

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORI RODRIGUEZ; THE
SECOND AMENDMENT
FOUNDATION, INC.; and
THE CALGUNS FOUNDATION,
INC.,

Plaintiffs,

vs.

No. 5:15-CV-03698

CITY OF SAN JOSE, CITY
OF SAN JOSE POLICE
DEPARTMENT, OFFICER
STEVEN VALENTINE, and
DOES 1 to 20,

Defendants.

DEPOSITION OF OFFICER STEVEN VALENTINE

DATE: Thursday, April 28, 2016
TIME: 12:59 p.m.
LOCATION: LAW OFFICES OF DONALD KILMER
1645 Willow Street
Suite 150
San Jose, CA 95125
REPORTED BY: AUDREY KLETTKE, CSR NO. 11875

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A P P E A R A N C E S

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I N D E X O F E X A M I N A T I O N

PAGE:

By Mr. Kilmer

4

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I N D E X O F E X H I B I T S

PAGE:

A Notice of Deposition

4

B 16-page document entitled "San Jose Police Department General Defense Hardcopy" Bates numbers SJ000001 - SJ000016

9

C Five-Page document entitled "Event Details Report" Bates numbers SJ000017- SJ000021

19

D Declaration of Officer Steven Valentine

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1 safe, I don't care. I mean...

2 Q. BY MR. KILMER: Your next sentence in that
3 paragraph is: "Eleven of the firearms belonged to
4 Edward Rodriguez."

5 Edward was the person you took into custody for
6 a mental health hold, correct?

7 A. Yes.

8 Q. And then your next sentence says: "One of the
9 firearms belonged to the RP."

10 Does that stand for "reporting party"?

11 A. Yes.

12 Q. And the reporting party would have been Lori
13 Rodriguez?

14 A. Yes.

15 Q. And is Lori Rodriguez the one sitting next to
16 me?

17 A. Yes.

18 Q. How did you determine that one of the firearms
19 belonged to her?

20 A. She told me.

21 Q. Were you in communication with your dispatcher
22 as to who the firearms were registered to that night?

23 A. Yes.

24 Q. And were you able to confirm that with your
25 dispatcher?

1 13?

2 A. Yes.

3 Q. When you made the improvised note -- or should
4 we call it an improvised receipt? Would that be fair?

5 A. Yes.

6 Q. -- did you make a copy for yourself as well?

7 A. Well, I would have had a copy -- I would have
8 had the same list to transcribe to the Form 13. So I
9 would say yes.

10 Q. And that would have been part of your notes that
11 you kept during the event, correct?

12 A. Yes.

13 Q. And that note would have been destroyed later
14 with the other notes that you destroyed?

15 A. Yes.

16 Q. Does the San Jose Police Department have a form
17 to document consensual searches?

18 A. Yes.

19 Q. Did you have that form with you that night?

20 A. Yes.

21 Q. Did you use one?

22 A. No.

23 Q. Why not?

24 A. It wasn't a typical situation where you would
25 use one.

1 5150."

2 What does that mean, if you know?

3 A. The event would have been dispatched as what
4 would be called a welfare check. That's your WELCK.
5 That's an abbreviation for welfare check. And then the
6 final disposition of the case was a 5150.

7 Q. And do you know who made that change from
8 welfare check to 5150?

9 A. Would have been me.

10 Q. What was your -- who was the -- strike that.

11 Was there an officer in charge of the scene that
12 night?

13 A. Yes.

14 Q. And who was that officer?

15 A. Me.

16 Q. Is that because you arrived first or because you
17 were the ranking officer?

18 A. Because it's my beat.

19 Q. So would you have made all of the command
20 decisions there that night?

21 A. Yes.

22 Q. And that would include the decision to seize any
23 weapons at the site?

24 A. Yes.

25 Q. Did you consult with anybody else about that

1 Q. Okay.

2 A. You can go down to -- you can go to 24 January
3 03:57 on Page 3.

4 Q. Okay. That's at the bottom of the page?

5 A. The very last entry.

6 Q. Okay.

7 A. That's a unit I.D. 71X4 calling for normal
8 traffic. That's saying that we no longer have a
9 dangerous situation occurring.

10 To go any further than that when he was in the
11 ambulance and we were all talking, that would be a
12 little bit -- that would be pretty vague. There is
13 about a 30-minute window that could have happened.

14 Q. Okay. But by 03:57 Mr. Edwards [sic] was in the
15 ambulance?

16 A. I don't know if he was in the ambulance but he
17 was at least secured. We had the situation where we
18 didn't no longer request any assistance.

19 Q. So any discussion about the firearms took place
20 after Mr. Rodriguez was secured?

21 MR. VANNI: Objection; misstates his testimony.

22 MR. KILMER: All right. I will strike the
23 question.

24 Q. BY MR. KILMER: Any discussion about seizing the
25 firearms took place after the scene was safe?

1 A. Yes.

2 Q. I will ask you to turn to Page 4 of this report.

3 And there is an entry at -- there is three entries at

4 04:21. I will direct your attention to the third one.

5 And the entry is by 71X4, and the entry says "VMC

6 following the rig. Event closed."

7 Would it be fair to say at that point in time

8 Mr. Rodriguez was in the ambulance --

9 A. Yes.

10 Q. -- on his way to VMC?

11 Just above that at 04:13 there is an entry by

12 7X10. That's your district sergeant, correct?

13 A. Yes.

14 Q. And then there is a -- letters AM next to that.

15 Do you know what that means?

16 A. He cleared the scene.

17 Q. He left?

18 A. He went back into service, yes.

19 Q. Did you have any conversations with him after he
20 cleared the scene?

21 A. Not that I can recall.

22 Q. So if you had a conversation with the district
23 sergeant about seizing the weapons, it would have taken
24 place between 03:57 and 04:13, correct?

25 A. Yes.

1 Q. Do you recall now whether or not you had a
2 conversation with him about that during that time
3 period?

4 A. Oh, I thought I stated I did have a conversation
5 with him.

6 Q. Do you remember now how long the conversation
7 took?

8 A. No, I do not.

9 Q. Do you remember what was said?

10 A. No, I don't.

11 Q. Do you remember who initiated the conversation?

12 A. No, I don't.

13 Q. Do you remember what conclusions you came to?

14 A. The two conclusions that we came to were the
15 5150 hold for Mr. Rodriguez and the firearms being
16 removed from the home.

17 Q. Now your conversation with 7X10, the district
18 sergeant, were you consulting with him or were you
19 asking him to make a decision about removal of the
20 firearms?

21 A. I would say more of advice.

22 Q. So you were consulting a colleague about what
23 would be the best course of action?

24 A. Yes.

25 Q. The decision, though, was yours whether to

1 Q. It was not meant to suggest that there was --
2 this was a marital disturbance or a dispute between a
3 husband and wife, was it?

4 A. Just a family disturbance.

5 Q. It wasn't meant to suggest that it was a call
6 for domestic violence, was it?

7 A. No.

8 Q. In Paragraph 3 -- I'm sorry. Strike that.
9 Paragraph 4, at lines 8 and 9, you state that:
10 "During the contact, she" -- and I am assuming you are
11 referring to Lori Rodriguez -- "was fearful of
12 respondent's behavior."

13 Do you remember writing that?

14 A. Yes.

15 Q. Did you mean that Lori was afraid of her husband
16 or that she was afraid for him?

17 A. She was fearful of her husband at the time.

18 Q. You believe that she was afraid that he would
19 hurt her?

20 A. I would speculate. I just remember her telling
21 me.

22 Q. Could that be read both ways, that she was also
23 afraid for her husband instead of her husband?

24 A. She was fearful of her husband.

25 Q. Had her husband harmed her?

- 1 A. No.
- 2 Q. Did she say he had harmed her?
- 3 A. No.
- 4 Q. Was there any evidence that he had harmed her?
- 5 A. No.
- 6 Q. At the bottom of the page, starting Paragraph 8,
7 your sentence reads: "During a protective sweep for
8 weapons inside the respondent's house, I located 12
9 firearms within a gun safe."
10 You used the term "protective sweep" in your
11 declaration, but you did not use it in your written
12 report. Why is that?
- 13 A. Difference of a couple years of language.
- 14 Q. Difference of a couple years.
- 15 Let me help you refresh your recollection. I am
16 not trying trap you here.
- 17 You prepared this report at or near the time of
18 the event, correct, the written San Jose PD report?
- 19 A. I prepared that the date of the event.
- 20 Q. And that was January 24, 2013, correct?
- 21 A. Yes.
- 22 Q. And if you look on Page 3 of your declaration,
23 you signed that on February 12, 2013, correct?
- 24 A. Yes.
- 25 Q. So it was less than three weeks later?

1 A. I thought that this was during the trial. I'm
2 sorry.

3 Q. I am not trying to trap you.

4 A. I thought this was from the trial.

5 Q. From the trial in court, yeah. You prepared
6 this in anticipation of that. It's all right.

7 So three weeks later you signed this
8 declaration; that's accurate?

9 A. Yes.

10 Q. All right.

11 MR. VANNI: Don --

12 Q. BY MR. KILMER: So my question is that you used
13 the words "protective sweep" three weeks later, but you
14 didn't use the words "protective sweep" in your report.
15 And if you have an explanation for why the difference.

16 A. No, I do not.

17 MR. VANNI: Don, I hate to stop you, but it's 2
18 o'clock --

19 MR. KILMER: Absolutely. Let's take a break and
20 go off the record.

21 (A short recess was taken.)

22 Q. BY MR. KILMER: Officer Valentine, I'm going to
23 give you a definition of "protective sweep" and ask if
24 you agree with it.

25 "Protective sweep is a properly limited

1 protective sweep in conjunction with an in-home arrest
2 when the searching officer possesses a reasonable
3 belief based on specific and articulate facts that the
4 area to be swept harbors an individual posing a danger
5 to those on the arrest scene."

6 Is that a fair and accurate description of a
7 "protective sweep"?

8 A. Yes.

9 Q. Is it a definition you would use?

10 A. Yes.

11 Q. Have you had a chance to reflect why you used
12 the word "protective sweep" in your declaration signed
13 on February 12, 2013, and you did not use the term
14 "protective sweep" in your report filed on the 24th of
15 January?

16 A. Well, first off, I would like to kind of go back
17 on this document.

18 Q. Which document?

19 A. On Exhibit D.

20 Q. Okay. Sure.

21 A. I didn't prepare this document. This document
22 was prepared for my review and approval of.

23 This is what happened.

24 Q. All right.

25 A. The language used in here wouldn't be the

1 language that I would use in a police report.

2 Q. All right.

3 A. Does that make sense when I say "language"?

4 Q. It does.

5 A. This is a true and correct depiction of what
6 occurred, just different language.

7 Q. Okay. So in Paragraph 8, when it says "during a
8 protective sweep," would your testimony today be that
9 there was no protective sweep?

10 A. Yes.

11 Q. So to be fair, that term should have been struck
12 from the declaration because it didn't accurately
13 reflect your testimony?

14 A. Yes.

15 Q. So just to be clear: There was no protective
16 sweep that night?

17 A. We never swept the house, no.

18 MR. VANNI: You want to step outside real quick?

19 THE WITNESS: Yes.

20 MR. VANNI: Don, do you mind if we take a quick
21 break and chat?

22 MR. KILMER: There is no question pending.

23 Sure.

24 MR. VANNI: We will be right back.

25 (A short recess was taken.)

1 Q. BY MR. KILMER: We've established that there was
2 no protective sweep that night, that that was a mistake
3 in the declaration?

4 MR. VANNI: Objection; misstates his testimony.

5 Q. BY MR. KILMER: Let's go back and clarify it,
6 then.

7 On Page 2 at Paragraph 8, there is a paragraph
8 that begins "During a protective sweep for weapons
9 inside of the respondent's house" -- comma, and then it
10 goes on.

11 You testified earlier that no protective sweep
12 in fact happened, correct?

13 A. Correct.

14 Q. And that your signing this under declaration of
15 penalty of perjury was just an oversight on your part
16 and that there was no protective sweep?

17 A. Yes.

18 Q. Do you know who inserted the words "protective
19 sweep" into this declaration?

20 A. No, I do not.

21 Q. Did the idea of doing a protective sweep that
22 night come up on the night in question of January 24?
23 Did anybody suggest that tactic?

24 A. No.

25 Q. Prior to you going out and having a conversation

1 with your lawyer, you were pointing to Paragraph 3 on
2 Page 1 of Exhibit D. Is there something important on
3 Paragraph 3 that you would like to tell me about?

4 A. No. We've clarified it.

5 Q. Is there another mistake on this declaration?

6 A. No.

7 Q. Now in your -- both your report and this
8 declaration you state that the firearms were located in
9 a gun safe; is that correct?

10 A. Yes.

11 Q. Was the safe open when you arrived?

12 A. No.

13 Q. Were any guns outside of the safe when you
14 arrived?

15 A. No.

16 Q. Did Mr. Rodriguez at any time threaten to use a
17 gun?

18 A. Yes.

19 Q. He did. Is that in your report?

20 A. I will go back on that. He mentioned the use of
21 guns.

22 Q. In what way did he mention the use of guns?

23 A. In a lot of his nonsense talk.

24 Q. What did he say?

25 A. Talking about shootings in schools and what was

1 in the news those days.

2 Q. Did he mention using a gun himself?

3 A. No, he did not.

4 Q. So he was talking about the school shootings.

5 Did he mention shootings in any other context?

6 A. Just shootings.

7 Q. But school shootings, correct?

8 A. He specifically said a school shooting.

9 Shooting up schools, yes.

10 Q. Did he mention guns or shooting at any other
11 time?

12 A. He talked about the guns in the gun safe.

13 Q. What did he say?

14 A. He just talked about the guns in the gun safe.

15 Q. How did he talk about them? Did he describe
16 them?

17 A. No. Just let us know that he had a gun safe
18 full of guns.

19 Q. Was that in response to a question?

20 A. I don't know.

21 Q. Did you question Mr. Rodriguez about the guns in
22 the gun safe?

23 A. Yes.

24 Q. What did you say to him?

25 A. I just asked him how many guns there were in the

1 gun safe.

2 Q. And what did he tell you?

3 A. He said a lot.

4 Q. Did anybody else at the scene threaten to use a
5 gun?

6 A. No.

7 Q. How did the safe get opened?

8 A. I was not there when the safe was opened.

9 Q. Who was?

10 A. I don't recall who the officers were inside when
11 the safe was opened.

12 Q. Did you direct the gun safe to be opened?

13 A. Yes.

14 Q. And why did you do that?

15 A. I had gained consent to remove the firearms, and
16 had instructed the officers who were backing up or
17 filling with me to stay with the safe while it was
18 opened.

19 Q. And who did you obtain the consent from?

20 A. Ms. Rodriguez.

21 Q. She is sitting here next to me?

22 A. Yes.

23 Q. Did you attempt to obtain consent from
24 Mr. Rodriguez?

25 A. No.

1 Q. That would have been a futile act because he
2 wasn't in his right mind, was he?

3 A. I don't even know if he was there when we talked
4 about it.

5 Q. Is the consent that you obtained from
6 Mrs. Rodriguez documented anywhere in your report?

7 A. No.

8 Q. Is it documented anywhere in your declaration?

9 A. No.

10 Q. How did you obtain this consent?

11 A. Through verbal consent from Mrs. Rodriguez.

12 Q. We've already established that San Jose PD has
13 written consent forms and that you had some with you
14 that night; is that correct?

15 A. Yes.

16 Q. Why didn't you use a written consent form?

17 MR. VANNI: I think it was asked and answered.

18 THE WITNESS: The situation didn't call for it.

19 Q. BY MR. KILMER: What did you say to

20 Mrs. Rodriguez --

21 A. I --

22 Q. -- to obtain consent?

23 A. I informed her of the laws pursuant to a 5150
24 hold and requested that -- requested her consent to
25 remove the firearms, and she agreed.

1 Q. What specifically did you say to her with
2 respect to the law of firearms in 5150?

3 A. I would have shown her the form where it talks
4 about the removal of firearms on the 5150.

5 Q. Okay.

6 A. And that because he is being placed on a 5150
7 hold, the firearms need to be removed from the home
8 pursuant to the law.

9 Q. What form are we talking about?

10 A. I have a blank copy. I don't know if you can
11 read it on here.

12 MR. VANNI: Exhibit B might be better. The
13 color copy would be better.

14 THE WITNESS: If you were to look at Exhibit B,
15 Page 3 of 16, this is the application for a 72-hour
16 detention for evaluation and treatment. And if you
17 were to go to the bottom, at the very bottom there is
18 three boxes. And the first box of those three is
19 marked and then my name and badge.

20 I showed her this form. And pursuant to -- and
21 I can't read it here, but pursuant to -- I would have
22 told her pursuant to welfare and institution code -- I
23 can't read that code -- that the firearms were to be
24 confiscated and she would be notified of the procedure
25 for return.

1 Q. BY MR. KILMER: Is there a place for
2 Mrs. Rodriguez to sign this form?

3 A. No.

4 Q. Did she sign the form?

5 A. No.

6 Q. What proof do you have that she was given a copy
7 of this form?

8 A. She would not have been given a copy of this
9 form.

10 Q. What was done with the form?

11 A. Submitted with the report and a copy given to
12 EPS.

13 Q. So it's your testimony that you showed her a
14 copy of this and told her that you were required to
15 remove the weapons?

16 A. I can't say if I told her I was required. I
17 would have said pursuant to the law the weapons were to
18 be confiscated.

19 Q. Did you say that to her before or after you
20 claimed she consented to their seizure?

21 A. It would have all been in the same conversation.

22 Q. Did she voluntarily say, "I want you to remove
23 the guns"?

24 A. No.

25 Q. Did she object to the removal of the guns?

1 Q. And when did you make the decision to remove the
2 firearms?

3 A. I think we went over this. Sometime after
4 Mr. Rodriguez was secured.

5 Q. During that -- that brief conversation at 03:57
6 when the situation was declared normal and 04:13 when
7 your district sergeant cleared, correct?

8 A. Yes.

9 Q. It was during that time period that you decided
10 that you were going to confiscate the weapons?

11 A. Yes.

12 Q. What is the San Jose Police Department policy
13 with regard to the seizure of firearms during a welfare
14 check?

15 MR. VANNI: Objection; lacks foundation.

16 Q. BY MR. KILMER: Is there a San Jose Police
17 Department policy with regard to the seizure of
18 firearms during a welfare check?

19 A. No, there is not a policy. No.

20 Q. Does the San Jose Police Department have a
21 policy with regard to the seizure of firearms during a
22 5150?

23 A. Yes.

24 Q. What is that policy?

25 A. I would have to read the duty manual.

1 A. No. You can see what page it is and then you
2 can just -- I'm very computer illiterate so maybe there
3 is a quicker way. And then you just scroll down until
4 you get to that page.

5 Q. What would be another way that you would make an
6 inquiry?

7 A. You could do a search. But I have had very
8 little success with the search. I just find it easier
9 to --

10 Q. Just do the brute force approach?

11 A. Yes.

12 Q. Do you remember how long the section was on
13 confiscation of firearms?

14 A. No.

15 Q. Couple paragraphs? Three paragraphs?

16 A. No.

17 Q. Do you remember what words you used to obtain
18 Ms. Rodriguez's consent?

19 A. No.

20 Q. Do you remember if you asked for consent to
21 search or to seize?

22 A. I would have definitely told her that we were
23 seizing them. Our intention was to seize them.

24 Q. So you made it clear to her that you were going
25 to seize the weapons?

1 A. Yes.

2 Q. With or without her consent?

3 A. No.

4 Q. So if she would have said no, you would have
5 walked away and left the guns there?

6 MR. VANNI: Objection; calls for speculation.

7 MR. KILMER: No, it doesn't.

8 THE WITNESS: No.

9 Q. BY MR. KILMER: No?

10 A. No.

11 Q. So even over her objection, you would have taken
12 the guns?

13 A. No.

14 Q. No. Okay.

15 So if she had objected and said you are not
16 getting the guns, that would have been the end of the
17 matter; you would have left and left the guns there?

18 A. No.

19 Q. All right. That's what -- what would you have
20 done?

21 A. There would have been a discussion in regards to
22 warrants, other avenues at our disposal.

23 Q. Did you convey that information to
24 Ms. Rodriguez, that you would have obtained a warrant
25 if she didn't consent?

1 A. No. And I said discussions. Not that we would
2 have. We would have just discussed it.

3 Q. Would have discussed.

4 What would have been the purpose of the
5 discussion?

6 A. Find out if the situation arises to that level.

7 Q. Would the discussion have been to get her to
8 change her mind?

9 A. No.

10 Q. At any time did you tell Ms. Rodriguez that you
11 were required to seize the guns?

12 A. I would have just told her pursuant to the law
13 we were going to need to confiscate the firearms.

14 Q. And her response was?

15 A. She understood.

16 Q. And after that, she found the combination to the
17 safe and somebody helped her open it?

18 MR. VANNI: Objection; calls for speculation.

19 Q. BY MR. KILMER: If you know.

20 A. I don't know.

21 Q. Do you know if any of the other officers at the
22 scene prepared a written report?

23 A. No, they did not.

24 Q. So the only person preparing a report was you?

25 A. Yes.

1 her cooperation.

2 MR. VANNI: Objection; misstates his testimony.
3 I think he said that pursuant to the law they had to
4 confiscate the firearms.

5 MR. KILMER: Let me rephrase the question.

6 Q. BY MR. KILMER: That you told Ms. Rodriguez that
7 pursuant to the law you had to confiscate the firearms,
8 and then after that she cooperated in opening the safe
9 and allowing the weapons to be taken into custody or
10 into police possession.

11 With regard to the timing of those events, would
12 you have any reason to contradict that, the timing of
13 that? In other words, your statement to her about the
14 law's requirements came before --

15 A. What am I contradicting? That's why I am
16 confused.

17 Q. Strike that. Let me rephrase the question.

18 Your statement to Lori Rodriguez that the law
19 required you to confiscate the weapons came before she
20 cooperated in opening the safe.

21 MR. VANNI: I'm going to object again and say
22 that misstates his testimony that he said that the law
23 required him to take the weapons.

24 Q. BY MR. KILMER: Did you say to Ms. Rodriguez
25 that you were required by law to seize the weapons?

1 A. I told her pursuant to the law I was to
2 confiscate the weapons.

3 Q. What is the difference between pursuant to the
4 law and required by the law?

5 A. To me pursuant is I'm conveying the law. And
6 really no difference to required.

7 Q. Okay. So when you say pursuant to the law, you
8 are going to seize --

9 A. Confiscate.

10 Q. -- you are going to confiscate the weapons.

11 I am asking you: Is it an accurate statement
12 that she cooperated in opening the safe after you told
13 her that pursuant to the law you were going to
14 confiscate the weapons?

15 A. Yes.

16 MR. KILMER: Let's take a quick break. I want
17 to confer with my client. And I have just a couple
18 more questions and we'll get you guys out of here.

19 (A short recess was taken.)

20 Q. BY MR. KILMER: During the conversation you had
21 with Ms. Rodriguez about confiscating the firearms, did
22 you inform her that she had the right to refuse?

23 A. Yes.

24 Q. You did specifically remember saying that to
25 her?

1 Q. And what was the response that you expected?

2 A. I didn't expect anything.

3 Q. Didn't you expect her to cooperate and open the
4 safe?

5 A. No.

6 Q. Then why did you ask her to open it?

7 A. Because you can't remove the firearms if it's
8 not open.

9 Q. So you were going to remove the firearms -- you
10 had already made the decision to remove the firearms at
11 that point?

12 A. Yes.

13 Q. Did you convey that conviction -- that level of
14 conviction to her that you were going to remove the
15 firearms?

16 A. I told her that we're going to confiscate the
17 firearms.

18 Q. And it was after that that she gave you the
19 combination to the safe, correct, or gave one of the
20 officers the combination of the safe?

21 A. Yes.

22 Q. What else did she say? What do you recall her
23 saying?

24 MR. VANNI: Objection. Vague in terms of --

25 Q. BY MR. KILMER: After you told her you were

1 going to confiscate the firearms, what do you recall
2 her saying?

3 A. I didn't tell her we were going to confiscate
4 the firearms. I explained pursuant to the law the
5 firearms needed to be confiscated.

6 Q. And what is your recollection of her response?

7 A. She was cooperative.

8 Q. Did she say anything like "I am glad you are
9 getting the guns out of here," or anything like that?

10 A. No.

11 Q. Did she object at all? Did she say, "No, they
12 are going to be fine; leave them where they are at"?

13 A. She objected to hers.

14 Q. Okay. And your earlier testimony is that you
15 had identified one of the firearms as belonging to her,
16 correct?

17 A. Yes. And she had identified it as hers.

18 Q. Did you have a discussion about leaving that
19 firearm with her?

20 A. Yes.

21 Q. And what was the discussion?

22 A. It couldn't be because he still had access to
23 it.

24 Q. Let's talk about that.

25 Mr. Rodriguez at this point in time was on his

1 way to Valley Medical, correct?

2 A. Yes. Or in the ambulance outside. One of the
3 two.

4 Q. And your understanding of a 5150 hold is that
5 the person is usually held for 72 hours observation,
6 correct?

7 A. Up to 72 hours.

8 Q. It could be longer?

9 A. Out of my hands.

10 Q. You don't know?

11 A. I have seen it for four hours.

12 Q. So Mr. Rodriguez would have not had immediate
13 access to the firearms because he would have been in
14 the hospital, right?

15 A. I don't know.

16 Q. You directed that he be transported to Valley
17 Medical, correct?

18 A. Yes.

19 Q. Okay. And so Ms. Rodriguez was being left home
20 alone with the firearms, correct?

21 A. Yes.

22 Q. And Mr. Rodriguez was going to be in the
23 hospital?

24 A. Yes.

25 Q. So in what way did he have access to the

1 firearms at that point in time?

2 A. He still lived there.

3 Q. Officer Valentine, were you made aware that the
4 plaintiffs offered to dismiss you from this case in
5 exchange for a stipulation that you were the only
6 officer that interacted with Lori with regard to the
7 seizure of the firearms?

8 A. I was the only one who interacted.

9 Q. But were you made aware that the plaintiffs
10 offered to dismiss you from the case in exchange for a
11 stipulation that you were the only officer that
12 interacted with her with regard to the seizure the
13 firearms?

14 A. No, I wasn't.

15 Q. One last thing. And this doesn't require a
16 response from you necessarily but my client wanted me
17 to convey this to you that the case is about the
18 constitution of public policy. And except for the
19 initial seizure of the firearms and the return of my
20 client's property, we don't believe that you did
21 anything wrong that night except for the issue of the
22 seizure and the failure to return them. And my client
23 did want to thank you for the compassion and
24 professional conduct you showed to her husband.

25 A. Thank you.