

UNCUFF the Innocent · Daniel Holtzclaw case records

Deposition of Deputy Chief Brian Jennings, April 23, 2019 (Barnes v. City of Oklahoma City, No. CIV-16-184-HE): pages cited on this site

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1 A I did not send it. I received it.

2 Q I'm sorry. Do you recall receiving this memo?

3 A It looks familiar. I mean, I get a lot of
4 memos.

5 Q Do you want to take a second to review it?

6 A I already reviewed it.

7 Q And so this is a memo from Capt. Patton to you
8 saying, I reviewed the use of force investigation. I
9 believe the amount of force used to control Ms. Campbell
10 was within departmental policy and guidelines. However,
11 Officer Holtzclaw failed to notify his supervisor of the
12 incident. It is evident after reading the supervisor
13 narrative that Officer Holtzclaw report a use of force
14 had occurred. I recommend a oral counseling for the
15 failure to report the use of force.

16 So my first question is why is Capt. Patton
17 involved in this discussion of Officer Holtzclaw's use
18 of force?

19 A He was in his chain of command.

20 Q Okay. All right. Okay. Okay. My next
21 question on this particular exhibit, is it
22 Capt. Patton's role to decide if the amount of force
23 used to control Ms. Campbell was within departmental
24 policies and guidelines?

25 A Of course, the screening committee is the

1 ultimate decisionmaker, but they can offer their opinion
2 based on their review of it.

3 Q In your experience with Capt. Patton did he --
4 was this normal for him to offer his opinion on a
5 particular use of force in a memo to you?

6 A Yes, he's done that before. He's also a --
7 he's a custody and control instructor.

8 Q So any time an officer is involved in the use
9 of force incident, that officer's chain of command,
10 going from lieutenant to captain to major, they can
11 review the use of force investigation and opine their
12 thoughts about if it was appropriate or inappropriate?

13 A They can, um-hum. It's not unusual.

14 Q Okay. So when you received this memo from
15 Capt. Patton was it just the memo itself or did it also
16 include the use of force investigative packet?

17 A I don't recall.

18 Q Do you recall if you reviewed the use of force
19 investigative packet before or after Capt. Patton
20 reviewed it?

21 A It would be after he reviewed it.

22 Q And after you reviewed it you determined that
23 the report was complete and sent it on up to the
24 Operations Bureau?

25 A The packet was complete.

1 Q The packet.

2 A Yes, sir.

3 MR. SOLOMON-SIMMONS: Do you need to take
4 a break?

5 THE WITNESS: About 1:30.

6 MR. JOHNSON: Break until 1:30?

7 MR. SOLOMON-SIMMONS: No, no. We're
8 gonna break -- he needs to take a break at 1:30.

9 MR. JOHNSON: Okay. Thanks a lot.

10 (Exhibit 8 was marked for identification
11 and made a part of the record.)

12 Q (By Mr. Solomon-Simmons) Chief, have you seen
13 this document before?

14 A Yes, sir.

15 Q Can you identify this document for the record?

16 A It's a use of force packet completed by
17 Lt. Bennett.

18 Q And this is a use of force packet regarding an
19 incident that happened November 5th, 2013; correct?

20 A Yes.

21 Q Involving an African-American female by the
22 name of Demetria Campbell; is that correct?

23 A Yes.

24 Q Now, at the top here, the second line from
25 the -- do you see it says case number 13 dash --

1 A Yes.

2 Q Do you know what the W/M stands for?

3 A That is not my writing. I don't know who put
4 that on there.

5 Q Okay. Was that there before you reviewed this
6 packet?

7 A I don't recall. I don't know. I don't recall
8 that being there on the packet.

9 Q Have you ever seen something like that on the
10 packet?

11 A No, sir.

12 Q And you don't know what that means?

13 A No.

14 Q Okay. Do you recall if you reviewed the
15 entirety of the packet?

16 A At the time I would have, yes.

17 Q And there are some pictures located in this
18 packet; correct?

19 A Yes.

20 Q Do you recall looking at the pictures?

21 A Yes.

22 Q And while my copy I gave you is in black and
23 white, the packet that you actually reviewed was in
24 color; correct?

25 A It could have been. I don't know if the

1 original packet was in color or not.

2 Q I just want you to look at the pictures that
3 start at -- if you look at the bottom right-hand corner
4 it says OKC 029045.

5 A Okay.

6 Q That's where the pictures start. Then you have
7 a picture, and then on the back there is a picture.

8 A Um-hum.

9 Q Do you see this picture that's located at OKC
10 029046. Do you see that?

11 A Yes.

12 Q And what is that a picture of to you?

13 A A side view of Ms. Campbell.

14 Q Do you see her face?

15 A I do.

16 Q Can you tell that there is some discoloration
17 on her face?

18 A No, sir.

19 Q What about on her forehead?

20 A No, sir.

21 Q I'm still looking at that picture. On her
22 forehead you can't tell that that's a different color
23 than the red of her face?

24 A I see lighting on it.

25 Q Okay.

1 A It's probably from the camera flash. I see it
2 in her ear also.

3 Q Okay.

4 A And her hair.

5 Q Were you ever told at the time you were
6 reviewing these pictures that what you are seeing as
7 lighting is markings on her face, not from the camera,
8 but physically on her face?

9 A Are you talking about at the time?

10 Q Yes.

11 A I don't recall.

12 Q If you go to the next page, which is -- the
13 page I want you to go to is OKC 029048. And you see
14 it's another picture of Ms. Campbell?

15 A Yes.

16 Q Can you see also on her forehead, above her
17 eye, towards her hairline some discoloration?

18 A I see some white color there, yeah. I also see
19 it on her front forehead and her nose and her cheeks,
20 too.

21 Q Were you ever -- did anyone ever tell you that
22 this was the condition of her face when Lt. Bennett took
23 these photos?

24 A I don't recall.

25 Q Were you aware Lt. Bennett took these photos of

1 Ms. Campbell?

2 A I assume he did since he did the investigation.

3 Q Were you aware these photos were taken shortly
4 after Ms. Campbell's interaction with Mr. Holtzclaw?

5 A I think they were taken at the hospital, yes.

6 Q Would you agree that these pictures show
7 visible marks on Ms. Campbell's face?

8 A I probably wouldn't agree to that, no.

9 Q What would you call it?

10 A I see discoloration, but I don't know if that's
11 from the lighting or actually on her forehead without
12 seeing the color photos.

13 Q Sure. If I represent to you that the color
14 photos show that these are actually on her face and
15 forehead and not just from the camera flash?

16 A I would still like to see the photos myself.

17 Q Okay.

18 A And the only reason, you know, I ask that, too,
19 is because on the front cover page it says "non-visible
20 complaint."

21 Q And, clearly, if the photos show that this is
22 not just from the camera, but this is actually on her
23 face, it would be visible; correct?

24 A Yeah, it could be. Yeah.

25 Q And it would be important, as you as a

1 screening committee, or even a major -- let me ask you
2 this. Do you ask the major to review the exact same
3 investigative -- use of force investigative report that
4 you receive on the screening committee?

5 A Yes.

6 Q So you would have already seen this cover sheet
7 from Lt. Bennett in your capacity as major?

8 A Yes. That's my signature down there.

9 Q Sure.

10 A Yes.

11 Q So it would be important for you, for the box
12 to be checked correctly or accurately, these boxes
13 that's here, like injury, non-visible, minor, et cetera,
14 et cetera, that would be important to you for that to be
15 checked accurately; correct?

16 A Yes.

17 Q Why would that be important to you?

18 A To paint the exact picture.

19 Q Okay. You will agree that if someone is
20 complaining of a use of force and have some type of
21 visible evidence of that use of force, that's important
22 for you to know as the major; correct?

23 MR. SMITH: Object to the form.

24 A I mean, yes.

25 Q (By Mr. Solomon-Simmons) Okay. Let's look at

1 the next -- go back to page 1, the first page of that
2 packet. I'm sorry.

3 A Okay.

4 Q And you see in the middle of the page here
5 where Lt. Bennett states, "I concur." That box is
6 marked. Do you see that?

7 A Um-hum.

8 Q What impact did that have on you as the major
9 reviewing the packet when you see at the front that the
10 lieutenant had concurred with the use of force?

11 A None.

12 Q Okay. All right. Let's go to the next page.
13 It's double sided.

14 A Oh, okay.

15 Q Yes, sir. So we're looking at OKC 029022.
16 Have you seen this document before?

17 A Yes.

18 Q And would you agree that -- no. Strike that.
19 And this is a document that was a memo that was
20 drafted by you; correct?

21 A Correct.

22 Q And you drafted it to who?

23 A The Use of Force Committee.

24 Q Okay. And when you write, "I have spoken to DC
25 Tom Jester about the incident and Officer Holtzclaw

1 failing to notify a supervisor about his involvement in
2 a possible use of force. This issue has been handled at
3 the division level." Why did you need to write this,
4 this memo?

5 A Because that way we let the use of force (sic.)
6 know that issue has been addressed and they don't have
7 to send it back for further information.

8 Q Okay. And when you said it had been handled at
9 the division level, that is by you ordering Lt. Bennett
10 to speak to Officer Holtzclaw; correct?

11 A Yeah. Counselling, yes.

12 Q And then we've already looked at the next page.
13 We already talked about that.

14 A Yes, sir.

15 Q And then here is the subject interview that we
16 talked about earlier; correct?

17 A Yes.

18 Q And do you recall reading the subject
19 interview?

20 A Yes.

21 Q Do you remember -- without reading it today do
22 you remember anything about what Ms. Campbell said
23 Mr. Holtzclaw did to her?

24 A No.

25 Q Do you see the second paragraph where it says,

1 "Mrs. Campbell says she was upset with Officer Holtzclaw
2 because she thought that he used unnecessary force by
3 placing her against the wall while he was handcuffing
4 her"?

5 A Yes.

6 Q Now, would you agree unnecessary force is
7 another word for excessive force?

8 A No, sir.

9 Q Okay. And your -- are citizens required to use
10 special or specific language to make a complaint?

11 MR. SMITH: Object to the form.

12 MS. GOOCH: Same objection.

13 A I don't understand the question.

14 Q (By Mr. Solomon-Simmons) Certain -- as a police
15 officer you use a lot of nomenclature or verbiage that's
16 very germane --

17 A Um-hum.

18 Q -- to your job as a police officer; correct?

19 A Right.

20 Q But an individual or citizen, they don't have
21 to use the same language or -- to make a complaint?

22 A No.

23 MR. SOLOMON-SIMMONS: Let's go ahead and
24 take the 1:30 break.

25 VIDEO OPERATOR: Off the record.

1 (A break was had from 1:30 to 1:44 p.m.)

2 VIDEO OPERATOR: Back on.

3 Q (By Mr. Solomon-Simmons) So we're back on.

4 A Okay.

5 Q So, Major Jennings -- Chief Jennings, I've
6 handed you a color copy of the photos we were previously
7 looking at of Ms. Campbell that were black and white.
8 Do you see that?

9 A Yes, sir.

10 MR. SMITH: Are you marking these as an
11 exhibit?

12 MR. SIMMONS: Yes. This is Exhibit 9.

13 MR. SMITH: Thank you.

14 (Exhibit 9 was marked for identification
15 and made a part of the record.)

16 Q And do you agree that this Exhibit 9 are the
17 color copies of the black and white photos we were
18 previously looking at?

19 A Yes, sir.

20 Q Okay. So let's look at the first photo. Can
21 you now see on Ms. Campbell's -- her face above her eye
22 here on her right eye?

23 A Yes. Above her left eye?

24 Q Above her left eye.

25 A Yes, sir.

1 Q Do you see the white discoloration?

2 A Yes, like white paint maybe.

3 Q Yes, sir. And do you see it also on the side
4 of her face toward her hairline?

5 A Yes, sir.

6 Q And do you also see the red jacket (sic.) she
7 has on, the S, there is some white discoloration on top
8 of the S?

9 A Oh, on her shirt?

10 Q On her shirt.

11 A I see a little bit of white, yes.

12 Q And if we go to the next page, which is OKC
13 029046. It's another closeup picture of her face. Do
14 you see it?

15 A Yes.

16 Q And you can actually see the white substance
17 that look like paint, sort of, can you see it in her
18 hair?

19 A I'm not sure I see it in the hair. But, yes,
20 on the, um, on the forehead I see the white.

21 Q And you would agree this is certainly visible?

22 A I would say visible paint, yes. Not an injury.
23 But, yes, I see paint. It looks like a paint transfer
24 to me, yes.

25 Q Okay. And do you recall what the allegation

1 that Ms. Campbell made against Mr. Holtzclaw?

2 A No. I haven't read the packet, no.

3 Q That he slammed her against a brick wall while
4 he placed her in handcuffs?

5 A Yes. It says, "pushed her up against the" --
6 "against the wall face first and handcuffed her," yes.

7 Q All right. And so this is visible evidence of
8 what she's talking about. Would you agree?

9 A It appears there is some paint transfer on her
10 forehead, yes, that would indicate she was against the
11 wall.

12 Q That would indicate she was against the wall
13 pursuant some force; correct?

14 A Yes.

15 Q Okay. Were you aware why Mrs. Campbell was in
16 Oklahoma City at the time she was assaulted by
17 Mr. Holtzclaw?

18 MR. SMITH: Object to the form.

19 A I don't know why she was in the -- in the city,
20 no.

21 Q (By Mr. Solomon-Simmons) If you go back to the
22 pictures, look at picture OKC 029052.

23 A Okay.

24 Q It's a picture of Mr. Holtzclaw.

25 A Yes, sir.

1 questions.

2 Q (By Mr. Solomon-Simmons) And the photo evidence
3 seems to corroborate that she was pushed up against the
4 wall; correct?

5 A Yes.

6 Q Do you see this part that says, the next
7 sentence, Mrs. Campbell -- you read that part. Can you
8 read the last sentence in that paragraph?

9 A "Mrs. Campbell said she was so scared that she
10 urinated in her pants."

11 Q Would you consider that to be an extraordinary
12 statement for someone, an adult to say?

13 MS. GOOCH: Object to the form.

14 A Well, I don't understand what you mean by
15 extraordinary statement, I guess.

16 Q (By Mr. Solomon-Simmons) Did that -- do you
17 recall reading that when you first saw this -- this
18 packet?

19 A I don't recall that initial statement, no.

20 Q What is -- I mean, reading it today does
21 that -- how do you feel about reading that right now
22 today --

23 MR. SMITH: Object to the --

24 Q (By Mr. Solomon-Simmons) -- that statement?

25 MR. SMITH: Object to the form.

1 A I don't have a feeling about it.

2 Q (By Mr. Solomon-Simmons) Assuming that
3 Mrs. Campbell was telling the truth, would that indicate
4 that she was in a lot of fear?

5 MS. GOOCH: Object to the form.

6 MR. SMITH: Same objection.

7 A That would be speculation on my part why she
8 did that.

9 Q (By Mr. Solomon-Simmons) The next paragraph,
10 "Campbell said that Officer Holtzclaw walked her to his
11 patrol car and had her sit in the back seat.
12 Mrs. Campbell said he drove off with her to another
13 location on the other side of the parking lot."

14 Now, was Mrs. Campbell arrested at this point,
15 Major -- I mean, Chief?

16 A I would consider this investigative detention.

17 Q Okay. So would you consider when Mr. Holtzclaw
18 drove Mrs. Campbell to the other side of the parking lot
19 for that to be a field show-up up or some form of it?

20 A Yes.

21 Q Let's go to the next paragraph. The middle of
22 the paragraph that starts, "Mrs. Campbell said she
23 never" -- "she was never offered." Do you see that?

24 A Yes.

25 Q Can you read that for us?

1 A "Mrs. Campbell said she was never offered an
2 ambulance and she had injuries to her forehead, lip and
3 face from where she was pushed up against the wall and
4 her right wrist was hurting from the handcuffs."

5 Q Would you agree that the photos showed injuries
6 to her forehead, lip and face where she was pushed up
7 against the wall?

8 A No. What I see is paint transfer on her
9 forehead and across her shirt, but I don't see injuries.

10 Q Did you have -- were you aware that
11 Mrs. Campbell -- there were medical records generated
12 the night Mrs. Campbell took these pictures?

13 A No. We're not privy to those.

14 Q Okay. Are you able to -- were you in a
15 position where you could have requested an opportunity
16 to review those medical records?

17 A No.

18 Q Could you have called and talked to
19 Mrs. Campbell and ask her if she would provide her
20 medical records?

21 MR. SMITH: Object to the form.

22 A That never crossed my mind, no.

23 Q (By Mr. Solomon-Simmons) But that could have
24 been done; correct?

25 MR. SMITH: Object to the form.

1 MR. SOLOMON-SIMMONS: You can answer.

2 MR. SMITH: Go ahead. You can answer.

3 A I suppose it could be done.

4 Q (By Mr. Solomon-Simmons) Lt. Bennett could have
5 called Mrs. Campbell and asked her; correct?

6 A He could have, yeah.

7 Q Okay. Let's go to the next page. Okay. Let's
8 look at the bottom of this page 29026. Actually, yeah,
9 look at the second paragraph. It says, the second
10 sentence, "Officer Holtzclaw was given a description of
11 a possible suspect that had just fled the scene on
12 foot." Do you know what the suspect's description was
13 that was given to Mr. Holtzclaw?

14 A No. I would have to look at the call.

15 Q Okay. Did you ask Lt. Bennett what the suspect
16 description was?

17 A I don't recall if I did or not.

18 Q Okay. All right. Do you see at the bottom
19 here, the bottom paragraph where it says, "Officer
20 Holtzclaw was dispatched at 1826 hours to 23rd and MLK
21 in reference to someone stating they located a stolen
22 vehicle." Do you see that?

23 A Yes.

24 Q And it says, "The caller gave a description of
25 a suspect that had just walked away from the vehicle and

1 gave a race, sex and clothing description. Black female
2 wearing a red shirt and blue jeans." Do you see that?

3 A Yes.

4 Q Does it say anything about a black female in a
5 black jacket?

6 A I don't see that, no, in the report there.

7 Q But we know that Mrs. Campbell had a black
8 jacket on; correct?

9 A It looks like she did at the hospital.

10 Q Well, we see the scuff marks from the paint on
11 her jacket as well as her body; correct?

12 A I only see it on the shirt. I thought that was
13 what you were talking about earlier.

14 Q If you go back to the photos and look at the
15 first page, look at her -- what would be her left
16 shoulder. Do you see that?

17 A I can't really tell from that shot. I'm sorry.

18 Q Okay. Do you see -- go to page 29048. Do you
19 see the logo in the right-hand corner?

20 A Yes.

21 Q Just look up diagonally from that logo. Do you
22 see that discoloration?

23 A I see a little white, but I can't tell what
24 that is.

25 Q Okay.

1 A I'm sorry.

2 Q That's all right. But if Mrs. Campbell
3 testified that she had a black jacket on that night you
4 wouldn't have any reason to dispute it, would you?

5 A No.

6 Q Okay. Go to the next page -- now, when you
7 were looking through this packet did you have an
8 opportunity to listen to the 9-1-1 call that generated
9 Mr. Holtzclaw's contact with Ms. Campbell?

10 A No, sir.

11 Q Did you review the 9-1-1 report?

12 A No, sir.

13 Q Why not?

14 A We don't get the 9-1-1 call attached to the
15 packet.

16 Q Is that something you could have requested?

17 A If I wanted to, yes.

18 Q Okay. If you would have known that
19 Ms. Campbell did not meet the description of a lady that
20 was supposedly stole a car, would that be important
21 information for you to know?

22 MR. SMITH: Object to the testimony.

23 A Well, I see a black female wearing a red shirt
24 and blue jeans and that's what she has on.

25 Q (By Mr. Solomon-Simmons) Right.

1 A So I didn't have any indication that it was not
2 a similar description.

3 Q All right. Well, if you had known that the
4 description said a black female with a -- if you had
5 known the description did not list the individual had a
6 black jacket on, would that have made a difference to
7 you?

8 A No, that's not uncommon at all.

9 Q Okay.

10 A That's very common that they -- on descriptions
11 that subjects are not given all the details on it.

12 Q Sure. Were you aware that the suspect
13 description was to be walking with two small children?

14 A No, not off the top of my head I don't recall.

15 Q Okay. Would that have made a difference to
16 you, to know that was a suspect description?

17 A No, sir.

18 Q Okay. Do you see the top of the first -- go
19 back to 029027.

20 A Okay.

21 Q At that first paragraph. In the middle it
22 says, "Holtzclaw said." Do you see that?

23 A Yes, sir.

24 Q "Holtzclaw said that when Campbell made eye
25 contact with him she immediately started to run away."

1 Do you see that?

2 A Yes, sir.

3 Q Do you think that Ms. Campbell is someone who
4 would immediately start running from anyone?

5 MS. GOOCH: Object to the form.

6 MR. SMITH: Same objection.

7 A I have no idea.

8 Q (By Mr. Solomon-Simmons) Okay. Now, do you see
9 on next page 29028 at the bottom there, Lt. Bennett
10 writes, "I was not originally called to the scene when
11 the event occurred so I was not able to identify or
12 attempt to interview any witnesses that were at the
13 scene." Do you see that?

14 A Yes.

15 Q That's not true, is it, sir?

16 MS. GOOCH: Object to the form.

17 MR. SMITH: Same objection.

18 A I think, you know, he was not called to the
19 original scene, correct.

20 Q (By Mr. Solomon-Simmons) That's correct?

21 A Yeah.

22 Q But he says he was not able to identify or
23 attempt to interview any witnesses that were on the
24 scene. Does he describe any ability or any attempt to
25 interview any witnesses?

1 A He doesn't describe that in there. But I'm
2 assuming he thought that, due to the time lapse, there
3 would not be anybody there. I'm making assumptions.

4 Q But what I'm saying is he didn't clearly
5 articulate in his report that I did not get back to the
6 scene and attempt to interview anyone; correct?

7 A No, that's not stated in there.

8 Q Don't you think that should have been stated in
9 there?

10 A It could have, yeah, for further details.

11 Q That would have been important for you to know;
12 correct?

13 A It could have been, yes.

14 Q When you were reviewing the supervisor
15 narrative is it important for you -- for the supervisor
16 to include -- strike that.

17 I understand the supervisor narrative provides
18 a summary. My question is what is it in the supervisory
19 narrative that you're looking for, versus what's in the
20 witness statement, the victim statement and the officer
21 statement?

22 A It pulls all that information into one
23 document, ties into a logical flow of events.

24 Q If Ms. Campbell was saying one thing happened
25 and Mr. Holtzclaw is saying another thing happened, who

1 makes the determination which one is correct or
2 accurate?

3 MR. SMITH: Object to the form.

4 MS. GOOCH: Same objection.

5 A Well, I'm not seeing that they said different
6 things.

7 Q (By Mr. Solomon-Simmons) Okay. Let's see.
8 That's a good point. Let's go over to -- let's look at
9 Mr. Holtzclaw's statement on the incident, which is
10 found at page 29040. Have you read that document
11 before?

12 A At the time, yes.

13 Q Do you want a second to read through it before
14 I ask you questions about it?

15 A Yeah.

16 (The witness reviewed the document.)

17 A Okay.

18 Q Okay. Now, you would agree after reading
19 Mr. Holtzclaw's report that what he says happened is a
20 lot different than what Ms. Campbell says happened;
21 correct?

22 MR. SMITH: Object to the form.

23 MS. GOOCH: Same objection.

24 A I don't see the big difference you're talking
25 about. Can you be more specific?

1 Q (By Mr. Solomon-Simmons) Sure. Let's look on
2 29041, page 29041, the second paragraph.

3 A Okay.

4 Q It says, "As I escorted Brown outside the
5 business glass door I asked her that were was a stolen
6 vehicle with a black female that matches your exact
7 description." Do you see that?

8 A Yes.

9 Q Well, Ms. Brown says he snatched her out the
10 door and wouldn't give her an explanation of why he was
11 contacting her; correct?

12 A That's what she says.

13 Q So that's a major difference; correct?

14 MR. SMITH: Object to the form.

15 A Not to the totality of the circumstances, no.

16 Q (By Mr. Solomon-Simmons) Okay. Let's look at
17 the bottom here of that same page. Mr. Holtzclaw says,
18 "I gently placed Brown against the wall." Do you see
19 that?

20 A Um-hum.

21 Q Ms. Brown said he slammed her head face first
22 against the wall; correct?

23 A I got pushed her against the wall into head.

24 Q Okay. I think she says face first.

25 A Along those lines. I got pushed, yeah. Pushed

1 her up against the wall face first and handcuffed her.

2 Q That's much different than gently placed Brown
3 against the wall; correct?

4 A Not much, no.

5 Q Oh, okay. All right. Well, how about this, on
6 the next page, 29042.

7 A Okay.

8 Q I'm sorry. I apologize for that. Let's go
9 back to -- at the top of that page, Mr. Holtzclaw -- can
10 you read -- it says at the top, "I advised Brown." Do
11 you see that?

12 A Uh-huh, very top, yeah.

13 Q I advised Brown, quote, Oklahoma City police.
14 I need talk to you. End quote. Brown started to back
15 away from my person. Do you see that?

16 A Uh-huh.

17 Q And then he says, "I asked again in a
18 professional manner, knowing that other customers are
19 inside. My intentions were not to cause a scene with
20 the business customers and to escort Brown to my patrol
21 vehicle." Do you see that?

22 A Yes.

23 Q So we know there were other customers inside of
24 the restaurant; correct?

25 A Uh-huh.

1 Q And Lt. Bennett would have known that also;
2 correct?

3 A Based on the report, yeah, customers.

4 Q Okay. So there was an opportunity to try to go
5 and talk to those other customers; correct?

6 A It could have been, yeah, if there is any need
7 for the relevance of the case, yes.

8 Q And is it your experience that businesses
9 oftentimes have surveillance cameras?

10 A Some do, yes, yes.

11 Q It would have been reasonable to go to the
12 business and ask them, Hey, do you have a surveillance
13 camera from tonight?

14 A It could have been, yeah.

15 Q There was no reason for Lt. Bennett not to do
16 that; correct?

17 MS. GOOCH: Object to the form.

18 A No. There was a reason not to do that if he
19 had enough facts in here to determine the outcome of the
20 deal, which it appears it was. I don't think a video
21 camera or other statements would make any difference
22 that he did not report the use of force.

23 Q Yeah, but would it make a difference if the
24 force was actually excessive or not?

25 A Well, um, based on her description and his

1 description there's nothing in there that would be an
2 excessive force.

3 Q So you're saying -- your testimony is that
4 everything -- if everything that Ms. Campbell said was
5 true, you wouldn't consider that to be excessive force?

6 A If she said -- what she said was -- the only
7 thing she said was he pushed her up against the wall.

8 Q Okay.

9 A That would not be excessive force, no.

10 Q So I just want to be clear.

11 A Yeah.

12 Q It's your testimony that if we take everything
13 that Ms. Campbell said happened to her as true, you do
14 not consider that to be excessive force?

15 MR. SMITH: Object to the form.

16 A It says he pulled her out of the store by her
17 arm and pushed her up against the wall face first and
18 handcuffed her.

19 Q (By Mr. Solomon-Simmons) So my specific
20 question is if everything that Ms. Campbell says
21 happened to her in her interaction with Mr. Holtzclaw is
22 true --

23 MS. GOOCH: On this report.

24 THE WITNESS: On this report, yeah.

25 MR. SOLOMON-SIMMONS: On this -- can you

1 read back my original question?

2 THE WITNESS: Now we're all confused now.

3 THE REPORTER: Your last one or the one
4 before the last?

5 MR. SOLOMON-SIMMONS: Yes.

6 THE REPORTER: Question, "So my specific
7 question is if everything that Ms. Campbell says
8 happened to her in her interaction with Mr. Holtzclaw"
9 to be true -- and Ms. Gooch said, "On this report."

10 MR. SOLOMON-SIMMONS: Okay. That's where
11 we were. So I'm going to restate the question.

12 THE WITNESS: Okay.

13 Q (By Mr. Solomon-Simmons) You have reviewed
14 Mrs. Campbell's -- the report that's part of the use of
15 force packet; correct?

16 A Yes, yes.

17 Q You assume everything that's reported here that
18 Mrs. Campbell reported to Lt. Bennett occurred to be
19 true, is it your testimony that it would still not be
20 excessive force against her?

21 A The statements that she gave Lt. Bennett at the
22 scene, at the hospital that's in the report, no, based
23 on her actions that caused Holtzclaw to use that force.

24 Q So what -- what -- looking at Mrs. Campbell's
25 statement that was dictated by Lt. Bennett, what in her

1 statement do you believe justified Officer Holtzclaw
2 using force against her?

3 MR. SMITH: Object to the form.

4 A It's not her statement. It's his information
5 that he provided.

6 Q (By Mr. Solomon-Simmons) So my question is
7 this. Looking at Mrs. Campbell's statement that was
8 transcribed by Lt. Bennett, is there anything in her
9 statement transcribed by Lt. Bennett that justified
10 Mr. Holtzclaw using force on Mrs. Campbell?

11 MR. SMITH: Object to the form.

12 A Just looking at her statement she doesn't
13 describe the entire incident.

14 Q (By Mr. Solomon-Simmons) How do you know she
15 doesn't describe the entire incident?

16 A She said -- well, let me back up here. It says
17 she was walking away here, and he describes her as
18 running away.

19 Q Isn't it true, by reading both Mrs. Campbell's
20 purported statement, Mr. Holtzclaw's statement, that you
21 knew that Mr. Holtzclaw placed Mrs. Campbell in the back
22 of her (sic.) car and drove her some distance?

23 MR. SMITH: Object to the form.

24 A The report says that he drove her across the
25 parking lot, yes.

1 Q (By Mr. Solomon-Simmons) Okay. So you knew
2 that was a form of a field show-up; correct?

3 A At the time I didn't catch that, no.

4 Q All right. But you agree you should have
5 caught that; correct?

6 A It was something that, yeah, probably should
7 have caught.

8 Q And that's something that Mr. Holtzclaw should
9 have been reprimanded about; correct?

10 A No, sir, he would not have been reprimanded on
11 that. He would have been reminded of the procedure on
12 it.

13 Q He would have at least received verbal
14 counselling, as you did, for Mr. Holtzclaw not reporting
15 use of force; correct?

16 A No, it wouldn't have been a verbal counseling.
17 It would have been more of a remedial training or
18 reminder.

19 Q But nothing actually happened to Mr. Holtzclaw,
20 no discussion about violating the field show-up policy;
21 correct?

22 A I didn't discuss it with him, no.

23 MR. SMITH: Object to the form.

24 Q (By Mr. Solomon-Simmons) And you didn't order
25 anyone to discuss it with him; correct?

1 A No.

2 Q And you also knew this was an investigative
3 stop, correct, based upon just the reports in front of
4 you?

5 A Right.

6 Q And you know the investigative stops require a
7 field interview card; correct?

8 A I wasn't familiar that every one required that,
9 no, at the time.

10 Q But you -- would you agree you should have
11 known that as the major of Springlake; correct?

12 A Like I said, our policy and procedure book is
13 very large, and that's a pretty minor violation there
14 that not necessarily would have caught that, no.

15 Q Okay. Do you think -- you said -- you
16 testified earlier Lt. Bennett was very thorough. Do you
17 believe Lt. Bennett should have caught that violation?

18 A Not necessarily, no.

19 Q Because it's minor?

20 A Correct.

21 Q What about the fact that Mr. Holtzclaw
22 transported a female in his vehicle without calling and
23 providing starting and ending mileage?

24 MR. SMITH: Object to the form.

25 Q (By Mr. Solomon-Simmons) Did you notice that?

1 A We wouldn't have known that unless we heard the
2 9-1-1 -- or the radio traffic.

3 Q And you didn't review any of the radio traffic?

4 A No, we don't review that on use of force's, no.

5 Q But you would expect Lt. Bennett would have
6 reviewed it; correct?

7 A No.

8 Q Do you think that was a minor violation?

9 A If he did not do it, it would have been a minor
10 violation, because we do have AVL, so --

11 Q Are you aware of the violations that
12 Mr. Holtzclaw perpetrated against our clients?

13 A Am I aware of --

14 Q The violations.

15 A Yes, sir.

16 Q Yeah. Are you aware that those violations
17 included placing those clients in his patrol car and
18 driving them to locations without informing his
19 superiors?

20 A Yes.

21 MR. SMITH: Object to the form.

22 Q (By Mr. Solomon-Simmons) Are you aware that
23 Mr. Holtzclaw violated our clients by physically abusing
24 them?

25 A I'm aware of that, yes.

1 Q Wouldn't you agree if Mr. Holtzclaw had been
2 reprimanded for some of his earlier actions he wouldn't
3 have continued his assault of African-American women?

4 MS. GOOCH: Object to the form.

5 A I cannot make a correlation of that, no, not at
6 all.

7 Q (By Mr. Solomon-Simmons) But Ms. Campbell is an
8 African-American woman; correct?

9 A Yes.

10 Q And Mr. Holtzclaw was convicted of violating
11 multiple African-American women; correct?

12 A Yes.

13 Q Would you agree when individuals are able to
14 get away with, quote, minor violations without recourse
15 that they can escalate to more major violations?

16 A Not necessarily.

17 Q Would you agree that's not -- you have seen
18 that in your career, in 28 years of policing you have
19 seen that happened before?

20 MR. SMITH: Object to the form.

21 A In what instance?

22 Q (By Mr. Solomon-Simmons) In any instance. Do
23 you know criminals who do, quote/unquote, minor things
24 that get away with it and escalate to more major things?

25 MR. SMITH: Object to the form.

1 A It could happen, yes.

2 Q (By Mr. Solomon-Simmons) Have you personally
3 experienced that in your 28 years of policing?

4 A Not a particular person, no.

5 Q Okay. Were you aware that Mrs. Campbell stated
6 that she told Lt. Bennett that Mr. Holtzclaw was
7 perverted in his dealings with her?

8 MR. SMITH: When was he aware?

9 Q (By Mr. Solomon-Simmons) Are you aware now?

10 A That's the first time I'm aware of it.

11 MR. SMITH: Don't say anything that I
12 told you.

13 Q (By Mr. Solomon-Simmons) To your knowledge,
14 Chief Jennings, did Lt. Bennett have psychic powers?

15 MS. GOOCH: Did he what?

16 MR. SOLOMON-SIMMONS: Does Lt. Bennett
17 have psychic powers?

18 MS. GOOCH: Object to the form.

19 A I don't understand that question.

20 Q (By Mr. Solomon-Simmons) Is he able to see into
21 the future?

22 A I don't know.

23 Q To your knowledge is he able to see into the
24 future?

25 A I don't know.

1 (Exhibit 10 was marked for identification
2 and made a part of the record.)

3 Q The document I handed you, have you seen this
4 document before?

5 MR. SMITH: And for the record, it's two
6 sided. Make sure you look at both sides.

7 THE WITNESS: Which side are you
8 referring to?

9 Q (By Mr. Solomon-Simmons) The email side.

10 A I have not that I recall.

11 Q Okay. Would you identify it for the record for
12 us?

13 A It's an email.

14 Q Who is the email from?

15 A Looks like Lt. Bennett.

16 Q Okay. To who?

17 A Capt. Patton.

18 Q And what's the date?

19 A December 10th.

20 Q Okay. Can you read the email into the record
21 for us?

22 A "For your approval, I left the date blank until
23 I speak with him."

24 Q Okay. Do you see what's attached to the email
25 on the other side?

1 A Yes.

2 Q And what is attached to the email?

3 A Verbal counseling.

4 Q All right. Now, you have seen this -- this is
5 a verbal counseling document that was sent eventually to
6 you; correct?

7 A Yes.

8 Q All right. And you've read this verbal
9 counseling document; correct?

10 A Yes.

11 Q Now, you see at the bottom, that last sentence?

12 A The last sentence, yes.

13 Q Can you read it?

14 A "Officer Holtzclaw is an enthusiastic police
15 officer. He was very receptive to the verbal
16 counseling."

17 Q Okay. So my question to you is how is
18 Lt. Bennett able to know that Officer Holtzclaw was very
19 receptive to the verbal counseling before he even talked
20 to him?

21 A I don't know. You'll have to talk to him.

22 Q Okay. That wouldn't make any sense, right,
23 that he would know Mr. Holtzclaw would be receptive
24 without -- before he even talked to him; correct?

25 MR. SMITH: Object.

1 A Not necessarily, based on knowing your
2 employees.

3 Q (By Mr. Solomon-Simmons) So is it a common
4 practice for Oklahoma City Police Department officers to
5 postdate items?

6 MR. SMITH: Object to the form.

7 A Postdate items?

8 Q (By Mr. Solomon-Simmons) Or add information in
9 before they have the actual facts?

10 MR. SMITH: Object to the form.

11 A I don't understand your question.

12 Q (By Mr. Solomon-Simmons) I mean, isn't it
13 important to be accurate in your police reports and
14 memoranda?

15 A It is.

16 Q And you should only place facts that you have
17 substantiated; correct?

18 A Yeah. I'm not sure -- I don't know that this
19 is not facts, though.

20 Q Okay. If Lt. Bennett had already written that
21 Mr. Holtzclaw was receptive to the verbal counseling
22 before he spoke to Mr. Holtzclaw, how do we know
23 Lt. Bennett ever spoke to Mr. Holtzclaw?

24 A How do we know he spoke to him?

25 Q Yes.

1 A We assume he did.

2 Q But we have no proof because he had already
3 written his discussion with Mr. Holtzclaw before he
4 actually had a discussion with him; correct?

5 A Well, it could have been the same way. He
6 could have spoke to him and wrote -- he could have not
7 spoke to him and wrote this memo and say he did and I
8 wouldn't have proof either. It would be the same
9 direction.

10 Q Is it your testimony that you don't have, as
11 major for Springlake and reading this for the first time
12 today, you don't have a problem with how Mr. Bennett
13 handled the writing of this memo regarding his verbal
14 counseling of Mr. Holtzclaw?

15 A No, sir.

16 Q No, sir, you don't have any problem with it?

17 A I don't have any problems with it, no.

18 Q Why did you instruct Lt. Bennett to verbally
19 counsel Mr. Holtzclaw?

20 A Because he's the direct supervisor for him.

21 Q And so it is your understanding that
22 Lt. Bennett was Mr. Holtzclaw's direct supervisor?

23 A Yes.

24 Q Is it your understanding that Lt. Bennett
25 had -- so in your understanding Lt. Bennett regularly

1 interacted with Mr. Holtzclaw?

2 A If he worked for him he should, yeah. You
3 should interact with all the employees on your shift.

4 MR. SOLOMON-SIMMONS: Let's take a break
5 here.

6 VIDEO OPERATOR: Off the record.

7 (A break was had from 2:33 to 2:53 p.m.)

8 VIDEO OPERATOR: Back on.

9 Q (By Mr. Solomon-Simmons) Chief Jennings, when
10 Mr. Holtzclaw grabbed Ms. Campbell, that was not a
11 voluntary interaction; correct?

12 A No.

13 Q It was involuntary interaction between
14 Ms. Campbell and Mr. Holtzclaw; correct?

15 A Investigative detention, yes.

16 Q And the point that -- when he placed her in
17 handcuffs and placed her inside his vehicle, she was
18 under arrest; correct?

19 A No.

20 Q Why would you consider her not under arrest?

21 A Just by placing you in the back seat of a
22 police car in handcuffs does not constitute an arrest.

23 Q How about taking you out of another location,
24 walking you to the police car and placing you in the
25 back of that police car and driving you across to

1 another location. That's not considered an arrest?

2 A I wouldn't consider that an arrest, no.

3 Q What would you consider that?

4 A Investigative detention.

5 Q What authority did Mr. Holtzclaw have to drive
6 Ms. Campbell from one location to another location
7 against her will?

8 MR. SMITH: Object to the form.

9 MS. GOOCH: Same objection.

10 A He was doing a show-up.

11 Q (By Mr. Solomon-Simmons) Okay. My question is:
12 What authority did he have to drive Mrs. Campbell
13 handcuffed from one location to another location?

14 A She was under investigative detention.

15 Q So it's your understanding under investigative
16 detention, the United States Constitution allows you to
17 place individuals in police cars and drive them from one
18 location to another?

19 MR. SMITH: Object to the form.

20 A I'd have to look at the law you referred to.

21 Q (By Mr. Solomon-Simmons) But as the major of
22 your precinct you didn't see any problem with
23 Mr. Holtzclaw's activities as far as taking Ms. Campbell
24 and driving her from one place to another?

25 A No, sir.

1 Q What turns an investigative detention into an
2 arrest?

3 A Stating, "You're under arrest."

4 Q So is your testimony, unless an officer says to
5 a citizen, "You are under arrest," the arrest has not
6 been effectuated?

7 A Correct. Just putting handcuffs on does not
8 mean you're under arrest. We do it all the time for
9 safety reasons.

10 Q Can you keep somebody in handcuffs for an
11 indefinite period of time and they not be under arrest?

12 A Not an indefinite period of time.

13 Q What's the period of time you can keep somebody
14 in handcuffs before they are under arrest?

15 A There's not a period of time.

16 Q In your understanding of Oklahoma City Police
17 Department protocols and procedures, how do you teach
18 your officers -- what do you tell your officers the
19 difference between investigative stop and an arrest?

20 MR. SMITH: Object to the form. Go
21 ahead.

22 MS. GOOCH: Same objection.

23 A When you place them under arrest you tell them,
24 You are under arrest for this charge.

25 Q (By Mr. Solomon-Simmons) When Ms. Campbell was

1 in the back seat of Mr. Holtzclaw's vehicle, was she
2 free to leave?

3 A At that time I don't believe so, no.

4 Q Now, at some point you spoke with Deputy Chief
5 Jester about the incident involving Ms. Campbell and
6 Mr. Holtzclaw; correct?

7 A Yes.

8 Q And why did you do that?

9 A Since he's my boss I've got to fill him in on
10 situations like that.

11 Q What did you tell him?

12 A That he failed to report a use of force.

13 Q Did you tell him anything else about the
14 incident?

15 A I don't recall the details I told him.

16 Q What did Deputy Chief Jester say to you when
17 you told him about Mr. Holtzclaw's failure to report the
18 use of force?

19 A I do not recall his exact words.

20 Q Can I see the exhibits? I think I already used
21 this.

22 A Oh, yeah. It's in here. Well, it's in the use
23 of force packet.

24 Q Oh, I knew I saw it. Well, we'll still talk
25 about it.

1 A I don't recall them talking about that one, no.

2 Q Do you recall if you talked to anyone around
3 that time period about the incident involving
4 Ms. Campbell and Mr. Holtzclaw?

5 A I don't recall.

6 (Exhibit 12 was marked for identification
7 and made a part of the record.)

8 MR. SMITH: Thank you.

9 Q (By Mr. Solomon-Simmons) Do you recognize
10 these documents, Chief Jennings?

11 A Yes.

12 Q Will you identify these documents for the
13 record?

14 A It's a copy of emails.

15 Q And what are these emails in reference to? Do
16 you know?

17 A Holtzclaw is the subject title.

18 Q And were you -- some of these emails were sent
19 to you?

20 A Some, yes.

21 Q Is that correct?

22 A Yes.

23 Q And some of these emails you wrote yourself?

24 A Yes.

25 Q When did you -- you were aware in September of

1 2015 that Lt. Bennett created a report regarding his
2 interview with Ms. Campbell following the use of force
3 incident we've been discussing?

4 A Yes.

5 Q Okay. And Deputy Chief Jester instructed you
6 to direct Lt. Bennett to make the report; correct?

7 A Yes.

8 Q When did he tell you to do that?

9 A Looks like on September 21st, 2015, according
10 to the email.

11 Q Okay. Did you have any followup discussions
12 with Chief Jester regarding his request?

13 A I don't remember.

14 Q Did you talk to anyone regarding Chief Jester's
15 request?

16 A I don't remember.

17 Q Do you see on page 005558 where there appears
18 to be an email from you dated September 21st, 2015, at
19 4:15 p.m.?

20 A Um-hum.

21 Q And it appears to be subject, Holtzclaw. But
22 it's nothing there. Do you know what that email was
23 about?

24 A I don't remember.

25 Q Is there an attachment to this email?

1 A I don't remember.

2 Q Can you think of any reason why you would send
3 Lt. Bennett a blank email?

4 A It may have had an attachment to it. I don't
5 know.

6 Q Okay. And then the email above it says,
7 "Major, please review my attached report. I've not
8 turned it in yet pending your approval. Advise if this
9 is sufficient." Do you see that?

10 A Yes.

11 Q What is your understanding of what Lt. Bennett
12 meant by being -- the report being sufficient?

13 MS. GOOCH: Object to the form.

14 A Make sure to answer all the questions that were
15 needed.

16 Q (By Mr. Solomon-Simmons) Okay. What questions
17 were needed to be answered?

18 A I don't know. I would have to look at the
19 original request.

20 Q Okay. So how did you know if he answered all
21 the original questions?

22 A I had probably the original request at that
23 time.

24 Q Okay. Why would Lt. Bennett have to send it to
25 you, his major, if it's a report that he's drafting?

1 A To make sure he answered all the questions.

2 Q So you had a conversation with Lt. Bennett
3 between Monday, September 21st, 2015, at 5:57 p.m., and
4 Tuesday, September 22nd, 2015, at 8:23 a.m. when you
5 sent the email to Chief Jester and others; is that
6 correct?

7 A I don't know.

8 Q There would have been -- if -- would you agree
9 that before you had sent Lt. Bennett's supplemental
10 report up to your chain of command you would have
11 confirmed with Lt. Bennett that you felt like the
12 supplemental report was complete?

13 MR. SMITH: Object to the form, if that's
14 a question.

15 A Repeat that question.

16 Q (By Mr. Solomon-Simmons) Sure. No problem.
17 Lt. Bennett sent you an email that says,
18 "Major, please review my attached report. I have not
19 turned it in yet pending your approval. Advise if this
20 is sufficient." Correct?

21 A Right.

22 Q And it appears that email came you to you on
23 Monday evening at 5:57 p.m. Does that sound correct to
24 you?

25 A Yes.

1 Q Okay. And the next email that we see in this
2 email chain is you sending an email, presumably with the
3 report, the next morning to your chain of command; is
4 that correct?

5 A Yes.

6 Q My question: You would have had some type of
7 communication with Lt. Bennett regarding the draft that
8 he sent you before you would have sent that draft on to
9 your chain of command; correct?

10 MR. SMITH: Object to the form.

11 MS. GOOCH: Same objection.

12 A Not necessarily. I would have sent to him this
13 right here. I may have already approved it.

14 Q (By Mr. Solomon-Simmons) Where is that email
15 that you approved it?

16 A It may not have been by email. I don't know
17 what communication I had with him.

18 Q So would you consider this to be -- strike
19 that.

20 So is it your testimony that you can't recall
21 if you -- strike that.

22 Did you have a conversation with Lt. Bennett
23 after he sent the email to you on Monday, September
24 21st, at 5:57 p.m.?

25 A I don't know.

1 Q Is it your normal practice to receive a draft
2 report from your subordinate asking you to review it and
3 you not have some type of response back to your
4 subordinate?

5 MR. SMITH: Object to the form.

6 A It's not unusual. I mean, if I responded back
7 to him through verbal.

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

9 A It could have been. I don't know. It's four
10 years old. I don't recall.

11 Q And then your email to Chief Jester and others,
12 you say, "Here you go. The original will be turned in
13 through normal process." Do you see that?

14 A Yes, sir.

15 Q What do you mean "turned in through normal
16 process"?

17 A Sent to Records.

18 Q Why was that necessary if you've already sent
19 the document to your chain of command?

20 A Why is what necessary?

21 Q For it to be sent to Records.

22 A It has to be entered into the computer in our
23 records system.

24 Q Is this a normal course of business to send
25 reports outside of your records system to the chain of

1 command?

2 A Yes.

3 Q Do you know why that occurs?

4 A Why what occurs?

5 Q Reports are sent outside of the records system
6 to the chain of command?

7 A So they have a copy of it.

8 Q If you send the report to the chain of command
9 before entering it into the records system, can that
10 report then be -- can the report be changed?

11 A By who?

12 Q By the command.

13 A Can we change a report?

14 Q Yes.

15 A No.

16 Q Okay. What is your understanding of why
17 Lt. Bennett needed to write a supplemental report?

18 A I'd have to look at the requests. I don't have
19 that in front of me.

20 Q In your experience are supplemental reports
21 almost -- strike that.

22 You would agree that having a supplemental
23 report almost two years after the incident is an unusual
24 occurrence; correct?

25 A Typically they are closer to the time of the

1 event. But if there is a situation related to that
2 incident you would do a supplemental report and not do a
3 new case number.

4 Q Can you recall another case or incident where a
5 supplemental report was required nearly two years after
6 the original incident?

7 A Homicide cases typically would happen that way
8 or recovery of stolen vehicles are that way.

9 Q And those are cases where there is a
10 continual -- if the investigation is continuing;
11 correct?

12 A It could be, or additional information came in.

13 Q Is it your experience that there would be a
14 need to supplement a report once a case has been closed?

15 A Sure. You can -- if you have more information
16 you want to add to it.

17 Q Yeah. Do you have any examples that's similar
18 to the Campbell case that a supplemental report was done
19 nearly two years after the case had been closed?

20 A Not specifically.

21 Q Would you agree this the first time you have
22 had a case to be supplemented almost two years after the
23 incident?

24 MR. SMITH: Objection.

25 A No. I don't know. I don't know if that's the

1 first case or not.

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

3 A It's 28 years.

4 Q Okay. Did you have any conversations with
5 Capt. Patton regarding these emails you received to
6 supplement the reports related to the Ms. Campbell
7 incident?

8 A I don't recall.

9 Q Did you have any conversations with Chief Citty
10 regarding the need to supplement about Demetria Campbell
11 around this time period?

12 A I don't think so, but I don't recall.

13 Q What about with Major Wenzel?

14 A I don't recall with her.

15 Q Do you recall speaking to anyone about the
16 request to supplement the Demetria Campbell reports?

17 A I don't remember, no.

18 Q Did you contact Ms. Campbell during your --
19 during the period that you were supplementing the
20 report?

21 A I did not personally, no.

22 Q Did you order Lt. Bennett to contact
23 Mrs. Campbell during his supplementation process of this
24 particular report?

25 A I don't recall doing that, no.

1 Q Why not?

2 A I don't understand the question.

3 Q This -- would you agree that by supplementing
4 this report it was reopening the investigation?

5 A No.

6 Q Would you agree that Ms. Campbell could have
7 some additional information that could have gone into
8 the supplemental report?

9 A Not necessarily, no.

10 Q But she could have. Would you agree she could
11 have?

12 A I don't know what the information that was
13 requested to be on there, so I don't know.

14 Q So it's your understanding that specific
15 information was requested to be added?

16 A As far as I know. I don't have that in front
17 of me. I don't recall.

18 Q What was your understanding of how the
19 supplemental report would be utilized?

20 A I didn't have an understanding. I wasn't told.

21 Q Earlier in the day you testified that when a
22 citizen complains on an officer you would, in your
23 personal experience, will take the complaint and then
24 try to get back to the citizen to explain why the
25 officer did whatever was alleged to be done. Do you

1 recall that testimony?

2 A Um-hum, yeah.

3 Q Do you recall who contacted Ms. Campbell to
4 explain to her why Mr. Holtzclaw did what he did to her?

5 A I don't recall.

6 MS. GOOCH: Object to the form.

7 Q (By Mr. Solomon-Simmons) Did you contact
8 Ms. Campbell and explain --

9 A I did not.

10 Q -- to her?

11 MR. SMITH: Let him finish his question.

12 THE WITNESS: I'm sorry.

13 MR. SMITH: That's okay. Just let him
14 finish his questions.

15 Q (By Mr. Solomon-Simmons) Did you order anyone
16 to contact Ms. Campbell to explain why she was placed
17 into the wall and had paint transfers to her face?

18 A No. I think covered in the use of force, that
19 was already covered.

20 Q But to your knowledge no one followed up with
21 Mrs. Campbell?

22 A To my knowledge, no.

23 Q Do you think that's good community policing?

24 A In use of force investigations we typically
25 don't follow up with the person involved after it's

1 completely done.

2 Q Well, do you think that's good community
3 policing?

4 A I'm not sure that's necessary in use of force
5 investigations, no.

6 Q What about in a situation like Ms. Campbell who
7 was actually handcuffed, placed in the back of a car and
8 driven by an officer to another location?

9 A That was the use of force investigation that we
10 just did, yeah.

11 Q I understand. But you would agree we have
12 already identified there were other breaches of
13 procedures that happened during the use of force?

14 A Yeah. We couldn't go over that with them.

15 Q You wouldn't call them and apologize?

16 A Well, we wouldn't go over the policy violations
17 with them, no.

18 Q Right. But would you have called and
19 apologized to the individual?

20 A I personally would not, no.

21 Q Why not?

22 A Because the officer did at the scene and the
23 lieutenant reports in his investigation, too, he
24 followed up after the incident as well.

25 Q Lt. Bennett also reported in his documents that

1 he gave her a card and said, I will follow up with you.

2 Do you recall that?

3 MR. SMITH: Object to the form.

4 MS. GOOCH: Same objection.

5 A Yeah, I don't recall that.

6 Q (By Mr. Solomon-Simmons) Okay. Did you order
7 any discipline to Lt. Bennett for not trying to locate
8 potential witnesses?

9 A No.

10 Q Why not?

11 A At the time I did not really, that I recall,
12 noticing that and it was not that significant for the
13 outcome of this particular case.

14 Q Now, the use of force investigative packet that
15 Lt. Bennett submitted included a CAD incident report for
16 the stolen vehicle recovered; is that correct?

17 A I'd have to go back and take a look at it.

18 Q You want to take a look at it?

19 A Yes.

20 Q And it also the use of force investigative
21 packet Lt. Bennett submitted to you including the Varuna
22 reports related to a stolen vehicle case; correct?

23 A Yes.

24 Q And the victim is identified as a Viola
25 Thorton; is that correct? If you look at 29038.

1 supervisor as it relates to the Campbell incident with
2 Mr. Holtzclaw?

3 A Yes.

4 Q Okay. So I want you to take a look at the
5 first paragraph. Can you read that for us?

6 A "Once notified a supervisor will respond to the
7 scene and determine whether a use of force investigation
8 is required. If an investigation is required the
9 supervisor will be responsible for the following
10 actions."

11 Q Okay. And what are those actions?

12 A "Conducts a thorough followup investigation to
13 include but not limited to" --

14 Q Right.

15 A -- "interviewing all employees, suspects, and
16 witnesses."

17 Q Let's stop there. So pursuant to your policies
18 on a use of force investigation the supervisor who's
19 investigating, in this case Lieutenant Bennett, was
20 responsible for interviewing employees, suspects and
21 witnesses; correct?

22 A Yes.

23 Q All right. And one of the witnesses could have
24 been Ms. Thorton; correct?

25 A Could have been.

1 Q Okay. So do you still -- would you still say
2 you would not expect Lt. Bennett to talk to Ms. Thorton,
3 a potential witness?

4 A That's correct.

5 Q So even though the policy requires that he does
6 so?

7 MR. SMITH: It's still not a policy. It
8 says it's a procedure.

9 A It's a procedure. It's a guidance for that.
10 And she was not a potential witness at that time. She
11 was a victim of the stolen vehicle.

12 Q (By Mr. Solomon-Simmons) Are you --

13 A There's no indication that she was a possible
14 witness to the use of force.

15 Q How do you know that?

16 A There's no indication in the reports.

17 Q But how do you know that. That's the reports.
18 Since it's written after the fact, how do you know that?

19 A Well, I could have pulled out several different
20 people I could have talked to. I mean, at what point
21 did I determine who's a suspect or a witness or not?
22 How can I determine that?

23 Q Well, I'm not asking --

24 A Where do I stop?

25 Q So is it your testimony that an individual that

1 was -- that had contact with Ms. Campbell and
2 Mr. Holtzclaw during their interaction --

3 A After they --

4 Q -- is not a potential witness?

5 A Not after the incident occurred, no.

6 Q Well, sir the accident was continuing to occur
7 if she was still in his custody; correct?

8 A Yeah, she was already in custody, correct?

9 Q Erroneously; correct?

10 MR. SMITH: Object to the form.

11 MS. GOOCH: Object to the form.

12 MR. SMITH: Stick to the question.

13 Q (By Mr. Solomon-Simmons) You can answer.

14 A Not erroneously, no.

15 Q Was she the actual suspect?

16 A It was determined that she was not. She was
17 not in custody erroneously. He thought she was a
18 suspect.

19 Q So it's your testimony that the -- that
20 Mr. Holtzclaw had a right to take Ms. Campbell, place
21 her in the back seat of his car in handcuffs and drive
22 her to another location? That's your testimony?

23 A My testimony is he had a right to put her in
24 investigative detention.

25 Q Okay. My question is did he have a right to

1 place in her handcuffs, put her in the back of
2 her car -- his car and drive her to another location?

3 A Yes to all of that, but not driving her.

4 Q So, therefore, the driving aspect of it, he is
5 still committing some type of misconduct against
6 Ms. Campbell; correct?

7 MS. GOOCH: Object to the form.

8 A He's committing a procedure violation.

9 Q (By Mr. Solomon-Simmons) Isn't that a false
10 arrest at that point?

11 A No, sir.

12 MR. SMITH: Object to the form.

13 MS. GOOCH: Same objection.

14 Q (By Mr. Solomon-Simmons) Would you agree that
15 an officer that conducts an activity outside of his or
16 her authority is illegal?

17 MR. SMITH: Object to the form.

18 MS. GOOCH: Same objection.

19 A Be more specific about your question.

20 Q (By Mr. Solomon-Simmons) Okay. If an officer,
21 under the color of law, is allowed to transport an
22 individual from point A to point B, and the law allows
23 that, then the officer is not committing a crime;
24 correct?

25 MR. SMITH: Object to the form.

1 MS. GOOCH: Same objection.

2 A I'm not following your question.

3 Q (By Mr. Solomon-Simmons) Sure.

4 A Give a specific incident.

5 Q I'm giving you Ms. Campbell's incident.

6 Mr. Holtzclaw, if he had the legal right to drive her
7 from point A to point B, then he would not be violating
8 the law. Would you agree?

9 MR. SMITH: Object to the form.

10 MS. GOOCH: Same objection.

11 A I'm not sure there is a law involved there. He
12 violated a procedure of taking her there.

13 Q (By Mr. Solomon-Simmons) By law can an officer
14 forcefully -- by law can you take me in your car and
15 drive me from point A to point B without any probable
16 cause?

17 MS. GOOCH: Object to the form.

18 MR. SMITH: Same objection.

19 A You're going to have to give me specific
20 details.

21 Q (By Mr. Solomon-Simmons) I'm giving you a
22 specific incident.

23 A That's not specific enough for me to answer.

24 Q If I have not committed a crime and you force
25 me in your car, you handcuff me, and you drive me from

1 one location to another location --

2 A Well, that's a different than this case right
3 here. He was not aware she was not committing a crime.

4 Q He should have been aware if he's going to have
5 authority to drive her from one location to another;
6 correct?

7 MR. SMITH: Object to the form.

8 A Not necessarily, no.

9 MS. GOOCH: Same objection.

10 Q (By Mr. Solomon-Simmons) Because you were not
11 aware of that.

12 A Was not aware of what?

13 Q That he didn't have the authority to drive her
14 from one location to another.

15 A I was not aware that he violated the procedure
16 part of it.

17 Q Why do you think that procedure is in place?

18 A Like I said earlier, I'm not sure why they put
19 that in place that way. I wasn't part of writing that
20 procedure.

21 Q Are you familiar with the Fourth Amendment?

22 MR. SMITH: Oh, my God. Will you --

23 A The Fourth Amendment?

24 MR. SMITH: Object to the form.

25 A You're going to have to show me. I can read it

1 if you want me to.

2 Q (By Mr. Solomon-Simmons) Well, you are familiar
3 that as U.S. citizens we are free from unreasonable
4 searches and seizures.

5 A Yeah.

6 Q Are you familiar with that?

7 A Yes.

8 Q And would you agree that taking someone without
9 having the authority of law to do so is a seizure?

10 MS. GOOCH: Object to the form.

11 MR. SMITH: Same objection.

12 A Can you give me a specific question?

13 Q (By Mr. Solomon-Simmons) I did.

14 A A specific incident you're referring to?
15 You're talking in general terms right now.

16 MR. SOLOMON-SIMMONS: No. Can you read
17 back my question?

18 THE REPORTER: "And would you agree that
19 taking someone without having the authority of law to do
20 so is a seizure?"

21 THE WITNESS: Give me a specific incident
22 what you're talking about.

23 MR. SOLOMON-SIMMONS: That is the
24 question. Will you read it again?

25 THE WITNESS: I've heard it. Give me a

1 specific incident you want me to answer.

2 Q (By Mr. Solomon-Simmons) Is it your testimony
3 that you -- do you understand what it means to be seized
4 by the police?

5 A I do.

6 Q Explain that to me.

7 A You're being arrested.

8 Q Okay. Is that the only way you can be seized
9 is if you are actually arrested?

10 MS. GOOCH: Object to the form.

11 A You could be illegally detained.

12 Q (By Mr. Solomon-Simmons) Okay. And
13 Ms. Campbell was illegally detained when she was
14 transported from point A to point B; correct?

15 A Not necessarily.

16 MS. GOOCH: Object to the form.

17 Q (By Mr. Solomon-Simmons) Well, tell me why she
18 was not illegally detained.

19 MS. GOOCH: Object to the form.

20 A Because she was under investigative detention.

21 Q But you have -- you would agree that under
22 investigative detention did not give Mr. Holtzclaw the
23 right to transfer her from point A to be point B.

24 A No. What I answered was he violated procedure
25 in taking her to that second location.

1 Q Okay. You would agree we've already
2 established significant discrepancies between
3 Ms. Campbell's understanding of the incident and
4 Mr. Holtzclaw's understanding of the incident when they
5 had their encounter on November 5th, 2013; correct?

6 MR. SMITH: Object to the form.

7 MS. GOOCH: Object to the form.

8 A No. I disagree with that.

9 Q (By Mr. Solomon-Simmons) Now, the use of force
10 incident between Ms. Campbell and Mr. Holtzclaw occurred
11 on November 5th, 2013; correct?

12 A Yes.

13 Q Okay. And Lt. Bennett dated his narrative
14 November 12, 2013; is that correct? You can look at
15 page 29026 in the packet.

16 A It appears that way, yes.

17 Q And Lt. Bennett, in his supervisory narrative,
18 stated that he spoke with -- after he spoke with
19 Ms. Campbell on the 5th he contacted Mr. Holtzclaw and
20 instructed Mr. Holtzclaw to write a supplemental report
21 on the use of force incident; is that correct?

22 A It appears that way, yes.

23 Q But if we go to page 29040 in the packet, the
24 date at the top of that document from Mr. Holtzclaw is
25 dated 11/3, which is two days before the incident

1 occurred; correct?

2 A Yeah. It could be an error there.

3 Q Okay. And if you look at the bottom of the
4 document it shows that Mr. Holtzclaw drafted the
5 document on 11/23/2013; correct?

6 A That's what it states down here, yes.

7 Q And so that's like -- that's almost three weeks
8 after the incident occurred; right?

9 A Yes.

10 Q Well, how is it, if Mr. Holtzclaw didn't draft
11 his documents until 11/23/13, and you look at the first
12 page, go back to the cover sheet of this particular
13 investigative packet, it shows that Lt. Bennett signed
14 off on it on 11/18/2013.

15 A I don't know.

16 Q How do you explain that?

17 A It could be a typo on the entering. I don't
18 know.

19 Q Did you not notice that when you first looked
20 at the packet?

21 A No. I didn't look at dates on that, no.

22 Q Is that another minor -- minor detail?

23 MR. SMITH: Objection to the form.

24 MS. GOOCH: Same objection.

25 A It appears to be a mistake.

1 Q (By Mr. Solomon-Simmons) Isn't that a pretty
2 important mistake that you have all these different
3 dates?

4 A Not when you have different people entering
5 this data into the computer, typos.

6 Q Isn't it possible, based upon what we already
7 know about Lt. Bennett's mode of operation, he could
8 have signed this report before he even had a
9 conversation with Mr. Holtzclaw?

10 MS. GOOCH: Object to the form.

11 MR. SMITH: Same objection.

12 A I have no idea.

13 Q (By Mr. Solomon-Simmons) But we have already
14 identified he did that when you instructed him,
15 Lt. Bennett to speak to Mr. Holtzclaw about this
16 incident; correct?

17 A He did what?

18 Q He wrote that he spoke to Mr. Holtzclaw before
19 he actually spoke to him.

20 A He drafted a document, a draft.

21 Q Right. Okay. In your experience as a --
22 you've been at the department 28 years and now you're a
23 chief. Is there some type of system in place for the
24 Records Unit to keep track when you have competing or
25 discrepancies within dates on reports?

1 A I'm not --

2 MR. SMITH: Object to the form. Go
3 ahead.

4 MS. GOOCH: Same objection.

5 A I'm not familiar with the record system.

6 Q (By Mr. Solomon-Simmons) But you do agree that
7 it's important to have accurate dates and information in
8 the reports; correct?

9 A Yes.

10 Q Did you have -- to your knowledge, you don't
11 know if Lt. Bennett actually spoke to Mr. Holtzclaw
12 about the Campbell situation; is that correct?

13 A I was not present when he spoke to him, no.

14 Q And you don't know if Lt. Bennett received
15 Mr. Holtzclaw's narrative report about the incident with
16 Ms. Campbell before he turned in this investigative
17 report to you?

18 A Well, he had to because it attaches to the
19 back.

20 Q Well, if you look at --

21 A I wouldn't accept the packet if I didn't have
22 the report.

23 (Exhibit 14 was marked for identification
24 and made a part of the record.)

25 Q Have you seen this document before?

1 A It's part of the packet, yes.

2 Q Okay. And can you identify this document for
3 the record?

4 A It's a supplemental report under case number
5 13-9394.

6 Q And who drafted this supplemental report?

7 A Looks like Holtzclaw, Daniel Holtzclaw.

8 Q Now, do you see down here at the bottom where
9 it says the report date was on 11/23/13?

10 A Yes.

11 Q And then it shows that he actually digitally
12 signed the document at 11/23/13. Do you see that?

13 A I can't read that small. Sorry.

14 Q Well, you can confirm it with your counsel.

15 A Yes, it looks like 11/23, yes.

16 Q So I'm trying to understand how Mr. Holtzclaw
17 signed digitally a document on 11/23 and get that
18 document in the packet that's dated 11/18?

19 A Well, you can still sign this without turning
20 the packet in. You don't sign it in the time you give
21 it to me. You can sign that two weeks ahead of time
22 before you put it in.

23 Q Well, how would you sign it if you didn't have
24 all the information you need to decide if you're going
25 to concur or not concur?

1 A You can still put a date. You can still sign
2 it and do that. It's not unusual.

3 Q Okay.

4 A Because he had already spoken to him and
5 interviewed the -- Holtzclaw, so he already had the
6 information.

7 Q Okay. If we go back to the investigative
8 packet, page 29026, do you see that third paragraph --

9 A Yes.

10 Q -- that starts, "I responded to"?

11 A Yes.

12 Q Will you read that for the record out loud,
13 please?

14 A "I responded to the hospital ER and spoke with
15 Ms. Campbell. After I spoke with Mrs. Campbell I
16 contacted Officer Holtzclaw and asked him to return to
17 the station and write a supplemental report in reference
18 to his contact with Campbell."

19 Q Okay. Let me you stop you there. So
20 Lt. Bennett asked Mr. Holtzclaw to write a supplemental
21 report; correct?

22 A Yes.

23 Q And what we're looking at in Exhibit 14 was
24 Mr. Holtzclaw's supplemental report that was drafted and
25 that was signed on November 23rd; correct?

1 A It says signed, yeah. It doesn't say drafted.
2 It just says signed, yeah.

3 Q Well, keep reading from Lt. Bennett's report.

4 A After reading the report I learned in more
5 detail a description of the events that took place.

6 Q So -- and what's the date on Lt. Bennett's
7 report?

8 A This is dated the 12th.

9 Q Okay. So according to Lt. Bennett, as of
10 November 12th, 2013, he had already read Mr. Holtzclaw's
11 supplemental report that is dated November 23rd, 2013?

12 A That is signed the 23rd, yes.

13 Q How do you explain that?

14 A How do I explain what? That he signed it on
15 the 23rd?

16 Q That Lt. Bennett was able to read a report that
17 was not submitted until ten days later?

18 MS. GOOCH: Object to the form.

19 A Well, you can still read it without submitting
20 it.

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

22 A By pulling it up and looking at it. You don't
23 have to sign it until you're ready to submit it. You
24 can fill out the narrative and then sign it at a later
25 date.

1 Q So is your testimony that, as a regular
2 practice in Springlake when you were a major,
3 individuals to draft documents and sign them weeks
4 later?

5 A I'm just --

6 MR. SMITH: Object to the form.

7 MS. GOOCH: Object to the form.

8 A I didn't say it was a common practice. I just
9 said that could have happened. He could have written
10 the report out and not signed it and submit it until the
11 23rd.

12 Q (By Mr. Solomon-Simmons) Well, if he didn't
13 sign and submit it how would Lt. Bennett have read it?

14 A Submitting it is turning it in to the records
15 system. You can still get your lieutenant to read it
16 without submitting it to the records system.

17 Q So is it your testimony that an individual can
18 write a report that's necessary for investigation, give
19 it to the individual who's doing the investigation, but
20 not actually submit it to -- finalize it and submit it?

21 A It's possible. I don't know the case on this.
22 You'll have to talk to Holtzclaw or Lt. Bennett on this.

23 Q Would you consider that to be the proper way
24 for things to be done at Springlake while you were the
25 major?

1 MR. SMITH: Object to the form.

2 MS. GOOCH: Same objection.

3 A I'm not saying it's improper, no.

4 Q (By Mr. Solomon-Simmons) Are you saying it's
5 proper?

6 A I'm just saying it's not improper. Typically
7 you will do a report and submit it to your lieutenant
8 and then he turns it in. How this got digitally signed
9 on this date, I can't answer that for you, sir. You're
10 going to have to talk to Holtzclaw.

11 Q So you don't find it odd that all these dates
12 are not matching up?

13 A Not at all.

14 MS. GOOCH: Object to the form.

15 Q (By Mr. Solomon-Simmons) Why don't you find
16 that odd?

17 MR. SMITH: Object to the form.

18 A I just said, you know, he could have written
19 the report and still signed it at a later date.

20 (Exhibit 15 was marked for identification
21 and made a part of the record.)

22 MR. SMITH: Did you get one?

23 MS. GOOCH: Yeah, I got one.

24 Q (By Mr. Solomon-Simmons) Have you seen this
25 document before, Lieutenant -- I'm sorry -- Major

1 Jennings?

2 A At some point I have, yes.

3 Q All right. If you look at the bottom 239.30 --

4 A Um-hum.

5 Q -- can you identify what this procedure is in
6 reference to?

7 A Field show-ups.

8 Q And if we look at the -- show-ups are a
9 one-to-one, in person, no photograph viewing of a
10 suspect -- of a suspect by a witness -- by a victim or
11 witness. Do you see that?

12 A Yes, sir.

13 Q Can you read the next sentence?

14 A "Courts have suppressed identification evidence
15 based on the use of show-ups due to the inherent
16 suggestiveness of the practice."

17 Q Do you have any idea why courts will suppress
18 this type of evidence?

19 A No, sir.

20 Q Okay. Now I want you to go to the second
21 paragraph at the top, the last page that starts off "if
22 probable cause." Do you see that?

23 A Yes.

24 Q I'm going to read the first sentence.

25 "If probable cause does not exist for an

1 arrest, but reasonable suspicion exists to detain a
2 possible suspect, it may be appropriate for an officer
3 to conduct a field show-up." Can you read the next
4 sentence?

5 A "The officer must have supervisory approval to
6 conduct a field show-up and all the following must be
7 met."

8 Q Okay. So we have already established that
9 Mr. Holtzclaw did not receive supervisory approval;
10 correct?

11 A I don't know at the scene. I don't know. I'm
12 not familiar with that part.

13 Q You have no knowledge that Mr. Holtzclaw
14 received any supervisor approval?

15 A No, sir.

16 Q So let's -- let's go to the next paragraph, the
17 second sentence. Can you read that for the record?

18 A "Prior to conducting a field show-up the
19 officer will read the field show-up admonition form."

20 Q To your knowledge Mr. Holtzclaw did not read
21 the field show-up admonition form?

22 A I don't know. I don't think so.

23 Q All right. There's no evidence of that in the
24 packet that you reviewed related to the Campbell
25 incident; correct?

1 A No, sir.

2 Q Okay. And read the next sentence.

3 A "The witness/victim will sign and date the form
4 confirming they understood the admonition."

5 Q All right. And to your knowledge the
6 witness/victim did not sign and date the form confirming
7 they understood the admonition?

8 A I don't have any knowledge of that.

9 Q And that -- that information was not contained
10 in the packet of information you received regarding the
11 Campbell incident; correct?

12 A Correct.

13 Q My question is, did you order any type of
14 remedial counseling or discipline to Mr. Holtzclaw for
15 failing to read the field show-up card -- form?

16 A No. As I stated earlier, I did not catch that
17 during the investigation part of it.

18 Q Okay. And also you did not order
19 Lt. Bennett -- you didn't -- any remedial counseling or
20 discipline for failing to recognize that the field
21 show-up form was not properly filled out?

22 MS. GOOCH: Object to the form.

23 A Correct. I would not have done that anyways.

24 Q (By Mr. Solomon-Simmons) Okay. Why wouldn't
25 you have done that anyway?

1 A Um, I would have taken care of it with the
2 officer. I would not have done anything more than
3 remind him to keep an eye out for that.

4 Q You see the next sentence that says, "Having
5 the witness/victim view the suspect handcuffed and/or
6 sitting in the back of a patrol car should be avoided if
7 possible." Do you see that?

8 A Yes, sir.

9 Q How did Mr. Holtzclaw show the potential
10 victim, Ms. Campbell?

11 A I was not there. I do not know.

12 Q Well, you read the reports; right?

13 A Yeah, but I'm not -- it doesn't say how she was
14 shown.

15 Q It does say she was in the back seat of a car
16 handcuffed; correct?

17 A Yes.

18 Q So, in fact, Mr. Holtzclaw did exactly what
19 your procedure says should be avoided if possible.

20 A It appears that way, yes, sir.

21 Q But, to your knowledge, no one had a
22 conversation with Mr. Holtzclaw about his violation of
23 this particular procedure?

24 A That is correct.

25 Q To your knowledge did Mr. Holtzclaw fill out

1 MS. GOOCH: Object to the form.

2 A There is some instances that occurred after
3 this, yes.

4 MS. GOOCH: I'm really sorry to do this.

5 I just want to take a real quick restroom break. I know
6 we're trying to forge through. I just need a real quick
7 restroom break.

8 MR. SOLOMON-SIMMONS: No problem.

9 VIDEO OPERATOR: Off the record.

10 (A break was had from 4:02 to 4:20 p.m.)

11 VIDEO OPERATOR: Back on.

12 (Exhibit 17 was marked for identification
13 and made a part of the record.)

14 Q (By Mr. Solomon-Simmons) Chief Jennings, are
15 you familiar with this document?

16 A It's not ringing a bell, no.

17 Q Can you identify just by looking at it?

18 A It's a use of force investigation.

19 Q Okay. And what's the date on this use of
20 force?

21 A The date of occurrence looks like it occurred
22 on November 7th, 2013.

23 Q All right. And we see the WM up there again in
24 the left-hand corner. Do you see that?

25 A Yes.

1 Q Do you know --

2 A Somebody is writing that after the incident.

3 Q Okay.

4 A And when I say after the incident, after it's
5 been turned in. This is not something that we
6 written (sic.) on it.

7 Q Okay. And this is a incident involving -- a
8 use of force incident involving Mr. Holtzclaw; correct?

9 A Yes.

10 Q And this happened two days after the incident
11 involving Ms. Campbell; correct?

12 A Yes.

13 Q And this would have been over a month before
14 Lt. Bennett actually said he verbally counseled
15 Mr. Holtzclaw on the proper procedure of notifying a
16 supervisor when he uses force on an individual; is that
17 correct?

18 A Yes.

19 Q Now, according to this document Lt. Ryan
20 Sorells investigated this use of force incident. Do you
21 see that?

22 A It appears so. I can't read the signature, so
23 I'm assuming that's who it is.

24 Q Do you know Lt. Ryan Sorrells?

25 A Yes.

1 Q Was he one of your subordinates?

2 A He was at the time, yes.

3 Q Now, do you know why he would have been
4 investigating this particular use of force and not
5 Lt. Bennett?

6 A No, sir.

7 Q If we go over to page 29067 -- actually, I'm
8 sorry. Go to the next page, 29068. Will you read the
9 paragraph right above where it says "End of report"?

10 A "I contacted Lt. Sorrells, commission 1479.
11 Lt. Sorrells arrived on scene. Lt. Sorrells interviewed
12 IP, VI, and AR. Lt. Sorrells worked the use of force.
13 For more information on the use of force see
14 Lt. Sorrells report under this case number."

15 Q You would agree that Mr. Holtzclaw knew --
16 already knew that he needed to contact a supervisor any
17 time he had a potential use of force incident.

18 A Yes, he knew that.

19 Q Okay. And so if I go back to the first page on
20 this document where it says above the box where Use of
21 Force Screening Committee, it says "Reviewed and
22 approved by division commander, executive officer." Do
23 you see that?

24 A Yes, sir.

25 Q Who is the division commander or executive

1 officer who would review and approve this report?

2 A That would be me.

3 Q Okay. So you reviewed and approved this report
4 on December 2nd, 2013; correct?

5 A Yes.

6 Q All right. So you already knew that
7 Mr. Holtzclaw already knew that he had to contact a
8 supervisor when he was involved in a use of force
9 report; right?

10 A Yes.

11 Q Okay. So why, then, would you feel the need to
12 order Lt. Bennett to verbally counsel Mr. Holtzclaw on
13 December 5th, 2013?

14 A It's part of our procedures.

15 Q What do you mean it's part of your procedures?

16 A He failed to report use of force on that
17 previous incident, so we have to counsel him on that to
18 make sure it does not occur again.

19 Q So on the -- this use of force investigative
20 report that we're currently talking about, you knew as
21 of December 2nd, 2013, that Mr. Holtzclaw knew what the
22 proper procedure was regarding contacting a supervisor
23 regarding a use of force report; correct?

24 A Yes. He's trained that in the academy.

25 Q So why wouldn't you order a more serious form

1 of discipline regarding his -- regarding him not
2 providing or contacting a supervisor in regard to
3 Ms. Campbell?

4 A Because we have progressive discipline.

5 Q Who makes the determination how the discipline
6 should progress?

7 A It would be me and the deputy chief. We confer
8 over it. Typically a first occurrence is a counseling
9 and remedial training.

10 Q Do you know why -- well, you signed the use of
11 force report that occurred on November 7, 2013, the
12 cover sheet, you signed that on December 2nd, 2013. Do
13 you know why you didn't sign Ms. Campbell's
14 investigative report until December 10, 2013?

15 A Because I didn't get it until then.

16 Q So you actually received the use of force
17 report that occurred two days after Ms. Campbell before
18 you received Ms. Campbell's report? Is that your
19 testimony?

20 A Say that one more time.

21 Q Well, the report that was signed on December
22 2nd, 2013, that incident happened on November 7, 2013.

23 A Right.

24 Q Ms. Campbell's incident happened on November
25 5th 2013, yet, you didn't sign that report until a week

1 later.

2 A Right.

3 Q I thought that you testified that you guys met
4 as a Use of Force Screening Committee once a month.

5 A The committee meets once a month.

6 Q Okay.

7 A I get these in daily. As a division commander
8 you'll get these turned in daily.

9 Q Okay. So you'll get this turned in on a daily
10 basis, go through it yourself, and then sign off that
11 you have reviewed it?

12 A Right. And then forward it to the Use of Force
13 Committee and they meet once a month.

14 Q I see. On the dates of the Use of Force
15 Screening Committees it appears that two of the
16 individuals signed off on 12/10/13, Becker and McCool.

17 A Um-hum.

18 Q And it appears that, what I know to be Hoskins,
19 signed off, it appears to be 12/11/13. Do you see that?

20 A I can't read if that's 11 or 10. I can't read
21 it. I'm sorry.

22 Q Okay. Are there occasions where the committee
23 meets and someone -- one of the members are not there?

24 A Correct. They may review it earlier or later.

25 Q Okay. So what's the purpose of the committee

1 meeting in one room if each individual makes a
2 determination on their own?

3 A Well, it's more of a set time they make sure
4 they meet to get these all reviewed. And then if you
5 have any problems with any of them, you meet to discuss
6 them. I'm sorry. I need to correct myself, too. They
7 meet once a week for a month and go over them.

8 Q So they have a meeting --

9 A Every Tuesday. The Use of Force Committee
10 meets every Tuesday.

11 Q And then the next three majors roll on?

12 A Roll on the next month.

13 Q Okay.

14 A Sorry. I needed to clarify that.

15 Q No problem. Thank you.

16 Sir, are you familiar with an incident
17 involving Mr. Holtzclaw pulling the -- a guy's pants
18 down while the individual was on the side of the road?

19 A I'm not familiar with that, no.

20 (Exhibit 18 was marked for identification
21 and made a part of the record.)

22 Q You would agree that pulling someone's pants
23 down on the side of the road is not within proper
24 procedure; correct?

25 A I don't know the circumstances. I don't know

1 what happened, sir.

2 Q Well, can you identify the document I placed in
3 front of you?

4 A It's an email chain.

5 Q Okay. And are you on this email chain?

6 A Yes.

7 Q And this is an email chain that was between you
8 and Chief Jester, among others; is that correct?

9 A Looks like it, yes.

10 Q All right. Now -- now that you've looked at
11 this email chain does that refresh your memory?

12 A Not at all.

13 Q Okay.

14 A Sorry.

15 Q Have you had a chance to read the emails?

16 A I just see one, one page here.

17 Q Sure. Did you get a chance to read that one
18 page?

19 A Yes.

20 Q Okay. So the email that you wrote on April 30,
21 2014, at 5:20 to Chief Jester, "FYI, Holtzclaw made a
22 report that has made the news where he probably did not
23 follow the right search procedure." Do you see that?

24 A Yes.

25 Q Do you recall now seeing this, writing this?

1 A No, sir. I don't remember it at all. It's
2 five years ago.

3 Q Okay. It says, Basically pulled a guy's pants
4 off looking for marijuana on the side of the road. I
5 got Pat looking into it.

6 A Right.

7 Q So you used the term "probably did not follow
8 the right search procedure." What is the correct search
9 procedure in a situation like what you described here in
10 this email?

11 A I don't have enough information on this little
12 bit wrote in the email. I don't know. I don't know
13 what it's in reference to. I don't know how it
14 occurred. I don't know anything about it at all.

15 Q Can you tell me what circumstance would it be
16 appropriate for an officer to pull the pants down of a
17 citizen on the side of the road searching for marijuana?

18 A Like I said, I don't have any kind of details
19 on this. I couldn't answer the question on what this is
20 in reference to.

21 Q So I understand -- sorry. I didn't mean to cut
22 you off.

23 A Sorry. I just can't answer without more
24 details on it.

25 Q Sure. In general can you explain, can you

1 think of a situation where it is appropriate for an
2 Oklahoma City police officer to pull the pants down of
3 an individual on the side of the road while searching
4 for marijuana?

5 A If that's what happened it would not be
6 appropriate, no.

7 Q Do you recall -- well, scratch that. To your
8 knowledge Mr. Holtzclaw was not disciplined for pulling
9 the pants down of an individual on the side of the road?

10 A I don't know. I don't know what became of
11 this. I don't have any other of the rest of the
12 documentation with it.

13 Q Understanding that you don't recall the
14 incident as it occurred, but looking at this today, if
15 you were still Mr. Holtzclaw's chain of command, how
16 would you have reacted to this information?

17 A Just like this right here, I'd have somebody
18 look into it to find out what happened.

19 Q And once they looked into it what would you
20 have wanted them to do with Mr. Holtzclaw?

21 A It depends on what they found out.

22 Q Okay.

23 A That's why I had -- looks like I had
24 Capt. Patton look into what is the allegations and what
25 occurred.