

EXHIBIT 6

KIM RANEY
FLANAGAN vs CA ATTORNEY GENERAL

July 27, 2017

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

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

Plaintiffs,

vs.

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

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

Defendants.

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DEPOSITION OF KIM RANEY

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

300 South Spring Street  
Los Angeles, California

Dawn Schetne, CSR No. 5140



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DEPOSITION OF KIM RANEY

July 27, 2017

KIM RANEY,

having been first duly sworn, testifies as follows:

EXAMINATION

BY MR. BRADY:

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

Can you state your name for the record, please.

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

Q. May I call you Chief Raney?

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

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

(Exhibit 1 was marked.)

THE WITNESS: Thank you.

BY MR. BRADY:

Q. Have you seen this document before?

A. I have.

Q. I'm sorry. You have?

A. I believe I have.

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

1 that your understanding of why you're here today?

2 A. Yes, sir.

3 Q. Have you ever been deposed before?

4 A. Yes.

5 Q. As an expert or as a layman or police chief?

6 A. As a defendant.

7 Q. So never as an expert?

8 A. No.

9 Q. How many times have you been deposed?

10 A. Five to 10.

11 Q. Okay. So you are somewhat familiar with the  
12 process?

13 A. Yes.

14 Q. Okay. I'd still like to go through just a few  
15 of the basic ground rules just so we're all clear, and  
16 it will make things go smoother.

17 Obviously you just took an oath, which means  
18 that this is the same as testimony you would give in a  
19 court. Not telling the truth is subject to penalty of  
20 perjury. I'm not suggesting you would. I'm just  
21 reminding you. Do you understand that?

22 A. Yes.

23 Q. So far you are doing great giving audible  
24 answers. No head shaking, no uh-huhs. It's much easier  
25 to say yes, no, and give audible answers for the court

1 defendant's counsel provided it to you?

2 A. No.

3 Q. Did you consider it in preparing your report?

4 A. I considered it, I think, more just for the  
5 atmosphere and the environment that the police chief had  
6 to deal with, kind of in a global perspective.

7 Q. So did you rely on it in reaching any of your  
8 conclusions about open carry?

9 A. Not so much relied on it. I think it confirmed  
10 my concerns about open carry, and I think I use an  
11 excerpt from the LA Times from Chief Brown.

12 Q. How do you think that this article confirms  
13 your views?

14 A. Just in the situation that's fluid where you  
15 have an active shooter in a community, you have a law  
16 enforcement response, and within the confines of that  
17 response you have an open-carry environment. I think it  
18 makes it exceedingly difficult and dangerous for the  
19 responding officers as they go into a situation like  
20 that to try to determine who's the good guy and who's  
21 the bad guy. I think that just throws another layer of  
22 complexity into an already really difficult situation.

23 Q. Did you read the entire article?

24 A. This one, yes.

25 Q. So you understand that this case involved



1 behavior of the individuals, assessing them as not being  
2 a lethal threat; would that be accurate?

3 MS. LI: Objection. Misstates testimony.

4 THE WITNESS: Yeah, I don't agree with how you  
5 phrased the question. I think it deals with a mature  
6 police officer going into a situation, a high-stress,  
7 life-threatening situation, and unfortunately being  
8 diverted to have to deal with this subissue and yet  
9 still show the restraint where the outcome didn't  
10 include deadly force.

11 BY MR. BRADY:

12 Q. And why do you think he or she or they showed  
13 restraint?

14 A. I'd have to make an assumption, which I don't  
15 like to do, but hopefully it was the compliance of the  
16 people with the long rifles who didn't exacerbate the  
17 situation and followed commands so that it could  
18 deescalate.

19 Q. Would it be fair to say that the officers who  
20 engaged these individuals were able to establish that  
21 they were not a lethal threat before having to make a  
22 decision to use their own firearm?

23 MS. LI: Objection.

24 THE WITNESS: I think the unfortunate part is  
25 that the officers were diverted from the true crisis to

1 have to deal with this subissue. Now in the context of

2 dealing with that subissue, the outcome was a positive  
3 outcome rather than a deadly outcome.

4 BY MR. BRADY:

5 Q. And why do you think that is?

6 A. It could be good fortune, good luck, good  
7 circumstances, compliance by the demonstrators,  
8 restraint by the officers. There's a myriad of factors  
9 that probably created a perfect storm where everybody  
10 went home safe on that subissue.

11 Q. And an aspect of that storm, would it be  
12 reasonable to conclude that one of the contributing  
13 factors to everybody going home safe there was the  
14 officer's ability to assess a nonlethal threat versus a  
15 lethal threat?

16 MS. LI: Objection.

17 THE WITNESS: I think that's one of the  
18 factors.

19 BY MR. BRADY:

20 Q. Before we leave this article, you indicated  
21 that you read the whole thing. Somebody by the name of  
22 C.J. Grisham was interviewed and indicated that  
23 there are videos online, and his interpretation of  
24 those videos is, "You can see that police are walking  
25 right past people who are open carrying rifles, and it's

1           If you read the caution portion below -- I'll  
2 give you a minute to skim that.

3           A. Okay.

4           Q. Do you agree with its message?

5           A. I do.

6           Q. Why is that?

7           A. Just because of the fact that -- again, you're  
8 in a situation where if someone is carrying a firearm,  
9 you know, you don't know whether it's loaded or  
10 unloaded, unless you have the ability to see, say, the  
11 magazine is out or the breech is open, or if it's a  
12 semi-auto, it's in an open position, or if it's a  
13 revolver, the cylinder is open. Most people aren't  
14 going to carry a handgun that way.

15           You're in a situation where it's dangerous for  
16 both the responding police officer and the person who is  
17 openly carrying, and the officer is in a purely reactive  
18 position. If that person complies and is, you know,  
19 cooperative and law abiding, you know, that's fine. But  
20 if the person doesn't follow instructions or there's a  
21 sudden movement or the person has less than honorable  
22 intentions, the reaction time is going to be so fast.  
23 Number one, the officer is going to get injured, or if  
24 the person doesn't exactly follow the explicit  
25 instructions, which seems to be growing in today's

1 society because of videotape and just the atmosphere out  
2 there right now, it has the potential to be a deadly  
3 outcome, and that's just a problem.

4 Q. Did you consider any other materials other than  
5 those listed in your report that the attorney general's  
6 counsel gave you in preparing your report?

7 A. I think I looked at what Chief Brown said in  
8 the LA Times. I think it was an op-ed they carried,  
9 because I had a lot of respect for the way he publicly  
10 handled the situation. No.

11 Q. Did you search for any other materials  
12 beyond --

13 A. I did, actually.

14 Q. Can you describe what those materials were?

15 A. One of the things I wanted to take a look at,  
16 if I can find out, is how POST and how the State of  
17 California are training police officers to deal with  
18 firearms. You know, what's the latest academy training,  
19 what are they teaching in the academy.

20 Q. Before you proceed, and I apologize, can you  
21 explain what POST is for the record?

22 A. POST is the Peace Officer Standards and  
23 Training for the state of California, and they are  
24 basically the certification branch for the state that  
25 certifies the police officers, provides certificates for

1 service on law enforcement and crime rates are slowly  
2 increasing. It might have plateaued a little bit in  
3 some jurisdictions this year, but demands on law  
4 enforcement are increasing. It's complicated also by  
5 the mental health situation where law enforcement  
6 resources are being diverted to the mental health  
7 situation.

8 What I'm saying is that in the environment that  
9 exists in California today, law enforcement resources  
10 are critical, and if there were an environment where  
11 open carry was allowed and we had citizens who are  
12 concerned about seeing a firearm in their community and  
13 made a phone call to the police department, then it's  
14 going to require police department response. So by  
15 eliminating that dynamic, we don't have to respond to  
16 behavior like that, and we can use our time and  
17 resources more wisely.

18 Q. Because that is not currently the case in  
19 California, aren't you speculating on what the impacts  
20 would be if open carry were allowed?

21 A. I don't think so.

22 Q. You didn't consult any studies about resources  
23 being diverted; correct? You didn't consult any  
24 reports, you didn't speak to any executive officers in  
25 jurisdictions where this is allowed, and you don't have

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

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

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

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

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

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

24 A. I did not.

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