



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DEMETRIA M. CAMPBELL, individually,)

Plaintiff,)

v.)

CITY OF OKLAHOMA CITY, a municipality; and)

DANIEL HOLTZCLAW, individually,)

Defendants.)

Case No. CJ-2015-4217

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUL 26 2018

RICK WARREN
COURT CLERK

41 _____

PLAINTIFF DEMETRIA M. CAMPBELL'S RESPONSE IN OBJECTION
TO DEFENDANT CITY OF OKLAHOMA CITY'S MOTION FOR
SUMMARY JUDGMENT AND BRIEF IN SUPPORT

By:

Cynthia Rowe D'Antonio, OBA #19652
Kwame T. Mumina, OBA# 10415
Green Johnson Mumina D'Antonio
400 North Walker Avenue, Suite 100
Oklahoma City, Oklahoma, 73102
Telephone: (405) 488-3800
Facsimile: (405) 488-3802
Email: cynthia@gjmlawyers.com

ATTORNEY FOR
PLAINTIFF DEMETRIA M. CAMPBELL

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

DEMETRIA M. CAMPBELL, individually,)
)
)
) **Plaintiff,**) **Case No. CJ-2015-4217**
)
v.)
)
CITY OF OKLAHOMA CITY, a municipality; and)
DANIEL HOLTZCLAW, individually,)
)
)
) **Defendants.**)

**PLAINTIFF DEMETRIA M. CAMPBELL’S RESPONSE IN OBJECTION
TO DEFENDANT CITY OF OKLAHOMA CITY’S MOTION FOR
SUMMARY JUDGMENT AND BRIEF IN SUPPORT**

Plaintiff, Demetria M. Campbell (“Campbell” or Plaintiff”), respectfully submits this response in opposition to the Motion for Summary Judgment filed by Defendant, City of Oklahoma City (“City” or Defendant”). In support of its response and objection to City’s motion for summary judgment, the Plaintiff shows the Court as follows:

I. INTRODUCTION

On or about November 5, 2013, Demetria M. Campbell, was travelling to TJ’s Seafood restaurant on the east side of Oklahoma City to purchase a meal for her daughter who was hospitalized at OU Medical Center in the cancer unit. Her daughter had been transported via helicopter from Hollis, Oklahoma to OU Medical Center after being found unconscious in her home. Campbell lived in

Hollis, Oklahoma but was in Oklahoma City to take care of her daughter. [Plt. Exh. 1, pg. 46, lines 15-25.]

Unbeknownst to Campbell, on November 3, 2013, a White Pontiac vehicle was reported as missing in the Oklahoma City, eastside area. Two days later, on November 5, 2013, at approximately 6:23 p.m., the owner of the vehicle called 9-1-1 stating that he believed that the vehicle had been spotted in front of a “liquor store” at 23rd Street and M.L.K. [Plt. Exh. No. 2, pg. 2 of 4.] The caller (referred to as “RP”) relayed the following information to Oklahoma City dispatch:

*The vehicle is occupied
Female in the veh[icle]
RP is parked behind the vehicle so it cannot leave
RP says the female is being corropitive(sic)
She was loaned the veh[icle]
Female is with her kids also
Says female gave him the keys
Has 2 kids with her
Female and kids left walking*

Base on City’s records, the stolen vehicle incident had been resolved by 6:25 p.m., as reported, the driver of the stolen vehicle had apparently been loaned the car, had given the rightful owner his keys, and had started walking down the street with her two children. The suspect was described as a black girl, wearing jeans, and a red shirt with a hood on it. [Plt. Exh. No. 1, pgs. 187-191]; [Plt. Exh. No. 2, pg. 2 of 4.]

Not realizing all that had transpired, Campbell casually exited her vehicle and began to walk up to T.J.’s Seafood Restaurant to purchase a meal for her to

take back to her daughter at the hospital. Campbell was alone and did not have any children with her, nor was she wearing a red shirt with a hood attached. [Plt. Exh. No.3]. Campbell saw Holtclaw quickly advance upon her flashing a flashlight and yelling “hey you”. [Plt. Exh. 1, pg. 50, lines 1-12.] Campbell did not believe that he was talking to her, as it was dark outside, and there were groups of people about the area. [Plt. Exh. No. 1, pg. 51, lines 1-7.] As she reached for the restaurant doorknob, Holtzclaw grabbed her wrist, while shoving her towards the outside of the building. While outside, Holtclaw then slammed her face and head against the brick wall and pressed his crotch area against her backside. Campbell feared for her life. During the altercation, Campbell explained that she had done nothing wrong and repeatedly asked why she was being treated in this manner. Campbell was so distraught that she urinated in her clothes. It was at this time, that Campbell felt an erection from Holtzclaw’s private area, which was pressed up against her backside. [Plt. Exh. No. 1, pg. 52, lines 8-24]. Defendant Holtzclaw then handcuffed Campbell and proceeded to take her to his patrol vehicle. [Plt. Exh. No. 1, pg. 54, lines 1-15]. At no time did Campbell attempt to run, escape, threaten or exhibit any aggression towards Holtzclaw.

Campbell prayed and sobbed as Defendant Holtzclaw held her handcuffed in the backseat of his patrol vehicle. [Plt. Exh. No. 1, pg. 60, lines 12-14.] Holtzclaw drove Campbell to an area liquor store and got out of his patrol vehicle to confer with some people standing about. Holtzclaw asked, “are you the one that called it in?” Campbell heard the person respond “Man, didn’t nobody call nothing

in". [Plt. Exh. No, 1, pg. 63, lines 13-25.] Campbell then heard what she believed to be dispatch state "You're at the wrong location." [Plt. Exh. No, 1, pg. 64, lines 20-25; pg. 65, lines 1-4.] Holtzclaw then sped away and pulled out into ongoing traffic, causing Campbell to scream, "Oh my God, he's going to kill me." [Plt. Exh. No, 1, pg. 65, lines 7-9.] Defendant Holtzclaw then returned to the location that he detained Campbell and released her without filing charges. [Plt. Exh. No. 1, pg. 70, lines 1-22.]

Immediately after Holtzclaw's attack, Plaintiff went to OU Medical Center in the emergency department and sought treatment for her injuries. Susie Anderson, a Registered Nurse at OU Medical Center, called the Oklahoma City Police Department for a supervisor come to the hospital to address the allegations by Campbell. [Plt. Exh. No. 4.]. Campbell was visibly roughed up as she had white debris on her head and face from the brick building that Holtzclaw had her pressed upon. [Plt. Exh. No. 3]. Campbell was examined and complained of severe pain and had contusions to her head, face, right shoulder and right wrist. [Plt. Exh. No. 5]. Thereafter, Lieutenant Brian Bennett of the Oklahoma City Police Department arrived and talked to Campbell about what had occurred, he also apologized to her for what had happened. Unfortunately, because Officer Holtzclaw failed to call a supervisor to the scene, Lt. Bennett was unable to identify or attempt to interview any potential witnesses to the attack upon Campbell. [Plt. Exh. No. 12, (pg. 4 of 6); and (pg. 6 of 6).]

Campbell sought both medical treatment and counseling to help her get past the horrific encounter with Police Officer Holtzclaw. On November 23, 2013, she sought treatment from Akram Abraham, MD and described the events of her Officer Holtzclaw encounter. At that time, the Physician reported that Campbell was “very anxious and having flash back with PTSD”, [Plt. Exh. No.7,]; Campbell testified that the incident with Officer Holtzclaw caused her to revisit a tragic event, earlier in her life, when she had been raped. [Plt. Exh. No. 1, pg. 205, lines 1-19.] Almost a year later, on September 26, 2014, Officer Holtzclaw was charged with twenty-six (26) counts of crimes including burglary, procuring lewd exhibition, sexual assault, rape, forcible oral sodomy, and indecent exposure--all occurring on the east side of Oklahoma City, Oklahoma, and aimed at African-American females. [Plt. Exh. No. 8.]

II.
PLAINTIFF’S RESPONSE TO DEFENDANT’S ALLEGED
UNDISPUTED MATERIAL FACTS

Plaintiff, for her response to the alleged undisputed material facts set forth in Defendant’s Motion for Summary Judgment (hereinafter the “Motion”), submits the following objections and responses. Plaintiff’s responses follow in sequence the numbered paragraphs found in Defendant’s Motion. Plaintiff’s responses include those points which are fully denied, partially denied, and otherwise not material. Plaintiff’s references include her own exhibits which are denominated as “Plt. Exh. ___”; and Defendant’s exhibits which are denominated as “Def. Exh. ___”; and references to deposition testimony of Plaintiff and other deposed

witnesses, which shall be in the following format: “Plt. Exh. ___, page number, line(s) number”, (e.g., Plt. Exh. ___, page 100, lines 5-6.”). Finally, Plaintiff uses the shortcut “UMF” to refer to alleged “Undisputed Material Fact” of Defendant City Defendant or “PDMF” to refer to additional “Disputed Material Fact” offered by Demetria Campbell, and cites to the record for Plaintiff’s support.

Plaintiff responds and objects to Defendant’s alleged undisputed facts, as follows:

A. Response to Defendant’s Alleged Statement of Undisputed Material Facts

1. UMF No. 1-**ADMITTED**.
2. UMF No. 2 -**DISPUTED**- City has provided excerpts from policies and procedure manuals from the City of Oklahoma City, however not a single document is executed or signed by Office Daniel Holtzclaw affirming that he actually received these particular manuals during his training with Oklahoma City Police Department.
3. UMF No. 3 -**DISPUTED**- to the extent that City does not identify which portion of its Defendant Exhibit No. 1 supports the contention here. For example, Defendant’s Exhibit No. 1 includes multiple reports, including one from Officer Cory Haynes, who has no personal knowledge of the events that transpired between Campbell and Holtzclaw. Plaintiff further disputes that Defendant Exhibit No. 1 is supportive to establish an undisputed fact as it also contains two (2) separate reports by Holtzclaw regarding the “November 5, 2013” incident. The

initial report by Holtzclaw was prepared on the same date of the incident, that is, November 5, 2013, and consists of a *single page* of information about the incident with Campbell. However, several weeks later, on November 23, 2013, Holtzclaw prepared a second report which consists of nearly three full pages of additional information about the encounter with Campbell that was never mentioned in his initial report. Due to the inconsistency of the information in Holtzclaw's multiple reports on the incident, Defendant' City's own Exhibit Number 1 provides support that material issues remain in dispute that are better suited for a jury, and not summary adjudication. *Compare*, Plt. Exhs. 9, 10, and 11.]

4. **DISPUTED AS IMMATERIAL-** City mischaracterizes Campbell's testimony and her claims here. Campbell did not testify that she was sexually assaulted by Holtzclaw, she testified his actions made her believe that he was perverted and she told this information to Lt. Brian Bennett on the same day of the incident. [Plt. Exh. No. 1, pg. 169, lines 13-18.] On November 23, 2013, Campbell also told her doctor, Akram Abraham, MD, that she believed that Officer Holtzclaw was "perverted", due to his physical arousal during the altercation. [Plt. Exh. No. 7.]

5. **DISPUTED-** In Lt. Bennett's report of September 21, 2015, he makes the following concessions regarding his interview with Campbell on November 5, 2013:

"I did not record the conversation"

"I destroyed my notes which is my common practice"

“I do not remember every detail of the conversation”. Id. at [Plt. Exh. No.6.]

Therefore, a material issue remains in dispute regarding the specific information that Campbell provided to Lt. Brian Bennett on November 5, 2013. As for the Notice of Tort Claim, all that is required is a “written notice with the date, time, place and circumstances of the claim, the identity of the state agency, agencies, or political subdivisions involved, the amount of compensation or other relief demanded, the name, address and telephone number of the claimant, and the name, address and telephone number of any agent authorized to settle the claim.” 51 O.S. 2011, §151 et seq. Campbell satisfied the formal requirements of the statute, which does not require that Campbell also state the same on the back of a business card.

Moreover, City mischaracterizes Campbell’s testimony and her claims here. Campbell did not testify that she was “sexually assaulted” by Holtzclaw, she testified his actions made her believe that he was perverted and she told this information to Lt. Brian Bennett on the same day of the incident. [Plt. Exh. No. 1, pg. 169, lines 13-18.] On November 23, 2013, Campbell also told her doctor, Akram Abraham, MD, that she believed that Officer Holtzclaw was “perverted”, due to his physical arousal during the altercation. [Plt. Exh. No. 7.]

6. **DISPUTED AS IMMATERIAL-** Lt. Bennett reported that Campbell told him during their interview that Campbell believed Holtzclaw used “unnecessary force” upon her during the encounter. [Plt. Exh. No. 6.]

7. **DISPUTED-** Defendant City neither cites to nor provides any

support for this alleged UMF, therefore the same is disputed.

III. ARGUMENT AND AUTHORITIES

A. The Standard for Summary Judgment

The focus of summary judgment proceedings is whether the tendered proof from the record “reveals only undisputed material facts supporting but a single inference that favors the movant’s motion for summary judgment. *Polymer Fabricating, Inc., v. Employers Workers’ Comp. Ass’n.*, 1998 OK 113, 980 P.2d 109, 112 (emphasis added). *Where it appears from the evidentiary record that material facts concerning issues raised in the case are conflicting, or if the material facts are even undisputed such that reasonable persons in the exercise of fair and impartial judgment might reach different conclusions from the facts, the matter is one for the jury.* See, *Buck’s Sporting Goods, Inc., v. First National Bank & Trust Co. of Tulsa*, 1994 OK 14, 868 P.2d 693. [emphasis added.] Finally, for summary judgment purposes, the nonmoving party is not held to a standard of producing forensic evidence to prove its case, but only to present something which shows when trial commences that it will have some proof to support the allegation. See, *Davis v. Leitner*, 1989 OK 146, 782 P.2d 924.

Moreover, City’s motion is replete with alleged defenses of “scope of employment”, however those issues have historically been deemed questions of fact to be determined by a jury at trial. *Fehring v. State Ins. Fund*, 2001 OK 11, ¶25 n. 19, 19 P.3d 276, 284 & n. 19. Based upon these established standards,

Plaintiff submits that the disputed material facts before the Court prohibit summary adjudication on any of Plaintiff's causes of action. Therefore, Defendant City's Motion must be denied.

PROPOSITION I

CITY IS LIABLE FOR ACTS OF POLICE OFFICER HOLTZCLAW AS HE WAS ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT IN FURTHERANCE OF HIS ASSIGNED DUTIES.

Under Oklahoma law an employer may be liable for an employee's intentional torts if the employee was "acting within the scope of the employment in furtherance of assigned duties." *Bosh v. Cherokee Cty. Bldg. Auth.*, 305 P.3d 994, 998 (Okla. 2013). "[O]ne acts within the scope of employment if [1] engaged in work assigned, or [2] if doing what is proper, necessary and usual to accomplish the work assigned, or [3] doing that which is customary within the particular trade or business." *Id.*; accord *Tuffy's, Inc. v. City of Oklahoma City*, 212 P.3d 1158, 1163 (Okla. 2009) (officers allegedly attacked nightclub patrons). "[A]n employer can be held liable even if the employee acts beyond the given authority" so long as the act was "incident to some service being performed for the employer." *Rodebush v. Okla. Nursing Homes, Ltd.*, 867 P.2d 1241, 1245 (Okla. 1993). *Baker v. Saint Francis Hosp.*, 126 P.3d 602, 605 (Okla. 2005) (employer may be liable where employee has authority "to do the particular thing rightfully that was subsequently done in a wrongful manner".)

It is without doubt that when Officer Holtzclaw accosted Campbell that he was acting within the scope of the employment in furtherance of his assigned

duties. The City's own reports of the incident demonstrate that Officer Holtzclaw was dispatched to a location on the eastside of Oklahoma City regarding the recovery of a stolen vehicle- a service being performed by Holtzclaw on behalf of the City of Oklahoma City. Plaintiff admits that during this service call, things went very wrong, causing her physical and emotional injuries. City may not have given Holtzclaw permission to physically attack Campbell, subject her to perversion (whether voluntary or involuntary), and slam her against a brick wall while handcuffed. However, City "...can be held liable even if the [Holtzclaw] act[ed] beyond the given authority." See *Tuffy's, Inc. v. City of Oklahoma City*, 212 P.3d 1158, 1163 (Okla. 2009) [words and emphasis added.] City may be liable even when, as here, Holtzclaw had authority to investigate the vehicle theft, and even question witnesses and potential suspects, but subsequently what he had intended to do "rightfully" that was done in a "wrongful manner." *Baker v. Saint Francis Hosp.*, 126 P.3d 602, 605 (Okla. 2005).

City cannot earnestly argue that Officer Holtzclaw was not engaged in work assigned, or doing that, which is customary within the particular trade or business, as a Police Officer. A few examples include, statements by Lt. Bennett that Officer Holtzclaw was investigating an auto theft recovery when he made contact with Campbell [Plt. Exh. No. 6, 12]; reports by Officer Holtzclaw that he was performing his duties as a Police Officer when he made contact with Campbell, and took steps that he believed were necessary to accomplish that task on behalf of the City of Oklahoma City [Plt. Exh. No. 10,11]; and as demonstrated

in City's Answer to Plaintiff's Petition for Relief, Defendant City responds "...Defendant City admits that on November 5, 2013, an incident occurred between the Plaintiff and Defendant Holtzclaw in the City of Oklahoma City. *Defendant denies it occurred as alleged.*" [Plt. Exh. No.13, City's Answer, ¶5. The very act of Defendant City providing a defense for Holtzclaw, here, is sufficient ratification of Officer Holtzclaw's actions to make City alone liable for his conduct, and a presumption that Officer Holtzclaw was acting within the scope of his employment when he accosted, detained, arrested and humiliated Demetria Campbell on November 5, 2013. *See Shephard v. Compsource Okla.*, 2009 OK 25, 209 P.3d 288 (Okla. 2009).

Besides, it is said that, "[A] **jury** . . . must decide if [the employee's] acts were so far removed from any work-related endeavor and geared, instead, toward a personal course of conduct unrelated to her work so that it would no longer be appropriate to hold her employer responsible for her act(s)." *Baker*, 126 P.3d at 607. Therefore, summary judgment is not appropriate based on the facts on this case.

City urges the Court to grant summary adjudication based on its own biased assessment of Campbell's credibility, and accuses Campbell of "piggybacking" on the claims of other individuals. Credibility is always an issue reserved for a jury and inappropriate for purposes of summary judgment. In an attempt to attack Campbell's credibility, City makes a weak comparison between the statements in

Lt. Brian Bennett's reports and Campbell's deposition testimony. First of all, Lt. Bennett's reports are nothing more than hearsay, lack his own personal knowledge, and are not a concise recitation of facts provided to him by Campbell. For example, Lt. Bennett states in his various reports regarding the incident and his interview with Campbell:

EXHIBIT NO.	DATE OF REPORT	LT. BENNETT'S STATEMENTS
Exhibit No.12, (pg. 6 of 6)	November 12, 2013	<i>"I was not originally called to the scene when this event occurred and so I was not able to identify or attempt to interview any witnesses that were at the scene."</i>
Exhibit No. 6 (pg. 1 of 2)	September 21, 2015 (This report was prepared by Lt. Bennett nearly two (2) years after the incident.	Regarding his interview with Campbell, Bennett states: <i>"I did not record the conversation"</i> <i>"I destroyed my notes which is my common practice"</i> <i>"I do not remember every detail of the conversation"</i>

Moreover, Officer Holtzclaw prepared two (2) separate Crime Reports about that day which are stark in comparison. The original report was drafted on the same day of the incident, November 5, 2013, and was brief in nature. However, Officer Holtzclaw prepared yet another report on November 23, 2015,

several weeks after the incident, and well after Campbell had lodged her complaint. The subsequent report was substantially lengthier and contained numerous allegations about Campbell's demeanor during the arrest that was not included in his original report. For example, in the November 23rd report, Officer Holtzclaw alleges that when he saw Campbell she ran and he "started to give chase" towards her.¹ [Plt. Exh. No. 11]. Second, Holtzclaw stated that Campbell started "pivoting her hips in an outward motion causing her body to turn". He then reports that Campbell "stopped walking towards my patrol vehicle and placed her feet directly aside each other in a (sic) *athletic* position." [Plt. Exh. No. 11.] (pg. 37 of 39.) Of course, these are just a few examples of the multitude of statements made for the very first time by officer Holtzclaw regarding his contact with Campbell.

These credibility issues can only be judged by a jury at trial, as they will have the benefit of the demeanor of the witnesses as they tell their accounts of what occurred on November 5, 2013. *See, Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 244, 106 S. Ct. 2505, 2508 (1986); *Barnes v. Okla. Farm Bureau Mut. Ins. Co.*, 2000 OK 55, ¶ 1, 11 P.3d 162, 165; *Potter v. Synerlink Corp.*, 562 F. App'x 665, 667 (10th Cir. 2014); *Reeves v. Sanderson Plumbing Prods.*, 530 U.S. 133, 137, 120 S. Ct. 2097, 2103 (2000). Therefore, Defendant City's motion should be denied and Campbell should be allowed to proceed to trial.

¹ It should be noted that Campbell weighs in excess of 250 pounds and running from an officer, or anyone for that matter, is highly unlikely.

PROPOSITION II

CITY IS LIABLE FOR NEGLIGENT SUPERVISION OF POLICE OFFICER HOLTZCLAW.

City cites the Court to *Schovanec v. Archdiocese of Oklahoma City* and *Jackson v. Oklahoma City Public Schools* in support of its second proposition that City is shielded from liability because negligent supervision of a police officer is a “discretionary act exempt from liability.” Such a remarkable position to take by City, considering the holding in *N.H. v. Presbyterian Church (U.S.A.)*, 1999 OK 88, 20 (Okla. 1999), a case that City cites in its own Motion. See Def. Motion, pg. 15.

In the *N.H. v. Presbyterian Church (U.S.A.)*, the Court established that:

Employers may be held liable for negligence in hiring, *supervising* or retaining an employee.” In such instances, recovery is sought for the employer's negligence. The claim is based on an employee's harm to a third party through employment. An employer is found liable, if--at the critical time of the tortious incident--, the employer had reason to believe that the person would create an undue risk of harm to others. Employers are held liable for their prior knowledge of the servant's propensity to commit the very harm for which damages are sought.” *Id.* at 1999 OK 88, 20 (Okla. 1999). “The critical element for recovery is the employer's prior knowledge of the servant's propensities to create the specific danger resulting in damage.” *Id.*

As stated by City, Campbell’s claims before the Court sound in Negligent Supervision and Negligent Infliction of Emotional Distress. City had reason to believe that Officer Holtzclaw would create an undue risk of harm to the public, as

was committed against Campbell. Officer Holtzclaw had been the subject of an excessive force case just six (6) months prior to making contact with Campbell; causing the *death* of a young man that needed medical assistance. This case involved Clinton Armstrong who was physically restrained by Holtzclaw in such a manner it caused him to be pronounced dead on arrival to the hospital. [Plt. Exh. No. 14.]

Therefore, City was aware that Holtzclaw could, and was likely to harm again, and he proved them right when he accosted Demetria Campbell on November 5, 2013. City knew or should have known that Holtzclaw had the propensity to commit excessive force upon the public, due to his history with the department. Had City took steps to protect the public after Holtzclaw's killing of Clinton Armstrong, just six (6) months earlier, then Campbell would not have been in this unfortunate and foreseen situation.

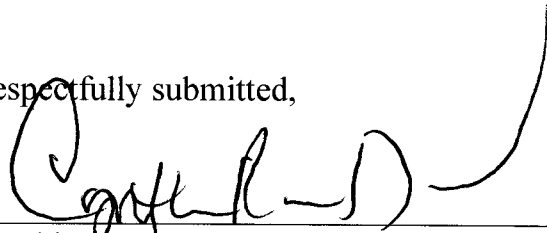
City tries to characterize this case as a sexual assault case, in order to possibly avoid liability, however Campbell made no specific claim of sexual assault in her Petition, but instead plead theories of negligence and excessive force. Campbell testified that while Holtzclaw had her pressed upon the building, she felt that he had an erection. She added that she believed that he was "perverted". Whether Holtzclaw was suffering from a voluntary or involuntary physical reaction, the fact remains that Campbell testified under oath that it occurred, and City attests in its Answer that it did not. Therefore, a material issue

remains in dispute awaiting a jury's determination and City's motion should be denied.

IV. CONCLUSION

Based on the above, Plaintiff Demetria Campbell respectfully requests that City Oklahoma City's Motion for Summary Judgment is denied as there remains material issues in dispute for a jury's determination at trial.

Respectfully submitted,



Cynthia Rowe D'Antonio, OBA #1952

Kwame T. Mumina, OBA #

**GREEN JOHNSON MUMINA &
D'ANTONIO**

400 N. Walker Ave. Suite 100

Oklahoma City, Oklahoma 73102

Telephone: (405) 488-3800

Facsimile: (405) 488-3802

Email: Cynthia@gjmlawyers.com


**ATTORNEYS FOR PLAINTIFF
DEMETRIA M. CAMPBELL**

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, I delivered the foregoing Plaintiff's Response In Objection To Defendant City of Oklahoma City's Motion For Summary Judgment, via regular U.S. Mail, postage pre-paid, to the following:

Kenneth Jordan, Municipal Counselor
Richard C. Smith, Esquire
Sherri R. Katz, Esquire
Thomas Lee Tucker, Esquire
Assistant Municipal Counselors

200 N. Walker, Suite 400
Oklahoma City, Oklahoma 73102
Attorneys for Defendant
City of Oklahoma City



Cynthia Rowe D'Antonio

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

(1) TABATHA BARNES, et al.,)

Plaintiffs,)

-vs-)

(1) CITY OF OKLAHOMA CITY, a)
municipal corporation, et al.,)

Defendants.)

CONDENSED

No. CIV-16-184-HE

* * * * *

DEPOSITION OF DEMETRIA MICHELLE CAMPBELL
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON FEBRUARY 15, 2018
COMMENCING AT 9:01 A.M.

* * * * *

instaScript, L.L.C.
101 Park Avenue, Suite 910
Oklahoma City, Oklahoma 73102
405.605.6880
schedule@instascript.net

REPORTED BY: BETH A. MCGINLEY, CSR, RPR



1 before?
2 A Have I ever been sued... I can't recall ever
3 being sued.
4 Q Okay. You good to keep going? Do you need a
5 break?
6 A Oh, yeah, I'm fine.
7 Q Okay.
8 MS. GOOCH: Anybody sitting around the table
9 need a break for anything?
10 Q (By Ms. Gooch) Okay. I want to shift gears now
11 and let's talk about the incident, that we've not talked
12 about so far, that involves Holtzclaw on November 5th,
13 2013, okay?
14 A Okay.
15 Q My understanding is you were in Oklahoma City?
16 A Yes.
17 Q But, if I understand your background, at -- in
18 2013, you were actually living in Hollis; is that correct?
19 A Yes.
20 Q Okay. So why were you in Oklahoma City on
21 November 5th, 2013?
22 A My daughter, who, as I said, had been diagnosed
23 with cancer, had been air-vacked from Hollis to Oklahoma
24 City when she had been found unconscious, so I was here
25 taking care of my daughter.

1 Q Okay. And this is -- oh, gosh -- Chy'nequa?
2 A Yes.
3 Q Okay. I meant to look and see what -- do you,
4 off the top of your head, know what day of the week
5 November 5th, 2013, was?
6 A No.
7 Q Okay. I meant to look. I'll look at my
8 calendar here.
9 Okay. I'm looking at a calendar here and I'll
10 show it to you, because I'm -- I'm not trying to trick
11 you. November 5th, 2013, was a Tuesday. Does that sound
12 about right to you? I'm going to show you my calendar.
13 So there's the year 2013.
14 A Okay.
15 Q And when I scroll down here to Nov-- to
16 November 5th, it shows -- on this calendar, it shows to be
17 a Tuesday. Does that sound right to you?
18 A The day of the incident, yes.
19 Q Yes, okay. On the day of the incident, how long
20 had you been up in Oklahoma City attending to your
21 daughter at the hospital?
22 A Overnight.
23 Q Okay. So you came up on Monday, November 4th?
24 A Yes.
25 Q Okay. What is -- if you recall, what was the

1 date that your daughter was found unconscious and
2 air-vacked to Oklahoma City? Was it Monday, November 4th?
3 A Yes.
4 Q Okay. Was her situation related to her cancer?
5 A Yes.
6 Q When you came up on November 4th, Monday, do you
7 remember where you stayed Monday night?
8 A In the hospital room.
9 Q Okay. All right. So that takes us to Tuesday,
10 November 5th, 2013, the day of the incident. I've read
11 your lawsuit, I've read some reports that relate to it,
12 but I would like for you to just tell me, in your own
13 words, the -- to, you know, explain to me, like I'm in
14 kindergarten, what occurred as it relates to your
15 interactions with Daniel Holtzclaw on November 5th, 2013.
16 MR. MUMINA: Counsel, let me just inquire. Are
17 you asking her for a narrative or are you going to ask
18 questions?
19 MS. GOOCH: I'm -- well, right now, I'm asking
20 her for a narrative, if she's okay explaining to me what
21 occurred. I'm -- I will have specific questions, I'm
22 sure, but -- are you okay with that?
23 MR. MUMINA: Well, no, I'm not. I mean, I think
24 you need to ask some questions.
25 MS. GOOCH: Okay.

1 Q (By Ms. Gooch) Do you recall what occurred on
2 November 5th, 2013?
3 A Yes.
4 Q Okay. Please tell me.
5 A I left to get food for my daughter.
6 Q I'm sorry, you left, what?
7 A To get food.
8 Q Oh, to get food?
9 A For my daughter.
10 Q Okay.
11 A While going to the food place to get the food,
12 Officer Holtzclaw ran up on me.
13 Q Okay.
14 A Snatched me up, pushed me against the wall, put
15 me in handcuffs. Slammed my face against the wall.
16 Q Okay.
17 A Was perverted.
18 Q Okay.
19 A Put me in his car, drove away with me. Took me
20 back to the scene. Put me out and said that they said it
21 wasn't me.
22 Q Okay. Thank you for that. I'm going to break
23 down just a few of the things that you said.
24 You said that Officer Holtzclaw ran up on you.
25 Could -- what do you mean when you say "he ran up on you"?

Page 50

1 A I exited my vehicle.
2 Q Okay.
3 A Walking into the food place. While going, I saw
4 him approaching with a flashlight shining and just
5 yelling, "Hey, you. Hey, you."
6 Q Okay.
7 A I didn't know who he was talking to. I
8 continued to walk to the building. By the time I reached
9 for the handle, he had rounded the corner, snatched me.
10 Q Okay. Do you recall the -- the name of the
11 restaurant that you're referring to?
12 A TJ's Fish.
13 Q Okay. At that time, November 5th, 2013, would
14 you say you were generally familiar with streets and
15 directions in the Oklahoma City area?
16 A Yes.
17 Q Okay. And how was that, just from having lived
18 here for a few years?
19 A Yes.
20 Q Okay. Do you recall a time frame that's -- that
21 this was -- this incident began occurring?
22 A I would say between 7:00 p.m., 8:30.
23 Q Okay.
24 A Because it was dark.
25 Q Okay. And that was going to be my next

Page 51

1 question: Was it dark?
2 A (Moved head up and down).
3 Q Is that a yes?
4 A Yes.
5 Q Okay. You said he was holding a flashlight,
6 turned on, so I presumed it must have been dark.
7 A Yes.
8 Q Okay. You mentioned some of the things that he
9 did. One of the things you said, "He was perverted."
10 Could you explain -- and I'm sorry to make you have to
11 discuss this, but I do have to ask you: Could you explain
12 what you mean when you say, "He was perverted"?
13 A Well, he had me against the wall. He had an
14 erection.
15 Q Okay. I'm going to ask some specific questions
16 about that. When you say you were "against the wall,"
17 were you face against -- was your -- you know, the front
18 of your body facing the wall?
19 A Yes.
20 Q Okay. Do you recall what you were wearing on
21 that occasion?
22 A Yes.
23 Q What were you wearing?
24 A Jeans.
25 Q Okay.

Page 52

1 A A burgundy shirt.
2 Q Okay.
3 MR. MUMINA: Is that all you were wearing?
4 THE WITNESS: No.
5 MR. MUMINA: Okay. Explain fully what you were
6 wearing.
7 A I, also, had on a black jacket.
8 Q (By Ms. Gooch) Okay. So I take it, from your
9 answer, you felt what, you -- you say, was an erection; is
10 that correct?
11 A Yes.
12 Q Okay. So you didn't see an -- is it -- is it
13 fair to say, you did not observe an erection?
14 MR. MUMINA: No, I'm going to object to that.
15 I...
16 Q (By Ms. Gooch) You --
17 MR. MUMINA: "Observe."
18 MS. GOOCH: Okay.
19 Q (By Ms. Gooch) You can answer the question, to
20 the best that you can. Did you observe Mr. Holtzclaw have
21 an erection, on this occasion, with your own eyes?
22 A I felt it.
23 Q Okay. Where, on your body, did you feel it?
24 A My butt.
25 Q Okay. Do you have -- how long did you feel this

Page 53

1 on you? A matter of seconds?
2 A No. I'd say a couple of minutes.
3 Q Okay. You -- again, I know this is -- this is
4 uncomfortable for me to discuss and I -- I apologize for
5 it.
6 If I understand you correctly, you're saying you
7 felt, what you believe was an erection from Mr. Holtzclaw,
8 on your -- on your bottom area, for two minutes; is that
9 what you're telling me?
10 A I'm telling you I felt an erection --
11 Q Okay.
12 A -- on my butt for approximately two minutes or
13 so.
14 Q Okay. When -- what happened when you no longer
15 felt it? Had he turned you around, had he -- try to
16 explain for me, please, what had -- when it stopped,
17 what's the next thing that occurred?
18 A He took me by my arm and ordered me to get on
19 the ground.
20 Q Okay. And did you do that?
21 A No.
22 Q Okay.
23 A I told him I couldn't.
24 Q Okay. What -- and why couldn't you?
25 A I have a bad knee.

1 Q Okay. So then what?
2 A He proceeds to take me to his vehicle.
3 Q Okay. Are you cuffed at this point?
4 A Yes.
5 Q Where are you cuffed?
6 A Behind.
7 Q Your wrists were cuffed behind your back
8 (indicating)?
9 A (Moved head up and down).
10 Q Is that a yes?
11 A Yes.
12 Q Okay. Were you -- and you've probably said
13 this, but I'm not sure. Were you cuffed behind your back
14 before you felt an erection?
15 A Yes.
16 Q Okay. While -- for this approximately two
17 minutes that you are feeling this erection, was he saying
18 anything? Was Holtzclaw saying anything?
19 A Yes.
20 Q Okay. What was he saying?
21 A "We'll find out. We'll find out."
22 Q Do you know what he was referring to?
23 A Yes.
24 Q Okay. What?
25 A I explained that I'm -- I just said, "I'm not

1 who you think I am."
2 Q Okay.
3 A He said, "We'll find out."
4 Q I'm taking it that, when this interaction with
5 Holtzclaw started, you had no idea what -- who he was
6 looking for or what he was looking for, because you had
7 done nothing wrong --
8 A Right.
9 Q -- is that fair?
10 A Yes.
11 Q Okay. Do you immediately try to explain to him
12 you're not who he thinks you are or you've done nothing
13 wrong or anything along those lines?
14 A Yes.
15 Q What do you recall saying to him?
16 A When he first grabbed me, I said, "Whoa, excuse
17 me, what's the problem?"
18 "Get up against the wall. Get up against the
19 wall."
20 Q Okay.
21 A I said, "Sir, if you can tell me who you think I
22 am or what you think I've done, I can assure you I'm not
23 the individual you are looking for." He continues to push
24 me against the wall, his forearm in my back.
25 Q Okay.

1 A Then he pulls my arm around, handcuffs me. He's
2 hard-pressed against me with his arm in my back while I'm
3 handcuffed, and that's when I felt the erection.
4 Q Okay. Do you recall if there was any -- strike
5 that.
6 This is outside the entrance to the restaurant;
7 is that correct?
8 A Yes.
9 Q Do you recall if there was anyone in the
10 vicinity that you believe may have or could have observed
11 what was going on?
12 A Yes.
13 Q Okay. Do you know any of those people?
14 A No.
15 Q Okay. Were they just patrons of the restaurant?
16 A Of the business behind.
17 Q Okay. Did anyone, to your recollection, while
18 this interaction between you and Holtzclaw is going on, to
19 your recollection, attempt, in any way, to intercede, to
20 speak to either of you, to ask, "Hey, what's going on
21 here, people," anything along those lines?
22 A No.
23 Q Okay. Do you recall if -- seeing if anyone was
24 standing there filming, using their -- using their phone
25 to video what was going on?

1 A No.
2 Q You don't recall or --
3 A I don't.
4 Q -- nobody was?
5 A I don't recall it.
6 Q Okay. All right. So does he -- picking back
7 up, when he tells you to get to the ground, you say you
8 can't, and you're telling me it's because of your knee,
9 and he takes you to the car. Does he walk side by side
10 with you to the car?
11 A More so behind me.
12 Q Okay. Is he escorting you, like putting his
13 hand on your arm area to lead you to the car (indicating)?
14 A Yes.
15 Q Okay. Approximately, if you can, how far from
16 the point of him pushing you against the wall, to where
17 his car is located, are we talking about?
18 A Maybe -- maybe five minutes.
19 Q Five -- five minutes to walk?
20 A No. Five minutes, total.
21 Q Okay. How about spacing from the -- from the
22 location where you're up against the wall, to where his
23 car is located, are you -- are we talking about 10 feet
24 away, are we talking about a block away? Approximately,
25 what's the distance between his car and your being pushed

1 up against the wall?
2 A I'm not good with measurements, but I can tell
3 you that it was from about this wall to the outer wall of
4 this office, of Tracy's desk.
5 Q Of this building over here?
6 A Yes.
7 Q Okay. So if I opened this door -- I'm just
8 going to do that for now, just for my benefit. So you're
9 saying from that wall to those windows, approximately?
10 A Yes.
11 Q Okay.
12 MS. GOOCH: Does anybody want to make an
13 estimate of that? I'm terrible at directions, as well.
14 Do you have an idea what you would say that is?
15 MR. MUMINA: Oh, maybe, 20 yards.
16 MS. GOOCH: Okay.
17 Q (By Ms. Gooch) So does that sound -- sound about
18 right to you, about 20 yards? That would be 60 feet. Can
19 you -- let me -- let me back up. I know I -- I didn't let
20 you answer that question, but can you picture a football
21 field? In your mind --
22 A Yes.
23 Q -- can you picture a football field? Okay.
24 So can you picture, in your mind, about 20 --
25 what 20 yards is, approximately?

1 A Yes.
2 Q Okay.
3 A That would be about right.
4 Q Okay. So you think it was about 20 yards from
5 the point where he's pushing you up against the wall to
6 the point where his patrol vehicle was located; is that
7 correct?
8 A Yes.
9 Q And, in fact, was it a marked patrol vehicle?
10 A Yes.
11 Q Okay. Was he in uniform?
12 A Yes.
13 Q At the time you initially see him and he is
14 holding his flashlight up to you, your initial observation
15 of him, do you recognize this person to appear, at least,
16 to be a law enforcement officer?
17 A Yes.
18 Q Did he ever tell you he was a law enforcement
19 officer?
20 A No.
21 Q Okay. So he takes you to the patrol vehicle.
22 Do you get in it?
23 A Yes.
24 Q Where -- where are you -- where do you enter it?
25 A He placed me into the back seat.

1 Q Okay. Then what?
2 A Drove away, went to a liquor store.
3 Q Okay. I'm sorry, let me stop you there for a
4 moment. There's nobody else in the vehicle, right?
5 A No.
6 Q Okay. While you're in the vehicle, driving to
7 the liquor store -- let's break that down for a moment.
8 Do you recall approximately how long we're talking about,
9 from -- pulls off and gets to the liquor store? A minute,
10 two minutes, 20 minutes?
11 A Maybe a minute.
12 Q Okay. In that approximate minute, did the two
13 of you speak to each other, at all, in the vehicle?
14 A No. I cried and prayed.
15 Q Okay.
16 A Out loud.
17 Q All right. Do you hear him talking to anybody,
18 like talking on the radio or --
19 A No.
20 Q -- communicating with somebody?
21 A Not at that point.
22 Q Do you hear radio traffic? Do you know what I
23 mean when I say "radio traffic"?
24 A Clarify.
25 Q Sure. I don't mean the radio, like music

1 playing. Do you hear, like, a police scanner? Were
2 people talking over a police scanner, talking police talk?
3 A Yes.
4 Q Okay. You do hear that?
5 A Yes.
6 Q Do you hear if he is talking back to the person
7 on the scanner?
8 A Not at that point, he wasn't.
9 Q Okay. Do you recall if the people on the
10 scanner were try- -- were talking to him?
11 A Not at that point.
12 Q Okay. All right. So you get to the liquor
13 store; is that correct?
14 A Yes.
15 Q Okay. What happens there?
16 A He got out of the car.
17 Q All right.
18 A Walked away. He --
19 Q And you remained in the car?
20 A Yes.
21 Q Okay. Then what?
22 A I hear him talking to people.
23 Q Okay. I'm sorry to interrupt. Let me stop you,
24 though.
25 Are you -- are the windows in your vehicle --

Page 62

1 or, I'm sorry, are the windows in the patrol vehicle
2 rolled up?
3 A I know that the two in the back were.
4 Q Okay. So, if you know, how were you able to
5 hear what's going on outside the vehicle?
6 A He's yelling.
7 Q Okay. And you said he was talking to some
8 people?
9 A Yes.
10 Q On a -- on a device, or somebody standing right
11 there?
12 A No, people at the liquor store.
13 Q Okay. Who -- were they uniformed officers?
14 A No.
15 Q Okay. Who were they? If you know.
16 A I would guess patrons of the business. I'm not
17 sure.
18 Q Okay. Out -- were they outside the liquor
19 store?
20 A Yes.
21 Q Okay. Do you remember how many there were?
22 A No.
23 Q Do you remember -- was there more than one?
24 A Yes.
25 Q Was there more than five?

Page 63

1 A Not certain.
2 Q Okay. Do you remember the -- either the race or
3 the gender of the people he was speaking with?
4 A They were black.
5 Q Okay. Do you know if they were male or female?
6 A Yes. A male, I remember specifically.
7 Q Okay. Do you remember if -- if any of those
8 people were female?
9 A I'm not certain.
10 Q Okay. What you remember is at least a black
11 male?
12 A Yes.
13 Q Okay. You say he's yelling. Can you hear --
14 make out what he's saying?
15 A Yes.
16 Q What are you -- what are you hearing?
17 A "Are you the one who called it in? Are you the
18 one who called it in?"
19 Q Okay. And what response are you -- are you
20 hearing a response?
21 A I hear the guy -- and that's why I say I
22 remember the one black guy -- he said, "Man, didn't nobody
23 call nothing in."
24 Q Okay.
25 A So...

Page 64

1 Q Then what's the -- what else do you recall
2 hearing?
3 A He came back to the car. I heard the radio
4 fuzzing and -- I believe the dispatcher said, "You're at
5 the wrong place," and I noticed her attitude.
6 Q Okay.
7 A I thought, "Oh, my God."
8 Q Let -- let me stop you there. What was -- do
9 you know the name of the liquor store?
10 A No.
11 Q Okay. You said you thought the dispatcher had
12 some attitude. What do you mean by that? I mean, I know
13 what you mean by "attitude" --
14 A Her tone.
15 Q -- but was it a negative attitude toward
16 Holtzclaw?
17 A I would have taken it as a negative attitude --
18 Q Okay.
19 A -- toward him.
20 Q All right. If you recall, had you heard him
21 report over or re- -- you know, speak out loud to
22 somebody, to say, "I am at Location XYZ"?
23 A No.
24 Q Okay. But you did hear somebody, that you think
25 was a dispatcher, say, "You're at the wrong location"?

Page 65

1 A Yes.
2 Q How -- how did she know he was at the wrong
3 location?
4 A I have no idea.
5 Q Okay. What was his response, if any, when she
6 tells him he's at the wrong location?
7 A He got back in the car, sped off, pulled out
8 into oncoming traffic. I screamed, "Oh, my God, he's
9 going to kill me."
10 Q Okay.
11 A He took me back to the place where he initially
12 picked me up.
13 Q Okay. All right. I want to back up a minute.
14 I must -- I may be confused in my own mind.
15 The -- you're sitting in the car, at the liquor
16 store. You hear the dispatcher say, "You're in the wrong
17 location." In my mind, I thought Holtzclaw was in the
18 vehicle when she said that. Am I mistaken?
19 A No, he was in the car.
20 Q Okay. He was in the car. So -- and is that --
21 is that communication that you heard, "You're in the wrong
22 location" -- is that before he gets out of -- of the
23 vehicle at the liquor store, or once he gets back in the
24 vehicle at the liquor store?
25 A After he got back in.

Page 70

1 A He didn't park at TJ's.
2 Q Okay.
3 A But he parked in the parking lot that TJ's was
4 located.
5 Q Okay. And then what happened?
6 A He ordered me out of the car.
7 Q Okay. And did you get out?
8 A Yes.
9 Q Did you need assistance in exiting the vehicle?
10 A Yes.
11 Q Okay. Did he assist you?
12 A Rudely, yes.
13 Q Okay. All right. And are you still handcuffed?
14 A Yes.
15 Q All right. So he -- he assists you getting out
16 in the -- of the vehicle. And then what?
17 A He walks away.
18 Q Okay.
19 A To another place where people are standing out.
20 I don't know what's said, what's done, but he turns
21 around, comes back, says, "Well, I'm going to let you go.
22 They said it's not you."
23 Q Okay. So when you say "he walks away to another
24 place," it -- what's -- what do you mean by "another
25 place"? Is it a different building, another

Page 71

1 establishment, is it just an area in the parking lot?
2 A No. Another establishment.
3 Q Okay. Do you recall what that establishment
4 was?
5 A I can tell you it was a market on the corner of
6 the same parking lot that TJ's --
7 Q Okay.
8 A -- is on.
9 Q Are you standing at the patrol vehicle while
10 he's walking to this place -- to the market?
11 A Yes.
12 Q You don't attempt to run, obviously?
13 A No.
14 Q Okay. Does he keep his eyes on you while he's
15 walking over to talk to the people at the market?
16 A No.
17 Q Do you recall how many people at the market
18 you -- you saw in that -- standing there?
19 A I can tell you, several.
20 Q I'm sorry?
21 A Several.
22 Q Okay. And were they outside the market?
23 A Yes.
24 Q Okay. About how far of a distance, to the best
25 of your estimate, from where you are standing --

Page 72

1 A Uh-huh.
2 Q -- at the patrol vehicle, to where the people
3 are standing outside the market?
4 A I would say maybe 30 yards.
5 Q Okay. So further than what we just motioned --
6 A Yes.
7 Q -- a moment ago?
8 All right. And you don't hear what's -- what's
9 said, you just hear voices; is that correct?
10 A No, I couldn't hear the voices.
11 Q Okay. You don't -- you don't hear anything?
12 A No.
13 Q Okay. When he pulls you -- or helps assist you
14 out of the vehicle, is he saying anything like, "Stop,
15 wait here, I'm going to go talk to these people and find
16 out what's going on," or anything like that?
17 A He said, "Get out the car."
18 Q Okay. Anything else?
19 A No.
20 Q Okay. How long does he stand and talk to the
21 people in the group outside the market?
22 A I'd say less than a minute.
23 Q Okay. And does he return to where you are?
24 A Yes.
25 Q And what does he say and do then?

Page 73

1 A He proceeds to unlock the handcuffs, said, "I'm
2 going to let you go. They said it's not you."
3 Q Okay. Did he say anything else?
4 A Not at that time.
5 Q Okay. Did he ever say anything else in your
6 presence?
7 A Yes.
8 Q Okay. What?
9 A When I asked him, I said, "Well, can you at
10 least tell me what you thought I had done to make you
11 treat me the way that you just did?"
12 "Oh, they said there was a stolen car matching
13 your car and the suspect was a black female, wearing a red
14 shirt and jeans."
15 Q Okay.
16 A I said, "So every black woman in Oklahoma City,
17 wearing a red shirt and jeans, is a car thief today?"
18 "Are you okay?"
19 And I said, "No, you just smashed my face
20 against a freaking concrete wall."
21 "Sorry about that."
22 Q Okay.
23 A That was it.
24 Q That conversation you just described, did that
25 occur after he had taken the handcuffs off of you?

1 ever talked to Mr. Solomon before today?
2 A No.
3 Q Talked to Mr. Hall before today?
4 A No.
5 Q Talked to Mr. Hammons before today?
6 A No.
7 Q Okay. I'm going to hand you what's been marked
8 as City's Exhibit No. 1.
9 MR. SOLOMON-SIMMONS: For the record, it's
10 Solomon-Simmons.
11 MR. SMITH: I'm very sorry, sir.
12 Q (By Mr. Smith) I'm going to hand you what's been
13 marked as Defendants' Exhibit No. 1 -- Defendant City's
14 Exhibit No. 1, if I can have the --
15 MS. GOOCH: Oh.
16 MR. SMITH: Yeah, thank you.
17 Q (By Mr. Smith) This is an article out of The
18 Guardian. Do you know what The Guardian is?
19 A No.
20 Q Have you ever seen this article before?
21 MR. SOLOMON-SIMMONS: Thank you, sir.
22 A No.
23 Q (By Mr. Smith) Take a minute, read it, if you --
24 if you want, but the reason I'd like to talk to you about
25 it is Page 4 of six --

1 MS. D'ANTONIO: And before we go there, I'd just
2 like, for the record, an objection as to a lack of
3 personal knowledge. She said she's never seen it before,
4 so if there's going to be questions regarding the
5 substance, I'd just like the record to reflect my
6 objection.
7 MR. SMITH: Well, that's fine, ma'am.
8 Q (By Mr. Smith) If you'll read -- if you'll go to
9 Page 4 of six. It seems to say, "With D.C.'s permission,
10 through her attorney, Cynthia D'Antonio, The Guardian
11 reviewed her medical records from the day of her alleged
12 assault." Do you see that?
13 A No.
14 Q Okay. I'm going to point it to you, ma'am.
15 It's the second full paragraph on Page 4 of six.
16 Were you aware of the fact that Ms. D'Antonio,
17 or at least it's reported, had let The Guardian read your
18 medical records?
19 A No.
20 Q Okay. Were you aware that Ms. Gooch wants your
21 medical records and I wouldn't give them to her, even
22 though she's representing a police officer?
23 A No.
24 MR. SOLOMON-SIMMONS: Object to the form.
25 Relevance.

1 MR. SMITH: I don't believe we've -- going to
2 object to relevance in a deposition.
3 MR. SOLOMON-SIMMONS: I believe I may, if I feel
4 like I need to. I'm not from Oklahoma City, sir.
5 MR. SMITH: The federal -- okay, so the federal
6 rules don't apply where you came from?
7 MR. SOLOMON-SIMMONS: No.
8 Q (By Mr. Smith) I'm going to hand you what's
9 been --
10 MR. SOLOMON-SIMMONS: You will not bully me for
11 where I came from.
12 MR. SMITH: Okay, I'm not trying to bully you,
13 sir.
14 MR. SOLOMON-SIMMONS: Oh, no.
15 MR. SMITH: We agreed, at the beginning of this
16 deposition, to the usual stipulations, which don't include
17 relevance, and we've allowed Ms. D'Antonio to ask
18 questions that weren't really relevant, so --
19 MR. SOLOMON-SIMMONS: Well, you should have made
20 your record.
21 MR. SMITH: I did make my record. It's called
22 you -- you don't waive them.
23 Q (By Mr. Smith) I'm going to hand you what's been
24 marked as Defendants' Exhibit No. 2 and ask you if you've
25 ever seen that document before, ma'am.

1 MS. D'ANTONIO: Thank you.
2 MR. SOLOMON-SIMMONS: Thank you, sir.
3 MR. SMITH: You're welcome. Don't try the stare
4 down.
5 MR. SOLOMON-SIMMONS: You are funny.
6 MR. SMITH: What?
7 MR. SOLOMON-SIMMONS: I said you are funny, sir.
8 MR. SMITH: Okay. Glad you think so.
9 Q (By Mr. Smith) Have you ever seen those, ma'am?
10 A Yes.
11 Q Okay. And for the record, what are they?
12 A Medical records.
13 Q Okay. Did you ever tell anybody, on the night
14 of this incident, at the hospital, that Daniel Holtzclaw
15 perverted you?
16 A Yes.
17 Q Who did you tell at the hospital?
18 A Lieutenant Brian Bennett.
19 Q Okay. When I meant from the hospital -- and
20 that was a poorly-worded question.
21 Did you tell anybody employed by the hospital
22 that Daniel Holtzclaw perverted himself?
23 A No.
24 Q Okay. So is that why it's not in these medical
25 records?

Page 186

1 MR. SOLOMON-SIMMONS: Let the record reflect
2 that Mr. Smith is being argumentative and bullying the
3 witness for no apparent reason.
4 MR. SMITH: And that's your interpretation and I
5 disagree with your interpretation. I'm asking her if
6 she'd like to hear the tape that she says doesn't exist.
7 MR. SOLOMON-SIMMONS: And the witness has alver-
8 -- already answered you and said, if you want to play it,
9 play it --
10 MR. SMITH: Right.
11 MR. SOLOMON-SIMMONS: -- and you continue to
12 badger her --
13 MR. SMITH: I'm not badgering her.
14 MR. SOLOMON-SIMMONS: -- unnecessarily and waste
15 our time.
16 MR. SMITH: I'm asking her if she'd like to hear
17 it.
18 MS. D'ANTONIO: Asked and answered.
19 A Yes.
20 MR. SOLOMON-SIMMONS: Let the record reflect
21 that Mr. Smith is menacing me for no apparent reason.
22 MR. SMITH: Mr. Smith is not menacing him for --
23 at -- for any reason.
24 MS. KATZ: Do you want me to play the tape?
25 MR. SMITH: She asked to hear the tape.

Page 187

1 (The 911 tape, marked as City Exhibit No. 8, was
2 played and transcribed by the court reporter as follows:)
3 THE DISPATCHER: Oklahoma City 911. What is
4 your emergency?
5 UNIDENTIFIED CALLER: I got a car up here that's
6 stolen. A lady is in it. I reported it stolen. It's up
7 here in front of a store.
8 THE DISPATCHER: Where are you at?
9 UNIDENTIFIED CALLER: I'm on -- I'm on 23rd and
10 the Martin Luther King at the Buy For Less store. I'm
11 right in front of the liquor store. I'm Clifford
12 Thornton.
13 THE DISPATCHER: So you're -- you're in front of
14 the liquor store?
15 UNIDENTIFIED CALLER: Uh-huh, in front of the
16 liquor store. I'm parked behind my car that was stolen.
17 It's a -- it's a Pontiac Aztec.
18 THE DISPATCHER: What color?
19 UNIDENTIFIED CALLER: White.
20 THE DISPATCHER: What's the tag number?
21 UNIDENTIFIED CALLER: The tag number is 206AAX.
22 THE DISPATCHER: Okay, just a minute. 206,
23 what?
24 UNIDENTIFIED CALLER: 2 -- 206AAX.
25 THE DISPATCHER: What's your case number, do you

Page 188

1 know?
2 UNIDENTIFIED CALLER: I have -- I forget the
3 case number. I don't know.
4 THE DISPATCHER: What is your name?
5 UNIDENTIFIED CALLER: My -- it's -- I'm Clifford
6 Thornton, but it's in my granddaughter's name, Peoria
7 Nash.
8 THE DISPATCHER: So this is your granddaughter's
9 car?
10 UNIDENTIFIED CALLER: Right.
11 THE DISPATCHER: And you said the vehicle is
12 occupied?
13 UNIDENTIFIED CALLER: Huh?
14 THE DISPATCHER: The vehicle is occupied?
15 UNIDENTIFIED CALLER: Yes, there's a lady in it
16 right now.
17 THE DISPATCHER: Okay. And you're parked behind
18 the vehicle?
19 UNIDENTIFIED CALLER: I'm parked behind the
20 vehicle right now.
21 (Unidentified female speaking to the caller in
22 the background and the Unidentified Caller responded to
23 her as follows:)
24 UNIDENTIFIED CALLER: Okay, okay, I don't -- I
25 under- -- I understand, I understand, I understand.

Page 189

1 Uh-huh. Yeah, yeah. Yeah, yeah.
2 (Thereafter, the 911 call resumed as follows:)
3 THE DISPATCHER: What kind of vehicle are you
4 in?
5 UNIDENTIFIED CALLER: I'm in a -- a Ford F-150
6 pickup, green.
7 THE DISPATCHER: Okay. Is she --
8 UNIDENTIFIED SPEAKER: Yes.
9 THE DISPATCHER: -- being cooperative?
10 UNIDENTIFIED CALLER: Uh-huh, she is. Uh-huh,
11 she's being cooperative. Yeah, she -- she didn't know.
12 She just -- he let her drive to the store.
13 THE DISPATCHER: So she was alone in the
14 vehicle?
15 UNIDENTIFIED CALLER: Huh?
16 THE DISPATCHER: She was alone in the vehicle?
17 UNIDENTIFIED CALLER: Well, she's with her kids.
18 THE DISPATCHER: Okay. But someone loaned her
19 the vehicle?
20 UNIDENTIFIED CALLER: Right. She gave -- she
21 handed me the keys.
22 THE DISPATCHER: All right. I mean, she
23 needs --
24 (The Unidentified Caller was speaking to the
25 unidentified female in the background as follows:)

Page 190

1 UNIDENTIFIED CALLER: You're -- you're not --
2 (Thereafter, the 911 call resumed as follows):
3 THE DISPATCHER: She needs to stay there, so she
4 can speak to an officer, okay?
5 UNIDENTIFIED CALLER: Yeah.
6 THE DISPATCHER: Will she do that?
7 UNIDENTIFIED CALLER: I -- I don't know if
8 she'll do that or not. I -- I don't know if she'll do
9 that or not. So she's --
10 THE DISPATCHER: What is she -- is she black,
11 white, Hispanic?
12 UNIDENTIFIED CALLER: She -- she's a black girl.
13 THE DISPATCHER: What is she wearing?
14 UNIDENTIFIED CALLER: Huh? She --
15 THE DISPATCHER: What --
16 UNIDENTIFIED CALLER: She's wearing -- she's
17 wearing a -- a red top with a -- with a hood on it and
18 jeans.
19 THE DISPATCHER: And how many kids does she have
20 with her?
21 UNIDENTIFIED CALLER: Two.
22 THE DISPATCHER: Is she staying there?
23 UNIDENTIFIED CALLER: No, she left.
24 THE DISPATCHER: She left, walking?
25 UNIDENTIFIED CALLER: Yes.

Page 191

1 THE DISPATCHER: Which direction?
2 UNIDENTIFIED CALLER: She left going up toward
3 the store.
4 THE DISPATCHER: Is that north, south, east or
5 west?
6 UNIDENTIFIED CALLER: I guess it would be west.
7 THE DISPATCHER: Okay. Did she give you a name?
8 UNIDENTIFIED CALLER: No, she didn't.
9 THE DISPATCHER: Okay. Let's see, here. The
10 officer en route to you is just right down the street,
11 okay?
12 UNIDENTIFIED CALLER: Okay.
13 THE DISPATCHER: All right. I'm going to go
14 ahead and disconnect with you.
15 UNIDENTIFIED CALLER: Okay.
16 THE DISPATCHER: Uh-huh.
17 UNIDENTIFIED CALLER: All right.
18 THE DISPATCHER: Bye.
19 (The 911 call, marked as City Exhibit 8,
20 concluded.)
21 Q (By Mr. Smith) Okay. Are you done with the
22 first paragraph on Page 3 of six?
23 A Yes.
24 Q Okay. On the second paragraph of Page 3 of six,
25 is there anything incorrect about those statements?

Page 192

1 A Okay, on the second paragraph, Page 3, it says
2 that he explained that I was detained for suspicion of
3 being associated with a stolen car investigation. That
4 was after I asked him if he would explain why he treated
5 me the way that he treated me.
6 He just said that, "There was a stolen car
7 matching a description of your car, and the suspect was a
8 black female, wearing a red shirt and jeans."
9 And I said, "Oh, so every black woman in
10 Oklahoma City today, wearing a red T-shirt and jeans, is a
11 car thief?" I said, "Okay, racial profiling."
12 Q Okay. When you said -- when you said the "he"
13 in that statement, were you saying Holtzclaw --
14 A Holtzclaw.
15 Q -- or Bennett?
16 A Daniel Holtzclaw.
17 Q Okay.
18 A I said, "Okay, racial profiling."
19 Q Okay. Anything else?
20 A He said that he was sorry -- it was sarcasm --
21 after -- after I said what I said to him.
22 Q Okay. Did you tell Bennett that you thought it
23 was sarcastic that he said he was sorry?
24 A I did.
25 Q Okay.

Page 193

1 A I told him exactly how he said it: "Oh, sorry
2 about that."
3 Q Okay. I just --
4 A Yeah, I did.
5 Q Okay. All right. I just --
6 A I did.
7 Q -- didn't know if -- okay. Go ahead.
8 A Yes.
9 Q Anything else about that paragraph?
10 A It says, "Mrs. Campbell said Officer Holtzclaw
11 told her that he was sorry. Mrs. Campbell told him that
12 she forgave him for his actions but that she thought that
13 what he did was wrong." I didn't tell him that.
14 Q You --
15 A I did not tell him that I thought what he did
16 was wrong.
17 Q Okay. Did you tell him that you forgave
18 Holtzclaw for Holtzclaw's actions?
19 A I told Hol- -- Holtzclaw, "I'll forgive you."
20 Q Okay. And did you tell that to Bennett?
21 A Yes.
22 Q Okay. But you didn't say, "and that -- but that
23 she thought what he did was wrong"?
24 A I didn't tell Holtzclaw --
25 Q Okay.

Page 202

1 Q -- it's the day of this incident that you've
2 been --
3 A The day of the incident.
4 Q Yeah. All right.
5 A Yes.
6 Q Are the ones that are -- have your name on top
7 of them posts that you made?
8 A Yes.
9 Q Okay. Nobody put your name to something you
10 didn't do?
11 A No.
12 Q Okay. You were asked about some of the victims'
13 names, asked if you knew them, but you weren't asked about
14 all of them, and I'm not sure -- I don't remember if
15 Ms. Gooch asked you if you'd talked to them, so I'm going
16 to ask you the names --
17 A Okay.
18 Q -- if you know them and if you've talked to
19 them. Sherri Ellis?
20 A No, don't know her.
21 Q Don't know her, don't talk -- haven't talked to
22 her?
23 A No.
24 Q And, I'm sorry, I couldn't pronounce Ms. Hill's
25 name to save my life. Do you know Mrs. Hill?

Page 203

1 S-H-A-R-D-A-Y-R-E-O-N.
2 A No, don't know her, haven't spoken with her.
3 Q Tabatha Barnes?
4 A No, don't know her, haven't spoken with her.
5 Q Yeah. Carla Raines?
6 A No, don't know her and haven't spoken with her,
7 either.
8 Q Have you spoken to any of these?
9 A No.
10 Q Okay.
11 A I don't know any of them.
12 Q Okay. Let me at least get the names out of
13 there, okay? Florene Mathis?
14 A No.
15 Q Rosetta Grate?
16 A No.
17 Q Reginald Copeland?
18 A No.
19 Q Regina Cope -- excuse me.
20 MS. RICHARDS: Regina.
21 MR. SMITH: Regina, I'm sorry. Ms. Copeland, I
22 apologize for butchering your name twice.
23 Q (By Mr. Smith) Do you know Ms. Copeland?
24 A No.
25 Q Syrita Bowen?

Page 204

1 A No.
2 Q Carla Johnson?
3 A No.
4 Q Adria (phonetic) Gardner?
5 A No.
6 Q Kala Lyles?
7 A No.
8 Q Jannie Ligons?
9 A No.
10 Q Terri Morris?
11 A No.
12 MR. SMITH: Okay. Pass the witness.
13 MS. D'ANTONIO: Okay. A couple questions.
14 FURTHER EXAMINATION
15 BY MS. D'ANTONIO:
16 Q I'm going to draw your attention to City
17 Exhibits -- Exhibit 3.
18 MR. SMITH: What is it? The med --
19 MS. D'ANTONIO: It's Dr. Akram's medical record.
20 MR. SMITH: Okay.
21 MS. D'ANTONIO: Okay.
22 Q (By Ms. D'Antonio) And, Ms. Campbell, I know you
23 said that you've never seen these actual documents before,
24 correct?
25 A Right.

Page 205

1 Q Do you know if each and every page of your
2 medical records with Dr. Akram were included in this
3 Exhibit 3?
4 A No.
5 Q Are these pages numbered?
6 A No.
7 Q But you testified that you did talk to Dr. Akram
8 about the perversion by Officer Holtzclaw, correct?
9 A Yes.
10 Q I want to draw your attention to Exhibit 3. And
11 on the first page, it says, here, "Very anxious and having
12 flashback with PTSD." Do you know exactly what Dr. Akram
13 was referring to or what you told him regarding a
14 flashback with PTSD?
15 A I told him that the incident with Holtzclaw, his
16 being perverted and erect, made me think about earlier
17 incidents in my life.
18 Q What type of earlier incident?
19 A I was raped.
20 Q So we've not talked about that. But it's your
21 testimony that that's probably what the doctor --
22 A Yes.
23 Q -- is referring to, that you told him?
24 A Yes.
25 Q Okay. You listened to a video that was --

1 (The 911 tape, marked as City Exhibit No. 8, was
2 played and transcribed by the court reporter as follows:)

3 **THE DISPATCHER:** Oklahoma City 911. What is
4 your emergency?

5 **UNIDENTIFIED CALLER:** I got a car up here that's
6 stolen. A lady is in it. I reported it stolen. It's up
7 here in front of a store.

8 **THE DISPATCHER:** Where are you at?

9 **UNIDENTIFIED CALLER:** I'm on -- I'm on 23rd and
10 the Martin Luther King at the Buy For Less store. I'm
11 right in front of the liquor store. I'm Clifford
12 Thornton.

13 **THE DISPATCHER:** So you're -- you're in front of
14 the liquor store?

15 **UNIDENTIFIED CALLER:** Uh-huh, in front of the
16 liquor store. I'm parked behind my car that was stolen.
17 It's a -- it's a Pontiac Aztec.

18 **THE DISPATCHER:** What color?

19 **UNIDENTIFIED CALLER:** White.

20 **THE DISPATCHER:** What's the tag number?

21 **UNIDENTIFIED CALLER:** The tag number is 206AAX.

22 **THE DISPATCHER:** Okay, just a minute. 206,
23 what?

24 **UNIDENTIFIED CALLER:** 2 -- 206AAX.

25 **THE DISPATCHER:** What's your case number, do you

PLAINTIFF'S
EXHIBIT

2

1 know?

2 **UNIDENTIFIED CALLER:** I have -- I forget the
3 case number. I don't know.

4 **THE DISPATCHER:** What is your name?

5 **UNIDENTIFIED CALLER:** My -- it's -- I'm Clifford
6 Thornton, but it's in my granddaughter's name, Peoria
7 Nash.

8 **THE DISPATCHER:** So this is your granddaughter's
9 car?

10 **UNIDENTIFIED CALLER:** Right.

11 **THE DISPATCHER:** And you said the vehicle is
12 occupied?

13 **UNIDENTIFIED CALLER:** Huh?

14 **THE DISPATCHER:** The vehicle is occupied?

15 **UNIDENTIFIED CALLER:** Yes, there's a lady in it
16 right now.

17 **THE DISPATCHER:** Okay. And you're parked behind
18 the vehicle?

19 **UNIDENTIFIED CALLER:** I'm parked behind the
20 vehicle right now.

21 (Unidentified female speaking to the caller in
22 the background and the Unidentified Caller responded to
23 her as follows:)

24 **UNIDENTIFIED CALLER:** Okay, okay, I don't -- I
25 under- -- I understand, I understand, I understand.

1 Uh-huh. Yeah, yeah. Yeah, yeah.

2 (Thereafter, the 911 call resumed as follows:)

3 **THE DISPATCHER:** What kind of vehicle are you
4 in?

5 **UNIDENTIFIED CALLER:** I'm in a -- a Ford F-150
6 pickup, green.

7 **THE DISPATCHER:** Okay. Is she --

8 **UNIDENTIFIED SPEAKER:** Yes.

9 **THE DISPATCHER:** -- being cooperative?

10 **UNIDENTIFIED CALLER:** Uh-huh, she is. Uh-huh,
11 she's being cooperative. Yeah, she -- she didn't know.
12 She just -- he let her drive to the store.

13 **THE DISPATCHER:** So she was alone in the
14 vehicle?

15 **UNIDENTIFIED CALLER:** Huh?

16 **THE DISPATCHER:** She was alone in the vehicle?

17 **UNIDENTIFIED CALLER:** Well, she's with her kids.

18 **THE DISPATCHER:** Okay. But someone loaned her
19 the vehicle?

20 **UNIDENTIFIED CALLER:** Right. She gave -- she
21 handed me the keys.

22 **THE DISPATCHER:** All right. I mean, she
23 needs --

24 (The Unidentified Caller was speaking to the
25 unidentified female in the background as follows:)

1 **UNIDENTIFIED CALLER:** You're -- you're not --
2 (Thereafter, the 911 call resumed as follows:)

3 **THE DISPATCHER:** She needs to stay there, so she
4 can speak to an officer, okay?

5 **UNIDENTIFIED CALLER:** Yeah.

6 **THE DISPATCHER:** Will she do that?

7 **UNIDENTIFIED CALLER:** I -- I don't know if
8 she'll do that or not. I -- I don't know if she'll do
9 that or not. So she's --

10 **THE DISPATCHER:** What is she -- is she black,
11 white, Hispanic?

12 **UNIDENTIFIED CALLER:** She -- she's a black girl.

13 **THE DISPATCHER:** What is she wearing?

14 **UNIDENTIFIED CALLER:** Huh? She --

15 **THE DISPATCHER:** What --

16 **UNIDENTIFIED CALLER:** She's wearing -- she's
17 wearing a -- a red top with a -- with a hood on it and
18 jeans.

19 **THE DISPATCHER:** And how many kids does she have
20 with her?

21 **UNIDENTIFIED CALLER:** Two.

22 **THE DISPATCHER:** Is she staying there?

23 **UNIDENTIFIED CALLER:** No, she left.

24 **THE DISPATCHER:** She left, walking?

25 **UNIDENTIFIED CALLER:** Yes.

1 **THE DISPATCHER:** Which direction?

2 **UNIDENTIFIED CALLER:** She left going up toward
3 the store.

4 **THE DISPATCHER:** Is that north, south, east or
5 west?

6 **UNIDENTIFIED CALLER:** I guess it would be west.

7 **THE DISPATCHER:** Okay. Did she give you a name?

8 **UNIDENTIFIED CALLER:** No, she didn't.

9 **THE DISPATCHER:** Okay. Let's see, here. The
10 officer en route to you is just right down the street,
11 okay?

12 **UNIDENTIFIED CALLER:** Okay.

13 **THE DISPATCHER:** All right. I'm going to go
14 ahead and disconnect with you.

15 **UNIDENTIFIED CALLER:** Okay.

16 **THE DISPATCHER:** Uh-huh.

17 **UNIDENTIFIED CALLER:** All right.

18 **THE DISPATCHER:** Bye.

19 (The 911 call, marked as City Exhibit 8,
20 concluded.)

21 **Q** **(By Mr. Smith)** Okay. Are you done with the
22 first paragraph on Page 3 of six?

23 **A** Yes.

24 **Q** Okay. On the second paragraph of Page 3 of six,
25 is there anything incorrect about those statements?

Incident Detail Report

Data Source: Data Warehouse
 Incident Status: Closed
 Incident number: 201311-0010493
 Incident Date: 11/5/2013 18:22:47
 Last Updated: 11/5/2013 20:38:27

Incident Information

Incident Type:	1-MAN	Alarm Level:	RECOVERED STOLEN VEHICLE
Priority:	P2 May Need Life/Prop Protect	Problem:	<63IM
Determinant:		Agency:	Oklahoma City Police Dept
Base Response#:	11052013-0054854	Jurisdiction:	SPRINGLAKE
Confirmation#:		Division:	SL1
Taken By:	TC0141-CRAVENS, TIFFANIE	Battalion:	C3
Response Area:	C3	Response Plan:	C3 1-MAN
Disposition:	3-VALID CALL NO REPORT	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Secondary TAC:	
Certification:		Delay Reason (if any):	
Longitude:	97476711	Latitude:	35493126

Incident Location

Location Name:	County:
Address:	Location Type:
Ne 23rd St / N Martin Luther King Ave	Oklahoma
Apartment:	Cross Street:
Building:	Map Reference:
City, State, Zip:	AAAA
OKC OK 73111	

Call Receipt

Caller Name:	Call Back Phone:
CLIFFORD	(405)496-2637
Method Received:	Caller Location:
Caller Type:	2801 N I-35 SERVICE RD - SW SECTOR

Time Stamps	Date	Time	User	Elapsed Times	Description	Time
Description						
Phone Pickup	11/5/2013	18:22:39				
1st Key Stroke	11/5/2013	18:22:47		Received to In Queue		00:00:33
In Waiting Queue	11/5/2013	18:23:20		Call Taking		00:03:31
Call Taking Complete	11/5/2013	18:26:18	TC0141-CRAVENS, TIFFANIE	In Queue to 1st Assign		00:00:47
1st Unit Assigned	11/5/2013	18:24:07		Call Received to 1st Assign		00:01:28
1st Unit Enroute				Assigned to 1st Enroute		
1st Unit Arrived	11/5/2013	18:26:49		Enroute to 1st Arrived		
Closed	11/5/2013	18:57:57	ET0086-THOMAS, ERICA A	Incident Duration		00:35:18

Resources Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
2C37	18:24:07	3-VALID CALL NO REPORT			18:26:49			18:57:57			

Personnel Assigned

Unit	Name
2C37	DH1782-HOLTZCLAW, DANIEL (1782)

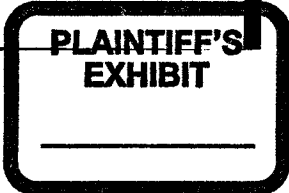
Pre-Scheduled Information
 No Pre-Scheduled Information

Transports
 No Transports Information

Transport Legs
 No Transports Information

Comments

Date	Time	User	Type	Conf.	Comments
------	------	------	------	-------	----------



11/5/2013	18:22:59	TC0141	Response	IN FRONT OF THE LIQUOR STORE
11/5/2013	18:23:06	TC0141	Response	WHITE PONTIAC
11/5/2013	18:23:11	TC0141	Response	RP SAYS THIS IS HIS STOLEN VEH
11/5/2013	18:23:27	TC0141	Response	TAG 206AAX
11/5/2013	18:23:35	TC0141	Response	DOESN'T HAVE THE CN WITH HIM
11/5/2013	18:23:50	TC0141	Response	THIS IS RP'S GRANDDAUGHTERS CAR
11/5/2013	18:23:57	TC0141	Response	SAYS THE VEH IS OCCUPIED
11/5/2013	18:23:59	TC0141	Response	FEMALE IN THE VEH
11/5/2013	18:24:13	TC0141	Response	RP IS PARKED BEHIND THE VEH SO IT CAN NOT LEAVE
11/5/2013	18:24:26	TC0141	Response	RP IS IN A GREEN FORD F150 1L01OPW5,MRID164213 0K05537W5 MKE/STOLEN VEHICLE ORI/0K0550600 LIC/206AAX LIS/0K LIY/2013 LIT/PC VIN/3G7DA03EX5S540671 VYR/2005 VMA/PONT VMO/AZT VST/4D VCOWHITE DOT/20131103 OCA/13093984 MIS/VICTIM - THORNTON, VIOLA \ KEY MISSING; HELLO KITTY STICK ER ON THE RIGHT MIS/SIDE OF THE BACK WINDOW; INTERIOR OF THE VEHICLE IS DECORATED IN HELLO KITTY OPT/OUT NIC/V706410235 DTE/20131103 2003 EST DLU/20131103 2003 EST ORI IS OKLAHOMA CITY PD 405 297-1188 IMMED CONFIRM RECORD WITH ORI RP SAYS THE FEMALE IS BEING CORROPITIVE...SAYS SHE WAS LOANED THE VEH FEMALE IS WITH HER KIDS ALSO SAYS FEMALE GAVE HIM THE KEYS BF LSW RED SHIRT WITH HOOD AND JEANS HAS 2 KIDS WITH HER FEMALE AND KIDS LEFT WALKING LSH WB FROM HERE UNITS ADVD 2C37 97 WA
11/5/2013	18:24:32	ET0086	Response	
11/5/2013	18:24:32	ET0086	Response	
11/5/2013	18:24:48	TC0141	Response	
11/5/2013	18:24:56	TC0141	Response	
11/5/2013	18:25:06	TC0141	Response	
11/5/2013	18:25:36	TC0141	Response	
11/5/2013	18:25:41	TC0141	Response	
11/5/2013	18:25:50	TC0141	Response	
11/5/2013	18:26:01	TC0141	Response	
11/5/2013	18:26:18	ET0086	Response	
11/5/2013	18:26:49	ET0086	Response	
11/5/2013	18:27:47	SYS	Response	[Appended, 18:28:05] Validity of address cannot be determined:7400 NE 36TH ST - SW SECTOR.
11/5/2013	18:28:05	LD9130	Response	Duplicate call appended to incident at 18:28:05
11/5/2013	18:29:20	ET0086	Response	2C37 IS THE CP STILL HERE...I POSS HAVE THE SUSP
11/5/2013	18:30:23	ET0086	Response	CP ADVD HE IS STILL AT THE LIQUOR STORE
11/5/2013	18:31:36	ET0086	Response	Secondary Location for 2C37: 2027 NE 23RD.
11/5/2013	18:31:54	ET0086	Response	Secondary Location for 2C37: 23/MLK.
11/5/2013	18:31:54	ET0086	Response	2C37 1015 1 FEMALE SM 01

Address Changes
No Address Changes

Priority Changes
No Priority Changes

Alarm Level Changes
No Alarm Level Changes

Activity Log

Date	Time	Radio	Activity	Location	Log Entry	User
11/5/2013	18:23:20		ANI/ALI Statistics		INT Insert:Nov 05 2013 18:22:36 / INT SendNP:Nov 05 2013 18:22:36 / WS RecvNP: / WS Process:Nov 05 2013 18:23:20	TC0141
11/5/2013	18:23:37		Read Incident		Incident 885 was Marked as Read.	ET0086
11/5/2013	18:23:37		Read Comment		Comment for Incident 885 was Marked as Read.	ET0086
11/5/2013	18:24:07	2C37	DP	Ne 23rd St / N Martin Luther King Ave	Response Number (11052013- 0054854)	ET0086
11/5/2013	18:24:59		Read Comment		Comment for Incident 885 was Marked as Read.	TC0141
11/5/2013	18:26:18		UserAction		User clicked Exit/Save	TC0141
11/5/2013	18:26:49	2C37	S	Ne 23rd St / N Martin Luther King Ave	97 WA	ET0086
11/5/2013	18:27:35		UserAction		User clicked Exit/Save	ET0086
11/5/2013	18:28:05		Duplicate Call Warning		Duplicate Call Warning - New call appended to incident	LD9130
11/5/2013	18:28:06		Read Comment		Comment for Incident 885 was Marked as Read.	LD9130
11/5/2013	18:28:33		UserAction		User clicked Exit/Save	LD9130
11/5/2013	18:29:07		Read Comment		Comment for Incident 885 was Marked as Read.	ET0086

11/5/2013 18:31:37	2C37	S2	207 NE 23RD	Incident ID = 14958885, 0, 0,	ET0086
11/5/2013 18:31:54	2C37	E2	23/MLK	Incident ID = 14958885, 0, 0, 1015#1	ET0086
11/5/2013 18:32:29		UserAction		FEMALE SM 01	
11/5/2013 18:37:43	2C37	S2	23/MLK	User clicked Exit/Save	ET0086
11/5/2013 18:57:57	2C37	A	23/MLK	Incident ID = 14958885, 0, 0,	VisiNET
11/5/2013 18:57:57		Response Closed	Ne 23rd St- N-Martin Luther King Ave		ET0086
11/5/2013 19:55:03		UserAction		User clicked Exit/Save	AH6154
11/5/2013 20:06:48		UserAction		User clicked Exit/Save	CI5825

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
11/5/2013	18:22:39	Address	(Blank)	2801 N I-35 SERVICE RD - SW SECTOR SPRINGLAKE	New Entry	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Jurisdiction		SL1	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Division		C3	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Battalion		C3	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Response_A		0	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	ResponsePl	0	0	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Address	2801 N I-35 SERVICE RD - SW SECTOR	NE 23RD ST / N MARTIN LUTHER KING AVE	Entry Verified	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Latitude	0	35493126	Entry Verified	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:22:47	Longitude	0	97476711	Entry Verified	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	Problem		RECOVERED STOLEN VEHICLE <63IM C3 1-MAN	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	Response_P		Default	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	DispatchLe		1	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	ResponsePl	0	2	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	Priority_D		P2 May Need Life/Prop Protect		Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	Priority_N	0	1-MAN	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:19	Incident_T		AT&T MOBILITY	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:20	Caller_Nam		AAAA		Response_Transports	PD911S0201	TC0141
11/5/2013	18:23:20	Pickup_Map		AAAA		Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:20	Map_Info		2513	Polygon Lookup	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:23:20	Caller_Bui		True	(Response View)	Response_Master_Incident	PD911S0201	ET0086
11/5/2013	18:23:37	Read Call	False	True	(Response View)	Response_Master_Incident	PD911S0201	ET0086
11/5/2013	18:23:37	Read Comme	False	True	(Response View)	Response_Master_Incident	PD911S0201	ET0086
11/5/2013	18:23:41	Caller_Nam	AT&T MOBILITY	CLIFFORD	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:24:59	Read Comme	False	True	(Response View)	Response_Master_Incident	PD911S0201	TC0141
11/5/2013	18:28:06	Read Comme	False	True	(Response View)	Response_Master_Incident	PD911S0201	LD9130
11/5/2013	18:29:07	Read Comme	False	True	(Response View)	Response_Master_Incident	PD911S0201	ET0086

Custom Time Stamps
No Custom Time Stamps

Custom Data Fields
No Custom Data Fields

Attachments
No Attachment



PLAINTIFF'S
EXHIBIT

3



exhibitstickers.com

Defendant City's
Exhibit

3



Incident Number : 201311-0010692
Call Initiated : 11/05/2013 19:51:35

Call Taken : 11/05/2013 19:52:21
Time In Q : 11/05/2013 19:54:31

Last Updated : 11/05/2013 20:33:17
Total Elapsed Time : 00:38:46

Active

Address:	700 Ne 13th St Eb	Problem:	OTHER TYPE CALLS <55
City:	OKC	ProblemCode:	55
Apt:		Building:	
Phone:	(405)271-3667	Ext:	
Cross Street:	NE 13TH ST MEDIAN NB/NE 13TH ST MEDIAN	Priority Desc:	P4 Misdemeanor Crime
Location:	FOR LT	PrimaryUnit	L220 m
Map Info:	AAAA	BackupUnits	
Resp Area:	C3	Division:	SL1
Sector:	SPRINGLAKE	SectorCode:	SL
Caller Type:		Caller Name:	SUSIE ANDERSON RN

Incident Comments

Date/Time	Disp	Conf	Comment
11/05/2013 20:15:30	ET0086		L220 ADVD
11/05/2013 20:10:28	CI5825		THIS WILL BE 2C37 CALL
11/05/2013 19:54:48	AH6154		WILL BE IN TRIAGE .. NO ROOM NO
11/05/2013 19:54:25	AH6154		DEMETRIA BROWN IS IN PRESBY FOR TREATMENT REF MI 10493 ... SAYS SHE WAS ROUGHED UP BY OFFCRS REF THIS AND WANTS TO SPEAK TO A SUPERVISOR



OU MEDICAL CENTER
Presbyterian Tower
700 Northeast 13
Oklahoma City, OK 73104

Clinical Report - Physicians/Mid Levels

Patient Name: BROWN, DEMETRIA
Account Number: E00645964354
MRN: E002613243
Sex: F Age: 43y
Registration Date: 11/05/2013 19:32
Arrival Date: 11/05/2013 19:32

ADDITIONAL NOTES

Weight: 149.6 kg. Height: 63 inches. BMI: 58.4.

LABS, X-RAYS, AND EKG

Pulse Oximetry: O2 saturation- 96% 1933 (FIO2 - room air). Interpretation: normal.

PROGRESS AND PROCEDURES

Course of Care: 1933 BP: 147 / 90. HR: 127. RR: 16 regular. Temp: 36.4.
O2 saturation: 96 % room air.

I, Dr. Lilly, personally performed the services described in this documentation, as scribed by Shelbi Swyden in my presence, and it is both accurate and complete..

For referrals to any of the OU Medical Center affiliated clinics- Please allow three to four weeks to be contacted by phone or mail regarding your appointment. If you have not been contacted by the clinic at the end of this time frame, please call the clinic number provided.

Follow-up with your regular doctor within 3 days if you are not improving, return to the Emergency Department if your symptoms are worsening.

We evaluated and treated you today on an emergency basis only. Tell your doctor about any continuing or new problems. It is important to follow-up with your physician or with the physician we referred you to. If you have any new concerning or worsening symptoms and you cannot see your physician in a timely manner, return to the Emergency Department for re-evaluation.

CULTURE REPORTS: If you had cultures drawn, you will be notified of your

PATIENT NAME: BROWN, DEMETRIA

ACCOUNT #: E00645964354

culture report only if further treatment is recommended by the ED Physician.



You may obtain a copy of your culture results from our Medical Records Release of Information Department Monday Friday 8:00 am 5:00 pm (405 271 6892). Records must be obtained in person and a picture ID will be required. Fax number for Medical Records Release of Information is 405-271-3072.

RADIOLOGY STUDIES: If you had x-rays (or other radiological studies) during your visit, our interpretation of your x-rays may be a preliminary reading by the emergency department physician or radiologist. It is your responsibility to follow up with your primary care physician or the physician to whom you were referred at the time of discharge, as the final review may show incidental or additional findings. If you are required to have your x-ray images for follow up care, please call the radiology department at 405-271-8100, ext 30881 Monday Friday 8:00 am 5:00 pm for assistance. There is a required 24 hour notice prior to pick up.

WORK/SCHOOL EXCUSE GIVEN YES
Based on your emergency visit, you have been given 2 DAYS OFF FROM WORK/SCHOOL (unless otherwise provided in a specific work release note). If you need more time off, please follow up with your primary care physician or the follow-up physician given to you at the time of your emergency visit.

PHYSICIAN REFERRALS: If needed, you will be referred to a physician for follow-up care or you may choose to follow-up with your own physician. In addition, you may find our Physician Finder helpful. The contact number is 405-271-5000.

Thank you, the Emergency Department Staff and Providers at OUMC

(Electronically signed by Lilly, Travis, MD 11/06/2013 3:11)

Any laboratory data incorporated in this document has been entered by the emergency clinician and may have been summarized or otherwise modified. The original full report is available in Meditech. Please refer to PCI for the Performing site information.

Arrived- By private vehicle. Historian- patient.

HISTORY OF PRESENT ILLNESS

Chief Complaint- REPORTED PHYSICAL ASSAULT (Patient reports that an OKC policer officer wrongly detained her, cuffed her, and pushed her face into a concrete wall. She states that he then roughly placed her in the back of her car. He eventually found he had the wrong person and released her.). Location of injuries- face. This occurred just prior to arrival.

Reported assailant (OKC police officer.). The patient was reportedly pushed. Occurred on a street. (TJ's fish place.).

The patient complains of severe pain. The patient sustained a blow to the

PATIENT NAME: BROWN, DEMETRIA

ACCOUNT #: E00645964354

head. No loss of consciousness, alcohol consumed or seizure. Not dazed.

REVIEW OF SYSTEMS

The patient has had a headache. No numbness, dizziness, loss of vision, hearing loss or chest pain. No difficulty breathing, weakness, nausea or vomiting. All systems otherwise negative, except as recorded above.

PAST HISTORY

See nurses notes. Last tetanus immunization greater than 10 years ago.

Medications:

None..

Allergies:

Penicillins..

SOCIAL HISTORY

Nonsmoker. No alcohol use or drug use.

ADDITIONAL NOTES

The nursing notes have been reviewed.
Weight: 149.6 kg. Height: 63 inches. BMI: 58.4.

PHYSICAL EXAM

Appearance: Alert. Oriented X3. No acute distress.

Vital Signs: Blood pressure: 147 / 90. Heart rate: 127. Oxygen saturation: 96 % room air.

Head: Head tender. Swelling of head present. Forehead: moderate tenderness and mild swelling.

Eyes: Pupils equal, round and reactive to light. EOM intact. Left periorbital area: moderate tenderness, mild swelling and small abrasion of the lateral aspect and supraorbital area of the periorbital area (Patient has what appears to be gray concrete dust on her left forehead.). No erythema, puncture wound or foreign body. No laceration, ecchymosis or deformity.

ENT: No dental injury. Pharynx normal.

Neck: Neck non-tender. Painless ROM.

CVS: Heart sounds normal. Pulses normal.

Respiratory: Breath sounds normal. Chest nontender.

Abdomen: No visible injury. Soft and nontender. Bowel sounds normal.

Back: No tenderness. ROM normal.

Skin: Skin intact. Skin warm and dry.

Extremities: Abnormal inspection. Extremities not atraumatic. Right shoulder: mild tenderness located in the anterior aspect of the shoulder. Limited ROM due to pain (diminished abduction and adduction). Neurovascular intact distally. No erythema, swelling, laceration, abrasion or puncture wound. No foreign body. No joint effusion. Right wrist: mild tenderness located in the area of the radial styloid and ulnar styloid and dorsal aspect of the wrist. No erythema, swelling, laceration, abrasion or ecchymosis. No puncture wound. Pelvis stable. No lower extremity edema.

Neuro: Oriented X 3. No motor deficit. No sensory deficit.

PROGRESS AND PROCEDURES

Course of Care: 20:19. Patient is stable.

20:19. Discussed with ED Physician..

Patient counseled in person regarding the patient's condition, diagnosis and

PATIENT NAME: BROWN, DEMETRIA

ACCOUNT #: E00645964354

need for follow-up. Concerns were addressed.

Disposition: Discharged home in good condition.

CLINICAL IMPRESSION

Physical assault.

Contusion to the head and face, right shoulder and right wrist.

INSTRUCTIONS

Apply ice intermittently (15-20 minutes at a time 4-6 times daily). Do not work for two days.

Warnings: GENERAL WARNINGS: Return or contact your physician immediately if your condition worsens or changes unexpectedly, if not improving as expected, or if other problems arise.

Prescription Medications:

vicodin 5 / 500 mg: take 1 to 2 orally every 6 hours as needed for pain. Dispense fifteen (15). No refills. Generic substitute OK.

Follow-up:

Follow up with your doctor in two days. Call for an appointment.

Understanding of the discharge instructions verbalized by patient.

For referrals to any of the OU Medical Center affiliated clinics- Please allow three to four weeks to be contacted by phone or mail regarding your appointment. If you have not been contacted by the clinic at the end of this time frame, please call the clinic number provided.

Follow-up with your regular doctor within 3 days if you are not improving, return to the Emergency Department if your symptoms are worsening.

We evaluated and treated you today on an emergency basis only. Tell your doctor about any continuing or new problems. It is important to follow-up with your physician or with the physician we referred you to. If you have any new concerning or worsening symptoms and you cannot see your physician in a timely manner, return to the Emergency Department for re-evaluation.

CULTURE REPORTS: If you had cultures drawn, you will be notified of your culture report only if further treatment is recommended by the ED Physician. You may obtain a copy of your culture results from our Medical Records Release of Information Department Monday Friday 8:00 am 5:00 pm (405-271-6892). Records must be obtained in person and a picture ID will be required. Fax number for Medical Records Release of Information is 405-271-3072.

PATIENT NAME: BROWN, DEMETRIA

ACCOUNT #: E00645964354

RADIOLOGY STUDIES: If you had x-rays (or other radiological studies) during your visit, our interpretation of your x-rays may be a preliminary reading by the emergency department physician or radiologist. It is your responsibility

**OKLAHOMA CITY POLICE DEPARTMENT
SUPPLEMENTAL NARRATIVE REPORT**

CASE NO. 13-93984		CRIME OR INCIDENT Stolen vehicle recovery/UOF				<input checked="" type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION	
INV	NAME (Last, First, Middle)	DATE OF BIRTH	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT		
RESIDENCE ADDRESS (City, State, Zip)			RESIDENCE PHONE	DRIVER'S LICENSE NO.	STATE		
BUSINESS ADDRESS (City, State, Zip)			BUSINESS PHONE	SOCIAL SECURITY NO.			

On 11-5-2013 at 20:32 hours, I was an on duty Springlake patrol supervisor and I conducted a use of force follow up investigation regarding a contact that officer Daniel Holtzclaw with a woman named Demetria Campbell. I went to the hospital and spoke with Mrs. Campbell and I later spoke with Officer Holtzclaw. After I conducted my interviews, I completed my use of force administrative investigation reports as required. I submitted my paperwork through my chain of command.

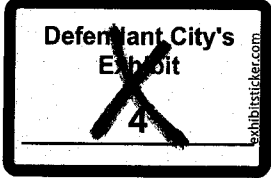
On 9-21-2015 at 16:15 hours, I was on duty and received an e-mail from Major Jennings asking me to complete a supplemental report in reference to my conversation with Mrs. Campbell.

When I received the call in reference to Mrs. Campbell I responded to the E.R. at Presbyterian Hospital to speak with her. I learned that Mrs. Campbell was in the waiting room so I asked he staff to provide us a room so that we could speak in private. I asked Mrs. Campbell to explain to me what happed between her and Officer Holtzclaw. I took notes on the conversation but I did not record the conversation. I later transcribed my notes into my administrative report and I destroyed my notes which is my common practice. I remember the conversation, but I do not remember every detail of the conversation so the following is an excerpt from my original report that I completed for my administrative investigation:

Mrs. Campbell said she was upset with Officer Holtzclaw because she thought that he used unnecessary force by placing her against a wall while he was handcuffing her. Campbell described her version of the series of events that took place during this encounter. Mrs. Campbell said that she had gone to a seafood restaurant to pick up a to go order when she was approached by Officer Holtzclaw. Mrs. Campbell said she was walking up to the business and already out of her car when Officer Holtzclaw approached and started yelling for someone to 'come here!' Mrs. Campbell said she did not think he was talking to her because she was not doing anything improper, so she went on about her business. Mrs. Campbell mentioned there were other people out and about in the parking lot and she thought that Officer Holtzcalw was talking to someone else.

Campbell said that Holtzclaw followed her into the store yelling at her. Mrs. Campbell said she was surprised that he was talking to her in such an aggressive manner. Mrs. Campbell said she repeatedly asked Officer Holtzclaw what was going on and why he was stopping her. Officer Holtzclaw gave her no explanation. Mrs. Campbell said that Holtzclaw was harsh and forceful with her and he pulled her out of the store by her arm. Mrs. Campbell said Officer Holtzclaw pushed her up against the wall face first and handcuffed her. Mrs. Campbell said that she repeatedly asked Officer Holtzclaw for an explanation as to what was going on but he refused to tell her. Mrs. Campbell said she was so scared that she urinated in her pants.

Officer Bennett, Brian K	Digitally signed by Bennett, Brian K DN: cn=Bennett, Brian K, email=brian_kennett@okc.gov, Date: 2015.09.21 17:33:20 -0500	Comm # 1350	Report Date 9-21-2015
-----------------------------	---	----------------	--------------------------



**OKLAHOMA CITY POLICE DEPARTMENT
SUPPLEMENTAL NARRATIVE REPORT**

PAGE 2 OF 2

CASE NO. 13-93984		CRIME OR INCIDENT Stolen vehicle recovery/UOF				<input checked="" type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION	
INV	NAME (Last, First, Middle)	DATE OF BIRTH	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT		
RESIDENCE ADDRESS (City, State, Zip)			RESIDENCE PHONE	DRIVER'S LICENSE NO.	STATE		
BUSINESS ADDRESS (City, State, Zip)			BUSINESS PHONE	SOCIAL SECURITY NO.			
<p>Campbell said that Officer Holtzclaw walked her to his patrol car and had her sit in the backseat. Mrs. Campbell said he drove off with her to another location on the other side of the parking lot. Mrs. Campbell said Officer Holtzclaw went and talked to someone that told him that she was not the person that he was looking for.</p> <p>Mrs. Campbell said only after Officer Holtzclaw learned that she was not the person that she was looking for, he explained that she was detained for suspicion of being associated with a stolen car investigation. Mrs. Campbell said Officer Holtzclaw told her that he was sorry. Mrs. Campbell told him that she forgave him for his actions but that she thought that what he did was wrong. Mrs. Campbell said she was never offered an ambulance and she had injuries to her forehead, lip, and face from where she was pushed up against the wall and her right wrist was hurting from the handcuffs. Campbell said once she was free to leave she walked away.</p> <p>Campbell was upset because Officer Holtzclaw never asked her for proof of ownership for her car. Mrs. Campbell said she could have easily avoided the entire situation because she carries her car title with her in her purse. I tried to explain to her that the call was not in reference to her car and that it was about a different car in question.</p> <p>I took photos of Mrs. Campbell including photos of her forehead and her right wrist. I asked Mrs. Campbell if there was anything else she thought that I needed to know about the incident Mrs. Campbell said that was everything. I gave her one of my business cards and thanked her for her time. This concluded the interview.</p> <p>I can say with certainty that I remember, while I was speaking with Mrs. Campbell she did not make any statements to me that her complaint about Officer Holtzclaw was sexual in nature. She did not say anything to me about any sexual misconduct on behalf of Officer Holtzclaw. A complaint of that nature would have required me to make additional notifications to my chain of command and follow different protocols.</p>							
			Officer Lt. B. Bennett	Comm # 1350	Report Date 9-21-2015		

Office

920 N. 8th St
 Hollis, OK 73550
 Phone: (580) 688-2200
 Fax: (580) 688-2229
 Contact Phone: (580) 688-2200

DEMETRIA M CAMPBELL**Patient #:** 4152FF386C68**DOB:** [REDACTED] (45 years)**Date of Encounter:** 11/11/2013 04:44 PM**History of Present Illness**

Akram Abraham, MD 11/23/2013 02:17 PM

The patient is a 43 year old female

report she was assaulted by police officer @ OK city while the patient was with her daughter in the hospital, she reported she went to get some food during that time after she got out of the car immediately she was handcuffed and pushed to the wall and her head hit the wall very hard , also her knee hit very hard . she was placed in the police car while handcuffed , after she was released by the police officer when he found she was not the person need to be arrested , she went to ER and had CT head and told she has hemotympanum left side . she still have sever dizziness and headache sever shoulder pain and very sever knee pain , she is limping very anxious and having flash back with PTSD

History

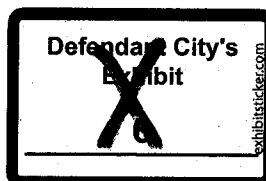
Akram Abraham, MD 11/23/2013 02:23 PM

Allergy

PENICILLINS; Note: this allergy is not being included in drug screening. Please inactivate this item and re-enter it to enable screening.

Past Medical

- 909.2 LATE EFFECT OF RADIATION (909.2 | T66.XXXS)
- C - Depression (290.13 | G30.0)
- C - ACUTE SINUSITIS UNSPEC (461.9)
- 174.9 MALIG NEO BREAST UNSPEC (174.9)
- 906.9 LATE EFFECT OF BURN UNSPEC (906.9)
- C - INSOMNIA UNSPECIFIED (780.52 | G47.00)
- 530.81 GERD (530.81 | K21.9)
- C - LATE EFFECT OF RADIATION (909.2 | T66.XXXS)
- 486 PNEUMONIA ORGANISM UNSPEC (486 | J18.9)
- 493.82 COUGH VARIANT ASTHMA (493.82 | J45.991)
- 949.0 BURN UNSPECIFIED (949.0 | T30.0)
- C - ANXIETY STATE UNSPECIFIED (300.00 | F06.4)
- 611.72 LUMP OR MASS IN BREAST (611.72)
- C - UNSP CELLULITIS/ABSCESS (682.9)
- 611.71 MASTODYNIA (611.71)
- 466.0 ACUTE BRONCHITIS (466.0 | J20.9)
- 462 ACUTE PHARYNGITIS (462 | J02.9)
- C - JOINT PAIN LEG (719.46 | M25.569)
- 786.59 OTHER CHEST PAIN (786.59)
- 782.3 EDEMA (782.3 | R60.9)
- 327.23 OBSTRUCTIVE SLEEP APNEA (327.23)
- C - BURN UNSPECIFIED (949.0 | T30.0)
- C - PAIN IN LIMB (729.5 | M79.609)
- C - ACUTE PHARYNGITIS (462 | J02.9)
- 461.9 ACUTE SINUSITIS UNSPEC (461.9)
- 493.90 ASTHMA UNSPECIFIED (493.90 | J45.909)
- C - ACUTE BRONCHITIS (466.0 | J20.9)



Other Medical History

arthritis conditions, Admits
Back Pain Admits
Breast cancer 2011
Dizziness Admits
Hypothyroidism Admits
irritable bowel syndrome (IBS) Admits
migraines Admits
morbid obesity Admits
neck pain Admits

Social

Alcohol use Denies
Tobacco use Denies
illegal drug use Denies
STD history Denies

Family

Runs in the family Hypertension

Past Surgical

Appendectomy
Hysterectomy 1991
knee replacement
thyroidectomy
Tonsillectomy

Review of Systems

Akram Abraham, MD 11/23/2013 02:17 PM

General: Note: 14 system ROS done and unremarkable except chief complaint.

Skin: Note: unremarkable except chief complaint.

HEENT: Note: unremarkable except chief complaint.

Neck: Note: unremarkable except chief complaint.

Respiratory: Note: unremarkable except chief complaint.

Breast: Note: unremarkable except chief complaint.

Cardiovascular: Note: unremarkable except chief complaint.

Gastrointestinal: Note: unremarkable except chief complaint.

Musculoskeletal: Note: unremarkable except chief complaint.

Neurological: Note: unremarkable except chief complaint.

Psychiatric: Note: unremarkable except chief complaint.

Endocrine: Note: unremarkable except chief complaint.

Hematology: Note: unremarkable except chief complaint.

ROS unremarkable with exception of chief complaint.

Vitals (nurse Cadie Martinez; 11/11/2013 04:46 PM)

11/11/2013 04:44 PM

Temp.: 99.1 °F (Temporal) **Pulse:** 96 (Regular) **Resp.:** 20 (Unlabored) **P. OX:** 98% (Room air)

BP: 132/80 Electronic (Sitting, Left Arm, Standard)

Physical Exam

Akram Abraham, MD, 11/23/2013 02:21 PM

General

in no acute distress

Integumentary

inspection of skin, normal finding *Inspection of skin reveals no abnormalities, and overall; no rash or lesions.

Head and Neck

normal exam *Except neck pain.

Eye

normal, exam *Pupil exam reveals round and reactive pupils without afferent pupillary defect.

ENMT

*Examination of oropharynx reveals no abnormalities, *Inspection of nasal mucosa, septum and turbinates reveals no abnormalities, and *Otoscopic examination reveals no abnormalities with left hemotympanum.

Chest and Lung Exam

axillae palpation, examination chest wall are normal. Auscultation of lungs reveal clear lung fields and no rubs noted.

Breast

no reported abnormalities , non visible

Cardiovascular

*heart auscultation reveals normal S1 and S2 and no murmurs, gallop, rubs, or clicks.

Abdomen

normal finding, abdomen soft, nontender, bowel sounds present x4 without palpable masses. no CVA tenderness

Rectal - Did not examine.

Peripheral Vascular

no ` abnormality noticed

Neurologic

No abnormalities noted and overall; deep tendon reflexes intact.

Neuropsychiatric

orientation/consciousness, normal finding, Normal exam.

Musculoskeletal

*No abnormalities noted, both spine or joint; except back and neck pain with limited range of motion. sever right shoulder pain and sever bilateral knee pain

Lymphatic

normal finding, No lymphadenopathy.

Assessment & Plan (Akram Abraham, MD; 11/23/2013 02:34 PM)

Hematotympanum, left (381.03 | H65.112)

Current Plans:

Knee pain (719.46 | M25.569)

Current Plans:

Shoulder pain, right (719.41 | M25.511)

Current Plans:

Anxiety (300.00 | F41.9)

Current Plans:

Headache (784.0 | R51)

Current Plans:

- INJECTION, DEXAMETHASONE SODIUM PHOSPHATE, 1MG (J1100) x 4 with admistration (96372) x 1 ; Routine ()
- INJECTION, KETOROLAC TROMETHAMINE, PER 15 MG (J1885) x 4 with 96372; Routine ()
- Started TIZANidine HCl 4MG, 1 (one) Tablet every six hours, as needed, #50, 30 days starting 11/11/2013, No Refill.
- Started Mobic 15MG, 1 (one) Tablet daily, #90, 90 days starting 11/11/2013, No Refill.
- Started Ultram 50MG, 1 (one) Tablet every six hours, as needed, #50, 30 days starting 11/11/2013, No Refill.
- Started Xanax 0.5MG, 1 (one) Tablet every six hours, as needed, #50, 30 days starting 11/11/2013, No Refill.
- Restarted Medrol (Pak) 4MG, 1 Tablet(s) as dircted, #21, 6 days starting 11/11/2013, No Refill.
- Side effects were discussed. Pt was given the opportunity to ask questions and all questions were answered. Pt was instructed if ther is any problems to come back immediately.

The encounter was completed by Akram Abraham MD.



Amended

Case#:

CF14005869

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

State of Oklahoma

VS.

DANIEL K HOLTZCLAW

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

SEP 26 2014

TIM RYODES
COURT CLERK

PLAINTIFF,

INFORMATION

DEFENDANT.

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW
DAVID W. PRATER THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN
AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE
DISTRICT COURT THAT

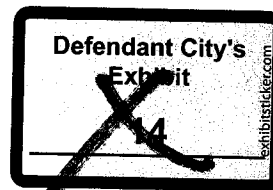
COUNT 1: ON OR ABOUT THE 27TH DAY OF FEBRUARY, 2014, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND FELT THE BODY OR PRIVATE PARTS OF T.B., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS AND WITHOUT THE CONSENT OF T.B., TO-WIT: BY DANIEL K. HOLTZCLAW TOUCHING THE BARE BREASTS OF T.B. WITH HIS HAND WITHOUT HER CONSENT AFTER DANIEL K. HOLTZCLAW HAD DETAINED HER, CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 2: ON OR ABOUT THE 14TH DAY OF MARCH, 2014, A.D., THE CRIME OF PROCURING LEWD EXHIBITION WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WHO, WILLFULLY AND LEWDLY DIRECTED, PROCURED, AND/OR COUNSELED C.R. , TO EXPOSE HER BARE BREASTS TO THE VIEW OF DANIEL K. HOLTZCLAW FOR THE PURPOSE OF SEXUAL STIMULATION OF DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1021(A)(2) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 3: ON OR ABOUT THE 25TH DAY OF MARCH, 2014, A.D., THE CRIME OF BURGLARY IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, BROKE AND ENTERED THE DWELLING HOUSE OF T.B. LOCATED AT 1530 N.E. 15TH STREET, OKLAHOMA CITY, WHILE TERRY WAYNE WILLIAMS WAS INSIDE THE HOUSE, BY THE DEFENDANT OPENING A CLOSED DOOR AND WITH THE INTENT TO COMMIT INDECENT EXPOSURE, PURSUANT TO TITLE 21, SECTION 1021(A)(2) OF THE OKLAHOMA STATUTES, AND/OR SOME OTHER SEXUAL ASSAULT UPON T.B., ALL IN VIOLATION OF TITLE 21, SECTION 1431 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 4: ON OR ABOUT THE 25TH DAY OF MARCH, 2014, A.D., THE CRIME OF PROCURING LEWD EXHIBITION WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY AND LEWDLY DIRECTED, PROCURED, AND/OR COUNSELED T.B., TO EXPOSE HER BARE BREASTS TO THE VIEW OF DANIEL K.

Report Date and Time: 09/26/2014 11:09



HOLTZCLAW FOR THE PURPOSE OF SEXUAL STIMULATION OF DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1021(A)(2) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

- COUNT 5 : ON OR ABOUT THE 25TH DAY OF MARCH, 2014, A.D., THE CRIME OF PROCURING LEWD EXHIBITION WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY AND LEWDLY DIRECTED, PROCURED, AND/OR COUNSELED T.B., TO EXPOSE HER BARE VAGINA TO THE VIEW OF DANIEL K. HOLTZCLAW FOR THE PURPOSE OF SEXUAL STIMULATION OF DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1021A)(2) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 6 : ON OR ABOUT THE 26TH DAY OF MARCH, 2014, A.D., THE CRIME OF STALKING WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, MALICIOUSLY, AND/OR REPEATEDLY FRIGHTENED, INTIMIDATED, THREATENED, HARASSED, AND/OR MOLESTED T.B., HEREBY CAUSING T.B. TO FEEL FRIGHTENED, INTIMIDATED, THREATENED, HARASSED, AND/OR MOLESTED, BY AGAIN APPEARING AT HER HOUSE FOLLOWING TWO PRIOR SEXUAL ASSAULTS AND THREATENING T.B., BY EXPRESSED OR IMPLIED THREATS, WITH FUTURE SEXUAL ASSAULTS, FUTURE ARREST FOR OUTSTANDING WARRANTS, AND/OR PHYSICAL HARM, CONTRARY TO THE PROVISIONS OF SECTION 1173 OF TITLE 21 OF THE OKLAHOMA STATUTES AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 7 : ON OR ABOUT THE 14TH DAY OF APRIL, 2014, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND/OR FELT THE BODY OR PRIVATE PARTS OF F.M., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS AND WITHOUT THE CONSENT OF F.M., TO-WIT: BY DANIEL K. HOLTZCLAW TOUCHING THE BREASTS OF F.M. WITH HIS HAND AND OVER HER CLOTHING, WITHOUT HER CONSENT, AND AFTER DANIEL K. HOLTZCLAW HAD DETAINED F.M., CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 8 : ON OR ABOUT THE 24TH DAY OF APRIL, 2014, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, UNLAWFULLY, AND FELONIOUSLY COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH ONE R.G., BY HAVING UNNATURAL CARNAL COPULATION BY MOUTH WITH R.G., BY FORCING R.G. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE MOUTH OF R.G., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, CONTRARY TO THE PROVISIONS OF SECTION 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 9 : ON OR ABOUT THE 24TH DAY OF APRIL, 2014, A.D., THE CRIME OF RAPE IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WHO WILLFULLY, KNOWINGLY, AND BY MEANS OF FORCE, OR THREATS OF FORCE, ACCOMPANIED BY APPARENT POWER OF EXECUTION, THEREOF TO R.G., ACCOMPLISHED SEXUAL INTERCOURSE WITH R.G., TO-WIT: BY

DANIEL K. HOLTZCLAW HAVING SEXUAL INTERCOURSE BY FORCING R.G. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE VAGINA OF R.G., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, AGAINST R.G.'S WILL AND WITHOUT R.G.'S CONSENT, CONTRARY TO THE PROVISIONS OF SECTION 1111 AND 1114 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 10 : ON OR ABOUT THE 7TH DAY OF MAY, 2014, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, UNLAWFULLY, AND FELONIOUSLY COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH ONE S.E., BY HAVING UNNATURAL CARNAL COPULATION BY MOUTH WITH S.E., BY FORCING S.E.. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE MOUTH OF S.E., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, CONTRARY TO THE PROVISIONS OF SECTION 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

COUNT 11 : ON OR ABOUT THE 7TH DAY OF MAY, 2014, A.D., THE CRIME OF RAPE IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, KNOWINGLY AND BY MEANS OF FORCE, OR THREATS OF FORCE, ACCOMPANIED BY APPARENT POWER OF EXECUTION THEREOF TO S.E., ACCOMPLISHED SEXUAL INTERCOURSE WITH S.E., TO-WIT: BY DANIEL K. HOLTZCLAW HAVING SEXUAL INTERCOURSE BY FORCING S.E.. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE VAGINA OF S.E., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, AGAINST S.E.'S WILL AND WITHOUT S.E.'S CONSENT, CONTRARY TO THE PROVISIONS OF SECTION 1111 AND 1114 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 12 : ON OR ABOUT THE 8TH DAY OF MAY, 2014, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, UNLAWFULLY, AND FELONIOUSLY COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH ONE T.M., BY HAVING UNNATURAL CARNAL COPULATION BY MOUTH WITH T.M., BY FORCING T.M.. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE MOUTH OF T.M., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, CONTRARY TO THE PROVISIONS OF SECTION 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 13 : ON OR ABOUT THE 26TH DAY OF MAY, 2014, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND/OR FELT THE BODY OR PRIVATE PARTS OF C.J., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS AND WITHOUT THE CONSENT OF C.J., TO-WIT: BY DANIEL K. HOLTZCLAW TOUCHING THE BRESTS OF C.J. WITH HIS HAND AND OVER HER CLOTHING, WIHTOUT HER CONSENT, AFTER DANIEL K. HOLTZCLAW HAD DETAINED C.J., CONTRARY TO THE PROVISONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

- COUNT 14 : ON OR ABOUT THE 26TH DAY OF MAY, 2014, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND/OR FELT THE BODY OR PRIVATE PARTS OF C.J., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS AND WITHOUT THE CONSENT OF C.J., TO-WIT: BY DANIEL K. HOLTZCLAW TOUCHING THE VAGINA AND PUBIC AREA OF C.J. WITH HIS HAND UNDER THE CLOTHES, WITHOUT HER CONSENT, AND AFTER THE DEFENDANT HAD DETAINED C.J., CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 15 : ON OR ABOUT THE 18TH DAY OF JUNE, 2014, A.D., THE CRIME OF PROCURING LEWD EXHIBITION WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY AND LEWDLY EXPOSED, DIRECTED, PROCURED, AND/OR COUNSELED J.L., TO EXPOSE HER BARE BREASTS TO THE VIEW OF DANIEL K. HOLTZCLAW FOR THE PURPOSE OF SEXUAL STIMULATION OF DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1021 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 16 : ON OR ABOUT THE 18TH DAY OF JUNE, 2014, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WHO WILLFULLY, UNLAWFULLY, AND FELONIOUSLY COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH ONE J.L., BY HAVING UNNATURAL CARNAL COPULATION BY MOUTH WITH J.L., BY FORCING J.L. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE MOUTH OF J.L., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, CONTRARY TO THE PROVISIONS OF SECTION 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 17 : ON OR ABOUT THE 18TH DAY OF JUNE, 2014, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, UNLAWFULLY, AND FELONIOUSLY COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH ONE K.L., BY HAVING UNNATURAL CARNAL COPULATION BY MOUTH WITH K.L., BY FORCING K.L.. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE MOUTH OF K.L., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, CONTRARY TO THE PROVISIONS OF SECTION 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 18 : ON OR ABOUT THE 18TH DAY OF JUNE, 2014, A.D., THE CRIME OF PROCURING LEWD EXHIBITION WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY AND LEWDLY EXPOSED, DIRECTED, PROCURED, AND/OR COUNSELED K.L., TO EXPOSE HER BARE BREASTS TO THE VIEW OF DANIEL K. HOLTZCLAW FOR THE PURPOSE OF SEXUAL STIMULATION OF DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1021 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 19 : ON OR ABOUT THE 18TH DAY OF JUNE, 2014, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY

Report Date and Time: 09/26/2014 11:09

POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND FELT THE BODY OR PRIVATE PARTS OF K.L., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS AND WITHOUT THE CONSENT OF K.L., TO-WIT: BY DANIEL K. HOLTZCLAW TOUCHING THE BARE BREASTS OF K.L. WITH HIS HAND WITHOUT HER CONSENT AFTER DANIEL K. HOLTZCLAW HAD DETAINED HER, CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

- COUNT 20 : ON OR ABOUT THE 18TH DAY OF JUNE, 2014, A.D., THE CRIME OF RAPE IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, KNOWINGLY AND BY MEANS OF FORCE, OR THREATS OF FORCE, ACCOMPANIED BY APPARENT POWER OF EXECUTION THEREOF TO K.L., ACCOMPLISHED SEXUAL INTERCOURSE WITH K.L., TO-WIT: BY DANIEL K. HOLTZCLAW HAVING SEXUAL INTERCOURSE BY FORCING K.L. TO ALLOW DANIEL K. HOLTZCLAW TO PLACE HIS PENIS IN THE VAGINA OF K.L., WHILE BEING THREATENED WITH ARREST AND/OR PHYSICAL HARM, EITHER EXPRESSLY OR IMPLIED, IF SHE DID NOT COMPLY, AGAINST K.L.'S WILL AND WITHOUT K.L.'S CONSENT, CONTRARY TO THE PROVISIONS OF SECTION 1111 AND 1114 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 21 : ON OR ABOUT THE 20TH DAY OF DECEMBER, 2013, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND FELT THE BODY OR PRIVATE PARTS OF S.H., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS, TO-WIT: BY DANIEL K. HOLTZCLAW, WHILE ACTING AS AN EMPLOYED OKLAHOMA CITY POLICE OFFICER, TOUCHING THE BARE BREAST OF S.H. WITH HIS HAND, WHILE S.H. WAS UNDER ARREST AND UNDER THE LEGAL CUSTODY, SUPERVISION, OR AUTHORITY OF THE OKLAHOMA CITY POLICE DEPARTMENT AND/OR DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 22 : ON OR ABOUT THE 20TH DAY OF DECEMBER, 2013, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND FELT THE BODY OR PRIVATE PARTS OF S.H., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS, TO-WIT: BY DANIEL K. HOLTZCLAW, WHILE ACTING AS AN EMPLOYED OKLAHOMA CITY POLICE OFFICER, TOUCHING THE BARE BREAST OF S.H. WITH HIS HAND, WHILE S.H. WAS UNDER ARREST AND UNDER THE LEGAL CUSTODY, SUPERVISION, OR AUTHORITY OF THE OKLAHOMA CITY POLICE DEPARTMENT AND/OR DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.
- COUNT 23 : ON OR ABOUT THE 20TH DAY OF DECEMBER, 2013, A.D., THE CRIME OF SEXUAL BATTERY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K HOLTZCLAW, WHO, WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, KNOWINGLY AND INTENTIONALLY TOUCHED AND FELT THE BODY OR PRIVATE PARTS OF S.H., IN A LEWD AND LASCIVIOUS MANNER AND IN A MANNER CALCULATED TO AROUSE AND EXCITE SEXUAL INTERESTS, TO-WIT: BY DANIEL K. HOLTZCLAW, WHILE ACTING AS AN EMPLOYED OKLAHOMA CITY

POLICE OFFICER, TOUCHING THE BARE BREAST OF S.H. WITH HIS HAND, WHILE S.H. WAS UNDER ARREST AND UNDER THE LEGAL CUSTODY, SUPERVISION, OR AUTHORITY OF THE OKLAHOMA CITY POLICE DEPARTMENT AND/OR DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 1123(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

COUNT 24 : ON OR ABOUT THE 20TH DAY OF DECEMBER, 2013, A.D., THE CRIME OF FORCIBLE ORAL SODOMY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE ACTING AS AN EMPLOYED OKLAHOMA CITY POLICE OFFICER AND WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, WILLFULLY, UNLAWFULLY, AND FELONIOUSLY COMMITTED THE DETESTABLE AND ABOMINABLE CRIME AGAINST NATURE WITH ONE S.H., BY HAVING UNNATURAL CARNAL COPULATION BY MOUTH WITH S.H., BY DANIEL K. HOLTZCLAW PLACING HIS PENIS IN THE MOUTH OF S.H., WHILE SHE WAS UNDER ARREST AND UNDER THE LEGAL CUSTODY, SUPERVISION, OR AUTHORITY OF THE OKLAHOMA CITY POLICE DEPARTMENT AND/OR DANIEL K. HOLTZCLAW, CONTRARY TO THE PROVISIONS OF SECTION 888 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

COUNT 25 : ON OR ABOUT THE 20TH DAY OF DECEMBER, 2013, A.D, THE CRIME OF RAPE IN THE SECOND DEGREE BY INSTRUMENTATION WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WILLFULLY AND KNOWINGLY, ACCOMPLISHED RAPE IN THE SECOND DEGREE BY INSTRUMENTATION ON THE PERSON OF S.H. IN THAT CERTAIN HUMAN BODY PARTS WERE USED, SPECIFICALLY: BY DANIEL K. HOLTZCLAW, WHILE ACTING AS AN EMPLOYED OKLAHOMA CITY POLICE OFFICER AND WHILE ACTING UNDER THE AUTHORITY OF AN OKLAHOMA CITY POLICE OFFICER, PLACED HIS FINGERS INTO THE VAGINA OF S.H. WHILE SHE WAS UNDER ARREST AND UNDER THE CUSTODY, SUPERVISION, OR AUTHORITY OF THE OKLAHOMA CITY POLICE DEPARTMENT AND/OR DANIEL K. HOLTZCLAW, IN THE CARNAL KNOWLEDGE OF S.H., AND THAT PENETRATION OF THE VAGINA OCCURRED, CONTRARY TO THE PROVISIONS OF SECTION 1111 AND 1114 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

COUNT 26 : ON OR ABOUT OR BETWEEN THE 9TH DAY OF JANUARY, 2014 AND THE 31ST DAY OF JANUARY, 2014, A.D., THE CRIME OF INDECENT EXPOSURE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DANIEL K. HOLTZCLAW, WHO, WHILE AT A PLACE WHERE THERE WAS SOMEONE TO BE OFFENDED OR ANNOYED THEREBY, WILLFULLY AND LEWDLY EXPOSED HIS PENIS TO S.H., CONTRARY TO THE PROVISIONS OF SECTION 1021 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

DAVID W. PRATER

DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY


ASSISTANT DISTRICT ATTORNEY

OKLAHOMA CITY POLICE DEPARTMENT

CRIME REPORT

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (000) Page: 1
Code: 21-1720 SS Crime: LARC VEHICLE Class: 070101
Occurrence Date: 11/03/13-11/03/13 Day: SUNDAY -SUNDAY Time: 13:00-15:00
Status: Closing Officer:
Location: NE. 36TH ST. /N. PROSPECT AV. , OK RD: 2575

INVOLVED PERSONS

VICTIM: THORNTON VIOLA DOB: [REDACTED] Race: B Sex: F
4334 NE. 42ND ST., OK
Apt: State: OK Zip: 73121 Phone: 405 424-6515 Adu/Juv: A
POB: Hair: BLN Eye: BRO Hgt: 507 Wgt: 120 Bld: MED
Business Name: RETIRED
Phone:

INV PERS: NELSON ALEX DESHAW DOB: [REDACTED] Race: B Sex: M
Apt: State: Zip: Phone: 405 589-6269 Adu/Juv: A
POB: OKC,OK Hair: BLK Eye: BRO Hgt: 509 Wgt: 200 Bld: MED
Business Name: SELF
Phone:

INVOLVED VEHICLES

STOLEN VEHICL License: 206AAX State: OK Type: A Expires: 13
Year: 05 Make: PONTIAC Model: AZTEC Style: 4DR Color: WHI
Identifiers:
Vin: 3G7DA03EX5S540671 Disposition:

PROPERTY SUMMARY

Clearance:

DESCRIPTION	STOLEN		RECOVERED	
	QTY	VALUE	QTY	VALUE
Local Stolen Vehicles:	1	3700		
Totals:	1	3700	0	0

NARRATIVE

SPRINGLAKE TELEPHONE REPORT

STOLEN VEHICLE: WHITE 2005 PONTIAC AZTEC

BODY OF REPORT

ON 11-03-13 AT 1624 HOURS I RESPONDED TO A STOLEN VEHICLE REPORT AT NE 36TH AND PROSPECT AT THE ICE EVENT CENTER.

UPON ARRIVAL, I MADE CONTACT WITH VI THORNTON AND IP NELSON. VI IS THE OWNER OF THE VEHICLE AND IP WAS DRIVING IT THE NIGHT IT WAS STOLEN.

Standard Trailer - First Page

Reporting Officer: HAYNES, CORY Number: 001810 Date: 11/03/13 Time: 16:23
Typed by: DE6244 Number: DE6244 Date: 11/03/13 Time: 17:04
Approving Officer: DE6244 Number: DE6244 Date: 11/06/13 Time: 15:46

=====
Standard Continuation Page
=====

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (000) Page: 2
Code: 21-1720 SS Crime: LARC VEHICLE Class: 070101

IP STATED THAT HE AND HIS FRIENDS HAD DRIVEN TO THE ICE EVENT CENTER TO EAT ON 11-03-13 AT 0030 HOURS. IP SAID THAT AFTER THEY WERE DONE THEY WENT OUTSIDE TO LEAVE AND DISCOVERED THAT THE KEY TO THE VEHICLE HAD FALLEN OFF THE KEY RING. IP SAID HE LOOKED FOR THE KEY BUT WAS UNABLE TO LOCATE IT. IP CALLED A FRIEND FOR A RIDE AND LEFT THE VEHICLE IN THE ICE EVENT CENTER PARKING LOT OVER NIGHT. IP AND VI SAID THEY RETURNED TO THE ICE EVENT CENTER ON 11-3-13 AT 1530 HOURS TO PICK UP THE VEHICLE. IP AND VI SAID THAT WHEN THEY DISCOVERED THE CAR WAS MISSING.

IP STATED HE HAD SPOKEN WITH THE PASTOR OF THE CHURCH LOCATED NEXT TO THE ICE EVENT CENTER. THE PASTOR SAID HE HAD SEEN THE CAR ONE HOUR PRIOR TO IP AND VI'S ARRIVAL.

IP SAID THE CAR HAD A HELLO KITTY STICKER ON THE RIGHT SIDE OF THE BACK WINDOW. IP SAID THE INTERIOR OF THE VEHICLE IS ALSO DECORATED IN HELLO KITTY. VI STATED THAT THE CAR WAS WORTH 3700 DOLLARS.

VI SIGNED THE LARCENY OF MOTOR VEHICLE SHEET AND WAS ISSUED THE STOLEN VEHICLE INFORMATION SHEET COMPLETE WITH CASE NUMBER.

VI DID NOT HAVE ANY PROOF OF OWNERSHIP IN HAND AND THE VEHICLE WAS NOT ENTERED NCIC.

END OF REPORT

=====
Standard Trailer - Continuation
=====

Reporting Officer: HAYNES, CORY Number: 001810 Date: 11/03/13 Time: 16:23
Typed by: DE6244 Number: DE6244 Date: 11/03/13 Time: 17:04
Approving Officer: DE6244 Number: DE6244 Date: 11/06/13 Time: 15:46

Standard Supplement Report

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (001) Page: 1
 Code: 21-1720 SS Crime: LARC VEHICLE Class: 070111
 Occurrence Date: 11/03/13-11/03/13 Day: SUNDAY -SUNDAY Time: 13:00-15:00
 Status: IN INACTIVE Closing Officer:
 Location: NE. 36TH ST. /N. PROSPECT AV. , OK RD: 2575

INVOLVED VEHICLES
 RECOVERED VEH License: 206AAX State: OK Type: A Expires: 13
 Year: 05 Make: PONTIAC Model: AZTEC Style: 4DR Color: WHI
 Identifiers:
 Vin: 3G7DA03EX5S540671 Disposition: REL TO OWNER

PROPERTY SUMMARY

Clearance:

DESCRIPTION	STOLEN		RECOVERED	
	QTY	VALUE	QTY	VALUE
Local Stolen Vehicles:	1	3700	1	3700
Totals:	1	3700	1	3700

NARRATIVE

SPRINGLAKE TELEPHONE REPORT

DATE	TIME	LOCATION	TAG NUMBER
110513	1824	2023 NE. 23RD ST	206AAX/OK

BODY OF REPORT

ON 11/05/13 AT APPROXIMATELY 1824 HOURS, I RESPONDED TO A RECOVERED STOLEN VEHICLE CALL AT 2023 NE. 23RD STREET.

UPON ARRIVAL, I SPOKE TO VI LATER IDENTIFIED AS VEHICLE OWNER OF THE PONTIAC AZTEC, VIOLA THORNTON. VI STATED AT APPROXIMATELY 1820 HOURS SHE WAS SHOPPING AT THE BUY FOR LESS LOCATED AT NE. 23RD AND MARTIN LUTHER KING. VI STATED SHE OBSERVED A WHITE PONTIAC AZTEC THAT LOOKED SIMILAR TO HER VEHICLE THAT WAS STOLEN.

VI STATED THE VEHICLE WAS OCCUPIED BY A BLACK FEMALE WEARING A RED SHIRT AND BLUE JEANS. VI ATTEMPTED TO BLOCK IN THE SU BUT THE SU EXITED THE VEHICLE.

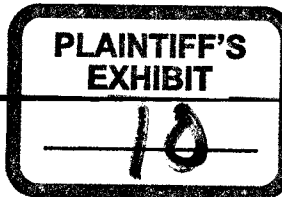
I MADE CONTACT WITH VI. VI STATED THE SU LEFT TRAVELING ON FOOT WESTBOUND. IT SHOULD BE NOTED, AS I ARRIVED ON SCENE, I OBSERVED A BLACK FEMALE MATCHING THE CALLING PARTY'S DESCRIPTION. SHE (DEMETRIA BROWN) WAS PLACED UNDER INVESTIGATIVE DETENTION. IT WAS LATER DISCOVERED DURING OUR INVESTIGATION THAT THE CALLING PARTY STATED BROWN WAS NOT THE SUSPECT. BROWN WAS RELEASED IN THE FIELD.

THE VEHICLE WAS RELEASED TO THE VI.

CIU WAS CONTACTED AND THE VEHICLE WAS REMOVED FROM NCIC.

Standard Trailer - First Page

Reporting Officer: HOLTZCLAW, DA Number: 001782 Date: 11/05/13 Time: 18:49
 Typed by: DE6244 Number: DE6244 Date: 11/05/13 Time: 18:49
 Approving Officer: DE6244 Number: DE6244 Date: 11/06/13 Time: 19:18



=====
S t a n d a r d C o n t i n u a t i o n P a g e
=====

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (001) Page: 2
Code: 21-1720 SS Crime: LARC VEHICLE Class: 070111

END OF REPORT

=====
S t a n d a r d T r a i l e r - C o n t i n u a t i o n
=====

Reporting Officer: HOLTZCLAW, DA Number: 001782 Date: 11/05/13 Time: 18:49
Typed by: DE6244 Number: DE6244 Date: 11/05/13 Time: 18:49
Approving Officer: DE6244 Number: DE6244 Date: 11/06/13 Time: 19:18

Standard Supplement Report

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (004) Page: 1
Code: 21-1720 SS Crime: LARC VEHICLE Class:
Occurrence Date: 11/03/13-11/03/13 Day: SUNDAY -SUNDAY Time: 13:00-15:00
Status: IN INACTIVE Closing Officer:
Location: NE. 36TH ST. /N. PROSPECT AV. , OK RD: 2575

NARRATIVE

BODY OF REPORT:

ON 11/5/13, AT APPROXIMATELY 1824 HOURS, I RESPONDED TO A RECOVERED STOLEN VEHICLE CALL AT 2023 NE. 23RD ST. (BUY FOR LESS PARKING LOT).

IT SHOULD BE NOTED THAT THE PARKING LOT WAS FULL OF PEDESTRIANS AND HIGH VEHICLE TRAFFIC. THIS AREA IS KNOWN FOR HIGH GANG ACTIVITY, HIGH VIOLENT CRIMES, STOLEN VEHICLES, DISTURBANCES, ETC.

IN ADDITION, AS I WAS ENROUTE, DISPATCH ADVISED THE CALLING PARTY STATED THAT THIS IS HIS VEHICLE THAT WAS STOLEN. THE STOLEN VEHICLE WAS PARKED IN FRONT OF A LIQUOR STORE. DISPATCH ADVISED THE VEHICLE, WHICH WAS A WHITE PONTIAC, IS OCCUPIED BY A FEMALE. DISPATCH STARTED GIVING THE DESCRIPTION OF THE SU BLACK FEMALE. DISPATCH STATED THE BLACK FEMALE WAS LAST SEEN WEARING A RED SHIRT AND JEANS. SHE ALSO HAD TWO KIDS INSIDE THE VEHICLE WITH HER. AT APPROXIMATELY 1826 HOURS, DISPATCH ADVISED THE SUSPECT AND THE TWO KIDS WERE ABLE TO EXIT THE VEHICLE AND WERE LAST SEEN HEADING WESTBOUND FROM THE ORIGINAL SCENE.

AT 1826 HOURS, I ADVISED DISPATCH I WAS ON SCENE. IT SHOULD BE NOTED, THERE IS A LIQUOR STORE DIRECTLY EAST OF BUY FOR LESS AT APPROXIMATELY 2029 NE. 23RD STREET. I WAS IN THE PARKING LOT AND COULD NOT LOCATE A WHITE PONTIAC. I ADVISED DISPATCH, "WHAT IS THE CALLING PARTY'S NAME?" ANOTHER PATROL OFFICER STATED THE THERE IS ANOTHER LIQUOR STORE DIRECTLY BY THE HAIR SALON.

IT SHOULD BE NOTED, THE ORIGINAL CALL CAME OUT AT NE. 23RD ST. AND MARTIN LUTHER KING AVENUE. THE DETAILS ON THE CALL STATED THERE IS A RECOVERED 29 VEHICLE BY THE LIQUOR STORE. THIS IS WHY I WENT DIRECTLY EAST OF BUY FOR LESS PARKING LOT.

AT THIS TIME, I OBSERVED A BLACK FEMALE MATCHING THE EXACT DESCRIPTION OF THE CALLING PARTY'S DESCRIPTION. THE BLACK FEMALE WAS WEARING A RED SHIRT WITH BLUE JEANS. AS I WALKED TOWARDS THE HAIR SALON, THE BLACK FEMALE, LATER IDENTIFIED AS IP DEMETRIA BROWN, MADE EYE CONTACT WITH ME. IT SHOULD BE NOTED, THE BLACK FEMALE WAS AT THE AREA OF 2027 NE. 23RD ST., DIRECTLY SOUTH OF A FAST FOOD BUSINESS.

AS BROWN MADE EYE CONTACT WITH ME, SHE IMMEDIATELY STARTED TO RUN NORTHBOUND. I YELLED, "POLICE, LET ME TALK TO YOU." SHE CONTINUED TO IGNORE MY COMMAND AND RUN NORTHBOUND. I STARTED TO GIVE CHASE TOWARDS BROWN. AS I TURNED THE CORNER OF THE BUSINESS, I COULD NOT OBSERVE BROWN ANY MORE. I LOOKED INSIDE THE BUSINESS (FAST FOOD BUSINESS UNKNOWN ON NAME) AND OBSERVED HER IN THE LOBBY. I OPENED THE DOOR OF THE BUSINESS (2027 NE. 23RD ST.) AND OBSERVED SEVERAL CUSTOMERS INSIDE THE LOBBY. MY ATTENTION WAS DRAWN TOWARDS BROWN'S HANDS DUE TO THE FACT OF NOT KNOWING IF SHE WAS ARMED WITH ANY WEAPONS. ALSO IN ADDITION, IT WAS EXTREMELY DARK OUTSIDE AND COULD NOT TELL IF SHE WAS HOLDING/CARRYING ANYTHING INSIDE THE BUSINESS.

Standard Trailer - First Page

Reporting Officer: HOLTZCLAW, DA Number: 001782 Date: 11/23/13 Time:
Typed by: PDTL8367V Number: TL8367 Date: 11/25/13 Time: 04:01
Approving Officer: PDTL8367V Number: TL8367 Date: 11/25/13 Time: 04:55

PLAINTIFF'S
EXHIBIT

11

Standard Continuation Page

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (004) Page: 2
Code: 21-1720 SS Crime: LARC VEHICLE Class:

I ADVISED BROWN, "OKLAHOMA CITY POLICE, I NEED TO TALK TO YOU" BROWN STARTED TO BACK AWAY FROM MY PERSON. I ASKED AGAIN IN A PROFESSIONAL MANNER KNOWING THAT OTHER CUSTOMERS WERE INSIDE. MY INTENTIONS WERE NOT TO CAUSE A SCENE WITH THE BUSINESS/CUSTOMERS AND TO ESCORT BROWN TO MY PATROL VEHICLE WITHOUT ANY INCIDENT. BROWN LOOKED AT ME AND STATED, "I DIDN'T DO ANYTHING." I RESPONDED, "PLEASE COME WITH ME, I NEED TO TALK TO YOU AND SEE WHAT'S GOING ON." BROWN LOOKED AT ME CONFUSED. I REACHED OUT FOR BROWN'S LEFT WRIST AND HELD HER WRIST WITH MY LEFT HAND. I IMMEDIATELY PLACED MY RIGHT HAND GENTLY ON TOP OF HER REAR LEFT SHOULDER (ESCORT POSITION). BROWN ASKED ME, "WHAT'S GOING ON?" I WAS STILL DRAWN TO HER HANDS TO MAKE SURE SHE WAS NOT CARRYING ANY WEAPONS. I ASKED BROWN IF SHE HAD ANYTHING ILLEGAL ON HER PERSON OR ANY WEAPONS. BROWN IGNORED MY QUESTION. I ASKED AGAIN, "DO YOU HAVE ANYTHING ILLEGAL ON YOUR PERSON OR ANY WEAPONS?" BROWN IGNORED MY QUESTION AGAIN.

AS I ESCORTED BROWN OUTSIDE THE BUSINESS GLASS DOOR, I ADVISED HER THAT THERE IS A STOLEN VEHICLE WITH A BLACK FEMALE THAT MATCHES YOUR EXACT DESCRIPTION. I ADVISED HER THAT SHE IS GOING TO BE PLACED UNDER INVESTIGATIVE DETENTION UNTIL I KNOW THE EXACT DETAILS OF THE CALL. BROWN, WHO IS APPROXIMATELY 5'5" AND 250 POUNDS, STARTED TO PULL AWAY FROM MY BODY. BROWN DID THIS BY PIVOTING HER HIPS IN A OUTWARD MOTION CAUSING HER BODY TO TURN. I ADVISED BROWN, "LET'S GO TO MY PATROL VEHICLE, AND I'LL EXPLAIN EVERYTHING TO YOU."

BROWN STOPPED WALKING TOWARDS MY PATROL VEHICLE AND PLACED HER FEET DIRECTLY ASIDE EACH OTHER IN A ATHLETIC POSITION. BROWN, WHO IS ALREADY SHORTER THAN ME, LOWERED HER LEGS TO BE IN AN ATHLETIC/POWER STANCE. BROWN PROCEEDED TO TURN HER HIPS TO THE RIGHT AND PULL AWAY IN A VIOLENT DEMEANOR WAY. IT SHOULD BE NOTED, I'M 6'2" AND 260 POUNDS AND COULD FEEL BROWN ATTEMPT TO FLEE FROM ME. I ADVISED BROWN, "PLEASE STOP PULLING AWAY." BROWN IGNORED MY COMMAND AND CONTINUED TO YANK HER ARM AWAY FROM ME. I ADVISED BROWN AGAIN, "I DO NOT WANT TO HURT YOU NOR DO I WANT YOU TO HURT ME. PLEASE STOP." BROWN IGNORED MY COMMANDS AND STARTED TO ACTIVELY PUSH HER BODY AGAINST MINE BY PLACING HER HIPS DOWN AND DRIVING HER LEFT SHOULDER AGAINST MY ARM.

DUE TO THE FACT OF GIVING BROWN SEVERAL COMMANDS TO STOP AND GIVING THE REASONING OF PLACING HER UNDER INVESTIGATIVE DETENTION, I FELT THE NEED TO PLACE HER IN HANDCUFFS AT THIS TIME. IN ADDITION, FOR OFFICER SAFETY (NOT KNOWING IF SHE HAD A KNIFE/WEAPON ON HER PERSON). AS I ADVISED HER TO PLACE HER HANDS BEHIND HER BACK, SHE CONTINUED TO RESIST ME BY ATTEMPTING TO PULL HER ARMS TO THE SIDE.

IT SHOULD BE NOTED THAT MYSELF AND BROWN'S BODY WERE DIRECTLY ASIDE THE BUSINESS WALL OF 2027 NE. 23RD STREET. IN ORDER FOR ME TO CONTROL THE SITUATION AND CONTROL BROWN'S PERSON, I FELT THAT PLACING HER AGAINST THE WALL WILL LIMIT HER MOBILITY AND HELP ME BE MORE EFFICIENT AND PLACING HANDCUFFS ON HER WITHOUT INCIDENT.

I GENTLY PLACED BROWN AGAINST THE WALL. IN CONSIDERATION AND TAKING THE WHOLE CALL IN PERSPECTIVE, BROWN WHO IS A FEMALE AND STILL IGNORING MY COMMANDS, I STAYED PROFESSIONAL AND MY ACTIONS WERE TO ELIMINATE THE FACT OF MYSELF OR HER GETTING HURT. ONCE THE HANDCUFFS WERE ON HER PERSON, I ESCORTED HER TO MY

Standard Trailer - Continuation

Reporting Officer: HOLTZCLAW, DA Number: 001782 Date: 11/23/13 Time:
Typed by: PDTL8367V Number: TL8367 Date: 11/25/13 Time: 04:01
Approving Officer: PDTL8367V Number: TL8367 Date: 11/25/13 Time: 04:55

=====
Standard Continuation Page
=====

Reported Date: 11/03/13 Time: 16:23 Case: 13-093984 (004) Page: 3
Code: 21-1720 SS Crime: LARC VEHICLE Class:

PATROL VEHICLE WITHOUT INCIDENT. I ADVISED DISPATCH THAT WAS I WAS ENROUTE WITH BROWN TO THE ORIGINAL SCENE SO THE CALLING PARTY COULD POSITIVELY IDENTIFY THE SUSPECT.

AS I ARRIVED TO THE ORIGINAL SCENE, I ASKED THE CALLING PARTY IF THE BLACK FEMALE IN MY BACK SEAT WAS THE FEMALE INSIDE THE STOLEN VEHICLE. THE CALLING PARTY STATED, "NO". AT THIS TIME, I IMMEDIATELY WENT TO MY PATROL VEHICLE AND ASSISTED BROWN OUT OF MY PATROL VEHICLE. I UNHANDCUFFED BROWN AND ASKED, "ARE YOU OKAY?" BROWN RESPONDED, "YES." I OBSERVED ON BROWN NO VISIBLE INJURIES ON HER PERSON, NOR DAMAGE TO ANY PROPERTY. BROWN STATED, "I'M FINE, BUT YOU PUSHED ME AGAINST THE WALL." I EXPLAINED TO BROWN, "I'M SORRY, AND DUE TO THE DETAILS OF THE CALL YOU WERE UNDER INVESTIGATIVE DETENTION, AND I DIDN'T WANT TO HURT YOU NOR HAVE YOU HURT ME." I IMMEDIATELY FOLLOWED UP, "DO YOU NEED ANY MEDICAL ATTENTION?" BROWN RESPONDED, "NO." AGAIN, I APOLOGIZED, AND SHE WAS RELEASED IN THE FIELD.

I FINISHED THE REPORT WITH THE CALLING PARTY AND TOOK THE STOLEN VEHICLE OUT OF NCIC. I DID NOT CONTACT A SUPERVISOR ABOUT THE INCIDENT, BECAUSE I FELT THE INVESTIGATIVE DETENTION AND ME PLACING HANDCUFFS ON HER WAS ROUTINE HANDCUFFING. AGAIN, THERE WAS NO VIOLENT ACTIONS NOR INJURIES ON MYSELF OR BROWN. I USED THE WALL OF THE BUSINESS (2027 NE. 23RD ST.) AS A PROP TO ELIMINATE HER FROM HAVING THOUGHTS TO FLEE OR ACTUALLY ATTEMPTING TO FLEE FROM MY CUSTODY. I DID NOT SLAM HER AGAINST THE WALL NOR DID I USE ANY FORCE TO TAKE HER INTO CUSTODY. I STAYED PROFESSIONAL AND GAVE BROWN SEVERAL COMMANDS TO FOLLOW.

AS BROWN WAS RELEASED, SHE STATED, "I UNDERSTAND WHY YOU DID THAT." I FOLLOWED UP, "THANK YOU, AND AGAIN, I'M SORRY." I FELT APOLOGETIC, DUE TO THE FACT THAT I WASTED HER TIME, BUT BY ALL MEANS IT WAS A MISUNDERSTANDING THAT I BELIEVED SHE WAS THE SUSPECT. THE SPLIT SECONDS OF MAKING THE DECISION TO ACT, AND HER ACTIONS OF RUNNING AS I GAVE HER THE COMMANDS TO STOP, HER RESISTING, AND THE EXACT MATCHING OF THE DESCRIPTION BY THE CALLING PARTY, GAVE ME THE REASONABLE SUSPICION TO PLACE HER IN INVESTIGATIVE DETENTION AND NOT A ROUTINE VOLUNTARY CONTACT. IN ADDITION, I ADVISED HER OF THE DETAILS OF THE CALL AND DID NOT PLACE HANDCUFFS ON HER AT FIRST.

LT. BENNETT (1350) DID THE FOLLOW UP INVESTIGATION. FOR FURTHER DETAILS OF THE CALL, SEE LT. BENNETT'S FOLLOW UP REPORT.

END OF REPORT

=====
Standard Trailer - Continuation
=====

Reporting Officer: HOLTZCLAW, DA Number: 001782 Date: 11/23/13 Time:
Typed by: PDTL8367V Number: TL8367 Date: 11/25/13 Time: 04:01
Approving Officer: PDTL8367V Number: TL8367 Date: 11/25/13 Time: 04:55



The City of
OKLAHOMA CITY
POLICE DEPARTMENT

13-634

RECEIVED JAN 07 2014

SUPERVISOR'S FOLLOW-UP INVESTIGATION REPORT
USE OF FORCE/PHYSICAL COMPLIANCE - COVERSHEET

Page 1 of 6

Case #: 13-93984	Date/Time: 11/05/2013 @ 18:22	Location: NE 23 rd and ML King
------------------	-------------------------------	---

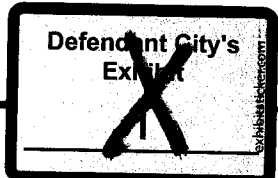
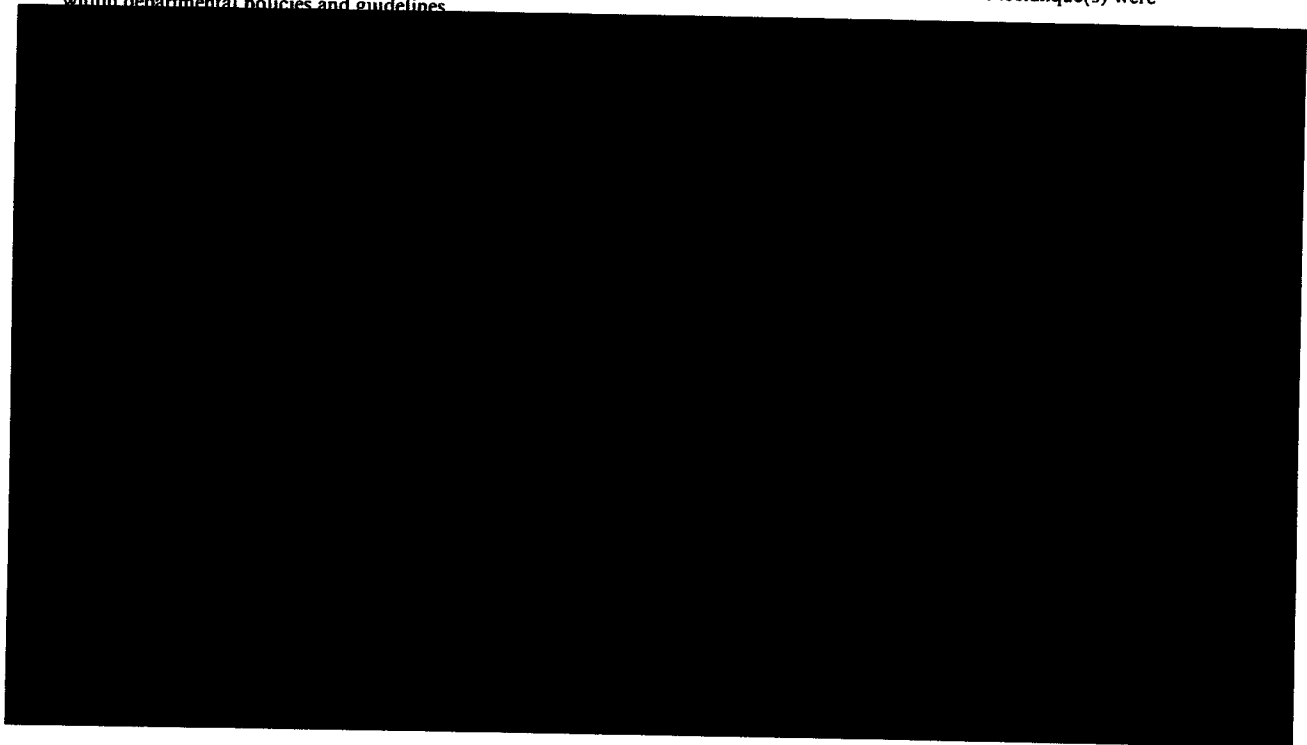
Officer: Daniel Holtzclaw	Division/Shift: Springlake 2 nd -A	Immediate Supervisor: Lt Gregory
Comm. #: 1782	Duty: <input checked="" type="checkbox"/> ON <input type="checkbox"/> OFF	Injury: <input checked="" type="checkbox"/> None <input type="checkbox"/> Non-Visible Complaint <input type="checkbox"/> Minor <input type="checkbox"/> Serious

Subject: Campbell, Demetria Michelle	R/S	B/F	Age: 43
Address: 306 W. Eula Hollis, Ok 73550	Home Phone: (580) 318-3768	Work Phone: (580) 688-3323	
Injury: <input type="checkbox"/> None <input checked="" type="checkbox"/> Non-Visible Complaint <input type="checkbox"/> Minor <input type="checkbox"/> Serious	Hospital: OU Medical	Dr.: Lilly	
Charges: None	Related Case #:		

Officer's Use of Force Involved:	Other Type of Force:
<input checked="" type="checkbox"/> Hands <input type="checkbox"/> Feet <input type="checkbox"/> O.C. <input type="checkbox"/> Baton <input type="checkbox"/> Firearm <input type="checkbox"/> K-9 <input type="checkbox"/> Vehicle <input type="checkbox"/> Max Restraint <input type="checkbox"/> Kinetic Impact <input type="checkbox"/> ECD	

Attached: <input checked="" type="checkbox"/> Officer(s) Arrest Report <input type="checkbox"/> Witnessing Officer(s) Supplemental Report(s) <input checked="" type="checkbox"/> Subject(s) Statement(s) <input type="checkbox"/> ECD download rpt. <input checked="" type="checkbox"/> Subject(s) Criminal History <input type="checkbox"/> Civilian Witness Statement(s) <input checked="" type="checkbox"/> Photos of Officer(s)/Subject(s) <input checked="" type="checkbox"/> Supervisor's Narrative <input type="checkbox"/> ECD Supervisor's checklist
--

Based on the officer(s) reports, witness statement(s), and physical evidence the use of force and/or control technique(s) were within departmental policies and guidelines.





The City of
OKLAHOMA CITY
POLICE DEPARTMENT

SUPERVISOR'S FOLLOW-UP INVESTIGATION REPORT
USE OF FORCE/PHYSICAL COMPLIANCE
STATEMENT/NARRATIVE FORM

<input checked="" type="checkbox"/>	Subject Interview
<input type="checkbox"/>	Witness Interview
<input type="checkbox"/>	Supervisor Narrative

Page 2 of 6

Case Number:	13-93984	Name R/S/Age:	Campbell, Demetria B/F 43yoa
Date of Report:	11/12/2013	Supervisor/Commission#:	Lt. B. Bennett #1350

On 11-5-2013 at 20:32 hours I responded as an on duty Springlake supervisor to a call at OU Presbyterian hospital at 700 NE 13th in reference to Mrs. Campbell being in the E.R. and wanting to speak to a supervisor. ~~Mrs. Campbell was seeking medical treatment in reference to an earlier contact with an OCRD officer.~~ The call advised that the prior contact was related to a call at NE 23rd and Martin Luther King where someone had located their stolen car. Officer D. Holtzclaw (1782) was the primary officer in this call.

When I arrived Mrs. Campbell was in the waiting room and the hospital staff provided a room for us to talk in private. ~~Mrs. Campbell said she was upset with Officer Holtzclaw because she thought that he used unnecessary force by placing her against a wall while he was handcuffing her.~~ Campbell described her version of the series of events that took place during this encounter. Mrs. Campbell said that she had gone to a seafood restaurant to pick up a to go order when she was approached by Officer Holtzclaw. Mrs. Campbell said she was walking up to the business and already out of her car when Officer Holtzclaw approached and started yelling for someone to 'come here!' Mrs. Campbell said she did not think he was talking to her because she was not doing anything improper, so she went on about her business. Mrs. Campbell mentioned there were other people out and about in the parking lot and she thought that Officer Holtzclaw was talking to someone else.

Campbell said that Holtzclaw followed her into the store yelling at her. Mrs. Campbell said she was surprised that he was talking to her in such an aggressive manner. Mrs. Campbell said she repeatedly asked Officer Holtzclaw what was going on and why he was stopping her. Officer Holtzclaw gave her no explanation. Mrs. Campbell said that Holtzclaw was harsh and forceful with her and ~~he pulled her out of the store by her arm. Mrs. Campbell said Officer Holtzclaw pushed her up against the wall face first and handcuffed her.~~ Mrs. Campbell said that she repeatedly asked Officer Holtzclaw for an explanation as to what was going on but he refused to tell her. Mrs. Campbell said she was so scared that she urinated in her pants.



The City of
OKLAHOMA CITY
POLICE DEPARTMENT

SUPERVISOR'S FOLLOW-UP INVESTIGATION REPORT
USE OF FORCE/PHYSICAL COMPLIANCE
STATEMENT/NARRATIVE FORM

<input checked="" type="checkbox"/>	Subject Interview
<input type="checkbox"/>	Witness Interview
<input type="checkbox"/>	Supervisor Narrative

Page 3 of 6

Case Number:	13-93984	Name R/S/Age:	Campbell, Demetria B/F 43yoa
Date of Report:	11/12/2013	Supervisor/Commission#:	Lt. B. Bennett #1350

Campbell said that Officer Holtzclaw walked her to his patrol car and had her sit in the backseat. Mrs. Campbell said he drove off with her to another location on the other side of the parking lot. Mrs. Campbell said Officer Holtzclaw went and ~~talked to someone that told him that she was not the person that he was looking for.~~

Mrs. Campbell said only after Officer Holtzclaw learned that she was not the person that she was looking for, he explained that she was detained for suspicion of being associated with a stolen car investigation. Mrs. Campbell said Officer Holtzclaw told her that he was sorry. Mrs. Campbell told him that she forgave him for his actions but that she thought that what he did was wrong. Mrs. Campbell said she was never offered an ambulance and ~~she had injuries to her forehead, lip, and face from where she was pushed up against the wall and her right wrist was hurting from the handcuffs.~~ Campbell said once she was free to leave she walked away.

Campbell was upset because Officer Holtzclaw never asked her for proof of ownership for her car. Mrs. Campbell said she could have easily avoided the entire situation because she carries her car title with her in her purse. I tried to explain to her that the call was not in reference to her car and that it was about a different car in question.

I took photos of Mrs. Campbell including photos of her forehead and her right wrist. I asked Mrs. Campbell if there was anything else she thought that I needed to know about the incident Mrs. Campbell said that was everything. I gave her one of my business cards and thanked her for her time. This concluded the interview.



The City of
OKLAHOMA CITY
POLICE DEPARTMENT

SUPERVISOR'S FOLLOW-UP INVESTIGATION REPORT
USE OF FORCE/PHYSICAL COMPLIANCE
STATEMENT/NARRATIVE FORM

<input type="checkbox"/>	Subject Interview
<input type="checkbox"/>	Witness Interview
<input checked="" type="checkbox"/>	Supervisor Narrative

Page 4 of 6

Case Number:	13-93984	Name R/S/Age:	Campbell, Demetria
Date of Report:	11/12/2013	Supervisor/Commission#:	Lt B. Bennett #1350

On 11/05/2013 at 20:32 hours I responded as an on duty Springlake supervisor to a call at 700 NE 13th in the Presbyterian E.R. This call was requesting a supervisor to speak with Mrs. Campbell who was there seeking treatment in reference to a prior contact with an OCPD officer. I learned from the call that the original police contact was a stolen vehicle recovery at NE 23rd and Martin Luther King where Daniel Holtzclaw (1782) was the primary officer.

I called Officer Holtzclaw on the phone in reference to his call with Mrs. Campbell. Officer Holtzclaw said he responded to a recovery of a stolen vehicle call. ~~Officer Holtzclaw was given a description of a possible suspect that had just fled the scene on foot. When Officer Holtzclaw arrived he located a person that matched the description of the suspect who was later learned to be Mrs. Campbell. Officer Holtzclaw said he placed Mrs. Campbell under investigative detention to determine if she was in fact the suspect or not. It was determined that she was not the suspect that he was looking for and she was released. He told me that he did not consider this to be a significant event and therefore he did not notify a supervisor about it at the time.~~

I responded to the hospital ER and spoke with Mrs. Campbell. After I spoke with Mrs. Campbell I contacted Officer Holtzclaw and asked him to return to the station and write a supplemental report in reference to his contact with Campbell. After reading his report I learned a more detailed description of the events that took place. Officer Holtzclaw refers to Mrs. Campbell as Mrs. Brown in his report but I learned from my interview that her correct last name is Campbell.

Officer Holtzclaw was dispatched at 18:26 hours to 23rd and MLK in reference to someone stating they located their stolen vehicle. The caller gave a description of a suspect that had just walked away from the vehicle and gave a race, sex, and clothing description (black female wearing a red shirt and blue jeans).



The City of
OKLAHOMA CITY
POLICE DEPARTMENT

SUPERVISOR'S FOLLOW-UP INVESTIGATION REPORT
USE OF FORCE/PHYSICAL COMPLIANCE
STATEMENT/NARRATIVE FORM

<input type="checkbox"/>	Subject Interview
<input type="checkbox"/>	Witness Interview
<input checked="" type="checkbox"/>	Supervisor Narrative

Page 5 of 6

Case Number:	13-93984	Name R/S/Age:	Campbell, Demetria B/F 43yoa
Date of Report:	11/12/2013	Supervisor/Commission#:	Lt B. Bennett #1350

When Holtzclaw arrived in the area he located Campbell in the nearby parking lot. Campbell matched the exact description of the suspect therefore Holtzclaw made contact with her in order to further investigate. Holtzclaw said that when Campbell made eye contact him she immediately started to run away. Holtzclaw yelled "Police, let me talk to you" and Campbell ignored him and continued to run away from him. Holtzclaw gave chase and located her inside of the lobby of the business.

Officer Holtzclaw approached Mrs. Campbell and identified himself as a police officer and advised that he needed to speak with her, he was wearing a class B uniform. Campbell backed away from him. Officer Holtzclaw took a hold of her Left wrist with his Left hand placing her in an escort position so that he could escort her out of the building. Mrs. Campbell asked Officer Holtzclaw what was going on and Holtzclaw was trying to escort her out of the building so that he could speak with her about this matter without causing a scene.

Holtzclaw escorted her outside and explained to her that he was investigating a report of a stolen car and that she matched the suspect description. Officer Holtzclaw advised Mrs. Campbell that she would be under investigative detention while he looked into this matter and she started to pull away from him. Campbell pulled away by pivoting her hips and turning her body in an outward motion. Holtzclaw asked Mrs. Campbell to walk to his patrol car so he could explain everything to her. Mrs. Campbell did not cooperate and stopped walking as Officer Holtzclaw was trying to escort her. Mrs. Campbell lowered her stance and took a power stance to plant her feet and stand firm as she stopped walking. Mrs. Campbell then turned her hips and pulled away from Holtzclaw. Officer Holtzclaw told her to stop but she tried to yank her arm away from him. Mrs. Campbell tried to push into his body by driving her shoulder into his body and lowering her hips.



The City of
OKLAHOMA CITY
POLICE DEPARTMENT

SUPERVISOR'S FOLLOW-UP INVESTIGATION REPORT
USE OF FORCE/PHYSICAL COMPLIANCE
STATEMENT/NARRATIVE FORM

<input type="checkbox"/>	Subject Interview
<input type="checkbox"/>	Witness Interview
<input checked="" type="checkbox"/>	Supervisor Narrative

Page 6 of 6

Case Number:	13-93984	Name R/S/Age:	Campbell, Demetria B/F 03/09/1970
Date of Report:	11/12/2013	Supervisor/Commission#:	Lt B. Bennett # 1350

Campbell was actively resisting Holtzclaw by trying to pull away as he was trying to escort her to his patrol car. and she was trying to pull away from him. Officer Holtzclaw decided he needed to place Mrs. Campbell into handcuffs in order to be able to better control her and prevent the potential for injury to him or her. Since she tried to pull away from him, Officer Holtzclaw stabilized her against the exterior wall of the business while he handcuffed her. Officer Holtzclaw placed her in a position where she was facing the wall and placed her against the wall in a standing position by using his strength to position her there in order to assist in the handcuffing process and limit her mobility. Officer Holtzclaw said that he did not place her against the wall in a forceful manner.

Once Campbell was in handcuffs, Officer Holtzclaw escorted her to the back seat of his patrol car and transported her across the parking lot to where the calling party was standing by with the stolen car. The calling party told Holtzclaw that Campbell was not the suspect. Holtzclaw assisted Mrs. Campbell out of his back seat and unhandcuffed her.

Holtzclaw mentioned in his report that he asked Campbell if she was OK and she said "yes". Officer Holtzclaw also said that he did not see any visible injuries to Campbell. Officer Holtzclaw asked Mrs. Campbell if she needed medical attention and she said "no". Campbell was released at the scene and Holtzclaw finished his original call.



I was not originally called to the scene when this event occurred and so I was not able to identify or attempt to interview any witness that were at the scene.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY AUG 28 2015
STATE OF OKLAHOMA

TIM RHODES
COURT CLERK
31

DEMETRIA M. CAMPBELL, individually,)
)
Plaintiff,)
)
v.)
CITY OF OKLAHOMA CITY, a municipality;)
DANIEL HOLTZCLAW in his official capacity as)
Police Officer of The Oklahoma City Police Department,)
and DANIEL HOLTZCLAW, individually,)
)
Defendants.)

Case No. CJ-2015-4217

DEFENDANT CITY'S ANSWER TO PLAINTIFF'S PETITION

COMES NOW a Defendant, the City of Oklahoma City and for its Answer to the
Petition of Plaintiff filed herein states as follows:

1. In response to ¶ 1, Defendant City states it is without sufficient knowledge to
admit or deny said allegation and it is therefore denied. It is also irrelevant to this action.

2. Defendant City admits ¶ 2.

3. In response to ¶ 3, Defendant City admits that Defendant Holtzclaw, at the time of
this incident, was employed as a police officer for the City of Oklahoma City.

4. In response to ¶ 4, Defendant City admits that it is a municipal corporation and
that its corporate limits include a portion of Oklahoma County. Defendant City states that
Plaintiff's allegation as to Defendant Holtzclaw's residence is not applicable to it and no answer
is required.

5. In response to ¶ 5, Defendant City admits that on November 5, 2013, an incident
occurred between the Plaintiff and Defendant Holtzclaw in the City of Oklahoma City.
Defendant City denies it occurred as alleged.

6. In response to ¶ 6, Defendant City denies that Plaintiff has a claim against it under



the Oklahoma Constitution and therefore, denies said paragraph. However, Defendant City admits that this Court has jurisdiction over it.

7. Defendant City admits ¶ 7.

8. In response to ¶ 8, Defendant City denies that if Defendant Holtzclaw did as Plaintiff alleges, he would be acting under the color and authority of state law.

9. In response to ¶ 9, Defendant City admits that on November 5, 2013, during his encounter with Plaintiff, Defendant Holtzclaw was employed by Defendant City as a police officer; however, if he did the things as alleged by Plaintiff, Defendant City denies that he would be acting within the scope of his employment.

10. In response to ¶ 10, Defendant City admits that Defendant Holtzclaw was required to follow the Oklahoma City Police Department's (OCPD) Policies, Procedures and Rules while he was employed as a police officer.

11. Defendant City is without sufficient knowledge to admit or deny ¶ 11 and it is therefore denied.

12. Defendant City denies ¶ 12.

13. In response to ¶ 13, Defendant City admits that Defendant Holtzclaw handcuffed Plaintiff, put her in the back seat of his patrol car and that no charges were filed against her as a result of this incident. Defendant City denies all other allegations in said paragraph.

14. In response to ¶ 14, Defendant City admits that Plaintiff went to O.U. Medical Center after the incident and that someone called the OCPD to report her visit to the emergency room. Defendant City denies every other allegation in said paragraph.

15. In response to ¶ 15, Defendant City admits OCPD Lieutenant B. Bennett arrived at the hospital and obtained a statement of Plaintiff. Defendant City has no knowledge of the

allegation in the second sentence in said paragraph and it is therefore denied.

16. In response to ¶ 16, Defendant City denies that said allegations are relevant to this incident and in any event, Plaintiff fails to advise the Court that those incidents were investigated by members of the OCPD and charges were referred to the Oklahoma County District Attorney's office.

17. Defendant City denies ¶ 17.

18. In response to the redundant allegations of ¶ 18, Defendant City realleges and restates ¶¶ 8-10 herein.

19. Defendant City denies ¶ 19.

20. Defendant City denies ¶ 20.

21. Defendant City denies ¶ 21.

22. Defendant City admits ¶ 22.

23. Defendant City denies ¶ 23.

24. Defendant City denies ¶ 24.

25. In response to the redundant allegations of ¶ 25, Defendant City realleges and restates ¶¶ 8-10 herein.

26. Defendant City denies ¶ 26.

27. Defendant City denies ¶ 27.

28. Defendant City denies ¶ 28.

29. Defendant City denies ¶ 29.

30. Defendant City denies ¶ 30.

31. Defendant City denies ¶ 31.

32. Defendant City denies ¶ 32.

AFFIRMATIVE DEFENSES

COMES NOW a Defendant, the City of Oklahoma City and for its Affirmative Defenses states as follows:

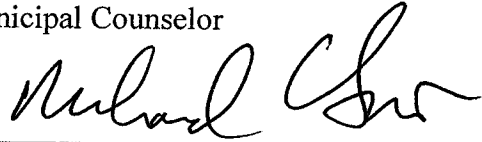
1. Plaintiff's Petition fails to state a claim upon which relief can be granted.
2. Plaintiff's Petition and lawsuit is governed by the terms of the Governmental Tort Claims Act, 51 O.S. § 151, *et seq.*, including, but not limited to, the exemptions and limitations of liability.
3. Plaintiff's injuries, if any, were caused by her failure to obey the lawful commands of a police officer.
4. Plaintiff's injuries, if any, were caused by her intentional acts of resisting investigative detention.
5. Excessive force or sexual assault is not within the scope of a City of Oklahoma City's employee's employment.

WHEREFORE, Defendant City having fully answered prayerfully request that it be granted judgment against Plaintiff, its costs and attorney fees.

Respectfully Submitted,

Kenneth D. Jordan
Municipal Counselor

By:

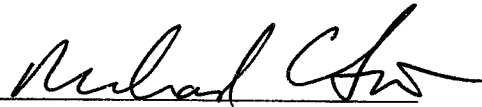


Richard C. Smith, OBA #8397
Jennifer M. Warren, OBA #30284
Assistant Municipal Counselors
200 North Walker, Suite 400
Oklahoma City, OK 73102
(405) 297-2451 FAX (405) 297-3851
rick.smith@okc.gov
jennifer.Warren@okc.gov
Attorneys for Defendant
The City of Oklahoma City

CERTIFICATE OF SERVICE

This is to certify that on the 26th day of August, 2015, a true and correct copy of the above and foregoing Answer was mailed to:

Cynthia Rowe D'Antonio
Green Johnson Mumina & D'Antonio
400 North Walker Avenue, Suite 100
Oklahoma City, OK 73102
Attorney for Plaintiff



Assistant Municipal Counselor



CJ-14-107
Pacish

IN THE DISTRICT COURT FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

VELENCIA MAIDEN, as Personal Representative
of the Estate of CLIFTON DARNELL ARMSTRONG,
deceased,

Plaintiff,

v.

THE CITY OF OKLAHOMA CITY, OKLAHOMA;
JEFFERY DUTTON, Individually and in his official capacity
as a police officer; GREGORY FRANKLIN, individually and
in his official capacity as a police officer, MOHAMMED
TABAIA, individually and in his official capacity as a police
officer, DANIEL HOLTZCLAW, individually and in his official
capacity as a police officer, and WILLIAM CITY, individually
and in his official capacity as CHIEF OF POLICE,

Defendants.

CJ-2014-107

Case No.:

FILED IN DISTRICT COURT
OKLAHOMA COUNTY
JAN 8 2014
TIV RHODES
CLERK
37

PETITION

COMES NOW, the Plaintiff, above-named, and for their cause of action against the
defendants hereby alleges and states as follows:

PARTIES, JURISDICTION, VENUE

1. At all times pertinent to this case, Plaintiff Velencia Maiden was the mother and
the duly appointed personal representative of the Estate of Clifton Darnell Armstrong, deceased,
and was a resident of Oklahoma City, Oklahoma County, Oklahoma. She brings this action on
behalf of the Estate of Clifton Darnell Armstrong, deceased.

2. Defendant, City of Oklahoma City (hereafter "City") is a Political Subdivision of
the State of Oklahoma and is charged, through its Police Department, with the law enforcement

PLAINTIFF'S
EXHIBIT
14

responsibilities of the City of Oklahoma City, Oklahoma. The City of Oklahoma City, Oklahoma, by and through its Chief of Police, William Citty and the Police Department, was at all times material hereto under a duty to run its policing activities in a lawful manner so as to preserve the peace of the City of Oklahoma City and to preserve to its citizens the rights, privileges and immunities guaranteed and secured to them by the constitution and the laws of both the United States and the State of Oklahoma.

3. At all times pertinent herein, Defendants Dutton, Franklin, Tabaia, and Holtzclaw were all duly commissioned law enforcement officers of the City of Oklahoma City Police Department and were the officers involved in aiding and assisting the decedent Clifton Armstrong. These defendants are sued individually and in their official capacities as members of the City of Oklahoma City Police Department.

4. At all times pertinent hereto, Defendant William Citty was the Chief of Police for the City of Oklahoma City. He is sued individually and in his official capacity as Chief of the Oklahoma City Police Department.

5. This action is brought against a Political Subdivision of the State of Oklahoma pursuant to the Governmental Tort Claims Act ("Act"), 51 O.S. § 151, et seq..

6. In compliance with § 156 of the Act, Plaintiff filed notice of their claim in writing on or about July 31, 2013, and was amended on October 18, 2013 and submitted to the City of Oklahoma City Clerk's Office.

7. Plaintiff's Claim was deemed denied under § 157(A) because the City of Oklahoma City did not approve the claim within the 90-day period.

FACTS

8. Plaintiff hereby incorporates, in their entirety, paragraphs 1 through 7 as set forth above and by reference make said Paragraphs a part hereof as if fully set forth herein.

9. On May 1, 2013, at approximately 8:45 p.m., Clifton Armstrong was at his mother's home located at 1421 N. W. 99th Street, in Oklahoma City, Oklahoma when he became paranoid and called 911 for emergency medical assistance.

10. Upon information and belief, Officers Dutton, Franklin, Tabai, and Holtzclaw, were dispatched to 1421 N.W. 99th Street investigate Clifton Armstrong's condition. The officers attempted to persuade Mr Armstrong to be transported to the Hospital in a police squad car, or Mr Armstrong's grandmother's car. Mr Armstrong would not travel in any other car except his mother's car.

11. When Mr Armstrong refused to voluntarily go the hospital in his grandmother's car, or the squad car, the officers attempted to use force to restrain Mr Armstrong and an altercation occurred. between the officers and Mr Armstrong.

12. Upon Information and belief, in attempting to subdue Mr Armstrong, the officers used force to restrain and subdue him, by placing him in handcuffs, and using belts to restrain his leg movement, which is famously referred to as the "maximum restraint hobble system" with malicious intent and without justification, pursuant to Oklahoma City Police Department's policy, practice or custom, in reckless disregard for the welfare of Clifton Armstrong,

13. As a result of this altercation, Mr Armstrong collapsed, and paramedics were summoned who transported Mr Armstrong to the emergency room at the Baptist Hospital where Armstrong was pronounced dead.

14. As a result of the incident, the Oklahoma City Police Department, by and through

Defendant Chief William City, conducted an investigation of the events and concluded that all officers acted in conformance with the rules, regulations, policies, practices and customs of the City of Oklahoma City Police Department and the laws of the State of Oklahoma and the laws of the United States Government.

15. The City of Oklahoma City ratified and approved the conduct of the officers involved by exonerating them of any wrongdoing and without disciplining them such that the actions of the officers involved in the incident constitute the policies, practices, and customs of the Oklahoma City Police Department.

16. As a direct and proximate result of the foregoing events, Clifton Armstrong received numerous injuries which resulted in his death. The Medical Examiner's Office attributed the cause, and manner of death of Clifton Armstrong to Excited Delirium Syndrome due to methamphetamine toxicity, and the physical altercation with the police officers as aggravating factor.

17. At all times material herein, the officers of Oklahoma City Police Department were acting in their official capacities and by virtue of their positions as law enforcement officers of the Oklahoma City Police Department.

**FIRST CAUSE OF ACTION, ARTICLE 2, § 30
OF THE OKLAHOMA CONSTITUTION--
JEFFERY DUTTON, GREGORY FRANKLIN,
MOHAMMED TABAIA, DANIEL HOLTZCLAW,
WILLIAM CITY, AND THE CITY OF OKLAHOMA
CITY.**

18. Plaintiffs hereby incorporate, in their entirety, paragraphs 1 through 17 as set forth above and by reference make said Paragraphs a part hereof as if fully set forth herein.

19. The actions of Defendants Dutton, Franklin, Tabaia, and Holtzclaw, were

objectively unreasonable under the circumstances and exceeded the force necessary in violation of Article 2, § 30 of the Oklahoma Constitution for which Dutton, Franklin, Tabaia and Holtzclaw are liable in their individual capacities and for which the Chief of Police William City, and The City of Oklahoma City are liable under a theory of *respondeat superior*.

20. The actions of Defendants Dutton, Franklin, Tabaia, and Holtzclaw were taken within the scope of their employment and in furtherance of a policy or practice of the City of Oklahoma City that condoned the use of excessive force in violation of Article 2, Section 30 of the Oklahoma Constitution for which the City of Oklahoma City, and William City are liable.

**SECOND CAUSE OF ACTION---ASSAULT & BATTERY--
JEFFERY DUTTON, GREGORY FRANKLIN, MOHAMMED
TABAIA, DANIEL HOLTZCLAW AND THE CITY OF
OKLAHOMA CITY**

21. Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

22. To the extent that a jury determines that the actions of the officers, Dutton, Franklin, Tabaia, and Holtzclaw were malicious and outside the scope of their employment, the actions of Dutton, Franklin, Tabaia, and Holtzclaw are not protected by the Governmental Tort Claims Act, and they remain personally liable to Plaintiff under state law.

**THIRD CAUSE OF ACTION---WANTON AND RECKLESS
CONDUCT-AGAINST JEFFERY DUTTON, GREGORY
FRANKLIN, MOHAMMED TABAIA, DANIEL HOLTZCLAW
AND WILLIAM CITY**

23. Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

24. While holding the Plaintiff's decedent in their custody and control, the Defendants

engaged in wanton, reckless and/or gross negligent conduct thereby inflicting pain and physical harm upon Clifton Armstrong.

25. The aforesaid alleged acts and conduct of the Defendants were either intentional, knowing, willful and purposeful or negligent and did cause the deceased, Clifton Armstrong harm.

26. As a direct and proximate result of the Defendants' wanton, reckless, intentional and/or negligent conduct, the deceased, Clifton Armstrong sustained injuries and the Plaintiff is entitled to damages.

**FOURTH CAUSE OF ACTION--INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

27. Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

28. The aforesaid alleged conduct of the individual Defendants was intentional, knowing, willful and purposeful and was outrageous beyond all bounds of human decency which a civilized society should tolerate, and the Defendants knew or should have known that their said conduct would inflict severe emotional distress upon the Plaintiff.

29. Plaintiff and her decedent have suffered physical, mental and emotional distress, and including pain and suffering, and other damages as a result of the aforesaid alleged acts and conduct of the individual Defendants.

FEDERAL CAUSES OF ACTION

**FIFTH CAUSE OF ACTION-- 42 U.S.C. §1983 CLAIM FOR
INDIVIDUAL DEFENDANTS**

30. Plaintiff incorporates herein by reference all of the allegations heretofore made, and further alleges and states as follows:

31. The individual Defendants, Dutton, Franklin, Tabaja and Holtzclaw committed the above described actions and/or omissions under the color of law and by virtue of their authority as police officers of the City of Oklahoma City Police Department and substantially deprived Clifton Armstrong of his rights, privileges and immunities guaranteed to him as a citizen of the United States in violation of 42 U.S.C. § 1983, and deprived Clifton Armstrong of the rights guaranteed to him by the First, Fourth, and Fourteenth Amendments of the United States Constitution including, but not limited to:

- a. Freedom of expression;
- b. Freedom from unlawful arrest and seizure of his person;
- c. Freedom from the use of unreasonable, unjustified and excessive force;
- d. Freedom from the deprivation of liberty without the due process of law;
- e. Freedom from summary punishment;

32. As a direct and proximate result of the Defendants' acts or omissions, Clifton Armstrong was killed.

**SIXTH CAUSE OF ACTION—42 U.S.C. §1983 CLAIM AGAINST
CITY OF OKLAHOMA CITY, WILLIAM CITY, JEFFERY DUTTON,
GREGORY FRANKLIN, MOHAMMED TABAJA, AND DANIEL
HOLTZCLAW**

33. Plaintiff hereby incorporates, in their entirety, paragraphs 1 through 32 as set forth above and by reference make said paragraphs a part hereof as if fully set forth herein.

34. At all times material hereto, the Defendants involved were acting by virtue of the laws of the state of Oklahoma and by virtue of their positions as law enforcement officers or employees of the City of Oklahoma City Police Department.

35. Defendants permitted, encouraged, and tolerated an official pattern, practice or custom

of its police officers violating the constitutional rights of the public at large, including Clifton Armstrong.

36. The physical restraint inflicted upon the decedent by the Defendants was unjustified, unreasonable, excessive and grossly disproportionate to the actions of Clifton Armstrong, if any, and constituted the use of excessive and unreasonable force in violation of the rights secured to Clifton Armstrong by the Fourth Amendment, and Fourteenth Amendment of the United States Constitution and 42 U.S.C. sec. 1983.

37. Alternatively, the Defendants City of Oklahoma City, and Bill City are liable for the unconstitutional actions of the officers involved in this incident due to the rules, regulations, policies, practices or customs of Oklahoma City Police Department which were in effect at the time of this incident and which were the underlying cause of Clifton Armstrong's death:

a. The City of Oklahoma City by and through its Police Department failed to adequately train and educate its officers in the use of force and the use of deadly force creating an atmosphere of illegal and unconstitutional behavior with respect to the use of force in deliberate indifference and reckless disregard to the welfare of the public at large, including Clifton Armstrong;

b. The City of Oklahoma City by an through its Police Department failed to train and educate its officers with respect to use of force applications which it knew that its officers were utilizing in the field and which posed a serious risk of personal injury including, but not limited to, the use of the physical restraint and the maximum restraint hubble systems on citizens, in deliberate indifference and reckless disregard to the welfare of the public at large, including Clifton Armstrong;

c. The City of Oklahoma City by and through its Police Department repeatedly and knowingly failed to discipline its officers with respect to violations of the laws of the State of Oklahoma, the Constitution of the United States, and its own policies regarding the use of force, and

creating a pattern, policy, practice, custom or atmosphere where such illegal and unconstitutional behavior is tolerated, condoned and accepted by The City of Oklahoma City Police Department in deliberate indifference and reckless disregard to the public at large, including Clifton Armstrong;

d. The City of Oklahoma City by and through its Police Department failed to adequately monitor and evaluate the performance of its officers and their use of force applications in deliberate indifference and reckless disregard to the public at large, including Clifton Armstrong;

e. The City of Oklahoma City Police Department failed to adequately respond to and investigate complaints regarding officer misconduct by the citizenry, including, but not limited to, complaints regarding the use of deadly, excessive or unreasonable force, to escape liability creating a policy, practice, custom or atmosphere where such illegal and unconstitutional behavior is ratified, condoned or approved in deliberate indifference and reckless disregard to the rights of the public at large, including the Plaintiff.

f. The City of Oklahoma City by and through its Police Department has a policy, practice or custom of exonerating officers regarding complaints of misconduct, including, but not limited to, complaints regarding excessive or unreasonable force, in order to escape liability and creating an atmosphere where illegal and unconstitutional behavior is condoned, tolerated, acquiesced or approved in deliberate indifference and reckless disregard to the rights of the public at large, including the Plaintiff.

g. The City of Oklahoma City by and through its Police Department failed to adequately train and educate its officers with respect to providing medical attention to persons suffering from psychiatric conditions while in custody in deliberate indifference and reckless indifference to the welfare of the public at large, including the Plaintiff;

h. The City of Oklahoma City by and through its Police Department has a policy,

practice or custom of allowing its officers to use deadly, excessive and/or unreasonable force without fear of discipline creating an atmosphere where such behavior is accepted, approved and ratified in reckless disregard and deliberate indifference to the welfare of the public at large, including the Plaintiff;

i. The City of Oklahoma City by and through its Police Department allows its officers to engage in conduct that violates the constitutional rights of persons in custody, including Mr. Clifton Armstrong, without fear of reprimand, discipline or termination creating an atmosphere where such unconstitutional behavior is ratified, tolerated, acquiesced or condoned, in reckless disregard and deliberate indifference to the welfare of the public, including the Plaintiff.

j. The City of Oklahoma City by and through its Police Department has a policy, practice or custom of improperly and inadequately investigating complaints by citizens regarding police behavior including, but not limited to, evidence gathering and crime scene investigation, in order to escape liability creating a atmosphere where officers violate the constitutional rights of citizens without fear of discipline in reckless disregard and deliberate indifference to the public at large, including the Plaintiff.

k. The City of Oklahoma City by and through its Police Department has a policy, practice and custom of failing to seek criminal prosecution against officers whose behavior violates the laws of the State of Oklahoma and the United States of America in order to escape liability, in reckless disregard and deliberate indifference to the welfare of the public at large, including the Plaintiff.

**SEVENTH CAUSE OF ACTION— 42 U.S.C. §1983—
SPECIAL RELATIONSHIP—AGAINST DUTTON,
FRANKLIN, TAIBAIA, AND HOLTZCLAW**

38. Plaintiff hereby incorporates, in their entirety, paragraphs 1 through 37 as set forth above and by reference make said paragraphs a part hereof as if fully set forth herein.

39. Plaintiff alleges violations of Clifton Armstrong rights under 42 U.S.C. Sec. 1983 against the individual Defendants in their individual capacities and official capacities for causing the deprivation of Armstrong's constitutional rights under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and corollary provisions of the Oklahoma Constitution.

40. At all times relevant herein, the individual Defendants acted under the color of the laws of the state of Oklahoma and the United States of America.

41. Defendants took constructive custody of Armstrong, exerted control over him, and acted affirmatively to assist, protect and provide Armstrong with medical aide.

42. Defendants also directly interfered with and limited Armstrong's freedom to act on his own behalf, and in so doing, created a special relationship between Defendants and Armstrong that imposed on Defendants a constitutional duty to extend protection to Armstrong from the danger in which Armstrong was.

43. That special relationship, the dangerous mental condition in which Armstrong was in, which Defendants knowingly and recklessly aggravated by the use of excessive force and restraint, imposed on Defendants the obligation to guard against the foreseeable deprivation of Armstrong's constitutional rights under the Fourth, Fifth and Fourteenth Amendments and the corollary provisions of the Oklahoma Constitution.

44. Defendants' acts created a special relationship between Defendants and Armstrong that imposed on Defendants the obligation to extend protection to Armstrong against such dangers, including the danger of suffering excited delirium syndrome which resulted from excessive use of force and physical restraint.

45. Defendants' acts and omissions as described herein are shocking to the conscience and constitute deliberate indifference to, and willful and callous disregard of, the deprivation of

Armstrong's constitutional rights under the United States Constitution and corollary provisions of the Oklahoma Constitution.

46. Defendants acted in an extreme, shocking, and unconscionable disregard for Armstrong's constitutional rights by recklessly exposing Armstrong to serious injury or death by failing to properly formulate a safer method of medical assistance to transport Armstrong to the hospital without the use and application of excessive force and restraint of Armstrong which resulted in his violent death.

47. For the foregoing deprivations of Armstrong's constitutional rights, Defendants are liable in their individual and official capacities for compensatory damages in an amount of not less than \$75,000.00.

**EIGHTH CAUSE OF ACTION—42 U.S.C. §1983—
STATE CREATED DANGER**

48. Plaintiff hereby incorporates, in their entirety, paragraphs 1 through 37 as set forth above and by reference make said paragraphs a part hereof as if fully set forth herein.

49. Plaintiff alleges violations of Clifton Armstrong rights under 42 U.S.C. Sec. 1983 against the individual Defendants in their individual capacities and official capacities for causing the deprivation of Armstrong's constitutional rights under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and corollary provisions of the Oklahoma Constitution.

50. At all times relevant herein, the individual Defendants acted under the color of the laws of the state of Oklahoma and the United States of America.

51. The substantial risk that Armstrong would suffer from excited delirium syndrome was known to the individual Defendants and was obvious from the time Defendants appeared at the scene when Armstrong was complaining of "seeing dragons", and being paranoid, and became agitated when

he began to strip off his clothes in the presence of his family members and the police.

52. Defendants' acts and omissions as described herein, affirmatively and deliberately put Armstrong at a substantial and unreasonable risk of serious, immediate, and proximate harm; recklessly placed him in harm's way while at the same time stripping him of his ability to defend himself.

53. Defendants' acts and omissions as described herein, affirmatively and deliberately created the danger which increased Armstrong's vulnerability to the danger posed by the paranoia, and schizophrenia he was suffering, all without regard to the consequences to Armstrong and which directly and proximately caused his death.

54. The acts and omissions by one or more of the individual Defendants which created the danger to Armstrong and which put him at a substantial risk of serious, immediate, and proximate harm included pressuring, and attempting to subdue Armstrong to ride in the squad car to the hospital; using excessive force, and restraint to subdue Armstrong; failing to allow trained medical technicians to handle, and monitor Armstrong at the scene.

55. The individual Defendants' acts and omissions as described herein are shocking to the conscience and constitute deliberate indifference to, and willful and callous disregard of, the deprivation of Armstrong's constitutional rights under the United States Constitution and corollary provisions of the Oklahoma Constitution.

56. Alternatively, these Defendants are liable for the actions of its officers by virtue of the fact that the officers involved in this incident were not reprimanded, disciplined or terminated, and, accordingly, these Defendants ratified, condoned, acquiesced or approved their conduct in this matter in all respects.

57. The aforementioned actions of the individual officers which were proximately caused

by the policies, practices and customs of these Defendants were the underlying cause of the Clifton Armstrong's injuries, death and damages.

DAMAGES

58. Plaintiff hereby incorporates, in their entirety, Paragraphs 1 through 39 as set forth above and by reference make said Paragraphs a part hereof as if fully set forth herein.

59. As a direct and proximate result of the aforementioned actions of the Defendants, Clifton Armstrong was killed. The damages for which the Plaintiff seek compensation on behalf of Clifton Armstrong from the Defendants, both jointly and severally, include, but are not limited to, the following:

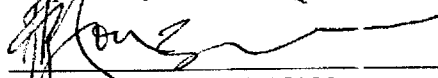
- a. The wrongful death of her son, Clifton Armstrong;
- b. Physical Pain and Suffering;
- c. Emotional Pain and Suffering;
- d. Medical Expenses;
- e. Loss of Enjoyment of Life;
- f. Loss of Earning Capacity;
- g. Loss of Services of Clifton Armstrong;
- h. Funeral Expenses;
- i. Punitive damages against the applicable Defendants;
- k. Pre and post judgement interest;
- l. All such further relief, both general and specific, to which she may be entitled under the premises.

PRAYERS FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays for judgment against the Defendants, both jointly and severally, for the following:

- a. A declaratory judgment that the policies, practices or customs of the Oklahoma City Police Department complained of herein are illegal and unconstitutional;
- b. Compensatory damages in the amount in excess of \$75,000.00 or to be determined by the jury;
- c. Punitive damages against the applicable Defendants in the amount to be determined by the jury;
- e. Pre and Post Judgment Interest;
- f. All such further relief, both general and specific, to which the Plaintiff may be entitled under the premises;

Respectfully Submitted,



E. Ed Bonzie, OBA# 15190
Attorney for the Plaintiffs
8201 S. Walker
Oklahoma City, OK 73139
405-631-1021
405-616-2488 Fax

