



MEMORANDUM

The City of
OKLAHOMA CITY
Police Department

TO: William Citty
Chief of Police

FROM: Tom Jester, Deputy Chief TJ
Operations Bureau

DATE: December 31, 2014

SUBJECT: Predetermination Hearing – Officer Daniel Holtzclaw

On December 11, 2014, at 0900 hours, a Department Review Board was convened to review evidence and to determine findings of fact concerning allegations of misconduct against Officer Daniel Holtzclaw.

I was designated as the deputy chief to chair the Department Review Board. Dick Mahoney from the City Attorney's Office presented the allegations of misconduct and James Moore represented Officer Daniel Holtzclaw through the Fraternal Order of Police.

Officer Daniel Holtzclaw had previously been served the Predetermination Hearing notice which contained 29 allegations of misconduct and the associated police department policies, procedures, rules, and City Personnel policies that would apply to the alleged misconduct. Officer Holtzclaw was present during the presentation of the department's evidence. Mr. Moore made it clear that Officer Holtzclaw was present as an observer and would not be addressing the Review Board.

The following people were present for the hearing; Dick Mahoney from the City Attorney's Office, Brett Logan from the City Attorney's Office, Lori Wilson from the City Attorney's Office, Sergeant John George from the Fraternal Order of Police, Jim Moore from the Fraternal Order of Police, and Officer Daniel Holtzclaw.

Dick Mahoney made a short opening statement and called his first witness, Sergeant Rob High. Sgt. High testified he was called out on a case involving Ms. Janne Lignons. Sgt. High discussed his actions during the investigation. Jim Moore had the opportunity to ask Sgt. High about the investigation.

The next witness to be called was Sgt. Rocky Gregory. Sgt. Gregory discussed his actions during the investigations of the crimes committed against Ms. Terri Morris, Ms. Shardayreon Hill, Ms. Cara Raines, Ms. Tabatha Barnes, and Ms. Sherry Ellis. Jim Moore had the opportunity to ask Sgt. Gregory about the investigations.

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The next witness to be called was Sgt. Valarie Homan. Sgt. Homan discussed her actions during the investigations of the crimes committed against Ms. Florene Mathis, Ms. Rosetta Grate, Ms. Carla Johnson, and Ms. Kala Kyles. Jim Moore had the opportunity to ask Sgt. Homan about the investigations.

At the conclusion of Mr. Mahoney's presentation, Mr. Moore asked for a continuance to prepare for his presentation. After some negotiation, it was agreed by all parties we would meet again on December 23, 2014.

On December 23, 2014, at 0900 hours, the hearing was reconvened. The same personnel were present as were present on December 11, 2014. Mr. Moore began the hearing by making an opening statement that pointed out the evidence that he believed would lead a person to believe the allegations should not be sustained. His comments included the victims' lack of credibility and lack of direct evidence. He went through each allegation and made statements as to why they should not be sustained.

Mr. Moore also made a point as to what the burden of proof should be on an administrative investigation that could lead to termination. He discussed the criminal standard of "beyond a reasonable doubt", the administrative standard of "a preponderance of the evidence", and a third standard was also discussed, which Mr. Moore described as "clear and convincing evidence". Both Mr. Moore and Mr. Mahoney discussed which standard of proof should apply and both cited examples to support their positions.

Conclusion:

After conducting the hearing and listening to all of the evidence that was presented, I find there is clear and convincing evidence that Officer Daniel Holtzclaw violated the police department policies, procedures, rules, and City Personnel policies that would apply to the 29 allegations stated in the predetermination notice. Because of the serious nature of his actions, I would also recommend Officer Daniel Holtzclaw be terminated from the Oklahoma City Police Department.