

BARBARA A. WILSON

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER: CV-10-BE-2386-S</p> <p>6 BARBARA ANN WILSON,</p> <p>7 Plaintiff,</p> <p>8 vs.</p> <p>9 THE BIRMINGHAM PUBLIC LIBRARY</p> <p>10 FOUNDATION and CITY OF</p> <p>11 BIRMINGHAM, ALABAMA,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 DEPOSITION TESTIMONY OF:</p> <p>19 BARBARA A. WILSON</p> <p>20</p> <p>21 May 27, 2011</p> <p>22 9:09 a.m.</p> <p>23</p>	<p>1 may make objections and assign grounds at the</p> <p>2 time of the trial, or at the time said</p> <p>3 deposition is offered in evidence, or prior</p> <p>4 thereto.</p> <p>5 IT IS FURTHER STIPULATED AND AGREED</p> <p>6 that notice of filing of the deposition by the</p> <p>7 Commissioner is waived.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
Page 2	Page 4
<p>1 STIPULATIONS</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of BARBARA A.</p> <p>5 WILSON may be taken before Tanya D. Cornelius,</p> <p>6 Certified Shorthand Reporter and Notary</p> <p>7 Public, at City of Birmingham Law Department,</p> <p>8 710 North 20th Street, Room 600, City Hall</p> <p>9 Building, Birmingham, Alabama 35203, on the</p> <p>10 27th day of May, 2011, commencing at</p> <p>11 approximately 9:09 a.m.</p> <p>12 IT IS FURTHER STIPULATED AND</p> <p>13 AGREED that the signature to and the reading</p> <p>14 of the deposition by the witness is waived,</p> <p>15 the deposition to have the same force and</p> <p>16 effect as if full compliance had been had with</p> <p>17 all laws and rules of Court relating to the</p> <p>18 taking of depositions.</p> <p>19 IT IS FURTHER STIPULATED AND</p> <p>20 AGREED that it shall not be necessary for any</p> <p>21 objections to be made by counsel to any</p> <p>22 questions, except as to form or leading</p> <p>23 questions, and that counsel for the parties</p>	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY: PAGE NUMBER:</p> <p>4 Mr. Fullerton 7</p> <p>5 Mr. Morel 102</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 EXHIBITS</p> <p>13</p> <p>14 DEFENDANT'S EXHIBIT NO: PAGE NUMBER:</p> <p>15 1 - Complaint 23</p> <p>16 2 - Charge of Discrimination 23</p> <p>17 3 - Internet Policy 37</p> <p>18 4 - Library Rules 37</p> <p>19 5 - Reports 67</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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1 APPEARANCES
 2
 3 FOR THE PLAINTIFF:
 4
 5 LAW OFFICE OF ADAM MOREL
 6 BY: Adam Morel, Esquire
 7 517 Beacon Parkway West
 8 Birmingham, Alabama 35209
 9
 10
 11
 12 FOR THE DEFENDANTS:
 13
 14 CITY OF BIRMINGHAM LAW DEPARTMENT
 15 BY: Frederic L. Fullerton, II, Esquire
 16 Nicole King, Esquire
 17 710 North 20th Street
 18 Room 600 City Hall Building
 19 Birmingham, Alabama 35203
 20
 21
 22
 23

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1 I, Tanya D. Cornelius, Certified
 2 Shorthand Reporter and Notary Public, acting
 3 as Commissioner, certify that on this date, as
 4 provided by the Federal Rules of Civil
 5 Procedure, and the foregoing stipulation of
 6 counsel, there came before me at City of
 7 Birmingham Law Department, 710 North 20th
 8 Street, Room 600 City Hall Building,
 9 Birmingham, Alabama 35203, beginning at 9:09
 10 a.m., BARBARA A. WILSON, witness in the above
 11 cause, for oral examination, whereupon the
 12 following proceedings were had:
 13
 14
 15 BARBARA A. WILSON,
 16 being first duly sworn, was examined
 17 and testified as follows:
 18
 19
 20 THE REPORTER: Will this be usual
 21 stipulations?
 22 MR. MOREL: That's fine.
 23 MR. FULLERTON: That's fine.

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1 EXAMINATION
 2 BY MR. FULLERTON:
 3 Q. Could you state your name for the
 4 record, please?
 5 A. Barbara Ann Wilson.
 6 Q. Ms. Wilson, my name is Fred
 7 Fullerton. I'm an assistant city attorney. I
 8 represent the City of Birmingham and the
 9 Library Board in this case. To my right is
 10 Nicole King. She's also an assistant city
 11 attorney. She's co-counsel in this case.
 12 Have you ever given a deposition before?
 13 A. Yes.
 14 Q. In what matter was that, ma'am, if
 15 you can recall?
 16 A. A car accident.
 17 Q. Okay. Were you a plaintiff or a
 18 defendant in that or were you suing or --
 19 either were you suing or were they suing you?
 20 A. I was suing.
 21 Q. You were suing?
 22 A. Uh-huh (positive response).
 23 Q. Who were you suing?

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1 A. I'm not sure of the person's name.
 2 Q. Okay. When was the car accident?
 3 A. Maybe five years ago.
 4 Q. How many?
 5 A. Five years ago. I'm not really
 6 sure of the date.
 7 Q. Okay. You understand you're here
 8 to give a deposition in the lawsuit that
 9 you've filed; is that correct?
 10 A. That's correct.
 11 Q. And you understand that you are to
 12 tell the truth; is that correct?
 13 A. Yes.
 14 Q. Okay. That earlier deposition,
 15 who was deposing you?
 16 A. I'm not really -- I don't
 17 understand the question.
 18 Q. Well, did you have an attorney?
 19 A. Yes.
 20 Q. What was your attorney's name?
 21 A. Ade Agboola.
 22 Q. Ade?
 23 A. A-d-e, Agboola, A-g-b-o-o-l-a.

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1 Q. And was that here in the State of
 2 Alabama?
 3 A. Yes.
 4 Q. Okay. And you said it was a car
 5 accident?
 6 A. Uh-huh (positive response).
 7 Q. What was the result of that
 8 lawsuit?
 9 MR. MOREL: Hold on one second.
 10 Did you sign a confidentiality agreement? I
 11 don't want her to misstep.
 12 MR. FULLERTON: I understand.
 13 MR. MOREL: Was it settled or did
 14 it go to trial?
 15 THE WITNESS: It was settled.
 16 Q. Did you bring the lawsuit against
 17 another party or did they bring it against
 18 you?
 19 MR. MOREL: Or were you a witness?
 20 A. I brought it against them.
 21 Q. So you were suing? You were the
 22 plaintiff, and you were suing some other party
 23 or the party that was involved in the car

Page 10

1 accident with you?
 2 A. That is correct.
 3 Q. And you said that they reached a
 4 settlement?
 5 A. Yes.
 6 Q. Okay. So you had -- I don't want
 7 to -- if there's some agreement, I don't want
 8 to know what it is, but you received a
 9 financial settlement?
 10 A. Yes.
 11 Q. Are you under any drugs that would
 12 affect your ability to give testimony today?
 13 A. Not to my knowledge. I'm not
 14 really sure.
 15 MR. MOREL: If you're taking any
 16 medications, why don't you just tell him what
 17 they are?
 18 Q. My next question was: Are you
 19 under any medications?
 20 A. Yes, I am.
 21 Q. Okay. And what are those
 22 medications, ma'am?
 23 A. They are Wellbutrin, Klonopin, and

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1 Advair.
 2 Q. Advair?
 3 A. Advair.
 4 Q. What is the Wellbutrin for?
 5 A. It's for PTSD.
 6 Q. And the Klonopin, did I pronounce
 7 it correct?
 8 A. Yeah, Klonopin. For the same.
 9 Q. And what was the last one? What
 10 was the last you said?
 11 A. Advair.
 12 Q. Advair?
 13 A. Asthma.
 14 Q. Asthma?
 15 A. Uh-huh, yes.
 16 Q. What's your current address, Ms.
 17 Wilson?
 18 A. It's 3330 Shallowford Circle,
 19 Birmingham, Alabama 35216.
 20 Q. And how long have you resided
 21 there?
 22 A. Six years.
 23 Q. Is that a house or an apartment?

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1 A. It's a town home.
 2 Q. And who resides there with you,
 3 ma'am, if anyone?
 4 A. Me and my granddaughter, Mica.
 5 Q. How old is she?
 6 A. Seven.
 7 Q. Do you have any children? I
 8 assume if you have a granddaughter --
 9 A. Yes.
 10 Q. And what are their names?
 11 A. Her name is Champagne Wilson,
 12 C-h-a-m-p-a-g-n-e.
 13 Q. And what's her age, ma'am?
 14 A. She's twenty-four.
 15 Q. Does she reside in Jefferson
 16 County?
 17 A. Yes.
 18 Q. Do you have like legal custody of
 19 your granddaughter?
 20 A. Yes.
 21 Q. Was that granted by a court or --
 22 A. Yes.
 23 Q. Family Court?

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1 A. Family Court.
 2 Q. How long has she lived with you,
 3 your granddaughter?
 4 A. About four or five months.
 5 Q. Did you bring a case in Family
 6 Court to get custody?
 7 A. No.
 8 Q. Okay. Are you married?
 9 A. No.
 10 Q. Have you ever been married?
 11 A. No.
 12 Q. Any other relatives in the
 13 Jefferson County area other than your daughter
 14 and your granddaughter?
 15 A. No.
 16 Q. What's your educational
 17 background? And you can start from high
 18 school. That's fine.
 19 A. High school diploma, bachelor's in
 20 psychology. I started some graduate work in
 21 developmental psychology, a year and a half of
 22 that.
 23 Q. What school did you attend?

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1 A. University of Alabama at
 2 Birmingham.
 3 Q. You have a degree in psychology?
 4 A. Yes, that's correct.
 5 Q. And a little bit of graduate
 6 study?
 7 A. Absolutely, yes.
 8 Q. What high school did you attend?
 9 A. Andalusia High School.
 10 Q. Where is that?
 11 A. In Andalusia, Alabama, which is in
 12 Covington County.
 13 Q. Just curious, any library
 14 sciences?
 15 A. No.
 16 Q. Okay. Any other training other
 17 than your college degree and graduate studies,
 18 specialized training, anything like that?
 19 A. Not that I can think of, no.
 20 Q. Any computer training, software
 21 training, IT training?
 22 A. No.
 23 Q. Any law enforcement security type

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1 training?
 2 A. No.
 3 Q. Any military training? Have you
 4 ever been in the military?
 5 A. Yes.
 6 Q. You have been in the military?
 7 A. Uh-huh (positive response).
 8 Q. When was that? What branch
 9 rather?
 10 A. The Navy.
 11 Q. Honorable discharge?
 12 A. Honorable, yes.
 13 Q. Okay. What were the dates that
 14 you were in the Navy?
 15 A. I'm not for sure, but if I had to
 16 guess, it would be September '89 to November
 17 '93. I'm not really sure of the dates.
 18 Q. Did you join around college or
 19 after college?
 20 A. After high school.
 21 Q. Any other -- well, scratch that.
 22 And you're currently employed with the
 23 Birmingham Public Library?

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1 A. That's correct.
 2 Q. When did you first become employed
 3 with the library?
 4 A. August the 2nd, if I'm not
 5 mistaken, of 2002. I'm not really sure of the
 6 date.
 7 Q. Okay.
 8 A. So we'll just say August '02.
 9 Q. Okay. And what title or position
 10 did you start as?
 11 A. Library assistant two.
 12 Q. Where were you assigned to work?
 13 A. Business science and technology.
 14 Q. So you've been employed since 2002
 15 about eight, nine years?
 16 A. Yes.
 17 Q. What's your current title?
 18 A. Library assistant three.
 19 Q. So that was a promotion?
 20 A. Yes.
 21 Q. When did that take place?
 22 A. I'm not really sure. I would say
 23 June of '09. I'm not really sure of the

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1 dates.
 2 Q. Okay.
 3 A. And if I can correct one thing, it
 4 actually wasn't a promotion. It was a part of
 5 the step raise.
 6 Q. Okay. Well, library assistant
 7 three is over library assistant two; is that
 8 correct?
 9 A. That's correct.
 10 Q. It's a higher grade?
 11 A. Yes.
 12 Q. Under personnel board rules and
 13 regulations, it's a promotion. Other than --
 14 are you still working in business science and
 15 technology?
 16 A. No.
 17 Q. Have you worked in any other
 18 divisions or sections?
 19 A. As needed, yes.
 20 Q. What were those other sections,
 21 ma'am, from 2002 to currently?
 22 A. Youth department, fiction, art/
 23 literature and sports. I can't remember other

Page 18

1 places.
 2 Q. Have you primarily worked in the
 3 Henley -- am I pronouncing it correct, the
 4 Henley portion of the library?
 5 A. Just the main part.
 6 Q. That's the Henley building.
 7 A. Henley is the research --
 8 Q. The new modern building?
 9 A. The Henley is the research
 10 section, predominantly research where the
 11 archives are, and the main is like the public
 12 section.
 13 Q. Well, we'll just call it the main
 14 downtown?
 15 A. Yeah, the main downtown.
 16 Q. Have you worked in any other
 17 branches?
 18 A. No.
 19 Q. And when I say branches, I mean
 20 out in the other neighborhoods. Do you
 21 understand?
 22 A. I filled in. Could you clarify
 23 like work? I filled in. Is that considered

Page 19

1 like work?
 2 Q. I'm saying have you been -- I
 3 mean, you were employed in 2002, and for the
 4 record, we'll just say main, which is downtown
 5 next to the courthouse.
 6 A. Right.
 7 Q. And just for me and you and for
 8 the record and for the court reporter and the
 9 court. When I say branches, I mean like
 10 Ensley branch, for example. You do realize
 11 there are other branches outside other than
 12 the main office downtown; is that correct?
 13 A. Yes.
 14 Q. My question is: Have you worked
 15 temporarily, briefly at any branch like
 16 Ensley, Pratt, wherever?
 17 A. Yes.
 18 Q. Okay. And do you recall any dates
 19 or times?
 20 A. I do not. They have -- let me
 21 qualify the two places that I've worked. I
 22 worked at Smithfield when we had counter
 23 measures. That's when we count the number of

Page 20

1 patrons that come in the library. Our whole
 2 department did that. And then when the air
 3 went out at our downtown branch, I worked at
 4 Southside library. We had a choice to either
 5 go to a branch or take sick leave or vacation.
 6 So I chose to go to Southside.
 7 Q. Other than those, Smithfield and
 8 Southside, are there any other carriers?
 9 A. No.
 10 Q. Any other branches?
 11 A. No.
 12 Q. And as far as sections, you've
 13 said youth, fiction, and art/literature; is
 14 that correct?
 15 A. Art/literature and sports.
 16 Q. Art/literature and sports. And
 17 there's also been business science and
 18 technology?
 19 A. Yes.
 20 Q. Those are sections within the
 21 library, the main office?
 22 A. Yes. And to qualify those
 23 positions as well, those are just to help out

Page 21

1 when they were short staffed.
 2 Q. Okay. Let me backtrack real
 3 briefly. What was your employment for five
 4 years before 2002?
 5 A. Mervyn Sterne Library and --
 6 Q. Which library?
 7 A. Mervyn Sterne. It's at the
 8 University of Alabama, Birmingham, UAB. I
 9 predominantly worked there.
 10 Q. For five years before?
 11 A. Uh-huh (positive response).
 12 Q. Who was your supervisor over
 13 there?
 14 A. Bruce Seals.
 15 Q. And did you work in any specific
 16 section over there at UAB?
 17 A. I worked in different sections. I
 18 worked for a short time in circulation and
 19 then I was a supervisor for the second and
 20 third floor.
 21 Q. With the Birmingham Public
 22 Library, and we'll just talk about library
 23 position three, what were your general duties?

Page 22

1 A. To answer reference questions for
 2 patrons, look up properties, shelf books to
 3 assist the librarians in any duties that they
 4 have. I maintained the display shelf on the
 5 third floor and the first floor displays, put
 6 out magazines, and other duties as needed.
 7 Q. Other than this current lawsuit,
 8 have you ever filed any other claims or
 9 lawsuits against the City of Birmingham?
 10 A. No.
 11 Q. What about any city employee?
 12 A. No.
 13 Q. And I think you had testified
 14 earlier that you had, apparently, filed a
 15 previous lawsuit in a car accident?
 16 A. Uh-huh (positive response).
 17 Q. Have there been any other -- other
 18 than this current lawsuit and the car accident
 19 lawsuit, have there been any other lawsuits
 20 that you've filed against any other entity,
 21 business, individual?
 22 A. No.
 23 Q. Have you ever at any point filed

Page 23

1 any other EEOC complaints against any
 2 individual, corporation, business entity?
 3 A. No.
 4 Q. Other than the current one?
 5 A. No.
 6 Q. Let me show you what I'm going to
 7 mark as Defendant's Exhibit 1 and 2 and see if
 8 you've seen these before.
 9 (Whereupon, Defendant's Exhibit
 10 Nos. 1-2 were marked for identification and
 11 same are attached hereto.)
 12 A. Okay.
 13 Q. You can take a look at them.
 14 A. (Witness reviews documents.)
 15 Q. Have you looked at them, ma'am?
 16 A. Yes.
 17 Q. And would I be correct that
 18 Defendant's Exhibit 1 is your lawsuit that you
 19 filed in federal court; is that correct?
 20 A. That's correct.
 21 Q. And Defendant's Exhibit 2 is the
 22 charge of discrimination. And I'll represent
 23 to you that there are a couple of other pages

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1 and that's pretty much the charge itself. But
 2 that is the charge that you filed; is that
 3 correct?
 4 A. Yes.
 5 MR. MOREL: Of course, Plaintiff's
 6 Exhibit 1 (sic) is not the amended complaint.
 7 It's the original.
 8 MR. FULLERTON: It's the original
 9 complaint, yeah.
 10 Q. Defendant's Exhibit 2 is the
 11 charge of discrimination; is that correct?
 12 A. Yes.
 13 Q. The library where you are employed
 14 at, it's a public forum, correct, ma'am?
 15 A. Yes.
 16 Q. And there are individuals that
 17 come into the library, patrons basically,
 18 private citizens; is that correct, ma'am?
 19 A. Yes. To my knowledge, yes.
 20 Q. And one of your duties is to
 21 provide assistance to patrons; is that
 22 correct?
 23 A. Yes.

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1 Q. And looking for books, magazines,
 2 information; is that correct?
 3 A. Yes, that's correct.
 4 Q. And that was the same at UAB; is
 5 that correct, at their library?
 6 A. That's correct.
 7 Q. Okay. Why did you leave UAB,
 8 their library?
 9 A. I was offered a position working
 10 in my major.
 11 Q. Which is psychology?
 12 A. Uh-huh (positive response).
 13 Q. Is that with the city with the
 14 Birmingham Public Library or is that -- I'm
 15 trying to relate that.
 16 A. It's at UAB, University of Alabama
 17 at Birmingham.
 18 Q. Okay. So was there a -- and you
 19 correct me if I'm wrong. I asked you earlier
 20 about the last five years before 2002?
 21 A. Uh-huh (positive response).
 22 Q. And you said you were working for
 23 UAB, their library over there?

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1 A. Right.
 2 Q. Was there something in between
 3 before you came to the City of Birmingham?
 4 A. Yeah, it was.
 5 Q. Was there something in between the
 6 library at UAB and the City of Birmingham or
 7 the Birmingham Public Library?
 8 A. Yes. Those were a library
 9 assistant position, which I think was like two
 10 months. I just include UAB all in one -- all
 11 under one umbrella.
 12 Q. So for the record, and to be
 13 absolutely correct, you were employed
 14 initially or we'll just say the five year
 15 period before working for the Birmingham
 16 Public Library, you were employed with the UAB
 17 library?
 18 A. Uh-huh (positive response).
 19 Q. Okay. What was the period of
 20 employment with them or the time of
 21 employment? Because there's multiple
 22 corporations over at UAB.
 23 A. Yeah, it is. Mervyn Sterne

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1 Library, I'm not really sure of the dates. I
 2 would say '95 to 2001. I'm not really sure of
 3 the dates. If I had it in front of me, I
 4 could tell you exact dates. And then like
 5 from June '02 to August '02. I'm not really
 6 sure of the dates actually. It was very
 7 brief.
 8 Q. Okay. And what was this -- it
 9 wasn't with the Mervyn Sterne Library?
 10 A. No.
 11 Q. So what department was it with
 12 under UAB?
 13 A. It was a research position. I'm
 14 not really sure of the name. I would guess --
 15 I don't know. It was in the ophthalmology
 16 department.
 17 Q. Ophthalmology?
 18 A. Yeah, department.
 19 Q. Does ophthalmology have anything
 20 to do with eyes? I'm just curious.
 21 A. Yes. It's a study.
 22 Q. I mean, could you just try to
 23 explain to me, because you had testified

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1 earlier that it was something within your area
 2 of psychology.
 3 A. Yeah.
 4 Q. And I'm kind of confused as far as
 5 what ophthalmology has to do with psychology.
 6 A. Okay. I'll be more than happy to.
 7 It was a study to investigate whether or not
 8 that the introduction of eyeglasses would
 9 improve the quality of life for the elderly.
 10 Common sense would tell one that of course it
 11 would. However, if you're getting paid to
 12 research that, then that's something that, you
 13 know, you would be curious about and want to
 14 investigate. So as a psychology assistant, we
 15 went to different nursing homes to introduce
 16 eyeglasses and to see if it did improve the
 17 quality of life of the patients there.
 18 Q. Okay. So that was the use of it
 19 in simple -- the use of the eyeglasses would,
 20 or providing eyeglasses to elderly individuals
 21 would increase their life or make them feel
 22 better? Is that the psychological component
 23 to it? I'm just saying in a simple person's

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1 terms?
 2 A. Well, I would love to answer that
 3 question, but I wasn't in charge of that
 4 study. I would hope that would be it, but I'm
 5 just --
 6 Q. Okay. But so from 1995 to 2001,
 7 you were working over there at the Mervyn
 8 Sterne Library at UAB; is that correct?
 9 A. To the best of my knowledge, yes.
 10 Q. I understand.
 11 A. I don't have the dates in front of
 12 me.
 13 Q. And from roughly sometime in 2001
 14 to, I think you testified earlier to August of
 15 2002, you started in August of 2002 with the
 16 Birmingham Public Library?
 17 A. Yeah.
 18 Q. Okay. So you were with this,
 19 roughly maybe a year with this ophthalmology
 20 department over there at UAB? Is that to the
 21 best of your knowledge as we sit here today?
 22 A. No, I wouldn't say that. I would
 23 say maybe a couple of months, three months.

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1 It wasn't a great fit for me, so I don't think
 2 it was a year exactly.
 3 Q. Okay. So why did you leave the
 4 ophthalmology section as opposed to the Mervyn
 5 Sterne?
 6 A. Like I previously stated, I didn't
 7 think it was a good fit in that I feel like I
 8 could effect more change being in charge than
 9 I could going to different nursing homes, that
 10 I could design the study.
 11 Q. Who was your supervisor over there
 12 at the ophthalmology department?
 13 A. I'm not really sure.
 14 Q. Was it a male, female?
 15 A. It was a female, yes.
 16 Q. And you don't recall her name?
 17 A. I do not. I do not.
 18 Q. Was she a doctor?
 19 A. She was a doctor. She was
 20 conducting the study. She had secured funding
 21 for that study.
 22 Q. Was it federal or state funding?
 23 A. I'm not really sure.

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1 Q. Where did you read about the
 2 position?
 3 A. I think it was word of mouth among
 4 the undergraduate students.
 5 Q. Okay. Was there any type of
 6 conflict with her or with the doctor, your
 7 supervisor?
 8 A. No.
 9 Q. Do you know what building it was
 10 in?
 11 A. Yes. It was in the Callahan Eye
 12 Foundation.
 13 Q. The Callahan?
 14 A. Uh-huh (positive response), Eye
 15 Foundation.
 16 Q. Any other positions or jobs five
 17 years other than the Mervyn Sterne Library and
 18 the ophthalmology department?
 19 A. I think that's it.
 20 Q. At UAB or any other --
 21 A. It was just the progression of
 22 positions in that one university, like library
 23 assistant, work study, work my way up, those

Page 32

1 type things.
 2 Q. Okay. When did you go to -- is
 3 that University of Alabama at Birmingham?
 4 A. That is correct, yes.
 5 Q. Is that the same university that
 6 you went to?
 7 A. Yes.
 8 Q. Okay. What were the dates that
 9 you went to UAB? Actually, when I say dates,
 10 your education.
 11 A. Okay.
 12 Q. When did you start your -- I'm
 13 assuming it's a four-year degree?
 14 A. Yeah, I would think -- I'm not
 15 really sure, to be quite honest. I think it's
 16 1996 to 2001.
 17 Q. Okay. That's around the same time
 18 you were working for the Mervyn Sterne?
 19 A. Yeah. I was working there and
 20 going to school.
 21 Q. Okay. So you were going to school
 22 and working?
 23 A. Uh-huh (positive response).

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1 Q. Okay. Did you get your degree in
 2 2001?
 3 A. I did.
 4 Q. Okay.
 5 A. Yes.
 6 Q. We were talking about the
 7 Birmingham Public Library and it being a
 8 public forum for the public. I assume that
 9 based upon your previous employment with the
 10 Mervyn Sterne Library, you realize that it was
 11 a public forum before you came to work at the
 12 Birmingham Public Library; is that correct?
 13 A. Yes, that's correct.
 14 Q. Do you know how many patrons enter
 15 the library, Birmingham Public Library? When
 16 I say in downtown, do you have any estimate
 17 per year?
 18 A. No. I'm not really sure. I
 19 don't.
 20 Q. Did you know if you had counters
 21 that count how many people?
 22 A. I think they do in the circulation
 23 department. I'm not really sure about that.

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1 Q. Okay. What would be your guess as
 2 far as how many people per year would come
 3 into the library? Are you willing to give an
 4 educated guess?
 5 A. For a year? I'm not really sure.
 6 Q. Would eight thousand --
 7 A. Ten thousand.
 8 Q. Would you agree or disagree that
 9 homeless people enter the library, or who you
 10 would tend to consider homeless to enter the
 11 library?
 12 A. I agree.
 13 Q. Has there ever been a problem with
 14 that or what you perceived to be a problem
 15 with homeless individuals?
 16 A. Could you qualify that?
 17 Q. Well, I mean, would you perceive
 18 it to be a problem at the library that
 19 homeless individuals enter the library?
 20 A. No.
 21 Q. Okay. Have you ever had any
 22 problems with any homeless people entering the
 23 library?

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1 MR. MOREL: I'm going to object to
 2 form on the lack of predicate. You're
 3 supposing that she knows who is homeless and
 4 who is not.
 5 Q. Well, I mean, there --
 6 MR. MOREL: How would you know?
 7 Q. -- are some people that come into
 8 the library that you could probably -- that
 9 are not -- do you have problems with people
 10 that are not dressed appropriately coming into
 11 the library?
 12 A. No.
 13 Q. No shoes, no shirt, anything like
 14 that?
 15 A. No.
 16 Q. Now, in your complaint, you
 17 allege, and I'm not going to repeat all of it,
 18 but, in brief, you allege that patrons,
 19 individuals coming into the library to use the
 20 library's Internet or services, books,
 21 whatever, are creating a sexually hostile
 22 environment. Would you agree with that?
 23 A. Yes, I would.

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1 Q. Okay. Your claim is not based
 2 upon co-employees creating a sexually hostile
 3 environment; would that be correct?
 4 A. That would be a fair assessment,
 5 yes.
 6 Q. Pardon me?
 7 A. That would be a fair assessment,
 8 yes.
 9 Q. One of your claims is that
 10 individuals will come into the library and use
 11 the computer to view pornography; is that
 12 correct?
 13 A. Yes, that's correct. What I view
 14 as pornography.
 15 Q. What you view as pornography.
 16 A. Questionable images.
 17 Q. Do you know if the library has a
 18 Internet policy in effect?
 19 A. Yes, I do.
 20 Q. Okay. Have you seen the policy
 21 before?
 22 A. Yes, I have.
 23 Q. Have you read the policy?

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1 A. I have.
 2 Q. When did you first see the policy,
 3 if you recall?
 4 A. I'm not really sure when I first
 5 saw the policy.
 6 Q. But you've read it?
 7 A. Yes. I've read it. It's lengthy.
 8 Q. All right. I mean, you've seen
 9 there's an employment manual and whatnot; is
 10 that correct?
 11 A. Yes.
 12 Q. And you've seen that, and you've
 13 read through that?
 14 A. Yes.
 15 (Whereupon, Defendant's Exhibit
 16 Nos. 3-4 were marked for identification and
 17 same are attached hereto.)
 18 Q. Did you read the -- I'm going to
 19 show you what I've marked as Defendant's
 20 Exhibit 3 and 4.
 21 A. Okay.
 22 Q. And see if you've seen these.
 23 A. The library rules.

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1 Q. I just asked have you seen Exhibit
 2 3 and 4?
 3 A. I've seen those. 3 is -- it's not
 4 that familiar, the wording. It seems to be a
 5 little different than what I remember.
 6 Q. I'll represent to you that that's
 7 -- the library's Internet policy is Exhibit
 8 No. 4, I think, if I'm not mistaken.
 9 MR. MOREL: She's talking about 3,
 10 I think.
 11 A. Yeah, 3.
 12 MR. MOREL: And you're talking
 13 about 4.
 14 A. I do have a question.
 15 Q. 3, I'm talking about 3.
 16 A. Yeah. Those are new, yeah. So
 17 I'm much more familiar with that than this
 18 seems to be a little updated and changed.
 19 Q. I'll represent to you that's the
 20 only policy.
 21 A. Is this -- I have a question.
 22 Q. You can't ask questions, ma'am.
 23 I'm here asking the questions.

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1 MR. MOREL: It's okay. Just
 2 answer his questions.
 3 THE WITNESS: Okay.
 4 Q. You testified that you are
 5 familiar with the Internet policy?
 6 MR. MOREL: No. She actually
 7 testified that she was not familiar with.
 8 Q. You're not familiar with the
 9 Internet policy?
 10 MR. MOREL: Not the one you
 11 provided her.
 12 A. Yeah.
 13 Q. Which one are you saying that you
 14 -- what is your understanding from what you
 15 have viewed as the library's Internet policy?
 16 And you can just tell me in general terms,
 17 ma'am.
 18 A. In general terms?
 19 Q. What you have viewed to be the
 20 policy.
 21 A. Well, what I viewed, and what I've
 22 understood to be the policy is that patrons
 23 are allowed to look at whatever they would

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1 like. If they wanted to override a particular
 2 website with the chat or whatever, if they
 3 request it, we are to override it. As time
 4 progressed, we were told that if patrons are
 5 watching pornography, we are to call security,
 6 and they can determine whether or not it's
 7 questionable, and then it was up to them.
 8 Q. Okay. You can correct me if I'm
 9 wrong ma'am. In order to use the Internet,
 10 you have to have a library card; is that
 11 correct, ma'am?
 12 A. No, that is not correct.
 13 Q. Do you have to log in to use the
 14 Internet?
 15 A. Yes.
 16 Q. Okay. I mean, let's just do it by
 17 hypothetical. If I'm patron A and I go into
 18 the library and I decide I want to go surf the
 19 Internet, do I have to log in?
 20 A. No.
 21 Q. Do I have to get any passwords?
 22 Do I have to accept any policies?
 23 A. Yes.

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1 Q. What are those?
 2 MR. MOREL: Let me object, because
 3 that last question was a compound question.
 4 Q. I'll just ask one question. If
 5 I'm patron A and I decide that I want to use
 6 the Internet at the library, Birmingham Public
 7 Library, tell me what you believe are the
 8 steps to view Google, to go to a Google
 9 website.
 10 A. If you had a library card, you
 11 would use your library card to log on, that is
 12 correct. However, if you didn't, we would do
 13 a courtesy log you on with a department card.
 14 Q. Is it normal practice to have a
 15 library card?
 16 MR. MOREL: Objection. Lack of
 17 predicate.
 18 Q. Go ahead. You can answer.
 19 A. No.
 20 Q. Okay. But either I can have a
 21 library card and be a member of the Birmingham
 22 Public Library or I can just walk in, and I
 23 can ask to use, it, and you can use a

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1 department card?
 2 A. That's correct.
 3 Q. What's the next step, ma'am?
 4 A. The message would come on the
 5 Internet policy.
 6 Q. What is the Internet policy?
 7 A. Agree to terms, basically, in
 8 layman terms saying that you would not view
 9 questionable websites, inappropriate websites.
 10 Q. Does that include pornography?
 11 MR. MOREL: Let me stop you. Are
 12 you asking whether that's what it says on the
 13 screen, whether it includes pornography?
 14 Q. Yes. Does it include pornography?
 15 A. I'm not really sure. I only
 16 glanced over it. I'm sure that it does. If
 17 you click agree, then you can go to the
 18 website, any website.
 19 Q. If I decide I don't want to agree
 20 to that, is there a button to click?
 21 A. Yes. Do not accept. There's
 22 accept and not accept button.
 23 Q. So if I click do not accept, I'm

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1 not going to follow the library's policies and
 2 I'm doggone determined to go to some
 3 pornographic or objectionable website, what
 4 happens at that point?
 5 A. I'm not really sure. I've never
 6 encountered that.
 7 Q. So, obviously, they've accepted
 8 the library's policy at that point?
 9 A. Yes.
 10 Q. To get beyond that and actually
 11 get to the website, or any website for that
 12 matter?
 13 A. Yes.
 14 Q. Okay. So what happens next?
 15 A. They go to whatever website of
 16 their choosing.
 17 Q. Okay. Do you know -- to your
 18 knowledge, do you know if the library has any
 19 type of filtration software?
 20 A. Yes, I do know they do have a
 21 filtration software.
 22 Q. Okay. And what is the name of
 23 that, if you know?

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1 A. Oh, I'm not sure of the name of
 2 it. I would like to say Cybraria Net, but I
 3 don't know if that's correct.
 4 Q. Do you know of any other -- to
 5 your knowledge any other filtration software?
 6 A. I do not.
 7 Q. And to your knowledge, and you
 8 testified that it was called Cybraria Net.
 9 And to your knowledge, what does it do?
 10 A. Cybraria Net, to the best of my
 11 knowledge, is how we use it is, it allows you
 12 to log people on to the computer. It let's
 13 you -- allows you to tell people how much time
 14 they have available, and it allows us as the
 15 staff to see which computers are available.
 16 Q. Okay. Anything else?
 17 A. It allows you to log -- as far as
 18 on, it allows you to log people off.
 19 Q. You testified earlier that it was
 20 filtration software. Do you understand that?
 21 A. Yeah. I'm not really sure of the
 22 name of the filtration software. That's the
 23 only software I'm available -- I know of.

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1 Q. Okay. If I'm patron A, like we
 2 said a few minutes ago, and I've logged in or
 3 I've used my library card or I've used my --
 4 or you, as a librarian, have walked over there
 5 and allowed me -- do you do it manually or do
 6 you do it remotely? If I don't have a library
 7 card and I say I need to access the Internet,
 8 do you physically go over there to that
 9 terminal and swipe a card? How do you do
 10 that, ma'am?
 11 A. It depends. If we're -- both
 12 computers are taken up where we can log people
 13 on, then yes, we'll walk over there and log
 14 you on manually.
 15 Q. Can you do it remotely?
 16 A. Yes.
 17 Q. Okay. So I could walk over to
 18 your desk and say, Ms. Wilson, I don't have a
 19 library card, but I want to use the library.
 20 Can you cut that computer on over there or
 21 could you help me get access to that computer
 22 across the way?
 23 A. Yes.

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1 Q. And I can go over there and sit
 2 down and wait, and then the screen will pop
 3 up; is that correct?
 4 A. That is correct.
 5 Q. And it will pop up with the first
 6 thing is the library policy, regarding
 7 objectionable sites, et cetera, and I have to
 8 either accept it or I don't accept?
 9 A. Yes.
 10 Q. Now, let's take this hypothetical
 11 beyond that. I've accepted it, okay, and I
 12 start surfing the Internet and I go to a site
 13 that violates -- that's objectionable that
 14 violates the policy that I already agreed to,
 15 falsely or whatever. What's the next step?
 16 And you see, or any other librarian sees it,
 17 to what you consider to be an objectionable
 18 site, what's the next step?
 19 A. To be quite honest, I don't know
 20 what the next step would be. Based on my
 21 experience at the library, we play it by ear.
 22 It depends.
 23 Q. Have you ever --

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1 MR. MOREL: Hold on. She was
 2 still answering.
 3 Q. I'm sorry. Go ahead.
 4 A. Yeah. It depends. My personal
 5 experience, I would usually get a second party
 6 to see, yeah, did I see this? Yes, I did.
 7 And I would usually either shut the computer
 8 down or go to the patron and tell them --
 9 Q. Let's take those in two steps.
 10 You said talk to the patron. Okay. Would you
 11 physically go over there to talk to the
 12 patron?
 13 A. Yes.
 14 Q. What would you tell them?
 15 A. What you're viewing is
 16 inappropriate.
 17 Q. Okay. And that's based upon the
 18 first screen that comes up saying that they
 19 shall not view obscene, pornographic type
 20 sites; is that correct?
 21 A. That's to the best of my
 22 knowledge, yes.
 23 Q. So you would tell them that. And

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1 you said the second way is that you can shut
 2 it down? Did you say something like that?
 3 A. Yes.
 4 Q. How was that done?
 5 A. You identify what computer the
 6 patron is located at that and then you use
 7 Cybraria Net to log them out.
 8 Q. And is that remotely done?
 9 A. That is remotely done.
 10 Q. How do you do that, ma'am, for the
 11 record, for the Court? How do you -- because
 12 I'm just curious as far as how do you -- I
 13 mean, is there a button that you push?
 14 A. There's a series of steps that you
 15 have to go through to shut the computer down.
 16 Like I say, you have to identify the computer
 17 number which is located at usually the top
 18 right inside.
 19 Q. On the screen?
 20 A. On the computer itself. And then
 21 I don't know. You look at the patron
 22 information, and then you click log off. It's
 23 a series of steps. I'm not really sure.

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1 Q. Have you done that in the past?
 2 A. I have done it in the past, a
 3 couple of times.
 4 Q. You've used a remote shut off?
 5 A. That is correct.
 6 Q. How many times in the past?
 7 A. I would at least say less than
 8 five.
 9 Q. Okay. So if I'm patron A, and I'm
 10 over there on some objectionable website and
 11 you feel as though it's objectionable or it
 12 violates the policy, you can shut it down.
 13 What happens? I mean, do I get -- something
 14 pops up on the screen, does a buzzer come off
 15 or go off?
 16 A. Let me take a step back and say,
 17 there is several -- it's very convoluted, in
 18 my opinion. There are several steps you are
 19 supposed to do. There's no policy, a concrete
 20 policy, okay. If you catch someone watching
 21 objectionable images, you do A, B, C, and D.
 22 It's up to the individual and to the
 23 department. It's all individualized to each

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1 department, and so we send a series of
 2 messages that's already prewritten. Your
 3 music is too loud. You're not allowed --
 4 Q. You mean, if I'm listening to
 5 music on the Internet?
 6 A. Yeah. Or could you please quiet
 7 your children. There's not one to say could
 8 you please stop viewing pornography or this is
 9 questionable, or something that's already
 10 written. And then after that, if you didn't
 11 move from that website, then we would shut it
 12 down. So there's a series of steps that are
 13 taken beforehand.
 14 Q. I'm getting kind of confused here.
 15 If I'm on the Internet and I'm listening to
 16 some loud heavy metal music and I assume
 17 there's speakers next to the computer for the
 18 music?
 19 A. Head phones.
 20 Q. Head phones. Okay. So is it your
 21 testimony that there's a prestatement that you
 22 can click and you could send to me, patron A,
 23 that my music is coming through the head

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1 phones too loud and it's disturbing other
 2 patrons?
 3 A. That's correct.
 4 Q. And that's just one form of that;
 5 is that correct?
 6 A. That's correct.
 7 Q. Okay. And you said you testified
 8 a couple of minutes ago about children being
 9 loud. So if I'm on the Internet and my child
 10 -- I'm patron A and my child is running around
 11 being noisy, as children will be at times, you
 12 can send a message to me while I'm surfing the
 13 Internet that -- some preformatted message
 14 saying that my children are being disruptive?
 15 A. That's right, yes.
 16 Q. And that's another example?
 17 A. Uh-huh (positive response).
 18 Q. Okay. What other preexamples do
 19 you have or other examples that you can, or
 20 messages that you can send that you know of?
 21 A. Those are two basic ones.
 22 Q. Okay. Are there any others?
 23 A. I'm sure there are, but I don't

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1 know what they are at the moment.
 2 Q. Okay. Is there one -- I assume
 3 there's one concerning objectionable websites?
 4 A. No, there isn't.
 5 Q. You're saying there's not one?
 6 A. You have to -- that's on the fly.
 7 You make it up as you go. And that was the
 8 issue, my issue.
 9 Q. Is that there's not a pre one for
 10 objectionable websites?
 11 A. That's correct.
 12 Q. But you can type in, this is an
 13 objectionable website, and hit send, and it's
 14 going to send a message to that terminal where
 15 I'm patron A and I'm viewing that website?
 16 A. Yes.
 17 Q. Okay. Anything else or any other
 18 preformatted messages you can send?
 19 A. Not to my knowledge. And if we
 20 could go back, the last message that I typed
 21 would be, what you're viewing is in violation
 22 of the city's sexual harassment policy,
 23 something to that format and then send it on.

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1 Q. Send it to the --
 2 A. Send it to the patron.
 3 Q. So is that the -- is that like a
 4 warning?
 5 A. Yeah, warning. All the messages
 6 are like warning.
 7 Q. So the first thing is you send a
 8 warning?
 9 A. You send a warning, yeah.
 10 Q. And what if I don't? Can I delete
 11 it off the screen or ignore it?
 12 A. It will --
 13 Q. If I'm patron A?
 14 A. It will come off the screen and
 15 then you can continue to type. And most
 16 people do. They just ignore it, and about the
 17 third time after sending the message, that's
 18 when we call security.
 19 Q. You testified earlier that you can
 20 shut it down?
 21 A. Yes, I can shut it down. However,
 22 a patron will come directly after you shut it
 23 down and request that you turn it back on, and

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1 you have to turn the computer back on for
 2 them.
 3 Q. Okay. So, typically, you're
 4 saying warnings first, two, three, whatever,
 5 and then if they still continue to violate the
 6 policy, the Internet policy of the Birmingham
 7 Public Library, you can send a thing to shut
 8 it down completely?
 9 A. That's correct.
 10 Q. Okay. And what happens when it
 11 shuts down? I mean, does it just go off? The
 12 screen just disappears or what pops up on the
 13 screen?
 14 A. Usually it shuts down to the home
 15 screen.
 16 Q. Okay. Where you initially logged
 17 in at?
 18 A. That's correct.
 19 Q. Okay. Do they have to give their
 20 -- does a patron have to give their name, like
 21 I'm John Smith and I want to -- when they log
 22 in?
 23 A. No, they do not. Since we're in

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1 Cybraria Net, it usually gives the patron name
 2 and their bar code number, their library card
 3 number.
 4 Q. Okay. So you would have a log of
 5 that? I mean, you would have a log, if I'm
 6 patient -- not patient -- patron A and I want
 7 to log in with my library card, it would have
 8 my information?
 9 A. After you logged in, yes.
 10 Q. After I logged in, yes, after I
 11 logged in?
 12 A. Yes.
 13 Q. And if I'm just somebody that
 14 doesn't have a library card, how does it log
 15 me under?
 16 A. It would be the department, like
 17 business sciences and technology and then our
 18 card number.
 19 Q. So it wouldn't have my specific
 20 information?
 21 A. It wouldn't have your information,
 22 no.
 23 Q. Do those sites get blocked? Like

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1 if I'm patron A, as I said in my earlier
 2 example, and I'm at an objectionable website
 3 that I said I wasn't going to go to, do those
 4 websites get blocked by the IT department?
 5 A. Well, it depends, and it's
 6 variable.
 7 Q. Well, the computer -- the Internet
 8 is variable.
 9 A. Yeah. It depends on several
 10 things. Like I said, sometimes when we shut
 11 the computer off, the image is still there.
 12 One of the CS people, who work in conjunction
 13 with the IT people, will go back into the
 14 history to see if they could get the web
 15 address, IPO address, and then they give it to
 16 the IT person. It depends on who is on staff
 17 whether they get it or not and whether they
 18 are able to block it. So there's other
 19 variables involved.
 20 Q. Okay. So, I mean, people can
 21 create websites every day?
 22 A. Exactly.
 23 Q. So it's an ongoing battle. I

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1 mean, would you agree or disagree? Because
 2 you could use the term sex, there could be a
 3 million websites out there that are unrelated
 4 to pornography and then I could use the word
 5 couch and it could still lead me to a
 6 pornography website. Would you agree or
 7 disagree?
 8 MR. MOREL: Objection to the form
 9 of the question. You can answer if you
 10 understand it.
 11 Q. Did you understand my question?
 12 A. Yes, I understand your question.
 13 However, if you are a regular and you know the
 14 way around the system, you know what words to
 15 use, because you've done this before.
 16 Q. Potentially. But you're also
 17 violating the city's policy?
 18 A. Exactly, and you already know that
 19 because you come into the library and do that
 20 all the time, so you're aware of that. So
 21 it's highly individualized.
 22 Q. You mentioned earlier about
 23 calling security, and I'm trying to figure out

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1 -- you said that you send warnings first and
 2 then you, after that, let's just say they
 3 ignore the warnings, and then are you saying
 4 that you call security or do you shut the
 5 website down or do you do both or which one do
 6 you consider or do you do first?
 7 A. It's always situational. Since
 8 there's not a policy, a written or a verbal
 9 policy in place, it's up to the individual to
 10 use their best judgment. So sometimes I shut
 11 the computer down and then call security.
 12 Other times, I leave the screen up so they
 13 could view what I viewed.
 14 MR. MOREL: So who could view?
 15 A. The security could see what's on
 16 the screen so they can determine if it's
 17 questionable or not.
 18 Q. And for the IT department to look
 19 up the IPO and to block that website?
 20 A. That is correct.
 21 Q. Okay. Do you know the language,
 22 what is stated when I first log in and when I
 23 have to accept the policy or not. Do you have

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1 any idea what that language says?
 2 A. Since I've done it so many times,
 3 no, not really. I don't know verbatim, no.
 4 Q. Okay. Do you know generally what
 5 it says?
 6 A. Like I stated earlier, that you
 7 just -- it's an agreement not to go to
 8 questionable websites, basically.
 9 Q. Okay. When you believe that --
 10 well, strike that. The call as far as what
 11 you consider to be questionable or
 12 objectionable or a violation of the policy, is
 13 that for you or that specific librarian that
 14 sees it?
 15 A. Could you restate the question?
 16 I'm sorry. I'm fading.
 17 Q. You said that the library
 18 computer, when I first log in, it tells me --
 19 I'm just speaking in general terms here,
 20 because I don't have the language in front of
 21 me. It says objectionable violation of
 22 policy, et cetera, et cetera, sites, okay, and
 23 I click accept. And I decide to go to a

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1 website, okay? What's objectionable is a call
 2 that that library makes; is that correct?
 3 Because I mean -- go ahead and answer the
 4 question. I'm sorry.
 5 A. It's, again, highly
 6 individualized. What you may think is
 7 objectionable, I may not. I have certain
 8 images that I think of that are objectionable,
 9 and those are the ones that I call security
 10 for or get someone, another staff member to
 11 say, Do you see what I'm seeing? Do you find
 12 that offensive or --
 13 Q. Because there's millions and
 14 millions and millions, if not trillions of
 15 images across the Internet.
 16 A. That's correct.
 17 Q. And what one person may find
 18 objectionable, another person may not find
 19 objectionable. Would you agree with that or
 20 disagree?
 21 A. I would agree with that.
 22 Q. So what happens when security
 23 shows up?

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1 A. Usually there was a time lapse
 2 when they show up from the time you call to
 3 the time they make it up to your floor, and
 4 then they look at you with their eyes rolled,
 5 and then ask you what the problem is. And in
 6 front of the patron, they want you to point
 7 out who the patron is, physically point out,
 8 and then they want you to go with them to the
 9 patron to see what the patron is looking at.
 10 Q. Okay.
 11 A. And then after that, the security
 12 look at the images. They take a minute to
 13 look at it, and then they'll decide whether or
 14 not the image is questionable.
 15 Q. Okay. Have there been times in
 16 which patrons have left before?
 17 A. Yes.
 18 Q. Because, obviously, they feel like
 19 they got caught?
 20 A. Yeah.
 21 Q. And they'll run out of the
 22 library?
 23 A. Yes.

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1 Q. Okay. So not all circumstances
 2 are -- how many times -- well, strike that.
 3 Do you know how many security officers the
 4 library employs?
 5 A. I do not. I want to say eight,
 6 but I'm not really sure of how many they
 7 employ.
 8 Q. And when I say employ, I mean as
 9 far as the downtown library.
 10 A. I'm not really sure.
 11 Q. But you believe there are eight?
 12 A. To the best of my knowledge, yeah.
 13 Q. Okay. Did you routinely -- when
 14 there was an incident and you saw a patron at
 15 the Internet viewing what you considered to be
 16 an objectionable site, was there a routine as
 17 far as you reporting it or writing a report or
 18 something like that nature?
 19 A. No. Yes and no.
 20 Q. Explain.
 21 A. It evolved. Like, again, since
 22 there weren't anything in writing, if you see
 23 a patron doing whatever, questionable,

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1 whatever, these are the steps I need to take.
 2 So I'm just flying by the seat of my pants.
 3 Sometimes I would write like little notes.
 4 Sometimes I would include it into my monthly
 5 report. Sometimes I would send an e-mail to
 6 my chain of command.
 7 Q. Okay. So you would make written
 8 reports?
 9 A. On occasion, but not -- if I wrote
 10 a report each time it happened, I wouldn't be
 11 -- I wouldn't have time to work.
 12 Q. You said that you -- I think you
 13 testified earlier that you had not seen
 14 Defendant's Exhibit 3 or you had seen some
 15 form of it?
 16 A. No.
 17 Q. I'll show you Defendant's Exhibit
 18 3. That's the Internet policy?
 19 A. Yeah.
 20 Q. You said either you've not seen
 21 that specific form or you had seen some form
 22 of it?
 23 A. Yes.

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1 Q. Now, you say that you had seen
 2 Defendant's Exhibit 4; is that correct?
 3 A. Yeah, because it's more recent,
 4 yeah.
 5 Q. So you had seen that one?
 6 A. Uh-huh (positive response).
 7 Q. Okay. On question number -- not
 8 question. On No. 19 on Defendant's Exhibit 4
 9 -- well, first of all, how would you
 10 characterize Defendant's Exhibit 4? It says
 11 library rules.
 12 MR. MOREL: Objection to form.
 13 Q. What do you interpret that rule to
 14 mean, ma'am?
 15 A. No. 4?
 16 Q. No, no, Defendant's Exhibit 4.
 17 MR. MOREL: What does she
 18 interpret the whole exhibit to be --
 19 A. I don't understand the question.
 20 MR. MOREL: -- or No. 19?
 21 Q. What is your understanding of
 22 Defendant's Exhibit 4?
 23 MR. MOREL: Objection to form.

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1 A. That the library basically, if
 2 somebody is viewing something inappropriate or
 3 illegally, they are not supposed to. But this
 4 is for the patrons, not for the staff.
 5 Q. Okay. Would I be correct in
 6 saying that Defendant's Exhibit -- when I say
 7 Defendant's Exhibit 4, ma'am, it's marked
 8 Defendant's Exhibit 4.
 9 A. Right. No. 19.
 10 Q. I'm not looking at these right
 11 now. Defendant's Exhibit 4 are library rules
 12 that are directed to the patron?
 13 A. Yes.
 14 Q. Okay. People that enter the
 15 library every day, those thousands of
 16 individuals that we mentioned earlier, those
 17 are rules of conduct, correct?
 18 A. That is correct.
 19 Q. Okay. For those patrons?
 20 A. Uh-huh (positive response).
 21 Q. Okay. Now, No. 19?
 22 A. Uh-huh (positive response).
 23 Q. What does that read, ma'am?

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1 A. It reads: Any illegal act or
 2 conduct in violation of federal, state, or
 3 local law, ordinance or regulation is not
 4 permitted.
 5 Q. What is your interpretation of No.
 6 19, ma'am?
 7 A.
 8 MR. MOREL: Objection. It calls
 9 for a legal conclusion.
 10 Q. You can answer it, ma'am.
 11 A. The patron is not supposed to
 12 violate a library policy. That's not always
 13 the case.
 14 Q. Okay.
 15 A. That's what it says.
 16 Q. There are laws all over that.
 17 A. Yeah, that's not --
 18 Q. No. 19, ma'am, how would you
 19 interpret any illegal acts or conduct in
 20 violation of federal, state or local law,
 21 ordinance or regulation is not permitted?
 22 MR. MOREL: Objection. Asked and
 23 answered.

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1 Q. You can answer it, ma'am.
 2 A. They are not supposed to violate
 3 the library policy, Internet policy.
 4 Q. You would not --
 5 A. The patrons aren't.
 6 Q. You would not interpret 19 to mean
 7 a violation of federal or state law?
 8 A. Yeah, as well as the library
 9 policy, including the library policy as well.
 10 (Whereupon, Defendant's Exhibit
 11 No. 5 was marked for identification and same
 12 is attached hereto.)
 13 Q. Okay. Let me show you what I've
 14 marked as -- I'll mark these as a group,
 15 Defendant's Exhibit 5. You testified earlier,
 16 Ms. Wilson, that you would make reports of
 17 incidents, and I'll let you take a look at
 18 these. These were provided by your attorney.
 19 Take a look at that, Ms. Wilson, and go
 20 through it, and I'm going to ask you a few
 21 questions about it.
 22 A. (Witness reviews document.)
 23 Q. Have you seen those before, ma'am?

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1 A. I have.
 2 Q. I want to go briefly through each
 3 one of them. I think there are a total of --
 4 this is Defendant's Exhibit 5. There are a
 5 total of one, two, three, four, five, I
 6 believe six, and would I be correct with that,
 7 ma'am, a total of six?
 8 MR. MOREL: Six what?
 9 Q. Six reports.
 10 A. Six, yes.
 11 Q. And would I be correct, ma'am, to
 12 say that the first one is 7/14/08; is that
 13 correct, ma'am?
 14 A. That's correct.
 15 Q. And the last one is November 19th,
 16 2010?
 17 A. Yes.
 18 Q. Okay. Let me just ask you real
 19 quick, ma'am, and these were -- it says
 20 Special Incident Report Form on the first one;
 21 is that correct?
 22 A. Yes.
 23 Q. And then one of them says Daily

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1 Activity Sheet, Birmingham Public Library, and
 2 I think that's attached to a memo, the second
 3 one?
 4 A. Yes. And let me correct. I've
 5 never seen the front part, but I did write the
 6 second part.
 7 Q. Okay. And then I guess the third
 8 one of Defendant's Exhibit 5 is a Birmingham
 9 Police Incident Report?
 10 A. Uh-huh (positive response).
 11 Q. That's the 10/12/09 one?
 12 A. That's correct.
 13 Q. And the third one, I guess, is
 14 another -- would that be another Special
 15 Incident Report Form for the one from
 16 1/08/2010?
 17 A. It doesn't say that, but I think
 18 it is.
 19 Q. Okay. Or some type of form that
 20 looks like you --
 21 A. An incident report.
 22 Q. Okay. And then the one that says
 23 9/17/10 that says Incident Offense Report that

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1 was reported. And then the same, what looks
 2 like the last one from 11/19/2010 looks like
 3 another, I guess, Incident Report Form. Would
 4 that be correct, the last one?
 5 A. Yes.
 6 Q. Okay. On the first one,
 7 apparently, it was reported by you -- this is
 8 7/14/08. There was an individual, a patron in
 9 the library; is that correct, ma'am?
 10 A. Yes.
 11 Q. Do you recall this incident?
 12 A. Uh-huh (positive response).
 13 Q. And the victim was an Ebony Mason.
 14 Did she report it to you or --
 15 A. Yes.
 16 Q. And Ms. Mason, she's not an
 17 employee of the library, is she?
 18 A. No.
 19 Q. She was a patron herself?
 20 A. Yes.
 21 Q. And did he leave the library? It
 22 sounds as though he ran out of the library?
 23 A. Yes, that's to my knowledge, yes.

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1 Q. So this individual, did we ever
 2 get his name? Well, we did get what his name
 3 was. He was in the library and, apparently,
 4 he exposed himself to Ms. Mason; is that
 5 correct?
 6 A. Uh-huh, yes.
 7 Q. You didn't see that?
 8 A. No, I didn't.
 9 Q. So Ms. Mason reported it to you?
 10 A. Yes.
 11 Q. And then you called security?
 12 A. Yes.
 13 Q. Okay. And by that point the guy
 14 had apparently ran out of the library; is that
 15 correct?
 16 A. To the best of my knowledge, yes.
 17 Q. And then attached to these are
 18 several photographs apparently from the
 19 library's camera; is that correct?
 20 A. I'm not sure. I guess, yes.
 21 Q. But Ms. Mason just said that she
 22 was the only one that viewed this, correct,
 23 ma'am?

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1 A. Yes.
 2 Q. Okay. Let's go to the second one.
 3 12/2/08, this is the one with the attached
 4 memo that you had stated. Tell me what
 5 happened, ma'am. And this happened on
 6 December 2nd, 2008?
 7 A. Yes.
 8 Q. Okay. And looking at your memo,
 9 you said something about a male patron
 10 approached you with a library related
 11 question. He tried to log into the computer.
 12 You wouldn't let him. "I told him that his
 13 library card may be expired and he needed to
 14 go down to the circulation desk to see if his
 15 card had expired or he had a fine." He
 16 couldn't log in under the general, under your
 17 card?
 18 A. He could have.
 19 Q. Okay. "So I attempted to walked
 20 by the patron and the patron tried to rub up
 21 against me as I walked past." And you let
 22 your supervisor know that you felt physically
 23 threatened and you were prepared to defend

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1 yourself and you signed it; is that correct?
 2 A. That's correct.
 3 Q. Did he say anything specifically
 4 to you other than that he -- that his card had
 5 expired?
 6 A. That was it.
 7 Q. That was it? Okay. Did he say
 8 anything sexually based, or anything like that
 9 to you, or use any type of curse words or any
 10 other language?
 11 A. No, he didn't. And what's left
 12 out of this report is that he actually did rub
 13 up against me with his erect penis to my
 14 buttocks.
 15 Q. Why didn't you put that in the
 16 report on that day?
 17 A. Because I was embarrassed, and my
 18 supervisor is a male, and I was traumatized.
 19 Q. But you didn't put that in that on
 20 that date?
 21 A. No, I did not.
 22 Q. Did you put this in the activity
 23 -- this is the Daily Activity Sheet, the first

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1 page of this?
 2 A. No. Well, this is the Daily
 3 Activity Sheet, but it's not ours. We have a
 4 log sheet, an incident log sheet at the front
 5 desk that we would log stuff in. We didn't
 6 get it until, I don't know, maybe last year.
 7 Q. So the top portion is written by
 8 the officer?
 9 A. Yes.
 10 Q. Okay. And he says: "9:00 a.m./
 11 12:00 noon black male tried to touch Barbara
 12 in business and science and technology. Man
 13 left library. Man slept on first floor." Was
 14 he homeless or something? You don't know?
 15 A. I don't know. I didn't even know
 16 this part existed.
 17 Q. Okay. Ma'am, let's go to -- and
 18 that took place on December 2nd, 2008; is that
 19 correct, ma'am?
 20 A. That's correct.
 21 Q. Okay. Let's skip on over to the
 22 third incident that took place on 10/12/09.
 23 And this is an incident report; is that

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1 correct?
 2 A. Yes.
 3 Q. Okay. I assume by generating a
 4 Birmingham Police Incident Report, you called
 5 the police?
 6 A. I did.
 7 Q. Okay.
 8 A. Yes.
 9 Q. And in this situation on the back
 10 of the incident report -- well, let's just say
 11 the first page is the Birmingham Incident
 12 Report, and then the second page is a Special
 13 Incident Report Form.
 14 A. Uh-huh (positive response).
 15 Q. Is that correct?
 16 A. That's correct.
 17 Q. The second page, the Special
 18 Incident Report Form was created by Vera
 19 Brusard? Who is Ms. Brusard, ma'am?
 20 A. My co-worker.
 21 Q. And reporting person -- I'm
 22 looking at the first page, the incident
 23 report, ma'am. Did you observe this

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1 personally?
 2 A. Yes.
 3 Q. Okay.
 4 A. If we could back up, there's two
 5 incident reports. One that I signed and one
 6 that Ms. Brusard signed. That's the one
 7 that's missing.
 8 Q. Okay.
 9 A. Besides the police report,
 10 including the police report.
 11 Q. Okay. So you're saying there was
 12 a Special Incident Report that you had, that
 13 you signed?
 14 A. Yes.
 15 Q. Okay. And in this situation, I'm
 16 looking at the Birmingham Police Report. It
 17 said the reporting person, being you, stated
 18 that you confronted the suspect and he ran out
 19 of the library. He had opened up other
 20 pornographic site at the computer; is that
 21 correct, ma'am?
 22 A. Yes.
 23 Q. Had you ever seen this individual

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1 before?
 2 A. I have not.
 3 Q. He was a patron at the library?
 4 A. Yes.
 5 Q. And I assume that the special
 6 incident report, which is written by Ms.
 7 Brusard, was she present?
 8 A. Yes.
 9 Q. Okay. And this was a black male,
 10 and I'm reading off the Special Incident
 11 Report Form. It was a black male wearing a
 12 hooded jacket sitting at computers at the
 13 third floor watching porno. Staff approaching
 14 him, the patron got up and left the building
 15 in a hurry. I'm not sure what the -- security
 16 was called and police called to make an
 17 official report with trespass. Bob and Rick
 18 from IT service tried to retrieve patron name.
 19 Did somebody call the IT department? Did you
 20 or Ms. Brusard?
 21 A. I think we just saw them walking
 22 by and we asked them could they retrieve the
 23 information.

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1 Q. Did they ever -- they don't take
 2 the computers, do they?
 3 A. No.
 4 Q. There's some type of technical
 5 wizardry that they do?
 6 A. Yes, there is.
 7 Q. To look at this website?
 8 A. Yeah, and the IPO address.
 9 Q. And the IPO address. Okay. And
 10 have you ever seen this person before or since
 11 this?
 12 A. I have not.
 13 Q. Do you know if he logged in with
 14 his library card or did he log in using the
 15 general -- your or Ms. Brusard's card?
 16 A. He logged in with his card.
 17 Q. With his own personal card?
 18 A. Uh-huh (positive response).
 19 Q. And I assume he went through the
 20 steps of I'm going to accept this. I'm not
 21 going to use this computer for viewing
 22 objectionable sites?
 23 MR. MOREL: I would advise you not

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1 to guess. If you know.
 2 A. I'm not sure. I'm not sure.
 3 Q. But to get to that point, he would
 4 have to?
 5 A. He would have to, yes.
 6 Q. Let's skip over to the next page.
 7 October -- January 12th, 2010.
 8 A. Uh-huh (positive response).
 9 Q. And, actually, it took place --
 10 the report was done about four days later; is
 11 that correct?
 12 A. I don't --
 13 Q. I think the incident took place on
 14 January 8th, 2010; is that correct? I'm
 15 looking at the report. I'm just trying to --
 16 oh, I see what it is.
 17 A. I think it was on the same day.
 18 Q. Okay. Who is Sgt. Freddie Lewis?
 19 A. He's a security guard at the
 20 library.
 21 Q. Okay. Who is Mike Lee?
 22 A. He's the head of security at the
 23 library.

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1 Q. So January 12th, 2010, it looks
 2 like it's dated by Sgt. Freddie Lewis?
 3 A. Yeah.
 4 Q. But the incident actually occurred
 5 on January 8th, 2010; is that correct?
 6 A. Yes.
 7 Q. Okay. And it was you and Ms.
 8 Brusard; is that correct?
 9 A. Yes.
 10 Q. Okay. And you were on the
 11 business science technology section?
 12 A. Yes.
 13 Q. And, apparently, you observed an
 14 individual by the name of Robert Earl Jones?
 15 A. Yes.
 16 Q. Apparently, he was doing
 17 inappropriate conduct. Did he leave the
 18 library? Then he left the library?
 19 Apparently, the report says that he did.
 20 A. Yeah. Let me qualify that in
 21 saying after I called security, they observed
 22 him, and they took his ID and asked him not to
 23 come back again.

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1 Q. Okay. So it looks like from
 2 reading this report, and you can correct me if
 3 I'm wrong, ma'am, is that on 1/8/2010 he was
 4 in the library?
 5 A. Uh-huh (positive response).
 6 Q. And he left the library, and then
 7 he returned on 1/12/2010 at 3:30 p.m. and
 8 that's when you notified security, or either
 9 you or Ms. Brusard or both of you notified
 10 security; is that correct, ma'am?
 11 A. No. Actually, it all happened in
 12 the same day. I notified the security on the
 13 same day. What happened was that they told me
 14 to go back and write a report where they have
 15 for their records, and --
 16 Q. Well -- go ahead. I'm sorry,
 17 ma'am.
 18 A. So they have a written record of
 19 it. So Vera and I both were asked to go back
 20 and write a report after they took the
 21 gentleman's ID.
 22 Q. Okay. So for the record, you're
 23 saying that on January 8th, 2010, Mr. Jones

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1 came into the library. Security was called,
 2 and security identified who he was.
 3 A. (Witness nods head.)
 4 Q. Is that a yes?
 5 A. Yes.
 6 Q. You have to say yes or no.
 7 A. Okay. I forgot about that.
 8 Q. She won't understand you shaking
 9 your head.
 10 A. I'm fading out. Sorry about that.
 11 Q. And they took his -- well, they
 12 didn't take his -- they figured out who he was
 13 and they told him to leave?
 14 A. They actually took a copy of his
 15 driver's license and made a copy and then made
 16 him leave.
 17 Q. Okay. And from this report, they
 18 say he returned today at 1/12/2010 at 3:30.
 19 I'm just reading the report at the bottom,
 20 ma'am.
 21 A. Okay. So, yeah, I guess that's
 22 when they wanted the report written.
 23 Q. I'm interpreting, though, from

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1 what he said. He said he returned today at
 2 1/12 at 3:30. Security was notified. Sgt.
 3 Lewis and Officer James confronted Mr. Jones
 4 and asked him to leave and not to return to
 5 the library?
 6 MR. MOREL: I just want you to
 7 wait until he asks a question. I notice
 8 you're --
 9 Q. Is that your understanding of how
 10 it took place, ma'am, that he came on
 11 1/8/2010, library security took his card,
 12 identified who he was, and they told him to
 13 leave, and then he came back four days later
 14 and you notified security? And I'm just
 15 reading what the report says. And they told
 16 him not to return at all to the library. Is
 17 that your understanding of how it took place?
 18 A. Yes, that's my understanding.
 19 Q. Okay. Have you seen Mr. Jones
 20 since then?
 21 A. No, I have not.
 22 Q. Okay. When they -- do they
 23 permanently -- do you know if they just

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1 revoked Mr. Jones' library card? Have you
 2 ever seen that take place? I'm just curious.
 3 A. No, I have not.
 4 MR. MOREL: When you get to a good
 5 breaking point, we've been going almost an
 6 hour and forty-five minutes.
 7 MR. FULLERTON: Okay. There are
 8 two more reports, and I'll take a break then.
 9 Q. Let's take a look at the next one,
 10 ma'am, on the 9/17/2010.
 11 A. Can we go back just a second? Can
 12 we go back to this one?
 13 Q. The previous one? Okay.
 14 A. Dated January the 12th.
 15 Q. 2010?
 16 A. 2010, yeah. After Mr. Jones was
 17 observed watching little girls and then he was
 18 asked to leave and then he came back on the
 19 12th, apparently, you asked me did I know if
 20 his library card was revoked. I don't know if
 21 his library card was revoked. However,
 22 Freddie Lewis stated that he could not come
 23 back to the downtown library. What I took

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1 from that statement is he's welcome to go to
 2 the other twenty-one libraries.
 3 Q. But you don't know that for
 4 certain, ma'am?
 5 A. That's true, but that's the
 6 statement that he made to me.
 7 Q. But he was in the downtown
 8 library; is that correct?
 9 A. Yeah, but he's not banned from the
 10 other libraries.
 11 Q. Do you know that as a fact or as a
 12 certainty?
 13 A. That's going by what Officer
 14 Freddie Lewis said.
 15 Q. He said he could not come down to
 16 the Birmingham downtown library?
 17 A. Exactly. That's true.
 18 Q. So basically -- well, strike that.
 19 On 9/17/2010, security received a call.
 20 Somebody was using their cell phone and you,
 21 apparently, confronted them. "And she
 22 requested to speak to somebody with
 23 administration to voice her displeasure. I

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1 directed her to the administrative offices."
 2 What happened there, ma'am?
 3 A. A lady was in the corner next to
 4 the financial periodicals, and she was using
 5 her cell phone, which is prohibited in the
 6 library, and she was talking loudly. And,
 7 apparently, there was a gentleman studying,
 8 and he came up to the desk in front of my boss
 9 and asked me could I ask her to kind of keep
 10 it down.
 11 So I approached her, and I said,
 12 "I know you don't realize that your voice
 13 carries, but could you keep it down a little
 14 bit," and I pointed to an area in the library,
 15 which is a crosswalk, which links Henley and
 16 the main library, and another corner where she
 17 could talk freely so that no one could hear
 18 her voice as much, and she was upset. I don't
 19 think she was upset with me. She started
 20 raising her voice, and I said if she was
 21 displeased with what I had to say that she
 22 could address it further up the chain if she
 23 needed to, and she said that's what she wanted

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1 to do and I directed her to the administrative
 2 office.
 3 At that time my supervisor, David
 4 Ryan, said: "Barbara, I don't know what's
 5 wrong with her. You didn't do anything wrong.
 6 I just saw what the patron asked you to do and
 7 you did what he (sic) asked you to do."
 8 Q. Was it a male or a female?
 9 A. I'm sorry?
 10 Q. Was it a male or female using the
 11 cell phone?
 12 A. It was a female.
 13 Q. Did you talk to anybody, any of
 14 the -- anybody from the administrative offices
 15 about this?
 16 A. No. They called my supervisor, my
 17 department head, Barbara Clotfelter.
 18 Q. And on 11/19/2010, you reported to
 19 security -- you were in the business
 20 department, business and technology?
 21 A. Yes.
 22 Q. And some guy, Jerome Culver, you
 23 said that he harassed you and he said you are

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1 a pretty lady, but he did not touch or say
 2 anything out of the way. What was the -- in
 3 context, what was that? I mean, was he there?
 4 Was he a patron? I assume Mr. Culver was a
 5 patron of the library?
 6 A. Yes.
 7 Q. Had he ever been there before?
 8 A. He was there the week before, last
 9 Friday, the prior to this Friday.
 10 Q. Was he there for Internet or to
 11 get a book or --
 12 A. He was there to get books on
 13 masonry.
 14 Q. Amazing tree?
 15 A. Masonry.
 16 Q. Oh, masonry. I thought you said
 17 amazing tree.
 18 A. Carpentry, yes. Stone work.
 19 Q. Okay. And he just made that
 20 statement to you at some point in time when he
 21 was trying to get books?
 22 A. It was progressive. So if I could
 23 begin at the beginning.

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1 Q. Yes, ma'am.

2 A. Okay. The Friday prior to this

3 incident, he came in, and he wanted me to get

4 books in this one section, which is carpentry,

5 masonry, stone works. And so I did that. I

6 did that for about thirty minutes, and then I

7 noticed, oh, okay, he only wants me to help

8 him. That's fine. I got him the books and

9 then I left. The following Friday, he came

10 back. I think he told me that he was at the

11 Alethia House.

12 Q. And do you know what the Alethia

13 House is?

14 A. I'm not really sure what the

15 Alethia House is. I don't know if it's a

16 halfway house. I don't know if it's a

17 homeless shelter. I just know there's a bus

18 load of people that come -- a van load of

19 people that come and they drop them off on

20 Fridays.

21 Q. From the Alethia House?

22 A. Yes, sir.

23 Q. And was he on that bus or do you

Page 90

1 know if he was?

2 A. I don't know if he was on that

3 bus, but I know he said he was at the Alethia

4 House.

5 Q. Okay.

6 A. This day, on the 19th, he asked me

7 could I help him and I told him that I could

8 not because I was assisting another patron.

9 And the topic that he wanted was in another

10 department, social sciences, exploring the

11 brain, exploring the mind. We have -- they

12 have psychology. We have abnormal psychology.

13 So he came back, and he said, "You just want

14 to be rude." I was like, "No, I don't." So I

15 introduced him to my supervisor, which is

16 Karen Jackson. So Karen helped him.

17 But I let her know that he

18 sometimes says stuff out of the way, like:

19 "Do you want to date me?" Or "Can I come pick

20 you up?" Or "Do you want to go out with me?"

21 And so she went to help him, and she was like,

22 "Barbara, I need help." So when she came

23 back, he just wanted stuff that every time she

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1 would go get something, he wanted something

2 else from that same section. It was like over

3 and over again like he did the previous Friday

4 when he was here with me.

5 And so I went to help her, and he

6 said, you know, "When can we go out?" I said,

7 "I don't do that." He said, "You sure are a

8 good-looking woman." I said, "Thank you."

9 And he went on to say something else. And

10 then I froze in my steps and I said, "Look, I

11 am an employee. You are a patron. I will

12 help you, but I will not put up with your

13 comments." And then I went and sat down, and

14 I began to weep.

15 And then, at that point, my

16 supervisor, Karen Jackson, came back, and she

17 said he tried to grab her. And then that's

18 when we said, well, okay, let's call security.

19 And so I called security, and this report

20 wasn't written until after my supervisor asked

21 for it.

22 Q. You didn't write this until after

23 security was called?

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1 A. No. I wrote my own accounts of

2 this. This is all Mr. Benny Williams' account

3 of what happened, which is a lot of details

4 are left out. It's just --

5 Q. But at no point --

6 A. -- not correct.

7 Q. Mr. Culver didn't try to touch

8 you? He didn't try to assault you; he didn't,

9 other than --

10 A. He tried to grab my hand as I was

11 walking away.

12 Q. Okay. You didn't say that

13 earlier, but --

14 MR. MOREL: So what if she didn't

15 say it earlier.

16 Q. At any point in time other than --

17 has Mr. Culver been back to the library?

18 A. Not to my knowledge.

19 Q. Okay. And you thought he was over

20 at the Alethia House?

21 A. Well, that's what he told me.

22 Q. That's what he told you?

23 A. Yeah.

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1 Q. You had testified earlier about
 2 the Alethia House and they come over there
 3 with a bus with a lot of patrons that come
 4 into the library. Are there any other
 5 organizations that come over there to the
 6 library like the Alethia House?
 7 MR. MOREL: Objection.
 8 Q. To your knowledge?
 9 MR. MOREL: Lack of predicate.
 10 A. I don't know. I just know that on
 11 Friday people from Alethia House come. And
 12 then, of course, bus loads of kids come from
 13 different places. I don't know exactly where
 14 they are coming from.
 15 Q. Okay.
 16 A. Church groups, day cares. I'm not
 17 really sure.
 18 Q. Okay.
 19 MR. FULLERTON: We can take a
 20 break if you want to.
 21 (Whereupon, a brief recess was
 22 taken.)
 23 Q. Ms. Wilson, do you have any other

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1 criminal convictions? Have you been charged
 2 with anything or found guilty of anything?
 3 A. No.
 4 Q. Do you have any type of moral or
 5 religious issues about pornography?
 6 A. I don't know how to answer that.
 7 MR. MOREL: Let me just for the
 8 record object to the vagueness and the lack of
 9 predicate, but you go ahead and answer the
 10 best you can.
 11 A. I do object to pornography. It
 12 has its place. If I was in a triple X book
 13 store, or I was in the privacy of my own home,
 14 or if I was somewhere that advocates that,
 15 that's fine. But I'm in a public setting in
 16 the library, and I would prefer not to see it
 17 on my job, nor would I like to see it at
 18 church where I'm trying to worship.
 19 Q. Have you ever been a victim of an
 20 assault or any type of crime?
 21 MR. MOREL: Let me just object
 22 just to say, are you saying has she ever filed
 23 a police report for assault?

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1 MR. FULLERTON: Regardless if she
 2 filed one or not.
 3 MR. MOREL: She did, and I'm not
 4 trying to split hairs, but she did say the guy
 5 grabbed her hand that time and I don't know
 6 what -- assault and battery can be kind of in
 7 the eyes of the beholder sometimes.
 8 Q. Well, let me rephrase the
 9 question. Have you ever filed any type of
 10 complaint against any individual for assault
 11 or sexual assault?
 12 MR. MOREL: Do you want to take a
 13 break?
 14 A. Yes, I want to take a break.
 15 MR. MOREL: Let me just talk to
 16 her for a second. Do you mind?
 17 MR. FULLERTON: I want an answer
 18 to the question. I usually don't do it
 19 between a --
 20 MR. MOREL: Why don't you just
 21 answer yes or no and then we'll take a break?
 22 A. Yes.
 23 MR. MOREL: All I want to do is

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1 make sure that if it's a sensitive area that I
 2 understand myself what the -- how far I can
 3 let you go with it and it may be fine.
 4 A. Yes.
 5 Q. And my question was just limited
 6 to, have you ever made a formal legal
 7 complaint with the police department or
 8 something of that nature, understand, as in
 9 criminal complaint?
 10 MR. MOREL: Other than the one
 11 that's part of this case?
 12 Q. Yes. Against someone for either
 13 physical or sexual assault?
 14 A. Yes.
 15 Q. Okay. The other side of the
 16 question is, have you been a victim and not
 17 made a complaint?
 18 MR. MOREL: You mean outside of
 19 any claims in this case?
 20 Q. Correct. For either assault or
 21 sexual assault.
 22 A. Could you define that?
 23 Q. Well, I mean --

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1 A. Touching?
 2 Q. Touching, whatever you may
 3 consider to be sexual assault?
 4 A. Yes.
 5 Q. Okay. The first question, what I
 6 asked earlier about the criminal complaint,
 7 the actual formal criminal complaint, what was
 8 the date of that, ma'am?
 9 A. It was 1987. I'm not really sure.
 10 It was the '80s.
 11 Q. Okay. And was that against
 12 someone that you know or a boyfriend?
 13 A. No one that I know.
 14 Q. What was the end result of that,
 15 ma'am? Was somebody prosecuted for that?
 16 A. I don't think so. I'm not really
 17 sure.
 18 Q. Okay. Do you know if there was a
 19 formal police investigation?
 20 A. I do believe there was.
 21 Q. Okay. To your knowledge, there
 22 wasn't a prosecution of that individual?
 23 A. To my knowledge, no.

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1 Q. On my second question, which I
 2 said there was not any type of formal criminal
 3 investigation or complaint or proceeding, when
 4 did that take place?
 5 A. At the library.
 6 Q. Okay. And when was that?
 7 A. Throughout my employment.
 8 MR. MOREL: That's why I had asked
 9 you whether you were talking about the claims
 10 made in this case.
 11 Q. That's what I was saying made
 12 outside of the claim?
 13 A. Outside of it?
 14 Q. I'm not talking about --
 15 A. No.
 16 Q. Have you ever been a victim of
 17 sexual abuse outside of this library?
 18 A. Oh, outside of the library?
 19 Q. Outside of the library and outside
 20 of this lawsuit.
 21 A. I need a break.
 22 MR. MOREL: Normally, I do not
 23 take breaks in between. I understand where

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1 you're coming from, but because --
 2 MR. FULLERTON: Normally, I don't
 3 either.
 4 MR. MOREL: But I'm going to
 5 insist on one now, and I'll just pay my price,
 6 whatever that may be for that, just because of
 7 the sensitive nature of the question. I don't
 8 know the answer.
 9 MR. FULLERTON: I think that the
 10 defendants have a right to know if there's
 11 something else going on, or if there's some
 12 other -- you know, because these are very
 13 highly sensitive issues. You can either say
 14 yes or no. I'm not asking for -- she can
 15 either say yes or no. I'm not asking for a --
 16 I'm not saying my next question wouldn't be to
 17 explain it.
 18 MR. MOREL: I'll just take a break
 19 as soon as she answers this thing, but let me
 20 first object to the question of you saying
 21 have you ever been the victim of sexual abuse.
 22 I'm just going to object to the question, to
 23 the form of the question as vague and lack of

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1 predicate, and you can answer it and then
 2 we'll take a break.
 3 Q. You can answer it, ma'am. Do you
 4 want me to rephrase it or ask the question
 5 again?
 6 A. Ask the question again.
 7 Q. Have you ever been a victim of
 8 sexual assault, sexual battery, other than
 9 this current lawsuit or the allegations made
 10 in this current lawsuit against the library
 11 and the Birmingham Board Library and the City
 12 of Birmingham?
 13 MR. MOREL: Let me object because
 14 that question has been asked and answered.
 15 A. Yes.
 16 Q. I didn't hear you.
 17 MR. MOREL: You can answer.
 18 A. Yes.
 19 MR. MOREL: If you're going to
 20 continue to ask questions, I would like a
 21 break, if you're done.
 22 MR. FULLERTON: You can take a
 23 break.

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1 MR. MOREL: All right. Let's take
 2 a break.
 3 (Whereupon, a brief recess was
 4 taken.)
 5 Q. Ms. Wilson, I don't want to be
 6 prying into your personal life, but I'm here
 7 to defend my clients for allegations that you
 8 made. You testified before we took a quick
 9 break that you had -- you said that you had
 10 been a victim of sexual assault. What was the
 11 date of that?
 12 A. I'm not sure. Maybe late '86,
 13 early '87. I'm not quite sure.
 14 Q. And that would be before your
 15 employment with the -- actually, with UAB and
 16 with the City of Birmingham?
 17 A. That's correct, yes.
 18 Q. Okay. Did you receive any
 19 counseling because of that?
 20 A. Yes.
 21 Q. And was that related to your --
 22 when I asked the earlier question about
 23 whether there was a prosecution, is that the

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1 same situation?
 2 A. Yes.
 3 Q. Okay. Other than that incident,
 4 were there any others? Are there any other
 5 incidents in which you've been a victim of
 6 sexual assault?
 7 A. No.
 8 MR. FULLERTON: Okay. Let me take
 9 a quick break.
 10 (Whereupon, a brief recess was
 11 taken.)
 12 Q. Ms. Wilson, I have one question to
 13 ask you, and it's just a yes or no question.
 14 The incident, was it a rape, ma'am?
 15 A. Yes.
 16 MR. FULLERTON: That's all I have.
 17 MR. MOREL: I've got just a couple
 18 of questions.
 19 EXAMINATION
 20 BY MR. MOREL:
 21 Q. You testified earlier that you
 22 were an employee of the library; is that
 23 right?

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1 A. Yes.
 2 Q. Were you also an employee of the
 3 City of Birmingham?
 4 A. Yes.
 5 Q. Did the City of Birmingham pay you
 6 for your work while you worked at the library?
 7 A. Yes.
 8 Q. Were you subject to the City of
 9 Birmingham's rules and regulations for city
 10 employees?
 11 A. Yes.
 12 Q. Were you provided with a handbook
 13 to that effect?
 14 A. Yes.
 15 MR. MOREL: That's all questions I
 16 have.
 17 MR. FULLERTON: I don't have
 18 anything further. Thank you Ms. Wilson.
 19
 20 (Whereupon, deposition concluded
 21 at 11:25 p.m.)
 22
 23 FURTHER DEPONENT SAITH NOT

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1 C E R T I F I C A T E
 2
 3 S T A T E O F A L A B A M A)
 4 J E F F E R S O N C O U N T Y)
 5
 6 I H E R E B Y C E R T I F Y that the above
 7 and foregoing transcript was taken down by me
 8 in stenotype, and the questions and answers
 9 thereto were transcribed by means of
 10 computer-aided transcription, and that the
 11 foregoing represents a true and correct
 12 transcript of the testimony given by said
 13 witness.
 14 I F U R T H E R C E R T I F Y that I am
 15 neither of counsel, nor of any relation to the
 16 parties to the action, nor am I anywise
 17 interested in the result of said cause.
 18
 19
 20 /s/Tanya D. Cornelius
 21 TANYA D. CORNELIUS
 22 CCR No. 378
 23 Notary Expires 9/16/14

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

**DEFENDANT'S
EXHIBIT**

BARBARA ANN WILSON,)

Plaintiff,)

v.)

THE BIRMINGHAM PUBLIC LIBRARY FOUNDATION;)
and THE CITY OF BIRMINGHAM, ALABAMA;)

Defendants.)

CV NO.: _____

1

COMPLAINT

JURISDICTION AND VENUE

1. This is a suit for violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et. seq.* and the Civil Rights Act of 1991.
2. The jurisdiction of this Court is invoked pursuant to Title VII of the Civil Rights Act of 1964, as amended.
3. The unlawful employment practices and acts of discrimination about which the Plaintiff complains were committed in Jefferson County, Alabama.

PARTIES

4. Plaintiff, Barbara Ann Wilson, is a female citizen of the United States over the age of nineteen (19) and is a resident of the State of Alabama.
5. Defendant, Birmingham Public Library Foundation is an entity organized and operating in the State of Alabama.
6. Defendant, City of Birmingham, Alabama is a municipal entity in the State of

Alabama.

ADMINISTRATIVE REMEDIES

7. The Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) within 180 days of the acts of discrimination of which she now complains.
8. The Plaintiff received a Notice of Right to Sue letter from the EEOC within 90 days of filing this action.
9. All conditions precedent to the institution of this lawsuit have been fulfilled.

FACTUAL ALLEGATIONS

10. The Defendants operate the downtown branch of the Birmingham Public Library.
11. The Plaintiff has been employed by the Defendants since on or about August 12, 2002.
12. The Plaintiff is employed as a Library Assistant III.
13. The Defendants have installed computers in various parts of the library in such a manner as to make it difficult, if not impossible, for staff and/or other patrons to avoid viewing the material displayed on the computer terminals.
14. The computers are routinely used to access obscene and pornographic materials.
15. The images displayed on the computer terminals are of an explicit sexual nature depicting heterosexual intercourse, homosexual acts, pictures of male and female genitalia, and apparent child pornography.
16. During the course of her employment, the Plaintiff has been subjected to a sexually hostile work environment which consists of severe, pervasive, unwelcomed and offensive obscene and pornographic materials on said

computers.

17. In addition, the Plaintiff has been exposed to sexually aggressive comments, touching, including touching of her breasts, shoulders and buttocks and other conduct of a sexual nature by certain patrons of the library.
18. Plaintiff has also been subjected to patrons who masturbate in the library in the presence of staff and other patrons, including children.
19. The Plaintiff has reported the above sexual misconduct to library management multiple times, both verbally and in writing.
20. The Defendants have completely failed to adequately address the sexually hostile work environment which, as a result of said failure, continues to exist at the downtown branch of the Birmingham Public Library.
21. On numerous occasions, the Plaintiff has observed patrons accessing obscene and pornographic materials in the presence and/or plain view of children who were nearby.
22. On many occasions, when the Plaintiff would attempt to confront patrons engaged in the above-described behavior, the patron would become belligerent. Plaintiff has been stared at, screamed at, and followed around the library by patrons whom have engaged in said behavior.
23. The Plaintiff has suffered severe and substantial emotional distress and mental anguish as a result of the Defendant's failure to adequately protect her from a sexually hostile work environment. It is increasingly difficult for the Plaintiff to come to the work place on a daily basis to be confronted with the obscene and sexual misconduct that is ongoing at the downtown branch of the Birmingham

Public Library.

COUNT ONE
TITLE VII - Sexual Harassment
(Hostile Work Environment)

24. The Plaintiff adopts and re-alleges each paragraph set forth above as if fully set forth herein.
25. The above-described wrongful conduct on the part of the Defendants constitutes the creation and/or allowance of a sexually charged hostile work environment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et. seq.* and the Civil Rights Act of 1991.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests the entry of judgment under Title VII against the Defendants for sexual harassment and/or hostile work environment, pursuant to an Order by which the Court:

- (a) awards compensatory damages for mental anguish;
- (b) awards punitive damages;
- (c) awards injunctive relief;
- (d) awards that equitable relief which is fair, reasonable and just;
- (e) awards a reasonable attorney's fee; and
- (f) taxes costs against the Defendants.

PLAINTIFF DEMANDS TRIAL BY A STRUCK JURY.

s/Adam P. Morel

Adam P. Morel

ATTORNEY FOR PLAINTIFF

OF COUNSEL:

LAW OFFICES OF ADAM MOREL, LLC

517 Beacon Parkway West

Birmingham, Al 35209

Telephone (205) 945-9210

Facsimile (205) 943-9338

Please Serve Defendants by Certified Mail

The Birmingham Public Library Foundation

c/o Renee Blalock, Registered Agent

2100 Park Place

Birmingham, AL 35203

The City of Birmingham, Alabama

c/o Paula R. Smith, City Clerk

Office of the City Clerk

City Hall-3rd Floor

710 North 20th Street

Birmingham, Alabama 35203

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Ag 2

FEPA
 EEOC

420-2010-00065

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Barbara Wilson

Home Phone (Incl. Area Code)

(205) 413-9632

Date of Birth

09-09-1967

Street Address

City, State and ZIP Code

3330 Shallowford Circle, Birmingham, AL 35216

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BIRMINGHAM PUBLIC LIBRARY

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(205) 226-3690

Street Address

City, State and ZIP Code

2100 Park Place, Birmingham, AL 35203

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12-12-2008

08-27-2009

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a female and I was hired by the above named employer in April 2002, as a library assistant. I have subsequently been promoted to a librarian III. Since the start of my employment and continuing, I have been subjected to a sexually hostile work environment due to clients/patrons who used the library. I have on numerous occasions protested to management that I am tired of being subjected to pornographic material/web sites in the library. I have protested to management that they created a hostile work environment in the library. Management will not address the issue of people trolling pornographic web sites, masturbating and sexually harassing employee. The most recent incident of sexual harassment occurred on or about August 27, 2009, when a male patron continued to masturbate in public. A male positioned himself so that females in the room could observe his behavior. There are times when I have to log patrons on the web sites and there is no way I can avoid seeing pornographic images while conducting job functions in the library.

I believe that I was discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

**RECEIVED
EEOC**

OCT - 7 2009

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

BIRMINGHAM DISTRICT OFFICE

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Oct 07, 2009

Date

Barbara Ann Wilson

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Birmingham Public Library
2100 Park Place
Birmingham, Alabama 35203
<http://www.bplonline.org>

**DEFENDANT'S
EXHIBIT**

3

Internet Access and Safety Policy & Guidelines

Mission

The mission of the Birmingham Public Library is to provide the highest quality library service to our citizens for life long learning, cultural enrichment and enjoyment.

Policy

The Birmingham Public Library provides Internet access to the public in order to make available a vast array of information resources and to allow members of the public to become familiar with state-of-the-art information technology.

The Birmingham Public Library has no control over the information accessed through the Internet and cannot be held responsible for its content or accuracy. Users are hereby notified that they are responsible for the access points they reach. Parents of minor children must assume responsibility for their children's use of or exposure to the Internet through the library's connection.

The Birmingham Public Library subscribes to a filtering service that has been installed on all public and staff Internet computer workstations. However, the filtering service will be turned off at the request of any adult user. The filtering service limits the amount of pornographic or obscene materials available on the Internet, but no filtering service is completely effective. The Library does not control or edit what is made available or filtered out by this service.

The Internet and its resources contain a wide variety of information and opinions from varied points of view. The library strives to balance the rights of users to access these resources with the rights of people to work in a public environment free from disruptive sounds and offensive visuals. There are information resources on the Internet that are inappropriate for display in a public setting. Staff members will request that a patron end an Internet session if in the staff member's judgement, the site is inappropriate. Illegal or disruptive activities that interfere with users, services, or equipment are prohibited. The library does not permit the use of chat rooms and other Internet services and products that do not support the library's mission.

Dissemination or public display of obscene matter is a misdemeanor in Alabama.
(13A-12-200.3)

Dissemination or public display of obscene matter containing visual reproduction of persons under 17 years of age involved in obscene acts is a Class B felony in Alabama.
(13A-12-191)

Violation of ordinances 13A-12-200.3 and 13A-12-191 may subject you to loss of library privileges or criminal prosecution. Copies obtained from the Internet may be subject to copyright law. Violation of the law may subject you to an action for damages and/or an injunction.

Internet Access

The Internet, a worldwide network of computer networks, is an essential medium for obtaining and transmitting information of all types. Therefore, public access to the Internet is germane to the Birmingham Public Library (the Library) mission.

However, the Internet is an unregulated medium. It also provides access to information that is inaccurate or illegal or that some may find offensive or disturbing. The Library will identify on its web site specific Internet sites that have potential interest for Library users. But the Library cannot control a user's access to other Internet resources.

I. Responsibilities of BIRMINGHAM PUBLIC LIBRARY Users and Staff

Library staff will not monitor a user's Internet use, except for length of use of computers in order to ensure equal opportunity of access for everyone. The user, or the parent of a minor who is a user, is responsible for his or her Internet session(s) at all times.

The Library reserves the right to terminate an Internet session that disrupts Library services or that involves user behavior in violation of the Internet policies or rules as set forth in this Policy or the Birmingham Public Library Rules of Behavior (adopted by the Birmingham Public Library Board on April 24, 1994).

Parents are responsible for their minor children's use of the Library's resources and facilities. As with all Library resources, the Library affirms the right and responsibility of parents/guardians, NOT Library staff, to determine and monitor their minor children's use of the Internet. Parents who believe that their children cannot responsibly use the Library's Internet access are requested to monitor their children's Internet use.

II. Unacceptable Uses of Network and/or Computers

Among the uses that are considered unacceptable and which constitute a violation of this Policy are the following:

A. Uses that violate the law or encourage others to violate the law. Transmitting of offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by law; viewing, transmitting or downloading pornographic materials or materials that encourage others to violate the law; uses that are harmful to minors; downloading or transmitting confidential, trade secret information, or copyrighted materials. Even if materials on the networks are not marked with the copyright symbol, users should assume that all materials are protected unless there is explicit permission on the materials to use them.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning:

any picture, image, graphic image file, or other visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or

simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Violations Specific to Alabama include these:

Dissemination or public display of obscene matter is a misdemeanor in Alabama. Code of Alabama 13A-12-200.3

Dissemination or public display of obscene matter containing visual reproduction of person under 17 years of age involved in obscene acts is a Class B felony in Alabama. Code of Alabama 13A-12-191.

Violation of the above ordinances 13A-12-200.3 and 13A-12-191 may subject you to loss of library privileges or criminal prosecution.

Copies obtained from the Internet may be subject to copyright law. Violation of the law may subject you to an action for damages and/or an injunction.

B. Uses that cause harm to others or damage to their property. Engaging in defamation (harming another's reputation by lies); uploading a worm, virus, "Trojan horse," "time bomb" or other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or information systems.

C. Uses that jeopardize the security of the computer network or other networks on the Internet. Disclosing or sharing the user's library card password with others; impersonating another user; using one's own software programs on the Library's computers; altering the Library computer settings; damaging or modifying computer equipment or software.

D. Uses that compromise the safety and security of minors by means of e-mail, chat rooms and other forms of direct electronic communications: Children under 16 years of age may not disseminate private information about themselves or others. This includes giving out credit card and Social Security numbers and arranging without the permission parents any face-to-face meetings with others they have "met" on the computer network or Internet.

III. Internet Safety

A. General Warning; Individual Responsibility of Parents and Users. All users and their parents/guardians are advised that access to the electronic network may include the potential for access to materials inappropriate for children. Every user must take responsibility for his or her use of the computer network and Internet and stay away from these sites. Parents of minors are the best guides to materials to shun. If a child finds that other users are visiting offensive or harmful sites, he or she should report such use to Library staff.

B. Personal Safety: Minors using the computer network or Internet should not reveal personal information. They should never give out a home address or telephone number, real last name, or any other information to people who might try to locate them. Children should not arrange face-to-face meetings with people they have "met" on the Internet. Regardless of age, users should never agree to meet people they have communicated with on the Internet in a secluded place or a private setting.

C. "Hacking" and Other Illegal Activities. It is a violation of this Policy to use the public Library computer network or the Internet to gain unauthorized access to other computers or computer systems, or to attempt to gain such unauthorized access. Any use which violates state or federal law relating to copyright, trade secrets, the distribution of obscene

or pornographic materials, or which violates any other applicable law or municipal ordinance, is strictly prohibited.

D. Confidentiality of Library Records:

Code of Alabama 41-8-10. Registration, etc. records of public libraries to be confidential; right of parents to inspect records.

Code of Alabama 36-12-40. Inspection and Copying of Records.

Personally identifiable information concerning users may not be disclosed or used in any way on the Internet without the permission of a parent or guardian (of a minor child), or the permission of the user himself/herself. Users should never give out private or confidential information about themselves or others on the Internet, particularly credit card numbers and Social Security numbers. The Library director may authorize the release of directory information, as defined by the Code of Alabama, for internal administrative or planning purposes. Any disclosure of current patron information to legal authorities, as required by law with search warrant or subpoena, must be authorized by the Director of the Library.

IV. Disclaimers

While the Library endeavors to provide access to information of the highest quality, the Library specifically disclaims any warrant as to the information's accuracy, timeliness, authority, usefulness or fitness for a particular purpose.

The Library will have no liability for direct, indirect or consequential damages related to the use of information accessed through the Library's Internet service.

Since software and information downloaded from any sources, including the Internet, may contain computer viruses, users are advised to utilize virus-checking software on their home computers. The Library is not responsible for damage to users' disks or computers or for any loss of data, damage or liability that may occur from use of the Library's computers or ultimately to the Library for a specified amount of time.

V. Procedures

The Birmingham Public Library has developed rules, policies and procedures to ensure the fair and reasonable use of Internet access at each Library location. These rules may vary slightly according to local branch resources.

VI. Response to Violations

The user's access to the Library's computer network and Internet is a privilege, not a right. A user violates this Policy by his or her own action or by failing to report any violations by other users that come to the attention of the user. Further, a user violates this Policy if he or she permits another to use his or her Library card account or password to access the computer network and Internet. Failure to comply with this Policy and its procedures may result in the forfeiture of the user's right to access Library computers or ultimately to the Library for a specified amount of time.

Guidelines

These guidelines apply to all users of the Birmingham Public Library's public computers. Failure to comply with these guidelines will result in the loss of library privileges.

You are expected to observe the Rules of the Birmingham Public Library as adopted by the Library Board on April 21, 1994.

Internet access is available during all regular operating hours. Basic instructions for use will be available.

Time limits are established for use according to location and demand.

Reservations for public computer use may be made one day in advance.

Location and demand determine the length of reserved time slots. Appointments begin and end at the scheduled times.

No more than two patrons may use a computer at one time.

Information may be saved by printing or downloading to your own diskette. Copies cost \$.15 (fifteen cents) per page. The Birmingham Public Library is not responsible for any damage to your disk or computer resulting from information downloaded from a library computer.

Revised by the Birmingham Public Library Board June 27, 2002

Page Last Modified: 7/24/2008 3:21 PM

Birmingham Public Library
2100 Park Place
Birmingham, Alabama 35203
<http://www.bplonline.org>

**DEFENDANT'S
EXHIBIT**



Birmingham Public Library


Library Rules

The library is intended to be used for reading, studying, writing, and privately listening to audio materials. In order to provide for the safety and comfort of our patrons, as well as for the security of the building and library materials, we ask your cooperation with the following rules.

1. Everyone is welcome at the library. Authorized entrances and exits must be used.
2. Noisy or disruptive behavior is prohibited. Any verbal abuse or threatening gestures, whether toward staff or patrons, will not be allowed.
3. Library materials may not be taken into rest rooms.
4. Rest rooms are to be used for their obvious purposes only.
5. No smoking or tobacco use is allowed anywhere in the library. (Birmingham Code, Sec. 11-9-10 Smoking in public places)
6. Food or drinks are only allowed in designated areas.
7. Patrons may not use library materials or facilities in any manner that would likely cause the materials or facilities to be damaged.
8. Library users are prohibited from non-public areas.
9. All library materials must be checked out before leaving the building. Reference materials may not be removed from the library. Anyone who attempts to remove these materials may be prosecuted.
10. All bags, briefcases, backpacks, bedrolls, containers, books, papers, and similar items are subject to inspection by library security.
11. Anyone who steals or vandalizes library property may be prosecuted.
12. Only service animals are allowed in the library.
13. As stated above, the library is intended to be used for reading, studying, writing, and private listening of library audio material; the library is not to be used as a place to sleep.
14. Users must be fully clothed in the library including shoes and shirts.
15. No weapons of any kind are permitted in the library.
16. Library equipment made available for public use must be operated in accordance with the guidelines established by the library.
17. Children aged seven (7) and under should not be left in the Library without a parent or other responsible adult.
18. Safety regulations governing the use of elevators and escalators must be observed.
19. Any illegal act or conduct in violation of federal, state, or local law, ordinance or regulation is not permitted.

These rules are statements of existing policies as adopted by the Birmingham Public Library Board. Any violation of these rules could result in expulsion from the library. Library employees have been authorized by the Board to enforce these rules.

*Adopted by the Birmingham Public Library Board on April 21, 1994.
Revised August 23, 2007*



Page Last Modified: 9/4/2009 1:34 PM

SPECIAL INCIDENT REPORT

DEFENDANT'S
EXHIBIT

Time/Date Occurred: 1:30pm 7/14/08 Time: 5 Date: 1:35pm 7/14/08

Type of Incident: Open Exposure Reported by: Barbara Wilson

Location (be specific): 2nd Fl. Art & Music Dept.

Victim Name: Ebonee Mason Home Phone: 833-0257 DOB: 3/13/93

Home Address: 7212-Opoto Ave So. City, State, Zip Bham, ALA 35215

Witness/Victim: _____ Home Phone: _____ DOB: _____

Address: _____ City, State, Zip _____

Agency Notified: BPL Security Responding Officer: BEN WILLIAMS

Describe Injury or Loss:

Describe the incident, in chronological order. Include full name, address and date of birth of all persons involved. Attach additional pages if necessary. Include final disposition or status of victims, property, etc.

about 1:35pm 7/14/08 officer Ben Williams got a call about a black male wearing a stripe shirt, blue jeans tall, wearing eye glasses and tan shoes about 50 or 55 years old. Ms. Wilson told officer Williams this man showed Ms. Ebonee Mason his private part on the 2nd floor, while she was using the computer, also followed her to the 3rd fl. Officer Williams searched both Building and saw him walking down Park Place outside leaving the library. Officer Williams called Ms. Mason parents told them about incident, then went to the security camera made photocopy of the man Ms. Mason described, also asked Ms. Mason is this the man, Ms. Mason said yes.

Property Recovered/Destroyed:

Victim's Status:

Supervisor's Signature: Ted Campbell Date: 7/14/08

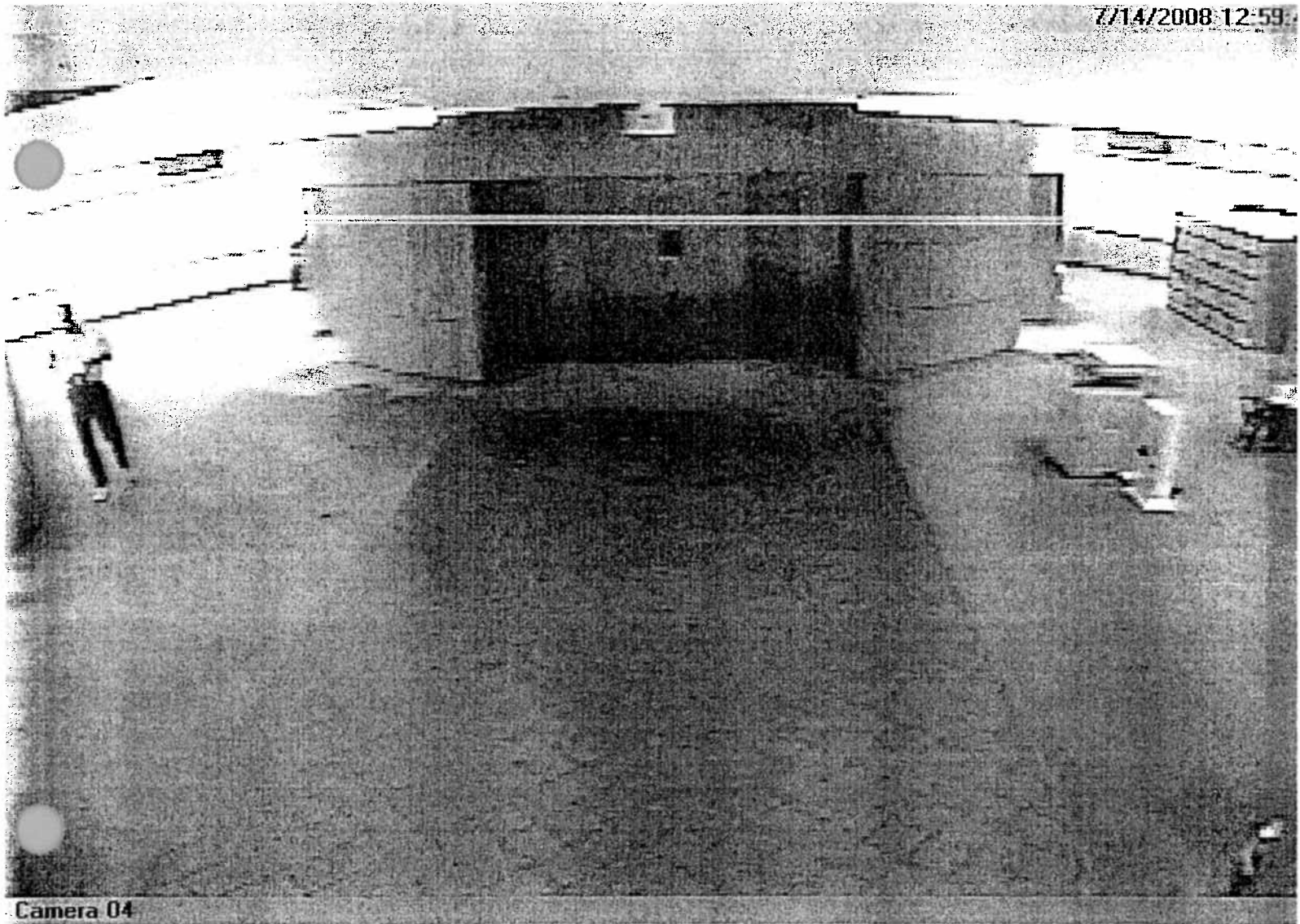
Reporting Party's Signature: Officer Ben Williams Date: 7/14/08



Camera 08

Approx 1:27

7/14/2008 12:59:4



Camera 04

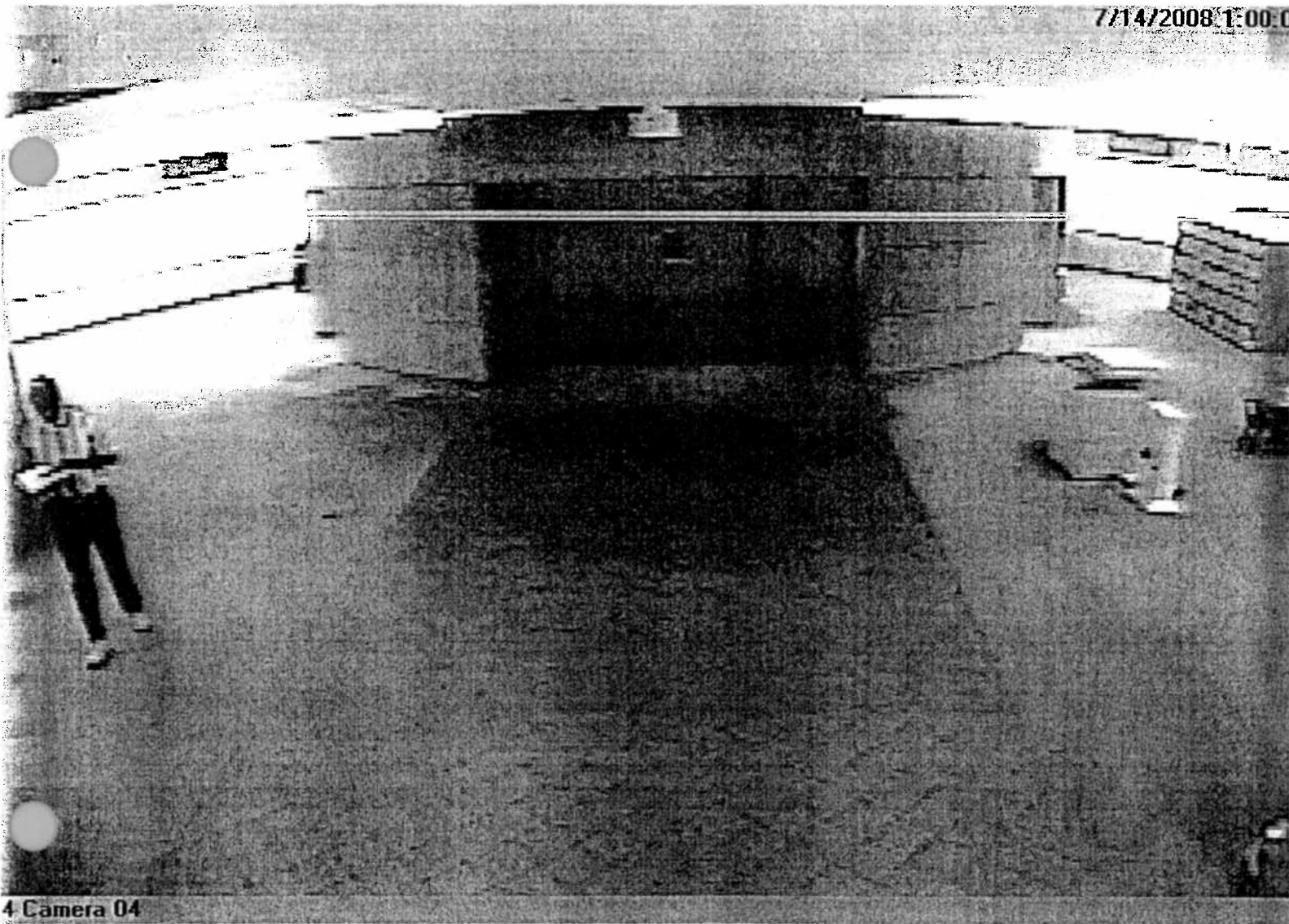
7/14/2008 1:07:3



8 Camera 08

Approx 1:27

7/14/2008 1:00:0



4 Camera 04

Approx 1:20

7/14/2008 1:07:3



Camera 08

On December 2, 2008, a male patron approached me with a library related question. He told me when he tried to log on to the computer it wouldn't let him. I told him that his library card may be expired that he needed to go down to the circulation desk to see if his card was expired or if he had a fine. Then I proceeded to complete the morning list. So, I attempted to walk past the patron. The patron tried to rub up against me as I walked passed him. I then tried to continue to complete my task but the male patron continued to follow me. At this point, I let my immediate supervisor know that I felt physically threaten and I was prepared to defend myself. He told me to stay at my desk and I did.

Barbara Ann Wilson

BIRMINGHAM POLICE INCIDENT/OFFENSE REPORT

1. <input checked="" type="checkbox"/> INCIDENT <input type="checkbox"/> OFFENSE <input type="checkbox"/> SUPPLEMENT <input type="checkbox"/> INTELLIGENCE		PAGE 1 OF 1		2. CASE # 0191031747		3. S															
4. ORI# 0010200		5. DATE AND TIME OF THIS REPORT 10 12 09 1100 MT		6. COMMAND NORTH		7. IF SUPPLEMENT ORIGINAL OFFENSE DATE M <input type="checkbox"/> D <input type="checkbox"/>															
REPORTED BY <input type="checkbox"/> 1. VICTIM OR <input checked="" type="checkbox"/> 2. WILSON, BARBARA		9. ADDRESS HOUSE NO./STREET NAME/STREET TYPE/STREET DIRECTION/APT./CITY/ZIP 2100 Park Pl. Bham Library Bham AL				10. PHONE (HOME) 226-369															
11. <input type="checkbox"/> 1. VICTIMS MULT <input type="checkbox"/> 2. L. E. OFFICER	12. VICTIM(LAST, FIRST, MIDDLE NAME)		13. ADDRESS HOUSE NO./STREET NAME/STREET TYPE/STREET DIRECTION/APT./CITY/ZIP				14. PHONE (HOME)														
	15. EMPLOYER/SCHOOL		16. OCCUPATION		17. ADDRESS HOUSE NO./STREET NAME/STREET TYPE/STREET DIRECTION/APT./CITY/ZIP				18. PHONE (BUS.)												
	19. <input checked="" type="checkbox"/> 1. RESIDENT <input type="checkbox"/> 2. NON-RESIDENT		20. INJURY <input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N		21. RACE 1. W 2. B 3. I 4. O		22. SEX <input type="checkbox"/> 1. M <input type="checkbox"/> 2. F		23. HGT		24. WGT		25. DOB 09 10 67		26. AGE		27. OFFENDER KNOWN TO VICTIM <input type="checkbox"/> 1. Y <input checked="" type="checkbox"/> 2. N		28. VICTIM WAS (EXPLAIN RELATION)		29. CC
30. TYPE INCIDENT OR OFFENSE <input type="checkbox"/> 1. FEL <input type="checkbox"/> 2. MISD. INCIDENT						31. DEGREE		32. NCIC/UCR		33. STATE CODE/LOCAL ORDIN											
34. TYPE INCIDENT OR OFFENSE <input type="checkbox"/> 1. FEL <input type="checkbox"/> 2. MISD.						35. DEGREE		36. NCIC/UCR		37. STATE CODE/LOCAL ORDIN											
38. PLACE OF OCCURRENCE HOUSE NO./STREET NAME/STREET TYPE/STREET DIRECTION/APT. 2100 Park Pl. Bham Library "Bham AL. 35203														39. SECTOR N/121							
EVENT		40. POINT OF ENTRY <input type="checkbox"/> 1. DOOR <input type="checkbox"/> 2. WINDOW <input type="checkbox"/> 3. ROOF <input type="checkbox"/> 4. OTHER		41. METHOD OF ENTRY <input type="checkbox"/> 1. FORCIBLE <input type="checkbox"/> 2. NO FORCE		42. ASSAULT <input type="checkbox"/> 1. SIMPLE <input type="checkbox"/> 2. AGGR.		43. TREATMENT FOR ASSAULT INJ. <input type="checkbox"/> 1. YES <input type="checkbox"/> 2. NO		43.1. HOSP.											
		OCCURRED ON OR BETWEEN		45. MT 10 12 09 1000		46. <input type="checkbox"/> 1. S <input type="checkbox"/> 2. M <input type="checkbox"/> 3. T <input type="checkbox"/> 4. W <input type="checkbox"/> 5. T <input type="checkbox"/> 6. F <input type="checkbox"/> 7. S		47. LIGHTING <input type="checkbox"/> 1. NATURAL <input type="checkbox"/> 2. MOON <input type="checkbox"/> 3. ART. EXT. <input type="checkbox"/> 4. ART. INT. <input type="checkbox"/> 5. UNK		48. WEATHER <input type="checkbox"/> 1. CLEAR <input type="checkbox"/> 2. CLOUDY <input type="checkbox"/> 3. RAIN <input type="checkbox"/> 4. FOG <input type="checkbox"/> 5. SNOW <input type="checkbox"/> 6. HAIL <input type="checkbox"/> 7. UNK		49. PREMISE <input type="checkbox"/> 1. HWY-ST-ALLEY <input type="checkbox"/> 2. RAILROAD <input type="checkbox"/> 3. RESIDENCE <input type="checkbox"/> 4. CHURCH <input type="checkbox"/> 5. SCHOOL <input type="checkbox"/> 6. CONVENIENCE <input type="checkbox"/> 7. INDUSTRIAL		50. CODE							
54. VERIFY FOR RAPE EXAM <input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N		55. TREAT. FOR RAPE INJURY <input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N		56. CIRCUMSTANCES/LOCATION CODE FOR RAPE/HOMICIDE		57. CODE		58. WEAPON USED <input type="checkbox"/> 1. FIREARM <input type="checkbox"/> 2. KNIFE <input type="checkbox"/> 3. HANDS, FISTS, ETC. <input type="checkbox"/> 4. OTHER DANGEROUS				59. DESCRIPTION OF WEAPONS/TOOLS USED IN BLOCK 58									
58. WEAPON USED		59.1. EVIDENCE TECH. CALLED <input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N																			
PROPERTY DESCRIPTION		60. QUANTITY		61. STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, COLOR, ETC.)						62. SER. NO:		63. TYPE CODE		DOLLAR VALUE							
TYPE CODE		1. MOTOR VEH.		3. JEWELRY		5. FIREARMS		7. ELECTRONICS		9. CONSUMABLE GOODS		11. MISC.		STATUS CODE		1. STOLEN		2. RECOVD.		3. DAMAGED	
VEHICLES		75. CHECK CATEGORIES <input type="checkbox"/> 1. STOLEN <input type="checkbox"/> 2. RECOVERED <input type="checkbox"/> 3. SUSPECTS VEH. <input type="checkbox"/> 4. VICTIMS VEH. <input type="checkbox"/> 5. UNAUTH. USE <input type="checkbox"/> 6. ABANDONED/FOUND																			
		76. # STOLEN		77. LIC.		78. LIS.		79. LIY.		80. TAG COLOR		81. VIN. #		75.1. PULL IN #							
		82. VYR		83. VMA		84. VMO		85. VST		86. VCO: TOP: BOTTOM:		87. ADDITIONAL DESCRIPTION									
		STOLEN MTR. VEH. ONLY		88. AREA STOLEN <input type="checkbox"/> 1. BUS. <input type="checkbox"/> 2. RES. <input type="checkbox"/> 3. RUR				89. OWNERSHIP VERIFIED BY: <input type="checkbox"/> 1. TAG RECEIPT <input type="checkbox"/> 2. BILL OF SALE <input type="checkbox"/> 3. TITLE <input type="checkbox"/> 4. OTHER				90. WARRANT SIGNED <input type="checkbox"/> 1. N <input type="checkbox"/> 2. Y #									
		91. AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)																			
		MOTOR VEH. RECOVERY ONLY		93. STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N WHERE?						94. RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N WHERE?											

INCIDENT/OFFENSE REPORT CONT'D	95. DATE AND TIME OF REPORT	96. CASE #	97. SFX	98.
	100209 1100	0911031747		<input type="checkbox"/> 1. DEFENDANT <input type="checkbox"/> 2. SUSPECT <input type="checkbox"/> 3. MISSING PERSON <input type="checkbox"/> 4. MULTIPLE

99. NAME (LAST, FIRST, MIDDLE)	100. NICKNAME/ALIAS	101. RACE 1. W 2. B 3. H 4. O	102. SEX <input checked="" type="checkbox"/> 1. M <input type="checkbox"/> 2. F	103. DOB	104. AGE
UNK					

105. ADDRESS (STREET, CITY, STATE, ZIP)	108. HGT	107. WGT.	108. EYE	109. HAIR	110. COMPLEXION
	59	180	BLU	BLK	MEO

111. PROBABLE DESTINATION	112. ARMED?	113. WEAPON
UNK	<input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N <input type="checkbox"/> 3. UNK	

114. SCARS, MARKS, TATTOOS, CLOTHING	115. <input type="checkbox"/> 1. ARRESTED <input type="checkbox"/> 2. WANTED
white hood - blue jeans	

116. NAME (LAST, FIRST, MIDDLE)	117. NICKNAME/ALIAS	118. RACE 1. W 2. B 3. H 4. O	119. SEX <input type="checkbox"/> 1. M <input type="checkbox"/> 2. F	120. DOB	121. AGE

122. ADDRESS (STREET, CITY, STATE, ZIP)	123. HGT	124. WGT.	125. EYE	126. HAIR	127. COMPLEXION

128. PROBABLE DESTINATION	129. ARMED?	130. WEAPON
	<input type="checkbox"/> 1. Y <input type="checkbox"/> 2. N <input type="checkbox"/> 3. UNK	

131. SCARS, MARKS, TATTOOS, CLOTHING	132. <input type="checkbox"/> 1. ARRESTED <input type="checkbox"/> 2. WANTED

WITNESSES	133. NAME (LAST, FIRST, MIDDLE)	134. ADDRESS (STREET, CITY, STATE, ZIP)	135. RES. PHONE	136. BUS. PHONE
	#1			
	#2			
	#3			
	#4			

137. The R/person stated that on this date between the listed times the suspect came to the 3rd floor of the listed location. The R/person "library employee" stated that the suspect went to computer 4 and began to operate it. The R/person stated that she observed pornographic material "sites" on the computer that the suspect was using. The R/person stated that when she confronted the suspect he ran out of the library. The R/person found that the suspect had opened other pornographic sites on the computer. The R/person spoke with city magistrate. Magistrate stated to issue a trespassing warning on the suspect.

I HEREBY AFFIRM THAT I HAVE READ THIS REPORT AND THAT ALL INFORMATION GIVEN BY ME IS CORRECT TO THE BEST OF MY KNOWLEDGE. I WILL ASSUME FULL RESPONSIBILITY FOR NOTIFYING THIS AGENCY IF ANY STOLEN PROPERTY OR MISSING PERSON HEREBY REPORTED IS RETURNED. I AGREE TO ASSIST IN THE PROSECUTION OF THIS OFFENSE.	138. PROPERTY RECEIPT #
SIGNATURE: <i>[Signature]</i>	139. STATE USE

RELATED CASES	140. CASE #	141. SFX	142. CASE #	143. SFX	144. CASE #	145. SFX	146.

ADMINISTRATION	147. CASE STATUS:	148. CASE DISPOSITION:	EXCEPTIONAL CLEARANCE	149. REPORTING OFFICER	ID #
	<input type="checkbox"/> 1. PENDING <input type="checkbox"/> 2. INACTIVE <input type="checkbox"/> 3. CLOSED	<input type="checkbox"/> 1. CLEARED BY ARREST (JUV) <input type="checkbox"/> 2. CLEARED BY ARREST (ADULT) <input type="checkbox"/> 3. UNFOUNDED	<input type="checkbox"/> 4.1 SUSPECT/OFFENDER DEAD <input type="checkbox"/> 4.2 OTHER PROSECUTION <input type="checkbox"/> 4.3 EXTRADITION DENIED <input type="checkbox"/> 4.4 LACK OF PROSECUTION <input type="checkbox"/> 4.5 JUVENILE NO REFERRAL <input type="checkbox"/> 4.6 DEATH OF VICTIM	CARTER, P. T.	2555
				150. ASSISTING OFFICER	ID #
				151. SUPERVISOR APPROVAL ID #	152. <input type="checkbox"/> 1. DRUGS RELATED <input type="checkbox"/> 2. COMPUTER RELATED <input type="checkbox"/> 3. GANG RELATED
			153. DATA ENTRY CLERK ID #	154. DATE AND TIME OF DATA ENTRY	

SPECIAL INCIDENT REPORT FORM

Time/Date Occurred: 10:50am 10/12/09 Time/Date Reported: 10:50am 10/12/09

Type of Incident: Purno. Reported by: Vera Broussard

Location: (be specific) 3rd Floor Science & Tech

Victim Name: BPL (Central) Home Phone: 2263690000 DOB:

Home Address: 2100 Park Pl City, State, Zip 35203

Witness/Victim: Home Phone: DOB:

Address: City, State, Zip

Agency Notified: Birmingham Police Responding Officer: Officer Tracy Carter

Describe Injury or Loss:

Describe the incident, in chronological order. Include full name, address and date of birth of all persons involved. Attach additional pages if necessary. Include final disposition or status of victims, property, etc.

A Black Male medium build wearing a white hooded jacket sitting at computers on third floor East Building watching Purno, Staff approaching him, the patron got up and left the building in a hurry. Security was called and Police called to make a official report with TRESPASS - Bob & Rick for IT Service try to retrieve Patron Name.

Case no. 31749

P.S Vera Broussard can identify Patron

Property Recovered/Destroyed:

Victim's Status: Vera Broussard

Supervisor's Signature

Date:

Reporting Party's Signature Sgt Freddie Lewis

Date: 10/12/09

Date/Time	01/12/2010 3:55pm	Location	BPL 2100 Park Place
Type of Incident	exposure	Reported by	STAFF Business, Science, Tech
Location of incident (be specific)	3rd Floor Business Science Technology		
Date and time occurred:	01/08/2010 1:10pm		
Full Name	Mr Robert Earle Jones		
Race	B	Sex	m
Age		D.O.B	
Address	111 13th Street West Birmingham		Phone 7861503
Employer/School			
Address			Phone
Witness Full Name	Ms Barbara A Wilson AND Ms Vera Broussard		
Address	BPL STAFF MEMBERS		Phone 2263690
Vehicle involved:	Year	Make	Type Lic.No.
Describe the Incident	ON 01/08/2010 A Barbara Ann Wilson AND Vera Broussard observed Mr Jones stroking his private parts while looking at two young girls in the Financial Periodical Section of Business Science & Technology. When one of the little girl got up from her seat, Mr Jones appeared to follow her down the escalator. Later he return back to his seat once the little girl came back to her seat, once again Mr Jones continue to stimulate himself while looking in direction of the young girl then he left the library. He return today 01/12/2010 approx 3:30pm in Security was notify Sgt Lewis AND Officer James howe confronted Mr Jones and ask him to leave the area and return to the library.		
Reporting Party's Signature			Date
Reporting Officers Signature			Date
Supervisor's Signature	Sgt Freddie Lewis		Date 1/12/2010

Subject: Incident/Offense Report

From: <jclwebhelp@jcl.org>

Date: 12 Jan 2010 16:12:53 -0600

To: <mlee@bham.lib.al.us>

Date: 01/12/2009
Time: 4:30
Location: 3rd Business, Science & Technology Department
Type_Of_Incident: exposed himself
Location_Of_Incident: Business, Science & Technology
Date_Time_Occurred: 01/08/2009
Victims_Full_Name: unknown
Race: African-American
Age:
Date_Of_Birmth:
Sex: Male
Address:
City: Birmingham
State: AL
Zipcode:
Phone:
Employer_School: Unknown
Employer_School_Address:
Employer_School_City: Birmingham
Employer_School_State: AL
Employer_School_Zipcode:
Employer_School_Phone:
Witness_Full_Name: Barbara Ann Wilson
Witness_Address: 3330 Shallowford Circle
Witness_City: Birmingham
Witness_State: AL
Witness_Zipcode: 35216
Witness_Phone: 205.413.9632
Vehicle_Year:
Vehicle_Make:
Vehicle_Type:
Vehicle_License_Number:
Reporting_Party:
Reporting_Officer:
Supervisor:
Bl: Submit

Incident_Description:

On 01/08/2009 I observed an older black male stroking his private parts while looking at two young girls in the Financial Periodical Section of Business, Science & Technology. When one of the little girl got up from her seat, the male appeared to follow her down the escalator. Later he return back to his seat once the littel girl came back to her seat. The black male sat back down and continued to stimulate himself while looking at the young girl. In the past I have asked this same patron not to sit so close to children and he complied.

Incident/Offense Report

Date/Time 9.17.10 12:00 p.m. Location 3rd FL BST

Type of Incident Miscellaneous Reported by Barbara Wilson

Location of incident (be specific) See Above

Date and time occurred: See above

Victim Full Name Reporting Person

Race Sex Age D.O.B

Address Phone

Employer/School

Address Phone

Witness Full Name

Address Phone

Vehicle involved: Year Make Type Lic.No.

Describe the Incident

on 9.17.10 at approximately 11:57 am, We recieved a Security Call to the 3rd floor, myself, Sgt. Campbell and Of. Ben Williams responded and reporting person stated that a patron was using her cellular phone in a loud voice. She confronted the patron and claimed that the patron was rude to her. I spoke with the patron who was cordial but offended that "three guards showed up"! She requested to speak with someone in administration and voice her displeasure. I directed her toward the administrative offices.

Reporting Party's Signature _____ Date _____

Reporting Officers Signature Richard Lee Date 9.17.10

Supervisor's Signature _____ Date _____

Subject: patron incident

From: Barbara Wilson <bwilson@bham.lib.al.us>

Date: Fri, 17 Sep 2010 13:21:05 -0500

To: Barbara Clotfelter <BEC@bham.lib.al.us>, Karen Jackson <kjackson@bham.lib.al.us>, Mike Lee <mllee@bham.lib.al.us>

A (male) patron complained about another patron using her cell phone while he attempted to read an article. He asked "is there anything I could do?" I told the patron "I would ask the patron if she could lower her voice." At 11:58 I asked the patron, who was talking loudly on her cell phone, could she lower her voice. I further stated that she may not realize it but her voice is carrying and I suggested another more private area of the library she could use to finish her conversation. The patron stated in a loud voice "I am not talking loud and she continued to talk on the cell phone." So I called security. Mike Lee came to the third floor and asked me who called security; I told Mike Lee I called. I pointed to the patron who was speaking loudly on the cell phone. A member of security spoke to the patron. The patron left.

Summation:

A patron complained about another patron on a cell phone.

I requested the patron lower her voice.

I also suggested alternative locations within the library that she could use her cell phone.

The patron got belligerent.

I called security and security spoke with the patron.

The patron left.

Time/Date Occurred: 11:20AM / 11/19/10 Time/Date Reported: 11:20AM / 11/19/10

Type of Incident: Harassment Reported by: Barbara Wilson

Location: (be specific) 3RD Floor Business Dept.

Victim Name: Barbara Wilson Home Phone: 413-9632 DOB:

Home Address: 3330 Shallowford Cir City, State, Zip

Witness/Victim: Home Phone: DOB:

Address: City, State, Zip

Agency Notified: BPL Security Responding Officer: BEN WILLIAM

Describe Injury or Loss:

Describe the incident, in chronological order. Include full name, address and date of birth of all persons involved. Attach additional pages if necessary. Include final disposition or status of victims, property, etc

about 11:20AM / 11/19/10 Officer BEN WILLIAMS got a call to the 3RD fl. Business dept. There Ms. Wilson told officer BEN WILLIAMS a older man JEROME CULVER harassed her. MR. CULVER stated he told Ms. Wilson you are a pretty lady and did not touch or say anything out of the way.

Property Recovered/Destroyed:

Victim's Status:

Supervisor's Signature

Date:

Reporting Party's Signature

Officer Ben Williams

Date: 11/19/10