

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

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

6 Plaintiffs,)

7 vs.) No.
) CIV-16-184-HE

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

11 Defendants.)

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14 VIDEOTAPED DEPOSITION OF BRIAN BENNETT
15 TAKEN ON BEHALF OF THE PLAINTIFFS
16 IN OKLAHOMA CITY, OKLAHOMA
17 ON SEPTEMBER 19, 2018

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19 REPORTED BY: KAREN B. JOHNSON, CSR

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1 THE WITNESS: Because after having a
2 conversation with Ms. Campbell, it was apparent that
3 the circumstances was based on a use of force, I
4 conducted a use of force follow-up investigation,
5 which, based on the circumstances, was the most
6 appropriate.

7 Q (By Mr. Solomon-Simmons) Sir, let's look
8 at 143.

9 A Okay.

10 Q It says, "Each complaint or allegation of
11 misconduct by employee of Oklahoma City Police
12 Department." We've already established that Daniel
13 Holtzclaw was an employee of the Oklahoma City
14 Police Department; correct?

15 A Yes.

16 Q This continues, says, "whether from a
17 private citizen or another employee."

18 A Yes.

19 Q We've already established that
20 Ms. Campbell was a private citizen; correct?

21 A Yes.

22 Q "It shall be fully investigated and the
23 results will be" -- "will be reported to both the
24 complaint" -- "complainant and the accused
25 employee," you see that?

1 A "And I said, 'Yes, I was asking him if he
2 would just tell me who he thought I was. I told him
3 that I could have proven to him that I was not the
4 individual,' I said, 'But he wouldn't hear that. He
5 wouldn't let me explain to him anything, he wouldn't
6 let me' -- I said, 'He wouldn't explain to me, he
7 wouldn't listen, he just' -- I said, 'He was
8 hateful.' I said, 'And I don't deserve that. He
9 was hateful, he was' -- I said, 'He's prejudiced
10 against' -- I said, 'he made me feel like trash.' I
11 said, 'He was perverted.'"

12 Q Okay. All right. Stop there. I
13 understand we've already -- we've already
14 established that the only two people that were in
15 the room was you and Mrs. Campbell.

16 A Uh-huh.

17 Q But based on what she says here, that she
18 told you that she felt like Holtzclaw was
19 prejudiced; correct?

20 A That's her testimony.

21 Q Right. That's her testimony. And if she
22 felt like he was prejudiced, did you have a duty
23 to -- what are you supposed to do, as Oklahoma City
24 police officer, if a citizen complains that an
25 officer discriminated against them?

1 MS. GOOCH: Object to the form.

2 MS. KATZ: Same objection.

3 Q (By Mr. Solomon-Simmons) Do you know?

4 A If that happened, then that would be
5 something that I would report to my chain of
6 command.

7 Q Now, when you say "if that happened,"
8 you're saying if the discriminatory act happened,
9 you will report it, is that -- is that what you're
10 saying, sir?

11 A Any allegation or act of a discriminatory
12 nature would be reported to my chain of command.

13 Q Okay. And then the last portion that you
14 read, Mrs. Campbell -- Mrs. Campbell testified that
15 she told you that Mr. Holtz -- Daniel Holtzclaw was
16 perverted.

17 A That's her testimony.

18 Q And do you understand what it means when
19 someone says someone else is perverted?

20 MS. GOOCH: Object to the form.

21 MS. KATZ: Same objection.

22 THE WITNESS: Are you asking for a
23 definition to the word?

24 Q (By Mr. Solomon-Simmons) One second.

25 THE WITNESS: Mr. Smith, can you hand me

1 that water bottle behind you?

2 MR. SMITH: I can.

3 THE WITNESS: Thank you.

4 MR. SMITH: And I hope it doesn't tilt
5 like mine does.

6 THE WITNESS: That's all right.

7 MR. SMITH: Do you want a cold one?

8 THE WITNESS: No, this is fine.

9 MR. SMITH: Okay.

10 Q (By Mr. Solomon-Simmons) Let's go over to
11 Page 134, next page.

12 A Okay.

13 Q And I'll just read it just for the time.

14 A Okay.

15 Q "He said" --

16 A What line are you starting on?

17 Q Line 2.

18 A Line 2, got you.

19 Q "'He said'" I represent that Mrs. Campbell
20 is saying that you are the he, quote, "'I need more
21 detail from you what happened. I," being
22 Mrs. Campbell, "I told him in detail what happened,
23 I said, quote, He was perverted while I was against
24 the wall.'" I said, 'He slammed my head against the
25 wall as hard as he could.' I said, 'He was angry.'

1 I said, 'And the one mistake that Oklahoma City has
2 made is hiring him as an officer. He does not
3 deserve to be called one of Oklahoma City's finest.
4 He's hateful.'"

5 So, again, Mrs. Campbell states that she
6 told you at least twice, this is her testimony, that
7 Daniel Holtzclaw is perverted.

8 A That's her testimony.

9 Q And if Daniel Holtzclaw was perverted,
10 that would be a criminal act; correct?

11 MS. KATZ: Object to the form.

12 Q (By Mr. Solomon-Simmons) Let me rephrase
13 that. Perverted -- did a perverted act to
14 Mrs. Campbell, that would be against the law;
15 correct?

16 MS. KATZ: Object to the form.

17 MS. GOOCH: Object to the form.

18 THE WITNESS: The definition of perverted
19 is open to interpretation, I guess it would be
20 dependent upon what the act was as to whether or not
21 it was criminal, what the hypothetical act.

22 Q (By Mr. Solomon-Simmons) Sure. If the
23 act that she complained or testified that he placed
24 his erect penis against her buttocks for extended
25 period of time, would that be illegal for Daniel

1 Holtzclaw to do that to Mrs. Campbell while he was
2 on duty without her permission?

3 MS. GOOCH: Did you say -- did you say
4 would that be legal or illegal?

5 MR. SOLOMON-SIMMONS: Illegal.

6 MS. GOOCH: Object to the form.

7 MS. KATZ: Same objection.

8 THE WITNESS: I guess that could be
9 illegal.

10 Q (By Mr. Solomon-Simmons) Is that an
11 allegation that should be reported up the chain of
12 command?

13 A If that allegation had been made.

14 Q Is that an allegation that should have
15 been investigated?

16 A If an allegation like that had been made.

17 Q And just -- you made a great point earlier
18 that perversion can have a certain different
19 definition, so this is Exhibit 4.

20 (Plaintiff's Exhibit Number 4 marked for
21 identification and made part of the
22 record)

23 Q (By Mr. Solomon-Simmons) Can you identify
24 for the record what this exhibit is, sir?

25 A The title says "Perversion, Definition of