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CRIMINAL INVESTIGATION 2004 AUG 18 PM 3:46

SP03-10-177

CERTIFIED COPYSTATE ATTORNEY
17TH JUDICIAL CIRCUIT
RECEPTION

TAKEN IN THE PRESENCE OF

JOHN HANLON, ESQUIRE,

JEANNETTE CAMACHO, ESQUIRE,

AL GUTTMANN, ESQUIRE,

TIMOTHY DONNELLY, ESQUIRE,

ASSISTANT STATE ATTORNEYS

PATRICK CURRIE, ESQUIRE

DIANA TORJIANO, NOTARY PUBLIC,

BROWARD COUNTY COURTHOUSE,

201 SOUTHEAST 6TH STREET,

FORT LAUDERDALE, FLORIDA,

ON AUGUST 17TH, 2004

COMMENCING AT 10:00 O'CLOCK

A.M.

* * *

SWORN STATEMENT

OF

JOHN DeGROOT

1 THEREUPON:

2 JOHN DEGROOT

3 a witness of lawful age, being called as a witness,
4 having been first duly sworn, affirmed to testify
5 under oath as follows:

6 BY MR. HANLON:

7 Q. Sir, what's your name?

8 A. My name is John Degroot, D-E-G-R-O-O-T.

9 Q. Sir, where do you reside?

10 A. I reside at 1630 Northeast 27 Drive,
11 Wilton Manors, zip, 33334.

12 Q. Telephone?

13 A. My telephone number at home is (954)
14 564-7007.

15 Q. Do you have a cell phone, sir?

16 A. I have a cell phone. It is not my
17 personal phone. It belongs to the Broward Sheriff's
18 Office. That phone number is (954) 520-2600.

19 Q. My name is John Hanlon. I'm with the
20 Special Prosecutions Unit. I work for this young
21 woman over here, Jeannette Camacho. That fellow over
22 there is Al Guttman. And we work for this guy right
23 here, Tim Donnelly. You have your attorney right
24 here with you?

25 A. I do.

1 MR. HANLON: Mr. Curry, can you spell
2 your name?

3 MR. CURRY: C-U double R Y.

4 MR. HANLON: Patrick?

5 MR. CURRY: Yes.

6 MR. HANLON: What's your middle initial?

7 MR. CURRY: J.

8 MR. HANLON: And your office address?

9 MR. CURRY: 200 Southwest Sixth Street,
10 Suite 500, Fort Lauderdale.

11 MR. HANLON: 33301?

12 MR. CURRY: Correct.

13 MR. HANLON: And your phone number?

14 MR. CURRY: 765-2400.

15 BY MR. HANLON:

16 Q. Mr. McGroot, as you're probably aware,
17 this office is currently conducting a rather broad
18 ranging investigation based upon allegations that
19 certain members of the Broward County Sheriff's
20 Office might well have downgraded crimes and might
21 well have attributed confessions to individuals who
22 didn't make any admissions. And on the basis of this
23 investigation and possible violations of Florida's
24 Official Misconduct Statute, as you know the case has
25 received considerable media attention. Now, in that

1 regard we gave you a subpoena. You've been served
2 with a subpoena to come down here and talk to us;
3 weren't you?

4 A. That's correct.

5 Q. Well, you had to come down here and talk
6 to us. You had no choice.

7 A. That's correct.

8 Q. I will tell you that you are not a
9 target of this ongoing criminal investigation. We
10 believe you might have information that could be of
11 benefit to us. As always, our concern is when we do
12 make a decision, particularly a prosecution, that we
13 make the right decision. So we're talking to
14 everybody who might be able to assist us in the
15 investigation.

16 You are not a target. Should you be, of
17 course, with the delivery of this subpoena, you give
18 up your 5th amendment privilege. You have to answer
19 all of our questions. On the positive side, you have
20 what's called directive use of immunity. You still
21 have to answer us and you have to answer as
22 truthfully, but we can use your statement in any
23 criminal prosecution and we use leads that develop
24 from what you might tell us today in the criminal
25 prosecution.

1 Now, the only way you could get trouble
2 with us today is actually two ways. If you were lie
3 to us. This is an official proceeding. If you were
4 to lie to us in a material fashion, you would purger
5 yourself. This is considered an official proceeding.
6 You would violate and commit purgery. This is an
7 official proceeding, which is a third degree felony.
8 You would not lie to us, would you?

9 A. No.

10 Q. Of course not. We have no reason to
11 believe you would. The only other reason to get in
12 trouble folks, is by saying nobody loves you the like
13 I do, but I'm not going to answer a question. If it
14 was a relevant question, relevant to our
15 investigation, we would have to drag your attorney in
16 front of the Judge and I presume he would order you
17 to answer us. But you're going answer and cooperate
18 fully; are you not?

19 A. It is my intention to answer all of your
20 questions to the best of my ability.

21 Q. We can ask for no mother.

22 Now, tell me a little bit about your
23 background.

24 A. Well, I spent 40 years as a journalist
25 engaged in virtually every aspect of the news

1 gathering profession; from investigative reporter
2 columnist, editor, city editor, managing editor, beat
3 reporter, covered police, courts, municipal
4 government, county government. I've worked for
5 newspapers; including the Pulitzer prize winning team
6 that covered the Ken State University shooting. I
7 worked for the Philadelphia Bulletin, Pulitzer prize
8 finalist for an investigative series I did into the
9 shooting unarmed man named Anthony Majawsci, by
10 Philadelphia police.

11 Q. How do you spell that?

12 A. M-A-J-A-W-S-C-I. He lives in Manyonk
13 (phonetic).

14 Q. How do you spell Manyonk?

15 A. I don't remember.

16 I worked for The Miami Herald; the Fort
17 Lauderdale News, when it was there; the Sun-Sentinel.
18 I left journalism in 1998 to join Ken Jenne and to
19 conduct research and basically internal research. He
20 had just been appointed sheriff by Governor Lawton
21 Chiles. My internal research was primary focused on
22 problems within the Department of Detention. I did
23 virtually the same thing for Bob Butterworth back in
24 1978 when Bob was appointed sheriff by Rubin Askew.
25 We seem to work for sheriffs who get appointed. And

1 I went back to journalism after that. It was about a
2 six-month leave to work for Bob basically doing what
3 I do, which is investigative journalist.

4 Q. When you went over to jail to look at
5 the jail --

6 A. This last time?

7 Q. Yes.

8 A. Or which time?

9 Q. The last time.

10 A. Because originally most of my efforts
11 were spent in the area of the Detention Department
12 and it involved corruption or the corruption problems
13 with the county facility and Mas Tech. It involved
14 out of control overtime and detention problems with
15 erroneous releases at booking and some significant
16 moral problems with director, Susan McCampbell, who
17 had been Acting Sheriff and was now back running the
18 Detention Department.

19 Q. Did you get involved in mental health
20 issues that developed over there?

21 A. That was one of the reasons that I came
22 back to rejoin Ken; yeah. I left Ken after a year
23 because, frankly, there wasn't anything more for me
24 to do.

25 Q. You left when?

1 A. Left to join Bob in --

2 Q. That's Bob Butterworth.

3 A. I'm sorry. In 2000.

4 Q. Okay.

5 A. Bob Butterworth's last term, he handled
6 a special project for him. We can go into that, if
7 you want.

8 Q. No. That's okay. And you went back to
9 the Sheriff's Office?

10 A. I went back to the Sheriff's Office
11 after Charlie Christ was elected.

12 Q. When was that?

13 A. That would have been in 2002 -- no,
14 2000. I rejoined Ken in March of 2003.

15 Q. To do what?

16 A. My job specifically was to take a look
17 at the whole issue of the mentally ill and inmates in
18 our jails, specifically the frequent flyers, people
19 who suffered from chronic and acute mental illness
20 and who, because of their illness, continued to be
21 arrested and incarcerated. It was a tremendous tax
22 cost.

23 I also handle a number of special
24 projects for the Sheriff, including reviewing data
25 for various unrelated things; I mean, things not

1 related to the jail, but related to the hospital.

2 For example, North and South Broward hospital
3 District for his efforts in seeing if he could get
4 back the contract that BSO had to provide law
5 enforcement services to Lauderhill. That was in the
6 late spring or early summer of 2003. And he was
7 trying to figure out a way because he had lost it,
8 BSO had lost it under contract under Cochran. And he
9 wanted to get it back. So I did a myriad of things
10 for him, I guess. At times handling spin and at
11 times writing speeches for him. Also, working
12 extensively with his Drug Diversion Unit in
13 narcotics, handling many problems of prescription
14 narcotics and developing initiatives for him in that
15 area for the National Sheriff's Association.

16 Q. And you've known Ken Jenne, the current
17 sheriff, for how long?

18 A. I met Jenne in 1973. He was an
19 Assistant State Attorney handling public corruption
20 for the Broward State Attorney, Phil Shayhore
21 (phonetic). His partner was Bob Butterworth.

22 Q. When were you down at Sun-Sentinel?

23 A. I was an investigative reporter at the
24 Sun-Sentinel. I was they were looking at the public
25 corruption and that was back in Halyson (phonetic)

1 days. I was trained by the Quakers.

2 Q. Moving along.

3 A. The Halyson days we worked very closely
4 trading information. I was doing county government
5 and corruption here in Broward.

6 Q. When you came back -- Again, this is
7 2003?

8 A. Yes, March.

9 Q. What was your arrangement? Did you come
10 in as a consultant or as a full-time employee? What
11 was your employment arrangement?

12 A. My employment arrangement was that I
13 would be paid \$70,000 a year as a full-time employee
14 and join management-level benefits, including
15 vacation, insurance, and bonus as a manager, which I
16 received at the end of last year. I was to answer
17 directly to the Sheriff. On my business card it says
18 executive assistant to the inspector general.

19 Q. Who is?

20 A. Martin Rohinsky (phonetic), former
21 Philadelphia citizen of the round house. But the
22 Sheriff created that title personally and the title
23 was to -- we jokingly agreed enabled me to get my
24 telephone calls returned by a huge agency.

25 During my time with BSO, which is now,

1 what, March of 2003 and this is August of 2004, I
2 actually met the inspector general, Rohinsky, twice.
3 We spent all of five minutes talking to him.

4 Q. In the chain of command, above Rohinsky
5 is who?

6 A. I believe it is the Under Sheriff, Tom
7 Carney. Although theoretically, Rohinsky should be
8 it. And it's my understanding as an inspector
9 general he may have direct access to the Sheriff.

10 Q. Now, this investigation we're talking
11 about received considerable media attention. It
12 broke earlier this year. Of course, if you believe
13 the newspapers, in the early going this was a
14 isolated situation, a couple of deputies that might
15 have stepped out the line. And, of course, now we
16 read it has reached scandal proportions, at least if
17 you can believe the media writings. The statistics,
18 the clearance statistics, which rank along at 60
19 percent, have now dropped and there's much attention
20 given to the Powering Track System that has, at least
21 if you listen to some of the excuses, has caused or
22 brought about this reported downgrading of offenses,
23 downgrading of crimes, in order to insure the UCR
24 Unit doesn't receive the figures and by doing that
25 reflects a lower crime rate and then exacerbating the

1 entire situation as the clearance problem that's been
2 reported of concern to us again attempting to conduct
3 as thorough as complete investigation as possible.
4 We want to be able to establish yeah or nay as to
5 whether this is just isolated, officers or deputies
6 down the line, or is this a pervasive problem brought
7 about the management tool power, Power Track. With
8 that protracted introduction, can you shed any light
9 based on your exposure at the higher levels of that
10 department? Our concern is at what point did
11 management -- did it ever dawn on management that
12 maybe our figures are out of line?

13 A. Okay. If I understood your direct
14 question here is: Did it ever dawn on management
15 that their figures could be out of line?

16 Q. Yes.

17 A. Yes. To my knowledge, based on
18 conversations I had with the Sheriff, it did. It
19 occurred in 1999. Power Track had been up and
20 running for, maybe, a calander year, as a management
21 tool basically, one of accountability. He brought
22 down a consultant from New York City, a guy who has
23 since died, worked for Bernie Courig (phonetic), I
24 don't remember his name. He always wore cowboy
25 boots.

1 Q. He's a former New York guy?

2 A. Yes, a Com Stat guy.

3 Q. Is it Marks?

4 A. No. I don't think so. He wore cowboy
5 boots. He's a real colorful guy.

6 Q. He's gone to other departments, other
7 agencies and brought the Com Stat model. We're
8 talking about the same guy.

9 A. Not the port authority guy.

10 Q. No. Is he coming out the New York City
11 Police Department?

12 A. Yeah. And he came down at Jenne's
13 invitation and Jenne looked it all over and he said
14 it was up and running pretty well. He said -- the
15 Sheriff told me that he expressed concern with the
16 exceptional clearances and that he said to the
17 Sheriff, I think you need to look at the exceptional
18 clearances. Subsequently, when the Sheriff asked me
19 to investigate the whole issue of crime stats --

20 Q. Which would have been when?

21 A. That would have been in March of this
22 year. And I would be happy to discuss that, but I
23 will be most comfortable discussing it as a narrative
24 as opposed to bouncing around.

25 Q. Sure. Go ahead.

1 A. But anyway, and you could see where
2 after this guy came to town that, indeed, exceptional
3 clearance rates or cases cleared, went down
4 significantly. I think some of my work product
5 reflects that.

6 Q. This is subsequent to the March of this
7 year conversation?

8 A. No. I'm sorry. Subsequent to the Com
9 Stat guy coming down. And the way the Sheriff read
10 it was that this guy didn't want to drop a dime on
11 his brother officers, but he told Jenne he might want
12 to look at these things. And Jenne told me that he
13 instructed his top people -- he did not name them --
14 and my relationship with the Sheriff is and was, you
15 know, if he thought I needed to know the guy's name,
16 he told me. He would have told me. But you could
17 see after this guy left, he could see a dramatic drop
18 in exceptional clearances. And then --

19 Q. Who were Sheriff Jenne's top guys at
20 that point in time, and we're talking '99?

21 A. No. I'm sorry. That would have been in
22 March of -- You mean when this guy came down?

23 Q. Yes.

24 A. I'm sorry. '99, Tom Carney.

25 Q. In '99 the New York Police Department's

1 Come Stat guy comes down, has a sit down with the
2 Sheriff?

3 A. Uh-huh.

4 Q. Ken Jenne?

5 A. Uh-huh.

6 Q. He tells the Sheriff exceptional
7 clearances is a problem?

8 A. He said the Sheriff might want to take a
9 look at them.

10 Q. He did and he instructed his top people,
11 per his conversation he has with you, and the
12 exceptional clearances stats drop?

13 A. And I would say significantly, in my
14 opinion.

15 Q. All right. But at some point in time we
16 see a reversal of that?

17 A. That's correct.

18 Q. And they start going back up?

19 A. That's correct.

20 Q. Okay. Then in the time that they go
21 back into '99 you leave sometime between '99 and
22 2003?

23 A. I go back -- I rejoined Butterworth in
24 '99.

25 Q. All right. And you come back here in

1 2003?

2 A. That's correct.

3 Q. By back here, I mean the Sheriff's
4 Office. And then this investigation starts and then
5 you have a conversation or you speak or you talk or
6 you have a sit down with the Sheriff in March of this
7 year?

8 A. Actually, it would have been earlier
9 than that. I got involved in what we call crime
10 stats, statistics in late spring, early summer of
11 2003.

12 Q. Okay. And what precipitates that?

13 A. Major John Carol, who handles statistics
14 for the Sheriff, had put together a study. And you
15 can see the original in there, comparing crime stats
16 for Lauderdale, Lauderdale Lakes, and other BSO
17 districts. The purpose was for the Sheriff to meet
18 with a guy named Hall, who is a former law partner of
19 the Sheriff's, that Conrad Sheer and Jenne.

20 Q. What's the person's name?

21 A. Hall.

22 Q. Earl Hall?

23 A. An African-American gentleman?

24 Q. Yes.

25 A. Earl Hall was a city attorney at

1 Lauderhill. And he was at the meeting with Earl Hall
2 to see about the possibility of getting Lauderhill
3 back into the BSO contract fold. And so Currie (SIC)
4 had put together a bunch of statistics.

5 MR. DONNELLY: You mean Carol.

6 THE WITNESS: Yes. My attorney is
7 Currie.

8 BY MR. HANLON:

9 Q. So Carol is putting together --

10 A. Yes, Carol -- and I provided a copy of
11 that in response to your subpoena in work product and
12 crime stats. The problem was that the stats were --
13 part of my duties was to advice the Sheriff what
14 General Butterworth called framing an issue or a
15 spin. I said, this is -- you're going to infuriate
16 Lauderhill's cops with this.

17 Q. The reason being?

18 A. Well, the -- in comparing the Lauderdale
19 Lakes stats --

20 Q. Which was the Sheriff's Office contract?

21 A. -- with Lauderhill, it looked like
22 Lauderhill, you know, they were cops. They went
23 bowling 24/7. It was just awful. I said, you know,
24 if this gets out, even if they want to come into BSO
25 for the beni's and the promotion opportunities at

1 *all, if this gets out, you know, they're going to
2 look like -- you're going to make enemies, in my
3 opinion. So I said, let's reframe this thing. Let's
4 spin it a different way and it's better for the media
5 anyhow. The media likes anything minority.
6 Lauderdale Lakes is a significantly minority
7 community. And let's spin this thing. This is a
8 ~~o~~ frame, so a partnership with BSO and the community
9 and Power Track creates these remarkable stats. And
10 that's what you could offer Lauderhill, is this
11 philosophy of partnering with the community and
12 having cops, you know, the community policing, and
13 all of that.

14 Q. How did Power Track play into this?

15 A. Power Track's data was part of it as a
16 reason that BSO would be able to partner with
17 residents in the community. And Power Track is
18 especially exceptional at this in that it shows up on
19 the screen, the last 30 days worth of specific calls
20 by type with UCR ones and twos. It's a remarkable
21 tool. And I have always maintained it was a
22 remarkable tool with exceptions.

23 Q. Let me just ask you this: You're
24 sitting here at a sit down. You have the glaring in
25 your face the difference between the contracts, city

1 stats and the city that the Sheriff is seeking to
2 take over. Does anybody at any point in time in your
3 experience wonder, are we really that much better?
4 Does anybody ever question in your experience over
5 there the legitimacy of these figures?

6 A. No, not to my knowledge.

7 Q. The Sheriff never said, my god, never
8 questioned the legitimacy of the figures?

9 A. The parting line was it was Power Track.

10 Q. What does that mean?

11 A. He felt it was Power Track and the
12 system of accountability. My argument was --

13 Q. What you're telling me is the Sheriff
14 felt the figures were accurate?

15 A. Oh, absolutely. Absolutely.

16 Q. Fact?

17 A. At least that's how they represented it
18 to me.

19 Q. The fact the other agency is clicking at
20 20 percent, the Sheriff's Office is clicking along 60
21 had a never raised any issues?

22 A. No. And in all fairness, it didn't
23 raise any issue with me as a journalist.

24 Q. You were the stat guy. You're brought
25 in to look at the stats?

1 A. I was brought in to frame.

2 Q. To spin it?

3 A. To spin it. I think there's a sample of
4 a rough way of spinning it where it would have been a
5 Power Point presentation with charts and what have
6 you. They redid a lot of charts for me.

7 Q. Let me ask you this and we'll come back
8 to the spin: Until March, you had indicated, of this
9 year you had a sit down with the Sheriff and I
10 presume that's a sit down over stats?

11 THE COURT: What the March sit down of
12 this year because that post dates our investigation.

13 A. Well,

14 Q. The initiation of our investigation?

15 A. I guess the first time I talked to the
16 Sheriff was about the time the media picked up on it,
17 which would have been, you know, I'm not a great note
18 taker.

19 Q. To the best of your recollection.

20 A. To the best of my recollection this
21 thing hit the radar screen for me in February. And I
22 remember being called in to talk to various people
23 because --

24 Q. Who?

25 A. Sheriff, Cheryl Stopnick.

1 Q. She's the media gal?

2 A. She's the media gal. Tom Carney, but
3 basically the sheriff and his private counsel, Jon
4 Sale. Jon and I were working together on another
5 issue involved Rudy Gulliani and Purdue Farm, which I
6 could go into.

7 Q. That's okay.

8 A. But anyhow --

9 Q. So there was a sit --

10 A. The question was --

11 Q. We're talking about the February sit
12 down now.

13 ~~Q~~ A. The February sit down, I remember the
14 decision was, you know, was Rohinsky was going to get
15 fired. I was getting a lot of phone calls.

16 Q. Why was Rohinsky going to get fired?

17 ~~Q~~ A. Because at that time it was my
18 understanding that Rohinsky had screwed up by turning
19 this thing over to you guys without telling anybody
20 about it. That was my understanding.

21 Q. Who was saying his to you? This was at
22 this round table sit down?

23 A. I know this because I was amazed -- I
24 remember taking part in discussions in which I was
25 saying, because I was getting phone calls from people

1 at the Sun-Sentinel, not the Miami Herald, and they
2 were saying what goes on, you know, blah, blah, blah.
3 And I remember a discussion where the Sheriff was
4 represent in which as I was saying -- I was concerned
5 they were going to fire Rohinsky. He was a two-week
6 leave. Nobody knew where he was. The media was
7 calling me saying, how can we get a hold of this guy.
8 And then I'm told we're not going to fire him because
9 that would be stupid.

10 Q. Why?

11 ~~A.~~ A. Because it would. They were going to do
12 the spin that Rohinsky had brought it to you under
13 the Sheriff's orders.

14 Q. That's not true?

15 A. Not to my knowledge. That was never my
16 understanding, that Rohinsky had acted under the
17 Sheriff's orders to bring it to you. From day one
18 it's been my understanding that Rohinsky screwed up
19 by coming to you.

20 Q. Why did upper management -- and we'll
21 get to the Sheriff -- Over there did anybody else
22 feel that Rohinsky screwed up by bringing this thing
23 over here, I believe we're talking about the candor
24 downgrading of crimes?

25 A. Yeah.

1 Q. Why did upper management -- and we'll
2 zero in on specifics, why did upper management feel
3 Rohinsky screwed up by bringing it over to us?

4 A. Because they felt it was a problem they
5 should have taken care of internally.

6 Q. Why?

7 A. My sense at the time is public relation.

8 Q. Now, not to be a sceptic, but the
9 thought might occur, and I'm not putting words in
10 your mouth, but I want to get a feel for what you're
11 saying to me. And a sceptic might say that it was
12 felt that that matter should be best handled
13 internally because they didn't want it to get out
14 that there was problem with the statistics, possible
15 downgrading of crimes; is that true?

16 X A. That thought never crossed my mind. I
17 can't argue with your --

18 Q. In other words, why was Rohinsky in hot
19 water for the fact it came over here and they felt it
20 should be better handled internally? Based on your
21 conversation with the folks over there, why did they
22 think Rohinsky screwed up and why did they feel it
23 should have been handled internally?

24 * A. It was represented to me this was a
25 couple of bad apples in a very large barrel. That it

1 was an internal matter and it should have been dealt
2 with internally.

3 Q. Who told you?

4 A. The Sheriff and Carney.

5 Q. And they never told you why, just
6 because? Did they tell you just because it was an
7 isolated incident?

8 A. I'd be happy to go into the background.

9 Q. I wish you would.

10 A. There are two elected officials that I
11 have over the years trusted completely; Bob
12 Butterworth, one, and Ken Jenne is the other.

13 Q. Okay.

14 A. You will find in their e-mails or memos
15 to Sheriff, which I at one point say that I will
16 place my reputation and my credibility as a
17 journalist on the line. I understood and recognized
18 Ken to be one of the most brilliant politicians I
19 have ever met, but I also, honestly, felt my deal
20 with him from day one, I will always tell you the
21 truth, but conversely I will never lie for you.

22 Q. Good.

23 A. And so I assumed that when these things
24 were represented to me it was the truth.

25 Q. And those things are?

1 ✂ A. That this was a couple of bad apples in
2 a barrel and we should have been allowed to clean it
3 up on our own. They have all of this horrible PR in
4 the paper mainly because Wanda Demarzo -- this is
5 another thing they asked me at one point, the sheriff
6 -- the sheriff asked me to go to the Herald or go to
7 one of the journal magazines, like, Press Time, about
8 Wanda Demarzo because she had three DUI arrests and
9 he wanted this brought to the attention of the
10 national media to embarrass the Herald. I had heard
11 indirectly that Wanda had -- I mean, he gave me the
12 booking records and the arrest records. They were
13 really gross about this woman. Three DUI busts, one
14 of them was just really cruel, the details he gave
15 me, and mug shots which were reel beauties. And I
16 ultimately refused.

17 Q. When was this?

18 A. This would have been when this hit the
19 fan. This would have been in February. I refused
20 because I did some checking with some friends of mine
21 at the Herald about Wanda and they assured me that,
22 A, the Herald management knew all of this, B, Wanda
23 had been sober and with AA for some time. And I went
24 to the Sheriff, I said, you know, I'm an ex-drunk and
25 if anybody wants to drop a dime for some of the bull

1 shit I did before I got sober. It wasn't illegal.

2 It was just really stupid and bad taste or bad
3 theater and I've been sober since 1973. With that
4 said, I wasn't going to do that to Wanda, but that's
5 what he wanted to do.

6 Q. Is this all part of the spin when this
7 thing hits the fan?

8 A. Yeah. And call the Kinsley guy.

9 Q. Who's the Kinsley guy?

10 A. He's the editorial editor. Philip Ward,
11 who is assistant managing editor for important stuff
12 at the Sun-Sentinel, he and I have known each other a
13 long time.

14 Q. The sheriff wants you to call him?

15 A. That was one of the my job duties. See,
16 when I --

17 Q. What he want you to tell him?

18 A. What I believed.

19 Q. Which was?

20 A. This thing was a couple of rotten apples
21 in a barrel. The sheriff was on top of it. This was
22 blown way out of proportion and it was a direct
23 result of Fort Lauderdale Police who were mad at the
24 Sheriff's Office for rubbing their noses in the stats
25 at Melrose Park. And this was a retaliation by Fort

1 Lauderdale, which fed it to Wanda and Wanda had her
2 heart on for BSO because all of her DUI -- I mean it
3 was good script. I believed it until, you know, I
4 mean my comfort level started to go south. In
5 retrospect, you know, let's pin the blame on the
6 messenger, you know, Wanda is a drunk and she's got a
7 heart on for us. She's married to a husband who has
8 an arrest record and they just hate cops. And it was
9 you know, I mean --

10 Q. What else was suggested to you by way of
11 spin or even what we might want to call dirty tricks,
12 in my Watergate days?

13 A. I didn't think we had the rath for
14 fornicators. I couldn't say that.

15 Q. What else was suggested to you by way of
16 dirty tricks by the Sheriff?

17 A. I did not view any of my discussions
18 with the Kinsley guy or Phil Ward or Buddy Evans or
19 Beth Rhineheart with the Herald as dirty tricks. I
20 believed I was telling them the truth.

21 Q. If I understand you correctly, the
22 Sheriff suggested to you that you provide or told you
23 or instructed you or asked you to provide
24 embarrassing information from the files of the
25 Sheriff's office to the media with regard to Wanda

1 Demarzo, who obviously had her bit in her teeth and
2 was going after this case hot and heavy. My question
3 to you is: What else did the Sheriff suggest you
4 might do that curled your hair?

5 A. Well, the Wanda thing was -- that was
6 worthy.

7 Q. Of curling your hair?

8 A. Yes.

9 Q. What else? Anything else?

10 A. Not at the time.

11 Q. At some point in time were you asked to
12 reach out for sources to hopefully find out what this
13 office was up to?

14 A. I'm aware that Jon Sale was.

15 Q. What was Jon Sale.

16 A. Jon Sale was asked to talk to you about
17 what you were up to, but it was an attorney/client
18 thing, as I understand. Jon's a good friend of mine.
19 You're going to get the truth from me, including
20 times when I was really stupid.

21 Q. Did you reach out for any past or
22 present employees of the State Attorney's Office at
23 the request of the Sheriff?

24 A. No.

25 Q. That you recall?

1 A. I recall having breakfast or hanging out
2 with Ron -- what's his name? Ishoy. We were talking
3 mainly about his mental health initiative. I don't
4 think we even talked about this because I think when
5 I was talking to Ron this thing was just -- if it was
6 on the radar screen, it was a reel small blip.

7 Q. Well, it eventually became front-page
8 news for some time and you indicated for some time I
9 became soured. And we're talking about February on
10 to the present. You mentioned at some point in time
11 you get a little soured. I'm presuming -- I'm not
12 going to presume. What happened soured you about
13 things ongoing at the Sheriff's Office?

14 A. In February there is what I would call a
15 media firestorm or feeding frenzy. That's a
16 journalism term. And that is the story is losing
17 control. And they're now trying to scoop each other
18 and they're at that time, in my opinion, blowing it
19 out of proportion just through competition. It
20 happens. It's a phenomenon. It was a real media
21 frenzy going on.


22 Q. While this was going on, if I could stop
23 you, did anybody at the level you were operating
24 boister something to this?

25 A. No. The February meeting at the

1 Sheriff's Office, Cheryl Stopnick, Tom Carney, Major
2 Carol, Kernel Brennar, Tom Gray, who is stats guy.
3 He's a numbers cruncher and all UCR stuff, just puts
4 it all together and sends it up to Tallahassee's
5 UCRs, number cruncher, nice guy, career stat guy.
6 The Power Track Lieutenant's name -- he looks like
7 jack Armstrong, really clean-cut guy, bright, bright
8 guy.

9 Q. If we mentioned his name, would you know
10 it?

11 A. Probably.

12  MS. CAMACHO: Brian Montgomery?

13 THE WITNESS: Yeah, he was in the
14 meeting.

15 BY MR. HANLON:

16 Q. When was this meeting?

17 A. This would have been in February.
18 Middle to early -- first couple weeks in February.
19 And I'm saying it's out of control. And so the
20 Sheriff decides to go to the Sun-Sentinel and we talk
21 about what's going to be said in presenting the
22 Sheriff meeting with the Sun-Sentinel. And I
23 specifically remember that the whole focus was
24 downgrading crimes, exception clearances were not on
25 the radar screen yet. This was all about

1 downgrading. Of course, part of the problem was the
2 numbers were so extensive and --

3 Q. When you say extensive, what do you
4 mean?

5 A. I'm sorry. Not the number of cases.
6 Well, there was a huge number of cases that had been
7 downgraded, but to sort of reasonably and quickly
8 track, I remember the discussion being, man, this
9 thing to find out whether they were properly or
10 improperly downgraded would be a bear, but also that
11 it was just a few guys that were guilty of this.

12 Q. Is this the spin or did they actually
13 believe it?

14 A. I believed they believed it. And so
15 it's agreed we're going to go to the Sentinel and I'm
16 going to go with them. And the group that went was
17 Cheryl Stopnick, Tom Carney, John Carol, Danny
18 Wright, the Sheriff, me, Tom Gray, I think
19 Montgomery. We met in the conference room on the
20 ninth floor. I know Shannon and Dana, a number of
21 the editors and writers were there. I don't remember
22 all of them. I remember the BSO group. I distinctly
23 remember that coming out of this meeting the Sheriff
24 before we're going to go to the Sun-Sentinel the next
25 day I said to Tom Carney, Tom give me your word,

1 there's nothing to this. It's what you say it is?

2 Q. Which is?

3 ~~*~~ A. It's just a couple of bad apples in a
4 barrel. And Tom said to me, honest to god, John.
5 There's nothing to this. You have my word.

6 So the next day we go in and we meet
7 with the Sun-Sentinel and I spoke on behalf of the
8 Sheriff, along with the Sheriff and Carney. And I
9 ~~*~~ defended Power Track because Mike Mayo was really on
10 the Sheriff's case about Power Track pressuring
11 people to fudge stuff, downgrade.

12 Q. He wrote an article to this effect?

13 A. Yes, he did. And I said, you know, that
14 as a journalist I believed in the efficacy of this.

15 Q. Of Power Track?

16 A. Of Power Track. And I said because when
17 I was at Sun-Sentinel one of my jobs was to write a
18 daily critique for a couple of years, a daily
19 critique of the newspapers of things that had gone
20 south, where there were problems in stories or
21 headlines or whatever. And, you know, I was not
22 popular because, you know, journalists are very
23 comfortable criticizing other people and
24 uncomfortable criticizing themselves. I remember
25 making these remarks. Mayo said the cop culture is

1 identical. Cops are very comfortable in chasing bad
2 guys, but they are uncomfortable when anybody says,
3 well, how good a job are you doing. And I said to
4 that end, I felt Power Track was a necessary
5 management tool. And I said, where I really believed
6 in it from my own experience as a journalist and BSO,
7 I believed it was a highly effective tool in making
8 sure that cops were looked into, what you might call
9 non-sexy crimes. And I believed that. And I also
10 felt it was a highly effective tool used properly to
11 insure that in low-income, minority communities or
12 districts or sections properly used it's a highly
13 effective tool.

14 Q. Before you go over to your Sun-Sentinel
15 sit down, what was the pitch going to be?

16 A. The pitch was a couple of rotten apples
17 in a barrel.

18 Q. At this point in time are you getting a
19 little suspicious of this spin or are you still
20 buying into it's a couple of drones?

21 A. I remember after the meeting, 'cause,
22 you know, we had agreed there was going to be a sort
23 of a united front and in talking I through Danny
24 Wright and Tom Brennan some softballs for them to
25 chip in because the Sheriff was doing all of the

1 talking.

2 Q. This sit down with the media?

3 A. The sheriff was doing all of the
4 talking.

5 Q. What is he saying?

6 A. Basically it's a few rotten apples. You
7 have my word. I'm on top of this. But he's dog 80
8 percent of the talking and Brennan -- Carney is doing
9 15 percent.

10 Q. What's he saying?

11 A. The same thing. The same thing. It's
12 -- we cannot -- we -- Power Track works, but if
13 somebody lies at the bottom and Sergeants go along
14 with it, it's very difficult for us to catch when
15 it's an isolated thing, but there's easy no pattern
16 any problems. We've looked at it. There's easy no
17 pattern. I remember later thinking, saying to Jon
18 Sale, you know that I thought the Sheriff did very
19 well. That I wasn't sure, in fact, e-mail to the
20 Sheriff of my assessment of the meeting with the
21 Sun-Sentinel and I said, Tom Carney did a good job.
22 I did not say that in there. I said to Tom, I said
23 everybody sat on their hands and that made me
24 uncomfortable because they should have been a united
25 front. Basically, it was me, Carney and the Sheriff.

1 All of these other guys were just sitting there like
2 the silent man. Everybody is taking the position
3 it's a couple of isolated guys, but this is in the
4 face of glaring statistical differences between the
5 contracts, and the City of Lauderhill, which the
6 Sheriff wanted to take over. But nobody put two and
7 two together. It was a bad apple.

8 Q. Just a couple of bad apples?

9 A. Absolutely not a problem. So now we're
10 looking around and I have memos to that effect, we're
11 looking around for how do we 'cause I said to the
12 Sheriff, the problem right now is the media. The
13 media doesn't believe.

14 (Whereupon, a short recess was taken.)

15 BY MR. HANLON:

16 Q. Okay. In February there was a sit down
17 with the media and the pitch is, that we got a couple
18 of bad apples. This isn't a systemic problem. The
19 media continues to report and at some point in time
20 does the light go on over there that there might be a
21 larger problem?

22 A. For me; no.

23 Q. Okay.


24 A. May I continue?

25 Q. Absolutely. I believed that there was a

1 couple of rotten apples in the barrel, which
2 repeatedly that's what they said. And my argument or
3 my concern as far as framing the issue or the Sheriff
4 -- I think there's e-mail that I wrote from my home
5 and sent to him in which I talk about the problem of
6 credibility -- because the difficulty was that in
7 framing an issue you have to have a second act,
8 journalists need a second act. First act is this has
9 happened. The second act is the resolution. So if
10 you're framing something, you need to provide the
11 media with a resolution. And so what we were having
12 the dynamic at that time was rotten apples in the
13 barrel. We're on top of it it's not a problem. The
14 media is not going away, in no small part due to the
15 feeding frenzy that I mentioned earlier. So I
16 suggested to the Sheriff that he come up with some
17 sort of tangible thing, other than we're looking into
18 it, you know, and he said, well, I'm going to have
19 some of my guys -- and I said -- there are e-mails in
20 here to this effect, which will help you on the time
21 line, but it was definitely downgrading because I
22 recommended the creation of a budsman, someone who
23 had some respect in the community and not part of the
24 agency. And that person could be responsible,
25 whether there was that person or their office, would

1 review downgrading crimes and they would be
2 independent and they would be somebody the public,
3 the citizens, the media could respect as far as
4 handling, because I said to the Sheriff, to Mike
5 Mayo, to whoever, you're asking guys who may or may
6 not be involved in this problem to solve it. And I
7 said, consider an on budsman, somebody high profile
8 and I recommended a couple of people, including
9 former lighthouse police chief, bright gal,
10 politically correct, some sort of African-American in
11 there, get somebody. He wanted no part on budsman.
12 Then because I was working with Rudy Gulliani and Jon
13 Sale, Jon and I talked about getting Rudy to come
14 down and give a blessing, to confirm --

15 Q. To give a blessing to, what, Power
16 Track?

17  A. Yeah, and the fact this is, indeed, a
18 couple of rotten apples in a barrel. Jenne didn't
19 Jenne was absolutely opposed to it. He didn't want
20 any part of it. Jon, kept calling Gulliani because
21 Jon is tight with Rudy. It reached a point where
22 Jenne wouldn't return Jon's calls on the Rudy deal.
23 Jenne was head of the drug committe for the National
24 Sheriff's Organization and they had a winter
25 conference in Washington DC the last weekend in

1 February. And I e-mailed the Sheriff and I said,
2 look, let me run it by Rudy. He said, well, if you
3 want, but I'm not interested. I want to go another
4 direction. I said, what do you lose? The guy's a
5 republican, he's Mr. 911. I mean, you get one of the
6 highest guys in the food chain in the republican
7 party, who's Mr. Clean because of 911. He comes in
8 and gives his blessing, if you will, to this system,
9 which the media are attacking you on.

10 Q. Was it never done?

11 A. I went up to Rudy and --

12 Q. He was never down? He was never
13 brought?

14 A. Rudy agreed to do it free, no charge.

15 Q. But it was never done?

16 A. Jenne didn't want any part of Rudy
17 coming down here. Rudy was all set. I talked to
18 Rudy, he said he's a nice guy and this is a good tool
19 and --

20 Q. Let me just ask you: At some point in
21 * time subsequent to February, did it ever dawn on
22 anybody over there that it wasn't just bad apples in
23 the barrel?

24 A. Not yet.

25 Q. When did it?

1 A. I'm talking me. I don't know about
2 them.

3 Q. When did management -- Did management at
4 any point in time say, hey, it isn't just bad apples
5 in the barrel. We've got a real problem with the
6 * stats?

7 A. I would appreciate it if I could go
8 narrative on this.

9 Q. Go ahead.

10 A. I come back from Washington, Jenne wants
11 no part of Rudy, Mr. Gulliani. And now we're going
12 to go down to meet with the Herald. And again, it's
13 the identical group that met with the Sun-Sentinel;
14 the Sheriff --

15 * Q. Is this still February?

16 A. This is now, like, the first week in
17 March. Yeah, 'cause I haven't been back in town
18 long. I think I get back in town Monday or Tuesday
19 and this thing is, like, Wednesday.

20 Brennan, Carney, Stopnick, Wright and we
21 meet at the Cracker Barrel, next to the Herald office
22 down off of I-75. And I got out of hand. I was out
23 of hand because I said to the assembled party,
24 because they're all talking about the rotten apples
25 in the barrel, I said to the attendant, I said,

1 ~~*~~ Sheriff, you did all the talking, virtually all the
2 talking before the Sun-Sentinel. Other people need
3 to talk. This has to be a united front. And I said,
4 an Dan any write kneel need or guys they're sitting
5 on their hands. Everybody. I mean, I raised my
6 voice to the Sheriff. You got to take charge and get
7 these guys to back you up. Well, I got the, you
8 know, the boy are you stupid, aren't you, look.

9 And we went in there and it was
10 identical, a few rotten apples in the barrel. We're
11 on top of it. You can see the memo I wrote to the
12 Sheriff and the e-mail following that because I
13 stayed and talked to Wanda and Casey Frank, her
14 editor, and, you, know they were letting the Sheriff
15 kind of slide, but, I mean, my reading was, this
16 Sheriff was a pretty good guy, but stupid. These
17 cops were guilty as hell.

18 Q. Explain this to me, guilty as hell.

19 A. Downgrading. It was still downgrading.
20 Okay -- No. No. I stand corrected exceptional
21 clearances had come out because I remember there's in
22 there there's a memo to Tom Carney and it refers to
23 the papers, both papers in the weekend editions and
24 they've gone berserk over guys confessing to crimes,
25 false confessions.

1 Q. False confessions?

2 A. I remember I e-mailed Tom, these
3 articles are bad news. So now we're down at the
4 Herald and we're talking -- that's not talking not
5 only downgrading but exceptional clearances, but,
6 again, it's the same argument. It's just a few bad
7 apples, and that's why I got angry at the Cracker
8 Barrel. I'm listening to these guys and I don't
9 believe them. I don't believe Carney and Brennan. I
10 don't believe them.

11 Q. You don't believe what?

12 A. It's just a couple of rotten apples in
13 the barrel.

14 Q. Okay.

15 A. We go in there. We give it to spin. I
16 met with the Sheriff. I go meet with the Sheriff. I
17 go meet with him and I went there and said to the
18 Sheriff, I sat on all the meetings. I listened to
19 all these guys. I don't believe them.

20 Q. And you don't believe what?

21 A. I don't believe it was isolated. I
22 don't think they're telling the truth. And my
23 rational was, they are not offering me any proof
24 themselves that they know what's going on and that
25 they, indeed, can prove to me that this is, in fact,

1 a couple of bad apples in a large barrel. And I have
2 been sitting at all of these meetings with the media
3 and everything else. It's all, trust us. We're in
4 charge. We're the cops. We know what we're doing.
5 But there's no data. There's no data to back it up.
6 You know, show me the numbers. Show me the cases.
7 Show me that you have been, indeed, conducting an
8 investigation.

9 Q. Yeah, but did not the Sheriff have the
10 statistics that are so greatly out of line with the
11 other agencies throughout the county?

12 A. They're still saying this is Power
13 Track, we're amazing.

14 Q. We are cracker jacks?

15 A. We're cracker jacks. And I am now
16 saying, I don't believe it.

17 Q. So you go to the Sheriff and you tell
18 him that?

19 A. I go to the Sheriff, I don't believe
20 these guys. I think they're all lying to you.

21 Q. What does he say?

22 A. And I said, I would like you to let me
23 just act like a reporter. Give me a week. Let me go
24 see what I can find using data, using numbers that
25 would be reasonably available to me under the

1 Sunshine law.

2 Q. When you tell the sheriff you think
3 upper management people are lying, what does he say?

4 A. Nothing. I already told him I don't
5 believe them. I said to him, you know, I just don't
6 believe them. I think they're lying to you. He said
7 nothing, but that's, you know --

8 Q. Was anybody else at that meeting?

9 A. No. No.

10 Q. Okay.

11 A. They weren't.

12 Q. So you volunteered to go out and see
13 what you can dig up. What does he say to that? So
14 you did that? You go out?

15 A. Spent about a week.

16 Q. Who do you talk to, if anybody?

17 ~~Q~~ A. Montgomery, Tom Gray. I spent a lot of
18 time with Tom Gray and had gone over UCR data. I
19 talked to the gal who runs the 911 dispatch calls. I
20 talked to -- I don't talk to Carol. I don't trust
21 Carol.

22 Q. Carol?

23 A. John Carol.

24 Q. Why? That's the stat guy?

25 A. That's the stat guy. He's sitting on

1 his hands. He's never saying anything. In all of
2 these meetings he's just sitting there looking real
3 sincere and handsome, but -- you know, it's the guy
4 that I'm looking for who really shook me up.

5 Q. Where does he work?

6 A. He's with Power Track. He's with Power
7 Track, the sergeant. I loved him. He was the guy
8 who gave me the old Damascus routine. The scales
9 falling away from St. Paul's eye on the road from
10 Damascus. Here we go (indicating).

11 Q. Who's the sergeant and what does he tell
12 you?

13 A. Steinberg.

14 Q. Is this Lisa Steinberg?

15 A. No. It's a guy. He's wonderful. He's
16 in his 40s. He's been around. You remember Barney
17 what's his name?

18 Q. Barney Miller?

19 A. Right out of Barney Miller. He could
20 have been Eddy Bagody. His name is Steinberg. He's
21 a sergeant in Power Track.

22 Q. You go to see him and what does he tell
23 you?

24 A. I'm going in there. I'm cute, coy, and
25 everything. The sheriff, look, is sort of aware

1 there's a problem. He looks at me cross eyed. And
2 I'm telling him, tell me informally. He says, let me
3 show you something. He goes over to this machine and
4 he pulls it all up. And here's all of these stats on
5 exceptional clearances and the fact that in a lot of
6 districts there are more exceptional clearances than
7 the rest. I said, Jesus, how long have you been
8 keeping them? I've keeping them for a couple years.

9 ~~A~~ Q. And what's Steinberg's take? What does
10 he do with them?

11 ~~A~~ A. He said, nobody wants to hear about
12 this. I'm told don't do anything with this. I'm
13 sort of doing this on my own.

14 Q. Who does he work for?

15 A. He works for Montgomery. And Montgomery
16 works for at that time before the sheriff reorganized
17 things, worked for the Under Sheriff, worked for
18 Currie -- Carney.

19 Q. So these statistics that come as a great
20 surprise are there and Steinberg indicates what?

21 A. Indicates, as I told the Sheriff
22 subsequently -- I come back and I said, the
23 exceptional clearances are out of control. And I
24 said, you know -- you will see a memo which, I write
25 the Sheriff and I say, look, if I was an editor this

1 is what I'd do. Tell my reports to do yada yada.
2 That's basically what I did. It was real journalism,
3 one on one.

4 Q. You get these stats, you go back to see
5 the Sheriff?

6 ~~Q~~ A. I say look at this. Look at how we
7 compare to Fort Lauderdale, how we compare --

8 Q. This is all a mystery to the man?

9 ~~A~~ A. Well, he says they lied to me. They
10 have lied to me all along. *CONTRADICTIONS to PAVIA report*
3/19/05

11 Q. Now let me ask you --

12 A. I trusted them. I trusted Carney. They
13 lied to me and I don't know what to do about it.

14 Q. What does he perceive they are lying to
15 him about?

16 A. That this was a huge problem and that it
17 wasn't just a couple of rotten apples in the barrel.

18 Q. And let me ask you --

19 A. They kept a assuring me this was not a
20 huge problem and I believed them. I believed Carney.
21 I believed all of these guys and they've all lied to
22 me.

23 Q. Let me ask you a question just to be
24 devil's advocate. I've only been in the Sheriff's
25 company twice and he struck me as a savvy guy, pretty

1 smart guy. And he goes out and has a Power Point
2 presentation of how much but better the Sheriff's
3 Office is than any other law enforcement agency in
4 the country, that their clearance rate is 60 when
5 anybody else is 20, crime goes down and all of this.
6 I'm devil's advocating and then what in your view, if
7 you're telling me that up to the point you had that
8 conversation with him sometime in March, are you
9 telling me based on your long relationship with
10 Sheriff Jenne that that's the first time that it ever
11 dawned on him maybe these statistics are nonsense?

12 A. He says -- I remember him saying, John,
13 I'm the administrator. I delegated a lot of this. I
14 believed what they told me. And I said, well, this
15 is unbelievable. And I said, you got to do
16 something. There's memos in there, because
17 eventually I came back and I am now -- I'm looking at
18 all of these numbers and I'm sending him memos. And
19 you will see this one meeting I had in which I gave
20 him -- and this is all of my work product that you'll
21 see. I said, you got to do something.

22 Q. Well let me ask you this: So sometime
23 in March it dawns on him, the devil is due, it dawns
24 on him that he's been lied to and when it dawns on
25 him he's been lied to, does that include the fact

1 that his statistics that he's relying on are bogus?

2 A. Yes. He told me he -- yeah, this is
3 bogus. I don't trust them. I don't trust their
4 statistics. And they've lied to me.

5 Q. When that light goes on, does the
6 Sheriff recognize or does it dawn on him that quite
7 possibly the engine that's driving this is Power
8 Track?

9 A. No.

10 Q. And the reason I ask that is because the
11 media, basically, Mike Mayo wrote an article on it,
12 attributed the problems to Power Track and the
13 accusatory inquisitional approach to Power Track was
14 driving, was the motivation behind the false
15 indication of the records. Did it ever dawn on the
16 Sheriff that possibly there was something to that?

17 A. No.

18 Q. I guess my question is: The Sheriff --

19 A. Not to my knowledge.

20 Q. On your knowledge, based on
21 conversations you had with the Sheriff he has never
22 bought to the theory that Power Track was driving
23 this downgrading of crimes?

24 A. Absolutely not.

25 Q. Okay.

1 A. Never came up of after my meeting with
2 the Sheriff.

3 Q. And before in that regard you think the
4 sheriff was lying to you when he told you, gee, in
5 March of this year, gee, I've been lied to? Do you
6 think he was running a scam on you?

7 * A. Not then.

8 Q. You think he was telling you the truth?

9 A. At the time.

10 Q. At the time in March?

11 A. Yes.

12 Q. At some point in time has your view
13 changed?

14 A. Yeah.

15 Q. Okay. Let's talk about that. And what
16 we're talking about, you think the sheriff's lied to
17 you?

18 A. Let me explain it.

19 Q. Sure.

20 A. At my meeting with the Sheriff, he
21 decided that he was going to call all of his key
22 people in. There was going to be a retreat on
23 Saturday with his top people; carney, Brennan, Carol,
24 Montgomery, et al.

25 Q. Who else Stopnick?

1 A. Stopnick. I was to be there.

2 Q. Who else?

3 A. It was going to be a Jesus meeting.

4 Q. What about his in-house legal counsel.

5 A. Kissland, I don't remember whether she
6 was. She would be at some of the meetings. I don't
7 think she was part of this Saturday meeting. And I
8 was to come and Stopnick was going to come.

9 Q. Any outside counsel there?

10 A. No. I know Jon Sale was trying to be
11 outside counsel, but was calling me a lot trying to
12 figure out why the Sheriff wasn't returning his
13 calls. And I couldn't understand it 'cause Jon,
14 really Jon was convinced it was a couple of rotten
15 apples.

16 Q. We're now at the Saturday sit down and
17 this is still in March?

18 A. I'm supposed to go to the Saturday sit
19 down. All of a sudden at the last minute I get a
20 call from Alicia, the sheriff doesn't need you at
21 this sit down. He wants to run the show and jokingly
22 he's going to set it all up. He wants to be in
23 control and you're a loose Cannon, ha ha.

24 Q. So you're not there?

25 A. Ha ha. So I don't go. Nothing happens.

1 Nothing happens.

2 Q. Did you hear what went on?

3 A. No.

4 Q. You have no idea what went on?

5 A. No idea what went on. All I know is I'm
6 calling him and he's not calling me back. The media
7 is on top of this thing. And what bothers me now is
8 that based on the way he suddenly shut me out --

9 Q. Which is in March?

10 A. You know, after I think we have this
11 lied to me meeting in March -- after we have this he
12 lied to me meeting and let's get together and I need
13 your help in dealing with this, all of sudden the
14 door is slammed. That's when I began to go, wait a
15 second, I'm his trusted advisor, you know. What's
16 happening here? So you now I said to Jon, here's my
17 problem, Sale -- because we're talking regular. I'm
18 beginning to think he's bull shitting me. And I
19 said, I know he's not, but if I think he's bull
20 shitting me as a journalist, this is a problem. Jon
21 says, well, one of the reasons he's paying you what
22 he pays you is for your honest assessment of things.

23 When I worked with Bob Butterworth,
24 Attorney General, he and I could have a screaming
25 match. That's overly dramatic. We spoke times at in

1 very loud voices because it was my function to be the
2 fresh eyes outside the culture, outside the eyes that
3 didn't think like a lawyer, eyes that whatever -- and
4 that was part of my roll with Jenne. Jenne all of a
5 sudden slammed the door on me, slammed it on Jon, who
6 had been very close in the loop. And we're thinking,
7 what the hell is going on?

8 Q. Did you ever get back in the inner
9 circle?

10 A. Let me continue.

11 Q. Go ahead.

12 A. I call Billy Rubin. He's a lobbyist and
13 he's a very close advisor and associates to the
14 Sheriff and has been for years. And I say, Billy, I
15 got a problem. I don't beleive the Sheriff anymore
16 as a journalist. I think, what do I do. I don't
17 believe what he's saying. Billy, I think he's
18 telling me the truth, but based on everything I know
19 as I journalist, I don't believe him. I believe him
20 but I don't believe him; do you understand the point
21 I'm making?

22 Q. I guess.

23 A. And I said, what do I do? I got an
24 obligation. He said, you got to tell him. I got
25 hold of Alicia to talk to the Sheriff Ken. I got to

1 tell you this as a journalist, as your friend. Based
2 on all the information I've been able to pull
3 together and observe, I don't believe you. I think
4 you had to know and he said, John, honest to god I
5 didn't know. You have my word.

6 Q. This is when?

7 A. This would have been early April. I
8 said, we've got to do something. I said, you've got
9 to have a second act. We have a meeting. Cheryl
10 Stopnick is in the meeting. Tom Brennan. I'm not
11 talking in front of them the way I talk to Ken, but I
12 said, you have a huge credibility -- if I don't
13 believe you, Currie stepped out, and I'm your friend,
14 I believe, but I'm having trouble believing you, if
15 you follow. You got a real credibility problem.
16 Then I go into this memo. I call it the six stool
17 memo. That's this (indicating).

18 Q. The six legs.

19 A. The six legs. And I work off of this in
20 my meeting with him and with Stopnick, Brennan,
21 Carney -- Carney is not there. Carney is not at this
22 meeting. Carney is absent. Brennan, Stopnick is
23 there. I think Kissland was there. That's the
24 meeting Brennan's, like, what do we do? I'm saying,
25 this thing ain't working. And so Brennan suggests,

1 let's blame Mike Satz.

2 Q. Who suggests it?

3 A. Brennan.

4 Q. Let me talk about that. What is this
5 Brennan says, let's try to blame Mike Satz?

6 A. Well, that's my city editor
7 paraphrasing. He doesn't say, let's try, but he
8 notes --

9 Q. What does that mean? Let's talk about
10 that?

11 A. Early on in some of the meetings they
12 said this. I thought it was really -- I'm sorry.

13 Q. That's all right.

14 A. Some people early on had written Satz
15 saying, we want you to sign off on all downgrades and
16 Satz refused. So that's why we have this problem.

17 Q. I see.

18 A. 'Cause Satz' people. I'm going, let's
19 get real. Who would hire a whole staff just to
20 review the cases to find out whether they needed to
21 be downgraded or not. Bull shit. But they had the
22 letter, the Kernel had this letter. Here's the
23 letter we wrote Satz' office and they wouldn't
24 cooperate with this and they wouldn't so now he
25 expands it. He wants to drag the exceptional

1 clearances. Well, you know, it says we tried to get
2 Satz when we weren't sure about these exception
3 clearances. We asked Mike and he refused and this
4 and that. I said, to Brennan, honest to god, that's
5 the dumbest god dam thing. I told him, that's bull
6 shit. Stopnick is in there, Carol is in there, the
7 Sheriff is in there, Montgomery is in there. I'm
8 talking to Brennan this way, plus I said, number one,
9 Tom, I don't believe you anymore. I don't believe
10 that you were so stupid as to believe all of this
11 crap. I don't believe any of you guys and
12 something's got to happen. And so it was agreed that
13 the Sheriff would have a roll call meeting. He would
14 read a statement and at roll call and that he was
15 going to take charge. That it was out of control.
16 All that is the stuff for the Sheriff. It out of
17 control and so it was agreed that I would write the
18 sheriff's statement at roll call, which was to be --
19 the idea was that was going to be the second act, the
20 roll call. And then we would make a copy of the tape
21 available.

22 Q. Was this the corrective action that was
23 going to be taken?

24 A. In other words, if you read in between
25 the lines; yeah. If you read in between the lines of

1 the statement I wrote for the Sheriff at roll call,
2 the message was, I didn't know what's going on. I
3 know what's going on now and it's going to stop. And
4 I'm going to find out who the guilt parties are.
5 That was the intent of my statement for the Sheriff.

6 Q. Okay. So the pitch changed from it's a
7 couple of rotten apples to, hey, we have a problem,
8 we're going to address it internally and it's going
9 to stop?

10 A. And it's going to stop. So I write the
11 thing. I send it in. I get a call back -- because
12 now the Sheriff's not talking to me -- from Todd
13 Wilder, who's his political advisor.

14 Q. Todd Wilder?

15 A. He handles government liaison for the
16 Sheriff. And Todd says, the Sheriff decided to hold
17 a press conference and we're working on another
18 statement, but he said that he appreciated everything
19 you did and yada yada, but we're going to do a press
20 conference. And I said, well, what about all of the
21 stats, because in my prepared talk for the Sheriff
22 what we did was videotape it and they show it as
23 video for the various shifts. Okay. And I said,
24 let's do Power Point on these things to show the
25 troops how bad this was and that, you know, how bad

1 this is and it's got to stop because the very
2 fundamental credibility of the Broward Sheriff's
3 Office is at stake.

4 Q. While all of this is going on, did
5 anybody ever opine as to what caused this situation
6 to develop, which is outlandish statistical data?
7 Did anybody ever come to the conclusion, any
8 conclusions as to what brought this about?

9 A. No.

10 * Q. No?

11 A. Other than implied in my conversation
12 with the Sheriff, the implication was maybe some of
13 these guys out in the district were doing this to
14 make themselves look good and the horrible thing is
15 that Carney and all of these guys went along with
16 this and lied.

17 Q. Was it ever suggested by anybody the
18 reason that this went on and why it was tolerated was
19 to make the agency look better in its effort to take
20 over these other agencies?

21 A. I asked that a couple of times and I
22 said, you know, why would you do this?

23 Q. Who are you asking?

24 A. The Sheriff. And I said, why would you?
25 I said, because, Jesus Christ, if you run your arrest

1 numbers, they get better. So why in god's name would
2 these guys fudge the exceptional clearance thing. I
3 says, the only answer I can is the thing --

4 Q. Is what?

5 A. Contract cities.

6 Q. What does the sheriff say about that?

7 A. I said, look at what happened in Oakland
8 Park and Pompano Beach. I said, honest to god,
9 Sheriff, this is right out of lureds (phonetic), the
10 change in the numbers. You look at these numbers,
11 you go outside to look on for guys on camels.

12 Q. What does the sheriff say?

13 * A. They lied to me. We never ever used
14 clearance rates to promote ourselves to other cities.

15 Q. Who said that?

16 A. The Sheriff. We never did that. And
17 I'm going -- Now I'm --

18 Q. The Sheriff said, we never used
19 clearance rate figures in an effort to sell the City
20 on the take over by the Sheriff?

21 A. That's what he told me.

22 Q. Would you --

23 A. Now, my shorts are not getting stained,
24 but I know in the Lauderhill thing I helped spin that
25 thing and a major portion of that whole presentation,

1 that Carol had originally put together, was clearance
2 rates. And then when I helped -- going back to when
3 they presented the Pompano Beach thing when I was
4 there the first time, because I rewrote their whole
5 proposal 'cause Carol is really good with numbers but
6 --

7 Q. Stopnick?

8 A. No. No. Carol.

9 Q. John Carol?

10 A. This was back when Susan Silver was
11 working for him. That was Hanlon. This was in '98
12 and when they're pitching Pompano Beach and it was in
13 May, June he gave me -- the Sheriff gave me Carol's
14 proposal to Pompano Beach, which was a nightmare. I
15 mean, the data was fascinating, but it was, you know,
16 -- cause it was a document that was supposed to be
17 read by the city commissioner's. I said to these
18 guys, this is something for a PHD to read.

19 ★ Q. But it's not true. The clearance rate
20 and the ability of the Sheriff to have lower crime is
21 a big part of their sales pitch?

22 A. Absolutely.

23 Q. Let me ask you this: Going through some
24 of the material you were compelled to give to us
25 pursuant subpoena duces tecum --

1 A. Which at that time I sought my own
2 counsel.

3 Q. Let me ask you this: We got son
4 documents here, overall analysis of data. And it's a
5 two-page thing here, overall analysis of data,
6 numbers are being cooked as far back as 1995?

7 A. Uh-huh.

8 Q. Who authored this?

9 A. I wrote that.

10 Q. In number two, what is the new system
11 referring to?

12 A. The new system is tinkering with Power
13 Track's software so that it will automatically
14 kickback any downgrading.

15 Q. New system is producing shocking data?

16 A. That's right. It was.

17 Q. Next in question is the Steinberg study,
18 what is that all about?

19 A. Steinberg, as you remember, was by Power
20 Track's Sergeant. When I'm pulling my numbers
21 together -- and, candidly, I'm pretty stupid. I
22 mean, I knew the different UCR one and UCR two and
23 that sort of thing, but I'm just learning about
24 exceptional clearance and what that is.

25 Q. From reading this and from talking to

1 you --

2 A. So I'm talking about Steinberg.

3 Q. Apparently Steinberg is at the sergeant
4 level, is aware the numbers are outlandish, but yet
5 nobody ever acknowledges in your presence that they
6 were aware that the numbers are outlandish?

7 A. That's correct.

8 Q. Even though at some point in time you
9 get the impression that even possibly the Sheriff
10 must have realized the numbers were no good, nobody
11 acknowledges above Steinberg to you?

12 A. Absolutely not.

13 Q. Nobody, say, for Steinberg, ever
14 acknowledged they realized the numbers were bogus?

15 A. That's not correct. Carney.

16 Q. At what point in time -- let's talk
17 about that. At what point in time do you have a
18 conversation with Carney? And that's Kernel Carney?

19 A. Kernel Tom Carney. That would have been
20 in early July.

21 Q. Of this year?

22 A. Uh-huh.

23 Q. Okay. Tell me about that?

24 A. After the roll call speech I was out of
25 the loop. I continued to go into the mental health

1 effort and preparing for a town hall meeting at the
2 sheriff's offices to deal with a subject of chronic
3 acute mentally ill people in Broward County, how they
4 keep getting arrested. I was working with the
5 Broward County Medical Association and the Broward
6 County Mental Health Association and District 10
7 Department of Children and Families.

8 At that meeting the Sheriff asked me to
9 speak or he had Alicia ask me to speak and this was
10 before I went into purgatory, as it were. I was
11 asked to help organize this thing and asked to speak
12 at the meeting. As part of the talk I presented -- I
13 had a graphic presentation on the back of the meeting
14 room with mug shots and the total numbers of arrests
15 for a number of people who had been confined in Unit
16 12, which is in the mental health facility for the
17 really mentally ill up in the jail. I mean, these
18 are people whom had been arrested eight, nine, seven
19 times in one year.

20 These were people who were going to,
21 based on the Florida legislature, passing the five
22 misdemeanors and you go mandatory six months in jail
23 or you go mandatory sentenced to a community
24 treatment program. These were all candidates. They
25 were crashing people. I was able to identify from

1 records that were easily accessible to anybody under
2 the Sunshine law, because where I have been confined,
3 my confinement status is public record.

4 Q. We're talking about a conversation that
5 you had with the Kernel?

6 A. I'm going somewhere. Hang in there.

7 Q. I'm with you.

8 A. I understand, but it's -- I've never
9 been accused of underwriting when I was a, journalist
10 but I think context is important here.

11 Q. Go ahead.

12 A. I get a call the following day from
13 Kernel Wimberly (phonetic), very, very concerned.

14 Q. What's his first name?

15 A. I don't remember.

16 Q. What does he do for a living?

17 A. He runs the Department of Detention and
18 the Department of Community Control, Wimberly. It
19 will come to me at some point.

20 Q. You get a call from him?

21 A. And he said you have to check with
22 Kissland, the Sheriff's attorney. I don't think you
23 should have had those things up. I said, hey, I know
24 the Sunshine law. I used to teach it as a
25 journalist. Everything that -- all of this data any

1 journeyman reporter could have put together.

2 Q. Well, you have to check with Kissland?

3 A. Right, Kissland. I've been instructed.
4 Yada. Yada. My experience is a good lawyer can find
5 ways for to you do something and an average lawyer
6 will just tell you no. And I learned that at the AGs
7 office. Good lawyers can find precedent to justify
8 just about anything, I said, plus, you know, she
9 writes, you need to meet with me, and why would you
10 say that there's a bunch of fear. Wimberly is
11 obviously on the phone scared I don't know what he's
12 scared about. I said, because there is a problem
13 with fear in there. I said everybody I go into this
14 memo and I say, I've sat in meeting after meeting in
15 which the whole thrust of the meeting is, don't let
16 the Sheriff know. Yada. Yada. You want to know
17 people afraid people like Major Barker and Lieutenant
18 Defenbarker and yada. Yada. The next thing I know I
19 get a call from Carney, John, that memo to Kissland
20 the Sheriff is wild. He's ready to fire you. Come
21 see me. Maybe I can save your job. So I go to
22 Carney and Carney says, look, the Sheriff's ready to
23 fire you over this memo to the attorney and
24 everything. I want to help you and yada yada.

25 I said to, Tom, this is bull shit.

1 What's going on here? You can't help me. The
2 Sheriff doesn't trust you. What are you handling his
3 ship for? Why isn't he talking to me. The Sheriff
4 asked me to talk. If he has a problem with me, why
5 didn't he talk to me? He delegated to me. I said,
6 Tom, that doesn't make any god damn sense, number
7 one. He's convinced you, Brennan and the whole group
8 lied to him and you are responsible so why would you
9 he delegate this to you. This is bull shit. And he
10 said, well, you don't understand law enforcement.
11 You're not a cop and everything. As a matter of
12 fact, he even talked about you. I told Hanlon 'cause
13 he's not a cop -- I didn't know then that you had
14 * been a cop -- because Hanlon doesn't understand. I
15 told Hanlon, those guys over there, everybody fudges
16 their numbers, everybody does it, and we're no
17 different than anybody else. I told the Sheriff
18 that.

19 So now I'm here to talking to you about
20 saving your job because the Sheriff is furious about
21 you writing this. He said, what happens if the media
22 and Mike Mayo got this. From the stand point of the
23 culture of fear Mike's right. We had a reel
24 discussion.

25 Well, the upshot is I go home. I don't

1 know whether I have job or not. This is all
2 documented in there. And then finally after about a
3 week I am told that I will work for Kernel Rick Fry,
4 who is in charge of the jails, but in the interim --
5 I know because I talked to Wimberly about it and I
6 talked to Fry -- this is bull shit because I went to
7 the Sheriff and blew the whistle on Chris Goullock
8 (phonetic), about her sexually harassing Lieutenant
9 Defenbaker, her executive officer and Kissland and
10 Goullock are best buddies and Wimberly. No one was
11 there at that town hall meeting from detention. The
12 only people who were there were Goullock's people and
13 they called Wimberly and complained about it, and
14 went to Kissland and so now people were just trying
15 to twist my shorts. And so I wrote memos and said,
16 screw you. My shorts will not be twisted by
17 Wimberly, Kissland and Goullock. That was also part
18 of my conversation with Carney. I've had identical
19 conversations with Fry and I talked to Fry and I said
20 here's a question: I don't know whether to quit,
21 have the sheriff fire my ass, or whether to work with
22 you. I said, I'm trying to figure out whether I can
23 trust you because this thing with mental illness is a
24 huge problem and I think the timing is right
25 politically to do something about it because of the

1 Florida legislature mandating this important stuff.

2 Q. Did Brennan --

3 A. The Satz people don't give a shit about
4 mentally ill. They book them down, but --

5 * Q. Let me stop you for a second. Brennan
6 says, hey, Hanlon is not a cop and doesn't understand
7 and everybody fudges the numbers and he told the
8 Sheriff, I mean, that's the way it is? Did he ever
9 indicate to you at what point in time he told the
10 Sheriff?

11 A. No.

12 Q. Now, going back to this document here,
13 which this document I read from earlier, you prepared
14 about numbers being cooked as far as back at '95 and
15 whatever. It seems to be very well documented here
16 on Page 2 it says Pompano data trans most damaging as
17 a smoking gun. Is that because of the change in
18 clearance rates from the time it was Pompano Beach to
19 when the Sheriff took over?

20 A. Yeah.

21 Q. Then it says these are excellent
22 questions, exceptional clearances as part of the BSO
23 culture, who knew what, when? This document is part
24 and parcel and was prepared by you for whom?

25 A. The Sheriff.

1 Q. Did he read it?

2 A. Yes. I'm assuming.

3 * Q. Let me ask you this: Did you have any
4 discussions with the Sheriff relative to this,
5 contents on this two-page document, numbers are being
6 cooked as far as back at 1995? Did you tell the
7 sheriff that?

8 A. Yeah.

9 Q. In person?

10 A. Absolutely. This is what led to the
11 plans for a roll call when act two, as it were, when
12 I said, you have got to do something dramatic to
13 show, to imply. He could never say that, you know,
14 I'm real stupid.

15 Q. The Sheriff could never say that?

16 A. No. So we had to do something dramatic,
17 so by his words and his actions, saying I didn't
18 know, now I know. I am shocked, outraged, horrified,
19 I am talking heads will roll.

20 Q. Let me ask you a question --

21 A. That was the intent of the roll call;
22 okay? And it was the intent of the Saturday meeting.

23 Q. Let me just act as a devil's advocate.
24 Just to be a sceptic; okay? If one was to sit here
25 and read, these numbers were being cooked back as far

1 as '95, we have got downgrading of crime, the Pompano
2 data, a sceptic might come back and say that's it's
3 impossible for that man at the head of the agency to
4 not know? Do you actually believe that the man, the
5 head of that agency did not know that the statistics
6 were bogus.

7 A. I already went on about that. That's
8 why I called Billy. That's what I talked to Jon Sale
9 about. That's why we asked for meeting with the
10 Sheriff in which I said, I don't believe you.

11 Q. Okay.

12 * A. No. He had to know.

13 Q. Why do you think, if you know, that it
14 persisted or that he didn't take corrective action
15 prior to the media getting a hold of it and the
16 initiation of our investigation, why was it not
17 corrected, if you know?

18 A. I don't know. I have opinions.

19 Q. What is your opinion? Why do you think
20 this persisted and nothing was done until it hit our
21 office and the media picked it up?

22 A. It's an opinion. It's not based on
23 fact. It's an opinion.

24 Q. Because these figures are utilized by
25 the various cities and that they will be better off

1 with the Sheriff's department?

2 A. Of course.

3 Q. Could it be some tie in, if you know,
4 between these statistics and the grant program that
5 exists with the Sheriff's Office?

6 A. No, I don't know that. It was something
7 I wanted to look at, but, you know, then I went to
8 Coventry.

9 Q. Has the Sheriff ever acknowledged to you
10 that those statistics are utilized for pitching the
11 City?

12 A. No, that was the irony because I said, a
13 reasonable person -- these statistics -- what's so
14 scary is these statistics here, they were part of how
15 BSO got Pompano. They were in that. When you asked
16 for my work product related to this, that's why I
17 included Lauderhill. If you examine Lauderhill,
18 especially the way we reworked for Power Track
19 purposes, as a sales presentation, if you will, it's
20 got all the clearance rates there. But they are
21 clearance rates. They are not broken down into the
22 exceptional clearance or arrest. But being dumb as a
23 stump at that time I didn't know a clearance was a
24 clearance. I didn't know the difference between
25 exceptional clearance and arrest when I did the

1 Lauderhill report. I really didn't. Clearance was
2 clearance to me.

3 BY MR. DONNELLY:

4 Q. After this broke in February, the
5 clearance rates started going down and the crimes
6 going up. And who put out the spin that it was
7 because the deputies were afraid to report the crime
8 accurately?

9 A. Well, it certainly wasn't BSO. That
10 would have been the media.

11 MR. HANLON: Stopnick's been quoted.

12 THE WITNESS: Well, it certainly wasn't
13 in any of the meetings. The bad apples were,
14 you know, some Sergeants were trying to look
15 good. My problem with the fear, specifically,
16 is when I got called on the carpet for what we
17 call the Kissland memo, the reason Carney told
18 me that the Sheriff had gone ballistic was
19 — because I talked about a culture of fear.

20 MR. DONNELLY: You used an acronym in
21 that memo, W-D-D-C-C, something like that when
22 you were talking about fear?

23 BY MR. HANLON:

24 Q. Is this memo you're talking about dated
25 June 29th, 2004?

1 A. You're talking about the CYA?

2 W-W-T-S-S, what would the sheriff say. Yeah, that's
3 what I wrote. That's what I believe. That's what I
4 experienced. It was always the culture and this was
5 the irony. The culture was there was always a fear
6 of the Sheriff, what would he say. I'm talking about
7 all the way up. We don't want the sheriff to be
8 upset. Let's not upset him. The irony was my own
9 personal dealings concerning exceptional clearances
10 and that whole issue, I never found him -- and that's
11 irony to be a guy who would be upset by me going in
12 to him and saying, Ken, I think there's problem a
13 here. I think somebody is off base. The Defenbonker
14 situation, for example, I went to him and he said
15 this is wrong, yada, yada. What really bothered me
16 was Defenbonker had -- I'm not a lawyer but, boy, did
17 he have a sexual harassment suit. He didn't want to
18 do anything. He didn't want to make waves. That's
19 why he came to me. So they put him up in the North
20 Broward Facility and took his car and took away
21 everything. I mean, you didn't shit on your friends
22 and, boy, they shat on him. There was a combination
23 of things, which is when I really began to think, you
24 know, I was seeing things the way I wanted to see
25 them, as opposed to the way they were.

1 Q. Just for the record, there's a series of
2 mail from June 25, 28 and 29 bearing upon the
3 situation at the jail and disclosures and e-mails
4 back and forth between yourself and Kissland?

5 A. Yeah.

6 Q. So the as Mr. Donnelly asked you, who
7 put the spin on the business of --

8 BY MR. DONNELLY:

9 Q. What I'm Referring to is the Sheriff's
10 Office, when this first broke in February the
11 clearance was 60 percent, the crime rate was down
12 each month. The clearance then decreased and the
13 crime rate went up and someone from the Sheriff's
14 Office was putting out the spin, as I would gather,
15 that deputies were afraid of the exceptionally
16 clearance cases now because of this investigation and
17 what the media was printing; do you have any
18 information regarding that?

19 A. I never took part in any meetings where
20 spin was discussed, where that was offered as a
21 rational. I don't remember that because I remember
22 it in the paper, but I thought why were they getting
23 paid the salaries they were getting paid, if these
24 guys are frightened so that's why we didn't know. So
25 I never -- I never took that spin seriously. I

1 always thought it was bull shit. And I mean --

2 BY MR. HANLON:

3 Q. So the answer is: YOU don't know?

4 A. I don't know.

5 Q. The early spin was?

6 A. It's always rotten apples in the barrel.

7 Q. Let me throw something here, the early
8 spin Mr. Donnelly is referring to you, that appeared
9 in the media, was the reason that the crime rate has
10 gone up is that these experienced deputies are afraid
11 to use their discretion and are now recording the
12 particular crime at a higher rate than they would
13 ordinarily. In other words, there was nothing wrong
14 with the way they were doing it before, but now since
15 the investigations ongoing and the media has picked
16 it up, they're now up for ADUs, afraid to use their
17 good judgment? The answer is you don't know who came
18 up with that?

19 A. No. It certainly raises a question with
20 what the manager and administrators were doing all
21 this time for their salaries.

22 MR. HANLON do you have another question?

23 MR. DONNALLY: No.

24 BY MS. CAMACHO:

25 * Q. You said you met with Kernel Carney. I

1 didn't get the month you met him, where he admitted
2 to you that everybody fudges numbers?

3 A. Yes.

4 Q. So clearly do you remember when that was
5 that you had that meeting with him?

6 * A. Yes, it was in July of --

7 Q. Of 2004?

8 A. Yeah. That was the let's call it the
9 John get's called on carpet for writing a memo about
10 the culture of fear and you may be fired.

11 Q. So he admits it?

12 A. Yes.

13 * Q. Admits those Broward Sheriff's Office
14 numbers have been fudged?

15 A. That's correct.

16 Q. He also make's a statement to you that
17 the Sheriff is also aware of that?

18 A. That's correct. And said that he told
19 John Hanlon, everybody does this. Why is it a big
20 deal?

21 Q. The other question I have, earlier when
22 we were talking about 1999, I didn't get the name of
23 the individual that came from work and looked at the
24 master clearance and said you need to look at your
25 master clearances; is that correct?

1 A. That's correct.

2 Q. Then the numbers went down and
3 eventually they started going back up again; am I
4 right?

5 A. That's correct.

6 Q. Did he tell them what it was they were
7 doing to the master clearances? Did they get
8 specific as to what they needed to do, master
9 clearances.

10 A. Exceptional clearances.

11 Q. Exceptional clearances.

12 A. The way the Sheriff recounted it to me
13 was that this guy told the sheriff you might want to
14 take a look at your exceptional clearances,
15 everything else in the program is working well. The
16 sheriff passed that on. And I remember the
17 conversation. I remember the conversation because
18 earlier when I was with the Sheriff's Office in '98,
19 I had been told about downgrading stolen license
20 plates at the airport and that they were being
21 downgraded. That it was real problem in Power Track.
22 And all of a sudden they started getting downgraded
23 to lost tags. And I'm talking to the Sheriff about
24 that talk and we corrected that. This was in our
25 early February discussions and he also volunteered

1 subsequently about, yeah, this guy also raised the
2 question about the exceptional clearances and he said
3 I understand that what he was saying I'm not going to
4 drop a dime on my brother cops. You need to look at
5 this because they're being generous and I issued
6 orders. And, no, I was not aware that they crept up
7 the way they have and I remember that is being
8 substantively what I said. And I'm not quoting him
9 directly, but that's the substance of the
10 conversation.

11 Q. Did you ever find out why you kept
12 talking about the Sheriff and offering to bring
13 somebody from the outside to give credibility to what
14 they're saying, did you ever find out why he wouldn't
15 bring anybody outside? Did you have a conversation
16 with him or Carney about that?

17 A. I never talked to Carney about that.
18 Jon Sale talked to the Sheriff and Carney about
19 bringing Gulliani in or somebody else, I only talked
20 to the Sheriff about it and it was, I did ask him why
21 he didn't want Gulliani to come in.

22 Q. Or anybody from outside, correct?

23 A. He said, I need to bring somebody in. I
24 want him to be someone I know. I said, but Gulliani
25 is ready to go to bat for you. He said, no. Of

1 course, then after the April press conference and he
2 announced that he was bringing in Jim Smith and, I
3 think, the Feds and, of course, the FDLE had already
4 kept telling me, the FDLE had already cleared him on
5 the Melrose Park stats they had given him. I said,
6 is any of this in writing? Can we put together
7 something for the media. And as late as June -- was
8 it July? No. It had to have been June. June, when
9 I was working on the mental health thing -- I was
10 still saying, show me the data. Show me numbers.

11 BY MR. HANLON:

12 Q. Does the Sheriff ever acknowledge that
13 the FDLE review of the UCR really didn't create a
14 downgrading of crimes problem? Because if you
15 downgrade the crime, a report never goes to UCR, so
16 when you come down and look at UCR you never see the
17 downgraded crimes. Did he ever realize or did he
18 ever indicate to you in any way, shape, or form that
19 he realized the UCR analysis never addressed the
20 downgrading crimes problem?

21 A. No.

22 Q. Because it didn't.

23 A. I'm just saying, no. FDLE gave a clean
24 bill of health.

25 Q. Is never dawned on the Sheriff that the

1 FDLE review, in other words, it was released to the
2 media, we've looked -- FDLE has looked at downgrading
3 of crimes, the UCR problem, and found no problem.
4 Was it was never acknowledged over there that really
5 the FDLE review never really looked at downgrading,
6 the downgrading of crimes never went to the UCR,
7 nobody ever acknowledged that was a wasted effort?

8 A. No.

9 BY MR. GOOTMAN:

10 Q. You didn't understand or focus on the
11 difference between exceptional clearance and the
12 clearance by arrest?

13 A. Yes. Absolutely. I mean, that was the
14 case with the Lauderhill.

15 Q. I guess now you do understand the
16 difference?

17 A. I'm afraid I do.

18 Q. You're afraid you do. In all of your
19 conversation with the Sheriff did you feel that he
20 understood what an exceptional clearance was? Did he
21 understand what that was as opposed to a clearance by
22 arrest?

23 A. The reason I took awhile to answer that
24 question is because, you know, in January the
25 discussions we had moving into very early February

1 involved downgrading. And it was all downgrading,
2 all downgrading. Then after the papers came out with
3 the exceptional clearance, all of a sudden the
4 conversation shifted from downgrading. In fact, we
5 didn't talk spin on downgrading anymore. It was all
6 about exceptional clearances. He seemed to know
7 precisely what an exceptional clearance was, and,
8 yeah, I would say that.

9 Q. Did you ever discuss with him so he
10 understand what an exceptional clearance was. Did it
11 seem to you based on your discussions with him that
12 he also understood what the issue with the
13 exceptional clearances were? I mean, what did he
14 perceive was the flaw or what the mistake was? What
15 was it that his troops were doing with the
16 exceptional clearances that was inappropriate, wrong?
17 Did he ever discuss with you or indicate any
18 knowledge that he understood what they were doing
19 with the exceptional clearances?

20 A. Well, you have to understand that for a
21 good bit of the time the dynamics of my meetings with
22 him were the media are the bad guys, we're the good
23 guys. We are being martered or smeared because of
24 the actions of a few rotten apples in the barrel.
25 And then you have to understand that we had a very

1 open type of communication. Very candid. Then when
2 I came back to him following my week of looking at
3 the numbers and said basically that this thing is out
4 of control the books are cooked, people had to know.
5 This just passes any level of -- I mean, you just --
6 it's inexcusable comparing it to other agencies.

7 Q. And in reference to the clearance rate?

8 A. Yes, from then on our relationship
9 became very formal. And I think I told you after the
10 meeting, which we will call the come to Jesus
11 meeting, which resulted in the decision to have a,
12 I'm taking charge, this is our house -- this is our
13 house, you know, cops they like that and generals
14 would like it to. But this our house and our
15 reputation has been smeared, you know, after that.
16 And when they decided to go with a formal press
17 conference, no stats. I said, let's put stats in and
18 make this part of the presentation. The end game
19 being, let's show the media that, you know, that you
20 have a handle. See, my argument with him, as was in
21 all our meetings, you're not showing the media what
22 you know because you know 'cause here it is, look
23 what I found. And it's here.

24 BY MR. HANLON:

25 Q. Let me ask you. Let me stop you for a

1 second. Do you believe at this point in time that
2 the Sheriff and his upper management realized they
3 have a systemic problem across the entire agency with
4 bogus case clearances and false confessions and
5 downgrading of crimes? At this point does the
6 Sheriff realize he's got a agency-wide problem and
7 it's not just a couple of bad apples in the barrel?

8 A. Is this a question in retrospect,
9 looking back?

10 Q. At this point in time.

11 A. Right now as of August?

12 Q. As of today.

13 A. As of today.

14 Q. Do you think they realized over there
15 they got an agency-wide problem?

16 A. Absolutely. As of today did they
17 realize? Absolutely.

18 BY MR. GUTTMAN:

19 Q. You say of as of today they realize, so
20 is that to say that six months ago whatever year ago,
21 Mr. Carney or Mr. Jenne or whoever didn't realize
22 that their exceptional clearance or their clearance
23 rate was three times what the nearest competitor was?

24 A. Well, that's a tougher question, because
25 you're asking me to comment on what somebody knew or

1 didn't know.

2 Q. I think you've already answered. Tom
3 Carney, didn't you say that he told you everybody did
4 it, we do it, everybody does it?

5 A. Yes. That's what I was going to say.
6 In retrospect, looking back, number one, there's
7 Carney's conversation. But to the point is the
8 Sheriff is one of the most brilliant people I've
9 known in public office in my 40 years as a
10 journalist. It's one of the things that attracted me
11 to him and Butterworth to begin, that they were so
12 intelligent. I cannot today believe that he was so
13 stupid that he didn't know what was going on. And
14 that's basically what I told him.

15 Q. I'm sorry. Repeat that. That's
16 basically what?

17 A. That's basically what I told him. I
18 said, Ken, I just can't believe -- I've known you for
19 years as your friend, as a journalist, I can't
20 believe you didn't know. He looked me right in the
21 eye, he said, I didn't know they lied to me.

22 BY MR. HANLON:

23 Q. And nobody has ever suggested in your
24 presence as to what the root cause or what
25 precipitated this problem? Nobody has ever

1 suggested, gee, where did we go wrong? Did we do
2 anything to encourage this? Nobody ever suggested
3 any root cause of it?

4 A. Kernel Fry told me subsequently, this
5 would have been in the last week or so, some of our
6 conversations about my concerns with the mentally ill
7 and my effort to do something about them, and that it
8 was a system that the department had inherited from
9 Navarro.

10 Q. And what are we talking about, Power
11 Track?

12 A. Not exceptional clearances and the
13 downgrading, but basically the exceptional clearances
14 they had inherited from Navarro. And it was just
15 part of the culture of the BSO. But I've known him
16 for a long time. I don't know.

17 BY MR. DONNELLY:

18 Q. Did we cover everything you wanted to
19 tell us.

20 A. I'm not sure that I wanted to tell you
21 anything.

22 Q. Poorly phrased question.

23 A. I think that you actually subpoenaed me.
24 I wanted to tell you the truth. And so far I think
25 in my desire to tell the truth, I've told you all the

1 truth so, yeah, from that standpoint I have wanted to
2 tell you the truth so, yes, I've certainly told you
3 the truth.

4 BY MR. HANLON:

5 * Q. Has anybody ever suggested to you that
6 this problem, the detective that goes out and
7 attributes confessions to a guy who couldn't possibly
8 have committed the crimes, that this problem stops at
9 the sergeant level?

10 A. That the sergeants were responsible for
11 it?

12 Q. Yes. That it stops there?

13 A. That was one of my reasons for going to
14 the Sheriff saying, I don't believe these guys. I
15 can't believe -- I know Brennan. I know Carney.
16 These guys are control freaks. And now they're
17 sitting in rooms with you and the media saying the
18 sergeants didn't tell us the truth. I'm going, that
19 says a lot about Power Track. It's all about
20 accountability and it says a lot about their
21 abilities as administrators if they're saying, golly,
22 our Sergeants lied to us. Well, that was part of my,
23 you know, when I began to doubt because that was one
24 of the lines they kept spinning to the Sheriff and to
25 the media. And I'm saying as a Sheriff, I'm sitting

1 in the room with these guys and I'm listening to them
2 say this and I know these guys. These guys are not
3 stupid.

4 X Q. It's been suggested it doesn't end at
5 sergeant level, it goes to the chief level and all
6 the way up to the top; do you believe that's the case
7 and, if so, what was the motivation?

8 A. Number one, I believe that is the case.

9 Q. And what's the motivation?

10 A. Well, you're asking me to look at a
11 crystal ball. My educated guess, based on my own
12 experience, would be certainly to induce other cities
13 to enter into a contract with BSO to provide their
14 police services. That would be based on my
15 experiences, the rest would be just personal opinion
16 as to why they're doing it.

17 And they thought, we asked Mike Satz.
18 He certainly never said there was any problem. And
19 we have every confidence in Mikes ability to come up
20 with an accurate blah, blah. He's going to -- from
21 day one Mike Satz has always been viewed as the
22 cavalry ride to the rescue.

23 Q. What does that mean?

24 A. Cleaning up the Sheriff's account,
25 coming up with the magic explanation for why these

1 numbers make absolutely no sense. Satz won't indict
2 you. Satz is going to exonerate us. And I remember
3 saying, but Satz is going to do this, November,
4 December.

5 Q. Who's saying Satz is going to exonerate
6 us?

7 A. Well, no one. That is my reading
8 because it is whenever -- whenever the going got
9 tough, it was the tough went to Satz. They dragged
10 Satz into the investigation as proof, you know, we're
11 -- we trust Mike Satz. He's going to, in other
12 words, that was the response, that was the spin
13 before the media in meetings, they would say. And I
14 would say Mike Satz is real good at putting stupid
15 killers in jail and beyond that I don't have a lot of
16 respect for his abilities, and said that he ain't
17 going to pick a fight with the Sheriff. They don't
18 like each other, I know that, but Satz has got a
19 history of, you know.

20 Q. Is that the prevailing view over there?

21 A. Sure. And it's the prevailing view all
22 over Broward County. There isn't a person who works
23 for the media who thinks otherwise. And Mike --

24 Q. Is that the feeling of management at the
25 sheriff's office?

1 A. Yes, but it's also the feeling of
2 management at the Sun-Sentinel and the Miami Herald,
3 as far as the prosecutors are concerned, the
4 conception of Mike Satz is he is a super wuss when it
5 comes to looking at another politician in Broward
6 County.

7 BY MR. GUTTMAN:

8 Q. Some of these exceptional clearances
9 involve attributing crimes to individuals that
10 allegedly didn't commit them and attributing
11 confessions to individuals who didn't make the
12 confessions, you were aware that was part of the
13 allegation?

14 A. Yes. Guys were in jail and when the
15 burglary was committed; yes. And I was --

16 Q. Go head. I don't want to interrupt you
17 you.

18 A. I was in a meeting where that was
19 discussed.

20 Q. What was the response when that came up,
21 that was just fudged numbers?

22 A. Bad apples. We're going to stamp this
23 out. These are just detectives and whoever they are,
24 they are going to be dealt with severely.

25 BY MR. HANLON:

1 Q. Let me ask you this: You have a
2 detective that sits back and he attributes crimes to
3 and individuals, like Arion Evans, walking through
4 Weston in the middle of the night? They hang five
5 burglary on him that he didn't commit. What troubles
6 me is you're over there, the Sheriff goes ahead and
7 he does his investigation, and these guys, certain
8 people, end up getting a day off or three days off
9 and now they've they filed documents that are bogus
10 attributing crimes to people who couldn't have done
11 them? There's statute of crime. It's a felony to
12 falsify a record, but one gets the impression that's
13 only worth three days off there. I mean, it's a
14 third degree felony, punishable with up to five years
15 in prison. I mean, to do they have the conception
16 over there, like, gee, that's a bad thing?

17 A. Well, that is one of the better
18 rhetorical questions I've been asked today.

19 Q. Al's question is, what's the Sheriff's
20 conception of this?

21 A. Number one, nobody talks to me. I don't
22 know from day-to-day whether I'm going to be in.
23 Originally, when I was in the meetings because I'm
24 not in the meetings anymore. It was, oh, by god,
25 heads are going to roll.

1 Q. The only way Arion Evans case was found
2 because it was buried in the Sheriff's Office is
3 Janet Camacho found it. And that was all part of a
4 parcel of Rahinsky and whatever so I have to ask: Is
5 there any sentiment of upper levels at the agency the
6 need for not to lie?

7 A. For the record, I think that any law
8 student who reads this deposition between the lines
9 would see that I have gone out of my way to be as
10 accurate as possible.

11 Q. True.

12 A. Why? Life's short. I'm tired of the
13 bull shitting.

14 Q. You think the that three days off is a
15 continuation of the spin?

16 A. Of course. Of course. I mean, but
17 that's my opinion, but if you read my statement that
18 I wrote for the Sheriff, I believe that. You know.
19 That's what makes me an asshole, is I believe my own
20 shit and I sit in there.

21 Once credibility is lost, if you're in a
22 law enforcement agency or for government for that
23 matter, that's George Bush's problem.

24 Q. Now, let's not go there.

25 A. I'm serious. If you were at Watergate,

1 you know exactly what I'm talking about. Once the
2 public begins to say, can I trust these guys
3 indicating).

4 BY MS. CAMACHO:

5 Q. Do you trust them?

6 A. No.

7 Q. Do you trust the Sheriff?
8 ✱

8 A. No.

9 Q. Do you trust Kernel Carney?

10 A. Absolutely not.

11 BY MR. HANLON:

12 Q. Do you think the root cause of this
13 entire problem goes all the way to the top of the
14 agency?

15 A. Do I believe that?

16 Q. Yes.

17 A. Not as a fact, but based -- absolutely.

18 Q. Based on what you know?

19 A. Based on what I know and having known
20 the Sheriff for 31 years. He ain't stupid.

21 BY MR. DONNELLY:

22 Q. You met Rahinsky, was that twice before
23 or after this came about?

24 A. Long before the first time when it was
25 agreed that I would be sort of (indicating) his

1 administrative executive, whatever that time. And we
2 met and I shook hands. We told a few lies, lies
3 about the round house. Joe Irwin, old cop stories,
4 but that's not for her.

5 And then a second time was I collect
6 hats off E-Bay and I picked up a Fort Lauderdale
7 police summer hat, the white ones. I gave it to him.

8 MR. HANLON: We don't know have anything
9 else for this gentleman.
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CERTIFICATE

STATE OF FLORIDA)

) SS

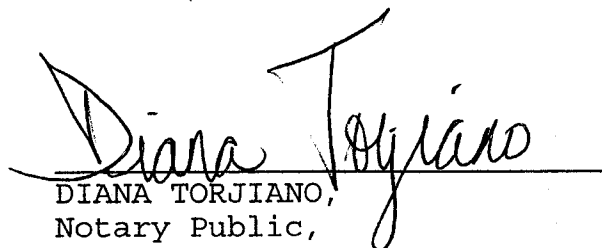
COUNTY OF BROWARD)

I, DIANA TORJIANO, a Notary Public in and for the
State of Florida at Large:

DO HEREBY CERTIFY that the foregoing deposition
was taken before me at the time and place therein
designated; that the deponent was by me duly sworn; that my
shorthand notes were thereafter reduced to typewriting under
my supervision; and the foregoing pages 1 through 92
inclusive, are a true and correct record of the testimony
given by the witness.

I FURTHER CERTIFY that I am not a relative or
employee of any of the parties, nor relative or employee of
such attorney or counsel, or financially interested in the
foregoing action.

WITNESS MY HAND AND SEAL this 18th day of August,
2004, in the City of Fort Lauderdale, County of Broward,
State of Florida.


DIANA TORJIANO,
Notary Public,
State of Florida at Large
CC# 975489
exp. NOV. 11/04