

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 CITTY,)
BRIAN BENNETT, ROCKY GREGORY,)
JOHN AND JANE DOES, all in)
their individual capacity,)

Defendants.)

VIDEOTAPED DEPOSITION OF

MIKE HOSKINS

TAKEN ON BEHALF OF THE PLAINTIFFS

IN OKLAHOMA CITY, OKLAHOMA

ON APRIL 25, 2019

REPORTED BY: TRENA K. BLOYE, CSR

1 specific steps involved in investigating a use of force
2 that may not be relevant and even come into place with
3 investigating a complaint against a police employee.
4 Okay?

5 Q Isn't it true that a use of force complaint
6 against an officer, pursuant to your procedures, or
7 Oklahoma City Police Department procedures, is initiated
8 by the officer that participated in a use of force
9 informing his supervisor of the incident?

10 MS. GOOCH: Object to the form.

11 MR. SMITH: Same objection.

12 A I'm not clear on what you're asking me.

13 Q (By Mr. Solomon-Simmons) Is it your
14 understanding that there is a policy or procedure that
15 requires -- strike that.

16 I understand you to say that there is a
17 use-of-force investigation procedure and then there is a
18 complaint against officer procedure; correct?

19 A Complaint against police employees procedures,
20 and then there are procedures for conducting
21 use-of-force investigations. Two different things.

22 Q Sure. Who -- are citizens -- according to
23 Oklahoma City Police Department procedures how are
24 use-of-force investigations initiated?

25 A Several ways. The most common practice is the

1 officer that's involved in use of force, by procedure,
2 is to notify his immediate supervisor as soon as that
3 use of force has occurred, and that supervisor initiates
4 the initial use of force followup investigation. Okay?

5 But there can be other avenues that a
6 supervisor can be informed of a use of force that took
7 place by a police officer. And it could be, for
8 example, if a group of teenagers are sitting on the side
9 of the road on a Friday night drinking beer. And they
10 get home and they tell mom or dad that the cops showed
11 up and they put us against the car and mom and dad felt
12 like their son got ruffed up or whatever, they could
13 call in and allege a use of force took place and get the
14 ball rolling for a supervisor to contact them to see, if
15 fact, a use of force did take place. So there's several
16 different ways it can be actually initiated.

17 Q I see.

18 A But the most common is, by policy or by
19 procedure, is officers involved in the use of force are
20 to notify their immediate supervisor immediately.

21 Q Would you agree that pursuant to this policy
22 143 that when -- if the parents called in -- in your
23 scenario, if the parents called in to make a complaint
24 against an officer for his interaction with their
25 children that that would be considered a citizen's

1 complaint against a police department employee?

2 A I would not, because they are alleging a use of
3 force took place. So I would -- as a supervisor I
4 would -- the track I take on that is a use-of-force
5 investigation. It's a complaint of a use of force that
6 took place. Okay?

7 Now, if they called and said, The officer was
8 at my house and when he or she left to get in their car
9 they picked up a kid toy off my yard and put it in the
10 trunk of their car, that's a complaint against an
11 officer that may involve some kind of criminal conduct.
12 So that goes a different route than what you do a use of
13 force complaint.

14 Q So if you receive a call about a complaint
15 against an officer that may involve a use of force, but
16 also involve other potential crimes then that would be,
17 in your understanding, investigated pursuant to 143 as a
18 complaint against a police department employee?

19 MR. SMITH: Object to the form.

20 MS. GOOCH: Same objection.

21 A So let me simplify it a little bit. So if I'm
22 a supervisor and I get called to go meet a party about a
23 possible use of force, and during my course of
24 investigating that and talking to that person then I
25 identify that possibly some other allegations exist that

1 investigator that's providing or putting together the
2 investigative report should attempt to locate potential
3 witnesses to the use of force incident?

4 A The investigating supervisor?

5 Q Yes.

6 A Yes.

7 Q What's the purpose -- strike that.

8 If you have the witness -- I'm sorry. If you
9 have the subject's (sic.) of the use of force statement
10 and you have the officer's statement, in your mind what
11 is the purpose of having the supervisor's narrative also
12 a part of the use of force investigative packet?

13 A Often time, I mean, the supervisor is the one
14 who responds to the incident location. He or she is the
15 one that actually conducts the interview with the
16 officer, the other involved party, suspect, other
17 witnesses.

18 So that narrative can kind of connect the dots
19 a little bit, if you will, between here is what the
20 victim or suspect alleges, here is what the officer's
21 account is. Based on the physical evidence, based on
22 the witness statements it's my opinion that this took
23 place type information.

24 Q In your experience, if you have a scenario
25 where you have a victim saying one thing and an officer

1 saying another thing, what is the best way to reconcile
2 what is actually -- whose version is correct?

3 MR. SMITH: Object to the form.

4 A Sometimes it's difficult to do, especially if
5 there are no independent witnesses present. In today's
6 day and age with the amount of video surveillance that's
7 out there, if there is video surveillance that you can
8 look and see, sometimes it can be difficult.

9 Oftentimes you've got to actually break down
10 each step of that altercation that took place and see,
11 based on what the victim says, suspect, based on what
12 the officer says, is that physically possible to have
13 taken place?

14 Sometimes they may not be able to do that, so
15 they go with what the officer gives them as far as their
16 account of the force that took place and why they used
17 the force and use that as their basis on determining if
18 it was justified and appropriate or not.

19 MR. SOLOMON-SIMMONS: I think this is
20 Exhibit 2.

21 (Plaintiff's Exhibit 2 was marked for
22 identification and made a part of the
23 record.)

24 MR. SMITH: Thank you.

25 Q (By Mr. Solomon-Simmons) Major Hoskins, have