

## **Pre-Termination Decision and Recommendation**

In the Matter of: Assistant Chief of Police Jermaine Snell

Hearing Date: Tuesday, August 26, 2025

Record Held Open: Through Friday, August 29, 2025

Location: Reidsville City Hall, Council Chambers

### **I. Introduction and Procedural History**

This administrative pre-termination proceeding was convened to determine whether the City of Reidsville's proposed termination of Assistant Chief of Police Jermaine Snell ("Respondent") should be sustained. The proceeding is administrative in nature and not a plenary trial.

Appearances included Respondent, accompanied by his requested observer; Chief of Police Matthew Lynn; City Clerk Nivea Jackson; and City Attorney DuAnn Cowart Davis. Oral testimony was taken on August 26, 2025. By direction of the undersigned, the record remained open through August 29, 2025, for supplemental documentary submissions. All exhibits received from both the Agency and the Respondent were reviewed and are part of the record.

### **II. Jurisdiction, Standard of Review, and Burden**

Under the City's personnel regulations governing pre-termination review, there is a rebuttable presumption that the proposed termination decision is proper. The Respondent bears the burden to present evidence sufficient to overcome that presumption by demonstrating factual, legal, or procedural error such that termination would be arbitrary, unsupported, or contrary to policy. The evidentiary standard applied is the preponderance of the evidence.

#### **Scope of Review**

The hearing officer's determination is limited to the charges and incidents noticed to the Respondent in the Official Notice of Pre-Termination Hearing. The investigative file referenced in Agency Exhibit 2 documents additional concerns developed during the investigation; however, those additional concerns are not adjudicated here and have not been considered in reaching this decision. They are noted solely as part of the administrative record.

### **III. Evidentiary Record and Credibility**

The hearing officer considered live testimony, the parties' exhibits, and the undisputed portions of the investigative file. Where conflicts existed, weight was assigned based on internal consistency, corroboration by contemporaneous documentation, demeanor, and alignment with departmental policy. The absence of certain evidence (e.g., the memorandum bearing the subject line "Terminate") is noted and has been weighed accordingly.

### **IV. Applicable Policies and Legal Principles**

#### **A. Departmental Policies Cited**

- Discipline § 8.01.4(6): Final adverse action requires approval of the Chief of Police; verbal approval must be reduced to writing as practicable.
- Code of Conduct § 3.01.4(a)(2): Duty to promptly obey lawful orders of a supervisor.
- Code of Conduct § 3.01.4(g)(19): Prohibition on unauthorized recording of department members absent consent or other authorization.
- Code of Conduct § 3.01.4(h)(3): Prohibition on concealing, falsifying, destroying, tampering with, or withholding property or evidence outside established procedures.
- Complaints § 8.062(a)–(b): Duty to cooperate under Garrity protections; refusal or failure to appear constitutes insubordination subject to discipline up to and including termination.

#### **B. Paid Administrative Leave**

An employee on paid administrative leave remains in active employment status, continues to receive compensation and benefits, and must remain available for recall and comply with directives. Failure to comply constitutes insubordination. The City's Personnel Policy § 5 (Other Leave Types) vests the Mayor with discretion to place an employee on administrative leave, with or without pay.

#### **C. Bereavement Leave**

The City's bereavement policy permits up to three paid working days upon the death of an immediate family member upon request and approval by the Mayor. The record contains no evidence of a timely request or mayoral approval by the Respondent for July 30, 2025.

#### **D. Garrity Rights—Scope, Operation, and Application**

*Garrity v. New Jersey*, 385 U.S. 493 (1967) holds that statements compelled from public employees under threat of disciplinary action, and any derivative evidence, are inadmissible in subsequent criminal proceedings. Key principles relevant here:

1. **Compulsion and Immunity.** When an employee is directed—on pain of discipline—to answer in an administrative investigation, the statements are compelled and immunized from criminal use, yet remain fully usable for administrative/disciplinary purposes.
2. **Duty to Answer Once Protected.** Once Garrity protections are extended or embodied in a lawful directive under applicable policy, the employee must answer truthfully and completely; refusal constitutes insubordination.
3. **Right to Counsel.** Garrity does not create a constitutional right to counsel during administrative questioning (unlike *Miranda* in custodial criminal interrogation). Representation may be permitted by employer policy, collective bargaining agreements, or state law; counsel's presence does not relieve the employee of the duty to answer compelled questions.
4. **Adverse Inferences/Non-Cooperation.** Administrative decision-makers may draw appropriate inferences from non-cooperation with lawful directives, consistent with the Garrity framework.

Application here: Complaints § 8.062(a)–(b) expressly conditions the duty to cooperate on the extension of Garrity protections. The directives at issue were lawful administrative orders consistent with policy and insulated for criminal-use purposes. Respondent's refusals therefore sound in insubordination, not in the invocation of a criminal-law privilege.

### **V. Findings of Fact, Analysis, and Conclusions**

#### **A. July 16, 2025 — Memorandum Regarding Officer Patrick Swanson (“Terminate”)**

**Findings.** The Respondent testified that he authored a memorandum concerning Officer Swanson with the subject line “Terminate.” He further testified he did not intend that memorandum to effectuate termination. The memorandum itself was not submitted. The

record includes Agency Exhibit 2 describing Respondent's engagement relating to Officer Swanson before Mayor Nail.

Analysis. The plain and ordinary meaning of "Terminate," particularly in a formal memorandum authored by a command-level officer, reasonably signals initiation of an adverse employment action. In the absence of the memorandum for contextual nuance, Respondent's admission and contemporaneous documentation support the inference that he sought to commence or recommend termination without the requisite approval of the Chief of Police and reduction to writing, in contravention of Discipline § 8.01.4(6).

Conclusion. Violation sustained; Respondent has not rebutted the allegation.

### **B. July 16, 2025 — Claimed Video Evidence; Failure to Produce**

Findings. Respondent acknowledged maintaining a camera in his office, purchased at Roses, previously plugged in and outfitted with a memory card. He asserted that "there was no video." The record reflects five separate directives to produce video he had represented existed; none was produced.

Analysis. The existence of a functioning camera with removable storage under Respondent's control and referenced as having captured relevant events supports a reasonable inference that the device likely recorded footage. Respondent's non-production—without persuasive technical explanation—supports a finding that evidence was withheld or tampered with in violation of Code of Conduct § 3.01.4(h)(3). The facts also raise concerns under O.C.G.A. § 16-10-94 (evidence tampering). This decision makes no criminal adjudication.

Conclusion. Violation sustained.

### **C. July 17, 2025 — Paid Administrative Leave; Refusal to Obey Orders (Equipment Turnover)**

Findings. While on paid administrative leave, Respondent was directed to remain available and to surrender department-issued equipment to Captain McCoy. Respondent testified that he returned the majority of his issued gear.

Analysis. Paid administrative leave preserves the employment relationship and imposes ongoing obligations of availability and compliance. Any failure to comply with a lawful directive constitutes insubordination under Code of Conduct § 3.01.4(a)(2). At the same time, the hearing officer credits Respondent's testimony that most equipment was returned and accords deference to that testimony in assessing the gravity of this charge.

Conclusion and Weight. The violation is sustained as to non-compliance with the turnover directive; however, in light of Respondent's credited testimony that the majority of gear was returned, this violation is afforded the *least weight* in the overall disciplinary calculus.

#### **D. July 21, 2025 — Unauthorized Recording Device in Office**

Findings. Investigator Doug Parker discovered a small camera mounted on the east wall of Respondent's office. The device was capable of recording and contained a memory card; Investigator Parker stated he had not consented to being recorded. The device appears consistent with the camera Respondent referenced regarding Officer Swanson.

Analysis. Recording department members without consent or specific authorization contravenes Code of Conduct § 3.01.4(g)(19). The facts also implicate potential violations of the Georgia Wiretap Act, O.C.G.A. § 16-11-62. No criminal adjudication is made here.

Conclusion. Violation sustained.

#### **E. July 22, 2025 — Refusal to Answer Investigator's Questions (Garrity Context)**

Findings. While on paid administrative leave, Respondent met with Investigator Parker at City Hall. Respondent requested to have counsel present for the interview, but testified at the hearing that he was unable to obtain counsel prior to the scheduled questioning. Notwithstanding, Respondent refused to answer the investigator's questions.

Garrity Analysis Applied. Under Complaints § 8.062(a)–(b) and the City's internal-investigation protocol, employees questioned under Garrity must answer truthfully and fully. *Garrity v. New Jersey*, 385 U.S. 493 (1967) immunizes compelled statements from criminal use but does not condition administrative questioning on the presence of counsel unless employer policy or a governing agreement so provides. The record does not reflect a policy requiring postponement until counsel is secured. Respondent's inability to obtain counsel is therefore considered as limited mitigation, but it does not relieve the duty to answer compelled administrative questions.

Conclusion. Respondent's refusal constitutes insubordination in violation of Complaints § 8.062(a)–(b). Violation sustained.

#### **F. July 30, 2025 — Failure to Appear for Ordered Interview; Claimed Mitigation**

Findings. Respondent was ordered to appear for an interview at the Reidsville Garden Club. He did not appear and provided no advance notice. In mitigation, Respondent submitted “Probate Exhibit 3,” reflecting his presence at the Toombs County Probate Court on the same date with his sister. The document does not reflect a court hearing. However, it suggests administrative assistance for a family matter.

Analysis. The City’s Bereavement Leave requires a request and mayoral approval upon a qualifying death of an immediate family member. No such request, approval, or qualifying death is evidenced. Respondent remained on paid administrative leave with a duty to prioritize recall directives. The failure to appear—without prior notice or approved leave—constitutes non-cooperation and insubordination under Complaints § 8.062(a)–(b).

Conclusion. Violation sustained.

## **VI. Synthesis and Weighting of Factors**

Across the sustained incidents, the record demonstrates a pattern of: (1) initiating or attempting to initiate adverse employment action outside delegated authority; (2) non-production of purportedly material video evidence; (3) refusal to obey lawful directives while on paid administrative leave; (4) unauthorized recording of personnel; (5) refusal to answer compelled administrative questions under Garrity; and (6) failure to appear for an ordered interview without approved leave.

In mitigation, the hearing officer credits Respondent’s testimony that he returned the majority of his issued gear. Accordingly, the sustained violation related to equipment turnover (Section V-C) is accorded the least weight in the overall determination. The hearing officer has also considered Respondent’s testimony that he was unable to obtain counsel for the July 22, 2025 interview; while afforded limited mitigating weight, it does not negate the obligation to cooperate under Garrity-protected administrative questioning and therefore does not alter the outcome as to that charge.

As noted in the Scope of Review, other concerns referenced in Agency Exhibit 2 are expressly not considered and do not inform this decision.

## **VII. Determination**

Respondent has not carried his burden to overcome the presumption of propriety attached to the City’s proposed termination. On the preponderance of the evidence, the Agency has established repeated violations of departmental policy—most centrally, insubordination, failure to obey lawful orders, unauthorized recording, and non-cooperation under

Garrity-protected administrative questioning—each independently sufficient to warrant significant discipline and collectively warranting termination.

Recommendation: The City of Reidsville's decision to terminate the employment of Assistant Chief Jermaine Snell is hereby **SUSTAINED**.

### **VIII. Notice of Review and Record Transmittal**

Pursuant to the City's personnel ordinances and any applicable provisions of the City Charter, this Decision and Recommendation, together with the administrative record, shall be transmitted to the municipal governing body for such review or action as that body deems appropriate. Any further review, appeal, or post-decision process shall proceed in accordance with applicable municipal policy and Georgia law. Nothing in this Decision restricts any criminal justice agency from pursuing independent investigation based on evidence not derived from Garrity-compelled statements.

DATED: August 29, 2025

HEARING OFFICER: /s/Jack M. Downie Sr.  
Jack M. Downie Sr.