

In The Matter Of:
HARMONI SHAW v.
STANLEY GLANZ, ET AL

BRIAN NEAL EDWARDS
September 18, 2012

Kema L. Hicks Reporting Service

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA
3 HARMONI SHAW,)
4 Plaintiff,)
5 vs.) CASE NO. 11-CV-518-GKF-FHM
6 STANLEY GLANZ, SHERIFF OF)
7 TULSA COUNTY, in his personal)
8 and official capacity; and)
9 BOARD OF COUNTY COMMISSIONERS)
10 OF TULSA COUNTY,)
11 Defendants.)

12 DEPOSITION OF BRIAN NEAL EDWARDS
13 TAKEN ON BEHALF OF THE PLAINTIFF
14 ON SEPTEMBER 18, 2012
15 IN TULSA, OKLAHOMA
16 * * * *
17
18 APPEARANCES:
19 MR. DANIEL E. SMOLEN, Attorney at Law, of the firm SMOLEN,
20 SMOLEN & ROYTMAN, 701 S. Cincinnati Avenue, Tulsa, OK 74119;
21 appearing on behalf of the Plaintiff.
22 MS. SHAROLYN C. WHITING-RALSTON and REUBEN DAVIS, Attorneys
23 at Law, of the firm McAFEE & TAFT, 1717 S. Boulder Avenue,
24 Ste. 900, Tulsa, OK 74119; appearing on behalf of the
25 Defendant, Stanley Glanz and the Tulsa County Sheriff's
Office.

26 REPORTED BY: KEMA L. HICKS, CSR

1 S T I P U L A T I O N S
2 IT IS STIPULATED AND AGREED, by and between
3 counsel and the respective parties hereto, that the
4 deposition of the witness named in the caption hereto,
5 may be taken at this time and place by Subpoena, and that
6 the said deposition, or any part thereof, when so taken, may
7 be used on the trial of this case the same as if the witness
8 were present in the court and testifying in person.
9 IT IS FURTHER STIPULATED AND AGREED that all
10 objections, except those as to the form of a question,
11 are at this time reserved and may be made at the time
12 of trial, or any part thereof, is offered in evidence,
13 with the same force and effect as if made at this time.
14 IT IS FURTHER STIPULATED AND AGREED that the
15 signature of the witness to this deposition is not waived.
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1 MR. MATNEY M. ELLIS, Assistant District Attorney, 500 S.
2 Denver, Ste. 800, Tulsa OK 74103; appearing on behalf of the
3 Defendant, Board of County Commissioners of Tulsa County.
4 MS. MEREDITH BAKER, Attorney at Law, Office of the
5 Undersheriff, 500 S. Denver, Tulsa, OK 74103; appearing on
6 behalf of the Tulsa County Sheriff's Office.
7 ALSO PRESENT: Grant Jackson, Smolen, Smolen & Roytman; Josh
8 Turley, Risk Management, Tulsa County Sheriff's Office

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1 BRIAN NEAL EDWARDS,
2 having been duly sworn, testifies as follows, to-wit:
3 EXAMINATION
4 BY MR. SMOLEN:
5 Q Mr. Edwards, could you please state your full name
6 for the record?
7 A Brian Neal Edwards.
8 Q And we have met before, we have had other cases,
9 and you recall those, correct?
10 A Yes.
11 Q And you have been involved in depositions with me
12 before, correct?
13 A Yes.
14 Q And, you know, sometimes my questions aren't that
15 clear, and so if I ask a unclear question, I want you to
16 stop and tell me that you don't understand it, and I will
17 rephrase it however many times I have to rephrase it so that
18 you understand, okay?
19 A We will do.
20 Q Okay. Because if you give me an answer, I am
21 going to assume that you understood the question. Fair
22 enough?
23 A Fair enough.
24 Q Okay. You are here pursuant to a 30(b)(6)
25 Deposition Notice, is that correct?

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1 MS. RALSTON: That is incorrect. Our 30(b)(6) is
2 next week.
3 MR. SMOLEN: Is it next week, okay. Did we notice
4 him or --
5 MS. RALSTON: You subpoenaed him.
6 MR. SMOLEN: Okay.
7 Q (By Mr. Smolen) Okay. You are here pursuant to a
8 subpoena, is that correct?
9 A Correct.
10 MR. DAVIS: First error.
11 MR. SMOLEN: First of many.
12 Q (By Mr. Smolen) Where do you currently reside?
13 A Here in Tulsa.
14 Q What's your physical address there?
15 A 11933 South Erie, E-R-I-E, Avenue in Tulsa.
16 Q And the zip over there?
17 A 74137.
18 Q And where are you currently employed?
19 A The Grand River Dam Authority.
20 Q When did you begin employment with GRDA?
21 A May the 1st.
22 Q And prior to being an employee there, you were
23 employed as the undersheriff for the Tulsa County Sheriff's
24 Office, correct?
25 A Correct.

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1 Q And for how long were you employed at the Tulsa
2 County Sheriff's Office?
3 A Thirty-one years.
4 Q And your last capacity you were employed as the
5 undersheriff, correct?
6 A Correct.
7 Q And for how long did you serve as the
8 undersheriff?
9 A Since December of 2004.
10 Q Now, describe to me what the undersheriff
11 position, what it entails. What did you do as the
12 undersheriff?
13 A I basically managed the office.
14 Q And in the management of the office, who did you
15 report to?
16 A The sheriff.
17 Q He was your direct report, correct?
18 A Correct.
19 Q Was there a mechanism in which you implemented to
20 report to the sheriff? Let me be more clear. If you were
21 going to report to the sheriff in your capacity as the
22 undersheriff, would you do that verbally? Would you do it
23 in a written format? Was there some kind of mechanism that
24 was used to report day-to-day situations at the sheriff's
25 department?

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1 A I don't guess I understand what you are asking.
2 Q You had to report to Sheriff Glanz as the
3 undersheriff, correct?
4 A Correct.
5 Q That was part of your function as the
6 undersheriff, correct?
7 A Correct.
8 Q Describe to me then how you would go about
9 reporting to the sheriff?
10 A We had morning staff meetings?
11 Q Okay. And who was involved in morning staff
12 meetings?
13 A The command staff.
14 Q Which let's talk about in the 2000 -- the last
15 year you are there, why don't you give me the names of the
16 people that would have been in those morning staff meetings.
17 A Okay. You would have had the sheriff, myself,
18 Chief Robinette, Chief Albin, Chief Weigel, and then it
19 would depend on who else was at work. There could be some
20 captains there, some sergeants there.
21 Q Okay.
22 A We refer to it as the morning meeting.
23 Q Morning meeting.
24 A Right.
25 Q And it took place five days a week, Monday through

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1 Friday?
2 A Correct.
3 Q And about how long would that meeting take place?
4 A Ten to 30 minutes.
5 Q Okay. Were there ever times after the morning
6 meeting that you would have meetings with just you and
7 Glanz?
8 A I am sure I did.
9 Q Okay. And what would be the purpose of having
10 those meetings where it was just you and the sheriff
11 involved as opposed to everyone?
12 A I worked for him. I talked to him all the time.
13 Q Well, I understand that, but meeting about
14 day-to-day operations, things that are going on, would you
15 have meetings with him in private?
16 A I mean, I would meet with the sheriff, but I don't
17 understand what you are asking.
18 Q Okay. We had a situation where you said you would
19 report to him in a morning meeting, correct?
20 A We had a morning meeting where everybody went
21 around the table and said what was going on.
22 Q Okay. And when you say what was going on, what
23 are you referring to? What types of things would you
24 discuss --
25 A Like what went on the last 24 hours. What people

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1 were doing that day. Pretty much it.
2 Q Other than those meetings where you spoke with
3 Sheriff Glanz, okay, did you have meetings where you would
4 discuss day-to-day operations at the Tulsa County Sheriff's
5 Office with just you and Glanz being present?
6 A I am sure I would have.
7 Q Okay. Was it pretty routine to be interacting
8 with the sheriff in discussing day-to-day operations?
9 A No, I did the day-to-day operations. That is what
10 I did was the day-to-day operations of the office. I am not
11 sure what you are asking me. If you are asking me if I
12 talked with Glanz, I talked with Glanz. If you are asking
13 me if I talked to him about everything I did, no.
14 Q What kinds of things would you talk to him about?
15 A The subject matter at hand. It could be anything
16 from the courthouse shooting. It could be anything.
17 Q What about day-to-day disciplinary actions that
18 are taking place at the jail or in the sheriff's department?
19 A No, I usually did those myself.
20 Q Okay. How about terminations?
21 MS. RALSTON: Objection. You can answer.
22 A No, I would do -- I did all of the personnel
23 hearings, if that's what you are asking me.
24 Q (By Mr. Smolen) I am just curious because you guys
25 have a daily meeting, okay?

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1 A (Witness moves head up and down.)
2 Q I want to know what types of things are discussed
3 in the daily meeting?
4 A I just told you, what went on the last 24 hours
5 and what is --
6 Q Everything that went on in the last 24 hours,
7 where, at the sheriff's department?
8 A We could talk about anything. It was just a
9 morning meeting to bring all the administrators together to
10 see what was going on in the organization.
11 Q And you would discuss things that took place in
12 the sheriff's department within the last 24 hours at each
13 meeting, correct?
14 A Right.
15 Q Were there minutes maintained with those meetings?
16 A No.
17 Q When you left the Tulsa County Sheriff's Office,
18 were you terminated or did you resign?
19 A I retired.
20 Q You retired, okay. Was it a voluntary retirement?
21 A Yes, I was recruited away by the Grand River Dam
22 Authority.
23 Q Okay. Do you, in any capacity, do you work for
24 Tulsa County Sheriff's Office currently?
25 A No.

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1 Q Do you have any family members that do any work
2 for the Tulsa County Sheriff's Office currently?
3 A My wife works at a clinic.
4 Q How does your wife do work for Tulsa County
5 Sheriff's Office?
6 A She doesn't do work for the sheriff's office, she
7 works for a clinic.
8 Q Okay. What clinic does your wife work for?
9 A She works for a clinic called Physical Therapy of
10 Tulsa. I think that is how it is called.
11 Q And in what capacity does she work with that
12 clinic?
13 A She's a physician.
14 Q When I asked you if anyone that you are related to
15 works for the sheriff's office, you mentioned your wife.
16 Why did you mention your wife?
17 A No, you asked me in any capacity.
18 Q She works for the clinic.
19 MS. RALSTON: In any capacity.
20 A No, she does not work for the sheriff's office,
21 she works for the clinic.
22 Q (By Mr. Smolen) Does she do anything with her
23 clinic for the sheriff's office?
24 A She does pre-employment physicals.
25 Q Okay. What's a pre-employment physical?

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1 A That, I don't know.
2 Q How long had she been doing pre-employment
3 physicals for the sheriff's office?
4 A She did that after I left.
5 Q Do you know when she started?
6 A (Witness moves head from side to side.)
7 MS. RALSTON: Answer audibly.
8 A Oh, no.
9 Q (By Mr. Smolen) Well, you haven't been gone that
10 long. So May of 2012 you leave. So sometime between now
11 and May of 2012 your wife began doing pre-employment
12 physicals at the sheriff's office, is that correct?
13 A I think so.
14 Q And does she receive payment for doing those?
15 A Well, yeah.
16 Q Do you know how much she -- do you guys file your
17 taxes jointly?
18 MS. RALSTON: Objection. What's the relevance of
19 any --
20 MR. SMOLEN: Because if he has an association with
21 the sheriff's department and he no longer works there,
22 I want to know if there is any kind of reason why he
23 might not tell the truth. They are clearly relevant.
24 I mean, his employment history is relevant and anyone
25 that works for the sheriff's department that is in his

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1 family is relevant.
2 MS. RALSTON: You can answer his question. I will
3 maintain my objection, but answer his question.
4 Q (By Mr. Smolen) Do you know how your wife
5 receives payment?
6 A She's paid from the clinic.
7 Q Okay. Were you involved in any way in
8 establishing her clinic in doing the pre-employment
9 physicals?
10 A Yes.
11 Q Okay. And I am assuming that you didn't do that
12 in a working capacity because you hadn't been working for
13 the sheriff's office when she obtained that contract, is
14 that correct? You had testified that she began doing that
15 after you left?
16 A Yeah, I think that is right.
17 Q Okay. And how did you go about -- if you are no
18 longer working there as the undersheriff, how did you go
19 about facilitating that relationship that she entered into
20 contractually with the sheriff's office?
21 A She's not on contract with the sheriff's office.
22 Q Her clinic is, correct?
23 A No, it is not her clinic.
24 Q The clinic in which she works for, correct, --
25 A Correct.

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1 Q -- does pre-employment physicals now for the
2 sheriff's office, correct?
3 A Correct.
4 Q I want to know if you know how her clinic went
5 about obtaining that contract?
6 A I think that was done after I left.
7 Q Well, you had already testified it was done after
8 you left, but you testified that you had some involvement in
9 that, correct?
10 A She's my wife.
11 Q Right. And I just want to know what involvement
12 you had in helping facilitate --
13 A Okay. Prior -- all right. Prior to me leaving, I
14 put in place for changes in the pre-employment physical.
15 Q Okay.
16 A And that was a derivative of that.
17 Q Okay. And who made the decision to hire your
18 wife's clinic for pre-employment physicals?
19 A The sheriff's office.
20 Q Stanley Glanz?
21 A Yeah. I don't know.
22 Q Do you know if Stanley Glanz knew that your wife
23 worked for the clinic that was ultimately hired to do
24 pre-employment physicals?
25 A Yes.

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1 Q How did he know that?
2 A Because he knows my wife.
3 Q And he knows where she works, is that correct?
4 A Yeah.
5 THE WITNESS: Can you give me just a second?
6 (Off-the-record discussion.)
7 A All right. You are good.
8 Q (By Mr. Smolen) Other than doing pre-employment
9 physicals, does your wife's clinic do any other services for
10 the jail or for the sheriff's department?
11 A You will have to ask them.
12 Q Based on your knowledge, does your wife's clinic
13 do any other services for the Tulsa County Sheriff's Office?
14 A I don't know the answer to that.
15 Q Perfect answer. Anyone else in your family either
16 directly or indirectly receive payments from the Tulsa
17 County Sheriff's Office?
18 A No.
19 Q You said that you were recruited by the GRDA. Who
20 recruited you?
21 A Dan Sullivan.
22 Q Okay. And how did that -- how did he go about
23 recruiting you?
24 A He called me up and said he had a vacancy and
25 asked me if I was interested.

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1 Q Did he call you on your office phone, your cell
2 phone? How did he get ahold of you?
3 A I don't know. He called me on the phone. I don't
4 know if it was my cell phone. It was after hours. It
5 wasn't at work, I know that. I don't know if I was at home
6 or if it was on my cell phone.
7 Q What is your cell phone number?
8 A 918-230-9987.
9 Q And is that -- who is your carrier?
10 A AT&T.
11 Q And how long have you had that cell phone number?
12 A Fifteen years, 16 years.
13 Q How long have you been with AT&T?
14 A A long time. Since before they were with AT&T.
15 Q Okay. And is the phone registered to Brian
16 Edwards?
17 A It is.
18 Q And when you were recruited from the GRDA, do you
19 know how Dan Sullivan got your information? How he made the
20 decision to contact you and recruit you?
21 MS. RALSTON: I am going to object to this entire
22 line of questioning. I don't know the relevance, but
23 you can answer the question.
24 A I have known him for years.
25 Q (By Mr. Smolen) To your knowledge, did Stanley

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1 Glanz know that GRDA was attempting to recruit you?
2 A Yes, I told him.
3 Q Did you tell him before or after you received the
4 phone call from Mr. Sullivan?
5 A After.
6 Q To your knowledge, did Stanley Glanz have anything
7 to do with you getting a job at the GRDA?
8 A No.
9 Q You kind of laughed when you said no. Why did you
10 laugh?
11 A Because nobody knew I was going to leave,
12 including myself.
13 Q How much were you making at the Tulsa County
14 Sheriff's office when you left?
15 A Oh, I don't know, 96,000 or so, I think 97. I
16 don't know, I would have to go back and look.
17 Q And how much are you making at the GRDA?
18 MS. RALSTON: Objection. You can answer.
19 A Ninety-eight.
20 Q (By Mr. Smolen) And what is your position at the
21 GRDA?
22 A I am the assistant general manager.
23 Q And who do you report to?
24 A Wait a minute. Chief of law enforcement. It
25 keeps going. You want --

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1 Q Oh, the title keeps going, okay.
2 A Yeah, I am giving it to you.
3 Q Assistant General manager.
4 A You asked.
5 Q No, assistant general manager, chief --
6 A Of law enforcement.
7 Q -- of law enforcement. So keep going.
8 A And Homeland security.
9 Q Okay. Who do you report to?
10 A Dan Sullivan.
11 Q And what's his position? Is it that long?
12 A Yes.
13 Q Okay. What's his position?
14 A CEO, chief executive officer and director of
15 investments. Not quite as long.
16 Q Okay. Are you familiar with the term chain of
17 command as it was used at the Tulsa County Sheriff's Office?
18 A Yes.
19 Q Describe to me what your understanding of the
20 chain of command is at the Tulsa County Sheriff's Office.
21 A I mean, it is a big place. Give me an example.
22 Q Well, we hear and we see this term chain of
23 command contained in a lot of the documents that were
24 produced in this case, okay.
25 A Oh, I see what you are saying.

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1 Q I just want to know what that is and what your
2 understanding of chain of command is and what it means.
3 A DO or deputy to corporal, corporal to sergeant,
4 sergeant to captain, captain to chief deputy, chief deputy
5 to the undersheriff, and the undersheriff to the sheriff.
6 Q Okay.
7 A Is that what you are asking?
8 Q That's the first part of what I am asking. How is
9 it intended to work? For example, if I am a DO and I have
10 got a complaint.
11 A Go to your first line supervisor.
12 Q Okay. And does your first line supervisor then
13 have any kind of obligation under chain of command to then
14 report it up the chain?
15 MS. RALSTON: Objection. You can answer.
16 A It would depend on what the complaint is.
17 Q (By Mr. Smolen) Okay. And what would it depend
18 on, what specifics?
19 A Whatever the facts are of the complaint.
20 Q Okay. And what facts might make it necessary to
21 report it up the chain of command?
22 MS. RALSTON: Objection to the form. Calls for
23 speculation. You can answer.
24 Q (By Mr. Smolen) If you know, based on your
25 observations as the undersheriff for a number of years, what

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1 might create a complaint that is made or a report that is
2 made to a first-line supervisor, what might cause that to go
3 up the chain of command?
4 MS. RALSTON: Same objection. You can answer.
5 A Something that that first-line supervisor could
6 not resolve.
7 Q (By Mr. Smolen) And what types of things can a
8 first-line supervisor not resolve?
9 A That would probably depend upon the complaint and
10 who the supervisor is.
11 Q Well, let's take a complaint of race
12 discrimination, for example, okay?
13 A Okay.
14 Q A DO makes a complaint of race discrimination to
15 their first-line supervisor. Can a first-line supervisor
16 deal with the complaint of racial discrimination?
17 A No, it needs to come up.
18 Q Come up to who?
19 A All the way to me.
20 Q Okay. But it is your testimony that a complaint
21 of discrimination does not need to go up to Sheriff Glanz,
22 is that correct?
23 A No, it would come to me and I would notify the
24 sheriff.
25 Q Okay.

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1 A Or it could go to the sheriff and he would notify
2 me. It could go either place.
3 Q How might it go to the sheriff before it goes to
4 you under this theory of chain of command?
5 A If you are following the chain of command, I would
6 tell him.
7 Q Okay. But there are times when the sheriff might
8 notify you someone is complaining about discrimination,
9 correct?
10 A Right. Absolutely.
11 Q How would he learn about that outside of the chain
12 of command?
13 A Maybe if somebody went to him directly.
14 Q Okay. So direct complaints to the sheriff, he
15 might then bring those to you, correct?
16 A Correct.
17 Q We identified one of those types of complaints as
18 race discrimination being one that would go up to the
19 sheriff, correct, through the chain of command.
20 A Correct.
21 Q What other types of complaints other than
22 complaints of race discrimination could you think of as we
23 sit here today that would go up the chain of command or the
24 intent would be to go up the chain of command and report it
25 to Stanley Glanz?

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1 A Probably sexual harassment.
2 Q Okay. Race discrimination, sexual harassment.
3 What else?
4 A Sitting here right now, I can't think -- between
5 anticipating your questions and -- I can't think of anything
6 else.
7 Q Okay.
8 A Maybe a hostile work environment might go straight
9 to him or to me.
10 Q What about if a TCSO employee brought in
11 contraband either to work out in the field or to the jail,
12 would that go up the chain of command and ultimately be
13 reported to Stanley Glanz?
14 A No, not necessarily.
15 Q Okay.
16 A I suppose if they were arrested, it would.
17 Q What about alleged -- in this case we are going to
18 get into some more depth about allegations of employees
19 having a relationship with an inmate over at the jail.
20 Would that type of information go up the chain of command to
21 Stanley Glanz?
22 A It could.
23 Q So we have got sexual harassment, hostile work
24 environment, contraband if someone was arrested, alleged
25 inmate staff relationships. Anything else that you can

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1 think of that would go up the chain of command and
2 ultimately report it to Stanley Glanz?
3 A Did you get part of if somebody was arrested?
4 Q Yeah, I was talking about if someone was arrested.
5 Any time someone was arrested, would that go up the chain of
6 command to Stanley Glanz?
7 A Right.
8 Q Whether it is someone who is arrested for
9 contraband or not --
10 A Right, just in general.
11 Q Just a general TCSO employee was arrested it would
12 go up the chain of command to Stanley Glanz.
13 A Right.
14 Q We will be here for a little bit today. So if you
15 can think of anything other than those we have identified
16 already that would have gone up the chain of command, just
17 let me know, okay?
18 A (Witness moves head up and down.)
19 MS. RALSTON: Be sure to answer yes or no.
20 THE WITNESS: I am nodding my head, aren't I?
21 Q (By Mr. Smolen) Are you familiar with an
22 individual by the name of Harmoni Shaw?
23 A I am.
24 Q And when did you first become acquainted with Ms.
25 Shaw?

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1 A What do you mean by acquainted?
2 Q When did you first meet her, that you recall
3 meeting her?
4 A I don't know. I know she works at the sheriff's
5 office. When she came, I don't know.
6 Q Okay. You just have a general memory of knowing
7 she's a TCSO employee?
8 A Correct.
9 Q And you understand that your subpoena to be here
10 today regarding a claim of discrimination, correct, of race
11 discrimination, correct?
12 A Right.
13 Q Are you being represented by the sheriff's office
14 counsel today? Are they here in your capacity to represent
15 you?
16 A Yes.
17 Q Since you are no longer an employee, I have to ask
18 that question.
19 A Right.
20 Q They are here representing you?
21 A Yes.
22 Q How many meetings have you had with the attorneys
23 at McAfee & Taft prior to this deposition regarding Ms.
24 Shaw's case?
25 A Yesterday.

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1 Q Okay. And for how long did you meet?
2 A I don't know, two and a half hours.
3 Q And who was present in those meetings?
4 A Sharolyn.
5 Q Just you and Sharolyn?
6 A Correct.
7 Q Did you discuss that meeting with anyone
8 other than Sharolyn?
9 A No, I don't think so.
10 Q I want you to think though. After you got done
11 meeting, did you have that discussion with anyone at all
12 about what you went over for that two and a half hours?
13 A No. Oh, absolutely not.
14 Q Did you let someone know that you were in a
15 meeting for two and a half hours regarding a deposition that
16 was going to be taken today?
17 A I mean, it is on my calendar. So my admin would
18 have access to that.
19 Q Have you discussed with anyone that you were being
20 deposed in this case?
21 A I mean, the GRDA knows I am here. I had to send
22 the subpoena up to them so they knew I would be gone today,
23 if that is what you are asking.
24 Q Well, anyone that would know that you are in a
25 deposition today. Did you call anyone at the sheriff's

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1 office? Did you call any friends? Did you call any family?
2 A Oh, no.
3 Q At some point in time, did you learn that Ms. Shaw
4 was -- had a -- we will call it an internal complaint
5 regarding race discrimination?
6 A I don't understand what you are asking me.
7 Q At some point in time, while you were employed as
8 the undersheriff of the Tulsa County Sheriff's office --
9 A She sent me a letter.
10 Q And through that letter you learned that she was
11 making a complaint about race discrimination?
12 A Yes, absolutely.
13 Q Prior to receiving that letter, have you ever been
14 notified before that African-American employee or employees
15 were making an allegation of race discrimination?
16 A Yes.
17 Q What other allegations have you received of race
18 discrimination while you were employed as the undersheriff
19 at the Tulsa County Sheriff's office?
20 A I mean, I have received discrimination complaints
21 in the previous to this, but to be able to detail those it
22 has been too far gone.
23 Q I am familiar with some of the discrimination
24 complaints because we worked on those on another case.
25 A Right.

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1 Q Other than those complaints that were subject to
2 the other lawsuits that we have had in the past, can you
3 identify any complaints of race discrimination that occurred
4 after those cases were resolved or during the time that they
5 were resolved and until Ms. Shaw filed a complaint in 2010
6 or 2011?
7 A I can't answer that. It is too big of a time
8 frame.
9 Q What would you be able to look at that would
10 refresh your memory as to what complaints of race
11 discrimination were made at the sheriff's department in that
12 time frame?
13 A The only thing I could look at would be the IA
14 Case Log because I would have assigned it out.
15 Q At least while you were there at the sheriff's
16 office, were all complaints of race discrimination, or
17 gender discrimination, or sexual harassment, were they all
18 turned over to Internal Affairs?
19 A Yes.
20 Q And was it your expectation that an investigation
21 would be done?
22 A Yes.
23 Q How long does IA keep documents that pertain to
24 investigations that they conduct at the Tulsa County
25 Sheriff's office?

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1 A I think they are still there now. I am not sure.
2 Q Do you know what the protocol is or do you recall
3 what the protocol is as far as maintaining records with
4 respect to investigations that were completed by Internal
5 Affairs?
6 A I know they go way back, way, way back past,
7 you know, to 2000.
8 Q At least back to 2000?
9 A Yeah, I think so. I mean, don't hammer me down on
10 the dates because I am not sure how they are filed.
11 Q I am not going to hammer you down.
12 A But I know we don't keep them and throw them away,
13 we keep them for a period of time. What that is, I don't
14 know.
15 Q Okay. The complaints that Ms. Shaw made regarding
16 race discrimination, did you yourself -- let me ask you
17 this. How did you learn about those complaints?
18 A She brought me a letter.
19 Q Okay. Prior to that, though, had you learned
20 about any complaints that she had made regarding race
21 discrimination? And the reason that I ask that is because
22 it was my understanding that if a complaint of race
23 discrimination is made, it should go up the chain of
24 command. So if Ms. Shaw had made a preliminary complaint of
25 race discrimination prior to writing you a letter, it would

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1 seem that that complaint would go up the chain of command to
2 you and Stanley Glanz.
3 A Yeah, I don't remember getting one before that.
4 Q Okay.
5 A Keep in mind, you are asking me to remember stuff
6 from a long time ago.
7 Q Sure. And all I can ask is just to the best of
8 your memory.
9 A Yeah, and I don't know. I don't remember.
10 Q And if you don't remember, just be clear to let me
11 know that you don't remember. Not that it is, no, I didn't
12 receive one, but it is just that you don't remember, it is
13 possible that you did.
14 A Right.
15 Q As we sit here today, do you recall generally what
16 Ms. Shaw's complaints of discrimination were?
17 A No. She sent me a long letter. I know she had
18 trouble with her transcript and then --
19 Q Let me just. I will find the letter.
20 A Yeah, that would be helpful.
21 MR. DAVIS: Good job.
22 A Is this going to require me to get my glasses out?
23 Q (By Mr. Smolen) I don't know what your vision is
24 like. I am going to hand you what we are going to mark as
25 Exhibit 1 to your deposition. You referenced a letter in

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1 your previous testimony. Take a minute to review and see if
2 this appears to be the letter that you are referencing.
3 MR. DAVIS: Do you have another copy of that?
4 Q (By Mr. Smolen) Does it appear to be a letter
5 that you received?
6 A Yes.
7 Q It does appear to be a letter that you received?
8 A Yes.
9 Q In the very first paragraph it indicates that in
10 an effort to comply with the appropriate chain of command, I
11 have spoken with both my sergeant and my captain regarding
12 the issues in this letter, however, the issues I am
13 experiencing continue.
14 A (Witness moves head up and down.)
15 Q Your expectation as the undersheriff would have
16 been for Ms. Shaw to, in fact, report these issues to her
17 sergeant and her captain, correct, or at least her sergeant?
18 With respect to the chain of command, --
19 A Right.
20 Q -- as the undersheriff, would you have expected
21 Ms. Shaw to report the complaints that are contained in this
22 letter to her first line supervisor?
23 A I probably wouldn't speculate on what she would
24 have done.
25 Q I am asking what your expectations would have

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1 been.
2 A What my expectations are. I think that, you know,
3 if she was having issues, I would assume she would have
4 reported those.
5 Q Okay. And that's what she, in fact, indicates,
6 correct?
7 A Right.
8 Q What steps did you take to determine whether or
9 not she had complained to her sergeant or her captain about
10 the complaints in this letter?
11 A I don't understand what you are asking.
12 Q Okay. She indicates that she has spoken with her
13 sergeant and her captains regarding these issues, correct?
14 A Correct.
15 Q That's consistent with TCSO policy, correct?
16 A Sure.
17 Q Okay. She's saying that these issues are still
18 taking place, --
19 A Right.
20 Q -- correct?
21 A Correct.
22 Q What did you do, what steps did you take to
23 determine whether or not she had in fact spoken to her
24 sergeant and her captain regarding these issues?
25 A I signed this document to be investigated.

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1 Q So other than assigning it to Internal Affairs,
2 you didn't yourself go and talk to Ms. Shaw's captain or her
3 sergeant to determine whether or not she had in fact
4 previously made a complaint of race discrimination, correct?
5 A Correct.
6 Q On or around February 7th of 2011, who would have
7 been in charge of Internal Affairs -- which person in
8 Internal Affairs would have been in charge of receiving, I
9 guess, this assignment from you to investigate these
10 complaints?
11 A I would have to look at the log. I have three
12 people that work for me.
13 Q Okay. In that time frame who would those three
14 people have been?
15 A I think I had somebody -- I am going to answer,
16 but I am going to qualify my answer that I am not sure
17 because I had Robbie Lillard. I had Tom Helm.
18 Q How do you spell Helm?
19 A H-E-L-M. And I had Billy McKelvey. I am going to
20 give you four names because I am not sure who was there
21 without looking. And Clint Caskey, I think. I don't know.
22 I don't know, Mr. Smolen.
23 Q What document would there be at the Sheriff's
24 Department that would help us identify who was in Internal
25 Affairs during this time frame?

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1 A The case log would show you who was in there.
2 Q The log from IA?
3 A Uh-huh. And the time sheet for the division.
4 Q Did you yourself do any investigation hands on,
5 other than assigning this to IA, did you yourself do any
6 investigations into these complaints?
7 A No.
8 Q I am going to hand you what we are going to mark
9 as Exhibit 2. Did you give this letter to anyone else when
10 you received it, the actual letter?
11 A I gave it to Internal Affairs.
12 Q Okay.
13 A The investigators. Here. Is this mine?
14 Q Yeah.
15 MR. DAVIS: Thank you, sir.
16 A 2?
17 Q (By Mr. Smolen) Yes. I am going to hand you
18 what's being Bates labeled as TCSO Shaw 00181 and 182.
19 Do you recognize this document?
20 A Only that it is a copy of this -- of the letter to
21 me.
22 Q Right. And there is handwriting on it, correct?
23 A Correct.
24 Q Okay. And there are certain notes that are made
25 on this letter, correct?

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1 A Correct.
2 Q Did you make these notes?
3 A No.
4 Q Do you know whose handwriting this is?
5 A No.
6 Q Do you know who would have had the opportunity to
7 make these notes?
8 A No.
9 Q Obviously someone in Internal Affairs if you
10 handed them the letter, correct?
11 A Right.
12 Q Anyone other than someone in Internal Affairs,
13 would they have had the opportunity to have this letter to
14 make notes on it?
15 MS. RALSTON: Objection. Calls for speculation.
16 You can answer if you know.
17 Q (By Mr. Smolen) I am asking if you -- if you know.
18 A No, I don't think so.
19 Q Did you ever receive a copy of this letter after
20 these notes were put on it?
21 A No.
22 Q On the second page it says: What is this
23 "explained dead files"? Do you know what is being
24 referenced there?
25 A I have no idea.

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1 Q Have you ever heard the term "dead files"?
2 A No.
3 Q One of the complaints that Ms. Shaw was making was
4 that she was being treated differently with respect to her
5 pay because the sheriff's office was not paying her an
6 increased compensation for the fact that she had graduated
7 from college, correct? She was a college graduate?
8 A Yeah, she was a college graduate.
9 Q One of the complaints that she was making was that
10 she wasn't receiving compensation as others were receiving
11 compensation who had graduated from college, correct?
12 A Yes.
13 Q An increased compensation, an incentive from
14 graduating from college, correct?
15 A Yes.
16 Q Did the Tulsa County Sheriff's Office have a
17 policy with respect to increased incentive compensation for
18 college graduates?
19 A Yes.
20 Q And what was your understanding of that policy?
21 A I know there was an incentive pay for -- I know
22 for a bachelor's degree. I don't know if there was one for
23 a master's. I just don't remember.
24 Q Okay. Did you also understand Ms. Shaw to be
25 making a complaint saying that she was treated differently

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1 with respect to promotion opportunities?
2 A Yes.
3 Q Under the Promotion Section. It says Policy 8.1.
4 These procedures apply to all employees seeking promotion to
5 a position below the rank of Chief Deputy, whom will be
6 appointed at the pleasure of the Sheriff. Correct?
7 A Yes.
8 Q And the purpose of it is to identify the methods
9 used in the promotional process, correct?
10 A Yes.
11 Q And it says: Formal Education under 8.3.
12 Education received from an accredited college, junior
13 college or university. The amount of formal education is
14 measured in the number of college credit hours completed and
15 degrees earned. Correct?
16 A Correct.
17 Q And then it defines accredited college, correct?
18 A Yes.
19 Q And it defines accreditation as post secondary
20 educational institutional program contained within the
21 database of the American Association of Collegiate
22 Registrars. Correct?
23 A Yes.
24 Q Or other colleges or universities who credit hours
25 will transfer to an accredited college or university

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1 contained within the database of the American Association of
2 Collegiate Registrars. Correct?
3 A Yes.
4 Q This policy looks like it was revised on 5-18 of
5 2011. You were still employed with the sheriff's
6 department.
7 A Yes.
8 Q Do you know how the policy was revised?
9 A What do you mean, do I know how?
10 Q Well, what was changed? I don't think that we
11 have received the previous version of it.
12 MR. DAVIS: By pencil.
13 A How it was revised, I don't know. I know we came
14 up with this definition because of the trade school thing
15 and the technical trade school thing. People would come in
16 and try to claim that technical and trade school was a
17 substitute for a college degree. But the process of that, I
18 don't remember all of that, but that is how -- it was --
19 there was a problem with some of the non-accredited degree
20 programs that you would see out trying to come in. That was
21 the issue with that.
22 Q Okay. At the time that Ms. Shaw made her
23 complaints, February, at least the time that you received
24 formal notification of her complaints according to you in a
25 written format in a letter she gave you, that was February

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1 of 2011. Do you know what the policy was before February of
2 2011 or before May of 2011?
3 A I would have to go back and read it.
4 Q Where would we be able to find that?
5 A You would have to ask Josh.
6 MR. SMOLEN: Let's go off the record.
7 (Off the record.)
8 Q (By Mr. Smolen) We are back on the record, and
9 I am going to hand you what we are going to mark as Exhibit
10 4. This is the policy that was in place at the time that
11 Ms. Shaw made her complaint regarding the difference in
12 treatment regarding her educational incentive pay versus
13 others, correct? This would have been the policy that was
14 in place?
15 A Yes.
16 Q And the -- under Definitions, it defines
17 accredited college: A recognized college, junior college,
18 university or other school conforming with or exceeding the
19 standards set forth by the North Central Association of
20 Colleges and Schools. Correct?
21 A Correct.
22 Q At some point in time during the investigation
23 into Ms. Shaw's complaints, did you learn that the Tulsa
24 County Sheriff's Office had denied her incentive pay saying
25 that the college that she had gone to did not conform to the

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1 standards of Tulsa County Sheriff's Office recognized?
2 A Ask me that again. I was reading while you were
3 talking. I am good. I am good.
4 Q At some point in time during the investigation
5 into Ms. Shaw's complaints about her difference in treatment
6 with respect to incentive pay based on her college
7 background, okay, did you learn that she had attempted to
8 turn in her transcript but was denied the incentive pay on
9 the grounds of the college she had graduated from was not an
10 acceptable college to the Sheriff's department?
11 A Yes.
12 Q Who was Gwendolyn Buggs?
13 A She works in HR.
14 Q And what was her position?
15 A That I don't know. The timekeeper I think, but
16 I am not sure. You are asking me when I left. You need to
17 probably qualify that on the time frame.
18 Q September 20th of 2010. And I am going to hand
19 you -- I will just hand you the email. This might help
20 refresh your memory.
21 A Okay.
22 Q I am going to hand you what we are going to mark
23 as Exhibit 5. It is an email from Gwendolyn Buggs. Do you
24 know who Gwendolyn Buggs is?
25 A Yes.

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1 Q Do you know what her position was with the Tulsa
2 County Sheriff's Office on or around September 20th, 2010?
3 A She was working in HR. Her exact title, I am not
4 sure of, but I think she was the timekeeper.
5 Q Okay. And who would her supervisor have been?
6 A I would have to go look in 2010.
7 Q Who was in charge of human resources in 2010?
8 A I don't know. I don't know.
9 Q Do you recall who was in charge of human resources
10 when you left?
11 A Actually Linda Johnson was, but she retired when I
12 did.
13 Q Okay.
14 A That's why I am struggling with this is because
15 there was some turnover in that --
16 Q Who could it have been? Linda Johnson and/or --
17 A Paul Tryon. And I am not sure which chief had it
18 in 2010. If it was Albin or Weigel. I just don't know.
19 Q And when you say what chief had it, was there a
20 chief who would supervise human resources?
21 A If you look at the organizational, yeah, all of
22 the -- all of the divisions of the office had a chief.
23 Okay. And what that breakdown was I don't know, but that
24 was the general structure.
25 Q But it would have been either Albin or Weigel?

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1 A Yeah, I think so. Let me see. 2010. Haralson
2 was in the mix in 2000 -- I don't know. I don't know. You
3 will have to -- somebody will have to go look.
4 Q It would be in a work chart that would identify
5 who that is?
6 A Yeah, that's easy to find.
7 Q And DO Shaw -- this email indicates that DO Shaw
8 was transferred to second shift on Saturday, September 18th,
9 while she turned in a college transcript for her educational
10 incentive. Would you please let her know that the school
11 she attended is not recognized by TCSO as an accreditation
12 school?
13 A Okay.
14 Q Do you know one way or the other whether that is
15 true or not, whether or not the school that she -- the
16 transcript of the school that she turned in was a TC -- was
17 recognized by TCSO as an accreditation school?
18 MS. RALSTON: I am going to object to the form.
19 You can answer.
20 A You need to qualify that on the timing. Ask me
21 the timing of that.
22 Q (By Mr. Smolen) When she turned it in on
23 September 20th of 2010.
24 A I have never seen this before.
25 Q I understand that, but that is the date of the

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1 email.
2 A Right.
3 Q And she's indicating that Ms. Shaw turned in a
4 transcript for her education incentive, and she indicates to
5 her supervisor, Joseph Britt, she asked him, would you let
6 her know that the school she attended is not recognized by
7 TCSO as an accreditation school? Do you see that there?
8 A Yeah, I am with you. I am following you. I am
9 just trying to make sure I answer your question.
10 Q Do you know one way or the other as of
11 September 10th or September -- right, September 20th,
12 whether or not the school that Ms. Shaw graduated from was
13 in fact an accredited school that TCSO recognized one way or
14 the other?
15 A I am going to try to answer your question, but I
16 am going to -- the answer to that question is, yes, Harmoni
17 Shaw's school is accredited, all right? Did I know that on
18 September 20th? No.
19 Q Do you know why Ms. Buggs indicated to Ms. Shaw's
20 supervisor that her school was not an accredited school
21 recognized by TCSO?
22 MS. RALSTON: Objection. Calls for speculation.
23 You can answer, if you know?
24 A I don't know why she would have done that.
25 Q (By Mr. Smolen) As a timekeeper, would Ms. Buggs

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1 have been in the position to make that decision?
2 A Here again, I don't know why -- I don't know why
3 she's answering this, and I don't know how to answer your
4 question.
5 Q Well, you are familiar with the timekeeper
6 position, correct?
7 A Right.
8 Q Okay. In that capacity, as a timekeeper, would
9 Ms. Buggs have had the authority to make a determination
10 that the school that Ms. Shaw went to was accredited or not
11 accredited according to TCSO standards?
12 MS. RALSTON: Objection to form. You can answer
13 the question.
14 A I think they worked as a unit.
15 Q (By Mr. Smolen) Okay.
16 A So the titles are probably pretty basic titles,
17 but she would answer that. She would answer questions for
18 employees.
19 Q I guess what I am getting at is, you might not
20 know one way or the other, but would she have to go and find
21 out from someone else whether or not this school was in fact
22 an accepted school by TCSO?
23 A I don't know how she derived her decision.
24 Q That's what I am getting at.
25 A Yeah, I don't know the answer to that.

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1 Q You indicated just now in your testimony that it
2 was in fact an accredited school, is that correct?
3 A Yes.
4 Q How did you learn that it was an accredited
5 school?
6 A I don't know if I looked it up myself or I think I
7 probably just recognized the name.
8 You know, as I am sitting here thinking while
9 you are looking for that.
10 MS. RALSTON: Wait a minute, let him ask him a
11 question.
12 THE WITNESS: Sorry. Just got my brain engaged.
13 MS. RALSTON: Let him ask you a question.
14 Q (By Mr. Smolen) I am going to hand you what
15 we are going to mark as Exhibit 6. Take a minute, if you
16 would, to review this letter.
17 A Okay.
18 Q Have you had a chance to review that letter?
19 A Yes.
20 Q Did you in fact draft that letter?
21 A Yes.
22 Q And why did you draft this letter?
23 A We completed the investigation on her complaint
24 and the -- she -- they had given her an assignment at work
25 and needed to compensate her for that. And I adjusted the

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1 compensation for educational incentive, incentive when I got
2 the certified copy of her transcript. It is pretty much
3 self explanatory. And then I removed the write up from her
4 file on the -- I don't remember what it was for, book report
5 thing or whatever it was.
6 Q Okay. Okay. You also -- you indicate in your
7 letter that you substantiated some of her complaints at
8 least in part, correct?
9 A Correct.
10 Q And then you identified the -- that you had
11 compensated her for the time she had to do the book report,
12 right?
13 A Right.
14 Q And you also agreed to compensate her I am
15 assuming back wages for the increased incentive pay that she
16 should have been entitled to, correct?
17 A Correct.
18 Q But you did not make a finding that there had been
19 in fact discrimination, correct?
20 A Correct.
21 Q What did you base that on? When you put in your
22 letter that -- well, I will just read it. You said: While
23 there were no facts -- while there were not facts to
24 corroborate the claim of discrimination based upon race
25 and/or gender, improper procedural issues were identified,

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1 correct?
2 A Correct.
3 Q What was your basis for that statement?
4 A Which part?
5 Q The part that there were not -- you didn't find
6 any -- you didn't substantiate the gender race allegations.
7 A There wasn't anything in there to support that.
8 Q In where?
9 A In the IA investigation.
10 Q I will make that 7. Okay. Go ahead and take a
11 minute to review this, if you would, Mr. Edwards.
12 A Okay.
13 Q Have you had a chance to review it?
14 A I did.
15 Q And your letter was based off of your review of
16 this report, correct?
17 A Correct.
18 Q And a report that you had signed to Corporal Helm
19 and possibly Sergeant Lillard, correct?
20 A Yeah, it looks like both of them were in on it.
21 Q Okay. To your knowledge, did either Corporal Helm
22 of Sergeant Lillard ever make a comparison between Ms. Shaw
23 and others who are employed with Tulsa County Sheriff's
24 Office who are receiving educational incentives to see if
25 they had been disparately applied to Caucasians or males?

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1 A I don't know. I don't think so. I don't know.
2 Q Okay. Did anyone -- I am sorry, did Corporal Helm
3 or Sergeant Lillard ever do a comparison between the
4 discipline that Ms. Shaw was complaining about in comparison
5 to either Caucasian employees or male employees to see if it
6 was being applied disparately to Ms. Shaw?
7 MS. RALSTON: Objection. Calls for speculation.
8 You can answer if you know.
9 A I don't know.
10 Q (By Mr. Smolen) Well, did you see anywhere in the
11 report where he says he did that?
12 A No.
13 Q You understood that to be her complaint that she
14 was complaining about difference in treatment based on
15 gender and race, correct?
16 A Yes.
17 Q Okay. And to your knowledge, at least with what
18 is contained in the report, it doesn't appear that anyone
19 ever investigated to see if there was disparate treatment
20 with respect to discipline between Ms. Shaw and males or
21 Caucasians with respect to discipline or with respect to
22 educational incentives?
23 MS. RALSTON: Objection to the form.
24 Q (By Mr. Smolen) Do you know why he didn't include
25 that as part of his investigation?

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1 MS. RALSTON: Same objection.
2 A No, I can't answer to either one of those.
3 Q (By Mr. Smolen) As the undersheriff, if she was
4 complaining about differences in treatment between her and
5 Caucasians and her and male employees, isn't that something
6 that you would have wanted to see -- looked into as part of
7 that investigation?
8 MS. RALSTON: Objection to form. You can answer.
9 A The disparate treatment?
10 Q (By Mr. Smolen) Sure.
11 A I don't think we do disparate treatment.
12 Q Well, I know that you don't think that you do.
13 But wouldn't you have expected someone in Internal Affairs
14 to do an investigation into these complaints to see if, in
15 fact, Ms. Shaw was being treated differently as it pertained
16 to discipline and educational incentive when compared to
17 Caucasian and/or male employees?
18 A No. We would investigate the complaint, they
19 would investigate based upon the facts and the complaint.
20 Q Right. And she is saying that she's being treated
21 differently than Caucasians and men, correct?
22 A Correct.
23 Q Did anyone actually go back to look to see if she
24 was being treated differently than Caucasian employees
25 and/or male employees?

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1 A I don't know. I don't know how they did their
2 investigation. I saw the end result.
3 Q But this synopsis would contain everything that
4 they did to investigate her complaints, correct? This
5 Exhibit 7?
6 A Yeah, I would think so.
7 Q For example, if Corporal Helm went back and
8 reviewed all of the TCSO employees who are receiving
9 educational incentive pay and made a comparison to Ms. Shaw
10 and to those employees, he would have certainly documented
11 that in this report, correct, or that would have been your
12 expectation, correct?
13 MS. RALSTON: Objection, calls for speculation.
14 You can answer.
15 A I would think he would put it in there if he did
16 that.
17 Q (By Mr. Smolen) It would be your expectation that
18 he be at least, correct?
19 A Yes.
20 Q And the same as it pertains to discipline with
21 respect to differences in treatment in discipline. If
22 Corporal Helm went back and investigated and made
23 comparisons or looked into male employees and/or Caucasian
24 employees' forms of discipline as compared to Ms. Shaw, you
25 would have expected him to document that in his

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1 investigation synopsis, correct?
2 A Yes.
3 Q Based on the investigation, did it appear to you
4 that this was the first time that this requirement for Ms.
5 Shaw to read this book and write a report was the first time
6 that that process was ever used with a Tulsa County
7 Sheriff's Office employee?
8 A No, I can't answer that. I don't know all of the
9 ends and outs of their training.
10 Q Let me hand you what we are going to mark as No.
11 8. This exhibit indicates, and this is from Michelle
12 Robinette to Sergeant Lillard. Harmoni Shaw was the first
13 employee asked to read it and report back and shortly after
14 Nita Lilley was asked to read it and report back, but she
15 resigned under investigation prior to completing her report.
16 Correct?
17 A Yes, that's what it says.
18 Q Okay. You don't have any knowledge that would
19 differ from that, do you?
20 A No.
21 Q Okay. And this Nita Lilley, what was she under
22 investigation for?
23 A I have no idea.
24 Q Okay. Well, wouldn't it had to have been assigned
25 by you to IA? I mean, if Nita Lilley was under

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1 investigation and --
2 A I don't know what -- I don't know the answer to
3 that.
4 Q Okay. Do you remember Nita Lilley?
5 A No.
6 Q If there was an investigation done, would there be
7 I am assuming an IA report on that, correct?
8 MS. RALSTON: Objection to form.
9 A The answer to your question is I don't remember
10 her.
11 Q (By Mr. Smolen) I understand that you don't
12 remember her, but this indicates that she resigned under
13 investigation.
14 A You will have to ask Robinette what she means by
15 her statement. I have no idea what she means by her
16 statement.
17 Q Okay. Are you familiar with other TCSO employees
18 who were accused of having inappropriate relationships with
19 inmates?
20 MS. RALSTON: Objection to form. You can answer.
21 Dan, I presume you mean aside from Harmoni Shaw.
22 A I don't know what you are asking me.
23 Q (By Mr. Smolen) We are going to go through --
24 what I am going to try to do with you is make comparisons to
25 the way Ms. Shaw was treated with respect to having read

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1 this book report -- read this book and write a report.
2 Okay.
3 A Okay.
4 Q Because of an allegation that she was having an
5 inappropriate relationship with an inmate, okay.
6 What I want to know is, to your knowledge, as
7 we sit here today, do you have knowledge of other employees
8 of Tulsa County Sheriff's Office, other than Ms. Shaw, were
9 either accused of or alleged to have had inappropriate
10 relationships with inmates?
11 A Yes.
12 Q Okay. Who?
13 A I would have to go look.
14 Q What would you look at that would tell you who had
15 been accused of that?
16 A I would go back and look at the IA case log.
17 Q And tell me what the IA case log would show you.
18 A It would show the case number, the date assigned
19 who investigated it, the employee involved, and I think the
20 subject matter is on there.
21 Q So the log book would contain the subject matter?
22 A It is not a book, it is just a log.
23 Q Is it in a binder?
24 A No, I think it is actually on the computer.
25 Q Okay.

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1 A They may have a book they work out of. Here again
2 you are asking me nuts and bolts questions and I don't have
3 them.
4 Q I just need to know what you know.
5 A Right.
6 Q And you said you would go back and look at the
7 log.
8 A Right. Actually what I would have to do is go
9 ask. I would have to go ask the names and dates.
10 Q Okay. But do you believe that there is some kind
11 of document, whether it is a paper document or an electronic
12 document that would contain all the information about an
13 employee, the allegation, the subject matter, dates, people
14 involved that you could look at to determine who else had
15 been alleged to have had inappropriate relationship with an
16 inmate?
17 A Well, you realize that some of those people ended
18 up in jail.
19 Q Sure. I realize that.
20 A Okay.
21 Q But I want to know, and we are making a
22 comparison, okay?
23 A Yeah, I don't know. You will just have to ask
24 them how they got them. There is a record of the
25 investigations that we did for employees involved, relation

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1 with inmates, there is a record of those. Okay?
2 Q Okay. And those would be maintained -- your
3 expectation is that would be in Internal Affairs somewhere?
4 A Yeah, that evidently would have gotten there.
5 Q Other than this incident where Ms. Shaw was
6 required to read "Games Criminals Play" and write a book
7 report, are you aware of any other training methods that
8 were used for employees that were alleged to have had
9 inappropriate relationships with inmates?
10 A There -- the answer to your question is I don't
11 know. There is part of that in the basic jail academy
12 curriculum. And I just don't know. There is too many
13 employees, Mr. Smolen. I just don't know.
14 Q Well, I just didn't know if you were familiar
15 with -- that TCSO had a policy in place, a training
16 mechanism in place where if an employee was alleged to be
17 having an inappropriate relationship that there was some
18 kind of specific training that they would receive?
19 A That would have -- that would be really driven
20 upon the situation of the facts surrounding that
21 relationship.
22 Q Okay.
23 A Those would have to be verified first before you
24 made a determination as to what you were going to do next.
25 Q Okay. Well, Ms. Shaw -- there was no -- it was

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1 unsubstantiated --
2 A Right.
3 Q -- that she had had any kind of inappropriate
4 relationship, but yet she was still required to read this
5 book and write a report on it.
6 A That's true.
7 Q Okay. And you would agree with me that every
8 indication that you saw from the investigation was that
9 these allegations were unsubstantiated, correct?
10 A Yes.
11 Q But she was still required to read the book and
12 write the report, correct?
13 A Yes.
14 Q And my question for you is what other employees
15 who have been accused of inappropriate relationships with
16 inmates, like Ms. Shaw was accused of, have been required to
17 undergo training on that subject matter?
18 A I don't know the answer to that.
19 Q Okay. You couldn't identify anyone else as we sit
20 here today?
21 A No, not right off the top of my head, no.
22 Q And the next question --
23 A Chief Robinette might be able to, but I --
24 Q Well, then we will ask her. But the next question
25 then is, and you are not familiar with any other kind of

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1 training mechanisms that were ever used to allegedly train
2 an employee about inappropriate relationships with inmates
3 other than what they might learn in their training academy?
4 A What I said was I don't know.
5 Q Right. You don't know of any other ones?
6 A Right.
7 Q Okay. I am not trying to say that there isn't,
8 but it is just that you are not aware of it as the
9 undersheriff, correct?
10 A No. No.
11 Q When you say that there were improper procedural
12 issues that were identified, what did you mean by that?
13 A Oh, in her letter?
14 Q In your letter.
15 A In my letter to her, is that the context?
16 Q Uh-huh.
17 A They should have taken her college.
18 Q Okay.
19 A And they should have paid her for her time on that
20 book report.
21 Q Did you make a determination as to whether or not
22 it was even appropriate for them to have her -- require her
23 to read that book and write a report? Not that she would --
24 obviously she would have been entitled to compensation for
25 it, which you made that finding, okay, but did you ever come

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1 to the conclusion, hey, look, it wasn't even appropriate for
2 her to have her read the book, require her to read the book
3 and write a report?
4 A No, I never made that determination.
5 Q You just made the determination that she should be
6 entitled for compensation for having to do that?
7 A Correct.
8 Q As we sit here today, do you think it was
9 appropriate and consistent with Tulsa County Sheriff's
10 Office policies to make Ms. Shaw read that book and do a
11 report on an unfounded allegation of an inappropriate
12 relationship?
13 MS. RALSTON: Objection to form. You can answer.
14 A I don't think I have enough facts based on her job
15 performance to answer your question so I don't know.
16 Q (By Mr. Smolen) What would her job performance
17 have to do with the requirement that she read the manual and
18 write a report? It seems like it was pertaining to a
19 specific situation of an allegation --
20 A I don't know. You are asking me to speculate and
21 you keep adding questions on.
22 Q Based on the synopsis as you have got from
23 Lillard, --
24 A Right.
25 Q -- from IA, in your review you still felt

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1 confident enough to write a letter to Ms. Shaw saying you
2 identified procedural irregularities, correct?
3 A Correct.
4 Q You compensated her for back pay on her college --
5 on her education incentive and you compensated her for the
6 time that she spent doing the report, correct?
7 A Correct.
8 Q I want to know based on the information that you
9 received, okay, did you come to a determination that it was
10 inappropriate or it was appropriate for her to have -- even
11 had to have read that book and do a report?
12 MS. RALSTON: Objection. Asked and answer. You
13 can answer again.
14 A I never made a determination one way or the other.
15 Q (By Mr. Smolen) And you never made a
16 determination and neither did Internal Affairs as to
17 whether or not her being required to do that was a
18 difference in treatment between her and male co-workers,
19 correct?
20 A No.
21 Q Okay. That's correct, right?
22 A You are going into your -- you are making
23 statements and throwing a question at the end. Ask me again
24 and I will give you an answer.
25 Q Okay. With respect to making a comparison between

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1 Ms. Shaw and male co-workers, okay?
2 A Okay.
3 Q Did you ever -- yourself ever make a comparison
4 that when Ms. Shaw was asked to read this book and write a
5 report for an unsubstantiated allegation that, that was a
6 difference in treatment between her and male coworkers?
7 A Never did that analysis.
8 Q Okay. And to your knowledge did anyone in IA ever
9 do that analysis?
10 A Not to my knowledge.
11 Q Okay. And the same question with respect to race.
12 A The same answer.
13 Q Thank you.
14 MR. SMOLEN: Let's take about a five minute break.
15 MS. RALSTON: Sure.
16 (A break is taken.)
17 Q (By Mr. Smolen) Mr. Edwards, you indicated that
18 one of the things that you did was give Ms. Shaw back pay in
19 those areas that we addressed, the educational incentive and
20 then the time she spent on the book report, correct?
21 A Correct.
22 Q You indicated that you also removed a warning from
23 her file, correct? Did I understand you correctly?
24 A It was an unacceptable performance notice.
25 Q Okay. And is that -- is that different than a

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1 written warning?
2 A It depends on which block they checked on the
3 form.
4 Q Okay.
5 A You would have to look at the document.
6 Q Okay. I am going to hand you what we are going to
7 mark as Exhibit 9. This letter, was this something that you
8 removed from Ms. Shaw's file?
9 A I did not remove anything from her file. I just
10 directed that the unacceptable performance notice be removed
11 and what's attached to that, I have no idea.
12 Q Okay. I will hand you what we will mark as
13 Exhibit 10.
14 A No, that's fine.
15 Q This indicates that Ms. Shaw received a written
16 warning for this alleged incident, correct?
17 A You have got two documents in your hand. This
18 one?
19 Q Yeah.
20 A Right.
21 Q Well, they both indicate that.
22 A Right.
23 Q That is what you indicated in response to my last
24 question that it would depend on what box was marked,
25 correct?

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1 A Right.
2 Q Okay. And this one indicates that she was given a
3 written warning?
4 A Correct.
5 Q That's a disciplinary action, correct?
6 A Yes.
7 Q Okay. Would you agree with me that it was not
8 until Ms. Shaw made a complaint of race and gender
9 discrimination that that was ultimately changed from a
10 written warning?
11 MS. RALSTON: Objection to form.
12 Q (By Mr. Smolen) She had been given a written
13 warning and it had been signed off by a captain, Captain
14 Fike, correct?
15 A Right.
16 Q She received that -- it is undisputed that on or
17 around December 22nd of 2010 she received that disciplinary
18 action, correct?
19 A Correct.
20 Q But you as the undersheriff changed that after Ms.
21 Shaw had made a complaint of race and gender discrimination,
22 correct?
23 MS. RALSTON: Objection to form. You can answer.
24 A Yes.
25 Q (By Mr. Smolen) Why did you make a decision to

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1 remove that warning from her -- I am going to say remove it
2 from her file, but remove it as if it -- I am assuming as if
3 it didn't happen, correct?
4 A Correct.
5 Q Why, as we sit here today, I want you to tell me
6 why you did that?
7 A Because when they looked at it, they didn't
8 substantiate the allegations.
9 Q Okay. And did you feel like it was unfair for Ms.
10 Shaw to receive a written warning for an unsubstantiated
11 allegation?
12 MS. RALSTON: Objection to form. You can answer.
13 A I just -- the answer to the question is I didn't
14 think she needed to have this done or I wouldn't have
15 removed it.
16 Q (By Mr. Smolen) Right. And I understand that.
17 But what precipitated that was you felt like it was
18 unfounded discipline and in essence it was inappropriate
19 disciplinary action taken against Ms. Shaw?
20 MS. RALSTON: Objection to form. You can answer.
21 A Yeah, I did not think it was appropriate. Yeah,
22 they didn't need to do this.
23 Q (By Mr. Smolen) Okay. And that would have been
24 Captain Fike and Sergeant --
25 A Black.

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1 Q Was it Black or Britt? I have Britt on --
2 A I am looking at Black on the signature here.
3 Q That's where I am confused because I have got at
4 the top that the supervisor was Sergeant Britt and then it
5 was signed by Sergeant Black.
6 A You are asking the wrong person.
7 Q Okay. Did you ever talk to Sergeant Britt or
8 Captain Fike about the situation?
9 A I don't remember. It has been too long.
10 Q In your capacity as the undersheriff, do you
11 review employee evaluations?
12 A (Witness moves head from side to side.)
13 Q No?
14 A No.
15 Q Are you aware of what the appropriate disciplinary
16 action was for TCSO employees who were -- who had a
17 confirmed finding of inappropriate relationship with an
18 inmate?
19 A Case specific.
20 Q Okay. And specific with respect to which factors?
21 A Whatever the facts would have been with the
22 relationship. Do you understand what I am saying?
23 Q No, just clarify that, if you would, for me.
24 A The --
25 Q And let me just preface it this way and then

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1 clarify it for me, if you can, of actually how it worked.
2 It is my understanding that the written policy says it is a
3 violation for an employee to have an inappropriate
4 relationship with an inmate, correct?
5 A Correct.
6 Q Now, I want you to describe to me in the actual
7 application of that policy how that would change based on a
8 fact specific inquiry?
9 A As to my involvement?
10 Q Just your knowledge of it. Whether you were
11 investigating it or not --
12 A I am trying to answer your question by trying to
13 make sure I answer it accurately.
14 Q Right. Well, you had indicated that it would be
15 based on a fact specific inquiry, correct?
16 A Right.
17 Q What about the facts would change the way in which
18 discipline was administered, where an allegation of
19 inappropriate relationship was confirmed by an
20 investigation?
21 A Someone bringing contraband into the jail.
22 Somebody breaching the security of the jail, special favors.
23 I am thinking of all the different ways that an inmate can
24 manipulate the staff. Seducing. The staff seduced the
25 inmate. I mean, you name it. You know, make phone calls

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1 for them, go to the store for them. It just depends on --
2 you know, you can look at this stuff and there is all
3 different types of elements to that.
4 We have had inmates bring --
5 MS. RALSTON: Let him ask you a question.
6 MR. SMOLEN: Yeah, he is still answering.
7 Q (By Mr. Smolen) You were saying maybe if you what?
8 A Actually I was going to give you the same example
9 that I had already given you.
10 Q You had identified staff bringing in contraband,
11 special favors, phone calls, those types of things, correct?
12 A Right.
13 Q Okay. Let's say we had a situation involving
14 special favors that were being given by a detention officer
15 to an inmate. That would violate TCSO's written policy,
16 correct?
17 A Correct.
18 Q How would discipline be administered in that
19 circumstance?
20 A More than likely they probably would lose their
21 job.
22 Q At least as the undersheriff, you are taking the
23 position that should have lost their job for that, correct?
24 A Correct.
25 Q And what mechanism did you have in place to assure

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1 that happened?
2 A Once it was -- first of all, I never made sure
3 anything happened until -- you are asking me three questions
4 there so break them out.
5 Q This is a question. What mechanism did you have
6 in place to make sure that an employee who had an
7 inappropriate relationship factually which involves special
8 favors being given to inmates lost their job?
9 A They would come up and investigate it. We would
10 investigate those allegations.
11 Q Who is we?
12 A Internal Affairs.
13 Q And it is your position that if it was determined
14 that there was a inappropriate relationship, the type that
15 we just discussed, that the recommendation would be
16 termination of that employee, correct?
17 A That would go before a board, but that could be
18 the final outcome, yes.
19 Q Now, did you have any mechanism in place to ensure
20 that the complaint actually got to Internal Affairs?
21 A It would rely on the supervisors.
22 Q Okay. If a supervisor were accused of having an
23 inappropriate relationship with an inmate, do you know how
24 that would get to Internal Affairs?
25 A The same thing, other supervisors would bring

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1 them.
2 Q How often did this happen?
3 A I don't know.
4 Q If you were to -- and I don't want you to guess,
5 but try to at least with -- I'll make a comparison for you.
6 I would assume there is a lot of complaints made by inmates
7 that a DO was too physical with them when they put them in a
8 pod or something they complained about excessive force, is
9 that fair?
10 A No, not a lot of those complaints.
11 Q What are the primary complaints that you guys
12 would receive on a daily basis from inmates at the jail?
13 A You would have to ask Michelle.
14 Q She would be the one who would know that?
15 A Right. She would know the answer to that
16 question.
17 Q From our other litigation you were aware that
18 there had been allegations about Captain Huckleby, for
19 example, having inappropriate relationships at the jail,
20 correct, or in his capacity?
21 MS. RALSTON: Objection, relevant -- irrelevant.
22 MR. SMOLEN: It is not irrelevant. We are talking
23 about disparate treatment between Caucasian males and
24 black females.
25 MS. RALSTON: Captain Huckleby is entirely

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1 irrelevant to this case. Has not even been mentioned,
2 but you can answer the question if you know the answer.
3 Q (By Mr. Smolen) You recall from the last case
4 that we had, there were allegations that Captain Huckleby had
5 inappropriate relationships while he was on the job,
6 correct?
7 A Correct.
8 Q Were those ever investigated?
9 A I don't remember.
10 Q Okay.
11 A Too long ago.
12 Q Do you know if he was ever disciplined for any of
13 those alleged inappropriate relationships?
14 A I don't remember.
15 Q Would there be something that you could go to to
16 determine whether or not -- something to refresh your
17 memory?
18 A I don't --
19 Q All of these other cases you said you could go to
20 IA and look up the log and find out.
21 A Right.
22 Q But with respect to Huckleby and he is just one
23 example, we will go through a couple of others, but with
24 respect to Captain Huckleby --
25 A But the same answer -- the answer would be the

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1 same. I would have to go look at the IA logs to --
 2 Q That is what I am getting at. If a captain had
 3 been accused of, which it is undisputed that he was accused
 4 of inappropriate relationships, would that be contained in
 5 an IA log if there was an investigation done?
 6 A Yes.
 7 Q Okay. So regardless of whether it was a captain
 8 or a DO, it is still going to be in an IA log if an
 9 investigation was done into that allegation, correct?
 10 A Correct.
 11 MS. RALSTON: Dan, how much longer do you --
 12 MR. SMOLEN: Not much longer.
 13 MS. RALSTON: Are you okay for ten minutes or so?
 14 THE WITNESS: Yeah, but that's going to be the
 15 upper window.
 16 MS. RALSTON: Okay. If we are going to go past
 17 that then we will break for lunch.
 18 Q (By Mr. Smolen) One of the questions I have for
 19 you. I see all throughout these documents that were
 20 produced that TCSO kept requiring Ms. Shaw to bring a
 21 certified copy of her transcript. Is there a policy that
 22 you are aware of that required her to bring a certified copy
 23 of a transcript before she was eligible for the incentive
 24 pay increase?
 25 A Everybody has to produce certified copies of

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1 transcripts.
 2 Q Where is that requirement?
 3 A I would just have to look.
 4 Q Is it a written policy?
 5 A I think so, but I am not sure.
 6 Q I am going to hand you what we are going to mark
 7 as Exhibit 11. This is just a personal memo that I saw to
 8 all non-commissioned employees from Captain Linda Devoe,
 9 Human Resources, and it indicates that -- that a copy of a
 10 college transcript must be presented along with a written
 11 memo to Haley Collins with the Human Resources Division at
 12 the Faulkner Building.
 13 It very well may be in here, I just don't see
 14 anywhere in -- and again I could have missed it, but
 15 I don't see any written requirement that an employee ever
 16 bring a certified copy of a college transcript before they
 17 are eligible for the educational incentive or they are
 18 eligible to promote.
 19 MS. RALSTON: Is there a question?
 20 Q (By Mr. Smolen) Yeah, do you see it in there?
 21 A In this document?
 22 Q Right.
 23 A Without reading it line for line. If you want me
 24 to take time to do that, I will.
 25 Q And if not in this document, are you familiar --

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1 are you aware of any other written document that makes that
 2 a requirement?
 3 A Policies and procedures, maybe
 4 pre-employment/employment stuff. I don't know.
 5 Q Let's do it this way. If there were a written
 6 document that had that as a requirement, would you agree
 7 with me that it would be in the policy and procedure
 8 handbook that is given to employees or the one that is
 9 published by TCSO?
 10 A Yes.
 11 Q It would not be contained anywhere else?
 12 A No.
 13 Q If it is a requirement it should be in there,
 14 correct?
 15 A Correct.
 16 MR. SMOLEN: I think we are done, Brian. Just
 17 give me one minute to go through this and let me check.
 18 THE WITNESS: Okay.
 19 (Off the record.)
 20 (Defendant's Exhibit No. 1 is marked.)
 21 MR. SMOLEN: I don't have anything else. Have you
 22 guys produced this?
 23 MR. ELLIS: The chain of command, it is in the CD
 24 for policies and procedures?
 25 MR. SMOLEN: I don't think I have that CD, just

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1 for the record.
 2 MR. ELLIS: I am pretty sure you do.
 3 MR. SMOLEN: I only get like -- have you produced
 4 the entire -- well, it is not Bates'd, that's why I am
 5 asking. Have you produced the entire policy and
 6 procedure manual on disc to us?
 7 MR. ELLIS: I think so.
 8 EXAMINATION
 9 BY MR. ELLIS:
 10 Q Mr. Edwards, what I handed you was the chain of
 11 command. We talked about that earlier. You testified about
 12 the chain of command earlier.
 13 A Yes.
 14 Q Section B.1 states: The sheriff will exercise
 15 final administrative control over all aspects of the
 16 operation of the office. Is that true?
 17 A Yes.
 18 Q Is the BOCC or the Tulsa County Board of County
 19 Commissioners included in the chain of command anywhere that
 20 you know of?
 21 A No.
 22 Q Does the BOCC have any administrative control at
 23 the Tulsa County sheriff's Office?
 24 A No.
 25 Q Did the BOCC have any control over Harmoni Shaw

1 and her employment?
 2 A No.
 3 MR. ELLIS: No further questions.
 4 MS. RALSTON: I have no questions. We will read
 5 and sign.
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1 ERRATA SHEET
 2 CORRECTION PAGE LINE
 3 _____
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 JURAT
 17 I, BRIAN NEAL EDWARDS, state under oath that I have
 18 read the deposition, that it is true and correct except
 19 for the corrections noted.
 20 _____
 21 BRIAN NEAL EDWARDS
 22 SIGNED BEFORE ME, on ____ day of _____,
 23 2012.
 24 _____
 25 My Commission Expires: Notary Public
 Reported by: Kema L. Hicks, CSR

1 STATE OF OKLAHOMA)
 2)
 3 COUNTY OF TULSA)
 4 C E R T I F I C A T E
 5 I, KEMA L. HICKS, Certified Shorthand Reporter
 6 within and for the State of Oklahoma, DO HEREBY CERTIFY
 7 that as such reporter, I reported in machine shorthand
 8 on the 18th day of September, 2012, all the proceedings
 9 had upon the above-entitled cause; and that the
 10 foregoing pages of typewriting constitute a full, true,
 11 correct and complete transcript of all my machine
 12 shorthand notes and of all the evidence introduced upon
 13 said action.
 14 WITNESS MY HAND and seal of office this ____
 15 day of _____, 2012.
 16
 17
 18 KEMA L. HICKS
 19 Certified Shorthand Reporter
 20 8719 E. 99th
 21 TULSA, OK 74133
 22 (918) 286-0881
 23 [SEAL]
 24
 25

		44:2,4	68:4	attached (1)
0	5	accurately (1)	alleged (8)	60:11
00181 (1)	5 (1)	64:13	22:17,24;52:9;53:15;	attempted (1)
33:18	39:23	accused (8)	54:8,16;60:16;68:13	39:7
1	5-18 (1)	51:18;52:9,15;55:15,	allegedly (1)	attempting (1)
	37:4	16;66:22;69:3,3	56:1	17:1
1 (2)	6	acquainted (2)	along (1)	attended (2)
29:25;71:20		23:24;24:1	70:10	41:11;42:6
10 (1)	6 (1)	action (4)	American (2)	attorneys (1)
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10th (1)	7	actions (1)	amount (1)	audibly (1)
42:11		9:17	36:13	12:7
11 (1)	7 (2)	actual (2)	analysis (2)	Authority (3)
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5:15	5:17	40:11;48:23;52:24;	40:16;45:25;48:17,25;	5:15
16 (1)	7th (1)	53:8;64:1;65:8;66:20	49:23	aware (6)
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182 (1)		57:21	22:5	67:17;69:22;71:1
33:18	8	address (1)	appear (4)	away (2)
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41:8	8 (1)	addressed (1)	appears (1)	B
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5:21	8.1 (1)	adjusted (1)	application (1)	B1 (1)
2	36:3	44:25	64:7	72:14
	8.3 (1)	admin (1)	applied (2)	bachelor's (1)
2 (2)	36:11	25:17	46:25;47:6	35:22
33:9,16	9	administered (2)	apply (1)	back (16)
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24 (4)	acceptable (1)	agree (3)	assigning (2)	basis (2)
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3	accepted (1)	agreed (1)	assignment (2)	Bates (1)
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