

OKLAHOMA CITY POLICE DEPARTMENT

**Administrative Investigation**

**I.A. Case Number:** # 14-24

**Related Case Number:** 14-021185

**Incident Date and Time:** March 17, 2014 @ 1710 & 1730

**Date and Time of Report:** March 17, 2014 @ 1730

**Incident Location:** 2025 NE 26, OKC

**Investigating Supervisor:** Lieutenant Arthur Gregory #1185  
Springlake Division, Shift 2

**Involved Officer:** Officer Daniel Holtzclaw #1782  
Springlake Division, Shift 2

**Immediate Supervisor:** Lieutenant Arthur Gregory #1185  
Springlake Division, Shift 2

**Reported Injuries:** None reported

**Formal Complaint:** Yes

**Duty Status:** On Duty

**Physical Evidence:** None

**Complainant:** Stephen Todd Robertson B/M  
2101 SW 61st Terr, OKC 7315<sup>9</sup>  
(405) 684-9446  
Work:  
(405) 885-2431  
DOB: [REDACTED]

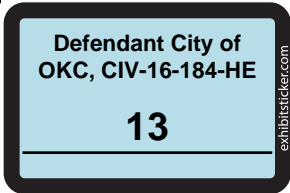
**Arrested:** Yes

**Involved / Witness Parties:** Alfred Ellington / OCHA Officer

**Specific Allegations:**

<b>Involved Officer #1</b>	Off. Holtzclaw	#1-	False Arrest
		#2-	Harassment
		#3-	Physical Abuse
		#4-	Mental Distress

**Attachments:** Garrity Rights Notifications, The Formal Complaint  
Both CAD calls, Mr. Robertson's BR printout  
Officer's Arrest Report



**Body of Report – I.A. Case # 14-24**

On March 17, 2014 Officer Daniel Holtzclaw arrested Stephen Robertson for IWOP/ Obstructing an Officer. A disturbance call was generated at 2025 NE 26. The call at 1730 hours came from OCHA (Oklahoma City Housing Authority) officers. The call stated a man was causing a disturbance, refused to leave and had caused a disturbance at the same location over the last few days. There was an earlier call at 1710 on March 17, 2014 at the same location and the same circumstances. Officer Holtzclaw was on the 1710hrs call and determined Mr. Robertson was involved but had left the area when asked to do so.

At 1730hrs OCHA officers called in stating that Mr. Robertson was back and again causing a disturbance. This time Mr. Robertson was at the scene but had stepped off the curb, in the street, satisfying OCHA's request he vacate the 2025 NE 26 property. Mr. Robertson was still creating a chaotic situation and Officer Holtzclaw told him he needed to leave the area. Mr. Robertson gave the appearance of complying by taking small steps then turning back around in defiance of the officers lawful orders.

Officer Holtzclaw handcuffed Mr. Robertson, placing him under arrest for IWOP/Obstructing by refusing a direct order and took him to jail.

**Interview with Stephen Robertson / Phone interview on March 29 at 2110 and 2240hrs.**

I called the number Mr. Robertson provided, no one answered (2110hrs) and I left my name, a detailed message about my reason for the call, also leaving the phone number for SL station.

At 2240hrs I was at the SL station when the phone rang and I recognized the number as the one I called earlier. The caller ID showed Kendra Jackson. I answered the phone stating my name, rank and the division. A male said he had just missed a call from there. I asked him to explain and he just said again someone just called and he missed it. I asked him if there was a message left, he said no, I asked him if the call could have been from about an hour and half ago, he said no, I asked him again about listening to any message left and again he said no. I told him my name again and asked him if he was Stephen Robertson, he asked why, I told him I needed to ask a few questions and he wouldn't confirm or give his name. I asked again if I was speaking to Mr. Robertson, he asked why and I again said I needed to ask some questions, I said are you Mr. Robertson, he mumbled "fuck this" and hung up.

**Interview with Stephen Robertson / Phone interview on April 23 at 1530hrs.**

On April 23 at 1530 I again called the number provided and this time Mr. Robertson answered the phone. I told him who I was and that I was calling about the complaint he filed. I asked him if he would talk to me, he said yes. I asked him to tell me about his encounter with Officer Holtzclaw on March 17, 2014.

He said "he arrested me for nothing." He told me he was at his niece's house, 2017 NE 26, when OCHA guys showed up and started harassing him then Holtzclaw showed up and started bothering him.

He said Holtzclaw has been bothering him for a year. I told him officers were called out to NE 26 because of a disturbance, a fight and some people were wearing powder blue clothing indicating gang affiliation. I asked him if he was associated with a gang. He said "this ain't about gangs, Holtzclaws always talking to me about gangs". He said he didn't have anything to do with gangs. I asked him if OCHA had banned him from the property. He said "they never banned me, they said something about they banned me that day but they never banned me." He said OCHA was "a bunch of punks." I asked him to focus on that day and his encounter with Officer Holtzclaw. He said Holtzclaw came out and started bothering him then told him to leave. He told me was in the street and he didn't have to leave but he did call for a ride. He said a minute later Holtzclaw comes back and arrests him, doesn't say anything just arrests him.

I said in the complaint he stated he was physically abused and suffered mental distress. He said "yeah, Holtzclaws started talking about my childhood, it's not the first time, he's a punk I make more money than him." I asked about the physical abuse and he said "yeah he pushed me to the ground and handcuffed me." I asked him to explain how he was abused and he just repeated that he was pushed to the ground.

I asked him if he was asked to leave the area by Officer Holtzclaw and he said no but he had called for a ride. He said the first time Holtzclaw showed up he put me in a police car then let me go and told me to leave. "One minute later he showed up and arrested me for no reason." I said it looked like there was maybe 15-20 minutes between the 2 incidents but he said no it was a minute.

I said the OCHA officer stated it looked like he, Mr. Robertson, was trying to incite the neighborhood and get everybody stirred up by yelling and screaming. He said that was a lie, he was just visiting his niece and wasn't bothering anybody, just minding his own business.

At this point he started saying "this is crazy", he said if I wanted anything else I would have to talk to his attorney.

I asked him if he wanted to add anything and he told me to talk to his attorney. I thanked him for his time but he had hung up on me.

It should be noted that Mr. Robertson consistently referred to Officer Holtzclaw as "Holtzclaws" throughout the interview.

**Phone Interview with Alfred Ellington, OCHA officer, March 26 at 1630hrs.**

Officer Ellington called me at 1630hrs and I explained the reason for the call. Officer Ellington said he remembered the incident well and was familiar with Mr. Robertson. I asked him to tell me what he remembered about the incident on March 17, 2014.

He told me Mr. Robertson had been causing disturbances over several days prior to the March 17 incident. He said the disturbances consisted of going by the house, 2025 NE 26, and yelling at the females and others at the house. He would stand outside and yell and scream at anyone there. March 17 at 1710 he was back causing a disturbance and the people at the house contacted OCHA and the police. Officer Ellington stated that from previous contacts with Mr. Robertson Mr. Robertson had been banned from OCHA properties. This day he said Officer Holtzclaw arrived, made contact with Mr. Robertson, checked him for warrants then told him to leave, which Mr. Robertson did. Approximately 30 minutes later another call came in saying Mr. Robertson was back and continuing his disturbance.

He said Officer Holtzclaw arrived on the scene, Mr. Robertson was still yelling at the house but had stepped off the curb and was standing in the street, along the curb line. He said he was yelling that we (OCHA) were racists, cussing, and attempting to incite the others in the area. He continued to yell about getting an attorney, said he was recording the whole thing. A large crowd started to gather and Mr. Robertson continued his verbal tirade wanting to move the crowd to side with him.

Officer Holtzclaw told him to leave but Mr. Robertson was "slow playing" him, shuffling his feet, refusing to leave, turning back around as if to challenge the officer. He said at this point Officer Holtzclaw took hold of Mr. Robertson's arm, Mr. Robertson attempted to pull away and Officer Holtzclaw spun him around and placed him on the yard. He said there were no punches or anything just placed Mr. Robertson on the ground and handcuffed him. Officer Ellington said during this time several black males approached Officer Holtzclaw from his blind side and appeared to be going to aid Mr. Robertson. He said he stepped between the black males and Officer Holtzclaw and they backed off. Mr. Robertson was placed in the car and they left the scene.

I asked Officer Ellington if Officer Holtzclaw overreacted, acted inappropriately or used any remarks or statements that would have been considered offensive, he said no the officer was professional and patient. Mr. Robertson was the instigator and was attempting to provoke the officer.

I asked him about a trespassing charge against Mr. Robertson signed by him, OCHA, and he said once he stepped off the curb into the street they were no longer in a position to sign trespassing charges.

I asked him if he wanted to add anything to what he has told me, he said no, I thanked him for his time and concluded the interview.

**Interview with Officer Daniel Holtzclaw, March 31 @ 1620hrs, at SL station.**

I interviewed Officer Holtzclaw at the Springlake briefing station. Officer Holtzclaw appeared without FOP representation. I asked him if he knew he was entitled to have a FOP representative present, he said yes but did not require one. I handed him a Garrity rights notification form. He read it and signed it in my presence.

I explained that I was investigating a formal complaint filed reference to an arrest he made on March 17, 2014. I asked him if he remembered the arrest and if yes, could he tell me about the arrest. He said he did remember the arrest and he would talk to me.

He told me there was a call at the same address just prior to the call where he arrested Mr. Robertson. He said a call came out at 1710 about a disturbance at 2025 NE 26 involving a black male. When he arrived he recognized Mr. Robertson, wearing powder blue, as a known gang member (from his time last year during the Summertime Gang Initiative program) and that the call stated subjects were wearing powder blue outfits. He placed him under investigative detention, checked him for warrants, he was clear and he had him leave the area. OCHA Officer Ellington was still there and he asked Officer Ellington about what was going on and he told him Mr. Robertson was out here causing a disturbance and had been for a few days. He said Mr. Robertson had been banned from OCHA properties. He was told Mr. Robertson had been here and was yelling and cussing at the females at this house.

About 30 minutes later another call came in from the same address. He went back to the scene and Mr. Robertson was there. He said Mr. Robertson was yelling and cussing and was standing in the street in front of 2025 NE 26. He gave Mr. Robertson several opportunities to leave. He said Mr. Robertson was yelling and screaming at the house and that a crowd that was starting to gather. It looked like Mr. Robertson was trying to get people worked up. He asked Mr. Robertson again to leave and Mr. Robertson was basically shuffling his feet and continued to run his mouth. Mr. Robertson turned back towards the house and him, as if to challenge him and at this point he placed his hand on Mr. Robertson's wrist, Mr. Robertson stiffened and he started an arm bar takedown but Mr. Robertson flopped on the ground, as if he knew what was coming and voluntarily went down. He was handcuffed without incident. Mr. Robertson continued to yell and scream at the crowd and during the transport. He contacted Lt. Bull reference to the incident and informed him of the situation. He said Lt. Bull decided there was no use of force.

He said Mr. Robertson was booked in without incident.

I asked him if there was anything he wanted to add and he said no, I concluded the interview.

**Summary and Disposition**

*Mr. Robertson created a disturbance at 2025 NE 26 by yelling and screaming at the residents there and continued this behavior on several occasions over several days. Mr. Robertson had been banned by OCHA from properties under their control. Mr. Robertson refused opportunities to voluntarily leave the area at the time of the second call, when instructed by Officer Holtzclaw. Mr. Robertson created the situation that generated this complaint. Mr. Robertson had complete control over his freedom and his ability to walk away from the incident, he forfeited that freedom by refusing to obey a lawful order and was arrested for failure to comply with City Ordinance §30-58. OCHA officers declined to sign trespassing charges against Mr. Robertson after Mr. Robertson stepped off the curb, off the OCHA property and onto the city street.*

**Involved Officer – Officer Daniel Holtzclaw –**

**Allegation #1: Unlawful Arrest -**

Finding – **Not Sustained** / Reason - The arrest was lawfully made. Mr. Robertson was given several opportunities to leave the area but he refused by staying at the scene and even turning around to challenge the officer. OCHA officers had banned Mr. Robertson and had authority to sign a trespassing ticket but since Mr. Robertson had stepped off the curb OCHA decided they would not sign a ticket for trespassing. The arrest was made in accordance with City Ordinance 30-58 –

**§ 30-58. Obstructing officers.**

(a)

*No person shall obstruct, attempt to obstruct or disobey a lawful command of any police officer in the discharge of his /her duties by threat or intimidation or force, including but not limited to area control devices used by the Police Department for the purpose of crime scene investigations, regulating, warning or guiding vehicles or pedestrians, unless otherwise directed by an authorized person*

and justified by OCPD Policy 510.0 –

*510.0 POLICE ACTION BASED ON LEGAL JUSTIFICATION*

*What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation, and different facts may justify either an investigation, a detention, a search, an arrest, or no action at all. The requirement that legal justification always be present imposes a limitation on an officer's action. In every case, an officer must act reasonably within the limits of his authority as defined by statute, judicial interpretation, and Departmental Policy, thereby ensuring that the rights of both the individual and the public are protected.*

**Allegation #2: Harassment –**

Finding – **Not Sustained** / Reason -

Mr. Robertson has not articulated how he suffered harassment therefore the claim is not sustained, Officer Holtzclaw's actions during the incident were lawful, professional and conformed to OCPD Policy 470.0 –

*470.0 CONSTITUTIONAL RIGHTS (Revised 10/04)*

*Oklahoma City Police Department Officers shall not knowingly violate the Constitutional rights of any person, nor shall they knowingly discriminate against or harass any person or group of persons as a result of that person's race, color, creed, disability, age, religion, sex, national origin, or exercise of a legal right.*

**Allegation #3: Physical Abuse -**

Finding – **Not Sustained** / Reason – Officer Holtzclaw's account and the witness account of the actual arrest attest to the fact Mr. Robertson was not physically abused when taken into custody. Nothing in either interview raised a question of abuse. Officer Holtzclaw acted within the scope of OCPD Policy 554.20 which states –

*554.20 LEGAL REQUIREMENTS (Revised 8/03) (Revised 9/05)*

*State law provides for situations within which police officers may use force to accomplish their required duties. State law does not provide that police officers must use force, nor does it eliminate the civil consequences of use of excessive force. In the performance of their duties, no officer will use more force in any situation than is reasonable and necessary under the existing circumstances. Any force used will be in accordance with the State law and established departmental policies. Physical techniques of custody and control should never be used to punish.*

*Officers may use only the amount of force that is reasonably necessary to:*

- A. Affect a lawful arrest.*
- B. Prevent the escape of a person lawfully arrested.*
- C. Apprehend a person who has escaped from lawful arrest.*
- D. Protect themselves or others from danger of death or bodily harm.*

And he conformed with OCPD Rule 348.0 which states –

*348.0 USE OF FORCE (Revised 8/94)*

*Employees will refrain from the use of physical force to any degree where total compliance is adhered to.*

The County accepted the subject and was medically cleared by their personnel. Mr. Robertson was unable to articulate any particular injury or any particular physical abuse aside from being taken to the ground and handcuffed.

**Allegation #4: Mental Distress -**

Finding – **Not Sustained** / Reason – Mr. Robertson has not produced any substantiated claim of mental distress nor is there any evidence based on the arrest or his treatment at the scene that would lend credence to his claim. Mental distress is an arbitrary statement that Mr. Robertson made based on his belief that Officer Holtzclaw has targeted him and has had several dealings with Officer Holtzclaw over the course of a year. Officer Holtzclaw's actions at the scene were consistent with the Law Enforcement Code of Ethics, OCPD Policy 205.10, which states in part –

*.....I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence.....*

**Supervisor's Summary**

Mr. Robertson created a situation that forced Officer Holtzclaw to take police action. Mr. Robertson was the one at the scene that had control over the outcome, he refused to recognize or submit to the OCHA officer's authority or the authority of Officer Holtzclaw, he chose to continue causing a disturbance when he had been given ample opportunity to vacate the area and he voluntarily returned to the area after being warned and released earlier that same afternoon. Mr. Robertson defied Officer Holtzclaw by refusing to leave and turning back in a manner that suggested he was attempting to intimidate Officer Holtzclaw. Officer Holtzclaw did not violate any right afforded Mr. Robertson on the contrary he showed restraint when Mr. Robertson continued to force the issue and ignore the authority of the officers on the scene.