

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 M. REBECCA DOWNING, et al.,)
4 Plaintiffs)

) Civil Action - Law
) No. 1:CV-05-0351

5 VS

6 YORK COUNTY DISTRICT ATTORNEY)
7 H. STANLEY REBERT, et al.)
8 Defendants)

--oOo--

9
10 DEPONENT: Paul Crouse

11 TAKEN BY: Plaintiffs

12 DATE: Thursday, May 18, 2006

13 TIME: 9:45 a.m.

14 PLACE: Lavery Faherty Young & Patterson, P.C.
15 225 Market Street, Suite 304
16 Harrisburg, Pennsylvania 17108

17 REPORTER: Karen J. Meister
18 Reporter, Notary Public

19 --oOo--
20
21

22 KEY REPORTERS
23 keyreporters@suscom.net
24 1300 Garrison Drive, York, PA 17404
25 (717) 764-7801 Fax (717) 764-6367

COPY

1 the drug task force with the municipal police
 2 officers and things like that where -- things
 3 like overtime are paid out of the forfeiture
 4 account. I don't know how that works. I don't
 5 have anything to do with that. So that's a
 6 possible scenario that you could be referring to
 7 that he would have been performing services for
 8 the D.A.'s office that I would not have been
 9 aware of or had anything to do with.
 10 Q You identified a group of law
 11 enforcement personnel, municipal police
 12 officers. Are you aware of any -- Since the
 13 time you've become the administrative supervisor
 14 over civilians, are you aware of any civilians
 15 working in the D.A.'s office that you do not
 16 have or did not have administrative supervisory
 17 responsibilities over?
 18 MR. HUTCHINSON: Objection.
 19 THE DEPONENT: I think no.
 20 BY MR. JACOB:
 21 Q So, if John Daryman, though, was in
 22 the D.A.'s office during that period of time
 23 being paid in whatever capacity performing
 24 services for the D.A.'s office, would he have
 25 been the first civilian that you did not have

1 the office at that time?
 2 MR. HUTCHINSON: Objection.
 3 THE DEPONENT: I felt the prosecutor
 4 position was more urgent than the detective
 5 position. I don't know what the detectives'
 6 needs were.
 7 BY MR. JACOB:
 8 Q Fair enough. And, in fact, other
 9 people in the office shared your same view; am I
 10 correct?
 11 A I know Becky did. We commiserated on
 12 that.
 13 Q When you say Becky did, Becky
 14 expressed that to you, didn't she?
 15 A Yes.
 16 Q And did she express it to Mr. Rebert?
 17 A I'm almost certain she told me she
 18 did. I assume she did. I don't know for a fact
 19 that she did, but I can't imagine she didn't.
 20 Q And Barker and Kelley also expressed
 21 the same view as you, correct?
 22 A I think so. I think so.
 23 Q Anybody else?
 24 A I don't know that Tim would have been
 25 consulted.

1 administrative supervisory experience over --
 2 MR. HUTCHINSON: Objection.
 3 BY MR. JACOB:
 4 Q -- or responsibility over?
 5 A That I would have known of, I think
 6 so, yeah. I'm not aware of that ever happening
 7 before.
 8 Q Now, it's my understanding you didn't
 9 agree with the decision to give up a prosecutor
 10 for a detective's spot, correct?
 11 A Correct.
 12 Q And why not?
 13 A I just didn't think that was an --
 14 that met the needs of the office at the time. I
 15 expressed that opinion to the District Attorney.
 16 Q How did you know what the needs of
 17 the office were at that time?
 18 A I'm in there 12 hours a day, five,
 19 six, seven days a week. With the exception of
 20 the detective bureau, there's very little that
 21 I'm not intimately involved with to some extent
 22 or another over time. And I thought we -- If it
 23 was my decision to make, the resources would
 24 have been allocated differently.
 25 Q What were the needs that you saw of

1 Q Okay.
 2 A But Tom would have, and I'm almost
 3 positive Tom agreed with me; that it was not in
 4 Stan's best interest or the office's best
 5 interest.
 6 Q Did Mr. Rebert explain to you why it
 7 was in the office's interest to get rid of the
 8 one position and create the other?
 9 A Not in any detail, and I didn't ask
 10 him. I just told him what I thought.
 11 Q What was his response?
 12 A Ultimately, he reclassified the
 13 position.
 14 Q He reclassified it as a detective,
 15 correct?
 16 A Correct. In fact, I think I may have
 17 done the paperwork at his direction to do that.
 18 Q I think you did too.
 19 A Yeah, I probably did.
 20 Q You wrote the job description,
 21 correct?
 22 A Compiled it. I got some input, but
 23 for the most part I just, I think made a
 24 duplicate of what we had been using before.
 25 Q In fact, Mr. Rebert sent you back to

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1 Teri made it very clear to her the
2 alternative was that she was going to be
3 terminated, and that Stanley had decided he was
4 going to terminate her involuntarily that day if
5 she did not agree.

6 Q And ultimately she didn't agree to
7 resign; am I correct?

8 A I don't know. I know the last
9 involvement I had with it was, she was going to
10 leave and wanted some time to talk to her
11 attorneys and consider her options. And that
12 the communication was going to be directly
13 between her and Teri. I don't know what
14 happened after that point.

15 I know we had periodically processed
16 her time and attendance to keep paying her while
17 this negotiation was going on. I don't know
18 how -- ultimately how it was -- how it ended. I
19 knew she -- I knew it was not a voluntary
20 departure. She was terminated, but I don't know
21 how that was done.

22 (Crouse Exhibit Number 3 was marked
23 for identification)

24 Q I'm showing you what's marked as
25 Exhibit Number 3. Does this refresh your

1 understanding was that the workers' compensation
2 status actually terminated before Stan told
3 Becky, quit or I'm going to fire you. My
4 understanding was that she was off of workers'
5 compensation status at least a week or so before
6 that. I mean, I could be wrong, but I didn't
7 think that was an issue.

8 Q But you don't know anything about Mr.
9 Wentz's alleged comment?

10 A No. When was this to have occurred?

11 Q Right after or right around the time
12 she was resigning.

13 A No.

14 Q Who was it that ultimately decided
15 that Miss Downing needed to either resign or
16 that she would be terminated?

17 A Stan.

18 Q Did he tell you why?

19 A Um-hm.

20 Q What was the reason?

21 A The exact words were, I've lost
22 confidence in her.

23 Q Okay. Was it anything else?

24 A I assume we had an exchange back and
25 forth about it. That was not the first time

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1 recollection as to what ultimately happened to
2 Miss Downing?

3 A Well, yes. I mean, I know she was
4 terminated; her employment terminated, and my
5 understanding was it was not voluntary. This
6 form was what we used to account for her time.
7 There were similar forms of this before this
8 date. This would be the last one. And that
9 appears to be my printing up there.

10 Q And it references an involuntary
11 termination, correct?

12 A Yeah.

13 Q And that's your signature at the
14 bottom?

15 A Yes.

16 Q At some point in time -- Well, Ms.
17 Luker testified that Keith Wentz had informed
18 her that when Miss Downing's employment ended
19 with the county so would her workers' comp
20 benefits. I understand that there was a meeting
21 where Mr. Wentz, and I believe yourself and the
22 commissioners were present, where that very fact
23 was discussed. Do you recall that?

24 A No, I don't ever -- I don't ever
25 remember any type of a meeting like that. My

1 where he had expressed to me concern that she's
2 not -- words along the lines of, she's not doing
3 what I want her to do. She's not part of the
4 fold I think was a phrase that he used. She's
5 taking the detective bureau off as if it's their
6 own department; words, phrases like that.

7 Q When the memo that was circulated
8 in-house regarding the reasons for Mr.
9 Rebert's -- or alleged reasons for Mr. Rebert's
10 firing of Miss Downing, when that was leaked to
11 the press and published, did you do any
12 investigation as to how the leak occurred?

13 A No.

14 Q Did you subsequently find out who did
15 leak it?

16 A No.

17 Q Is there a reason or what was the
18 thought process for not investigating that to
19 make sure it wasn't a civilian employee?

20 A Anything that was going to happen
21 with that matter from that point forward was
22 being handled by Human Resources.

23 Q Okay.

24 A They were the ones that instructed me
25 how to fill out these forms.

1 counsel.
 2 BY MR. JACOB:
 3 Q Correct. If it has something to do
 4 with a meeting with counsel, then we can just
 5 move on.
 6 A It was a meeting with counsel for the
 7 defendant.
 8 Q Okay. You mean --
 9 A Mr. Leber.
 10 Q So you were with Mr. Leber as opposed
 11 to your --
 12 A Correct.
 13 Q -- counsel who's representing you
 14 today?
 15 A I don't think he actually represents
 16 me. He represents the county.
 17 Q Correct. You're a county employec.
 18 A I guess to the extent that as an
 19 county employee he represents my employer.
 20 Q Correct. Very good. A lot of people
 21 don't understand that. So that's good.
 22 During Mr. Rebert's deposition, he
 23 basically stated that you were the one who dined
 24 Kenny out regarding Kenny Ingle's padding of
 25 overtime.

1 was brought to your attention, did you collect
 2 any documents at that point? Did you ask him to
 3 provide the overtime slip? Did you go get the
 4 overtime slip or anything like that?
 5 MR. HUTCHINSON: Objection.
 6 THE DEPONENT: Relating to, did I go
 7 to Detective Ingle?
 8 BY MR. JACOB:
 9 Q Correct?
 10 A No.
 11 Q Or did you get the slip that's in --
 12 For lack of a better term, the overtime slip,
 13 did you get a copy of it to provide to Mr.
 14 Rebert?
 15 A Yes. The process was, he would fill
 16 out the overtime request, submit it to me. I
 17 would -- There was a document that I would then
 18 have to prepare for the Payroll Department to
 19 get that pay for him. And that's what I turned
 20 over to the District Attorney, and I didn't
 21 process it.
 22 Q So you had filled out your paperwork
 23 but you stopped processing it once the complaint
 24 came into you and you handed everything to Mr.
 25 Rebert and said there's been a complaint? Is

1 MR. HUTCHINSON: Objection.
 2 BY MR. JACOB:
 3 Q What was it that you came to learn
 4 that you brought to Mr. Rebert's attention about
 5 Mr. Ingle's overtime?
 6 A Wow, you're going back. I was
 7 advised, I believe it was by Tony Glowczewski,
 8 that he felt that there may have been some
 9 inaccuracies in a request for overtime payment
 10 that Ken Ingle submitted, which up to that point
 11 went through me.
 12 Q Okay.
 13 A I relayed those concerns to the
 14 District Attorney and asked Detective
 15 Glowczewski to relay that to the District
 16 Attorney because he had firsthand knowledge of
 17 it. And that was the last time I was involved
 18 in any review or had anything to do with the
 19 processing of Detective Ingle's overtime.
 20 Q So from that point forward somebody
 21 else handled his overtime?
 22 A I believe he did it directly with
 23 Stanley.
 24 Q Okay. When this complaint was
 25 brought to your attention, or this information

1 that what happened?
 2 A I think. What I don't specifically
 3 recall is whether or not I had already processed
 4 that last payroll and then became aware of it
 5 and referred it to the District Attorney, or if
 6 it was before I had processed the last overtime
 7 request. I just don't remember.
 8 Q So then is it safe to say either you
 9 pulled back what you sent through or you stopped
 10 doing -- stopped sending stuff through and gave
 11 everything to Mr. Rebert?
 12 A Yes. From that point on I did not
 13 process any more overtime. I just don't
 14 remember whether that was before or after I had
 15 processed the last one he had given me.
 16 Q Fair enough. Did you conduct any
 17 investigation into the complaint? I assume
 18 since you're the -- You're the office manager,
 19 correct?
 20 A I'm the administrator.
 21 Q The administrator. I'm assuming Mr.
 22 Rebert said, could you look into this? Could
 23 you find out something? Did anything like that
 24 occur where you looked into the allegations of
 25 the detective?

1 MR. HUTCHINSON: Objection.
 2 THE DEPONENT: Relating to the
 3 overtime?
 4 BY MR. JACOB:
 5 Q Yes.
 6 A No, other than just to refer it to
 7 the District Attorney.
 8 Q So then the firsthand knowledge you
 9 had of this problem was, you received a
 10 complaint from the detective. You pulled
 11 whatever relevant paperwork you had and you gave
 12 it to the D.A.?
 13 A It wasn't a complaint from the
 14 detective. We were -- Detective Ingle had been
 15 off on medical leave and Detective Glowczewski
 16 was covering most of his duties. I had made a
 17 comment to him after he had been doing this for
 18 a while that I was surprised that he wasn't
 19 putting in for overtime for the things that
 20 Detective Ingle had been routinely putting in
 21 for. And that was the beginning of, sort of a
 22 dialogue between the two of us that went on two
 23 or three times over the course of several weeks.
 24 He just wasn't getting those calls.
 25 Then when Detective Ingle came back,

1 he started putting in overtime requests for
 2 those same things. And I actually initiated the
 3 last conversation with Detective Glowczewski to
 4 say, do you know anything about these things?
 5 Do you know why you weren't getting called out
 6 to go to these things while you were essentially
 7 acting as the chief, but now that Ken is back
 8 he's getting them?
 9 He asked me what those things were,
 10 and he recognized one or two of the incidents or
 11 the dates and indicated that he did not think
 12 those were accurate; that those incidents either
 13 didn't occur or that Detective Ingle didn't go
 14 to the scene, one of which I think he actually
 15 was present for and said, I can tell you Ken was
 16 never there.
 17 That was when I decided I was not
 18 going to be responsible for signing off on
 19 things that I did not have personal knowledge of
 20 and had reason to doubt whether they were
 21 accurate or not and took them to the District
 22 Attorney and said, you need to talk to Ken. I
 23 said, Tony, please go talk to the D.A. Let him
 24 know what you're telling me. And that was the
 25 end of my involvement with it.

1 Q Okay. In fact, I just learned
 2 something from you. So then, you had initially
 3 started an investigation by comparing what
 4 Detective Glowczewski was submitting versus what
 5 Detective Ingle was submitting, realizing that
 6 there was a vast difference between the two and
 7 that's what started you to look into the issue;
 8 is that correct?
 9 MR. HUTCHINSON: Objection.
 10 THE DEPONENT: Not to mince words
 11 with you, but I wouldn't characterize it as an
 12 investigation. It's simply, I observed what I
 13 was consistently getting from Ken. Then I
 14 observed what I was getting from Tony. It was
 15 different. I was initially concerned as maybe
 16 there was -- somebody didn't know at County
 17 Control, or wherever, that Tony was the one that
 18 should be getting these calls now since Ken
 19 wasn't there.
 20 Ken came back to work. Ken
 21 immediately started reporting the same types of
 22 things for overtime that I had seen before. I
 23 asked Tony -- I called Tony Glowczewski in, so
 24 if you want to characterize that as an
 25 investigation, that would be extent of it.

1 Basically, Tony, can you tell me
 2 what's going on here? Why is -- Why didn't you
 3 have any of this and why does Ken have it? He
 4 looked at it and said, I don't think that's
 5 right, I don't think that's right. I was there
 6 and he wasn't there, and that was the extent of
 7 it. Go tell the D.A. I took it, gave it to the
 8 D.A. and told him. What happened beyond that I
 9 don't know.
 10 Q So, do you have any other firsthand
 11 information other than what you just told me
 12 about this whole overtime issue?
 13 A No.
 14 Q What ultimately happened once you
 15 went to Mr. Rebert with your discovery?
 16 A I don't recall any specific response
 17 other than an acknowledgment that he understood
 18 what I was saying and that I was not going to
 19 sign my name to any more overtime requests from
 20 Detective Ingle. And I don't think there was
 21 any other interaction between the D.A. and me on
 22 the issue until sometime later when he called me
 23 into the office. I think Pat McFadden was in
 24 his office, who at the time was the Director of
 25 Human Resources, and said he was terminating

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1 Ken.
 2 Q Did he give a reason why he was
 3 terminating him?
 4 A I'm sure he did because I'm sure I
 5 asked, and I think it was the overtime.
 6 Q Was Mr. Ingle, in fact, terminated?
 7 A Yes.
 8 Q Or was he allowed to retire?
 9 A Oh, I don't know what -- I didn't
 10 handle any of the paperwork, so I don't know if
 11 he officially went in as a resignation or a --
 12 Actually, I think he was. I think he was
 13 allowed to resign.
 14 Q So he was allowed to resign?
 15 A I think that's how his personnel file
 16 is recorded. Normally, I would process the
 17 paperwork. I did not process any paperwork for
 18 him as far as I recall.
 19 Q And what was the reason for you not
 20 being involved in processing the paperwork?
 21 A The D.A. didn't ask me to.
 22 Q Fair enough. But it would have been
 23 your normal function or one of your duties to
 24 process such paperwork in the D.A.'s office?
 25 A Yes.

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1 Mr. Rebert?
 2 A No, I had no supervisory
 3 responsibility over -- or authority over the
 4 detectives.
 5 Q So the discipline, if any, was
 6 necessary or warranted for Mr. Ingle would have
 7 been under Mr. Rebert's supervisory roles?
 8 A Yes.
 9 Q I apologize. My question was poor,
 10 but I think we got there anyway.
 11 Now, I understand that you recently
 12 submitted your resignation to the D.A.'s office;
 13 is that correct?
 14 A Yes.
 15 Q And what's causing you to leave the
 16 D.A.'s office?
 17 A I just am ready to move on.
 18 Q Okay. Do you have another job lined
 19 up?
 20 A Not yet.
 21 Q How long have you been with the
 22 D.A.'s office?
 23 A Since October of 1989.
 24 Q I guess by now then you'd be eligible
 25 for pension; is that --

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1 Q Do you know whether Mr. Ingle ever
 2 was allowed to receive his pension and to keep
 3 his health insurance benefits?
 4 A I have no idea.
 5 Q Did you ever complain to Mr. Rebert
 6 that Mr. Ingle should be terminated for the
 7 overtime issue that you discovered?
 8 MR. HUTCHINSON: No.
 9 THE DEPONENT: Objection.
 10 BY MR. JACOB:
 11 Q Did you ever recommend any type of
 12 discipline for Mr. Ingle?
 13 A Not that I recall.
 14 Q And who would have been responsible
 15 for -- In your opinion who would have been
 16 responsible for recommending discipline for Mr.
 17 Ingle?
 18 MR. HUTCHINSON: Objection.
 19 THE DEPONENT: If I had been asked, I
 20 would have given a recommendation to the
 21 District Attorney.
 22 BY MR. JACOB:
 23 Q I guess my question is, who has the
 24 authority to discipline the person who held that
 25 position of chief? Would it have been you or

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1 A I've been with the county since June
 2 of 1984, so yes, I qualify for a pension.
 3 Q So is this going to be a retirement,
 4 so to speak, from the county?
 5 A I'm eligible for it. I have some
 6 options to explore as to what I want to do with
 7 my retirement account.
 8 Q I also noticed that two other persons
 9 submitted their resignations right at the same
 10 time as you --
 11 A Yes.
 12 Q -- coincidentally, I guess, on the
 13 same day.
 14 A Yes.
 15 Q And they are people who held pretty
 16 high positions in the D.A.'s office; am I
 17 correct?
 18 A Yes.
 19 Q And who are those people?
 20 A Tim Barker is the First Assistant.
 21 Lori Yost is the first -- Her title is in some
 22 place is recorded as First Deputy Prosecutor and
 23 in other places as assistant -- Deputy First
 24 Assistant District Attorney. I don't know what
 25 her official title is for the human resources

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1 showed them to family or friends at a residence,
 2 someplace outside the office, which I did, and
 3 followed up with that with her and asked her.
 4 She denied remembering ever doing that.
 5 Her explanation was that she may well
 6 had copies in her possession, because on more
 7 than one occasion she had been asked by Ken
 8 Ingle to pick up copies of photographs from the
 9 photo-processing place down on Beaver Street
 10 near the market when she would go for lunch.
 11 And that she may have had them in her possession
 12 for some -- you know, having put them --
 13 I guess she was telling me she may
 14 have had them in her purse or something and not
 15 given them over to her immediately. But, she
 16 denied ever showing them to anybody or
 17 remembering showing them to anybody.
 18 It rang plausible with me because I
 19 know I had done the same thing. I had --
 20 Whenever Ken or Susan or I or others in the
 21 office were going to market, if Ken knew there
 22 were photographs to be picked up at the, it's
 23 called the Camera Center, he would ask us to
 24 swing by and pick them up, which is -- That is
 25 the scenario she was explaining to me.

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1 I relayed that back to the First
 2 Assistant, and to my knowledge that was the end
 3 of the issue. I don't think it ever came up in
 4 the trial. That's why he was asking me because
 5 it was being raised as an issue by the defense
 6 attorney in the case, in communication with
 7 them. I don't think it was actually ever part
 8 of the record. Did that make sense?
 9 Q Yeah, I think I got there. I
 10 appreciate it.
 11 Going back to Mr. Ingle again, do you
 12 recall or do you remember any instance where
 13 Miss Downing ever complained to Mr. Rebert about
 14 the issue that Mr. Ingle was not going to be
 15 charged with the equipment, the \$20,000, or
 16 whatever, of equipment that was located at his
 17 residence?
 18 A Not that I recall. I don't think I
 19 was ever involved or present for conversations
 20 between Becky and Stan on that issue.
 21 Q Okay. Did you ever come to learn,
 22 though, through either secondhand or through
 23 Miss Downing telling you, hey look, I complained
 24 to him about this? While you may not have
 25 observed the conversation firsthand, did you

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1 ever come to learn, though, that this was an
 2 issue for Miss Downing that she had expressed to
 3 Mr. Rebert?
 4 A Not until this lawsuit was filed. I
 5 recall reading some allegation about that in the
 6 Complaint.
 7 Q And do you have any information,
 8 first, second or thirdhand information about
 9 whether or not Miss Downing ever went to Mr.
 10 Rebert about your conduct involved in this whole
 11 Ingle investigation or the resulting trial?
 12 A Not that I'm aware of. Oh, that's
 13 not true. I did have -- At his sentencing, at
 14 Ken Ingle's sentencing I put myself on vacation
 15 time and spoke at his sentencing hearing. I did
 16 have a number of people come back to me and
 17 relay secondhand comments that they attributed
 18 to Becky, which essentially were that she did
 19 not think that was an appropriate thing to do.
 20 I was told by, I believe Tim Barker,
 21 that she went so far as to indicate --
 22 supposedly told the District Attorney she
 23 thought that was an offense for which I should
 24 be terminated.
 25 Q Okay. So then, you did learn that

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1 she had gone to Mr. Rebert about your conduct?
 2 A Afterwards, yes.
 3 Q After the trial?
 4 A Yes.
 5 Q How long after the trial?
 6 A Well, the sentencing was sometime
 7 after the trial, and it was after the sentencing
 8 hearing because that was the only involvement I
 9 had in the case. I think it was almost
 10 immediate; maybe the same day a couple people
 11 said words to the effect of, she's not happy
 12 about that.
 13 It was after this lawsuit was filed
 14 that Tim Barker told me what she had said about
 15 she thought I should be terminated for having
 16 spoken at his sentencing hearing.
 17 Q Was it for having simply participated
 18 and spoken as a witness, or was it for the
 19 substance of what was said by you at the hearing
 20 that she had an issue with, if you know?
 21 A I don't know that there was a
 22 distinction or what that distinction would be.
 23 Well, I mean, if your question -- If I had gone
 24 up and said Ken Ingle should be locked up for
 25 10 to 20 years, my guess is that she would not

1 have objected to that or found that to be
2 objectionable.

3 It was, I was expressing my personal
4 opinion to the court that I thought the
5 recommendation from the Attorney General's
6 Office was inappropriate based on almost
7 20 years' experience at that point in the
8 criminal justice system in York.

9 And I also spoke as a personal friend
10 of his. That's why I was addressing the court,
11 and I had to make that very clear to the judge.
12 I was not there as a representative of the D.A.
13 She specifically asked me that, are you speaking
14 for the D.A.? I said no, this is my personal
15 opinion.

16 Q Okay. So then, just to clarify, it
17 wasn't that you were participating as a witness.
18 It was the substance of your communication that
19 she was complaining about?

20 A Yes, that was my understanding. She
21 was unhappy that I spoke to the court on the
22 record and advocated for a lesser sentence than
23 was being recommended by the Attorney General.
24 That's the gist of what was getting back to me.
25 (Mr. Jacob and Ms. Downing confer

1 the people who were there were Miss Downing,
2 Detective Glowczewski, Tom Kelley, Tim Barker,
3 Mr. Rebert, yourself and Miss Voyzey were
4 present regarding these crime scene photographs?

5 A I don't remember that. I would think
6 I would remember that if it happened.

7 Q I would think so too. Do you recall
8 a period of time in 2004 where Miss Voyzey was
9 routinely late for work?

10 A Yes. Well, let me think about the
11 timing of it.

12 Q If it's another time period, just
13 tell me what time period you recall.

14 A I'm trying to remember when she --
15 She went out on medical leave. Time flies. I
16 believe she went out on medical leave Good
17 Friday of 2005. It would have been about -- Off
18 and on for about a year prior to that there
19 were -- I had issues with her time and
20 attendance. I think I have that day right.

21 MR. JACOB: Let's take a break for a
22 second here.

23 (Off the record.)

24 BY MR. JACOB:

25 Q And did you interview Miss Voyzey at

1 privately.)

2 Q Now, did you go to Mr. Rebert to tell
3 Mr. Rebert about what Tom Kelley's allegation
4 had been regarding Susan Voyzey and the Whitman
5 photographs?

6 A I don't think so.

7 Q Do you know if Miss Downing ever went
8 to Mr. Rebert to tell him what had occurred or
9 what was being alleged?

10 A I don't know.

11 Q So at no point in time did you ever
12 learn that Becky had somehow made a complaint to
13 Mr. Rebert about Miss Voyzey and these
14 photographs?

15 A Prior to reading it in the Complaint,
16 I don't recall ever hearing about it.

17 Q Did you ever hear Mr. Rebert refer to
18 Miss Voyzey as baby girl?

19 A No.

20 Q Do you know whether he ever did refer
21 to her as baby girl?

22 A I don't know.

23 Q Were you present during a meeting
24 back in -- about November of 2001; not that the
25 date will mean much now, but maybe if I tell you

1 that time about this problem with her
2 attendance?

3 A Yes.

4 Q And what was discussed?

5 A I don't know -- This is a personnel
6 matter that was dealt with as a personnel
7 matter. I'm going to answer your question. I
8 have no idea what, if any, rights she has to
9 privacy on this issue, and I trust that the
10 court will --

11 Q The court will deal with that.

12 A -- review that later. I want that
13 disclaimer out there.

14 Q No, that's fine.

15 A Because normally I would never
16 discuss this with anybody --

17 Q I understand.

18 A -- that didn't need to be involved.

19 Q I understand.

20 A I confronted Susan in Stanley's
21 office, but he was not present. He was out of
22 the office, and Stan's secretary Randy was there
23 as my witness. I confronted her with a number
24 of observations that I had and observations that
25 had been expressed to me by other individuals

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1 about her behavior, her appearance, her
2 attitude, and possible explanations that came to
3 mind as to what could be causing those things.
4 Ultimately, I focused in on substance abuse. Do
5 you want to keep --

6 Q Yes.

7 A She repeatedly denied any illegal
8 substance abuse. I told her that I needed to
9 know that that wasn't true, and the only way I
10 knew how to do that was to compel her to submit
11 to drug testing, and that I was going to require
12 her to do that immediately. I think immediately
13 before that discussion or maybe during a break
14 during that discussion I talked to Becky and
15 told her, I'm going to need transportation. I
16 can't have her drive herself.

17 Q Sure.

18 A I can't accuse somebody of being
19 under the influence of alcohol or drugs and then
20 saying --

21 Q Telling them to drive, sure.

22 A And asked her to secure
23 transportation with one of the detectives with a
24 vehicle, which she assured me she would do.
25 That was either before or in a break, I don't

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1 recall which.

2 But anyway, the conversation -- The
3 interview went on between me and Susan, and she
4 was denying substance abuse, and all but
5 refusing to submit to the test. And I finally
6 had to draw the line with her and explain to her
7 that you don't have a choice. Your choice is
8 right now tell me you're going to take the test
9 or right now I'm terminating you. At which
10 point she acknowledged that she couldn't take
11 the test because she wasn't sure it would be
12 negative. She acknowledged to me, admitted to
13 me that she had used cocaine, I think it was
14 like a day or so or two days before that. She
15 insisted it was one time, it was the only time
16 that she had ever done it.

17 At that point, having previously
18 discussed the issue with Sharon Luker, made the
19 determination, we have an admission and she --
20 And then I asked her whether she would cooperate
21 with counseling. She acknowledged that she
22 would. She didn't think there was any reason to
23 do that, any need to do that because this was
24 the one and only time she had ever used any
25 illegal drug, but that she would do whatever was

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1 required of her.

2 In my mind the focus then shifted to
3 a personnel issue. It was no longer of a matter
4 of termination. It was a substance abuse issue,
5 and erroneously made the judgment that I no
6 longer needed to do the drug test because I had
7 an admission. Let Becky know that we were
8 not --

9 I think she may have actually been
10 planning on doing the transport herself, because
11 I think at that time she was the only female
12 detective in the office. Let her know that she
13 did not need to be sitting there waiting for
14 that; went back in and spent probably another
15 hour with Susan Voyzey and set up the counseling
16 contacts for her.

17 It was I think a day or so later when
18 I spoke to -- I think it was a physician from
19 WorkFirst who handles these type of issues, any
20 type of employee health issue for us. That we
21 should have still sent her out to have the test
22 done to, basically, I think he referred to it as
23 establishing a baseline. And I then told Susan,
24 okay, we need you to go take the blood test.
25 She agreed to -- I think it was a blood test, or

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1 a urine test, I don't know which. She agreed
2 she would do that. That was at least a day or
3 two later that was done.

4 I was advised by, I think Sharon
5 Luker was the one that advised me from Human
6 Resources that the results of that test came
7 back negative.

8 Q Okay. Do you recall having a
9 discussion with Miss Downing about whether a
10 test was, in fact, needed on the very date in
11 question when you were initially talking with
12 Ms. Voyzey?

13 A Well, I explained to her why I was
14 going to need her to go out to take the test. I
15 mean, I told Becky, I'm going to need to send
16 Susan out there. She's going to have to have
17 this test. And then when she admitted --

18 Q You misunderstood my question.

19 A I'm sorry.

20 MR. HUTCHINSON: I don't think he
21 did. You're not letting him answer.

22 MR. JACOB: No, I'll let him finish,
23 but he did basically answer, but go ahead. You
24 can certainly --

25 THE DEPONENT: Hit me with your

1 A I may have had a bitch session on
 2 occasion as all employees do about their
 3 supervisors.
 4 Q Have you heard other employees have a
 5 bitch session, for lack of a better description,
 6 about Mr. Rebert in the office?
 7 MR. HUTCHINSON: Objection.
 8 THE DEPONENT: I'm sure I have.
 9 Specifics, you know, who dwells on those? But
 10 I've worked for the man for 17 years. I've
 11 irritated him on occasion, he's irritated me on
 12 occasion. My wife has heard about it. I
 13 probably commiserated with Becky as we were
 14 essentially on equal status in terms of our
 15 positions in the office directly reporting to
 16 the District Attorney and supervising people on
 17 his behalf, as I assume all supervisors in that
 18 situation do on occasion. They seek out peers
 19 to say, boy, he just drives me nuts when he does
 20 this or when he does that, or this is what the
 21 policy ought to be. So, I'm sure.
 22 BY MR. JACOB:
 23 Q Okay. During these bitch sessions,
 24 did other employees use profanity, foul
 25 language, things of that nature?

1 is smart enough to understand the difference
 2 between behind closed doors, peer-to-peer
 3 complaints about their boss, their spouse, the
 4 President or anybody else, and making it in a
 5 setting where there's other individuals around
 6 or to people outside the office or anything
 7 else. I'm not aware of the latter happening.
 8 Q Actually, Mr. Rebert testified about
 9 his open-door policy and how persons were
 10 permitted to, for lack of a better term, as he
 11 said vent their spleen even in his presence. Do
 12 you remember some of them?
 13 A Oh, to him?
 14 Q Yes.
 15 A Oh, absolutely. He and I have had
 16 some great shouting matches behind closed doors
 17 where we've expressed our disagreements about
 18 policies, issues and things.
 19 Q Behind closed doors, but shouting
 20 matches that possibly were overhead by other
 21 persons in the office?
 22 MR. HUTCHINSON: Objection.
 23 BY MR. JACOB:
 24 Q If you know.
 25 A It wouldn't surprise me if I raised

1 MR. HUTCHINSON: Objection.
 2 BY MR. JACOB:
 3 Q If you recall.
 4 A Not that I have specific
 5 recollections of.
 6 Q Do you know if any of these other
 7 employees were disciplined for these bitch
 8 sessions?
 9 A Nobody ever had disciplinary action
 10 taken that I'm aware of because we're not
 11 talking about situations where there would have
 12 been anybody other than, for example, Becky and
 13 me in a room complaining, or Becky and one of
 14 her detectives or two other people in the
 15 office.
 16 I have to distinguish that from
 17 anything that would have been in public or in a
 18 group setting or anything like that, whereby, a
 19 supervisor to an employee, or something like
 20 that. That would be a disciplinary action.
 21 Q Can you recall of anybody in the
 22 office being reprimanded for some sort of public
 23 expression of displeasure or --
 24 A No, I'm not aware of that situation
 25 happening. Hopefully, everybody in the office

1 my voice loud enough to have been heard on more
 2 than one occasion. I tried to avoid those
 3 situations, but I don't think anybody would have
 4 been able to hear the substance, but maybe the
 5 volume.
 6 Q Volume, that's fair enough. But Mr.
 7 Rebert didn't mind these interactions because he
 8 wanted honesty, correct?
 9 MR. HUTCHINSON: Objection.
 10 THE DEPONENT: My observation has
 11 been, Stan wants to hear my opinion. Whether he
 12 agrees with it or not, he wants to hear my
 13 opinion. He wants the benefit of that opinion
 14 behind closed doors.
 15 BY MR. JACOB:
 16 Q But the opinion isn't always
 17 delivered quietly, correct?
 18 A Oh, no. We've had a half dozen or so
 19 over the last 17 years where --
 20 Q In fact --
 21 A -- we've yelled at each other.
 22 Q -- you were encouraged to get the
 23 opinion out however it needs to come out,
 24 correct?
 25 A I wasn't discouraged. Yes.

1 that Mr. Rebert was willing to give up a
 2 prosecutor's position in order to hire Detective
 3 Daryman?
 4 A As I recall -- Yes. As I recall, we
 5 eliminated a prosecutor's position and recreated
 6 it as a detective's position.
 7 Q If you recall, what was the thought
 8 process behind that? What was the reason for
 9 doing that?
 10 A He told me he felt we needed that
 11 position. Stan told me he felt we needed that
 12 position, and that was how he decided to
 13 allocate his resources.
 14 Q And what position was it that he
 15 needed? Another detective?
 16 A Another detective. I don't recall if
 17 we talked about the specific duties, whether it
 18 was related strictly to the drug task force or
 19 not. But he felt that he needed to have another
 20 detective.
 21 Q And did he say that we need another
 22 detective or we need Detective Daryman?
 23 A Probably both. We need another
 24 position. John Daryman is the person he wanted
 25 to hire. And I believe he was -- The timing was

1 an issue because he was retiring from -- John
 2 was retiring from the city. So I think they
 3 were meshed together.
 4 Q Wasn't John Daryman already working
 5 for the D.A.'s office, though, from January to
 6 May of 2003?
 7 A You could throw out any date and I
 8 wouldn't know whether that was right or not.
 9 Q Well, he was -- If I'm correct, he
 10 wasn't hired by the D.A.'s office or York County
 11 during that period of time, but he was
 12 performing functions in the D.A.'s office.
 13 Wouldn't he have been performing them as a
 14 civilian?
 15 A I don't know when he left the city,
 16 and I don't know off the top of my head when he
 17 started with the county in the D.A.'s office.
 18 If you're saying that there was a break in
 19 between there --
 20 Q I'll just represent to you that it's
 21 been established, and counsel can correct me
 22 otherwise, but by January of 2003 he was retired
 23 from York City and he wasn't employed by York
 24 County until May of 2003. There was a break in
 25 there.

1 A Okay.
 2 Q And during that period of time it's
 3 also been established that he was performing
 4 services to the D.A.'s office. Am I correct
 5 that if he was performing services to the D.A.'s
 6 office, would you as the office administrator
 7 have considered him a civilian employee?
 8 MR. HUTCHINSON: Objection.
 9 BY MR. JACOB:
 10 Q Go ahead.
 11 A Only if he was being paid through the
 12 general fund account as an employee. I don't
 13 know what his capacity was there. Can you tell
 14 me what --
 15 Q Maybe I'll remove the word employee.
 16 I guess my distinction is -- Did you oversee the
 17 civilians in the office as opposed to the law
 18 enforcement personnel in the office?
 19 MR. HUTCHINSON: Objection.
 20 THE DEPONENT: Can you narrow down
 21 what -- over what area?
 22 BY MR. JACOB:
 23 Q Any area, let start with that.
 24 A Like with the attorneys, I have
 25 supervisory responsibility over the attorneys on

1 some things relating to more administrative and
 2 personnel issues. But I do not have supervisory
 3 responsibility or authority over the legal
 4 decisions that they make.
 5 Q Okay. Fair enough.
 6 A There was a time when that was the
 7 same situation that I had with the detectives.
 8 That was not the situation shortly after Becky
 9 was the chief county detective.
 10 Q In January of 2003, did you have
 11 administrative supervision over the civilians in
 12 the D.A.'s office?
 13 A For the most part, yes.
 14 Q So if there was a civilian either
 15 working for or performing services on behalf of
 16 the D.A.'s office or for the D.A.'s office, you
 17 would have had administrative supervision over
 18 them; is that correct?
 19 A If they --
 20 MR. HUTCHINSON: Objection.
 21 BY MR. JACOB:
 22 Q During that period of time.
 23 A If they were being paid as an
 24 employee, yes. Through the general fund, yes.
 25 Now there's a -- There are relationships between