training; and runway incursions. The FAA and the National Transportation Safety Board (NTSB) also conduct appraisals of the ARFF program when accidents or actual crashes occur.

The size of the ARFF program and the scope of services provided at H-JAIA require a significant amount of analysis. The peer team discussed several options with which the chief of the airport can share response data for EMS services, so that it can be included in analysis of EMS responses for AFRD as a whole.

Core competency 5I.1¹⁹ was not met. The department currently exceeds its FAA mandated deployment objectives to aviation emergencies, but the peer team was unable to verify and validate baseline response times for the ARFF operation.

It is recommended that the department accurately capture aviation and airport response performance data, and document and maintain it in a manner that supports program appraisal and assessment. In addition, the department adheres and meets the requirements of FAA but has no benchmark performance statements. It is recommended that the department establish benchmark performance goals for the aviation rescue and fire fighting program.

The department's response and deployment standards are based upon Federal Aviation Regulation (FAR)-Part 139, target hazards and demand of the airport served. Five fire stations provide complete area coverage; department staffing is based upon station location, incident type and frequency. The service level objectives are based on industry standards and best practices.

Due to the lack of data provided by the agency, the peer assessment team was unable to verify that the department's baseline statements reflect actual performance during 2009 to 2013. As a result the response performance tables are not included in this report.

Criterion 5K – Other Programs

The Atlanta Fire Rescue Department has a program in place known as the Public Information, Education, and Relation (PIER) program. This program encompasses seven community outreach initiatives. Included as part of these initiatives are information and assistance to families in matters dealing with domestic abuse, senior living, working smoke detectors checks and installations, Car seat giveaways and installations, citizens' fire academy, and other related fire and public safety efforts.

The department has current standard operating policies in place to effectively perform the PIER program's mission. These policies identify responsibilities, protocols and how the membership documents and tracks activities within the program.

Members of the Atlanta Fire Rescue Department senior executive staff complete quarterly reviews of the PIER program initiatives to evaluate their performance and identify opportunities where program enhancements can be made.

The PIER program of the Atlanta Fire Rescue Department is community-education service oriented. The department has established goals for the programs as appropriate and been successful in

¹⁹ 5I.1 Given the agency's standards of cover and emergency deployment objectives, the agency meets its staffing, response time, apparatus and equipment deployment objectives for each type and magnitude of aviation emergencies.

achieving those goals. The department increased its smoke detector installations from 1900 in 2012 to 4700 in 2013.

Category VI — Physical Resources

The Atlanta Fire Rescue Department (AFRD) staffs and operates 30 fire stations around the city and 5 aviation and rescue firefighting (ARFF) stations at Hartsfield-Jackson Atlanta International Airport. Additionally, AFRD co-locates its headquarters with the Atlanta Police Department. Fire headquarters accommodates its executive and administrative staff in 35,000 square feet of office space in downtown Atlanta. The airport allocates approximately 28,000 square feet of office space in its operations headquarters for ARFF administration as well. A separate facility, the Public Safety Annex, houses the department's logistical support functions including supply, equipment, personal protective equipment and self-contained breathing apparatus (SCBA) repair. The annex is located in the western portion of the city and is co-housed with the Atlanta Police Department's logistics operations, as well as the AFRD fire investigations team.

Training is conducted at three separate locations: the Ashwood facility, which is a seven-acre facility that houses the training staff and classrooms, the Claire Drive drill yard and a separate driving course. The driving course is utilized by AFRD under a memorandum of understanding with the Annie E. Casey Foundation.

The department operates its own logistics facility, which provides equipment maintenance and station supplies for all facilities. Vehicle maintenance is provided by a separate city fleet services department with staff appropriately trained and qualified to maintain the department's emergency response vehicles.

Two criterion statements and two core competencies were not met: criterion statements 6B and 6C along with core competencies 6B.3 and 6C.1. Additional detail related to the team's findings is located below in the observations related to criterion statement and core competency expectations.

The department ensures the development and use of physical resources is consistent with its established plans. A systematic and planned approach to the future development of facilities is in place.

Planning for physical facilities has been an important part of the department's strategic planning process, so many department members as well as governing body members and administrative personnel have been involved in the process. Public input has been solicited when funding becomes available to move facility projects forward.

The department cannot demonstrate that its fixed facility resources are designed, maintained, managed and adequate to meet its goals and objectives. Core competency 6B.3²⁰ was not met. Due to the inability of the department to provide an adequate data set, the site team was unable to verify the adequacy of the department's distribution and placement of their facilities. It is recommended that the department accurately capture response performance data to allow for facility placement analysis and future assessment and planning purposes.

²⁰ 6B.3 Physical facilities are adequate and properly distributed in accordance with stated service level objectives and standards of cover.

As the department has indicated in its self-assessment, the peer assessment team found many of the department's facilities are very old and in need of upgrade or replacement. However, all stations are compliant with codes and regulations in place at the time of construction. A recent Justice Department audit of a select number of AFRD stations identified that seven stations require modifications to become ADA-compliant. It is recommended that the department add a component to its station inspection process to account for federal, state and local code compliance to help with replacement/renovation considerations. This additional information can be used along with building age and condition to project replacement need.

The department's facilities are routinely cleaned and by the station firefighters. However, no planned schedule exists for minor or major repairs. In some cases, firefighters have made their own station improvements or upgrades to floor and wall coverings with some materials assistance from administration. A civilian assigned to technical services assists with minor repairs to stations. Major repairs are handled by the Office of Enterprise and Asset Management (OEAM) as funding is made available, but consistency is clearly lacking. It is recommended that the department pursue a service level agreement with the city to help clearly delineate what each department can expect from the other in terms of station maintenance.

The department cannot demonstrate that its apparatus resources are designed and purchased to be adequate to meet its goals and objectives. Core competency 6C.1²¹ was not met. Due to the inability for the department to provide an adequate data set, the site team was unable to verify that the department's distribution and placement of their apparatus is accomplishing their stated service level objectives. It is recommended that the department accurately capture response performance data to allow for analysis of apparatus placement and future assessment and planning purposes.

Though an apparatus specification committee composed of department personnel meets at least quarterly and more often when purchases are in process, there is no representation from the Office of Fleet Services (OFS) on the committee. It is recommended the department include a member of the office of fleet services on the apparatus committee when specifying new apparatus to allow the city to standardize parts and training. This should help the city keep expenses in check if OFS moves forward with parts or training standardization.

The inspection, testing, preventive maintenance, replacement schedule and emergency repairs of all apparatus are well established and meet the emergency apparatus service and reliability needs. The OFS maintenance program is well established. All apparatus receive preventive maintenance quarterly. OFS uses a robust records management system capable of tracking every vehicle in the department's fleet. The system allows not only for routine maintenance scheduling, but provides management with the information analysis necessary to make logical vehicle replacement decisions. The parts room is well stocked, with a separate area dedicated to fire apparatus parts. All technicians are trained on manufacturer's recommendations and these are followed in the vehicle maintenance program.

A service level agreement has been established between OFS and the AFRD that dictates how the apparatus maintenance program is carried out. Additionally, standard operating procedures are in place for the department's personnel directing their role in the apparatus maintenance program.

²¹ 6C.1 Apparatus are located strategically to accomplish the stated standards of cover and service level objectives.

These policies are reviewed on annual basis to ensure consistency with both agencies' goals and objectives for the city's fleet.

OFS and AFRD have implemented a robust system for insuring the regular inspection, testing, fueling and preventive maintenance of fire apparatus. The city maintains six fueling centers and an additional fourteen stations have fuel on site. Moreover, OFS runs two shifts of fleet technicians dedicated to fire apparatus repair from 7 am to midnight, Monday through Friday. OFS is also working to increase the number of emergency vehicle technician-certified personnel (EVTs) on staff and upgrade the levels of existing EVT's. Aerial apparatus are tested annually by a third party provider. Any time a pump is repaired, the technical services division runs a full National Fire Protection Association (NFPA) pump test before putting the engine back in service.

The tools and small equipment resources are adequate and designed and maintained to meet the agency's goals and objectives. The technical services division tests and inspects the tools and small equipment for all stations and divisions in the department. Department personnel perform routine maintenance. Mechanics are certified by local equipment dealers for the work they perform. There is an adequate records management system to manage the program.

Safety equipment is adequate and designed to meet the agency's goals and objectives. AFRD distributes two sets of protective gear to all firefighters in the department. The department has made a commitment to provide personal protective equipment (PPE) that is compliant with nationally recognized standards. All personnel are responsible for the regular inspection of their personally assigned safety equipment and each station has extractors and commercial washing machines to ensure that equipment is clean when needed for use. The peer team noted several PPE violations while on site. It is recommended that the department implement a zero tolerance approach to personal protective gear violations.

The technical services division maintains a robust SCBA repair and maintenance program, and ensures all face piece fit testing is accomplished annually. The ability of the technical services division to deliver SCBA testing, replacement and repair services to the stations represents a best practice for other departments looking to reduce company downtime or reducing equipment maintenance issues.

Category VII — Human Resources

Human resources functions for the Atlanta Fire Rescue Department (AFRD) are guided by the city's Department of Human Resources. The city human resources department reviews the Code of Ordinances established by city council and oversees the adherence to this code by city departments. Atlanta Fire Rescue Department Office of Technical Services is responsible for day-to-day human resources functions and includes a Human Resources Director and captain of Background and Recruitment. Support for human resource activities are provided by three human resources specialists two of which are dedicated to payroll administration.

The department created a Professional Development Handbook in 2013. This document aids the organization in tying knowledge, skills, and abilities of employees to training requirements and position descriptions. The development of this handbook along with the city audit of position classifications will help clarify and formalize the career progression process for the department.

General human resources administration practices are in place and are consistent with local, state/provincial and federal statutory and regulatory requirements. Human resources staff administers the necessary city policies, procedures and directives to ensure compliance with all of the related demands. The department's human resources manager is designated and is responsible functional human resource activities and compliance with the City Code of Ordinances.

Systems are established to attract, select, retain, and promote qualified personnel in accordance with applicable local, state/provincial and federal statutory requirements. The city of Atlanta Code of Ordinances ensures departmental compliance with federal and state requirements including equal employment opportunity (EEO) and discrimination legislation. The department efficiently advertises positions and processes candidates while adhering to the detailed expectations of the city of Atlanta. The department has filled 311 firefighter recruit positions since 2010. The department complies with a detailed hiring policy, standard operating procedure (SOP) 401.01 *Decision Rules for Hiring* and the Background and Recruitment Unit supports recruitment and hiring activities.

The department uses an outside vendor to develop promotional tests utilizing a bibliography established by the Fire Rescue Department. They acknowledge a current challenge that is being processed in the court system secondary to their recent lieutenant exam however; they state the process itself is not in question. The department is currently in the process of implementing a Professional Development Handbook in order to guide employee professional development and to formally outline knowledge, skills, and abilities for specific departmental positions.

The department has experienced difficulty in attracting and hiring female candidates. AFRD has made recent attempts to target females during recruiting events but has not formalized a methodology to target this demographic. They offer biweekly training sessions for the candidate physical aptitude test in an effort to improve pass rates for all applicants.

The department has a defined, supervised probationary process to evaluate new members. Recruit firefighters are considered probationary while in the training academy and for six months and are evaluated by their immediate at three, six and twelve month periods as outlined in departmental policy. Standard city evaluation forms are used and are based on critical job elements that identify knowledge, skills, and abilities from the position job classification. The department also utilizes a probationary period of twelve months for newly promoted members but allows for the possibility of a six-month extension upon approval of the city human resource commissioner. City code also details the steps for reclassification should a promoted employee fail to perform satisfactorily.

The department does not have a formal recruitment strategy or plan to address target groups. The Recruitment and Hiring unit has several ideas on addressing concerns in this area and used a survey to evaluate employees who were successful in the recruit academy last year.

Personnel policies and procedures are in place, documented and used to guide both administrative and personnel behavior. Departmental policies and procedures related to human resources are available on the department's internal server. The department has a comprehensive *Work Rule Manual* outlining personnel policies and procedures including grievance and disciplinary procedures. All departmental employees sign a notice of acknowledgement stating they are aware of the location and have access to the internal server that houses these policies and procedures. Annual evaluations also include performance indicators associated with awareness and compliance with these rules and directives.

The department adheres to the city's code of ordinances defining and prohibiting sexual, racial, disability or other forms of harassment, bias and unlawful discrimination. City policies clearly meet minimum state and federal requirements. This information is provided to new employees during orientation and updated policies are accessible on the intranet and in the published city of Atlanta employee handbook. The city of Atlanta has an independent Board of Ethics that oversees adherence to the city code of ethics.

Human resources development and utilization is consistent with the agency's established mission, goals and objectives. The department has a position classification system in place whereby, on an on-going basis, assessments of job functions and job descriptions are accomplished. An audit process can be initiated by the department as needed, and forwarded to the city for approval. Council approves modifications of classifications, as appropriate. The city contracted with an outside agency in 2011 to perform an audit of all city of Atlanta position and pay classifications. The Atlanta Fire Rescue Department updated all position descriptions during this audit process. They plan to continue to comply with the city's auditing system; discrepancies will be reported to the city Director of Human Resources.

A system and practices for providing employee and member compensation is in place. Rates of pay and compensation are published in conjunction with job descriptions for both uniform and civilian staff of the Atlanta Fire Rescue Department. These are available on the city web site and are included in the Professional Development handbook being released this year.

Occupational health and safety and risk management programs are established and designed to protect the organization and personnel from unnecessary injuries or losses from accidents or liability. The department falls under the city of Atlanta risk management and occupational health and safety program. This system is designed and implemented to meet legislative compliance, to reduce workplace health and safety incidents and to promote health and wellness in the workplace. The department has designated a civilian senior project manager that is responsible for the implementation and tracking of department level risk management activities and workers compensations claims. These activities fall under the overall responsibility of the assistant chief of technical services while the deputy chief of field operations ensures all field operations work related injuries are investigated in compliance with departmental policy.

A safety officer position is established on incident scenes in compliance with the Atlanta Fire Rescue Department operations manual. This document establishes the second due officer in charge to assume initial incident safety on and incident involving and immediately dangerous to life and health (IDLH) environment. Further, the incident commander will shall assure the appointment of an incident safety officer on any working incident. The department has outlined a checklist to ensure a scene safety assessment is completed and reports of working conditions are reported to the incident commander. All departmental members are responsible for compliance with applicable safety program standard operating procedures.

The department has an effective method to educate the workforce in regard to communicable disease prevention and vehicle accident review recommendations. The Atlanta Fire Rescue Department also participates in the National Fire Fighter Near-Miss reporting System.

The department realizes that their current station inspection program does not clearly address documentation and follow up for safety concerns within facilities. They also have no method for ensuring accessibility to material safety data sheet (MSDS) information or identified safety hazards at

the facility level. It is recommended that the department formalize its process for evaluating workplace hazards.

The department has a wellness and fitness program for recruit and incumbent personnel and provisions for non-compliance by employees and members are written and communicated. Each firefighter applicant completes the candidate physical ability test and receives a pre-employment occupational medical evaluation prior to the start of the academy. The department has not conducted annual medical evaluation in the past but as part of their Wellness/Fitness Initiative they have processed 919 uniform staff through a contracted physical examination and are in the process of completing fitness assessments. The agency provides rehabilitative evaluations, using the recommendation from the treating physician for return to work evaluations. The department has always complied with blood work and physical requirements for hazardous materials team members. It is recommended that the department continue its efforts to implement regular medical and fitness evaluations for incumbent members through a department sanctioned and funded process.

The department has a wellness and fitness program implementation process policy. This policy addresses the initiation of baseline physicals and fitness testing. The department also has a policy to direct the selection and training of certified peer fitness trainers. This is a new policy and does not address continuation or long-term direction for the departments overall Wellness/Fitness Initiative. It is recommended that the department formalize a system to track, maintain, and replace fitness equipment on a scheduled basis.

In order to realize the full benefits of the wellness/fitness program, it is recommended that the department identify and utilize a database system to document, track, and analyze the results of their new wellness/fitness program.

Category VIII — Training and Competency

The Atlanta Fire Rescue Department (AFRD) operates a training division that provides fire and medical training. The division consists of three facilities, the Claire Drive facility is a four-acre site containing several training structures and the Ashwood facility, a seven-acre site that provides for classroom and burn training, and the University Avenue facility, a driving pad that is available through a contractual arrangement with a third party. The three facilities contain most of the resources and structures expected to be found in modern training facilities. However, technical rescue and hazardous materials props and facilities are not available. In addition, the buildings are worn and aged. A battalion chief, four lieutenants, six captains (two retired), three civilian EMS instructors, and one sergeant comprise the staff.

The department has a well-established training program that provides relevant, timely training to all personnel, including airport personnel in some venues. The program is managed to closely track training and certifications required by the state.

Program areas and required training needs are identified based upon federal, state and local laws, as well as administrative requirements. The process includes annual meetings that draw upon lesson plan reviews, post incident analysis, state updates, and new initiatives. The annual assessment workshops ensure the training programs stay current and deliver the training that the department is legally mandated to offer; programs that meet state requirements for maintenance of existing certifications held by department personnel; and training needed to acquaint personnel with new equipment acquisitions or technologies.

Training and education programs are provided to support the agency's needs. The department utilizes performance-based evaluations to ensure the members and companies are competent and confident to perform the job in individual, company, crew and multi-company situations. The department incorporates written and skill-based testing, including comprehensive task books, into the development and delivery of its training programs and emergency response exercises. Lessons learned from the evaluations are used to update the training programs.

The department is in process of developing a Professional Development Handbook that describes the career path that could be pursued for each rank. The department is encouraged to continue development of this document and put it into the annual assessment process for updating and relevancy as soon as possible.

Training and education resources, printed and non-printed library materials, media equipment, facilities and staff are available in sufficient quantity, relevancy, diversity and they are current. The department houses a full-service training center through the use of three separate facilities. Resources include training grounds sufficient for most aspects of firefighter training, but does not include technical rescue and hazardous materials training. The facilities are old and well worn. Props and training aids are also well worn. Technical rescue and hazardous materials training is conducted on an ad hoc basis, utilizing various buildings as available throughout the community. The training center has dedicated classrooms and facilities. Staffing resources are planned to increase over the next couple of years and will be a significant value to the training program. The facilities have some apparatus for specific uses, but crews are required to bring their own apparatus to the training facilities. Airport training facilities are separate and include live fire training facilities.

Nationally and state recognized training materials are being used in the training program. A committee comprised of training division staff and representatives of each department division continuously evaluate the existing training materials to make sure they reflect current practices and needs. The training staff also regularly receives recommendations from administrative and operational personnel for new training materials that go through the same evaluation process prior to being added to the department's training resources.

The agency's instructor base has a heavy workload, and they utilize personnel from its ranks when regular instructors are not available. It is recommended that the department evaluate how subject matter experts and instructors are identified in the delivery of programs and training.

Category IX — Essential Resources

Criterion 9A – Water Supply

The Atlanta Fire Rescue Department (AFRD) primarily relies on the city's Department of Watershed Management (DWM) to ensure the provision of a well-maintained, reliable and adequate water system. The city's distribution system includes more than 2,750 miles of water distribution pipelines, 12 pump stations, 9 booster pump stations, 1 surge tank, 12 ground storage tanks and over 23,000 hydrants. A good working relationship exists between AFRD and DWM, and has been strengthened in the last few years as they worked together for the Insurance Services Office (ISO) review process.

The water supply resources available to the department are reliable and capable of distributing adequate volumes of water and pressures to all areas of agency responsibility. All areas meet fire flow requirements for emergencies.

The department chief of community risk reduction serves as the liaison officer with the DWM for coordination purposes to review and approve the required fire flow for all significant new construction developments. The department recently went through the ISO process and received 37.84 out of a possible 40 for its water system. Hydrants are maintained at a minimum of 40 pounds per square inch (PSI) in the distribution system and 80 PSI at the pressure zones. It was observed by the peer assessment team that the department established minimum fire flow, but this was not included for all existing representative structures. They are presently working towards integrating pre-fire plans into their record management system and they are on track to access hydrant information along with other valuable water data via computer aided dispatch (CAD) by the next fiscal year; this should include fire flow requirements for all existing structures with this transition of technology. It is recommended that the department continue to establish minimum fire flow for all existing representative structures and make efforts to include those in the pre-fire planning process to make them readily available to responding personnel.

All areas of the city are adequately served by the domestic water supply with over 23,000 hydrants. The distribution system and hydrant distances are meeting best practices spacing of 300 feet for commercial areas and 500 feet for single-family residential areas.

The hydrant locations and alternate water sources are maintained in both hard-copy and electronic format. AFRD is presently in the process of implementing on-board mobile data computers and will be able to access water information while responding to emergencies. There is an appropriate system allowing for sharing of information between AFRD and DWM to address any problems that develop with the pressurized water system. DWM has the ability to remotely boost pressure in any area when needed. There have been some difficulty accessing the complete hydrant data base because of two different systems but this is being addressed through the new database scheduled to be completed in 2014. In the event portable water sources are needed, water tankers are strategically located throughout the city to augment water supply and maintain adequate fire protection.

Criterion 9B – Communication Systems

The Atlanta Fire Rescue Department (AFRD) receives its communications services from the Atlanta Police Department, which runs the citywide radio system and the communications center, known as *911 Atlanta*. Call taking and dispatch services are provided for police, fire and emergency medical services (EMS). Local dispatch services for advanced life support (ALS) ambulances are handled directly by Grady EMS, whose ambulances utilize the Atlanta communications system. The AFRD does not have direct influence over either communications center, but interfaces routinely with both centers through its internal communications manager and senior department leaders. A separate communications center operates at Hartsfield-Jackson Atlanta International Airport; it handles 911 calls and communications with airport emergency responders directly on airport property, but fire and EMS calls are cloned in the city's CAD system for consistent recordkeeping purposes and additional response if necessary.

The public and the department have an adequate, effective and efficient emergency communications system. The system is reliable and able to meet the demands of major operations, including command and control within fire and rescue services during emergency operations, and meets the requirements of other public safety agencies having a need for the distribution of information.

The radio system is based on 800 MHz technology. Nine repeater sites provide radio coverage throughout the city and AFRD has access to two mobile repeater units for added local coverage

should the need arise. Mobile data computers are installed on all fire apparatus and utilize a local telecommunications provider to maintain connectivity with the dispatch center. The department assigns portable radios to every riding position on first line apparatus, all command staff personnel and other specialty assignments. All fire department mobile and portable radios have national mutual aid talk-around channels. All apparatus and senior staff positions have been issued cell phones for backup communications.

The communications center has adequate provisions for meeting the incoming call volume associated with emergencies. All dispatchers in the center are cross-trained for call taking as well as both police and fire dispatching functions. Communicators can assume call taker or dispatch functions should the need arise during times of high call volume and routinely shift functions during shifts to maintain their skills. The on-duty supervisor can be pressed into similar service, if necessary, but it is recognized that this should be avoided, if at all possible, to ensure appropriate supervision capability continues to be in place at all times.

911 Atlanta operates under a comprehensive set of standard operating procedures developed by the center itself. AFRD has had input in how the center handles call taking and dispatching functions for fire and medical emergencies through its department liaison. In 2010, for instance, the department along with the communications center implemented a call taking protocol that included the screening for trigger words to hasten AFRD emergency medical response. Once an emergency medical call is confirmed, the call taker soft transfers the call to Grady EMS for more formal EMD questioning; fire units are notified for dispatch at that time as well. Though this seems to be having the desired effect of dispatching fire units quicker, it is recommended that the dispatch center consider implementing its own standardized emergency medical dispatch protocols to strengthen its ability to analyze and implement emergency medical system improvements.

Though *911 Atlanta* routinely tests its backup power systems and associated fail-safe mechanisms, no physical movement of personnel is undertaken during annual backup center tests. It is recommended that the dispatch center conduct a full-scale exercise each year that includes the physical relocation of dispatchers to the secondary dispatch center to better assess the backup capabilities of the 911 center.

Criterion 9C – Administrative Support Services and Office Systems

AFRD provides most of the support and office systems support to meet the needs of the organization. Responsibilities for each of the internal systems reside is presently under the chief of staff. Policies and procedures are in place for obtaining support and each of the divisions has adequate administrative and support staff to support the mission and objectives of the department.

Administrative support services and general office systems are in place with adequate staff to efficiently and effectively conduct and manage the department's administrative functions, such as organizational planning and assessment, resource coordination, data analysis, research, records keeping, reporting, business communications, public interaction and purchasing.

The department operates under four major divisions; field operations, technical services, the fire chief's office and airport operations, each being supervised by a deputy chief. The department is operating at its authorized levels and is adequately staffed and managed to meet its goals and objectives. There is also a strategic initiative to enhance administrative functions within the department such as payroll, data collection from building inspections and budget processing. AFRD

is using telecommuting for some mission critical administrative functions such as payroll to ensure continuity of operations in a disaster scenario with city infrastructure.

Category X — External Systems Relationships

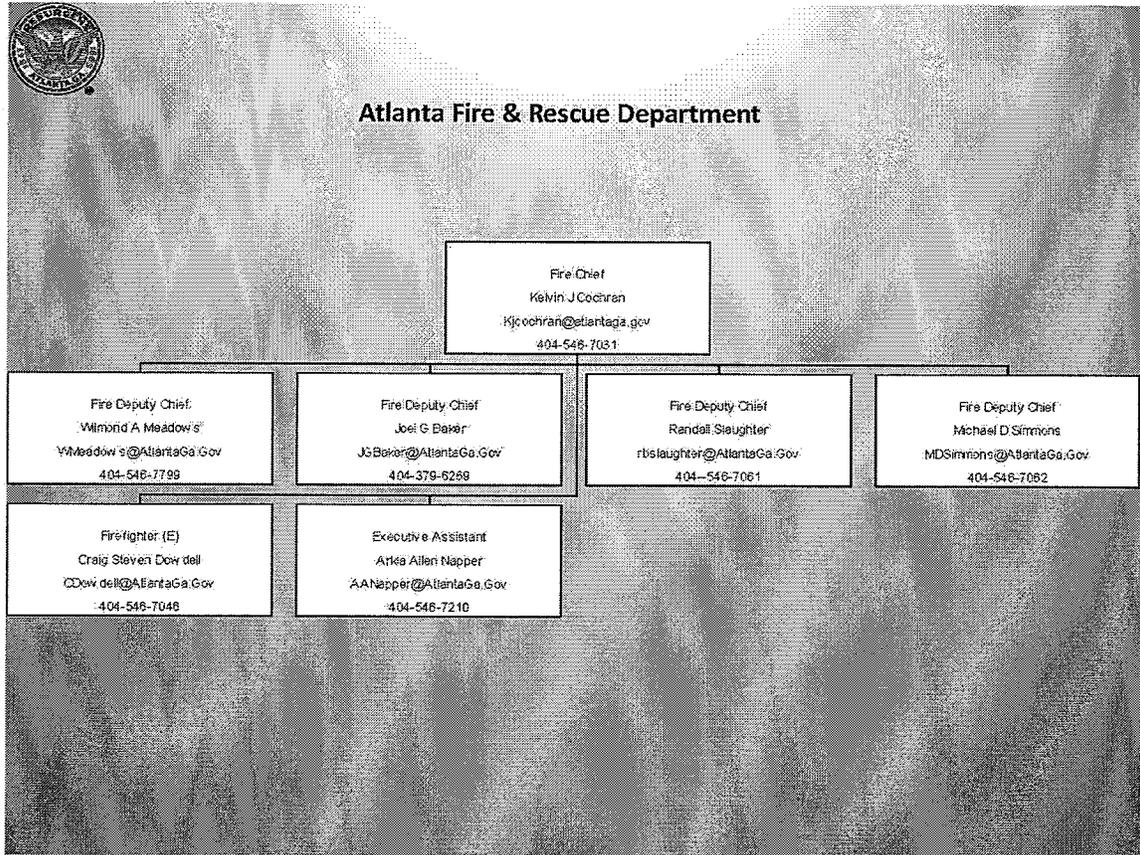
The Atlanta Fire Rescue Department (AFRD) has written mutual and automatic aid agreements to assist them in effectively safeguarding their communities and those they neighbor. These agreements mutually benefit those agencies and clarify the expectations and responsibilities of the signature parties. The department maintains record of these agreements in their External System Relations Manual. Agreements are in place to support the Atlanta Fulton County Emergency Management Agency Emergency Operations Plan.

The agency's operations and planning efforts include relationships with external agencies and operational systems that affect or may influence its mission, operations or cost effectiveness. The AFRD enters into external relationships to enhance its effectiveness and shared responsibilities for those they are entrusted to protect. Often these agreements are of mutual benefit to those involved. AFRD also enters into automatic aid agreements to provide seamless coverage and protection to communities bordering their jurisdiction. Review of these agreements has found them to be beneficial and supportive. AFRD senior staff conduct analysis to identify those gaps to which they seek agreement for the purpose of public safety effectiveness and cost-savings.

The department has well-developed and functioning external agency agreements. The system is synergistic and is taking advantage of all operational and cost effective benefits that may be derived from external agency agreements.

Although agency agreements support organizational objectives, a review of the external agency agreements has found some external agreements to be in need of review and/or signature. Inquiry of the matter revealed in some situations the agreements were not reviewed due to vacancy or long term leaves. It is recommended that the department update its external agency agreements to ensure their effectiveness and application.

ORGANIZATION CHART



From: Napper, Arkla [AANapper@AtlantaGa.Gov]
Sent: 7/25/2013 4:22:39 PM
To: Cochran, Kelvin [kjcochran@AtlantaGa.Gov]
Subject: RE: Book Revisions pt 1

I received the same bounce back that you received earlier.

Arkla A. Napper
Executive Assistant
Chief Kelvin J. Cochran
Telephone: 404.546.7210
Cell: 404.275.4289

-----Original Message-----

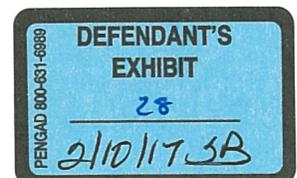
From: Cochran, Kelvin
Sent: Thursday, July 25, 2013 4:22 PM
To: Napper, Arkla
Cc: myrna.gale@gmail.com
Subject: Re: Book Revisions pt 1

I received it.

Sent from my iPhone

On Jul 25, 2013, at 3:43 PM, "Napper, Arkla" <AANapper@AtlantaGa.Gov> wrote:

> Good afternoon Ms. Gale:
>
> See below. I am resending the revised version of the book from Chief Cochran on his behalf as he is out of the office. Because of the size, I will send it in two parts. Please confirm receipt of both emails. Call if you have any questions.
>
> Arkla A. Napper
> Executive Assistant
> Chief Kelvin J. Cochran,
> Atlanta Fire Rescue Department
> 226 Peachtree St., SW
> Atlanta, GA 30303
> Email: AANapper@AtlantaGa.gov<mailto:AANapper@AtlantaGa.gov>
> Telephone: 404.546.7210
> Cell: 404.275.4289
> Fax: 404.546.2930
>
>
> From: Cochran, Kelvin
> Sent: Tuesday, July 23, 2013 1:28 PM
> To: 'Myrna Gale'
> Subject: Book Revisions
>
> Good Afternoon Myrna:
>
> Attached is the revised version of the book. There are a couple of sections I have still praying about adding to for clarity and or further explanation. However, I feel confident that 98% of the content is there. I am counting on your anointed expertise to put the icing on the cake! Please call if you have any questions.
>
> Blessings,
>
> Kelvin
> <WHO TOLD YOU THAT YOU WERE NAKED pt 1.docx>



From: Napper, Arkla [AANapper@AtlantaGa.Gov]
Sent: 7/25/2013 3:43:53 PM
To: 'myrna.gale@gmail.com' [myrna.gale@gmail.com]
Subject: RE: Book Revisions pt 1
Attachments: WHO TOLD YOU THAT YOU WERE NAKED pt 1.docx

Good afternoon Ms. Gale:

See below. I am resending the revised version of the book from Chief Cochran on his behalf as he is out of the office. Because of the size, I will send it in two parts. Please confirm receipt of both emails. Call if you have any questions.

Arkla A. Napper

Executive Assistant
Chief Kelvin J. Cochran,
Atlanta Fire Rescue Department
226 Peachtree St., SW
Atlanta, GA 30303
Email: AANapper@AtlantaGa.gov
Telephone: 404.546.7210
Cell: 404.275.4289
Fax: 404.546.2930

From: Cochran, Kelvin
Sent: Tuesday, July 23, 2013 1:28 PM
To: 'Myrna Gale'
Subject: Book Revisions

Good Afternoon Myrna:

Attached is the revised version of the book. There are a couple of sections I have still praying about adding to for clarity and or further explanation. However, I feel confident that 98% of the content is there. I am counting on your anointed expertise to put the icing on the cake! Please call if you have any questions.

Blessings,

Kelvin

**WHO TOLD YOU THAT YOU
WERE NAKED?**

Overcoming the Stronghold of Condemnation

By

Formatted: Font: 20 pt, Font color:
Accent 1, Complex Script Font: 20 pt

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....2

The Introduction.....3

Chapter 1 – The Fall into Condemnation

Chapter 2 – The Naked

Chapter 3 - The Need for Covering

Chapter 4 – The Clothed

Chapter 5 – The Distinction Between the Clothed and the Naked

Chapter 6 – The Difference Between Conviction and Condemnation

Chapter 7 - The State of Depravity

Chapter 8 - Lead Us Not into Temptation

Chapter 9 The Wrestling Match

Chapter 10 Work Out Your Soul Salvation

Chapter 11 The Disciplined Life of a Clothed Man

Chapter 12 The Spirit-filled Virtuous Life

Chapter 13 We Have Overcome the Stronghold of Condemnation

Works Cited

Formatted: Centered

Formatted: Font: 28 pt, Complex Script
Font: 28 pt

Formatted: Justified, Space Before: 12
pt, After: 12 pt, Line spacing: Multiple
1.15 li

Formatted: Justified, Space Before: 12
pt, After: 12 pt, Line spacing: Multiple
1.15 li

Formatted: Justified, Space Before: 12
pt, After: 12 pt, Line spacing: Multiple
1.15 li

Formatted: Centered

ACKNOWLEDGEMENTS

I thank God for choosing me to deliver this message to redeemed men of the Body of Christ who wrestle with the stronghold of condemnation. While I am still a work in progress, my life is a testimony of this struggle and how a man can grow from strength to strength through diligent pursuit of the Word of God.

My wife Carolyn and my children Tiffane, Kelton and Camille and my granddaughter Thailyn inspire me day by day to be the man God has called me to be. The love and support keeps me striving for greater heights and depths of seeking the glory of God for our household and the generations of Cochran's to come.

The men in my bible study small group on Friday mornings at Q-Time Restaurant and the men of my Quest for Authentic Manhood small group at Elizabeth Baptist Church inspired me to take what was initially a six week lesson plan to a book. Sharing the lesson plan with my brothers on Friday mornings convinced me that more men would be blessed from this study.

To God be the glory for what happens from here!

Formatted: Centered

Formatted: Centered

The Introduction

GENESIS 3:7-11

*Then the eyes of both of them were opened, and they knew that they were naked; and they sewed fig leaves together and made themselves loin coverings. They heard the sound of the Lord God walking in the garden in the cool of the day, and the man and his wife hid themselves from the presence of the Lord God among the trees of the garden. Then the Lord God called the man, and said to him. "Where are you?" He said, "I heard the sound of you in the garden, and I was afraid because I was naked; so I hid myself." And he said, **"Who told you that you were naked?"***

During a six-month men's small group study of *"The Quest for Authentic Manhood"*, from the Men's Fraternity Series by Dr. Robert Lewis, Session 15: Genesis and Manhood, Part I focused on God's purpose for creating man. As the facilitator of the session, I was fascinated when the men begin to share their thoughts on the consequences of Adam's decision from then until now. It became quite clear that the generational consequences of the sinful nature are still in full effect—even for men who have been redeemed.

Formatted: Centered

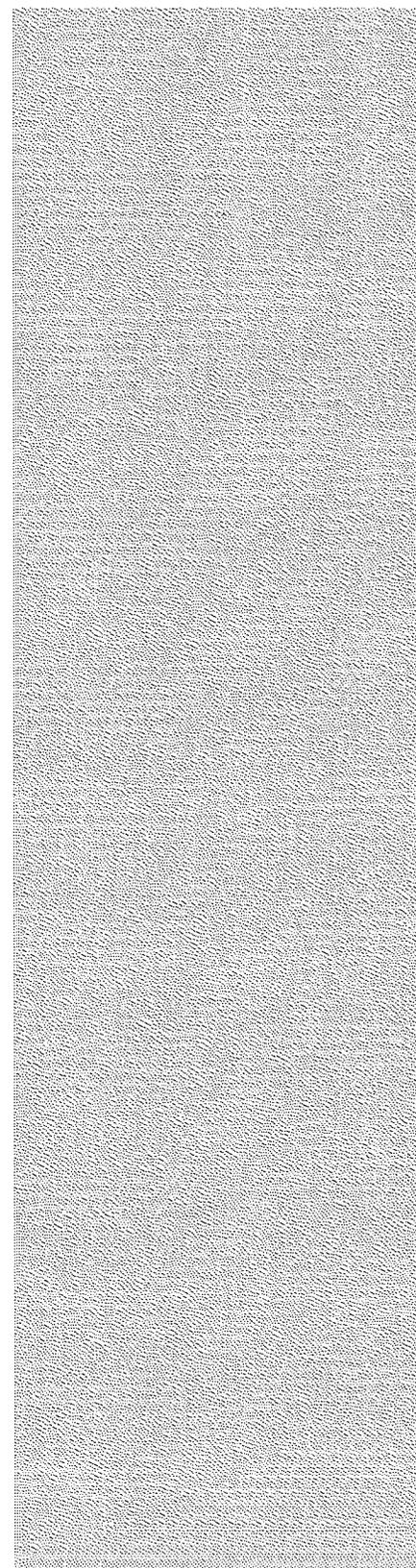
As we continued the discussion on challenges we were all facing as men, it also became clear that God's reaction and response to Adam's transgression had generational implications as well. After walking through the garden and not finding Adam as he had on many other occasions, he called out for him. From his hiding place, Adam confessed He and Eve were in fact hiding because they were naked.

God's reaction was in the form of a question that has gripped my spirit and consequently led to this study. *"Who told you that you were naked?"* I was convinced after hearing each man in our group share personal struggles with the sinful nature that there was much more to the question from God's perspective. *"Who told you that you were naked?"* meant much more than *"Who told you that you did not have on clothes?"*

God knew things would not be the same. However, he was determined to redeem Adam and Eve to a meaningful relationship with himself. His judgment would stand, but to continue with his plan for mankind, Adam's solution of fig leaves would not suffice. So God clothed them with coats of skin through shedding the blood of an innocent lamb. This redemptive solution by God would have generational implications for all of mankind.

The term "naked" in its English translation has been primarily associated with the meaning of being completely nude or without clothing (v.7). However, this definition is but one of many in the Bible. In the King James Version, the word "naked" is used forty-five (45) times and the word "nakedness" is used forty-three (43) times. After a comprehensive review of the use of both words in their proper context, a common theme emerges, God's definition and use of the word "naked" is more comprehensive than Adam's discovery and subsequent use of the word "naked".

Before Adam's discovery of his condition after the transgression, the word had never been spoken. The instantaneous transformation of his condition from what he had previously known resulted in a shock and awe for Adam that literally blew his mind. That radical reaction led to an astonishing visual revelation, "they saw that they were naked". Yes it includes totally nude, the loss of being clothed with



glory, but was also associated with many other consequences (condemnation) and losses (deprivation) that they were yet not aware of before they ate the forbidden fruit.

When God asked the question, "Who told you that you were naked?" he was fully aware of the fullness of the depth and scope of what the word meant for his precious creation. Sin brought condemnation. Condemnation wrought deprivation. Adam never gave God a straight answer. Men today have yet to give God a straight answer. It's time we answer the question, "Who told you that you were naked?"

Overcoming the Stronghold of Condemnation

"In the world ye shall have tribulations: but be of good cheer; I have overcome the world." John 16:33

Jesus overcame all of earth's furies, all of the world's devices. He overcame each trial, tribulation, test and temptation time and time again. The powers of the adversary were strained to the utmost to break him. They failed. Jesus overcame and conquered for our sake, not for his own sake. From an outside perspective, based upon the persecution and suffering that the people saw him going through, the persecution and the crucifixion, he was conquered. Even in the thoughts of his faithful followers, he was defeated.

In his earthly mission, he came not just to show us God the Father, he also to show us God the Son, unconquered, unharmed, untouched by evil and its power. His resurrected body was and is the evidence of his victory over all of earth's furies.

As sons of God, we must share in the experience of his tribulations. Christ's overcoming gives us courage and confidence. In his conquering power we walk will walk in victory, unharmed and untouched by the evil one and his power.

Overcoming defined is:

1. To get the better of in a struggle or conflict; conquer; defeat—to overcome the enemy

2. To prevail over (opposition, a debility, temptations, etc.); surmount—to overcome one's weaknesses
3. To overpower or overwhelm in body or mind, as does liquor, a drug, exertion or emotion—overcome with guilt
4. To overspread or overrun
5. To gain the victory: win; conquer—a plan to overcome by any means possible

Stronghold defined is:

1. A net
2. A snare

Through the act of one man's offense death has reigned by one man—Adam. But we who have received the abundance of grace and of the gift of righteousness shall reign in life by one man—Jesus Christ. (Romans 5:17) Many sons of God are not reigning in life victoriously because we are overcome with the stronghold of condemnation. Those who suffer with this affliction have placed more emphasis on what Adam did in the Garden of Eden, than on what Jesus did on Calvary. The greatest weapon the enemy has against a man after he has made a confession of faith is condemnation. It spiritually shackles a man to his past, his sinful nature and an enslaved mind and does not allow him to walk in the freedom of his salvation. Christ has overcome the stronghold of condemnation. Condemnation has been conquered. Who told you that you were naked?

Chapter 1 The Fall into Condemnation

The Origin of Condemnation

In the beginning, God formed Adam from the dust of the earth; and Eve was formed from a rib taken out of Adam. God nurtured and cared for them. They had a very intimate, visible, physical and interactive relationship with one another.

God established Adam as the chief steward, the earth-blessor. He had authority over everything God created. God empowered Adam to prosper in all things.

God created the Garden of Eden and placed Adam and Eve there, to cultivate it and to keep it. They were both physically *naked* (Genesis 2:25), but spiritually clothed in glory, holiness, honor and righteousness. They were not ashamed.

Adam walked with God, in the fullness of God. He saw himself as God created him, as God purposed for him. After eating the forbidden fruit, he saw himself different from how God saw him. The words of the serpent caused him to do something God told him not to do. That act of disobedience changed how Adam saw himself and how God saw him. The clothing of glory, holiness, honor and righteousness was gone! Adam and Eve required a physical covering and could no longer share the same level of intimacy with God. They had to be separated from the God of Glory, Holiness, Honor and Righteousness.

They were *naked*.

Adam's reaction to his spiritual demotion and his physical *nakedness* introduced guilt, shame, fear and death to what was formally perfection. This spiritual demotion and physical revelation brought condemnation and deprivation to the human spirit, body and soul—even all of creation (Romans 8:22). Condemnation and deprivation are the greatest barriers to a man walking in the fullness of his purpose and in the fullness of God in an intimate relationship (Hebrews 11:6).

The mindset that Adam had after his sin was that *nakedness* is shameful, embarrassing and a reason to be afraid. His realization of what he had done caused a deep disappointment he had never experienced. Why was he so ashamed and embarrassed? He realized he doubted the excellence and perfection of God concerning his and Eve's life purpose. He no longer saw himself as God saw him—perfect, holy and righteous. He realized that what he had lost was greater than what he gained from his transgression and that he would never get it back. Just as he emphatically knew he was naked, he also had an overwhelming conviction that things would never be the same.

Sin is like that. It is so deceitful to make us believe that what we will gain from a transgression is greater than what God has promised. The truth of the matter is we always lose more than we gain when we sin. Consequently, carnal emotions, feelings, sensations and rationale entered into the human soul creating enmity between God and man from then until now.

We are born into condemnation.

Eerdman's Dictionary of the Bible indicates that some New Testament writings characterize man's choice of sin as a "*fall under condemnation of the devil*" and a "*fall under condemnation*".

Not a novice, lest being lifted up with pride he fall into condemnation of the devil. (I Timothy 3:6);

Pride was one of three temptations which caused Eve to eat the forbidden fruit. She was told by the serpent she would be like God, knowing good and evil. This scripture indicates that condemnation originated from the devil and is sustained by the devil.

But above all things, my brethren, swear not, neither by heaven, neither by the earth, neither by any other oath: but let your yea be yea; and your nay, nay; lest ye fall into condemnation. (James 5:12).

Condemnation is once again associated with a fall. When a man does not keep his word or makes a vow or an oath with wrong motives, there is a potential for that man to fall into condemnation.

Condemnation occurred when Adam ate, not Eve. Their eyes were opened and they saw that they were naked. Sin changed their predominately spiritual condition to a predominately physical condition. They were both overwhelmed with a sense of doom and loss. As such, when a man is under condemnation, it affects his wife and family. However, when a man overcomes the stronghold of condemnation it blesses his wife and influences the atmosphere in his entire household.

Things Adam and Eve lost:

- They lost their ability to see spiritual things
- They lost their mind, God-way of thinking
- They lost their paradise
- They lost their lifespan
- They lost their of purpose
- They lost God consciousness: God is with me, on my side, pleased with me
- They lost their intimacy with God: no longer was he visible, accessible and approachable
- They lost their confidence toward God

Adam Before the Fall

Everything was created and provided for Adam before he was formed by God (Genesis 1:1-26). Before the fall, Adam had it made. God made a special habitat for him to live in and to thrive. God made him a garden, placed him in it and gave him job specifications (Genesis 2:8-17). God gave him the assignment of naming all creatures and with the assignment, gave him the knowledge he needed to get the assignment accomplished without God's intervention and supervision.

Whatever Adam called a living creature that was its name. If Adam said it, that was it! (Genesis 2:19) After successfully completing all his assignments and proving himself obedient, God took a rib from him, made a woman and brought her to him to be his wife. The two of them were one flesh. They were naked. They were not ashamed (Genesis 2:23-25).

Sin entered creation through Adam. Since that time all men have been born with a sinful nature. We have all inherited the nature of sinfulness (nakedness). Salvation entered creation (the world) through Jesus Christ. Consequently, from the time of his resurrection all who have confessed him as Savior and Lord and have been baptized are born again and have taken on his nature of righteousness (clothed). In other words, we are clothed with Christ and are no longer naked! (Galatians 3:27) Who told you that you were naked?!

The naked mindset places greater emphasis on what Adam did. The clothed mindset places greater emphasis on what Jesus has done.

<u>Adam</u>	<u>Jesus</u>
Son of God	Son of God
Made flesh from dirt	Made flesh from the Spirit
Sinner	Righteous
Nature of Sin	Nature of Righteousness
Condemnation	Redemption
Deprivation	Restoration
Naked	Clothed

Nakedness Defined

According to Eerdman's Dictionary of the bible, nakedness is defined as totally nude or inadequately clothed. Although total nudity could be associated with the innocence of a new born child it was most often a euphemism for sexual organs or sexual activity (Lev. 18:1-23; 20:10-21; Ezek. 16:8).

The first use and context of the word *naked* was not associated with *sex organs* or *sexual activity*. It was associated with a *death to life with God* as they knew it; a loss of spirituality; and an awakening to carnality. Adam and Eve's own shame at the recognition of their nakedness in the wake of their disobedience (Gen. 3:7) is but one example of the facts that nakedness was associated with a variety of human conditions (most of which are associated with the conditions of condemnation and deprivation) often considered shameful or humiliating (Isa. 47:3).

Nakedness symbolized adulterers (I Sam. 20:30) and was often a defining characteristic in metaphors depicting those who rejected God as either adulterers or prostitutes (Ezek. 16: 36-37; Rev. 17:16). In other words, when a person, tribe or nation *rejects God*, they are naked.

Nakedness in the sense of being inadequately clothed is one of the several types of deprivations used to represent both *poverty* (Job 24:10; Isa. 58:7; James 2:15) and *oppression by one's enemy* (including "the enemy") (Deut. 28:48; Rom. 8:35). Consequently, it was used as a figure of *judgment* against Israel. [A nakedness mindset is a *punishment*; a *curse* (Ezek.23:29) to nations (Isa. 20:2-4) or individuals (Hos. 2:3 [MT 5]).

Nakedness was also associated with ecstatic spiritual states, both positively (I Sam. 19:24; 2 Sam. 6:20-21) and negatively (Luke 8:27) and laws regarding the attire of priests and the construction of altars showed a particular concern that they avoid accidentally exposing themselves during the performance of their duties (Exodus 20:26; 28:42) whether these laws were a direct reaction against Canaanite religious practices, as some have suggested or reflected a more general taboo regarding nakedness is subject to debate.

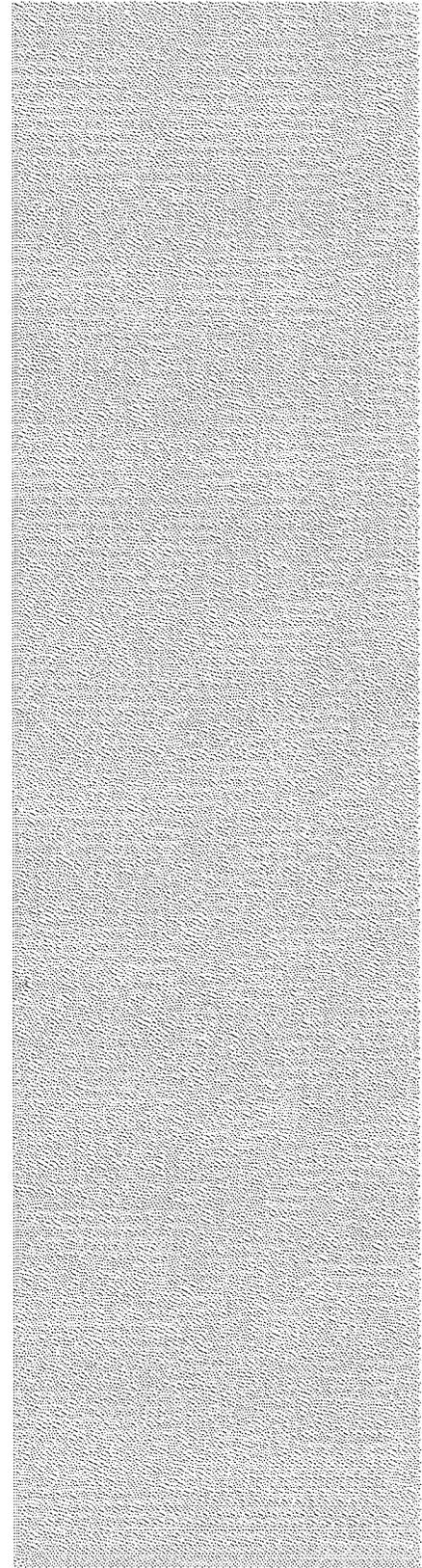
The priests' attire made them "clothed in righteousness" completely covered. If any part of the body was exposed during their holy duties before our holy God—the judgment was death.

Being spiritually "clothed" or "covered" is an absolute imperative for meaningful interaction with God. God despises nakedness because of its origin in sin, not because he can look at a totally nude body. Nakedness to God is a visual reminder that his original plan for mankind was destroyed by disobedience. It created enmity between God and man. The Fall has created two human conditions which initiated and continues to widen the gap between God and man. The two human conditions are **condemnation** and **deprivation**. All carnal infirmities which prevent a man from walking in his God-ordered purpose and destiny fall under one of these two categories.

The Naked Condition

Condemnation is the consequence of Adam's disobedience. It describes the adverse spiritual and psychological conditions associated with nakedness. Condemnation is death sentence. We are all condemned to die. It is an overwhelming, insurmountable sense of being unworthy or inadequate, accompanied by the sense that there is nothing we can do to stop it.

Deprivation is a consequence of condemnation. It describes the adverse spiritual, psychological and physical losses associated with nakedness. Deprivation is a removal from ecclesiastical office with all its provisions and benefits; dispossession; loss. It is the overwhelming, insurmountable sense of not having enough, accompanied by a never ending quest to be fulfilled.



The human condition of **condemnation** is an inherent steady state of accusation, blame, censure, damnation, denouncement, *denunciation*, disapproval, doom, judgment, proscription, reproach, reprobation, reproof, sentence and stricture.

From **denunciation** comes the sense of arraignment, castigation, cursing, and derogation, dressing down, incrimination, reprehension, smearing, stigmatization, upbraiment, and vilification.

The human condition of **deprivation** is an inherent steady state of dispossession, denial, destitution, disadvantage, distress, divestiture, expropriation, hardship, loss, removal, seizure, want, withdrawal, and withholding.

Conditions of Deprivation: Men Struggles

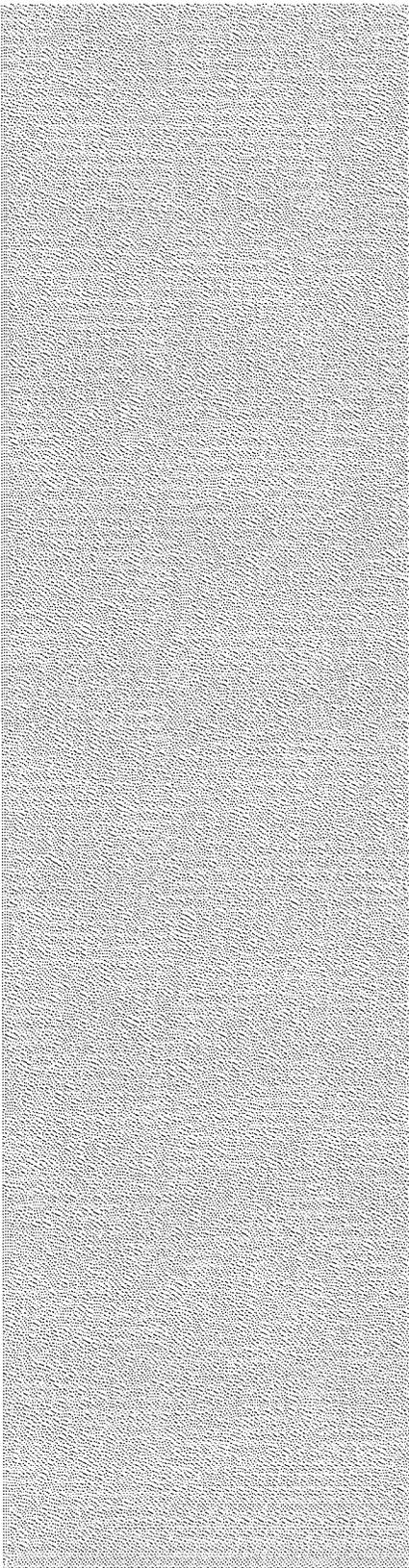
Fatherhood	Marriage	Reconciliation	Stubbornness
Forgiveness	Jealousy	Anger	Rebellion
Envy	Temptation	Depression	Arrogance
Lack	Rejection	Uncertainty	Greed
Addictions	Hopelessness	Commitment	Covetous
Disappointment	Trust	Fear	
Surrender	Pride	Lust	

The consequences of what occurred in the Garden of Eden has transcended generations. All men are infected with the sinful nature. Condemnation and deprivation are the drivers that result in many afflictions and many infirmities for men. No one is immune. Which of the conditions listed are most applicable to your struggles as a man?

Biblical Men with Deprived Experiences

You are not alone. You are not the first to experience these struggles and you will not be the last. The bible has case studies of many men who had challenges with these conditions. Some are touted a bible villains, but there are many we would consider as biblical heroes. Consider these challenges and some of the men who struggled in these areas.

Fatherhood: Jacob, David, Eli, Samuel



Addictions: Sampson, Solomon
Jealousy: Cain, Saul
Temptation: Judah & Tamar; David & Bathsheba
Reconciliation: Jacob & Esau; David & Absalom
Depression: Elijah, Hezekiah and Asa
Stubbornness: Saul, Jeroboam, Ahab

The consequences of the naked condition are quite significant and are played out in the lives of all mankind. Consider the following as described in **Deuteronomy 28:15-68**.

- 15 consequences upon children and material prosperity
- 30 consequences of sickness, crop failure, war, captivity, business failure and poverty
- 26 new and old consequences of defeat, captivity, sickness, persecution and insanity
- 21 consequences of slavery, death, cannibalism and extreme poverty

Comment [ow1]: Please provide this source under a Works Cited page. Done

The Clothed Condition

Salvation through Jesus Christ reverses all the affects of the Fall and provides a spiritual transformation. Being born again changes our human condition and restores a man to his dominate spiritual condition. We die to the nature of Adam—the sin nature. We inherit the nature of Christ—the righteous nature.

Jesus—the second Adam was born of God’s Spirit-seed through the virgin birth—through Mary. Jesus was born God manifested in human form. It is the Spirit-seed of God that makes Jesus the only begotten Son. Jesus was born righteous (sinless) and remained sinless until he died on Calvary. He is the first human to be born through the Spirit-seed of God. He is the only human to be born of the Spirit-seed of God by way of the virgin birth. As such, he is the “first born of many brethren”.

Our natural birth is by way of man-seed through the procreative process or intercourse between a man and a woman. Because of the first Adam, we are

born sinners and will remain that way until the day we die. Praise be to God that we do not have to die as sinners. Through faith in Jesus Christ we can become sons of God and receive his righteous nature. When we are “born”, our human DNA dominates our ways, habits and manner of life. When we are “born again” our human DNA is overcome by God’s spiritual DNA—the Holy Spirit. Through this divine regeneration we become sons of God. To make it plain, the Son of God became the Son of man, in order that the sons of men may become the sons of God.

The blood of Jesus severed the blood lineage of our humanity. We are no longer identified by the nature of Adam in God’s eyes. We are identified by the nature of Jesus Christ in God’s eyes. Because the blood line of our humanity has been severed by the blood of Jesus, the description of our lineage is no longer: Adam begat Seth; and Seth begat Enosh, and Enosh begat Kenan..... Or in the case of my family, Otis begat George; and George begat Kelvin; and Kelvin begat Kelton and so on. To put it another way, our relationship to the Father is no longer through generational lineage. God has no grandchildren, only sons and daughters. As such the sequence of our lineage is, God begat Jesus (the first born); and God begat Kelvin; and God begat Kelton. Jesus is God’s Son. I am God’s son, and my son is God’s son. We are joint-heirs with Christ. All men who are born again are sons. We are in the direct lineage of God the Father as sons begotten of the Spirit of God.

Hebrews 1:5-6 confirms it. *For unto which of the angels saith he at anytime, thou art my son, this day have I begotten thee? And again, I will be to him a Father, and he will be to me a son? And again, when he bringeth in the first begotten into the world, he saith, and let all the angels of God worship him.*

I Peter 1:3-4 also provides evidence. *Blessed be the God and Father of our Lord Jesus Christ, which according to his abundant mercy hath begotten us again unto a lively hope by the resurrection of Jesus Christ from the dead. To an inheritance incorruptible and undefiled, and that fadeth not away, reserved in heaven for you.*

As born again sons of God we are transformed from a naked condition to a clothed condition; from world consciousness to God-consciousness.

Condemnation is reversed to an inherent spiritual state of absolution, acquittal, cleared, discharged, exonerated, freed, pardoned, and released. Consequently,

deprivation is overcome by an inherent spiritual state of bestowal, endowment, giving, indulgence, offering, presentation, and supply.

Case Study: Jesus and a Naked Man

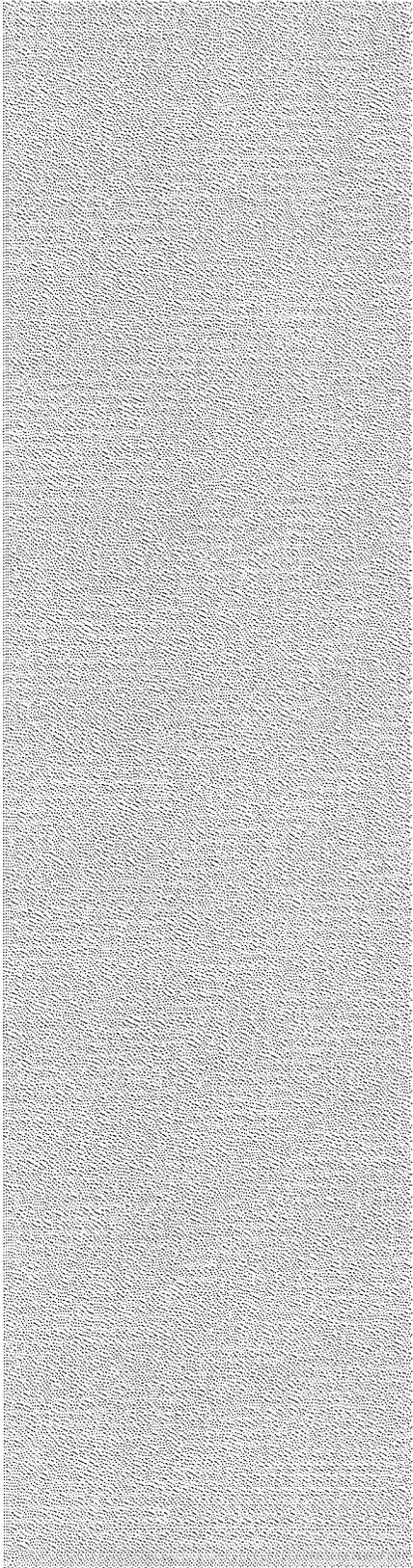
Luke 8:26-39 provides a phenomenal case study on how Jesus makes the difference in the worst case scenario of naked men. When Jesus had traveled to the country of the Gadarenes over against Galilee, it was there where he met a certain homeless man living in a cemetery, possessed with demons. The NIV Bible description states, "For a long time this man had not worn clothes or lived in a house, but lived in the tombs." This man had been naked and homeless for a long time. According to the text, he had a home and a family. His naked condition existed long before it evolved to a state of him not having on any clothes. He was spiritually naked before he became physically naked.

There were many attempts from others to help him, to keep him from hurting himself and others. They would often bind him in chains and fetters, however, on every occasion he would break them off. He eventually got fed up with his family and friends persistent efforts and fled to live in the tombs—naked.

One of the interesting facts about this case is, the naked man knew who Jesus was and came out to meet him. He fell at Jesus' feet and cried out. His motive was not worship or deliverance, but rejection. He wanted desperately for Jesus to leave him alone. He wanted Jesus to leave him the way he was.

Jesus diagnosed his naked condition. He was filled with a legion of demons. As the story progresses, Jesus commanded the demons to come out of him. They entered into swine that were feeding in a field. The swine ran over a cliff to their death.

Jesus delivered, saved and rescued the naked man. There were men tending the swine who witnessed the entire event. They ran to tell the towns people who hurriedly came to see for themselves. When they arrived, they found the man who had been the community vagrant, abusive husband and dead beat dad, sitting at the feet of Jesus. He was no longer naked, but clothed and in his right mind. His body was healed. He was cleaned up.



The life of the man in the tombs describes the status of too many men today. Many men today are so overcome by condemnation and deprivation that their lives are out of control with worldly addictions and selfish ambitions, to the extent they have lost their homes, lost their families, their jobs, are financially devastated and have ruined every meaningful relationship. Like the naked man in the tombs, they even know who Jesus is, but vehemently reject him, begging him to leave them alone. But just as Jesus diagnosed this man's naked condition, he knows every man's condition. He still has the power to command demons to flee, to clean us up, restore our minds, our relationships and our finances. He still has the power to cloth the naked.

Chapter 2 The Naked

Formatted: Centered

The Spiritually Dead

Comment [ow2]: This should go underneath Header.

Matthew 8:22 "But Jesus said unto him, Follow me; and let the dead (spiritually dead) bury their own dead (physically dead)."

Ephesians 2:1-9 (v.5) "Even when we were dead in sins, hath quickened (*this is spiritual resurrection from death in trespasses and sins. It is just as definite and complete as physical resurrection*) us together with Christ, (by grace ye are saved);"

1 Timothy 5:6 "But she that lives in pleasure (to live riotously, wantonly) is dead (separation from God because of sin) while she lives."

Revelation 3:1 "...I know thy works, that thou hast a name that thou livest, and art dead."

Micah 3:2-3 A description of zombie-like behavior by the prophet Micah.

The place of origin of spiritual death for all human kind is the Garden of Eden. From the time of the Fall until now, all are born spiritually dead. The instigator of spiritual death is Satan. The progenitor of spiritual death is Adam. The serpent's provocative conversation led to Eve's transgression, but nothing happened until Adam took the forbidden fruit and ate it. Genesis 3:7 states, "Then the eyes of them both were opened and they knew that they were naked." They became

Comment [ow3]: I think there needs to be clarification and elaboration of how these two references correlate to the Lifestyle of the Spiritually Dead header. Its as if it doesn't quite fit. Explain how Adams first assignment and God creating Eve correlates to the header title. Seems somewhat awkward. Still thinking this through. I've got more work to do on this section.

spiritually dead. They lost spiritual-awareness and gained carnal-awareness. They became more self-conscious and less God-conscious. Before sin they saw themselves as God's precious possession. Before sin they saw themselves as God saw them. Before sin they saw themselves through:

- God's eyes
- God's heart
- God's will and purpose

After sin they saw themselves as they perceived themselves as compared to their previous exalted state and to a holy and loving God. They came to the realization that they had been deceived and that what they gained from their sin was far worse and could not be compared to what they had lost. The deceitfulness of sin is the sense we will gain more from the disobedient act than what we already have—that the pleasure of sin is greater than the rewards of the promise of God (Hebrews 11:24-26).

They were no longer clothed in his glory. They were no longer dominant spiritual beings in a physical frame of reference; they were now dominant carnal beings deprived of their former dominant spiritual nature. They lost the power to do good only. They gained the power to do evil. Instead of becoming like God as the serpent proclaimed, they became directly opposed to him. Adam lost that glorious state of sinlessness and became spiritually dead.

As a consequence of spiritual death, they lost their God-way of thinking and gained a man-way of thinking. God's view of nakedness was pure, innocent, holy and beautiful. Man's view of nakedness was shameful, embarrassing and something that must be hidden or covered. Spiritual death, loss of God-consciousness also resulted in the gain of fear, lack of accountability, guilt and many other carnal infirmities (Genesis 3:10-12).

Men of God have been struggling to see ourselves as God sees us ever since. We are trying to pay for something that has already been bought by the blood of Jesus. Many men are wandering aimlessly and do not know why. The nakedness mentality is of the devil. He is the father of lies and he is still up to his old deceptive tricks, trying to convince us that we are naked even though we are clothed in righteousness. No one told Adam he was naked. Because of the

spiritual death, he simply lost his mind, the mind he had before the Fall. He lost the ability to see himself as God saw him.

“Who told you that you were naked?” Men have yet to give God a straight answer. We keep placing blame. We too have inherited the same nature of the nakedness mindset—the naked way of thinking. We wrestle with the ability to see ourselves from God’s perspective in our minds, thoughts, rationale and understanding—even though we have the mind of Christ. (I Corinthians 2:16)

The Naked Mentality

The naked condition was evident in the religious leaders, the scribes and the Pharisees during Jesus’ ministry on earth. The religious leaders were absolutely convinced that their righteousness was based on the staunch law code and their ancestry in the bloodline of Abraham. Jesus Christ could not convince them otherwise. Many believers today are absolutely convinced of their salvation through the blood of Jesus, but that the law code is still essential to righteousness. The Word of God cannot convince them otherwise.

Comment [ow4]: Should you make reference to the time period of which you are referring to? It is stated as, “during Jesus’ ministry on earth”

Jewish leaders had made up their mind that the message of righteousness by faith through grace was a message of heresy. They believed in God but they rejected His Salvation, His Son and His message. Many believers today have also made up their mind that the message of righteousness by faith through grace is heresy. They believe in God and His only begotten Son, but they reject His Salvation, His message of grace and righteousness by faith.

To believe in Jesus Christ and yet believe we are condemned—that we are still sinners who must work or keep the law code to be righteous before God is a condition of nakedness. Nakedness of this sort becomes a conscious choice made by a believer commonly referred to as self-condemnation and self deprivation. It is a decision to not accept what Christ has done, even after coming into the knowledge of the truth. It is a state of mind that says: He came, but he did not accomplish. He came but he did not finish. He came but he did not conquer. He came but he failed. This is the condition of a clothed man with a nakedness mentality.

Too many men receive the charge to overcome as a directive to conquer the sin nature which includes both physical and imagined acts of transgression. However, the first and most significant step in conquering the sin nature is to overcome the nakedness mentality of condemnation and deprivation which can only be accomplished through salvation.

Being overwhelmed with the burden of sin to a man who has been saved is condemnation. Clothed men should not feel overwhelmed by the burden of our failures, or the burden of our transgressions. There is a mentality that exists in some of the sons of God where we feel the strength of our salvation only between transgressions. In other words, after a transgression we are overcome with guilt, we ask for forgiveness and then feel the love of God through his blessed pardon and mercy. He is always faithful and just to forgive us. The guilt goes away; we then sense the sweet fragrance of freedom from punishment—that is, until the next transgression. Afterwards, we begin to be overwhelmed with condemnation all over again.

Salvation is continuous, ongoing and everlasting. We are not forgiven for the time being—between transgressions. We are forgiven forevermore. We must become saturated with this truth by the renewing of our mind. We are not saved to the almost. We are saved to the utmost. Repeat this aloud with me:

"I am not saved for the time being. I am saved forevermore!"

There is no such thing as more or less righteous. There is no such thing as being more or less a sinner. We are either "righteous" or "sinner". The act of disobedience committed by Adam in Eden made all men sinners. The act of obedience by Jesus Christ on Calvary made all men who believe on him righteous. The naked are sinners. The clothed are righteous. There are no levels or degrees of righteousness. Through salvation we are fully clothed, fully and wholly righteous. Subsequently, there are no levels or degrees of a sinner.

We are not half saved! We are not partially redeemed. Our salvation is complete. Our redemption is complete. We are fully clothed, not half naked. A partially clothed man, a man with one hand clinging to the world and the other hand clinging to the Kingdom, is still considered naked.

The naked mentality is the root cause of many men not walking in the fullness of God. Many men are not active in church or do not come to church because of condemnation and deprivation. Men who fall into this category think that the men who come to church and are active in church have got it all together. They are wrong—dead wrong! Though there are various reasons church-going men show up and all are not on the same spiritual development level, the one thing most of them have in common is a conviction that they need the Lord in their life. They come to church to seek his face.

Men who resist seeking the presence and will of God for their life are acting on the instinct of the sin nature received from Adam. As he hid himself in the Garden behind a tree with fig leaves for a covering, thinking he was out of the sight of God, men are hiding themselves today, using as a covering their man caves, duck blinds and deer stands. They are hiding themselves in their bass boats, at tailgate parties, in strip clubs, and on golf courses—covered by their modern-day fig leaves. In these guises, they find temporary relief thinking they are out of the sight of God. These are all but futile efforts in an attempt to prevent exposing and revealing their nakedness.

Comment [ow5]: I suggest adding the word "guise or facade for emphasis. Agreed "guises".

They are hiding behind the fig leaves of their careers and jobs; the fig leaves of their hobbies; the fig leaves of their business and secular success, the fig leaves of their political success and approval ratings, the fig leaves of their Hollywood stardom and celebrity awards, the fig leaves of their athletic prowess, championship rings and MVPs; and even the fig leaves of their philanthropic good deeds, in an effort to satisfy the emptiness caused by their nakedness. They intentionally choose to associate with friends who placate them, encouraging and convincing them that their fig leaves are adequate clothing.

Fig leaves were not inadequate for Adam in the Garden of Eden and fig leaves are still inadequate to clothe men today. God knew that Adam's fig leaves would eventually wither and fall off. They were inadequate and did not cover everything that needed to be covered. So also are our modern-day fig leaves, they are inadequate and not sufficient to cover all that needs to be covered. They too will eventually dry up and fall off. Hobbies, sports, business success, celebrity status, political popularity, athletic prowess and good deeds eventually fade and lose their ability to fill the longings of a man—the longing for a restored relationship

with God. The only covering suitable to resolve our nakedness and to fill our emptiness as men is Jesus Christ.

Jesus did not save us to condemn us. He saved us and set us free. He delivered us from condemnation. When he healed the man with the palsy, his retort was to go and sin no more. When he saved the Samaritan woman at the well he did not vilify her because of her history of shacking up. When he delivered the woman who was taken in adultery, after standing down the pious Jewish leaders who would stone her to death, his response was, "neither do I condemn you. "Go and sin no more."

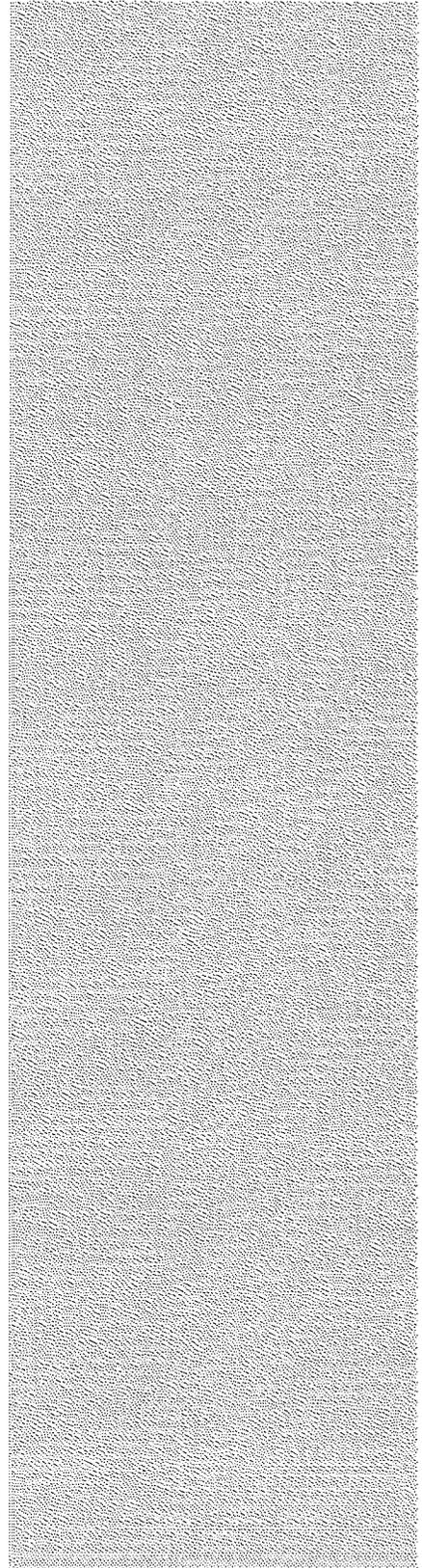
On the cross at Calvary, when Jesus said, "It is finished," he meant what he said. He meant he had fulfilled all the law established and all that the prophets had spoken regarding himself. All that was necessary to make salvation complete had been accomplished. A perfect lamb, the Lamb of God shed his blood to take away the sins of the world. It was finished indeed. Condemnation, finished! Deprivation, finished!

For a man to continue to carry the weight of the sin nature and the burden of condemnation after receiving Christ is an indication of his continuous struggle with nakedness mentality. For that man, it is not finished. He still has an ongoing debate taking place in his mind; naked one minute and clothed the next. Jesus says we are clothed, but some men are saying back to him, "I'm naked". Jesus did not lie. He ended the debate over two thousand years ago on Calvary. It is finished.

Condemnation expects something bad to happen. Salvation expects something great to happen. Condemnation is fear and doubt. Salvation is faith and confidence. Condemnation is hell on earth. Salvation is heaven on earth.

The Indicators of the Nakedness Mentality are:

- Guilt
- Shame
- Embarrassment
- Hiding
- Cover up



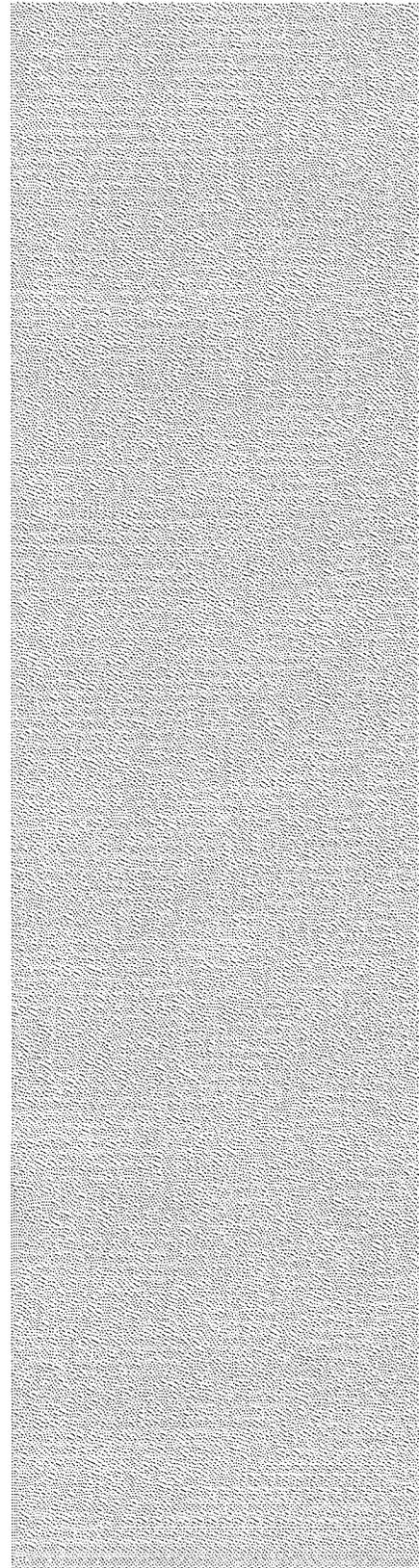
- Fear
- Blame
- Unworthy
- Unrighteous
- Dismay
- Discouragement
- Lack accountability
- Low self-esteem
- Low affectivity
- Low self efficacy
- External locus of control

No one told Adam that they were naked. He simply lost the ability to think of himself as God created him. He lost his sight; the ability to see himself as God saw him. Adam drew his own carnal conclusion that he and Eve were naked.

We too have inherited this same nature—the nakedness mentality, mindset, way of thinking. We wrestle with the ability to see ourselves as God sees us in our minds, thoughts, rationale and understanding.

The body is the house of the inner man and the soul and spirit are designers (the sources of thoughts, ideas and plans); the body executes. Man through his body has material or world-consciousness, through his soul, self-consciousness, and through his spirit, God-consciousness. A man cannot maximize the effectiveness of his life in this world walking around literally naked. He will be shunned everywhere he goes and will eventually end up incarcerated for indecent exposure. Likewise, a son of God cannot maximize the effectiveness of his calling and purpose in this life walking around spiritually naked. Though he is saved, his testimony is as a dead man, having no effect for the Kingdom of God. Salvation clothed us and gave us back our sight. -Who told you that you were naked? As the old hymn proclaims:

*At the cross, at the cross
Where I first saw the light;
And the burdens of my heart rolled away;
It was there by faith, I received my sight
And now I am happy all the day.*



Case Study: The Emperor's New Clothes

The classic children's story written by Hans Christian Andersen, "The Emperor's New Clothes", is the perfect picture of the nakedness mindset, in the Emperor himself. In this wonderfully orchestrated book, the Emperor was so fond of new clothes he spent all his time and money in order to be well dressed. He did not care about his soldiers or his subjects. He only made public appearances just to show off his clothes.

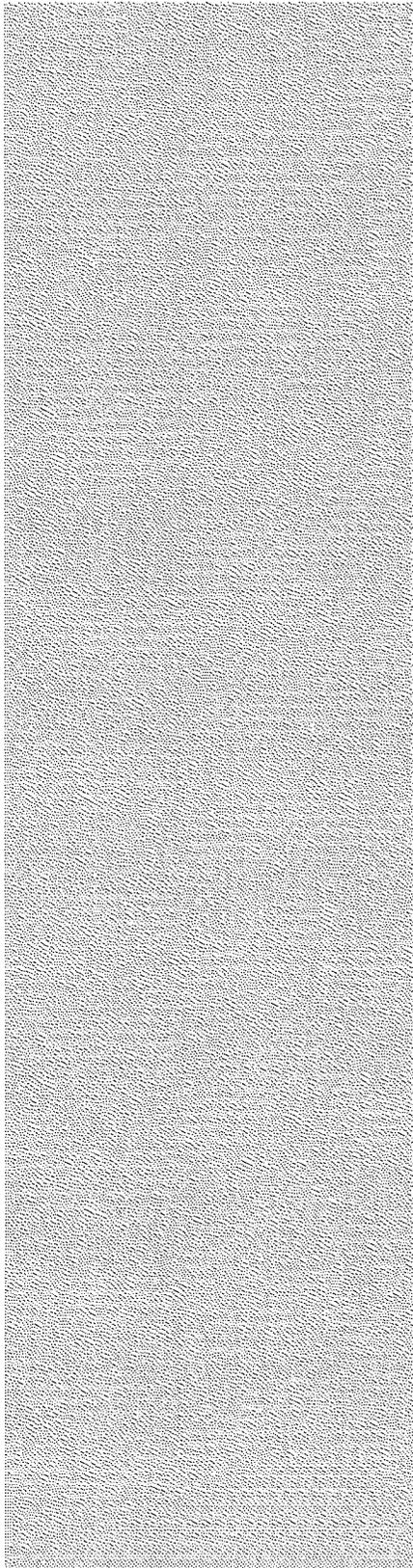
One day two deceptive men came to his village disguised as weavers, when in all actuality they were thieves. They pretend they knew how to weave cloth of beautiful designs, patterns and colors with a very special magic cloth that could not be seen by anyone who was unfit for their office or who was very stupid. In fact, only those who were fit for their office and who were very clever could see the beautiful fabric.

The Emperor was convinced. He had to have these men make his clothes. He reasoned that if he had on these clothes, he would instantly know who in his kingdom were fit for their office and who were wise or foolish.

So he ordered large sums of money, delicate silk and the purest gold thread for the deceptive weavers who were also referred to as wicked men and rogues in the story. They kept it all for themselves.

After the work had begun, the Emperor sent trusted ministers to inspect and monitor the progress of the making of his new clothes. On two separate occasions though the ministers saw the motions of work being performed on the looms, they saw no cloth, but did not want to admit it, because they did not want to be deemed unfit for their office or foolish. So they both gave good reports to their Emperor. Finally he was convinced to inspect himself.

Upon his inspection, he saw the looms and the busy work of the deceivers, acknowledged in himself he did not see a thing, but did not want to be perceived as unfit for his office or foolish. As such, he confessed he saw the beautiful clothes and was now ready to adorn them and make a public appearance. As he made his



processional through the village, everyone remarked how beautiful the clothes were because no one wanted to be perceived as unfit for their office or foolish.

However, when he passed by a little child, she said to her father, "but the Emperor has nothing on at all." The father said, "The child tells the truth." The word spread throughout and they all said, "The Emperor has nothing on at all." The Emperor felt very silly because he knew the people were right but he thought, "The procession has started and it must go on now!"

This classic children's story describes the spiritual state of many men today. Like the Emperor, they are consumed with the vanities and fantasies of their flesh. They spend most of their time planning and pursuing their carnal creations, surrounding themselves with associates who will not tell them the truth—they are naked. They are easily deceived by wicked men and rogues who feed their vanity. When they are exposed to the truth, they continue walking in their naked ways.

Just like the child in the story who told the truth and that truth was confirmed by its father, a Child has come to reveal the truth to us, that without Him we are naked. His Father has confirmed it—without Him we are naked!

Chapter 3 The Need to for Covering

Genesis 3:7 *And the eyes of them both were opened, and they knew that they were naked; and they sewed fig leaves together, and made themselves aprons.*

Adam's covering (Genesis 3:7) was aprons made of fig leaves (Heb. Chagorah); something with which to be gird about, as a belt or girdle. This man-made apron of leaves was inadequate to cover their nakedness. The fig leaves were temporary and incomplete. They would eventually become withered, shrink, dry out and die. The fig leaves did not adequately cover their nakedness, nor did it provide the protection they needed.

Genesis 3:21 *Unto Adam also and to his wife did the Lord God make coats of skins, and clothed them.*

God made Adam and Eve coats of skins from an animal believed to be a lamb. The lamb had to die. The lambs' blood was shed. The covering, clothing of Adam and Eve cost a lamb its life. The lamb was sacrificed by God to cover their nakedness in order for them to be righteous and unashamed.

God's solution for clothing was more than adequate to cover the nakedness of Adam and Eve. The coats of skin covered them from front to back while also providing warmth, protection, comfort and durability.

God demonstrated to Adam what was necessary for him to stay in right standing (covered) with him and how to sustain it. As durable as the lamb's skin covering was, it was not adequate long term, especially considering the generations of Adam's seed to come who would inherit his fallen, naked condition. The original covering would become worn and tattered requiring a new covering. Adam would have to sacrifice another lamb to remain clothed and to provide clothing for Eve and his family. For generations to come, animal sacrifices would be essential to atoning for the sins of mankind.

- God initiated sacrifices to cover nakedness
- God chose a perfect lamb without defects or flaws
- God took note that the lamb was innocent and its precious blood was shed
- God set the precedent for the prerequisites for animal sacrifices

This redemptive act of God to reconcile Adam to himself would become the precedent to what would become necessary to reconcile all mankind. God chose and sacrificed perfect lambs to cover Adam and Eve's nakedness (sin). Jesus, the perfect Lamb of God became our sacrifice to cover the nakedness (sins) of the world. We are covered, clothed with Christ. Putting on Christ is a daily process that should take place first thing in the morning—every morning. Putting on Christ is a renewing of the mind, a constant awareness of our clothed condition. A man in his right mind would never leave home naked. A man of God should never leave home spiritually naked.

Discovering the Human Condition of Nakedness

Genesis 3:10-11a *And he said, I heard thy voice in the garden, and I was afraid, because I was naked; and I hid myself. And he said, who told thee that thou wast naked?*

Adam’s response to the question: “Who told you that you were naked?”

- I heard thy voice—Acknowledgement of God
- I was afraid—Fear discovered
- I was naked—Shame discovered
- I hid myself—Guilt discovered

All these human conditions were formally **covered** and now ~~has~~have become **discovered** (to uncover; to become naked).

<u>Before Sin</u>	<u>After Sin</u>
Clothed	Naked
Courageous	Afraid
Confident	Ashamed
Innocence	Guilt

The Origin of Doubt

A double-minded man is unstable in all his ways. James 1:8

The first question in the bible was raised by the serpent. The purpose of the question was to establish doubt regarding the truth, credibility and authenticity of the Word of God which he had spoken. Genesis 3:1b *Yea, hath God said, Ye shall not eat of every tree of the garden?*

His reply to Eve’s affirmative response was a direct attack on the truth. “*You shall not surely die!*” was the serpent’s way of saying, “*God has told you a lie.*” One of the consequences of our depraved condition is we still have the propensity to doubt the truth of God. We still question the credibility and authenticity of God’s word.

Formatted: Centered

Comment [OW6]: I suggest adding a scripture here to be uniform throughout

- Sarah doubted if God could provide an heir to Abraham through her womb in her old age
- Moses doubted if God had chosen the right man to deliver Israel from bondage
- Gideon doubted if God had chosen the right champion to deliver Israel from the Amalekites
- Saul doubted if God had chosen the right king
- Thomas doubted if Jesus had in fact been raised from the dead and appeared before the disciples in his absence

Doubt initiated the series of events that eventually led to The Fall. In the life of a believer, it essentially questions God's commitment to keep his word or his ability to keep his word. Doubt is the absence of faith or a wavering between belief and unbelief. It is the condition of being double minded. A man that wavers is like a wave of the sea driven with the wind and tossed. That kind of man will not receive anything of the Lord. Because of doubt, a double minded man is unstable in all his ways. (James 1:6-8)

You Need To Talk To My Husband

Ever wondered what would have happened if Eve would have said, "You need to talk to my husband." What if she would have said, "Do I know you? Who are you? Why would I listen to you? I don't know you. I do know God. He created this Garden. These trees, animals and all these creeping things; he created my husband and formed me from my husband's rib. He even created you! Why would I listen to you? You need to talk to my husband."

"Adam! Adam! Come over here right now. This snake can talk! He just called God a liar! He's trying to convince me to eat from the one tree that God told us not to eat from lest we die. He told me, "We shall not surely die!"

I believe those words coming from Eve would have empowered and emboldened Adam as the protector of Eve and the Garden. He would have responded with righteous indignation and killed the serpent on the spot—even cut off his head. The scriptural account could have possibly been, "And the Spirit of the Lord came upon Adam, and he cut off the serpent's head and they lived happily ever after."

Unfortunately, that's not what happened. The seed of doubt planted by the serpent was the prelude to the disobedience that changed the entire world. Eve ate and gave some to her husband and he also ate. Their eyes were opened and they saw that they were naked. As the voice of God came walking through the garden in the cool of the day Adam and Eve hid themselves from the presence of the Lord God. Consequently, the second question in the bible was raised, *And the Lord God called to Adam and said to him, Where are you?* (Genesis 3:9). Adam responded by saying, *"I heard your voice in the garden, and I was afraid, because I was naked; and I hid myself."* (Gen. 3:10).

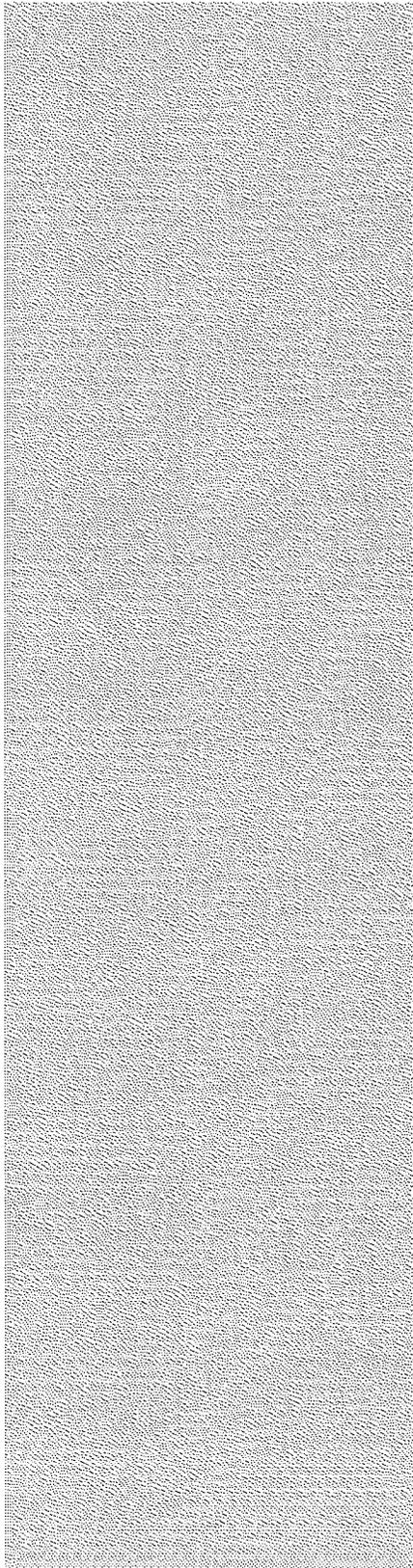
The Origin of Fear

God has not given us the spirit of fear. 2 Timothy 1:7

Fear is a distressing emotion aroused by impending danger, evil, or pain whether the threat is real or imagined. Fear is the feeling or condition of being afraid. Before sin, Adam knew no fear. The abrupt change of the instantaneous reduction of his spiritual dominance and God-consciousness to the escalation of his human nature and self-consciousness aroused in him impending danger, evil and pain conjured up in his imagination due to what God said would happen if he ate of the tree and his imagination of what would happen when God found out.

None of the things he thought or imagined happened. Such is the case, and is the state of fear in men today. As a result of Adam's experience men, today have many phobias—persistent, irrational fears of a specific object, activity, or situations that lead to a compelling desire to avoid them—most of which pose little or no actual danger. He would die, but not immediately. He was banished from God in the Garden, but not completely from his presence. He would never see God the way he had become accustomed to seeing him ever again.

The fears of the sinful nature have caused many men to completely alter their lifestyle, resulting in behaviors which limit the capacity of God to manifest his fullness in their lives. Fear of commitment causes a man to go from relationship to relationship, having many women and in some cases, many children from different women. Because of this fear they never get married. The fear of commitment also leads to a man going from job to job. He becomes uneasy and



anxious when he begins to sense increasing interpersonal bonds with his coworkers or supervisors.

Fear of failure causes a man to not take risks which build his independence and wealth. As a result he lives a mediocre life, never leaving the home of his mother, or remains in a career well below his gifts. He is afraid to take a promotion because of the fear of greater responsibility, or the fear of a loss of camaraderie. Some men have a desire to see the world, but have a fear of flying, getting on a cruise ship or driving long distances so they settle for fantasizing and dreaming about what it would be like to travel to distant lands or sail beautiful oceans and seas. The fear of self-disclosure causes a man to refrain from sharing personal challenges with his family and friends. Over time, this phobia has the potential to build up levels of frustration and uncertainty that can lead to domestic abuse, drug and alcohol addiction, sex addiction, depression and even suicide.

The spirit of fear and all of its vast phobias are of the devil. Phobias are a mental disorder, the enemy playing tricks on our mind, and winning. I've heard preachers explain fear as an acronym which means "False Evidence Appearing Real". God has not given us the spirit of fear; but of power, and of love, and of a sound mind. (2 Timothy 1:7)

The Origin of Blame

"Who told you that you were naked?" was the third question asked in the bible. Adam did not answer the question. The loss of his spiritual nature created the infamous couple of fear and shame which conceived and gave birth to yet another consequence of our depraved condition—blame. Rather than accept responsibility for his role as husband, the person of authority, he blamed Eve. Since God is the one who actually gave Eve to Adam, he was essentially blaming God.

Blame is man's effort to cover his own sin. It is a natural first inclination when we are caught, called out, or challenged for transgressions or violation of a law, rule, regulation or policy and brought into accountability. Blame in the context of The Fall is the act of placing responsibility for a fault, error or transgression on another and a unwillingness to answer to another for what we have done.

- Adam blamed God and Eve.

- Eve blamed the serpent.

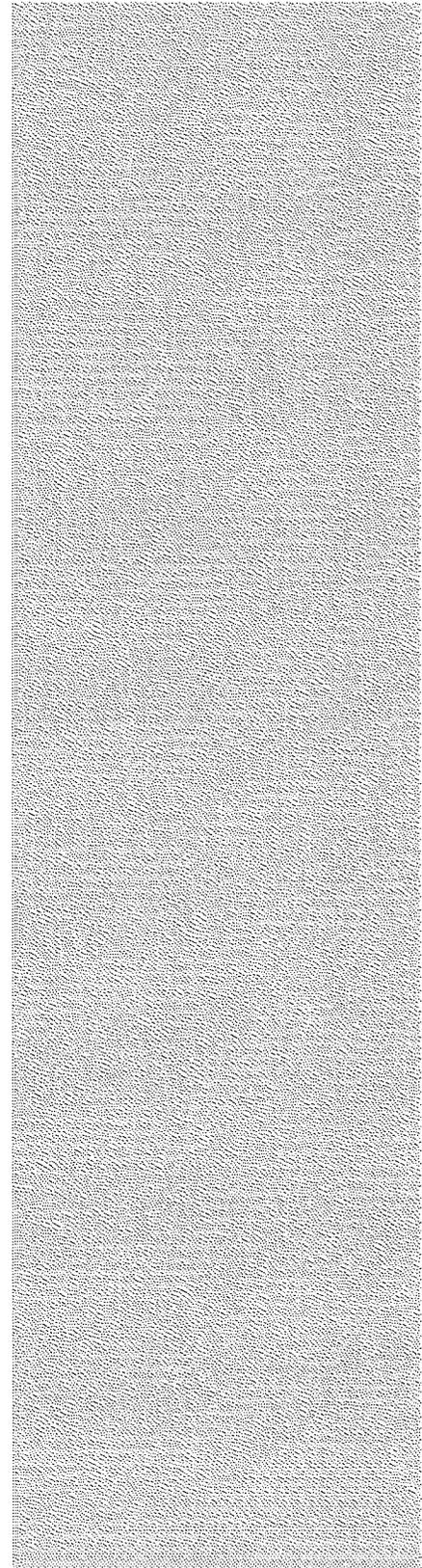
Blame is directly associated with a man's natural tendency to reject accountability. Lack of accountability is another condition of our state of depravity. Consequently, the common response of men who are held accountable for their actions is, "It's not my fault!" Failure of fatherhood results in blaming our dads. Failures of marriage result in blaming our wives. Failure in career results in blaming our employer. Failure in ministry results in blaming the congregation.

Chapter 4 The Clothed

The Clothed Mentality

Now we know that if the earthy tent we live in is destroyed, we have a building from God, an eternal house in heaven, not built by human hands. Meanwhile we groan, longing to be clothed with our heavenly dwelling, because when we are clothed, we will not be found naked. For while we are in this tent, we groan and are burdened, because we do not wish to be unclothed, but to be clothed with our heavenly dwelling; 2 Corinthians 5:1-4a

The desire to be clothed has been a longing of men since The Fall (2 Corinthians 5:1-4). The overwhelming spiritual and emotional sense of loss of God's divine clothing was only partially and temporarily placated by Adam's solution of fig leaves. He was somewhat covered, but compared to his previous clothes the fig leaves were woefully inadequate. However, they did give Adam some sense of protection, a sense of having made up to some extent for what he had done. His covering helped him to not have a constant reminder of what he and Eve had done. It made him feel presentable before Eve and God, for without the fig leaves, the guilt and shame would have been even more overwhelming than what he was already experiencing. Being totally nude was unbearable for him and he did not want God to see them in that condition. The stitched fig leaves were wrapped around the waist and covered their thighs. But he was wise enough to realize it was not enough, so they hid themselves.



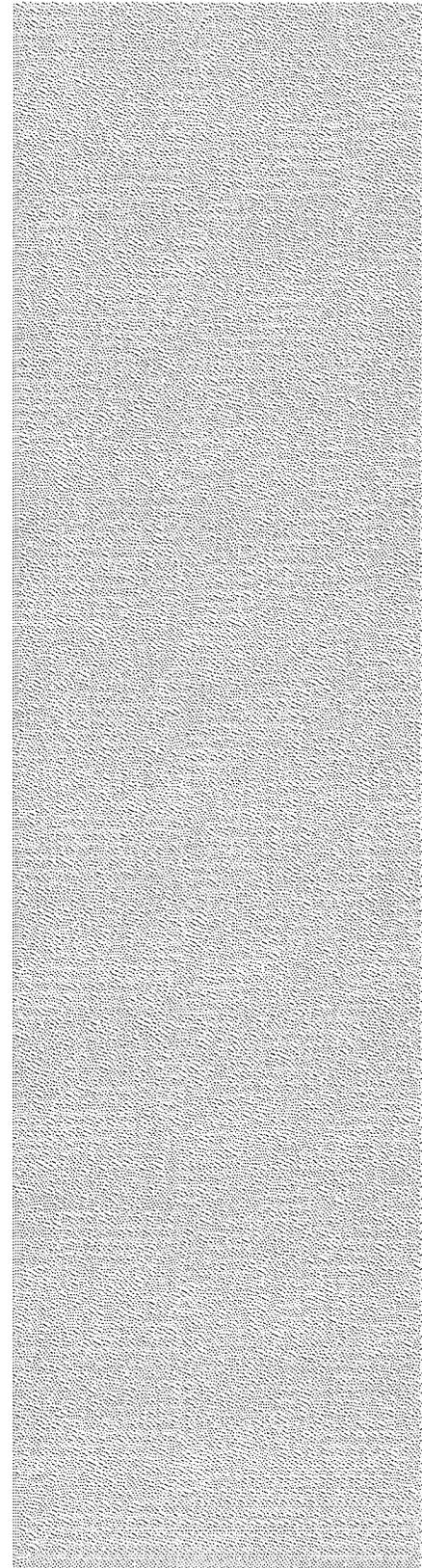
Adam's motive was to restore himself to a state of being presentable before God and to cover up what he and Eve had done. His way of thinking still permeates our thinking today as men. Even as little boys when we are told to not do something by our parents and end up doing it any way; and the reason they told us not to do it actually happens, we attempt to cover it up. When we come into the realization that we have messed up, not living in a way pleasing to God, or have done something he commanded us not to do, many men conjure up their own remedy to resolve their nakedness in an effort to atone for their transgressions. We make an effort to cover up and make ourselves presentable before God finds out what we have done.

The reality for Adam and for men today is there are no manmade solutions to our nakedness. God knew it from the beginning, so he sacrificed innocent lambs and made coats for Adam and Eve. The fig leaves were not only inadequate due to leaving areas of the body uncovered that needed to be covered, they were inadequate because they would soon wither and fall off. During the fall and winter seasons, there would be no fig leaves to replace them. As a result, they would be naked for months and unprotected from the elements. Not so with God's remedy. The coats of lambs skin was adequate to cover everything that needed to be covered.

The Significance of Clothes

In ancient days, their coats were called tunics. A kind of shirt suspended from one or both shoulders, covering the front and the back, down to the thighs. In pictorial bibles we have seen the pictures of tunics where Adam's coat had a strap over one shoulder and Eve had straps over both shoulders. Today, clothes are much more sophisticated.

The primary purpose of clothing from the beginning until now is to cover nakedness and to be presentable before God and people (Revelation 3:18). Walking around in public in the nude has never been acceptable. Since the coats of lamb's skin were made by the Master Designer, there have been significant advancements in clothing. Biblical accounts of clothing differ according to geographical settings, climates, available resources, nationalities and cultures. In essence, a person could be identified by the clothes they wore.



Additionally, dress styles noted in the scriptures differed according to occupation, social status and wealth. Types and styles of clothing are described in forms such as mantles, coats, cloaks, robes, tunics, and sashes. Waist accessories were included such as belts, aprons, loincloths or waistcloths. There were also accessories for the head such as turbans, veils and crowns; and footwear called sandals.

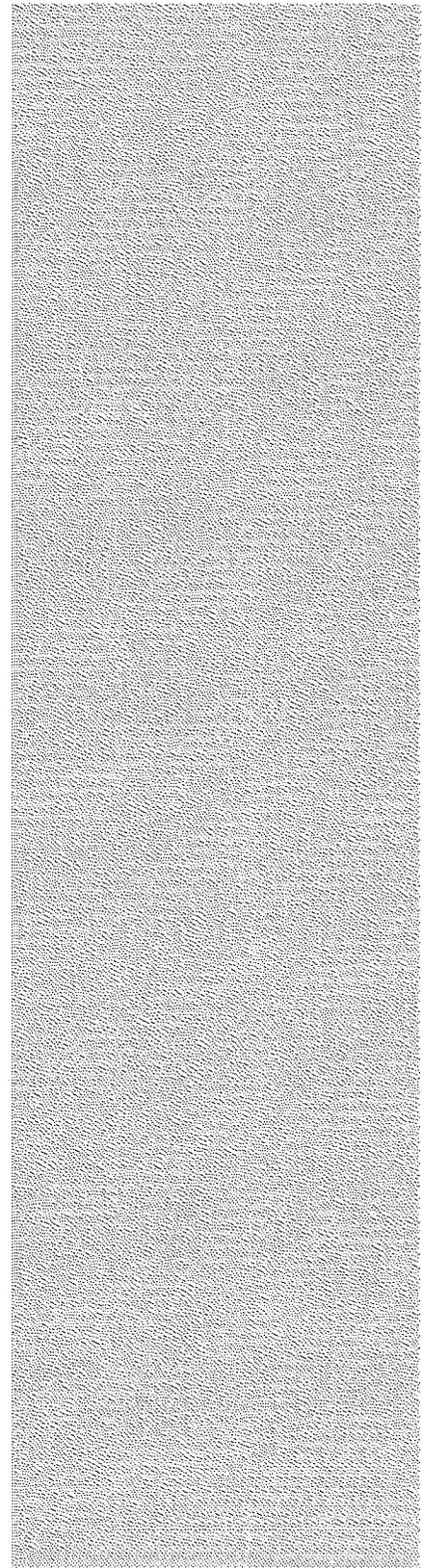
Clothes have a significant impact on how man feels about himself. Clothes also play a significant role in the first impression a man makes. Over a period of time, a man's style of clothing, how he dresses, becomes a part of the testimony of his personality and character. This fact is supported by many common phrases in American culture such as, "The clothes make the man." ; or the very popular song by Huey Lewis and The News in the 1980's, "Every Girl's Crazy 'Bout a Sharp Dressed Man."

When a man is dressed well he is confident and sure. He is intentional about the selection of his attire on every occasion, whether hunting, golfing, playing basketball, going to the beach, the prom or going to church. Being appropriately clothed plays a major role in a man being self-assured that he is at the top of his game.

On the other side of the issue of clothing, when a man is not appropriately dressed he is insecure, unsure and lacks confidence. If he shows up at an event that has a specific dress code and is the only man in the wrong attire, he is embarrassed and ashamed.

These are the same emotional responses that Adam experienced in the Garden of Eden. These emotional responses are all consequences of condemnation. The divine clothing Adam had before transgression was appropriate for all occasions. It made him feel right before God and Eve. He was confident and sure of himself. When he was appropriately attired, he was always at the top of his game. When God arrived and he was in the wrong attire, he was embarrassed and ashamed.

A man without Christ is naked no matter how good he feels in his clothes. Physical clothing only provides a false sense of security and makes a man feel presentable before people when he has on the right clothes for the right occasion. On the outside he is confident and sure of himself. Underneath the



clothing is a fearful, insecure, naked soul. The vanity which drives his style incites compliments that feed his false sense of fulfillment—like the story of the Emperor.

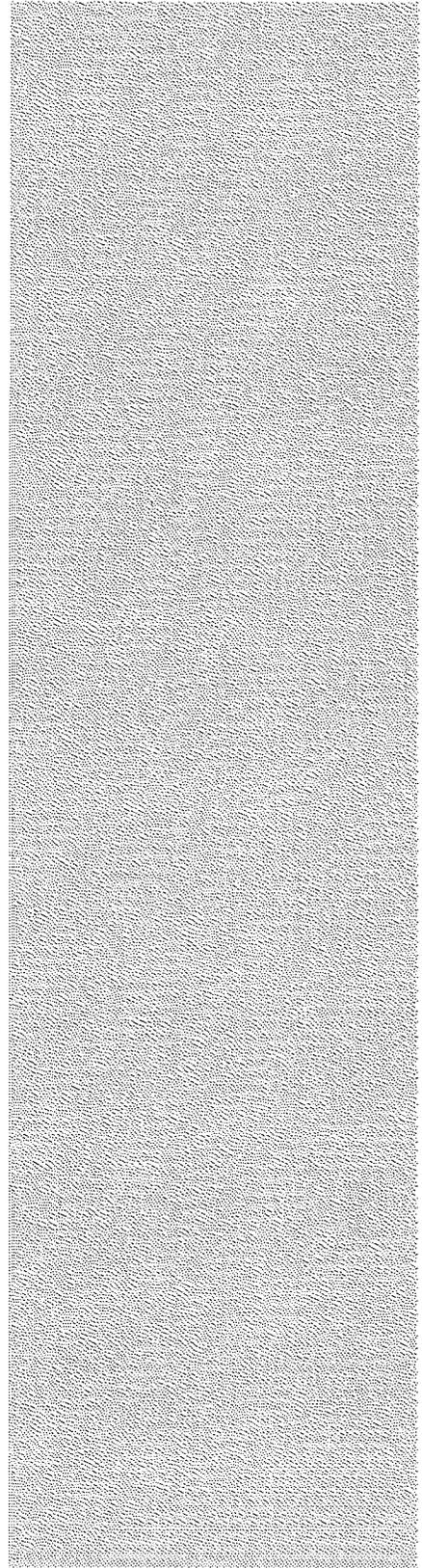
God's Clothes

God's perspective on clothes is different from man's view of clothing. To be in right standing with God we must have on the clothing he provides, the Lamb's clothing, Jesus clothes. God's clothing is perfect in every way. His clothes are right for all occasions. They are appropriate attire for good and bad occasions; happy and sad occasions; formal and casual occasions. Occasions when we are up, and on occasions when we are down. One size fits all. This Lamb's skin is adequate to cover every sin that needs to be covered. They are tailor-made, custom fit for all men, short or tall, thick or thin. God's clothes for his children are uniform.

The very word uniform expresses God's motive for clothing his own. Uniform as an adjective means identical or consistent from example to example; without variations in detail. In its context as a noun, uniform means an identifying outfit or style worn by members of a given profession, organization, or rank. In other words, because we have been clothed with Christ, in the sight of God we are all identical to the Son. We all look alike. We are uniform. Everyone looks the same.

As a professional firefighter, from the time I began the recruit academy I was placed in uniforms provided by the city that I served. As a new hire we were provided shoes, sox, t-shirts, five pair of pants, five short sleeve shirts, five long sleeve shirts, a Class A uniform for formal occasions, a neck tie and a dress cap. We were also issued personal protective clothing for firefighting in the form of what is called bunker pants, a bunker coat, firefighting boots, gloves, a heat resistant hood and a helmet with ear protection and a face shield to protect the eyes. After the initial issuance, we are furnished a clothing allowance in order that everything we need to be properly attired could be sustained on an ongoing basis. The uniforms are paid for by taxpayers.

Since being a firefighter was a childhood dream fulfilled, one of my greatest joys has always been wearing the uniform. I took great pride in wearing it properly. I

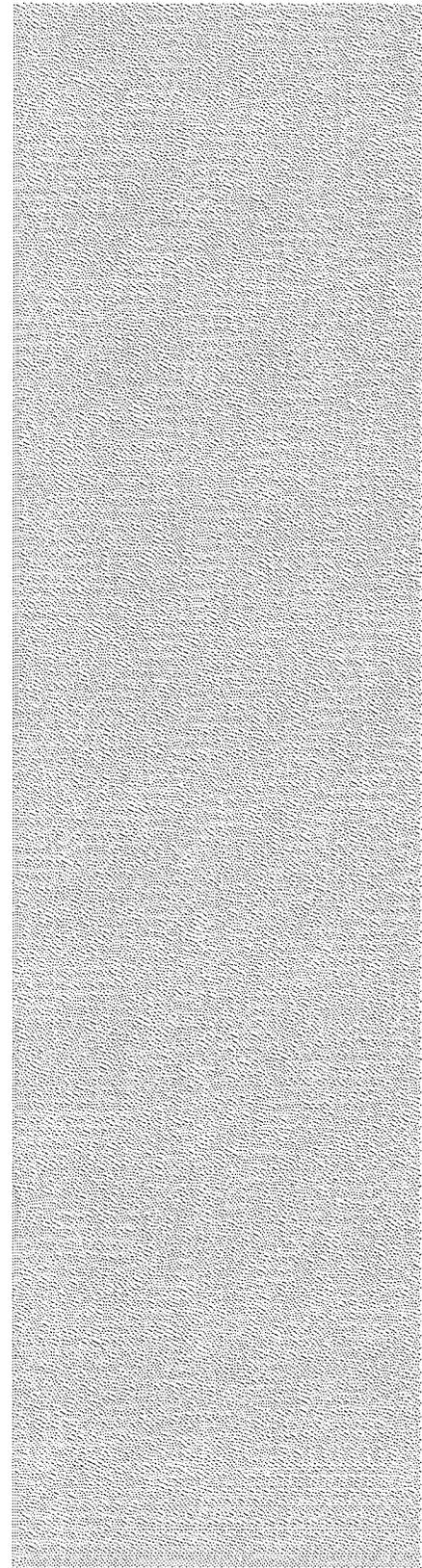


kept my shoes shined, my shirts starched and my pants crisply pressed. Though there were other uniformed city employees, a distinction was made between firefighters and others because of our uniform patch, badges and symbols of rank. Every day before leaving for work, I am very careful and diligent to put on my uniform in order that I may be distinctly identified as a firefighter.

The uniform of the Lord has the same effect in the Kingdom of God. Our clothes distinguish us from other people in the sight of God. From the time we accept Christ and are baptized (Galatians 3:27), we are provided with the attire commensurate to our new status. We are clothed with salvation, adorned with glory, honor and strength—our everyday on duty attire (2 Chronicles 6:41). Similar to the purpose of bunker gear, we are issued the full armor of God for fighting spiritual battles. We have a spiritual clothing allowance which sustains and renews uniforms day by day. The clothing is paid for by the blood of Jesus. Every day before interacting with anyone in our house or in the community, we should be very careful and diligent to put on Christ (Romans 13:14) in order that we may be identified as sons of the Most High God.

“Who are you wearing?” is a very popular question asked of celebrities as the walk the Red Carpet at the Emmy Awards. The “who” is in reference to the fashion designer, the originator of their clothes. Celebrities are fully aware that they will be in the spotlight. They plan for days, consulting with experts and world renown fashion designers working to decide on the clothes they will wear with the goal of being distinctly astonishing for all the photographers, media, interviews and glitz and glamour. The hope is that their clothes will set them apart from other celebrities. As they arrive on the Red Carpet and are approached by their interviewer, they know one of the first questions asked will be, “Who are you wearing? They are always gleaming with pride when they answer: Giorgio Armani, Ralph Lauren, Gianni Versace, or even Christian Dior.

This makes for a very fitting analogy to the mindset of a son of God. Like the superstar celebrity, we should be fully aware that we are in the spotlight. Everyone is watching and waiting for us to show up. Every day we should be prepared to leave home properly attired, consulting with the Lord, the originator of our clothes, every morning on the attire he has provided for us to wear with the goal of being distinctly astonishing for every encounter. As we go about our day manifesting the glory, honor, strength and majesty of our God, someone is



sure to take notice and ask the question, "Who are you wearing?" Like the celebrities, we should also gleam with glory when we answer, "I'm wearing Christ!"

"Let us therefore, as many as be perfect (clothed), be thus minded: if in anything ye be otherwise minded, God will reveal even this unto you." (Philippians 3:15)
Based upon Philippians 3:9-15, a clothed-minded man is resolute in the following decrees:

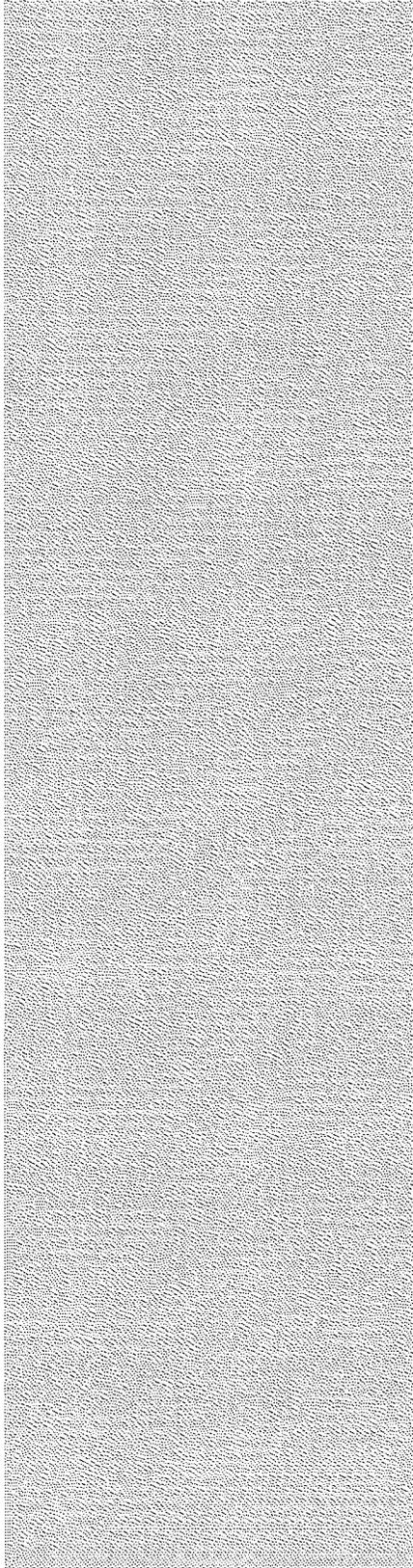
- I am the righteousness of God through Christ
- I am being conformed to the image of Christ
- I am a follower, pursuing my purpose (apprehended)
- I am forgetting those things which are behind
- I am pressing toward the high calling of God

Chapter 5 The Distinction Between the Clothed and the Naked

*The Lord loves the righteous (clothed); but the way of the wicked (naked) he turns upside down.
Psalm 146:8c; 9c*

God makes a distinction between the clothed man and the naked man. These distinctions are made throughout scripture, but they are most prevalent in the Book of Psalms and the Book of Proverbs. In these books of the Holy Bible, consider the following words in contrast, which are all synonymous to either clothed or naked. Words synonymous to "clothed" are righteous, upright, perfect, just, good man, diligent, and blessed. Conversely, words synonymous to "naked" are sinner, wicked, ungodly, worker of iniquity, scorner, slothful, evil doer and cursed.

<u>Clothed</u>	<u>Naked</u>
Righteous	Sinner
Upright	Wicked



Perfect	Ungodly
Just	Worker of Iniquity
Good Man	Scorner
Diligent	Slothful
Blessed	Cursed
	Evildoer

When we begin to see these synonyms in the context of scripture, it becomes quite clear and much easier to understand the distinction between the two. Consider how the writer of Proverbs from Chapters 10 through 13 makes comparison after comparison of this distinction, replacing all synonyms with either clothed or naked as appropriate.

Comment [ow7]: Should we show the original wording perhaps crossed out or in parenthesis or brackets? I prefer not. Thanks.

Proverbs 10

3 The Lord will not suffer the soul of the clothed to famish; he casts away the substance of the naked.

6 Blessings are upon the head of the clothed; violence covers the mouth of the naked.

7 The memory of the clothed is blessed; the name of the naked shall rot.

11 The mouth of the clothed man is a well of life; violence covers the mouth of the naked.

16 The labor of the clothed tends to life; the fruit of the naked to sin.

20 The tongue of the clothed is as choice silver; the heart of the naked is little worth.

21 The lips of the clothed feed many; but the naked die for want of wisdom.

24 The desire of the clothed shall be granted; the fear of the naked, it shall come upon him.

25 The clothed is an everlasting foundation; as the whirlwind passes, so is the naked no more.

28 The hope of the clothed shall be gladness; the expectation of the naked shall perish.

30 The clothed shall never be removed; the naked shall not inherit the earth.

32 The lips of the clothed know what is acceptable; the mouth of the naked speaks forwardness.

Proverbs Chapter 11

5 The righteousness of the clothed shall direct his way; the naked shall fall by his own wickedness.

8 The clothed is delivered out of trouble; the naked comes into his stead.

10 When it goes well with the clothed the city rejoices; when the naked perish there is shouting.

11 By the blessing of the clothed the city is exalted; it is overthrown by the mouth of the naked.

21 The seed of the clothed shall be delivered; the naked shall not be unpunished.

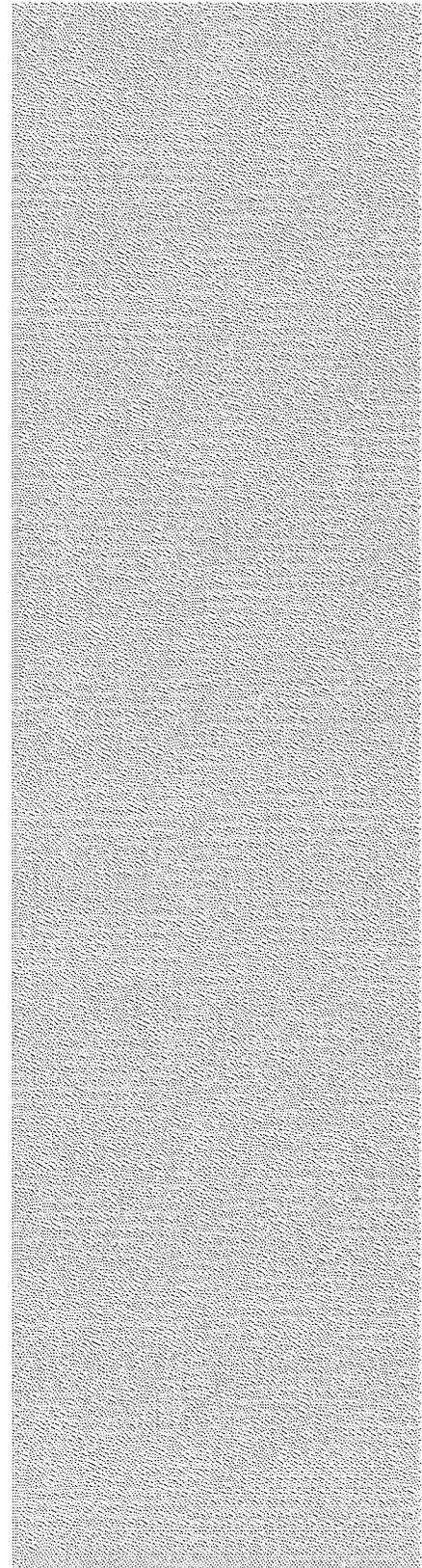
23 The desire of the clothed is only good; the expectation of the naked is wrath.

31 The clothed shall be recompensed in the earth; much more the naked and the sinner.

Proverbs Chapter 12

2 The root of the clothed shall not be moved; a man shall not be established by nakedness.

5 The thoughts of the clothed are right; the counsels of the naked are deceit.



6 The mouth of the clothed shall deliver them; the words of the naked are to lie in wait for blood.

7 The house of the clothed shall stand; the naked are other thrown and are not.

10 A clothed man regards the life of his beast; the tender mercies of the naked are cruel.

12 The root of the righteous yields fruit; the naked desires the net of evil men.

21 There shall no evil happen to the clothed; the naked shall be filled with mischief.

26 The clothed is more excellent than his neighbor; the way of the naked seduces them.

Proverbs Chapter 13

5 A clothed man hates lying; a naked man is loathsome and comes to shame.

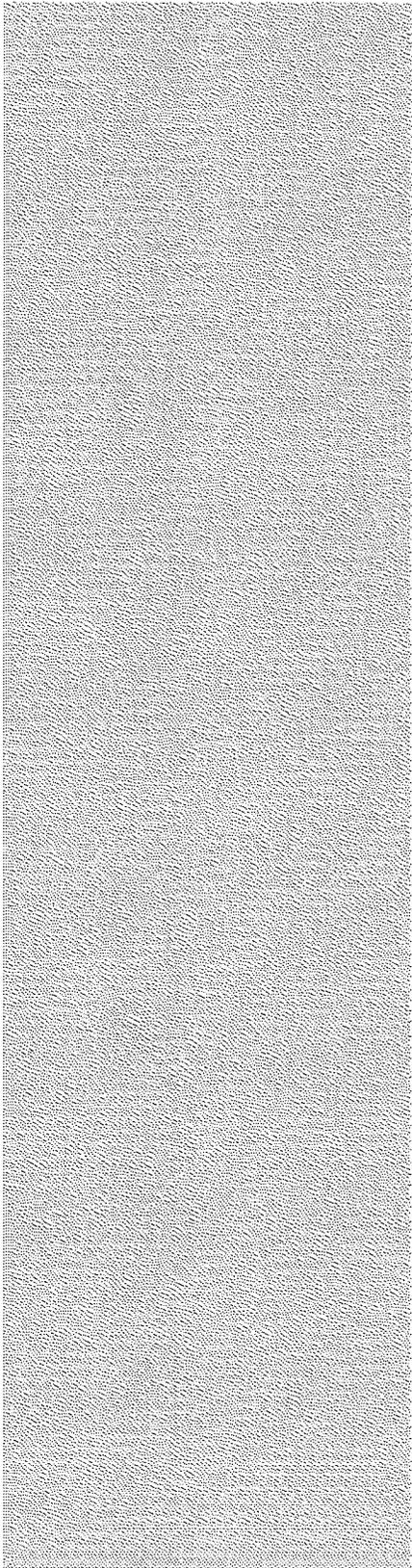
6 Righteousness keeps him that is clothed in the way; wickedness overthrows the naked.

9 The light of the clothed rejoices; the lamp of the naked shall be put out.

21 The clothed shall be repaid; evil pursues the naked.

25 The clothed eats to the satisfying of his soul; the belly of the naked shall want.

These verses from the book of Proverbs, through paraphrased from words synonymous to clothed and naked, remove any doubt as to how the Lord judges between the clothed and the naked. We cannot be double-minded with regard to our status of adornment before the Lord—clothed one minute and naked the next. A double minded man is unstable in all his ways. That man will not receive anything from the Lord, because a double-minded man is half naked. This double-minded, half naked way of life for a son of God is a result of the stronghold of



condemnation. We belong to Christ! As such we are clothed with Christ. We have on his clothes.

The life of the clothed is blessed. The life of the naked is cursed. Moses made it so easy for us. After defining God's covenant with Israel in great detail he concluded with a charge and a multiple choice exam: "I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing." Then he gave them the answer, "choose life, that you and your children may live." Clothed men have chosen the blessing and life. Naked men have chosen cursing and death.

The covenant blessings of clothed man according to Deuteronomy 28:1-14 include:

- Blessed in the city
- Blessed in the country
- Blessed children
- Blessed household
- Blessed in your profession
- Blessed coming in and going out
- Blessed income and investments
- Blessed with conquered enemies
- Blessed internationally
- Blessed with plenty goods
- Blessed with good treasure
- Blessed to be the head
- Blessed to be a lender

The covenant curses of naked man from Deuteronomy 28:15 to the end of the chapter include:

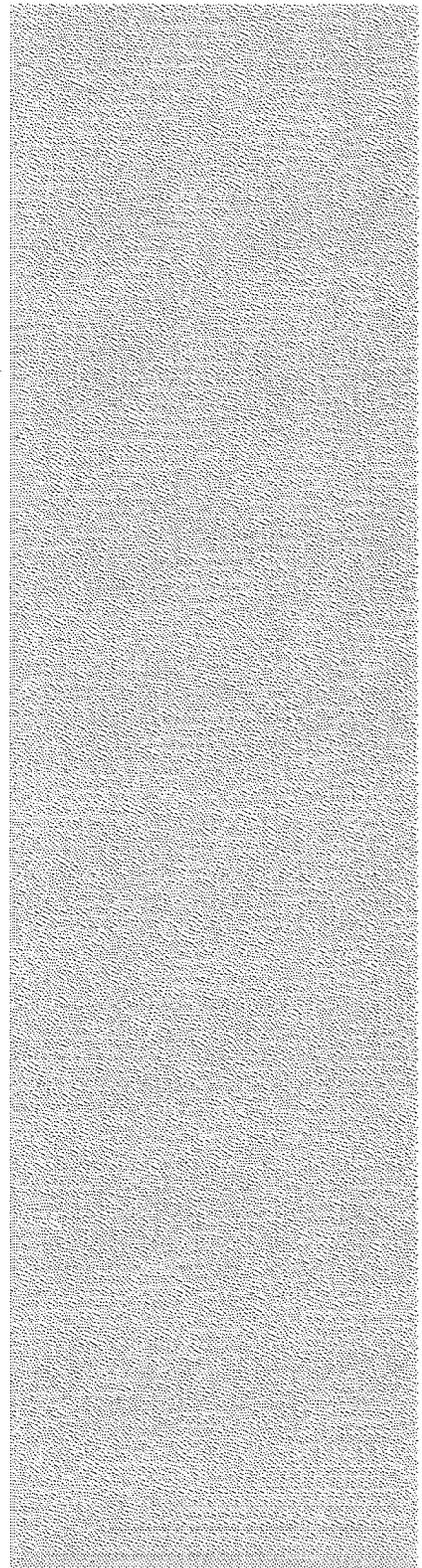
- Cursed in the city
- Cursed in the country
- Cursed on his children
- Cursed household
- Cursed in his profession
- Cursed coming and going
- Cursed with vexation, rebuke and pestilence
- Cursed with inflammation, burning, blasting and mildew

- Cursed with drought
- Cursed with conquering enemies
- Cursed with hemorrhoids, scab, itch
- Cursed with madness, blindness overwhelmed heart
- Cursed with an adulterous wife

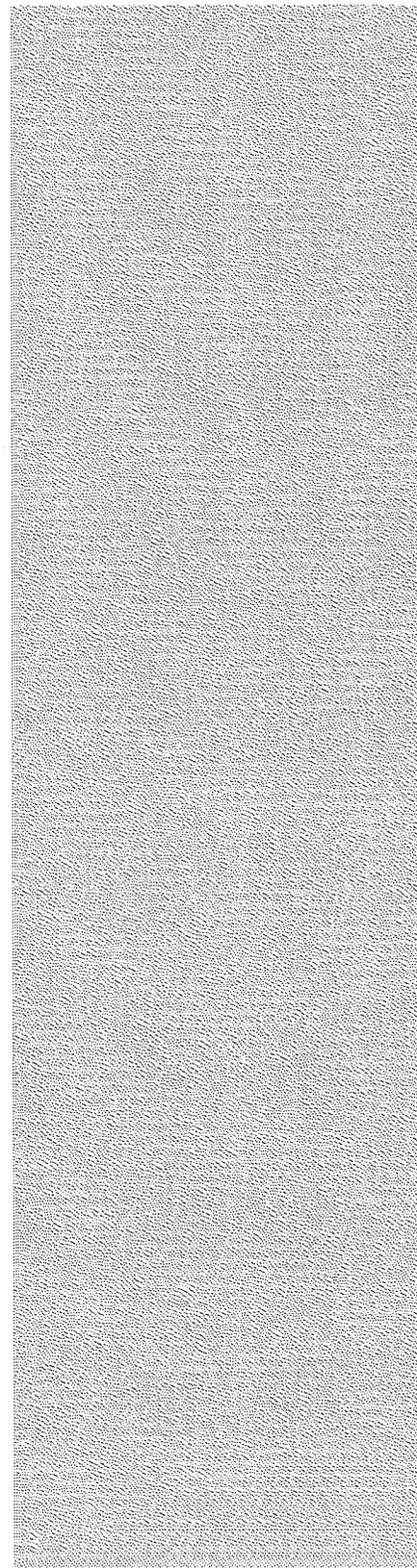
The covenant makes a distinction between the clothed and the naked. Those who are diligently seeking the Lord and walking in his ways are the clothed. On the other hand, those who rebel against the Lord and walk in the ways of the world are naked. The blessings of the clothed man cover every area of what is necessary for a complete and wholesome Kingdom life. The curses of the naked man are devastating in the life of a man and his household, and the list defined in Deuteronomy 28 has even more adverse consequences than those stated above. To be perfectly honest, I stopped listing them because my heart began to get heavy just thinking about all the men who don't even realize why their lives are turned upside down and nothing ever seems to go their way. A clothed man does not have an excuse for living below God's standard for his life. If a clothed man is experiencing more of the curses in Deuteronomy 28 than the blessings, it is only because he has chosen the wrong answer to the multiple choice question posed by Moses when he stated, "I have set before you blessings and curses; and life and death." The choice is ours to make! Let me give you the answer again just in case you missed it the first time. Choose life! That you and your children may live!!! Who told you that you were naked?

Chapter 6 Conviction and Condemnation

The word conviction has several connotations. In this context, conviction is the act of convincing; being convinced; firm belief; and certainty. Most men often confuse conviction and condemnation. Conviction comes through God-consciousness. Condemnation comes through sin-consciousness. Conviction is



the awareness of God at the time of temptation to choose God's way. It is the Holy Spirit reminding us of the commandments, precepts, statutes and laws of

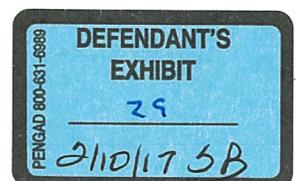


From: Cochran, Kelvin [/O=ATLANTA/OU=CITYHALL/CN=RECIPIENTS/CN=KJCOCHRAN]
Sent: 12/9/2013 3:33:52 PM
To: Myrna Gale [myrna.gale@gmail.com]
Subject: Final Galley Comments
Attachments: Final Galley Edits.pdf

Good Afternoon Myrna:

Attached is the final galley with comments for edits. Please confirm receipt. You should have also received the check for the new order. Happy Holidays!!!

Kelvin



From: Cochran, Kelvin [kjcochran@AtlantaGa.Gov]
Sent: 6/6/2014 6:40:09 AM
To: Myrna Gale [info@3gpublishinginc.com]
Subject: RE: Galley

Good Morning Myrna:

The galley is all good. I only found one edit that was not captured. On page 122, third paragraph, third sentence should be "are" limited instead of "is" limited.

Let's go ahead with plans for the reprint and pulling the current version after its done. Let me know the cost and I will send you the payment. Additionally, I want to order 100 copies. Thanks Myrna.

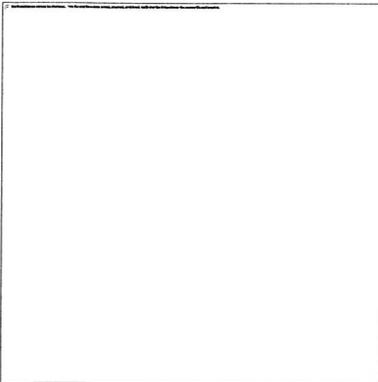
Kelvin

From: myrna.gale@gmail.com [myrna.gale@gmail.com] on behalf of Myrna Gale [info@3gpublishinginc.com]
Sent: Monday, June 02, 2014 1:24 PM
To: Cochran, Kelvin; Kelvin Cochran
Subject: Galley

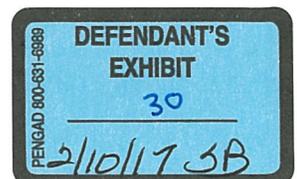
Kelvin,

Hope you and your family had a great weekend! Please find attached the revised galley for your perusal. Do not hesitate to call if you have any questions.

--



Myrna Gale
CEO
3G Publishing, Inc.
www.3gpublishinginc.com



From: Cochran, Kelvin [/O=ATLANTA/OU=CITYHALL/CN=RECIPIENTS/CN=KJCOCHRAN]
Sent: 6/23/2014 3:47:57 PM
To: Myrna Gale [info@3gpublishinginc.com]
Subject: RE: Updated Galley

Myrna:

Everything looks fine. Thanks.

Kelvin

From: myrna.gale@gmail.com [mailto:myrna.gale@gmail.com] **On Behalf Of** Myrna Gale
Sent: Monday, June 23, 2014 2:10 PM
To: Cochran, Kelvin
Subject: Updated Galley

Kelvin,

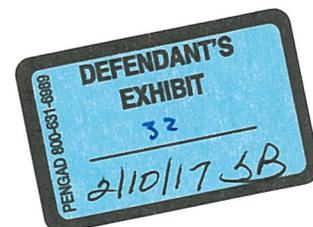
Hope you and your family had a great weekend! Please find attached the updated galley. If it is in order, please let me know so that I may reorder your books. Thank you for your understanding and patience.

Sincerely,

--



Myrna Gale
CEO
3G Publishing, Inc.
www.3gpublishinginc.com

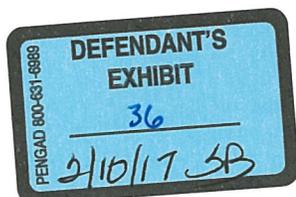


evil, who tear off their skin from them and their flesh from their bones, who eat the flesh of my people, strip off their skin from them, break their bones and chop them up as for the pot and as meat in a kettle.” Micah 3:1-3

Men in a state of depravity begin to feed on their families and anyone else they feel has something to satisfy their carnal cravings. Their quest to be fulfilled through worldly pleasures eventually leads to self-destructive behaviors and addictions. Proverbs 23:31-35 depicts an episode of a man who has a zombie-like lifestyle. It starts with him having too much red wine. It bites like a serpent and stings like an adder. The wine is analogous to a snake, just like the words of their ancestor, the serpent in the Garden of Eden. Because of this habit of too much red wine, his eyes are attracted to strange women, and his heart begins to conjure up perverse fantasies. He has so much to drink, when he lies down it is as if he is lying in the midst of the sea upon a mat. He wakes up the next day and realizes he has been in a fight. He concludes, he was beaten and did not feel a thing. When his head clears from the stupor of his hangover, he will repeat the same pattern all over again. Such is the case of a man without Christ in his life—a depraved man, a naked man. He is consumed with the state of depravity. All he thinks about is fulfilling his carnal desires.

Lust Originates in the Heart

Lust is a passionate, overwhelming desire or craving for things such as power, prestige, money and other possessions. The most common use of the word “lust” is in the context of intense sexual desire or appetite; or uncontrolled, illicit sensual desire. However, because “lust” is first and foremost a passionate, overwhelming desire, there are righteous, spiritual,



godly applications of the word “lust” although these applications are rarely if ever described as lust.

Synonyms of the word “lust” used in godly applications are desire and pleasure. This kind of lust is associated with God’s passionate, overwhelming desire to please his children (Psalm 149:4; Psalm 35:27b) and a clothed man’s passionate, overwhelming desire to please God (Psalm 19:7-14). Consequently, there are sinful applications of the word “lust” and there are righteous applications of the word “lust”.

God’s desire is for a man to enjoy life and to have an abundant life. Here is a news flash from heaven. God’s desire is for a man to enjoy sex, but according to his purpose and statutes. God wants a man to be rich, but according to his plan and purpose. God wants a man to have prestige, but according to his plan and for his glory. God does not want a man to be sexually depraved, broke and insignificant. In his presence is fullness of joy (we call it ecstasy), and at his right hand there are pleasures forevermore (Psalm 16:11). But apart from a relationship with God, a man’s motives are driven by self-pleasure, self-aggrandizement, and self-exaltation.

A naked man’s motives are driven by sensuality—lust of the flesh, lust of the eyes and the pride of life; not spirituality—love, joy, peace, patience, kindness, gentleness, faithfulness, goodness and self-control. Sensuality drives the personality of a naked man. Spirituality drives the personality of a clothed man.

All lusts both sinful and righteous originate in the heart. We are born with the capacity of imaginations. As we get older, our sight, smell, touch, hearing and tastes are exposed to things

Adultery – unlawful sexual relations between men and women, single or married when one is married.

Fornication – same as adultery above besides all manner of other unlawful sexual relations.

Uncleanness – whatever is opposite of purity; including sodomy, homosexuality, lesbianism, pederasty, bestiality, and all other forms of sexual perversion.

Lasciviousness – licentiousness, lustfulness, unchastity (sexually suggestive), and lewdness (inciting to lust); wantonness (sexually lawless) and filthy; anything tending to foster sexual sin and lust.

Idolatry – image worship, including anything upon which passions are affectionately set; extravagant admiration of the heart.

Witchcraft – sorcery, practice of dealing with evil spirits; magical incantations and casting of spells and charms upon one by means of drugs and potions of various kinds.

Hatred – bitter dislike, abhorrence, malice, and ill-will against anyone; tendency to hold grudges against or be angry at someone.

Variance – dissensions, discord, quarreling, debating, and disputes.

Emulations – envies, jealousies; striving to excel at the expense of another; seeking to surpass and out do others;

uncurbed rivalry spirit in religion, business, society, and other fields of endeavor; fervent minded; envy; jealousy; and indignation.

Wrath – indignation and fierceness; turbulent passions; domestic and civil turmoils; rage; determined and lasting anger.

Strife – contention; disputing; jangling; strife about words; angry contentions; contest for superiority or advantage; strenuous endeavor to equal or pay back in kind the wrongs done to one.

Seditious – divisions; parties and factions; popular disorder; stirring up strife in religion, government, home or any other place.

Heresies – a doctrinal view or belief at variance with the recognized and accepted tenets of a system, church, or party. It takes on an evil meaning when sound doctrine is rejected and fallacy is accepted and taught in preference to truth. Heretic-a person who holds a heresy, a dissenter, a nonconformist.

Envy – Pain, ill-will, and jealousy at the good fortune or blessing of another; the most base of all degrading and disgraceful passions.

Murders – To kill; to spoil or mar the happiness of another; hatred.

Drunkenness – Living intoxicated; a slave to drink; drinking bouts.

Revelling – Rioting; lascivious and boisterous feasting, with obscene music, and other sinful activities; pleasures; carousing.

“But chiefly them that walk after the flesh in the lust of uncleanness, and despise government; presumptuous are they, self-willed, they are not afraid to speak evil of dignities.” 2 Peter 2:10

Every one of these infirmities of the flesh are rooted in deprivation—the overwhelming sense of not having enough, consequently engaging in carnal, man-made solutions to fill the void of emptiness and lack. Notice the top four matters of lust of the flesh are related to sex. God’s plan and purpose for sex is always enough. Sex outside of God’s plan and purpose always leaves a man empty, causing him to pursue greater frequency and variety to be sexually fulfilled. He never has enough.

How Much Sex is Enough

So how much sex is enough? To answer the question, let’s start with the fundamentals. God created sex. His purpose for sex was in accordance with his plan for populating the earth. Because of the number of people required to fill his population agenda in the beginning and across centuries and generations, he intended it to be something that both Adam and Eve would enjoy immensely and frequently. It takes several attempts for conception to occur in some cases. As such, God wanted each effort to be an enjoyable experience so Adam and Eve would keep trying—over and over and over again!

Additionally, since God made sex for procreation, he only intended it to be between a man and a woman. Since procreation

is a spiritual act between carnal beings, God intended it to occur only in the institution of holy matrimony—marriage.

During the rigors and pain of childbirth women often conclude they will never go through the experience again. In other words, she vows she will never have sex again. Thank goodness those thoughts are only temporary. Subsequently, soon after cradling the bundle of joy in her arms, within a short period of time the delight of motherhood gives way to the ecstasy of what made it all possible. Her desire for sexual intimacy is restored and the procreative process begins again.

In holy matrimony, even after a couple has met their charge to be fruitful and will have no more children, the desire for sexual intimacy still exists. So they continue to affectionately enjoy each other in ways that bring one another pleasure, honoring God without defiling their bodies and until death breaks the holy union. This is the lifestyle of sex intended by the Creator. This is the kind of sex that fulfills a man—a clothed man.

Sexual acts pursued for purposes other than procreation and marital pleasure in holy matrimony is the sex life of a naked man. When men are unrestrained in their quest for sex outside of God's purpose they will never be fulfilled. Naked men refuse to give in, so they pursue sexual fulfillment through multiple partners, with the opposite sex, same sex and sex outside of marriage and many other vile, vulgar and inappropriate ways which defile their body-temple and dishonor God. This is the kind of sex that leaves a man continually empty—the sex life of a naked man. Who told you that you were naked?

From: Kelvin Cochran (kelvin.cochran@yahoo.com)
Sent: Friday, December 05, 2014 4:48:42 PM
To: gharris@christianindex.org (gharris@christianindex.org)
Subject: Re: article for The Christian Index

Good Morning Gerald:

Please remove the section referencing Mayor Franklin's comments (the final three candidates, and offering me the position). You may simply state I was appointed in January 2008 under her administration.

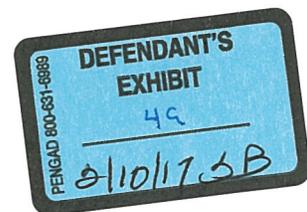
Please remove the statements regarding the ethics office altogether.

Kelvin

On Friday, December 5, 2014 12:02 AM, "gharris@christianindex.org" <gharris@christianindex.org> wrote:

Dear Chief Cochran,

I was thrilled to have the opportunity to meet you this morning. I was immediately impressed with your humility, grace, spirit and brilliant mind. I have already read much of your book and have found it to be excellent. I am attaching a rough draft of the editorial I wrote about your situation and want you to give it a careful look to make sure you are all right with it. I will look forward to your response. Sometimes our filter system prohibits emails from getting through, so if your response to this email bounces back feel free to give me a call on my cell at 770.906.6339 and we will work out another plan. Blessings, Gerald Harris



From: Kelvin Cochran (kelvin.cochran@yahoo.com)
Sent: Saturday, December 13, 2014 2:48:03 AM
To: eeelliott@mac.com (eeelliott@mac.com)
Subject: Fw: Plan: Cochran confidentialPress Release, Index Article, etc.

Let's try this again.

On Friday, December 12, 2014 7:27 PM, Ed Elliott <eeelliott@mac.com> wrote:

Kelvin,
The timing of this is perfect. Providential! We will work with, and alongside of, the GBC's plan of action. This is a solid strategy, which I don't see how it can be improved upon. It certainly will keep us from reinventing the wheel, and the unified front will strengthen the effort. The key will be to bath everything in fervent prayer and get as many of God's people involved as we can. We'll keep in touch as things progress. Stand strong in Him, my friend!
Ed

"And Moses said unto the people, Fear ye not, stand still, and see the salvation of the Lord,...The Lord shall fight for you, and ye shall hold your peace."
Exodus 14:13-14 (KJV)
Sent from my iPad

On Dec 12, 2014, at 17:16, Kelvin Cochran <kelvin.cochran@yahoo.com> wrote:

FYI

Sent from my iPhone

Begin forwarded message:

From: Mike Griffin <MGriffin@gabaptist.org>
Date: December 12, 2014 at 12:23:22 PM EST
To: Jonathan C email <jcrumly@manercc.com>, Kelvin Cochran E <kelvin.cochran@yahoo.com>
Subject: Fwd: Plan: Cochran confidentialPress Release, Index Article, etc.

Here is the battle plan. Your eyes only.



Let me know any concerns.
Pressing on for Christ,
Mike

Sent from my iPhone

Here is what the current communications plan is regarding this topic:

1. Petition: We are creating the petition website and will send out link to this group for review before going live; target is tomorrow
 - a. Receiving petition language from Dr. White (Karen), review and put on web
 - b. Petition page web address (currently no content/not live):
<http://gabaptist.org/petition>
 - c. Petition page will contain online version of press release, links to article, and PDF versions that can be downloaded
 - d. Share button will be added so visitors can share the page with friends
2. General Website:
 - a. Petition page will be added and go live
 - b. Banner on main GBC landing page will summarize and link to Petition
 - c. Expect that press release and article will be on website, possibly multiple locations
 - d. Kelvin's testimony was recorded; Rod will provide link that we can add to website, email blast, social media, etc. for those that want to listen to him
3. Christian Index:
 - a. Article will be posted
 - b. Link to press release and petition
 - c. Firewall brought down so people can access (this will be temporary, so need to make sure links will go back to free version on GBC website)
4. Press Release:
 - a. Mark is putting into press release format; along with hyperlinks throughout for SEO purposes.
 - b. Press release will go on official letterhead
 - c. Mark will PDF and secure document before posting and distribution
 - d. Release Date: After discussion with Dr. White, and with his approval, we will date and release on Monday morning at 9am will not have good pickup on a Friday afternoon.
 - e. Mark will distribute to media outlets Monday morning
 - f. A hard copy with all links typed out will be created for printing and used for sending via US Mail.
5. CI Article:

- a. Mark will format and put on letterhead to appear as official article from Christian Index / GA Baptist
 - b. Mark will PDF and secure document before posting and distribution
 - c. A hard copy without hyperlink alias (web address will be typed out) will be created for printing and used for sending via US Mail.
6. Social Media:
- a. Create buzz via Facebook, Twitter and LinkedIn
 - b. Push out info on book and Amazon link
 - c. Ask GA Baptists to read the book; provide reviews on Amazon
7. Dr. White's letter to Pastors:
- a. Email letter/blast in process; will review and optimize
 - b. Hard copy without hyperlink alias (web address will be typed out) will be created for US Mail (copy of press release will be included)
8. Additional buzz:
- a. Suggest providing a simple email draft/summary and ask Ministry leaders/Specialists to send out to contacts (Men's ministry contacts, SS teachers, others, etc.); not an official blast but more of a peer-to-peer Hey did you hear about this
9. Public Affairs Mike Griffin:
- a. Unsure how you will distribute once you receive final versions and all goes live. -Mark

I just want to make sure all components are telling the same story and that the timing is lined up for maximum effect.

Please keep me in the email loop for communication on this topic among this group.

Thanks.

Mark

Mark Strange

Specialist, Communication Services

Email: mstrange@gabaptist.org

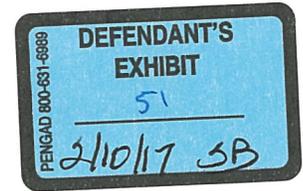
Phone: 770.936.5233

Web: www.gabaptist.org

GBCLogo-NEW

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

<image003.jpg>



From: Kelvin Cochran (kelvin.cochran@yahoo.com)
Sent: Saturday, December 13, 2014 4:19:54 PM
To: Ed Elliott (eeelliott@mac.com)
Subject: Re: Fb Posting Review and Update

Ed:

This is very appropriate. Only the mayor's name is "Kasim". Everything else is fine. Thank you, brother. God bless you.

Kelvin

Sent from my iPhone

> On Dec 13, 2014, at 10:17 AM, Ed Elliott <eeelliott@mac.com> wrote:

>

> Good morning, Kelvin. I received both of your forwards last night, but still no attachments. Gotta love technology! I have a phone call in this morning with Mike Griffin of GBC and awaiting his return call so we can strategize best with our support. Evangelist Byron Fox, of Bible Truth Music / God Bless America Crusades, has been on a much needed vacation this week. He just texted me to let me know he is on his way home now and we will talk later.

>

> Below, is a draft note I intend to post on my personal Facebook account (which is primarily my own Christian circle, pastors, evangelists, missionaries, etc,) later today. Before I posted anything at all, I wanted to get your review and approval. I sure don't want to misrepresent anything, nor inadvertently make matters any worse. I'm trying to stay with the GBC script as close as possible to maintain a consistent message.

>

> I also intend to recruit the assistance of Pastor David Cloud of Way of Life Literature, who publishes a weekly newsletter which reaches several thousand Baptist, and other Bible-believing, preachers, teachers and churches around the world.

>

> In our lingo this is an "offensive fire attack", but if anything feels uncomfortable or too aggressive for you, please let me know and we will adjust as appropriate.

>

> Here is my proposed FB post:

> Atlanta Fire Chief, Kelvin Cochran, was recently given a 30-day suspension without pay and a requirement to attend "sensitivity training" by Atlanta Mayor Kasim Reed. This was in response to a book that Chief Cochran penned and self-published titled, "Who Told You That You Were Naked?", in which he expressed his own personal, religious convictions drawn from the Bible. The controversy erupted from the statement in this small paperback which reads, "uncleanness is the opposite of purity; including sodomy, homosexuality, lesbianism, pederasty, bestiality, and all other forms of sexual perversion."

>

> Chief Cochran wrote the faith-based book, which focuses on the sin of man and the redemption through Jesus Christ, for a men's Bible class in

his church, Elizabeth Baptist Church. I am a friend of Chief Cochran and have spoken with him personally about this matter, and not surprisingly, there are inaccuracies in the news reports from the liberal media. The Christian community is now mobilizing in defense of Chief Cochran, as well as for Christian liberty all across America, and we are asking for fellow Christians, and in particular, PASTORS, to help in three ways:

>

> 1. PRAY! For Fire Chief Kelvin Cochran and his family; for The King to turn the heart of the mayor; for God's children to maintain a Christ-like spirit; and that Jesus Christ would be honored and glorified in all of this.

>

> 2. Contact the Atlanta Mayor Rasim Reed to:

> • Acknowledge Chief Cochran's First Amendment rights.

> • Make a public apology for the suspension and grief it has caused the Chief and his family, and

> • Restore Chief Cochran's pay and reputation as an honorable Fire Chief.

>

> The Mayor can be contacted by email at mkreed@atlantaga.gov, by phone at (404) 330-6100, or by mail at 55 Trinity Ave. Suite 2500, Atlanta, GA 30303.

>

> 3. Purchase a copy of "Who Told You That You Were Naked?" and encourage others to do the same. This will be personal vote of confidence in Chief Cochran, as well help supplant his loss of a month's pay to support his family. The book can be ordered from Amazon.com.

>

> Please be clear that this campaign has NOTHING at all to do with what is often termed, "gay-bashing", but has EVERYTHING to do with defending the First Amendment rights for all Christians across America. Those of you know me well, know that I don't jump on every bandwagon that comes along, but it is high time that we, as Christians, stand up for Biblical principles and for the freedoms afforded to us as citizens of the United States, and to come to the defense of fellow believers being punished or persecuted because of their faith in Christ. Will YOU stand with us???

>

> More to come next week, but wanted to get something out today, so churches could start praying at their services tomorrow.

>

>

> Sent from my iPad

From: Kelvin Cochran (kelvin.cochran@yahoo.com)
Sent: Saturday, December 13, 2014 11:41:01 PM
To: Ed Elliott (eeelliott@mac.com)
Subject: Re: Fb Posting Review and Update

There is not a fund at this time. I will let you know if there is a need at a later date. Thanks again for your support and prayers.

Sent from my iPhone

> On Dec 13, 2014, at 2:53 PM, Ed Elliott <eeelliott@mac.com> wrote:

>

> Will do. Haven't heard back from him yet.

> Also, is there a legal defense fund established, or do you anticipate the need for one in the future? Asking now just in case any questions come in about financial donations.

>

> Sent from my iPad

>

>> On Dec 13, 2014, at 11:20, Kelvin Cochran <kelvin.cochran@yahoo.com> wrote:

>>

>> Also, when you talk to Mike have him send those documents to you directly.

>>

>> Sent from my iPhone

>>

>>> On Dec 13, 2014, at 10:17 AM, Ed Elliott <eeelliott@mac.com> wrote:

>>>

>>> Good morning, Kelvin. I received both of your forwards last night, but still no attachments. Gotta love technology! I have a phone call in this morning with Mike Griffin of GBC and awaiting his return call so we can strategize best with our support. Evangelist Byron Fox, of Bible Truth Music / God Bless America Crusades, has been on a much needed vacation this week. He just texted me to let me know he is on his way home now and we will talk later.

>>>

>>> Below, is a draft note I intend to post on my personal Facebook account (which is primarily my own Christian circle, pastors, evangelists, missionaries, etc,) later today. Before I posted anything at all, I wanted to get your review and approval. I sure don't want to misrepresent anything, nor inadvertently make matters any worse. I'm trying to stay with the GBC script as close as possible to maintain a consistent message.

>>>

>>> I also intend to recruit the assistance of Pastor David Cloud of Way of Life Literature, who publishes a weekly newsletter which reaches several thousand Baptist, and other Bible-believing, preachers, teachers and churches around the world.

>>>

>>> In our lingo this is an "offensive fire attack", but if anything feels uncomfortable or too aggressive for you, please let me know and we will adjust as appropriate.

>>>

>>> Here is my proposed FB post:

>>> Atlanta Fire Chief, Kelvin Cochran, was recently given a 30-day suspension without pay and a requirement to attend "sensitivity training" by Atlanta Mayor Kasim Reed. This was in response to a book that Chief Cochran penned and self-published titled, "Who Told You That You Were Naked?", in which he expressed his own personal, religious convictions drawn from the Bible. The controversy erupted from the statement in this small paperback which reads, "uncleanness is the opposite of purity; including sodomy, homosexuality, lesbianism, pederasty, bestiality, and all other forms of sexual perversion."

>>>

>>> Chief Cochran wrote the faith-based book, which focuses on the sin of man and the redemption through Jesus Christ, for a men's Bible class in his church, Elizabeth Baptist Church. I am a friend of Chief Cochran and have spoken with him personally about this matter, and not surprisingly, there are inaccuracies in the news reports from the liberal media. The Christian community is now mobilizing in defense of Chief Cochran, as well as for Christian liberty all across America, and we are asking for fellow Christians, and in particular, PASTORS, to help in three ways:

>>>

>>> 1. PRAY! For Fire Chief Kelvin Cochran and his family; for The King to turn the heart of the mayor; for God's children to maintain a Christ-like spirit; and that Jesus Christ would be honored and glorified in all of this.

>>>

>>> 2. Contact the Atlanta Mayor Rasim Reed to:

>>> • Acknowledge Chief Cochran's First Amendment rights.

>>> • Make a public apology for the suspension and grief it has caused the Chief and his family, and

>>> • Restore Chief Cochran's pay and reputation as an honorable Fire Chief.

>>>

>>> The Mayor can be contacted by email at mkreed@atlantaga.gov, by phone at (404) 330-6100, or by mail at 55 Trinity Ave. Suite 2500, Atlanta, GA 30303.

>>>

>>> 3. Purchase a copy of "Who Told You That You Were Naked?" and encourage others to do the same. This will be personal vote of confidence in Chief Cochran, as well help supplant his loss of a month's pay to support his family. The book can be ordered from Amazon.com.

>>>

>>> Please be clear that this campaign has NOTHING at all to do with what is often termed, "gay-bashing", but has EVERYTHING to do with defending the First Amendment rights for all Christians across America. Those of you know me well, know that I don't jump on every bandwagon that comes along, but it is high time that we, as Christians, stand up for Biblical principles and for the freedoms afforded to us as citizens of the United States, and to come to the defense of fellow believers being punished or persecuted because of their faith in Christ. Will YOU stand with us???

>>>

>>> More to come next week, but wanted to get something out today, so churches could start praying at their services tomorrow.

>>>

>>>

>>> Sent from my iPad

Exhibit C

Deposition Transcript of Katrina Parks

(relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Katrina Taylor-Parks on 02/16/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
)
and MAYOR KASIM REED, IN)
)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
KATRINA TAYLOR-PARKS

FEBRUARY 16, 2017
2:12 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
3414 PEACHTREE ROAD, N.E.
MONARCH PLAZA
SUITE 1600
ATLANTA, GEORGIA 30326

Reported by: Suzanne Beasley, RPR
CCR-B-1184

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Katrina Taylor-Parks on 02/16/2017

Page 30

1 Did you hear any feedback about that?

2 A. All positive feedback.

3 Q. Okay. Great. Were you aware of
4 Chief Cochran's reputation in the department, or did
5 you not have knowledge of that?

6 A. I don't have intimate knowledge of that.

7 Q. Okay. Is there anything else about
8 Chief Cochran's reputation or your relationship with
9 him that you'd like to share?

10 A. No.

11 Q. You're familiar with the fact that there
12 is an ethics code that governs certain city employees
13 and officials, correct?

14 A. Yes.

15 Q. Are you aware of any city employee who's
16 been punished by human resources for a violation of
17 the ethics code?

18 A. Yes. But if you were to ask me the
19 specifics, I don't know. But yes, the ethics code
20 has gotten a lot of people in trouble.

21 Q. Okay. In the situations that you might
22 have knowledge of or if you can recall anything
23 specifically, were they punished by the human
24 resources department or by the ethics board?

25 A. I don't remember details on that. I

Exhibit D

Deposition Transcript of Nina Hickson

(relevant portions attached)

1 was a leadership book that he was authoring. But I
2 was never given a title or a content other than
3 leadership.

4 Q. If he came to you -- well, first of all,
5 did he contact you about this matter?

6 A. He called me. This indicates it was a
7 telephone call. He called me.

8 Q. And what did he say?

9 A. My memory was that he was writing a
10 non-city book on leadership, and was this a matter
11 that the ethics -- that the ethics board would be
12 concerned about or would this fall under the ethics
13 code? That was my understanding of his question.
14 And so I said yes.

15 And he said, well -- as I recall, he said
16 it wasn't happening anytime soon, but he would get
17 back with me in about six months. That was the
18 extent of it. Or that's what I remember.

19 (Exhibit 24 was marked for
20 identification.)

21 BY MR. WARDLOW:

22 Q. I'm placing in front of you what will be
23 marked as Plaintiff's Exhibit 24. This is an e-mail
24 from Sherry Dawson to you --

25 A. Uh-huh.

1 then he went on to say something about a multilevel
2 marketing matter where he would be receiving a
3 percentage of the profits. And I told him at that
4 point I didn't understand it, but -- but it sounded
5 to me that it was something he needed to clear with
6 the mayor and that it would definitely have to come
7 to the Board of Ethics given his level in the
8 organization.

9 Q. What -- why did you tell him that he
10 needed to get clearance from the mayor?

11 A. Because that's typically the -- he --
12 that's who I understood he reported to. And our
13 practice is when something -- when you're talking
14 about outside remuneration, that it's something that
15 has to be cleared with the supervisor. So to my
16 knowledge, that was his supervisor and that's who he
17 needed to get it cleared with.

18 Q. Is there a -- is there an ethics code
19 provision that requires the supervisor's approval on
20 something like this?

21 A. I'm not sure that there's an ethics code
22 provision, but I know on our -- when we do our
23 training and on the ethics pledge, we talk about if
24 you're doing something outside of your regular job,
25 that you need to go to your supervisor.

1 So I'm not -- I don't -- I can't think of
2 a specific provision in here, but I know that's the
3 practice.

4 Q. And what's the basis for your
5 understanding that that's the practice?

6 A. Basically that's the way it was done when
7 I got there. It's the way we continued to do it.
8 And as I indicated, on our ethics pledge, that's what
9 we essentially say if it's outside employment,
10 because the supervisor needs to make the initial cut
11 of if there's a conflict of interest. We don't know
12 everything about a job.

13 So if they -- you know, if they've
14 determined that there's a conflict, then there's no
15 need for it to come to -- to the board.

16 Q. So if there's no -- if there's no conflict
17 of interest between whatever the outside services or
18 activities are and the job --

19 A. Uh-huh.

20 Q. -- then it doesn't need to come to the
21 board?

22 MS. HINTON: Object to form.

23 THE WITNESS: No, that's not what I
24 said. That's not what I said.

25

1 Q. And then whether the facts, if true, would
2 be something that would require ethics board
3 approval?

4 A. This never came to me in the context of an
5 ethics complaint.

6 Q. So there was never any ethics complaint
7 about Chief Cochran's faith-based book?

8 A. No.

9 Q. And there was never any ethics process
10 with respect to the book or Chief Cochran?

11 A. Not while I was there, no.

12 Q. And you do have the authority to give
13 advice on whether something is a matter that should
14 be brought to the board's attention under 820(d),
15 correct, section?

16 A. Yes.

17 Q. Did you have any conversations about the
18 termination of Chief Cochran around this time with
19 any of the members of the ethics board?

20 A. Not that I'm aware of other than reporting
21 it.

22 Q. Did anyone on the ethics board follow up
23 with you about this e-mail?

24 A. Not that I recall.

25 Q. Did anyone on the ethics board follow up

Exhibit E

Who Told You That You Were Naked

(p. 116)

fine suits. The men could not figure it out, so they coerced his fiancé that Samson would give her the answer. After seven days of crying and nagging, Samson gave in and gave her the answer. His weakness for whining, nagging women would ultimately cost his destiny. He lost the bet because of her.

In his wrath he killed thirty innocent men, gave their clothes to settle the bet and went back home to live with his mama and daddy—angry. Because of his abrupt and brash departure, his father-in-law gave his wife to his best man. In Chapter 15, he returns to reclaim his wife, and discovered she was given to his best man. Samson went into a rage and burned all the fields of the crop of the Philistines. When the Philistines found out it was Samson's doing and why he did it, they burned his wife and her father to death. In his wrath of revenge, Samson killed a thousand Philistines with the jawbone of an ass.

Though he was anointed, he could not control his temperament nor his temptations. His infirmities dominated his character. Satan is not intimidated by your anointing if he has control of your character. In Chapter 16 it does not get any better. Samson gets involved with a prostitute in Gaza. Because his enemies knew his habits and where he hung out, they laid an ambush for him there. He escaped by lifting the entire gate of the city off its brackets.

He now falls in love with Delilah—another Philistine woman. His temptation and depravity kept taking him back to the same kind of women, no matter how much pain and loss he had experienced before. Delilah was also a nagger, she was devious and she used sex as a manipulative weapon.

Exhibit F

Deposition Transcript of Anne Torres (relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Anne M. Torres on 02/22/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
and MAYOR KASIM REED, IN)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
ANNE M. TORRES
FEBRUARY 22, 2017
2:19 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR
CCR-B-1184

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Anne M. Torres on 02/22/2017

Page 76

1 Q. So they pertain to Chief Cochran, he is
2 just not mentioned?

3 A. He is not described as the boss or
4 speaking about people as second-class citizens.

5 Q. But what did you mean when you said
6 "boss"?

7 A. That is a general term.

8 Q. Is it a general term, but what was the
9 occasion of creating these Tweets?

10 A. To push back on the notion that his
11 termination was related to religious beliefs or his
12 personal religious beliefs.

13 Q. Chief Cochran's?

14 A. Yes.

15 Q. The second Tweet, hash tag, "I stand with
16 Kasim because there is no place for discrimination in
17 the workplace."

18 A. Yes.

19 Q. What were you referring to there?

20 A. Same, same as the previous Tweet, meaning
21 discrimination as in employees have a right to be
22 treated equally regardless of their sexual
23 orientation, religious beliefs. With the book we
24 felt that there were passages in the book that
25 violated our City's antidiscrimination policy, and

1 back against that, that notion.

2 Q. I'm sorry. I just want to make sure. You
3 said he was violated -- I mean, he was terminated --
4 you said violated.

5 A. I'm sorry, terminated, terminated.

6 Q. Facebook message down at the bottom, some
7 of these are Facebook messages, appear to be fairly
8 similar to those Tweets, so I won't tread over ground
9 we've already been over.

10 A. Yeah.

11 Q. Hash tag, "I stand by Kasim," at the
12 bottom, "because he has it right. Everyone, no
13 matter who they love, should come to work without
14 fear of discrimination."

15 A. Uh-huh.

16 Q. What were you referring to here?

17 A. Again, the same thing, reiterating the
18 message that all City employees should be able to
19 work in an environment where they're not
20 discriminated against because of their sexual
21 orientation, religious beliefs, gender. Reiterating
22 the same message.

23 Q. And was the message you were trying to
24 convey with this Tweet that there has been
25 discrimination?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Anne M. Torres on 02/22/2017

Page 79

1 A. No. I can't speak to whether or not there
2 was discrimination.

3 (Exhibit 79 was marked for
4 identification.)

5 BY MR. CONNELLY:

6 Q. The court reporter's handed you what's
7 been marked as Plaintiff's Exhibit 79. Do you
8 recognize this document?

9 A. Yes.

10 Q. Appears to be an e-mail exchange between
11 you and Robin Shahar and a number of other people.

12 A. Uh-huh.

13 Q. Who is Cassandra Coley, by the way?

14 A. I don't know who that is.

15 Q. Is it someone that works in the City, do
16 you believe?

17 A. I don't know. The name's not familiar.

18 Q. There Ms. Shahar is referring to an ADL,
19 Anti-Defamation League press release. You let her
20 know at the top that you did not receive it. "Please
21 feel free to forward when you can."

22 A. Uh-huh.

23 Q. Why did you ask her to forward that?

24 A. I don't remember.

25 Q. Would that be the type of thing you would

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Anne M. Torres on 02/22/2017

Page 100

1 A. Yes.

2 Q. Is that correct? What are you basing that
3 statement on?

4 A. Just an assumption, a recollection.

5 Q. Do you have a distinct memory of having a
6 conversation with the mayor in which he told you that
7 he received a copy of the book?

8 A. No.

9 Q. Okay. So you're assuming that may have
10 happened?

11 A. Yes.

12 Q. But you don't know either way?

13 A. Yes.

14 Q. Okay. You have no personal knowledge of
15 whether or not he received a copy of that book?

16 A. No.

17 Q. Did you have any personal involvement in
18 the decision to suspend Mr. Cochran?

19 A. No.

20 Q. Did you have any personal involvement in
21 the decision to terminate Mr. Cochran?

22 A. No.

23 Q. Do you have any -- did you have any
24 personal involvement in the conversations between
25 Chief Cochran and Nina Hickson?

Exhibit G

Deposition Transcript of Stephen Borders (relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Stephen D. Borders on 02/17/2017

Page 55

1 Q. Do you recall -- sounds like you have a
2 pretty good memory of where it happened, back parking
3 lot, I think you said. Do you recall when, if you
4 can give me your best guess on a date?

5 A. I feel like it was the end of October,
6 early November. Maybe a month or so before Chief
7 Cochran's suspension.

8 Q. So Chief Wessels brings you the book. Did
9 he tell you he had read the whole book? What was
10 the -- give me the conversation soup to nuts, if you
11 would.

12 A. The conversation was -- it was, hey, I
13 want to show you something. This is a book that
14 Chief Cochran wrote that was given to me during a
15 work event. And I don't remember exactly what the
16 details were, and that when he read it, there was
17 some very explicit conservative Christian ideals that
18 concerned him since he also identified himself very
19 clearly and explicitly as the fire chief in the City
20 of Atlanta.

21 And it was -- from a firefighter
22 standpoint, that we were all brought up very clearly
23 that if you say that you are representing the City of
24 Atlanta that -- and you give an interview, a public
25 statement, write a book, write an article in a

1 you know, how should we handle this. And I felt like
2 that we needed to be prepared and have a response
3 from our members, as well as the public if the story
4 was framed that there's a fire chief that has a
5 problem with a certain population, what was the
6 union's response going to be; that we weren't
7 blind-sided with an issue that we didn't know was
8 coming.

9 And then I took it to Alex Wan on the city
10 council, who I had a good relationship with
11 professionally and a lot of dealings with on pay
12 matters and different city issues for just his
13 counsel and advice on how we should handle it, how
14 the city should handle it. And then he -- I gave him
15 one of the copies of the book and let him take it
16 from there.

17 Q. I want to talk to you a little bit about
18 that decision making-process, okay?

19 A. Okay.

20 Q. You testified earlier that you had an open
21 line of communication with Chief Cochran, correct?

22 A. (Witness nods head affirmatively.)

23 Q. Did you ever attempt to speak with Chief
24 Cochran about the book before handing it along to
25 Councilman Wan?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Stephen D. Borders on 02/17/2017

Page 62

1 underlines or notes on the side.

2 Q. Do you recall on that initial conversation
3 with Chief Wessels the portions of the book he was
4 concerned about?

5 A. I only remember the very beginning where
6 it identifies Chief Cochran working for the City of
7 Atlanta, and then there were some other passages
8 where -- that were talking about homosexuality and
9 kind of a conservative Christian.

10 Q. So that was -- when you said you all
11 bought books after that and you read through it, was
12 that the population you were talking about with
13 respect to the problems you had with the book?

14 MR. GEVERTZ: Object to the form.

15 THE WITNESS: Can you clarify a
16 little?

17 BY MR. CONNELLY:

18 Q. What did you find -- did you find anything
19 objectionable about the book when you read it?

20 A. I personally didn't agree. I don't think
21 it was anything that I felt like -- I mean, Chief
22 Cochran is -- he's welcome to have any opinion he
23 wants to, any interpretation of the Bible he wants
24 to, and I didn't have a problem with it. It just, as
25 a labor organization, I had an issue with that it

1 seemed like that he was putting himself as an
2 official representative of the city explicitly, and
3 saying that he believes these views, as well as being
4 on -- at an employee-sponsored event or meeting or
5 something, and that it seemed to be given to chief
6 officers in the boss/employee-type relationship and
7 that -- those were the two things that really
8 concerned me. And I felt like that we needed to have
9 a response and some counsel from the city on how --
10 what their opinion was and how they wanted to handle
11 the situation.

12 Q. So going back to Wessels again, that
13 initial conversation, did he express misgivings about
14 the book?

15 A. I think -- personally, I think he
16 was -- he disagreed with how the book was presented,
17 as well as the two things I mentioned earlier. That
18 it was, you're saying that you're the fire chief and
19 you're saying that you believe this way, and that
20 that was a -- a concerning issue.

21 Q. And when you said presented, you mean how
22 the book was given -- the circumstances under which
23 the book was given to him?

24 A. Yes. That was one issue. The
25 circumstances of how the book was given, as well as

1 would probably be a good -- because it probably took
2 a couple of days for the book to come in, be able to
3 review it, feel like I had a good handle on where we
4 were, talk to the executive board, schedule a meeting
5 with Councilman Wan and meet with him.

6 Q. All right. That leads me to my next
7 question. You said schedule a meeting. Do you
8 remember -- I mean, you remember where the Wessels
9 thing happened pretty vividly. Do you remember where
10 the meeting happened with Councilman Wan?

11 A. In his office in city hall.

12 Q. Was it night or day?

13 A. It was daytime. I don't remember the
14 exact time, but it was during the day.

15 Q. Was it -- who was there?

16 A. It was just Councilman Wan and myself.

17 Q. He had already had a copy of the book?

18 A. No.

19 Q. You brought it to him?

20 A. Yes.

21 Q. Talk to me about that conversation. What
22 happened?

23 A. I went in and explained to him the
24 information that Wessels had shared on, it was given
25 to him during a work event, and that, you know, there

1 forgive me for not remembering or not knowing if I
2 should. This was after you took it to
3 Councilman Wan; is that correct?

4 A. I believe so.

5 Q. Do you recall when, date-wise that would
6 have been?

7 A. No. It would have been similar to that
8 early to mid November. I don't remember the exact
9 timeline, but --

10 Q. Do you remember where it was?

11 A. I believe it was a restaurant over on 14th
12 Street over in -- on the west of -- I guess that
13 would be north of Northside Drive.

14 Q. Whose idea was it to call Chief Thompson?

15 A. I don't remember. It was either Vic or
16 Justin Padrazzi that knew she was in town and said,
17 why don't we get her opinion about this matter.
18 She's not in the fire department anymore. She's well
19 versed on social issues, and let's -- and we felt
20 like it was -- she could add value without risking
21 the issue getting out in the fire department and
22 exploding on us.

23 Q. When you say she was well versed in social
24 issues, what do you remember by that?

25 A. That she was a -- she is a --- an out

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Stephen D. Borders on 02/17/2017

Page 71

1 homosexual, and made it well known to her friends
2 that she was. And we were concerned about any
3 response from the gay community in Atlanta, as well
4 as many homosexual employees that we had, that if
5 they found like -- if they felt like that this was an
6 issue, how should we be prepared to respond.

7 Q. What happened at that lunch? Did you show
8 her the passages from the book, as you did with
9 Councilman Wan?

10 A. Yes.

11 Q. And what did she say?

12 A. She agreed with our response and felt like
13 it was an issue that needed to be addressed. I think
14 she was more personally offended than I was, but she
15 seemed to have great concern that this was going to
16 get out in the public, and that it was going to be
17 damaging to the fire department and potentially
18 employees as well.

19 MR. CONNELLY: Take a break?

20 THE WITNESS: Sure.

21 THE VIDEOGRAPHER: This concludes
22 Media No. 1 in the video deposition of
23 Stephen Borders. We're off the record at
24 3:26 p.m.

25 (A recess was taken.)

Exhibit H

Deposition Transcript of Alex Wan

(relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Alex S. Wan on 02/23/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
)
and MAYOR KASIM REED, IN)
)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
ALEX S. WAN

FEBRUARY 23, 2017
2:21 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR
CCR-B-1184

1 and that's when he presented me with the book.

2 Q. What did he say to you at that time?

3 A. He told me that it had been brought to him
4 by another member of the fire staff. He showed me --
5 there were two passages that were -- there were
6 Post-its in the book, and he just handed it to me and
7 explained to me that the police chief -- I mean,
8 sorry, the fire chief had written it and that there
9 was concern about it. At which point, I took it and
10 I read it, and I agreed with him that there was
11 concern. I had concerns.

12 Q. What were the two passages that he
13 referenced?

14 A. The two specific ones were in reference to
15 the gay and lesbian community. One about
16 uncleanliness, and there was another one about -- I
17 don't recall the specific language, but it discussed
18 a man having sex with someone outside of marriage
19 with somebody of the opposite sex, same sex. And I
20 can't remember the other one, but those were the two.

21 Q. Those were the two passages that concerned
22 you?

23 A. Well, those were the two that he showed me
24 that I read.

25 Q. Did you read any other passages from the

1 find the right word. Just the impact it would have
2 on LGBT members on the fire staff.

3 Q. What was -- what exactly was the concern
4 about the impact it would have on LGBT members on the
5 fire staff?

6 A. I think just a concern -- I mean, just
7 like -- well, a concern about discrimination,
8 about -- yeah, that's really it in a nutshell.

9 Q. By "discrimination," you mean not -- you
10 mean treating them differently based upon LGBT?

11 A. Correct.

12 Q. And did you know of any instances where
13 someone had been discriminated against by
14 Chief Cochran?

15 A. I did not know of any.

16 Q. Had you heard of any?

17 A. I had not heard of any.

18 Q. I think the initial question I asked you
19 was why was Mr. Borders concerned. You also said
20 that you were concerned.

21 Were you concerned for the same reasons as
22 Mr. Borders, or did you have other concerns?

23 A. No, that was my concern.

24 Q. Did you make any marks in the copy of the
25 book that Mr. Borders gave you?

1 or e-mailed her and said I needed to see her. I
2 didn't say what it was about. And I went and
3 delivered the book to her in person in her office.

4 Q. All right. So I just want to get a little
5 more detail if I can about in the office. So when
6 you delivered the book to her --

7 A. Uh-huh.

8 Q. -- what did you say to her?

9 A. I said that a firefighter had brought this
10 to me with concerns about its content and that I had
11 the same concerns. You know, I expressed the concern
12 about the fact that it said the author had identified
13 himself as the Atlanta fire chief; that I didn't know
14 process-wise where to go or how this should be
15 handled. Again, like I said, I expressed my concern,
16 and that was pretty much the extent of it.

17 Q. Did you express your concern about the two
18 passages that you and Mr. Borders reviewed?

19 A. Correct.

20 Q. And that was the one on uncleanliness and
21 the one on sex outside of marriage?

22 A. Correct.

23 Q. Did you mention anything else to her
24 during that conversation?

25 A. I don't recall anything substantive aside

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Alex S. Wan on 02/23/2017

Page 57

1 Q. Any particular groups that you spoke to,
2 like HRC?

3 A. I did speak to Jeff Graham, who is the
4 executive director of Georgia Equality. Nobody from
5 HRC. Yeah, I think he's really the only identifiable
6 person that I spoke with.

7 Q. What did you say to Mr. Graham?

8 A. Just wanted to make sure he was aware of
9 what was happening with this situation.

10 Q. What did he say to you?

11 A. That he too was very troubled by it and to
12 keep him posted.

13 Q. Did he say that HRC was going to take any
14 steps regarding the suspension?

15 A. Sorry. So he's with Georgia Equality, not
16 HRC.

17 Q. I'm sorry.

18 A. That's okay. No, he did not.

19 Q. Were you consulted by anybody from the
20 legal department or the mayor's office during
21 Chief Cochran's suspension?

22 A. No.

23 Q. Did anyone ask you during the
24 investigation what your role in delivering the book
25 to Ms. Yancy was?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Alex S. Wan on 02/23/2017

1 EXAMINATION

2 BY MS. HINTON:

3 Q. Mr. Wan, what involvement did you have in
4 the decision to suspend Mr. Cochran?

5 A. None.

6 Q. And what involvement did you have in the
7 decision to terminate Mr. Cochran?

8 A. None.

9 Q. What involvement did you have in the
10 investigation between the suspension and termination
11 of Mr. Cochran?

12 A. I had none.

13 MS. HINTON: That's all I have.

14 Thank you.

15 MR. THERIOT: Are you going to read
16 and sign?

17 MS. HINTON: Yes. Read and sign your
18 transcript.

19 THE WITNESS: Okay. Yeah.

20 THE VIDEOGRAPHER: This concludes
21 Media Number 2 and the video deposition of
22 Alex Wan. We're off the record at
23 4:39 p.m.

24 (Deposition was concluded at 4:39 p.m.)

25

Exhibit I

Deposition Transcript of Yvonne Yancy (relevant portions attached)

1 thought was problematic with the mayor?

2 A. I was offended by it, so yes.

3 Q. What specifically were you offended by
4 that you talked about with the mayor?

5 A. I was offended by how women were
6 referenced, and how Jews were referenced, and how the
7 LGBT community was referenced. And I was really
8 offended that the City of Atlanta was presented as a
9 factor in the book because it was not a book that I
10 was aware the City had in fact endorsed or approved.

11 Q. Any other concerns you expressed to the
12 mayor?

13 A. No. Oh, yes. I was concerned about the
14 breakfast that he was going to be at. And I was
15 concerned about employees having a protest or this
16 issue being raised to embarrass us at the breakfast.
17 I did not want him to be surprised with that
18 possibility.

19 Q. When was this breakfast to be held?

20 A. On Friday.

21 Q. So that was the next morning?

22 A. Yes.

23 Q. And what did Councilmember Wan tell you
24 might happen at this breakfast?

25 A. Councilmember Wan indicated -- he received

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

Page 62

1 an employer, we have to make sure that we don't have
2 a potential Title 7 issue, and so that investigation
3 could not occur with Mr. Cochran in the workplace --

4 Q. So --

5 A. -- because the mayor decided to keep him
6 as an employee, the decision was made to suspend as
7 opposed to terminating.

8 Q. And that led to an investigation then?

9 A. Yes.

10 Q. The investigation was about whether his
11 beliefs, Mr. Cochran's beliefs, had affected his
12 leadership in the department and had possibly led to
13 Title 7 issues in the department?

14 A. Correct.

15 Q. So you're talking about possible hostile
16 work environment issues?

17 A. Potentially or potential allegations that
18 because I am -- insert any category -- Mr. Cochran is
19 not going to treat me fairly. That could be
20 religion. It could be gender. It could be, you
21 know, sexual orientation, et cetera. It can be, you
22 know, faith, and so we had to ensure that hadn't
23 taken place.

24 Q. So your specific concern was that
25 Chief Cochran's religious beliefs may have affected

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

1 how he was running the department?

2 A. I didn't know if they had affected how he
3 was running the department, but we had to do an
4 inquiry to ensure that was not the case. As an
5 employer, we're on notice that we have a leader who
6 espouses a certain subset of beliefs, data that we
7 not had before.

8 As an employer, we have an obligation to
9 ensure that we had an environment that was open and
10 that was friendly to every employee category, which
11 is consistent with our philosophy. And so I didn't
12 know what had happened or hadn't happened, but I did
13 know that we had to document and thoroughly ensure
14 that was not the case.

15 Q. Because of the content of the book?

16 A. Absolutely.

17 MR. GEVERTZ: Object to the form.

18 BY MR. WARDLOW:

19 Q. The book, more specifically the content of
20 the book with respect to Mr. Cochran's religious
21 beliefs.

22 A. Mr. Cochran espoused beliefs that were in
23 conflict with how women are treated, people of
24 different faiths are treated, how the LGBT community
25 was treated. He talked about how he led the -- led

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

Page 64

1 the fire department through his view of God and
2 upholding God's standards.

3 So, yes, we had the ensure because we had
4 been named in the book. He had talked about his
5 leadership role under the City of Atlanta in the
6 book. He talked about how he chose to do leadership
7 in the book about the City of Atlanta.

8 We had to ensure that the actions of
9 Mr. Cochran were reflective of our policy. We don't
10 particularly care how you feel about stuff. We care
11 about what you do in our workplace. So we had to
12 ensure that our workplace was consistent with the
13 values and things that we espouse in our code.

14 Q. And you were concerned that Mr. Cochran's
15 religious beliefs conflicted with those values?

16 A. I didn't know --

17 MR. GEVERTZ: Object to the form.

18 THE WITNESS: I don't know how
19 Mr. Cochran feels about things.

20 Mr. Cochran and I have never discussed
21 faith in any significant way.

22 BY MR. WARDLOW:

23 Q. Based on his book.

24 A. I simply had a book, and I had an employee
25 who raised issues about the book. And as an

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

Page 69

1 be good to do that?

2 A. Yes.

3 Q. Why did you think that Chief Cochran may
4 have had a lack of sensitivity to other people's
5 beliefs, as you said?

6 A. Well, I didn't know, so to that end --

7 Q. Why do you think he may have had that --

8 A. Because he espoused beliefs that were
9 offensive to many different groups, and he had to
10 lead a department that reflected many different
11 groups. We had to as an employer -- my role was to
12 ensure that the employer is protected. I am -- I am
13 responsible for ensuring that we meet our standards.

14 And so my focus was really on how the City
15 was going to be impacted. And offering that training
16 and documenting that took place was, yeah, another
17 way of validating that we did not have any potential
18 issues down the road.

19 Q. You also mentioned a communications
20 process that you discussed at that meeting, correct?

21 A. Yes.

22 Q. And tell me about the substance of those
23 conversations surrounding the communications process.

24 A. Well, we had to make sure that we brought
25 in the communications staff, and that the mayor would

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

Page 93

1 A. Yes.

2 Q. And what did you use the copy of the book
3 for at the meeting?

4 A. I just had it. It was the copy that I
5 bought that Thursday.

6 Q. Did you talk about any sections of the
7 book with Chief Cochran at that meeting?

8 A. No, but I did ask him -- not that I can
9 recall, no. We did ask him did he get permission to
10 write the book. The issue at the meeting was who
11 gave you permission to write this book; and the
12 answer was Ms. Hickson had, Mr. Cochran said.

13 Q. Did you have any discussion at that
14 meeting about the content of the book regarding
15 homosexuality or sexuality?

16 A. We discussed religion, women, and the
17 LGBTQ issues that are raised in the book
18 specifically, and the need for a Title 7
19 investigation that Bob Godfrey from the law
20 department would lead; and that Mr. Cochran would
21 have the opportunity to respond to anything that come
22 up -- that came up in that investigation, because we
23 explained that we had to do an investigation to
24 ensure and to document that he had not in fact
25 treated anyone differently because of the beliefs he

1 espoused in the book.

2 Q. So again, list for me just one more time
3 the areas of content that you discussed that led to
4 that conclusion that there should be an
5 investigation.

6 MR. GEVERTZ: Object to the form.

7 THE WITNESS: The references in the
8 book concerning the role of women, the
9 reference in the book concerning the role
10 of -- or what would happen if you were not
11 a believer in Christ, so Jewish people and
12 people of other faiths who don't believe in
13 Christ. The reference in the book around
14 LGBTQ community. The reference in the book
15 around how he articulated Christianity from
16 his viewpoint, how there are many views of
17 Christianity and many denominations in the
18 Christian faith. And so those things all
19 are covered under Title 7.

20 And you can have a viewpoint, but we
21 have to make sure that you're not managing
22 to that viewpoint. And since the book
23 includes a reference where you talk about
24 how you lead to create a culture and
25 cultivate the culture of God, then we're

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

Page 95

1 compelled as an employer to protect
2 ourselves to ensure and to document, not
3 just like have an idea, but to document
4 that we've done an investigation. We
5 looked into the matter, and document that
6 nothing inappropriate took place; that
7 those views do not impact how you treat
8 other people.

9 BY MR. WARDLOW:

10 Q. So you thought that perhaps
11 Chief Cochran's viewpoint could have led to a hostile
12 work environment?

13 A. I didn't know if it had, frankly, which is
14 why we had to do an investigation. I mean, I think
15 it was well known that Chief Cochran was a man of
16 faith. That was not some secret in our workplace,
17 and it was perfectly fine. There are people who
18 have lots of viewpoints where we work. I didn't know
19 if there had been any activity that had an influence
20 or where someone had had a negative impact, but we as
21 an employer have to document that's the case. And
22 that's employment investigation. He cannot be at
23 work for that investigation.

24 So once the mayor decided he was not going
25 to terminate him, then he had to be on suspension.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Yvonne Cowser Yancy on 02/17/2017

Page 106

1 it. His manager didn't know anything about it.

2 And Mr. Cochran said in that meeting he
3 did not -- that the mayor did not know anything about
4 it. And we work for the mayor and for the COO. And
5 so we'd already covered the baseline issue. That's
6 enough to fire you right there on its face. We
7 didn't separate him. We chose to bring him back to
8 work, but in the interim, there was going to be a
9 consequence and something punitive about that.

10 At the same time, we had to deal with the
11 Title 7 issue, which would have happened regardless.
12 If we had terminated him on the 24th, we still would
13 have had Bob Godfrey do the Title 7 investigation,
14 right?

15 Q. So is that --

16 A. So the issue was, the discipline -- the
17 discipline that was given was that unpaid time. The
18 point of that was we didn't know. You didn't go
19 through our process. We are not pleased. There's a
20 negative outcome to that. That is being suspended
21 without pay. If we were unsure of those things and
22 those facts weren't clear, then he would have been
23 suspended with pay.

24 Q. So the investigation then, what was the
25 purpose of the investigation?

1 possible -- there were petitions that came. We had
2 spiritual leaders contact us and make protests. So
3 they came lots of different ways.

4 They did not come to me directly, but
5 certainly I was aware of them, and they were coming
6 through the general -- we had to teach the assistant
7 at the switchboard how to respond when people called
8 and threatened and cursed and threatened to harm her
9 and others. And so the volume of things that came
10 through -- and then of course every stakeholder group
11 had an opinion around what we should or shouldn't do.
12 Employees had opinions.

13 And those things, while interesting,
14 didn't have anything to do with the original issue,
15 which is did you get permission. Because the truth
16 of the matter is, if you'd gotten permission in
17 advance for this book, we would have dealt with the
18 communication plan. We would have had that tucked
19 away. If it ever became a problem, we would have
20 defended you. We would have backed you up. Because
21 at the end of the day, you can have a viewpoint, but
22 you have to get permission to do it. You cannot put
23 us in a negative posture. You cannot put the City or
24 your employer in a place where we're trying to defend
25 your point of view and we don't even know what the

1 point of view is. That's not acceptable.

2 Q. Looking back at Exhibit 34, second page,
3 the one dated January 6th, 2015, from your notes.

4 A. Uh-huh.

5 Q. What is this page referencing?

6 A. This is a summary of the things we
7 discussed at the termination meeting itself. So the
8 first part of my notes talks about Bob. I'm giving a
9 review of the investigation. That we had not found
10 anything where the mayer had given approval.

11 He references the standard of conduct of
12 2-820(d). The book was distributed in the workplace.
13 There was nothing that indicated that Chief Cochran
14 had treated people differently because of the book,
15 but people certainly did not take the book not to be
16 a work activity. When he signed it Kelvin, that they
17 didn't take it as Kelvin. They took it as the chief
18 of the fire department.

19 Q. How do you know that?

20 A. I'm sorry?

21 Q. How do you know that?

22 A. Well, I was in the meeting. I heard him
23 say that so --

24 Q. Oh, and that --

25 A. You were asking what the notes referenced,

Exhibit J

Deposition Transcript of Robin Shahar

(relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Robin Joy Shahar on 02/22/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
and MAYOR KASIM REED, IN)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
ROBIN JOY SHAHAR

FEBRUARY 22, 2017
9:40 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR
CCR-B-1184

1 Q. Was this -- where you disclaim -- that's
2 my word, of course. You can use another word. You
3 disclaim the involvement of the mayor up front. Was
4 that something you had to tell Shelley, or was that
5 actually the case, you had done this before talking
6 with the mayor?

7 A. I had not spoken to the mayor about this,
8 nor had Melissa.

9 Q. Is that fairly common, in other words,
10 outreach to certain groups?

11 A. I don't -- you know, I wanted the
12 Anti-Defamation League to view this in a neutral
13 manner. I did not want them to believe that the
14 mayor was making a request of them. That felt very
15 important to me, like in some way he would have been
16 asking for a favor. No. You know, I wanted her to
17 understand that I as someone that she knows -- I
18 mean, we had had a conversation that's referenced in
19 the first sentence I believe that we spoke about.

20 So I wanted the ADL to know that what I
21 was requesting was an objective look by them, and a
22 decision that was 100 percent independent in terms of
23 whether they thought anything, any response from them
24 was needed, and if so, let them decide what they want
25 to do. I did not want to influence that at all, and

1 Q. And who are they?

2 A. They're a local -- to me they're kind of
3 like HRC but in Georgia, more for a region.
4 They're -- they're -- they are probably I believe the
5 most -- when you think of who's the LGBT group in
6 Georgia, like the most -- the one that stands out the
7 most, it would be Georgia Equality.

8 Q. Okay. And what was their concern when you
9 said --

10 A. They weren't concerned. I mean, they were
11 supporting the mayor's decision.

12 Q. After you reached out to Shelley Rose of
13 ADL, what happened next after that initial
14 invitation?

15 A. She spoke with I guess board members on
16 her end.

17 Q. Uh-huh.

18 A. They decided that they did want to get
19 involved and particularly would like to meet with the
20 mayor, and they requested to do so, and Shelley asked
21 if I could facilitate setting that up.

22 Q. And did you do so?

23 A. Yes.

24 Q. And was a meeting eventually arranged?

25 A. Yes.

1 Q. And what -- to the best of your
2 recollection, can you give me what happened at that
3 meeting?

4 A. We met in the mayor's library. I think
5 there were three or four people there from the
6 Anti-Defamation League, and to the best of my
7 recollection, the ADL -- each person there went
8 around the room and gave their perspective on how the
9 book would affect -- they talked about their
10 interpretation -- their impression of the book, and
11 how it would affect the workplace. I don't remember
12 the details of what they said. My recollection is
13 that the mayor listened and thanked them at the end.

14 Q. Did you have any discussions with the
15 mayor following their -- that meeting?

16 A. No.

17 Q. Not any discussions with him about the ADL
18 meeting?

19 A. Not that I recall.

20 Q. Did you have any discussions with Melissa
21 Mullinax or any other people in that circle up
22 meeting, for instance?

23 A. Not that I recall.

24 Q. What happened after that meeting with
25 respect to ADL?

Exhibit K

Deposition Transcript of Melissa Mullinax

(relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Melissa J. Mullinax on 02/23/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
and MAYOR KASIM REED, IN)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
MELISSA J. MULLINAX

FEBRUARY 23, 2017
9:38 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR
CCR-B-1184

1 discrimination.

2 Q. And why did you think ADL's input would be
3 helpful in this situation?

4 A. Why did I? Well, they are an ally who we
5 had been hearing from and knew -- and had been --
6 they are an ally in the sense of the work that we'd
7 been fighting on religious freedom and the positions
8 there on the religious freedom bills at the general
9 assembly.

10 And also Robin was hearing that they
11 wanted to meet with the mayor, so we wanted them to
12 have the information before they came to meet with
13 him so it would be productive, not speculative.

14 Q. You've mentioned a couple of times
15 religious freedom bill. Can you tell me a little bit
16 about that?

17 A. Well, it's a series of bills introduced
18 around state houses around the country and in Georgia
19 specifically that would -- it's called religious
20 freedom, but the idea behind them is that pastors
21 don't have to marry gay couples if they don't want
22 to. There's lots of things that are involved in
23 that. The legislation changes from year to year.

24 Q. And what was your involvement in these
25 bills?

1 stand with Kasim was essentially a -- you know, a way
2 to bolster the mayor publicly in a situation where
3 there is getting -- it was getting national, negative
4 attention.

5 Q. Did you help craft these social media
6 messages?

7 A. I didn't.

8 Q. Do you know who drafted them?

9 A. I don't. I'm going to guess it was Anne,
10 but I don't know.

11 Q. Who is Joe Bens?

12 A. My domestic partner. My not husband. You
13 asked if I was married. We've been together, but
14 we're not married.

15 (Exhibit 94 was marked for
16 identification.)

17 BY MS. HOLCOMB:

18 Q. Do you recognize this e-mail?

19 A. I do.

20 Q. It looks very similar to the prior
21 exhibit.

22 A. Yeah.

23 Q. Who is Norma Driebe?

24 A. Driebe. NJ, Norma Jack, that's my aunt,
25 who is an activist with PFLAG and Parents and Friends

1 of Lesbians. Well, I don't know what it stands for.

2 Q. What do you mean by your first sentence,
3 "The mayor is getting hit pretty hard by the
4 religious right"?

5 A. What I said earlier, that nationally folks
6 were saying that the mayor had violated the chief's
7 civil rights and pretty ugly things were being said
8 about him on Twitter and on Facebook, and we wanted
9 to counter that.

10 Q. Looking at the Twitter messages, the first
11 one listed, "I stand with Kasim because all employees
12 have a right to a boss who does not speak of them as
13 second-class citizens."

14 Is it your understanding that the
15 implication was that Chief Cochran spoke of those
16 underneath him as second class citizens?

17 A. Is that my understanding of what happened
18 or what this message is saying?

19 Q. Is that your understanding of what this
20 message is communicating?

21 A. No. Really so much of -- in mid-January
22 our work had really shifted from the -- what actually
23 had happened to what was being said nationally and
24 pushing back on that. And so that's really what I
25 was doing with the Faith in Public Life press

Exhibit L

Deposition Transcript of Michael Geisler (relevant portions attached)

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Michael J. Geisler on 02/28/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KELVIN J. COCHRAN,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;)
)
and MAYOR KASIM REED, IN)
)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

- - -

VIDEOTAPED DEPOSITION OF
MICHAEL J. GEISLER

FEBRUARY 28, 2017
1:55 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR
CCR-B-1184

1 How are you doing, Suzanne? Okay?

2 Brandon, all right?

3 BY MR. THERIOT:

4 Q. So after Chief Cochran was suspended,
5 there was an investigation done; is that right?

6 A. I don't recall the timing on the
7 investigation.

8 Q. Okay. Who ordered the investigation to be
9 done?

10 A. I suspect it was the mayor.

11 Q. That wasn't -- that wasn't something that
12 you directed; is that right?

13 A. No. It would have come from the mayor in
14 this case.

15 Q. Who conducted the investigation?

16 A. I would assume it was -- it was human
17 resources, I believe.

18 Q. But you weren't involved in the
19 investigation; is that right?

20 A. No.

21 Q. What did you -- or strike that.

22 Did you instruct your staff or the people
23 that report to you to do anything in particular while
24 Chief Cochran was suspended?

25 A. Well, obviously we had Chief Baker filling

Exhibit M

GBC Mission Board Petition

My Account Cart Wishlist Login / Register



Navigate to...

Help Us Defend Religious Liberty!

NEWS UPDATE 1-30-2015



Advocate of Georgia's Religious Liberty Legislation by J. Gerald Harris,
By J. Gerald Harris, Editor of The Christian Index – [download the PDF](#)

NEWS UPDATE 1-13-2015

The petition is being delivered to Mayor's Reed office on January 13th; however if you would like to continue to voice your support for former Fire Chief Kelvin Cochran, the online petition will remain open.

Please enlist as many churches and believers as possible to express these concerns to Mayor Reed:

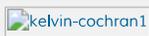
Mayor Kasim Reed
404-330-6100
55 Trinity Ave. Suite 2500, Atlanta, GA 30303
mkreed@atlantaga.gov

Additional Resources:

- Statement on firing of Atlanta Fire Chief Kelvin Cochran 1-7-2015- [download the PDF](#)
- Read the Full story in [The Christian Index](#).
- GBC News Press Release 12-15-2014 – [download the PDF](#)
- Purchase Chief Cochran's book "Who Told You That You Were Naked?" on [3G Publishing, Inc.](#)
- For more information contact [Mike Griffin](#) at the Georgia Baptist Convention (706) 436-2646.

NEWS UPDATE 1-11-2015

Standing for Our Faith Rally



Kelvin Cochran

On Tuesday, January 13 come to the Georgia State Capitol and stand with Christians from around our state!

The unjust firing of Chief Kelvin Cochran by Atlanta Mayor Kasim Reed has awakened believers from around our state and nation to the reality of Christian discrimination in the workplace.

Now is the time for all Bible-believing Christians to show their support for Chief Cochran’s courage and for our First Amendment rights as American citizens!

Come stand for your faith and against anti-Christian bigotry with Chief Kelvin Cochran, pastors, church leaders and Christians. We will conclude our time together by walking to City Hall for a time of prayer.

What: **Standing for Our Faith Rally**
When: **Tuesday, January 13, 1:30-2:30 p.m.**
Where: **Georgia Capitol Rotunda**
Who: **Public Invited**
Organized by Concerned Pastors:
Garland Hunt, garlandhunt1@gmail.com
Mike Griffin, mgriffin@gabaptist.org

Sign the Petition:

The Georgia Baptist Convention (GBC) is calling on the Christian community to “stand up for biblical principles and fellow believers who are punished or marginalized for their faith.”

In response to Atlanta Fire Chief Kelvin Cochran’s original suspension, and now termination by Mayor Kasim Reed, the GBC’s Public Affairs Committee is continuing the petition started last month. The committee has issued its own statement defending the Fire Chief and is calling on Reed to:

- Acknowledge Chief Cochran’s First Amendment Rights.
- Make a public apology for the termination and grief it has caused the Chief and his family.
- Restore Chief Cochran’s position and reputation as an honorable Fire Chief.

GBC is requesting Christians and people of faith across the nation to sign the related petition (right) calling upon Mayor Reed to reverse his decision as outlined in the three areas listed above.

[emailpetition id=“1”]

How to Contact:

Address:
Georgia Baptist Mission Board
Missions & Ministry Center
6405 Sugarloaf Parkway
Duluth, GA 30097-4092

Phone: 770-455-0404
Toll Free: 800-746-4422

[Contact Form](#)

Our Location:



[Map](#) [Report a map error](#) [Click Here for Large Map & Driving Directions](#)



Exhibit N

12/15/14 - Georgia Baptist Convention
Press Release



Georgia Baptist Convention
6405 Sugarloaf Parkway
Duluth, GA 30097

Georgia Baptist Convention Defends Religious Liberty, Calls on Atlanta Mayor to Reverse Discipline of Atlanta Fire Chief

DULUTH, Dec. 15, 2014 — The [Georgia Baptist Convention](#) (GBC) is calling on the Christian community to “stand up for biblical principles and fellow believers who are punished or marginalized for their faith.”

The Duluth agency, which represents 1.4-million members statewide, felt called to respond to the recent 30-day suspension of Atlanta Fire Chief Kelvin Cochran by Mayor Kasim Reed. The statement was issued by the GBC’s Public Affairs Committee on Dec. 9.

Cochran, on his own time and reflecting his personal religious convictions, penned a small self-published book for members of his church titled “Who Told You That You Were Naked?” The paperback drew the attention of the LGBT community for its stand on traditional marriage and sexual immorality.

Reed responded to the book’s statement, and the concern of the LGBT community, by suspending Cochran without pay, requiring him to attend sensitivity training, and prohibiting the distribution of the book on city property. His reprimand was released on [Facebook](#) where he immediately distanced himself from the Fire Chief’s book.

“I want to be clear that the material in Chief Cochran’s book is not representative of my personal beliefs, and is inconsistent with the Administration’s work to make Atlanta a more welcoming city for all of her citizens – regardless of their... religious beliefs,” according to the site.

No mention is made that Cochran’s statements are taken from Galatians 5:19-21 and includes definitions of, and warnings about promiscuity, idolatry, jealousy, hatred, strife, envy, dissensions, heresies, murder and drunkenness; among others.

Cochran wrote the faith-based book for men in his church as part of an ongoing Bible study that focused on sin and redemption through Jesus Christ. His opening acknowledgement states, “...my life is a testimony of the struggle with condemnation and how a man can grow from strength to strength, through diligent pursuit of fulfilling God’s purpose for his life through the Word of God.” He is a member of Elizabeth Baptist Church, which is affiliated with the Georgia Baptist Convention and the Southern Baptist Convention.

~ more ~





Georgia Baptist Convention
6405 Sugarloaf Parkway
Duluth, GA 30097

Upon learning of the punishment placed upon Cochran, the GBC's committee responded by issuing its own statement defending the Fire Chief and calling on Reed to:

- Acknowledge Chief Cochran's First Amendment Rights,
- Make a public apology for the suspension and grief it has caused the Chief and his family, and
- Restore Chief Cochran's pay and reputation as an honorable Fire Chief.

"It is time for believers to stand up for their religious beliefs, biblical principles and fellow Christians who are punished or marginalized for their faith," said Dr. J. Robert White, executive director, Georgia Baptist Convention. "GBC's Public Affairs Committee's statement is a call to action for all fellow believers to take a stand."

The statement further calls upon Christians and people of faith across Georgia to sign the related [petition](#) on the Georgia Baptist Convention website, support Chief Cochran by purchasing his book on [Amazon](#), and enlist as many churches and believers as possible to contact Mayor Reed to request that he reverse his decisions.

The Mayor can be contacted by email at mkreed@atlantaga.gov, by phone at (404) 330-6100, or by mail at 55 Trinity Ave. Suite 2500, Atlanta, GA 30303.

About Georgia Baptist Convention

The Georgia Baptist Convention is made up of autonomous, cooperating churches that partner together through the [Cooperative Program](#), special mission offerings and [mission efforts](#) to share Jesus Christ across Georgia, throughout North America, and around the world. Churches give through the [Cooperative Program](#) and the [State Missions Offering](#) to support the missionaries and ministries of the Georgia Baptist Convention. In turn, Georgia state missionaries provide assistance, training, encouragement, and support for the ministries of Georgia Baptist churches and associations. Churches are affiliated with the [Southern Baptist Convention](#) through their affiliation with the Georgia Baptist Convention. www.gabaptist.org

Contact

Mike Griffin
Public Affairs Spokesman
706-436-2646
mgriffin@gabaptist.org

Mark Strange
Communications
770-936-5233
mstrange@gabaptist.org



Exhibit O

Atlanta City Code, § 2-820(d);

§114-436-437

- (a) No official or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with and adversely affects official duties of the official or employee to the detriment of the city.
- (b) No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is adverse to and incompatible with the proper discharge of official duties of the official or employee.
- (c) No official or employee shall own stock in or be employed by or have any business, financial or professional connection with or ownership interest in any business, company or concern which does business with the city, unless such business with the city is conducted through sealed competitive bidding or requests for proposal where such bids are opened and the awards are made at meetings open to the public. Such involvement shall not be considered as doing business with the city so as to cause any conflict of interest; provided, however, that any such person shall remain subject to sections 2-812 and 2-813 governing participation in contracts and disclosure of interests. This section is not intended to apply to ownership of less than ten percent of any publicly traded stock.
- (d) Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels; provided, however, that any expense reimbursements received for such engagements must be reported in accordance with section 2-815.
- (e) The mayor shall not accept honoraria, earned income other than the salary of the mayor, or payments-in-kind in any amount as remuneration for services. This section does not apply to receipt of dividends, interest, passive investment income, or income from a blind trust.
- (f) Officials and employees other than the mayor may not accept honoraria from a prohibited source.

(Ord. No. 2002-27, § 1, 4-10-02)

Sec. 2-821. - Loans.

- (a) It shall be unlawful for any official or employee to lend money to any employee or to charge for obtaining credit for that employee, except that loans of \$2,000.00 or less may be made or credit may be obtained for employees in cases of emergency. When these loans are made in emergencies, if not made voluntarily without charge, they shall be made only at the legal rate of interest on judgments in the state. If this loan or accommodation is made, it shall be unlawful for the official whose duty it is to pay the employee to deduct the amount so lent from the pay of the employee. All such accommodations or advances made, together with the interest thereon, shall be reported by the person making them to the head of his or her department or, if made by the head of the department, shall be reported to the mayor. These reports shall be made monthly and filed with the mayor and the municipal clerk in the public record.
- (b) The mayor shall see that this section is complied with and that no business or practice shall be carried on of making loans by officials or employees to other employees of the city but that only

Sec. 114-436. - Definition and conditions.

Outside employment shall constitute any paid employment of an employee which is in addition to such employee's employment with the city. As related to one's employment with the city, outside employment shall only be allowed under the following conditions:

- (1) Such employment shall not interfere with or affect the performance of the employee's duties.
- (2) Such employment shall not involve a conflict of interest or a conflict with the employee's duties.
- (3) Such employment shall not involve the performance of duties which the employee should perform as part of such employee's employment with the city.
- (4) Such employment shall not occur during the employee's regular or assigned working hours, unless the employee is on either annual leave, compensatory leave or leave without pay.
- (5) No employee engaging in outside employment shall work at such outside employment for a longer period of time than that stated in the employee's request for permission to engage in such employment.
- (6) Such employment shall be conditioned upon the employee's being relieved immediately for the return to and performance of the duties of such employee's employment with the city, if such employee should be called for emergency service.
- (7) Such employment shall not involve the use of records or equipment of the city. Police uniforms shall not be considered equipment in the meaning of this subsection.

(Ord. No. 2007-22(06-O-2700), § 1, 3-27-07)

Sec. 114-437. - Procedure.

- (a) No employee shall perform outside employment without having first filed a written request with such employee's department head for permission to engage in outside employment. Such request shall state the type and duration of employment, the hours of work, the name and business address of the prospective employer and the location of the place at which such employee shall be engaged in outside employment.
- (b) The department head shall have the right to deny the request or approve the request, provided that such employment is in compliance with section 114-436.
- (c) The finance/executive committee of the city council shall be notified when outside employment has been approved for employees whose appointments are subject to city council confirmation. Such notification shall be accompanied by a copy of the written request required by subsection (a) above.

(Ord. No. 2007-22(06-O-2700), § 1, 3-27-07)