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Regarding: Jannie Ligons, Shandayreon Hill, Tabatha Barnes, Terri Morris, Syrita Bowen, Carla Johnson, and Kala Lyles. v. City of Oklahoma City, Daniel Holtzclaw, Bill City, Brian Bennett, Rocky Gregory, John and Jane Does. Case No. Civ-16-184-HE.

Adaira Gardner. v. Daniel Holtzclaw, Bill City, Brian Bennett, Rocky Gregory, City of Oklahoma City, Oklahoma. Case No. CIV-16-349-L

Sherry Ellis, Carla Raines, and Regina Copeland. v. Daniel Holtzclaw, City of Oklahoma City, Oklahoma. Case No. CIV-2016-16-019-HE

Dear Counsel:

Thank you for retaining me to evaluate and render my professional opinion regarding the investigative and administrative failures by the Oklahoma Police Department (OKPD) chain of command that resulted in the physical abuse, sexual assaults and other illegal acts inflicted under color of authority by Officer Daniel Holtzclaw upon the listed Plaintiffs [Ms. Jannie Ligons (Ms. Ligons), Ms. Shandayreon Hill (Ms. Hill), Ms. Tabatha Barnes (Ms. Barnes), Ms. Terri Morris (Ms. Morris), Ms. Carla Johnson (Ms.

Johnson), Ms. Kala Lyles (Ms. Lyles), Ms. Sherry Ellis (Ms. Ellis), Ms. Carla Raines (Ms. Raines), Ms. Regina Copeland (Ms. Copeland) and Ms. Adaira Gardner (Ms. Gardner)] and others. Pursuant to the requirements of Rule 26, I have studied the OKPD investigative reports, interview transcripts, deposition transcripts, criminal trial transcripts, OKPD policies, video recordings and other material (as listed below) provided to me thus far regarding this case. Please be advised that if/when any additional information is submitted, it is likely that a supplemental report will be necessary.

It is also necessary to state at the beginning of this report that I do not make credibility determinations in expressing my opinions. That is, where there are differences in the events proffered by the listed Plaintiffs and/or others, versus those proffered by the Defendants and/or others, I do not opine for the trier of fact regarding who are the more believable witnesses. I consider that the resolution of any such conflicts are in the purview of a jury to decide.

Material Provided and Reviewed Thus Far:

1. First Amended Complaint: Jannie Ligons, Shandayreon Hill, Tabatha Barnes, Terri Morris, Syrita Bowen, Carla Johnson, and Kala Lyles. v. City of Oklahoma City, Daniel Holtzclaw, Bill Citty, Brian Bennett, Rocky Gregory, John and Jane Does. Case No. Civ-16-184-HE.
2. Complaint: Adaira Gardner. v. Daniel Holtzclaw, Bill Citty, Brian Bennett, Rocky Gregory, City of Oklahoma City, Oklahoma. Case No. CIV-16-349-L
3. Amended Complaint: Sherry Ellis, Carla Raines, and Regina Copeland. v. Daniel Holtzclaw, City of Oklahoma City, Oklahoma. Case No. CIV-2016-16-019-HE
4. Associated Protective Orders.
5. Depositions:
 - a. Ms. Demetria Michelle Campbell, February 15, 2018.
 - b. Lieutenant. Brian Bennett September 19, 2018.
 - c. Ms. Carla Esther Johnson, November 1, 2018.
 - d. Ms. Kala Lyles December 13, 2018.

- e. Ms. Terri Morris, December 13, 2018.
 - f. Ms. Jannie Ligons, December 14, 2018.
 - g. Ms. Shardayreon Hill December 17, & 18, 2018.
 - h, Ms. Elaine Marie Taylor, January 15, 2019.
 - i. Detective Rocky Gregory January 17, 2019.
 - j. Detective Kim Davis January 29, 2019.
 - k. Lieutenant (now Captain) Author Gregory February 28, 2019.
 - l. Lieutenant Timothy Munzy March 26, 2019.
 - m. Captain Ron Christopher Bacy March 27, 2019.
 - n. Major (now Deputy Chief) Brian Jennings, April 23, 2019
 - o. Major (now Deputy Chief) Mike Hoskins April 25, 2019.
 - p. Major Denise Wenzel April 29, 2019.
 - q. Deputy Chief Johnny Kuhlman, September 19, 2019.
 - r. Deputy Chief Johnny Kuhlmann September 19, 2019.
 - s. Officer Daniel Holtzclaw October 21, 2019.
 - t. Chief of Police Bill Citty February 19, 2020.
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- 6. Plaintiff's Motion to Alter or Amend Judgment in Favor of Defendants Brain Bennett with exhibits.
 - 7. Investigative File of Demetria Campbell November 5, 2013 Interaction with Officer.
 - 8. Briefing and Orders related to Plaintiff's Motion to Compel (DKT# 126) re: Demetria Campbell Investigation Related Emails.
 - 9. Defendant City of Oklahoma City's Motion for Summary Judgment and Brief in Support filed June 25, 2018 against Demetria Campbell; etc.
 - 10. Plaintiff Demetria M. Campbell's Response in Objection to Defendant City of Oklahoma City's Motion for Summary Judgment and Brief in Support filed July 26, 2018.
 - 11. Officer Daniel Holtzclaw Criminal Trial Transcripts Volumes I through XVIII.

12. Operations Manual Fourth Edition Published 4th Quarter, 2000 Planning and Research Unit Updated 07/2013, including:
 - a. Procedure 143.0: Complaints Against Police Department Employees.
 - b. Procedure 146.0 et seq.: Departmental Directives
 - c. Procedure 150.0 et seq.: Use of Force Investigation.
 - d. Procedure 160.40: Screening Committee.
 - e. Procedure 175.10: Verbal Counseling.
 - f. Rule 185.0: Knowledge of Written Directives.
 - g. Procedure 230.0: Arrest Procedure.
 - h. Procedure 239.10: Photo Lineups
 - i. Procedure 239.30: Field Show-Ups.
 - j. Procedure 250.35: Field Interviews.
 - k. Procedure 250.90: Disposition of Report.
 - l. Procedure 332.0 et seq.: Follow-Up Investigations
 - m. Policy 520.0 et seq.: Preliminary Investigation.
 - n. Policy 528.0: Field Supervision.
 - o. Policy 285.0: Allegations of Employee Misconduct.
 - p. Policy 285.10: Objectives of Personnel Investigations.
13. Standard Operating Procedures – Springlake Division.
14. Standard Operating Procedures – Sex Crimes Unit.
15. Additional Documents/Memoranda:
 - a. Memo – Armstrong death – Admin leave
 - b. Memo – Armstrong death – Return to duty
 - c. Holtzclaw’s UOF investigation files
 - d. Holtzclaw’s Early Intervention Program files
 - e. Demetria Campbell UOF investigation file
 - f. Emails – verbal counseling for Demetria Campbell UOF
 - g. Memo – verbal counseling for Demetria Campbell UOF
 - h. Emails – May 2014 roadside search
 - i. Emails – December 2013 informal citizen complaint
 - j. Formal citizen complaint form
 - k. Sexual misconduct investigations
 - l. Supervisor training powerpoints

- m. Draft performance evaluation for Holtzclaw
 - n. Holtzclaw – Varuna checks
 - o. Terri Morris investigation file
 - p. Video interview of Terri Morris (Jun. 3, 2014)
 - q. Emails – 2013 – Holtzclaw & Wenzel
 - r. Email – “Crackhead selling sex for a rock”
 - s. Memo – Call-Out Procedures
 - t. Terri Morris photo lineup admonition form
 - u. Terri Morris refusal to prosecute form
 - v. Kuhlman notebook pages
 - w. Emails – Terri Morris investigation (prior to Jun. 3, 2014)
 - x. Emails – “Still an officer involved case”
 - y. Transcript of Holtzclaw Police Interview (Jun. 18, 2014)
16. Third Amended Criminal Information in Holtzclaw’s Criminal Prosecution.
17. Guide – Addressing Sexual Offenses and Misconduct by Law Enforcement International Association of Chiefs of Police (IACP).
18. *Independent Commission on the Los Angeles Police Department*, (informally known as the Christopher Commission) April 1991,
19. *Five Years Later: A Report to the Police Commission on the Los Angeles Police Department’s Implementation of Independent Commission Recommendations*, May 1966.

Brief Overview of Events and Commentary:

Introductory Remarks:

The material provided thus far - which include the allegations as proffered by the Plaintiff’s counsel in the pleadings filed and depositions taken - provides a well documented and cogent account of the facts of this case. The facts are further confirmed in the additional production of police reports, forensic analysis, and trial testimony

obtained during the discovery process. I accordingly acknowledge and significantly draw on these documents (as listed above) as a factual context for this report.

In my opinion, the material provided records in significant detail a stunning litany of criminal conduct under color of authority by Officer Holtzclaw spanning just 13 months before he was finally arrested and charged. Accordingly, the obvious question that requires an answer is how it was possible for Officer Holtzclaw to operate so boldly, yet undetected and unchecked. In my opinion, Holtzclaw's repeated acts could not have occurred without his expectations that the existing (and sloppy) supervisory oversight of his conduct would never disclose his foul deeds - and even should any of his victims come forward, the chain of command would simply "look the other way." This issue is the primary focus of my report.

Chronological Listing of Victims:

As a context of the events discussed, it is helpful to list here the dates - from May 1, 2013 to June 17, 2014 - (as listed in the criminal complaint) and the names of the known victims (with a few details) who suffered significant abuse inflicted by Officer Holtzclaw under color of authority. It documents the progress of increasing litany of violent sexual assaults inflicted on 15 victims spanning just 13 months:

	Date	Named Victim
1.	May 1, 2013.	Clifton Armstrong
2.	November 5, 2013	Demetria M. Campbell
3.	December 20, 2013 January 9 - 31, 2014	Shardaryon Hill Shardaryon Hill
4.	February 27, 2014 March 25, 2014 April 15, 2014	Tabatha Barnes Tabatha Barnes Tabatha Barnes
5.	March 14, 2014	Carla Raines
6.	April 14, 2014	Florene Mathis
7.	April 24, 2014	Rosetta Grate

8. April 25, 2014 Regina Copeland
9. May 7, 2014 Sherry Ellis
10. May 8, 2014 Terri Morris
11. May 21, 2014 Syrita Bowen
12. May 26, 2014 Carla Johnson
13. June 18, 2014 Kala Lyles
14. June 18, 2014 Jannie Ligons
15. June 17, 2014 Adaira Gardner

(August 29, 2014, date Officer Holtzclaw was charged and booked.)

The Use-of-force Death of Clifton Darnell Armstrong (May 1, 2013):

Mr. Clifton Armstrong, was a 38 year-old African-American male resident of Oklahoma City. On the evening of May 1, 2013 he became paranoid and dialed 911 for help from his mother's home. Officers allegedly attempted to convince Mr. Armstrong to go a hospital before eventually subduing him outside his mother's home . Officer Holtzclaw was one of the four OKPD officers who inflicted force on Mr. Armstrong to take him into custody. During the encounter, they collectively subjected Mr. Armstrong to excessive physical force that resulted in his in-custody death. His family filed a claim notice on July 13, 2013, and a lawsuit was filed on April 2, 2014 and settled before trial.

I consider Officer Holtzclaw's involvement in the use-of-force death of Mr. Armstrong as a defining first incident in the record as the beginning of a series of escalating on-duty malignant behaviors over the next 13 months that finally resulted in Officer Holtzclaw's arrest and conviction for multiple incidents of sexual assault. In my opinion, the specifics of the allegations specified in the Armstrong civil complaint (and the obvious aspects of the incident itself) should have required a much closer scrutiny of Officer Holtzclaw from that time forward by the OKPD chain of command. At the very least, the Armstrong incident should have "flagged" Officer Holtzclaw to require future close scrutiny and monitoring for a number of months (including GPS information, attention to "gaps" in his patrol patterns and his repeated checking for his name in the VARUNA data system) until

their conclusion of the Armstrong investigation. This did not occur. In fact, the tort claim notice regarding the Armstrong death was still pending at the time of Officer Holtzclaw's sexual assaults on the listed plaintiffs occurred.

Rather, Officer Holtzclaw was reassigned from his field duties for only one day after Mr. Armstrong's death and then returned to the field before the in-custody death investigation was completed. As noted above, the Armstrong death was still open when Ms. Ligons was sexually assaulted on June 18, 2014. In my opinion, the OKPD's failure to promptly and completely investigate Officer Holtzclaw in connection with the Armstrong death was a typical administrative failure by the OKPD chain of command and reflected a systemic culture to "look the other way." As a result, Officer Holtzclaw continued for the next 13 months as a dangerous rogue officer. The OKPD administrative failure to at least monitor Officer Holtzclaw allowed his future unabated criminal conduct until it could finally no longer be ignored.

The Arrest and Manhandling of Ms. Demetria M. Campbell (November 5, 2013):

Following the May 1, 2013 use-of-force death of Clifton Armstrong, the next known incident of illegal and out-of-policy occurred 6 months later (on November 5, 2013), when Officer Holtzclaw illegally detained, assaulted and failed to report his abuse of Ms. Demetria Campbell. While Ms. Campbell is not a listed plaintiff in this case, having already settled her civil complaint prior to the plaintiffs as listed above, Ms. Campbell's incident is important to note here because as well documented example of the OKPD's deliberate failure to misstate, parse and otherwise ignore clear indications of illegal excessive force by Officer Holtzclaw and his failure to file a truthful report after Ms. Campbell notified the OKPD of the incident to Lieutenant Bennett.

Ms. Campbell was in Oklahoma City visiting her daughter who was receiving treatment at Oklahoma University Medical Center Hospital for terminal cancer. At the request of her terminally ill daughter, Ms. Campbell left the hospital to purchase a fish dinner at a local establishment - TJ's Seafood Restaurant, 2027 NE 23rd Street which is located in a predominately African- American Northeast side of Oklahoma City. When she arrived at TJ's, Ms. Campbell exited her vehicle and entered the restaurant to place an order.

Officer Holtzclaw was in the area in response to a stolen white Pontiac at a "Buy for Less parking lot" located at 2023 NE 23rd Street. Per his report, the alleged subject/suspect was a "Black female last seen wearing a red shirt and jeans," originally in the company of two children who exited the Pontiac and left the scene. When he arrived in the area he observed Ms. Campbell enter TJ's on foot.

There is absolutely nothing further in Officer Holtzclaw report to indicate that he was given any further details regarding the subject connected with the theft, i.e. weapons, injuries, age, height, weight, hair style, any outer clothing, threatening behaviors, etc. The only thing Ms. Campbell had in common with the dispatch was that she was a black female wearing jeans. While she was wearing a red shirt, it was not viable because she was wearing a blue top covering her shirt. It is uncontested in the record that Officer Holtzclaw never saw Ms. Campbell with two children and there were no other identifiers broadcast. Nonetheless Officer Holtzclaw wrote that Ms. Campbell met the “exact description” of the suspect he was looking for and went after Ms. Campbell inside the restaurant.

Ms. Campbell was not wanted for any crime, did not match the description of any wanted person, and had not committed any criminal act whatsoever known to Holtzclaw. Nonetheless, Officer Holtzclaw entered the crowded restaurant ordered her in a loud voice to exit with him and violently grabbed her and shoved her face-first into the bricked restaurant building (even leaving an impression of the bricks on her face). Ms. Campbell testified that Officer Holtzclaw pressed his crotch against her backside while exhibiting an obvious erection that Campbell could feel through her clothing.

Officer Holtzclaw then handcuffed Ms. Campbell and put her into the back of his police car. Ms. Campbell has testified that Holtzclaw drove her to a location while handcuffed in the backseat of his patrol vehicle, drove her to the location of the alleged victim/witness and performed a field show-up. The victim/witness categorically stated that Ms. Campbell was not connected with the theft. After a field show-up and knowing that Ms. Campbell was not involved whatsoever with the theft of the Pontiac, Officer Holtzclaw took Ms. Campbell - still handcuffed - back to TJ’s and released Ms. Campbell without booking, citation, filing any charges *or a police report*. (Emphasis added.) Ms. Campbell testified that she was so terrified by the abuse inflicted on her by Holtzclaw she urinated on herself while handcuffed in the rear of his patrol car.

Immediately after Officer Holtzclaw's attack, Ms. Campbell returned to the Medical Center and sought treatment for her injuries which included cuts and abrasions to her face. One of the nurses who noted the injuries, called the OKPD and demanded that a supervisor come to the hospital to investigate Officer Holtzclaw’s assault on Ms. Campbell.

According to policy, Lieutenant (now Captain) Author Gregory was required to respond and investigate. However Lieutenant Brian Bennett, who was allegedly not in Officer Holtzclaw’s chain of command, “volunteered” to take the complaint. He responded to the

hospital and took a statement from Ms. Campbell. Ms. Campbell testified that she described the encounter with Officer Holtzclaw in detail, including providing the location of where the illegal arrest and detention occurred, how the assault occurred, and the physical characteristics and name of Officer Holtzclaw (who had not written a report or notified his supervisor of his use of force and out-of-policy field show up). Ms. Campbell described Officer Holtzclaw as “perverted,” “hateful” and obviously “prejudiced towards black women.” However Lieutenant Bennett did not pursue further details regarding the allegations, and dumbed down clearly significant unjustified force, false statements perverted behavior, and acts of racial animus. Lieutenant Bennett did not treat Ms. Campbell’s allegations as an actual citizen’s complaint but rather a simple use of force only.

The OKPD has offered that because Lieutenant Bennett was not in Holtzclaw’s chain of command, his investigative report (such as it was) did not find it’s way to Lieutenant Gregory - who had the line responsibility to monitor Holtzclaw’s field conduct. Lieutenant Gregory has offered that he was never aware of Ms. Campbell’s allegations. However, I have noted that both Lieutenant Gregory and Lieutenant Bennett were seasoned Lieutenants and obviously knew how to game the system to cover and excuse Holtzclaw’s conduct. I consider that the Campbell “cover-up” occurred on purpose and was not accidental. I also consider that had the Campbell incident been investigated as required and entered into the department’s EWS data the future crimes committed against the listed plaintiffs would have been prevented.

After speaking with Ms. Campbell and taking her statement and contact information, Lieutenant Bennett allegedly apologized to Ms. Campbell, stated he would “look into” the matter and get back with Ms. Campbell and then left the hospital. Clearly, Officer Holtzclaw should have been called to account and relieved of duty. At an absolute minimum he should have been removed from patrol duties pending a completion of the required investigation by Lieutenant Bennett of Ms. Campbell’s November 5, 2013 complaint. *Yet, Ms. Campbell was never contacted again by Lieutenant Bennett or anyone else from OKPD Police Department.* (Emphasis added.)

I have noted that Lieutenant Bennett did not even respond to TJ’s Restaurant to locate any potential witnesses or dispatch anyone to locate them. It appears in the record that despite Ms. Campbell’s complaint, the OKPD did not investigate, check, or review the numerous systems and evidence available to them, including Officer Holtzclaw’s radio/MDT transmissions, unit GPS, computer access, contact logs etc. Further, it is apparent in the record that the OKPD *did not even question Officer Holtzclaw regarding Ms. Campbell’s complaint.* (Emphasis added.) To any competent police administrator, commander, or supervisor, such a failure indicates an inexcusable and likely deliberate attempt to cover-

up the criminal unlawful arrest, use of force, and sexual assault Officer Holtzclaw inflicted on Ms. Campbell. (Emphasis added.)

The incident involving Ms. Campbell is the first known incident in the record of an African-American female sexually assaulted by Officer Holtzclaw. However, a significant number of victims followed - including the listed Plaintiffs in this case.

In my opinion, had the OKPD responded to Ms. Campbell's complaint to Officer Bennett as required by OKPD policy, law, and the nationally established professional standards, none of the subsequent 13 known African-American females (including the listed plaintiffs) would have been assaulted by Officer Holtzclaw.

Rather, the OKPD Defendants routinely "looked the other way" in regards to Ms. Campbell's allegations and failed to act with the required (and timely) vigorous response to the obvious evidence before them as given by Ms. Campbell to Lieutenant Bennett. This would include locating witnesses, Officer Holtzclaw's unit GPS, contact logs, computer access, and radio transmissions. Additionally, they failed to relieve Officer Holtzclaw of duty and question him immediately. The failures were inexcusable and catastrophic to numerous future victims, and are listed with brief commentary (as taken from the criminal complaint) as follows:

The Sexual Assault of Plaintiff Shadaryon Hill (S.H.) - December 20, 2013 and January 9 - 31, 2014. (Criminal Counts 21, 22, 23, 24, 25, & 26):

On December 20, 2013, while at South West Medical Center in Oklahoma City, Plaintiff Hill was sexually assaulted - including digital penetration of her vagina by Officer Holtzclaw while she was in his custody and handcuffed to her hospital bed. (Counts 21, 22, 23, 24 & 25.)

Then, between January 9, 2014 and January 31, 2014, Officer Holtzclaw, knowing her address from his previous contact confronted Ms. Hill near her residence, and while sitting in his personal vehicle Holtzclaw exposed his penis to Hill and demanded that she perform oral sex. (Count 26)

The Arrest, Sexual Assault of Ms. Tabatha Barnes - February 27, 2014, March 25, 2014 and April 15, 2014. (Criminal Counts 1, 3, 4, 5 & 6.):

On February 27, 2014, around 11:30 p.m., Plaintiff Barnes was sitting in a car with her two daughters and a friend when Officer Holtzclaw and

another police officer approached the car. Both Holtzclaw and the other officer ordered the women to exit the car. Officer Holtzclaw detained Ms. Barnes in the backseat of his police car, and Ms. Barnes' friend was placed in the other officer's car. After a couple of minutes, Ms. Barnes saw her friend released from custody by the other officer and moments later the other officer drove off and left the scene. Now alone with Ms. Barnes, who was detained alone in his backseat, Officer Holtzclaw asked Ms. Barnes if she had any drugs under her shirt. Ms. Barnes told Officer Holtzclaw that she did not have any drugs in her possession. Officer Holtzclaw then ordered Ms. Barnes to lift up her shirt and, fearing retaliation if she did not comply, Ms. Barnes reluctantly lifted her shirt and exposed her naked breasts to Officer Holtzclaw. Officer Holtzclaw then asked Ms. Barnes if there was anything under her breasts, and fondled Ms. Barnes's naked breasts. Officer Holtzclaw then released Ms. Barnes from his custody. Ms. Barnes ran into her house. (Count 1)

On March 25, 2014, when Ms. Barnes entered the driveway at her house she found Officer Holtzclaw sitting on her front porch. Ms. Barnes was not wanted and had not committed any crime in Officer Holtzclaw's presence. Once Officer Holtzclaw saw Ms. Barnes, he ordered her to "come here" and, immediately arrested her and placed her in the backseat of his police cruiser. While Officer Holtzclaw detained Ms. Barnes in the back seat of his police cruiser, he forced Ms. Barnes to once again expose her breasts. Holtzclaw also forced Ms. Barnes to expose her genitals. (Counts 3, 4, &5)

On April 15, 2014, Officer Holtzclaw again came to Ms. Barnes' house uninvited and demanded admittance into her house. Ms. Barnes refused to open the door for Officer Holtzclaw and asked Holtzclaw to stop coming to her home and to stop harassing her. Traumatized by Holtzclaw's continuous stalking and harassment, Ms. Barnes and her children moved out of their home and neighborhood. (Count 6.)

The Arrest and Assault of Ms. Carla Raines - March 14, 2014. (Criminal Count 2.):

On March 14, 2014, Officer Holtzclaw stopped and arrested Ms. Carla Raines (not a plaintiff in this case). While Officer Holtzclaw held Ms. Raines in his custody, he forced her to expose her breasts to his view. (Count 2.)

The Arrest and Sexual Assault of Ms. Florene Mathis - April 14, 2014. (Criminal Count 7.):

On April 14, 2014, Officer Holtzclaw stopped and arrested *Ms. Florene Mathis* (not a plaintiff in this case). While Officer Holtzclaw held her in his custody, Officer Holtzclaw illegally fondled her breasts. (Count 7.)

The Arrest and Sexual Assault of Ms. Rosetta Grate - April 24, 2014. (Criminal Counts 8 & 9.):

On April 24, 2014, Officer Holtzclaw stopped, and arrested Ms. Rosetta Grate (not a plaintiff in this case). While Officer Holtzclaw held Ms. Grate in his custody he forced her into an act of oral copulation. (Counts 8 & 9.)

The Arrest and Sexual Assault of Ms. Regina Copeland - April 24, 2014. (Criminal Count 29.):

On April 24, 2014, Officer Holtzclaw, under color of law, raped Ms. Copeland. (Count 29.)

The Arrest and Sexual Assault of Ms. Sherry Ellis - May 7, 2014. (Criminal Counts 10, 11, 33 & 34.):

On May 7, 2014, Officer Holtzclaw stopped and arrested Ms. Ellis (not a plaintiff in this case). While Officer Holtzclaw held Ms. Ellis in his custody, Holtzclaw illegally forced Ms. Ellis into an act of oral copulation. (Count 10), then raped her (Count 11). Additionally during the assault, he fondled her breasts (Count 33) and her vagina (Count 34).

The Arrest and Sexual Assault, of Ms. Terri Morris - May 8, 2014. (Criminal Counts 12, 35 & 36.):

On the night of May 8, 2014, Ms. Morris was walking home alone. Officer Holtzclaw stopped and arrested Ms. Morris. Holtzclaw placed Ms. Morris in the back seat of his police car, went back to the driver's seat, and ran Ms. Morris's name for warrants. After a few minutes, Holtzclaw got out of the police car and opened the back door of the police cruiser. Ms. Morris was detained in the back seat of the police cruiser. Officer Holtzclaw ordered Morris to pull down her pants and pull up her shirt. Ms. Morris complied

and exposed her breasts (Count 36) and vagina (Count 35) to Holtzclaw as directed.

Officer Holtzclaw then exposed his erect penis to Ms. Morris, and forced Ms. Morris to perform oral sex. Officer Holtzclaw then placed Ms. Morris back in the back seat of his police car, and drove Ms. Morris to an open field. Petrified and unaware of what was going to happen, Ms. Morris hysterically pleaded for Holtzclaw to let her go. After Ms. Morris begged for a few minutes, Officer Holtzclaw drove Ms. Morris back to the location where he picked her up and let her go. (Count 12 of the criminal complaint.)

Subsequent to the incident, on May 24, 2014, Ms. Morris reported to Officer Thomas, Sergeant Williams and Lieutenant Holland that an officer who clearly matched the description of Officer Holtzclaw committed a sexual assault against her. Her report included the above cited details. However, despite Ms. Morris' documented and easily verifiable prosecute, the department did not immediately respond to her reported sexual attack - including a failure to check the numerous systems and evidence available to them (i.e. Officer Holtzclaw's GPS, computer access, or contact logs). According to the record, no one on the department even questioned Officer Holtzclaw regarding Ms. Morris' complaint at the time she reported the sexual assault.

Further, it is clear from inter-department emails, that the department suspected Holtzclaw as perpetrating the assault on Ms. Morris, but once she signed a "Refusal to Prosecute Form", the criminal investigation ceased. Nothing further occurred - not even an administrative investigation or a EWS entry. Chief Citty (per his deposition testimony), as Chief of Police, made the affirmative choice not to open an administrative investigation apparently out of fear of running an officer's reputation (Officer Holtzclaw).

The Arrest and Sexual Assault of Ms. Syrita Bowen - May 21, 2014. (Criminal Counts 27 & 28.):

On May 21, 2014, Officer Holtzclaw, while in uniform and under color of law, forced Ms. Bowen into an act of oral copulation. (Count 27) and then raped her (Count 28.)

The Arrest and Sexual Assault, of Ms. Carla Johnson - May26, 2014. (Criminal Counts 13 &14.):

On the night of May 26, 2014, Ms. Johnson was walking alone. Officer Holtzclaw stopped her and asked Ms. Johnson what was she doing and where she was going. Officer Holtzclaw then ordered Ms. Johnson to take everything out of her pockets, and asked her if she had possession of anything illegal. Ms. Johnson told Officer Holtzclaw that she had no drugs in her possession. Despite Ms. Johnson's statement to Officer Holtzclaw that she did not have possession of any illegal drugs, Officer Holtzclaw got out his car, forced Ms. Johnson into the backseat of his police cruiser, and ran her name for outstanding warrants.

After Officer Holtzclaw learned that Ms. Johnson did not have any outstanding warrants, he asked her if she had any drugs down her pants. Ms. Johnson told Officer Holtzclaw that she did not possess any illegal drugs. Officer Holtzclaw fondled her breasts (Count 13) and her genitalia (Count 14) under her clothes. Ms. Johnson told Officer Holtzclaw, "Sir, you're not supposed to be doing that. Please sir." Officer Holtzclaw then released Ms. Johnson and she walked away.

The Arrest and Sexual Assault, Including Rape, of Ms. Kala Lyles - June 18, 2014. (Criminal Counts 17, 18, 19, & 20.):

On the night of June 18, 2014, Ms. Lyles was walking alone. Officer Holtzclaw stopped Ms. Lyles. Officer Holtzclaw asked Ms. Lyles what she was doing and where she was going. Ms. Lyles was not wanted, and had not committed any crime. Officer Holtzclaw had no lawful authority to detain or arrest Ms. Lyles. Nonetheless, Officer Holtzclaw got out his car, forced Ms. Lyles into his backseat, and ran her name for outstanding warrants. After Officer Holtzclaw learned that Ms. Lyles did not have any outstanding warrants, he drove Ms. Lyles to an abandoned school, hopping the curb and sliding between two buildings on the school's campus. Officer Holtzclaw then forced Ms. Lyles to expose her breasts (Count 18) and genitals (Count 19). Officer Holtzclaw forced Ms. Lyles to perform oral sex (Count 17), and raped her (Count 20). Afterwards, Officer Holtzclaw told Ms. Lyles he wanted to see her the next day. He drove off and Ms. Lyles walked home.

The Arrest and Sexual Assault of Ms. Jannie Ligons - June 18, 2014. (Criminal Counts 15 & 16.):

On June 18, 2014, Plaintiff Ligons was driving home from playing cards and dominoes at a friend's house when she was pulled over by Officer Holtzclaw. Officer Holtzclaw told Ms. Ligons to step out of the car, patted her down and placed her in the back of his police car. After returning from searching Ms. Ligons' car, Officer Holtzclaw asked, "How do I know you don't have anything in your bra?" Officer Holtzclaw then made Ms. Ligons expose her breasts and genitals and shined his flashlight on both (Count 15.). Then Officer Holtzclaw exposed his penis and forced Ms. Ligons to perform oral sex. (Count 16.)

Ms. Ligons then got in her car drove straight to her daughter's house, woke her up and they went to the Springlake Police Station which was close-by. Ms. Ligons and her daughter subsequently spotted two police cars [parked] side-by-side, so they made a U-turn and went back. The police officers called the captain who came and took Ms. Ligons' report and took her back to the scene of the crime.

Significantly, once the OKPD were forced to accept Ms. Ligons' complaint, they then, for the first time, went back and checked Holtzclaw's readily available GPS, contact logs, computer access, and other technologies available to them, and questioned Officer Holtzclaw, resulting finally in his arrest and prosecution. In fact, OKPD Captain Dexter Nelson, who was the head of media affairs for OKPD, stated "checking some of our surveillance systems that we have on our own officers through GPS tracking, checking his [Holtzclaw's] previous traffic stops, they [Investigators] were able to identify some of the victims."

In my opinion, nothing but deliberate indifference and a pattern, practice, and/or custom of ignoring complaints by African-Americans and females stopped the OKPD defendants from conducting the same type of investigation described by Captain Nelson after receiving Ms. Campbell's complaint on or about November 3, 2013 and Plaintiff Morris' complaint seven months later (on May 11, 2014).

However, the OKPD defendants knowingly did not submit Ms. Campbell's complaint to the District Attorney for prosecution. It should be noted that submitting Ms. Campbell's complaint would have debunked the OKPD

false narrative that *Ms. Ligons was the first to complain about Holtzclaw actions.* (Emphasis added.) Rather, the OKPD defendants knowingly promoted (and apparently still promote) to the media the false narrative that Ms. Ligons was the first to complain, while Ms. Campbell had, in fact, provided irrefutable facts seven months prior regarding Officer Holtzclaw's sexual assaults.

Other non-plaintiffs victimized by Officer Holtzclaw were revealed during the OKPD investigation and would have been spared by a timely OKPD investigation . They include:

The Arrest and Sexual Assault of Ms. Adaira Gardner - June 17, 2014. (Criminal Counts 30, 31, & 32.):

On June 17, 2014, Officer Holtzclaw stopped, and arrested Ms. Adaira Gardner. While Officer Holtzclaw held Ms. Gardner. in his custody, he illegally fondled her breasts (Count 30) digitally penetrated her vagina Count 31), then raped her (Count 32).

The record indicates that finally on May 24, 2014, the Sex Crimes division of the OKPD opened an investigation into Holtzclaw. However they permitted him to continue working solo on the night shift in the predominately African-American neighborhoods of Northeast Oklahoma City without adequate supervision or monitoring.

The tragic result to their lack of diligence to the obviously required administrative oversight of all personal in the department. This failure resulted in the continued sexual assault of at least 4 additional victims (Ms. Carla Johnson, Ms. Kala Lyles, Ms. Jannie Ligons and Ms. Adaira Gardner). Clearly, Officer Holtzclaw should have been immediately relieved of duty, and at the least placed on "desk duty" and "taken off the street" until the completion of OKPD Sex Crimes Division's investigation which finally opened on or about May 24, 2014.

According to the record, Officer Holtzclaw was not relieved of duty or even taken "off the street," during the OKPD Police Department Sex Crimes Division's investigation (that according to OKPD Detective Kim Davis, began on May 8, 2014.) Despite opening the investigation, OKPD still failed to monitor and supervise Holtzclaw. In my opinion, the OKPD chain of command was deliberately indifferent to the apparent credible allegations of Officer Holtzclaw's pattern of criminal sexual assaults. The criminal conduct appears even more egregious because of the typical pattern that his victims were among the poor, and disenfranchised, African-American women in his patrol area.

Subsequent to the investigation, and his arrest and trial, on December 10, 2015, former Officer Holtzclaw was found guilty of multiple counts of rape, sexual battery, lewd acts, and oral sodomy. On January 21, 2016, Officer Holtzclaw was sentenced to 263 years as punishment for his crimes. As established during his trial, Officer Holtzclaw's common pattern and practice was to target African-American females whom he identified as vulnerable because he believed they would either be reluctant or unwilling to come forward or who would not be believed if they did come forward because they were black, poor, and women. It was also apparent he believed that the culture of the OKPD would bend in his favor (as obviously occurred in Ms. Campbell's complaint to Lieutenant Bennett) and protect him from investigation and/or punishment. This is further demonstrated in the record by the command staff routine practice of allowing officers that are subject to personnel investigations into allegations of sexual misconduct to resign in lieu of prosecution or disciplinary consequences.

The Early Intervention System (EIS) - Early Warning System (EWS) Necessity:

I have noted in the record the excuses proffered by the Defendants that somehow Officer Holtzclaw avoided detection through no fault of their own. However, I consider any such excuses as specious. The well-known methods have been required and established for decades. Every competent police administrator and commander knows how to implement them. The history of the Rodney King beating and riot of 1992 illustrates the point.

Pursuant to the Rodney King beating (on March 1991), and the riot that erupted upon the acquittal of the involved LAPD officers (on April 1992), the City of Los Angeles contracted with Mr. Warren Christopher to provide an in-depth independent evaluation of the factors that caused the riot to occur and the linkage - if any - between the management culture of the LAPD and the obvious animus that existed within the community. His report: "*The Independent Commission on the Los Angeles Police Department*," produced a seminal study that has changed police management throughout the nation. The report documented a causal linkage between the culture of the LAPD to "look the other way" in their management of line officers. The Report was "blunt," "plainspoken," and unequivocal in its conclusions and recommendations:

- The failure to control officers who repetitively use excessive force is a management issue that is at the heart of the problem. (Emphasis added.) The documents and data analyzed by the commission were all available to the Department and the vast majority of the data analyzed came from that source. The LAPD's failure to analyze and

act upon the revealing data evidenced a significant breakdown in the management and leadership of the Department. The report also documented that the existing Police Commission, lacking investigators or other resources, failed in its duty to monitor the Department in the sensitive use of force area.

- The commission stated that the leadership/management of the LAPD must go beyond rhetoric in carrying out its existing policies against excessive force from the Chief of Police on down to the sergeants. This required taking a firm stand against the 'bad guys' on the force (Emphasis added.), and employing all the instruments available - training, discipline, assignments, and promotion. It also required monitoring and auditing all available data - patrol car transmissions, use of force reports, and citizen complaints - and then acting on the data., and required comparable efforts to monitor and root out the manifestations of racism and bias.
- The commission required a new standard of accountability. (Emphasis added.) Further, that Los Angeles should have a Police Department whose Chief is accountable for the Department's performance, and where ranking officers are responsible for the conduct of those they lead. The Police Commission needed new personnel, more resources, and an enhanced commitment to carrying out its duties under the charter. The commission predicted (and it has held true) that ugly incidents will not diminish until ranking officers know they will be held responsible for what happens in their sector, whether or not they personally participate.

Since the publication of the report, numerous other studies have verified the recommendations and findings as absolutely necessary and accurate. Since the publication of the report, the necessity for a robust EIS-EWS management system has been a part of every competent Law Enforcement agency throughout the nation. I have noted that in addition to his sexual assaults, Officer Holtzclaw had 18 use of force incidents noted in his personnel record. That fact alone should have “tagged” Officer Holtzclaw in a robust EWS as a problem officer that required a closer monitoring of his behaviors while on patrol.

That monitoring process would have included frequent reviews of his GPS in comparison to his assigned calls, careful checking of his reports, reviews of his radio transmissions,

and interviews of subjects he dealt with in the field - especially detentions and arrests. Obviously, any such reviews would have disclosed his suspicious activity and link him very early on to the sexual assaults that occurred.

The freedom that we treasure most of all in this country is the right to live free of governmental abuse of power. In the police profession the measure of conduct is in the Constitution which we are required to embrace by oath. The propensity for some officers to do evil under color of authority has been known for millennia and written in antiquity. Officer Holtzclaw appears in the record as such a person. As a prelude to my remarks regarding why and how rogue police officers (such as Officer Holtzclaw) operate with impunity and consistent with my personal experience, I offer a commentary - "The Ring of Gyges" found in Plato's *Republic*:

Gyges was a shepherd in the service of the ruler of Lydia. After an earthquake, a cave was revealed in a mountainside where he was feeding his flock. Entering the cave, he discovered that it was in fact a tomb with a bronze horse containing a corpse, larger than that of a man, who wore a golden ring, which he pocketed. He discovered that the ring gave him the power to become invisible by adjusting it. He then arranged to be chosen as one of the messengers who reported to the king as to the status of the flocks. Arriving at the palace, he used his new power of invisibility to seduce the queen, and with her help he murdered the king, and became king of Lydia.

In Plato's Republic, the tale of the ring of Gyges is described by Glaucon who is the brother of Plato. Glaucon asks whether any man can be so virtuous that he could resist the temptation of killing, robbing, raping or generally doing injustice to whomever he pleased if he could do so without having to fear detection. Glaucon wants Socrates to argue that it's beneficial for us to be just apart from all considerations of our reputation. Glaucon wrote:

"Suppose now that there were two such magic rings, and the just put on one of them and the unjust the other; no man can be imagined to be of such an iron nature that he would stand fast in justice. No man would keep his hands off what was not his own when he could safely take what he liked out of the market, or go into houses and lie with any one at his pleasure, or kill or release from prison whom he would, and in all respects be like a god among men.

“Then the actions of the just would be as the actions of the unjust; they would both come at last to the same point. And this we may truly affirm to be a great proof that a man is just, not willingly or because he thinks that justice is any good to him individually, but of necessity, for wherever any one thinks that he can safely be unjust, there he is unjust.

“For all men believe in their hearts that injustice is far more profitable to the individual than justice, and he who argues as I have been supposing, will say that they are right. If you could imagine any one obtaining this power of becoming invisible, and never doing any wrong or touching what was another's, he would be thought by the lookers-on to be a most wretched idiot, although they would praise him to one another's faces, and keep up appearances with one another from a fear that they too might suffer injustice.” (Plato, Republic, 360 BC)

Opinions Thus Far:

1. For decades automated Early Intervention Systems (EIS) and/or Early Warning Systems (EWS) have been known and required in the police profession. Such programs are not complex and are straightforward. As stated above, Holtzclaw should have been “flagged” as a result of his involvement with the In-custody-death of Mr. Armstrong and, without question, the allegations of Ms. Campbell. In my opinion, just the simple monitoring - even routine “spot checking” - would have revealed Holtzclaw’s consistent failures to report his movements, his frequent checking of his name in data systems, his frequent use of physical force, his failures to report force, his failure to file truthful and accurate detention and arrest incidents, etc. Such an intervention would have prevented the sexual abuse of the listed plaintiffs. Accordingly, I consider that any and all failures by the OKPD to discover Officer Holtzclaw’s criminal acts and remove him from duty after his November 5, 2013 abuse of Ms. Campbell as a gross failure of well established administrative requirements and callous disregard of the plaintiff’s constitutional rights.

2. The OKPD did not utilize their existing EIS-EWS system(s) as intended. The systems are simple and effective in weeding out malignant officers. However, it appears that the OKPD has a culture to prevent the necessary input to their system - such as Lieutenant Bennett's excuse that because he was not Holtzclaw's assigned supervisor, he was not required to implement OKPD policies regarding Ms. Campbell's allegations in the same way had he been Holtzclaw's direct supervisor. The OKPD EIS-EWS system(s) were not up-dated as necessary and allowed supervisors to "rubber stamp" officer's actions rather than meaningfully review them. As a result, Holtzclaw remained "invisible" to any reasonable oversight. In my opinion these failures were not accidental but were deliberate and a violation of the Constitutional rights of the plaintiffs by the OKPD Defendants.
3. The collective incidents discussed support my opinion that there is a cultural expectation in the OKPD that the chain of command will ignore citizen complaints in favor of officers accused.
4. OKPD's failure to quickly respond to Ms. Morris' May 24, 2014 report of Holtzclaw's assault on her that occurred on May 8, 2014, resulted in the additional preventable assaults on Carla Johnson, Kala Lyles, Jannie Ligons, and Adaira Gardner.
5. There is nothing in the record of any discipline, retraining or changes in policy regarding the gross violations of the required professional standards of care that resulted in the unnecessary assaults inflicted on the Plaintiffs by Officer Holtzclaw. As such, the continued failures to properly manage and supervise OKPD personnel puts the general public at unnecessary future risk of death and/or injury from others on the department who have been, or are now, similarly trained and/or supervised.

My Qualifications To Review This Case:

My opinions are based in part on my training, professional experience and education. I am a twenty seven year veteran of the Los Angeles County Sheriff's Department (LASD). I was hired on December 1, 1965, and I retired from active service on March 31, 1993. My career included six years at the rank of Deputy Sheriff, six years as a Sergeant, and

fifteen years as a Lieutenant. I retired holding a California Peace Officer Standards and Training (POST) Advanced Certificate, and I am a graduate of the POST Command College (class #5, 1988). The POST Command College was a Masters level two-year course of study requiring a thesis, in Police Administration, with the diploma awarded by the California Department of Justice (and not the California University system).

During the course of my service with the department, I had a wide range of duties. Those duties included an 18 month assignment as a staff jail deputy and two years as an Administrator/Lieutenant in the same jail facility (Men's Central Jail). I also served on the department as a patrol officer, field supervisor, jail watch commander and administrator, station watch commander, and commanding officer of investigative units. I was a field training officer while assigned as a patrol deputy, and I trained new officers in POST and department approved patrol procedures, field investigations, apprehension techniques, and emergency procedures.

I was a Station Detective and, as such, reviewed and assessed cases passed on to me by the patrol officers. Those cases included possible complaints relating to both misdemeanor and felony crimes. They frequently required follow up investigations and interviews before the exact nature of the case could be determined. As a field officer and detective, I was trained in interview and interrogation methods and subsequently trained other officers.

Among other assignments as a Sergeant, I supervised field officers and station detectives as they took complaints and conducted preliminary investigations regarding criminal and administrative matters.

As a Sergeant and as a Lieutenant, I served on the training staff of the Los Angeles County Sheriff's Department's Patrol School which taught the POST accepted patrol tactics, and investigation and apprehension methods.

As a Watch Commander and as a Lieutenant, I responded to, investigated, and reported on the use of force and officer-involved shootings. I was also assigned by my Department to sit as a member of Departmental review committees regarding the reasonable or unreasonable use of force and tactics.

As stated above, during my career I was assigned to the Los Angeles County Men's Central Jail (MCJ) for a period of 18 months as a line officer. Upon my subsequent promotion to Lieutenant, I returned to the same facility approximately 10 years later. During that time, I was assigned as a Jail Watch Commander, and as the Facility Training and Logistics Administrator. At the time of my assignment, the MCJ held a daily

population in excess of 7,000 inmates, including a hospital, which was serviced by a staff of more than 900 sworn and civilian personnel.

During my assignment as the Administrative Lieutenant of the Department's Reserve Forces Bureau, I worked closely with the State of California Peace Officer Standards and Training in revamping our Reserve Academy to bring it into state compliance. This process gave me an expertise in the POST Basic curriculum. I also supervised the training of cadets at our Reserve Training Academy. They were taught proper investigation, interview, and apprehension procedures. Among other topics, I lectured the Reserve Academy on the POST syllabus: "The Legal and Moral Use of Force and Firearms."

During the 1984 Olympics held in Los Angeles, I was assigned and served as the Department's Intelligence Officer at the Los Angeles Olympics Emergency Operations Center.

During the last five and one half years of my career, I commanded a specialized unit known as the North Regional Surveillance and Apprehension Team (N.O.R.S.A.T.), which was created to investigate, locate, observe and arrest major (career) criminals. I held this position until my retirement from the Department on March 31, 1993.

Criminals investigated and arrested by N.O.R.S.A.T. included suspects involved with homicide, robbery, kidnaping, extortion, burglary, major narcotics violations and police corruption. The majority of our cases were homicide cases, including the murder of police officers. Arrests frequently occurred in dynamic circumstances including crimes in progress.

My unit also conducted major narcotics investigations including undercover narcotics buys, buy busts, and reverse stings. We frequently deployed at the request of investigative units, such as Narcotics, which provided the initial investigative leads for our operations. These narcotics cases usually involved multiple kilogram quantities of drugs and amounts of money ranging from one hundred thousand to more than one million dollars.

Approximately 80% of cases assigned to N.O.R.S.A.T. were active Homicide investigations. In that regard, the unit processed, under my command and supervision, various aspects (depending on the complexity of the cases involved) of approximately 1,000 Homicides ranging from deaths of police officers to serial homicide suspects.

Additionally, the majority of the over 1900 cases for which I have been retained as a consultant (since 1993) have involved injuries or deaths connected with some aspect of force during either apprehension or while in police custody.

During the first three months of my command of N.O.R.S.A.T., the unit had three justifiable shooting incidents. From that time, and over the next five years of my command, N.O.R.S.A.T. established a remarkable record of more than two thousand arrests of career criminals without a single shot fired – either by my officers or by the suspects whom we arrested.

Many of these suspects were armed and considered to be very dangerous. Some were apprehended during the course of their crimes and were very prone to use firearms to escape apprehension. This record of excellence was accomplished through the use of proper tactics, management and supervision of personnel, training in correct apprehension methods, and adherence to the moral and ethical standards endorsed by California POST and my Department. These methods and principles are also embraced by every state training commission of which I am aware, as well as the national standards established by the U.S. Department of Justice.

As a result of my position and record as the commanding officer of N.O.R.S.A.T., I was assigned to author Field Operations Directive 89-3, “Tactical Operations Involving Detective Personnel.” This order remained in force 20 years (until September 30, 2009), and included the basic standards and considerations with which investigative officers must comply in the event of a tactical deployment such as the dynamic entry into a building for the purpose of an arrest and/or seizure of evidence.

Since my retirement, I have testified as an expert on use of force, jail procedures and jail administration, investigations, police procedures, police tactics, investigative procedures, shooting scene reconstruction, and police administration in Arizona State Courts, California State Courts, Washington State Courts and Federal Courts in Arizona, California, Colorado, Florida, Illinois, Indiana, Louisiana, Missouri, Nevada, Ohio, Oregon, Pennsylvania, Texas, Utah, Washington, New Mexico, New York and Wisconsin. I have testified before the Los Angeles Police Department Board of Rights and the Los Angeles County Civil Service Commission. I have testified before the Harris County (Texas) Grand Jury and the Cleveland Grand Jury. I have also submitted written opinions in matters before Alaska, Delaware, Idaho, Montana, North Carolina, New York, Oregon, Kentucky, and Wyoming Federal and State Courts. I was selected (January 20, 2007) to present on the topic of: “Police Experts” at the National Police Accountability Project held at Loyola Law School, Los Angeles, California. I was

selected (September 23, 2010) to present on the topic of: “Using POST Modules to Establish Police Officer’ Standard of Care” at the National Police Accountability Project, National Lawyers Guild Convention, in New Orleans, Louisiana. I was selected (March 30, 2012) to present to the Kern County Public Defenders in Bakersfield, California, on the topics of “Ethics, Police Investigations, the California POST Curriculum, and the M26 and X26 Taser weapons.” On August 7, 2013 I was invited and presented to the Texas Civil Rights Project (TCRP) 2013 Annual Legal Summit in Austin, Texas on the topic: “Ethically Working with Experts from the Prospective of a Police Expert.” On October 15, 2015 I was the invited presenter at a Community Forum in Victorville, California on the topics of Police Procedures, Community Policing, Use of Force, and features of the M26, X26 and X2 Taser weapons. I was selected (January 24, 2020) to present on the topic of: “Use of force litigation under California’s negligence standard and the impact of AB 392” at the National Police Accountability Project held at Loyola Law School, Los Angeles, California.

I have worked on several projects with the Paso Del Norte (El Paso, Texas) Civil Rights Project and the Texas Civil Rights Project (Austin, Texas). As a result of my expert testimony in *Border Network, et al. v. Otero County, et al.*, Case No. 07-cv-01045 (D.N.M. 2008), a federal court issued a temporary injunction to stop the illegal and widespread immigration raids in Chaparral, New Mexico, implemented pursuant to Operation Stonegarden. The case resulted in the adoption of a model policy for inquiring into a person’s immigration status, which has been adopted nationwide and has also been presented to the United States Senate, the Secretary of Homeland Security, and other government officials seeking to reform immigration enforcement.

I have been recognized, and my expert report was quoted by the USDC in *Burns v. City of Redwood City*, 737 F.Supp.2d.1047. I have been recognized, and my expert report was quoted by, the United States Court of Appeals for the Ninth Circuit as an expert in Police Administration and Use of Force in *Blankenhorn v. City of Orange, et al.*, 485 F.3d 463, 485 (9th Cir. 2007). The Ninth Circuit also drew from my expert report in a second published case involving Police Detective Investigations. *Torres, et al. v. City of Los Angeles, et al.*, 540 F.3d 1031, 1042-43 (9th Cir. 2008). The *Torres* case was appealed to the U.S. Supreme Court and returned for trial. I provided the expert opinion in *Chavies Hoskin v. City of Milwaukee, et al.* (E.D. Wis Case No. 13-cv-0920), regarding field strip and cavity searches, hiring, training, discipline and supervision, and which resulted in significant policy changes within the MPD. My opinions supported argument in the Ninth Circuit case: *A. D., a Minor; J. E., a Minor; Sue Casey, Plaintiffs-Appellees, v. State of California Highway Patrol, Defendant, and Stephen Markgraf.*, No. 09-16460, D.C. No. 3:07-cv-05483-SI (9th Circuit, Published Opinion). My opinions supported

argument in the Ninth Circuit case: *Chaudhry v. City of Los Angeles*, 751 F.3d 1096, 1102 (9th Cir. 2014). The Ninth Circuit also drew from my expert reports regarding credible threats justifying the use of force, *Hayes v. County of San Diego*, 658 F.3d 867 (9th Cir. 2011), and *Young v. County of Los Angeles*, 655 F.3d 1156 (9th Cir. 2011). The Ninth Circuit also drew from my expert reports regarding Jail Administration and Administrative Responsibilities, *Starr v. Baca*, 652 F.3d 1202 (9th Cir. 2011). The Ninth Circuit also drew from my expert reports regarding an officer's violation of the 14th Amendment if an officer kills a suspect when acting with the purpose to harm, unrelated to a legitimate law enforcement objective, in *AD v. California Highway Patrol*, 712 F. 3d 446 (9th Cir. 2013). The Fifth Circuit drew from my expert report regarding search and seizure, investigations and no-knock requirements in *Bishop et al. v. Arcuri et al.*, 674 F.3d 456 (5th Cir. 2012). The Ninth Circuit also drew from my expert report regarding the use of impact weapons (PepperBall) on civilians in *Nelson v. City of Davis*, 685 F.3d 867 (9th Cir. 2012). I was the expert in the Ninth Circuit opinion regarding the allegations proffered by police officers and their use/display of firearms against civilians in *Green v. City and County of San Francisco*, 751 F. 3d 1039 (9th Cir. 2014). Most recently, I was the expert in an important Ninth Circuit opinion regarding the allegations proffered by police officers and their use of lethal force against unarmed persons in *Jennifer Cruz, et al., v. City of Anaheim, et al.*, 765 F.3d 1076 (9th Cir. 2014). I was the expert at trial in the Ninth Circuit opinion regarding the order of evidence at trial in *Estate of Manuel Diaz, v. City of Anaheim, et al.*, No. 14-55644. My opinion is quoted in the Ninth Circuit opinion regarding the use of lethal force in *A.K.H. a minor, et al, v. City of Tustin, et al.*, No. 14-55184. My opinions supported argument in the Ninth Circuit case: *Estate of Angel Lopez, et al., v. Kristopher Michael Walb*, No. 14-57007 (not for publication) wherein the Ninth Circuit Affirmed the Denial of Summary Judgement by the District Court. My opinions supported argument in the Ninth Circuit case: *Estate of Shakina Ortega, et al., v. City of San Diego, et al.* No. 14-56824 (not for publication) wherein the Ninth Circuit Affirmed the Denial of Summary Judgement by the District Court. My opinions supported argument in the Ninth Circuit case: *Jerry Newmaker, et al., v. City of Fortuna, et al.* No. 14-15098 (for publication). My opinions supported argument in the Ninth Circuit Case: *Tonya E. Shirar, v. Miguel Guerrero, et al.* regarding use of lethal force and "suicide by cop," No. 15-55029 (not for publication). My opinions supported argument in the Ninth Circuit Case *Angel Mendez; Jennifer Lynn Garcia, v County of Los Angeles, et al.*, Nos. 13-56686, and 13-57072 (for publication) and which was settled before the Supreme Court, No. 16-369, regarding the use of lethal force and searches. My opinions supported argument in the Ninth Circuit case: *Chien Van Bui, et al, v City and County of San Francisco, et al*, No. 14-16585 (not for publication), regarding the use of lethal force. My opinions supported argument in the Sixth Circuit opinion, Case No. 16-5322, *Carey Woodcock v. City of Bowling Green, et*

al, Originating Case No. 1:13-cv-00124 regarding the use of lethal force. My opinions supported argument in the Ninth Circuit opinion, Case No. No. 14-17388 (for publication), *Johnathan Jones, et al v. Las Vegas Metropolitan Police Department, et al*, Originating Case No. 2:12-cv-01636- regarding the use of lethal force and Taser weapons. My opinions supported argument in the Ninth Circuit opinion, Case No. 16-15606 (for publication), *Christian Longoria, et al v. Pinal County, et al*, Originating Case No. 2:15-cv-00043, PHX SRB, regarding the use of lethal force after a vehicle pursuit. My opinions supported argument in the Ninth Circuit case: *S. B. v. County of San Diego*, 864 F.3d 1010 (9th Cir. 2017), (for publication) regarding issues of qualified immunity. My opinions supported argument in the Tenth Circuit case: *Russell Tenorio v. Brian Pitzer*, Case No. 2012-CV-01295 (U.S. Supreme Court No. 15-795) regarding issues of qualified immunity and use of deadly force. I participated as a retained expert in the USDC Fifth District case, *Stephen McCollum et al., v. Texas Department of Criminal Justice, et al.*, Case No.3:12-CV-02037 regarding in-custody hyperthermia deaths. My opinions supported argument (and I was cited by name) in the Ninth Circuit opinion, Case No. 17-55116 (for publication), *Susan Mellen, et al v. Marcella Winn, et al*, D.C. Case No. 2:15-cv-03006, GW AJW, regarding Detective Investigations and Qualified Immunity. My opinions supported argument in the Ninth Circuit Case *Richard Vos; Jenelle Bernacchi, v City of Newport Beach, et al.*, Nos. 16-56791 (for publication) and which was settled by the Supreme Court, No. 16-56791, regarding the use of lethal force and mental illness. My opinions (and quoted by name) supported argument in the Ninth Circuit Case *S.R. Nehad, et al. v. Browder, et al.*, No. 18-55035 (for publication) regarding the use of lethal force and custom and practice. My opinions supported argument in the Ninth Circuit opinion, Case No. 17-55930 (not for publication), *Estate of Kevin Brown, et al. v. Michael Lambert, et al.*, D.C. No. 3:15-cv-01583-DMS-WVG, regarding Detective Investigations and Qualified Immunity. My opinions supported argument in the Ninth Circuit opinion, Case No. 15-56339 (for publication), *Shane Horton, by his Guardian Ad, Litem Yvonne Horton, v. City of Santa Maria; Santa Maria Police Department; Andrew Brice*, D.C. Case No. 2:14-cv-06135- SJO-PJW, and *Jonathan Michael Castro v. County of Los Angeles, et al*, D.C. Case No. CV 10-5425 DSF (JEMx), 833 F.3d 1060 (9th Cir. 2016) (en banc), regarding in-custody suicidal prisoners and qualified immunity. My opinions supported argument in the Ninth Circuit opinion, Case No. 17-56270 (not for publication), *James Solar v. County of San Diego, et al.*, D.C. No. 3:14-cv-02470-MMA-RBB, regarding required verification of persons taken into custody pursuant to a warrant of arrest.

The California Court of Appeal (Second Appellate District) drew in part from my expert report regarding search warrant service, *Macias v. County of Los Angeles*, 144 Cal. App.4th 313, 50 Cal. Rptr.3d 364 (2006). The California Supreme Court drew in part from my expert opinion regarding police tactics and the use of deadly force, *Hayes et al. v. County of San Diego et al.*, 57 Cal.4th 622 (2013). I was quoted by the California

Appellate Court (Second Appellate District, Division Three) in *B.B., a Minor, etc., et al., v. County of Los Angeles, et al., Case No. B264946 Super. Ct. Nos. TC027341, TC027438, BC505918* regarding positional asphyxia issues.

On February 10, 1989, I was personally commended at the Los Angeles County Hall of Administration by United States Attorney General, the Honorable Edwin Meese III, for my work to establish California Penal Code Section 311.11 (forbidding the Possession of Child Pornography). On February 22, 1993 (at the time of my retirement), Mr. Meese presented a second personal commendation for the success of this critical five-year effort to bring this law into effect. California Penal Code Section 311.11 is required training for all Law Enforcement Officers in California and taught extensively in the POST Basic Learning Domain #9: "Crimes Against Children," pages 1-18 to pages 1-21.

On December 7, 2015 I was requested by the Cleveland District Attorney to present my opinions to the Cleveland Grand Jury regarding the November 22, 2014 shooting death of Tamir Rice by City of Cleveland police officers. In March, 2016 I was requested by the Delaware Attorney General to review and provide my opinions regarding the shooting death of Jeremy McDole. The AG report was published May 12, 2016.

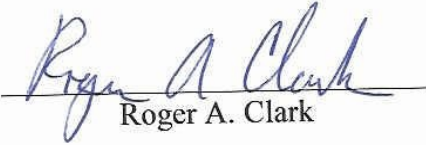
I have been found competent by both Federal and State Courts to render opinions as to responsibilities as occurred in this case. A number of my cases have involved law enforcement officers as civil plaintiffs and as criminal defendants.

Since my retirement, I have become an expert in the features and the use of TASER International's products, including the Model M26, Model X26 and Model X2 ECDs. I own each, along with the download software. I have reviewed all the TASER training materials and am familiar with the risks and tactics associated with these potentially lethal devices. I have qualified as an expert on TASER products and testified both in deposition and before juries on their usage. Two published examples are *Lee v. Nashville*, 596 F. Supp. 2d 1101, 1121-22 (M.D. Tenn. 2009), and *Heston v. City of Salinas*, 2007 U.S. Dist. LEXIS 98433, *25-*26 (E.D. Cal. 2007). My most recent Federal acceptance/certifications as an expert in the general use and deployment of the TASER weapon (including Taser International product warnings/bulletins sent to every agency using the Taser weapon) occurred in Los Angeles, California on November 7, 2017 in *William Mears, et al., v. City of Los Angeles, et al*, USDC Case No.: CV 15-08441 JAK (AJWx) and on February 22, 2018 in *Maria Hernandez; A.J., Jr., et al, v. City of Los Angeles, et al*, USDC Case No. 2:16-c-02689 AB (JEMx), and on May 3, 2018 in *Heleine Tchayou, et al. v. City of Los Angeles, et al., Case No. 16-cv-06073-TJH-MRW*, and on November 1, 2018 in *Alma Rosa Godinez, v. San Diego County, et al. Case No. 3:16-cv-00236 BAS-NLS*. There are many others.

Attached as Exhibit A is a statement listing my law enforcement qualifications and experience; Exhibit B is my fee schedule; Exhibit C is a listing of matters in which I have testified in the last four years as an expert.

I reserve the right to modify my opinions to the extent additional information is provided.

I declare under penalty of perjury that the foregoing is true and correct. Executed June 15, 2020 at Santee, CA.



Roger A. Clark