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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN C. DEPP, II, :
 Plaintiff, : Case No.
 vs. : CL-2019-0002911

AMBER LAURA HEARD, :
 Defendant. :

-----x

VIDEOTAPED DEPOSITION OF RACHAEL FROST
 CONDUCTED VIRTUALLY
 Wednesday, March 23, 2022

Stenographically Reported by:
 LORI STOKES
 RPR, CSR No. 12732
 Job No. 440455
 Pages 1-396

1	A	Yes, sir.	01:43:13
2	Q	I'm going to share my screen as well.	01:43:13
3	A	I refer to this as Hadden Exhibit 10.	01:43:16
4	Q	Okay. Fair enough. We've got the trial	01:43:30
5		exhibit number now at the bottom of it.	01:43:32
6	A	Okay.	01:43:35
7	Q	It's Defendant's Exhibit 756, at the	01:43:36
8		bottom of it now.	01:43:42
9		Let me ask you this. So I understand	01:43:44
10		there's certainly state law that governs domestic	01:43:46
11		violence handling by law enforcement. But then	01:43:49
12		there's procedures that are established within the	01:43:54
13		different localities.	01:43:59
14		Is that right?	01:44:00
15	A	That's correct.	01:44:02
16		Well, do you mean policies by	01:44:02
17		jurisdiction? Or are you talking about, like,	01:44:06
18		13700 that is related to state law?	01:44:09
19	Q	So 13700, right, would be state law that	01:44:13
20		applies to everyone, correct?	01:44:17
21	A	Yes, sir.	01:44:19
22	Q	And then 13700 and its following sections	01:44:19
23		specify that, you know, policies and procedures	01:44:26
24		have to be developed within the localities; is that	01:44:31
25		right?	01:44:34

1 A Yes, sir, that's correct. So by the 01:44:35
2 jurisdiction or by the agency, specifically. 01:44:36
3 Q Right. So Riverside had a duty to 01:44:39
4 establish its own policies and procedures, correct? 01:44:44
5 A Correct. 01:44:48
6 Q And those policies and procedures are 01:44:48
7 different from the LAPD's policies and procedures; 01:44:51
8 is that correct? 01:44:55
9 A Yes. I mean, in general, they're the 01:44:56
10 same. But everybody has their nuances, yes. 01:44:58
11 Q Right. Did you ever serve any patrol or 01:45:03
12 law enforcement function within the LAPD? 01:45:10
13 A No, sir, I did not. 01:45:16
14 Q And is your familiarity with LAPD 01:45:17
15 procedures something that you gained solely in 01:45:20
16 connection with this case? 01:45:23
17 A To a degree. I mean, I've trained up in 01:45:30
18 Los Angeles, and I've trained from the Los Angeles 01:45:32
19 Police Department in the past in terms specifically 01:45:33
20 to internal affairs and uses of force. 01:45:37
21 Q Is it fair to say that, with respect to 01:45:42
22 domestic violence policies and procedures of the 01:45:44
23 LAPD, your knowledge with respect to those came 01:45:44
24 solely in connection with this case? 01:45:47
25 A Yes, sir. 01:45:50

1	A	Not right when they arrive on the scene.	02:11:23
2		But would I expect them to do that if	02:11:25
3		they needed to do that on scene? Yes, I absolutely	02:11:29
4		would.	02:11:32
5	Q	All right. And then if we continue on	02:11:38
6		the next page of Defendant's Exhibit 756, which is	02:11:40
7		Exhibit 2 to this deposition, the next bullet point	02:11:45
8		says [reading]:	02:11:49
9		Ensure photographs are taken of the	02:11:49
10		scene and damaged property, broken	02:11:52
11		furniture, holes in walls, damaged	02:11:54
12		phones, phone cords pulled from	02:11:56
13		walls, evidence of alcohol	02:11:59
14		consumption, general disarray.	02:12:00
15		Do you see that?	02:12:03
16	A	Yes, sir.	02:12:04
17	Q	Are those important things to be on the	02:12:05
18		look out for when you're responding to a domestic	02:12:08
19		violence call?	02:12:11
20		MS. CALNAN: Objection. Misstates the	02:12:12
21		document. And improper hypothetical.	02:12:15
22		THE WITNESS: Yes.	02:12:21
23		BY MR. TREECE:	02:12:21
24	Q	Let me rephrase my question.	02:12:21
25	A	Sure.	02:12:24

1 violence because they're drunk, but I think that 02:13:27
2 it -- you know, it can make it worse. 02:13:30
3 Q And, I mean, it's specifically noted here 02:13:33
4 with case preparation and with respect to domestic 02:13:36
5 violence, correct? 02:13:40
6 A Correct. It's listed in, I believe, 02:13:42
7 13701 -- I don't remember the subsection -- of our 02:13:45
8 Penal Code, that we will determine about alcohol 02:13:49
9 consumption -- or 13730. 02:13:53
10 Q Because evidence of alcohol consumption 02:13:56
11 is a red flag when responding to a call for 02:13:58
12 domestic violence -- a call for service for 02:14:01
13 domestic violence; is that right? 02:14:03
14 MS. CALNAN: Objection. Misstates 02:14:04
15 testimony. And improper hypothetical. And outside 02:14:05
16 the scope of her opinion. 02:14:08
17 THE WITNESS: It can be. 02:14:11
18 BY MR. TREECE: 02:14:12
19 Q And, I mean, it's a red flag that it's in 02:14:12
20 this fairly concise summary for case preparation 02:14:19
21 for domestic violence; is that right? 02:14:23
22 MS. CALNAN: Objection. Lacks 02:14:25
23 foundation. Calls for speculation. 02:14:25
24 THE WITNESS: Well, again, I mean, I 02:14:28
25 think it's an issue, but it's required by state 02:14:30

1	Q	So your recollection is that they were on	02:49:26
2		the scene, from elevator entry to elevator exit,	02:49:28
3		for 19 minutes?	02:49:32
4	A	Correct, sir.	02:49:34
5	Q	All right. Do you see where it says	02:49:35
6		"Victim advised verbal"?	02:49:36
7	A	Yes, sir.	02:49:39
8	Q	You've read their testimony.	02:49:40
9		Who -- which officer was advised that it	02:49:42
10		was verbal?	02:49:45
11	A	So the majority of Ms. Heard's statements	02:49:46
12		were -- or her -- I refuse to provide a statement	02:49:49
13		was to Deputy Saenz. And then -- so for her to	02:49:55
14		speak to him, it was Deputy Saenz.	02:50:00
15	Q	So your recollection is that Deputy Saenz	02:50:03
16		testified that she indicated that she was told that	02:50:07
17		it was a verbal dispute?	02:50:12
18	A	I don't think those were her exact words.	02:50:13
19		I think we might want to have a discussion about	02:50:17
20		why deputies put this in on a regular basis into	02:50:20
21		their -- their CAD log or their incident recall.	02:50:24
22	Q	Please do. It sounded like you wanted to	02:50:28
23		explain that, so explain that.	02:50:31
24	A	If you wouldn't mind, I hope you don't	02:50:32
25		mind.	02:50:36

1 I just want to say this is normally what 02:50:36
2 deputies will say. And I think you'll note that 02:50:37
3 they included that in another domestic violence -- 02:50:40
4 alleged domestic violence during the evening in 02:50:42
5 their call log. 02:50:44
6 So Location, Victim advised verbal 02:50:45
7 dispute, Refused to give any further info, Issued 02:50:47
8 business card. That's just a short way of 02:50:52
9 addressing it. 02:50:54
10 I don't believe that Ms. Heard 02:50:56
11 specifically said it was verbal. I believe that 02:50:58
12 she said that she refused to provide any 02:51:00
13 information. 02:51:04
14 Q And the officers are putting that in 02:51:05
15 there as sort of a shorthand to basically say we're 02:51:08
16 closing this out? 02:51:13
17 MS. CALNAN: Objection. Calls for 02:51:15
18 speculation. Improper hypothetical. 02:51:17
19 THE WITNESS: So the officers can put 02:51:23
20 this in here, when they say "victim advised verbal" 02:51:25
21 to -- another way to say "Denied that any assault 02:51:26
22 occurred." 02:51:29
23 So that would be -- or didn't provide any 02:51:31
24 information about an assault, denied that an 02:51:33
25 assault occurred, we might put in "Victim advised 02:51:37

1 And I do remember it being ambiguous in 02:52:29
2 terms of what Office Saenz and Officer Hadden heard 02:52:33
3 or understood from Ms. Heard. 02:52:37
4 I know what Ms. Heard says that she 02:52:39
5 advised. And again, at times, it was ambiguous. 02:52:43
6 MR. TREECE: Okay. And -- 02:52:46
7 THE WITNESS: But the very specific thing 02:52:47
8 I remember her saying is that "I refuse to provide 02:52:48
9 any information, based on advice of counsel." 02:52:53
10 But in terms of Office Saenz and Officer 02:52:55
11 Hadden's recollection and Ms. Heard's recollection, 02:52:57
12 I don't remember specifically. I don't remember 02:53:00
13 the word "verbal" being used. 02:53:02
14 MR. TREECE: All right. And with that, 02:53:06
15 we'll take the break you requested. Let's go off 02:53:07
16 the record. 02:53:12
17 THE VIDEOGRAPHER: Off record. 2:53. 02:53:13
18 (Recess taken from 2:53 p.m. to 02:53:15
19 2:59 p.m.) 02:59:17
20 THE VIDEOGRAPHER: On record. 2:59. 02:59:18
21 BY MR. TREECE: 02:59:20
22 Q Ms. Frost, I want to direct your 02:59:20
23 attention to the second page of Defendant's Trial 02:59:23
24 Exhibit 730, Exhibit 3 to your deposition. 02:59:25
25 Do you recognize this document? 02:59:30

Transcript of Rachael Frost
Conducted on March 23, 2022

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1 was the unit in question. I would have to look at 03:05:10
2 their assignment log, but I think that's them. 03:05:13
3 Because -- and it is because down here, 03:05:17
4 this is the text they obviously entered. And here 03:05:19
5 is where they arrived on scene. 03:05:22
6 Q And do you see where it says [reading]: 03:05:24
7 Related to previous incident verbal 03:05:27
8 argument only. 03:05:30
9 Do you see that? 03:05:31
10 A Yes. 03:05:32
11 Q And who communicated to Diener and Gatlin 03:05:32
12 that it was a verbal argument only? 03:05:39
13 MS. CALNAN: Objection. Calls for 03:05:43
14 speculation. 03:05:44
15 THE WITNESS: This may be -- and you 03:05:46
16 would have to look at specific to Diener and 03:05:48
17 Gatlin, because I don't know if anybody actually 03:05:50
18 asked them this question. But it doesn't 03:05:53
19 necessarily mean that anybody communicated to it. 03:05:55
20 They may have run the previous call for 03:05:57
21 service. And I do believe we have their logs in 03:06:00
22 there to determine if it was verbal only. Or if 03:06:03
23 they said, Everything is fine; no, he's not here. 03:06:05
24 That, to me, wouldn't be enough to write 03:06:09
25 "verbal argument only." But it could be that... 03:06:11

1 see and hear that video clearly? 03:10:57

2 A Yes. And I've watched it before. 03:10:59

3 Q All right. How long were the officers at 03:11:01

4 the scene? 03:11:02

5 A Very short period of time. 03:11:04

6 Q I believe that video was three minutes 03:11:07

7 and 38 seconds from the time they were on the 03:11:09

8 elevator to the time they left. 03:11:11

9 Does that sound correct? 03:11:13

10 A That's appropriate. That's an 03:11:16

11 appropriate estimation. 03:11:18

12 Q What did the officers do wrong? 03:11:19

13 MS. CALNAN: Objection. Argumentative. 03:11:22

14 THE WITNESS: So I stand by that once 03:11:31

15 they've determined that it's a duplicate call for 03:11:33

16 service, someone else has already handled this, 03:11:36

17 they're doing due diligence by walking inside, 03:11:39

18 making sure it's a duplicate call for service. 03:11:39

19 Like, let me make sure that this is actually 03:11:39

20 another separate call for service. 03:11:44

21 They don't let the man stop them at the 03:11:45

22 door. They don't let him just provide the business 03:11:47

23 card. They walk in. 03:11:51

24 She's there. She's got two people with 03:11:57

25 her. 03:12:01

1	Did they do the diligence of what a	03:16:56
2	reasonable officer would have done under those	03:16:58
3	circumstances? Yes, they did. There's always more	03:17:01
4	you can do to a case or to a call.	03:17:03
5	Q So in your training and experience,	03:17:06
6	they're not obligated to treat that call as a	03:17:08
7	separate call for service and investigate what	03:17:12
8	occurred?	03:17:17
9	A No, I don't believe so.	03:17:17
10	Q And did either of those officers attempt	03:17:23
11	to observe whether Ms. Heard had any physical	03:17:27
12	injuries?	03:17:32
13	MS. CALNAN: Objection. Vague and	03:17:33
14	ambiguous as to "these officers."	03:17:33
15	THE WITNESS: I do not believe they did,	03:17:36
16	no.	03:17:38
17	BY MR. TREECE:	03:17:39
18	Q And how far away would you estimate	03:17:39
19	Ms. Heard was from the officer that was recording?	03:17:43
20	A Easily 15 feet.	03:17:49
21	Q And you would agree with me that the	03:17:51
22	lighting was incredibly dim, correct?	03:17:53
23	A Yes, sir.	03:17:57
24	Q And you would agree with me that there's	03:17:58
25	no way that officer could have observed whether or	03:18:00

1 not Ms. Heard, in fact, had physical injuries; is 03:18:03
2 that right? 03:18:06
3 MS. CALNAN: Objection. Argumentative. 03:18:06
4 MR. TREECE: Did you get the answer, 03:18:10
5 Lori? 03:18:12
6 THE WITNESS: I would agree. I mean, I 03:18:13
7 don't think that his intent was to observe whether 03:18:15
8 or not she had injuries. 03:18:18
9 BY MR. TREECE: 03:18:18
10 Q And you would agree with me that the 03:18:19
11 officers did nothing to observe the location for 03:18:20
12 property damage, evidence of alcohol use, or 03:18:24
13 disarray, correct? 03:18:34
14 MS. CALNAN: Objection. Compound. And 03:18:36
15 calls for speculation. 03:18:40
16 THE WITNESS: I did not see them do 03:18:42
17 anything like that, no. 03:18:43
18 BY MR. TREECE: 03:18:44
19 Q Because there were -- 03:18:44
20 A So, yes, I would agree. 03:18:46
21 Q They were in and out in three minutes and 03:18:47
22 38 seconds max, correct? 03:18:49
23 A I agree. 03:18:52
24 Q And they relied on the individuals there 03:18:53
25 telling them that they presumed it was a duplicate 03:18:57

1 Q All right. Do you see where it says 03:24:56
2 "Verbal argument only"? 03:24:58

3 A Yes. And again, I think that's just 03:25:00
4 vernacular. And they could have pulled up -- I 03:25:03
5 appreciate that you're laughing, but there's 03:25:07
6 certain types of just shorthand that we use. 03:25:09

7 And they could have easily pulled up the 03:25:13
8 other call for service, looked at it, and said 03:25:16
9 "verbal argument only." 03:25:19

10 Did they -- if you're asking the 03:25:21
11 question, did they determine if there was a verbal 03:25:23
12 argument only? They individually did not determine 03:25:25
13 if there was a verbal argument only. 03:25:28

14 Q Right -- 03:25:30

15 A Other than it was a duplicate call for 03:25:31
16 service. 03:25:32

17 So if you're saying should they have 03:25:33
18 written "Duplicate call for service" instead of 03:25:35
19 "Verbal argument only," I would argue it's 03:25:37
20 semantics, but they could have done that. 03:25:40

21 Q Okay. So you think whether it's a verbal 03:25:44
22 argument or a physical argument, it's semantics 03:25:47
23 whether it's physical or verbal? 03:25:50

24 MS. CALNAN: Misstates testimony. 03:25:53
25 Objection. 03:25:55

1 THE WITNESS: Yes. I did see that. 04:10:12
2 But I don't think she said she didn't 04:10:14
3 think it was property damage. That wasn't her 04:10:16
4 statement. 04:10:19
5 BY THE COURT: 04:10:19
6 Q What was her statement? 04:10:19
7 A She was talking about -- 04:10:20
8 I'm so sorry. Continue. 04:10:21
9 Q I was going to ask you: What's your 04:10:23
10 recollection of her view of these photos? 04:10:26
11 A Recollection of those photos is that she 04:10:28
12 said, We go into a lot of different types of 04:10:31
13 houses, and that's not necessarily something that I 04:10:34
14 would have seen and immediately thought that it 04:10:36
15 was -- had something to do with this incident. 04:10:37
16 Now, I don't know which one of those 04:10:40
17 photos she actually may or may not have seen in her 04:10:42
18 presence as she walked through the apartment. 04:10:45
19 Because, in the end, her comment -- excuse me -- 04:10:47
20 her testimony, as was Officer Hadden's, was they 04:10:50
21 did not see that damage. 04:10:55
22 Q So -- 04:10:57
23 A And had they -- I would agree with your 04:10:57
24 expert, had they seen that, they would have to do 04:11:00
25 more than they did. 04:11:03

Transcript of Rachael Frost
Conducted on March 23, 2022

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1	I would disagree with Detective Maria	04:11:04
2	Sadanaga that if they saw property damage, it	04:11:09
3	wouldn't have anything to do with domestic	04:11:13
4	violence. Because that -- if someone had damaged	04:11:15
5	their own property, because that's actually a	04:11:15
6	crime.	04:11:19
7	People versus Wallace, since 2004, if you	04:11:19
8	damage joint property, that specifically is a	04:11:23
9	crime.	04:11:26
10	So if they had seen those things, they	04:11:26
11	would have had not just to write a report, but they	04:11:29
12	would have had more requirement to do than what	04:11:33
13	they've done. I completely agree with that.	04:11:36
14	But their statements are they did not see	04:11:38
15	it.	04:11:40
16	And the only other person who says that	04:11:41
17	he saw it is Josh Drew. Josh Drew's additional	04:11:43
18	statement is that he walked both sets of officers	04:11:47
19	through. He showed both officers damage.	04:11:51
20	We know, through body-worn video, that	04:11:54
21	that is not correct.	04:11:56
22	Q Okay.	04:11:56
23	A So I don't know -- again, I don't know if	04:11:56
24	he's not -- again, I'm not saying he's lying. I'm	04:11:59
25	saying he may be remembering it incorrectly.	04:12:02

1 and I would say also the basket on the floor. Had 05:29:18
2 I seen those three things, specifically, those were 05:29:21
3 things I would determine, okay, what happened here? 05:29:24
4 Because all the other things -- I've 05:29:27
5 certainly been in numerous houses, nice and not so 05:29:29
6 nice, where those things are present on a regular 05:29:34
7 basis. People have broken, damaged, ridiculous 05:29:34
8 stuff all over their house. And people have desks 05:29:39
9 in really nice places as well that look like that 05:29:42
10 all the time. 05:29:44
11 So I would need some context for that. 05:29:45
12 But I do agree that a wine bottle on the 05:29:48
13 floor and broken glass, those are two things that 05:29:51
14 if I'd walked through, I should have seen. 05:29:53
15 MR. TREECE: All right. I'm going to 05:30:04
16 show you what I've marked as Exhibit 7. If you'll 05:30:05
17 take a look at Exhibit 7, I'll also share a screen 05:30:07
18 here. 05:30:07
19 (Deposition Exhibit 7 was marked 05:30:08
20 for identification.) 05:30:08
21 BY MR. TREECE: 05:30:23
22 Q Are you able to see Exhibit 7? 05:30:23
23 A Yes. 05:30:29
24 Q Are you able to see Exhibit 7 that says 05:30:29
25 Defendant's Exhibit 731? That's the trial 05:30:31

1 find out if there's an additional problem, try to 05:40:48
2 get context to why she's crying. 05:40:52
3 But I think the fact that it's a -- you 05:40:56
4 know, we get calls so frequently from people who, 05:40:56
5 you know, don't have the true story or what 05:40:59
6 occurred. 05:41:02
7 So I'm not saying you discount that call 05:41:02
8 at all. I mean, that's the call that sets up you 05:41:04
9 coming there. 05:41:07
10 But you need more, once you get to the 05:41:07
11 call, than to assume, because she's crying, she's 05:41:12
12 in imminent fear -- or apprehension of fear. 05:41:12
13 Excuse me. 05:41:16
14 Q We talked about this earlier. 05:41:17
15 13701 deals with written policies and 05:41:20
16 standards that need to be developed, adopted, and 05:41:25
17 implemented by local law enforcement agencies, 05:41:30
18 correct? 05:41:34
19 A Yes, sir. 05:41:35
20 Q And those can vary among the agencies in 05:41:36
21 terms of what their policies and procedures are, 05:41:39
22 but they need to be consistent with state law; is 05:41:42
23 that right? 05:41:45
24 A Correct. They start with state law, and 05:41:46
25 then they can become more stringent, not less, for 05:41:48

1 a crime occurred? 05:54:27

2 A If everything Josh Drew says is true, and 05:54:28

3 we're talking about the property damage, I could 05:54:31

4 just stop right there on the property damage and 05:54:33

5 say a crime occurred if -- let me take that back. 05:54:35

6 If I knew the totality of everybody's 05:54:39

7 statements, I could determine a crime occurred. If 05:54:40

8 Josh Drew's statements only, I would need to do 05:54:45

9 further investigation to continue further. 05:54:49

10 Q But with the totality of everything and 05:54:51

11 crediting Josh Drew's testimony, you would agree 05:54:53

12 that a crime occurred with respect to property and 05:54:55

13 with respect to Ms. Heard, correct? 05:54:58

14 MS. CALNAN: Objection. Improper 05:55:01

15 hypothetical. 05:55:02

16 THE WITNESS: I would agree that I needed 05:55:05

17 to do further investigation to figure out 05:55:06

18 everything that happened. It would not stop at, 05:55:09

19 Here is a business card. 05:55:12

20 BY MR. TREECE: 05:55:13

21 Q Right. But, I mean, we've talked about 05:55:17

22 now you know the story about the phone -- strike 05:55:19

23 that. 05:55:21

24 We've talked about how now you know the 05:55:21

25 testimony about the phone being thrown like a 05:55:26

1 windup baseball pitcher at Amber's face, and then 05:55:30
2 we've looked at the injuries that are consistent 05:55:35
3 with a phone being thrown at her face, correct? 05:55:38
4 A I see what you're -- 05:55:42
5 MS. CALNAN: Objection. Lacks 05:55:43
6 foundation. And mischaracterizes evidence. 05:55:44
7 BY MR. TREECE: 05:55:46
8 Q Go ahead, Ms. Frost. 05:55:46
9 A I'm sorry. Can you -- I apologize. Can 05:55:50
10 you repeat the question. 05:55:51
11 Q Right. So now, with everything you've 05:55:53
12 seen and crediting Josh Drew's testimony, we now 05:55:55
13 know that a crime occurred as to property damage 05:56:00
14 and a crime occurred -- there was probable cause to 05:56:02
15 conclude that a crime occurred as to Ms. Heard with 05:56:06
16 respect to domestic violence? 05:56:09
17 MS. CALNAN: Objection. Improper 05:56:12
18 hypothetical. 05:56:14
19 THE WITNESS: Well, to all that, I have 05:56:15
20 to credit everybody's testimony. And I would want 05:56:17
21 to do an investigation on what happened here. 05:56:19
22 And, again, I'm not opining on whether a 05:56:22
23 crime occurred or not. I didn't -- I didn't do 05:56:27
24 enough on the metadata in terms of that. 05:56:30
25 But, I mean, if you're asking me if I 05:56:32

1 to make a statement to the police, they could have 06:17:21
2 called anonymously and asked questions. 06:17:24

3 None of this ever occurred. So that -- 06:17:27
4 the truth is what we have to go by, and the truth 06:17:28
5 of what the officers knew at the time and knew even 06:17:32
6 in days following. 06:17:35

7 Q And you would agree with me that what the 06:17:36
8 officers knew at the time is misleading as to what 06:17:38
9 occurred, when you look at the record as a whole as 06:17:41
10 you've seen it now; is that right? 06:17:44

11 MS. CALNAN: Objection. Argumentative. 06:17:46

12 THE WITNESS: If everyone's statement is 06:17:50
13 to be believed, from Ms. Heard, Josh Drew, 06:17:52
14 Ms. Pennington, Ms. Marz -- if everybody's 06:17:56
15 statement is to be believed, if all the evidence 06:18:00
16 is, you know, verified, et cetera, yes, additional 06:18:02
17 investigation had to be done. 06:18:05

18 BY MR. TREECE: 06:18:07

19 Q And their conclusion that it -- strike 06:18:07
20 that. 06:18:11

21 All right. Take a look back at 06:18:12
22 Ms. Pennington's statement that we were on in 06:18:14
23 Exhibit 8, which is Defendant's Trial Exhibit 763. 06:18:18

24 Do you see where she says [reading]: 06:18:24

25 He went to the kitchen -- referring 06:18:26

1 that Josh Drew's testimony of what the property 06:23:19
2 looked like is consistent with the photos that 06:23:22
3 we've seen in Exhibit 5, correct? 06:23:25
4 MS. CALNAN: Objection to the extent, 06:23:32
5 relying on evidence, that lacks foundation. 06:23:32
6 THE WITNESS: I -- I would say that it's 06:23:36
7 pretty close to it. 06:23:39
8 I would also say, though, that we can't 06:23:40
9 determine if the officers saw it. That's the 06:23:43
10 biggest thing. It's not that he's describing it 06:23:45
11 wrong or he's not describing what's in the photo; 06:23:48
12 it's if the officers saw it. That's the biggest 06:23:51
13 component here. 06:23:55
14 BY MR. TREECE: 06:23:55
15 Q Okay. 06:23:55
16 A If they saw it and they didn't do 06:23:55
17 anything, I agree with you. They needed to write a 06:23:58
18 report. They needed to do more. 06:24:01
19 And their domestic violence detective is 06:24:04
20 incorrect. 06:24:06
21 Q What was that last part? "Their domestic 06:24:07
22 violence detective is incorrect"? 06:24:10
23 A The LAPD officer -- the LAPD department's 06:24:12
24 own domestic violence investigator is incorrect. 06:24:16
25 She said property damage at domestic 06:24:19

Transcript of Rachael Frost
Conducted on March 23, 2022

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1 violence cases, you can break your own property. 06:24:22
2 That is incorrect. 06:24:25
3 If it's only yours and solely yours -- 06:24:26
4 like, I'm the only person that owns these glasses, 06:24:28
5 and I choose to break them in half, that's mine. 06:24:31
6 But if we both own this phone, and I 06:24:35
7 break that phone, then that is vandalism. And if 06:24:40
8 it's vandalism over \$950, then it's a crime, 06:24:41
9 because there's double property interest in that. 06:24:41
10 And that's People versus Wells, 2004. 06:24:41
11 And she misstated that. So their own 06:24:43
12 domestic violence investigation specialist doesn't 06:24:47
13 quite understand the domestic violence law, which 06:24:49
14 is a little frustrating. 06:24:51
15 But that's why I say, if they had seen 06:24:54
16 those things, yes, they needed to do more. 06:24:57
17 But their statements are that they 06:24:59
18 didn't. And I can't sit here and opine that 06:25:00
19 they're not telling the truth, when there's so many 06:25:02
20 repercussions on them for lying under oath. 06:25:07
21 And then Mr. Drew was the only one who 06:25:08
22 knows what they saw or came close to -- not even 06:25:12
23 what they saw, but what was present at the time. 06:25:13
24 And he says he pointed out -- he says he did the 06:25:15
25 same thing with the other two officers, and that 06:25:19