



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JESSE W. WILLIAMS, SHERIFF)
OF PATRICK COUNTY, a Consti-)
tutional Officer of the)
Commonwealth of Virginia)
and elected under the laws)
of the Commonwealth,)
)
Defendant.)
)

CIVIL ACTION
NO. 83-0094-D

NOTICE OF DEPOSITIONS BY PLAINTIFF UNITED STATES

To: ANTHONY P. GIORNO, ESQUIRE
Blue Ridge Street
Post Office Box 1076
Stuart, Virginia 24171

NOTICE IS HEREBY GIVEN that, pursuant to Rule 30, F.R. Civ.P., plaintiff United States, by and through its undersigned counsel, will take the depositions of the following persons, seriatim, at the office of Anthony P. Giorno, Esquire, Blue Ridge Street, Stuart, Virginia 24171, commencing at 9:00 a.m. on August 11, 1983, and continuing from one day to the next until completed:

Jesse W. Williams

Betty Martin

Clifford Boyd

Raymond Nickolson

Roger Gray

The deposition of Jesse W. Williams, Sheriff of Patrick County, will be taken by the United States pursuant to Rule 30(b)(6), F.R.Civ.P., and will include inquiry into the following matters:

1. The personal, educational, employment and professional background of Jesse W. Williams.

2. The dates upon which Jesse W. Williams was elected Sheriff and assumed office, respectively; his term of office; and his duties and responsibilities as Sheriff.

3. The full name, current (or, if not available, last known) address and dates of office of each of Sheriff Williams' predecessors in office since March 23, 1972.

4. Whether, since March 23, 1972, Patrick County, the Sheriff of Patrick County or the Patrick County Sheriff's Department has received any Federal monies (regardless of whether Federal revenue sharing funds or Federal grants), which have been used in part by or for the Sheriff of Patrick County and/or the Patrick County Sheriff's Department; and if so:

a. The identities of all such monies, including the amounts thereof and dates received; and

b. The precise purposes for which such monies have been used.

5. A complete description as to the organizational structure of the Patrick County Sheriff's Office (hereinafter referred to as the "Patrick County Sheriff's Department" or the "PCSD").

6. The identities of all State and local laws and regulations which govern the Sheriff of Patrick County with respect to:

a. Qualifications for and conduct while in office;

b. Standards to be applied and/or procedures to be followed in the hire or appointment of applicants for employment, and in the assignment, promotion, demotion, discipline, discharge, terms and conditions of employment and pensions of employees;

c. The number of persons the Sheriff may employ, the positions in which they may be employed, their job duties and responsibilities and their compensation; and

d. The funding of the administration and operation of the PCSD; and the payment of debts, including civil money judgments, incurred by the Sheriff in his official capacity.

7. The job title and job description of each sworn (eg., road deputy) and each non-sworn or civilian (eg., secretary) position in the PCSD since January 1, 1980; and, for each position so identified:

a. The qualification standards and selection criteria for hire, appointment, assignment, transfer or promotion to such position;

b. A complete description of the process undertaken in the recruitment and selection of persons for hire, appointment, assignment, transfer or promotion to such position; and a complete description as to all documents, records or forms (eg., advertisements, application forms, written examinations, employee evaluation forms, etc.) which have been used with respect thereto;

c. Whether any exceptions have been made in the application of those qualification standards and selection criteria as identified in subparagraph 7a, supra, or in the process undertaken, as identified in subparagraph 7b, supra, in the recruitment and selection of persons for hire, appointment, assignment, transfer or promotion to such position; and, if so, a complete description of each such exception made, the identity of the person who made the exception, and the reason(s) for making the exception; and

d. The salary for such position as of January 1, 1980, as well as all salary changes since that date and the dates of such changes.

8. For each person employed by the Sheriff of Patrick County at any time since January 1, 1980:

a. That person's full name, sex, date of birth, social security number and current (or, if unavailable, last known) address;

b. The date upon which that person requested and/or applied for employment and the position or positions requested or applied for; and, if that person submitted an application, the date upon which such application was submitted;

c. A complete description of all communications, regardless of whether oral or written, between the Sheriff or any of his employees and that person, regarding his or her request or application for employment, including but not limited to:

- (1) The date of each such communication;
- (2) The identity of each of the participants in and witnesses to each such communication;
- (3) The form of each such communication (eg., personal contact, written, telephonic); and
- (4) The substance of each such communication;

d. A complete description as to all actions that were undertaken by the Sheriff or by any of the Sheriff's employees in determining the suitability of that person for employment;

e. A complete description of all communications, regardless of whether oral or written, between the Sheriff and any of his employees, or between the Sheriff or any of his employees and any other person, governmental agency, corporation, business or partnership, regarding that person's personal, educational, professional or employment background and/or that person's suitability for employment, including but not limited to:

- (1) The date of each such communication;
- (2) The identity of each of the participants in and witnesses to each such communication;
- (3) The form of each such communication (eg., personal contact, written, telephonic); and
- (4) The substance of each such communication;

f. The precise reason(s) why that person was hired or appointed by the Sheriff; and a complete description as to all of the information about that person which was known to the Sheriff at the time of that persons's hire or appointment, as well as the identity of each source of such information;

g. If that person previously had been employed by the Sheriff of Patrick County:

- (1) The dates of such prior employment and the position or positions in which so employed;
- (2) The reason(s) why that person's prior employment with the Sheriff had terminated; and
- (3) Whether the Sheriff knew at the time he either hired or offered employment to that person, that that person previously had been employed by the Sheriff of Patrick County and the reason(s) why that person's employment had terminated;

h. The date upon which that person was hired or appointed by the Sheriff of Patrick County and the position into which he or she was initially hired or appointed;

i. Each position in which that person was employed subsequent to his or her initial hire or appointment by the Sheriff of Patrick County; and, for each position so identified:

- (1) The dates during which that person was employed in such position;
- (2) Whether that person obtained such position as a result of either a transfer or a promotion;
- (3) Whether that person had formally or informally requested or applied, in writing or orally, to be considered for such transfer or promotion; and, if so, the dates and complete description of all such requests or applications;
- (4) A complete description as to all actions that were undertaken, as well as all information that was received, by the Sheriff and/or any of the Sheriff's employees in determining the suitability of that person for transfer or promotion to such position;
- (5) The precise reason(s) why the Sheriff decided to transfer or promote that person to such position; and
- (6) A complete description as to the job duties and responsibilities of that person in such position;

j. Whether, subsequent to that person's initial hire or appointment by the Sheriff of Patrick County, he or she ever formally or informally requested or applied, in writing or

orally, to be considered for transfer or promotion to a different position, but was not so transferred or promoted; and, if so:

- (1) The position(s) to which transfer or promotion was requested or applied for;
- (2) The dates and a complete description of such requests or applications; and
- (3) The identity of the person(s) to whom such requests or applications were made;
- (4) A complete description as to all actions that were undertaken, as well as all information that was received, by the Sheriff and/or any of the Sheriff's employees in determining the suitability of that person for transfer or promotion to such position; and
- (5) The precise reason(s) why that person was not so transferred or promoted;

k. Whether, during that person's employment by the Sheriff of Patrick County, he or she ever was the subject of any disciplinary action of any type (eg., oral or written warning or reprimand, suspension with or without pay, probation, demotion, transfer, termination); and, if so:

- (1) The date and a complete description of each such disciplinary action;
- (2) A complete description as to the facts and circumstances which gave rise to each such disciplinary action, including all information upon which the Sheriff based his decision to take such disci-

plinary action, as well as the source(s) of such information;

1. The total earnings (including salary, overtime pay, uniform allowance and any other monetary compensation) of that person, by year, while employed by the Sheriff of Patrick County;

m. If that person no longer is employed by the Sheriff of Patrick County:

(1) The date upon which that person's employment terminated;

(2) Whether such termination was voluntary or non-voluntary; and

(3) The precise reason(s) for such termination;

n. Whether that person has ever been arrested for and/or convicted of any criminal offense against Federal or State law, or any offense against any local ordinance, or for any moving traffic violation; and if so, the nature of each offense for which arrested and/or convicted, the date of arrest and/or conviction; the jurisdiction in which arrested and/or convicted, the court before which the proceedings took place, and the sentence imposed (regardless of whether this amounted to a fine); and

o. Whether that person has ever had a civil judgment rendered against him or her; and, if so, the nature and date each such judgment, and the court before which the proceedings took place and entered judgment.

9. For each person who, since January 1, 1980, was offered employment by the Sheriff of Patrick County but who declined such offer:

a. That person's full name, sex, date of birth, social security number and current (or, if unavailable, last known) address;

b. The position(s) offered that person and the date of such offer; and

c. The reason(s) for that person's declination of such offer.

10. The full name, sex, date of birth, social security number and current (or, if unavailable, last known) address of each person who, since January 1, 1980, requested or applied, in writing or orally, to be considered for employment by the Sheriff of Patrick County, but who was not hired or appointed; and, for each person so identified:

a. The position(s) requested or applied for, as well as the date(s) of such request(s) or application(s);

b. A complete description of each such request or application;

c. The identity of the person(s) to whom each such request or application was made;

d. A complete description of all communications, regardless of whether oral or written, between the Sheriff or any of his employees and such person, regarding his or her request or application for employment, including but not limited to:

- (1) The date of each such communication;
- (2) The identity of each of the participants in and witnesses to each such communication; and
- (3) The substance of each such communication;

e. A complete description as to all activities that were undertaken by the Sheriff or any of the Sheriff's employees in determining the suitability of that person for employment;

f. A complete description of all communications, regardless of whether oral or written, between the Sheriff and any of his employees, or between the Sheriff or any of his employees and any other person, governmental agency, corporation, business or partnership, regarding that person's personal, educational, professional or employment background and/or that person's suitability for employment, including but not limited to:

- (1) The date of each such communication;
- (2) The identity of each of the participants in and witnesses to each such communication; and
- (3) The substance of each such communication; and

g. The precise reason(s) why that person was not hired or appointed by the Sheriff; and, if the Sheriff made the determination not to hire or appoint that person, the date such determination was made and a complete description as to all of the information about that person which was known to the Sheriff at the time of such determination as well as the identity of each of the sources of such information.

11. A complete description as to any and all standards, rules or models of conduct, regardless of whether oral or written, to which employees of the Sheriff of Patrick County, since January 1, 1980, have been expected to adhere; and a complete description as to any and all sanctions, regardless of whether oral or written, which have been imposed upon any employee for his or her failure to adhere to any such standard, rule or model of conduct.

12. For each position in the PCSD, the full name and current (or, if unavailable, last known) address of the first woman who was employed in such position, as well as the dates during which she was so employed.

13. The identification of all documents, records and other memoranda which the Sheriff of Patrick County has either received from or provided to the Equal Employment Opportunity Commission and/or the Department of Justice, relative to the charge of employment discrimination filed by Doris Scales.

Respectfully submitted,



JOHN M. GADZICHOWSKI
Senior Trial Attorney
MELISSA P. MARSHALL
Trial Attorney
Civil Rights Division
Department of Justice
Washington, D.C. 20530

Counsel for Plaintiff United States

CERTIFICATE OF SERVICE

I, JOHN M. GADZICHOWSKI, hereby certify that on July 20, 1983, I served a copy of the foregoing Notice of Depositions by Plaintiff United States, as well as the Attachment thereto, by Federal Express, upon the following counsel for Defendant Jesse W. Williams:

Anthony P. Giorno, Esquire
Blue Ridge Street
Post Office Box 1076
Stuart, Virginia 24171



JOHN M. GADZICHOWSKI
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Washington, D.C. 20530

Counsel for Plaintiff United
States

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION
JESSE W. WILLIAMS, SHERIFF)	NO. 83-0094-D
OF PATRICK COUNTY, a Consti-)	
tutional Officer of the)	
Commonwealth of Virginia)	
and elected under the laws)	
of the Commonwealth,)	
)	
Defendant.)	
)	

ATTACHMENT TO THE NOTICE OF DEPOSITION
OF DEFENDANT JESSE W. WILLIAMS BY
PLAINTIFF UNITED STATES

The materials to be produced, pursuant to subpoena duces tecum, by defendant Jesse W. Williams, Sheriff of Patrick County, at the time of his deposition by plaintiff United States at the office of Anthony P. Giorno, Esquire, Blue Ridge Street, Stuart, Virginia 24171, commencing at 9:00 a.m. on August 11, 1983, are as follows:

1. All documents, records and other memoranda which reflect whether, since March 23, 1972, Patrick County, the Sheriff of Patrick County or the Patrick County Sheriff's Department has received any Federal monies (regardless of whether Federal revenue sharing funds or Federal grants), which have been used in

part by or for the Sheriff of Patrick County and/or the Patrick County Sheriff's Department; and if so:

- a. The identities of all such monies, including the amounts thereof and dates received; and

- b. The precise purposes for which such monies have been used.

2. All documents, records and other memoranda which reflect and/or describe the organizational structure of the Patrick County Sheriff's Office (hereinafter referred to as the "Patrick County Sheriff's Department" or the "PCSD").

3. Copies of all State laws and regulations and local laws and regulations which govern the Sheriff of Patrick County with respect to:

- a. Qualifications for and conduct while in office;

- b. Standards to be applied and/or procedures to be followed in the hire or appointment of applicants for employment, and in the assignment, promotion, demotion, discipline, discharge, terms and conditions of employment and pensions of employees;

- c. The number of persons the Sheriff may employ, the positions in which they may be employed, their job duties and responsibilities and their compensation; and

- d. The funding of the administration and operation of the PCSD; and the payment of debts, including civil money judgments, incurred by the Sheriff in his official capacity.

4. The written job title and written job description for each sworn (eg., road deputy) and each non-sworn or civilian (eg., secretary) position in the PCSD since January 1, 1980; and, for each position so identified, all documents, records and other memoranda which reflect and/or describe:

a. The qualification standards and selection criteria for hire, appointment, assignment, transfer or promotion to such position;

b. The process undertaken in the recruitment and selection of persons for hire, appointment, assignment, transfer or promotion to such position; and all documents, records and other memoranda which have been used with respect thereto;

c. Whether any exceptions have been made in the application of those qualification standards and selection criteria as identified in subparagraph 4a, supra, or in the process undertaken, as identified in subparagraph 4b, supra, in the recruitment and selection of persons for hire, appointment, assignment, transfer or promotion to such position; and, if so, describe each such exception made, identify the person who made the exception, and reflect the reason(s) for the exception; and

d. The salary for such position as of January 1, 1980, as well as all salary changes since that date and the dates of such changes.

5. For each person employed by the Sheriff of Patrick County at any time since January 1, 1980:

a. A copy of that person's application(s) for employment;

b. A copy of each written communication, as well as a copy of each written summary and/or notation of each oral communication, between the Sheriff or any of his employees and that person, regarding his or her request or application for employment;

c. A copy of each written communication, as well as a copy of each written summary and/or notation of each oral communication, between the Sheriff and any of his employees, or between the Sheriff or any of his employees and any other person, governmental agency, corporation, business or partnership, regarding that person's personal, educational, professional or employment background and/or that person's suitability for employment;

d. All documents, records and other memoranda which reflect and/or describe the precise reason(s) why that person was hired or appointed by the Sheriff, and all of the information about that person which was known to the Sheriff at the time of that person's hire or appointment, as well as the identity of each source of such information;

e. If that person previously had been employed by the Sheriff of Patrick County, all documents, records and other memoranda which reflect:

- (1) The dates of such prior employment and the position or positions in which so employed;
- (2) The reason(s) why that person's prior employment with the Sheriff had terminated; and

- (3) Whether the Sheriff knew at the time he either hired or offered employment to that person, that that person previously had been employed by the Sheriff of Patrick County and the reason(s) why that person's employment had terminated;

f. All documents, records, and other memoranda which reflect each position in which that person was employed by the Sheriff of Patrick County subsequent to his or her initial hire or appointment by the Sheriff; and, for each position so identified:

- (1) The dates during which that person was employed in such position;
- (2) Whether that person obtained such position as a result of either a transfer or a promotion;
- (3) Whether that person had formally or informally requested or applied, in writing or orally, to be considered for such transfer or promotion; and, if so, a copy of each written request or application;
- (4) All actions that were undertaken, as well as all information that was received, by the Sheriff and/or any of the Sheriff's employees in determining the suitability of that person for transfer or promotion to such position;
- (5) The precise reason(s) why the Sheriff decided to transfer or promote that person to such position; and

(6) The job duties and responsibilities of that person in such position;

g. All documents, records and other memoranda which, reflect whether, subsequent to that person's initial hire or appointment by the Sheriff, he or she ever formally or informally requested or applied, in writing or orally, to be considered for transfer or promotion to a different position, but was not so transferred or promoted; and, if so, all documents, records and other memoranda which reflect:

- (1) The position(s) to which transfer or promotion was requested or applied for;
- (2) Each such request or application, as well as a copy thereof;
- (3) The identity of the person(s) to whom such requests or applications were made;
- (4) All actions that were undertaken, as well as all information that was received, by the Sheriff and/or any of the Sheriff's employees in determining the suitability of that person for transfer or promotion to such position; and
- (5) The precise reason(s) why that person was not so transferred or promoted;

h. All documents, records and other memoranda which reflect whether, during that person's employment by the Sheriff, he or she ever was the subject of any disciplinary action of any type (eg., oral or written warning or reprimand, suspension with

or without pay, probation, demotion, transfer, termination); and, if so:

- (1) The date and a complete description of each such disciplinary action; and
- (2) The facts and circumstances which gave rise to each such disciplinary action, including all information upon which the Sheriff based his decision to take such disciplinary action, as well as the source(s) of such information;

i. All documents records and other memoranda which reflect the total earnings (including salary, overtime pay, uniform allowance and any other monetary compensation) of that person, by year, while employed by the Sheriff;

j. If that person no longer is employed by the Sheriff, all documents, records and other memoranda which reflect:

- (1) The date upon which that person's employment terminated;
- (2) Whether such termination was voluntary or non-voluntary; and
- (3) The precise reason(s) for such termination;

k. All documents, records and other memoranda which reflect whether that person has ever been arrested for and/or convicted of any criminal offense against Federal or State law, or any offense against any local ordinance, or for any moving traffic violation; and if so, the nature of each offense for

which arrested and/or convicted, the date of arrest and/or conviction; the jurisdiction in which arrested and/or convicted, the court before which the proceedings took place, and the sentence imposed (regardless of whether this amounted to a fine); and

1. All documents, records and other memoranda which reflect whether that person has ever had a civil judgment rendered against him or her; and, if so, the nature and date each such judgment, and the court before which the proceedings took place and entered judgment.

6. For each person who, since January 1, 1980, was offered employment by the Sheriff of Patrick County but who declined such offer, all documents, records and other memoranda which reflect:

a. That person's full name, sex, date of birth, social security number and current (or, if unavailable, last known) address;

b. The position(s) offered that person and the date of such offer; and

c. The reason(s) for that person's declination of such offer.

7. All documents, records and other memoranda which reflect the full name, sex, date of birth, social security number and current (or, if unavailable, last known) address of each person who, since January 1, 1980, requested or applied, in writing or orally, to be considered for employment by the Sheriff of Patrick County, but who was not hired or appointed; and, for each person so identified:

a. A copy of that person's application(s) for employment;

b. A copy of each written communication, as well as a copy of each written summary and/or notation of each oral communication, between the Sheriff or any of his employees and such person, regarding his or her request or application for employment;

c. All documents, records and other memoranda which reflect and/or describe all activities that were undertaken by the Sheriff or any of the Sheriff's employees in determining the suitability of that person for employment;

d. A copy of each written communication, as well as a copy of each written summary and/or notation of each oral communication, between the Sheriff and any of his employees, or between the Sheriff or any of his employees and any other person, governmental agency, corporation, business or partnership, regarding that person's personal, educational, professional or employment background and/or that person's suitability for employment; and

e. All documents, records and other memoranda which reflect and/or describe the precise reason(s) why that person was not hired or appointed by the Sheriff; and, if the Sheriff made the determination not to hire or appoint that person, the date such determination was made and a complete description as to all of the information about that person which was known to the Sheriff at the time of such determination as well as the identity of each of the sources of such information.

8. Copies of any and all standards, rules or models of conduct, regardless of whether oral or written, to which employees of the Sheriff of Patrick County, since January 1, 1980, have

been expected to adhere; and all documents, records, or other memoranda which reflect any and all sanctions, regardless of whether oral or written, which have been imposed upon any employee for his or her failure to adhere to any such standard, rule or model of conduct.