

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

MARQ LEWIS,

Plaintiff,

vs.

IN RE GRAND JURY,

Defendant.

Case No.
GJ-2015-1



ORIGINAL

DISTRICT COURT

FILED

TRANSCRIPT OF PROCEEDINGS

JAN 29 2016

HAD ON

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

SEPTEMBER 14, 2015

BEFORE THE IMPANELED GRAND JURY

2016 JAN 29 AM 10:45
SALLY HOWE SMITH
COURT CLERK

REPORTED BY:

TAMI MORSE, CSR-RPR
500 S. DENVER, SUITE 111
TULSA, OK 74103
tami.morse@oscn.net
(918) 596-5371

A P P E A R A N C E S

FOR THE STATE:

Rob Barris
Kevin Buchanan
Special Appointed Tulsa County
District Attorneys
500 S. Denver, Ste. 900
Tulsa, Oklahoma

1 (Witness and his attorney, Shena Burgess,
2 entered the Grand Jury Room.)

3 GRAND JUROR 9: Do you swear to tell the
4 truth, the whole truth and nothing but the truth, so
5 help you God?

6 THE WITNESS: Yes, sir.

7 **BILLY JOE MCKELVEY,**

8 Having been first duly sworn, testified as
9 follows:

10 DIRECT EXAMINATION

11 Q. (BY MR. BARRIS) State your name, please, sir.

12 A. Billy Joe McKelvey. B-I-L-L-Y, J-O-E,
13 M-C-K-E-L-V-E-Y, Senior.

14 Q. Thank you, sir. And Mr. McKelvey, you're present
15 here with your attorney of record Ms. Burgess, Shena
16 Burgess, is that correct, sir?

17 A. It is.

18 Q. Okay. And you have met with her prior to today
19 and arranged her representation of you, is that
20 correct?

21 A. Yes.

22 Q. Okay. Thank you.

23 Mr. McKelvey, can you tell us where you're
24 employed, sir?

25 A. Tulsa County Sheriff's Office.

1 Q. How long have you been employed at the Tulsa
2 County Sheriff's Department, sir?

3 A. Since August 1st of 2008.

4 Q. What's your current position within the Sheriff's
5 Office?

6 A. Deputy.

7 Q. And do you have a specific area or job that
8 you're assigned to as a deputy?

9 A. Yes, sir.

10 Q. What is that?

11 A. I'm assigned to the Juvenile Bureau of Detention
12 Center as a court deputy.

13 Q. Okay. Have you held any other positions
14 previously within the Sheriff's Office?

15 A. Yes.

16 Q. What would those positions have been, sir,
17 beginning with the first, bringing us up to the time
18 that you're now with the Juvenile Bureau.

19 A. Okay. In 2008 when I was hired I was a court
20 deputy here in the Courthouse. I was then
21 transferred to the jail in Training Division as a
22 deputy. And then I was transferred as a deputy to
23 the Jail Investigation Unit. Then as a deputy I was
24 transferred to the Internal Affairs Division.

25 In October of 2010 I was promoted to corporal.

1 Then, in October of 2012 I was promoted to captain
2 and transferred back to the jail. And then July 1st
3 of this year was demoted to deputy and transferred to
4 the Juvenile Bureau.

5 Q. I'm sorry what date, sir?

6 A. I believe it was July 1st.

7 Q. Okay. Thank you.

8 I want to focus on a couple of specific areas,
9 sir, in regard to your prior service and things of
10 that nature, if I could.

11 Initially, sir, when you were in the Internal
12 Affairs Division what years did that encompass?

13 A. Roughly, June of '10 through October of '12.

14 Q. Okay. Was there any other persons assigned to
15 that unit besides yourself during the time you were
16 there?

17 A. Yes.

18 Q. Who would that have been, sir?

19 A. At the time Sergeant Rob Lillard. Also, I had
20 worked in the unit with Deputy Clint Caskey, Deputy
21 Yerton and Corporal Tom Helm.

22 Q. Would that be Jeremy Yerton?

23 A. Yes, sir.

24 Q. Is that his name? Did you become aware during
25 the time period that you were with the Internal

1 Affairs Department or part of the Sheriff's Office
2 about a 2009 investigation, Internal Affairs'
3 investigation concerning potential favoritism, or
4 preferential treatment given to a Reserve Deputy by
5 the name of Bob Bates?

6 A. Yes, sir.

7 Q. How did you acquire that knowledge or come into
8 possession of it?

9 A. Soon after transferring to the Internal Affairs
10 Division. At the time, Rob Lillard, who was my
11 sergeant, showed me a copy of it from a training --
12 from -- I took it as a training aspect that he wanted
13 to teach me that we do investigations that are, umm,
14 sometimes not the most pleasant and politically
15 liked, but you still have to do them.

16 And he was -- he was visibly upset and
17 verbally told me that he was upset because when he
18 submitted the 2009 investigation he, umm -- to then
19 Undersheriff Edwards, Undersheriff Edwards had showed
20 it to Tim Albin and he was -- he was -- it was a
21 learning -- it was a learning thing for me.

22 He wanted to teach me that when you do these
23 investigations you need to keep your mouth shut, work
24 them close, and just turn them in to who they need to
25 be turned into, and watch out who my friends are

1 because you have to do investigations on your
2 friends.

3 Q. So, did you actually see at that time a copy of
4 the actual report that Sergeant Lillard had made and
5 provided to the Undersheriff, Brian Edwards?

6 A. I had seen it, but not read it in its entirety.

7 Q. Okay. And did you have occasion after you saw it
8 to actually acquire possession of it in some form or
9 fashion, either on paper or on digital media?

10 A. Yes, sir.

11 Q. Tell us about that. How did that come about and
12 why did you keep it, sir?

13 A. Okay. Umm, during the time that I was in
14 Internal Affairs one of the problems that I was
15 having was writing conclusions to investigations.

16 Q. Okay.

17 A. I was having problems with that and Sergeant
18 Lillard was all the time telling me, go read old
19 cases. Read old cases. You'll learn -- you'll catch
20 it. You'll get it. And I eventually did.

21 Some of the other duties that we had to do was
22 writing letters for the Undersheriff. Meaning, we
23 would -- a complaint would come in. We'd have to
24 generate a letter and mail it to the complainant.

25 And once the investigation was over we'd have

1 to generate another letter and mail it back to the
2 complainant of the findings.

3 And I did not have a lot of access to those
4 and Rob Lillard was giving them to me, here you need
5 to read this. Here's you another letter, you need to
6 read that. For me to get an understanding on how
7 Brian Edwards wanted these letters written.

8 From time-to-time Rob would go out of town on
9 training and whatnot and he would leave me his
10 computer access. And I was in his computer in his
11 letter folder one time reading letters. And then I
12 thought to myself I'll just copy his folder, that way
13 I'll have it. He doesn't have to give me -- because
14 we shared documents quite often and I copied his
15 folder. That was late '10, early '11.

16 And then in 2012 I was going through that
17 folder and I found this -- I found a document named,
18 special investigation, opened it up, and it was the
19 Bates' case.

20 Q. Did you recognize what you saw when you opened
21 that part of the folder as being what you had seen
22 previously?

23 A. Yes, sir.

24 Q. That Mr. Lillard had shown to you?

25 A. Yes, sir.

1 Q. Okay. You indicated in your testimony a moment
2 ago that when Mr. Lillard first discussed this matter
3 with you that he was upset at the outcome,
4 essentially, is that right or lack of outcome?

5 A. It appeared -- it appeared that he was upset
6 because the Undersheriff had showed it to a person
7 that was in -- highly involved in the case and that
8 was Tim Albin.

9 Q. I see. And he viewed that as being an improper
10 way to do things?

11 A. Yes.

12 Q. Okay. During the course of time that you and he
13 served together in the Internal Affairs Unit of the
14 Tulsa County Sheriff's Office, do you recall whether
15 or not he ever made a statement to you concerning Bob
16 Bates and the circumstances surrounding that and its
17 effect, potentially, on the Sheriff?

18 A. Yes.

19 Q. What did you -- what do you recall him saying?

20 A. He told me that, and I can't quote it because
21 it's been so many years, but he told me that Bob
22 Bates would be the end of Stanley Glanz.

23 Q. Can you tell us about when in this time frame
24 that statement was made and where it was made?

25 A. It was made in the Internal Affairs Office

1 between him and I.

2 Q. Okay.

3 A. It was late 2010, about the same time that I was
4 shown this 2009 investigation.

5 Q. So, it was essentially, in some respects, the two
6 were connected with one another, is that right?

7 A. Yes.

8 Q. When you located in 2012 the copy on the
9 computer, the folder that you had copied from his to
10 your computer, what did you do with that document at
11 that time?

12 A. I just closed it out and kept it.

13 Q. Okay. Did you maintain it for some period of
14 time thereafter?

15 A. Yes, sir.

16 Q. Okay. I want to fast forward, if I could, a
17 little bit to 2015.

18 A. Okay.

19 Q. In April of 2015 what was your assigned duty?

20 A. I was a captain, the Administrative Captain over
21 the David L. Moss Criminal Justice Center.

22 Q. Okay. Did you become aware during the course of
23 your duties in some way about an officer involved
24 shooting that had occurred on April 2nd involving
25 Reserve Deputy Bates and a person by the name of Eric

1 Harris?

2 A. Yes, sir.

3 Q. How did you first become aware of that?

4 A. I was sitting in my office and Shannon Clark,
5 the -- a major who I reported to at the time, stepped
6 in and said, we need to go. We've had an officer
7 involved shooting and he said, Bates shot a guy.

8 Q. So, this is Shannon Clark --

9 A. Yes.

10 Q. What role or relationship did you have in terms
11 of the office with him at that point in time?

12 A. At that time Shannon was the major. He was the
13 Jail Administrator and I reported directly to him.

14 Q. So chain of command he was the next above you?

15 A. Yes.

16 Q. And he said to you, we need to go because of the
17 situation?

18 A. Yes.

19 Q. Where did you all go?

20 A. We went to the shooting scene to primarily handle
21 any media relations related issues.

22 Q. Did you or he have specific responsibilities or
23 duties concerning media relations at that time for
24 the Sheriff's Office?

25 A. Shannon was the primary Public Information

1 Officer and I was secondary.

2 Q. Okay. In regard to those duties, were -- was
3 that something that you were expected and required to
4 do to respond to these types of situations where
5 media attention might be drawn to an action of the
6 Sheriff's Department?

7 A. Yes.

8 Q. And that's the purpose that you went to the scene
9 for?

10 A. Yes.

11 Q. Did you, or to your knowledge did Major Clark
12 participate in any way in the actual investigation of
13 the case in terms of collection of evidence, any
14 anything of that nature?

15 A. Nothing.

16 Q. Okay. Did you acquire, in order to do your job
17 as a secondary Public Information Officer,
18 information concerning the facts or what were
19 supposed to be the facts of that situation?

20 A. What we do is we show up and gather basic
21 information to be able to report a, basically, a
22 sound bite for the media if they are there asking
23 questions.

24 Q. Okay. Did you perform those duties and acquire
25 that kind of information?

1 A. Yes.

2 Q. Do you recall who you obtained the information
3 from?

4 A. Tom Huckleby.

5 Q. And as I understand it, and correct me if I'm
6 wrong, at that time Major Huckleby was the person who
7 basically was in charge of the Drug and Violent Crime
8 Task Force?

9 A. Yes.

10 Q. Okay. Based on that information, and other
11 information you may have acquired other places, did
12 you then participate, throughout the month of April,
13 in the preparation, or delivery of messages to the
14 public, releases to the public from the Sheriff's
15 Office concerning this matter?

16 A. Yes.

17 Q. Did you have an occasion shortly after the
18 shooting incident on April the 2nd, to meet with any
19 members of Eric Harris' immediate family?

20 A. Yes.

21 Q. Can you tell us, sir, the circumstances that led
22 to that meeting, if you could.

23 A. At the time the Undersheriff, Tim Albin, asked me
24 to go with Chaplain Ken Farnum to meet with the
25 brother of Eric Harris. And he asked me to do two

1 things. One, was to apologize, umm, for the
2 shooting.

3 And, two, was to ascertain whether or not he
4 was -- or the family of Eric Harris was currently
5 being represented by an attorney.

6 Q. And those were directions, specifically, from the
7 Undersheriff, Mr. Albin, Tim Albin?

8 A. Yes.

9 Q. Okay. Did you have any conversation with anyone
10 else other than Undersheriff Albin about these duties
11 or that request?

12 A. It -- was, ahh, during this time, understand,
13 that I had talked with Tim multiple times on the
14 telephone.

15 Q. That being Mr. Albin?

16 A. That would be Albin, yes. My apologies.

17 Q. That's okay.

18 A. With Albin and -- on my cell phone and on speaker
19 phone in Major Shannon Clark's office. So, I'm under
20 the belief that Major Clark heard the same orders
21 that I had received.

22 Q. Okay. Did anyone else direct you or give you any
23 instructions other than Undersheriff Albin about what
24 was to occur?

25 A. No.

1 Q. Okay. Where were you to meet the Harris family
2 or the immediate family of Mr. Harris. You say his
3 brother, is that right?

4 A. His brother.

5 Q. Okay. Do you know his brother's name by chance?

6 A. I cannot remember, no.

7 Q. Okay. But -- where were you supposed to meet
8 that person?

9 A. We met him at a QuikTrip and I believe it was
10 129th East Avenue and 41st Street or 51st Street, but
11 it was a QuikTrip in that vicinity.

12 Q. Okay. Was there a time set for this meeting?

13 A. Chaplain Farnum reached out to the brother to try
14 to meet with him and the brother put us off for
15 approximately an hour and a half to two hours. This
16 is Eric Harris' brother.

17 Q. Okay.

18 A. Once Chaplain Farnum had made a contact with the
19 brother and set up a time we went and met with him.

20 Q. Do you recall what day it was -- the shooting
21 happened April 2nd, let's assume that is true. How
22 many days or whatever after that day did you have
23 this meeting?

24 A. Probably within three to four. I couldn't
25 accurately tell you.

1 Q. So three to four days after, is your
2 recollection, correct?

3 A. Yes, up to three to four. It could have been the
4 day or so after. It might have been the second or
5 third day. I can't remember.

6 Q. Okay. In terms -- and this is just to help us
7 set time frames.

8 You're familiar, sir, with the fact that
9 Mr. Bates was ultimately charged by the District
10 Attorney of Tulsa County with a crime in this matter,
11 correct?

12 A. Yes.

13 Q. Would your meeting with the Harris family, his
14 brother, have been before or after those charges were
15 filed?

16 A. I believe they was before.

17 Q. Before? Okay. Thank you.

18 So you met, as you indicated, at the QuikTrip
19 at 129th East and maybe 51st Street. Who all was
20 present at that meeting?

21 A. It was myself, Chaplain Ken Farnum, and Eric
22 Harris' brother.

23 Q. Anyone else?

24 A. No.

25 Q. Where did the meeting take place? Was it in the

1 parking lot, in the store, where was it?

2 A. It was in the parking lot on the far, I believe,
3 east end of the parking lot.

4 Q. Was it in a vehicle that it occurred?

5 A. Mr. Harris was in his vehicle. And how it
6 happened is I exited our -- Ken Farnum and myself
7 exited my vehicle, went to his, and then I believe he
8 ended up exiting his, I think. I think he exited his
9 and we talked.

10 Q. So you think you talked outside the vehicle?

11 A. Yes.

12 Q. Okay. What type of vehicle did you drive up in?

13 A. I was driving a blue unmarked Dodge Charger
14 police car.

15 Q. All right. And this is the same vehicle that
16 Chaplain Farnum was in as well?

17 A. Yes.

18 Q. Okay. What was said at that conversation to the
19 best of your recollection, sir?

20 A. Umm, I started with, sorry for your loss, type of
21 conversation with him. I didn't come out and say we
22 are sorry for killing your brother, nothing like
23 that, but it was sorry for your loss.

24 Q. Okay.

25 A. Then, umm, basically, talked with him about how

1 he was doing. How the family was doing.

2 He talked a lot about Bible scripture and he
3 waved his Bible around a lot.

4 I ended up asking him, are you currently or is
5 the family -- I asked him in a manner to -- I asked
6 him in a way to indicate -- asking him did -- are you
7 guys represented by any attorneys yet?

8 Q. Okay.

9 A. And I, honestly, I told him that attorneys
10 convoluted these type of problems.

11 Q. You said that?

12 A. Yes.

13 Q. What did you mean by that statement?

14 A. Previous -- umm, previously in the Internal
15 Affairs Division, I had worked a case with -- a death
16 case in the jail of Elliott Williams.

17 Q. Okay.

18 A. One of the strategies in that death investigation
19 was for the Sheriff's Office to make contact with the
20 family members of Elliott Williams and try to get a
21 settlement before attorneys get involved because
22 it -- it costs a lot more money to defend a civil
23 case and usually the settlements are a lot higher.

24 And, so, that was a -- a tactic used in that
25 case and that was what I was told to do in this case

1 is to find out if the Eric Harris family was
2 represented by an attorney.

3 Q. Had you been instructed by anyone to specifically
4 enter into that area of conversation to tell them,
5 hey, attorneys can make this more difficult, things
6 of that nature, to attempt to dissuade them from
7 getting an attorney? Did somebody instruct you to do
8 that?

9 A. Yes.

10 Q. Who did?

11 A. Tim Albin.

12 Q. Was that part of the directive he gave you when
13 he told you to apologize to the family and to inquire
14 about potential attorneys?

15 A. Yes.

16 Q. During the course of time that you were being
17 given these directives by Undersheriff Albin did he
18 mention any specifics about any attorneys, or was it
19 specific people he was concerned with, or just any
20 attorney in the world? What was his concern? If he
21 expressed that.

22 A. He -- he wanted me to find out about if the Eric
23 Harris family had an attorney.

24 Q. Uh-huh.

25 A. And he didn't -- he didn't come out and say, make

1 sure they don't hire XYZ attorney or anything like
2 that, but he just wanted me to push to find out if
3 they did because if they do not we want to find out
4 who the -- his words was, we want to find out who the
5 next of kin is so we can approach them.

6 Q. Okay. So, the mission that you had, at least in
7 part was, if they don't have an attorney at this
8 point to report back to Undersheriff Albin so that
9 further action can be taken to try to settle the case
10 with them, basically?

11 A. Yes.

12 Q. Okay. Was this conversation recorded by you, or
13 Chaplain Farnum?

14 A. No.

15 Q. To your knowledge was it recorded by anyone?

16 A. Yes.

17 Q. Who recorded it, if you know?

18 A. Dan Smolen's law firm.

19 Q. And how did they do that?

20 A. I would imagine that he has private investigators
21 that he employs and he probably employed one to have
22 Mr. Harris wear a wire and they videotaped it from
23 across the street.

24 Q. So Mr. Harris, you think, was the one that
25 actually had the recording device on his person?

1 A. Yes.

2 Q. Have you heard or seen a copy of that recording?

3 A. I have listened to about 10 seconds of what was
4 shown on the TV.

5 Q. In some media release at some point in time?

6 A. Yes.

7 Q. Okay. You've not seen the actual recording
8 itself or anything of that nature?

9 A. No, sir.

10 Q. Okay. As I understand it, you correct me if I'm
11 wrong, the concern that Undersheriff Albin had, at
12 least in part, was the issue of whether or not the
13 family was going to seek legal counsel and a
14 potential civil case, correct?

15 A. Yes.

16 Q. Did he express to you or make any statements to
17 you concerning the worry or potential he saw for the
18 family getting an attorney in terms of the type of
19 award or civil judgment that may occur against the
20 county and the Sheriff's Office?

21 A. He was not worried about civil. He wasn't
22 actually worried about the numbers. He was just
23 worried about the suit.

24 Q. Okay. Did he make any statement in your presence
25 or express any type of concern or statement about the

1 role or the facts of the case involving Bob Bates
2 himself, whether it was his fault, wasn't his fault,
3 or anything of that nature?

4 A. He's -- he's told me several times that the
5 shooting was an accident.

6 Q. That's what he's maintained to you throughout the
7 time period you've dealt with him?

8 A. Yes.

9 Q. Okay. During the time that these events are
10 transpiring, again, I'm referring you to after the
11 time frame of the shooting of Mr. Harris, did the
12 issue of the 2009 internal investigation report come
13 to your attention again?

14 A. Yes.

15 Q. How did that happen?

16 A. In April there was media outlets that were saying
17 they had a copy of an investigation and Tim Albin was
18 saying, no, there's not one. We've checked our
19 Internal Affair folders.

20 I knew of this '09-case. I told Major Clark I
21 have a copy of this '09-case. Tim does not need to
22 be saying it doesn't exist because it does exist,
23 meaning Mr. Albin.

24 Shortly -- it was either the latter part of
25 April, first of May, I printed off two copies of this

1 case, because I had a copy of it in a Word document,
2 the 2009-case. And I sat down with Undersheriff
3 Albin and Major Clark shortly after a morning meeting
4 and gave Tim Albin a copy of it.

5 Q. At that meeting, what was discussed about the
6 report and its existence at that time?

7 A. He looked at it. He told me he had never seen
8 it.

9 Q. He being, I'm sorry --

10 A. I'm sorry.

11 Q. That's fine.

12 A. Tim Albin looked at it. Said he does not
13 remember ever seeing it.

14 I stopped him and told him back in 2010 I was
15 told that you had seen it because Rob was upset that
16 you had -- Rob Lillard was upset that you had seen
17 it. You may not remember it, but you have seen it
18 before.

19 Q. What response did you receive from the
20 Undersheriff Albin at that point?

21 A. He continued reading the document and I didn't
22 really get any type of verbal response from him after
23 that.

24 Q. What else was discussed, then, as he's reading
25 through the report in this meeting? What occurs?

1 A. Umm, he really didn't say too much, but his body
2 language was I'm -- oh, shit, this document is out.
3 That's how I took his body language.

4 Q. Okay. Did he discuss with you, or with Major
5 Clark in your presence at that meeting, any of the
6 particulars or facts within that report?

7 A. No. Only thing he did say was he was going to go
8 show it to Stanley Glanz.

9 Q. That he was what, sir?

10 A. He was going to meet with Stanley Glanz.

11 Q. He was going to meet with Stanley Glanz sometime
12 after that meeting?

13 A. Soon after that meeting.

14 Q. Okay. Are you aware of whether or not there was
15 a meeting involving Sheriff Glanz?

16 A. No, sir, I'm not.

17 Q. Did you ever have an occasion to be present at a
18 meeting with Sheriff Glanz?

19 A. Yes, sir.

20 Q. When did that occur in regard to and in relation
21 to the conversation you had with Undersheriff Albin?

22 A. A few days after my meeting with Undersheriff
23 Albin, Major Clark and myself met with Sheriff Glanz
24 in his office and we discussed this document.

25 Q. So who all was present at that meeting?

1 Yourself, Major Clark, the Sheriff, anyone else?

2 A. No.

3 Q. Okay. Undersheriff Albin was not present?

4 A. No.

5 Q. Okay. Was the report that we've been talking
6 about, was it discussed?

7 A. Yes.

8 Q. What do you recall being discussed at that
9 meeting, sir?

10 A. It was mainly the Sheriff making comments that he
11 doesn't remember seeing this document.

12 Q. Okay. Was any conversation or any statement made
13 to him in your presence by either yourself or Major
14 Clark about the concern you had, or that Major Clark
15 had, about this report and its existence?

16 A. No. Not that I -- not that I recall. No.

17 Q. Was there any discussion or conversation about
18 whether this information should be released to the
19 public, or how it should be handled, and from a
20 public information perspective?

21 A. Umm, no. It was -- the meeting was very short.
22 It was more of the Sheriff saying, I don't remember
23 this case. Brian used to do these things all the
24 time, meaning Brian Edwards.

25 Q. Uh-huh.

1 A. And there really wasn't a strategy built that I
2 remember.

3 Q. Were you concerned about a strategy being built,
4 or the need for one?

5 A. Umm, Major Clark and myself had discussed on a
6 couple of times that the Sheriff's Office needs to
7 get in front of this information because it was out
8 and we needed to own it and say this is what it is.
9 This is when it was worked. And get in front of --
10 get in front of it versus continuing to say it does
11 not exist and it didn't happen.

12 Q. To that point, to the point where you're talking
13 with Sheriff Glanz at this point, had there been
14 public statements issued by the Sheriff's Office
15 denying the existence of the report?

16 A. Yes.

17 Q. Do you know who had made those statements up to
18 that point in time, sir?

19 A. Both Undersheriff Albin and Sheriff Glanz.

20 Q. They had made statements to the media saying this
21 report did not exist?

22 A. That's my -- yes, that's what I remember.

23 Q. Sir, I want to show you what's been admitted
24 before the Grand Jury as Grand Jury State's Exhibit
25 No. 16. Ask you to look that over for a second. I

1 want to confirm and be sure whether or not you have
2 seen that document before.

3 A. Yes.

4 Q. And is that, in fact, the same Internal Affairs
5 investigation report from 2009 that we've been
6 discussing in your testimony that Sergeant Rob
7 Lillard had prepared as a part of his duties with the
8 Sheriff's Office back in 2009?

9 A. Yes.

10 Q. Is that the report that you have been talking
11 about with the Grand Jurors in your testimony that
12 you were aware of back in 2010, had a copy of in
13 2012, and then it later came to surface again in 2015
14 after the shooting?

15 A. Yes.

16 Q. The same report?

17 A. I would with one -- with one different --

18 Q. Okay.

19 A. The copy that I had was a Word document.

20 Meaning, it was in a -- it was in a -- I could go in
21 and change it if I wanted to. It was not saved in a
22 pdf format like this one was and the reason I say
23 that is --

24 Q. Okay.

25 A. -- this copy has a line in front of it.

1 Q. Yes, sir.

2 A. In 2010 when I was in Internal Affairs whenever
3 you printed something off on our big printer it would
4 come out with this line across it.

5 Q. Okay.

6 A. And so the copy that I have is not -- does not
7 have this line across it.

8 Q. Okay. But as far as contents, the words and
9 things of that nature within the report, ask you to
10 look at that, take a second if you need to.

11 Is that the same report as the one you've been
12 referring to previously?

13 A. It does appear to be, yes.

14 Q. And it certainly, would you agree, it deals with
15 the same subject matter that you've been discussing
16 with Sergeant Lillard in the beginning and had access
17 to, is that correct?

18 A. Yes.

19 Q. Okay. Thank you.

20 Did you have any further conversations with
21 Undersheriff Albin after the conversation you and
22 Major Clark had with him initially and showed him the
23 report and said, here's this report?

24 A. I did until -- I had multiple conversations with
25 him until he left the agency.

1 Q. When you had those conversations, did he ever
2 have any type of reaction, or appear upset by either
3 the contents or the existence or presence of the
4 report?

5 A. Umm, he was obviously upset by the report. Yes.
6 But I don't remember him saying anything -- I don't
7 remember specific conversations where he -- he
8 commented about it.

9 Q. Do you recall being asked by him to go to a
10 meeting with general counsel Meredith Baker --

11 A. Yes.

12 Q. -- to discuss these matters and to look at some
13 documents?

14 A. Yes.

15 Q. Tell us about that. How did that come about?

16 A. Undersheriff Albin called me. It was late in the
17 afternoon on a Thursday or Friday. It was the week
18 prior to him resigning from the Sheriff's Office.

19 Q. Okay.

20 A. He told me that, his words, was the guys in
21 Internal Affairs had found a folder in the basement
22 containing documents and that he has received
23 information that the media has a full copy of what
24 the IA officers found in the basement.

25 Q. Okay.

1 A. He said that the IA investigators put that
2 information on a CD and he asked me to get with
3 Meredith Baker to review the contents of that CD.

4 Q. And Ms. Baker, am I correct, was general counsel
5 for the Sheriff's Office?

6 A. Yes.

7 Q. And serves as a general counsel for the Sheriff's
8 Office on matters?

9 A. Yes.

10 Q. And you were to get with her to review concerning
11 these materials?

12 A. Yes.

13 Q. Where did that meeting take place?

14 A. I called her on the phone -- the reason I say it
15 was late in the day is I believe I was already going
16 home.

17 Q. Okay.

18 A. I called her on her telephone, on her cell phone,
19 and told her that Undersheriff Albin wants me to
20 review this CD. She said it was on her desk. She
21 would get it and for me to meet her at her house.

22 Q. So did you go, then, to her home to meet her to
23 review this matter?

24 A. Yes.

25 Q. When you got to that residence, who all was

1 present at that time?

2 A. Myself and Ms. Baker.

3 Q. And what were you shown or what did you review at
4 that time?

5 A. Umm, she took this disc and put it in her laptop
6 at her kitchen table and, then, we opened it and I
7 reviewed upwards to 80 pieces of paper contained in
8 this CD.

9 Q. To your recollection what did that CD contain?

10 A. From reviewing -- from reviewing the contents of
11 the CD I believe the CD was a copy of Rob Lillard's
12 case notes concerning the 2009 investigation.

13 Q. Did it specifically relate or have information
14 that related to Reserve Deputy Bates and things of
15 that nature back in 2009?

16 A. Yes.

17 Q. Did you report back to Undersheriff Albin after
18 you had observed the contents of that CD?

19 A. Yes.

20 Q. How did that occur, sir?

21 A. It was that same evening. It was either on my
22 cell phone or Meredith's -- Meredith Baker's cell
23 phone. We called him on speaker and we had a
24 conversation via cell phone, speaker cell phone.

25 Q. What did you tell Undersheriff Albin at that

1 time?

2 A. I told him that it appeared to be Rob Lillard's
3 case notes from the 2009 investigation.

4 Q. Did he make any inquiry or ask any questions of
5 you about the contents of those materials or anything
6 of that nature?

7 A. He asked me how bad it looked.

8 Q. What did you take that question to mean? How bad
9 it looked.

10 A. I took it to mean how bad it would look upon the
11 Sheriff's Office.

12 Q. And at this time are you still serving as a
13 secondary Public Information Officer for the
14 department?

15 A. Yes, and a captain.

16 Q. Okay. What did you say to him when he asked you
17 that question?

18 A. I told him it was damning.

19 Q. Did you make any statement to him about what
20 particular parts of that report may have been, to
21 quote you, damning?

22 A. I told him the -- I told him that the -- that the
23 investigation -- that Rob Lillard's case notes appear
24 that Bob Bates had received preferential treatment as
25 a Reserve Deputy.

1 Q. Okay. What response, if any, did you get from
2 Undersheriff Albin when you made that statement?

3 A. It was of a negative tone. He didn't like it.

4 Q. Okay. Did Mr. -- or Undersheriff Albin ask
5 anything further or make any further statements other
6 than, how bad is it?

7 A. That was pretty much it. With Tim Albin when you
8 talk with him on the telephone over these type of
9 issues there's a lot of -- of foul language involved
10 and, so, he was extremely -- when I say there was --
11 he was just frustrated. He was voicing his
12 frustration and it was vulgar in nature. So, he was
13 just frustrated.

14 Q. Were you present during that conversation when
15 Ms. Baker made any statements on the phone
16 conversation?

17 A. She -- she didn't really talk a whole lot that I
18 remember. It was primarily me telling him this is
19 what I see.

20 Q. Okay. How did that phone conversation come to an
21 end?

22 A. Umm, it was a typical, he was done talking, and I
23 was done telling him the information and it was
24 pretty much, I'll see you tomorrow boss. Bye. I
25 mean, it was -- usually conversations with him end

1 very quickly.

2 Q. Do you at this time recall any specifics of what
3 you viewed on that CD that led you to the conclusion
4 of telling him it looks like Reserve Deputy Bates was
5 receiving preferential treatment?

6 A. Yes.

7 Q. What types of things did you note or observe that
8 led you to that statement or conclusion?

9 A. There were -- there were copies of, umm, SOMS
10 related information. SOMS is a database that the
11 Sheriff's Office uses to track their employees and
12 track training.

13 There was multiple reserve names listed and,
14 specifically, I remember a -- a handwritten
15 spreadsheet in Rob's handwriting that had on the
16 left-hand side column names of reserves.

17 And then on the top column had things, like,
18 application, background booklet, steps in order to be
19 hired as an employee with the Sheriff's Office.

20 So, it was a spreadsheet of names on the left
21 hand column and the top column was steps in the
22 hiring process.

23 Q. Okay. And was there any information contained on
24 that table or format that led you to the conclusion
25 it might be preferential treatment for Mr. Bates?

1 A. Yes.

2 Q. What was that?

3 A. The -- the list of names -- I recognized a few of
4 the reserves. I didn't recognize all of the names of
5 the reserves. Bates' name was on there.

6 The top column consisted of an application,
7 background booklet, MMPI, which is a mental aptitude
8 test and an oral board area for a checkmark.

9 And the reserves, other than Bob Bates, there
10 was a lot of check marks that -- you know, one
11 reserve I remember was Coy Jenkins. Coy had a
12 checkmark for application, had a checkmark for
13 background booklet, had a checkmark for MMPI, and had
14 a checkmark for oral board. And Bob Bates didn't
15 have any checkmarks at all.

16 Q. Did you interpret that to mean that, for example,
17 in Mr. Jenkins' circumstances, that Mr. Lillard had
18 concluded he had done all those required measures?

19 A. Yes.

20 Q. And the lack of a similar response or similar
21 checkmarks on Mr. Bates indicated he could find no
22 records of that as to him?

23 A. That's correct.

24 Q. Anything else that you observed or recall from
25 those materials that led you to the conclusion about

1 preferential treatment being afforded to Mr. Bates?

2 A. Not really. There was just a lot of printouts of
3 a whole bunch of different reserves and their
4 trainings and there was -- there was a printout from
5 Bob's, but I don't remember -- I just really remember
6 that spreadsheet.

7 Q. Is it fair to say the overall impression you
8 gained from reviewing those documents was that there
9 was some -- those documents tended to support
10 Sergeant Lillard's conclusion back in 2009 that
11 preferential treatment was, in fact, occurring?

12 A. Yes.

13 Q. Okay. Other than Undersheriff Albin, did you
14 speak with anyone else concerning what you had
15 observed in your review of those documents?

16 A. I believe I talked with Major Clark about it.
17 Yes.

18 Q. Okay. And what information did you relate to
19 him?

20 A. It was just information of it's obvious that Bob
21 Bates received special treatment. Those types of
22 comments.

23 Q. Okay. Were you and Major Clark in that
24 discussion, or other discussions, still working with
25 the premise or the idea that as information officers

1 you were going to advocate a particular approach to
2 how this report was to be dealt with in the media?

3 A. We had meetings about how it should be
4 approached, yes --

5 Q. Okay.

6 A. -- and, umm, at one point the Sheriff's Office
7 hired a media consultant --

8 Q. Okay.

9 A. -- to talk to about positive things with the
10 Sheriff's Office.

11 One of the things that I was worried about and
12 I believe -- I can't speak for, obviously, Shannon,
13 but I believe he felt the same, was the whole black
14 lives matter thing. We was trying to put a better
15 spin on it so there wouldn't be violence in the City
16 of Tulsa.

17 Q. Okay. And you indicated in your earlier
18 testimony, you said something about we need to get
19 out in front of this type situation. What do you
20 mean by that term?

21 A. What I mean by it is, is transparency. Get out
22 in front of it, meaning this is what we have. We're
23 being transparent. We're trying to fix the problem.
24 We're trying to address the problem. That's what I
25 mean.

1 Q. Okay. Did you -- you said that they were looking
2 at hiring a media consultant. Did they, in fact, do
3 that?

4 A. Yes.

5 Q. Would that have been a lady by the name of
6 Caswell?

7 A. Yes.

8 Q. Has Caswell Consulting business here in Tulsa, is
9 that right?

10 A. Yes.

11 Q. And did she, in fact, provide consultation
12 services to the Sheriff's Office regarding media
13 relations?

14 A. Yes. It was -- I think it was, umm, two to three
15 days' worth.

16 Q. Okay. To your knowledge and your time with the
17 Sheriff's Office, had you ever been aware of or been
18 involved in a situation where a media consultant was
19 retained by the Sheriff's Office for any other matter
20 prior to this one?

21 A. No.

22 Q. Did you in your duties and role as a secondary
23 Public Information Officer ever have a meeting with,
24 or receive information or instructions from the media
25 consultant, Ms. Caswell?

1 A. I was in -- I was involved with some meetings
2 with her and it was -- it was more of things that we
3 can do with social media to highlight positive things
4 with the Sheriff's Office than it was directly
5 related to the shooting.

6 Q. Okay. Do you know whether some or all of those
7 proposals were implemented?

8 A. Some were.

9 Q. Okay. In regard to the 2015 matter or incident,
10 did your employment or position within the Sheriff's
11 Office change?

12 A. Yes.

13 Q. How so?

14 A. I've been demoted from captain to deputy and I've
15 been asked to leave the Sheriff's Office.

16 Q. By whom?

17 A. Stanley Glanz.

18 Q. When did that occur?

19 A. I was put on administrative leave on June 1st.

20 Q. Uh-huh.

21 A. Went through an Internal Affairs investigation
22 and, then, towards the latter end of June I went
23 through a pre-action, which is an employment hearing
24 where I was demoted.

25 I appealed that. By policy and procedure of

1 the Sheriff's Office you have the right to appeal the
2 decisions of those type boards. I appealed the
3 decision directly to the Sheriff, Stanley Glanz.

4 Had a meeting with Stanley Glanz concerning my
5 appeal and turned in a six-page, typed document of
6 why I shouldn't have been demoted. Why I should be
7 reinstated fully.

8 Q. Okay.

9 A. And he took the night to review it. He called me
10 the following morning after staff meeting and
11 verbally told me he wanted me to quit or he was going
12 to fire me.

13 Q. That would have been sometime in June?

14 A. That was right -- right at the first of July.

15 Q. Okay. So we're now into July?

16 A. Yes.

17 Q. What response did you give him, or what did you
18 do once he asked for your resignation?

19 A. I told him, umm, that -- I got a little more
20 disrespectful than normal. I'd never really been
21 disrespectful towards the Sheriff verbally. He's my
22 employer.

23 I did a get a little -- I did get a little
24 disrespectful with him and I did tell him that that
25 was a nice comfort for his employees that when they

1 file an appeal that the Sheriff will just fire them.
2 So, why follow policy and procedure? Why follow
3 these things if you're just going to fire them
4 anyway?

5 Q. Did you tender a resignation at that time?

6 A. No. Tim and I had a conversation on the
7 telephone. I told him that if he wanted me to resign
8 I would, but I wanted 90 days to find a job and he
9 said, I will call you back.

10 Q. Okay. Did he call you back?

11 A. He did not. The Undersheriff, the new
12 Undersheriff Rick Weigel, called me back
13 approximately 10 minutes later. Told me that I would
14 be transferred to the Juvenile Bureau and that they
15 was giving me 90 days to find a job.

16 Q. So that clock started sometime in July. That
17 90-day clock they gave you?

18 A. Yes.

19 Q. Okay. Is it your understanding that that's what
20 time you have left is 90 days from that date to
21 obtain some other employment?

22 A. The -- that day I received a letter from the
23 Sheriff upholding the decision of the Pre-action
24 Board that I would be demoted to deputy and
25 transferred to the Juvenile Bureau.

1 The following day, which is a Thursday, I'm
2 sorry, I don't have a calendar in front of me. I
3 have my phone turned off. I have the dates in my
4 phone.

5 Q. That's fine.

6 A. The following day, a Thursday, I received a
7 letter from Stanley Glanz from him to me that said,
8 umm, per our telephone conversation yesterday I will
9 accept your resignation on or before September 30th,
10 2015.

11 And I marked through it and wrote
12 October 31st, 2015, with the belief that if I didn't
13 sign that document that another document that would
14 be sent out later that day of my termination.

15 Q. Did you return that document, the one where you'd
16 changed the date to October 31st, back to the
17 Sheriff?

18 A. Yes.

19 Q. You said that you were subject to an
20 investigation, is that correct?

21 A. Yes.

22 Q. What was the basis or allegations, for lack of a
23 better term, in that investigation concerning you?

24 A. Umm, there were a couple of allegations
25 concerning me and I'll go through them in order.

1 Q. Sure.

2 A. The first was Sergeant Randy Pierce, he worked
3 under my direct span of control from, roughly,
4 September of '14 until I was transferred to the jail
5 in December of '14.

6 He filed a complaint at the end of July of '15
7 that I, umm, created a hostile work environment while
8 he was working under me.

9 Q. Okay.

10 A. His primary complaint was -- Randy Pierce, he was
11 a sergeant, had been shot back in 2004, 2005 area and
12 had damage to his hand. And he was all the time
13 making gestures and jokes about his crippled hand and
14 how his finger is crooked.

15 And I had made jokes back to him about his
16 crooked finger. And he never told me that it
17 offended him or nothing until he filed this complaint
18 in July, or in May, first of June.

19 Q. Okay.

20 A. Umm, and I admitted to doing that. I didn't lie
21 about it. That's true. I did tease him about his
22 finger. He'd tease back. So did a slew of other
23 people, but I did do that.

24 Q. Okay.

25 A. The second complaint was, umm, a lady by the name

1 of Phyllis Langley in April of 2014, when I was first
2 transferred to the courthouse to run the Courthouse
3 Division, I had to transfer a lot of people outside,
4 or out from underneath my span of control by orders
5 of the Undersheriff.

6 I had a meeting with Tim Albin, the
7 Undersheriff, and Shannon Clark, who had been in this
8 position previously, concerning who to transfer
9 because of the budget. The courthouse was under
10 the -- was -- was grossly outside of budget. So we
11 had to cut personnel and transfer them back to the
12 jail.

13 Phyllis Langley was one of these people that
14 was transferred. She didn't like it. Her position
15 stayed the same. She was a extraditions deputy that
16 flew around the country picking up inmates. Her
17 position stayed the same, but her reporting location
18 changed to the jail.

19 Then, when I was transferred to the jail in
20 September of '14, her sergeant, who she reported to,
21 Jerry Holloway, came to me and said, I can't handle
22 her anymore. I don't want her. She is, ahh, she's a
23 bad seed for the unit that he controls. I want her
24 gone.

25 So I facilitated her being transferred back to

1 the courthouse and she was transferred back to the
2 courthouse and she took that personal.

3 During my IA investigation, I asked the IA
4 investigators to interview Jerry Holloway and I was
5 exonerated on that complaint. That Jerry Holloway
6 said that he wanted her gone and I made that happen.

7 The third complaint was Joe Peters. I worked,
8 umm, two investigations on Deputy Joe Peters when I
9 was in Internal Affairs.

10 He made a complaint that while I was in
11 Internal Affairs I told him that this was going to be
12 his last paycheck. That he shouldn't show up, back
13 up for work.

14 I actually -- I worked the cases, but one of
15 the cases was primarily worked by Jeremy Yerton and I
16 asked that Jeremy Yerton be contacted because I
17 didn't say any of these things.

18 And Jeremy Yerton was not contacted and that
19 complaint was not sustained. Meaning they couldn't
20 prove it happened or didn't.

21 Q. Okay.

22 A. Those was the three complaints against me. And,
23 umm, the problem is that I had worked two cases on --
24 on Randy Pierce in Internal Affairs that resulted in
25 him being transferred and being punished. And I

1 asked the Internal Affairs investigators to interview
2 every supervisor under my direct span of control at
3 the jail to get a better idea of what type of captain
4 and supervisor I am and to my knowledge nobody was
5 interviewed.

6 Q. This Internal Affairs investigation and the
7 six-page response you gave that you shared with
8 Sheriff Glanz on the appeal process, things of that
9 nature, that was all in written form, was it not?

10 A. Yes, sir.

11 Q. And there are records of that?

12 A. Yes, sir.

13 Q. I assume the Sheriff's Office keeps records of
14 Internal Affairs investigations, based on your
15 previous experience in that unit?

16 A. Yes, sir.

17 Q. Did you keep copies of all those records
18 yourself?

19 A. Yes, I did.

20 Q. Okay. So you have a complete set as well?

21 A. I'm sorry?

22 Q. You have a complete set, you believe as well, of
23 those things?

24 A. Well, I'm a bit confused on your question.

25 Q. Okay. That's fine.

1 A. One of the -- one of the portions of the
2 investigation also centered around me keeping copies
3 of Internal Affairs cases and I did. I kept all of
4 my own work product out of the Internal Affairs
5 office that I did. You name it, I kept my work
6 product. And the Sheriff did not like the fact that
7 I kept my work product.

8 Q. Was that found to be a basis or reason for an
9 action to be taken against you?

10 A. If you're asking me my opinion, I'm going to say
11 that was not an action to be taken against me, but I
12 believe -- and I don't think -- I don't think --
13 personally, I believe that the Sheriff believes that
14 that was the reason for my demotion.

15 Q. Okay. Before I get there, to clarify my question
16 and I apologize for confusing you earlier.

17 My question was simply this: I'm trying to
18 see how, if I need to, or if the Grand Jury sees a
19 need to, to get copies of what happened in your
20 Internal Affairs investigation.

21 And you're telling me you believe the
22 Sheriff's Office would have a copy of that, correct?

23 A. Yes.

24 Q. And my question to you was: Do you have a record
25 as well that you'd be willing to provide to this

1 Grand Jury, if they request it, so we can compare and
2 contrast to see if they are the same?

3 A. I have a copy of everything that was given to me.
4 I do not have a copy of the formal written -- this
5 type of a report.

6 Q. Okay.

7 A. And I do not have copies of all the audio tapes.
8 But I do have copies of everything that was given to
9 me and I will be happy, if the Grand Jury wants them,
10 I would be happy to give them.

11 Q. So, in the event that was something they would
12 require, or see necessary, you'd be willing to
13 provide those through your attorney? Would that be
14 the way to proceed with that, then?

15 A. Yes.

16 Q. Okay. Very good. Thank you.

17 I take it from what I've understood from other
18 evidence as well as your statements today, there were
19 certain people that were placed on this review board
20 that made a decision that you then appealed directly
21 to the Sheriff, is that correct?

22 A. Yes.

23 Q. Who was on the original board that made those
24 determinations?

25 A. Umm, the people that was on the board was newly

1 appointed Chief Deputy John Bowman. There was three
2 other captains, which is Capt. Derrick Devow, John
3 Bryant and Paul Tryon.

4 Q. Tryon?

5 A. T-R-Y-O-N.

6 Q. All right.

7 A. And this particular pre-action was the first
8 style of this pre-action because they changed policy.

9 Q. Okay. During the time that you were with the
10 Sheriff's Office, did you have occasion to have
11 direct access to Sheriff Glanz?

12 A. Yes.

13 Q. Was it your practice or your situation where you
14 would, on occasion, go directly to him and speak to
15 him in his office?

16 A. I would from time-to-time. Yes.

17 Q. Okay. Were there any requirements about going
18 through chain of command before you spoke with the
19 Sheriff?

20 A. The times that I went directly to the Sheriff, I
21 was officed next door to him, and my duties here in
22 the courthouse was to take care of my courthouse
23 responsibilities and the Sheriff.

24 Q. All right. You stated a moment ago that you had
25 some opinion or belief about the reason for your

1 actual adverse ruling within the Internal Affairs
2 investigation. Is that a fair statement?

3 A. Yes.

4 Q. What is your belief?

5 A. Umm, while on administrative leave just prior to
6 my pre-action hearing, umm, I had to, umm -- well, I
7 volunteered. I was subpoenaed to a deposition with
8 the office of Dan Smolen and Clark Brewster's office.

9 During that deposition Dan Smolen told me that
10 Stanley Glanz had did a deposition the week prior and
11 during that deposition he admitted to the fact that
12 he believed, Stanley Glanz believes, that Shannon
13 Clark and/or myself released this 2009 document to
14 the media trying to get him out of office.

15 Q. Did he ever directly ask you that question?

16 A. Yes.

17 Q. When did that occur, specifically?

18 A. Umm, shortly after my deposition -- when I
19 received this information from Dan Smolen that
20 Stanley Glanz believes that I received this
21 information I believe that deposition was on a
22 Monday --

23 Q. Okay.

24 A. -- I contacted Rick Wiegel, the Undersheriff, and
25 told the Undersheriff that, umm, Stanley Glanz talks

1 about having an open-door policy. I want to talk
2 with Stanley Glanz. I went through, basically, my
3 chain of command.

4 And the following Wednesday or Thursday I had
5 a closed door meeting with Stanley Glanz where I told
6 him emphatically I did not do this. And he said, did
7 Shannon do it? And I said, I don't believe Shannon
8 released this documentation.

9 And I have asked upwards of 10 times to take a
10 polygraph examination to clear my name concerning the
11 release of any documents, this one and any other
12 documents, outside of the Sheriff's Office control.
13 And I have not received a polygraph examination as of
14 yet.

15 Q. Did you make that request to the Sheriff or to
16 someone else?

17 A. I made the request to three different people,
18 that being the Internal Affairs investigator over the
19 investigation. I made it in writing to the
20 Undersheriff, Rick Weigel, and I made it verbally,
21 again, to Stanley Glanz both that day and the day of
22 my appeal on recording.

23 Q. So that topic was discussed that day as well
24 between you and Sheriff Glanz?

25 A. Yes.

1 Q. Did he, again, ask you or make a statement
2 concerning the release of the report?

3 A. On that -- I can't -- that conversation -- I
4 primarily gave him a copy of my written appeal --

5 Q. Okay.

6 A. -- and he read -- well, he read some of it. He
7 perused the rest.

8 And I told him, I said, I wanted -- and I
9 verbally said, I want a polygraph to clear my name on
10 this. I don't deserve any of this punishment that
11 I've received and he said he would get back with me.

12 Q. And just to be clear, the release of that
13 document was not part of the Internal Affairs
14 investigation formally, was it?

15 A. No, sir, it was not.

16 Q. That was never broached or mentioned in any way,
17 shape or form, in the IA investigation itself,
18 correct?

19 A. No, sir, it was not.

20 Q. Sir, you spoke with the Oklahoma State Bureau of
21 Investigation recently, did you not?

22 A. Yes.

23 Q. And they came and interviewed you in preparation
24 and summary for your testimony here today, is that a
25 fair statement?

1 A. They asked me to come to their office and I went
2 to them, yes.

3 Q. In that discussion did you share with them a
4 concern, or information concerning an issue
5 concerning a stipend that was being received by the
6 Sheriff personally?

7 A. Yes.

8 Q. Can you tell us about what that was about and why
9 you were concerned about it, please.

10 A. When I received the information that the Grand
11 Jury was actually going to be seated, I talked with
12 Shannon Clark concerning has Stanley Glanz done
13 anything wrong? And Shannon said, well, umm, the
14 vehicle stipend that he gets.

15 And I said, basically, do what? And he said,
16 he gets a vehicle stipend and he has a vehicle
17 assigned to him. And Shannon said that was illegal.

18 And I said, how is that illegal? And Shannon
19 said that he had went through the Sheriff's Academy
20 that was put on by the Oklahoma Sheriff's Association
21 earlier in the year and that it is illegal to receive
22 a vehicle stipend and a vehicle to drive.

23 Q. So, essentially, just so I'm clear, the Grand
24 Jurors are clear, in Oklahoma law if you're an
25 elected county official you can either receive a set

1 number or amount of money per month to compensate you
2 for your vehicle expense, gas, wear and tear, things
3 of that nature on your personal vehicle, or you can
4 have a vehicle purchased by the county that you have
5 access to use, but you can't do both, is that
6 correct?

7 A. That is my understanding.

8 Q. Okay. So, what was the issue about the stipend
9 as far as the Sheriff was concerned?

10 A. From my understanding the Sheriff has been
11 receiving a vehicle stipend for a number of years,
12 meaning 10 years plus, and earlier this year they
13 bought him a new 2015 Tahoe to drive.

14 Q. And based on that, you and Major Clark, in your
15 discussion, you felt that might be a concern or might
16 be an issue, is that right?

17 A. Yes.

18 Q. Had you ever heard the Sheriff himself speak
19 about the stipend or say anything about the stipend
20 in your presence?

21 A. Yes.

22 Q. Tell us about, first of all, when that happened.

23 A. It was earlier this year. It was in a staff
24 meeting that -- the Sheriff's Office has a staff
25 meeting every day at 8:30. It rotates monthly

1 between two buildings.

2 During the staff meeting it was brought up --
3 it was about the time the city and the county was in
4 heated negotiations concerning payment of city
5 inmates in the county jail.

6 And the Sheriff made a comment in this meeting
7 that one of these days they're going to come after me
8 for my vehicle stipend.

9 Q. And was that statement made to you directly?

10 A. No.

11 Q. But you heard him make the statement?

12 A. Yes.

13 Q. Do you know who he directed that statement to or
14 made that statement to?

15 A. I believe he made it to Christina Belda who is
16 the fiscal office for the county or the Sheriff's
17 Office.

18 Q. Do you know how Ms. Belda's last name is spelled?

19 A. No.

20 Q. Okay. But it's Belda?

21 A. No, I'm sorry. Her name -- her last name has
22 since changed. It's Morrison, Christina Morrison.

23 Q. All right. Was anyone else present at that
24 conversation or statement other than yourself and
25 Ms. Morrison and the Sheriff?

1 A. Umm, I cannot remember who all was there, but
2 there was a full table, but I don't remember the
3 exact players. More than likely the Undersheriff was
4 there, Tim Albin, Rick Weigel, Michelle Robinette,
5 normal command staff members.

6 Q. What role or job does Michelle Robinette have?

7 A. She's a Chief Deputy assigned to -- here at the
8 courthouse and jail operations.

9 Q. Okay. And it's your belief that she would have
10 been at that table, is that correct?

11 A. Yes.

12 Q. Anyone else besides Undersheriff Albin, now
13 Undersheriff Weigel, and Chief Robinette?

14 A. It's a hit and miss. Tom Huckleby could have been
15 there. Umm, Deric Devoe could have been there.
16 It's a hit and miss.

17 Q. You don't specifically remember anybody else.
18 Okay. That's fine.

19 Backtracking for just a second. Back to the
20 conversations you had, first, with Undersheriff Albin
21 and then with Sheriff Glanz about this report, when
22 it initially became discussed early on in this
23 matter.

24 Did you ever discuss or make any statement or
25 hear Shannon Clark make any statement to the Sheriff

1 about Undersheriff Albin having been shown that
2 report back in 2009?

3 A. In our -- in our meeting that Major Clark and
4 myself had with Stanley Glanz, I believe that was
5 discussed, yes, but it was more -- it was more me
6 telling the Sheriff he seen it back in '09.

7 I know -- quite honestly, I know Tim well
8 enough he probably -- if he did see it he very well
9 may not remember and that's what -- and that's what I
10 told the Sheriff.

11 Q. But you specifically communicated that
12 information to the Sheriff at that meeting?

13 A. Yes.

14 Q. One more blast from the past.

15 A. Okay.

16 Q. Your phone conversation you had with Undersheriff
17 Albin from Ms. Baker's home on the speaker phone.

18 A. Yes.

19 Q. Did you give him specifics about what was
20 contained in the contents of the CD other than the
21 statement that it was damning?

22 A. I honestly don't remember. I truly do not
23 remember if I told him about the spreadsheet or not.

24 My guess is, is I did, because he would have
25 asked me, why do you think that, and I would have

1 told him because that's how our conversations went.
2 I would tell him what I think and he'd ask me why,
3 but I don't really, truly remember telling him, but I
4 believe I did.

5 Q. You just don't have a recollection at this time?

6 A. Right.

7 Q. Okay. Very well.

8 Sir, I think that's all the questions that I
9 have for you. Appreciate your time.

10 The Grand Jurors may have some questions to
11 ask you, to either follow-up or explore other areas.
12 If that's okay with you.

13 A. Okay.

14 GRAND JUROR 16: Juror 16. How would you
15 describe your relationship with the Sheriff before
16 all this took place?

17 THE WITNESS: I had a pretty good rapport with
18 the Sheriff.

19 GRAND JUROR 16: Strictly professional or
20 outside, did you go fishing or anything of that
21 nature?

22 THE WITNESS: I had never been fishing with
23 him. Umm, I'd been to his house a couple times.
24 I've been to his house in Whitefield a couple times.
25 He allowed me to go deer hunting on his land down in

1 Whitefield. I took it to be a pretty good
2 relationship that you would have with your employer.

3 GRAND JUROR 16: So you felt like he trusted
4 you?

5 THE WITNESS: Yes.

6 GRAND JUROR 16: How about a relationship with
7 Bob Bates?

8 THE WITNESS: I know Bob. I've talked with
9 him on occasions, but I've never -- I don't even know
10 where he lives. I cannot even remember having lunch
11 with him.

12 GRAND JUROR 16: So you're saying you never
13 had lunch with Bob?

14 THE WITNESS: I don't -- no. Honestly, I
15 don't believe I have. I don't believe I have.

16 GRAND JUROR 16: Well, you stated earlier that
17 your office was right next to the Sheriff's Office --

18 THE WITNESS: Yes.

19 GRAND JUROR 16: -- am I correct? Did you
20 ever have a chance to see Bob interact with the
21 Sheriff?

22 THE WITNESS: I just seen him, umm, walk by,
23 say hi, stop in say hi to the Sheriff, and that was
24 about it.

25 GRAND JUROR 16: So you never overheard any of

1 the conversations that they had?

2 THE WITNESS: No.

3 GRAND JUROR 16: Have you ever heard of anyone
4 talking about their relationship between the two of
5 those, the Sheriff and ...

6 THE WITNESS: I know -- I officed next to the
7 Sheriff between April of '14 until December 1st of
8 '14 and I know that they went on some fishing trips
9 together, but I don't -- I don't have -- I didn't
10 keep his calendar or nothing. I just know that they
11 had gone fishing.

12 GRAND JUROR 16: I'll come back to you. I've
13 got some other things.

14 GRAND JUROR 13: 13. Do you feel that the
15 demotion was more retaliatory in terms of the
16 information being leaked to the media?

17 THE WITNESS: Yes.

18 GRAND JUROR 13: In terms of the report being
19 brought up in terms of Randy Pierce, do you think
20 that was a way to just throw a little mud on you or
21 why was that brought up?

22 THE WITNESS: Umm, one of the things that was
23 brought up in the IA investigation, or when I was
24 interviewed, at least, was the fact that I kept Randy
25 out -- Randy Pierce out of Stanley Glanz's office and

1 I did.

2 Meaning, when I was transferred to the
3 courthouse I was under direct orders of Tim Albin to
4 keep Randy Pierce out of Stanley's office.

5 And I sat Randy down and told him that. I'm
6 under orders to keep you out of Stanley's office
7 because he's got enough on his plate versus you
8 running in there like the sky's falling because
9 that's the type of guy Randy is.

10 Randy is very ADHD. He's really bouncy. He
11 talks -- he flutters his hands a lot when he talks
12 and that has a tendency to raise blood pressures in
13 people. And Tim Albin told me to keep him out of the
14 office. I kept him out of the office. I think he
15 took that personally.

16 Joe Peters, and Phyllis Langley -- Phyllis
17 Langley worked directly for Randy. Joe works in the
18 courthouse and sees Randy all the time.

19 I believe it was -- I believe it was brought
20 up to tarnish me, yes, because all I have is
21 accolades in my folder. My performance evaluations,
22 my last four have been 3 -- 3.9s and one 4.0 out of a
23 4.0 scale.

24 I've never been disciplined. I've never been
25 written up. I've never been written up for being

1 | tardy or late.

2 | And now I go from -- I was actually -- I was
3 | actually -- had to do two depositions for the
4 | Sheriff's Office where I was designated as an expert
5 | for the Sheriff's Office in Federal Court called a
6 | 30-B-6 to demotion and termination.

7 | GRAND JUROR 9: Juror No. 9. Regarding the
8 | demotion. Given the statements or the investigation
9 | items, you gave us three examples or three stated
10 | items here, have you ever been involved in somebody
11 | else's disciplinary action either as an investigator
12 | or witness, umm, of this type?

13 | THE WITNESS: Yes.

14 | GRAND JUROR 9: Okay. And what was the
15 | outcome of that?

16 | THE WITNESS: It's more of those.

17 | GRAND JUROR 9: Well, of those what I'm
18 | looking for is --

19 | THE WITNESS: Okay.

20 | GRAND JUROR 9: -- generally, if you've been
21 | involved with other, umm, cases or other disciplinary
22 | hearings of this type, umm, was the outcome as severe
23 | as what has happened to you?

24 | THE WITNESS: I've been in -- I've been in the
25 | pre-action hearings. I'm going to guesstimate

1 upwards to 75 hearings.

2 GRAND JUROR 9: Okay.

3 THE WITNESS: Within my tenure in the Internal
4 Affairs Division. And I've witnessed people -- umm,
5 at a Pre-Action Hearing nothing can happen, meaning,
6 the hearing is convened, the panel says, no
7 punishment, to termination. And I've been involved
8 in all of those, but I do not believe mine raised to
9 this level. No.

10 GRAND JUROR 9: Okay. And I think that pretty
11 well answered my question. I'm just trying to get to
12 the -- what you're showing me is, or what you've
13 stated on the record, would barely warrant a letter
14 in your record.

15 THE WITNESS: That's actually what I asked for
16 in my appeal letter to the Sheriff was in my
17 conclusion, this doesn't warrant anything. Give me a
18 letter of reprimand. If you're going to demote me
19 demote me back down to my next level that I was at,
20 corporal, but it does not warrant any of this. And I
21 put that in my letter.

22 GRAND JUROR 9: Is there any policy regarding
23 the direction of the review boards?

24 THE WITNESS: Yes.

25 GRAND JUROR 9: And was the outcome of your

1 review board within the policy?

2 THE WITNESS: I -- obviously, I'm the one
3 being demoted. No, it doesn't fall -- I don't
4 believe it falls within the heart of the policy or
5 the intent of the policy.

6 GRAND JUROR 9: Okay. Real quickly.
7 Regarding your keeping of work product, is there any
8 policy in what you can or cannot keep as work
9 product?

10 THE WITNESS: Umm, there is a policy that
11 talks about keeping -- keeping folders and taking
12 folders out of the -- out of the Internal Affairs
13 investigation office. I took that as being the
14 actual full case work, everything we couldn't take.

15 I've always kept all of my own work product
16 from when I was a basic patrolman. I've kept it for
17 years. I've since destroyed some of it. Through my
18 Internal Affairs case, all of my criminal
19 investigations, I've kept copies of it.

20 And the one meeting that I had with the
21 Sheriff right after my pre-action I wanted a
22 face-to-face with him to talk to him about this. He
23 openly admitted that his attic is full of old case
24 work and he didn't think that that was a big deal.
25 But I did keep it.

1 GRAND JUROR 9: Okay. Are there -- so there
2 are policies -- are there any policies that says you
3 can't keep it?

4 THE WITNESS: There's policies that talks
5 about taking -- taking Sheriff's Office product as
6 far as the actual case folder itself. That's how I
7 took it. I didn't take it as far as taking my
8 personal notes.

9 GRAND JUROR 9: Okay.

10 GRAND JUROR 8: Juror No 8. To kind of
11 piggyback on the question where they asked you about
12 your demotion and I hate to keep talking about that,
13 but can you give us any more specific circumstances
14 of another individual where their accusations towards
15 them in their report were more severe and they came
16 out with a less severe punishment as far as like
17 comparison for the Grand Jury?

18 THE WITNESS: Umm, there was a couple. I
19 worked a case with Sergeant Judy Pounds where she was
20 alleged to have, umm, committed a hostile work
21 environment on a lady called -- by the name of
22 McFadden, Vanessa McFadden, I believe.

23 I personally investigated that. I personally
24 believed that Judy Pounds was creating a hostile work
25 environment. Didn't have any proof. So, I had to

1 exonerate her and they took that exoneration.

2 Derek Devoe, one of the captains that sat on
3 my review board actually had an affair with a
4 coworker, a subordinate of his, that reported
5 directly to him, that ultimately caused a divorce.
6 That was never investigated and to me that's more
7 damning than this.

8 GRAND JUROR 8: And he was not demoted over
9 that and there was no investigation?

10 THE WITNESS: There was -- it was all swept
11 under the -- for lack of a better word, it was all
12 swept under the rug.

13 GRAND JUROR 8: I guess what I'm trying to get
14 at, if there was an example that we could review
15 where the case was opposite of your's and somebody
16 didn't get as severe a demotion and they had a more
17 severe charge.

18 THE WITNESS: There is a, umm, an Internal
19 Affairs case that the -- in the Internal Affairs
20 Office concerning the theft of five firearms that the
21 board probably should review that shows that the
22 firearms were actually property of the Sheriff's
23 Office, but under orders of Tim Albin that they be
24 removed and given away, in essence. Roughly about
25 \$25,000 worth of property.

1 GRAND JUROR 8: Who was the subject of that
2 investigation, or was it just an office --

3 THE WITNESS: There was not a -- a true
4 subject. It was, umm, it was brought to the
5 attention of the Undersheriff at the time, Brian
6 Edwards, that five firearms was donated and given to
7 the Sheriff's Office from a company.

8 And then later these firearms was removed
9 from property and given away and I believe Tim Albin
10 was part of the subject of that investigation, so was
11 a retired employee by the name of Larry Merchant, who
12 was the subject of that.

13 And the person -- I was the supervisor over
14 the Internal Affairs unit at the time. The person
15 that worked it was Clint Caskey.

16 As soon as Brian Edwards was -- as soon as
17 Brian Edwards retired and Tim Albin was promoted to
18 Undersheriff, Clint Caskey was transferred to the
19 jail to work day shift booking and he ultimately quit
20 because he was transferred.

21 Q. (BY MR. BARRIS) To follow-up on the juror's
22 question. Is this matter referring to some rifles?

23 A. Yes.

24 Q. That were donated to the Sheriff's Office to have
25 been awards for some sort of SWAT training

1 competition?

2 A. Yes.

3 Q. And just so the Grand Jury will know the little
4 bit I've heard about that. There was some sort of
5 competition held here in Tulsa, international type
6 competition, with various law enforcement agencies
7 that had SWAT teams that came and competed under
8 certain standards to see who had the best operations,
9 essentially. Is that a fair statement?

10 A. Yes. It was called the National SWAT
11 Competition.

12 Q. And a team from, I believe Germany, was the
13 winning team?

14 A. No. A, umm, of these particular rifles the
15 winning team was the Canadian, umm, Power Plant Team.

16 Q. Okay.

17 A. They was awarded five rifles from a company
18 called Patriot Ordinance Factory, POF for short.

19 Q. Okay.

20 A. They was awarded the guns. The first year that
21 the SWAT competition was in Tulsa. The SWAT
22 competition was in Tulsa for three years, consecutive
23 years, before it moved to another city.

24 They was awarded the rifles from what I
25 remember the first year. There was an agreement in

1 place that the guns would be held in the Sheriff's
2 Office property room and that team could use them for
3 the three years.

4 And that at the end of the three years the
5 owner of POF awarded those rifles, gave those rifles
6 to the Sheriff's Office in a written letter saying,
7 congratulations, these guns have been awarded to you.

8 Mainly because the Power Plant Team in Canada
9 could not do the paperwork to get the guns
10 transferred from one country to another.

11 Q. Do you recall what years this would have
12 occurred? The three years that were involved.

13 A. It was either '08, '09 and '10, or '9, '10, and
14 '11. The case was worked -- Internal Affairs case
15 was worked latter part of '11 into '12.

16 Q. 2011?

17 A. Yes.

18 Q. I'm sorry. I apologize.

19 GRAND JUROR 8: That's fine. Are you aware of
20 anyone other than Bates that received special
21 treatment?

22 THE WITNESS: No.

23 GRAND JUROR 8: To that level?

24 THE WITNESS: No. I am not.

25 GRAND JUROR 8: And I think that you've

1 somewhat answered this, but I just want to make sure
2 I heard you right, because I wasn't hearing the dates
3 in your internal investigation as far as when the
4 dates that they were alleging things happened. It
5 seemed highly coincidental. Is that what you were
6 speaking of whenever you think that Mr. Pierce maybe
7 collaborated with some other people to do these
8 accusations at the same time?

9 THE WITNESS: Yes.

10 GRAND JUROR 8: Do you think that that
11 had anything because I see this as coincidental, I
12 would wonder if they were directed by someone to do
13 that, or do you think it was coincidental along
14 with --

15 THE WITNESS: I believe Sheriff Glanz -- my
16 personal belief is Sheriff Glanz thinks I released
17 this '09 document. And his way of getting rid of me
18 is this Pierce case.

19 And in my appeal letter to the Sheriff -- we
20 have policies at the Sheriff's Office that says if
21 you're a subject to a harassment you have to report
22 it. You have to tell, you can jump chain of command,
23 you can do all of these things to include that when
24 you do your annual evaluation you sign off on it that
25 you have knowledge of the policy and you have no

1 knowledge of any harassment.

2 And my argument back to the Sheriff was, if I
3 was truly doing this, Randy should have followed
4 policy and filed the complaint back when he was under
5 my span of control, not eight to nine months later
6 now. That was my argument.

7 GRAND JUROR 8: I think that's all I have.
8 Thank you.

9 GRAND JUROR 16: I have a question. So within
10 that time span Mr. Pierce had received an appraisal?

11 THE WITNESS: Evaluation?

12 GRAND JUROR 16: Evaluation.

13 THE WITNESS: I don't know. That was part of
14 my argument was he should have received it. It's not
15 a part of the investigation. I don't know if he had
16 received it or not.

17 GRAND JUROR 16: Generally, when do they give
18 their evaluations?

19 THE WITNESS: Usually a few months after your
20 anniversary date. Like, my anniversary date is
21 August 1st. I would have mine probably September,
22 October, November'ish.

23 GRAND JUROR 16: Okay.

24 GRAND JUROR 9: Juror No. 9. Are you aware of
25 any other cases where the Sheriff has exercised,

1 basically, ultimate rule contrary to policy?

2 THE WITNESS: Are you concerning in an appeal?

3 GRAND JUROR 9: Yeah. Umm, we've heard
4 several times that the Sheriff has an open-door
5 policy. Yeah -- straight answer, yeah, concerning
6 any appeals where he's just basically said, yeah, I
7 know this is the policy.

8 That's what I'm hearing from your testimony
9 is, you know, you've been in the process of actually
10 doing, umm, these investigations and I don't
11 necessarily know they came straight out that your
12 boards have always followed policy directly.

13 But in this case you've got an appeal, you're
14 well out -- it sounds like it's well outside policy
15 what's happened to you. Can you give any other
16 instances where the Sheriff has, basically, said,
17 yeah, I know that's the policy, but this is the way
18 I'm going to sign off on it.

19 THE WITNESS: Let me answer that question this
20 way: Prior to my pre-action, all pre-actions are
21 held in this manner. Okay.

22 An IA case is investigated. The IA case is
23 turned over to the Undersheriff to review. The
24 Undersheriff will review it and make a determination
25 if anything should happen.

1 If something should happen it has to go to a
2 Pre-action Board. The Pre-action Board, prior to me,
3 consisted of the Undersheriff, the Chief Deputy
4 that's over that particular division, the captain
5 over that particular division, the sergeant, so on,
6 of the affected employee. Okay.

7 In my case, at that time of the pre-action it
8 should have been Undersheriff Rick Weigel chairing
9 the board. It should have been Michelle Robinette in
10 the room. It should have been Eric Kitch in the room
11 to hear my -- my pre-action and to make the
12 determination if anything should happen to me.

13 Prior to my pre-action the board made
14 recommendations to the chair, being the Undersheriff,
15 to say a person should be demoted or a person should
16 receive five days suspension or a person should be
17 terminated. They make that recommendation to the
18 Undersheriff and the Undersheriff would make a
19 ultimate decision of whatever the punishment is.

20 In my case, I came in, I sat down in the
21 pre-action and was informed that things were
22 changing. That the new Undersheriff wanted it to be
23 a unanimous board decision.

24 I asked why Eric Kitch was not there, who was
25 my acting major because he replaced Shannon Clark.

1 They said that Eric Kitch was not there
2 because Eric Kitch had been keeping -- had kept all
3 of his work product when he was in Internal Affairs
4 and in the Criminal Investigative Unit and he recused
5 himself because he did one of the things that I was
6 being accused of and he has been doing it. So he
7 didn't think it was fair.

8 Michelle Robinette, they told me, recused
9 because she did Shannon Clark's investigation and
10 didn't feel like she could be impartial towards me
11 in any way.

12 That's why the board was convened the way it
13 was. And I was told it was a unanimous decision
14 amongst all the board members. Meaning, that all the
15 board members had to agree that I was to be -- I was
16 to be demoted versus given a recommendation to the
17 chair of the board.

18 And so I made that argument as well to the
19 Sheriff that past practice has been all of this and
20 now we have changed things in the middle and I've had
21 an adverse effect because of it.

22 Mainly, because I had worked Internal Affairs
23 investigations on Derek Devoe, on him personally. I
24 actually wrote his reprimand letter back in 2011 when
25 he was reprimanded out of an Internal Affairs case.

1 John Bryant, the midnight shift captain that
2 sat on my board, openly said he didn't think I should
3 have been promoted when I was promoted.

4 So I have two members of the board that I have
5 either worked a case on or been told I shouldn't be a
6 captain from and so I made those arguments to the
7 Sheriff.

8 GRAND JUROR 9: Okay.

9 THE WITNESS: Mainly, what happens at an
10 appeal was -- was people get punished, get
11 terminated, whatever. Most of the time when a person
12 appeals the decision they've been terminated.

13 They appeal it to the Sheriff. They go sit
14 down with the Sheriff and the Sheriff says, I'll be
15 happy to accept your resignation.

16 And the Sheriff sets aside the termination
17 and accepts the resignation because some people they
18 would prefer to have a resignation on their record
19 per se versus a termination.

20 But the Sheriff's position is if I receive a
21 resignation I'm not likely to be sued if I terminate.
22 So he accepts the resignations.

23 I've never seen -- I've never seen anybody
24 appeal this type of punishment to the Sheriff. I've
25 never seen anybody appeal a five-day suspension to

1 the Sheriff. I've never seen that happen. Mine was
2 the only one I've ever known.

3 GRAND JUROR 9: Okay. Are you aware of -- you
4 brought the car to light of the stipend. Are you
5 aware of any other areas of fiscal malfeasance that
6 could have occurred or that have occurred around the
7 Sheriff's Office itself?

8 THE WITNESS: In -- in 2013 I applied to
9 attend Leadership Tulsa. Leadership Tulsa is a
10 nonprofit organization that provides trainings to up
11 and coming leaders of numerous organizations.

12 You have to apply for it and actually turn in
13 a written response to four questions. They're
14 looking for roughly 500-word responses, too. Plus, a
15 signing off by your, by your company leaders that
16 they support you in this endeavor because it costs
17 the county 24, \$2,500. It costs 24, \$2500 for an
18 employer to send an employee to this type of
19 training.

20 I was accepted. I went to the training in
21 2014 and in June of this year, during a deposition
22 with Dan Smolen, he made me aware that they paid for
23 my training to attend Leadership Tulsa out of the
24 office supply fund. Basically, the fund that you buy
25 pens and paper and whatnot out of. They took the

1 \$2500 out of -- 24, \$2500 out of that fund to pay for
2 my training versus out of the training budget.

3 GRAND JUROR 8: Juror 8. You've testified
4 that you were willing to give a polygraph that you
5 didn't release that document. Do you have
6 information on who did or a theory?

7 THE WITNESS: I -- while I was off, and after
8 I had heard this information about the Sheriff
9 believing that I released it, I called Lori
10 Fullbright, the news reporter with Channel 6. I have
11 her phone number because being a secondary PIO.

12 I called her -- actually I texted her, said,
13 would you please call me when you have time. She
14 called me later that night.

15 I asked her, umm, who released this document?
16 I said, Lori, who released it? Umm, I need to know
17 who released it. It will be kept between you and me
18 type of conversation I had with her.

19 And I said, I need to throw the Sheriff a bone
20 because I didn't release it and my head is on the
21 chopping block here.

22 She told me that, umm, she does not know who
23 released it. That they believe -- that the media, in
24 general, believes that whomever released this
25 document gave it to Dan Smolen's law firm and that

1 Dan Smolen's law firm leaked it to an affiliate of
2 theirs.

3 GRAND JUROR 8: Was that law firm the same one
4 that was representing Eric Harris?

5 THE WITNESS: Yes.

6 GRAND JUROR 8: And when he gave -- when Glanz
7 gave the deposition, basically accusing you of doing
8 it, was that document in paper or recording or
9 anything like that?

10 THE WITNESS: Yes. It was under a polygrapher
11 and video recorded.

12 GRAND JUROR 8: Thank you.

13 GRAND JUROR 9: Juror No. 9. You, basically,
14 made a statement that you and Major Clark had told
15 the Sheriff that you as the public affairs and the
16 Sheriff need to get ahead and stay ahead of this.

17 Can you think of any example or any action
18 that was taken that showed the Sheriff was willing to
19 do any of that?

20 THE WITNESS: No, umm, I haven't -- I haven't
21 seen that, no.

22 We told -- we told -- we told the Sheriff he
23 needed to get in front of it and for whatever reason
24 he has -- he had -- I don't believe he ever has.

25 Now, understand something, though, once I

1 went off on admin leave, on administrative leave, I
2 cut off all ties with the Sheriff's Office. I cut
3 off all ties with the media. I didn't watch Channel
4 6 News. I didn't watch anything. So I don't know
5 what has happened in that time frame.

6 I did not -- I did not -- Shannon Clark is,
7 besides being my supervisor, is also a friend. I've
8 pretty much -- I've talked to him two or three times,
9 but while I was off for that six weeks I didn't talk
10 to anybody.

11 GRAND JUROR 9: Can you -- you may have
12 already explained it. What was the purpose for the
13 admin leave?

14 THE WITNESS: Admin leave is to, is to
15 separate the subject of the investigation from the
16 office so you can't interfere with the investigation.

17 GRAND JUROR 9: Okay.

18 THE WITNESS: You go home on paid leave.

19 GRAND JUROR 9: And what was the purpose of
20 that? This IA investigation?

21 THE WITNESS: Yes.

22 GRAND JUROR 9: And what time did that start?

23 THE WITNESS: June 1st.

24 GRAND JUROR 9: Of this year?

25 THE WITNESS: Yes.

1 GRAND JUROR 1: Juror 1. Is that standard to
2 go on that admin leave if there's not an
3 investigation?

4 THE WITNESS: It depends on the severity of it
5 and the, lack of better words, of the players
6 involved. It was -- with this type of an allegation
7 it did not surprise me that I went off. No.

8 GRAND JUROR 1: So, for example, the IA
9 investigation of Robert Bates in 2009, considering
10 some of the key players in that, like, Albin, since
11 he was kind of involved with some of that shouldn't
12 he have been on administration leave?

13 THE WITNESS: I don't think he did.

14 GRAND JUROR 1: Okay.

15 THE WITNESS: I don't think anybody in that
16 case went on admin leave. No.

17 GRAND JUROR 13: Juror 13. In terms of access
18 to the information turned over to the firm, to turn
19 it over to the media, who else other than you?

20 THE WITNESS: Umm, gosh, myself, Rob Lillard,
21 Scott Dean, Judy Pounds, anybody that had access to
22 the basement because this is where this report was
23 kept, was in a hard copy form, was in the basement.
24 Randy Chapman, probably eight or 10 more people had
25 access to where this was at.

1 GRAND JUROR 13: Would you say that the
2 likelihood of the reasoning behind it had more to do
3 with disciplinary action taken against that
4 particular individual in the past? It could have
5 been sort of retaliatory in terms of what has
6 happened to them and what the Sheriff has done to
7 them in the past?

8 THE WITNESS: I'm sorry. Can you ask that
9 again?

10 GRAND JUROR 13: If -- say that who else --
11 other persons that may have had access to that
12 document, did it for reasons because of disciplinary
13 reasons against them by the Sheriff in the past?

14 MR. BARRIS: Let me just interject. I'm
15 sorry, Juror 13. I think what you're asking him is
16 what motivations of the person he doesn't know --

17 GRAND JUROR 13: Yes.

18 MR. BARRIS: -- why they did something he
19 doesn't know who did it? I think you -- and the
20 reason I'm asking, to see if that's what you're
21 asking. I'm afraid what you're asking is for him to
22 speculate about somebody he doesn't even know
23 released the report. I think that would be a
24 difficult question for him to answer.

25 GRAND JUROR 13: I guess what I'm really

1 trying to ask if -- if out of the others that may
2 have had access could you think of anyone else that
3 had motive?

4 THE WITNESS: Umm, what -- what I believe may
5 be a stretch, I don't know. I'll tell you what I
6 believe. Okay. I believe someone found this
7 document years ago and they knew of its existence
8 years ago.

9 It's never -- it's never been a secret that
10 Shannon Clark was going to make a play to run for
11 Sheriff this next cycle.

12 My personal belief is whoever had a copy of
13 it, meaning someone who did not like Shannon, and
14 there's a lot of people that don't like Shannon at
15 the Sheriff's Office, had a copy of it and when he
16 was going to run for Sheriff was going to hurt him by
17 releasing it. That's what I believe.

18 And this shooting with Eric Harris and Bob
19 Bates just -- it happened, and this was an
20 opportunity to release it to the media. That's what
21 I believe.

22 GRAND JUROR 16: Juror 16. In light of the
23 recovery of the '09 investigation that you're very --
24 would you say you're very familiar with it?

25 THE WITNESS: No, I would not. I've read it.

1 When I initially was given it I read the front page,
2 maybe a page and a half.

3 When I printed it off and gave it to Tim
4 Albin I still hadn't read it and I didn't read it up
5 until maybe a week, 10 days ago, and I pulled it off
6 of OSCN is where I read it from, because I no longer
7 have a copy of it.

8 GRAND JUROR 16: But your words stating that
9 they are damning makes you somewhat familiar, then.

10 THE WITNESS: The case that I reviewed, that
11 was Rob Lillard's handwritten notes, was damning,
12 that wrote this report, yes.

13 GRAND JUROR 16: Okay. So you agree that
14 there was partiality towards Bates?

15 THE WITNESS: Yes.

16 GRAND JUROR 16: Okay. So with that being
17 said, can I ask you a series of questions for yes or
18 no? I'm going to ask you a few questions.

19 Would you say there was willful neglect of
20 duty in the Sheriff's Office?

21 THE WITNESS: Yes.

22 GRAND JUROR 16: Would you say that there is
23 gross partiality in the Sheriff's Office?

24 THE WITNESS: Yes.

25 GRAND JUROR 16: Would you say that there was

1 oppression in the Sheriff's Office?

2 THE WITNESS: Oppression?

3 GRAND JUROR 16: Oppression.

4 THE WITNESS: Yes.

5 GRAND JUROR 16: Would you say that there was
6 corruption?

7 THE WITNESS: Umm, in the -- in the --
8 without -- without examples I would say, no.

9 As far as other than what I've testified to I
10 don't -- I don't believe Stanley was taking money and
11 seeding other people with it. I don't know, but...

12 GRAND JUROR 16: Well, let me ask you a
13 question, were you familiar with Bates' Christmas
14 presents?

15 THE WITNESS: Yes.

16 GRAND JUROR 16: So you know about the
17 expensive pistols and other items? What else are you
18 aware of?

19 THE WITNESS: I'm aware that he -- and this is
20 all secondhand information. I didn't see it
21 personally.

22 I was aware that he bought all members of the
23 Violent Crime Drug Task Force customized pistols for
24 a Christmas gift.

25 I'm aware that Bates and Stanley went on

1 multiple fishing trips. I don't know who paid for
2 those fishing trips. I honestly don't know.

3 I would, ahh, I had a conversation early on
4 with Bates, it was, ahh, a conversation me, him, and
5 Tom Helm had in the investigation office and Bob was
6 boasting about his -- about his boat in Florida.
7 About taking out attorneys and doctors on his boats
8 and then idling back to the dock and filling his boat
9 back up and when the dollar amount hit \$10,000,
10 because the doctors and the attorneys would say,
11 well, you took me out on your boat. I'll cover the
12 fuel expense.

13 And then when the fuel expense started to
14 exceed \$10,000 the doctors would always say, how big
15 is the gas tank? And Bob would say, oh, don't worry
16 about it. I have an account here for my gas, my
17 fuel. And he would boast about those type things.

18 So being that -- I would believe that he would
19 pay for Stanley's trip, but I don't know that.

20 GRAND JUROR 16: I appreciate your candidness.
21 Did you ever hear anything about a home in Colorado?

22 THE WITNESS: Yes.

23 GRAND JUROR 16: What -- can you elaborate?

24 THE WITNESS: I know he has a -- I don't know
25 where it's at or how big or how extravagant. I know

1 he -- from word of mouth he has a home there and I've
2 been told that Tom Huckleby and Tim Albin and Stanley
3 has all went there and spent time.

4 GRAND JUROR 16: With all this being said, is
5 there anything else that you can tell us along those
6 lines?

7 THE WITNESS: The only thing that I have heard
8 through these years of rumors at the Sheriff's Office
9 is that Bob Bates has paid Tom Huckleby's student
10 loans off, but that's the only -- I don't know.
11 That's a question for them.

12 GRAND JUROR 16: That's all I have for right
13 now.

14 MR. BARRIS: Does anybody have any further
15 questions?

16 Sir, I appreciate it. You're free to go at
17 this time.

18 THE WITNESS: Thank you.

19 MR. BARRIS: Sir, you talked a moment ago
20 about some records. You're still okay if I talk to
21 your attorney concerning if we need some of those
22 records?

23 THE WITNESS: Yes.

24 MR. BARRIS: Okay. Thank you very much, sir.

25 (The witness and his attorney left the Grand

Jury Room.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS.

I, Tami Morse, Official Court
Reporter, within and for the State of Oklahoma, do
hereby certify that on September 14, 2015, before the
impaneled Grand Jury in the District Court of Tulsa
County, State of Oklahoma, I reported in machine
shorthand the proceedings had and the evidence given,
and the above and foregoing is a full, true, correct
and complete transcript of the proceedings had and
testimony given, taken at said time and place.

IN WITNESS WHEREOF, I have hereunto
set my hand and official seal this 28th of January,
2016.

Tami Morse, CSR-RPR
TAMI MORSE, CSR-RPR
CERTIFIED SHORTHAND REPORTER



Tami Morse
State of Oklahoma
Certified Shorthand Reporter
CSR # 1973
My Certificate Expires 12-31-16

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

MARQ LEWIS,

Plaintiff,

vs.

IN RE GRAND JURY,

Defendant.

Case No.
GJ-2015-1



ORIGINAL

DISTRICT COURT
FILED

TRANSCRIPT OF PROCEEDINGS

JAN 29 2016

HAD ON

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

SEPTEMBER 6, 2015

BEFORE THE IMPANELED GRAND JURY

2016 JAN 29 AM 10:45
SALLY HOWE SMITH
COURT CLERK

REPORTED BY:

TAMI MORSE, CSR-RPR
500 S. DENVER, SUITE 111
TULSA, OK 74103
tami.morse@oscn.net
(918) 596-5371

1
2
3
4 A P P E A R A N C E S
5

6 FOR THE STATE:

7 Rob Barris
8 Kevin Buchanan
9 Special Appointed Tulsa County
10 District Attorneys
11 500 S. Denver, Ste. 900
12 Tulsa, Oklahoma
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

MR. BARRIS: All right. It's 1:38 p.m. on August 6th, 2015.

The Grand Jury is present in the Grand Jury room as are all the alternates, myself, and Kevin Buchanan as legal advisors.

I believe our next witness will be -- he's now captain, right? Captain Rob Lillard.

(Witness enters Grand Jury Room.)

GRAND JUROR 9: Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

ROBBIE LILLARD,

Having been first duly sworn, testified as follows:

DIRECT EXAMINATION

Q. (BY MR. BUCHANAN) Can you tell us your name, please.

A. Robbie Lillard.

Q. And what's your occupation?

A. I'm a deputy.

Q. With ...

A. Tulsa County Sheriff's Office.

1 Q. All right. And what is your current rank or
2 designation within the Sheriff's Office?

3 A. My current rank is I am an Acting Major for the
4 Uniformed Operations Division.

5 Q. Acting ...

6 A. Major.

7 Q. Major. All right. You kind of have a soft
8 voice.

9 A. Okay.

10 Q. So, I'm just going to, for the benefit of us
11 clear back here, and that's why we're kind of back
12 here, so everybody can hear. If you just kind of --
13 surely you've got --

14 A. I do.

15 Q. -- a command voice.

16 A. I do.

17 Q. All right. So tell us what that -- your current
18 designation entails that you do.

19 A. I am responsible for the patrol shifts, Civil
20 Division, and the Detective Division and an ancillary
21 group of individuals. We do security for Tulsa
22 Technology. It's a group of 17 deputies. I'm in
23 charge of that.

24 Q. Okay. And how long have you had this particular
25 assignment?

1 A. Two months.

2 Q. What was your position April 2nd, 2015 -- were
3 you still employed with the Sheriff's Office on
4 April 2nd of 2015?

5 A. I was.

6 Q. What was your designation or your assignment,
7 then?

8 A. Captain over the same.

9 Q. Okay.

10 A. Except for I didn't have two additional patrol
11 shifts. That's really the only difference that I
12 have now.

13 Q. Okay. And is there any particular reason that
14 your position has changed since April 16th that
15 you're aware of?

16 A. Yes.

17 Q. What is that?

18 A. Umm, people have been either terminated or
19 resigned their post.

20 Q. Okay.

21 A. I think I'm, like, an interim Band-Aid, for lack
22 of a better word.

23 Q. Okay. All right.

24 And we have heard significant amount of
25 testimony thus far about an incident that occurred on

1 April 2nd, 2015, involving members of the Sheriff's
2 Office, a shooting incident, Bob Bates who shot an
3 Eric Harris. You're familiar with that incident?

4 A. I am.

5 Q. Tell us what, if any, role you had in the
6 investigation of that incident, either as an
7 investigator or supervisor.

8 A. Well, I didn't -- that particular day I was
9 working a secondary job. So I wasn't in my official
10 capacity.

11 And I received a call from Sergeant Roberts,
12 who was over the Drug Task Force that day, and he
13 indicated to me that a shooting had occurred.

14 After several minutes of talking to him I was
15 able to get from him -- he was distraught. I was
16 able to get from him that we had done the shooting.

17 And, so, I immediately told him to hold the
18 scene and I contacted Internal Affairs and the
19 Criminal Investigations Unit to respond to it.

20 Q. All right. And did you -- did you go to the
21 scene?

22 A. I did not. I was not working that day.

23 Q. Did you conduct any investigation -- any
24 investigative duties, as a result of the shooting,
25 into the shooting itself?

1 A. I did not. The -- the Criminal Investigation
2 Division is under me, so they did. And then they
3 report back to me and file charges, et cetera.

4 Q. All right. Were you a participant in any
5 meetings related to this shooting as the
6 investigation -- in other words, CID Division was
7 investigating and at a point in time they turned
8 their information, the results of their
9 investigation, over to the District Attorney's
10 Office. We've been made aware of that.

11 A. Yes.

12 Q. In between the beginning of the investigation and
13 the time it was turned over to the DA's Office, were
14 you a party to any meetings between your subordinates
15 and anyone else in the Sheriff's Office?

16 A. Yes.

17 Q. What meetings did you attend?

18 A. Well, in -- in investigating matters it's
19 customary for me, the sergeant, and the other guys to
20 do, like, a round-table like you're doing now, and
21 discuss information that's found, or directions that
22 we may go and, umm, so that occurred.

23 And it was our belief at the time that,
24 that this event, based on knowledge of statute, and
25 what it was, was a crime. That -- that changed

1 quickly there in the environment.

2 Major Huckleby, and I'm not aware -- not Tim
3 Albin, but Major Huckleby was present for the meetings
4 that we had.

5 And, umm, I think I had two, if it serves me
6 right, two meetings. And the focus of that meeting
7 was telling him the findings of where we were in the
8 investigation and what we were going to do. And
9 that, it seemed unacceptable. That that wasn't it.
10 More of a convincing that it's more than likely this.
11 He brought research to those investigators for a
12 different statute, which would be justifiable
13 homicide.

14 So I talked to the sergeant after one of those
15 meetings and I sent him over to talk to the DA on the
16 weekend. That was a conversation between me and him,
17 Sergeant Hess. I want you to go over and talk to the
18 DA and tell him what we are -- where we're at on this
19 and get his take on this.

20 He did. And he came back and it was the DA's
21 opinion, told to me through Sergeant Hess, that this
22 is -- this is manslaughter. Okay. Very good.

23 So, we knew right then that regardless of what
24 was going on in-house and what people wanted, umm,
25 and to be quite, you know, frank about it, I think

1 they were trying to -- trying to put the civil side
2 of this ahead of the criminal or intertwine the two,
3 if that makes sense.

4 Q. When you say they were trying to do that. Who
5 are you referring to?

6 A. I'm referring to the Undersheriff and Major
7 Huckeby. That's all I know. I don't know whomever
8 else would be party to that, but that's what it
9 seemed to me.

10 So Sergeant Hess went ahead and let Detective
11 Heisten write it up. And, you know, he articulated
12 it to where it could fit that, but ultimately it was
13 a DA's responsibility to charge or not to charge, or
14 to change or make what they feel -- they have the
15 ultimate responsibility for charging crimes and he --
16 and he did, ultimately.

17 So we knew that and, you know, in fact after
18 that, after he wrote it all up, umm, knowing the
19 knowledge that the DA had told us that's fine. Send
20 it up.

21 That clears these people away from what we're
22 doing here and we know what's ultimately going to
23 happen, which was better for everybody at the time.

24 Major Huckeby and Tim Albin had a meeting with
25 Detective Heisten and Sergeant Hess and myself after

1 that, before it came up. And gave specific
2 instructions on their argument why it should be what
3 Michael wrote, which would be the justifiable
4 homicide. And sent us to the DA to have a meeting,
5 which we did, and sat down and we did what we were
6 told.

7 And that meeting was with Steve Kunzweiler and
8 David Luten and they weren't having any part of that.
9 We already knew that. This is what this is going to
10 be and that was the end of that. Those were the only
11 meetings I had.

12 Q. Okay. How -- was it usual or unusual for
13 Undersheriff Albin and -- is it Major Huckleby?

14 A. Yes.

15 Q. Is that correct? How usual or unusual is it, or
16 was it up to that point in time, for them to involve
17 themselves to that degree in an investigation?

18 A. Very unusual. They would inquire about
19 significant ones, you know, if there was a death, or,
20 you know, major crimes. It was customary for them to
21 ask and they should have, but in this particular
22 case, I had not seen that before.

23 Q. All right. And I assume, to be fair, officer
24 involved shootings with the Tulsa County Sheriff's
25 Office are rare?

1 A. Yes.

2 Q. So, this was an unusual circumstance?

3 A. Yes.

4 Q. All right. Did you feel as though they were
5 trying to direct the investigation or the results of
6 the investigation in a particular way?

7 A. Yes.

8 Q. All right. And you felt like that was, in part,
9 motivated to help with the -- what they believed to
10 be the coming civil suit?

11 A. I believe so. That and I had a unique
12 perspective on one of the participants in that event
13 and -- and a perspective on the general feeling about
14 this person from their point of view.

15 Q. And are we referring to Robert Bates?

16 A. We are.

17 Q. Okay. So you felt like that was -- it wasn't
18 just the protection of the Sheriff's Office for civil
19 purposes, but, also, personal allegiance to
20 Mr. Bates?

21 A. If you're asking my opinion, yes.

22 Q. Okay. And that's what -- I am asking your
23 opinion.

24 A. Yes.

25 Q. All right. That was your feeling?

1 A. Yes.

2 Q. Okay. Well, that leads into the next area I want
3 to get into.

4 You said you had some personal insight into, I
5 assume you were referring to Mr. Bates?

6 A. Yes.

7 Q. And his position within the Sheriff's Department?

8 A. Yes.

9 Q. All right. Generally, how did you come by this
10 insight?

11 A. It was my job function at the time.

12 Q. All right. And I believe what you and I are
13 probably referring to is a 2009 report that you
14 were -- that you put together, which was the result
15 of an investigation you were asked to perform?

16 A. Correct.

17 Q. All right. Tell us how that investigation came
18 about; who asked you to do it; what were the
19 perimeters supposed to be?

20 A. Okay. At that time I was a sergeant over
21 Internal Affairs. It was my job to investigate
22 internal matters. And that could range from -- from
23 talking ugly to someone, to engaging in criminal
24 acts. I'm talking solely about deputies, officers,
25 that was my function, or complaints from the general

1 public.

2 Two gentlemen had an issue with Mr. Bates.
3 Well, I say two gentlemen. This is how I got the
4 information, how I got started. Sergeant Kitch and
5 Sergeant Chapman worked in the Reserve Program. They
6 were over it jointly together at the time and Eric
7 was more of the administrator of it and Randy was
8 more the hands-on guy. The field guy for the
9 program.

10 And both of them had issues with -- with
11 Deputy Bates and his participation, or his
12 requirements to participate in the program. And I
13 knew about some of those. And they directed those
14 issues through their chain of command.

15 I don't know. I think Captain Merchant might
16 have been one of the chain. I don't know all the
17 chain back then because it was really -- I just knew
18 of it and they went through their chain of command.

19 Well, as a result of going through that chain
20 of command nothing happened. Nothing happened. They
21 were told, umm, you know, leave this guy alone.
22 These kind of things.

23 So, Sergeant Kitch came into the Internal
24 Affairs Office and he produced a memorandum detailing
25 the problems or some of the problems associated with

1 the -- with Bates and the programs.

2 I read those things. It was my job at that
3 time to facilitate things from employees to the
4 staff, if there was an issue like grievances or
5 things like that, and this fell into that category.

6 So, I took the memorandums and if I remember
7 right, one of them was from Randy and one of them was
8 from Eric, to then Undersheriff Brian Edwards.

9 And we had a discussion about it and he wanted
10 me from that point to take a cursory look into this
11 situation to find out if there was any validity. And
12 he had specific questions that he wanted answered.
13 There was two of them.

14 Q. Okay. Just so we're clear. He wanted questions
15 answered. Who's he?

16 A. Brian Edwards --

17 Q. All right.

18 A. -- the Undersheriff. He said, I want you to take
19 a look at this and I want these two questions
20 answered, which was normal.

21 Generally when problems come, with the
22 exception of external citizen complaints, those
23 are -- and I'm trying to find the words to explain
24 this properly. Most things have a cursory look. You
25 want to find out if there's any validity to them. If

1 there is, they are associated with a case number, an
2 Internal Affairs' case number.

3 Citizen complaints, however, get case numbers.
4 They get case numbers. Unless it's so unbelievable a
5 cursory look might be warranted and then the -- if
6 the validity is found, a case number is attached to
7 it and a full investigation ensues therein. So this
8 was normal.

9 Here you're bringing this to me. This is
10 inside the house. I want you to take a look at this
11 thing and I want you to answer these two questions
12 and I delineated those two questions on the front of
13 the investigation. I don't know word-for-word. I'd
14 have to look at it to read it to you.

15 Q. I'll have you identify it here in just a second.

16 A. Okay. So I did that. And I conducted research.
17 I gathered records and what I found was validity. I
18 found validity with the two questions that he asked
19 for.

20 And one of them was, and I'm remembering, was
21 Deputy Bates treated differently than the hiring
22 practice versus any other Ex-Police Officers that
23 joined the Reserve Program? That was the one
24 question.

25 The second one was, was he shown favoritism or

1 were people intimidated to benefit Robert Bates in
2 this respect? Those words, or the like. Those were
3 the two questions and I found that, yes, on number
4 two.

5 Number one, a little bit, but I found validity
6 with it and I took it back to him for disposition.

7 Q. Okay. And so I -- make sure we're clear.

8 A. Okay.

9 Q. Internal Affairs receives a report from a citizen
10 outside the department?

11 A. Uh-huh.

12 Q. It is immediately -- unless it's completely
13 obviously on its face not valid, it's going to
14 receive an Internal Affairs' case number?

15 A. Most of the time, yes, unless it's so outrageous
16 that it's unbelievable. I mean, you know, unless
17 it's, like, he, he cussed at me. You know, that may
18 be addressed, a cursory look. They write me a
19 memorandum, did that occur? Do I have any video to
20 look at, anything of that nature, and if there's
21 validity, yes. Most of the time they get immediate
22 numbers.

23 Q. Okay. In-house there's a cursory look --

24 A. Yes.

25 Q. -- and then a decision is made as to whether or

1 not to open an official investigation, which would
2 then be assigned a number?

3 A. Well, it would be considered the -- the precursor
4 to an official investigation because it is official.
5 I'm writing; I've been directed; I'm looking at it;
6 and here's what I found. Yes.

7 Q. Okay.

8 A. It's a cursory look.

9 Q. All right. And so we know what the big picture
10 is before we get into the detail.

11 Then, who makes the decision that this is, in
12 fact, valid? We do need to open a case. We do need
13 to assign it a number.

14 A. The Undersheriff.

15 Q. The Undersheriff does that?

16 A. Yes.

17 Q. All right. And in this case your report was --
18 did you give it back to Undersheriff Edwards at the
19 time?

20 A. I did.

21 Q. And was it ever assigned a case number?

22 A. No.

23 Q. All right. Did that surprise you?

24 A. Yes.

25 Q. Umm, how did that affect your perception of the

1 people involved with -- particularly involved with
2 Mr. Bates as determined by your investigation?

3 A. Well, it certainly made what I found, to tell me
4 that, yes, and there's probably friendship and all
5 sorts of other things involved in this.

6 Q. Would it be fair to say that the fact that this
7 was not assigned a case number may have been further
8 evidence that, in fact, there was favoritism being
9 shown? Is that a fair conclusion or not? Your
10 words.

11 A. I believe that would be a fair conclusion, yes.

12 Q. Okay. All right. I'm going to give you a number
13 of exhibits.

14 Before we do this, you're aware that a Grand
15 Jury subpoena had been sent to the Sheriff's Office
16 relating to this 2009 report and any documents that
17 you have that supported your investigation, right?

18 A. Yes.

19 Q. And we received a notebook with your report and
20 289 supporting documents.

21 A. That sounds about right.

22 Q. And have you -- have you had an opportunity to go
23 through this notebook prior to today?

24 A. I have.

25 Q. All right. Did you go through it before it was

1 sent to the Grand Jury?

2 A. I did.

3 Q. Okay. Sir, let's start with what I'm going to
4 mark as Grand Jury or State's Exhibit No. 16. Will
5 you take a look at that and see if you are familiar
6 with that document.

7 A. I'm familiar with it.

8 Q. All right. And just so that we can identify, on
9 the bottom of each of the pages of that exhibit
10 there's some -- and your's I believe, has some red
11 ink?

12 A. It does.

13 Q. And, specifically, there's some notations GJ-2009
14 Lillard Investigation and there's some numbers,
15 correct?

16 A. Yeah. Looks like it numbers the pages.

17 Q. Numbers the pages.

18 A. Correct.

19 Q. All right. And so this particular copy that
20 you're holding in your hand came straight from the
21 Sheriff's Office?

22 A. Yes.

23 Q. Not through any third-party?

24 A. No. I think this is the one that I looked at.

25 Q. Okay. Just the -- I want everybody to

1 understand, and if the record could show we've
2 provided each Grand Juror a copy of Exhibit No. 16.

3 Now, you previously indicated that you had
4 delineated or noted questions that Undersheriff
5 Edwards wanted answered.

6 A. Yes.

7 Q. Do you see those there on page one?

8 A. I do.

9 Q. Are you happy with the description you gave us,
10 or do you want to revise that in any way?

11 A. The only other thing was I said ex-officers in
12 the first question. It was ex-officers or other
13 Reserve Deputies.

14 Q. Okay.

15 A. But the rest is the same. Was any pressure
16 exerted on any employees or by supervisors to aid
17 Deputy Bates in this regard? So it's pretty much the
18 same thing.

19 Q. Okay. And during the course of this
20 investigation, did you enlist the aid of any other
21 officers to do some research for you, or --

22 A. Yes.

23 Q. -- do some background into other Reserve
24 Officers, either their training records, or their
25 application process?

1 A. Yes.

2 Q. Would a Mr. -- Deputy Tryon, is that a familiar
3 name?

4 A. Yep. Sergeant Tryon. He was sergeant.

5 Q. I'm trying to get to that page. Did he complete
6 a report for you of what he had found after reviewing
7 Reserve Deputy application records and training
8 records?

9 A. Yes.

10 Q. And I'm going to ask you to take a look at that
11 next exhibit. It's going to be No. 17. Is that the
12 letter that you received from Sergeant Tryon?

13 A. Yes.

14 Q. And what's the date on that?

15 A. August 3rd, 2009.

16 Q. All right. Do you remember when this
17 investigation began, roughly?

18 A. July, August, right there at the end.

19 Q. I think the front page of Exhibit 16 may actually
20 have a date on it.

21 A. That's August 12th. That would be the day -- or
22 I'm sorry. Yeah, July 27th he asked me to begin it,
23 so ...

24 Q. Okay. All right.

25 What generally were the findings, or,

1 generally, what was the information that Sergeant
2 Tryon was able to relate to you regarding the
3 application process and the training process of
4 the -- well, I guess, this is just really more the
5 application process of Reserve Deputies.

6 A. It looks like he just -- in reference to
7 Mr. Bates, or the entirety?

8 Q. No. Actually in reference, because I believe
9 this report, you correct me if I'm wrong, Exhibit No.
10 17, does it not apply to numerous records of
11 applications for Reserve Deputies?

12 A. Yes.

13 Q. And, generally, can you tell us what was the
14 conclusion drawn from that review of those records?

15 A. Well, it would appear that several of them did
16 not meet the requirements, or testing process.

17 Q. Okay. Were you able to determine if there were
18 policies in place that were supposed to be followed
19 for anybody that applied to become a deputy or
20 Reserve Deputy with the Tulsa County Sheriff's
21 Office?

22 A. Yes.

23 Q. And did you review those policies to compare what
24 these records showed?

25 A. I did.

1 Q. All right. I'm going to get these out of order,
2 but ...

3 A. Okay.

4 Q. I promise you guys I have numbered them
5 correctly.

6 If you look on the bottom of that stack, No.
7 24.

8 A. Okay.

9 Q. Is that one of the policies which you compared
10 the review of the records against?

11 A. Yes.

12 Q. And what policy is that?

13 A. That's 4-02 Application Selection.

14 Q. All right. And so what does that policy cover?

15 A. It covers the selection process and the
16 requirements therein to become a reserve or a deputy.

17 Q. Okay. And, generally, was there testing both
18 physical and mental or emotional testing that was
19 required?

20 A. Yes.

21 Q. And did Sergeant Tryon's report indicate that
22 that testing was consistently done with applicants?

23 A. No, not consistently.

24 Q. All right. And, so -- and by that we mean some
25 people had to take the test and some people didn't?

1 A. Exactly.

2 Q. All right. Specifically, do we know if Mr. Bates
3 was required to take any of the testing that we're
4 talking about here?

5 A. Umm, I think he -- and I'm just going to go back
6 to what I wrote.

7 Q. Sure.

8 A. I say -- I say -- I think there were four that I
9 found. A check of the related files revealed that
10 this office failed to comply with the written policy
11 regarding testing background investigation. Some of
12 the four Reserve Deputies have been subject to some
13 of the requirements, but not all.

14 Specifically, given the inconsistencies of our
15 practices, Reserve Deputy Bates was not shown favor
16 in the selection process. With regard to training,
17 though, a review of the file showed that he only
18 acquired so many training hours.

19 Q. Okay. So your finding of no preferential
20 treatment regarding Mr. Bates in the application
21 process was based upon the fact that the policy
22 really didn't seem to be in force consistently at
23 all?

24 A. Yeah.

25 Q. So, other people, also, were allowed to enter the

1 program without doing the testing just like

2 Mr. Bates?

3 A. A few.

4 Q. A few?

5 A. Yes.

6 Q. Okay. All right.

7 Just so that we can -- if you'll look at
8 Exhibit No. 25 while we're on the issue of policies.

9 A. Okay.

10 Q. What is Exhibit No. 25?

11 A. That is 16-04 -- policy 16-04 Reserve Deputy
12 Program.

13 Q. So this would cover how one becomes a reserve,
14 who's eligible, what they're going to be allowed to
15 do based on classification?

16 A. Yep. Their chain of command and requirements.

17 Q. All right. And as to both of these policies,
18 both Exhibits 24 and 25, were these the policies that
19 were in place at the time that Mr. Bates was in the
20 process of becoming a Reserve Deputy?

21 A. Yes.

22 Q. All right. And these were the ones that were in
23 place during the time of your investigation?

24 A. Yes, but I might add that I also did -- we are an
25 accredited agency and we have CALEA, and a couple of

1 other accreditations, and those brought forth new
2 requirements.

3 Some of those guys were subjected to the newer
4 requirements, whereas the older ones were not because
5 it wasn't relevant. Does that make sense?

6 Q. Well, it does. And I think what you're telling
7 us is requirements do, over time, change?

8 A. Yes.

9 Q. And, so, and that's why I think we were -- we
10 wanted to particularly look at the policies in place
11 at the time Mr. Bates was going through this process.

12 A. These are those.

13 Q. Okay. All right. Good.

14 Let's -- let's look at, specifically,
15 Mr. Bates and his background and/or training.

16 A. Okay.

17 Q. If I could direct your attention to Exhibit
18 No. 18.

19 A. Okay.

20 Q. Can you tell us what that is?

21 A. That is, ahh, the training record of Robert
22 Bates.

23 Q. And in whose form? Whose record is this?

24 A. The Sheriff's Office reporting.

25 Q. Okay. And what would this particular document --

1 when is it dated?

2 A. It is dated 8-12 of 2009 when it was printed.

3 Q. All right. And this was right at the time you're
4 doing your report?

5 A. That's correct.

6 Q. All right. And so what -- what type of
7 information are we seeing here? What is this telling
8 us about Mr. Bates' training?

9 A. Well, on the right the word "CLEET" appears.
10 Those are the classes that you -- the State has a
11 requirement for Peace Officers, no matter where you
12 are. You have to take so many mandatory hours per
13 year. These would be those classes.

14 You get CLEET credit for some classes.
15 Wherein the next category says, in-service, these are
16 things that you don't or don't fall into that
17 category.

18 The one hot range you do get credit for,
19 weapons training. So, all the rest are in-house
20 training or classes that you don't receive CLEET
21 credit for.

22 Q. All right. And the bottom part, where it says
23 weapons.

24 A. Uh-huh.

25 Q. Explain that to us.

1 A. These are mandatory qualifications that he is --
2 appeared to go. On the right you can see the dates
3 when he went. He got no credit for those.

4 And on -- where it says, score, that is his
5 proficiency with those firearms.

6 Q. Okay.

7 A. Or whatever weapon he shot that day.

8 Q. I assume you have to qualify with your weapon
9 periodically?

10 A. Annually. Annually.

11 Q. Would 100 be a perfect score on the range?

12 A. Perfect score.

13 Q. And what do you have to be -- what score do you
14 have to have to qualify?

15 A. 70.

16 Q. 70?

17 A. CLEET sets that mandate. You must be proficient
18 at least 70 percent annually.

19 Q. Okay. And let's look, then, at No. 19.

20 A. Okay.

21 Q. Is this a document collected during your
22 investigation?

23 A. Yes.

24 Q. And where would this document be -- do you recall
25 where it was found, where you -- how you got ahold of

1 this document?

2 A. Umm, I either got it from his background book or
3 I got it from the Sheriff.

4 Q. Okay.

5 A. Because that's who it's addressed to.

6 Q. Okay. So tell us --

7 A. Maybe his personnel file. Could have been there.

8 Q. And that's where I was going. So, does everybody
9 have a personnel file?

10 A. They do.

11 Q. All right. So, what is this letter?

12 A. This letter is indicating to me that
13 Mr. Wilbanks, attorney at law, is telling the Sheriff
14 that Deputy Bates attended the Tulsa Police
15 Department Basic Approved Training Program in 1964.

16 Q. Okay. And does Mr. Wilbanks indicate how he was
17 aware of that information?

18 A. At that time he was assigned to the office of
19 Chief of Police. So, he had relevant knowledge at
20 the time of it.

21 Q. Okay.

22 A. So he said he was there for it. Is what I'm
23 taking from it.

24 Q. So, Mr. Wilbanks is saying he had personal
25 knowledge about his --

1 A. Correct.

2 Q. -- position with the Tulsa Police Department?

3 A. Correct.

4 Q. Way back in 1964?

5 A. Unbelievable as that may sound. It's hard to get
6 records from '64.

7 Q. Right. And what's the date of this letter?

8 A. This letter is 29th of May, 2008.

9 Q. Okay. Let's look at, then, the State's Exhibit
10 No. 20.

11 A. Okay. Okay.

12 Q. And can you tell me what that is?

13 A. That is State of Oklahoma Council on Law
14 Enforcement Education and Training, or CLEET. That
15 is their -- this is an official record of a law
16 enforcement officer. This is for Robert Bates. This
17 is what he's done, wherever he's done it. This is
18 his -- his official record.

19 Q. Okay. And that was going to be my next question.

20 A. Like a transcript from a college.

21 Q. Is CLEET the ultimate repository of official
22 records of training for officers in Oklahoma?

23 A. Yes.

24 Q. All right. So, we've seen an earlier example of
25 what the Sheriff's Office maintains as record, but

1 there are some of those classes, courses, whatever
2 they are, that are not reported to CLEET?

3 A. Correct.

4 Q. Or you don't get credit for them?

5 A. Correct.

6 Q. I assume those classes or those courses were
7 required by the Sheriff's Office?

8 A. Yes.

9 Q. Okay. So it's in addition to CLEET?

10 A. Additional training, not mandated. This would be
11 mandated for him.

12 Q. And then CLEET -- these are -- it's either
13 mandatory training or it's courses that they give
14 credit for towards whatever your hours to initially
15 be certified or to stay up with your yearly training
16 requirements?

17 A. Correct.

18 Q. Okay. So this -- this would be what I -- would
19 it be proper to say this is the official record?

20 A. Official record.

21 Q. All right. And what's the date of this?

22 A. This is, umm -- I'm not finding the date.

23 Q. Maybe what I can do is back up.

24 A. Okay.

25 Q. If you look down at the bottom of that again.

1 This was something you acquired as a result of your
2 investigation?

3 A. Yes.

4 Q. And what date do you see?

5 A. 8-12 of 2009.

6 Q. And is this something that you -- you requested
7 from CLEET, or you could get online and with your
8 authorization get to it?

9 A. I could have, but I'm not sure if I got it
10 directly or I had Tryon, who was over training, get
11 it for me.

12 Q. Okay. All right.

13 And is there any reference in the official
14 CLEET records of Mr. Bates having been a member of
15 the Tulsa Police Department?

16 A. There is.

17 Q. And what does it indicate?

18 A. It indicates from 1-1-1964 to 1-1-1965, he worked
19 for the Tulsa Police Department as an officer.

20 That's what this tells me.

21 Q. Okay. All right.

22 So, if there's been any question, whatsoever,
23 about whether he did or did not at some time belong
24 to the Tulsa Police Department do you have any doubt
25 about that?

1 A. No.

2 Q. All right. You accept that as fact?

3 A. I do.

4 Q. Okay. All right.

5 Okay. Let's go -- now, your report, which
6 we've got as State's Exhibit 16. The way you've
7 broken this down, obviously, you did interviews of
8 various individuals?

9 A. I did.

10 Q. I'm assuming those people that you interviewed,
11 information came to you somehow that they might have
12 matters of interest in this investigation?

13 A. Yes.

14 Q. So you sat down and interviewed them?

15 A. I did.

16 Q. Okay. I will tell you that some of the people
17 that you have interviewed we intend to bring later
18 before the Grand Jury.

19 A. Okay.

20 Q. So, I don't intend to really belabor what
21 everybody told you just to bring them in here to say
22 the same thing.

23 But I do want to identify some documents. You
24 interviewed a Bonnie Fiddler.

25 A. Correct.

1 Q. And what was Ms. Fiddler's position.

2 A. She was the clerk over training. So her function
3 was to disseminate training information out, collect
4 training certificates, documents back, liaison
5 between our office and CLEET. Would send things to
6 CLEET after training was attended.

7 Q. Okay.

8 A. That's her function.

9 Q. Okay. And in relation to Mr. Bates, did you
10 acquire some training records or certificates
11 regarding Mr. Bates from her?

12 A. I did.

13 Q. Let's look at State's Exhibit No. 21.

14 A. Okay.

15 Q. And what is that?

16 A. That is a certificate of training produced from
17 our office and it certifies that Robert Bates
18 successfully completed eight hours of in-service
19 certified training in law enforcement driver
20 orientation.

21 Q. Okay. What's the date of it?

22 A. The date of that is May 28th, 2009.

23 Q. Now, did you -- or did Ms. Fiddler give you any
24 information, specifically, as to that certificate?

25 A. She did.

1 Q. And, generally, what was her information about
2 that certificate?

3 A. Well, she was instructed by then Chief Albin to
4 produce this document at his behest.

5 Q. And did she have any reason to believe that there
6 are -- or did she indicate any misgivings about that
7 certificate?

8 A. Yeah. That's very unusual. This doesn't occur.

9 Most of the time -- I'm an instructor for our
10 office as well as for CLEET.

11 So, if I put on a class there's going to be a
12 training roster. There's going to be associated
13 documents with it. Sign-in sheets for those that
14 attended the training. And, then, at the end of it
15 all I would ask for certificates upon completion.

16 This was -- she had no knowledge of any
17 classes. No knowledge of anybody attending anything.
18 And it was, hey, I just need you to do this for me is
19 what I got from her, which was unusual.

20 Q. Okay. And who signs those certificates?

21 A. The Sheriff and the instructor.

22 Q. Okay. And I'm going to ask, and I don't know
23 whether you know or don't know, but are either of the
24 signatures on that certificate, are either of those
25 produced by some sort of stamp or electronically, or

1 do you know if they're actually physically signed?

2 A. I would have to look at the original document,
3 but these appear to be those two signatures or
4 they're stamped or written. I've seen them both.

5 Q. Okay. Let me have you go, umm -- let's go back
6 and look at Exhibit No. 18. Keep that one in your
7 hand, but look at No. 18 as well.

8 Now, No. 18 was the Tulsa County Sheriff's
9 Office Record of Training, correct?

10 A. Correct.

11 Q. Does the 5-28-09 certificate, does that training
12 appear on this record?

13 A. It does not.

14 Q. And, again just a reminder, this record was
15 printed August 12th of '09?

16 A. It should have been entered.

17 Q. But it was not?

18 A. It was not.

19 Q. Okay. All right.

20 A. If it -- if the training did occur, it should
21 have been entered.

22 Q. All right. So, we will talk with Ms. Fiddler
23 about that more.

24 A. Okay.

25 Q. But I wanted to -- I just want to be sure.

1 So, again, you acquired that and had this
2 information at the time you wrote your report?

3 A. I did.

4 Q. All right. Let's look at -- well, let's talk
5 about it a little bit first.

6 There was a corporal that you interviewed as a
7 part of this process by the name of Warren
8 Crittenden.

9 A. Correct.

10 Q. And is Mr. Crittenden currently employed by the
11 Sheriff's Office?

12 A. He is not.

13 Q. What is Mr. Crittenden's current predicament?

14 A. He's incarcerated.

15 Q. And, well, let's -- for what, or what status is
16 he in at this point?

17 A. He has been charged with murder.

18 Q. And where is he being held?

19 A. I do not know right now where he's being held.

20 Q. What county is he charged in?

21 A. Tulsa County.

22 Q. All right. And has that case come to a
23 conclusion, or is it still pending?

24 A. It's still pending.

25 Q. All right. So, I'm going to go ahead and talk

1 with you about your discussions with Mr. Crittenden.

2 A. Okay.

3 Q. I don't know that we'll see him here in this
4 room.

5 What was the purpose -- or what was
6 Mr. Crittenden's position at the time of your
7 investigation?

8 A. He was the corporal over the Field Training
9 Program.

10 Q. Okay. Tell us about that program. What -- we've
11 heard a little bit, but I think we need a little bit
12 of an explanation.

13 So somebody comes out of CLEET, that does
14 their basic training, comes out of CLEET and then
15 they enter -- as I understand it, would enter the
16 Field Training Program?

17 A. Correct.

18 Q. And -- in order to complete the full process of
19 becoming fully certified with Tulsa County.

20 A. Right. Most agencies have some sort of field
21 training. It bridges the gap between the basic
22 information that an officer receives at CLEET, just
23 enough to enter the profession and the actuality of
24 how to do that work. It teaches you how to do this
25 work.

1 You have the knowledge of laws and how to
2 drive and how to shoot and how to research and things
3 like that, but what you don't have is the actuality
4 or the hands-on, if you will, how to do the job.

5 Q. So, when Mr. Barris and I got out of law school,
6 thought we knew everything and found that we didn't,
7 it would be kind of the same thing, we needed field
8 training.

9 A. Yes.

10 Q. Okay. All right.

11 So, what is -- literally, how does the Field
12 Training Program, how does it occur, how does it
13 progress?

14 A. In regards to Mr. Bates or for all officers?

15 Q. Well, let's stick with Mr. Bates. How should
16 that process have occurred?

17 A. His is a little bit unique. Reserves have three
18 statuses, a basic, an intermediate, and advanced.
19 And given your status allows you to do different
20 things.

21 And a requirement for Mr. Bates, or where he
22 wanted to be, was advanced, was to complete 480 hours
23 of Field Training Program. These are reserves that
24 can operate like a normal deputy, stop cars, take
25 reports, answer calls. You have to have completed

1 that to do so.

2 Q. Okay. So, in regards to Mr. Bates, though, and
3 we haven't heard this yet and so we need to clarify.
4 Did Mr. Bates in 2008 or so or in that time frame, go
5 down to, I believe it's Ada, Oklahoma, and go through
6 the CLEET training program?

7 A. No.

8 Q. Why did he not have to do that?

9 A. Umm, I don't know.

10 Q. Okay. Did his status as a police officer in 1964
11 play any role in that?

12 A. I think they may have grandfathered him.

13 Q. Okay. So, by that -- when you say, "they", do
14 you mean --

15 A. The office.

16 Q. -- your Tulsa County Office?

17 A. Correct.

18 Q. Okay.

19 A. I mean CLEET. CLEET would grant -- CLEET would
20 grandfather him as having met the requirements before
21 there were those same ones they are now.

22 Like, when I went through CLEET it was
23 380 hours. It's 400 and something now. It grows.
24 It changes.

25 So, they accepted the fact that he was an

1 officer, then, and he was allowed to apply with us,
2 CLEET did, or it wouldn't be on that record.

3 Q. Okay. All right.

4 Is it possible that when that law -- well, I'm
5 not going to speculate on the law.

6 So, if he's grandfathered in from going to
7 CLEET that allows him to go ahead and just start the
8 Field Training Program? That's what happened.

9 A. I wouldn't think -- that's what happened. That
10 probably shouldn't have happened.

11 Most officers that have been out of service
12 for a while have to attend what they call a legal
13 block. A legal block is current law and that's
14 really the only requirement.

15 If they allow -- if they accept your hours as
16 a previous police officer the law has since changed
17 from 1964 to 2009. All right. Some changes have
18 occurred. What was unlawful may not be now or some
19 new law may have been enacted and they tried to give
20 you a refresher to get you current.

21 I don't know -- and that bothered me. I never
22 found that. I never found a legal block for
23 Mr. Bates.

24 Q. Okay. All right.

25 So, let's get into, then, to be a -- what is

1 it a grade three or level three?

2 A. Advanced.

3 Q. Advanced Reserve Deputy he needed to complete
4 480 hours of Field Training Program.

5 A. Yeah. I delineated here if it will help --

6 Q. Sure.

7 A. -- on what exactly he had to do.

8 Q. What page of your report are you on?

9 A. I'm getting there. I'm on page 2.

10 Q. Okay.

11 A. And it's dictated by policy -- in the middle of
12 the first paragraph, under policy, it says, policy
13 16-04 further states that classifications and
14 requirements of the three different levels of Reserve
15 Deputy status. Basic, which is CLEET Basic Reserve
16 Classification of 240 hours or equivalent. That's
17 what CLEET gave him. He got that coming in. You can
18 be that.

19 Intermediate, having met the basic
20 requirements and having a flying arms license.
21 That's our requirement. If you want to go to this
22 level you have to be able to do transportation, all
23 right, and that's a class.

24 It's a -- I think it's a two day or three day
25 class that you have to learn how to wear a sidearm

1 when you transport a prisoner. That's what that
2 means, flying arms.

3 And, then, for three you must have met the
4 previous two and you will complete 480 hours --
5 480 hours of the Field Training Program. That is the
6 only way to get it.

7 Q. Okay. So, tell us, then, what -- what does one
8 do to get eight, 10, 12, 20 hours of field training
9 in? What actually happens?

10 A. Well, for the reserves it's somewhat unique. For
11 the normal officer that's hired and is a full-time
12 officer that the county pays for, they would
13 immediately go into a program. It would be
14 structured. It would be set-up beginning July 1st
15 and until whenever the hours are completed you will
16 go through these phases of the FTO program, with
17 different instructors, at different intervals, or
18 different shifts to get the full effect of the duties
19 you now will hold. Okay.

20 For reserves, it's when you could. And, then,
21 he was not the only one that aspired to do that. It
22 was more slow, but it had to be with a certified
23 instructor, an FTO, a Field Training Officer, and it
24 had to be documented. And those documents are called
25 Daily Observation Reports.

1 Those are generally done in an eight-hour
2 period and they're -- it denotes what you do good;
3 what you do bad; what you should work on; things --
4 topics that you covered, maybe you conducted a rape
5 investigation, or you conducted a traffic stop and it
6 would cover all of those things.

7 And there are places on there, on that DOR to
8 say, your strengths, your weaknesses, et cetera, to
9 help aid you in growing to become the officer that
10 you are aspiring to be. Does that make sense?

11 Q. Uh-huh.

12 A. Okay. So if -- let's say, if I was trying to be
13 on the Reserve Program and I worked 30 hours in my
14 job. Maybe two days a week I would try to do that.
15 So maybe he'd get two, eight-hour shifts, two DOR's,
16 right, every week. So that's how long it would take
17 him. It was dependent upon their schedule and their
18 time frame.

19 Q. Okay. Now, obviously, I'm assuming you wanted to
20 see Mr. Bates' daily sheets for his FTO training to
21 see how many hours could be verified. Is that a fair
22 statement?

23 A. Yes.

24 Q. And how many hours were you actually able to find
25 in daily sheets in his file or in the FTO training

1 records or otherwise?

2 A. 72 hours worth.

3 Q. All right. And did you discuss that with
4 Mr. Crittenden?

5 A. I did.

6 Q. And what did Mr. Crittenden tell you, or what did
7 he represent to be Mr. Bates' number of FTO hours
8 completed?

9 A. I think, and I'm referring to what he wrote, or
10 what I wrote. He still needed to complete 320 hours
11 of the program.

12 They -- he said that he -- during this
13 process, I don't know when it was when Dave came in.
14 He was given two memorandums by then Captain Huckleby
15 to sign that indicated that he had received this
16 training and he was wonderful. One of them -- and I
17 can -- I can read it.

18 Q. Well, we're going to get to those here in just a
19 second, but I guess what I'm looking -- I'm looking
20 at the bottom of the page, date stamp 4, there.

21 A. Okay.

22 Q. It looks like you had a discussion with him --
23 you indicated you found actual documentation of
24 72 hours?

25 A. Correct. I'm with you.

1 Q. But did Mr. Crittenden represent that he actually
2 had more than that?

3 A. Yes.

4 Q. How many did Mr. Crittenden represent that he
5 had?

6 A. He said that he had documented all 328 hours and
7 was told to give those DOR's, that's what I mean by
8 reports, to Captain Huckleby.

9 Q. Okay. You were not able to find those additional
10 reports?

11 A. I still can't.

12 Q. Okay.

13 A. I never have.

14 Q. All right. Regardless 328 doesn't equal 420?

15 A. It does not.

16 Q. Okay. And -- okay.

17 So, let's -- now, let's get back to the 328,
18 despite the fact you couldn't verify those.

19 Mr. Crittenden was of the opinion, as the -- he was
20 over the Field Training Program?

21 A. Yes.

22 Q. That he had completed 328?

23 A. Correct.

24 Q. All right. Let's talk about the memos.

25 A. Okay.

1 Q. I believe that Mr. Crittenden advised you that he
2 had turned in some version of a report about the
3 328 hours completed by Mr. Bates to the superiors?

4 A. Yes.

5 Q. And that report was not what is in the official
6 record, is that correct?

7 A. That's correct.

8 Q. All right. And what -- and let me have you look
9 at Exhibit No. 22. Tell me what that is.

10 A. It's a memorandum, an interoffice memorandum from
11 Chief Albin, from Corporal Crittenden, 5-13 of '09
12 and he's discussing Robert Bates' FTO status.

13 Q. All right. And does he indicate in there, in
14 that memorandum, how many hours Mr. Bates has
15 completed?

16 A. He does. He says 328 hours of FTO training
17 provided by Corporal Crittenden himself and other FTO
18 trainers.

19 And then he further says, as you're aware Bob
20 Bates is a former Tulsa Police Officer and he brings
21 to the Sheriff's Office a wealth of knowledge and
22 experience in the field of law enforcement.

23 I have personally observed Mr. Bates while in
24 the field and have spoken with others in reference to
25 Mr. Bates' progress and based on their comments I'm

1 confident that his progress is such that there is no
2 need for him to continue with the remaining amount of
3 FT0.

4 Q. Who would have to approve variation from the
5 Field Training Program hours that an officer could go
6 ahead and be certified and not meet the minimum
7 hours?

8 A. Well, I think the policy would have to be changed
9 and that would be the Sheriff, Undersheriff.

10 Q. Okay.

11 A. They have that authority.

12 Q. Well --

13 A. The Sheriff has, ultimately -- can change the
14 policy, but it doesn't work that way. I know that
15 sounds vague. It doesn't work that way.

16 Q. Well, we know it did in this particular instance.

17 A. I know.

18 Q. Correct?

19 A. Correct.

20 Q. Okay. So, again, I think I get back to my
21 question is: When -- you're not aware that the
22 policy actually changed to 328 hours, correct?

23 A. It didn't.

24 Q. It stayed 420?

25 A. Yes.

1 Q. So, who would have the authority, short of a
2 policy change, to allow somebody to not complete the
3 full 420 hours?

4 A. I think the chief tried to do this, okay. But to
5 say he would have that authority would be wrong. I
6 don't think he has that. Only the Sheriff can change
7 policy.

8 Q. Okay. Regardless, Mr. Bates as a result of this
9 and other information, I'm assuming, he was -- he
10 went ahead and was allowed to begin operating as an
11 advanced reserved. Was he not?

12 A. Yes, until this investigation.

13 Q. Right.

14 A. Yes.

15 Q. Let's look at Exhibit 23. Are you familiar with
16 that?

17 A. I am.

18 Q. And what is that?

19 A. That is a memorandum from Corporal Crittenden to
20 Captain Huckleby discussing Reserve Deputy Bates.

21 And it informs the reader that this letter --
22 he says that Deputy Bates, who went through the Field
23 Training Program with Crittenden, has completed
24 320 hours in the program. At the completion of
25 320 hours has successfully completed the

1 aforementioned program. It is my opinion that he is
2 capable of performing the functions of a patrol
3 deputy.

4 Q. Okay.

5 A. So, again, he's saying he shouldn't have to do
6 any more. He can do it now.

7 Q. All right. Both of these dated May 13, '09, both
8 supposedly from Corporal Crittenden to his superiors?

9 A. Correct.

10 Q. And did Mr. Crittenden tell you how these two
11 documents actually came into existence?

12 A. Yes.

13 Q. And tell us how that -- what he represented to
14 you.

15 A. He came in -- he was called into a meeting with
16 then Captain Huckleby and Captain Huckleby produced
17 these two in front of him and told him to initial
18 them.

19 Q. All right.

20 A. He did not author them.

21 Q. All right. And when you interviewed
22 Mr. Crittenden, you specifically discussed these two
23 documents?

24 A. I did.

25 Q. Did you ask him whether or not the opinions

1 expressed in the memorandums were his actual opinion?

2 A. I did.

3 Q. And what was his response?

4 A. Total opposite. He was going to recommend that
5 he go through remedial training, if anything.

6 Q. Okay. But to your knowledge, remedial training
7 did not occur with Mr. Bates?

8 A. It did not occur.

9 Q. All right.

10 A. And there's a reason for that.

11 Q. Okay.

12 A. Nobody knew this. Okay. Talking to Crittenden
13 he felt, for lack of a better word, intimidated or
14 threatened or his job would be on the line if he did
15 not let it pass. So this is way down the road, okay,
16 before I'm looking at it.

17 Q. Right.

18 A. So at that time nobody, nobody knew it.

19 Q. Well, actually we're three months down the road.

20 A. Well, three months down the road.

21 Q. Right.

22 A. At least we're three months.

23 Q. Right. Right. Okay.

24 Hold on just a second. And in relation to
25 these documents, did you get an opportunity to

1 interview Tom Huckleby?

2 A. I sat in on an interview that was conducted by
3 then Undersheriff Brian Edwards with him.

4 Q. Okay. And, I guess, just for my edification and
5 the rest of us, you're conducting an Internal Affairs
6 investigation?

7 A. Uh-huh.

8 Q. Does that give you fairly wide latitude into
9 records and interviews and that sort of thing?

10 A. Anything I want.

11 Q. All right. But when it comes to interviewing one
12 of maybe the second, third, fourth in command of the
13 whole department is that maybe a little different?

14 A. It's a little unusual. Umm, would I have done
15 it? Yes. He chose to do it.

16 Q. Undersheriff Edwards did?

17 A. Uh-huh.

18 Q. All right. So you were present?

19 A. Yeah.

20 Q. And did Mr. Huckleby comment on Exhibits 22 and
21 23?

22 A. He did.

23 Q. What was his representation as to the creation of
24 those documents?

25 A. He said that, and I'm reading from here. He said

1 that he was instructed by then Chief Albin to rewrite
2 the memorandums written by Corporal Crittenden to
3 include comments that were made between Albin,
4 Huckeby, and Crittenden during a meeting about Robert
5 Bates.

6 Q. Okay. So -- so his representation was there was
7 a verbal discussion, Crittenden, Albin, Huckeby,
8 about Bob Bates' training and supposedly Crittenden
9 made statements, glowing remarks, about Mr. Bates'
10 abilities that didn't appear in what Mr. Crittenden
11 originally wrote?

12 A. That's what he said.

13 Q. And that Chief Albin instructed Mr. Huckeby to
14 draft new documents that included the glowing remarks
15 and have Mr. Crittenden sign off on them?

16 A. Initial them. Yes.

17 Q. Initial them. Okay.

18 So, now, you have the representations -- at
19 least you've confirmed these two documents were not
20 prepared by Mr. Crittenden, correct?

21 A. Correct.

22 Q. All right. So Mr. Crittenden was accurate in
23 that representation?

24 A. Absolutely.

25 Q. As confirmed by Mr. Huckeby?

1 A. Correct.

2 Q. All right. So, the only dispute you had, then,
3 was between what Mr. Huckleby was telling you
4 Mr. Crittenden said and what Mr. Crittenden was
5 telling you?

6 A. That's correct.

7 Q. About Mr. Bates' abilities?

8 A. That's correct.

9 Q. Okay. All right.

10 A. Can I say one thing that will help you?

11 Q. Absolutely.

12 A. Okay. Also during that interview Captain Huckleby
13 was asked, hey, where are the DOR's? And he said he
14 never got them.

15 Q. Okay. So, according to Crittenden he turned
16 in -- I'm not going to try to do math on the fly,
17 whatever 328 minus 72 is.

18 A. Yeah, good stack.

19 Q. Crittenden says those go to Huckleby --

20 A. At his request.

21 Q. -- at his request? Huckleby says I never got
22 those.

23 A. Correct.

24 Q. So, whatever that difference between those two
25 numbers are, is nowhere documented in the Sheriff's

1 Office that you were able to determine?

2 A. No.

3 Q. Okay. Again, there's a lot more in your report.

4 A. Yes.

5 Q. We're going to have other witnesses here to
6 discuss some of those issues.

7 Once you finished your investigation and you
8 put your report together, what was your conclusion --
9 let's talk about -- well, let's answer your questions
10 here.

11 A. Okay.

12 Q. The two questions that you were told to respond,
13 I think you've already told us what number one was.

14 A. Yes.

15 Q. That Bates was not necessarily given preferential
16 treatment, but it was because those requirements were
17 not enforced for the most part on any of the
18 applicants.

19 A. Correct.

20 Q. Okay.

21 A. And as far as number two.

22 Q. Now tell us about number two.

23 A. I'll just read you what I wrote: I find that
24 within the aforementioned scope of this investigation
25 policy has been violated, continues to be, by both

1 Captain Tom Huckleby and Chief Deputy Albin with
2 regard to special treatment shown to Robert Bates
3 with regard to his field training and with Captain
4 Huckleby and Chief Albin creating an atmosphere in
5 which employees were intimidated to fail to adhere to
6 policies in a manner which benefitted Deputy Bates.

7 Q. Okay. You came to that conclusion.

8 A. Yes.

9 Q. Finished your report and then you, I assume,
10 provided -- did you provide just the report or the
11 report and 289 pages to Undersheriff Edwards?

12 A. Just the report, but -- and that is generally --
13 it was a cursory look. If it was a complete case
14 file, like I mentioned earlier, it all would have
15 been bound in a cover and all of it at the back of
16 it.

17 I still had it, but for his purpose here I've
18 answered your questions. What would you like to do
19 from here?

20 Q. Okay. And you did that on or around
21 August 12th --

22 A. Uh-huh.

23 Q. -- of 2009. And when did you get a response
24 back, if you recall?

25 A. I don't recall the exact date. I'm thinking

1 maybe a week, somewhere in there.

2 Q. All right. And during the course of that week as
3 you're waiting for that response, what was your
4 anticipation the response would be?

5 A. Well, I was gearing up. I thought that I would
6 conduct a -- a -- a full investigation.

7 Q. All right. When you got the response what was
8 it?

9 A. It went to the dead file.

10 Q. Nothing was done?

11 A. Nothing.

12 Q. Not assigned a number?

13 A. No.

14 Q. And would -- where would a dead file be stored?

15 A. Okay, let me tell you about dead files. Make
16 sure everybody understands.

17 Dead files are everything that had a cursory
18 look. That didn't mean that they didn't get looked
19 at, okay, or what happened as a result of having
20 looked at it.

21 Generally, those two things are attached to
22 that and they're placed in a file and retained in the
23 event that, let's say, one of you came down, hey,
24 you've never -- I would call you if it was a
25 complaint or something I would give you a call and

1 say, here's what we found or send you a formal
2 letter. Somehow or another you would be contacted
3 whether you were an employee, a citizen, or whomever,
4 as to what we found. Okay.

5 Then, they would be placed -- retained --
6 retained for the future. And I would be a -- I had
7 two file cabinets in there at the time. And one
8 cabinet was numbered cases, either from detention or
9 from uniformed operations. They were two different
10 sets of numbers. And, then, ancillary documents like
11 workers' compensation things, use of force boards,
12 you know, for getting pursuits things like that.

13 And as those cabinets filled up -- and I had
14 one drawer for a dead file. And as the cabinets
15 filled up I would cycle those things into the
16 basement, into a secure, locked area, and have
17 current things up in the office, because I only had
18 two cabinets.

19 So, I would, you know, every other year or so
20 I would periodically cycle those things out. That's
21 what happened to it. It went to the dead file.

22 Q. And it being a 2009 report would you have
23 expected it to have been moved to the secure area in
24 the basement by --

25 A. Yeah, I put it there.

1 Q. Okay. You did. Okay. All right.

2 And so that -- and that's where it would have
3 been kept until recently?

4 A. Until now.

5 Q. Okay. All right.

6 After this investigation was complete did you
7 continue to receive or hear of complaints regarding
8 Deputy Bates?

9 A. I got a few ancillary things, you know. I don't
10 know if I specifically heard -- I knew that the
11 people that -- I was worried for some of the people
12 that were reporting to -- on this matter. And --
13 and, I guess, I got to kind of explain the
14 environment. It might help.

15 I've been there 20 years, April. And when you
16 first start out you really don't know a whole lot.
17 And you just kind of go and as you progress in your
18 career, five, 10 years -- like a machinist, when a
19 machinist first starts the job he's more of an
20 apprentice and he learns all the functionalities
21 associated with that job and then the people and the
22 politics associated with it, right. The hierarchy,
23 if you will. I'm not just talking about rank. I'm
24 talking about particular people that may have
25 friendships or things of this nature. You learn

1 these things.

2 These people, including myself, I wasn't
3 affected adversely from it, but there were some
4 adverse affects as a result of this having been done.

5 And I -- I -- it wasn't with really the new
6 guys. It was with the people that had been there for
7 some time. The people that have, umm, lived and, you
8 know, senior people. People that couldn't just -- in
9 the police field after a certain age you really don't
10 get to go anywhere because nobody will hire you. You
11 have to be a certain age for a physical.

12 So after 30, 35, you're pretty much stuck
13 where you're at. And if you have children to feed,
14 you have bills to pay, things of this nature, you
15 develop a tolerance to do whatever it is that these
16 people ask you to do.

17 And this was a total back-lash of that. I'm
18 not going to do it. Those two people, those two
19 sergeants that reported this matter, tried to do the
20 right thing. And they did. As a result one of them
21 was transferred. And the other one was -- or both of
22 them were told not to have anything to do with this
23 guy.

24 So now you've taken a guy whose directly under
25 this guy -- these two guys, and said, you don't get

1 to supervise him at all, which is something I've
2 never seen and it's all about the politics of that
3 and what was reported here.

4 Q. Okay. When -- when I talk about this report's
5 done. It's turned in. We know that it wasn't --
6 didn't turn into an official investigation.

7 But to your knowledge did anything regarding
8 Mr. Bates, his classification, what he was or was not
9 allowed to do, did any of that change to your
10 knowledge?

11 A. No.

12 Q. Okay. All right.

13 And the converse, was anybody that tried to
14 enforce the rules paid some price?

15 A. Yes.

16 Q. Okay. All right. Just a second.

17 I'm done with my questions, but we're going to
18 allow -- if the grand jurors have any questions
19 they're going to ask you some.

20 A. Okay.

21 GRAND JUROR 16: Juror No. 16. I was
22 wondering if we ever found the original supposed
23 memos that had been rewritten?

24 THE WITNESS: No.

25 GRAND JUROR 13: 13. You've read the initial

1 petition that was filed against the Sheriff?

2 THE WITNESS: Yes.

3 GRAND JUROR 13: And you saw the list of
4 allegations?

5 THE WITNESS: I think when it was printed in
6 the paper I saw it. Yes.

7 GRAND JUROR 13: Do you agree with any of
8 them?

9 THE WITNESS: I'd have to see it now to. I
10 mean, so much as happened.

11 GRAND JUROR 13: Can I show him?

12 MR. BUCHANAN: Yes.

13 THE WITNESS: Are you talking about the
14 underlying things?

15 GRAND JUROR 13: Yes, sir.

16 THE WITNESS: I would agree with some of
17 those, yes, sir.

18 GRAND JUROR 13: Which ones?

19 THE WITNESS: Gross partiality, oppression,
20 umm, maybe willful -- I don't know about willful.
21 Who are we talking about willful administration?

22 Q. (BY MR. BUCHANAN) Just for the record, umm, you
23 have been handed a copy of the Grand Jury petition,
24 is that correct?

25 A. Yes.

1 Q. And you're looking on about what page?

2 A. I'm looking on the second page.

3 Q. Second page. Okay. Those would refer to the
4 Sheriff.

5 A. Okay. The Sheriff, I don't know about number
6 one.

7 Q. Will you tell us what it is. What the wording
8 is.

9 A. Habitual or willful neglect of duty.

10 Q. Okay.

11 A. I don't know.

12 Number two says, Second, gross partiality in
13 the office. I'm not sure.

14 Q. Is your uncertainty that which you've talked
15 about relating to Mr. Bates here today?

16 A. Yes.

17 Q. Okay.

18 A. Third is oppression. I am -- I'm not sure if him
19 directly, but maybe the people under him. Yes.

20 Corruption? I don't know.

21 Fifth has nothing.

22 Q. Right. Assume that's not applicable.

23 A. You're going to find that?

24 Six. Willful administration as a Sheriff.

25 I don't know him directly, but certainly

1 those -- those that were under him I would say, yes.
2 In this case, yes.

3 Q. Well, maybe -- maybe if we ask the question this
4 way: Clearly -- clearly you have expressed opinions
5 about Huckleby and Albin?

6 A. Yes.

7 Q. And do you have an opinion as to whether or not
8 the Sheriff, umm, was aware of or allowed those two
9 to operate as you've outlined in your report?

10 A. Well, let me start by explaining a little bit to
11 try to answer.

12 Right before -- right before I came into
13 Internal Affairs, we suffered one of the most
14 horrific lawsuits ever as a result of the jail and it
15 involved Huckleby and some others and there was all
16 these allegations. It was a huge thing. Huge thing.
17 So, I came up there and it was right in the middle of
18 that process, right.

19 So, then, Undersheriff would take a cursory
20 look at everything. We want things right. We want
21 things right. So, this cursory look was -- was
22 normal.

23 What was abnormal is that it didn't receive a
24 number based on validity. If you lied during this
25 interim you were gone. There was no integrity here

1 and I think you have to have integrity to do this
2 work. Okay.

3 So here -- and I'm preparing the case work for
4 these -- these -- these Internal Affairs' incidents
5 involving our personnel. A lot of people lost their
6 jobs for failure to either follow policy, or -- or
7 outright lying.

8 But then you have this here. Now, you have
9 the administration doing it. You know, I can tell
10 you I was uncomfortable writing that. This was not
11 fun for me. I was fearful. I'd never experienced
12 anything like this before.

13 Usually it's somebody lesser, right? A
14 detention officer all the way up to a sergeant,
15 maybe, you know, but never a captain or a chief.
16 Okay.

17 The Undersheriff would investigate all of
18 those matters or have them investigated, but not
19 here. Including when he did the interview on this,
20 which was not out of the norm. He's a senior
21 officer. This is a senior officer. I'm a sergeant.
22 It's probably better that way, to do it that way.
23 That a way there's that little rough edge, you know,
24 there's no, I'm a captain. You know. You shut your
25 mouth. That kind of thing. None of that. If you

1 understand what I'm saying. It's much easier from a
2 higher ranking coming down. So that wasn't abnormal.

3 What was abnormal was nothing happened. Do I
4 think they had conversations? Absolutely.

5 Q. Who do you mean by "they"?

6 A. The Undersheriff and the Sheriff. Absolutely, I
7 would think they would have. Why would he not tell
8 him that? I don't know firsthand. I'm not privy to
9 that. You'll have to ask them.

10 Do I believe it based on what I've seen and
11 what I've lived for the time I've worked there?

12 Yeah. Absolutely.

13 But nothing happened here and this to me is --
14 is as bad or worse than some of the things that
15 people lost their jobs for under this Undersheriff
16 who didn't tolerate any lying and wanted everything
17 to be right. What -- what -- I don't know where the
18 rub is. You know, I don't know what -- where's that
19 line?

20 So, you know, this particular case for me, you
21 know, it was kind of my turning point, you know.

22 I'm -- I'm losing a little faith here. All right.
23 You profess these things, integrity, honor, but this
24 is in the dead file.

25 So, it was no secret that I was opinionated in

1 that manner to -- to -- those I worked with. Okay.

2 And was I nervous about that? Yeah. But, you
3 know, I didn't want to write it. I didn't want
4 anything to do with this.

5 This is one of those hot potatoes that you
6 don't want to do anything with. And everybody has a
7 take on it. Ahh, it's just your perception. No,
8 it's not. It's factually based and these things
9 occurred. What you going to do? Nothing. Okay.
10 Now, you've shown me who you are, so to speak. Does
11 that make sense?

12 GRAND JUROR 16: It does.

13 GRAND JUROR 9: Juror 9. Based on all this,
14 okay, yeah, I know it's tough being in a position,
15 you're writing a report to your superiors. I fully
16 understand that. Yeah, my job could be on the line
17 for this report, et cetera, et cetera.

18 But in discussion when we're talking about
19 maladministration of the Sheriff, in your opinion
20 with this report did this, as you said, the Sheriff,
21 Undersheriff were going to talk. I imagine an
22 organization this size, at least as Undersheriff is
23 going to be somebody that's probably going to be in
24 his office regularly, in the Sheriff's Office.

25 So, would the Undersheriff have brought this

1 to the Sheriff's attention.

2 THE WITNESS: I would think so. Most people
3 that go through an Internal Affairs investigation and
4 there's validity that is found. Umm, well, you go
5 through a pre-action. I'm sorry. It's where -- it's
6 a board, your supervision team, including the
7 Undersheriff, would render a verdict of what to do
8 with you. Whether that be a letter of reprimand all
9 the way up to termination. It could be anything in
10 between.

11 Just like there is in most places where
12 people don't follow the rules, right? There's some
13 sort of catch-all.

14 Those -- the Sheriff is the appeal in all
15 those processes and made aware that this one was
16 terminated or this one got this. He knows those
17 things. This would not be unusual for him not -- to
18 know this.

19 GRAND JUROR 9: So you say the Sheriff is --
20 in cases of disciplinary or personnel matters of this
21 level the Sheriff is definitely hands-on, or I mean
22 aware of them?

23 THE WITNESS: I'm not saying hands-on. I'm
24 saying he's aware of them. He can either agree with
25 the finding of the board or change it based on what

1 he thinks of the case work. Okay. He is the
2 ultimate decision maker of this agency. All right.
3 The rest of the people work for him. All right.

4 He's made aware of all the other things. I
5 thought to myself, why wouldn't he be made aware of
6 this? This involves staff members, not detention
7 officers, not deputies. This is staff.

8 Staff are appointed. A chief is appointed.
9 Wherein like me a captain or a sergeant has to test.
10 You have to test for that position.

11 GRAND JUROR 16: Juror 16. One of the
12 documents you stated had two signatures on it, on the
13 exhibits. I'm not familiar with the number.

14 THE WITNESS: Oh, the training certificate it
15 had Sheriff Glanz and Tim Albin.

16 GRAND JUROR 16: Okay, excellent. I wasn't
17 clear on who signed them.

18 THE WITNESS: That's the two.

19 GRAND JUROR 16: So he was obviously aware of
20 that if he signed it, correct?

21 THE WITNESS: Either by stamp -- well, he
22 asked Bonnie to produce that certificate. So Tim
23 Albin was definitely aware. I don't know if Stanley
24 signed it or if that's a stamp. I'd have to see the
25 original.

1 GRAND JUROR 9: Juror 9. On that particular
2 document, while we're on that subject. Did you state
3 that the instructor normally signs it?

4 THE WITNESS: Yeah, Tim was the instructor on
5 that.

6 GRAND JUROR 9: Tim Albin was the instructor
7 on that one?

8 THE WITNESS: He was. It says Certified
9 Instructor and Sheriff.

10 GRAND JUROR 9: And during that period was Tim
11 Albin --

12 THE WITNESS: He was a driving instructor.

13 GRAND JUROR 9: -- was a driving instructor?

14 THE WITNESS: He was and is.

15 GRAND JUROR 15: Juror No. 15. After all of
16 this, because this was in 2009.

17 THE WITNESS: Uh-huh.

18 GRAND JUROR 15: Did you kind of look out and
19 see kind of how Bates was doing? Did you kind of,
20 like, open your eyes to maybe he might be a little
21 bit of a problem or could be unsafe? Did you,
22 what --

23 GRAND JUROR 16: I'm sorry. I wouldn't think
24 he would. I mean, keep your head low.

25 THE WITNESS: No, I did not.

1 GRAND JUROR 15: Did --

2 THE WITNESS: I transferred -- I stayed there
3 for about four years after '09, '10, I tested and I
4 was gone after that. So I got promoted and was
5 moved.

6 GRAND JUROR 15: And you left Internal
7 Affairs?

8 THE WITNESS: And other people were.

9 GRAND JUROR 15: Have you had any repercussion
10 because of this report?

11 THE WITNESS: Personally, no.

12 GRAND JUROR 13: 13. When you do your
13 investigations how much access do you have to
14 documentation, say, from the bottom up? How far up
15 can you pull?

16 THE WITNESS: As an Internal Affairs'
17 investigator?

18 GRAND JUROR 13: Yes, sir.

19 THE WITNESS: All access.

20 GRAND JUROR 13: In terms of the Sheriff, how
21 often does he get reports in terms of activities? Is
22 it quarterly, fiscally, every day, or when does he
23 get to read --

24 THE WITNESS: With respect to the
25 investigations?

1 GRAND JUROR 13: No, just operations in
2 general.

3 THE WITNESS: Every day.

4 GRAND JUROR 13: Or if there is an incident --

5 THE WITNESS: Every day.

6 GRAND JUROR 13: -- such as, or --

7 THE WITNESS: We have a staff meeting every
8 day wherein captains and chiefs and the Undersheriff
9 and the Sheriff daily talk about on-goings in the
10 office.

11 And, then, once a week they have a staff
12 meeting and that would be majors and above attend
13 that to discuss new policy limitations, things of
14 that nature, or directions things like that.

15 Investigations, I think, would be a discussion
16 between the Undersheriff and the Sheriff. That
17 information is classified.

18 GRAND JUROR 13: Are minutes kept during those
19 particular --

20 THE WITNESS: Of staff meetings?

21 GRAND JUROR 13: Yes.

22 THE WITNESS: Yes.

23 GRAND JUROR 13: So do you go through those as
24 well in terms of minutes?

25 THE WITNESS: What do you mean minutes? Of

1 what people said?

2 GRAND JUROR 13: Yeah. During -- any
3 documentation saying, for instance, we got -- she's
4 recording everything --

5 THE WITNESS: There is a secretary in there on
6 the staff meeting that denotes notes of what occurred
7 in the meeting. Yes.

8 GRAND JUROR 13: Right.

9 THE WITNESS: Have I ever seen them? No, I've
10 never had to -- the reason to go, hey, can I look at
11 those?

12 GRAND JUROR 13: Right. I say when those
13 complaints came through and say, for instance, now
14 you're doing your investigation now do you include
15 their documentations?

16 THE WITNESS: If it was pertinent to an
17 investigation, yes. Again, this was a cursory look.
18 This wasn't a full investigation.

19 GRAND JUROR 13: Right.

20 THE WITNESS: This was, hey, check it out.
21 See if there's any truth to the matter. If there is
22 come back and see me. And that's what happened.

23 You know, I anticipated that an investigation
24 would ensue. And it might have included some of
25 those things. I might have included conversations

1 with other people.

2 I didn't talk to Chief Albin in this. I
3 didn't need to. I didn't see the need to based on
4 the perimeters I was given.

5 You know, if an investigation would have
6 ensued, would I have? Yeah. Are you kidding? Yeah.
7 You made this happen. Yeah. I want to talk to you
8 or, allegedly, I need to know.

9 MR. BUCHANAN: Maybe just for everybody's
10 clarification. Is Tim Albin still an employee of the
11 Sheriff's Office?

12 THE WITNESS: He's not.

13 MR. BUCHANAN: Is Tom Huckleby an employee of
14 the Sheriff's Office?

15 THE WITNESS: He is not.

16 GRAND JUROR 8: Juror 8. On the same note as
17 that. Undersheriff Edwards resigned after this,
18 right?

19 THE WITNESS: I don't know if it was after
20 this. He -- he pursued another opportunity with
21 GRDA.

22 GRAND JUROR 8: Okay.

23 THE WITNESS: So he severed himself from the
24 office. I don't --

25 GRAND JUROR 8: So there was no pressure? He

1 had another opportunity.

2 THE WITNESS: Yeah. He's in charge of GRDA
3 Power Company.

4 GRAND JUROR 8: Yeah.

5 GRAND JUROR 16: 16. You mentioned they're no
6 longer with the company. Did they resign or were
7 they terminated?

8 THE WITNESS: From what I -- Tom Huckleby
9 resigned. And from what I gather Tim Albin did the
10 same. I think they both resigned.

11 I mean, I'm not in the room with those guys
12 when they did it. I wasn't even here. I was in a
13 training in Oklahoma City. So I saw it on the news.
14 Oh, I don't work here anymore. I don't work here
15 anymore.

16 JUROR 21: Juror 21. Was that after April?

17 THE WITNESS: Yeah. This was, like, two
18 months ago.

19 GRAND JUROR 9: Juror No. 9. Couple real
20 quick questions regarding some policies and
21 procedures -- or not policies. But the CLEET
22 courses, are those delivered in classroom by CLEET
23 organization?

24 THE WITNESS: It doesn't work that way.

25 GRAND JUROR 9: Okay.

1 THE WITNESS: Most agencies have instructors
2 that have been certified by CLEET to instruct. And
3 the class work that they teach depends. It could be
4 driving, firearms, criminal investigations, as long
5 as it's certified, drug recognition expert program.
6 It could be a variety of things.

7 So long as you are a CLEET instructor, then,
8 that class you have to get approval from CLEET and
9 they'll say, yes, we'll give you credit for this
10 class. If they do, then, you get CLEET credit for
11 it.

12 You have to do 24 -- 25 mandatory hours per
13 year and you have to do two mental health hours. So
14 you have to have two, at least, eight hour classes,
15 one little class and another little class for mental
16 health. All right.

17 GRAND JUROR 9: Okay. Yeah.

18 THE WITNESS: Most agencies do in-house
19 training to better their officers continually. It
20 never stops.

21 GRAND JUROR 9: So you will have CLEET
22 officers on your --

23 THE WITNESS: Most of the time, like me, they
24 would use me or anybody else that's a CLEET
25 instructor. An instructor is an instructor and

1 that's the way CLEET is.

2 I can teach everything except for special
3 classes, like, driving or firearms because those are
4 unique animals and you have to go through a
5 certification process for that.

6 But most other classes a CLEET certified
7 instructor can teach, because CLEET certified you do
8 teach.

9 GRAND JUROR 9: The curriculum for the
10 class --

11 THE WITNESS: Yeah, you have to submit that --

12 GRAND JUROR 9: It has to be approved by
13 CLEET?

14 THE WITNESS: -- they have a format. And they
15 have to have testing and they have to approve it.
16 And one of those things is mandatory sign-in sheets.

17 GRAND JUROR 21: And are those sign-in sheets,
18 those are then put into a database?

19 THE WITNESS: Yes. Now, I will tell you CLEET
20 gets sometimes behind, you know, for the amount of
21 paperwork they do. And -- and, you know, I don't say
22 that that's for that document that's not in there for
23 the class, that should have well been in there. That
24 was way past when it occurred. I don't understand
25 that. It wasn't there.

1 GRAND JUROR 9: Do you know of -- sorry.
2 Juror No. 9 again.

3 Do you have any knowledge of the length of
4 time that Bob Bates served on Tulsa Police
5 Department?

6 THE WITNESS: Yes.

7 GRAND JUROR 9: How long was that?

8 THE WITNESS: One year --

9 GRAND JUROR 9: One year?

10 THE WITNESS: -- from the record I gathered.

11 GRAND JUROR 9: Okay. I just wanted to see if
12 there was any more than that. That's what I
13 gathered, too.

14 THE WITNESS: No, the record from that time
15 frame, I mean, I think that's what that letter was in
16 reference to because there was a guy that actually
17 was there at the time. The recordkeeping then and
18 recordkeeping now are two different things.

19 You didn't have CLEET back then. Okay. You
20 didn't have an agency governing police training and
21 the requirements they should have back in those days.
22 It's different today.

23 GRAND JUROR 9: So from 1964-1965, let's say,
24 if he left the force in '65 through 2009 when he
25 joined the force --

1 THE WITNESS: Uh-huh.

2 GRAND JUROR 9 -- no record of training during
3 that period of time through CLEET or otherwise?

4 THE WITNESS: Well, if he wasn't employed by a
5 peace officer he wasn't mandated to.

6 GRAND JUROR 9: Right. So, umm, I guess what
7 I'm getting at is you've got this huge gap and how
8 much credit was he given for what level? I mean,
9 basic, advanced, otherwise, does he come straight in,
10 in advanced?

11 THE WITNESS: No, the basic level is a CLEET
12 certification. And what I'm saying in regards to
13 Mr. Bates was CLEET grandfathered him for his year
14 service because, then, Tulsa Police and they still
15 do, have their own academy here. They teach their
16 own officers, but it's CLEET certified. Okay.

17 And I'm sure they taught him during that --
18 that process there, or they wouldn't have put him
19 down as having been an officer for one year. You
20 don't get that unless you've done something. It
21 doesn't work that way. It doesn't magically appear.
22 If I didn't complete my training my name would not
23 appear on the scroll.

24 You have to -- and that gets you reserve
25 basic status. Period. Because CLEET has certified

1 you as having had training or been grandfathered for
2 the training you did have as a police officer.

3 GRAND JUROR 9: So did Mr. Bates come in as a
4 basic reserve officer based on that?

5 THE WITNESS: Yes. He would be hired in as a
6 basic officer.

7 GRAND JUROR 9: How long did it take him to
8 get from basic to advanced?

9 THE WITNESS: Well, that -- therein lies the
10 question.

11 GRAND JUROR 16: Juror 16. Did you ever ask
12 for a maybe -- we talked about an employee file,
13 personnel file, from the TPD or did they even have
14 those in that time frame?

15 THE WITNESS: I think I had to go through
16 CLEET and I got that letter from his personnel file I
17 think and his application process. I don't think
18 there were any records for me to get, truthfully.

19 GRAND JUROR 16: So no one ever gave us any
20 reason why Mr. Bates left the department.

21 THE WITNESS: No. I don't have a reason as to
22 why.

23 GRAND JUROR 16: I was curious if he resigned
24 or if he was asked to resign.

25 THE WITNESS: You can ask the Tulsa Police

1 Department. They would be more apt to answer that,
2 than I.

3 GRAND JUROR 5: Juror No. 5. So after 2009,
4 after you put it in the dead file and everything, do
5 you feel, like, kind of it was, like, a morale
6 changer? I mean, did it kind of change? I mean,
7 people now, like, if we bring something up it's not
8 going to matter. They're going -- I mean, they're
9 going to shoot it down.

10 But did it kind of -- I mean, from 2009
11 to 2015, did that kind of -- if there was something
12 going on that people felt crooked inside they kind of
13 just, there's no reason to bring it up because it
14 might not go anywhere anyway.

15 So did it kind of change the morale of some
16 of the officers, not all of them, maybe, because not
17 everybody knows. But, I mean, kind of change
18 people's views on kind of the Sheriff's Department
19 and the chain of command in the Sheriff Department?

20 THE WITNESS: It did mine. I would think
21 that, umm, it probably solidified the fact that they
22 were not to mess with this guy. I think that would
23 be a fair assumption.

24 GRAND JUROR 8: Solidified the fact that...

25 THE WITNESS: Not to mess with Deputy Bates.

1 As evident -- and I wrote in that report when, you
2 know, he was questioned by those guys he would run to
3 those other two guys and then they would come back
4 and say -- cuss at them and don't mess with this guy.
5 You know, that's evident. You know, it's written
6 down right there.

7 GRAND JUROR 16: Juror 16. I want to thank
8 you for being so forthcoming and ask you this: Is
9 there anything you feel like you need to say that we
10 haven't asked you?

11 THE WITNESS: I don't think so.

12 GRAND JUROR 13: 13. If we need to talk to
13 you again would that be okay?

14 THE WITNESS: If you need to.

15 MR. BUCHANAN: Anything else from the Grand
16 Jury? All right.

17 MR. BARRIS: We'll show that it's 3:16 p.m. on
18 August 6th, 2015. We're going to take a brief five
19 to 10-minute recess.

20 (End of proceedings.)
21
22
23
24
25

C E R T I F I C A T E .

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS.

I, Tami Morse, Official Court Reporter, within and for the State of Oklahoma, do hereby certify that on September 6, 2015, before the impaneled Grand Jury in the District Court of Tulsa County, State of Oklahoma, I reported in machine shorthand the proceedings had and the evidence given, and the above and foregoing is a full, true, correct and complete transcript of the proceedings had and testimony given, taken at said time and place.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 28th of January, 2016.

Tami Morse, CSR-RPR
TAMI MORSE, CSR-RPR
CERTIFIED SHORTHAND REPORTER



Tami Morse
State of Oklahoma
Certified Shorthand Reporter
CSR # 1973

My Certificate Expires 12-31-16

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

MARQ LEWIS,

Plaintiff,

vs.

Case No.
GJ-2015-1

IN RE GRAND JURY,

Defendant.



ORIGINAL

DISTRICT COURT
FILED

TRANSCRIPT OF PROCEEDINGS

JAN 29 2016

HAD ON

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

SEPTEMBER 14, 2015

BEFORE THE IMPANELED GRAND JURY

REPORTED BY:

TAMI MORSE, CSR-RPR
500 S. DENVER, SUITE 111
TULSA, OK 74103
tami.morse@oscn.net
(918) 596-5371

A P P E A R A N C E S

FOR THE STATE:

Rob Barris
Jared Sigler
Special Appointed Tulsa County
District Attorneys
500 S. Denver, Ste. 900
Tulsa, Oklahoma

P R O C E E D I N G S

MR. BARRIS: It's now 1:02 p.m. on August the 14th, 2015.

The Grand Jury is back in session after the luncheon recess.

All members of the Grand Jury are present as well as all three alternates as well as myself and Mr. Sigler from the Washington County DA's Office as legal advisors.

Ladies and Gentlemen, our next witness, I believe, is available and waiting for us. His name is Shannon Clark if that's all right.

Anything preliminary? Are we ready to go?

(Witness and his attorney, Eric Stall, entered the Grand Jury Room.)

GRAND JUROR 9: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes, I do.

GRAND JUROR 9: Have a seat.

THE WITNESS: Thanks.

SHANNON CLARK,

Having been first duly sworn, testified as follows:

DIRECT EXAMINATION

1 Q. (BY MR. BARRIS) Would you state your name,
2 please, sir.

3 A. Shannon Clark.

4 Q. Okay. And Mr. Clark, you are here today with
5 your attorney, is that correct?

6 A. That is correct.

7 Q. Eric Stall. And you've requested his presence as
8 your personal attorney, is that correct, sir?

9 A. Yes, I have.

10 Q. Okay. Mr. Clark, can you tell us, please, sir,
11 what your business or occupation is?

12 A. I'm currently on unemployment.

13 Q. Okay. What was your previous occupation, sir?

14 A. I was a major and Public Information Officer at
15 the Tulsa County Sheriff's Office.

16 Q. And how long did you serve at the Tulsa County
17 Sheriff's Office altogether, sir?

18 A. Since November of 2000. It was 14 years,
19 six months.

20 Q. And you said, I believe, May 29th, 2015, was your
21 last day on the job?

22 A. That's correct.

23 Q. Okay. At that time, sir, what was your rank and
24 your duties on that day?

25 A. I was a major, Public Information Officer, and

1 Jail Administrator.

2 Q. How long had you served in those positions?

3 A. I had been a major for three years. I had been
4 the Jail Administrator for just over a year and I'd
5 been the Public Information Officer for six years.

6 Q. Six years?

7 A. Yes.

8 Q. Okay. If I could, sir, I want to initially draw
9 your attention to April the 2nd, 2015.

10 On that date, am I correct that a shooting
11 incident involving an officer by the name of Bob
12 Bates occurred?

13 A. It did.

14 Q. What was your role in that particular matter?
15 How did you find out about it, things of that nature.

16 A. I received a text message from Major Tom Huckleby
17 saying that Bob had shot someone and I waited for
18 further information, as I typically would do on a
19 scene situation like that. He was alerting me to the
20 fact because, obviously, the media would be calling.

21 This was a unique situation at this particular
22 shooting because they were using an encrypted channel
23 because it was an undercover operation so it wasn't
24 out on the scanners where the media would pick it up
25 as soon as it happened.

1 So, I was called -- so, I had decided, once
2 there was a shooting and that they were on a scene, I
3 got Captain Billy McKelvey, which was my Admin
4 Assistant, and Deputy Chris Cook, that was my Admin
5 Assistant, and we both worked in the public
6 information field. They would back me up and assist
7 me in those roles. And we loaded up in a vehicle
8 together and went to the scene.

9 Q. Okay. When you arrived at the scene did either
10 yourself or Mr. McKelvey or Mr. Cook participate in
11 any way in the actual investigation of the crime
12 scene, or the area where the shooting had occurred?

13 A. We -- we were probably listed in the crime
14 science log because we did enter the area, but we did
15 not participate in the investigation at all.

16 Q. What did you do at that time when you arrived at
17 the scene?

18 A. I contacted Major Huckleby, which was on scene.
19 He was the highest ranking scene commander present.
20 And I basically asked for the basic information that
21 I needed to give to the media because one of the
22 reporters from Fox 23 had arrived. And so I needed
23 to give some sound bite, some basic information. So
24 I just requested simply for him to explain to me what
25 had transpired there.

1 Q. And so did you receive a briefing from him at
2 that point as to the basic facts on what had
3 occurred?

4 A. Yes.

5 Q. And based on that did you then supply information
6 to the media in your role as a Public Information
7 Officer for the Sheriff's Department?

8 A. I did.

9 Q. During that time period, either right then or
10 shortly after the shooting, in a matter of a day or
11 two or so, did you receive any information from Billy
12 McKelvey concerning a matter, or a document that
13 might cause problems with the media and the Sheriff's
14 Office?

15 A. Within a day or two?

16 Q. Well, roughly around that time, perhaps, a few
17 more days. I don't know when exactly, but during
18 that time period.

19 A. Well, I received information about a document,
20 but it was later. It was several -- it was a couple
21 weeks later.

22 Q. Okay. Tell us about that. From whom did you
23 receive it? How did you receive that information?

24 A. Okay. I'm going to be real candid with you.

25 Q. Okay.

1 A. Basically, long story short, during the Bates'
2 incident I had given some basic preliminary
3 information about the scene.

4 Now, anybody will tell you that have worked
5 with me for many, many, years a lot of times the
6 scene commanders would know to only give me the basic
7 information because I was of the opinion if I didn't
8 know it, I couldn't say it. I couldn't have a
9 freudian slip and say something improper that I
10 shouldn't say about an investigation.

11 Now, this was similar in the Bates' situation.
12 I gave the preliminary information. We were doing
13 some updated information that I was getting from the
14 scene command similar to -- it was, what, 12,
15 24 hours later I found out that there was even a
16 video of the incident. That came in later after the
17 investigation. So I was told to put something out on
18 that.

19 And, then, later on what -- what I believe
20 he's referring to there was a document -- there was
21 rumors of a document that started to surface in the
22 media about an investigation that had taken place
23 back several years ago, around '09.

24 And during this time I called over -- I had
25 got some information from several media outlets

1 asking specific information about this 2009
2 investigation. I had no knowledge of it.

3 I contacted Undersheriff Tim Albin and asked
4 him if we had a 2009 investigation. He said, I don't
5 know. Let me look into it.

6 So, he called me back. He said we have no --
7 no record of a '09 investigation. What are they
8 referring to? I said, it was an Internal Affairs
9 investigation. Don't have any -- any evidence of
10 that.

11 Okay. So, long story short, as it progresses
12 I'm being told we have no documentable record.
13 There's a media news story with me saying we have no
14 documentable record of this 2009 investigation. I
15 was told that we had no record of a 2009
16 investigation.

17 There's three ways that we kept records. We
18 had our original computer we do crime reports on,
19 which we call SOMS or -- and/or Traces, depending on
20 what year it was.

21 We had another report that we kept and it was
22 called the Sheriff's assignment log, which anything
23 that comes into the Sheriff he gives an assignment
24 log and then depending on what your rank is he will
25 assign you a case. And then you have to respond to

1 it and send him back the information and his
2 secretary will clear it. If the Sheriff agrees with
3 whatever the deal is. The third way that we track
4 information was through an Internal Affairs' data
5 base.

6 So the Undersheriff had checked those and said
7 we don't have any -- there's no 2009 document of any
8 kind. The media concern continued to grow about this
9 alleged 2009 investigation.

10 Now, with my experience with the media some of
11 the reporters that were calling, I believed in my
12 heart, that they knew more than I did about some
13 investigation that had taken place. Otherwise,
14 they're not going to ask those questions.

15 So, I, again, contacted the Undersheriff.
16 Said, seriously, we need to be figuring out what's
17 going on. They're really asking about this 2009
18 report.

19 I was approached, like, the -- okay, I think
20 the big press release that we did where Sheriff Glanz
21 got in front of all the cameras was like on the 20th.
22 So this would have happened the Tuesday prior to that
23 event.

24 Billy -- Captain Billy McKelvey had come in my
25 office and he said, I need to go see the

1 Undersheriff. And, so, I granted permission. And
2 that was typically the way that our office worked.
3 He needed to see him. I didn't ask.

4 But, he said, I would like for you to come
5 with me. And I had another meeting or another
6 engagement-- there was something else going on and I
7 couldn't be there exactly at the time he met, but I
8 did come in later and they were at the Faulkner
9 Building in the conference room.

10 So I come in. They were in a closed door
11 meeting. I walk in. It's Billy McKelvey and the
12 Undersheriff.

13 I walk in. Billy is leaned back in a chair.
14 The Undersheriff is leaned back in a chair and you
15 could always tell when the Undersheriff was -- was
16 stressed is because he would take -- he would have
17 certain movements with his glasses and do different
18 things. If you guys get to meet him somewhere down
19 the road you'll see what I'm talking about. If he
20 gets stressed.

21 And he had laid his glasses back and he was of
22 concern. And I could tell there was something going
23 on and Billy was -- also, you could read on his body
24 language of some concern.

25 A long story short, he -- Billy had presented

1 the Undersheriff with a 2009 investigation that was
2 conducted by Robbie Lillard given to, at then, the
3 former Undersheriff Brian Edwards.

4 Okay. So I kind of come into the end of it.
5 He's kind of wrapping it up. The Undersheriff is
6 showing some grave concern and he says, I've got to
7 get this to the Sheriff.

8 And, then, that was -- that was kind of the
9 last there was. So we go back to the jail where I
10 officed and where Captain McKelvey officed.

11 As we sat in our offices Billy came over and I
12 said, what was that all about? He said, there was --
13 this 2009 investigation they're talking about I have
14 a copy of that.

15 And I said, how did you get a copy of it and
16 where did it come from?

17 He said, well, he said, the reason I need to
18 meet with the Undersheriff -- Billy was in Internal
19 Affairs for several years and there was, and I don't
20 mean to be jumping around, but to kind of put it into
21 perspective.

22 At then, Sergeant Robbie Lillard was the
23 supervisor of Internal Affairs that answered directly
24 to the Undersheriff Brian Edwards. Billy McKelvey
25 was a corporal then that answered to Robbie Lillard.

1 Then to the Undersheriff.

2 When Robbie Lillard got promoted to Captain
3 and was transferred to the Detention Division, Billy
4 watched Lillard, so he tells me, he was watching him
5 download things from his Internal Affairs computer on
6 to thumb drives, which made him concerned that he was
7 doing that.

8 One, it's an unethical practice. Internal
9 Affairs isn't supposed to take documents home.
10 They're not supposed to take things out of the
11 office. He was watching this happen.

12 So he said after Lillard was promoted and
13 transferred he asked Internal Affairs to recycle that
14 computer, but he wanted a mirror image copy of that
15 machine for Internal Affairs Division to keep it
16 because he didn't know what was on it, but he wanted
17 to make sure that he had all the documents for
18 ongoing investigations and those kind of things.

19 Which in the mind of a law enforcement
20 officer, you know, he's using his investigative
21 talents or expertise to know I need to have that
22 computer.

23 He told me that when all this started
24 surfacing that he had went back to look into that
25 computer because the rumor started surfacing about

1 Robbie Lillard doing some document. So he went back
2 into the computer and found something that was of
3 concern to him and that was the document he took to
4 the Undersheriff.

5 So after he explained to me what that report
6 was I called the Undersheriff, Tim Albin, and said,
7 what do you want me to do now?

8 And he goes, well, there's no -- we don't have
9 that in any of our systems. I asked Internal Affairs
10 to pull it. There's nothing. I've looked in all our
11 different data bases. There's nothing.

12 Continue to tell the media we don't have any
13 documentable record of that report being generated in
14 our office. Hence, the quote that I said to the
15 media. We have no documentable record.

16 I wasn't lying. It was semantics. We really
17 didn't have a documentable record. There was a
18 record that was produced in a computer, but Robbie
19 did it on a Word document, not under an Internal
20 Affairs number or assignment. It was like a personal
21 investigation for Undersheriff Edwards at the time.

22 So, as it continued to grow and manifest
23 itself and the media continued to call more and more,
24 my understanding is the Undersheriff met with Sheriff
25 Glanz that Wednesday morning. We -- Billy presented

1 it to him on Tuesday. The Undersheriff meets with
2 the Sheriff on Wednesday morning. Tells him about
3 it.

4 The response I get from the Undersheriff is
5 the Sheriff wasn't too concerned with it. He kind of
6 glanced at it. Threw it back on the desk. And said,
7 yeah. Something about so -- so what? Meaning -- and
8 I asked the Undersheriff, what does that mean to you?
9 And he said, it means to me that he already seen it.
10 He didn't need to read it. It's 13 pages long.

11 Q. Let me stop you for just a minute.

12 Right in front of you, underneath that
13 stapler, is a document marked as Exhibit No. 16
14 that's been admitted before this Grand Jury.

15 A. Yes.

16 Q. Can you identify that? Have you seen that
17 document before?

18 A. I believe so. It looks as though it's the
19 document that I've seen before.

20 Q. And is that the 2009 report that you've been
21 referencing in your testimony at this point that
22 there were concerns about difficulties locating,
23 things of that nature?

24 A. Yes, it is.

25 Q. When did you first see the report yourself?

1 A. About three days after the press conference that
2 was conducted by the Sheriff.

3 Q. Which you said was on the 20th?

4 A. Right. I believe it was that Wednesday when I
5 actually received a copy of it.

6 The first copy that I had seen actually come
7 through a media outlet. They actually e-mailed it to
8 me on my computer and then Billy McKelvey had given
9 me a copy of it.

10 Q. And taking it the 20th as being the day of this
11 press conference?

12 A. Is that on a Monday?

13 Q. Yes, sir.

14 A. I believe that's the press conference date.

15 Q. You said it was the prior Tuesday that this
16 initial meeting that McKelvey had with Albin and you
17 present had occurred?

18 A. Yes.

19 Q. Which would have been the 14th?

20 A. Yes.

21 Q. Okay. So during that time period is when efforts
22 were being made, supposedly, to locate this report,
23 things of that nature, and you were asking about it,
24 asking that you -- Undersheriff Albin how to obtain a
25 copy?

1 A. Yes.

2 Q. Okay. When you spoke with Undersheriff Albin
3 about him providing a copy of the report to Sheriff
4 Glanz, did he tell you when that event occurred, when
5 he actually provided him a copy of it or asked him to
6 look at it.

7 A. He told me it was the morning following our
8 meeting, which would have been that Wednesday
9 morning. We met on Tuesday. It would have been
10 Wednesday morning.

11 Q. So April the 15th?

12 A. Yes.

13 Q. Okay. What concern did you observe from the
14 contents of the report itself as the Public
15 Information Officer for the Sheriff?

16 A. Well, because there was allegations raised on Bob
17 Bates' training records and his ability to posses
18 weapons and do those kinds of things, you guys have
19 to kind of -- kind of try to ideologize that it was
20 mass confusion during that period of time. The
21 medias were asking for just absolute tons and tons of
22 information, training records, and all kinds of
23 things.

24 This kind of raised the red flag that the
25 reason we weren't able to produce certain documents

1 in a timely manner is they may not even exist. We
2 might not even have those documents, which led me to
3 go a little farther in my search for transparency.

4 Is -- after I knew that the Sheriff had seen
5 or heard of this report on Wednesday, Captain
6 McKelvey and I were in the courthouse for something
7 completely unrelated and passed by the Sheriff's
8 Office and the Sheriff was in his office.

9 We stopped to visit. He made light of the
10 fact of, umm, that I was getting hammered by the
11 media. Lots and lots of inquiries.

12 He made a reference that you're doing a pretty
13 good job. You know, he just knew -- and we were
14 getting national inquiries. I mean, we had talk
15 shows calling. Everybody was calling.

16 And I had my whole entire group, which was
17 McKelvey -- Billy McKelvey, Chris Cook, Sarah Gadd,
18 Chaplain Ken Farnum. They were all assisting me and
19 making sure we were making responses and things to
20 the media.

21 So, McKelvey and I took the opportunity to
22 shut the door to visit with the Sheriff. And we told
23 the Sheriff, and I specifically told the Sheriff,
24 that report existed, because we -- he made reference
25 to this report, 2009 report. And he made reference

1 to me, he didn't know anything about it. I had other
2 knowledge that he had just saw the report less than
3 24 hours ago, or at least a portion of that report.

4 And I told him that I -- it was extremely
5 uncomfortable with everything that was going on, the
6 media have it. There are specific reporters in town
7 that are investigative reporters. And I just appeal
8 to you guys that if these people know about it, it's
9 probably there in some degree.

10 And I asked him to make a statement to the
11 media and he refused. And that's when they were
12 calling for the Sheriff to make a statement.

13 Q. What statement did you urge him to make at that
14 time?

15 A. I wanted him to -- the statements I encouraged
16 him to make was address the Harris family,
17 somewhat -- either acknowledge the shooting,
18 apologize to the Harris family, whatever the case may
19 be.

20 My recommendation was to offer some apology.
21 There was a death that had occurred that was probably
22 negligent. And I asked him to address the Harris
23 family. That was the big cry in the community was,
24 at least, the Sheriff say something. He had not even
25 addressed this community or the Harris family,

1 whatsoever, at this point in time.

2 And the other thing I asked him to do was
3 address the 2009 report, either that it existed or it
4 didn't exist, one or the other.

5 Now, what they were continuing to claim, and
6 as he continued to refuse acknowledgment of this
7 report, then, I told him the exact same story that I
8 shared with you guys a few minutes ago.

9 That Billy McKelvey had got it. Billy
10 concurred with the story. He got it from a
11 downloaded imaged computer that Robbie Lillard had
12 had. We had a copy of it, but there was no courtesy
13 copies. There was no additional information that
14 would suggest that this report was anywhere in our
15 files or anywhere in our computer systems that we
16 could reference back to.

17 And that was the only thing I'd asked him to
18 do was address the Harris family and do something
19 about this report.

20 Q. At this point in time has the report been
21 officially or publicly released by --

22 A. No.

23 Q. -- by anyone? The media or anybody at that point
24 in time?

25 A. I believe the media had it.

1 Q. But it had not been released to the public?

2 A. No.

3 Q. Okay. So you were urging him to do that?

4 A. Yes.

5 Q. Okay. Why would you urge him to do that?

6 A. He always preached transparency in our office.
7 And the media already knew about it and I knew it was
8 going to come out.

9 And my problem being a Public Information
10 Officer is I'm not a press secretary. I was a Public
11 Information Officer. Doing what I'm told. I,
12 basically, regurgitate what I'm told to say, you
13 know. I'm the face of the office. They tell me what
14 to say.

15 They continued to tell me the report didn't
16 exist. Don't acknowledge the report. Don't say the
17 report exists.

18 That's why I was trying to use those
19 subjective terms so if -- if ever I was pinned down,
20 either in Court testimony, or by a media outlet, I
21 could say, I didn't lie. I was being truthful.

22 They're telling me we have no documentable record of
23 this report existing. I had no documentable record.
24 They're not claiming any documentable record.

25 So, after strongly encouraging the Sheriff to

1 go forward he told me that he had the MC, a Boy Scout
2 event, at noon on that Thursday. And, then, he was
3 leaving to go fishing with his wife. And then they
4 left.

5 And he -- and I even -- the Sheriff's Office
6 had just recently purchased some very quality camera
7 equipment and it was under my purview. And we had a
8 camera operator.

9 And I asked the Sheriff if he would just stand
10 and let me do a three to five minute video tape of
11 him acknowledging to the Harris family and
12 acknowledging the report. Something, a prepared
13 statement, anything. And no questions, you know,
14 from the media, those kind of things. He refused
15 that as well.

16 And I had Billy there with me. I mean, he was
17 right there when we were asking the Sheriff to come
18 forward and say something. He still refused.

19 So, I can continue on with the story on how we
20 got to where I got a copy of the report.

21 Q. Well, my question, I guess, in terms of what I
22 was asking you about is, your reasoning behind urging
23 him to release, you said it was, essentially
24 transparency, to act on it before it became a matter
25 that he had to react to, essentially.

1 A. Yeah. Absolutely, you know, being ahead of
2 things, being offensive is way better than defensive
3 and I knew that they had something that was
4 eventually going to come out.

5 Q. What was the Sheriff's demeanor or attitude
6 toward your suggestion? Describe -- he said, I'm
7 leaving to go do some things. Can you describe what
8 his demeanor was? Was he concerned, happy, sad?
9 What was it?

10 A. No. There was a very unique thing that occurred
11 during that meeting. The Sheriff was very nonchalant
12 about the shooting, the report. Didn't seem to
13 really have much emotion towards any of that.

14 But he did change his focus to reflect on me
15 personally. And started asking me some personal
16 questions about the -- about my future and things
17 that I was going to do in the future.

18 And he just kind of changed everything to
19 focus on me and then he became agitated as he and I
20 engaged in further conversation.

21 Q. What was the topic of that discussion?

22 A. He asked me if I was going to stand as a
23 candidate for Sheriff in Tulsa County.

24 Q. Did you respond?

25 A. I did.

1 Q. What did you say?

2 A. I told him that I was looking at the option.
3 That I had been approached by several elected
4 officials from a lot of media, a lot of people in the
5 community that I should stand for that open seat when
6 he retires.

7 Q. Okay. What response did you receive from him?

8 A. He seemed a little agitated at the fact, but this
9 is what perplexes me about this whole conversation.

10 He asked me if I was going to run. There's a
11 couple of things that really were of significance
12 during this conversation.

13 He thought that I had hired a consulting firm,
14 which I had not. He thought that I had already done
15 exploratory committee, which I had not. He thought
16 that I had already started raising money, and I had
17 not.

18 He also knew that I'm not even statutorily
19 qualified to be the Sheriff of Tulsa County. I live
20 in Wagoner County. And I expressed that to him,
21 because he said, why didn't you come and talk to me
22 about it? And I said, it's not time to talk to you
23 about it yet. I still live in Wagoner County. I
24 haven't moved into Tulsa County. I'm still looking
25 at the options.

1 My position was, and based on you guys being
2 from Tulsa County, when Steve Kunzweiler run the
3 District Attorney's race, he did that in my belief
4 because Tim Harris was still popular. And they --
5 us, the people of Tulsa County, the voting community,
6 they wanted somebody to continue that legacy. That
7 office. It was moving in a forward direction. They
8 wanted someone to continue it.

9 And I told the Sheriff, depending on how all
10 this ferrets out, if you're popular when this is
11 over, then, I'll probably make a look at running for
12 Sheriff.

13 If you're not popular I'm not going to put my
14 name on the ballot and waste my money because chances
15 are they won't elect anybody from within our office.

16 But if you're still popular, then, they'll
17 elect somebody from within your office. And he then
18 said, well, I'm not going to endorse you. I don't
19 endorse.

20 And I said, why wouldn't you endorse? You're
21 not running for reelection. And then he said, well,
22 Tim Harris come out for Steve Kunzweiler and I'm not
23 going to do that for you. I said, okay.

24 And I said, why would you not do that for me
25 after everything I've done for you? And he said, no

1 one endorsed me when I ran for Sheriff. It will make
2 you a better man when you run. You need do it on
3 your own merits.

4 What is perplexing about this whole
5 conversation that he and I had, was in January I had
6 just graduated the Oklahoma Sheriff's Certification
7 Academy, which if you guys know what that is, if
8 you're elected as Sheriff in Oklahoma you have to
9 attend -- by statute you have to attend a two-week
10 academy to be certified as a Sheriff. And it goes
11 over all the aspects of an office.

12 He had just sent me to the Sheriff's
13 certification school in lieu of me taking office.
14 That's what I've been prepped for, for the last four
15 or five, six years. The idea of making me Public
16 Information Officer was to follow the legacy of Lucky
17 Lemons and the Sheriff over in Rogers County. They
18 were both PIOs for the City of Tulsa, you know.

19 And that was what was so perplexing is they
20 had been, in a sense, it seemed like the office was
21 kind of pushing me in that direction to take that
22 office. And I was kind of following that lead. And,
23 then, he put these questions out on me.

24 But it really come into question when I
25 started inquiring about this 2009 report. He really

1 changed the focus about my personal goals and
2 objectives.

3 Q. So at that point in time the report is not
4 released. You're not authorized to make a statement
5 pertaining to it. Is that correct?

6 A. That's correct.

7 Q. Okay. In terms of the media, did that continue
8 to be an issue with the media in the days following
9 that meeting?

10 A. It continued to grow in significance. And what I
11 had told the Undersheriff was, after the meeting with
12 the Sheriff, I told the Undersheriff that in a sense
13 I didn't know what else to say. I was running out of
14 things to say. And I did not want to compromise my
15 integrity that I had in the community to make any
16 more statements about this 2009 report, because in my
17 mind I knew it existed.

18 Publicly, I wasn't allowed to discuss it,
19 which that is an ethical dilemma that I have,
20 personally. And I didn't know what to do.

21 So I told the Undersheriff, I don't know
22 what -- you know, I don't know what statements to
23 make. You're going to have to make it. The Sheriff
24 won't.

25 Well, the Undersheriff did not want to do it,

1 but at that time we started entering into some
2 discussions about hiring a consulting firm, a media
3 strategist to come in and try to help with this.

4 Q. When you say "we" who is we?

5 A. There was a meeting called, and my memory serves
6 me correct, it was myself, Undersheriff Tim Albin,
7 Terry Simonson, Meredith Baker. I think Billy
8 McKelvey come in a little later. I think Chaplain
9 Farnum was there. And there might have been one or
10 two others. I can't remember, but it was in the
11 conference room at the Undersheriff's office.

12 Q. You made reference to an individual by the name
13 of Terry Simonson?

14 A. Yes.

15 Q. Did he have a role, or does he have a role with
16 the Sheriff's Office?

17 A. Yes, he does.

18 Q. What is that role?

19 A. He is considered -- I think his title is, like,
20 Government Affairs Liaison or something like that.

21 But, basically, what Terry was brought on for,
22 Terry -- well, Terry was brought on to handle the
23 contract negotiations between Tulsa County and the
24 City of Tulsa over the jail issues.

25 Terry Simonson had once been the Chief of

1 Staff for Mayor Dewey Bartlett. He had also been the
2 Public Information Officer and a Chief Deputy for one
3 of the former County Commissioners. So he knew both
4 forms of government.

5 But in reality, I'll tell you why Terry
6 Simonson is there. He ran Commissioner Ron Peters'
7 campaign. And when Commissioner Ron Peters was
8 elected as County Commissioner, Terry Simonson
9 thought he was going to be the First Deputy. But
10 because of Terry Simonson's past history in this
11 community he didn't want him as First Deputy, because
12 he had already selected a lady named Vickie.

13 He called Stanley Glanz, the Sheriff, and
14 asked Stanley if he would give Terry a job to reward
15 him for running the campaign.

16 The Sheriff didn't have the money in the
17 budget because Terry Simonson is an expensive person.
18 They were paying him a chief salary, which is about a
19 hundred thousand a year, give or take.

20 So, the Sheriff entered into an agreement with
21 Dennis Semler, another elected official of the
22 county, to split two-thirds Sheriff, one-third, and
23 Dennis Semler is the County Treasurer, I think. They
24 split his salary, but it was -- it was a favor to
25 Commissioner Peters to give Terry a job so they had

1 to bring Terry in and create a position.

2 And when I say, "create a position", they had
3 to find him an office. They had to create a
4 position. So he was basically just supposed to look
5 at the contracts, because he's a lawyer. He's still
6 a practicing lawyer.

7 He was supposed to use his expertise in
8 helping with negotiations, looking at contracts. He
9 was supposed to lobby at the legislature. He was
10 supposed to do things of that nature. So they were
11 just kind of creating a job for him as we went.

12 Q. So what occurred or transpired at that meeting
13 when you -- when we discussed about a consultant?

14 A. Unbenounced (sic) to me the consulting firm that
15 I knew of was Jessica Caswell Consulting.

16 And the reason I knew that is because Jessica
17 Caswell had handled the Tulsa FOP issue between the
18 Tulsa FOP and the City of Tulsa. So she had
19 experience in crisis communication.

20 She comes from a law enforcement family. She
21 had a law enforcement background. And I thought
22 she'd be a perfect person to help us through this,
23 because a lot of times law enforcement individuals
24 want to use law enforcement terms that don't resonate
25 to the community as well. And there's softer terms,

1 easier terms to use to give a better message to the
2 community as a whole.

3 So, Ms. Caswell come in during this meeting
4 and told the Undersheriff what she could do, what her
5 consulting firm could offer. And, then, during
6 that -- that discussion, she presented a price of the
7 consulting firm. The Undersheriff agreed to hire her
8 and accept the price.

9 Q. What was the price?

10 A. 25,000 for six months.

11 Q. Okay.

12 A. To get us through the initial thing, do social
13 media and then she would monitor it, her consulting
14 firm would monitor it for further public damage for
15 six months out, it was \$25,000.

16 Q. Okay.

17 A. Terry Simonson got up and left the room. As soon
18 as the Undersheriff agreed to those terms Terry
19 Simonson left.

20 A little bit later, and I apologize, I don't
21 know if it was the same day, or the next morning,
22 things kind of run together. It may have been that
23 afternoon.

24 Mike Willis is the Chief Deputy for Karen
25 Keith, one of the County Commissioners. He was

1 contacted by John Smaligo, which is another one of
2 the County Commissioners, that Sheriff Glanz -- or
3 Undersheriff Albin had hired this consulting firm to
4 help us through this process.

5 So Mike called me and said that there were
6 some significant concerns about the ability to pay
7 for her, because the way the law is, my understanding
8 of it, is if it's anything less than 15,000 you can
9 pay for it. If it's over 15,000 it has to go to bid
10 and you have to go through an entire RFP and bid
11 process, unless it's a sole source or exigent
12 circumstances. So they went over thinking that we
13 were fixing to violate some purchasing rules and
14 things of that nature.

15 And I asked Mike Willis how he got involved.
16 And he said that Terry Simonson had went over and
17 complained to Smaligo that we were hiring this
18 Caswell consulting firm. That we were going to
19 violate some purchasing rules and we didn't need to
20 be paying for her and such.

21 I didn't realize that there was a bad
22 relationship between those two and that was more of
23 what sparked that, that whole debate.

24 Q. So did you have to put an end to that consulting
25 contract?

1 A. No. It was re -- immediately -- the
2 Undersheriff -- when I called the Undersheriff and
3 explained the situation, he called Jessica Caswell
4 back and they negotiated to do consulting up to
5 \$14,999. And that's as much as she would do.

6 Now, that included getting through the major
7 incident and then whatever it would take us -- how
8 much farther it would take us. And then when she --
9 whenever those hourly rates ran out they ran out.

10 But he could authorize that much money. And
11 if it was going to go over the 15,000, then, they
12 would take it out to RFP. They would actually put
13 out a bid for a consulting firm to come in for
14 additional services.

15 Q. To your knowledge did she conduct any consulting
16 work on behalf of the Sheriff's Office after that
17 agreement was reached?

18 A. She did. We -- everyone that I mentioned to you
19 before, the Chaplain, Sarah Gadd, Chris Cook, Billy
20 McKelvey, we all got to work about 9:00 o'clock
21 Friday morning, and minus a few hours of rest late
22 Friday night, I think we left after midnight on
23 Friday. We had done 14, 15 hours of work. She
24 developed a new -- first thing that we did was we
25 strategized on a big board in a conference room, they

1 strategized.

2 They looked at all the elements, who all was
3 involved, the message that was being portrayed, the
4 message we'd already delivered, the 2009 report. All
5 these things were kind of put into perspective on,
6 where do we go from here?

7 Q. Okay.

8 A. And then we worked long hours. We took a break.
9 We come back Saturday. We worked all day Saturday.
10 We took the majority of the time off on Sunday.

11 Although she was working, preparing a speech,
12 a statement, prepared documents for the Sheriff while
13 I was preparing the press conference that was
14 scheduled for Monday morning at 9:00 o'clock.

15 Q. Which would have been April 20th?

16 A. Yes.

17 Q. Okay. When April 20th arrived what occurred?

18 A. We were told to arrive at the Faulkner Building's
19 conference room at, I'm sorry, 8:00 o'clock. And
20 then we were going to prep and prepare for the press
21 conference.

22 I had my assistants getting the cameras in,
23 getting everything set up, getting the room set up.
24 There was a lot of live-wire feeds coming in, live
25 trucks from a lot of the national medias coming in.

1 It was a big deal.

2 So we went into the conference room. Jessica
3 was present, I was present, and I can't remember
4 everybody in the room, but, basically, all the
5 players we've talked about, the Undersheriff, the
6 Sheriff, Terry Simonson, Jessica Caswell, myself,
7 Billy McKelvey, Chris Cook, Sarah Gadd, Meredith
8 Baker the staff attorney, and I'm sure there were
9 some other people in that room.

10 We all started discussing how it was going to
11 go, how we were going to introduce the situation and
12 how long the Sheriff was going to go, because my deal
13 was, I needed to be able to start it and stop it, is,
14 basically, my role in those scenarios. Doing the
15 introduction and then closing it. So we were trying
16 to figure out how that all was going to work.

17 We had it scripted that the Sheriff was only
18 going to speak just a few minutes on a prepared
19 statement, take no questions and leave. That's how
20 Caswell Consulting had it prepared. And, then,
21 myself or the Undersheriff were going to step back
22 and answer questions.

23 Terry Simonson had interjected and wanted a
24 panel of people. He wanted each person to talk about
25 something and go down like a panel and he wanted it

1 to last an hour.

2 Well, I knew the Sheriff wasn't going last an
3 hour in a press conference like that. And I knew the
4 media didn't have an hour. I wanted to do a quick
5 get in and out kind of thing.

6 So, basically, the Sheriff, he allocated
7 30 minutes. He told me he wanted it to last
8 30 minutes. 9:00 to 9:30 and then he was out.

9 At the same time we had the groundbreaking
10 ceremony for the expansion of David L. Moss going on
11 at 11:00 o'clock. So we had other things to
12 accomplish that morning.

13 So, after we started discussing on how it was
14 all going to go and he set the perimeters, Jessica
15 Caswell made an introduction of her prepared
16 documents to the Sheriff. And the Sheriff become
17 very outraged and angry and made a comment something
18 to similar, this isn't my first rodeo. I've been
19 doing this for years. I know what I'm doing.

20 And, then, I was asked to leave the room.
21 Basically, everybody was asked to leave the room.
22 Jessica was asked to leave the room. Subsequently,
23 she was immediately fired just a few minutes
24 thereafter.

25 I was asked to leave the room. All my

1 assistants were asked and it was, basically, the
2 Sheriff, Terry Simonson, the Undersheriff, and I
3 think Meredith Baker, our staff attorney, remained in
4 the room. I sat outside on the couch by the
5 Undersheriff's secretary along with my staff.

6 When they exited the room about 20 minutes
7 till 9:00 they come walking by and the Sheriff walked
8 right past me. Never said a word.

9 And so the Undersheriff and Terry Simonson
10 come by and I stood up and asked them, how do you
11 want me to introduce this thing? Because still yet
12 I've not got any instructions.

13 And they said, I don't care. Just introduce
14 it. He's been briefed. Just talk about the
15 groundbreaking.

16 So, if you guys watch it on YouTube that's
17 what I did. I walked up. Said, hey, welcome you all
18 to the groundbreaking. You know, whatever, whatever.

19 And I said, the Sheriff has been apprised of
20 the situation. He's been briefed. You know, we're
21 going to try to do our best to answer all the
22 questions we can. And that's when I step aside and
23 introduce the Sheriff.

24 And then the Sheriff took it from there. None
25 of us knew what he was going to say. How he was

1 going to say it. I just knew that he wanted to be
2 done at 9:30 is what they told me. So that's why you
3 see me step in about 28 minutes after the hour. And
4 say, we're only going to take a couple more
5 questions.

6 And then I -- then I get him to leave at 9:30
7 and then he leaves with his group of people.

8 Q. In terms of that press conference, do you recall
9 whether the issue of the 2009 report was raised by
10 the media?

11 A. It did. And I can tell you it was Ziva
12 Branstetter, the reporter with the Tulsa World at the
13 time, was the one that raised it.

14 Q. And what response, if any, did the Sheriff make
15 to that question?

16 A. He acknowledged the 2009 report. He even
17 mentioned Undersheriff Edwards' name about conducting
18 an investigation in 2009.

19 Q. Were there any other questions concerning the
20 content, or outcome of that investigation addressed
21 at that press conference to your recollection?

22 A. I believe they asked him what the finding --
23 finding results were and I don't -- I believe he
24 responded there was no action taken or there was --
25 there was no discipline or no action taken or

1 something similar to that.

2 Q. Subsequent to that, about a month or so later,
3 the later part of May, 2015, you indicated that you
4 were terminated from the Sheriff's Office, is that
5 correct?

6 A. That's correct.

7 Q. Can you tell us how that termination took place.

8 A. Captain McKelvey and I had flexed some time in
9 the first part of May to go fishing.

10 I had -- in retrospect, I had just handled
11 four national incidents from the Dallas Fort Worth
12 shooting, to the Deputy that was engaging in sex
13 activities, to the tornado, and now the Bob Bates'
14 deal. So, I was pretty mentally exhausted.

15 Billy, too. He had been helping me. So we
16 decided we were going to take a week off, flex some
17 time, and go fishing.

18 And we left on a Sunday, which was April 3rd,
19 and that Friday -- right before, I guess, it would
20 have been April 1st, the Sheriff and I had a very
21 peaceful conversation after --

22 Q. I want to correct -- April 1st or May 1st?

23 A. May. I'm sorry.

24 Q. Okay. Thank you. Go ahead. I'm sorry.

25 A. The Sheriff and I had a quite peaceful

1 conversation after our morning meeting. And do you
2 guys know about the morning meetings? I'll share
3 that with you in a minute.

4 We had a morning meeting and he and I sat
5 around, we talked about fishing. He's an avid
6 fisherman. We sat around and talked about fishing
7 because we were going red fish fishing down on the
8 coast, which is -- for fishermen it's a neat deal.
9 So -- and it was actually for my son's 21st birthday
10 is why we went on that trip.

11 So we go through the -- and we talked about it
12 and he says you're doing a great job. Things are
13 really going well. Thanks for everything that you're
14 doing. I know the media has really been stressing
15 you, something similar. It was just a peaceful
16 conversation. So I get up and leave.

17 While I'm gone on vacation -- we're on the way
18 back, driving back on Thursday. So, that would have
19 been the 3rd, 7th, May 7th.

20 Q. On a Thursday?

21 A. Yes.

22 Q. Yeah, it would be the 7th.

23 A. Okay. May 7th.

24 I get a text message from the Sheriff of
25 Wagoner County. And he texted me and said, are you

1 okay? Is everything going all right? Why are they
2 replacing you as the PIO?

3 Well, we had discussed, prior to me leaving --
4 and I was under very strict orders, after the Bates'
5 shooting, that I was not allowed to freelance
6 anything PIO related if it had to do with Bates or
7 the 2009 report, that I had to communicate with Terry
8 Simonson or I had to communicate with Meredith Baker
9 or the Undersheriff before I could release any
10 statements. So, he said where why are they replacing
11 you as the PIO?

12 And I said, they're not. They're adding
13 another deputy to the PIO ranks. And I don't know
14 how to be politically correct about it, but it was a
15 young deputy, African American Deputy. He didn't
16 want to be involved in the PIO position, but the
17 Sheriff -- and the Sheriff's words to me was, we need
18 to add a little color to the PIO role because of the
19 issues in North Tulsa. He shared that with me before
20 I left.

21 So, when the Sheriff of Wagoner County sent me
22 a text and said, why are you being replaced? I said,
23 I'm not being replaced. He's just adding another
24 element to the PIO ranks to help. So, he said, I'm a
25 little worried about you. I think something's going

1 on.

2 Unbeknownst to me, the Sheriff of Wagoner
3 County had an additional information that I didn't
4 know about until after my termination.

5 But once I got that text -- everything seemed
6 fine. Then, my assistant, Sarah Gadd, called me on
7 Friday, hysterically crying, very upset, emotional
8 and, obviously, I'm very concerned about her.

9 She said that she had been contacted by
10 Internal Affairs and had just left a very lengthy
11 meeting about me. Had to do with, and was I being
12 mean to people; was I rude; was I engaging in office
13 practical jokes, things like that. Was I ever mean
14 to her?

15 And when she said, if my Major asks where I've
16 been what do you want me to tell him? And they said,
17 lie to him. Do not tell him that you were over here
18 at Internal Affairs. As I'm sure she would probably
19 testify under oath. That they wanted her to not
20 reveal that I was being investigated.

21 So, as the weekend passed, I had some
22 speculation that something was happening. So I
23 showed up on Monday morning to the morning meeting.

24 And real quick, what our morning meeting was,
25 Monday through Friday, every single day of the week,

1 we were required to be at a staff meeting at 8:30 in
2 the morning and the Sheriff was present unless he was
3 out of town.

4 Then, on Wednesdays after the morning
5 meetings, and the morning meetings had every Division
6 Commander in the Sheriff's Office, from Records
7 Division, to accounting, to Chaplain to all the
8 different Division Commanders were in the meeting.
9 And we shared with the Sheriff everything that was
10 going on. Everything from rumors, to innuendos, to
11 actual factual things that were happening.

12 And then we would just sit around and just
13 kind of socialize for about 30 minutes. So about
14 9:00 o'clock it would be over.

15 On Wednesdays there's a staff meeting. Staff
16 meeting is the executive leadership, which is the
17 Sheriff, the Undersheriff, the two Chief Deputies,
18 and the three Majors.

19 Then, we would sit around and talk about
20 promotions, disciplinary actions, things that we
21 didn't want, like, the Captains or the civilian staff
22 to be involved in, we would say.

23 And then after our meeting was over, the three
24 Majors were released and then the Sheriff, the
25 Undersheriff, and the two chiefs would have what they

1 call staff. And staff is the people that run the
2 office. They would make decisions on purchasing,
3 schools, pay raises, things of that nature.

4 So, we had seven meetings a week. And so we
5 would sit around a lot of times and share different
6 things about each other.

7 So, I come and show up and at that time the
8 meeting was at the jail and it alternated monthly.
9 You met at the jail for a month. You met at the
10 Faulkner Building for a month.

11 I went to my office at the jail and as soon as
12 I arrived I got a call from Chief Robinette asking me
13 to come to the Faulkner Building conference room.

14 And I said, well, I'll come right after staff
15 meeting or the morning meeting. And we call it the
16 morning meeting or captain's meeting. I said, I'll
17 come right after the morning meeting. She told me,
18 no. You need to come now.

19 So, I drop what I was doing, exited the
20 building, and as I was exiting the jail I pass the
21 Sheriff and Terry Simonson. Terry Simonson was very
22 friendly. The Sheriff was not. He did acknowledge
23 me, but it was not in his typical fashion.

24 So I got in my car, drove over to the Faulkner
25 Building, walked in. They presented me with a letter

1 telling me that I was under investigation for a
2 hostile and intimidating work environment.

3 Q. Who presented that letter to you?

4 A. Michelle Robinette and Robbie Lillard.

5 Q. All right.

6 A. Gave me no other information. And, obviously,
7 you know, I'm a 24-year career law enforcement
8 officer with no disciplinaries, ever. Have done
9 quite well in my profession.

10 So, this was pretty concerning to me. That
11 this was all happening with no, no, umm -- what would
12 I say, no warnings of any kind, or no predicate of
13 what -- why this has happened.

14 So I asked for more detail and I was told
15 you're not going to get that. Tape recorded meeting.

16 And I said, well, can you please explain how I
17 conducted these hostile intimidating work
18 environments? She said, you'll be interviewed
19 sometime within the next 30 days. So here's your
20 letter of administrative leave. You're on
21 administrative leave with pay.

22 Q. So, at that time you were, essentially, asked to
23 leave the Sheriff's Department building and remain on
24 leave at that point?

25 A. They asked for my car keys and they kept my

1 patrol unit. And then they had one of the Internal
2 Affairs corporals drive me home.

3 The odd thing is, that was different, is that
4 is not typically how our office works a lot of times
5 in those type of issues. And the other thing is they
6 didn't ask for my commission or my gun.

7 So -- and those are the two things that are
8 typically taken from you at any time you're put on
9 admin leave they took your badge and your gun and
10 your commission. They can ask for either of those
11 items.

12 So, in my mind I didn't really quite
13 understand what exactly was -- it wasn't a normal
14 process. So, I was driven home by Internal Affairs.

15 Q. Did the investigation, as far as you know,
16 proceed then during the month of May?

17 A. It continued, yes.

18 Q. Did you ever have an opportunity to be
19 interviewed or to speak in regard to the Internal
20 Affairs investigation?

21 A. I did.

22 Q. Was there ever what's been referred to by some
23 other testimony as a pre-action meeting or pre-action
24 hearing that occurred?

25 A. I didn't have one. No.

1 Q. Okay. How did the process proceed for you?

2 A. I went to my Internal Affairs interview --

3 Q. Uh-huh.

4 A. -- and I was presented with allegations, if you
5 will, very similar to what I discussed, horseplaying
6 in the office setting, being rude to people, or
7 intimidating by my rank or my role in the
8 organization, questions of that, which I had a lot of
9 knowledge of some of the things that they were
10 asking, but it was narrowed to a very small group of
11 people. I mean, like, less than five people that
12 they referred to me and I am -- my employees -- my
13 span of control was 440 at the time.

14 And, so, I pretty much knew of some of the
15 things that they'd asked me, but a lot of them were
16 from -- anywhere from four to 18 months and even one
17 deal they asked me was six years previous that they
18 asked me about. So nothing was current. Nothing was
19 relevant to the immediate time frame or my role as a
20 Jail Administrator. It was all things that had
21 happened while I was a Court -- while I was Division
22 Commander over the Court Division.

23 So I answered the questions as honestly and as
24 best I could. And at times they would accuse me of
25 lying in my responses. So I asked them, I'll take a

1 polygraph. I said it a couple times.

2 I also asked for a secondary interview because
3 they're asking me stuff from a year previous, you
4 know, six months previous. Well, it's hard to
5 remember when you got that many employees and you're
6 over a span of control that big, what you do every
7 day and who you say it to.

8 So I asked if I could, A, talk to anybody --
9 any of my colleagues to refresh my memory. It was
10 denied. I asked if I could take a polygraph.
11 Denied. I asked if I could have a follow-up meeting.
12 They told me if it was relevant they would call me
13 back in.

14 I was asked that -- if I could have an
15 opportunity to present text messages, e-mails, or
16 anything on my behalf to discredit the information
17 that they were accusing me of not being truthful.
18 And I did have those items, but I was denied access
19 to do that.

20 So, approximately a -- almost a month later,
21 the 29th of May, I was asked to be in the Sheriff's
22 Office at 8:30 in the morning. So I showed up in the
23 Sheriff's Office.

24 Q. Let me stop you just a minute. I apologize.

25 A. Okay.

1 Q. You said you kept saying they denied this. They
2 wouldn't let me do this.

3 A. Michelle --

4 Q. Who was it that conducted the Internal Affairs
5 interview that we're talking about?

6 A. Michelle -- Chief Deputy Michelle Robinette and
7 Captain Robbie Lillard.

8 Q. Okay. I'm sorry, but I just wanted to get those
9 names.

10 You said then on the 29th you went to a
11 meeting?

12 A. Chief Deputy Michelle Robinette called me on the
13 28th and asked me to be in the Sheriff's Office at
14 8:30 on the 29th, which would have been a Friday.

15 Q. Did you attend the meeting?

16 A. I did.

17 Q. Who was present at the meeting?

18 A. Sheriff Stanley Glanz, at the time Undersheriff
19 Rick Wiegler and Chief Deputy Michelle Robinette.

20 Q. What was the topic of discussion at that meeting?

21 A. Michelle -- Chief Deputy Michelle Robinette read
22 some information into the record, a taped recording,
23 after the Sheriff had told me that this was a very
24 different process, because I was an appointed
25 employee. The majors -- the majors are statutorily

1 protected by law, but were appointed by the Sheriff.
2 It's not a tested position. I don't go through a
3 testing process.

4 But he said since I was appointed by me, he
5 was going to handle it differently. And that he
6 would administer the discipline not the -- help me --
7 I said it earlier.

8 Q. Pre-action.

9 A. The Pre-action Committee. Sorry.

10 Q. Okay. So you spoke directly to Sheriff Glanz in
11 these matters?

12 A. Yes.

13 Q. Okay. What did he tell you?

14 A. He listened to Chief Deputy Michelle Robinette
15 read into the record. He gave me a chance to respond
16 to some of the allegations, which I did.

17 At one point in time he made a reference
18 that -- something to the fact of, heck, you and I
19 used to be friends. We even fished together.

20 And I said, something to the fact,
21 paraphrasing, we used to be friends. So is this
22 personal? And, then, his response was, something to
23 the fact of, you're darn right this is personal.

24 Q. Did he address or say anything specifically to
25 you about the nature of the investigation? This

1 hostile work environment thing, whether that was true
2 or not true? What he thought about that?

3 A. He made reference that he thought that I used my
4 position to intimidate and influence people. And,
5 frankly, when he told me -- he didn't tell me I was
6 terminated. He frankly said, you just can't work
7 here any more.

8 And I said. Are you terminating me? And he
9 said, yes. And I said, for what reason? And he
10 said, because people are scared of you. And they're
11 scared to work for you. And that was about the best
12 I got from him.

13 And, then, I looked at Chief Wiegler, or
14 Undersheriff Wiegler -- I'm sorry -- at the time and I
15 looked at him and said, Rick, you can back me up?
16 You know this stuff that she just read is not true.
17 You know it. Because he had been my immediate
18 supervisor.

19 And all he said was, the report's pretty
20 damaging. And that was -- that was the only real
21 verbiage he made in the record.

22 Q. Did you ever have an occasion during this
23 conversation where Sheriff Glanz made any reference
24 to the 2009 report and its release to the media?

25 A. Yes.

1 Q. What did he say about that?

2 A. He asked me towards the conclusion of the meeting
3 if I had released the documents to the media. And I
4 told him I had not.

5 And he made some statement that he had -- he
6 didn't either believe it or he had some information
7 contrary to that.

8 And I told him, put me on a polygraph. And
9 his response was, well, the OSBI is going to come in
10 and they're going to find out who released that
11 document. And you may just have to take a polygraph
12 and I said, I'll be more than happy to talk to the
13 OSBI.

14 Q. Okay. During the course of time that this
15 interview or discussion occurred who's office were
16 you seated in?

17 A. In my termination hearing?

18 Q. Yes, sir.

19 A. The Sheriff's Office. The actual Sheriff Glanz's
20 personal office.

21 Q. Were you able to see his desk in his office
22 during that time period?

23 A. Yes.

24 Q. Did you note anything of significance on his desk
25 related to your termination?

1 A. Well, one thing that I referenced was when he
2 continued to say that people were scared to work for
3 me, I made a reference to, I run the largest -- I run
4 76 percent of the Sheriff's Office total staffing at
5 the jail. I had the largest -- we have 600 -- they
6 have around 600 employees. I had 440 myself under my
7 span.

8 And I said, you didn't -- first of all, I
9 alluded to the fact that Chief Deputy Michelle
10 Robinette felt demeaned in the media because I made
11 some significant strides with my cadre and staff at
12 the jail to change the jail. The jail was failing.
13 As the jail is failing now. We made some significant
14 changes and it demeaned the Chief Deputy's character
15 in the media.

16 And she made reference to that to Major Tom
17 Huckeby. That she wanted to see me gone because she
18 felt like I was taking away from her management style
19 and ability. That's why the Undersheriff, at the
20 time, Tim Albin, moved her out and moved me in.

21 I made reference to the fact that she wanted
22 me gone and that she didn't interview anybody that I
23 asked her to interview.

24 You know, I had dozens and dozens of sergeants
25 and corporals and captains and she didn't interview

1 any of them. And I made reference that you only
2 interviewed a few people, some of which I knew that
3 they had issues with me from previous supervision in
4 the past.

5 And he had a note laying on his desk and it
6 only had about six or eight names on it. And he
7 goes, heck, he said, I got a whole list of people
8 right here that said that you are mean and
9 intimidating.

10 And he said, heck, even Kyle Hess says you're
11 mean and intimidating. And I said, Kyle Hess? He's
12 never worked for me. And Kyle had never worked for
13 me. He's the supervisor over investigations, which
14 is in a completely different division. He don't work
15 for me at all. Never has.

16 And I said, well, he don't even work for me.
17 And he said, I've heard enough. I've made my
18 decision and that's pretty much how the meeting ended
19 up.

20 Q. Do you recall talking with the OSBI several days
21 or a week ago about your testimony in this case?

22 A. We talked to them a couple weeks ago.

23 Q. Do you remember telling them that at that meeting
24 you saw a prepared termination letter for your
25 termination laying on the Sheriff's desk when you

1 walked in?

2 A. Oh, I'm sorry. Yes, sir, yeah, he did.

3 Q. Did that happen?

4 A. Yeah. It was already prepared.

5 Q. When did you first notice that was there?

6 A. A little bit into the conversation. Chief Deputy
7 Michelle Robinette had taken it out of her -- she was
8 holding a folder with information in it. And she had
9 taken it out of the folder during our dialogue and
10 laid it on his desk.

11 And I could see when I looked up over -- I --
12 we just -- our prepared memos are in a certain
13 fashion. And I could see what it was. And I knew
14 exactly what it was. That it an was already prepared
15 termination letter.

16 Q. And you were, in fact, terminated effective at
17 that time?

18 A. So they tell me. Yes.

19 Q. Okay. Sir, I want to go back in time a little
20 bit. I guess, maybe to some happier times in the
21 Sheriff's Office for you.

22 A. Okay.

23 Q. First of all, do you have a brother that lives in
24 the Norman area?

25 A. I do.

1 Q. And what's his business or occupation?

2 A. He owns a home appraisal business.

3 Q. In real estate, things of that nature?

4 A. Yes.

5 Q. Okay. Do you recall a time in or around about
6 2010, perhaps 2011, when your brother and you had a
7 conversation about possibly him coming to Tulsa for
8 some reason or purpose?

9 A. Yes, we did.

10 Q. Tell us about that.

11 A. I don't -- the Sheriff employs several
12 appraisers, about 12 appraisers, home appraisers.
13 And it's a coveted position. Many, many people want
14 those positions. They're very lucrative, but you
15 have to have no experience at all.

16 So everyone in this room is qualified to be a
17 Sheriff's appraiser regardless of your knowledge and
18 ability. But they do make a lot of money and they
19 make a lot of big monetary decisions based on real
20 estate.

21 My brother does that professionally and I
22 don't know much about it. I can't even tell you the
23 name of his company, actually.

24 But my brother had called and -- we were in a
25 conversation, a typical family, you know, brother

1 conversation and I mentioned that we had an appraiser
2 retire. I don't remember the appraiser's name at the
3 time, but one of our appraisers had some health
4 issues or something and left the office. So there
5 was a spot open.

6 And my brother said, goodness. I would love
7 to have that position. They are so coveted. I've
8 tried to become an appraiser in, I think Cleveland
9 County, it's Norman. He's tried become an appraiser
10 there, but the Sheriff wouldn't appoint him.

11 And so he said, if I could come to Tulsa, and
12 I said, well, you have to live in Tulsa. And he
13 said, that's fine. He said, I'll leave someone to
14 run my Norman business and I'll move back home, which
15 we were born and raised in Broken Arrow. And this is
16 our home. So he said, I'll move back home if I can
17 get that position. They're that lucrative.

18 Q. Did he ask you to make contact with the Sheriff
19 about it then?

20 A. Yes. He asked me how we could do it and I told
21 him I would volunteer a conversation with the
22 Sheriff.

23 Q. Had you previously, or around that time, had a
24 conversation with Sheriff Glanz about appraisers?
25 You indicated a moment ago in your testimony they

1 didn't require any qualifications. Had Sheriff Glanz
2 ever made any statement in your presence about the
3 types of people or persons he would appoint as
4 appraisers?

5 A. Not before that. After that.

6 Q. After that?

7 A. Yes.

8 Q. Okay. When you went to him -- or did you go to
9 him in 2010 or '11 to seek a position for your
10 brother?

11 A. I did.

12 Q. Tell us about that conversation.

13 A. A very brief conversation. I, basically, went up
14 to the Sheriff and said, in lieu of this appraiser's
15 spot opening up -- and at the time I was a sergeant
16 assigned to Sheriff Glanz. I was the only Sheriff's
17 Deputy that we can remember in the office that ever
18 answered directly to the Sheriff, but it was because
19 of my PIO responsibilities.

20 I didn't really have -- I continued to carry
21 other responsibilities, U.S. Marshal detail,
22 Immigration, Homeland Security Task Force, I had
23 those employees, but I answered directly to the
24 Sheriff.

25 And I went to him, as we would have many

1 conversations throughout every day, and I said to
2 him, with that spot opened up my brother owns a home
3 appraisal business in Norman, as he may have known or
4 didn't know from previous conversations. And I asked
5 him if he would be interested in appointing my
6 brother to that position.

7 And he said, well, you understand I keep those
8 positions for my contributors. And I said, I totally
9 understand that. Making reference to those people
10 that contribute to his campaign.

11 Being in this business a long time I already
12 kind of knew that and so'd my brother. He knows that
13 it's a contributing position.

14 So, he said, well, I keep those for those
15 coveted positions, but I've already appointed my
16 friend Rueben Davis to that position. So, it's not
17 open.

18 Well, Rueben not only was an attorney for the
19 Sheriff, he's a reserve for the Sheriff. He's a home
20 appraiser for the Sheriff. He's the Sheriff's close
21 friend and ally. I mean, Rueben was a lot of things.
22 So, I was concerned how Rueben became one of the
23 appraisers, but he did.

24 So, I asked the Sheriff if he would consider
25 my brother for another position if it become

1 available.

2 Q. Another appraiser position?

3 A. Yes.

4 Q. Okay.

5 A. If we had more people retire. And he told me he
6 would. He said, I'll consider him, but you know he's
7 got to live in Tulsa County. And I said, that's not
8 a problem. He's willing to move.

9 And he said, well, it's also going to cost him
10 five grand. And I said, okay, knowing -- full well
11 knowing that what he meant by contributors is you got
12 to contribute to my campaign. I knew that, but when
13 he gave the figure, the figure alarmed me a little
14 bit, because that's not a normal figure that you
15 contribute to a Sheriff's campaign. Those campaigns
16 are usually a thousand dollars. I think 2500 might
17 be the max in some cases. So, anyway that was the
18 end of our conversation.

19 And I called my brother. Told my brother I'd
20 had a conversation with the Sheriff. Expressed what
21 the Sheriff had said and, basically, my brother at
22 that point completely declined any role or for me to
23 continue to seek that position for him at that point.
24 He said he wasn't going to do that.

25 Q. Another situation I want to discuss with you and

1 have some questions about. Were you familiar with a
2 change in the phone services provided to the Tulsa
3 County Jail back in 2014?

4 A. Yes.

5 Q. And if you could briefly explain for the benefit
6 of all of us here in the room, the jail has phones
7 that are available for use by inmates, is that
8 correct?

9 A. Correct.

10 Q. But it's kind of a pay system?

11 A. Yes. There's two ways to make calls. You can
12 either -- after your initial book-in process, once
13 you go back to the housing units, you can make a
14 call, either a collect call, that is an initial fee
15 to hook -- to hook the call up, or you can buy a
16 calling card from the Sheriff's Office through the
17 commissary and you can use that calling card just
18 like you and I would use it on a normal telephone.

19 Q. And am I correct in my understanding that private
20 vendors provide the actual equipment, the technology,
21 things of that nature, to affect these phone calls.
22 And in return for that they give the county certain
23 amounts of money, percentages, things of that nature,
24 off of what revenue is generated by those phones?

25 A. That's correct.

1 Q. Okay. And in 2014, sir, was there a discussion
2 and an effort made to determine whether or not a new
3 provider needed to be put in place there in the phone
4 system?

5 A. Yes.

6 Q. Can you explain, briefly, how that process
7 occurred within the government.

8 A. Yes. And I kind of come in a little bit later
9 into the process because I was -- I was the Division
10 Commander over the courthouse, but I was still
11 considered part of the executive leadership in the
12 organization.

13 And, basically, what happens is if we can
14 document errors, or wrongdoing, or the providers are
15 not efficient for -- either they don't keep the
16 phones repaired, or replaced. Or we want a higher
17 commission based percentage of the contract or
18 something of that nature, then we can send it out to
19 our RFP.

20 And an RFP --

21 Q. Yeah. What's RFP stand for?

22 A. That is a request for proposal is what that
23 means. And somebody within the county government
24 will do an RFP, basically, it says -- it's a big
25 binder. And it, basically, says, here's everything

1 that we want you to meet. You got to be able to
2 supply this technology. You got to have technicians
3 on site. You got to be able to repair phones.
4 You've got to do all these things.

5 And then the RFP goes out for bid. And then
6 all the companies that want to bid will send in a
7 bigger packet of how they can meet all these
8 expectations and why they're the best company around
9 and all the things that they can do. And why they
10 should be the provider.

11 Q. Okay. Was that done in 2014 or around that
12 time --

13 A. Around that time. Yes.

14 Q. -- regarding the phone services?

15 A. Yes.

16 Q. And is a part of that process, the bid process,
17 or RFP process, am I correct in my understanding that
18 as it relates, at least to the jail and things that
19 are bid on regarding the jail, that at some point in
20 the process, during that bidding process, that a
21 subcommittee is formed to actually evaluate those
22 bids and then make a recommendation to the Jail Trust
23 Board?

24 A. Yes.

25 Q. Okay. In regard to that particular committee or

1 subcommittee on this proposal for a new phone
2 service, were you involved on that subcommittee?
3 Were you a member of it?

4 A. Kind of. It was a training RFP for me. I
5 participated in the scoring sheet on how to score an
6 RFP based on a process that was implemented by Chief
7 Deputy Michelle Robinette, but I didn't go any
8 farther than the scoring process.

9 Q. Who else was involved and actually on that
10 subcommittee?

11 A. From my understanding it was the executive
12 leadership. It was the Undersheriff, the two Chiefs,
13 the three Majors.

14 Q. Okay. Give us some names.

15 A. I'm sorry.

16 Q. I get confused. People change ranks a lot.

17 A. Okay. Undersheriff Tim Albin, Chief Deputy
18 Michelle Robinette.

19 Q. Okay.

20 A. At the time it was Chief Deputy Rick Wiegler. Tom
21 Huckeby, which was a Major. Myself and Major John
22 Bowman.

23 And I -- I believe, my memory serves me
24 correctly, one of your legal advisors, I think
25 Meredith Baker, the staff attorney, had to look at

1 it. And if there was any others given out I don't
2 know who that would be.

3 Q. What, in a general sense -- you made some
4 reference to some sort of scoring sheet?

5 A. Yes.

6 Q. What are you talking about there?

7 A. Well, it was my first one to participate in. So
8 it was kind of like a break-in thing for me and I had
9 just taken over operations at the jail and that's why
10 they were kind of training me on the RFP.

11 And, basically, what Chief Deputy Michelle
12 Robinette told me was this was a Tulsa County made
13 form and it just had technology, availability,
14 percentage of income generation, you know, all
15 those -- it had different kinds of scoring levels.

16 You're supposed to read the RFP and then
17 you're supposed to compare it to all the other RFP's
18 and then you give it a grade.

19 Like if -- if I offered more technology than
20 you offered, then I got a better score. If I offered
21 a higher percentage than you offered, I got a better
22 score.

23 And then you kind of scored them, and the
24 scoring was very unscientific. It was just kind of a
25 grading scale. And it was -- it was like grading an

1 oral presentation. You just -- if you like it you
2 put a number on it. If you didn't like it you put a
3 number on it.

4 And you filled out the sheets and, then, I had
5 to e-mail them to Chief Deputy Michelle Robinette
6 when I was complete with them.

7 Q. Okay. Prior, or during that process, did Sheriff
8 Glanz himself inject any opinions or directions to
9 the subcommittee to your knowledge?

10 A. Well, the subcommittee never met as a group, but
11 we are -- everybody on that group was of the
12 executive leadership.

13 I can tell you personally, and I wasn't
14 involved at the beginning, but I can personally tell
15 you we already knew who was going to get the phone
16 contract months before it ever come, months before it
17 was started.

18 Q. How did you know that?

19 A. Because -- okay. The company that is at the jail
20 now is a subsidiary of a huge business that runs
21 jails and prisons and -- LaSalle Corrections. It's a
22 big, big, company and they own, like, 28
23 subsidiaries.

24 LaSalle never participated in phone contracts
25 until Rick Ferguson joined the company. Rick

1 Ferguson is -- was our leading representative with
2 Global Telelinks, which was the phone provider that
3 we changed out when we brought in Correct Solutions,
4 which is the provider they have now.

5 Rick Ferguson left Global Telelinks and
6 eventually went to LaSalle Corrections. And, then,
7 he used his resources and abilities to start a phone
8 company called Correct Solutions for LaSalle
9 Corrections.

10 And Rick Ferguson and the Sheriff are very
11 close friends. I'm friends with Rick. And there's
12 another guy, Skip Smith, that is another
13 representative and I'm friends with Rick -- or Skip
14 and Rick both, but they -- they have all stayed in
15 contact.

16 Now, Skip left GTL and he went over to Tiger
17 Commissary, which is out of Jenks. It's a commissary
18 company for jails and prisons.

19 And, then, eventually he was recruited by
20 LaSalle Corrections to come join the team, which him
21 and Rick were at, like, Southwestern Bell or
22 something years ago together. And they just kind of
23 follow each other in their professions. And they're
24 older, more established gentlemen.

25 But I knew because of the relationship that

1 Sheriff Glanz had with Rick Ferguson that we were
2 getting Correct Solutions before it ever started.

3 Q. Well, you say you knew that because of those
4 connections. My question goes to, was anything ever
5 said in your presence, or told to you from Sheriff
6 Glanz that that was going to be how it went?

7 A. We talked about it frequently in our morning
8 meetings.

9 Q. You and the Sheriff?

10 A. All of us. When I say "all of us", the executive
11 staff.

12 Q. And what was said at those meetings?

13 A. Some time ago, but to paraphrase, we would just
14 discuss, one, the relationship with Rick Ferguson.

15 Two, what I remember more specifically than
16 anything else is they were going to offer a new type
17 of technology that had never been introduced into
18 jails and prisons and it was going to be a leading --
19 it was going to be the pilot program for what they
20 believed was going to be a global market in
21 technology to jails and prisons. And we would talk
22 about this technology frequently. When I say "we",
23 again, that executive leadership I talked about.

24 Q. And Sheriff Glanz?

25 A. Absolutely. Sheriff Glanz would kind of lead off

1 on those conversations. We talked about them
2 frequently.

3 Q. Did he indicate in your presence that verbally he
4 was in favor of this company getting the contract?

5 A. Oh, very much so.

6 Q. Okay. When the contracts were let, or the
7 request for proposal by RFPs were let, did you
8 receive more than one of those back from somebody
9 bidding for this service?

10 A. Six, I think, six is what I had to estimate.

11 Q. Was Correct Solutions one of the ones?

12 A. Yes.

13 Q. So it was evaluated along with the others?

14 A. Yes.

15 Q. And if I understand correctly, and you correct me
16 if I'm wrong, the purpose of the subcommittee is to
17 review those and determine which is the lowest and
18 best bid, correct?

19 A. We never really were told to look at lowest bid.
20 We were supposed to score it based on a lot of
21 different perimeters, technology, percentage, because
22 there's really -- there really was no out cost. It
23 was more of what we got back. So it would have been
24 more the highest bidder than the lowest bidder,
25 because we wanted who was going to give us the

1 highest percentage back.

2 Q. The highest bid in terms of your percentage?

3 A. That was the only money component. The rest of
4 it was technology, technicians, after hours, you
5 know, what if the phones went down, you know, how
6 could we communicate?

7 Because when the phones go down -- in a jail
8 setting when you've got 1700 inmates, when the phones
9 go down you're on the cliff of a potential riot,
10 because that is -- that is one thing that they
11 hold -- that's their only communication to the
12 outside world. And you really got to get them back up
13 fast. So it is of a concern.

14 And that's one of the things that I really
15 focused on was technician availability, did we have
16 an onsite technician; how quick could we get the
17 phones up; who could we call in lieu of the phones
18 going down, those kind of things.

19 Q. The scoring sheets or documents that you're
20 talking about, are they maintained or kept anywhere
21 for somebody to go back and look at? Say, to see
22 what the scoring was?

23 A. You know, I'm not sure, because I was told that
24 was an internal document that they used. And, again,
25 I had to -- mine are on my e-mail server with the

1 county, because I e-mailed mine to Chief Deputy
2 Michelle Robinette.

3 Q. Okay. Did you see anyone else's?

4 A. No.

5 Q. But you're aware that Correct Solutions got the
6 contract?

7 A. Yes.

8 Q. Were they the selection that you would have made
9 based on the scoring you provided?

10 A. Scoring was only one component of the whole
11 process. There was also an oral presentation, a
12 demonstration that was conducted that I wasn't part
13 of. That, that happened with part of the team, but I
14 don't know who all was there.

15 I was -- actually, Billy McKelvey and I were
16 at a conference in Fort Worth at the time of the
17 selection.

18 But the day they met we got a -- I say "we" --
19 I, umm, and Billy McKelvey had received a phone call
20 later that afternoon of who the selection was because
21 we knew the process was taking place that day.

22 Q. And it was Correct Solutions?

23 A. Yes.

24 Q. You said you've been in the jail at different
25 times during the course of your duties with the

1 Sheriff's Office. Were you ever familiar during that
2 time period with issues concerning sanitary
3 conditions and infections, things of that nature,
4 that occurred within the jail?

5 A. You know, I was the Administrative Sergeant under
6 Chief Deputy, at the time, Tim Albin and Chief Deputy
7 Michelle Robinette at a different time period. So,
8 that was part of my job duties or responsibilities
9 was if we had an issue I was supposed to research it,
10 look into it, or try to find corrective measures.

11 Q. Was staph infection a problem at the jail?

12 A. Not to my knowledge, it really wasn't.

13 Q. Are you familiar with a product called Staph
14 Attack?

15 A. Very much so.

16 Q. How are you familiar with that product?

17 A. It's a chemical that's used at the jail. It's
18 been used there for many years.

19 Q. Is that a product that's provided by a vendor --

20 A. Yes.

21 Q. -- to the jail?

22 A. It is.

23 Q. How long do you think the jail has been using
24 Staph Attack?

25 A. My memory serves me correctly, since -- since

1 '05. We took over July 1st of 2005.

2 As far as I know Staph Attack was either the
3 product of choice at the time or it was brought in
4 just shortly thereafter.

5 Q. Tell us what Staph Attack generally is; how do
6 you use it; how do you apply it?

7 A. Basically, it's a glorified solution like bleach
8 and water. It's a chemical that's used to kill
9 certain bacteria.

10 And at times Staph Attack was considered one
11 of the leading industry products for killing all
12 kinds of different bacterias.

13 There's a lot of different chemicals on the
14 market. Bleach solution and water does the same
15 thing. It's just you got to make sure it's applied
16 correctly and in certain amounts and those kind of
17 things.

18 It's just easier -- you know, one, bleach is
19 not a chemical that's used in a jail. And this is --
20 also has an effect that it could be used in a
21 dilution rate where inmates can consume it and it
22 won't kill them and those kind of things.

23 But, basically, you spray it on the bedding.
24 You spray it on anything that inmates have access to.
25 It would be like you use Lysol or a bleach solution

1 at home.

2 Q. Okay. Was that something that was done on a
3 pretty regular basis for those 10 years that you're
4 aware of since 2001?

5 A. Yes. We used to order it -- well, I say "we".
6 They ordered it in 50-gallon drums. I mean, it would
7 come in, in big shipments.

8 And then it would be pumped out into smaller
9 bottles that would be stationed in different parts of
10 the jail. I guess you guys got to see the jail. So
11 you might have some recollection of where those
12 little storage cabinets were where they would store
13 those chemicals.

14 Q. In regard to that, sir, did you ever become aware
15 of information concerning any financial interests
16 that any member of the Sheriff's Office may have had
17 in regard to Staph Attack, or the company that
18 distributed it and provided Staph Attack to Tulsa
19 County Jail?

20 A. Not while I was an employee. No.

21 Q. Have you since become aware of that?

22 A. Yes.

23 Q. Tell us what you found out.

24 A. Well, I -- there's a lot of -- it is suspect to
25 many that my termination was -- was inappropriate

1 and, umm, for personal reasons and so people have
2 shared certain things with me since my termination.

3 I did get a call from the Undersheriff, Tim
4 Albin, that I've talked to a couple times since my
5 termination. And he had shared with me that he
6 thought because OSBI, FBI, and people are involved in
7 this investigation now, he thought that it was maybe
8 attributed to the Sheriff and his financial interests
9 in some of the personal vendors that we had used
10 throughout the Sheriff's Office. And Staph Attack
11 was one of the ones.

12 But he -- he referred to it Pure. Pure is, I
13 guess, the manufacturer of Staph Attack. He said
14 that he had stocks in Pure that he knew about.

15 Q. That who had stocks in Pure?

16 A. Sheriff Glanz. I have no personal knowledge of
17 that. I just have ...

18 Q. And he reported that to you?

19 A. He did.

20 Q. Did anyone else report that information to you?

21 A. No. I have not heard that.

22 Q. Okay. So, Mr. Albin would be the person that we
23 need to talk to in regard to that, is that correct?

24 A. Yeah. He's the one that shared that with me.

25 Q. Okay. Are you familiar at all, during the course

1 of time you worked for the Sheriff's Office, with his
2 use of Sheriff's vehicles for his duties and things
3 of that nature?

4 A. Yes, sir.

5 Q. Were you familiar with or aware of whether or not
6 he had a vehicle that was accessible or usable by him
7 at any time he chose?

8 A. Yes.

9 Q. What type of vehicle was that?

10 A. It's changed through the years. At one time he
11 had a mini-van. He had a Ford, or he had a -- he's
12 had a -- a Chevy Tahoe. I think he's had two Chevy
13 Tahoes that I'm familiar with just in the recent
14 years.

15 The last one that he recently got, I was -- I
16 had made a mistake publicly, and not many people know
17 that -- that there's only one way a Sheriff can
18 really drive a county car, but I had that knowledge
19 from research from years ago.

20 And I had made a comment in the media,
21 unbenounced (sp) to me at the time, and I was called
22 in the Sheriff's Office and criticized for my
23 statement because I referred to his Tahoe at the
24 time. And I was -- I was criticized for using the
25 term "his Tahoe".

1 Q. By whom?

2 A. By Sheriff Glanz himself.

3 Q. And what was the nature of his criticism?

4 A. The nature is, in Oklahoma Sheriffs are allowed
5 to receive a stipend for the use, for the nonuse of a
6 Sheriff's vehicle. And they get, and I think the
7 stipend now is, like, \$950 a month. They get a
8 stipend in lieu of driving a county car.

9 If they don't accept a stipend, then they can
10 drive a county car, but if they take the money
11 there's -- there's only certain exceptions where they
12 can even drive a county car or be in a county car.

13 A lot of Sheriffs elect not to do it because
14 of the -- the -- I guess the rules are so strict that
15 them happening to use a county car is probably more
16 greater than not and they don't want to get caught up
17 in that.

18 And from what I understand -- he did not share
19 with me, the Sheriff did not, but Undersheriff Albin
20 said at the same meeting, and Undersheriff Albin and
21 the Sheriff were together when I was criticized for
22 using the statement, and I was talking about Terry
23 Simonson's Tahoe and then said he got the Sheriff's
24 old Tahoe was my statement.

25 The reason I was criticized, the Undersheriff

1 said he takes the stipend. No one is supposed to
2 know that belongs to him. That's why it's
3 unregistered in fleet. And that won't be registered
4 in fleet. It will show as a pool car or it will show
5 as assigned to the Court Operations Division, but
6 you'll not find it in fleet record where it's
7 assigned to him.

8 Q. And that statement was made by Undersheriff
9 Albin?

10 A. That he took the stipend and the Sheriff was
11 present and told me not to ever refer to that Tahoe
12 as his Tahoe again.

13 Q. And that all occurred in the Sheriff's presence?

14 A. Oh, absolutely.

15 Q. And he didn't deny or correct any of that?

16 A. He told me never to use the term "his Tahoe".

17 Q. Other than the issue about the stipend that we
18 just discussed, Mr. Clark, were you aware at any time
19 while you were employed at the Sheriff's Office of
20 any other concern about use of a county vehicle or
21 equipment or things of that nature in regards to a
22 Pike Pass?

23 A. I am.

24 Q. Tell us about that.

25 A. When I was his personal assistant I would

1 frequently go and get the tag for his vehicles, or
2 Pike Pass, or whatever equipment was being rotated
3 out. And it was kept over at Fleet Management, which
4 is over at the Faulkner Building. And, obviously, at
5 the time Sheriff Glanz and I both officed here in the
6 courthouse.

7 And I went over to pick up his Pike Pass one
8 day. He had asked me -- Jerry Quinton at the time
9 was the fleet manager. Asked me to come over and
10 pick up the Pike Pass.

11 So I went over to get the Pike Pass. And when
12 I went in he handed me two of the old plastic Pike
13 Pass. He handed me two of those. And I said, I've
14 already got mine. I just need to get Stanley's. And
15 he said, he's called and asked for two. Don't ask
16 any questions. I knew what that --

17 Q. Who said this?

18 A. Jerry Quinton.

19 Q. Jerry Quinton said this?

20 A. Yeah. He handed me two and said, the Sheriff
21 asked for two. Don't ask any questions. Okay. So I
22 didn't.

23 I took the Pike Pass back. I walked in and
24 laid the Pike Pass on his desk, two of them. He was
25 sitting at his desk.

1 Q. He being the Sheriff?

2 A. The Sheriff Glanz.

3 Q. Yes, sir.

4 A. Then, we called for -- or he called -- asked his
5 secretary to get the deputy working in the security
6 office and -- I'm sorry, I can't remember his name.

7 But the deputy come over to the office,
8 Sheriff Glanz gave him the key and the Pike Pass and
9 asked him to go put the Pike Pass in his Tahoe.

10 And then he took the second Pike Pass, and he
11 carries a brief case satchel looking thing. He took
12 the second Pike Pass and he dropped it in his
13 briefcase and that's the briefcase that he takes back
14 and forth every night home.

15 At some point -- I was with the Sheriff
16 several months after that, but Pike Passes have
17 changed for personal vehicles. You get the sticky
18 ones that go in your window. The Sheriff's personal
19 vehicle still has one of the old, umm, box looking
20 Pike Passes in his personal truck that he keeps at
21 home.

22 I have no personal knowledge that's the same
23 Pike Pass, but I know it's not the same type of Pike
24 Pass that they -- the state issues me for my personal
25 vehicle.

1 Q. You said in your testimony that he told the
2 security guy to put it in his Tahoe.

3 A. Yes.

4 Q. What vehicle was he referring to?

5 A. At the time -- the last two vehicles he's had are
6 both Chevy Tahoe's. The last one -- and I think it
7 would have been the one before this one that Terry
8 Simonson is driving. It would have been that Tahoe.
9 The one he has now I'm not sure -- because he had
10 just got that Tahoe not long before my separation.

11 And that Tahoe was specifically ordered for
12 him. It had all the GPS system. It was -- Rick
13 Weigel even made a comment that I made sure that he
14 got all the whistles and bells this time, because --
15 referring that the other Tahoe didn't meet his
16 expectations.

17 Q. So the Tahoe you're referring to is not a
18 personally owned vehicle of the Sheriff's. It was
19 one he used as a county vehicle?

20 A. He used it -- yes, every day. I participated in
21 trips with him. He would take it to conferences and
22 trips. He drove it every day.

23 His wife works for the County Assessor and so
24 they carpool together to work. And the Sheriff gets
25 here at 8:00 o'clock. He gets in his Tahoe and then

1 he drives it all day long. And then he parks it at
2 night and then rides back home with her. And then a
3 lot of times he'll take it out-of-state, county
4 trips, conferences, things of that nature.

5 Q. And where -- when you say he comes in to work and
6 goes back home. Where is home?

7 A. The home that I would have to take him to
8 frequently, because that was part of his assistant's
9 job, was some days he would want to go home around
10 3:00 o'clock and his wife don't get off till 5:00.
11 So we would give -- I say "we", me and my colleagues,
12 whoever was available at the time, would give him a
13 ride home.

14 And that home is behind the Harley Davidson
15 dealership between 31st and 41st and Memorial. It's
16 back in that addition behind the Harley Davidson
17 dealership.

18 Q. Okay. Just one moment, sir.

19 A. Can I make one more comment about the Tahoe?

20 Q. Sure.

21 A. If you guys have the opportunity, the Tahoe that
22 Terry Simonson is driving now, if you'll look at it
23 it's a white Tahoe, but it has pin-stripping down the
24 side.

25 And that was personally -- the Sheriff had

1 that done, specifically, so it wouldn't look like a
2 cop car. That's his goal is he didn't want people to
3 see -- he didn't want anything he drove to make --
4 have an appearance of a police package or police
5 vehicle.

6 That's why those Tahoes that are assigned to
7 him are completely different than the other issued
8 Tahoes that are driven within the office.

9 Q. So you're saying that the normal Tahoe vehicle
10 that would be purchased by the county has what they
11 call a police package on it?

12 A. Yes, sir.

13 Q. What's a police package?

14 A. Typically comes from the manufacturer with the
15 spotlights on it. It usually comes with an enhanced
16 suspension, maybe an enhanced exhaust to make it run
17 a little better, a little more fuel efficient. Those
18 kind of things.

19 And usually they're listed -- it will say,
20 like, police interceptor, police package. Somewhere
21 on the vehicle it will have that notation, but it's
22 on a bid. It's typically on a state bid.

23 It's the same ones that the Highway Patrol
24 buys or Broken Arrow buys, or we all kind of buy --
25 law enforcement in general all kind of buys the same

1 vehicles. They're on a bid.

2 Q. But the vehicles you're discussing that Sheriff
3 Glanz would have purchased through the county were
4 not vehicles that were the police package type
5 vehicles?

6 A. That's correct. If you all see, like, the
7 undercover cars running around, they may be a Tahoe.

8 Like, I drove the new -- I had two of the new
9 Ford Explorers before I left. They're the smaller
10 more compact SUV. They'll have spotlights. They
11 have -- again, they have some different things.

12 But, yeah, the ones he drove they had the GPS.
13 They had all carpet, surround-sound. I mean, they
14 had, you know, all the things that -- cop cars aren't
15 the most comfortable things to drive. A lot of times
16 they have vinyl floors, you know, for people that
17 urinate or throw-up or whatever they do in the car.
18 So, you don't get the best of the best. But he would
19 drive the more civilian-style packages.

20 Q. Sir, I believe that's all the questions that I
21 have of you right now. The Grand Jurors may well
22 have some questions to ask you.

23 A. Okay.

24 Q. I just ask you to be as open with them as you
25 were with me.

1 A. Absolutely. Thank you, sir.

2 GRAND JUROR 1: Juror 1.

3 THE WITNESS: Yes, sir.

4 GRAND JUROR 1: Was the Tahoe he drove, was it
5 originally outfitted for police use or it was
6 straight-up commercial or civilian, I should say.

7 THE WITNESS: Straight-up civilian. The
8 Sheriff gets -- he tells them what he wants and it's
9 ordered and then brought specifically to him.

10 GRAND JUROR 1: Okay. So, basically, if I
11 went to a dealership I can get the exact same car if
12 I wanted to?

13 THE WITNESS: Yes.

14 GRAND JUROR 1: Okay.

15 GRAND JUROR 16: Juror 16.

16 THE WITNESS: Yes, sir.

17 GRAND JUROR 16: Fleet process for signing out
18 vehicles, is there such a sign-out sheet that we
19 could reflect on?

20 THE WITNESS: Yes. It goes through the
21 Quartermaster's Office. Like, when I would go and
22 change out my vehicles there's a duplicate form and
23 you put your name, your employee number, your badge
24 number. And then it lists, like, your Pike Pass,
25 your radios. Anything that is -- that is temporary

1 for the vehicle.

2 And then it also lists fire extinguishers,
3 the unit number. And then you turn in and you sign
4 that you're turning something in to the
5 Quartermaster. And once you get your new vehicle
6 then they do the same thing. They reassign
7 everything back to you because things are assigned to
8 the vehicles.

9 GRAND JUROR 16: If I go to the motor pool
10 where I work and sign out a vehicle I have to take,
11 umm, mileage. Is that something they do as well?

12 THE WITNESS: They haven't kept -- oh, yes, on
13 your check out -- on your inventory sheet? Yes.
14 Yes.

15 GRAND JUROR 16: Check in and out your
16 mileage.

17 THE WITNESS: Yes. They do. It's also --
18 it's supposed to be done by policy on a monthly
19 inspection sheet. You're supposed to turn in your
20 mileage to fleet management, so they know when the
21 cars reach a certain level to be exchanged, because
22 the office has over 200 cars, so that's the only way
23 they know how to replace them.

24 GRAND JUROR 16: Would the Sheriff check this
25 vehicle out himself or would he send a deputy to

1 check out his vehicle?

2 THE WITNESS: You won't see the Sheriff's name
3 on any paperwork. It's assigned -- it's either
4 assigned under fleet to the courthouse as a pool car,
5 or it's assigned somewhere else. You'll never see it
6 listed to Sheriff Glanz. It's not assigned to him by
7 name. It's a practice.

8 GRAND JUROR 16: Would there be video cameras
9 in that area of fleet to record who comes in and out?

10 THE WITNESS: You mean, like, daily?

11 GRAND JUROR 16: Yes.

12 THE WITNESS: Or -- I think the back dock --
13 it's at the Faulkner Building on the back dock and I
14 think there's cameras there on who goes in and out.

15 But, again, the Sheriff never goes to fleet.
16 He would send me to get his Pike Passes. Umm, the
17 security office, you know, the deputies that work in
18 the security office downstairs, they fuel it and wash
19 it for him. That's part of their job duties is to
20 fuel it and wash it and bring it back and park it.

21 GRAND JUROR 16: What I was trying to find out
22 if there is a way for us to track the Sheriffs
23 picking up his vehicle and leaving with the vehicle.
24 Is there anything you would know of?

25 THE WITNESS: Well, two things, you can watch

1 him get in it every day at 8:15 to go to the staff
2 meeting. He parks it right down -- I mean, it's
3 parked right down here.

4 GRAND JUROR 16: Does he turn in the keys?

5 THE WITNESS: They're in his desk drawer.

6 GRAND JUROR: So, they stay with him?

7 THE WITNESS: Yes.

8 GRAND JUROR 16: Okay. So, he doesn't
9 physically have to check it in and out daily?

10 THE WITNESS: No. No. No. No, all cars
11 are -- like mine, mine was permanently assigned to me
12 during my duration of time. And then if I swap cars
13 or got a new one I checked it back in. But, yeah, I
14 didn't check in every day. You know, it was on a
15 radio log. It was kept at dispatch.

16 See, his cars didn't even have radios in
17 them. He didn't have antennas, radios. He had
18 nothing, no spotlights, no anything cop related in
19 his car. And, so, no, he wouldn't check it out.

20 But, like, if I needed to go pick someone up
21 at the airport, like, if we had a dignitary coming in
22 on maybe auditors coming in, and I'd go pick them up
23 at the airport, I'd use his Tahoe, because mine was
24 outfitted with shotgun racks and lights and, you
25 know, mine was outfitted with all the normal stuff

1 that a police car would have. So I would use his and
2 I would go pick them up. It's easier to load
3 baggage. And then, you know, I'd park it back and
4 put his key back in his desk drawer.

5 So, if he -- I mean, video surveillance of
6 the parking lot is 24 hours, seven days a week. And,
7 I mean, you can stand across the street about 8:20,
8 8:15 he'll go get in it and drive off.

9 Q. (BY MR. BARRIS) As a follow-up to what he's
10 asking about.

11 You say you would go to get his car on a daily
12 basis from fleet or who would?

13 A. No. It stays right here at the courthouse.

14 Q. Okay.

15 A. And the key stays in his desk.

16 So when his wife gets to work they have a
17 parking spot down in the basement and then he just
18 walks up to his office and then he gets his key and
19 gets in his Tahoe and then he goes and does whatever
20 for the day.

21 Q. So, the fleet records, as I understand, are going
22 to show that vehicle by VIN number as being a
23 courthouse vehicle or a pool vehicle?

24 A. Correct.

25 Q. And that's all it's going to show?

1 A. That's correct.

2 Q. Okay. So, other than people's personal knowledge
3 of seeing him drive that car or being aware of that,
4 there's not really going to be a record we can find
5 that would attach him, by him signing anything or
6 anything of that nature, showing him driving that
7 vehicle?

8 A. The only thing that would show him that -- and
9 I'm not sure -- each one of the vehicles have a fleet
10 gas card assigned to it. We have a QuikTrip card and
11 a fleet gas card that's through some national
12 company.

13 When he's on trips driving that car to and
14 from -- now, when he's in town he uses -- he has the
15 deputy take it down to the county garage and get
16 fuel, but when he's on the road, when you enter your
17 fuel card you got to put your last four of your
18 Social Security.

19 So fuel records would indicate him traveling
20 out-of-state with that vehicle or out of town with
21 that vehicle if he stopped to get fuel.

22 Q. Okay. And he would have to place his last four
23 numbers of his Social Security?

24 A. Unless he was given a fictitious number to put in
25 he would have to use his last four.

1 Q. I'm sorry. I apologize.

2 GRAND JUROR 16: You actually asked the
3 question I was going to ask. That's our procedure,
4 too --

5 THE WITNESS: Okay.

6 GRAND JUROR 16: -- when I check out a motor
7 pool vehicle.

8 THE WITNESS: Okay.

9 GRAND JUROR 9: Juror No. 9. On the vehicle
10 itself, I believe I heard you state that if the
11 Sheriff would get off early you would take him home.

12 THE WITNESS: Yes, sir.

13 GRAND JUROR 9. Okay. So you would be using
14 your vehicle to take him home, or potentially his
15 vehicle to take him home in, or his assigned
16 vehicle -- the courthouse assigned vehicle to take
17 him home in?

18 THE WITNESS: Either his assigned vehicle or
19 my Sheriff's issued car.

20 GRAND JUROR 9: Okay. So that kind of tells
21 me that he didn't necessarily use that as a vehicle
22 to go to and from home?

23 THE WITNESS: Not generally. Very rarely
24 would he ever take it home.

25 Either -- the only time that he took it home,

1 that I was familiar with, is if he was going to leave
2 early in the morning for a trip, he liked to get on
3 the road at 5:00, 6:00 in the morning. He may take
4 it home that night so he can leave straight from his
5 house. But other than that he rarely would take it
6 home and park it in his driveway.

7 GRAND JUROR 9: Now, these trips that you talk
8 about, are they personal trips or would they be
9 Sheriff Department related trips?

10 THE WITNESS: Both.

11 GRAND JUROR 9: So he did use the car on
12 personal trips?

13 THE WITNESS: I can only attest to one that
14 I'm certain of that I know. I was inadvertently
15 involved in it.

16 We were at a conference in Houston, Texas,
17 for Immigration 287G and I flew to Houston. And then
18 I got -- and he drove to Houston. And there were two
19 major reasons he drove to Houston.

20 First reason is his brother lives in
21 Galveston. And he -- and the Sheriff, Glanz, grew up
22 in Galveston.

23 Well, one night he told me to meet him
24 downstairs for dinner and I got in the Tahoe and he
25 said, we're going to Galveston to eat dinner with my

1 brother. Well, it's almost an hour drive from
2 Houston to Galveston.

3 Now, it's not uncommon that when deputies and
4 stuff are on trips that they would use the rent-a-car
5 and, you know, go to a restaurant or go see a beach
6 or something while they are there, but it would be
7 documented.

8 He drove to Galveston. I rode with him. I
9 didn't know where his brother lived at the time until
10 we got there.

11 And then on the way back he stopped at
12 Wal-mart and purchased about 20 bottles of wine that
13 he said is only in South Texas that you can get and
14 that was one of the reasons he told me he drove the
15 vehicle is so he could get that wine because he
16 couldn't bring it on the airplane.

17 The rest of them are all company -- that I
18 know of, Oklahoma Sheriff's Association, he would go
19 to the National Sheriff's Association, the American
20 Corrections Association, the Large Jail Network,
21 sometimes he would drive, sometimes he would fly.

22 You know, I was with him in Houston. He
23 drove. I was with him in Fort Worth. He drove. He
24 drove to Nashville for a conference one time in the
25 car.

1 You know, I never -- and that was the only
2 time I had ever been with him on a distance trip was
3 in the Houston deal. And, again, that was the only
4 reason was he wanted to go see his brother at
5 Galveston.

6 GRAND JUROR 8: Juror No. 8. Your internal
7 investigation was not -- one of your allegations on
8 that had nothing to do with the release of that
9 e-mail, right?

10 THE WITNESS: Yes, correct.

11 GRAND JUROR 8: It seems to me that that
12 investigation was very coincidental to the release of
13 that. Is that your opinion? Do you feel like those
14 are related or purely coincidental?

15 I'll just be blunt, do you think that he was
16 using this IA because he thinks that you released
17 that information.

18 THE WITNESS: Absolutely, I do.

19 GRAND JUROR 8: Do you think that happened to
20 anybody else?

21 THE WITNESS: Yes, I do. And I actually have
22 some personal knowledge to kind of elaborate on that.

23 GRAND JUROR 8: Sure.

24 THE WITNESS: My attorney and I were doing a
25 sworn disposition on a federal lawsuit that my

1 testimony may be involved in.

2 And they showed us a video of Sheriff Glanz
3 giving sworn testimony in that federal deposition
4 that my lawyers have access to, that he was
5 specifically asked, did you fire -- who -- did you
6 release one of your majors? He said me by name, and
7 he asked, why did you fire him? And he said, because
8 he was going to run for Sheriff and I felt like he
9 was undermining my organization.

10 And then he made a reference to Billy
11 McKelvey. And said that he -- the reason he demoted
12 Billy McKelvey was because he thought Billy was
13 helping me, which had nothing to do with anything
14 that was involved in my investigation.

15 GRAND JUROR 15: Juror No. 15. When you
16 talked to Undersheriff Albin about, like, he gave you
17 some information after the fact, had he also already
18 resigned at that point?

19 THE WITNESS: Yes.

20 GRAND JUROR 15: Why did he resign? Do you
21 know why?

22 THE WITNESS: The Monday -- or I'm sorry, umm,
23 I'm not sure what day it was. There was tremendous
24 fallout after the press conference.

25 And sometime -- and it may have been the next

1 Monday or the following Monday. The Sheriff -- from
2 the way I understand it, and the reason I got
3 involved, the Sheriff called the Undersheriff and
4 asked him to come to his office that morning and
5 he -- the way I understand -- the Sheriff told the
6 Undersheriff he was going to resign. The Sheriff
7 said he was going to resign.

8 The Undersheriff, apparently from the
9 Undersheriff's statement, said it wasn't a good idea
10 or why are you doing that? And he said, well, either
11 I'm stepping down or you're stepping down.

12 So he said -- and the Undersheriff always
13 would -- Undersheriff Tim Albin would always tell us,
14 the executive staff, all the time, if I'm not the man
15 to lead you through this, just tell me and I'll go
16 home. He would always say that. If there's
17 something that I've done that has affected this
18 office, tell me, I'll quit. And that day he told the
19 Sheriff, you don't want me to lead you through, I'll
20 go home.

21 So, he admitted that he was going to resign,
22 which I got a call immediately from his secretary and
23 I was driving into work and she called very emotional
24 and said, the Undersheriff is going to quit.

25 Well, at the same time he was telling Major

1 Huckleby to resign.

2 GRAND JUROR 15: The Sheriff was?

3 THE WITNESS: Yes. He wanted Major Huckleby to
4 resign and Major Huckleby told him he would not and
5 he'd have to fire him.

6 GRAND JUROR 15: And he resigned, though.

7 THE WITNESS: But there was a whole lot of
8 stuff, you know, the media said he resigned. He
9 didn't resign. He was on administrative leave. He
10 took vacation. He really was on vacation.

11 He went into -- the Sheriff asked him to
12 resign, and I'm sure Major Huckleby will share all
13 this with you from his perspective.

14 But the way I understand it -- and the
15 Sheriff told me this, that he talked Tom -- Sheriff
16 Glanz told me, personally, he talked Tom Huckleby out
17 of quitting, to think about it.

18 Tom Huckleby says it's the opposite. But,
19 nevertheless, Sheriff Glanz said that he had asked --
20 that Tom come in and asked to resign and that the
21 Sheriff said, don't do that. Take a month off and
22 think about it.

23 Then, that's when you saw all the paper
24 saying he was on admin leave. He was on vacation.
25 He really was on vacation.

1 Now, in the course of that 30 days, somewhere
2 in there, he was asked to go ahead and leave the
3 office.

4 GRAND JUROR 15: So he wasn't technically,
5 like, fired, though?

6 THE WITNESS: No.

7 GRAND JUROR 15: He just was asked to resign
8 and he chose to.

9 THE WITNESS: You know, and if I may take the
10 liberty, you know, what really concerns me is Tim
11 Albin and Tom Huckleby were very involved in the media
12 about the 2009 report.

13 There was another 2008 report that's about 60
14 pages long that was done by Michelle Robinette, also.
15 Michelle Robinette did my investigation. There's
16 a -- Michelle is involved in a lot of these
17 investigations.

18 But what bothers me is that everybody that we
19 can remember that has resigned under duress, even
20 Warren Crittenden that's on trial for murder now. He
21 got to keep his commission and his retired -- his
22 retired badge of commission. Tom Huckleby got to keep
23 his. Tim Albin got to keep his. Billy McKelvey is
24 going to keep his.

25 I'm not -- the Sheriff denied mine. My

1 attorneys -- they helped me prepare a letter. We
2 requested that I get my retired commission, my badge,
3 and my gun. It was denied from the Sheriff.

4 You know, and our policy says anyone that
5 does 12 years or more service with the Sheriff's
6 Office can have their retired commission and I did
7 nearly 15 and was denied.

8 GRAND JUROR 15: Did you get along pretty well
9 with Albin and Huckleby?

10 THE WITNESS: Albin, yes, but he was my
11 immediate supervisor. And I will share, Tom and I
12 have very -- it's almost like a sibling relationship,
13 love/hate. As far as individuals we got along fine.
14 As far as Division Commanders we were rivals.

15 GRAND JUROR 15: So you read this, obviously,
16 this whole memo, right?

17 THE WITNESS: Yes.

18 GRAND JUROR 15: And there's some things in
19 here that talk about how Bates truly was given
20 favoritism and preferential treatment and all that.

21 And I think Albin is addressed in here as
22 probably providing some of that preferential
23 treatment and favoritism. Do you believe that that's
24 true.

25 THE WITNESS: Yes.

1 GRAND JUROR 15: That this is true? And that
2 he did at that?

3 THE WITNESS: I believe so, yes.

4 GRAND JUROR 8: Juror No. 8. And forgive me.
5 I don't know how the system works. Would not having
6 your commission, I assume, prevent you from being
7 able to run for Sheriff?

8 THE WITNESS: No. I'm still a certified law
9 enforcement officer, but based on what I've been
10 through after 24 years of law enforcement service --
11 I had prior law enforcement service before I come
12 here. My goal is not to reenter the law enforcement
13 profession and I want to seek something in the
14 private industry.

15 What it does is it strips me of 24 years of
16 service, because if I had a retired commission, then,
17 I keep my peace officer status, which doesn't give me
18 anything. It doesn't give me any more money. It
19 doesn't do anything.

20 Other than it just says that after this many
21 years of service you get to keep that title as peace
22 officer, which we all work for, and he stripped me of
23 that ability.

24 Now, I'd have to go to work for another
25 organization and I'd have to stay several years

1 before I could get a retired peace officer's
2 commission. And that's simply what he's done to me
3 is he has stripped me of 24 years of service.

4 So, if I enter the private sector then I --
5 you know, there's a lot of things -- when the time
6 comes that, you know, I leave this world, retired law
7 enforcement officers are honored, you know, and I
8 spent 10 years on the Honor Guard going around the
9 country honoring law enforcement guys that have
10 fallen either present or past.

11 You know, and that's kind of the one of the
12 things, like, a military thing. You want that badge
13 of honor to carry with you for all those years of
14 service and he stripped me of that, because a
15 terminated law enforcement officer doesn't get the
16 same respect, nor do you get the same privileges as a
17 retired law enforcement officer.

18 GRAND JUROR 8: I guess, I was trying to look
19 for a purpose of why you were the sole one that was
20 stripped away in the series of events.

21 THE WITNESS: It's my belief that he's trying
22 to strip me of any identity and more of a character
23 assassination, because I do really believe they think
24 I am a definite threat to run for this office.

25 I don't have any personal knowledge that

1 there's anybody in the shadows waiting to step
2 forward. They may have a candidate that's waiting to
3 come out, but it just -- it's very perplexing that
4 they send me to all these certification schools, have
5 me in the media, give my name recognition, and do
6 everything in preparation and then they strip me of
7 everything, umm, after a report is released, which I
8 have been accused of releasing that report.

9 And under oath I'll tell you I didn't release
10 that report. I don't know who did, either. There's
11 speculation, but I had nothing to do with releasing
12 that report.

13 GRAND JUROR 8: Thank you.

14 GRAND JUROR 16: No. 16.

15 THE WITNESS: Yes, sir.

16 GRAND JUROR 16: So you're really familiar
17 with this report, then, would you say?

18 THE WITNESS: Not really. I've just read it a
19 couple times. I read it prior to my termination and
20 then I read it once post-termination.

21 GRAND JUROR 16: And you've seen documentation
22 with your name on it and Robinette's as well?

23 THE WITNESS: Yes, sir.

24 GRAND JUROR 16: And reflecting back on your
25 relationship, did you have a relationship with Bates

1 or was this all just solely based on conflict with
2 Huckleby?

3 THE WITNESS: This is all conflict with
4 Huckleby. I actually -- for many years I thought Bob
5 Bates was a different Bob Bates.

6 There was a Bob Bates that worked for the
7 Sheriff's Office that went and took one of those jobs
8 over like in Kosovo, or somewhere, when all the cops
9 were leaving to go over for that big money. He left.
10 He later come back and went to work for Glenpool.

11 So when we were hearing the rumors of this
12 preferential treatment, no testing. He was just
13 being waved through. I was in a different division
14 at the time, but I didn't really raise a lot of
15 preferential treatment because I thought it was a
16 former Sheriff's supervisor. He was a sergeant when
17 he left.

18 So, it was -- it was -- umm, I was confused
19 on who it was. I didn't know there was another Bob
20 Bates. I thought it was the Bob Bates that had left
21 here and I thought, well, why wouldn't --

22 GRAND JUROR 16: So this is in '09? I'm sorry
23 to interrupt, but you're thinking at this time in
24 '09?

25 THE WITNESS: It was a different Bob Bates

1 when all this was coming out.

2 But all this stuff that you read in here is
3 my direct conflict with Tom Huckleby. I was his
4 subordinate then. He was a captain. I was a
5 sergeant.

6 So -- and I also want to point out, there's a
7 2008 report that was done. There was a lawsuit
8 filed. There was a private settlement done. I guess
9 it was in the media that the lawsuit was settled, but
10 the amounts of money that were distributed were not
11 disclosed. That was in 2008. That was part of the
12 Michelle Robinette investigation.

13 And the statements that you see attached to
14 this report, in my recollection these are the
15 statements I made in 2008, not this report. Because
16 this was the first time that I'd ever seen this, this
17 report in its 13-page entirety. I believe those
18 statements that I made was from a different
19 investigation that Michelle Robinette concluded.

20 GRAND JUROR 16: So during the 2009
21 investigation you weren't interviewed by IA?

22 THE WITNESS: Not -- they tell me I was. I
23 have no -- I have no recollection of that interview.
24 They can't afford me with the tapes or any
25 transcripts of that. They tell me I was interviewed,

1 but I don't remember being interviewed. I remember
2 being interviewed in '08.

3 GRAND JUROR 15: But this particular -- Juror
4 No. 15. This particular document, Exhibit 16, is
5 done by Lillard not by Robinette.

6 THE WITNESS: Right. But I believe the
7 statements that -- if you notice when you read the
8 report it kind of changes gears about halfway through
9 there. It talks about Bates' preferential treatment.
10 Then all of a sudden it talks about harassment and
11 intimidation.

12 I believe what I'm referenced in saying in
13 there was from a different investigation that was
14 done by Robinette.

15 GRAND JUROR 15: Gotcha.

16 THE WITNESS: That -- I think that Captain
17 Lillard, or at the time Sergeant Lillard, got that
18 information from that other report and added it,
19 concluded it, for the conclusion of his report, is my
20 brief.

21 GRAND JUROR 8: Juror No. 8. Where is
22 Robinette now? Is she still employed?

23 THE WITNESS: She is still employed. She is
24 working -- she's carrying multiple hats, actually.

25 She's over the courthouse now. At least if I

1 remember when all the changes were made right before
2 my termination. She's over the courthouse.

3 She also -- they had put Eric Kitch as a
4 figurehead as a Jail Administrator to take my spot.
5 He offices in my old office.

6 But Michelle Robinette is actually running
7 the show. Telling him what to do and how to operate
8 the jail.

9 So, I believe she's carrying multiple -- and
10 I think she's still handling the construction of the
11 jail expansion. So she's -- if what was then is
12 still now, she's carrying multiple positions.

13 GRAND JUROR 8: Thank you.

14 GRAND JUROR 15: Juror No. 15. Where is Terry
15 Simonson now?

16 THE WITNESS: Terry Simonson has -- he is
17 still -- I think he is the only one that is
18 corresponding directly with the Sheriff. As you know
19 in the restructuring -- and, again, I don't know how
20 much you guys know.

21 In the restructuring the -- there was a lot
22 of authority stripped from the Undersheriff's
23 position as the Sheriff made many references in the
24 public. That he's not going to allow the
25 Undersheriff to have as much latitude as they once

1 did.

2 Terry Simonson has taken over my PIO roles as
3 the official spokesman. Now, they have another
4 spokesperson that they use from time-to-time, but
5 Terry Simonson is the official spokesperson. And
6 he's also doing the contracts.

7 He's -- right now what he's doing is he's the
8 personal legal advisor to the Sheriff for this entire
9 situation.

10 Now, the Sheriff has other attorneys, but my
11 understanding is Terry Simonson is the one that's
12 directing him, statements to make. I believe Terry
13 Simonson was very active in my termination on
14 directing him.

15 I will share with you that right now my
16 attorneys -- we had to -- I did apply for
17 unemployment and was denied unemployment.

18 So, my attorneys appealed that to the
19 Unemployment Tribunal and I was awarded,
20 overwhelmingly, I was awarded unemployment.

21 And the Hearing Officer wrote a very detailed
22 report not only saying should I not have been
23 terminated, I shouldn't even have been disciplined
24 for what they raised.

25 And they only raised one issue at hearing.

1 And the only issue at hearing was that I had asked a
2 captain to reevaluate a sergeant and change the
3 evaluation because he had gave her a superior rating
4 and he had only been the captain for three months.
5 And I asked him to take the 12 months into totality
6 and reevaluate her.

7 That's what they said. And that was part of
8 my termination hearing, that he brought up, that I
9 was intimidating by changing evaluations.

10 But what was under oath in the hearing of my
11 unemployment was, not only did I not order it be
12 done, I hadn't even seen it.

13 Because on my termination when I was cleaning
14 out my office the completed evaluation by the captain
15 with a note on it saying, no -- reevaluated, no
16 issues, because I made him re-serve her. If you
17 change the score you got to re-serve them and let
18 them know.

19 And there's a sticky note saying, no issues,
20 and it was laying on my desk. I had not even
21 approved it, had not even seen a final copy of it,
22 which I was held accountable for. That was the only
23 issue that they raised in my unemployment hearing.
24 The only issue they raised.

25 So, they said not only should I not have been

1 terminated, I should not have even been disciplined
2 and now the county has appealed that to the
3 Unemployment Commission.

4 GRAND JUROR 16: Juror 16. Since you brought
5 up evaluations --

6 THE WITNESS: Yes, sir.

7 GRAND JUROR 16: -- some of the recent
8 testimony was if there were issues that someone had
9 with their superior that it would be on the
10 evaluation, given the opportunity to complain at that
11 time. Is that a true statement?

12 THE WITNESS: It is. In our policies you can
13 do a grievance. You're allowed to bypass your chain
14 of command if you have a problem with your immediate
15 supervisor and go above it, or on your evaluation
16 form it had employee comments where you could write
17 whatever you wanted.

18 GRAND JUROR 23: Juror 23. The morning
19 executive meetings, are they documented anywhere? Is
20 there a tape recording or something, because I know
21 where I work those meetings have to be filed to keep
22 our accreditation.

23 THE WITNESS: The 8:30 morning meetings are
24 not. The Wednesday executive staff meeting does have
25 minutes taken and it is recorded and it does have an

1 agenda.

2 And if I may, I wanted to go back to one
3 point early on, on one of his questions about how I
4 knew I was going to be terminated before I ever come
5 here.

6 Remember, I talked to you about the Sheriff
7 sending me a text message from Wagoner County?
8 Again, you got to remember this was the Thursday
9 before I was put on administrative leave.

10 One of his deputies, Deputy Elliott in
11 Wagoner County, had told the major and the Sheriff,
12 had shared information with them, specific to the
13 allegations in my Internal Affairs complaint, that I
14 yet had not even been put on admin leave, nor anybody
15 had been interviewed, because the interviews started
16 on Friday. He told them that I was going to be
17 terminated when I got back from vacation.

18 How he knew that, and his relevant information
19 to that, and I would hope that you guys may even
20 think of subpoenaing him. He told them that he got
21 the information from Tammy Marler, which is his wife,
22 and she is the news director for KFAQ that hosts the
23 Pat Campbell Show. And if you guys ever listen to
24 Pat Campbell, Terry Simonson is on the Pat Campbell
25 Show once or twice a week.

1 So they made a decision to fire me before any
2 interviews had ever taken place. Something happened
3 between that Friday and that Thursday and they had
4 already told Pat Campbell that I was going to be
5 terminated and she told -- Tammy Marler told her
6 husband Deputy Elliott in Wagoner County and he told
7 the Sheriff and he listed, specifically, the
8 allegations that you guys have heard some of in this
9 testimony.

10 GRAND JUROR 1: Juror No. 1.

11 THE WITNESS: Yes, sir.

12 GRAND JUROR 1: Are you aware of any gifts, I
13 guess you could say, that Sheriff Glanz as received?

14 THE WITNESS: Gifts? Besides -- no, besides
15 the vendor dinners and things of that nature, I don't
16 know of any tangible gifts he may have received.

17 GRAND JUROR 1: Okay.

18 Q. (BY MR. BARRIS) I want to follow-up on something
19 one of the Grand Jurors raised and you responded to
20 them. You said there were minutes, agendas, and
21 recordings of executive staff meetings?

22 A. Not recordings, but -- I don't think they
23 recorded them, minutes, though.

24 The Undersheriff's secretary, or in her
25 absence the Sheriff's secretary, would take -- there

1 was an agenda for every Wednesday meeting, not
2 every -- I apologize -- not every Wednesday meeting.
3 If we had an agenda we would have a meeting. And it
4 was on the Wednesday each week, typically, unless
5 there was a scheduling conflict. And, yes, they did
6 keep minutes of the meeting and then those minutes
7 and those agendas were filed somewhere. I'm not sure
8 about the recording.

9 Q. And, so, who maintains those records?

10 A. I believe the Sheriff's secretary does.

11 Q. Okay. Thank you.

12 GRAND JUROR 9: Juror No. 9.

13 THE WITNESS: Yes, sir.

14 GRAND JUROR 9: How familiar are you with the
15 relationship between Sheriff Glanz and Undersheriff
16 Albin?

17 THE WITNESS: My perception it's been strained
18 a little bit over this whole entire incident, but
19 they -- they were very close. They were very close
20 personally and professionally.

21 GRAND JUROR 9: Okay. We'll go prior to
22 April 2nd.

23 THE WITNESS: Okay.

24 GRAND JUROR 9: Try to get some of this strain
25 out of there, obviously. It sounds like you worked

1 closely with Sheriff Albin.

2 THE WITNESS: I did.

3 GRAND JUROR 9: Officed next door type thing
4 and everything.

5 THE WITNESS: No. I officed next to the
6 Sheriff.

7 GRAND JUROR 9: Yeah. Next to the Sheriff.

8 THE WITNESS: Yeah.

9 GRAND JUROR 9: How is, ahh -- back up a
10 second here. How is the Undersheriff selected?

11 THE WITNESS: Strictly by the Sheriff.

12 GRAND JUROR 9: So, the Sheriff says, I want
13 this guy in this position?

14 THE WITNESS: Yes.

15 GRAND JUROR 9: Is it a rank or seniority
16 issue or...

17 THE WITNESS: No. He could actually --

18 GRAND JUROR 9: Can he pull a sergeant and put
19 him in as Undersheriff if he wanted to?

20 THE WITNESS: He could pull any one of you and
21 make his Undersheriff if he wanted to.

22 GRAND JUROR 9: Prior to Undersheriff Albin
23 being appointed that position how was the
24 relationship between Tim Albin and Sheriff Glanz?
25 Was it a long-lasting relationship, close

1 relationship, how did that come about?

2 THE WITNESS: Tim Albin is a very, very,
3 dedicated, military raised subordinate. And he was
4 very dedicated and loyal to the Sheriff no matter
5 what it was, private, professional, it didn't matter.
6 It was very close.

7 Now, they vacationed together. They worked
8 together. Obviously, their relationship
9 professionally was very good because the Sheriff, you
10 know, he had many options to pick from when he picked
11 Undersheriff Albin to be his new Undersheriff.

12 GRAND JUROR 9: Okay. Let's -- let's stray
13 from that for a second.

14 Do you know of the relationship between
15 Sheriff Glanz and then Major Tom Huckleby? Once
16 again, prior to the April 2nd event how was their
17 relationship.

18 THE WITNESS: That one was a little different.
19 The Sheriff had made personal comments to me that he
20 did not like Tom's management style. He told me that
21 he had counseled Tom on occasions about him being so
22 militaristic or so -- Tom can be demeaning at times,
23 overbearing, demeaning, however you want to phrase
24 it.

25 He told me that he would have those

1 conversations with Tom. And, again, a lot of it got
2 into management philosophies and styles, but he would
3 also go on fishing trips with Tom. He would ask Tom
4 to come down to his ranch in Stiegler and help him do
5 some stuff. So it was very odd.

6 He would use Tom when he needed Tom. And Tom
7 was more associated to the Sheriff through Tim Albin.
8 Tom and Tim are very close and that was really Tom's
9 nexus to the Sheriff.

10 And when, when majors were appointed -- and
11 they got rid of the major rank years ago. When
12 majors were appointed, or when the discussion of
13 majors come into it, I was the Sheriff's Assistant
14 and I was driving him home one day and the topic of
15 majors come up and I asked him about the major rank.
16 Told him I'd be very interested in the major rank.

17 At the same time the Undersheriff's position
18 was available when he was considering the major rank
19 and he had many Sheriffs in Northeast Oklahoma and
20 even the Oklahoma Sheriff's Association suggest to
21 the Sheriff that I should be the successor and take
22 the Undersheriff's position. He didn't have
23 enough -- well, there was a reason why he made me a
24 major.

25 So I said, I would like to be a major. And

1 he said I think you'd be great in any position in my
2 office.

3 So he -- when those major selections come
4 there had been rumor in our office that John Bowman
5 was going to succeed as Chief Deputy when George
6 Haralson retired.

7 But they decided to make majors instead
8 because it was going to save thousands of dollars on
9 the budget because they could pay us -- they wouldn't
10 have to pay a chief salary. They could pay three
11 major salaries and save about 35 or \$40,000 a year.
12 So they decided to make three majors.

13 So, the Sheriff picked a major, which was me.
14 Tim Albin picked a major and that was Tom Huckleby.
15 And, then, John Bowman was made a major because he's
16 best friends with chief, or now Undersheriff Rick
17 Weigel, and that was, basically, Rick's contribution
18 to the management ranks.

19 That's how we were selected. Each person got
20 to pick a major and I was the Sheriff's selection for
21 major at the time.

22 GRAND JUROR 9: One more on relationships.
23 What would you say the relationship between Sheriff
24 Glanz and, umm, Chief Robinette is? What's their
25 relationship look like?

1 THE WITNESS: Again, let's talk before May 2nd
2 because right now I have no idea what -- what Chief
3 Deputy Michelle Robinette's role is with the office.

4 But prior to that I was in meetings where the
5 Sheriff had asked Undersheriff Albin why he had not
6 fired Michelle yet. And my understanding was
7 Michelle was to be fired right at the conclusion of
8 when Brian Edwards was going to leave.

9 And since Brian was going to leave he handed
10 everything back to Tim and said, I don't want to do
11 it as I'm leaving. You'll have to do it.

12 Tim had built a case, and he told me
13 frequently, that he had a case built to fire Michelle
14 Robinette for multiple reasons. But she is in a very
15 estranged relationship with her kids and her
16 ex-spouse, and she had just adopted, like, half a
17 dozen of her grandkids or something like that.

18 Well, the Undersheriff made numerous
19 references to the Sheriff he just didn't have the
20 heart to fire her since she had just taken on all
21 those kids because she makes a pretty high salary and
22 you just can't find another salary like that in and
23 around this area in law enforcement. And it would be
24 too hard for her to move to meet that salary and that
25 was why the Undersheriff wouldn't fire her.

1 But the Sheriff asked numerous times, why have
2 you not fired her yet? And the Undersheriff, that
3 was the response he would make, because I was worried
4 about these grandkids.

5 But now she's officing next to him and seems
6 to be running most of the investigations. So I
7 don't -- I don't know how that changed.

8 GRAND JUROR 9: So were there -- would you say
9 there were grounds at that time to fire her?

10 THE WITNESS: She was a rank above me. So, I
11 was only really privy to a little bit of information
12 about some of the things she had done.

13 But a lot of the reasons she was removed from
14 the jail was -- and if I may go back to the Correct
15 Solutions situation.

16 One of the reasons she was removed from the
17 jail, that I was told specifically by the Sheriff and
18 the Undersheriff, is because Michelle Robinette was
19 told we are picking Correct Solutions to be our phone
20 provider. She did not believe that was ethical and
21 she scored them the lowest, intentionally, to try to
22 change their score.

23 And if you'll look, our -- Correct Solutions
24 was not the highest bidder or lower bidder, whichever
25 way you want to look at it. There were other

1 companies that scored much higher in the
2 presentations, but everybody -- the executive
3 leadership already knew who we were taking. Michelle
4 didn't like that. So she scored them the lowest and
5 that really upset the Sheriff. So, if you look at
6 the time frame not long after that she goes out and I
7 go over.

8 GRAND JUROR 9: How did you score Correct
9 Solutions even whether it counted or not. How did
10 your --

11 THE WITNESS: If my memory serves me correctly
12 I scored them -- I did score them number one and the
13 only -- the component that I used to make them number
14 one was the technology and that's -- that's what
15 everybody was telling me.

16 I also had, you know, I had instructions on
17 who was going to get it anyway and I didn't want to
18 go against the grain, if you will.

19 But I knew I wasn't going to continue in RFP.
20 I knew I had no -- I wasn't going to participate in
21 the oral presentations. I wasn't going to
22 participate in the selection. I had nothing else to
23 do with it.

24 But based on the scoring mechanism, they
25 offer a technology that's not in any other jail or

1 prison in the United States and I gave them a high
2 enough score on the technology that made them number
3 one.

4 GRAND JUROR 9: Okay. Regarding the Sheriff's
5 Office itself. Granted, it's kind of tough to answer
6 this potentially with your current situation, but as
7 the overall Sheriff's Office and how it's being run
8 can you give us your general impression?

9 THE WITNESS: There's a lot of turmoil within
10 the Sheriff's Office. There's a lot of hatred
11 between the troops.

12 Most of the guys work well at the rank of
13 deputy. Most everybody gets along. Most of the
14 detention officers get along.

15 But once you elevate to the rank of sergeant
16 or higher there's a lot of territorialism. There's a
17 lot of fighting. There's a lot of hatred. There's a
18 lot of competitiveness, back-stabbing, people talking
19 about each other.

20 And I hate to say that, because the Sheriff's
21 Office is an elected office and in my law enforcement
22 career people would ask me, why do you work for a
23 Sheriff's Office? And I will tell you the reason
24 that I chose, hopefully to finish my career in a
25 Sheriff's Office is because you work for one man.

1 You work for the elected Sheriff's Office. That's
2 it.

3 You don't work for a City Council. You don't
4 work for a mayor. You don't work for a whole bunch
5 of other bureaucrats. You work for one person. And
6 he makes all the rules, good or bad, and that's why I
7 chose the Sheriff's Office.

8 But I attribute that to the lack of
9 leadership. There was no leadership. It was you had
10 your cliques and depending on what clique you were in
11 and depending on who was in power at the time is how
12 well you would advance.

13 When Brian Edwards was the Undersheriff I
14 wasn't in Brian's click. And Brian would take
15 deputies up to his house on Grand Lake and they would
16 lay bricks and sod and they work at his house in
17 Grand Lake. I wouldn't go. And I wasn't in his
18 click. So I didn't get go to the wine dinners and
19 the things that Brian would do for the deputies.

20 But if you were in that click you got anything
21 you wanted. You got new cars. You got the patrol
22 shift you wanted, you know.

23 But then when Tim was in charge I got -- you
24 know virtually I didn't ask to go to the jail, but
25 for the most part I got what I wanted. I got to stay

1 PIO. I got to keep my immigration. You know, it
2 just depended on who was in charge and what click you
3 were in as to what you get within the organization.

4 GRAND JUROR 9: Okay. That kind of leads me
5 to my final question for me, then. So you would say
6 that the turmoil and the hatred and the -- I wouldn't
7 say competitiveness. I think there's competitiveness
8 in any industry, but the bad things.

9 THE WITNESS: Yes.

10 GRAND JUROR 9: Okay. You would say that
11 those are directly related to Sheriff Glanz's
12 leadership?

13 THE WITNESS: I believe so. Because he
14 knew -- all these things that you're probably going
15 to hear from all these different people that you talk
16 to, he knew about every single thing that happened
17 because we talked about it in the morning meetings,
18 from who was having affairs, all the way to who was
19 having money problems, to who was fighting each other
20 and he thought it was comical.

21 There's an old management philosophy in law
22 enforcement -- one of the first management schools I
23 ever went to was, if you keep the troops fighting
24 amongst themselves they'll never turn on you. And I
25 believed that was his theory. I believed that he

1 thought as long as I keep everybody fighting amongst
2 themselves they ain't never going to come to me.

3 But the other thing, too, is -- and he's
4 trying to use it as a segue to say that he didn't
5 know, but he put everything on the Undersheriff.
6 Absolutely everything relied and rested on the
7 shoulders of the Undersheriff. He made very few
8 decisions. And when he would make a decision --
9 Undersheriff Edwards at the time was a yes-man.

10 If the Sheriff even suggested an idea just in
11 casual conversation, Brian immediately implemented it
12 in the organization if it was good or bad. It's just
13 because Sheriff mentioned it.

14 Tim would fight him a little bit and he would
15 give credible debate on why it should or should not
16 work and then we would voice our opinions a lot of
17 times. And then he would just leave it to up the
18 Undersheriff to make the decision in a lot of things.

19 But he knew, again, from the minor thing to
20 the major thing, he knew everything that was going on
21 in that organization.

22 He knew who was fighting. He knew the
23 sergeants that were backstabbing each other in the
24 field. And he related a lot of that back to his days
25 at TPD. That's how TPD worked. That's -- everybody

1 was, you know, vying for the same jobs. You know,
2 you have to compete. You have to cut-throat. You
3 got to do these things. And I believe that his
4 management philosophy had surpassed the current age
5 of what goes on today.

6 GRAND JUROR 9: Okay. I'm going to renege on
7 my statement. This isn't my last question because
8 you just brought a lot more stuff to the table.

9 THE WITNESS: I'm here for you guys, so
10 whatever.

11 GRAND JUROR 9: You know, based on that, and
12 now I do have to come up to the April 2nd event.

13 THE WITNESS: Okay.

14 GRAND JUROR 9: Okay. A lot of the testimony
15 that we've heard, in my opinion, aims us toward
16 leadership and management styles of Major Huckleby and
17 Undersheriff Albin.

18 THE WITNESS: Yes, sir.

19 GRAND JUROR 9: But a lot of the testimony
20 kind of tends to stray away from pointing directly at
21 the Sheriff as even having known of the events.
22 Obviously, as a PIO you're right in there in the
23 middle of it.

24 The question I have is: You just stated that
25 the Sheriff knew stuff was going on. So, did the

1 Sheriff know of the training issues surrounding Bob
2 Bates? Did he know of the -- well, let's answer that
3 question right upfront.

4 Was the Sheriff aware of the training issues
5 or lack of training documentation surrounding Bob
6 Bates?

7 THE WITNESS: Yes. I believe so.

8 GRAND JUROR 9: Okay. Was the Sheriff aware
9 of, umm, the lack of the initial information, the
10 mental studies, the applications, I guess is what I'm
11 looking for.

12 Was the Sheriff aware of lack of appropriate
13 application procedures surrounding Bob Bates being
14 placed on the reserve force?

15 THE WITNESS: Here's how the Sheriff is going
16 to give you plausible deniability. He, basically,
17 told us Bob Bates gets whatever Bob Bates wants.
18 When Bob Bates was hired they said, expedite the
19 process. Internally we know what that means.

20 Now, when you start pinning him down did you
21 know the MMPI was waived? No. Did you know that was
22 waived? No.

23 You know why? Because he didn't want to be
24 involved in that. He simply said, carte blanche, do
25 it. That's why we did it. That's why Tim Albin and

1 Tom Huckleby carried the water for the Sheriff. We
2 knew what he meant when he said this.

3 Now, he will come in to you with this
4 plausible I didn't know. That's not true. He knew
5 what was going on. He knew exactly what was going
6 on.

7 And I had multiple conversations with him
8 about how to introduce this to the media that would
9 suggest that Bob didn't have to have all this
10 training. He didn't have to go through the hiring
11 process.

12 And when you look at it, if you take Tulsa
13 County policy out of it, all our policies completely
14 away, did Bob Bates meet every criteria of the state
15 law? Absolutely he did.

16 Because once you're a reserve, you're always
17 a reserve, forever. There was no continuing
18 education. There was only a mental health deal that
19 you had to participate in. You don't have to do what
20 full-time law enforcement had to do.

21 Well, he wanted me to go out and say that and
22 I told him there was no way. There was no way I was
23 going to come out there and look like an idiot and
24 say that, you know, because in today's society you
25 got to have training no matter what it is. In every

1 industry.

2 But that's how he's going to suggest to you
3 that he didn't know, because he would issue a blanket
4 order and you just, in our industry, in the way that
5 our office worked you just knew. You just didn't
6 cross swords with Bob Bates. And I knew that. And I
7 didn't have a relationship with Bob Bates. I knew
8 not to cross swords with him. You didn't want to be
9 on his bad side and you knew the Sheriff.

10 I can sit here and list out half a dozen
11 millionaires to you right now that are on the same
12 special treatment list that you just don't mess with.
13 I mean, it's happening right now.

14 Even after I done my own little investigation
15 and done some research that I've shared with my
16 lawyers, that's still happening today. Sheriff ain't
17 scared of you. He ain't scared of me. He ain't
18 scared of the media. He thinks what he's doing is
19 absolutely correct.

20 GRAND JUROR 16: Juror 16. You were the
21 Sheriff's Assistant, you stated. Am I correct?

22 THE WITNESS: Yes.

23 GRAND JUROR 16: Did he sign everything or did
24 he have a stamp?

25 THE WITNESS: Well, there were three ways

1 things were signed in the office. He had a stamp.
2 He did sign some stuff, but he also -- there was one
3 or two within the office that could forge his
4 signature pretty well that would help him at times.
5 I think the secretary. There's like two people that
6 can forge his signature and she would, if he was
7 absent they would sometimes forge his signature.

8 GRAND JUROR 16: Now, specifically training
9 records?

10 THE WITNESS: He would never participate in
11 training records.

12 GRAND JUROR 16: Even though some of the, ahh,
13 certificates had the Sheriff's signature line on
14 them?

15 THE WITNESS: No, that -- Bonnie Fiddler
16 should have a stamp that she stamps all certificates
17 on.

18 Now, the only other way that would happen is
19 if -- if somebody in HR would bring in a stack of
20 certificates in our morning meetings he would sit and
21 sign those, all morning. He would just sit in there
22 and he used a special pen to do that. They have
23 special pens that he uses to sign stuff.

24 GRAND JUROR 1: Juror No. 1. Did you say
25 Bonnie Fiddler has a stamp for the signature?

1 THE WITNESS: She either has a stamp or it's
2 an auto signature on the computer that she just pulls
3 it up. It's already on -- because I can show you
4 half of my certificates that it's -- it's just a
5 computer generated stamp.

6 Q. (BY MR. SIGLER) Mr. Clark, I've got a couple of
7 questions.

8 A. Oh, yes, sir.

9 Q. You've just talked about the Sheriff's
10 relationship with Mr. Bates and how that may have
11 influenced people in the organization. Would that be
12 fair?

13 A. Yes.

14 Q. Do you believe that the Sheriff's relationship
15 with Mr. Bates influenced Undersheriff Albin's
16 decisions?

17 A. Absolutely.

18 Q. What about -- was it Major Huckleby? Would that
19 be the same -- the same question as to Major Huckleby.

20 A. Major Huckleby was just as loyal to the
21 Undersheriff as the Undersheriff was to the Sheriff.
22 So, yes, I believe so.

23 Q. Do you have an example to give to the jurors
24 about that, things of your personal knowledge, that
25 that relationship between Sheriff Glanz and Bob Bates

1 influenced a decision that you may not have agreed
2 with, or thought was maybe not the correct decision
3 from Undersheriff Albin?

4 A. Okay. Some of these are going to be personal. I
5 mean, I don't know how you take the personality out
6 of it.

7 A lot of the things -- I personally -- you
8 know, I had to adamantly defend Bob Bates and his
9 participation with the Drug Task Force. I didn't
10 think he should be on that Drug Task Force.

11 And the only reason he was on the Drug Task
12 Force was because he bought all the stuff for them.
13 And he bought lots of stuff for them. He was able to
14 participate in whatever he wanted to participate
15 in --

16 Q. Let me stop you right there.

17 A. Sorry.

18 Q. Why do you believe that Mr. Bates should not have
19 been on that task force?

20 A. Because he picked and choosed what he wanted to
21 do; and where he wanted to go; and who he wanted to
22 influence.

23 He also used that to promote his self-persona
24 to other people, about he was a big undercover guy.
25 He also -- the stub-nose .38 that he used. Nobody

1 else is allowed to carry a stub-nose .38.

2 Q. Is that a dangerous detail?

3 A. Oh, very dangerous.

4 Q. Tell us about that.

5 A. Well, I'll tell you I'll never do it. But I can
6 tell you the undercover operation is significantly
7 dangerous, especially Tulsa.

8 Tulsa is a major city, but it's a small
9 community. And I wouldn't dare put -- go out in
10 undercover because everybody knows you.

11 You know, you can't be in law enforcement for
12 any length of time that somebody is not going to
13 recognize you. Very, very, dangerous operation.
14 They deal with some of the worst of the worst and,
15 obviously, death occurs.

16 You know, I gave up the SWAT team after we
17 killed the guy in Broken Arrow that had the hand
18 grenade. It's real life. I mean, this is life and
19 death. There's real things happen.

20 Q. What type of officers are on that detail?

21 A. Crazy.

22 Q. Well, that may be, but I'm talking about their
23 age, their --

24 A. Usually --

25 Q. -- physical description.

1 A. -- it's prior military. They're usually young
2 bucks, muscled up, umm, usually have a propensity and
3 like to be engaged in physical combat. They do lots
4 of hand-to-hand stuff. They're in foot pursuits a
5 lot. It's just -- it's not a normal behind the desk
6 kind of policeman.

7 You know, you see guys kind of fall into who
8 goes into being a desk jockey and who actually falls
9 into being a task force guy.

10 But they're usually young, aggressive,
11 motivated, healthy and, again, a lot of them have
12 military backgrounds.

13 Q. And Mr. Clark, would that be some of the reasons
14 why you didn't approve or didn't believe it was a
15 good idea for Mr. Bates to be on that detail?

16 A. No. Mine was -- mine was, typically, personal.
17 And mine specifically was I just didn't think that
18 somebody like that should be able to come in and do
19 whatever they wanted to do whenever they felt like
20 doing it. I wasn't afforded that same opportunity
21 and I had tenure here.

22 Q. Now, in regards to -- do you have any personal
23 knowledge of the Sheriff, specifically, instructing
24 Mr. Albin to do something in regards to Mr. Bates?

25 A. Nothing specific is popping out.

1 Q. Okay. What about -- was it Corporal Huckleby or
2 Major Huckleby?

3 A. Major Huckleby. Major Huckleby and Bob Bates have
4 a very close personal relationship as well.

5 And Tom will probably -- Major Huckleby will
6 probably have to tell you. I think a lot of things
7 were influenced by Major Huckleby because of his close
8 relationship with Bob Bates, but I also think that he
9 was trying to be the good deputy and do what the
10 Sheriff wanted done.

11 Q. What's your knowledge base of the relationship
12 between Huckleby and Bob Bates? Their relationship.

13 A. They're very close. I would say they're as close
14 as me and my -- one of my closest friends. I mean,
15 they communicate a lot.

16 If there was -- if you ever wanted to get Bob
17 Bates you had to go through Huck. Like, for
18 instance, if I wanted to talk to Bob Bates a lot of
19 times I'd go through Huck to talk to Bob Bates.

20 When I say "Huck" we affectionally refer to
21 him as Huck, instead of saying Major Huckleby.

22 But we refer to him -- I know he spends a lot
23 of time at his properties in Florida and Colorado.
24 And he's with him a lot of times, not only
25 professionally, but socially. And they spent a lot

1 of time in the same vehicle together during
2 undercover operations.

3 Q. Now, do other deputies of that rank, Huckleby's
4 rank, does that happen that they hang out with
5 Reserve Deputies on that scale very often?

6 A. No. There's only two others at that rank and it
7 was me and Major Bowman and neither one of us had a
8 reserve friend that we had associated with.

9 Billy McKelvey may have been the closest to
10 having a personal relationship, but it was more of a
11 distant relationship with one of our reserves and
12 it's only because they were in the construction
13 industry together.

14 McKelvey owned a personal business on the side
15 and this guy is a developer and he was kind of
16 shadowing Billy and taking him under his wing. And
17 they would -- they would share -- he would help him
18 build his business. But that would probably be the
19 closest that I could think of.

20 MR. SIGLER: Thank you.

21 THE WITNESS: You're welcome.

22 GRAND JUROR 8: Juror 8. You mentioned in
23 passing that there was several other millionaires
24 that you knew that you couldn't touch, like, are you
25 talking about on the reserve program?

1 THE WITNESS: Yes.

2 GRAND JUROR 8: Currently?

3 THE WITNESS: Yes.

4 GRAND JUROR 8: Do you want to expand on that
5 for us?

6 THE WITNESS: I'd be more than happy to.

7 GRAND JUROR 1: I'm sorry. I've got to stop.
8 Can we take a quick bathroom break?

9 MR. BARRIS: Yes. Let's show us in recess for
10 10 minutes. It's 3:26 p.m. on August 14, 2015.

11 (A recess was taken, after which the following
12 proceedings were had.)

13 MR. BARRIS: All right. It's 3:38 p.m. let's
14 open the record again on August the 14th, 2015.

15 The Grand Jury is back in session as are the
16 alternates and myself and Mr. Sigler, the legal
17 advisors for the Grand Jury.

18 We have had Mr. Shannon Clark on the stand as
19 a witness. At this point, Ladies and Gentlemen of
20 the Grand Jury, I am going to ask him to come back in
21 with his attorney and we'll resume questioning.

22 (Witness and his legal counsel return to the
23 Grand Jury Room.)

24 Q. (BY MR. BARRIS) And, sir, for the record you're
25 the same Shannon Clark who was here before the break

1 testifying before the Grand Jury, is that correct?

2 A. Yes, sir.

3 Q. And your attorney, Mr. Stall, remains with you,
4 is that correct also?

5 A. That's correct.

6 Q. Okay.

7 MR. BARRIS: Ladies and Gentlemen of the Grand
8 Jury, you may proceed.

9 GRAND JUROR 8: I think I'd asked before we
10 took the break that you had mentioned there were
11 several millionaires that were, you know, you were
12 not supposed to touch. And I asked if they were in
13 the reserve program and you were going to expand on
14 that.

15 THE WITNESS: I do. Just as a couple of weeks
16 ago, one in particular is Hastings Siegfried, he's
17 the Vice President for Nordam Corporation and he
18 lives in a mansion over by Gilcrease Museum.

19 He went to Singapore to run Nordam over there
20 for quite some time and he was -- they parked a
21 Sheriff's patrol car in his driveway and there still
22 is one today parked in his driveway and he's -- he's
23 one.

24 There was Greg Merrill is another one that
25 flies the helicopter for us. Greg's given a patrol

1 car.

2 There's, umm, the guy that owns Dong's Guns
3 up on Admiral, Dave Stone, he's given a patrol car
4 and he bought his. And they just recently took it
5 away from what I understand.

6 But, you know, if you're in that category of
7 people, or you're in the committee of 100, or you
8 socialize with that group of people and you're on the
9 reserve. And there's a lot of people on the
10 reserves.

11 And like Hastings, for instance, that car
12 sits in his driveway, you know, but they took Billy's
13 car away. They took my Admin Assistant, Chris
14 Cook's, car away. They took my secretary, Sarah
15 Gadd's, car away. You know, but then they let cars
16 sit in reserve's driveways if you're in the club.
17 And that's just one thing.

18 The reserve program has been under suspension
19 now for months and yet our cars are sitting in
20 driveways. I mean, that brings a lot of distrust
21 amongst the community.

22 They know who these places belong to and they
23 know that a deputy can't afford a mansion by
24 Gilcrease Museum. You know, if you could, you
25 obviously, married well or something to that effect.

1 But that's what I'm saying, is depending on
2 who you are -- Hastings Siegfried, he's on the SWAT
3 Team. As most of the SWAT Team is comprised of
4 Reserve Deputies.

5 He gets to do whatever he wants. He gets to
6 carry whatever he wants. He wants to be on the
7 sniper team, he can be on the sniper team. If he
8 wants to be the entry team, he can be on the entry
9 team.

10 You know, those are kind of the things -- and
11 you know who to touch and who not to touch and who
12 just kind of had full access to do --

13 GRAND JUROR 8: So, Bates just came to light
14 because he made this mistake. He's not the only one,
15 probably, getting this preferential treatment?

16 THE WITNESS: Oh, no, ma'am. He is not the
17 only one.

18 Terry Simonsen, why do you think he got his
19 job? Preferential treatment, because he helped out
20 an elected official and they just made a job for
21 that. That was not a spot that we had in the
22 Sheriff's Office. That was a created spot to pay for
23 him because nobody else wanted him.

24 You know, he had been fired from the city.
25 The County Commissioners didn't want him. They

1 just -- they asked us to make a spot for him and the
2 Sheriff did.

3 GRAND JUROR 8: Do you know if any of these
4 other individuals have the relationship or friendship
5 similar to Bates and the Sheriff or is it simply
6 their money relationship?

7 THE WITNESS: As we've heard the Sheriff say
8 publicly, him and Bates have a very close
9 relationship. They -- they fish frequently. They
10 camp out together. They vacation together.

11 I'm not -- he has some close relationships
12 with the Kelseys, Howard Kelsey and Ron Kelsey. They
13 are very wealthy individuals. They own -- I think
14 Howard Kelsey is one of our appraisers. He owns a
15 big construction company or something to that effect.

16 Ron Kelsey is -- he's a former financial
17 analyst or something like that. They have a lot of
18 money and he spends a lot of time at the Joint with
19 them.

20 His -- they're high-rollers at the Hard Rock
21 and they get executive suites with all the
22 furnishings. The only reason -- I've been there.
23 They invited my wife and I to a concert one time and
24 that's the reason I know that they get an executive
25 suite and stuff.

1 Once the Sheriff started going I was not
2 invited anymore and I haven't been in quite sometime,
3 but he does go, him and his wife go to the Joint and
4 hang out with the Kelseys. And they're brothers and
5 they're both appraisers.

6 Rueben Davis, Rueben Davis used to be
7 considered the Sheriff's very best friend and when
8 Rueben Davis worked for McAfee and Taft -- if you
9 look back in the records, McAfee and Taft handled a
10 lot of the Sheriff's lawsuits, you know, upwards of
11 well over a million dollars and it was because of
12 Rueben.

13 And Rueben, you know -- and that's why I
14 say -- he was a reserve on the SWAT Team. He got to
15 pick and choose what he wanted to do on the SWAT
16 Team.

17 A lot of the reserves aren't -- aren't
18 required to meet the physical standards of the SWAT
19 Team, either. You know, Rueben Davis had two hips
20 replaced when I was on the SWAT Team with him. You
21 know, I was a sniper. So, I had to spend a lot of
22 time training and different elevations, a lot of time
23 running with your packs and your rifle and different
24 things of that nature.

25 And he had both hips replaced, so, he didn't

1 have to meet all the same criteria as a full-time
2 deputy would have to meet or other SWAT members, but
3 he was the Sheriff's best friend at the time, so we
4 knew about that.

5 Sheriff's got a lot of relationships with
6 these reserves that help pay for the tax initiative
7 for the jail. They are helping pay for the training
8 center, donating equipment, or things for the big
9 Sheriff Glanz's Regional Law Enforcement Training
10 Center. Things of that nature.

11 So, the friendships run wide. I'm not sure
12 exactly that -- the two closest people that I could
13 probably attest to would be Rueben Davis and Bob
14 Bates.

15 GRAND JUROR 8: Thank you.

16 THE WITNESS: You're welcome.

17 GRAND JUROR 16: Juror 16. You heard the
18 term, buy a badge program?

19 THE WITNESS: Yes.

20 GRAND JUROR 16: Is that what this pertains
21 to?

22 THE WITNESS: That term has never been used
23 internally until the media made that a term that was
24 commonly used.

25 But depending on what your status in the

1 community is does elevate you to a different level
2 within the Sheriff's Office as a reserve and a
3 full-time deputy, actually.

4 GRAND JUROR 16: How about Ken Yazel?

5 THE WITNESS: Ken is -- Ken has quite a
6 history with the reserve program. You know, we --
7 you know, the Sheriff employs his wife and he employs
8 the Sheriff's wife.

9 And, umm, there were -- there was actually --
10 when Ken was coming out publicly against the jail tax
11 initiative, the Sheriff said in an open meeting, I
12 was present, that he was going to fire Yazel from the
13 reserve program.

14 And then his command staff, the Undersheriff
15 and the chiefs, convinced him to wait till the
16 election was over and it may be a self-correcting
17 problem, because he didn't want to fire Yazel and
18 then worry about his wife getting fired.

19 He thought that if he let Yazel go from the
20 reserve program, then Debra Glanz would get fired
21 from the Assessor's Office.

22 And so they convinced him to wait for the
23 election to be over and if Ken didn't get reelected
24 then he could fire him because it would have no
25 effect on Debra.

1 And, so, as far as I know, Ken's still active
2 in the reserve program, but -- they were going to
3 fire Ken for -- I'm not sure exactly all the reasons,
4 but I know it was because -- one of the reasons
5 because he come out publicly against the jail tax.

6 GRAND JUROR 16: Would you say there's a
7 little quid pro quo there?

8 THE WITNESS: Yes, sir.

9 GRAND JUROR 13: Juror 13.

10 THE WITNESS: Yes, sir.

11 GRAND JUROR 13: It's like the more you
12 describe these relationships and the fact that having
13 a little bit of money kind of give you a little
14 juice. It's like -- sounds like a law enforcement
15 dude ranch.

16 THE WITNESS: Okay. I'm not going to -- I'm
17 not going to argue with you.

18 GRAND JUROR 13: Okay. But it appears that it
19 is -- we talking about job positions that are being
20 occupied by people that don't even need money.

21 THE WITNESS: That's true.

22 GRAND JUROR 13: And I consider having to look
23 at it from a layman's point of view, that I wouldn't
24 stand a chance considering what I've heard in terms
25 of even trying to be employed with the Sheriff's

1 Department.

2 THE WITNESS: Employment -- you probably would
3 stand just a good as chance as anybody. Elevating in
4 the office, which I always refer to myself as the
5 most successful unsuccessful person that I know. I
6 could call high ranking elected officials. I dealt
7 with them every day, but I'm just a normal guy.

8 I live on a single-house income. I got a big
9 family. We have a small house. I mean, you know,
10 I'm just a normal guy like you. I don't have the
11 money to play with these big dogs.

12 But through hard work and effort and through
13 my ethics I believe that was one reason I was
14 promoted. I also think that was one reason for my
15 demise as well.

16 But you're right. We do have -- I don't know
17 if you've heard the name Wayne Pauley. Has that name
18 come up? Have you heard that name?

19 Wayne Pauley is a dear, dear, friend of the
20 Sheriff. Wayne Pauley spends a couple -- I wouldn't
21 say a couple days. I don't want to exaggerate.

22 He spends some time -- Wayne's on duty with
23 the Sheriff's Office, but he goes with the Sheriff to
24 his ranch in Stigler to work cows, but that's his
25 duty assignment for the day.

1 Wayne owns Owl Night Security that has the
2 security for Reasor's and some of the other big --
3 Wayne is very -- is one of these guys, very well off.
4 He's a slick-sleep deputy. He has no rank. He has
5 no supervision. He works out of the civil division,
6 but Wayne does whatever Wayne wants to do. He works
7 any hours he wants to work. He does any assignment
8 he wants to do. And then when the Sheriff needs to
9 work cows, they go work cows.

10 So -- but that -- that's one. And there are
11 some other ones within the office, but most of those
12 more stable in the community, they're more reserves.

13 You know, like one of the guys, you know, one
14 of our reserves is Paul Coury. He owns the
15 Ambassador Hotel downtown. He owns four or five
16 historic hotels around the country. He's got the
17 Ambassador collections. He's one of our reserves.
18 You know, he's a very well off guy.

19 You know, there's -- there's several that
20 have that -- and I was -- I was criticized because I
21 used that term, you know, about the millionaires in
22 the media when I said that. I was criticized by the
23 Sheriff for using that term. He did not like me
24 referring to these guys -- but it's true. They are.
25 They're very wealthy. I mean, they're very wealthy

1 individuals.

2 And I think a lot of their ability to be
3 associated with the Sheriff is based on their
4 position in the community.

5 GRAND JUROR 13: Well, in terms of the
6 shooting, it seems that the Sheriff wasted no time
7 cutting ties. And it's, like, to use allegations,
8 untrue allegations, we've heard it a few times. And
9 the term you use, hostile work environment, when you,
10 obviously, said you don't behave that way.

11 But it seems, like, is that the go-to
12 mechanism? Is that the go-to instrument when you
13 want to get rid of somebody?

14 THE WITNESS: It is because it raises the most
15 eyebrows. What's our society focused around? When
16 you say, hostile work environment, what does it
17 attribute to? You're discriminating either on race,
18 gender, sexual preference, some protected category.

19 It's one of the things I've shared with my
20 lawyers and they've shared with me as we move forward
21 with my personal issue with this whole thing. You
22 know, they've accused me under oath and publicly of a
23 hostile work environment. That's a protected class.
24 They're going to have to figure out what I did to do
25 that.

1 I requested an evaluation be changed on a
2 female? That's not -- that's not abuse of power.
3 Umm, I was -- actually thought I was doing what I was
4 supposed to be doing as a competent supervisor trying
5 to keep -- trying to, you know, keep peace in the
6 house, if you will.

7 But you're -- I mean, you're right to your
8 point. It's their go-to because that's what
9 people -- that's what resonates with people.

10 And just like if you read the -- the stories,
11 which, you know, Terry Simonson comes out the day of
12 my termination, two hours after he gets a letter from
13 Eric Stall, saying, well, we haven't classified if
14 Shannon has been terminated or resigned yet. My
15 letter, the first sentence says, you're hereby
16 terminated.

17 When I went the following week to fill out my
18 retirement paperwork, and I did officially get to
19 retire from Tulsa County, although, I don't get to
20 draw my money for 18 years.

21 When I was doing my retirement paperwork they
22 said, we don't have an action sheet. An action sheet
23 is a form that the -- any of the county officials
24 fill out that's filed with the County Clerk on why
25 you were dismissed, or why you separated your

1 employment. They didn't have an action sheet on me.

2 And when she said what -- how are we
3 classifying your leave as? I said, I don't know.
4 You tell me because Terry Simonsen said it's up to
5 HR. Well, HR don't make that classification, the
6 Sheriff does. And they -- they didn't make a
7 classification. I pulled my CLEET record, my CLEET
8 training record, to put with my case file and it
9 also -- it says, reason for termination, they've not
10 put any reason there.

11 The other two law enforcement agencies I was
12 with put resignation, but on my CLEET record it
13 doesn't have a reason for why I left. It just says
14 I'm no longer active -- a active law enforcement
15 officer.

16 So it is a go-to, but to support that is --
17 that's why I've got a team of lawyers to look to see
18 if that is a sustainable reason for me to be
19 terminated when I'm a statutorily protected deputy.
20 And what that means, if you guys don't know -- I keep
21 referring that I'm statutorily protected.

22 For many, many, years in Oklahoma, Sheriffs
23 were like they ruled the office. You could be fired
24 for any reason in a Sheriff's Office and it goes back
25 into historical times of Oklahoma. It's in the

1 Constitution.

2 But a few years ago the legislature changed
3 the law and said if you work for Oklahoma County or
4 Tulsa County, it's basically populations of 500,000
5 or something like that, over, then, you're -- if you
6 have five years or more in, it's considered a five
7 year probationary period, which is to complete one
8 full cycle of a Sheriff, if you have five years in
9 then you're statutorily protected. Means I have to
10 be fired with cause. That they have to have
11 justifiable reason to fire me.

12 Therefore, I think alludes to your question
13 that was the go-to thing, that's what resonates, and
14 that's what they're going to try to hold, is the
15 reason that I was actually separated, but that's not
16 what the Sheriff said under oath in a deposition.

17 GRAND JUROR 13: Now, would you say, for
18 instance, that particular choice of instrument come
19 from a category of instruments that were otherwise
20 say, for instance, as a new hire providing an
21 employee packet it will list all the -- all the, ahh,
22 particular, let's say, violations that will cause
23 termination. Is anything in writing, in print, or
24 did they make it up as they go?

25 THE WITNESS: If you guys get to look at any

1 of the -- employee evaluations that are done, that is
2 the one policy that is administered in every annual
3 evaluation to every employee. You have to
4 acknowledge receipt. You have to acknowledge you
5 read it. You have to acknowledge that you've been a
6 victim of it or you have not or do you know about it.
7 And you have to acknowledge that.

8 Therefore, the woman that filed the complaint
9 on me, and, again, I've never seen any allegations.
10 They say that people complained on me. I've never
11 got to see any complaints or read any complaints.

12 They said a female sergeant complained
13 because I asked her evaluation to be changed. In
14 that evaluation it says, are you a victim of hostile
15 work environment? No. Did you read the hostile work
16 environment sexual harassment policy? Yes.

17 Do you know of any hostile work environment?
18 No.

19 But that was two weeks prior to her filing a
20 complaint on me. And that's what I tried to bring
21 up, is you say she filed a complaint on me, but she's
22 saying right there she's not knowledgeable of any
23 hostility or any unfair labor practices from me or
24 anybody else.

25 But then she turns around and they fire me

1 for that? So they say. That was the cause of my
2 termination.. You know, I mean, you guys have access
3 to look at all that, that data I'm telling you about.

4 GRAND JUROR 13: Juror 13. Could it be
5 because she was the only candidate and that was the
6 only avenue that they had available to them at that
7 time, at that particular time?

8 THE WITNESS: I believe it was solicited
9 because the sergeant that I'm talking about's name is
10 Judy Pounds. Judy Pounds and I have known each other
11 for over 20 years. Her husband Brian Pounds works
12 for Ken Yazel, works next to Debbie Glanz, and I went
13 to high school with Brian Pounds.

14 And I believe that when the Sheriff wanted to
15 get rid of me he had to figure a way and I think that
16 he solicited a complaint that would in their minds
17 meet hostile work environment.

18 GRAND JUROR 13: That's constitutionally
19 protected.

20 THE WITNESS: Yes, sir.

21 GRAND JUROR 13: Gotcha.

22 GRAND JUROR 16: Juror 16. So you mentioned
23 before that when you returned to your desk that her
24 evaluation, is that correct, was sitting on your desk
25 with a sticky note?

1 THE WITNESS: Yes.

2 GRAND JUROR 16: Did you have an opportunity
3 to revisit that?

4 THE WITNESS: My attorneys have a copy of it.
5 But when I -- when you say revisit, you mean approve
6 it or acknowledge it, or...

7 GRAND JUROR 16: Well, you said it was
8 rewritten and placed back upon your desk, correct?

9 THE WITNESS: Yes.

10 GRAND JUROR 16: So, my curiosity is, did she
11 at that time go back and change her verbiage from
12 yes, no?

13 THE WITNESS: No. No. I -- I don't know what
14 happened with the final document. I can tell you
15 that when I was relieved of duty I turned over
16 everything in my office that still had some process
17 to go in the office to Eric Kitch, which is the
18 captain that took my position.

19 And I gave him -- I gave him a copy of that
20 and had him acknowledge that we were reading it
21 together. That there was no signature. I had not
22 approved it. And that was the original version and
23 the original ink with Captain Scott Dean's signature
24 saying I re-served her. No issues. And his
25 initials. Scott Dean. And I gave it to Eric Kitch

1 because it had to be approved and go on to HR. I
2 don't know what happened with it after that.

3 GRAND JUROR 16: And her signature was on
4 there as well?

5 THE WITNESS: I'm sorry?

6 GRAND JUROR 16: And her signature was on
7 there as well?

8 THE WITNESS: Yes it was. And the new date
9 where she was re-served with a different scoring.

10 GRAND JUROR 16: I see.

11 GRAND JUROR 9: Juror No. 9. I'm going to
12 jump back real quickly to the question of other
13 people that are serving as Reserve Deputies that are
14 also contributing to the Sheriff's Office, I'm
15 assuming, or the Sheriff's Office, Sheriff's
16 campaign?

17 THE WITNESS: Well, okay, I believe that they
18 all have contributed to the Sheriff's campaign. I
19 also believe that they're contributing to a different
20 element in the Sheriff's Office that was developed by
21 Rueben Davis. It's a 501c3 Sheriff's account.

22 And that's a way, basically, to push money
23 through the Sheriff's Office without it being under
24 the rules and regulations of the county.

25 Rueben oversees that program and I believe

1 they contribute to that, too, because the Sheriff
2 makes very, very, sizable donations to United Way and
3 to the Boy Scouts of America, frequently. And I
4 believe he uses that account to do it.

5 He used to do it out of the Sheriff's fee
6 accounts and I believe the county -- Pat Key, which
7 is the County Clerk, I believe, she called him on
8 that and said you can't use that money for that
9 purpose. And so he had to stop using his Sheriff's
10 fee account and he started using the 501c3, but I
11 know people are contributing money to that account.
12 I know that.

13 So there's a couple different accounts.
14 There's the Sheriff's campaign account and then the
15 Sheriff's 501c3 account.

16 GRAND JUROR 8: Do you know the name of that
17 because those are easily able to be looked up online.

18 THE WITNESS: I'm not sure of the name of it.
19 I'm not sure exactly how they have it listed in the
20 501c3, but I know people have found it pretty easy.

21 And I know Rueben Davis helped Sheriff Scott
22 Walton over in Rogers County set up the same account
23 when he was with McAfee and Taft. He did it as a
24 service from Reserve Deputy to Sheriff's Office, but
25 then he turned around and charged them through McAfee

1 and Taft for the consultation to do it.

2 And it took the Sheriff calling Reuben to
3 tell him you're not charging the Sheriff to do that
4 because he was trying to charge through McAfee and
5 Taft.

6 GRAND JUROR 8: Trying to charge the Sheriff's
7 Department?

8 THE WITNESS: He was charging Sheriff Scott
9 Walton's office for telling him how to set up a
10 501c3, but he was doing it as a Reserve Deputy for
11 Tulsa County helping another Sheriff and then he
12 turned around and tried to charge him through his
13 private law firm or through his law firm.

14 GRAND JUROR 9: Based on information that
15 you've given, the list of names that you've given
16 that are Reserve Deputies, do you know what level of
17 qualification each of these Reserve Deputies hold?
18 Is it basic, intermediate or advanced?

19 THE WITNESS: I don't know personally of their
20 training records, but they do have the liberties of
21 an Advanced Reserve Deputy. They can come and go as
22 they please. They can check out a car privately.
23 They can go anything that a full-time deputy can do
24 and that is the advanced level.

25 GRAND JUROR 9: But you're not aware of

1 whether they're qualified to be an advanced level
2 according to the department's policies?

3 THE WITNESS: True. I've never been in the
4 training division, so, I do not know.

5 GRAND JUROR 13: 13. Refer back to the 501c3.
6 Normally, doesn't it require a Board of Directors?

7 THE WITNESS: Yes.

8 GRAND JUROR 13: And how would you know who
9 was on the board? Is it sort of -- is it public? Is
10 anyone on a payroll?

11 THE WITNESS: I know that they have -- I know
12 one of our appraisers, which is also a Reserve
13 Deputy, is on the board or on the advising team or
14 something of that nature.

15 But I'm not sure how -- I'm not familiar with
16 501c3s, so I don't know if that's publically
17 disclosed. I'm sure it's publically accessible. I
18 just don't know if it's publically -- I don't know
19 how that works. And I only know of one person on
20 that and that is Reuben Davis.

21 GRAND JUROR 13: Okay. Now, considering the
22 fact that it is the Sheriff's 501c3, doesn't he have
23 access to those funds?

24 THE WITNESS: Those funds are influenced by
25 his decisions on where the money goes and Rueben

1 carries those directives out.

2 GRAND JUROR 13: Okay.

3 GRAND JUROR 9: Juror No. 9. Do you know if
4 Sheriff Glanz specifically directed Undersheriff
5 Albin to bypass department procedures regarding
6 Deputy Bates' entry into the reserve force?

7 THE WITNESS: I don't have any personal
8 knowledge.

9 GRAND JUROR 9: Okay. One more question. Do
10 you know if there is a retirement payment that would
11 be directed to Sheriff Glanz at the end of his term?

12 THE WITNESS: Yes.

13 GRAND JUROR 9: So, he does have a retirement
14 coming at the end of his term, potentially?

15 THE WITNESS: Yes, he has -- I mean, right now
16 he has the City of Tulsa retirement, but he also gets
17 an elected official -- state elected official
18 retirement at the end of his term.

19 GRAND JUROR 9: If he were to be removed from
20 any office for any reason would he still be
21 authorized to that or entitled to that benefit?

22 THE WITNESS: I don't know about an elected
23 official. My understanding at my level is you had to
24 be convicted of a felony act utilizing your office to
25 be not eligible for your retirement and I think that

1 applies to elected officials.

2 GRAND JUROR 9: Thank you.

3 THE WITNESS: You're welcome.

4 GRAND JUROR 16: Juror 16. I'm going to ask
5 you a few questions, real quick.

6 THE WITNESS: Sure.

7 GRAND JUROR 16: Would you say with your
8 knowledge and your experience with the department
9 that there is willful neglect of duty going on?

10 THE WITNESS: Can you elaborate a little bit
11 more?

12 GRAND JUROR 16: Well, let's say, you say
13 Sheriff used the Undersheriff quite a bit to maybe
14 shield himself from any wrongdoing?

15 THE WITNESS: Correct.

16 GRAND JUROR 16: But, eventually, it's his
17 duty to know what's going on in his department. Am I
18 correct in saying that?

19 THE WITNESS: Yes.

20 GRAND JUROR 16: We've seen some exhibits with
21 the Sheriff's signature on it where there's no
22 sign-in sheets for the certificate. And we talked
23 about signature stamps and so forth.

24 With all this training stuff coming to light,
25 as the Sheriff I would be looking into it myself and

1 making sure that my name wasn't on anything, but at
2 that point I feel like he has some neglect of duty
3 and it may be just your personal opinion at this
4 point.

5 THE WITNESS: If you presented the Sheriff --
6 it has been -- and my personal observation as long as
7 I've been around Sheriff Glanz, if you presented him
8 with a document that had writing on it he would take
9 as long as he needed to read every word of the
10 document before he would place a signature on it.

11 As he would do in morning meetings when they
12 would hand him a group of certificates to sign. He
13 would go through and sign them, but he would
14 typically ask, have they completed the training?
15 What am I doing? You know, what are these
16 certificates for? And then he would sign.

17 Certificates for -- in CLEET, CLEET has three
18 levels of law enforcement basic, intermediate, and
19 advanced on the full-time side.

20 In our organization -- in the Sheriff's
21 Office organization they offer a pay raise if you get
22 an intermediate certificate from a basic police
23 officer.

24 GRAND JUROR 16: Now, we're speaking reserves
25 still, so, that doesn't pertain.

1 Would it still hold as much weight, that
2 certificate, would he want to make sure he read it
3 and made sure that --

4 THE WITNESS: I believe so.

5 GRAND JUROR 16: Okay. Would you say that
6 there is gross partiality in the office?

7 THE WITNESS: Similar to what I talked about
8 the clicks, the certain clicks, yes.

9 GRAND JUROR 16: How about oppression? I
10 remind you, we've had testimony people are terrified
11 to go to him for things because of reassignments, not
12 necessarily terminations, but offers to resign.

13 THE WITNESS: I -- okay. You, obviously, can
14 see my mind is spinning and I have to share -- I have
15 to share why my mind is going.

16 When I first was assigned to the Sheriff as
17 his personal assistant, unprecedented position, never
18 been before.

19 When I went in and said, what do you want me
20 to do? He said, I want you to continue to handle the
21 media and I want you to run your immigration, US
22 Marshall and your task force and the things that you
23 do and be available when I need you. Okay. And he
24 said, I'll give you assignments, periodically, if I
25 can't take phone calls and those kind of things.

1 He said, but I also want you to be my eyes
2 and ears of the office, because a lot of times people
3 tell me what I want to know, not what I should know,
4 is what he once told me.

5 So, having those directives, being a loyal
6 employee, I did exactly what he asked me to do and
7 that lasted all about three days.

8 And one day I walked in and said, hey,
9 Sheriff, this is going on. And he said, something to
10 the effect of, my goodness you're a tattletail, but
11 it wasn't with those exact terms. And I said,
12 tattletail? And he goes, yeah. Some of that stuff
13 I don't want to know.

14 I went to -- at the time it was Chief Albin.
15 And I went to Chief Albin and asked him, how do I
16 deal with that? What am I supposed to do?

17 And I believe when you talk to Tim Albin
18 he'll tell you he instructed me, once you learn the
19 Sheriff you'll know what he wants to know and what he
20 don't want to know. And you'll learn.

21 So, with oppression? People that tell you
22 that they didn't feel comfortable going to the
23 Sheriff, well, I can tell you there were several of
24 the people that you probably will have time to visit
25 with would go eat dinner with the Sheriff, or they

1 would go out socially with the Sheriff. And they had
2 more than ample opportunity to tell the Sheriff what
3 was going on.

4 But I will tell you more than going to the
5 Sheriff, a lot of people in the organization will go
6 to the Sheriff's wife because if you can get her ear,
7 she usually will get her way with the Sheriff.

8 And that's how people would use her because
9 she is -- she was once an elected official. She was
10 the assessor -- elected assessor in Stigler, whatever
11 county that is, and country girl, soft-hearted, and
12 if you could -- if you could get her on your side you
13 didn't have to go to the Sheriff. She'd do it for
14 you.

15 So, a lot of these people that I have heard
16 said that they were oppressed or scared, I would
17 suggest not all of them, that's a hundred percent
18 accurate, because a lot of people had an access to
19 the Sheriff even if they didn't use the Sheriff.

20 GRAND JUROR 16: You mentioned they'd go to
21 dinner or so forth. Was there a fraternization rule
22 within the department?

23 THE WITNESS: No.

24 GRAND JUROR 16: So there's no policy on no
25 fraternization. You could just go and hang out with

1 whoever above you?

2 THE WITNESS: There was no fraternization
3 policy and there was no sexual conduct policy,
4 either.

5 GRAND JUROR 13: 13. In most -- in most, I
6 guess law enforcement agencies, I'm not from
7 Oklahoma. I'm from the East Coast, West Coast, but
8 most departments have some form, or form of
9 accountability. It appears that the Sheriff's Office
10 does not.

11 THE WITNESS: That's correct.

12 GRAND JUROR 1: Something that I asked you
13 about, you said earlier, you said two people you knew
14 for sure knew how to forge his -- the Sheriff's
15 signature?

16 THE WITNESS: Yes.

17 GRAND JUROR 1: Do you have specific names,
18 or ...

19 THE WITNESS: I was trying to remember who
20 they were, but there's -- there's -- without
21 speculating I think one of them is Brandy Hall, the
22 Undersheriff's secretary. I know she could forge
23 Tim's pretty well and I think she could forge
24 Stanley's.

25 But there was one or two people within the

1 organization that could forge his signature pretty
2 well in the -- in the immediate absence.

3 GRAND JUROR 8: Was the Sheriff aware of that
4 and approved of that? Like, for them to sign that in
5 his absence?

6 THE WITNESS: I think he was aware of it. I
7 don't think he thought it was utilized.

8 And I'm not really familiar with it -- any
9 form or document I could show you today that would --
10 it was utilized on, but I know there was -- I know
11 there was a stamp because I've had to use the -- I've
12 had to acquire the stamp. That's the reason I know
13 that Bonnie Fiddler has the stamp, because I think
14 the secretary -- his secretary, Carrie Knauf has the
15 stamp and I think Bonnie Fiddler has either a stamp
16 or it's computer generated from her computer.

17 GRAND JUROR 1: Wouldn't -- I guess, what I
18 don't understand is if -- shouldn't the Sheriff have
19 to be able to approve something? Well, let's say,
20 yeah, I approve that. Then they can use the stamp.
21 So to me that seems like they can use the stamp
22 whenever they wanted to without his approval.

23 THE WITNESS: I guess that's a true statement.
24 Most of the time it would -- from my familiarization,
25 like his secretary, she would call him and say, I've

1 got these forms. And he would say, just stamp them
2 or sign them. And she would approve them and send
3 them on.

4 And I don't really have -- it could be a
5 citizen complaint. It could be normal forms. I
6 think of anything that was of relevance or
7 significance he wanted to see. He may have questions
8 on.

9 But, again, you know, I refer back to -- he
10 had a Sheriff's assignment log, too, and he
11 constantly would review the assignment log to make
12 sure that certain documents, he got to see before
13 they were approved in their entirety.

14 GRAND JUROR 1: Okay.

15 GRAND JUROR 16: Being his assistant would you
16 be able to recognize the difference between his
17 signature and that stamp?

18 THE WITNESS: Well, that stamp is his
19 signature. It was just made into a stamp form.

20 I mean, the only way that I can tell the
21 difference -- now that he's got a little older in the
22 last few years his signature now is maybe a little
23 more shaky than sharp like the stamp would be, but
24 the stamp is his -- he signed and then they had a
25 stamp made of his signature.

1 GRAND JUROR 16: I understand, but I don't
2 sign my name the same a hundred thousand times. It's
3 a little different. We have an exhibit --

4 THE WITNESS: Do you?

5 GRAND JUROR 15: I don't know which one it is.
6 I mean, I don't know the number off right now, but
7 it's a certificate. Exhibit 21.

8 GRAND JUROR 16: It's tough. It's a copy. I
9 know.

10 THE WITNESS: That looks -- that looks pretty
11 close to his signature. I mean, it would be hard
12 to -- besides it not being in real ink. It would be
13 hard to tell the difference on which one is his and
14 not -- and this one actually looks -- I don't know.

15 GRAND JUROR 16: Do you see -- is there a date
16 on that?

17 THE WITNESS: Yes. May 28th of '09.

18 GRAND JUROR 9: What exhibit number is that?

19 THE WITNESS: 21.

20 GRAND JUROR 9: Thank you.

21 THE WITNESS: I don't know if that really
22 looks -- there's a couple letters in there that don't
23 look to me, but, again, I mean, that was five or
24 six years ago, so, he writes it a little bolder now.

25 GRAND JUROR 16: And I know you're not a

1 handwriting expert, but out of all of us in this room
2 you would probably know better.

3 THE WITNESS: And at first glance it does look
4 like his signature.

5 GRAND JUROR 9: Juror No. 9. I guess the
6 major question here is, is that potentially his
7 signature or is it one of his stamps, or a signature
8 machine?

9 THE WITNESS: If it's on a certificate --
10 well, it depends. On some certificates he personally
11 signed and some certificates were issued through
12 Bonnie's computer with his signature on it and I'm
13 not sure.

14 GRAND JUROR 9: Okay. I think that's the
15 question being asked.

16 GRAND JUROR 1: Being that's Robert Bates'
17 certificate for his driving, do you think he
18 personally signed that, or did he try to keep away
19 from that intentionally? Just opinion.

20 THE WITNESS: I think it come through the
21 computer.

22 GRAND JUROR 16: I don't have any more
23 questions.

24 GRAND JUROR 9: Juror No. 9. I just had this
25 formulated in my head a moment ago. I lost it.

1 You know, there's an, obvious, umm, issue here
2 with you being terminated. Does your termination
3 weigh into your answers today? Basically, what I'm
4 looking for is, you know, do you potentially have an
5 ax to grind?

6 I know you're under oath and everything, but I
7 just wanted to make sure that we're getting a true
8 picture of your impression of the Sheriff's Office.

9 THE WITNESS: I can tell you I have no
10 allegiance to the Sheriff's Office or Sheriff Glanz
11 at this point. I've accepted my termination.

12 And what I've been instructed to do, not only
13 by the individuals heading the jury, but -- and my
14 attorneys, is just to be truthful and honest with
15 you.

16 GRAND JUROR 9: Thank you.

17 THE WITNESS: And I think most of my
18 statements could be validated by some other proof or
19 evidence. And I'm trying to be as open and
20 forthcoming as I can about the nature of the office.

21 You know, I've accepted what's happened to me
22 and I'm just going to have to move on. I'm young
23 enough at least I can do that, so...

24 As far as an ax to grind. I don't have an ax
25 to grind, but I don't have any allegiance to him to

1 protect him, either.

2 GRAND JUROR 9: Thank you.

3 MR. BARRIS: Anybody have any other questions?

4 Okay.

5 Mr. Clark, I appreciate your coming today.

6 You're free to go, sir. Thank you.

7 (Witness and his counsel, Eric Stall, left the
8 Grand Jury Room.)

9 (Proceedings were held that were not requested
10 to be transcribed.)

C E R T I F I C A T E

STATE OF OKLAHOMA }
COUNTY OF TULSA } SS.

I, Tami Morse, Official Court
Reporter, within and for the State of Oklahoma, do
hereby certify that on September 14, 2015, before the
impaneled Grand Jury in the District Court of Tulsa
County, State of Oklahoma, I reported in machine
shorthand the proceedings had and the evidence given,
and the above and foregoing is a full, true, correct
and complete transcript of the proceedings had and
testimony given, taken at said time and place.

IN WITNESS WHEREOF, I have hereunto
set my hand and official seal this 28th of January,
2016.

Tami Morse, CSR-RPR
CERTIFIED SHORTHAND REPORTER



Tami Morse
State of Oklahoma
Certified Shorthand Reporter
CSR # 1973

My Certificate Expires 12-31-16