

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

Defendants.)

VIDEOTAPED DEPOSITION OF

RON CHRISTOPHER BACY

TAKEN ON BEHALF OF THE PLAINTIFFS

IN OKLAHOMA CITY, OKLAHOMA

ON MARCH 27, 2019

REPORTED BY: TRENA K. BLOYE, CSR

1 that's needed you're conduit of information to your
2 chain of command.

3 But at the exact same time you have the ability
4 to learn. It's not something you can't learn. You're
5 inundated with cases from multiple units every day. You
6 learn through this process.

7 And when you have people like a Denise Wenzel
8 or DEPUTY CHIEF like Johnny Kuhlman who had homicide
9 experience, you learn from your successes and your
10 failures. You never make -- I can only speak for
11 myself. I tried never to make the same oversight
12 mistake twice. I had really good mentors above me.

13 And if you had a question about something you
14 could always ask the investigators and they were more
15 than willing to tell you, this is why I did this, this
16 is why I did that. So it's something you can learn, but
17 that's not your job to investigate those cases.

18 Q Did you have any conversations or -- let me
19 ask. Obviously you had conversations with Denise Wenzel
20 about the Holtzclaw investigation. Do you recall the
21 first conversation that you had with Denise -- with
22 Maj. Wenzel about the Holtzclaw investigation?

23 A Yes.

24 Q When was that conversation?

25 A I'm getting caught up on a date. But I believe

1 it was the Sunday of May 25th of 2014.

2 Q And how did the conversation -- who initiated
3 the conversation?

4 A I did.

5 Q All right. And why did you initiate a
6 conversation with Maj. Wenzel?

7 A I had just had a conversation with Lt. Miguel
8 Ramos who called me about some call, I don't remember,
9 some -- some incident he wanted to advise me of. And he
10 mentioned to me that he'd gotten a call the previous
11 night that he didn't send detectives out on. And I
12 immediately called her and let her know that that had
13 occurred.

14 Q Okay. So Det. Ramos (sic.) called you about
15 one matter, and then during the -- that conversation he
16 told you about the -- a different matter that you
17 decided then needed to be run up the chain; is that
18 correct?

19 A Correct.

20 Q Do you recall what the initial phone call was
21 about?

22 A I don't. I'm sorry. It's been about
23 four-and-a-half, five years.

24 Q When Det. Ramos told you about the second
25 matter, the sexual assault allegation against an

1 officer, is that -- that's the second matter; correct?

2 A I don't remember the order in which he
3 explained it.

4 Q Okay. But the sexual assault allegation
5 against an officer is what you called detective -- I
6 mean -- Maj. Wenzel about; correct?

7 A Yes. For clarification, can I just say it's
8 Lt. Ramos.

9 Q Lt. Ramos, yes.

10 A Yes.

11 Q And feel free to correct me in the future.

12 Did you have a conversation with Lt. Ramos of
13 why he didn't send a detective out that night he
14 received the allegation?

15 A Yes.

16 Q And what did he say?

17 A I don't recall the exact wording. I was
18 notified that a woman made allegations that she had been
19 raped by a police officer, and he had made the
20 determination that, for whatever reason, he wasn't going
21 to send detectives out. I advised him that anything
22 that's officer involved, not only do we send detectives
23 but we notify the chain of command. And I told him I
24 would immediately have to call Maj. Wenzel and let her
25 know, which is what I did.

1 are for 90 days until rescinded or until made policy or
2 extended. We have standard operating procedures. So
3 there -- when you say written policy I don't think you
4 can blanket it all in one statement.

5 Q (By Mr. Solomon-Simmons) Okay. Fair enough.

6 MR. SMITH: Do you need a break?

7 THE WITNESS: If we're going to do that,
8 yeah, I will take one.

9 MR. SMITH: Do you want to stop here
10 while you're getting it or do you want to ask him --

11 MR. SOLOMON-SIMMONS: Oh, I have it.

12 MR. SMITH: Okay.

13 MR. SOLOMON-SIMMONS: Let's take a break.

14 VIDEO OPERATOR: Off the record.

15 (A break was had from 10:34 to 10:42
16 a.m.)

17 VIDEO OPERATOR: Back on.

18 (Plaintiffs' Exhibit 1 was marked for
19 identification and made a part of the
20 record.)

21 Q (By Mr. Solomon-Simmons) Captain, I have placed
22 a document in front of you. Have you seen this document
23 before?

24 A Yes.

25 Q Can you please identify it for the record?

1 A It is the Revisions of Callout Procedures for
2 the investigations bureau.

3 Q And would this have been the callout procedure
4 that was in force in May of 2014?

5 A Yes.

6 Q I want you to read -- you see on this first
7 page where it's bolded, like if you go half way down the
8 document where it says, "The following procedures should
9 be followed." Do you see that?

10 A Yes. "For after hours callout investigators,"
11 yes.

12 Q Okay. So I want you to turn the page and go to
13 the page that ends in 674, Oklahoma City's production
14 674. In the middle of that page it says, "Sex Crimes
15 Unit." Do you see that?

16 A Yes.

17 Q All right. Would you agree that this is a
18 listing of cases or incidents where a sex crimes
19 lieutenant must send out a detective to investigate one
20 of these particular crimes --

21 MR. SMITH: Object to the form.

22 Q (By Mr. Solomon-Simmons) -- or allegations?

23 A No, I wouldn't agree.

24 Q Why wouldn't you agree?

25 A Because you said must. I would use the term

1 should.

2 Q Okay. Well, if you go back to the first page
3 of that document, the last bullet point on that
4 document, could you read it for the record?

5 A In cases involving department employees where a
6 callout is required, the unit supervisor who will
7 respond -- the unit supervisor will respond with the
8 on-call investigators.

9 Q Okay. Now, so would you agree it says, "where
10 a callout is required"?

11 MR. SMITH: Object to the form.

12 A You're wanting me to agree that it says that?

13 Q (By Mr. Solomon-Simmons) Right.

14 A Yes.

15 Q Okay. And so when you read that bullet point,
16 go back to page 5674. Do you agree that the lieutenant
17 is required to call out the on-call investigator any
18 time a sex crime is involving a department employee as a
19 victim or suspect which has been reported?

20 MR. SMITH: Object to the form.

21 A Could you restate that? I'm sorry.

22 Q (By Mr. Solomon-Simmons) Do you agree that
23 Lt. Ramos, pursuant to this policy which is Plaintiff's
24 Exhibit 1, he's required to call out the investigator
25 once he received notice that a victim was reporting that

1 she had been sexually assaulted by an Oklahoma City
2 police officer?

3 MR. SMITH: Object to the form.

4 A No. I would say that he should have. I won't
5 say that he was required. If we go back to the very
6 first page, second paragraph, first line says, "The
7 on-call lieutenant has the discretion to call out an
8 investigator using his or her best judgment. All
9 situations cannot be addresses in this memorandum."

10 The statement in this memorandum is a -- these
11 are callout procedures, they are a guideline. They are
12 not policies, procedures or rules.

13 Q (By Mr. Solomon-Simmons) What is your
14 understanding when someone says this should be followed?
15 Is that a directive?

16 MR. SMITH: Object to the form.

17 A Should means it's a guideline. It doesn't say
18 must, which would be definite. Should means -- it's a
19 guideline. What the callout procedures are are
20 basically a guideline. They are not the Bible, but it's
21 a guideline to give you some -- not just for the
22 callouts, the on-call investigative supervisors, but for
23 the patrol supervisors who are going to make those calls
24 at 3:00 or 4:00 in the morning and wake people up, to
25 have an idea if it fits, kind of, the scope of what we

1 might, or investigators might respond to.

2 Q (By Mr. Solomon-Simmons) So why did you tell
3 Lt. Ramos that he should have called out the
4 investigator and he should have notified you once he
5 knew about the allegation?

6 A These are guidelines, but they do suggest a
7 course of action. When there is a department employee
8 accused of something such as a sexual assault we should
9 send investigators out.

10 Q And why should you send investigators out?

11 A Because it is what we would consider to be a
12 high-profile incident.

13 Q Would you agree that such high-profile
14 incidents, the investigation should start immediately?

15 A I believe it's baby steps and we should go
16 piece by piece and just work it as it comes. So -- am I
17 answering your question?

18 Q No, sir. Do you believe, because it's a
19 high-profile incident involving a department employee,
20 that the investigation should start as soon as possible?

21 A If possible, yes.

22 Q And the first step -- would you agree the first
23 step in an investigation after receiving the initial
24 report is having an actual investigator assigned to that
25 particular case?

1 Q Who made that decision to wait until Tuesday to
2 start working on Terri Morris's case?

3 A I don't remember.

4 Q Who would have had the authority to make that
5 decision?

6 A Maj. Wenzel would have that authority to make
7 that call. Deputy Chief Kuhlman would have the
8 authority to make that call.

9 Q So either Maj. Wenzel or Deputy Chief Kuhlman
10 made the decision to wait until Tuesday to start -- for
11 an investigator to start working on Terri Morris's case.
12 Is that your testimony?

13 A I'm saying I don't recall who made the
14 decision.

15 Q Well, I'm trying to make sure I understand.
16 You're saying the two people you named, Deputy Chief
17 Kuhlman and Maj. Wenzel would have been the two
18 individuals who would have made that call.

19 A It could have been the Chief of Police. I
20 don't know. I don't know, beyond speaking to my major
21 at the time, Maj. Denise Wenzel, I don't recall what
22 conversation she had and how far up the chain of command
23 the information went on that date.

24 Q But you didn't make the call to wait to Tuesday
25 to start the investigation. Is that your testimony?