

EXHIBIT 4

KIM RANEY
FLANAGAN vs CA ATTORNEY GENERAL

July 27, 2017

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IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MICHELLE FLANAGAN, SAMUEL
GOLDEN, DOMINIC NARDONE,
JACOB PERKIO, and THE
CALIFORNIA RIFLE & PISTOL
ASSOCIATION,

Plaintiffs,

vs.

CASE NO.
2:16-cv-06164-JAK-AS

CALIFORNIA ATTORNEY GENERAL
XAVIER BECERRA, in her
official capacity as Attorney
General of the State of
California, SHERIFF JAMES
McDONNELL, in his official
capacity as Sheriff of
Los Angeles County, California,
and DOES 1-10,

Defendants.

~~~~~

DEPOSITION OF KIM RANEY

July 27, 2017 - 10:44 a.m.

300 South Spring Street  
Los Angeles, California

Dawn Schetne, CSR No. 5140



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Eisenberg Decl. Ex. 4 - 002

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DEPOSITION OF KIM RANEY

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KIM RANEY,

having been first duly sworn, testifies as follows:

EXAMINATION

BY MR. BRADY:

Q. Good morning. My name is Sean Brady. I am  
counsel for the plaintiffs in the matter of Flanagan v  
Becerra.

Can you state your name for the record, please.

A. Kim, K-i-m, Raney, R-a-n-e-y.

Q. May I call you Chief Raney?

A. Chief, Kim is fine. I'm retired.

Q. Okay. I'd like to mark as Exhibit 1.

(Exhibit 1 was marked.)

THE WITNESS: Thank you.

BY MR. BRADY:

Q. Have you seen this document before?

A. I have.

Q. I'm sorry. You have?

A. I believe I have.

Q. And it is a deposition notice with your name on  
it asking that you appear today at this location at  
9:00 A.M., although we agreed to 10:30 start time. Is



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1 any personal experience in the state of California with  
2 lawful open carry, so wouldn't your conclusion that law  
3 enforcement resources will be diverted -- what else  
4 could it be based on other than speculation?

5 A. It's based upon my experience in the state of  
6 California, 39 years of experience, 15 years as chief of  
7 police, knowing my communities, knowing the region,  
8 knowing people's concerns about visible firearms, and  
9 some of the things that have gone on that are alarming  
10 to a lot of people when a firearm is present. It's  
11 based upon that.

12 Q. So, then, is it -- let me see if I -- I don't  
13 want to misstate your testimony. Your statement that  
14 critical law enforcement resources will be diverted  
15 unnecessarily is based on your understanding of how  
16 Californians, at least in the Los Angeles area, would  
17 respond to seeing people carrying firearms in public; is  
18 that a fair --

19 A. That's a fair assessment to the back half of  
20 that. The first half deals with the current environment  
21 that exists in California with staffing levels, with  
22 POST realignment issues that are occurring in the state.  
23 It's kind of a compound situation, but, yeah, that's the  
24 back half of that. It's my opinion that law enforcement  
25 resources would be diverted to handle calls from the



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1 public about seeing open-carry firearms in our  
2 communities.

3 Q. Have you seen any studies on Californians'  
4 views of open carry?

5 A. No.

6 Q. Any surveys?

7 A. No.

8 Q. Polls?

9 A. No.

10 Q. Have you seen any from an open-carry  
11 jurisdiction? And when I say any, a study.

12 A. I might have seen some figures in the context  
13 of, you know, newspaper articles and different things  
14 that I've read.

15 Q. About the populous's feelings on the subject?

16 A. I'm sure that was within some of the articles,  
17 yeah.

18 Q. But that wasn't included in your report? That  
19 didn't influence your conclusions of your report?

20 A. No.

21 Q. I'd like to direct you to paragraph 28 of your  
22 report, line 20.

23 It says: The presence of a firearm carried  
24 openly, or (sometimes) concealed, in places visited by  
25 the public, including parks, open retail or environment



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1 venues, theaters, restaurants, or community or political  
2 events, has the high potential to create panic and chaos  
3 and would result in an immediate law enforcement  
4 response.

5 Did I accurately quote your report?

6 A. You did.

7 Q. Do you agree with the contents of that  
8 provision?

9 A. I do.

10 Q. Can you tell me on what you base your  
11 conclusion?

12 A. Again, on the fact that people in an urban  
13 environment want to feel safe in their communities and  
14 where they recreate or they worship or they go to dine  
15 or they take their families, and in the environment we  
16 have in California, it's my opinion that the presence of  
17 firearms is only going to create immediate anxiety,  
18 fear, and result in law enforcement having to respond.

19 Q. But you didn't consult any studies or reports  
20 or surveys in making this conclusion; correct?

21 A. Correct.

22 Q. And you didn't ask officers from open-carry  
23 jurisdictions about how their populous reacts?

24 A. No. Their population doesn't live in  
25 California.



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1 Q. So it's a -- you don't think that the reactions  
2 of, say, the residents of Colorado is relevant when  
3 talking about Californians?

4 A. I think it has to be taken into consideration.

5 Q. Have you heard of any events or anecdotes where  
6 the open carry of a firearm created panic or chaos?

7 A. I think in light of what has happened,  
8 unfortunately, in a lot of high-profile, high-visibility  
9 mass shootings, that the presence of a gun automatically  
10 creates concern for those constituents, customers,  
11 whatever, residents, and they've been preconditioned by  
12 either their environment or by the media, and there  
13 would be an immediate call for law enforcement services,  
14 i.e., a movie theater, in light of what happened in  
15 California, in light of what happened in Florida.

16 I mean, I don't want to run down the litany of  
17 mass murders, but I think that's something that as law  
18 enforcement executives we have to understand. Whether  
19 we agree or not, that's the reality of the people that  
20 live in our communities. That's their concern.

21 Q. In reaching your conclusions on that point, did  
22 you research whether shootings are more common in  
23 jurisdictions where open carry is lawful?

24 A. I did not.

25 Q. So you don't know if there are more shootings



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DEPOSITION ERRATA SHEET

Our Assignment No. J0623063

Case Caption: Flanagan vs. California Attorney General  
Xavier Becerra

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of  
my Deposition taken in the above captioned matter  
or the same has been read to me, and  
the same is true and accurate, save and  
except for changes and/or corrections, if  
any, as indicated by me on the DEPOSITION  
ERRATA SHEET hereof, with the understanding  
that I offer these changes as if still under  
oath.

Signed on the 21<sup>st</sup> day of  
AUGUST, 2017,

  
\_\_\_\_\_  
Kim Raney



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DEPOSITION ERRATA SHEET

Page No. 28 Line No. 12 Change to: properly supervised  
before, so my task from the chief was to

Reason for change: Mistranscription

Page No. 29 Line No. 23 Change to: the middle of one  
of the worst crises of their life, so

Reason for change: Mistranscription

Page No. 31 Line No. 4 Change to: they're arraigned.  
And if they're remanded into custody

Reason for change: Mistranscription

Page No. 31 Line No. 8 Change to: standards and  
training for corrections, the grand jury, and

Reason for change: Mistranscription

Page No. 33 Line No. 7-8 Change to: after the LA riots,  
and Los Angeles County was woefully unprepared

Reason for change: Mistranscription

Page No. 48 Line No. 17 Change to: There was another  
one. An army recruiter

Reason for change: Mistranscription

Page No. 62 Line No. 10 Change to: my concerns about  
open carry, and I think I used an

Reason for change: Mistranscription

SIGNATURE: 

DATE 8-21-17

Kim Raney



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DEPOSITION ERRATA SHEET

Page No. 102 Line No. 23 Change to: justice system  
over the last five years or so, and

Reason for change: Mistranscription

Page No. 104 Line No. 22 Change to: post-realignment  
issues that are occurring in the state

Reason for change: Mistranscription

Page No. 110 Line No. 12 Change to: multiple purposes,  
but one of them is the deescalation

Reason for change: Mistranscription

Page No. 118 Line No. 7 Change to: happened. Police  
chiefs are giving that authority to the

Reason for change: Mistranscription

Page No. 118 Line No. 9 Change to: making the  
Second Amendment a big issue, and so the police

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE 8-21-17

Kim Raney



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