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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE (CENTRAL JUSTICE CENTER)

ROSS BYER, an individual,)
Plaintiff(s),)
VS.) No.
CITY OF LA PALMA, a public) 30-2024-01394359-CU-OE
entity; and DOES 1 through 100,) -CJC
inclusive,)
Defendant(s) .)
_____)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
WON IL KOH
Conducted Virtually
Wednesday, March 19, 2025
10:04 a.m.

Reported by:
Rhonda Norberg, RPR
CSR No. 9265, CCRR No. 185

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Defendant(s) .)
_____)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
WON IL KOH, taken on behalf of Plaintiff(s), commencing
at 10:04 a.m., Wednesday, March 19, 2025, the witness
appearing remotely via teleconference before
RHONDA NORBERG, RPR, CSR No. 9265, CCRR No. 185,
pursuant to Notice of Taking Deposition.

10:25:45 1 or to the police department concerning you.

10:25:50 2 A I'm sure I've had some people come to the
10:25:53 3 lobby and complain about me at times. I mean, I --
10:25:55 4 I think a lot of people do.

10:25:56 5 But I don't think that anything resulted in
10:25:59 6 any formal complaint other than the -- yeah, I don't
10:26:03 7 think any of them were formal complaints that I know
10:26:06 8 of.

10:26:06 9 Q Got you.

10:26:09 10 So other -- like the -- there's -- in terms
10:26:12 11 of documented complaints, the two that you testified
10:26:15 12 to -- like if we -- if we wanted to find documents
10:26:18 13 related to those complaints, it sounds like there'd
10:26:21 14 be at least some documents with regard to those two
10:26:24 15 complaints we talked about earlier, but you're
10:26:26 16 saying any other complaints that citizens have made
10:26:31 17 about you, you're not aware of any documents that
10:26:34 18 evidence the fact that those complaints exist or
10:26:37 19 were made?

10:26:37 20 A Yes.

10:26:38 21 Q Okay. And have you ever had any police
10:26:43 22 officers -- other than this officer you previously
10:26:48 23 testified about, Paul Johnson, and my client,
10:26:50 24 Ross Byer, have you ever had any other police
10:26:53 25 officers make a complaint concerning you?

10:26:58 1 A I know that certain things were brought up
10:27:01 2 to our captain. I don't know if that rises to the
10:27:04 3 level of a complaint, but they definitely
10:27:09 4 discussed --

10:27:12 5 MS. COHEN: My audio cut out. I don't know
10:27:14 6 if the witness was frozen or it's my internet, but I
10:27:18 7 missed something. I think it's me.

10:27:21 8 MR. PETRONELLI: Do you know if I was
10:27:23 9 asking the question or if --

10:27:24 10 MS. COHEN: You cut out during the
10:27:26 11 question, and then part of his answer cut out for
10:27:28 12 me. And I apologize. I think it just might be my
10:27:31 13 internet, so if we could just have it read back?

10:27:36 14 MR. PETRONELLI: Sure.

10:28:11 15 (The record was read.)

10:28:11 16 MR. PETRONELLI: I think you were
10:28:12 17 mentioning certain things were brought up to the
10:28:13 18 captain.

10:28:14 19 THE WITNESS: Yes.

10:28:15 20 So I'm sure some officers did not like my
10:28:17 21 style of supervise -- supervision where I would
10:28:22 22 occasionally go out and make a traffic enforcement
10:28:25 23 stop and it would result in them taking over the
10:28:29 24 investigation.

25 ///

10:28:31 1 BY MR. PETRONELLI:

10:28:31 2 Q Okay. And the captain that they complained
10:28:33 3 to about that, is that Captain Amend?

10:28:38 4 A It would vary.

10:28:40 5 I -- I would think Captain Amend handled
10:28:43 6 one or two or -- and maybe Captain Wilkerson.

10:28:48 7 Q You said Captain -- how do you -- is it
10:28:52 8 Wilkerson?

10:28:52 9 A Yes.

10:28:53 10 Q Okay. Do you know if it's spelled the same
10:28:56 11 way as Crystal Wilkerson?

10:28:57 12 A It is, yes.

10:28:59 13 Q Okay.

10:28:59 14 A They're married.

10:29:00 15 Q Oh, they're married. Okay.

10:29:02 16 And what's his -- what's Captain -- Captain
10:29:06 17 Wilkerson, what's his first name?

10:29:07 18 A Ron.

10:29:08 19 Q Ron. Okay. And those -- those officers
10:29:12 20 that made those -- those complaints to the captains
10:29:16 21 concerning you, do you know who they -- who they
10:29:19 22 are?

10:29:19 23 Did they disclose to you what officers made
10:29:22 24 those complaints?

10:29:22 25 A Yes.

10:29:23 1 Q Who -- which officers are they?

10:29:26 2 A One was Goble.

10:29:30 3 Q Okay. And the other?

10:29:32 4 A Another one was Genera.

10:29:35 5 Q Okay. And any others?

10:29:42 6 A Those are the only two that I really know

10:29:45 7 of.

10:29:45 8 I mean, there's -- you always hear rumors
10:29:48 9 of people not liking certain things; but, yeah,
10:29:51 10 those are the only ones that went to the captain
10:29:53 11 that I know of.

10:29:55 12 Q Okay. And Genera, do you know how to spell
10:29:58 13 that?

10:29:59 14 A Genera.

10:30:05 15 Q And do you know his first name?

10:30:07 16 A Ryan.

10:30:07 17 Q Okay. And do you know Officer Goble's
10:30:09 18 first name?

10:30:10 19 A Zach.

10:30:14 20 Q Okay. Are either Zach or -- Officer Goble
10:30:19 21 or Officer Genera, are either of them still employed
10:30:24 22 with the La Palma Police Department?

10:30:26 23 A Officer Genera is.

10:30:28 24 Q Officer Genera is? Okay.

10:30:31 25 And those -- you said the -- the nature of

10:30:36 1 those complaints was that they didn't like the way
10:30:39 2 that you were running your unit and making certain
10:30:41 3 stops, and then those stops got assigned to them; is
10:30:44 4 that accurate?

10:30:45 5 A Yes.

10:30:46 6 Q Was there anything else that they -- they
10:30:49 7 complained about to the captains, that you're aware
10:30:52 8 of?

10:30:52 9 A No.

10:30:54 10 Q And Ryan Genera, do you -- do you know
10:31:12 11 what -- what ethnicity he is, or race?

10:31:15 12 A He's Mexican.

10:31:16 13 Q And what about Officer Goble?

10:31:19 14 A He's half white, half Venezuelan.

10:31:26 15 Q Okay. And do you know where -- where
10:31:33 16 Officer Goble is employed?

10:31:35 17 A Baldwin Park PD.

10:31:37 18 Q Okay. And can you give me the approximate
10:31:41 19 timeframe of when those -- when those officers made
10:31:44 20 those complaints concerning you?

10:31:46 21 A Officer Genera made a complaint, I believe,
10:31:51 22 about one year ago, I would say; and then Officer
10:31:58 23 Goble made a complaint maybe two and a half years
10:32:01 24 ago.

10:32:05 25 Q And what, if any -- what, if anything,

11:12:05 1 Q And during his employment with La Palma,
11:12:08 2 you learned that Officer Byer complained about you,
11:12:12 3 correct?

11:12:13 4 A Yes.

11:12:15 5 Q And he complained about you to Captain
11:12:20 6 Amend, correct?

11:12:20 7 A Yes.

11:12:22 8 Q And did you later learn that he also
11:12:30 9 complained to human resources?

11:12:34 10 A I don't know.

11:12:36 11 I -- I mean, ultimately, I found out that
11:12:39 12 he filed a lawsuit, so I believe you'd have to go
11:12:42 13 through them to do that.

11:12:44 14 Q Okay. So you're not -- and I -- I only
11:12:48 15 want to know what you know.

11:12:49 16 So as you sit here today, are you aware of
11:12:51 17 any complaints that Officer Byer made to La Palma's
11:13:01 18 human resources department separate from the
11:13:03 19 complaints that he voiced to Captain Amend?

11:13:05 20 A No.

11:13:05 21 Q Okay. And Captain Amend, he discussed with
11:13:12 22 you the -- the concerns that were raised by
11:13:14 23 Ross Byer?

11:13:15 24 A Yes.

11:13:17 25 Q And what did he -- what did he discuss with

11:13:20 1 you?

11:13:20 2 A He just said that he didn't like that I was

11:13:25 3 making stops and basically having him handle those

11:13:30 4 stops.

11:13:31 5 Q Anything else that you can recall that he

11:13:34 6 discussed with you regarding Officer Byer's

11:13:41 7 complaints concerning you?

11:13:42 8 A No.

11:13:42 9 Q And how many meetings did you have with

11:13:45 10 Captain Amend concerning Officer Byer's complaints?

11:13:49 11 A I believe one.

11:13:50 12 Q And in that one meeting, do you recall was

11:13:55 13 it in person? Over the phone?

11:13:58 14 A I believe it was in person in, probably,

11:14:02 15 the chief's office at that time.

11:14:04 16 Q Do you recall if anyone else was in that

11:14:06 17 meeting?

11:14:07 18 A I believe Chief Wilkerson was.

11:14:10 19 Q And do you recall what, if anything, Chief

11:14:18 20 Wilkerson said in that meeting?

11:14:19 21 A I don't -- I don't recall.

11:14:21 22 Q And as -- as a result of that meeting, was

11:14:27 23 there -- did -- did Captain Amend or Chief Wilkerson

11:14:33 24 or anyone else at the La Palma Police Department

11:14:35 25 tell you that you needed to change your behavior in

11:17:40 1 A A few months -- few months.

11:17:42 2 Q Okay.

11:17:42 3 A I was only with him for, I think, a total
11:17:45 4 of four. I think that was one of the last things he
11:17:49 5 did.

11:17:49 6 Q Okay. And then any -- any other bad
11:17:55 7 decisions or mistakes that Officer Byer made that
11:17:59 8 you can recall during the time that he was reporting
11:18:01 9 to you?

11:18:03 10 A He'd sleep in his vehicle. I pretty much
11:18:09 11 caught him on my GPS not -- being stationary in a
11:18:13 12 condo complex. He said he was on a foot patrol,
11:18:17 13 which was -- was very odd to me because he'd never
11:18:22 14 go on foot in a condo complex, and he was gone -- he
11:18:25 15 was on that call for like 30 -- actually, 40-plus
11:18:29 16 minutes.

11:18:29 17 And so I brought him in just to ask him;
11:18:32 18 and he admitted that he had been sleeping in the
11:18:35 19 car, fell asleep. And it happened again a few
11:18:39 20 months later or a month later.

11:18:46 21 Q Anything else, any other bad decisions or
11:18:50 22 mistakes that you recall Officer Byer made while he
11:18:54 23 was reporting to you?

11:18:54 24 A He had his gun on his person when he was
11:18:58 25 taking prisoners out of the jail that were

11:19:01 1 un-handcuffed, and that is a -- prohibited by law.
11:19:06 2 We're supposed to secure our firearms
11:19:09 3 before we escort prisoners out of the jail. We're
11:19:14 4 not supposed to have our firearms on us, period. He
11:19:17 5 had it on him.

11:19:18 6 Q Okay. Anything else you can recall?

11:19:20 7 A There was a time where he was on a traffic
11:19:25 8 stop, we had a burglary -- vehicle burglary in
11:19:31 9 progress call that came out. He basically stayed
11:19:34 10 with his car when he was literally, I'd say,
11:19:39 11 600 feet away, or less than 1,000 feet away from
11:19:42 12 being able to catch these guys.

11:19:43 13 I came from the far opposite side of the
11:19:46 14 city and I was able to get there. And I basically
11:19:50 15 had to tell him to get off his traffic stop, and I
11:19:53 16 still beat him to the call, and I -- the subjects
11:19:57 17 basically passed me going the opposite direction;
11:20:00 18 but had he just let the other traffic stop go, he
11:20:04 19 would have been able to catch these guys, is my
11:20:08 20 belief.

11:20:08 21 Q Anything else that you can recall?

11:20:12 22 A There's several times -- actually, twice
11:20:15 23 where he stopped the subject -- once -- one time he
11:20:20 24 stopped a person, he had a suspended license, and
11:20:26 25 then he ran his record, gave him a ticket, and then

11:20:28 1 allowed him to drive off after he -- knowing that he
11:20:32 2 has a suspended license and citing him.

11:20:36 3 And then a month later -- I mean, I had
11:20:39 4 counseled him, obviously, after that incident; and
11:20:41 5 he did it again. This time this person had an
11:20:45 6 expired license. But it's the same thing. It's the
11:20:50 7 same issue.

11:20:51 8 Basically he -- he's allowing the person to
11:20:53 9 continue to re-offend knowing that he doesn't have a
11:20:57 10 license, this person drives and hits somebody or
11:21:00 11 kills somebody, you know, we're at fault for that.

11:21:03 12 Q Any other bad decisions or bad mistakes
11:21:10 13 that Officer Byer made during the time that he
11:21:12 14 reported to you that you can recall?

11:21:14 15 A There's a time when I pulled over a
11:21:19 16 vehicle. I had -- we -- we had a specific briefing
11:21:22 17 training saying "Hey, there's a guy that lives over
11:21:25 18 here at this condo complex, he's made threats that
11:21:28 19 he's going to fight police when -- when he sees us."

11:21:31 20 But I believe he was wanted for committing
11:21:37 21 crime, maybe domestic violence. I wasn't exactly
11:21:39 22 sure. But I -- I was out there driving around, I
11:21:42 23 see the car that the guy was supposed to be driving
11:21:46 24 in, put it over the radio that I have this subject
11:21:50 25 stopped, knowing that he's combative, we've already

11:31:11 1 different question.

11:31:11 2 I asked you if you ever saw the document.

11:31:13 3 Q You said you haven't seen it, right?

11:31:15 4 A Yes, I have never seen it.

11:31:16 5 Q Now I'm asking you a different question.

11:31:18 6 After Ross Byer left the department in June
11:31:20 7 of 2023, did Crystal Wilkerson or anyone else at
11:31:24 8 La Palma have a conversation with you where they
11:31:27 9 talked to you about things that Officer Byer said
11:31:30 10 during his exit interview?

11:31:32 11 A No.

11:31:33 12 Q Okay. After -- after Officer Byer left the
11:31:39 13 police department, did Ryan Hallet or anyone else
11:31:44 14 from the city manager's office call and have any
11:31:48 15 conversation with you about complaints Officer Byer
11:31:54 16 made concerning you?

11:31:55 17 A No.

11:31:55 18 Q Okay. Has anyone at City -- at the city
11:32:02 19 manager's office, including Ryan Hallet or anyone
11:32:06 20 else there, have any communications with you to
11:32:10 21 discuss allegations that Ross Byer made concerning
11:32:14 22 you during his employment?

11:32:15 23 A No.

11:32:16 24 Q Are you aware of any investigation into any
11:32:19 25 of the complaints that Officer Byer made?

11:32:22 1 A No.

11:32:24 2 Well, now I am, right? So whenever the --
11:32:28 3 the complaint was, I did receive it and read it,
11:32:31 4 so --

11:32:31 5 Q Got you.

11:32:32 6 Okay. So you're -- you're aware of this
11:32:35 7 current lawsuit and the investigation --

11:32:37 8 A Yes.

11:32:37 9 Q -- related to the current lawsuit, correct?

11:32:39 10 A Yes. Yes.

11:32:40 11 Q But when the -- but after he resigned,
11:32:42 12 prior to this lawsuit being filed, you're not aware
11:32:45 13 of any investigation being conducted into his
11:32:47 14 complaints, correct?

11:32:48 15 A No, no.

11:32:49 16 Q Is that -- that's correct?

11:32:50 17 A That's correct.

11:32:51 18 Q Okay. Has anyone at La Palma ever asked
11:33:02 19 you questions about whether or not police officers
11:33:07 20 in La Palma have engaged in racial profiling
11:33:12 21 citizens?

11:33:13 22 A No.

11:33:13 23 Q Okay. So no one has ever asked you that
11:33:15 24 from the city manager's office, correct?

11:33:17 25 A No.

11:33:18 1 Q And no one has ever asked you that from the
11:33:21 2 La Palma Police Department, correct?

11:33:22 3 A Correct.

11:33:22 4 Q Okay. Captain Amend -- and that includes
11:33:27 5 Captain Amend and the chief, they've never asked you
11:33:32 6 questions regarding that?

11:33:32 7 A Never.

11:33:33 8 Q Okay. Did you ever learn that other police
11:33:45 9 officers were questioned by -- whether someone in
11:33:50 10 the city hall office or someone in the police
11:33:53 11 department regarding Officer Byer's concerns?

11:33:55 12 A No.

11:34:09 13 MR. PETRONELLI: I'm going to show you
11:34:10 14 another document being marked Exhibit 12.

11:34:10 15 (Exhibit No. 12 was subsequently
11:34:10 16 marked for identification; attached
11:34:12 17 hereto.)

11:34:13 18 MR. PETRONELLI: Same thing. Just let me
11:34:15 19 know if you recognize it.

11:34:17 20 THE WITNESS: Okay.

11:34:33 21 MR. PETRONELLI: Let me scroll in on this
11:34:35 22 and make it bigger for you. Sorry.

11:34:37 23 Q Have you ever seen this -- this is an email
11:34:40 24 after Officer Byer resigned, from Ross Byer to
11:34:44 25 Crystal Wilkerson.

11:37:42 1 know when you're able to see this.

11:37:45 2 This is going to be marked as Exhibit 1.

11:37:45 3 (Exhibit No. 1 was subsequently

11:37:45 4 marked for identification; attached

11:37:45 5 hereto.)

11:37:57 6 MS. COHEN: And let me know when you see it

11:38:00 7 on your screen.

11:38:03 8 Q Can you see this -- this document?

11:38:04 9 A Yeah, I can see it.

11:38:05 10 Q All right. Hold on. Let me see if I

11:38:09 11 can --

11:38:09 12 Are you still able to see it?

11:38:11 13 A Yeah.

11:38:11 14 Q All right. I'm just trying to make it

11:38:13 15 bigger on the screen here.

11:38:14 16 All right. So this is the -- it looks like

11:38:16 17 Policy 1008, and it's the anti-retaliation provision

11:38:25 18 of the La Palma Police Department policy.

11:38:28 19 Have you ever seen this?

11:38:29 20 A Yes, I have.

11:38:29 21 Q Okay. And this policy -- is it -- it's

11:38:33 22 true that this policy prohibits retaliation against

11:38:36 23 an officer who reports what he believes to be

11:38:38 24 unlawful conduct?

11:38:39 25 A Yes.

12:23:48 1 A Yes.

12:23:49 2 Q And they're supposed to document those
12:23:55 3 discussions, correct?

12:23:58 4 A That's a "should" recommendation.

12:24:00 5 Q Okay. Okay.

12:24:02 6 To your knowledge, did Captain Amend or
12:24:07 7 anyone else in the police department ever discuss
12:24:15 8 allegations of bias-based policing that were made by
12:24:18 9 Ross Byer with you or anyone else in the police
12:24:20 10 department?

12:24:20 11 A No.

12:24:21 12 Q Do you know -- but to your knowledge, was
12:24:28 13 any of Mr. Byer's concerns that he raised about
12:24:32 14 bias-based policing documented anywhere that you've
12:24:36 15 seen by the La Palma Police Department?

12:24:37 16 A Not that I know of.

12:24:39 17 Q And this -- do you see this -- this --
12:24:59 18 again, in 4.2.5 [sic], it says supervisors, and the
12:24:59 19 other -- the highlighted line, which says (as read):

12:25:05 20 "Shall handle any alleged or
12:25:07 21 observed violations in accordance
12:25:08 22 with the personnel complaints
12:25:10 23 policy."

12:25:14 24 Is the personnel complaints policy another
12:25:16 25 policy within the La Palma Police Department's

12:32:26 1 (Recess taken.)

12:32:26 2 THE VIDEOGRAPHER: We're now on the record.

12:32:28 3 The time is 12:32 p.m. Pacific Time.

12:32:31 4 MR. PETRONELLI: Okay. And we're still

12:32:33 5 looking at the personnel complaints policy; and if

12:32:38 6 you look down at the bottom where -- of this first

12:32:40 7 page on Exhibit 3, under Section 1020.3 -- and this

12:32:45 8 says that personnel complaints include any

12:32:51 9 allegation of misconduct for improper job

12:32:55 10 performance that, if true, would constitute a

12:32:57 11 violation of department policy or federal, state, or

12:33:01 12 local law, policy, or rule.

12:33:01 13 Q Do you see that?

12:33:04 14 A Yes.

12:33:04 15 Q Okay. So would you agree that this -- a

12:33:09 16 personnel complaint would include allegations of

12:33:13 17 bias-based policing?

12:33:15 18 A Yes.

12:33:15 19 Q And it would include allegations of racial

12:33:18 20 profiling?

12:33:19 21 A Yes.

12:33:20 22 Q And unlawful discrimination?

12:33:23 23 A Yes.

12:33:24 24 Q Okay. And if you look down at -- we'll

12:33:34 25 scroll down to -- it is the third page of this

12:58:12 1 So you do them whenever the year
12:58:14 2 anniversary comes up for that -- or six-month --

12:58:17 3 A Or six- -- yes.

12:58:19 4 Q Okay. Who are the other officers you
12:58:23 5 evaluated in -- in that time period?

12:58:25 6 Would Officer Choi have been one?

12:58:27 7 A I believe I did do one of his evals.

12:58:30 8 Q Any -- anyone else you can recall doing an
12:58:33 9 evaluation for in or around the 2023 time period?

12:58:36 10 A I don't recall.

12:58:38 11 Q Okay. If you scroll down on this eval --
12:58:48 12 this is under "additional remarks." It's on Page 5
12:58:52 13 of Exhibit 9. Do you see this here, this
12:58:59 14 highlighted language, where it says (as read):

12:59:01 15 "In Officer Byer's last
12:59:03 16 performance eval, Sergeant Garcia
12:59:05 17 encouraged Officer Byer to try to
12:59:06 18 conduct more traffic stops in
12:59:09 19 general and more enforcement stops
12:59:12 20 on subjects who were likely
12:59:14 21 engaging in criminal activity?"

12:59:16 22 Do you see that?

12:59:16 23 A Yes.

12:59:16 24 Q Does that refresh your recollection as to
12:59:17 25 the thing that was pointed out in the six-month eval

12:59:20 1 that you then referred to in this eval?

12:59:23 2 A Yes.

12:59:24 3 Q Does that appear to be what it was, that

12:59:26 4 Officer --

12:59:27 5 A Yes.

12:59:29 6 Q -- Byer in his six-month eval had been

12:59:31 7 encouraged to make more stops, and that you were

12:59:34 8 continuing to do that here in his 12-month eval?

12:59:37 9 A Yes.

12:59:38 10 Q Okay. And it's -- it -- how does an

12:59:44 11 officer go about increasing the number of traffic

12:59:48 12 stops that they make?

12:59:51 13 A I mean, there's traffic violations

12:59:54 14 rampantly when you go out on the roadway. I could

12:59:58 15 probably find one every 10 seconds if I had to,

13:00:03 16 but -- so it's just a matter of going out there and

13:00:07 17 looking for something, looking for violations.

13:00:10 18 Q And then it says -- okay. So it says

13:00:12 19 traffic stops, and then it says and he was

13:00:15 20 encouraged to make more enforcement stops on

13:00:18 21 subjects who were likely engaging in criminal

13:00:21 22 activity.

13:00:22 23 What does -- what does that mean? What

13:00:24 24 does "subjects who were likely engaging in criminal

13:00:27 25 activity"?

13:00:28 1 A So, I mean, there's obvious signs of people
13:00:30 2 who are drug addicts. You've got -- there's a face
13:00:35 3 that's sucked in, big sores on their face. There's
13:00:39 4 people who are gang-related that have gang tattoos
13:00:43 5 that are clearly obvious when you drive up next to
13:00:45 6 them.

13:00:48 7 There's people who are on bicycles or
13:00:51 8 walking that have the same indicators. And just
13:00:54 9 making more contact with people. Those people
13:00:59 10 typically re-offend, so just con- -- making more
13:01:04 11 contact with those people.

13:01:07 12 Q But is a stop of somebody like a known drug
13:01:10 13 addict who is walking, you know, down the road or
13:01:14 14 riding a bicycle -- that's not -- that's not a
13:01:16 15 vehicle stop, correct?

13:01:18 16 A No, but you -- they can have violations as
13:01:23 17 well.

13:01:23 18 Q Okay. Down here at the bottom of Page 5,
13:01:42 19 again, the highlighted language, it says (as read):

13:01:44 20 "I later provided Officer Byer
13:01:45 21 with a guide on how to go about
13:01:47 22 conducting traffic stops and
13:01:49 23 investigating suspicious persons."

13:01:51 24 Do you see that?

13:01:51 25 A Yes.

13:01:51 1 Q What -- what did you -- what were you
13:01:53 2 referring to by "suspicious persons"? Is it the
13:01:56 3 same thing; that just based on observations, that an
13:02:01 4 officer should be able to identify persons who are
13:02:04 5 likely engaged in criminal activity?

13:02:06 6 A Yes.

13:02:07 7 Q Did you give him, you know, any sort of
13:02:12 8 guideline in terms of how he should go about
13:02:16 9 identifying suspicious persons?

13:02:19 10 A I talked to him about it. I brought him
13:02:22 11 into my office several times and I told him "Hey,
13:02:24 12 this is the type of things you want to look for,"
13:02:27 13 and I'd say things I just explained to you.

13:02:31 14 Q Was anyone else there for that?

13:02:32 15 A No.

13:02:34 16 Q Okay. So I'm going down to Page 8 now of
13:02:45 17 the same exhibit, and it's the first bullet point on
13:02:48 18 the top of Page 8 of Exhibit 9. It says (as read):

13:02:53 19 "Instead of simply making a
13:02:54 20 large volume of stops, try to
13:02:56 21 increase traffic stops for moving
13:02:57 22 violations and keep an eye out for
13:02:59 23 suspicious vehicles," slash,
13:03:01 24 "persons."

13:03:02 25 What's a suspicious vehicle? What did you

13:12:47 1 portion of the same policy manual we looked at
13:12:49 2 previously. It's Policy 1002 of the La Palma Police
13:12:55 3 Department policy manual, and this is on employee
13:12:57 4 evaluations.

13:13:00 5 Q Have you ever seen this, or do you
13:13:01 6 recognize this?

13:13:02 7 A I'm sure I read it at one point.

13:13:04 8 Q Okay. And this talks about performance
13:13:10 9 evaluations. And, again, this is Exhibit 4; and it
13:13:15 10 says -- it talks about the various ratings of
13:13:20 11 "Outstanding," "Exceeds Standards," "Meets
13:13:22 12 Standards," "Needs Improvement," "Unsatisfactory."

13:13:25 13 And would you agree with the statement here
13:13:26 14 that if the performance -- or "Meets Ex-" -- "Meets
13:13:31 15 Standards" reflects performance of a fully competent
13:13:35 16 employee; it means that satisfactory performance
13:13:37 17 that meets the standards required for the position?

13:13:41 18 Do you agree with that?

13:13:42 19 A Yes.

13:13:43 20 Q Okay. And you would also agree that how
13:13:52 21 these performance evaluations are scored, it impacts
13:13:55 22 things like raises, promotions?

13:13:56 23 Correct?

13:13:57 24 A Yes.

13:13:58 25 Q And if you go down, it says on Page 3 of

13:24:04 1 A I would say a little less than a year and a
13:24:07 2 half.

13:24:07 3 Q Okay. And do you know -- can you give me
13:24:09 4 an estimate of time as to when Officer Goble was
13:24:12 5 terminated?

13:24:13 6 A I have -- I don't know. Maybe two and a
13:24:18 7 half years ago.

13:24:56 8 MR. PETRONELLI: Can we take a break until
13:24:59 9 1:30, go off the record?

13:25:04 10 THE VIDEOGRAPHER: Yes, we can. Stand by
13:25:06 11 as we go off the record.

13:25:08 12 We're now off the record. The time is
13:25:10 13 1:25 p.m. Pacific Time.

13:31:29 14 (Recess taken.)

13:31:29 15 THE VIDEOGRAPHER: We're now on the record.
13:31:30 16 The time is 1:31 p.m. Pacific Time.

13:31:33 17 MR. PETRONELLI: Going back to that exhibit
13:31:37 18 that we were looking at earlier -- it's the 12-month
13:31:40 19 evaluation, Exhibit 9 that we looked at before. I'm
13:31:48 20 scrolling down to Page 6. It's Bates-stamped 0512
13:31:53 21 of the City's production.

13:31:55 22 It says here on -- this is you writing (as
13:31:55 23 read):

13:32:04 24 "I have gone out to several of
13:32:05 25 officer Byer's traffic stops; and

13:32:07 1 on some occasions, Officer Byer has
13:32:10 2 failed to put himself in a position
13:32:11 3 of advantage."
13:32:11 4 Q Do you see that?
13:32:12 5 A Yes.
13:32:12 6 Q Okay. And it says (as read):
13:32:15 7 "There were times when he was
13:32:16 8 acting as a cover officer and did
13:32:21 9 not have the person -- persons he
13:32:23 10 had detained placed in a seated
13:32:25 11 position."
13:32:25 12 Do you see that?
13:32:27 13 A Yes.
13:32:28 14 Q So on that -- that time that you're
13:32:30 15 referring to where he did not have the detained
13:32:36 16 person in a seated position, that was when he was
13:32:39 17 acting as a cover -- cover officer on one of Officer
13:32:43 18 Choi's stops, correct?
13:32:46 19 A I believe so. That's what he's referring
13:32:47 20 to.
13:32:47 21 Q This -- this is -- this is your -- so I'm
13:32:51 22 looking at -- this is the "Additional Supervisor
13:32:55 23 Remarks, Observations," and it says --
13:32:58 24 A Yes.
13:32:58 25 Q So this is something you prepared, correct?

13:35:14 1 BY MR. PETRONELLI:

13:35:18 2 Q Did you ever talk to Officer Choi and tell
13:35:21 3 him that he needed -- that he had failed to put
13:35:25 4 himself, at times, in a position of advantage?

13:35:28 5 A No, because I never saw that.

13:35:29 6 Q You never saw Officer Choi do that?

13:35:33 7 A No.

13:35:33 8 Q Okay. So it's fair to say that you never
13:35:36 9 have had to counsel or discuss with Officer Choi his
13:35:40 10 failure to put himself in a position of advantage
13:35:42 11 when it comes to detained individuals?

13:35:45 12 A Yes.

13:35:46 13 Q At those times that you're referencing here
13:35:55 14 in this performance evaluation for Officer Byer
13:35:59 15 where he was acting as cover subjective for other
13:36:02 16 officers that is now in -- where it's reflected as a
13:36:08 17 negative comments in his performance evaluation, did
13:36:11 18 you ask those other officers for each of those stops
13:36:14 19 whether or not they made the decision or Officer
13:36:18 20 Byer made the decision as to whether or not the
13:36:19 21 person detained should be in a seated position?

13:36:22 22 A No; because if you're watching somebody,
13:36:26 23 you are ultimately responsible for putting that
13:36:29 24 person in a position of disadvantage.

13:36:33 25 Q Okay. So is -- is the answer to my

13:36:35 1 question, then, no, that you never talked to these
13:36:38 2 other officers who had made the stops about whether
13:36:41 3 or not it was their decision or Officer Byer's
13:36:43 4 decision to have the detained person in a seated
13:36:45 5 position?

13:36:46 6 A No.

13:36:48 7 Q Okay. So you didn't -- just so we're
13:36:50 8 clear, you never asked that question, correct?

13:36:52 9 A No.

13:36:53 10 Q Is that correct?

13:36:54 11 A That's correct.

13:36:55 12 Q Okay. Do you ever recall having
13:37:10 13 conversations with Officer Choi about Officer Byer?

13:37:13 14 A What conversation?

13:37:16 15 Q Just have you ever -- do you ever recall
13:37:18 16 any conversations that you had with Officer Choi
13:37:21 17 concerning Officer Byer?

13:37:23 18 A I mean, we talk about everybody at work at
13:37:28 19 some point, I guess; but nothing that rings a bell
13:37:31 20 in my mind.

13:37:33 21 Q Have you ever had -- well, during the time
13:37:36 22 that Officer Choi and Officer Byer were both
13:37:42 23 reporting to you in 2023, were they on patrol at the
13:37:49 24 same time? Were they partners?

13:37:50 25 A At times, yes.

13:37:51 1 Q Okay. And during the times that they were
13:37:54 2 partners, do you recall making stops in Officer
13:38:00 3 Choi's beat and then assigning those stops to
13:38:02 4 Officer Choi?

13:38:02 5 A Yes.

13:38:03 6 Q And how often would you do that?

13:38:05 7 A It probably happened about three times, if
13:38:11 8 I had to guess, maybe more.

13:38:14 9 Q And during that time period, do you recall
13:38:17 10 how many times you made stops -- at the same period,
13:38:21 11 2023, when you were a sergeant for both Officer Choi
13:38:25 12 and Officer Byer, do you recall how many times you
13:38:27 13 made stops in Officer Byer's beat and then assigned
13:38:31 14 those stops to him?

13:38:32 15 A If I had to guess, about nine.

13:38:36 16 Q Do you recall an incident -- do you recall
13:38:53 17 an incident where you had made a stop and then
13:38:58 18 called Officer Byer to the stop and instructed him
13:39:06 19 to search a suspect's backpack?

13:39:13 20 A I'm sure it happened. I don't know a
13:39:16 21 specific time, though.

13:39:17 22 Q Do you recall an incident where you
13:39:20 23 instructed him to search an individual's backpack
13:39:24 24 and that he found some sort of drug in the backpack,
13:39:30 25 and then you stated that you believed that it was

13:42:29 1 Captain Amend about you, did you ever go to Officer
13:42:32 2 Byer and say "Hey, you know, you should have just
13:42:34 3 come and talked to me about this and we could have
13:42:36 4 worked it out"?

13:42:36 5 A I -- I think there was a pretty long delay
13:42:39 6 before Captain Amend talked to me; so no, I didn't
13:42:45 7 even really get the chance.

13:42:48 8 Q What do you mean by that?

13:42:49 9 A He -- it seems like I had him for like I
13:42:55 10 don't know four months. I think that's the only
13:42:57 11 time period, and he came to -- I think I talked to
13:43:02 12 Captain Amend after I had him for a while. It
13:43:07 13 wasn't like I -- you know, I didn't -- it's not like
13:43:10 14 I had a lot of time in between the moment I was able
13:43:13 15 to talk to Captain Amend and then continue to work
13:43:17 16 with Byer.

13:43:19 17 Q So as you sit here today, do you have
13:43:21 18 recollection as to when you talked with Captain
13:43:25 19 Amend where he conveyed to you Officer Byer's
13:43:27 20 complaints about you?

13:43:28 21 A I don't recall the exact time frame.

13:43:32 22 Q Okay. You just -- it was during some
13:43:35 23 period when he was assigned to you, but you can't
13:43:37 24 recall when?

13:43:37 25 A Yes.

14:23:17 1 BY MR. PETRONELLI:

14:23:23 2 Q Do you understand you're still under oath?

14:23:24 3 A Yes.

14:23:26 4 Q Do you recall at any point anyone at the
14:23:33 5 La Palma Police Department or anyone at City Hall
14:23:37 6 ever asking you whether or not you had made comments
14:23:42 7 about an all-Korean police force in La Palma?

14:23:46 8 A No.

14:23:47 9 Q Okay. No one ever asked you that?

14:23:49 10 A No.

14:23:50 11 Q Do you ever recall saying anything about an
14:23:52 12 all-Korean police force in La Palma, even if you
14:23:56 13 said it in jest?

14:23:58 14 A Never that specific thing.

14:24:00 15 I -- if -- I had to wrap my mind around
14:24:04 16 this thing because, obviously, that absolutely
14:24:06 17 doesn't make any sense; but if I were to have said
14:24:10 18 anything, I probably would have had like, maybe
14:24:13 19 Officer Choi, maybe Officer Kim, and then we have a
14:24:17 20 reserve officer here, Suh, and maybe I would have
14:24:21 21 said something like "Hey, if we had Officer Suh here
14:24:26 22 today, we'd have an all-Korean shift."

14:24:28 23 That's the extent of anything I can
14:24:29 24 remotely think I may have said. But otherwise, no,
14:24:33 25 absolutely not.

14:24:39 1 Q And who -- and you said "if we had" who
14:24:42 2 "here"?
14:24:44 3 A The officers that were Korean. That would
14:24:48 4 be me, Choi, Andrew Kim, and James Suh.
14:24:57 5 Those -- those last two are reserve
14:25:00 6 officers.
14:25:00 7 Q And who was it? So it's -- it's yourself,
14:25:02 8 Choi, Kim, and --
14:25:04 9 A Suh, S-u-h.
14:25:07 10 Q Is it -- you said S- -- S-
11 A S, as in --
12 (Mr. Petronelli and the witness
13 speak simultaneously.)
14 BY MR. PETRONELLI:
15 Q -- -u-h?
14:25:14 16 A -- uniform, hotel.
14:25:14 17 Q What's the first name?
14:25:16 18 A James.
14:25:17 19 Q Does he still work for the department?
14:25:20 20 A Yes, he -- he does.
14:25:21 21 He's a reserve.
14:25:23 22 Q Do you ever recall making comments to
14:25:34 23 Officer Byer about individuals with prison tattoos?
14:25:40 24 A Yes.
14:25:40 25 Q What do you recall about that?

14:29:23 1 Q Okay. Who -- do you know who posts --
14:29:26 2 makes the posts on that account?

14:29:28 3 A I don't know.

14:29:29 4 Q Okay. Is this -- this is -- is this
14:29:32 5 Officer Choi, the officer that we've been talking
14:29:34 6 about today?

14:29:35 7 A Yes, it is.

14:29:35 8 Q Okay. And he was -- is it true that he was
14:29:41 9 recognized as the La Palma employee of the year for
14:29:45 10 2023?

14:29:45 11 A Yes.

14:29:48 12 Q How is that employee selected for employee
14:29:52 13 of the year, if you know?

14:29:53 14 A Just nominated by peers and supervisors and
14:30:01 15 hover that works for the City, and gets selected by
14:30:05 16 the admin, I believe, and the previous year's award
14:30:13 17 winner.

14:30:13 18 Q Do you know who the previous year's award
14:30:15 19 winner was?

14:30:16 20 A I don't know.

14:30:16 21 Q Did you -- did you nominate or vote for
14:30:21 22 Officer Choi to be the officer of the year for 2023?

14:30:24 23 A I believe I did.

14:30:25 24 Q And Officer Choi, he's still -- is he still
14:30:31 25 a -- an officer, police officer, for La Palma?

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

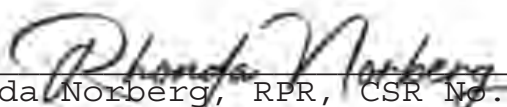
3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth with
5 all participants appearing remotely; that any witnesses
6 in the foregoing proceedings, prior to testifying, were
7 duly sworn or affirmed; that a record of the proceedings
8 was made by me using machine shorthand, which was
9 thereafter transcribed under my direction; that the
10 foregoing transcript is a true record of the testimony
11 given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a federal
14 case, before completion of the proceedings, review of
15 the transcript [] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee of
18 any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: April 3rd, 2025

23
24 
25 Rhonda Norberg, RPR, CSR No. 9265,
CCRR No. 185