

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

RON CHRISTOPHER BACY

TAKEN ON BEHALF OF THE PLAINTIFFS

IN OKLAHOMA CITY, OKLAHOMA

ON MARCH 27, 2019

REPORTED BY: TRENA K. BLOYE, CSR

1 left. There is a bull pen where the detectives were.
2 And on the other end of the office was Lt. Muzny. So I
3 probably had -- in proximity wise I saw him on a more
4 regular basis than maybe the other lieutenants.

5 Q So it's fair to say that you interacted quite
6 frequently with Lt. Muzny?

7 A Can you define what you mean by interacted?

8 Q Communicated with.

9 A Yes.

10 Q Would you say you would communicate with
11 Lt. Muzny almost daily?

12 A I don't know that that's accurate. It depends
13 on -- I could be anywhere at any given time dealing with
14 anything else. I don't know that it's accurate that we
15 communicated daily.

16 Q You also mention that you would get involved in
17 high-profile cases; is that correct?

18 A My level of involvement would increase when it
19 came to something of a high-profile nature.

20 Q And you agree that the Holtzclaw investigation
21 was a high-profile case?

22 A Yes.

23 Q Would you consider it to be an -- why would you
24 consider it to be a high-profile case?

25 A Because it's an officer involved, allegations

1 Q And to do your -- what do you mean by doing
2 your due diligence?

3 A To investigate it.

4 Q Do you believe that because the allegations are
5 made of sexual assault against a police officer requires
6 a heightened sense of due diligence?

7 A Yes.

8 Q Did you know Officer Holtzclaw prior to May
9 2014?

10 A No.

11 Q When did you first become acquainted with
12 Officer Holtzclaw?

13 A I believe it was during this investigation.

14 Q If you saw Officer Holtzclaw could you identify
15 him?

16 A Today?

17 Q Yes.

18 A Yes.

19 Q Would you agree that Officer Holtzclaw has
20 black hair?

21 A I don't recall if it's black or dark brown.

22 Q Would you agree that Officer Holtzclaw is a
23 muscular build?

24 A Yes.

25 Q Would you agree that Officer Holtzclaw is a

1 darker skinned Caucasian man?

2 A No.

3 Q How would you describe his complexion?

4 A I think it's relative given time of year. I
5 work with any number of Caucasian male and female
6 officers. And during any -- this time of year, during
7 the summer they're going to be a little bit darker than
8 sometimes they would be during the winter. Some of them
9 spray tan. Some of them do tanning beds.

10 But I didn't consider him to be unusually dark
11 based on what I saw. He may have had some tanning
12 features, but I hadn't had any personal interaction with
13 him, so --

14 Q Okay. Would you consider him to be clean
15 shaven?

16 A From my recollection, yes.

17 Q Would you consider him to be about six feet
18 tall?

19 A I don't remember a specific height.

20 Q And, obviously, you know -- I was told
21 yesterday Inspector Kim Davis is her proper title. How
22 long have you known Inspector Davis?

23 A She rode in a different division when I was a
24 patrol officer, so I was familiar with her. She is also
25 the sister of one of my academy classmates, but I didn't

1 Q Okay. Did anything prevent you from speaking
2 with Lt. Muzny and asking him to ascertain the physical
3 description of Mr. Holtzclaw after you received this
4 email from Deputy Wenzell (sic.)?

5 A The only thing that prevents it is that it's
6 baby step. These investigators are methodical in how
7 they go about working their cases and, of course, each
8 case is different. It's not my job or his job, per se,
9 to intervene in that process, only to the point that we
10 see something is being drastically or grossly
11 overlooked, which, in this case, didn't appear to be the
12 case.

13 So nothing prevented it, but, at the same time,
14 nothing would have urged us to make them skip steps in
15 their own investigative process.

16 Q Would you agree that getting a -- an officer
17 that may have sexually assaulted a female off the street
18 should be the highest priority of the Oklahoma City
19 Police Department?

20 A I can't assess that, the priority level,
21 because murderers are just as high up a priority.
22 People who pose a threat, all people who pose a threat
23 to the public are a priority.

24 Q I thought I understood your earlier testimony
25 that when it's an officer-involved incident that was the

1 highest priority for the Oklahoma City Police
2 Department.

3 A No, sir. What I said -- you wanted to know
4 what would constitute a priority for us, a high-priority
5 incident that would require that involvement of the
6 chain of command. It is a priority when we have
7 officers who are alleged to have committed serious
8 crimes. We can't have police officers committing felony
9 crimes. We just can't have that. So, yes, it is a
10 priority, but we also -- the biggest priority we have is
11 the safety of the public, period.

12 MR. SMITH: When are you going to get to
13 a stopping point, please?

14 MR. SOLOMON-SIMMONS: We can stop now and
15 go to lunch.

16 VIDEO OPERATOR: Off the record.

17 (A break was had from 12:31 to 1:27 p.m.)

18 VIDEO OPERATOR: Back on.

19 Q (By Mr. Solomon-Simmons) Captain Bacy, what is
20 your current job title or job duties?

21 A I am one of the two captains in the Office of
22 Professional Standards.

23 Q Okay. What is the Office of Professional
24 Standards?

25 A It's formerly known as the Public Integrity and

1 A No.

2 Q Did you have any -- well, strike that.

3 At any time before -- at any time between May
4 24th, 2014, to June 18, 2014, an administrative
5 investigation into Mr. Holtzclaw could have been opened
6 up by the chief if he so desired to do so; is that
7 correct?

8 A Could you please -- I don't think I understood
9 your question.

10 Q Sure. That was a very convoluted question. I
11 apologize.

12 Between May 24, 2014, which is the date that
13 Terri Morris reported she had been sexually assaulted by
14 an officer, and June 18, 2014, which is the date that
15 Jannie Ligons reported that she was assaulted by an
16 officer, an administrative investigation could have been
17 opened to investigate Mr. Holtzclaw during that time
18 period if the chief decided to do so; is that correct?

19 MR. SMITH: Object to the form.

20 A The question is if he could have, and the
21 answer to that is yes.

22 Q (By Mr. Solomon-Simmons) Okay.

23 A But the followup to that is he hadn't been
24 identified as a suspect in anything. We didn't know
25 that he was anyone we needed to investigate

1 administratively at that point, so --

2 Q All right. Are you familiar with photo
3 lineups?

4 A Not that much. Vaguely.

5 Q What's your understanding of a photo lineup?

6 A Photo lineup, usually six photos I believe. It
7 has to be presented by a non-investigating investigator,
8 someone that's not connected to the case. I think we
9 try to get a general, somewhat general description of
10 what we're given loosely. But off the top of my head
11 that's all I can really remember to tell you.

12 Q Is it your understanding that Oklahoma City
13 procedures require that the photo lineup include one
14 suspect among the six pictures?

15 A I've read that before.

16 Q Okay. Are you aware that a photo lineup was
17 created on June 3rd, 2014, in this case and -- I'm
18 sorry. Strike that.

19 Are you aware that a photo lineup was created
20 on June 3rd, 2014, in regards -- in relation to the
21 Terri Morris allegations that she was assaulted by a
22 police officer?

23 A I don't know when it was actually created.

24 Q Okay. When did you find out that a photo
25 lineup was created in relation to Terri Morris's report