

1 **DECLARATION OF PETER A. REEDY**

2 I, PETER A. REEDY, state as follows:

3 1. I worked for 25 years as a member of the Sacramento Police Department, retiring as a  
4 Police Sergeant.  
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6 2. For 16 of those 25 years, I was a Sergeant in the Patrol Division, responsible for officer  
7 training, the interpretation and implementation of department policy, and making sure that the  
8 skills of the people serving in the Patrol Division were adequate to the many and different  
9 challenges that they faced as police officers.

10 3. As part of my duties as a Sergeant, I was present at the scene of all major crimes within my  
11 sector of responsibility and present at city-wide (Sacramento) critical incidents—those occasions  
12 where there was an impasse or standoff involving officers and members of the public. I was  
13 trained in critical incident management, negotiation skills, psychology and survival. For twelve  
14 years, I was the supervisor of the Negotiation Unit for the Sacramento Police Department in  
15 critical incidents where police were called upon to intervene in a situation where a suspect posed a  
16 danger to himself, to others or to police officers. I frequently worked with SWAT teams in  
17 attempting to resolve critical incidents in the most effective manner, attempting always to do so  
18 without anyone getting injured.  
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20 4. I was responsible for routine police supervisory functions as well, involving the ongoing  
21 monitoring of officer skills, knowledge and conduct with respect to the use of force.

22 5. I am 63 years old, and have remained familiar with law enforcement procedures through  
23 continued experience and training after retirement, and through my involvement in forensic cases  
24 involving the use of force as well as the management by law enforcement of critical situations. In  
25

1 this way, I have stayed current on policies, procedure and practice with respect to use of force in  
2 connection with chemical agents, bean bags, tasers and general use of force.

3 6. I am familiar with the direct application of pepper spray that occurred in three separate  
4 incidents in 1997 in the case of Vernell Lundberg, et al., v. County of Humboldt, et al., No. C-97-  
5 3989-SI. I became familiar with the case after being retained by Plaintiff's counsel to review the  
6 facts and offer an expert opinion on the use of force under these circumstances. My deposition was  
7 taken, but Plaintiffs did not use my testimony at trial.

8 7. I read the depositions of sheriff's deputies and police officers involved in the case and I  
9 watched the videotapes of the three incidents that were made by the Humboldt County Sheriff's  
10 Department: 1) the sit in and lockdown at Pacific Lumber headquarters in Scotia, CA; 2) the sit in  
11 and lockdown at a Congressman's office, and 3) the incident in the woods where two young men  
12 locked themselves to heavy equipment on Pacific Lumber property.

13 8. In these three incidents, the officers involved used the direct application of pepper spray  
14 with Q-tips to the eyes of peaceful protesters who were self-restrained and who, while resisting  
15 arrest, posed no threat to themselves, to law enforcement or to anyone else. In two of the incidents,  
16 officers further shot pepper spray into the eyes and faces of these restrained protesters at very short  
17 distances.

18 9. Since this case was filed, I am aware of no other time or place anywhere in the United  
19 States other than the Humboldt County Sheriff's Office that pepper spray has been used as a  
20 coercive agent on peaceful non-violent protesters—i.e., directly applied to the eyes and face of  
21 people and shot into their faces at point blank range—to force people to do something against their  
22 will. I am not aware of any other such direct application of chemical agents to people or suspects  
23 that has occurred anywhere in the United States. Based on this important fact, I conclude that the  
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1 case of Vernell Lundberg, et al., v. County of Humboldt, et al., No. C-97-3989-SI has been an  
2 important factor in keeping this unorthodox use of a chemical agent from being used by other  
3 police agencies through the United States.

4 10. Police officers and police departments are concerned about liability in civil litigation from  
5 the charge that they have used excessive force. It is routine for law enforcement trainers who teach  
6 line officers about the use of force to let trainees know of legal cases where the courts have found  
7 particular applications of force to be illegal. This is routine because if conduct has been found to  
8 be unconstitutional by a court, police officers realize that they may be found personally liable if  
9 they engage in such conduct.  
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11  
12 DATED June 27, 2005.

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14 \_\_\_\_\_  
Peter A. Reedy

15  
16 STATE OF IDAHO )  
17 ) ss.  
COUNTY OF \_\_\_\_\_ )

18 On June \_\_\_\_, 2005, Peter A. Reedy appeared before me and, being first duly sworn,  
19 stated that the statements set forth in the foregoing Declaration are true to the best of his  
20 knowledge and belief.  
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23 \_\_\_\_\_  
Notary Public – State of Idaho

24 My commission expires: [SEAL]  
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