

1 get it. We always shared information, we worked
2 cases together. I think we had an excellent
3 working relationship, and I believe we still do.

4 Q When Miss Downing came to, for lack
5 of a better term, take over the detective unit,
6 become chief, did you consider that a step
7 forward, step back, no change at all for the
8 D.A.'s office?

9 A I believe --

10 MR. HUTCHINSON: Objection.

11 BY MR. JACOB:

12 Q Go ahead, you can answer.

13 A I believe it was a step forward.

14 Q And why is that?

15 A My knowledge of her work ethic and
16 working with her and having gone to school with
17 her. She was also a MOPEC instructor. And I
18 had many, many sessions where she taught myself
19 and other municipal police officers what the
20 state mandated us to know every year to maintain
21 our certification. It was always my opinion
22 that somebody in that capacity is at the top of
23 the field because they know what's expected of
24 them and they're able to instruct that to other
25 police officers. So, that was my experience.

1 BY MR. JACOB:

2 Q At any point in time since this
3 litigation has begun, did the York County Chiefs
4 or you, in particular, notice a lack of
5 cooperation from the D.A.'s office or Mr. Rebert
6 at all?

7 A My experience with the York County
8 Chiefs Association was, the Chief County
9 Detective was always the representative from the
10 District Attorney's office. When Miss Downing
11 left that position we had a void in the
12 association. I actually became the president of
13 the York County Chiefs following Miss Downing,
14 and in that capacity I was very interested in
15 what surrounding counties were doing in respect
16 to their chiefs of police association to the
17 point that I received their minutes, I reviewed
18 their minutes, and I just wanted to see where we
19 were in respect to other counties.

20 The one thing that I did find was
21 that, in most other counties the district
22 attorney was an active representative and a
23 member of those associations. It was at that
24 point that in meetings I was requested to meet
25 with District Attorney Rebert on behalf of the

1 Q Now, how about -- And I realize this
2 is difficult. You still need to work within
3 York County. I'm not going to ask you to give
4 any personal opinions about the current chief or
5 anything in that regard.

6 MR. HUTCHINSON: Excuse me.

7 (Cell phone interruption.)

8 (Mr. Hutchinson left the deposition
9 room; and then returns to the deposition room.)

10 BY MR. JACOB:

11 Q Okay, back on the record. Again, I'm
12 not going to ask you to give a personal opinion
13 about the current chief, anything in that
14 regard. But just generally, now that Miss
15 Downing is no longer with the D.A.'s office, do
16 you consider that to be a step back for the
17 detective unit?

18 MR. HUTCHINSON: Objection.

19 THE DEPONENT: I get along very well
20 with her replacement. I've known Chief Mendez
21 for many, many years. He was with the state
22 police. We had worked cases together, some
23 homicide cases. I believe that he is very
24 professional, and I think that he is very
25 adequate in maintaining that department.

1 association to try to get participation in the
2 organization and, if possible, from Mr. Rebert
3 himself as he, of course, speaks for that
4 particular office.

5 I did have a meeting. It was a
6 one-on-one meeting with Mr. Rebert, and we
7 discussed where we needed to go with this. A
8 request was made at that point that this issue
9 of this lawsuit should be put on the back
10 burner, resolved in court, and we needed to move
11 on with business. Could we have participation
12 from the District Attorney's office either in
13 the way of Mr. Rebert or an attorney to fulfill
14 what we believed was the -- was a need within
15 the organization?

16 At that time I left the meeting and
17 Mr. Rebert said that he would consider it, and
18 we would see where the future goes with that.
19 To this point we have not had representation
20 from the District Attorney's office at those
21 meetings, and we're hopeful that that will
22 resume at some point in the future.

23 Q Am I correct that at one point in
24 time that Mr. Rebert conditioned the cooperation
25 or the participation of the D.A.'s office on

1 Miss Downing being uninvited from York County
 2 Chiefs of Police Association meetings?
 3 MR. HUTCHINSON: Objection.
 4 BY MR. JACOB:
 5 Q You can answer.
 6 A That's my understanding.
 7 Q Okay. And the request wasn't just
 8 simply that Miss Downing be delisted as not
 9 affiliated with the D.A.'s office. It was that
 10 she was not to personally attend any of the
 11 meetings, correct?
 12 A That's my understanding, yes, sir.
 13 Q Did Mr. Rebert indicate that any
 14 other person needed to be uninvited from the
 15 meetings, or just Miss Downing?
 16 A As I recall, it was just Miss
 17 Downing.
 18 Q And did he indicate to you why simply
 19 delisting her as associated with the D.A.'s
 20 office was not enough?
 21 A I don't have any knowledge in regard
 22 to that.
 23 Q Do you recall a January 2005 meeting
 24 at the Newberry Township Police Department--I
 25 guess you probably do--where Miss Downing

1 essentially resigned her position as chief and
 2 handed the gavel over to you?
 3 A Yes, I do.
 4 Q And did she express at that point in
 5 time why she was doing that?
 6 A My recollection was that she thought
 7 it was in the best interest of the organization
 8 to do that at that time.
 9 Q And did she state why she felt it was
 10 in the best interest of the association?
 11 A I think there was discussion about
 12 what the bylaws may have said; that if you're
 13 not an active member or actively employed as a
 14 chief, you couldn't hold that position. She
 15 didn't want to create an issue amongst the
 16 membership as to whether or not the bylaws
 17 should be followed at that time.
 18 Q Okay. And am I correct that the
 19 members of the association encouraged her to
 20 become an affiliate member?
 21 A Yes.
 22 Q As an affiliate member she would be
 23 entitled to attend the meetings at the
 24 invitation of the president, correct?
 25 A I believe it's the president or the

1 executive board is my recollection as to what
 2 the bylaws are at this time without looking at
 3 them.
 4 Q And am I also correct that unless Mr.
 5 Rebert had objected, she probably would not have
 6 been uninvited to the meetings, correct?
 7 A I believe so.
 8 Q Do you recall a meeting in May of
 9 2005 at Penn Township when Mr. Rebert approached
 10 you and made the request that you order Miss
 11 Downing to leave the meeting?
 12 A Yes.
 13 Q And did he state at that time why she
 14 should leave?
 15 A I can't recall that. I recall that
 16 Mr. Rebert arrived after the meeting had started
 17 with Chief Mendez. The purpose at that point
 18 was to introduce Chief Mendez to the group as
 19 the new county chief detective -- chief county
 20 detective. I was chairing the meeting.
 21 As Mr. Rebert came into the room I
 22 greeted him and my recollection is, what's she
 23 doing here, referring to Miss Downing. I warned
 24 him that she was a member of the association and
 25 was so entitled to be there.

1 We had discussed some options at the
 2 time that, you know, you can do what you came to
 3 do or stay for the meeting or leave. At that
 4 point he chose to introduce Chief Mendez, after
 5 which he and Chief Mendez left the meeting.
 6 Q Was Miss Downing's presence at the
 7 meeting an impediment to Mr. Rebert being able
 8 to introduce his new chief, or was he able to do
 9 it?
 10 A He did it. I would say that it
 11 wasn't done in a comfortable manner, but he did
 12 introduce Chief Mendez at the meeting.
 13 Q Who caused that discomfort? Was it
 14 the fact that he was coming in saying, she needs
 15 to leave before he tried the introduction?
 16 MR. HUTCHINSON: Objection.
 17 THE DEPONENT: Miss Downing was at
 18 the meeting. Like I said, we already commenced
 19 and she didn't voice anything during that period
 20 of time, during the meeting or after the
 21 meeting. So, I assume that being uncomfortable
 22 was on Mr. Rebert at that point. But it wasn't
 23 because anything was said or done at that
 24 meeting.
 25 BY MR. JACOB: