

**BLANCHARD, et al.**  
**VS**  
**THE CITY OF MEMPHIS**

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**EDDIE BASS**

**April 26, 2018**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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ELAINE BLANCHARD, KEEDRAN  
FRANKLIN, PAUL GARNER,  
and BRADLEY WATKINS,

Plaintiffs,

vs.

ACLU OF TENNESSEE,  
INC.,

Case No.  
2:17-cv-02120-JPM-dkv

Intervenor-Plaintiff

vs.

THE CITY OF MEMPHIS

Defendant.

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Deposition of:  
EDDIE BASS

Taken on behalf of the  
Plaintiffs  
April 26, 2018

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1 your mouth -- 10:54:18

2 A. Okay. 10:54:20

3 Q. -- in asking my question. 10:54:20

4 What percentage of your work was dedicated to 10:54:21

5 the Office of Homeland Security? 10:54:23

6 A. That's tough because all kept me busy. 10:54:26

7 Q. Yeah. 10:54:30

8 A. There's information coming in. I'm 10:54:31

9 receiving. I'm feeding into it. I'm passing it on, 10:54:33

10 moving it along, deciding if we need to supply 10:54:34

11 resource and equipment to mitigate whatever comes up. 10:54:37

12 Comes to maybe 20, 25 percent maybe. 10:54:40

13 Q. Okay. 10:54:42

14 A. And that's throwing it out there, so. 10:54:43

15 Q. Focusing on the period between January 2016 10:54:45

16 and when you left, was there a change in that 10:54:55

17 percentage over time? 10:54:58

18 A. Percentage of what? 10:55:00

19 Q. Of your time that was dedicated to OHS work. 10:55:02

20 A. I would still say there was no change, and 10:55:08

21 the reason was because of events that were 10:55:15

22 transpiring across the country that actually elevated 10:55:19

23 the duties. 10:55:21

24 Q. And I just want to make sure I heard you 10:55:22

25 correctly. You said there was no change, or there 10:55:24

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1 was a change? 10:55:27

2 A. There was no change. 10:55:27

3 Q. No change. Yeah. 10:55:28

4 A. Again, it was based upon what was going on in 10:55:29

5 the country at that time. 10:55:32

6 Q. Okay. So who reported to you during your 10:55:32

7 time at OHS? Or who reported to you relative to your 10:55:38

8 duties with OHS? 10:55:43

9 A. With the Office of Homeland Security, 10:55:44

10 initially it was Detective Stuart Frisch. And then 10:55:48

11 Detective Tim Reynolds. Detective Stuart Frisch 10:55:55

12 retired, took another job, and then we inherited 10:56:02

13 Sergeant Ed Cornwell. 10:56:06

14 Q. Okay. And what were the positions -- what 10:56:07

15 was Stuart Frisch's position? 10:56:16

16 A. He was an officer with the Office of Homeland 10:56:19

17 Security. 10:56:23

18 Q. And what about Sergeant Reynolds? 10:56:23

19 A. Same thing. 10:56:27

20 Q. So in the structure of Homeland Security, 10:56:28

21 they would have been on the same level? 10:56:32

22 A. That's correct. 10:56:34

23 Q. Okay. 10:56:34

24 A. Both detectives. 10:56:35

25 Q. Did anyone supervise Stuart Frisch and 10:56:36

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1 Detective Reynolds -- or Sergeant Reynolds? 10:56:42

2 A. Prior to me inheriting them, they were 10:56:45

3 assigned -- well, they worked out of the Real Time 10:56:47

4 Crime Center's office. And the initial one was the 10:56:50

5 division of lieutenant... I can't think of his first 10:56:54

6 name. He's a Major Ross but then Lieutenant Ross, 10:56:57

7 over in Real Time Crime Center. 10:57:01

8 And because of his duties -- and they believe 10:57:04

9 that it's part of Special Operations, what they 10:57:07

10 where, they just went on and transcribed them under 10:57:08

11 my responsibility. 10:57:12

12 Q. And when did that happen? 10:57:12

13 A. When I got there. 10:57:13

14 Q. Okay. And that was January 2016? 10:57:15

15 A. 2015. 10:57:18

16 Q. 2015. 10:57:20

17 A. Yes. 10:57:22

18 Q. Was there anyone in the structure of OHS 10:57:23

19 between you and the officers, as far as supervision, 10:57:28

20 after January 2015? 10:57:34

21 A. I later included Major Freed, was then 10:57:35

22 Lieutenant Freed. And Lieutenant Chandler. 10:57:41

23 Q. And were they with OHS at the same time? 10:57:47

24 A. Different times. Chandler first. 10:57:55

25 Q. Okay. 10:57:57

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1 bad weather, anything that was going to impede 11:05:12  
2 traffic. Again, of course, bridge obstruction. The 11:05:15  
3 information that they would put out regarding the 11:05:20  
4 potential to assemble here and there. And just make 11:05:23  
5 the respective precinct commanders aware, so that 11:05:26  
6 they would be able to assemble their manpower 11:05:33  
7 together and come up with some type of operational 11:05:33  
8 plan to mitigate. 11:05:36

9 Q. Would those presentations ever be specific 11:05:37  
10 protests that had already occurred? 11:05:40

11 A. Such as? 11:05:42

12 Q. Such as the Graceland protest or the Valero 11:05:47  
13 protest? 11:05:52

14 A. If information came out that would identify 11:05:52  
15 this -- a particular event's about to happen, then 11:05:55  
16 yes, then that precinct would be put on notice. 11:05:59

17 Q. Okay. 11:06:02

18 A. There would be a possible protest at 11:06:03  
19 Graceland or wherever, and this is the possibility of 11:06:05  
20 this may occur and blah, blah, blah. 11:06:08

21 Q. Well, with respect to the training given at 11:06:10  
22 the training academy, would that training ever 11:06:13  
23 include specific events that had occurred? 11:06:16

24 A. I believe some of them did go back on and 11:06:21  
25 reflect on some of the issues we've dealt with. 11:06:24



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1 civil disorder. 11:37:38

2 And based on information I had received from 11:37:40

3 the team, it indicated that the potential for civil 11:37:42

4 disorder was not going to materialize as by 11:37:45

5 Mr. Gipson or Frank Gotti that was supposed to take 11:37:48

6 place at a church at 843 West Raines at 8:30 in the 11:37:51

7 morning. And it did not indicate or suggest a 11:37:56

8 potential for social discord. 11:37:56

9 In this memo -- in this e-mail, rather, I put 11:37:58

10 out that we would do everything to keep everybody 11:38:02

11 apprised of pertinent information of the possibility. 11:38:05

12 Q. Okay. And does this represent the type of 11:38:08

13 communication you would send out regarding potential 11:38:10

14 threats? 11:38:13

15 A. Yes, ma'am. 11:38:13

16 Q. Okay. So turning to the second page, is this 11:38:14

17 e-mail a response to the e-mail you sent on the first 11:38:21

18 page? 11:38:30

19 A. Yes. This is a response from Colonel Mickey 11:38:31

20 Williams of the Raines Station Precinct. 11:38:36

21 Q. Okay. Do you recall this communication? 11:38:39

22 A. Yes, ma'am. 11:38:40

23 Q. Okay. And who is Mickey Williams? 11:38:41

24 A. He's the colonel of Raines Station Precinct, 11:38:45

25 their commander. 11:38:48

3402  
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1 Q. Okay. And turning to the third e-mail. Do 11:38:49  
2 you recall receiving this e-mail? 11:38:58

3 A. Yes. 11:38:59

4 Q. Okay. And is this a response to your prior 11:39:00  
5 e-mails? 11:39:06

6 A. This is a response from Colonel Mickey 11:39:07  
7 Williams with Raines Station, and he got information 11:39:09  
8 indicating as of 9:30 in the morning, around 15 11:39:13  
9 vehicles were parked in the lot of 843 West Raines. 11:39:20

10 Q. Okay. And this type of flow of information 11:39:25  
11 represented from the first e-mail, where you just 11:39:27  
12 testified you communicated out regarding potential 11:39:29  
13 threats and the precinct commander then being able to 11:39:31  
14 act on your report, does that represent a typical or 11:39:37  
15 regular type of communication that you would have 11:39:44  
16 with precinct commanders and their response to it? 11:39:47

17 A. Yes. 11:39:50

18 Q. Okay. 11:39:51

19 MS. FLOYD: And the next exhibit I'm 11:40:06  
20 going hand you is Exhibit 77. 11:40:06

21 (WHEREUPON, the above-mentioned document 11:40:09  
22 was marked as Exhibit Number 77.) 11:40:10

23 BY MS. FLOYD: 11:40:10

24 Q. Just let me know when you're ready. 11:40:14

25 A. Okay. 11:41:16

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1 I'm ready. 11:41:34

2 Q. Okay. Do you recognize this document? 11:41:35

3 A. It looks like an e-mail transaction. 11:41:36

4 Q. Okay. Do you recall this e-mail 11:41:39

5 transaction -- 11:41:41

6 A. Yes, ma'am. 11:41:41

7 Q. -- represented by the first e-mail and its 11:41:42

8 attachments? 11:41:44

9 A. I do. 11:41:45

10 Q. Okay. And what is it? 11:41:46

11 A. It appears to be an e-mail from then Major 11:41:48

12 Keith Watson on July 13th, 2016, at 12:11 p.m., 11:41:53

13 describing a crowd that gathered at the then 11:41:58

14 Commercial Appeal on Union Avenue. 11:42:01

15 Q. Okay. And at the very top of that document, 11:42:03

16 does this represent an e-mail from Major Watson, or 11:42:07

17 is this e-mail from you? 11:42:11

18 A. This e-mail is from Major Watson to me. 11:42:12

19 Q. Okay. 11:42:15

20 A. And -- go ahead. 11:42:16

21 Q. Go ahead. 11:42:17

22 A. To me, the command staff, the colonels, 11:42:18

23 lieutenant colonels about a potential -- well, about 11:42:22

24 a protest being at The Commercial Appeal. And it 11:42:24

25 showed me also putting the e-mail out to my team, at 11:42:28

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1 that time, indicating them of this gathering. 11:42:35

2 Q. Okay. And turning to the attachments that -- 11:42:36

3 if you look at -- there's 2298. The next page. It's 11:42:40

4 difficult to see the Bates -- the page numbers at the 11:42:44

5 bottom, but the two photographs, photograph 11:42:49

6 attachments. 11:42:51

7 Do you know who took these photographs? I 11:42:53

8 know they're difficult. The copy is not great. 11:42:56

9 A. I don't know. 11:42:58

10 MS. SILK: Do you have Bates numbers for 11:43:01

11 these? 11:43:03

12 MS. FLOYD: Yes. It is 2299 and 2300. 11:43:03

13 A. Based on what -- from what you compiled, I 11:43:15

14 would have to presume that these came from Major 11:43:17

15 Watson. 11:43:19

16 BY MS. FLOYD: 11:43:19

17 Q. Okay. And if you turn to the first page, 11:43:19

18 your forwarded e-mail, does it show two attachments? 11:43:24

19 A. It does. 11:43:27

20 Q. Okay. Okay. So turning to the second 11:43:29

21 e-mail, starting at 2342. 11:43:39

22 A. 2342. Okay. I have it. 11:43:49

23 Q. What is this e-mail? 11:43:53

24 A. It's an e-mail from me saying, "Thank you, 11:43:54

25 Major Watson." 11:43:57

3405  
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1           And Major Watson sent something out 11:43:58  
2           department-wide, saying, "At 1248 hours, the 11:44:02  
3           protesters were conducting a second announcement. 11:44:02  
4           Still peaceful and orderly. At this time, we're not 11:44:06  
5           allowing any additions to the crowd. We have 11:44:06  
6           designated a second site directly across the street 11:44:09  
7           for late arrivals." 11:44:11  
8           Q.        Okay. And you can see under -- actually -- 11:44:14  
9           okay. I think that's all my questions with respect 11:44:29  
10          to this exhibit. 11:44:32  
11          Oh, I did have one more question. 11:44:38  
12          A.        Yes, ma'am. 11:44:40  
13          Q.        Do you recall why you sent this e-mail to 11:44:40  
14          Chandler and Reynolds? 11:44:46  
15          A.        They were part of the OHS team. We hadn't 11:44:47  
16          been made aware of it until Major Watson put us on 11:44:52  
17          alert, so... 11:44:55  
18          Q.        Okay. And so does this represent -- oh, and 11:44:56  
19          Phillip Penny is also on this e-mail? 11:44:57  
20          A.        Yes. 11:44:59  
21          Q.        Does this e-mail represent a typical or 11:44:59  
22          regular communication of information from commanders 11:45:02  
23          back to OHS? 11:45:06  
24          A.        Yes. 11:45:08  
25          Q.        Okay. 11:45:08

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1 tense time in Memphis, and there was so much going 11:47:01  
2 on. And we believed at that time that some of these 11:47:03  
3 people were part of the bridge shutdown. And I just 11:47:06  
4 wanted to make sure they were not in a position to 11:47:09  
5 compromise public safety again. 11:47:12

6 Q. Okay. And when you say, "send them for 11:47:14  
7 intel," what does that mean? What would they be 11:47:18  
8 doing? 11:47:22

9 A. Again, just trying to find out what were 11:47:22  
10 their intentions. 11:47:24

11 Q. Okay. 11:47:26

12 A. Because after the bridge shutdown, there were 11:47:26  
13 many open -- I want to say open forums, for lack of a 11:47:31  
14 better word, but many discussions across town with 11:47:32  
15 various groups on what their next move was going to 11:47:35  
16 be, blah, blah, blah. And we just wanted to make 11:47:38  
17 sure that this was not another move to shut down the 11:47:42  
18 bridge, as attempts have been conveyed thereafter to 11:47:43  
19 do so. 11:47:46

20 Q. So what would Penny and Reynolds have been 11:47:47  
21 doing to gather that intel at the event? 11:47:50

22 A. Sit down and listen. 11:47:52

23 Q. Okay. 11:47:54

24 MS. FLOYD: The next document -- yes. 11:47:57

25 Actually, no. I don't think I need to do this one. 11:48:29

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1 (WHEREUPON, the above-mentioned document 11:52:13  
2 was marked as Exhibit Number 80.) 11:52:13  
3 A. I'm ready. 11:52:14  
4 BY MS. FLOYD: 11:52:14  
5 Q. Okay. Do you recognize this document? 11:53:01  
6 A. Yes. It's another e-mail dissemination. 11:53:03  
7 Q. Okay. And who is it to? Just generally, not 11:53:07  
8 listing each person. 11:53:11  
9 A. It was to the OHS team and multiple law 11:53:12  
10 enforcement and intelligence, fusion centers 11:53:18  
11 throughout this region. 11:53:22  
12 Q. Okay. And do you recall sending this e-mail? 11:53:23  
13 A. Yes. I sent it out July 19, 2016 at 11:53:26  
14 7:54 a.m. 11:53:30  
15 Q. Okay. And is your description here -- what 11:53:31  
16 does the first paragraph represent? 11:53:37  
17 A. Well, the subject was "Intelligence update 11:53:38  
18 for Tuesday, July 19th." In that paragraph, I said, 11:53:41  
19 "Thank you, Detective Reynolds and Lieutenant 11:53:44  
20 Chandler, for the timely submission of the continuous 11:53:48  
21 information to joint intelligence briefings, which 11:53:50  
22 has served as a regional guide to area law 11:53:50  
23 enforcement for current and historical intel in 11:53:53  
24 reference to the BLM encounters that we have been 11:53:56  
25 challenged to mitigate for officer public safety." 11:53:58

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1 Q. And is that an accurate description of the 11:54:02  
2 purpose of the JIBs and its -- the purpose of the 11:54:06  
3 JIBs? 11:54:12

4 MR. GLOVER: Object to the form. 11:54:13

5 MS. FLOYD: You can answer. 11:54:17

6 A. Okay. Say it again. 11:54:18

7 BY MS. FLOYD: 11:54:18

8 Q. Do you think that this description is 11:54:19  
9 accurate, your own description? 11:54:20

10 A. In my praise of the guys for their work? 11:54:24

11 Q. Uh-huh. 11:54:24

12 A. Yes. 11:54:30

13 Q. Okay. Wonderful. 11:54:30

14 MS. FLOYD: Okay. The next exhibit will 11:54:35  
15 be 81. 11:54:36

16 (WHEREUPON, the above-mentioned document 11:54:38  
17 was marked as Exhibit Number 81.) 11:54:38

18 A. I'm ready. 11:55:29

19 BY MS. FLOYD: 11:54:39

20 Q. Okay. Do you recognize this document? 11:55:29

21 A. It was another e-mail dissemination to team, 11:55:31  
22 OHS. 11:55:34

23 Q. And do you recall sending it? 11:55:35

24 A. Yes. I sent it at August 6th, 2016 at 11:55:38  
25 3:47 p.m. 11:55:45



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1 I had concerns that stated further. I said, "Talk it 11:56:58  
2 over with Lieutenant Chandler and Penny and let me 11:57:01  
3 know what the team decides." Because if Lieutenant 11:57:06  
4 Goods didn't think that it has the potential for 11:57:06  
5 chaos, then he wouldn't have never sent -- submitted 11:57:08  
6 it to us. But I would rather err on the side of 11:57:11  
7 caution than probability, so... 11:57:14

8 Q. And that would have been because it turned 11:57:15  
9 into a BLM event? 11:57:18

10 A. I don't know what the -- 11:57:18

11 Q. You needed more information? 11:57:20

12 A. -- aftermath was, but I just needed more 11:57:19  
13 to... 11:57:20

14 Q. Okay. I wanted to ask you one more question 11:57:20  
15 about the relationship between OHS and the Real Time 11:57:24  
16 Crime Center. During your time at OHS, were there 11:57:29  
17 any analysts, either civilians or officers, who were 11:57:34  
18 dedicated to working with OHS? 11:57:40

19 A. There were. I can't think of their names. 11:57:42  
20 But as time went -- because of our hours and we 11:57:45  
21 couldn't do it continuously 24 hours, we did reach 11:57:48  
22 out to Real Time Crime Center if they would monitor 11:57:51  
23 social media to help us out. Because it was such a 11:57:54  
24 tense time in the city and throughout the nation, we 11:57:59  
25 just wanted to make sure we didn't miss anything that 11:58:02

3410  
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1 we could, you know, share with the other precinct 11:58:05  
2 commanders. 11:58:07

3 Q. And were they able to provide that 11:58:09  
4 assistance? 11:58:11

5 A. Sometimes they were. 11:58:11

6 Q. Was that assistance provided -- in the 11:58:12  
7 sometimes you just testified to, was that assistance 11:58:13  
8 provided on an ongoing basis or by request? 11:58:16

9 A. Whatever they saw of concern through open 11:58:19  
10 source media or social media. 11:58:23

11 Q. Okay. And when you say "they"? 11:58:25

12 A. The Real Time Crime Center. 11:58:27

13 Q. Okay. So the Real Time Crime Center would 11:58:29  
14 monitor social media and then report to OHS? 11:58:32

15 A. That's correct. 11:58:36

16 Q. Okay. 11:58:36

17 A. If there seemed to be something adverse that 11:58:37  
18 we need to be made aware of. 11:58:41

19 Q. Were they monitoring social media during this 11:58:43  
20 time that you just testified to on a regular basis? 11:58:45

21 A. Well, our work hours were from 8:00 to 5:00. 11:58:50  
22 And after hours, well, we just didn't do much, unless 11:58:51  
23 we were put on notice by some precinct commander. 11:58:54

24 But to help us out after hours, we would 11:58:58  
25 reach out to Real Time Crime and just let them know, 11:59:02

**BLANCHARD, et al.**  
**VS**  
**THE CITY OF MEMPHIS**

---

**ALBERT BONNER**

**April 24, 2018**



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1 A. Lieutenant. 09:03:35

2 Q. Do you hold a particular titled position 09:03:36

3 within the police force? 09:03:40

4 A. I'm head of the mayor's dignitary protection 09:03:41

5 team. And I also handle security of City Hall and at 09:03:46

6 the mayor's residence. 09:03:50

7 Q. And how long have you held that role in the 09:03:51

8 police department? 09:03:56

9 A. About two and a half years. 09:03:57

10 Q. Have you been the head of Mayor Strickland's 09:04:00

11 protection team since he got into office? 09:04:05

12 A. I came November of '16. 09:04:08

13 Q. And what did you do before you became the 09:04:10

14 head of the mayor's protection team? 09:04:17

15 A. I was a lieutenant over the entertainment 09:04:19

16 district on Beale Street downtown. 09:04:23

17 Q. How long were you there on Beale Street? 09:04:26

18 A. A couple of months from, I'll say July to 09:04:29

19 maybe just over a couple, just a few months. From 09:04:32

20 July to -- August until I came to City Hall. 09:04:35

21 Q. And before that, what was your role? 09:04:43

22 A. I was in Organized Crime Unit. I was, at one 09:04:44

23 point in time I was over the money laundering team in 09:04:53

24 Organized Crime Unit. And then I went to the ISU 09:04:56

25 team where we handled our business robberies. 09:04:58

1 A. I just received a list of names. 09:22:45

2 Q. When was the die-in? What was the date of 09:22:47  
3 that? 09:22:51

4 A. I think it was December 19th, if I'm not 09:22:52  
5 mistaken, 2016. 09:22:54

6 Q. So turn to the second page. I guess, my 09:22:58  
7 question is, why were all of the names not listed on 09:23:11  
8 one sheet? Is it just space, or were these executed 09:23:18  
9 at different times? Or why were there several of 09:23:23  
10 these authorizations? 09:23:28

11 A. Space. 09:23:29

12 Q. So these were executed on the same date? 09:23:30  
13 These are contemporaneous? 09:23:34

14 A. I believe so. 09:23:35

15 Q. And again, the names on page two here of 09:23:36  
16 Exhibit 1 those -- who sent you those names? 09:23:40

17 A. Sergeant Reynolds. 09:23:45

18 Q. And you didn't personally investigate any of 09:23:47  
19 these people? 09:23:49

20 A. No, sir. 09:23:50

21 Q. Okay. 09:23:51

22 MR. WELLFORD: Just for clarity of the 09:23:51  
23 record, I mean, because we don't have a Bates stamp, 09:23:52  
24 the first two pages, front and back were executed on 09:23:56  
25 the 4th. And then I think the third page front and 09:24:00



1 A. Repeat that for me. 09:35:35

2 Q. Yeah. Let me rephrase that. That got away 09:35:38  
3 from me. 09:35:42

4 Other than the names and the identified 09:35:42  
5 information on this list, did you provide anything 09:35:46  
6 else to your personnel to help them know who was 09:35:48  
7 supposed to be escorted? 09:35:53

8 A. Some of the names, I'm not sure everyone, but 09:35:54  
9 some of the names had pictures that were included 09:35:58  
10 that were sent to me by Sergeant Reynolds. 09:36:01

11 MR. CASTELLI: Let's mark this as 09:36:18  
12 Exhibit 2. 09:36:19

13 (WHEREUPON, the above-mentioned document 09:36:19  
14 was marked as Exhibit Number 2.) 09:36:19

15 Q. Lieutenant Bonner, can you identify the first 09:36:37  
16 page here of Exhibit 2? 09:36:40

17 A. The first page is an email that I sent to one 09:36:43  
18 of my officers and told them to print these off. 09:36:52

19 Q. Okay. If you'll page through the document 09:36:57  
20 and let me know when you've looked through it. 09:37:02

21 A. Okay. 09:37:41

22 Q. So these, the information or the -- what, I 09:37:44  
23 guess looking at the third page of this, which is 09:38:01

24 Bates numbered 20,776 there at the bottom, right-hand 09:38:04  
25 corner, which is the first page of the Exhibit with 09:38:11

1 the photograph on it, what is this document we're 09:38:12  
2 looking at here? 09:38:15

3 A. This is a driver's license picture of Jasmine 09:38:16  
4 Garner with all of her pertinent information: 09:38:23  
5 Address, DL number, things like that. 09:38:27

6 Q. And Ms. Garner is one of the persons listed 09:38:31  
7 on the Authorization of Agency that's on the second 09:38:34  
8 page of this Exhibit? 09:38:41

9 A. Yes. 09:38:42

10 Q. Where does this record come from? 09:38:42

11 A. That was sent to me by Sergeant Reynolds. So 09:38:46  
12 I'm not sure where exactly it came from. 09:38:54

13 Q. Is this something from the Tennessee 09:38:56  
14 Department of Safety or? 09:38:59

15 A. It's called -- when I was in traffic we used 09:39:00  
16 it, we would go to ties. A platform called ties. 09:39:05  
17 When we had traffic investigations and we would pull 09:39:10  
18 up this type of information. I'm not sure if it's 09:39:13  
19 the same platform that was used. But that's what I 09:39:16  
20 would use when I did those investigations. 09:39:19

21 Q. So when you were in traffic if you pulled 09:39:21  
22 somebody over, a traffic infraction you could pull up 09:39:24  
23 this information? 09:39:27

24 A. Well, we used it for traffic fatalities. And 09:39:27  
25 that's what we used it for. 09:39:32

1 Q. So these driver's license information, these 09:39:34  
2 were things, these pictures and this information was 09:39:45  
3 something you provided to your staff along with the, 09:39:48  
4 the list of Authorization of Authority? 09:39:54  
5 A. Yes. 09:39:57  
6 Q. But you didn't actually pull these yourself? 09:39:57  
7 A. No, sir. 09:40:03  
8 Q. And I believe you said Sergeant Reynolds sent 09:40:03  
9 these to you? 09:40:08  
10 A. Yes. 09:40:08  
11 Q. And this email, you said print these off. 09:40:09  
12 Was the entire email sent to you by Sergeant 09:40:16  
13 Reynolds? Or was it just, did you kind of put this 09:40:24  
14 together from separate things that he had sent you? 09:40:27  
15 Was this a forward of an email he sent you, or did he 09:40:29  
16 send you some of the information and you put it with 09:40:34  
17 the authorization list? 09:40:36  
18 A. No. It was a forward from what he sent me. 09:40:37  
19 Q. Okay. Looking at Bates number 20790. 09:40:41  
20 A. Okay. 09:41:02  
21 Q. That's something different from the other, 09:41:02  
22 the other driver's license documentation. Do you 09:41:06  
23 know what this is? 09:41:09  
24 A. No, sir. Well, let me back up. Reading the 09:41:09  
25 bottom it says taken from ROC, ROCIC. It also I 09:41:16

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**VS**  
**THE CITY OF MEMPHIS**

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**MAJOR STEPHEN CHANDLER**

**April 25, 2018**



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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TENNESSEE  
3                   WESTERN DIVISION

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4                   ELAINE BLANCHARD, KEEDRAN  
5                   FRANKLIN, PAUL GARNER,  
6                   and BRADLEY WATKINS,

7                                   Plaintiffs,

8                   vs.

                                  Case No. 2:17-cv-02120-JPM-dkv

9                   ACLU OF TENNESSEE,  
10                   INC.,

11                                   Intervenor-Plaintiff,

12                   vs.

13                   THE CITY OF MEMPHIS,

14                                   Defendant.

---

15                                   Deposition of:

16                                   MAJOR STEPHEN CHANDLER

17                                   Taken on behalf of the Plaintiffs/  
18                                   Intervenor-Plaintiff  
19                                   April 25, 2018

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## I N D E X

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1 Department?

2 A. Well, I bartended, and was in the military.

3 Q. What did you do in the military?

4 A. I was originally a military policeman and  
5 became a Supply Corps Officer for the United States  
6 Navy, joined the Seabee Battalion and spent the rest  
7 of my career as a Seabee.

8 Q. Okay. So in July of 2016, you were the  
9 Sergeant over the -- no, in July 2016, tell me what  
10 you were doing.

11 A. I was a Lieutenant.

12 Q. Lieutenant. And that was with the Office of  
13 Homeland Security?

14 A. I was the Lieutenant over Air Support and the  
15 acting Lieutenant over Homeland Security.

16 Q. What is the difference between a Lieutenant  
17 and acting Lieutenant?

18 A. So Homeland Security at the time did not  
19 have, for lack of a better word, a home. I talked  
20 with then Deputy Chief Clete Knight and volunteered  
21 to bring them Special Operations, put them under my  
22 budget and be the Lieutenant, or acting supervisor,  
23 for that end. My primary responsibility was Air  
24 Support, and I took on responsibility of Homeland  
25 Security.



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1 Q. So when did the office of Homeland Security  
2 migrate to Special Operations?

3 A. Shortly before -- I don't recall the exact  
4 date, but it was several months prior to July of  
5 2016.

6 Q. And in July of 2016, who were your direct  
7 reports? Who directly reported to you in July of  
8 2016?

9 A. Tim Reynolds.

10 Q. Okay. And was -- so the Office of Homeland  
11 Security at that time was only Tim Reynolds?

12 A. When I first volunteered to take over the  
13 Homeland Security Unit it consisted of Stewart Frish  
14 and Phillip Penny. Phillip Penny left shortly after  
15 me taking it over, and we asked for volunteers and  
16 received Tim Reynolds. Then it was myself, Tim  
17 Reynolds and Stewart Frish. Stewart Frish left. I  
18 don't recall what date. He resigned from Memphis  
19 Police Department to take a position St. Jude, and it  
20 was left as Tim and I. Eventually, we did get  
21 Phillip Penny back for a short period of time.

22 Q. And so after -- do you recall when Penny left  
23 for the second time?

24 A. Not the exact date. I know that we were at a  
25 Homeland Security conference in middle Tennessee near

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1 Nashville --

2 Q. Um-hum.

3 A. -- when I was told that he would be going  
4 back to his original assignment.

5 Q. And what was that?

6 A. At the time I believe it was the TACT Unit.

7 Q. Okay. And when you first came to volunteer  
8 to be the Lieutenant of the Homeland Security, who  
9 did you report to?

10 A. I reported directly at the time to then  
11 Major Anthony Rudolph and Deputy Chief Clete Knight  
12 or Arley Knight, A-R-L-E-Y K-N-I-G-H-T, Lieutenant --  
13 or Major Rudolph at the time was replaced by  
14 Major Bass.

15 Q. Okay. And when did that happen, if you  
16 recall?

17 A. It was a couple months after we took it over.  
18 Or I took it over.

19 Q. Okay. And how long was Major Bass -- what  
20 was his position at that time?

21 A. Major over Special Operations.

22 Q. Okay. And how long was he the Major over  
23 Special Operations?

24 A. Prior to the event or just in general?

25 Q. Just in general.

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1 A. I would say approximately two years.

2 Q. And then who took over for him?

3 A. For Major Bass?

4 Q. Yes.

5 A. Would be Major Dow and Major Free.

6 Q. All right. How would you -- I want to talk a  
7 little bit about Homeland Security.

8 And how would you describe -- in July 2016,  
9 what was the Office of Homeland Security?

10 A. So the Office of Homeland Security was  
11 originally designed to deal with threats to the  
12 Memphis Police Department or Memphis in general. We  
13 looked at national threats plus international  
14 threats. And as -- after an officer involved  
15 shooting that resulted in the death of a suspect, we  
16 had to retool due to recent events or certain events  
17 that were starting to take place that we needed to be  
18 aware of.

19 Q. And what were those events?

20 A. Those events were protests against the  
21 police, threats against police in retaliation for the  
22 officer involved shooting.

23 Q. Okay. So the primary responsibility of the  
24 Office of Homeland Security were threats to law  
25 enforcement?

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1 A. Correct.

2 Q. Okay. And so moving through the last half of  
3 July 2016, did that mission change or did it stay the  
4 same?

5 A. It essentially stayed the same. We continued  
6 to monitor for threats to law enforcement. However,  
7 we started looking at some of our local individuals  
8 or groups that were staging protests. We had a duty  
9 based on some of the counterprotests to keep them  
10 safe as well as the citizenry of the populace of  
11 Memphis safe. We had to change our stance to provide  
12 that type of coverage for them.

13 Q. And what type of investigations did you do  
14 with respect to the counterprotests?

15 A. Open source media through Facebook primarily.

16 Q. And what would that look like?

17 A. So we would go to a page, a Facebook page,  
18 and there would be a flyer. So they would put the  
19 flyer up there stating that a certain date that they  
20 would be staging a protest. We would contact the  
21 Permits Office to see if a permit had been pulled for  
22 that, and then we would look to see if there was to  
23 be counterprotests to that event.

24 Q. Okay. And how many -- in the last half of  
25 2016, how many events had counterprotests?

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1 time.

2 A. Initially when we started the informational  
3 summary -- or the intelligence summary, it was on  
4 what protests we know that were popping up around the  
5 city. It was to make the station or the precinct  
6 where these things were occurring aware so that they  
7 could develop an operational plan should these events  
8 become unruly or have civil discourse associated with  
9 them. As time progressed, we started looking at more  
10 national events as opposed to anything else, how it  
11 had implications for Memphis Police Department. So  
12 since Ferguson, when knew that Dallas had an ambush  
13 where five officers were killed from a member who --  
14 radicalized member who claimed association with one  
15 group or another.

16 Same thing in Baton Rouge. We have some of  
17 the same organizations here while have made no direct  
18 threat, we certainly have to be aware and change our  
19 stance so that we can keep ourselves safe as well as  
20 those that are assembling.

21 Q. And what organizations are those? When you  
22 said there are some people who associated with  
23 certain organizations, what organizations?

24 A. Well, any of the organizations that arose out  
25 of Ferguson.

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1 Q. Okay. And what would be --

2 A. Some of them -- you've got Black Lives Matter  
3 and groups along that we had -- a group that came to  
4 be over the Confederate statues called Take Them Down  
5 911.

6 Q. Um-hum.

7 A. And then -- I'm sorry, I don't recall all of  
8 them, but there were other groups that --

9 Q. Right.

10 A. -- came into being.

11 Q. Okay. And how would -- who would make the  
12 decision about who the JIB went to? Who -- I'll ask  
13 my first question. I like to ask multiple questions,  
14 but I'm trying to limit myself.

15 Who is the audience for the JIB?

16 A. The audience initially was the command staff.

17 Q. Okay. And did that change over time?

18 A. It grew exponentially over time.

19 Q. Okay. And who made the decision about who  
20 reviewed the JIB?

21 A. So the informational JIB contained  
22 information that affected the whole of Shelby County.  
23 It was requested by -- and I don't know the name. I  
24 don't know who at the time requested that we add  
25 additional people. I know Shelby County Sheriff's

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1 A. I do.

2 Q. And what is it?

3 A. It is an e-mail from myself to  
4 Major Dana Sampietro with copies to  
5 Colonel Patricia Barnett and Major Ed Bass.

6 Q. And who is Major Dana Sampietro?

7 A. Major Dana Sampietro was at the time the  
8 Major of K-9, which is our dog unit. By proxy, we  
9 answered to both her and Major Bass.

10 Q. Okay. And what were you -- do you recall  
11 this e-mail?

12 A. Vaguely.

13 Q. Okay. So what is the e-mail -- what are you  
14 asking for here?

15 A. I'm asking for assistance. So we were told  
16 to monitor social media. No one in specific. Just  
17 look for anything that may have implications to the  
18 city of Memphis. We were saturated at the time,  
19 meaning that I had another unit that I had to manage  
20 and I only had one investigator, and we were spending  
21 an inordinate amount of time giving the dates and all  
22 that was going on. We were unable to look at any  
23 relevant information.

24 Q. Okay. And when you were asking for their  
25 help, can you be a little more specific about what

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1 exactly you were asking?

2 A. Real Time Crime Center has a bank of  
3 approximately 30 to 33 computers on the floor.

4 Q. Okay.

5 A. Officers are at those computers. They  
6 monitor cameras. They pull voyas and other things.  
7 I simply requested if they had time to look on some  
8 of the pages and see if they see anything that's of  
9 concern for the Memphis Police Department and concern  
10 for the city of Memphis.

11 Q. And under -- well, first let me ask. Is  
12 that -- was your request granted?

13 A. "I concur with this recommendation from Major  
14 Bass."

15 Q. Okay. So it was?

16 A. Yes.

17 Q. So how did -- how did the Division of Labor  
18 change between RTCC and Homeland Security after this  
19 new policy went into effect?

20 A. When we asked for help --

21 MR. WELLFORD: I'm going to object to the  
22 term "policy".

23 MS. FLOYD: Oh.

24 MR. WELLFORD: Go ahead.

25 THE WITNESS: My thought there was no



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1 A. So we received death threats from  
2 unidentified sources from Facebook posts in  
3 retaliation to the shooting. The shooting was  
4 controversial here in Memphis. We wanted to know  
5 what implications that had to law enforcement, what  
6 implications it had to the city of Memphis.

7 Q. Okay. I'm finished with that exhibit. I do  
8 have one question not directly about the exhibit but  
9 just before I move on.

10 Were you involved in the operational side of  
11 determining what to do based on social media itself?

12 A. No. So with regards to social media  
13 intelligence, we look for anything, like I said,  
14 threats, any concerns for the city of Memphis from  
15 the Memphis Police Department. Operational planning  
16 was not going to be part of our deal. Basically what  
17 we wanted to do was disseminate the information to  
18 the appropriate precinct or station --

19 Q. Okay.

20 A. -- where an event was occurring and let them  
21 decide how best to respond if any response was  
22 necessary.

23 Q. Okay. So in this example, the emails that we  
24 just went over, someone from the Real Time Crime  
25 Center sent the original post?

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1 it's somebody that was there and took photographs and  
2 then would send them to me.

3 Q. Okay. Would you go -- would you ever go to a  
4 demonstration yourself?

5 A. No. I simply -- I had another unit to run.

6 Q. Um-hum.

7 A. So I didn't have time to go to protests.

8 Q. Okay.

9 A. There were occasions that I would drive by to  
10 see or fly over --

11 Q. Um-hum.

12 A. -- to observe myself so that I had an  
13 understanding of what was going on.

14 Q. Okay.

15 A. But as far as going out to the protest,  
16 sitting there watching the protest, no --

17 Q. Okay.

18 A. -- I did not.

19 Q. Would anyone else from Homeland Security  
20 offer kind of on the ground assistance?

21 A. So occasionally people would go out. So  
22 prior to all the events happening, if we had a  
23 protest, an event, we would always want somebody  
24 there to just keep an eye and make sure that nothing  
25 happened there on the scene. That we had somebody

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1 that could give us information so should a  
2 counterprotestor, should an unlawful activity take  
3 place, in the event of a riot, things like that,  
4 things that would implicate the city, we wanted to be  
5 aware of it. So we would always have somebody there,  
6 be it a uniform presence or somebody that was in a  
7 plain clothes presence. That's what honestly their  
8 capacity was.

9 Q. Okay. And for people who were there in a  
10 plain clothes presence, what kind of assistance were  
11 they able to provide?

12 A. Basically they would just do photographic  
13 evidence. Or not photographic evidence. That's not  
14 the right word. They would take photographs of what  
15 was going on to give people an idea of the size of  
16 the crowd, what the crowd was doing.

17 Q. Would they also look for, you know, who was  
18 there?

19 A. Well, obviously, based on the e-mail, we did  
20 identify participants that were there.

21 Q. Okay. All right that actually leads me to  
22 the next exhibit.

23 (WHEREUPON, the above-mentioned document  
24 was marked as Exhibit Number 64.)

25 BY MS. FLOYD:

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1 Q. Do you recognize this document?

2 A. I do.

3 Q. Okay. And what is it?

4 A. It is an e-mail from myself to Major Bass  
5 regarding the reports of a protest.

6 Q. And when you're doing -- okay.

7 And so as a result of those reports, what did  
8 you do?

9 A. I jumped in the helicopter and went to  
10 Collierville to see if I could find anybody.

11 Q. Did you work with Collierville often as --

12 A. So we're part of HIDEA.

13 Q. Okay.

14 A. And we're support for Collierville,  
15 Germantown, Tipton County, Fayette County, parts of  
16 Arkansas, parts of Mississippi under the HIDEA.

17 Q. What is that? What is HIDEA?

18 A. Highway Drug Enforcement Act I think. I  
19 can't remember exactly what all it stands for.

20 Q. And when you say we, do you mean that Air  
21 Support?

22 A. Air Support.

23 Q. Okay. And -- all right.

24 And so was this a confirmed protest?

25 A. I believe just from my recollection without

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1 looking at the e-mail, I didn't find anybody out  
2 there.

3 Q. Okay.

4 A. We -- actually we sent the e-mail back or I  
5 sent it. I cc'd Larry Goodwin with the Collierville  
6 Police Department letting him know that we were  
7 unable to locate a protest from their city.

8 Q. Okay. Did you -- do you recall if you went  
9 back at 1600 hours?

10 A. Yes, I went back at that time.

11 Q. Okay. At 16 --

12 A. I did, yeah.

13 Q. Okay. At 1600 hours did you see anything?

14 A. No, ma'am.

15 Q. Okay. And next I'd like to go to an exhibit  
16 from a previous deposition, Exhibit 23.

17 And what I'd like you to turn to is 1036.

18 A. Okay.

19 Q. So this is -- are you familiar with this  
20 post? Do you remember seeing it?

21 A. Yeah, vaguely. Yeah --

22 Q. Okay.

23 A. Yeah, I've seen it.

24 Q. Okay. And are you aware of this incident  
25 that Mr. Franklin's discussing?

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TENNESSEE  
3                   WESTERN DIVISION

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4                   ELAINE BLANCHARD, KEEDRAN  
5                   FRANKLIN, PAUL GARNER,  
6                   and BRADLEY WATKINS,

7                                 Plaintiffs,

8                   vs.

9                   ACLU OF TENNESSEE,  
10                   INC.,

  Case No.  
  2:17-cv-02120-JPM-dkv

11                   Intervenor-Plaintiff,

12                   vs.

13                   THE CITY OF MEMPHIS

14                                 Defendant.

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15  
16   Deposition of:  
17   AUBREY HOWARD

18   Taken on behalf of the  
19   Plaintiffs  
20   April 26, 2018

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22  

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25   Candace S. Covey, LCR, RPR, CRR - Associate West  
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1           And so when I receive an application or when           09:25:18  
2           we receive an application, we immediately distribute           09:25:21  
3           it to several groups that may be affected by what's           09:25:24  
4           going on, for their review and/or comment. That           09:25:32  
5           would be MPD Special Events, which assigns police for           09:25:37  
6           traffic control and that kind of stuff --           09:25:47  
7           Q.           Yeah.           09:25:49  
8           A.           -- and manpower. And I send it to the           09:25:49  
9           Transit Authority. And now we've started sending it           09:25:52  
10           also to FedExForum when there are events downtown.           09:25:56  
11           Q.           Okay. And so when you send that out to           09:26:04  
12           those -- is there anybody else you send it to,           09:26:09  
13           routinely?           09:26:11  
14           A.           No.           09:26:12  
15           Q.           Okay.           09:26:12  
16           A.           Not initially.           09:26:12  
17           Q.           Okay. So when you send that out to them,           09:26:14  
18           that's before you've approved the application?           09:26:17  
19           A.           That's correct.           09:26:19  
20           Q.           Okay. What kind of -- I mean, do they then           09:26:19  
21           send you some kind of feedback or?           09:26:28  
22           A.           Yes. Special Events will send either -- will           09:26:30  
23           say, you know, what they call is approved. And then           09:26:34  
24           they may say approved with no cost. Approved, it may           09:26:36  
25           require a hundred dollars extra over time or           09:26:43

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1 something like that on the note. 09:26:45

2 Q. So is there a form that they send back to 09:26:48

3 you -- 09:26:50

4 A. Yes. 09:26:51

5 Q. -- with that information? 09:26:51

6 Can -- if -- can they deny a permit? 09:26:55

7 A. Yes. 09:27:00

8 Q. And what are the reasons they can do that? 09:27:00

9 A. Well, I don't know what their reasons are. 09:27:03

10 Q. Yeah. 09:27:06

11 A. But they can deny it. That doesn't 09:27:07

12 necessarily mean I'll deny it. 09:27:11

13 Q. Okay. 09:27:12

14 A. Okay. 09:27:13

15 Q. So what -- if they send -- is the form -- do 09:27:13

16 they have to write anything to explain why they're 09:27:20

17 saying "we deny it"? 09:27:23

18 A. Uh-huh. I don't know that it's a -- I'm 09:27:24

19 trying to be -- I don't know that they tell me why 09:27:29

20 they deny it, but they make that decision. Uh-huh. 09:27:32

21 Q. Can you give me an example of when you've 09:27:34

22 gotten a denial from the Special Events? 09:27:37

23 A. For manpower or two events happening at the 09:27:39

24 same location at the same time. We just had that 09:27:47

25 happen with the MLK50. 09:27:50

**Confidential**

1 Q. And that's the Special Events? 09:48:30

2 A. Special Events. 09:48:32

3 Q. With the police department? 09:48:34

4 A. Right. 09:48:35

5 Q. FedExForum and the -- 09:48:36

6 A. Memphis Area Transit Authority. 09:48:38

7 Q. Thank you. 09:48:41

8 A. Right. 09:48:42

9 Q. Now, are there other -- and I know you send 09:48:42

10 approvals to a list of people, that's right? 09:48:48

11 A. Right, right. 09:48:52

12 Q. So are there situations where you send the 09:48:53

13 applications to other parties in the City government? 09:48:58

14 A. I mentioned earlier that after the election, 09:49:01

15 we were having so many protests. So if there was 09:49:06

16 some event that would likely end up being a protest, 09:49:11

17 we started also noting that to several persons. 09:49:15

18 Q. Okay. And who was that? 09:49:19

19 A. Well, the police director and some other folk 09:49:20

20 on here. 09:49:24

21 Q. Okay. How would you know whether 09:49:25

22 something -- well, let me back up. 09:49:35

23 What would you -- I mean, when you would try 09:49:37

24 to decide whether you needed to forward an 09:49:38

25 application to other folks other than the routine 09:49:41

**Confidential**

1 entities, how would you decide that this was 09:49:46  
2 something that needed to be forwarded? 09:49:51

3 A. Well, if in my opinion -- if it was a protest 09:49:54  
4 or if it was -- if it was a protest, then I would 09:49:59  
5 likely send it to say, "Y'all, this is likely to be a 09:50:08  
6 protest." 09:50:11

7 Q. If you look on Page 3 of this document. It's 09:50:12  
8 Page 2 of the application. They actually -- back 09:50:16  
9 there. Yeah. 09:50:21

10 A. Okay. 09:50:21

11 Q. Under representations, acknowledgments, they 09:50:22  
12 actually describe this as protest of Wholesale, Inc., 09:50:27  
13 ATV. 09:50:32

14 A. What is that? I mean, I don't remember what 09:50:33  
15 that meant, but okay. 09:50:35

16 Q. I mean, the applicant is describing this as a 09:50:35  
17 protest, so that would be something you would look 09:50:38  
18 and at and go, "Well, I need to forward this on"? 09:50:41

19 A. Uh-huh. 09:50:45

20 Q. Okay. Was this something that you were asked 09:50:46  
21 to do or something you initiated? 09:50:47

22 A. No. I did this on my own. 09:50:50

23 Q. Okay. 09:50:51

24 MR. CASTELLI: Let's take a couple-minute 09:51:34

25 break, and I think I can wrap up. And if you've got 09:51:36

**BLANCHARD, et al.**  
**VS**  
**THE CITY OF MEMPHIS**

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**JOSEPH PATTY**  
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IN THE UNITED STATES DISTRICT COURT  
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and BRADLEY WATKINS,

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2:17-cv-02120-JPM-dkv

Intervenor-Plaintiff

vs.

THE CITY OF MEMPHIS

Defendant.

---

Deposition of:  
JOSEPH PATTY

Taken on behalf of the  
Plaintiffs  
April 26, 2018

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I N D E X

Page

Examination

By Mr. Castelli

By Mr. Glover

5

40

E X H I B I T S

Page

(None marked.)

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1 sense of everything so she's not trying to take down 13:04:15  
2 two people talking at once. 13:04:18

3 By the same token, if a question calls for 13:04:21  
4 like a yes or no answer, there's kind of a natural 13:04:23  
5 instinct to shake your head or nod your head or to 13:04:26  
6 say uh-huh. That doesn't come out well on a 13:04:30  
7 transcript. So if you can try to answer yes or no 13:04:34  
8 when that's called for. And if you don't, I'll 13:04:36  
9 remind you, and that's why I'm reminding you. 13:04:39

10 If you don't understand a question that I 13:04:44  
11 ask, let me know. You can ask me to -- just tell me 13:04:46  
12 you don't understand it or you're not sure what I'm 13:04:50  
13 asking. If you don't tell me that, I won't know, and 13:04:52  
14 so I'm going to assume that you understand my 13:04:57  
15 question and that the answer you're providing is 13:04:59  
16 accurate based on that. 13:05:01

17 We shouldn't be too long today, but if you do 13:05:04  
18 need a break, that's fine. Just ask that you answer 13:05:07  
19 whatever question I've asked. If there's a question 13:05:11  
20 out on the table, that you provide the answer before 13:05:13  
21 we break. 13:05:16

22 A. Okay. 13:05:16

23 Q. Does all of that make sense? 13:05:16

24 A. Yes. 13:05:18

25 Q. All right. Can you just give me what your 13:05:18

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1 current role with the Memphis Police Department is. 13:05:22

2 A. So I am the video surveillance manager. I 13:05:25

3 manage the City's, excuse me -- the Police 13:05:30

4 Department's video surveillance network. Also, I 13:05:32

5 manage the City of Memphis's access controls, you 13:05:36

6 know, for the City. So that encompasses video 13:05:37

7 cameras, access controls, mobile trailers, mobile 13:05:41

8 units, blue light cameras. 13:05:46

9 Q. So when you say "access control," can you 13:05:49

10 explain to me what that means. 13:05:52

11 A. Just card access control in the buildings. 13:05:53

12 Q. Okay. So like the ability to get in and out 13:05:57

13 of -- is that just Memphis police buildings? 13:06:03

14 A. Yes. 13:06:04

15 Q. Okay. As then as far as the type of cameras 13:06:04

16 that you manage, can you kind of go through each -- 13:06:09

17 or list for me each type of camera? 13:06:12

18 A. Sure. So we have pole cameras, obviously. 13:06:14

19 We have mobile trailers that have cameras on them. 13:06:18

20 We have solar towers that have cameras on them. And 13:06:23

21 then we have cameras that are mounted on buildings, 13:06:26

22 as well as a Real Time Crime Center van, which is a 13:06:32

23 mobile surveillance unit as well. 13:06:32

24 Q. So pole cameras. What type of -- is that a 13:06:36

25 utility pole or a different type of pole? 13:06:43

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**Confidential**

1 A. It's a utility pole. Most of the time a 13:06:46  
2 concrete standard light pole or a wooden utility 13:06:49  
3 pole. 13:06:53  
4 Q. Okay. And then the mobile trailers, could 13:06:53  
5 you describe those for me. 13:07:02  
6 A. So they're not much bigger than what a like 13:07:02  
7 four-wheeler trailer would be, that you put a 13:07:03  
8 four-wheeler on. It's a mobile trailer system. It 13:07:05  
9 has a tower that extends in the air. Cameras are on 13:07:07  
10 it. It has a solar system that runs it with 13:07:11  
11 batteries, and the system records, and then also we 13:07:15  
12 can access it live at the Real Time Crime Center. 13:07:18  
13 Q. Are those the trailers sometimes called 13:07:20  
14 "SkyCops"? 13:07:24  
15 A. They are referred to as "SkyCops." That's 13:07:24  
16 actually the name of the vendor who builds them. 13:07:26  
17 Q. Okay. 13:07:29  
18 A. But we call them, you know, MPD cameras. 13:07:30  
19 Q. And they're -- how are they moved from place 13:07:33  
20 to place? 13:07:39  
21 A. Like a truck, we move them from a truck or... 13:07:40  
22 Q. Yeah. They're carried by another vehicle? 13:07:44  
23 A. Correct. 13:07:48  
24 Q. Okay. 13:07:48  
25 A. We just pull them by a truck. 13:07:48

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Confidential

1 Q. Okay. And are you -- what's your role in 13:07:50  
2 deciding -- or in where those cameras are positioned? 13:07:51

3 A. The role in where those cameras are moved 13:07:55  
4 around really just comes from either request from the 13:08:04  
5 colonels of the precincts or a chief or crime 13:08:04  
6 statistics, you know, data driven, areas need to be 13:08:06  
7 put a trailer out. 13:08:10

8 Q. So when it's data driven, who makes the 13:08:11  
9 determination that cameras need to be put out in a 13:08:16  
10 particular area based on that data? 13:08:21

11 A. The Real Time Crime Centers, Crime Analysis 13:08:23  
12 Unit. 13:08:26

13 Q. Okay. Is there a particular individual who 13:08:26  
14 instructs you on where these cameras need to go, or 13:08:29  
15 is it multiple people? 13:08:33

16 A. It's just multiple people from the unit. 13:08:33

17 Q. Okay. Would this be some of the -- would -- 13:08:35  
18 I know that there are civilians that work in the Real 13:08:37  
19 Time Crime Center; is that right? 13:08:41

20 A. Yes. 13:08:41

21 Q. Would they be able to tell you where cameras 13:08:42  
22 should be placed? 13:08:45

23 A. It would usually go through their manager. 13:08:46

24 Q. Okay. 13:08:48

25 A. And then come to me. 13:08:49

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**Confidential**

1 Q. Who is your -- kind of backing up a little, 13:08:50  
2 back into -- away from the cameras. Are you assigned 13:09:02  
3 to the Real Time Crime Center? 13:09:05  
4 A. Officially I'm assigned to Information 13:09:08  
5 Systems. 13:09:11  
6 Q. Okay. 13:09:11  
7 A. But I work out of the Real Time Crime Center. 13:09:12  
8 Q. So you're physically officed in their -- 13:09:16  
9 A. I'm not actually. I don't have an office in 13:09:17  
10 the Real Time Crime Center either. I have a 13:09:21  
11 satellite location that it's our shop. 13:09:23  
12 Q. Okay. And that's -- but that's not in the 13:09:24  
13 Real Time Crime Center offices? 13:09:25  
14 A. That's correct. 13:09:26  
15 Q. Who do you report to? 13:09:27  
16 A. Major Chandler, directly. 13:09:29  
17 Q. Okay. And do you have anyone that reports to 13:09:32  
18 you? 13:09:40  
19 A. There are three people on our team, yes. 13:09:41  
20 Q. Okay. Who are they? 13:09:44  
21 A. It would be Officer Hoyt, Officer Jones, and 13:09:46  
22 Officer Oftencamp. 13:09:52  
23 Q. And what are -- well, let's talk -- do they 13:09:53  
24 all have the same responsibility, or do they have 13:10:00  
25 different responsibilities? 13:10:02

3455  
**Confidential**

1 A. Officer Hoyt is mainly our trailer guy. He 13:10:03  
2 moves the trailers. He performs the maintenance on 13:10:08  
3 them. Officer Oftencamp and Officer Jones work 13:10:10  
4 closely with me repairing cameras, maintenance on the 13:10:14  
5 system, whatever has to be done. 13:10:18

6 Q. Okay. Going back to the different types of 13:10:19  
7 cameras, the pole cameras. How is it determined 13:10:25  
8 whether to place a camera on a pole? 13:10:31

9 A. So we put out cameras in three different 13:10:33  
10 fashions. One being grant oriented. So specifically 13:10:38  
11 targeted for certain -- whatever the grant was for. 13:10:43  
12 We also put out sentinel cameras which are cameras 13:10:46  
13 provided by the City Council every year. They are 13:10:51  
14 data driven and put out in areas within their 13:10:54  
15 districts. They're split up among the seven 13:10:57  
16 councillor districts, and we put those out based on 13:11:02  
17 data. And then private donations from neighborhoods, 13:11:03  
18 city -- neighborhoods, citizens or businesses. And 13:11:06  
19 we put those out based on their request with a 13:11:07  
20 donation. 13:11:12

21 Q. With regard to grant cameras, can you give me 13:11:13  
22 an example of like a grant that would be involved in 13:11:18  
23 placement of a pole camera? 13:11:21

24 A. Sure. A lot of our cameras along the river 13:11:22  
25 are from the Port Security Grant, which is a Coast 13:11:24

3456  
**Confidential**

1 Guard funded grant. 13:11:26

2 Q. Okay. And then you had mentioned the 13:11:27

3 sentinel -- 13:11:30

4 A. Yes. 13:11:30

5 Q. -- cameras that are data driven. Is that 13:11:31

6 data from the RTCC? 13:11:34

7 A. Yes. 13:11:35

8 Q. Okay. So kind of the same -- in I guess -- 13:11:36

9 similar to the placement of the mobile trailers as 13:11:41

10 far as data driven placement? 13:11:44

11 A. Correct. We take hot spots and put them out 13:11:45

12 based on those. 13:11:49

13 Q. So correct me if I'm wrong here, but my 13:11:49

14 assumption would be you might -- data might show that 13:11:51

15 a camera would be needed in a certain area, you might 13:11:55

16 assign a mobile unit for that, and if the data 13:11:58

17 continues to show it, it might warrant placing a 13:12:01

18 permanent camera? 13:12:05

19 A. Exactly. 13:12:06

20 Q. Okay. What are the solar tower cameras? 13:12:07

21 Describe that for me. 13:12:12

22 A. It's basically two solar panels with a tower. 13:12:13

23 They were built -- excuse me. They were purchased on 13:12:15

24 a grant as well for in case we lost power to the 13:12:18

25 grid, we had a natural disaster or a terrorist 13:12:19



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1 attack. We would be able to put these out and still 13:12:24  
2 secure and can make -- they also serve as radio 13:12:26  
3 repeaters, so we could be able to secure and use 13:12:29  
4 these things for a scenario that we needed to without 13:12:31  
5 having access to the grid. 13:12:33

6 Q. Are they placed around the city, or are they 13:12:35  
7 like a reserve in case? 13:12:38

8 A. Reserve basically. 13:12:39

9 Q. Okay. 13:12:40

10 A. We have some just out so that we don't have 13:12:40  
11 them all in the same place, but they're basically 13:12:43  
12 reserve. 13:12:46

13 Q. All right. The cameras on buildings, can you 13:12:46  
14 tell me how it's decided which building should get a 13:12:52  
15 camera? 13:12:56

16 A. Just optimal view. Most of the time they're 13:12:56  
17 on high -- high-rise buildings. Best views. Also 13:12:59  
18 we, you know, place radio repeaters up there as well. 13:13:02

19 Q. Are those -- I mean, I would assume you would 13:13:04  
20 have to have the owner of the building's consent to 13:13:08  
21 put the camera on there? 13:13:11

22 A. Absolutely. 13:13:12

23 Q. Are those also funded like the private 13:13:13  
24 donation pole cameras? 13:13:15

25 A. I don't recall a private donation camera on a 13:13:17

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**Confidential**

1 particular building because they usually go on poles, 13:13:22  
2 utility poles, but definitely grant-funded cameras 13:13:25  
3 have been on buildings. 13:13:29

4 Q. And do you have a role at all in deciding 13:13:30  
5 where any of the pole cameras or the building cameras 13:13:37  
6 are placed? 13:13:43

7 A. I do not. I just -- 13:13:44

8 Q. You put them where they tell you to put them? 13:13:45

9 A. Yes. 13:13:48

10 Q. And the same question: Do you have any role 13:13:49  
11 in determining where the mobile cameras are placed? 13:13:54

12 A. I do not. 13:13:57

13 Q. Can you describe the van to me. 13:13:58

14 A. So the van is a repurposed DUI mobile unit. 13:14:04

15 It was -- sat abandoned for many years. We took it 13:14:10

16 and we converted it into a mobile command van, like a 13:14:12

17 miniature command van. And we put cameras around it 13:14:17

18 inside and out -- excuse me -- outside only, to be 13:14:21

19 able just to move around and not have to take the 13:14:24

20 large-scale command van that's just like a full-size 13:14:27

21 RV. 13:14:30

22 Q. Uh-huh. 13:14:30

23 A. So the idea was if something needed to be 13:14:31

24 looked upon or going into a situation, we could 13:14:35

25 easily move it around and not have to have that large 13:14:37

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1 footprint of a large command van. 13:14:40

2 Q. How many cameras are on the van? 13:14:42

3 A. Five. 13:14:44

4 Q. And can you tell me where those cameras are? 13:14:45

5 A. All four sides and then a PTZ on the backside 13:14:49

6 as well. 13:14:54

7 Q. And what's a PTZ? 13:14:54

8 A. Pan-tilt-zoom camera. 13:14:56

9 Q. And what is that? What's the functionality 13:14:58

10 of a pan-tilt-zoom camera? 13:14:59

11 A. So there's two types of cameras. Fixed 13:14:59

12 cameras, where you just put them out, and they 13:14:59

13 don't -- you can't manipulate the scene. You can't 13:15:02

14 zoom in or out or move it around. And then there's a 13:15:06

15 PTZ where it's a dome camera, where you can move it 13:15:08

16 around and zoom in and out. So you're not fixed on a 13:15:10

17 certain location. 13:15:12

18 Q. So the cameras that are on the four sides of 13:15:13

19 the van, those are fixed cameras? 13:15:18

20 A. Yes. 13:15:19

21 Q. The pole cameras, are those fixed cameras, or 13:15:20

22 are they different? 13:15:23

23 A. Combination of both. 13:15:24

24 Q. Okay. And the same with -- what about the 13:15:26

25 mobile trailers? Are those fixed or are those -- I 13:15:31

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1 mean, obviously the trailers aren't fixed. 13:15:34

2 A. Right. 13:15:34

3 Q. But the cameras on those trailers, are they 13:15:36

4 fixed, or are they capable of movement? 13:15:39

5 A. They utilize both types. 13:15:42

6 Q. Okay. Is that like dependent just on what 13:15:44

7 was purchased? 13:15:46

8 A. Correct. 13:15:47

9 Q. Do you know -- well, the building cameras, 13:15:47

10 are those typically -- are those fixed, PTZ or a 13:15:55

11 combination of both? 13:16:01

12 A. Usually those are PTZs. 13:16:02

13 Q. Okay. So all of these cameras, do they -- as 13:16:05

14 far as the live feed from these cameras, how is that 13:16:21

15 monitored? 13:16:27

16 A. So we don't monitor -- we don't monitor all 13:16:28

17 of our cameras at one time. 13:16:32

18 Q. You've got a lot of cameras. 13:16:34

19 A. Right. So we just pull video on demand 13:16:36

20 whenever there's a need to, or we need to pull that 13:16:36

21 video, recorded video -- we record video on the Edge 13:16:41

22 on all of our pole cameras. We do not essentially 13:16:43

23 bring it back to our Crime Center. 13:16:47

24 Q. Okay. 13:16:49

25 A. So we only view video when there's a demand 13:16:50

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1 for it. 13:16:52

2 Q. Okay. So the pole cameras don't live feed 13:16:53

3 into the RTCC? 13:16:55

4 A. We can see them on demand. 13:16:58

5 Q. Okay. 13:17:01

6 A. But we do not stream them back. 13:17:01

7 Q. There's not like a backup television 13:17:04

8 somewhere that's got every pole camera in the city -- 13:17:07

9 A. No. 13:17:08

10 Q. -- running live? 13:17:08

11 A. No. 13:17:08

12 Q. That's really disappointing, because it's 13:17:08

13 just a cool image, but... 13:17:10

14 A. Yes. 13:17:13

15 Q. What about the mobile trailers, are those -- 13:17:13

16 you know, is that the same as the pole cameras as far 13:17:16

17 as how they're monitored? 13:17:20

18 A. Same setup. They're recording at that 13:17:22

19 trailer. We can see them live at any time, but we 13:17:24

20 only pull them up on demand. 13:17:28

21 Q. Okay. And the building cameras? 13:17:30

22 A. Same -- same scenario. 13:17:35

23 Q. All right. The van, the cameras in the van, 13:17:36

24 do those feed back to the RTCC? Can someone in the 13:17:37

25 center see what that van -- what the cameras on that 13:17:41

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1 van is seeing? 13:17:44

2 A. Yes. If the van is turned on, absolutely 13:17:45

3 they can see. 13:17:47

4 Q. Okay. And then, are there monitors in the 13:17:47

5 van to see what's going on? 13:17:49

6 A. Yes. 13:17:51

7 Q. Who is -- is there a particular individual 13:17:51

8 that is -- currently, I guess -- that is assigned to 13:17:56

9 operate the van? 13:18:03

10 A. It falls on whoever is available out of our 13:18:03

11 group. 13:18:07

12 Q. Okay. 13:18:07

13 A. Myself and my three others. 13:18:08

14 Q. Okay. How many people usually does it take 13:18:11

15 to operate the van? 13:18:13

16 A. It's -- so one can operate it. We like for 13:18:14

17 two to be in it. 13:18:16

18 Q. Okay. And so that would be you, Officers 13:18:17

19 Hoyt, Jones or Oftencamp? 13:18:23

20 A. Yes. 13:18:25

21 Q. That can operate it? 13:18:25

22 A. Yes. 13:18:25

23 Q. Are there any other officers that are able to 13:18:25

24 operate the van? 13:18:31

25 A. Not at this time. 13:18:32

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1 Q. All right. What about in -- well, let me ask 13:18:33  
2 you, how long have you been in your current role? 13:18:39

3 A. Just about eight years. 13:18:41

4 Q. Okay. When did you get the van? 13:18:43

5 A. I think it was a couple of years ago. 13:18:47  
6 Summer, a couple, two years ago. 13:18:49

7 Q. Since you've gotten the van, have there been 13:18:52  
8 other people other than the four, you and your three 13:18:56  
9 officers that have been -- operated the van? 13:18:59

10 A. No. 13:19:01

11 Q. Okay. With regard to -- going back, I guess, 13:19:01  
12 to the top of our list with the pole cameras. Where 13:19:13  
13 is the data that the camera is recording? Where is 13:19:19  
14 that stored physically? 13:19:22

15 A. At the camera. 13:19:23

16 Q. Okay. 13:19:24

17 A. Yeah. 13:19:24

18 Q. Is that data ever brought back to another 13:19:24  
19 location or downloaded in any way? 13:19:27

20 A. Only if it's requested. 13:19:29

21 Q. Okay. What's the retention time period for 13:19:30  
22 video recording on those cameras? 13:19:38

23 A. It varies greatly depending on how many 13:19:41  
24 cameras and the size of the hard drive. 13:19:46

25 Q. Okay. 13:19:46

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1 A. And how busy the scene is. 13:19:49

2 Q. Do the cameras record, the pole cameras in 13:19:51

3 particular, do they record like 24/7, or do they 13:19:52

4 record -- or do they have motion sensors or things 13:19:55

5 like that? 13:19:59

6 A. It's a combination of both depending on how 13:19:59

7 it is. Majority of them are 24 hours. 13:20:02

8 Q. Okay. There's just a difference in what 13:20:04

9 technology -- what's purchased for that particular 13:20:06

10 camera? 13:20:09

11 A. That's correct. 13:20:09

12 Q. Okay. So I would take it that the 24-hour 13:20:10

13 recording cameras, there's a lot more activity; 13:20:16

14 there's a lot more data that they're recording than 13:20:19

15 the ones that only record at certain times? 13:20:24

16 A. That's correct. 13:20:25

17 Q. How do you access -- if there is a reason to 13:20:25

18 save data from one of the pole cameras, how is that 13:20:35

19 access achieved? 13:20:38

20 A. Most of the time it's remotely. Using the 13:20:40

21 software at the Crime Center, reaches out, pulls down 13:20:43

22 the video if it's requested and then stored. 13:20:46

23 Q. If there's a point in time where you access 13:20:48

24 like an on demand to see the live feed of a pole 13:20:52

25 camera, is that automatically backed up somewhere and 13:20:57



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1 recorded, or would you have to pull it off the 13:20:59  
2 camera? 13:21:02

3 A. So it's always recording whether or not we're 13:21:02  
4 watching it or not. 13:21:05

5 Q. Yeah. 13:21:06

6 A. So if we're doing live demand, it's still 13:21:06  
7 recording anyway. 13:21:10

8 Q. Yeah. I guess let me maybe rephrase my 13:21:11  
9 question. 13:21:13

10 A. Sure. 13:21:13

11 Q. Because what I'm trying to understand is if 13:21:14  
12 you -- when you flip on whatever you flip on to view 13:21:16  
13 the -- what that camera is recording at that moment, 13:21:20  
14 is -- would that trigger it to store that data 13:21:27  
15 somewhere else other than on the camera? 13:21:30

16 A. No. 13:21:32

17 Q. Okay. You would still have to remote into 13:21:32  
18 that camera and gather that data if you wanted to do 13:21:37  
19 that? 13:21:41

20 A. Correct. 13:21:41

21 Q. Do some of the pole cameras require an 13:21:41  
22 on-site in order to download? 13:21:44

23 A. If there's a connectivity issue, sometimes 13:21:48  
24 yes. If the time frame is a long time frame and 13:21:53  
25 there would be a lot of data, then yes, we'll go out 13:21:55

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1 to the camera itself and pull it. 13:21:58

2 Q. Okay. Are there any cameras that you have to 13:22:00

3 go out to, there's just -- there's no way to remote 13:22:04

4 in and download the data? 13:22:06

5 A. No. 13:22:09

6 Q. Okay. Moving on to the mobile trailers. How 13:22:09

7 is the data stored for the mobile trailers? 13:22:16

8 A. Just like our pole cameras. Everything is 13:22:19

9 recorded at the Edge. So there's a recorder in the 13:22:22

10 trailers and they record there. 13:22:25

11 Q. And what -- is there a standard retention 13:22:26

12 time for that data? 13:22:28

13 A. We don't have a standard. We like to keep -- 13:22:30

14 we'd like to be able to video the last 30 days. 13:22:33

15 Q. Okay. Is it something where if it hasn't 13:22:37

16 been pulled off the hard drive on the trailer, it 13:22:40

17 will start rewriting itself -- 13:22:44

18 A. Yes. 13:22:45

19 Q. -- or writing over it? 13:22:46

20 Are the cameras of the mobile trailers, when 13:22:48

21 they're deployed, filming 24/7, or are they filming 13:22:51

22 at different times? 13:22:55

23 A. 24/7. 13:22:56

24 Q. Okay. How are they activated? 13:22:57

25 A. Define "activated." 13:23:00

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1 Q. Okay. Well, once you deploy -- I guess just 13:23:02  
2 walk me through. Once you like decide where you're 13:23:05  
3 going to put a trailer and you get it out to that 13:23:07  
4 location, what do you do to set it up? 13:23:09  
5 A. Okay. So we just go out there. We turn on 13:23:12  
6 the trailer. We raise the boom up. We set the 13:23:14  
7 cameras on whatever we need to -- whatever the scene 13:23:18  
8 is, and we just -- it just starts recording. 13:23:19  
9 Q. And once it's on and starts recording, is 13:23:22  
10 there a way to remotely stop recording? 13:23:27  
11 A. You would have to go into the bios of the DVR 13:23:31  
12 and tell it to stop recording. 13:23:37  
13 Q. So is that something that can be done from 13:23:39  
14 the RTCC? 13:23:41  
15 A. Could be. 13:23:42  
16 Q. Or is that something that has to be done at 13:23:43  
17 the actual physical location in the trailer? 13:23:45  
18 A. Both. 13:23:47  
19 Q. Okay. Is there any kind of policies on when, 13:23:48  
20 specifically with regard to trailers, when they 13:23:58  
21 should be recording? 13:24:00  
22 A. No. 13:24:01  
23 Q. Okay. You've used the phrase a couple times 13:24:03  
24 "recorded at the Edge." Am I getting that right? 13:24:09  
25 A. Yes. 13:24:11

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1 Q. Can you just define that for me. 13:24:11

2 A. So you have a centralized server where all 13:24:13

3 feeds are brought back into the central location and 13:24:16

4 recorded, or you record everything at the Edge, which 13:24:18

5 means everything at a pole camera, a trailer camera 13:24:20

6 is -- the recorder is there. It's recording there. 13:24:24

7 It's not streaming it back into a central location. 13:24:27

8 Q. With regard to the building cameras, are they 13:24:29

9 also recorded at the Edge, or are they streaming 13:24:38

10 back? 13:24:44

11 A. Almost our entire network is recorded at the 13:24:44

12 Edge. 13:24:47

13 Q. Okay. And then the van as well, is that 13:24:47

14 something that's housed in the van as far as 13:24:51

15 recording? 13:24:54

16 A. Yes. It's an Edge recorder as well. 13:24:55

17 Q. Are the retention capabilities of the 13:24:57

18 building cameras similar to the mobile trailers and 13:25:05

19 the pole cameras as far as 30 or so days? 13:25:15

20 A. Yes. 13:25:15

21 Q. And what about the van? What's the retention 13:25:15

22 on the van's cameras? 13:25:15

23 A. The van's is a remote -- excuse me. It's an 13:25:16

24 Edge recorder like is anything else. I would say 13:25:21

25 that the retention period is probably about 30 days. 13:25:24

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1 It's just whether or not it's turned off when it's 13:25:29  
2 used, you know. 13:25:32

3 Q. Okay. With regard to the van -- or video or 13:25:32  
4 data collected by the van's recorders, are they 13:25:39  
5 backed up or saved to a centralized location? 13:25:45

6 A. Yes. The video is -- yes. The video is 13:25:48  
7 downloaded. 13:25:51

8 Q. Okay. Every time, no matter what? 13:25:51

9 A. It is every time we take it out. 13:25:53

10 Q. Okay. So unlike the pole cameras or the -- 13:25:55  
11 where it's on -- where if there's a request, you'll 13:25:57  
12 download it and save it, the van is just 13:26:01  
13 automatically saved? 13:26:04

14 A. That's correct. 13:26:05

15 Q. Okay. What about the mobile trailers? I may 13:26:05  
16 have asked you that, but let me ask you that again. 13:26:08

17 A. Yeah. Same. 13:26:10

18 Q. Are the mobile trailers -- is that only by 13:26:12  
19 request that they're downloaded, or are they 13:26:16  
20 automatically downloaded? 13:26:19

21 A. Only by request. 13:26:20

22 Q. Okay. And the building cameras? 13:26:21

23 A. Only by request. 13:26:22

24 Q. Okay. So the van is unique in that sense? 13:26:23

25 A. Yes. 13:26:27

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1 Q. To the extent that the solar towers are out 13:26:29  
2 there, are they recorded on the -- at the Edge as 13:26:33  
3 well, or are they recorded at the central location? 13:26:38  
4 A. Yes, on the Edge. 13:26:40  
5 Q. Okay. And are they -- is the protocol for 13:26:41  
6 those the same as the poles cameras and the mobile 13:26:46  
7 cameras as far as by request only? 13:26:50  
8 A. Yes. 13:26:53  
9 Q. Do you know how many solar tower cameras are 13:26:53  
10 out there? 13:26:58  
11 A. 23. 13:26:58  
12 Q. That are actually placed? 13:26:58  
13 A. Not off the top of my head, no. Not all 23 13:27:00  
14 are deployed. 13:27:04  
15 Q. Okay. So are there policies for how to 13:27:05  
16 request that the data be pulled from a -- from the 13:27:14  
17 camera site? 13:27:19  
18 A. Yes. 13:27:20  
19 Q. And are those -- can you kind of just run me 13:27:20  
20 through what those policies are? 13:27:26  
21 A. So it would be a request from an 13:27:27  
22 investigator. There's a form to fill out describing 13:27:29  
23 the location and the times needed. 13:27:31  
24 Q. Okay. And investigator -- who does that 13:27:34  
25 include? 13:27:40

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1 A. E-mail through their supervisor to ours. 13:36:29  
2 Q. Okay. Okay. 13:36:32  
3 What is your involvement, if any, with the 13:36:42  
4 body-worn cameras or in-car cameras? 13:36:46  
5 A. None. 13:36:49  
6 Q. Are you responsible at all for how that is -- 13:36:49  
7 how that video is -- or data is stored? 13:36:53  
8 A. I am not. 13:36:56  
9 Q. All right. Who is responsible for that, do 13:36:57  
10 you know? 13:37:00  
11 A. We have -- it falls under Major Chandler. 13:37:00  
12 Q. Okay. 13:37:04  
13 A. Yeah. 13:37:05  
14 Q. What is your involvement, if any, with any 13:37:05  
15 kind of drone that's owned by the Police Department? 13:37:27  
16 A. We have a drone. And it is currently being 13:37:30  
17 tested in our unit as we launch the program. 13:37:34  
18 Q. And are you responsible for the maintenance 13:37:39  
19 and care of the drone? 13:37:40  
20 A. Yes. 13:37:41  
21 Q. Are you -- who is able to operate the drone? 13:37:42  
22 A. We have four pilots at the moment. 13:37:46  
23 Q. And are you one of the pilots? 13:37:50  
24 A. I am not. 13:37:53  
25 Q. Who are the pilots currently? 13:37:53

**BLANCHARD, et al.**  
**VS**  
**THE CITY OF MEMPHIS**

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**DIRECTOR MICHAEL RALLINGS**

**April 25, 2018**



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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TENNESSEE  
3 WESTERN DIVISION

4 ELAINE BLANCHARD, KEEDRAN  
5 FRANKLIN, PAUL GARNER,  
6 and BRADLEY WATKINS,

7 Plaintiffs,

8 vs.

Case No. 2:17-cv-02120-JPM-dkv

9 ACLU OF TENNESSEE,  
10 INC.,

11 Intervenor-Plaintiff,

12 vs.

13 THE CITY OF MEMPHIS,

14 Defendant.

15  
16 Deposition of:

17 DIRECTOR MICHAEL RALLINGS

18 Taken on behalf of the Plaintiffs/  
19 Intervenor-Plaintiff  
20 April 25, 2018

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1 reviewed it, but, you know, we didn't -- we didn't do  
2 political intelligence. So it's just one of the many  
3 DRs that are present.

4 Q. So looking at this document, Exhibit 48, it  
5 says the -- I think it's the third paragraph I guess  
6 at the -- under DR 138. It's at the bottom of the  
7 page. "The regulations for this DR are in accordance  
8 with the judgment and decree for Civil Case 76-449  
9 (which can be found on the opening page of the MPD  
10 Kiosk website)."

11 Do you know if indeed that that is true, that  
12 the judgment and decree can be found on the MPD Kiosk  
13 website?

14 A. I think I've seen it on the kiosk.

15 Q. All right. I'm going to -- this -- I'm going  
16 to hand you a document.

17 MR. CASTELLI: I'm going to mark it as  
18 49 -- Exhibit 49.

19 (WHEREUPON, the above-mentioned document  
20 was marked as Exhibit Number 49.)

21 BY MR. CASTELLI:

22 Q. This document was produced to us in this  
23 case. Can you tell me what it is? Do you recognize,  
24 on this first page, what that is?

25 A. What are we looking at, this black --

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1 Q. Yes, sir.

2 A. -- screen?

3 Q. Yeah, it's not the best copy in the world,  
4 but...

5 A. Well, it looks like a rough screenshot of our  
6 kiosk page.

7 Q. Yeah.

8 A. And I can barely read what it's -- I mean, I  
9 really can't read what it's saying, but I would -- it  
10 says "MPD Departmental Forms and Links". It looks  
11 like our -- a screenshot from someone's computer, of  
12 our kiosk page.

13 Q. Okay. And there's a -- there's an arrow  
14 that, would you agree with me, probably someone added  
15 to that screenshot? It's probably not --

16 A. Yes.

17 Q. -- on the computer? And in the corner, too.  
18 And I can barely read it, but I think it says "Civil  
19 action case 76449". Can you read that?

20 A. I can't read that.

21 Q. Okay. Well --

22 A. Not without a magnifying glass.

23 Q. Well, just flipping through this exhibit to  
24 the actual decree.

25 A. Okay.

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1 Q. Have you -- do you know -- well, first of  
2 all, on this, do you have access to this department's  
3 forms and links page?

4 A. Do I have access to it? Yes.

5 Q. I would assume being Director that you would.

6 A. Yes.

7 Q. Have you ever yourself clicked on the link on  
8 that page for the civil action...

9 A. I'm pretty sure I have. I think I have.

10 Q. Okay. Do you know whether it then pulls up  
11 this, also not terribly great copy, of the decree?

12 A. I remember going to the kiosk --

13 Q. Yeah.

14 A. -- and pulling that up and accessed it  
15 recently.

16 Q. Okay.

17 A. So I'm assuming it still works --

18 Q. Okay.

19 A. -- the way it's designed.

20 Q. What -- prior to this lawsuit being filed,  
21 have you reviewed the order judgment decree in the  
22 Kendrick v Chandler case?

23 A. Yes.

24 Q. Do you recall when, or at what points in your  
25 career with the Memphis Police Department that you've

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1 reviewed it?

2 A. I vaguely remember, you know, us discussing  
3 it as part of the command staff, you know, but, you  
4 know, I've been a part of command staff since 2009.  
5 So there has been discussion about this since then.

6 Q. Did you ever, as part of your role in the  
7 training academy, instruct cadets on -- specifically  
8 on the decree and what it says?

9 A. No.

10 Q. And turn back to Exhibit 48.

11 A. Exhibit 48 is the DR?

12 Q. The policy. Yes, sir.

13 A. Okay.

14 Q. There's a -- the last paragraph, if you'd  
15 review that for me real quick so we can discuss it.

16 A. And is that starting with the regulations?

17 Q. Starting with the asterisk that appears and  
18 then --

19 A. Okay. And you want me to read it?

20 Q. You can read it to yourself.

21 A. Okay.

22 Q. I just want you to read it real quick so we  
23 can talk about it.

24 A. Okay.

25 Q. All right. So that's -- that paragraph seems

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1 this?

2 BY MR. CASTELLI:

3 Q. Yes.

4 A. All right.

5 Q. All right. Director Rallings, this was  
6 previously marked as Exhibit 8 in another deposition.  
7 I believe the deposition of Sergeant Reynolds  
8 yesterday.

9 Do you recognize this document?

10 A. Yes.

11 Q. Can you tell me what it is?

12 A. It's a spreadsheet of demonstrations,  
13 protests, flash mobs, et cetera.

14 Q. Did you have any involvement in the creation  
15 of this document?

16 A. Yes, I asked that it be created.

17 Q. And when did you do that?

18 A. I don't recall. I can kind of give you some  
19 context though. We responded to so many I started to  
20 lose count. And because city council is so  
21 interested in my budget and our use of overtime to  
22 where probably quarterly we're reporting our overtime  
23 expense to the council, I wanted to make sure I could  
24 reference how many civil disturbances we responded  
25 to, the when and the where, and so that my finance



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1 manager could put a cost to it. So I think that if  
2 we -- what this helped us do is to decide if I had  
3 three -- I think three percent of my entire overtime  
4 budget of almost 25 million dollars has been spent on  
5 responding to protest or crowds or some type of  
6 demonstration.

7 So that's -- that was -- I asked my team how  
8 many have we responded to, and they couldn't answer  
9 it and I couldn't answer it. And I asked Tim and  
10 whoever else was with him to just keep a spreadsheet  
11 similar to what we're doing with schools. You know,  
12 if we get a threat to a school, that we kind of keep  
13 up with it because you'll lose track. And it helped  
14 us allocate manpower. So to predict kind of what  
15 manpower we needed to. But this started all because  
16 of budget issues.

17 Q. So -- and you -- just so I'm clear, you had  
18 said responding to civil disturbances. But this  
19 spreadsheet doesn't rerecord civil disturbances?

20 A. Well, it could have been a combination.

21 Q. Okay. I mean, some of -- some of these  
22 things didn't result in a civil disturbance let's  
23 say, some of these events?

24 A. Yes, point well taken. A majority -- very  
25 rare that we have any of those protests, permitted or

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1 unpermitted, or gatherings that responded in any  
2 issue where law enforcement had to do anything other  
3 than just kind of be there to keep everybody safe.

4 Q. Well, the categories -- the different  
5 information that's recorded here, is that something  
6 that you had input into?

7 A. I don't think I told Tim to -- you know, how  
8 to make the categories. I just asked him to do a  
9 spreadsheet. But I'll just look over it real quick.  
10 I definitely wanted the date and time, location and  
11 probably a crowd estimate. But the rest of it, I  
12 think was, you know, up to the -- whoever actually  
13 ended up creating this document.

14 Q. Do you have any idea -- I'm looking on the  
15 first page, which is this color. Do you have any  
16 idea what the color coordinating -- the color under  
17 the key personnel column, what that means? Why some  
18 of it's in blue and some of it's red?

19 A. No.

20 Q. Is this -- this spreadsheet goes through the  
21 February of 2017 -- March of 2017. Is this something  
22 that's continually updated?

23 A. I hope so.

24 Q. Okay.

25 A. One more thing about this spreadsheet. I

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**Confidential**

1 A. Okay.

2 Q. -- which would, I think, be pages 1 through 4  
3 and then 7 and 8. I apologize there's no page  
4 numbers on this exhibit.

5 What was your involvement in creating these  
6 Authorization of Authority for the mayor's home?

7 A. I don't recall having much involvement in it  
8 at all other than it being presented to me.

9 Q. All right. Do you recall who presented it to  
10 you?

11 A. I think it was Sergeant Reynolds.

12 Q. I'm sorry. Sergeant?

13 A. Tim Reynolds.

14 Q. Reynolds. Do you know who, if anyone,  
15 instructed Sergeant Reynolds to create these  
16 Authorization of Authority?

17 A. As far as creating an AOA, I'm not sure. I  
18 did instruct my entire team to figure out a way to,  
19 you know, really open -- ask an open-ended question  
20 of how can we better protect the mayor's home.

21 Q. Uh-huh.

22 A. After the die-in, there were folks beating on  
23 his doors, beating on his windows, and I knew that  
24 could be a very volatile situation. And I wanted to  
25 find a way to better protect the mayor's home.

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1 Q. And just for the record the die-in was  
2 something that occurred at the mayor's home in  
3 December of 2016?

4 A. I don't remember exact time, but yes, the  
5 die-in did occur at the mayor's home.

6 Q. Okay. Can you tell me what -- your  
7 understanding of what happened at that event?

8 A. My understanding of what happened was that a  
9 group of individuals went to the mayor's home  
10 uninvited, trespassed on his property and laid out in  
11 his yard as a form of protest posted on social media.  
12 Then they made threats to return I think every  
13 Tuesday, and they called it Coffee with the Mayor.

14 Q. So other than your -- you said you give some  
15 general instructions about how to better protect the  
16 mayor. Did you have any other conversations about  
17 specifically an Authorization of Authority for the  
18 mayor's property with anyone?

19 A. I'm not sure what you mean by that.

20 Q. You said you had a general conversation about  
21 how can we better protect the mayor.

22 A. Yes, sir.

23 Q. And then you also said -- you testified that  
24 Sergeant Reynolds had presented this document to you  
25 at some point?

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1 A. Yes.

2 Q. These Authorizations at some point? Did you  
3 have any conversations with anyone else about these  
4 documents while they were being created?

5 A. Not while they were being --

6 Q. Okay.

7 A. -- created. Not that I recall.

8 Q. At the top of this document, there's some  
9 handwritten notes on several of these pages. What do  
10 you know about the handwritten note there at the top?

11 A. At the top of the first page?

12 Q. If you look at the first page.

13 A. Okay. If I recall this is -- it looks like a  
14 handwritten note from Lieutenant Bonner who is  
15 assigned to the mayor's security detail.

16 Q. All right. Did you have any conversations  
17 with Lieutenant Bonner about adding the names on  
18 these Authorization of Authority for the mayor's home  
19 to a list for who needs to be escorted at City Hall?

20 A. No.

21 Q. When did you first become aware that the --  
22 these -- City Hall's escort -- the list of folks --  
23 of people who needed to be escorted, that these names  
24 had been added?

25 A. Probably after the news story broke.

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1 Q. Okay. Looking at -- let's look at the fifth  
2 page. It's the one that's not -- the first page  
3 that's not an Authorization for the mayor's home.

4 Did you have any involvement with producing  
5 this document?

6 A. I'm assuming you're talking about this one --

7 Q. Yes.

8 A. -- 125 North Main?

9 Q. Yes.

10 A. No.

11 Q. Okay. And then final page -- two pages it  
12 says at the top, "City Hall Escort List". Did you  
13 have any involvement with creating that list?

14 A. No.

15 Q. Were you aware that there was a list at City  
16 Hall for people that had to be escorted?

17 A. Not until that story broke.

18 Q. Okay. Were there any particular individuals  
19 who you asked Sergeant Reynolds to put on the  
20 Authorization of Authority?

21 A. Not that I recall.

22 Q. Did you have any conversation with  
23 Sergeant Reynolds about why he included any of these  
24 individuals in the list?

25 A. I do remember a conversation. I think the

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1 individuals had, you know, affiliations with the  
2 die-in group and --

3 Q. Uh-huh.

4 A. -- protests. We made arrests so I just knew  
5 there were some affiliations there.

6 Q. Okay. Take a look at -- hold that exhibit.  
7 We might come back to it later.

8 A. Okay.

9 Q. But I want to hand you another exhibit that's  
10 been marked Exhibit 5 to Lieutenant Bonner's  
11 deposition.

12 And do you recognize that document?

13 A. It looks like an e-mail from me to  
14 Lieutenant Bonner.

15 Q. All right. Do you recall sending that e-mail  
16 to Lieutenant Bonner?

17 A. I don't recall.

18 Q. All right. Can you tell from content of the  
19 e-mail that you sent what it was about?

20 A. Looks like it's about Ian Jeffries attending  
21 City Hall committee, and me advising Lieutenant  
22 Bonner brief your staff and make sure they recognize  
23 individuals from the mayor's AOA.

24 Q. Do you have any recollection of who gave you  
25 that information that Ian Jeffries attended that City

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1 Pamela Mosby. She's written in in hand, but I think  
2 she was banned for -- from the Shelby County -- the  
3 201 Poplar for creating a number of disturbances with  
4 the sheriff's department. I just remember her name  
5 being mentioned. So as far as the AOA, that's -- I  
6 think that's most of them.

7 Q. Do you know if any of these particular  
8 individuals on these lists were at the die-in at the  
9 mayor's house? You had mentioned one name of  
10 somebody who was --

11 A. I think Keedran -- I think Keedran -- well, I  
12 know Keedran was because he told me.

13 Q. Okay.

14 A. And he posted -- I think he posted a Facebook  
15 post --

16 Q. Uh-huh.

17 A. -- someone shared and maybe Paul Garner. I'm  
18 not -- I don't remember if --

19 Q. Okay.

20 A. -- both of them was there. But Keedran never  
21 tried to hide the fact that he was -- he was present.

22 Q. Let's look at Exhibit 4 from Mr. --  
23 Lieutenant Bonner's deposition.

24 And do you know -- have you seen this  
25 document before?



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1 (A short discussion was held.)

2 BY MR. CASTELLI:

3 Q. So if you look at the second page, on page 4?

4 A. Okay. The consent decree is not numbered on  
5 here. So --

6 MR. WELLFORD: Yeah, it is.

7 THE WITNESS: I see it. I got it.

8 BY MR. CASTELLI:

9 Q. There is a -- the section G, "Criminal  
10 Investigations Which May Interfere With The Exercise  
11 Of First Amendments Rights", and then subsection 2,  
12 talks about the Director of Police. Do you see that?

13 A. Yes.

14 Q. Do you know whether or not you've ever issued  
15 a written authorization for an investigation as  
16 described in this section?

17 MR. WELLFORD: I object to the form. Go  
18 ahead. You can answer.

19 THE WITNESS: I don't recall --

20 BY MR. CASTELLI:

21 Q. Okay.

22 A. -- getting any written authorization for a  
23 criminal investigation.

24 Q. Okay. Looking at Exhibit 48, which is the  
25 policy section we were looking at the beginning of

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1 today --

2 A. We're going back to the Policy and Procedure.

3 Q. Yes. Yes, sir. I believe it was this --  
4 it's this document. Do you have it over there? If  
5 not, I can let you look at this one.

6 A. I have it. That's the political something?

7 Q. Yes. The Political Intelligence DR 138. Let  
8 me just let you look at this one.

9 This also mentions there under paragraph 2,  
10 that section, it talks about a review and  
11 authorization by the Director of Police Services. Do  
12 you see that paragraph?

13 A. Are you on the second paragraph that starts  
14 with "any member"?

15 Q. Yes.

16 A. Okay.

17 Q. "Any member conducting or supervising a  
18 lawful investigation of criminal conduct (governed by  
19 28 CFR Part 23\*)", which we discussed earlier. That  
20 paragraph. It goes on to say, "Must immediately  
21 bring such information to the attention of the  
22 Director of Police Services for review and  
23 authorization."

24 Do you know if you've conducted reviews and  
25 authorizations under DR 138?

**BLANCHARD, et al.**  
**VS**  
**THE CITY OF MEMPHIS**

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**TIMOTHY REYNOLDS**

**April 24, 2018**



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1 A. It's two people. Sergeant Cornwell who came 12:30:25  
2 from the gang unit, which is also like because of the 12:30:28  
3 bid system, OCU, all Organized Crime Unit. And I 12:30:32  
4 came from the narcotics side. When Stuart Frisch 12:30:35  
5 left to go to the private sector he had a lot of 12:30:40  
6 military and specialized training. And we're still 12:30:41  
7 trying to get our -- we're not analysts. We are 12:30:46  
8 police officers with specific skills that belong to 12:30:52  
9 narcotics and/or gangs. 12:30:54

10 So we're trying to get our skill set to match 12:30:56  
11 what is left. And we're, you know, incident command, 12:31:00  
12 threats to public gatherings, that kind of thing, 12:31:07  
13 that's the kind of stuff that we've been 12:31:10  
14 concentrating on as far training. 12:31:14

15 Q. And so the training, are you receiving 12:31:16  
16 training or are you giving training? 12:31:20

17 A. Receiving. 12:31:23

18 Q. And what kind of training do you receive? 12:31:24

19 A. The incident command training is put on 12:31:26  
20 through FEMA. We've kind of partnered up with the 12:31:32  
21 Department of Homeland Security on the investigative 12:31:34  
22 side and the JTTF. We, because there's only two 12:31:36  
23 people working the Homeland Security, it is very 12:31:40  
24 difficult for us to do our admission and both of us 12:31:44  
25 be out of the office training. 12:31:51

1 work? 12:42:41

2 A. Now, my meetings that I have to go to, yes. 12:42:41

3 Things that I'm -- that have a deadline, yes. 12:42:47

4 Q. All right. Let's -- I want to fast forward a 12:42:50

5 little bit. Tell me about the Joint Intelligence 12:42:56

6 briefings. 12:43:03

7 A. The JIB? 12:43:04

8 Q. Yes. 12:43:06

9 A. That was right after the bridge. My second 12:43:07

10 boss, the main boss, he's a major, Major Bass said we 12:43:16

11 need to get on a page where we can see, the command 12:43:24

12 staff can see where all of the resources on the 12:43:31

13 department are being allocated, because we're having 12:43:34

14 a problem trying to keep up with all of these 12:43:37

15 spontaneous events and to respond adequately and to 12:43:41

16 provide public safety. Can we surf the social media 12:43:45

17 stuff and try to anticipate where some of this stuff 12:43:51

18 would happen. And it kind of worked. 12:43:55

19 So they start off kind of rough. And why we 12:44:01

20 started calling them joint, because the Shelby County 12:44:02

21 Police Department because there was other agencies 12:44:06

22 with it, and then after a while it was determined 12:44:10

23 we're the biggest agency in this region, it really is 12:44:11

24 for us, but we didn't change the name of it. So even 12:44:17

25 though it's Joint Intelligence Briefing, we narrowed 12:44:22



1 either permitted and unpermitted events as we knew of 12:46:02  
2 them. And we didn't get everything. And at first we 12:46:08  
3 kind of erred on the side of caution and just put 12:46:13  
4 everything in there. Because this is a new area for 12:46:18  
5 us to look at, everything seemed like it should be 12:46:20  
6 important as far as public safety. And after a while 12:46:24  
7 you can start seeing what's routine and what's not 12:46:27  
8 routine. So some things dropped out. 12:46:30

9 Like a Black Lives Matter Chapter meeting, 12:46:34  
10 after they had several and there was no incident 12:46:39  
11 either someone coming into counterprotest or somebody 12:46:42  
12 in the meeting, an incidence in the meeting they 12:46:44  
13 started developing a track history they fell off the 12:46:51  
14 list. 12:46:54

15 Q. Okay. And let's start looking at some 12:46:54  
16 documents. And this will be Exhibit 8. We're going 12:47:06  
17 to continue on the Exhibit number from our last 12:47:06  
18 deposition. 12:47:06

19 (WHEREUPON, the above-mentioned document 12:47:06  
20 was marked as Exhibit Number 8.) 12:47:06

21 Q. I'm sorry. This first one is large. 12:47:27  
22 I've handed you a document and do you 12:47:56  
23 recognize this document? 12:47:59

24 A. I do. This is my copy? 12:48:00

25 Q. Yes. All right. So what is this document 12:48:09

1 that I've handed you? 12:48:15

2 A. It is a tracking administrative list of all 12:48:25

3 of the protests for a period of time that started 12:48:25

4 January 17th and ended in -- 16 and 17. It looks 12:48:29

5 like it came just prior to the bridge. Are these 12:48:41

6 numbered correctly? This started -- 12:48:55

7 Q. It may be out of order. I think the middle 12:49:03

8 page should be at the end. 12:49:06

9 A. It's the middle page. 12:49:09

10 Q. The top and the bottom pages are from 2017. 12:49:10

11 A. The top and bottom are 2017. Okay. I see 12:49:16

12 the first entry is May 30th. Well, we kind of had to 12:49:22

13 go back to that. That was, that's a special one. We 12:49:26

14 had to mark something as like one of the first 12:49:32

15 demonstrations. Like I said, when we first started 12:49:37

16 everything seemed to be high priority. So we were 12:49:41

17 throwing a lot of police resources at all of this. 12:49:45

18 Q. Is this a document that you maintained in the 12:49:47

19 course of your daily work, or is it -- when did you 12:49:53

20 start preparing this document? 12:49:57

21 A. It was, I want to say it was right after the 12:49:58

22 die-in at the mayor's house. This is Sergeant 12:50:09

23 Cornwell. He would have to speak to that. But 12:50:14

24 that's my recollection. It was right around the time 12:50:16

25 of the die-in at the mayor's house. 12:50:19

1 demonstrations. And it was -- he didn't tell me what 12:51:53  
2 for but I can imagine it was to justify to the 12:51:57  
3 precinct commander why we need the resources from 12:52:01  
4 your precinct to help us with these, and the overtime 12:52:04  
5 costs, and everything we're putting out on it. 12:52:09

6 Q. Okay. And I know that you said that before 12:52:13  
7 that at the beginning you were overinclusive and 12:52:18  
8 there was time it got less. 12:52:24

9 So what is the criteria, what was the 12:52:26  
10 criteria for an event to be placed on this list? And 12:52:28  
11 how did it change over time? 12:52:33

12 A. I don't think the criteria has changed. If 12:52:35  
13 there is an event that's either permitted or 12:52:44  
14 unpermitted, there have been a lot less unpermitted 12:52:49  
15 events, we put them in here. Now, you're not going 12:52:53  
16 to see St. Jude Marathon, Memphis in May, Elvis week. 12:52:57  
17 Those are already kind of baked in the cake. 12:53:03  
18 Everybody knows those are coming up and they can look 12:53:06  
19 back to last year, or the year before, and find out 12:53:09  
20 what your resources in each precinct got. 12:53:13

21 Q. So are these more of the spontaneous events? 12:53:16

22 A. Yes. The unpermitted. 12:53:20

23 Q. And let's see. Did any of these events 12:53:22

24 result in -- well, I guess, I'll ask it this way: 12:53:30

25 Why is there a category here for key personnel? 12:53:37

1 A. Key personnel means our observations. These 12:53:40  
2 are the people that on social media that are on for 12:53:47  
3 these events. And they are unpermitted. So we 12:53:51  
4 thought this needs to, these people keep coming to 12:53:57  
5 these unpermitted events. And there's a pattern, so 12:54:00  
6 if there's not a pattern why not put it down. 12:54:03  
7 Q. So it's kind of tracking a pattern? 12:54:06  
8 A. That's all police work is really. 12:54:09  
9 Q. And let's see. As far as this category for 12:54:12  
10 techniques, is that the same type of thing, tracking 12:54:19  
11 a pattern? 12:54:23  
12 A. Yes. 12:54:24  
13 Q. That is all of my questions for this Exhibit. 12:54:24  
14 I did have one more question. What does the color 12:54:34  
15 coding mean? 12:54:39  
16 A. I don't -- you'll have to ask Sergeant 12:54:39  
17 Cornwell about that. I don't know. 12:54:44  
18 Q. I'm going to hand you another document. And 12:55:02  
19 some of these are Collective Exhibits so more than 12:55:09  
20 one email, but related to the same thread of 12:55:12  
21 conversation. So this will be marked as Exhibit 9. 12:55:17  
22 (WHEREUPON, the above-mentioned document 12:55:17  
23 was marked as Exhibit Number 9.) 12:55:17  
24 Take a second to look it over. Do you 12:55:35  
25 recognize this document? 12:55:38

1 A. That is an -- well, it's an unlawful 13:03:40  
2 assembly. 13:03:45  
3 Q. And what does unlawful assembly mean to you? 13:03:49  
4 A. It's outside of the city ordinance. 25 or 13:03:52  
5 less. 13:03:56  
6 Q. Does the ordinance only require 25 or less, 13:03:56  
7 or are there other requirements? So is it any time 13:04:05  
8 you have 25 people together anywhere in the city, or 13:04:10  
9 are there other requirements that you understand? 13:04:14  
10 A. The requirements kick in when you go over 25. 13:04:16  
11 Q. And that's the only thing at issue? 13:04:20  
12 A. Small gatherings are not a problem. Larger 13:04:23  
13 gatherings are a police problem for public safety 13:04:29  
14 reasons. 13:04:30  
15 Q. Okay. In Bass's email it says that you all 13:04:30  
16 would pursue additional intel. What did you 13:04:37  
17 typically do to pursue additional intel? What would 13:04:41  
18 that look like? 13:04:45  
19 A. Threats to that protest from a 13:04:46  
20 counterprotest. 13:04:51  
21 Q. Did you find any threats? 13:04:52  
22 A. (The witness nods.) 13:04:57  
23 MR. CASTELLI: Answer verbally. 13:05:04  
24 A. No. 13:05:06  
25 Q. Thank you. Let's go to the next one. 13:05:06

1 the collator and see, you know, about the other 13:12:43  
2 social media sources, Twitter, anything open. 13:12:46

3 Q. And did you say Willford? 13:12:49

4 A. Yeah. It may have been Willford. 13:12:51

5 Q. Who is that? 13:12:53

6 A. He's now a sergeant. He was an officer. 13:12:54

7 MR. WELLFORD: Wilburn. 13:12:58

8 A. Wilburn. 13:13:00

9 Q. Okay. Wilburn. 13:13:02

10 MR. WELLFORD: You got me at work to 13:13:02  
11 realtime crime center. 13:13:06

12 THE WITNESS: If I see you next week, I 13:13:08  
13 want -- 13:13:08

14 (Laughter.) 13:13:11

15 BY MS. FLOYD: 13:13:11

16 Q. And so how does your work intersect with the 13:13:12  
17 realtime crime center? 13:13:14

18 A. We work more on specific threats. And they 13:13:16  
19 work on general. 13:13:21

20 Q. Okay. So how would you -- are there times 13:13:21  
21 where you work together? 13:13:30

22 A. Yes. They sometimes will have a phenomenon 13:13:32  
23 going on, on open source. And they will come and ask 13:13:37

24 us for a threat assessment, a quick threat 13:13:42  
25 assessment. Should we, what precinct should go, what 13:13:47

1 fight, then that goes into a threat assessment. 13:15:22

2 Q. Okay. 13:15:26

3 A. If it's everybody meet us over here to the 13:15:27

4 shop at Macy's, then no. 13:15:29

5 Q. All right. Let's go to the next -- oh, I did 13:15:34

6 have one more question. What is the collator? 13:15:37

7 A. They have software on the realtime crime 13:15:40

8 center that sniffs out across a lot of different 13:15:47

9 social media platforms, open source information. 13:15:50

10 Q. What is open source information just for the 13:15:53

11 record? 13:15:56

12 A. For the record, you can have a social media 13:15:56

13 platform that has either, it could be all private, 13:16:01

14 all public, or a hybrid. The stuff that makes -- and 13:16:04

15 these days everything is end-to-end secure. In other 13:16:11

16 words, you have to get a court order to get in and 13:16:18

17 find out if something is in a closed room. So we 13:16:20

18 work on a lot of open source information. 13:16:22

19 Q. And so open source would be things -- 13:16:27

20 A. Things that you make out to the public. 13:16:30

21 You'll have, you know, usually have on Instagram, if 13:16:34

22 it's a private account we won't get it. However, 13:16:39

23 some people can take pictures of a private 13:16:42

24 conversation and send it to us as a complaint. 13:16:47

25 Q. Right. And that would be like a screen shot 13:16:49

1 safety. Not unlawful assemblies. It would be 13:29:02  
2 threats to those unlawful assemblies. 13:29:10  
3 Q. Do you recognize this document? 13:30:38  
4 A. Confidential informant. 13:30:40  
5 MS. FLOYD: We'll mark this Exhibit 12. 13:30:59  
6 (WHEREUPON, the above-mentioned document 13:30:59  
7 was marked as Exhibit Number 12.) 13:30:59  
8 Q. And I know we talked before a little bit 13:31:17  
9 about the different categories of people who received 13:31:19  
10 the JIB. So other than Memphis police, who received 13:31:25  
11 this JIB? And you can just talk about categories of 13:31:33  
12 people. 13:31:37  
13 A. This is before we narrowed the parameters. I 13:31:40  
14 see some Germantown. These are all law enforcement, 13:31:46  
15 or I recognize these in the private sector, some 13:31:51  
16 former Memphis police officers that are now in the 13:31:58  
17 private sector. 13:32:03  
18 Q. So who is Kevin Bebout? 13:32:06  
19 A. Kevin Bebout is a retired Memphis police 13:32:12  
20 officer. He works for the state, Department of 13:32:12  
21 Homeland Security. 13:32:21  
22 Q. And who is David Martello? 13:32:21  
23 A. David Martello is a retired major for the 13:32:23  
24 Memphis Police Department. He's now with Federal 13:32:28  
25 Express. 13:32:31



1 Q. Okay. And who is fhmcGowan@fedex.com? 13:32:31

2 A. I recognize the last name, but I don't know 13:32:38  
3 who that is. 13:32:40

4 Q. And who is Julio Villalandron? 13:32:41

5 A. I don't know who that is. 13:32:49

6 Q. Okay. So who chose who received the JIBS? 13:32:51

7 A. I was instructed as to who goes on the JIB. 13:32:56

8 Q. And who instructed you? 13:33:00

9 A. That came from Major Bass. And Major Bass 13:33:02  
10 liked to cast the net pretty wide. These people are 13:33:13  
11 probably going to have Homeland Security designation 13:33:17  
12 to them. But that suggested these names to me. 13:33:22

13 Q. Okay. And -- all right. And who is this, 13:33:27  
14 going to the next page. Let's look at the JIB 13:33:40  
15 itself. And so walk through the, I guess we've 13:33:46  
16 already talked about the categories of information 13:33:54  
17 that are on the JIB. So tell me about the incident 13:33:57  
18 that's on page 7707 regarding Mr. Kendrick. 13:34:00

19 And while you're looking at that, this JIB, 13:34:32  
20 just for the record, it was prepared by you? 13:34:35

21 A. It was. 13:34:37

22 Q. Okay. Great. How did you decide, using this 13:34:39  
23 as an example, so there is an incident and you decide 13:34:53  
24 to include it in the JIB, how do you decide what 13:34:58  
25 information you include about the incident or the 13:35:02

1 lot of concern. We have a faith based outreach 13:58:29  
2 program. A lot of the pastors -- weapons, and most 13:58:35  
3 of these are gun free zones. If a gang element got 13:58:41  
4 into that area, a lot of these pastors are not a lot 13:58:50  
5 of people who could defend themselves. So that's why 13:58:52  
6 that one raised to a level that was also of concern. 13:58:55  
7 Q. Okay. I believe that's all of that Exhibit. 13:58:58  
8 I'm handing you what will be Exhibit 15. 13:59:22  
9 (WHEREUPON, the above-mentioned document 13:59:22  
10 was marked as Exhibit Number 15.) 13:59:22  
11 Can you tell me about, do you recognize this 13:59:28  
12 document? 13:59:32  
13 A. It's a JIB. September 29th, 2016. 13:59:33  
14 Q. Great. And it looks like Timothy Kring from 13:59:38  
15 @usdoj.gov has been added. Do you know why? 13:59:51  
16 A. I do not know. 13:59:52  
17 Q. Okay. And -- 13:59:56  
18 A. You know what, Timothy Kring is a U.S. 14:00:03  
19 Marshall. And I think he requested through former 14:00:09  
20 channels to be added to the JIB. He's law 14:00:17  
21 enforcement. 14:00:20  
22 Q. Okay. Turning to 15587. The first bullet 14:00:20  
23 point under Memphis Incidents of Interest. Tell me 14:00:27  
24 about that. 14:00:35  
25 A. Well, that might explain why Kring is 14:00:36

1 this? 14:51:03

2 A. It is a screen shot of Keedran Franklin's 14:51:04

3 post. He had a comrade run a tag number. I remember 14:51:11

4 that. I thought that was interesting that he had 14:51:25

5 someone run a tag number. That's kind of a law 14:51:28

6 enforcement function. They usually, sometimes they 14:51:32

7 have posts where they say that the police are 14:51:40

8 following him. And he thought he had a policeman 14:51:41

9 following him and wanted to let everybody know that 14:51:42

10 he had a police officer following him, he thinks. 14:51:45

11 Q. Do you have any knowledge of any unmarked 14:51:50

12 police cars following Keedran Franklin? 14:51:57

13 A. No, ma'am. 14:52:01

14 MS. FLOYD: Let's take a quick break. 14:52:01

15 (Short break.) 15:05:43

16 BY MS. FLOYD: 15:05:43

17 Q. I'm going to pass you what's going to be 15:05:49

18 Exhibit 24. 15:06:01

19 (WHEREUPON, the above-mentioned document 15:06:01

20 was marked as Exhibit Number 24.) 15:06:01

21 Can you tell me, do you recognize this 15:06:01

22 Exhibit? 15:06:04

23 A. It's an email from, it's a police officer 15:06:04

24 named Jeff Sealey. He works in the realtime crime 15:06:10

25 center with me. 15:06:13

1 Q. And what is -- so it looks like this exchange 15:06:16  
2 started with where it says from Tim Reynolds. So can 15:06:21  
3 you explain that first exchange to me on August 22nd, 15:06:28  
4 2016, 2:57 p.m. 15:06:36  
5 A. Okay. It's a link to a Facebook post: 15:06:36  
6 Aktion kat maybe. 15:06:43  
7 Q. Do you know who that is, aktion cat? 15:06:44  
8 A. Only because the next page to Paul Garner. 15:06:48  
9 So it has something to do with Paul Garner. 15:06:52  
10 Q. Okay. And so what is this attachment? 15:06:54  
11 A. Paul Garner has a Facebook page, in which he 15:06:58  
12 is talking about Saul Alinsky, a book, and he 15:07:06  
13 recommends to everybody read it. And there is 58 15:07:11  
14 friends. My count eight, is my count eight, 15:07:27  
15 attachments and they all were friends of presumably 15:07:48  
16 Paul Garner. 15:07:52  
17 Q. Okay. And are these people who liked the 15:07:54  
18 post? 15:07:56  
19 A. Yes. 15:07:56  
20 Q. So is this post public or private? 15:07:57  
21 A. It is a closed. It's a private, friends 15:08:04  
22 post. 15:08:11  
23 Q. Okay. If it's private. How was Mr. Sealey 15:08:11  
24 or not Mr., detective or officer? 15:08:17  
25 A. Officer. 15:08:20

1 Q. How was Officer Sealey able to see it? 15:08:21

2 A. I do not know if this was sent to him as a 15:08:24

3 complaint or if he has, if he's friends with Mr. 15:08:30

4 Garner. I don't know. 15:08:34

5 Q. Okay. Who is Bob Smith? 15:08:35

6 A. Bob Smith is a friend of Paul Garner. 15:08:43

7 Q. Okay. How do you know Bob Smith? 15:08:49

8 A. I don't know Bob Smith. It's a Facebook 15:08:54

9 account. 15:08:59

10 Q. Okay. Who controls the Facebook account Bob 15:08:59

11 Smith? 15:09:05

12 A. Giving up that information is a source. It 15:09:05

13 might disrupt a past, present, or future 15:09:17

14 investigation. 15:09:21

15 MR. WELLFORD: Based on that, I'm going 15:09:24

16 to instruct him at this point not to answer further 15:09:26

17 questions on this specific subject. But you can lay 15:09:32

18 a predicate for it if you want. However you want to 15:09:35

19 pursue it further. 15:09:39

20 Q. This picture here where it says, "write a 15:09:43

21 comment," and then it has a picture, is that the 15:09:47

22 avatar used by the account Bob Smith? 15:09:53

23 A. It is. 15:09:56

24 Q. And so where it has the avatar next to, 15:09:56

25 "write a comment," then this screen shot was pulled 15:10:02

1 from the account controlled by Bob Smith? 15:10:06

2 A. That's the way Facebook does it, yes. 15:10:09

3 Q. Okay. So Bob Smith is a friend of Paul 15:10:12

4 Garner? 15:10:15

5 A. Yes, ma'am. 15:10:16

6 Q. And according to these likes, Bob Smith is 15:10:16

7 also a friend of Spencer Kaaz? 15:10:20

8 A. Yes, ma'am. 15:10:22

9 Q. And has 11 mutual in common with Spencer 15:10:26

10 Kaaz? 15:10:32

11 A. Yes. 15:10:32

12 Q. And has sent a friend request, if you look at 15:10:33

13 these updates that show up on here, this is the 15:10:44

14 second to last page, he has a friend request or has 15:10:48

15 sent a friend request to Earl Fisher? 15:10:57

16 A. Yes. Or that person has. 15:11:00

17 Q. And has 14 mutual friends in common with Earl 15:11:03

18 Fisher? 15:11:08

19 A. That person does. 15:11:08

20 Q. Is the Bob Smith account controlled by 15:11:09

21 someone in the Memphis Police Department? 15:11:27

22 MR. WELLFORD: Based on his previous 15:11:29

23 response, we're not going to allow him to testify 15:11:32

24 anything further on the details as to how the Bob 15:11:37

25 Smith account is employed by the Memphis Police 15:11:41

1 Department. 15:11:41

2 MR. CASTELLI: Off the record. 15:11:41

3 (Off-the-record discussion.) 15:12:22

4 MR. WELLFORD: Or you can essentially 15:12:22

5 make an offer of proof by saying, I assume you won't 15:12:25

6 answer questions on the following subjects and maybe 15:12:27

7 he can on some of them. 15:12:30

8 MS. FLOYD: Okay. 15:12:33

9 BY MS. FLOYD: 15:12:36

10 Q. I assume that based on the privilege that 15:12:38

11 you've invoked you won't answer questions about who 15:12:42

12 has access to the Bob Smith account? 15:12:46

13 A. Correct. 15:12:49

14 Q. Whether that person is employed by the 15:12:50

15 Memphis Police Department? 15:12:53

16 A. Correct. 15:12:54

17 Q. The friend, you will not answer questions 15:12:55

18 about who Bob Smith is friends with? 15:13:00

19 A. Correct. 15:13:03

20 Q. You will not answer questions about who Bob 15:13:04

21 Smith has communicated with on social media? 15:13:07

22 A. Correct. 15:13:10

23 Q. You will not answer questions about, or you 15:13:11

24 will not produce a copy of Bob Smith's Facebook data? 15:13:20

25 A. Correct. 15:13:26

1 Q. I may have asked this already, but I'm going 15:13:26  
2 to ask it again. That you won't answer questions 15:13:35  
3 about what posts -- I'll ask it this way: What posts 15:13:37  
4 Bob Smith has interacted with on Facebook by liking 15:13:47  
5 or commenting? 15:13:50

6 A. Correct. 15:13:50

7 Q. That you will not answer questions about what 15:13:51  
8 events Bob Smith has interacted with on Facebook? 15:13:56

9 A. Correct. 15:14:01

10 Q. That you won't answer questions about what 15:14:01  
11 other social media accounts are used to gather 15:14:04  
12 intelligence? 15:14:08

13 A. Correct. 15:14:09

14 MR. WELLFORD: Let me think about that. 15:14:09  
15 Ask that question again. Is this relating to Bob 15:14:14  
16 Smith? 15:14:21

17 Q. Does the Memphis Police Department employ 15:14:21  
18 social media accounts other than Bob Smith to gather 15:14:25  
19 intelligence? 15:14:29

20 A. I do not know. 15:14:29

21 Q. Do you use social media -- well, what social 15:14:33  
22 media accounts do you use to gather intelligence? 15:14:37

23 MR. WELLFORD: What social media 15:14:44  
24 accounts? If you can answer that in a generic way 15:14:46  
25 without giving away an operational detail concerning 15:14:48



1 a specific account then that's fine. If you can't 15:14:51  
2 then we can step out and discuss the parameters of 15:14:54  
3 how far this privilege goes. I'll leave that up to 15:14:59  
4 you. 15:15:05

5 A. You have to have an account on a lot of these 15:15:05  
6 social media platforms to see what's going on. So 15:15:07  
7 there are ways you can use your personal account or a 15:15:13  
8 social call later, social media call later. I do 15:15:19  
9 have my personal social media accounts. But they are 15:15:24  
10 so locked down and it's mainly police officers and 15:15:30  
11 college buddies. 15:15:36

12 But your question was about using them for 15:15:39  
13 investigation? 15:15:42

14 Q. Yes. 15:15:43

15 MR. WELLFORD: Can you ask the question 15:15:43  
16 again? 15:15:44

17 Q. What social media accounts do you use to 15:15:44  
18 gather intelligence in the course of your employment? 15:15:48

19 A. I can tell you the platforms that we have to 15:15:52  
20 go through: Instagram, Twitter, Twitter and 15:15:56  
21 Facebook. 15:16:02

22 Q. Do you use your personal account on those 15:16:07  
23 platforms to view the information available there? 15:16:11

24 MR. WELLFORD: Relating in some way to 15:16:17  
25 his work and Homeland Security? 15:16:23

1 Q. Yes. 15:16:26

2 A. No. 15:16:26

3 Q. Do you have other accounts that you use on 15:16:27  
4 other social media platforms other than your personal 15:16:41  
5 accounts? 15:16:45

6 MR. WELLFORD: I'm going to instruct him 15:16:47  
7 not to get any further into that, because that gets 15:16:49  
8 into the details potentially of the Bob Smith 15:16:52  
9 account. 15:16:59

10 MS. FLOYD: Okay. I'm just thinking. 15:17:05  
11 There are follow-up questions that I would have 15:17:25  
12 related to each of these questions. 15:17:28

13 MR. WELLFORD: I understand. 15:17:30

14 MS. FLOYD: And I don't want to waive any 15:17:30  
15 right to ask these questions at a later time. 15:17:33

16 MR. WELLFORD: I understand. And I'm not 15:17:35  
17 taking the position that y'all are waiving the right 15:17:36  
18 to pursue this issue as you deem fit at some later 15:17:37  
19 point if you want. 15:17:42

20 MS. FLOYD: Okay. I think that's -- I do 15:17:43  
21 have one more question. 15:17:47

22 BY MS. FLOYD: 15:18:35

23 Q. What is this, this email already been entered 15:18:35  
24 as Exhibit 6 to Lieutenant Bonner's deposition? Can 15:18:38  
25 you can turn to the second page, the avatar at the 15:18:54

1 top next to the right something box, is that from Bob 15:18:58  
2 Smith's account? 15:19:04  
3 A. Yes. 15:19:05  
4 Q. So this screen shot was taken from Bob 15:19:05  
5 Smith's account? 15:19:08  
6 A. Yes. 15:19:09  
7 Q. Which you can also see from the top corner 15:19:09  
8 where it says Bob? 15:19:12  
9 A. Yes. 15:19:13  
10 Q. Okay. I'm going to pass you what will be 15:19:15  
11 Exhibit 25. 15:19:34  
12 (WHEREUPON, the above-mentioned document 15:19:34  
13 was marked as Exhibit Number 25.) 15:19:34  
14 Do you recognize this document? 15:19:54  
15 A. It is a Power Point presentation that I 15:19:57  
16 delivered at a track meeting on Thursday. The track 15:20:04  
17 is a command staff. I was -- 15:20:08  
18 MR. WELLFORD: Did you say on Thursday? 15:20:17  
19 A. It happens every Thursday. 15:20:19  
20 MR. WELLFORD: Okay. All right. 15:20:22  
21 Q. On a Thursday or every -- 15:20:24  
22 A. Every Thursday. Either the director 15:20:26  
23 requested a Power Point presentation, or my boss told 15:20:32  
24 me to put together a Power Point presentation of all 15:20:32  
25 of the problems we've been having and the arrests 15:20:36

1 that we've been making at various unlawful protests. 15:20:39

2 Q. Okay. And on 22800 underneath the photograph 15:20:44

3 there of where the screen shot of the presentation, 15:20:55

4 what is that underneath? 15:20:58

5 A. When I first got to Homeland Security, I'm 15:21:00

6 from narcotics. And I did not know much about this 15:21:07

7 type of, that's a clear line investigation like a 15:21:10

8 robbery or whatnot. This is threats to the 15:21:14

9 community, threats to public safety. We didn't have 15:21:23

10 a lot of training going on at the time. So the next 15:21:29

11 opportunity I thought would be to go to another 15:21:34

12 metropolitan area, and that was Nashville. We had 15:21:37

13 just put, assisted with the klan rally. And when I 15:21:41

14 was in the Organized Crime Unit I assisted with the 15:21:51

15 klan rally. And we had just had the bridge incident. 15:21:55

16 Q. When was the klan rally? 15:21:58

17 A. I tried to figure it out the other day. I 15:22:01

18 want to say that was 2013. 15:22:06

19 Q. Okay. 15:22:12

20 A. It was in the Court Square. There's been 15:22:16

21 several. That was the last one. So I arranged to go 15:22:19

22 meet at a counterpart at Homeland Security with metro 15:22:24

23 Nashville. Chris Parker. They were having an 15:22:29

24 unpermitted black panther rally in Nashville. 15:22:39

25 Q. And when was that? 15:22:46

1 field during this demonstration? 15:29:48

2 A. I was not. 15:29:52

3 Q. Okay. So turning to 22804. Can you tell me 15:29:52

4 a little bit about this slide. 15:30:03

5 A. It's associates of Keedran Franklin. Keedran 15:30:05

6 Franklin, AKA Keedran TNT Franklin, is closely 15:30:10

7 associated with Aaron Lewis, AKA Al Lewis, Paul 15:30:13

8 Garner and Ian Jeffries. 15:30:18

9 Q. What is the nature of this slide? What is 15:30:19

10 the purpose of it in your presentation? 15:30:23

11 A. It's showing that this, even though he is in 15:30:25

12 with the unlawfals, leader of unlawful assembly, 15:30:28

13 there are other people that he has been, is friends 15:30:31

14 with basically, or associated with, associates in 15:30:39

15 chief in fact. 15:30:43

16 Q. How are you -- what's the basis for your 15:30:44

17 knowledge about their association with each other? 15:30:48

18 A. Open source social media. 15:30:52

19 Q. Is it also through the Bob Smith account? I 15:30:57

20 understand you may not answer. 15:31:01

21 MR. WELLFORD: He's going to decline to 15:31:04

22 answer anything that involves the Bob Smith account. 15:31:06

23 He can answer a question that falls outside of those 15:31:09

24 parameters. 15:31:12

25 MS. FLOYD: Okay. 15:31:13

1 this note? 15:36:34

2 MR. WELLFORD: If you can reveal that 15:36:37

3 without revealing a confidential investigative source 15:36:40

4 then go ahead. If you can't then that's going to be 15:36:46

5 the subject to the privilege. 15:36:49

6 A. I can't answer that. 15:36:51

7 Q. Can you answer in general terms about when 15:36:52

8 you were given this information without saying who 15:36:56

9 gave it to you? 15:37:00

10 MR. WELLFORD: Yeah, if you remember when 15:37:01

11 you were given the information reflected here you can 15:37:04

12 answer that question. 15:37:08

13 A. I can't remember specifically when I got the 15:37:09

14 information. 15:37:11

15 Q. Okay. Can you tell me more about the 15:37:12

16 second -- actually, can you tell me about this entire 15:37:24

17 slide? 15:37:27

18 A. Okay. Again, I'm trying to explain to the 15:37:27

19 command staff that there are certain people that 15:37:33

20 would use an unlawful assembly as a vehicle to make 15:37:36

21 the police look like they are heavy handed or trying 15:37:39

22 to disrupt. People that would like to express a view 15:37:43

23 point. 15:37:49

24 Back to the slide. Use of the legitimate 15:37:50

25 community organizers to advance a radical agenda. 15:37:53

1 Reliable sources have provided information to the 15:37:56  
2 Memphis Police Department that Nolan and Kaaz used 15:37:58  
3 the "Save the Greensward" movement as a cover to 15:38:02  
4 stage protests designed to reduce zoo attendance and 15:38:05  
5 disrupt Memphis Zoo operations in an effort to close 15:38:09  
6 the Memphis Zoo. 15:38:12

7 Q. So with respect to this example, what is the 15:38:13  
8 radical agenda being advanced? 15:38:17

9 A. They want to close the zoo. 15:38:20

10 Q. Okay. 15:38:26

11 A. Disrupt commerce. 15:38:27

12 Q. Okay. I just didn't want to put words in 15:38:30  
13 your mouth. 15:38:33

14 A. Okay. 15:38:33

15 Q. Let's fast forward to 22820 and tell me about 15:38:34  
16 this slide. 15:38:46

17 A. Again, "Pick a target, freeze it, personalize 15:38:47

18 and polarize it." That is straight out of Saul 15:38:58

19 Alinsky's rules for radicals. The pattern discussed 15:39:02

20 in this presentation is being played out in the 15:39:04

21 metropolitan areas all across the United States. 15:39:08

22 Small groups of radical individuals are hijacking 15:39:09

23 legitimate public groups to want to make 15:39:13

24 improvements. The smaller radical groups use these 15:39:14

25 peaceful demonstrations as opportunities to use 15:39:19

1 that this is what they want, or this is a concern of 15:42:11  
2 theirs. 15:42:15

3 Q. So when you legitimate, do you mean valid? 15:42:15  
4 I'm not trying to put words in your mouth. I just 15:42:21  
5 want to make sure I understand. 15:42:24

6 A. It's part of a larger group of people. It's 15:42:25  
7 either national or heavily participated locally. So 15:42:28  
8 the number of people that have expressed concerns 15:42:34  
9 make a legitimate, like a legitimate issue. 15:42:36

10 Q. Like widely supported? 15:42:41

11 A. That would be a very good word. Thank you. 15:42:43  
12 Widely supported. 15:42:47

13 Q. All right. 15:42:48

14 A. Bike lanes, not so widely supported. The 15:42:49  
15 Greensward, widely supported. 15:42:54

16 Q. All right. And the final page, just tell me 15:42:55  
17 about this slide. 15:43:02

18 A. An expression goal -- an expressed goal of 15:43:08  
19 these smaller radical groups is to embarrass law 15:43:09  
20 enforcement in order to undermine the bond between 15:43:13  
21 law enforcement and the community. For the most part 15:43:15  
22 these stratagems and these goals by these small 15:43:18  
23 groups of radically, radical individuals have not 15:43:24  
24 worked in Memphis, Tennessee. The citizens of 15:43:25  
25 Memphis are aware that officers with the Memphis 15:43:29



1 Police Department, officers with the Memphis Police 15:43:29  
2 Department is not perfect. It's supposed to be 15:43:34  
3 "are." But officers are doing the best to reduce 15:43:36  
4 crime, allow public to make their issues known and 15:43:39  
5 maintain order. 15:43:44

6 Q. Okay. And again, with this slide when you 15:43:44  
7 say radical groups, what makes them radical as you 15:43:47  
8 used that word in this slide? 15:43:52

9 A. The radical is the core group of unlawful 15:43:55  
10 assembly, people that want to use a legitimate 15:44:04  
11 expression through the public as a vehicle to make 15:44:11  
12 the police department or the city, or somebody else, 15:44:16  
13 look bad or advance their own agenda. 15:44:20

14 Q. Okay. All right. The next document, Exhibit 15:44:24  
15 26. 15:44:24

16 (WHEREUPON, the above-mentioned document 15:44:24  
17 was marked as Exhibit Number 26.) 15:45:31

18 Q. Okay. What is this? It's going to be marked 15:45:31  
19 as Exhibit 26. 15:45:33

20 A. They are not numbered. 15:45:33

21 Q. They are not numbered. This is a document 15:45:40  
22 produced in native format. But if you guys would 15:45:42  
23 like to also include a Bates version we can do that, 15:45:46  
24 if you would like. 15:45:51

25 MS. SILK: So you're saying this is one 15:45:55

1 associated with. 15:55:59

2 A. Right. This is a review of associates, in 15:56:00

3 fact, of Keedran Franklin. There they are. Aaron 15:56:04

4 Lewis, Paul Garner and Ian Jeffries. Since blue 15:56:09

5 suede shoes, Keedran Franklin has participated in 15:56:13

6 several demonstrations/protests in association -- 15:56:17

7 associated with the group called the Memphis 15:56:20

8 Coalition Concerned Citizens or CCC. I call it the C 15:56:25

9 cubed group protesting several causes. The CCC is an 15:56:28

10 umbrella group that has free Palestine, fight for 15, 15:56:38

11 standing rock, solidarity march, mayor's house, and 15:56:45

12 the Malco theater as their other causes. 15:56:49

13 Q. When you say Malco theater, what does that 15:56:58

14 mean? 15:57:01

15 A. That one is a little sketchy. We had gang 15:57:01

16 fights at theaters. And we had flash mobs at some 15:57:10

17 grocery stores that were loosely gang related. 15:57:11

18 Definitely school related. That's what we were 15:57:18

19 interested in. I'm not sure what he was interested 15:57:20

20 in. 15:57:24

21 Q. So this is saying that he was protesting the 15:57:24

22 Malco theater? 15:57:29

23 A. I don't know. I don't know. I'm just, I 15:57:32

24 know from the police side what we were interested in. 15:57:35

25 Q. Okay. Tell me more about -- I guess you 15:57:38

1 already told me about Coalition of Concerned 15:57:45  
2 Citizens. Let's turn the page with, that says, plan 15:57:47  
3 of action. 15:57:51

4 A. Plan of action: Through reliable sources, 15:57:53  
5 OHS has identified 43 individuals that may cause 15:58:00  
6 problems during the birthday celebration. OHS has 15:58:03  
7 worked with Raines Station and forwarded the 43 names 15:58:06  
8 of individuals for possible inclusion on an 15:58:11  
9 Authorization of Agency. 15:58:13

10 Q. So tell me, what is an Authorization of 15:58:13  
11 Agency? 15:58:18

12 A. An Authorization of Agency is an internal 15:58:18  
13 departmental form that we give to people that would 15:58:24  
14 like to notify people on notice if they can't be on 15:58:27  
15 their property, specific piece of property. The way 15:58:31  
16 it works is the name goes on it. An officer puts it. 15:58:35  
17 One copy is kept for business. One copy is kept in 15:58:38  
18 the precinct in which that business or the property 15:58:40  
19 is located. And you get notified; the name goes on 15:58:44  
20 the list. And if you're there again, you get 15:58:48  
21 arrested for criminal trespass. 15:58:50

22 Q. So if there is an AOA, if someone's name is 15:58:53  
23 on an AOA list they receive notice of that fact? 15:58:56

24 A. They can be put on the list, and then they 15:58:59  
25 are given notice that they are on the list. They 15:59:08

1 should not come back. 15:59:11

2 Q. Okay. Looking back to the issue with the 15:59:12

3 Malco theater, was there a criminal investigation 15:59:21

4 into Coalition for Concerned Citizens with respect to 15:59:25

5 the Malco theater? 15:59:28

6 A. Not with respect to the Malco theater. 15:59:29

7 Q. With respect to any other criminal act other 15:59:33

8 than civil disobedience? 15:59:37

9 A. The unlawful assembly and trespassing at the 15:59:44

10 mayor's office, the die-in. 15:59:48

11 Q. Okay. 15:59:50

12 A. The mayor declined to prosecute that that was 15:59:51

13 an act of criminal investigation. 15:59:54

14 Q. Okay. 15:59:56

15 A. That was a brief. He finally came in for a 15:59:59

16 minute there. That was a problem. 16:00:04

17 Q. Were you involved in the criminal 16:00:06

18 investigation into C cubed? 16:00:17

19 A. Under which pretence? 16:00:21

20 MR. WELLFORD: I'm going to object to the 16:00:23

21 form. I'm not sure it's been established there was a 16:00:24

22 criminal investigation of the Coalition for Concerned 16:00:27

23 Citizens. 16:00:27

24 Q. When I asked you before if there had been a 16:00:33

25 criminal investigation into C cubed, the Coalition 16:00:36

1 for Concerned Citizens, you said yes with respect to 16:00:42  
2 the mayor's house. 16:00:44  
3 A. Right. The die-in to the mayor's house was 16:00:45  
4 briefly an investigation into a trespass. 16:00:47  
5 Q. So my question is, were you involved in that 16:00:50  
6 criminal investigation that you referenced? 16:00:54  
7 A. I was. 16:00:57  
8 Q. What was your involvement? 16:00:58  
9 A. My involvement was to try to identify the 16:01:00  
10 people that were in open source Facebook post made by 16:01:07  
11 Keedran Franklin as to the parties that were on the 16:01:13  
12 mayor's property. 16:01:15  
13 Q. Okay. Were you also involved in -- what was 16:01:17  
14 the result of that investigation? 16:01:22  
15 A. Like I said, the mayor declined to prosecute. 16:01:23  
16 So the result of that investigation was we weren't 16:01:28  
17 able to successfully carry prosecute... 16:01:32  
18 Q. Did you take any other action as a result of 16:01:36  
19 that investigation as far as -- I'll just stop the 16:01:40  
20 question there. 16:01:46  
21 A. We were posed with a problem we were put in 16:01:47  
22 because the open source Facebook post from Keedran 16:01:54  
23 Franklin stated that he would be back every Monday to 16:02:00  
24 have, early in the morning to have coffee with Jim. 16:02:03  
25 He would also go to the director's house and to the 16:02:07

1 CEO of Graceland. I don't remember that guy's name. 16:02:11

2 And he was going to make this a regular thing. 16:02:15

3 So we were posed with a situation that this 16:02:18

4 might be an effort to tie up city functions and 16:02:22

5 government functions. Having the mayor constantly 16:02:28

6 having to prosecute people for trespassing would 16:02:33

7 interfere with the mayor's duties, also the director. 16:02:37

8 We weren't so much concerned with Graceland, but that 16:02:41

9 was a Germantown problem. Since it's all the same 16:02:43

10 thing, we decided to do that. 16:02:47

11 So we had a workaround, had everybody put no 16:02:50

12 trespassing signs on the property. And then had an 16:02:57

13 officer stationed there. If a person that was on the 16:03:01

14 AOA list that we, of likely people that would show up 16:03:06

15 to a protest like this, who are associates of the 16:03:11

16 CCC, that officer, because some of these people might 16:03:16

17 not wish to identify themselves to that police 16:03:22

18 officer. And since this is a consensual encounter 16:03:23

19 with that officer and not a custodial detention, that 16:03:26

20 officer would be able to say that is Spencer Kaaz. 16:03:30

21 Spencer, you're not allowed to be here anymore. You 16:03:34

22 have an Authorization of Agency. 16:03:34

23 Should Spencer Kaaz come back to that 16:03:40

24 property, that officer, it's a misdemeanor committed 16:03:43

25 in his presence. And we wouldn't tie up the mayor. 16:03:47

1 And the officer would act on that. 16:03:53

2 Q. What properties had AOAs under that procedure 16:03:54  
3 you just described? 16:03:59

4 A. I don't know what -- my job was developed 16:04:00  
5 associates in fact. And for three possible 16:04:07  
6 properties, I don't know how they were applied. 16:04:10

7 Q. And what did you do -- when you say 16:04:13  
8 associates in fact, what does that mean? 16:04:18

9 A. Associates in fact is we have articulable 16:04:20  
10 places we can go to that these people may have 16:04:29  
11 something to do with either Keedran Franklin or the 16:04:33  
12 CCC. 16:04:37

13 Q. Okay. 16:04:39

14 A. Social media contacts. Previously arrested 16:04:40  
15 with. Often seen at unlawful assemblies with that 16:04:43  
16 kind of thing. 16:04:51

17 Q. Okay. And that list you developed was the 16:04:52  
18 basis of the AOA? 16:04:56

19 A. Correct. 16:04:59

20 Q. Which AOA? 16:04:59

21 A. It was, my job was the associates of fact. 16:05:07  
22 And then those three were put on the three locations 16:05:13  
23 managed by Keedran Franklin. 16:05:13

24 Q. Okay. And those three locations were, just 16:05:20  
25 so I'm clear? 16:05:22

1 A. The mayor's office, the director's house, and 16:05:22  
2 wherever what's his name lives in Germantown. And we 16:05:27  
3 quickly got rid of that one. That was a Germantown 16:05:32  
4 problem. 16:05:34  
5 Q. So you're talking about the -- 16:05:35  
6 MR. WELLFORD: Jack Soden, S-O-D-E-N. 16:05:39  
7 Q. Okay. Jack Sode. 16:05:39  
8 A. Soden. 16:05:50  
9 Q. Soden. So not Graceland itself? 16:05:50  
10 A. No. At this point if it said Graceland it 16:05:53  
11 was because the CEO -- Soden was the CEO of 16:06:00  
12 Graceland. And that was intended for his residence. 16:06:03  
13 Q. Okay. So when it says individuals that may 16:06:06  
14 cause problems during the birthday celebration, that 16:06:17  
15 didn't mean that the AOA was for Graceland itself? 16:06:21  
16 A. No. That was for Soden's residence. 16:06:26  
17 Q. Okay. I wanted to turn back to the last 16:06:28  
18 Exhibit. 16:06:38  
19 A. Ma'am? 16:06:41  
20 Q. The last Exhibit, the blue suede shoes, 25. 16:06:41  
21 And turning over to 22822. 16:06:51  
22 A. 22822. 16:07:26  
23 Q. So this social media screen shot is from the 16:07:26  
24 day before the bridge? 16:07:32  
25 A. Yes. That was July 10th. 16:07:35



1 MR. WELLFORD: Are you through with 26?

2 MS. FLOYD: Yes.

3 MR. WELLFORD: I put it in correct order.

4 BY MS. FLOYD:

5 Q. I'm going to hand you 2 and 3 at the same  
6 time because they are similar.

7 A. Okay.

8 Q. And so what I would like you to do is look at  
9 the attachments to those two emails.

10 A. Okay.

11 Q. And tell me if you recognize those  
12 attachments.

13 A. 20, 70 -- correction. 2020775 is an AOA for  
14 Jim Strickland's house on [REDACTED]. To save time  
15 on the Brass we populated this. And these were the  
16 photos that were supposed to go to the officer  
17 monitoring the mayor's house for the next visit with  
18 Jim.

19 Q. And those attachments, those photographs and  
20 the information, did you prepare those?

21 A. I did.

22 Q. Okay. And what was the basis for -- we've  
23 already covered this a little bit but I want you to  
24 answer yourself. What was the basis for the  
25 collection of these particular individuals?

1 A. Again, they are associates, in fact, with the 16:11:06  
2 CCC. 16:11:10  
3 Q. Okay. Great. And if you could go to the 16:11:10  
4 next document, or the next Exhibit and tell me about 16:11:14  
5 that one. 16:11:18  
6 A. Exhibit 3? 16:11:18  
7 Q. Yes, sir. 16:11:19  
8 A. It's an email from Bonner to whoever Tasheka 16:11:20  
9 Bryant is. It's an AOA list. It has photos of Earl 16:11:37  
10 Fisher, Antonio Cathey, Stanley Polson, Gregory 16:11:49  
11 Thompson, Dana Asbury, Monica Brown, and Taman Quran. 16:11:53  
12 And then the back was -- 16:12:08  
13 MR. WELLFORD: Q-U-R-A-N. And the first 16:12:11  
14 one is T-A-M-A-N. 16:12:11  
15 A. Taman Quran. And we're at 2020804. That is 16:12:20  
16 the Authorization of Agency that I spoke to earlier 16:12:23  
17 that I populated. 16:12:27  
18 Q. Okay. And this is the same basis as 16:12:29  
19 Exhibit 2? 16:12:34  
20 A. It is. 16:12:34  
21 Q. Okay. 16:12:35  
22 A. It was some additional names. 16:12:40  
23 Q. There were some additional names you did not 16:12:45  
24 put on? 16:12:49  
25 A. On the one for -- what was the other one? 16:12:49

1 paper. 16:14:36

2 Q. Okay. I'm going to now hand you Exhibit 4 16:14:37

3 from Lieutenant Bonner's deposition. And do you 16:14:46

4 recognize that document? 16:14:51

5 A. This is 2022828. We were instructed to, we 16:14:52

6 had associates in fact to make sure the strength of 16:15:12

7 the associates in fact to the CCC were explained. 16:15:16

8 And if there was not a strong connection, that name 16:15:21

9 was to be noted, and we were to discuss whether that 16:15:26

10 would be removed from the list. 16:15:32

11 Q. Did you prepare this document? 16:15:35

12 A. Eddie and I did. Cornwell and I did. 16:15:36

13 Q. Okay. 16:15:36

14 A. We went through and if there was a series of 16:15:42

15 unlawful assemblies or arrests, those were the 16:15:48

16 strongest associates. So those tended to stay. 16:15:52

17 And -- 16:15:57

18 Q. When did you prepare this list with Sergeant 16:15:58

19 Cornwell? 16:16:04

20 A. I do not remember. 16:16:05

21 Q. Was it used in the development of the AOA 16:16:08

22 list or was it prepared after? 16:16:15

23 A. It was after the AOA list had been made 16:16:17

24 public. And then we needed to pare the list down and 16:16:22

25 make sure we had strong associates. 16:16:29

1 Q. Okay. Next I'm going to hand you Exhibit 30. 16:36:03

2 (WHEREUPON, the above-mentioned document 16:36:03

3 was marked as Exhibit Number 30.) 16:36:03

4 Do you recognize this? 16:36:38

5 A. Yes. From Louis Brownlee to me. 16:36:39

6 Q. What is it? 16:36:44

7 A. It is a copy of the consent decree, a very 16:36:44

8 bad copy. And at the very end of the email it is a 16:36:52

9 notice that DR 138 political intelligence and the 16:37:03

10 prohibit -- within the department. 16:37:10

11 Q. What is DR 138? 16:37:11

12 A. DR 138 is the police version of all of this 16:37:15

13 lawyer talk that you guys have got here. This is 16:37:23

14 written for lawyers for lawyers, and we don't read 16:37:26

15 that much. We like three or four paragraphs. So 16:37:29

16 basically this is this in a nutshell. But I know 16:37:32

17 Louis Brownlee. He's very thorough. And he works 16:37:37

18 with the legal, and he wants to make sure if you want 16:37:39

19 to investigate further, you can read all of the rest 16:37:40

20 of this. 16:37:43

21 Q. So were you familiar with -- when is the 16:37:43

22 first -- when did you learn of DR 138? 16:37:49

23 A. Any addendum to the Memphis Police Department 16:37:55

24 policy procedure is given to lieutenants in rollcall. 16:38:01

25 And I want to say it was 2009 or '10, Director Godwin 16:38:05

1 added this to the policy and procedure. I was in 16:38:12  
2 narcotics working drug work. 16:38:15

3 We discussed the consent decree in very 16:38:17  
4 general terms and this specifically. And the gist of 16:38:21  
5 it was we're doing white line criminal investigations 16:38:26  
6 here. This really doesn't apply to us. Now, when I 16:38:33  
7 got out of that and over here we had this to revisit 16:38:36  
8 this a little bit. 16:38:40

9 Q. In what way did you revisit it? 16:38:42

10 A. During my orientation for about a year with 16:38:46  
11 Stewart, we went over this in very broad terms. 16:38:52

12 MR. WELLFORD: You're holding up the 16:38:56  
13 actual decree. 16:38:57

14 A. I'm holding the very, the actual decree and 16:38:59  
15 the DR. We went over both. 16:39:03

16 MS. FLOYD: Okay. These documents are 16:39:05  
17 the documents that we received yesterday. And so we 16:39:44  
18 don't have copies of these. 16:39:49

19 MS. SILK: Okay. 16:39:54

20 MS. FLOYD: Is there a way to make copies 16:39:56  
21 of them? 16:39:59

22 MR. WELLFORD: Well, hold on. 16:40:00

23 MR. CASTELLI: Can we go off record for a 16:40:00  
24 second? 16:40:00

25 (Off-the-record discussion.) 16:51:40

1 because of the threats that Cohen receives. Not 18:12:36  
2 anything to do with Sawyer. 18:12:41

3 Q. Okay. Just one more thing. If you turn to 18:12:41  
4 Exhibit 39. And that's going to be the day of rage 18:12:47  
5 email. 18:12:50

6 (Off-the-record discussion.) 18:13:20

7 BY MS. FLOYD: 18:13:20

8 Q. Exhibit 39. It will be an email from 18:13:21  
9 Sergeant Patty to Sergeant Patty? 18:13:24

10 A. Joe Patty to Joe Patty? 18:13:24

11 Q. It is. 18:13:28

12 A. That's a pretty efficient email. Sergeant 18:13:28  
13 Patty to Patty. Okay. 18:13:31

14 Q. Do you know, you discussed this email before 18:13:33  
15 in referenced to the day of rage protests. So I just 18:13:38  
16 want you to turn to 2232. 18:13:42

17 A. 2232, yes, ma'am. 18:13:45

18 Q. And now, is this an article about the day of 18:13:48  
19 rage? 18:13:52

20 A. Yes, ma'am, it is. 18:13:52

21 Q. And what does the first paragraph of that 18:13:54  
22 article say? 18:14:01

23 A. There is a war in America right now. Black 18:14:02  
24 versus white. Citizens versus police officers. Race 18:14:06  
25 grievances have become an industry and business is 18:14:11

1 booming. 18:14:13

2 Q. Does this seem like a news source that is an 18:14:13

3 unbiased news source? Or do you think it's more of a 18:14:20

4 -- or do you think it's an unbiased news source that 18:14:23

5 would be reliable? 18:14:27

6 A. To answer your question, no. But it isn't up 18:14:29

7 to me. It's for the social media that read this. 18:14:35

8 And there are people that believe all of that. 18:14:38

9 Q. Okay. And I just want you to turn down to 18:14:40

10 2235. And right before the last paragraph, what 18:14:44

11 does, in the paragraph, or the line beginning, 18:14:53

12 "article," what does that say? 18:14:56

13 A. Article reposted with permission from The 18:14:57

14 Organic Prepper. 18:15:00

15 Q. Okay. 18:15:00

16 MS. FLOYD: That's all I have. 18:15:03

17 THE WITNESS: What's The Organic Prepper? 18:15:07

18 MR. WELLFORD: She asked you about that 18:15:07

19 about five hours ago. 18:15:10

20 THE WITNESS: Did I say I don't know? 18:15:10

21 MR. CASTELLI: You didn't know then. Are 18:15:10

22 we done with questioning? 18:15:16

23 MR. WELLFORD: We're done. 18:15:16

24 FURTHER DEPONENT SAITH NOT

25

**BLANCHARD, et al.**  
**VS**  
**THE CITY OF MEMPHIS**

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**Confidential**

**BRADLEY WILBURN**

**April 26, 2018**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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ELAINE BLANCHARD, KEEDRAN  
FRANKLIN, PAUL GARNER,  
and BRADLEY WATKINS,

Plaintiffs,

vs.

ACLU OF TENNESSEE,  
INC.,

Case No.  
2:17-cv-02120-JPM-dkv

Intervenor-Plaintiff,

vs.

THE CITY OF MEMPHIS

Defendant.

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Deposition of:  
BRADLEY WILBURN

Taken on behalf of the  
Plaintiffs  
April 26, 2018

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I N D E X

Page

Examination

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By Ms. Floyd

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E X H I B I T S

Page

Exhibit 82

37

E-mail from Officer Wilburn dated

7/26/16 - Subject: Posts noticed

Exhibit 83

42

E-mail from Karie Wohlgemuth dated

10/6/16 - Subject: Action Required

Changes to NC4 Signal Services

Exhibit 84

50

E-mail from Officer Wilburn dated

7/13/16 - Subject: Today's posts with

Attachments

3540  
**Confidential**

1 Q. Okay. 14:34:05

2 A. If someone asked them, I'm -- you know, 14:34:06

3 that's something that they would deal with. 14:34:09

4 Q. Okay. Would you receive -- would you ever -- 14:34:11

5 did you ever receive direct requests for information? 14:34:16

6 A. From supervisors? 14:34:19

7 Q. From anyone outside of RTCC within the 14:34:20

8 Memphis Police Department? 14:34:24

9 A. I'm not aware of any that I can think of. 14:34:25

10 Q. Okay. And who was your -- well, I want to 14:34:29

11 kind of back out a little bit and talk about RTCC 14:34:34

12 generally and its structure. 14:34:41

13 What was the structure of RTCC between 14:34:44

14 July 2016 and the end of 2017? 14:34:50

15 A. There's three shifts -- 14:34:55

16 Q. Or until you left in July of 2017? 14:34:58

17 A. Right. There's three shifts assigned there. 14:35:00

18 It's a 24-hour operation. The day shift has civilian 14:35:04

19 crime analysts and officers assigned there. 14:35:08

20 Q. Uh-huh. Uh-huh? 14:35:08

21 A. The next two shifts, which I worked the 14:35:12

22 Charlie shift, it was primarily officers, and we just 14:35:15

23 handled anything after-hours. 14:35:18

24 Q. Okay. And who was your direct supervisor 14:35:20

25 during that time period? 14:35:27

3541  
**Confidential**

1 A. -- here's the result. 14:45:55

2 It's -- it would be like if I asked you to do 14:45:56

3 something for me and I did it, and the way you know 14:45:58

4 it was done is I responded to you, so... 14:46:01

5 Q. Right. And was there a procedure -- well, 14:46:03

6 let me back up. Was there a policy for how those -- 14:46:11

7 the results of those investigations would be saved on 14:46:16

8 the system? 14:46:21

9 A. We had a folder that we would create for 14:46:21

10 requests if we produced results. 14:46:25

11 Q. And for that folder, would each request have 14:46:28

12 its own folder? 14:46:38

13 A. Typically. 14:46:40

14 Q. Okay. And how long -- how were those folders 14:46:40

15 maintained over time? 14:46:49

16 A. On the server that -- where we save our work, 14:46:50

17 it's typically, if I remember right, it's split out 14:46:59

18 by year, month and then whatever the name of the 14:47:02

19 request was. And we would name it whatever we felt 14:47:07

20 meaningful for that typical work. 14:47:13

21 Q. Did you refer back to previous investigations 14:47:15

22 when you received a later request that was related? 14:47:23

23 A. If it would help us with the results of the 14:47:27

24 new one and we did similar work in the past, yes. 14:47:31

25 Q. Okay. Do you know if there is -- I'll ask it 14:47:34

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1 similar subject matter? 14:51:00  
2 A. Potentially, yes. 14:51:02  
3 Q. And -- okay. Did you -- was there a policy 14:51:27  
4 for collecting data on the investigations performed 14:51:28  
5 by the RTCC in this last category of assisting in 14:51:35  
6 investigations? Did you collect any -- were you 14:51:42  
7 required to report back on any data such as number of 14:51:44  
8 investigations? 14:51:48  
9 A. No. 14:51:49  
10 Q. Okay. Was there a policy about the use of 14:51:50  
11 the resources at RTCC regarding, for example, 14:52:03  
12 personal use? 14:52:14  
13 A. Personal? 14:52:16  
14 Q. For non law enforcement purposes. Were you 14:52:20  
15 trained on any policy about what uses of the 14:52:25  
16 resources were appropriate versus inappropriate? 14:52:30  
17 A. I just have knowledge that -- what would be 14:52:33  
18 inappropriate or appropriate. 14:52:39  
19 Q. Okay. Did you receive requests to assist in 14:52:41  
20 investigations from the Office of Homeland Security? 14:52:56  
21 A. On occasion. 14:53:00  
22 Q. And how would those requests come to you? 14:53:01  
23 A. Either by e-mail or through our supervisor. 14:53:04  
24 Q. And -- let's see. Did you receive requests 14:53:07  
25 regarding assisting in investigations of potential 14:53:26

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1 protests? 14:53:33

2 A. Yes. 14:53:35

3 Q. Tell me more about that. 14:53:35

4 MR. GLOVER: I'm going to object to the 14:53:42

5 breadth of the question. 14:53:45

6 BY MS. FLOYD: 14:53:46

7 Q. During the one-year time period we've been 14:53:46

8 discussing, what are examples of times you were 14:53:48

9 requested to assist in investigations of protests? 14:53:56

10 A. We might get word from Homeland Security or 14:54:01

11 from our supervisor that a certain event was going 14:54:05

12 on, and they required our assistance in potentially 14:54:11

13 doing camera monitoring during the event or see if 14:54:16

14 there's any related crimes going on in the area, that 14:54:22

15 type of thing. 14:54:27

16 Q. How about social media research and 14:54:28

17 collating? 14:54:37

18 A. Yes. We also use social media collators to 14:54:38

19 see if there was any public, for lack of a better 14:54:44

20 word, chatter of something going on to see if we 14:54:50

21 could determine event size, potential event size or 14:54:53

22 location of events. 14:55:02

23 Q. And how did -- what was the name of the 14:55:04

24 social media collator that you use? 14:55:11

25 A. During the course of my work there, we used 14:55:13

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1 two: Geofeedia and NC4 Signal. And I don't remember 14:55:17  
2 when one kind of went to the wayside, and the other 14:55:24  
3 one picked up. 14:55:28

4 Q. Functionally, were they similar? 14:55:29

5 A. Very similar. 14:55:32

6 Q. So with the social media collator, walk me 14:55:33  
7 through the basic procedure for making a -- for an 14:55:44  
8 investigation using the social media collator. 14:55:54

9 A. Because they were different, there were 14:55:58  
10 different procedures. 14:56:00

11 Q. Okay. 14:56:01

12 A. With Geofeedia, for instance, Geofeedia's 14:56:01  
13 claim to fame, I guess you could say, is you could 14:56:11  
14 cast a geofence around a certain area, and typically 14:56:13  
15 we would do maybe a quarter of the county or the 14:56:20  
16 county itself, Shelby County, and it would pick up 14:56:24  
17 any public posts in that area. We could limit the 14:56:26  
18 public posts by setting certain keywords, like "gun" 14:56:33  
19 or "shoot" or "riot" or "flash mob" or, you know, we 14:56:37  
20 could limit -- that way we're not seeing everything 14:56:48  
21 because that's public. We're just interested in 14:56:51  
22 certain things that potentially could create a, you 14:56:54  
23 know, a public safety incident. 14:56:57

24 Q. And was NC4 similar or different in that way? 14:57:00

25 A. It's similar. It didn't do a -- you couldn't 14:57:06



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1 cast a net by GPS, per se. You could define it by 14:57:13  
2 where the user said they were located, if they had 14:57:17  
3 location services turned on. Or you could even tell 14:57:21  
4 it, well, I'm just looking for people if they say 14:57:27  
5 they're in Memphis. 14:57:29

6 Q. Okay. 14:57:30

7 A. So it was a little bit more limited in that 14:57:32  
8 aspect. 14:57:35

9 Q. Uh-huh? So NC4, when you said whether they 14:57:36  
10 had their location services turned on, who's "they"? 14:57:41

11 A. The user. 14:57:46

12 Q. And the user would mean the social media 14:57:47  
13 user -- 14:57:52

14 A. Right. 14:57:54

15 Q. -- that was being collected in this search? 14:57:54

16 A. Right, the individual using that particular 14:57:57  
17 social media, whether it be Facebook or Twitter or 14:58:01  
18 Instagram. 14:58:05

19 Q. And what -- speaking of which, which social 14:58:06  
20 media platforms could be searched through NC4? 14:58:11

21 A. I don't recall all of them. I do remember 14:58:17  
22 most of our results came back from Twitter or 14:58:20  
23 Instagram. 14:58:23

24 Q. Oh, okay. But it searched Facebook as well? 14:58:24

25 A. Initially it did. But Facebook changed their 14:58:29

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1 terms of services to where collators could not glean 14:58:33  
2 that data. So it got to the point to where we 14:58:38  
3 weren't getting almost any, if any, results from 14:58:41  
4 Facebook. 14:58:47

5 Q. Okay. And when -- do you know when Facebook 14:58:47  
6 made that change? 14:58:50

7 A. I don't remember. It kind of evolved. 14:58:51

8 Q. Okay. So was it something that increased 14:58:56  
9 over time? Like the -- was the change in the 14:59:00  
10 Facebook policy something that happened all at once, 14:59:09  
11 or was it something that gradually got stricter over 14:59:11  
12 time? 14:59:13

13 A. I remember getting very little results to 14:59:14  
14 begin with, with Facebook using the collators. And 14:59:17  
15 just with meeting with the vendors when we would have 14:59:22  
16 periodic training with them. Basically, they were 14:59:25  
17 telling us we're not going to get any more results 14:59:30  
18 from Facebook because of their policy. 14:59:32

19 Q. Okay. So with respect to Facebook, did you 14:59:35  
20 have to conduct a separate investigation just 14:59:40  
21 manually? 14:59:45

22 A. We would. 14:59:46

23 Q. Okay. And back to the NC4 searches, how 14:59:48  
24 specific could you make the searches? 14:59:56

25 A. They could be very broad or as specific as we 14:59:57

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1 would be caught off guard. 15:16:59

2 Q. Okay. All right. And next I'm going to talk 15:17:01

3 with you about Exhibit 47. And you can start looking 15:17:13

4 while they are looking. I won't ask you until they 15:17:49

5 find theirs. 15:17:49

6 Do you recognize this document? 15:18:19

7 A. Yes. 15:18:20

8 Q. Okay. And what is it? 15:18:23

9 A. It appears to be an e-mail from me. 15:18:29

10 Q. And who is it to? 15:18:32

11 A. Major Eddie Bass, Lieutenant Stephen 15:18:33

12 Chandler, Tim Reynolds, RTCC supervisor group. 15:18:41

13 Q. Okay. And there's an attachment listed 15:18:43

14 there. And what is the title of that attachment? 15:18:46

15 A. 07/10/16 Monitoring. 15:18:51

16 Q. Okay. And what is that attachment? 15:18:55

17 A. Probably the monitoring that I did on that 15:18:58

18 day. 15:19:02

19 Q. Okay. And do you recall -- do you recall 15:19:03

20 putting together this document? 15:19:12

21 A. I don't. 15:19:15

22 Q. Turning to the last e-mail. And actually 15:19:15

23 it's part of the thread, so the second -- the earlier 15:19:27

24 e-mail starts on 1780. And there you say, "Tammy 15:19:31

25 Sawyer is active with Steve Cohen posted below." 15:19:37

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1           If you turn to the last page, what is that?           15:19:41

2           A.       Appears to be a post from Tammy Sawyer.           15:19:47

3           Q.       Do you know why this post would be -- was           15:19:59

4           collected?           15:20:07

5           A.       Probably because of the mention of Black           15:20:08

6           Lives Matter --           15:20:11

7           Q.       Okay.           15:20:11

8           A.       -- in the post.           15:20:13

9           Q.       Okay. Thank you.           15:20:21

10           Okay. Going to the next document. We're           15:20:23

11           going to look at Document 65. It's already -- or           15:20:23

12           Exhibit 65. It's already been admitted as an exhibit           15:20:27

13           to a previous deposition. That's why everyone is           15:20:32

14           having to look.           15:20:38

15                   MR. GLOVER: Which number did you say?           15:20:39

16                   MS. FLOYD: 65.           15:20:42

17                   MS. SILK: 65. Okay. That's not from           15:20:43

18           today, right?           15:20:45

19                   MR. CASTELLI: No. It's Ross.           15:20:46

20                   MS. FLOYD: Is everyone ready?           15:21:05

21                   MS. SILK: Uh-huh.           15:21:07

22                   MS. FLOYD: Okay. Wonderful.           15:21:08

23           BY MS. FLOYD:           15:21:09

24           Q.       Do you recognize this document?           15:21:10

25           A.       Yes.           15:21:11

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1 MS. SILK: That's not from today either, 15:28:17  
2 is it? 15:28:19

3 MS. FLOYD: No. It's also from Ross. 15:28:20

4 BY MS. FLOYD: 15:28:42

5 Q. This is an exhibit that has already been 15:28:43

6 admitted. Are you familiar with the i2 Analyst's 15:28:47

7 Notebook software? 15:28:52

8 A. I'm aware of it. 15:28:52

9 Q. What is it? 15:28:54

10 A. It is basically a program that can help 15:28:55

11 correlate certain events or certain -- you can 15:29:05

12 basically put a massive amount of data into it, and 15:29:12

13 the software will help you determine correlations. 15:29:15

14 Q. Okay. Can you give me an example? 15:29:23

15 A. Like, for instance, this is just because I'm 15:29:25

16 familiar with it, it's nothing I did. You could put 15:29:32

17 in a whole bunch of information and -- say phone 15:29:36

18 records, and this software -- you can't go manually 15:29:41

19 through 15,000 phone records, but the software can 15:29:51

20 say, "Well, this phone number comes up this many 15:29:54

21 times, and this person contacted this person." 15:29:57

22 Q. Oh, that's cool. 15:29:58

23 A. So I know -- it's a very powerful piece of 15:30:00

24 software, but I've never used it. 15:30:03

25 Q. Do you know whether RTCC -- anyone used it? 15:30:05

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1 A. They were wanting to because -- to help with 15:30:09  
2 investigations. I'm not aware of anybody that 15:30:14  
3 actually dove into it to learn it. I never received 15:30:19  
4 training on it. 15:30:22

5 Q. Okay. And -- okay. I think that's all I'm 15:30:23  
6 going to ask about this one. 15:30:31

7 Oh, I did have one more question. Did -- 15:30:33  
8 would you have been able to -- would the i2 Analyst's 15:30:38  
9 Notebook software, could you have used that with 15:30:44  
10 social media accounts? 15:30:45

11 A. I believe you could. 15:30:46

12 Q. Okay. 15:30:48

13 A. But I'm not sure. 15:30:50

14 Q. Okay. 15:30:51

15 A. I've never used it. 15:30:52

16 Q. Okay. All right. Who is Edrick Williams? 15:30:54

17 A. He's a police officer assigned to RTCC. 15:31:05

18 Q. Okay. 15:31:08

19 A. Or he was. I guess he still is. 15:31:08

20 MS. FLOYD: Okay. Let me look over this 15:31:18  
21 just really briefly. Maybe if we could go off the 15:31:20  
22 record for just a few minutes. 15:31:23

23 (Short break.) 15:31:25

24 MS. FLOYD: I don't have any more 15:32:27

25 questions. 15:32:27