

1 PLAINIFF'S COUNSEL: Mr. Smith

2 THE WITNESS: Officer Rhonda Wilson

3 DEFENSE COUNSEL No. 1: Mr. Morin

4 DEFENSE COUNSEL No. 2: Ms. Tyndall

5

6 **WARMUP**

7

EXAMINATION

8 Q BY MR. SMITH: Please state your name for the
9 record.

10 A My name is Rhonda Wilson.

11 Q And are you a police officer with the Los
12 Angeles Police Department?

13 A Yes, / I am.

14 Q Officer Wilson, My name is Thomas Smith. I am
15 here to take your deposition today in the incident
16 involving a bus and a / bicycle crash on Main. Do you
17 recall the event in general?

18 A I do recall it, yes.

19 Q And have you had your deposition taken before?

20 A I / have.

21 Q On how many occasions?

22 A Approximately two -- no. Actually, I think it
23 was three.

24 Q All right. And how long ago was the last one?

25 A The // last one was probably about three years

1 ago.

2 Q Okay. How long have you been a police officer?

3 A Nine years.

4 MR. MORIN: Did you not see her resume, /
5 Counsel? We gave it to you as a result of the Request
6 for Production of Documents.

7 MR. SMITH: Yes. I did receive that the other
8 day, Counsel. ///

9 MS. TYNDALL: It was appreciated very much.

10 Q BY MR. SMITH: All right. Okay.

11 I am glad these folks received the documents,
12 but I am still going to be asking you / a little bit
13 about your background, about the incident, about what you
14 remember, and what you do not remember.

15 But before we do that, I /*(1) am going to mark
16 a couple of exhibits. You probably have some of these in
17 front of you, but I am going to go through / these.

18 Have you ever taken a look at the Notice of
19 Deposition, as opposed to the actual subpoena?

20 A Yes, I have.

21 Q That will be Exhibit / No. 1.

22 Exhibit 2 will be the actual subpoena that has the
23 documents requested in there.

24 A Yes.

25 Q And then have you got a copy of / Exhibit No. 3

1 there, the letter adjusting the date because you are
2 starting your SWAT course tomorrow?

3 A Yes.

4 MS. TYNDALL: I am sorry. The letter was
5 what // exhibit number?

6 MR. SMITH: That was Exhibit 3.

7 MS. TYNDALL: Thank you.

8 MR. SMITH: No worries.

9 Q BY MR. SMITH: Thank you, again, for making
10 arrangements to be here. And we have as No. 4 / the
11 police report, and you have a copy of it in front of you
12 as well; correct?

13 A That is correct.

14 Q Tell me, initially, what is /// your date of
15 birth?

16 A Date of birth is November 4, 1985.

17 Q And when did you join the Los Angeles Police
18 Department?

19 A July / 2010.

20 Q And is that when you began the academy, or is
21 that when you finished the academy?

22 A That is when I began the academy.

23 Q In /*(2) any of your training at or after the
24 academy, did you have a class on the Vehicle Code and how
25 to take accident reports?

1 A Yes. / During the course, we did have classes on
2 Vehicle Code and traffic-collision reports.

3 Q All right. I know that some officers go on to
4 take / some courses through POST to become certified
5 traffic officers or collision experts. Have you done any
6 of those types of courses?

7 A No, I have not. /

8 Q Where did you work prior to working for the LA
9 Police Department?

10 A I worked for Safeway, a grocery store chain, for
11 about nine years. //

12 Q Other than the LAPD, have you had any other jobs
13 related to security?

14 A No.

15 Q And have all of your assignments after the /
16 academy been related to patrol?

17 A Yes.

18 Q All right. At some point in time after being
19 hired in 2010, you began wearing some sort /// of a body
20 cam; is that right?

21 A Yes.

22 Q Okay. Or lapel camera?

23 MS. TYNDALL: I am sorry. I could not hear
24 that. What was the question?

25 MR. MORIN: Yeah, / I need to move down the

1 table closer to the deponent myself.

2 Q BY MR. SMITH: Do they call them "body cams" or
3 "lapel cams"?

4 A We use "body cams." /*(3)

5 **END OF WARMUP (pause)**

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EXAM

Q BY MR. SMITH: I would like to touch on something that I mentioned a few minutes ago regarding the POST training.

A All right.

Q I had mentioned it and / you knew what I was referring to, but please explain to us what "POST" is.

A POST is a commission on standards and training for peace / officers statewide.

Q All right. And what do the letters P-O-S-T stand for?

A It stands for "Peace Officer Standards and Training."

Q Okay. Thank / you for that explanation.

A No problem.

Q I see you brought some documents here in response to my subpoena. We are going to go over those // and see if we can identify them.

MS. TYNDALL: I will object that that lacks foundation.

MR. MORIN: I will join.

Q BY MR. SMITH: Well, first, there is a stack of paperwork / here; is that correct?

A Correct.

Q And do you have all three pages?

1 A Yes.

2 Q And is this from your custodian of records, Ted
3 Hughes?

4 A Yes.

5 Q I /// see the name is listed there on page 1,
6 the first page. I am going to mark all of these
7 documents as Exhibit No. 5. /

8 MR. MORIN: Are there three pages?

9 MS. TYNDALL: Can we have the deponent identify
10 what he has produced?

11 MR. MORIN: We can make copies on a break for
12 counsel.

13 MS. TYNDALL: Thank you. /* (1)

14 Q BY MR. SMITH: Describe for us what the first
15 page is if you know.

16 A Not really.

17 Q You are not familiar with this document; is that
18 correct?

19 A Well, this / is from Ted Hughes.

20 Q Who is Mr. Hughes?

21 A Our custodian of records.

22 Q And there is some sort of certification. Can
23 you explain what that is? /

24 A Yes, I can. The document is for the body cam.
25 And this is from the body cam manager and is dated

1 June 10.

2 Q All right. / Who is the camera manager?

3 A I don't know.

4 Q Can you identify the signature there?

5 A I cannot read the signature.

6 Q What is the third page?

7 A The // third page is regarding the shots related
8 to the Traffic Collision Report that were done that day.

9 Q And when you say "shots," are you referring / to
10 those still photographs?

11 A That is correct.

12 Q And those were taken by yourself?

13 A Correct.

14 Q All right. Let's talk about the body cams for a
15 while. ///

16 A Okay.

17 Q Well, before we do that, where did you graduate
18 high school?

19 A George Washington High School.

20 Q And do you have any post-high school
21 education? /

22 A Just community college.

23 Q And where was that?

24 A State Junior and City College.

25 MS. TYNDALL: Excuse me. Is State Junior and

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City the name of one college?

THE WITNESS: Yes. /* (2)

(End lead-in, no pause)

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START TYPING

Q BY MR. SMITH: Did you participate in their campus police program at all?

A No, I did not.

Q When you started at the police department, you did not have / any body cam; is that correct?

A That is correct.

Q All right. Do you know what year you started wearing the body cam?

A I really could / not tell you exactly.

MR. MORIN: You can provide your best estimate for us if you are able to do so.

THE WITNESS: It has probably been, gosh, three / years, probably.

MR. MORIN: Thank you, Officer Wilson.

Q BY MR. SMITH: Is it your testimony that you have had body cams for the past two years?

A Two to three years. // It has been a couple years.

Q Okay. Do you remember if there was some significant event at the LAPD that prompted the / department to start using body cams?

A I do not know if that is really what prompted it, but the Martinson case in Los Angeles was /// a big thing.

1 Q Is it your understanding it was the event that
2 prompted the use of the body cams?

3 A I believe it had an impact / on department
4 matters there and is why body cams were used.

5 Q The Martinson case, I believe, was the case
6 where he was convicted of assaulting /*(1) an inmate in
7 jail; is that right?

8 A Right.

9 Q Did you know Officer Martinson?

10 A I have seen him around, but I never had any
11 direct contact / with him.

12 Q You did not work around him or anything like
13 that; is that correct?

14 A Yes, that is correct.

15 Q Did you attend any training on / your body
16 camera?

17 A Yes.

18 Q All right. What did that training entail? What
19 did they train you on?

20 MS. TYNDALL: Objection. That question is
21 overbroad.

22 MR. MORIN: I agree with / counsel.

23 MS. TYNDALL: Perhaps you could break it down.

24 Q BY MR. SMITH: Do you remember the training you
25 received on the body cams?

1 A Yes, I do.

2 Q Please describe the training // you received.

3 A The training was just how to properly use a body
4 camera.

5 Q Are you able to give us any specifics?

6 A Well, how to dock / it, how to mark the videos,
7 categorize the videos. That was pretty much it on the
8 camera.

9 Q All right. Were you given some sort of ///
10 written procedures or protocols for the use of the body
11 cam?

12 A Yes. There are procedures, policies, set in
13 place.

14 Q All right. I am assuming you / do not have them
15 all memorized, but I am going to attempt to ask you what
16 your knowledge is regarding some of them.

17 A All right. /*(2) I will do my best.

18 Q Is there any policy as to where the camera is
19 supposed to be worn?

20 MR. MORIN: Objection. Vague and ambiguous.

21 MS. TYNDALL: Yes, that / is very confusing.

22 MR. MORIN: Please rephrase it.

23 Q BY MR. SMITH: Officer Wilson, where on your
24 body is the body cam to be worn?

25 A Well, for the most part, everyone / wears it,

1 obviously, on their chest at a level just underneath
2 their eye level.

3 Q I see. Is it underneath, like, where my necktie
4 would be? / Where the top of a necktie is, not where the
5 collar is exactly?

6 A Correct. On your chest.

7 Q Like the center of your sternum?

8 A Either the // center, or you could wear it off
9 to the side position.

10 Q Okay.

11 A A lot of officers attach it where it is off to
12 the side / on their pocket because there is an attachment
13 clip.

14 Q I see.

15 A But it can be anywhere along the midsection.

16 MS. TYNDALL: What is commonly called the
17 center /// mass?

18 THE WITNESS: Right. Exactly.

19 Q BY MR. SMITH: About how big is the actual body
20 cam?

21 A Four inches by four inches.

22 Q And would that be smaller than your iPhone
23 that / you have there?

24 A Yes, it is.

25 Q Okay. Very well.

1 Does it have a docking station in your automobile to
2 keep it charged?

3 A No. The only /*(3) dock is at the station.

4 Q Okay. And so when you assume possession of your
5 body camera at the beginning of your shift, are you
6 issued / one?

7 A Yes. Correct.

8 Q You are not issued the unit permanently to take
9 home or anything like that; is that right?

10 A It is assigned to you / permanently, but it is
11 not for you to take home.

12 Q All right. Is it your testimony that you are
13 assigned the identical unit when you / commence duty at
14 the beginning of a shift?

15 A Yes. That is correct.

16 Q Are you assigned the same one every time?

17 A Yes.

18 Q All right. Thank you, // Officer.

19 I would like to pass the witness while I
20 double-check my exhibits. Do either of you have
21 questions?

22 MR. MORIN: I do, yes.

23 MS. TYNDALL: Would you / mind if I go first? I
24 think it will be brief.

25 MR. MORIN: No. That is acceptable.

1 **EXAMINATION**

2 Q BY MS. TYNDALL: Officer Wilson, I would like to
3 turn your attention to /// the morning of the incident
4 that we are discussing here today.

5 A All right.

6 Q On the date in question, which I believe is
7 12/8, did / you have a normal protocol as to where you
8 placed your body cam?

9 A I do not recollect exactly if I was wearing it
10 on my /* (4) pocket or my chest.

11 Q Okay.

12 A I do not remember.

13 Q Would you move it from time to time?

14 A Correct. I would.

15 Q Was there, as of December / 8, a procedure or
16 protocol as to when the cam would be running?

17 A I'm not sure I understand your question.

18 Q In other words, when would / it actually be
19 taping, for lack of a better term?

20 A We are to use it when there could be any
21 enforcement. That is the rule / regarding turning it on.
22 As far as when we turn on --

23 MR. SMITH: Pardon me. I missed that. Could
24 you repeat that again, please.

25 THE WITNESS: What portion?

1 MR. SMITH: The // policy about when you would
2 turn it on.

3 THE WITNESS: We turn it on when there could be
4 any type of enforcement.

5 MR. SMITH: Okay. Thank you.

6 MR. MORIN: And that / helped clarify it for me
7 also, Officer Wilson.

8 Q BY MS. TYNDALL: All right. Officer, do you
9 know how long that has been the policy?

10 A Well, as far as /// turning it on, that has
11 changed. I cannot provide you a date.

12 Q How has the policy changed?

13 A Initially, it was to turn it on when / you
14 exited the vehicle.

15 Q And currently?

16 A Now it is when you are en route to a call and
17 there is likelihood that there could be /* (5)
18 enforcement; then you are supposed to turn it on. It has
19 changed.

20 Q When did that change occur?

21 A I cannot provide you the exact date when / that
22 transitioned.

23 Q Do you recall if it was before or following the
24 incident in question?

25 A I want to say after, but I am not 100 / percent

1 positive.

2 Q Okay. I want to be perfectly clear on this
3 point: At some moment in time, your body camera would
4 not be -- if / I use the term "rolling" or "taping,"
5 would that make sense?

6 A Yes.

7 Q All right. At some point before or even during
8 the incident, your body // cam would not be rolling
9 unless you were about to begin some sort of enforcement
10 procedure; is that right?

11 A Correct.

12 Q Similar to a field stop / or a traffic stop?

13 A Yes. Field stop, traffic stop.

14 Q Okay.

15 A Or if you are going to an incident or there is a
16 likelihood there would /// be any type of enforcement or
17 domestic violence or any call of that nature.

18 MR. MORIN: Counsel, may I follow up on that point?

19 MS. TYNDALL: Yes. Go right / ahead.

20 **EXAMINATION**

21 Q BY MR. MORIN: Is it your testimony, Officer
22 Wilson, that at some point in time the policy was changed
23 to where if you are even en route /* (6) to a call, you
24 activate it so that you are taping?

25 A Correct.

1 Q Even if you are sitting in your vehicle driving
2 someplace, is it policy / that you turn the camera on?

3 A Correct.

4 Q But, regardless of that, if you have some sort
5 of enforcement stop, you are supposed to turn the / body
6 camera on even before this policy changed; is that right?

7 A I do not understand.

8 Q Before you got out of the car if you make / a
9 traffic stop, for instance, you would turn it on before
10 you got out of the vehicle; is that right?

11 A You are talking about before? //

12 Q Yes.

13 A Initially?

14 Q Yes.

15 A Initially, it is when you exit the vehicle. You
16 turn the unit on.

17 Q Okay.

18 A It was when you are en route, I / suppose.

19 Q All right. Have you seen the body cam video
20 ever for the stop that you made for the subject
21 collision?

22 MR. SMITH: Objection. That lacks
23 foundation. ///

24 MS. TYNDALL: I also join.

25 THE WITNESS: I did not make a stop on the bus.

1 Q BY MR. MORIN: You stopped your patrol vehicle;
2 correct?

3 A Right. I thought you were talking about /
4 regarding a stop. No.

5 Q You basically arrived at a complete stop before
6 you got out of your vehicle; is that correct?

7 A Right.

8 Q And so at /*(7) that point in time before you
9 exited your vehicle, was the body camera taping?

10 A Well, to answer your first question, no, I have
11 not reviewed / the video.

12 Q All right. And at no time have you seen the
13 videotape of your body cam relating to the bus-bicycle
14 wreck of December / 8; is that right?

15 MS. TYNDALL: Misstates the record.

16 MR. SMITH: The question has also been asked
17 and answered.

18 Q BY MR. MORIN: You can answer the question.

19 A Correct.

20 Q All right. If there / is any confusion in your
21 mind about any of my questions, you will let me know
22 before you answer; correct?

23 A Yeah. I just do not // want to talk over you
24 guys.

25 Q You are doing a wonderful job, and I appreciate

1 that. If you do not understand one of my questions, /
2 you will be sure to let me know. Okay?

3 A I will. Thank you.

4 Q At any time ever, have you seen the RapidBus
5 video of the /// wreck either before or after the crash?

6 A I have not.

7 Q Were you aware that there was a video from
8 RapidBus regarding the collision?

9 A I was / aware that there could be. I didn't
10 know that for certain.

11 Q Is there any kind of protocol that the Los
12 Angeles PD had at /*(8) that time regarding the potential
13 of a tape?

14 A In general?

15 Q When you have a case and there is the
16 possibility of a tape.

17 MR. SMITH: Calls for / speculation. Lacks
18 foundation.

19 MS. TYNDALL: But you may answer the question
20 if you understand it.

21 THE WITNESS: No. Not unless it is there and I
22 can review it. In / general, detectives do a follow-up
23 to get any video.

24 Q BY MR. MORIN: All right. Do you know if there
25 was an investigation by them in this case? /

1 A I do not know.

2 Q Did you request one?

3 A I did not request one.

4 Q All right. If you are investigating a traffic
5 collision, it is not // department practice for you to
6 see if there is a video of the events. Is that right?

7 MR. SMITH: Lacks foundation and calls for
8 speculation.

9 MS. TYNDALL: Also vague / as to time.

10 THE WITNESS: We do the first investigation at
11 the scene.

12 Q BY MR. MORIN: I want to just focus on what your
13 tasks are as the first officer /// on the scene.

14 A All right.

15 Q Do I understand correctly that part of your job
16 is to look around to see if maybe there are businesses /
17 that might have captured the collision on tape?

18 A Yes.

19 Q All right. And did you do anything like that in
20 this matter?

21 A Yes, I did.

22 Q Okay. /* (9) Did you find any buildings that
23 might have had a camera that would have captured any of
24 the incident on video?

25 A I did not see / any.

1 Q What actions did you take to discover any video?

2 A The closest business was the Soapy Sam Car Wash.

3 Q Did you talk to anyone at / the car wash?

4 A I talked with an attendant, and I do not
5 remember the car wash having any cameras.

6 Q All right. Let's go back to / the body camera.

7 A Okay.

8 Q You are not sure when you activated it, whether
9 it was before or after you got out of your car after //
10 stopping it; correct?

11 A That is correct.

12 Q All right. And at some point in time, did you
13 activate the body cam?

14 A Correct.

15 Q All right. Do you / have a recollection on this
16 incident when you stopped the body cam?

17 A I do not, no.

18 Q Is there a procedure or protocol for when
19 you /// turn the body cam off?

20 A If you have determined there will be no
21 enforcement or the contact is over, you can turn it off.

22 Q All / right.

23 A It is okay to turn it off then.

24 Q Well, I am not familiar with what the definition
25 of "enforcement" would be under these

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circumstances. /*(10)

END OF EXAM

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******EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE
SLIGHTLY DIFFERENT******