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IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

SEP 30 2015

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

IN RE: TULSA COUNTY GRAND JURY

GJ 2015-1

CASE NUMBER _____

ACCUSATION FOR REMOVAL OF SHERIFF STANLEY GLANZ

Comes now the Tulsa County Grand Jury impaneled and sworn by the Court on July 28, 2015 and would present to the Court an Accusation for Removal of Sheriff Stanley Glanz on the grounds and for the reasons set forth herein, to-wit;

That Stanley Glanz is the elected Sheriff in and for Tulsa County. That Stanley Glanz has served as the elected Sheriff for successive and consecutive terms of office since January, 1989 to the present.

ALLEGATION ONE

That on or about August 2009, the Sheriff Stanley Glanz authorized then-Undersheriff Brian Edwards to conduct an investigation into allegations that Reserve Sheriff Deputy Robert Bates was receiving preferential treatment from supervisors within the Sheriff Department and that he lacked proper training to conduct his duties of operating a marked Sheriff Department Patrol Unit without full Deputy supervision conducting traffic stops on Tulsa County citizens.

That then Undersheriff Edwards ordered Sgt. Robbie Lillard to initiate an inquiry into these matters, as evidenced by a written Report prepared and submitted by Sgt. Lillard to then Undersheriff Edwards. The Report and its findings and recommendations are attached hereto as Exhibit One and is incorporated herein as part of this Accusation for Removal. The Report reflected that Reserve Deputy Bates had received preferential treatment in regard to his duties as a Reserve Deputy.

That Sgt. Lillard spoke with then Undersheriff Edwards and submitted the Report with his verbal recommendation that the matter be subject to a full Internal Affairs Investigation. That then Undersheriff Edwards, after reviewing same and consulting Sheriff Glanz, determined that the matter would proceed no further and would not become an Internal Affairs Investigation.

That Sheriff Glanz, so advised and consulted, concurred with the decision to refuse to initiate an official, numbered, Internal Affairs Investigation. Sheriff Glanz instructed Edwards to verbally reprimand Chief Tim Albin for his role and actions in this matter. Sheriff Glanz met with Captain Thomas Huckleby and gave him a written reprimand outlining violations of Policy committed by him in this matter.

Sheriff Glanz also gave a written reprimand to Corporal Randy Chapman. Corporal Chapman was transferred from his position supervising the Reserve Deputy Program and assigned to the Tulsa County

Jail. Corporal Chapman went directly to Sheriff Glanz and registered a complaint about the transfer and was told by Glanz that he (Chapman) had made Bob Bates mad and that Bates had requested that Chapman be moved. Sheriff Glanz further told Corporal Chapman that it wasn't going to be that bad and just to accept it.

During this matter, it was determined by the Sheriff and then Undersheriff Edwards that Reserve Deputy Bates had been certified by CLEET as a basic police officer due to being "grandfathered " in based upon having attended the Tulsa Police Academy in 1964. Reserve Deputy Bates had received no training or CLEET Basic Police Academy training in the intervening 44 years prior to his becoming a Reserve Deputy in 2008. At the time in question, August 2009, Reserve Deputy Bates had not received or completed Reserve Deputy training and FTO training as required by Tulsa County Sheriff Office Policy.

The only action taken as a result of the Report was to require Reserve Deputy Bates to donate the vehicle he had outfitted with lights and other police equipment to the Sheriff's office which was then assigned back to him. No other action was taken to correct any conditions which caused this preferential treatment. Reserve Deputy Bates was not counseled or disciplined in any fashion and his duties and actions were not limited or curtailed in any way.

That the actions taken by Sheriff Glanz in failing to fully investigate and to act to correct the actions of Reserve Deputy Bates which violated Tulsa County Sheriff Office policies failed to address and correct a situation wherein Reserve Deputy Bates was permitted to act outside and beyond Policy. The Sheriff's act of reprimanding Corporal Chapman and the reasons given by Sheriff Glanz for the reprimand was an act contrary to a known duty to follow Policy and/or was inexcusably reckless in performing his duty to supervise and lead the Sheriff's Office.

Sheriff Glanz instead authorized a deviation from the Policy relating to Reserve Deputies by removing Reserve Deputy Bates from the normal chain of command where he was to report to and be under the supervision of the Reserve Deputy Coordinators, and instead placing Bates under the direct supervision of Captain Huckleby and Chief Albin.

That in 2010, 2011, 2012, 2013, and 2014 and until April 2, 2015, Reserve Deputy Bates remained under the direct supervision of Chief Albin and Captain Huckleby in accordance with the directives set forth by Sheriff Glanz. This chain of command was in direct contravention to the established chain of command set forth in TCSO policy concerning the Reserve Deputy Program.

During this time period, Albin became Undersheriff and Huckleby was promoted to Major, both higher ranking positions. Reserve Deputy Bates became a regular on the Tulsa County Sheriff Office Drug Task Force, participating with other Deputies in numerous undercover operations, search warrant executions and other aspects of their duties. On many occasions, Reserve Deputy Bates was directly supervised by Major Huckleby. In all such operations, he was assigned "containment" or perimeter duties and was fully armed and operating as a Reserve Deputy Sheriff.

That the acts set forth herein constitute Habitual and Willful Neglect of Duty and/or Gross Partiality in Office and/or Willful Maladministration in Office.

ALLEGATION TWO

In 2009, Sheriff Glanz attended a round of firearm qualifications for members of his Department at the firing range under the supervision of Sgt. Kitch and Range Master Tim Wilkens. At that time, Reserve Deputy Bates was a participant and was verbally reprimanded more than once for dangerous behavior with his weapon on the line, known as "covering" the other participants by pointing his firearm in such a way as to expose them to being shot. Reserve Deputy Bates then became angry and refused to complete the firing range round, instead holstering his firearm and crossing his arms for the remainder of the course, resulting in a failing score.

Sheriff Glanz verbally contacted Sgt. Kitch, telling him to "take it easy" on Reserve Deputy Bates and further telling him to "pass him." After this exchange, Reserve Deputy Bates was allowed additional opportunities on the range and ultimately scored a passing number and was allowed to qualify.

That the acts set forth herein constitute Gross Partiality in Office.

ALLEGATION THREE

That Reserve Deputy Bates was permitted by Sheriff Office personnel to wear and utilize firearms not approved for use by the Sheriff Office in violation of TCSO policy. That Sheriff Glanz either permitted this practice or was neglectful in that he never ascertained whether or not Reserve Deputy Bates was following that policy. That on April 2, 2015, the date when Reserve Deputy Bates discharged a firearm and killed Eric Harris, he did so with a .38 revolver which was not an authorized firearm for use by the Sheriff's Office.

That the acts set forth herein constitute Gross Partiality in Office.

ALLEGATION FOUR

This arrangement and preferential treatment remained in force and effect until on or after April 2, 2015.

That other Reserve Deputies were permitted on a regular basis by Sheriff Glanz to violate the chain of command and approach him directly concerning matters regarding the Reserve Program. Sheriff Glanz permitted this type of direct contact and acted upon requests made by the Reserve Deputies due to their position and influence in the community and to retain their ability to be benefactors to the Sheriff's Office.

That Sheriff Glanz further testified at the September 23, 2015 appearance before the Grand Jury that he would advise full time deputies to refrain from enforcing the policies of the Tulsa County Sheriff Office when it involved Reserve Deputies, thus establishing a clear pattern of behavior to excuse certain Reserve Deputies from the written policy requirements that even full time Deputies were required to follow.

That this pattern of behavior, practiced by Sheriff Glanz, caused an environment to exist in the Office wherein full time personnel would receive or believed they would receive discipline against them for

enforcing the written policies of the Tulsa County Office. The result was that those employees were less likely to act to enforce policies due to their concern for discipline and reprimand. This conduct by Sheriff Glanz constitutes Oppression in Office and/or Gross Partiality.

ALLEGATION FIVE

That in April and May of 2015, certain members of the senior staff of the Sheriff's Office were discharged pursuant to internal affairs investigations initiated during that time frame concerning issues of misconduct, some of them dating back months or years. Those people were Shannon Clark, and Billy McKelvey, both of whom are no longer employed by the Sheriff's Office.

That Sheriff Glanz, in addition to using the findings of those investigations to reach his decision to terminate those employees, has testified on or about September 23, 2015 before the Tulsa County Grand Jury that his suspicions that they were involved in the "leaking" of the 2009 Report referred to herein entered into that decision, weighing in favor of terminating those persons.

That Major Tom Huckleby was asked to resign by Sheriff Glanz in late April 2015, after the April 2, 2015 shooting and after the release of the 2009 Report, which named Huckleby as a person within the Office who was showing preferential treatment to Reserve Deputy Bates. That this request was made in the presence of Undersheriff Rick Weigel and Terry Simonson, both employed by the Sheriff's Office at the time. That Undersheriff Weigel advised Sheriff Glanz to delay in seeking or accepting the resignation of Major Huckleby at that time.

That after making that request and deciding to wait for a time period, Sheriff Glanz had a subsequent conversation with Major Huckleby on a later date. At that meeting, Sheriff Glanz told Major Huckleby to "Keep your mouth shut. Remember that your son still works for me". That Major Huckleby took this statement as a threat concerning his son and that its oppressive connotation led to his agreeing to resign from the Sheriff's Office.

These acts of disciplining and/or terminating staff members in April, May and June 2015 and the statements made by Sheriff Glanz concerning them constitute Oppression in Office.

ALLEGATION SIX

That in the years 2006, 2007 and 2008, while serving as the elected Sheriff of Tulsa County, Sheriff Glanz became aware of a product known as "Staph Attack" which was used to contain and prevent staph and other infections within the jail and in patrol units which dealt with the public and transported prisoners in the custody of the Sheriff.

That before the product was initially purchased by the County for use in the Tulsa County Jail and Sheriff's Office; Sheriff Glanz had purchased stock in the parent company that produced the product, Pure Bioscience. That the sale of the product to Tulsa County and the Sheriff's subsequent endorsement efforts of the product led to financial benefit to the Sheriff in increase stock prices and/or dividends from the stock so owned.

That at no time did the Sheriff notify anyone in a public office or position of the stock ownership and resulting financial interest he had in this product. That the expenditure of public money to purchase his product for Tulsa County occurred at a time when the Sheriff consciously concealed his financial interest in the sale and use of the product, Staph Attack. These acts constitute Corruption in Office

ALLEGATION SEVEN

That Sheriff Glanz, from at least 2009 to present has received a "Vehicle Allowance" to compensate him for the use of his personal vehicle for travel within Tulsa County related to his duties as Sheriff of Tulsa County. This is authorized by 19 O.S. 165. The amount of the allowance is \$600.00 per month. That Sheriff Glanz, during this same period of time has utilized a vehicle owned by the Tulsa County Sheriff's Office at least 2 to 3 days a week for travel within Tulsa County related to his duties as Sheriff.

That 19 O.S. 165 prohibits the receipt of the "vehicle allowance" and use of a County-owned vehicle as well. The actions of the Sheriff in using a Tulsa County Sheriff's vehicle and receiving the "vehicle allowance" resulted in the Sheriff directly benefitting from an unlawful act, constituting Corruption in Office.

ALLEGATION EIGHT

That in late April or early May, 2015, Sheriff Glanz directed Undersheriff Rick Weigel to initiate an internal affairs investigation to determine what he (Sheriff Glanz) knew and when he knew it concerning the 2009 Report that had become a subject of public knowledge in 2015. That Chief John Bowman was assigned this duty and in fact prepared a Report of his investigation, a copy of which is attached and made an part hereof, identified as Exhibit Two.

At the outset of this investigation, it was determined that a key witness would be former Undersheriff Brian Edwards. Sheriff Glanz told Chief Bowman at the beginning of the investigation that he "doubted" that Edwards would speak to him. That when contacted by Chief Bowman, Edwards did not provide a statement and did not submit to any questioning.

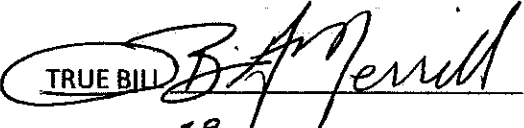
That at the conclusion of the investigation, Chief Bowman reported this and was then told by Sheriff Glanz that he (Glanz) had talked with Brian Edwards before the investigation was initiated and told Edwards, "If I was you, I wouldn't talk about this". This was documented by Chief Bowman in a supplement to the Report, a copy of which is attached hereto and made a part hereof labeled as Exhibit Three.

That the actions undertaken by Sheriff Glanz obstructed the investigation and precluded Chief Bowman from fully answering the questions he was directed to answer by advising Mr. Edwards to refrain from providing necessary evidence to Chief Bowman.

That such acts constitute Corruption in Office an unlawful or wrongful use of the public office of Sheriff to benefit himself by avoiding providing evidence of the nature and extent of the Sheriff's knowledge and role in the 2009 Investigation. The act of the Sheriff to advise Mr. Edwards to not talk with anyone

was inexcusably reckless in performing an official duty to administer the Sheriff's Office and also constitutes Willful Maladministration.

Wherefore, premises considered, the Tulsa County Grand Jury GJ 2015-1 respectfully requests that Sheriff Stanley Glanz be Removed from the Office of Sheriff of Tulsa County based upon the facts and legal authority contained herein. It is further requested by the Grand Jury that the Court conduct a hearing and determine that Sheriff Glanz should be suspended from Office immediately pending a trial on this Accusation pursuant to 22 O.S. 1195 to protect numerous current employees of the Sheriff's Office who are witnesses in this matter.

 TRUE BILL Foreperson of the Grand Jury
Dated this 19 day of September, 2015

NO BILL _____

WITNESSES:

Timothy Albin, Oologah, Oklahoma

Thomas Huckleby, Sperry, Oklahoma

Randy Chapman, c/o TCSO

Eric Kitch, c/o TCSO

Rob Lillard, c/o TCSO

Brian Edwards, c/o Grand River Dam Authority

Billy McKelvey, Tulsa, Oklahoma

Shannon Clark, Tulsa, Oklahoma

John Bowman, c/o TCSO

Michelle Robinette, c/o TCSO

Tim Wilkens, c/o TCSO

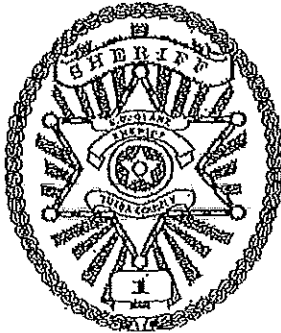
Bonnie Fidler, c/o TCSO

Richard Weigel, c/o TCSO

Meredith Baker, c/o TCSO

Records Custodian, Tulsa County Clerk's Office, Tulsa, Oklahoma

memo

TULSA COUNTY
SHERIFF'S OFFICE

To: Undersheriff Brian Edwards

From: Sergeant Rob Lillard

Date: August 12, 2009

Subject: Special Investigation

On July 27, 2009 at your request I began to conduct a special investigation. As per your instructions, the investigation consisted of two specific inquiries:

1. Was Reserve Deputy Robert Bates treated differently than other Reserve Deputies in the past-Specifically any Ex-Officers that were brought on the Reserve Program.
2. Was any pressure exerted on any employees by supervisors to aid Reserve Deputy Bates in this regard.

To accomplish these tasks I collected and conducted research from July 27 to August 05, 2009 which consisted of the following:

1. All Reserve files of Ex/Officers brought on
2. All training files of the same officers
3. All hiring files of the same officers including entry tests, oral boards, and MMPI testing.
4. All personnel files of same officers
5. All applicable policy and procedure pertaining to the Reserve Program/Levels of status-training required
6. All applicable CALEA requirements for the Reserve Program

I also conducted interviews of office personnel who may have had contact with supervisors.

Investigation

It should be noted that all documents reviewed consisted of requirements put into place by CALEA in 2000. Prior to this

there were no specific requirements and therefore did not apply to this investigation. The documentation provided the following:

Policy

Policy 16-04 Reserve Deputy Program states "The candidates for reserve deputy positions must meet the same selection criteria as full-time deputies. Refer to policy 4-02, Selection, and policy 4-04, training Organization and Administration, regarding selection and training". Policy 4-02 Application selection states "Candidates selection elements will include written examinations and physical agility testing, background investigation, oral interviews, pre-employment physical and drug screen, and psychological exam. Policy 16-04 further states the classifications and requirements of the three different levels of reserve deputy status- Basic- CLEET Basic Reserve Classification of 240 hours or equivalent certification recognized by CLEET (Previously certified by CLEET as a peace officer), Intermediate- Having met the Basic requirements and having a CLEET Flying Armed Certificate and a minimum of 40 hours of previous transportation experience under the direct supervision of a ~~certified deputy, and advanced- having met the Basic and advanced requirements and "Will~~ complete and document 480 hours of the TCSO Field Training Program".

It should be noted that the advanced Classification reserve deputy is the only Reserve Classification that may perform normal field duties by themselves without the direct supervision of a certified deputy.

Reserve Roster

The current roster included fifteen Reserve deputies who fall into the category of Ex-Officer (Having fulfilled the Basic requirement by policy). Of the fifteen six are listed as Basic, three are listed as Intermediate, and six are listed as Advanced. Of the six that are listed as Advanced, only three were brought on after the year 2000 in which the policy requirements and CALEA were in place and should have met all the policy requirements including Reserve Deputy Robert Bates for a total of four.

Personnel, Training, and Reserve Files

Of the four mentioned above, a check of the related files revealed the following: That this office has failed to comply with written policy regarding testing, background investigation, oral boards, psychological testing, and field training requirements. Some of the four Reserve Deputies have been subject to some of the requirements, but not all. Specifically, given the inconsistencies of our practices Reserve Deputy Bates was not shown favor in the selection process. With regard to training, however a review of the files shows that Reserve Deputy Joe Walker is in the process of attaining the required documented 480 Field Training Hours for Advanced status. Walker began the process on February 05, 2008 and has documented 199 ½ hours. Walker was a previous Police Officer from 1971 to

1989(18 years). Whereas, Reserve Deputy Robert Bates began the process of attaining the required documented Field training hours for Advanced status on February 05, 2009 and completed the process via a letter written by Corporal Warren Crittenden on May 13, 2009 wherein he was credited with completing 328 hours. To this point, Bates only acquired 72 documented hours. Bates was a previous Police Officer from 1963 to 1964(1 year).

Interviews

Bonnie Fiddler

On August 13, 2009 I conducted a tape recorded interview with Employee Bonnie Fiddler of the training department in the Internal Affairs office. Fiddler provided the following:

When asked if anyone representing staff or supervisors had placed any undue pressure on her to do anything she would not have normally done in reference to Reserve Deputy Bates, she replied "No, other than Chief Albin instructing me to make a certificate for driver training for Reserve Deputy Bates". Fiddler stated that she did not believe that Bates completed the training. That this was not normal for Chief Albin to ask her to make a certificate and the only time he has asked her to do so. Fiddler stated that instructors ask her all the time to produce certificates for students. When asked if Albin was an instructor would this have been abnormal for him to ask her to make the certificate, Fiddler replied "No". Fiddler stated that she just made the certificate and did not question the order. Fiddler stated that there had been no other instances where she felt any pressure by staff or supervisors. Fiddler stated that she thought Sergeant Randy Chapman may have been a victim of pressure for enforcing the policies to Reserve Deputy Bates over Bates not qualifying at the range. That Chapman stated to her that her got "Chewed out for this and threatened of a transfer over Reserve Deputy Bates. When asked when she was approached by Chief Albin did Albin do or say anything indicating the certificate was wrong, Fiddle stated "No it was just odd that he would ask because he hangs out with Bates and having the knowledge about Chapman's interactions". Fiddler stated that she did not have anything to do with the Reserves other than sending notices for training. Fiddler could provide no further.

Corporal Warren Crittenden

On August 14, 2009 I conducted a tape recorded interview with Corporal Warren Crittenden of the Uniformed Operations Division in the Internal Affairs office. Crittenden provided the following:

When asked if anyone representing staff or supervisors had placed any undue pressure on him to do anything he would not have normally done in reference to Reserve Deputy Bates, he replied "Yes I felt pressured". Crittenden stated he was assigned to field train Bates. That in doing so he was to produce daily observation reports on Bates up to 480 hours of training. Crittenden stated that Chief Albin and Captain Huckeby towards the end of the training approached him and informed him that the training was on a timeline and should be

completed by a certain time. That the Chief and Captain have never approached him while he was training any other officer and that this was abnormal. Neither the Chief nor Captain told him why the training had to be completed by the timeline. That the Chief and Captain would continually come to him pressuring him about the training timeline informing him that it would be completed by the timeline. That he informed both the Chief and Captain that he was required to complete the training as per policy-the complete time. That the Chief and Captain came to him and told him that Bates needed to complete 320 hours of the program, although he knew the policy stated 480 hours of training. That Captain Huckleby approached him more times than Chief Albin who only approached him a couple of times. That Captain Huckleby was aggressive/forceful in telling him "This will be done," referring to the training timeline. That he wrote a memorandum at the end of the 328 hours to conclude the training of Reserve Deputy Bates. Crittenden was then shown two memorandums apparently written by him in reference to Reserve Deputy Bates, he stated that he did not write either of them. That he does not know who prepared the memorandums, but he was given them by Captain Huckleby and told to initial them. That he signed the memorandums because he was afraid of trouble like a transfer if he did not. That the original memo he wrote basically stated that Bates had received 328 hours of training

and that was all it stated. That when Huckleby brought him the others, Huckleby stated that his memorandum was re-written better than what he had written and included the additional information. At this time I read both memorandums to Crittenden. Specifically the part of one where it states ***"Reserve Deputy R. Bates has successfully completed the aforementioned program. It is my opinion that Reserve Deputy R. Bates is capable of performing the functions of a patrol Deputy"***. When asked if he agreed with this statement, Crittenden stated "No....Deputy Bates ...I would have asked him to do remedial training after the 328 hours...he deals with people and geography ok...but not really good at traffic stops or operations". When asked if Bates was capable of functioning in the field, Crittenden stated "Nope". When asked about the other memorandum which stated ***"As you are aware Bob Bates is a former Tulsa Police Officer, he brings to the Tulsa County Sheriff's Office a wealth of knowledge, and experience in the field of law enforcement. I have personally observed Bob Bates in the field and have spoken with others in reference too Bates's progress. I am confident that his progress is such that there is no need for him to continue with the remaining amount of FTO time. I am respectfully requesting that based on the outstanding ability that Reserve Deputy Bates has shown while working in the field that he be granted his advanced Reserve status"***. When asked if he agreed with these statements, Crittenden stated "No...I did not write that". At this time I informed Crittenden that I was only able to locate eight (8) daily observation reports on Reserve Deputy Bates which amounted to 72 hours of training and only one was written by him. I also informed him that did not equal 328 hours of training of which in his original memorandum he stated that Bates received. Crittenden stated that he had documented all 328 hours and was told to give the reports to Captain Huckleby, by Captain Huckleby. That this was not normal with the FTO process. That usually the completed forms are turned to the Reserve Coordinator. That when Huckleby told him to give the forms to him, Huckleby stated that he would give the forms to Chief Albin and that Albin would give them to the

Reserve Coordinator. That within the reports he believed he noted deficiencies and stated that he believed that Reserve Deputy Bates needed additional training. Crittenden stated that of the 328 hours Bates completed with him, he would not have signed off on him as ready. That he would have given him to another FTO and discussed any deficiencies, but would not have completed a final sign off. That he let Captain Huckleby know that Bates should not be allowed to take calls or stop cars by himself and Captain Huckleby stated, "Don't worry all he is going to do is back". That he found out later Bates was operating as a normal field trained Deputy. That this concerned him. That he then told Captain Huckleby of this and Huckleby told him "It is your job to keep an eye on him". Crittenden stated he was apprehensive about talking to this office about this. That he believes he might be subjected to a transfer and this is why he did not bring this information to this office before. Crittenden stated that during all that time, Chief Albin and Captain Huckleby acted like it was a personal thing about what the reserve coordinator was doing with Bates. Specifically, he overheard Albin and Huckleby talking about Randy Chapman at which time he heard something like "I can't believe he's going against us...does he not know that you're a Captain and I'm a Chief." That this occurred when Chapman attempted to follow policy regarding Bates. Crittenden could provide no further.

Sergeant Eric Kitch

On August 17, 2009 I conducted a tape recorded interview with Sergeant Eric Kitch of the Field Support Unit in the Internal Affairs Office. Kitch provided the following: That he was not the subject of any pressure to advance the career or aid Reserve Deputy Bates. That he has not been asked to do or forced to do anything to aid Reserve Deputy Bates. That he did write memorandums to the CALEA file about Bates' hiring practice- specifically, that Bates did not complete an entry test or MMPI as stated by policy. That Captain Merchant and Chief Albin are his supervisors. That Reserve Deputy Bates met the qualifications of the Basic and Intermediate levels of the reserve program. That when Bates started operating at the advanced level, several other reserves voiced their concerns. That he then voiced these concerns to his supervisors and did not receive any response. That he then documented the CALEA memorandums about this. That again, no response when he submitted the memorandums. That he prepared and then sent Bates a suspension letter along with eighteen other reserve deputies for failing to meet firearm qualifications (Not attending). That the letter(s) were approved prior to being sent out by Captain Merchant. That as a result of Bates receiving the letter, Bates contacted Captain Huckleby who in turn contacted Chief Albin who then informed him that this was some type of harassment. That after this Bates eventually went to the training. That this has not occurred with any other reserve or subordinate under him. That the conflict arose out of the letter being sent out. That Bates is currently operating at an Advanced status. That he did not have any documentation of Bates having received the required 480 hours of Field Training to achieve this status. That he received was a memorandum written by Corporal Warren Crittenden. That he doubts the training that Bates received because there are no records or Daily Observation Reports. That usually when a reserve reaches advanced, it is approved by a

Captain and a Chief and he has received no such notification to promote Bates to Advanced status. That he was informed by Chief Albin that he and Sergeant Chapman were no longer to supervise Bates. That Bates would report directly to him and that the two should have no contact with Bates. That Chief Albin advised him that Bates felt intimidated by him and that Chapman harassed him. That he received concerns from patrol officers about how Bates operated in the field. That Bates did his own thing and only answered to Chief Albin. That one incident in particular showed Bates' lack of training. That this incident involved Bates attempting to conduct a traffic stop and subsequently getting into an argument with the dispatcher based upon his inability to communicate with the dispatcher. That this inability is usually corrected in the first phase of the Field Training Program (Radio Traffic/usage). That based upon this, he believes there may be more problems because this was a basic function of the training. That he feels that both Bates and the office would have benefited by Bates actually completing and documenting the training process. That Bates has only one year of police experience and this occurred forty plus years ago. That Chief Albin stated to him in reference to this "Sometimes you have to eat shit...but you don't have to develop a taste for it". That another time when Bates was insubordinate to Chapman, Chief Albin stated to him "You can be right but don't say anything about it". That all this surrounding Bates was abnormal and that this type of attention from the Chief has not occurred with any other reserve deputy. Kitch could provide no further

Captain Tom Huckleby

On August 18, 2009 Undersheriff Brian Edwards conducted a tape recorded interview with Captain Tom Huckleby of the Uniformed Operations Division in the Internal Affairs Office. Prior to conducting the interview, Captain Huckleby was read notification of Administrative Investigation by Edwards and subsequently signed the form. It should be noted that a tape malfunction occurred during the recording, Huckleby provided the following:

That he oversees the Field Training Program and has no responsibilities pertaining to the Reserve Deputy Program. That he was instructed by Chief Tim Albin to re-write a memorandum written by Corporal Warren Crittenden to include comments that were made between Albin, Huckleby and Crittenden during a meeting about Reserve Deputy Bates' Field training status. That he revised the original memorandums produced by Crittenden and subsequently had Crittenden initial the new memorandums. That he did not intend to do anything underhanded or unethical, but merely added the information about Bates that was discussed in a meeting and instructed by Albin, produced the memorandum, and had Crittenden sign it. That did not receive any Daily Observation Reports. Huckleby could provide no further.

Investigator Notes

It should be noted that during this point in the investigation, I was informed of other acts of intimidation on employees committed by Captain Huckleby while this investigation was being conducted, as well as a past incident which resurfaced with the return of an employee from leave by Chief Deputy Michelle Robinette.

Chief Michelle Robinette

On August 21, 2009 Chief Robinette provided this office with a memorandum with attachments documenting various incidents depicting recent intimidation by Captain Huckleby. The attachments were written by Sergeant Shannon Clark, Deputy Michael Moore, and Deputy Skee Olmstead. Later this same date, I conducted a tape recorded interview with Robinette who provided the following:

That during a recent investigation of a non related matter, she discovered possible intimidation by Captain Huckleby to Sergeant Shannon Clark. She found this while being informed by Sergeant Clark that Deputy Allen Lansdown was returning from a leave of absence. That Clark informed her that prior to Lansdown leaving the first time, he was assigned to the Marshall's Unit under him. That Lansdown had asked Clark for two days off prior to the leave beginning to complete a physical, which Clark granted. That Clark stated that Lansdown did not come back or inform him of anything and then began his year leave of absence. That there was approximately a two week period between this and the leave beginning. Clark told her that sometime later he learned from Sergeant Stevens and Captain Huckleby that Lansdown was already overseas and that his leave of absence was approved. That Clark then informed his supervisor Captain Rudy Freese who suggested that he write up a 'No call No Show based upon the two week period when Lansdown did not call or inform. That during her conversation with Clark, he indicated to her that Huckleby addressed the matter with him stating "It would be a chicken shit thing for you to do". That at this time Huckleby was no longer working at the jail and should have had no involvement in the matter. That she felt from the conversation that Clark was intimidated by Huckleby to not complete the "No Call No Show" letter. That Huckleby also told Clark "It did not matter anyway because the Sheriff has already approved the leave". That she was unsure if Clark reported his conversation with Huckleby to Freese. That Clark told her about this because Lansdown has now returned to work and he is concerned that Huckleby may intervene on Lansdown's behalf again. That she felt Clark was pressured by Huckleby. That this all arose because Lansdown was back and that Huckleby had promised him his original job back upon his return. That at the time this happened, Huckleby was sharing an apartment with Lansdown. That she had Clark and the others write a memorandum about the events and forward the memorandums to this office. Robinette could provide no further.

Sergeant Shannon Clark

Sergeant Clark produced a memorandum to Chief Robinette at her request. The memorandum was listed as confidential and provided the following:

That approximately two weeks prior, he was informed by Deputy Michael Moore that he had a disturbing event with Captain Huckleby. That Moore told him that in the past Captain Huckleby has called him to fill his shifts on a part time job with very little notice on his days off. That Moore could not fill the shift because he was watching his child, Huckleby told Moore it was his responsibility to find someone to fill the shift. Moore stated to him that he would do so reluctantly to keep Huckleby from being angered at him. Moore told him that when he was summoned to his FTO meeting with Huckleby, Huckleby was making statements as to what type of absences would not be tolerated in the program. That at this time Huckleby directed his attention at Moore and stated in front of other subordinates child care issues/absences would not be tolerated. Moore told him this made him very uncomfortable as well as embittered with Huckleby and the FTO Program. Moore told him that he has not missed work or had child care issues interfere with his assignments. That Moore felt Huckleby was retaliating at him for not filling the part time job. Moore also stated that he feared going to the FTO Program because Huckleby might tarnish his reputation because of not filling the part time job.

Clark stated that on August 20, 2009 he was approached by Deputy Skee Olmstead on an unrelated matter when Olmstead informed him that she wished to come back to the jail. That he inquired why she said this and Olmstead stated that Huckleby was messing with her since she would not cover his part time jobs. Olmstead told him that one afternoon she went to Huckleby's office at which time he asked her to cover a part time job. That the job started fifty minutes from the conversation and she had not completed her duty reports so she told him she could not cover the job. That Huckleby became visibly irritated, and then a short time later insisted on seeing her FTO notebook. That Huckleby became critical of her notes and began to smell the note pages commenting on her smoking. Clark stated he then asked her if she had informed anybody about this and Olmstead replied that she could not talk to anyone because Huckleby would find out and she would be punished. Clark asked her why she did not speak with Sergeant Tapper her previous Sergeant. Olmstead told him that a few weeks back, Tapper had called Corporal Estes and inquire about how she was doing in the program. Olmstead stated the very next day she was called into Huckleby's office and told only to report to those in her FTO chain of command. That Huckleby also suggested that she have no contact with anyone in the jail until the completion of the program. Clark stated that based upon these two incidents he reported them the Chief Robinette.

On August 21, 2009 I conducted a tape recorded interview with Sergeant Shannon Clark in the Internal Affairs Office. Clark provided the following:

That he was informed recently that Deputy Allen Lansdown was returning from a leave of absence. That the leave of absence concluded in July and he had concerns because Lansdown was his subordinate when he left. That he expressed dissatisfaction to Chief Robinette because of this and that it had happened in the past prior to his leave. That prior to the leave, he was over the Marshalls Program and that Captain Huckleby was no longer at the jail. That Lansdown had asked him for two days off prior to the leave beginning to complete a physical, which he granted. That he stated Lansdown did not come back or inform him of anything and then began his year leave of absence. That there was approximately a two week period between this and the leave beginning. That sometime later he learned from Sergeant Stevens and Captain Huckleby that Lansdown was already overseas and that his leave of absence was approved. That he then informed his supervisor Captain Rudy Freese who suggested that he write up a "No call No Show based upon the two week period when Lansdown did not call or inform. That he indicated Huckleby addressed the matter with him stating "It would be a chicken shit thing for you to do". That at this time Huckleby was no longer working at the jail and should have had no involvement in the matter. That he felt intimidated/pressured by Huckleby to not complete the "No Call No Show" letter because Huckleby shared a residence with Lansdown at the time. That Huckleby also told him "It did not matter anyway because the Sheriff has already approved the leave", implying that nothing would be done if he produced the letter. That he felt that had he produced the letter there would have been retribution by Huckleby to him about it. That since Lansdown was coming back, he felt the issue might arise again involving Huckleby and so he informed Robinette. That he approached Robinette with the incidents with Deputies Olmstead and Moore and informed her of the Lansdown incident as well. That he had Deputies Olmstead and Moore produce memorandums about the incidents. That he feared the relationship that Huckleby has with Lansdown and so he brought the information forward because Lansdown manipulated the situation in the beginning and he believes he will do so upon his return. Clark could provide no further.

Sergeant Randy Chapman

On August 26, 2009 I conducted a tape recorded interview with Sergeant Randy Chapman in the Internal Affairs Office. Chapman provided the following:

That Reserve Deputy Bates became a Reserve deputy without his knowledge. That he is the Reserve coordinator and should have known this. That he assigned Bates his equipment and explained the rules to Bates as they pertained to the program as far as the different levels of Reserve status. That it came to his attention that Bates was driving a personally owned car with police equipment prior to achieving the necessary level to do so. That he brought this to the attention of Chief Tim Albin and Albin stated to him "This is a shit sandwich and you

will just have to eat it but not acquire a taste for it". That at this time, the vehicle Bates was driving did not belong to the county it was a personal vehicle. That later Bates did donate the vehicle to the county and subsequently Bates was assigned this vehicle. That no other reserve Deputy is assigned a vehicle. That Bates has not followed the policies about the use of the vehicle in sitting the vehicle down during vacation times. That he brought this to the attention of Chief Albin who told him just to let it go. That Bates then wanted to get in the FTO program to achieve the level at which he could stop vehicles and do patrol functions on his own. That there has been problems in the past of Reserves not having to have met the requirements in the past. That he was told by the Undersheriff and Captain Merchant and others to clean up the program and ensure requirements were being met. That he met with Corporal Estes to ensure that requirements were in place if Reserves were to go through the FTO Program. That several other reserves applied to the program including Joe Walker, Kofi Wallace, and Jo Taylor. Of these, only Joe Walker has continued to go through the program to achieve the level three status. That Bates signed up for the program after completing the level two status. That Bates needed 480 documented FTO hours from an actual FTO and he told Bates this. That he felt Bates got this hand on training to serve the office and him better. That one day shortly after this, he was informed that Bates was out stopping vehicles on his own without completing the program. That he then spoke to the Undersheriff about this and the Undersheriff told him to go and speak with Bates about the matter and to explain it to him. That after this, he located Bates in the parking lot of the Sheriff's Office and he told Bates he needed to talk to him. That Bates told him "I don't have time to talk to you". That he again told Bates he needed to speak with him for a moment and that it would not take very long. That he then asked Bates if he was out stopping cars, and Bates replied "Yes I am" in a hateful manner. That he then informed Bates that he could not do that not having completed the training and Bates replied "Well I can do it and if you don't like it you can talk to Tim Albin or Sheriff Glanz because I'm going to do it". That Bates then walked away. That he then went and informed the Undersheriff of what had occurred and that he was going to inform the Chief Albin. That after this, he was on his way to inform Chief Albin of what had happened when the Chief Albin came to him with Bates and told him he wanted to see him now. That he and Albin then entered the staff conference room at which time Albin began to cuss at him about Bates. That specifically Albin stated "I'm tired of you fucking with this guy and I'm tired of your shit". That he then asked Albin what he had done because he was just following the policies as he should have. That Albin continually told him that he had it out for Bates. That Bates called Albin prior to the meeting and that Bates usually contacts either Albin or Huckeby but not him. That after the meeting, Albin instructed him not to have any contact or talk with Bates at all removing him from supervising all together. That this has not occurred with any other Reserve under his supervision. That about a day later, he observed Bates at the County garage pumping gas into another vehicle-not the one he had previously been driving. That Bates filled up and then left. That Carl from the Garage asked him who had just pumped fuel and he told him Reserve deputy Bates. That Carl then asked if the vehicle was a county vehicle and he told him he was unsure but believed the car would be donated to the office. That a short time later, Albin came to him and jumped all over him stating "Your fucking

with Bates...you need to stop messing with him because he does a lot of good for the County". That he then met with the Sheriff in a meeting with other employees to bring this to the attention of the Sheriff. That Albin came to him after this and stated "I know you had a meeting with the Sheriff, well we'll have one too". That he took this as intimidation because of Bates and the fact they had never had any meetings. That after this, Albin assigned him to work a week of Midnight shift. That he believes that Albin did this as punishment over Bates. That after completing the week, he was informed by Captain Merchant told him to come into Chief Haralson's office. That Merchant told him "I need to let you know that you are not going to have anything to do with the Reserve Program anymore because Albin is re-assigning you to Special Services". That he then asked Merchant why and Merchant stated "Well Chief Albin does not want you to have any contact with Bob Bates anymore". That he then took this directly to the Sheriff. That he has not been moved since. That since all this has happened, he has lost a ton of sleep, and his stomach hurt a lot because he worries about retaliation to him because of Bates' relationship with Albin and Huckleby. That the rest of the Reserves are upset because of how Bates is treated and have worked less hours because of it. That he has spoken with Merchant about this and Merchant told him there is nothing he can do because Bates has bought Huckleby watches and takes them fishing and stuff. That Captain Huckleby came to him one time and cussed him out on account of Bates. That Huckleby felt that he was screwing Bates about and he should leave him alone. That he felt intimidated by this and felt that Huckleby was doing this because of his relationship with Bates. That later, Huckleby came back and apologized to him for what he had stated. That he felt Albin and Huckleby had been bought off because Bates can do whatever he wants and there has been no consequences. That he has not received any documentation (DOR's) on Bates for his attendance in the FTO Program. That he asked Chief Albin about this and Albin stated "He wrote a letter and that's good enough" (Referring to Corporal Crittenden). That he has spoken with Deputy Dewey and Deputy Norton who both told him that they felt Bates' field operations were a little scary. That Albin and Huckleby keep telling him that Bates is an ex TPD Officer from 1964. That he believes that this office and Bates would benefit from Bates completing the program because he has been out of law enforcement for over forty years. That he spoke with Corporal Crittenden concerned about the training of Bates and that Crittenden told him he felt bad about signing the letters and should not have done so and only did so because he felt pressured by Huckleby to do so. Chapman could provide no further.

Conclusion

Based upon my review of policies and procedures, training records, hiring documentation, memorandums from employees, and interviews with affected personnel, I find that, within the aforementioned scope of this investigation, policy has been violated and continues to be violated by both Captain Tom Huckleby and Chief Deputy Tim Albin with regard to special treatment shown to Reserve Deputy Robert Bates with regard to his field training and with Captain Huckleby and Chief Albin creating an atmosphere in which employees were intimidated to fail to adhere to policies in a manner which benefits Reserve Deputy Bates.

Further, during the course of this investigation, three other incidents were reported which related to employees feeling that they were being intimidated by Captain Huckleby in matters which involved his personal relationships or personal business ventures, but which influenced his application of authority while on duty.

Specifically with regard to Chief Deputy Tim Albin, he approached Corporal Warren Crittenden on two occasions in reference to the timeline of Reserve Deputy Bates' field training and Corporal Crittenden felt that Chief Albin was pressuring him to show that the training was completed within a certain amount of time. Corporal Crittenden stated that Chief Albin has not approached him regarding any other deputy or reserve deputy involved in the field training program.

Additionally, Captain Tom Huckleby stated that he revised a memorandum originally authored by Corporal Crittenden which was used as the basis to prematurely conclude Reserve Deputy Bates' field training and that he made the revision at the behest of Chief Tim Albin.

Further, Sergeant Randy Chapman stated that, after bringing forth his concerns about policies being circumvented in respect to Reserve Deputy Bates' status in the Reserve Deputy Program, he was confronted by Chief Tim Albin and told that Albin was "tired of you fucking with this guy and I'm tired of your shit," then was told by Albin not to have any contact with or talk to Reserve Deputy Bates at all. Sergeant Chapman stated that he had not had any other reserve removed from his chain of command except for Reserve Deputy Bates. Sergeant Chapman reported that on another occasion Chief Albin told him that he was "Dicking with Bates" and "You need to stop messing with him because he does a lot of good for the County."

Specifically with regard to Captain Tom Huckleby, Corporal Warren Crittenden stated that he had been pressured by Captain Huckleby to conclude the field training of Reserve Deputy Bates within a certain timeline and that Crittenden felt the only way to accomplish this was to author a memorandum which stated the number of hours Reserve Deputy Bates had completed which was less than the number of required hours. Corporal Crittenden stated that Captain Huckleby brought back memorandums that stated additional opinions about the qualification of Reserve Deputy Bates and that his field training should be deemed completed and that Crittenden was told to initial the memorandums by Captain Huckleby though he disagreed with the contents therein. Corporal Crittenden stated that he felt pressure to sign the memos and that he feared retribution if he refused or if he were to alert anyone in the command staff that he disagreed and felt Reserve Deputy Bates should be required to complete the entire field training program. During interview, Captain Huckleby admitted to revising Crittenden's original memorandum, though he states that the new memo accurately reflected Corporal Crittenden's opinion.

In addition, it was reported that an incident occurred with Sergeant Shannon Clark and Captain Tom Huckleby at the time that Deputy Allen Lansdown was preparing to take administrative leave. Sergeant Clark became aware that Deputy Lansdown was absent from duty prior to his leave and had not called in. Sergeant Clark was instructed by his supervisor, Captain Freese, to complete and No Call/No Show letter in compliance with policy. Sergeant Clark made sought counsel from Captain Huckleby regarding the matter and was told by Captain Huckleby that to do so would be "a chickenshit thing for you to do" and that "it did not matter anyway because the Sheriff had approved the leave." Sergeant Clark said he felt intimidated by these statements and, because Captain Freese was resigning, that he would be placed in an awkward position if he were to follow Freese's order in light of what Captain Huckleby had to say about it. Further, Sergeant Clark felt that Captain Huckleby was looking out for Deputy Lansdown because he shared an apartment with Lansdown at the time.

More recently, two deputies came forward who are assigned to the field training program, which is under the supervision of Captain Huckleby and stated that they have been subject to ~~undue intimidation by Captain Huckleby based upon their refusal to work part-time security~~ jobs at Captain Huckleby's request. Deputy Skee Olmstead stated that Captain Huckleby asked her to work a part-time on his behalf and that he became visibly angry when she refused. That he then approached her, asked to see her FTO book which she provided to him, and that he then looked through the book and mocked her with regard to her smoking. Olmstead stated she felt the incident was retaliation for her refusing to work the part-time job and that Captain Huckleby was seeking to find her at fault with something in her book because she had refused the work. Olmstead also stated that Captain Huckleby has instructed her to find someone willing to work his part-time job when he did not want to. Also, Deputy Michael Moore stated that he received a telephone call one evening at home from Captain Huckleby who asked if he could cover a part-time job that evening. Moore stated that he told Huckleby he could not because he was caring for his child. Moore stated that upon his entrance to the field training program that he attended a meeting with FTO supervisors and other deputies entering the program during which Huckleby lined out the attendance requirements of officers in the training program and that Huckleby stated that child care issues would not be tolerated. Moore stated Huckleby directed this statement to him by looking at him directly and that the statement was retaliation for his refusal to work the part-time shift that Huckleby had called him about.



Tulsa County Sheriff's Office Inter-Office Memorandum

TO: Sheriff Stanley Glanz
Undersheriff Rick Weigel

FROM: Major John Bowman

DATE: May 18, 2015

SUBJECT: Investigation

Per your instructions, I conducted an investigation into the facts surrounding the investigation dated August 12, 2009 by then-Sergeant Robbie Lillard into whether or not Reserve Deputy Bob Bates received special treatment and whether pressure was exerted on any employees by supervisors to aid Bates in this regard.

Undersheriff Weigel provided me with 16 questions you wanted answered. They are:

1. Did Brian (Edwards) talk to Tim (Albin) when the investigation was done?
2. Did Brian talk to Tom (Huckeby) when the investigation was done?
3. Did Robbie (Lillard) meet with Brian when he finished his investigation?
4. Did Tim, Tom, Brian, or Robbie tell the Sheriff about the findings?
5. Did anyone give the Sheriff a copy of the report?
6. What did Brian do with the report when it was delivered to him?
7. Why wasn't the Sheriff told about the findings?
8. Was Bates told of the report's findings?
9. Was any corrective or remedial action taken with Bates following the investigation?
10. Who ordered the investigation and why?
11. Who had copies of the report?
12. Was anything about the investigation put in Bates' file?

13. Where was the report filed?
14. Why wasn't Tim interviewed during the investigation?
15. Did anyone tell the Sheriff that the investigation did not turn up any issues?

LILLARD

On 05-01-15, I interviewed Captain Robbie Lillard concerning these questions. As a preface to the rest of this information, Captain Lillard explained how this investigation came to exist. In Internal Affairs, the Undersheriff, with some frequency, would receive information about alleged wrongdoing on the part of an employee. Rather than immediately launching an "IA Investigation," the Undersheriff would normally have the IA investigator first conduct a preliminary or cursory "investigation" to see if the situation warranted a full scale IA investigation and an IA file number. The reason for this was to keep employees from amassing an extensive IA file on allegations that were obviously false or the result of misidentification. The 13 page investigation that Lillard produced was one of these preliminary/cursory "investigations" done at the request of Undersheriff Edwards. It was not a true "IA Investigation." Lillard said it was undertaken because Edwards said he had received reports alleging the behaviors and actions which Lillard examined.

Some time after receiving Lillard's preliminary investigation, Undersheriff Edwards returned it to Lillard, told him to file it, and told him that it would not receive an IA file number and subsequently wouldn't be investigated further. Lillard placed the paper file in the locked IA files and the digital copy was maintained on the hard drive of the IA computer. Lillard made no copies. The original and the digital version were the only copies he knew about.

Lillard said that Undersheriff Edwards did speak to both Albin and Huckleby when the preliminary investigation was completed. Lillard said he was excused from the room when this discussion took place. Therefore he doesn't know what was said in the meeting.

Lillard said he was never told by Edwards whether or not Edwards gave a copy of the report to Sheriff Glanz. To the best of his memory, Lillard said he never talked to Sheriff Glanz about the report.

Lillard has no information regarding whether or not Bates knew of the report. He knows of no remedial action given to Bates. He did not have a copy placed in Bates' file.

Lillard and Edwards interviewed Huckleby during the investigation. When asked why Albin was not interviewed, Lillard said there was no need – sufficient information was gathered from this cursory review without interviewing Albin. Lillard expected the Undersheriff to have him assign an IA number to the case and begin a full scale IA investigation. Albin would then be the next person interviewed. As indicated earlier, however, Lillard was told to not assign it an IA case number. Therefore, no other interviews took place. Based on his previous experience in IA, Lillard was surprised when this case did not become an IA investigation.

Lillard did not know Huckleby received a letter of reprimand from the Sheriff for these events.

HUCKEBY

I interviewed Tom Huckleby on April 28, 2015. He stated he was interviewed during the investigation by Edwards and Lillard. As a result of that investigation Huckleby said he was called in to see Sheriff Glanz. (Sheriff Glanz' appointment calendar shows this meeting occurred at 2:00 p.m. on Monday, September 14, 2009.) During this meeting, Sheriff Glanz gave Huckleby a lengthy and specific verbal reprimand regarding his actions and presented him with a Letter of Reprimand. Huckleby said Sheriff Glanz had him read and sign the letter. Huckleby said he did not receive a copy of the letter on that day but later received a copy of it. He sent a copy to be placed in his personnel file. Since then, nobody seems to have ever seen that letter again. When Huckleby applied for the FBI National Academy, he had to disclose any disciplinary actions he'd received. He said he was informed by Albin that the letter wasn't in his (Huckleby's) personnel file. On April 29th, 2015, I asked Carrie Knauf to look in her files for a copy of the letter. Since the letter came from Sheriff Glanz, it was likely that Knauf typed it. After giving Knauf the year when it would have been typed, she searched her computer files and found it.

EDWARDS

I spoke to former undersheriff Brian Edwards on May 5, 2015. I read him the questions Sheriff Glanz wanted answered. Edwards said he had no problem answering the questions because he had done nothing wrong. Nonetheless, he stated he wanted to ponder the situation for a few days and would call me back with his decision as to whether he would answer the questions. As of May 19th, 2015, he has not called me back.

ALBIN

I spoke to former undersheriff Tim Albin on May 7, 2015. He prefaced his remarks by saying that his answers would be to the best of his memory since the events in question happened 6 years ago. When asked if Edwards talked to him about the investigation when it was completed, Albin said no, not that he recalls. Albin said that he never saw the written report until about two weeks earlier. Essentially, he stated that to the best of his memory, he was never told anything about the investigation or report. He said it's possible Huckleby told him about his letter of reprimand in 2009 but he doesn't remember.

Albin said that he did provide LEDT Orientation training to Reserve Deputy Bob Bates. He said the training consisted of approximately 30 minutes of verbal instruction. They then went to the airport tarmac for training in shuffle steering, braking, and accident avoidance. He said this training took approximately 4 hours and is the same training he's provided to other reserve deputies. He said that he thinks the training he provided Bates may have occurred on the same day that he asked Bonnie Fidler to print the certificate certifying that Bates received driving training. (May 28, 2009, according to Fidler's report.)

There is nothing in Bates' reserve file that indicates his status was changed in anyway following the Lillard investigation.

McKELVEY

I spoke to Captain Billy McKelvey on May 13, 2015. McKelvey is the first person identified following the Bates shooting as having a copy of the 2009 Investigative Report by Lillard. He said that following the Bates shooting, somebody made statements concerning Bates' training records. He remembered an IA report concerning it (the Lillard investigation). He searched his records and found he had a digital copy of it. He made two printed copies. He gave one to Major Shannon Clark and one to Albin.

When asked why he had a copy of it to begin with, McKelvey stated that when he was assigned to IA to be an investigator, Lillard provided him (or provided him access to) a variety of previous IA investigations for him (McKelvey) to examine, learn from, and use as templates when doing his own investigations. McKelvey kept copies of reports he was involved with in case the IA copies should be damaged or disappear.

FINDINGS

Key information regarding the questions you wanted asked and answered lies with Edwards. As you predicted, he didn't answer my questions. Therefore all my findings exclude any information that Edwards would have provided. That information would be essential to validating what the other people I interviewed said and answering some of your questions that for the time being must remain unanswered.

I found no indication that Edwards spoke to Albin or Huckleby about the findings in Lillard's report. Both Albin and Huckleby indicated they had never seen Lillard's report until this year. I found no indication that Bates was informed of Lillard's report. Obviously you received some information (presumably from Edwards) concerning Huckleby's role in the Lillard investigation since you reprimanded Huckleby both verbally and in writing. Nobody gave me any information that you had ever received any information regarding Albin's role in Lillard's investigation.

RELEASE OF LILLARD'S REPORT

The release of Lillard's report was a violation of TCSO policy. Lillard and McKelvey said they had no knowledge of who might have released it. Huckleby and Albin said they had no knowledge of who might have released it and neither indicated they had ever seen the report until a few weeks ago. Finding out who released the report deals with motive and opportunity.

Potential motives for releasing the report include: eliminating Edwards as a viable candidate for sheriff, eliminating Albin as a potential appointee for undersheriff, undermining your potential endorsement of any candidate for sheriff, or revenge for someone who dislikes Albin, Huckleby, Bates, or you.

Those with the opportunity to get a copy of the report and release it: McKelvey says he had a copy of the report prior to its known release and that he gave a copy of it to Clark and Albin. However, when our IA people were looking for a copy, they discovered unlocked files in the storage area of our basement. Lillard's report was in one of those unlocked files. They locked those files and two days later they were again found to be unlocked. This means we had and still have inadequate security for that area. IA, detectives, summer part-time help, Chris Pierce, inmate work crews, detectives, reserves, and others could have had access to that file. And that file could have been taken at any time during the past six years. One additional concern is that if one IA file was taken, how many others have been copied or removed and for what purpose?

Another issue brought up was a thin black line through the released copy indicating the file may have been copied or scanned using the copier in the Undersheriff's area of the Faulkner. Three or four weeks ago (April), I came to the Faulkner at around 0710 hours to retrieve my umbrella which I'd left in the conference room the previous day. I was concerned that I wouldn't be able to get into that area without a key. It wasn't a problem. The main door to the Undersheriff's area was unlocked although nobody in that area had arrived for work yet. I was told that was not unusual. That lack of security means that anyone in the building would have had access to that machine after hours and so long as they closed the door after them when entering, they would have been able to make copies undetected.

Personal Addendum (05-26-15)

After turning this in to the Sheriff, he informed me that it contained little information. I informed him that Brian Edwards was the linchpin that holds the answers to most of the questions he wanted answered and Edwards wouldn't answer them. The Sheriff informed me that during the FBI National Academy Retrainer held April 22-24 of this year, he told Edwards that Edwards would be foolish if he answered any questions concerning the report.

So I was assigned this investigation by the Sheriff after he advised the key person to not talk to me or anyone else about it.