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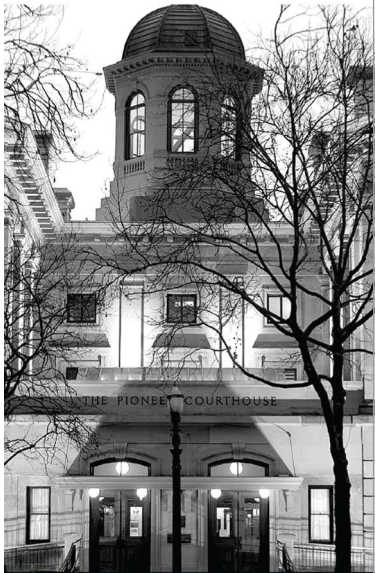
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**IN THE MATTER OF SPOKANE POLICE DEPARTMENT
RESIGNATION OF CHIEF FRANK STRAUB**

INTERVIEW OF

DAN TOROK

TAKEN ON

WEDNESDAY, MAY 25, 2016

2:34 P.M.

**SPOKANE COUNTY COURTHOUSE
1116 WEST BROADWAY AVENUE
SPOKANE, WASHINGTON 99260**

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INTERVIEW OF**DAN TOROK****TAKEN ON****WEDNESDAY, MAY 25, 2016****2:34 P.M.**

MS. CAPPEL: Today's date is May 25th, 2016, and it's about 2:34 p.m. And I'm here with Dan Torok of the Spokane Police Department.

Dan, thank you for agreeing to meet with me again. As you can see, I'm recording the interview. Do I have your permission to do so?

MR. TOROK: Yes, you do.

MS. CAPPEL: All right. So before we met, I had sent you an outline of the issues that I wanted to follow up on. And then also, I sent you a copy of Joe Walker's notes, some of which refer to meetings that it looks like you attended. So those are the areas that I want to talk about. And I'll just start with the first one on my outline regarding text messages that you were included on between Chief Straub and Monique Cotton in August of 2013.

And my first question is whether you told anyone about that exchange in the mayor's administration, in HR, or in the City Attorney's Office.

MR. TOROK: Specifically, I never sent anything to

1 Theresa Sanders, the mayor, or Brian Coddington. Nancy
2 Isserlis is on your list. I may have said something to
3 Nancy very late in the process. I certainly didn't do it
4 contemporaneous to receiving the text.

5 **MS. CAPPEL:** And when you say late in the process,
6 can you place it in time?

7 **MR. TOROK:** August, September. It would have been
8 late.

9 **MS. CAPPEL:** Of which year?

10 **MR. TOROK:** '15. '15, which is prior.

11 **MS. CAPPEL:** And do you have any recollection of
12 raising those text messages with Nancy?

13 **MR. TOROK:** Prior to that?

14 **MS. CAPPEL:** No. Anytime, even in the August,
15 September period.

16 **MR. TOROK:** It may have been discussed. Our
17 previous interview, you had asked me when, you know, that
18 came out, that text, and that was relative to Tim Schwering
19 calling me inquiring about a text that he had heard that I
20 had had. And if you remember, I e-mailed you a soccer
21 schedule, because I was at a soccer game, which was
22 September 17th.

23 **MS. CAPPEL:** I do. I recall that. I have that.

24 **MR. TOROK:** Yeah. So I -- my conversation with
25 her may have occurred around that time. You know,

1 immediately after. Somewhere in that vicinity.

2 **MS. CAPPEL:** Okay. How about anyone else in the
3 City Attorney's Office, like Erin Jacobson or Mary Murmatsu,
4 do you remember ever showing or talking to them about these
5 text messages?

6 **MR. TOROK:** No. No.

7 **MS. CAPPEL:** Okay. I think Joe has mentioned that
8 he did see the texts on your phone. Did he ever tell you
9 that he shared the fact of those text messages with anyone
10 in the administration, HR, or the City Attorney's Office?

11 **MR. TOROK:** Not at the time, no.

12 **MS. CAPPEL:** At any time, did he share that with
13 you?

14 **MR. TOROK:** Here just recent, my last day, yes.

15 **MS. CAPPEL:** Okay. But --

16 **MR. TOROK:** And in his notes.

17 **MS. CAPPEL:** But before Straub resigned, you don't
18 recall Joe telling you that he had shared the existence of
19 those text messages with anyone outside the department?

20 **MR. TOROK:** No.

21 **MS. CAPPEL:** Okay.

22 **MR. TOROK:** You do have that, did I show anybody
23 else. Prior to making the complaint with the Association on
24 Monique, I don't know that I showed Dave McCabe the text
25 message, but I'm sure that I shared the content as to my

1 reluctance to make a complaint against Monique and why we
2 went through the Association to offer some degree of
3 protection, if you will, in making that complaint.

4 **MS. CAPPEL:** And do you remember what -- what you
5 shared or said to Dave about the text messages and your
6 concerns in particular?

7 **MR. TOROK:** Well, it's been the same. You know, I
8 received a text that indicated that the Chief and Monique
9 had more than just a working relationship. So subsequently,
10 me making a complaint on her, one that he is going to
11 evaluate, I really don't want to bear the brunt of -- you
12 know what I mean -- upsetting him, if you will.

13 **MS. CAPPEL:** And him is Straub?

14 **MR. TOROK:** Chief Straub, yes. Correct.

15 **MS. CAPPEL:** Okay. Did you share or talk to
16 anyone else about the existence of those I love you text
17 messages?

18 **MR. TOROK:** I may have, late in the process, with
19 Brad Arleth. That would have been, maybe, the summer
20 before, the summer 2015. And I'm -- I'm only speculating as
21 a peer, as things were -- things were rapidly falling apart
22 in the department.

23 **MS. CAPPEL:** And anyone else that you can think of
24 that you may have shared the -- showed the text messages to
25 or told them about them?

1 **MR. TOROK:** No.

2 **MS. CAPPEL:** Other than Tim Schwering, did anyone
3 else ask to see a copy of the text messages or see your
4 phone?

5 **MR. TOROK:** I don't recall anybody asking to see
6 the phone. After that phone call that Tim had made me, I
7 had shown him the phone, probably -- probably the following
8 day, and he actually took photographs of the phone, and he
9 said that -- you recall our conversation that that,
10 actually, was subject to some public records release, or
11 whatever the case may be, and I expected that to be released
12 pretty -- pretty quickly thereafter. It wasn't.

13 **MS. CAPPEL:** Okay.

14 **MR. TOROK:** But from that point, I did have Ryan
15 Snyder say something to me about it, and he is a -- a member
16 of our TARUE. He works for Tim. He does the gadgets and
17 the -- you know, all the -- the body cameras and -- and
18 ripping the phone, so...

19 **MS. CAPPEL:** Was his discussion with you in the
20 context of him doing the forensics on your phone?

21 **MR. TOROK:** Yeah, just that he had done and -- and
22 ripped all that stuff out of there.

23 **MS. CAPPEL:** Okay.

24 **MR. TOROK:** And he may have made some comment
25 like, wow, I mean, to that extent. There was no

1 conversation about the -- the contents, so to speak, or what
2 it indicated, meant, or anything else.

3 **MS. CAPPEL:** And anyone else you think that you
4 might have told about the text messages or shown them?

5 **MR. TOROK:** I don't think so. Not that I recall.

6 **MS. CAPPEL:** Okay. So I'm going to move on to the
7 next issue, which, you mentioned, in the first interview,
8 that for a period of time -- and I don't know when it
9 started or ended -- but for a period of time, you would have
10 coffee with Nancy Isserlis maybe once every couple months.

11 **MR. TOROK:** Uh-huh.

12 **MS. CAPPEL:** She went on a ride along with you.
13 Did that continue, that practice of seeing her every couple
14 months?

15 **MR. TOROK:** It -- it -- well, it probably wasn't
16 scheduled every couple months. I know after the Monique
17 complaint, I had -- I had coffee with her, and -- and I
18 believe she -- she referred -- she said something about you
19 guys need to stop fanning the flames. What do you mean?
20 You know, in regards to the Monique complaint. That
21 irritated me. I don't know that I had coffee with her for
22 six or seven months after that, maybe eight.

23 **MS. CAPPEL:** Uh-huh.

24 **MR. TOROK:** It was a period of time after that,
25 because the insinuation was we're trying to be disruptive to

1 the organization, when, in essence, you know what I mean,
2 when you have a senior member of the executive staff who, in
3 my opinion, has an integrity issue --

4 **MS. CAPPEL:** Uh-huh.

5 **MR. TOROK:** -- that is incumbent upon us to raise.

6 **MS. CAPPEL:** Do you remember anything else she
7 said in relation to the complaint, the IA complaint that was
8 filed against Monique Cotton?

9 **MR. TOROK:** Not at that time.

10 **MS. CAPPEL:** So did there come a time when you
11 stopped having coffee with Nancy altogether, or did that
12 continue up until --

13 **MR. TOROK:** Like I said, there was a probably a
14 hiatus of six, eight months, and then periodically, I would
15 have coffee with her up until -- geez, the last time I had
16 coffee, it's going to be several months.

17 **MS. CAPPEL:** Okay. Did the subject of Frank
18 Straub come up in those coffee --

19 **MR. TOROK:** Oh, I'm sure it did.

20 **MS. CAPPEL:** Do you remember what kind of
21 information you were sharing with her or talking to her
22 about?

23 **MR. TOROK:** Some of the times we had coffee, it
24 was generic. It was what her kids, her adult-aged kids were
25 doing, my kids in soccer, and maybe it was -- it was a

1 friendly cup of coffee. Oftentimes, it wasn't -- it wasn't
2 a subject we really discussed, and it was having a cup of
3 coffee, taking a break. Other times, no, there was, you
4 know, God, there's more moves. There's, you know what I
5 mean, it's musical chairs. Basically, the state of the
6 department, if you will, as far as, you know, who's going
7 where, who's doing what, and the constant and ever-
8 changing, you know, landscape at the department.

9 **MS. CAPPEL:** And do you recall how she responded
10 or reacted to you sharing this frustration?

11 **MR. TOROK:** You know, I didn't get, really, any
12 reaction from her. I mean, she's -- no offense -- she's an
13 attorney, and she doesn't wear her, you know, emotions on
14 her face.

15 **MS. CAPPEL:** Uh-huh.

16 **MR. TOROK:** If there's something she wants to
17 discuss, she would discuss it. If not, then she didn't
18 really acknowledge it and we moved on.

19 **MS. CAPPEL:** Uh-huh.

20 **MR. TOROK:** So, I mean, part of it was -- I mean,
21 it was venting, I guess, in a way, if you will.

22 **MS. CAPPEL:** Did she ever say that she or someone
23 from her office was going to address the concerns or follow
24 up on the concerns?

25 **MR. TOROK:** It wasn't till very late in the summer

1 when --

2 **MS. CAPPEL:** Summer of 2015?

3 **MR. TOROK:** '15, yes, when I -- I -- I think I
4 expressed to my wife, I basically threw up on Nancy with
5 information. And -- and she said, "Okay," and she listened,
6 seemed to take not physical or physically take notes, but
7 take -- take some mental notes, and said, "Okay. We'll --
8 basically, we'll get something going," you know. It was --
9 and I'm guestimating on my time -- a couple of weeks later
10 or ten days later that we had the meeting with the -- the
11 mayor and the -- and Theresa Sanders.

12 **MS. CAPPEL:** The Association meeting?

13 **MR. TOROK:** Yes. I remember texting her saying,
14 "Hey, is this meeting as a result of -- of this?" And her
15 reply, very lawerly like, was, "Well, it could have been, or
16 it could be partly related to that." So, you know, I took
17 it that when I, my words, threw up, you know what I mean,
18 that she did something with it, got something going, and got
19 this meeting called, you know. And as we discussed before,
20 that meeting was somewhat strange, the way the invite came
21 out, to discuss the budget.

22 **MS. CAPPEL:** Uh-huh.

23 **MR. TOROK:** And I'm sure you have a copy of the
24 invite, the budget and other things of interest or something
25 really weird like that.

1 **MS. CAPPEL:** Uh-huh. When you say you -- you did
2 the throw up, what -- what did you talk about with her that
3 you hadn't addressed before?

4 **MR. TOROK:** Oh, I'm -- I'm sure that the -- his
5 weird behavior at -- at some training we've observed, his
6 in-service. There was an in-service that he gave towards
7 the latter part of the summer, where he had the -- it would
8 be the senior staff, lieutenants and -- and captains --
9 there was, actually, some sergeants there, too, and some
10 other academy staff -- where he talked about one of you in
11 the Association, basically, is trying to undermine him or do
12 something for his job, and he'll have us know that -- that
13 if the mayor is elected, that he, too, Frank Straub, will be
14 there for four more years.

15 And it -- it was really bizarre. He was upset by
16 something he had learned, heard of, or thought of, and
17 thought that somebody in that room was trying to do
18 something to him. And it was -- it was a sort of -- I don't
19 know -- almost a -- it was an adversarial ass-chewing, is
20 what it was. Be careful what you -- what you wish for. You
21 may -- you may end up with this job, and you can, actually,
22 see how this job is and how difficult this job is.

23 **MS. CAPPEL:** So that was, sort of, front of mind
24 when you spoke to Nancy?

25 **MR. TOROK:** Oh, I'm sure that was -- that was

1 discussed.

2 **MS. CAPPEL:** Had there been anything else recent
3 that had happened with Straub that came up in the -- the
4 later conversation with Nancy?

5 **MR. TOROK:** I'm sure the one the end of summer,
6 I'm sure it was the whole Monique, you know what I mean, the
7 -- the Straub meltdown after CompStat back in -- I think you
8 have it dated March.

9 **MS. CAPPEL:** It was March.

10 **MR. TOROK:** I'll have to believe you. You know
11 what I mean, with his treatment of people. And -- and I
12 reinforced that this is nothing new; that that's what he did
13 with Walker, too, which you, actually, have here in your
14 outline --

15 **MS. CAPPEL:** Okay.

16 **MR. TOROK:** -- too. That's what he did with
17 Walker when he demoted him.

18 **MS. CAPPEL:** Did she give any indication that she
19 had heard about the -- the Walker meeting and the
20 circumstances of that?

21 **MR. TOROK:** My understanding --? and I didn't ask
22 directly -- was that at least Mark Griffiths went down and
23 talked to her directly about -- I'm sorry -- not the Walker.
24 That was -- that was the CompStat thing.

25 **MS. CAPPEL:** Uh-huh.

1 **MR. TOROK:** I don't know if she had -- I shared
2 with Heather Jacobson and -- or I'm sorry -- Erin Jacobson
3 and Heather Lowe about the chief's --

4 **MS. CAPPEL:** Behavior.

5 **MR. TOROK:** -- yeah, behavior with Walker, termed
6 the demotion. I definitely shared that him on January 5th -
7 - 15th. I got my -- my calendar here -- January 15th of
8 2014, at a meeting with them.

9 **MS. CAPPEL:** Okay. And do you remember anything
10 else that came up with Nancy in this later conversation the
11 summer of 2015 that you haven't already mentioned?

12 **MR. TOROK:** No. I -- I do remember talking to her
13 about how he -- and these are -- these are my words -- how
14 he, pretty much, motherfucked people, meaning face to face,
15 we were great. In fact, you'll -- you read the text prior
16 to going on record --

17 **MS. CAPPEL:** Uh-huh.

18 **MR. TOROK:** -- about what a fantastic cop I am in
19 his opinion. And he would say that and communicate that
20 with you, but then you'd hear third party how you're a
21 worthless employee. And she shared something that she had
22 heard, the same kind of thing context wise.

23 **MS. CAPPEL:** What did she share?

24 **MR. TOROK:** She told me that -- and I believe this
25 was via text message that I don't have. And this would have

1 been over the weekend of September 11th through 13th, that
2 she had heard, I believe, from Tim Schwering, that he
3 referred to her, the city attorney, as a fat pig. That's
4 something the chief had done in some meeting.

5 **MS. CAPPEL:** Okay.

6 **MR. TOROK:** And that was one of those catalysts
7 for -- that's exactly what I'm talking about. He's had you
8 at your house. He's, you know what I mean, befriended you,
9 if you will, and when you turn around, he has something
10 negative to say about -- about you. And that's -- you know
11 what I mean?

12 **MS. CAPPEL:** Right.

13 **MR. TOROK:** That's been what he has done -- what
14 we observed him doing within the department.

15 **MS. CAPPEL:** About people you've reported to, some
16 of your commanders, some of your peers?

17 **MR. TOROK:** Well, it's -- it's the -- it's the
18 Keith Cummings, you know, choking his, quote, fat ass
19 because he said he had vacation. It's -- you know, it's
20 that kind of stuff. You walk out of the -- like I said,
21 it's -- it's -- when he's there in front of him, he is
22 treating him well.

23 **MS. CAPPEL:** Uh-huh.

24 **MR. TOROK:** When he walks out, then he has
25 something to say.

1 MS. CAPPEL: Okay.

2 MR. TOROK: Which -- which -- I realize as peers
3 and, you know what I mean, guys that have worked together
4 for 25 years, there's probably more of that. But again,
5 coming from the -- the chief, the CEO of an organization
6 involving people that he has only known since he came here -
7 - it was two or three years at that point.

8 MS. CAPPEL: Uh-huh.

9 MR. TOROK: It was -- it's not -- it was not
10 something you would expect to see.

11 MS. CAPPEL: Anything else that Nancy shared with
12 you or you shared with her during this late conversation
13 that we're talking about?

14 MR. TOROK: No.

15 MS. CAPPEL: Do you remember talking to her
16 personally about a concern that the -- that Chief Straub and
17 Monique Cotton seemed to have an unusually close
18 relationship?

19 MR. TOROK: I did bring that up earlier. And what
20 point, I -- I don't remember, because I think I referred to
21 it as -- it was at Bloomsday, and that would have been 20 --
22 the years run together.

23 MS. CAPPEL: I know.

24 MR. TOROK: That was 2014, 2015. I was, actually,
25 the incident commander. I'm sure I could find out which it

1 was, where he -- she was wearing his coat. And it was just
2 weird, you know what I mean?

3 **MS. CAPPEL:** Uh-huh.

4 **MR. TOROK:** With his insignia and the police and
5 his badge. And -- and I think I referred to -- to that,
6 when I'm talking to Nancy, about the -- it looks like she's
7 wearing his letterman's coat, you know what I mean? It was
8 just -- again, to me, foreign, very foreign.

9 **MS. CAPPEL:** Uh-huh.

10 **MR. TOROK:** If it was my wife or one of my teenage
11 daughters down there, I still wouldn't give them my police
12 coat, you know what I mean, put a target on their head.

13 **MS. CAPPEL:** I was going to say, it's a target.

14 **MR. TOROK:** But if I had a coat, you know what I
15 mean, that might be appropriate.

16 **MS. CAPPEL:** Do you remember how Nancy reacted
17 when you brought that up, that you thought that was really
18 odd?

19 **MR. TOROK:** I don't remember any reaction, any
20 specific reaction.

21 **MS. CAPPEL:** Do you remember if she gave any
22 indication that she had heard from other sources that they
23 seemed unusually close?

24 **MR. TOROK:** Again, I -- I don't recall.

25 **MS. CAPPEL:** All right. Do you remember ever

1 telling Nancy that you thought Straub's behavior amounted to
2 a hostile work environment, retaliation, bullying,
3 harassment?

4 **MR. TOROK:** I don't think until, probably, a
5 conversation ten days prior to -- to his meeting and our
6 meeting with the Association, did I really go into a whole
7 lot of detail, you know. I think she knew -- well, like
8 Walker, for example, had been moved all over the damn place.
9 I'm sure that came up in our conversations. When exactly it
10 came up, I couldn't tell you, you know. I'm sure that came
11 up, though.

12 As far as a bullying or hostile work environment,
13 the first hostile work environment reference I heard to was
14 in our meeting after the meeting with the mayor and Theresa,
15 when Keith Cummings -- there was, sort of, a meeting after a
16 meeting, if you will. The mayor had some other
17 appointments, and Theresa stayed behind, and about half of
18 us stayed behind talking. And -- and she made some
19 reference to -- it just seemed somewhat foreign or weird,
20 bizarre, whatever that you've got a whole bunch of -- of
21 guys with guns, and they're concerned about this guy. And -
22 - and Keith -- Keith -- because I remember her reaction.

23 **MS. CAPPEL:** She being Theresa made that comment?

24 **MR. TOROK:** Yes. Yeah. Yeah. You guys got guns,
25 so, and we can't shoot him, you know what I mean? You can't

1 shoot the boss. So about -- and I can't remember the -- the
2 context, but Keith said, "Well, yeah, it might be a hostile
3 work environment." And I remember her reaction, because she
4 turned to him, almost very inquisitive, and -- and -- and
5 acknowledged it. But it was -- it was -- it was just -- her
6 reaction was bizarre. Like, that -- that really wasn't what
7 she was thinking as we outlined, you know what I mean?

8 Issues -- issues --

9 **MS. CAPPEL:** What you're -- yeah, the issues?

10 **MR. TOROK:** Yeah.

11 **MS. CAPPEL:** She wasn't thinking in those terms.

12 **MR. TOROK:** I don't think so. That was the first,
13 I think, hostile work environment reference I had heard.

14 **MS. CAPPEL:** Okay. Did Nancy give you any
15 indication, in any of the conversations that you had with
16 her, that Straub had been counseled -- excuse me --
17 counseled by either Theresa or anyone else in the -- in the
18 city about his behavior?

19 **MR. TOROK:** I don't, and I'm trying to separate
20 what she may have told me and what I -- I have read and
21 since learned. You know what I mean? Because, apparently,
22 he was counseled at some capacity after this July -- or I'm
23 sorry -- this March incident. I don't remember her saying
24 that to me. I'm not saying she didn't, and I'm -- I'm
25 thinking I read that, as opposed to her telling me that.

1 MS. CAPPEL: Okay.

2 MR. TOROK: So I don't -- I don't think she said
3 that to me.

4 MS. CAPPEL: Okay. In terms of your contact with
5 members of the City Attorney's Office, who would you
6 generally go to most often; was that Nancy, or did you also
7 have a relationship with Erin and Mary?

8 MR. TOROK: Well, Mary, being located in the same
9 building, I mean, I talked to her briefly. But Mary's -- my
10 day-to-day interaction with Mary would be mostly case law as
11 it pertains to some aspect of our job, not really what was
12 going on internally. I'm sure we had conversations about,
13 "God, did you hear who got moved again," and -- and how
14 nobody puts anything on their walls because you are subject
15 to being moved every three months. And I know we had those
16 conversations.

17 MS. CAPPEL: Did she ever mention to you that she
18 had observed behavior from Straub that she thought was
19 inappropriate or unprofessional?

20 MR. TOROK: I don't recall her making any
21 reference to that.

22 MS. CAPPEL: How about Erin; did she ever indicate
23 she had personally seen that behavior from Straub?

24 MR. TOROK: A conversation with Erin and Heather
25 probably -- I want to say probably the only conversation I

1 had with Erin that referenced the matter was the meeting on
2 January 15th of 2014.

3 **MS. CAPPEL:** Okay.

4 **MR. TOROK:** And Rick Dubrow and I went through --
5 and this was after Joe had left, after we discussed his
6 process for demotion, that he wanted to roll back not to
7 captain, but to lieutenant, because I was going to get him
8 away from Straub completely, or at least he thought. And
9 then we went into great detail about what he had said in
10 that meeting, his -- the mayor doesn't give two shits about
11 your divorce; you know, Theresa Sanders is a Microsoft
12 millionairess, and they know what hard work is, and his
13 complete meltdown, if you will. And I have notes referenced
14 to that conversation, that meeting that I took.

15 **MS. CAPPEL:** I have them, too.

16 **MR. TOROK:** Yeah.

17 **MS. CAPPEL:** I believe you provided those to me.

18 **MR. TOROK:** Okay. I didn't know all you had.

19 **MS. CAPPEL:** What was their reaction, when you had
20 met, kind of detail?

21 **MR. TOROK:** I guess the reaction I got was almost
22 like you're telling somebody who understands and is
23 commiserating with the bad situation you're in, you know? I
24 didn't get any indication, "Well, we'll take care of this."
25 It was almost like -- you know, because I know at least

1 Heather and Erin, as far as our organization, that we'd have
2 a new org chart -- as you've heard from many people by now -
3 - it seemed like every two to three months, there was
4 something new and some new position created and some other
5 new thing went on. And so it was almost like they were just
6 living through that, too, waiting and hoping that it would
7 slow down.

8 So their reaction to it, it was -- they seemed to
9 acknowledge, yeah, we get it, you know, not good. But I
10 didn't get any, I'm going to do this or we'll take it
11 forward. There -- there was -- so it was -- the information
12 flow was pretty much, in my opinion, one way. It was from us
13 to them.

14 **MS. CAPPEL:** And did you get any feedback, from
15 either Erin or Heather, that they had taken your information
16 either up or over further?

17 **MR. TOROK:** No.

18 **MS. CAPPEL:** Or done anything in response to it?

19 **MR. TOROK:** No.

20 **MS. CAPPEL:** Okay.

21 **MR. TOROK:** And I will put some context in that,
22 into this. I was the Association president at the time of
23 that meeting. However, I want to say three weeks later,
24 that then became Dave McCabe's job. So had they done
25 something with that and they -- and they were wanting to

1 inform the Association leadership, that really bit me,
2 because I did stumble across the e-mail that I had sent to
3 all of them indicating who the new guild officers were and
4 my time had expired.

5 **MS. CAPPEL:** And you said that happened within a
6 couple weeks of the meeting on January 15th, 2014?

7 **MR. TOROK:** I didn't bring that specific e-mail,
8 but I want to say the transfer to McCabe as the president
9 happened around the very last part of January of 2014, maybe
10 a little -- a few days into February.

11 **MS. CAPPEL:** And was that the last time you held
12 an office in the Association, or have you become an officer
13 again?

14 **MR. TOROK:** No, that's -- that the last time.

15 **MS. CAPPEL:** Okay.

16 **MR. TOROK:** I had, pretty much, had my fill. I
17 was getting, sort of, tired of the meetings at the chief's
18 office about these issues. So it was -- I was more than
19 happy to relinquish that.

20 **MS. CAPPEL:** Okay. In any conversation with
21 Nancy, did the subject of Monique's transfer from the Police
22 Department to the Parks Department come up that you can
23 recall?

24 **MR. TOROK:** I'm sure it did. To the details of --
25 I don't recall any details. Probably fairly generic in

1 nature.

2 **MS. CAPPEL:** Did she ever ask you whether you had
3 seen any behavior by the chief that would rise to the level
4 of sexual harassment?

5 **MR. TOROK:** No.

6 **MS. CAPPEL:** Did she ever ask you anything about
7 sexual harassment and female employees in the Spokane Police
8 Department?

9 **MR. TOROK:** Not to my recollection, no.

10 **MS. CAPPEL:** Did she mention anything about
11 Monique having made allegations of sexual harassment against
12 the chief?

13 **MR. TOROK:** No. And I learned more details of
14 that meeting from newspaper and in the reports than I did
15 anything else.

16 **MS. CAPPEL:** Moving on to the next issue, and that
17 was the -- the question about some notes --

18 **MR. TOROK:** Uh-huh.

19 **MS. CAPPEL:** -- that include references to union
20 activities that Pat Dalton advised you need not be produced.
21 Were you able to find those notes?

22 **MR. TOROK:** Yes.

23 **MS. CAPPEL:** And are you willing to share them
24 with me?

25 **MR. TOROK:** Uh-huh.

1 **MS. CAPPEL:** Okay. Let me just stop this for a
2 minute, and I'll take a quick look at them.

3 **MR. TOROK:** Okay.

4 **(WHEREUPON, a brief recess was taken.)**

5 **MS. CAPPEL:** We are back on the record, and I've
6 had a chance to look through the set of notes that Dan is
7 going to provide me at the end of the interview.

8 One of the things we both noticed is that his
9 notes don't reference the January 15th, 2014 meeting with
10 Erin, Heather, Rick, and Dan, but that he has additional
11 documentation to show that it was a meeting that he
12 attended. So what are you -- what are you looking at?

13 **MR. TOROK:** I have a meeting invite. It looks
14 like it was sent by Joe Walker to myself, Heather Lowe, Erin
15 Jacobson, and Chuck Reisenauer. I know later Rick Dubrow
16 was added. In fact, here is the -- here is a screen shot of
17 the scheduling assistant for that meeting.

18 **MS. CAPPEL:** Okay. Do you know who organized this
19 meeting? Was it Joe?

20 **MR. TOROK:** I believe it was Joe, after a flurry
21 of phone calls.

22 **MS. CAPPEL:** Okay. Anything else that you brought
23 with you?

24 **MR. TOROK:** And this is -- this is -- these are e-
25 mails between Heather and I, and as well as the chief, in

1 regards to the demotion. And there -- there was some
2 confusion. I'm not sure -- I'm sure you have been spoken to
3 about this -- some confusion about who had seniority for
4 this demotion back to -- was it captain?

5 **MS. CAPPEL:** Captain.

6 **MR. TOROK:** Yeah. Where HR seemed a little
7 confused about who had seniority. They, apparently, told
8 Assistant Chief Meidl that Joe was junior? Anyway, a lot of
9 confusion, as far as who was senior, who was junior. But the
10 way they did his demotion, they couldn't have done it the
11 way they wanted to do, to do the demotion. He would have --

12 **MS. CAPPEL:** Because Joe was a -- was senior to
13 Dubrow.

14 **MR. TOROK:** They would have had to demote Dubrow
15 in order to demote Joe.

16 **MS. CAPPEL:** And did you ever hear from Heather or
17 the chief that they did intend that second demotion to be
18 disciplinary?

19 **MR. TOROK:** He -- he did intend --

20 **MS. CAPPEL:** That they -- that their intent in
21 rolling Joe back one more rank to lieutenant was
22 disciplinary?

23 **MR. TOROK:** No. No. In fact, I believe my notes
24 should indicate that Assistant Chief Meidl says it's a
25 nondisciplinary issue that -- and I'm pretty sure it's in my

1 notes that -- in great detail that a role of a captain is
2 very similar to a commander, and he didn't think that Joe
3 would be happy. He would have the same stresses, you know,
4 as far as the family, et cetera.

5 **MS. CAPPEL:** Okay.

6 **MR. TOROK:** Therefore, he thought it was better to
7 roll back in as to a lieutenant. And I remember having a
8 verbal conversation reinforcing that. "This is not a
9 disciplinary matter. Is that what you're telling me, as the
10 Association president?" "No, this is not --" I mean, was,
11 you know what I mean, reinforced and reinforced, this is
12 nondisciplinary.

13 **MS. CAPPEL:** And no information came to your
14 attention that contradicted what you were being told?

15 **MR. TOROK:** No.

16 **MS. CAPPEL:** Okay. Okay. What else do you have
17 there?

18 **MR. TOROK:** This is a few e-mails between -- it
19 looks like -- well, it has Heather's name, the chief's,
20 Craig Meidl in regards to some confusion about the demotion,
21 who was promoted. If you want this --

22 **MS. CAPPEL:** I'll take a look.

23 **MR. TOROK:** -- information, I think I can give
24 you.

25 **MS. CAPPEL:** Okay.

1 **MR. TOROK:** This other e-mail here, it was a
2 response from Heather when -- when I was inquiring as to who
3 the junior -- between Rick and Joe, who actually had
4 seniority. That was the date she sent me, that Joe had --
5 hence, why they couldn't do what they were trying to do
6 from, at least, an Association standpoint.

7 **MS. CAPPEL:** Okay.

8 **MR. TOROK:** The only other notes I have right here
9 is -- this was what I had sent to Dave McCabe in regards to
10 the Monique Cotton complaint. And you see that the preface
11 here, I -- I talk about the meeting I had with Erin and --
12 and Heather in regards to part of my reluctance to file a
13 complaint. Directors are considered the equivalent rank of
14 a commander, obviously, someone who outranks me.

15 **MS. CAPPEL:** Uh-huh.

16 **MR. TOROK:** And hence even further, reluctance to
17 make a complaint involving what I thought to be questionable
18 integrity on her.

19 **MS. CAPPEL:** Okay.

20 **MR. TOROK:** So this you probably already have, and
21 that's -- I assume you may have it. If not, feel free.

22 **MS. CAPPEL:** Okay. So I can have this set of
23 notes as well?

24 **MR. TOROK:** Yes. That -- that outlines the
25 concerns that I had made to Dave McCabe, who then, I

1 believe, did his own version and made the complaint with --
2 with HR.

3 **MS. CAPPEL:** And that triggered the two separate
4 IAs?

5 **MR. TOROK:** Well, they weren't -- they weren't
6 IAs. They were -- they were complaints handled by human
7 resources.

8 **MS. CAPPEL:** But they were initially entered into
9 your -- your IA system, right? They were -- what's it
10 called, the Blue --

11 **MR. TOROK:** Blue team?

12 **MS. CAPPEL:** Blue team?

13 **MR. TOROK:** I don't know.

14 **MS. CAPPEL:** Okay.

15 **MR. TOROK:** Don't know exactly what IA -- you know
16 what I mean -- how IA was involved or what it was entered
17 into. But that was the basis of the complaint that Dave
18 McCabe, as the Association president, filed on behalf --
19 third party.

20 And I'm not sure if you want to go into this or
21 not. That was also part of the reluctance to do anything
22 more after that complaint in regard to the chief's behavior.
23 It was pretty much reinforced through me, through that
24 investigation, which, as I shared with you before, really
25 wasn't much of an investigation, but nothing was going to

1 become of it.

2 **MS. CAPPEL:** Okay. Were there other issues that
3 surfaced as a result of you coming forward?

4 **MR. TOROK:** No. I guess where I'm going with this
5 is, in this particular investigation, Walker and I were
6 listed as witnesses -- or as -- or the complainants. The
7 complaint was made third party. There was no interview.
8 They -- their conclusion, their investigation was completed,
9 and then as an afterthought, they thought they would give us
10 a call and we could -- and I -- I declined to -- to talk to
11 the investigator. At that point, you've already made a
12 decision.

13 **MS. CAPPEL:** Uh-huh.

14 **MR. TOROK:** And, in fact, I'm -- I'm aware that
15 Joe, I think, provided you an e-mail with some conversation
16 between Heather Lowe and Patricia Hammond about buying her
17 two bottles of wine or owing her two bottles of wine or --
18 or something in regards to this.

19 And then the -- so the -- the fix, if you want to
20 call it that -- seemed to be it. The quid pro quo seemed to
21 be -- seemed to be working.

22 **MS. CAPPEL:** Okay.

23 **MR. TOROK:** And that's -- hence that text that you
24 looked at prior to our meeting.

25 **MS. CAPPEL:** Okay. Anything else that you brought

1 that you want to share with me?

2 **MR. TOROK:** That's -- that's it.

3 **MS. CAPPEL:** Okay. The next area that I want to
4 ask you about is whether you learned that Monique was
5 considering making a hostile work environment complaint
6 against you and Walker. Did that ever come to your
7 attention?

8 **MR. TOROK:** I heard that from Joe. The only thing
9 that was ever said to me, either directly or indirectly, if
10 you will, was -- and I'll give you -- these are contained in
11 the notes that I'll give you -- is, I observed a
12 conversation between John Galey and Monique. You know, it
13 was something about a car or it was car assignments. And I
14 had talked to John immediately after that -- that meeting or
15 discussions in the hallway, and he told me that -- that she
16 mentioned to him that she works with people that are
17 bullies, but she didn't put any names on to who -- who was a
18 bully.

19 **MS. CAPPEL:** Okay. Did you assume it was
20 referencing you at the time?

21 **MR. TOROK:** I -- to be honest, I don't know. I
22 mean, it -- the timeliness of it. I mean, as far as the
23 dates?

24 **MS. CAPPEL:** Uh-huh.

25 **MR. TOROK:** That -- that would seem to be the --

1 the indication. But that -- I learned that third party. And
2 then Lydia Taylor also made a comment about that
3 conversation, that Monique said she always got along with
4 Galey and thought that maybe I put him up to it, as it
5 relates to asking questions about her car. And I had no
6 input in her car. I could care less about her car.

7 **MS. CAPPEL:** Okay.

8 **MR. TOROK:** That was a -- that was a guild issue
9 that I'm sure Galey could fill you in on.

10 **MS. CAPPEL:** Okay.

11 **MR. TOROK:** But that was the -- you know. And
12 again, Monique mentioned to her that she was either being
13 bullied or had been bullied, which she had told her.

14 **MS. CAPPEL:** But no conversations with the chief
15 or with Erin or HR that Monique was considering a hostile
16 work environment complaint?

17 **MR. TOROK:** Absolutely not.

18 **MS. CAPPEL:** Okay. The next subject that I wanted
19 to ask you about was if you had any knowledge of early
20 retirement offers that were being discussed or offered
21 during the -- roughly the summer of 2014.

22 **MR. TOROK:** Now, that was a negotiations that I
23 didn't participate in, because I wasn't a member of the E
24 board. I did learn that they were offering those again, two
25 -- maybe two positions of our Association that we weren't

1 allowed to do that, for the early -- early buyout.

2 **MS. CAPPEL:** And did -- did you learn who was
3 offered the buyout or whether it was a more general offer?

4 **MR. TOROK:** Well, and, in fact, I found e-mails.
5 It was put out to the membership that they're considering
6 this.

7 **MS. CAPPEL:** Okay.

8 **MR. TOROK:** And I think they -- and -- and they've
9 done this in the past, where they -- they change the -- the
10 total years. It has to be your age plus, you know, and the
11 time in equating to some number. And I think it altered the
12 number.

13 **MS. CAPPEL:** Okay. Did anyone from HR or the City
14 Attorney's Office share with you that they were going to
15 specifically encourage Joe Walker to take an early
16 retirement?

17 **MR. TOROK:** No. There was some banter within the
18 Association, that was, sort of, a joke. This is -- that
19 this was the chief's effort to get him to leave. But --

20 **MS. CAPPEL:** No information.

21 **MR. TOROK:** -- it's not -- no, no, from nobody.

22 **MS. CAPPEL:** So the last thing I wanted to address
23 was some of Walker's notes, but we may have covered the ones
24 that I wanted to raise with you.

25 Are there any -- I highlighted some and underlined

1 some. I don't know if you had a chance to read --

2 **MR. TOROK:** Yeah, I did -- I did review them. The
3 only thing -- and you asked if I was a party to, et cetera -
4 - was, I think, the first page that you sent me talked about
5 the meeting in Halletts where the chief talked about, I
6 believe, a placeholder and another -- somebody else that's a
7 deaf mute. And Joe's notes indicated the chief had asked
8 him to be one of the assistants or the assistant chief.
9 That happened prior to my arrival. I wasn't there for that
10 conversation.

11 **MS. CAPPEL:** Okay.

12 **MR. TOROK:** And in my notes that you'll see, it
13 says that I -- I said, "I feel like I'm walking into a
14 conversation that --" you know what I mean? And that's when
15 the chief reiterated, you know, nothing about the assistant
16 chief position, but rather the -- somebody who needs to know
17 how to get things done.

18 **MS. CAPPEL:** That he needed people like that?

19 **MR. TOROK:** Yeah, that he needs somebody to -- to
20 continue to -- to continue pushing the message when he is
21 not there to do so.

22 **MS. CAPPEL:** Okay. Did he make disparaging
23 comments about Meidl in your presence about being a deaf
24 mute?

25 **MR. TOROK:** Yeah. In fact --

1 MS. CAPPEL: Was that in your notes?

2 MR. TOROK: Let's see. Yeah. Like I told you, "I
3 commented that I felt like I had missed the first part of
4 the conversation. Straub talked about his two AC/directors.
5 The city has one that can never finish anything that he
6 started," Arleth, "and one that was a placeholder and stands
7 in the corner like a deaf mute." And that reference was to -
8 - to Meidl.

9 MS. CAPPEL: The -- okay. In the -- in Walker's
10 recollection of the things that Straub said during the --
11 the meeting where he was, basically, dressed down, what you
12 read in his notes, was that consistent with your understand
13 -- or your recollection?

14 MR. TOROK: Very much so.

15 MS. CAPPEL: Okay.

16 MR. TOROK: In fact, give me just a moment.

17 Yeah. In fact, it -- it goes through here about
18 Joe lost credibility. People don't trust him. He talked
19 about Indianapolis, officers being assassinated, funerals.
20 Oh, yeah, he commented he had police chief down to a science
21 -- a science, but he needed his people to be all in and step
22 up. He talked about New York police, being on a
23 commissioner's office. And -- and when he wanted to see you
24 -- oh, that -- that he had waited -- he had to wait until
25 9:00 p.m. to see the commissioner, because if the

1 commissioner wanted to -- to see you, then you, quote,
2 "Fucking waited to see him." I mean, it was some -- some of
3 it was -- I don't know how it connected to anything.

4 **MS. CAPPEL:** A stream of consciousness?

5 **MR. TOROK:** It was a rant. It was a tirade. It
6 was a -- you know what I mean? It was on and on. But,
7 yeah, he talked about how he could leave this place and have
8 the -- and -- and the DOJ would come in and do a consent
9 decree, factually would come in and do it. In fact, in my
10 notes, you'll see that I later -- a day, two days later,
11 asked him about it. "How do you say a week and a half ago
12 that the DOJ is going to come in here in front of a group
13 and learn things from this department, but yet in this
14 meeting, you're saying if you choose to leave, DOJ will come
15 in and do a consent decree. Which is it?"

16 **MS. CAPPEL:** And how did he respond to that?

17 **MR. TOROK:** That's -- that's a reference -- well,
18 let me pull my notes here. Yeah. I said, "At the same
19 meeting" -- and this was a few days afterwards -- "I told
20 the chief that I needed to put on my union hat. I said, did
21 he ask" -- "ask us about our level of commitment the day
22 before. I told him that I did not understand his comment
23 about if he chose to leave, that the DOJ will come in here
24 and put the department under a consent decree. I said that
25 it sort of left me spinning. He then interjected confused.

1 I agreed to that word. He went on tell me that he was 55
2 years old, did not need to put up with bullshit. He did not
3 expect any of us to do that. After a lengthy explanation, he
4 said that Mike Hornsby and Tim Derken are like vultures,
5 just waiting to swoop down on the department. He said the
6 reason they did" -- "they have not is because of his
7 relationship with DOJ and the cost people." "During our
8 meeting, he mentioned Keith Cummings's comments about having
9 two months of vacation several times." Anyway. But that --
10 that was his -- his answer to that.

11 **MS. CAPPEL:** Okay. One of the things that Joe
12 raises was an incident involving Keith Cummings at, I
13 believe, was a CompStat meeting, where he made some pretty
14 derogatory comments about Cummings in front of everybody.

15 **MR. TOROK:** Uh-huh.

16 **MS. CAPPEL:** Such that Mary Murmatsu, she was
17 present, and she, apparently, commented to Keith that she
18 thought it was inappropriate. Do you know -- were you
19 present at that meeting?

20 **MR. TOROK:** Yeah.

21 **MS. CAPPEL:** Where he -- where Keith was dressed
22 down?

23 **MR. TOROK:** I was.

24 **MS. CAPPEL:** Do you know about when that happened?

25 **MR. TOROK:** I don't. I remember being in

1 CompStat, and Keith made reference to, "We can probably
2 expect crime to rise." And I can't -- no context for that
3 comment.

4 **MS. CAPPEL:** Uh-huh.

5 **MR. TOROK:** And the chief just lit into him. And
6 it wasn't just -- it was just continuous beratement. And I
7 can't even recall what he was saying. But it's one of those
8 conversations -- or it wasn't a conversation. It was an
9 ass-chewing, that you're sitting there looking down at your
10 hands, because you don't want to be there. And that was the
11 -- the whole temperament of the entire thing.

12 **MS. CAPPEL:** Uh-huh.

13 **MR. TOROK:** And I think I referred to a meeting I
14 had with him at Stella's, is where we were actually at. It
15 was on January 27th. And I had mentioned the demotion
16 debacle with Walker. "And the chief went on to say there
17 were a lot of things going on, and there was some emotion.
18 He ended up apologizing for the tone of the conversation and
19 said that it would not happen again." But as we know, on
20 March 31st, it did.

21 **MS. CAPPEL:** Uh-huh. Of 2015?

22 **MR. TOROK:** '15, yeah.

23 **MS. CAPPEL:** I think you also reference a couple
24 times, where I think it was you and Walker who you either
25 went to coffee or for a beer with Chief Straub. And during

1 one of those, he made disparaging comments about Carly, the
2 reason she --

3 **MR. TOROK:** That was probably me.

4 **MS. CAPPEL:** What do you remember about the
5 comments he made about Carly?

6 **MR. TOROK:** This would have been in 20 -- the hell
7 he hired -- 2012?

8 **MS. CAPPEL:** Uh-huh.

9 **MR. TOROK:** Or after he came here, he made a
10 comment in reference to the -- "The only reason she gets
11 what she wants or gets anything done is because she has big
12 tits," was his comment.

13 **MS. CAPPEL:** And do you remember the context, or
14 did he just, sort of, volunteer that?

15 **MR. TOROK:** Well, it was -- he wanted to know
16 about people; you know, how is this person? What's this --
17 you know what I mean? So he -- at the time, it was -- Joe
18 was the president of the Association. I was the vice
19 president. So he's trying to -- to, "Okay, what about this
20 person and how does he fit here?" So he's trying to get,
21 you know what I mean, insight into people and their
22 personalities, et cetera. So it was in the course of that
23 conversation that he made reference to -- to Carly.

24 **MS. CAPPEL:** And do you remember him making
25 comments about Nancy Isserlis in reference to how fond she

1 was of you?

2 **MR. TOROK:** Yeah, I believe I -- I believe I told
3 you that. If not, yeah, that would have been -- I'm trying
4 to put a date on it -- I want to say --

5 **MS. CAPPEL:** It was a different -- different --

6 **MR. TOROK:** Oh, it most certainly was.

7 **MS. CAPPEL:** -- incident?

8 **MR. TOROK:** I want to say that was in 2014, the
9 spring of 2014. There was -- well, actually, Assistant
10 Chief Meidl's wife was promoted to lieutenant, and she was
11 assigned to our Drug Unit. I was the Captain of
12 Investigations. And so easy enough for me find this date.
13 She only worked me for two days, because I wouldn't adjust
14 her work hours. And her work hours were set specific to the
15 needs of the unit.

16 **MS. CAPPEL:** Uh-huh.

17 **MR. TOROK:** And she needed them set to enable some
18 other things as far as her personal life, and I wasn't going
19 to back off that.

20 Anyways, what the chief had said was that, I
21 believe Nancy and Ken were at his house -- or her husband --
22 for dinner, and I -- my name came up. And he made reference
23 to, "You know, whenever -- whenever your name gets brought
24 up, I think it makes your nipples hard."

25 **MS. CAPPEL:** And again, he's just volunteering

1 that information?

2 **MR. TOROK:** Yeah. Again, it's -- it's almost like
3 -- not that it's any better -- but an inappropriate
4 conversation you would have with a lifelong friend, you know
5 what I mean, when you're being, you know. It's not a work
6 conversation. It's a -- you know what I mean?

7 **MS. CAPPEL:** Uh-huh.

8 **MR. TOROK:** It's a -- it is inappropriate, and
9 it's -- it's even more inappropriate -- again, back to the
10 he's the chief of the organization, and it's a -- and I
11 believe I said this last time -- it's a 60-plus-year-old
12 woman who is the city attorney for the City of Spokane.

13 **MS. CAPPEL:** Uh-huh.

14 **MR. TOROK:** I don't know --

15 **MS. CAPPEL:** Do you remember the chief sharing any
16 thoughts or opinions on Bill Drollinger?

17 **MR. TOROK:** I'm sure he did. Bill left in 20 --

18 **MS. CAPPEL:** '13.

19 **MR. TOROK:** -- '13? Yeah. I'm sure he did. I
20 remember -- you know what, it's been such a long time ago.

21 **MS. CAPPEL:** Okay.

22 **MR. TOROK:** Because there was a -- there was a
23 pretty rapid turnover of lieutenants for a period of time
24 after the chief came here, and Bill was one of those.

25 **MS. CAPPEL:** Meaning they left the department?

1 MR. TOROK: Correct.

2 MS. CAPPEL: And do you know if Straub was -- had
3 any role in their decision to leave?

4 MR. TOROK: Directly? No, I don't know that.

5 MS. CAPPEL: Okay.

6 MR. TOROK: Indirectly, I'm -- I know -- I know
7 Drollinger had a one-on-one conversation with him, and it
8 shortly after that he had decided to retire. What occurred
9 in there, I don't know the details.

10 MS. CAPPEL: How about Sean Nemec; did Straub
11 share any views or opinions on him?

12 MR. TOROK: No. No. And again, third-hand
13 information, that that was yet another meeting in his office
14 that sounds like he dressed somebody down, and Sean chose to
15 go do something else.

16 MS. CAPPEL: Okay. That covers everything I
17 wanted to follow up with you on.

18 MR. TOROK: Okay.

19 MS. CAPPEL: Any last thoughts, questions of me
20 before we go off the record?

21 MR. TOROK: No.

22 MS. CAPPEL: Thank you very much.

23 It is 3:21.

24 (WHEREUPON, the interview of Dan Torok was
25 concluded.)

CERTIFICATE

I, Marilyn J. Broyles, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 20th day of June, 2016.



Marilyn J. Broyles

DECLARATION

Deposition of: Dan Torok

Date: 05/25/16

Regarding: Frank Straub

Reporter: Broyles

I declare under penalty of perjury the following to
be true:

I have read my deposition and the same is true and
accurate save and except for any corrections as made
by me on the Correction Page herein.

Signed at _____, _____
on the _____ day of _____, 2016.

Signature _____

Dan Torok

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