

Page 10

1 MR. LAVERY: I don't want to
 2 interrupt you. I want you to be able to take
 3 your deposition. I just want a continuing, if
 4 you'll allow me, a continuing objection to the
 5 broad line of questioning for each one of these.
 6 MR. BLAKEY: Okay.
 7 MR. LAVERY: Because I do think these
 8 are overbroad questions. But with that go
 9 ahead, she can answer.
 10 BY MR. BLAKEY:
 11 Q Go ahead.
 12 A There were many things that I both
 13 saw and experienced on my own and learned of
 14 during my tenure there. While I -- I can
 15 highlight some of them if you would like me to.
 16 Q I would.
 17 A The first thing that came up was, I
 18 was directed to, while on county time and in my
 19 county vehicle, respond to assist Mrs. Rebert in
 20 starting her vehicle; once to help her start her
 21 vehicle, and once to help her insert her key in
 22 her vehicle.
 23 Q And did you do that?
 24 A I responded on both occasions, yes.
 25 Q Can you tell me approximately when

Page 12

1 political matters, any partisan politics. He
 2 claimed that he did know that and he apologized
 3 for that.
 4 Q Did anything like that happen later?
 5 A Well, I don't know what you mean by
 6 like that. But on several --
 7 Q Having you pick up political
 8 material.
 9 A No. He asked me to drive him or have
 10 my detectives drive around to, quote, work the
 11 polls, unquote, on several occasions.
 12 Q What year are we talking about now?
 13 A I would have to consult the journal,
 14 but that occurred mostly during election
 15 campaigns. And I feel comfortable in saying
 16 every year.
 17 Q Did you do that?
 18 A I refused to do that, again, citing
 19 the impropriety of it.
 20 Q Did anyone else under your command do
 21 that?
 22 A Not to my knowledge.
 23 Q And did you talk to Stan about that?
 24 A I did.
 25 Q And what did you tell him; that it

Page 11

1 those events occurred?
 2 A Very early in my employ;
 3 approximately the first couple months, I
 4 believe. I would have to consult my journal for
 5 the dates, but I believe the first one was
 6 probably my first month or so.
 7 Q Okay. Do you recall other instances
 8 of that sort of thing?
 9 A Yes. I was directed to use my county
 10 vehicle and go to 105 Leaders Heights Road in
 11 January of '01 to pick up an envelope for Mr.
 12 Rebert. I later determined that was a political
 13 petition, and I complained about that.
 14 Q Do you know when that was?
 15 A That was, I believe, January of '01.
 16 Q Did you complain about that to Stan?
 17 A Yes, I had.
 18 Q Do you recall what you said and what
 19 he said?
 20 A Yes. I went to his office, he opened
 21 the envelope. I saw it was a petition. And
 22 then I explained to him that that was improper.
 23 I explained to him that there was even a law on
 24 the books that disallowed municipal police
 25 officers to have any involvement in any

Page 13

1 was improper?
 2 A I did.
 3 Q And what did he say?
 4 A I don't recall him responding with
 5 anything specific on those conversations.
 6 Q Do you recall other examples?
 7 MR. LAVERY: Of working the polls?
 8 MR. BLAKEY: No. Of employees
 9 running personal errands, using county vehicles
 10 while on the payroll.
 11 THE DEPONENT: I was asked to go to
 12 his house on more than one occasion to check out
 13 his computer at the request of his wife.
 14 BY MR. BLAKEY:
 15 Q And did you do that?
 16 A I did.
 17 Q Did you object to that?
 18 A I did.
 19 Q And what did you say and what did he
 20 say?
 21 A I don't recall that he said anything.
 22 Q But you did it?
 23 A Went up there? He had asked me
 24 approximately five or six times and I kept
 25 telling him that, yeah, I would get to it, but

Page 14

1 they should probably call somebody else that
 2 knew computers. The one day I was up there and
 3 did go in, and it simply was the speakers were
 4 unplugged, so I simply looked at the speakers.
 5 Q Okay. Now, you told us about things
 6 that you were involved in. How about other --
 7 Do you have knowledge of other county employees
 8 running personal errands?
 9 A Randy Rizzuto asked me on at least
 10 one occasion if I would drive Mr. Rebert's
 11 daughter to the bus station in Lancaster or,
 12 perhaps, it was to pick her up from there. I
 13 don't recall. She asked me in a joking manner.
 14 And I complained that she --
 15 Q Asked you in a what manner?
 16 A Joking. Then explained that she had
 17 to go do it. She explained to me that she's
 18 done that on several occasions.
 19 Q The joking manner was because she
 20 knew that you weren't going to do it? Was that
 21 the joke?
 22 A I believe so. You would have to ask
 23 her.
 24 Q All right. Anything else?
 25 A I learned that there had been a

Page 15

1 practice of using the county detective vehicles
 2 to shuttle district attorney --
 3 Q I'll get to that later. That's a
 4 specific averment. To the party?
 5 A Yes.
 6 Q Yeah, we'll get to that.
 7 MR. LAVERY: Do you want to look at
 8 your original Complaint that goes into a little
 9 more detail?
 10 MR. BLAKEY: I have a copy of that
 11 for you too.
 12 MR. LAVERY: I'll give it to her.
 13 It's right there if she wants to look at it.
 14 You're talking about any errands at
 15 all now; is that correct?
 16 MR. BLAKEY: I'm talking about
 17 factual background to support that allegation.
 18 MR. LAVERY: Okay.
 19 THE DEPONENT: At one point in time
 20 Mr. Rebert directed two of the detectives to
 21 take a personal television from the district
 22 attorney's office parking lot to his house.
 23 BY MR. BLAKEY:
 24 Q When are we talking about?
 25 A It was very early on when Millsaps

Page 16

1 and James were hired, I think their first month
 2 or two of employment, and they came on board in
 3 '03.
 4 Q Did they do that?
 5 A They did.
 6 Q Do you know whether they did that
 7 over the noon hour or before or after they
 8 worked, or whether they did that during working
 9 hours?
 10 A I don't remember.
 11 I was directed by Mr. Rebert to go to
 12 the Country Club of York. There had been a
 13 large campaign sign left there by him, and they
 14 were complaining that they wanted it removed.
 15 Q Did you remove it?
 16 A I did.
 17 Q And what year was that?
 18 A It was after one of the political
 19 parties he had at the country club. I am
 20 thinking, perhaps it was probably middle to late
 21 '01. As I recall, I think he had the dinners in
 22 '01.
 23 (Mr. Lavery and Deponent confer
 24 privately.)
 25 MR. BLAKEY: Okay. I'd be happy to

Page 17

1 have you lead her with this. I'm not trying
 2 to --
 3 MR. LAVERY: I know. That's why I'm
 4 just trying to move it along for you.
 5 MR. BLAKEY: I'm not trying to trick
 6 her. I'd like to --
 7 MR. LAVERY: No, I know.
 8 MR. BLAKEY: -- hear what she's got.
 9 MR. LAVERY: I understand that.
 10 That's why I'm trying to help her because I know
 11 there -- I have a better idea where they are in
 12 the Complaint I think than she does.
 13 MR. BLAKEY: Okay.
 14 THE DEPONENT: There was a request
 15 from Mr. Rebert on the day that the Ingle trial
 16 was to begin where he asked me to have the
 17 detectives go to his house and remove a county
 18 coach from his house.
 19 BY MR. BLAKEY:
 20 Q And did you direct that to be done?
 21 A No.
 22 Q Do you know whether the detectives
 23 did it anyhow?
 24 A To my knowledge they did not.
 25 On the same date when Mr. Rebert

1 directed Detectives James and Millsaps to take
2 his personal TV from the back of his vehicle to
3 his personal home, it is my understanding that
4 he directed them to bring a slot machine that
5 was in his home back to the D.A.'s office.

6 Q What's the basis of that
7 understanding? Someone tell you that?

8 A They told me that.

9 Q Who, Millsaps and James?

10 A I'm not sure which one.

11 Q But one of them?

12 A Right. And, in fact, that slot
13 machine was brought into the district attorney's
14 office and remained there for a while.

15 I was requested on many occasions by
16 Mr. Rebert to provide ammo for John W. Thompson
17 who was the Republican party chairman.

18 Q You mean literally ammunition?

19 A Yes, sir.

20 Q Go ahead.

21 A Eventually, that was done by
22 Detective Sergeant Demangone. After several
23 requests from Mr. Rebert to me -- And then Mr.
24 Rebert sent Tom Kelley, who was then the First
25 Assistant District Attorney, to me on several

1 didn't think it was appropriate that police
2 officers should provide ammunition to citizens.
3 It had never been done in my experience. And I
4 felt that if the man needed ammunition, someone
5 in his own family should be providing it for
6 him. We had several conversations about this.

7 One then tended to be that it was a
8 very strange or odd caliber of a gun. It
9 reminded me of a military caliber. And I said,
10 I'll tell you what I will do. I'll call around
11 and find out where it's available, and then I
12 gave that information to Mr. Rebert. (Pause.)

13 You know, I felt --

14 Q Do you recall what, if anything, Stan
15 said to you on this issue?

16 A Specifically, no, but he didn't let
17 it go. He on several occasions kept saying to
18 me, get the ammo, get the ammo. We have to keep
19 the old man happy, or something along those
20 lines.

21 They referred to -- I don't know what
22 they called Mr. Thompson, but he explained to me
23 that, politically, it was quite important that
24 this -- you know, that we keep Mr. Thompson
25 happy.

1 occasions literally hounding me to get this
2 accomplished. And finally, A.D.A. Kelley
3 instructed Detective Demangone to do that on
4 duty. He even had him go buy the ammo on duty
5 and then deliver the ammo on duty. He had to
6 pay for it out of his own pocket too.

7 Q Kelley did that?

8 A Yes. And Kelley would tell me that
9 Stan was on him to get on me to get this done.

10 Q And what year are we talking about
11 now?

12 A I don't remember.

13 Q Well, let's put it this way. Was it
14 within the last 18 months when you were in the
15 office?

16 A I would really -- I really don't
17 know.

18 Q All right.

19 A It's noted somewhere. It's
20 retrievable, but I don't know at this point.

21 Q (Pause.) Did you talk to Stanley
22 about the ammunition issue?

23 A Oh, I did, many times.

24 Q What did you say?

25 A Part of what I said was that, I

1 Q Anything else?

2 A (Deponent reviewing Complaint.) Oh,
3 I complained to him that I had observed Samantha
4 Dorm driving Bill Graff's county vehicle. And
5 this had come up on more than one occasion.
6 Samantha Dorm at the time -- She at one point in
7 time was an employee of the district attorney's
8 office. I believe that Mr. Rebert fired her,
9 but she was then re-employed by the county in
10 another capacity, but she was not a D.A.
11 employee. But, she would drive Bill Graff's car
12 around.

13 They had -- She and Bill Graff
14 were -- They are parents of a child. She would
15 drive the child around in that car.

16 Q And when did you make these
17 complaints?

18 A Well, I made three of those
19 complaints to Mr. Rebert, the last of which was
20 in the last four months of my employment. Mr.
21 Crouse was present at that time also.

22 Q And what did he say?

23 A He didn't say anything.

24 I learned that after Scott Hose had
25 been arrested for DUI, he had been driving a

Page 22

1 county vehicle and he had been involved in an
 2 injury accident, both to him and other parties.
 3 And after he returned to work -- He had been
 4 placed on ARD and then returned to work. He was
 5 again issued a vehicle by Mr. Graff, and I
 6 complained to Mr. Rebert about that.
 7 Q When was that?
 8 A I don't know. That was late. That
 9 was within the last year of my employment, and I
 10 have the date noted.
 11 Q What was the basis of your complaint
 12 about that?
 13 A Scott Hose was not a county employee.
 14 He had been issued a county vehicle when he was
 15 on the county forensic team. But after his DUI
 16 arrest, he was no longer on the county forensic
 17 team. He was not a county employee.
 18 Q Who issued him the vehicle?
 19 A Bill Graff.
 20 Q What did Stan say in response to
 21 that?
 22 A He denied that had happened. He said
 23 that he was not issued another vehicle. And I
 24 told him he could check with Russ Wantz because
 25 that's who had issued the vehicle at the

Page 23

1 direction of Bill Graff.
 2 (Deponent reviewing Complaint.) I
 3 was directed by Mr. or Mrs. Rebert, I don't know
 4 who I talked to. They had gone on an extended
 5 trip. By that I mean they were out of state, I
 6 believe on -- I don't know if it was a personal
 7 vacation or a D.A.-related seminar. But they
 8 had left the house and someone else was in
 9 charge of feeding their animals.
 10 They called me on the telephone and,
 11 again, I don't remember who I spoke to, and
 12 asked me to go to Sam's Club and purchase a bag
 13 of dog food for their dog and to have it at the
 14 house by four o'clock when the woman who was
 15 going to feed their dog would arrive.
 16 Q Did you do that?
 17 A No. I objected to that. I told him
 18 that the best I could do would be to go there
 19 after hours. It was complicated because I nor
 20 anybody in my immediate family was a member of
 21 Sam's. None of my detectives were members of
 22 Sam's. Apparently the dog only ate a particular
 23 lamb and rice feed.
 24 So, I had my husband go to Sam's, get
 25 a temporary membership card, go in and make the

Page 24

1 purchase, and we took it to the house after I
 2 got off of work.
 3 Q Do you remember, was that within the
 4 last year of your employment?
 5 A No, that wasn't. That was very early
 6 on.
 7 Q Did you object to Stan about that?
 8 A I objected in the form that I said, I
 9 can't do that on duty. It's improper to do on
 10 duty. I have to wait until I get off work.
 11 Q Okay.
 12 A (Deponent reviewing Complaint.)
 13 There was a date when a few employees from the
 14 district attorney's office in two vehicles, two
 15 county vehicles went to lunch at a Giant in York
 16 Township. Detective Martz was there, I was
 17 there, Karen VanGiesen, who was an intern from
 18 Dickinson, was present and Mr. Rebert. I drove
 19 my county car. I believe Mr. Rebert drove his
 20 county car.
 21 He asked that we detour to a
 22 furniture store, which was just adjacent to the
 23 Giant. The name was, I believe Heileg Myers.
 24 It is now called the Room Store. He wanted to
 25 look at furniture because they were having a

Page 25

1 going-out-of-business sale. He purchased a
 2 chair and he asked that we load it into the back
 3 of the vehicle. I told him we shouldn't do
 4 that. It should be done later.
 5 He made it clear to me that chair was
 6 going home that day. Jeffrey Martz helped. I
 7 don't know how it got in the vehicle. I believe
 8 Jeffrey Martz helped the employee of the store.
 9 And we went to Mr. Rebert's house, and Jeffrey
 10 Martz carried it into the house.
 11 Later, a few days later, Mr. Rebert
 12 decided he didn't like it and asked me to
 13 arrange for the detectives to go get it and
 14 return it. I told him I wouldn't perform this
 15 task. In the first place, there's huge signs
 16 all over the place that said, all sales final,
 17 and I just refused to do it.
 18 Q And did anyone do it to your
 19 knowledge?
 20 A I don't know.
 21 Q And what year was that?
 22 A I'm thinking it was probably '02, but
 23 without checking, I'm not certain.
 24 Q You're not suggesting there's
 25 anything wrong with county employees using

Page 30

1 county employees to assist political campaign
2 signs, petitions, working the pools. Now,
3 you've alluded to that already.

4 Do you have any other factual basis
5 for that contention that you haven't covered
6 already?

7 MR. LAVERY: Well, she didn't allude
8 to the assembling of the campaign signs yet.

9 MR. BLAKEY: Okay.

10 BY MR. BLAKEY:

11 Q Go ahead.

12 A Early on in Mr. Rebert's quest for
13 reelection for the year 2001, I was walking back
14 the hall one day and I was stopped abruptly by
15 the sheriff, Bill Hose, who was very upset
16 because he had just seen in Mr. Rebert's office
17 that there was a unified group of people. I
18 believe he called it an assembly line,
19 assembling campaign signs for Rebert. He was
20 very upset. He said that's highly improper, you
21 better -- He said to me, you better get your
22 boss to stop it.

23 So I went into the office, and it was
24 Randy Rizzuto and Susan Voyzey and Stan Rebert.
25 It wasn't an assembly line. There was large

Page 31

1 campaign signs on the desk. They were folding
2 them. For some reason I think there was someone
3 else there too. But I explained to Stan that
4 Bill Hose had just come in and filed a
5 complaint. We had to get them out of there.

6 His response was -- He indicated to
7 me he didn't care about Bill Hose. I said,
8 look, the guy is not happy. It shouldn't be
9 here. Let's get them out of here.

10 And I left at one point. I don't
11 know if I left for a purpose or for a call or
12 something, but I know that I went to my own
13 office and had a phone conversation with my
14 husband. I don't remember if he called me or if
15 I called about something else. But, I said to
16 him what had happened. He said, man, that is
17 highly improper. You've got to tell Stan to get
18 them out of there.

19 I went back over and assembled the
20 signs. My husband came in in his own vehicle
21 and we got the signs out of the D.A.'s office.
22 I'm fuzzy on this date because there was more
23 than one circumstance when there were signs that
24 were laying around, and I endeavored to get the
25 signs out of that building.

Page 32

1 One time we had the deputy sheriff
2 come over and unlock the back door so that we
3 could take them out the back door and onto the
4 back plaza and into my husband's personal
5 vehicle. And one time we actually put them out
6 the window of Stan Rebert's office to get them
7 out.

8 At that time I thought it was illegal
9 to do campaign things within a courthouse. I
10 mean, I had thought through my previous
11 knowledge that you couldn't do anything like
12 that in a courthouse. You couldn't campaign,
13 you couldn't circulate petitions, or anything.
14 I was trying to protect the boss at that point
15 in time. And we got them out of there.

16 In fact, my husband took them home,
17 and over a period of probably a week, he
18 assembled them at our house and he took them up
19 to Stan's garage so that he'd be able to send
20 them around.

21 Q Your husband assembled them?

22 A He did, all alone, all of them.

23 Q You started off you thought this was
24 2001?

25 A Yes.

Page 33

1 Q Your first Complaint paragraph 41
2 references that Stan asked you to pick up a
3 petition and you said no. Did that happen?

4 A No. Stan asked me to pick up a
5 petition, that was from Mr. Charles Worster at
6 105 Leader Heights Road. I picked it up, and
7 then I told him that it was improper and I
8 believed illegal.

9 Q Maybe I'm wrong. Let me see the big
10 Complaint. Is this the big one, the original
11 one?

12 A That's the amended I believe that --

13 Q Yeah, it's amended.

14 A -- you just handed me.

15 MR. BLAKEY: Did you take that back?

16 MR. LAVERY: Yeah, I'm just looking
17 at it. Do you have another copy or --

18 MR. BLAKEY: Yeah, I sure do.

19 MR. LAVERY: Okay.

20 MR. BLAKEY: Yeah, paragraph 41 is
21 what I'm referring to.

22 MR. LAVERY: Paragraph 41 of the --

23 MR. BLAKEY: Original Complaint.

24 MR. LAVERY: The original Complaint.

25 BY MR. BLAKEY:

1 Q Did we already cover that event?
 2 MR. LAVERY: Paragraph 41, while
 3 being paid -- Yeah, he requested Ms. Downing,
 4 while --
 5 THE DEPONENT: Right.
 6 MR. LAVERY: -- being paid, to use a
 7 vehicle to pick up an election --
 8 THE DEPONENT: That was Leader
 9 Heights Road, sir.
 10 MR. BLAKEY: That's the Leader
 11 Heights?
 12 MR. LAVERY: Yeah.
 13 MR. BLAKEY: The diary of February
 14 15th, '01.
 15 MR. LAVERY: That's covered in
 16 paragraph 41 of the Complaint.
 17 (Downing Exhibit Number 1 was marked
 18 for identification)
 19 BY MR. BLAKEY:
 20 Q I'd like to refer you to the language
 21 highlighted there. This is your handwriting I
 22 assume?
 23 A It is.
 24 Q Kelley asked me to circulate a
 25 petition for Stan, and no.

1 BY MR. BLAKEY:
 2 Q Do you know of any other county
 3 employees that participated in these political
 4 things at the direction of Stan Rebert?
 5 MR. LAVERY: What things? What are
 6 you talking about?
 7 MR. BLAKEY: Signs, petitions,
 8 working the polls?
 9 MR. LAVERY: Other than what she's
 10 already testified to?
 11 MR. BLAKEY: Yes.
 12 THE DEPONENT: Well, I do know that
 13 Randy Rizzuto, Mr. Rebert's secretary, would
 14 handle invitations, circulation, addressing
 15 envelopes, stuffing envelopes, et cetera.
 16 Now, while there was done at their
 17 house on occasions, Randy Rizzuto also did it
 18 from the office. At one time she was showing me
 19 invitations that I believe a woman and her
 20 brother were having at the Country Club of York.
 21 That was on duty. That was a political --
 22 BY MR. BLAKEY:
 23 Q The invitations came from the woman
 24 and her brother, or came from Stan?
 25 A I don't know where the invitations

1 MR. HUTCHINSON: What's the specific
 2 marking that we're using for this?
 3 MR. BLAKEY: What is it? What are we
 4 doing?
 5 THE COURT REPORTER: Downing Exhibit
 6 Number 1.
 7 BY MR. BLAKEY:
 8 Q Does that trigger your recollection
 9 that that happened?
 10 A Yes, sir.
 11 Q So you were asked and you said no.
 12 As simple as that.
 13 A That's correct. That was after he
 14 had asked me to go to Leader Heights Road and
 15 pick up the one.
 16 Q This ties it back to 2001? This
 17 happened February 15, 2001?
 18 A Yes.
 19 MR. LAVERY: What? Kelley asked me
 20 to circulate petition for Stan?
 21 MR. BLAKEY: Yeah.
 22 MR. LAVERY: All right.
 23 THE DEPONENT: I also explained to
 24 Mr. Kelley about the law, and he too claimed
 25 that he didn't know that.

1 came from, but Randy was stuffing invitations
 2 into an envelope in her office for a woman and
 3 her -- It might have been her son, I don't know.
 4 They were members of the country club and put on
 5 a benefit for him for his reelection campaign.
 6 Q And when was that?
 7 A 2001.
 8 Q And did you talk to Stan about that?
 9 A I don't believe that I did. There
 10 was a time when -- Now, this does not have to do
 11 with Stan Rebert's political campaign. Do you
 12 still want a recollection of another --
 13 Q I doubt it, but tell me whose was it?
 14 A Bev Mackereth was having a
 15 promotional golf tournament, and Susan Voyzey
 16 was at work that day, but she spent most of the
 17 day there. And I asked her if she was on
 18 vacation and she said no, she was working Bev's
 19 golf tournament. I told Mr. Rebert about that,
 20 that that was improper.
 21 Q And what did he say?
 22 A He did not answer.
 23 Q And when was that?
 24 A That would be determinable by when
 25 Bev Mackcreth -- It was her first year's golf

1 tournament because Susan Voyzey, an employee of
2 the D.A. office, was her treasurer.

3 Q Okay. Anything else before we move
4 on?

5 A I can't remember anything at this
6 point, but certainly my memory might be
7 triggered by other things.

8 Q Let's go to 19C, Rebert's practice of
9 refusing to discipline employees for conduct
10 that could be deemed harassing and/or causing a
11 hostile work environment. What's the factual
12 background of that contention?

13 A Well, there were so many on this
14 particular topic.

15 MR. LAVERY: 43 is one and 229 is
16 another.

17 THE DEPONENT: Aside from the
18 detectives, there were things that were being
19 done by employees of the district attorney's
20 office that was causing a difficult work
21 environment, for not only the detectives, but
22 other employees.

23 There was a -- There was an employee
24 who had been -- She didn't pay her parking
25 tickets. And on three occasions constables came

1 organization to the district attorney's office,
2 which Mr. Rebert requested me to do, I suggested
3 that all the employees should be on the same
4 page. If one comes in late and is disciplined,
5 and another comes in late they should be
6 disciplined.

7 I had disciplined my secretary to the
8 point of two suspensions for her lateness; yet,
9 there were several employees that came in late
10 habitually, and the other employees would see
11 this and nothing would happen to them. So it
12 was really causing difficulty, ripping the
13 office apart.

14 There were times when the police
15 officers did things wrong and I would follow the
16 rules and regulations and intent to discipline
17 them, and Mr. Rebert would tell me it's not
18 necessary or ask me to reconsider or please
19 convince me not to discipline them.

20 There was a person named Susan Voyzey
21 who would come to work anywhere from 10 o'clock
22 to -- 8:30 to 10 o'clock when she was due there
23 at 8 o'clock. This continued for a long amount
24 of time. There were a lot of rumors about this
25 employee, about drug addiction. I didn't know

1 to our office to serve warrants on her. The one
2 particular point in time the constable came in
3 and I said, can we at least handle this low
4 profile? Can you bring the defendant back to
5 the D.A.'s office, and quietly can we issue a
6 field receipt? This was the third time that --
7 No, correction.

8 There were three times that this
9 particular employee, Ms. Dowcary, D-O-W-E-A-R-Y,
10 was confronted on duty because of her failure to
11 pay fines. I suggested that we start to
12 discipline these employees for matters such as
13 this.

14 BY MR. BLAKEY:

15 Q Suggested to who?

16 A To Stan Rebert and Paul Crouse. In
17 fact, that was brought up in an executive staff
18 meeting. And they didn't feel that it was
19 necessary.

20 There was an employee named Heidi
21 S-A-L-P-P-I-C-H, who had similar circumstances
22 happen, and she was not disciplined for the
23 parking tickets. She was disciplined for other
24 matters, but not the parking tickets.

25 And part of my bringing order and

1 if they were true or not, but I did know that
2 she was coming to work late. This was confirmed
3 by Paul Crouse.

4 Mr. Rebert refused to move on that
5 for several months. It is my understanding that
6 after my termination she was terminated, but I'm
7 not sure of that.

8 And that same employee, Susan Voyzey,
9 it had come to my knowledge that she had
10 displayed an A.D.A. badge -- Or correction. She
11 had displayed a badge from the district
12 attorney's office in an attempt to identify
13 herself and get out of charges that her
14 boyfriend, Frank Accardo, was facing. I asked
15 that she be disciplined for that. I asked that
16 that badge be retrieved from her because she had
17 misused it. He refused to do that.

18 That same employee, Susan Voyzey, had
19 called West Manchester Township requesting a
20 police report on another incident, a road rage
21 incident of her same boyfriend, Frank Accardo,
22 and identified herself as an assistant district
23 attorney.

24 Q How do you know that?

25 A I was told that by Arthur Smith,

Page 42

1 Chief of West Manchester Township. And I
 2 relayed that information to Mr. Rebert and
 3 suggested discipline was in order.
 4 That same employee was under
 5 investigation, Susan Voyzey --
 6 MR. LAVERY: Not to interrupt you,
 7 can I just have one minute? I need to make a
 8 phone call. I'm sorry to interrupt you, but I
 9 forgot to do this before.
 10 MR. BLAKEY: Yeah, go ahead.
 11 (Short recess occurred.)
 12 BY MR. BLAKEY:
 13 Q The contention that we're talking
 14 about really relates to harassing conduct. You
 15 mentioned several other things, but let me try
 16 to move this along. In paragraph 43 of the
 17 original Complaint you talked about a Hillary
 18 Clinton photo.
 19 A Yes, sir.
 20 Q Can you tell us about that?
 21 A Yes, sir. There was a day where it
 22 was bring your children to workday. There were
 23 children literally from the ages of 5 to high
 24 school age. I was asked to take them on a tour,
 25 explain what the police department does, and

Page 43

1 take them on a tour of the forensic lab, which
 2 at that time was across the alley from the back
 3 of the courthouse. It was an old church.
 4 Detective Demangone and I took the
 5 tour over. And after the kids had walked in
 6 through past the counter, either Demangone or
 7 myself, I can't remember, noticed that there was
 8 a morphed picture of Hillary Clinton. It was
 9 her face, but it some woman's large bare breasts
 10 displayed on the wall.
 11 Perhaps the next day, perhaps a day
 12 or two later, I don't know--it's noted in my
 13 journals--I explained this to Mr. Rebert, and I
 14 told him that I was going to issue discipline to
 15 Rodney George who was the gentleman who was in
 16 charge of the forensic lab. He was a police
 17 officer, and he was the one who had put it up, I
 18 believed. Mr. Rebert just laughed at the
 19 incident and said, Rodney's an icon. I said I
 20 was going to discipline him, and he told me that
 21 wasn't necessary.
 22 Q This was in '01 according to your
 23 Complaint?
 24 A I believe that's correct, sir.
 25 Q Moving along, also your Complaint

Page 44

1 references Jack Neiderhaffer (phonetic), or
 2 Neider somebody smacking Julie Patrick on the
 3 butt?
 4 MR. LAVERY: Where's that? I'm
 5 looking -- Because I'm looking -- I noticed
 6 something at 229 on the original Complaint if
 7 you want to look at that. I don't know if
 8 that's it or not.
 9 THE DEPONENT: Yes.
 10 MR. LAVERY: That's paragraph 229 of
 11 the original Complaint I believe.
 12 BY MR. BLAKEY:
 13 Q That's it.
 14 A I was informed by my sergeant, Doug
 15 Demangone, that he had been downstairs. When I
 16 say downstairs, some of the detectives' offices
 17 were downstairs intermingled with the A.D.A.s.
 18 And while Sergeant Demangone was there, an
 19 A.D.A. named Joshua Neiderheiser -- I believe
 20 that's his name. I know it wasn't Jack.
 21 Q Josh is right.
 22 A That he walked around an employee
 23 named Julie Patrick and had patted her on the
 24 rear end or grabbed her, I'm not certain. The
 25 sergeant then talked to Miss Patrick, and he

Page 45

1 then came up and talked to me, and we put the
 2 wheels in motion to begin an investigation.
 3 The A.D.A.s were not under my
 4 purview, command, or anything, so I sought
 5 whoever his supervisor would be. Those wheels
 6 went into motion to do the investigation. Lori
 7 Yost began it.
 8 At the end of that day I was present
 9 in Mr. Rebert's office with Tim Barker. I had
 10 filled Tim Barker in about it. He was totally
 11 aware of it by the time we went to Mr. Rebert's
 12 office. And one of us told Mr. Rebert there had
 13 been an example of harassment in the workplace
 14 on that day. And with just that information Mr.
 15 Rebert said, did I get caught sticking that
 16 rolled-up 20-dollar bill down Carletta's bra,
 17 laughing, and he said that he knew Randy saw him
 18 do that.
 19 We then informed him it was not that.
 20 It was Josh Neiderheiser had some contact with
 21 Julie Patrick's buttocks, whereupon, he laughed
 22 and said he didn't think Josh had it in him.
 23 Q You didn't --
 24 A I complained on that day that this is
 25 the type of culture and conduct that we should

Page 46

1 be disciplining employees for so they don't
2 think they can get away with it again.
3 Q What did Mr. Rebert say?
4 A I don't remember any conversation
5 past that point.
6 Q You didn't take it seriously his
7 statement about putting a roll of bills down
8 someone's blouse, did you?
9 A I did, sir.
10 Q You didn't think that was a joke?
11 A No, I didn't.
12 Q Do you know what was done with
13 reference to investigating or counseling Josh
14 about this incident?
15 A I do not.
16 Q Are you aware it was referred to
17 Human Resources?
18 A I am not.
19 Q And that he was subject to
20 counseling?
21 A I have no knowledge of that.
22 Q You talked about the A.D.A. not being
23 subject to your supervision and, therefore, not
24 appropriate for you to discipline, correct?
25 A That's correct.

Page 47

1 Q Now, I've been advised by Paul
2 Crouse, the administrator of the D.A.'s office
3 said it's his prerogative to discipline on
4 personnel matters. Do you disagree with that?
5 MR. LAVERY: Discipline who?
6 MR. BLAKEY: All the other employees.
7 MR. LAVERY: Okay.
8 MR. BLAKEY: Employees of the
9 district attorney's office.
10 THE DEPONENT: By saying -- I don't
11 know if I agree by saying it's his prerogative
12 because that may allude to, if he -- If it's his
13 prerogative not to adhere to the county rules
14 and regs, is that proper? I don't know if I
15 agree with that statement.
16 BY MR. BLAKEY:
17 Q Let's assume some employee of the
18 D.A.'s office does not adhere to the rules and
19 regulations. Do you feel it's your job to
20 discipline them?
21 A No, I do not.
22 MR. LAVERY: Are you talking about a
23 detective or a nondetective?
24 BY MR. BLAKEY:
25 Q No, I'm talking about detectives.

Page 48

1 I'm talking about other employees.
2 A No, I do not.
3 Q And is it not Paul Crouse's job to do
4 it?
5 A I don't know whose job it is. I know
6 that there's a structure, a chain of command
7 within the A.D.A.s.
8 Q You talked about disciplining your
9 secretary.
10 A Yes.
11 Q Is it your prerogative to discipline
12 your secretary as opposed to Paul Crouse, the
13 administrative head of the office?
14 A Paul Crouse directed me to compile
15 the discipline and issue it to her on all those
16 occasions.
17 Q Okay, that's a good answer. But it
18 was Paul Crouse who's really in charge of the
19 disciplining employees other than A.D.A.s; is he
20 not?
21 MR. LAVERY: And detectives? Are you
22 including the detectives?
23 MR. LEBER: You mean other than
24 detectives.
25 MR. LAVERY: You're excluding --

Page 49

1 MR. BLAKEY: I'm including Paul
2 Crouse's responsibility to -- prerogative to
3 discipline detectives, yes.
4 THE DEPONENT: I would think that
5 it's Mr. Rebert's decision to see if the rules
6 are adhered to in the office.
7 BY MR. BLAKEY:
8 Q He has the ultimate authority to be
9 sure.
10 A Yes.
11 Q But Paul Crouse is his administrative
12 chief; was he not?
13 A Yes, he is -- or was.
14 Q In any event, if I hear you
15 correctly, you're not saying it was your
16 responsibility to discipline these people free
17 and independent of Paul Crouse?
18 A No, you are correct. I am not
19 asserting it was my job to do that.
20 Q Okay.
21 A I merely complained that I thought
22 there should be more discipline issued.
23 Q Right. Let's turn to 19D. You
24 contend that Rebert attempted to prevent you
25 from investigating Chief Ingle.

Page 50

1 A He did.

2 Q Well, now, the state police was
3 called in to handle this investigation; was it
4 not?

5 A They were.

6 Q And the Attorney General prosecuted;
7 did they not?

8 A They did.

9 Q And isn't that appropriate when you
10 have someone in the office that you would call
11 in the state authorities to take care of the
12 matter?

13 A Yes, but it says that he attempted to
14 prevent me from investigating him.

15 Q Well, why do you think it was
16 appropriate for you to investigate him?

17 A Well, it was appropriate that I
18 investigate him because I received a phone call
19 from a gentleman whose gun he stole. And I
20 first affirmed that this, in fact, gun should
21 have been in police property. I verified that
22 it was signed for and taken as property by
23 W. Kenneth Ingle, who was my predecessor, who
24 represented the York County's District
25 Attorney's Detective Bureau. I confirmed that

Page 52

1 C.I.D. at the time.

2 Eventually, David Devitt was assigned
3 to the case, and eventually they did take the
4 investigation and roll with it.

5 Q The man was investigated, prosecuted,
6 and put in jail; was he not?

7 A He was.

8 Q And you do agree with me that it
9 would be a conflict for someone in your office
10 to handle that matter?

11 A Oh, I did, but he wanted to wipe
12 everything away. He wanted me not to mention it
13 had happened. He wanted it under the rug. He
14 wanted the man's gun returned, and can't we
15 forget it. That's what I mean there by his
16 attempt to prevent me from --

17 Q I see.

18 A -- investigating it; not that it was
19 the wrong agency. He wanted it stopped right
20 then and there, that day.

21 Q Obviously, he changed his mind?

22 A I changed his mind, yes, trying to
23 get him to do the right thing, and he did.

24 Q Let's go to E, possession of a
25 Walther handgun improperly removed from

Page 51

1 gun was, in fact, missing.

2 I went to Mr. Rebert on that
3 afternoon and explained to him that this
4 happened, and he said, can we not do anything
5 about this? This would be an embarrassment to
6 my office.

7 We had a lengthy discussion that
8 afternoon, where it was very evident to me by
9 his statements that he didn't want to do
10 anything about this and it was only one gun, et
11 cetera. And he continued to affirm it would
12 embarrass him and the fact that he was going to
13 run for reelection.

14 I did everything I could to convince
15 him that it, in fact, would be a feather in his
16 cap politically; that he was showing that he was
17 not running the illegal things under the carpet;
18 that he meant to show the community that he
19 wasn't afraid of bringing the dirty laundry out.

20 I also said, if he stole from you
21 once, he probably stole from you for 11 years,
22 so let's, please, do a complete investigation on
23 this. He listened to me, and I believe two days
24 later he -- We did have a meeting, the first
25 meeting with Sergeant Evans, who was head of

Page 53

1 evidence.

2 MR. LAVERY: She wants to talk to me
3 about something.

4 (Mr. Lavery and the deponent confer
5 privately.)

6 MR. LAVERY: She wants to add
7 something to her testimony. She wasn't sure
8 whether it was covered by your question, but go
9 ahead.

10 BY MR. BLAKEY:

11 Q Go ahead.

12 A In 19D, the rest of the sentence
13 says; his ultimate refusal to prosecutor Ingle
14 for approximately \$20,000 of stolen property
15 located during a search of Ingle's home.

16 When the Pennsylvania State Police
17 searched his house and came back with stolen --
18 seven stolen handguns, there was a point in time
19 subsequent to that where Mr. Ingle, through his
20 attorney, Jerry Lord, agreed to turn over
21 additional county property. It was
22 approximately \$20,000 worth of boxes of
23 notebooks, boxes of evidence booties, cameras,
24 VCRs, two laptop computers, underwater camera, a
25 telephone that was issued by the U.S. Marshal's

14 (Pages 50 to 53)

1 office for discreet communications.
 2 Q You don't have to -- I get the point.
 3 Go ahead.
 4 A It was estimated at \$20,000 by the
 5 state police. I asked him that we bring
 6 additional charges for this, and he told me no.
 7 He said to me, haven't you done enough?
 8 Q Wait a minute.
 9 A And I ex --
 10 Q Didn't you just agree with me that
 11 this was an investigation being handled by the
 12 state police and the Attorney General's office?
 13 A Yes. But if --
 14 Q Isn't it their prerogative to bring
 15 charges or not bring charges?
 16 MR. LAVERY: Well, she was trying to
 17 explain I believe. Go ahead and answer his
 18 question.
 19 MR. BLAKEY: Well, she didn't answer
 20 my question.
 21 BY MR. BLAKEY:
 22 Q The matter is in their hands, right?
 23 A It is, but they wanted to pursue it
 24 also.
 25 Q Well, they had every right to do so,

1 that was checked is because, the initial gun
 2 that came to light was a gun owned by Sean
 3 Geedy, G-E-E-D-Y, that was taken for the ARD
 4 program.
 5 I found several other guns that bore
 6 Mr. Ingle's signature that he received from
 7 defendants going on the ARD program. None of
 8 those guns were ever destroyed, so all of them
 9 should have been logged in evidence. This gun
 10 was not in evidence, and at one point in time
 11 Lieutenant Glowczewski and/or Tammy Stine, both
 12 were present in the room, alerted me to the fact
 13 that Stan Rebert kept a gun in his desk drawer.
 14 And we then went over, matched this
 15 Walther ARD gun that have taken--The owner I
 16 believe his last name was Zamora, Z-A-M-O-
 17 R-A--we matched the serial number off of the
 18 evidence property sheet in his office as we
 19 handed the -- as we handled the gun, found that
 20 it matched, and took it then to the D.A.
 21 evidence room.
 22 Q So you went into Stan's drawer and
 23 got the gun and matched it. Is that what you're
 24 telling me?
 25 A That's correct.

1 didn't they?
 2 A They did, but Mr. Rebert in
 3 conversations with Devon and I told us to stop.
 4 We don't want to go there.
 5 Q And did they stop?
 6 A They did.
 7 Q They figured they had enough to put
 8 him in jail and that was it, huh?
 9 A You'd have to check with them on
 10 ultimate decision matters.
 11 Q Okay. Are you finished with that?
 12 A I am.
 13 Q Let's go on to the Walther handgun
 14 that was improperly removed from the D.A.'s
 15 evidence room. First of all, I asked you how
 16 you know it was a Walther handgun, and could you
 17 not have been mistaken that it was a Colt?
 18 A I am not mistaken. It was definitely
 19 a Walther handgun.
 20 Q How do you know that?
 21 A Because in checking all of the guns
 22 that -- I was preparing information at the
 23 request of the state police to go through all
 24 the guns that W. Ken Ingle had taken as the
 25 Chief County Detective on ARD. And the reason

1 Q And when you say -- I don't
 2 understand about evidence. You said before
 3 these guns were not -- should have been marked
 4 as evidence but weren't. And now you're saying
 5 this was taken --
 6 What's your basis for saying it was
 7 actually used as evidence in a case?
 8 A And where you are getting that, sir?
 9 Q I'm getting it from you that it was
 10 removed from the D.A.'s evidence room.
 11 A Okay. The guns that Ken Ingle took
 12 should have been in an evidence room.
 13 Q Should have been there?
 14 A Right.
 15 Q Including this Walther?
 16 A That's correct.
 17 Q And that's because that was related
 18 to an ARD case?
 19 A Correct.
 20 Q What do you know about a Colt?
 21 Anything?
 22 A There were approximately 25 or --
 23 There were 28 guns that we looked at for ARD
 24 removal. I believe one or two were Colts, but
 25 unless you give me specifics and refer to a

1 particular weapon, I don't believe I can help
 2 you off the top of my head here.
 3 (Downing Exhibit Number 2 was marked
 4 for identification)
 5 Q I'll show you what's been marked
 6 number 2. Does Downing Exhibit Number 2 help
 7 you?
 8 A This gun is a Walther. I don't think
 9 I ever looked at a Pocket Lite. It's possible,
 10 but no, this is not the gun that we took out of
 11 his drawer.
 12 MR. LAVERY: The Colt is not the gun
 13 that you took out?
 14 THE DEPONENT: No, the Colt was not
 15 the gun.
 16 BY MR. BLAKEY:
 17 Q Did you find a Colt in the drawer
 18 too?
 19 A In Stan Rebert's drawer?
 20 Q Yes.
 21 A No, sir.
 22 Q Is there -- Let's put it this way.
 23 What you find wrong about this event, if I
 24 understand you correctly, is not that he had a
 25 gun in his drawer, but that it was a gun that

1 Q Okay. Let's go on to F. This may --
 2 You're talking about converting evidence, a slot
 3 machine. Is this the slot machine you referred
 4 to before that someone went out to the house and
 5 picked it up?
 6 A There was -- And again, sir, I'm not
 7 clear on whether it was a slot machine or a
 8 video machine, but it was some confiscated
 9 entertainment tool from that point. He also had
 10 a slot machine in his office that was taken also
 11 before I became the chief.
 12 Q That was my next question. You're
 13 really going back to ancient history now, aren't
 14 you? Any idea how long those slot machines had
 15 been in the office or at his home?
 16 A Becky does not know that.
 17 Q Long before you got there?
 18 A I don't know if it was long before,
 19 but it was before.
 20 Q Okay. And what's your basis for
 21 contending that it is converted from evidence;
 22 that it used in an evidence -- as an evidence
 23 matter?
 24 MR. LAVERY: I'm sorry, can I have
 25 that again?

1 was removed from the evidence room. Is that --
 2 A That's correct.
 3 Q And specifically from an ARD case of
 4 some time ago?
 5 A That's correct.
 6 Q When did you ascertain that the
 7 Walther gun was in his desk?
 8 A It's documented in my journal. I
 9 don't know. It was during the Ingle
 10 investigation, so I'm going to --
 11 Q That would have been '03 or --
 12 A No, that would have been '01.
 13 Q '01, okay. Did you complain to Stan
 14 about his having this gun?
 15 A The day -- I waited for Mr. Rebert to
 16 come back. I was anxious for him to come back,
 17 and I told him that we had found this gun and it
 18 matched. I complained to him that here was more
 19 conduct of Ken Ingle that was criminal, but I
 20 think that was the extent of my complaint. It
 21 was aimed at Mr. Ingle that day.
 22 Q And did Stan say anything in response
 23 to your complaint that you recall?
 24 A I believe that he didn't even know
 25 that gun was in there.

1 MR. BLAKEY: She alleges of his
 2 practice of converting evidence. I want her to
 3 tell me her factual basis for saying that this
 4 slot machine was converted evidence.
 5 THE DEPONENT: Evidence, I stated
 6 that because I had later learned from detectives
 7 who were on the scene of two raids, one a bingo
 8 raid and one a L.C.E., Liquor Control Agency
 9 raid, where they informed me these items had
 10 been taken. So, therefore, they were evidence
 11 in a -- in a state police investigation, really,
 12 that occurred. And the evidence -- Converting
 13 evidence to personal use, Mr. Rebert had it in
 14 his house for entertainment. Mr. Rebert had it
 15 in his office for entertainment.
 16 BY MR. BLAKEY:
 17 Q I understand that part, but --
 18 A Okay.
 19 Q Isn't the process that the police
 20 find a slot machine, and when the proceeding is
 21 over then they designate it for destruction?
 22 A That's correct.
 23 Q Isn't that what we have here, is two
 24 slot machines that were designated for
 25 destruction that weren't destroyed?

1 A I believe that we do have that.
 2 Instead of destruction, they went toward
 3 personal use.
 4 Q So if it's converting evidence, it
 5 would be converting prior evidence that was
 6 subsequently marked for destruction.
 7 A Yes. And I complained to Mr. Rebert
 8 on many occasions that those slot machines --
 9 There were at times two in his office, although
 10 one may have been a video machine and the other
 11 a slot machine, that they should be destroyed.
 12 I complained to him many, many times.
 13 Q And what did he -- What did he say?
 14 A He said he wanted to get them fixed.
 15 The one had a lock on it, so he could never
 16 access in over a year and he wanted to get a
 17 locksmith in or a lock friend, a friend who had
 18 locks, who could access it to make it
 19 functional. And I told him -- I complained to
 20 him again and again that it should be destroyed.
 21 And finally one day when I had a destruction
 22 lined up with Lavetan's, I took it and had it
 23 destroyed because that was the right thing to
 24 do. I was trying to protect him.
 25 Q When was that?

1 trial testimony that they took this couch to Mr.
 2 Rebert's house.
 3 Q Do you know the background of how
 4 that couch was transferred to Rebert's house?
 5 Do you know anything about the circumstances?
 6 A Tony Glowczewski thinks he took it
 7 there, but this was before my time, and that
 8 would be extent of my knowledge.
 9 Q When was the Ingle trial?
 10 A I believe March of 2003.
 11 Q So that dates when this event
 12 occurred about picking up the coach?
 13 A It's in my journals. It's easily
 14 retrievable, but I'm not sure of the date as I
 15 sit here.
 16 Q I think we'll find it. Your
 17 paragraph F talks about a practice of converting
 18 evidence. We've talked about a slot machine and
 19 a couch. Have you evidence of other evidence
 20 that was converted?
 21 A He asked me several times when we
 22 made forfeitures of evidence to provide him some
 23 for his personal use, but I refused on all those
 24 inquiries.
 25 Q What kind of forfeitures?

1 A I believe that was very late 2003.
 2 Q First half of 2003?
 3 A No.
 4 Q Second half?
 5 A I normally did my -- the disposals
 6 when I lined up Lavetan's and a kiln over in
 7 Lancaster, Columbia. I normally did them in
 8 April and October, or November, so it would seem
 9 to me it was probably November of '03 or April
 10 of '04.
 11 Q You talk about a couch he converted
 12 to his personal use. What facts do you know
 13 about that?
 14 A The facts that I know about that were
 15 received from Mr. Rebert himself. The first I
 16 knew about it was on the day that Mr. Ingle's
 17 trial was to begin. I was in my office going
 18 over reports with some detectives and Eric
 19 Augustine from the Attorney General's office and
 20 I believe Karen VanGiesen, the aforementioned
 21 intern from Dickinson was present when Mr.
 22 Rebert came into my office and asked that I
 23 dispatch county detectives to his house to pick
 24 up a county couch. He wanted this done because
 25 he was afraid that Ken Ingle would reveal during

1 A At the York Fair the first year we
 2 forfeited what's called counterfeit DVDs of
 3 movies, CDs which is music, watches. They were
 4 counterfeit Rolexes, Minotas, et cetera;
 5 clothing, jeans, T-shirts. At each notice to
 6 him he'd ask me to provide him with some of
 7 them.
 8 Q And you refused?
 9 A I did.
 10 Q In talking about contraband taken
 11 from the fair, didn't you keep that at your
 12 home?
 13 A At one point in time we had to rent a
 14 storage facility because there was not enough
 15 room in the safe at the district attorney's
 16 office. At a subsequent point in time that
 17 warehouse that we rented became absolutely full.
 18 You couldn't put another Easter basket in it.
 19 On two occasions the detectives
 20 brought evidence to my house, which was secured
 21 in a tack room of my house. It was inventoried
 22 on the one occasion, and the inventory sheets
 23 were completed there. And as soon as the room
 24 was made available in either two storage
 25 entities, at my request it was quickly removed.

Page 66

1 On the other time that evidence was
 2 brought up it was Matthew Millsaps who brought
 3 it. He didn't have an evidence sheet. It was
 4 junk, but it was still kept under lock and key.
 5 On my many, many insistences that he remove it
 6 and many promises that he would, he finally did
 7 come in and remove it, yes.
 8 Q How long was that evidence at your
 9 home would you say?
 10 A The evidence that was brought to my
 11 house from a case called the Plessinger case was
 12 removed very quickly.
 13 Q A matter of a few days?
 14 A Probably a week, because I then had
 15 to assign the detectives to clean out 1 and
 16 2 evidence lockers to make room to get it out.
 17 The second one I feel comfortable
 18 saying I made five requests to Millsaps over a
 19 period of time. It was probably a month.
 20 Q Okay. Let's go on to G, contention
 21 with reference to the Commonwealth Law
 22 Enforcement Assistance Network known as CLEAN.
 23 A Yes, sir.
 24 Q The document attached to your
 25 Complaint for request came from a Michael

Page 68

1 wasn't done. Is that a fair summary?
 2 A That's correct. Rebert also asked
 3 Randy Rizzuto to have it done, and he also asked
 4 Tammy Stine to have it done.
 5 Q They all refused?
 6 A They did. Randy Rizzuto didn't have
 7 the ability to do that.
 8 Q Now, there's an event in your
 9 original complaint about Commissioner Reilly.
 10 A Yes.
 11 Q Can you tell us about that?
 12 A Commissioner Reilly asked Mr. Rebert
 13 for a registration check.
 14 MR. LAVERY: Do you want the date of
 15 the Jennifer Curran thing, by the way?
 16 MR. BLAKEY: Yes, I would. I think
 17 the diary suggests it's November 6, '03.
 18 MR. LAVERY: Let me see. I think
 19 that is correct.
 20 MR. HUTCHINSON: An exhibit to the
 21 Complaint says November 3rd, '03.
 22 MR. LAVERY: Yep.
 23 MR. BLAKEY: Thank you. Can we agree
 24 on that? Then we don't need the diary.
 25 MR. LAVERY: Let me just check where

Page 67

1 Barley. Have I got that right?
 2 A Yes, sir.
 3 Q And am I correct in understanding
 4 that the request was to run a check on a
 5 Jennifer Curran?
 6 A Specifically, he wanted a criminal
 7 history on that individual.
 8 Q That's the first?
 9 A Yes.
 10 Q Now, records are kept of all requests
 11 for criminal histories through the CLEAN
 12 network; are they not?
 13 A Yes, sir.
 14 Q Are you aware that those records
 15 indicate that no such search was made?
 16 A That should be correct because I
 17 didn't make the -- I didn't make a request. It
 18 was illegal to do so and I refused it. He made
 19 several requests on that particular name, and I
 20 refused it.
 21 MR. LAVERY: He being who?
 22 THE DEPONENT: Mr. Rebert.
 23 BY MR. BLAKEY:
 24 Q So Barley asked Rebert to do it,
 25 Rebert asked you to do it. You refused and it

Page 69

1 it's at here.
 2 MR. BLAKEY: Can we agree on the
 3 date?
 4 MR. LAVERY: November 5th --
 5 According to the Complaint, November 5th he
 6 first requested. November 6th he again
 7 confronted her and asked her for the criminal
 8 history.
 9 MR. BLAKEY: Okay.
 10 MR. LAVERY: So it's 5th or 6th.
 11 BY MR. BLAKEY:
 12 Q Now we're talking about Reilly.
 13 A Yes, sir. Mr. Rebert asked me to run
 14 a registration check. We call that a 1028. I
 15 asked him if it was because of an investigation,
 16 and he said, what does it matter? The
 17 commissioner wants a license check. I explained
 18 that the commissioner is not entitled to a
 19 license check, and I complained that he can't be
 20 providing these things to politicians, or
 21 anybody that isn't a legitimate requester.
 22 He got upset with me that day and
 23 said, then you call him and you explain to him
 24 why we're refusing him. So I did call him. I
 25 left a message for him, and it was several days

Page 70

1 later that he got back to me and he told me that
 2 he wanted it. I said, what's it for? He said,
 3 I'm doing an investigation. I said, is it a
 4 traffic investigation? He said, well, it was
 5 almost a traffic investigation.
 6 And he said, what's the problem? I
 7 said, the problem is you are not one of the
 8 legitimate receivers of that information unless
 9 there's a police investigation, and then the
 10 police department would run it and you'd be
 11 entitled to it. He said, oh, really? He said,
 12 any time I ever needed a registration before
 13 Stan would have Kenny give it to me. I did not
 14 know that that was not proper and I won't ask
 15 you again.
 16 Q Okay. It was not done, correct?
 17 MR. LAVERY: On that occasion.
 18 THE DEPONENT: That's correct.
 19 BY MR. BLAKEY:
 20 Q On that occasion. Anyway, when was
 21 this with Reilly?
 22 A That was in 2001 I believe, but
 23 again, I would have to check my notes for a
 24 date.
 25 MR. LAVERY: Do you want to go

Page 71

1 through the other ones? I found them in the
 2 Complaint if you want to.
 3 MR. BLAKEY: I'm sorry?
 4 MR. LAVERY: Are you still on that
 5 subject?
 6 MR. BLAKEY: Yes.
 7 MR. LAVERY: I'm trying to save time
 8 for you to show you where they're at if you want
 9 to go through the other ones.
 10 MR. BLAKEY: I looked at paragraph
 11 58. It has no date.
 12 MR. LAVERY: Okay. Yeah. The
 13 Complaint, 52 on the Complaint, August 29, 2001.
 14 MR. BLAKEY: Oh, that's the Reilly?
 15 MR. LAVERY: Yeah.
 16 MR. BLAKEY: Thank you.
 17 MR. LAVERY: That's what I'm trying
 18 to tell you.
 19 MR. BLAKEY: Okay.
 20 MR. LAVERY: Then the next one, just
 21 so we can move along on this, because I know you
 22 want to get done --
 23 BY MR. BLAKEY:
 24 Q What paragraph are we at?
 25 A 87.

Page 72

1 MR. LAVERY: Of the original
 2 Complaint.
 3 MR. BLAKEY: Okay, that pins it down.
 4 Oh, I'm not there yet.
 5 THE DEPONENT: Okay.
 6 BY MR. BLAKEY:
 7 Q Miss Downing, did you ever use the
 8 CLEAN system for your personal purposes?
 9 A Yes, I did.
 10 Q Can you tell us about that?
 11 A Yes. I purchased a gun and I went to
 12 County Control because someone else told me the
 13 serial number of their gun was my serial number,
 14 and I went there and ran that with the
 15 supervisor at York County Control to verify that
 16 serial numbers were botched in a transfer of
 17 guns bought by the York City Police Department
 18 for our personal use.
 19 Q Is that the only time?
 20 A Actually, I had to do that later
 21 because I was sent -- There was a big to-do
 22 about that with ATF, which is the Bureau of
 23 Alcohol, Tobacco and Firearms. And when they
 24 re-registered the gun, there was an entirely
 25 different number and we had to do the same thing

Page 73

1 again. I ran it a third time to ensure that the
 2 serial numbers listed on the guns owned by me by
 3 ATF were accurate.
 4 Q Any other time?
 5 A Yes. I had a -- I purchased a
 6 trailer. A trailer and the serial number came
 7 back wrong on that from the dealer. I called a
 8 supervisor -- I called the SCOPE supervisor at
 9 County Control, explained what had happened, ran
 10 the VIN number, and that information enabled me
 11 to go to PennDOT and get a re -- a title
 12 reissued.
 13 MR. JACOB: Explain SCOPE.
 14 THE DEPONENT: SCOPE, sir, is the
 15 records area of York County Control. It is the
 16 records section that works with computers. And
 17 again, I didn't run my own registration. I ran
 18 it through Casey Castle who was the supervisor
 19 of that.
 20 BY MR. BLAKEY:
 21 Q What's the significance of that?
 22 A I could have picked up the phone and
 23 run it myself. Instead, I had her run it and
 24 told her the facts of it.
 25 Q Anything else?

Page 74

1 A Not that I recall at this time.
 2 Q Okay. Let's go to H, refusal to
 3 investigate or prosecute.
 4 MR. LAVERY: Are you -- There are
 5 other ones that fall under G if you're
 6 interested in them. If not, we can move to H,
 7 but just so you --
 8 MR. BLAKEY: I just thought you told
 9 me they weren't. You're telling me there are?
 10 MR. LAVERY: Yeah.
 11 THE DEPONENT: You asked me --
 12 BY MR. BLAKEY:
 13 Q Go ahead. I'll hear from you.
 14 A You asked me if there were other
 15 things I ran for myself for personal
 16 information.
 17 Q Right.
 18 MR. LAVERY: There were other
 19 requests by Mr. Rebert to do those things,
 20 though.
 21 BY MR. BLAKEY:
 22 Q All right. I'd appreciate that.
 23 Let's hear about them.
 24 A Mr. Rebert asked me to find
 25 information on a DUI case involving the wife of

Page 75

1 the CEO of a large printing company.
 2 Q I'm going to go down all those
 3 alleged interventions. I'm just sticking
 4 with -- Did you use the CLEAN system on that?
 5 A I didn't, but he asked me to.
 6 Q I'm just trying to focus on CLEAN.
 7 MR. LAVERY: That's why -- Because he
 8 asked her, according to what she's going to say,
 9 she asked him (sic) to use CLEAN to do this, to
 10 do this intervention to get the information. If
 11 you want her to testify to it, she can. But
 12 just so the record is clear, that's going to be
 13 an issue.
 14 BY MR. BLAKEY:
 15 Q I completely misunderstood you. I
 16 didn't think what you started to say about the
 17 CEO had anything to do with CLEAN. I'm wrong on
 18 that?
 19 A Yes, you are, sir.
 20 Q If it had something to do with CLEAN
 21 tell me about it.
 22 A When we mentioned the SCOPE room
 23 earlier, that is a computer-based operation that
 24 conducts queries into a person's record. The
 25 CLEAN system is connected to the NCIC system.

Page 76

1 CLEAN is the Commonwealth Law Enforcement
 2 Assistance Network. NCIC is the National, if
 3 you will, the National Crime Information Center.
 4 Q Okay.
 5 A When you make an inquiry to one,
 6 there's an automatic, what they call auto-run
 7 connection to the other, for obvious purposes.
 8 If a police officer would be conducting a local
 9 check on someone and there would be higher wants
 10 or warrants, he or she would be notified of
 11 that.
 12 When Mr. Rebert asked me on several
 13 occasions to look into cases and histories and
 14 records of individuals, it would have been --
 15 His request was that it was queried through
 16 those systems to return the information that he
 17 wanted.
 18 Q Now, are these requests with respect
 19 to a criminal investigation?
 20 A They were requests that he wanted to
 21 know who filed charges and what the status of
 22 the investigations are for personal and
 23 political reasons; not for district attorney
 24 office investigations.
 25 Q It involved a criminal investigation,

Page 77

1 but you say his motivation was personal or
 2 political?
 3 A Absolutely. The district attorney's
 4 office --
 5 Q We'll cover that later because I'm
 6 talking about your averment that he used CLEAN
 7 for nonlegitimate law enforcement purposes.
 8 MR. LAVERY: That's what she's
 9 telling you about.
 10 BY MR. BLAKEY:
 11 Q Well, we'll quibble about that.
 12 A Okay.
 13 Q I submit that if it involves a
 14 criminal investigation, he has every right to do
 15 it.
 16 A Not for the purposes he wanted.
 17 MR. LAVERY: If you want to hear her
 18 out, she'll tell you why he told her, if you
 19 want, to do it.
 20 MR. BLAKEY: I have a whole list of
 21 those.
 22 MR. LAVERY: All right. Well,
 23 there's another one too. Just so the record is
 24 clear here.
 25 MR. BLAKEY: Go ahead.

1 MR. LAVERY: I don't know if you want
2 to cover it, but it's in there.

3 MR. JACOB: Just so the record is
4 clear, Becky said in the beginning this is what
5 she remembers as she sits here or she's
6 testifying from the Complaint, but all this is
7 also detailed in the journals which we
8 disclosed.

9 MR. BLAKEY: She's also referring to
10 the original 300-paragraph Complaint.

11 MR. LAVERY: That's true.

12 THE DEPONENT: Again, on March 28th
13 of '02, he asked me to get the dirt on a person
14 by the name of Stacy Shillito. The way that
15 I -- The only way I would have done that would
16 be to access the CLEAN slash NCIC system and the
17 JNET system, which is connected with it also.
18 JNET is for the Justice Network, which primarily
19 holds the driving records and the photo
20 information on your driver's license through
21 PennDOT.

22 BY MR. BLAKEY:

23 Q Okay. Get the dirt means he wanted
24 to know what that was all about, right?

25 A He asked me to get the dirt on it,

1 A March 28th of 2002.

2 MR. HUTCHINSON: Is there a reference
3 in the Complaint for that?

4 MR. LAVERY: Yes.

5 MR. BLAKEY: Yeah, Shillito there is.
6 Well, let's go down the list if you'll jump a
7 little bit here.

8 MR. LAVERY: Beginning 107.

9 BY MR. BLAKEY:

10 Q I'll come back, but 19M you again --

11 MR. LAVERY: Just so the record is
12 clear, I know you are, but I just want to make
13 sure we're not leaving this. There's also
14 another one in paragraph 209 that she alleges.

15 BY MR. BLAKEY:

16 Q All right. Let's hear about that
17 before we go. What is it?

18 THE DEPONENT: Are you saying 209,
19 Mr. Lavery?

20 MR. LAVERY: Yeah.

21 THE DEPONENT: That was the Barley
22 incident that we already talked about.

23 MR. LAVERY: Oh, I'm sorry.

24 BY MR. BLAKEY:

25 Q All right. So we started to talk

1 and I ran a JNET on it, and then I asked him
2 what he wanted about it. He said he wanted me
3 to get the dirt on a DUI investigation. I said
4 why, because when the district attorney's office
5 reaches a case it's for preparation of a
6 preliminary hearing or it's for prosecutorial
7 reasons.

8 There is no permission largely from
9 the D.A.'s office when police departments bring
10 charges unless it's a major case.

11 So this was a DUI. So I asked him
12 why he wanted the dirt on it. And he told me
13 that she was a barmaid at Murph's and that Susan
14 was a friend of hers.

15 Q So he wanted to know the
16 circumstances surrounding the investigation?

17 A He said, I want the dirt on it. I
18 then complained to him that this was improper
19 and I --

20 Q You did or did not?

21 A I did. I complained to him that this
22 was improper, and I didn't take it any further
23 because that JNET copy did not provide
24 information on the DUI.

25 Q And when was this?

1 about Shillito. I'm talking to 19M where you
2 talked about his practice of attempting to --

3 MR. LAVERY: Before you do that, I
4 just want to go -- There was one other one here.

5 MR. JACOB: And again, just so the
6 record is clear, the Complaint are highlights
7 from the journal. It's not necessarily an
8 exhaustive list in the Complaint.

9 MR. HUTCHINSON: It does somewhat
10 define what this case is about, though.

11 MR. LAVERY: Oh, definitely it does.
12 No question about it.

13 MR. JACOB: Absolutely. I'm just
14 saying that there might not be an exhaustive
15 list of the CLEAN use. There's probably others
16 in the journal.

17 MR. BLAKEY: I hear what you're
18 saying. After we cover 300 paragraphs, I think
19 we're going to have most of it, if not every
20 bit. What's your other paragraph?

21 MR. LAVERY: That's what I'm looking
22 for. It was sometime in 2004.

23 THE DEPONENT: Yes. In 2004 --

24 MR. LAVERY: I know sometime in 2004.
25 I'm trying to find it in here.

Page 82

Page 84

1 THE DEPONENT: -- Mr. Rebert again
2 asked me to access a record of a Kevin L.
3 Wagner.

4 MR. LAVERY: March 15, 2004.
5 THE DEPONENT: March 15th of '04.
6 MR. LAVERY: Chandrakant Shah
7 incident, 215 of the Complaint, of the original
8 Complaint.

9 THE DEPONENT: On that Kevin L.
10 Wagner incident, Mr. Blakey, he told me that
11 Representative Ron Miller had called him and
12 that Representative Miller wanted to find out
13 what happened for Mr. Wagner's DUI arrest.

14 BY MR. BLAKEY:

15 Q Okay.

16 A I complained to him that this was
17 improper. I told him, you know we can't do
18 this. What is it about? He said, it's a
19 representative wanting something. I did not
20 access that information because it was improper.

21 Q Okay. Let's move over to 19M.
22 You're charge is attempting to, or intervening
23 in criminal investigations. And I have a list
24 here, some of which we covered. I guess we've
25 talked about Tracy (sic) Shillito to.

1 BY MR. BLAKEY:

2 Q Apparently he agreed with you?

3 A No, he didn't agree with us.

4 Q Nothing was done?

5 A I didn't do it. I don't know if
6 anything was done.

7 (Downing Exhibit Number 3 was marked
8 for identification)

9 Q I show you what's been identified as
10 Exhibit 3 primarily to pin down the time here.
11 This is the event we're talking about here, the
12 second paragraph?

13 A Yes, sir, you're correct. That was
14 December 19th of 2001.

15 Q Now, you say you don't know. Was she
16 not prosecuted?

17 A I don't know, sir.

18 Q You don't know that? Okay.

19 A She was already arrested by the point
20 of his request.

21 Q And was Tracy (sic) Shillito not
22 prosecuted?

23 A Stacy.

24 Q Stacy.

25 A I don't know.

Page 83

Page 85

1 The next one was, wife of the CEO of
2 Triangle Printing Company, whose name was Mary
3 Ellen something.

4 A Levy, L-E-V-Y.

5 Q And your diary notes that as
6 12/19/01. What happened there?

7 A Tom Kelley came to me and informed me
8 that my name and his name had been included in a
9 memo about an arrest that a York City Officer
10 Lisa Daniels made on a DUI arrest, and that he
11 wanted both of us to look at this case and get
12 the charges dropped or lowered. Tom Kelley was
13 furious about this. He asked that I go to Stan
14 with him and object to this, and we together did
15 that.

16 Q Were the charges dropped or lowered?

17 A No. I refused to do this. I
18 complained to him that --

19 MR. LAVERY: Complained to who
20 when --

21 THE DEPONENT: To Mr. Rebert that it
22 was totally against what I was teaching the city
23 officers for the previous 27 years, and that it
24 was improper for his office to make such an
25 accusation just because it was a friend of his.

1 Q Next one in your Complaint you refer
2 to an Argento.

3 MR. LAVERY: Which paragraph are we
4 on?

5 MR. BLAKEY: I don't know, but it's
6 12/11/01. Maybe 89. I wrote down the number
7 89.

8 MR. LAVERY: Okay.

9 BY MR. BLAKEY:

10 Q 89 of the original Complaint. On
11 12/11/01 he confronted you and asked you not to
12 arrest Anthony Argento because his wife was
13 friends with her (sic) aunt. Is that accurate?

14 A I'm familiar with this case, yes. We
15 had conducted a search warrant at Anthony
16 Argento's place of business in York Township for
17 chop shop violation. We found evidence that
18 validated that charge.

19 However, there was a bunch of open
20 titles at that location and we did not arrest
21 him immediately. Detective Demangone was
22 following up on them. But I had informed Mr.
23 Rebert, like everything we were working on, the
24 nature of the case. And the day before we were
25 going to arrest him, I told him we were going to

Page 86

Page 88

1 arrest him and he asked me if we did not have to
2 arrest him; could we not arrest him. I said,
3 why would we not arrest him? He told me that
4 Argento's aunt was a friend of Susan's.

5 Now, I believed through my employment
6 that he had meant Susan Rebert at that point in
7 time. But, he never said Rebert. He say Susan,
8 so it could have been Voyzey.

9 Hearing that I was not going to
10 change my mind, that we intended to go arrest
11 him the following day as planned, he asked me if
12 we could at least keep it out of the paper, the
13 newspaper. And I again suggested for personal
14 reasons and friends and family of his political
15 supporters, we could not and should not alter
16 our normal methodology with defendants.

17 Q And he was arrested?

18 A He was.

19 Q And he was prosecuted?

20 A He was.

21 Q And the article went in the paper in
22 normal form?

23 A I don't remember. I don't know. I
24 didn't read the paper for that every evening. I
25 don't know whether it was in or not.

1 Reithoffer is the gentleman that came in and
2 provided the rides to York Fair every year, and
3 he also had a set amount of properties in which
4 he subcontracted out to vendors.

5 If Mr. Perez was not there making
6 money, he could not pay Mr. Reithoffer the rent.
7 Mr. Reithoffer's vendor/salesman, was Robert
8 Pugh, P-U-G-H, I think. It might be P-E-W, but
9 Mr. Pugh went to Mr. Rebert, according to Mr.
10 Rebert, and asked that --

11 Q Rebert told you this?

12 A Yes, he did. -- and asked that we
13 lower the bail on Charles Perez so that he can
14 get back to work at the stand so he could,
15 therefore, have the money to pay Mr. Pugh the
16 rent.

17 I told him this was improper, and he
18 indicated to me that he doesn't want to upset
19 the fair. He wants to keep Mr. Reithoffer and
20 Mr. Pugh happy. At which point I reminded him
21 that Mr. Pugh is the very man who tried to
22 totally compromise and contaminate our first
23 arrest at the fair by driving his golf cart
24 around to the other stands that we had targeted
25 for counterfeiting.

Page 87

Page 89

1 Q Next one is Perez. I can't give you
2 a paragraph, but a CD bootlegger.

3 THE COURT REPORTER: Excuse me, what
4 did you say Mr. Lavery. I can't give you a
5 paragraph --

6 MR. BLAKEY: I can't give you a
7 paragraph.

8 MR. LAVERY: And I interjected over
9 him saying, I'll find it for you, so we know
10 where it's at.

11 MR. BLAKEY: Well, we may not need
12 it.

13 BY MR. BLAKEY:

14 Q Do you recall this?

15 A Yes, I do. Charles Perez was a
16 defendant who was operating a stand at the York
17 Fair producing bootleg CDs and DVDs.

18 Q Okay.

19 A He was arrested by our agency. In
20 fact, I was there and we confiscated hundreds of
21 movies and bootleg DVDs, of which Mr. Rebert
22 tried to get me to give him some too, by the
23 way.

24 But Mr. Perez was an individual who
25 leased a stand at the fair from Mr. Reithoffer.

1 I complained to him that this
2 practice at this time was wrong again,
3 reconfirming my many statements of that, and I
4 refused to intervene in the Charles Perez bail
5 reduction request. Mr. Perez remained in jail
6 throughout the fair.

7 Q When was this?

8 MR. LAVERY: According to 129,
9 September 11, 2002 --

10 MR. BLAKEY: Thank you.

11 MR. LAVERY: -- for the arrest, so it
12 would have been the 2002 York Fair.

13 BY MR. BLAKEY:

14 Q So he made an inquiry, but you did
15 not reduce the bail and he was prosecuted in
16 normal course?

17 A Yes, sir, he was.

18 Q Let's go to Chad Sterner. I
19 understand a DUI.

20 A Can you give me a number?

21 MR. LAVERY: I'm going to try to -- I
22 think before that there's an Accardo
23 investigation I believe at 155. I think that
24 was before Sterner.

25 MR. BLAKEY: I thought we talked

1 about Accardo.
 2 MR. LAVERY: This was the one that
 3 she was alluding to before and you said you
 4 would get to it about --
 5 THE DEPONENT: We talked about
 6 Argento --
 7 MR. LAVERY: -- West Manchester.
 8 THE DEPONENT: -- but not Accardo.
 9 MR. BLAKEY: Oh, okay.
 10 MR. LAVERY: There's another one at
 11 155.
 12 BY MR. BLAKEY:
 13 Q Well, let's talk about Accardo while
 14 we're looking, 155.
 15 MR. LAVERY: Just sequentially in
 16 time that was the next one, I believe.
 17 BY MR. BLAKEY:
 18 Q You're talking about April 9, 2003?
 19 A Yes, sir.
 20 Q What happened?
 21 A On that day Stan called me over to
 22 review a written communication he had prepared
 23 and was ready to send to Chief Arthur Smith of
 24 the West Manchester Township Police Department.
 25 It was a stinging, scathing communication

1 you should do is, this is all over Susan Voyzey.
 2 You should divorce yourself from this case
 3 totally. You are intervening by your own
 4 omission and by your explanation to me in an
 5 arrest of a boyfriend of one of your employees.
 6 It is simply improper to do so.
 7 I explained to him that she had done
 8 so many things, which goes back to the lack of
 9 discipline against people who had committed
 10 improprieties in his office. She had displayed
 11 her badge on a previous arrest with Mr. Accardo,
 12 a DUI arrest that she was present in the car.
 13 She had called on this incident, this
 14 particular road rage incident, identified
 15 herself as an A.D.A. saying that she was working
 16 on the case in an attempt to get a police report
 17 from West Manchester Township, and that he
 18 should just totally distance himself from this.
 19 But, he was upset because Smittie, as
 20 he put it, went against his wishes. I then
 21 suggested that he instead pick up the telephone
 22 and have an adult conversation with Smittie and
 23 let the two of them talk about it, and he did
 24 that.
 25 Q Was the man prosecuted?

1 demeaning Chief Smith because he had gone
 2 against Mr. Rebert's wishes in a prosecution
 3 involving Frank Accardo.
 4 As I recall correctly, Mr. Accardo
 5 had been involved in a road rage incident in
 6 West Manchester Township. During the course of
 7 their investigation, Mr. Rebert had asked Chief
 8 Smith not to prosecute Mr. Accardo in the case
 9 until he had received permission from Mr.
 10 Rebert.
 11 The content of the letter was that an
 12 Officer Schlemmer, S-C-H-L-E-M-M-E-R, had gone
 13 ahead and brought the charges against Frank
 14 Accardo. Mr. Rebert was livid, and had that
 15 obviousness in the letter. He asked me to
 16 review it and give him my take on the situation.
 17 We had a lengthy conversation that
 18 morning where I talked about his poison pen
 19 letters. These are letters that he wrote that
 20 were strong and --
 21 Q We'll get to those I assure you.
 22 A Okay. I explained to him that those
 23 poison pen letters hurt people, and once you say
 24 them it's tough to take them back, and he agreed
 25 and asked, what I should do. I said, well, what

1 A No. I think the charge -- I don't
 2 know. You'd have to check. I think the charges
 3 were withdrawn because there was a meeting,
 4 whereby, Mr. Accardo was to take a polygraph and
 5 West Manchester Police indicated to me that
 6 Accardo never showed for the polygraph. That
 7 could have been before Mr. Rebert's
 8 intervention. I don't know.
 9 Q In your Complaint you actually say
 10 that Rebert advised Accardo not to take a
 11 polygraph. What's your basis for that
 12 allegation?
 13 A The West Manchester Township officers
 14 told me that, but I don't have --
 15 Q Can you tell me who?
 16 A No. I had conversations about that
 17 incident with three or four of them. It was a
 18 standing -- it was standing knowledge that Stan
 19 Rebert at some times interfered with arrests in
 20 different agencies and that was one of them.
 21 Q Let me divert here for a minute.
 22 Would you disagree with the statement that the
 23 district attorney has the ultimate authority
 24 whether to prosecute a given case or not?
 25 A Yes, I agree with that.

1 opinion?
 2 BY MR. BLAKEY:
 3 Q Yes.
 4 A I believe it's improper.
 5 Q Okay.
 6 A I think justice should be allowed to
 7 continue without his intervention on friends,
 8 family and political donators.
 9 Q Let's move back to Chad Sterner I
 10 think it was.
 11 MR. JACOB: Just for clarification,
 12 you're not implying that your hypothetical is
 13 what happened in this case, right?
 14 MR. LEBER: That's what hypothetical
 15 means.
 16 MR. JACOB: I just want to make surc.
 17 MR. LAVERY: Let me just --
 18 MR. BLAKEY: Where are you?
 19 MR. LAVERY: I'm just trying to find
 20 out where it's at so we can get a point of
 21 reference for her. Chad Sterner?
 22 MR. BLAKEY: Yes.
 23 MR. LAVERY: Okay. Hold on. It's
 24 paragraph 202.
 25 MR. BLAKEY: Thank you. The man who

1 legitimate explanation from him. He told me
 2 that he knew the family. I did not know at that
 3 time that it was Randy Rizzuto's nephew.
 4 Q In your Complaint you say that he
 5 stated curiosity.
 6 A Oh, that was the curiosity one?
 7 Q Yes.
 8 A On that date then, I asked him why he
 9 was interested, and he told me curiosity. I
 10 reminded him, I said something along the lines
 11 of, you know what curiosity did to the cat.
 12 Q So, if he's curious about a matter,
 13 he has no right to inquire?
 14 A He told me he knew the family;
 15 therefore, I -- Again, through all of this I'm
 16 trying to save Mr. Rebert from doing things
 17 wrong, and I felt it was not right. Yet, he
 18 asked me time and time again to do these things.
 19 Q Okay. When was the Chad Sterner
 20 incident?
 21 A I'd have to look.
 22 MR. LAVERY: I have the fall of '03,
 23 I believe. There's not a date on there, but
 24 since the Complaint is sequential and it's after
 25 October 14th and before October 21st, I would

1 wrote this treatise, you know more about it than
 2 anyone.
 3 BY MR. BLAKEY:
 4 Q What we're talking about, 202 --
 5 MR. LAVERY: That's a hypothetical
 6 assumption.
 7 BY MR. BLAKEY:
 8 Q What do you know about the Chad
 9 Sterner matter?
 10 MR. LAVERY: I'm sorry, what was the
 11 question?
 12 MR. BLAKEY: What do you know about
 13 the Chad Sterner matter?
 14 MR. LAVERY: Go ahead.
 15 THE DEPONENT: I believe that two of
 16 my detectives notified me that they had been
 17 asked by the district attorney to investigate a
 18 DUI charge that Northeast Regional Police had
 19 filed against a Chad Sterner.
 20 BY MR. BLAKEY:
 21 Q Okay.
 22 A They felt it was strange that they
 23 were asked to micromanage a charge brought by
 24 another agency. They told me. I went and asked
 25 Stan why we were doing it, just to receive a

1 say October 2003.
 2 THE DEPONENT: This date is
 3 retrievable. I believe it's in my journal.
 4 BY MR. BLAKEY:
 5 Q Well, that's an interesting point.
 6 This is sequential, these issues?
 7 MR. LAVERY: I believe.
 8 MR. BLAKEY: All right. Well, that
 9 helps.
 10 BY MR. BLAKEY:
 11 Q All right. Next one is Carr.
 12 MR. LAVERY: I'm sorry, which one?
 13 BY MR. BLAKEY:
 14 Q Oh, before I leave that, Chad Sterner
 15 was prosecuted?
 16 A I don't know.
 17 Q Carr I believe was the fall of '03.
 18 MR. JACOB: Just for clarification,
 19 when you said sequential and you referred to a
 20 document, as far as the original Complaint or
 21 the Amended Complaint, I'm not so sure that the
 22 Amended Complaint, which is controlling, is
 23 sequential.
 24 MR. BLAKEY: Where we're referring
 25 now is almost exclusively the original

Page 102

1 Complaint, which has all this detail in it.
 2 MR. LAVERY: All right. I'm sorry,
 3 Mr. Blakey, who are you referring to?
 4 MR. BLAKEY: C-A-R-R.
 5 THE DEPONENT: Do you know when that
 6 might have been?
 7 BY MR. BLAKEY:
 8 Q DUI.
 9 A But when?
 10 Q That's what I'm trying to get to,
 11 when and what. Why don't you tell us what you
 12 remember. We'll get the case.
 13 A I don't remember this at this point.
 14 MR. LAVERY: Are you saying fall of
 15 2003?
 16 MR. BLAKEY: What paragraph?
 17 MR. LAVERY: I'm trying to find it.
 18 MR. BLAKEY: Yeah, that was my note
 19 to myself. Well, we'll go on.
 20 MR. LAVERY: All right.
 21 BY MR. BLAKEY:
 22 Q You mentioned Wagner a minute ago.
 23 That involved the inquiry by the representative?
 24 MR. LAVERY: Are you talking about
 25 Chandrakant Shah?

Page 103

1 MR. BLAKEY: I don't think so.
 2 MR. LAVERY: That's the only one
 3 I'm --
 4 MR. JACOB: I don't recognize Carr
 5 either.
 6 MR. LAVERY: Accardo maybe. Is that
 7 what you were talking about instead of Carr?
 8 MR. BLAKEY: No. We covered Accardo.
 9 MR. LAVERY: All right.
 10 BY MR. BLAKEY:
 11 Q You talked about Wagner before.
 12 A Yes, sir.
 13 Q When was that?
 14 A I would have to look. (Deponent
 15 reviewing Complaint.) It appears to be March
 16 15th of 2004.
 17 Q And in this case you objected, I
 18 think you said; is that correct?
 19 A I did.
 20 Q And nothing further was done about
 21 it?
 22 A I don't know.
 23 Q Do you know if the man was
 24 prosecuted?
 25 A I do know that there was a Kevin L.

Page 104

1 Wagner, Junior prosecuted in another county two
 2 days earlier than the request was made.
 3 Q Well, if you look at 219 that seems
 4 to be -- Oh, junior and senior, do you think
 5 that's two different people?
 6 A I think junior and senior would be
 7 two different people, but --
 8 Q Look at 219.
 9 A Yes, I'm looking at it.
 10 Q It seems to relate back to
 11 Representative Miller, which seems to be the
 12 case we're talking about.
 13 A That's correct, sir. Stan Rebert
 14 asked me specifically about Kevin L. Wagner,
 15 Senior. There was a Kevin L. Wagner, Junior
 16 arrested two days earlier in Lebanon County.
 17 Q Oh. Well, do you know about senior,
 18 whether he was prosecuted or not?
 19 A No.
 20 Q Do you know if Mr. Rebert had any
 21 relationship with this man at all?
 22 A With Mr. Miller?
 23 Q No, with Mr. Wagner.
 24 A I don't know if he did or not. He
 25 told me that he was making the request of me on

Page 105

1 behalf of a fellow politician.
 2 Q Now we move on to a man named Green.
 3 Let's see if we can pick him out here. DUI.
 4 A Can you give me a focus point?
 5 Q I think he was on the ARD program.
 6 It would be the same thing. You're alleging
 7 here somewhere that he intervened or inquired.
 8 Does that ring a bell with you?
 9 A No, sir.
 10 Q Well, we'll pass it. Did Mr. Rebert
 11 inquire about cases, the status of cases where
 12 he didn't know the person and there was no
 13 political relationship or family relationship of
 14 which you are aware? Didn't he routinely
 15 inquire about cases?
 16 A I don't know if I'll answer your
 17 question correctly, but I had a routine,
 18 whereby, I used to sit and talk to Mr. Rebert
 19 about all of the detective bureau cases, and
 20 that was in addition to a weekly coverage of our
 21 events. There might have been times when I
 22 explained to him and he asked me questions about
 23 the cases, yes.
 24 MR. LAVERY: These are detective
 25 cases in your office?

Page 106

1 THE DEPONENT: Yes, sir.
 2 BY MR. BLAKEY:
 3 Q Well, if I hear you correctly, it was
 4 part of your practice to meet and routinely
 5 review things that were pending and in the works
 6 in your office.
 7 A In my prosecution; not in the office.
 8 Q In your prosecution?
 9 A Yes, just that the York --
 10 Q You mean personally or your bureau?
 11 A No, just that the York County
 12 detectives were prosecuting.
 13 Q Okay.
 14 A We didn't discuss the other cases.
 15 That was done by attorney strategy in attorney
 16 meetings, et cetera.
 17 Q But routinely you would meet and talk
 18 about cases the detective bureau was handling?
 19 A Right.
 20 Q Nothing improper about his asking
 21 questions about those, is there?
 22 A No.
 23 Q Let's turn to -- I think we skipped a
 24 little bit. I better go back. We got off on
 25 these intervention issues. We're going to talk

Page 107

1 about Witman photos when you come back.
 2 (Short recess occurred.)
 3 BY MR. BLAKEY:
 4 Q Going back to H --
 5 A H, yes, sir.
 6 Q -- now here we're talking about Susan
 7 Voyzey again; are we not?
 8 A Yes, sir, we are.
 9 Q Now, you indicate there's a refusal
 10 to investigate. In fact, didn't you and
 11 Lieutenant Glowczewski investigate this matter?
 12 A Yes, until to a point when the
 13 district attorney directed us to stop that.
 14 Q You kept all the notes according
 15 to --
 16 MR. LAVERY: Is that a question?
 17 BY MR. BLAKEY:
 18 Q -- Lieutenant Glowczewski?
 19 A Is that a question?
 20 Q Yeah.
 21 A No, we both had notes from that
 22 incident.
 23 Q How far did you go before you were
 24 told to stop? What did you do?
 25 A Tom Kearney contacted our office. He

Page 108

1 was one of the co-counsel in the Witman homicide
 2 prosecution.
 3 Q Um-hm.
 4 A He gave us the information--actually,
 5 he gave it to Lieutenant Glowczewski--that part
 6 of the focal crime scene photos had been taken
 7 out of the D.A.'s office and shown at a party is
 8 how it was initially given to us, in a private
 9 home. That the person that removed the photos
 10 and took them to this home was Susan Voyzey.
 11 Tom Kelley and Lieutenant Glowczewski
 12 and myself I believe were present when we talked
 13 to Mr. Rebert about this. I don't know if Mr.
 14 Kelley had talked to Mr. Rebert first because he
 15 knew about it. And we then had a meeting in the
 16 office of Stan Rebert and it was agreed that we
 17 would go out and talk to the individuals and
 18 determine if it seemed valid.
 19 The individuals that we are talking
 20 about were the people that had this gathering.
 21 I would call it a gathering rather than a party,
 22 whereby, they allege that Susan Voyzey brought
 23 Witman crime scene photos to their house and
 24 displayed them on a counter.
 25 The couples' name who owned the house

Page 109

1 was Rita and Michael Wynegar. Mr. Rebert
 2 referred to them as white trash for whom he --
 3 something along the lines for whom he had not
 4 brought the golden goose home. I didn't know
 5 anything about it, but he explained to me that
 6 there was a prosecution of Rita Wynegar's
 7 brother named DeGrandis, D-E Capital G-R-A-
 8 N-D-I-S. And he alleged -- He alluded to the
 9 fact that they were unhappy with his
 10 prosecution, and that was before I was hired, so
 11 I knew nothing about the case.
 12 We were directed, we being Lieutenant
 13 Glowczewski and I, to go interview Mr. and Mrs.
 14 Wynegar and see what we thought. We did do
 15 that. We made an appointment and we visited
 16 with them at their home. We spoke to them
 17 individually and together, and received
 18 information from them about Susan Voyzey and
 19 these photos. We found them to be credible.
 20 During the course of that they
 21 volunteered -- We didn't ask them. They
 22 volunteered to take polygraphs at their own
 23 expense to bolster their statements in the case.
 24 We reported that back to Tom Kelley.
 25 Tom Kelley was then doing the bulk of the

28 (Pages 106 to 109)

1 communication to Mr. Rebert. Kelley told me to
 2 stay on this, to make it a priority, and that he
 3 would give me the green light when we should set
 4 up these polygraphs.
 5 I'm going to estimate that probably
 6 four or five days went past, I know it wasn't
 7 immediately, and there was some miscommunication
 8 because Kelley thought we were going to go ahead
 9 and get the polygraphs. And I said no, I'm
 10 waiting for an okay from you or the boss.
 11 He then told me that he had talked to
 12 Stan and Stan was now going to agree to have
 13 Susan Voyzey confronted. That meeting took
 14 place, I don't know what date, but it's in the
 15 journal, where it was Paul Crouse, Voyzey,
 16 Kelley, Glowczewski and myself; perhaps Barker
 17 was there too, I don't remember, whereby, she
 18 was confronted about the incident. That was the
 19 day that -- when we walked into the office she
 20 was sitting in the chair and he said, well, baby
 21 girl, here's why we're here. I remembered that
 22 as honey girl, but I was told I was wrong by
 23 other persons in the room.
 24 At that point in time she denied ever
 25 taking the photos from the office. In fact, he

1 Q So the matter was investigated, but
 2 your complaint really is that it wasn't
 3 prosecuted?
 4 MR. LAVERY: Objection. I don't
 5 think that's what she said.
 6 THE DEPONENT: Well, it was --
 7 MR. LEBER: It's a question.
 8 MR. BLAKEY: It's a question.
 9 MR. LAVERY: Well, it misstates her
 10 testimony. Object to form.
 11 MR. BLAKEY: I'm asking her.
 12 BY MR. BLAKEY:
 13 Q Is your objection -- Are you saying
 14 it was not investigated?
 15 A Not fully.
 16 Q Not fully, okay.
 17 A Just the surface was touched on that
 18 investigation, to my knowledge.
 19 Q I gathered your real objection was
 20 she was not prosecuted?
 21 A My real objection was, if she's
 22 innocent, let's let us prove it. If she's
 23 guilty, let's at least discipline her, or again,
 24 you know, bring some discipline. Bring some
 25 accountability to the agency that it so suffered

1 admitted it would have been wrong and she'd
 2 never do that. And because they were so graphic
 3 and because the victim was such a little child,
 4 that's not something she ever would have done.
 5 And Mr. Rebert asked her if she would
 6 agree to a polygraph, and she said that she
 7 would. He had statements again about the
 8 DeGrandises and this was just an opportunity for
 9 them to get back at the D.A.'s office.
 10 There was also mention that, and I
 11 don't believe it was during this meeting, but
 12 beforehand that this was just Tom Kearney making
 13 things up because he wanted to be the D.A.
 14 Be that as it may, the district
 15 attorney did allow us to move forward in this
 16 investigation. At that point in time I had
 17 contacted an individual from out of town to come
 18 in and be available to do polygraphs for two
 19 civilians. I did not tell them who. And the
 20 main reason I called was to get a price. I told
 21 him I would get back to him, and before I could
 22 get back to him I was notified by Mr. Rebert,
 23 both in person and later in a memo, stopping the
 24 investigation because it was an insult to Susan
 25 Voyzey and to himself.

1 without it for so long.
 2 Q You allege in this that she -- these
 3 were stolen, was stealing. What's your basis
 4 for contending that the photographs were stolen?
 5 A She took district attorney's office
 6 evidence that was -- And she took it out for her
 7 personal use, i.e., to shock and show the
 8 individuals at this party of this information
 9 that she had.
 10 Q How do you know she took it as
 11 opposed to coming into possession of it
 12 appropriately?
 13 A She would not have had -- She was not
 14 entitled to appropriate possession of that.
 15 They were crime scene photos.
 16 Q So your assumption is that she took
 17 it out of some kind of locker or some file?
 18 A I don't know where they kept it. The
 19 evidence was in shambles in the office when I
 20 arrived.
 21 Q Was that the case she stole the --
 22 MR. LAVERY: Objection.
 23 MR. BLAKEY: She's alleging it was
 24 criminal. I want to know what's criminal about
 25 it.

1 MR. LAVERY: We have free pass --
 2 significant -- Well, K is significant quantities
 3 of free passes and concert tickets.
 4 MR. BLAKEY: Well, I'm going to ask
 5 about them.
 6 BY MR. BLAKEY:
 7 Q Let's talk about passes and rides.
 8 What do you know about the -- what you allege to
 9 be a practice?
 10 A In September of '01 I appeared -- I
 11 took the district attorney to the fairgrounds so
 12 that we could have a meeting with the fair
 13 officials regarding the fair and what
 14 enforcement we intended to do. This was very
 15 different than previous years, so Mr. Rebert
 16 wanted me to explain to them why we were doing
 17 it and how it would work.
 18 At the end of that meeting, Marsha
 19 Hallman gave to me a stack of fair passes, and I
 20 asked her what they were. She said, they're for
 21 the district attorney. We give them every year.
 22 And I did not take them. I left them there. I
 23 said, that's improper. She said, I know it is,
 24 but that's what they're going to give him. I
 25 said, there's hundreds of passes there. She

1 distributed to people in the D.A.'s office,
 2 right?
 3 A I don't know if all of them were, but
 4 I know a lot of them did go to them.
 5 Q And the clerk of courts office?
 6 A I know in the past they had been, Mr.
 7 Blakey. The reason I know that is, that week,
 8 fair week of 2001, I had employees of that
 9 courthouse that I didn't even know come to me
 10 and asked me for specific passes to the fair, to
 11 rides and to concerts.
 12 Q Did you have passes to concerts?
 13 A No.
 14 Q Did you see any of those?
 15 A No. Mr. Rebert explained to me that
 16 you decide which one you wanted to go to and
 17 call Marsha and she would give them to you.
 18 Q And, of course, you didn't do that?
 19 A That's correct.
 20 Q Now, you knew that the detectives
 21 under your supervision were accepting free
 22 passes to the fair; did you not?
 23 A No, I didn't know -- I didn't know
 24 anything about the free passes before then.
 25 Q I'm talking about after that, from

1 said, I know. That's what they give him.
 2 So somebody brought him those passes
 3 that day, and I don't know who. But I do know
 4 that when he rode back in the car with me he had
 5 them in his possession. And he also asked me to
 6 think about the concerts during the fair because
 7 I got free concert passes to any and all that I
 8 wanted. I told him that was improper.
 9 Q Wait a minute. He said that he
 10 gets -- Rebert said that I, Rebert, get free
 11 concert passes?
 12 A He said, I can get them too. He said
 13 it was part of the executive privilege; that I
 14 can get them too.
 15 Q Go ahead.
 16 A I told him that was improper. I told
 17 him that I would not be taking any concert
 18 passes; that none of my officers would be taking
 19 any concert passes, and he shouldn't be taking
 20 concert passes. He said it was an executive
 21 perk or an executive privilege, or something
 22 like that.
 23 Then I asked him what he does with
 24 those tickets. He said, I give them out.
 25 Q And, in fact, he does. They were

1 September '01. This is an annual event, wasn't
 2 it?
 3 A No. They didn't receive passes from
 4 me. The only thing I knew is during Randy
 5 Rizzuto's testimony she said that Jeff Martz
 6 asked for one for his girlfriend. But no, I
 7 didn't know they were getting them.
 8 Q You had no knowledge that your
 9 detectives had obtained free passes to the fair
 10 while you were working in the office?
 11 A Now, are we talking about the same
 12 passes that we were just discussing with Mr.
 13 Rebert? The free --
 14 Q Yeah --
 15 A No.
 16 Q -- passes and rides.
 17 A No. Our detectives were given an
 18 employee pass for the amount of detectives that
 19 were working the fair and Marsha put their names
 20 on them. It was a free car and ride pass to get
 21 the detective and his vehicle or her vehicle
 22 into the fairgrounds.
 23 If you want to call that free passes,
 24 yes, but that is even a different one of the
 25 previous three free things we were talking

Page 126

1 about. They were different in form, nature and
2 size and shape from the stack of passes that Mr.
3 Rebert was habitually given by the fair.

4 Q That gave them free access to the
5 fair and to park their car?

6 A That was only for the detectives.
7 The other ones were just admission into the
8 fairgrounds; not to park a car.

9 Q Now, you talked about September '01
10 that this happened. Did that happen in
11 subsequent Septembers?

12 A Did what happen, sir?

13 Q Distribution of free passes and
14 rides?

15 A It happened throughout my employment,
16 '01, '02, '03, '04.

17 Q And have you any basis to know how
18 long that custom had been going on? Anyone --

19 A Other than -- Other than the people
20 coming to me and the detectives telling me that
21 Kenny used to have books of ride passes, and I
22 knew that it happened at some point in time
23 before. How many years, I have no idea.

24 Q Are you suggesting that it's criminal
25 to accept a free pass to the fair; a free ticket

Page 128

1 A Yes, I do.

2 Q What was the background of that?

3 A For providing the free security to
4 the fair, as we did on an annual basis, Stan
5 came to me and said that the fair was willing to
6 buy us jackets. The only caveat was that they
7 wanted to have York Fair Police on it. I told
8 him that was improper because we were not the
9 York Fair Police even though we acted as the
10 York Fair Police. And I said, I want to buy
11 jackets. I want us to buy jackets because we're
12 wearing eight different pieces of uniform at
13 that fair.

14 Typically what we did was, wore some
15 type of T-shirt or cover that said police, and
16 it was a conglomerate of what the officers had
17 gathered in their previous years in different
18 law enforcement agencies. We didn't look
19 uniform and orderly. I asked Stan for
20 permission to go out and buy good-looking
21 jackets for the fair, and for other endeavors,
22 raids, et cetera.

23 He on his own went to the York Fair
24 and tried to get them to buy them as an exchange
25 for all the police security that we did. And it

Page 127

1 for a ride for the fair if you're a courthouse
2 employee?

3 A I'm certainly saying it's improper
4 for a politician to receive tickets so he can
5 give out to friends and employees when the rest
6 of society and the public has to pay for them.

7 MR. LAVERY: I think there's a state
8 ethics commission prosecution specifically on
9 that point.

10 MR. BLAKEY: You're muttering. I
11 can't hear you.

12 MR. LAVERY: I think there's a
13 specific state ethics prosecution on that point.

14 BY MR. BLAKEY:

15 Q Now, concert tickets, what you know
16 about concert tickets I gather is what Stan told
17 you, that I can get them for you or I get them?

18 A That's correct.

19 Q Are you aware of him ever getting any
20 free passes to a concert?

21 A I don't know, no. I know that from
22 what he told me.

23 Q You delivered a jacket that you got
24 from the fair. Do you recall the jacket? I
25 have it downstairs.

Page 129

1 is my understanding that they paid for the
2 jackets. They were jackets that were ordered by
3 size for the officers. They were ordered
4 with -- They delivered York County Detective
5 Bureau patches for the arm, and they were
6 delivered to us just prior to the York Fair.

7 Q What year was that?

8 A I believe '03. I'm pretty confident
9 in my estimate on that.

10 Q You wore them, of course?

11 A We wore them during the '03 fair,
12 yes.

13 Q And the '04?

14 A I wasn't -- Yes, I believe we got
15 them in '04 now that you've rekindled my memory.
16 Yes, I believe that they were purchased for us
17 in '04.

18 Q So you only wore them one year?

19 A I believe so, sir.

20 Q Do you think there's anything illegal
21 about accepting a jacket that the fair paid for?

22 A The fair -- When I walked in the
23 first day that I wore it, Mr. Rutter said to me,
24 grabbed the lapel and he says, oh, these are the
25 jackets I bought for you. And had they been

Page 134

1 nationwide.

2 Q Are there other restaurants around
3 York that do the same?

4 A Yes. McDonald's does it to every
5 police officer in their jurisdiction. Hardee's
6 up on Route 30 did it when I was a York City
7 Police Officer. Although Hardee's on Route 30
8 would see if you were a Northern Regional cop
9 they'd give you the discount. If you were any
10 other police officer they wouldn't.

11 Q Okay. Well, I understand that you
12 and several of your detectives would customarily
13 go to Genova's or Hoss's for lunch and then
14 would benefit from this 50 percent discount.

15 A Two parts to that statement. Number
16 1, we would habitually go to those restaurants,
17 that's correct. Would benefit from the
18 50 percent discount? I always left more money
19 than what my bill would have cost, so I never
20 benefited from that.

21 Q What? By way of a tip?

22 A By way of a tip, yes.

23 Q How about your other officers?

24 A My officers knew that that was what I
25 wanted done. I told them that from the time I

Page 135

1 came in. This is how I instructed my officers
2 in York City for 20 years. And to my knowledge
3 all those officers did that except for Detective
4 Millsaps, who many times we'd have to go leave a
5 tip for him because he'd walk out leaving
6 nothing.

7 Q So you're telling us that you did not
8 accept the discount at any of these restaurants?

9 MR. LAVERY: Objection. You're
10 misstating her testimony. Go ahead, you can
11 answer.

12 THE DEPONENT: I always left more
13 money on there than what my bill would have been
14 and a tip. And I did that every time, every
15 time.

16 BY MR. BLAKEY:

17 Q Why didn't you simply ask them to
18 charge you full price and not submit a
19 50 percent invoice?

20 A It was the policy. I talked to Frank
21 Grippi, who was the owner, shortly after I
22 started going there. I didn't start going there
23 until probably mid '01 or late '01. I talked to
24 him and I asked him if the detectives expected
25 it. He said, I don't know, but that's my

Page 136

1 policy. And I told him that just because we're
2 police officers we don't expect any benefit, and
3 he told me, it's my extension of policy.

4 When I was a police officer in the
5 City of York, there were approximately five or
6 six restaurants that extended that same
7 courtesy. One was at North and George Street,
8 the Pantheon Restaurant. One was the Central
9 Family Restaurant. One was a place in the first
10 block of East Philadelphia Street.

11 There were times in my early years
12 where I confronted the owner and said, I don't
13 like this, I'm uncomfortable with it. It was
14 hounded in my head in the police academy. And I
15 actually had business owners say, I'd be
16 offended. This is my business, I can do
17 whatever I want.

18 I do not believe it is illegal to
19 accept this. However, I made it a policy very
20 early in my career never, never, never to walk
21 out there without paying my full bill. It was
22 my beliefs and ethics that once you did that,
23 nothing --

24 Nothing is ever free. And I extended
25 that to my detectives when I started up there.

Page 137

1 And every time I went to lunch with them they
2 always put more money on the table, except
3 Millsaps.

4 Q Well, let's see if we can move on
5 with one or two more before we break.

6 19N you're talking about detectives
7 are running a shuttle service to the Christmas
8 party. That would be the party that the Schaad
9 Detective Agency ran?

10 A That's correct.

11 Q And they had been doing that for
12 years?

13 A That's what Mr. Rebert told me.

14 Q And, of course, you went to that
15 party every year too, didn't you?

16 A I went to that party probably two or
17 three years before I became a county detective,
18 yes.

19 Q And every year while you were?

20 A Pardon?

21 Q And every year while you were a
22 county detective?

23 A Yes.

24 Q As a matter of fact, Russ Wantz is a
25 very good friend of yours?

1 A He is.
 2 Q And I assume you drove a county car
 3 there?
 4 A No. I went after work when I was
 5 working. I went after hours. I asked my
 6 detectives to do that also. The same way --
 7 Q You didn't --
 8 A -- when I was a city employee.
 9 Q You did not go over on the lunch hour
 10 at all?
 11 A No, I did not.
 12 Q Were you around when the cars were
 13 leaving on the lunch hour? Did you see it?
 14 A What cars, sir?
 15 Q You're talking about a shuttle
 16 service.
 17 A Yes.
 18 Q Were you there to observe that?
 19 A No. Mr. Rebert asked me the week
 20 before it to have my detectives available to run
 21 the county district attorney's office and clerk
 22 of courts' office employees back and forth
 23 because that's what's had been done in the past.
 24 I told him I would not permit this, it was
 25 improper, and that my officers were going to the

1 or 16th of January in '01. I do not know how
 2 long Mr. Ingle was retained on the payroll after
 3 he was forced to resign.
 4 Q Well, let's try one more before
 5 lunch. Badges, practice of issuing official
 6 badges to private citizen employees. What do
 7 you know about that?
 8 A As I remember, the first circumstance
 9 came when an employee in pre-sentence
 10 investigation named Miles Watson came to me and
 11 asked for a badge. He said that Kenny Ingle had
 12 promised to order him a badge on occasions.
 13 Now, this badge is a gold shield. It's much
 14 different from the employee I.D. or badge that
 15 all the employees have.
 16 Mr. Watson explained to me that he
 17 was a pre-sentence investigator. I asked him if
 18 he went out on the street and needed to show his
 19 identification. He said no. And I said, then
 20 you're not going to get a badge. We are not
 21 going to issue badges. Badges lead to trouble.
 22 I have learned that through police work.
 23 Then Mr. Watson went behind my back
 24 to Mr. Rebert, and Mr. Rebert called me over and
 25 said, hey, you know, Miles wants a badge. Let's

1 party after work; not during work.
 2 Q This was not a matter of carpooling.
 3 He directed you to actually run a shuttle?
 4 A He did.
 5 Q What year was that?
 6 A '01.
 7 Q And, of course, you didn't do that?
 8 A That's correct.
 9 Q And you're telling me you went after
 10 work?
 11 A That's correct.
 12 Q So your basis for information on this
 13 is Rebert telling you that this is what was
 14 done?
 15 A After Rebert mentioned this to me, I
 16 asked the county detectives about it and they
 17 verified that they had done that. They'd take
 18 multiple trips back and forth transporting
 19 employees; that Kenny Ingle did it too in his
 20 car.
 21 Q Tell me, were you and Kenny Ingle
 22 employed at the same time, or you came in after
 23 he left?
 24 A The only thing I can tell you is, I
 25 went on payroll for the City of York on the 15th

1 get him a badge. I said, why would Miles Watson
 2 need a badge? He said, it's a good goodwill
 3 tool. I give goodwill tools. And I explained
 4 to him how, you know, in the wildest imagination
 5 of why Miles Watson would want a badge was
 6 simply inappropriate.
 7 Q He worked for the county? Is that
 8 what --
 9 A He was. He was a pre-sentence
 10 investigator.
 11 Q So when was this?
 12 A '01. Very early in my employment in
 13 '01.
 14 Q Okay. What else do you know about
 15 badges?
 16 A There were two or three times that
 17 Mr. Rebert came back to me on behalf of Mr.
 18 Watson, but there was a time then where Mrs.
 19 Rebert came to me --
 20 Q Before we leave Watson --
 21 A Okay.
 22 Q -- he never got a badge I understand.
 23 A I never gave him one. To my
 24 knowledge he didn't have one, no.
 25 Q All right. Go ahead.

1 A I believe the next -- And I checked
 2 with my officers and they told me a bunch of
 3 people had badges that were not police officers.
 4 Certainly, the A.D.A.s had, and certainly I had
 5 no problem with that. There would be a reason
 6 to have to identify themselves at crime scenes.
 7 But they told me Susan Voyzey had displayed a
 8 badge in the past and that other civilians had
 9 badges.

10 Largely, they had heard this. And I
 11 talked to Mr. Rebert about this -- I don't think
 12 I had this conversation at this point.

13 I think the next event that occurred
 14 where I had a personal discussion with Mr.
 15 Rebert about the badges was on the day that his
 16 wife came in to me and asked for a badge for her
 17 dentist. She said that Mr. Rebert had sent her
 18 in to see me; that he wasn't going to ask me
 19 about it. And she wanted it for a dentist.

20 I said, for what reason on earth
 21 would we have a district attorney's badge for
 22 the dentist? She said, because then he will
 23 give my kids free dental work for Youth Build.
 24 It was a place she worked.

25 Q Are you telling me that Susan Rebert

1 January 31st, 2002, it that the Susan episode?

2 A That's correct. And she then told me
 3 about this Phil Serls' fellow.

4 Q All right. I was going to ask you
 5 about that. What did she say?

6 A She said that Stan had given him a
 7 badge because he was a friend of Stan's and it
 8 gave him clout to have a badge, and that city
 9 police stopped him and he tried to use it to get
 10 out of a violation.

11 Q Do you know the background of how
 12 Phillip Serls received that badge?

13 A No. I went to Stan, I believe that
 14 day, and he explained that they used to give out
 15 badges to different individuals. I don't know
 16 how he worded it, but he indicated to me he knew
 17 it was improper and it was something that used
 18 to be done before. That Mr. Serls got stopped
 19 by the city police and they took his badge from
 20 him.

21 Q You don't know how it came about that
 22 Serls got a badge?

23 A No.

24 Q Is it your belief that badges cannot
 25 be issued to employees of the office other than

1 told you that her husband had sent her in to get
 2 this badge?

3 A That's correct.

4 Q Were you at the testimony of Susan
 5 Rebert when she stated that she told you, please
 6 don't tell Stan I asked?

7 A Yes.

8 Q And that's not accurate, you're
 9 saying?

10 A Nope. She later told me that Stan
 11 sent her in, and Stan knew all about it when I
 12 went over to his office.

13 (Downing Exhibit Number 4 was marked
 14 for identification)

15 Q I'm showing you a page from your
 16 diary of January 31st --

17 MR. LEBER: 2002.

18 MR. BLAKEY: Where's the 2002?

19 MR. LAVERY: I believe it's 2002. I
 20 can't tell from there.

21 MR. LEBER: It's '02.

22 THE DEPONENT: I think it's '02, Mr.

23 Blakey.

24 BY MR. BLAKEY:

25 Q Yeah, that's what I understand.

1 assistant district attorneys and detectives?

2 A I think it opens up a whole can of
 3 worms of inviting impropriety and unethical use.
 4 I think if they're not necessary, why would they
 5 have them?

6 Q So, are you telling me in your
 7 judgment it's not a good thing to do?

8 A That's correct, sir. That's correct.

9 Q Are you also telling me it's
 10 improper; it violates some rule or code or
 11 statute?

12 A If not -- I don't know that -- what
 13 particular code it does, although the presence
 14 of them then enables some employees to misuse
 15 them, as has been done by Miss Voyzey. And I
 16 think it is improper because, if she didn't have
 17 those badges that wouldn't open up that
 18 opportunity.

19 I mean, here's a distinct example
 20 that he was aware of where a friend of his that
 21 had one of his badges used it to get out of a
 22 police action.

23 Q I'd agree with you that it's an
 24 improper use. I'm asking you whether you
 25 believe a badge cannot be issued to an employee

Page 146

1 who's not an A.D.A.?
 2 MR. LAVERY: I'm going to object.
 3 She's already answered. She said it was -- In
 4 her view it was improper and unethical.
 5 BY MR. BLAKEY:
 6 Q Okay. Now, in February of '02,
 7 according to your diary, you took a badge from a
 8 Tracy somebody.
 9 A That's correct.
 10 Q And you talked to Stan about setting
 11 up a program to control these badges.
 12 A That's correct.
 13 Q And that was done?
 14 A Well, the program as I envisioned it
 15 was not completed because I suggested that we
 16 grab in all the rogue badges that were out there
 17 for other than police officers and A.D.A.s and
 18 keep account of them. He wouldn't let me pull
 19 any of those ones back that had been issued.
 20 Q Do you know who had them that you
 21 wanted to get and he wouldn't let you do that?
 22 A No. He told me there were many. He
 23 told -- He blamed the number on Kenny. He said,
 24 Kenny used to give them out all over the place.
 25 Q Is it fair to say that after February

Page 147

1 of '02, that badges were not improperly issued
 2 to anybody --
 3 MR. LAVERY: Objection.
 4 BY MR. BLAKEY:
 5 Q -- because of your program?
 6 MR. LAVERY: Object to the form of
 7 the question.
 8 THE DEPONENT: I can tell you, sir,
 9 that I had a data base, whereby, every new
 10 A.D.A. and every new police officer that came
 11 in, I was the sole person to my knowledge that
 12 issued the badges. I had them sign for them
 13 when they got them. I had them turn them in
 14 when they left.
 15 BY MR. BLAKEY:
 16 Q So you put a program into place?
 17 A I did, but I was still not given
 18 permission to retrieve the rogue badges.
 19 Q I understand your point you didn't
 20 retrieve. But going forward were there any
 21 improprieties with badges after you put this
 22 program in place to your knowledge?
 23 A No, sir.
 24 MR. BLAKEY: Let's stop on that.
 25 (At or about 12:35 p.m., a lunch

Page 148

1 recess occurred).
 2 (At or about 1:35 p.m., the
 3 deposition reconvened.)
 4 BY MR. BLAKEY:
 5 Q We're about to go to 19Q. That
 6 represents contact with Potter County to quash a
 7 prosecution. What can you tell us about that,
 8 Miss Downing?
 9 A After reading in the newspaper --
 10 There were articles back and forth about whether
 11 Mr. Rebert called the Potter County District
 12 Attorney or not. As I recall, there was an
 13 article in the paper, maybe the third or fourth
 14 one that alluded to him being untruthful. And
 15 he was joking about that and --
 16 MR. LAVERY: Him being?
 17 THE DEPONENT: Him being Stan Rebert
 18 and -- He was making jokes about that and some
 19 incidents about what they have to write about.
 20 I basically said to him, if you'd stay out of
 21 things like that, you wouldn't get on the front
 22 page of the paper.
 23 It was an article in the paper that
 24 alluded to him having a long nose or being like
 25 Pinocchio, or something, that was akin to Stan

Page 149

1 Rebert being called a liar. And that's how the
 2 conversation --
 3 BY MR. BLAKEY:
 4 Q You have no firsthand knowledge of
 5 this at all, do you?
 6 A No, I don't.
 7 Q You only know, as we say -- as the
 8 old saying goes, what you read in the newspaper?
 9 A On that one, yes.
 10 Q We'll pass it. Now, let's talk about
 11 hiring Daryman, which is an issue that comes up
 12 in several of your next paragraphs.
 13 Preliminarily, you knew John Daryman from the
 14 day you both worked on the York City Police
 15 force; did you not?
 16 A That's correct.
 17 Q Can you give us how many years you
 18 might have both been on the force at the same
 19 time?
 20 A Probably about 27.
 21 Q So you had a pretty good opportunity
 22 to know him and know what abilities he had or
 23 didn't have?
 24 A I think that's correct, yes.
 25 Q Did you consider him to be a

Page 150

1 qualified detective?
 2 A Yes, I did.
 3 Q Did you consider him to be a
 4 well-qualified detective?
 5 A Yes, I did.
 6 Q Now, in early 2003, before he began
 7 to officially work with the district attorney's
 8 office, he was assisting with a grand jury
 9 investigation of the Lillie Belle Allen case; is
 10 that correct?
 11 A I believe so.
 12 Q And did you have a chance to know
 13 something of his work in that regard?
 14 A No.
 15 Q I'm sorry?
 16 A No.
 17 Q You did know that Stan Rebert was
 18 very interested in having John Daryman work in
 19 the district attorney's office; did you not?
 20 A Yes.
 21 Q We have a memo of 3/18/03.
 22 (Downing Exhibit Number 5 was marked
 23 for identification)
 24 Q Are you familiar with Exhibit 5?
 25 A I am.

Page 151

1 Q That indicates, does it not, that
 2 Stan wants John Daryman to work in the office
 3 and he's asking for you to go along with that?
 4 MR. LAVERY: I'm going to object to
 5 the form of the question. It says what it says.
 6 It says more than just that.
 7 MR. BLAKEY: It says a lot more than
 8 that. We can read it. Let's break it down.
 9 BY MR. BLAKEY:
 10 Q He certainly makes it clear he wants
 11 John Daryman to work here?
 12 A (No verbal answer.)
 13 Q You have to say yes so she can
 14 write --
 15 A Did you ask me a question?
 16 Q Yes.
 17 A Do I think it's clear that he wants
 18 him to work here? Yes, sir.
 19 Q And he talks about he can work four
 20 days at the most, correct?
 21 A He has that there, yes.
 22 Q And a perfect situation would be
 23 working every other week?
 24 A Yes, sir.
 25 Q If that's not doable, he could live

Page 152

1 with four days a week. He doesn't want to get
 2 paid for that fifth day.
 3 A He simply does not get paid for that
 4 fifth day, period.
 5 Q Now, he indicates he'd like him to
 6 report directly to Bill. That's Bill Graff,
 7 correct?
 8 A Yes. That's what I took from that.
 9 Q He said they've been together for
 10 17 years. I don't know the reference to lost
 11 Kessler and Weed and Seed budget.
 12 I'm skipping to the end. Try to put
 13 the personalities aside and let your loyalty to
 14 the boss guide you. Remember that Daryman will
 15 do anything you ask him to do. That I think you
 16 can take to the bank. Let me know.
 17 Now, is he not asking for you to go
 18 along with this Daryman hire?
 19 A Yes.
 20 Q Now, in your diary you refer to
 21 receiving a poison pen letter, in the diary I
 22 think of March 19th, the next day?
 23 (Downing Exhibit Number 6 was marked
 24 for identification)
 25 A Yes, sir.

Page 153

1 Q Is this your poison pen letter?
 2 A No. This is Stan's poison pen
 3 letter.
 4 Q I mean, is that what you're referring
 5 to as --
 6 A Yes, I believe.
 7 Q -- the poison pen letter?
 8 A I believe so because it has there
 9 that he was questioning my loyalty.
 10 Q How does he question your loyalty?
 11 A Try to put the personalities aside
 12 and let your loyalty to the boss guide you.
 13 He's questioning my loyalty when my opposition
 14 was not at all to Daryman. He has put the
 15 personalities aside, that was totally false.
 16 He knew by this point in time what my
 17 uncomfortableness was in the way that he wanted
 18 to hire him, and that was that it was in
 19 opposition to the established rules and
 20 regulations of the county detective agency.
 21 Q I just want to go back to questioning
 22 your loyalty.
 23 A Yes, sir.
 24 Q Isn't he saying -- Isn't he calling
 25 on your loyalty? He says, let your loyalty to

Page 154

1 the boss guide you.
2 A I didn't take it that way. I took it
3 the way that my opposition to the way he wanted
4 to hire him was him assuming that I wasn't,
5 therefore, loyal to him. And, in fact, I was
6 being loyal to him by trying to make him to
7 adhere to the guidelines.

8 Q What were your objections to the hire
9 of John Daryman?

10 A He didn't want to have to have John
11 Daryman report to me, so he wanted him to report
12 to Bill, although later that changed to report
13 to Rebert. He said that Daryman would do
14 anything you asked him to do. Daryman didn't
15 want to work a regular work schedule that was
16 prescribed in the rules of conduct. Daryman did
17 not want to be on call. Daryman did not want to
18 work -- He wanted to work Weed and Seed;
19 therefore, he wouldn't share the investigations
20 of the other detectives.

21 To me that represented special
22 treatment. And I felt, I felt, at that point in
23 time that that might present a problem for Mr.
24 Rebert down the road as far as labor relations.

25 (Downing Exhibit Number 7 was marked

Page 155

1 for identification)

2 Q Now I'm showing you what's been
3 marked Exhibit 7. That's the same memo you just
4 looked at, but now it's --

5 A No, sir, it's not.

6 Q It's not?

7 A No, sir.

8 Q Oh, it's the wrong one. I'm sorry,
9 it is a different memo. Well, let's use it.
10 You're looking at number 7. Is that your
11 writing on there? You circled that sentence and
12 added the note at the bottom?

13 A Yes.

14 Q And you're responding to a notice
15 about board action to Donahue. He's saying,
16 John will report directly to me, and you're
17 objecting to that, correct?

18 MR. LAVERY: Objection to form. Are
19 you looking at number 7?

20 MR. BLAKEY: Yes.

21 MR. LAVERY: I think she's looking
22 at --

23 MR. BLAKEY: That's the one I'm
24 looking at I'm looking at the handwriting at the
25 bottom.

Page 156

1 BY MR. BLAKEY:

2 Q That's your handwriting; isn't it?

3 A Yes, that's correct.

4 MR. LAVERY: Object to the form.

5 It's not an objection. It's a clarification.

6 MR. BLAKEY: Well, I'll try to be
7 clearer.

8 BY MR. BLAKEY:

9 Q You circled a sentence where Stan
10 said that John will report directly to me. I'll
11 keep you advised of his activities. Indeed, I
12 will be seeking input from both you and Bill, in
13 that order, before assigning him to anything.

14 A Right.

15 Q You circled that sentence?

16 A Right.

17 Q And then you're saying, per our
18 conversation, please change.

19 A That's correct, because --

20 Q John will report to the chief.
21 That's you, correct?

22 A Yes.

23 Q And is that your number one objection
24 to John's hire, that he was going to report to
25 Stan and not to you?

Page 157

1 A No, not at all. Between the 18th of
2 March and the 25th of April when these two memos
3 were generated, Stan Rebert and I had several
4 conversations. And at a point after this one
5 but before this one Stan told me --

6 MR. LAVERY: You mean between 5 and 7
7 for the record.

8 THE DEPONENT: Yes, between Exhibit
9 5 and 7, Mr. Rebert indicated to me that he
10 would acquiesce, and yes, Mr. Daryman would
11 report to me. This is the next communication
12 that I received, and I referred to, per our
13 conversation, Friday at 4 p.m. And again, I
14 would have to check my records for what Friday
15 at 4 p.m. that refers to, but that was a meeting
16 when Stan Rebert said that yes, John Daryman
17 would report to me.

18 BY MR. BLAKEY:

19 Q Now, in the lower right hand of this
20 memo Stan is saying no, right?

21 A That was his response to my
22 handwritten document.

23 Q So you're saying at some point in the
24 procedure he said it was okay for John to report
25 to you?

Page 158

1 A Absolutely.
 2 Q He's certainly not saying that here,
 3 is he?
 4 A Certainly is not. He wrote no.
 5 Q And he's not saying it in the typed
 6 portion either. He's saying he's going to
 7 report to him.
 8 A That's right. And I -- That's why I
 9 attempted to correct him and remind him of the
 10 previous conversation we had had at four o'clock
 11 on Friday.
 12 Q Now, I got a little out of chronology
 13 here. Let me go back to the letter of -- on the
 14 e-mail.
 15 (Downing Exhibit Number 8 was marked
 16 for identification)
 17 Q Now I'm showing you Exhibit 8. Are
 18 you familiar with that?
 19 A I am.
 20 Q In your diary you referred to a
 21 second poison pen letter that was e-mailed to
 22 your home. Is this it?
 23 MR. LAVERY: Can we see the -- Do you
 24 have the diary entry?
 25 MR. BLAKEY: Yes, I do. March 22nd.

Page 159

1 (Downing Exhibit Number 9 was marked
 2 for identification)
 3 THE DEPONENT: Do you have my entry
 4 from March 21 of this year?
 5 BY MR. BLAKEY:
 6 Q March 22nd?
 7 A No, the day before.
 8 Q Well, we'll look for it.
 9 MR. LEBER: That's '03?
 10 THE DEPONENT: Yes, sir.
 11 BY MR. BLAKEY:
 12 Q So while we're looking for that, my
 13 question to you is, on March 22nd you're saying,
 14 received e-mail at home from Stan, second poison
 15 pen letter, nastier than the first.
 16 A I think this is it, yes, sir. Yes,
 17 it makes reference that I was not there today,
 18 so yes, this is the letter.
 19 THE DEPONENT: Thank you, Brad.
 20 BY MR. BLAKEY:
 21 Q That's the second poison pen letter
 22 that's nastier than the first?
 23 A Yes, that's my reference.
 24 Q All right. Let's go back to the
 25 Daryman situation. You aver in paragraph 19P, I

Page 160

1 believe it is, of the Complaint that Daryman
 2 never applied for this position.
 3 A That's correct.
 4 Q What's your basis for saying that?
 5 A He never filled in an application for
 6 the position of county detective for the York
 7 County Detective Bureau until just a few days
 8 before he was hired.
 9 Q Is that violating one of your rules?
 10 MR. LAVERY: Object to the form of
 11 her rules. They're the rules of the district
 12 attorney's office approved and adopted by Mr.
 13 Rebert.
 14 BY MR. BLAKEY:
 15 Q Was it violating one of the rules of
 16 the office?
 17 A It was.
 18 Q Do you feel it was necessary that he
 19 applied at an earlier basis since you have known
 20 him for 27 years?
 21 A I do.
 22 Q Why is that?
 23 A Because it is a set form as to how
 24 the hiring practice will be conducted, and I
 25 don't think anybody should deviate from that, no

Page 161

1 matter how long they've been in law enforcement
 2 or how skilled they are. It's a rule that was
 3 set, a standard, an organization, an order, and
 4 that was ignored for him.
 5 Q You contend in P, or thereabouts,
 6 that he was never interviewed. What's your
 7 basis for that?
 8 A Again, the interviews were
 9 structured. They were conducted by a body of
 10 interested persons who were gathered together to
 11 determine skills, qualifications and answer
 12 questions. And he never went through one of
 13 them.
 14 Q How do you know that?
 15 A Because as the chief county detective
 16 I arranged, scheduled and ordered all them, and
 17 I never did so for him.
 18 Q You didn't arrange one for him?
 19 A No.
 20 Q Do you feel it was necessary that he
 21 be interviewed?
 22 A I do.
 23 Q Same answer applied, the fact that
 24 you knew him doesn't matter. It's a rule and
 25 you've got to follow the rule?

1 A Yes, on both of those accounts. I
 2 think it's important that a person be
 3 interviewed.
 4 Q You say in 19T, is hired without a
 5 polygraph. What do you know about that?
 6 A I asked on at least three occasions
 7 for Mr. Rebert to compel him to take a polygraph
 8 because, again, that was a prerequisite for
 9 employment. And to my knowledge he never took
 10 one. He did not take one the whole time I was
 11 there.
 12 Q Did he ever refuse to take one?
 13 A He refused three times.
 14 Q To take a polygraph?
 15 A Yes.
 16 Q Did you talk to Detective Demangone
 17 about that?
 18 A I did. He refused to Detective
 19 Demangone.
 20 Q And he told you he refused to take
 21 it?
 22 A That's correct. He told Detective
 23 Daryman to get back with him with a schedule at
 24 one point in time. He never got back to him.
 25 And after speaking to Mr. Rebert and assuring

1 A I am. But I don't believe that was
 2 for the time when he was employed between his
 3 resignation or retirement from the City of York
 4 until he was hired by the County of York.
 5 MR. LAVERY: I just object to the
 6 form of a 1099 relationship to John.
 7 BY MR. BLAKEY:
 8 Q When was he hired, to the best of
 9 your knowledge, formally by the county?
 10 A I think it was May of '03.
 11 Q So what work or services were covered
 12 by the 1099 in '03 to your knowledge?
 13 A According to the 1099 --
 14 Q I have it here if you want to look at
 15 it.
 16 A I don't think it was a 1099. The
 17 information I was shown was, it looked like to
 18 be a computerized pay sheet that came out of
 19 Bill Graff's budget, which showed that he was
 20 reimbursed for training and for a hotel and for
 21 travel. That was not a 1099 that I've seen.
 22 (Downing Exhibit Numbers 10 and
 23 11 were marked for identification)
 24 Q Would you look at Exhibit 10 and tell
 25 me with your administrative experience, is that

1 that was still his intent to make Daryman take
 2 the polygraph, Demangone went back to him again
 3 and he refused to give him a date again.
 4 Q In 19R you object that Rebert allowed
 5 Daryman to function as a detective after he was
 6 retired from the York City Police and before he
 7 had been formally hired by the district
 8 attorney's office, correct?
 9 A That's correct, sir.
 10 Q Now, were you referring to the period
 11 of time when he was working for the Grand Jury
 12 on the Allen and Schaad cases?
 13 A That was over by then I believe.
 14 Q There were dollars, money earmarked
 15 by the county to pay for that Grand Jury
 16 investigation, correct?
 17 A By the county?
 18 Q Um-hm.
 19 A I have no idea. To best of my
 20 knowledge, a lot of that came out of the drug
 21 task force, but I don't know who got spent out
 22 of what accounts.
 23 Q Are you aware Daryman had a
 24 1099 relationship to the county for part of '03
 25 and a W-2 for the rest?

1 a 1099 for Mr. Daryman for '03?
 2 A It is. Exhibit 10 is.
 3 (Downing Exhibit Number 11 was marked
 4 for identification.)
 5 Q And would you look at 11? What's
 6 that?
 7 A It appears to be an employee record
 8 form.
 9 Q At the bottom, W-2 statement, report
 10 of wages?
 11 A Yes.
 12 Q So going back to the statement about
 13 a 1099, does this not refresh your memory that
 14 Daryman was being paid, other than as an
 15 employee, some \$8800 in '03, and then was
 16 shifted to a record showing employment as an
 17 employee for \$19,000?
 18 A (No audible answer.)
 19 MR. LAVERY: It is what it is. I
 20 mean, they say what they say. One is a 1099,
 21 one is a W-2.
 22 THE DEPONENT: I have no idea. I
 23 mean, I'm not an income tax person. But I have
 24 no idea where this differenti -- where this
 25 separates his earning as a civilian and the

1 earnings as a policeman.
 2 BY MR. BLAKEY:
 3 Q Well, your attorney does. But let me
 4 ask you this question. What's your objection to
 5 his, as you put it, working as a civilian for
 6 the grand jury, or whatever, earning this 1099
 7 money? What's your objection? What's improper
 8 about that?
 9 A To my understanding --
 10 MR. LAVERY: I'm going to object
 11 because it says it right in the Complaint, but
 12 go ahead.
 13 MR. BLAKEY: I'd like to hear what
 14 her objection is. The Complaint is your
 15 language.
 16 THE DEPONENT: It's my understanding
 17 he was functioning as a detective while he
 18 wasn't a detective. And I was told by Mr.
 19 Daryman -- I asked him how he was getting paid.
 20 He told me he was getting -- He was keeping his
 21 time by Bill Graff and being paid by Bill Graff
 22 out of the drug task force.
 23 I was concerned that he was not
 24 listed as a county employee. I was concerned
 25 that there are federal ramifications that

1 A Yes. I specifically went to him, I
 2 believe the day after Susan Voyzey was asking me
 3 to assist her in grant-writing language, because
 4 I was concerned that that was improper and that
 5 a misstatement like that may invalidate our
 6 grant application. I don't know if it was that
 7 next day, or whatever. I told him about that,
 8 and complained about his function here, and that
 9 we weren't doing anything improper or illegal in
 10 the eyes of the federal government for reporting
 11 methods, for FJCA, for income tax, for all that
 12 stuff. I again complained to him about that in
 13 October of '04 when we brought that up.
 14 Q We're talking about early '03 now.
 15 A I know, but I brought that back up to
 16 him in October of '04.
 17 Q What grant were you talking about?
 18 A Susan Voyzey had come into my office
 19 late in the evening and asked me to help her
 20 craft language to apply for a Weed and Seed
 21 grant. It was a grant that the county had
 22 already received, but it was a continuation. I
 23 don't know if it was in the year two, three,
 24 four, what have you. She came to me and asked
 25 me to help her with some language problem she

1 require a person that's paid out of the district
 2 attorney's office, or any entity, to be listed
 3 as an employee.
 4 I was concerned because, during that
 5 time frame I saw a document from Susan Voyzey
 6 for a grant application or continuation that
 7 referred to him as a detective when he had no
 8 police powers at that time.
 9 And I complained to Stan Rebert about
 10 those things then during that time frame and
 11 told him, and was trying to caution him that I
 12 think this was dangerous in having this done.
 13 That if the man is to be employed, let's get him
 14 on the records and let's employ him, but don't
 15 call him what he is not, especially for a grant.
 16 I felt that your statements in a grant had to be
 17 100 percent honest. And I complained to him
 18 about that.
 19 BY MR. BLAKEY:
 20 Q What did Stan say to you?
 21 A He didn't respond.
 22 Q This was during the time that he was
 23 acting as a civilian you're talk -- These
 24 conversations took place before he had been
 25 hired?

1 was having.
 2 And during the course of that she
 3 read to me what she had prepared. I told her
 4 that was incorrect, he is not a detective. He's
 5 not yet been hired by the county, he's retired
 6 from the city, and she said that doesn't matter.
 7 I asked if Stan knew about that and she said
 8 yes. I went to Stan to ensure that this wasn't
 9 something being done behind his back, and he
 10 didn't respond, but I did complain to him about
 11 it.
 12 Q This issue of chain of command -- You
 13 have a memo of October 28, '03. You
 14 indicated -- Certainly, Stan's memo initially
 15 tells you that he's going to report to Bill
 16 Graff. That was the first draft.
 17 A That's correct.
 18 Q And then you're indicating at some
 19 point there's a conversation and he said okay,
 20 he'll have him report to you?
 21 A On a Friday at 4 p.m.
 22 Q Then you get this memo where he makes
 23 it clear he's going to report to Stan, the one
 24 you wrote the note on?
 25 A Right.

1 Q And you objected to that and he said
 2 no?
 3 A He did.
 4 Q You never accepted his decision that
 5 John Daryman would report directly to him or to
 6 Bill Graff, did you?
 7 MR. LAVERY: Object to the form of
 8 the question.
 9 THE DEPONENT: Yes, sir.
 10 BY MR. BLAKEY:
 11 Q Um?
 12 A Yes, sir, I did.
 13 Q You did accept it?
 14 A Yes, sir.
 15 Q When?
 16 A When he told me that he had gone to
 17 Commissioner Donahue and officially removed John
 18 from my chain of command.
 19 Q When was that?
 20 A It's retrievable in my journal.
 21 (Downing Exhibit Number 12 was marked
 22 for identification.)
 23 THE DEPONENT: When John Daryman was
 24 hired he was, in fact, under my chain of
 25 command. So as you can see, this went back and

1 changed at that point in time. I no longer did
 2 John's payroll. I no longer had anything to do
 3 with his vacation or time on or time off. He
 4 reported strictly to Mr. Rebert who would give
 5 him tasks to do. I certainly accepted that.
 6 That's how it was.
 7 Q And you're not challenging Mr.
 8 Rebert's right to have Daryman report to him?
 9 A I continuously complained to Mr.
 10 Rebert that Mr. Daryman was being treated in a
 11 special and disparate way, and that I foresaw
 12 this as a problem that would descend upon Mr.
 13 Rebert in a labor issue.
 14 Q Okay. I hear that answer. But my
 15 question to you was, if I hear you, you're not
 16 contending that he did not have the authority to
 17 have him report directly to him?
 18 MR. LAVERY: I'm going to object. I
 19 think she's just answered. She said it could
 20 cause him labor problems.
 21 MR. BLAKEY: That's not the same
 22 question. The question is whether he had the
 23 authority, not whether it was advisable.
 24 MR. LAVERY: Well, the arbitrator
 25 later on said that he didn't have the authority

1 forth several times with the district attorney
 2 and myself. I mean, obviously, why would the
 3 district attorney have removed him from my chain
 4 of command if he had not been in my chain of
 5 command in the beginning.
 6 It was only after a date when John
 7 Daryman had scheduled himself for an off day
 8 that resulted in my wanting to discipline him
 9 that Stan Rebert then went to Commissioner
 10 Donahue and officially removed him from my chain
 11 of command. And after that, sir, yes, I did
 12 accept that.
 13 Q Look at Exhibit 12 with me, will you?
 14 A Certainly.
 15 Q Now, this is dated October 28, '03?
 16 A It is.
 17 Q And the second paragraph you're
 18 insisting, as of this date, that he's in your
 19 chain of command?
 20 A That's correct.
 21 Q So, it was sometime after this memo
 22 that the change was made that you accepted?
 23 A Yes, sir. He notified me that he
 24 went to Donahue and it's official that John is
 25 out of my chain of command. And a lot of things

1 to do that.
 2 BY MR. BLAKEY:
 3 Q She can answer my question.
 4 A I did not think that he could change
 5 the rules for one employee when there was an
 6 established set of rules and regs.
 7 Q So you're saying he did not have the
 8 authority?
 9 A I don't think he did, no.
 10 Q All right. That's what I'm trying to
 11 get.
 12 MR. BLAKEY: Do you have a diary of
 13 January 25th?
 14 (Downing Exhibit Number 13 was marked
 15 for identification)
 16 Q 13?
 17 A Yes, sir.
 18 Q Down at the bottom, met with Jim
 19 (sic) and Ray. Filled Jim in on office problems
 20 with Stan and Daryman. Who's Jim?
 21 A Tim, as in Tim Barker.
 22 Q Oh, I thought that was a Jim. I
 23 thought it might have been Jim Donahue.
 24 Who's Ray?
 25 A Ray Taylor.

1 where you're complaining Rebert's attempt to
 2 promote Daryman.
 3 A Exhibit 19?
 4 Q No, no, I meant to the Complaint.
 5 A Yes, sir. 19. What letter, sir?
 6 Q U, I believe.
 7 A U. Yes, now we are down into the
 8 fall of '04. I complained to Mr. Rebert when he
 9 notified me that he was going to promote John
 10 Daryman.
 11 Q Okay. Now, what's your objection to
 12 that?
 13 A Well, I felt that it was an attempt
 14 to do an end around the detectives contract
 15 which was in effect, because he wanted to
 16 provide disparate treatment to this gentleman.
 17 He wanted to allow him to enjoy only 32 hours in
 18 a workweek. He wanted him to not have to get
 19 permission from anybody what hours he was
 20 working; that he wanted to allow him not to have
 21 to go on call with the other detectives, that
 22 his behavior and time was not accountable to
 23 anyone.
 24 Since the detectives had filed a
 25 grievance, I felt that he was trying to

1 Q Not about appointing him as a
 2 salaried position?
 3 A No, it was about alleged disparate
 4 treatment --
 5 Q Okay.
 6 A -- by the district attorney.
 7 Q All right. So there was.
 8 A And I told him I thought it was wrong
 9 that he promoted him to give him the things that
 10 he wanted to give him just because he couldn't
 11 legally do it through the contract. I cautioned
 12 him that it was going to cause -- it could cause
 13 an unfair labor practice.
 14 Q Are you acknowledging that as the
 15 head of the office he had the authority to
 16 promote somebody to a salaried position?
 17 A I think that he can do that, yes.
 18 Q Let's go to 19V. You're talking
 19 about allowing drug force money to pay for cell
 20 phones for former employees.
 21 First of all, who is in charge of the
 22 drug task force money?
 23 A Bill Graff.
 24 Q So if someone allowed the drug force
 25 to pay for cell phones, it was Bill Graff; was

1 circumvent the contract. And I went to him and
 2 I complained about this again, cautioning him
 3 that I thought he was establishing a dangerous
 4 precedence and it could result in contract
 5 problems for him.
 6 Q Let's assume he was attempting to
 7 circumvent the contract and that's why he wanted
 8 him to become a salaried employee. Did he not
 9 have a right to attempt to persuade the salary
 10 board to make him a salaried employee?
 11 A I'm not sure.
 12 Q You're a salaried employee, or you
 13 were a salaried employee, right?
 14 A Yes, sir, I was.
 15 Q And as such, you were not bound by
 16 the union contract?
 17 A That's correct. That's what he was
 18 trying to do, take him out of the union
 19 contract.
 20 Q I agree with you. And I'm asking you
 21 what's wrong with that?
 22 A Well, it was his response to promote
 23 the guy when he couldn't give him all this
 24 favorite treatment. And there was a grievance,
 25 if I'm not correct, in motion at that time.

1 it not?
 2 A I believe so, yes.
 3 Q The employee you're talking about is
 4 Rodney George?
 5 A In what number, sir?
 6 Q 19V, allowing money to be paid for
 7 cell phones for former --
 8 A Rodney George and Robert Kessler.
 9 Q They were both former employees?
 10 A They were.
 11 Q Was some of their cases still working
 12 their way through the court?
 13 A Rodney George had his phone for a
 14 year and his cases were all dissolved by then.
 15 Q How about Kessler?
 16 A Kessler only had his for three months
 17 after or -- about three to four months after,
 18 and no, his cases were all finished. He stopped
 19 prosecuting several months before he knew he was
 20 going to retire so that he wouldn't have to
 21 respond to court matters after he retired, et
 22 cetera.
 23 Q Now, what period of time is this
 24 occurring that you're objecting to?
 25 A From the time that Robert Kessler

Page 190

1 retired.

2 Q Do you know when that is,
3 approximately?

4 A Three to six months after. No, but
5 I'm sure it's retrievable within personnel
6 records.

7 Q And Rodney George?

8 A And Rodney George, I don't know.
9 Again, I think it was around 2003, late 2003, he
10 still had the phone. I complained about it
11 because we had a shortage of phones for
12 detectives. And every time I went to Bill Graff
13 he would tell me to go to Stanley, as he always
14 called him, go to Stanley and free up a phone.
15 And I'd asked what he meant. He'd say, well,
16 his wife has a phone that I'm paying for and,
17 ah --

18 Actually, I believe that he
19 allowed -- Oh, he told me that he wanted --

20 MR. LAVERY: He being who?

21 THE DEPONENT: He being Graff. I
22 believe he allowed Rodney to have the phone.

23 BY MR. BLAKEY:

24 Q Did you complain to Stan Rebert about
25 this phone thing or just to Graff?

Page 192

1 A He did what, sir?

2 Q Put a phone in both of Stan Rebert's
3 cars.

4 A Not to my knowledge that was never
5 done, while I was there.

6 MR. LAVERY: You mean like attached
7 to the car, or are these like mobile phones?
8 Are these like phones --

9 MR. BLAKEY: Well, let me rephrase
10 it.

11 MR. LAVERY: Are these like --

12 BY MR. BLAKEY:

13 Q Susan Rebert, who gave her a phone as
14 you would put it?

15 A One of my detectives was sent out to
16 pick up a phone when we changed models. He was
17 sent out to Nextel to get a phone for her. He
18 was directed by the district attorney to clone
19 the phone, to put all the district attorney's
20 office numbers in it for her. And I don't
21 exactly know how it went to Susan Rebert from
22 there.

23 Q Stan Rebert asked someone to get all
24 the D.A.'s numbers into that phone that was
25 handed to Susan?

Page 191

1 A I complained to Stan Rebert several
2 times about the phones that were -- and people
3 who were no longer employees. I complained
4 about it at the times when I'd find out about
5 it. I continued to complain about it up to the
6 end of my employ.

7 Q Can you give me any names other than
8 George and Kessler that you complained about?

9 A Yes. Susan Rebert.

10 Q Anyone else?

11 A I complained about a cell phone that
12 Susan Voyzey had, but to my knowledge that came
13 out of the general county account rather than
14 the drug task force, just so we're clear.

15 Q Complain about any others?

16 A I don't believe I did, sir.

17 Q What was Stan's reaction?

18 A He feigned not to know that Rodney
19 George had a phone every time that I informed
20 him about it. I was taking it that he had
21 forgotten that if he ever knew it. And Susan
22 Rebert about having the phone, he never answered
23 about that.

24 Q Now, Bill Graff placed a phone in
25 both of Rebert's cars. Is that what he did?

Page 193

1 A That's correct. It could have been
2 that Graff initially told him to pick the phone
3 up, but it was clear that it was Susan's phone.
4 It was to be delivered to the district attorney
5 for her.

6 Q With all the D.A.'s numbers in it?

7 A Correct. We had a cloning system
8 through a computer that put in all the phone
9 numbers of all the A.D.A.s, of all the drug task
10 force members, their home and cell numbers, and
11 Stan and Susan's numbers.

12 Q Okay. I want to talk about
13 retaliation. I have paragraph 38. I don't know
14 if that's the amended or the original. Yes,
15 it's paragraph 38 of your Amended Complaint.

16 A 38, sir, on page 12?

17 Q Um-hm.

18 A Okay. I have it.

19 Q You're complaining there that you're
20 subject to baseless investigation of comp time,
21 correct?

22 A Wait a minute.

23 MR. LAVERY: You have the wrong --

24 MR. BLAKEY: The wrong paragraph?

25 THE DEPONENT: You showed me the

Page 194

1 wrong document then.
 2 BY MR. BLAKEY:
 3 Q Right here. It's paragraph 2.
 4 A Paragraph 2 of 38?
 5 MR. LAVERY: Right here, subparagraph
 6 2.
 7 THE DEPONENT: Oh, okay, subparagraph
 8 2. Gotcha. Number 2, subjecting her to
 9 baseless internal investigations involving the
 10 use of vacation slash comp time.
 11 BY MR. BLAKEY:
 12 Q All right. Tell me about that.
 13 A Well, many times through the last
 14 couple years of my employment he would call me
 15 over and micromanage the time I had accrued.
 16 Q He being who?
 17 A He being Stan Rebert.
 18 Q Go ahead.
 19 A On many instances it was right after
 20 I would deny him certain favors that he asked
 21 for. They were baseless in the fact that I kept
 22 careful accounting of my comp time. He knew
 23 that. He knew that every instance that I put it
 24 down was for bona fide reasons for York County
 25 Detective Bureau functioning.

Page 195

1 He would call me in at different
 2 intervals as recently as October or September of
 3 2004, and ask me outlandish questions such as,
 4 if he had given me 40 extra days to teach at
 5 HACC. I explained to him that, A, I didn't use
 6 comp time to teach at HACC. B, I only taught at
 7 HACC for eight days of the year, and I used
 8 vacation, and that he doesn't give me any extra
 9 time that I don't earn.
 10 Q You were getting comp time; were you
 11 not?
 12 A Yes, sir.
 13 Q Wasn't that unusual for a salaried
 14 employee to get comp time?
 15 A I was told it was, but yet, there
 16 were forms that one could apply for for using
 17 comp time when I was told there was no comp
 18 time. And I watched other salaried employees
 19 just leave and come in when they wanted to and
 20 they had no documentation of that.
 21 I felt that they were doing the same
 22 thing I was doing, but they never had to fill
 23 any forms or they never had the district
 24 attorney come over and micromanage how much time
 25 they had.

Page 196

1 Q Do you know any other salaried
 2 employee who got comp time as such?
 3 A I don't know what you mean as comp
 4 time, but I know several other salaried
 5 employes that would come in late and would go
 6 home early and would take extended lunches that
 7 they didn't have their time docked; their
 8 payroll docked.
 9 Q So they were doing it without
 10 permission or application?
 11 A Permission or application, I don't
 12 know what you mean by that.
 13 Q Applying for comp time.
 14 A I don't think so because a lot of
 15 times when they weren't at meetings, Mr. Rebert
 16 would ask where they were, and other people
 17 would say he's coming in late today, or he
 18 worked late last night so he won't be in, or
 19 he'll be later. He's at the gym or something,
 20 he's at karate.
 21 Q But you did apply for comp time on
 22 some form?
 23 A Yes.
 24 Q Did you have more vacation than other
 25 salaried employees?

Page 197

1 A Sir, I can tell you when I was hired
 2 I was told that all new employees received two
 3 weeks' vacation. There were at least two
 4 pre-hire meetings where we needed to come to
 5 understandings about the time off that I would
 6 need. Mr. Rebert told me I would only get two
 7 weeks' vacation like any other new employee, and
 8 then I asked about comp time. He said to me
 9 initially we don't have comp time.
 10 I explained to him, I gave him some
 11 hypothetical situations, one involving a murder
 12 scene and one involving a lengthy intensive
 13 investigation where I'd be at work for 12, 14,
 14 16 hours, how I would receive compensation for
 15 that? And he said, you just take another day
 16 off or you go home early, whatever. I said,
 17 sir, that's comp time.
 18 At that meeting he brought in the
 19 word flex time. Instead of comp time, it's flex
 20 time, whatever. I said my understanding of flex
 21 time was not that. And I explained to him that
 22 my understanding was flex time, where you still
 23 worked eight hours, but you adjusted your hours;
 24 perhaps came in at 10 and went home at 6. He
 25 wasn't clear on those definitions either, but he

50 (Pages 194 to 197)

Page 198

1 was told they don't have comp time anymore.
 2 So I said to him, if I work a murder
 3 and I'm there 12 hours and I want to come in and
 4 take off another day, can I do that? He said
 5 yes. I said, that's comp time. If I can have
 6 that, we'll be fine.
 7 However, I had no comp time at that
 8 time and he only offered me 10 days' vacation,
 9 which was a new employee. I then told him that
 10 that was not enough time because I had a minimum
 11 requirement to teach for the municipal police
 12 officers and education training association of
 13 12 days.
 14 Obviously, with only 10 days'
 15 vacation I would have to start accruing comp
 16 time right off the bat to even meet that
 17 minimum. While I thought I could do that, at
 18 that point in time I was not going to accept the
 19 job because I had gone from 52 days' vacation in
 20 the City of York, he was asking me to go down to
 21 10.
 22 So, I don't know who came up with the
 23 suggestion because I know at least one of those,
 24 probably three meetings I had with him pre-hire,
 25 Paul Crouse was present on one, and someone of

Page 199

1 the three of us came up with the idea, was I
 2 going to need county insurance? And I said that
 3 no, if I retired I intended to purchase the
 4 insurance plan that the city offered retired
 5 officers.
 6 They then thought that that could be
 7 traded for some vacation. The basis of that I
 8 believe was that that's what Robert Kessler had
 9 done. When he retired from the state police he
 10 got an extra week vacation over all other
 11 employees at his each tenure and level because
 12 he still had the state police insurance.
 13 Q So how much extra vacation did you
 14 get?
 15 A One week, but that was only for the
 16 first year.
 17 Q Now, going back to the beginning of
 18 this, the contention was that there's a baseless
 19 investigation into your comp time. What was the
 20 investigation? Who did it, when was it done,
 21 and what was baseless about it?
 22 A Stan Rebert did it. There was no
 23 substance behind his constant questioning me of
 24 my time. He basically said to me, so if you're
 25 not here, you're not working. I said, here, I'm

Page 200

1 here, I'm here all the time. He said, no, here,
 2 here (demonstrating), meaning in his office.
 3 So --
 4 Q So the investigation was by Stan?
 5 A It was.
 6 Q Didn't Paul Crouse also ask you some
 7 questions about comp time, or object to the comp
 8 time you were taking?
 9 A The only time I have any direct
 10 knowledge about that, sir, is, I applied for a
 11 comp day in September of '04. Randy Rizzuto
 12 told me that she went to Paul Crouse to ask for
 13 a comp form and he told her they didn't have
 14 comp time, so he ignored her and she came back
 15 to me and told me Paul Crouse said we don't have
 16 comp time. There's no form.
 17 Q Paul never talked to you directly?
 18 A Pardon?
 19 Q Paul never talked to you directly?
 20 A That day?
 21 Q On the subject of comp time.
 22 A Oh, I think in the past he told me we
 23 didn't have comp time. But, he would sign my
 24 sheets where it said comp time and he knew there
 25 were days I took off. In fact, I would validate

Page 201

1 reasons where I earned the comp time on the days
 2 that I was going to use it.
 3 Q That's one thing Stan told you to do,
 4 was it not, was to document your comp time?
 5 A Actually, sir, I told him I carefully
 6 documented my comp time and that I intended to
 7 do so for the county detectives. He
 8 wholeheartedly agreed to this. He encouraged me
 9 to continue doing that. He told me I didn't
 10 have to. Chuck Noll also told me later I didn't
 11 have to, but it was something I wished to do.
 12 It was a continuation of accountability. And I
 13 did continue to keep careful and accurate track
 14 of the time earned and used.
 15 (Downing Exhibit Number 18 was marked
 16 for identification)
 17 Q Exhibit 18 is another page from your
 18 journal or diary, whatever you call it?
 19 A Yes, sir.
 20 Q Up at the top, maybe you can read it,
 21 after it, boss -- Boss, that would be Stan?
 22 A After it, meaning executive staff
 23 meeting --
 24 Q Okay.
 25 A -- boss asked to see Paul and I.

Page 202

1 First we went over floor plan of new courthouse
2 and he had Paul make him a Xerox. Then he told
3 me that Donahue came over April 21 and said he
4 got a call that I, meaning Becky Downing,
5 accused of double dipping, hyphen, teaching at
6 HACC and on the payroll the same day.

7 Q Okay. I thought perhaps that was the
8 investigation you were referring to.

9 A No, not at all. The investigation,
10 the baseless investigations that I was referring
11 to was his continually questioning my earning
12 and using comp time which was not validated by
13 anything other than he didn't feel I was in his
14 office enough, sir.

15 Q Did anything happen about Donahue's
16 inquiry about double dipping?

17 A Yes. On a subsequent day--I don't
18 know the day unless I would check my journal--
19 Mr. Rebert and I and Mr. Noll had a meeting with
20 Mr. Donahue about this. He told me he didn't
21 think I was a thief.

22 MR. LAVERY: Who's he?

23 THE DEPONENT: He being Commissioner
24 Donahue; that it was a misunderstanding from an
25 anonymous source and it was over with. He being

Page 203

1 Mr. Donahue and Mr. Noll, via Mr. Noll later
2 told me that on any days that I teach and
3 receive a paycheck for anything outside of the
4 D.A.'s office, to take a vacation day instead of
5 using comp time.

6 BY MR. BLAKEY:

7 Q The date of this Donahue thing is
8 obviously April 23rd, '03?

9 A That was the day that Mr. Rebert made
10 me aware of it. According to my notes, he told
11 Mr. Rebert about it two days earlier.

12 You can see I obviously immediately
13 went and grabbed my journals without touching
14 them; and had Randy make copies so that we could
15 validate that I hadn't doctored any documents
16 after being accused of theft.

17 (Downing Exhibit Number 19 was marked
18 for identification)

19 Q Would you look at Exhibit Number 19?

20 A Yes, sir.

21 Q Take a moment to review that, please.

22 A (Deponent complies.) Yes, sir, I
23 read this.

24 Q You remember receiving that?

25 A I do.

Page 204

1 Q And he's first talking about this
2 comp-time subject?

3 A He is.

4 Q And then he goes on to say, he's
5 seeing less and less of you. And is it true that
6 that was something that Mr. Rebert said
7 frequently to you, that I'm not seeing enough of
8 you?

9 A Yes, he did, sir.

10 Q You're not here and things like that?

11 A Yes, he did, sir.

12 Q Do you think his complaints in that
13 regard were legitimate; that he really wasn't
14 seeing enough of you?

15 A No, I don't think they were
16 legitimate at all.

17 Q He talks about asking to see you and
18 you send somebody else over. Did that happen?

19 A He asked me for lunch one day. I was
20 going to a restaurant to have lunch and he
21 placed an order for a sandwich. I sent the
22 sandwich over with one of the detectives. He
23 apparently took offense to that.

24 Q What about the statement that today
25 is a good example of how you keep track of your

Page 205

1 time. You're working late today when, in fact,
2 you could do that work tomorrow, so you get
3 additional comp time to enable yourself to build
4 up vacation. Is that accurate?

5 A No, sir.

6 Q You didn't do that?

7 A No, sir.

8 Q You didn't work late and then claim
9 comp time?

10 A I stayed to do things that had to be
11 done.

12 Q And not something that could be done
13 the next day?

14 A Normally, no. I'm sure there were
15 things that I stayed and did because the
16 distractions of the office were gone after
17 4:30 that I could have probably done the next
18 day, but it was difficult. Normally I liked to
19 get out of there when I could.

20 I might also add here, sir, the
21 second sentence Mr. Rebert has a statement, as I
22 recall, we had agreed upon 12 days for HACC and
23 that was it. By this time, that 12 days was way
24 gone. The 12 days came into Mr. Rebert's psyche
25 because at one point in time Chuck Noll, who is

1 kind of the business administrator of the
 2 county, offered to give me 12 days to teach at
 3 HACC while being paid by the County of York
 4 because he thought those days of representation
 5 at another agency in an institution of higher
 6 learning were important.
 7 At the end of that discussion, which
 8 I believe was 2003, and certainly when Mr.
 9 Donahue was involved, it was agreed that I would
 10 take vacation to teach at HACC; and as such, I
 11 could use my vacation any way I wanted to. So
 12 this 12 days was way out the window a long time.
 13 So, he was mistaken in that.
 14 And he was seeing an increased number
 15 of incidents when you were out of the office
 16 either giving or receiving training. I rarely
 17 received training; that was preposterous, and I
 18 used my vacation to give training.
 19 Q In your Complaint, I still think
 20 paragraph 38 or thereabouts, you talk about his
 21 attempting to ruin your reputation.
 22 A Paragraph 38.
 23 MR. LAVERY: We're on another one
 24 now?
 25 BY MR. BLAKEY:

1 November, December '04 or '05?
 2 MR. LAVERY: I think it was actually
 3 in '05, January.
 4 THE DEPONENT: I believe it was --
 5 No. Actually, I believe it -- I was -- I came
 6 off the payroll on the 15th of December of '04,
 7 and it was sometime subsequent to that.
 8 BY MR. BLAKEY:
 9 Q Okay. So he sent a letter to the
 10 police chief saying you're no longer a police
 11 chief?
 12 MR. JACOB: That's not what she said.
 13 MR. LAVERY: No, that's not what she
 14 said. Objection.
 15 BY MR. BLAKEY:
 16 Q Well, say it again. I didn't get it
 17 right.
 18 A No, sir. He sent a memo to all the
 19 police departments advertising an open position
 20 and noted in there that M. Rebecca Downing was
 21 terminated for cause.
 22 Q Okay. And is that ruining your
 23 reputation?
 24 A It certainly did, sir. No police
 25 agency would want to touch me with that

1 Q I think it's the same one. Isn't it
 2 part of the same one?
 3 A 38, we're back to the Amended I
 4 think. Sir, what number are you in in that
 5 paragraph?
 6 Q Yes, I think so. Let me see if I
 7 can't find it.
 8 MR. LAVERY: Yeah, it's the next page
 9 here.
 10 BY MR. BLAKEY:
 11 Q The last item, attempting to ruin
 12 your reputation.
 13 MR. LAVERY: Is there a question?
 14 BY MR. BLAKEY:
 15 Q Just directing your question to that.
 16 A Yes, sir, my attention is there a
 17 hundred percent.
 18 Q Now, my question is, in what way did
 19 he attempt to ruin your reputation?
 20 A Well, he sent a letter around to
 21 every police department that I was terminated
 22 for cause.
 23 Q This is after you're gone, of course?
 24 A Yes.
 25 Q This would be, what, in October,

1 statement out there.
 2 Q All right. Anything else? Any other
 3 example of his attempting to ruin your
 4 reputation?
 5 A Yes. He came to a county chiefs'
 6 meeting in May of 2005 and asked me to leave
 7 because I didn't belong there, slapping his cane
 8 down on the desk in front of me in view of my
 9 peers.
 10 Q Did he say anything other than you
 11 don't belong there?
 12 A Yes. I have documentation of the
 13 conversation that took place with this.
 14 Q What did he say?
 15 A I'm not sure that this was verbatim,
 16 but he told me that I don't belong there. That
 17 I have to leave because he brought Julio. Why
 18 am I a member here, and he asked me to leave.
 19 When I told him maybe he better check with the
 20 president as to why I'm a member, he say to me,
 21 is that a no?
 22 Q If you're no longer a police chief --
 23 MR. LAVERY: Was this in front of
 24 people?
 25 THE DEPONENT: It was -- Certainly,

Page 210

1 it was in front of many people.
 2 BY MR. BLAKEY:
 3 Q If you're no longer a police chief,
 4 why do you belong there?
 5 A Because I was made an affiliate
 6 member after my resignation. And there are
 7 affiliate and associate members in that agency
 8 who are not police officers, police chiefs, any
 9 type of chiefs.
 10 Q Okay. Do we have any other attempts
 11 to ruin your reputation?
 12 A He sent a letter around to the
 13 detectives noting several reasons why I was
 14 fired, and that made its way into the York
 15 media, York newspapers.
 16 Q What in that letter ruined your
 17 reputation?
 18 MR. LAVERY: Do you have a copy of
 19 it?
 20 THE DEPONENT: If I have a copy of
 21 it, I could allude to it.
 22 MR. BLAKEY: We might if it's the
 23 thing I'm thinking about.
 24 THE DEPONENT: It had a lot of false
 25 statements in it.

Page 211

1 MR. BLAKEY: Is this it?
 2 MR. LAVERY: Yep.
 3 (Short recess occurred.)
 4 (Downing Exhibit Number 20 was marked
 5 for identification)
 6 BY MR. BLAKEY:
 7 Q We were talking about attempts to
 8 ruin your reputation. Specifically now you have
 9 Exhibit 20 in front of you. Is that what you
 10 referred to a minute ago?
 11 A Yes, sir.
 12 Q And you said that there's a lot of
 13 untruthful things in there?
 14 A Yes, sir.
 15 Q Would you point those out to us?
 16 A The entire second paragraph is
 17 untrue. Oh, and so is the third line that said,
 18 was subsequently terminated for cause.
 19 Q I was going to ask you about those
 20 things in a little more detail in a minute. Let
 21 me come back to my base question.
 22 Any other attempts to ruin your
 23 reputation?
 24 A Yes. There have been additional ones
 25 since that. I was told by the York County

Page 212

1 Chiefs' president in January of this year, 2006,
 2 that they received a communication from Stan
 3 that he was upset that I was still in the
 4 organization. And as a result, they asked me to
 5 stop coming to the meetings. I'm sure that I
 6 paid my dues, but not to come to the meetings
 7 anymore because Stan was uncomfortable with it
 8 because, as Mr. Duffy told me, he wasn't
 9 cooperating with any of the county police
 10 departments and it was clear he was not going to
 11 as long as I was allowed to come to their
 12 meetings.
 13 Q Did you ever explain to him about
 14 this affiliated membership?
 15 MR. LAVERY: To who?
 16 MR. BLAKEY: Stan Rebert.
 17 THE DEPONENT: Excuse me?
 18 BY MR. BLAKEY:
 19 Q Did you ever attempt to explain to
 20 Mr. Rebert about the affiliated membership that
 21 you just told me about?
 22 MR. LAVERY: You mean after her
 23 termination?
 24 MR. BLAKEY: Um-hm.
 25 BY MR. BLAKEY:

Page 213

1 Q At this meeting when he was asking,
 2 why are you here?
 3 A No, I directed Mr. Rebert to see the
 4 president of the organization.
 5 Q Okay. Were you finished with the
 6 attempts to ruin reputation, or do you have
 7 more?
 8 A Yes. I'm told he sent a letter to
 9 Randy Whitson, the secretary of the chiefs, and
 10 memorialized his conversation that he didn't
 11 want me in there. Randy Rizzuto testified to
 12 that document that she prepared for him,
 13 whereby, he stated in there that I'm sure you
 14 want to know who's in your back seat. I want
 15 the know who's in mine. That was discussed at
 16 the county chiefs' meetings.
 17 Q Anything else?
 18 A That's all I know of.
 19 Q Paragraph 83 and 86 of your original
 20 Complaint talk about a fatal accident at the
 21 fair, a ride was closed. Rebert said something
 22 about it cost me \$500. What's that all about?
 23 A October of '83 there was a fatal
 24 accident at the York Fair, whereby, a young boy
 25 and his brothers were in a children's ride. It

Page 214

1 was brought to an abrupt stop and the one boy
2 was killed. The ride was called the Pfitzer,
3 P-F-I-T-Z-E-R. And in conjunction with the
4 Pennsylvania Agricultural -- DOA, Department of
5 Agriculture, I'm sorry, we shut the ride down
6 and further banned that ride from ever operating
7 in the Commonwealth of Pennsylvania again. At
8 least that's what the document said.

9 There was delivery of investigation
10 and statements by the district attorney's office
11 concerning that specifically by First Assistant
12 District Attorney Kelley and another assistant
13 named Edward Paskey. There was some strong
14 communication to the press, and those gentlemen
15 were very strong in their delivery to the fair
16 board that this ride was going to be shut down
17 and that it wasn't going to come back again.

18 After that Mr. Rebert apparently had
19 some conversation with the fair, and there was
20 accusations against myself, Paskey and Kelley
21 about possibly deteriorating relations with
22 Reithoffer, in that, he now decided he wasn't
23 going to come back to the fair.

24 MR. LAVERY: He being who?

25 THE DEPONENT: He being Reithoffer.

Page 216

1 of the investigation or change the rule with
2 respect to the ride?

3 A Not that I know, sir.

4 Q Okay. You'll be glad to know that
5 I'm basically finished my review of your
6 contentions. I have some other matters I want
7 to discuss with you.

8 Before I do, you have a superb
9 memory, obviously. Are there any other
10 contentions of misconduct that you can think of
11 sitting there that we haven't talked about
12 today? I tried to cover everything in your
13 original Complaint and in the second. But as
14 you sit there, do you have other contentions to
15 present if this matter goes to trial?

16 MR. LAVERY: I'm just going to object
17 to the overbroad nature of the question. You
18 can answer it if you can.

19 THE DEPONENT: There's a lot of
20 things that I didn't touch on today, sir, that I
21 complained to Mr. Rebert about throughout my
22 tenure. And many of the things up to and
23 including a meeting that he and I had on the 7th
24 of October of 2004.

25 BY MR. BLAKEY:

Page 215

1 Without Reithoffer's rides there would be no
2 successful fair. And Mr. Rebert in an executive
3 staff meeting, upon hearing that from either
4 Kelley or Paskey, said, that just cost me five
5 hundred.

6 BY MR. BLAKEY:

7 Q What did you understand that to mean?

8 A The only thing I knew it to mean was
9 he got somewhere around \$500 worth of free
10 tickets every year.

11 Q Oh, that goes back to tickets?

12 A It does.

13 Q You're not suggesting a political
14 contribution?

15 A No. I was suggesting that that meant
16 he wasn't going to get \$500 worth of free
17 tickets.

18 Q So what did Rebert do wrong in this
19 instance?

20 A Well, he seemed to be distraught that
21 we had delivered excellent law enforcement and
22 excellent investigative tactics, and now he
23 seemed upset that it was going to cost him
24 something.

25 Q Did he attempt to reverse the result

Page 217

1 Q I'm going to ask you about those.
2 But I'm asking specific contentions of
3 misconduct. Did we miss anything?

4 A Oh yes. In order to give a complete
5 list -- Well, not even everything is in the
6 diary, but there were many things that I
7 complained about that I considered to be
8 improper.

9 Again, it goes back to his failure to
10 require the A.D.A.s and other members of the
11 office to adhere to any rules and regulations
12 which resulted in different treatment for
13 different employees.

14 There were situations where assistant
15 district attorneys had committed unprofessional
16 acts that I felt should be looked into that were
17 never looked into to the best of my knowledge.

18 Q Stop right there. More specifically,
19 what --

20 A One time I had set up a conference on
21 an arson case between A.D.A. David Cook and
22 Assistant Chief Scott Davidson of the York City
23 Fire Department. Mr. Davidson came back to me
24 and reported that he was thoroughly upset with
25 the lack of professionalism, timeliness and

Page 218

1 overall reception of Mr. Cook to the things that
2 he wanted to present; that he had wasted him a
3 day in court; that he had improperly given him a
4 time and date. I went to Mr. Rebert and said,
5 we need good cooperation with the fire
6 department. You know, do you want to look into
7 this?

8 Q When are we talking about now?

9 A That was in 2003, I believe.

10 There was a culture that I used to
11 try to change that existed in that office. This
12 was an ongoing complaint of mine, of, you know,
13 simple things like the way he addressed me on
14 many occasions was not to my liking. I used to
15 ask him time and time again to address me in a
16 different manner.

17 Q How did he address you?

18 A The majority of my time there he
19 referred to me as lieutenant.

20 Q What?

21 A Lieutenant.

22 Q I don't understand that.

23 A You have to ask him that. It was
24 later explained to me that was German for the
25 word lieutenant.

Page 219

1 Q Okay.

2 A And even Tom Kelley chastised him in
3 front of an executive staff after I had been
4 there a year. He said, she's been here a year,
5 why don't you start calling her the chief. He
6 knew I didn't like it, but he kept calling me
7 that time and time again, or he'd call me the
8 chief dick. I didn't that for obvious reasons.
9 He'd call me that in front of people.

10 I tried to create a different
11 culture. You know, there was a lot of lewd
12 jokes that would carry on and go on, especially
13 during executive staff meetings. Every time
14 that we'd have lunch with his former secretary
15 he'd grab me aside and make sure I wouldn't
16 mention it in front of his wife. I didn't like
17 that air.

18 There's other things. I had --
19 There's a lot of other things. If I would be
20 able to see my journal in detail, I could come
21 up with other things. Certainly that I can't
22 think of them now is not a notion that other
23 things didn't occur.

24 Q They're in your journal?

25 A Yes, sir, most of them. There are a

Page 220

1 lot -- The thing with Debbie Flinchbaugh, that
2 isn't in my journal.

3 Q What thing would --

4 A That was his former secretary.
5 Whenever she'd bring us lunch, or we'd have with
6 them, he'd always take me aside, and a big deal,
7 making sure I didn't slip to his wife that he
8 had lunch her.

9 Q Okay. Anything else not in your
10 journal. I was so impressed with your journals.
11 I thought we had everything there, 20 pounds of
12 paper.

13 A At this time I can't think of
14 anything. But again, it's a lot to go over in
15 one day.

16 Q Yes, it is. Now, other than the
17 journals that we've talked about, do you have
18 any paper to support your contentions that we've
19 been discussing here today?

20 MR. LAVERY: Here's one if you want.

21 It is in the Complaint, just so we're accurate
22 because it is here and you didn't touch on it.

23 MR. BLAKEY: What's that?

24 MR. LAVERY: Chandrakant Shah.

25 THE DEPONENT: One day I was

Page 221

1 telling -- I was reviewing, and this is as late
2 as March of '04. I would go over and I would
3 review with him what we did, especially on a
4 weekend. To me that was fulfilling my
5 obligations of spending time with him and
6 keeping him informed.

7 But I told him that I had been to an
8 accident in West Manchester Township and a
9 gentleman by the name of Chandrakant Shah was
10 killed in an accident and it was a shame. He
11 called him a terrorist. I told him that was
12 improper; that a foreigner does not a terrorist
13 make. This is just the kind of culture. You
14 don't know the guy, he's got a strange name,
15 he's a terrorist. I didn't like that.

16 Q You're objecting to his comment?

17 A Yes.

18 Q Okay.

19 A Some conversations that he would have
20 with me about employees; you know, names; that
21 he would talk to people about their sexual
22 preferences and about their weight problems. I
23 didn't care for those things.

24 Q Can you be more specific?

25 A I can, yes. We had some friends,

56 (Pages 218 to 221)

Page 222

1 when I say we, in the district attorney's circle
2 we had some friends that were lesbians. And he
3 would ask me to -- When it would come up he
4 said, explain to me how they do it. I'd tell
5 him that was improper. No, no, tell me how they
6 do it. Explain to me how they do it. I took
7 offense to that because both of them were very
8 good friends of mine, and that was their choice
9 of sexuality.

10 Q When was that?

11 A Well, that took place on a couple of
12 occasions.

13 Q When?

14 A In 2003 and 2004, and the fair of
15 2001 as well.

16 Q When in 2004?

17 A When in 2004?

18 Q Um-hm.

19 A In 2004 would have been the two
20 individuals about whom I'm speaking went on a
21 cruise and the one individual was outside.
22 Randy Rizzuto saw her and we had a conversation
23 about them in the hallway outside of his office.
24 That's what prompted him to again ask about
25 their sexual exploits.

Page 223

1 Q Talking about winter, spring, summer
2 or fall?

3 A I'll tell you, I can check because
4 they went on a cruise together, and they had
5 just gotten back from the cruise. It was warm
6 weather, so I'm thinking either spring or fall.

7 Q Well, now, you were discharged in the
8 fall, so how many months before you left?

9 A It was probably spring then.

10 MR. LAVERY: There are a couple
11 others too in here that I think --

12 (Mr. Lavery and Deponent confer
13 privately.)

14 THE DEPONENT: Yes. He used to ask
15 me why -- We had an employee in the office named
16 Faith Uhler. And I told her one time -- I told
17 him one time that she was in Weight Watchers
18 with me. He made some type of statement like,
19 that was useless because she was so fat. And
20 one time he told me that I should go tell her to
21 push herself away from the dinner table.

22 I was in Weight Watchers myself. I
23 had a weight problem, and I didn't appreciate
24 that and told him so.

25 There was incident where John Daryman

Page 224

1 had been removed from my chain of command. Yes.
2 Immediately after he had been removed from my
3 chain of command, he had come to me to tell me
4 his work schedule.

5 Q He being John Daryman?

6 A Yeah, John Daryman. He had come to
7 me to tell me what his work schedule was so that
8 I could record it on payroll. And I very
9 professionally, not with nastiness, not with
10 anything, said to him, John, Randy does your
11 payroll now. You have been taken out of my
12 chain of command, and as such that's something
13 she did. He said okay.

14 Very soon after that Mr. Rebert
15 called me and made some statements about, why
16 didn't I treat John Daryman like a white man
17 when he came over to me? I didn't like that
18 comment. I complained to Mr. Rebert about that
19 comment. And I also told him that if anything
20 in that conversation had been reported to him as
21 nonprofessional, that Mr. Daryman had just lied
22 to him.

23 Q Did he say anything had been?

24 A There must have been something that
25 he accused me of not treating him like a white

Page 225

1 man, whatever -- however conduct that might be.

2 Q What did Stan reply when you objected
3 to that?

4 A I don't remember.

5 Q Okay.

6 A I just told him that I had treated
7 him totally professionally.

8 Q Anymore?

9 A As I said about the culture, these
10 executive staff meetings, most of the time it
11 was mostly men. On three occasions there was
12 another female with me, which I was really happy
13 for. But it was a lot of male jocularly at
14 these meetings. The meetings would stop dead
15 center because, perhaps a pretty woman went by
16 that was jogging or a very obese person that
17 they'd like to make comments about.

18 The meetings, they weren't very
19 useful, but a lot of times they'd get off on
20 tangents of things that had happened before,
21 such as assistant district attorneys that were
22 commingling sexually and how they'd get caught,
23 and things that I really didn't want to hear.

24 And on one occasion there had been an
25 article in the newspaper. It was a point in

57 (Pages 222 to 225)

1 time where Mr. and Mrs. Rebert had decided to
2 have an article written about themselves to
3 reveal that Mr. Rebert had M.S. There was a lot
4 of rumors and false inferences that he was an
5 alcohol abuser and he, in fact, was not. They
6 wanted to get it out in the public that he was
7 suffering from this disability.

8 And in the course of that article,
9 there was a statement that Mr. Rebert liked to
10 hire beautiful women, and the very next staff
11 meeting after that there was a lot of jocular
12 about that and beautiful women and they added
13 big tits. And then they came over to me and
14 looked at my chest and said, how did you ever
15 get hired? And you know, granted, I'd been
16 around a lot of males in time, but it was just a
17 culture that was very unpleasant to be around.

18 The other thing that happened in all
19 those meetings is, when you weren't -- The
20 people that weren't there, not everybody, but a
21 lot of the people that weren't there, when they
22 weren't there they were cut up like crazy.
23 They'd laugh about them and laugh about their
24 exploits. They'd even talk about the First
25 Assistant Tom Kelley, because he'd forget to pay

1 turned over --

2 MR. LAVERY: The documents would have
3 been turned over in discovery.

4 MR. BLAKEY: Do we have them all?

5 MR. JACOB: There's some more that we
6 got through records that we --

7 MR. BLAKEY: I didn't hear you.

8 MR. JACOB: I'm not sure. Did we
9 turn over the stuff -- the records from the York
10 Fair, that kind of stuff?

11 MR. LEBER: (Negative head gesture.)

12 MR. JACOB: Then I'll turn them over
13 to you. I think I'll copy that tomorrow.

14 BY MR. BLAKEY:

15 Q Without going over every single thing
16 we did, unless it's necessary, identify for me
17 what's criminal, what in your opinion in all
18 this misconduct. We talked about culture, we
19 talked about comments, we talked about inquiries
20 that you didn't think were appropriate. What
21 part of this conduct is criminal in your
22 opinion?

23 MR. LAVERY: I'm going to object just
24 to the overbroad nature. Do you want her to go
25 through the Complaint and go through each and

1 his parking tickets a lot, and occasionally have
2 warrants on him.

3 And I went to those meetings because
4 I figured, hey, if I'm not going to be there
5 they're going to cut me up too. It was very
6 unprofessional. It was wasteful.

7 He allowed that atmosphere, that
8 culture, that conduct to continue the whole four
9 years I was there. I would tell him about that
10 on occasion and complain to him. Yet, it never
11 changed for my entire time there.

12 Q Didn't you, in fact, stop going to
13 those staff meetings?

14 A No, sir, I never stopped going to
15 those staff meetings.

16 Q Never stopped?

17 A No.

18 Q Okay. Let's see if we can move
19 along. Do you have any written material that
20 support your contentions here today other than
21 your very extensive diary or journal?

22 MR. LAVERY: We brought also
23 documents that were turned over, some of which
24 you used today as well.

25 MR. BLAKEY: Okay. Were documents

1 every one of these, because that's really the
2 basis of the question. We can do that if we
3 want to, but other than, it's an unfair
4 question.

5 MR. BLAKEY: Are you suggesting that
6 all these things are criminal?

7 MR. LAVERY: No, but I mean, to ask
8 her to sort each and every one of the things
9 that she just testified to for over four, five
10 hours into what's criminal or not --

11 MR. LEBER: Why doesn't she start
12 listing some.

13 MR. LAVERY: Let me just finish. Let
14 me just finish. I'm saying, if you want her to
15 do that, we're going to go through the Complaint
16 paragraph by paragraph.

17 MR. BLAKEY: Well --

18 MR. LAVERY: If you want to do that,
19 we're going to do it. But I mean I don't think
20 it's a fair question. I think you've already
21 asked her most of those questions anyway. If
22 you want to do it, you can do it, it's your
23 deposition, but we're going to go through it
24 paragraph by paragraph.

25 MR. BLAKEY: Well, I don't have time

1 to go through it paragraph by paragraph.
 2 MR. LAVERY: That's what I'm trying
 3 to say. I would suggest you try to narrow it
 4 down what you're talking about so we know.
 5 MR. BLAKEY: I would think that --
 6 Criminal conduct is in a class by itself, and
 7 that she wouldn't have any problem remembering
 8 the things that stand out as criminal. I'm not
 9 trying to trick her and say it's got to be
 10 exclusive. If she forgets one, she forgets one.
 11 But she certainly ought to have some idea.
 12 That's the most egregious accusation you can
 13 make. She ought to have some idea of what is
 14 criminal.
 15 MR. LAVERY: Then she's going through
 16 the Complaint. I mean, it's unfair to ask her
 17 that in the abstract. She just testified. I
 18 think you've asked her on the majority of the
 19 things that she testified to whether she felt
 20 they were criminal or not.
 21 MR. BLAKEY: That's why --
 22 MR. LAVERY: She can do it again, but
 23 we'll go through each one of them if we need to.
 24 MR. BLAKEY: Well, we'll put that at
 25 the end of the list.

1 MR. LAVERY: That's fine.
 2 MR. BLAKEY: We'll see how much time
 3 we have.
 4 MR. LAVERY: I know you've got other
 5 things you probably want to cover more than
 6 that.
 7 BY MR. BLAKEY:
 8 Q Now, you indicated I believe you
 9 never talked to Jim Donahue or any of the other
 10 county commissioners about these complaints of
 11 Stan?
 12 A About the things we talked about
 13 today?
 14 Q Yeah, about the complaints.
 15 A Other than the allegation that I was
 16 double dipping --
 17 Q Okay.
 18 A -- I did not speak to Jim Donahue,
 19 really, about anything. Did I take these
 20 complaints of the office culture to them? No.
 21 I went to Stan Rebert because I was loyal to him
 22 and wanted him to change.
 23 Q Okay.
 24 A He hired me to clean up the
 25 accountability, to put rules and regulations in

1 place, and that's what I was trying to do until
 2 the last great day when he terminated me.
 3 Q You took your complaints to him?
 4 A I did.
 5 Q How about the other detectives? Did
 6 you all sit around and bitch about Stan?
 7 MR. LAVERY: I'm just going to object
 8 to the form of the question. You can answer.
 9 THE DEPONENT: Well, if you're asking
 10 me did I make a practice of going over the
 11 things I was upset with Stan Rebert about with
 12 my detectives, no, I did not. However, on many,
 13 many occasions those detectives brought those
 14 gripes to me about him. I would --
 15 BY MR. BLAKEY:
 16 Q So it was not your practice to go to
 17 them --
 18 MR. LAVERY: Let her finish. Just
 19 let her finish. Go ahead. You said they
 20 brought the grips to you.
 21 THE DEPONENT: Yes. The best of my
 22 ability was to tender them and say, don't worry
 23 about this. Just go ahead and do your job.
 24 I'll deal with what needs to be done. Don't you
 25 worry about it. And no, it was not my practice

1 to do those sorts of things; not at all.
 2 BY MR. BLAKEY:
 3 Q When you're complaining to Stan, did
 4 you tell him about conversations you had with
 5 third parties about these complaints?
 6 A Specifically, sir, what do you mean?
 7 Q Well, you said you didn't talk to
 8 anyone but the detectives and that's when they
 9 brought things to you. Did you go in to Stan
 10 and tell him about your conversations with the
 11 detectives?
 12 A At times I did. A couple we talked
 13 about today, like, when the detectives were sent
 14 to his house to pick up a TV. When he went to
 15 the detectives to ask them to run criminal
 16 histories, I would certainly then go to Stan and
 17 ask him to please come to me instead. He asked
 18 Matthew Millsaps to run a criminal history on a
 19 gentleman that was supposed to be buying a house
 20 in his neighborhood. He wanted the dirt on him.
 21 At every beckon call I went to Stan
 22 and told him what I thought was inappropriate
 23 behavior, and complained to him about those,
 24 things that were against the public interest.
 25 Q Let's go back to the poison pen

Page 238

1 own mouths they said that to him.
2 Q Okay. Now, if you refer to the
3 second paragraph of Exhibit 8, that's the memo
4 he wrote, e-mailed to your home after that?

5 A E-mailed to my home. Okay. What
6 paragraph?

7 MR. LAVERY: Hold on.

8 (Document shown to deponent.)

9 BY MR. BLAKEY:

10 Q First of all, going back to your
11 diary you said it got ugly.

12 A Yes.

13 Q Could you describe what you meant
14 when you said it got ugly? A lot of shouting, I
15 understand.

16 A No, I don't think there was a lot of
17 shouting. It was just that --

18 Q What was ugly?

19 A They couldn't get through to him.

20 There was a lot of tension, there was a lot of
21 animosity in the room. He was chastising them
22 about union and rules, accusing them that they
23 didn't like John.

24 If I'm not mistaken -- No, scratch
25 that. That was another meeting.

Page 240

1 A The memo that he had written to me
2 that was on my desk when we went over there,
3 laying on my desk, I took that very memo over
4 and the officers walked into his office. And I
5 showed him, I said, this memo I just received,
6 here's what you did to us by that memo. Showing
7 him and trying to give a dramatic presentation
8 of how we felt by our concerns that had been
9 voiced to him; my concerns for a definite fault
10 in the system, fault in the rules and regs, and
11 a possible labor issue that would be brought up.
12 Here's what you just did by saying this to us,
13 by saying, the heck with what anybody says, I'm
14 going to go ahead and do it. And because of
15 that, letting them explain to him what their
16 feelings were.

17 And he took that for that and said to
18 them, well, what are your feelings? You all
19 talk to me, tell me. He took it in the spirit
20 in which it was delivered. Here they are, Stan
21 asked them to their face, and he did that.

22 I told him after I responded to this
23 memo that I did not spit on his desk. Two days
24 later he was joking about it. I walked in the
25 office and he said, are you going to spit on my

Page 239

1 It was very tense and unpleasant.

2 Q Okay. Now, Stan in the second
3 paragraph Exhibit 8 is saying, whatever it was,
4 it didn't justify you spitting.

5 MR. LAVERY: About spitting on my
6 desk?

7 BY MR. BLAKEY:

8 Q Spitting on his desk. Tell me what
9 you did that he was referring to about spitting.

10 MR. LAVERY: Object. I want to
11 object to the form of the question. It assumes
12 that she --

13 MR. BLAKEY: Let me see it. I don't
14 have it in front of me. I'm trying to
15 characterize.

16 BY MR. BLAKEY:

17 Q He said: Nothing even comes close to
18 justifying your spitting on my desk. Now that's
19 what he said to you?

20 A That's what he wrote to me.

21 Q And you never wrote a memo back
22 saying I didn't do that?

23 A I did, sir.

24 Q You'll have to find that one for me.
25 I don't know it. So go ahead, what happened?

Page 241

1 desk again. And I --

2 Q You're saying --

3 MR. LAVERY: Let her finish.

4 THE DEPONENT: And I corrected him
5 again and said, I never spitted on your desk.

6 BY MR. BLAKEY:

7 Q You spit on the paper?

8 A I didn't spit on any paper. I made a
9 gesture that I felt he had just (demonstrating)
10 spit on us. Nothing came out of my mouth.
11 There was no expectoration. It was a dramatic
12 presentation that he took for how I meant it;
13 that he just spit on us.

14 Q If somebody came up to you and
15 objected to a memo you sent to him and spit on
16 it without expectorating and handed it to you,
17 would you think that's insubordination?

18 A No. Mr. Rebert had an open-door
19 policy. Mr. Rebert hired me for my frankness,
20 my honesty, my forthrightness and for what he
21 called a fire in my belly. He had this for many
22 different people that he hired. My fire in my
23 belly told to me by him on several --

24 Several times I asked him why he
25 hired me. And he habitually repeated these

Page 266

1 A Yes, sir.
 2 Q It goes through -- He wanted to see
 3 me. He even suggests that you're disenchanted
 4 with the job. No, you said, you're very
 5 enthused about it and maybe it's other way
 6 around. He says no. What I'm getting to is at
 7 the bottom. He wants 20 minutes a day when we
 8 talk to each other again. Did he say that?
 9 A He did.
 10 Q Did you make an effort to give him
 11 20 minutes a day?
 12 A Yes, I endeavored to do that on a
 13 daily basis.
 14 Q Let's look at 5/4/04.
 15 (Downing Exhibit Number 29 was marked
 16 for identification)
 17 Q Here we are on May 4th, the following
 18 year '04.
 19 A Yes, sir, I have it.
 20 Q The second paragraph you're talking
 21 about, you're not in. He's calling you and he
 22 can't reach you.
 23 A Yes. See that --
 24 Q Rung you up three times this week, no
 25 answers.

Page 267

1 A That's correct. Stan left me voice
 2 mail that, Leutenant, when you're not in, forward
 3 your calls to your cell phone voice mail. I
 4 rung you up three times this week and no one
 5 answers.
 6 I went and talked to him about that
 7 from 3 to 3:40, as you can see, was one of my
 8 daily giving him some face time is what he
 9 wanted. In reference to my voice mail, he said,
 10 yeah, I want you to put all those calls that you
 11 get. I said, you mean all the calls I get into
 12 my office, which is 8 to 10 goofball calls a day
 13 like people want bingo this. They call my
 14 office -- They pick up the registry for the
 15 county detectives, and I would say 50 percent of
 16 the calls didn't belong in my office. So I said
 17 no, I'm not going to have it called into my cell
 18 phone.
 19 And he said -- I said, if you call me
 20 and leave a voice on my voice mail, I check it
 21 three times a day. He didn't know how to call
 22 me to get me. Then I explained to him that he
 23 could get me on the Nex Direct with a cell phone
 24 or call that number and I would pick it up.
 25 And he asked me, is that what you

Page 268

1 want me to use? I thought by this time, four
 2 years into my employment and him having the same
 3 phone that I had, that he full well knew how to
 4 find me, or any other detective. He had been
 5 calling my office phone and upset that he didn't
 6 get my personal voice or my direct voice or my
 7 in-person voice on that phone.
 8 (Downing Exhibit Number 30 was marked
 9 for identification)
 10 Q We're now getting up to September
 11 1st, '04.
 12 A Yes, sir.
 13 Q Met with Stan over his memo to me.
 14 Asked if I taught at HACC 40 days this year.
 15 No. You're never here. If you're not here,
 16 you're not here.
 17 A That was the date -- That was when I
 18 referred to earlier where he put his finger on
 19 the desk and said, if I'm not there right in
 20 front of him I'm not here, so see me every day.
 21 And this was also one of the times when I felt
 22 he was micromanaging me because I only taught
 23 eight days at HACC at that time. That's also
 24 the time he innuendoed that he was giving me a
 25 whole lot of extra time.

Page 269

1 Q You end up with your comment, he told
 2 me to see him every day, right?
 3 A That's right.
 4 Q And he did that?
 5 A And I did that?
 6 Q No, he said that to you.
 7 A Yes.
 8 Q He wanted you to see him every day?
 9 A Yes, that's correct.
 10 Q Now, we have -- There was a memo we
 11 looked at before that talked about that too. We
 12 have here repeated instances where he's
 13 complaining that you're not there and he's
 14 having trouble reaching you. I think you said
 15 he said that many times.
 16 MR. LAVERY: Object to the form of
 17 the question. I think she answered.
 18 BY MR. BLAKEY:
 19 Q Am I correct you agree he said many
 20 times you're not here, I want to see more of
 21 you?
 22 A Yes, but that's inaccurate on his
 23 part. I was there. And he simply apparently
 24 forgot how to call me on the telephone whenever
 25 he wanted to see me.

1 Q Well, it's more than that. He wanted
 2 you to see him face to face; did he not?
 3 A Yes, he did. And we would go over
 4 and have those meetings after he talked to me.
 5 Q And how frequently would you have
 6 those meetings?
 7 A A lot. Very frequently.
 8 Q Now, there are Friday meetings and
 9 Tuesday meetings for the office staff; am I
 10 correct?
 11 A Yes.
 12 Q Which are which? Can you clarify
 13 that?
 14 A Yes. Executive staff is Tuesday
 15 mornings at 9 o'clock, generally, except during
 16 trial terms.
 17 Q And Friday?
 18 A Friday meetings were late in the
 19 afternoon, four o'clock, only during trial term.
 20 Q And is it your testimony that you
 21 faithfully attended those meetings?
 22 A I faithfully attended executive staff
 23 meetings that I was required to attend by Mr.
 24 Rebert.
 25 Q And when you came to those meetings,

1 A No, but that was done once or twice.
 2 MR. LAVERY: By who?
 3 THE DEPONENT: Tony Glowczewski
 4 because they were over in the office waiting to
 5 talk to me about police matters, and they would
 6 call me and tell me they needed to see me right
 7 away, but I never prearranged it.
 8 BY MR. BLAKEY:
 9 Q Quick Response Team, I saw an
 10 organization chart where you're at the top of
 11 the list, the D.A. or his designee.
 12 A Is this the York County Quick
 13 Response?
 14 Q Yes, it is.
 15 MR. LAVERY: Wait for an exhibit.
 16 MR. BLAKEY: I'll have it for you in
 17 just a minute.
 18 (Downing Exhibit Number 31 was marked
 19 for identification)
 20 BY MR. BLAKEY:
 21 Q We're referring to 31. Looking down
 22 under the D.A.'s office it says: Coordinator,
 23 Chief York County Detective or D.A.'s designee.
 24 A Yes, I see it, sir.
 25 MR. LAVERY: Where are you at?

1 were you attentive and cooperative and
 2 participated in the conversations?
 3 A One hundred percent when I was asked
 4 for participation or input.
 5 Q It's not accurate that you brought
 6 crossword puzzles over there or paperwork and
 7 busied yourself with that?
 8 A I believe the allegation was that I
 9 brought lesson plans and prepared for teaching
 10 at HACC. That's totally false. I never did a
 11 crossword puzzle during my time at the district
 12 attorney's office. I don't do them.
 13 I brought paperwork with me, which
 14 many other attorneys did. Some of them would
 15 write briefs during those meetings. I was able
 16 to multitask. I was able to listen to what was
 17 going on, fully participate, and take some notes
 18 about some crucial things that had to be done in
 19 the office. Whenever I took notes there, it had
 20 to do with York County District Attorney's
 21 Office, memos, letters, notes, to-do list, et
 22 cetera.
 23 Q Did you arrange with somebody to call
 24 you on your cell phone to get you out of these
 25 meetings?

1 MR. LEBER: The second box from the
 2 top.
 3 MR. BLAKEY: The second box in the
 4 middle.
 5 MR. LAVERY: Okay.
 6 BY MR. BLAKEY:
 7 Q Let me step back. You, I understand,
 8 organized the city's Quick Response Team?
 9 A No, sir, I did not.
 10 Q You're very active in it?
 11 A I was. I was a hostage negotiator
 12 for 20 plus years. And during the time that the
 13 interim commander was promoted to the rank of
 14 captain, I assumed leadership of the team for
 15 approximately 11 months, to the best of my
 16 recollection.
 17 Q Okay. And the county adopted the
 18 city procedures; basically, the procedures that
 19 you were using over there?
 20 A And procedures -- I don't know what
 21 you mean by procedures.
 22 Q The county quick response program
 23 paralleled and copied the city program.
 24 A I think that's an accurate statement,
 25 yes.

1 Q So my point is, you were very
 2 familiar with all that?
 3 A Pretty much of it I would say that I
 4 was, at least the things that were in place with
 5 the city up until about 1995. Those similar
 6 things that were retained over, yes, I was
 7 familiar with.
 8 Q Now, you were active in the county
 9 Quick Response Team for a period of time; were
 10 you not?
 11 MR. LAVERY: I'm going to object to
 12 the form of the question. When you say active
 13 in, what do you mean?
 14 BY MR. BLAKEY:
 15 Q You participated in it.
 16 MR. LAVERY: Did she function in this
 17 role?
 18 BY MR. BLAKEY:
 19 Q You functioned in this role, yeah.
 20 A For my entire time -- From the time
 21 that the team was formed, the York County Quick
 22 Response Team, until the time of my termination
 23 I was the active liaison coordinator, yes. I
 24 never quit that.
 25 Q You did not opt out of that program?

1 13th of October, as I best recall, there was an
 2 extensive meeting with Bill Graff, Stan Rebert
 3 and myself regarding this Gouseff incident. I
 4 participated quite actively in that
 5 participation where Bill Graff reviewed with me
 6 the audio tapes from that incident.
 7 BY MR. BLAKEY:
 8 Q Okay. Diary, 5/27/04.
 9 A I was still --
 10 MR. LAVERY: Just wait for a
 11 question.
 12 (Downing Exhibit Number 32 was marked
 13 for identification)
 14 Q There's a diary entry of May 27th,
 15 '04. I'm really just mostly interested in the
 16 bottom line. You have there about a photo in
 17 the paper, and he used Doug for an hour and half
 18 for that. Stan never asked or told me about
 19 that.
 20 A Yes.
 21 Q You objected to the fact he did that
 22 without asking you?
 23 A Yeah. I was looking for Doug
 24 Demangone most of that afternoon.
 25 Q And you objected to his contacting

1 A I never opted out of it, no. In
 2 fact, I participated in a meeting on the day
 3 before I was asked for my resignation.
 4 Q Do you recall an event involving a
 5 Yvonne Gouseff, who, a UPS guy showed up and she
 6 had a gun and there was a --
 7 A I do.
 8 Q You didn't go to that call, did you?
 9 A No, I did not.
 10 Q And why not?
 11 A Because I was not called until
 12 approximately 25 minutes after she was dead.
 13 Q Are you okay? Do you want to get up
 14 and walk?
 15 A No, I'm good, sir.
 16 Q And your testimony is, right up to
 17 the day you were terminated, you remained active
 18 in the Quick Response Team?
 19 A Well --
 20 MR. LAVERY: Object to the form of
 21 the question, active in. She said she
 22 functioned in this role.
 23 THE DEPONENT: I can tell you that I
 24 believe I was asked for my termination -- for my
 25 resignation on the 15th of October, and on the

1 one of your people without telling you about it?
 2 A It would have been an appropriate
 3 courtesy.
 4 (Downing Exhibit Number 33 was marked
 5 for identification)
 6 Q 33 is an entry, your handwriting of
 7 November 17, '03.
 8 A Yes.
 9 Q Stan told Russ to have Daryman's new
 10 2003 pewter Blazer ready by Wednesday, but never
 11 told me to expect a switch.
 12 A Right.
 13 Q You objected to a car being assigned
 14 without telling you?
 15 A Oh no.
 16 MR. LAVERY: Object. It didn't say
 17 she objected. She just noted it. There's no
 18 indication there's an objection.
 19 BY MR. BLAKEY:
 20 Q Well, I'm asking you why you thought
 21 that was worth writing down.
 22 MR. LAVERY: That's a different
 23 question.
 24 BY MR. BLAKEY:
 25 Q Why did you write down he never told

Page 278

1 me?
 2 A Because I was expected to take one
 3 detective out of his unit.
 4 Q I'm sorry, I don't understand.
 5 A I was expected to take one detective
 6 out of a unit with no notice. It just would
 7 have been a courtesy that, again, wasn't
 8 extended to me where Mr. Daryman was concerned.
 9 That did involve one of my detectives because a
 10 unit was being vacated.
 11 Q Now, we're getting to the end of the
 12 line, you'll be glad to know.
 13 (Downing Exhibit Number 34 was marked
 14 for identification)
 15 Q This is another one of your diary
 16 entries in your handwriting. This is for
 17 October 7, '04.
 18 A Yes, sir.
 19 Q Went in to see Stan one to two. What
 20 does that mean?
 21 A One p.m. to 2 p.m.
 22 Q Discussed our last conversation.
 23 Brought up to him his original distrust in
 24 Voyzey investigation, then Daryman.
 25 A Right.

Page 279

1 Q He told me I'd called Bob Durrant.
 2 So what.
 3 Now, you did call Bob Durrant, did
 4 you not?
 5 A I did at the direction of Human
 6 Resource Director Luker.
 7 Q Did you call him more than once?
 8 A No. The only other time I had a
 9 phone call with him Mr. Rebert was present. And
 10 that was conference call with Luker, Rebert,
 11 Downing and Durrant.
 12 Q Now, when you called -- Well, this
 13 call was first, right; Bob Durrant calling
 14 your --
 15 A No, sir.
 16 Q -- here.
 17 A No. The first conversation I ever
 18 had with Mr. Durrant as the solicitor for the
 19 County of York was a conference call that was
 20 made in Luker's office where Luker, Downing and
 21 Rebert were present.
 22 Q That's before this?
 23 A It was.
 24 Q All right. What happened during that
 25 call?

Page 280

1 A During that call?
 2 Q Yes.
 3 A We were discussing the detectives and
 4 the contract, et cetera.
 5 Q Were you not directed by Stan Rebert
 6 and by Paul Crouse not to call Durrant under any
 7 circumstance?
 8 A I was never directed that; never ever
 9 told that.
 10 Q Nobody ever told you that?
 11 A Nobody ever told me that.
 12 Q Durrant was representing the county
 13 and the union negotiations with the detective
 14 bureau, correct?
 15 A That's right.
 16 Q And you're a salaried employee?
 17 A I am.
 18 Q You're not in the union?
 19 A I am not.
 20 Q So, why did you call Durrant about
 21 when the so what --
 22 A Allow this to be clear, though. This
 23 call to Durrant took place back in late 2003, or
 24 mid 2003. They were just casting aspersions to
 25 me about it on this date.

Page 281

1 But, something had come back about
 2 the contract and it was a contradictory
 3 statement. In one portion of the document it
 4 said that the district attorney would maintain
 5 his 1620 rights for firing and hiring, and a
 6 similar sentence -- or another sentence in the
 7 same document said that they would work
 8 five-day, 40-hour week.
 9 So I went to Sharon Luker and I said,
 10 look, which supersedes which because, in fact,
 11 if these 1620 rights supersede the rules and
 12 regs, then I can go to the detectives and say,
 13 It's his right. He's entitled totally to do
 14 this and then we can -- I could support the
 15 hiring to the officers as well.
 16 I made an appointment, I went to
 17 Sharon Luker, we discussed the document. She
 18 didn't know either and she said, let's call Bob
 19 Durrant and ask him. We called Bob Durrant and
 20 he didn't know either.
 21 Q Now, in that call did you not convey
 22 to Durrant that you or the detective bureau
 23 were -- it was very important to you to have the
 24 five-day, 40-hour week?
 25 A Not at all, sir. In fact, we had

1 had problems with him. I regenerated all these
2 complaints. I brought up a lot of this during
3 the Susan Voyzey thing because I had perceived
4 there had been improper things done there, but
5 in the end I told him I thought I was doing a
6 good job and wanted to stay and do it.

7 He did -- (Pause. Mr. Lavery and
8 Deponent confer privately.)

9 THE DEPONENT: He then did ask me if
10 I thought I could support his promotion of
11 Daryman, and I told him no. And he asked me
12 why. I told him that I just thought it was
13 wrong. I thought that -- You know, I could get
14 myself in some trouble backing a potential
15 unfair labor practice. He then told me that he
16 would let me know.

17 (Pause.) I believe he told me he'd
18 let me know it a couple days that he was told by
19 somebody to have me out by the end of the month.

20 Q Did he say who?

21 A I don't believe he did, no. And I do
22 believe I asked him.

23 Q Does that pretty much cover that
24 meeting of the 7th?

25 A I think so. As you can see, it was a

1 Complaint. Maybe that will help you, the first
2 Complaint towards the end.

3 A I think Wednesday the 13th was --
4 MR. LAVERY: Wait a minute. Just
5 wait.

6 BY MR. BLAKEY:

7 Q Look at paragraph 256 of the original
8 Complaint.

9 A I have that, sir.

10 Q It indicates there was a meeting on
11 the 13th and you were told you'd be terminated.
12 Do you have any memory of that?

13 A I believe this is the meeting that we
14 referred to earlier at the end of an executive
15 staff meeting. I believe that this was the
16 meeting where Mr. Graff asked me and Mr. Rebert
17 to remain behind and we had the long discussion
18 on the Gouseff deal. The entire thrust of the
19 conversation by Mr. Graff was things he wanted
20 me to do in the future as the liaison, continued
21 liaison with the York County Quick Response
22 Team.

23 And all of Mr. Graff's statements
24 pointed to the fact that I would still be here
25 to continue my employment and my liaison. When

1 full hour. I just kind of skimmed over the
2 highlights.

3 Q All right. The next meeting I know
4 about was on the 13th. Was there one in
5 between, or is that accurate?

6 A Well, I'd have to collect the journal
7 for the 8th. I don't doubt you if that's what
8 you pulled out of my journals.

9 Q Well, do you remember the meeting of
10 the 13th?

11 A Again, I would like to see my notes
12 to refresh your memory.

13 Q Do you want to see your journals?

14 A That would be fine.

15 (Document handed to Deponent.)

16 Q The journal kind of stops.

17 A I don't see anything for the 13th.

18 Q I found that kind of curious, Miss
19 Downing, that there had been so many details and
20 on so many days, but you have nothing written
21 down for these days immediately prior to your
22 meeting at all. Is there an explanation for
23 that?

24 A I don't know.

25 Q Well, let's go back to your

1 Mr. Graff left the meeting I stopped Mr. Rebert
2 and said to him, by the things Graff made, it
3 sounds like I'm staying. Am I staying? He said
4 no, you're being terminated.

5 Q Did he say anything else?

6 A He told me that he'd get me a memo
7 about when.

8 Q That's all he said that you can
9 recall?

10 A Yes.

11 Q That's all you said?

12 A Yes.

13 Q Now, weren't you -- Was not the
14 suggestion made at some point that you should go
15 talk to Tim Barker, and that if you could work
16 things out with Tim, he would think differently
17 about it?

18 A Yes, you're correct.

19 Q Wouldn't that be the 13th that that
20 statement was made? Because, in fact, did you
21 not go to see Tim Barker on the 14th?

22 A I did. I did.

23 Q Okay. Am I right then in suggesting
24 that on the 13th Stan asked you to go talk to
25 Barker?

Page 306

1 A I don't know the dates as we speak
2 here, but he did suggest that I go to Tim
3 Barker, and I did have a conversation with Tim
4 Barker.

5 Q Barker was a buddy of yours for many
6 years while you were over there?

7 MR. LAVERY: Object to the form of
8 question.

9 BY MR. BLAKEY:

10 Q Yeah, I'm asking. Is that true?

11 A We were friends, good friends, yeah.

12 Q All right. Tell me about the meeting
13 with Barker, if you will, please.

14 A I believe I met with Barker on the
15 14th actually.

16 Q I believe that too.

17 A Okay. Met with Tim Barker, I told
18 him that Stan had directed me to see him because
19 Stan was terminating me, and Stan told me to
20 come to Barker. And Tim said, I agree. You
21 don't agree with Stan's platforms; you basically
22 disagree with him on many formats. I know that
23 I had a conversation with him that he used to
24 come to my office and rant and rave about a lot
25 of Stan's decisions, and that that was not

Page 308

1 he had this, but that it reaches a point where
2 we all have to support Stan in what he does.

3 And then there was some conversation
4 about my back where he mentioned my back. Then
5 pretty much we said good-bye.

6 Q I just want to clarify one thing.

7 The day before you went to Barker, on the 13th
8 you met with Stan. We established that, and he
9 said you're terminated. Correct so far?

10 A Well, I believe that -- I have to
11 check, but I think there was a staff meeting on
12 the 13th.

13 Q My question really is this.

14 A Okay.

15 Q More specifically with the suggestion
16 that you go see Barker --

17 A Right.

18 Q -- did he say to you, in effect, go
19 see Barker, and if you can square this away with
20 him and get his endorsement, I'll reconsider, or
21 words to that effect? Was that the reason you
22 went to Barker?

23 A He encouraged me to go to Barker
24 because at that point in time he led me to
25 believe that the impetus behind his decision was

Page 307

1 abnormal to have disagreements with the district
2 attorney.

3 And he then told me that some of the
4 A.D.A.s have lost confidence in me and don't
5 come to me anymore. I asked him to point out
6 examples, and he was unable to. And then I
7 said, well, as a first assistant district
8 attorney, don't you think you should have come
9 to me and taken some action. He had no answer
10 for that.

11 I told him that he was one of the
12 biggest supporters of Mr. Rebert's illegalities
13 and improprieties, and that I was surprised that
14 he was taking the stance. And he said --

15 MR. LAVERY: He's one of the biggest
16 supporters of his illegalities?

17 THE DEPONENT: No. I'm sorry. He
18 was one of the biggest supporters of my
19 opposition to Mr. Rebert's improprieties and
20 illegalities. I can remember many conversations
21 when Tim came to me and was upset that Mr.
22 Rebert didn't want to continue prosecution
23 against certain political patrons, such as Mr.
24 Kinsley.

25 But he then did admit to me that yes,

Page 309

1 coaxing by Barker or some type of -- He did lead
2 me to believe that if I could talk this out with
3 Barker that I would stay.

4 Q All right, that's my point. So you
5 went there for that purpose. Apparently that
6 was not successful. Barker agreed with the idea
7 that you should go?

8 A Yes.

9 Q All right. Anything else you
10 remember about the meeting with Barker?

11 A He talked to me a whole lot about
12 back problems. I cut him off. I didn't feel
13 that his conversation was sincere.

14 Q Why? He had back problems too, is
15 that what that was?

16 A He was talking about other
17 individuals that he knew that had back surgery
18 that had nothing to do with the type of problem
19 I had.

20 Q Okay. Now, the next day according to
21 your Complaint, October 15th--I'm back to the
22 Amended Complaint--I see in paragraph 32, Octoer
23 15th at 9, Rebert summoned Miss Downing to his
24 office. Do you recall that?

25 A Yes, I do.

78 (Pages 306 to 309)

Page 310

1 Q What happened then?
 2 A When I walked in the office, it was
 3 Mr. Rebert's office, it was Rebert, Crouse and
 4 Teri Kodish, who was the assistant H.R.
 5 director. As I walked in the door Mr. Rebert
 6 said, quote, it's over, unquote.
 7 Q Did he say anything else?
 8 A I don't recall.
 9 Q Did you say anything else?
 10 A I responded to questions that were
 11 asked of me.
 12 Q Is that with respect to whether you
 13 would resign or --
 14 A Yes, that is correct, sir.
 15 Q She had a paper there or something
 16 like that?
 17 A Yes, she had a paper. I asked some
 18 questions about my medical condition. I asked
 19 about unused vacation and comp time. I was at
 20 that time asked by Miss Kodish to go to my
 21 office and wait, and that she would get back to
 22 me shortly with some answers.
 23 Q Okay. Now, during any of these
 24 October meetings, but specifically the October
 25 7th meeting when you said you sort of reviewed

Page 311

1 the problems you had with Stan, did he tell you
 2 to stop talking about these things?
 3 A No, he didn't. He asked me where we
 4 thought we went wrong and what changed from the
 5 initial time when I was hired. I went over as
 6 much as I could think of where I was
 7 disappointed in him and what I viewed as
 8 improper or illegal.
 9 Q Before October 5th when he indicated
 10 he'd like you to resign, did he ever threaten to
 11 fire you?
 12 A Yes.
 13 Q When?
 14 A In the same conversation. He said --
 15 Q On October 5th?
 16 A Yes.
 17 Q My question, I wasn't clear. I said
 18 before that day had he ever threatened to fire
 19 you?
 20 A No, sir.
 21 Q What is your basis to claim that you
 22 were fired because of your complaints and
 23 conversations and statements?
 24 A My basis is that, it was a continuing
 25 complaining activity on my part to contin --

Page 312

1 Q I got that picture, it's been four
 2 years.
 3 MR. LAVERY: Go ahead. Let her
 4 finish.
 5 BY MR. BLAKEY:
 6 Q Go ahead. I'm being a little flip.
 7 A I'm sorry.
 8 MR. LAVERY: Go ahead.
 9 THE DEPONENT: What was the basis
 10 that I felt that I was -- Repeat the question,
 11 please.
 12 BY MR. BLAKEY:
 13 Q What is your basis to claim that you
 14 were fired because of your complaints and
 15 conversations?
 16 A Well, because I think he wanted me
 17 out of the way to stop saying no to him on many
 18 of the things that he wanted done. I think he
 19 was tired of me saying no. In fact, that was
 20 told to my detectives after I left. Stan is
 21 tired of hearing no to his many requests, and
 22 they were instructed they should now say yes to
 23 everything. That was delivered by my successor.
 24 And I think --
 25 Q Who is your successor?

Page 313

1 A Julio Mendez.
 2 Q He told you that?
 3 A He told the detectives that.
 4 Q And one of those detectives told you
 5 that?
 6 A Yes, more than one told me that.
 7 Q Who told you that?
 8 A I believe Demangone and James told me
 9 that; perhaps, Glowczewski as well.
 10 Q Okay. Go ahead.
 11 A And I really think that Stan wanted
 12 to continue to do the things that he wanted to
 13 do; that I would no longer be there to be this
 14 constant thorn in his side objecting and
 15 refusing. And I believe that he wanted somebody
 16 that would, in fact, do those things, no
 17 questions asked.
 18 He had told me on several occasions,
 19 most recently being the Molly Gemmel request
 20 that he wanted this information on her criminal
 21 history, no questions asked, quote unquote. I
 22 just told him I couldn't do that, it was
 23 improper.
 24 I think that he wanted smoother
 25 sailing and I represented a distraction in that.

1 That's what it was titled. I would go in
 2 because it had the margins set by this, and I
 3 would most times complete it as it was being
 4 compiled during the day.
 5 And I would put in things, as you can
 6 see, who I met with, what complaint we talked
 7 about; not only personal things but professional
 8 things. And most of the time, the vast, vast
 9 majority I tried to do that at work. I would
 10 then print it at work on my printer, take it
 11 home with me, shove it in my briefcase and come
 12 home and put it into here.
 13 On the ones that are handwritten, I
 14 usually did that when I walked in the door. I'd
 15 walk in the door, greet my husband, get a soda,
 16 and sit down and do it. I had the same Word
 17 file at my house, journal entries.
 18 Q Would you carry it on a disc?
 19 A No.
 20 Q Okay. You'd --
 21 A I'd print it at work. If I didn't
 22 get it done at work, I'd go home and do it so it
 23 was fresh in my mind.
 24 Q All right. The things that you did
 25 that were, for example, the work-related things,

1 district attorney's office, the employment
 2 decisions, the atmosphere, the things you talked
 3 about with respect to discipline, all of the
 4 issues that you discussed with respect to how
 5 the office was run, who did you consider the
 6 policy maker to be with respect to those things?
 7 A It was only Stan Rebert. Many times
 8 executive staff would decide on one thing and he
 9 would select another thing. He loved to coin a
 10 phrase taken from Gone With the Wind, it's
 11 quitting time, master. No, it's not. It's
 12 quitting time when I say it is.
 13 Q Okay.
 14 A And he would explain that he's the
 15 boss and he wanted us all to know that.
 16 Q All right. I'm jumping around a
 17 little bit because these are just some points
 18 that I was unclear of in your testimony. With
 19 respect to the complaints about the badges, I
 20 think you said at one point it became a
 21 complaint that badges that had been in your view
 22 improperly issued were not being confiscated.
 23 Do you remember that issue being discussed prior
 24 in your deposition?
 25 A Yes, I do.

1 were a lot of those things also part of formal
 2 reports that you did?
 3 A Yes, sir, that's accurate. That is.
 4 MR. HUTCHINSON: Thank you. I think
 5 that's all I have.
 6 MR. LAVERY: I just have a few to
 7 follow up.
 8 EXAMINATION
 9 BY MR. LAVERY:
 10 Q With respect to the meeting that you
 11 discussed I believe in October, the one on the
 12 15th where you were given a document and then
 13 told --
 14 A Yes, sir.
 15 Q -- to wait in your office, was that
 16 meeting attended by anybody from the county as
 17 opposed to the D.A.'s office?
 18 A Yes, it was. That was attended by
 19 Teri Kodish who's the Assistant Human Resources
 20 Director.
 21 Q Was it again reiterated at that time
 22 that you were going to be terminated if you
 23 didn't resign?
 24 A Yes, it was.
 25 Q In terms of the office with -- of the

1 Q You left off in 2002, but I don't
 2 think Mr. Blakey asked you, did you make any
 3 complaints about badges and people who had
 4 badges that weren't suppose to have them in
 5 either 2003 or 2004?
 6 A Yes, I did. In fact, I brought this
 7 up as one of the criteria that had continued to
 8 be a problem in our agency in my October 7th
 9 conference with the district attorney. I had
 10 told him on additional occasions during the
 11 investigation of Susan Voyzey and her alleged
 12 drug addiction that we should get the badge back
 13 because she has continued to cause problems with
 14 that badge.
 15 I asked for permission to get her
 16 badge back during that investigation, and I was
 17 denied that ability. So, as late as 2004, I was
 18 still making those requests.
 19 Badges, that was something that, you
 20 know, there's no legitimate reason why many of
 21 those people had badges. That could only invite
 22 impropriety in law enforcement.
 23 Q Okay. How about with respect to the
 24 fair? Mr. Blakey asked you about complaints
 25 that you had made about Stan getting the free

1 passes in 2001. Did you make any complaints to
2 Stan in two thousand -- Stan Rebert in either
3 2002, 2003 or 2004 about that practice?

4 A I did in 2002 and I did in 2003. He
5 went out and got the passes himself in 2004.

6 Q Did you make complaints to him about
7 him doing that in 2004?

8 A I did. I again told him that it was
9 improper to have them and why should we have
10 them, and there were some hard feelings as to
11 certain people who were allowed to have them and
12 who weren't. There were people outside of the
13 D.A.'s office that were jealous of the people
14 inside the D.A.'s office that got them. In
15 fact, they'd say why is that? She voiced that
16 to Jeffrey Martz who came to me and said, how do
17 you answer these people?

18 And I explained to him, especially
19 during the budget preparations in 2004 for 2005,
20 that it again needed to be brought to the table
21 that we need to not provide law enforcement to
22 the fair. It was a waste of money and that it
23 was providing services that we did not need to
24 provide, accomplish, period.

25 They had hired people out there that

1 of chance; is that right?

2 A That's correct.

3 Q Okay. And you were also asked by Mr.
4 Blakey about whether law enforcement that was
5 provided there was free. Do you remember those
6 questions?

7 A I do.

8 Q Do you know if the detectives other
9 than regulating the games of chance and, again,
10 making arrests for things that they observed,
11 performed any security functions for any of the
12 events at the fair?

13 A Well, the fair had their own crew
14 that they designated event security or concert
15 security, or something. And they were able to
16 hire much -- many fewer of them because of
17 the -- during the concerts because of the
18 insertion of the county detectives into that.

19 Q Insertion doing what? What time of
20 work were they doing?

21 A They did security work. We did
22 security work at all the concerts, at every one
23 of the events.

24 Q Are these -- When you say these, are
25 these converts by, like, country music singers,

1 could handle the normal public drunks and
2 disorderly conduct and had three different
3 police departments in whose jurisdiction that
4 fairground lay; that we shouldn't have been out
5 there.

6 Q Okay. Did you make any complaints to
7 the people at the fair as well about the
8 practice of Mr. Rebert receiving the free passes
9 in -- or after 2001?

10 A Yes, I did.

11 Q When did you make those complaints
12 after 2001?

13 A In 2002 another stack of tickets was
14 brought out to give to him on that fair meeting.
15 I said to Marsha Hallman in the presence of
16 Michael Rutter, you shouldn't be doing this.
17 Why don't you reduce the number at least.

18 Q How about in 2003, did you make any
19 complaints to the fair about the tickets that
20 were being given to Mr. Rebert?

21 A No, I did not. I wasn't there when
22 the tickets were given to him.

23 Q Now, let's talk about the activities
24 of the detectives at the fair. I think you said
25 one of the activities was to regulate the games

1 those types of things?

2 A The better ones are, yes, sir.

3 Q I'm sure there are some other ones,
4 too.

5 A It was everything from kids'
6 rock-and-roll stuff to the Destruction Derby to
7 concerts, yes, dancers. One year they had the
8 River Dance.

9 Q In your experience when law
10 enforcement agencies provide security roles for
11 private functions such as these concerts, are
12 the law enforcement agencies compensated for
13 that?

14 A Oh yes. In fact, there was one
15 concert when Ed Melhorn came to Stan, and then
16 Stan to us, asking us to work a concert that was
17 not during the fair. And that was clearly
18 because he didn't have to pay security for that,
19 and also because he knew we did a good job and
20 we're used to the environment.

21 Q So, as opposed to just the games of
22 chance and the free law enforcement in terms of
23 what would be seen that the detectives would
24 visualize and make arrests, what percentage of
25 their role would also be the security role for

Page 354

Page 356

1 these events out there?

2 A Everything after 7 o'clock at night.
3 Or let me rephrase that. A lot of their
4 presence there was because of those concerts. I
5 always asked two gentlemen to roam the midway
6 and receive complaints, et cetera. But, we
7 would have only needed two there for that.

8 And prior to my employ, the county
9 detectives never worked any concerts. And
10 because of that, the fair had to pay out more
11 money to hire their own people for that.

12 Q Now, you were also asked about a
13 check that you ran on a gun that you had
14 received. Do you remember that testimony?

15 A For a personal gun?

16 Q Yes.

17 A Or for a --

18 Q A gun.

19 A -- noncounty government? Yes, I do.

20 Q Okay. Was that a revolver? What
21 type of weapon was that?

22 A It was an automatic weapon, sir.

23 Q Okay. Pistol?

24 A Handgun.

25 Q Okay. Did you use that weapon while

1 I then had a supervisor at County

2 Control run it and, thus, provided the
3 information that they required in order to go
4 ahead and change through R&I, which records and
5 information -- records and identification, I
6 believe, as to the proper owner of the handgun.

7 Q Did you ever -- Well, you testified
8 that Mr. Rebert had asked you to run checks,
9 CLEAN checks, JNET checks on other people. Do
10 you remember that testimony?

11 A Yes, I do.

12 Q Did you ever do that as opposed to
13 running the check on the gun in your own
14 trailer? Did you ever run checks on other
15 people like Mr. Rebert asked you to do for your
16 own purposes?

17 A I didn't run most of the checks for
18 him.

19 Q I know, but he requested. Had you
20 ever -- Other than running a check on your gun
21 and your check on your own trailer, did you run
22 any other checks?

23 A No.

24 Q Now, Susan Rebert's cell phone.
25 Again, I want to get a time frame on that. When

Page 355

Page 357

1 you were on duty as a county detective?

2 A Yes. As a matter of fact, the
3 weapons were purchased by the City of York with
4 the understanding by the vendor and the retailer
5 that they would go to police officers; that they
6 would be subsequently transferred to police
7 officers who would pay monetary funds for those
8 guns. Those guns we were allowed to qualify
9 with and use as what they called second guns.
10 We were allowed to use them for all plain
11 clothes details, as long as you qualified with
12 them, with your own ammo under the guise of a
13 city firearms instructor.

14 Q Now, the gun that you ran the check
15 on, why did you do that? Did you do that on
16 your own or did someone ask you to do that or
17 tell you to do that?

18 A The way it came about, I was insuring
19 the weapons and it came back that my particular
20 gun was owned by another York City Police
21 Officer. They had filed the serial numbers up
22 on the transfer. I wrote ATF a letter telling
23 them this, and they told that me I had to
24 provide information to them that validated my
25 request.

1 did you complain to Mr. Rebert about Susan
2 Rebert's cell phone, what time frame?

3 A Approximately 2003 when one of the
4 detectives was hired, I believe Scott James,
5 because there wasn't a phone available for him
6 and Bill Graff would not order another phone,
7 Bill Graff sent me to Mr. Rebert to have me get
8 Susan Rebert's phone for the detective. That
9 was not the first time I complained, but that
10 was one of the times.

11 Q Did you complain about that in 2004
12 as well or not?

13 A No, sir, I don't believe I did.

14 Q What was Mr. Rebert's response in
15 2003 when you complained about his wife having a
16 cell phone paid by drug task force funds?

17 A He had no response.

18 Q Did he indicate anything to you like,
19 well, this is just for work so she can contact
20 me, or she doesn't use it for personal reasons?
21 Did he say anything like that?

22 A No. I received phone calls from Mrs.
23 Rebert on her phone, so that's not accurate
24 anyway. But he never said anything about that,
25 no.

Page 358

1 Q Now, you said that on the meeting of
2 October 7th that you restated the complaints
3 that you had made to Mr. Rebert. Do you
4 remember that testimony?

5 A I do very well.

6 Q Okay. How many of the complaints did
7 you go through? And again, they're all set
8 forth in the Complaint and the Amended
9 Complaint. I don't want to go through each one
10 of them. How many of those did you discuss with
11 him at that October 7th, 2004 meeting before you
12 were terminated?

13 A As many as I could think of at that
14 point in time. As I said, we were having a very
15 frank and low-key conversation and he had asked
16 me where had we gone wrong. I believe that he
17 had said to me that, I don't think you want to
18 work with me any more. What I was outlining for
19 him was all the reasons why I had problems with
20 some of the things that he wanted me to do that
21 he termed working with him.

22 Q What were just some of the examples
23 of those things?

24 A Susan Voyzey and the investigation.
25 Not hiring individuals that the rest of us in

Page 360

1 Q Did you bring up any of the
2 improprieties, the interventions, the requests
3 for CLEAN information, that type of thing at the
4 meeting?

5 A I did. I brought these things up and
6 I discussed the things that I outlined as
7 unethical. I brought up as many things as I
8 could. I recall that he then asked me, then if
9 you think I'm so unethical and so corrupt, why
10 do you want to work for me.

11 Q Did Mr. Rebert ever tell you that he
12 was the district attorney and he could do
13 anything?

14 A Many times.

15 Q Did he say anything about that at the
16 meeting on October 7th?

17 A He did. He told me this like -- He
18 said, I want to tell you a story. I learned
19 from Vic Dell'Alba who once told me that I'm the
20 district attorney and I can do anything. And I
21 reminded him that he had told me that several
22 times before, which he said he didn't remember.
23 I also told him in that meeting that Vic
24 Dell'Alba was dead, and he was thought to be a
25 corrupt attorney so he probably shouldn't keep

Page 359

1 staff felt would be most qualified for a job;
2 the things that he had let Bill Graff continue
3 to do; especially the improprieties where Susan
4 Voyzey was concerned because she was thought by
5 the rest of the personnel to be a protected
6 employee. And, in fact, I was trying to get him
7 stop giving them basis for that opinion.

8 I talked to him about different
9 things such as when a car became available from
10 Pat McFadden, who was fired by the city, that
11 that would have been a perfect opportunity to
12 replace one of my officer's cars that was
13 falling apart. And instead, he demeaned me and
14 gave it a city officer.

15 He had demeaned me in conversations
16 in front of my peers; that he had clearly taken
17 sides when other individuals would leave staff
18 to go to the bathroom, he'd stop me and ask me
19 where I was going.

20 He never complained, to my knowledge,
21 about Bill Graff's many phone calls during
22 executive staff meetings or getting up and
23 leaving. Yet, one time when I answered the
24 phone during a staff meeting he told very
25 rudely, turn it off.

Page 361

1 saying that.

2 Q Did he make any comments to Mr.
3 Rebert at the October 7, 2004 meeting about not
4 lying for him?

5 A Yes, I did.

6 Q What did you say?

7 A I told him that I would not go to the
8 salary board and lie that I thought that
9 everything was perfect and orderly and within
10 the confines of the contract for Daryman's
11 promotion, because I truly believe it didn't. I
12 told him that I would not forsake my ethics for
13 anyone. I told him there was a higher power
14 than he that I had to deal with. I told him
15 that -- At the end of that meeting he told me he
16 needed a couple days to decide.

17 Q Okay. At any point at that meeting
18 on the 7th, did you ask him whether or not this
19 whole thing was about Daryman, the reason you
20 were being terminated?

21 A Sir, I believe I asked him that on
22 the previous date when he -- I said, do you want
23 me to resign? He said yes, now that you mention
24 it I do. I believe that was earlier, but I had
25 asked him that in one of the conversations.

1 Q Was it in one of the October 2004
 2 conversations?
 3 A Yes, sir, it was.
 4 Q What was his response, Mr. Rebert's
 5 response when you asked him that?
 6 A I said, is this all about Daryman?
 7 He said no, not at all. This is about your not
 8 willing to work with me any more. I believe
 9 that might have been the 5th. Yes, that was the
 10 5th.
 11 Q Now, with respect to Mr. Daryman, did
 12 Mr. Daryman ever make a statement about whether
 13 or not he would follow the rules and regulations
 14 of the department?
 15 A He did to Sergeant Demangone.
 16 Q What did he say?
 17 A Sergeant Demangone, during the normal
 18 orientation procedure with new detectives, was
 19 going over the rules and regulations. He made
 20 some statement to Detective Demangone that he's
 21 not going to follow them and tossed the book off
 22 to the side.
 23 Q Now, also with Daryman, going back to
 24 the meeting on the 7th and specifically your
 25 note for that, I think you reference in there --

1 A Oh, I did bring it up at that
 2 meeting, yeah.
 3 Q Did Mr. Rebert deny that and say, oh
 4 no, I would never do anything like that?
 5 A No, he never denied anything as far
 6 as them. As I said, I asked him several times
 7 what he owed Daryman and he never had a
 8 response.
 9 Q Would you look also at Downing
 10 Exhibit Number 18. You were asked about that
 11 note, but this section of the note was not
 12 discussed. It's a meeting of 23 April, I
 13 believe 2003. Do you see that? It's marked as
 14 Downing 18.
 15 A I do.
 16 Q Okay. Is there a reference in there
 17 about secret investigations as well?
 18 A In fact, that was the day that it was
 19 brought up. That was the day that he told me he
 20 was hiring Daryman as a county detective, and I
 21 told him I already knew it because rumor around
 22 the office had been that he had done so. He
 23 asked me how I knew. I said, well, for one
 24 thing Paul mentioned it in staff three times the
 25 previous hour. And then he said, I don't know

1 Let me try to find it here. Yeah, there it is,
 2 34. You reference in there, also reminded Stan
 3 that he told me that Dary would do Stan's secret
 4 stuff --
 5 A Yes.
 6 Q -- that he couldn't trust me to do;
 7 that he took Dary's side over me. Did you
 8 discuss that with Mr. Rebert at that meeting?
 9 A I did.
 10 Q What secret stuff did you believe Mr.
 11 Daryman was doing for Mr. Rebert, or would do
 12 for Mr. Daryman that you -- for Mr. Rebert that
 13 you would not do?
 14 A Well, habitually, Mr. Rebert had
 15 asked me to do things that I would refuse prior
 16 to John Daryman's employment. And after John
 17 Daryman's employment, there were many fewer
 18 things that he would ask me to do.
 19 Since Mr. Rebert told me that he
 20 wanted Daryman to do secret stuff, I thought
 21 perhaps this is what he meant; that the things
 22 that weren't legitimate and legal, that he would
 23 have him do.
 24 Q Did you bring that up, though, at
 25 that meeting on the 7th?

1 how Paul knew that. I explained, well, it's
 2 probably because you gave Paul the payroll
 3 papers and the county application papers that
 4 you signed.
 5 I asked him if I was to proceed with
 6 the background and the polygraph, which is
 7 normal what we do with all employees, and he
 8 said yes. He asked if I'd present John Daryman
 9 a problem with him getting a gun and keeping his
 10 police powers. I said no. I asked him for
 11 point of clarification who he would report to,
 12 and he said to himself, Stan Rebert. I asked
 13 why, and he said, in case I have something
 14 secret. I asked why he would have something
 15 secret with a detective that he couldn't trust
 16 with his chief.
 17 Q And I'm sure he said that he was just
 18 joking; isn't that right?
 19 A No, he had no answer. He had none
 20 whatsoever. And then with his not responding an
 21 answer I said, it's to do the stuff I won't do
 22 for you, right?
 23 Q Did he have a response to that?
 24 A No.
 25 Q The issue of comp time --