

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JANNIE LIGONS, SHANDAYREON)
HILL, TABATHA BARNES, TERRI)
MORRIS, SYRITA BOWEN, CARLA)
JOHNSON, KALA LYLES,)

Plaintiffs,)

-vs-)

No. CIV-16-184-HE

CITY OF OKLAHOMA CITY, a)
Municipal corporation,)
DANIEL HOLTZCLAW, BILL CITTY,)
BRIAN BENNETT, ROCKY GREGORY,)
JOHN AND JANE DOES, all in)
their individual capacity,)

Defendants.)

VIDEOTAPED DEPOSITION OF KIM DAVIS

TAKEN ON BEHALF OF THE DEFENDANTS

IN OKLAHOMA CITY, OKLAHOMA

ON JANUARY 29, 2019

REPORTED BY: KASEY D. EGELSTON, CSR

1 emergency room?

2 A She was very distraught. She was crying.
3 She was relieved that she wasn't killed. She kept
4 reiterating that she thought he was going to kill
5 her. She answered all of my questions with no, you
6 know, she didn't balk at any of my questions. And
7 they get personal when you're talking about a sexual
8 assault. And obviously I was personal with her
9 about her mental health history and her drug usage
10 and all of that. So I want to say that she was very
11 distraught, but she was also very relieved.

12 Q How long did that conversation last?

13 A A minimum of an hour.

14 Q Aside -- was there anything physically,
15 aside from her demeanor, but was there any bruises
16 or any scrapes or anything like that upon her at
17 that time?

18 A No.

19 Q A black eye. Okay. Was she able to
20 coherently speak to you?

21 A Yes.

22 Q Did you have any idea -- strike that.

23 Did you form any opinion as to who had done
24 this to her at the time you were speaking to her at
25 that time?

1 A No, I had no idea.

2 Q At the conclusion of your potentially
3 hour-long discussion with her, can you say whether
4 or not you believed her?

5 A At that point I didn't see any reason for
6 her not to be telling me the truth. I didn't have
7 any reason to not believe her.

8 Q I think you knew a little bit at that point
9 in time about the case Gregory was working on, not a
10 lot, but you knew he was investigating an accusation
11 that an OCPD officer had assaulted a woman; correct?

12 A That's about all I knew, yes.

13 Q At that point in time -- let's take the
14 conclusion of your discussion on that occasion with
15 Ms. Ligons, did you think about the situation
16 Gregory had been investigating?

17 A Sure.

18 Q Do you recall what Ms. Ligons said to you
19 during that conversation about the appearance of her
20 attacker?

21 A Like the physical description that she
22 gave?

23 Q Yes.

24 (Phone rings)

25 THE WITNESS: I've got to get that.

1 the LED lights of a scout car.

2 Q Who said that?

3 A Captain Clifton. Jason Clifton.

4 Q Do you know where he is these days?

5 A He's the major over investigations now.

6 Q Okay. From your personal experience, do
7 you believe that everyone has blond hair because of
8 the police lights?

9 A I don't know. Because they've changed
10 light bars so many times since I've been out on the
11 streets and when I do respond on call, I don't know
12 that I've ever paid attention. Because when I
13 respond on a call out, by the time I get there, the
14 lights aren't on the police cars. They're just
15 parked there and I really haven't paid any
16 attention.

17 Q Okay. Was there -- did the fact that Ms.
18 Ligons said my attacker had blond hair in any way
19 suggest to you that Holtzclaw didn't do this?

20 A Well, when she told me that, I didn't know
21 who Holtzclaw was still.

22 Q But later on did you ever think, wow, I
23 don't know that he did this because she said he had
24 blond hair?

25 A No. Because he told me that he made the

1 A Did, but he told me they had been washed --
2 or that they were in the wash is what he said.

3 Q Okay. Did you ask him if that meant they
4 had been washed?

5 A I didn't ask.

6 Q Okay. Did you ever ask him to produce
7 anything that he refused to produce?

8 A No.

9 Q Did you ever speak to him again after the
10 interrogation?

11 A Yes.

12 Q When was that?

13 A A couple of days later I set up a polygraph
14 for him. And I called him --

15 Q Okay.

16 A -- and told him when the polygraph was
17 going to be.

18 Q And did he agree to the polygraph?

19 A He did when we initially talked to him, but
20 when I called him and told him there was a
21 polygraph, then he told me to call his lawyer.

22 Q Okay. And so did the polygraph proceed?

23 A No.

24 Q Did the fact that he refused -- or told you
25 to call his lawyer about the polygraph, did that

1 suggest to you one way or another whether he was
2 guilty?

3 A No.

4 Q Did you ever speak to him after that?

5 A No, I can't. Once they say that -- I had
6 another question for him one time, but I directly
7 called his lawyer.

8 Q Okay. And what -- is this Adams?

9 A No. It was Susan Knight at the time.

10 Q Okay. Do you recall what Susan Knight said
11 to you when you talked to her about the Holtzclaw
12 case?

13 A She said he's given me everything he's
14 going to give me. Quit asking.

15 Q Okay. Any other conversations with her?

16 A No.

17 Q We talked about Ligons. Do you recall if
18 there was any independent evidence that corroborated
19 any of the accusers accusations beyond their
20 accusations with them?

21 MR. SOLOMON-SIMMONS: Object to the
22 form.

23 MR. SMITH: Object to the form.

24 THE WITNESS: I didn't get that.

25 Q (By Mr. Johnson) I believe your victims

1 Denise Wenzel and Johnny Kuhlman. Can you tell me
2 about that meeting?

3 A I don't know if I said I had that meeting
4 on June 18th. I know -- because I don't know if
5 Johnny Kuhlman was involved.

6 Q Yeah, I'm sorry. Let me rephrase that
7 question.

8 You testified about a meeting that you had
9 with Denise Wenzel and Johnny Kuhlman; right?

10 A Yeah, I think. Go ahead.

11 Q And what I want to ask about is, if you
12 discussed that they were unable to exclude Holtzclaw
13 from -- they were unable to exclude Holtzclaw based
14 on the AVL data.

15 A Right. I'm with you.

16 Q Okay. So was that the -- was that what led
17 to the decision to interview Holtzclaw that day?

18 A Yes.

19 Q Okay. At that point the AVL data pointed
20 to only one person who could have had contact with
21 this victim?

22 A The AVL didn't point -- he was apparently
23 -- Denise Wenzel and maybe Johnny Kuhlman -- I don't
24 know who did it. Because I was just given it -- it
25 was just given to me. They ran -- what they did is

1 they ran the AVL for everybody from Springlake. The
2 reason they picked Springlake is because 50th and
3 Lincoln is in Springlake division. They ran the
4 AVLs of two shift officers. The reason is because
5 two shift officers get off at 2:00 a.m. So they ran
6 that. And there was no AVL data for Holtzclaw.
7 There was AVL data for all other Springlake two
8 shifters and they weren't at 50th and Lincoln.

9 Q Right. But they used that AVL data to
10 pinpoint who they believed should be talked to;
11 right?

12 A Yes.

13 Q Okay.

14 A Yeah.

15 Q So is it -- when the evidence that you have
16 points to one person who could have come into
17 contact with the victim in the way that the victim
18 describes, you would want to talk to that person?

19 A I don't get your question.

20 Q Would you feel it would be important to
21 talk to a person who all the evidence points to as
22 the only person who could have had this contact with
23 the victim?

24 MR. SMITH: Object to the form.

25 THE WITNESS: I'm going to say the

1 yes, it was done.

2 Q Okay. Yeah.

3 A Okay.

4 Q I just meant through the investigation,
5 generally. Did you -- or did you delegate to
6 someone else, look into anything else from
7 Holtzclaw's background?

8 A I don't remember if anybody called Enid.
9 Because he grew up in Enid. I don't know if anybody
10 ever called Enid or not. I didn't.

11 Q Did you look at anything from his time with
12 the Oklahoma City Police Department?

13 A No. Because, like, I don't have access,
14 nor did I ask for access to, like, formal complaints
15 or his personnel file. I don't even know if I could
16 get that even if I asked, so no.

17 Q Okay. Why would you -- why would you not
18 look into those things?

19 A Like I said, I don't think I could have
20 access to that. That's Internal Affairs. That's
21 their personnel file. I don't even know if they
22 would say yes. That I could have access to it. But
23 I know if there was other sexual stuff in those
24 files, then that would have been investigated by sex
25 crimes. Because remember how I said it changed,

1 that any sexual allegations or any allegations are
2 investigated by the division that would investigate
3 them. If there was anything sexual in his IA file,
4 that would have been marked by sex crimes and that
5 would have been told. Whoever worked that would
6 have said, hey, I worked him last year for this.

7 Q Okay.

8 A So there was really no sense in me asking
9 for his IA file if I could have got it because there
10 wouldn't have been any sex stuff in it anyways.

11 Q Okay. So you never saw any of Holtzclaw's,
12 like, complaints or use of force investigations?

13 A No. Like I said, I don't even think they
14 -- one, the use of force would have nothing --
15 nothing to do with sex crimes. So, I mean, that
16 wouldn't even matter to me. And I don't think I
17 would have access to it. Anything sexual would have
18 come to our unit and a detective would have spoke
19 up. Complaints, I really don't care because people
20 complain on us all the time. And relevance, they
21 don't have relevance to a sexual complaint. If
22 there would have been a sexual complaint in his
23 file, we would have worked it. So I don't need it

24 Q But you would not have known -- strike
25 that.

1 don't know where he was in his investigation, if he
2 was ready to talk to Holtzclaw. You've got to be
3 ready for an interview, especially an interview of
4 that magnitude.

5 Q So what caused you to believe you were
6 ready to interview him in relation to Jannie Ligons?

7 A Denise Wenzel --

8 Q Okay.

9 A -- caused me to know I was ready.

10 Q What did she say?

11 A You will go talk to him. She's a major. I
12 do what I'm told.

13 Q Okay. And did she say this -- did she tell
14 you to go talk to him in context of the meeting that
15 you had with her the day that you talked to him --
16 to Holtzclaw?

17 A Yes. Because she said he was eliminated
18 and you guys are going to go talk to him.

19 Q Okay. Were you aware that in November of
20 2013 a woman complained to a lieutenant about
21 actions that Holtzclaw perpetrated against her?

22 A I think some of our victims were 2013. I
23 don't think any of mine were though.

24 Q So beyond the victims who were involved in
25 his criminal investigation, were you aware of a

1 complaint that had been made against him from
2 another woman in November of 2013?

3 A Sandra Goff made a complaint. I don't know
4 when, and it didn't get filed. I had another victim
5 that I tracked down off of my packets. I think it
6 was in my packets. And she said that he assaulted
7 her. And I made an appointment to meet her in
8 another city and she didn't show up.

9 Q Does the name Demetria Campbell ring any
10 bells for you?

11 A I don't know who that is.

12 Q Okay. So were you aware -- strike that.
13 Would it have been -- strike that too.

14 Okay. Earlier you mentioned that the use
15 of force investigations would not have been
16 relevant. Is that relevant to the Holtzclaw
17 investigation?

18 A Yeah. We don't even know when officers get
19 a use of force.

20 Q Okay.

21 A It's not something that goes to
22 investigations.

23 Q But is -- do you -- are use of force
24 investigations always irrelevant to sex crimes
25 allegations against officers?

1 MR. SMITH: Object to the form.

2 MS. GOOCH: Same objection.

3 THE WITNESS: We don't ever -- a
4 detective doesn't do use of force anyway. Only
5 supervisors do use of force.

6 Q (By Ms. Heckenkemper) I understand that.
7 What I'm asking is: Just the fact of -- strike
8 that.

9 The circumstances of uses of force that
10 were investigated, would those always be irrelevant
11 to sex crimes investigations against officers who
12 have had those use of force investigations?

13 A Yes.

14 Q Is that your opinion?

15 A A use of force has never come up in an --
16 we don't investigate a use of force. Okay, if I'm
17 investigating sex crimes -- a sex crime against an
18 officer, I'm not going to -- a use of force doesn't
19 have anything to do with a sex crime.

20 Q Would it be relevant to you that an officer
21 -- that a woman in the course of a use of force
22 investigation complained that an officer, who was
23 suspected by you, later of being -- strike that.

24 If you were investigating an officer for
25 sexual assaults of black women --

1 A I did do that.

2 Q Okay. Would it be relevant to you that
3 there was a complaint made by a black woman, made
4 against him, that he was prejudiced toward her?

5 A No. We don't investigate race, prejudice,
6 racial things or any -- no.

7 Q Okay. Would it be relevant to you that he
8 was -- that she complained that he was perverted
9 toward her?

10 MR. SMITH: Object to the form.

11 THE WITNESS: What's perverted?

12 Q (By Ms. Heckenkemper) Just the word
13 perverted.

14 A No.

15 Q Would it be relevant to you that she said
16 that she peed her pants because she was so afraid
17 that he was going to take her somewhere and do
18 something to her?

19 A No.

20 Q Would it be relevant to you that he had an
21 erection when he was handcuffing her?

22 MR. SMITH: Object to the form.

23 THE WITNESS: That -- that's still not
24 a crime that somebody had an erection. So we still
25 don't -- I mean, no, we don't investigate. We only

1 investigate crimes. It's not a crime to have a
2 boner.

3 Q (By Ms. Heckenkemper) Well, and I'm not
4 asking you would it be --

5 A So, no, that's not relevant to me.

6 Q So would that not be -- so none of that
7 would be relevant given that the woman complaining
8 was a black woman?

9 A I think it would be weird to get an
10 erection on a call. I mean, but I'm not a guy and
11 I'm not a young guy. And I know that young guys --
12 and I'm not trying to be crude, sometimes can get an
13 erection if the wind blows. I think it's weird, but
14 it's not a crime. It does nothing to help my
15 investigation at all, so it's -- it doesn't help me.

16 Q Would it be relevant at all to Holtzclaw's
17 victimology?

18 MR. SMITH: Object to the form.

19 MS. GOOCH: Object to the form.

20 THE WITNESS: Ask it a different way.
21 Because Holtzclaw doesn't have a victimology. My
22 victims have a victimology, but Holtz --

23 Q (By Ms. Heckenkemper) I'm sorry, let me
24 rephrase that. Holtzclaw's victims' victimology,
25 would that type of complaint that we just talked

1 about, would that be relevant to that?

2 MR. SMITH: Object to the form.

3 THE WITNESS: I still don't know what
4 you're asking. I don't know what you're asking.

5 Q (By Ms. Heckenkemper) Okay. Does the -- a
6 complaint by a black woman that Holtzclaw was
7 hateful to her, prejudiced against her, aggressive
8 toward her, perverted toward her and that she peed
9 her pants because she was so afraid of what he would
10 do to her, does that tend to corroborate any
11 evidence of Holtzclaw's victims' victimology?

12 MR. SMITH: Object to the form.

13 THE WITNESS: I don't -- I don't --
14 your victimology question is kind of throwing me
15 off. I'm going to say that -- and I don't know if
16 this is what you're trying to get at -- and I don't
17 know. When did she report it? After she saw
18 everything on the TV? I mean, I don't know who she
19 is, I don't know what she's alleging, I don't know
20 when it was alleged. I can't answer that.

21 Q (By Ms. Heckenkemper) Well, I mean, let's
22 just assume it happened before any of the other
23 victims came forward.

24 MR. SMITH: Object to the form.

25 THE WITNESS: We're trying to be so

1 formal. What is -- did somebody else make
2 allegations? And what are the allegations? Just
3 spit it out.

4 Q (By Ms. Heckenkemper) Well, what I'm
5 asking is, would allegations like that be -- I mean,
6 would that have any affect on your thinking of the
7 invest -- about the investigation?

8 MR. SMITH: Object to the form.

9 THE WITNESS: It depends on what
10 somebody says. Like is -- okay. I was so scared
11 that I peed my pants. No, I mean, Jannie Ligons
12 thought she was going to die. But that doesn't help
13 me. It doesn't help the investigation. When
14 somebody calls somebody a pervert, I might call you
15 a pervert because you looked at that cute girl's
16 butt, but it's not a crime. Who cares. I look at
17 cute guys' butts all the time. You know what I'm
18 saying? So what's a pervert? What's a pervert to
19 me is not a pervert to you and not a pervert to you.

20 Q (By Ms. Heckenkemper) So --

21 MR. SMITH: Let her finish.

22 THE WITNESS: So I don't know if this
23 -- you're alleging that somebody called him a
24 pervert, that doesn't help me.

25 Q (By Ms. Heckenkemper) Okay. Throughout

1 the course of the Holtzclaw investigation you went
2 and looked for potential victims; correct?

3 A Right.

4 Q So if you knew that a black woman had made
5 these allegations against Holtzclaw long before any
6 of the other victims came forward, would you have
7 wanted to talk to her about those allegations?

8 A None of her allegations were criminal, so
9 they would have done me no good. Pervert is not
10 criminal, peeing your pants isn't criminal, having
11 an erection isn't criminal. It wouldn't have helped
12 me.

13 Q So knowing that those allegations were made
14 against him in relation to -- strike that.

15 Now, assuming that these allegations --
16 these type of allegations that we've been talking
17 about over the last few minutes were alleged to have
18 occurred during a stop -- an investigative stop --

19 A Okay.

20 Q -- so in the course of this officer
21 investigating this person as a potential suspect of
22 whatever he's investigating, and not in the context
23 of, like, a police report, like, making a police
24 report about a crime.

25 A So like a Terri stop?

1 Q Yes.

2 A Okay.

3 Q Would you want to talk to that person about
4 those allegations, recognizing that they weren't
5 reporting -- like they weren't going to the police
6 station to report that a crime had been committed,
7 it was in the course of complaining to a supervisor.

8 MR. SMITH: Object to the form. Asked
9 and answered. Go ahead and do it again.

10 THE WITNESS: One, I don't know about
11 these. Two, it wouldn't have -- I would have put
12 her on -- if I would have talked to her, I would
13 have put her on the no list. Nothing happened to
14 her.

15 Q (By Ms. Heckenkemper) You would have put
16 her on the no list without speaking to her?

17 A No. I'm saying if I would have known about
18 her and I would have talked to her, I would have put
19 her on the no list. There's no crime that you have
20 to pee your pants, there's no crime that you get an
21 erection and there's no crime that he's a pervert.
22 There's nothing to investigate.

23 Q So are you saying that there's no
24 possibility that more information could come out?

25 MS. GOOCH: Object to the form. I'm

1 THE WITNESS: Uh-huh.

2 DIRECT EXAMINATION

3 BY MR. SMITH:

4 Q Detective Davis, you were asked multiple
5 questions about Terri Morris and how you do the
6 investigations and whether Holtzclaw should have
7 been talked to. Do you ever talk to a suspect or a
8 possible suspect or involved party before you talk
9 to the victim?

10 A No.

11 Q When you interviewed Holtzclaw, isn't it
12 true that Gregory asked Holtzclaw about stopping
13 Terri Morris and he said he didn't -- or he couldn't
14 recall?

15 A I know that Rocky asked some questions
16 about her. And he -- he said that he didn't do
17 that. I mean, he denied that, yeah. I don't
18 remember all of the questions that Rocky asked.

19 Q He certainly -- Holtzclaw didn't deny
20 stopping Ligons, did he?

21 A No.

22 Q I'm going to hand you what's been marked as
23 Defendant's Exhibit -- Defendant's City Exhibit 1
24 because we've already got a Defendant's 1.

25 (Defendant City's Exhibit Number 1 was

1 marked for identification purposes and
2 made a part of the record.)

3 MR. SMITH: Mr. Johnson, this is the
4 information filed against your client. I've
5 introduced it many times. I'm sure you have a copy.

6 MR. JOHNSON: I do. I have one in
7 front of me. Thank you.

8 MR. SMITH: You knew I was going to ask
9 that. Boy, I've got to get better.

10 MR. JOHNSON: No. You're always kind
11 enough to do that.

12 Q (By Mr. Smith) If you'll turn to a
13 document that's attached to it, it starts out with,
14 In the District Court of Oklahoma, State of
15 Oklahoma, affidavit, an application for arrest
16 warrant. And the arrest warrant for the person of
17 Daniel Holtzclaw. Do you see what I'm talking
18 about?

19 A Yes.

20 Q Is that your affidavit?

21 A Yes.

22 Q Second paragraph from the bottom.

23 A Of the bottom of the whole end?

24 Q On the first page. It reads, on 5-8-14, an
25 investigation begun in the sex crime unit in

1 reference to the above-named defendant, an Oklahoma
2 City police officer, sexually assaulting different
3 women. What did you mean by that statement?

4 MS. HECKENKEMPER: Object to the form.

5 Q (By Mr. Smith) You can answer.

6 A This is -- on 5-8-14, that was the date
7 that it was determined -- that Rocky determined that
8 Holtzclaw assaulted Terri Morris. So that's the
9 date that I put on the affidavit of when it started,
10 if you will.

11 Q Okay. You did not mean to say that on May
12 8th, 2014, a victim came into the sex crimes office
13 and complained -- or to the OCPD in any form or
14 fashion and complained about a sexual assault by an
15 Oklahoma City police officer, did you?

16 A No. No.

17 Q Okay.

18 A In fact, I don't even know when Terri
19 Morris made a report.

20 Q Okay. Did you ever tell Ms. Ligons, I know
21 who it is. I think it's Holtzclaw or anything like
22 that when you interviewed her?

23 A No. I didn't even know Holtzclaw's name.

24 MR. SMITH: No further questions.

25 MS. HECKENKEMPER: I have one more.