

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-

) CASE NO. CIV-16-184-HE

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

Defendants.)

VIDEOTAPED DEPOSITION OF

DENISE DONNA WENZEL

TAKEN ON BEHALF OF THE PLAINTIFFS

IN OKLAHOMA CITY, OKLAHOMA

ON APRIL 29, 2019

REPORTED BY: TRENA K. BLOYE, CSR

1 are to find the evidence to convict them.

2 Q Did you have -- did you and Kim ever work
3 together in the unit?

4 A No.

5 Q What about Detective Rocky Gregory, he also --
6 you also were in his line of command; correct?

7 A Correct.

8 Q Have you ever directly supervised Det. Gregory?

9 A No.

10 Q Did you ever speak to Det. Gregory -- strike
11 that.

12 Did you ever communicate, written or verbally,
13 with Det. Gregory regarding the Holtzclaw investigation?

14 A I did.

15 Q Do you recall when?

16 A Yes.

17 Q Okay.

18 A On May 27th I remember going to the unit. And
19 I was aware that Terri Morris had been -- that there was
20 an interaction with her, she had made an allegation.
21 And on the 27th the case was assigned to Rocky. And I
22 specifically told Rocky that I wanted him to go out into
23 the field, find her, she needed to be interviewed, and I
24 wanted him to make that happen.

25 Q Was it -- why did you go personally to tell

1 Rocky?

2 A It was important.

3 Q Is that your normal course of action when an
4 allegation of a sexual assault came into the unit that
5 you would personally go and talk to the investigator?

6 A No. There was an allegation against an
7 officer, it was a concerning allegation, and I wanted to
8 make that -- Terri was not interviewed that night, and I
9 wanted to make sure that we located her and that we were
10 able to get an interview with her to find out what her
11 allegation was.

12 Q Terri should have been interviewed that night;
13 correct?

14 A Yes.

15 Q And as someone as experienced in investigations
16 as you are, you would agree that the sooner you
17 interview someone with those type of sexual assault
18 allegations the better; correct?

19 MR. SMITH: Object to the form.

20 MS. GOOCH: Object to the form.

21 MR. SMITH: Go ahead and answer it if
22 you understand it.

23 A She should have been interviewed absolutely.
24 It was a critical allegation. Any allegations against
25 an officer like that we definitely want to try to get an

1 A We didn't have a named suspect on this one, on
2 Terri Morris thing. We didn't know who we were looking
3 for yet. Ms. Morris said that she was assaulted by an
4 officer. The first thing that we did was we -- because
5 she had said that it was at the City Rescue Mission. We
6 looked for any officers that had had contact with her
7 within a two-block radius of the City Rescue Mission on
8 the dates that she said. And my understanding, if I
9 remember correctly, she said it was three or four days
10 prior, which would have put it around May 20th or 21st.
11 We looked at that. And at that point we didn't have any
12 names yet. We didn't know who we were looking for.

13 Q (By Mr. Solomon-Simmons) But shortly after the
14 investigation started you had names of individual
15 officers who had contact with Ms. Morris.

16 A Joe Hill had, uh -- had looked at the MDC and
17 he also looked at Unit 800. We did have the name of a
18 couple of officers. We had Jeff Sellers, who said that
19 on May 11th -- or not that he said, but on May 11 he had
20 contact with her. And then Mr. Holtzclaw had contact
21 with her on, if I remember right it was May 8th. But
22 that was very far outside the window of her making the
23 allegation of three or four days prior to when the
24 officers had contact with her on the 24th of May.

25 Q In your experience as an above-average

1 investigator you have dealt with victims who don't
2 necessarily have the timeline 100 percent correct on
3 their sexual assault. Would you agree?

4 A I would agree.

5 MR. SMITH: Object to the form. Go
6 ahead.

7 Q (By Mr. Solomon-Simmons) And so the fact that
8 Mrs. Morris -- Ms. Morris, her dates may have been a
9 little off that, in and of itself, does not torpedo her
10 investigation; correct?

11 MR. SMITH: Object to the form.

12 A I don't know what you mean by torpedo.

13 Q (By Mr. Solomon-Simmons) It doesn't invalidate
14 her investigation.

15 A No. But two names of the officers that we had,
16 the physical description didn't match either of those
17 officers, not completely. Jeff Sellers is a very thin
18 white male, he's not muscular, and it was a
19 month-and-a-half prior. And even Mr. Holtzclaw, he's in
20 his 20s. She had said a dark skinned muscular white
21 male in his 40s. So we weren't sure if that was
22 matching either. So we really -- even those two
23 officers we didn't know what we had yet. So we had to
24 then broaden our scope because, you know, you start
25 small and then you start working your way out. So we

1 then whatever time period it takes to look and find if
2 that card exists?

3 A If the card had been entered by the Impact
4 secretary. But if it hasn't been entered yet then it
5 wouldn't be there.

6 Q And if the card is not there the detective can
7 just make a phone call to Mr. Holtzclaw's division and
8 inquire if the card is, like, setting on a desk
9 somewhere?

10 A Well, at that point we didn't have a named
11 officer. We didn't know anything. So I guess I'm not
12 following you, because we didn't know who our officer
13 was that she's alleging, you know, the complaint
14 against. So --

15 Q But you knew as of May 29th that Mr. Holtzclaw
16 had had contact with Ms. Morris on May 8, 2014; correct?

17 A On May 8th, yes.

18 Q But you knew that information on May 29th;
19 correct?

20 A I was not doing the investigation.

21 Q Are you aware that your investigators had the
22 information that Mr. Holtzclaw had contact with
23 Ms. Morris on May 8, 2014?

24 A Yes.

25 Q That the investigators had that information as

1 of May 29th?

2 A Yes.

3 Q So as of May 29th your team knew that
4 Mr. Holtzclaw had stopped Ms. Morris?

5 A Yes.

6 Q Okay. So as of May 29th you did have a name of
7 a potential officer that you could look through the
8 Varuna system to see if that officer had logged a field
9 interview card?

10 A We add a possible name. But we also had
11 Mr. Sellers. And at that point -- but both of them were
12 not at the location that she was saying. The physical
13 descriptors weren't matching at that point.

14 And, again, it's his investigation. And
15 whenever he would get around to it -- you know, but at
16 that point he was still out in the field, he was looking
17 for her. He had a lot of other responsibilities and
18 things that he was doing at that time. So I can't tell
19 you at what point he should have looked to see or
20 whether or not he might have even thought of that,
21 because he was out in the field looking for her, because
22 the address that she had provided, if I recall, was to
23 her grandmother, and her grandmother hadn't seen her in
24 some time.

25 Q But there was nothing stopping Detective

1 investigation of Terri Morris as of May 29, 2014;
2 correct?

3 A His name had come up, but his stop with her was
4 at a different location on a different date, and he only
5 met some of the identifiers. Because she specifically
6 said that it was the City Rescue Mission, and this stop
7 occurred at 24th and Lindsay on the east side of
8 Oklahoma City.

9 Q And Officer -- Officer Holtzclaw was only one
10 of the two officers who had run Terri Morris's name in
11 the previous month; correct?

12 A Two months.

13 Q Two months; correct?

14 A As far as I'm aware.

15 Q And so it would make sense to you as an
16 experienced, above-average sex crimes investigator as
17 why Officer Holtzclaw was included in the photo lineup?

18 A I don't know what Rocky was thinking at the
19 time. It would not be reasonable for me to assume
20 anything. So...

21 Q Well, if you were investigating a case with
22 your immense experience as an investigator, what would
23 you have done with the information that you now have in
24 front of you that Mr. Holtzclaw had contact with
25 Ms. Morris and he is the only person that's involved in

1 A Well, they can't access it. It would have to
2 be pulled through Communications, and Joe Hill was
3 requested to pull the information. They just needed my
4 authorization to make it happen.

5 Q Do you recall the conversation of when they
6 asked for your authorization to make it happen?

7 A I don't remember the exact conversation. I
8 remember giving permission.

9 Q What do you remember about -- do you remember
10 anything about the conversation that you had with
11 Capt. Bacy?

12 A Other than, Let's have Joe pull the AVL data,
13 you know, within a two-block radius of the City Rescue
14 Mission, see if we can identify, you know, any officers
15 that were over there between the dates that she was
16 alleging that the assault took place.

17 Q Okay. And so is your recollection that the AVL
18 data was only pulled for a two-block radius of the city
19 mission?

20 A Initially, yes.

21 (Plaintiff's Exhibit 4 was marked for
22 identification and made a part of the
23 record.)

24 Q (By Mr. Solomon-Simmons) Do you recognize this
25 document that I have placed in front of you, Major

1 Wenzel?

2 A Well, it's an email.

3 Q And so this email from Capt. Bacy to you, May
4 27, 2014, 11:00 a.m., he says, "I need your blessing for
5 this." Do you recall receiving this email?

6 A Not specifically, but I wouldn't have any
7 doubt, yeah.

8 Q So this would have been in the communication
9 that you had with Capt. Bacy discussing pulling the AVL
10 data?

11 A Yes.

12 Q Okay.

13 A Well, actually this was -- what I asked -- or
14 what we discussed, CIU had checked back 30 days. They
15 don't have a record of running anyone on their computer.
16 They were doing an offline search through OLETS.

17 Q What is OLETS?

18 A That's the Oklahoma Law Enforcement database
19 for any individuals that may be wanted or have warrants,
20 or anyone who was run through that database.

21 Q Okay.

22 A And what we were looking for was anyone who was
23 run on their MDC, which was their mobile data computer.

24 Q Okay.

25 A Which would be the computer within the

1 vehicles.

2 Q Okay.

3 A And so we checked their MDCs. And then Joe
4 said that he could also pull, a couple of hours later,
5 AVL, but they needed my permission.

6 Q Right.

7 A So Ron was asking for that.

8 Q And so when Joe was pulling this AVL, at least
9 according to this email, he wasn't pulling it just
10 specifically for a two-block radius?

11 A They were looking for her name --

12 Q Okay.

13 A -- at that point.

14 Q All right. So --

15 A And then the AVL would have been for a specific
16 date, time and location. So he would have been looking
17 for between the 20th and 21st at the City Rescue
18 Mission.

19 Q Okay.

20 A I'm -- that's what makes sense to me with this.

21 Q Okay.

22 (Plaintiff's Exhibit 5 was marked for
23 identification and made a part of the
24 record.)

25 Q Now, I placed another packet of emails in front

1 of you, Major Wenzel. If you just take a moment to look
2 through the packet and let me know, have you seen any of
3 these emails before?

4 A I do not recall seeing this, the first one.
5 And the second one I sent to Joe Hill, that appears on
6 the 29th. It appears the offline search came back.

7 Q So what does that mean, the offline search came
8 back? What does that mean?

9 A You can do an online search -- and I'm not
10 familiar enough with -- it's been so long since I've
11 done that. I don't recall if it is the officer running
12 it from his mobile computer. And the online would have
13 been through Unit 800, which is, um, our clerks that
14 actually run that.

15 Q So who would have told you that the offline
16 search found that Mr. Holtzclaw had contact with
17 Ms. Morris on May 8th?

18 A I don't recall. It might have been Bacy, but I
19 don't -- I'd be guessing.

20 Q Okay. So then once you receive that
21 information that Holtzclaw had contact with Ms. Morris,
22 then you sent the email to Mr. Hill saying, Hey, check
23 the AVL data for Mr. Holtzclaw on that particular date;
24 is that correct?

25 A Yes.