

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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4 _____)
5 NICOLE GOCHMANOSKY, MARIE) CASE NO:
6 WEBER, ASHLEY WARDLE, MELISSA) 12-CV-2944-L-NLS
7 VEGA, ANDREA TINAJERO, and)
8 KENZIE McDONALD,)
9 Plaintiffs,)
10 v.)
11 CITY OF SAN DIEGO, WILLIAM)
12 LANSLOWNE, BOYD LONG, COUNTY)
13 OF SAN DIEGO, WILLIAM GORE,)
14 J. SHURTZ and DOES 1-60,)
15 Defendants.)
16 _____)

17 DEPOSITION OF WILLIAM M. LANSLOWNE
18 SAN DIEGO, CALIFORNIA
19 MONDAY, FEBRUARY 24, 2014

24 REPORTED BY ANNETTE MOORE, CSR NO. 2648

1

1 APPEARANCES:

2 On Behalf of Plaintiffs, NICOLE GOCHMANOSKY, et al.:

3 IREDALE & YOO, APC
4 BY: JULIA YOO, ESQ.
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7 On Behalf of Defendants, CITY OF SAN DIEGO:

8 OFFICE OF THE SAN DIEGO CITY ATTORNEY
9 BY: KATHY J. STEINMAN
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12 Also Present:

13 Stacey Parker Court Reporting
14 Nicole Gochmanosky
15 Gerald Singleton, Esq.

3

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16 _____)

15 DEPOSITION OF WILLIAM M. LANSLOWNE,

16 taken by Attorney for Plaintiffs pursuant to the
17 applicable sections of the Federal Rules of Procedure,
18 commencing at 2:35 p.m., on Monday, February 24, 2014,
19 at 1200 Third Avenue, Suite 1100, San Diego,
20 California, before Annette Moore, Certified Shorthand
21 Reporter for Stacey Parker Court Reporting, in and for
22 the County of San Diego, State of California.

2

1 I N D E X

3 Witness: William M. Lansdowne

5 EXAMINATION PAGE
6 By Ms. Yoo 5

9 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

10 PAGE LINE
11 44 4

14 E X H I B I T S

16 FOR PLAINTIFFS MARKED

17 1 Two-page San Diego Police 36
18 Department Investigator's
19 Follow-up Report

4

1 SAN DIEGO, CALIFORNIA
2 MONDAY, FEBRUARY 24, 2014, 2:35 P.M.
3
4 WILLIAM M. LANSLOWNE,
5 being first duly sworn, was examined and testified
6 as is hereinafter set forth:
7
8 EXAMINATION
9 BY MS. YOO:
10 Q. Chief Lansdowne, if I could please have your
11 full name and the spelling of your last name, please.
12 A. William Michael Lansdowne, L-a-n-s-d-o-w-n-e.
13 Q. Chief Lansdowne, I know you are an old pro at
14 this. I'm not going to --
15 A. I try to stay away from old.
16 Q. Let's dispense with the preliminaries.
17 I know that you've been in law enforcement
18 for many, many, many years.
19 A. Yes.
20 Q. You were the Chief of Police in San Jose.
21 A. Yes.
22 Q. For how many years?
23 A. Five years.
24 Q. Before that, you were the Chief of Richmond
25 Police Department?

5

1 A. Yes.
2 Q. How long?
3 A. Five years.
4 Q. And you came to San Diego what year?
5 A. 2003.
6 Q. You came to San Diego to fill the position of
7 chief of police; is that correct?
8 A. Yes, that's correct.
9 Q. When you arrived in 2003, what were the most
10 pressing policy issues that you saw facing San Diego
11 Police Department?
12 MS. STEINMAN: Relevance.
13 THE WITNESS: I had a couple of issues I was
14 dealing with. One was budget, of course. That's why
15 they brought me here, to make some changes to see if
16 they could bring it back in line. Of course, the
17 pension issue was part of that. The other was the use
18 of force, deadly force in the City of San Diego. They
19 wanted me to address that.
20 BY MS. YOO:
21 Q. Let's talk a little bit about the use of
22 force issue that you wanted to address.
23 A. Yes.
24 Q. What was the primary problem that you saw in
25 2003 with respect to use of force?

6

1 A. The issue they wanted me to address was the
2 use of deadly force in the city. They had had a series
3 of shootings in San Diego. As I looked at that, I felt
4 that the way we responded to those calls could be
5 improved.
6 Q. How did you improve it?
7 A. First, I sat down with the staff that
8 actually does the job, the sergeants, supervisors and
9 some of the senior field officers. We discussed the
10 issues. Then we took a look at how we responded to
11 calls. There were some fundamental issues I felt
12 needed to be changed and I changed them.
13 Q. What was that issue? What was the
14 fundamental issue?
15 A. One of which was it seemed to be the belief
16 that the supervisors were there to respond to calls
17 when they were called as opposed to going independently
18 to calls which I call high risk. They didn't want to
19 micromanage their officers. I thought that was a
20 problem. They should be there.
21 I looked at how they went to calls. They
22 would send two units to every call and they would
23 triage the call. I'll give you an example. Person is
24 naked on the street with a knife threatening people.
25 To me that's a very high-risk call. Obviously, you

7

1 have someone mentally ill or high on drugs armed with a
2 weapon. It's serious and could be very dangerous.
3 Two officers get to that scene. I'm very
4 much aware that in the average call, from the time you
5 get the call to the time shots are fired are fifteen
6 minutes. If you are going to respond to it effectively
7 and prevent the loss of life or an injured officer,
8 you've got to have a system in place to manage that.
9 So we changed the way we fundamentally went to those
10 calls.
11 Q. What else, if anything, did you change to
12 address the issue of the use of deadly force?
13 A. That was the process.
14 Q. Did that policy issue address whether the use
15 of deadly force was appropriate or inappropriate?
16 A. Are you talking about the discipline process?
17 Q. Yes.
18 A. Yes. We went over that too. We changed the
19 entire manual. It was the first time it's been done in
20 eight years.
21 Q. How did you change the manual?
22 A. We went over it policy by policy and changed
23 those that we thought needed change to get in line with
24 best practices.
25 Q. What best practices are you referring to?

8

1 A. I'd have to get -- it's like five hundred
2 pages long. We could go over it for you and give you
3 the two books and you could look at it.
4 Q. We're not talking just about POST, are we?
5 A. POST, no. Policies across the country.
6 Q. When did that take place?
7 A. I believe we did it in the first two years.
8 We just redid it again.
9 Q. 2003 to 2005?
10 A. I believe -- the timelines are approximate.
11 We'd have to check to be sure.
12 Q. You just said that you did it again recently?
13 A. Yes, about a year and a half ago.
14 Q. What did you do a year and a half ago
15 specifically with the use of force?
16 A. We built a matrix for discipline for the
17 department.
18 Q. What does that matrix look like?
19 A. I could give it to you. It's lengthy. But
20 it makes some changes.
21 Q. I would love a copy of it.
22 A. Sure.
23 Q. But, before that, tell me generally -- if you
24 could describe it to me in big picture terms. What
25 does the matrix for discipline look like?

9

1 A. It sets a boundary or at least a guideline to
2 the discipline and how it will be imposed depending on
3 the seriousness of the offense.
4 Q. What is the most serious?
5 A. Deadly force.
6 Q. How do you determine what discipline is
7 imposed?
8 A. It sets a guideline. It's a process that
9 goes through the system. The captain who is in charge
10 of that particular person or persons reviews it, makes
11 a recommendation. It works its way up the chain and
12 finally gets to me through the different command ranks.
13 They get appeals during that process and attorney
14 representation usually in most of those cases.
15 Q. What happened a year and a half ago that you
16 decided to implement further changes in the policy?
17 A. We worked with the CRB board, the community
18 board. They thought that they should be able to have
19 some kind of a matrix so you know where the boundaries
20 are, at least some guideline if they were doing things
21 right.
22 Q. Who participated in coming up with a new
23 matrix?
24 A. The chief of the ops unit, which would be
25 Chief Shelley Zimmerman.

10

1 Q. Anyone else that was consulted?
2 A. She had a committee, but I wasn't part of
3 that committee.
4 Q. Is there a particular incident that inspired
5 the change?
6 A. No.
7 Q. Who suggested it?
8 A. Chief Zimmerman.
9 Q. It was Chief Zimmerman's idea to come up with
10 a matrix for the discipline?
11 A. Correct.
12 Q. Did this involve anybody from Internal
13 Affairs?
14 A. I don't know who was on it. I don't operate
15 at that level.
16 Q. What is your role whenever there is a policy
17 change?
18 A. I see the final change and I sign off on it.
19 Q. What is your role in making a determination
20 that a particular policy needs changing?
21 A. My role is to direct and say we'll do it as
22 they bring it to me. Usually they already have the
23 presentation and I just agree with them.
24 Q. Somebody brings an opinion or a desire to
25 change a policy to you?

11

1 A. Correct.
2 Q. You don't bring it to them?
3 A. I do not. They bring it to me. Usually it's
4 the attorneys in the office that bring it, changes in
5 the law.
6 Q. Are you talking about the city attorney or
7 you have attorneys inside the San Diego Police
8 Department that implement these changes or suggest
9 these changes?
10 A. They work for the city attorney, but they are
11 attorneys assigned to my office specifically.
12 Q. Who are those attorneys?
13 A. The one I work with the most is
14 John Hemmerling. And then the other ones, I'll get you
15 the names.
16 Q. You don't recall the names of others right
17 now?
18 A. Paige and Linda.
19 MS. STEINMAN: Paige Hazard and Linda Peter.
20 BY MS. YOO:
21 Q. If we could talk about the change or
22 implementation of policies in general.
23 A. Sure.
24 Q. We've just spoken about how to change a
25 policy. How do you implement a new policy if one does

12

1 not exist already?
2 A. We would staff it. And if we want to make a
3 change, they would present it. We, as a command staff,
4 would approve it.
5 Q. Again, somebody would bring it to you?
6 A. Yes, or we would direct somebody to work on
7 it.
8 Q. If there's a change in the law that is
9 relevant to a pre-existing policy, how does that come
10 about?
11 A. Usually, the attorney will bring it to us and
12 say there's been a change in the law and we need to
13 look at a policy to make sure it's in line with the
14 existing law.
15 Q. What about lawsuits that are filed; do they
16 ever affect whether a policy is changed?
17 A. They could.
18 Q. What is that process?
19 A. As the cases come up, they would bring it to
20 us, we give them to the city attorney and the command
21 staff. If they believe we need to make a change, we
22 would. And we've done that.
23 Q. There was a recent case, a particular case
24 where I believe you were named as a party in that
25 case --

13

1 A. I'm always named.
2 Q. I apologize. -- where the court had decided
3 that the particular officers that worked for you had
4 violated the constitutional rights of the plaintiffs in
5 that particular case. When that happens, what did you
6 do with that particular case, if anything?
7 A. We assign it and look at it.
8 Q. Did you make any changes in the policy after
9 that case? I'm specifically referring to Officer
10 Savage and McClain.
11 A. Which case is it? I'm not --
12 Q. They are officers named Savage and McClain.
13 It involved an arrest of two people where the court
14 made a determination that their arrest and detention
15 were unconstitutional as a matter of law. Did your
16 office do anything given that court order?
17 A. Yes.
18 MS. STEINMAN: Relevance.
19 BY MS. YOO:
20 Q. What did you do?
21 A. We sent a training bulletin to everybody in
22 the department.
23 Q. What was that training bulletin?
24 A. It talked about the policy for citations and
25 that you needed a reason for the stop before you got to

14

1 the citation.
2 Q. What materials did you provide to your
3 officers as a result?
4 A. I'd have to get it for you. It was a
5 training issue.
6 Q. Was everybody retrained on the issue of
7 constitutional and unconstitutional stops?
8 A. On this case, yes.
9 Q. All of your officers?
10 A. I assume they were.
11 Q. Were there any written changes as a result of
12 that particular case?
13 A. No.
14 Q. Were there any changes implemented with
15 respect to IA investigation as a result of that case?
16 A. No.
17 Q. When we talk about the matrix for discipline
18 and the use of deadly force policies, what early
19 detection or prevention tools are in place now?
20 A. Every case that involves deadly force is
21 reviewed by the department and a decision made by a
22 board of our internal experts, was it within policy or
23 out of policy. And then what changes we need to make
24 in the training. And then it's implemented to our
25 training division.

15

1 Q. The force matrix is simply for discipline
2 after the fact, correct?
3 A. After the fact?
4 Q. After the force has already happened, the
5 matrix only addresses what discipline to be doled out
6 after the use of force has already occurred?
7 A. The matrix is for discipline itself, yes.
8 Q. There is no matrix or software that has early
9 detection system or prevention system to see which
10 officer may become a problem in order to prevent that
11 officer from becoming a problem later on?
12 A. There is.
13 Q. What is that program?
14 A. EIIS system. It's an early warning system.
15 Q. How does that work?
16 A. It's a system that logs in information about
17 individual officers, from good appraisals, to good
18 letters, to any complaints they may have had, follows
19 them and tracks them for their career.
20 Q. Is the software called EIIS?
21 A. Yes.
22 Q. What does that stand for?
23 A. I don't have a clue. But I do know it's
24 EIIS.
25 Q. I'll look it up.

16

1 What information goes into that program?
2 A. You got information about the individual
3 officer, appraisals, work, good letters, not so good
4 letters, discipline, it's all in there. It's tracked
5 by individual.
6 Q. Who reviews the EIIS?
7 A. As part of their evaluation process, the
8 supervisor is required to do it before they do their
9 evaluation.
10 Q. Is there a random audit?
11 A. I believe there is, but you'd have to talk to
12 my tech people on that.
13 Q. Who is in charge of EIIS?
14 A. It would be ops chief, Shelley Zimmerman.
15 Q. What about internal affairs?
16 A. What about them?
17 Q. Do they have access or do they work with the
18 EIIS?
19 A. Absolutely.
20 Q. How do they do that?
21 A. It's a computer. Just run up the name and it
22 will come right up.
23 Q. If a citizen makes a complaint of some sort
24 about an officer, it would immediately go into the
25 software system; is that correct?

17

1 A. It wouldn't go in immediately. When it's
2 finished, it would go in.
3 Q. When an investigation is finished?
4 A. Yes.
5 Q. How does the red-flagging work? How is an
6 officer red-flagged?
7 A. The individual -- anybody in the command
8 staff or the immediate supervisor has the ability to
9 look at it. They are required to do that. If they see
10 an issue or problem, they manage it.
11 Q. The red-flagging does not happen just from
12 the data. Somebody has to go and specifically search
13 whether that officer may be a problem or not?
14 A. Right. We don't have a logarithm that flags
15 things.
16 Q. Have you ever had that?
17 A. We have not. I don't know of one that
18 exists.
19 Q. I understand there was a covert unit at some
20 point with SDPD that would proactively investigate for
21 officer misconduct. Is that accurate information?
22 A. You're talking about PSU?
23 Q. Yes.
24 A. Yes.
25 Q. What happened to PSU?

18

1 A. We no longer have it.
2 Q. Why is that?
3 A. Several reasons. I was required to downsize
4 the police department. We looked at several units
5 within the organization as we began to downsize it. As
6 we looked at PSU, we found that they were assigned very
7 few cases and that I needed more people in Internal
8 Affairs to actively investigate and more people in the
9 detective division to actively investigate crime and
10 misconduct in the police department. So we moved those
11 people to Internal Affairs. Then brought in expertise,
12 the people to do criminal cases would be the one to
13 look at and not a generalist in PSU.
14 Q. How did PSU work at the time? What was the
15 purpose of PSU?
16 A. They were to investigate cases as directed
17 by, I believe, the chief's office. And they would do
18 that.
19 Q. What was their role?
20 A. To investigate cases.
21 Q. What kind of cases?
22 A. Of misconduct.
23 Q. How would they go about choosing particular
24 cases at the time?
25 A. I believe it was the chief that did it.

19

1 That's what I heard, not what I saw.
2 Q. The purpose of PSU was to investigate officer
3 misconduct specifically, was their sole job, was it
4 not?
5 A. I don't believe that's quite true. I believe
6 they worked at the direction of the chief's office on
7 whatever they decided they would work on.
8 Q. Was that their job, is to investigate officer
9 misconduct?
10 A. That was one of their jobs, yes.
11 Q. I'm going to talk about the Occupy case in
12 particular. When I say incident, we're referring to
13 the October 27-28 incident. Do you recall that time
14 period --
15 A. Yes.
16 Q. -- October of 2011?
17 Before the incident, what was the first time
18 that you recall having a discussion with anybody in
19 your department about Occupy?
20 A. I believe it was when they marched into the
21 plaza the very first day.
22 Q. Who did you have a discussion with that first
23 time?
24 A. Command staff.
25 Q. What was that discussion?

20

1 A. Just we were going to monitor the
2 demonstration.
3 Q. Did anybody outside of your police department
4 attend that first discussion?
5 A. No.
6 Q. What else do you remember about Occupy
7 between the first conversation that you had and the
8 incident?
9 A. Could you be specific?
10 Q. Sure.
11 The month of October, what stands out to you
12 about Occupy?
13 A. Just another demonstration.
14 Q. Did you go down to the Civic Center to
15 observe?
16 A. Yes.
17 Q. How many times?
18 A. Three or four.
19 Q. What did you see?
20 A. I saw people camped out, I saw a lot of human
21 waste, smell of urine. I was approached by several
22 people in the crowd telling me that it was getting
23 dangerous; some people were mentally ill and may be
24 armed. I was approached by the vendors there and said
25 that they had to close shop and people were breaking

21

1 into their shops at night.
2 Q. Did you direct anybody to investigate these
3 crimes?
4 A. I gave it to the captain of the patrol
5 division in Central.
6 Q. Did you direct anybody to call city
7 environmental services?
8 A. I don't operate at that level. It was theirs
9 to manage.
10 Q. Somebody had come up to you and told you that
11 there was human waste and it was dangerous?
12 A. I saw it.
13 Q. You saw it. Yes, you saw it firsthand. You
14 did not make any attempts to have anybody from your
15 department call city environmental services?
16 A. I didn't direct it, but I know they did.
17 Q. How do you know that?
18 A. Because the captain told me he did.
19 Q. What did the captain tell you?
20 A. That he made a call to environmental
21 services.
22 Q. As a result, what happened?
23 A. They were working on it.
24 Q. Working on cleaning Civic Center?
25 A. Yes.

22

1 Q. Did they clean Civic Center?
2 A. I believe they tried.
3 Q. Who is "they"?
4 A. I believe it was environmental services.
5 Q. Were you given any information about what was
6 happening with environmental services?
7 A. No.
8 Q. Did you have any discussions or meetings with
9 any other organization outside of SDDP with respect to
10 how to deal with Occupy?
11 A. Other organizations as?
12 Q. Any organization.
13 A. I didn't discuss it with anybody, no.
14 Q. Did you meet with anybody?
15 A. No.
16 Q. Any other organizations?
17 A. I did not.
18 Q. Did you participate in any discussion with
19 the FBI with respect to Occupy before or after the
20 incident?
21 A. I did not.
22 Q. Were you made aware of an incident, I believe
23 I was October 7 there was some arrests made at Civic
24 Center?
25 A. I know there were arrests made. I don't

23

1 recall the date and what the specific incident is.
2 Q. You were made aware there were arrests made
3 in the earlier part of October?
4 A. I know there were arrests made. I was very
5 much aware of the arrests.
6 Q. What were you made aware of?
7 A. That there had been arrests.
8 Q. Who told you?
9 A. I believe it was Chief Boyd Long.
10 Q. Other than that there were arrests, what else
11 did you find out about the earlier incident?
12 A. Just what the charges were.
13 Q. What were those charges?
14 A. I don't recall. Encroachment, a few other
15 things.
16 Q. On October 27, what was the nature of the
17 conversation that you had with Boyd Long with respect
18 to Occupy?
19 A. Before we made the arrests?
20 Q. Yes, sir.
21 A. He had put a plan together to make those
22 arrests. Then he told me the time we would meet in the
23 morning to go down and brief that.
24 Q. What else did he tell you?
25 A. He was very proud of his plan.

24

1 Q. What was that plan?
2 A. To make the arrests.
3 Q. Did he tell you why?
4 A. Yes.
5 Q. What was that?
6 A. Encroachment.
7 Q. What else did he tell you about his plan?
8 A. That he had organized the officers to meet at
9 one time, he would brief everybody after he had talked
10 to the city attorney on the laws that apply, and that
11 he had worked with the sheriff's department to bring
12 them in as some support.
13 Q. Around what time did this conversation take
14 place?
15 A. I don't recall the time.
16 Q. Was it in the morning?
17 A. I couldn't tell you.
18 Q. Did you have any discussions with the
19 sheriff's department?
20 A. I did not.
21 Q. Did you have any discussions with the city
22 attorney?
23 A. No.
24 Q. What did you do? What was your role in this
25 incident?

25

1 A. To give him the approval to move forward.
2 Q. Did you do anything else?
3 A. No.
4 Q. Did you read the operational plan?
5 A. I saw it.
6 Q. Where were you when you saw it?
7 A. I believe I saw it in my office.
8 Q. Did you discuss it with anybody?
9 A. I may have asked him some questions about it,
10 but he had the answers.
11 Q. We're talking about Boyd Long?
12 A. Boyd Long, yes.
13 Q. Did you have any concerns when you saw the
14 operational plan?
15 A. I know I asked him some questions, but I
16 can't remember the specifics of those questions.
17 Q. It was your understanding that Boyd Long had
18 made a determination to do the raid and the raid was to
19 happen that same day, correct?
20 A. I believe it did happen that day.
21 Q. Did you have any concerns that there would
22 not be sufficient time to organize everything?
23 A. I was very confident in the briefing that he
24 gave me and that it was well organized and he was
25 absolutely in control.

26

1 Q. Did you have any concerns that that would not
2 be sufficient time to organize a raid of that size in
3 one day?
4 A. I did not.
5 Q. Your understanding, after speaking with
6 Boyd Long, was that the raid was to happen because
7 there was encroachment; is that correct?
8 A. It was more than encroachment. It was
9 because of some of the sanitary issues, because of some
10 of the danger that's involved, that the request was
11 going to be simple; please move out of the area.
12 Q. You wanted to clear the area?
13 A. Yes. I had lots of complaints and thought it
14 was dangerous.
15 Q. What made it dangerous?
16 A. The complaints we were getting from some of
17 the people who were there that there were some people
18 who were mentally ill and armed with weapons. That the
19 sanitary issues could be detrimental. People were
20 afraid to go into the plaza.
21 Q. How many people were arrested for weapons
22 charges during that time period?
23 A. I don't know.
24 Q. Do you know of any?
25 A. Seemed to me we had some, but I don't recall

27

1 the specifics.
2 Q. During the execution of the raid, where were
3 you physically?
4 A. I believe I was on the second tier of the
5 plaza area.
6 Q. Who were you with?
7 A. I believe there was a captain with me, but I
8 can't recall who it was.
9 Q. You didn't have a discussion with Boyd Long,
10 or anybody up and down the chain of command that
11 participated in coming up with the plan, about a
12 probable cause issue, did you?
13 A. I didn't, but they had that discussion in the
14 briefing.
15 Q. What did they say about probable cause in the
16 briefing?
17 A. They had written directions, then the
18 different laws, then what the process would be for the
19 arrests and who was in charge, how it would be done,
20 who would be particularly responsible for making those
21 arrests. It was complete.
22 Q. Let me see if I have a copy of that report
23 you're referring to.
24 These are marked confidential city five to
25 twenty-four.

28

1 Chief Lansdowne, have you had an opportunity
2 to review the pages that I handed to you?
3 A. I have.
4 Q. Are these the pages that you had an
5 opportunity to look at on October 27?
6 A. I think they may be.
7 Q. Did you see all versions of these documents?
8 These are multiple.
9 A. I believe I did.
10 Q. How long did it take for you to review all of
11 the documents?
12 A. When they were handed to me?
13 Q. Yes, before on October 27.
14 A. About forty minutes.
15 Q. Did you discuss this with anybody, other than
16 Boyd Long?
17 A. When it was brought to me, he's the one I had
18 discussions with. I believe David Ramirez, who is the
19 executive assistant chief, was there. We both went
20 over them.
21 Q. Tell us a little bit about probable cause as
22 it was addressed by somebody other than you. Do you
23 have a recollection of that being addressed at the
24 range?
25 A. Yes.

29

1 Q. Who talked about probable cause?
2 A. I don't recall who it was. I was in a
3 position to hear some of it, but I wasn't part of that
4 discussion.
5 Q. Did you have an opportunity to look at the
6 criminal charges that were contained in this
7 operational plan?
8 A. Yes.
9 Q. Did you discuss the legality of those
10 criminal charges and probable cause as it relates to
11 those issues with anybody in your department?
12 A. I believe they were discussed with the
13 attorneys. I wouldn't do that.
14 Q. You did not do that; is that your answer?
15 A. I did not. The attorneys do that.
16 Q. You did not do that?
17 A. I did not do that.
18 Q. Did you specifically direct anybody to make
19 certain that the operation would be in compliance with
20 the constitution in making the arrests of Occupiers?
21 A. I leave that to the command staff. It's
22 their responsibility to do that.
23 Q. You did not do that personally?
24 A. I would not.
25 Q. You did not do that?

30

1 A. I did not do that.
2 Q. You also did not do anything to make sure
3 that this operational plan would be in compliance with
4 your internal policies and procedures?
5 A. When I read it, I believed it was.
6 Q. Did you direct anybody to make certain that
7 it was in compliance with your policies and procedures?
8 A. The attorneys looked at it, the executive
9 assistant chief looked at it, the chief of the patrol
10 division looked at it and his command staff, including
11 his other captains and lieutenants who were present.
12 Q. You did not specifically direct anybody to
13 make certain to look at the operational plan to make
14 certain that it was in compliance with your policies
15 and procedures?
16 A. With all due respect, I wouldn't do that. I
17 do not operate at that level.
18 Q. Your answer is, you did not do that?
19 A. I did not do that.
20 Q. Whose job is that? You said you don't
21 operate at that level. Would that have been
22 Boyd Long's job?
23 A. It would and his command staff.
24 Q. Who is Mitchell Garland?
25 A. I don't know.

31

1 Q. Nobody that works in your office, that you
2 know of?
3 A. I don't know the names.
4 Q. Sana Singer?
5 A. I don't know who that is.
6 Q. You held a press conference at ten a.m. the
7 next day, on October 29; is that correct?
8 A. Yes.
9 Q. Do you recall giving a press conference?
10 A. I do not.
11 Q. Whose idea was that to do a press conference
12 the day after the raid?
13 A. We always do after a big operation.
14 Q. Were you given any information, written
15 information before the press conference?
16 A. I was.
17 Q. What were you given?
18 A. Talking points.
19 Q. Who gave it to you?
20 A. I don't recall.
21 Q. Was it Andrea Brown?
22 A. Could have been.
23 Q. What is Andrea Brown's position at SDPD at
24 the time?
25 A. At the time, she was the lieutenant in charge

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1 of public relations and news media.
2 Q. You were made aware that Andrea Brown had
3 sent out a mass email to most media outlets before the
4 press conference?
5 A. That would be standard in a case like this.
6 Q. Did you approve the document that I just
7 handed to you? Have you seen that document, first of
8 all?
9 A. I may have.
10 Q. Do you recall if that is the document
11 Andrea Brown drafted for your review?
12 A. I do not recall.
13 Q. When you were given talking points, did you
14 take any action to make certain that the information
15 contained in it was accurate?
16 A. I was briefed by the command staff prior to
17 making the press conference.
18 Q. Who briefed you?
19 A. I believe Chief Ramirez was there and
20 Chief Long.
21 Q. What did they tell you during the briefing?
22 A. They went over the operation itself.
23 Q. Did they tell you all the problems they
24 confronted?
25 A. They discussed the incident. If that's the

33

1 problem, I guess they did.
2 Q. What did they specifically tell you that you
3 recall?
4 A. That it went off very smoothly.
5 Q. Did anybody at any point after that tell you
6 that it actually was not that smooth?
7 A. No.
8 Q. To this day, nobody has ever told you that
9 there were problems during the raid?
10 MS. STEINMAN: Other than counsel?
11 BY MS. YOO:
12 Q. Other than counsel.
13 A. Seems some of the activists were quite vocal
14 and said there were problems with the raid.
15 Q. Anybody else tell you that there was a
16 problem with the raid?
17 A. I don't recall.
18 Q. Did you ever have a conversation with anybody
19 from the county about the raid?
20 A. Never.
21 Q. You never spoke with anybody from the
22 sheriff's department?
23 A. I did not.
24 Q. Nobody in your organization told you that
25 there were no restrooms available to the arrestees?

34

1 A. I believe I saw that in the press or
2 somewhere.
3 Q. You saw that in the press?
4 A. Somewhere.
5 Q. When did you see that in the press?
6 A. I don't recall the date.
7 Q. You learned at some point, whether it was
8 press or some other source, there were problems with
9 the raid; is that accurate?
10 A. Yes.
11 Q. What did you do about it?
12 A. I had the staff look into it.
13 Q. Who looked into it?
14 A. Might have been Boyd Long.
15 Q. When did that conversation take place?
16 A. I don't recall the date.
17 Q. You didn't request an investigation into
18 these allegations, though, did you?
19 A. It's part of the after-action report
20 somewhere, I think. I think there was an after-action
21 report.
22 MS. YOO: There is an after-action report.
23 Let's mark as Exhibit, I think we're now up to 2 --
24 THE REPORTER: Are you marking that as 1?
25 MS. YOO: I'm sorry. This is 1.

35

1 (Whereupon, Plaintiffs' Exhibit No. 1 is
2 marked for identification and attached
3 hereto.)
4 BY MS. YOO:
5 Q. Chief Lansdowne, do you recognize that
6 document?
7 A. I may have seen it.
8 Q. You did not specifically request that they do
9 an after-action report as it relates to problems that
10 you were advised of; is that accurate?
11 A. I did not ask them. They gave me a report,
12 but I didn't direct them.
13 Q. You did not direct anybody in your department
14 to do an investigation of the incident, other than what
15 is contained in this report, after-action report; is
16 that accurate?
17 A. I did not direct anybody to do that, the
18 after-action report. They did the investigation, if
19 there was one.
20 Q. You had said during a press conference that
21 you had not seen any issues regarding any force; is
22 that correct?
23 A. I did not.
24 Q. But you found out later that there were
25 incidents of force?

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1 A. There were allegations, yes.
2 Q. Whether you learned it from the media or some
3 other source, you were advised that there were no
4 bathrooms available for the arrestees, correct?
5 A. Yes.
6 Q. You were advised that the arrestees were on
7 the transportation buses for hours without access to
8 the bathrooms, correct?
9 A. Yes.
10 Q. You were advised that the mobile booking unit
11 was not available that day, correct?
12 A. After the fact, yes.
13 Q. You learned that there was an allegation of
14 use of force during that incident, correct?
15 A. I didn't know it was that incident. During
16 the arrests?
17 Q. Yes.
18 A. There were allegations, yes.
19 Q. You heard allegations that the telephone was
20 not available for their use within three hours of their
21 arrest, correct?
22 A. First time I've heard that.
23 Q. Sometime after the incident, you learned that
24 there was an allegation that one of your people did not
25 authorize the sheriff's deputies to leave?

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1 A. Yes.
2 Q. You, yourself, did not specifically ask for
3 an investigation into these allegations, correct?
4 A. They looked into it. I was aware that they
5 had looked into it.
6 Q. Did you specifically request an investigation
7 into these allegations?
8 A. I believe I asked what happened and I was
9 told we'll find out.
10 Q. Who did you have this conversation with?
11 A. Might have been Boyd Long.
12 Q. There was no investigation that generated a
13 report with respect to these allegations, correct?
14 A. I was advised it was the sheriff's
15 responsibility and they had done that.
16 Q. Who told you that?
17 A. I believe it was Chief Long.
18 Q. Chief Long told you that all of the
19 allegations and the problems that people were
20 confronted with during the incident were the
21 responsibility of the sheriffs?
22 A. All of the allegations? There were several
23 complaints. Not all of them involved the sheriff. The
24 ones that we got we investigated that were specific to
25 the San Diego Police Department.

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1 Q. What did you cause to be investigated
2 specifically?
3 A. Any use of force. If there's a complaint of
4 use of force, we would do that. Improper procedure,
5 improper language, we violated some law. All of those
6 would be investigated, as they always were.
7 Q. They were all investigated, to your
8 knowledge?
9 A. If they were given to us, yes.
10 Q. The report of the no bathroom, being on the
11 bus for hours, one of your people not allowing people
12 to leave the scene so they could access the bathrooms,
13 no booking unit, you didn't do anything to ask somebody
14 to investigate those allegations within your
15 department, correct?
16 A. I was well aware that they were working with
17 the sheriff's department to find out what occurred.
18 Q. The question is: You did not yourself
19 request --
20 A. I did not myself --
21 Q. -- an independent investigation?
22 A. -- request an independent investigation into
23 that incident.
24 Q. Did you request anybody that they review the
25 videos of the arrests?

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1 A. I know they looked at them, but I did not
2 request that.
3 MS. YOO: Can we take a ten-minute break?
4 MS. STEINMAN: Sure.
5 (Whereupon, the proceedings were recessed at
6 3:21 p.m. and reconvened at 3:31 p.m.)
7 BY MS. YOO:
8 Q. Chief Lansdowne, were you ever provided any
9 documents from the sheriff's department with respect to
10 their after-action report?
11 A. I was not.
12 Q. Did you ever ask for a copy?
13 A. I did not.
14 Q. Were you ever made aware that they
15 independently did an investigation of the incident?
16 A. Yes.
17 Q. Who told you that they investigated?
18 A. The attorneys in my office.
19 Q. After you found out, did you request a copy
20 of that report?
21 A. I did not.
22 Q. After the incident, you were advised that the
23 majority of the people who were arrested were not
24 criminally charged, correct?
25 A. Yes.

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1 Q. What did you do with that information?
2 A. Nothing.
3 Q. You did not make a request of anybody in your
4 department to review the arrest reports?
5 A. They do that as a matter of policy.
6 Q. You did not yourself --
7 A. I did not --
8 Q. -- instruct anybody?
9 A. -- instruct anybody to do that.
10 Q. You did not yourself instruct anybody to make
11 certain that the arrests were constitutional?
12 A. I didn't personally direct anybody to do
13 that.
14 Q. Has there ever been an independent audit of
15 the policies and procedures of the San Diego Police
16 Department?
17 MS. STEINMAN: Relevance.
18 THE WITNESS: Independent audit? I don't
19 believe so.
20 BY MS. YOO:
21 Q. Has there ever been an audit of arrests made
22 in your department?
23 MR. STEINMAN: Same objection. Vague and
24 ambiguous; overbroad.
25 You can answer.

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1 THE WITNESS: We make a report every year on
2 the arrests that we make in the police department.
3 BY MS. YOO:
4 Q. Has there ever been an independent audit of
5 the arrests?
6 A. Not that I know of.
7 Q. You were advised, were you not, because you
8 were given a copy of the action plan, that some of the
9 Occupiers would be arrested for municipal code
10 violations; is that true?
11 A. They gave me a list of all the different
12 violations that they could arrest for.
13 Q. Some of those included municipal code
14 violations, correct?
15 A. I did see some municipal code violations.
16 Q. You understood that it was the intention of
17 these officers to make a physical arrest for municipal
18 code violations, correct?
19 A. My understanding was if there was a criminal
20 violation, they could make the arrest and they would.
21 Q. That includes municipal code violations,
22 correct?
23 A. If they saw a violation, whatever codes they
24 wanted to use and it was within policy, yes.
25 Q. It was your understanding that some of these

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1 arrests would be for violations of the municipal code?
2 A. I think my understanding was could be for a
3 violation of the municipal court.
4 Q. Yes.
5 Did you consult with anybody with respect to
6 taking somebody into physical custody for violation of
7 a municipal code?
8 A. I believe I talked to the attorneys about the
9 different laws and how they apply here, to make sure we
10 were on good, firm legal ground.
11 Q. Who did you speak to specifically?
12 A. It would have been the attorneys. Perhaps
13 John Hemmerling.
14 Q. What's the name?
15 A. Hemmerling, John.
16 Q. How do you spell the last name?
17 A. H-e-m-m-e-r-l-i-n-g.
18 Q. When did you have this discussion?
19 A. It would have been during the incident or
20 just before.
21 Q. Do you know what Mr. Hemmerling was provided
22 in terms of documentation?
23 A. I do not know.
24 Q. Do you know if he was provided a copy with
25 the action plan?

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1 A. I don't know if he was or not. I do know he
2 looked at the specific violations and advised the staff
3 on the legality of making the arrest.
4 Q. What was that advice?
5 MS. STEINMAN: I'm going to object as
6 attorney-client privilege. Mr. Hemmerling is giving
7 legal advice to the police department. I'll instruct
8 the witness not to answer to that extent.
9 MS. YOO: To the extent that there was a
10 discussion between anybody from the San Diego Police
11 Department and the legal department with respect to
12 whether these arrests were unlawful, you are advising
13 him not to answer based on privilege; is that correct?
14 MS. STEINMAN: Yes.
15 BY MS. YOO:
16 Q. Knowing what you know now, what would you
17 have done differently?
18 MS. STEINMAN: Calls for speculation;
19 incomplete hypothetical; vague and ambiguous.
20 THE WITNESS: I was comfortable with the
21 operation and how it was carried out. It's their
22 responsibility to do and I would probably handle it in
23 the same format.
24 BY MS. YOO:
25 Q. There's nothing that you would change about

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1 what happened that day, on October 27 or October 28 of
2 2011?

3 MS. STEINMAN: Same objections.

4 THE WITNESS: I think they handled it well.

5 BY MS. YOO:

6 Q. You did not request that any policies be
7 changed as a result of what happened during this
8 incident?

9 A. I did not.

10 Q. You were advised that some of the plaintiffs
11 had to take off their pants and urinate or defecate in
12 public in front of other people on the transportation
13 buses, you were advised of that fact?

14 A. About a year ago, yes.

15 Q. You were advised that some of the people who
16 were arrested were teenagers?

17 A. A I don't recall there were teenagers
18 arrested, so I don't remember that.

19 Q. You were advised that there were fifty-one
20 people who were arrested?

21 A. I know it was in that number, but I didn't
22 know the exact number.

23 Q. Were you advised at any point that there was
24 an allegation that the arrestees made that they were
25 not advised immediately of the basis for their arrest?

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1 A. I don't recall being advised that.

2 Q. If that had happened, that would be against
3 your policies and procedures, correct?

4 A. Depending on the circumstances, it could be.

5 Q. What are the circumstances where the arrestee
6 does not have to be told the basis for the arrest?

7 A. Emergency, large demonstrations where you are
8 managing a multitude of people and safety is the
9 primary concern.

10 Q. If we're dealing with a large number of
11 people, at what point should they be advised of the
12 basis for their arrest?

13 A. When it's safe to do so.

14 Q. As soon as it's safe for them to be told?

15 A. When it is safe.

16 Q. Not at their earliest opportunity?

17 A. If it's not safe, it's not safe. When it's
18 safe, they will be told.

19 Q. The earliest opportunity when it is safe?

20 A. We're parsing words. When they can do it, do
21 it when it's safe.

22 Q. Did you, yourself, have any discussions with
23 city attorney's office or the district attorney's
24 office with respect to whether these arrestees would be
25 charged with a crime?

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1 A. I did not.

2 Q. To your knowledge, did anybody from your
3 department have that conversation with either the city
4 attorney's office or the district attorney's office?

5 A. I know they were in conversations with them,
6 but I don't know what the contents of those
7 conversations were.

8 Q. Who had a conversation with either the city
9 attorney's office or the district attorney's office?

10 A. It would have been either command staff
11 and/or investigators.

12 Q. Who in command staff would be charged
13 with -- would liaison with the prosecutors?

14 A. It could be any of the command staff. It
15 could be the captains, lieutenants, sergeants,
16 detectives from either bureau, patrol or the detective
17 division.

18 Q. But you were not advised as to what
19 specifically was discussed between your department and
20 prosecutors?

21 A. I don't operate at that level.

22 Q. Whose job would that be?

23 A. Staff.

24 Q. Anybody?

25 A. No.

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1 Q. Let's go over whose job that might be.

2 A. It would be the command staff in charge of
3 the event.

4 Q. Who was that?

5 A. Boyd Long and his captains.

6 Q. Who are his captains at the time, that would
7 be their job?

8 A. The only one I'm aware of is Chief
9 Mark Jones.

10 Q. Did anybody advise you why it is that the
11 majority of the fifty-one people arrested were not
12 charged criminally?

13 A. They said that was the decision of either the
14 city attorney and/or the district attorney.

15 Q. Were you advised as to what the basis for
16 that decision was?

17 A. No.

18 Q. Did you make an inquiry as to why?

19 A. I did not.

20 Q. You made a statement during the press
21 conference that the negotiations had broken down
22 between your department and Occupiers. What did you
23 mean by that?

24 A. We made several requests, and set some
25 guidelines for safety for everybody there and what the

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1 law was. Then they just stopped talking to us.
2 Q. Who is "they"?
3 A. I don't know the people.
4 Q. When the statement is made about they or
5 Occupy or the leaders of Occupy, is there any
6 documentation about who specifically those people are?
7 A. I don't know who they are.
8 Q. Is there anybody from the San Diego Police
9 Department who might know who they are?
10 A. I'm assuming the people that actually managed
11 the event.
12 Q. Is it your understanding that there were
13 specific people who managed Occupy?
14 A. Uh-huh.
15 MS. STEINMAN: Is that a yes?
16 THE WITNESS: Yes.
17 BY MS. YOO:
18 Q. What was your understanding of the structure
19 of Occupy?
20 A. Structure of Occupy?
21 Q. Yes.
22 A. The structure. There was nobody in charge.
23 Q. If there was nobody in charge, then how did
24 the negotiation take place?
25 MS. STEINMAN: Calls for speculation.

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1 BY MS. YOO:
2 Q. To your knowledge.
3 A. It was person-to-person contact.
4 Q. What was your understanding about the number
5 of people that were at Civic Center during the month of
6 October 2011?
7 A. Seems I recall a number two hundred, right in
8 that area, plus or minus.
9 Q. So when you're referring to negotiations with
10 Occupy protesters, who specifically do you mean?
11 A. Protesters?
12 Q. Yes.
13 A. Those that said they were in charge, had some
14 control over the group.
15 Q. Do you know who those people are?
16 A. I don't have a clue.
17 Q. Who from the San Diego Police Department was
18 charged with the task of negotiating with Occupiers?
19 A. It changed as the shifts changed. But it
20 would have come out of the patrol division.
21 Q. Who was in charge of patrol division at the
22 time?
23 A. Chief Boyd Long.
24 Q. Who advised you that the negotiations had
25 broken down?

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1 A. I believe it was Chief Long.
2 Q. You were advised at some point after the fact
3 that this advisement that Lieutenant Mitchell gave at
4 Civic Center was not given at Children's Park; is that
5 correct?
6 A. Yes.
7 Q. What was the reason why that advisement was
8 not given at Children's Park?
9 A. They thought they had grounds to make the
10 arrests, is what they told me.
11 Q. Who told you that?
12 A. Chief Long.
13 Q. What was the basis for that statement, did he
14 say?
15 A. Did not.
16 Q. You were advised after the fact that there
17 were some communication problems between SDPD and the
18 sheriff's department, correct?
19 A. After the fact, yes.
20 Q. Did you speak to anybody with the sheriff's
21 department about that problem?
22 A. I did not.
23 Q. Did you give that task to anybody else?
24 A. I know they looked into it.
25 Q. Did you request specifically anybody from

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1 your department to look into it?
2 A. They told me they did.
3 Q. Who told you they did?
4 A. Chief Long.
5 Q. What specifically did he tell you that he did
6 to address that problem?
7 A. Asked the question.
8 Q. Which question?
9 A. About communications.
10 Q. What was the end result of that?
11 A. Was that they were given a function, a
12 mission and it was up to them to manage it.
13 Q. I'm sorry, I guess I don't understand the
14 pronouns they. If you could clarify.
15 A. The sheriff's department was given a mission.
16 Once you give them the mission, it's their
17 responsibility to manage that. They are not under the
18 direct supervision of the San Diego Police Department.
19 Q. What Boyd Long related to you was that the
20 problem was not the San Diego Police Department, but
21 the communication problem really was the fault of the
22 sheriff's department. Is that accurate?
23 A. I'm not sure that he said the communication
24 problem was. He did say that they were addressing the
25 issue.

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1 Q. That the sheriff's were addressing the issue?
2 A. Yes.
3 Q. Did Boyd Long tell you that he looked
4 specifically into the communication problems between
5 the two agencies?
6 A. He didn't say specifically, no.
7 Q. Did you ask anybody else to look into the
8 communication problems between the two agencies?
9 A. I did not.
10 Q. You were aware during the incident that the
11 sheriff's had provided a platoon of deputies?
12 A. I saw them.
13 Q. What were you told about the platoon of
14 sheriff's deputies?
15 A. They were there to assist and perform backup
16 operations for the San Diego Police Department.
17 Q. Who was the person in charge of coordinating
18 between the sheriff's department, the sheriff's
19 deputies and the SDPD?
20 A. I knew that Chief Long is the one that did
21 the operational plan, so he would be the one to answer
22 that question. I do not know the individual parts of
23 that.
24 Q. This operation was really under the helm of
25 Boyd Long; is that accurate to say?

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1 A. Yes.
2 Q. It was his baby?
3 A. He was the highest-ranking person in charge
4 of the event.
5 Q. It was also his decision to conduct the raid
6 that day, was it not?
7 A. No. It was mine.
8 Q. It was your decision?
9 A. Absolutely.
10 Q. Was it your idea?
11 A. It was my decision. I don't know if you'd
12 call it an idea.
13 Q. He had the thought to do it and you approved
14 it?
15 A. Yes.
16 Q. Ultimately, as the Chief of Police, it is
17 your decision?
18 A. Always.
19 Q. It's your responsibility?
20 A. Always.
21 Q. Always, yes.
22 After the earlier incident that happened
23 perhaps a couple weeks before the incident, we spoke
24 about the arrests that happened around October 7 or so
25 and you were advised that people had been arrested, did

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1 you look into that yourself?
2 A. It was reviewed.
3 Q. What did you find out from the review of that
4 earlier incident?
5 A. The circumstances, I'm very much aware of it.
6 I don't recall the details.
7 Q. Were you told that pepper spray had been
8 used?
9 A. Yes.
10 Q. Did you do anything with respect to the use
11 of pepper spray to make certain that it was called for?
12 A. Yes, they investigated it.
13 Q. Who investigated it?
14 A. Staff.
15 Q. Did it go to Internal Affairs?
16 A. I don't recall.
17 Q. To your understanding, the investigation of
18 the propriety of the use of the pepper spray was done
19 within the chain of command; is that true?
20 A. I can't tell you if it was done by Internal
21 Affairs or the chain of command, but I was told it was
22 looked into.
23 Q. Do you know if those people arrested in the
24 earlier incident were actually charged with a crime?
25 A. I do not.

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1 Q. You were made aware at some point that one of
2 the plaintiffs had made an allegation that a San Diego
3 Police Officer had placed her hands or his hands around
4 her neck during the arrest? Were you not made aware of
5 that act?
6 A. I believe I was.
7 Q. Did you do anything to look into that after
8 you were made aware?
9 A. I was advised that they were investigating
10 it.
11 Q. Who was investigating it?
12 A. The staff.
13 Q. Do you know specifically who was charged with
14 that investigation?
15 A. I do not.
16 Q. Do you know the status of that investigation?
17 A. I believe it was investigated and completed,
18 but I don't know the status anymore.
19 Q. You were advised that the men who were
20 arrested that day were transported to Vista jail
21 instead of Central jail just down the street, were you
22 not?
23 A. I don't have any knowledge where they took
24 them.
25 Q. Do you know if there were any documents

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1 handed to the individual officers during the briefing
2 at the range?

3 A. Seemed to me I saw them handing out possible
4 charges and the laws that might be violated, broken.

5 Q. Did Boyd Long tell you how it is that he came
6 up with that list of choices, the violations of law?

7 A. I believe he did it in consultation with the
8 city attorneys.

9 Q. Anyone specific?

10 A. I do not know the names.

11 Q. Were you told that it would be the
12 supervising sergeants on the scene to make a
13 determination as to which specific Occupier would be
14 arrested?

15 A. I believe they all had the ability to make
16 the decision to arrest if there was a crime that they
17 thought needed to be managed or handled. They could
18 have operated individually. But it had to have a
19 supervisor in charge to make that decision.

20 Q. Were you told it would be the supervisor that
21 would decide which Occupier would be arrested?

22 A. As I recall, it would have been the
23 supervisor, sergeant in charge of the team to make
24 those arrests.

25 Q. How did that come about that that decision

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1 was made, that it would be the supervisor to make a
2 decision as to who would be arrested?

3 A. It was a decision of staff.

4 Q. Was it specifically Boyd Long?

5 A. It's our policy in large demonstrations to
6 have supervisors in charge of these events. I don't
7 know if it would be Boyd Long or not. It would have
8 been the command staff that makes that decision.

9 Q. Let's talk about the policy as it relates to
10 mass arrests. I don't know that I have a copy of that.
11 Is there a separate policy, written policy with
12 respect --

13 A. No. These were directions given to the
14 personnel.

15 Q. Do you have a written copy of those
16 directions?

17 A. Whatever there is, you have, I'm assuming.

18 Q. Do you know who generated that document?

19 A. Chief Long was the one that had all the
20 documents that I've seen.

21 Q. If you could describe a little bit as to what
22 information that document contained.

23 A. It's an operational plan of when and how to
24 make arrests.

25 Q. In the particular incident or in general as

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1 it pertains to your policies and procedures within the
2 department?

3 A. I believe they discussed it in this
4 particular incident.

5 Q. Is there a separate written policy that is
6 department-wide that addresses mass arrests?

7 A. In our training, they have -- it's not a
8 policy, but they are training bulletins that tell
9 people how to do it, to manage it, control it,
10 supervise it, document it.

11 Q. Do you know who generated this training
12 bulletin?

13 A. I don't know who generated it. It would have
14 come out of training, though.

15 Q. We're not talking about academy. We're
16 talking about training existing officers for on the
17 streets?

18 A. They get it in the academy. This just re-ups
19 it one time, I guess, is the best way to describe it.

20 Q. The training bulletin is not just available
21 at academy, it's available to officers?

22 A. Yes. Usually when we make arrests like this,
23 we go over those processes, when and how to do it, so
24 it's managed well and doesn't get out of control.

25 Q. Is it accurate to say that whatever

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1 information is contained in the training bulletin is
2 also contained in the action plan?

3 A. I believe they are pretty close.

4 Q. Do you have any other written materials that
5 address protest arrests or mass arrests?

6 A. I'd have to check for you.

7 Q. Other than Occupy, what other occasion have
8 you had with respect to mass arrests?

9 A. We've had arrests of larger numbers in
10 different events that we've gone to.

11 Q. What's the largest event?

12 A. Large rock concert where things get out of
13 hand. Large parties at residences and we get three or
14 four hundred people in an eighteen hundred square foot
15 house. Things get out of hand and how to manage that,
16 control it.

17 Q. You have written policies and procedures
18 about written -- I'm sorry.

19 A. They are general policies in how to manage
20 those.

21 Q. Is it on the issue of crowd control?

22 A. Large arrests. Crowd control; you could call
23 it that.

24 Q. Was that document provided to any of the
25 officers that attended the briefing?

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1 A. I don't know. I think you have everything
2 that they provided. I'm pretty sure you do.
3 Q. What is the most important thing you can
4 think of when it comes to large arrests, information
5 you would want to impart to an officer?
6 A. Control.
7 Q. Anything else?
8 A. That's it.
9 Q. What about coordination?
10 A. Same thing to me.
11 Q. Control and coordination, that would include,
12 would it not, communication or working with other
13 agencies?
14 A. Yes.
15 Q. Why is that critical when you are dealing
16 with large arrests?
17 A. You have to operate as a team to be safe for
18 everybody. You can't be independent, someone runs off
19 to handle something. It's got to be controlled and
20 everybody has to move in a certain manner to do it in
21 the safest way possible.
22 Q. Safety and also efficiency; would you say
23 that's fair?
24 A. Safety primarily. Efficiency would be good.
25 Q. When you are dealing with people that you

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1 take physical custody of, safety is important for the
2 arrestees, not just officers, correct?
3 A. That's correct.
4 Q. Efficiency would also be important to ensure
5 that people are not detained any longer than absolutely
6 necessary after their arrest, correct?
7 A. Yes.
8 Q. When did you learn that the mobile booking
9 unit was unavailable that day?
10 A. A couple weeks afterwards.
11 Q. Does SDPD have a booking unit, a mobile
12 booking unit?
13 A. They do not. We do not, better said.
14 Q. What about porta-potties?
15 A. We don't have any porta-potties.
16 Q. What do you do when there are large arrests,
17 what do you do for porta-potties? Do you always get
18 them from the sheriff's?
19 A. We usually transport directly to the jail as
20 quickly as we possibly can.
21 Q. If you know that it may not be possible that
22 you can transport them to a jail efficiently or
23 quickly, what is your contingency then?
24 A. That's why we had the sheriff there.
25 Q. You were advised that porta-potties were not

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1 brought to where the arrestees were?
2 A. I was not advised, no.
3 Q. Boyd Long did not tell you that the
4 porta-potties did not come to the Ace parking lot?
5 A. I don't know if he knew that or not.
6 Q. It's in your policies and procedures,
7 however, that the arrestee should have access to
8 restrooms upon request, correct?
9 A. We get them as quickly as we can to a place
10 if they have a need.
11 Q. It's important, is it not?
12 A. It's important, but sometimes not possible.
13 Q. To the extent that it is possible, it is a
14 contingency that you should always plan for, correct?
15 A. Yes.
16 Q. I believe it's also contained in your policy
17 and procedures with respect to access to telephones
18 within the first three hours of somebody's arrest. Do
19 you recall that section?
20 A. Yes.
21 Q. It's important because, again, you don't want
22 to detain somebody longer than necessary, correct?
23 A. That's correct.
24 Q. It's also something that you would want to
25 plan for as a contingency when you have plans to arrest

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1 masses of people, correct?
2 A. We do the best we can.
3 Q. It's something that's important?
4 A. It would be.
5 MS. YOO: I think I'm almost finished. So if
6 we could just have five minutes.
7 MS. STEINMAN: Sure.
8 (Whereupon, the proceedings were recessed at
9 4:06 p.m. and reconvened at 4:11 p.m.)
10 BY MS. YOO:
11 Q. Chief Lansdowne, you were made aware that
12 there were some allegations about problems of properly
13 documenting and logging in property, personal property,
14 at the time of these arrests?
15 A. I believe I was aware of one case where that
16 occurred.
17 Q. What was that one case that you --
18 A. Seems to me we misplaced somebody's property
19 of some sort.
20 Q. What was that misplaced property?
21 A. I don't recall.
22 Q. Were you advised that the sheriff's had made
23 an allegation that the San Diego Police officers were
24 not appropriately tagging and labeling personal
25 property and bagging everything into a giant container?

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1 A. I was not.
2 Q. Why is it important to appropriately tag and
3 bag personal property?
4 A. To track and care for people's property.
5 Q. Did you, yourself, specifically instruct
6 anybody in your department to look into the issue of
7 misplaced property?
8 A. I was advised they did.
9 Q. Did you specifically ask for an
10 investigation?
11 A. I did not.
12 Q. Who told you they looked into it?
13 A. It was during the debrief.
14 Q. What was the substance of that conversation?
15 A. That they were trying to locate some
16 property.
17 Q. Who told you that?
18 A. It was either Captain Jones or it would have
19 been Boyd Long.
20 Q. When did this take place?
21 A. Maybe three or four weeks after the event.
22 Q. What was the result of that investigation?
23 A. I don't know.
24 Q. You didn't follow up?
25 A. I did not.

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1 Q. Was there any contingency or discussion about
2 how to deal with people who may be disoriented at
3 two a.m.?
4 A. Yes.
5 Q. What was that discussion?
6 A. The goal was to get people to move. If they
7 didn't move and if they had to make arrests, it would
8 be slow and methodical.
9 Q. Looking at -- I think I handed you the
10 after-action report marked as Exhibit 1. Knowing
11 everything you know now, do you feel that this overview
12 of the follow-up investigation is complete and full and
13 to your satisfaction?
14 A. Yes.
15 Q. It addresses every single problem of the
16 incident of October 27th and 28th?
17 A. The ones they were aware of at the time, yes.
18 Q. What about the ones that you were aware of
19 now; does this satisfactorily address your concerns,
20 knowing what you know today?
21 A. It doesn't cover some of those things, which
22 were covered later.
23 Q. You've not taken any action since October 28
24 of 2011 to make sure the other issues not contained in
25 this follow-up report would be investigated?

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1 Q. What is an escalating phases for MFF?
2 A. MFF is a response team to large
3 demonstrations. Escalating phases would suggest or at
4 least requires them to upgrade the response depending
5 on the circumstances.
6 Q. When they say in the event -- if the event
7 escalates beyond Central Division's capability to
8 control, a mobile field force wave deployment will be
9 initiated, what does that mean?
10 A. They may call for backup, additional officers
11 to take whatever action they felt necessary.
12 Q. It was your understanding that the raid would
13 happen early morning of October 28, correct?
14 A. Yes.
15 Q. You were advised it would happen sometime
16 after midnight?
17 A. Correct.
18 Q. Between midnight and two a.m.?
19 A. Yes.
20 Q. You understood that most of the people at
21 Civic Center and Children's Park would be asleep?
22 A. Some would be asleep.
23 Q. Would it be fair to say more than half would
24 be asleep by then, two a.m.?
25 A. Speculative, but I guess they would be, yes.

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1 A. My understanding is they were investigated
2 and it's been managed and handled.
3 Q. Is there a report that was generated?
4 A. I believe there is.
5 Q. What is that report?
6 A. I don't know. They write reports on things
7 they do. All investigations require some sort of
8 documentation.
9 Q. What is not contained in this particular
10 report, that was investigated to your satisfaction?
11 A. I don't believe the issue that you discussed
12 about property not being booked properly is in here.
13 The issue with the restrooms I don't believe is in
14 here.
15 Q. You never asked anybody to draft a report or
16 an investigation with respect to the bathroom issue?
17 A. I was told they looked into it and it's been
18 worked out between us and the sheriff.
19 Q. Specifically as to the allegation about
20 misconduct within your department, about the sergeant
21 who refused to let the vans leave to go to the
22 restroom, you did not take any separate action to
23 investigate that conduct, correct?
24 A. You are asking me personally?
25 Q. Yes.

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1 A. I did not. I thought that it was handled and
2 addressed.

3 Q. To your knowledge, who addressed, handled it
4 and took possible action?

5 A. They looked at it and said that the officer
6 was within policy, that he does not have operational
7 control over the sheriff's department. It's absolutely
8 their responsibility.

9 Q. Boyd Long told you that?

10 A. I don't know if it was Boyd Long or one of
11 the other command staff.

12 MS. YOO: Thank you. That's all I have.

13 MS. STEINMAN: Gerald, you didn't have any
14 questions?

15 MR. SINGLETON: No, I didn't join the
16 deposition. This is her deposition, not mine.

17 MS. STEINMAN: Same stipulation?

18 MS. YOO: Yes, please.

19

20 (Whereupon, the deposition is concluded at 4:18 p.m.)

21

* * *

22 (Whereupon, the following stipulation was
23 redacted from the deposition of Steven P.

24 Eraca, taken on October 29, 2013, and agreed
25 to among all counsel:

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1 reporter -- actually this is federal. So we need not
2 do all of that.

3 "So that's all."

4 "MS. STEINMAN: So stipulated.")

5 * * *

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1 "MR. IREDALE: What we're going to ask is
2 that you review the written transcript of your
3 testimony and sign it on the last page under oath.
4 "You have the right to make changes and
5 corrections, and there will be a sheet for that
6 purpose. If it is a matter of significance, a material
7 matter, it can be commented upon. But whether it can
8 be or not, you, as a witness, have the absolute right
9 to make whatever changes you feel are appropriate in
10 order to assure that the testimony is accurate."

11 "THE WITNESS: Okay."

12 "MR. IREDALE: Would you be willing to do
13 that?"

14 "THE WITNESS: Yes."

15 "MR. IREDALE: And the transcript will go to
16 the City Council who will forward it to you. And I
17 believe we've given --"

18 "MS. STEINMAN: Thirty."

19 "MR. IREDALE: -- 30 days for your review and
20 signature. If, for some reason, it's not done, we have
21 the stipulation that a signature will be deemed to have
22 been given.

23 "If the original is lost or stolen, treated
24 badly, has coffee spilled on it, that a certified copy
25 may be used in lieu thereof. And that the court

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1 I, WILLIAM M. LANSLOWNE, declare under penalty of
2 perjury under the laws of the State of California that
3 the foregoing is true and correct; that I have read my
4 deposition and have made the necessary corrections,
5 additions or changes to my answers that I deem
6 necessary.

7 Executed on this ____ day of _____, 2014.

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WILLIAM M. LANSLOWNE

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1 I, ANNETTE MOORE, Certified Shorthand Reporter
 2 licensed in the State of California, License Number
 3 2648, do hereby certify:
 4
 5 That the witness in the foregoing deposition was,
 6 by me, first duly sworn to testify to the truth, the
 7 whole truth and nothing but the truth in the foregoing
 8 cause; that the deposition was reported by me in
 9 machine shorthand and thereafter transcribed with
 10 Computer-Aided Transcription; and that the foregoing
 11 contains a full, complete, and true record of said
 12 proceeding.
 13 I further certify that I am not of counsel or
 14 attorney for either or any of the parties in the
 15 foregoing proceeding and caption named or in any way
 16 interested in the outcome of the cause in said caption.
 17 The dismantling, unsealing, or unbinding of the
 18 original transcript will render the reporter's
 19 certificates null and void.
 20
 21 Dated: This ___ day of _____, 2014,
 22 at San Diego, California.
 23
 24 _____
 25 ANNETTE MOORE
 CSR NO. 2648

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