

INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

City of Atlanta Law Department

January 9, 2015

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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.

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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.

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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.

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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 Shahar, 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.