

EXHIBIT O

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHRISTOPHER WILLIAMS,

Plaintiff,
vs.

CITY OF LONG BEACH,
SERGEANT RAYALEXANDER,
individually and as a peace officer,
OFFICER DEDIER REYES,
individually and as a peace officer,
OFFICER BRYANT YURIAR,
individually and as a peace officer,
SERGEANT DEREK ERNEST,
individually and as a peace officer, and
DOES 1-10.

Defendants

Case No. 2:19-cv-5929-ODW-AFM

**DECLARATION OF POLICE
PRACTICES EXPERT DAVID
REYNOSO TO PLAINTIFF'S
REPLY TO PLAINTIFF'S
MOTION FOR SANCTIONS FOR
SUPPRESSION OF EVIDENCE**

I, David Reynoso declare and state:

1. The facts stated herein are personally known to me based on my firsthand knowledge, except where alleged on information and belief. As to those matters, I believe them to be true. I am over 18 years old. If called upon as a witness I would competently testify thereto.

MY BACKGROUND, TRAINING AND EXPERIENCE

2. I have been a police officer for 32 years.

- 1 3. From January 1990 to April 5, 2015 I worked at the Baldwin Park Police
2 Department (BPPD) in the ranks of Officer, Detective, Sergeant, Lieutenant and
3 Captain. I worked virtually all assignments at the BPPD. Among my assignments
4 included patrol, and supervising patrol officers, detective positions, and
5 investigating officers accused of misconduct.
- 6 4. I conducted investigations of officers accused of violating administrative
7 procedures and criminal violations. I was involved in every aspect of personnel
8 investigations, from initiating, to investigating and completing final review and
9 recommendation of investigations. I was involved in many aspects of
10 investigations where officers were accused of violating administrative procedures.
11 I was involved in investigations of officers accused of criminal violations. I
12 recommended the adjudication of officers accused of violating administrative
13 procedures and criminal violations. Accordingly, I am familiar with the best
14 practices of law enforcement, as well as typical customs and practices for
15 investigating officers accused of wrongdoing.
- 16 5. I became the Chief of Police of El Monte Police Department on April 6, 2015. My
17 retirement date is December 30, 2021. As the Chief of Police, I was involved in
18 overseeing the day to day operations of the entire police department which included
19 Patrol Functions, Administrative Functions and Detectives. I was the final decision
20 maker on policies, procedures and best police practices for reviewing officers
21 accused of violating administrative procedures and criminal violations as well as
22 determining whether or not an officer should be placed on administrative leave, or
23 disciplined in connection with allegations of misconduct against the officer as
24 stated by city ordinance.
- 25 6. I am familiar with the overall policies and procedures of police agencies in the State
26 of California. All officers must adhere to the Police Officer Standards of Training
27 (POST) rules and regulations as first taught at POST Certified Basic Police
28 Academies. I have taught and currently teach Learning Domains 00, Becoming an
Exemplary Peace Officer and 01, Leadership, Professionalism and Ethics for over 5

1 years.

2 7. I have obtained the POST Basic, Intermediate, Advanced, Supervisory,
3 Management, and Executive Certificate. I am a graduate of the FBI National
4 Academy.

5 **REVIEW OF MATERIALS**

6 8. I was retained by Plaintiff's counsel to review late production of discovery
7 materials related to Defendant Dedier Reyes' arrest investigation for perjury, false
8 arrest and falsification of reports, provide informed opinions and respond to LBPD
9 Internal Affairs Commander Darren Lance's declaration on December 15, 2021
10 attached to Defendants' Motion, Dkt Doc. 175.

11 9. I also reviewed the criminal complaint against Officer Reyes. The complaint states
12 that: On December 3, 2021 The People of the State of California issued a Felony
13 Complaint for Arrest Warrant against Dedier Reyes (DOB 08/011983) and David
14 Mariana Salcedo. That Complaint provides in pertinent part:

15 a. COUNT 1 alleges: "On or about February 15, 2018, in the County of Los
16 Angeles, the crime of PERJURY UNDER OATH, in violation of PENAL
17 CODE SECTION 118(a), a Felony, was committed by DEDIER REYES,
18 who being a person who, having taken an oath that he would declare, and
19 certify truly before a competent tribunal, officer and person, in a case in
20 which such an oath may by law be administered, to wit, probably cause
21 declaration, did contrary to such oath state as true a material matter which he
22 knew to be false, to wit: facts declared in a probable cause determination."
23 (Emphasis from the original complaint.)

24 b. COUNT 2 says: "On or about February 15, 2018, in the County of Los
25 Angeles, the crime of FILING A FALSE REPORT, in violation of PENAL
26 CODE SECTION 118.1 a Felony, was committed by DEDIER REYES and
27 DAVID MARIANO SALCEDO, who did, as a (sic) peace officers, file a
28 report regarding the commission and investigation of a crime with the agency
which employed the defendant, and knowingly and intentionally included a

1 statement and statements regarding a material matter which the defendant
2 knew to be false.”

- 3 c. COUNT 3 claims: “On or about February 15, 2018, in the County of Los
4 Angeles, the crime of FALSIFYING A PUBLIC RECORD, in violation of
5 GOVERNMENT CODE SECTION 6200, a Felony was committed by
6 DEDIER REYES and DAVID MARIANO SALCEDO, who was an officer of
7 Long Beach Police Department, and having the custody of a record, filed or
8 deposited in a public office, willfully falsified that record.”

9 **NUMEROUS USE OF FORCE COMPLAINTS AGAINST REYES, FIVE**
10 **THAT ALSO INCLUDED OFFICER YURIAR**

- 11 10. To further assist my review, I also looked at the Use of Force Complaints filed
12 against Officer Reyes in the past. I must say the large number of complaints are
13 quite significant and unusual. There were 29 total complaints, summarized in
14 **Exhibit P filed under seal**. Of those 29 Use of Force complaints, five also involve
15 Officer Yuriar. Specifically, those five were: (1) Trial Exhibit 48 Citizen
16 Complaint against Reyes & Yuriar by Alberto Ruiz 6/12/17 (2) Trial Exhibit 50
17 Citizen Complaint against Reyes & Yuriar by Daniel Alexander 1/7/18 (3) Trial
18 Exhibit 51 Citizen Complaint against Reyes & Yuriar by Joel Chavez Melina 1/5/18
19 (4) Trial Exhibit 64 Reyes & Yuriar Use of Force incident 3/27/16 Michael Jurado
20 and (5) Trial Exhibit 71 Reyes & Yuriar Use of Force incident 6/1/19 Synquan
21 Brown.

22 **PERJURY AND FALSIFICATION OF RECORDS BY REYES**

- 23 11. My review of the internal files produced indicates that on February 22, 2018 LBPD
24 Homicide Detectives Oscar Valenzuela and Shea Robertson discovered
25 discrepancies between video surveillance and police reports authored by Defendant
26 Reyes and his field trainee, Officer David Salcedo, in connection with felony arrests
27 they made on February 15, 2018. Closer review of the video surveillance from the
28 location of the incident indicated specifically that Reyes was materially untruthful
in his official reports about his percipient observations regarding who carried a bag

1 with a loaded firearm causing him to book Orlando Fonseca Vargas on a false
2 felony charge of possession of a firearm. Based on their investigation, the detectives
3 determined there was insufficient evidence to charge Orlando Fonseca Vargas who
4 was released.

- 5 12. Thereafter, on April 25, 2018 the Commander of the homicide and gang division
6 Robert Smith, assigned Detective Peter Lackovic to initiate a criminal investigation
7 into this misconduct. Detective Lackovic conducted a thorough investigation, by
8 interviewing both Defendant Reyes and David Salcedo, obtaining search warrants
9 for search of their cell phones and detailing analysis of the video surveillance.
10 These interviews of Reyes and Salcedo were made on July 10-11, 2018 when they
11 were admonished of their Miranda Rights. Reyes waived his 5th amendment rights
12 and agreed to speak and provided statements where he made certain admissions.
13 Salcedo refused to speak without a lawyer.

14 **MULTIPLE INTERVIEWS OF REYES RELATED TO HIS PERJURY AND**
15 **FALSIFICATION OF REPORTS.**

- 16 13. On the same day of his interview with Lackovic on July 11, 2018, Reyes was also
17 interviewed by Internal Affairs Sergeant Greg Brown, who read him a Lybarger
18 admonition. Reyes provided a statement. Greg Brown also interviewed Salcedo on
19 the same day that he was interviewed by Lackovic on July 10, 2018. Brown then
20 conducted a full investigation into the incident by reviewing the video surveillance.
21 However, in the records produced to Plaintiff recently there is no executive
22 summary of the IA investigation, nor any indication of any disposition reached.
23 Criminal charges were filed on December 3, 2021. As of December 24, 2021 21
24 days elapsed since the criminal charges were filed against Reyes. Because
25 administrative investigations against officers are typically completed other than the
26 final determination against the officer, in my opinion, under the best practices of
27 law enforcement, the IA against Reyes should be completed by now. There should
28 now be an Executive Summary and disposition of the IA investigation completed
and available for production.

REYES' EXTENSIVE IA HISTORY.

- 1
- 2
- 3 14. The Internal Affairs History is subject to a protective order, and thus I request that it
- 4 be filed as exh "P" under seal. There were four administrative complaints of
- 5 which three were sustained. There were 20 citizen complaints, including one listed
- 6 as "pending." Three of those complaints were listed as "other-bureau review. One
- 7 from 2018 was pending. Three were listed as "other." There were also 25 use of
- 8 force complaints against Officer Reyes. Three of those were listed as "in policy -
- 9 verbal counseling." Three others were listed "In Policy- Verbal Retraining." Thus
- 10 between 2009 and 2019 there were 49 different complaints brought against Officer
- 11 Reyes, which is an astonishing high number of complaints.
- 12 15. The Administrative Complaint History, exh "P" reveals that in 2014 Officer Reyes
- 13 also had a 16 day suspension and mandatory referral to the Department
- 14 Psychologist for violating 20 different policies including use of force, standard of
- 15 conduct and filing of reports.
- 16 16. In 2013, Reyes received a written reprimand.
- 17 17. In 2009 Reyes received a 10 day suspension and mandatory referral to the
- 18 Department Psychologist with sustained findings that he had a "failure of Good
- 19 Behavior," "Professional Conduct" and various other violations. There are
- 20 numerous allegations listed in exh "P."

21 **I DISAGREE WITH THE DECLARATION OF COMMANDER LANCE.**

22 **THE LBPD SHOULD HAVE KNOWN OF THE PENDING 2018 PERJURY**

23 **IA AND SHOULD HAVE PRODUCED IT.**

- 24 18. Among the information listed in exh "P" is a pending complaint from 2018 for
- 25 telling the complainant to "get the fuck out of the car." Whether this pending case
- 26 was tolled or not is not identified. However, the fact that pending IA's were listed
- 27 in exhibit "Q" calls into question the declaration of Commander Lance.
- 28 Commander Lance declares that there was a criminal investigation opened and the
- IA was tolled (suspended) on April 25, 2018, pending the LBPD's criminal

1 investigation. Since it is a pending IA, the Department must keep track of it, so that
2 it can timely and properly adjudicate the complaint.

3 19. Commander Lance claims in paragraph 7 of his declaration that the tolled IA
4 Administrative Investigation did not appear on Officer Reyes' Internal Affairs
5 History Report. I find this to be unbelievable. All police agencies must keep track
6 of Internal Affairs Complaints, particularly those with criminal allegations of wrong
7 doing pending for proper due process and to protect the public.

8 20. When an officer is accused of wrongdoing, even before the IA is adjudicated, the
9 department must keep track of that information for various reasons including to
10 keep track of deadlines to adjudicate a complaint under the Peace Officer's Bill of
11 Rights, and also to comply with discovery obligations when there is a request for a
12 police officers personnel history, whether or not the investigation has been
13 completed.

14 21. Judges want production of pending, tolled or other ongoing investigations for
15 *Pitchess, Brady* and other discovery compliance. **Failing to keep track of**
16 **allegations of misconduct against a police officer is not consistent with the best**
17 **practices of police departments, it fails to comply with discovery obligations by**
18 **police departments, can compromise their own investigations and fails to**
19 **protect the public from rogue officers.**

20 22. A failure to keep track of pending personnel complaints against officers deprives
21 the public of due process and protection when they complain. Public policy
22 demands that complaints against police officers are thoroughly investigated, which
23 protects the public from rogue officers, creates an environment of procedural justice
24 and protects good officers from untrue claims.

25 23. Put another way, modern policing keeps track of all complaints against police
26 officers with claims of wrongdoing in Internal Affairs history reports, which must
27 contain all reports, including those that were tolled.

28 24. Keeping track of every Internal Affairs complaint against each officer, whether or
not pending must be retained and accessible. That information must be kept to

1 properly manage the police department and to take proper protective measures for
2 the public while disciplining wayward officers in a fair manner.

3 **MULTIPLE EMPLOYEES KNEW OR SHOULD HAVE KNOWN OF THE**
4 **PENDING IA AGAINST REYES FOR PERJURY AND FALSIFYING**
5 **REPORTS**

6 25. Many different employees at the LBPB knew or should have known of the pending
7 perjury allegations against Officer Reyes. The policy manual at section 4.1.5.4,
8 page 110 states that “each level in the chain of command must endorse and forward
9 reports received bearing on disciplinary matters...Disciplinary reports in transit
10 through the chain of command shall not be delayed but must be reviewed, endorses
11 and forwarded as soon as possible. Disciplinary reports shall be filed in accordance
12 with current Department orders.” This means that multiple personnel in Officer
13 Reyes’ chain of command would have been aware in 2018 of the allegations of
14 perjury and falsifying documents. (All references to the LBPB Manual refer to the
15 2021 Manual which is available on line.)

16 26. The manual at 4.1.5.5 provides that the accused employee “shall be informed of the
17 charges when they are filed.” Page 110 **Exhibit Q**. Since the criminal and
18 administrative investigations of Officer Reyes were conducted in 2018, he would
19 have been aware of those charges at that time.

20 27. The timeline of events indicates the Department was put on notice on February 22,
21 2018 through the homicide detectives’ investigation, that Reyes had potentially
22 committed a crime by committing perjury, falsifying official reports and arresting
23 someone falsely. When considering these serious allegations, *Brady* concerns and
24 the 25 different complaints of uses of force, under the best practices of law
25 enforcement, as well as Long Beach’s policy manual, it was incumbent upon the
26 Department pending any further investigation, criminal or administrative, to place
27 Reyes on administrative leave, and remove his peace officer powers to protect the
28 public from further misconduct.

- 1 28. When there is a complaint, the Manual at 4.1.1.2 (p. 104) requires several
2 documents that would provide an additional way for Internal Affairs to be aware of
3 the pending IA, contrary to the declarations of Commander Lance and Ms. Luongo.
4 First, there is the Personnel Complaint Form (PD Form 1010.008 (a)). There are
5 follow up portions of the form, which “shall be immediately forwarded to Internal
6 Affairs Division.”
- 7 29. Next, the Watch Commander/Supervisor shall note on his/her respective log that a
8 personnel complaint has been received.
- 9 30. Thereafter, “[a]ll applicable Arrest Reports, Incident Reports, Evidence Reports,
10 investigative memoranda, statements, CAD printouts, or other relevant information
11 shall be attached to the complaint form.” Manual p. 105. (Exh “Q”.)
- 12 31. Another reason why the claims of Commander Lance and defense counsel that there
13 was a glitch in the system do not make sense is the fact that “[t]he Internal Affairs
14 Division shall be responsible for the daily tabulation of all citizen complaints and
15 shall forward an annual report to the State of California, Department of Justice.
16 Manual section 4.1.1.3. Exh “Q”, p. 105. The Bureau Chief and Division
17 Commander shall be apprised by IA of complaints. Thus, there are multiple
18 mechanisms by which the LBPD knew or should have known of the investigation
19 against Reyes, and numerous employees with such knowledge as well, in my
20 opinion.
- 21 32. The failure to turn over the complete complaint history against Officer Reyes or to
22 properly account for a claim of perjury and falsifying police records also is not
23 consistent with the best practices of police work.
- 24 33. Here there were two investigations, a criminal investigation and an Internal Affairs
25 Investigation. I find it hard to believe that the police department could not keep
26 track of even criminal investigations of officers, there cannot be too many at a time.
27 It does not pass the smell test that the police department would not keep track of the
28 criminal investigation.

1 34. Departments also need to keep track of pending investigations to properly
2 adjudicate the case as exonerated, sustained, not sustained or unfounded.

3 **REYES WAS REMOVED AS A FIELD TRAINING OFFICER AFTER THE**
4 **FEBRUARY, 2018 PERJURY INCIDENT, RESULTING IN FURTHER**
5 **DOCUMENTS AND TRACKING SYSTEMS THAT SHOULD HAVE BEEN**
6 **DISCLOSED IN DISCOVERY.**

7 35. The department was obviously aware of, and concerned about, the allegations of
8 perjury against Officer Reyes, because he was removed from his assignment as a
9 FTO in December 2018. A FTO has a great influence over new officers and can
10 lead to a failure to train new officers in the truthful and ethical manner in which to
11 perform duties as police officers. Allowing an officer with so many complaints of
12 wrong doing continuing to work as a FTO, or even as a police officer, is clearly not
13 consistent with the best practices of police work. Despite the concern that Reyes
14 should not continue to be an FTO because of the allegations of perjury and
15 falsifying police reports, the LBPD allowed him to remain on full duty as a police
16 officer, thereby jeopardizing the public.

17 36. Officer Reyes had a change of assignment from FTO to patrol officer. One reason
18 why officers are removed from an FTO position is for disciplinary reasons.
19 Whenever there is a change of status whether or not disciplinary, there must be
20 written paper work showing the basis for the change of assignment or discipline.
21 Such paper work should include a Personnel Action Form, or other written
22 documents reflecting the change of status.

23 37. Typically, officers receive more pay when they are FTO's, so losing a position as an
24 FTO would result in less pay. Once again, there needs to be a paper trail, so that
25 finance can properly pay an officer their new salary and possible benefits. Such a
26 paper trail is also necessary if an officer chooses to file a grievance after the change
27 of assignment. I did not see in the declarations of Commander Lance or the other
28 witnesses any explanation why these documents were not identified, which could
also lead to discovery of the pending IA.

1 **REYES SHOULD HAVE BEEN RELIEVED OF DUTY IN FEBRUARY,**
2 **2018.**

3 38. If Reyes was relieved of duty with his police powers removed, he would not have
4 been in the field to injure Mr. Christopher Williams on March 24, 2018.

5 39. The Long Beach PD Policy on Administrative leave at p. 42, section 3.8.2 says:
6 “The Chief of Police retains the discretion to assign any employee to Administrative
7 Leave during the course of an investigation into allegations of serious misconduct.
8 Investigations involving an assignment to Administrative Leave will be completed
9 as quickly as possible. While assigned to Administrative Leave, an employee will
10 continue to receive pay and benefits.” (Par.) “When assigned to Administrative
11 Leave, employees must remain at their residence (or other location approved by the
12 Internal Affairs Division Commander or his or designee)... (Par) While assigned to
13 Administrative Leave, employees are prohibited from acting in an official
14 capacity....” Exh “Q.”

15 40. Officer Reyes should have been placed on administrative leave because of the
16 allegations of perjury and falsifying police records in February 2018, one month
17 before the detention of Mr. Williams because the alleged violations are egregious
18 and they strike at the core values of the Law Enforcement Code of Ethics- lying.
19 These allegations can also be disruptive to a police department as an officer accused
20 of these serious allegations, can compromise the honest and hard working officers
21 of the Long Beach Police Department.

22 41. Long Beach PD Policy Manual section 3.3. page 37 **Truthfulness** - “Employees are
23 required to be truthful at all times. Employees shall not knowingly falsify any
24 official report or enter or cause to be entered any inaccurate, false or improper
25 information on the books, records or registers of the Department.” The three
26 felony charges brought against Officer Reyes demonstrate that he did not comply
27 with the Manual section requiring truthfulness.

28 42. Under the best practices of police departments, once there was an investigation of
Officer Reyes for three different felonies involving truthfulness, the Chief had the

1 right, and here the duty, to remove Officer Reyes from the Department and to place
2 him on Administrative Leave until the end of the investigation against him. This
3 action would have protected the public from further wrongful actions by Reyes that
4 could lead to the violation of the public's rights and compromising the ability of a
5 member of the public from receiving a fair judicial process.

6 **IF REYES WAS RELIEVED OF DUTY IN FEBRUARY 2018 BECAUSE OF**
7 **THE PERJURY CLAIMS AND FALSIFICATION OF REPORTS CLAIMS,**
8 **THEN MR. WILLIAMS WOULD NOT HAVE BEEN INJURED.**

9 43. Had the Long Beach Police Department, and its chief, placed Officer Reyes
10 promptly on Administrative Leave, Mr. Williams would not have been detained,
11 handcuffed or injured by Officer Reyes, because he would not have been allowed to
12 be there. Moreover, Officer Reyes' use of a control hold that resulted in a broken
13 arm was not justified nor necessary as Mr. Williams was not resisting the police.

14 44. Officer Reyes apparently did not write a police report of the Williams detention, but
15 his partner for the night, Officer Yuriar did. Yuriar's report does not describe any
16 force used by Reyes. In my opinion, there would be a motive for Officers Reyes
17 and Yuriar to cover up Reyes' use of force in breaking Mr. Williams' elbow based
18 on the unusually large number of use of force complaints previously filed against
19 Officer Reyes. So many complaints is very unusual and in my opinion show a
20 motive, opportunity, intent, plan or knowledge of potential discipline, that would
21 motivate Officer Yuriar to fabricate a report and protect the identity of Officer
22 Reyes' involvement in the unjustified use of force that resulted in breaking Mr.
23 Williams' arm. Some commentators would call such a cover up a Code of Silence
24 between the two officers (Yuriar and Reyes).

25 45. Officer Yuriar was named in several of the complaints brought against Officer
26 Reyes, so he had knowledge of those complaints at a minimum.

27 46. Officers in California are allowed to use force to overcome resistance, effect an
28 arrest, prevent escape and in defense of themselves or others. Here, there was no
arrest, why wasn't there an arrest if the force was lawful? If there are legitimate

1 grounds for use of force, then an arrest should have been made, particularly where
2 there was a broken bone. I have been advised by plaintiff's counsel that Mr.
3 Williams was released after detention in the booking van for about 45 minutes. He
4 complained of pain to his arm both at the time of initial detention and when he was
5 released. No use of force was reported. Assuming that he complained of pain when
6 detained and upon his release, in my opinion the use of force should have been
7 reported.

8 47. The Policy Manual has many use of force policies starting at section 7.1.2. All
9 references in this paragraph are to the 2018 manual which was revised on October
10 20, 2015 according to the manual. True and correct copies of the cited pages are
11 attached hereto as, Exh "R" and incorporated by this reference. "The Long Beach
12 Police Department recognizes that peace...officer respond to dynamic and rapidly
13 evolving enforcement situations that may necessitate the use of *reasonable* force."
14 (Emphasis added.) § 7.1.2.

15 48. "If feasible, a suspect will be warned prior to any use of force that is reasonably
16 likely to cause serious injury. Malicious assaults or batteries committed by officers
17 constitute unlawful conduct. The use of physical force shall be restricted to
18 circumstances specified by law when necessary to accomplish a police task
19 successfully. Exh "R" at § 7.1.2.1. Here, I have been advised that Mr. Williams
20 was not resisting the officers, but that a control hold was used by Officer Reyes.
21 While the specific way that hold was applied is apparently in dispute, in my mind
22 that does not matter, because it can still constitute force under the LBPDP policies,
23 which would violate the policies if there was no resistance by Mr. Williams. The
24 situations in which force is allowed under the LBPDP policy manual reflect the Penal
25 Code's authority found in Penal Code §§ 831 (f), 834 (a), 835 and 835 (a). Those
26 sections allow force to maintain custody of a person; where a person being arrested
27 uses force; where reasonable for an arrest or detention; to prevent escape or
28 overcome resistance, none of which applied here as I understand it.

1 49. “Force is any action to control a subject or to overcome resistance through the use
2 of physical strength, weaponless defense techniques, pain compliance techniques,
3 defensive weapons or a combination thereof.” Exh “R” at § 7.1.2.2.

4 50. “... Officers are permitted to use only that force necessary, based on reasonableness
5 and the totality of circumstances to: (1) effect a lawful investigative detention or
6 arrest; (2) control a resistive, combative or threatening subject; (3) protect
7 themselves, the subject or another person from injury, death or destruction of
8 property; and (4) stop a subject who is attempting to flee or escape a lawful
9 detention or arrest.” Exh “R” at § 7.1.2.3. Here, the only basis for detaining Mr.
10 Williams is that Officer Reyes felt he was a suspect in punching another man. In
11 theory that would be appropriate, but the description of the suspect was limited to
12 being a “male black.” There are millions of black men, and officers are not
13 allowed to detain someone because of their race. Accordingly, if that was the
14 justification the first element allowing force does not exist. The second way in
15 which force would be justified is if there was a resistive, combative or threatening
16 subject, but I have been advised that does not apply here because Mr. Williams did
17 not engage in such conduct. Items 3 and 4 do not apply either. Consequently,
18 assuming the above facts are true, the use of force did not comply with policy and
19 was required to be reported. I have been further advised that there was not a report
20 of the use of force in March 2018. In April 2018, there was a complaint filed by
21 Mr. Williams which based on the whopping 49 different complaints that Officer
22 Reyes had been accused of (many with multiple policy violations per complaint)
23 and some of which also involved Officer Yuriar, it seems clear why Officer Reyes
24 would not report the force, he was afraid of what would happen to him if it was
25 reported, and why he would then have a motive to lie in the IA against him brought
26 by Mr. Williams.

27 **PENDING COMPLAINTS OF PERJURY, AND 49 DIFFERENT**
28 **PERSONNEL COMPLAINTS WOULD GIVE REYES A MOTIVE TO DENY**

1 **HIS USE OF FORCE TOWARDS MR. WILLIAMS WHEN OFFICER**
2 **REYES WAS INTERVIEWED.**

3 51. With 49 different complaints of wrong doing brought against Officer Reyes, and the
4 pending criminal charges, when Reyes was interviewed by the Internal Affairs in
5 September 2018 regarding Mr. Williams complaint, he had the opportunity, plan
6 and strong motive to lie about his involvement in detention of Mr. Williams to
7 avoid further scrutiny as he was aware he was being accused of perjury and
8 falsifying reports from the February incident with Officer Salcedo. Officer Reyes
9 had been formally notified of the accusations of perjury against him as of July 5,
10 2018 when he was ordered to appear before Internal Affairs for an interview on July
11 11, 2018. Officer Reyes denied using excessive force which the department must
12 have accepted in exonerating him, despite knowing of pending felony charges of
13 perjury and falsifying other official reports.

14 52. As a general proposition if a police department fails to conduct a thorough
15 investigation, to help the department avoid negative publicity that would be of
16 concern.

17 **REYES ALSO WAS AWARE OF THE INTERNAL AFFAIRS COMPLAINT**
18 **AGAINST HIM, BUT FAILED TO DISCLOSE IT IN DISCOVERY**
19 **RESPONSES.**

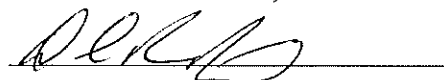
20 53. Defendant Officer Dedier Reyes provided responses to Plaintiff's Special
21 Interrogatories. Interrogatory # 7 asked if Officer Reyes was the subject of any
22 personnel complaints. In response, after a series of objections, he says, "Please
23 refer to my Internal Affairs' History, which has been produced in response to
24 Plaintiff's production requests and which contains information responsive to this
25 interrogatory." **Officer Reyes signed a verification which states that he read**
26 **the responses, that he knew the contents thereof and that everything was true**
27 **under penalty of perjury. Officer Reyes has not explained why when he**
28 **reviewed the IA History, and it did not contain information about the perjury**
IA against him, he did not add that information to the interrogatory responses.

1 His lawyers who signed the responses on September 25, 2019 also have not
2 provided any declaration that I am aware of to explain why they concealed the
3 information about the perjury IA that had been lodged against Officer Reyes in
4 February, 2018, about 1 ½ years earlier. The interrogatory responses were attached
5 as exh “E” to the initial sanctions motion I understand.

6 54. Also troubling is the response to interrogatory # 10. That **interrogatory asked if**
7 **any agency or person, or than the plaintiffs, including your employer has ever**
8 **accused you of any acts or omissions of dishonesty**, state that persons’s name,
9 date of accusation, and nature of the acr or omissions alleged. Officer Reyes’
10 response was “[n]ot that I am aware of.” But as noted above, he was aware of
11 such claims since February 2018, and he was interviewed by IA about them in July,
12 2018 as shown by paragraphs 12 and 13 above. Thus, we have the unusual
13 situation where Officer Reyes states under penalty of perjury, that he was not aware
14 of other claims of perjury, when he had to know of them.

15 55. Interrogatory # 13 asked if Officer Reyes was ever demoted, reduced in rank,
16 transferred disciplined or terminated, to state the circumstances, including dates,
17 file numbers and identities of the accusers. However, the response is again
18 misleading, because Officer Reyes says to refer to his Internal Affairs History. That
19 history concealed the IA which he has now received a felony complaint on for
20 perjury and falsifying police records. Paragraphs 35-37 of my declaration discusses
21 the removal of FTO powers. **This interrogatory response shows that the**
22 **defendants have not been forthright, which impacts what other documents may**
23 **exist relevant to this matter.**

24 I declare under penalty of perjury under the Laws of the State of California and the
25 United States that the foregoing is true and correct. Executed this 27th day of December,
26 2021 at El Monte, CA

27 

28 David Reynoso, Declarant