

AFFIDAVIT OF NEAL PINKSTON

1. My name is Neal Pinkston and I am the elected District Attorney General of Hamilton County, the 11th Judicial District of the state of Tennessee. I took the oath of office on September 1, 2014.
2. On July 11, 2019, I became aware of dash cam video depicting Hamilton County Sheriff's Deputy Daniel Wilkey performing what appears to be an anal cavity search of James Myron Mitchell during a July 10, 2019, traffic stop. The video also shows Deputy Wilkey and Deputy Bobby Brewer repeatedly punching and kneeling Mr. Mitchell, who appears to fully comply with the deputies' demands and does not show any resistance.
3. Upon viewing this video, on July 12, 2019, I requested the Tennessee Bureau of Investigation and the Federal Bureau of Investigation conduct an investigation of potential use of excessive force.
4. The following week, the week of Monday, July 15, 2019, I directed my Chief of Staff, Melydia Clewell, to obtain a copy of the Hamilton County Sheriff's Office policy manual. I subsequently learned no such policy manual exists, but was told all of the department's policies would be compiled and burned onto a disc that would be delivered to my office.
5. Immediately following the July 12, 2019, public release of the Mitchell video and continuing to the current time, my office has been receiving information from defense attorneys and private citizens alleging inappropriate – and perhaps criminal -- behavior by Officer Daniel Wilkey.
6. As a result of the influx of requests to review other traffic stops, during the week of Monday, August 19, 2019, I requested the Hamilton County Sheriff's Office provide copies of all of Deputy Wilkey's dash cam videos from January 1, 2019 through July 11, 2019. It is a common, almost daily, practice for the Sheriff's Office to provide us with videos within 24 hours of a request.
7. On Wednesday, August 28, 2019, I contacted the Sheriff's Internal Affairs Division to request their file on an incident involving Deputy Wilkey and a woman named Abigail Knox. That same day, I was promised the file.
8. On Wednesday, September 4, 2019, I was told the Sheriff's Criminal Investigations Division (CID) had an ongoing investigation of the Abigail Knox incident and would not have access to the IA file until CID's investigation ended.
9. On Wednesday, September 4, 2019, I requested the Sheriff's Criminal Investigations Division file of the Abigail Knox incident. To date, I have not received either the CID file or the IA file on that matter.

10. On Tuesday, September 17, 2019, I directed my Chief of Staff, Melydia Clewell, to contact Hamilton County Sheriff's Office Chief Deputy Austin Garrett in an attempt to secure both the departmental policies which had been requested the week of July 15, 2019, and the Wilkey dash cam videos which had been requested the week of August 22, 2019.
11. During Ms. Clewell's September 17, 2019, text conversation with Chief Deputy Garrett, she informed him that I believed someone in the sheriff's office was intentionally making it more difficult than necessary for us to acquire the videos, in a deliberate attempt to slow down our investigation.
12. Chief Deputy Garrett denied any attempt to slow down our investigation and a disc containing the Sheriff's Office policies was delivered to my office that afternoon.
13. Later that day, I received a phone call from Chief Deputy Garrett, who informed me it would be another 120 to 180 days before we would receive the Wilkey videos.
14. The following day, on Wednesday, September 18, 2019, I contacted Josh Melton, the Assistant Director of the Criminal Investigation Division of the Tennessee Bureau of Investigation to request help from the TBI's Fusion Center computer experts in acquiring the videos.
15. The next day, Thursday, September 19, 2019, a TBI Fusion Center agent arrived in Chattanooga and by 1:00pm was able to acquire 578 videos recorded by Deputy Wilkey's patrol car dash camera from January 1, 2019 through July 11, 2019. This was purported to be all of Deputy Wilkey's dash cam videos for 2019.
16. For the next several weeks, a small team of my staff and I reviewed the 578 videos and documented our findings of potential crimes. Approximately 160 videos involve Deputy Wilkey making traffic stops. Of those encounters, approximately 98 of them depict potential criminal activity by Deputy Wilkey.
17. On Tuesday, December 10, 2019, the Hamilton County Grand Jury indicted Daniel Wilkey on 25 felony and 19 misdemeanor counts related to crimes committed during four separate traffic stops.
18. In January of 2020, we began to consider charges against Daniel Wilkey for potential crimes committed in other traffic stops. During the course of that review, we determined it would be beneficial to see dash cam videos of other deputies who responded to some of those traffic stops.
19. When I informed the Sheriff's Office I would be seeking other videos, I was told there had been a catastrophic failure of their computer server and they had no ability to recover any dash cam videos from a fifteen month period including the first seven months of 2019.

20. This catastrophic video failure prohibits our ability to compare witness statements with other deputies' dash cam videos of what actually happened during most of the 98 questionable Wilkey stops.

21. Additionally, it prohibits my office from investigating other potential criminal activity.

22. In May 2020, the Hamilton County Attorney's Office provided my office with twelve additional Wilkey dash cam videos from 2019 that had not been previously provided to the Tennessee Bureau of Investigation. I was given no explanation of how the Sheriff's Office knew these videos had been originally excluded, why they had been excluded, or how the videos were retrieved after being told nothing was recoverable.

ALL OF THIS INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



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Sworn and subscribed before me this the 26th day of June 2020.



NOTARY PUBLIC

My commission expires: 9.25.21

