

EXHIBIT 11

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Transcript of Daniel Gohn

Date: July 27, 2020

Case: Ghaisar, et al. -v- The United States

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

- - - - - x
JAMES GHAI SAR, et al., :
Plaintiffs, :
v. : Civil Action No.
UNITED STATES, : 1:19-cv-1224 (CMH/IDD)
Defendant. :

- - - - - x

Deposition of DANIEL GOHN
Conducted Virtually
Monday, July 27, 2020
10:03 a.m.

Job No.: 311164

Pages: 1 - 96

Reported By: Sandra A. Slater, CSR

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1 begins, "Gohn recalled seeing the emergency lights
2 come southbound down the GWP." And the emergency
3 lights that you recall seeing then was the United
4 States Park Police?

5 A Correct.

6 Q Okay. "Gohn recalled hearing over the
7 radio at one point that the pursuit involved a
8 four-door Jeep that was dark in color." Do you
9 recall telling that to the FBI?

10 A Yes, I do.

11 Q And is that accurate?

12 A It is.

13 Q Does that comport with your memory now?

14 A Yes, it does.

15 Q Okay. "Gohn waited for the pursuit to
16 pass and saw two vehicles, specifically a dark
17 vehicle in front of a single USPP vehicle, which
18 was a white Ford Explorer. Gohn was unable to how
19 many people were in either vehicle, but noted it
20 was not a high-speed pursuit." Does that comport
21 with your memory that this was not a high speed
22 pursuit?

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1 A Yes, it does.

2 Q "Gohn advised that the Jeep was not
3 driving in a manner that caused alarm. It was
4 just" -- "it was" -- "it just was not stopping for
5 the US Park Police." Is that accurate?

6 A It is.

7 Q When you observed this initial chase, was
8 the Jeep driving in a way that caused you any
9 alarm?

10 A No.

11 Q It wasn't driving erratically?

12 A It wasn't driving erratically, it just
13 wasn't stopping.

14 Q And it wasn't endangering anyone else on
15 the roadways, was it?

16 A I don't think it was, no.

17 Q This was not a high-speed pursuit, was it?

18 A They were probably going a little over the
19 speed limit, but it wasn't a high-speed pursuit,
20 no.

21 Q I ask you to turn to the next page, if you
22 don't mind. The first sentence, the third

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1 accurate?

2 A Yes, it is.

3 Q Okay. So was it your understanding that
4 they had been in a -- themselves in a pursuit with
5 this Jeep for approximately a minute before you
6 joined them?

7 A I don't know how long they were in pursuit
8 before they got on the radio and I was
9 (indiscernible).

10 Q Okay. So the next paragraph, the first
11 sentence, "When the pursuit passed Gohn, his first
12 thought there was no speed involved and he
13 wondered why the Jeep was not stopping." Can you
14 explain that to us?

15 A In my experience, it's not uncommon --
16 it's not a common thing, but it's not uncommon
17 whenever you turn your lights and siren on,
18 various people don't stop for various reasons. I
19 cover that further down. They're not speeding
20 away. It's possible they don't know there's an
21 officer behind them. It's also possible they're
22 afraid to stop where they're at for a safe

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1 position. They might be under medical emergency,
2 there's other possibilities of why they don't
3 stop. Not knowing why they weren't stopping and
4 speed wasn't involved, that's why I made that
5 statement.

6 Q All right. And actually, you specify in
7 the next sentence when you say specifically Gohn
8 considered whether the driver of the Jeep was an
9 elderly person unaware that they were being
10 stopped, a diabetic person having a medical
11 emergency or a scared person who did not want to
12 stop because the GWP was not lighted. Do you see
13 that?

14 A Yes, I do.

15 Q Were those thoughts that were going
16 through your mind in realtime?

17 A Yes, they were.

18 Q So Jeep -- so from here on out, as I read
19 through this 302, when I say USPP, I may say just
20 the Park Police rather than saying the initials
21 each time it's written down here.

22 A Okay.

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1 the head of the driver of the Jeep?

2 A Again, please.

3 Q From what you observed, did you see any
4 justification for these officers training their
5 weapons at the head of the driver of this Jeep?

6 A I'm 50/50 on that point. Meaning, if they
7 are going up to the vehicle and not knowing what's
8 inside, they have to be prepared for whatever and
9 they chose to go up to the vehicle. So, you know,
10 should have they or shouldn't they, that's a
11 judgement call an individual officer would have to
12 make.

13 Q Would they have been justified in shooting
14 them right then during that first stop?

15 A From my position of not being able to see
16 into the vehicle, I have no idea. I can't make
17 that judgment.

18 Q Would you have, in light of your training,
19 would you have, during this traffic stop, the
20 first stop, exited your vehicle and run up to the
21 driver's side?

22 A No, I wouldn't have.

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1 Q Why not?

2 A For safety reasons. Not knowing what's
3 in -- all I know at this point is there was a
4 vehicle. I have no idea how many people are in it
5 or why the person was not stopping for the police.
6 For my safety, I wouldn't go up to the vehicle. I
7 would have then called the driver back to me.

8 Q Okay. Turning again to that paragraph on
9 page 6. "When the USPP officers ran up to the
10 Jeep, they pounded on the windows while saying get
11 out. This surprised Gohn because typically
12 officers do not run up to the vehicle because they
13 don't know what's inside." Is that an accurate
14 depiction of what you told the FBI?

15 A Yes, it is.

16 Q And it is, in fact, the truth?

17 A That's what I told them. That's what I
18 said to them.

19 Q "Gohn explained in those situations time
20 was on the side of law enforcement and tactically
21 it was preferable to have the occupants of the
22 vehicle come to law enforcement rather than the

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1 A Yes, I do.

2 Q Okay. So on, you know, three or four
3 weeks after this incident, your observation or
4 memory was that they hadn't used their weapons,
5 the US Park Police officer had not used his weapon
6 to bang on the window, correct?

7 A Correct.

8 Q You have seen the videotape now, correct?

9 A I have.

10 Q And, in fact, you see one of the US Park
11 Police officers use his weapon to bang on the
12 window of the Jeep, correct?

13 A Correct.

14 Q Okay. And you said, in reference to
15 questions from the FBI, "Gohn stated that he would
16 have remembered if they used their guns to bang on
17 the window because 'you don't do that'." What
18 were you conveying to the FBI when you say "you
19 just don't do that"?

20 A Exactly that, that you don't use your
21 begun as a hammer.

22 Q I don't mean to be obvious, but why not?

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1 A You can have an accidental discharge, you
2 can disable your gun. The gun can be knocked out
3 of your hand. The gun is not a hammer.

4 Q Okay. Could it put the driver in danger?

5 A I guess if you used the barrel end of the
6 gun to hammer on the window.

7 Q Yeah. Do you understand where a person
8 who might have been involved in a minor traffic
9 accident upon seeing someone run up to the side of
10 his Jeep with a gun pointed at his head would have
11 been frightened by these officers?

12 MS. KIMBALL: Objection. Speculation.

13 Q So -- I couldn't hear your answer, sir.

14 A That is a possibility.

15 Q Let's go to page 7, the first paragraph
16 says, "Prior to stopping on the GWP, the Jeep was
17 driving straight down the road and Gohn observed
18 nothing unusual about the way it was driving."
19 That's accurate, correct?

20 A It is.

21 Q Okay. And then it says, "Approximately 5
22 to 10 seconds after the Jeep stopped, it took off

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1 "When the Jeep drove away, Gohn decided
2 instantaneously to take the lead in the pursuit.
3 Gohn estimated the Jeep to have been approximately
4 a hundred yards in front of him as they continued
5 on the GWP. And Gohn recalled that he did not
6 have to accelerate in a 'pedal to the metal manner
7 to catch up'." What did you -- when you expressed
8 this when you told the FBI, what did you mean?
9 What are you trying to convey?

10 A I was trying to convey if the Jeep was
11 going at a high rate of speed, I would have to
12 obviously accelerate very quickly to catch up with
13 them, which I didn't have to do. So what I was
14 conveying was the Jeep was not driving at a high
15 rate of speed to catch up to him.

16 Q And if we go to the next sentence, it
17 says, "As Gohn continued with the pursuit on the
18 GWP his impression, based upon the lack of high
19 speed, was the Jeep was not stopping but not
20 trying to get away either." Is that accurate?

21 A It is.

22 Q And is that what you felt in realtime?

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1 A Yes.

2 Q "Gohn did not observe the Jeep driving in
3 an erratic manner." Do you see that?

4 A Yes, I do.

5 Q So up to this point, you have not observed
6 this Jeep doing anything that would cause you to
7 believe it was driving erratically, correct?

8 A Other than going slightly over the speed
9 limit, that was it.

10 Q Okay. And he was -- the driver of the
11 Jeep wasn't endangering anyone else on the road
12 during this time?

13 A Not in my opinion, no.

14 Q Was the driver of the Jeep going --
15 driving at a speed that was kind of common to what
16 people drive on, on the GW Parkway?

17 A I thought so. You know, a little bit over
18 the speed limit.

19 Q But it's pretty common on that stretch of
20 the GW Parkway that most people drive a little bit
21 over the speed limit; is that right?

22 A Yes, it is.

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1 with the second full paragraph, it says, "The Jeep
2 stopped at the stop sign at the intersection of
3 Alexandria Avenue and Fort Hunt Road, and the US
4 Park Police vehicle went around the Jeep to block
5 it in." Do you recall that?

6 A I do.

7 Q Okay. And in realtime, were you thinking
8 that that was the purpose of what the US Park
9 Police officers were doing, that they were parking
10 their vehicle in a way to block in the driver of
11 the Jeep?

12 A Yes.

13 Q Where were you positioned at this time?

14 A I was directly behind the Jeep.

15 Q Okay. And the blocking position that the
16 US Park Police officers parked their car, would it
17 have been effective in blocking in the Jeep?

18 A With a little bit of maneuvering, the Jeep
19 could have gotten around the Park Police vehicle.

20 Q To the left or to the right?

21 A The left only.

22 Q And why not to the right?

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1 A Because to the right there was a deep
2 ditch that the Jeep would have had to drive into.
3 I felt the ditch was too deep, the Jeep wouldn't
4 be able to get back into that and back out of it.

5 Q Can you describe, just in your
6 approximation, the depth of that ditch?

7 A I would guess 4 to 5 feet.

8 Q Do you recall that once they parked in
9 front of the Jeep, that the US Park Police
10 officers, both of them got out of the vehicle?

11 A Yes.

12 Q And did they do so relatively
13 simultaneously?

14 A Yes.

15 Q Okay. Did both of them have their weapons
16 drawn?

17 A From watching the videotape, they did. I
18 know one did. I'm not sure about the other. I'd
19 have to see the tape in detail.

20 Q And were those weapons drawn and pointed
21 in the face of the driver?

22 A Again, I would have to review the

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1 A That would be my estimate.

2 Q And so what you're conveying here is that
3 when the Jeep stopped at the stop sign, if you
4 were to measure somewhere from the front of his
5 Jeep to the distance of the US Park Police car
6 where it parked, somewhere approximately 10 to 12
7 feet away?

8 A Yes.

9 Q Okay. The next sentence, "Gohn again
10 stated he saw no forward moment of the Jeep before
11 shots were fired." Is that correct?

12 A It is.

13 Q "And then Gohn's impression was after the
14 shooting was over, the driver's foot came off the
15 brake, and because of the slight downgrade, the
16 Jeep rolled into the ditch." Is that accurate?

17 A That was my recollection during this
18 interview.

19 Q And do you have a better recollection as
20 we sit here today?

21 A After watching the videotape, there was
22 shooting and then the Jeep started to roll and

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1 then there were shots fired after the Jeep started
2 to roll again.

3 Q And this was, what, after -- your
4 impression was after the driver of the Jeep had
5 been stopped, his foot came off the brake?

6 A Yes.

7 Q And then he was shot again?

8 A After watching the videotape, yes.

9 Q Okay. Let's go to the last sentence
10 here -- or excuse me, the last paragraph of page
11 14. "Gohn stated that when the Jeep stopped at
12 the stop sign at Alexandria Avenue, he would have
13 let the Jeep do what it was doing" -- "what it was
14 going to do because he knew he had more resources
15 coming." Is that accurate?

16 A Yes, it is.

17 Q "Specifically, Gohn explained additional
18 FCPD officers were en route to the area and would
19 have had the ability to employ stop sticks, block
20 roads and get the Jeep off a two-lane street." Is
21 that accurate?

22 A As I'm paraphrasing what I said, yes.

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1 Q Okay. Page 15. It conveys you in the
2 first paragraph as advising the FBI that he would
3 not have gotten out in front of the Jeep, and we
4 are talking about the time of the third stop,
5 because he knew he had other means available to
6 him that were safer. Is that accurate?

7 A Yes, it is.

8 Q "Gohn observed no imminent threat to the
9 Jeep, indicating that the threat needed to be
10 eliminated then and there." Is that accurate?

11 A It is.

12 Q "Gohn's perspective was he was working
13 until 1 a.m. and could have followed the Jeep
14 around all night," correct?

15 A That's correct.

16 Q Officer Gohn, isn't it also true that if
17 this Jeep had gotten away, if you had pursued --
18 terminated pursuit, there were other investigative
19 avenues to determine whether Bijan Ghaisar
20 committed any acts in that hit-and-run accident
21 that would cause him liability?

22 MS. KIMBALL: Objection. Calls for

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1 Q And would there be updated training on use
2 of force policy?

3 A Yes, there would be.

4 Q Okay. And does the US -- does the Fairfax
5 County Police Department train in methodology in
6 terms of deescalation of force?

7 A Yes, we do.

8 Q Okay. And would you describe to us, who
9 are not in the police profession, what that means.

10 A That means that whatever situation you're
11 dealing with, try to deescalate to the point where
12 you can get the person you're involved with to do
13 what you want to by (indiscernible) force
14 possible. Or is necessary, would be a better
15 term.

16 Q Regarding the US Park Police officers'
17 actions that night, did you see any evidence of
18 them deescalating the situation in any way?

19 A Not that I'm aware of, no.

20 Q Okay. If it had been just you and Fairfax
21 County police engaging in the chase of Bijan
22 Ghaisar that evening, you would have come