

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

AMERICAN NEWS AND INFORMATION
SERVICES, INC., a Connecticut
Corporation; EDWARD A. PERUTA;
and JAMES C. PLAYFORD,
Plaintiffs,

vs.

No. 12-cv-2186-BEN(KSC)

WILLIAM D. GORE, individually and
in his official capacity as
San Diego County Sheriff; JAN
CALDWELL, individually and in her
official capacity as San Diego
County Sheriff's Department
Public Affairs Director; THOMAS
SEIVER, San Diego County
Sheriff's Department Deputy,
individually; BRENDAN COOK,
San Diego County Sheriff's
Department Deputy, individually;
JESSE ALLENSWORTH, San Diego
County Sheriff's Department
Deputy, individually; JAMES
BRENEMAN, San Diego County
Sheriff's Department Deputy,
individually; MICHAEL PROCTOR,
San Diego County Sheriff's
Department Deputy, individually;
JOHN DOE 1-10; San Diego County
Sheriff's Department; WILLIAM
LANSLOWNE, individually and in
his official capacity as
San Diego Police Chief; JOHN DOE
1-10; San Diego Police
Department; and BONNIE DUMANIS,
individually and in her official
capacity as San Diego County
District Attorney; JOHN DOE 1-10;
San Diego County District
Attorney's Office, individually,

Defendants.

_____ /

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

DEPOSITION OF JAN CALDWELL
Taken at San Diego, California
March 16, 2016

Reported by Patricia M. Beck - CSR
Certificate No. 12090

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

I N D E X

Deposition of JAN CALDWELL
March 16, 2016

EXAMINATION PAGE
BY MS. BAIRD 5

INDEX OF EXHIBITS

FOR PLAINTIFFS': MARKED

Exhibit 1 San Diego County Sheriff's 45
Department Media Guide

Exhibit 2 409.5 Authority of Peace 47
Officers, Lifeguard or
Marine Safety

Exhibit 3 Defendants Initial Disclosures 92
Pursuant to Federal Rules of
Civil Procedure

Exhibit 4 Media Credentials of Ed Baier 105

Exhibit 5 Media Credentials of Ed Baier 107

Witness signature page 110
Certificate/Stipulation page 111

1 On March 16, 2016, commencing at the hour of
2 10:20 a.m., at Office of County Counsel, 1600 Pacific
3 Highway, Room 355, in the City of San Diego, County of
4 San Diego, State of California, before me, Patricia M.
5 Beck, Certified Shorthand Reporter, in and for the
6 State of California, personally appeared:

7 JAN CALDWELL,
8 called as a witness by the Plaintiffs, who, being by
9 me first duly sworn, was thereupon examined and
10 testified in said cause.

11

12 A P P E A R A N C E S

13 FOR PLAINTIFFS:

14 RACHEL M. BAIRD & ASSOCIATE

BY: RACHEL M. BAIRD, ESQ.

15 15 Burlington Road

Harwinton, Connecticut 06791

16 (860) 605-9340

17

18 FOR DEFENDANTS:

19 COUNTY OF SAN DIEGO

OFFICE OF COUNTY COUNSEL

20 BY: JAMES M. CHAPIN, ESQ.

1600 Pacific Highway, Room 355

21 San Diego, California 92101

(619) 531-5244

22

23

24

25

1 SAN DIEGO, CALIFORNIA; MARCH 16, 2016; 10:20 A.M.,

2

3

JAN CALDWELL,

4 having been first duly sworn, testified as follows:

5

6

EXAMINATION

7

BY MS. BAIRD:

8

Q. Good morning, Ms. Caldwell. How are you?

9

A. Very well.

10

Q. I introduced myself when you came to the

11

room. I'm Rachel Baird, and I represent James C.

12

Playford in this case of American News versus Sheriff

13

Gore.

14

A. Uh-huh.

15

Q. Have you been deposed before?

16

A. I have.

17

Q. About how many times?

18

A. Once that I can think of.

19

Q. So maybe you're not as familiar with the

20

process as I thought. If you have any questions, if

21

something I ask is not clear, don't hesitate to ask me

22

to clarify and I'll do so. If you need a break,

23

simply ask. Your counsel is here. If you have any

24

questions, he's right there for you, as I assume he's

25

told you already.

1 A. Uh-huh.

2 Q. Any issue that comes up, just bring it up.
3 I'll put it that way.

4 A. All right. Thank you.

5 Q. So your title with the San Diego County
6 Sheriff's Department is public information director?

7 A. Media relations director. I'm the public
8 information officer.

9 Q. Because I've seen it put a couple of
10 different ways. But the official title is public
11 information officer, slash, media director, or the
12 other way around, perhaps?

13 A. Either way.

14 Q. How long have you held that position?

15 A. A little over nine years. It will be ten
16 years this October 13th.

17 Q. Has it always been called the same thing,
18 public information officer, slash, media director?

19 A. I believe it became media director after I
20 arrived.

21 Q. Have your duties been primarily the same in
22 the past nearly ten years?

23 A. They've evolved, in that I have more
24 employees. We've grown with social media, and we have
25 a video production unit now.

1 Q. So when you came on board, had you been
2 employed previously by the San Diego County Sheriff's
3 Department?

4 A. No.

5 Q. So it was somewhat of a hire from outside.
6 You came from another agency or another employment?

7 A. Correct.

8 Q. What employment was that?

9 A. I was a special agent with the Federal
10 Bureau of Investigation.

11 Q. How long did you do that?

12 A. I was with the FBI for 32 years.

13 Q. Is it fair to say you retired from the FBI?

14 A. It is correct.

15 Q. Did your job duties with the FBI have to do
16 with media relations or public information?

17 A. The last 13 years I was with the Bureau were
18 media related. Before that, I worked other criminal
19 matters.

20 Q. I forgot to ask you. Have you ever
21 testified in court?

22 A. Yes, I have.

23 Q. How many times have you done that?

24 A. I don't know if I could give you --

25 Q. Fair enough. So, many times you've

1 testified in court?

2 A. I have testified.

3 Q. What were your job duties then during your
4 last 13 years with the FBI?

5 A. They call them media representative. It's
6 basically a public information officer for the
7 division where you're assigned. I was assigned here
8 in San Diego.

9 Q. Were you head of that division?

10 A. No. I was just the PIO.

11 Q. So in the media division of the FBI that
12 was located in San Diego, there were a number of
13 employees, it's fair to say?

14 A. No.

15 Q. Just you?

16 A. Yes.

17 Q. Got it. How did you go about obtaining
18 employment with the San Diego County Sheriff's
19 Department? Did you submit an application?

20 A. No.

21 Q. Was there an opening?

22 A. Yes.

23 Q. Was it a newly created position?

24 A. No.

25 Q. Who was sheriff at the time approximately

1 ten years ago, a little less than ten years ago when
2 you got the position?

3 A. Bill Kolender.

4 Q. Had you known him previously?

5 A. I had met him.

6 Q. And how long did you work for -- is it
7 Kalmer, Bill Kalmer? I'm not sure I heard you say the
8 name right.

9 A. Kolender.

10 Q. How long did you work for Sheriff Kolender?

11 A. He retired I believe in 2009. Don't hold me
12 to that. I believe it was 2009.

13 Q. After he left, is it fair to say that
14 Sheriff William Gore took his place?

15 A. Yes.

16 Q. Had you known Sheriff Gore previously?

17 A. Yes.

18 Q. How did you know him?

19 A. I knew him through my employment at the FBI.
20 I knew him personally as I was married to his cousin.

21 Q. And the employment through the FBI, was that
22 when you were located in San Diego?

23 A. Primarily. But I knew Mr. Gore when he was
24 assistant director and a special agent in charge of
25 Honolulu.

1 Q. How long, sitting here today, would you say
2 you've known Sheriff Gore?

3 A. I believe since around 1976.

4 Q. It's 2016. He came on board in 2009.
5 That's seven years. So you worked for Sheriff
6 Kolender for about three years and then for Sheriff
7 Gore for about almost seven years; is that accurate?

8 A. That's accurate. But Sheriff Gore was
9 undersheriff, so I reported to him directly.

10 Q. Okay. Fair enough. Who do you report to
11 directly now?

12 A. Undersheriff Mark Elvin.

13 Q. How long have you reported to him?

14 A. Undersheriff Elvin was assigned there,
15 promoted there last I believe September.

16 Q. And prior to his promotion, who did you
17 report to?

18 A. Undersheriff Prendergast.

19 Q. Prior to Undersheriff Prendergast?

20 A. Jim Cooke, C-o-o-k-e.

21 Q. Prior to Undersheriff Cooke?

22 A. Bill Gore.

23 Q. Prior to Undersheriff Gore -- when was he
24 undersheriff?

25 A. I don't know. That was before my time.

1 Q. So the first person that you reported to
2 when you became the PIO for the San Diego County
3 Sheriff's Department was Undersheriff Gore?

4 A. That's correct.

5 Q. At that time, Bill Kolender was the sheriff?

6 A. That's correct.

7 Q. Is there a written document describing your
8 job duties?

9 A. There's my job description, yes.

10 Q. Has that remained consistent over the past
11 ten years?

12 A. I believe so, but I don't review it.

13 Q. How many people do you have working who
14 report to you currently?

15 A. Six.

16 Q. Are they all in the Public Information
17 Office?

18 A. Yes.

19 Q. What are their job duties? If you could
20 also attach their name to their job duties.

21 A. I have an administrative assistant whose
22 name is Cindy Davis. I have a media specialist by the
23 name of Melissa Acquino, A-c-q-u-i-n-o. I have a
24 media specialist by the name of Sammy Castanon,
25 C-a-s-t-a-n-o-n. Video production specialist Mike

1 Kurtz, K-u-r-t-z. Video production specialist Randy
2 Grimm, G-r-i-m-m. And I have a Deputy Ariana Ruibe,
3 R-u-i-b-e, who is assigned to Crime Stoppers and
4 physically sits at the San Diego Police Department,
5 but reports to me.

6 Q. Of those six individuals who report to you,
7 is it fair to say that one of them is a sworn officer?

8 A. That is correct. And I'd like to also add,
9 I'm sorry, we have a 960. This is a deputy who
10 retired as a commander I believe eight years ago.
11 Comes back on a 960 part-time program. He works in
12 our office one day a week. His name is Ken Culver,
13 and he does the website.

14 Q. Mr. Culver is retired from the sheriff's
15 department?

16 A. That is correct.

17 Q. So currently he's a civilian?

18 A. Correct.

19 Q. When did the -- I'm sorry. I think I may
20 have missed the name of the person who handles the
21 social media.

22 A. I have two people, Melissa Acquino and Sammy
23 Castanon.

24 Q. Were they employed already in the Public
25 Information Office when the office started to focus --

1 or originally focused on social media?

2 A. They were hired and -- Melissa was hired
3 first and charged with beginning our social media.

4 Q. When was that?

5 A. I believe it was 2010.

6 Q. Was a job description created for that
7 position?

8 A. Yes.

9 Q. And when was the other person who is tasked
10 with social media hired? Was that specifically for
11 social media, or did that person's job evolve into
12 that?

13 A. It was to assist Melissa, social media and
14 proactive stories. And I believe Sammy was hired in
15 2013, but I don't know if that's the exact year.

16 Q. And I understand that when you're giving
17 dates, you're sitting there just testifying and you're
18 going by the best of recall. And certainly if you had
19 to confirm that, you could.

20 A. Absolutely.

21 Q. When you reference social media, is Twitter
22 included?

23 A. Yes, it is.

24 Q. Is Facebook included?

25 A. Not any longer.

1 Q. For a time it sounds like Facebook was
2 included?

3 A. That's correct.

4 Q. Does the San Diego Sheriff's Department have
5 a Facebook presence currently?

6 A. They do not.

7 Q. Did they at one time have a Facebook
8 presence?

9 A. Yes.

10 Q. During what time period?

11 A. Again, guessing 2010 until I believe 2013 or
12 '14.

13 Q. Was there a reason why in about 2014 the
14 Facebook presence for the department ceased?

15 A. There was a community member posting vulgar
16 verbiage on our page, and we took it down.

17 Q. Who was that community member?

18 A. Dimitri, D-i-m-i-t-r-i, Karras, K-a-r-r-a-s.

19 Q. Was there any record, or do you recall
20 anything being posted on the Facebook page by James C.
21 Playford?

22 A. I do not.

23 Q. Let me try to think. Instagram, is that
24 part of the social media presence for the department?

25 A. I don't think so, but I'm sorry, I can't

1 answer that.

2 Q. It sounds like there is a separate person
3 who handles the website presence now. Mr. Culver does
4 that?

5 A. He does that along with our IT group.

6 Q. And so do you consider the website presence
7 part of social media or separate?

8 A. I've never really thought about it.

9 Q. It's handled separately, it sounds like,
10 though?

11 A. Yes.

12 Q. When was the website brought -- made active?
13 I'll put it that way. When was the website made
14 active?

15 A. I don't know. It was before my time.

16 Q. So it's been that long. At least ten years?

17 A. Yes.

18 Q. Who handled it before Mr. Culver?

19 A. I would have to suppose our IT department.

20 Q. And the person in the IT department that
21 helps out Mr. Culver, he doesn't report to you,
22 correct?

23 A. Correct, he does not.

24 Q. Is it one person or just the IT department
25 in general that helps Mr. Culver with the website?

1 A. I believe it's the department in general.

2 Q. When you were first hired to be the public
3 information officer, slash, media director, how many
4 people reported to you then?

5 A. Initially no one.

6 Q. One-person department?

7 A. No, no. There was a captain in there
8 temporarily and administrative assistant.

9 Q. Do you know whose place you took?

10 A. I believe I replaced Chris Saunders,
11 S-a-u-n-d-e-r-s, but it had been a few years since he
12 had worked there.

13 Q. So there had been somewhat of a gap in
14 filling the position? It had gone unfilled for a
15 period of time?

16 A. I believe so.

17 Q. To the best of your knowledge, did the
18 captain and the administrative assistant fill in while
19 there was a gap in the person who actually had the
20 title PIO?

21 A. The captain was the POI.

22 Q. And who was that?

23 A. Glenn, G-l-e-n-n, Revell, R-e-v-e-l-l, I
24 think.

25 Q. What became of the captain when you took

1 over the job?

2 A. He stayed there to help train me, and then
3 he was assigned somewhere else. I don't remember
4 where. And a lieutenant came in.

5 Q. So at that time when you became the public
6 information officer, it sounds like there was a
7 captain and an administrative assistant in the office?

8 A. Correct.

9 Q. But they didn't report to you?

10 A. No.

11 Q. And then the captain trained you and left at
12 some point?

13 A. Uh-huh.

14 Q. And a lieutenant came on board?

15 A. Correct.

16 Q. Do you recall the name of that lieutenant?

17 A. His name was Phil Brust, B-r-u-s-t.

18 Q. And the administrative assistant stayed in
19 the position?

20 A. Correct.

21 Q. When did that composition change?

22 A. We had a temporary light-duty person come in
23 that was assigned to our communications center as a
24 dispatcher. Came to work for us in a TDY capacity,
25 and that stayed that way for a year, 18 months. I'm

1 not really sure if I can recall the exact time frame.

2 And then Lieutenant Brust was reassigned to
3 the Fallbrook station, and we decided to hire someone
4 to come in and do the proactive stories and social
5 media, and that's when we advertised and we acquired
6 Melissa Acquino.

7 Q. Was Ms. Acquino the first employee of the
8 Public Information Office that reported to you?

9 A. No. While Lieutenant Brust was there, we
10 decided that Adriana Ruibe would report to Phil Brust,
11 and the administrative assistant would report to me.

12 Q. And after the hire for the social media
13 position, is it fair to say it continued to grow to
14 the point it's at now, where six people report to you?

15 A. Correct.

16 Q. In addition to Mr. Culver?

17 A. Correct.

18 Q. So it's actually seven?

19 A. Yes.

20 Q. As it's grown, have people come and gone, or
21 has it just grown where people have added -- people
22 have come on board and stayed?

23 A. We had another person come in, a media
24 specialist by the name of Susan Plese, P-l-e-s-e, and
25 she was there for a little while after Lieutenant

1 Brust left, and then she resigned. And then since
2 then we have continued to grow with Melissa and Sammy,
3 et cetera.

4 Q. What factors have led the department to add
5 the social media component to the Public Information
6 Office?

7 A. It's a good way to get information to the
8 communities. The trend is, social media is very
9 popular and just a good way to push out information
10 quickly.

11 Q. I just want to make sure that I did name all
12 the social media that the information office actively
13 contributes to, and that would be basically Twitter
14 and the web page, if you want to consider that as
15 well.

16 A. We have our web page. We have -- for a
17 while we did have Facebook as we discussed. We do
18 have Twitter. We use Nixle, N-i-x-l-e. And we might
19 use Instagram. I would have to check on that.

20 Q. Have you had any issues with Twitter or the
21 other social media that you experienced with Facebook
22 that led to the page being shut down?

23 A. No, we haven't.

24 (Brief recess.)

25 ///

1 BY MS. BAIRD:

2 Q. The video production, when did that
3 component of the Public Information Office come into
4 existence?

5 A. Approximately two, three years ago.

6 Q. And there are two people involved in that?
7 A specialist and then the main person, correct?

8 A. Well, they're both kind of equal.

9 Q. Did they both -- were they both hired about
10 the same time?

11 A. No. We had -- one is a volunteer for many,
12 many years before I started. And then Mr. Kurtz
13 joined us two or three years ago as a volunteer and
14 then applied as we grew this new unit.

15 Q. And so both of them are paid employees now?

16 A. Correct.

17 Q. What does the video production part of the
18 office entail?

19 A. Well, these two men will do videos at the
20 request of different units. For instance, they just
21 completed a video on a coffee cart at one of our
22 facilities, one of our detention facilities. Kind of
23 a culinary arts training program. So they videotaped
24 that and put it online. And it was also picked up by
25 the news media.

1 Q. What are the various facets of the sheriff's
2 department that the Public Information Office is
3 tasked with distributing information about? I mean,
4 you just mentioned a corrections facility or a jail
5 facility. So that would be one component.

6 Would another component be the various
7 stations or substations where sworn officers work out
8 of?

9 A. Correct.

10 Q. And what would be some other examples?

11 A. Court Services Bureau would be another
12 example. There are a lot of moving parts to the
13 sheriff's department, and we try to put information
14 out about them as requested, or that the public might
15 find interesting.

16 Q. So it would cover everything involving the
17 sheriff's department then?

18 A. Correct.

19 Q. Are the videos that are produced in your
20 unit disseminated through social media?

21 A. Sometimes.

22 Q. Including your website sometimes?

23 A. Sometimes.

24 Q. And links on Twitter sometimes?

25 A. I don't know for sure, but I would imagine.

1 Q. Are they used at any functions or forums or
2 places where you give speeches or other members of the
3 department give presentations or speeches?

4 A. Yes.

5 Q. Approximately how many videos have been
6 produced, if you know?

7 A. I couldn't begin to count.

8 Q. Would there be a list of those videos
9 maintained?

10 A. There might be. I would have to research.

11 Q. Well, the videos would be maintained,
12 correct?

13 A. Correct.

14 Q. Do people from the public ever request
15 copies of the videos?

16 A. No, not that's been my experience.

17 Q. Do you make training videos for deputies or
18 people that work in the sheriff's department?

19 A. The two gentlemen in the video production
20 unit do, yes.

21 Q. Is that a particular task that's assigned to
22 your unit? In other words, there's not a separate
23 training unit out there that does video; that would be
24 your unit that would do those?

25 A. There's a separate training unit, but they

1 usually rely on Randy or Mike to do the videos.

2 Q. Okay, okay. Do you have a formal working
3 relationship with a public information officer
4 employed by the San Diego Police Department?

5 A. I know the lieutenant, and we converse from
6 time to time on different things.

7 Q. For example, is there any memorandum of
8 understanding regarding a relationship between you and
9 a PIO from the San Diego Police Department?

10 A. Not to my knowledge.

11 Q. Is it fair to say that you rely on the
12 San Diego Police Department for a list of individuals
13 or organizations who have been issued media
14 credentials by the San Diego Police Department?

15 A. Yes.

16 Q. And how do you -- if you do, how do you
17 obtain a list or keep current with such a list
18 maintained by the San Diego Police Department?

19 A. I've never asked for a list.

20 Q. Do you know if there is a list?

21 A. I don't know.

22 Q. Do you have a way of determining if an
23 individual or an organization is on a list, if there
24 is a list, kept by the San Diego Police Department?

25 A. I'm sorry. Would you repeat that?

1 Q. Do you have a way of determining if an
2 individual or an organization is on a list, if there
3 is a list, maintained by the San Diego Police
4 Department?

5 A. Yes.

6 Q. And how is that?

7 A. I would pick up the phone and call.

8 Q. So if you need to determine if an individual
9 or organization has been issued media credentials by
10 the San Diego Police Department, one way you determine
11 that information is by picking up the phone and
12 calling the police department?

13 A. Correct.

14 Q. Any particular person that you call at the
15 police department?

16 A. It would probably be the main PIO.

17 Q. And who is the current PIO?

18 A. Lieutenant Scott Wahl, W-a-h-l.

19 Q. And how many, if you can recall, PIOs have
20 you used in that fashion at the San Diego Police
21 Department?

22 A. The prior PIO is Detective Gary Hassen,
23 H-a-s-s-e-n, I believe, and I would call him
24 occasionally. I don't believe I called the prior PIO.

25 Q. Do you know if deputies employed by the

1 San Diego County Sheriff's Department use a similar
2 means of determining if an individual or an agency has
3 media credential issued by the San Diego Police
4 Department?

5 A. I don't know.

6 Q. Do you know if there is a procedure or
7 policy in place for deputies with the County to
8 determine if an individual or agency has media
9 credentials issued by the San Diego Police Department?

10 A. I'm sorry. Would you repeat the question?

11 Q. Do you know if there's a procedure or policy
12 for deputies to determine if an individual or
13 organization has media credentials issued by the
14 San Diego Police Department?

15 A. Not to my knowledge.

16 Q. Do you know if it's part of a deputy's job
17 to make a determination if an individual or agency at
18 a scene has been issued media credentials by the
19 San Diego Police Department?

20 A. I've never been a deputy. I wouldn't be
21 able to answer that.

22 Q. Do deputies ever ask you, in your position
23 as a public information officer, slash, media
24 director, whether a certain individual or agencies
25 they've come in contact with has media credentials

1 issued by the San Diego Police Department?

2 A. I believe they've asked that, I believe.

3 Q. There's no policy or procedure, that you
4 know of, that informs deputies of how to make a
5 determination of whether an individual or agency has
6 media credentials issued by the San Diego Police
7 Department?

8 A. To my knowledge, no.

9 Q. Have you ever been contacted by a deputy
10 employed by the County and asked if James C. Playford
11 has media credentials issued by the San Diego Police
12 Department?

13 A. I can't think of a specific deputy. I can't
14 recall one.

15 Q. I guess I should ask, just as a foundation,
16 whether you know who James C. Playford is.

17 A. Yes, I do.

18 Q. Have you ever met him in person?

19 A. Yes, I have.

20 Q. So you'd recognize him if you saw him?

21 A. Yes, I would.

22 Q. Has anybody, a civilian employee of the
23 County, contacted you to ask you if Mr. Playford has
24 media credentials issued by the San Diego Police
25 Department?

1 A. A civilian employee of the County?

2 Q. Yes. Well, the sheriff's department, I
3 mean. I'll say the whole thing. San Diego County
4 Sheriff's Department, a civilian employee.

5 A. I don't recall.

6 Q. Have you been contacted, that you recall,
7 by either a sworn officer, a deputy, or a civilian
8 employee of the San Diego County Sheriff's Department,
9 and asked if American News and Information Services
10 has been issued media credentials by the San Diego
11 Police Department?

12 A. I don't recall.

13 Q. When I mention American News and Information
14 Services, does that mean anything to you?

15 A. It is I believe the agency that has used or
16 hired J.C. Playford.

17 Q. Have you ever had contact with an individual
18 named Edward Peruta?

19 A. I don't believe directly.

20 Q. Do you know if he has any association with
21 American News and Information Services or James C.
22 Playford?

23 A. My understanding is he's the owner of
24 American News and Information Services which employs
25 Mr. Playford.

1 Q. Do you know if Mr. Playford currently has
2 media credentials issued by the San Diego Police
3 Department?

4 A. My latest understanding, and it's been a few
5 months, is that he does not.

6 Q. And do you know if Mr. Peruta has media
7 credentials issued by the San Diego Police Department?

8 A. I do not know.

9 Q. When you say it's your understanding from
10 the past couple of months that Mr. Playford does not
11 have such media credentials, did you have some
12 occasion in the past couple of months to check, or did
13 somebody volunteer information to you that gives you
14 that understanding?

15 A. I don't recall a specific incident. The
16 last one would have been I believe last June when we
17 had a news conference in the building, and we were
18 trying to ascertain if Mr. Playford had media -- valid
19 media credentials issued by the San Diego Police
20 Department.

21 Q. And the press conference you're referring to
22 and in the building -- what building was that press
23 conference back in June of 2015?

24 A. Our sheriff's administrative headquarters on
25 Ridgehaven Court.

1 Q. And other than this June of 2015 occasion
2 that you recall involving Mr. Playford and the issue
3 of press credentials, do you recall any other press
4 conferences where Mr. Playford has been present, and
5 it was determined that he didn't have the necessary or
6 valid media credentials to attend the press
7 conference?

8 A. Press conference, no.

9 Q. So tell me what you remember about this
10 June 2015 press conference involving J.C. Playford
11 that would have caused you to be informed of or check
12 into whether he had valid media credentials.

13 A. Could you be more specific?

14 Q. Sure. Were you present at the news
15 conference?

16 A. Yes.

17 Q. Is it a news conference or press conference?

18 A. I believe it's called media conference.

19 Q. So you were present at the media conference
20 back in June 2015?

21 A. Correct.

22 Q. Were you the one giving the presentation at
23 the media conference?

24 A. No.

25 Q. Who was?

1 A. Sheriff Gore.

2 Q. Do you know what the media conference
3 pertained to?

4 A. It was about a deputy who had tazed a
5 teenager in Fallbrook.

6 Q. When you have a media conference such as the
7 one we're talking about back in June 2015, is there
8 any policy or procedure about notice going out that
9 there's going to be such a conference?

10 A. No.

11 Q. Fair to say some are more hastily put
12 together than others depending on the issue?

13 A. Correct.

14 Q. So at this June 2015 conference, were there
15 members of the media there with valid media
16 credentials?

17 A. Yes.

18 Q. And did they gain entry by showing those
19 media credentials?

20 A. Yes. That was part of their entrance.
21 They have to go through -- everyone goes through a
22 magnetometer and shows identification to gain entry
23 into our building.

24 Q. And there's somebody that is stationed at
25 the magnetometer?

1 A. Correct.

2 Q. They will be the ones that look to see if
3 any alarm goes off?

4 A. Correct.

5 Q. And then they ask each person for their
6 valid media credentials?

7 A. If they are a member of the media, yes.

8 Q. So how would that person that's stationed
9 there know to ask someone for their valid media
10 credentials?

11 A. If they have camera equipment with them
12 would be one way. They might have their credentials
13 around their neck displayed and would ask to see them
14 if they were current.

15 Q. Is the general public allowed? Let's stick
16 to the June 2015 conference just to make it more
17 specific. Was the general public allowed into that
18 media conference?

19 A. Generally they don't come so we don't have
20 to make a decision if they are allowed or not.

21 Q. Is there a policy or procedure about whether
22 the general public is allowed into a media conference?

23 A. What was policy is that a person with the
24 news, with the media, has a valid San Diego Department
25 issued credential. They are allowed into our building

1 to videotape or conduct interviews. They don't need a
2 credential if we have the media conference outside.
3 And then the general public may attend as well.

4 Q. Do you mean outside the building?

5 A. Correct.

6 Q. But inside the building, then an individual
7 needs that media credential from the San Diego Police
8 Department?

9 A. That is correct.

10 Q. What other kind of persons or classes or
11 categories of people can attend an inside media
12 conference, other than individuals with valid media
13 credentials?

14 A. Employees.

15 Q. So any other categories?

16 A. Other departments. Employees that might be
17 associated with an investigation. Another law
18 enforcement agency or another stakeholder.

19 Q. And could a stakeholder be an individual not
20 employed by the government, or would it always be
21 another department or agency?

22 A. Each situation would be different.

23 Q. I'm just trying to think of what a
24 stakeholder would be. Perhaps a victim, would they be
25 a stakeholder?

1 A. That could be.

2 Q. A witness, could that person be a
3 stakeholder?

4 A. That could be.

5 Q. So when you say "stakeholder," you mean
6 somebody directly involved with the facts of the case?

7 A. Usually, but each situation is different.
8 It stands on its own.

9 Q. What do you recall, if anything, about
10 Mr. Playford and the June 2015 media conference?

11 A. Can you be more specific?

12 Q. Was he present?

13 A. Yes.

14 Q. Did he go through the -- I forget --
15 magnetometer?

16 A. Magnetometer.

17 Q. Did he go through the magnetometer?

18 A. I wasn't there, but I'm sure he did.

19 Q. How do you know he was there?

20 A. I saw him.

21 Q. Where did you see him?

22 A. In the training room where we held the media
23 conference.

24 Q. So he made it into the training room?

25 A. He did.

1 Q. And did he stay for the whole media
2 conference?

3 A. Yes, he did.

4 Q. Did he ask any questions?

5 A. I believe he did.

6 Q. Is that the incident that caused you to
7 check to see if he had valid media credentials?

8 A. I did not.

9 Q. Did you direct somebody to do that?

10 A. They always check.

11 Q. The person stationed at the machine?

12 A. Correct.

13 Q. And do you know if the person stationed at
14 the machine in June 2015 checked?

15 A. I know that they asked him for them.

16 Q. Do you have reason to believe that Mr.
17 Playford gained entry in June 2015 to the media
18 conference when he did not have media credentials
19 issued by the San Diego Police Department?

20 A. He did.

21 Q. Was there any follow-up investigation done
22 to determine how he accomplished that?

23 A. No, there was no investigation.

24 Q. Was there any action taken against the
25 person stationed at the machine that allowed

1 Mr. Playford entry?

2 A. No.

3 Q. Was it error to allow Mr. Playford entry
4 into that media conference?

5 A. Yes.

6 Q. Was it error because he didn't have media
7 credentials issued by the San Diego Police Department?

8 A. Correct.

9 Q. And do you know if that error has been made
10 at any other time of allowing Mr. Playford into a
11 media conference when he didn't have press media
12 credentials issued by the San Diego Police Department?

13 A. I'm not sure if I can answer that.

14 Q. Has any action been taken by your office to
15 ensure that this error of allowing Mr. Playford into a
16 media conference inside without media credentials
17 doesn't occur again?

18 A. Nothing has changed in our office.

19 Q. So there hasn't been any memo or notice
20 issued to individuals that are stationed at these
21 entry machines telling them, be sure and check if
22 people have media credentials issued by the San Diego
23 Police Department before you let them in the media
24 conferences?

25 A. I don't know if there was something before

1 that time or after that time. My colleague Melissa
2 prepared something that gave an example of what a
3 San Diego media credential looked like, and to make
4 sure that people with the media had them. But in
5 honesty, I don't know if it was before or after.

6 Q. And what was Melissa's last name?

7 A. Acquino.

8 Q. Did this, if you know, did the notice have a
9 written description of the media credential or just a
10 picture of it?

11 A. I believe it was just a picture.

12 Q. Did you see anyone at the June 2015 press
13 conference confront Mr. Playford about his presence at
14 the media conference?

15 A. Not that I saw.

16 Q. Other than media conferences, are there
17 other informational events that are open to -- well,
18 what I should say, that are limited to members of the
19 media who have media credentials issued by the
20 San Diego Police Department?

21 A. I'm sorry. One more time.

22 Q. Sure. Other than the media conferences,
23 are there other informational events, presentations
24 given by either Sheriff Gore or other members of the
25 sheriff's department, that are only open to media if

1 they have credentials issued by the San Diego Police
2 Department?

3 A. Yes.

4 Q. What are those events?

5 A. They might be placing either the sheriff or
6 a captain, another individual, a media availability to
7 answer questions on a specific event or situation.
8 That would be one example.

9 Q. Can you think of any others?

10 A. Not off the top of my head. But as we go
11 along, I might remember something.

12 Q. Is there any provision for reciprocity of
13 recognition of media credentials? For example, if an
14 individual had a media credential issued by the
15 Sacramento Police Department, would that be -- is
16 there any provision or list of recognizing media
17 credentials issued by other government agencies?

18 A. Yes.

19 Q. What is that provision?

20 A. Well, there's no policy. If another media
21 individual has valid current credentials, they've been
22 authorized by an outside law enforcement agency, we
23 would recognize those.

24 Q. Other than recognizing credentials issued by
25 law enforcement agencies, is there any provision for

1 recognizing credentials issued by non law enforcement
2 organizations?

3 A. Those aren't recognized as being valid.

4 Q. So a media credential to be recognized by
5 the San Diego County Sheriff's Department has to be
6 issued by government agency?

7 A. Yes.

8 Q. Would you call that a policy?

9 A. I don't know honestly if it's in our policy
10 manual, but it is the protocol we follow.

11 Q. Was that the protocol that was followed when
12 you came on board as the public information officer,
13 slash, media director for the County?

14 A. Since I've been there. I can't speak
15 beforehand.

16 Q. Has it remained the same, to your knowledge,
17 during the nearly ten years you've been with the
18 County?

19 A. To the best of my knowledge, yes.

20 Q. Now, are you aware that Mr. Playford has
21 credentials issued by American News and Information
22 Services?

23 A. No, I didn't know that.

24 Q. Are you aware that Mr. Playford has claimed
25 to have credentials issued by a non law enforcement

1 organization?

2 A. I don't have firsthand knowledge of that,
3 no.

4 Q. So you sitting here today, either firsthand
5 or understanding from information that's been given to
6 you, you have no knowledge that Mr. Playford has or
7 does not have credentials issued by a non government
8 organization?

9 A. No, I don't. I don't know.

10 Q. Is that because it's irrelevant to you
11 whether or not he has credentials issued by a non
12 government organization, because they wouldn't be
13 valid under your protocol?

14 A. We look to see if they have a San Diego
15 Police Department issued credentials.

16 Q. Or other law enforcement, correct?

17 A. Correct.

18 Q. So if it's not San Diego Police Department
19 or other law enforcement that issued the credentials,
20 then the credentials under the protocol of your
21 department aren't valid?

22 A. Correct.

23 Q. Have you ever contacted the San Diego Police
24 Department to indicate that an individual who has
25 San Diego Police Department media credentials has done

1 something that should be looked into by the San Diego
2 Police Department, something inappropriate where
3 perhaps their media credential should be looked into?

4 A. Yes.

5 Q. How many times have you done that?

6 A. I don't know how many times.

7 Q. What is the time or occasions that you were
8 thinking of when you answered yes to my question?

9 A. I don't remember specific years, but I do
10 remember contacting Detective Hassen about Mr.
11 Playford and his behavior.

12 Q. So obviously that would have been while
13 Detective Hassen was the PIO at the San Diego Police
14 Department, right?

15 A. Correct.

16 Q. So that puts it into a time frame somewhat?

17 A. Yes.

18 Q. And was there another occasion when you
19 contacted Detective Hassen or any other PIO over at
20 the San Diego Police Department about Mr. Playford?

21 A. I believe so, but I don't remember specific
22 dates or times. Another PIO over there I just
23 remember was Andra, A-n-d-r-a, Brown, B-r-o-w-n. And
24 she was also a co-PIO with Detective Hassen.

25 Q. So you remember at least one time contacting

1 Detective Hassen about Mr. Playford and his media
2 credentials?

3 A. Correct.

4 Q. At that time, did you have cause to believe
5 that Mr. Playford had San Diego Police Department
6 media credentials?

7 A. Yes, he did, I believe.

8 Q. Do you know if your phone call to the
9 San Diego Police Department about Mr. Playford and his
10 conduct led to any action by the San Diego Police
11 Department?

12 A. I don't know.

13 Q. Did the San Diego -- Detective Hassen ask
14 you for additional information?

15 A. I don't recall that.

16 Q. Other than your phone call to him, do you
17 recall following up on the matter, taking any other
18 action?

19 A. No.

20 Q. Are you aware of the circumstances that led
21 to Mr. Playford having media credentials issued by the
22 San Diego Police Department at one time, but not
23 having them now?

24 A. I understand that he had credentials, and
25 then they were not renewed by the San Diego Police

1 Department. They would have to answer that. This is
2 strictly from my memory. And then he was issued
3 credentials again, and my understanding is that he has
4 let them lapse.

5 Q. Other than Mr. Playford, have you had
6 occasion -- or have you contacted the San Diego Police
7 Department about an individual who has media
8 credentials issued by the police department and
9 engaged in conduct that you believed impacted, one,
10 whether they should have credentials or not?

11 A. I'm sorry. Would you repeat?

12 Q. Sure. Other than Mr. Playford, have you
13 contacted the police department, the San Diego Police
14 Department, about any other individual where you've
15 had concerns about their conduct as related to them
16 having media credentials issued by the San Diego
17 Police Department?

18 A. No.

19 Q. Do you know an individual -- not know. Are
20 you familiar with the name Ed Baier, B-a-i-e-r?

21 A. I've heard the name.

22 Q. Any contacts made by you to the San Diego
23 Police Department about Ed Baier?

24 A. No, not to my recollection, no.

25 Q. What information do you recall having

1 received that causes you to remember the name
2 Ed Baier?

3 A. Mr. Baier will occasionally send e-mails. I
4 don't remember specifically what they concern, but
5 they're ranting in nature. He will call the office
6 sometimes leaving messages, or he will be upset about
7 something. Again, I don't recall the subject matter,
8 but those are infrequent.

9 Q. And the e-mails, are they sent to you?

10 A. They are.

11 Q. And the voice mails, they're left at your
12 number?

13 A. They are not.

14 Q. At the information -- at the Public
15 Information Department's number?

16 A. Yes, my administrative assistant's number.

17 Q. Do you know if Mr. Baier has media
18 credentials issued by the San Diego Police Department?

19 A. My understanding, he does not.

20 Q. And where would that understanding come
21 from?

22 A. I believe from Detective Hassen. I
23 understand that Mr. Baier was convicted of a felony
24 and cannot have press credentials.

25 Q. What would have caused you to engage in a

1 conversation with Detective Hassen about that?

2 A. I don't recall. I believe it would be in
3 the same conversation as Mr. Playford. I believe
4 they're friends.

5 Q. And that conversation would have occurred
6 back around the June 2015 media conference event?

7 A. No.

8 Q. Before or after?

9 A. Before.

10 Q. Are you familiar with the name Jerry Nance,
11 N-a-n-c-e?

12 A. Yes, I am.

13 Q. And do you know if Mr. Nance has media
14 credentials issued by the San Diego Police Department?

15 A. I understand he does not.

16 Q. Where does that understanding come from?

17 A. That comes from a question that I asked
18 yesterday at the San Diego Police Department because
19 he's going through a trial now for 148.

20 Q. What was your -- I'm not quite sure I
21 connected it. I need you to explain. What was the
22 reason why you contacted Detective Hassen to check on
23 Mr. Nance's media credentials?

24 A. Detective Hassen retired a few years ago.
25 I contacted Detective Mark Herring, H-e-r-r-i-n-g.

1 And because the assistant district attorney contacted
2 me as a witness to discuss our policy and procedure,
3 I did some research to see if Mr. Nance had a valid
4 media credential on the date in question.

5 Q. Were you able to provide any policies and
6 procedures?

7 A. Provide any policies and procedures to?

8 Q. I think you said that -- I'm not sure if it
9 was the DA or the investigation agency involved with
10 Mr. Nance's trial had called you --

11 A. Correct.

12 Q. -- to ask -- we'll go by memory now. I
13 think you said they called you to ask if you had any
14 policies or procedures?

15 A. I provided them our media guide, as well as
16 our 7.3.

17 (Exhibit 1 was marked for identification by
18 the court reporter.)

19 BY MS. BAIRD:

20 Q. If I could have this marked as Plaintiff's
21 Exhibit 1. Is that the way we do it in California?
22 We've had marked a nine-page document entitled "San
23 Diego County Sheriff's Department Media Guide." And
24 I'll just ask you to look at that to, first, determine
25 if you recognize it, and then if you do, to determine

1 if it's current.

2 A. Yes, this is current.

3 Q. Is there a way you could tell that so fast?

4 A. I brought the copy with me.

5 Q. Okay. And this media guide, Exhibit 1, is
6 posted at the web page for the San Diego County
7 Sheriff's Department, correct?

8 A. That is correct.

9 Q. And it looks like from what you brought
10 there's also a pamphlet in color version.

11 A. Correct.

12 Q. What is available for those who come in and
13 request a copy?

14 A. That is correct.

15 Q. And this media guide, which is Exhibit 1,
16 is the media guide you would have provided responsive
17 to the request for policies and procedures?

18 A. That is correct.

19 Q. And 7.3, what are you referring to when you
20 reference 7.3?

21 A. That is also online. That is part of our
22 P&P, and it relates to media relations.

23 Q. So the P&P, policies and procedures for the
24 Public Information Office media would be either found
25 in Exhibit 1 or Section 7.3, which is also found on

1 the website?

2 A. Correct.

3 Q. Any other information that would be included
4 as policies and procedures, other than those two
5 resources we just named?

6 A. 7.3 is the official document.

7 Q. 7.3 is the official document?

8 A. Correct.

9 Q. And then the media guide, which is
10 Exhibit 1, is sort of a user-friendly website summary
11 of 7.3. Is that fair?

12 A. That is fair.

13 (Exhibit 2 was marked for identification by
14 the court reporter.)

15 BY MS. BAIRD:

16 Q. If I could have this marked as Exhibit 2.
17 And you're going to have to give me a second now
18 because I've got two other copies hidden somewhere in
19 my staples in my documents here.
20 Ms. Caldwell, if I could just take that from you for a
21 minute.

22 A. Yes.

23 Q. There's one particular place I want to -- I
24 think I can do it without relying on -- we just
25 referred to Section D of Exhibit 2. First of all,

1 are you familiar in your capacity as the public
2 information officer with 409.5?

3 A. Yes.

4 Q. Section 409.5?

5 A. Yes.

6 Q. And directing your attention to Subsection D
7 of 409.5 where it references members of the news
8 media. Do you see that?

9 A. Section D?

10 Q. Yes.

11 A. Yes.

12 Q. Is the protocol -- let me ask it this way.
13 Is it the protocol of the San Diego County Sheriff's
14 Department that the media referenced in Subsection D
15 of 409.5 includes only those individuals or
16 organizations who have been credentialed by law
17 enforcement agencies?

18 A. Or those who purport to be media.

19 Q. Does the San Diego County Sheriff's
20 Department recognize those who purport to be media as
21 the media if they don't have credentials issued by law
22 enforcement agency?

23 MR. CHAPIN: Object as vague.

24 BY MS. BAIRD:

25 Q. Okay. I got to figure out what you meant by

1 "purport to be media." From my perspective, the word
2 "purport" means somebody claims something but it's not
3 really true. I don't know if that's what you meant or
4 not. I'm going to try to ask you questions to try to
5 figure that out.

6 Exhibit 2, Subsection D of 409.5 references news media.
7 Do you see that?

8 A. It says: "Nothing in this section shall
9 prevent a duly authorized representative of any news
10 service, newspaper, or radio or television station or
11 network from entering the areas closed pursuant to
12 this section."

13 Q. And those categories that you just read from
14 Subsection D of 409.5, my question is: Is it the
15 protocol of the San Diego County Sheriff's Department
16 to only recognize those referenced in Subsection D if
17 they have media credentials issued by law enforcement
18 agency?

19 A. I think I understand what you mean, but I'm
20 not sure if I'm clear still.

21 Q. We need to have another copy of that. I
22 have to either find mine or get another copy.

23 MR. CHAPIN: You want to take a ten-minute
24 break?

25 MS. BAIRD: Yeah.

1 (Recess taken.)

2 BY MS. BAIRD:

3 Q. Ms. Caldwell, I think you have Exhibit 1 and
4 Exhibit 2 in front of you.

5 A. Correct.

6 Q. And if I could direct your attention to
7 page 8 of Exhibit 1.

8 A. Correct.

9 Q. To the last sentence on page 8 where it
10 states: "Absent official government media
11 credentials, access pursuant to 409.5 penal code will
12 be granted on a case-by-case basis upon presentation
13 of information complying with 409.5 penal code."

14 Okay. So does the San Diego County
15 Sheriff's Department have a policy or procedure for
16 determining, on a case-by-case basis, if access will
17 be granted pursuant to 409.5?

18 A. I would have to look at the policy and see
19 it, but it would require the current valid San Diego
20 Police Department issued media credential.

21 Q. Now, do you agree that the sentence I just
22 read on page 8 of Exhibit 1 that begins with: "Absent
23 official government media credentials"?

24 A. What was your question with that? I'm
25 sorry.

1 Q. Do you agree with the first part of the last
2 sentence on page 8 of Exhibit 1 that begins with:
3 "Absent official government media credentials"?

4 A. Yes, I would agree with this sentence.

5 Q. And do you agree that would mean someone
6 would not have the valid San Diego Police Department
7 issued media credentials?

8 A. Your question again is?

9 Q. Do you agree that if someone is absent
10 official government media credentials, then they would
11 not have the valid San Diego Police Department issued
12 media credentials?

13 A. Correct.

14 Q. That last sentence on page 8 of Exhibit 1
15 is referring to a person who is absent official
16 government media credentials. And my question is to
17 you: What policies or procedures determine, on a
18 case-by-case basis, when someone who doesn't have the
19 San Diego Police Department issued media credentials
20 can be granted access under 409.5?

21 A. These determinations we're talking about,
22 media access at disaster scenes. So these
23 determinations are made by the front-line deputies at
24 the scene.

25 Q. So the front-line deputies have the

1 discretion to grant, on a case-by-case basis, access
2 to disaster scenes, even though an individual does not
3 have the San Diego Police Department issued media
4 credentials?

5 A. As it's written, "on a case-by-case basis,
6 upon presentation of information complying with
7 409.5P.C."

8 Q. And what information would comply with
9 409.5P.C. to allow access to someone who didn't have
10 media credentials issued by the San Diego Police
11 Department?

12 A. Again, that's not made by me. I'm not at
13 the scene generally. I'm not at the scene of a
14 disaster. I'm somewhere else. So these are deputies
15 making that decision. But I can opine for you that
16 would be someone, say, from the Los Angeles area that
17 has NBC or major network credentials. And they might
18 make that determination on a case-by-case basis where
19 they would be granted access.

20 Q. Even though this NBC or major network
21 individual or agency didn't have a valid San Diego
22 Police Department issued media credential, or any
23 government credential, on a case-by-case basis they
24 may be allowed into, I think you said it, a disaster
25 scene?

1 A. That might be the case.

2 Q. Now, do you agree that 409.5 doesn't just
3 deal with disasters?

4 A. Correct.

5 Q. It also deals with accidents?

6 MR. CHAPIN: Objection. Question is calling
7 for a legal opinion and conclusion.

8 BY MS. BAIRD:

9 Q. Okay. Fair enough. For the officers out
10 actually at the scenes, what training do they receive,
11 if you know, regarding media access to accident scenes
12 or disaster areas?

13 A. The media training done in the academy is
14 conducted by the San Diego Police Department.

15 Q. Okay. So the deputies with the San Diego
16 County Sheriff's Department attend the San Diego
17 Police Department academy?

18 A. It's not the police department academy.
19 It's the Regional Law Enforcement Academy at Miramar
20 College. And the specific training regarding media is
21 conducted by the PIO for the San Diego Police
22 Department. I don't conduct that training, so I don't
23 know what is given.

24 Q. So the public information officer for the
25 San Diego Police Department is the one tasked with

1 training the officers at the regional academy?

2 A. On the block of media, correct.

3 Q. On the block of media. And do you have any
4 idea what that training entails?

5 A. I do not.

6 Q. Have you ever seen a training manual?

7 A. I have not.

8 Q. Have you ever discussed with any PIO at the
9 San Diego Police Department about what training they
10 give at the regional academy?

11 A. I have not.

12 Q. Have you ever gone and sat in on any of the
13 training yourself that's given at the regional
14 academy?

15 A. I have not.

16 Q. Sitting here today, you have no idea how
17 deputies with the San Diego County Sheriff's
18 Department are trained with regard to media?

19 A. I do not sit in on the training, so I do not
20 know.

21 Q. Do any deputies with the San Diego -- when I
22 say deputies, I don't want to get the language
23 incorrect. I'm referring to sworn officers.

24 A. Deputies, yes.

25 Q. Have any deputies with the San Diego County

1 Sheriff's Department come to you with questions about
2 handling the media out in the field or at scenes?

3 A. Yes.

4 Q. Are you able to recall exactly how many
5 times?

6 A. Many times. I couldn't tell you exactly how
7 many.

8 Q. So it's happened on a number of occasions,
9 so many that you can't sit there and recall how many?

10 A. Frequently, yes.

11 Q. Do you have a protocol for responding to
12 their questions?

13 A. Depends on the question they ask, but I do
14 the best to answer to the best of my ability.

15 Q. Do you ever refer them to the public
16 information officer at the San Diego Police Department
17 to ask questions?

18 A. No.

19 Q. Do they ever say to you -- or has there ever
20 been an instance where any of these individuals have
21 said to you, well, that's not how we were trained at
22 the regional academy by the public information officer
23 at the San Diego Police Department?

24 A. No.

25 Q. So do you have any idea if what you're

1 responding to the deputy's questions with is
2 consistent with how deputies are being trained at the
3 regional academy?

4 A. I'm sorry. One more time.

5 Q. Is it fair to say that in some of the
6 instances where the deputies have asked you questions
7 about handling the media in the field, you've
8 responded to them?

9 A. Yes.

10 Q. You've attempted to answer their questions?

11 A. Yes.

12 Q. When you've done that, do you have any idea
13 if what you're telling them is consistent with how
14 they were trained at the regional academy by the PIO
15 for the San Diego Police Department?

16 A. It's pretty straight forward. I believe
17 it's in line.

18 Q. And what gives you that belief?

19 A. Because we operate at scenes in the same
20 way.

21 Q. The San Diego County Sheriff's Department
22 and the San Diego Police Department operates the same
23 way?

24 A. That's been my observation.

25 Q. Have you ever engaged in any presentations

1 or training of deputies with the San Diego County
2 Sheriff's Department regarding handling the media out
3 in the field?

4 A. Yes, I have.

5 Q. Do those trainings occur on a scheduled
6 basis?

7 A. I believe so.

8 Q. Are they scheduled in terms of deputies
9 receive the training at various mileposts in their
10 career, or do you schedule the training once a year?
11 What's the frequency of the training?

12 A. I don't schedule the training. The training
13 unit does that. And they call me and ask if I would
14 speak.

15 Q. How often has that occurred in the past ten
16 years?

17 A. I don't have a list, but it happens, I would
18 estimate, two to three times.

19 Let me back up. Maybe one to two -- once or
20 twice a year. And the first time I found that I did
21 training was in 2008.

22 Q. So it sounds like maybe 15 or 16 times
23 you've done the training?

24 A. Yes.

25 Q. And has the training been the same from 2008

1 to now, or have you been asked to address different
2 things?

3 A. They're new situations that come up, new
4 dynamics that arise locally and nationally, so I adapt
5 the training to that. I also adapt the training to
6 the audience.

7 Q. Is the audience comprised of deputies?

8 A. Not always.

9 Q. And who else may attend?

10 A. I have conducted training at the academy for
11 new detentions deputies. I have conducted training at
12 Ridgehaven, our administrative headquarters, for both
13 sworn and professional staff, new supervisors. I've
14 provided training for new sergeants. And I have been
15 asked to provide training on media to the regional
16 training center here in San Diego which trains new
17 lieutenants from throughout the state.

18 Q. The regional training center that trains new
19 lieutenants throughout the state, is that different
20 from the regional academy that we talked about that
21 trains new officers?

22 A. Yes.

23 Q. Going back to Exhibit 1 on page 8, the media
24 guide, has any of the training that you've provided
25 address the discretion that on-scene officers have to

1 grant, on a case-by-case basis, access to scenes, even
2 though they don't have official government media
3 credentials?

4 A. Not specifically, to my knowledge.

5 Q. Has it addressed it peripherally?

6 A. Maybe peripherally.

7 Q. Sitting here today, what do you recall about
8 even peripheral references you've made to that
9 discretion?

10 A. Based on the fact that we've had two very
11 large wildfires here, 2003, 2007, we train for that.
12 And we are familiar with these disaster scenes, and
13 the deputies and officers around the county are. And
14 so we discuss granting access to the media versus
15 civilians.

16 Q. When you say the media, again, are you
17 referring to only those who have San Diego Police
18 Department issued media credentials or other law
19 enforcement credentials?

20 A. Well, again, I'm not on the front scenes of
21 a disaster. And the deputies, depending on where they
22 are, would probably allow people through that don't
23 always have the government-issued or the largely
24 recognized credential.

25 Q. Have you provided any training with regard

1 to a standard for who you allow in to instances like
2 the wildfires in 2003 and 2007 who didn't have the
3 San Diego Police Department issued media credentials?

4 A. I don't recall that specifically, no.

5 Q. Well, sitting here today, do you have in
6 your mind a standard of who would be let into, for
7 example, incidents such as the 2003 and 2007
8 wildfires, even though they didn't have the San Diego
9 Police Department issued media credentials?

10 A. Well, again, it says it's granted on a
11 case-by-case basis, absent the official government
12 media credentials. And that would be a call that the
13 deputy or the officer would have to make on scene.

14 Q. But somebody trains them to make those
15 calls, correct?

16 A. This is addressed in the training academy
17 that they initially attend, and they probably have
18 some discussion. But as far as a specific block of
19 training, I don't teach that, and I can't say that the
20 San Diego Police Department does in the regional
21 academy.

22 Q. And the 15 to 16 times you've conducted
23 training and then the other training you provided that
24 you've testified about already, giving them guidance
25 on exercising the discretion of the field was not part

1 of that training either?

2 A. No, I have not done that.

3 Q. I mean, you had mentioned I think previously
4 that it was your understanding that -- I think you
5 mentioned it was your understanding that Ed Baier has
6 a felony and so does not have -- or is not eligible or
7 not qualified, or is disqualified from having a
8 San Diego Police Department media credential, right?

9 A. That is my understanding.

10 Q. No, I understand that's your understanding.

11 Do you know if the deputies in the field
12 have complete discretion, even to let people who have
13 felonies into scenes? I mean, is there any standard
14 given to the deputies out in the field, that you know
15 of, who would be allowed in on a case-by-case basis
16 absent media credentials issued by the government?

17 A. At a disaster scene, media personnel are
18 allowed inside, civilians are not.

19 Q. But again, going back to Exhibit 1 on
20 page 8, it says: "Absent official government media
21 credentials, access pursuant to 409 penal code will be
22 granted on a case-by-case basis upon presentation of
23 information complying with 409.5 P.C."

24 409.5 C references disasters, correct, among
25 a lot of other things?

1 A. You're referring to C, Subsection C?

2 Q. Well, A references disaster. I'm not sure I
3 see it in C. I'm looking. I just see it in A.

4 MR. CHAPIN: I'm not sure why were going
5 down this path. This case doesn't involve menace to
6 public health in any way.

7 MS. BAIRD: Right. All I'm trying to figure
8 out is if Ms. Caldwell has any knowledge whether the
9 deputies out in the field are trained with regard to
10 this discretion they have to grant, on a case-by-case
11 basis --

12 MR. CHAPIN: I understand.

13 MS. BAIRD: -- access pursuant to 409.5.

14 THE WITNESS: I believe I've answered that.

15 BY MS. BAIRD:

16 Q. And the answer -- I'm not sure what the
17 answer was. Was the answer no?

18 A. I'm not sure what your question is. One
19 more time, please.

20 Q. I've heard you say a couple of things.
21 You're not there. They're there. They're trained at
22 the regional academy. So I just want to get it
23 straight.

24 On Exhibit 1, page 8 where it says: "Absent
25 official government media credentials, access pursuant

1 to 409.5 penal code will be granted on a case-by-case
2 basis," I'm just trying to figure out if you know of
3 any training given to the deputies, with regard to how
4 they exercise that discretion, to give access pursuant
5 to 409.5 on a case-by-case basis when individuals
6 don't have the government media credentials.

7 A. Well, and the rest of that is upon
8 presentation of information complying with 409.5 penal
9 code.

10 Q. Yes, it is.

11 A. So it is up to the deputy on scene. As far
12 as the training that goes to that, I do not
13 specifically conduct training. With that, that would
14 be probably better asked of those who train at the
15 Regional Law Enforcement Academy.

16 Q. Thank you. Right now I'm asking you if you
17 have any knowledge about any training given to
18 deputies out in the field to exercise that discretion.

19 A. Not to my knowledge.

20 Q. Okay. Are they told what kind of
21 information is supposed to be presented?

22 A. I do not train in that area, no.

23 MS. BAIRD: If we could have this marked as
24 Exhibit 3.

25 MR. CHAPIN: Do you really need to have that

1 attached as an exhibit?

2 MS. BAIRD: Well, I'm going to go through
3 and just ask about specific paragraphs.

4 MR. CHAPIN: It's up to you. That will make
5 it a longer transcript.

6 MS. BAIRD: I mean, if you want to stipulate
7 that -- we could do that.

8 MR. CHAPIN: We're referring to the amended
9 complaint.

10 MS. BAIRD: So unmark that?

11 MR. CHAPIN: So you don't have to have
12 that -- if that's okay with you.

13 MS. BAIRD: That's fine.

14 So we'll stipulate that this is the third
15 amended complaint that I'm referring to when I
16 reference --

17 MR. CHAPIN: Just identify the paragraphs.

18 MS. BAIRD: Yes, exactly.

19 BY MS. BAIRD:

20 Q. Ms. Caldwell, do you know of any photograph
21 of Mr. Playford in possession of the San Diego County
22 Sheriff's Department?

23 A. Can you be more specific?

24 Q. Because it's not clear enough to you what
25 I'm asking?

1 MR. CHAPIN: Well, we have booking photos.
2 Probably things like that.

3 MS. BAIRD: Well, that's my question.

4 MR. CHAPIN: She may not know.
5 Go ahead and answer.

6 THE WITNESS: I don't know of any booking
7 photos. I know of one photograph.

8 BY MS. BAIRD:

9 Q. Okay. And what is the one photograph you
10 know of?

11 A. Photograph that we gave to the lobby
12 deputies a few years ago of Mr. Playford.

13 Q. Do you know where the picture that was
14 portrayed on that document was obtained?

15 A. I believe from the San Diego Police
16 Department.

17 Q. You were the public information officer at
18 the time, correct?

19 A. I have for the last past nine-and-a-half
20 years.

21 Q. And are you able to narrow when this
22 photograph of Mr. Playford was provided to the -- did
23 you say it was the lobby deputy?

24 A. Correct.

25 Q. The lobby deputy?

1 A. I honestly don't remember.

2 Q. Do you know who provided it to the lobby
3 deputy?

4 A. I did.

5 Q. Were you instructed to do that by someone
6 else?

7 A. No.

8 Q. What was your reason for doing it?

9 A. Deputy safety.

10 Q. Was it a one-page document with a photograph
11 on it?

12 A. I believe so.

13 Q. What was the means of putting it together?

14 A. I'm not sure I understand.

15 Q. For example, there was a photograph in the
16 document, correct?

17 A. Correct.

18 Q. Was the photograph originally in digital
19 form on a computer?

20 A. It might have been.

21 Q. Do you know if it was e-mailed from the
22 San Diego Police Department?

23 A. I believe it was.

24 Q. And who was the PIO at the time at the
25 San Diego Police Department?

1 A. Detective Hassen.

2 Q. And did you request that he send you the
3 photograph?

4 A. I may have.

5 Q. Well, may he have just sent it to you on his
6 own?

7 A. I probably requested it.

8 Q. And what was the reason for the request?

9 A. Deputy safety.

10 Q. What was the information that you had that
11 providing this picture to the lobby deputy would
12 address deputy safety?

13 A. Mr. Playford's behavior and conduct
14 recently.

15 Q. What was the behavior and conduct?

16 A. He was rather aggressive, argumentative,
17 caustic.

18 Q. Towards you?

19 A. Toward me and others, other deputies, other
20 personnel.

21 Q. When he acted in this manner toward you,
22 was he in your presence?

23 A. Yes.

24 Q. Was that conduct displayed in any other
25 manner? For example, you had said you had gotten some

1 voice mails and e-mails from another individuals. So
2 I'm asking you: Other than this conduct being
3 displayed in your presence, were there any other kinds
4 of communications where he displayed this conduct
5 towards you?

6 A. At that time, I don't believe so. I think
7 it was just in person.

8 Q. At any other time, has the conduct been
9 displayed towards you in other manner?

10 A. He's left some voice mails in my office, as
11 well as the office of the sheriff that have been
12 antagonistic.

13 Q. Have those voice mails been continuous, or
14 did they occur during certain periods of time?

15 A. Sporadic.

16 Q. When was the last one that you recall?

17 A. I'm guessing last year.

18 Q. Now, who was the lobby deputy that you
19 provided the photograph to?

20 A. I don't remember.

21 Q. Did you discuss with your direct supervisor,
22 the undersheriff at that time, that you were going to
23 do this?

24 A. I don't believe so. I may have, but I don't
25 believe so.

1 Q. Do you know if Sheriff Gore was the sheriff
2 at the time when you passed this photograph on to the
3 lobby deputy?

4 A. It may have been beforehand.

5 Q. So if it was beforehand, then it would be
6 Sheriff Kolender, correct?

7 A. Correct.

8 Q. And Sheriff Gore would have been your direct
9 supervisor as the undersheriff?

10 A. Correct.

11 Q. Did you use a computer to print out the
12 document that you gave to the lobby deputy?

13 A. I would have.

14 Q. And was there anything written on the
15 document -- well, I should say typed in on the
16 computer on -- that was on the same document as the
17 photograph?

18 A. Probably his name.

19 Q. Do you know if his date of birth was on the
20 document?

21 A. It may have been. I don't remember for
22 certain.

23 Q. Do you know if there was any other
24 information on the document other than a name?

25 A. Not to my recollection, but there could have

1 been.

2 Q. You mentioned that other than you, there had
3 been conduct displayed by Mr. Playford towards others
4 that led to a concern for deputy safety. Could you
5 identify the others that had encountered
6 Mr. Plaford's conduct that led you to believe there
7 may be concerns for deputy safety.

8 A. The lieutenant at the time in Fallbrook was
9 Duncan Frasier, F-r-a-s-i-e-r. And deputies, other
10 deputies, I don't know their names. Sheriff Gore,
11 myself. Other deputies, I don't remember their names.
12 There were several instances. And other members of
13 the media, as well as some of our professional staff.
14 And that's just in our department.

15 Q. Have you in your nearly ten years ever
16 provided a photograph to a lobby deputy based on
17 concerns for deputy safety other than the one of
18 J.C. Playford?

19 A. I don't think I provided Ed Baier. I may
20 have, but those would be the only two to my knowledge,
21 to my recollection.

22 Q. Now, was it you who provided the photograph
23 of Mr. Playford and perhaps Mr. Baier because they
24 identified themselves as media and you were the PIO?
25 In other words, why was the PIO involved in this?

1 A. Because of them alleging to be media and
2 because of my position and because of behaviors that I
3 had witnessed firsthand.

4 Q. Did you refer it to -- with regard to the
5 behavior you witnessed firsthand, did you refer it to
6 any deputy for investigation of a possible or
7 potential criminal violation?

8 A. No.

9 Q. Did you provide instructions to the lobby
10 deputy what to do with the photograph when you
11 provided it?

12 A. I believe I said, "This is a photograph of
13 J.C. Playford. He is a person known to me that is
14 antagonistic and aggressive, and I'm giving this
15 photograph to you for deputy safety reasons." I would
16 have said something along those lines.

17 Q. Is there any manner of inputting information
18 like that into a computer system to make everyone
19 aware of it if there was a concern for deputy safety?

20 A. Yes. There would be an e-mail that could go
21 to everyone in the department.

22 Q. Do you know if that happened?

23 A. No, it did not.

24 Q. With regard to Mr. Playford?

25 A. It did not.

1 Q. So there was a concern about Mr. Playford
2 gaining access then to that one particular building
3 where the lobby deputy served?

4 A. Yes, because he came there frequently.

5 Q. So was there a particular place in the lobby
6 where the picture was kept of Mr. Playford?

7 A. I gave the picture for their information. I
8 did not instruct them further.

9 Q. And are all the lobby deputies sworn
10 officers?

11 A. Yes.

12 Q. Did you ever see the poster -- the document
13 with Mr. Playford's picture on it after the day when
14 you handed it to the lobby deputy?

15 A. I don't go down there often. I may have,
16 but not specifically.

17 Q. Do you know if it was posted in a prominent,
18 visible area?

19 A. I don't know.

20 Q. Do you have any idea what happened to it?

21 A. I don't.

22 Q. Did you, after you prepared the document on
23 the computer with the photograph, e-mail it to anyone?

24 A. Not to my recollection.

25 Q. Do you know if any law enforcement agencies,

1 other than the San Diego County Sheriff's Department,
2 obtained that document with Mr. Playford's photo?

3 A. Not to my knowledge.

4 Q. Did you provide Detective Hassen with a copy
5 of the document?

6 A. Not to my recollection.

7 Q. Do you have any knowledge of how that
8 document with Mr. Playford's photo would have ended up
9 at -- or with security at Miramar?

10 A. I have no idea.

11 Q. Where is the regional academy that's run by
12 the San Diego Police Department located?

13 A. Miramar College.

14 Q. That's different than Miramar, right?

15 A. Well, there's Miramar base. There's Miramar
16 College. They're different entities.

17 Q. They're not located together?

18 A. They are not co-located, no.

19 Q. So just to clarify my question, then, do you
20 have any knowledge of how that picture of Mr. Playford
21 that you provided to the lobby deputy would have ended
22 up at Miramar base?

23 A. I have no knowledge of that. I have no
24 idea.

25 Q. When was Detective Hassen the PIO?

1 A. To the best of my recollection, he started
2 before I retired from the FBI. Maybe in 2004, '5.
3 You'd have to check with the PD on this. And he
4 retired maybe three years ago, but I don't know for
5 sure.

6 Q. Just as a reference, if it's helpful to you,
7 I'm going to be referring to paragraph 16 on page 6 of
8 the third amended complaint, and that's what my next
9 question will be based on.

10 A. Ms. Baird, I'd like to back up --

11 Q. Yes.

12 A. -- and pause here. You indicated that
13 Mr. Playford's photograph was at Miramar base. I
14 think we did provide his photograph before Sheriff
15 Kolender's funeral in case he were to show up. Not to
16 deny access, but just to make aware who J.C. Playford
17 was, and that he was an aggressive individual.

18 Q. Sheriff Kolender, obviously he passed away,
19 correct?

20 A. Yes, he did.

21 Q. When did he pass away?

22 A. His services were last October.

23 Q. October of 2015?

24 A. Correct.

25 Q. Was he former military? Was he --

1 A. No.

2 Q. Were the services at the base?

3 A. His memorial was at the base. It was a
4 large venue.

5 Q. Okay. I understand. Thank you.

6 In paragraph 16 of the third amended
7 complaint, it makes reference to a representation at
8 the website for sdsheriff.net with regard to a
9 protocol where the "public affairs media relations
10 office grants credentialed media superior access to
11 the most up-to-date and reliable information."

12 Do you recognize the language?

13 A. "Superior access," no, I don't know where
14 that comes from.

15 Q. Well, do you recognize -- if you could just
16 look at the quoted material: "grants credentialed
17 media the most up-to-date and reliable information."

18 Do you recognize that?

19 A. Let me read this and see if I may.

20 I don't really recognize it, but I don't
21 think I would take issue, I don't believe.

22 Q. Well, the real question is: The reference
23 to "credentialed media," is that media credentialed by
24 the San Diego Police Department?

25 A. Correct.

1 Q. Or other law enforcement agencies?

2 A. Correct.

3 Q. And is it the policy of the public affairs
4 media relations office to provide information to
5 individuals or agencies that are credentialed by the
6 San Diego Police Department, that would not be
7 provided to those who are not credentialed by the
8 San Diego Police Department?

9 A. We would provide information after hours
10 through our communications center or through media
11 access to me through e-mail after hours and provide
12 information.

13 Q. And would you limit that provision of
14 information to those who are credentialed by law
15 enforcement agencies?

16 A. Generally those that reach out to me after
17 hours, I recognize that have my e-mail address and I
18 answer their questions. When someone calls the media
19 line in the communications center, I do not believe
20 the watch commander asks them if they have valid
21 San Diego Police/Fire credentials. They answer the
22 questions to the best of their ability because it's
23 public source information, and they would answer it to
24 anyone who called.

25 Q. Okay. I'll be referring to paragraph 19 in

1 the third amended complaint.

2 A. 190?

3 Q. Yes. It's on page 34. Thank you.

4 Did you make a statement to a North County
5 Times reporter named Brandon Laury as quoted in
6 paragraph 190?

7 A. Are you asking me if I said this?

8 Q. Yes.

9 A. Yes.

10 Q. And is that an accurate representation of
11 your observations and opinion?

12 A. It is as of 2012. Since then, I've done an
13 interview with him where he was talking about CCWs,
14 and I went downstairs and talked with him at length
15 about it and it went fine. He was at the funeral of
16 an Escondido Police Department officer, Laura Perez,
17 and he was well mannered. And he was at the swearing
18 in of Sheriff Gore the last time, and he was also well
19 mannered.

20 Q. Did that swearing in take place inside or
21 outside?

22 A. Inside.

23 Q. And was that an event that required media
24 credentials issued by San Diego?

25 A. It was held here, so we had no say.

1 Q. Referencing paragraph 191, and I'll just go
2 through the sections I've listed there, A through F in
3 the third amended complaint. Do you recall attending
4 a February 19th, 2013, meeting of the San Diego
5 Society of Professional Journalists?

6 A. Yes, I do.

7 Q. And were you invited to go to that event?

8 A. Yes, I was.

9 Q. Have you been to any other San Diego Society
10 of Professional Journalists events?

11 A. No, I have not.

12 Q. My next question is: In paragraph 191,
13 Subsection A, is that statement in quotes an accurate
14 statement of something you said at that February 19th,
15 2013, meeting?

16 A. Yes, I believe that's accurate.

17 Q. Is Subsection B an accurate statement of
18 a statement you made at that February 19th, 2013,
19 meeting?

20 A. I believe.

21 Q. Is there anything in Subsection B that you
22 would not agree with as your observation or opinion as
23 you sit here today?

24 A. Well, I don't know if I would say that's my
25 soap box on that, but I may have.

1 Q. Paragraph 191, Subsection C, is that a
2 statement that you made at the February 19th, 2013,
3 meeting?

4 A. Yes, I believe that's accurate.

5 Q. When you became the public information
6 officer almost ten years ago, was it an issue that you
7 knew of that had been raised about whether those with
8 media credentials issued by a law enforcement agency
9 should be treated differently than media credentials
10 issued by a non law enforcement agency?

11 A. The media has changed a great deal since
12 that time, since I began doing this in 1993. The
13 advent of social media, a lot has changed, so it was a
14 different environment then.

15 Q. Have you had discussions with your
16 supervisor, the undersheriff, or even the sheriff,
17 regarding any changes in the protocol that currently
18 just recognizes media as those issued credentials by
19 law enforcement agency?

20 A. Sorry. Can you boil that down a little bit?

21 Q. Yeah. Given the changes that you've
22 mentioned in social media since you came on board
23 nearly ten years ago, have you had any discussions
24 with the supervisor, the undersheriff, or even the
25 sheriff or anyone else, about changing the protocol

1 that's been in effect since you came on board that
2 just recognizes the media as those holding credentials
3 issued by a law enforcement agency?

4 A. No.

5 Q. Do you know if the San Diego County
6 Sheriff's Department has any discretion with regard to
7 who or whom it recognizes as the media?

8 MR. CHAPIN: Objection. That's vague as to
9 time, location issue.

10 MS. BAIRD: Okay. Fair enough.

11 BY MS. BAIRD:

12 Q. Does the San Diego County Sheriff's
13 Department have to, under some policy, procedure,
14 law, regulation, memorandum of understanding,
15 recognize as the media only those issued media
16 credentials by the San Diego Police Department?

17 MR. CHAPIN: Same objection. I'm not sure
18 the question is clear.

19 THE WITNESS: I'm sorry. I don't
20 understand.

21 BY MS. BAIRD:

22 Q. Why is it that the San Diego County
23 Sheriff's Department delegates its authority as to who
24 is the media or is not the media to the San Diego
25 Police Department?

1 A. That was a decision I understand that was
2 made many, many years ago in a division of labor, that
3 the San Diego Sheriff's Department would issue
4 concealed carry weapons permits, and the San Diego
5 Police Department would issue media credentials.

6 Q. And other than that division of labor, is
7 there any other reason that you know of or have been
8 told of?

9 A. No.

10 Q. Going to paragraph 191D, Subsection D of the
11 third amended complaint, is that a statement in quotes
12 that you made on February 19th, 2013, at the meeting
13 of the Society of Professional Journalists?

14 A. I believe it is.

15 Q. And is that an opinion or observation that
16 you hold today?

17 MR. CHAPIN: I'm not sure that's an opinion.
18 That's a statement.

19 Can you answer that?

20 BY MS. BAIRD:

21 Q. Did you answer?

22 A. No.

23 MR. CHAPIN: That's sort of a preface to E.
24 I'm not sure there's any opinion. Your question is
25 whether that's an opinion.

1 MS. BAIRD: Well, are you saying that it's a
2 fact? I don't know if that's a fact or not.

3 MR. CHAPIN: It's like an incomplete
4 sentence, so I'm not sure it has a verb.

5 THE WITNESS: It is difficult to discern who
6 is media today. This hyperbole is given to indicate
7 that it is very difficult for PIOs to ascertain who is
8 legitimate media; that is, someone who you can give
9 information to the smallest number of people, to get
10 information to the largest number of people. Because
11 PIOs are small in number, but when we have something
12 to share, we need to make sure we get it out to people
13 that would share it with the most people.

14 BY MS. BAIRD:

15 Q. That pertains to when the PIO is
16 disseminating information, correct?

17 A. Disseminating information, answering
18 questions, any number of things.

19 MR. CHAPIN: Can we go off the record.

20 (Recess taken.)

21 BY MS. BAIRD:

22 Q. Going back to -- I wanted to follow up on
23 something you had said about -- when we broke, about
24 wanting to distribute information to a media
25 organization that can get the word out to the most

1 people, and that being an important consideration.

2 Did I summarize that right?

3 A. I believe so.

4 Q. What is the consideration in instances where
5 individuals such as Mr. Playford responds to a single
6 car accident where you don't have the large mainstream
7 credentialed media responding? What are the
8 considerations there that require the San Diego County
9 Sheriff's Department to identify who is credentialed
10 by law enforcement agency and who isn't?

11 MR. CHAPIN: I'm going to object as vague.
12 It's sort of an incomplete hypothetical question.

13 BY MS. BAIRD:

14 Q. Can you answer it?

15 A. I'm not sure I understand.

16 Q. Going back to paragraph 191. D and E, if
17 you want to read them together. And then I guess I
18 could ask the question more clearly then, if you
19 currently hold the position expressed in paragraph
20 191, Subsections D and E together of the third amended
21 complaint.

22 A. Well, I believe I answered that, but I'm
23 happy to try to do it again. That this hyperbole was
24 given in this panel form to express consternation that
25 it's hard to identify journalists today.

1 Q. So you have no knowledge that the San Diego
2 Police Department, in issuing media credentials,
3 considers somebody's weight?

4 A. No.

5 Q. That was a hyperbole?

6 A. That's hyperbole.

7 Q. And you don't have any knowledge that the
8 San Diego Police Department considers whether somebody
9 is disabled, whether they're credentialed or not?

10 A. Absolutely not. This was a panel setting.
11 And in this one dimension, it's hard to see how that
12 was, but it was hyperbole given just to illustrate the
13 point. It's hard to see who's real media today and
14 who pretends to be media.

15 Q. Do you know if the San Diego Police
16 Department issues media credentials to felons?

17 A. My understanding is they do not, but that
18 would have to be directed to them.

19 Q. Would you have any concerns if they did?

20 A. Yes, I would.

21 Q. Have you been concerned enough to check to
22 see if they do?

23 A. No, I have not.

24 Q. Are you familiar with the National Press
25 Photographers Association?

1 A. I believe I've heard of it. I'm not sure.

2 Q. It doesn't sound like you recall having any
3 communications or direct contact with anyone
4 associated with NPPA?

5 A. I might have, but I don't recall. If I had
6 a name, maybe I would remember. But not off the top
7 of my head.

8 Q. Have you ever -- let me put it this way.
9 Do you recognize the name Mickey Ostereicher?

10 A. Yes, I've been contacted by him.

11 Q. In particular any issues you've been
12 contacted by him for?

13 A. To the best of my recollection, I believe he
14 wanted me to attend a training he was putting on here
15 in San Diego within the last couple of years -- I
16 don't remember exactly when -- about the right of
17 access.

18 Q. Did you attend the training?

19 A. I did not.

20 Q. It's my understanding -- and tell me if I'm
21 wrong -- from your testimony that the San Diego County
22 Sheriff's Department is not considering any changes to
23 its position that the valid media is media issued
24 credentials by law enforcement agencies, correct?

25 MR. CHAPIN: Objection. That's vague. Sort

1 of compound.

2 BY MS. BAIRD:

3 Q. Well, is the San Diego County Sheriff's
4 Department considering currently any changes to its
5 protocol, that only individuals or agencies issued
6 media credentials by law enforcement are valid media?

7 MR. CHAPIN: Same objection. And the
8 context is too broad, sounds like to me, talking about
9 having access to the sheriff's department
10 headquarters. You're talking about having access to a
11 press conference on the courthouse steps. If you
12 could narrow it down.

13 BY MS. BAIRD:

14 Q. I guess what I need to do then is, I need to
15 define the different categories of media events that
16 the San Diego County Sheriff's Department encounters.
17 I think we've already talked about media conferences,
18 correct?

19 A. Correct.

20 Q. And then there's instances out in the field
21 where the front-line deputies come in contact with
22 individuals who have valid press credentials or
23 represent themselves as the media, correct?

24 A. Correct.

25 Q. Are we able to define categories for other

1 events?

2 A. We would conduct interviews. The sheriff,
3 any member of the department could be a participant in
4 a media interview. E-mail contact, telephonic
5 contact. Sometimes things even come up with a fax
6 machine. Lot of different ways the media can contact
7 the sheriff's department with a lot of different
8 people.

9 Q. Is there a difference in whom the sheriff's
10 department considers media based on what the event is?

11 A. I'm sorry. Can you restate that?

12 Q. Is there a different standard that's applied
13 to determining if somebody is media -- if a member of
14 the media -- if the media event is different?

15 A. No. We attempt to answer the questions by
16 the media or the general public to the best of our
17 ability.

18 Q. Even if it's an after-hours contact by
19 e-mail, such as we referenced in the media guide
20 that -- the questions are answered the same from the
21 media as the general public?

22 A. Yes, generally.

23 Q. Do you know why -- do you know why on the
24 three different occasions -- and we can go into the
25 complaint if you need more background of the dates and

1 times. But do you know why on the three different
2 occasions that are referenced in the complaint in this
3 case, why Mr. Playford wasn't allowed access to
4 accident scenes?

5 A. I have no idea. That's up to the deputy or
6 the incident commander at each scene, and I was not
7 there.

8 Q. Do you know if it had anything to do with
9 him not having media credentials issued by the
10 San Diego Police Department?

11 A. I couldn't answer that question since I
12 wasn't there.

13 Q. Do you agree that the officers at those
14 scenes, the deputies at those scenes had the
15 discretion on a case-by-case basis to allow
16 Mr. Playford into the accident scene, even though he
17 didn't have media credentials issued by the San Diego
18 Police Department?

19 MR. CHAPIN: Objection. That's vague.
20 Assumes facts not in evidence. It misstates the
21 statute -- misstates the evidence that in these events
22 there was no menace to public health.

23 Are you able to answer the question?

24 THE WITNESS: We would not allow anyone into
25 an accident crime or incident scene until the scene

1 was finished, to preserve evidence and for public
2 safety and to conclude the investigation.

3 BY MS. BAIRD:

4 Q. Okay. So even if a person -- are you
5 familiar with Karen Braner?

6 A. No, I'm not.

7 Q. Even if a person who had media credentials
8 issued by the San Diego Police Department, even if a
9 person had those credentials, they would not be
10 allowed into an accident scene until the investigation
11 was closed?

12 A. They would not be allowed past the tape or
13 where the deputy told them not to cross.

14 MR. CHAPIN: Objection. Vague again as to
15 "accident scene." If it is a crime scene, I think
16 that is what the witness is referring to.

17 MS. BAIRD: Well, I'm referring to accident.

18 MR. CHAPIN: Then you're vague again.
19 Because accident, in your view, falls within 409.5,
20 which is not the court's view or the statement of law.
21 If you're asking for a legal conclusion in the
22 context of the question --

23 MS. BAIRD: What did you say? Accident
24 doesn't fall into 409.5?

25 MR. CHAPIN: Accident does not fall into

1 409.5 in any event, in this case, and only involves an
2 incident which is a menace to public safety in
3 Subsection A.

4 MS. BAIRD: But accident is right there. Do
5 you see the word?

6 MR. CHAPIN: That's what Mr. Playford says
7 too. The judge has already ruled on that. It's not
8 an issue in this case. It's an accident involving a
9 menace to public safety. My objection is just that
10 you're asking --

11 MS. BAIRD: This is a deposition.

12 MR. CHAPIN: I know. I'm objecting for the
13 record.

14 MS. BAIRD: Those other plaintiffs could
15 very well come back at another time.

16 MR. CHAPIN: I'm objecting to the form of
17 the question simply because it's calling for a legal
18 opinion and conclusion. You're misstating the statute
19 and you're asking the witness to assume something
20 that's not accurate. She can answer the question if
21 it's possible. I'm objecting to the form of the
22 question.

23 BY MS. BAIRD:

24 Q. You don't remember the question anymore, do
25 you?

1 A. You would have to restate it.

2 MS. BAIRD: We have to go back to the
3 record.

4 (Record read.)

5 MS. BAIRD: I don't think I misstated
6 anything in the complaint. I wasn't even asking about
7 the complaint.

8 MR. CHAPIN: I just want to make sure the
9 objection is to the form of the question, which
10 assumes that any accident scene falls within Section
11 409.5. That's not the case. That's not the law.

12 BY MS. BAIRD:

13 Q. Again, what your counsel is saying about the
14 law and accidents and all that, you don't train
15 anybody in that?

16 A. I do not.

17 Q. You do not. That would happen at the
18 regional academy, if it happens?

19 A. It would happen there.

20 Q. And you don't have any idea what they tell
21 them there?

22 A. I have not attended a class, no.

23 Q. That's a different question. You could have
24 an idea other ways.

25 A. No, I don't know. I'm not a sworn deputy.

1 MS. BAIRD: Okay. If we can have this
2 marked as the next exhibit, Exhibit 3.

3 (Exhibit 3 was marked for identification by
4 the court reporter.)

5 BY MS. BAIRD:

6 Q. This may be quick. I just want to go
7 through some of the names with you. If you could turn
8 to page 2 of Exhibit 3.

9 A. Okay.

10 Q. Have you discussed Mr. Playford's conduct
11 with Sheriff Gore?

12 A. In general?

13 Q. Ever.

14 A. Yes.

15 Q. When was the last time?

16 A. I don't recall. It's been recently.

17 Q. Do you recall what prompted that discussion
18 with Sheriff Gore?

19 A. Probably this lawsuit.

20 Q. Was it prompted by any conduct of
21 Mr. Playford?

22 A. Not recently.

23 Q. Are you able to recall any other
24 discussions, other than this most recent one about
25 the -- that may have been about the lawsuit?

1 A. Over the years there have been several,
2 many. But as to specific times, I don't remember
3 exactly.

4 Q. And what particular issues have you
5 discussed with Sheriff Gore about Mr. Playford?

6 A. His aggressiveness. We believe him to be
7 unstable. His violation of body space with his
8 cameras. Primarily those issues.

9 Q. Does Sheriff Gore -- to your knowledge, is
10 Sheriff Gore aware of the document with Mr. Playford's
11 picture on it that was given to the lobby deputy?

12 A. I believe he's aware of it because of the
13 lawsuit.

14 Q. Do you know if Sheriff Gore is aware of the
15 distribution of the document with Mr. Playford's
16 picture to Miramar base?

17 A. I don't know.

18 Q. Addressing page 2 again of Exhibit 3,
19 No. 3, do you have any knowledge of Deputy Thomas
20 Seiver's involvement at any time with Mr. Playford?

21 A. I don't.

22 Q. Do you know who Deputy Thomas Seiver is?

23 A. I've heard his name.

24 Q. Same question. Deputy Brendan Cook, do you
25 know who he is?

1 A. I've heard his name.

2 Q. And do you know of any association between
3 Deputy Brendan Cook and Mr. Playford?

4 A. I do not.

5 Q. Deputy Jesse Allensworth, do you know his
6 name?

7 A. I may.

8 Q. Is it fair to say that you haven't discussed
9 this case with Deputy Thomas Seiver?

10 A. No.

11 Q. Or Deputy Brendan Cook?

12 A. No.

13 Q. Deputy Jesse Allensworth?

14 A. No.

15 Q. And none of them have ever -- I'll ask it
16 singly. Deputy Thomas Seiver ever come to you to ask
17 you about handling media out in the field?

18 A. I don't recall that.

19 Q. Deputy Brendan Cook, has he ever come to you
20 to ask you about handling media out in the field?

21 A. I don't recall.

22 Q. Deputy Jesse Allensworth, has he ever
23 contacted you to ask about handling media out in the
24 field?

25 A. I don't recall.

1 Q. Deputy James Brennan, do you recognize that
2 name?

3 A. Not really.

4 Q. It sounds like he's never contacted you to
5 discuss some handling media in the field?

6 A. Not that I recall.

7 Q. Deputy Michael Proctor, do you know him or
8 recognize his name?

9 A. I recognize the name.

10 Q. And has he ever come to you to discuss
11 handling media out in the field?

12 A. Not that I remember.

13 Q. Deputy Jason Ward, do you recognize his
14 name?

15 A. No.

16 Q. And do you recall him ever coming to you to
17 discuss handling media out in the field?

18 A. Not that I recall.

19 Q. Deputy James Stemper, do you recognize his
20 name?

21 A. I don't think so.

22 Q. Do you recall him ever contacting you to --
23 with regard to recognizing or handling media out in
24 the field?

25 A. Not that I recall.

1 Q. California Highway Patrol Officer Joseph
2 Nielsen, do you know him?

3 A. I do not.

4 Q. And I believe we've discussed San Diego
5 Police officer Gary Hassen?

6 A. Correct.

7 Q. Am I correct that he's the -- or he was the
8 public information officer for the San Diego Police
9 Department?

10 A. Yes.

11 Q. Do you know Steve Fiorina?

12 A. I do.

13 Q. Have you had contact with him in his
14 capacity as the media?

15 A. Yes.

16 Q. A reporter?

17 A. Yes.

18 Q. And how long have you known him?

19 A. Maybe since I began doing this in 1993.

20 Q. Have you ever discussed Mr. Playford with
21 Mr. Fiorina?

22 A. Not that I recall.

23 Q. Have you discussed Mr. Playford with any
24 member of the valid media, the media that has the
25 credentials issued by law enforcement?

1 A. Yes.

2 Q. And who have you had those discussions with?

3 A. I can't remember his name. He is a reporter
4 with Channel 7. Several years ago, when Mr. Playford
5 was at Ridgehaven, made a comment that Mr. Playford
6 was a joke. More recently, this past January, at a
7 Code 11 in Imperial Beach, a cameraman for KUSI
8 commented that J.C. Playford was a problem.

9 Q. When was that time frame on the Code 11?

10 A. January.

11 Q. Of 2016?

12 A. Correct.

13 Q. Did you convey that information in either
14 one of those two instances to any deputy to
15 investigate or anyone to investigate?

16 A. No.

17 Q. You have to tell me, Imperial Beach, is that
18 in the City of San Diego, or is that in the County?

19 A. It's in the County.

20 Q. And Ridgehaven, is that in the City or
21 County?

22 A. That is in the City. That's our
23 headquarters.

24 Q. Do you know if either one of these
25 reporters -- well, the cameraman and the individual

1 from Channel 7, were they making a criminal complaint?

2 A. No.

3 Q. Did they contact you? In other words, how
4 did the discussion -- we'll start with the Channel 7
5 discussion. How did that arise?

6 A. I believe Mr. Playford was at Ridgehaven,
7 and this reporter expressed his opinion about
8 Mr. Playford in general.

9 Q. Were you there?

10 A. Yes, I was.

11 Q. And was this reporter in your office and
12 expressed the opinion?

13 A. No. We were outside in front of the
14 building.

15 Q. Was this some sort of media conference
16 outside the building?

17 A. I don't remember if it's a conference or
18 just interviews being conducted.

19 Q. And then the Code 11 in Imperial Beach, how
20 did that discussion arise?

21 A. I was just standing there just talking with
22 the media, not official statements, waiting before --
23 in between my statements, and this cameraman
24 approached me to give his opinion about Mr. Playford.

25 Q. So this was during the daytime?

1 A. It was late afternoon, early evening.

2 Q. And about how many people were present?

3 A. I think it was just the two of us. There
4 were other people present. There were probably 15 to
5 20 other people in the area, but did not hear our
6 conversation.

7 Q. What's a Code 11?

8 A. That's when our Swat Team is called out to
9 usually a barricade situation, a subject barricade or
10 hostage situation.

11 Q. And that's part of your job duty to respond
12 to events like that?

13 A. Correct.

14 Q. And you have some sort of an area set aside
15 where you disseminate information to the media?

16 A. We have a media section set up, yes.

17 Q. And is that what happened?

18 A. Correct.

19 Q. And were you the primary individual giving
20 out information at that media site that was set up?

21 A. Yes.

22 Q. There were about 20 members of the media or
23 the general public in that area?

24 A. Approximately.

25 Q. It didn't really matter which was which at

1 that point. You were just giving out information.
2 It wasn't information just for credentialed media, or
3 was it?

4 A. It was outside in a public area, so it was
5 for the general public as well as the media.

6 Q. And Mr. Playford was present?

7 A. He was not.

8 Q. He was not present?

9 A. No.

10 Q. And an individual from KUSI cameraman
11 approached you to discuss Mr. Playford?

12 A. Correct.

13 Q. What did he tell you about Mr. Playford?

14 A. That he was a problem at scenes. That he
15 had an issue recently. He was basically expressing
16 his consternation about Mr. Playford.

17 Q. What did you see as your job responsibility
18 to do with that information?

19 A. It was his opinion. There was nothing to do
20 with it.

21 Q. I'm back at Exhibit 3 on page 2. Jefferson
22 Baker, he's listed as No. 13. Do you know who that
23 person is?

24 A. I do not.

25 Q. Do you know who Deanna Baker is?

1 A. I do not.

2 Q. Debra Sue Bonomo, do you know who that is?

3 A. I do not.

4 Q. Do you recall an incident involving an
5 individual by the name of Alan Baker that Mr. Playford
6 videotaped?

7 A. Not with just that information, I don't
8 recognize it.

9 Q. Minnie or Miney Boettcher, No. 17?

10 A. I do not know that person.

11 Q. Donald Eppich?

12 A. I do not know that person.

13 Q. Ryan Peters?

14 A. I do not know that person.

15 Q. Deputy Robert Williamson, do you recognize
16 that name?

17 A. No.

18 Q. No. 21 is listed on page 3 of Exhibit 3,
19 Jennifer Messervy.

20 A. I don't know that person.

21 Q. No. 22, Robert Isaacson, do you know that
22 person?

23 A. I do not.

24 Q. Do you recognize the name Matthew William
25 Deskovick, or do you know him?

1 A. I do not.

2 Q. Sean Maginnis, do you recognize that name,
3 or do you know him?

4 A. I do not.

5 Q. Thomas Valente, do you recognize that name
6 or do you know him?

7 A. I do not.

8 Q. Sergeant George Calderon, do you recognize
9 that name or know him?

10 A. I do recognize the name, and I know Sergeant
11 Calderon.

12 Q. Is he employed by the San Diego County
13 Sheriff's Department?

14 A. Yes, he is.

15 Q. Have you ever discussed Mr. Playford with
16 Sergeant Calderon?

17 A. Not that I recall.

18 Q. Do you know of any context that Sergeant
19 Calderon has had with Mr. Playford?

20 A. I do not.

21 Q. Lieutenant Duncan Fraser?

22 A. I know Duncan Fraser. He has retired from
23 the department.

24 Q. You mentioned him at the beginning of our
25 deposition. I recall that, but if you don't mind

1 repeating for me, how do you know Mr. Frasier?

2 A. He was a lieutenant in Ramona, Ramona
3 substation when I first met him or got to know him.
4 And he was promoted to captain. And I worked with him
5 a little bit when he was captain over the Central
6 Investigations Division.

7 Q. Do you know of any association or
8 involvement he had professionally with Mr. Playford?

9 A. I know that Mr. Playford did speak to then
10 Lieutenant Frasier when he was in Ramona, but I really
11 don't recall what the interactions were.

12 Q. Kay Lynn Cheatwood, do you recognize that
13 name or know that person?

14 A. I do not.

15 Q. Detective McNeil, do you recognize that name
16 or know that person?

17 A. No.

18 Q. Deputy Benjamin Brown, do you recognize that
19 name or know that person?

20 A. I believe I recognize the name, but I don't
21 think I know that person.

22 Q. Do you have any recognition of the name
23 that's associated with Mr. Playford?

24 A. I'm sorry?

25 Q. Do you have any recognition of that name

1 because of any understanding that he had an
2 association with Mr. Playford?

3 A. No.

4 Q. Deputy Fred Magana, do you know that person
5 or recognize that name?

6 A. I think I recognize the name, but I don't
7 think I know him.

8 Q. Oceanside Police Detective Josh Ferry?

9 A. I do not know him.

10 Q. Oceanside Police Officer Todd Ringrose?

11 A. I do not know that person.

12 Q. It looks like California Highway Patrol
13 Officer Brian Pennings. Do you recognize that name?

14 A. I recognize and I know Officer Pennings.

15 Q. How do you know him?

16 A. Just through shared PIO job functions.

17 Q. So is it your understanding that at one time
18 or currently he was a PIO for the California Highway
19 Patrol?

20 A. Correct.

21 Q. Do you know if he is right now?

22 A. I do not know.

23 Q. Do you know where he worked out of when you
24 last had contact with him or knew him?

25 A. I do not.

1 Q. A. Macias, do you know that person or
2 recognize his or her name?

3 A. Without a first name, no, it's not familiar
4 to me.

5 Q. California Fire Battalion Chief R. Scales,
6 do you recognize that name or know that person?

7 A. I do not.

8 MS. BAIRD: If I could have that marked as
9 Exhibit 4.

10 (Exhibit 4 was marked for identification by
11 the court reporter.)

12 BY MS. BAIRD:

13 Q. Ms. Caldwell, do you recognize any of those
14 four squares that appear to be identification cards on
15 Exhibit 4 as media credentials issued by the San Diego
16 Police Department?

17 A. They are not.

18 Q. In the upper left-hand corner of Exhibit 4
19 where it has Ed Baier's name at the top of it, have
20 you seen that media credential or one similar to it
21 previously?

22 A. Not that I recall, no.

23 Q. Does your protocol at the San Diego County
24 Sheriff's Department consider any of those media
25 credentials on Exhibit 4 as valid media credentials?

1 A. They are not issued by the San Diego Police
2 Department, no.

3 Q. Do you know if they're issued by other law
4 enforcement agencies?

5 A. It's hard to tell through this, this copy.
6 I can't tell through this copy.

7 Q. If none of those four cards portrayed on
8 Exhibit 4 are issued by law enforcement agencies, is
9 it the San Diego County's protocol to consider them
10 not valid credentials?

11 A. They would not be allowed into our building,
12 in all likelihood, with just that for a media event.

13 Q. Again, you can't respond or comment on how
14 those credentials would be treated in the field
15 because that would be up to the deputies out in the
16 field?

17 A. That's up to the deputies in the field at
18 any particular scene.

19 Q. Do you know or are you familiar with the
20 name Matthew Glazer as an individual who worked at
21 KFMB TV in San Diego?

22 A. No.

23 MS. BAIRD: I think I'm done. Can you just
24 give me five minutes, ten minutes, and I think we'll
25 be done.

1 MR. CHAPIN: This would be fine.

2 (Exhibit 5 was marked for identification by
3 the court reporter.)

4 BY MS. BAIRD:

5 Q. Do you recognize any of the cards or IDs in
6 Exhibit 5 that's issued by the San Diego Police
7 Department?

8 A. I recognize the last one.

9 Q. Okay. Is that a media credential or ID
10 card, or is that --

11 A. That looks to be a parking placard.

12 Q. And have you seen one of those?

13 A. Yes.

14 Q. And again, you don't know the policies or
15 procedures for the San Diego Police Department for
16 issuing parking placards, correct?

17 A. No. You would have to contact us as far as
18 that goes.

19 Q. Does the PIO at the San Diego Police
20 Department -- has a PIO at the San Diego Police
21 Department ever contacted you in the past to discuss
22 whether an individual or entity should be issued a
23 media credential by the PD?

24 A. Not to my recollection, no.

25 Q. Has a PIO at the San Diego Police Department

1 contacted you in the past about whether someone --
2 someone who has been issued a media credential by the
3 PD, whether that credential should be revoked?

4 A. No, not to my knowledge.

5 Q. And I think the third scenario: Has a PIO
6 at the San Diego Police Department contacted you in
7 the past about whether an individual's media
8 credential issued by the PD should be renewed?

9 A. Not to my knowledge. They generally make
10 those decisions on their own.

11 Q. When they make the decisions, is there any
12 means of communicating the decision to you? Because
13 there's no list, right?

14 A. They have a list, but it's not published to
15 us. What is your question again?

16 Q. Oh, for example, if they decide -- if the
17 San Diego Police Department decided to revoke an
18 individual's media credential, would they communicate
19 that to you?

20 A. No.

21 MS. BAIRD: Okay. I think I'm done.
22 Thanks. Well, I am done. I don't "think." I'm done.

23 MR. CHAPIN: In San Diego we do a
24 pre-stipulation that covers some of the reporter's
25 responsibilities, if you want to hear me out.

1 Normally I would relieve the court reporter of some of
2 her duties by having the original transcript go to my
3 office to be provided to the witness to sign under
4 penalty of perjury.

5 MS. BAIRD: Yes.

6 MR. CHAPIN: That I will notify you of any
7 changes within two weeks, or a reasonable time
8 thereafter, of receipt of it from the court reporter.
9 And if the original is lost, misplaced for any reason,
10 a certified copy can be used for any reason.

11 MS. BAIRD: Yes. Perfect.

12 (The deposition of JAN CALDWELL concluded at
13 1:40 p.m.)

14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF CALIFORNIA)
) ss.

2 COUNTY OF SAN DIEGO)
3

4 I, the undersigned, hereby declare that I am the
5 witness in the within matter, that I have read the
6 foregoing deposition and know the contents thereof,
7 and I declare that the same is true of my own
8 knowledge except as to those matters, I believe them
9 to be true.

10 I declare under penalty of perjury that the
11 foregoing is true and correct.

12 Executed on this ____ day of _____, 2016,
13 at _____, California.

14
15
16
17
18
19
20
21
22
23
24
25

JAN CALDWELL

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF SAN DIEGO)
3

4 I, PATRICIA M. BECK, Certified Shorthand
5 Reporter for the State of California, do hereby
6 certify:

7 That prior to being examined, the witness
8 named in the foregoing deposition was by me duly sworn
9 to testify to the truth, the whole truth and nothing
10 but the truth.

11 That said deposition was taken before me at
12 the time and place therein set forth and was taken
13 down by me in machine shorthand and thereafter was
14 transcribed into typewriting under my direction and
15 supervision, and I hereby certify the foregoing
16 transcript is a full, true and correct transcript of
17 my shorthand notes so taken.

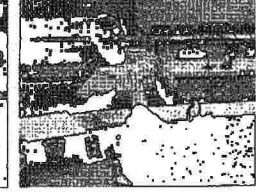
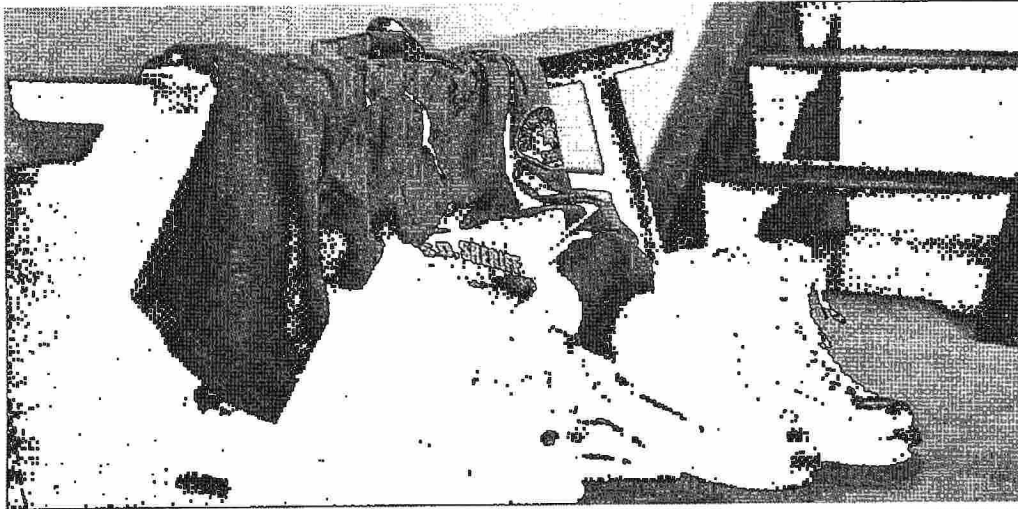
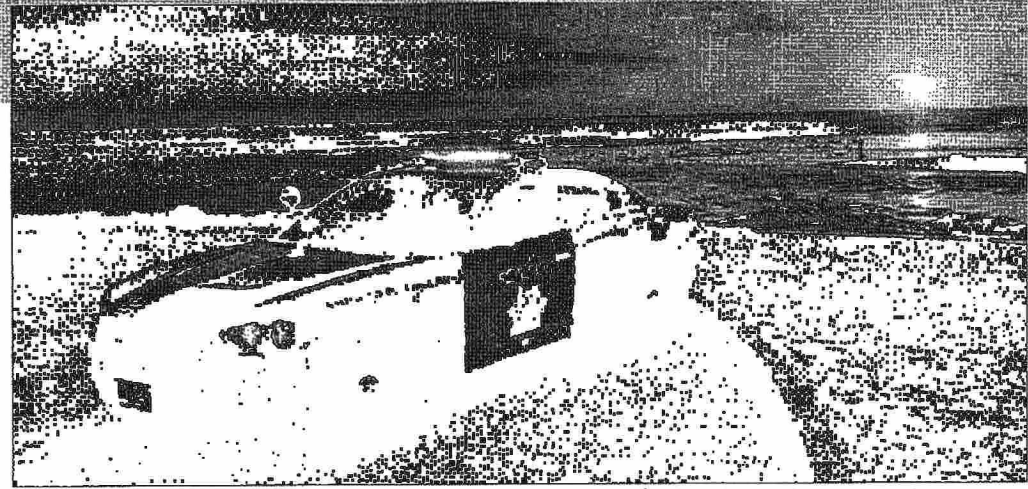
18 I further certify that I am neither counsel
19 for nor related to any party to said action nor in any
20 way interested in the outcome thereof.

21 IN WITNESS WHEREOF, I have hereunto
22 subscribed my name this March 29, 2016, at San Diego,
23 California.

24 _____
PATRICIA M. BECK
25 CSR NO. 12090

San Diego County Sheriff's Department
Media Relations Office

9621 Ridgeway Court | San Diego, CA 92123
(858) 974-2259



San Diego County
Sheriff's Department
Media Guide

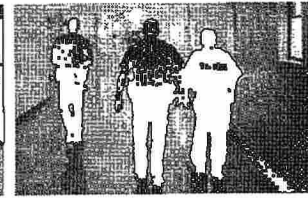
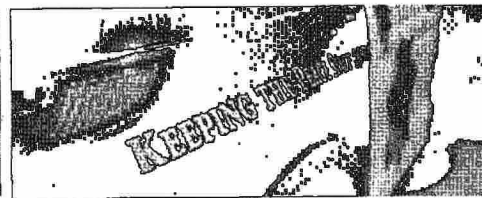
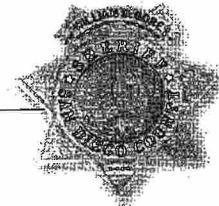
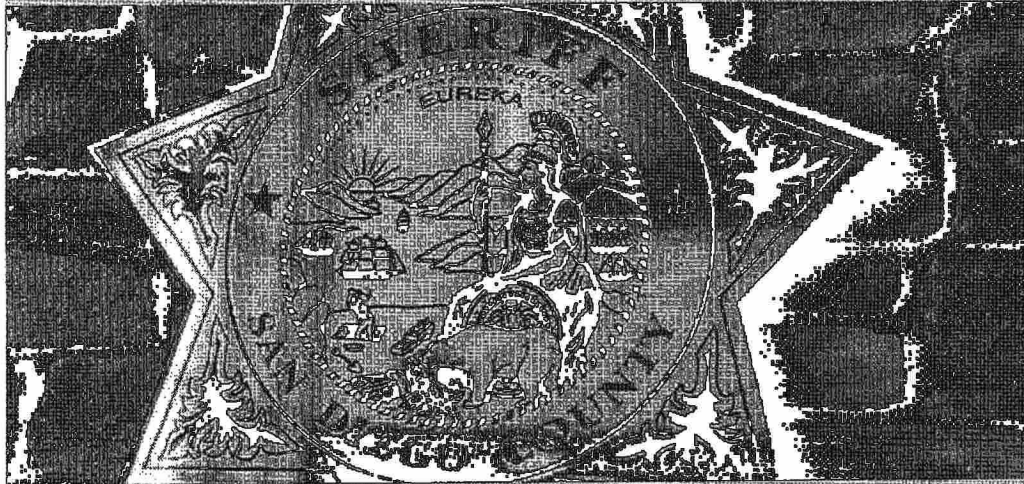


Exhibit 1
WITNESS: Caldwell
DATE: 3/16/16 Rptr: PBS
Shelburne Sherr
Court Reporters 16

Mission Statement

We provide the highest quality public safety services in an effort to make San Diego the safest urban county in the nation.



Core Values

Honesty We are truthful in our words and in our actions.

Integrity As people of character and principle, we do what is right, even when no one is looking.

Loyalty We are loyal to our department and our profession and committed to protecting the quality of life in the communities we serve.

Trust We are confident in the integrity, the ability and the good character of our colleagues.

Respect We treat everyone with dignity, honoring the rights of all individuals.

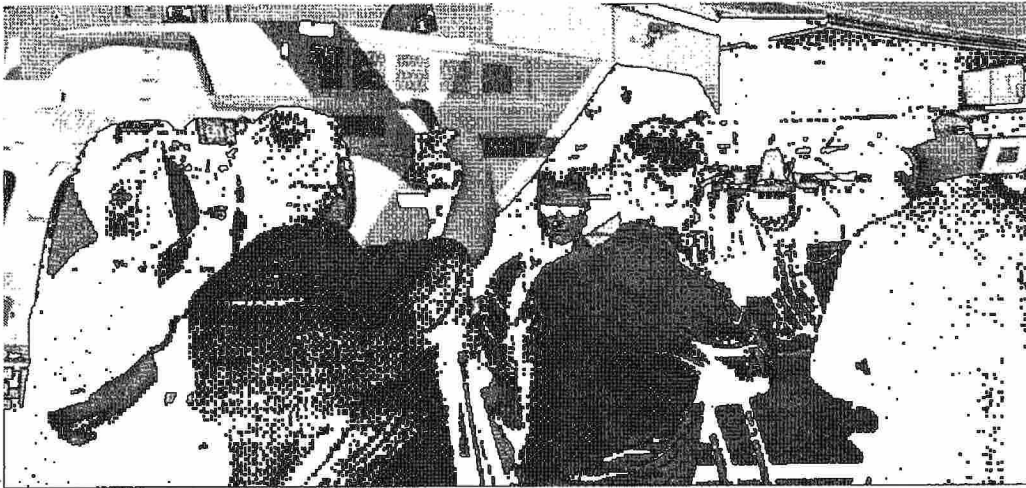
Fairness We are just and impartial in all of our interactions.
Our decisions are made without personal favoritism.

Diversity We embrace the strength in the diversity of our employees and our communities.

Table of Contents

- 02 Media Guidelines
- 04 Public Disclosure of Crime and Arrest Reports
- 08 Media Access at Disaster Scenes
- 09 Media Access at Crime/Incident Scenes
- 10 Media Access to Persons In Custody
- 12 Patrol Areas
- 13 Station and Substation Addresses





Media Guidelines

The San Diego County Sheriff's Department is committed to an atmosphere of transparency with the media and the public.

The purpose of this guide is to assist the media in getting timely news and information from the San Diego County Sheriff's Department and provide the media and our deputies with a basic outline of releasable information.

This is only a reference guide and is not intended to cover every possible situation pertaining to the San Diego County Sheriff's Department's policy on the release of information.

Each area Watch Commander within the San Diego County Sheriff's Department's stations, substations and offices can provide information to the media for incidents occurring within their area. The map on page 12 and subsequent directory will assist you in locating the nearest office to seek information.

For general information about the San Diego County Sheriff's Department, its policies, procedures, history, statistical data, areas of jurisdiction, news conferences, etc., contact:

Media Relations Office (858) 974-2259

Visit the Sheriff's website sdsheriff.net

The following units handle their own media inquiries due to the sensitive nature of their cases:

Child Abuse (858) 974-2310

Elder Abuse/Financial Crimes (858) 974-2322

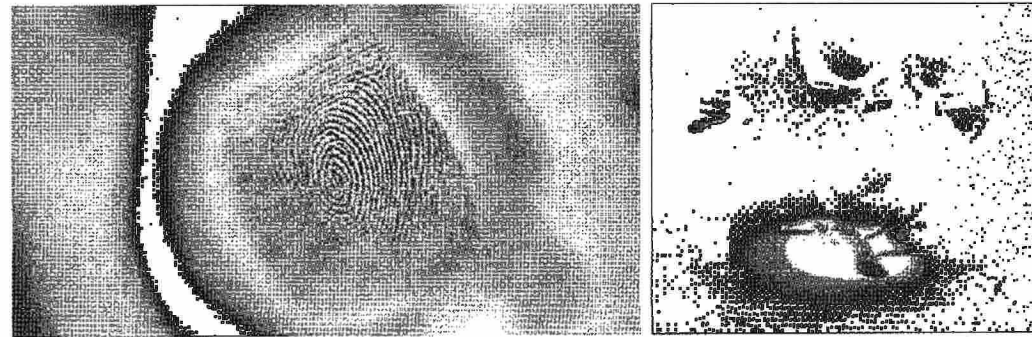
Homicide Detail (858) 974-2321

Sex Crimes (858) 974-2316

Cause of Death Determinations

In the County of San Diego, the Medical Examiner's Office is the agency that rules on the manner or cause of certain deaths. You can request copies of autopsy reports through this office.

Medical Examiner's Office (858) 694-2895



Public Disclosure of Crime and Arrest Reports

The following information will be provided upon request according to Government Code Section 6254 (f) unless the information would endanger the successful completion of an investigation, or a related investigation, or would endanger the safety of a person involved in the incident:

Arrestee Information:

- Full name (except juveniles)
- Area of residence
- Date of birth, physical description, age and sex
- Time, date and location of arrest
- Circumstances of the arrest
- Nature of charges
- Date and time of booking
- Amount of bail and location held
- All charges, including parole or probation holds
- Time and manner of release

The San Diego County Sheriff's Department's Policy and Procedure is available online at sdsheriff.net/policy.

Requests for information and/or interviews on non-breaking news stories should be made through the Media Relations Office.

San Diego County Sheriff's Department | Media Relations Office
9621 Ridgehaven Court, San Diego, CA 92123

Main Office Phone (858) 974-2259

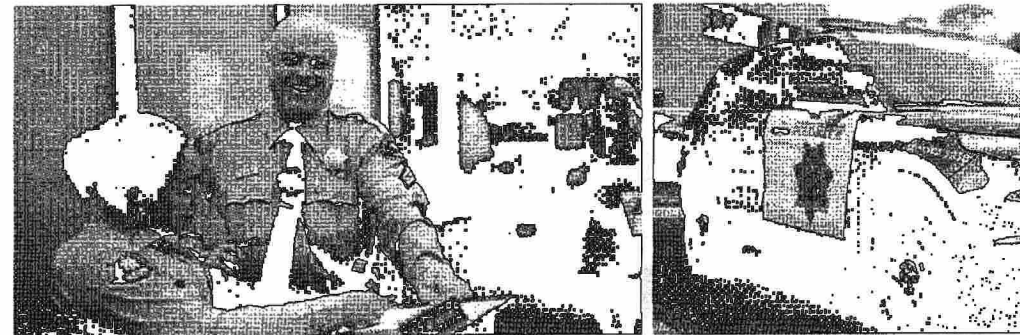
The office is open Monday-Friday from 8:00 a.m. to 5:00 p.m.

Credentialed media on deadline may call the Sheriff's Communication Center Media Line after hours, weekends or holidays at (858) 565-5555.

If you would like to receive an email alert when a news release or breaking news update is posted on our website, please follow these steps:

- Go to sdsheriff.net/newsroom
- Enter your email in the News Release Sign-Up
- Click on Subscribe
- You will receive an email asking you to CONFIRM your subscription
You MUST answer this email; otherwise you will not get the email alerts
- You may unsubscribe at any time by clicking on the link contained in any of the notifications

Follow the Sheriff's Department on the following social media networks for news, photos and video:





Suspect Information:

(Releasable information prior to arrest or charge)

Information regarding the identity of any suspect shall not be released to the news media, unless this is necessary to aid and assist in the investigation and in the apprehension, or to warn the public, of any dangerous wanted person who is still at large.

Information Regarding an Ongoing Investigation:

Generally, information is withheld when release would:

- Jeopardize successful case investigation
- Endanger a victim, witness or informant

The name of a victim of any crime defined by sections 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the California Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian, if the victim is a minor.

Traffic Collision Information:

Pursuant to California Vehicle Code Section 20012, traffic collision reports are confidential except to those parties with a proper interest (drivers, owner of vehicle, insurance company, etc.).

No person other than a party of proper interest may review or receive a copy of a collision report.

Information that may be released includes:

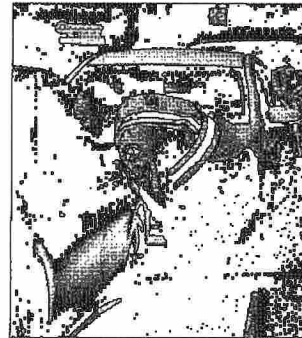
- Date, time and location of collision
- Number and makes of involved vehicles
- Number of occupants and extent of injuries if any
- A factual synopsis of the collision

Non-Releasable Information:

Identity of suspect(s) prior to arrest, except as previously noted. Investigative procedure results prior to arrest, except as previously noted.

The name of a victim of any crime defined by sections 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the California Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian, if the victim is a minor.

- Juvenile detainees, arrestees or suspects
- Confidential informants
- Individuals taken into custody under Welfare and Institutions Code 5150
- Criminal offender information
- Copies of "rap sheets"
- Any photograph or mug shot except to aid in capture or to warn the public of any dangerous wanted person who is still at large
- Information that may endanger any person including law enforcement personnel
- Information that may jeopardize an investigation, related investigation or law enforcement proceedings
- Any portion of a report which reflects the analysis, recommendation or conclusion of the investigating deputy
- Information that may disclose investigative techniques
- The existence or content of any omission or confession
- The testimony or credibility of any witness or prospective witness
- Any information known to be inadmissible as evidence in a trial
- Personnel, medical or similar files
- Records of pending litigation
- The names of deceased persons until the next of kin has been notified



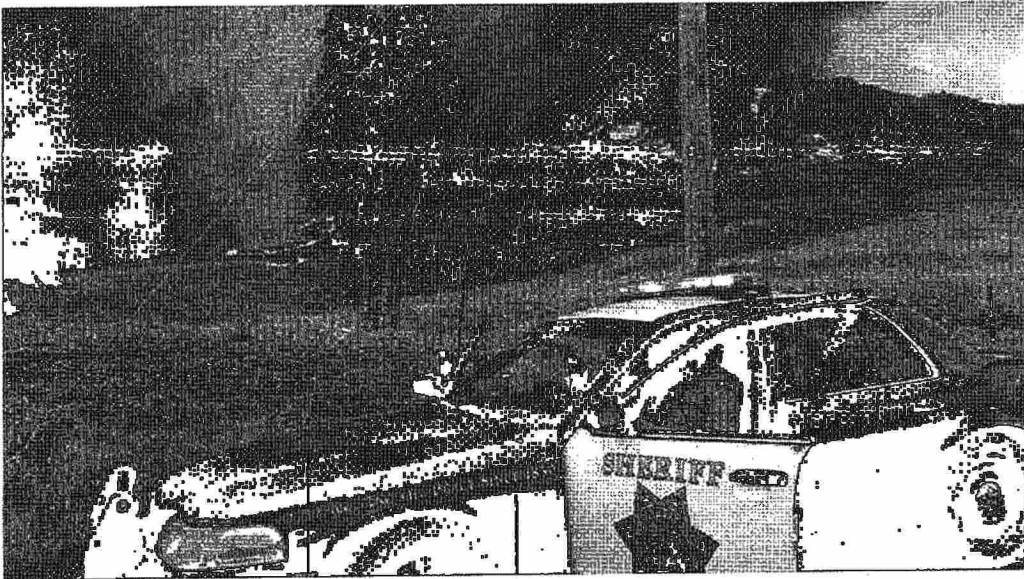
Media Access at Disaster Scenes

Disaster and accident scenes may be closed to the public under authority of 409.5(a) P.C. which states "...a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, or other disaster..."

409.5(d) P.C. states "Nothing in this section shall prevent a ~~duly authorized representative of any news service from entering the area closed...~~" After being advised of any existing danger, members of the news media are permitted free movement in the area as long as they do not hamper, deter or interfere with law enforcement or public safety functions.

~~The ultimate responsibility for the safety of the news media personnel lies with the individual reporter, journalist, photographer, videographer and their employer.~~

The Sheriff's Department recognizes valid San Diego Police Department-issued media credentials as evidence that an individual is a duly authorized representative of a news service. Absent official government media credentials, access pursuant to 409.5 P.C. will be granted on a case-by-case basis upon presentation of information complying with 409.5 P.C.



Media Access at Crime Scenes

Crime scenes are closed to the public and media until any preservation and processing of evidence has been completed. 409.5 P.C. does not apply to crime scenes.

The Sheriff's Department will not establish artificial barriers or hold the media at bay several blocks from the crime scene, while allowing the general public to wander freely just beyond the crime scene tape.

The Sheriff's Department recognizes the media's right to photograph or record video in public places. The media when legally present at an emergency scene, may photograph, record or report anything or interview anyone they observe.

Deputies will attempt to establish an area for the media outside the crime scene in order to preserve evidence and prevent activity that jeopardizes law enforcement operations.

It is also strongly recommended that media personnel present their valid SDPD media credential at critical incident scenes.

Media Access at Incident Scenes

Under most circumstances, incident scenes such as a SWAT standoff, missing person(s) search, vehicle crash, along with Command Post areas, will be closed to all unauthorized persons, including the news media. The purpose of any such constraint is to protect the integrity of the investigation and to ensure a safe, coordinated and unrestricted response by law enforcement and other emergency personnel.

The scene of a Sheriff's Department tactical operation is the same as a crime scene and is subject to reasonable restrictions set forth by the incident commander. The news media shall be allowed access to the best possible safe location as determined by the incident commander. A Sheriff's Media Relations Officer will be assigned to keep the media briefed.

Media Access at Sheriff's Headquarters and Facilities

News conferences held outdoors at the Sheriff's Administrative Headquarters are open to the public and do not require media credentials.

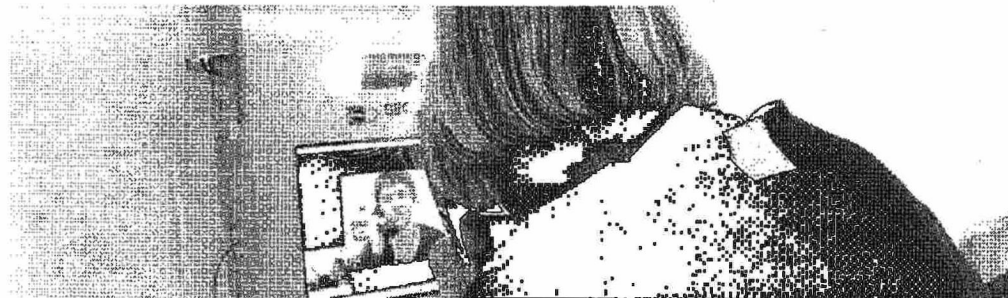
News conferences or media briefings held inside Sheriff's Administrative Headquarters, Stations or Substations and other facilities are by invitation only. A valid San Diego Police Department-issued media credential is considered an invitation to attend news conferences inside Sheriff's Department facilities. All other invitations will be granted on a case-by-case basis by the Sheriff's Media Relations Director.

Media Access to Persons In Custody

News media representatives have no greater right of access to detention facilities or inmates than any other member of the public. A visit by news media personnel shall be considered a social visit, not a professional visit. The Media Relations Office does not process requests for interviews.

Media representatives seeking an inmate interview should proceed as described below:

- Visit the "Who's in Jail" page of the Sheriff's Department website.
- Search the inmate's last and first name.
- A new page will open if the person is in the custody of the Sheriff's Department
- Note the facility and housing area location of the inmate. That location will determine which days and times social visiting is permitted. Click "Visit Schedule" immediately under the inmate's housing location, and you will be taken to the visit schedule for that facility.
- You may go to the facility and attempt the visit; however, you may wish to correspond with the inmate first to be more certain the interview will be accepted by the inmate.
- To correspond with the inmate, click the "Email this inmate" icon on the inmate's page in "Who's in Jail" and follow all the directions to complete the message.
- If the inmate opts to accept the visit, that visit shall be counted as a social visit for that day, just like any other social visit.



- With the inmate's permission, the visit may be tape recorded or videotaped from the public access portion of the visit area.
- Inmates have two social visits per week. To find out if an inmate has available social visits for the week, please contact the Detentions Information Office of the Detention Facility.

George F. Bailey Detention Facility	(619) 210-0385
East Mesa Re-entry Facility	(619) 210-0334
Facility Eight Detention Facility	(619) 210-0327
South Bay Detention Facility	(619) 213-1433
Las Colinas Detention Facility	(619) 402-1312
Vista Detention Facility	(760) 936-0014
San Diego Central Jail	(619) 610-1647

When conducting an inmate visit for media purposes, please observe the following:

- You will generally have 30 minutes with the inmate.
- While interviewing the inmate, please make sure other inmates are NOT included in the videos or photographs.
- At most facilities, your interview will be through a visit window. You will not have face-to-face access as is the case with attorneys.
- Since you are on a social visit, you cannot put a microphone on the inmate. You can only put your microphone on the telephone on the glass window.
- Once you have scheduled a visit and the inmate has accepted your visit, call the Detention Facility to inform the Watch Commander that you are arriving with TV equipment which will have to be inspected upon your arrival.

Lakeside Substation**(619) 938-1360**

12365 Parkside St., Lakeside, CA 92040

Lakeside	Granite Hills
Lakeview	Foster
Riverview Farms	Barona (South) Reservation
Winter Gardens	Johnstown
Eucalyptus Hills	

Glenview
Moreno
Capitan Grande Reservation
Grossmont College

Lemon Grove Substation**(619) 337-2000**

3240 Main St., Lemon Grove, CA 91945

Lemon Grove

North Coastal Station**(760) 966-3500**

175 N. El Camino Real, Encinitas, CA 92024

Del Mar	Lomas Santa Fe
Solana Beach	Encinitas
Eden Gardens	Cardiff-by-the-Sea
	Olivenhain

Leucadia
Rancho Santa Fe
San Onofre

Pine Valley Substation**(619) 938-8400**

28696 Old Highway 80, Pine Valley, CA 91962

Pine Valley	Descanso
Live Oak Springs	Guatay
Tierra del Sol	Hulburd Grove
Boulevard	Pine Grove
Manzanita	Mount Laguna
Bankhead Springs	Descanso Junction
Jacumba	Green Valley Falls
Palm Grove	Pasa Picacho
Los Terrentos	

Sheephead Mountain
Laguna Junction
Buckman Springs
Boulder Oaks
Campo (Big) Reservation
Cuyapaipe Reservation
La Posta Reservation
Manzanita Reservation

Poway Station**(858) 513-2800**

13100 Bowron Rd., Poway, CA 92064

Poway

Ramona Substation**(760) 789-9157**

1424 Montecito Rd., Ramona, CA 92065

Ramona	Barona Reservation
Rosemont	San Diego Country Estates
Rock Haven	Capitan Grande (North)
Irving's Crest	Reservation
Barona Mesa	Shady Dell

Fernbrook
Four Corners
Ballena
Witch Creek

Ranchita/Warner Springs Substation**(760) 782-3353**

25704 San Felipe Rd., S-2, Warner Springs, CA 92086

Ranchita	Banner
Dos Cabezas	Ocotillo Wells
Sweeney Pass	Borrego Springs
Agua Caliente Springs	Borrego
Whale Peak	Hellhole Palms
Scissors Crossing	San Felipe
Shelter Valley	Mesa Grande

Oak Grove
Holcomb Village
Warner Springs
San Ignacio
Los Coyotes Reservation
Mesa Grande Reservation
Santa Ysabel Reservation

Rancho San Diego Station**(619) 660-7090**

11486 Campo Rd., Spring Valley, CA 91978

Spring Valley	Jamacha
La Presa	North Jamul
Mount Helix	Jamul
Casa de Oro	Jamul Reservation
Rancho San Diego	

Cottonwood
Indian Springs
Sycuan Reservation
Cuyamaca College

San Marcos Station**(760) 510-5200**

182 Santar Pl., San Marcos, CA 92069

San Marcos	Twin Oaks
San Elijo Hills	Hidden Meadows
Lake San Marcos	Jesmond Dene

Elfin Forest
Harmony Grove
Del Dios

Santee Station**(619) 956-4000**

8811 Cuyamaca St., Santee, CA 92071

Santee

Valley Center/Pauma Substation**(760) 751-4400**

28201 N. Lake Wohlford Rd., Valley Center, CA 92082

Valley Center	Lilac
La Jolla Reservation	Birch Hill
Pala Reservation	Bear Valley
Pauma Reservation	Lake Wohlford
Rincon Reservation	Rincon Springs
San Pasqual Reservation	Pauma Valley

Palomar Mountain
La Jolla Amago
Agua Tibia

Vista Station**(760) 940-4551**

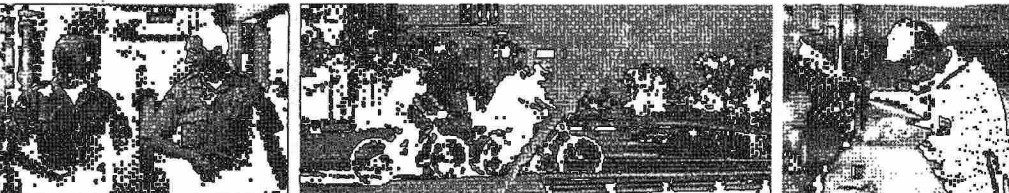
325 S. Melrose Drive, Ste. 210, Vista, CA 92081

Vista	Buena
-------	-------



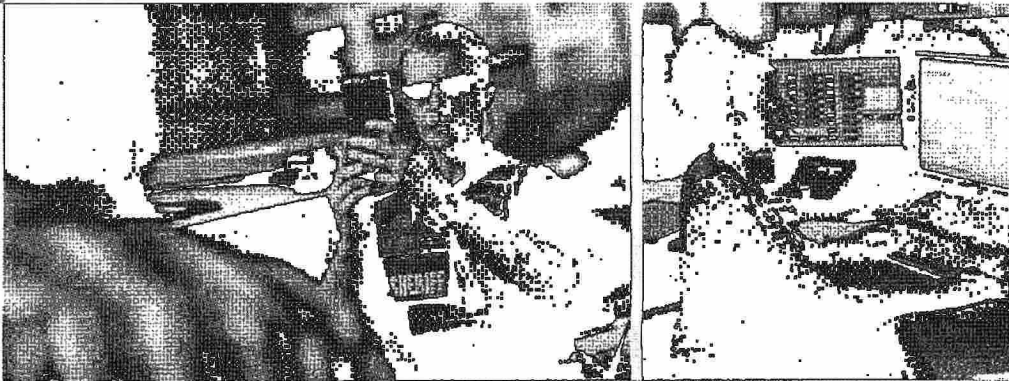
Quick Reference

45 Ranch Substation	(858) 521-5200
Alpine Station	(619) 659-2600
Campo/Tecate Substation	(619) 478-5378
Fallbrook Substation	(760) 451-3100
Imperial Beach Substation	(619) 498-2400
Julian Substation	(760) 765-4718
Lakeside Substation	(619) 938-1360
Lemon Grove Substation	(619) 337-2000



Media Relations Office	(858) 974-2259
Child Abuse	(858) 974-2310
Elder Abuse/Financial Crimes	(858) 974-2322
Homicide Detail	(858) 974-2321
Medical Examiner's Office	(858) 694-2895
Sex Crimes	(858) 974-2316

North Coastal Station	(760) 966-3500
Pine Valley Substation	(619) 938-8400
Poway Station	(858) 513-2800
Ramona Substation	(760) 789-9157
Ranchita/Warner Springs Substation	(760) 782-3353
Rancho San Diego Station	(619) 660-7090
San Marcos Station	(760) 510-5200
Santee Station	(619) 956-4000
Valley Center/Pauma Substation	(760) 751-4400
Vista Station	(760) 940-4551



West's Annotated California Codes
Penal Code (Refs & Annos)
Part 1. Of Crimes and Punishments (Refs & Annos)
Title 11. Of Crimes Against the Public Peace

West's Ann.Cal.Penal Code § 409.5

§ 409.5. Authority of peace officers, lifeguard or marine safety officer to close disaster area; exclusion from police command post area; unauthorized entry; exception

Currentness

(a) Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (f) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (e) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.

(b) Officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, officers of the Department of Fish and Game designated as peace officers by subdivision (e) of Section 830.2, or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (g) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

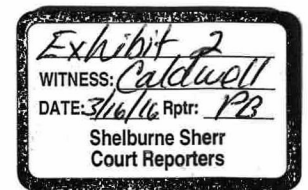
(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

Credits

(Added by Stats.1957, c. 1402, p. 2737, § 1. Amended by Stats.1965, c. 212, p. 1177, § 1; Stats.1969, c. 1096, p. 2096, § 1; Stats.1977, c. 687, p. 2217, § 1; Stats.1981, c. 600, p. 2316, § 1; Stats.1983, c. 227, § 1; Stats.1987, c. 736, § 1; Stats.1989, c. 1165, § 17; Stats.1990, c. 82 (S.B.655), § 6, eff. May 3, 1990; Stats.1990, c. 1695 (S.B.2140), § 8; Gov.Reorg.Plan No. 1 of 1995, § 43, eff. July 12, 1995; Stats.1996, c. 305 (A.B.3103), § 44.)

Notes of Decisions (8)



West's Ann. Cal. Penal Code § 409.5, CA PENAL § 409.5

Current with urgency legislation through Ch. 2 of 2016 Reg.Sess. and Ch. 1 of 2015-2016 2nd Ex.Sess.

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

1 THOMAS E. MONTGOMERY, County Counsel (State Bar No. 109654)
County of San Diego
2 By JAMES M. CHAPIN, Senior Deputy (State Bar No. 118530)
1600 Pacific Highway, Room 355
3 San Diego, California 92101-2469
Telephone: (619) 531-5244; Fax: (619) 531-6005
4 E-mail: james.chapin@sdcountry.ca.gov

5 Attorneys for Defendants County of San Diego, William D. Gore, Jan Caldwell,
Thomas Seiver, Brendan Cook, Jesse Allensworth, James Breneman, Michael Proctor,
6 San Diego County Sheriff's Department and Bonnie Dumanis

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 AMERICAN NEWS AND INFORMATION)
SERVICES, INC., a Connecticut Corporation;)
12 EDWARD A. PERUTA; and JAMES C.)
PLAYFORD,)

13 Plaintiffs,

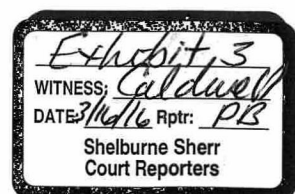
14 v.

15 WILLIAM D. GORE, individually and in his)
official capacity as San Diego County Sheriff;)
16 JAN CALDWELL, individually and in her)
official capacity as San Diego County)
17 Sheriff's Department Public Affairs Director;)
THOMAS SEIVER,)
18 San Diego County Sheriff's Department)
Deputy, individually; BRENDAN COOK,)
19 San Diego County Sheriff's Department)
Deputy, individually; JESSE)
20 ALLENSWORTH, San Diego County)
Sheriff's Department Deputy, individually;)
21 JAMES BRENEMAN, San Diego County)
Sheriff's Department Deputy, individually;)
22 MICHAEL PROCTOR, San Diego County)
Sheriff's Department Deputy, individually;)
23 JOHN DOE 1-10; San Diego County Sheriff's)
Department; WILLIAM LANSLOWNE,)
24 individually and in his official capacity as San)
Diego Police Chief; JOHN DOE 1-10; San)
25 Diego Police Department; and BONNIE)
DUMANIS, individually and in her official)
26 capacity as San Diego County District)
Attorney; JOHN DOE 1-10; San Diego)
27 County District Attorney's Office,)
individually,

28 Defendants.

No. 12-cv-2186-BEN(KSC)

DEFENDANTS' INITIAL
DISCLOSURES PURSUANT TO
FEDERAL RULES OF CIVIL
PROCEDURE 26(a)(1)(A-D)



1 Defendants County of San Diego, William D. Gore, Jan Caldwell and San Diego
2 County Sheriff's Department make initial disclosures pursuant to Federal Rules of Civil
3 Procedure, rule 26(a)(1)(A-D).

4 Initial Disclosure of Witnesses, FRCP 26(a)(1)(A):

5 The following people are likely to have discoverable information that Defendants
6 may use to support their defenses and reserve the right to disclose further witnesses when
7 identified. All are either parties or percipient witnesses. All San Diego County Sheriff's
8 Department personnel can be contacted through the Office of County Counsel:

- 9 1. William D. Gore - Defendant
- 10 2. Jan Caldwell - Defendant
- 11 3. Deputy Thomas Seiver - Percipient
- 12 4. Deputy Brendan Cook - Percipient
- 13 5. Deputy Jesse Allensworth - Percipient
- 14 6. Deputy James Breneman - Percipient
- 15 7. Deputy Michael Proctor - Percipient
- 16 8. Deputy Jason Ward #7139 - Percipient
- 17 9. Deputy James Stemper #2045 - Percipient
- 18 10. CHP Officer Joe Nielson - Percipient
- 19 11. San Diego Police Officer Gary Hassen - Percipient
- 20 12. Steve Fiorina - Channel 10 News Reporter
- 21 13. Jefferson Baker - Percipient
- 22 14. Deanna Baker - Percipient
- 23 15. Debra Sue Bonomo - Percipient
- 24 16. Katie Boettcher - Percipient
- 25 17. Miney Boettcher - Percipient
- 26 18. Donald Eppich - Percipient
- 27 19. Ryan Peters - Percipient
- 28 20. Deputy Robert Williamson - Percipient

- 1 21. Jennifer P. Messervy - Percipient
- 2 22. Robert Isaacson - Percipient
- 3 23. Matthew William Deskovick - Percipient
- 4 24. Sean Maginnis - Percipient
- 5 25. Thomas Valente - Percipient
- 6 26. Sergeant George Calderon - Percipient
- 7 27. Lieutenant Duncan Fraser - Percipient
- 8 28. Kay Lynn Cheatwood - Percipient
- 9 29. Detective McNeill #2160 - Percipient
- 10 30. Deputy Benjamin Brown - Percipient
- 11 31. Deputy Fred Magana - Percipient
- 12 32. Oceanside Police Detective Josh Ferry #1241 - Percipient
- 13 33. Oceanside Police Officer Todd Ringrose #1227 - Percipient
- 14 34. CHP Officer Brian Pennings - Percipient
- 15 35. A. Macias #12371 - Percipient
- 16 36. Cal Fire Battalion Chief R. Scales #B3318 - Percipient

17 Initial Disclosure of Documents, FRCP 26(a)(1)(B).

18 Defendants may use the following documents to support its defenses. All
19 documents are in the possession of the Office of County Counsel or are equally available.

- 20 1. Plaintiff James C. Playford's criminal court case file regarding case no.
21 CN300278;
- 22 2. Trial Minute Order regarding case no. CN300278;
- 23 3. Exhibits used in the trial in case no. CN300278, including, but not limited to
24 videos, photographs and audio files;
- 25 4. Appellate case file no. CA241562 related to Trial Court Case No. CN300278;
- 26 5. Trial Transcripts dated May 2012 related to case no. CN300278;
- 27 6. Plaintiff James C. Playford's civil court case file regarding case no. 37-2008-
28 00066507-CU-HR-EC;

- 1 7. San Diego County Sheriff's Department Reports related to Case No. 10022101;
- 2 8. CAD Audio Event and Report No. S8182447 related to Case No. 10022101;
- 3 9. Documents related to Plaintiff James C. Playford's case file regarding case no.
- 4 10-019589;
- 5 10. Documents related to Plaintiff James C. Playford's case file regarding case no.
- 6 10-020663;
- 7 11. Documents related to Plaintiff James C. Playford's case file regarding case no.
- 8 Q371492;
- 9 12. Documents related to Plaintiff James C. Playford's 2008 Oceanside Police
- 10 Department file regarding case no. U978153;
- 11 13. Documents related to Plaintiff James C. Playford's case file regarding case no.
- 12 CN 250900;
- 13 14. Exhibits related to Plaintiff James C. Playford's case file regarding case no. CN
- 14 250900;
- 15 15. Documents related to Plaintiff James C. Playford's 1999 Municipal Court case
- 16 no. T207038;
- 17 16. Documents related to Plaintiff James C. Playford's case file regarding case no.
- 18 C321349;
- 19 17. Exhibits related to Plaintiff James C. Playford's case file regarding case no.
- 20 C321349;
- 21 18. Video regarding Route 67 accident dated 5/25/12;
- 22 19. CHP Collision Report regarding Route 67 accident dated 5/25/12;
- 23 20. CHP Photographs regarding Route 67 accident dated 5/25/12;
- 24 21. News coverage video regarding Route 67 accident dated 5/25/12

25 Initial Disclosure of Damages, FRCP 26(a)(1)(C).

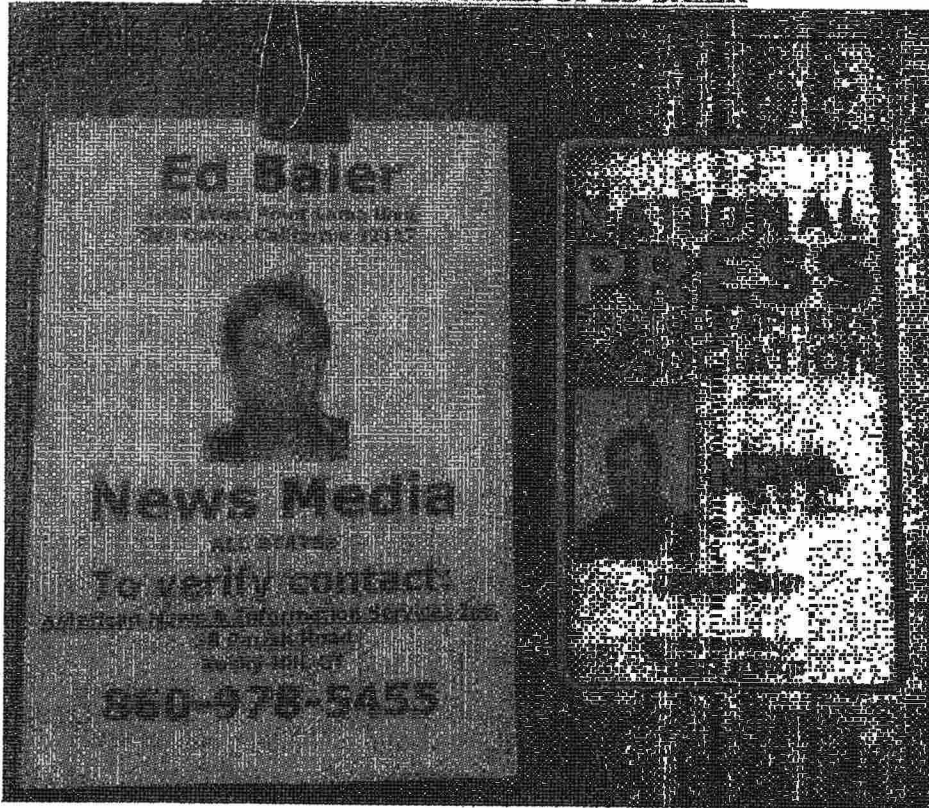
26 Defendants have no documents or evidentiary materials computing damages.

27 ///

28 ///

ATTACHMENT - 2

MEDIA CREDEINTIALS OF ED BAIER



ATTACHMENT - 2

MEDIA CREDENTIALS OF ED BAIER

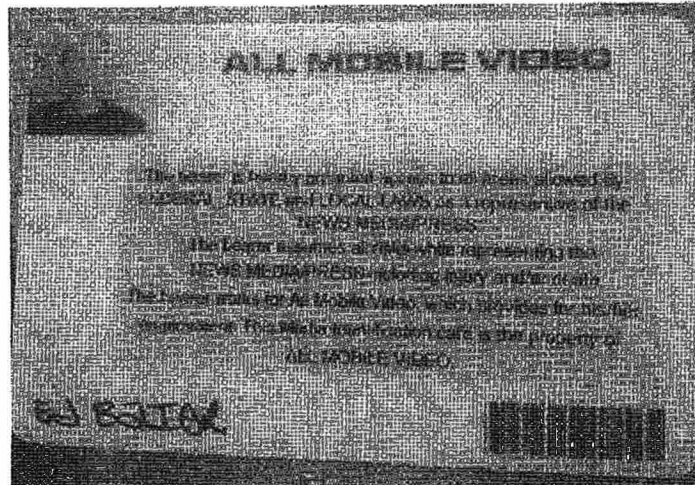
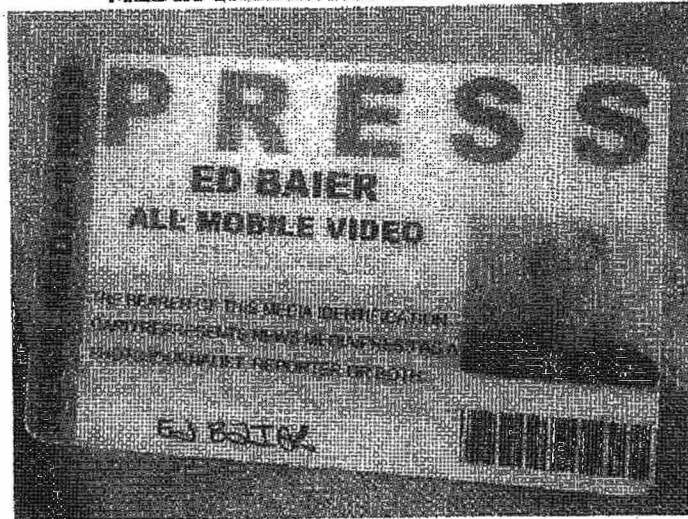


Exhibit 5
WITNESS: Caldwell
DATE: _____ Rptr: PB
Shelburne Sherr
Court Reporters