

EXHIBIT H

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

JOHN BAUER, an individual and
as Successor in Interest of
Jacob Bauer, deceased; ROSE
BAUER, an individual and as
Successor in Interest of Jacob
Bauer, deceased,

Plaintiffs,

vs.

No. 3:19-cv-04593-LB

CITY OF PLEASANTON; BRADLEE
MIDDLETON; JONATHAN CHIN;
RICHARD TROVAO; STEVEN BENNETT;
ALEX KOUMISS; JASON KNIGHT;
MARTY BILLDT; DAVID SPILLER;
and DOES 1 to 50, inclusive,
Defendants.

DEPOSITION OF JASON KNIGHT

Oakland, California

Thursday, October 8, 2020

Reported by:

Natalie Y. Botelho

CSR No. 9897

Job No. 4262017

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Videotaped deposition of JASON KNIGHT,
taken on behalf of Plaintiffs, at 1999 Harrison
Street, Suite 1600, Oakland, California, beginning
at 9:43 a.m. and ending at 11:54 a.m. on Thursday,
October 8, 2020, before NATALIE Y. BOTELHO,
Certified Shorthand Reporter No. 9897.

1 APPEARANCES:

2
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13 ALSO PRESENT:

14 BRITTANY SMITH, law clerk
15 LINDA LIM, paralegal
16 TED HOPPE, Videographer
17 RICHARD TROVAO

18
19 ---oOo---

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By Mr. Gwilliam	6
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Exhibit 18	The body cam video of Sergeant Knight, PPD 390	102
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Exhibit 19	A video clip, PPD 273	102
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REFERENCE TO PREVIOUSLY MARKED EXHIBITS

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Exhibit 8	Pleasanton Police Department, Call For Service Detail Report - DFS 287, Bates PPD002468 through PPD002486	46
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Exhibit 12	Pleasanton Police Department, Pleasanton PD Policy Manual, Use of Force, Bates PPD000440 through PPD000464	92
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1	Oakland, California, Thursday, October 8, 2020	09:20:55
2	9:43 a.m.	09:20:55
3		09:20:55
4	PROCEEDINGS	09:20:55
5	THE VIDEOGRAPHER: Video is rolling, so	09:43:04
6	let's begin. Good morning. We are going on the	09:43:06
7	record. The time now is 9:43 on October 8th, 2020.	09:43:09
8	This is media unit 1 in the video recorded	09:43:15
9	deposition of Jason Knight, in the matter of John	09:43:18
10	Bauer, et al. versus the City of Pleasanton, et al.,	09:43:23
11	filed in the United States District Court, Northern	09:43:26
12	District of California, San Francisco Division, Case	09:43:32
13	No. 3:19-CV-04593-LB. This video deposition is	09:43:36
14	taking place at 1999 Harrison Street in Oakland,	09:43:47
15	California.	09:43:50
16	Counsel, could you please voice identify	09:43:53
17	yourselves and state whom you represent.	09:43:55
18	MR. GWILLIAM: Yes. I'm Gary Gwilliam,	09:43:58
19	representing the plaintiffs in this matter. And	09:44:00
20	with me I have Linda Lim and Brittany Smith from my	09:44:02
21	office.	09:44:06
22	MR. BLECHMAN: Noah Blechman, on behalf of	09:44:08
23	the defendants, and also present is Defendant	09:44:10
24	Officer Trovao.	09:44:12
25	THE VIDEOGRAPHER: Very good. My name is	09:44:17

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1 Ted Hoppe. I'm the videographer. 09:44:18

2 Natalie, could you please swear the 09:44:19

3 witness in. 09:44:21

4 09:44:21

5 JASON KNIGHT, 09:44:21

6 having been administered an oath, was examined and 09:44:21

7 testified as follows: 09:44:21

8 09:44:21

9 THE VIDEOGRAPHER: Please proceed. 09:44:30

10 EXAMINATION BY MR. GWILLIAM 09:44:30

11 MR. GWILLIAM: Q. Would you state your 09:44:31

12 full name and address for the record, Sergeant 09:44:32

13 Knight? 09:44:33

14 A. Jason Jonathan Knight. 09:44:36

15 (Address was stated by the witness and 09:44:38

16 redacted per stipulation of counsel). 09:44:38

17 MR. BLECHMAN: Well, let's strike that. 09:44:42

18 THE WITNESS: Sorry. 09:44:44

19 MR. BLECHMAN: That could be his personal 09:44:44

20 address. That's -- 09:44:46

21 THE WITNESS: Correct. 09:44:46

22 MR. BLECHMAN: -- not appropriate. So why 09:44:46

23 don't you -- going to move to strike that part of 09:44:48

24 the record. Do you agree with we can strike his 09:44:50

25 address? 09:44:52

1 A. Less than five. Maybe less than three. 10:07:17

2 Q. Okay. And when you arrived at the scene, 10:07:19

3 who was there? 10:07:22

4 A. Middleton, Chin. 10:07:28

5 Q. Trovao? 10:07:34

6 A. I'd have to watch the video again. I 10:07:36

7 don't remember that. 10:07:38

8 Q. Okay. Was Marty Billdt there at the time 10:07:39

9 you arrived? 10:07:42

10 A. We got there about the same time. 10:07:43

11 Q. All right. 10:07:45

12 A. Sorry. 10:07:45

13 MR. BLECHMAN: It's okay. Just let him 10:07:45

14 finish his question before you answer, and he'll do 10:07:47

15 the same -- 10:07:50

16 THE WITNESS: My bad. 10:07:51

17 MR. BLECHMAN: -- for you. That's okay. 10:07:53

18 We're going a little fast, so... 10:07:53

19 MR. GWILLIAM: If we're speaking too fast, 10:07:55

20 let us know. 10:07:55

21 (Discussion off the record.) 10:08:19

22 MR. GWILLIAM: Q. How would you describe 10:08:26

23 your role at the scene? When I read your statement, 10:08:27

24 I thought at one time you said you were sort of a 10:08:32

25 supervisor or co-supervisor. Can you describe for 10:08:34

1 me in your own words what you felt your role was 10:08:36
2 there at the scene from the time you arrived until 10:08:40
3 the time they put Mr. Bauer in the ambulance? 10:08:42
4 A. Well, I'm obviously supervisor on scene. 10:08:48
5 However, on that situation, I believed that we were 10:08:50
6 going to have a use-of-force issue. I mean, we 10:08:55
7 were. And that it would have been a good 10:08:57
8 opportunity for Sergeant Billdt to do the 10:08:59
9 administrative review. 10:09:02
10 Q. Well, who would be the commander? Who 10:09:07
11 would be the person in charge, as far as you're 10:09:10
12 concerned, if there was one person in charge of the 10:09:12
13 scene, from the time you arrived until the time he 10:09:15
14 died or he coded? 10:09:19
15 A. I mean, we're all supervisors on scene, 10:09:22
16 myself, Sara Sua, and Billdt. We were the ones that 10:09:24
17 are going to continue to communicate with each 10:09:28
18 other, and we're all the same rank, and we're going 10:09:30
19 to communicate with each other to make decisions. 10:09:34
20 That -- during the fluid situation. 10:09:38
21 Q. Did you perceive that Marty Billdt was the 10:09:41
22 primary commander at the scene there? 10:09:43
23 MR. BLECHMAN: Vague and ambiguous as to 10:09:48
24 "commander," but go ahead. 10:09:49
25 THE WITNESS: Like I said, I think that 10:09:52

1 A. I believe I asked him what type of call it 10:17:15
2 was. 10:17:16
3 Q. And what point was this? In the -- had 10:17:18
4 they handcuffed him at that stage? 10:17:22
5 A. I don't know. 10:17:24
6 Q. What did Billdt tell you about what kind 10:17:27
7 of call it was? 10:17:28
8 A. I don't know. I believe something to the 10:17:31
9 fact of vandalism. 10:17:34
10 Q. Do you have any better recollection than 10:17:39
11 that? 10:17:41
12 A. No, but I wasn't concerned at that time. 10:17:41
13 I remember that because we were dealing with a 10:17:42
14 subject who was in violation of 148, which is 10:17:44
15 actively resisting our officers. So I looked at it 10:17:47
16 as we had a -- that crime going on. 10:17:51
17 So we trust our officers to make decisions 10:17:53
18 on the street, and the officers made a decision. I 10:17:56
19 responded from the station. When I got there, there 10:18:00
20 was an active struggle. They were trying to get him 10:18:02
21 into custody as safely and quickly as possible. And 10:18:04
22 then we'll investigate after that where we're at. 10:18:07
23 Get him the medical attention and move forward. 10:18:11
24 Q. Okay. At any point up until he was put 10:18:13
25 into the ambulance, did you make your own assessment 10:18:16

1 as to whether or not he might have some severe 10:18:20
2 mental illness? 10:18:23
3 MR. BLECHMAN: Calls for speculation, 10:18:25
4 lacks foundation, calls for expert testimony, vague 10:18:26
5 and ambiguous as to "severe mental illness." Go 10:18:29
6 ahead. 10:18:32
7 THE WITNESS: I wouldn't say I made a 10:18:33
8 determination it was severe mental illness. I know 10:18:35
9 I mentioned to a lady walking into the grocery store 10:18:38
10 about a -- that he could be mentally ill, but I also 10:18:43
11 asked an officer -- I remember that on the video -- 10:18:47
12 saying, "What kind of drug do you think is on 10:18:48
13 board?" So we're always actively investigating, but 10:18:52
14 I'm not a doctor, and we're looking at all those 10:18:54
15 scenarios. 10:18:58
16 MR. GWILLIAM: Q. I'm just getting into 10:18:58
17 your state of mind. 10:19:00
18 A. Yeah. 10:19:01
19 Q. You said you mentioned a lady. Was that 10:19:01
20 when you went up to Raley's? 10:19:03
21 A. Yes, sir. 10:19:05
22 Q. Why did you go up to Raley's? 10:19:05
23 A. To get water. 10:19:07
24 Q. And was that after he was -- did he have 10:19:08
25 his wrap on? What was going on at the time you went 10:19:12

1 up to Raley's for the water? 10:19:16

2 A. I believe he had his wrap on and 10:19:17

3 paramedics were on scene. 10:19:19

4 Q. And who was the lady you talked to at 10:19:21

5 Raley's? 10:19:24

6 A. I don't know. 10:19:25

7 Q. But did -- was it your encounter with that 10:19:28

8 woman at Raley's that first led you to believe that 10:19:31

9 you might be dealing with somebody that had a mental 10:19:35

10 illness? 10:19:38

11 A. I think it was just a very generic 10:19:39

12 statement at the time. 10:19:41

13 Q. What was the -- what's your best 10:19:42

14 recollection of what she said? 10:19:44

15 A. She asked me, "What's going on?" And we 10:19:47

16 get that a lot from citizens, and it's a fine line 10:19:50

17 between just giving a generic statement of "He's 10:19:53

18 having a mental crisis or he's going through a 10:19:57

19 mental issue." 10:19:59

20 Q. So she said something about he seemed to 10:20:01

21 be in mental crisis or having a mental illness? Is 10:20:03

22 that what you remember her saying? 10:20:06

23 A. Some -- no. I said that. 10:20:07

24 Q. Why did you say that? 10:20:09

25 A. She asked, "What's going on?" 10:20:10

1 Q. She asked, "What's going on?" 10:20:12

2 A. Mm-hmm. 10:20:13

3 Q. And then you said there seemed to be a 10:20:14

4 mental illness issue? 10:20:15

5 MR. BLECHMAN: Misstates the witness's 10:20:17

6 testimony, but go ahead. 10:20:18

7 THE WITNESS: Something to that effect. 10:20:19

8 MR. GWILLIAM: Q. Why did you say that? 10:20:21

9 A. It was a generic statement at the time to 10:20:22

10 give her something, but be able to continue on my 10:20:25

11 day. 10:20:28

12 Q. Let me see if I can do it again. If I 10:20:30

13 understand correctly -- and again, if I'm wrong 10:20:34

14 about this, please -- I'm not trying to trick you or 10:20:36

15 put words in your mouth. I'm just trying to 10:20:38

16 understand what's going -- you go up to Raley's for 10:20:41

17 water, you talk to this woman, and you tell her that 10:20:45

18 there's something going on that may involve a 10:20:47

19 mentally ill person? Do I understand that 10:20:50

20 correctly? 10:20:52

21 A. No, sir. 10:20:53

22 Q. Okay. What's -- what have I misstated 10:20:53

23 about that? 10:20:56

24 A. As I'm walking in, I remember a lady 10:20:57

25 saying something about, "What's going on?" I didn't 10:21:00

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1 remember it at the time. I watched my video and saw 10:21:02
2 it. And I said something to the effect -- which I'm 10:21:04
3 sure you've seen -- that "He's going through a 10:21:06
4 mental crisis." 10:21:08
5 Q. Okay. 10:21:10
6 A. Something to that effect. I don't know 10:21:11
7 the exact quote. 10:21:12
8 Q. All right. So Sergeant Knight, what I'm 10:21:13
9 trying to understand is, what made you believe in 10:21:16
10 your mind, when you talked to that woman, that Jacob 10:21:18
11 Bauer was having a mental crisis? What had led you 10:21:22
12 to that conclusion? 10:21:26
13 A. I didn't know for sure. I'm not a doctor. 10:21:27
14 What I said was that was a generic statement to kind 10:21:28
15 of -- sometimes we let citizens -- we just kind of 10:21:31
16 push it away. So they ask us a question, we say 10:21:34
17 "None of your business," that's very rude. So 10:21:37
18 sometimes I'm not going to -- I didn't do a drug 10:21:39
19 test on him yet, so I'm not going to say he's on 10:21:42
20 drugs. There was some sort of mental crisis at that 10:21:45
21 point that was possibly going on. There was also 10:21:48
22 some sort of drug-induced issue that was possibly 10:21:50
23 going on, but I'm not going to -- I'm going to be 10:21:52
24 very generic for her because there's an ambulance 10:21:55
25 there. 10:21:57

1 Q. Well, I'm less interested in what you told 10:21:58
2 her -- 10:22:00
3 A. I get it. 10:22:01
4 Q. -- than what led you to believe there may 10:22:01
5 be a mental crisis. What had you observed or what 10:22:04
6 had anybody said to you that made you think there -- 10:22:07
7 that Jacob Bauer may be in a mental crisis? 10:22:11
8 A. I'm a almost 20-year police officer. 10:22:14
9 Q. Okay. But what facts? What did you 10:22:17
10 observe or see or hear that made you think he may be 10:22:20
11 in a mental crisis? 10:22:23
12 MR. BLECHMAN: I think it lacks foundation 10:22:27
13 that he believed he was in -- having a mental crisis 10:22:28
14 or whatnot, but you can respond. 10:22:31
15 THE WITNESS: I didn't believe it was a 10:22:33
16 mental crisis, nor did I believe it was 10:22:34
17 drug-induced. I believe it could have been both. 10:22:36
18 It could have been anything. The possibilities were 10:22:38
19 one of those two things. 10:22:40
20 MR. GWILLIAM: Q. What facts led you to 10:22:41
21 that conclusion? 10:22:45
22 A. The strength of the subject. How long it 10:22:46
23 took to handcuff him. 10:22:47
24 Q. Anything else? 10:22:48
25 A. There was a lot of factors. I mean, it's 10:22:50

1 not normal behavior to struggle with police officers 10:22:52
2 giving you lawful commands. 10:22:56
3 Q. Okay. Anything else? 10:22:58
4 A. I'm sure there is. Just not coming to my 10:23:00
5 head right now. 10:23:03
6 Q. Does the fact that he was screaming and 10:23:04
7 yelling about Trump and killing him, did those 10:23:06
8 thoughts lead you to the conclusion you might be 10:23:09
9 dealing with somebody that was mentally ill? 10:23:12
10 A. Possible. 10:23:15
11 Q. I'm interested in something more than 10:23:16
12 possibilities. I want to know if you came to that 10:23:18
13 conclusion in your mind before you went to Raley's, 10:23:19
14 that you were dealing with somebody who's mentally 10:23:21
15 ill, in part because of the way he was screaming and 10:23:24
16 yelling. 10:23:27
17 A. I didn't make any conclusions in my mind 10:23:28
18 at that time, no. 10:23:29
19 Q. Did you think that it was important for 10:23:30
20 you to make a decision as to whether you were 10:23:32
21 dealing with somebody who was mentally ill or some 10:23:34
22 violent felon? 10:23:37
23 A. We were going to get to that point, yes. 10:23:38
24 Q. When do you get to that point? 10:23:41
25 MR. BLECHMAN: Argumentative, but go 10:23:44

1 ahead. You can respond. It's also incomplete 10:23:45

2 hypothetical. 10:23:49

3 THE WITNESS: Please ask the question 10:23:52

4 again. 10:23:53

5 MR. GWILLIAM: Q. Yeah, you said, "We're 10:23:53

6 going to get to that point later." I want to know 10:23:54

7 when -- did you intend to get to that point after he 10:23:56

8 was taken to the hospital? Is that when you -- 10:23:59

9 A. So the first -- I'm sorry. Are you done? 10:24:02

10 Q. Please go ahead. 10:24:03

11 A. So the first step, again, is to get him 10:24:04

12 into custody as quickly and safely as possible. The 10:24:06

13 second step is to get medical attention there, which 10:24:09

14 was there monitoring him at the time. And then the 10:24:11

15 third step would be whether or not we're going to 10:24:13

16 have a criminal act, which is going to be based on 10:24:15

17 investigating the vandalism, investigating the 148, 10:24:18

18 which is -- you know, the 148 issue. And then after 10:24:23

19 that, while this is all going on and we're 10:24:26

20 investigating, we're also going to deal with this -- 10:24:30

21 doing a psychiatric evaluation. 10:24:31

22 Q. So when did you think that you needed to 10:24:35

23 do that so-called psychiatric evaluation? 10:24:37

24 A. Psychiatric evaluation is going to be done 10:24:43

25 once the scene is secure. 10:24:46

1 Q. At any time up until the time he was put 10:24:55
2 in the ambulance, did you feel, as a supervisor at 10:24:59
3 the scene, that you needed to do anything to 10:25:03
4 deescalate the acts of the officers that were 10:25:05
5 working -- that were trying to restrain him? 10:25:11
6 MR. BLECHMAN: Vague and ambiguous as to 10:25:15
7 "deescalate." Vague as to time. Go ahead. 10:25:15
8 THE WITNESS: No, sir. 10:25:24
9 MR. GWILLIAM: Q. Why not? 10:25:26
10 A. Because they have a right to, you know, 10:25:28
11 prevent escape. They have a right to effect an 10:25:30
12 arrest and to overcome his resistance, and that's 10:25:34
13 what they were doing. 10:25:36
14 Q. All right. Well, up until the time that 10:25:37
15 he was placed into the ambulance, did you observe 10:25:40
16 anything that concerned you about the use of force 10:25:43
17 on Jacob Bauer? 10:25:46
18 A. No, sir. 10:25:47
19 Q. Okay. The first exhibit that I want to 10:25:58
20 just go over with you for a minute is the -- this is 10:26:00
21 an Exhibit 8 that we've used before. You said 10:26:04
22 you've looked at it. I'm going to -- this is -- for 10:26:07
23 the record, this is Exhibit 8 we've used in another 10:26:09
24 deposition. 10:26:11
25 It doesn't need to be remarked. We're 10:26:26

1 using the same one. It's got the Exhibit 8 stamp on 10:26:27
2 it, so.. 10:26:27
3 You guys -- you're okay with this? 10:26:30
4 MR. BLECHMAN: Yeah. I'll take an extra 10:26:31
5 copy, if you don't mind, actually, since you have 10:26:36
6 one handy. Thank you. 10:26:38
7 MR. GWILLIAM: Q. You said you've 10:26:43
8 reviewed Exhibit 8 before; is that right? 10:26:44
9 A. It's been several weeks, sir. 10:26:46
10 Q. Okay. From your perspective, tell me what 10:26:49
11 Exhibit 8 is, as you would describe it. 10:26:53
12 A. Computer-aided dispatch notes. 10:26:59
13 Q. Okay. At the time you arrived at the 10:27:01
14 scene, did you have access to the information that 10:27:04
15 was on the dispatch? 10:27:07
16 A. No, sir. 10:27:09
17 Q. Could you have had access to it if you 10:27:11
18 wanted at that time? 10:27:13
19 A. No, sir. 10:27:14
20 Q. Why not? 10:27:15
21 A. I didn't have my laptop with me. 10:27:16
22 Q. Do you need to have your laptop to access 10:27:20
23 this information? 10:27:22
24 A. Possibly could access it from another 10:27:25
25 vehicle. 10:27:26

1 Q. Why did you not have your laptop with you? 10:27:28

2 A. Because it was a Code 3 cover call, and my 10:27:30

3 main concern at that point was the safety of the 10:27:32

4 officers. 10:27:34

5 Q. Did you ever review this up until the time 10:27:36

6 he was put in the ambulance? 10:27:38

7 A. No, sir. 10:27:40

8 Q. When was the first time you reviewed the 10:27:40

9 dispatch information on Exhibit 8? 10:27:43

10 A. I don't recall. 10:27:46

11 Q. Did you ever talk to anybody about what 10:27:49

12 was -- what dispatch had said about Jacob Bauer's 10:27:51

13 conduct? 10:27:59

14 A. No, sir. 10:27:59

15 Q. Before he was put in the ambulance? No? 10:28:01

16 A. Say it again. 10:28:05

17 Q. Before Jacob Bauer was put in the 10:28:06

18 ambulance, did you talk to anybody about the 10:28:08

19 information in the dispatch? 10:28:11

20 A. Not that I recall. 10:28:17

21 Q. So, for example, if you look at this on 10:28:19

22 page -- there's -- 2470, there's a comment down 10:28:23

23 there, 2:45. It's just at the bottom. It says, 10:28:26

24 "Subject is ranting to himself." Do you see that? 10:28:30

25 A. How many lines down? I'm sorry. 10:28:35

1 Q. It's your job to understand that. You've 10:31:34
2 been trained about learning about whether people 10:31:37
3 might be mentally ill on the streets. Isn't that 10:31:39
4 part of what your job is? 10:31:42

5 A. Yes, sir. 10:31:43

6 Q. Okay. And did you believe it was part of 10:31:43
7 your job on August 1st, '18 to determine whether or 10:31:46
8 not you were dealing with somebody that might be 10:31:48
9 mentally ill? 10:31:51

10 A. It's always -- 10:31:52

11 MR. BLECHMAN: Incomplete hypothetical, 10:31:53
12 but go ahead. 10:31:54

13 THE WITNESS: It's always part of our job, 10:31:55
14 but it depends on the situation. Like I mentioned 10:31:56
15 before, getting the subject into custody as quickly 10:32:00
16 and safely as possible is the No. 1 concern. After 10:32:04
17 that, medical, and then after that, the evaluation. 10:32:07

18 MR. GWILLIAM: Q. You've said that. Let 10:32:11
19 me ask my question again. 10:32:12

20 A. I'm -- 10:32:13

21 Q. Did you feel on August 1st, '18, before he 10:32:16
22 was put in the ambulance, that it was your job, as a 10:32:18
23 supervising sergeant on the scene, to make your own 10:32:21
24 determination as to whether you were dealing with 10:32:25
25 somebody that you thought was mentally ill? 10:32:27

1 MR. BLECHMAN: Incomplete hypothetical, it 10:32:29
2 calls for speculation, lacks foundation of this 10:32:31
3 witness, vague and ambiguous as to "mentally ill." 10:32:34
4 But go ahead. 10:32:37
5 THE WITNESS: I'm going to need it again, 10:32:38
6 sir. I'm sorry. 10:32:39
7 MR. GWILLIAM: Q. Well, your counsel is 10:32:41
8 making a lot of objections, and I think I've said 10:32:43
9 before, you should ignore those objections, unless 10:32:48
10 he specifically instructs you not to answer. So 10:32:50
11 he's making a lot of objections for the record, 10:32:55
12 which is his right, but I want to make sure you 10:32:57
13 understand the question. So I'd like the reporter, 10:33:01
14 if she could, to read the question back to you. 10:33:02
15 (Record read.) 10:33:22
16 THE WITNESS: No. 10:33:24
17 MR. BLECHMAN: Same objections, and vague 10:33:24
18 as to time. 10:33:25
19 THE WITNESS: No, sir. 10:33:26
20 MR. GWILLIAM: Q. Why not? 10:33:27
21 A. I need you to ask -- I'm sorry. Can you 10:33:35
22 ask it again? 10:33:37
23 (Record read.) 10:33:56
24 THE WITNESS: No, sir. 10:33:57
25 MR. GWILLIAM: Q. Why not? 10:33:58

1 MR. GWILLIAM: Okay. I think you're 10:36:17
2 right. 10:36:17
3 MR. BLECHMAN: Because I keep pretty 10:36:17
4 decent notes on that, let the record reflect. 10:36:19
5 MR. GWILLIAM: All right. So for the 10:36:23
6 record, then, we're -- we'll be referring to it as 10:36:24
7 Exhibit 18 for the video, which we can talk about 10:36:26
8 the logistics of how you take that. 10:36:29
9 MS. LIM: Do we mind going off the record 10:36:34
10 so we can chat? The reason is that the deposition, 10:36:36
11 the reporter marked -- 10:36:39
12 MR. BLECHMAN: Let's go off the record. 10:36:40
13 That's fine. 10:36:40
14 THE VIDEOGRAPHER: Give me a second. 10:36:47
15 Going off the record, the time now is 10:36. 10:36:47
16 (Recess taken from 10:36 a.m. to 10:50:08
17 10:51 a.m.) 10:50:08
18 THE VIDEOGRAPHER: Video is rolling. Back 10:51:20
19 on the record. The time now is 10:51. 10:51:21
20 MR. GWILLIAM: Okay. For the record, we 10:51:25
21 were right. This will be Exhibit 18. So it will be 10:51:27
22 a new exhibit number for Sergeant Knight's video 10:51:31
23 from his video cam. Okay? 10:51:39
24 Q. All right. So let's get started on this. 10:51:42
25 You probably saw me do with this Marty Billdt, but 10:51:44

1 video. 11:06:24

2 (Whereupon the video marked as Exhibit 18 11:06:25

3 was played.) 11:06:25

4 MR. GWILLIAM: Stop it. So the taser shot 11:07:10

5 was before -- let me go off the record for a second. 11:07:13

6 THE VIDEOGRAPHER: Going off the record, 11:07:17

7 the time now is 10 -- or 11:07. 11:07:17

8 (Discussion off the record.) 11:10:45

9 THE VIDEOGRAPHER: Video is rolling. Back 11:10:48

10 on the record. The time now is 11:10. 11:10:50

11 MR. GWILLIAM: Q. So Sergeant Knight, 11:10:52

12 what we've done when we were off the record is we 11:10:53

13 have taken one clip of video 273, which we think may 11:10:56

14 be Officer Trovao's video. But I want to show you 11:11:01

15 that. It shows some of the use of the tasers. So 11:11:05

16 we'll just go through this and then I'll ask you a 11:11:07

17 few questions about that. Okay? 11:11:09

18 A. Yes, sir. 11:11:11

19 Q. That's where we are. Okay. 11:11:11

20 So let's go ahead, then, and then run 11:11:13

21 this. For the record, this will be Exhibit 19. And 11:11:15

22 we'll send you that video clip. And we'll get that 11:11:19

23 clip to you in the same form, Noah. Okay? 11:11:22

24 MR. BLECHMAN: Okay. 11:11:25

25 (Whereupon the video marked as Exhibit 19 11:11:54

1 was played.) 11:11:54

2 MR. GWILLIAM: Stop it right there. 11:12:24

3 Q. Now, do you see -- this is -- for the 11:12:25

4 record, this is 1 point -- 1 and 51 seconds into 11:12:28

5 this video 273. Do you see the tasers being used 11:12:33

6 there? Were you present when that happened, 11:12:36

7 Sergeant Knight; do you know? 11:12:38

8 MR. BLECHMAN: Well, hold on. It assumes 11:12:40

9 facts not in evidence, that tasers are being used 11:12:42

10 there. You can respond. 11:12:44

11 MR. GWILLIAM: Q. Do you agree that this 11:12:47

12 appears to show the use of some tasers on Jacob 11:12:49

13 Bauer? 11:12:52

14 A. No, sir. 11:12:53

15 Q. What do you think it shows? You don't 11:12:53

16 think it shows -- 11:12:54

17 A. I don't know if the trigger's pulled or 11:12:55

18 what's going on. 11:12:57

19 Q. Did you -- were you able to observe 11:12:59

20 these -- this incident that we're watching here? 11:13:00

21 A. I don't think I watched this video, no. 11:13:04

22 Q. Were you present at the time it happened? 11:13:07

23 A. I don't recall. 11:13:09

24 (Whereupon the video marked as Exhibit 19 11:13:19

25 was played.) 11:13:19

1 MR. GWILLIAM: Q. I don't understand what 11:15:49
2 you mean. It's a yes or no question. Either you 11:15:50
3 thought your job was to determine that the tasers 11:15:53
4 were being used appropriately or it didn't. So I 11:15:57
5 just want to know whether, in your job as a 11:16:01
6 supervising sergeant at the scene at this time, you 11:16:03
7 felt it was job or your role to make sure that 11:16:05
8 supervisors were -- that tasers were being used 11:16:08
9 appropriately so there wouldn't be an excessive use 11:16:12
10 of force. 11:16:14
11 A. I believe your question is vague in the 11:16:15
12 fact of when I -- when you're talking about the 11:16:16
13 taser, are you talking about the aftermath, or are 11:16:18
14 you talking about while it's occurring? 11:16:20
15 Q. While it's occurring. 11:16:22
16 A. I don't recall seeing the taser while it 11:16:24
17 was occurring. I believe I've stated that in the 11:16:25
18 past. 11:16:28
19 Q. You didn't hear the tasers go off at any 11:16:28
20 time? 11:16:30
21 A. I don't recall. 11:16:31
22 Q. All right. Do you think you needed to 11:16:33
23 hear or see the tasers in order to determine whether 11:16:36
24 they were being used appropriately? 11:16:41
25 MR. BLECHMAN: It's an incomplete 11:16:43

1 showing up, canceling ones we don't need. My job is 11:21:56
2 very evolving and fluid during this time. 11:22:00
3 Q. Okay. Well, let me be more specific. If 11:22:03
4 I understand your testimony, at this point where we 11:22:06
5 see you in this video, one of your jobs at that time 11:22:09
6 is to make sure as a supervisor that there is no 11:22:13
7 excessive force used on Jacob Bauer, correct? 11:22:16
8 A. Yes, sir. 11:22:20
9 Q. Now, what exactly, if anything, did you do 11:22:21
10 to make that determination, that there would be no 11:22:24
11 excessive force this time? 11:22:26
12 A. I watched. 11:22:32
13 Q. What else? Anything? 11:22:32
14 A. No, sir. 11:22:37
15 Q. We talked before about deescalation. At 11:22:39
16 any time did it occur to you that it might be a good 11:22:42
17 idea to pull some of these officers back and see if 11:22:46
18 you could sit this guy up and talk to him? 11:22:48
19 A. No, sir. 11:22:51
20 MR. BLECHMAN: Hold on. 11:22:51
21 MR. GWILLIAM: Q. Why not? 11:22:52
22 MR. BLECHMAN: Incomplete hypothetical. 11:22:53
23 THE WITNESS: It's a rapidly evolving 11:22:55
24 situation. My job is to -- our job is to make sure 11:22:56
25 he's in custody as quickly and safely as possible. 11:22:59

1 was played.) 11:23:56

2 MR. GWILLIAM: All right. Let's stop. 11:24:02

3 Q. Do you know whether there was any use of a 11:24:04

4 baton, other than just trying to pry his arm open, 11:24:06

5 when you were at the scene there? 11:24:10

6 A. No, sir. 11:24:12

7 Q. Do you know if anybody hit him with a 11:24:12

8 baton? 11:24:14

9 A. No -- 11:24:15

10 MR. BLECHMAN: Hold on. Vague and 11:24:16

11 ambiguous as to "hit," but go ahead. 11:24:16

12 THE WITNESS: No, sir. 11:24:18

13 MR. GWILLIAM: Q. Do you know anybody -- 11:24:18

14 do you know if anybody used their baton on Jacob 11:24:20

15 Bauer? 11:24:22

16 A. No, sir. 11:24:24

17 Q. Have you learned later that Officer Trovao 11:24:24

18 did, in fact, use his baton on Jacob Bauer? 11:24:27

19 A. No, sir. 11:24:31

20 Q. You don't know that even up until today? 11:24:33

21 A. No, sir. 11:24:36

22 Q. You think it would have been appropriate, 11:24:36

23 in terms of the appropriate use of force, to use a 11:24:38

24 baton to hit him at this time? 11:24:42

25 MR. BLECHMAN: It's an incomplete 11:24:46

1 ahead. 11:35:10

2 THE WITNESS: Possibly. 11:35:11

3 MR. GWILLIAM: Q. Okay. Have you had any 11:35:12

4 experience with somebody suffering from excited 11:35:13

5 delirium before Jacob Bauer? 11:35:16

6 A. Possibly. 11:35:20

7 Q. Anything you can remember? 11:35:21

8 A. Super strength, yeah. 11:35:26

9 Q. But if he was suffering from excited 11:35:29

10 delirium, the policy says that he might be at an 11:35:30

11 increased risk of sudden death. Do you agree with 11:35:34

12 that? 11:35:37

13 A. Yes. 11:35:37

14 Q. Did you feel that way at the scene, that 11:35:38

15 he was suffering from excited delirium? 11:35:41

16 A. I don't know what he was suffering from at 11:35:46

17 the time. 11:35:47

18 Q. Well, he exhibited all the behaviors shown 11:35:49

19 in this policy, did he not? 11:35:51

20 A. These behaviors are similar to 11:35:54

21 drug-induced possibilities as well. 11:35:55

22 Q. Okay. But do you agree, then, that he 11:35:59

23 was, according to your policy, quote, "at an 11:36:03

24 increased risk of sudden death," unquote? 11:36:06

25 A. Possibly, which is why medical was called. 11:36:11

1 so I knew that he had -- was at least dealing with 11:40:45
2 that. What was going to be the consequence of 11:40:48
3 Jacob, as far as criminally or psychiatric 11:40:50
4 detention, hadn't been determined yet, but medical 11:40:52
5 personnel were on scene and actively watching him 11:40:55
6 and taking care of him, was my mindset at the time. 11:40:59
7 Q. Right. To be more specific, did -- up 11:41:02
8 until the time he was put in the ambulance, did you 11:41:05
9 ever understand what had happened at Raley's that 11:41:07
10 had led to the call to come into the dispatch? 11:41:13
11 A. Not fully. 11:41:17
12 Q. Do you agree that a police officer in the 11:41:24
13 city of Pleasanton should not arrest someone for a 11:41:28
14 misdemeanor that's not committed in their presence? 11:41:31
15 MR. BLECHMAN: Calls for a legal 11:41:35
16 conclusion, incomplete hypothetical. Go ahead. 11:41:35
17 THE WITNESS: Can you ask that question 11:41:41
18 again? Do I believe an officer should not arrest 11:41:43
19 someone for a misdemeanor not committed in their 11:41:45
20 presence? 11:41:48
21 MR. GWILLIAM: Q. Correct. 11:41:48
22 A. Correct. An officer should not arrest 11:41:49
23 somebody for a misdemeanor committed outside their 11:41:51
24 presence. 11:41:53
25 Q. Let me do this. I'm going to take a break 11:41:53

1 can have a restraining order-type violation. And 11:53:22
2 there's a few others that might find out, but there 11:53:25
3 are certain ones you can arrest not in your 11:53:29
4 presence. 11:53:32
5 Q. Okay. So you just had to check the Penal 11:53:32
6 Code out there for -- 11:53:35
7 A. No. 11:53:37
8 Q. I'm just teasing. That's all right. I 11:53:37
9 don't have any further questions. 11:53:38
10 A. I completely understand the Penal Code. 11:53:40
11 It's just I misunderstood the question. 11:53:41
12 Q. I don't have any problem with that. So 11:53:45
13 thank you very much. I don't have any further 11:53:46
14 questions at this time. 11:53:47
15 A. Thank you. 11:53:50
16 MR. BLECHMAN: We're done. 11:53:51
17 MR. GWILLIAM: Okay. 11:53:52
18 THE VIDEOGRAPHER: Okay. Going off the 11:53:54
19 record, the time now is 11:54. 11:53:54
20 (Whereupon the deposition concluded at 11:54:07
21 11:54 a.m.) 11:54:07
22 (Whereupon, subsequent to the conclusion 11:54:07
23 of the deposition, Exhibit 18 and 11:54:07
24 Exhibit 19 were marked for 11:54:07
25 identification.) 11:54:07

CERTIFICATE OF REPORTER

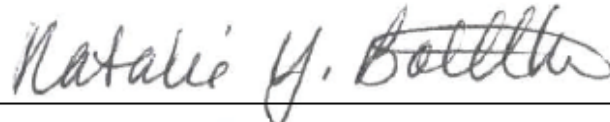
I, Natalie Y. Botelho, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled.

The said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [] was|[X] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: October 22, 2020

A handwritten signature in cursive script, reading "Natalie Y. Botelho", is written over a horizontal line.

Natalie Y. Botelho, CSR No. 9897