

NARRATIVE OF INCIDENT OCCURRING APRIL 2, 2015 AT
2000 N HARVARD BY TCSO RESERVE DEPUTY
ROBERT C. BATES

PERTINENT BACKGROUND INFORMATION.

Full name: Robert Charles Bates

Age: 73

Rank: Reserve Deputy

Badge number: 629

Previous law enforcement employment: Tulsa Police Department 1964-1965

Law enforcement experience and training: I attended the Tulsa Police Department Academy in 1964 and worked there until the end of 1965. I became an advanced TCSO Reserve Deputy in 2007. I began working with the TCSO Violent Crimes & Narcotics Task Force in 2008. I have attended numerous schools and seminars related to drug investigations and the tactical operations associated with the apprehension of suspects involved in drug trafficking. I have also attended a 5 day homicide investigation school in Dallas, Texas, as well as received training by the Maricopa County Arizona Sheriff's Department on response to active shooters.

Medications: Eildarbyclor 40 mg. and Metoprolol 100 mg., once a day at bedtime for control of blood pressure.

Weapon: Smith and Wesson .357 Air weight 5 shot revolver. It is a personally owned weapon. It has a laser sight which illuminates when the handle is gripped. The ammunition I carry in the gun is Federal Premium .38 Special, 110 grain. I last qualified at the range in the fall of 2014.

Less Lethal: Model X26 Taser with a laser sight. I have been Taser certified for at least 3 or 4 years. My training records would indicate the exact date of my certification. I also had a pepper ball launcher with me as well.

The number of the unit I was driving on the date of the incident was 1038. My radio designator is X-Ray 33.

NARRATIVE REGARDING INCIDENT:

On the evening of April 1, 2015, I called Task Force member [REDACTED] to see if there was a pending operation where my services would be needed. He advised that the Task Force would have three operations the next day, one buy bust of a gun and ammunition followed by two search warrants to serve the next morning. One of the search warrants would be at Eric Harris' apartment and the second one on another suspect named [REDACTED]. Deputy [REDACTED] told me to be at a briefing which would take place at about 0830 on April 2, 2015, in the Task Force office at the Faulkner Building. That evening I retired to bed between 2200 and 2230 hours, and woke up the next morning at 0615. That is my normal sleep pattern. Prior to going to bed I took my prescribed blood pressure medicine.

On the morning of April 2, 2015, I got up and ate breakfast, got dressed and arrived at the Sheriff's office at about 0825. Shortly thereafter Deputy [REDACTED] gave an operational briefing for the three tasks we had that day. The first one he discussed was regarding the suspect named Eric Harris. Deputy [REDACTED] had a picture of Harris, which was passed around the room for all of us to look at. I remember [REDACTED] advising Harris was a convicted felon and described him as a "bad son of a bitch." [REDACTED] also mentioned that Harris had gang affiliations. [REDACTED] also said Harris was

known to carry a gun and should be considered armed and dangerous. [REDACTED] reported that he had bought ICE from Harris on two occasions in the last few days. Since Harris had offered to sell [REDACTED] a gun, it was determined it would be safer if [REDACTED] bought the gun from Harris first and then arrest him, so that Harris would not be at home with the gun when the search warrant was served. [REDACTED] advised he was going to meet Harris in the parking lot of the Dollar Store. There was a diagram of the area on the marker board and everyone was given predetermined locations to wait at while [REDACTED] made the purchase of the gun. Then, after [REDACTED] gave a signal that the purchase had been made, a nearby arrest team would move in on [REDACTED] car and take Harris into custody.

I drove my unit to a location on Harvard further north from the Dollar Store at 1900 N. Harvard, at a Sinclair gas station between Woodrow and Xyler streets. I was in my unit by myself. Also at my location were two other units. One was K-9 officer [REDACTED] and the other was a two person unit with [REDACTED] driving and [REDACTED] in the front passenger seat.

A short time later I heard over the radio that the arrest team was moving in, so I and the other two units at my location started to drive slowly south towards the Dollar Store parking lot. [REDACTED] was in the lead, [REDACTED] and [REDACTED] were next, and I was the last vehicle. As I drove closer I could see the suspect running eastbound out onto Harvard and saw [REDACTED] use his unit to block his escape path to the east. Harris then turned and began running northbound on Harvard. [REDACTED] and [REDACTED] came to a stop just as Harris was running full speed past their unit. At that time I noticed that Harris was running in an unusual way because as he ran he repeatedly touched his right hand to his waistband.

area on his right side. Based on my past experience, primarily with the task force, and my past training, I believed that Harris might be carrying a gun, which would be consistent with what Deputy [REDACTED] had said in the briefing.

Deputy [REDACTED] jumped out of the passenger side of the unit he was in and began sprinting after Harris. Harris had moved to the sidewalk on the west side of the road and continued to run north. As I brought my unit to a stop Harris ran past my location with [REDACTED] in hot pursuit. Not knowing whether the suspect would be caught by [REDACTED] as I got out of my vehicle, I grabbed my pepper ball launcher. As I turned to look north I could see [REDACTED] had finally gotten close enough to reach out and grab Harris by the shoulders and try to pull him to the ground. Harris resisted [REDACTED] efforts and was staying on his feet. As I approached their location by moving to the north I held the handle of my pepper ball launcher in my left hand and used my right hand to open up the gas valve. (I shoot long guns left handed and handguns right handed.) My intention in selecting the pepper ball launcher was to be able to try and contain the fleeing suspect and perhaps slow him down so the pursuing deputies could catch him. As I got closer, it appeared Harris, who was now on the pavement, pulled his arms underneath him away from the grasp of the deputies fighting with him. It appeared his left hand was near his waist area, but Harris was still trying to get up to his feet. There were now at least two other deputies trying to get control of Harris. It appeared to me that there was a very brief opening which would allow me to tase the suspect on the back near his right shoulder. I then decided to utilize my TASER and remember thinking I have to deploy it rapidly, as I still thought there was a strong possibility Harris had a gun on him. I then drew what I thought was my TASER and announced "Taser! Taser!" I recall Deputy [REDACTED]

who was on his knees and engaged with Harris, leaning back away from Harris after I made my Taser announcement. I pointed at his right upper back/shoulder area and deployed. I suddenly felt a strong recoil which was totally unexpected and startled me and caused my right hand to lose its grip. I then realized what had happened and immediately uttered "I shot him! I am sorry!" I also made an additional comment which I cannot recall at this time. I was told later, and confirmed by the [REDACTED] recording, that I reached down quickly to pick up my gun off of the pavement and placed it in my holster on the right side. I have no recollection of dropping my gun or picking it up. I then began asking for someone to call for an ambulance, and backed up a few more feet to get out of the way of additional deputies arriving at the scene of the struggle. Harris continued to resist and try and get away. The other deputies were finally able to get handcuffs on him. From the time Deputy [REDACTED] pulled Harris down to the street after chasing him, until I attempted to tase Harris, only about 5 to 10 seconds passed. The incident was rapidly evolving and my decision to use my Taser was a split second one. My training on ground fighting, even going back to when I was on the Tulsa Police Department, has been that it is one of the most dangerous situations an officer can experience. Even if a suspect is not armed himself, his close proximity to a deputy's gun while fighting on the ground makes the suspect a potentially armed suspect. All of this made my effort to get Harris subdued by using my Taser of the utmost urgency.

After realizing what had happened I was in a state of shock and disbelief.

After about 10 minutes or so, EMSA arrived on the scene and one of the paramedics kept asking Harris what he had been taking. Initially Harris did not say anything, until one of the firemen on the scene emphasized the importance of the

information since they were trying to help him. Harris finally said "PCP." I personally heard this conversation myself. PCP is the street name for phencyclidine, a hallucinogenic drug that can cause people to be psychotic and allow the person to display tremendous strength and resistance to pain.

Sgt. [REDACTED] then took me to his unit and placed me inside. A short time later David Kerpon from TCSO Internal Affairs Division transported me to the Faulkner building. The next thing I recall, my lawyer, Scott Wood, arrived. After consulting with him he advised investigators that I would be giving a statement at a later time due to my being so upset and distraught over this incident.

My intention was to deploy a less lethal device, a Taser, to end the struggle and resistance by Harris and remove the threat posed by Harris possibly being armed with a deadly weapon. The urgency to get Harris under control and restrained cannot be overstated. But never did I intend to use any force above the intermediate force level at that instant to aid in taking Harris into custody. Despite the fact that I thought Harris might have a gun, by both the information from [REDACTED] but also the way I saw him run down the street, along with my knowledge of the one plus rule, I never intended at that moment to use deadly force. I believed that I was acting appropriately and in a reasonable manner by deploying my Taser to end Harris' resistance and preclude anyone from having to resort to great force. This tragic incident was a critical incident for me and the other deputies.

During my service with the TCSO Violent Crimes/Narcotics Task Force I have been involved in similar assignments as I was on April 2, 2015, on at least 100 other occasions.

This statement contains what I am able to recall at the present time.

Robert C Bates 4/6/15
Robert C. Bates

Robert C Bates 4/6/15
10:30 AM

AFFIDAVIT OF SHANNON MOODY

STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss.

1. My name is Shannon Moody. I am a Caucasian female and I was employed with Tulsa County Sheriff's Office (TCSO) as a Detention officer from July 1, 2005 until I was terminated in April 2007. I was previously employed with Corrections Corporation of America (CCA) for two years before TCSO took over. I have experience as a detention officer working in both the booking department and master control. I also worked in the pods when extra help was needed but mainly worked in Master Control and booking.

2. I have personal knowledge of the facts in this Affidavit.

3. I was married to another officer named Aaron Moody while employed with TCSO. Both of us were on the SORT team with Captain Huckleby and other Caucasian officers. While I was on the SORT team, before I became pregnant, I commonly witnessed Captain Huckleby and other Caucasian officers go into African American inmate's cells and physically assault them for no reason. There was no reason that Captain Huckleby should have entered the cells, as there was a small door where items could be passed through and the inmates and officers could speak through the doors without opening them. Captain Huckleby was the main officer who would assault the African American inmates, and there would rarely be an incident report made and the nurses in medical would never be called, even though the inmate would be swollen and it was obvious he had been beaten up. Captain Huckleby would do this unprovoked. Captain Huckleby would mainly do it in segregation where there are no cameras and the



majority of inmates are African American. If in the rare occasion Huceby did fill out an incident report, I was told that he was to fill his out first and myself and the other officers were to corroborate Huceby's version of the facts, which were not usually accurate. This was in direct violation of policy, as medical was to be called any time there was an altercation of any sort or any inmate was injured. Further, policy required an incident report to be filled out every time an altercation occurred. Captain Huceby was in direct violation of policy and so were the other Caucasian officers who participated in the physical assaults who were not disciplined.

4. After I became pregnant, I was placed in Master Control as it was considered a light duty position. I was able to work in master control throughout my entire pregnancy and even after I returned from a three-month maternity leave. While working in master control, Huceby instructed that I watch certain detention officers, mainly African American officers for hours at a time to try and catch them doing something wrong. Also while in Master Control, numerous Caucasian individuals who needed light duty were transferred in to work with me, accommodations being made for their injuries. There were never African American employees who needed light duty transferred into master control while I was employed. Furthermore, limited knowledge of master control operations was required as long as two people were working the shift but there were always two people working the shift because it was policy. I commonly worked with Caucasian individuals on light duty who had little to no experience in master control. Anything they needed to know I could show them fairly quickly. There were also other areas where I observed Caucasian individuals in need of light duty be assigned to work such as booking, three separate control booths in the segregation unit, the front

lobby, intake, training, and visitation. I personally worked in the control booths in the segregation unit while pregnant and was allowed to wear street clothes, which was a requirement while you were on light duty. Specific Caucasian individuals I recall receiving light duty and working in master control and booking are Matthew Major, Mick Bonnin, and Dena Webb. I also know for a fact there are others; I just cannot recall their names. Bonnin had a knee injury and Webb injured her shoulder.

5. While working for TCSO, I witnessed numerous Caucasian employees violate TCSO policies and receive no discipline for their actions. In Master Control I witnessed numerous Caucasian sergeants fail to fill out their log books or fill them out after the fact, lying about the number of times they went to their pods, and they received no discipline whatsoever. Caucasian employees constantly brought contraband into the jail such as cigarettes or items for the inmates and they were not disciplined. In fact, there was a place in housing where Caucasian employees would commonly smoke and not receive discipline. I also observed Caucasian employees go behind closed doors with inmates, such as the staff bathroom and there was never any discipline issued, despite this being against policy and there being absolutely no reason for a staff member and an inmate to go into the staff bathroom together. I also observed many of the Caucasian men in booking use tobacco products and "dip" in front of their supervisors and were not disciplined.

6. While I worked in master control, the sergeants were supposed to walk through the pods at least once a day. By working in Master Control I was aware that due to staffing numbers, sergeants weren't able to check their pods more than once a day. The only officers who could do it were the ones in the female pods because there were only

three pods.

7. The usage of the word "nigger" to refer to African American inmates and officers was rampant in the jail by Caucasian Captains, Caucasian Sergeants, and Caucasian Detention officers. I commonly heard Captains Huckeby and Devoe refer to African Americans as "niggers". I also commonly heard racist jokes being told and other terminology such as the word "nappy" to refer to African Americans. During training in a squad meeting, the individual doing the training began talking about how African Americans ate fried chicken and watermelon and smoked Newport brand cigarettes. I walked out of the training I was so upset by the racial stereotyping going on. The word nigger was commonly used by the employees in booking. I cannot say enough that the word ran rampant within the booking department.

8. I worked third shift, which was from 3:00 p.m. to 11:00 p.m. I observed that the first shift, which was the "midnight shift" or 11:00 p.m. until 7:00 a.m. shift was made up mostly of African American employees. I remember thinking it was strange that so many African Americans worked that shift.

9. It was common knowledge around the jail that Captain Huckeby maintained a "would ya" list containing names of female officers who would sleep with him or who he would sleep with. I heard that my name was on this list and I confronted Huckeby about it. When confronted, Huckeby became wide-eyed and flat out admitted it and walked away. While working in master control, I could zoom in on Captain Huckeby out in the parking lot and I commonly observed him kissing and performing other sexual acts with various women in the parking lot. In fact, sex was also rampant within the jail among Captain Huckeby and his group of Caucasian followers that we

deemed the nickname "Huckebabies" for this and other various reasons. Included in this group, which was entirely Caucasian, were my husband, Aaron Moody, Derek Devoe, Justin Kaczynski, Berkowitz, Kyle Dobson, Shella Dobson, Bobby Sappington, Shannon Clark, Steven Norwood, Patricia Owens, Matthew Tryon, Deana Wood, Michael Bonnin, Linda Devoe, Roger Fetterhoff, Anthony Harper, Gary Kaiser, Oliver Newton. It was common knowledge that if you were in this group, you were on Huckleby's good side as long as you did what he wanted you to do. I know this because while I was married to Aaron Moody, I was included in this group. There were absolutely no African American officers included in this group.

10. Whenever Huckleby wanted to get rid of someone who didn't listen to his orders, like his instructions to write up African Americans for nothing, or if someone complaining to a superior or internal affairs about him, he would find a way to get rid of them. This usually started with that person getting transferred into housing and then receiving write-ups until they were terminated. I complained to Fetterhoff and Kitch in internal affairs about the sexual incidents I had caught Captain Huckleby engaging in and I was soon after transferred to housing and then I was disciplined for accepting a phone call from an inmate for which I received prior approval from my immediate supervisor, Sergeant Darby, and I was terminated.

11. There were numerous incidents that I observed while in master control where sexual acts would transpire between the Caucasian male officers and female civilians, including nurses who worked in medical. I have knowledge that Chief Albin knew that Captain Huckleby and others were engaging in sexual acts at work and nothing was being done to stop it. There were two sections in the jail where there weren't

cameras and they were segregation and an area underground called the pipe chase. The pipe chase was underneath the pods. You could only get down to the pipe chase with special keys. I have direct knowledge that Caucasian male officers, including Captain Huckleby would go to the pipe chase and to segregation with Sheila Dobson and other Caucasian female officers to engage in sexual activity because I would have to check the keys out to them. There was no reason for Huckleby to be down in the pipe chase, only maintenance would go down there, and if there was an issue with the pipes or water, and Huckleby needed to be there, I would have known since I was in master control. When Huckleby was going down to segregation or the pipe chase it was always for no apparent reason and he was accompanied by a female officer. The sexual activity in the jail was rampant and Chief Albin knew, so did Huckleby, as he took part in it and the two of them encouraged other Caucasian male officers to participate in this behavior. None of these men received discipline to my knowledge, and most are still currently employed with the jail.

12. I have general knowledge that Captain Huckleby and Haley Collins were involved in a car accident in the early hours of the morning, driving Sergeant Landsdown's corvette. This was swept under the rug so to speak and Huckleby never received discipline for it.

13. A Caucasian female detention officer, Ivy Brock-Baton, was permitted to read a sexually explicit book in booking and was not disciplined, despite this being contraband and against TCSO policy. I also observed her passing notes to police officers bringing in new inmates that propositioned sex stating, "A ride for a ride." I was appalled this was permitted to occur in the booking department.

14. I am aware of officers and sergeants engaging in horseplay and teasing with the inmates all the time. This is common at the jail and I observed it while working in master control.

15. Regarding lunch breaks, it was common practice for me to leave the facility while I worked in master control to get lunch for the booking department. I would sometimes be gone for over an hour and I was never disciplined. Lunch was never offered to the officers in housing. Whenever I asked off for vacation, it was granted and I never had to turn in a vacation request form sixty-days before the requested days off. In fact, sometimes I would be told to fill paperwork out after I returned from my vacation days. Also, when my husband and I were married, we worked the same shift and commonly requested the same vacation days off and our requests were granted. It was common practice for Caucasian employees to fail to complete requests for days off or required paperwork within the jail without the consequence of discipline. I also have specific knowledge that when a position in booking would open up, the detention officers and sergeant would all sit around and discuss who we wanted placed in booking. I witnessed some transfer requests get thrown in the trash if someone did not like the person who applied. Most if not all of the employees in booking were Caucasian and it was considered the best department to be assigned.

16. Snide remarks about Wimberly were commonly made in my presence by Huckeby and Devoe.

17. Anything further, affiant saith not.

DATED this 19 day of May 2010.

Shannon Moody
Shannon Moody

Signed and sworn to before me this 19th day of May 2010, by
Shannon Moody

My Commission Expires:

(SEAL)

Kendra Rash
Notary Public

