

RE: DOES v. CITY OF JOHNSON CITY, et al
CASE NO. 2:23-cv-00071-TRM-CRW

PRESS CONFERENCE

CATHY BALL, CITY MANAGER

8/25/23

COURT REPORTING AND VIDEO SERVICES

**P. O. Box 7481
Kingsport, TN 37664**

**TELEPHONE: (423) 230-8000
REBECCA@COURTREP.NET**

1 MS. CATHY BALL: I want to say thank you again for being here.
2 I know we kind of gave you short notice today, but I
3 appreciate you showing up. The reason -- my name is Cathy
4 Ball. I'm the city manager for the City of Johnson City.
5 The reason that we have asked you to come here today is to
6 talk to you about the fact that we, as of today around
7 noon, we have filed an answer to what we're calling the
8 Jane Doe lawsuits. So the City has -- as you well know,
9 on June the 21st, the City was sued in civil court by a
10 number of Jane Does, and that was filed on June 21st, and
11 we have filed an answer today. Before we get started, I
12 want to say a little bit about, you know, again, to the
13 media outlets, I appreciate you being an avenue for us to
14 be able to connect with the public. It is important -- we
15 feel it's important to be transparent. We will continue
16 to do that with you all, and we appreciate the opportunity
17 that this gives for the public to be able to hear, and
18 know what we're doing, and what we're working on. Again,
19 I know that it can be frustrating for folks to be able to
20 be in a situation where there's a lawsuit going on. Up
21 front, there's just a lot of information that we can't
22 share. I will tell you with lawsuits, it's -- it is a
23 challenge, because not only is it in the middle of a
24 process that often takes a long time to get through, it is
25 also that information within these lawsuits is protected

1 and sealed by the court. So in a lot of cases, we can't
2 share information because it is -- it would not be legal
3 for us to do so because it's protected information. So I
4 know that there will be questions, and I just ask that you
5 all be patient with me as we go through this. There are
6 two things that -- you know, again, in terms of
7 encouraging patience, we do have some factual information
8 that's out there, and I would encourage the public, I
9 would encourage everyone to be aware of what we have
10 that's information that's available to them to be able to
11 look at at this point. So typically, and I would say in
12 any lawsuit, and most folks know this, we're using it as
13 an opportunity, but, you know, a lawsuit is filed, and
14 that gets recorded, and then the Defendant provides a
15 response to that, and that becomes the answer to that. So
16 oftentimes when there are folks who sue anybody in civil
17 court -- because just as a reminder, this is a civil
18 lawsuit, so when people are sued in civil court, they
19 allege things, it's their allegations. And then there's
20 an opportunity for the Defendant to reply and provide
21 information that, according to them, is factual
22 information, so I would always encourage folks, you know,
23 to understand. We have put up on our website our
24 response, what we call our answer to the lawsuit, so that
25 folks have an opportunity to read that. All of that

1 information is available. We feel like it's critical that
2 people get all the factual information. And I know that
3 it's not our nature to be patient, but there are facts in
4 this case -- there are facts in the cases that we have
5 that need to go through a lawsuit, and there's just due
6 diligence process that's required in order to make sure
7 that all parties are served. So again, we ask for your
8 patience in doing that. We also feel like it can be very
9 harming if we have victims who feel like they can't come
10 forward because of misinformation. That is the reason we
11 want to be transparent, we want to come to you and provide
12 information, is because we want people to know that they
13 can trust the Johnson City Police Department. They want
14 -- we want them to know how we're handling the, especially
15 in this case, sexual assault cases, and so we want to make
16 that apparent to people. If there's one person that hears
17 this message that comes forward and gets help that did not
18 before, then we've accomplished what we need to with
19 getting this information out. So again, I appreciate
20 that. There are two items that are contained within our
21 answer that we wanted to be able to speak to, but they're
22 not the only two. We hired attorneys to be able to defend
23 us, and under their obligation, and their responsibility,
24 and their oath, they are required to provide the best
25 defense they can to the City. So as we talk through some

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1 of these, there -- we will be very transparent about them,
2 but we will try to make sure we're communicating
3 correctly. The first thing that I wanted to mention is
4 that when a lawsuit is filed, and in this case the lawsuit
5 was filed on June 21st, 2023, it is very common, and I
6 would say uncommon and I am not aware of any case in which
7 that lawsuit is not officially served to the City, to
8 whoever it is, the named -- the folks that are named in it
9 within a five to seven day period. So it was filed in
10 federal court. It was available -- we knew it was
11 available on that day. To date, we have not been served
12 with that lawsuit, so that's an uncommon fact. It is
13 within my understanding -- I'm not an attorney, I'm here
14 as the city manager of Johnson City, but that is very
15 uncommon. We have taken a proactive approach on behalf of
16 trying to expedite the process -- the legal process for
17 the victims, for the Plaintiffs, for everybody concerned
18 in providing an answer to this lawsuit. But I just want
19 to point out that that is very unusual in us doing that
20 before any person -- we have not been served, but to my
21 knowledge no one else -- none of the other named parties
22 have been served in this case. The other thing that is a
23 very -- it's very important that we communicate to the
24 public that when I mentioned that we have defense
25 attorneys that are responsible for providing the best case

1 possible for the City, they use all of the tools and all
2 of the legal tools available to them. Within the lawsuit,
3 the Jane Doe lawsuit as we refer to it, there are
4 allegations that are made by Jane Does. And in that
5 factual information that they provide, it indicates that
6 they consumed and partake -- partook of illegal drugs
7 during the course of that time period with the visit, and
8 that is contained within the information that they
9 provided in the lawsuit. So as part of the defense under
10 a civil lawsuit, our attorneys are using comparative fault
11 as a fact that is included within that. We recognize that
12 doesn't -- in and of itself, saying that they went to the
13 apartment, they partook of illegal drugs, admittedly
14 within the complaint they have acknowledged this. Our
15 attorneys in the civil lawsuit have listed that. If they
16 do not list that, then throughout this lawsuit they could
17 never use that as a legitimate defense against this civil
18 lawsuit. It's important for us to acknowledge that and
19 also support the fact that our attorneys are responsible,
20 obligated from an ethical standpoint to do that, and we're
21 responsible as public servants to be able to take that
22 recommendation and to be able to assert that within our
23 claim. However, I want to point out very clearly, and it
24 is -- it is really for us, we want to make sure the public
25 understands this. There's a civil case against the City.

1 There's the way our police department handles criminal
2 cases. And in criminal cases, there is never any good
3 reason that anybody deserves to be raped. And when people
4 come forward and they have been raped or sexually
5 assaulted, that is never a factor in terms of the police
6 department investigating that charge without bias toward
7 -- toward the person who is coming in, the victim. So
8 that is important to note because it can be very
9 confusing. I don't think by walking out of here today
10 that we're going to clear all of that up. What we have
11 said, we will be transparent in that and we understand
12 that this is two different sides to a legal system. The
13 criminal side, we are committed to serving the victims
14 with compassion and care. We have a great relationship
15 with our district attorney and his office, and we are
16 pursuing sexual assault cases in every way that we should.
17 So I wanted to point that out to you. I wanted to come to
18 you and say that -- that is in the findings and make the
19 public aware of that information. I want to say that we
20 -- and I have said before, I have complete confidence in
21 our Johnson City Police Department and their ability to do
22 their job. They have continued -- as you're aware, we've
23 received feedback that we have taken very constructively.
24 We have been adding training components to the work that
25 we're doing, the in-service training, and having

1 additional training in order to improve the way we provide
2 services to sexual assault victims. Just this week,
3 General Finney put out a press release. And in that press
4 release, they were able to get a conviction for someone
5 for a sexual assault rapist, a conviction that was without
6 parole. And the last part of that press release, General
7 Finney stated the Johnson City Police Department,
8 especially the criminal investigation division, was
9 paramount in the quick apprehension and prosecution of
10 Defendant Bennett. So I use that as an example to point
11 out that we will continue to serve this community. This
12 community should have confidence in us. We will continue
13 to serve this, but we will also be transparent in all that
14 we do. And I'm happy at this point to answer any
15 questions that I can.

16 QUESTION: What was the term that you used to describe the
17 victims going to the apartment and partaking of the
18 illicit drugs?

19 MS. BALL: Comparative fault.

20 QUESTION: Can you explain that a little bit, what that is?

21 MS. BALL: I am not an attorney, and I will tell you going
22 into this, one of my fears is my role is to provide
23 information, but based on the information that was
24 provided, again, within the lawsuit itself -- and again, I
25 would encourage folks to read this. If you read through

1 it, a number of the Jane Does that -- we do not know who
2 they are at this point. They are listed and protected as
3 Jane Does, but they do, within a lot of those --
4 information that was provided in that lawsuit, state that
5 at Sean Williams' apartment they ingested illegal drugs as
6 well as alcohol.

7 QUESTION: Since we haven't had a chance to read the answer,
8 is there anything in there regarding the City's defense or
9 rebuttal to the lawsuit that you want to expand on besides
10 the -- what was just asked?

11 MS. BALL: You know, generally, I think that we wanted to
12 point out those two, but I will tell you at this point
13 we've kind of said we -- it is often very difficult to
14 respond and to provide an answer with a lot of information
15 when you don't know the names of the folks that are filing
16 the complaint. And I understand that there's legal
17 reasons, I'm sure, that folks do that, but at this point
18 in time they are all listed as Jane Does, and that
19 information is protected. So a lot of our answers are
20 around the fact that they are Jane Does and we don't know
21 the names of those individuals.

22 QUESTION: Is it reasonable for some of those that you would
23 know -- you probably could presume who they are based on
24 reports that have been filed by them though with dates and
25 circumstances matching up within the lawsuit?

1 MS. BALL: What is the question?

2 QUESTION: You may -- they may have not had their names in the
3 lawsuit, but given Johnson City Police records of rapes,
4 allegations that have been filed, that you would have an
5 idea of who they are based on that.

6 MS. BALL: That would be pure speculation on our part and
7 we're not prepared to do that. This is a very serious
8 issue. I will tell you that our hope is that the person
9 who committed these actual -- the rapes, the violations,
10 that they're held accountable. We are working very hard
11 on lawsuit -- two lawsuits at this point in time, but, you
12 know, the ultimate goal and we would hope the ultimate
13 focus would be on the person who committed the crimes. We
14 know that the DA's office is doing a tremendous amount of
15 work to be able to hold that person accountable. But at
16 this point in time, we don't -- we would not make
17 allegations, make assumptions about any of the Jane Does
18 based on that information.

19 QUESTION: When you say comparative fault, you know, a lot of
20 our audience that's watching this right now are not
21 familiar with the law like a lawyer is, but it almost
22 sounds like maybe the victim is at fault. I'm just trying
23 to understand what comparative fault means.

24 MS. BALL: So in a -- in a civil lawsuit, you know -- and I'm
25 just, you know, again, I'm not an attorney. What I would

1 say to you that as a -- as a city manager, they admittedly
2 went there for a purpose and have admitted in the lawsuit
3 that they said that. So, you know, I would -- I would
4 suggest that you confer with an attorney about what that
5 means because I feel like it would not be helpful to the
6 general public if I continued to try to expound on that.
7 I think we can all read into it just by the words that are
8 said and by the way I'm describing why we put that in the
9 lawsuit, but I feel like continued explanation of it is
10 not going to be helpful.

11 QUESTION: Can you say who you all have retained for legal
12 defense?

13 MS. BALL: Yes, I can provide you that information. I don't
14 know that I can -- it's helpful for me to give that to you
15 at this point. We have -- we have a legal team and we can
16 provide that information to you.

17 QUESTION: Can you provide an update on separately the
18 investigation into the rape allegations against Sean
19 Williams and the devices that haven't been, according to a
20 DA investigator, in the City's possession for three years,
21 have those been inspected at this point, and if so, has
22 anything been found on them?

23 MS. BALL: So I think the first question is can we say
24 anything about the Sean Williams allegations that have
25 been made and the investigation into those. After Sean

1 Williams was arrested in North Carolina, we began working
2 with the DA. As we moved further into it, our chief of
3 police, in conjunction with the DA, agreed that it would
4 be best and most appropriate for the City of Johnson City
5 to not be involved in those investigations for the purpose
6 of making sure the victims felt safe and that there was no
7 -- any thought of harm done to them or any reason that
8 they wouldn't come forward. So I am not able to update
9 you on anything associated with that. I will say we have
10 complete confidence in our DA. We have -- we know that
11 they are diligently trying to pursue charges, and to do
12 the right thing, and to work with victims of Sean
13 Williams.

14 QUESTION: And you said that the DA's office is leading this,
15 but there was a search warrant filed by the DA
16 investigator on Monday asking to search those devices, and
17 then the next day a Johnson City Police investigator filed
18 for a search warrant for Sean Williams and his DNA, so was
19 there a reason for the timing of that?

20 MS. BALL: So -- excuse me. So, yes, at that point in time
21 after Sean Williams was arrested, both the City of Johnson
22 City and the DA's office was notified that he had been
23 arrested in North Carolina and were working in conjunction
24 with each other at that point in time. So the search
25 warrants were done with them working together in doing

1 that. As the investigation moved further along, for the
2 integrity of the investigation there was a decision made
3 after that date that the City of Johnson City Police
4 Department would not be involved in that investigation.

5 QUESTION: Are you able to tell us when that decision was made
6 regarding JCPD's scaling back their involvement in that
7 investigation?

8 MS. BALL: Generally, I would say in July.

9 QUESTION: Can you speak to though when you -- when you found
10 out what's allegedly on the thumb drives that North
11 Carolina recovered with the potentially 52 different women
12 that have been victims, just your thoughts on discovering
13 that -- that the numbers, and the allegations, and the
14 potential crimes that have been committed?

15 MS. BALL: I will tell you that I don't know that we have done
16 a great job of educating the public in terms of how we get
17 probable cause, how we access information in general. I
18 think we could expand our education knowledge and
19 probably, in a lot of places, to help folks understand
20 when we have the right to get information, to gather
21 information from someone, and what that probable cause
22 looks like. I think that what you saw in the search
23 warrant request for the computers was done after the
24 information was obtained in Western Carolina, and so there
25 was more information at that point in time. I was not

1 here at the time that the computers were initially seized.
2 What I can tell you is that our police department has to
3 follow very strict guidelines when it comes to property
4 rights, when it comes to the ability to pursue, being able
5 to access data, and the lawsuit will -- will spell out
6 whether -- I think the findings of the lawsuit will spell
7 out what was the appropriateness of when that should have
8 happened, how that should have happened. My feelings are
9 that it is implorable, impeccable that we have someone who
10 was in our community that did these atrocious things that
11 allegedly, so I think that for -- you know, if we were to
12 look at the things we're united behind, we don't want a
13 predator in our community that takes advantage of people,
14 particularly sickening, underage children. I have a 16-
15 year-old daughter. It's horrifying. If you ask me how I
16 feel, it's horrifying. If you ask me about the decisions
17 that were made, I would -- I would say that we have a
18 responsibility, a civic responsibility to everyone, and
19 all of those details will need to come out in the future.

20 QUESTION: In the search warrant filed by the district
21 attorney investigator for those devices that were in the
22 possession of JCPD, the DA indicated that they did not
23 appear to be searched or tampered with by JCPD. Can you
24 speak to that at all? Is that -- is that accurate on the
25 part of the DA investigator?

1 MS. BALL: I cannot speak to it, you know. I can speak to
2 generally how we handle evidence, and I have a lot of
3 confidence in the way we deal with evidence, and that was
4 taken as evidence, and it was put into evidence -- our
5 evidence storage area, marked signed, you know. I trust
6 the DA. I believe if the DA said it was not tampered
7 with, I don't believe it was tampered with or I think we
8 would have heard otherwise.

9 QUESTION: When those -- when those devices were taken into
10 Johnson City Police possession, it was because of the
11 Mikayla Evans fall. During that same time, the time
12 period, before and the months around that, there were
13 other rape allegations against Sean Williams, and the
14 allegations were that they occurred in that apartment
15 where there was video surveillance. Is there a reason
16 that at the time there wasn't a search warrant to discover
17 what was on those devices, or since -- since when the rape
18 kits came back, is there -- it's just that it happened in
19 September of 2020 and we're almost three years later, is
20 there -- do you know of a reason why that was left there
21 or even investigating her fall?

22 MS. BALL: I don't know if you call can hear the question.
23 The question is around understanding or knowing why -- why
24 those computers were not searched at that time because of
25 rape allegations. Is that correct?

1 QUESTION: A series of rape allegations, and so the phones,
2 the laptops, given that they were allegedly to have
3 occurred in the same apartment where those devices had
4 been -- where there was surveillance and where Mikayla
5 Evans fell out of that window, is there a reason that that
6 was -- they were never searched?

7 MS. BALL: Again, I will -- I will say I don't -- I was not
8 there at the time. Generally, what I would say to you
9 again, and just in general, I am not a law enforcement
10 officer, you know, I'm not an attorney. There are facts
11 of this case that are not out there yet. And it is so
12 hard not to jump to conclusions about what happened and
13 why decisions were made without having facts behind each
14 of those situations. So I can't speak to what a victim
15 said, what a victim felt, what happened, what the victim
16 did during that time. I can't speak to that. I have to
17 trust our judicial system to be able to bring that
18 information out during the course of the lawsuit. I think
19 it is a failure on the part of our community and a
20 disservice to our community if we move to making
21 assumptions and making allegations about things that
22 should have happened based on incomplete information. And
23 I think right now the picture that we have is incomplete.
24 The things that have been reported, for the most part, are
25 part of a lawsuit that was filed -- that was filed, not a

1 part of the answer that was given. I think there is
2 danger in terms of providing half information without the
3 understanding there is more information to come that
4 cannot be shared. So I don't want to say did I know, did
5 I not know. I was not there. I don't know a hundred
6 percent. What I do know is that I believe fundamentally
7 we have to be -- we have to be strong enough. We have to
8 be willing to wait for all of the information to come out.
9 And that's what I would -- that's what I would urge all of
10 us to do. It is hard. I get that it's hard. It's hard
11 for us. We have spent hours trying to make sure that we
12 are transparent and that we provide information, but
13 without complete information, we don't have all the
14 information. The information is sealed from us, so I
15 can't answer your question. And I'm -- I am concerned
16 that we continue to perpetuate leading answers to things
17 that we don't have the truth to, and we're committed to
18 the truth. We're committed to finding the truth. We're
19 committed to making sure the person that did this gets
20 what they deserve in terms of what they have done to
21 people. And I so hope, if I had to say anything, that our
22 focus of attention could solely be on that. I know that
23 there are other reasons, but I will tell you that if any
24 of us are frustrated, it's the fact that we have had --
25 even our police department are so frustrated that we have

1 had someone in our community that potentially has
2 committed this level of atrocity.

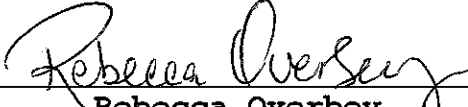
3 QUESTION: Since we're here, the last time we were all in this
4 room, we were speaking about the Daigle audit. Are there
5 any updates you can provide regarding the implementation
6 of the action items in that audit?

7 MS. BALL: I can. So if you -- and I know you remember,
8 there's a number of action items associated with that. I
9 will say that I just got a report from our captain of CID
10 that listed the training that's occurred. We have had a
11 number of different folks in the department take training.
12 We have a lot of folks doing more in-service training at
13 this point in time. We're working with ETSU Police
14 Department to do some of that, as well as the sheriff's
15 department, investigating other kinds of training that's
16 available. We're continue -- we have money in the budget
17 to update our reporting system. We're continuing to
18 explore that and get that online. So, you know, we
19 committed every six months, if not sooner, to come back.
20 I will tell you, I get regular updates weekly on what
21 we're doing to implement the findings of that. And not
22 only am I getting updates, I'm -- proactively folks are
23 coming forward and saying we think this is something else
24 that can help us be able to do our job better. I want
25 people to know if they are victims of sexual assault, they

1 can come to the Johnson City Police Department. If they
2 feel like for any reason they can't right now, go to the
3 DA, go to the Washington County Sheriff's Department. We
4 don't want you to feel alone. It is never okay for
5 someone to be raped. Thank you.

THIS CONCLUDES THE TRANSCRIPT OF
8/25/23 PRESS CONFERENCE

BY:


Rebecca Overbey
Licensed Court Reporter

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8/25/23

DOES v. CITY OF JOHNSON CITY

C E R T I F I C A T E

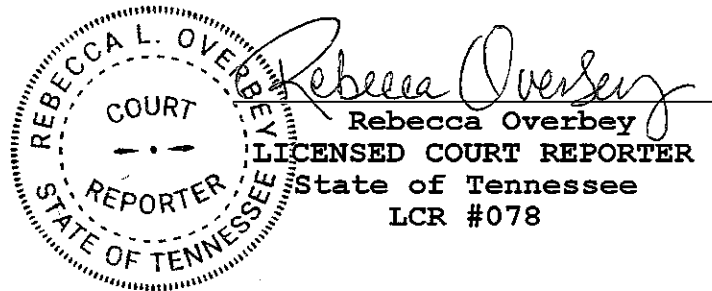
I, Rebecca Overbey, Licensed Court Reporter in and for the State of Tennessee, do hereby certify that the foregoing is a true and complete

TRANSCRIPT OF 8/25/23 PRESS CONFERENCE

CATHY BALL, CITY MANAGER

the same transcribed to the best of my ability and understanding at the request of counsel from a recording provided to me. I, Rebecca Overbey, was not present, nor did I have an agent present for this press conference.

WITNESS my hand and official seal at my office in Kingsport, (Sullivan County) Tennessee on this the 12th day of September, 2023.



My License Expires:

June 30, 2024

CERTIFIED ONLY IF AFFIXED SEAL IS GREEN