



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff)
)
vs.)
)
STANLEY GLANZ)
Defendant.)

Case No. CM-15-6030

DISTRICT COURT
FILED
JAN 20 2016

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

STATE'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS INFORMATION

COMES NOW the State of Oklahoma, by and through District Attorneys Kevin D. Buchanan and Rob Barris and for the State's Response to the Defendant's Motion to Dismiss the above-entitled action would show the Court the following:

1. The State agrees with the Defendant's contention that the report of the special investigation dated August 12th, 2009 does not qualify as a law enforcement record under Title 51 O.S. §24A.8, and the State does not perceive the above entitled prosecution to be based upon any claim that the report is subject to disclosure to the public under this provision.
2. That the Defendant claims an exception to the public nature of said report under the provisions of Title 51 O.S. §24A.7. That section protects public agencies from the disclosure of personnel records. That particular section of the Oklahoma Open Records Act protects records which include the following: "... internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation..." A cursory review of the report reveals the obvious content of this report to fall in none of the categories listed.
3. The purpose of the report is stated in two questions on the first page of the special investigation. The first question is to determine if Reserve Deputy Robert Bates (hereinafter Bates) was treated differently than other Reserve Deputies in the past and specifically other ex-officers that were added to the Reserve Program. Clearly the answer to this question, whatever it was, was not limited to a review of a single individual, in this case Bates. The investigation itself would require looking into the circumstance of numerous Reserve Deputies with no limitation as to their hiring, promotion, demotion, discipline, or resignation.

The second question posed was whether or not pressure was exerted on any employees by supervisors to assist Bates in differential treatment. Clearly, this question does not even deal with information related to Bates at all. This information seeks to determine possible actions by supervisors in relation to employees other than Bates. The response in this question could not be limited in any way to Bates "personnel record".

4. Contained within the 13 page report are interviews with multiple Sheriff's Office personnel and the results of record searches relating to numerous individuals, none of whom are Bates. Incidents of apparent misconduct on the parts of supervisors interacting with subordinates are detailed which have no relation to Bates. The Defendant's claim that this document is a personnel record regarding Bates when much of it details the actions and records of other individuals completely misses the mark.

5. Finally, the Defendant does not claim in its Motion that this investigation report was maintained in a personnel file for Mr. Bates. The State would intend to show that in fact the Defendant and/or the Tulsa County Sheriff's Office Administration treated this report as something other than a personnel record and it is only now that they wish to caricaturize it as such.

WHEREFORE, premises considered, the State of Oklahoma prays that this Court deny the Defendant's Motion to Dismiss the Information in the above-entitled action and for such further and proper relief as the Court deems just and equitable.

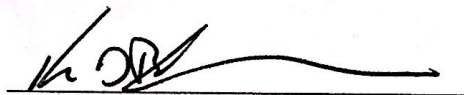


Kevin D. Buchanan
District Attorney, 11th Judicial District Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of January, 2016, I personally mailed a copy of the State's Response to Defendant's Motion to Quash upon the attorney for above named Defendant via United States mail:

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