

EXHIBIT 2

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK BAIRD and RICHARD
GALLARDO,

Plaintiff(s),

vs.

CASE NO.
2:19-cv-00617-KJM-AC

ROB BONTA, in his official
capacity as Attorney
General of the State of
California, et al.,
Defendant(s).

DEPOSITION OF CHARLES D. HAGGARD
Appearing Remotely From Topeka, Kansas
Tuesday, October 19, 2021
Volume I

Reported by:
Carrie Pederson
CSR No. 4373, RMR, CRR
Job No. 4838109
Pages 1 - 104

1
2
3
4
5
6
7
8
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10
11
12
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14
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16
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18
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20
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK BAIRD and RICHARD
GALLARDO,

Plaintiff(s),

vs.

CASE NO.
2:9-cv-00617-KJM-AC

ROB BONTA, in his official
capacity as Attorney
General of the State of
California, et al.,
Defendant(s).

Deposition of CHARLES D. HAGGARD, Volume I,
taken on behalf of the defendants, at Topeka, Kansas,
beginning at 9:06 a.m. and ending at 11:31 a.m. on
Tuesday, October 19, 2021, before Carrie Pederson,
Certified Shorthand Reporter No. 4373.

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23

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INDEX

WITNESS:

CHARLES D. HAGGARD

Volume I

PAGE

Examination By Mr. Wise 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

DEFENDANT'S

DESCRIPTION

PAGE

Exhibit 1	Expert Declaration and Report of Charles "Chuck" Haggard	11
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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
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CERTIFIED QUESTIONS/INSTRUCTED NOT TO ANSWER

PAGE LINE

82 8

96 19

1 Topeka, Kansas, Tuesday, October 19, 2021

2 9:06 a.m. - 11:31 a.m.

3

4 CHARLES D. HAGGARD,

5 having been administered an oath, was examined and
6 testified as follows:

7 --o0o--

8 EXAMINATION

9 BY MR. WISE:

10 Q. Good morning.

11 A. Morning.

12 Q. My name's Matthew Wise. I represent the
13 California Attorney General in this case which is
14 known as Baird v. Bonta. Would you state your full
15 name and spell your last name for the record.

16 A. My name is actually Charles, D as in David,
17 Haggard, H-a-g-g-a-r-d. I go by Chuck.

18 Q. Do you understand that you're testifying
19 here under the same oath that you would be testifying
20 under in a courtroom?

21 A. I do. Yes, I do.

22 Q. You've been retained as an expert for
23 plaintiffs in this case?

24 A. Yes, sir.

25 Q. Have you ever had your deposition taken?

1 A. Not in this case, but previously in life,
2 yes, I have.

3 Q. The court reporter's recording everything
4 that we say, so we need to try to have only one
5 person speak at a time.

6 A. Sure.

7 Q. I'll try to let you finish your answer when
8 I ask a question and before I ask another one. I
9 just ask that you try to let me finish asking my
10 question before you start to give your answer.

11 A. Certainly.

12 Q. If you need to take a break at any time,
13 just let me know. The only thing I'd ask is that if
14 there's a question pending, that you'd answer that
15 question before we take our break.

16 A. Okie-doke.

17 Q. After I ask a question, it's possible that
18 your attorney might have an objection to the
19 question. You should still answer the question
20 unless your attorney advises you not to answer the
21 question.

22 A. Okay.

23 Q. If you don't understand a question, please
24 let me know, and I'll try to rephrase the question.
25 Do you understand that?

1 A. Yep, I do.

2 Q. You'll have an opportunity, after the
3 deposition, to review the transcript that was made
4 here today, and you'll be able to make corrections to
5 the transcript, but you should know that there will
6 be a record of the corrections that were made, and
7 I'll be allowed to comment on any corrections that
8 you make.

9 A. Okay.

10 Q. Is there anything affecting you today that
11 would prevent you from thinking clearly and
12 testifying truthfully?

13 A. No.

14 Q. How did you prepare for today's deposition?

15 A. I actually did not do any real formal
16 preparation for this deposition. Ms. Bellantoni and
17 I had a casual phone conversation a couple of days
18 ago and wasn't -- actually hasn't been much more than
19 that. Read through -- I forget the -- I don't have
20 it in front of me on the email.

21 There was the other expert that has been
22 retained. He's a chief of police or former chief of
23 police. I was able to read his declaration or his
24 statement and -- but that's been -- you know, this
25 has been set up for a few weeks now, so I was able to

1 read that in the meantime, but that's about it.

2 Q. Is that the declaration of Kim Raney?

3 A. Yes.

4 Q. And other than Ms. Bellantoni, did you speak
5 with anyone about this deposition?

6 A. No, sir.

7 Q. When did you first become involved in this
8 case?

9 A. It's been awhile. As far as pulling a date
10 up, I'd have to defer to Ms. Bellantoni for when she
11 first contacted me to talk about this. It would be
12 really hard for me to say. It seems like a year or
13 two now.

14 Q. Okay. And was it Ms. Bellantoni who
15 contacted you or someone else?

16 A. Yes, she did.

17 Q. Did anyone tell you what they wanted you to
18 do as an expert in this case?

19 A. We had a conversation, Ms. Bellantoni and I,
20 on she was looking for an expert witness to speak
21 towards police training and practices as it pertained
22 to this case, so my understanding of my input, like,
23 here today would be as a law enforcement expert.

24 Q. Have you reviewed the complaint in this
25 matter?

1 A. Yes, sir.

2 Q. Did you have a role in drafting the
3 complaint?

4 A. No, I did not.

5 Q. Are you being compensated for your work in
6 this case?

7 A. I am, although I have yet to send a bill in
8 for anything, so, no, I have not been paid, but we --
9 Ms. Bellantoni and I agreed on a price. Truthfully,
10 I volunteered to do this one pro bono, and she
11 insisted that I not do that, and so I believe it's in
12 my statement or in my declaration, I think we agreed
13 to 75 an hour or something like that.

14 Q. Okay. Let me share my screen. I will try
15 to show you an exhibit here. Could we go off the
16 record for just a moment?

17 (Discussion off the record)

18 MR. WISE: Can we go back on the record now?

19 BY MR. WISE:

20 Q. Okay. We're back on the record.

21 Mr. Haggard, can you see Exhibit 1 on your screen?

22 (Exhibit 1 marked)

23 THE WITNESS: Yes.

24 BY MR. WISE:

25 Q. Okay. Do you recognize this document?

1 A. I do.

2 Q. What --

3 A. This would be the declaration that you asked
4 me, in my preparation, what I had read.

5 Q. Did you prepare this declaration?

6 A. I did not. I spoke to Ms. Bellantoni at
7 length and wrote up my thoughts, and then she made it
8 look real pretty on this document.

9 Q. Does this declaration reflect your thoughts?

10 A. Yes, sir.

11 Q. Okay. And did you sign a copy of this
12 declaration?

13 A. Yes, I did, and then because of the nature
14 of what we're doing, I had to sign and then scan that
15 and then send that in so that you guys would have a
16 legal copy.

17 Q. Okay. Let's look just at page 14 here. I
18 notice that the declaration that I have is not
19 signed, but you do have a signed version?

20 A. Yes, sir, I do.

21 Q. Okay. Would you work with plaintiff's
22 counsel to provide me a signed copy of this
23 declaration?

24 MS. BELLANTONI: Yeah, I'll get that over to
25 you, Matthew.

1 MR. WISE: Terrific.

2 BY MR. WISE:

3 Q. Your declaration cites a number of
4 documents. Besides the documents that you've cited,
5 did you rely on any other documents in reaching your
6 opinion on this case?

7 A. I read the original -- my legal training is
8 failing me here -- the filing, the case that was put
9 forward, and then the other expert, Chief Raney, I
10 read those documents.

11 Q. Did you conduct research to locate the
12 documents that form the basis of your opinion?

13 A. I'm not sure how you mean that. Which part
14 are you referring to?

15 Q. Anything in the declaration itself. Did you
16 conduct any research to try to come up with documents
17 that would support your opinion?

18 A. Not really. A big part of my declaration
19 would be personal observation and experience.

20 Q. Did anyone else provide you with documents
21 that would support the basis of your opinion?

22 A. I don't believe so. Besides the documents
23 that Ms. Bellantoni provided to me that I've talked
24 about reading as far as, like, what's already
25 pertinent to this case, I don't believe so. Like I

1 say, we've been doing this for quite awhile. I will
2 tell you that I do, you know, like, on a regular
3 basis, read up on things like news, gun control
4 issues, crime issues, things like that. All of that
5 is still pertinent to my life. I am still an active
6 duty police officer, so those are all things that I
7 pay attention to, but I don't recall being provided,
8 or, you know, anything like that, anything specific
9 for this case, no, sir.

10 Q. Anyone other than plaintiff's counsel
11 assisted you in preparing this declaration?

12 A. No. Huh-uh.

13 Q. Have you ever served as an expert witness?

14 A. Yes, sir, I have.

15 Q. How many times?

16 A. It's hard to say. Probably a good dozen.

17 I've been retained as an expert witness on police use
18 of force both in civil court and in criminal court.

19 I have been retained as a defense expert on firearms
20 and firearms training in a murder trial. I have been
21 retained as an expert witness on firearms in a
22 series. We had kind of a gang robbery homicide thing
23 that turned into a series of probably eight separate
24 trials because of the nature of that one, so I don't
25 have an -- I'd say probably 10 to 12 times at least.

1 Q. Have you ever testified as an expert on the
2 public carry of firearms?

3 A. No, I have not.

4 Q. Did you attend college?

5 A. I did.

6 Q. What college?

7 A. Kansas State University.

8 Q. Did you graduate?

9 A. I did not. The police department decided to
10 hire, and I had to weigh my options, so ended up
11 taking the job.

12 Q. Besides college experience you had, did you
13 complete any other formal education courses?

14 A. I've completed courses, Kan State
15 University, and then other courses through the
16 military that were adjunct to other colleges such as
17 Washington University, Emporia State, couple of those
18 that were out-of-state things like Louisiana State
19 University that were part of the course that I was
20 doing. That was both in a police capacity and a --
21 or, when I was in the military, military capacity,
22 and those were classes that if you did that, you
23 could gain college credit for that.

24 I've also -- not pertinent to this, but also
25 completed Kansas -- not Kansas State University --

1 Kansas University classes through things like fire
2 science and that sort of thing that all count
3 towards -- you know, so I've earned college credit in
4 a whole bunch of places but never coalesced that into
5 a degree as it were.

6 Q. Any other formal education that we haven't
7 touched on?

8 A. Quite a bit. I'm assuming that you have a
9 copy of my CV. A whole lot of what I've done is
10 things like Force Science Research Center as a force
11 analyst, training on excited delirium and things that
12 are pertinent to police use of force, human dynamic
13 factors, deescalation, verbal judo, etc., etc., as
14 all is preparation and, you know, on-the-job
15 improvement for the jobs that I was doing mainly at
16 the Topeka Police Department, which since I've
17 retired from, but then in my current roles, I'm still
18 a national trainer for National Law Enforcement
19 Training Center. I have my own business. I'm an
20 adjunct instructor for Strategos International,
21 adjunct instructor for Hardwire Tactical, and then
22 I'm a police captain here at my current job.

23 Q. You mentioned that you served in the
24 military. When did you serve in the military?

25 A. It would have been 1982 to -- it's been

1 awhile. 19 -- I'm going to -- I believe 1998, but I
2 might be off on that, but definitely started in '82.

3 Q. What positions did you hold in the military?

4 A. So I was a reconnaissance specialist, and
5 that's a fancy word for -- or fancy term for we go
6 out and find the bad guys and tell everybody else
7 where they are at. So in those roles, I was vehicle
8 driver, I was a machine gunner, I was a squad leader,
9 I was a platoon sergeant. At one point, I was an
10 acting platoon commander when we did not have a
11 lieutenant on who was assigned to our unit.

12 Q. I think you just mentioned this, but did you
13 become familiar with firearms while in the military?

14 A. Oh, yes.

15 Q. Can you describe your experience with
16 firearms in the military?

17 A. So actually in that role, in the job that I
18 had, we were required to train with and qualify on a
19 yearly basis more than most of the Army jobs. If
20 you're, like, a truck driver or something like that,
21 it's very minimal. Infantrymen, obviously you're
22 going to be more that, but just as an example, when I
23 first got into the job that I was in, I was required
24 to qualify -- train with, qualify with a .45 pistol,
25 M16a1 rifle, M60 machine gun, M2 50 caliber machine

1 gun, the M203 40 millimeter grenade launcher, the LAW
2 antitank rocket, Claymore antipersonnel mines.

3 I'm probably leaving something out of the
4 list, but -- and then that -- as firearms changed
5 within the military, like they upgraded pistol, they
6 upgraded rifles, they added grenade launching machine
7 guns and things like that, we all got -- we got
8 trained on those as well.

9 Q. You mentioned that you've had a career in
10 law enforcement. At what point did you begin that
11 career?

12 A. 1987.

13 Q. What department did you work for?

14 A. The Topeka, Kansas Police Department.

15 Q. What were your roles there?

16 A. I started out as a patrolman. I was a
17 patrol officer and eventually a patrol sergeant. I
18 ended my career. The last six years of my career, I
19 was a shift commander as a lieutenant, and then in
20 the interim, I was a member of our SWAT team for
21 little over 17 years, and so I was a breacher, I was
22 a sniper, I was a squad leader.

23 At one point I was the team leader when we
24 did not have a lieutenant assigned. I was a firearms
25 trainer for the unit, a gas guy utilizing the grenade

1 launchers, and in the wider role for the department,
2 I was a field training officer. Then when I
3 promoted, I was a field training sergeant supervising
4 field training officers.

5 I was a firearms instructor, use of force
6 instructor on things like batons, taser, Pepper
7 Spray, handcuffing, arrest and control tactics,
8 things like that, ground fighting, weapon retention.

9 So we had a regional academy that was
10 approved through our state CPOST, so we had -- we did
11 recruit training and in-service training. At one
12 point, I was responsible for all of the use of force
13 and firearms training for the department, and for
14 about -- it was just about three years there, I was
15 the range master where my primary job was to do all
16 of the recruit in-service firearms training,
17 Maintenance, and then my role as a defensive tactic
18 instructor, I was basically in charge of our use of
19 force program where I had officers working for me who
20 assisted with that training.

21 Q. Did you ever develop protocols on how to
22 respond to an incident involving a firearm?

23 A. Yes, actually, and some of it very specific.
24 Right after Columbine, we had -- you know, there was
25 kind of a watershed event in law enforcement where

1 people were like, "Oh, my God, we can't do that"
2 because the perception was that the officers there
3 kind of waited around, so you had to have what we
4 call a rapid response to an active shooter, and then,
5 of course, I don't know if you've ever seen pictures
6 coming outline of Columbine, but there was a wide
7 variety of officers. There were detectives, there
8 were officers in plainclothes, there were officers
9 who showed up off duty, things like that, uniformed
10 police officer from multiple different departments.

11 So, you know, a big part of that would be
12 training the officers on what -- it's often called
13 PID or positive identification. The last thing we
14 want to do is replicate tragedies that have happened
15 in the past in places like New York City where you
16 have a blue-on-blue, you have, like, say, a uniformed
17 officer shooting a plainclothes officer or something
18 like that, so a big part of our training was
19 responding to threat recognition and then proper
20 response, you know, to the scenario as you find it.

21 Q. And what was your role in developing that
22 training?

23 A. I actually developed it from scratch. I was
24 given the job of -- because we wanted to have a rapid
25 response program, I was given the job of, "Hey, we

1 need to come up with something for that."

2 So in my role as the primary firearms
3 trainer at that point, or one of the primary firearms
4 trainers at that point, I was given the role of
5 coming up with an in-service training package so that
6 we could run all our people through rapid response.

7 I would say Columbine was a watershed event
8 for law enforcement in recognition of this, but in my
9 career, I had already responded to two active shooter
10 events, so that was something that was, you know, the
11 type of training that, taken seriously, was really
12 near and dear to my heart, that I'm glad they finally
13 got the -- the command staff finally got the message
14 that that needed to happen.

15 Q. After working at the Topeka Police
16 Department, did you work in any other capacity as a
17 law enforcement officer?

18 A. Yes, sir. Shortly after retiring, because
19 we have a -- we have a technicality in our
20 retirement, you can't do anything for 60 days for a
21 paycheck, otherwise it screws up, you know, the --
22 how the retirement fund works. We have to take
23 60 days off before you're allowed to do anything else
24 or you get paid, so I took short vacation, and then
25 the county north of me, Jackson County Sheriff's

1 Department, was shortly of people, so I became a
2 part-time deputy for them and was helping them out
3 with road patrol and training, and then approximately
4 almost exactly a year after I retired, I took the
5 current job that I have now with Metropolitan Topeka
6 Airport Authority Police and Fire. I know that's a
7 mouthful.

8 And then since then, I am also -- I have --
9 I'm no longer working for Jackson County part-time,
10 but -- this is one of those you know, "You're getting
11 old when." One of my recruit officers is now the
12 sheriff of the county that I live in, and he asked me
13 to come onboard as a part-time deputy, so I'm a sworn
14 deputy with the Shawnee County, Kansas Police
15 Department as well, and I'm currently doing that.

16 Q. Got it. Any other law enforcement roles
17 that we haven't touched on?

18 A. No, sir.

19 Q. Do you have any other current forms of
20 employment?

21 A. Just my side business, and I do consulting.
22 Friend of mine's a retired officer, he has a security
23 company, so every once in awhile, I'll do the
24 qualifications for his guys and things like that, but
25 primarily my Agile Training consulting business.

1 Q. What is Agile Training and Consulting?
2 Would you describe it?

3 A. So my business model is I try to meet
4 clients' needs instead of having a cookie cutter type
5 package like, you know, basic -- I have Basic
6 Pistol 1, Basic Pistol 2 or something like that. I
7 kind of customize classes for people's needs. I've
8 had people hit me up for things like -- I'm currently
9 going -- about to do a in-service package for
10 University Police Department over in Kansas City,
11 Missouri, and they want to have two hours of Pepper
12 Spray update, two hours of weapon retention update
13 and then four hours of arrest and control and a
14 handcuffing package just as an eight-hour day, "Can
15 you do" -- "Yeah, I can, you know, put together a
16 training package for your needs."

17 Much of what I've done lately has been
18 firearms training, and, quite frankly, the business
19 has been a lot better for civilian capacity training
20 than law enforcement training as far as people who
21 are paying for training.

22 Q. Do you conduct any trainings that involve
23 how to respond to a person armed with a firearm?

24 A. Yes.

25 Q. An how do you train your clients to respond?

1 A. Are you talking a -- I'm assuming you mean a
2 nonsworn -- a non-police officer type person.

3 Q. Yes.

4 A. So part of the training I do is -- what we
5 look for in behavioral aspects of pre-criminal
6 assault behavior. One of my friends put a very good
7 label on there, his name is Craig Douglas, and he
8 calls it MUC, M-U-C, managing unknown contacts.

9 Say you are approached by someone on the
10 street that you don't know. How do you read that
11 type of encounter? Is it threatening? Are they
12 setting you up for, like, a mugging or a carjacking
13 or something like that? And talk about the
14 behavioral aspects of what criminal assault looks
15 like.

16 So it comes as some surprise to some people
17 that bad guys can be very sneaky, and, you know,
18 they're not going to have a big sign or, you know,
19 something on the T-shirt that says "I'm a bad guy,"
20 so a big part of mine is the pre-criminal assault
21 behavior-type things, the recognition of what type of
22 scenario you may have found yourself in to -- and
23 then the how to respond correctly in those scenarios,
24 and I will do that with verbal skills, verbal
25 deescalation.

1 Very popular part of my training has been
2 Pepper Spray, how to do something that's not -- you
3 know, what I call something between a harsh word and
4 a gun, and then recognition of is -- you know, in my
5 end of scenario that actually requires a firearms
6 response, you know and, if so, how to do that, what
7 that might that look like.

8 Q. In those classes, do you recommend that your
9 clients carry a firearm?

10 A. I never recommend to anybody that they carry
11 a firearm. That's a very personal decision. I can
12 speak to the pluses and minuses of carrying a
13 firearm, but I have clients that I have worked with
14 who -- like, one friend of mine who used to be an
15 ADA, and, as you can imagine, in that capacity
16 putting people in prison, you can -- you know, she
17 picked up a stalker, and then I helped her with a
18 security package as a friend, how to harden her house
19 and have some defensive options.

20 She was adamant she did not want a gun. She
21 was just not a gun person. I'm not going to push a
22 gun on her. So we came up with non-gun home defense
23 options for her that made her feel more comfortable.

24 So if people want firearms training, I will
25 offer firearms training. If people are adamant that

1 they don't want firearms training, that they're
2 looking for something else, then, you know, that's
3 like anything else, like whether you drink or not,
4 that's an extremely personal decision.

5 Q. And just for the record, when you said
6 "ADA," what were you referring to?

7 A. Assistant district attorney. I'm sorry.

8 Q. Do you believe that carrying a gun in and of
9 itself makes a person safer?

10 MS. BELLANTONI: Objection.

11 You can answer.

12 THE WITNESS: Excuse me. I've been talking
13 awhile. My throat is dry.

14 I believe it can. I have personally been
15 involved in scenarios where I was just another dude
16 off duty in which I know that if I had not had a
17 firearm, I would have been a victim of a violent
18 criminal assault or, you know, armed robbery, that
19 sort of thing. I believe that having a firearm gives
20 one the option of being able to not leave oneself at
21 the other guy's mercy.

22 BY MR. WISE:

23 Q. Would you consider a gun a tool of limited
24 utility in most situations?

25 A. It is definitely a tool of deadly force,

1 and, you know, one of the things that people need to
2 know is you can't legally shoot people a little bit.
3 It is a tool for managing situations that require a
4 deadly force option.

5 Q. I think you were mentioning this earlier,
6 but are there particular steps that you recommend
7 that your clients take before they carry a firearm in
8 public?

9 MS. BELLANTONI: Objection.

10 You can answer.

11 THE WITNESS: I would -- it sounds
12 self-serving because I am in a training business, but
13 I obviously counsel people that they need to have
14 some sort of training and education both how to
15 safely handle firearms -- I mean, something as
16 simple -- even in a hunting capacity, most people
17 would want to go through -- like we -- here in
18 Kansas, we have a hunter safety course, you know,
19 that just seems like a very logical thing, but going
20 through some -- both the mechanics of how the firearm
21 works and then how to effectively mechanically shoot
22 the gun, what you would think of as marksmanship
23 training and then having some sort of education on
24 when that's appropriate.

25 I suppose smart people can do things like

1 here in Kansas, you can pull up the state law, and
2 it's very clearly stated when defense of a person or
3 your domicile is allowed, but I counsel people that
4 they probably want to get some education, probably
5 want to get some training just like anything else. I
6 counsel driver's ed before you get behind the wheel
7 of a car. It just seems to make sense.

8 BY MR. WISE:

9 Q. Before your clients carry a firearm in
10 public, do you recommend that they get physically
11 fit?

12 MS. BELLANTONI: Objection.

13 You can answer.

14 THE WITNESS: Was that, "Go ahead and
15 answer" or --

16 MS. BELLANTONI: Go ahead and answer.

17 THE WITNESS: Actually, I recommend
18 everybody get as physically fit as they can because
19 we know heart attacks kill a lot more people than
20 virtually anything else, you know, lifestyle. I
21 don't want to get too deep in the whole COVID thing,
22 but when you look at what makes you susceptible to
23 COVID, the comorbidities are a very big deal.

24 However, comma, the most vulnerable
25 populations are the people who are elderly, less

1 physically fit, you know, and I have some sympathy to
2 that. In my prime when I was in my 30s and I could
3 run two miles in 12 and a half minutes and pick up
4 600 pounds off of the ground any time I felt like it
5 and I was a judo and Jujitsu guy, I could handle
6 virtually any grown man that I ran into.

7 Now I'm 57, and I have a bad knee, and I've
8 jumped out of too many airplanes, and I've
9 rub-marched too many times. I have no cartilage in
10 one of my knees and little cartilage in the other,
11 and I need a hip replacement according to -- two out
12 of three orthos say I need a hip replacement.

13 So the thought occurs to me that people who
14 are less physically capable need more means to defend
15 themselves, and that often means that they need tools
16 to solve that problem.

17 BY MR. WISE:

18 Q. Before your clients carry a firearm, would
19 you recommend that they carry other items to defend
20 themselves?

21 A. So part of my training is -- I've obviously
22 already mentioned that I'm a big proponent of Pepper
23 Spray, I have taught it for a long time, and I've
24 used it in a law enforcement capacity hundreds of
25 times. I'm a big believer in that as a less than

1 lethal tool, and I point out that there are
2 situations -- like, I know as a police officer, there
3 are situations where if you use sufficient force
4 early, that you could interdict having to use more
5 force later.

6 The case of Kyle Dinkheller, who was a
7 deputy who was famously murdered on his -- on car
8 camera in a gun fight is one of those cases that's a
9 glaring example. But Pepper Spray is a less than
10 deadly force option for in a case where you find
11 yourself subject to physical force. Guns are a tool
12 of deadly force, and those are two different
13 scenarios.

14 Q. Why do you train your clients to take these
15 other steps before when they carry a firearm in
16 public?

17 MS. BELLANTONI: I'm going to ask for some
18 clarification on what other steps you're referring
19 to.

20 THE WITNESS: I was about to do the same,
21 so --

22 BY MR. WISE:

23 Q. Sure. And the other steps I mean are
24 getting training, carrying Pepper Spray, reading up
25 on the law, the steps that you just mentioned.

1 MS. BELLANTONI: I'm going to object to that
2 as well because I don't believe there was testimony
3 that he recommends they carry Pepper Spray, but maybe
4 we could get clarification on that.

5 THE WITNESS: So I'm a big believer in human
6 beings being as capable as possible, and that may be
7 an artifice of my time as a police officer. I
8 believe that, as a cop, you're in the lifesaving
9 business, and now, you know, I'm also a firefighter
10 on the side, so I'm in another lifesaving business,
11 you should be as capable as you possibly can, so my
12 counsel to human beings in general is that we should
13 be working to be better human beings this week than
14 we were last week, if you will, and that's kind of an
15 off-take of that.

16 Also, the more capability -- the more
17 training, education and capability you have, the more
18 situations you are going to be able to overcome if
19 you find yourself in a bad place. I think we could
20 agree if you were an Olympic class swimmer, when your
21 sailboat sinks, you're going to be a lot better off
22 than your average dude that falls off a sailboat.

23 So if looking at my experience with street
24 crime, things like muggings, purse snatchings,
25 carjackings, person robberies, things like that,

1 those can have a -- they can be a large range of
2 circumstances, so recognition of the problem,
3 figuring out ways to try to deescalate that, if
4 possible, having options if it's not a deadly force
5 scenario, and then having options if it is a deadly
6 force scenario is my counsel to people on how to best
7 cover the range of possibilities that people find
8 themselves in.

9 BY MR. WISE:

10 Q. Do you have concerns that some persons that
11 carry openly don't know how to properly handle their
12 firearm in public?

13 A. I'm not sure how to tactfully word this, but
14 I have concerns, and I don't mean just the public, I
15 mean the police and the military. I have concerns
16 about the quality and quantity of training available
17 to the human race in general.

18 I'm currently in a bit of a dispute with our
19 state academy over what I believe is not -- the
20 training they're offering could be better, I'll just
21 say that. Do I worry about other people carrying
22 guns? I've been around other people carrying guns my
23 entire life, so not that much.

24 Q. You have already responded in part to this,
25 but would you agree that a factor that affects

1 whether a person uses a firearm safely is their
2 training?

3 A. Probably, yeah, yeah, I'd say that. Just
4 like anything else, I mean, if you were to -- if
5 you've never used a chainsaw before and you go pick
6 one up and start it up, you know, that might not be
7 the safest way to do business.

8 Q. Would you agree that a factor that affects
9 whether a person uses a firearm safely is their
10 ability to deescalate a situation?

11 MS. BELLANTONI: Objection.

12 You can answer.

13 THE WITNESS: I don't know that I'd agree
14 per se with that. Deescalation is a two-way
15 communication process, and the other person has a say
16 in what you are doing. We have to deal with that in
17 depth right now in law enforcement, "deescalation"
18 has been a whole big ugly buzz word, but let's say I
19 have somebody in a state of excited delirium or very
20 high on drugs. You know, I can't communicate or
21 deescalate with another person who isn't -- doesn't
22 even realize I'm on the same planet with them.

23 I've had to deal with people who are -- you
24 know, you try verbal deescalation, and you realize
25 you're dealing with somebody who's profoundly

1 paranoid schizophrenic on a psychotic break, can't
2 really talk to that person, so the onus, the -- you
3 know, the weight of the deescalation on the person
4 carrying the gun, I think, is only -- you can only do
5 so much.

6 BY MR. WISE:

7 Q. Are there certain situations, though, when
8 the ability to deescalate a situation allows a person
9 to carry a firearm more safely?

10 MS. BELLANTONI: Objection.

11 You can answer.

12 THE WITNESS: So I would argue that in some
13 scenarios, like I was in a case where I was off duty,
14 and I was with my girlfriend, we missed the last
15 Metro, we missed the last subway back to our hotel,
16 had to walk back in the dark, got confronted for what
17 would have been a street robbery by three dudes who
18 were all my size, so that's a fight I cannot win,
19 can't fight three guys empty-handed.

20 I ended up pulling a snub nose revolver on
21 them, and a combination of having a gun and then
22 verbal commands was what allowed me to deescalate
23 that scenario and kept it from turning into -- either
24 into a robbery where I got beat down or a situation
25 where I had to shoot one or more of them.

1 So I would say with a gun, that the use of
2 the gun can be part -- or the availability of the gun
3 can be in fact part of the deescalation process
4 where, if you have a criminal, they realize that you
5 have the capability to defeat their means of
6 assaulting you, and that becomes part of the
7 deescalation process whereas if you did not have that
8 with you, they would go ahead and carry on.

9 BY MR. WISE:

10 Q. And so in that situation, your ability to
11 deescalate the situation prevented you from having to
12 fire your gun, for example?

13 A. Well, in that case, the display of the gun
14 and then the verbal -- you know, my commands to them
15 to stop what they were doing was what allowed me --
16 those in concert was what allowed me to keep that
17 from turning into either a beat-down on my part or a
18 shooting on their part.

19 Q. Let me just circle back again and just make
20 sure I'm understanding correctly.

21 A. Okay.

22 Q. So are there any situations where a person's
23 ability to deescalate a situation allows them to
24 carry a firearm more safely?

25 MS. BELLANTONI: I just want to just

1 clarify, I should have a couple of questions ago, but
2 when we talk about deescalation, are we talking in
3 terms of a uniformed police officer attempting a
4 deescalation or civilian?

5 MR. WISE: Yeah. I was talking about a
6 civilian. Thanks for clarifying.

7 MS. BELLANTONI: I object.

8 But you can go ahead and answer.

9 THE WITNESS: I'm having trouble thinking of
10 a scenario where that would fit.

11 BY MR. WISE:

12 Q. Okay. Do you agree that a factor that
13 affects whether a person uses a firearm safely is
14 their decision making process under stress?

15 A. I could agree with that.

16 Q. Would you agree that a factor that affects
17 whether a person uses a firearm safely is their
18 marksmanship?

19 MS. BELLANTONI: I'm going to object to
20 that, and I'm going to ask for clarification on
21 distance, if you can provide more of a scenario-based
22 circumstance because there's a lot of factors that go
23 into that decision.

24 THE WITNESS: May I interject on that? So
25 my answer was going to be not as much as people would

1 suspect. So in an overall view of most nonpolice
2 defensive shootings, if you take anecdotal databases
3 like the one that -- the ones we get off of the news
4 that go into the NRA magazine that's out every
5 month -- and they have an article called The Armed
6 Citizen.

7 The vast majority of the people involved in
8 these cases where you see, like, "78-year-old Grandma
9 Shoots Burglar Used Alleging .22 rifle." Vast
10 majority of those people have very little or no
11 formal training.

12 And then the marksmanship issue that we see
13 in a -- on the street -- I'm not talking about a home
14 defense scenario, although that could -- it's pretty
15 similar, but in a street, what I would consider a
16 civilian street encounter or street crime encounter,
17 let's say a mugging or carjacking or something like
18 that, these encounters tend to be incredibly close.

19 The vast majority of bad guys, when they go
20 to do things like mug you or car jack you, things
21 like that, are within touching distance of the
22 victim. Even in police encounters, we see that the
23 vast majority of police officers, when they're
24 feloniously killed with a firearm or killed within
25 three feet to three yards of the suspect, so if we

1 look at the -- there's an old saying in pistol fights
2 that it's three yards, three shots, three seconds,
3 and if you look at a lot of these encounters, they
4 fit right into what we're talking about, is the
5 marksmanship issue actually isn't that tough.

6 BY MR. WISE:

7 Q. Would you agree that a factor that affects
8 whether a civilian uses a firearm safely is their
9 mental state?

10 MS. BELLANTONI: Objection.

11 You can answer.

12 THE WITNESS: So I'm going to assume -- by
13 "mental state," do you mean their mental health or,
14 like, their emotional state at the moment, or what do
15 we mean?

16 BY MR. WISE:

17 Q. Sure. Let's just take that one-by-one then.
18 Their mental health.

19 A. Well, I would hope that people who have
20 significant mental health issues would not be running
21 around with a gun. We're kind of supposed to screen
22 for that. But then as far as their current mental
23 state, having been in that scenario, being criminally
24 victimized is obviously a very exciting, and, you
25 know, it's an event in which it's going to be

1 emotionally charged, so I don't think that you can
2 put somebody in a scenario like that and not have a
3 significant emotional response out of just human
4 beings in general.

5 Q. Let's assume that they're not being
6 victimized by just their carrying a firearm, okay,
7 and so my question is would you agree that a factor
8 that affects whether a person uses a firearm safely
9 is, let's just say, their emotional state?

10 MS. BELLANTONI: Objection. So using a
11 firearm, but they're not being victimized, so if I
12 could just get more clarity on that question.

13 BY MR. WISE:

14 Q. Let's say that -- I'm sorry. I should just
15 say carrying a firearm.

16 A. I'm not sure exactly how to quantify that
17 one. I think like a lot of things that human beings
18 do like driving cars, you should probably --
19 utilizing chainsaws, you should probably be a mature
20 adult if you will. There's a reason why we, you
21 know, don't give 13-year-olds driver's licenses and
22 things like that. So that, I guess, emotional
23 stability or emotional maturity kind of comes with
24 that, so I guess I'm kind of agreeing with you.

25 Q. Would you agree that a factor that affects

1 whether a civilian uses a firearm safely is whether
2 they're intoxicated?

3 A. Certainly.

4 Q. Would you agree that in general, an off duty
5 officer is more likely to be prepared to use a
6 firearm safely than the average civilian?

7 MS. BELLANTONI: Objection.

8 You can answer.

9 THE WITNESS: I'm on the fence on that one.
10 I'm really on the fence on that one. It's hard for
11 me to mentally average law enforcement officers.
12 It's also hard for me to mentally average non- -- I
13 know -- I can think of quite a few people who are not
14 cops that I would rather have backing me up on
15 something bad happening than some of the cops that I
16 know, and, of course, the flip side is also there, so
17 that would be one I would have to ponder. I really
18 can't give you an answer on that one.

19 BY MR. WISE:

20 Q. Would you agree that in general, an
21 undercover officer is more likely to be prepared to
22 use a firearm safely than the average person?

23 MS. BELLANTONI: Objection.

24 You can answer.

25 THE WITNESS: I'd have to have the caveat of

1 having to know what some of their training is. Like,
2 here in my state, unfortunately, there's no
3 requirement for police officers to do anything but
4 shoot the qualification course from their police duty
5 belt, so there's no formal instruction in the police
6 system here in my state on, like, how to carry a gun
7 concealed or how to deploy a gun concealed.

8 Officers who are doing those things and are
9 very competent at them are either working that
10 problem themselves or seeking training outside of
11 their department to get that, or they have a very
12 progressive training department who is offering that
13 sort of training to their people. So, again, I'm not
14 sure I can say that I agree with that.

15 BY MR. WISE:

16 Q. Would you agree that in general, a retired
17 officer is more likely to be prepared to use a
18 firearm safely than the average person?

19 MS. BELLANTONI: Objection.

20 You can answer.

21 THE WITNESS: I would say that if you've got
22 a good street cop and they've had a lot of years on
23 the job, what they're going to be good at, because
24 they've been in a bunch of them, is handling critical
25 incidents, so potentially, yes.

1 BY MR. WISE:

2 Q. Would you agree that in general, a person
3 who a law enforcement agency has determined to have
4 good cause to possess a firearm is more likely to be
5 prepared to use a firearm safely than the average
6 civilian?

7 MS. BELLANTONI: Objection.

8 You can answer.

9 THE WITNESS: So I'm assuming, like, in a,
10 you know, show cause type of state, if -- like, in
11 New York, I know you have to prove that you have a
12 good reason to have a gun before they'll give you a
13 permit or something like that, so I assume you're
14 speaking to that type of paradigm.

15 BY MR. WISE:

16 Q. That's right.

17 A. I can't say that's the case. You know, it
18 would entirely depend upon the criteria. You know,
19 they could make a -- depending on the criteria, but
20 generally I disagree with that. I know a lot of the
21 people who get permits, and I'll pick on New York. I
22 have a little bit of knowledge of that, particularly
23 New York City.

24 Your cause has to do with things like, you
25 know, you're a high end jeweler and you carry a lot

1 of cash or you do cash transports or jewelry
2 transports or things like that, so the official
3 perception of your threat level wouldn't really have
4 anything to do with your ability to respond to that.

5 Q. Do you train your clients on how to prevent
6 their firearm from being stolen?

7 A. Yes, I do.

8 MS. BELLANTONI: Objection. Can I just get
9 more clarification on what you mean by "stolen"?

10 Like, from the person? From their home?

11 BY MR. WISE:

12 Q. Stolen from their person, from their home,
13 their car, wherever.

14 A. Actually, all of the above. I talk about --
15 let's say you have a concealed carry, but you go to
16 some someplace that has one of those no gun signs.
17 Like, here in my state, you can lock your gun up in
18 your car legally in the parking lot of that property,
19 but, you know, you're not supposed to go -- like,
20 let's say it's a department store. You're not
21 supposed to go in the store with a gun, but you can
22 lock your gun up legally on the parking lot, so they
23 clarified that in the law.

24 You don't just want to leave your gun in
25 someplace like the glove box, that's ill-advised, so

1 I advise things on like how to secure a gun in a car,
2 how to secure a gun in the home, how to avoid having,
3 like, your toddler get ahold of your gun or something
4 like that, but then also one of my specialties is
5 weapon retention and disarming skills. I've been
6 teaching that for a very long time. So how to keep
7 your gun from being taken away from you.

8 Q. Why is it important for your clients not to
9 allow their firearms to be stolen?

10 A. You don't want the bad guys to have your
11 guns, or, you know, something like leaving it out
12 where a toddler can get it or, you know, whatever the
13 case may be. I can point to specific cases. One
14 of -- the last officer that was killed on my old job
15 was a friend of mine, and he was shot in a gun stolen
16 out of a home burglary. So somebody had an unsecured
17 loaded pistol laying around their house, and he was
18 shot dead with it during the course of a speeding --
19 a car stopped for speeding.

20 So those are the type of things that, you
21 know, I never -- I've worked a couple of cases where
22 small children were shot over playing with guns, and
23 those are pictures that are stuck in my head that are
24 never going to go away, so I counsel people on the
25 importance of things like safe storage but then also,

1 you know, if you have the gun on your person, how to
2 go about safely doing that as well.

3 Q. Have you ever published any articles on
4 topics related to the public carry of firearms?

5 A. I have.

6 Q. What articles did you publish?

7 A. It's been a few. So I've written for Recoil
8 Magazine which is a paper, you know, type magazine.
9 I have written for the Tactical Wire, which is a
10 strictly online type of thing, and I have talked
11 about, like, carriage of smaller guns, utilizing
12 revolvers, things like that. So, yeah, I've dabbled
13 in that.

14 Q. Were any of these articles based on
15 independent research that you conducted?

16 A. I can't say formal research. Like, I did
17 not do a scholarly-type paper or something like that,
18 no, sir. It would be more things that I've read,
19 things that I've studied up on and then personal
20 observation and experience through my travels.

21 Q. Do you have any academic background in
22 conducting research?

23 A. Minimal.

24 Q. Besides what we've discussed today, do you
25 have any other experience that informs your views on

1 the public carry of firearms?

2 A. I have quite a bit of experience with being
3 around it. My state, of course, with Kansas, if you
4 go back, we had Wyatt Earp, Bat Masterson, things
5 like that, we had the Frontier Days, the cattle
6 drives, Oregon-California Trail, things like that
7 going on. I'm a big history buff.

8 And then if you go back to when I started my
9 time in law enforcement, there was no way for anyone
10 besides a commissioned law enforcement officer to
11 carry a gun in the State of Kansas outside of, like,
12 hunt -- they had an exception for hunting and
13 fishing, you could carry a concealed handgun, and,
14 obviously, if you're hunting, you could do things
15 like carry your shotgun or your deer rifle, things
16 like that, but that's -- it was allowed -- the state
17 allowed individual cities to ban carry of firearms,
18 things like that.

19 It was legal to have a loaded gun in your
20 car but not on your person, weirdly enough, but then
21 a lot of the cities banned loaded guns in cars. So
22 that's where I started my time in law enforcement,
23 and then since then, there's been decisions, legal
24 precedents, things like that, particularly after
25 Heller, the Kansas attorney general who came down

1 with an opinion that certain Kansas laws were
2 unconstitutional. Some of those laws were changed.

3 There were several court cases where cities
4 tried to go back to the old way of doing business,
5 and they were disallowed from that, so in my time as
6 a cop, we went from nobody could carry, and including
7 retired law enforcement officers could not carry a
8 gun. The only people who could carry was on duty
9 cops or off duty cops but only with the permission of
10 their chief law enforcement officer, so some off duty
11 cops couldn't carry.

12 And then we went to a rather strict conceal
13 carry permit system, then a much looser conceal carry
14 permit system and then an attorney general's opinion
15 that allowed what people would call the
16 constitutional carry, if you will, where you could
17 carry concealed or open carry without a license, and
18 there were several lawsuits over -- like, I know
19 Overland Park, Kansas tried to ban open carry, and
20 the attorney general's office took them to court over
21 that or was at least part of those proceedings.

22 And so in my state, it is legal to carry
23 concealed, it is legal to carry unconcealed, it is
24 legal to -- you can get a conceal carry permit which
25 a lot of people do if that allows reciprocity. Like,

1 if you have a Kansas permit, you can carry in
2 Missouri, Nebraska, Oklahoma, Colorado, Texas.
3 There's a litany of places you could carry.

4 So some -- a lot of people will get the
5 permit because, you know, you can travel, but also a
6 lot of people don't. So it's very common for me to
7 deal with nonpolice firearms carriers or to see
8 people carrying a gun in public.

9 Q. Over the course of your career, have you
10 served in any law enforcement command positions?

11 A. Yes, sir. I was a lieutenant shift
12 commander for my department. At one point, we had a
13 hiring freeze, and we had a promotion freeze, so I
14 was simultaneously the first shift and second shift
15 patrol commanders, and I was in charge of the
16 motorcycle unit and the school resource officers.

17 Q. And what department were you working for?
18 What timeframe?

19 A. That was Topeka, Kansas PD, and that would
20 have been approximately -- I'm doing the math here.
21 So I retired in December of 2014, and that would have
22 been about -- I believe I got promoted in 2008 to
23 lieutenant. I'm going to have to look that one up.
24 It might have been '06, but it could have been '08,
25 but I did approximately right about -- would be about

1 eight years, just under eight years as a lieutenant.

2 And then my current job, I'm the captain for
3 the Airport Police and Fire here in the south part of
4 Topeka at the airport, and so I'm in charge of all
5 three of the lieutenants. I have all three of the
6 shifts that we have. We have 24-hour shifts, so we
7 have an A, B and C shift, I'm in charge of them, and
8 then I'm also in charge of all of our firearms and
9 other police training. We have another captain
10 that's in charge of all the fire part of the
11 organization.

12 Q. How long have you served in that role as
13 captain?

14 A. About a year.

15 Q. Have you ever served as a deputy chief of
16 police?

17 A. No, sir.

18 Q. Have you ever served as a chief of police?

19 A. No, sir.

20 Q. And I should go to the sheriff's department
21 too. Have you served in any similar capacity,
22 sheriff?

23 A. No. Just as a deputy.

24 Q. Do you have any background in public policy?

25 A. I have a background in police policy. I

1 have written a number of policy papers, what you
2 would think of as general orders, things like that,
3 but if you mean a larger -- like, the grandest thing
4 I have done is written a municipal ordinance as far
5 as, like, an overarching public policy.

6 Q. What was that municipal ordinance?

7 A. It was a Topeka city code on -- had to do
8 with protests, and it bans masks and body armor while
9 you're in the middle of a protest. I could pull up
10 the number for you if you ever want to look at it.

11 Q. That's okay for now. Any other work that
12 you've done creating a municipal ordinance or similar
13 work?

14 A. Not on that. Mainly I -- I was the author
15 of some of the general orders that we had at Topeka
16 Police Department. My current department, I have
17 written general orders, use of force policy, things
18 like that. I have assisted in policy writing for the
19 IACP.

20 Like, I was part of the model policy for
21 response to excited delirium for International
22 Association for Chiefs of Police organization. So
23 the vast majority of the stuff I've done in that
24 regard has all been cop stuff.

25 Q. Have you ever worked with a policy maker in

1 the creation of public safety policy?

2 A. If you mean like state laws or something
3 like that, not more than lobbying or that sort of
4 thing, no.

5 Q. Have you ever worked with a community
6 stakeholder in the creation of public safety policy?

7 A. On the police level, yes, we had input.
8 Like, things like our chase policy and our police use
9 of force, things like that, we did take -- that
10 wasn't all in-house. There was other people involved
11 in that, mayor's office, city council members, other
12 community -- I'll use the "stakeholder" word.

13 Q. Any other examples besides what you've just
14 reviewed?

15 A. No, sir, none that I can think of.

16 Q. Have you ever worked with a researcher in
17 the creation of public safety policy?

18 A. No, not really, no.

19 Q. Okay. Let's turn to your opinions. What
20 field would you consider yourself an expert in?

21 MS. BELLANTONI: Objection.

22 You can answer.

23 THE WITNESS: Personally, I think the term
24 "expert" is overused, but the courts have said I'm an
25 expert in police use of force, use of force decision

1 making, firearms, firearms training and ballistics,
2 terminal ballistics, firearms identification, police
3 use of force other than firearms, Pepper Spray,
4 taser, arrest and control tactics. I've been
5 utilized as an expert on police response tactics. At
6 any rate, those are the things that I've been
7 court-recognized as an expert.

8 BY MR. WISE:

9 Q. What is the basis for your opinions in this
10 case?

11 A. Basically the totality of my training and
12 experience as a police officer.

13 Q. Okay. Let's look at page seven of your
14 report.

15 A. I have to find my glasses for this one.

16 Q. Can you see the screen okay?

17 A. Yes, sir.

18 Q. Okay. Great.

19 A. I can now.

20 Q. Let's look at paragraph 20. You state "The
21 implementation of laws that allow open carry in
22 public does not have a negative impact on public
23 safety. The act itself, a lawful person openly
24 carrying a firearm in public does not have any
25 negative or detrimental effect on public safety, does

1 not itself create a safety hazard, and is not the
2 cause of accidental or mistake-of-fact shootings of
3 civilians by police officers." Is this your opinion?

4 A. Yes.

5 Q. Okay. Would you explain what you mean?

6 A. So just the mere fact that somebody's
7 carrying a gun -- and I'll go with a holstered
8 handgun, let's say, in and of itself. It just is
9 what it is. It isn't a negative or doesn't have an
10 effect on public safety.

11 The idea that the police would show up and
12 be, "Oh, my God, that guy's got a gun, we better
13 shoot him" borders on the ridiculous in my mind, that
14 -- and a bunch of that is personal observation.

15 Both here in Kansas and part of the business
16 that I do both as a police trainer and in my own
17 business as a -- we'll just say civilian firearm
18 trainer, is travelling to other states. You know,
19 just this year, I've been to -- I've conducted
20 training or been at training in Texas, Oklahoma,
21 Missouri, Utah, Wyoming. I'm leaving something out.

22 But at any rate, I see -- I go to a lot of
23 places, see a lot of stuff, and this is something
24 that -- part of the reason in conversation when I
25 talk to Ms. Bellantoni, you know, what's my personal

1 observations, like I guarantee you I can walk out of
2 here now and go to someplace like Walmart here in my
3 town and find somebody carrying a pistol in a holster
4 visible on their belt or, quite frankly, carrying
5 concealed poorly where everybody can tell that
6 they're carrying a pistol, but, you know, you can see
7 that there's an obvious bulge and things like that.

8 I can find somebody -- I can walk out of
9 here and find somebody in 15 or 20 minutes, and it's
10 just -- it just is what it is. It's like saying,
11 "It's a sunny day out, that guy's carrying a gun."
12 It's not a positive, it's not a negative, it just is.

13 I haven't noted, in observation in my time
14 as a cop in dealing with people on the street, that
15 open carry does anything that doesn't bring any
16 detriment to the public safety realm.

17 Q. Besides your personal observations, what
18 else did you rely on to reach this opinion?

19 A. Primarily, that was it. One of my big
20 things that I do is every chance that I get, I delve
21 into anything that involves the police. A lot of
22 things that are out there in the police world get
23 write-ups. There are famous things that we have to
24 look at.

25 Obviously, you know, the George Floyd thing

1 last year, that was a botched arrest and control
2 scenario, and that's right in the middle of my
3 bailiwick on, you know, teaching cops how to avoid
4 things like in custody deaths; and then, you know,
5 less well known but pretty famous, the bad shooting
6 that turned into a riot that came out of Atlanta PD,
7 which was, you know, basically another arrest and
8 control scenario with a taser.

9 So I try to stay on top of those trends
10 absolutely as much as I can, and I also pay attention
11 to anything in the police publications or any of the
12 newsletters, any of the stuff that comes through my
13 email. My email lists are fairly extensive.

14 So I'm always looking for after actions on
15 incidents as much as possible, both to support my
16 business and helping, you know, regular people not be
17 the victims of crime, look for criminal, crime
18 trends, look for trends in law enforcement. We know
19 in the past couple of years, ambushes has been a
20 thing that has been up, so trying to stay on top of
21 that sort of thing as well.

22 Q. Did you rely on any research to support your
23 opinion?

24 MS. BELLANTONI: Other than what he
25 testified to?

1 THE WITNESS: I can't point you to a
2 specific paper or anything like that, no, sir.

3 BY MR. WISE:

4 Q. You continue on page eight, paragraph 21 --

5 A. Uh-huh.

6 Q. -- stating "The lack of proper police
7 training creates or can lead to a public safety
8 hazard and the accidental shooting of civilians,
9 whether unarmed, carrying concealed, or carrying
10 exposed open carry." Would you explain what you
11 mean?

12 A. So if you don't have -- you know, and this
13 is something that is deep in the training that good
14 law enforcement firearms instructors find themselves
15 in. If we look at some of the court cases that are
16 out there like, you know, the places lost big
17 lawsuits, Zuchel v. Denver is an example that is
18 glaring in the police world that is brought up.

19 If you look at Popow v. Margate and we look
20 at what do the courts say valid police training
21 should look like versus what had happened -- you
22 know, if you look at the Popow case, they were
23 shooting at a man that was running, and gentleman
24 came out on his porch to see what was going on, and
25 then as the suspect was running past the gentleman on

1 his porch, he got shot by the police because he was
2 downrange of where the bad guy was.

3 So that would be a glaring historical
4 example of incorrect or improper or nonexistent
5 police training contributing to a public safety
6 hazard that, quite frankly, didn't exist before the
7 police showed up. So avoiding mistake-of-fact
8 shootings is a big deal in the police world and the
9 training that is done right.

10 Q. Is it your opinion that proper law
11 enforcement training is the most important factor to
12 prevent civilian shootings by law enforcement
13 officers?

14 A. If you mean mistake-of-fact or not shooting,
15 shooting the wrong people, then I would say yes.

16 Q. Incidentally, is that one of the reasons you
17 founded your company, Agile Tactical?

18 A. So I founded the company because I was
19 getting -- I had been a police trainer for so long,
20 and then that was mainly what I did, and as I reached
21 retirement, I had so many people asking me outside of
22 the police world for training, I thought, well, I
23 should kind of formalize this thing.

24 Q. Do you believe that a person who is carrying
25 a firearm in public, a civilian who's carrying a

1 firearm in public is more likely, all things being
2 equal, to be shot than a civilian is who is unarmed?

3 MS. BELLANTONI: Objection.

4 You can answer if you can.

5 THE WITNESS: So historically, if you look
6 at people who are big crime victims according to --
7 and this is according to national stats, which, of
8 course, fluctuate every -- year to year, things like
9 that, but if you look at people who resist things
10 like robberies, that sort of thing, the safest way to
11 do that is to utilize a firearm. Statistically,
12 that's the case, and that's been the case for quite
13 some time.

14 So I'm not exactly sure how to quantify your
15 question on are they more likely to be shot or not be
16 shot, but I think it's pretty clear statistically if
17 they resist being a crime victim through the use of a
18 firearm, then they're less likely to suffer any
19 injury at all. That's been the running statistic
20 coming from the feds every year.

21 BY MR. WISE:

22 Q. And when you're referring to the statistics,
23 what in particular are you referring to?

24 A. The national -- so I'm going to look up the
25 formal name of that so I don't -- it's Bureau of

1 Justice Statistics. I don't want to misstate the
2 name of what I'm talking about. I'm firing up my
3 other magic Google box.

4 Q. If that would refresh your recollection, go
5 ahead.

6 A. Okay. So the formal name for that page is
7 Bureau of Justice Statistics. I was having a little
8 Alzheimer's on the name of that one.

9 Q. Thank you. Okay. Do you believe that a
10 civilian who's carrying a firearm in public is more
11 likely, all things being equal, to be shot by a law
12 enforcement officer than a person or a civilian who's
13 unarmed?

14 MS. BELLANTONI: Objection.

15 You can answer if you can.

16 THE WITNESS: I don't because a lot of the
17 mistake-of-fact shootings, particularly the ones that
18 are very high profile, we can point to demonstrate
19 they did not have a firearm on their person, and they
20 were shot in a mistake-of-fact shooting because they
21 had something as innocuous as a cellphone or
22 something else.

23 If you look at the famous case out of NYPD,
24 I can't pronounce the gentleman's name or -- well,
25 it's something like Diallo, where their street crimes

1 unit fired the -- you know, the famous 47 rounds that
2 Bruce Springsteen spoke of, he had a wallet in his
3 hand when he was shot.

4 BY MR. WISE:

5 Q. I just want to make sure I'm understanding
6 you because you mentioned a few examples. Are you
7 talking in general or just examples that come to
8 mind? And what I'm trying to --

9 A. I --

10 Q. Yeah.

11 A. I don't believe that you would be more
12 likely to be mistakenly shot by the police, and I'm
13 assuming someone who is not a criminal actor, but,
14 you know, just an average Joe, I don't think you're
15 more likely to be shot by the police whether you have
16 a gun or you don't have a gun.

17 Q. Let's look at paragraph 24, still on
18 page eight.

19 A. Okay.

20 Q. You state "Mr. Raney's opinions are based on
21 speculation and a generalized fear that law-abiding
22 individuals, simply by the act of carrying their
23 firearm exposed, will cause panic among police
24 officers and the public, waste political" -- excuse
25 me -- "waste police resources and ultimately lead to

1 police officers shooting civilians carrying exposed."

2 A. Okay.

3 Q. Is that your opinion?

4 A. Yes.

5 Q. Okay. Do you understand Mr. Raney to have
6 the opinion that police officers will panic when
7 responding to a call about a person who is carrying a
8 firearm openly?

9 A. What he describes in his declaration sure
10 appears to color it that way.

11 Q. Do you understand Mr. Raney to have the
12 opinion that police officers are likely to shoot a
13 person simply because they are carrying a firearm
14 openly?

15 A. He also seemed to hint at that in his
16 opinion.

17 Q. Do you understand those things to be his
18 opinion, or are you saying that --

19 A. That's what I believe I read from his
20 opinion.

21 Q. Okay. Let's look at page 26. We're still
22 on page eight. I'm sorry. Paragraph 26. You state
23 that "When open carry without a permit became allowed
24 in Kansas, no instant mayhem was created"; is that
25 right?

1 A. Yes.

2 Q. Okay. Do you understand Mr. Raney to have
3 the opinion that instant mayhem will result if open
4 carry were allowed in California?

5 A. Without rereading his opinion on the spot,
6 I'm not sure that I would -- I could say he said
7 those exact words, but his opinion that I read, the
8 impression of his opinion that I got from him was
9 people couldn't open carry because it would make
10 things much more chaotic, you know, the police would
11 have all kinds of problems differentiating good guys
12 from bad guys for, you know, cops and robbers, from
13 want of a better term, and that it would cause -- you
14 know, he'd almost colored it as though it would cause
15 some sort of mass public hysteria.

16 Q. Let's look at page nine, paragraph 28. You
17 state that "When open carry became allowed in Kansas,
18 our police officers were not spontaneously shooting
19 members of the public they observed carrying a
20 firearm exposed on their body in public;" is that
21 right?

22 A. Was that a -- I'm assuming that was the
23 upper part. You said -- 28 now talks about banning
24 open carry.

25 Q. Yeah. Let me see here. One second.

1 A. I think you were on the previous --

2 Q. Oh, sorry. I meant paragraph 26 on
3 page eight still.

4 A. Sure.

5 Q. Is that your opinion in paragraph 26?

6 A. That police officers were not shooting
7 members of the public?

8 Q. Correct.

9 A. Absolutely.

10 Q. Do you understand Mr. Raney had the opinion
11 that if open carry were allowed in California, police
12 officers would spontaneously shoot members of the
13 public who were openly carrying firearms?

14 A. His opinion read to me as though he believed
15 that open carry could not be allowed in the State of
16 California because it would pose too great of risk of
17 police officers shooting the wrong people merely for
18 carrying a gun in the open. That is what I took from
19 part of his opinion.

20 Q. Okay. Now let's go to paragraph 28.

21 A. Okay.

22 Q. You state "Banning open carry does not
23 greatly enhance public safety, nor does it cure
24 deficiencies in departmental training of police
25 officers." Would you explain what you mean?

1 A. Well, as I said, in my experience in the
2 world, I went from a place where nobody could carry
3 except the cops legally. A lot of people did it, but
4 nobody could legally carry a gun beside the cops, and
5 you certainly couldn't run around open carrying to a
6 world where you could get a permit to a world to
7 where you could open carry or conceal carry as you
8 see fit.

9 During that period of time, we actually had
10 a great -- quite a bit of a -- and I cannot point to
11 a statistical cause and effect relationship, but I
12 did note that locally, you know, when I first started
13 in the police world with things like gang violence
14 and that sort of thing, our crime was significant.

15 There was a port in my career where I looked
16 up crime stats for the United States early in the
17 '90s, and that's when things were still banned, and
18 Topeka had a per capita crime rate greater than
19 Los Angeles, and now we come to a point where you can
20 carry a gun as you see fit, if you want to be open
21 carry or conceal carry without a permit, or you can
22 get a permit, and there was -- you know, that
23 coincided with no uptick in crime.

24 In fact, for the longest time, we had a
25 Leave It to Beaver era level crime where it was so --

1 crime had dropped so much, everybody kind of forgot
2 what that was like, but there was certainly no uptick
3 in things like police shootings or, you know, other
4 crimes relevant to -- I see -- and I guess I'm -- I
5 don't know if I'm speaking out of turn here because
6 it's more of a larger than this case, but there's
7 people who push the opinion that if you allow people
8 to carry guns, they're just going to run around
9 killing people over things like parking lot disputes
10 or, you know, "You took my parking space" or
11 something like that. We just didn't see it. We
12 didn't see any of that.

13 Q. When you state that "Banning open carry does
14 not cure deficiencies in law enforcement training,"
15 are you emphasizing, as we've discussed before, the
16 critical importance of training in public safety?

17 A. Yes, and whether or not you're going to have
18 mistake-of-fact shootings, things like that.

19 Q. Setting aside training for the moment, does
20 banning open carry enhance public safety at least to
21 some extent?

22 A. I don't believe so. I don't believe so.

23 Q. When you state that banning open carry does
24 not, quote, "greatly enhance public safety," do you
25 mean that banning open carry improves public safety

1 to some degree?

2 A. I don't believe it does. I don't believe it
3 does. I see no -- I have personally noticed no cause
4 and effect relationship. I have noticed no
5 difference in police-citizen encounters.

6 One could argue that there's a possibility,
7 although it's always -- it's impossible to measure in
8 negative. Have people with an open carry firearm not
9 been targeted for a crime because a criminal could
10 see that that person is armed? We won't know. Those
11 things are nebulous.

12 So I can't point to an exact cause and
13 effect relationship or put statistics on that, but
14 what I haven't noticed is we had open carry, and
15 then, oh, my God, all of this bad stuff started
16 happening. That was clearly not the case and hasn't
17 been the case, and it hasn't been the case for years
18 now. I know I'm kind of generalizing on that.

19 Q. I appreciate that. And the reason I'm
20 asking is I'm just looking at your language, your
21 report that says "Banning open carry does not greatly
22 enhance public safety." It doesn't say, for example,
23 banning open carry does not enhance public safety.
24 That's why I was asking whether it enhances public
25 safety to some extent.

1 A. I totally get where you're coming from, and
2 I don't believe it does either way, either one of
3 those ways of wording that sentence.

4 Q. Let's look at page nine, paragraph 31.

5 (Discussion off the record)

6 (Recess)

7 BY MR. WISE:

8 Q. Okay. Let's go back on the record and look
9 at page nine, paragraph 31. You observed that Kim
10 Raney's report states that when an officer comes upon
11 a scene where a person is carrying openly, the
12 officer must rapidly assess a person's behavior,
13 paragraph 22?

14 A. Yes.

15 Q. Split-second decisions sometimes have to be
16 made, paragraph 24, where the results could be
17 deadly, paragraph 22; is that right?

18 A. Yes.

19 MS. BELLANTONI: I'm going to ask that you
20 read that back. Are you saying that that's what
21 Mr. Haggard is saying or that's what he's referring
22 to Mr. Raney's declaration?

23 MR. WISE: Yeah.

24 BY MR. WISE:

25 Q. You're referring to Mr. Raney's declaration;

1 correct?

2 A. Yes.

3 Q. Okay. Do you understand Mr. Raney to have
4 the opinion that it is uncommon in police work for an
5 officer to have to rapidly assess a person's
6 behavior?

7 A. I can't say that exactly, but it appears as
8 though he tries to paint a picture that if you don't
9 have open carry, then you won't have all of that
10 going on.

11 Q. Do you understand Mr. Raney to have the
12 opinion that it is uncommon in police work for an
13 officer to have to make a split-second decision where
14 the results could be deadly?

15 A. I can't say that he would have that opinion.
16 Again, he appears to color his opinion as though if
17 we were to eliminate open carry, that that would
18 somehow solve that problem.

19 Q. Do you understand Mr. Raney to have the
20 opinion that allowing open carry would increase the
21 circumstances in which an officer would have to
22 rapidly assess a person's behavior and make a
23 split-second decision where the results could be
24 deadly?

25 A. He appears to have that opinion to me.

1 That's what I gather from reading his opinion.

2 Q. Do you agree that an officer that comes upon
3 a scene where a civilian is carrying openly is more
4 likely to have to rapidly assess that person's
5 behavior?

6 MS. BELLANTONI: Objection.

7 You can answer.

8 THE WITNESS: I do not.

9 BY MR. WISE:

10 Q. Why not?

11 A. So something that is standard practice in
12 the police world and has been by progressive
13 departments who train hard since, if we get into the
14 history of very tragic incidents, late '60s, early
15 '70s, events such as the Newhall massacre there in
16 California, the incidents that were written up in the
17 famous book "Officer Down, Code 3," what we look at
18 is that officers should be assessing, "Just because I
19 can't see a gun doesn't mean somebody should have
20 one."

21 Standard officer safety practice is if you
22 pull somebody over for speeding or if you pull
23 somebody -- you make a stop for whatever, the only
24 safe assumption is to assume that a person is armed
25 and that you comport yourself and your tactics and

1 your approach and things like that with the
2 assumption that a person could pull out a concealed
3 weapon and utilize that weapon, and then, you know,
4 if you run with that assumption, your tactics, your
5 decision making, things like that, that it keeps you
6 in the best frame of mind for good officer safety.

7 So in my mind, if we think that we're
8 solving a problem by banning open carry -- so let's
9 say I could push a magic button and there was no open
10 carry. I've never had to deal with that problem.
11 That doesn't solve the problem that we see in police
12 work.

13 Q. Let's go to your example of the routine
14 traffic stop. Would the presence of a firearm
15 heighten the danger for the officer?

16 MS. BELLANTONI: Objection.

17 Can I get more -- can you be more specific
18 in that scenario?

19 MR. WISE: I can ask the question again.

20 BY MR. WISE:

21 Q. In a routine traffic stop, would the
22 presence of a firearm by the civilian in a car
23 heighten the danger for the officer?

24 MS. BELLANTONI: Objection.

25 You can answer it if you can.

1 THE WITNESS: It would depend on that
2 person's intent. I can tell you personally I've
3 never really had to worry about the guns that I could
4 see. I've walked up on car stops where I've had
5 people with shotguns and rifles in the back window of
6 a pickup truck, guns in consoles, guns laying on
7 seats, I've dealt with people who are wearing
8 holstered guns on their hip, that sort of thing, and,
9 quite frankly, the guns that I can see, the weapons
10 that I can see, I was never very worried about.

11 I was worried about the behavior of the
12 people who were, you know, literally being furtive,
13 who were trying to conceal what they were up to. It
14 was more behavior-focused, you know, "Is this person
15 in the middle of a crime and, thus, might try to take
16 me out because they want to make an escape and
17 utilize a weapon as part of that escape process?"

18 And literally the guns that I could see, I
19 was never worried about. It's what you don't know
20 that is a problem.

21 BY MR. WISE:

22 Q. In a routine traffic stop, would the
23 presence of a firearm in the car make it more likely
24 that an officer would have to make a split-second
25 decision where the results could be deadly?

1 MS. BELLANTONI: Objection.

2 You can answer it if you can.

3 THE WITNESS: Again, I don't believe so. I
4 have seen people do things like reach under the seat
5 of the car, reach into a glove compartment, reach
6 into a console in between the seats, bags, things
7 like that.

8 Again, it's the things you don't know, it's
9 the things you can't see that are the most worrisome,
10 and that's where the split-second decision really
11 comes into play, and then that becomes a
12 behavioral -- reading the behavior of the person
13 versus if they have, you know, a visible firearm or
14 not, you know, and then it becomes reading the
15 behavior and the scenario that you find yourself in.

16 Quite frankly, if I know -- let's say I have
17 an actual bad guy, I know he's a bad guy, he's a
18 suspect that we -- say we have a picture of the guy
19 or video of the guy and I know that's the guy and I
20 see he's got a gun on him, that's kind of a gimme on
21 the decision making process.

22 It's when you don't know and you have to
23 make those split second decisions because is he
24 armed? Is he not armed? I don't know. That's where
25 things become very worrisome.

1 BY MR. WISE:

2 Q. Let me just drill down on that for a moment
3 then. So what if you don't know the person's a bad
4 guy, as you were saying, and they have a firearm?
5 Does that affect the way that you approach that
6 person?

7 MS. BELLANTONI: Objection.

8 You can answer if you can.

9 THE WITNESS: It --

10 MS. BELLANTONI: Can we get more clarity on
11 where this firearm is? Very situational thing. It's
12 very, like, amorphous scenario without much detail.

13 MR. WISE: Sure. I was going off the
14 scenario he was talking about.

15 THE WITNESS: So I can point to -- I think
16 more pertinent to what we're talking about, I can
17 point to after we legalized the conceal carry, we had
18 a gentleman come into the state who believed he was
19 going to -- he was kind of antipolice, and he was
20 going to do a conceal carry, what he called an
21 audit -- or I mean a gun rights audit -- and see how
22 we would react.

23 So he was wearing a visible -- a very large
24 handgun in a holster visible, and he was walking up
25 and down the sidewalk, on a public sidewalk in front

1 of a very well-to-do subdivision, small gated
2 community, and somebody thought he was acting kooky,
3 so they called police.

4 We made contact with the guy. He was
5 carrying a gun. We could see he had a gun, you know.
6 I would instruct the gentleman, you know, "Don't
7 reach for the gun that's clearly there," you know.
8 "What's going on? We got a call."

9 And basically he was trying to turn it into
10 a, "See, the police are antigun" confrontation type
11 of thing, and the whole thing diffused because, you
12 know, quite frankly, we didn't overreact. We had a
13 guy pacing back and forth on a sidewalk, you know, so
14 we have to ascertain, "is this a guy -- maybe he's
15 suffering from mental illness, or, you know, why is
16 he here?"

17 Because his behavior, his pacing back and
18 forth did alarm people more than anything, you know,
19 "Why is that guy acting kooky out here?"

20 And then when it turned out to be a
21 specific -- kind of a public, you know, "We're going
22 to get gotcha video on the police" type of a stunt
23 that he was pulling and he didn't get the reaction he
24 was hoping for, then the whole thing was over with.

25 And I've had to deal with a few things like

1 that, but overall, you know, if I were to have to
2 make an approach on somebody, part of that approach
3 would be, "What are the circumstances?" you know.

4 Is this guy in an alley behind a business in
5 the middle of the night, or is this guy just walking
6 down the sidewalk or -- you know, I guarantee you,
7 like I say, I could go someplace in town here, like
8 go to our Walmart, and I could find somebody with a
9 gun on their hip, and, you know, they're in the green
10 bean aisle and it's just an innocuous thing.

11 BY MR. WISE:

12 Q. Let's go to page 12, paragraph 40.

13 A. Again, it's silly, but every time you start
14 to do that, I reach for my own mouse, and I feel like
15 an idiot.

16 Q. Okay. Paragraph 40, you state "The behavior
17 and demeanor of a person exercising his right to open
18 carry will be markedly different than that of an
19 individual posing a threat to the public. Any
20 experienced honest law enforcement officer knows that
21 to be the truth." Would you explain what you mean?

22 A. So it's a whole behavioral package. If you
23 have a guy who's got a gun on his hip walking his
24 dog, you got a guy, gun on his hip, shopping for
25 groceries, whatever the case may be, there's no

1 criminalistic behavior involved in any of those
2 activities that would lead you -- like, whether he
3 had a gun on his hip or not, this is not something
4 that I could have probable cause for a stop, it is
5 not something that I could do a Terry stop on a
6 person over, you know, because it doesn't -- they're
7 not -- if they're -- if they just exist and they
8 happen to be carrying a gun and are going about their
9 business and there's no behavioral indicators that
10 would indicate criminal activity is afoot, then it
11 just isn't an issue.

12 If you look at -- well, if you look at the
13 classic case of Terry v. Ohio that speaks exactly
14 what I'm talking about, the criminals in that case
15 had handguns that were deeply concealed, but whether
16 they saw -- whether Detective McFadden saw the guns
17 or didn't see the guns, he obviously did not, it was
18 the behavior manifest that they were displaying in
19 that that led to the stop, the classic what we know
20 as a Terry stop nowadays. Somebody just having a gun
21 on their hip isn't -- it's -- the totality of the
22 behavior is what a good cop is going to look at.

23 Q. And what is the behavior that you're looking
24 for to be able to determine whether a person carrying
25 openly does not pose a threat to the public?

1 MS. BELLANTONI: Objection.

2 You can answer.

3 THE WITNESS: That's wide open. You know,
4 it has everything to do with the location, is their
5 activity congruent with the location, the time of
6 day, things like that. You know, I mentioned
7 previously do I have a guy behind a business after
8 dark after it's closed? You know, that would be a
9 guy that I'm going to take a second look at. Is this
10 guy up to no good? You know, is he looking to
11 burglarize this establishment? That sort of thing.
12 So it's, you know, demeanor, their actual activity,
13 the time of day, the location. All of that goes into
14 play.

15 BY MR. WISE:

16 Q. And what's the basis for your opinion?

17 MS. BELLANTONI: Which one?

18 BY MR. WISE:

19 Q. In paragraph 40.

20 A. Thirty-four years of law enforcement and
21 dealing with people both pre- and post-open carry
22 being legal, that's just -- I would call that good
23 police work at the street level is being able to read
24 human beings and then evaluate their behavior.

25 Q. Let's talk about active shooter events.

1 What is an active shooter event?

2 A. I'm actually not a big -- so that's a term
3 of common usage that so many people utilize now. I'm
4 not a fan of it, but if we want to talk about -- you
5 know, something I prefer is, like, a mass murder or
6 serial murder in progress where you have somebody
7 actively -- you know, and I know of cases where they
8 have been -- instead of an active shooter, they're an
9 active stabber, you know.

10 You know, we've had cases in the literature
11 of knives, swords. They just had one in Norway the
12 other day that he was -- the dude was killing people
13 with a bow and arrow. So I would call it a rabid
14 serial murder in progress if you want a more precise
15 term.

16 Q. So during such an event, an active shooter,
17 mass shooting event, is the shooter always easily
18 identifiable?

19 A. Well, at both of the ones that I went to, he
20 sure was. Often if you don't know exactly where the
21 person is, then what we teach our tactics for
22 movement to contact, but the important part of an
23 active shooter is it's active.

24 You have some -- if you don't see that's the
25 guy shooting people or that's the guy stabbing

1 people, or in one case I was involved in, the guy
2 was -- he was an active shooter, active bomber. He
3 was throwing pipe bombs, what you would think of
4 nowadays as IEDs, inside the building. If.

5 You don't see that or hear some stimulus to
6 draw you where the person is, then it's not really an
7 active shooter if you will.

8 Q. So in the scenario where you're not
9 immediately able to identify where the shooting is
10 coming from, what is the -- can you describe the
11 atmosphere at such an event?

12 MS. BELLANTONI: I'm going to object.

13 You can answer, but I think we're going
14 outside the scope of this case and causes of action
15 that are being brought. But you can go ahead and
16 answer.

17 THE WITNESS: In a word, it's going to be
18 pretty tense. At the attack on our federal
19 courthouse here in Topeka, we had a gentleman that
20 was doing an active shooting, active bombing. He was
21 throwing IEDs all over the building when I showed up.
22 Things had gotten real quiet, and we had to
23 transition from what you would think of now as a
24 rapid response to what we believed we had was a
25 hostage scenario in progress.

1 So that's part of what we do in the training
2 is classically things like dealing with hostage
3 negotiations, dealing with barricaded gunmen, things
4 like that. You want to slow the scenario down and
5 then utilize things like SWAT teams and negotiators
6 and things like that.

7 So part of what you do in police training is
8 a recognition of has the situation transitioned from
9 one type of scenario to another, because that's
10 entirely possible, but what you're looking for is
11 either identifying the suspect or a stimulus that
12 draws you to a location to where you can try to
13 identify the suspect.

14 BY MR. WISE:

15 Q. In a scene like that, can the sensation be
16 chaotic or, you know, distort your perception, I
17 guess?

18 A. Well, any --

19 MS. BELLANTONI: Objection. I'm going to
20 object again. Same objection, that this is outside
21 the scope of the causes of action that are being
22 brought.

23 You can answer.

24 THE WITNESS: Any critical incident I've
25 been involved in has been tense, and human beings are

1 subject to their perceptions under duress.

2 BY MR. WISE:

3 Q. If a person who's not immediately
4 identifiable as a cop is openly carrying a firearm
5 during an active shooter event, how are the on duty
6 law enforcement officers likely to react to that
7 person?

8 MS. BELLANTONI: Objection.

9 You can answer if you can.

10 THE WITNESS: Well, I would hope that they
11 were extraordinarily well trained because in my
12 experience, every cop that knows about it is going to
13 go regardless of their equipment and their mode of
14 dress.

15 So if you look at photos of Columbine as an
16 example, you have people with guns wearing suit and
17 ties, you have people with guns -- there was one
18 gentleman wearing gym shorts. If you look at video
19 of the very famous North Hollywood event, one of the
20 SWAT guys is wearing gym shorts and carrying an M-16.

21 So part of my assertion and my opinion on
22 this paper was if you're going to have well-trained
23 officers, they're going to have to allow for positive
24 identification of -- you know, have some training on
25 can't just see a gun and start shooting at that

1 person because odds are pretty good it could be an
2 off duty or undercover cop or some other person who
3 is not in uniform who is not in fact your problem.

4 BY MR. WISE:

5 Q. What if that civilian is openly carrying
6 their truck gun, let's say an AR-15? How are the on
7 duty law enforcement officers likely to react?

8 MS. BELLANTONI: I'm going to object and ask
9 you not to respond to that because we're not talking
10 about the open carriage of ARs and long guns.

11 Specifically about handguns here, so that's
12 completely outside the scope of this case and this
13 deposition.

14 BY MR. WISE:

15 Q. You may recall that Dallas Chief of Police
16 David Brown, in the aftermath of an active shooter
17 event at a community protest that included the
18 presence of openly carrying civilians, stated, "We
19 don't know who the good guy is versus the bad guy
20 when everyone starts shooting." Do you recall that?

21 A. I do.

22 Q. Do you agree with Chief Brown?

23 A. I do not.

24 Q. Why not?

25 A. So I have a little bit of insider baseball

1 on the Dallas Police Department, and they used to be,
2 used to be one of the most extraordinarily
3 well-trained police departments on the planet, and I
4 can't say that that is any longer the case.

5 Their firearms training, their use of force
6 training, their defensive tactics training, in my
7 opinion and observation, has suffered from politics
8 and neglect. He may have found it to be problematic,
9 or he may have been making it as a political
10 statement for it to be problematic, but everything
11 that I have seen -- and I have studied that incident
12 at length because part of that incident was there was
13 a lot of controversy on the manner in which they took
14 that bad guy out, you know.

15 They utilized a police bomb to kill the
16 gunman in that case, delivered by a robot, so there
17 was a lot of controversy about that. I think the
18 police officers who were right there on the scene
19 immediately knew who the bad guy was.

20 If you see people running away who happen to
21 be carrying -- and I know I'm dangerously segueing
22 into what Ms. Bellantoni stated she didn't want me to
23 answer because I knew people had long guns at that
24 event as part of their -- the political part of the
25 protest. If you have people leaving the vicinity in

1 a hurry, you can tell by demeanor and their carriage,
2 how they're acting, that, "Yeah, that's not the guy
3 I'm looking for."

4 Q. And by "demeanor" and "carriage," are you
5 talking about the same factors you were saying
6 earlier, behavior and demeanor, or are there other
7 factors that we haven't discussed?

8 A. People who look like they're trying to kill
9 you don't look like people who are afraid and trying
10 to get out of someplace. That's been my experience.

11 Q. What if somebody is running toward the scene
12 instead of away from the scene?

13 A. Well, then you'd have to evaluate, "Is that
14 a good guy? Is that a bad guy? Is that an off duty
15 SWAT cop that had his gear in the car and he hasn't
16 had time to change clothes? Etc., etc."

17 Q. And how can you go about evaluating that?

18 A. It's going to be right there in the moment,
19 you know. If the guy is running towards the scene,
20 then I know he's not -- he hasn't been part of the
21 scene. Is he -- do I look at that guy? What is his
22 demeanor? What is his body posture? How does his
23 facial expressions look? What is his movement like?
24 Is he trying to get -- you know, is he putting a
25 muzzle on people that are perceived to be victims?

1 That sort of thing. It all plays into that.

2 Q. Let's look at pages 12 and 13, paragraph 42.
3 You state "There is, however, historical precedent to
4 note that citizen non-law enforcement interdiction of
5 active shooter suspects happens more frequently than
6 interdiction by law enforcement officers." Would you
7 explain what you mean?

8 A. So post-Columbine, the trend was to have
9 what we would call a rapid response team approach
10 where you would get -- depending on who was doing the
11 training, typically it was a four-officer team, would
12 gather together and then move in.

13 Let's take, for an example, because
14 everybody's familiar with the Columbine event, that
15 if you showed up at Columbine in the middle of that
16 event, that you would wait for three other officers
17 to show up, and then you would move in as a team in a
18 particular set of tactics and then attempt to make
19 contact with the suspects and do that as rapidly as
20 possible.

21 What we found -- so -- excuse me. Sorry.
22 Ragweed is bad right now, and my allergies are acting
23 up.

24 So I wrote an article on solo response by
25 officers to an active shooter event because I'm a big

1 believer that you don't have time to wait for a team.
2 One of the active shooter events that I went to, I
3 had to respond by myself. I didn't have anybody who
4 was there, going to be there in a timely manner to
5 assist me. I couldn't wait for backup.

6 So in doing my research for these events,
7 what we find is is that more often than a law
8 enforcement officer -- in any kind of team or normal
9 police response that you would think of, more often
10 than not, that there's more events that are
11 interdicted by armed citizens than there are teams of
12 police officers showing up on the scene.

13 If you extrapolate that paradigm to include,
14 like, the Trolley Square mall shooting in Utah where
15 it was an off duty officer on his own time,
16 plainclothes, carrying a gun just like anybody else
17 would be carrying, that was another event where we
18 have off duty officer, but there are many events
19 where we have civilian.

20 And I use a generic term "conceal carrier"
21 but a civilian with a gun that's not -- somebody who
22 is not a cop is the person that is right there on the
23 scene and successfully interdicts or stops the bad
24 guy versus a law enforcement response putting an end
25 to it.

1 Q. Are the events that you just mentioned the
2 historical precedent you're referring to, or are you
3 referring to other historical precedent?

4 A. If you take a history of active shooters in
5 the United States as a modern study, that's what I'm
6 referring to.

7 Q. And are you aware of research that supports
8 this opinion?

9 A. I am.

10 Q. Okay. What is that research?

11 A. There's going to be a little bit of a pile
12 of that. What we're talking about is -- what we're
13 talking about is when you actually quantify active
14 shooter events, you know, beyond the famous ones like
15 Columbine, etc., and you look at the factors involved
16 in those events, what has been successful, what has
17 not been successful, which has led to things like my
18 advocacy for police solo response versus waiting for
19 a team approach.

20 You know, one of the reasons, and I'm a big
21 advocate of that, is that's where the research,
22 that's where the data points to is what is
23 successful, what is not successful. Team approach
24 takes too long. It hasn't been successful.

25 The last I checked into that, there was one,

1 maybe two of these events that were successful by the
2 team approach. Vast majority of the time, the cops
3 show up too late if they utilize that model.

4 So one of the reasons I'm a big advocate for
5 solo response on the police part is because that's
6 been the model for success because it's more rapid,
7 and if you look at these incidents on an anecdotal
8 basis, if you have an armed good guy, whether they
9 have a badge or not, immediately on the scene that
10 takes action, that tends to be a successful
11 interdiction.

12 As far as, like, titles to papers like a
13 specific paper on the subject, I would definitely
14 have to get back to you on that.

15 Q. Yeah. If there's any specific research you
16 have in mind, would you work with Ms. Bellantoni to
17 provide that to me?

18 A. Absolutely.

19 Q. Thank you. I appreciate that.

20 Do you mind if we go off the record for just
21 a moment? I'm going to need 30 seconds to make sure
22 my computer does not turn off.

23 (Discussion off the record)

24 MR. WISE: Thank you. I appreciate that.

25 We can go back on the record.

1 THE WITNESS: Okay.

2 BY MR. WISE:

3 Q. Let's look at page 13, paragraph 43. You
4 state "Allowing open carry will not create a danger
5 to public safety"; is that right?

6 A. Yes, sir.

7 Q. Are you familiar with research finding that
8 right to carry laws are associated with higher
9 aggregate violent crime rates?

10 MS. BELLANTONI: Objection.

11 You can answer.

12 THE WITNESS: I have read some of that, yes,
13 sir.

14 BY MR. WISE:

15 Q. And what is your view of those studies in
16 terms of your opinion on whether open carry of
17 firearms in public --

18 A. It directly contradicts my firsthand
19 observation in multiple states. I believe that those
20 papers -- it is easy to utilize statistics to come to
21 a prearranged opinion and to make opinion -- or to
22 push an opinion towards a political end.

23 Q. And so have you evaluated the basis for that
24 research?

25 MS. BELLANTONI: I'm going to object.

1 You can answer.

2 THE WITNESS: Depends on how you mean
3 "evaluate," but in my opinion of observing -- and I
4 don't know specifically which one you're -- which --
5 because there's been a couple of such studies that
6 have been pushing that idea. I put it up there with
7 the same research that people like Kellerman were
8 pushing that if you have a gun in your home, you're
9 43 times more likely to be killed than if you don't
10 have a gun in your home which was statistically
11 cooking the books.

12 If you look at the realities of crime and
13 street crime and the people -- people will talk.
14 They'll push an alarming statement like, "You're more
15 likely to be killed by somebody you know than
16 somebody you don't."

17 Well, that's certainly my experience as far
18 as, like, gang crime because most people don't just
19 up and kill people they don't know. They have a
20 specific beef with them. You know, your rival drug
21 dealer whom you know by name, you're going to go
22 whack because he's coming -- he's, like, selling in
23 your territory, things like that.

24 So you have to take -- you have to look at
25 these things in context and, you know, look at the

1 numbers, where the numbers come from, what's the
2 context of the numbers and that sort of thing because
3 it's very, very easy to come to false conclusions on
4 this sort of thing.

5 BY MR. WISE:

6 Q. You've reviewed the preliminary injunction
7 submissions in this case?

8 A. Okay. I think so. I believe that's part of
9 the -- Amy, was that all part of the paperwork that
10 you gave me, or was that not?

11 MS. BELLANTONI: I'm not entirely sure. I'd
12 have to look and see what I sent over.

13 THE WITNESS: Okay. I guess --

14 MS. BELLANTONI: We could refer to your
15 declaration. It says that there's something that was
16 turned over that you relied on.

17 MR. WISE: I believe it does. That's why I
18 was asking the question.

19 BY MR. WISE:

20 Q. And the reason I'm asking is you had
21 mentioned you're familiar with a few of the studies.
22 Are you familiar with the peer reviewed studies
23 conducted by Professor John Donahue about right to
24 carry laws and the association with higher aggregate
25 violent crime rates?

1 MS. BELLANTONI: I'm going to object because
2 he's not a statistical expert, so that wouldn't have
3 been in the purview of what he reviewed.

4 MR. WISE: He just mentioned he was familiar
5 with a few studies, so I was trying to know which
6 studies those might be.

7 MS. BELLANTONI: And I'm going to object
8 because he's not a statistician, so I'm not going to
9 have him giving testimony on -- it's not his
10 expertise.

11 MR. WISE: Uh-huh.

12 MS. BELLANTONI: He's not a statistician,
13 so --

14 BY MR. WISE:

15 Q. So just so I'm clear on what your opinion
16 is, then, you're indicating that the findings of
17 those studies are not consistent with your personal
18 observations in the field; is that right?

19 A. Yes.

20 Q. But to be clear, you haven't relied on
21 studies that -- for your opinion in this case at
22 least, that support your opinion or that contradict
23 the studies that we were just discussing?

24 A. So a big part of why I am here is both to
25 speak to the law enforcement part of this and

1 personal experience that I can point to in living in
2 the reality of an open carry state and not only my
3 state but other states that I travel to, other states
4 that I do business in and, you know, states where I
5 am commonly in an open carry environment, if you
6 will.

7 So a big part of why I'm here and we're
8 talking is that firsthand observation and experience
9 over a number of years as it deals with the open
10 carry and the dynamic of police involvement with open
11 carry people.

12 Q. Let's look at paragraph 44. We're still on
13 page 13. You refer to U.S. News and World Reports
14 public safety rankings and note that the top three
15 states, in terms of public safety, Maine,
16 New Hampshire and Idaho, allow a broader right to
17 public carry than California; is that right?

18 A. That was certainly true at that time, yes,
19 and then it's easy to look that up, the U.S. News and
20 World Report part of that.

21 Q. Are you aware of how U.S. News and World
22 Report determined these rankings?

23 A. I am not. Again, I can't say, you know, did
24 they hire a statistician, did they look up Bureau of
25 Justice Statistics or what their research methodology

1 was.

2 Q. Do you know whether U.S. News and World
3 Report compared factors such as population density
4 that might account for the difference in crime rates
5 between states such as Maine versus California?

6 A. I don't, nor do I know if they looked at
7 things like sentencing guidelines or a variety of
8 other factors.

9 Q. Do you agree that regional differences are
10 an important factor to consider in developing an
11 effective public safety response?

12 MS. BELLANTONI: Objection. And
13 specifically what public safety response are you
14 referring to?

15 MR. WISE: Well, response that includes open
16 carry policy.

17 MS. BELLANTONI: Could you be more specific?
18 I'm not understanding the question.

19 MR. WISE: Sure. Well, this case is about
20 California, and the expert here is from Kansas, and
21 I'm asking if he agrees. Let me restate the
22 question.

23 BY MR. WISE:

24 Q. Do you agree that regional differences are
25 an important factor to consider in developing an

1 effective public safety response with regard to
2 firearms?

3 A. And --

4 MS. BELLANTONI: I object.

5 You can go ahead and answer.

6 THE WITNESS: I'm going to say in this case,
7 it does not, just as, you know, if we look at police
8 use of force, everybody in the United States is bound
9 by things like *Graham v. Conner*, *Garr* versus
10 Tennessee. It is what it is. Is my First Amendment
11 right to free speech different in the State of
12 California versus the State of Kansas? It is not.

13 Is my freedom of religion different in the
14 State of California versus the State of Kansas? It
15 is not. So as far as that context, we're still
16 talking about the United States of America. So, no,
17 I don't believe so.

18 BY MR. WISE:

19 Q. Do you agree that demographic differences
20 are an important factor to consider in developing an
21 effective public safety response, again, with regard
22 to firearms?

23 MS. BELLANTONI: Objection.

24 You can answer.

25 THE WITNESS: I don't. I don't because I

1 believe that public safety factors response policy
2 are all far, far, far broader than that.

3 BY MR. WISE:

4 Q. Have you ever been to California?

5 A. Yes.

6 Q. Have you ever served as a law enforcement
7 officer in California?

8 A. I have not.

9 Q. Are you familiar with open carry laws in
10 California?

11 A. Just from what I have been able to read as
12 far as what is publicly available and then what I
13 have been briefed on in this case by Ms. Bellantoni.

14 Q. Would you describe your understanding of
15 where, if at all, open carry is permitted in
16 California?

17 MS. BELLANTONI: Objection. He's not
18 testifying as an expert in that area. I'm going to
19 ask him not to answer that question.

20 MR. WISE: So is he an expert in open carry
21 in Kansas only? I'm confused.

22 MS. BELLANTONI: He's an expert and a law
23 enforcement officer in open carry jurisdiction. It's
24 kind of irrelevant since it's banned in California
25 anyway, so --

1 BY MR. WISE:

2 Q. Are you aware that open carry is allowed in
3 certain circumstances in the State of California?

4 MS. BELLANTONI: Objection. That's actually
5 not true.

6 BY MR. WISE:

7 Q. Are you aware that there are laws permitting
8 open carry in certain circumstances in California?

9 MS. BELLANTONI: Objection.

10 THE WITNESS: Frankly, at this point, with
11 the two attorneys arguing about that, I believe that
12 that would be the type of thing that you guys would
13 be the experts in. It appears that you guys are at
14 an impasse on whether it's legal or not. That would
15 certainly leave a layperson at a disadvantage to know
16 whether they were breaking the law or not.

17 BY MR. WISE:

18 Q. Let's look at paragraph 45, same page, still
19 on page 13. You state "People who legally possess
20 and carry firearms are generally compliant and
21 law-abiding, statistically speaking among the most
22 law-abiding group of persons in our country." Would
23 you explain what you mean?

24 A. So if you take people with -- and I'm going
25 to go with the statistics because we can nail those

1 down on persons with a concealed carry license
2 because we can actually quantify that because, quite
3 frankly, on a day-to-day basis, if nobody tells
4 anybody that they're carrying a gun, we're not --
5 who's going to know about it?

6 So if we look at statistically people with a
7 concealed carry license, they are more law-abiding
8 than virtually any other demographic in the United
9 States, and that includes police officers.

10 When you look at things like -- even minor
11 things like DUI arrests, that sort of thing, they
12 tend to have a far lower criminal rate than any other
13 demographic you would pluck out of whatever pool you
14 want to look at, if you want to look at a certain
15 profession or whatever the case may be.

16 And then, you know, the rest of that
17 paragraph, if you will, my experience is is that
18 people who are going to unlawfully do things don't
19 look for permission, they don't get concealed carry,
20 whether it's banned or not, you know.

21 In Kansas, when we banned all carry, even
22 retired officers could not carry a gun, and that
23 didn't slow down the gang members one little bit, you
24 know. My belief, what we're talking about here is
25 law-abiding citizens trying to gain access to the

1 ability to open carry legally within your state,
2 clearly trying to go about doing thing the right way
3 and stay within the boundaries of the law.

4 Q. What is the basis for your opinion?

5 A. Again, 34 years of street level police work
6 and then some consultation of things like, you know,
7 research that has been done in this area as far as,
8 you know -- in particular, one of the things I look
9 at is police use of force, and then I have been
10 involved extensively in internal affairs
11 investigations on police officers and then
12 investigation on, like, officer-involved shootings,
13 use of force, things like that.

14 So I've had occasion to look at the
15 statistics that are out there that are available
16 on -- if you look at how my profession stacks up to
17 other professions where actually, you know, we do a
18 lot better than a lot of other professions that are
19 out there even though we -- you know, we are commonly
20 demonized for violating people's rights and that sort
21 of thing.

22 And then having looked into that as somebody
23 in the past who I actually advocated for concealed
24 carry in Kansas, which was -- didn't make me real
25 popular in some law enforcement circles, but you have

1 to make sure you have your ducks in a row if you're
2 going to advocate for something and make statements
3 like that.

4 And in other places before Kansas had
5 concealed carry, like Florida was very famous for
6 that beginning in the '80s, the states of
7 New Hampshire and Vermont were very, very liberal,
8 and, in fact, my belief is Vermont has always had no
9 permit carry within the state. I may have switched
10 that with New Hampshire, but one of those two has
11 always, like, historically had no permit carry, and
12 if you look at the demographics of people with
13 concealed carry, they tend to be extraordinarily
14 law-abiding.

15 Q. And I think you were mentioning research
16 this supports your opinion. What is that research
17 specifically?

18 A. Some of it would be -- I can point to John
19 Lott, the famous gun rights researcher, but then to
20 another of -- pardon me -- a number of other sources
21 as far as, like, the actual titles of that, again, I
22 would have to research that and get back with you.

23 Q. Yeah, that'd be great if you could work with
24 plaintiff's counsel to provide me any research that
25 supports that opinion. I'd appreciate it.

1 Do you agree that there are incidents in
2 which a previously law-abiding person engages in
3 criminal behavior?

4 A. Well, I would argue, counselor, that
5 everybody that doesn't have a criminal record who
6 becomes a criminal was previously not, I mean,
7 law-abiding.

8 Q. That's all the questions.

9 Ms. Bellantoni, are you on mute?

10 MS. BELLANTONI: Yeah, I was. I'm sorry.
11 Can we just take a brief break? Just need to -- is
12 that okay?

13 MR. WISE: Of course. I'm done with my
14 questions. That was my last one.

15 MS. BELLANTONI: Can we just hold on one
16 second before we wrap up?

17 MR. WISE: Of course.

18 MS. BELLANTONI: All right. Thanks.

19 THE WITNESS: I'm over here making myself a
20 note on looking back at what we've been talking about
21 so I can get back to Amy.

22 MR. WISE: Thank you.

23 (Recess)

24 MS. BELLANTONI: So I guess we're done. I
25 don't have any questions.

1 MR. WISE: Let's go back on the record
2 briefly.

3 Okay. I am done with my questions.

4 THE REPORTER: And, Ms. Bellantoni, do you
5 want a copy?

6 MS. BELLANTONI: Mr. Wise, will you be
7 sending a copy to the witness for him to review?

8 THE REPORTER: That's why I got his email.
9 Veritext will send him a locked PDF.

10 MS. BELLANTONI: That's fine. I'll take a
11 copy.

12 And also, Mr. Wise, can you just put some
13 requests -- I know there were some requests made.
14 Can you just put them in writing for me so I can
15 refer to them and properly have whatever additional
16 documents provided to you?

17 MR. WISE: Sure, of course. How formal
18 would you like me to make the request?

19 MS. BELLANTONI: Email.

20 MR. WISE: Email? Okay.

21 MS. BELLANTONI: Email.

22 MR. WISE: Thank you.
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I, CHARLES D. HAGGARD, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,
20_____, at _____, _____.
(City) (State)

CHARLES D. HAGGARD

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

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

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

21

22 Dated: 10/30/2021

23



CARRIE PEDERSON

24

CSR No. 4373

25

1 CHARLES D. HAGGARD

2 chuck@agiletactical.com

3 November 1, 2021

4 RE: BAIRD vs. BONTA

5 October 19, 2021, CHARLES D. HAGGARD, JOB NO. 4838109

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7 completed by Veritext Legal Solutions and

8 review of the transcript is being handled as follows:

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13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.

20 ___ Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.

23 ___ Signature Waived - Reading & Signature was waived at the
24 time of the deposition.

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Page 105

1 _x_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF
2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 __ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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BAIRD vs. BONTA

CHARLES D. HAGGARD (#4838109)

E R R A T A S H E E T

PAGE _____ LINE _____ CHANGE _____

REASON _____

WITNESS

Date

[& - agiletactical.com]

&	2025.520 105:9,12	75 11:13	actions 55:14
& 105:23 106:9	21 56:4	78 37:8	active 14:5 20:4
0	22 37:9 67:13,17	8	21:9 77:25 78:1,8
00617 1:7 2:7	24 49:6 60:17	8 6:3	78:9,16,23,23 79:2
06 48:24	67:16	80s 100:6	79:2,7,20,20 81:5
08 48:24	26 61:21,22 63:2,5	82 6:3 17:2	82:16 85:5,25
1	28 62:16,23 63:20	9	86:2 87:4,13
1 1:24 5:4 11:21	2:9 1:7 2:7	90s 64:17	actively 78:7
11:22 23:6 105:3	3	914-367-0090 3:10	activities 76:2
106:1	3 69:17	94244-2550 3:21	activity 76:10 77:5
10 14:25	30 88:21 106:1	944255 3:19	77:12
10/30/2021 104:22	30s 29:2	96 6:4	actor 60:13
104 1:24	31 67:4,9	9:06 2:18 7:2	actual 72:17 77:12
10583 3:9	34 99:5	a	100:21
11 5:4	4	a.m. 2:18,18 7:2,2	ada 25:15 26:6
11:31 2:18 7:2	40 18:1 75:12,16	abell 3:11	adamant 25:20,25
12 14:25 29:3	77:19	abiding 60:21	added 18:6
75:12 85:2	400 3:8	97:21,22 98:7,25	additional 102:15
125 3:18	42 85:2	100:14 101:2,7	adjunct 15:16
13 39:21 85:2 89:3	43 89:3 90:9	ability 33:10 34:8	16:20,21
93:13 97:19	4373 1:22 2:20	35:10,23 43:4	administered 7:5
1300 3:17	104:24	99:1	adult 39:20
14 12:17	44 93:12	able 9:4,23,25	advise 44:1
15 54:9 82:6	45 17:24 97:18	26:20 31:18 76:24	advised 43:25
16 81:20	47 60:1	77:23 79:9 96:11	advises 8:20
17 18:21	4838109 1:23	absolutely 55:10	advocacy 87:18
19 1:17 2:19 6:4	105:5 107:2	63:9 88:18	advocate 87:21
7:1 17:1 105:5	5	ac 1:7 2:7	88:4 100:2
1982 16:25	50 17:25	academic 45:21	advocated 99:23
1987 18:12	57 29:7	academy 19:9	affairs 99:10
1998 17:1	6	32:19	affect 73:5
2	60 21:20,23	access 98:25	afoot 76:10
2 3:7 23:6	600 29:4	accidental 53:2	afraid 84:9
20 52:20 54:9	60s 69:14	56:8	aftermath 82:16
103:17	6995 104:23	account 94:4	agency 42:3
2008 48:22	7	act 52:23 60:22	aggregate 89:9
2014 48:21	7 4:6	acting 17:10 74:2	91:24
2021 1:17 2:19 7:1	70s 69:15	74:19 84:2 85:22	agile 22:25 23:1
105:3,5		action 79:14 80:21	57:17
		88:10 104:17,18	agiletactical.com
			105:2

[ago - avoid]

<p>ago 9:18 36:1 agree 31:20 32:25 33:8,13 36:12,15 36:16 38:7 39:7 39:25 40:4,20 41:14,16 42:2 69:2 82:22 94:9 94:24 95:19 101:1 agreed 11:9,12 agreeing 39:24 agrees 94:21 ahead 28:14,16 35:8 36:8 59:5 79:15 95:5 ahold 44:3 airplanes 29:8 airport 22:6 49:3 49:4 aisle 75:10 al 1:9 2:9 alarm 74:18 alarming 90:14 alleging 37:9 allergies 85:22 alley 75:4 allow 44:9 52:21 65:7 81:23 93:16 allowed 9:7 21:23 28:3 34:22 35:15 35:16 46:16,17 47:15 61:23 62:4 62:17 63:11,15 97:2 allowing 68:20 89:4 allows 34:8 35:23 47:25 alzheimer's 59:8 ambushes 55:19 amendment 95:10</p>	<p>america 95:16 amorphous 73:12 amy 3:5 91:9 101:21 analyst 16:11 anecdotal 37:2 88:7 angeles 64:19 answer 6:1 8:7,10 8:14,19,20 26:11 27:10 28:13,15,16 33:12 34:11 36:8 36:25 38:11 40:8 40:18,24 41:20 42:8 51:22 58:4 59:15 69:7 70:25 72:2 73:8 77:2 79:13,16 80:23 81:9 83:23 89:11 90:1 95:5,24 96:19 antigun 74:10 antipersonnel 18:2 antipolice 73:19 antitank 18:2 anybody 25:10 86:3,16 98:4 anyway 96:25 appear 103:13 appearances 3:1 appearing 1:16 105:18 106:7 appears 61:10 68:7,16,25 97:13 appreciate 66:19 88:19,24 100:25 approach 70:1 73:5 75:2,2 85:9 87:19,23 88:2</p>	<p>approached 24:9 appropriate 27:24 approved 19:10 approximately 22:3 48:20,25 ar 82:6 area 96:18 99:7 argue 34:12 66:6 101:4 arguing 97:11 armed 23:23 26:18 37:5 66:10 69:24 72:24,24 86:11 88:8 armor 50:8 army 17:19 arrest 19:7 23:13 52:4 55:1,7 arrests 98:11 arrow 78:13 ars 82:10 article 37:5 85:24 articles 45:3,6,14 artifice 31:7 ascertain 74:14 aside 65:19 asked 12:3 22:12 asking 8:9 57:21 66:20,24 91:18,20 94:21 aspects 24:5,14 assault 24:6,14,20 26:18 assaulting 35:6 assertion 81:21 assess 67:12 68:5 68:22 69:4 assessing 69:18 assigned 17:11 18:24</p>	<p>assist 86:5 assistant 26:7 assisted 14:11 19:20 50:18 associated 89:8 association 50:22 91:24 assume 38:12 39:5 42:13 69:24 assuming 16:8 24:1 42:9 60:13 62:22 assumption 69:24 70:2,4 atlanta 55:6 atmosphere 79:11 attached 103:14 attack 79:18 attacks 28:19 attempt 85:18 attempting 36:3 attend 15:4 attention 14:7 55:10 attorney 1:8 2:8 3:6,14,16 7:13 8:18,20 26:7 46:25 47:14,20 104:18 attorneys 97:11 audit 73:21,21 author 50:14 authority 22:6 availability 35:2 available 32:16 96:12 99:15 average 31:22 40:6,11,12,22 41:18 42:5 60:14 avoid 44:2 55:3</p>
--	--	--	--

[avoiding - bulge]

<p>avoiding 57:7 aware 87:7 93:21 97:2,7 awhile 10:9 14:1 17:1 22:23 26:13</p>	<p>barricaded 80:3 baseball 82:25 based 36:21 45:14 60:20 basic 23:5,5,6 basically 19:18 52:11 55:7 74:9 basis 13:12,21 14:3 17:19 52:9 77:16 88:8 89:23 98:3 99:4 bat 46:4 batons 19:6 bean 75:10 beat 34:24 35:17 beaver 64:25 beef 90:20 beginning 2:18 100:6 behalf 2:17 behavior 24:6,21 67:12 68:6,22 69:5 71:11,14 72:12,15 74:17 75:16 76:1,18,22 76:23 77:24 84:6 101:3 behavioral 24:5 24:14 72:12 75:22 76:9 beings 31:6,12,13 39:4,17 77:24 80:25 belief 98:24 100:8 believe 11:11 13:22,25 17:1 26:8,14,19 31:2,8 32:19 48:22 57:24 59:9 60:11 61:19 65:22,22 66:2,2 67:2 72:3 89:19</p>	<p>91:8,17 95:17 96:1 97:11 believed 63:14 73:18 79:24 believer 29:25 31:5 86:1 bellantoni 3:4,5,11 9:16 10:4,10,14,19 11:9 12:6,24 13:23 26:10 27:9 28:12,16 30:17 31:1 33:11 34:10 35:25 36:7,19 38:10 39:10 40:7 40:23 41:19 42:7 43:8 51:21 53:25 55:24 58:3 59:14 67:19 69:6 70:16 70:24 72:1 73:7 73:10 77:1,17 79:12 80:19 81:8 82:8 83:22 88:16 89:10,25 91:11,14 92:1,7,12 94:12,17 95:4,23 96:13,17 96:22 97:4,9 101:9,10,15,18,24 102:4,6,10,19,21 belt 41:5 54:4 best 32:6 70:6 better 23:19 31:13 31:21 32:20 53:12 62:13 99:18 beyond 87:14 big 13:18 20:11,18 24:18,20 28:23 29:22,25 31:5 33:18 46:7 54:19 56:16 57:8 58:6 78:2 85:25 87:20 88:4 92:24 93:7</p>	<p>bill 11:7 bit 16:8 27:2 32:18 42:22 46:2 64:10 82:25 87:11 98:23 blue 20:16,16 body 50:8 62:20 84:22 bomb 83:15 bomber 79:2 bombing 79:20 bombs 79:3 bono 11:10 bonta 1:7 2:7 7:14 105:4 107:1 book 69:17 books 90:11 borders 53:13 botched 55:1 bound 95:8 boundaries 99:3 bow 78:13 box 3:19 43:25 59:3 breacher 18:21 break 8:12,15 34:1 101:11 breaking 97:16 brief 101:11 briefed 96:13 briefly 102:2 bring 54:15 broader 93:16 96:2 brought 56:18 79:15 80:22 brown 82:16,22 bruce 60:2 buff 46:7 building 79:4,21 bulge 54:7</p>
<p>b</p>			
<p>b 49:7 106:1 back 11:18,20 34:15,16 35:19 46:4,8 47:4 67:8 67:20 71:5 74:13 74:17 88:14,25 100:22 101:20,21 102:1 background 45:21 49:24,25 backing 40:14 backup 86:5 bad 17:6 24:17,19 29:7 31:19 37:19 40:15 44:10 55:5 57:2 62:12 66:15 72:17,17 73:3 82:19 83:14,19 84:14 85:22 86:23 badge 88:9 bags 72:6 bailiwick 55:3 baird 1:4 2:4 3:25 7:14 105:4 107:1 ballistics 52:1,2 ban 46:17 47:19 banned 46:21 64:17 96:24 98:20 98:21 banning 62:23 63:22 65:13,20,23 65:25 66:21,23 70:8 bans 50:8</p>			

[bunch - chuck]

<p>bunch 16:4 41:24 53:14 bureau 58:25 59:7 93:24 burglar 37:9 burglarize 77:11 burglary 44:16 business 16:19 22:21,25 23:3,18 27:12 31:9,10 33:7 47:4 53:15 53:17 55:16 75:4 76:9 77:7 93:4 button 70:9 buzz 33:18</p>	<p>capita 64:18 captain 16:22 49:2 49:9,13 car 28:7 30:7 37:20 43:13,18 44:1,19 46:20 70:22 71:4,23 72:5 84:15 career 18:9,11,18 18:18 21:9 48:9 64:15 carjacking 24:12 37:17 carjackings 31:25 carriage 45:11 82:10 84:1,4 carrie 1:21 2:19 104:23 carrier 86:20 carriers 48:7 carry 15:2 25:9,10 27:7 28:9 29:18 29:19 30:15 31:3 32:11 34:9 35:8 35:24 41:6 42:25 43:15 45:4 46:1 46:11,13,15,17 47:6,7,8,11,13,13 47:16,17,17,19,22 47:23,24 48:1,3 52:21 54:15 56:10 61:23 62:4,9,17,24 63:11,15,22 64:2,4 64:7,7,20,21,21 65:8,13,20,23,25 66:8,14,21,23 68:9 68:17,20 70:8,10 73:17,20 75:18 77:21 89:4,8,16 91:24 93:2,5,10,11 93:17 94:16 96:9</p>	<p>96:15,20,23 97:2,8 97:20 98:1,7,19,21 98:22 99:1,24 100:5,9,11,13 carrying 25:12 26:8 30:24 32:21 32:22 34:4 39:6 39:15 48:8 52:24 53:7 54:3,4,6,11 56:9,9 57:24,25 59:10 60:22 61:1 61:7,13 62:19 63:13,18 64:5 67:11 69:3 74:5 76:8,24 81:4,20 82:5,18 83:21 86:16,17 98:4 cars 39:18 46:21 cartilage 29:9,10 case 1:6 2:6 7:13 7:23 8:1 10:8,18 10:22 11:6 13:6,8 13:25 14:9 30:6 30:10 34:13 35:13 42:17 44:13 52:10 56:22 58:12,12 59:23 65:6 66:16 66:17,17 75:25 76:13,14 79:1,14 82:12 83:4,16 91:7 92:21 94:19 95:6 96:13 98:15 104:14 cases 30:8 37:8 44:13,21 47:3 56:15 78:7,10 cash 43:1,1 casual 9:17 cattle 46:5 cause 42:4,10,24 53:2 60:23 62:13</p>	<p>62:14 64:11 66:3 66:12 76:4 causes 79:14 80:21 caveat 40:25 ccp 105:9,12 cellphone 59:21 center 16:10,19 certain 34:7 47:1 97:3,8 98:14 certainly 8:11 40:3 64:5 65:2 90:17 93:18 97:15 certified 2:20 6:1 104:1 certify 104:3,16 chainsaw 33:5 chainsaws 39:19 chance 54:20 change 84:16 107:4,7,10,13,16 107:19 changed 18:4 47:2 chaotic 62:10 80:16 charge 19:18 48:15 49:4,7,8,10 charged 39:1 charles 1:15 2:16 4:2 5:4 7:4,16 103:10,21 105:1,5 107:2 chase 51:8 checked 87:25 chief 9:22,22 13:9 47:10 49:15,18 82:15,22 chiefs 50:22 children 44:22 chuck 5:4 7:17 105:2</p>
c			
<p>c 24:8 49:7 ca 105:9,12,20 caliber 17:25 california 1:2,9 2:2,9 3:14,20 7:13 46:6 62:4 63:11 63:16 69:16 93:17 94:5,20 95:12,14 96:4,7,10,16,24 97:3,8 104:2 call 20:4 25:3 47:15 61:7 74:8 77:22 78:13 85:9 called 20:12 37:5 73:20 74:3 calls 24:8 camera 30:8 capability 31:16 31:17 35:5 capable 29:14 31:6,11 capacity 1:8 2:8 15:20,21 21:16 23:19 25:15 27:16 29:24 49:21</p>			

[circle - contacted]

<p>circle 35:19 circles 99:25 circumstance 36:22 circumstances 32:2 68:21 75:3 97:3,8 cited 13:4 cites 13:3 cities 46:17,21 47:3 citizen 37:6 66:5 85:4 citizens 86:11 98:25 city 20:15 23:10 42:23 50:7 51:11 103:17 civil 14:18 105:19 105:20 civilian 23:19 36:4 36:6 37:16 38:8 40:1,6 42:6 53:17 57:12,25 58:2 59:10,12 69:3 70:22 82:5 86:19 86:21 civilians 53:3 56:8 61:1 82:18 clarification 30:18 31:4 36:20 43:9 clarified 43:23 clarify 36:1 clarifying 36:6 clarity 39:12 73:10 class 31:20 classes 15:22 16:1 23:7 25:8 classic 76:13,19</p>	<p>classically 80:2 claymore 18:2 clear 58:16 92:15 92:20 clearly 9:11 28:2 66:16 74:7 99:2 clients 23:4,25 25:9,13 27:7 28:9 29:18 30:14 43:5 44:8 close 37:18 closed 77:8 clothes 84:16 coalesced 16:4 code 50:7 69:17 105:9,12,19,20 coincided 64:23 college 15:4,6,12 15:23 16:3 colleges 15:16 color 61:10 68:16 colorado 48:2 colored 62:14 columbine 19:24 20:6 21:7 81:15 85:8,14,15 87:15 combination 34:21 come 13:16 21:1 22:13 60:7 64:19 73:18 89:20 91:1 91:3 comes 24:16 39:23 55:12 67:10 69:2 72:11 comfortable 25:23 coming 20:6 21:5 58:20 67:1 79:10 90:22 comma 28:24</p>	<p>command 21:13 48:10 commander 17:10 18:19 48:12 commanders 48:15 commands 34:22 35:14 comment 9:7 commissioned 46:10 common 48:6 78:3 commonly 93:5 99:19 communicate 33:20 communication 33:15 community 51:5 51:12 74:2 82:17 comorbidities 28:23 company 22:23 57:17,18 compared 94:3 compartment 72:5 compensated 11:5 competent 41:9 complaint 10:24 11:3 complete 15:13 completed 15:14 15:25 105:7,17 106:6 completely 82:12 completion 104:14 106:10 compliant 97:20 comport 69:25 computer 88:22</p>	<p>conceal 47:12,13 47:24 64:7,21 71:13 73:17,20 86:20 concealed 41:7,7 43:15 46:13 47:17 47:23 54:5 56:9 70:2 76:15 98:1,7 98:19 99:23 100:5 100:13 concerns 32:10,14 32:15 concert 35:16 conclusions 91:3 conduct 13:11,16 23:22 conducted 45:15 53:19 91:23 conducting 45:22 confrontation 74:10 confronted 34:16 confused 96:21 congruent 77:5 conner 95:9 consider 26:23 37:15 51:20 94:10 94:25 95:20 consistent 92:17 console 72:6 consoles 71:6 constitutional 47:16 consultation 99:6 consulting 22:21 22:25 23:1 contact 74:4 78:22 85:19 105:9 contacted 10:11 10:15</p>
---	---	---	--

[contacts - deescalate]

<p>contacts 24:8 contained 103:14 context 90:25 91:2 95:15 continue 56:4 contradict 92:22 contradicts 89:18 contributing 57:5 control 14:3 19:7 23:13 52:4 55:1,8 controversy 83:13 83:17 conversation 9:17 10:19 53:24 cookie 23:4 cooking 90:11 cop 31:8 41:22 47:6 50:24 54:14 76:22 81:4,12 82:2 84:15 86:22 cops 40:14,15 47:9 47:9,11 55:3 62:12 64:3,4 88:2 copy 12:11,16,22 16:9 102:5,7,11 correct 63:8 68:1 103:15 corrected 103:15 corrections 9:4,6,7 103:13 105:14,15 106:3,4 correctly 24:23 35:20 council 51:11 counsel 12:22 14:10 27:13 28:3 28:6 31:12 32:6 44:24 100:24 105:18,21 106:7 counselor 101:4</p>	<p>count 16:2 country 97:22 county 21:25,25 22:9,12,14 couple 9:17 15:17 36:1 44:21 55:19 90:5 course 15:19 20:5 27:18 40:16 41:4 44:18 46:3 48:9 58:8 101:13,17 102:17 courses 15:13,14 15:15 court 1:1 2:1 8:3 14:18,18 47:3,20 52:7 56:15 courthouse 79:19 courtroom 7:20 courts 51:24 56:20 cover 32:7 covid 28:21,23 cpost 19:10 craig 24:7 create 53:1 89:4 created 61:24 creates 56:7 creating 50:12 creation 51:1,6,17 credit 15:23 16:3 crime 14:4 31:24 37:16 55:17,17 58:6,17 64:14,16 64:18,23,25 65:1 66:9 71:15 89:9 90:12,13,18 91:25 94:4 crimes 59:25 65:4 criminal 14:18 24:5,14,20 26:18 35:4 55:17 60:13</p>	<p>66:9 76:10 98:12 101:3,5,6 criminalistic 76:1 criminally 38:23 criminals 76:14 criteria 42:18,19 critical 41:24 65:16 80:24 crr 1:22 csr 1:22 104:24 cure 63:23 65:14 current 16:17,22 22:5,19 38:22 49:2 50:16 currently 22:15 23:8 32:18 custody 55:4 customize 23:7 cutter 23:4 cv 1:7 2:7 16:9</p> <p style="text-align: center;">d</p> <p>d 1:15 2:16 4:2 7:4 7:16,17 103:10,21 105:1,5 107:2 dabbled 45:12 dallas 82:15 83:1 danger 70:15,23 89:4 dangerously 83:21 dark 34:16 77:8 data 87:22 databases 37:2 date 10:9 104:19 105:16 106:5 107:24 dated 104:22 david 7:16 82:16 day 23:14 54:11 77:6,13 78:12 98:3,3 103:16</p>	<p>days 9:17 21:20,23 46:5 dead 44:18 deadly 26:25 27:4 30:10,12 32:4,5 67:17 68:14,24 71:25 deal 28:23 33:16 33:23 48:7 57:8 70:10 74:25 dealer 90:21 dealing 33:25 54:14 77:21 80:2 80:3 deals 93:9 dealt 71:7 dear 21:12 deaths 55:4 december 48:21 decided 15:9 decision 25:11 26:4 36:14,23 51:25 68:13,23 70:5 71:25 72:10 72:21 decisions 46:23 67:15 72:23 declaration 5:4 9:23 10:2 11:12 12:3,5,9,12,18,23 13:3,15,18 14:11 61:9 67:22,25 91:15 declare 103:10 deep 28:21 56:13 deeply 76:15 deer 46:15 deescalate 32:3 33:10,21 34:8,22 35:11,23</p>
---	---	---	--

[deescalation - early]

<p>deescalation 16:13 24:25 33:14,17,24 34:3 35:3,7 36:2,4</p> <p>defeat 35:5</p> <p>defend 29:14,19</p> <p>defendant 1:10 2:10 3:13</p> <p>defendant's 5:2</p> <p>defendants 2:17</p> <p>defense 14:19 25:22 28:2 37:14</p> <p>defensive 19:17 25:19 37:2 83:6</p> <p>defer 10:10</p> <p>deficiencies 63:24 65:14</p> <p>definitely 17:2 26:25 88:13</p> <p>degree 16:5 66:1</p> <p>delirium 16:11 33:19 50:21</p> <p>delivered 83:16</p> <p>delve 54:20</p> <p>demeanor 75:17 77:12 84:1,4,6,22</p> <p>demographic 95:19 98:8,13</p> <p>demographics 100:12</p> <p>demonized 99:20</p> <p>demonstrate 59:18</p> <p>density 94:3</p> <p>denver 56:17</p> <p>department 15:9 16:16 18:13,14 19:1,13 21:16 22:1,15 23:10 41:11,12 43:20 48:12,17 49:20 50:16,16 83:1</p>	<p>departmental 63:24</p> <p>departments 20:10 69:13 83:3</p> <p>depend 42:18 71:1</p> <p>depending 42:19 85:10</p> <p>depends 90:2</p> <p>deploy 41:7</p> <p>deposition 1:15 2:16 7:25 9:3,14 9:16 10:5 82:13 104:13 105:19,22 105:24 106:8,10</p> <p>depth 33:17</p> <p>deputy 22:2,13,14 30:7 49:15,23</p> <p>describe 17:15 23:2 79:10 96:14</p> <p>describes 61:9</p> <p>description 5:3</p> <p>detail 73:12</p> <p>detective 76:16</p> <p>detectives 20:7</p> <p>determine 76:24</p> <p>determined 42:3 93:22 105:18,22 106:7</p> <p>detriment 54:16</p> <p>detrimental 52:25</p> <p>develop 19:21</p> <p>developed 20:23</p> <p>developing 20:21 94:10,25 95:20</p> <p>diallo 59:25</p> <p>difference 66:5 94:4</p> <p>differences 94:9 94:24 95:19</p> <p>different 20:10 30:12 75:18 95:11</p>	<p>95:13</p> <p>differentiating 62:11</p> <p>diffused 74:11</p> <p>dinkheller 30:6</p> <p>direction 104:10</p> <p>directly 89:18</p> <p>disadvantage 97:15</p> <p>disagree 42:20</p> <p>disallowed 47:5</p> <p>disarming 44:5</p> <p>discussed 45:24 65:15 84:7</p> <p>discussing 92:23</p> <p>discussion 11:17 67:5 88:23</p> <p>display 35:13</p> <p>displaying 76:18</p> <p>dispute 32:18</p> <p>disputes 65:9</p> <p>distance 36:21 37:21</p> <p>distort 80:16</p> <p>district 1:1,2 2:1,2 26:7</p> <p>document 11:25 12:8</p> <p>documents 13:4,4 13:5,10,12,16,20 13:22 102:16</p> <p>dog 75:24</p> <p>doing 12:14 14:1 15:20 16:15 22:15 33:16 35:15 41:8 45:2 47:4 48:20 79:20 85:10 86:6 99:2</p> <p>doj.ca.gov 3:22</p> <p>doke 8:16</p>	<p>domicile 28:3</p> <p>donahue 91:23</p> <p>douglas 24:7</p> <p>downrange 57:2</p> <p>dozen 14:16</p> <p>drafting 11:2</p> <p>draw 79:6</p> <p>draws 80:12</p> <p>dress 81:14</p> <p>drill 73:2</p> <p>drink 26:3</p> <p>driver 17:8,20</p> <p>driver's 28:6 39:21</p> <p>drives 46:6</p> <p>driving 39:18</p> <p>dropped 65:1</p> <p>drug 90:20</p> <p>drugs 33:20</p> <p>dry 26:13</p> <p>ducks 100:1</p> <p>dude 26:15 31:22 78:12</p> <p>dudes 34:17</p> <p>dui 98:11</p> <p>duly 104:7</p> <p>duress 81:1</p> <p>duty 14:6 20:9 26:16 34:13 40:4 41:4 47:8,9,10 81:5 82:2,7 84:14 86:15,18</p> <p>dynamic 16:12 93:10</p> <hr/> <p style="text-align: center;">e</p> <hr/> <p>e 105:9,12 106:1 107:3,3,3</p> <p>earlier 27:5 84:6</p> <p>early 30:4 64:16 69:14</p>
--	---	---	--

[earned - famous]

<p>earned 16:3 earp 46:4 easily 78:17 eastern 1:2 2:2 easy 89:20 91:3 93:19 ed 28:6 education 15:13 16:6 27:14,23 28:4 31:17 effect 52:25 53:10 64:11 66:4,13 effective 94:11 95:1,21 effectively 27:21 eight 14:23 23:14 49:1,1 56:4 60:18 61:22 63:3 either 34:23 35:17 41:9 67:2,2 80:11 elderly 28:25 eliminate 68:17 email 9:20 55:13 55:13 102:8,19,20 102:21 emotional 38:14 39:3,9,22,23 emotionally 39:1 emphasizing 65:15 employee 104:17 employment 22:20 emporia 15:17 empty 34:19 encounter 24:11 37:16,16 encounters 37:18 37:22 38:3 66:5 ended 15:10 18:18 34:20</p>	<p>enforcement 10:23 16:18 18:10 19:25 21:8,17 22:16 23:20 29:24 33:17 40:11 42:3 46:9,10,22 47:7,10 48:10 55:18 56:14 57:11,12 59:12 65:14 75:20 77:20 81:6 82:7 85:4,6 86:8,24 92:25 96:6,23 99:25 engages 101:2 enhance 63:23 65:20,24 66:22,23 enhances 66:24 entire 32:23 entirely 42:18 80:10 91:11 environment 93:5 equal 58:2 59:11 equipment 81:13 era 64:25 errata 105:14,16 106:3,5 escape 71:16,17 establishment 77:11 et 1:9 2:9 evaluate 77:24 84:13 90:3 evaluated 89:23 evaluating 84:17 event 19:25 21:7 38:25 78:1,16,17 79:11 81:5,19 82:17 83:24 85:14 85:16,25 86:17 events 21:10 69:15 77:25 86:2,6,10,18 87:1,14,16 88:1</p>	<p>eventually 18:17 everybody 17:6 28:18 54:5 65:1 95:8 101:5 everybody's 85:14 exact 62:7 66:12 exactly 22:4 39:16 58:14 68:7 76:13 78:20 examination 4:6 7:8 examined 7:5 example 17:22 30:9 35:12 56:17 57:4 66:22 70:13 81:16 85:13 examples 51:13 60:6,7 exception 46:12 excited 16:11 33:19 50:21 exciting 38:24 excuse 26:12 60:24 85:21 executed 103:16 exercising 75:17 exhibit 5:4 11:15 11:21,22 exhibits 5:1 exist 57:6 76:7 experience 13:19 15:12 17:15 31:23 45:20,25 46:2 52:12 64:1 81:12 84:10 90:17 93:1 93:8 98:17 experienced 75:20 expert 5:4 7:22 9:21 10:18,20,23 13:9 14:13,17,19 14:21 15:1 51:20</p>	<p>51:24,25 52:5,7 92:2 94:20 96:18 96:20,22 expertise 92:10 experts 97:13 explain 53:5 56:10 63:25 75:21 85:7 97:23 exposed 56:10 60:23 61:1 62:20 expressions 84:23 extensive 55:13 extensively 99:10 extent 65:21 66:25 extraordinarily 81:11 83:2 100:13 extrapolate 86:13 extremely 26:4</p>
f			
<p>facial 84:23 fact 35:3 53:2,6 57:7,14 59:17,20 64:24 65:18 82:3 100:8 factor 32:25 33:8 36:12,16 38:7 39:7,25 57:11 94:10,25 95:20 factors 16:13 36:22 84:5,7 87:15 94:3,8 96:1 failing 13:8 fairly 55:13 falls 31:22 false 91:3 familiar 17:13 85:14 89:7 91:21 91:22 92:4 96:9 famous 54:23 55:5 59:23 60:1 69:17 81:19 87:14 100:5</p>			

[famous - give]

<p>100:19 famously 30:7 fan 78:4 fancy 17:5,5 far 10:9 13:24 23:20 38:22 50:4 88:12 90:17 95:15 96:2,2,2,12 98:12 99:7 100:21 fear 60:21 federal 79:18 104:13 106:1,8,9 feds 58:20 feel 25:23 75:14 feet 37:25 feloniously 37:24 felt 29:4 fence 40:9,10 field 19:2,3,4 51:20 92:18 fight 30:8 34:18,19 fighting 19:8 fights 38:1 figuring 32:3 filing 13:8 finally 21:12,13 financially 104:16 find 17:6 20:20 30:10 31:19 32:7 52:15 54:3,8,9 56:14 72:15 75:8 86:7 finding 89:7 findings 92:16 fine 102:10 finish 8:7,9 fire 16:1 22:6 35:12 49:3,10 firearm 19:22 23:23 25:9,11,13 26:17,19 27:7,20</p>	<p>28:9 29:18 30:15 32:12 33:1,9 34:9 35:24 36:13,17 37:24 38:8 39:6,8 39:11,15 40:1,6,22 41:18 42:4,5 43:6 52:24 53:17 57:25 58:1,11,18 59:10 59:19 60:23 61:8 61:13 62:20 66:8 70:14,22 71:23 72:13 73:4,11 81:4 firearms 14:19,20 14:21 15:2 17:13 17:16 18:4,24 19:5,13,16 21:2,3 23:18 25:5,24,25 26:1 27:15 44:9 45:4 46:1,17 48:7 49:8 52:1,1,2,3 56:14 63:13 83:5 89:17 95:2,22 97:20 fired 60:1 firefighter 31:9 firing 59:2 firm 3:4 first 10:7,11 17:23 48:14 64:12 95:10 firsthand 89:18 93:8 fishing 46:13 fit 28:11,18 29:1 36:10 38:4 64:8 64:20 flip 40:16 florida 100:5 floyd 54:25 fluctuate 58:8</p>	<p>focused 71:14 follows 7:6 105:8 force 14:18 16:10 16:10,12 19:5,12 19:19 26:25 27:4 30:3,5,10,11,12 32:4,6 50:17 51:9 51:25,25 52:3 83:5 95:8 99:9,13 foregoing 103:12 104:4,6,10,12 forget 9:19 forgot 65:1 form 13:12 formal 9:15 15:13 16:6 37:11 41:5 45:16 58:25 59:6 102:17 formalize 57:23 former 9:22 forms 22:19 forth 74:13,18 104:5 forward 13:9 found 24:22 83:8 85:21 founded 57:17,18 four 23:13 77:20 85:11 frame 70:6 frankly 23:18 54:4 57:6 71:9 72:16 74:12 97:10 98:3 frcp 106:1 free 95:11 freedom 95:13 freeze 48:13,13 frequently 85:5 friend 22:22 25:14 25:18 44:15</p>	<p>friends 24:6 front 9:20 73:25 frontier 46:5 full 7:14 fund 21:22 further 104:12,16 furtive 71:12</p> <hr/> <p style="text-align: center;">g</p> <hr/> <p>g 7:17,17 gain 15:23 98:25 gallardo 1:4 2:4 gang 14:22 64:13 90:18 98:23 garr 95:9 gas 18:25 gated 74:1 gather 69:1 85:12 gear 84:15 general 1:8 2:8 3:14 7:13 31:12 32:17 39:4 40:4 40:20 41:16 42:2 46:25 50:2,15,17 60:7 general's 47:14,20 generalized 60:21 generalizing 66:18 generally 42:20 97:20 generic 86:20 gentleman 56:23 56:25 73:18 74:6 79:19 81:18 gentleman's 59:24 george 54:25 getting 22:10 30:24 57:19 gimme 72:20 girlfriend 34:14 give 8:10 39:21 40:18 42:12</p>
--	---	--	--

[given - hereto]

<p>given 20:24,25 21:4 104:11 gives 26:19 giving 92:9 glad 21:12 glaring 30:9 56:18 57:3 glasses 52:15 glove 43:25 72:5 go 7:17 11:15,18 17:5 27:17 28:14 28:16 33:5 35:8 36:8,22 37:4,19 43:15,19,21 44:24 45:2 46:4,8 47:4 49:20 53:7,22 54:2 59:4 63:20 67:8 70:13 75:7,8 75:12 79:15 81:13 84:17 88:20,25 90:21 95:5 97:25 99:2 102:1 god 20:1 53:12 66:15 goes 77:13 going 17:1,22 23:9 24:18 25:21 27:19 30:17 31:1,18,21 36:19,20,25 38:12 38:25 41:23 44:24 46:7 48:23 56:24 58:24 65:8,17 67:19 68:10 73:13 73:19,20 74:8,21 76:8,22 77:9 79:12,13,17 80:19 81:12,22,23 82:8 84:18 86:4 87:11 88:21 89:25 90:21 92:1,7,8 95:6 96:18 97:24 98:5</p>	<p>98:18 100:2 good 7:10 14:16 24:6 41:22,23 42:4,12 56:13 62:11 70:6 76:22 77:10,22 82:1,19 84:14 88:8 google 59:3 gotcha 74:22 gotten 79:22 graduate 15:8 graham 95:9 grandest 50:3 grandma 37:8 great 52:18 63:16 64:10 100:23 greater 64:18 greatly 63:23 65:24 66:21 green 75:9 grenade 18:1,6,25 groceries 75:25 ground 19:8 29:4 group 97:22 grown 29:6 guarantee 54:1 75:6 guess 39:22,24 65:4 80:17 91:13 101:24 guidelines 94:7 gun 14:3 17:25 18:1 25:4,20,21,22 25:22 26:8,23 27:22 30:8 34:4 34:21 35:1,2,2,12 35:13 38:21 41:6 41:7 42:12 43:16 43:17,21,22,24 44:1,2,3,7,15 45:1 46:11,19 47:8</p>	<p>48:8 53:7,12 54:11 60:16,16 63:18 64:4,20 69:19 72:20 73:21 74:5,5,7 75:9,23 75:24 76:3,8,20 81:25 82:6 86:16 86:21 90:8,10 98:4,22 100:19 gunman 83:16 gunmen 80:3 gunner 17:8 guns 18:7 30:11 32:22,22 44:11,22 45:11 46:21 65:8 71:3,6,6,8,9,18 76:16,17 81:16,17 82:10 83:23 guy 18:25 24:19 29:5 57:2 72:17 72:17,18,19,19 73:4 74:4,13,14,19 75:4,5,23,24 77:7 77:9,10 78:25,25 79:1 82:19,19 83:14,19 84:2,14 84:14,19,21 86:24 88:8 guy's 26:21 53:12 54:11 guys 12:15 17:6 22:24 24:17 34:19 37:19 44:10 62:11 62:12 81:20 97:12 97:13 gym 81:18,20</p>	<p>103:10,21 105:1,5 107:2 half 29:3 hampshire 93:16 100:7,10 hand 60:3 handcuffing 19:7 23:14 handed 34:19 handgun 46:13 53:8 73:24 handguns 76:15 82:11 handle 27:15 29:5 32:11 handled 105:8 handling 41:24 happen 21:14 76:8 83:20 happened 20:14 56:21 happening 40:15 66:16 happens 85:5 hard 10:12 14:16 40:10,12 69:13 harden 25:18 hardware 16:21 harsh 25:3 hazard 53:1 56:8 57:6 head 44:23 health 38:13,18,20 hear 79:5 heart 21:12 28:19 heighten 70:15,23 heller 46:25 helped 25:17 helping 22:2 55:16 hereto 103:14</p>
		h	
		<p>h 7:17 107:3 haggard 1:15 2:16 4:2 5:4 7:4,17 11:21 67:21</p>	

[hey - job]

<p>hey 20:25 high 33:20 42:25 59:18 higher 89:8 91:24 hint 61:15 hip 29:11,12 71:8 75:9,23,24 76:3,21 hire 15:10 93:24 hiring 48:13 historical 57:3 85:3 87:2,3 historically 58:5 100:11 history 46:7 69:14 87:4 hit 23:8 hold 17:3 101:15 hollywood 81:19 holster 54:3 73:24 holstered 53:7 71:8 home 25:22 37:13 43:10,12 44:2,16 90:8,10 homicide 14:22 honest 75:20 hope 38:19 81:10 hoping 74:24 hostage 79:25 80:2 hotel 34:15 hour 11:13 23:14 49:6 hours 23:11,12,13 house 25:18 44:17 51:10 huh 14:12 56:5 92:11 human 16:12 31:5 31:12,13 32:17 39:3,17 77:24 80:25</p>	<p>hundreds 29:24 hunt 46:12 hunter 27:18 hunting 27:16 46:12,14 hurry 84:1 hysteria 62:15</p> <hr/> <p style="text-align: center;">i</p> <hr/> <p>iacp 50:19 idaho 93:16 idea 53:11 90:6 identifiable 78:18 81:4 identification 20:13 52:2 81:24 identify 79:9 80:13 identifying 80:11 idiot 75:15 ieds 79:4,21 illness 74:15 imagine 25:15 immediately 79:9 81:3 83:19 88:9 impact 52:22 impasse 97:14 implementation 52:21 importance 44:25 65:16 important 44:8 57:11 78:22 94:10 94:25 95:20 impossible 66:7 impression 62:8 improper 57:4 improvement 16:15 improves 65:25 incident 19:22 80:24 83:11,12</p>	<p>incidentally 57:16 incidents 41:25 55:15 69:14,16 88:7 101:1 include 86:13 included 82:17 105:14 106:3 includes 94:15 98:9 including 47:6 incorrect 57:4 increase 68:20 incredibly 37:18 independent 45:15 index 4:1 indicate 76:10 indicating 92:16 indicators 76:9 individual 46:17 75:19 individuals 60:22 infantrymen 17:21 informs 45:25 initialed 103:13 injunction 91:6 injury 58:19 ink 103:13 innocuous 59:21 75:10 input 10:22 51:7 inside 79:4 insider 82:25 insisted 11:11 instant 61:24 62:3 instruct 74:6 instructed 6:1 instruction 41:5 instructor 16:20 16:21 19:5,6,18</p>	<p>instructors 56:14 intent 71:2 interdict 30:4 interdicted 86:11 interdiction 85:4,6 88:11 interdicts 86:23 interested 104:17 interim 18:20 interject 36:24 internal 99:10 international 16:20 50:21 intoxicated 40:2 investigation 99:12 investigations 99:11 involve 23:22 involved 10:7 26:15 37:7 51:10 76:1 79:1 80:25 87:15 99:10,12 involvement 93:10 involves 54:21 involving 19:22 irrelevant 96:24 issue 37:12 38:5 76:11 issues 14:4,4 38:20 items 29:19</p> <hr/> <p style="text-align: center;">j</p> <hr/> <p>jack 37:20 jackson 21:25 22:9 jeweler 42:25 jewelry 43:1 job 1:23 15:11 16:14,22 17:17,23 19:15 20:24,25 22:5 41:23 44:14</p>
--	--	--	---

[job - lists]

<p>49:2 105:5 jobs 16:15 17:19 joe 60:14 john 91:23 100:18 judo 16:13 29:5 jujitsu 29:5 jumped 29:8 jurisdiction 96:23 justice 59:1,7 93:25</p>	<p>knees 29:10 knew 83:19,23 knives 78:11 know 8:13,24 9:5 9:24 14:2,8 16:3 16:14 19:24 20:5 20:11,20 21:10,21 22:6,10 23:5,15 24:10,17,18 25:3,4 25:6,16 26:2,16,18 27:1,2,18 28:19,20 29:1 30:2 31:9 32:11 33:6,13,20 33:24 34:3 35:14 38:25 39:21 40:13 40:16 41:1 42:10 42:11,17,18,20,25 43:19 44:11,12,21 45:1,8 47:18 48:5 53:18,25 54:6,25 55:3,4,7,16,18 56:12,16,22 60:1 60:14 62:10,12,14 64:12,22 65:3,5,10 66:10,18 70:3 71:12,14,19 72:8 72:13,14,16,17,19 72:22,24 73:3 74:5,6,7,12,13,15 74:18,21 75:1,3,6 75:9 76:6,19 77:3 77:6,8,10,12 78:5 78:7,7,9,10,20 80:16 81:24 82:19 83:14,21 84:19,20 84:24 87:14,20 90:4,15,19,20,21 90:25 92:5 93:4 93:23 94:2,6 95:7 97:15 98:5,16,20 98:24 99:6,8,17,19</p>	<p>102:13 knowledge 42:22 known 7:14 55:5 knows 75:20 81:12 kooky 74:2,19 kyle 30:6</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I 3:5 label 24:7 lack 56:6 language 66:20 large 32:1 73:23 larger 50:3 65:6 late 69:14 88:3 lately 23:17 launcher 18:1 launchers 19:1 launching 18:6 law 3:4,6,16 10:23 16:18 18:1,10 19:25 21:8,17 22:16 23:20 28:1 29:24 30:25 33:17 40:11 42:3 43:23 46:9,10,22 47:7,10 48:10 55:18 56:14 57:10,12 59:11 60:21 65:14 75:20 77:20 81:6 82:7 85:4,6 86:7,24 92:25 96:6,22 97:16,21,22 98:7 98:25 99:3,25 100:14 101:2,7 law.com 3:11 lawful 52:23 laws 47:1,2 51:2 52:21 89:8 91:24 96:9 97:7 lawsuits 47:18 56:17</p>	<p>laying 44:17 71:6 layperson 97:15 lead 56:7 60:25 76:2 leader 17:8 18:22 18:23 leave 26:20 43:24 64:25 97:15 leaving 18:3 44:11 53:21 83:25 led 76:19 87:17 legal 12:16 13:7 46:19,23 47:22,23 47:24 77:22 97:14 105:7 legalized 73:17 legally 27:2 43:18 43:22 64:3,4 97:19 99:1 length 12:7 83:12 lethal 30:1 level 43:3 51:7 64:25 77:23 99:5 liberal 100:7 license 47:17 98:1 98:7 licenses 39:21 lieutenant 17:11 18:19,24 48:11,23 49:1 lieutenants 49:5 life 8:1 14:5 32:23 lifesaving 31:8,10 lifestyle 28:20 limited 26:23 line 6:2 105:15 106:4 107:4,7,10 107:13,16,19 list 18:4 lists 55:13</p>
k			
<p>kan 15:14 kansas 1:16 2:17 7:1 15:7,25,25 16:1 18:14 22:14 23:10 27:18 28:1 46:3,11,25 47:1,19 48:1,19 53:15 61:24 62:17 94:20 95:12,14 96:21 98:21 99:24 100:4 keep 35:16 44:6 keeps 70:5 kellerman 90:7 kept 34:23 kill 28:19 83:15 84:8 90:19 killed 37:24,24 44:14 90:9,15 killling 65:9 78:12 kim 10:2 67:9 kind 14:22 19:25 20:3 23:7 31:14 38:21 39:23,24 57:23 65:1 66:18 72:20 73:19 74:21 86:8 96:24 kinds 62:11 kjm 1:7 2:7 knee 29:7</p>			

[litany - military]

<p>litany 48:3 literally 71:12,18 literature 78:10 little 18:21 27:2 29:10 37:10 42:22 59:7 82:25 87:11 98:23 live 22:12 living 93:1 loaded 44:17 46:19,21 lobbying 51:3 locally 64:12 locate 13:11 location 77:4,5,13 80:12 lock 43:17,22 locked 102:9 105:12 106:1 logical 27:19 long 29:23 44:6 49:12 57:19 82:10 83:23 87:24 longer 22:9 83:4 longest 64:24 look 12:8,17 24:5 25:7 28:22 38:1,3 48:23 50:10 52:13 52:20 54:24 55:17 55:18 56:15,19,19 56:21,22 58:5,9,24 59:23 60:17 61:21 62:16 67:4,8 69:17 76:12,12,22 77:9 81:15,18 84:8,9,21,23 85:2 87:15 88:7 89:3 90:12,24,25 91:12 93:12,19,24 95:7 97:18 98:6,10,14 98:14,19 99:8,14</p>	<p>99:16 100:12 looked 64:15 94:6 99:22 looking 10:20 26:2 31:23 55:14 66:20 76:23 77:10 80:10 84:3 101:20 looks 24:14 looser 47:13 los 64:19 lost 56:16 lot 16:9 23:19 28:19 31:21 36:22 38:3 39:17 41:22 42:20,25 43:18,22 46:21 47:25 48:4 48:6 53:22,23 54:21 59:16 64:3 65:9 83:13,17 99:18,18 lott 100:19 louisiana 15:18 lower 98:12</p>	<p>maker 50:25 making 36:14 52:1 70:5 72:21 83:9 101:19 mall 86:14 man 29:6 56:23 managing 24:8 27:3 manifest 76:18 manner 83:13 86:4 marched 29:9 margate 56:19 mark 1:4 2:4 3:25 marked 11:22 markedly 75:18 marksmanship 27:22 36:18 37:12 38:5 masks 50:8 mass 62:15 78:5 78:17 massacre 69:15 master 19:15 masterson 46:4 math 48:20 matter 10:25 matthew 3:15 7:12 12:25 matthew.wise 3:22 mature 39:19 maturity 39:23 mayhem 61:24 62:3 mayor's 51:11 mcfadden 76:16 mean 13:13 24:1 27:15 30:23 32:14 32:15 33:4 38:13 38:15 43:9 50:3</p>	<p>51:2 53:5 56:11 57:14 63:25 65:25 69:19 73:21 75:21 85:7 90:2 97:23 101:6 means 29:14,15 35:5 meant 63:2 measure 66:7 mechanically 27:21 mechanics 27:20 meet 23:3 member 18:20 members 51:11 62:19 63:7,12 98:23 mental 38:9,13,13 38:18,20,22 74:15 mentally 40:11,12 mentioned 16:23 17:12 18:9 29:22 30:25 60:6 77:6 87:1 91:21 92:4 mentioning 27:5 100:15 mercy 26:21 mere 53:6 merely 63:17 message 21:13 methodology 93:25 metro 34:15 metropolitan 22:5 middle 50:9 55:2 71:15 75:5 85:15 miles 29:3 military 15:16,21 15:21 16:24,24 17:3,13,16 18:5 32:15</p>
	<p>m</p>		
	<p>m 24:8 81:20 m16a1 17:25 m2 17:25 m203 18:1 m60 17:25 machine 17:8,25 17:25 18:6 104:8 magazine 37:4 45:8,8 magic 59:3 70:9 maine 93:15 94:5 maintenance 19:17 majority 37:7,10 37:19,23 50:23 88:2</p>		

[millimeter - officer]

<p>millimeter 18:1 mind 53:13 60:8 70:6,7 88:16,20 mine 24:20 25:14 44:15 mine's 22:22 mines 18:2 minimal 17:21 45:23 minor 98:10 minuses 25:12 minutes 29:3 54:9 missed 34:14,15 missouri 23:11 48:2 53:21 misstate 59:1 mistake 53:2 57:7 57:14 59:17,20 65:18 mistakenly 60:12 mode 81:13 model 23:3 50:20 88:3,6 modern 87:5 moment 11:16 38:14 65:19 73:2 84:18 88:21 month 37:5 morning 7:10,11 motorcycle 48:16 mouse 75:14 mouthful 22:7 move 85:12,17 movement 78:22 84:23 muc 24:8 mug 37:20 mugging 24:12 37:17 muggings 31:24</p>	<p>multiple 20:10 89:19 municipal 50:4,6 50:12 murder 14:20 78:5,6,14 murdered 30:7 mute 101:9 muzzle 84:25</p> <hr/> <p style="text-align: center;">n</p> <hr/> <p>nail 97:25 name 7:15,15,16 24:7 58:25 59:2,6 59:8,24 90:21 104:20 name's 7:12 national 16:18,18 58:7,24 nature 12:13 14:24 near 21:12 nebraska 48:2 nebulous 66:11 necessary 105:14 106:3 need 8:4,12 21:1 27:1,13 29:11,12 29:14,15 88:21 101:11 needed 21:14 needs 23:4,7,16 negative 52:22,25 53:9 54:12 66:8 neglect 83:8 negotiations 80:3 negotiators 80:5 neither 104:16 never 16:4 25:10 33:5 44:21,24 70:10 71:3,10,19</p>	<p>new 3:9 20:15 42:11,21,23 93:16 100:7,10 newhall 69:15 news 14:3 37:3 93:13,19,21 94:2 newsletters 55:12 night 75:5 nine 62:16 67:4,9 non 24:2 25:22 40:12 85:4 nonexistent 57:4 nonpolice 37:1 48:7 nonsworn 24:2 normal 86:8 north 21:25 81:19 norway 78:11 nose 34:20 notating 105:15 106:4 note 64:12 85:4 93:14 101:20 noted 54:13 103:13 notice 12:18 noticed 66:3,4,14 november 105:3 nowadays 76:20 79:4 nra 37:4 number 13:3 50:1 50:10 93:9 100:20 105:15 106:4 numbers 91:1,1,2 nypd 59:23</p> <hr/> <p style="text-align: center;">o</p> <hr/> <p>o0o 7:7 oath 7:5,19 object 31:1 36:7 36:19 79:12 80:20</p>	<p>82:8 89:25 92:1,7 95:4 objection 8:18 26:10 27:9 28:12 33:11 34:10 38:10 39:10 40:7,23 41:19 42:7 43:8 51:21 58:3 59:14 69:6 70:16,24 72:1 73:7 77:1 80:19,20 81:8 89:10 94:12 95:23 96:17 97:4,9 observation 13:19 45:20 53:14 54:13 83:7 89:19 93:8 observations 54:1 54:17 92:18 observed 62:19 67:9 observing 90:3 obvious 54:7 obviously 17:21 27:13 29:21 38:24 46:14 54:25 76:17 occasion 99:14 occurs 29:13 october 1:17 2:19 7:1 105:5 odds 82:1 offer 25:25 offering 32:20 41:12 office 47:20 51:11 105:11 officer 14:6 18:17 19:2 20:10,17,17 21:17 22:22 24:2 30:2 31:7 36:3 40:5,21 41:17 44:14 46:10 47:10</p>
---	---	--	--

[officer - particularly]

<p>52:12 59:12 67:10 67:12 68:5,13,21 69:2,17,21 70:6,15 70:23 71:24 75:20 85:11 86:8,15,18 96:7,23 99:12 officers 19:4,19 20:2,7,8,8,12 22:11 37:23 40:11 41:3,8 47:7 48:16 53:3 57:13 60:24 61:1,6,12 62:18 63:6,12,17,25 69:18 81:6,23 82:7 83:18 85:6 85:16,25 86:12 98:9,22 99:11 official 1:7 2:7 43:2 oh 17:14 20:1 53:12 63:2 66:15 ohio 76:13 okay 8:22 9:9 10:14 11:14,20,25 12:11,17,21 35:21 36:12 39:6 50:11 51:19 52:13,16,18 53:5 59:6,9 60:19 61:2,5,21 62:2 63:20,21 67:8 68:3 75:16 87:10 89:1 91:8,13 101:12 102:3,20 okie 8:16 oklahoma 48:2 53:20 old 22:11 37:8 38:1 44:14 47:4 olds 39:21 olympic 31:20</p>	<p>onboard 22:13 once 22:23 ones 37:3 59:17 78:19 87:14 oneself 26:20 online 45:10 onus 34:2 open 47:17,19 52:21 54:15 56:10 61:23 62:3,9,17,24 63:11,15,18,22 64:5,7,20 65:13,20 65:23,25 66:8,14 66:21,23 68:9,17 68:20 70:8,9 75:17 77:3,21 82:10 89:4,16 93:2,5,9,10 94:15 96:9,15,20,23 97:2 97:8 99:1 openly 32:11 52:23 61:8,14 63:13 67:11 69:3 76:25 81:4 82:5 82:18 opinion 13:6,12,17 13:21 47:1,14 53:3 54:18 55:23 57:10 61:3,6,12,16 61:18,20 62:3,5,7 62:8 63:5,10,14,19 65:7 68:4,12,15,16 68:20,25 69:1 77:16 81:21 83:7 87:8 89:16,21,21 89:22 90:3 92:15 92:21,22 99:4 100:16,25 opinions 51:19 52:9 60:20</p>	<p>opportunity 9:2 option 26:20 27:4 30:10 options 15:10 25:19,23 32:4,5 orders 50:2,15,17 ordinance 50:4,6 50:12 oregon 46:6 organization 49:11 50:22 original 13:7 104:13 105:10,21 orthos 29:12 outline 20:6 outside 41:10 46:11 57:21 79:14 80:20 82:12 overall 37:1 75:1 overarching 50:5 overcome 31:18 overhill 3:7 overland 47:19 overreact 74:12 overused 51:24</p> <p style="text-align: center;">p</p> <p>p.o. 3:19 pacing 74:13,17 package 21:5 23:5 23:9,14,16 25:18 75:22 page 4:5 5:3 6:2 12:17 52:13 56:4 59:6 60:18 61:21 61:22 62:16 63:3 67:4,9 75:12 89:3 93:13 97:18,19 105:15 106:4 107:4,7,10,13,16 107:19</p>	<p>pages 1:24 85:2 105:14,17,17 106:3,6,6 paid 11:8 21:24 paint 68:8 panic 60:23 61:6 paper 45:8,17 56:2 81:22 88:13 papers 50:1 88:12 89:20 paperwork 91:9 paradigm 42:14 86:13 paragraph 52:20 56:4 60:17 61:22 62:16 63:2,5,20 67:4,9,13,16,17 75:12,16 77:19 85:2 89:3 93:12 97:18 98:17 paranoid 34:1 pardon 100:20 park 47:19 parking 43:18,22 65:9,10 part 13:13,18 15:19 20:11,18 22:2,9,13 24:4,20 25:1 29:21 32:24 35:2,3,6,17,18 47:21 49:3,10 50:20 53:15,24 62:23 63:19 71:17 75:2 78:22 80:1,7 81:21 83:12,24,24 84:20 88:5 91:8,9 92:24,25 93:7,20 particular 27:6 58:23 85:18 99:8 particularly 42:22 46:24 59:17</p>
--	---	--	---

[party - police]

<p>party 104:18 patrol 18:17,17 22:3 48:15 patrolman 18:16 pay 14:7 55:10 paycheck 21:21 paying 23:21 pd 48:19 55:6 pdf 102:9 105:12 106:1 pederson 1:21 2:19 104:23 peer 91:22 penalty 103:11 105:16 106:5 pending 8:14 people 20:1 21:6 22:1 23:8,20 24:16 25:16,24,25 27:1,2,13,16,25 28:3,19,25 29:13 32:6,7,21,22 33:23 36:25 37:7,10 38:19 40:13 41:13 42:21 44:24 47:8 47:15,25 48:4,6,8 51:10 54:14 55:16 57:15,21 58:6,9 62:9 63:17 64:3 65:7,7,9 66:8 71:5 71:7,12 72:4 74:18 77:21 78:3 78:12,25 79:1 81:16,17 83:20,23 83:25 84:8,9,25 90:7,13,13,18,19 93:11 97:19,24 98:6,18 100:12 people's 23:7 99:20</p>	<p>pepper 19:6 23:11 25:2 29:22 30:9 30:24 31:3 52:3 perceived 84:25 perception 20:2 43:3 80:16 perceptions 81:1 period 64:9 105:18 106:7 perjury 103:11 105:17 106:6 permission 47:9 98:19 permit 42:13 47:13,14,24 48:1,5 61:23 64:6,21,22 100:9,11 permits 42:21 permitted 96:15 permitting 97:7 person 8:5 23:23 24:2 25:21 26:9 28:2 31:25 33:1,9 33:15,21 34:2,3,8 36:13,17 39:8 40:22 41:18 42:2 43:10,12 45:1 46:20 52:23 57:24 59:12,19 61:7,13 66:10 67:11 69:24 70:2 71:14 72:12 73:6 75:17 76:6 76:24 78:21 79:6 81:3,7 82:1,2 86:22 101:2 person's 35:22 67:12 68:5,22 69:4 71:2 73:3 personal 13:19 25:11 26:4 45:19 53:14,25 54:17</p>	<p> 92:17 93:1 personally 26:14 51:23 66:3 71:2 persons 32:10 97:22 98:1 pertained 10:21 pertains 104:12 pertinent 13:25 14:5 15:24 16:12 73:16 phone 9:17 photos 81:15 physical 30:11 physically 28:10 28:18 29:1,14 pick 29:3 33:5 42:21 picked 25:17 pickup 71:6 picture 68:8 72:18 pictures 20:5 44:23 pid 20:13 pile 87:11 pipe 79:3 pistol 17:24 18:5 23:6,6 38:1 44:17 54:3,6 place 31:19 64:2 104:5 places 16:4 20:15 48:3 53:23 56:16 100:4 plainclothes 20:8 20:17 86:16 plaintiff 1:5 2:5 3:3 plaintiff's 12:21 14:10 100:24 plaintiffs 7:23</p>	<p>planet 33:22 83:3 platoon 17:9,10 play 72:11 77:14 playing 44:22 plays 85:1 please 8:23 pllc 3:4 pluck 98:13 pluses 25:12 point 17:9 18:10 18:23 19:12 21:3 21:4 30:1 44:13 48:12 56:1 59:18 64:10,19 66:12 73:15,17 93:1 97:10 100:18 points 87:22 police 9:22,23 10:21 14:6,17 15:9,20 16:12,16 16:22 18:14 20:10 21:15 22:6,14 23:10 24:2 30:2 31:7 32:15 36:3 37:22,23 41:3,4,5 49:3,9,16,18,25 50:16,22 51:7,8,25 52:2,5,12 53:3,11 53:16 54:21,22 55:11 56:6,18,20 57:1,5,7,8,19,22 60:12,15,23,25 61:1,6,12 62:10,18 63:6,11,17,24 64:13 65:3 66:5 68:4,12 69:12 70:11 74:3,10,22 77:23 80:7 82:15 83:1,3,15,18 86:9 86:12 87:18 88:5 93:10 95:7 98:9</p>
--	---	---	---

[police - putting]

<p>99:5,9,11 policy 49:24,25 50:1,5,17,18,20,25 51:1,6,8,17 94:16 96:1 political 60:24 83:9,24 89:22 politics 83:7 ponder 40:17 pool 98:13 poorly 54:5 popow 56:19,22 popular 25:1 99:25 population 94:3 populations 28:25 porch 56:24 57:1 port 64:15 pose 63:16 76:25 posing 75:19 positions 17:3 48:10 positive 20:13 54:12 81:23 possess 42:4 97:19 possibilities 32:7 possibility 66:6 possible 8:17 31:6 32:4 55:15 80:10 85:20 possibly 31:11 post 77:21 85:8 posture 84:22 potentially 41:25 pounds 29:4 practice 69:11,21 practices 10:21 pre 24:5,20 77:21 prearranged 89:21</p>	<p>precedent 85:3 87:2,3 precedents 46:24 precise 78:14 prefer 78:5 preliminary 91:6 preparation 9:16 12:4 16:14 prepare 9:14 12:5 prepared 40:5,21 41:17 42:5 preparing 14:11 presence 70:14,22 71:23 82:18 present 3:24 pretty 12:8 37:14 55:5 58:16 79:18 82:1 prevent 9:11 43:5 57:12 prevented 35:11 previous 63:1 previously 8:1 77:7 101:2,6 price 11:9 primarily 22:25 54:19 primary 19:15 21:2,3 prime 29:2 prior 104:7 prison 25:16 pro 11:10 probable 76:4 probably 14:16,23 14:25 18:3 28:4,4 33:3 39:18,19 problem 29:16 32:2 41:10 68:18 70:8,10,11 71:20 82:3</p>	<p>problematic 83:8 83:10 problems 62:11 procedure 105:19 105:20 proceedings 47:21 104:4,6,8,14 process 33:15 35:3 35:7 36:14 71:17 72:21 profession 98:15 99:16 professions 99:17 99:18 professor 91:23 profile 59:18 profoundly 33:25 program 19:19 20:25 progress 78:6,14 79:25 progressive 41:12 69:12 promoted 19:3 48:22 promotion 48:13 pronounce 59:24 proper 20:19 56:6 57:10 properly 32:11 102:15 property 43:18 proponent 29:22 protest 50:9 82:17 83:25 protests 50:8 protocols 19:21 prove 42:11 provide 12:22 13:20 36:21 88:17 100:24</p>	<p>provided 13:23 14:7 102:16 105:19 106:8 psychotic 34:1 public 15:2 27:8 28:10 30:16 32:12 32:14 45:4 46:1 48:8 49:24 50:5 51:1,6,17 52:22,22 52:24,25 53:10 54:16 56:7 57:5 57:25 58:1 59:10 60:24 62:15,19,20 63:7,13,23 65:16 65:20,24,25 66:22 66:23,24 73:25 74:21 75:19 76:25 89:5,17 93:14,15 93:17 94:11,13 95:1,21 96:1 publications 55:11 publicly 96:12 publish 45:6 published 45:3 pull 28:1 50:9 69:22,22 70:2 pulling 10:9 34:20 74:23 purse 31:24 purview 92:3 push 25:21 65:7 70:9 89:22 90:14 pushing 90:6,8 put 13:8 23:15 24:6 39:2 66:13 90:6 102:12,14 putting 25:16 84:24 86:24</p>
--	--	--	---

[qualification - research]

<p style="text-align: center;">q</p> <p>qualification 41:4</p> <p>qualifications 22:24</p> <p>qualify 17:18,24 17:24</p> <p>quality 32:16</p> <p>quantify 39:16 58:14 87:13 98:2</p> <p>quantity 32:16</p> <p>question 8:8,10,14 8:15,17,19,19,21 8:23,24 39:7,12 58:15 70:19 91:18 94:18,22 96:19</p> <p>questions 6:1 36:1 101:8,14,25 102:3</p> <p>quiet 79:22</p> <p>quite 14:1 16:8 23:18 40:13 46:2 54:4 57:6 58:12 64:10 71:9 72:16 74:12 98:2</p> <p>quote 65:24</p>	<p>rapidly 67:12 68:5 68:22 69:4 85:19</p> <p>rate 52:6 53:22 64:18 98:12</p> <p>rates 89:9 91:25 94:4</p> <p>reach 54:18 72:4,5 72:5 74:7 75:14</p> <p>reached 57:20</p> <p>reaching 13:5</p> <p>react 73:22 81:6 82:7</p> <p>reaction 74:23</p> <p>read 9:19,23 10:1 12:4 13:7,10 14:3 24:10 45:18 61:19 62:7 63:14 67:20 77:23 89:12 96:11 103:11</p> <p>reading 13:24 30:24 69:1 72:12 72:14 105:23 106:9</p> <p>real 9:15 12:8 79:22 99:24</p> <p>realities 90:12</p> <p>reality 93:2</p> <p>realize 33:22,24 35:4</p> <p>really 10:12 13:18 21:11 34:2 40:10 40:17 43:3 51:18 71:3 72:10 79:6</p> <p>realm 54:16</p> <p>reason 39:20 42:12 53:24 66:19 91:20 107:6,9,12 107:15,18,21</p> <p>reasons 57:16 87:20 88:4</p>	<p>recall 14:7 82:15 82:20</p> <p>recess 67:6 101:23</p> <p>reciprocity 47:25</p> <p>recognition 20:19 21:8 24:21 25:4 32:2 80:8</p> <p>recognize 11:25</p> <p>recognized 52:7</p> <p>recoil 45:7</p> <p>recollection 59:4</p> <p>recommend 25:8 25:10 27:6 28:10 28:17 29:19</p> <p>recommends 31:3</p> <p>reconnaissance 17:4</p> <p>record 7:15 9:6 11:16,17,18,20 26:5 67:5,8 88:20 88:23,25 101:5 102:1 104:7,11</p> <p>recording 8:3</p> <p>recruit 19:11,16 22:11</p> <p>refer 91:14 93:13 102:15</p> <p>referenced 105:6</p> <p>referring 13:14 26:6 30:18 58:22 58:23 67:21,25 87:2,3,6 94:14</p> <p>reflect 12:9</p> <p>refresh 59:4</p> <p>regard 50:24 95:1 95:21</p> <p>regardless 81:13</p> <p>regional 19:9 94:9 94:24</p> <p>regular 14:2 55:16</p>	<p>related 45:4</p> <p>relationship 64:11 66:4,13</p> <p>relative 104:17</p> <p>released 105:21</p> <p>relevant 65:4</p> <p>relied 91:16 92:20</p> <p>religion 95:13</p> <p>rely 13:5 54:18 55:22</p> <p>remotely 1:16</p> <p>rephrase 8:24</p> <p>replacement 29:11 29:12</p> <p>replicate 20:14</p> <p>report 5:4 52:14 66:21 67:10 93:20 93:22 94:3</p> <p>reported 1:21</p> <p>reporter 2:20 102:4,8 104:2</p> <p>reporter's 8:3</p> <p>reports 93:13</p> <p>represent 7:12</p> <p>request 102:18</p> <p>requested 104:15 106:1,9,10</p> <p>requests 102:13 102:13</p> <p>require 27:3</p> <p>required 17:18,23</p> <p>requirement 41:3</p> <p>requires 25:5</p> <p>rereading 62:5</p> <p>research 13:11,16 16:10 45:15,16,22 55:22 86:6 87:7 87:10,21 88:15 89:7,24 90:7 93:25 99:7 100:15 100:16,22,24</p>
<p style="text-align: center;">r</p> <p>r 3:15 7:17 107:3,3</p> <p>r&s 106:1,9</p> <p>rabid 78:13</p> <p>race 32:17</p> <p>ragweed 85:22</p> <p>ran 29:6</p> <p>raney 10:2 13:9 61:5,11 62:2 63:10 68:3,11,19</p> <p>raney's 60:20 67:10,22,25</p> <p>range 19:15 32:1,7</p> <p>rankings 93:14,22</p> <p>rapid 20:4,24 21:6 79:24 85:9 88:6</p>			

[researcher - see]

<p>researcher 51:16 100:19 resist 58:9,17 resource 48:16 resources 60:25 respond 19:22 23:23,25 24:23 43:4 82:9 86:3 responded 21:9 32:24 responding 20:19 61:7 response 20:4,20 20:25 21:6 25:6 39:3 50:21 52:5 79:24 85:9,24 86:9,24 87:18 88:5 94:11,13,15 95:1,21 96:1 responsible 19:12 rest 98:16 restate 94:21 result 62:3 results 67:16 68:14,23 71:25 retained 7:22 9:22 14:17,19,21 retention 19:8 23:12 44:5 retired 16:17 22:4 22:22 41:16 47:7 48:21 98:22 retirement 21:20 21:22 57:21 retiring 21:18 return 105:17 106:6 review 9:3 102:7 104:14 105:8,10 105:13 106:2</p>	<p>reviewed 10:24 51:14 91:6,22 92:3 revolver 34:20 revolvers 45:12 richard 1:4 2:4 ridiculous 53:13 rifle 17:25 37:9 46:15 rifles 18:6 71:5 right 19:24 33:17 38:4 42:16 48:25 55:2 57:9 61:25 62:21 67:17 75:17 83:18 84:18 85:22 86:22 89:5,8 91:23 92:18 93:16 93:17 95:11 99:2 101:18 rights 73:21 99:20 100:19 riot 55:6 risk 63:16 rival 90:20 rmr 1:22 road 3:7 22:3 rob 1:7 2:7 robberies 31:25 58:10 robbers 62:12 robbery 14:22 26:18 34:17,24 robot 83:16 rocket 18:2 role 11:2 17:17 19:1,17 20:21 21:2,4 49:12 roles 16:17 17:7 18:15 22:16 rounds 60:1</p>	<p>routine 70:13,21 71:22 row 100:1 rub 29:9 rules 106:8 run 21:6 29:3 64:5 65:8 70:4 running 38:20 56:23,25 58:19 83:20 84:11,19</p> <p style="text-align: center;">s</p> <p>s 1:5,10 2:5,10 3:3 3:13 107:3 sacramento 3:20 safe 44:25 69:24 safely 27:15 33:1,9 34:9 35:24 36:13 36:17 38:8 39:8 40:1,6,22 41:18 42:5 45:2 safer 26:9 safest 33:7 58:10 safety 27:18 51:1 51:6,17 52:23,25 53:1,10 54:16 56:7 57:5 63:23 65:16,20,24,25 66:22,23,25 69:21 70:6 89:5 93:14 93:15 94:11,13 95:1,21 96:1 sailboat 31:21,22 saw 76:16,16 saying 38:1 54:10 61:18 67:20,21 73:4 84:5 says 24:19 66:21 91:15 scan 12:14 scarsdale 3:9</p>	<p>scenario 20:20 24:22 25:5 32:5,6 34:23 36:10,21 37:14 38:23 39:2 55:2,8 70:18 72:15 73:12,14 79:8,25 80:4,9 scenarios 24:23 26:15 30:13 34:13 scene 67:11 69:3 80:15 83:18 84:11 84:12,19,21 86:12 86:23 88:9 schedule 105:10 schizophrenic 34:1 scholarly 45:17 school 48:16 science 16:2,10 scope 79:14 80:21 82:12 scratch 20:23 screen 11:14,21 38:21 52:16 screws 21:21 se 33:14 seat 72:4 seats 71:7 72:6 second 48:14 62:25 67:15 68:13 68:23 71:24 72:10 72:23 77:9 101:16 seconds 38:2 88:21 secure 44:1,2 security 22:22 25:18 see 11:21 37:8,12 37:22 48:7 52:16 53:22,23 54:6 56:24 62:25 64:8</p>
---	--	---	---

[see - sort]

<p>64:20 65:4,11,12 66:3,10 69:19 70:11 71:4,9,10,18 72:9,20 73:21 74:5,10 76:17 78:24 79:5 81:25 83:20 91:12 seeking 41:10 seen 20:5 72:4 83:11 segueing 83:21 self 27:12 selling 90:22 send 11:7 12:15 102:9 sending 102:7 sensation 80:15 sense 28:7 sent 91:12 sentence 67:3 sentencing 94:7 separate 14:23 sergeant 17:9 18:17 19:3 serial 78:6,14 series 14:22,23 seriously 21:11 serve 16:24 served 14:13 16:23 48:10 49:12 49:15,18,21 96:6 service 19:11,16 21:5 23:9 serving 27:12 set 9:25 85:18 104:5 setting 24:12 65:19 seven 52:13 share 11:14</p>	<p>shawnee 22:14 sheriff 22:12 49:22 sheriff's 21:25 49:20 shift 18:19 48:11 48:14,14 49:7 shifts 49:6,6 shirt 24:19 shoot 27:2,21 34:25 41:4 53:13 61:12 63:12 shooter 20:4 21:9 77:25 78:1,8,16,17 78:23 79:2,7 81:5 82:16 85:5,25 86:2 87:14 shooters 87:4 shooting 20:17 35:18 55:5 56:8 56:23 57:14,15 59:20 61:1 62:18 63:6,17 78:17,25 79:9,20 81:25 82:20 86:14 shootings 37:2 53:2 57:8,12 59:17 65:3,18 99:12 shoots 37:9 shopping 75:24 short 21:24 shorthand 2:20 104:1,9 shortly 21:18 22:1 shorts 81:18,20 shot 44:15,18,22 57:1 58:2,15,16 59:11,20 60:3,12 60:15</p>	<p>shotgun 46:15 shotguns 71:5 shots 38:2 show 11:15 42:10 53:11 85:17 88:3 showed 20:9 57:7 79:21 85:15 showing 86:12 side 22:21 31:10 40:16 sidewalk 73:25,25 74:13 75:6 sign 12:11,14 24:18 105:16 106:5 signature 104:23 105:21,23,23 106:9 signed 12:19,19,22 significant 38:20 39:3 64:14 signs 43:16 silly 75:13 similar 37:15 49:21 50:12 simple 27:16 simply 60:22 61:13 simultaneously 48:14 sinks 31:21 sir 7:24 10:6 11:1 12:10,20 14:9,14 21:18 22:18 45:18 48:11 49:17,19 51:15 52:17 56:2 89:6,13 situation 33:10 34:8,24 35:10,11 35:23 80:8</p>	<p>situational 73:11 situations 26:24 27:3 30:2,3 31:18 34:7 35:22 six 18:18 size 34:18 skills 24:24 44:5 slow 80:4 98:23 small 44:22 74:1 smaller 45:11 smart 27:25 snatchings 31:24 sneaky 24:17 sniper 18:22 snub 34:20 solo 85:24 87:18 88:5 solutions 105:7 solve 29:16 68:18 70:11 solving 70:8 somebody 33:19 33:25 39:2 44:16 54:3,8,9 69:19,22 69:23 74:2 75:2,8 76:20 78:6 84:11 86:21 90:15,16 99:22 somebody's 53:6 someplace 43:16 43:25 54:2 75:7 84:10 sorry 26:7 39:14 61:22 63:2 85:21 101:10 sort 16:2 26:19 27:14,23 41:13 51:3 55:21 58:10 62:15 64:14 71:8 77:11 85:1 91:2,4 98:11 99:20</p>
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[sounds - susceptible]

<p>sounds 27:11</p> <p>sources 100:20</p> <p>south 49:3</p> <p>space 65:10</p> <p>speak 8:5 10:4,20 25:12 92:25</p> <p>speaking 42:14 65:5 97:21</p> <p>speaks 76:13</p> <p>specialist 17:4</p> <p>specialties 44:4</p> <p>specific 14:8 19:23 44:13 56:2 70:17 74:21 88:13,15 90:20 94:17</p> <p>specifically 82:11 90:4 94:13 100:17</p> <p>speculation 60:21</p> <p>speech 95:11</p> <p>speeding 44:18,19 69:22</p> <p>spell 7:15</p> <p>split 67:15 68:13 68:23 71:24 72:10 72:23</p> <p>spoke 12:6 60:2</p> <p>spontaneously 62:18 63:12</p> <p>spot 62:5</p> <p>spray 19:7 23:12 25:2 29:23 30:9 30:24 31:3 52:3</p> <p>springsteen 60:2</p> <p>squad 17:8 18:22</p> <p>square 86:14</p> <p>stabber 78:9</p> <p>stabbing 78:25</p> <p>stability 39:23</p> <p>stacks 99:16</p> <p>staff 21:13</p>	<p>stakeholder 51:6 51:12</p> <p>stalker 25:17</p> <p>standard 69:11,21</p> <p>start 8:10 33:6 75:13 81:25</p> <p>started 17:2 18:16 46:8,22 64:12 66:15</p> <p>starts 82:20</p> <p>state 1:8 2:8 7:14 15:7,14,17,18,18 15:25 19:10 28:1 32:19 33:19 38:9 38:13,14,23 39:9 41:2,6 42:10 43:17 46:3,11,16 47:22 51:2 52:20 60:20 61:22 62:17 63:15,22 65:13,23 73:18 75:16 85:3 89:4 93:2,3 95:11 95:12,14,14 97:3 97:19 99:1 100:9 103:17 104:2 105:9,12</p> <p>stated 28:2 82:18 83:22</p> <p>statement 9:24 11:12 83:10 90:14</p> <p>statements 100:2</p> <p>states 1:1 2:1 53:18 64:16 67:10 87:5 89:19 93:3,3 93:4,15 94:5 95:8 95:16 98:9 100:6</p> <p>stating 56:6</p> <p>statistic 58:19</p> <p>statistical 64:11 92:2</p>	<p>statistically 58:11 58:16 90:10 97:21 98:6</p> <p>statistician 92:8 92:12 93:24</p> <p>statistics 58:22 59:1,7 66:13 89:20 93:25 97:25 99:15</p> <p>stats 58:7 64:16</p> <p>stay 55:9,20 99:3</p> <p>steps 27:6 30:15 30:18,23,25</p> <p>stimulus 79:5 80:11</p> <p>stipulation 105:20</p> <p>stolen 43:6,9,12 44:9,15</p> <p>stop 35:15 69:23 70:14,21 71:22 76:4,5,19,20</p> <p>stopped 44:19</p> <p>stops 71:4 86:23</p> <p>storage 44:25</p> <p>store 43:20,21</p> <p>strategos 16:20</p> <p>street 3:17 24:10 31:23 34:17 37:13 37:15,16,16 41:22 54:14 59:25 77:23 90:13 99:5</p> <p>stress 36:14</p> <p>strict 47:12</p> <p>strictly 45:10</p> <p>stuck 44:23</p> <p>studied 45:19 83:11</p> <p>studies 89:15 90:5 91:21,22 92:5,6,17 92:21,23</p>	<p>study 87:5</p> <p>stuff 50:23,24 53:23 55:12 66:15</p> <p>stunt 74:22</p> <p>subdivision 74:1</p> <p>subject 30:11 81:1 88:13</p> <p>submissions 91:7</p> <p>subscribed 104:20</p> <p>subway 34:15</p> <p>success 88:6</p> <p>successful 87:16 87:17,23,23,24 88:1,10</p> <p>successfully 86:23</p> <p>suffer 58:18</p> <p>suffered 83:7</p> <p>suffering 74:15</p> <p>sufficient 30:3</p> <p>suit 81:16</p> <p>suite 3:8,18</p> <p>sunny 54:11</p> <p>supervising 19:3</p> <p>support 13:17,21 55:15,22 92:22</p> <p>supports 87:7 100:16,25</p> <p>suppose 27:25</p> <p>supposed 38:21 43:19,21</p> <p>sure 8:6 13:13 30:23 32:13 35:20 38:17 39:16 41:14 58:14 60:5 61:9 62:6 63:4 73:13 78:20 88:21 91:11 94:19 100:1 102:17</p> <p>surprise 24:16</p> <p>susceptible 28:22</p>
--	---	--	--

[suspect - tool]

<p>suspect 37:1,25 56:25 72:18 80:11 80:13</p> <p>suspects 85:5,19</p> <p>swat 18:20 80:5 81:20 84:15</p> <p>swimmer 31:20</p> <p>switched 100:9</p> <p>swords 78:11</p> <p>sworn 22:13 104:7</p> <p>sympathy 29:1</p> <p>system 41:6 47:13 47:14</p>	<p>93:8 95:16 98:24 101:20</p> <p>talks 62:23</p> <p>targeted 66:9</p> <p>taser 19:6 52:4 55:8</p> <p>taught 29:23</p> <p>teach 78:21</p> <p>teaching 44:6 55:3</p> <p>team 18:20,23 85:9,11,17 86:1,8 87:19,23 88:2</p> <p>teams 80:5 86:11</p> <p>technicality 21:19</p> <p>tell 10:17 14:2 17:6 54:5 71:2 84:1</p> <p>tells 98:3</p> <p>tend 37:18 98:12 100:13</p> <p>tends 88:10</p> <p>tennessee 95:10</p> <p>tense 79:18 80:25</p> <p>term 17:5 51:23 62:13 78:2,15 86:20</p> <p>terminal 52:2</p> <p>terms 36:3 89:16 93:15</p> <p>terrific 13:1</p> <p>territory 90:23</p> <p>terry 76:5,13,20</p> <p>testified 7:6 15:1 55:25</p> <p>testifying 7:18,19 9:12 96:18 104:7</p> <p>testimony 31:2 92:9 103:14 104:11</p> <p>texas 48:2 53:20</p>	<p>thank 59:9 88:19 88:24 101:22 102:22</p> <p>thanks 36:6 101:18</p> <p>that'd 100:23</p> <p>thing 8:13 14:22 16:2 20:13 26:19 27:19 28:21 45:10 50:3 51:4 54:25 55:20,21 57:23 58:10 64:14 71:8 73:11 74:11,11,24 75:10 77:11 85:1 91:2,4 97:12 98:11 99:2,21</p> <p>things 14:3,4,6 15:18 16:1,10,11 18:7 19:6,8 20:9 22:24 23:8 24:21 27:1,25 31:24,25 37:20,20 39:17,22 41:8 42:24 43:2 44:1,20,25 45:12 45:18,19 46:4,6,14 46:15,18,24 50:2 50:17 51:8,9 52:6 54:7,20,22,23 55:4 58:1,8,9 59:11 61:17 62:10 64:13 64:17 65:3,9,18 66:11 70:1,5 72:4 72:6,8,9,25 74:25 77:6 79:22 80:2,3 80:5,6 87:17 90:23,25 94:7 95:9 98:10,11,18 99:6,8,13</p> <p>think 11:12 17:12 27:5,22 31:19 34:4 39:1,17</p>	<p>40:13 50:2 51:15 51:23 58:16 60:14 63:1 70:7 73:15 79:3,13,23 83:17 86:9 91:8 100:15</p> <p>thinking 9:11 36:9</p> <p>thirty 77:20</p> <p>thought 29:13 57:22 74:2</p> <p>thoughts 12:7,9</p> <p>threat 20:19 43:3 75:19 76:25</p> <p>threatening 24:11</p> <p>three 19:14 29:12 34:17,19 37:25,25 38:2,2,2 49:5,5 85:16 93:14</p> <p>throat 26:13</p> <p>throwing 79:3,21</p> <p>ties 81:17</p> <p>time 8:5,12 22:2,9 22:13 29:4,23 31:7 44:6 46:9,22 47:5 54:13 58:13 64:9,24 75:13 77:5,13 84:16 86:1,15 88:2 93:18 104:5 105:10,18,24 106:7</p> <p>timeframe 48:18</p> <p>timely 86:4</p> <p>times 14:15,25 29:9,25 90:9</p> <p>titles 88:12 100:21</p> <p>today 9:4,10 10:23 45:24</p> <p>today's 9:14</p> <p>toddler 44:3,12</p> <p>tool 26:23,25 27:3 30:1,11</p>
<p>t</p>			
<p>t 24:19 107:3,3</p> <p>tactfully 32:13</p> <p>tactic 19:17</p> <p>tactical 16:21 45:9 57:17</p> <p>tactics 19:7 52:4,5 69:25 70:4 78:21 83:6 85:18</p> <p>take 8:12,15 21:22 27:7 30:14 31:15 37:2 38:17 51:9 71:15 77:9 85:13 87:4 90:24 97:24 101:11 102:10</p> <p>taken 2:17 7:25 21:11 44:7 104:4</p> <p>takes 87:24 88:10</p> <p>talk 10:11 24:13 34:2 36:2 43:14 53:25 77:25 78:4 90:13</p> <p>talked 13:23 45:10</p> <p>talking 24:1 26:12 36:2,5 37:13 38:4 59:2 60:7 73:14 73:16 76:14 82:9 84:5 87:12,13</p>			

[tools - utah]

<p>tools 29:15 top 55:9,20 93:14 topeka 1:16 2:17 7:1 16:16 18:14 21:15 22:5 48:19 49:4 50:7,15 64:18 79:19 topics 45:4 totality 52:11 76:21 totally 67:1 touched 16:7 22:17 touching 37:21 tough 38:5 town 54:3 75:7 traffic 70:14,21 71:22 tragedies 20:14 tragic 69:14 trail 46:6 train 17:18,24 23:25 30:14 43:5 69:13 trained 18:8 81:11 81:22 83:3 trainer 16:18 18:25 21:3 53:16 53:18 57:19 trainers 21:4 training 10:21 13:7 14:20 16:11 16:19 19:2,3,4,11 19:11,13,16,20 20:12,18,22 21:5 21:11 22:3,25 23:1,16,18,19,20 23:21 24:4 25:1 25:24,25 26:1 27:12,14,23 28:5 29:21 30:24 31:17</p>	<p>32:16,20 33:2 37:11 41:1,10,12 41:13 49:9 52:1 52:11 53:20,20 56:7,13,20 57:5,9 57:11,22 63:24 65:14,16,19 80:1,7 81:24 83:5,6,6 85:11 trainings 23:22 transcribed 104:9 transcript 9:3,5 103:12 104:10,13 104:15 105:6,8,10 105:13,13,21 106:2,2 transition 79:23 transitioned 80:8 transports 43:1,2 travel 48:5 93:3 travelling 53:18 travels 45:20 trend 85:8 trends 55:9,18,18 trial 14:20 trials 14:24 tried 47:4,19 tries 68:8 trolley 86:14 trouble 36:9 truck 17:20 71:6 82:6 true 93:18 97:5 103:15 104:10 truth 75:21 truthfully 9:12 11:9 try 8:4,7,9,24 11:14 13:16 23:3 32:3 33:24 55:9 71:15 80:12</p>	<p>trying 55:20 60:8 71:13 74:9 84:8,9 84:24 92:5 98:25 99:2 tuesday 1:17 2:19 7:1 turn 51:19 65:5 74:9 88:22 turned 14:23 55:6 74:20 91:16 turning 34:23 35:17 two 10:13 21:9 23:11,12 29:3,11 30:12 33:14 88:1 97:11 100:10 type 21:11 23:4 24:2,11,21,21 42:10,14 44:20 45:8,10,17 74:10 74:22 80:9 97:12 typically 85:11</p>	<p>understand 7:18 8:23,25 61:5,11,17 62:2 63:10 68:3 68:11,19 understanding 10:22 35:20 60:5 94:18 96:14 unfortunately 41:2 uniform 82:3 uniformed 20:9,16 36:3 unit 17:11 18:25 48:16 60:1 united 1:1 2:1 64:16 87:5 95:8 95:16 98:8 university 15:7,15 15:17,19,25 16:1 23:10 unknown 24:8 unlawfully 98:18 unsecured 44:16 update 23:12,12 upgraded 18:5,6 upper 62:23 ups 54:23 uptick 64:23 65:2 usage 78:3 use 14:17 16:12 19:5,12,18 30:3,4 35:1 40:5,22 41:17 42:5 50:17 51:8,12,25,25 52:3 58:17 83:5 86:20 95:8 99:9,13 uses 33:1,9 36:13 36:17 38:8 39:8 40:1 utah 53:21 86:14</p>
		u	
		<p>u 24:8 u.s. 93:13,19,21 94:2 ugly 33:18 uh 14:12 56:5 92:11 ultimately 60:25 unarmed 56:9 58:2 59:13 uncommon 68:4 68:12 unconcealed 47:23 unconstitutional 47:2 undercover 40:21 82:2 undersigned 104:1</p>	

[utility - works]

<p>utility 26:24 utilize 58:11 70:3 71:17 78:3 80:5 88:3 89:20 utilized 52:5 83:15 utilizing 18:25 39:19 45:11</p>	<p>virtually 28:20 29:6 98:8 visible 54:4 72:13 73:23,24 volume 1:18 2:16 4:3 volunteered 11:10 vs 1:6 2:6 105:4 107:1 vulnerable 28:24</p>	<p>ways 32:3 67:3 we've 14:1 45:24 65:15 78:10 101:20 weapon 19:8 23:12 44:5 70:3,3 71:17 weapons 71:9 wearing 71:7 73:23 81:16,18,20 week 31:13,14 weeks 9:25 weigh 15:10 weight 34:3 weirdly 46:20 went 47:6,12 64:2 78:19 86:2 whack 90:22 wheel 28:6 whereof 104:19 wide 20:6 77:3 wider 19:1 win 34:18 window 71:5 wire 45:9 wise 3:15 4:6 7:9 7:12 11:18,19,24 13:1,2 26:22 28:8 29:17 30:22 32:9 34:6 35:9 36:5,11 38:6,16 39:13 40:19 41:15 42:1 42:15 43:11 52:8 56:3 58:21 60:4 67:7,23,24 69:9 70:19,20 71:21 73:1,13 75:11 77:15,18 80:14 81:2 82:4,14 88:24 89:2,14 91:5,17,19 92:4,11</p>	<p>92:14 94:15,19,23 95:18 96:3,20 97:1,6,17 101:13 101:17,22 102:1,6 102:12,17,20,22 witness 4:1 10:20 11:23 14:13,17,21 26:12 27:11 28:14 28:17 30:20 31:5 33:13 34:12 36:9 36:24 38:12 40:9 40:25 41:21 42:9 51:23 56:1 58:5 59:16 69:8 71:1 72:3 73:9,15 77:3 79:17 80:24 81:10 89:1,12 90:2 91:13 95:6,25 97:10 101:19 102:7 104:19 105:13,16 106:2,5 107:24 witnesses 104:6 word 17:5 25:3 32:13 33:18 51:12 79:17 wording 67:3 words 62:7 work 11:5 12:21 18:13 21:16 50:11 50:13 68:4,12 70:12 77:23 88:16 99:5 100:23 worked 25:13 44:21 50:25 51:5 51:16 working 19:19 21:15 22:9 31:13 41:9 48:17 works 21:22 27:21</p>
<p>v</p>			
<p>v 7:14 56:17,19 76:13 95:9 vacation 21:24 valid 56:20 variety 20:7 94:7 vast 37:7,9,19,23 50:23 88:2 vehicle 17:7 verbal 16:13 24:24 24:24 33:24 34:22 35:14 veritext 102:9 105:7,9,11 vermont 100:7,8 version 12:19 versus 56:21 72:13 82:19 86:24 87:18 94:5 95:9,12,14 vicinity 83:25 victim 26:17 37:22 58:17 victimized 38:24 39:6,11 victims 55:17 58:6 84:25 video 72:19 74:22 81:18 view 37:1 89:15 views 45:25 violating 99:20 violence 64:13 violent 26:17 89:9 91:25</p>	<p>w</p>		

[world - zuchel]

<p>world 54:22 56:18 57:8,22 64:2,6,6 64:13 69:12 93:13 93:20,21 94:2 worried 71:10,11 71:19 worrisome 72:9 72:25 worry 32:21 71:3 wrap 101:16 write 54:23 writing 50:18 102:14 written 45:7,9 50:1,4,17 69:16 wrong 57:15 63:17 wrote 12:7 85:24 wyatt 46:4 wyoming 53:21</p>	<p style="text-align: center;">z</p> <p>zuchel 56:17</p>
x	
x 106:1	
y	
<p>yards 37:25 38:2 yeah 12:24 23:15 33:3,3 36:5 45:12 60:10 62:25 67:23 84:2 88:15 100:23 101:10 year 10:12 22:4 37:8 39:21 49:14 53:19 55:1 58:8,8 58:20 yearly 17:19 years 18:18,21 19:14 41:22 49:1 49:1 55:19 66:17 77:20 93:9 99:5 yep 9:1 york 3:9 20:15 42:11,21,23</p>	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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