

UNCUFF the Innocent · Daniel Holtzclaw case records

Deposition of Lt. Brian Bennett, September 19, 2018 (Barnes v. City of Oklahoma City, No. CIV-16-184-HE): pages cited on this site

Only the pages cited on uncufftheinnocent.org are included, in order; each carries its own page number. Testimony given under oath in the civil cases arising from the investigation.

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1 objections.

2 Q (By Mr. Solomon-Simmons) You may answer.

3 A Okay. Whether or not I went to another
4 location to attempt to locate witnesses would be
5 based on what the person told me, the scenario, the
6 circumstances.

7 Q Well, let's talk about the scenario
8 dealing with Mrs. Campbell.

9 A Okay.

10 Q You recall the scenario with
11 Mrs. Campbell?

12 A Yes, I do.

13 Q And what do you understand is the scenario
14 with Mrs. Campbell?

15 A That she had an interaction with Officer
16 Daniel Holtzclaw while he was on duty.

17 Q I believe Mrs. Campbell said Mr. Holtz --
18 Officer Holtzclaw assaulted her, slammed her against
19 a brick wall, placed his erect penis in -- in her,
20 said he was perverted, that he was hateful, that he
21 was prejudiced, that he treated her like trash
22 because she was a black woman, do you recall those
23 comments?

24 MS. KATZ: Object to the form.

25 MS. GOOCH: Object to the form.

1 THE WITNESS: I don't recall her telling
2 me all of those comments. I have heard that she has
3 made allegations like that through other forms.

4 Q (By Mr. Solomon-Simmons) Okay. So what
5 do you recall Mrs. Campbell --

6 A I recall having a conversation with her.

7 Q Uh-huh.

8 A I do recall that.

9 Q Uh-huh. And what do you recall about the
10 conversation?

11 A I don't recall every specific word or
12 detail that she said, but I remember general
13 framework of the conversation that her and I had,
14 and I generated a report, I generated report as part
15 of administrative use of force follow-up
16 investigation that I conducted in reference to that
17 incident.

18 Q During the conversation that you had with
19 Ms. Campbell, was she polite to you?

20 A Yes, she was.

21 Q Was she respectful?

22 A Yes, she was.

23 Q Was she pleasant?

24 A She was upset.

25 Q Uh-huh.

1 A But she was not rude.

2 Q Right. Did she seem to be coherent?

3 A Yes.

4 Q Did she seem to be sober?

5 A Yeah.

6 Q Did you know why she was at the hospital?

7 A Yes.

8 Q Why was she at the hospital?

9 A She told me that she was in the emergency
10 room to seek treatment following her interaction
11 with Officer Holtzclaw.

12 Q When -- when he beat her up.

13 MS. GOOCH: It's not a question, so.

14 Q (By Mr. Solomon-Simmons) Well, you say
15 interaction, what does she say happened, that you
16 recall?

17 A She said that Officer Holtzclaw approached
18 her, that -- I don't have my report in front of me,
19 so I don't remember specific verbiage, but in
20 general, that Officer Holtzclaw approached her, that
21 he grabbed her, that he pushed her up against a wall
22 and handcuffed her, that she was -- I don't remember
23 the exact verbiage, but either scared or upset, she
24 said that she had urinated on herself. She said
25 that Officer Holtzclaw placed her in the back seat

1 of his police car, that he drove with her to another
2 location, that he spoke with somebody while she was
3 in the back seat, and that after he spoke with that
4 other person, she was released.

5 Q Did Mrs. Campbell tell you anything about
6 her daughter?

7 A She did.

8 Q What did she tell you?

9 A She told me that she -- that her daughter
10 was in the hospital.

11 Q Did she tell you that she actually was in
12 town because her daughter was in the hospital?

13 A Yes.

14 Q Did she tell you her daughter was dying
15 from cancer in the hospital?

16 A I don't believe she used the word "dying,"
17 but she did say that her daughter had cancer.

18 Q Okay. So if an individual's in town
19 because her daughter has cancer at a hospital, do
20 you think they would make up a story about a police
21 officer during that time period?

22 MS. GOOCH: Object to the form.

23 MS. KATZ: Same objection.

24 THE WITNESS: I have no idea what thought
25 process other people have and what they're capable

1 of making up or whether or not they're capable of
2 telling the truth.

3 Q (By Mr. Solomon-Simmons) Did you think
4 Ms. Campbell was not capable of telling the truth?

5 A It would simply be speculative off one
6 conversation I had with her to determine whether or
7 not she's a truthful person.

8 Q Did you think she was a truthful person
9 based upon your one interaction with her?

10 A I had no reason to doubt what she said.

11 Q If you have no reason to doubt what she
12 said, what she said was pretty serious then;
13 correct?

14 A Yes.

15 Q Illegal?

16 A Not necessarily.

17 Q Is it illegal to -- for an officer to use
18 excessive force?

19 MS. GOOCH: Object to the form.

20 MS. KATZ: Same objection.

21 THE WITNESS: It is not illegal for an
22 officer to use force, it is illegal for an officer
23 to use excessive force.

24 Q (By Mr. Solomon-Simmons) Correct. So --
25 so just so I'm clear, it's illegal to use excessive

1 force; correct?

2 MS. KATZ: Object to the form.

3 MS. GOOCH: Object to the form.

4 THE WITNESS: Yes, it is.

5 Q (By Mr. Solomon-Simmons) Is it illegal to
6 falsely arrest someone?

7 MS. GOOCH: Object to the form.

8 MS. KATZ: Same objection.

9 THE WITNESS: Yes.

10 Q (By Mr. Solomon-Simmons) Is it illegal to
11 kidnap someone?

12 MS. GOOCH: Object to the form.

13 MS. KATZ: Same objection.

14 THE WITNESS: Yes.

15 Q (By Mr. Solomon-Simmons) If someone is
16 slammed against a wall, a brick wall like this brick
17 wall here in our -- in the office without probable
18 cause, is that excessive force?

19 MS. GOOCH: Object to the form.

20 MS. KATZ: Same objection.

21 THE WITNESS: That would be contingent
22 upon the circumstances.

23 Q (By Mr. Solomon-Simmons) Well, I'm going
24 to give you the circumstances that Ms. Campbell said
25 she gave you.

1 A Okay.

2 Q She was walking into a restaurant and
3 Daniel Holtzclaw grabs her and slams her against a
4 brick wall.

5 MS. KATZ: Object to the form.

6 Q (By Mr. Solomon-Simmons) In that
7 scenario, if that's true, is that legal?

8 MS. GOOCH: Object to the form.

9 MS. KATZ: Same objection.

10 Q (By Mr. Solomon-Simmons) Let me ask this,
11 is that proper protocol for a Oklahoma City Police
12 Department officer?

13 MS. GOOCH: Object to the form.

14 MS. KATZ: Same objection.

15 THE WITNESS: That's -- hum, how should I
16 answer that? The question that you asked me is not
17 taking into consideration all of the relevant --
18 what's the word I'm looking for, circumstances, and
19 so without taking all of the other relevant
20 circumstances into consideration, I don't believe I
21 could make a determination based on just that one
22 statement as to whether or not that action will
23 be -- be appropriate.

24 Q (By Mr. Solomon-Simmons) Well, the beauty
25 of a deposition is my job is to ask the questions,

1 your job is to answer them, so my question is,
2 taking the information that Mrs. Campbell has stated
3 that Holtzclaw, an Oklahoma City police officer,
4 grabbed her and slammed her against a brick wall
5 injuring her head, with those facts alone, is that
6 legal?

7 MS. KATZ: Object to the form.

8 MS. GOOCH: Object to the form.

9 THE WITNESS: It could be.

10 Q (By Mr. Solomon-Simmons) Under what
11 scenario?

12 A There are several scenarios that could
13 make that appropriate. Officers are allowed to use
14 force, they use their force based on the
15 circumstances that they're in, the actions that they
16 and other people take while interacting with each
17 other, and it's those actions and circumstances that
18 either justify force used or do not justify force
19 used.

20 Q But in a scenario where an individual like
21 Mrs. Campbell is walking into a restaurant and an
22 officer grabs her and slams her against the wall
23 without any other information, I'm not giving you
24 any other information, just that alone, is that
25 proper policy?

1 MS. KATZ: Object to the form.

2 MS. GOOCH: Same objection.

3 THE WITNESS: Without any other
4 information, it's -- hum, you're painting me in a
5 corner, you're asking me to say that something is or
6 is not appropriate with -- without looking at the
7 entire circumstances in a situation. So to answer
8 your question, without any other circumstances being
9 taken into consideration, it would not be
10 appropriate for an officer to just walk up to
11 somebody and slam them against the wall.

12 Q (By Mr. Solomon-Simmons) And that's
13 exactly what Mrs. Campbell said that Daniel
14 Holtzclaw did to her; correct?

15 MS. GOOCH: Object to the form.

16 MS. KATZ: Object to the form.

17 THE WITNESS: Yes.

18 Q (By Mr. Solomon-Simmons) And you've
19 already testified you had no reason to believe that
20 she was not telling the truth?

21 A That is correct.

22 Q So based on that scenario that
23 Mrs. Campbell told you, that was a crime that Daniel
24 Holtzclaw committed against her; correct?

25 MS. KATZ: Object to the form.

1 MS. GOOCH: Object to the form.

2 THE WITNESS: No.

3 Q (By Mr. Solomon-Simmons) Well, you just
4 testified it's a crime to slam someone against a
5 brick wall without any justification; right?

6 A I believe I said it was not appropriate.

7 Q Is it within policy?

8 MS. KATZ: Object to the form.

9 MS. GOOCH: Same objection.

10 THE WITNESS: It can be based on the
11 circumstances.

12 Q (By Mr. Solomon-Simmons) We're talking
13 about the specifics of what Mrs. Campbell told you.

14 A It can be.

15 Q So in Oklahoma City, an individual could
16 be minding their business, walking into a
17 establishment and a officer could come up and grab
18 them and slam them against the wall and that could
19 be appropriate?

20 MS. GOOCH: Object to the form.

21 MS. KATZ: Object to the form.

22 Q (By Mr. Solomon-Simmons) Is that what
23 you're saying, sir?

24 MS. KATZ: Object to the form.

25 MS. GOOCH: Same objection.

1 THE WITNESS: Without any other relevant
2 facts, circumstances or information, actions by any
3 other people involved, including the person in
4 question that you're talking about?

5 Q (By Mr. Solomon-Simmons) Correct.

6 A Ignoring all other pertinent parameters of
7 a scenario, and just the specific details that
8 you're saying and no other details, then that would
9 be inappropriate.

10 Q It would be illegal.

11 MS. KATZ: Object to the form.

12 MS. GOOCH: Object to the form.

13 THE WITNESS: Theoretically, yes.

14 Q (By Mr. Solomon-Simmons) All right.

15 Thank you, sir.

16 (Plaintiff's Exhibit Number 1 marked for
17 identification and made part of the
18 record)

19 Q (By Mr. Solomon-Simmons) Plaintiff's
20 Exhibit 1.

21 MS. GOOCH: We've been going about an
22 hour, can we take a quick rest room break, please?

23 MR. SOLOMON-SIMMONS: Sure.

24 THE VIDEOGRAPHER: Just a moment. Going
25 off the record, 10:43 a.m.

1 (Break taken from 10:43 to 10:56)

2 THE VIDEOGRAPHER: Back on the record,
3 10:56.

4 Q (By Mr. Solomon-Simmons) All right.
5 Lieutenant Bennett, did you get opportunity to
6 review any documents during the break?

7 A I did.

8 Q What documents did you review?

9 A The report that I generated under part of
10 my administration investigation.

11 Q Which report?

12 A The use of force follow-up report that I
13 created.

14 Q Lieutenant Bennett, isn't it true that it
15 was known that Daniel Holtzclaw was a weird officer?

16 MS. GOOCH: Object to the form.

17 MS. KATZ: Same objection.

18 THE WITNESS: Specify what you mean by
19 weird.

20 Q (By Mr. Solomon-Simmons) Isn't it true
21 that there are conversations that you participated
22 in that Daniel Holtzclaw was weird?

23 MS. GOOCH: Object to the form.

24 MS. KATZ: Same objection.

25 THE WITNESS: I don't remember

1 participating in such a conversation.

2 Q (By Mr. Solomon-Simmons) Do you recall
3 hearing such conversations?

4 A That he was weird?

5 Q That something wasn't right with him.

6 A No, sir.

7 Q Okay. And I think you already testified
8 you never had any conversations with Lieutenant
9 Gregory about Daniel Holtzclaw related to his job
10 performance?

11 MS. GOOCH: Ever?

12 Q (By Mr. Solomon-Simmons) I'm asking.

13 A Are you asking if I've ever had a
14 conversation with Arthur Gregory about Daniel
15 Holtzclaw?

16 Q Let me rephrase. I strike the question.
17 When you met with Mrs. Campbell at the hospital --

18 A Okay.

19 Q -- November 5th, 2013, you did not record
20 that conversation; correct?

21 A That is correct.

22 Q You didn't video that conversation;
23 correct?

24 A That is correct.

25 Q You didn't type up any notes of the

1 conversation to be stored somewhere that we can
2 retrieve them today; correct?

3 A That is correct.

4 Q So the only people that know what was
5 actually stated in the conversation between you and
6 Mrs. Campbell is you and Mrs. Campbell; correct?

7 A Yes.

8 Q And it would be up to third parties to
9 decide who's telling the truth between you and
10 Mrs. Campbell; correct?

11 MS. GOOCH: Object to the form.

12 MS. KATZ: Same objection.

13 THE WITNESS: I didn't anticipate that
14 there would be a need for anybody to doubt whether
15 or not any of us were telling the truth. But now
16 that we're here, the answer to your question is
17 obvious, yes. These are the third parties.

18 Q (By Mr. Solomon-Simmons) Third party
19 could be a judge, also; correct?

20 A Yes.

21 Q Could be a jury; correct?

22 A Yes.

23 Q Plaintiff's Exhibit 1. The night of
24 November 5th, 2013, Daniel Holtzclaw was a Oklahoma
25 City police officer; correct?

1 A Yes.

2 Q On the night of November 5th, 2013,
3 Demetria Campbell was a citizen; correct?

4 A Yes.

5 Q And you received a phone call that a
6 citizen, being Ms. Campbell, was complaining against
7 an Oklahoma City police officer; correct?

8 A Complaining?

9 Q A complaint.

10 A I don't remember the specifics of if she
11 was wanting to file a complaint. I know she wanted
12 to speak to a supervisor, which is why I went.

13 MS. GOOCH: Let him ask the question.

14 MR. SOLOMON-SIMMONS: Ms. Gooch, we said
15 please don't coach your client.

16 MS. GOOCH: Okay.

17 Q (By Mr. Solomon-Simmons) You may
18 continue, sir.

19 MS. GOOCH: Well, there's not a question
20 out there.

21 MR. SOLOMON-SIMMONS: He was continuing to
22 talk, I was listening to what I was saying. Can you
23 read back the last things he said before she prompt
24 him to stop?

25 MS. GOOCH: I didn't prompt him to stop,

1 that Mrs. Campbell complained against Daniel
2 Holtzclaw on November 5th, 2013; correct?

3 MS. KATZ: Objection; form.

4 MS. GOOCH: Same objection.

5 THE WITNESS: Theoretically.

6 Q (By Mr. Solomon-Simmons) Is that a yes?

7 A Yes, if he were going to make a decision
8 on that incident that you referenced, then he would
9 have need to have known about it.

10 Q To your knowledge, Chief Citty didn't know
11 about the incident with Demetria Campbell that
12 occurred on November 5th, 2013, before Ms. Campbell
13 filed her lawsuit in 2015?

14 MS. GOOCH: Object to the form.

15 MS. KATZ: Same objection.

16 THE WITNESS: There's no way for me to
17 know what the chief of police knew and when he knew
18 it.

19 Q (By Mr. Solomon-Simmons) Okay. Let me
20 ask it this way, you didn't cause the chief of
21 police to know about what happened between Daniel
22 Holtzclaw and Demetria Campbell on November 5th,
23 2013; correct?

24 A I completed a investigation on a use of
25 force follow-up, I generate an administrative

1 report, I sent it up my chain of command. I don't
2 know if the chief of police reviewed that, saw it or
3 knew about it, I cannot speak to whether or not he
4 was informed on my investigation.

5 MR. SOLOMON-SIMMONS: Do you have a
6 stapler?

7 MR. SMITH: Right here. That's why I
8 came, find the stapler.

9 MR. SOLOMON-SIMMONS: Thank you, sir. And
10 it has no staples. Do you have a paperclip?

11 (Plaintiff's Exhibit Number 3 marked for
12 identification and made part of the
13 record)

14 Q (By Mr. Solomon-Simmons) Where's my pen?
15 Here it is, thank you. Can you identify this
16 document, Lieutenant Bennett?

17 A Well, according to the heading, it says
18 Demetria Michelle Campbell 2-15, 2018, Page 133.

19 Q Okay. And what's the second page say?

20 A Page 134.

21 Q Okay. And you've testified that you, at
22 least once, have reviewed Mrs. Campbell's
23 deposition; correct?

24 A Yes.

25 Q Okay. Let's see here, let's go to -- all

1 right. Let's just -- I'll be the Q -- no, I'll
2 be -- you're the Q, because that's you, I'm sorry,
3 strike that, that was Ms. Campbell.

4 I'll be asking the question and then you
5 would -- you answer it, that make sense? So on Page
6 133, it says, "Okay," and then you will read the
7 answer.

8 A So you want me to read as if I'm
9 Mrs. Campbell?

10 Q Yes. Is that okay with you? Would you --
11 I -- I don't mind being Mrs. Campbell.

12 A I -- I don't care.

13 Q Okay.

14 A I'll -- I'll read along as if I'm
15 Mrs. Campbell.

16 Q Great. Okay. So I'm going to start it.
17 "Okay."

18 A "I said, he wouldn't listen to me. He
19 said, what do you mean he wouldn't listen? He said,
20 what are you -- were you trying to tell him
21 something?"

22 Q Okay. Now, for the record, that is a
23 conversation between you, as Lieutenant Bennett, and
24 Mrs. Campbell; correct?

25 MS. KATZ: Object to the form.

1 MS. GOOCH: Object to the form.

2 MS. KATZ: He has no idea.

3 THE WITNESS: Yeah, I haven't read Pages 0
4 through 132 to know the context of this statement
5 and verify that this is the portion of the
6 deposition that refers to the conversation that
7 Campbell and I had.

8 Q (By Mr. Solomon-Simmons) Okay. Fair
9 enough. For -- just in the interest of time, I do
10 have the full deposition, I'm representing it to you
11 and to your counsel that this is a portion of the
12 deposition that your counsel, Mrs. Gooch, and
13 Mr. Smith, counsel for the city, conducted with
14 Mrs. Campbell.

15 A That's fine.

16 Q And this portion of this deposition is
17 Mrs. Campbell recanting (sic) or discussing her
18 conversation that she had with you, what she
19 believes she said to you and what she believes you
20 said to her.

21 A Okay.

22 Q Is that fair enough?

23 A Fair enough.

24 Q Okay. Good deal. I got it. So can you
25 keep reading where it starts "And 'I said, yes'?"

1 A "And I said, 'Yes, I was asking him if he
2 would just tell me who he thought I was. I told him
3 that I could have proven to him that I was not the
4 individual,' I said, 'But he wouldn't hear that. He
5 wouldn't let me explain to him anything, he wouldn't
6 let me' -- I said, 'He wouldn't explain to me, he
7 wouldn't listen, he just' -- I said, 'He was
8 hateful.' I said, 'And I don't deserve that. He
9 was hateful, he was' -- I said, 'He's prejudiced
10 against' -- I said, 'he made me feel like trash.' I
11 said, 'He was perverted.'"

12 Q Okay. All right. Stop there. I
13 understand we've already -- we've already
14 established that the only two people that were in
15 the room was you and Mrs. Campbell.

16 A Uh-huh.

17 Q But based on what she says here, that she
18 told you that she felt like Holtzclaw was
19 prejudiced; correct?

20 A That's her testimony.

21 Q Right. That's her testimony. And if she
22 felt like he was prejudiced, did you have a duty
23 to -- what are you supposed to do, as Oklahoma City
24 police officer, if a citizen complains that an
25 officer discriminated against them?

1 MS. GOOCH: Object to the form.

2 MS. KATZ: Same objection.

3 Q (By Mr. Solomon-Simmons) Do you know?

4 A If that happened, then that would be
5 something that I would report to my chain of
6 command.

7 Q Now, when you say "if that happened,"
8 you're saying if the discriminatory act happened,
9 you will report it, is that -- is that what you're
10 saying, sir?

11 A Any allegation or act of a discriminatory
12 nature would be reported to my chain of command.

13 Q Okay. And then the last portion that you
14 read, Mrs. Campbell -- Mrs. Campbell testified that
15 she told you that Mr. Holtz -- Daniel Holtzclaw was
16 perverted.

17 A That's her testimony.

18 Q And do you understand what it means when
19 someone says someone else is perverted?

20 MS. GOOCH: Object to the form.

21 MS. KATZ: Same objection.

22 THE WITNESS: Are you asking for a
23 definition to the word?

24 Q (By Mr. Solomon-Simmons) One second.

25 THE WITNESS: Mr. Smith, can you hand me

1 that water bottle behind you?

2 MR. SMITH: I can.

3 THE WITNESS: Thank you.

4 MR. SMITH: And I hope it doesn't tilt
5 like mine does.

6 THE WITNESS: That's all right.

7 MR. SMITH: Do you want a cold one?

8 THE WITNESS: No, this is fine.

9 MR. SMITH: Okay.

10 Q (By Mr. Solomon-Simmons) Let's go over to
11 Page 134, next page.

12 A Okay.

13 Q And I'll just read it just for the time.

14 A Okay.

15 Q "He said" --

16 A What line are you starting on?

17 Q Line 2.

18 A Line 2, got you.

19 Q "'He said'" I represent that Mrs. Campbell
20 is saying that you are the he, quote, "'I need more
21 detail from you what happened. I," being
22 Mrs. Campbell, "I told him in detail what happened,
23 I said, quote, He was perverted while I was against
24 the wall.'" I said, 'He slammed my head against the
25 wall as hard as he could.' I said, 'He was angry.'

1 I said, 'And the one mistake that Oklahoma City has
2 made is hiring him as an officer. He does not
3 deserve to be called one of Oklahoma City's finest.
4 He's hateful.'"

5 So, again, Mrs. Campbell states that she
6 told you at least twice, this is her testimony, that
7 Daniel Holtzclaw is perverted.

8 A That's her testimony.

9 Q And if Daniel Holtzclaw was perverted,
10 that would be a criminal act; correct?

11 MS. KATZ: Object to the form.

12 Q (By Mr. Solomon-Simmons) Let me rephrase
13 that. Perverted -- did a perverted act to
14 Mrs. Campbell, that would be against the law;
15 correct?

16 MS. KATZ: Object to the form.

17 MS. GOOCH: Object to the form.

18 THE WITNESS: The definition of perverted
19 is open to interpretation, I guess it would be
20 dependent upon what the act was as to whether or not
21 it was criminal, what the hypothetical act.

22 Q (By Mr. Solomon-Simmons) Sure. If the
23 act that she complained or testified that he placed
24 his erect penis against her buttocks for extended
25 period of time, would that be illegal for Daniel

1 Holtzclaw to do that to Mrs. Campbell while he was
2 on duty without her permission?

3 MS. GOOCH: Did you say -- did you say
4 would that be legal or illegal?

5 MR. SOLOMON-SIMMONS: Illegal.

6 MS. GOOCH: Object to the form.

7 MS. KATZ: Same objection.

8 THE WITNESS: I guess that could be
9 illegal.

10 Q (By Mr. Solomon-Simmons) Is that an
11 allegation that should be reported up the chain of
12 command?

13 A If that allegation had been made.

14 Q Is that an allegation that should have
15 been investigated?

16 A If an allegation like that had been made.

17 Q And just -- you made a great point earlier
18 that perversion can have a certain different
19 definition, so this is Exhibit 4.

20 (Plaintiff's Exhibit Number 4 marked for
21 identification and made part of the
22 record)

23 Q (By Mr. Solomon-Simmons) Can you identify
24 for the record what this exhibit is, sir?

25 A The title says "Perversion, Definition of

1 Perversion by Merriam-Webster."

2 Q Do you consider Merriam-Webster to be a
3 credible source for definition of words?

4 MS. GOOCH: Object to the form.

5 MS. KATZ: Same objection.

6 THE WITNESS: You mean the dictionary?

7 Q (By Mr. Solomon-Simmons) Yes.

8 A Yes.

9 Q Okay. And could you read the definition
10 of perversion that Merriam-Webster gives us?

11 A "Perversion, noun, per-ver-sion.
12 Definition of perversion, one, the action of
13 perverting, the condition of being perverted, but
14 the definition" -- all right. "The condition of
15 being perverted," all one word, out of the
16 dictionary, "being perverted. Number 2, a perverted
17 form, especially an aberrant sexual practice or
18 interest especially when habitual."

19 Q Is that a -- a working definition that you
20 could agree to when we use the term "perverted"?

21 A We could agree to the definition.

22 Q Okay. That's all -- okay. It is your
23 testimony, sir, that Mrs. Campbell did not -- strike
24 that.

25 Are you saying Mrs. Campbell did not tell

1 you that Mr. -- that Daniel Holtzclaw was perverted?

2 A Yes, that's exactly what I'm saying, she
3 did not tell me that.

4 Q Okay. Did she tell you that she felt
5 Daniel Holtzclaw was prejudiced?

6 A No, she did not.

7 Q Okay. Did she tell you that she felt like
8 Daniel Holtzclaw treated her like trash because she
9 was a black woman?

10 A No.

11 Q Did she say anything about being black?

12 A Well, she told me that she was black when
13 I asked her, and when I spoke with her, she appeared
14 to be black.

15 Q Is there anything else about Mrs. Campbell
16 that stood out to you just when you saw her?

17 A I guess I don't understand what you're
18 referring to.

19 Q Any other physical characteristics of
20 Mrs. Campbell that you noticed upon first looking at
21 her? I'm sure when you first saw her, you saw that
22 she was black, right, or appeared to be black?

23 A Yes, yeah.

24 Q Any other physical characteristics of
25 Mrs. Campbell when you first saw her that you noted

1 or you can remember even today?

2 A That she was black, she was a female, that
3 she was not very tall, that she was overweight.

4 Q I mean, no disrespect to Mrs. Campbell,
5 but she is -- she's obese; correct?

6 A She's not a skinny woman.

7 Q She's a very large woman, no disrespect to
8 her, but she's a very large woman; correct?

9 A Yes.

10 Q And anyone that sees her going to know
11 that she's a very large woman?

12 A It's easy to see.

13 Q That's a defining characteristic of
14 Mrs. Campbell.

15 A During that time frame and her current
16 state of body --

17 Q At the time.

18 A -- body composition and physical fitness.
19 I don't know what she looks like now.

20 Q But at the time?

21 A At that time, yes.

22 Q So if someone was going to give -- if you,
23 at the time, on November 5th, 2013, was going to
24 give a description of Demetria Campbell, how would
25 you describe her?

1 A I give better descriptions than the
2 average citizen because I work off of them on a
3 daily basis.

4 Q Sure. Okay. Great. So tell me how you
5 would describe her.

6 A Black female, I believe she had mid length
7 hair, short, heavyset.

8 Q Thank you. Going back to Exhibit 3, I
9 believe, which is Page 134 of Mrs. Campbell's
10 testimony, looking at Line -- let's start at Line
11 10, I'm going to read, I'm Mrs. Campbell, she says,
12 "He said," I represent that the he is you, Mr. --
13 Lieutenant Bennett. Quote, How do you know? I
14 said, quote, You could see it in his eyes, end
15 quote. I said, quote, He was almost like a ravaged
16 animal, end quote. I said, quote, He -- he wouldn't
17 listen at all, end quote. I said, quote, I don't
18 know, I said, I really didn't believe he was an
19 officer because of his behavior, end quote. I said,
20 'It's unacceptable, it's -- it's unacceptable
21 behavior.' I said, quote, And if Oklahoma City
22 knows like I know, they will get him off the force
23 because I'm afraid of what he may do to the next
24 black person, end quote." And it's your testimony
25 that Mrs. Campbell didn't tell you that?

1 A Yes.

2 Q Next, Mrs. Campbell, reading at --
3 starting at Line 19, "He said," he being you, I
4 represent that's you, Lieutenant Bennett, quote,
5 Mrs. Campbell, how do you know that he was
6 prejudiced? End quote. I said, quote, His eyes,
7 end quote. I said, quote, He looked at me though I
8 was trash, end quote."

9 Do you recall Mrs. Campbell telling you
10 that Daniel Holtzclaw looked at her like she was
11 trash?

12 A No.

13 Q "I said, quote, As though I was nobody,
14 end quote." Do you recall her telling you that?

15 A No.

16 Q Continuing reading Line 22, Mrs. Campbell
17 says, "And I said, quote, I'm sure what he thought
18 was that he had grabbed an uneducated black woman,
19 someone that he could bully and push around and do
20 whatever, end quote."

21 Do you recall -- is it your testimony that
22 Mrs. Campbell didn't tell you that?

23 A Yes.

24 Q Continue reading, "I said, quote, And I
25 honestly believe he had other intentions for me, end

1 quote," do you see that?

2 A Yes, I do.

3 Q And it is your testimony Mrs. Campbell did
4 not tell you that?

5 A That is correct.

6 Q Okay. Did you ask Mrs. Campbell -- no,
7 strike that.

8 You didn't provide Mrs. Campbell a written
9 complaint form; correct?

10 A No, I did not.

11 Q You didn't ask her did she want a written
12 complaint form; correct?

13 A That's correct.

14 Q As far as you know, Mrs. Campbell didn't
15 know anything about a written complaint form;
16 correct?

17 A I don't -- I can't speak to her knowledge.

18 Q Uh-huh. But you knew about a written
19 complaint form; correct?

20 A Uh-huh.

21 Q Was anything stopping you from providing
22 Mrs. Campbell a written complaint form?

23 A They're available on the department's
24 website for anybody in the world that has internet
25 access.

1 Q My question to you, though, sir, was
2 anything stopping you from providing Mrs. Campbell a
3 complaint form?

4 A Aside from the fact that I don't carry
5 them with me.

6 Q But you were going to speak to someone who
7 had a complaint about an officer, you knew that;
8 correct?

9 A I did.

10 Q Why didn't you take forms with you?

11 A I don't carry complaint forms in my car.

12 Q So did you receive the call, you were in
13 your car at the time that you received dispatch that
14 you need to go and talk to Mrs. Campbell, is that
15 what your testimony?

16 A I don't remember exactly where I was at.

17 Q So it's not relevant if it's not in your
18 car or not.

19 MS. GOOCH: Object to the form.

20 THE WITNESS: I don't carry forms because
21 they're available online.

22 Q (By Mr. Solomon-Simmons) Okay. But you
23 didn't tell Mrs. Campbell that she could get a form
24 online, did you?

25 A It didn't come up.

1 Q Is that a no?

2 A No, I did not tell her that.

3 Q Okay. Thank you. You didn't have
4 Mrs. Campbell write a -- a narrative of what
5 happened to her; correct?

6 A No.

7 Q The only statement that we have besides
8 Mrs. Campbell's testimony is the statement that you
9 wrote -- that you wrote after you spoke with
10 Mrs. Campbell; correct?

11 A Yes.

12 Q Did you notify Mrs. Campbell of her right
13 to file a complaint with the State of Oklahoma Human
14 Rights Commission?

15 MS. KATZ: Object to the form.

16 MS. GOOCH: Same objection.

17 THE WITNESS: No.

18 Q (By Mr. Solomon-Simmons) Did you notify
19 Mrs. Campbell of her right to make a complaint with
20 the district attorney's office?

21 MS. KATZ: Object to the form.

22 MS. GOOCH: Same objection.

23 THE WITNESS: No.

24 Q (By Mr. Solomon-Simmons) You told
25 Mrs. Campbell you would get back to her, you would

1 investigate and get back to her, didn't you?

2 A No.

3 Q You just told her -- you just left and
4 said bye?

5 A I took her statement, I gave her my card,
6 that was the end of my interaction with her.

7 Q Which if you were following Procedure 143,
8 you would have had a duty -- someone would have had
9 a duty to follow up with her within 90 days;
10 correct?

11 MS. KATZ: Object to the form.

12 MS. GOOCH: Same objection.

13 THE WITNESS: If Procedure 143 was
14 followed, then, yes.

15 Q (By Mr. Solomon-Simmons) Which is
16 procedure you follow when someone -- a citizen
17 complains on a Oklahoma City police employee;
18 correct?

19 MS. KATZ: Object to the form.

20 MS. GOOCH: Same objection.

21 THE WITNESS: Yes.

22 Q (By Mr. Solomon-Simmons) Thank you. Did
23 you refer Mrs. Campbell's complaint to the Office of
24 Professional Standards?

25 A No.

1 Q Did you refer her complaint,
2 Mrs. Campbell's complaint to the appropriate
3 investigations bureau?

4 A No.

5 Q Did you refer Mrs. Campbell's complaint to
6 the chief of police?

7 A No.

8 Q To your knowledge, did any supervisor of
9 the Unit Division of Bureau level investigate
10 Mrs. Campbell's complaint?

11 MS. KATZ: Object to the form.

12 MS. GOOCH: Same objection.

13 Q (By Mr. Solomon-Simmons) To your
14 knowledge?

15 MS. GOOCH: Same objection.

16 THE WITNESS: It appears if you're
17 reading, can I follow along with what you're
18 reading?

19 Q (By Mr. Solomon-Simmons) No, sir.

20 A You're reading off 143, obviously.

21 Q No, the question is, to your knowledge,
22 did any supervisor of the Unit Division of Bureau
23 level investigate Mrs. Campbell's complaint against
24 Officer Holtzclaw?

25 MS. KATZ: Object to the form.

1 MS. GOOCH: Same objection.

2 THE WITNESS: What I don't understand is
3 what you're referring to when you say unit, what did
4 you say, division and bureau?

5 Q (By Mr. Solomon-Simmons) Uh-huh.

6 A What do you mean by that? I'll answer the
7 question if I understand what you mean.

8 Q Sure. Let me ask it this way, to your
9 knowledge, did anyone above you investigate
10 Mrs. Campbell's complaint?

11 A Yes.

12 Q Okay. And who were those individuals?

13 A The report, the administrative report that
14 I generated was forwarded up my chain of my -- my
15 chain of command. It would have been reviewed by my
16 captain, my major, and then reviewed by the use of
17 force screening committee, and off the top of my
18 head, I believe that's a panel of four majors --

19 Q Okay.

20 A -- that -- that comprise that committee.

21 Q So they would have reviewed your report?

22 A Yes.

23 Q I guess what I'm asking, let me -- let me
24 back up. We talked earlier about what a proper
25 investigation entails, which includes identifying

1 witnesses; correct?

2 A Uh-huh.

3 Q Interviewing witnesses?

4 A Uh-huh.

5 Q Identifying potential evidence?

6 A Uh-huh, yes.

7 Q Trying to collect evidence; correct?

8 A Yes.

9 Q Let me ask you this, did you interview any
10 witnesses?

11 A No.

12 Q But Mrs. Campbell told you that she was
13 assaulted by Officer Holtzclaw at a restaurant with
14 other patrons.

15 A She told me she was at a restaurant.

16 Q Uh-huh. Officer Holtzclaw told you that
17 there were other people at the restaurant; correct?

18 A I believe so, I would have to review the
19 documents, but I believe so.

20 Q Sure. So there was potentially people
21 that witnessed the interaction between Officer
22 Holtzclaw and Ms. Campbell; correct?

23 A It's possible.

24 Q But you didn't go and talk to any of those
25 people?

1 A I did not.

2 Q That's not good police investigative
3 practices; correct?

4 MS. KATZ: Object to the form.

5 MS. GOOCH: Same objection.

6 THE WITNESS: Is that your opinion or a
7 question?

8 Q (By Mr. Solomon-Simmons) Strike it. You
9 knew that the incident, the assault that
10 Mrs. Campbell suffered at the hands of Daniel
11 Holtzclaw occurred at a business; correct?

12 MS. KATZ: Object to the form.

13 MS. GOOCH: Same objection.

14 THE WITNESS: I knew they had an
15 interaction at a business, yes.

16 Q (By Mr. Solomon-Simmons) Did you return
17 to that business and try to speak to the owner?

18 A No.

19 Q Did you return to the business and ask the
20 owner did they have surveillance cameras?

21 A I did not return to the business.

22 Q You didn't go to the business at all, did
23 you?

24 A I just said that.

25 Q I'm asking.

1 A And I just said, no, I did not go to the
2 business.

3 Q To your knowledge, did anyone else at
4 Oklahoma City Police Department go to the business
5 where the assault occurred on Mrs. Campbell?

6 MS. KATZ: Object to the form.

7 MS. GOOCH: Same objection.

8 THE WITNESS: I have no idea where every
9 other police officer from the police department
10 goes, so I have no way of knowing. I'm sure that
11 officers have been to that business before.

12 Q (By Mr. Solomon-Simmons) Okay. So I'm --
13 I'm sorry if I wasn't clear with my question. I'm
14 just asking about to your knowledge, do you know of
15 any police officer that went to the business to
16 investigate the assault that Mrs. Campbell
17 complained against -- that she -- strike that.

18 Do you know of any officer, to your
19 knowledge, that went to the business where the
20 assault occurred to question the business owner of
21 what he saw or she saw?

22 MS. KATZ: Objection; form.

23 MS. GOOCH: Same objection. Same
24 objection.

25 THE WITNESS: I'm not aware of anybody

1 that did that.

2 Q (By Mr. Solomon-Simmons) Are you aware of
3 anyone locating any witnesses to the assault on
4 Mrs. Campbell?

5 MS. KATZ: Objection; form.

6 MS. GOOCH: Same objection.

7 THE WITNESS: No.

8 Q (By Mr. Solomon-Simmons) Are you aware of
9 anyone trying to locate witnesses to the interaction
10 between Daniel Holtzclaw and Mrs. Campbell?

11 MS. KATZ: Objection; form.

12 THE WITNESS: No.

13 Q (By Mr. Solomon-Simmons) You may have
14 already said this, so forgive me, what -- after you
15 received a complaint, you can't remember where you
16 were at the time?

17 A I don't recall where I was.

18 Q Do you recall what you did as soon as you
19 received the complaint?

20 A I believe I spoke with Officer Holtzclaw
21 on the phone to ask him what happened, I believe I
22 then went to the hospital to speak with
23 Mrs. Campbell.

24 Q Okay. Did you review any reports before
25 you contacted Officer Holtzclaw?

1 A Review reports?

2 Q Yeah, like the incident report for the
3 stolen vehicle.

4 A Oh, I don't believe I did.

5 Q Okay.

6 A At that time, the only report that should
7 have been available would have been the original
8 report taken by the officer that reported the car
9 stolen.

10 Q What infor -- what information did you
11 receive when you receive -- when you got the call
12 from dispatch, what did they tell you?

13 A Well, there was a call generated through
14 the dispatch system about Mrs. Campbell being at the
15 hospital, and I was notified about it, and -- and I
16 went from there.

17 Q Did you actually speak to someone about
18 Mrs. Campbell's desire to make a complaint?

19 A I'm not 100 percent sure, but I think
20 dispatch called me on the phone to tell me there was
21 a call holding that requested a supervisor.

22 Q Okay. Do you recall the name of the
23 dispatch individual you spoke with?

24 A They rotate every two hours, 24 hours a
25 day, that's -- I don't, no, sir, I don't know.

1 Q Sure. Do you recall specifically what
2 that individual said to you?

3 A I don't remember the specifics, I remember
4 the gist of the conversation.

5 Q What was the gist of it?

6 A That there's a person at OU Medical Center
7 that wants to talk to a supervisor.

8 Q Did they say what they wanted to talk to a
9 supervisor about?

10 A I believe that those comments were on the
11 call. Again, I'm not 100 percent sure, I would have
12 to review the CAD call to be certain. But I believe
13 that the comments on the CAD call were that they had
14 interaction with an officer previously in the
15 afternoon at 23rd and Martin Luther King and that
16 the CAD call indicated that the officer in question
17 was Daniel Holtzclaw.

18 Q Okay. Is it your practice when you
19 receive a complaint on a officer, to talk to that
20 officer first?

21 A Practice, I guess, not necessarily. In
22 this situation, I had no idea what had happened, so
23 I wanted to ask him, what happened, at least that
24 way I had a working framework or understanding of
25 what we were even talking about at that point.

1 Q Okay. How long was your conversation with
2 Daniel Holtzclaw, that initial conversation after
3 you received the complaint from Mrs. Campbell?

4 A I don't think it was very long, I asked
5 him, you know, hey, what's -- what's going on here,
6 what's the deal, what happened. He told me that he
7 took the call of a stolen vehicle recovery, that
8 there was a description of a suspect, that he
9 arrived at the location and saw somebody in the
10 parking lot that matched the description.

11 He told me that he did an investigative
12 detention, he did a field show-up, and field show-up
13 indicated that the person he detained was not the
14 suspect in question, and that he released the person
15 that he detained and went on about with the original
16 call of recovering the stolen car.

17 Q What's a field show-up?

18 A Field show-up, are you asking for the
19 definition?

20 Q Yes. I'd like to know what a field
21 show-up is.

22 A Field show-up is where if an officer has
23 somebody detained for suspicion of being involved in
24 or committing a crime and there's a witness
25 available, then the officer will give the witness an

1 exhibit.

2 (Plaintiff's Exhibit Number 14 marked for
3 identification and made part of the
4 record)

5 Q (By Mr. Solomon-Simmons) Here you go,
6 sir.

7 A Thank you.

8 Q Here you go.

9 MR. SMITH: Thank you.

10 MS. GOOCH: So is this 14?

11 MR. SMITH: Thank you. You did give me
12 two, you need one back?

13 MR. SOLOMON-SIMMONS: No, man, as Melvin
14 say, paper's cheap.

15 MR. SMITH: Melvin says that, I doubt
16 that. Nice try, though.

17 Q (By Mr. Solomon-Simmons) Lieutenant
18 Bennett, do you recognize this document?

19 A I do.

20 Q What is this document?

21 A This is a supplemental report that was --
22 I was requested to complete.

23 Q And who requested you complete this?

24 A Major Brian Jennings.

25 Q Okay. And how did he request you to

1 complete it?

2 A I received an e-mail from him asking me to
3 complete this report.

4 Q Okay. Do you recall the subject matter,
5 the subject of the e-mail, like in the heading, you
6 know, the subject?

7 A Oh, no, I don't.

8 Q Because we've asked for all documents
9 related to the Demetria Campbell investigation and
10 we don't have this e-mail.

11 MR. SMITH: Because that e-mail is not
12 related to the investigation of Demetria Campbell's,
13 and I had a conversation with Mr. Hall and we were
14 supposed to have a conversation today and he hasn't
15 had it.

16 Q (By Mr. Solomon-Simmons) Sir,
17 Mr. Bennett.

18 A Yes, sir.

19 Q So my question is, did this relate, the
20 e-mail relate to your investigation into the
21 interaction between Mrs. Campbell and Daniel
22 Holtzclaw?

23 MS. GOOCH: Did the e-mail or did this
24 exhibit?

25 MR. SOLOMON-SIMMONS: I'm asking the

1 questions.

2 MS. GOOCH: Okay. Well, I'm sorry, I --

3 I --

4 MR. SOLOMON-SIMMONS: I know you're sorry,
5 you keep interrupting my deposition, I don't
6 appreciate it.

7 MS. GOOCH: I'm not interrupting your
8 deposition, that is not --

9 MR. SOLOMON-SIMMONS: Sure, you are.

10 MS. GOOCH: That is not an accurate
11 statement.

12 MR. SOLOMON-SIMMONS: Sure, you are. I'm
13 asking the questions, you don't get to ask the
14 questions, Ms. Gooch.

15 MS. GOOCH: I'm asking you, would you
16 please restate your question?

17 MR. SOLOMON-SIMMONS: You don't get to do
18 that in the deposition.

19 MS. GOOCH: I'm asking you as a courtesy,
20 would you please restate your -- would you please
21 recite or have the court reporter read the question
22 back, please?

23 MR. SMITH: Object to the form.

24 Q (By Mr. Solomon-Simmons) Sir, did you
25 understand the question?

1 A I definitely don't understand it after all
2 this.

3 Q Okay.

4 A So if you could please repeat the question
5 for me or rephrase it in a simple manner.

6 Q Right. Did the e-mail you receive from
7 Major Jennings involve your investigation into the
8 interaction with Mrs. Campbell and -- and Officer
9 Holtzclaw?

10 A It was related to it.

11 Q Right, okay.

12 A If that's what you mean.

13 Q Exactly what I mean, it's related to the
14 investigation; correct?

15 A Well, it was, what, quite some time later,
16 almost two years later, the investigation was by all
17 means definitely complete by that point, but, yes,
18 referencing back to it in the form of an e-mail does
19 mean that it's related.

20 Q Absolutely. How often have you received
21 an e-mail from Major Jennings requesting that you
22 supplement a report 23 months later?

23 A This is the only time.

24 Q Okay. To your knowledge, do you know of
25 any other report that's been asked to be

1 supplemented 23 months later or 22 months later?

2 A I don't think it's outside the realm of
3 possibility if there was a new development, and
4 there are examples where we enter supplemental
5 reports on old cases on a routine basis, however,
6 that's contingent upon the circumstances of that
7 case and investigation.

8 Q Sure. Well, to your knowledge, do you --
9 do you personally know of a scenario where a major
10 has instructed someone to supplement their reports
11 22 months after the original report?

12 MS. GOOCH: Object to the form.

13 THE WITNESS: No.

14 Q (By Mr. Solomon-Simmons) Okay. And you
15 mentioned that there could be changes in
16 circumstances, what change in circumstance in the
17 investigation of Ms. Campbell and interaction with
18 Daniel Holtzclaw occurred between November 5th,
19 2013, and 9-21, 2015?

20 A I don't know.

21 Q Is it fair to say there was no change in
22 circumstances; correct?

23 MR. SMITH: Object to form.

24 MS. GOOCH: Object to form.

25 THE WITNESS: I think it's fair to say

1 that I don't know of any changes in the
2 circumstances, I don't think it's fair to say that
3 there were no changes because that would require
4 information that I may not have.

5 Q (By Mr. Solomon-Simmons) But you didn't
6 know of any changes in the circumstances in the
7 investigation that you conducted regarding the
8 interaction between Mrs. -- Mrs. Campbell and
9 Holtzclaw?

10 A I'm pretty sure not at that time.

11 Q Okay.

12 A I'm not going to say positively at that
13 time, but I'm pretty sure I wasn't aware of any
14 changes at that time.

15 Q And to your knowledge, no one else had
16 investigated the interaction between Daniel
17 Holtzclaw and Demetria Campbell; correct?

18 A To my knowledge.

19 Q Did you respond to the e-mail to Major
20 Jennings?

21 A I believe I did.

22 Q What was your response?

23 A I believe I drafted this and forwarded it
24 to him and said something along the lines of for you
25 to review and do you approve or something to that

1 nature.

2 Q When you received the original e-mail from
3 Major Jennings, did you call him to inquire why he
4 wanted you to do this?

5 A No, sir, he's a major, I followed orders.

6 Q And when you received the e-mail, did you
7 respond to the e-mail and say, okay, I will get this
8 done, and then send an additional e-mail once it was
9 completed?

10 A I don't remember.

11 Q Okay. When Major Jennings e-mailed you,
12 did he e-mail you on your Oklahoma City e-mail
13 account?

14 A Yes.

15 Q And so the e-mail should still be
16 available for review?

17 MS. GOOCH: Object to the form.

18 Q (By Mr. Solomon-Simmons) To your
19 knowledge?

20 A I don't know if I still have it in my in
21 box or not, again, that's been three years, but I'm
22 sure that somebody somewhere has the capability of
23 tracking that e-mail. That's not my area of
24 expertise.

25 Q Sure. But you didn't do anything

1 personally to destroy the e-mail chain with you and
2 Major Jennings regarding your supplementation of
3 your report regarding Holtzclaw and Campbell?

4 A Like --

5 MS. GOOCH: Object to the form.

6 THE WITNESS: Like I said, I don't
7 remember if I kept it in my in box or I deleted it.
8 I don't know.

9 Q (By Mr. Solomon-Simmons) Okay. Did you
10 discuss the request from Major Jennings with anyone?

11 A No, maybe Major Jennings, I'm sure I saw
12 him and told him, you know, hey, I got that done for
13 you.

14 Q What did he say?

15 A Something along the lines of that. I -- I
16 don't remember any specific discussions about it.

17 Q He -- sorry.

18 A I mean, no, I mean, it kind of is what it
19 is. He asked me to write a report, so I wrote a
20 report.

21 Q What did you think about his requesting
22 you to write a report 22 months later?

23 A Well, if I'm not mistaken, I believe by
24 now, there was more information available in the
25 media and things of that nature about other events

1 Daniel Holtzclaw was involved in or alleged to be
2 involved in. I don't remember the timeline of when
3 everything, you know, became public knowledge or
4 when his trial was, things of that nature, but I
5 would assume or not be surprised that if by 9-21-15
6 that information was -- you know, made the media or
7 something of that nature, that it would be
8 reasonable for them to come back and ask for a
9 report.

10 Q Why would that be reasonable for them to
11 ask you to supplement a report from something that
12 happened in 2013?

13 A You know, I didn't put a lot of thought
14 into it at the time, they asked for me to write a
15 report, so I did.

16 Q But you just testified you thought it
17 would be reasonable, so I just want to know why do
18 you think that's reasonable?

19 A You know, I'm not the one that made the
20 decision. I didn't think it was unreasonable for
21 them to ask me to write a report and they asked me
22 to do so; so although it's not something that
23 happens a lot, but --

24 Q Once you received the request from Major
25 Jennings to supplement your report, did you reopen

1 the investigation?

2 A No.

3 Q Did you -- once you received the e-mail
4 from Major Jennings to supplement your report, did
5 you interview any additional witnesses?

6 A No.

7 Q Once you received the e-mail from Major
8 Jennings to supplement your report, did you contact
9 Mrs. Campbell?

10 A No.

11 Q Once you received the e-mail from Major
12 Jennings to supplement your report, did you go back
13 and review your old report?

14 A I took an excerpt from it and included it
15 in this report.

16 Q Okay. Once you received the e-mail from
17 Major Jennings to supplement your report 22 months
18 later, did you go and review any of the 911 audio?

19 A No.

20 Q So is it fair to say the only thing you
21 did to supplement your report was to copy and paste
22 information from your 11-12-13 report?

23 A Well, it's not the only thing I did, I
24 mean, obviously I set the stage for why the report
25 was being generated, as you can see in the first,

1 you know, couple paragraphs, and, you know, tried to
2 remind or tried to document that things like the
3 notes that I took that I transcribed to create the
4 original one, common practice of not keeping my
5 notes, things of that nature, so I included more
6 information in it than simply copying and pasting.

7 Q Well, what -- what additional information,
8 let's just identify what is actually new and what
9 was actually just copy and pasted?

10 A Okay. That's easy to do because I
11 intentionally did it in two different type fonts.

12 Q Okay.

13 A So Paragraphs 1, 2 and 3 are new
14 information, Paragraphs 3 and 4 of Page 1, as well
15 as on Page 2, Paragraphs 1, 2, 3 and 4 are in the
16 same type font, cut and pasted from my
17 administrative investigation report. And then as
18 you can see, the last paragraph on Page 2 is in the
19 original type font, therefore, identifying that it
20 was different, new additional typing from not just
21 part of my original report.

22 Q Now, Major Jennings is not your direct
23 supervisor; correct?

24 A He is my supervisor's supervisor.

25 Q All right. So the chain of command would

1 normally -- you would normally get a directive from
2 your captain; correct?

3 A Normally, but it's not uncommon for the
4 major to come to somebody directly and ask for a
5 direct response from that person bypassing the
6 captain directly to the major.

7 Q But that's -- that's not normal protocol;
8 correct?

9 A He's the major, he can come to me if he
10 wants to, he doesn't need to go through the captain
11 to come to me.

12 Q Fair enough. I get it, that the major can
13 do anything he wants to do, you know, reasonably
14 speaking, from his level down.

15 MR. SMITH: Object to the statement.

16 Q (By Mr. Solomon-Simmons) But the normal
17 course of process is that he would work through the
18 captain; is that correct?

19 MS. GOOCH: Object to the form.

20 THE WITNESS: With respect the traditional
21 chain of command hierarchy, yes, but in practical,
22 realistic application, real world office environment
23 where we all work in the same building, it's not
24 uncommon at all for the major to ask something
25 directly of me or to come directly to me.

1 Q (By Mr. Solomon-Simmons) When the major
2 asks you to supplement your report 22 months later,
3 did you have any discussion with your captain about
4 it?

5 A I don't remember.

6 Q Who was your captain at the time?

7 A At the time, it -- 22 months later, I
8 don't remember if it was still Bill Patton or if by
9 then it was a different captain.

10 Q Let's go back to go your report, first
11 page, third paragraph, you say even though it's a
12 different type -- strike that.

13 You say, "I took notes on the
14 conversation, but I did not record the
15 conversation." Why did you think that was important
16 to place in your supplemental report 22 months later
17 from your first report?

18 A Because honestly, sir, if I would have
19 recorded the conversation and I could have replayed
20 the recording and we would have had a recorded
21 statement of exactly what she and I said in that
22 conversation, the truth of the matter is, none of us
23 would be sitting around this table today.

24 Q Why didn't you record the conversation
25 with Mrs. Campbell?

1 A It is my common practice not to on all of
2 these types of things.

3 Q Why?

4 A Because I've took notes.

5 Q Wouldn't it be a better practice to record
6 the conversations?

7 MR. SMITH: Object to the form.

8 MS. GOOCH: Object to the form.

9 THE WITNESS: Maybe.

10 Q (By Mr. Solomon-Simmons) Then you
11 wrote -- I'm still at Paragraph 3.

12 A Uh-huh.

13 Q "I remember the conversation, but I do not
14 remember every detail of the conversation, so the
15 following is an excerpt from my original report that
16 I completed from my administrative investigation."
17 Do you see that?

18 A Yes, I do.

19 Q Okay. So then the next time you put
20 anything new that's not in your -- your original
21 report, you say, "I can say with certainty that I
22 remember while I was speaking with Mrs. Campbell,
23 she did not make any statements to me that her
24 complaint about Officer Holtzclaw was sexual in
25 nature," you see that?

1 A I do.

2 Q Why did you put that there, sir?

3 A Well, as I mentioned earlier about the
4 timeline of events and things coming out to light in
5 the media and the public, clearly something had been
6 brought to light or brought to surface about
7 Holtzclaw, therefore, prompting me to feel the need
8 to make a statement in here about that.

9 Q So it's your testimony that you placed
10 that information about the sexual contact on your
11 own without prompting from anyone else?

12 A You know, I don't remember the -- what was
13 said in the e-mail, I don't remember anything in the
14 e-mail about sexual nature, I just remember being
15 told to write a supplemental report.

16 Q I understand that. But you -- you -- you
17 write a supplemental report two years later, and I
18 just want to make sure I'm clear, is it your
19 testimony that you, on your own, decided it was
20 important for you to say, "While speaking with
21 Mrs. Campbell, she did not make any statements to me
22 that her complaint about Officer Holtzclaw was
23 sexual in nature"?

24 A Yes.

25 Q Did you place in this supplemental report

1 that Holtzclaw had violated procedures dealing with
2 field show-up?

3 A Did I put it in this report?

4 Q Yes.

5 A Well, sir, it's not there, so the answer
6 is no.

7 Q Okay. That would have been -- that would
8 have been relevant --

9 MS. GOOCH: Object to the form.

10 Q (By Mr. Solomon-Simmons) -- to supplement
11 your report; correct?

12 MS. GOOCH: Object to the form.

13 MR. SMITH: Same objection.

14 THE WITNESS: It's not there, sir.

15 Q (By Mr. Solomon-Simmons) Okay. And also
16 you didn't put in your report that Mrs. Campbell did
17 not match the exact description?

18 MR. SMITH: Object to the form.

19 THE WITNESS: It's not there.

20 Q (By Mr. Solomon-Simmons) You didn't put
21 in this new report 22 months later that Holtzclaw
22 violated the procedure on transporting someone of
23 the opposite sex?

24 MR. SMITH: Object to the form.

25 THE WITNESS: No, sir.

1 Q (By Mr. Solomon-Simmons) You didn't put
2 in this new report, which was done 22 months
3 later --

4 MR. SMITH: Can you stop saying that?
5 We've heard that enough.

6 Q (By Mr. Solomon-Simmons) -- that -- that
7 Holtzclaw violated the -- the procedure dealing with
8 the field interview card?

9 MR. SMITH: Object to the form.

10 THE WITNESS: That's correct.

11 Q (By Mr. Solomon-Simmons) You didn't put
12 in your -- in your report, which was 22 months
13 later --

14 MR. SMITH: I guess the answer is no, you
15 won't stop saying that.

16 Q (By Mr. Solomon-Simmons) -- that
17 Holtzclaw gave you two different versions or wrote
18 two different reports about what happened that
19 night.

20 MR. SMITH: Object to the form.

21 Q (By Mr. Solomon-Simmons) Correct?

22 A What do you mean?

23 Q He wrote one report, which didn't mention
24 anything about roughing up or having to handcuff or
25 anything like that with Mrs. Campbell.

1 MR. SMITH: Object to the form.

2 Q (By Mr. Solomon-Simmons) And then after
3 he sat down with you, he wrote a much more robust
4 report.

5 MR. SMITH: Object to the form.

6 Q (By Mr. Solomon-Simmons) But you don't
7 place that in your new supplemental report; correct?

8 MS. GOOCH: Object to the form.

9 MR. SMITH: Object to the form.

10 THE WITNESS: It's not there.

11 Q (By Mr. Solomon-Simmons) You don't think
12 that was just as important as you saying, "I can say
13 with certainty that I remember while speaking with
14 Ms. Campbell she didn't make any statements about
15 anything sexual in nature"?

16 A I don't understand your question.

17 Q Let me ask you this, sir, you say she,
18 being Mrs. Campbell, "She did not say anything to me
19 about any sexual misconduct on behalf of Officer
20 Holtzclaw"?

21 A That's true.

22 Q That's -- this statement is a beneficial
23 statement to the Oklahoma City Police Department;
24 correct?

25 MS. GOOCH: Object to the form.

1 THE WITNESS: That statement is the truth,
2 sir.

3 Q (By Mr. Solomon-Simmons) Does it
4 benefit -- does this statement, this new statement
5 you put in your report, 22 months after your
6 original report, does it benefit the Oklahoma City
7 Police Department?

8 MR. SMITH: Object to the form.

9 MS. GOOCH: Object to the form.

10 THE WITNESS: I guess it would.

11 Q (By Mr. Solomon-Simmons) How would it?

12 A Well, it's my understanding that
13 Mrs. Campbell filed a lawsuit.

14 Q And you had that understanding at the time
15 you wrote this supplemental report; correct?

16 A I don't remember the timeline of events,
17 sir.

18 Q Yeah. And you know that this -- this
19 statement that you wrote that's beneficial for the
20 City of Oklahoma City is to defend against
21 Campbell's lawsuit; correct?

22 MS. GOOCH: Object to the form.

23 MR. SMITH: Same objection.

24 THE WITNESS: That could be, yeah, that
25 could be.

1 Q (By Mr. Solomon-Simmons) And also, you
2 writing in this report that Mrs. Campbell didn't
3 mention anything about sexual misconduct benefits
4 the city in defending against the claims of my
5 clients; correct?

6 MS. GOOCH: Object to the form.

7 THE WITNESS: Who is your client, sir? I
8 wasn't clear at the beginning of the day.

9 Q (By Mr. Solomon-Simmons) Jannie Ligons,
10 who Mr. Holtzclaw sexually assaulted by making her
11 perform oral sex on him on the street.

12 A Okay.

13 Q Which he was convicted of.

14 A Okay.

15 Q This comment that you put, this statement
16 helps the city defend against our client's claims;
17 correct?

18 MR. SMITH: Object to the form.

19 MS. GOOCH: Object to the form.

20 THE WITNESS: The statement is correct
21 with respect to what Campbell did or did not say to
22 me.

23 Q (By Mr. Solomon-Simmons) That's -- but my
24 question is, your statement helps the city defend
25 against the lawsuit of Jannie Ligons against City of

1 Oklahoma City; is that correct?

2 MS. GOOCH: Object. Object to the form;
3 asked and answered.

4 MR. SMITH: Object. Object to the form.

5 Q (By Mr. Solomon-Simmons) You can answer,
6 sir.

7 A Well, I don't see how Campbell -- I mean,
8 Campbell and Ligons are two different people, so I
9 mean, I can understand that it relates to Campbell.
10 Educate me if you want me to give you an educated
11 answer with respect to how it relates to Ligons.

12 Q Let me ask you, the next sentence you say,
13 sir, "A complaint of that nature would have required
14 me to make additional notifications to my chain of
15 command and follow different protocol." Do you see
16 that, sir?

17 A I do.

18 Q I want to know what additional
19 notifications to your chain of command you would
20 have made.

21 A Well, sir, those are the things that we
22 talked about earlier today when I talked about
23 having either an on-duty captain or we ensure that
24 we always have an on-duty watch commander, somebody
25 to report things of that nature to, and that's what

1 would have happened. And I alluded to that earlier
2 today when we talked about my on-duty captain or the
3 watch commander being the person that would be the
4 appropriate person for me to contact had that
5 happened. And so that's what I'm referring to when
6 I say "make additional notifications or follow other
7 protocols."

8 Q Okay. So I want to make sure I understand
9 your testimony. You're saying there's -- there was
10 someone in your chain of command that was
11 specifically designated to be contacted if there was
12 an allegation of sexual misconduct?

13 A He's not -- they're not the sexual
14 misconduct contact person, they are the commander in
15 charge at that time and the appropriate person to
16 take any problems to that require chain of command
17 notifications.

18 Q Would that also include an allegation of
19 being slammed against a brick wall?

20 A No. The -- the use of force investigation
21 does not require that I notify the watch commander,
22 however -- well, let me double check on that. But
23 in common practice, there's certain things we have
24 to notify the watch commander for, things like if an
25 officer is injured, things like if a officer is in a

1 crash.

2 Q Okay.

3 A Things like if a pursuit takes place,
4 things like if investigations are called out after
5 hours, things of that nature. There are a list of
6 reasons why we would notify the watch commander.

7 Q Okay.

8 A In that list, there's also a catchall,
9 which is like anything other of significance or
10 importance or to that effect, and somebody making a
11 sexual misconduct allegation against an officer
12 would obviously fit into that category.

13 Q Someone saying that they -- that they were
14 kidnapped by an officer wouldn't fit in that
15 category?

16 MS. GOOCH: Object to the form.

17 MR. SMITH: Same objection.

18 THE WITNESS: Ms. Campbell didn't tell me
19 she was kidnapped.

20 Q (By Mr. Solomon-Simmons) But the facts of
21 what she said happened was a kidnap, to her, if
22 she's pulled over, do you agree that if an officer
23 puts someone in the vehicle without probable cause
24 and drives them around, that would be kidnapping?

25 MS. GOOCH: Object to the form.

1 MR. SMITH: Object to the form.

2 THE WITNESS: No, he performed a field
3 show-up, he did a investigative detention and he
4 performed a field show-up.

5 Q (By Mr. Solomon-Simmons) I'm sorry, go
6 ahead.

7 A And, no, that's not kidnapping, he was
8 performing -- he was acting in good faith performing
9 his duties.

10 Q How do you know he was acting in good
11 faith?

12 MR. SMITH: Object to the argumentative
13 nature. Answer.

14 Q (By Mr. Solomon-Simmons) You can answer,
15 sir.

16 A Apparently I misspoke, I guess I don't.

17 Q Okay. Thank you. This is a copy of
18 the --

19 A Office manual.

20 Q Yes, from 2013 that we received from the
21 city, I would want you to identify the policy that
22 you believe would required you to notify a certain
23 chain of command based upon a sexual misconduct
24 allegation.

25 MS. GOOCH: How much time on the record do

1 we have so far?

2 COURT REPORTER: Six.

3 MS. GOOCH: Okay. Thanks.

4 Q (By Mr. Solomon-Simmons) Lieutenant
5 Bennett, while you're looking, I want to ask you
6 this, did you -- do you recall consulting with
7 any -- a policy that caused you to write that you
8 would be required to make additional notifications
9 to my chain of command?

10 A I'm sorry, what's your question?

11 Q Do you recall looking at a policy when
12 you -- when you wrote your supplemental report on
13 9-21, 2015? It seems like you're having a tough
14 time finding that policy, I'm just wondering --

15 A Yeah, I was just -- I was just skimming
16 through trying to get to the correct part. And
17 you're right, it's a large document, it -- it
18 details lots of things, and you're asking for one
19 thing in a four-inch book, so, yes, I'm going
20 through the glossary trying to find it.

21 Q Okay.

22 A Did I -- did I cite a specific one, no.
23 It's common practice that that would be required,
24 you're asking for it in writing, so that's what I'm
25 looking for.

1 Q When you say it's common practice, why do
2 you say it's common practice?

3 A Because I have experience in knowing that
4 the watch commander needs to be notified. A list of
5 things, for example, like what I mentioned before
6 you handed me this book, things like when an officer
7 is injured, when -- I went down the list a minute
8 ago, I mean, I can rehash it if you want me to,
9 but --

10 Q No, I don't want to cut you off, but I
11 know we short on time. But you're -- you write a
12 complaint of that nature and that nature being a
13 sexual in nature; correct?

14 A Yes.

15 Q Would have required me to make additional
16 notification, so I'm not asking about officer being
17 hurt, any other thing, I'm talking about
18 specifically a complaint of sexual in nature, what
19 additional notifications would need to be made and
20 then what policy or procedure requires you to make
21 those?

22 A I'll give you an example, our call out
23 criteria, okay?

24 Q Yeah.

25 A Our call out criteria says that

1 investigations will be called out for after hours
2 for this, this, this and this criteria, and on every
3 single one of them, it also includes, and if it
4 involves a department employee.

5 So, for example, the assault unit needs to
6 be called out after hours, they'll only come out if
7 somebody has, for example, grave bodily injury or
8 there's a need to generate a search warrant, so
9 you'll need a detective to do that, et cetera, et
10 cetera. And then at the bottom the last one is or
11 if it involves a department employee.

12 Same way with sex crimes, the call out
13 criteria is this or this or this or if it involves a
14 department employee. So the criteria and the
15 guidelines that I go by at 2:00 in the morning on
16 whether or not I'm going to make somebody's phone
17 ring and call a detective out to have them come help
18 us on all of those different ones, it says, or if it
19 involves a department employee.

20 Q Did you get a e-mail from Major Jennings
21 at 2:00 in the morning?

22 MR. SMITH: Object to the form.

23 THE WITNESS: No, Major Jennings does not
24 work at 2:00 in the morning, I do, he doesn't.

25 Q (By Mr. Solomon-Simmons) I was just

1 trying to understand the relevance of -- of you
2 saying that.

3 A Well, call out -- call out criteria that I
4 was talking about, means that we would call them out
5 into the field while they're not normally at work,
6 and since detectives work during the day, in order
7 to call them out when they're not at work, that
8 would mean nighttime.

9 Q Okay.

10 A Do you want me to continue to look for
11 this or are we going to finish with the
12 conversation?

13 Q Let's finish with the conversation.

14 A Okay. I would be more than happy to just
15 sit here and continue to find it for as long as it
16 takes.

17 Q Well, I was hoping, I was -- I assumed you
18 could find it very quickly because you referenced it
19 in your -- in your report.

20 MR. SMITH: Object to form. Object to the
21 statement.

22 THE WITNESS: Okay. Do you know how long
23 it's been since I looked at one of these in paper?
24 We have a digital format, it has a search bar, so it
25 takes significantly less time to click search and

1 type in a key word. I haven't seen one of these in
2 paper in about ten years. So I'm sorry that I'm not
3 as proficient at researching in -- in paper.

4 Q (By Mr. Solomon-Simmons) Okay. So if we
5 continue to look at that sentence, you say, "A
6 complaint of that nature would have required me,"
7 being you, "to make additional notification to my
8 chain of command and follow different protocols."
9 What different protocols would you have followed
10 that you did not do on November 5th, 2013?

11 A November 5th, I conducted a use of force
12 follow-up investigation, we've talked about that,
13 we've reviewed it, that's what I did. The
14 additional protocols would have included notifying
15 the watch commander and the watch commander calling
16 out more than likely sex crimes investigators and
17 more than likely also internal affairs.

18 Q Which exactly kind of the procedure that
19 if you would have followed 143.0, you would have had
20 to notify some other individuals?

21 MR. SMITH: Object to the form.

22 MS. GOOCH: Same objection.

23 Q (By Mr. Solomon-Simmons) Correct?

24 A 143.0, I believe that was the formal
25 complaint, is that what you're referencing to?

1 Q No, it's a complaint against employee by a
2 citizen.

3 A Right. That's an admin investigation.
4 So --

5 Q Is it a admin investigation, I believe in
6 that -- in that document, tell me if I'm wrong, it
7 also says if someone has allegations of criminal
8 misconduct; is that correct? You can take your time
9 and read it.

10 A Well, what I was referring to was right
11 here where it talks on Page 2, "All departmental
12 complaints or allegations will be classified in one
13 of the following categories when investigation is
14 complete." And it lists a series of dispositions
15 that a investigation shall be classified under.

16 For example, exonerated, unfounded, not
17 sustained, sustained, misconduct not based on
18 complaint or withdrawn. Those are all dispositions
19 for an administrative investigation, all be if it's
20 criminal, there's a different procedure for that. I
21 don't think I need to go into that, we all
22 understand.

23 Q Sure. But that policy does also on the
24 first page discuss allegations of criminal conduct;
25 does it not?

1 A Without rereading the whole thing, I'm
2 sure it probably says that in there somewhere.

3 Q Okay. And excessive force, an allegation
4 of excessive force is an allegation of potential
5 criminal conduct; correct?

6 A In and of itself as a stand alone without
7 any other relevant information, yes.

8 Q Okay. So, therefore, Policy 143 should
9 have been applied to the complaint that
10 Mrs. Campbell made against Holtzclaw; correct?

11 MR. SMITH: Object to the form.

12 THE WITNESS: I disagree.

13 MS. GOOCH: Same objection.

14 Q (By Mr. Solomon-Simmons) Okay. Great.
15 Do you know of a specific policy, a written policy
16 or procedure that allows a report to be supplemented
17 22 months later when there hasn't been any
18 additional facts or information related to the
19 incident that was initially investigated?

20 MR. SMITH: Object to the form. You can
21 answer if you understand it.

22 THE WITNESS: A policy that allows an
23 additional report to be filed?

24 Q (By Mr. Solomon-Simmons) Yes. No, a
25 supplemental report to be done 22 months later when

1 there has not been any change in circumstance from
2 the original investigation. Are you -- are you
3 following me?

4 A Yeah, I don't see that reference, I don't
5 know of that being referenced in any policy or
6 procedure.

7 Q Okay. Would you agree with me that
8 normally reports would be supplemented when there is
9 new information related to the actual investigation
10 of an issue?

11 A That's one of the ways or reasons why a
12 supplement report would be filed.

13 Q That's -- would you agree that's normally
14 the reason why a supplement would be filed?

15 MR. SMITH: Object to the form.

16 THE WITNESS: Generally, yes.

17 Q (By Mr. Solomon-Simmons) Okay. Would you
18 agree that it's unusual, that this was a unusual
19 request that Major Ellis -- is it Major Ellis?

20 MR. HALL: Jennings.

21 Q (By Mr. Solomon-Simmons) Sorry. Would
22 you agree it was unusual request to receive from
23 Major Jennings to supplement your report 22 months
24 later?

25 A It is not normal.

1 Q Okay. I may have already asked this, but
2 I need to check it off my list. At the time you
3 wrote the supplemental report, you knew that both --
4 you knew that the city could be subject to a civil
5 liability for Ms. Campbell's complaint against
6 Holtzclaw; correct?

7 MS. GOOCH: Object to the form.

8 THE WITNESS: I believe my answer was that
9 I don't remember the exact timeline as to when
10 litigation became public knowledge.

11 Q (By Mr. Solomon-Simmons) Okay.

12 THE VIDEOGRAPHER: Go off the record just
13 a moment. Going off the record, 5:56.

14 (Break taken from 5:56 to 6:04)

15 THE VIDEOGRAPHER: We are back on the
16 record, 6:04.

17 (Plaintiff's Exhibit Number 15 marked for
18 identification and made part of the
19 record)

20 Q (By Mr. Solomon-Simmons) Exhibit 15.
21 There you go, sir. Can you identify that document,
22 Lieutenant Bennett?

23 A It's an excerpt from the police operations
24 manual.

25 Q And is it a policy 1111, do you see that

1 his interaction with Demetria Campbell, that he
2 could have received a discipline based upon the
3 interaction with Ms. Campbell?

4 MR. SMITH: Object to the form.

5 THE WITNESS: What's your question?

6 Q (By Mr. Solomon-Simmons) My question is
7 if he would have -- if Daniel Holtzclaw would have
8 received his performance evaluation on or before
9 April 12, 2014, the individual that was performing
10 the evaluation would have had to review the
11 interaction he had in November of '13 with Demetria
12 Campbell, that's my question.

13 MS. GOOCH: Object to the form.

14 THE WITNESS: That would have -- the only
15 way that the person doing the evaluation would have
16 had any knowledge of his interaction with Campbell
17 would have been in reference to the memorandum that
18 I generated for documented verbal counseling that
19 would have been in his file.

20 Q (By Mr. Solomon-Simmons) Okay. So
21 explain this to me, so if someone -- if you -- you
22 got -- I'm trying to understand, if you -- you guys
23 are trained, if you looking at a file, say you
24 looking at Daniel Holtzclaw's file and you come
25 across the memorandum that -- that was generated

1 where he breached the protocol or the procedure,
2 what are you guys trained to do once you see that
3 happen within the year that you are evaluating the
4 officer?

5 A Well, if there's anything in his file
6 within that year time frame that's relevant to the
7 evaluation, then it would have been mentioned in the
8 evaluation, something like memorandum for a
9 documented verbal counseling for violating policy,
10 procedure or rule would be the type of thing that
11 would have given him a lower score on his
12 evaluation.

13 Q Okay. All right. Now, you mentioned --
14 this is Exhibit 17.

15 (Plaintiff's Exhibit Number 17 marked for
16 identification and made part of the
17 record)

18 MS. GOOCH: I want to just make a -- a
19 brief comment on the record that I know we're
20 getting kind of close to the seven-hour time limit
21 and I just want -- don't want you to be surprised by
22 that. My understanding we're about six hours and 20
23 minutes or so, give or take. And I'm going to hold
24 us, within reason, to that seven-hour time limit.

25 MR. SOLOMON-SIMMONS: Very fair.

1 Q (By Mr. Solomon-Simmons) Is this the
2 policy -- well, first of all, can you -- can you
3 identify this document?

4 A Excerpt from the police office manual.

5 Q And specifically Procedure 175.10?

6 A 175.10, verbal counseling.

7 Q Is this the policy you were -- you were
8 referencing when you say you gave him a verbal
9 counseling?

10 A It appears so, I'd like to have a moment
11 to read it.

12 Q Please, take your time.

13 (Witness reviews document)

14 THE WITNESS: Okay. I'm familiar with it.

15 Q (By Mr. Solomon-Simmons) Okay. And is
16 this the policy that you were thinking of -- strike
17 that.

18 Did you utilize this policy to provide the
19 verbal counseling to Daniel Holtzclaw?

20 MR. SMITH: It's a procedure.

21 Q (By Mr. Solomon-Simmons) Procedure.

22 A Yes.

23 Q Okay. So I want to read -- read this
24 policy --

25 MR. SMITH: It's a procedure.

1 Q (By Mr. Solomon-Simmons) -- that states
2 "Frequently inappropriate behavior by employee can
3 be corrected without disciplinary action," do you
4 see that?

5 A I do.

6 Q Okay. So let's skip down to the second
7 paragraph, "Employees are not required to sign or
8 initial any part of such documentation. Supervisors
9 may personally retain and use their notes for
10 further consideration in employee's performance
11 evaluation." Do you see that?

12 A For future consideration, yes, I see that.

13 Q Now, this next sentence is underlined, it
14 says, "Such documentation shall be retained only in
15 the supervisor's file," you see that?

16 A I do.

17 Q What does that mean?

18 A It means that the supervisor's file is the
19 only place where that document will be retained.

20 Q Okay. So --

21 (Plaintiff's Exhibit Number 18 marked for
22 identification and made part of the
23 record)

24 Q (By Mr. Solomon-Simmons) So can you
25 identify this document?

1 A Yes, this is the memorandum that I
2 prepared to notify Major Brian Jennings of the
3 verbal counseling that I had with Officer Daniel
4 Holtzclaw on December 17th, 2013.

5 Q So my one question I have is if the
6 procedure states that -- well, do you -- I represent
7 to you that we received this document inside of
8 Daniel Holtzclaw's employee manual -- employee file.

9 A Okay.

10 MR. SMITH: I object to that, but go
11 ahead.

12 Q (By Mr. Solomon-Simmons) Do you have any
13 reason to dispute that?

14 A I have no knowledge as to how you received
15 that document.

16 Q Okay. And to your knowledge, can you
17 explain why this document would be placed in Daniel
18 Holtzclaw's employee -- employee file -- employee
19 file?

20 A I didn't place it there. I have no idea.

21 Q Okay. Do you recall drafting this
22 document?

23 A I do.

24 Q Now, you say on the document, I'm back on
25 17, "On 12-3-13, I was instructed to speak to

1 Officer Daniel Holtzclaw." Who instructed you?

2 A My chain of command.

3 Q Who -- who -- I mean, who specifically
4 instructed you?

5 A I don't remember.

6 Q Do you recall what they said to you or why
7 you needed to discuss it with Officer Holtzclaw?

8 A I don't remember specifically or exactly
9 what was said. Clearly, even since I say so in the
10 document, I was instructed to speak with Daniel
11 Holtzclaw in reference to Procedure 150.1 -- or .01,
12 the one that we spoke about earlier for
13 notification.

14 Q Why would you be the one to have to
15 discipline Daniel Holtzclaw if you were not
16 supervising Daniel Holtzclaw?

17 A Because I generated the original and so,
18 therefore, the conclusion was assigned to me, also.

19 Q Okay. Did you write where it says
20 "Documented" and it's -- and it's circled?

21 A That is not my handwriting.

22 Q Okay. Do you know whose handwriting that
23 is?

24 A I couldn't begin to guess.

25 Q Okay. But if this document was truly

1 in -- in Daniel Holtzclaw's employment file, that's
2 a breach of the actual protocol or the procedure;
3 correct?

4 MS. GOOCH: Object to the form.

5 MR. SMITH: Same objection.

6 THE WITNESS: Well, Procedure 175.0
7 clearly says "shall only be maintained in the
8 supervisor's file." It's self-explanatory.

9 Q (By Mr. Solomon-Simmons) Okay. So, and
10 back on this document, your memo, on December 17,
11 2013, you state that you reviewed the incident with
12 Daniel Holtzclaw; correct?

13 A That's correct.

14 Q And did you actually review the incident
15 with Daniel Holtzclaw on that day, on the 17th?

16 A Oh, was it actually the 17th?

17 Q Yeah. Did you review the incident with
18 Daniel Holtzclaw?

19 A Yes, that's why I wrote on the 17th.

20 Q Did you review the incident with Daniel
21 Holtzclaw on December 17th in person?

22 A Yes.

23 Q So at that time, did you also inform
24 Daniel Holtzclaw that he violated the field show-up
25 policy -- procedure?

1 A No.

2 Q Did you -- did you advise Daniel Holtzclaw
3 or verbally counsel him on the other four items that
4 we've already identified and agree, a procedure that
5 were breached in his interaction with Demetria
6 Campbell?

7 MS. GOOCH: Object to the form.

8 MR. SMITH: Object to the statement.

9 THE WITNESS: No.

10 Q (By Mr. Solomon-Simmons) But you could
11 have; correct?

12 A No.

13 Q Why not?

14 A I do not determine discipline, we've gone
15 over that earlier today, it was about 10 a.m., I
16 remember, and I don't have the authority to decide
17 discipline.

18 Q Okay.

19 A I did this because I was instructed to do
20 so, the only thing that I was instructed to do was
21 this, and I did so as I was told.

22 Q I understand. But Major Jennings -- let
23 me make sure I'm clear, you send this -- this --
24 this document as a memo and you sent it to Major
25 Jennings?

1 A I did.

2 Q Why?

3 A Because he's the division commander, that
4 way he would be informed that this took place.

5 Q So is that normal?

6 A Yes.

7 Q But you can't recall if it -- if it was
8 Major Jennings who -- who instructed you to have the
9 verbal consultation?

10 A The instruction would have come from my
11 higher ups in my chain of command, so either a
12 captain or major, likely, possibly, more than
13 likely, not from a deputy chief, if I had to assume,
14 it came from my chain of command.

15 Q Okay. And that chain of command could
16 have instructed you to counsel Holtzclaw on those
17 other four violations of procedure?

18 A If when the use of force was reviewed and
19 that determination was made, then I would have been
20 instructed to counsel him on those other topics.
21 Clearly my chain of command made the decision not to
22 do so because I was only informed on the one topic,
23 which was notification.

24 Q Okay.

25 (Plaintiff's Exhibit Number 19 marked for

1 identification and made part of the
2 record)

3 Q (By Mr. Solomon-Simmons) Can you explain
4 how verbal counseling is different than, quote,
5 unquote, corrective action at the employee level?

6 A Are you speaking to Procedure 175.10?

7 Q Yeah, I think earlier you had mentioned
8 corrective action at the employee level.

9 MR. SMITH: Without disciplinary action.

10 THE WITNESS: Corrective action at the
11 employee level is a lieutenant or other supervisor
12 addressing something that is improper and bringing
13 it to the employee's attention.

14 Q (By Mr. Solomon-Simmons) So you had the
15 authority to do that?

16 A I have the authority to say, hey, don't do
17 that?

18 Q Right.

19 A That's your question?

20 Q Yes.

21 A Yeah.

22 Q So my question is, did you tell Daniel
23 Holtzclaw at the time that you sat down with him to
24 discuss the incident, hey, don't do these other
25 breaches of protocol or procedure that you -- that

1 you did?

2 A No, I did not.

3 Q Okay. But you had the authority to do it?

4 MR. SMITH: Object to the form.

5 THE WITNESS: Yes.

6 Q (By Mr. Solomon-Simmons) Okay. Just real
7 quickly, Number 6, can you recognize this document?

8 A I have never seen this document before.

9 Q Okay. Can you tell us, for the record,
10 what it is?

11 MS. GOOCH: Object to the form.

12 Q (By Mr. Solomon-Simmons) What this
13 particular document that I handed you, which is
14 Exhibit Number 19?

15 MS. GOOCH: He just told you he doesn't
16 know what it is, but he can read to you what the
17 title of it is.

18 THE WITNESS: I have never seen this
19 document before.

20 Q (By Mr. Solomon-Simmons) I understand.

21 A I'll read it. It says at the top, title,
22 "Affidavit of Chief of Police William J. Citty."

23 Q Okay. You see Number 6?

24 A I do.

25 Q That all -- can you read that?

1 A Number 6, "That all OCPD officers are
2 required to comply with policies, procedures and
3 rules contained in the OCPD manual."

4 Q Do you agree with that?

5 A Yes.

6 Q Okay. Thank you.

7 MS. GOOCH: Where are we on time?

8 COURT REPORTER: 6:37.

9 MR. SOLOMON-SIMMONS: Go off the record
10 one moment.

11 THE VIDEOGRAPHER: Going off the record,
12 6:34.

13 (Break taken from 6:34 to 6:35)

14 THE VIDEOGRAPHER: We're back on the
15 record, 6:35.

16 (Plaintiff's Exhibit Number 20 marked for
17 identification and made part of the
18 record)

19 Q (By Mr. Solomon-Simmons) Have you seen
20 this document before, sir?

21 A I believe so.

22 Q When did you -- do you recall when you
23 first seen it -- first saw it?

24 A I do not recall when or where I first saw
25 it.

1 Q Okay. Will you pay -- can you identify
2 this for the record?

3 A It's Campbell's complaint.

4 Q If I represent to you that this is the
5 City of Oklahoma City's motion for summary judgment
6 against Campbell that was filed June 25th, 2018,
7 would you have any reason to dispute that?

8 MS. GOOCH: I'm sorry.

9 MR. SMITH: I would because that's not its
10 title.

11 MS. GOOCH: That's not what I have.

12 MR. HALL: You got a different document,
13 this is the reply to MSJ.

14 MR. SOLOMON-SIMMONS: Okay. I apologize.

15 MS. GOOCH: That's okay.

16 MR. HALL: You want to substitute it?

17 MR. SOLOMON-SIMMONS: Yeah, substitute it.

18 Q (By Mr. Solomon-Simmons) Okay. Have you
19 seen this document before?

20 A Okay. Motion for summary judgment, no, I
21 have never seen this document before.

22 Q Okay. I want you to turn to Page 17.

23 A Okay.

24 Q Do you see the first full paragraph?

25 MS. GOOCH: The first -- I'm sorry, the

1 first?

2 Q (By Mr. Solomon-Simmons) Full paragraph.

3 A Yes, I do.

4 Q It says, "Lieutenant Arthur Gregory," do
5 you see that?

6 A I do.

7 Q Can you read that for us?

8 A "Lieutenant" --

9 MS. GOOCH: You want him to read it out
10 loud?

11 MR. SOLOMON-SIMMONS: Yes.

12 THE WITNESS: "Lieutenant Arthur Gregory,
13 Defendant Holtzclaw's supervisor during the time of
14 the events in question took place, was interviewed
15 in regard to the charges filed by the Oklahoma
16 County District Attorney. During that interview,
17 Lieutenant Gregory said at no time was there any
18 complaint from a female of him being inappropriate."

19 Q (By Mr. Solomon-Simmons) Okay. Stop
20 there. That's not true, is it, sir?

21 MR. SMITH: Exactly what is your
22 statement?

23 MS. GOOCH: Object to the form.

24 MR. SMITH: Are you asking about a report
25 that you didn't give him or the statement in Page 17

1 by the attorneys?

2 Q (By Mr. Solomon-Simmons) Sir, you can
3 answer.

4 MR. SMITH: Object to the form.

5 THE WITNESS: At no time was there any
6 complaint from a female of being inappropriate.
7 That is correct.

8 Q (By Mr. Solomon-Simmons) That's a correct
9 statement? Is Ms. Campbell a female?

10 A She is.

11 Q Did Ms. Campbell complain that
12 Mr. Holtzclaw was inappropriate with her?

13 A She did not say the word "inappropriate"
14 when she spoke with me.

15 Q Okay. Let's read the next sentence, go
16 ahead and read it.

17 A "No female ever made a complaint of any
18 sort about him."

19 Q Is that an accurate statement, sir?

20 MR. SMITH: Object to the form.

21 THE WITNESS: Ms. Campbell made a
22 complaint about the force that he used.

23 Q (By Mr. Solomon-Simmons) It's your
24 testimony that Ms. Campbell never made a complaint
25 about Daniel Holtzclaw?

1 MS. GOOCH: Object to the form.

2 MR. SMITH: Same objection.

3 Q (By Mr. Solomon-Simmons) They can object.
4 You can answer.

5 A I understand. Campbell and I spoke and
6 she made a complaint to me about the force used,
7 which is what I investigated.

8 Q Is Mrs. Campbell a female?

9 A Yes.

10 Q Did Mrs. Campbell make a complaint the
11 night of November 5th, 2013?

12 A Yes.

13 Q And who was her complaint against?

14 A Holtzclaw.

15 Q Okay. So, sir, this statement that says
16 no female ever made a complaint of any sort about
17 him is not accurate; correct?

18 MS. GOOCH: Object to the form.

19 MR. SMITH: Same objection.

20 THE WITNESS: Well, if you phrase it like
21 that, then that is correct.

22 Q (By Mr. Solomon-Simmons) And the next
23 sentence says, "Clearly, there was no evidence or
24 instance that would have put Defendant Citty on
25 notice of any" -- "of any inappropriate behavior of

1 Defendant Holtzclaw," that's not a accurate
2 sentence, either, sir; correct?

3 A I lost track, what page are you on?

4 Q I'm still on 17.

5 A Okay, I'm sorry. I lost track.

6 Q The sentence that says, "Clearly, there
7 was no evidence."

8 MR. SMITH: Object to the form.

9 Q (By Mr. Solomon-Simmons) Do you see that
10 sentence?

11 A I do.

12 Q Do you agree that's accurate?

13 A With respect to the use of force, that is
14 an accurate statement.

15 Q That is an accurate or inaccurate, I'm
16 sorry?

17 A "No evidence that had put Citty on notice
18 of any inappropriate behavior by Defendant
19 Holtzclaw," that's accurate with respect to the use
20 of force that I investigated.

21 Q Sure. Okay. Fair enough. Thank you.
22 Sir, I'm going to introduce this, I'm just trying to
23 get through all of my documents that I wanted to get
24 introduced. I'm going to introduce a series of
25 document pretty quickly, some of them are dealing