

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF ORANGE (CENTRAL JUSTICE CENTER)
3

4 ROSS BYER, an individual,
5 Plaintiff,

6 Vs. CASE NO: 30-2024-01394359-CU-OE-CJC

7 CITY OF LA PALMA, a public
8 entity, and DOES 1 through
9 100, inclusive.
10 Defendants.
11 _____/

12
13 VIDEOTAPED DEPOSITION OF ROSS BYER
14 THURSDAY, FEBRUARY 20, 2025
15 VIA ZOOM
16
17
18
19
20

21 VERITEXT LEGAL SOLUTIONS
22 REPORTED BY: DEBRA L. ACEVEDO-RAMIREZ, CSR. 7692
23 Arizona 50807

24 JOB NO: 7124217
25

1	department when you started?	10:21:16
2	A. Yes.	10:21:17
3	Q. And at some point were you no longer	10:21:19
4	a probationary police officer there, but a	10:21:22
5	post probationary employee?	10:21:26
6	A. No, I did not complete probation at	10:21:28
7	Huntington Police.	10:21:31
8	Q. How long was the probationary period	10:21:32
9	there?	10:21:34
10	A. I was there -- I was on probation	10:21:34
11	for approximately five months after the	10:21:37
12	Police Academy.	10:21:42
13	Q. So how long was the Police Academy?	10:21:44
14	A. The Police Academy due to some COVID	10:21:46
15	breaks lasted approximately ten months.	10:21:50
16	Q. So when you left Huntington Beach in	10:21:54
17	approximately April 2021, you were still on	10:21:57
18	probation?	10:21:59
19	A. Yes.	10:22:00
20	Q. Did you resign that position?	10:22:02
21	A. I was told that -- I was told they	10:22:05
22	wouldn't be continuing my training.	10:22:13
23	Q. And do you recall whether you were	10:22:16
24	given a reason why they would not continue	10:22:19
25	your training?	10:22:21

1	or assignment was when you started as a	10:34:20
2	probationary police officer at the	10:34:23
3	department?	10:34:26
4	A. Police officer trainee.	10:34:26
5	Q. And do you recall whether there were	10:34:32
6	any other new employees or new hires training	10:34:34
7	at the same time you were?	10:34:38
8	A. Yes.	10:34:39
9	Q. Do you recall who they were?	10:34:41
10	A. Officer Jay Choi.	10:34:42
11	Q. And was that the only one?	10:34:48
12	A. He's the only one I can recall that	10:34:51
13	was on training at the same time as myself.	10:34:55
14	Q. Okay. And to your recollection did	10:34:57
15	you start at or about the same time?	10:34:58
16	A. If I recall correctly, I believe Jay	10:35:01
17	Choi started approximately two months prior	10:35:05
18	to myself.	10:35:06
19	Q. So, if the probationary period was	10:35:12
20	three months, based on your recollection, Jay	10:35:14
21	Choi would have been a little more advanced	10:35:17
22	into his probationary period than you when	10:35:19
23	you started? Again, just based on your	10:35:21
24	recollection. If you don't remember, say I	10:35:23
25	don't remember.	10:35:25

1	MR. PETRONELLI: Objection.	10:35:26
2	Speculation.	10:35:27
3	Go ahead.	10:35:27
4	THE WITNESS: If I -- if I recall, I	10:35:28
5	believe he finished training prior to me.	10:35:33
6	I'm not sure where he was in his process when	10:35:37
7	I started.	10:35:40
8	BY MS. COHEN:	10:35:40
9	Q. Did you have specific personnel who	10:35:44
10	were responsible for your training?	10:35:46
11	A. Yes.	10:35:48
12	Q. And who were they?	10:35:49
13	A. Officer Justin Braasch who is now a	10:35:51
14	sergeant. He was my Phase I and Phase II	10:35:56
15	training officer and Officer Ron Lopino, who	10:36:00
16	is now with Orange County Sheriff's, he was	10:36:08
17	my Phase III and Ghost Phase training	10:36:11
18	officer.	10:36:15
19	Q. What does Ghost Phase mean?	10:36:18
20	A. Ghost phase is your last phase is	10:36:19
21	typically your last phase of training and	10:36:23
22	it's when your training officer dresses in	10:36:25
23	plain clothes, much like a detective look	10:36:30
24	where they have a -- their badge is on a	10:36:35
25	lanyard, whether hidden or not around their	10:36:40

1	A. California POST like P-O-S-T --	10:48:56
2	Police Officer and Standards of Training,	10:48:58
3	yes.	10:49:02
4	Q. And did you have similar training at	10:49:02
5	the Huntington Beach Police Department?	10:49:04
6	A. Yes.	10:49:05
7	Q. Did you use similar police training	10:49:10
8	manuals or materials at Huntington Beach as	10:49:13
9	you did at La Palma?	10:49:16
10	A. I don't recall. I believe they were	10:49:17
11	similar, because it's -- it's policing, but I	10:49:19
12	don't recall if they were the same.	10:49:24
13	Q. When you started at La Palma was --	10:49:26
14	were elements of that training familiar to	10:49:28
15	you based on your prior training?	10:49:30
16	A. To my recollection, yes.	10:49:31
17	Q. Was there anything different that	10:49:38
18	you recall about your training at La Palma	10:49:39
19	than at Huntington Beach?	10:49:42
20	A. Not that I recall.	10:49:44
21	Q. Now, you mentioned at one point	10:49:49
22	Officer Choi was your partner. Was he the	10:49:52
23	only person who was your partner in the time	10:49:54
24	period that you worked at La Palma with a	10:49:55
25	partner?	10:49:58

1	A. No.	10:49:58
2	Q. What other partners did you have?	10:50:01
3	A. My -- my main first shift as a solo	10:50:02
4	officer, Officer Zack Goble was my partner,	10:50:07
5	and then on overtime shifts or if Zack Goble	10:50:14
6	called in sick, then another officer would	10:50:19
7	take place and that would have been my	10:50:20
8	partner for the shift or if I took an	10:50:22
9	overtime shift, that wasn't my regular one	10:50:25
10	with Zack Goble as my partner, then I would	10:50:27
11	have a different partner.	10:50:30
12	Q. Was an officer named Megan	10:50:33
13	Miranda-Elwood ever your partner?	10:50:38
14	A. Yes.	10:50:39
15	Q. Do you recall when she was your	10:50:39
16	partner?	10:50:43
17	A. If I can recall correctly, she --	10:50:44
18	she was my partner when I worked some	10:50:47
19	overtime day and night shifts, and I, also,	10:50:49
20	believe she was either some or all shifts,	10:50:56
21	either Phase I or Phase II, when Officer	10:51:01
22	Braasch was my training officer. I can't be	10:51:05
23	sure which one was the -- the -- the other	10:51:09
24	partner or officer during those shifts, but I	10:51:12
25	do -- I did work some shifts with Officer	10:51:15

1 could assist them or if it was a traffic stop 10:52:29
2 at night, and if you weren't busy or on a 10:52:32
3 call you could -- you could back them up and 10:52:36
4 just kind of help direct traffic, so they 10:52:37
5 stayed safe during their traffic stop. 10:52:39

6 Q. So it sounds like you're describing 10:52:41
7 it kind of a fluid situation, which means 10:52:43
8 doing what needs to be done when the 10:52:45
9 situation calls for it; is that -- is that an 10:52:47
10 accurate characterization of how the job 10:52:51
11 went? 10:52:54

12 A. To my knowledge, yes. 10:52:55

13 Q. And I'm strictly asking based on 10:52:58
14 your own experience, not anyone else's 10:52:59
15 experience. Just based on what you 10:53:02
16 experienced. 10:53:04

17 In training with Officer Braasch 10:53:10
18 and then with Officer Lopino, was there 10:53:13
19 anything different about their particular 10:53:15
20 styles of training that you remember from one 10:53:19
21 to the other? 10:53:22

22 A. I don't recall. 10:53:23

23 Q. Did both of those sergeants or 10:53:31
24 officers evaluate you in the course of your 10:53:40
25 training with them? 10:53:44

1	A. If you're speaking about Sergeant	10:53:45
2	Braasch and Deputy Lopino, yes.	10:53:48
3	Q. And did they do written evaluations	10:53:56
4	of you?	10:53:58
5	A. Yes.	10:53:58
6	Q. Did they also provide you with	10:53:58
7	verbal feedback throughout the course of your	10:54:00
8	training?	10:54:02
9	A. Yes.	10:54:02
10	Q. Okay. Once you were finished with	10:54:03
11	your training at what point did Officer Choi	10:54:28
12	become your partner?	10:54:30
13	A. He became my partner approximately	10:54:32
14	the end of December 2022.	10:54:37
15	Q. When you finished your training at	10:54:49
16	that point, I think you've described it as	10:54:53
17	you became a solo patrol officer; is that --	10:54:56
18	was that next step after your training?	10:55:00
19	A. Correct.	10:55:03
20	Q. And do you recall who made the	10:55:04
21	decision for you to proceed to that next	10:55:05
22	level?	10:55:07
23	A. That would have been -- I completed	10:55:08
24	Ghost Phase with Officer, at the time,	10:55:14
25	Lopino, and to my knowledge it has to get	10:55:17

1	approved by the command staff. I believe the	10:55:21
2	-- the training officer recommends you to be	10:55:29
3	-- your training to be complete and then it	10:55:33
4	needs approval from the -- from the command	10:55:36
5	staff.	10:55:40
6	Q. When you say command staff, who did	10:55:40
7	that include if you can recall?	10:55:42
8	A. That would have been the patrol	10:55:44
9	captain, Captain Amend. I don't recall if	10:55:46
10	any or which sergeants would have been	10:55:51
11	involved in that and then to my knowledge	10:55:53
12	after Captain Amend approved my completion of	10:55:58
13	training, it would also have to be approved	10:56:02
14	by the police chief, Chief Kim at the time.	10:56:04
15	Q. So when you began your POST training	10:56:17
16	position as a patrol officer, were you still	10:56:23
17	on probation at that time?	10:56:25
18	A. Are you referring to when I	10:56:27
19	completed training as a solo officer; am I	10:56:30
20	still on probation?	10:56:33
21	Q. Yes.	10:56:34
22	A. Correct.	10:56:35
23	Q. And when you -- just to clarify,	10:56:41
24	when you began POST training employment as a	10:56:44
25	solo patrol officer, do you recall whether	10:56:51

1	there was less activity at night or more	11:31:28
2	activity at night? Strike that.	11:31:31
3	Was -- was it your experience that	11:31:36
4	there was lower calls for service on the	11:31:37
5	night watch than on other shifts?	11:31:44
6	A. Again, it could have been -- it	11:31:50
7	could be day-to-day. Everyday was different.	11:31:53
8	You might receive a lot more calls for	11:31:55
9	service during the night, just depending on	11:31:57
10	what was going on.	11:32:00
11	Q. When you said "more proactivity,"	11:32:05
12	when you reviewed this evaluation when you	11:32:12
13	signed it, did you specifically know what	11:32:15
14	types of tasks you needed to do in order to	11:32:20
15	demonstrate more proactivity; did you have	11:32:23
16	some understanding?	11:32:26
17	A. Yes. Where it says in the box	11:32:27
18	"Conduct more traffic stops, pedestrian	11:32:32
19	stops, bike stops, traffic enforcement."	11:32:35
20	Q. At the time did you have a	11:32:39
21	perception about your own work that you were	11:32:42
22	doing adequate numbers of these types of	11:32:45
23	stops?	11:32:48
24	MR. PETRONELLI: Object.	11:32:51
25	Speculation. It lacks foundation.	11:32:54

1	Go ahead.	11:32:53
2	THE WITNESS: From what I was being	11:32:56
3	told is I was -- I was doing -- I was doing	11:32:58
4	what I was supposed to be doing, but after	11:33:03
5	reading this, it -- Sergeant Garcia states in	11:33:07
6	the box that he -- he just wants me to	11:33:12
7	conduct more of the said proactivity, such	11:33:15
8	as, traffic stops and the rest of that	11:33:19
9	sentence.	11:33:22
10	At the time if I can recall	11:33:24
11	correctly as we went over this evaluation, he	11:33:26
12	said just keep -- keep doing what you're	11:33:28
13	doing and just keep progressing.	11:33:30
14	BY MS. COHEN:	11:33:30
15	Q. Did you have an understanding of the	11:33:34
16	reason or rationale for why the department or	11:33:36
17	your supervisors wanted you to be more	11:33:39
18	proactive in making stops?	11:33:42
19	A. It's just to prevent any crime in	11:33:44
20	progress or future possible crime. That was	11:33:46
21	my impression.	11:33:53
22	Q. Did you ever discuss this aspect of	11:33:55
23	the evaluation with Sergeant Garcia?	11:33:59
24	A. I can't be sure, but I assume we did	11:34:03
25	when we went over this evaluation.	11:34:05

1	BY MS. COHEN:	11:37:33
2	Q. On page 3 of the evaluation there's	11:37:51
3	a comment that you needed to improve on your	11:37:57
4	report-writing skills due to spelling and	11:37:59
5	grammatical errors and missing elements of	11:38:02
6	the crime.	11:38:03
7	At the time that you received this	11:38:08
8	comment, did you have a perception that there	11:38:10
9	was anything deficient about your report	11:38:13
10	writing?	11:38:16
11	A. I don't recall. I just see what is	11:38:16
12	written -- his comment in the box.	11:38:22
13	Q. After this comment was there	11:38:29
14	anything specific that you did to improve	11:38:31
15	your report writing?	11:38:34
16	A. To my knowledge, it was going over	11:38:36
17	my call notes multiple times and proofreading	11:38:43
18	the report multiple times, and I believe I	11:38:48
19	would also have my partner to go over my	11:38:53
20	report just to be sure that everything	11:38:55
21	looked -- looked good.	11:38:59
22	Q. And after you received this	11:39:05
23	evaluation and reviewed it and signed it, do	11:39:07
24	you recall whether there was anything	11:39:11
25	specific that you did to improve proactivity	11:39:13

1	when you were on patrol?	11:39:16
2	A. Yes. I started making more my	11:39:20
3	proactivity. I increased my proactivity by	11:39:24
4	making more car stops, more pedestrian stops,	11:39:26
5	more bike stops, more traffic enforcement.	11:39:29
6	Q. What were the criteria that you used	11:39:41
7	to decide to make a car stop?	11:39:43
8	A. If there was a violation of the	11:39:45
9	California Vehicle Code.	11:39:48
10	Q. Prior to receiving this evaluation	11:39:57
11	were there any occasions you remembered where	11:39:59
12	you elected not to make a car stop despite	11:40:01
13	being aware of a potential violation of the	11:40:07
14	vehicle code?	11:40:09
15	A. Not that I recall.	11:40:11
16	Q. So by what means were you able to	11:40:16
17	increase the number of car stops you were	11:40:19
18	making, what criteria did you use to increase	11:40:21
19	the number of car stops you were making?	11:40:24
20	MR. PETRONELLI: Objection. It	11:40:28
21	lacks foundation.	11:40:29
22	Go ahead.	11:40:30
23	THE WITNESS: Looking for violations	11:40:31
24	of the California Vehicle Code. So then I	11:40:33
25	had -- I had probable cause for the traffic	11:40:39

1	during your training with Braasch and Lopino?	11:44:12
2	A. I don't recall right now.	11:44:17
3	Q. At some point did Sergeant Garcia	11:44:20
4	cease being your supervisor at the	11:44:24
5	department?	11:44:26
6	A. Yes.	11:44:27
7	Q. And did you get another supervisor?	11:44:28
8	A. Yes.	11:44:31
9	Q. Who was that supervisor?	11:44:32
10	A. Sergeant Koh.	11:44:33
11	Q. And when Sergeant Koh was assigned	11:44:35
12	to be your supervisor do you remember the	11:44:37
13	approximate date when this occurred?	11:44:40
14	A. I believe it was around or towards	11:44:41
15	the end of December 2022.	11:44:47
16	Q. Do you recall who your partner was	11:44:54
17	at the time that Sergeant Koh became your	11:44:55
18	supervisor?	11:44:58
19	A. Yes. It was Jay Choi.	11:44:59
20	Q. Had Jay Choi already been your	11:45:03
21	partner when you were being supervised by	11:45:05
22	Sergeant Garcia?	11:45:08
23	A. I don't recall if he filled in for	11:45:09
24	Zack Goble or if we worked an overtime shift	11:45:13
25	together.	11:45:16

1	Q. I think I may have asked you this	12:09:44
2	earlier, but do you recall any discussions of	12:09:45
3	proactive policing when you were at	12:09:49
4	Huntington Beach?	12:09:51
5	A. Yes, I do.	12:09:55
6	Q. Did you ever have any reason to	12:09:59
7	interpret their advocacy for proactive	12:10:01
8	policing as suggesting of quota of arrests or	12:10:05
9	stops that needed to be made?	12:10:08
10	A. I don't believe I did.	12:10:09
11	Q. Did Sergeant Koh ever give you any	12:10:20
12	instruction about putting yourself in a	12:10:23
13	position of advantage during your work while	12:10:26
14	he was supervising you?	12:10:29
15	A. He did, but it was by mistake	12:10:30
16	because the call that we were on was my	12:10:34
17	partner Jay Choi's call, and I had arrived	12:10:38
18	after he had had his detainee sitting down.	12:10:43
19	Q. And so when you say "a mistake," was	12:10:51
20	that Sergeant Koh's mistake in telling you to	12:10:53
21	put yourself in advantage?	12:10:58
22	A. He thought the call was mine, so he	12:10:59
23	told me "Why isn't he handcuffed?"	12:11:01
24	And I said -- I said that "This was	12:11:03
25	Officer Choi's call, and it was his decision	12:11:05

1	not to handcuff him."	12:11:07
2	Q. So -- so, you concluded he had made	12:11:11
3	a mistake in asking you to do something that	12:11:15
4	really wasn't your responsibility?	12:11:18
5	A. Correct and Officer Choi also	12:11:19
6	responded to Sergeant Koh and said this	12:11:23
7	was -- "That was my decision, not to handcuff	12:11:27
8	him. This is my call."	12:11:29
9	Q. Was Sergeant Koh the first person	12:11:37
10	you recall using the phrase "position of	12:11:39
11	advantage" at La Palma?	12:11:41
12	A. I can't be sure.	12:11:44
13	Q. One of your allegations in your	12:12:01
14	claim is that Sergeant Koh came into the	12:12:05
15	field and did his own police stops, that he	12:12:07
16	would then in your words, I believe, "dump on	12:12:10
17	you."	12:12:14
18	When you started working with	12:12:16
19	Sergeant Koh, were you -- was it your	12:12:17
20	expectation that he, himself, would come into	12:12:22
21	the field and do patrol work?	12:12:25
22	A. I was told -- I don't recall which	12:12:29
23	officer, but prior to starting my shift -- my	12:12:33
24	shift schedule with Sergeant Koh, I was told	12:12:37
25	that if he did not like you, that basically	12:12:41

1	the term was "Get ready for a lot of sergeant	12:12:47
2	specials."	12:12:51
3	And I know what a sergeant special	12:12:52
4	was because while I was in one of my two	12:12:54
5	training phases with Officer Braasch, he	12:13:00
6	informed me what a sergeant special was at La	12:13:02
7	Palma, and it was when the watch commander	12:13:06
8	goes out, leaves the office, goes in your	12:13:11
9	beat, stops vehicles and has you come handle	12:13:14
10	the call.	12:13:17
11	Q. In your experience when Garcia was a	12:13:22
12	watch commander and you were working under	12:13:24
13	his supervision, did he come into the field	12:13:26
14	at all and do any of his own police stops?	12:13:30
15	A. I don't remember any specific time	12:13:32
16	of that, and I don't remember any specific	12:13:36
17	time where he made a traffic stop and asked	12:13:39
18	me to come take the handle on the call.	12:13:41
19	Q. Would you have any basis to know	12:13:44
20	whether he did that with respect to your	12:13:49
21	partner at the time?	12:13:51
22	A. I don't -- I don't know and can't	12:13:53
23	speak for him or them.	12:13:56
24	Q. Who were the people who told you	12:14:00
25	that if Sergeant Koh didn't like you, he	12:14:02

1	would -- he would give you what you referred	12:14:05
2	to as sergeant specials?	12:14:09
3	A. I don't remember which officer	12:14:11
4	specifically, but I don't believe it was	12:14:14
5	anybody that was on training.	12:14:17
6	Q. So your recollection is that the	12:14:22
7	people who gave you that information were	12:14:24
8	people who were out of training and already	12:14:25
9	working as patrol officers?	12:14:27
10	A. Correct. Actually, it's possible	12:14:31
11	that it may have been Officer Braasch because	12:14:35
12	I do recall Officer Braasch telling me that	12:14:38
13	Sergeant Masek, who is no longer there,	12:14:42
14	would -- would do -- would do sergeant	12:14:47
15	specials to Braasch frequently. I'm not sure	12:14:51
16	how frequent, but he said he received those	12:14:54
17	more than --	12:14:57
18	(Inaudible words spoken.)	12:15:01
19	MR. PETRONELLI: My mistake. Sorry.	12:15:01
20	BY MS. COHEN:	12:15:01
21	Q. So, just to go back to what you	12:15:05
22	said, you stated that you recalled Braasch	12:15:07
23	telling you that Sergeant Masek would do	12:15:10
24	sergeant specials as well?	12:15:14
25	A. To Braasch. Braasch said he had	12:15:16

1	experienced -- he had experienced the same	12:15:18
2	thing I was experiencing with Koh, but with	12:15:23
3	Sergeant Masek and informed me it was because	12:15:27
4	Sergeant Masek didn't like him.	12:15:29
5	Q. Did you ever work under Sergeant	12:15:36
6	Masek -- I'm sorry.	12:15:37
7	Did you ever work under Sergeant	12:15:39
8	Masek's supervision?	12:15:41
9	A. I am sure that I did. I'm not sure	12:15:42
10	how many times, but to my -- to my knowledge	12:15:48
11	I believe I worked for -- at some point	12:15:51
12	worked under all four of the sergeants/watch	12:15:53
13	commanders.	12:15:57
14	Q. So other than Masek, Garcia and Koh,	12:15:58
15	who was the fourth sergeant that you believe	12:16:02
16	you might have worked under?	12:16:04
17	A. Sergeant Roche, who is now Captain	12:16:06
18	Roche at La Palma.	12:16:10
19	Q. Do you recall when you worked under	12:16:13
20	Sergeant Roche?	12:16:15
21	A. Sergeant Roche was my -- my	12:16:16
22	sergeant/watch commander for both of my first	12:16:21
23	two training phases while I was with Officer	12:16:22
24	Braasch. He was my training officer, and I	12:16:24
25	don't recall specifics, but I believe there	12:16:30

1	leaving the watch commander and going into	12:20:37
2	the field?	12:20:39
3	A. Not that I'm aware of.	12:20:40
4	Q. Was Sergeant Koh's practice in doing	12:20:50
5	from what you previously experienced during	12:20:52
6	your employment at the department?	12:20:54
7	A. Under Sergeant Garcia, yes.	12:20:55
8	Q. Did you have any -- withdrawn.	12:20:59
9	When Sergeant Koh would --	12:21:11
10	withdrawn also.	12:21:15
11	Do you remember the first time that	12:21:16
12	Sergeant Koh came into the field and -- and	12:21:17
13	made a stop and called you to -- to take over	12:21:21
14	the stop he had made?	12:21:24
15	A. I don't remember my -- my -- I don't	12:21:26
16	remember specifically the first time that	12:21:30
17	happened.	12:21:32
18	Q. Do you recall without specifics	12:21:33
19	whether that was fairly early on in the	12:21:36
20	period when you were under his supervision?	12:21:39
21	A. It was fairly early under his	12:21:41
22	supervision, early in my shift schedule with	12:21:43
23	him, not early on that particular shift.	12:21:48
24	Q. Right, that's what I mean. I don't	12:21:50
25	mean early in the daytime or early in the	12:21:52

1	shift, but I mean early in the month's long	12:21:53
2	time period when you were working under Koh,	12:21:55
3	which was in or around December or January --	12:21:58
4	let's call January 2023 -- did these what you	12:22:01
5	call sergeant special stop -- start -- I	12:22:05
6	mean, start in that period of time?	12:22:09
7	A. Yeah, they started within -- if I	12:22:12
8	recall correctly, they started within the	12:22:16
9	first couple of weeks that my -- my -- my	12:22:17
10	schedule under his supervision started	12:22:22
11	because I believe it was sometime around	12:22:25
12	mid-January is when I contacted Captain Amend	12:22:30
13	to speak to him about Sergeant Koh's behavior	12:22:35
14	and actions.	12:22:40
15	Q. You said earlier that Braasch had	12:22:42
16	told you that sergeants would give out	12:22:44
17	sergeant specials when they didn't like you.	12:22:47
18	Is that what he had told you?	12:22:49
19	A. I had heard that from -- I had heard	12:22:51
20	that from Officer Braasch during the first --	12:22:58
21	one of the first two phases where he was my	12:23:00
22	training officer, and then I also heard it	12:23:02
23	from Officer Lopino. I'm not sure if it was	12:23:05
24	during my training or if it was sometime	12:23:10
25	after -- if he came in on a day shift, and I	12:23:11

1	Q. And was that the first time you had	12:24:40
2	ever had any interaction with Sergeant Koh	12:24:42
3	when you worked that day shift in fall of	12:24:44
4	2022?	12:24:47
5	A. I can't be sure, but I would assume	12:24:47
6	that it wasn't being that I had been there	12:24:50
7	for three months of training and then however	12:24:52
8	many months of being under Garcia before I	12:24:55
9	filled in a shift with -- and Koh was the	12:24:58
10	supervisor.	12:25:01
11	Q. I'm going to narrow down an	12:25:02
12	interaction a little. Before fall of 2022 do	12:25:04
13	you recall ever having a conversation with	12:25:06
14	Sergeant Koh?	12:25:09
15	A. I assume that I did being that I --	12:25:10
16	Q. I don't want your assumptions.	12:25:15
17	A. I can't be sure.	12:25:16
18	Q. Do you remember any specific	12:25:19
19	instance where you had any substantive	12:25:20
20	conversation or communication with him prior	12:25:24
21	to the fall of 2022?	12:25:27
22	A. I do remember one instance where he	12:25:30
23	was the watch commander, and I'm not sure. I	12:25:36
24	believe it was -- I'm not sure if I was off	12:25:43
25	training or still on training, but I was --	12:25:49

1	during a briefing I had just returned from a	12:25:52
2	vacation with my family, and I remember him	12:25:55
3	saying "nice tan," and at the time I didn't	12:25:58
4	think anything of it, but my partner was	12:26:04
5	Officer Miranda and then after the briefing	12:26:09
6	she did say, she goes, she goes, "You know	12:26:11
7	why he said that, right?"	12:26:14
8	And I said because I just got back	12:26:16
9	from wherever -- I think in Hawaii or	12:26:18
10	something.	12:26:20
11	And she said, "No, he said it	12:26:21
12	because he's basically making a backhanded	12:26:22
13	comment because you took a vacation, but	12:26:26
14	you're a new officer."	12:26:27
15	Q. So, that was Officer Miranda's	12:26:32
16	interpretation of what he said?	12:26:34
17	A. Yes.	12:26:35
18	Q. Okay. Did you have any reason to	12:26:37
19	believe that her observation was accurate	12:26:44
20	based on your own interaction with Sergeant	12:26:48
21	Koh?	12:26:51
22	A. I do because it is -- it was frowned	12:26:51
23	upon there if you were a new officer to take	12:26:56
24	any time off or ask for vacation, and the	12:26:58
25	only reason I did that and I brought that	12:27:01

1	was.	12:32:05
2	Q. Okay.	12:32:06
3	A. Because that wasn't my normal --	12:32:07
4	that wasn't my normal shift schedule during	12:32:10
5	that period.	12:32:13
6	Q. Did you know or do you recall	12:32:13
7	whether that was Koh's normal shift schedule?	12:32:15
8	A. I don't recall.	12:32:19
9	Q. Was that Miranda's normal shift	12:32:20
10	schedule if you know?	12:32:23
11	A. I can't be sure.	12:32:24
12	Q. Do you remember the exact words that	12:32:28
13	Sergeant Koh used when he referred to an all	12:32:30
14	Korean police force?	12:32:32
15	A. I don't remember the exact word	12:32:34
16	except I want or I wish I had an all Korean	12:32:37
17	police staff or police force.	12:32:43
18	Q. So you remember him using the words	12:32:47
19	either "I wish" or "I want"?	12:32:49
20	A. That's what I remember, correct.	12:32:52
21	Q. And did either you or Officer	12:32:55
22	Miranda have any reaction to that statement	12:32:57
23	at the time?	12:33:00
24	A. I felt shocked that a supervisor,	12:33:01
25	watch commander would say that during a	12:33:07

1	briefing in front of other officers or in	12:33:09
2	front of anybody for that fact.	12:33:17
3	Q. Did you know at the time how many	12:33:22
4	other Korean officers were employed at the	12:33:25
5	department?	12:33:28
6	A. I knew of -- I know of Jay Choi and	12:33:28
7	I believe the chief, Chief Kim, and I believe	12:33:38
8	there were two reserve officers.	12:33:48
9	Q. And a part from those officers do	12:33:56
10	you remember how many officers, including	12:33:58
11	those officers -- withdrawn.	12:34:01
12	Including those officers how many	12:34:02
13	patrol officers worked for the department at	12:34:04
14	the time, do you remember?	12:34:06
15	A. I believe it was Jay Choi and the	12:34:07
16	two reserve officers.	12:34:13
17	Q. When I say "at the time," I don't	12:34:15
18	mean at that particular day. I mean, at that	12:34:17
19	department in general in this time period.	12:34:19
20	A. Correct. I believe it was -- I	12:34:22
21	believe it was Jay Choi and the two reserve	12:34:24
22	officers.	12:34:27
23	Q. And you?	12:34:28
24	A. And me? I'm not Korean.	12:34:29
25	Q. No, I'm not asking about Korean. I	12:34:32

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1	right after he made that remark?	01:20:24
2	A. I don't.	01:20:25
3	Q. Okay. Did you have the impression	01:20:26
4	at the time that he was making a joke?	01:20:30
5	A. I did not and then especially with	01:20:32
6	experience working under him being my	01:20:38
7	supervisor, he was constantly very friendly	01:20:41
8	with Jay Choi while he was my partner and	01:20:45
9	would talk about just subjects -- Korean	01:20:48
10	subjects with him, and I noticed he was very	01:20:54
11	friendly with Officer Choi, and I did not	01:21:00
12	experience that same behavior towards myself	01:21:03
13	whatsoever.	01:21:05
14	Q. When you say Officer Choi was a few	01:21:07
15	months senior to you in your training; in	01:21:09
16	other words, he had commenced his training	01:21:13
17	prior to when you commenced your training	01:21:15
18	based on your recollection; is that true?	01:21:19
19	A. Correct.	01:21:21
20	Q. When you say "Korean subject," what	01:21:23
21	is a Korean subject?	01:21:25
22	A. He would -- he would talk about	01:21:27
23	Korean baseball with -- with Officer Choi and	01:21:29
24	Korean foods and just kind of things of that	01:21:36
25	nature. I think -- I think he would ask	01:21:44

1	Officer Choi sometimes how to say certain	01:21:50
2	things in Korean because Officer Choi was	01:21:53
3	born and raised in Korea and is very fluent	01:21:56
4	in the language, and from what I could tell	01:21:58
5	Sergeant Koh was not as fluent in Korean	01:22:03
6	language.	01:22:07
7	Q. Do you have any information about	01:22:08
8	where Sergeant Koh was born?	01:22:09
9	A. I don't.	01:22:11
10	Q. Did you know at the time how long	01:22:15
11	Sergeant Koh had been with La Palma Police;	01:22:17
12	did you have that information?	01:22:19
13	A. I don't recall if I did prior to or	01:22:20
14	after that situation, but I believe it was	01:22:26
15	somewhere in the range of 10 to 12, 14 years	01:22:30
16	possibly.	01:22:33
17	Q. How about Sergeant Masek, did you	01:22:34
18	have any information at the time you were	01:22:36
19	working with him to know how long he had been	01:22:38
20	with La Palma Police?	01:22:42
21	A. I knew that he -- it was definitely	01:22:43
22	less than seven or eight years because	01:22:46
23	Officer Lopino was Sergeant Masek's training	01:22:51
24	officer -- one of them.	01:22:54
25	Q. I think you stated earlier it was	01:23:16

1	fairly early in the time period that you	01:23:18
2	worked under Sergeant Koh, that he first gave	01:23:21
3	you what you call a sergeant's special when	01:23:25
4	he came out and called you out to take over a	01:23:28
5	stop for him. Do you recall how often after	01:23:32
6	that he would call you to take over a stop	01:23:35
7	that he had made?	01:23:38
8	A. To my recollection, it was almost	01:23:40
9	daily and there would be multiple times	01:23:45
10	during the shift that he did it, and it was	01:23:50
11	usually sometime after about half the shift	01:23:54
12	was over and then toward the end of that	01:23:57
13	shift schedule with him, he started going out	01:24:00
14	earlier and earlier in the evening.	01:24:03
15	Q. Did he ever tell you why he was	01:24:09
16	coming out to -- to make stops that he asked	01:24:11
17	you to take over?	01:24:15
18	A. No, not that I recall.	01:24:16
19	Q. Did you ask him why he was doing	01:24:20
20	that?	01:24:22
21	A. I don't recall if I did or not.	01:24:23
22	Q. At the time that he first started	01:24:31
23	coming out and -- and doing stops that he	01:24:36
24	asked you to take over, did you raise this	01:24:39
25	subject with Officer Choi to see if the same	01:24:42

1	thing was happening with Officer Choi?	01:24:45
2	A. I did, frequently.	01:24:47
3	Q. Do you recall what Officer Choi told	01:24:50
4	you, if anything, about that subject?	01:24:51
5	A. He said "No."	01:24:54
6	And then I, also, you know, could	01:24:55
7	see locations and I could hear radio traffic	01:24:57
8	between Koh and Choi and myself and dispatch	01:25:04
9	and he never -- the whole shift schedule, I	01:25:08
10	was partnered with Choi, he was always -- he	01:25:13
11	always was assigned to Beat 2, and I don't	01:25:15
12	remember really any instances where Koh came	01:25:21
13	out and went in Beat 2 and to try to put any	01:25:24
14	car stops on Choi.	01:25:30
15	When I asked Choi if he had done	01:25:33
16	that, I'm, like, "Do you ever experience	01:25:34
17	this?"	01:25:37
18	He said "No," and he goes -- he	01:25:37
19	said something to the affect, like, "You know	01:25:40
20	why it is, right?"	01:25:42
21	And I said, "Well, I've heard that	01:25:43
22	he doesn't like -- if he doesn't like you,	01:25:45
23	that's his MO, and what he's going to do."	01:25:47
24	Q. At the time that you were	01:25:52
25	experiencing this behavior with Sergeant Koh,	01:25:54

1	his own paperwork about that -- that stop	01:30:42
2	that particular day that you just remembered.	01:30:45
3	Do you remember which officer that was?	01:30:47
4	A. I don't.	01:30:50
5	Q. You mentioned earlier that you	01:31:09
6	complained to Captain Amend sometime after	01:31:11
7	you started working for Sergeant Koh. Do you	01:31:16
8	remember when you first complained to Captain	01:31:20
9	Amend?	01:31:24
10	A. I don't remember the specific day,	01:31:24
11	but it was sometime around the middle of	01:31:26
12	January 2023.	01:31:31
13	Q. And do you remember what motivated	01:31:35
14	you to complain to Captain Amend?	01:31:38
15	A. It was the -- it was the number of	01:31:42
16	car stops that Sergeant Koh was making me	01:31:46
17	come take the handle on, and then he told me	01:31:50
18	that -- he said, "Don't expect anything."	01:31:55
19	He -- he -- originally he thought I	01:31:59
20	might quit because I said I'm, like, "This is	01:32:01
21	-- the behavior is like I can't tolerate this	01:32:05
22	and I'm getting put in situations that are	01:32:07
23	unsafe for me, and I'm going to have to	01:32:09
24	answer in court to the -- to this if	01:32:11
25	something happens with one of the car stops	01:32:14

1	and it turns into something bigger."	01:32:17
2	And he said, "Don't expect anything	01:32:20
3	to happen overnight, but I will talk to him."	01:32:20
4	Q. So you complained about the number	01:32:28
5	of car stops to Captain Amend and he told you	01:32:29
6	he would speak to Sergeant Koh about it?	01:32:32
7	A. Yes.	01:32:34
8	Q. Do you know for a fact that he did	01:32:42
9	speak to Sergeant Koh about it?	01:32:44
10	A. I don't know that -- I don't know	01:32:47
11	for a fact whether he spoke to Koh or not,	01:32:49
12	but I assumed he did because --	01:32:52
13	MS. COHEN: I'm going to move to	01:32:55
14	strike that part.	01:32:56
15	I'm not asking about assumptions.	01:32:57
16	I just want to know whether you know whether	01:32:58
17	he spoke to Sergeant Koh.	01:33:00
18	THE WITNESS: I don't have any	01:33:03
19	positive knowledge that he did that.	01:33:04
20	BY MS. COHEN:	01:33:04
21	Q. Okay. Do you recall the next time	01:33:06
22	after that when you complained to Captain	01:33:17
23	Amend?	01:33:24
24	A. I believe it was sometime in January	01:33:24
25	again.	01:33:28

1	Q. Do you know how many days or weeks	01:33:31
2	after your first complaint?	01:33:33
3	A. I can't be sure.	01:33:34
4	Q. And do you recall what you	01:33:37
5	complained about during your second complaint	01:33:39
6	to Captain Amend?	01:33:41
7	A. If I remember correctly, it was	01:33:43
8	about him telling me "To stop" were his word,	01:33:47
9	"Black people with prison tats," and "to look	01:33:53
10	for drivers that appear to have prison tats"	01:33:56
11	is what he called them, and there was an	01:34:01
12	instance -- there was an instance, I believe,	01:34:07
13	after Koh had stopped a vehicle at a gas	01:34:09
14	station and my beat for expired registration	01:34:13
15	and then called me to come take the handle on	01:34:17
16	that stop.	01:34:20
17	But, Officer Choi was a lot closer	01:34:22
18	to Koh's location. So Choi arrived first and	01:34:25
19	when I got there -- Koh -- or sorry -- Choi	01:34:31
20	was searching the vehicle and Koh was	01:34:36
21	standing near the vehicle and had the	01:34:41
22	African-American man sitting on the curb, and	01:34:44
23	he was complaining that he didn't do anything	01:34:47
24	wrong to be having his car searched.	01:34:50
25	Q. And so do you remember what	01:34:56

1	specifically you told Captain Amend?	01:34:58
2	A. I believe it was something to the	01:35:01
3	affect of, "That's racial profiling drivers."	01:35:04
4	Q. So -- so, in, sometime in January,	01:35:09
5	you complained to Captain Amend that he	01:35:14
6	was -- that Sergeant Koh was engaging in	01:35:17
7	racial profiling?	01:35:20
8	A. That was the -- the meeting with	01:35:21
9	Captain Amend sometime in the late January,	01:35:25
10	possibly early February because I also made	01:35:28
11	complaints to Captain Amend in February.	01:35:31
12	Q. And so the first time you complained	01:35:33
13	to Captain Amend about the number of car	01:35:35
14	stops, was that an in-person conversation	01:35:39
15	with him?	01:35:41
16	A. My first meeting with Captain Amend	01:35:41
17	was prior to my shift in person at a coffee	01:35:43
18	shop in the City.	01:35:49
19	Q. And did you take any notes about	01:35:53
20	that meeting?	01:35:55
21	A. They're text messages of that	01:35:56
22	meeting and what location to meet up.	01:35:59
23	Q. Are those text messages before the	01:36:03
24	meeting in order to plan the meeting?	01:36:05
25	A. Correct.	01:36:06

1	thing was happening with Officer Choi?	01:24:45
2	A. I did, frequently.	01:24:47
3	Q. Do you recall what Officer Choi told	01:24:50
4	you, if anything, about that subject?	01:24:51
5	A. He said "No."	01:24:54
6	And then I, also, you know, could	01:24:55
7	see locations and I could hear radio traffic	01:24:57
8	between Koh and Choi and myself and dispatch	01:25:04
9	and he never -- the whole shift schedule, I	01:25:08
10	was partnered with Choi, he was always -- he	01:25:13
11	always was assigned to Beat 2, and I don't	01:25:15
12	remember really any instances where Koh came	01:25:21
13	out and went in Beat 2 and to try to put any	01:25:24
14	car stops on Choi.	01:25:30
15	When I asked Choi if he had done	01:25:33
16	that, I'm, like, "Do you ever experience	01:25:34
17	this?"	01:25:37
18	He said "No," and he goes -- he	01:25:37
19	said something to the affect, like, "You know	01:25:40
20	why it is, right?"	01:25:42
21	And I said, "Well, I've heard that	01:25:43
22	he doesn't like -- if he doesn't like you,	01:25:45
23	that's his MO, and what he's going to do."	01:25:47
24	Q. At the time that you were	01:25:52
25	experiencing this behavior with Sergeant Koh,	01:25:54

1	I arrived, and that I would arrive a little	01:37:14
2	early and to meet with him in his office.	01:37:16
3	Q. And was anyone else present when you	01:37:20
4	had this conversation with him about racial	01:37:23
5	profiling?	01:37:26
6	A. Just he and I in his office.	01:37:26
7	Q. And did you make any written	01:37:29
8	complaint about racial profiling?	01:37:32
9	MR. PETRONELLI: Objection. Vague	01:37:36
10	as to time.	01:37:37
11	Go ahead.	01:37:38
12	THE WITNESS: I don't recall any	01:37:39
13	written.	01:37:42
14	BY MS. COHEN:	01:37:42
15	Q. Do you specifically recall Sergeant	01:37:50
16	Koh telling you to stop the person because	01:37:53
17	they were Black?	01:37:54
18	A. Are you speaking about that instance	01:37:55
19	at the gas station?	01:37:59
20	Q. Yes, I'm speaking of the instance	01:38:00
21	that you say you reported to Captain Amend.	01:38:02
22	A. I didn't stop that vehicle.	01:38:05
23	Sergeant Koh did.	01:38:08
24	Q. I think you misunderstand my	01:38:10
25	question. I believe you said earlier that	01:38:11

1	you complained that Sergeant Koh told you to	01:38:17
2	stop Black people with prison tattoos; is	01:38:20
3	that an instruction he gave you?	01:38:23
4	A. Sergeant Koh gave me that	01:38:25
5	instruction.	01:38:28
6	Q. And when did he give you that	01:38:29
7	instruction?	01:38:31
8	A. I don't remember the specific date.	01:38:31
9	Q. Did he give you that instruction	01:38:35
10	more than once?	01:38:36
11	A. I remember him commenting about	01:38:37
12	Black people and prison tats more than once.	01:38:41
13	Q. And did he give you that instruction	01:38:44
14	in connection with a particular stop that he	01:38:47
15	made or that you made?	01:38:51
16	A. I know there was one stop that I had	01:38:52
17	made and after the call was complete, he said	01:38:56
18	-- he said, "Did you see the guy's prison	01:39:01
19	tats?"	01:39:05
20	I said, "I couldn't tell any prison	01:39:05
21	tats. It was dark. It's night. The man had	01:39:08
22	African-American skin with some kind of black	01:39:12
23	tattoos, but I couldn't make at all what the	01:39:15
24	tattoos were, and he was in his vehicle the	01:39:17
25	whole time."	01:39:21

1	people?	01:43:38
2	A. There was -- there was more talk	01:43:39
3	from him about Black people than Latino,	01:43:42
4	Hispanic.	01:43:46
5	Q. Well, when you say "more talk,"	01:43:49
6	you've testified that you heard one comment	01:43:51
7	before you made that stop and then you heard	01:43:53
8	one comment about Black people -- I'm sorry	01:43:55
9	-- let me rephrase that.	01:43:57
10	You heard one comment about	01:43:58
11	stopping Black people before that and then	01:43:59
12	one comment on the occasion when he joined	01:44:01
13	you on that stop. After that how many times	01:44:04
14	did you hear comments about specifically	01:44:09
15	about stopping Black drivers?	01:44:11
16	MR. PETRONELLI: Objection. It	01:44:14
17	misstates testimony.	01:44:15
18	Go ahead.	01:44:16
19	THE WITNESS: I don't recall how	01:44:16
20	many times specifically.	01:44:18
21	BY MS. COHEN:	01:44:18
22	Q. And separate from conversations	01:44:21
23	where -- or comments about stopping Black	01:44:23
24	drivers, how often did you hear him making	01:44:28
25	comments about stopping Latino drivers?	01:44:31

1	A. At least one time that I can	01:44:34
2	remember. I don't recall what the exact	01:44:39
3	comment was or the date, but I got the	01:44:41
4	impression that it was mainly look for	01:44:45
5	Hispanic and Black male drivers.	01:44:49
6	Q. Did he ever comment on looking for	01:44:57
7	drivers of any ethnicity based on their	01:44:59
8	tattoos or body markings?	01:45:04
9	A. The other -- aside from the -- the	01:45:07
10	-- when he said "Black people," I don't	01:45:11
11	recall another one involving prison tats --	01:45:13
12	prison tattoos.	01:45:17
13	Q. In your conversations with other	01:45:24
14	officers, we've already talked about Officer	01:45:26
15	Choi, but other officers, did you discuss	01:45:28
16	these comments that you say Sergeant Koh made	01:45:31
17	to you with any other officers -- patrol	01:45:35
18	officers, I mean.	01:45:38
19	A. I don't recall if there were any	01:45:38
20	other patrol officers that I mentioned that	01:45:41
21	to.	01:45:44
22	Q. Did any other patrol officers tell	01:45:44
23	you that they heard similar things from	01:45:47
24	sergeants that they worked under?	01:45:50
25	A. Not that I remember.	01:45:51

1	Q. Okay. Was it customary for you to	01:49:33
2	be asked to initial a personnel log when	01:49:36
3	there are comments made about you in it by a	01:49:41
4	supervisor?	01:49:45
5	A. Yes. You had to sign that	01:49:45
6	acknowledging that you had received it.	01:49:49
7	Q. And it says that he had learned you	01:49:51
8	had fallen asleep.	01:49:51
9	Did you confirm to him that that	01:49:52
10	you fell asleep or was it your understanding	01:49:54
11	he learned about you falling asleep from	01:49:57
12	another source?	01:49:59
13	A. He accused me of falling asleep	01:49:59
14	because I didn't answer his radio when he	01:50:01
15	called me over the radio.	01:50:03
16	Q. Did you take the position that you	01:50:06
17	had not fallen asleep?	01:50:08
18	A. I did, and he didn't -- he didn't	01:50:10
19	believe me.	01:50:15
20	Q. Well, was there -- if you were not	01:50:19
21	asleep, is there a reason you did not respond	01:50:22
22	to his call to you?	01:50:24
23	A. If I didn't respond to his radio	01:50:27
24	call, I didn't hear it, and then immediately	01:50:30
25	after when he said his -- he called me over	01:50:34

1	the radio, dispatch called my phone. I	01:50:37
2	answered that.	01:50:39
3	Q. And was this before or after your	01:50:42
4	first complaint made to Captain Amend?	01:50:50
5	A. This date of 2/9 would be after I	01:50:55
6	made at least two complaints to Captain Amend	01:51:01
7	regarding Koh.	01:51:05
8	Q. Was the 1/27 incident before or	01:51:09
9	after you made a complaint to Captain Amend,	01:51:14
10	do you recall?	01:51:16
11	A. I believe that was after.	01:51:17
12	MS. COHEN: I'm going to share with	01:51:44
13	you as Exhibit 5, your responses to special	01:51:45
14	interrogatories served on you by the City of	01:51:59
15	La Palma.	01:52:01
16	(Whereupon, Exhibit 5 was marked	01:52:01
17	for identification.)	01:52:01
18	BY MS. COHEN:	01:52:01
19	Q. I only have one question about one	01:52:04
20	response. Special Interrogatory 31 asked you	01:52:07
21	to state the date each time you made a	01:52:28
22	complaint to Captain Amend, and you listed	01:52:34
23	all of the dates that you made complaints to	01:52:41
24	Captain Amend, and you said the first one was	01:52:45
25	on January 31st, 2023.	01:52:46

1	Do you believe that you made a	01:52:49
2	complaint to him prior to that date?	01:52:50
3	A. I believe my initial -- my first	01:52:52
4	complaint to him was prior to the end of	01:52:55
5	January.	01:52:59
6	Q. Okay. So do you recall what you	01:53:03
7	complained to him on January 31st, when you	01:53:06
8	complained to Captain Amend?	01:53:10
9	A. I don't remember specifically what	01:53:12
10	was complained about on January 31st, but the	01:53:14
11	only complaints I had to Captain Amend were	01:53:19
12	involving Sergeant Koh's behavior and	01:53:23
13	actions.	01:53:27
14	Q. Do you remember what you complained	01:53:29
15	about on February 3rd, was that the second	01:53:31
16	complaint when you complained about the --	01:53:33
17	the stop of the Black person with tattoos?	01:53:36
18	A. I can't be sure.	01:53:40
19	Q. Do you recall what you complained	01:53:44
20	about on February 9th, 2023?	01:53:45
21	A. I don't recall for sure.	01:53:48
22	Q. Okay. And do you recall what you	01:53:51
23	complained about on March 31st, 2023?	01:53:54
24	A. No, I don't recall for sure.	01:53:57
25	Q. Do you recall that each of those	01:54:04

1	complaints were specifically about Sergeant	01:54:05
2	Koh's on what you call sergeant stops?	01:54:09
3	A. Each one of those complaints would	01:54:12
4	be about Sergeant Koh and his actions and	01:54:17
5	behavior towards me and the -- just his	01:54:22
6	discrimination and retaliation, but I don't	01:54:25
7	know of which one had specific parts to it,	01:54:29
8	but each one of those would be involving Koh.	01:54:33
9	Q. So when you say "his	01:54:36
10	discrimination," do you mean his	01:54:38
11	discrimination towards the people he was	01:54:40
12	directing you to stop?	01:54:42
13	A. That and myself.	01:54:43
14	Q. Okay. And what acts of	01:54:46
15	discrimination do you believe Sergeant Koh	01:54:48
16	engaged in with -- with respect to you?	01:54:53
17	A. His treatment of Officer Choi.	01:54:55
18	MR. PETRONELLI: Objection. It	01:54:59
19	calls for a legal conclusion.	01:54:59
20	Go ahead.	01:55:01
21	THE WITNESS: His treatment of	01:55:01
22	Officer Choi and myself and how vastly	01:55:05
23	different they were and comments made to me	01:55:08
24	from Officer Choi regarding Koh's comments to	01:55:12
25	him about dumping car stops on me and -- and	01:55:18

1	just the car stops like the sergeant stops.	01:55:23
2	BY MS. COHEN:	01:55:23
3	Q. So -- so, you view comments that	01:55:28
4	Officer Choi made to you about things that	01:55:31
5	Sergeant Koh may have said to Officer Choi as	01:55:35
6	forms of discrimination against you?	01:55:40
7	A. Correct.	01:55:41
8	Q. Okay. And that discrimination is	01:55:43
9	based on the fact that Officer Choi and	01:55:45
10	Sergeant Koh both happened to have a Korean	01:55:49
11	background?	01:55:53
12	A. Yes.	01:55:55
13	Q. And that includes comments that	01:56:01
14	Officer Choi made to you that Sergeant Koh	01:56:07
15	did not make in your presence?	01:56:11
16	A. He did not make those in my	01:56:12
17	presence. I learned about those comments	01:56:16
18	after he told Choi the comments.	01:56:18
19	Q. So did you not hear these comments	01:56:22
20	that Sergeant Koh supposedly made to Officer	01:56:24
21	Choi firsthand?	01:56:28
22	A. No.	01:56:29
23	Q. And do you know what -- can you list	01:56:32
24	the comments that Officer Choi made to you	01:56:34
25	that he claims Sergeant Koh made to him?	01:56:39

1	incident occurred?	02:03:57
2	A. I don't remember specific date. I	02:03:58
3	remember the scenario, but I don't remember	02:04:00
4	the date.	02:04:02
5	Q. And did that happen on more than one	02:04:03
6	occasion when he counseled you about	02:04:05
7	improperly providing access to -- to jail	02:04:09
8	cell door keys during detention or transport	02:04:15
9	of prisoners?	02:04:18
10	A. There is only one time that I	02:04:20
11	recall.	02:04:22
12	Q. And was that in or around	02:04:22
13	March 23rd, do you recall?	02:04:25
14	A. I can't recall a date.	02:04:26
15	MS. COHEN: Okay. I'm going to	02:04:29
16	just share with you a document. This is the	02:04:30
17	next exhibit which is 6, I believe.	02:04:36
18	(Whereupon, Exhibit 6 was marked for	02:04:36
19	identification.)	02:04:36
20	MS. COHEN: I'm actually -- I think	02:04:47
21	that's seven.	02:04:48
22	COURT REPORTER: This is six.	02:04:48
23	MS. COHEN: Six. Okay. Six.	02:04:53
24	Sorry. This is another personnel log --	02:04:57
25	another page of a personnel log. Again, it's	02:05:06

1	just one page, that's the bottom, and that's	02:05:08
2	the top. It's another La Palma police	02:05:11
3	department personnel log. The date is of the	02:05:17
4	log is 3/5/23. The supervisor is Koh. And I	02:05:19
5	see initials at the bottom and I'll ask you	02:05:25
6	if those appear to be your initials.	02:05:28
7	THE WITNESS: They appear to be.	02:05:31
8	BY MS. COHEN:	02:05:31
9	Q. And the comment is on 3/4. You were	02:05:33
10	in the jail cell enclosure, and I'll just let	02:05:38
11	you read it. I won't read it to you. It	02:05:42
12	will be in the record, but please feel free	02:05:44
13	to read that.	02:05:46
14	A. I do recall that instance.	02:05:47
15	Q. And do you recall Officer --	02:05:57
16	Sergeant Koh -- withdrawn.	02:06:00
17	Do you recall Sergeant Koh	02:06:02
18	counseling you on this issue?	02:06:04
19	A. I do, but some of the details in	02:06:06
20	this, as I recall, are incorrect.	02:06:10
21	Q. Okay. And what details do you	02:06:14
22	believe are incorrect?	02:06:15
23	A. The -- there were three inmates and	02:06:16
24	not two, and I was asked to transport the	02:06:24
25	three inmates to County, which would mean one	02:06:28

1	of them would have to sit in the front seat	02:06:30
2	of my unit, and the keys in the jail -- there	02:06:32
3	is two cells inside the main door of the jail	02:06:40
4	there, and two are in one cell. One person	02:06:43
5	was in the other cell, and I unlocked the one	02:06:47
6	door and I don't remember if I -- I locked	02:06:53
7	one door, transported the one or two inmates	02:06:58
8	that were in that one, and then I had set the	02:07:01
9	keys on this ledge in between the two cell	02:07:05
10	doors and then transported them to County	02:07:07
11	because you're not supposed to leave them	02:07:11
12	unattended in the unit, so I have to take	02:07:13
13	them. I can't come back in.	02:07:17
14	I have to go with them, put them in	02:07:18
15	the unit, transport them, and then later on	02:07:20
16	in the shift I was citing and releasing a	02:07:23
17	person and he was -- he was compliant, there	02:07:29
18	wasn't any threat.	02:07:35
19	He was just being processed,	02:07:36
20	written a ticket and then free to go out the	02:07:38
21	back door, and he just needed to use the	02:07:41
22	restroom in there, and the only restroom is	02:07:45
23	the toilet in the cell. I had taken him in	02:07:47
24	there and he said -- I don't remember if he	02:07:50
25	said, "Can I have privacy?", or I said, "I'll	02:07:53

1	give you privacy," and I shut the main jail	02:07:56
2	cell door and then saw the keys that were	02:08:00
3	sitting there on the ledge. And I had ask	02:08:01
4	him, "Can you unlock the door."	02:08:04
5	You could unlock from the front or	02:08:05
6	the back, but the reason he -- he's not	02:08:07
7	handcuffed is because he was just being cited	02:08:12
8	and released, and I'm obviously not releasing	02:08:15
9	an inmate with handcuffs on.	02:08:19
10	Q. So do you think there are some	02:08:22
11	details that are not accurately recorded or	02:08:23
12	included in Sergeant Koh's narrative here?	02:08:26
13	A. From my memory it appears so.	02:08:28
14	Q. Did you feel that way when you	02:08:32
15	initialed the narrative?	02:08:34
16	A. I did.	02:08:36
17	Q. Okay. Did you ask to have the	02:08:37
18	narrative rewritten or say you wouldn't	02:08:40
19	initial it as written?	02:08:42
20	A. No, I don't recall telling him that	02:08:44
21	I would not sign it, and I was -- I was told	02:08:48
22	-- I was told not signing anything like this	02:08:52
23	or not signing your evaluation was -- it was	02:08:55
24	heavily frowned upon and just to sign it and	02:09:00
25	acknowledge that you had received it.	02:09:03

1	and I know I asked you about the other two	02:17:25
2	dates you had listed, February 9th and	02:17:27
3	March 31st, and you didn't remember	02:17:29
4	specifically what you complained about.	02:17:30
5	Do you recall how many times you	02:17:35
6	complained separately to Captain Amend about	02:17:40
7	what you considered racial profiling by	02:17:44
8	Sergeant Koh?	02:17:48
9	A. I don't remember the number of times	02:17:49
10	specifically. I know it was more than once.	02:17:52
11	Q. And in each one of the times that	02:17:56
12	you spoke with Captain Amend, did you	02:18:00
13	complain about the types of work that you	02:18:03
14	felt Sergeant Koh was dumping on you or	02:18:07
15	putting on you?	02:18:11
16	A. I believe so.	02:18:12
17	Q. Did you specifically tell Captain	02:18:17
18	Amend that you believe that Sergeant Koh was	02:18:19
19	motivated to give you this work by some	02:18:27
20	animosity towards your race?	02:18:30
21	A. I do.	02:18:32
22	Q. Okay. And do you recall what	02:18:34
23	Captain Amend's response was, if any?	02:18:38
24	A. His response to me on more occasions	02:18:40
25	than once is that he would talk to Sergeant	02:18:47

1	Koh about my concerns, but told me also more	02:18:50
2	than once don't expect anything to happen	02:18:53
3	immediately, to which I replied I can't -- "I	02:18:56
4	can't continue tolerating his behavior and	02:19:00
5	his treatment and his retaliation. I don't	02:19:03
6	want to -- I don't want to leave this place	02:19:07
7	of employment."	02:19:11
8	And he asked me, "Yes, please do	02:19:12
9	not -- please don't quit."	02:19:13
10	I said, "I don't want, to but if	02:19:17
11	his -- if his actions don't -- and behavior	02:19:19
12	doesn't change towards me, it's going to	02:19:23
13	leave me with no choice."	02:19:26
14	Q. Do you remember the specific	02:19:29
15	language you used when you complained to	02:19:30
16	Captain Amend about -- about Sergeant Koh's	02:19:32
17	treatment of you?	02:19:36
18	MR. PETRONELLI: Objection. Vague	02:19:37
19	as to time. Compound.	02:19:38
20	Go ahead.	02:19:39
21	THE WITNESS: I don't remember the	02:19:40
22	specific words that were used.	02:19:41
23	BY MS. COHEN:	02:19:41
24	Q. Okay. Do you relate to him any of	02:19:43
25	the things that you testified about earlier	02:19:46

1	performance -- an annual performance	02:30:22
2	evaluation at the end of May 2023?	02:30:24
3	A. I do.	02:30:29
4	Q. And does this look like the	02:30:32
5	performance evaluation that you received?	02:30:33
6	A. That looks like it, yes.	02:30:35
7	Q. And when you signed the evaluation,	02:30:40
8	did you read it at the time before you signed	02:30:42
9	it?	02:30:44
10	A. Yes.	02:30:44
11	Q. And was this evaluation done by	02:30:49
12	Sergeant Koh who was your supervisor at the	02:30:53
13	time?	02:30:55
14	A. Yes.	02:30:56
15	Q. And on the first page it has a	02:30:59
16	summary performance rating -- overall rating	02:31:02
17	of NI. That was needs improvement. And it	02:31:04
18	states -- let's go back up to the top -- that	02:31:18
19	you are, as the employee, eligible for a step	02:31:32
20	increase, but the department does not	02:31:36
21	recommend a step increase.	02:31:36
22	What was your understanding of what	02:31:40
23	a step increase was or meant?	02:31:41
24	A. That was an increase in hourly pay	02:31:44
25	that was supposed to happen on the one-year	02:31:47

1	mark.	02:31:50
2	Q. And under what circumstances would	02:31:53
3	somebody get a step increase or an increase	02:31:56
4	in hourly pay at the one-year mark?	02:31:59
5	A. I'm sorry. Can you ask the question	02:32:01
6	again?	02:32:05
7	Q. Under -- under what circumstances or	02:32:06
8	what factors were taken into consideration in	02:32:08
9	giving you a step increase if you knew at the	02:32:12
10	time?	02:32:15
11	MR. PETRONELLI: Objection.	02:32:15
12	Speculation.	02:32:16
13	Go ahead.	02:32:17
14	THE WITNESS: My impression was you	02:32:18
15	got a raise -- a step increase at the	02:32:20
16	six-month mark, and you also got one at the	02:32:23
17	one-year mark.	02:32:27
18	BY MS. COHEN:	02:32:27
19	Q. And had you gotten a step increase	02:32:29
20	at the six-month mark?	02:32:31
21	A. Yes.	02:32:33
22	Q. At the six-month mark do you recall	02:32:34
23	whether your overall rating was a needs	02:32:37
24	improvement or higher rating than that?	02:32:40
25	A. My -- my recollection, it was a	02:32:41

1	A. I resigned sometime shortly after.	03:06:23
2	Q. Okay. Had you been planning to	03:06:29
3	resign before you got your evaluation?	03:06:31
4	A. No.	03:06:33
5	Q. Had you thought about resigning your	03:06:38
6	job?	03:06:40
7	A. I did.	03:06:41
8	Q. Okay. But, you did not have a	03:06:42
9	specific plan to resign prior to getting your	03:06:44
10	evaluations?	03:06:47
11	A. I didn't have a specific plan. I	03:06:48
12	thought if the -- if the treatment didn't	03:06:52
13	change, I couldn't continue working there	03:06:55
14	anymore and working in those conditions.	03:06:56
15	Q. And did your evaluation have any --	03:07:00
16	have any affect on your decision to resign?	03:07:08
17	A. It did.	03:07:10
18	Q. And were you motivated to resign	03:07:14
19	once you got that evaluation?	03:07:17
20	A. I felt that would be the best thing	03:07:18
21	for myself and my family due to I could see	03:07:22
22	the path that this was taking, the same path	03:07:28
23	that they did to Zack Goble prior to	03:07:31
24	terminating him.	03:07:35
25	MS. COHEN: I'm going to share with	03:07:56

1	you this document, which is a one-page	03:07:57
2	document.	03:07:57
3	(Whereupon, Exhibit 9 was marked	03:07:57
4	for identification.)	03:07:57
5	BY MS. COHEN:	03:07:57
6	Q. It's a police department interoffice	03:08:13
7	memo, La Palma, to Chief Kim from Officer	03:08:15
8	Byer dated June 1st, 2023. Re: Resignation.	03:08:19
9	It says, "I am submitting my two	03:08:25
10	weeks notice of resignation effective as of	03:08:26
11	today."	03:08:29
12	We just looked at your evaluation	03:08:33
13	that you signed on May 31st. So, did you	03:08:35
14	submit your resignation immediately after	03:08:39
15	reviewing and signing your evaluation?	03:08:42
16	A. It was after reviewing it and	03:08:46
17	signing it. I don't remember the specific	03:08:48
18	date, if it was later that evening or	03:08:50
19	sometime during the next day.	03:08:53
20	Q. Okay. And did -- did there --	03:08:55
21	anything else happen in between you getting	03:09:11
22	your evaluation and submitting your	03:09:13
23	resignation that impacted your decision to	03:09:15
24	resign?	03:09:17
25	A. I just -- I talked to my family	03:09:18

1	about it, and we decided that that would be	03:09:22
2	the best decision going off the history over	03:09:26
3	the past few months that I had had at La	03:09:31
4	Palma and then realizing the things that were	03:09:34
5	in my evaluation, what that contained and the	03:09:39
6	direction I felt that my employment with them	03:09:43
7	would have been headed and thought my	03:09:45
8	probation would be extended at the 18-month	03:09:49
9	mark like how Zack Goble's was. He disagreed	03:09:52
10	with that, and he complained to HR and was	03:09:56
11	immediately fired.	03:09:58
12	Q. Well, I'm going to move to strike	03:10:01
13	your comments about Mr. Goble because his	03:10:03
14	issues are not at issue here. This	03:10:05
15	deposition isn't about him. We don't have	03:10:07
16	any -- he's not here. We don't have any	03:10:10
17	facts about him. I'm just asking about you	03:10:12
18	and your experience and decision to resign.	03:10:16
19	A. Okay. My experience was knowing his	03:10:21
20	experience and --	03:10:26
21	Q. Okay. There is no question pending	03:10:27
22	right now.	03:10:30
23	MR. PETRONELLI: I'm just going to	03:10:30
24	state that the refusal to allow him to answer	03:10:31
25	the question is apparent. I understand you	03:10:34

1	A. To my knowledge. To my knowledge.	03:18:13
2	Q. Just what you know.	03:18:16
3	A. To my knowledge, she was HR for the	03:18:17
4	police department and the City employees. I	03:18:21
5	don't know if she was a supervisor or a	03:18:22
6	manager.	03:18:24
7	Q. And when you met with Miss	03:18:33
8	Wilkerson, was anybody else present?	03:18:38
9	A. There was a member of City Council.	03:18:39
10	I don't believe it was the City Manager. I	03:18:45
11	believe it was the next person down,	03:18:48
12	Assistant City Manager or something of that	03:18:52
13	nature.	03:18:56
14	Q. And do you recall what specifically	03:18:57
15	you discussed with Miss Wilkerson and this	03:19:02
16	other person who was present at the meeting?	03:19:06
17	A. I explained all of the actions that	03:19:09
18	were taken against me from Sergeant Koh over	03:19:13
19	the months prior to that date.	03:19:17
20	Q. And when you say "all of the	03:19:20
21	actions," are you referring to all of the	03:19:22
22	times that he called you out on stops that he	03:19:24
23	had initiated and -- and required you to	03:19:27
24	finish?	03:19:31
25	A. I didn't tell them about every	03:19:33

1	single stop, but in general I said this is	03:19:35
2	the constant -- his actions, behavior and	03:19:38
3	treatment toward me, and also that I had	03:19:40
4	already complained numerous times to Captain	03:19:42
5	Amend and once to Sergeant Guerrero and	03:19:46
6	nothing was done and the discrimination and	03:19:49
7	retaliation just continued to get worse	03:19:52
8	through that shift schedule.	03:19:54
9	Q. Do you recall the date that you	03:19:58
10	actually had the interview?	03:20:02
11	A. I don't recall the exact date.	03:20:03
12	Q. Were you still working when you had	03:20:09
13	the interview or had you ceased actual doing	03:20:10
14	work for the department when you finally had	03:20:13
15	the interview with HR?	03:20:17
16	A. If I remember correctly, I believe	03:20:18
17	it was my last day to come in and clean out	03:20:21
18	my police locker. That was the earliest that	03:20:25
19	Crystal could get me the meeting.	03:20:32
20	Q. And did you report anything to HR	03:20:37
21	about the statement that you heard Koh make	03:20:43
22	about having an all Korean police force?	03:20:50
23	A. I believe that I did. I can't be	03:20:54
24	sure, though.	03:20:56
25	Q. And was this the first time that you	03:20:57

1	had raised this with HR?	03:20:59
2	A. With HR, yes.	03:21:02
3	Q. And after you had this meeting with	03:21:07
4	HR, you were no longer working for the	03:21:16
5	department, so you were no longer being	03:21:20
6	supervised by Officer Koh, correct?	03:21:22
7	A. I don't recall the exact date.	03:21:24
8	Q. Okay. Well, you say your last date	03:21:28
9	of work was on or around June 8th?	03:21:31
10	A. My paperwork says that, yes.	03:21:35
11	Q. So if you had your interview with HR	03:21:37
12	on your last date of work, your last shift	03:21:42
13	after that date, did you continue to work or	03:21:44
14	supervised by Sergeant Koh?	03:21:48
15	A. I don't believe so.	03:21:50
16	Q. And do you recall whether you	03:22:04
17	complained to or reported to HR anything	03:22:06
18	about racial profiling by Sergeant Koh?	03:22:10
19	A. To my knowledge I informed them	03:22:15
20	during the meeting that I had with Crystal	03:22:17
21	and HR about the actions Koh was taking.	03:22:19
22	Q. Okay. And do you remember	03:22:23
23	specifically what you said in terms of what	03:22:25
24	you believe Koh was doing that reflected	03:22:27
25	racial profiling?	03:22:32

1	A. I don't remember my verbiage.	03:22:32
2	Q. Was this the first time that you	03:22:36
3	raised possible racial profiling by Sergeant	03:22:37
4	Koh with HR?	03:22:41
5	A. With HR, yes.	03:22:42
6	Q. Did you tell HR that any other	03:23:16
7	officers had complained about Sergeant Koh?	03:23:19
8	A. I believe I told them that this	03:23:26
9	wasn't any new behavior of Koh towards patrol	03:23:28
10	officers.	03:23:36
11	Q. Did you mention to HR that Officer	03:23:36
12	Kim had had complaints or issues with	03:23:39
13	Sergeant Koh?	03:23:43
14	A. I believe so.	03:23:44
15	Q. And who was Officer Kim, was he	03:23:46
16	somebody else that you worked with at the	03:23:48
17	time?	03:23:50
18	A. He was a reserve officer during the	03:23:50
19	time that I was there, and I know he had a	03:23:53
20	complaint about Koh after an anonymous survey	03:23:56
21	prior to me -- my employment -- an anonymous	03:24:03
22	survey was given to the officers about	03:24:08
23	command staff and Andrew Kim gave Sergeant	03:24:09
24	Koh an unsatisfactory review, and it was	03:24:15
25	supposed to be anonymous, but then Sergeant	03:24:18

1	Koh approached Andrew Kim in the parking lot	03:24:21
2	about why he gave him an unfavorable review.	03:24:23
3	Q. And what -- what is your knowledge	03:24:28
4	of that based on, was that told to you by	03:24:31
5	Officer Kim?	03:24:33
6	A. I believe so or another patrol	03:24:34
7	officer that was hired during the time.	03:24:39
8	Andrew Kim used to be a full-duty patrol	03:24:41
9	officer, but then chose to be a reserve	03:24:45
10	officer partly due to Koh's actions.	03:24:51
11	Q. And do you remember specifically	03:24:56
12	what complaints Officer Kim had about	03:24:57
13	Sergeant Koh based on either things that	03:25:02
14	Officer Kim told you or somebody else related	03:25:05
15	to you?	03:25:07
16	A. I don't recall specifics.	03:25:07
17	Q. Okay. But, you just knew that, that	03:25:09
18	Officer Kim had some complaints about	03:25:12
19	Sergeant Koh?	03:25:14
20	A. Correct.	03:25:15
21	Q. Was Officer Kim Korean?	03:25:16
22	A. I believe so. I'm not sure his	03:25:20
23	descent, but he is Asian.	03:25:23
24	Q. Okay. To your visualization of him	03:25:25
25	did he appear to be Asian?	03:25:28

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1	A. He appears to be Asian, yes.	03:25:30
2	Q. Did you also mention to HR that an	03:25:35
3	officer named Suh or Suh -- Suh, I believe is	03:25:39
4	how it's pronounced -- S-U-H -- had	03:25:42
5	complained about or had some issues with	03:25:45
6	Sergeant Koh?	03:25:49
7	A. I was told that Suh is how he	03:25:49
8	pronounces his name. I was told that Suh did	03:25:54
9	have some sort of complaints or issues with	03:25:54
10	Sergeant Koh, but I don't know the specifics	03:25:58
11	of those in detail.	03:25:59
12	Q. Did you ever discuss that directly	03:26:00
13	with Officer Suh?	03:26:02
14	A. I don't recall. He was also a	03:26:04
15	reserve officer.	03:26:07
16	Q. Okay. So -- so, you may have heard	03:26:08
17	about Officer Suh directly from Officer Suh	03:26:10
18	from somebody else, but you don't know?	03:26:13
19	A. I don't recall.	03:26:15
20	Q. Was Officer Suh Asian or Korean to	03:26:17
21	your knowledge or visualization of him?	03:26:20
22	A. I believe he is Asian. I don't know	03:26:23
23	which -- which descent of Asian that he is.	03:26:26
24	Q. And do you have any knowledge or	03:26:34
25	information about the nature of Officer Suh's	03:26:36

1	there was any -- any kind of demotion or	03:30:05
2	recourse or punishment for it.	03:30:07
3	Q. And a part from you not getting a	03:30:10
4	response, did you have any information as to	03:30:13
5	whether the City was doing any investigation	03:30:15
6	at that point?	03:30:18
7	A. No, not that I recall.	03:30:19
8	Q. So you don't know whether they were	03:30:22
9	or not, you just know you didn't get a	03:30:24
10	response?	03:30:26
11	A. Correct.	03:30:27
12	MS. COHEN: We're up to -- or	03:30:37
13	you're going to kill me if I say I don't	03:30:38
14	remember. Exhibit...	03:30:39
15	COURT REPORTER: Ten is next.	03:30:39
16	MS. COHEN: Excuse me?	03:30:39
17	COURT REPORTER: Exhibit 10.	03:30:39
18	MS. COHEN: Can you look back at the	03:30:57
19	last exhibit number and tell me which one I	03:31:01
20	used?	03:31:01
21	COURT REPORTER: Yes. Exhibit 10.	03:31:07
22	The next one is Exhibit 10.	03:31:07
23	MS. COHEN: Okay. Exhibit 10 is an	03:31:22
24	e-mail from Ross Byer on Wednesday, June 28th	03:31:24
25	to Crystal Wilkerson, and the subject is	03:31:33

1	"Notes on Koh's behavior/retaliation/action.	03:31:38
2	(Whereupon, Exhibit 10 was marked	03:31:38
3	for identification.)	03:31:38
4	BY MS. COHEN:	03:31:38
5	Q. We'll go into the specifics, but I	03:31:45
6	just want to show you that it's a two-page	03:31:46
7	e-mail. It's your name in the from line.	03:31:49
8	Do you recall having sent this	03:31:59
9	e-mail to Miss Wilkerson?	03:32:00
10	A. Yes.	03:32:04
11	Q. Okay. Do you want to look through	03:32:04
12	the whole thing before I ask you any	03:32:05
13	questions?	03:32:07
14	A. No.	03:32:07
15	Q. I'm happy to scroll through and have	03:32:10
16	you read it.	03:32:12
17	Was this after you say you had made	03:32:16
18	a couple of complaints and -- I'm sorry --	03:32:18
19	strike the word "complaints."	03:32:21
20	Was this an e-mail sent after you	03:32:23
21	say you had sent a couple of e-mails asking	03:32:25
22	for updates from Miss Wilkerson?	03:32:29
23	A. I don't believe this e-mail was sent	03:32:30
24	before I asked for any updates. This was an	03:32:34
25	e-mail that Crystal had requested me to send	03:32:38

1	after the meeting with her due to she said	03:32:41
2	that she couldn't write fast enough and just	03:32:45
3	to minor notes and wanted me to send her an	03:32:48
4	e-mail of my complaints in more detail.	03:32:53
5	Q. So she invited you to put your	03:32:56
6	complaints in some written form; is that --	03:32:58
7	is that what she asked for?	03:33:01
8	A. Yes. She wanted more detail because	03:33:02
9	she couldn't write fast enough for when I was	03:33:04
10	in person with the meeting with her.	03:33:07
11	Q. Do you recall when she asked you for	03:33:09
12	this e-mail?	03:33:11
13	A. I don't.	03:33:12
14	Q. Was it soon after the meeting or --	03:33:14
15	or later than that? This e-mail is about	03:33:18
16	20 days after your meeting.	03:33:21
17	A. I don't recall.	03:33:22
18	Q. So, to -- to clarify, when you say	03:33:25
19	you asked for -- you said e-mails asking for	03:33:28
20	updates, did you send those e-mails after you	03:33:32
21	sent this e-mail to Miss Wilkerson?	03:33:35
22	A. I believe so.	03:33:37
23	Q. And so it was after that that you	03:33:40
24	say you never got a response to e-mail	03:33:41
25	requests for updates?	03:33:45

1 questions I have for you today. I don't know 04:36:33
2 if your counsel has any questions for you, 04:36:37
3 but I'm going to be done for now. I'll see 04:36:39
4 if Mr. Petronelli has any questions, but 04:36:43
5 otherwise, I've -- I've finished my 04:36:45
6 examination. Thank you, Mr. Byer. 04:36:49

7 THE WITNESS: You are welcome. 04:36:51

8 EXAMINATION 04:36:51

9 BY MR. PETRONELLI: 04:36:51

10 Q. I do have -- I think just two 04:36:56
11 questions. So, first, earlier you had said 04:36:58
12 that after you complained to Captain Amend in 04:37:04
13 January of 2023, that you believed that he 04:37:10
14 had spoken to Koh about your complaints. Why 04:37:12
15 do you believe that Captain Amend had spoken 04:37:16
16 to Koh about your complaints after you had 04:37:20
17 complained to him in January of 2023? 04:37:22

18 A. Because he told me that he would, 04:37:26
19 and then after I had complained to him, the 04:37:27
20 car stops in my beat increased one more. 04:37:31

21 Q. The car stop from? 04:37:37

22 A. Sergeant Koh. 04:37:38

23 Q. And then you said one of the reasons 04:37:42
24 you said when you decided to resign, that one 04:37:44
25 of the reasons that you had decided to resign 04:37:53

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1 was you had some understanding of what had 04:37:57
2 happened to another officer there, and you 04:38:01
3 felt like you might be headed down the same 04:38:06
4 past. Can you elaborate on that? 04:38:08

5 A. Yes. So, my partner Zack Goble, who 04:38:10
6 was my partner the first six months, I was 04:38:16
7 there as solo officer, he went to another 04:38:19
8 shift when I went with my -- when I was 04:38:23
9 assigned to Koh's shift, and shortly after 04:38:25
10 that was his 18-month mark and was supposed 04:38:29
11 to get off of probation and his -- all of his 04:38:35
12 stats in all categories were at the top or 04:38:40
13 near the top in every category. I thought he 04:38:44
14 was doing a great job as a police officer in 04:38:48
15 my opinion, and I knew that his probation 04:38:50
16 period was coming up, and I showed up at work 04:38:54
17 to -- during my shift, and he was there, and 04:39:01
18 I said, "Hey, congrats. You're off 04:39:04
19 probation." 04:39:06

20 He said, "No, that his probation 04:39:06
21 was extended." 04:39:09

22 And I asked, "Why?" 04:39:10

23 And he -- I don't remember his 04:39:13
24 answers as to why, but I was surprised they 04:39:15
25 were extended from my experience of the job 04:39:18

1	he had been doing as an on duty police	04:39:21
2	officer, and he said that he disagreed with	04:39:23
3	it, and that he was going to talk to HR about	04:39:28
4	it, and then within the days shortly after	04:39:32
5	that, I received an e-mail to my La Palma	04:39:39
6	Police e-mail address that said, "Zack Goble	04:39:42
7	is no longer working for La Palma."	04:39:46
8	And I called him and said, "What	04:39:51
9	happened?"	04:39:53
10	And he said he complained to HR and	04:39:53
11	then the chief terminated him without	04:39:56
12	explanation.	04:39:57
13	Q. How do you spell his -- Zack's last	04:39:59
14	name?	04:40:01
15	A. G-O-B-L-E.	04:40:02
16	MR. PETRONELLI: That's all I had.	04:40:08
17	EXAMINATION	04:40:09
18	BY MS. COHEN:	04:40:09
19	Q. Okay. Just to clarify one thing	04:40:12
20	based on your -- the question that your	04:40:13
21	counsel asked you. You say that you believed	04:40:14
22	that Captain Amend spoke to Koh -- that's	04:40:20
23	your presumption; correct, based on the fact	04:40:25
24	that afterwards you perceived that Sergeant	04:40:29
25	Koh continued to increase his stops that he	04:40:35

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN FRANCISCO)
4
5

6 I, DEBRA L. ACEVEDO-RAMIREZ, hereby
7 certify:

8 That I am a Certified Shorthand
9 Reporter of the State of California;

10 That in pursuance of my duties as
11 such, I attended the proceedings in the
12 foregoing matter and reported all of the
13 proceedings and testimony taken therein;

14 That the foregoing is a full, true
15 and correct transcript of my shorthand notes
16 so taken.

17 Dated: March 7, 2025
18
19

20
21 
22 <%25496,Signature%>

23 DEBRA L. ACEVEDO-RAMIREZ, RPR, CSR 7692
24
25