

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 ROBERT JULIAN-BORCHAK WILLIAMS,
6 Plaintiff,

7 -vs- No: 21-10827

8 HON. LAURIE J. MICHELSON

9 CITY OF DETROIT, a municipal
10 corporation; DETROIT POLICE
11 CHIEF JAMES CRAIG, in his
12 official capacity; and
13 DETECTIVE DONALD BUSSA, in
14 his individual capacity,
15 Defendants.

16 _____/

17 Pages 1 - 160.

18

19 The videotaped deposition of LT. RODNEY COX
20 taken at 2 Woodward Avenue, Fifth Fl.
21 Detroit, Michigan,
22 commencing at 10:17 a.m.
23 Wednesday, November 16, 2022,
24 before Ann L. Bacon CSR-1297.

25

1 APPEARANCES:

2

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5 MR. WILLIAM ELLIS*

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15 Local Rule 83.21.

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1 T A B L E O F C O N T E N T S

2

3 WITNESS PAGE

4 LT. RODNEY COX

5 Examination by Ms. Yu 6

6

7

8 E X H I B I T S

9 NUMBER PAGE

10 Deposition Exhibit No. 1 58

11 (DPD Directive No. 101.1)

12 Deposition Exhibit No. 2 60

13 (DPD Directive No. 203.11)

14 Deposition Exhibit No. 3 66

15 (DPD Training Directive No. 19-07)

16 Deposition Exhibit No. 4 67

17 (Manual Directive No. 307.6)

18 Deposition Exhibit No. 5 69

19 (Manual Directive No. 307.5)

20 Deposition Exhibit No. 6 73

21 (DPD Directive No. 307.5)

22 Deposition Exhibit No. 7 99

23 (MSP Investigative Lead Report)

24 Deposition Exhibit No. 8 104

25 (DPD Request for Warrant 19-CI-03-250)

1	EXHIBITS, Continued:	
2	NUMBER	PAGE
3	Deposition Exhibit No. 9	104
4	(Color Photograph)	
5	Deposition Exhibit No. 10	116
6	(Supplements & Tracking for	
7	RMS #1810050167)	
8	Deposition Exhibit No. 11	123
9	(11/5/20 I.A. Inter-Office Memo)	
10	Deposition Exhibit No. 12	131
11	(11/3/22 Bussa Dep Transcript)	
12	Deposition Exhibit No. 13	139
13	(1/7/21 Notice of Discipline)	
14	Deposition Exhibit No. 14	141
15	(7/9/20 BOPC Hearing)	
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1 Detroit, Michigan
2 Wednesday, November 16, 2022
3 10:17 a.m.

4 - - -

5 L T. R O D N E Y C O X

6 was thereupon called as a witness herein, after
7 having been first duly sworn to tell the truth,
8 the whole truth, and nothing but the truth, was
9 examined and testified as follows:

10 EXAMINATION

11 BY MS. YU:

12 Q. Good morning.

13 A. **Good morning.**

14 Q. My name is Lauren Yu. I'm part of the legal
15 team that is representing Mr. Robert Williams in
16 this case pursuant to Local Rule 83.21. Before
17 we begin, I just want to say some introductory
18 words and lay out a few ground rules and then we
19 can get going. I'm deposing you today in
20 connection with Mr. Williams' lawsuit against
21 the City of Detroit, Police Chief James Craig
22 and Detective Donald Bussa for Mr. Williams'
23 wrongful arrest. Are you aware of that lawsuit?

24 A. **Yes.**

25 Q. Have you had your deposition taken before?

1 A. For this case?

2 Q. Just in general?

3 A. Yes.

4 Q. So you're probably familiar with how this goes,
5 but I just want to lay out a few ground rules to
6 make sure we're all on the same page.

7 A. Sure.

8 Q. Let's agree on the following. So first we won't
9 interrupt each other, so please wait until I
10 finish asking my question before you give me an
11 answer, and I will also try to wait until you
12 finish your answer before asking my next
13 question. Do you understand?

14 A. Yes.

15 Q. And as much as you can, please give verbal
16 responses only. So the transcript won't be able
17 to pick up if you're nodding or giving a thumb's
18 up, so if your answer is yes, please say the
19 word yes. Do you understand?

20 A. Yes.

21 Q. And if you don't understand my question, you
22 should feel free to ask for clarification and
23 I'll try my best to rephrase. Do you understand?

24 A. Yes.

25 Q. Lastly, your lawyer, Mr. Cunningham, may object

1 to a question that I ask, but unless he
2 specifically instructs you not to answer, you
3 still have to answer my question even if he
4 objects. The objection is just to put it on the
5 record so we can fight about it later, but today
6 in this deposition you still have to answer the
7 question. Do you understand?

8 **A. Yes.**

9 Q. Okay. And then just, again, a few more
10 preliminary questions. Have you taken any
11 medication, drugs or alcohol that may affect
12 your memory or ability to understand me today?

13 **A. No.**

14 Q. And do you suffer from any ailments that may
15 affect your memory or ability to understand me
16 today?

17 **A. No.**

18 Q. And then at the outset I just want to define a
19 few things that we'll use to refer back to
20 things, so whenever I say DPD, I mean the
21 Detroit Police Department. Whenever I say MSP,
22 I mean the Michigan State Police, and whenever I
23 say the Shinola investigation, I mean the
24 investigation into the October 2018 theft of
25 five watches at Shinola that ultimately led to

1 Mr. Williams' arrest. Are those clear?

2 **A. Yes.**

3 Q. And anything else we'll try to define as we go.

4 Finally, breaks, you're free to take breaks
5 whenever you want. If you need to go to the
6 bathroom, stretch, whatever it may be. I ask
7 only that you please answer any question that is
8 on the table before you taking a break. So if I
9 ask you a question and you want to take a break,
10 please answer the question first before saying I
11 want to take a break. Do you understand?

12 **A. Yes.**

13 Q. Okay. Great. So some background questions.
14 Can you please identify yourself for the record
15 with your name and your position?

16 **A. Sure. Rodney Cox, lieutenant with the Detroit
17 Police Department.**

18 Q. And what town and county do you live in?

19 **A. I live in Clinton Township, Michigan.**

20 Q. And did you do any preparation for this deposition?

21 **A. Yes.**

22 Q. What did that prep look like?

23 **A. To look to review some of the documents that
24 spoke to this matter.**

25 Q. Which documents did you review?

- 1 **A. The IA investigation.**
- 2 Q. Did you review anything else?
- 3 **A. The timeline.**
- 4 Q. So when you say the timeline, that's your --
- 5 **A. The timeline I prepared for the investigation.**
- 6 Q. Okay. Was there anything else?
- 7 **A. My Garrity interview.**
- 8 Q. Okay. And when you say your Garrity interview,
- 9 the one in connection with the IA investigation?
- 10 **A. Yes, yes.**
- 11 Q. All right. So you mentioned earlier that you've
- 12 had your deposition taken before just generally.
- 13 How many times have you had your deposition
- 14 taken before?
- 15 **A. I think once before and I think it was in the**
- 16 **nineties.**
- 17 Q. Was this while you were employed at the Detroit
- 18 Police Department?
- 19 **A. Yes, mm-hmm.**
- 20 Q. Do you remember what the case was about?
- 21 **A. It was an accident, a vehicle accident.**
- 22 Q. Okay. So do you remember what your role was in
- 23 the DPD at the time?
- 24 **A. I was a police officer.**
- 25 Q. Have you ever been a defendant in a lawsuit?

- 1 A. I think in the lawsuit I just referred to, yes.
- 2 Q. Any other times?
- 3 A. I believe I was a witness, but I wasn't named.
- 4 I can't recall. There was another time I came
- 5 down for a lawsuit, but I can't remember the
- 6 specifics of it.
- 7 Q. And for the vehicle accident lawsuit, do you
- 8 remember what the outcome was of that lawsuit?
- 9 A. I think the city settled in that case.
- 10 Q. Have you ever been charged with a crime?
- 11 A. No.
- 12 Q. Okay. Can you walk me through your educational
- 13 background? Let's start with where did you go
- 14 to high school?
- 15 A. I attended St. Martin De Porres High School.
- 16 Q. Okay. And then did you go to college?
- 17 A. Yes.
- 18 Q. Where did you go to college?
- 19 A. I started off at Wayne State University. I had
- 20 classes at Central Michigan University. I
- 21 graduated from Cleary University with my
- 22 undergrad and graduated, and then my graduate
- 23 degree from Cleary University.
- 24 Q. What was your graduate degree in?
- 25 A. Cultural change and leadership.

1 Q. And that was a Master's Degree?

2 A. Yes.

3 Q. Did you participate in a police academy after that?

4 A. I just recently graduated with my Master's this
5 year.

6 Q. Okay. So your Master's --

7 A. My BA was last year, Master's was this year.

8 Q. I see. Okay. So your BA was 2021?

9 A. `21.

10 Q. And then Master's 2022. Okay. Can you now walk
11 me through your employment history following
12 high school?

13 A. Sure. I worked at Burger King as a manager for
14 different stores in the metropolitan area of
15 Detroit and Sterling Heights, if I can recall.
16 I forget the other city. I think it's Warren.
17 I worked for Trizec, which is an organization
18 that was based out of Canada that's security.
19 That was in the Fisher Building, Detroit. I
20 worked for Mike Ilitch, Little Caesar's Arena
21 Enterprise Corporate Security, which is based
22 out of the Fox Theater in Detroit, and then I
23 started the Detroit Police Academy in February
24 of `93.

25 Q. Okay. Let's see. So do you remember

1 approximately what years you were working at
2 Burger King?

3 MR. CUNNINGHAM: Seriously?

4 Q. (Continuing, by Ms. Yu) Just a general sense. I
5 just kind of want to get a sense of your employment
6 history. It's okay if you don't remember.

7 A. In the eighties, back in '86, '87, in fact, I
8 was still in high school when I was there.

9 Q. How about for the two security positions then
10 just approximately, do you remember how long you
11 worked in those positions?

12 A. So I started DPD in '93. I think I was with
13 Trizec -- I mean Little Caesar's Arena from '91
14 to '93 I believe. I'm not exactly sure on that.

15 Q. Okay. Yeah, that's fine. And then can you walk
16 me through all the roles that you've had in DPD?

17 A. Started off as a patrolman, patrol officer,
18 worked different commands and eventually
19 promoted to the rank of investigator and that
20 was in 2000 -- I'm sorry, that was in '98, and I
21 recall some of it because I was reviewing my MAS
22 profile like a couple months ago trying to
23 update it. After investigator, I was promoted
24 to the rank of sergeant. I worked that
25 position. You just want to know what positions

1 I held, correct?

2 Q. Also if you can include which precincts you were
3 working for for each of those?

4 A. Okay. So as a patrol officer, I started off at
5 the 13th Precinct, and then I transferred to the
6 tactical services section, which is actually the
7 housing support section as a patrol officer, and
8 then the tactical services section as a patrol
9 officer, and then west side support unit, Reco
10 West, which is an acronym for reconnaissance as
11 a patrol officer. Promoted to the rank of
12 investigator in '98 I believe, then I worked the
13 B & E Task Force and we were housed in the
14 11th Precinct, and then the 9th Precinct. This
15 was all still in the nineties. After that, I
16 transferred to the 11th Precinct as an
17 investigator. Let's see, I worked that position
18 until I was promoted to the rank of sergeant,
19 and then I was assigned to the -- man, I'm trying
20 to remember, so long ago. I'm going to give you
21 approximations. I'm just trying to remember.

22 Q. Yes.

23 A. I worked as a sergeant, worked at the Office of
24 the Chief Investigator. I went back to the
25 13th Precinct as a patrol sergeant, and not

1 necessarily in that order. I'm trying to
2 remember which one I did first. And then I
3 worked in the Office of the Chief of Police and
4 I also went back to tactical services section as
5 a sergeant as well. My last assignment as
6 sergeant was, I believe it was Office of the
7 Chief Investigator, and then I was promoted to
8 the rank of lieutenant in 2010. I was assigned
9 to southwestern investigations, which was housed
10 in the 4th Precinct and I was in charge of the
11 investigations for that precinct and two other
12 precincts and it varied. That's when things
13 were centralized. I worked as a lieutenant
14 until October I believe, I can't remember what
15 month, 2013, and I was promoted to the rank of
16 captain. I worked as a captain up until
17 November of 2020.

18 Q. Okay.

19 A. And currently -- I'm sorry.

20 Q. No, go ahead.

21 A. I'm currently I'm a lieutenant at the
22 12th Precinct. After that, I was moved to the
23 12th Precinct and I've been there since then.

24 Q. And just to confirm, so when you were a captain
25 from 2013 to 2020, that was in the 3rd Precinct?

1 A. When I first made captain I was at the
2 10th Precinct, then I transferred to organized
3 crime, and then I was moved to the 9th Precinct,
4 cease fire, special victims unit, which is under
5 major crimes, night captain, and then the
6 3rd Precinct, and then so when I was moved from
7 captain to lieutenant, that was November of 2020.

8 Q. Okay. And then I guess certainly it sounds like
9 you've had a lot of different transfers from
10 different units and precincts, so I guess
11 generally are there any sort of over, are there
12 any reasons that have applied to a lot of these
13 for reasons why you transferred to a different
14 precinct or a different unit?

15 A. As a captain or as a lieutenant? Which one are
16 you referring to?

17 Q. Yeah, let's say as a captain.

18 A. So it depends. What I was told, was informed
19 that in the way I understand it is there are
20 lieutenants and sergeants, they have the ability
21 to request to be transferred to work different
22 commands in their careers to kind of help grow
23 their career, so if I wanted to work this, I can
24 put in for it and go here. Captains and above
25 are considered appointed positions, so we don't

1 have the option of asking to transfer. We just
2 get moved and it's my belief that the executive
3 team moves command officers for various reasons,
4 but the primary reason is to develop them.

5 Q. And so when you say that, so then I guess going
6 back to when lieutenants and sergeants can
7 request transfers --

8 A. Yes.

9 Q. -- in I guess most of your cases, did you put in
10 those requests or were those things you
11 affirmatively requested when you transferred?

12 A. Well, when I transferred as a lieutenant or
13 captain -- I mean lieutenant or sergeant?

14 Q. A lieutenant, yeah, or sergeant.

15 A. Some of them occur if you get promoted, so you
16 may work one command and when you get promoted,
17 they'll assign you to a different command or
18 they'll assign you back to your original command
19 as a supervisor. Typically they put you in a
20 different environment as a supervisor. In my
21 case, I was moved because I was promoted, and then
22 there are other cases where as a sergeant, I
23 don't think I put in, I don't think I requested
24 to be moved. I think I was moved in my supervisor
25 positions based on promotion. There might have

1 **been a couple cases. I can't recall exactly.**

2 Q. Yeah. Okay. So it sounds like in the general
3 case for most of the ones that you remember there
4 were times when DPD had moved you to a different
5 unit or precinct for growing your career?

6 **A. Correct.**

7 Q. Okay. Do you have any law enforcement
8 experience outside DPD?

9 **A. No.**

10 Q. And have you ever been disciplined while working
11 in law enforcement?

12 **A. Yes.**

13 Q. How many times?

14 **A. Written reprimand for the accident once, twice,
15 twice that I can remember and both for
16 accidents, vehicle accidents.**

17 Q. Do you remember approximately how long ago these
18 were?

19 **A. So the first one, as I mentioned earlier, that
20 resulted in the lawsuit and deposition. That
21 was in the nineties. I don't remember what
22 year. I think `96. I can't remember. And the
23 other one was also, I think the other one was in
24 the nineties, too. I can't remember.**

25 Q. Okay. I want to understand a little bit better

1 sort of your role, your two most recent roles or
2 your current role as a lieutenant and your last
3 role as a captain in the 3rd Precinct, so let's
4 start with when you were a captain in the
5 3rd Precinct. Can you describe what your
6 duties and responsibilities were?

7 **A. So I was responsible for the command and**
8 **oversight of the 3rd Precinct as the second in**
9 **charge for the precinct.**

10 Q. And who supervised you?

11 **A. So I had different commanders who supervised me**
12 **during my tenure there starting with Commander**
13 **Nicholas Giaquinto, then Commander Johnny Thomas,**
14 **and then my last Commander was Franklin Hayes.**

15 Q. And who did you supervise? And you don't have
16 to list every single person. I just want to get
17 a sense of like what roles and stuff.

18 **A. So my responsibility was to manage, supervise**
19 **the supervisors there, which was the lieutenants**
20 **and the sergeants who fell under me.**

21 Q. And do you remember approximately how many there
22 were or like on average?

23 **A. On average we would have two sergeants per shift**
24 **and one lieutenant per shift. Sometimes we**
25 **would run short. That would vary. We may not**

1 have a lieutenant or may not have a sergeant and
2 request manpower, but typically that was what
3 the numbers were and then you've got the
4 sergeant and the lieutenants, the sergeants and
5 one lieutenant in the precinct detective unit,
6 so then you got the sergeant in the special
7 operations unit, so a total of maybe four or
8 five lieutenants and maybe eight or nine
9 sergeants and, again, that number varied, so
10 that's an approximation.

11 Q. Right. And so underneath the lieutenants and
12 sergeants then are the detectives?

13 A. Underneath the lieutenants and sergeants,
14 depending upon what area of the precinct, if
15 it's patrol, it's police officers. If it's
16 special operations, it's police officers, and if
17 it's detectives, it would be detectives and
18 police officers because the police officers work
19 back there as well.

20 Q. And do you remember again sort of like on
21 average I guess how many people then including
22 the lieutenants, the sergeants, the police
23 officers and the detectives, how many people
24 were underneath you?

25 A. All of them.

1 Q. I mean, sorry, like do you have like an
2 approximate number?

3 A. So from supervisors on down?

4 Q. Yes.

5 A. We may have had maybe at least 80 plus, maybe
6 90. I don't know.

7 Q. Okay. It was just to get a sense of how large
8 your scope was.

9 A. Okay.

10 Q. Do you have partners and colleagues who helped
11 you with your supervision duties when you were
12 captain?

13 A. So the commanders, we worked together hand in
14 hand. Sometimes we had shared responsibilities
15 as it relates to the command and oversight of
16 the precinct.

17 Q. Could you describe some of those shared
18 responsibilities?

19 A. Sometimes we would have community meetings and
20 sometimes the Commander would go or I would go
21 or we would both attend. If there is things we
22 need to look into as it relates to police
23 officers or detectives or sergeants, requests
24 that come in, depending upon who is available,
25 if I'm available, then I may answer it or attend

1 to it or address it. If I'm off on vacation or
2 off and the commander is present, he would
3 address it. So if it didn't come to me, it
4 would go to him and vice versa.

5 Q. Okay. And how often did you meet with the
6 commanders?

7 A. So the commander and I, we talked almost every
8 day depending on who it was, unless it was days
9 that they weren't working, of course, or I
10 wasn't working or in a meeting. We kind of
11 passed each other. We didn't have a chance, so
12 almost every day, not every day, but very often.

13 Q. And then how often would you meet with your
14 lieutenants or your lieutenant?

15 A. So depending upon -- so I would have supervisors
16 meetings that would encompass the entire
17 precinct and I would have separate meetings for
18 different components of the precinct. So you'd
19 have supervisors meetings that encompassed all
20 the supervisors, patrol and detectives and
21 special ops, and then I would have meetings with
22 just special ops and meetings with just precinct
23 detectives, supervisors, so depending upon what
24 my agenda was.

25 Q. Okay. And so then all of these, so for these

1 supervisor meetings, when you say with the
2 entire precinct, you mean all of the sergeants
3 and lieutenants of the precinct?

4 **A. Yes, yes.**

5 Q. Or including the detectives and police officers
6 and so forth?

7 **A. I'm sorry. All the supervisors, sergeants and
8 lieutenants only.**

9 Q. Did you ever have meetings with the greater
10 precinct, including the officers and the
11 detectives?

12 **A. Typically we would address officers in roll
13 call, so anything that we need to push down, I
14 primarily worked through the supervisors to make
15 sure that they pushed it down to them, and then
16 of course there were occasions where I personally
17 or the commander would address the police officers
18 at roll call because there's so many of them.
19 They're not all working the same day, so you
20 have to pick and choose when you address things.**

21 Q. Right. Yeah, I just want to get a sense of how
22 you were running things, that's all.

23 **A. Sure.**

24 Q. I guess I should have said this at the outset.
25 When you were a captain in the 3rd Precinct,

1 this is the position you held at the time of the
2 Shinola investigation, is that correct?

3 A. Correct.

4 Q. What was your role if a detective or a police
5 officer was transferred to a different precinct?

6 A. It depends on the circumstances under which they
7 were transferred. You mean if they asked for a
8 transfer, they request it or involuntarily?

9 Q. Both.

10 A. So sometimes detectives or officers would
11 request to go to another command transfer, which
12 is not uncommon. The process, departmental
13 process that's in place is they would have to
14 take that transfer request to their immediate
15 supervisor to sign it as being received, that
16 that's their intention, and then it would come
17 to me as the final recipient at the command upon
18 which they worked, and then once I signed it or
19 the commander signed it, then they would take
20 that to the command that they're trying to go to
21 to get it approved by them, and if they approve
22 it, then it would get signed by personnel to
23 give them the transfer.

24 Q. And what about involuntary transfers?

25 A. I would have to request an involuntary transfer

1 for someone for that to happen if I wanted it or
2 the commander could do that. We have the option
3 to request that based on whatever concerns we
4 might have or if something happens with that
5 member, then the department could transfer them
6 without the commander or captain and I having
7 any input in it, I mean myself or the commander.

8 Q. Okay. So in that last situation you were
9 describing where you say the department might do
10 it without your input if something would happen.
11 Do you have examples like what might trigger that?

12 A. If officers were involved in an EEOC complaint
13 and there was an IA investigation or EEOC
14 investigation, then they would send information
15 notifying us that this member is being moved
16 based on pending investigation.

17 Q. So I guess focusing in on -- so your role as a
18 captain in the 3rd Precinct with the PDUs or the
19 detectives in there, how often did you review
20 cases that your detectives were working on?

21 A. So I would have what's called weekly meetings
22 with my lieutenant or my sergeant, depending
23 upon who was available, mostly my lieutenant and
24 my crime analysis officer, and then I would also
25 have quarterly meetings, but in those weekly

1 meetings we would review cases from the prior
2 week and to determine investigative outcomes to
3 determine whether or not there is more work that
4 needed to be done depending upon what it was.
5 Most of those cases primarily consisted of Part 1
6 crimes, which is felonies.

7 Q. Was it common or I guess, yeah, was it common to
8 review investigations related to non-Part 1
9 crimes during these meetings?

10 A. It would depend. If there were misdemeanor or
11 property crimes, it would be based on a lot of
12 times pattern, areas of concentration, modus
13 operandi, and known perpetrators, because there
14 were so many of them.

15 Q. Right. So I guess do you have a sense of -- you
16 don't have to give like an exact number.

17 A. Sure.

18 Q. Sort of like a sense of sort of what percentage
19 of cases you would be reviewing with your
20 lieutenant or sergeant in these weekly meetings
21 as compared to the number of cases your
22 detectives were working on overall?

23 A. Let's see, during a week's time, that number
24 varied, it varied. It could be anywhere from 15
25 cases, 20 cases. It depends on what the level

1 of activity that occurred the prior week. So,
2 yeah, that number varied.

3 Q. Okay. Just ballpark, I understand you probably
4 don't have an exact number, but I guess how many
5 cases in an average week just in total that the
6 PDU might be working on?

7 A. Wow, let me see.

8 Q. It could be hundreds or thousands, just general
9 ballpark, doesn't have to be an exact number.

10 A. So typically there's 150, back then it was like
11 150 larcenies per month, and that was just
12 larcenies, but you're looking for a weekly number?

13 Q. I guess I'm just looking for a sense of sort of
14 in these weekly meetings with your lieutenant or
15 sergeant, I guess was it really a small number
16 of cases as compared to the larger number that
17 your detectives were working on that you were
18 reviewing or did you have more insight to like a
19 greater portion of the cases?

20 A. Oh, it was a smaller number than what they were
21 reviewing because we didn't review everything.
22 We reviewed cases that were Part 1 crimes
23 primarily unless, like I said, unless it was a
24 pattern or area of concentration. It could be
25 anywhere from ten, 15, 20 cases in a week's

1 time, so it varied.

2 Q. So I guess would it be accurate to characterize
3 as saying for the typical week that you were
4 aware of only a small portion of the cases that
5 your detectives were working on?

6 A. It could be a small portion or it could be half
7 of it. It all depended on what cases came in,
8 so I can't say exactly, but the numbers did vary.
9 It wasn't all the cases, I can tell you that.

10 Q. Right. And then so other than cases being
11 brought to your attention during these weekly
12 meetings either from the lieutenant or the
13 sergeant or the crime analysis officer, were
14 there other ways in which you might expect a
15 case to be brought to your attention?

16 A. Yeah, sometimes I would actually look at the
17 cases, I look at cases or I looked at cases at
18 different times of the day without having to
19 wait to meet with my lieutenant or sergeant.
20 Sometimes I would just look at cases or would be
21 made aware of them the day that they occur. If
22 it was a major incident like a shooting or a
23 major aggravated assault, then I would know
24 about it that day or the next day. If it took
25 place after hours, sometimes they would call me

1 at home and let me know we had a shooting or a
2 major incident, so I would know about those
3 cases right away typically, and then we would
4 talk about those cases the next day, so in
5 addition to the weekly meetings, there was
6 discussion throughout regarding cases that took
7 place.

8 Q. And what instructions did you give your lieutenants
9 or sergeants regarding their work in reviewing
10 cases that their detectives were working on?

11 A. So they did weekly, I'm sorry, monthly case
12 reviews to ensure that cases were being followed
13 up on and that was the instruction that I gave
14 them. The lieutenant was primarily responsible
15 for that or supervisors. If the lieutenant
16 wasn't available, then a sergeant would do it.

17 Q. Okay. And how much did detectives in the PDU
18 know about each other's cases?

19 A. If they found that there were a similar or if a
20 crime occurred at the same location, then they
21 might share that information with each other.
22 Sometimes the supervisor might catch it. Same
23 perpetrator, they might share that with each
24 other. If they recognize they have the same
25 person responsible, then they would share that

1 **information and work together on that.**

2 Q. Now just some similar but general questions
3 about your current role. Can you describe what
4 your role is, you said in the 12th Precinct now
5 as the lieutenant?

6 A. **So currently I'm responsible for managing the**
7 **sergeants and the police officers that work the**
8 **day shift over at the 12th Precinct.**

9 Q. Okay. And then who supervises you now?

10 A. **I work under Captain Shonda Starks and Commander**
11 **Kurt Worboys, K-u-r-t, Worboys, W-o-r-b-o-y-s.**

12 Q. And then who do you supervise now, again, just
13 like descriptions of who they are? You don't
14 have to list every single person.

15 A. **You want their names?**

16 Q. I guess titles would be helpful.

17 A. **Two sergeants, actually, three sergeants and**
18 **maybe 20 police officers.**

19 Q. Okay. So then in aggregate it sounds like it's
20 about 20, 25 people underneath you?

21 A. **Correct.**

22 Q. So I guess comparing that then to the you said
23 like 80 to 90 people that were under you as a
24 captain, do you consider the switch from captain
25 to lieutenant a demotion?

- 1 A. It's a de-appointment.
- 2 Q. Could you explain the difference?
- 3 A. Sure. I mean they are interchangeable, but
4 de-appointments are positions, appointed
5 positions are positions you get without having
6 to take a test, all right? So if the chief
7 wants to appoint you as anything above the rank
8 of lieutenant, it's an appointed position, so he
9 just makes you a captain or commander. Any rank
10 under that, lieutenant or sergeant, you have to
11 compete for, you have to test for it and
12 interview for it, get an oral board score in
13 comparison to everyone else that's taken the
14 test, and if you get demoted from that position,
15 that's considered a demotion and not a
16 de-appointment, but going from an appointed
17 position is considered a de-appointment.
- 18 Q. Okay. And then do you know why you were
19 de-appointed?
- 20 A. Yes.
- 21 Q. Why?
- 22 A. I know what was explained to me.
- 23 Q. Okay. What was explained to you?
- 24 A. The incident concerning the Shinola case, as you
25 refer to it and --

1 Q. Was there any -- sorry. Go ahead.

2 A. Go ahead. What were you going to say?

3 Q. Was there any other explanation given to you?

4 A. Yes. An incident that took place four years
5 prior with an officer or detective, I can't
6 remember what her rank was at the special
7 victims unit, who made a decision on a case that
8 made the media as well that I had to address.

9 Q. What can you tell me about that other case?

10 A. It was an officer who had I believe it was child
11 abuse. There was a case where a kid was left in
12 a car. Somebody complained about it. Police
13 responded. They called child abuse. Child
14 abuse responded. I'm not sure how long the kid
15 was in the car, if it was a short time, I'm not
16 sure, but the officer wrote the lady a ticket.
17 I believe it was the parent or the guardian as
18 opposed to arresting them and the thought and
19 belief was that the person should have been
20 arrested, and so later on, it was addressed to
21 me that day, later on the person was arrested.

22 Q. Okay.

23 A. But that was 2016 or something like that.

24 Q. Okay. I guess the next set of questions I want
25 to kind of understand the training that you've

1 gone through at DPD.

2 **A. Sure.**

3 Q. So starting broadly what training have you
4 received in relation to your work in the DPD?

5 **A. In addition to the police academy?**

6 Q. Yes.

7 **A. I've had counter-terrorism, drug task force.**
8 **I've had training in drug and alcohol dealing**
9 **with operating under the influence of controlled**
10 **or liquor. I've had interviewing and interrogation**
11 **technique by Reid, police staffing command by**
12 **Eastern Michigan University, New Chief School,**
13 **which was out in Lansing. I can't recall**
14 **everything. I got some other training. I just**
15 **can't think of it right now.**

16 Q. Yeah, of course. So I guess can you tell me
17 more about the police staff and command training
18 from what you remember? Was that sort of training
19 on supervision and management type stuff?

20 **A. Yes.**

21 Q. Do you remember how long ago it was?

22 **A. 2009 I believe.**

23 Q. Okay. And then do you remember sort of like
24 basics or broad overview of what was covered
25 during that training?

1 A. It was a lot. I can't recall exactly, but it
2 was the fundamentals of management, given
3 scenarios, responding to major incidents,
4 managing major scenes.

5 Q. And what role were you in when you received this
6 training?

7 A. I was a sergeant.

8 Q. And then was the New Chief School also a training
9 along the lines of management and supervision?

10 A. It was more along the lines -- yeah, it touched
11 on that. I think it was more along the lines of
12 your role as a chief of an agency.

13 Q. Could you go into more detail about that?

14 A. Budgets, budgetary decisions, staffing
15 decisions, training. That's the only thing that
16 comes to mind right now.

17 Q. And do you remember approximately how long ago
18 the New Chief School was?

19 A. I believe that was in 2000 and, let me see, I
20 can't remember, I think it was '18. Yeah, I
21 think it was -- I can't remember if it was '17
22 or '18. I can't recall exactly.

23 Q. That's okay. Again, just kind of getting a
24 general sense of this.

25 A. Sure.

1 Q. Is there any other training that you've had when
2 it comes to management or supervision or, yeah,
3 like managing the operations of, you know, a
4 precinct?

5 **A. That's the only training that comes to mind.**

6 Q. Other than these two formal trainings that we
7 talked about, are there other things that you've
8 done to develop your skills as a supervisor?

9 **A. In my role as a captain at the time, or just in
10 general?**

11 Q. I guess in general from I guess sergeant onwards.

12 **A. Besides going to school, we did have what's
13 called retreats, executive retreats when I was a
14 captain where we had certain people come in and
15 give us, you know, information, legal updates
16 and things like that and that was purely for
17 executives.**

18 Q. Okay. So when you say executives, you mean
19 captains on up?

20 **A. Captains and above, yes.**

21 Q. So at any point in your time at DPD, did you
22 receive investigations -- or did you receive
23 training on investigations and how to conduct them?

24 **A. Yes.**

25 Q. What role was this for I guess?

1 **A. Investigator.**

2 Q. Okay. So this was probably quite a while ago then?

3 **A. Yes.**

4 Q. Was this training required when you became an
5 investigator?

6 **A. Yes.**

7 Q. And is this similar to the training now that's
8 given to newly promoted detectives, do you know?

9 **A. I don't know. I would imagine so, but I don't
10 know.**

11 Q. And have you received training on witness
12 identifications and line-ups?

13 **A. Yes.**

14 Q. Approximately do you remember when this was or
15 what role you were in when you received this
16 training?

17 **A. Investigator.**

18 Q. And was this required when you were an
19 investigator?

20 **A. Yes.**

21 Q. And then have you received training on the use
22 of facial recognition technology?

23 **A. No. As far as how to use it, just to clarify?**

24 Q. Yeah, how to use it within your work as an
25 employee of the DPD.

1 **A. No.**

2 Q. Have you done anything of your own, I guess
3 outside of formal training, have you done
4 anything or saw anything to learn more about how
5 to use facial recognition technology?

6 **A. You said on my own?**

7 Q. I guess more like rather than a formally
8 assigned training, have you done anything or
9 sought anything to help learn more about how to
10 use facial recognition technology?

11 **A. No.**

12 Q. And then have you received any training on
13 probable cause in requesting warrants?

14 **A. Yes.**

15 Q. Was this also back when you were an investigator?

16 **A. Police academy, probable cause, requesting
17 warrants as an investigator.**

18 Q. And, again, I guess do you know -- so the
19 training on requesting warrants that you
20 received as an investigator, do you know if that
21 is similar to what's required of detectives now?

22 **A. I believe so, but I'm not for certain what the
23 class entails.**

24 Q. Okay. That's fine. And then last specific one
25 is have you received any training regarding

1 racial bias?

2 **A. Yes.**

3 Q. When did you receive that training?

4 **A. I was --**

5 Q. Or again, like what role you were in, just
6 trying to ballpark when it happened.

7 **A. I can't even remember. I think I was a police
8 officer.**

9 Q. Was it required?

10 **A. Yes. I think it was part of a 40-hour training.**

11 Q. Could you describe more about this 40-hour
12 training?

13 **A. So 40-hour training, it's called 24-hour
14 training now, is training that an officer has to
15 attend every year to ensure that they receive
16 the updates, whether it's legal updates or
17 department policy or anything relative to their
18 duties, so because laws change and evolve
19 constantly, so that's to keep them up-to-date
20 and this is in compliance with I believe state law.**

21 Q. Okay. And I realize this is probably a lot of
22 years ago, but do you remember what you learned
23 from this racial bias training?

24 **A. Well, the fundamentals of identifying people,
25 profiling, along that line.**

1 Q. And then so since your days as a police officer,
2 have you received any training regarding racial
3 bias, or I don't know, different community
4 views, that kind of stuff?

5 A. I believe there was a department policy that's
6 been updated that has come out that's spoke to
7 that that everyone has to review and sign for,
8 but that's been a while. I don't know how long
9 it's been. I can't say exactly when, but I
10 believe it's been since then.

11 Q. Okay. So I guess either in your, either now as
12 a lieutenant or recently as a captain, how often
13 did you receive trainings?

14 A. So other than what I've mentioned?

15 Q. Yes.

16 A. I mean there is hands-on training every day, so
17 as a captain you're constantly learning, being
18 mentored by other command officers, and then of
19 course when we had our meetings with the chief
20 as a captain with other executives, sometimes we
21 would be called down to training and go over
22 certain things that were primarily focused for
23 officers, but then they felt that management
24 needed to know as well. I forget. Some of them
25 come to mind and I can't remember what the name

1 of it was, but it dealt with resolution and
2 conflict. It was called Blue something. I
3 can't remember what it was. That's one example.
4 There were other examples where we dealt with
5 having round tables to resolve issues between
6 citizens in the community and officers, conflict
7 between officers and citizens, so we would do
8 that. It would be command level type training
9 that they felt was applicable to the role which
10 we had which sometimes would differ from that
11 that was given to the police officers or the
12 sergeants and lieutenants.

13 Q. Did your training as a captain differ from how
14 other captains were trained?

15 A. No, it should be the same across the board, but
16 everybody had individual -- it depends. If you
17 wanted to do something on your own and you
18 sought training, then there might be something
19 different than what other captains may have
20 received, hence the chief school training. I
21 put in for that. All captains didn't do that.

22 Q. Were there other trainings that you sought
23 specifically?

24 A. That's the only one that comes to mind right now
25 that I did as a captain.

1 Q. Because you've mentioned that one, do you
2 remember I guess why that particular training
3 was one that you sought?

4 A. It was brought to my attention it was available.
5 I called down to the academy and spoke to the
6 captain at that time and he said, "We have
7 training that I'm sending people to. Do you
8 want to go?" I said, "Absolutely."

9 Q. And then did your training as a lieutenant
10 differ from other lieutenants in any way?

11 A. It's possible. As I mentioned, some training is
12 something you require, so it's a possibility, but I
13 can't speak to what training other lieutenants
14 had. There's like 600 lieutenants on the police
15 department, so I can't say.

16 Q. But to your -- sorry. But to your knowledge
17 then your training wasn't atypical in any way?

18 A. I can't say. Fundamentally I would say no
19 because all lieutenants that get promoted go
20 through a certain fundamental type training
21 before you take on that role, so that would be
22 the same, but anything that occurred after that
23 may be primarily predicated on what that
24 lieutenant sought after.

25 Q. Right. Okay. Understood. Are you involved in

1 training other members of the DPD?

2 A. No.

3 Q. And --

4 A. I mean it depends. I mean if it's roll call,
5 for example, as a lieutenant part of my
6 responsibility for managing is disseminating
7 information. Whether that information is at
8 roll call or whether that information is
9 one-on-one with an officer who needs to learn
10 something based on a decision they may have
11 made, so that happens in different ways, but a
12 formal type training would mostly occur during
13 the roll call which occurs at the start of
14 shift, so if we'll have policies and procedures,
15 we might pull out and cover those matters,
16 either my sergeants will do it or I've done it
17 before in the past, but I've primarily delegate
18 that to my sergeants and ensure that they do it.

19 Q. So roll call happens at the start of every
20 shift. How often do you have one-on-ones with
21 police officers?

22 A. Depends on what happens. If there was a
23 situation or such circumstances, if I read a
24 report that I think needs to be corrected or if
25 some things come to my attention that needs to

1 be addressed or remedial training that's needed,
2 then I will address it. I typically have field
3 training officers that do that. For probationary
4 officers, it's not uncommon for them to always
5 have information that they needed to be -- that
6 we may need to address to help develop them, and
7 so I typically have oversight over that and so
8 my field training officers and my sergeants
9 handle that, but they bring it to me in terms of
10 what they've done and if I feel like more needs
11 to be done, then I would intervene or I would
12 have more done.

13 Q. So it sounds like a lot of this then when you
14 identify things that maybe need to be addressed
15 or information that needs to be disseminated
16 goes through either your sergeants or the field
17 officers, is that right?

18 A. Correct, correct. Sometimes it's one-on-one.
19 Sometimes they may not be available and it needs
20 to be addressed, so I'll do it, so it all varies.

21 Q. Okay. And then what about when you were a
22 captain in the 3rd Precinct, how involved were
23 you in training, formal or informal, of people
24 in the precinct?

25 A. So I would again, sometimes I would come into

1 roll calls, but that was primarily for my
2 lieutenants and my sergeants to do, or if we
3 needed to send someone to training, like remedial
4 training, send them to the academy, if there was
5 an investigation that was conducted by a
6 supervisor based on the decision-making or actions
7 of a police officer or a detective, whoever that
8 may have been, and the recommendation was for
9 more training or remedial training, I would sign
10 off on that and make sure that that person gets
11 the training that they need, and then sometimes
12 in addition to the roll call, if I wanted to
13 send a sergeant or lieutenant if I felt that
14 they needed some additional training and the
15 opportunity was there, not necessarily because
16 they did anything wrong, but it could be just to
17 give them that training, then I would send them
18 to that, but departmentally there was already
19 training in place, 40-hour training that was
20 done on a regular basis where every member of
21 the department from the rank of lieutenant on
22 down had to attend to ensure that they were kept
23 abreast of things that needed to be done as it
24 pertains to their role, and so that was something
25 that the department implemented. What I did was

1 to kind of make sure that that was facilitated,
2 make sure that they attend. I would get a
3 report, "Hey, Captain Cox, your people these
4 people missed training. They need to attend."
5 Okay. Who missed? What happened? They were
6 off on vacation, off sick and make sure that
7 they attend that type of training. Anything
8 outside of that would be something that we thought
9 maybe needed to be extra, so, for example, if
10 they did go to training, but we felt like they
11 needed more, then we would look at that and
12 determine what needs to be done.

13 Q. So when you were a captain in the 3rd Precinct,
14 specifically how were the detectives in your
15 precinct trained, whether from you directly or
16 you indirectly or what formal training from the
17 department they may have received?

18 A. So typically when the person is, well, we'll
19 start with the beginning of the rank. When a
20 person is promoted or appointed to detective or
21 promoted to sergeant and lieutenant, they would
22 get the fundamental training by being sent to
23 the academy for at least a week or two weeks to
24 prepare them for their role, and once they've
25 completed that, then they would assume that role

1 and get assigned to the command and work that
2 role, and then any other training would come as
3 a result of hands-on just with any rank.

4 Q. Okay. And so it sounds like then anyone who is
5 promoted from police officer to detective when
6 you were a captain of the 3rd Precinct, did they
7 receive some kind of mandatory detective
8 training upon that promotion?

9 **A. That's been the practice.**

10 Q. And then when you were talking about after that,
11 like hands-on training that they're receiving as
12 a result of gaining experience in their roles,
13 does that mostly come through detectives talking
14 to each other?

15 **A. Yes, detective talking to each other, detectives
16 going to supervisors asking for guidance, direction.**

17 Q. Do you do anything to make sure or when you were
18 a captain, did you do anything to make sure that
19 detectives and sergeants were giving consistent
20 advice to each other?

21 **A. So detectives and sergeants giving -- sergeants
22 and lieutenants giving advice to detectives?**

23 Q. Detectives and detectives if they were giving
24 guidance to each other at all, was there anything
25 that you did to make sure that that was consistent?

1 A. Well, in addition to our supervisory meetings
2 which is our quarterly meetings, I'm sorry, we
3 have quarterly meetings with the detectives and
4 the supervisors and we would talk about what my
5 expectations were, and part of my expectations,
6 of course, was for the supervisors to supervise
7 and for them, for the lieutenant to manage.
8 That's all inclusive of the communication piece,
9 making sure that you talk to one another and
10 making sure that their cases are reviewed. In
11 order for that to happen, they had to communicate.

12 Q. Okay. Taking a step back a little bit, are you
13 aware that the DPD issues training directives
14 from time to time?

15 A. Yes.

16 Q. And do you receive those training directives?

17 A. Yes. Well, they come by way of e-mail.

18 Q. Okay.

19 A. Or Management Awareness System.

20 Q. Is the Management Awareness System, is that the
21 thing that some people also call MAS?

22 A. Yes.

23 Q. And what would you do to make sure that people
24 in the precinct under you were aware of these
25 training directives?

1 A. So the practice has been for when things come
2 through MAS, it's sent to your profile and every
3 member of the agency has a MAS profile and there
4 will be maybe a teletype that will come down
5 that we look at every day via e-mail with
6 instructions on different things that need to be
7 pushed down to the police officers. Some of
8 that is documents that are waiting their view in
9 MAS, so sometimes that will come down, so the
10 supervisors when we do roll call, we read that
11 off, "Hey, you guys, you got MAS pending
12 documents in your profile. Make sure you check
13 your profile and read those." They read them
14 and they have to hit a button to acknowledge
15 that they've read it and accepted it. If that
16 hasn't happened, then we'll know about it.

17 Q. Would you take follow-up action if someone
18 hadn't yet accepted it in MAS?

19 A. Yes, we follow-up and wonder why, whether they
20 were off or off sick or something like that.

21 Q. And is there anything else that you would do to
22 make sure that these directives are enforced?

23 A. In terms of being read or in terms of following
24 what the directive is?

25 Q. Following what the directive is.

1 A. It depends. It's done on a case-by-case basis.
2 If things come up or occur and that directive or
3 specifically the directive is applicable to the
4 situation, we'll make a determination then as to
5 whether or not the officers were in compliance
6 with the policy or the training directive.

7 Q. Let's take a break here.

8 A. Okay.

9 (Recess 11:18 a.m. to 11:32 a.m.)

10 Q. (Continuing, by Ms. Yu) I have a couple clarifying
11 questions from something we previously discussed.

12 A. Sure.

13 Q. So when you said that you have received no training
14 on how to use facial recognition technology,
15 could you just clarify what you mean by using
16 facial recognition technology?

17 A. Actually submitting a request to the Real-Time
18 Crime Center or to Michigan State Police or to
19 any entity that is equipped with the software
20 and equipment to honor that request and do, look
21 for an investigative lead. I have not done
22 that, so that's what I mean.

23 Q. Okay. And have you received any communications
24 or training about other aspects of facial
25 recognition technology at all?

1 A. Not that I can recall, no.

2 Q. Okay. And then later when we were talking about
3 -- oh, it was when you were talking about the
4 40-hour training --

5 A. I'm sorry, if I may.

6 Q. Go ahead.

7 A. When you say any other communications, we did get a
8 department policy that's current that was sent as
9 it relates to facial recognition and the use of it.

10 Q. Yeah, we'll go into the policies later. Sorry,
11 that was probably a mis-worded question on my
12 part then, but just on the training front in
13 terms of like teaching you how to -- any other
14 aspects of facial recognition technology, you
15 haven't received anything like that?

16 A. In terms of how to utilize it?

17 Q. How to use it or how it works or how it should
18 act, or what role it plays in an investigation,
19 anything like that?

20 A. Not -- well, we did have a meeting as to what
21 the expectations were going forward with the
22 facial recognition. That was with the command
23 staff, and I forget when that was, but it did
24 not teach you the intricacies of how to use it,
25 just the process upon which it has to be followed

1 up on detectives using it, so from a management
2 standpoint, this is what we require if your
3 people want to use it.

4 Q. Okay.

5 A. I believe that may speak to what you're talking
6 about going into later. I don't know.

7 Q. I might come back to that.

8 A. Okay.

9 Q. Yeah. And then so later when you were talking
10 about the 40-hour training, I don't know if I
11 misheard, but did you say that has now become a
12 24-hour training instead of 40 hours?

13 A. Yes, I did.

14 Q. Do you, I guess do you know what's been cut from
15 that to make it shorter?

16 A. I don't know off-hand. I can't speak to exactly
17 what's been cut. That's probably a question for
18 training, but I don't know.

19 Q. Fair enough, yeah. And do you remember
20 approximately when this was changed from 40 to
21 24 hours?

22 A. I'm not exactly sure what date. It's been a
23 while because I haven't had to attend that.
24 That was for lieutenants on down and captains
25 and above never had to take that.

1 Q. Okay. So this is something you will be taking
2 now that you're a lieutenant?

3 A. **Yeah, I'm taking it now as we speak.**

4 Q. Okay. So when you were the captain, did you get
5 notification if detectives or officers in your
6 precinct had missed this training?

7 A. **Yes.**

8 Q. And then would you follow-up on that?

9 A. **Yes. So, again, I would delegate that to my**
10 **supervisors. I would get notification to say,**
11 **"Hey, according to the audit that was done, this**
12 **wasn't, this person did not attend. Why didn't**
13 **he attend? I need him to go."**

14 Q. And then last clarifying question. So when we
15 were talking about the one to two-week academy
16 training that detectives would receive upon
17 promotion, it's the practice that they go
18 through this mandatory training, do you know how
19 long that's been a practice for?

20 A. **So it would be for detectives, lieutenants and**
21 **sergeants, all three ranks. Sergeants and**
22 **lieutenants, since I've been on the job that was**
23 **a requirement. For detectives, detectives is a**
24 **newly, is a new rank. It used to be the rank of**
25 **investigator, which is what I held, and so that**

1 came into play when Chief Craig became chief.
2 I'm not exactly sure what year that rank
3 actually changed. It was an appointed position
4 which is different than the previous position,
5 so I can't say exactly when that came into play.
6 I don't know the exact date.

7 Q. That's okay. And just to make sure that I'm
8 understanding this right, so the role used to be
9 investigator, but now there's a role that's
10 detective that's an appointed position and
11 that's taken the place of investigator?

12 **A. Correct.**

13 Q. Let's move on to some questions about DPD
14 policy. So baseline, are you aware that the DPD
15 has official policies in place that its
16 employees are required to follow?

17 **A. Yes.**

18 Q. And what types or I guess like forms or formats
19 of DPD policies are you aware of?

20 **A. There's quite a few, quite a few. There's**
21 **policies on patrol, there's policies on**
22 **investigations, there's policies on evidence,**
23 **crime scene preservation, there's many policies.**

24 Q. Okay. We'll run through a few. In terms of
25 general formats is probably a wrong word. Are

1 you aware of the DPD manual?

2 **A. Yes.**

3 Q. Have you read that manual?

4 **A. I've gone over the manual many times. I can't**
5 **recall everything word for word, it's 300 pages**
6 **long, so yeah.**

7 Q. Yeah, of course. And were you required to read it?

8 **A. We're required to, so the manual is constantly**
9 **updated, so we're required to read updates.**

10 Q. But now I understand this may have been a really
11 long time ago, but I guess when you first
12 started, was there a requirement to at least
13 read it in its current state when you started?

14 **A. Absolutely, yes.**

15 Q. And you said you've read it many times. How
16 often do you re-visit the manual?

17 **A. Currently, depending upon what I have going, if**
18 **I've got a situation I need to refer to from**
19 **conducting an investigation, I would refer to**
20 **the manual to determine whether or not procedure**
21 **was followed or policy was followed.**

22 Q. Okay.

23 **A. Or if I just need to know what the policy is,**
24 **there's new policies that come through MAS that**
25 **I mentioned earlier that we have to sign for**

1 that have been changed or added, then I would
2 look at the policy then, of course.

3 Q. And so you're notified of updates to the manual
4 through MAS?

5 A. Correct.

6 Q. Are there any other ways that you're notified of
7 updates?

8 A. No, I think that's the only mode we use
9 currently. Maybe through e-mail, we might get
10 something through e-mail, but I think MAS is the
11 primary mode.

12 Q. And do you read every update?

13 A. Yes.

14 Q. Is there any rule or policy about how often
15 you're supposed to review the manual?

16 A. Not that I'm aware of.

17 Q. And when you receive these updates, do you do
18 anything to inform your sergeant or when you're
19 a captain, your lieutenant and police officers
20 and detectives, do you do anything to inform
21 them of these updates?

22 A. So the updates come to everyone, and so they
23 have the access, they have the same access that
24 I have. Everyone has a profile. All they have
25 to do is go to their profile, so what I would do

1 is remind the sergeants to remind the officers
2 as well as the sergeants themselves to go to
3 their profile, review the updates and accept
4 that you've read them.

5 Q. Are you aware of the DPD's Crime Intelligence Unit?

6 A. Yes.

7 Q. Are you aware that the Crime Intelligence Unit
8 follows a set of standard operating procedures
9 or SOPs?

10 A. Yes.

11 Q. Have you read these SOPs?

12 A. It's been a while. Not the SOPs, the actual
13 policy that may speak to the SOPs. So SOPs are
14 specific to that unit, which everyone in that unit
15 would read their standard operating procedures,
16 but the policy that's department-wide is something
17 everyone has to read, so I may not have access
18 to their SOPs, but I'm sure it's probably one in
19 the same.

20 Q. Are you aware that the DPD occasionally issues
21 special orders?

22 A. Yes.

23 Q. And how do you receive those special orders?

24 A. E-mail, administrative messages.

25 Q. And do you read these?

1 A. Yes.

2 Q. Do you do anything to inform your precinct or
3 people that you supervise about these?

4 A. Yes. So that information is disseminated by my
5 sergeants at roll call, either myself or the
6 sergeants. As I mentioned earlier, at the
7 beginning of each shift that information is
8 printed out and read off at roll call and the
9 officers have access to copies of it if they
10 want it.

11 Q. And how do these special orders differ from
12 manual directives?

13 A. Sometimes they're one in the same. They just
14 have a different name to it. Special orders
15 sometimes come out, but there's no revision to
16 the manual that speaks to it, but they need that
17 information out, so it will come out by way of
18 special order, and then sometimes we may get
19 information that an addition to the manual is
20 forthcoming.

21 Q. Would you say it's common then that if the
22 special order isn't already tied to a manual
23 update, that there will be a manual update
24 following it that reflects similar content?

25 A. Depending on what it is. I don't think that's

1 always the case, but in some cases I've seen it,
2 I've known it to be that.

3 Q. Okay. So all right. Let's dive into some
4 specific policies.

5 MS. YU: So I'm going to enter an
6 Exhibit 1.

7 (Marked Exhibit No. 1.)

8 Q. (Continuing, by Ms. Yu) Have you seen this document
9 before? And feel free to flip through it.

10 A. Not recently, but I've gone over this before.

11 Q. Okay. Can you explain what this document is?

12 A. So this is a written -- this is a policy that
13 speaks to the written directive system for
14 directives that come out from the agency that
15 comes in many different forms, either by tele-type
16 or administrative messages or training directives
17 or personnel orders, policies, special orders.

18 Q. Do you have any recollection of when you first
19 saw this document? It's okay if it was a long
20 time ago.

21 A. Yeah, it was a long time ago. I know I read a
22 lot of this when I was studying for promotion.

23 Q. And promotion to sergeant?

24 A. I think all ranks because the manual is part of
25 the study guide.

1 Q. Okay. So in the policy section that's on the
2 first page, it says that, "The provisions of the
3 department's directives govern all personnel of
4 the Detroit Police Department. Each individual
5 member is responsible for knowing and abiding by
6 these provisions." So that includes you, right?

7 **A. Correct.**

8 Q. And everyone that you supervise?

9 **A. Correct.**

10 Q. Okay.

11 **A. Where are you reading from? I'm sorry.**

12 Q. The first page under Policies, it's kind of in
13 the middle of that larger paragraph.

14 **A. Okay. I got it. Last sentence, "Each
15 individual member." Yeah, I see it, yeah.**

16 Q. Okay. And then we'll move to page five.

17 **A. Okay.**

18 Q. Section 4.8 under Member Responsibility, so that
19 first sentence of that, first couple sentences
20 of that first paragraph, so "Every department
21 member is responsible for reading any updates to
22 the Manual of which he/she has been made aware.
23 Department members are responsible for knowing
24 and adhering to all the provisions of the Manual."
25 Did I read that right?

1 **A. Correct.**

2 Q. And so according to this then, you are
3 responsible for knowing and adhering to all
4 provisions of the DPD policy manual, including
5 any updates, is that right?

6 **A. That's correct.**

7 Q. And then continuing on in that paragraph, so,
8 "The department shall make all reasonable efforts
9 to ensure that each member is made aware of
10 changes and additions to the Manual. Violations
11 of a directive will not be excused by the claim
12 that the directive was not received." Did I
13 read that right?

14 **A. Yes.**

15 Q. Do you feel like the department makes those
16 reasonable efforts?

17 **A. Yes.**

18 Q. Do you think there's anything they could do better?

19 **A. I think the current efforts are reasonable.**

20 MS. YU: All right. We can put that
21 aside. Entering Exhibit 2.

22 (Marked Exhibit No. 2.)

23 Q. (Continuing, by Ms. Yu) Have you seen this
24 document before?

25 **A. Again, it's been a while. This is 2014. Yeah,**

1 **it's been a while.**

2 Q. Okay. Can you explain what this document is?

3 **A. This is an identification, eyewitness**
4 **identification and line-ups document, explains**
5 **the purpose of the policy and highlights**
6 **photographic show-up and the different roles of**
7 **people that are involved, highlights the**
8 **line-ups and face-to-face I.D., identification.**

9 Q. Okay. And then because this is dated 2014, so
10 this would have applied during the Shinola
11 investigation, is that correct?

12 **A. Correct.**

13 Q. And so under the photographic show-up sections,
14 so that started on the first page, that kind of
15 big block there, this lays out the process for
16 conducting a show-up process, right?

17 **A. Yes.**

18 Q. Is there anything that you do either now as
19 lieutenant, you don't have detective, so I guess
20 when you were a captain in the 3rd Precinct or
21 before when you were a captain in other
22 precincts, is there anything that you would do
23 to make sure that people, that detectives that
24 you supervise would follow these processes?

25 **A. So when detectives, if they ever did it for**

1 photographic show-up, their warrant request had
2 to be approved by a supervisor and so a sergeant
3 or lieutenant had to sign off on it and that
4 would be the mechanism that was in place to
5 ensure that the policy was followed because as a
6 captain, if there was ever a concern brought to
7 my attention from that sergeant or lieutenant
8 for every warrant that came through, then I
9 would know about it and we would address it at
10 that point.

11 Q. So it was on the sergeant or lieutenant then to
12 make sure that this policy was being followed?

13 A. Correct.

14 Q. So then with the expectation that I guess details
15 of how photo show-ups might have been conducted
16 would be included as part of the warrant request?

17 A. Yes, that's part of the warrant request if a
18 photographic show-up was done. Not all of them
19 have photographic show-ups, but those that do,
20 then the expectation is that policy is followed.

21 Q. Okay. Of course, so only when a photo show-up
22 has been done?

23 A. Correct.

24 Q. So I guess given the details of this policy in
25 terms of instructions of what can and cannot be

1 done, would you expect that all of those details
2 would have been included in the warrant request
3 as well?

4 **A. I'm not following. Details of how this is done?**

5 Q. Yeah, right. So I guess, for example, let's say
6 I mean we can just pick, so under section three
7 under photographic show-up 1(c), "Each witness
8 should view the photographs alone so that other
9 witnesses won't be influenced or open to
10 suggestion."

11 **A. Oh, of course, yes.**

12 Q. So that kind of detail would make it into the
13 warrant request to make sure then that a
14 lieutenant or sergeant would make sure that this
15 was followed?

16 **A. Okay. I see. So the details, if I'm understanding**
17 **you correctly, the details of how the photographic**
18 **show-up was done to be included in the warrant**
19 **request as opposed to just saying it was a**
20 **photographic show-up. Is that what you're asking?**

21 Q. Yes.

22 **A. I think the procedure was more important rather**
23 **than indicating that the procedure was followed.**
24 **Following the procedure was the thing that was**
25 **emphasized, not actually documenting that the**

1 procedure was followed. The expectation is that
2 the procedure was followed, so to put in the
3 warrant request that we follow policy, policy
4 said we do this and so we did that, if that's
5 what you're asking, that wasn't the expectation,
6 not from what I can recall.

7 Q. So just to make sure I'm understanding, so with
8 the warrant request then, just the mention of a
9 photo show-up sort of implicit in that is that
10 this procedure was followed, if there was a
11 photo show-up done?

12 A. If there was a photo show-up done, I don't think
13 that it was a requirement, a policy requirement
14 to indicate that department policy was followed,
15 just that there was a line-up done and if there
16 was a question about the line-up, then we would
17 refer back to department policy.

18 Q. Okay. So then if in the case that there's an
19 investigation, there's a photo show-up done and
20 there wasn't any immediate question from the
21 sergeant or lieutenant who happens to be looking
22 at that request for a warrant, is there any other
23 procedure in which the -- or is there any other
24 policy or mechanism in which the procedure of
25 the photo show-up would have been reviewed at all?

1 A. So when the supervisor reviews a warrant request
2 in the PDU, they ensure that this procedure is
3 followed, and if they believe that it is
4 followed, then they would do so by affixing the
5 signature to the investigation report to show
6 that they reviewed it and they feel like
7 everything that was done was proper.

8 Q. Okay. And how might they ensure that this was
9 followed, just asking questions of the detective?

10 A. Yeah, asking questions, or if they had questions
11 that the detective wasn't available or if it was
12 something that they weren't really sure of, then
13 they could refer to the policy to see if there
14 was a question, but most of them had hands-on
15 knowledge and they knew what was supposed to be
16 done because they do hundreds of them, so --

17 Q. Right, and so of course like whether their
18 knowledge comes from this policy or their
19 hands-on knowledge, I just want to make sure I'm
20 clearly understanding. So how would they know
21 what the detective had done for that particular
22 photo show-up for a given warrant request?

23 A. So they could look at their notes whenever a
24 detective works on the case, that if whatever
25 their steps are or the steps that they've taken

1 is documented in what's called the RMS system,
2 Report Management System, and they are required
3 to put notes as to the steps that they've taken
4 on a case and the supervisor has access to
5 review those notes, as I did when I was a
6 captain as well. So if a case came up and there
7 was a question about it, to see if things were
8 done properly or what was done, we could refer
9 to the detective's notes.

10 Q. Okay. You can put that aside.

11 MS. YU: Entering Exhibit 3.

12 (Marked Exhibit No. 3.)

13 Q. (Continuing, by Ms. Yu) Again, flip through it
14 as you need. Do you recognize this document?

15 A. Yes.

16 Q. Do you remember in what context you saw it?

17 A. The most recent during the Shinola case, when it
18 came to, when it was highlighted.

19 Q. So when you say when it was highlighted, so you
20 mean like summer of 2020 when --

21 A. Yes, yes, that was the most recent. Probably
22 seen it before then, but that was the most recent.

23 Q. Okay. Can you explain what this document is?

24 A. This is a training directive, Use of Traffic
25 Light-Mounted Cameras and Facial Recognition

1 **Technology.**

2 Q. And then if we go to the last page, so this is
3 the section where there's a little bit of policy
4 on use of facial recognition technology, and so --

5 **A. Oh, I'm sorry, I have to go back. I also**
6 **reviewed this in preparation for this.**

7 Q. Okay. Thank you for clarifying.

8 **A. Mm-hmm.**

9 Q. So, yeah, so under Use of Facial Recognition
10 Technology and then under Criminal Investigation
11 Required it says, "DPD members will not use
12 facial recognition technology unless that
13 technology is in support of an active or ongoing
14 criminal or homeland security investigation."
15 So am I understanding that right, that this
16 policy did not limit the use of facial
17 recognition to only certain crimes?

18 **A. Correct.**

19 Q. And this was the policy that was in place at the
20 time of the Shinola investigation?

21 **A. Yes.**

22 Q. You can put this aside.

23 MS. YU: Entering Exhibit 4.

24 (Marked Exhibit No. 4.)

25 Q. (Continuing, by Ms. Yu) Again, feel free to flip

1 through it. Have you seen this document before?

2 **A. Yes.**

3 Q. Do you remember when you saw this document?

4 **A. Yes, again, the most recent in preparation for**
5 **this deposition.**

6 Q. Do you remember when --

7 **A. I've seen it before then, too.**

8 Q. Can you explain what this document is?

9 **A. This is regarding the use of traffic light-mounted**
10 **cameras and facial recognition technology and**
11 **it's a transmittal of a written directive that**
12 **was prepared by planning and research**
13 **development -- deployment, I'm sorry.**

14 Q. Okay. And then on the last page, so very last
15 page towards the end or at the end, so, again,
16 it says Use of Facial Recognition Technology,
17 and then under Criminal Investigation Required,
18 this looks like identical to the training
19 directive we just looked at, right?

20 **A. Correct.**

21 Q. Do you know why there would be both this and the
22 training directive we just looked at, even
23 though they're identical?

24 **A. As I shared earlier, sometimes a training**
25 **directive might come out first and that**

1 information would be adopted within policy, so
2 it would mirror the training directive, so it
3 may start off as a directive and then eventually
4 brought into policy. Why that is, I don't know.
5 Maybe just practice I guess.

6 Q. Okay. We can put that aside.

7 MS. YU: Entering Exhibit 5.

8 (Marked Exhibit No. 5.)

9 Q. (Continuing, by Ms. Yu) Again, feel free to flip
10 through it. Do you recognize this document?

11 A. Yes, yes, Planning and Deployment Transmittal of
12 Written Directive. I'm sorry, I didn't mean to --

13 Q. No, go ahead.

14 A. Requested by planning, research and deployment
15 and it's dated for 2019.

16 Q. Do you remember when you first saw this document?

17 A. I believe I first saw it again when the Shinola
18 case came to light would be when I first saw it,
19 or I should say the last time I remember seeing
20 it before then. I may have seen it before then,
21 but that's the only time I can remember seeing
22 it when the case came to light and again in
23 preparation for this deposition.

24 Q. So you don't remember if you had made any
25 announcements to your precinct about this policy

1 update at all?

2 **A. I don't recall doing that, no.**

3 Q. Okay. All right. So on the cover page it says
4 under approvals or comments that this directive
5 was updated to reflect the Board of Police
6 Commissioners and internal review. Do you know
7 what any of the recommendations from the Board
8 of Police Commissioners may have been?

9 **A. I don't know what the recommendations were. I
10 do know that the current policy was predicated
11 on a review that was done by the BOPC, Board of
12 Police Commissioners, but what exactly they
13 recommended, I don't know, but I know that the
14 current policy was influenced by their review.**

15 Q. What do you know about that BOPC review?

16 **A. Just that they reviewed it and they had -- they
17 needed to approve it, and so any time we implement
18 certain policies, we send it to them for approval
19 so that everyone can be on the same page.**

20 Q. And then on page two, which is also the last
21 page, under criminal investigation required, so
22 is it correct that this policy now limits the
23 use of facial recognition technology to Part 1
24 Violent Crime investigations or Home Invasion 1
25 investigations?

1 A. That's correct.

2 Q. Do you know why this policy change happened?

3 A. My understanding is that this was in effect, or
4 these efforts were in effect to change the
5 policy to narrow the use of the technology, but
6 I can't say it happened right after, I mean I
7 can't say specifically. I mean I wasn't privy
8 to the conversation that was had regarding this.

9 Q. Right. When you say efforts were made, do you
10 know who was making those efforts?

11 A. I would surmise that it's the executive team.

12 Q. Okay. So the executive team was looking to
13 narrow the use of facial recognition technology?

14 A. Either that or in conjunction with the Board of
15 Police Commissioners, I think meeting with them
16 and talking with them, the decision was made,
17 this being the final outcome.

18 Q. Okay. And then so on the last page again,
19 section 4.4, so this is the process for requesting
20 use of facial recognition, is that right?

21 A. What was it again? I'm sorry.

22 Q. Page two, the last page under 4.4?

23 A. Okay. Process, okay.

24 Q. So this process wasn't laid out in prior
25 policies, is that correct?

1 A. Correct.

2 Q. Do you know if this process was informally
3 followed before this updated policy?

4 A. **You're speaking department-wide or what are you --**

5 Q. Within your precinct when you were a captain at
6 this time, right? Yeah, so, yeah, when you were
7 a captain in the 3rd Precinct?

8 A. **So as far as under the command I held at the**
9 **time, this policy wasn't in effect, so we**
10 **weren't guided by this because it wasn't in**
11 **existence at the time.**

12 Q. Okay. And so before this policy went into
13 effect then, was there any sort of approval
14 process similar to what's described in this
15 policy that may have been, if not, you know, a
16 formal policy, a practice within your precinct
17 before the time of this policy?

18 A. **Before this policy was implemented, I think the**
19 **only requirement was that there was an active**
20 **criminal investigation that was underway.**

21 Q. Okay. And when this update, when this updated
22 policy came out, do you know if this applied to
23 investigations that were already ongoing and
24 where a facial recognition search had already
25 been run?

1 **A.** I think when this policy was implemented, it
2 only applied to any investigative process that
3 took place after its implementation.

4 **Q.** So if there had been an ongoing investigation
5 that was not a Part 1 Violent Crime and not a
6 Home Invasion 1 investigation and a facial
7 recognition search had been conducted before
8 this policy, but that investigation was ongoing
9 after this policy came out, that facial recognition
10 search was still okay to use because it was done
11 before this policy came out, is that right?

12 **A.** **Yes, yes.**

13 **Q.** All right. You can put this aside.

14 MS. YU: This is the last one of these
15 policy exhibits, so entering Exhibit 6.

16 (Marked Exhibit No. 6.)

17 **Q.** (Continuing, by Ms. Yu) Again, feel free to flip
18 through it. Have you seen this document before?

19 **A.** **Yes, mm-hmm.**

20 **Q.** Do you remember when you saw it?

21 **A.** **Again, in preparation for this, most recent**
22 **would be in preparation of this matter for the**
23 **deposition.**

24 **Q.** Do you remember when you may have first seen it?

25 **A.** **I can't recall exactly for this one.**

1 Q. Okay. Can you explain what this document is?

2 A. Sure. Facial recognition, it's a document on
3 facial recognition, the general purpose and
4 definitions, terminologies, discipline for
5 violations and the limited use of it, facial
6 recognition governance, oversight.

7 Q. And do you recall at all if this policy was
8 announced to you when it was sent out?

9 A. Yes, it was, it was.

10 Q. Was this through MAS or some other means?

11 A. I think it was, I think it was both, if I recall,
12 through MAS and from the exec team.

13 Q. Okay. So the exec team may have -- did the exec
14 team often announce policies?

15 A. If I'm not mistaken, I think this was the final
16 policy that was implemented after the directives
17 and the orders, so, yeah. In fact, this is just
18 a final memorialized version of what was already
19 disseminated to me and the rest of the exec team
20 or command staff.

21 Q. Okay. And so I guess this one, is this one like
22 the last one we looked at where any changes in
23 policy would only apply to new investigative
24 actions that took place after the policy was
25 enacted?

1 A. Yes, I think this is the final one, if I'm not
2 mistaken, because it's dated September, so yeah.

3 Q. Okay.

4 A. I'm not sure. Give me a second here.

5 Q. Take your time.

6 A. Yeah, yeah, the final one, yeah, it starts with
7 the transmittal and ends with the policy, yeah,
8 just when it's finalized.

9 Q. Okay. We can put that aside. All right. So
10 you said that you received these as updates, so
11 either through MAS, this last one being from the
12 exec team. Are there any other ways in which
13 you were provided with these policies or updates?

14 A. That would be the only modes that I can recall.

15 Q. And what did you do to ensure that these
16 policies were followed?

17 A. So a meeting with my supervision team for the
18 precinct detectives because they would be the
19 ones who would primarily use it to ensure that
20 they were aware of the policy and that they
21 follow the policy and, again, if this was sent
22 through MAS, if I remember correctly, then they
23 would have access to that on their dashboards as
24 well and be able to sign for and accept it, and
25 like I said, in addition to the communication

1 I've had with them.

2 Q. And so like we discussed before, so for the ones
3 sent through MAS, they would have had to
4 acknowledge that they read these?

5 A. Correct.

6 Q. Was -- did you have to -- was it a common
7 occurrence for you to have to follow-up on
8 officers or detectives who may not have read it
9 and accepted it in MAS?

10 A. Not that I recall. I mean there were audits
11 done to determine whether or not everybody read
12 their MAS. There was units that monitored the
13 MAS system that operated from another entity
14 within the agency to determine if people are
15 looking at their MAS profiles, and I believe
16 that was part of the auditing process, so the
17 leadership of that command would be notified,
18 hey, you got like maybe so many members that may
19 not have reviewed it or did anyone review it and
20 you would follow-up on that.

21 Q. And what would that follow-up look like?

22 A. I just talked to supervision, have conversations
23 with them, "Hey, I need so-and-so to review
24 their MAS."

25 Q. And then if a sergeant or lieutenant followed up

1 with someone and told them to review it, then
2 they would review it?

3 **A. Yes.**

4 Q. And you never had any issues having to like
5 follow-up on the follow-up?

6 **A. No, not that I can recall, just normal everyday
7 follow-up.**

8 Q. And so with these department policies or procedures,
9 what happens if someone that you're supervising
10 or someone in your supervision chain violates or
11 fails to abide by one of these policies?

12 **A. So we would do, it would depend upon what that
13 consisted of. Sometimes that would require an
14 investigation, sometimes it would require a
15 conversation. It would all depend on what that
16 violation is.**

17 Q. Is there -- do you have a sense of if it was
18 more common for this to just be a follow-up
19 conversation or was it more common to lean
20 towards an investigation of some kind?

21 **A. I don't recall having any investigations as it
22 relates to violation of this policy, so if there
23 was ever a concern, it would be a conversation,
24 but I don't even recall having concerns.**

25 Q. Okay. And --

1 A. If I may interrupt, I'm sorry.

2 Q. Go ahead.

3 A. This water is starting to -- if I can take a
4 bathroom break?

5 Q. Oh, yes.

6 MR. CUNNINGHAM: Yeah, whenever you
7 like. Ready?

8 A. Yeah.

9 (Recess 12:13 p.m. to 12:17 p.m.)

10 Q. (Continuing, by Ms. Yu) All right. We were just
11 about to wrap up on policies, so just kind of
12 one final policy related set of questions. So
13 in addition to all of these official policies we
14 talked about or ones that we haven't talked
15 about, official policies when you were captain
16 of the 3rd Precinct, were there unofficial
17 policies that you would adopt for the precinct?

18 A. No, I think as far as I can recall everything
19 pretty much lined up with what we had in place that
20 relates to the policy or policies that were in
21 effect.

22 Q. All right. Let's talk about facial recognition
23 technology. Can you explain to me in your own
24 words what facial recognition technology is?

25 A. Sure. So it's technology that is utilized to

1 garner investigative leads as it relates to
2 identifying individuals that is believed to be
3 responsible for a criminal act.

4 Q. Okay. And what is your understanding of how
5 this identification process works?

6 A. Sure. So the detective that has a desire to
7 utilize facial recognition in the case that he
8 or she has been assigned must first determine
9 whether or not their case applies to the current
10 policy, meaning it has to be a Part 1 Violent
11 Crime felony. If they feel that it qualifies
12 for that, then they get the approval of the
13 precinct detective supervisor, which would be a
14 sergeant or lieutenant to utilize that and then
15 they would follow through and utilize it, submit
16 that request, a written request. I think it's
17 either via e-mail or written to the Crime
18 Intelligence Center. They would then they have
19 certain layers that they have to follow to give
20 them approval to determine whether or not the
21 request fits the criteria of the current policy
22 that's in place. If their supervisor agrees
23 that the request fits the policy, then they
24 would proceed with the request and submit that
25 information through the system or software in an

1 effort to gather an investigative lead.

2 Q. Okay. And do you know what a probe image or an
3 input image is?

4 A. No, I imagine it's an image, but I'm not sure
5 exactly what kind of image.

6 Q. Usually a probe image refers to the image that
7 is, at least my understanding of it, that is
8 sent to say the Crime Intelligence Unit or MSP
9 or whoever it might be for them to then perform
10 the facial recognition search on that, like
11 that's the image that's being used for that.

12 A. Correct, yes, yes, so yes, I'm familiar with
13 that, yes.

14 Q. Do you know what characteristics make for a high
15 quality probe image?

16 A. No, I mean --

17 Q. I guess I can clarify. By high quality, I mean
18 a probe image that's more likely to produce an
19 accurate facial recognition search or probe.

20 A. No, I can't speak to that.

21 Q. So you've never been told that the lighting of
22 the image can affect the accuracy of a facial
23 recognition search?

24 A. No. I imagine it could have, but I don't recall
25 being told that.

1 Q. Or anything about whether or not the person is
2 facing the camera?

3 A. I think that would be an obvious one, but I
4 don't recall being told that either, but that's
5 an assumption that I would have.

6 Q. Okay. Are you aware that the skin color of a
7 person depicted in a probe image can affect the
8 accuracy of a facial recognition match?

9 A. I've heard that.

10 Q. Where did you hear that?

11 A. Media. Departmentally I was not made aware of
12 that, just through the media and people having
13 conversations. This was a highly publicized
14 matter, so I heard it through that source.

15 Q. When you say people having conversations, you
16 mean people within DPD?

17 A. Yes, it was relayed that that was a concern,
18 so we would have those conversations and then
19 friends and family who felt like that skin color
20 was a factor in the accuracy of the software.

21 Q. And do you recall when the issue of, this issue
22 was first brought up to you or when you were
23 first aware that skin color can have an effect
24 on facial recognition accuracy?

25 A. When this case came to light in the media.

1 Q. And that includes conversations with friends and
2 family, that came after?

3 **A. Correct.**

4 Q. Okay. And then so in your work at DPD, have you
5 used facial recognition technology?

6 **A. As --**

7 Q. As a captain?

8 **A. No.**

9 Q. So it's only through detectives that were
10 underneath you that were using that technology?

11 **A. I haven't used it directly, but people that were**
12 **under my authority have used it, yes, at that time.**

13 Q. Did you encourage people in the PDU or in the
14 3rd Precinct to use facial recognition technology?

15 **A. I don't recall specific instances, but I did**
16 **encourage them to use every investigative tool**
17 **at their disposal and that would have included**
18 **facial recognition.**

19 Q. Do you recall any enthusiasm about facial
20 recognition technology from like command staff
21 or the executive team specifically for facial
22 recognition technology versus any other
23 investigative tool?

24 **A. I'm sorry.**

25 Q. Sorry. Were members of the executive team or

1 other command staff members, were they
2 particularly enthusiastic about the use of
3 facial recognition technology in investigations?

4 **A. I don't recall having a conversation where that
5 comes to mind.**

6 Q. So there weren't any times where you were being
7 encouraged to encourage your detectives to use
8 this technology?

9 **A. No, not that I can recall, no. I mean I didn't
10 need to be, yeah.**

11 Q. Do you recall if there were any internal
12 complaints about the use of facial recognition
13 technology in DPD?

14 **A. Other than this one here?**

15 Q. Yeah.

16 **A. There was another case that was assigned to
17 Bussa and I forget the defendant's name in that
18 case. I think it was Michael. I can't remember.**

19 Q. Michael Oliver?

20 **A. Yes, where that case became a concern. I can't
21 recall the specifics of that case, but that was
22 another case that was brought to light.**

23 Q. Okay. And then I guess going back to sort of
24 the process of how this is used, I think you
25 mentioned earlier that sometimes these facial

1 recognition search requests are sent to the
2 Michigan State Police, is that right?

3 **A. Yes.**

4 Q. Do you know why sometimes DPD will send these to
5 MSP?

6 **A. I can only speak to one instance and that's in**
7 **reference to the Shinola case where the original**
8 **detective sent his request to MSP, and if I**
9 **recall exactly, the technology was not available**
10 **for whatever reason through DPD, Detroit Police,**
11 **and I think they're the ones that sent it, if I**
12 **recall correctly, sent it to MSP, so he may have**
13 **sent something to Crime Intelligence and they in**
14 **turn sent it to Michigan State Police. Maybe**
15 **they couldn't fulfill the request. I'm not sure.**

16 Q. But you don't know why the CIU may have sent it
17 to MSP?

18 **A. I can't recall exactly why.**

19 Q. Are there any other outside agencies that you
20 know of that receive requests from DPD for facial
21 recognition in the same way that MSP might?

22 **A. I don't know of any. I mean maybe, but I don't**
23 **know specifically.**

24 Q. And so in an investigation, so I know you talked
25 about how facial recognition is one of many

1 investigative tools. I guess what kind of, what
2 role do you think facial recognition technology
3 should play in an investigation? So say a
4 detective has received a facial recognition match
5 for a certain individual, what should happen next?

6 **A. A facial recognition match should be considered**
7 **as an investigative tool and not a definite and**
8 **there should be other types of investigative**
9 **follow-up that would corroborate the match.**

10 Q. And could you give some examples of corroboration
11 that you think would be appropriate?

12 **A. Other evidence that might speak to the person**
13 **that's been identified in the line-up. Maybe**
14 **other witness accounts that might fit the same,**
15 **that match what was in the photo, evidence that**
16 **speaks to that, all that could corroborate the**
17 **actual match.**

18 Q. Do you have a sense of how often or, sorry, when
19 you were a detective in the 3rd Precinct, did
20 you have a sense of how often your detectives
21 were using facial recognition technology?

22 **A. You mean when I was a captain at the 3rd Precinct?**

23 Q. Yeah, sorry, when you were a captain.

24 **A. How often they used it?**

25 Q. Yes.

1 A. No, I did not. During our meetings, our
2 quarterly meetings, our weekly meetings, it may
3 have been brought up to me maybe on different
4 occasions where facial recognition was used. I
5 can't give an account of how often that was. It
6 wasn't very often.

7 Q. And then so earlier we talked about some of the
8 policy changes that happened concerning facial
9 recognition. Did these changes affect your work
10 in any way when you were a captain in the
11 3rd Precinct?

12 A. I think it was primarily applied to those that
13 were conducting the investigations. It's my
14 duty to remain the same.

15 Q. So any changes in the way they conducted their
16 investigations, that never trickled up to you in
17 any way that affected your duties? I'm just
18 trying to get a sense of --

19 A. No, just that supervisory approval was the added
20 thing and as long as that was in place, things
21 continued as far as my duties remained the same.

22 Q. And then one last general question about facial
23 recognition technology. Do you have any
24 concerns about the technology?

25 A. I don't believe I know enough to confirm whether

1 or not the concerns that were expressed as it
2 relates to skin color to really, for it to really
3 be a concern for me. I don't know for a fact.
4 I haven't been able to confirm all the concerns
5 that have been expressed, but I do agree that it
6 should be utilized as an investigative tool.

7 Q. Okay. Let's talk about the Shinola investigation.
8 When did you learn of this investigation?

9 A. So there was some information that was brought
10 to my attention in, I don't know if it's January
11 of 2020 relative to this case that nothing was
12 done on it, and I can't recall where the
13 information came from, but if I had to guess, it
14 was probably during a meeting that I had because
15 I would have different meetings, CompStat
16 meetings where different community business
17 partners would attend that meeting and Shinola
18 may have been one of those partners, I'm not
19 sure, but I can't recall specifically, but
20 somehow I got information that there has been no
21 traction or action on the case or no follow-up
22 on the case, so I did follow-up and that's when
23 I found out about the case and sent -- that
24 there was a warrant active for Mr. Williams and
25 then I sent a special ops unit out to arrest

1 him, but I didn't actually become aware of the
2 allegations of the facial recognition piece
3 until this case came to light, came to light in
4 the media in 2021.

5 Q. 2021?

6 A. I mean 2020, I'm sorry, 2020, yeah, later in 2020.

7 Q. Around summer, like June or July?

8 A. Yes, yes.

9 Q. And can you tell me more about these CompStat
10 meetings with community members?

11 A. Sure. As a captain I would have meetings that
12 were quarterly or monthly with different
13 community groups within the precinct, so I would
14 meet with Wayne State University, their chief
15 and the different community partners that was
16 part of his team and because Wayne State was in
17 the 3rd Precinct, I would attend that meeting,
18 and then downtown Detroit partnerships, which
19 downtown is housed within the 3rd Precinct, so I
20 would attend that meeting as well. Corktown,
21 which is of course, as you know, also in the
22 3rd Precinct and north end, refer to it as the
23 north end, but community meetings of the residents
24 in the north end, which was the 3rd Precinct
25 Community Relations Council, who all resided in

1 the north end of the precinct because the
2 businesses was in the southern mid-portion and
3 southern end, and of course midtown, I would
4 also meet with midtown.

5 MR. CUNNINGHAM: Okay. Let's take a
6 break for a minute.

7 **A. Sure.**

8 (Recess 12:33 p.m. to 12:34 p.m.)

9 Q. (Continuing, by Ms. Yu) Okay. Let's go back to
10 asking about the Shinola investigation, but just
11 one quick sort of closing the loop on the facial
12 recognition stuff.

13 **A. Sure.**

14 Q. So you talked about how it's an investigative
15 tool, but it's not definitive, so there needs to
16 be some kind of corroboration afterwards. Is
17 there any situation, like say a hypothetical
18 situation where you could imagine where a facial
19 recognition match on its own would be enough to
20 seek a warrant?

21 **A. I have nothing that comes to mind right now, no.**

22 Q. All right. So back to the Shinola investigation,
23 we were talking about these CompStat meetings
24 that include different community groups. I
25 think you said that the downtown Detroit

1 partnerships, that perhaps Shinola was there?

2 Did I mishear or is that what you said?

3 **A. I mentioned Wayne State. I mentioned several of**
4 **them. Shinola could have been at either one of**
5 **them. I mentioned Wayne State because Shinola**
6 **is within that proximity, within that footprint.**

7 Q. I see. Do you remember definitively if Shinola
8 was at one of these CompStat meetings?

9 **A. I know they were at ones once before, but I**
10 **can't recall if that one applied to this case.**

11 Q. Was it typical for downtown stores to be at
12 these CompStat meetings?

13 **A. Yes, business partners, yes.**

14 Q. And what was the general agenda for these
15 meetings, or I guess like what kinds of things
16 were discussed during these meetings?

17 **A. Crime, crime patterns, what was being done about**
18 **it, what can be done about it, deployment**
19 **strategies. Some businesses were just attending.**
20 **Every business didn't have an interest in crime,**
21 **but other interests, but it was basically about**
22 **crime.**

23 Q. Okay. So these meetings were a chance for you
24 to update these different business partners,
25 crimes that were affecting their businesses?

1 A. Correct.

2 Q. And so you said that it was probably during this
3 meeting that someone brought it to your
4 attention that there hadn't been much process in
5 the Shinola investigation, right?

6 A. It's a possibility, yes.

7 Q. Is this something that would commonly occur
8 during these meetings, that businesses would
9 inquire about the progress of a case and say
10 that not enough had been done?

11 A. Sometimes. Community partners or businesses,
12 sometimes we wouldn't get it, sometimes we
13 would. Sometimes we would just discuss the
14 crime in the area, so it wouldn't, every meeting
15 did not consist of a complaint.

16 Q. Okay. And so you said these were quarterly or
17 monthly, so I guess would it be that these
18 different business partners would attend every
19 single one of these meetings for their
20 particular like location?

21 A. For the most part. Some of them were absent at
22 some meetings. They couldn't attend all of
23 them, but for the most part I think everyone
24 tried to participate to attend the meeting that
25 was respective to their footprint.

1 Q. So you said this was possibly one of the ways
2 that you were notified of the Shinola
3 investigation. Are there other possibilities
4 that you can think of for how this was brought
5 to your attention in January of 2020?

6 A. No. I mean unless a detective brought it to my
7 attention. He could have possibly and I just
8 couldn't remember it early on, but the one that
9 stands out is the January, and then of course
10 when the case came to light.

11 Q. Okay. And so the only way or the most likely
12 way I guess that you think that it would have
13 been told to you that this case wasn't making
14 enough progress is through this CompStat meeting?

15 A. I wouldn't say that we spoke as it relates to
16 progress. I would say that they wanted to know
17 a follow-up and that was probably, from what I
18 can recall, the concern that was brought to my
19 attention was follow-up, so that could speak to
20 case progress. I'm not sure, but when I looked
21 into it, that's when I found out that there was
22 a warrant out for Mr. Williams and that's when I
23 sent ops out.

24 Q. Okay. So you didn't know anything about this
25 investigation before January 2020 before you

1 sent out the --

2 **A. I can't recall having any knowledge of it.**

3 Q. Okay. Let's talk about -- so then so after you
4 received this complaint or request for
5 follow-up, so you said you looked into the case.
6 Did you talk to anybody when you did this?

7 **A. Yes, I believe I may have asked a lieutenant or**
8 **I may have just looked into the PDU with the**
9 **case file. I can't recall exactly what I did,**
10 **but I found out at some point that there was a**
11 **warrant in the system and the specifics of how I**
12 **found out, I can't remember.**

13 Q. I guess generally if you had to follow-up on a
14 case and try to get up to speed on what had
15 happened, what would have been your general
16 process for getting up to speed?

17 **A. To talk to supervision in place or to actually**
18 **look at the case file.**

19 Q. Okay. And so do you remember at the time that
20 you sent out the special ops officers to go and
21 arrest Mr. Williams, do you remember what all
22 you had learned about the case up to that point?

23 **A. That it was just a warrant out for him. It was**
24 **a larceny and there was a warrant out for**
25 **Mr. Williams for that larceny.**

1 Q. Okay. And so you weren't aware of any of what
2 had been done in the investigation leading up to
3 getting the warrant at that point?

4 A. **Not the specifics of it that I can recall. It**
5 **wasn't until this case came to light in the**
6 **media that I looked and got the specifics, the**
7 **step by steps that were taken to get the warrant.**

8 Q. And so on the day that you sent out the officers
9 to arrest Mr. Williams, Detective Bussa had that
10 day off, is that right? Do you remember?

11 A. **I know he had the weekend off. I'm not sure if**
12 **it was the same day. I think it was, if I**
13 **recall correctly.**

14 Q. Would it have been unusual to send out officers
15 to go arrest someone where the detective who
16 worked on the investigation was off that day or
17 that weekend?

18 A. **No, we have other detectives that can work it.**

19 Q. And do you remember what instructions you gave
20 the officers who went to go arrest Mr. Williams?

21 A. **Just to arrest him.**

22 Q. Okay.

23 A. **I think they were equipped with the warrant in**
24 **hand, too.**

25 Q. Okay. Let's talk then about what you've learned

1 about this investigation since that day. So
2 kind of starting from the beginning, do you know
3 how DPD first learned about the theft at Shinola?

4 **A. So now we're talking about the agency, not me?**

5 Q. Yes.

6 **A. I don't know how they first learned. I know**
7 **that it was when it came to light in the media**
8 **that it involved ACLU.**

9 Q. Okay. You don't know how it originally started?

10 **A. With the executive team, no, I don't know how**
11 **they got that information.**

12 MR. CUNNINGHAM: She's talking about
13 the investigation.

14 **A. Oh.**

15 MR. CUNNINGHAM: Aren't you?

16 MS. YU: Yeah.

17 Q. (Continuing, by Ms. Yu) I just mean like the
18 theft itself and how that turned into a case.

19 **A. Oh, I'm sorry. I apologize. I misunderstood**
20 **you. Okay. So there was a criminal complaint**
21 **made. I believe, if I'm not mistaken, Wayne**
22 **State was the original agency that responded to**
23 **take the report of the theft that occurred and**
24 **eventually that information was relayed to DPD.**

25 Q. Is it common to get these types of criminal

1 complaints from Wayne State?

2 **A. Because they're in our footprint, we typically**
3 **share information, and we typically respond to**
4 **calls within the 3rd Precinct.**

5 Q. Are there other similar law enforcement bodies
6 that are outside the DPD like Wayne State that
7 your precinct would work with?

8 **A. Downtown services sometimes may assist 3rd Precinct**
9 **with calls for service. Their neighboring**
10 **precincts may assist for calls for service, like**
11 **the 10th Precinct.**

12 Q. So then once this came into DPD and it was a
13 case that detectives underneath you were working
14 on, do you remember who initially worked on it?

15 **A. Detective Levan Adams.**

16 Q. Do you remember why it was transferred from
17 Detective Adams to Detective Bussa?

18 **A. Adams transferred out of the 3rd Precinct PDU.**

19 Q. Do you know why he transferred out of the
20 3rd Precinct?

21 **A. I think he submitted a request to go to**
22 **commercial auto theft, so it was honored and at**
23 **some point he was transferred out.**

24 Q. So because this was a voluntary request to
25 transfer, so your only involvement may have been

1 that it went up to you for approval basically
2 after he submitted the request to transfer, for
3 Detective Adams?

4 **A. So, yeah, so the supervisor would sign off for a**
5 **transfer process, and then I would sign off as**
6 **the commanding officer, either myself or the**
7 **commander, and then it would go over to the**
8 **entity which he's trying to get transferred to**
9 **and they have to approve it for it to actually**
10 **take effect.**

11 Q. Do you remember how, and if you don't have an
12 exact number, that's totally fine. Do you
13 remember how many years of experience Detective
14 Adams may have had as a detective when he
15 started working on the Shinola investigation?

16 **A. Yeah, I don't know.**

17 Q. Do you remember for Detective Bussa?

18 **A. Detective Bussa had, if I recall, he was just**
19 **promoted that same year, so a few months, maybe**
20 **four or five months.**

21 Q. And since Detective Bussa was newly promoted and
22 so probably a little less experienced as a
23 detective, was there any special guidance or
24 like mentoring that you put in place for him when
25 he started working on the Shinola investigation?

1 A. So Detective Bussa had worked with detectives,
2 so I was sure that they worked with him, which
3 they did, the experienced detectives that worked
4 back there or down at the PDU, and of course the
5 supervision, supervisory oversight from the
6 management that was in place from the sergeants
7 that were experienced at the time who had worked
8 the investigations and supervised, so they were
9 instructed to make sure that of course all new
10 people abide by the policies and make sure that
11 they do everything they're supposed to do.

12 Q. Okay. And then so I guess going back to
13 Detective Adams work on this investigation, do
14 you know about the facial recognition search
15 that he requested for this investigation?

16 A. Yes, I became aware of it when this case came to
17 light, yes.

18 Q. And do you know that the search request was
19 forwarded to Michigan State Police?

20 A. Yes.

21 Q. Okay. And so you know that MSP then had returned
22 an investigative lead to Detective Adams in
23 response to that request?

24 A. Yes.

25 MS. YU: Okay. Entering Exhibit 7.

1 Sorry, you get a black and white copy.

2 MR. CUNNINGHAM: That's all right.

3 (Marked Exhibit No. 7.)

4 Q. (Continuing, by Ms. Yu) Do you recognize this
5 document?

6 A. Yes.

7 Q. When did you first see it?

8 A. Again, when this case came to light.

9 Q. Okay. And what is this document?

10 A. This is an investigative lead from the Michigan
11 State Police in response to the facial
12 recognition request from Detective Adams.

13 Q. Okay. And just to kind of confirm what we talked
14 about before, so this sheet on its own, would
15 this have been enough for a warrant request?

16 A. No.

17 Q. And why not?

18 A. As I mentioned before, it's an investigative
19 lead and so other investigative efforts should
20 have been made to make sure that the lead
21 matched any other corroborating information,
22 whether it's again evidence or witnesses.

23 Q. Okay. And then let's talk a little bit about
24 the probe image, the one on the left of the two
25 images here. So you've seen this before. You

1 hadn't seen that probe photo at all before this
2 case came to light?

3 **A. That's correct.**

4 Q. Okay. So I know that you said you haven't
5 received any formal training about what would
6 make a good or a bad probe image, but we kind of
7 talked about you said some things maybe seems
8 like it would be common sense. Is there
9 anything about this image that you think just
10 based on your experience and your common sense
11 that would make this a good or a bad photo to
12 use for a facial recognition match?

13 **A. Well, based on what's on the paper here, I can't
14 make out the probe image face. Looking at it
15 with human eyes, I can't make it out.**

16 Q. Okay. You can put that aside. All right. So
17 then after Detective Bussa took over work on the
18 investigation, do you recall any specific
19 instructions that may have been given to him
20 with that assignment?

21 **A. None that I would have given. He may have been
22 given instructions, but I don't recall anything
23 that I would have given them.**

24 Q. Okay. And then are you aware that Detective
25 Bussa then conducted a photo array as part of

1 his investigation?

2 **A. I am.**

3 Q. And that Katherine Johnston participated in the
4 photo array?

5 **A. Yes, mm-hmm.**

6 Q. But that Katherine Johnston wasn't an eyewitness
7 to the theft, right?

8 **A. Yes, correct.**

9 Q. And that she had only reviewed the security
10 footage, is that right?

11 **A. Correct.**

12 Q. And she was just a security specialist with
13 Mackinac Partners acting as a liaison between
14 Shinola and DPD, is that right?

15 **A. Correct.**

16 Q. Do you know why Detective Bussa chose to use
17 Katherine Johnston in the photo array?

18 **A. So when this case came to light and it was
19 brought to my attention, I began to conduct an
20 inquiry as to what happened with it. Based on
21 the conversation I had, there were several
22 efforts to get witnesses to show up so that a
23 photo array could be done and these are
24 witnesses that were present during the crime and
25 he wasn't getting any cooperation from those**

1 witnesses. He spoke with the leadership at
2 Shinola, I forget who it was, who wasn't real
3 interested in making their people show up, but
4 agreed to let the security officers show up to
5 assist with the I.D. He asked if he could do
6 that. I guess he called the prosecutor's office
7 and asked if he could do an I.D. that way and he
8 was told he could, so he felt we could utilize
9 the security officer even though she wasn't
10 present, he felt he could utilize her because
11 that was the only corroborating witness that he
12 had for the case.

13 Q. Okay. And I guess so in what you've just
14 described with him trying to get witnesses and
15 not getting the cooperation back from Shinola,
16 do you feel like Detective Bussa followed the
17 precinct's or DPD's policy in how to conduct a
18 photo array?

19 A. Well, he followed -- he got supervisory approval
20 and so if he had a question about his actions of
21 what he could do and he felt like he could do it
22 because he got supervisory approval to do it and
23 I believe that's why he did it.

24 Q. And just to clarify, when you say supervisory
25 approval, so the lieutenant who would have been

1 supervising Detective Bussa?

2 **A. Yes, supervisory approval and prosecutorial**
3 **approval because I believe, if I recall correctly,**
4 **when I looked into it, she asked him to ask the**
5 **prosecutor's office and he did.**

6 Q. And so you knew that Miss Johnston wasn't an
7 eyewitness after this investigation came to light?

8 **A. Correct.**

9 Q. Do you know if Detective Bussa uses
10 non-eyewitnesses for I.D.'ing suspects like this
11 in other cases that he's worked on?

12 **A. I don't know of any other cases.**

13 Q. Do you know if any other detectives have used
14 non-eyewitnesses for photo arrays or other
15 identification?

16 **A. No.**

17 Q. Would you have used Miss Johnston to do the
18 identification if you were a detective working
19 on this investigation?

20 **A. No.**

21 Q. Why not?

22 **A. At the time I had, when I looked into it, I was**
23 **concerned because I was not familiar with being**
24 **able to utilize a witness in that regard, but it**
25 **had been a while since I had done photographic**

1 line-ups and show-ups, so I know laws typically
2 change and so based on what I had learned over
3 the years from early on, I would not have.

4 Q. Okay. To your knowledge was the use of a
5 non-eyewitness for an identification a violation
6 of any DPD policy?

7 A. I can't speak specifically as to whether or not
8 policy indicates it has to be an eyewitness. I
9 believe it is. I can't recall exactly. I
10 believe it does speak to eyewitnesses in the
11 photographic line-ups policies.

12 Q. And then, okay, so then after Detective Bussa
13 had both the investigative lead report and the
14 identification from the photo array, you put
15 together a request for a warrant, right?

16 A. Yes.

17 MS. YU: Entering Exhibit 8.

18 (Marked Exhibit No. 8.)

19 A. You guys said just let you know.

20 MR. CUNNINGHAM: All right. We're ready.

21 (Recess 12:55 p.m. to 1:01 p.m.)

22 MS. YU: We'll set that aside actually.

23 We were chatting during the break, so I'm

24 entering Exhibit 9.

25 (Marked Exhibit No. 9.)

1 Q. (Continuing, by Ms. Yu) And so this is a fuller
2 version of the probe image and we also have a
3 digital version just looking at the investigative
4 lead copy. It was a little unclear.

5 **A. Excuse me, mm-hmm.**

6 Q. I just wanted to make sure. So we have the
7 brightness turned up all the way, but if you
8 need me to zoom in or try to adjust anything.

9 **A. I just enlarged the image. Is that okay?**

10 Q. Yep. So I guess now looking at this version of
11 the probe image, then thinking back to potential
12 characteristics of a photo that might make for a
13 good or a bad facial recognition search, is
14 there anything that you notice here?

15 **A. I notice that the image is a little clearer than**
16 **what was on the paper that I first looked at,**
17 **and that of course using a digital image, you**
18 **can manipulate it to enlarge it to make it**
19 **clearer or to get a better view, but in terms of**
20 **whether or not it would make for a good image**
21 **for facial recognition, I can't speak to that**
22 **because I'm not sure exactly what the software,**
23 **how the software works.**

24 Q. Yeah. Is there anything just kind of from your
25 own common sense or experience of trying to look

1 at photos yourself and identify people, is there
2 anything that you noticed with this photo that
3 might make it easier or harder to identify the
4 man in question?

5 A. I don't know, maybe the baseball cap. If I may?

6 Q. Yes.

7 A. Looking back at it and thinking about it, it's
8 pixilated. If we did photo identification the
9 way we used to do them without the technology,
10 it's more of a side view a little bit, not a
11 full front facial, but again, I can't speak to
12 how the technology would work. It might be a
13 lot better than what we did back in the day when
14 we didn't have the technology, so I can't say
15 for sure, but just on the face of what I see
16 now, pixilated, baseball cap and the head is
17 turned a little bit to the side, so that might
18 make for a difficult match if I were to use this
19 exact photo and compared it to other photos
20 without the use of facial recognition.

21 Q. Okay. Great. All right. Thank you.

22 MS. YU: Thank you, Ramis.

23 Q. (Continuing, by Ms. Yu) You can put that aside
24 and going back now to the investigative report.
25 Do you recognize this document?

1 A. Yes.

2 Q. When do you remember first seeing it?

3 A. I believe this might have been the document I
4 saw. I may have looked at this when I first did
5 the follow-up from when I received information
6 that their follow-up was needed on this back in
7 January of 2020, but I also remember looking at
8 specifics of it when this case came to light in
9 the media.

10 Q. When you looked at this in January 2020, did you
11 read through all of it? And feel free to flip
12 through the pages to jog your memory or whatever
13 may be.

14 A. I can't remember if I did or not, I think I did
15 enough to determine that there was a warrant in
16 the system and I think I may have looked at the
17 fact that this was signed by a prosecutor and
18 that a warrant was in the system. I don't know
19 if I did an in-depth look at the investigator's
20 report to determine what all was done on it.
21 The warrant was already in the system, so I
22 think my focus at the time was when I found out
23 that there was a warrant in the system, to make
24 sure he was taken into custody.

25 Q. So your goal when you looked at this in January

1 of 2020 was just is there a warrant or not?

2 **A. Well, to see where it was. When I saw that**
3 **there was a warrant, then I knew that the case**
4 **had already been completed and so at that point,**
5 **that's when my focus was primarily to take him**
6 **into custody.**

7 Q. Okay. So sticking on the first page, the box
8 where it says details of investigation?

9 **A. Okay.**

10 Q. As you read through what's described under
11 Circumstances and Investigation, I guess first
12 take a moment to read through that, and let me
13 know when you're done reading.

14 **A. Okay. Okay.**

15 Q. Do you feel, knowing what you know now about how
16 the investigation was conducted and various
17 things that we talked about today, do you feel
18 like this Details of Investigation section
19 contains the necessary information to determine
20 whether this warrant should have been approved
21 or not?

22 **A. I believe that the details of the investigation**
23 **combined with the circumstances was enough for**
24 **the prosecutors to decide whether or not to make**
25 **a charging decision on it, so we submit, I**

1 believe it entails what he did and submitted it
2 to the prosecutor and then they approved it.

3 Q. Okay. And so do you think facial recognition
4 should have been mentioned at all in this?

5 A. It could have included more information, yes.
6 Facial recognition could have been included in
7 that, but facial recognition was included in the
8 packet though, so when the prosecutor reviews
9 it, they know that that's what was used.

10 Q. And do you think it should have been more explicit
11 that Katherine Johnston was not an eyewitness?

12 A. He could have put that in here, he could have,
13 but he also indicated that she reviewed a video,
14 so he was, he did indicate how she did the I.D.
15 indicating the video was reviewed by Katherine
16 Johnston and if I'm not mistaken, I believe the
17 packet, when the prosecutor reviews the packet,
18 they review not just the warrant request, but
19 everything that's attached to it, and I believe
20 her report also indicates she saw the video.

21 Q. Okay. But let's say hypothetically Katherine
22 Johnston had been an eyewitness and she reviewed
23 the video. This text would still reflect that
24 hypothetical situation, right?

25 A. Yes. Well, can you expound? What do you mean?

1 Q. Yeah. So say Katherine Johnston had actually
2 viewed the theft in person, but then before
3 conducting or before participating in the photo
4 array, she decided to review the security footage
5 one more time to refresh her memory or whatever.

6 **A. Yes.**

7 Q. Then the description here of the circumstances
8 that the video was reviewed by Katherine Johnston
9 or her report of the photo array saying that she
10 reviewed the video before doing it, that would
11 still be an accurate description of what
12 happened in this hypothetical situation where
13 Katherine Johnston was an eyewitness, right?

14 **A. Yes, yeah, because she reviewed the video, so**
15 **yes, it would still reflect on the video.**

16 Q. So then back to a non-hypothetical lens where
17 Katherine Johnston was not an eyewitness, the
18 decision alone of her reviewing the video, that
19 alone doesn't necessarily speak to whether or
20 not Katherine Johnston was an eyewitness, is
21 that right?

22 **A. I believe more could have been added to it that**
23 **could speak to that, but this investigator's**
24 **report alone was not what the prosecutor, that**
25 **wasn't the only thing they reviewed. So they**

1 can review other documents or even ask questions
2 when the court officer takes the warrant down,
3 so if that was a question for them, they could
4 have certainly inquired.

5 Q. Would you have expected the prosecutor to
6 inquire into that?

7 A. **Absolutely, yes. To inquire, they have an**
8 **opportunity every time they receive a warrant**
9 **package to inquire about the details of it, as**
10 **well as the judge.**

11 Q. Have you seen or heard about the prosecutor
12 inquiring to the point where they send the
13 request back because they don't think there's
14 been enough investigative work done?

15 A. **Quite often.**

16 Q. And then so looking again at the first page here
17 in the bottom right, there's a signature from a
18 supervising officer, is that correct?

19 A. **Yes, mm-hmm.**

20 Q. And in this case this warrant, request for a
21 warrant was approved not by a PDU supervisor,
22 but by a patrol supervisor, is that right?

23 A. **Correct.**

24 Q. Here it was Sergeant Sati, S-a-t-i, right?

25 A. **Correct, yes.**

1 Q. How closely did you work with Sergeant Sati?

2 A. He worked under my leadership at the time I was
3 captain over there, so he worked time-keeping and
4 he worked patrol, so he was one of my supervisors.

5 Q. And was it common to have a patrol supervisor or
6 a non-PDU supervisor sign off on one of these
7 requests for a warrant?

8 A. Not that common, but there were times where that
9 occurred.

10 Q. And what kinds of times or, yeah, what kinds of
11 situations would this have occurred?

12 A. Sure. So if a supervisor in the PDU is not
13 available to review and sign off on a warrant
14 request, then a supervisor from the shift,
15 patrol supervisor would be requested to review
16 the file and sign off on it.

17 Q. Are there any situations in which you think a
18 detective should wait until a PDU supervisor is
19 available rather than seeking, you know,
20 whatever supervisor may be on duty at the time?

21 A. Yes. For not-in-custody warrants, there is no
22 sense of urgency. They can, I believe they
23 should wait until a PDU supervisor is available.

24 Q. Okay. And is this like an official policy that
25 maybe you promulgated when you were a captain in

1 the 3rd Precinct?

2 A. Yes. So when this incident came to light and I
3 realized that this is what happened, I instituted a
4 directive for the supervisors to follow and for
5 the detectives to follow, that if you have a
6 warrant that you're going to submit and it is a
7 not-in-custody warrant, you make the supervisors
8 aware or you wait until the next day for that
9 warrant to be submitted if they're not there.
10 If it's a sense of urgency, if it's something
11 that needs to be signed and the PDU supervisors
12 have gone home for the day and you're still
13 there late in the evening working on the case,
14 that you make contact with the supervisor, let
15 them know what you have and you want to submit a
16 warrant, or you let them know before they go
17 home, hey, I'm working on this case and then
18 they make a decision as to what they're going to
19 do, hold off on it or I'll sign it, especially
20 if we've got time constraints on prisoners that
21 are not in custody.

22 Q. Okay. So this --

23 A. This is designed to prevent patrol from signing
24 off on warrant requests.

25 Q. And just to make sure I heard you right, you put

1 this in place after this particular investigation,
2 correct?

3 **A. Correct.**

4 Q. So when a supervisor, whether it be PDU or other
5 supervisors signs off on this request, is it
6 their responsibility to make sure that there is
7 enough here in this request for a warrant to
8 request a warrant?

9 **A. Yes.**

10 Q. And so for situations where these requests might
11 be approved by say a patrol officer like
12 Sergeant Sati, are you aware of how much
13 training these non-detective unit supervisors
14 might have on determining probable cause?

15 **A. So every member of the agency is trained on**
16 **probable cause, whether it's a patrol sergeant**
17 **or one that works in investigations that's**
18 **fundamental to police work. The specifics and**
19 **the intricacies, that's something different,**
20 **investigations are different.**

21 Q. And so what about then for investigations?

22 **A. So for investigations patrol supervisors are not**
23 **as experienced or may not have the training as**
24 **some PDU supervisors unless they've worked PDU**
25 **in the past in their career, because that**

1 happens too, where people are on patrol like
2 myself have investigative experience.

3 MR. WADOOD: Let's take a break for a
4 second.

5 MS. YU: Okay. Yeah. Let's take a break.
6 (Recess 1:17 p.m. to 1:23 p.m.)

7 MR. CUNNINGHAM: Lauren, I would just
8 like to place on the record that Ramis has left.

9 MS. YU: Oh, yeah, thank you.

10 Q. (Continuing, by Ms. Yu) So just one, I guess one
11 final question on this investigative report just
12 to sum up what we talked about.

13 A. Sure.

14 Q. So this investigative report, you believe this
15 was sufficient to submit to the prosecutor for
16 requesting a warrant?

17 A. Yes.

18 Q. Okay. We can put that aside. Before going on,
19 I want to follow-up on a couple things we talked
20 about before just to clarify a couple things.
21 So when we were talking about Detective Bussa
22 getting supervisor approval for using a
23 non-eyewitness for the photo array -- sorry, I
24 can stop if you were --

25 A. No, go ahead. I'm sorry.

1 Q. So I just want to clarify, so that supervisor
2 would have been Lieutenant Chadwick-Bills?

3 A. **Yes, or any other sergeants that were there.**

4 Q. And then --

5 A. **Now, if I may, I have a question.**

6 Q. Yes.

7 A. **The supervisor approval, you mean as it relates
8 to or, you know what, I'm sorry, I'm thinking of
9 facial recognition. So supervisor approval in
10 terms of whether or not he had questions or --**

11 Q. The use of Katherine Johnston as an eyewitness
12 in light of the --

13 A. **Oh, yes, yes. My understanding is that was
14 Lieutenant Chadwick-Bills at the time, yes.**

15 Q. And then just to confirm what we talked about
16 regarding the use of non-eyewitnesses for photo
17 arrays, your understanding is this is not a
18 common practice within the PDU to use a
19 non-eyewitness for an identification?

20 A. **That's correct.**

21 Q. Okay.

22 (Off the record discussion.)

23 MS. YU: Okay. Entering Exhibit 10.

24 (Marked Exhibit No. 10.)

25 Q. (Continuing, by Ms. Yu) Do you recognize this

1 document at all?

2 **A. I have not seen this before, but I know what it is.**

3 Q. Okay. What is it?

4 **A. A supplement and tracking form RMS report**
5 **relative to the Shinola case and the case that**
6 **Bussa was working on.**

7 Q. Okay. And so on the first page where the case
8 tracking table starts, it looks like Detective
9 Adams only entered in one note, is that correct,
10 or like there's only one row associated with
11 something Detective Adams entered?

12 **A. That's correct.**

13 Q. Was that typical of Detective Adams' work from
14 what you remember?

15 **A. I haven't looked. I don't recall all his cases,**
16 **but the practice was for them to document their**
17 **activities on a case and that typically consisted**
18 **of more than one line or more than one entry.**

19 Q. Okay. So this is atypical then for you to see
20 among your detectives for there to only be one
21 entry from a detective on a case?

22 **A. Yes.**

23 Q. Okay. And then on the second page, so on the
24 second page, the last entry in this case
25 tracking table, so I guess about halfway through

1 the second page, it says that the warrant was
2 obtained on September 2nd, 2019, is that right?

3 **A. Yes.**

4 Q. And then but officers weren't sent out until you
5 sent them out in January 2020, right?

6 **A. That's correct.**

7 Q. Is it common to have, is that a four-month gap?

8 **A. Let me correct that. I don't know if there was**
9 **an effort to make an arrest prior to that**
10 **information coming to my attention, so it's**
11 **quite possible for Sergeant Irvin or any other**
12 **supervisors to relay this information to special**
13 **operations to go out and make an attempt to make**
14 **an arrest. I don't know if that happened or**
15 **not, but I know when it was brought to my**
16 **attention is when the effort was made on my part**
17 **because there are occasions where they send**
18 **people out and I'm not even aware of it because**
19 **they got warrants that are outstanding and**
20 **sometimes I direct them, so it depends.**

21 Q. I see. Okay. Well, I guess still there was a
22 four-month gap I guess between when the warrant
23 was obtained and Mr. Williams was arrested, even
24 if there were maybe attempts in between?

25 **A. Correct, correct.**

1 Q. Is it common for there to be a gap of that length?

2 A. It is not uncommon for there to be outstanding
3 warrants for individuals where warrants were
4 submitted for their arrest, so there is constant
5 communication between the PDU and special
6 operations when I was there and those
7 conversations would be for warrants that are
8 outstanding, so the detectives would reach out
9 to special operations to say, "Hey, we got a
10 warrant. Can you go pick these people up?" And
11 sometimes that would be part of my warrant sweep
12 process, so there were times where we had a
13 specific effort dedicated to arresting people.
14 We had an actual warrant car that was assigned
15 to special operations and all they did was go
16 out and make arrests for outstanding warrants.
17 Sometimes they would work, sometimes they would
18 not, and in this case I can't speak to why it
19 was a four-month gap. It can be for a number of
20 reasons before I even took action on it or it
21 was brought to my attention.

22 Q. Can you talk more about the warrant sweeps? How
23 often would these happen?

24 A. So, it depends. Some of the warrant sweeps
25 consisted of conversations between the detectives

1 and special operations for warrants, people that
2 had outstanding warrants, so there may have been
3 occasions where it may not have been an actual
4 formal operations per se, but just conversations
5 to say, "Hey, we got people that have warrants
6 that are outstanding," and then give the
7 information to the supervisor of special ops.
8 He gives it to his officers and they go out and
9 make the arrest, so that's part of the warrant
10 sweep that I'm referring to.

11 Q. Okay. Were there other warrant sweeps that you
12 or the lieutenants would have been involved in?

13 A. There was not the lieutenants per se, but there
14 had been, if I recall correctly, there might
15 have been a formal warrant sweep early on, but I
16 can't remember when, when it was done. The more
17 common ones were the communications between
18 special operations and the PDU.

19 Q. Okay. And then I think earlier when we were
20 talking about the eyewitness identification
21 policy and I was asking about, you know, where
22 details about how that or how the photo array or
23 line-up was conducted might appear and I think
24 you had mentioned that you would maybe expect to
25 see notes about it in RMS?

1 A. Mm-hmm.

2 Q. So looking at this particular case tracking
3 document, do you feel like there's enough
4 information in this for say a supervisor to
5 determine whether or not Detective Bussa had
6 followed the policy for conducting eyewitness
7 identifications?

8 A. So here it speaks to the fact that he did a
9 line-up and when it was done, it was time
10 stamped, date stamped, but it doesn't say how he
11 went about conducting that line-up. It just
12 says that he did a line-up.

13 Q. Do you think he should have included more detail
14 in this?

15 A. I don't think it was necessary. I think this is
16 sufficient. I think once the supervisor looks
17 at the file and before they affix their
18 signature and approve it, they can make a
19 determination at that point as to whether or not
20 policy was followed or not before approving it
21 and sending it off to the prosecutor's office.

22 Q. And so when that supervisor is giving their
23 approval, would you expect that they would ask a
24 detective questions about how things were done?

25 A. Yes, yeah.

1 Q. Okay. I think we can set this aside. Do you
2 recall when you were first told that Mr. Williams
3 might be the wrong guy for this case?

4 **A. Again, of course when this case came to light, I**
5 **received an inquiry from my superiors and it was**
6 **in the media all around the same time and when I**
7 **started looking into it, that's when I found out**
8 **and had a conversation afterward with the**
9 **detectives as I continued to look into it.**

10 Q. When do you think you should have been told that
11 he might be the wrong guy?

12 **A. When it was first brought to the attention of**
13 **the detective or when he first recognized it.**

14 Q. So back in January of 2020?

15 **A. Yes.**

16 Q. And so just to clarify, so do you think it was
17 Detective Bussa who should have brought this to
18 your attention?

19 **A. Either him or the sergeant or lieutenant. I**
20 **would expect the lieutenant to bring it to my**
21 **attention. I would expect him to notify his**
22 **supervisors and I would expect them to notify me.**

23 Q. So you would expect Detective Bussa to identify
24 Lieutenant Chadwick-Bills and then Lieutenant
25 Chadwick-Bills would have told you?

1 A. Correct, either Chadwick-Bills or the sergeants
2 that work back there, which in this case was
3 Sergeant Irvin.

4 Q. Okay. Had you been notified in January 2020,
5 what follow-up action would you have taken?

6 A. Same action I took when I first found out when
7 this came to light. I would ask questions why,
8 what kind of investigative efforts were made,
9 looked at the case file. I would have met with
10 the lieutenant and the detective and had them
11 explain to me step by step what happened and
12 what led up to his arrest.

13 MS. YU: Okay. Let's enter Exhibit 11.

14 (Marked Exhibit No. 11.)

15 Q. (Continuing, by Ms. Yu) Do you recognize this
16 document?

17 A. Yes, mm-hmm.

18 Q. What is this?

19 A. It is the investigation that was conducted by
20 internal affairs pursuant to an allegation of
21 facial recognition, violation of facial
22 recognition policy.

23 Q. Okay. And then if you go to page 15, so this is
24 the start of the summary of Lieutenant
25 Chadwick-Bills' interview, is that correct?

1 A. Correct.

2 Q. Okay. And then let's flip a couple more pages
3 to page 17. So I'm looking at the second to
4 last paragraph that is a bigger paragraph that
5 does end on that page starting with, "Lieutenant
6 Chadwick-Bills stated that Detective Bussa
7 reviewed the video of the interview."

8 A. Yes.

9 Q. Could you read that paragraph and let me know
10 when you're done?

11 A. Sure. "Lieutenant Chadwick-Bills stated that
12 Detective Bussa --" oh, I'm sorry, you want me
13 to read it out loud?

14 Q. You don't have to. I mean if you wish to, I
15 won't stop you.

16 A. Okay. I'm done.

17 Q. And so in this paragraph it says that Detective
18 Bussa told Lieutenant Chadwick-Bills that he had
19 told you that he thought Mr. Williams might be
20 the wrong guy, is that right?

21 A. Correct.

22 Q. But you don't remember having this conversation
23 with Detective Bussa?

24 A. I had a conversation with Bussa regarding this
25 at the time that it came to light and he told me

1 that. At that point I had a conversation with
2 Lieutenant Chadwick-Bills also and she indicated
3 that to me that Detective Bussa had not told her
4 and she didn't know because I asked her were you
5 aware of this because I wasn't aware of it. She
6 said she wasn't aware of it and so when I saw
7 this, I'm like I don't recall having this
8 conversation at all except for when the case
9 first came to light.

10 Q. Okay. But you don't recall having any kind of
11 conversation along these lines that would have
12 been before June 2020?

13 A. No.

14 Q. And based on your conversations with Lieutenant
15 Chadwick-Bills, you don't recall her saying
16 anything that would have reflected having some
17 kind of conversation like this with Detective
18 Bussa before June 2020?

19 A. Correct.

20 Q. Okay.

21 A. And the only thing I can surmise was that this
22 was in reference to maybe she was confused or
23 mistaken because of the conversation we had
24 after the fact, and maybe she was speaking in
25 reference to that, but this couldn't have been

1 **January of 2020.**

2 Q. Okay. All right. We'll set that aside, but
3 we'll probably come back to it.

4 **A. Okay.**

5 Q. Is there anything, let's see, is there anything
6 else that you have since learned about the
7 Shinola investigation, and I mean since you
8 started looking into it after June 2020, is
9 there anything else that you know about it that
10 we haven't talked about already?

11 **A. Yeah, that there was a comment made by him during**
12 **his interrogation. We haven't talked about the**
13 **interrogation or interview by the detectives,**
14 **the conversation I had with Ben Atkinson or the**
15 **details or the conversation that I had with**
16 **Bussa, I know we haven't discussed that, so --**

17 Q. Okay. Yeah, sorry. I mean I guess leading up
18 to -- actually, yeah, we can. Okay. Let's talk
19 about the custodial interview then. So when I
20 guess now Detective Atkinson and Ronan interviewed
21 Mr. Williams, were you aware of that interview
22 when it happened in January of 2020?

23 **A. No.**

24 Q. So Detective Atkinson or Ronan didn't talk to
25 you at all about that interview?

1 **A. No, not until this case came to light and I**
2 **started looking into it.**

3 Q. Okay. Let's go back to Exhibit 11 here, this IA
4 report, so on the same page that we were on,
5 page 17.

6 **A. Okay.**

7 Q. And then the bottom, so the paragraph that
8 starts at the bottom and then carries over to
9 the next page, so read that paragraph and then
10 let me know when you're done, starting at the
11 bottom of page 17 where it says, "Lieutenant
12 Chadwick-Bills stated that the day after
13 Mr. Williams was arrested," that paragraph.

14 **A. Okay.**

15 Q. So, yeah, can you please read that paragraph and
16 let me know when you're done?

17 **A. Sure. And stop at the first where it says arrest.**

18 Q. Yes.

19 **A. Okay. I'm done.**

20 Q. And so when you say that you understand that
21 Mr. Williams may have made comments about facial
22 recognition on the day that he was arrested or
23 the day after, do you recall any conversations
24 which, as described here in what you just read,
25 that Lieutenant Chadwick-Bills would have

1 mentioned to you that Mr. Williams mentioned
2 facial recognition?

3 **A. I don't recall this specifically. What I recall**
4 **is what he said during his interview and that's**
5 **my recollection of him having inside information**
6 **relative to this, how he was identified.**

7 Q. And so did that come from Detective Atkinson?

8 **A. It came from the interview video that I watched.**

9 Q. So was this after June 2020?

10 **A. Yes.**

11 Q. So there was no notification to you before June
12 2020 of any indication that perhaps Mr. Williams
13 seemed to know about the facial recognition?

14 **A. I'm not saying there wasn't. I'm saying I can't**
15 **recall whether or not there was. There's a**
16 **possibility we had this conversation. It could**
17 **have been in the midst of me doing some other**
18 **things and I just don't remember it, but it's**
19 **quite possible.**

20 Q. Okay. We'll get to the conversations you had
21 with Detective Bussa and Atkinson in a bit.

22 **A. Okay.**

23 Q. I guess so I want look at one other thing in
24 here, so let's go to page 28. Okay. So this is
25 where the summary of Detective Bussa's interview

1 starts, is that right?

2 **A. Yes.**

3 Q. Okay. And then let's flip a few more pages to
4 page 31. So I'm reading the beginning of the
5 last paragraph that carries over into the next
6 page, but the start of it says, "Detective Bussa
7 stated that sometime he believed in May 2019
8 Captain Cox approached him while Detective Bussa
9 was sitting in his cubicle and asked Detective
10 Bussa what the status on the Shinola case in
11 question was." Did I read that correctly?

12 **A. Yes, mm-hmm.**

13 Q. Do you remember talking to Detective Bussa about
14 this case in May 2019?

15 **A. No, I don't. Again, we may have had a**
16 **conversation, but I don't remember this one**
17 **prior to me finding out in the media. This was**
18 **one of many larceny cases. I've had so many**
19 **conversations, so I'm not saying it didn't**
20 **happen, but it's quite possible.**

21 Q. Was it pretty common for you to check in on
22 detectives about their pending cases?

23 **A. Yes, yes.**

24 Q. Was it like weekly, daily that you might pop in
25 on a detective?

1 A. I wouldn't go more than two days without going
2 down there. Sometimes I would be in my office
3 and I have a question. I'll be looking at an
4 investigation and shoot downstairs and ask about
5 it. Most of my inquiries were regarding violent
6 crimes and it would be misdemeanor crimes if it
7 was patterns or areas of concentration or if I
8 got a complaint.

9 Q. Okay. And then flipping to the next page, so
10 we're still on the same paragraph, it's just
11 carried over, so the first full sentence on that
12 page, it says Detective Bussa stated that
13 Captain Cox stated something to the effect of,
14 "Since we have a person I.D.'d, submit the
15 warrant and let the prosecutor decide." Do you
16 have any recollection of telling Detective Bussa
17 something like that?

18 A. I do not, but if I did tell them that, obviously
19 I would make sure that for me, that there is
20 other evidence, corroborating evidence before I
21 would tell him to do something like that, so if
22 he had -- if I believe that there was other
23 evidence that would suffice for the warrant
24 based on whatever circumstances he provided me,
25 if I was satisfied with that, then I would

1 probably make that statement, but I can't recall
2 specifically in this case what the content of
3 that was or if we even that type of conversation.

4 MS. YU: I'm going to enter Exhibit 12.

5 (Marked Exhibit No. 12.)

6 MS. YU: I apologize that I don't have
7 five copies of this one, but this will eventually
8 go to the court, but you can look at it for now
9 I guess.

10 Q. (Continuing, by Ms. Yu) So this is a transcript
11 according to the line 19, this is from the
12 continued deposition of Detective Donald G. Bussa
13 and according to line 23, this deposition was
14 taken on November 3rd, 2022. Did I read that
15 correctly?

16 A. Yes.

17 Q. Okay. So starting on page 209, note that this
18 document starts on page 91, so 209 might not be
19 as deep in as it sounds.

20 A. Okay. Can I separate it or no?

21 Q. Yeah, you can. So page 209 starting at line
22 five, can you start reading from there and then
23 let me know when you reach line 19 on the next
24 page or just finish the next page?

25 A. Nineteen is on the same page.

1 Q. So the line numbers restart each page.

2 MR. CUNNINGHAM: She wants you to start
3 here and go to here.

4 A. Okay. Gotcha. Okay. I'm done.

5 Q. (Continuing, by Ms. Yu) Okay. Does this exchange
6 seem to describe -- so does what you just read
7 seem to describe the exchange we were talking
8 about from the IA report where Detective Bussa
9 recalled you talking to him and asking him to,
10 since the person was I.D.'d from the warrant and
11 let the prosecutor decide?

12 A. Yes.

13 Q. So here Detective Bussa clarified in his
14 deposition answers that he didn't have the I.D.
15 from the photo array at that point. It was just
16 the facial recognition match, is that right?

17 A. Yes.

18 Q. Does this -- if you had known that that was the
19 point in time in his investigation, do you think
20 you would have given that instruction to him?

21 A. No.

22 Q. And that's because there wasn't any follow-up to
23 the facial recognition match, is that correct?

24 A. Correct.

25 Q. Okay. And then last one on this, so page 286.

1 **A. Okay.**

2 Q. So 286 starting at line 19, I'll just read it
3 out loud because it's only a little bit.

4 "Question, did you feel that any of the blame
5 for what happened in this case was on Captain Cox?"

6 "Answer, I don't know blame, but definitely it
7 was his influence that progressed the case along
8 faster or farther." Did I read that correctly?

9 **A. Yes, you did.**

10 Q. Do you think your actions may have influenced
11 Detective Bussa to feel pressured to progress
12 the case along faster?

13 **A. I don't think so. I don't think so, no.**

14 Q. Do you think you may have handled -- do you
15 think you may have done anything in relation to
16 the Shinola investigation that could have given
17 Detective Bussa the impression that this case
18 somehow needed to progress along faster?

19 **A. Nothing that I can recall, but he was a new
20 detective, so maybe he felt pressured because he
21 was new and he wanted to fit in and get the case
22 done, but nothing that I can recall that would
23 have made him feel pressured.**

24 Q. I think we can set this aside.

25 **A. The whole thing?**

1 Q. Yes.

2 **A. Okay.**

3 Q. So then thinking about what happened afterwards,
4 so you mentioned that you talked to Detective
5 Bussa. How many times did you talk to him after
6 this case came to light?

7 **A. Several, several times. I can't recall the**
8 **exact number, but I had several conversations,**
9 **text messages regarding this case.**

10 Q. Okay. Actually, let me refer to the transcript
11 one more time.

12 **A. I'm sorry.**

13 Q. Page 282, all right, so 282 starting at line 17,
14 so I'll just read it out loud, so this is
15 quoting from the, I believe from the IA report.
16 "Detective Bussa stated that after this case was
17 featured in the news, he received multiple phone
18 calls from Captain Cox regarding this case.
19 Detective Bussa stated that during one week he
20 counted 17 personal calls from Captain Cox and
21 two conference calls. Do you recall those calls
22 with Captain Cox?" And then the answer is,
23 "Yes," following on the next page. Did I read
24 that correctly?

25 **A. Yes.**

1 Q. So does 17 sound like an accurate number of
2 times that you had called Detective Bussa when
3 you were -- after this case came to light?

4 A. I can't recall the number of times, but 17
5 sounds a bit excessive.

6 Q. Okay. Have you had other situations where you
7 may have had to call a detective up to 17 times?

8 A. No.

9 Q. What did you talk about with Detective Bussa
10 when you called him following this case coming
11 to light?

12 A. So I inquired about his efforts in the
13 investigation from beginning to end, when he got
14 the case, what he did, how he did the line-up,
15 and when he found out that Mr. Williams was not,
16 or believed that Mr. Williams was not the right
17 person, what did he do when he found out, who
18 did he notify. I think those were the main
19 questions I asked him.

20 Q. And other than asking him questions to figure
21 out what had happened, do you recall saying
22 anything else to him?

23 A. We may have had some other ancillary conversations
24 about the prosecutor's response to his e-mail or
25 the lack of response, and I can't recall

1 anything else we talked about. It was all
2 pertaining to the investigation.

3 Q. Okay. And then you also mentioned that you
4 talked to now Detective Atkinson, right?

5 A. Correct.

6 Q. Do you remember how many times you called him?

7 A. I can't say how many times I called him. I know
8 I called him a few times. If I had questions
9 that I didn't have the answers to and I felt he
10 had the answers, same with Bussa, I would call
11 him back.

12 Q. Do you remember what you and Detective Atkinson
13 talked about?

14 A. Sure. We talked about his work on the case when
15 he did the interrogation and when he found out
16 that he didn't believe it was the right person,
17 did he notify or what he did, I think that's when
18 I found out it wasn't the right person based on
19 the conversation I had with him. He didn't feel
20 that way. I asked him what he did or who he
21 relayed it to and he responded he didn't relay
22 it to anyone, that he was busy working on his
23 cases. I can't remember what else I asked him,
24 but it was all pertaining to the case.

25 Q. Okay. And your conversations with Detectives

1 Bussa and Atkinson, was this part of the timeline
2 that you had to put together for your supervisors?

3 **A. Yes.**

4 Q. Was there anyone else that you talked to when
5 putting together this timeline?

6 **A. Lieutenant Chadwick-Bills, I enlisted her help
7 to assist me putting together the timeline, so
8 not only was I inquiring, so was she.**

9 Q. Okay. Do you know who Lieutenant Chadwick-Bills
10 talked to when she was inquiring to figure out
11 facts of the investigation?

12 **A. I can't say specifically, but I presume she
13 reached out to Bussa as well or maybe Atkinson
14 and she might have asked around the PDU. I'm
15 not sure.**

16 Q. Were there any instructions you gave to
17 Lieutenant Chadwick-Bills in assisting you on
18 this timeline?

19 **A. Just to get me dates and when things occurred,
20 specific efforts in the investigation when they
21 occurred.**

22 Q. And what did you do after you finished putting
23 together this timeline?

24 **A. I submitted that information to my superiors.**

25 Q. And did they take any follow-up action based on

1 this timeline?

2 A. They may have had some follow-up questions. I
3 remember speaking to Assistant Chief White, he
4 is the chief now, but he was assistant chief at
5 the time. I think I may have talked to my
6 commander, which at the time would have been
7 Franklin Hayes. Yeah, I think it was all about
8 follow-up questions, and then I had a Zoom call
9 later on with Chief Craig and some other
10 executives on the exec team.

11 Q. And at this Zoom call you were presenting your
12 timeline?

13 A. They had questions. I didn't present the time.
14 I presented the timeline via e-mail and then I
15 believe Chief White created his document which
16 is in part predicated on my timeline that I
17 submitted.

18 Q. Okay. And then also in the aftermath of the
19 Shinola investigation, there was an internal
20 affairs investigation, right?

21 A. Correct.

22 Q. And you were interviewed as part of this
23 investigation?

24 A. Yes.

25 Q. And so in your interview you told the truth, right?

1 A. Yes.

2 Q. And it would have been a violation of departmental
3 policy if you didn't tell the truth?

4 A. Correct.

5 Q. And you could be punished if you had not told
6 the truth?

7 A. Correct.

8 Q. Does anything we discussed today contradict what
9 you stated during that investigation, that
10 interview?

11 A. No, no.

12 Q. I'm entering Exhibit 13.

13 A. Are we done with this?

14 Q. Yes, we are.

15 MS. YU: Entering Exhibit 13.

16 (Marked Exhibit No. 13.)

17 A. Okay.

18 Q. (Continuing, by Ms. Yu) Do you recognize this
19 document?

20 A. Yes.

21 Q. What is it?

22 A. It is a notice of discipline for me with a
23 charge of neglect of duty with one specification
24 and a five-day penalty, presumptive five-day
25 penalty.

1 Q. So here it says that you were disciplined
2 because you failed to ensure that the
3 supervision assigned to the 3rd Precinct PDU
4 properly supervised and trained department
5 members assigned to the 3rd Precinct PDU. Is
6 that right?

7 **A. That's correct.**

8 Q. It says here that you were suspended for five
9 days, is that right?

10 **A. That was the penalty that I received, but I
11 wasn't suspended.**

12 Q. Okay. So you weren't actually suspended as a
13 result of this?

14 **A. Correct.**

15 Q. Were there any disciplinary actions taken as a
16 result?

17 **A. If you consider the de-appointment, then yes.**

18 Q. Okay. Other than that?

19 **A. No.**

20 Q. Okay. You can set that aside.

21 **A. That's the wrong command too, by the way, just
22 for the record. It says 10th Precinct. It
23 should be 12th Precinct.**

24 Q. Okay. Do you know if there were any disciplinary
25 actions taken against anyone else as a result of

1 the Shinola investigation?

2 **A. My understanding is there may have been for**
3 **Lieutenant Kozloff, who was the initial**
4 **lieutenant before Chadwick-Bills came to the**
5 **3rd Precinct, but I don't know what it is or**
6 **what it was and I just heard. I haven't**
7 **confirmed whether or not that's true.**

8 Q. Do you remember who you heard it from?

9 **A. I can't remember, no.**

10 Q. Are you aware that Chief Craig made public
11 comments about the Shinola investigation?

12 **A. Yes.**

13 Q. Do you recall what those comments were?

14 **A. No.**

15 MS. YU: Entering Exhibit 14.

16 (Marked Exhibit No. 14.)

17 Q. (Continuing, by Ms. Yu) All right. So this is a
18 transcript from a BOPC meeting. Does that look
19 right to you based on the cover sheet?

20 **A. Yes, mm-hmm.**

21 Q. So then turning to page 55, so you'll notice
22 it's actually four pages per physical page, so
23 where it says pages 54-57?

24 **A. Yes.**

25 Q. Okay. And then so at the top of the right page,

1 so page 57, I'll read the first paragraph where
2 it says, "What I can tell you as clearly as I
3 know the facts of this case, this was clearly
4 sloppy, sloppy investigative work. There is no
5 other way for me to say it but that way." Did I
6 read that correctly?

7 **A. Correct.**

8 Q. Do you agree with that statement?

9 **A. No.**

10 Q. What don't you agree about?

11 **A. That it was sloppy, sloppy investigative work.**

12 Q. Could you elaborate on that?

13 **A. I think this is an exaggeration. Earlier I**
14 **mentioned that there was some things that**
15 **Detective Bussa could have put in his investigation**
16 **as far as clarity, but I think the representation**
17 **that's given here is it's not accurate.**

18 Q. Do you feel like the investigation was up to
19 department standards?

20 **A. I believe that the information that was needed**
21 **for prosecutorial review and approval was there.**
22 **Could there have been more? Yes, there could**
23 **have been more.**

24 Q. Do you think the prosecutor should have asked
25 more questions and maybe requested more

1 investigation before approving the warrant?

2 **A. If they felt that there was a need to, yes, but**
3 **we just present them the information and they**
4 **make the approval. They determine whether or**
5 **not there is enough information to present charges.**

6 Q. In this particular case, do you think they
7 should have done that?

8 **A. I believe they did what they thought they should**
9 **do. If it was believed that this person -- if**
10 **there was probable cause to believe that this**
11 **person committed a crime, then yes.**

12 Q. Okay. Let's see. So all right, so it's my
13 understanding -- you can put this aside.

14 **A. Okay.**

15 Q. So it's my understanding that in the summer of
16 2020 Detective Bussa was assigned out to a role
17 in the court section. Do you know about this?

18 **A. No. I mean yes, I'm sorry, yes, yes, I do.**
19 **What's the name of the unit again?**

20 Q. Court section.

21 **A. I knew he was assigned out. I didn't know the**
22 **name of the unit. I thought it was investigations,**
23 **but I guess not.**

24 Q. You don't know anything about the role that he
25 was given in the court section?

1 A. No.

2 Q. Do you know why he was transferred?

3 A. My presumption is predicated on this case, but I
4 don't know for sure.

5 Q. So you don't remember getting any kind of
6 notification of this being some sort of
7 involuntary transfer?

8 A. No, not an official notification, but I knew he
9 was transferred.

10 Q. Okay. All right. We're really close to the
11 end. Do you recall when you were captain of the
12 3rd Precinct if there were a lot of cases that
13 your detectives worked on that involved Shinola?

14 A. The ones that came to light were the ones that
15 when this case was brought to light, there is
16 one other case, and the case against, a case on
17 the Varvatos business, so those are the only
18 other two cases that I can recall that came to
19 light. There may have been others, but those
20 are the only ones that stand out in my memory.

21 Q. Do you know if those other ones, the other
22 Shinola one or the Varvatos one included the use
23 of facial recognition technology?

24 A. I don't believe so. I don't know for sure though.

25 Q. In addition to or aside from the CompStat

1 meetings where a Shinola representative may have
2 been present, did you have any contact with
3 anyone from Shinola?

4 **A. No.**

5 Q. Do you know if anyone else within the precinct did?

6 **A. Detective Bussa, and I'm not sure if Atkinson**
7 **did or not, but I know Detective Bussa did.**
8 **There may have been other detectives that had**
9 **contact, because if that was part of the**
10 **investigation, then they would have made an**
11 **effort to do that. Levan Adams may have had**
12 **contact because he was the original detective on**
13 **the case, so it's quite possible he may have had**
14 **contact as well.**

15 Q. Do you know how often Detective Bussa was in
16 contact with someone from Shinola?

17 **A. My understanding when I looked into this matter,**
18 **he reached out to them on more than one occasion**
19 **in an effort to get the eyewitnesses to come**
20 **into the station to provide statements or to do**
21 **line-ups.**

22 Q. Was that typical of detectives working on
23 investigations to have that much contact?

24 **A. Yes, yes.**

25 Q. Did you ever have contact with someone from

1 Mackinac Partners?

2 A. I don't recall having that contact, no.

3 Q. Okay. And --

4 A. And, again, CompStat meetings, outside from
5 that, it's quite possible there could have been
6 from that, if I did have contact with him, it's
7 quite possible, but I can't recall specifically
8 when that was or if that was.

9 Q. During those CompStat meetings, were there other
10 business partners that you can recall where they
11 may have asked for follow-up that then prompted
12 you to take specific action on a case, if there is
13 any that stand out is really what I'm asking for.

14 A. We had break-ins at Little Caesar's Arena when
15 they had events and so that was a pattern,
16 constant pattern, as a matter of fact. Whenever
17 concert-goers or patrons would attend certain
18 events downtown, if there were several break-ins,
19 that information was brought to my attention not
20 only in my weekly meetings or my quarterly
21 meetings, but also during my CompStat meetings.

22 Q. Okay. But no other -- sorry.

23 A. So it could have been Little Caesar's Arena or I
24 think Blue Cross/Blue Shield may have had an
25 incident as well.

1 Q. And during those CompStat meetings, do you
2 remember Shinola asking for follow-up on cases
3 for multiple cases?

4 A. No. Again, it's quite possible, but I don't
5 recall specifics. I know I've had contact from
6 several business partners. The specifics of
7 those contacts I can't recall exactly, but it's
8 quite possible that they reached out to me for
9 that. What stands out for me is the crime
10 patterns, so misdemeanors, break-ins, then that
11 would be something that stands out, but if it's
12 one single larceny out of maybe a total of 150
13 we might get in a month, or 80 we might get in a
14 month, it wouldn't stand out. It wouldn't be on
15 my radar.

16 Q. And has there ever been any communications from
17 the executive team or from others in the command
18 team that would have indicated to you when you
19 were captain of the 3rd Precinct that you needed
20 to follow-up on specific cases associated with
21 any specific business partners?

22 A. It's possible, it's quite possible if a business
23 partner reached out to the chief's office or if
24 they reached out to the assistant chief. It's
25 not uncommon for a citizen or a business partner

1 to call the chief's office in any command,
2 whether it's my precinct I was in or any
3 precinct to say, "Hey, we're experiencing this
4 issue. I want something done," and then that
5 information would be filtered down to the
6 assistant chief's office, deputy chief and
7 eventually to the command of where it occurred.

8 Q. Okay. All right.

9 MS. YU: Let's take a five-minute break
10 to see if there's any remaining questions I want
11 to ask, but that should be it.

12 MR. CUNNINGHAM: Okay.

13 (Recess 2:11 p.m. to 2:17 p.m.)

14 Q. (Continuing, by Ms. Yu) Just a few questions.
15 Going back to Exhibit 13 I think, the reprimand.

16 A. Okay.

17 Q. Notice of Discipline.

18 A. Yes, uh-huh.

19 Q. So I just want to understand a little bit more.
20 So you said that you didn't end up getting
21 suspended for five days. Do you know why that
22 decision was made?

23 A. Sure. So once the Notice of Discipline came
24 down pursuant to policy and the contractual
25 agreement with the Lieutenants and Sergeants

1 Association, I have a right to, as a member of
2 that association, to appeal that discipline
3 within a certain time frame and I did file an
4 appeal. As a result of that appeal, I had a
5 hearing and the hearing was before then Deputy
6 Chief, now Assistant Chief Charles Fitzgerald,
7 who presided over the hearing and I had members
8 of the Detroit Police Command Officers
9 Association present, even though I was in the
10 LSA union. Because this happened when I was a
11 captain, that union was present in that meeting,
12 in that Zoom call. So I was in a room with my
13 union, but the DC was on the Zoom call in
14 another office, and so he wanted to know, "Okay.
15 The floor is yours. You filed an appeal. Why
16 did you appeal this?" And I told them I didn't
17 think it was right, I think the charges did not
18 apply. I did, in fact, manage. I did, in fact,
19 supervise and I did, in fact, have members of
20 the PDU trained. Bussa came to the 3rd Precinct
21 and he didn't go to detective school. A lot of
22 some of that I didn't get out, but I felt like
23 the charges weren't proper. After he listened
24 to me, my attorneys were allowed to speak and he
25 made a final ruling. I said, "I take full

1 responsibility for the actions of my detective
2 as any leader would, but that doesn't mean that
3 I've done anything wrong or failed to do what
4 you accused me of doing," so I don't know if I
5 said it that exact way, but that was my thought
6 when I talked to them. He decided that he says,
7 well, I disagree, however, I'm going to mitigate
8 the discipline to a one-day suspension, okay, so
9 he mitigated it to one day and that concluded
10 the appeal. Department policy dictates that
11 when a member is disciplined and they receive
12 suspension days, that they reserve the right to
13 request to utilize their comp time, which is
14 time that is built up through different ways in
15 lieu of suspension, so in lieu of being suspended,
16 if you got three days, that's 24 hours, you can
17 use 24 hours comp time. In this case, it would
18 have been one day which would have been eight
19 hours and eight hours comp time. My understanding
20 is eight hours comp time was taken out of my
21 bank. That's only if you have comp time. Some
22 people don't have it. I had comp time. Eight
23 hours comp time was taken out of my bank as a
24 result of this, and then that was the end of
25 that until Chief Craig left the Detroit Police

1 Department and Chief White was appointed by the
2 mayor. When Chief White was appointed, I requested
3 a single purpose meeting with Chief White
4 regarding this entire matter. We met. I
5 explained to him that this didn't sit well with
6 me. I didn't think it was fair and I didn't
7 think it was right and it was excessive. He
8 asked me the suspension days, he said, "Had you
9 served any of that suspension?" I said, "No, it
10 was mitigated to one day and I requested to
11 utilize comp time." He says, "Well, let me take
12 a look at the investigation. Let me look into
13 it and get back to you and I'll summon you back
14 to this office and that's my commitment to you."
15 He did so. I was called back to the chief's
16 office had to be within two or three weeks, I
17 can't remember exactly. I went back and he
18 presented me -- I don't have that with me, but
19 he presented me with a document entitled Plea
20 Agreement, okay, and it was the promise to,
21 basically it said it removed the suspension, the
22 one-day suspension, reversed that, and but the
23 de-appointment shall stand, and of course I
24 asked him, "Do you have any -- do you think I
25 have any chances of being considered for a

1 command level position?" He said, "Absolutely."
2 He said, "I believe you're in the process of
3 reinventing yourself here." That was his words.
4 I don't believe that. I believe I've invented
5 myself already, but that's a whole different
6 conversation, but that was his response,
7 basically saying it's possible for you to go
8 back to captain, as did D.C. Fitzgerald said the
9 same thing during the disciplinary hearing that
10 I had. He said, "Stay clean. Continue to do
11 your work. You'll be able to go back to
12 captain." So that was what I had in those
13 conversations. So the document that he
14 presented to me, I agreed to it and it said you
15 shall not hold the City of Detroit harmless and
16 shall not file a lawsuit, so I agreed to it. I
17 signed it. Chief White signed it, we dated it
18 October, I forget when, and then I got a copy
19 and I left, and so they restored eight hours of
20 comp time that was taken for the one day
21 suspension was put back into my bank.

22 Q. And so when you requested the meeting with
23 Chief White, so did you wait -- so you waited
24 for after Chief Craig steps down, is that right?

25 A. Correct.

1 Q. What, I guess why was Chief White the one that
2 you sought for this meeting?

3 A. Because he was the head of the agency. He was
4 the only one who could reverse it. He was the
5 only one who had the authority and he's the
6 current chief, so --

7 Q. Did you have any sense of what -- so before
8 going like when you requested this meeting, but
9 before you actually met with him, did you have
10 any sense of his opinion on this disciplinary
11 matter?

12 A. It was told to me by my union president that
13 there was a Zoom call with Chief White, who was
14 the assistant chief at that time and Chief Craig
15 and other executives concerning this matter and
16 that Chief White told Chief Craig that it wasn't
17 my fault. It was not on me. Now, I can't say
18 specifically if he meant this Shinola case or
19 Michael, the other one.

20 Q. Oliver?

21 A. Right, Oliver, because I think both of them were
22 part of the discussion, but that's what was
23 shared with me. I don't have any -- that's the
24 only information I got. I didn't get any
25 particulars or do any follow-up to find out if

1 that was true or not, but that was what was
2 shared with me by the union president at the
3 time, who was a commander in the past who has
4 since retired, so it was my thoughts that he
5 really was not in full agreement with the
6 decision that was made by Chief Craig.

7 Q. Okay. And so when the de-appointment was
8 communicated to you, was that communicated
9 verbally or was there also like supporting
10 documentation that went along with it?

11 A. So when the de-appointment occurred, I was called
12 down to the chief's office. This is when Craig
13 was still chief, to meet with then Assistant
14 Chief Todd Bettison, who is now Deputy Mayor and
15 I met with Deputy Chief Elaine Bryant, who is
16 now the chief of Columbus, Ohio Police Department.
17 I met with both of them. They informed me that
18 Chief Craig was aware of this meeting and they
19 began to explain to me their concerns about my
20 leadership and vote of confidence and went into
21 my performance at CompStat meetings and what
22 happened as I shared with you at SVU, and then
23 this case, and as a result of that, they are
24 giving me an opportunity to retire as a captain
25 or if I stayed on the department, to take the

1 de-appointment to the rank of lieutenant and of
2 course I was shocked. I disagreed with it and I
3 requested to see the chief and talk to Chief
4 Craig. That request they said they would honor
5 it. I had a text message with the chief back
6 and forth that evening because I hadn't heard
7 from him and I think this meeting was on Friday
8 and I needed to have an answer within two days,
9 which would have been Monday, if I recall
10 correctly. I can't say for sure. Give me a
11 minute.

12 Q. Okay.

13 (Recess 2:28 p.m. to 2:31 p.m.)

14 Q. (Continuing, by Ms. Yu) I guess, so I'm trying
15 to remember where we left off, so --

16 A. I think we were talking about the de-appointment,
17 and if I recall correctly, what I mentioned was
18 that so in that room they notified me of my
19 de-appointment, Todd Bettison and Elaine Bryant
20 in the conference room in the chief's office. I
21 asked to speak to the chief. They said they
22 would honor it and let the chief know. I hadn't
23 heard anything from the chief. I went off duty,
24 went home maybe seven, 8:00 at night, hadn't
25 heard anything. I started texting him. He

1 texted me back and he said, "Unless you can say
2 that this is a complete falsehood, then we're
3 not going to meet." I said no, I said, "What
4 I'm saying is it's a complete misrepresentation
5 of my character and who I am and what I've
6 done," something to that effect. I can't
7 remember exactly what I texted him, so he agreed
8 to meet and he did it in the form of a Zoom
9 call. Present on that Zoom call was of course
10 the chief and the exec team. I can't remember
11 who now, my union steward, and I began to argue
12 my case. Just weeks prior to my de-appointment
13 he had promised me a promotion to the rank of
14 director and captain. I would be the first
15 command officer to have two ranks because I was
16 very active in my community and I had initiated
17 three community programs within my precinct and
18 he knew that and I was recommended for a new
19 unit he was trying to start that dealt with
20 interactions with the community and promoting
21 the health of police officers. I was selected
22 for that until this case came down, so I've had
23 letters of recommendation from my Commander and
24 from Assistant Chief Bettison, who is now the
25 deputy mayor and I presented that and my concern

1 was how from one minute I can go from being at
2 the top of the hill and then here, and so but
3 anyway, I didn't mean to get off on a tangent.
4 So he said -- and I broke down my successes within
5 the 3rd Precinct, my investigative efforts, my
6 deployment efforts, things that I brought up
7 with crime patterns, how we successfully
8 identify people and anything that spoke to
9 management and supervision, right, and he said
10 he would give me his decision the next day, I
11 believe it was the next day. I think I was at a
12 COVID testing, because it stands out because I
13 was very upset and I got the call from Bettison,
14 who informed me that the chief has decided to
15 move forward with the de-appointment. He asked
16 me where I wanted to go and I said, well, he
17 said, "Here's your choices." The 10th Precinct was
18 one of those choices. I wanted to go east side
19 because I live east, but that wasn't a choice at
20 the time, so I said 10th Precinct, which is why
21 10th Precinct is on here, however, I did not go
22 there because the commander of the 12th Precinct
23 called me and said, "Sorry about what happened,
24 but I do need a lieutenant over here. You would
25 have seniority. I understand you want to get to

1 the day shift." Basically there was other
2 command officers that felt it was wrong and
3 executives and leadership now that felt it was
4 wrong what Craig did to me. So I accepted the
5 position over at the 12th Precinct, which is
6 where I am now.

7 Q. And just to make sure I've got it, so everything
8 you just recounted today, that was before you,
9 or the conversations with Chief Craig, that was
10 before you appealed, so is that the de-appointment
11 and then you appealed? Is that the correct
12 timeline of events?

13 A. No. That was just the de-appointment. The
14 discipline that came on top of the de-appointment
15 came after the fact because internal affairs was
16 still in the process of doing their investigation,
17 so that didn't come until months later, then
18 when they finished that, then I filed the appeal
19 and that's when I talked to A.C. Fitzgerald and
20 he said, "You could be captain again, but I'm
21 going to uphold this finding, but I'm going to
22 mitigate it from five days to one day, and then
23 Chief Craig eventually left and then Chief White
24 came onboard and I requested a single purpose
25 meeting with him and that's when he reversed the

1 one day.

2 MS. YU: Okay. No further questions.

3 MR. CUNNINGHAM: I have no questions.

4 (Deposition concluded at 2:36 p.m.)

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1 STATE OF MICHIGAN)
)
2 COUNTY OF MACOMB)

3 I, Ann L. Bacon, a Notary Public in and for
4 the above county and state, do hereby certify
5 that the witness, whose attached deposition was
6 taken before me in the entitled cause on the
7 date, time and place hereinbefore set forth, was
8 first duly sworn to testify to the truth, and
9 nothing but the truth; that the testimony
10 contained in said deposition was reduced to
11 writing in the presence of said witness by means
12 of stenography; that said testimony was
13 thereafter reduced to written form by mechanical
14 means; and that the deposition is, to the best
15 of my knowledge and belief, a true and correct
16 transcript of my stenographic notes so taken.

17 I further certify that the signature to and
18 the reading of the deposition by the witness was
19 waived by counsel for the respective parties
20 hereto; also, that I am not of counsel to either
21 party or interested in the event of this case.

22 

23 Ann L. Bacon, Notary Public, Macomb County
24 Acting in Wayne County

25 My commission expires: 6/29/23

1	2	3
1 26:5,8 27:22 58:6,7 70:23,24 73:5,6 79:10	2 60:21,22	3 66:11,12
1(c) 63:7	20 26:25 27:25 30:18,20	300 54:5
10 116:23,24	2000 13:20 34:19	31 129:4
10:17 6:3	2009 33:22	3rd 15:25 16:6 19:3,5,8 23:25 25:18 43:22 45:13 46:6 61:20 72:7 78:16 82:14 85:19,22 86:11 88:17,19,22,24 96:4,8, 18,20 113:1 131:14 140:3,5 141:5 144:12 147:19 149:20 157:5
10th 16:2 96:11 140:22 157:17,20,21	2010 15:8	
11 123:13,14 127:3	2013 15:15,25	
11:18 49:9	2014 60:25 61:9	
11:32 49:9	2016 32:23	
11th 14:14,16	2018 8:24	
12 131:4,5	2019 69:15 118:2 129:7,14	4
12:13 78:9	2020 15:17,25 16:7 66:20 87:11 88:6 92:5,25 107:7,10 108:1 118:5 122:14 123:4 125:12,18 126:1,8,22 128:9, 12 143:16	4 67:23,24
12:17 78:9	2021 12:8 88:4,5	4.4 71:19,22
12:33 89:8	2022 6:2 12:10 131:14	4.8 59:18
12:34 89:8	209 131:17,18,21	40 51:12,20
12:55 104:21	21 12:9	40-hour 38:10,11,13 44:19 50:4 51:10
12th 15:22,23 30:4,8 140:23 157:22 158:5	23 131:13	4th 15:10
13 139:12,15,16 148:15	24 51:21 150:16,17	
13th 14:5,25	24-hour 38:13 51:12	5
14 141:15,16	25 30:20	5 69:7,8
15 26:24 27:25 123:23	28 128:24	54-57 141:23
150 27:10,11 147:12	282 134:13	55 141:21
16 6:2	286 132:25 133:2	57 142:1
17 34:21 124:3 127:5,11 134:13,20 135:1,4,7	2:11 148:13	
18 34:20,22	2:17 148:13	6 73:15,16
19 131:11,23 133:2	2:28 155:13	600 41:14
1:01 104:21	2:31 155:13	
1:17 115:6	2:36 159:4	7
1:23 115:6	2nd 118:2	7 98:25 99:3

8

8 104:17,18
80 21:5 30:23 147:13
83.21 6:16
86 13:7
87 13:7
8:00 155:24

9

9 104:24,25
90 21:6 30:23
91 13:13 131:18
93 12:24 13:12,14
96 18:22
98 13:20 14:12
9th 14:14 16:3

A

A.C. 158:19
a.m. 6:3 49:9
abide 77:11 98:10
abiding 59:5
ability 8:12,15 16:20
abreast 44:23
absent 91:21
Absolutely 41:8 54:14 111:7
152:1
abuse 32:11,13,14
academy 12:3,23 33:5 37:16
41:5 44:4 45:23 52:15
accept 56:3 75:24
accepted 48:15,18 76:9 158:4
access 55:23 56:17 57:9 66:4
75:23

accident 10:21 11:7 18:14
accidents 18:16
account 86:5
accounts 85:14
accuracy 80:22 81:8,20,24
accurate 28:2 80:19 110:11
135:1 142:17
accused 150:4
acknowledge 48:14 76:4
ACLU 95:8
acronym 14:10
act 50:18 79:3
acting 101:13
action 48:17 87:21 119:20
123:5,6 137:25 146:12
actions 44:6 74:24 102:20
133:10 140:15,25 150:1
active 67:13 72:19 87:24
156:16
activities 117:17
activity 27:1
actual 56:12 85:17 119:14
120:3
Adams 96:15,17,18 97:3,14
98:13,22 99:12 117:9,11
145:11
Adams' 117:13
added 55:1 86:19 110:22
addition 29:5 33:5 44:12 47:1
57:19 75:25 78:13 144:25
additional 44:14
additions 60:10
address 22:1,3 23:12,17,20
32:8 43:2,6 62:9
addressed 32:20 43:1,14,20
adhering 59:24 60:3
adjust 105:8

administrative 56:24 58:16
adopt 78:17
adopted 69:1
advice 46:20,22
affairs 123:20 138:20 158:15
affect 8:11,15 80:22 81:7 86:9
affected 86:17
affecting 90:25
affirmatively 17:11
affix 121:17
affixing 65:4
aftermath 138:18
afterward 122:8
agencies 84:19
agency 34:12 48:3 58:14
76:14 95:4,22 114:15 153:3
agenda 22:24 90:14
aggravated 28:23
aggregate 30:19
agree 7:8 87:5 142:8,10
agreed 102:4 152:14,16 156:7
agreement 148:25 151:20
154:5
agrees 79:22
ahead 15:20 32:1,2 50:6 69:13
78:2 115:25
ailments 8:14
alcohol 8:11 33:8
allegation 123:20
allegations 88:2
allowed 149:24
analysis 25:24 28:13
ancillary 135:23
announce 74:14
announced 74:8

announcements 69:25
answers 132:14 136:9,10
apologize 95:19 131:6
appeal 149:2,4,15,16 150:10
158:18
appealed 158:10,11
applicable 40:9 49:3
applied 16:12 61:10 72:22
73:2 86:12 90:10
applies 79:9
apply 74:23 149:18
appoint 31:7
appointed 16:25 31:4,8,16
45:20 53:3,10 151:1,2
approached 129:8
approval 70:18 72:13 79:12,
20 86:19 97:1 102:19,22,25
103:2,3 115:22 116:7,9
121:23 142:21 143:4
approvals 70:4
approve 24:21 70:17 97:9
121:18
approved 24:21 62:2 108:20
109:2 111:21 114:11
approving 121:20 143:1
approximate 21:2
approximately 13:1,10 18:17
19:21 34:17 36:14 51:20
approximation 20:10
approximations 14:21
area 12:14 20:14 27:24 91:14
areas 26:12 130:7
Arena 12:20 13:13 146:14,23
argue 156:11
array 100:25 101:4,17,23
102:18 104:14 110:4,9 115:23
120:22 132:15

arrays 103:14 116:17
arrest 6:23 9:1 87:25 93:21
94:9,15,20,21 118:9,14 119:4
120:9 123:12 127:17
arrested 32:20,21 118:23
127:13,22
arresting 32:18 119:13
arrests 119:16
aspects 49:24 50:14
assault 28:23
assign 17:17,18
assigned 14:19 15:8 37:8 46:1
79:8 83:16 119:14 140:3,5
143:16,21
assignment 15:5 100:20
assist 96:8,10 102:5 137:7
assistant 138:3,4 147:24
148:6 149:6 153:14 154:13
156:24
assisting 137:17
association 149:1,2,9
assume 45:25
assumption 81:5
Atkinson 126:14,20,24 128:7,
21 136:4,12 137:1,13 145:6
attached 109:19
attempt 118:13
attempts 118:24
attend 21:21,25 38:15 44:22
45:2,4,7 51:23 52:12,13 87:17
88:17,20 91:18,22,24 146:17
attended 11:15
attending 90:19
attention 28:11,15 41:4 42:25
62:7 87:10 91:4 92:5,7,19
101:19 118:10,16 119:21
122:12,18,21 146:19
attorneys 149:24

atypical 41:17 117:19
audit 52:11
auditing 76:16
audits 76:10
authority 82:12 153:5
auto 96:22
average 19:22,23 20:21 27:5
aware 6:23 28:4,21 47:13,24
53:14,19 54:1 55:16 56:5,7,20
59:22 60:9 75:20 81:6,11,23
88:1 94:1 98:16 100:24 113:8
114:12 118:18 125:5,6 126:21
141:10 154:18
Awareness 47:19,20

B

BA 12:7,8
back 8:19 13:7 14:24 15:4
17:6,18 20:19 27:10 37:15
47:12 51:7 64:17 67:5 83:23
89:9,22 98:4,12 102:15
105:11 106:7,13,24 107:6
110:16 111:13 122:14 123:2
126:3 127:3 136:11 148:15
151:13,15,17 152:8,11,21
155:5 156:1
background 9:13 11:13
bad 100:6,11 105:13
ballpark 27:3,9 38:6
bank 150:21,23 152:21
baseball 106:5,16
based 12:18,21 17:25 25:3,16
26:11 42:10 44:6 100:10,13
101:20 104:2 125:14 130:24
136:18 137:25 141:19
baseline 53:14
basically 90:21 97:1 151:21
152:7 158:1
basics 33:24

basis 44:20 49:1
bathroom 9:6 78:4
began 101:19 154:19 156:11
begin 6:17
beginning 45:19 57:7 95:2
129:4 135:13
belief 17:2 32:19
believed 79:2 129:7 135:16
143:9
Ben 126:14
Bettison 154:14 155:19
156:24 157:13
bias 38:1,23 39:3
big 61:15
bigger 124:4
bit 18:25 47:12 67:3 99:23
106:10,17 128:21 133:3 135:5
148:19
black 99:1
blame 133:4,6
block 61:15
Blue 40:2 146:24
board 31:12 40:15 70:5,7,11
71:14
bodies 96:5
BOPC 70:11,15 141:18
bottom 111:17 127:7,8,11
box 108:7
break 9:8,9,11 49:7 78:4 89:6
104:23 115:3,5 148:9
break-ins 146:14,18 147:10
breaks 9:4
brightness 105:7
bring 43:9 122:20
broad 33:24
broadly 33:3

broke 157:4
brought 28:11,15 41:4 62:6
69:4 81:22 83:22 86:3 87:9
91:3 92:4,6,18 101:19 118:15
119:21 122:12,17 144:15
146:19 157:6
Bryant 154:15 155:19
budgetary 34:14
Budgets 34:14
Building 12:19
built 150:14
Burger 12:13 13:2
business 87:16 90:13,20,24
91:18 144:17 146:10 147:6,
21,22,25
businesses 89:2 90:19,25
91:8,11
Bussa 6:22 83:17 94:9 96:17
97:17,18,21 98:1 100:17,25
101:16 102:16 103:1,9 104:12
115:21 117:6 121:5 122:17,23
124:6,12,18,23,24 125:3,18
126:16 128:21 129:6,8,10,13
130:12,16 131:12 132:8,13
133:11,17 134:5,16,19 135:2,
9 136:10 137:1,13 142:15
143:16 145:6,7,15 149:20

Bussa's 128:25

busy 136:22

button 48:14

C

Caesar's 12:20 13:13 146:14,
23

call 23:13,18 28:25 42:4,8,13,
19 44:12 47:21 48:10 57:5,8
135:7 136:10 138:8,11 148:1
149:12,13 153:13 156:9
157:13

called 6:6 25:21 32:13 35:13
38:13 39:21 40:2 41:5 66:1
102:6 135:2,10 136:6,7,8

151:15 154:11 157:23

calls 44:1 96:4,9,10 134:18,
20,21

camera 81:2

cameras 66:25 68:10

Canada 12:18

cap 106:5,16

captain 15:16,24 16:1,5,7,15,
17 17:13 19:3,4 21:12 23:25
25:6,18 30:10,24 31:9 35:9,14
39:12,17,20 40:13,25 41:6
43:22 45:3,13 46:6,18 52:4
55:19 61:20,21 62:6 66:6
72:5,7 78:15 82:7 85:22,23
86:10 88:11 112:3,25 129:8
130:13 133:5 134:18,20,22
144:11 147:19 149:11 152:8,
12 154:24 156:14 158:20

captains 16:24 35:19,20
40:14,19,21 51:24

car 32:12,15 119:14

career 16:23 18:5 114:25

careers 16:22

carried 130:11

carries 127:8 129:5

case 6:16 7:1 10:20 11:9
17:21 18:3 28:15 29:11 31:24
32:7,9,11 58:1 64:18 65:24
66:4,6,17 69:18,22 79:7,9
81:25 83:16,18,20,21,22 84:7
87:11,21,22,23 88:3 90:10
91:9 92:10,13,20 93:5,9,14,
18,22 94:5 95:18 96:13 98:16
99:8 100:2 101:18 102:12
107:8 108:3 111:20 113:13,17
117:5,7,17,21,24 119:18
121:2 122:3,4 123:2,9 125:8
127:1 129:10,14 131:2 133:5,
7,12,17,21 134:6,9,16,18
135:3,10,14 136:14,24 142:3
143:6 144:3,15,16 145:13
146:12 150:17 153:18 154:23
156:12,22

case-by-case 49:1
cases 17:9,22 18:1 25:20
26:1,5,19,21,25 27:5,16,19,
22,25 28:4,7,9,10,17,20 29:3,
4,6,10,12,18 47:10 58:1
103:11,12 117:15 129:18,22
136:23 144:12,18 147:2,3,20
catch 29:22
cease 16:4
Center 49:18 79:18
Central 11:20
centralized 15:13
Chadwick-bills 116:2,14
122:24,25 123:1 124:6,11,18
125:2,15 127:12,25 137:6,9,
17 141:4
Chadwick-bills' 123:25
chain 77:10
chance 22:11 90:23
chances 151:25
change 11:25 38:18 71:2,4
104:2
changed 51:20 53:3 55:1
character 156:5
characteristics 80:14 105:12
characterize 28:2
charge 15:10 19:9 139:23
charged 11:10
charges 143:5 149:17,23
charging 108:25
Charles 149:6
chatting 104:23
check 48:12 129:21
chief 6:21 14:24 15:3,7 31:6
33:12 34:8,12,18 39:19 40:20
53:1 88:14 138:3,4,9,15
141:10 147:24 148:6 149:6
150:25 151:1,2,3 152:17,23,
24 153:1,6,13,14,16 154:6,13,

14,15,16,18 155:3,5,21,22,23
156:10,24 157:14 158:9,23
chief's 147:23 148:1,6 151:15
154:12 155:20
child 32:10,13
choice 157:19
choices 157:17,18
choose 23:20
chose 101:16
circumstances 24:6 42:23
108:11,23 110:7 130:24
citizen 147:25
citizens 40:6,7
city 6:21 11:9 12:16 152:15
CIU 84:16
claim 60:11
clarification 7:22
clarified 132:13
clarify 36:23 49:15 80:17
102:24 115:20 116:1 122:16
clarifying 49:10 52:14 67:7
clarity 142:16
class 37:23
classes 11:20
clean 152:10
clear 9:1
clearer 105:15,19
Clery 11:21,23
Clinton 9:19
close 144:10
closely 112:1
closing 89:11
colleagues 21:10
college 11:16,18
color 81:6,19,23 87:2

Columbus 154:16
combined 108:23
command 17:3,16,17,18 19:7
21:15 24:11,17,20 33:11,17
39:18 40:8 46:1 50:22 72:8
74:20 76:17 82:20 83:1
140:21 147:17 148:1,7 149:8
152:1 156:15 158:2
commander 19:12,13,14
21:20 22:2,7 23:17 24:19
25:2,6,7 30:10 31:9 97:7
138:6 154:3 156:23 157:22
commanders 19:11 21:13
22:6
commanding 97:6
commands 13:18 16:22
comment 126:11
comments 70:4 127:21
141:11,13
commercial 96:22
Commissioners 70:6,8,12
71:15
commitment 151:14
committed 143:11
common 26:7 57:21 76:6
77:18,19 95:25 100:8,10
105:25 112:5,8 116:18 118:7
119:1 120:17 129:21
commonly 91:7
communicate 47:11
communicated 154:8
communication 47:8 75:25
119:5
communications 49:23 50:7
120:17 147:16
community 21:19 39:3 40:6
87:16 88:10,13,15,23,25
89:24 91:11 156:16,17,20
comp 150:13,17,19,20,21,22,
23 151:11 152:20

compared 26:21 27:16 106:19
comparing 30:22
comparison 31:13
compete 31:11
complained 32:12
complaint 25:12 91:15 93:4
95:20 130:8
complaints 83:12 96:1
complete 156:2,4
completed 45:25 108:4
compliance 38:20 49:5
components 22:18
Compstat 87:15 88:9 89:23
90:8,12 92:14 144:25 146:4,9,
21 147:1 154:21
concentration 26:12 27:24
130:7
concern 62:6 77:23 81:17
83:20 87:3 92:18 156:25
concerned 103:23
concerns 25:3 77:24 86:24
87:1,4 154:19
concert-goers 146:17
concluded 150:9 159:4
conduct 35:23 101:19 102:17
conducted 44:5 62:15 73:7
86:15 100:25 108:16 120:23
123:19
conducting 54:19 61:16 86:13
110:3 121:6,11
conference 134:21 155:20
confidence 154:20
confirm 15:24 86:25 87:4
99:13 116:15
confirmed 141:7
conflict 40:2,6
confused 125:22

conjunction 71:14
connection 6:20 10:9
considered 16:25 31:15,17
85:6 151:25
consist 91:15
consisted 26:5 77:13 117:17
119:25
consistent 46:19,25
constant 119:4 146:16
constantly 38:19 39:17 54:8
constraints 113:20
contact 113:14 145:2,9,12,14,
16,23,25 146:2,6 147:5
contacts 147:7
content 57:24 131:2
context 66:16
Continue 152:10
continued 86:21 122:9 131:12
continuing 13:4 49:10 58:8
60:7,23 66:13 67:25 69:9
73:17 78:10 89:9 95:17 99:4
105:1 106:23 115:10 116:25
123:15 131:10 132:5 139:18
141:17 148:14 155:14
contractual 148:24
contradict 139:8
controlled 33:9
conversation 71:8 77:15,19,
23 83:4 101:21 122:8 124:22,
24 125:1,8,11,17,23 126:14,
15 128:16 129:16 131:3
136:19 152:6
conversations 76:22 81:13,
15,18 82:1 119:7,25 120:4
125:14 127:23 128:20 129:19
134:8 135:23 136:25 152:13
158:9
cooperation 101:25 102:15
copies 57:9 131:7

copy 99:1 105:4 152:18
Corktown 88:20
Corporate 12:21
correct 14:1 18:6 24:2,3 30:21
43:18 53:12 55:5 59:7,9 60:1,
6 61:11,12 62:13,23 67:18
68:20 70:22 71:1,25 72:1 76:5
80:12 82:3 91:1 100:3 101:8,
11,15 103:8 111:18,23,25
114:2,3 116:20 117:9,12
118:6,8,25 123:1,25 124:1,21
125:19 132:23,24 136:5
138:21 139:4,7 140:7,14
142:7 152:25 158:11
corrected 42:24
correctly 63:17 75:22 84:12
94:13 103:3 120:14 129:11
131:15 133:8 134:24 142:6
155:10,17
corroborate 85:9,16
corroborating 99:21 102:11
130:20
corroboration 85:10 89:16
Council 88:25
counted 134:20
counter-terrorism 33:7
county 9:18
couple 13:22 18:1 49:10 59:19
115:19,20 124:2
court 111:2 131:8 143:17,20,
25
cover 42:15 70:3 141:19
covered 33:24
COVID 157:12
Cox 9:16 45:3 129:8 130:13
133:5 134:18,20,22
Craig 6:21 53:1 138:9 141:10
150:25 152:24 153:14,16
154:6,12,18 155:4 158:4,9,23
created 138:15

crime 11:10 16:3 25:24 28:13
29:20 49:18 53:23 56:5,7
70:24 73:5 79:11,17 80:8
84:13 90:17,20,22 91:14
101:24 143:11 147:9 157:7

crimes 16:5 26:6,9,11 27:22
67:17 90:25 130:6

criminal 67:10,14 68:17 70:21
72:20 79:3 95:20,25

criteria 79:21

Cross/blue 146:24

cubicle 129:9

Cultural 11:25

Cunningham 7:25 13:3 78:6
89:5 95:12,15 99:2 104:20
115:7 132:2 148:12 159:3

current 19:2 30:3 50:8 54:13
60:19 70:10,14 79:9,21 153:6

custodial 126:19

custody 107:24 108:6 113:21

cut 51:14,17

D

D.C. 152:8

daily 129:24

dashboards 75:23

date 51:22 53:6 121:10

dated 61:9 69:15 75:2 152:17

dates 137:19

day 22:8,12 23:19 28:18,21,24
29:4 30:8 32:21 39:16 48:5
94:8,10,12,16 95:1 106:13
113:8,12 127:12,22,23 150:9,
18 151:10 152:20 157:10,11
158:1,22 159:1

days 22:8 39:1 130:1 140:9
148:21 150:12,16 151:8 155:8
158:22

DC 149:13

De 11:15

de-appointed 31:19

de-appointment 31:1,16,17
140:17 151:23 154:7,11
155:1,16,19 156:12 157:15
158:10,13,14

de-appointments 31:4

dealing 33:8

dealt 40:1,4 156:19

decide 108:24 130:15 132:11

decided 110:4 150:6 157:14

decision 32:7 42:10 71:16
108:25 110:18 113:18 148:22
154:6 157:10

decision-making 44:6

decisions 34:14,15

dedicated 119:13

deep 131:19

defendant 10:25

defendant's 83:17

define 8:18 9:3

definite 85:7

definitions 74:4

definitive 89:15

definitively 90:7

degree 11:23,24 12:1

delegate 42:17 52:9

demoted 31:14

demotion 30:25 31:15

department 8:21 9:17 10:18
25:5,9 38:17 39:5 41:15
44:21,25 45:17 50:8 59:4,20,
23 60:8,15 64:14,17 77:8
140:4 142:19 150:10 151:1
154:16,25

department's 59:3

department-wide 56:16 72:4

departmental 24:12 139:2

departmentally 44:18 81:11

depend 26:10 77:12,15

depended 28:7

depending 20:14 21:24 22:8,
15,23 25:22 26:4 54:17 57:25

depends 16:18 24:6 26:25
40:16 42:4,22 49:1 118:20
119:24

depicted 81:7

deployment 68:13 69:11,14
90:18 157:6

deposing 6:19

deposition 6:25 8:6 9:20
10:12,13 18:20 68:5 69:23
73:23 131:12,13 132:14 159:4

deputy 148:6 149:5 154:14,15
156:25

describe 19:5 21:17 30:3
38:11 132:6,7

describing 25:9

description 110:7,11

descriptions 30:13

designed 113:23

desire 79:6

detail 34:13 63:12 121:13

details 62:14,24 63:1,4,16,17
108:8,18,22 111:9 120:22
126:15

detective 6:22 20:5 24:4 32:5
44:7 45:20 46:5,7,15 53:10
61:19 65:9,11,21,24 79:6,13
84:8 85:4,19 92:6 94:9,15
96:15,17 97:3,13,14,17,18,21,
23 98:1,13,22 99:12 100:17,
24 101:16 102:16 103:1,9,18
104:12 112:18 115:21 117:8,
11,13,21 121:5,24 122:13,17,
23 123:10 124:6,12,17,23
125:3,17 126:20,24 128:7,21,
25 129:6,8,9,13,25 130:12,16

131:12 132:8,13 133:11,17,20
134:4,16,19 135:2,7,9 136:4,
12 142:15 143:16 145:6,7,12,
15 149:21 150:1

detective's 66:9

detectives 20:12,17,23 21:23
22:20,23 23:5,11 24:10 25:19,
20 26:22 27:17 28:5 29:10,17
36:8 37:21 45:14 46:13,15,19,
21,22,23 47:3 51:1 52:5,16,
20,23 55:20 61:23,25 75:18
76:8 82:9 83:7 85:20 94:18
96:13 98:1,3 103:13 113:5
117:20 119:8,25 122:9 126:13
129:22 136:25 144:13 145:8,
22

determination 49:4 121:19

determine 26:2,3 45:12 54:20
76:11,14 79:8,20 107:15,20
108:19 121:5 143:4

determining 114:14

Detroit 6:1,21 8:21 9:16 10:17
12:15,19,22,23 59:4 84:10
88:18 89:25 149:8 150:25
152:15

develop 17:4 35:8 43:6

development 68:13

dictates 150:10

differ 40:10,13 41:10 57:11

difference 31:2

difficult 106:18

digital 105:3,17

direct 118:20

direction 46:16

directive 48:24,25 49:2,3,6
58:13 60:11,12 66:24 68:11,
19,22,25 69:2,3,12 70:4 113:4

directives 47:13,16,25 48:22
57:12 58:14,16 59:3 74:16

directly 45:15 82:11

director 156:14

disagree 150:7

disagreed 155:2

disciplinary 140:15,24 152:9
153:10

discipline 74:4 139:22 148:17,
23 149:2 150:8 158:14

disciplined 18:10 140:1
150:11

discuss 91:13

discussed 49:11 76:2 90:16
126:16 139:8

discussion 29:6 116:22
153:22

disposal 82:17

disseminated 43:15 57:4
74:19

disseminating 42:6

dive 58:3

document 58:8,11,19 60:24
61:2,4 66:14,23 68:1,3,8
69:10,16 73:18 74:1,2 99:5,9
106:25 107:3 117:1,16 121:3
123:16 131:18 138:15 139:19
151:19 152:13

documentation 154:10

documented 66:1

documenting 63:25

documents 9:23,25 48:8,12
111:1

Donald 6:22 131:12

downstairs 130:4

downtown 88:18,19 89:25
90:11 96:8 146:18

DPD 8:20 10:23 13:12,16 18:4,
8 33:1,4 35:21 36:25 42:1
47:13 53:13,14,19 54:1 56:20
60:4 67:11 81:16 82:4 83:13
84:4,10,20 95:3,24 96:6,12
101:14 104:6

DPD's 56:5 102:17

drug 33:7,8

drugs 8:11

duly 6:7

duties 19:6 21:11 38:18 86:17,
21

duty 86:14 112:20 139:23
155:23

E

e-mail 47:17 48:5 55:9,10
56:24 79:17 135:24 138:14

earlier 10:11 18:19 54:25 57:6
68:24 83:25 86:7 120:19
142:13

early 92:8 104:3 120:15

easier 106:3

east 157:18,19

Eastern 33:12

educational 11:12

EEOC 25:12,13

effect 71:3,4 72:9,13 78:21
81:23 97:10 130:13 156:6

effort 80:1 118:9,16 119:13
145:11,19

efforts 60:8,16,19 71:4,9,10
99:19 101:22 123:8 135:12
137:20 157:5,6

eighties 13:7

elaborate 142:12

Elaine 154:15 155:19

emphasized 63:25

employed 10:17

employee 36:25

employees 53:16

employment 12:11 13:5

enacted 74:25

encompass 22:16

encompassed 22:19
encourage 82:13,16 83:7
encouraged 83:7
end 68:15 88:22,23,24 89:1,3
124:5 135:13 144:11 148:20
150:24
ends 75:7
enforced 48:22
enforcement 18:7,11 96:5
enlarge 105:18
enlarged 105:9
enlisted 137:6
ensure 29:12 38:15 42:18
44:22 60:9 62:5 65:2,8 75:15,
19 140:2
entails 37:23 109:1
enter 58:5 123:13 131:4
entered 117:9,11
entering 60:21 66:11 67:23
69:7 73:15 98:25 104:17,24
116:23 139:12,15 141:15
Enterprise 12:21
enthusiasm 82:19
enthusiastic 83:2
entire 22:16 23:2 151:4
entitled 151:19
entity 49:19 76:13 97:8
entry 117:18,21,24
environment 17:20
equipment 49:20
equipped 49:19 94:23
evening 113:13 155:6
events 146:15,18 158:12
eventually 13:18 69:3 95:24
131:7 148:7 158:23
everyday 77:6

evidence 53:22 85:12,15
99:22 130:20,23
evolve 38:18
exact 26:16 27:4,9 53:6 97:12
106:19 134:8 150:5
exaggeration 142:13
EXAMINATION 6:10
examined 6:9
examples 25:11 40:4 85:10
excessive 135:5 151:7
exchange 132:5,7
Excuse 105:5
excused 60:11
exec 74:12,13,19 75:12
138:10 156:10
executive 17:2 35:13 71:11,12
82:21,25 95:10 147:17
executives 35:17,18 39:20
138:10 153:15 158:3
Exhibit 58:6,7 60:21,22 66:11,
12 67:23,24 69:7,8 73:15,16
98:25 99:3 104:17,18,24,25
116:23,24 123:13,14 127:3
131:4,5 139:12,15,16 141:15,
16 148:15
exhibits 73:15
existence 72:11
expect 28:14 63:1 120:24
121:23 122:20,21,22,23
expectation 62:14,20 64:1,5
expectations 47:5 50:21
expected 111:5
experience 18:8 46:12 97:13
100:10 105:25 115:2
experienced 97:22 98:3,7
114:23
experiencing 148:3
explain 31:2 58:11 61:2 66:23
68:8 74:1 78:23 123:11

154:19
explained 31:22,23 151:5
explains 61:4
explanation 32:3
explicit 109:10
expound 109:25
expressed 87:1,5
extra 45:9
eyes 100:15
eyewitness 61:3 101:6 103:7
104:8 109:11,22 110:13,17,20
116:11 120:20 121:6
eyewitnesses 104:10 145:19

F

face 100:14 106:15
face-to-face 61:8
facial 36:22 37:5,10 49:14,16,
24 50:9,14,22 66:25 67:4,9,
12,16 68:10,16 70:23 71:13,
20 72:24 73:6,9 74:2,3,5
78:22,24 79:7 80:10,19,22
81:8,24 82:5,14,18,19,21
83:3,12,25 84:20,25 85:2,4,6,
21 86:4,8,22 88:2 89:11,18
98:14 99:11 100:12 105:13,21
106:11,20 109:3,6,7 116:9
123:21 127:21 128:2,13
132:16,23 144:23
facilitated 45:1
facing 81:2
fact 13:7 74:17 87:3 107:17
121:8 125:24 146:16 149:18,
19 158:15
factor 81:20
facts 137:11 142:3
failed 140:2 150:3
fails 77:11
fair 51:19 151:6

falsehood 156:2
familiar 7:4 80:12 103:23
family 81:19 82:2
farther 133:8
faster 133:8,12,18
fault 153:17
featured 134:17
February 12:23
feel 7:22 43:10 58:9 60:15
65:6 67:25 69:9 73:17 79:11
102:16 107:11 108:15,17
121:3 133:4,11,23 136:19
142:18
fell 19:20
felonies 26:6
felony 79:11
felt 39:23 40:9 44:13 45:10
81:19 102:8,10,21 133:20
136:9 143:2 149:22 158:2,3
field 43:2,8,16
fight 8:5
figure 135:20 137:10
file 93:9,18 112:16 121:17
123:9 149:3 152:16
filed 149:15 158:18
filtered 148:5
final 24:17 71:17 74:15,18
75:1,6 78:12 115:11 149:25
finalized 75:8
Finally 9:4
find 153:25
finding 129:17 158:21
fine 13:15 37:24 97:12
finish 7:10,12 131:24
finished 137:22 158:18
fire 16:4

Fisher 12:19
fit 85:14 133:21
fits 79:21,23
Fitzgerald 149:6 152:8 158:19
five-day 139:24
five-minute 148:9
flip 58:9 66:13 67:25 69:9
73:17 107:11 124:2 129:3
flipping 130:9
floor 149:15
focus 107:22 108:5
focused 39:22
focusing 25:17
follow 53:16 61:24 64:3 75:21
79:15,19 113:4,5
follow-up 48:17,19 52:8 76:7,
20,21 77:5,7,18 85:9 87:21,22
92:17,19 93:5,13 107:5,6
115:19 123:5 132:22 137:25
138:2,8 146:11 147:2,20
153:25
footage 101:10 110:4
footprint 90:6 91:25 96:2
force 14:13 33:7
forget 12:16 39:24 50:23
83:17 102:2 152:18
form 117:4 156:8
formal 35:6 37:3 42:12 43:23
45:16 72:16 100:5 120:4,15
formally 37:7
formats 53:18,25
forms 53:18 58:15
forthcoming 57:20
forward 50:21 157:15
forwarded 98:19
found 29:19 87:23 92:21
93:10,12 107:22 122:7 123:6
135:15,17 136:15,18

four-month 118:7,22 119:19
Fox 12:22
frame 149:3
Franklin 19:14 138:7
free 7:22 9:4 58:9 67:25 69:9
73:17 107:11
Friday 155:7
friends 81:19 82:1
front 50:12 106:11
fulfill 84:15
full 106:11 130:11 149:25
154:5
fuller 105:1
fundamental 41:20 45:22
114:18
Fundamentally 41:18
fundamentals 34:2 38:24

G

gaining 46:12
gap 118:7,22 119:1,19
garner 79:1
Garrity 10:7,8
gather 80:1
gave 29:13 94:19 137:16
general 7:2 13:4 18:2 27:8
30:2 34:24 35:10,11 53:25
74:3 86:22 90:14 93:15
generally 10:12 16:11 93:13
Giaquinto 19:13
give 7:10,15 14:20 24:23
26:16 29:8 35:15 44:17 75:4
79:19 85:10 86:5 120:6
155:10 157:10
giving 7:17 46:19,21,22,23
121:22 154:24
goal 107:25

good 6:12,13 100:6,11 105:13,
20

Gotcha 132:4

govern 59:3

governance 74:6

graduate 11:22,24

graduated 11:21,22 12:4

Great 9:13 106:21

greater 23:9 27:19

ground 6:18 7:5

groups 88:13 89:24

grow 16:22

growing 18:5

guardian 32:17

guess 16:8,10 17:5,9 20:21
23:24 25:17 26:7,15 27:4,13,
15 28:2 30:16,22 32:24 33:16
35:11,25 37:2,7,18 39:11 41:2
51:14 53:18 54:11 61:19
62:14,24 63:5 69:5 74:21
80:17 83:23 85:1 87:13 90:15
91:17 92:12 93:13 98:12
102:6,13 105:10 108:11
115:10 117:25 118:21,22
126:17,20 128:23 131:9
143:23 153:1 155:14

guidance 46:16,24 97:23

guide 58:25

guided 72:10

guy 122:3,11 124:20

guys 48:11 104:19

H

half 28:6

halfway 117:25

hand 21:13,14 94:24

handle 43:9

handled 133:14

hands-on 39:16 46:3,11
65:14,19

happen 25:1,10 47:11 85:5
119:23 129:20

happened 38:6 45:5 48:16
71:2,6 86:8 93:15 101:20
110:12 113:3 118:14 123:11
126:22 133:5 134:3 135:21
149:10 154:22 157:23

harder 106:3

harmless 152:15

Hayes 19:14 138:7

he/she 59:22

head 106:16 153:3

health 156:21

hear 81:10

heard 81:9,14 111:11 113:25
141:6,8 155:6,23,25

hearing 149:5,7 152:9

Heights 12:15

held 14:1 24:1 52:25 72:8

helped 21:10

helpful 30:16

hey 45:3 48:11 52:11 76:18,23
113:17 119:9 120:5 148:3

high 11:14,15 12:12 13:8
80:14,17

highlighted 66:18,19

highlights 61:5,7

highly 81:13

hill 157:2

history 12:11 13:6

hit 48:14

hold 113:19 152:15

home 29:1 70:24 73:6 113:12,
17 155:24

homeland 67:14

honor 49:20 155:4,22

honored 96:22

hours 28:25 51:12,21 150:16,
17,19,20,23 152:19

housed 14:13 15:9 88:19

housing 14:7

human 100:15

hundreds 27:8 65:16

hypothetical 89:17 109:24
110:12

hypothetically 109:21

I

I.D. 61:8 102:5,7 109:14
132:14

I.d.'d 130:14 132:10

I.d.'ing 103:10

IA 10:1,9 25:13 127:3 132:8
134:15

identical 68:18,23

identification 61:3,4,8 79:5
103:15,18 104:5,14 106:8
116:19 120:20

identifications 36:12 121:7

identified 85:13 128:6

identify 9:14 43:14 106:1,3
122:23 157:8

identifying 38:24 79:2

Ilitch 12:20

image 80:2,3,4,5,6,11,15,18,
22 81:7 99:24 100:6,9,14
105:2,9,11,15,17,20

images 99:25

imagine 36:9 80:4,24 89:18

implement 70:17

implementation 73:3

implemented 44:25 72:18

73:1 74:16
implicit 64:9
important 63:22
impression 133:17
in-depth 107:19
incident 28:22 29:2 31:24 32:4
113:2 146:25
incidents 34:3
include 14:2 89:24
included 62:16 63:2,18 82:17
109:5,6,7 121:13 144:22
includes 59:6 82:1
including 20:21 23:5,10 60:4
inclusive 47:8
indicating 63:23 109:15
indication 128:12
indirectly 45:16
individual 40:16 59:4,15 85:5
individuals 79:2 119:3
influence 33:9 133:7
influenced 63:9 70:14 133:10
inform 55:18,20 57:2
informal 43:23
informally 72:2
information 25:14 29:21 30:1
35:15 42:7,8 43:5,15 57:4,7,
17,19 69:1 79:25 87:9,13,20
95:11,24 96:3 99:21 107:5
108:19 109:5 118:10,12 120:7
121:4 128:5 137:24 142:20
143:3,5 146:19 148:5 153:24
informed 16:18 154:17 157:14
initial 141:3
initially 96:14
initiated 156:16
input 25:7,10 80:3

inquire 91:9 111:6,7,9
inquired 111:4 135:12
inquiries 130:5
inquiring 111:12 137:8,10
inquiry 101:20 122:5
inside 128:5
insight 27:18
instance 84:6
instances 82:15
instituted 113:3
instructed 98:9
instruction 29:13 132:20
instructions 29:8 48:6 62:25
94:19 100:19,22 137:16
instructs 8:2
Intelligence 56:5,7 79:18 80:8
84:13
intention 24:16
interactions 156:20
interchangeable 31:3
interest 90:20
interested 102:3
interests 90:21
internal 70:6 83:11 123:20
138:19 158:15
interrogation 33:10 126:12,13
136:15
interrupt 7:9 78:1
intervene 43:11
interview 10:7,8 31:12 123:25
124:7 126:13,19,21,25 128:4,
8,25 138:25 139:10
interviewed 126:20 138:22
interviewing 33:10
intricacies 50:24 114:19
introductory 6:17

Invasion 70:24 73:6
invented 152:4
investigation 8:23,24 10:1,5,9
24:2 25:13,14,16 44:5 50:18
54:19 61:11 64:19 65:5 67:10,
14,20 68:17 70:21 72:20 73:4,
6,8 77:14,20 84:24 85:3 87:7,
8 89:10,22 91:5 92:3,25 94:2,
16 95:1,13 97:15,25 98:13,15
100:18 101:1 103:7,19 108:8,
11,16,18,22 114:1 123:19
126:7 130:4 132:19 133:16
135:13 136:2 137:11,20
138:19,20,23 139:9 141:1,11
142:15,18 143:1 145:10
151:12 158:16
investigations 15:9,11 26:8
35:22,23 53:22 70:24,25
72:23 77:21 83:3 86:13,16
98:8 114:17,20,21,22 143:22
145:23
investigative 26:2 49:21 73:2
74:23 79:1 80:1 82:16,23
85:1,7,8 87:6 89:14 98:22
99:10,18,19 104:13 105:3
106:24 111:14 115:2,11,14
123:8 142:4,11 157:5
investigator 13:19,23 14:12,
17,24 15:7 36:1,5,17,19
37:15,17,20 52:25 53:9,11
investigator's 107:19 110:23
involuntarily 24:8
involuntary 24:24,25 144:7
involved 25:12 41:25 43:22
61:7 95:8 120:12 144:13
involvement 96:25
Irvin 118:11 123:3
issue 81:21 148:4
issues 40:5 47:13 56:20 77:4

J

James 6:21

January 87:10 92:5,9,25
107:7,10,25 118:5 122:14
123:4 126:1,22

job 52:22

jog 107:12

Johnny 19:13

Johnston 101:3,6,17 103:6,17
109:11,16,22 110:1,8,13,17,
20 116:11

judge 111:10

July 88:7

June 88:7 125:12,18 126:8
128:9,11

K

K-U-R-T 30:11

Katherine 101:3,6,17 109:11,
15,21 110:1,8,13,17,20
116:11

kid 32:11,14

kind 13:5 16:22 22:10 32:25
34:23 39:4 45:1 46:7 59:12
61:14 63:12 77:20 78:11 80:5
85:1 89:16 95:2 99:13 100:6
105:24 123:8 125:10,17 144:5

kinds 90:15 112:10

King 12:13 13:2

knew 65:15 103:6 108:3
143:21 144:8 156:18

knowing 59:5,23 60:3 108:15

knowledge 41:16 65:15,18,19
93:2 104:4

Kozloff 141:3

Kurt 30:11

L

lack 135:25

lady 32:16

laid 71:24

Lansing 33:13

larcenies 27:11,12

larceny 93:24,25 129:18
147:12

large 21:7

larger 27:16 59:13

Lastly 7:25

late 113:13

Lauren 6:14 115:7

law 18:7,11 38:20 96:5

laws 38:18 104:1

lawsuit 6:20,23 10:25 11:1,5,
7,8 18:20 152:16

lawyer 7:25

lay 6:18 7:5

layers 79:19

lays 61:15

lead 49:21 80:1 98:22 99:10,
19,20 104:13 105:4

leader 150:2

leadership 11:25 76:17 102:1
112:2 154:20 158:3

leading 94:2 126:17

leads 79:1

lean 77:19

learn 37:4,9 42:9 87:8

learned 38:22 93:22 94:25
95:3,6 104:2 126:6

learning 39:17

led 8:25 123:12

left 32:11 99:24 115:8 150:25
152:19 155:15 158:23

legal 6:14 35:15 38:16

length 119:1

lens 110:16

letters 156:23

Levan 96:15 145:11

level 26:25 40:8 152:1

liaison 101:13

lieu 150:15

lieutenant 9:16 15:8,13,21
16:7,15 17:12,13,14 19:2,24
20:1,5 22:14 25:22,23 26:20
27:14 28:12,19 29:14,15 30:5,
25 31:8,10 39:12 41:9,24 42:5
44:13,21 45:21 47:7 52:2
55:19 61:19 62:3,7,11 63:14
64:21 76:25 79:14 93:7
102:25 116:2,14 122:19,20,24
123:10,24 124:5,11,18 125:2,
14 127:11,25 137:6,9,17
141:3,4 155:1 157:24

lieutenants 16:20 17:6 19:19
20:4,8,11,13,22 22:14 23:3,8
29:8 40:12 41:10,13,14,19
44:2 46:22 51:24 52:20,22
120:12,13 148:25

light 69:18,22 81:25 83:22
88:3 92:10 94:5 95:7 98:17
99:8 100:2 101:18 103:7
107:8 113:2 116:12 122:4
123:7 124:25 125:9 127:1
134:6 135:3,11 144:14,15,19

light-mounted 66:25 68:9

lighting 80:21

limit 67:16

limited 74:5

limits 70:22

line-up 64:15,16 85:13 120:23
121:9,11,12 135:14

line-ups 36:12 61:4,8 104:1,11
145:21

lined 78:19

lines 34:9,10,11 125:11

liquor 33:10

list 19:16 30:14

listened 149:23
live 9:18,19 157:19
Local 6:16
location 29:20 91:20
long 13:10 14:20 18:17 32:14
33:21 34:17 39:8 52:19 54:6,
11 58:19,21 86:20
looked 28:17 68:19,22 74:22
92:20 93:5,8 94:6 103:4,22
105:16 107:4,10,16,25 117:15
123:9 145:17
loop 89:11
lot 16:9,12 26:11 34:1 38:21
43:13 58:22 106:13 144:12
149:21
loud 124:13 133:3 134:14
LSA 149:10

M

Mackinac 101:13 146:1
made 16:1 28:21 32:7,8 42:11
59:22 60:9 69:24 71:9,16
81:11 95:21 99:20 118:16
123:8 126:11 127:21 133:23
141:10 145:10 148:22 149:25
154:6
main 135:18
major 16:5 28:22,23 29:2 34:3,
4
make 7:6 23:14 44:10 45:1,2,6
46:17,18,25 47:23 48:12,22
49:4 51:15 53:7 60:8 61:23
62:12 63:12,13,14 64:7 65:19
80:14 98:9,10 99:20 100:6,11,
14,15 105:6,12,18,20 106:3,
18 107:23 108:24 113:7,14,
18,25 114:6 118:9,13 119:16
120:9 121:18 130:19 131:1
143:4 158:7
makes 31:9 60:15
making 47:9,10 71:10 92:13
102:3

man 14:19 106:4
manage 19:18 47:7 149:18
management 33:19 34:2,9
35:2 39:23 47:19,20 51:1 66:2
98:6 157:9
manager 12:13
managing 30:6 34:4 35:3 42:6
mandatory 46:7 52:18
manipulate 105:18
manpower 20:2
manual 54:1,3,4,8,16,20 55:3,
15 57:12,16,19,22,23 58:24
59:22,24 60:4,10
marked 58:7 60:22 66:12
67:24 69:8 73:16 99:3 104:18,
25 116:24 123:14 131:5
139:16 141:16
Martin 11:15
MAS 13:21 47:21 48:2,3,9,11,
18 54:24 55:4,10 74:10,12
75:11,22 76:3,9,12,13,15,24
Master's 12:1,4,6,7,10
match 81:8 85:4,6,9,15,17
89:19 100:12 106:18 132:16,
23
matched 99:21
matter 9:24 73:22 81:14
145:17 146:16 151:4 153:11,
15
matters 42:15
mayor 151:2 154:14 156:25
meaning 79:10
means 74:10
meant 153:18
mechanism 62:4 64:24
media 32:8 81:11,12,25 88:4
94:6 95:7 107:9 122:6 129:17
medication 8:11

meet 22:5,13 28:19 88:14 89:4
154:13 156:3,8
meeting 22:10 50:20 71:15
75:17 87:14,17 88:17,20 91:3,
14,24 92:14 141:18 149:11
151:3 152:22 153:2,8 154:18
155:7 158:25
meetings 21:19 22:16,17,19,
21,22 23:1,9 25:21,25 26:1,9,
20 27:14 28:12 29:5 39:19
47:1,2,3 86:1,2 87:15,16
88:10,11,23 89:23 90:8,12,15,
16,23 91:8,19,22 145:1 146:4,
9,20,21 147:1 154:21
member 25:5,15 44:20 48:3
59:5,15,18,21 60:9 114:15
149:1 150:11
members 42:1 59:23 67:11
76:18 82:25 83:1 88:10 140:5
149:7,19
memorialized 74:18
memory 8:12,15 107:12 110:5
144:20
mention 64:8
mentioned 10:11 18:19 39:14
41:1,11 54:25 57:6 83:25
90:3,5 99:18 109:4 120:24
128:1 134:4 136:3 142:14
155:17
mentored 39:18
mentoring 97:24
message 155:5
messages 56:24 58:16 134:9
met 123:9 151:4 153:9 154:15,
17
metropolitan 12:14
Michael 83:18,19 153:19
Michigan 6:1 8:22 9:19 11:20
33:12 49:18 84:2,14 98:19
99:10
mid-portion 89:2

middle 59:13
midst 128:17
midtown 89:3,4
Mike 12:20
mind 34:16 35:5 39:25 40:24
83:5 89:21
minute 89:6 155:11 157:1
mirror 69:2
mis-worded 50:11
misdemeanor 26:10 130:6
misdemeanors 147:10
mishear 90:2
misheard 51:11
misrepresentation 156:4
missed 45:4,5 52:6
mistaken 74:15 75:2 95:21
109:16 125:23
misunderstood 95:19
mitigate 150:7 158:22
mitigated 150:9 151:10
mm-hmm 10:19 67:8 73:19
101:5 105:5 111:19 121:1
123:17 129:12 141:20
mode 55:8,11
modes 75:14
modus 26:12
moment 108:12
Monday 155:9
monitored 76:12
month 15:15 27:11 147:13,14
monthly 29:11 88:12 91:17
months 13:22 97:19,20
158:17
morning 6:12,13
move 53:13 59:16 157:15
moved 15:22 16:3,6 17:2,21,

24 18:4 25:15
moves 17:3
MSP 8:21 80:8 84:5,8,12,17,21
98:21
multiple 134:17 147:3

N

named 11:3
names 30:15
narrow 71:5,13
necessarily 15:1 44:15 110:19
needed 26:4 39:24 43:1,5
44:3,14,23 45:9,11 70:17
107:6 133:18 142:20 147:19
155:8
neglect 139:23
neighboring 96:9
newly 36:8 52:24 97:21
news 134:17
Nicholas 19:13
night 16:5 155:24
Nineteen 131:25
nineties 10:16 14:15 18:21,24
nodding 7:17
non-detective 114:13
non-eyewitness 104:5 115:23
116:19
non-eyewitnesses 103:10,14
116:16
non-hypothetical 110:16
non-part 26:8
non-pdu 112:6
normal 77:6
north 88:22,23,24 89:1
not-in-custody 112:21 113:7
note 117:9 131:17

notes 65:23 66:3,5,9 120:25
notice 105:14,15 139:22
141:21 148:17,23
noticed 106:2
notification 52:5,10 128:11
144:6,8
notified 55:3,6 76:17 92:2
123:4 155:18
notify 122:21,22 135:18
136:17
notifying 25:15
November 6:2 15:17 16:7
131:14
number 20:9 21:2 26:16,21,23
27:2,4,9,12,15,16,20 97:12
119:19 134:8 135:1,4
numbers 20:3 28:8 132:1

O

object 7:25
objection 8:4
objects 8:4
obtained 118:2,23
obvious 81:3
occasion 145:18
occasionally 56:20
occasions 23:16 86:4 118:17
120:3
occur 17:15 28:21 42:12 49:2
91:7
occurred 27:1 29:20 41:22
95:23 112:9,11 137:19,21
148:7 154:11
occurrence 76:7
occurs 42:13
October 8:24 15:14 152:18
off-hand 51:16

office 14:23 15:3,6 102:6
103:5 121:21 130:2 147:23
148:1,6 149:14 151:14,16
154:12 155:20

officer 10:24 13:17 14:4,7,9,
11 24:5 25:24 28:13 32:5,10,
16 38:8,14 39:1 42:9 44:7
46:5 97:6 102:9 111:2,18
114:11 156:15

officers 17:3 20:15,16,18,23
21:23 23:5,10,12,17 24:10
25:12 30:7,18 39:18,23 40:6,
7,11 42:21 43:3,4,8,17 48:7
49:5 52:5 55:19 56:1 57:9
76:8 93:20 94:8,14,20 102:4
118:4 120:8 149:8 156:21
158:2

official 53:15 78:13,15 112:24
144:8

Ohio 154:16

Oliver 83:19 153:20,21

onboard 158:24

one-day 150:8 151:22

one-on-one 42:9 43:18

one-on-ones 42:20

ongoing 67:13 72:23 73:4,8

onwards 35:11

open 63:9

operandi 26:13

operated 76:13

operating 33:9 56:8,15

operations 20:7,16 35:3
118:13 119:6,9,15 120:1,4,18

opinion 153:10

opportunity 44:15 111:8
154:24

opposed 32:18 63:19

ops 22:21,22 87:25 92:23
93:20 120:7

option 17:1 25:2

oral 31:12

order 15:1 47:11 57:18,22

orders 56:21,23 57:11,14
58:17 74:17

organization 12:17

organized 16:2

original 17:18 84:7 95:22
145:12

originally 95:9

other's 29:18

outcome 11:8 71:17

outcomes 26:2

outset 8:18 23:24

outstanding 118:19 119:2,8,
16 120:2,6

oversight 19:8 21:15 43:7
74:6 98:5

overview 33:24

P

p.m. 78:9 89:8 104:21 115:6
148:13 155:13 159:4

package 111:9

packet 109:8,17

pages 54:5 107:12 124:2
129:3 141:22,23

paper 100:13 105:16

paragraph 59:13,20 60:7
124:4,9,17 127:7,9,13,15
129:5 130:10 142:1

parent 32:17

part 6:14 26:5 27:22 38:10
42:5 47:5 50:12 58:24 62:16,
17 70:23 73:5 76:16 79:10
88:16 91:21,23 100:25 118:16
119:11 120:9 137:1 138:16,22
145:9 153:22

participate 12:3 91:24

participated 101:3

participating 110:3

particulars 153:25

partner 147:23,25

partners 21:10 87:17,18 88:15
90:13,24 91:11,18 101:13
146:1,10 147:6,21

partnerships 88:18 90:1

passed 22:11

past 42:17 114:25 154:3

patrol 13:17 14:4,7,8,11,25
20:15 22:20 53:21 111:22
112:4,5,15 113:23 114:11,16,
22 115:1

patrolman 13:17

patrons 146:17

pattern 26:12 27:24 146:15,16

patterns 90:17 130:7 147:10
157:7

PDU 27:6 29:17 65:2 82:13
93:8 96:18 98:4 111:21
112:12,18,23 113:11 114:4,24
116:18 119:5 120:18 137:14
140:3,5 149:20

PDUS 25:18

penalty 139:24,25 140:10

pending 25:16 48:11 129:22

people 20:21,23 30:20,23
35:14 38:24 41:7 43:23 45:3,4
47:21,23 51:3 57:3 61:7,23
76:14 81:12,15,16 82:11,13
98:10 102:3 106:1 115:1
118:18 119:10,13 120:1,5
150:22 157:8

percentage 26:18

perform 80:9

performance 154:21

perpetrator 29:23

perpetrators 26:13

person 19:16 29:25 30:14
32:19,21 44:10 45:18,20
52:12 81:1,7 85:12 110:2
130:14 132:10 135:17 136:16,
18 143:9,11

personal 134:20

personally 23:16

personnel 24:22 58:17 59:3

pertaining 136:2,24

pertains 44:24

phone 134:17

photo 62:15,21 64:9,11,12,19,
25 65:22 85:15 100:1,11,25
101:4,17,23 102:18 103:14
104:14 105:12 106:2,8,19
110:3,9 115:23 116:16 120:22
132:15

photographic 61:6,13 62:1,
18,19 63:7,17,20 103:25
104:11

photographs 63:8

photos 106:1,19

physical 141:22

pick 7:17 23:20 63:6 119:10

piece 47:8 88:2

pixilated 106:8,16

place 24:13 28:25 29:7 32:4
44:19 53:11,15 62:4 67:19
73:3 74:24 78:19 79:22 86:20
93:17 97:24 98:6 114:1 115:8

planning 68:12 69:11,14

play 53:1,5 85:3

plays 50:18

Plea 151:19

point 35:21 62:10 93:10,22
94:3 96:23 108:4 111:12
121:19 125:1 132:15,19

police 6:21 8:21,22 9:17
10:18,24 12:3,23 15:3 20:15,
16,18,22 21:22 23:5,17 24:4

30:7,18 32:12 33:5,11,17
37:16 38:7 39:1 40:11 41:14
42:21 44:7 46:5 48:7 49:18
55:19 59:4 70:5,8,12 71:15
84:2,10,14 98:19 99:11
114:18 149:8 150:25 154:16
156:21

policies 42:14 50:10 53:15,19,
21,22,23 54:24 58:4,17 59:12
70:18 71:25 74:14 75:13,16
77:8,11 78:11,13,15,17,20
98:10 104:11

policy 38:17 39:5 49:6 50:8
53:14 54:21,23 55:2,14 56:13,
16 58:12 59:1 60:4 61:5 62:5,
12,20,24 64:3,13,14,17,24
65:13,18 67:3,16,19 69:1,4,25
70:10,14,22 71:2,5 72:3,9,12,
15,16,17,18,22 73:1,8,9,11,15
74:7,16,23,24 75:7,20,21
77:22 78:12,20 79:10,21,23
86:8 102:17 104:6,8 112:24
120:21 121:6,20 123:22 139:3
148:24 150:10

pop 129:24

Porres 11:15

portion 27:19 28:4,6

position 9:15 13:25 14:17
24:1 31:8,14,17 53:3,4,10
152:1 158:5

positions 13:9,11,25 16:25
17:25 31:4,5

possibilities 92:3

possibility 41:12 91:6 128:16

possibly 92:1,7

potential 105:11

practice 46:9 48:1 52:17,19
69:5 72:16 116:18 117:16

precinct 14:5,14,16,25 15:10,
11,22,23,25 16:2,3,6,14 18:5
19:3,5,8,9 20:5,14 21:16
22:17,18,22 23:2,3,10,25 24:5
25:18 30:4,8 35:4 43:22,24
45:13,15 46:6 47:24 52:6 57:2

61:20 69:25 72:5,7,16 75:18
78:16,17 79:13 82:14 85:19,
22 86:11 88:13,17,19,22,24
89:1 96:4,7,8,11,18,20 113:1
140:3,5,22,23 141:5 144:12
145:5 147:19 148:2,3 149:20
156:17 157:5,17,20,21,22
158:5

precinct's 102:17

precincts 14:2 15:12 16:10
61:22 96:10

predicated 41:23 70:10
138:16 144:3

preliminary 8:10

prep 9:22

preparation 9:20 67:6 68:4
69:23 73:21,22

prepare 45:24

prepared 10:5 68:12

present 22:2 101:24 102:10
138:13 143:3,5 145:2 149:9,
11 156:9

presented 138:14 151:18,19
152:14 156:25

presenting 138:11

preservation 53:23

presided 149:7

president 153:12 154:2

pressured 133:11,20,23

presume 137:12

presumption 144:3

presumptive 139:24

pretty 78:19 129:21

prevent 113:23

previous 53:4

previously 49:11

primarily 23:14 26:5 27:23
29:14 39:22 41:23 42:17 44:1
75:19 86:12 108:5

primary 17:4 55:11
printed 57:8
prior 26:1 27:1 32:5 71:24
118:9 129:17 156:12
prisoners 113:20
privy 71:7
probable 37:13,16 114:14,16
143:10
probationary 43:3
probe 80:2,6,15,18,19 81:7
99:24 100:1,6,14 105:2,11
procedure 54:20 63:22,23,24
64:1,2,10,23,24 65:2
procedures 42:14 56:8,15
77:8
proceed 79:24
process 24:12,13 50:25 61:15,
16 71:19,23,24 72:2,14 73:2
76:16 79:5 83:24 91:4 93:16
97:5 119:12 152:2 158:16
processes 61:24
produce 80:18
profile 13:22 48:2,3,12,13
55:24,25 56:3
profiles 76:15
profiling 38:25
programs 156:17
progress 91:9 92:14,16,20
133:11,18
progressed 133:7
promise 151:20
promised 156:13
promoted 13:19,23 14:11,18
15:7,15 17:15,16,21 36:8
41:19 45:20,21 46:5 97:19,21
promoting 156:20
promotion 17:25 46:8 52:17
58:22,23 156:13

prompted 146:11
promulgated 112:25
proper 65:7 149:23
properly 66:8 140:4
property 26:11
prosecutor 107:17 109:2,8,17
110:24 111:5,11 115:15
130:15 132:11 142:24
prosecutor's 102:6 103:5
121:21 135:24
prosecutorial 103:2 142:21
prosecutors 108:24
provide 145:20
provided 75:13 130:24
provisions 59:2,6,24 60:4
proximity 90:6
public 141:10
publicized 81:13
pull 42:15
punished 139:5
purely 35:16
purpose 61:5 74:3 151:3
158:24
pursuant 6:16 123:20 148:24
push 23:13
pushed 23:15 48:7
put 8:4 16:24 17:9,19,23 40:21
60:20 64:2 66:3,10 67:22 69:6
73:13 75:9 97:24 100:16
104:14 106:23 109:12 113:25
115:18 137:2 142:15 143:13
152:21
putting 137:5,7,22

Q

qualifies 79:11
quality 80:15,17

quarterly 25:25 47:2,3 86:2
88:12 91:16 146:20
question 7:10,13,21 8:1,3,7
9:7,9,10 50:11 51:17 52:14
64:16,20 65:14 66:7 86:22
102:20 106:4 111:3 115:11
116:5 129:11 130:3 133:4
questions 8:10 9:13 30:2
32:24 49:11 53:13 65:9,10
78:12 111:1 116:10 121:24
123:7 135:19,20 136:8 138:2,
8,13 142:25 148:10,14 159:2,
3
quick 89:11
quoting 134:15

R

racial 38:1,23 39:2
radar 147:15
Ramis 106:22 115:8
rank 13:19,24 14:11,18 15:8,
15 31:7,9 32:6 44:21 45:19
46:3 52:24 53:2 155:1 156:13
ranks 52:21 58:24 156:15
re-visit 54:16
reach 119:8 131:23
reached 137:13 145:18 147:8,
23,24
read 42:23 48:10,13,15,23
54:3,7,9,13,15 55:12 56:4,11,
15,17,25 57:8 58:21 59:25
60:13 76:4,8,11 107:11
108:10,12 124:9,13 127:9,15,
24 129:11 131:14 132:6
133:2,8 134:14,23 142:1,6
reading 59:11,21 108:13
129:4 131:22
ready 78:7 104:20
real 102:2
Real-time 49:17

realize 38:21
realized 113:3
reason 17:4 84:10
reasonable 60:8,16,19
reasons 16:12,13 17:3 119:20
recall 11:4 12:15 13:21 18:1
33:13 34:1,22 50:1 54:5 64:6
70:2 73:25 74:7,11 75:14
76:10 77:6,21,24 78:18 80:24
81:4,21 82:15,19 83:4,9,11,21
84:9,12,18 87:12,19 90:10
92:18 93:2,9 94:4,13 97:18
100:18,22 103:3 104:9 117:15
120:14 122:2 125:7,10,15
127:23 128:3,15 131:1
133:19,22 134:7,21 135:4,21,
25 141:13 144:11,18 146:2,7,
10 147:5,7 155:9,17
recalled 132:9
receive 35:22 38:3,15 39:13
46:7 47:16 52:16 55:17 56:23
84:20 111:8 150:11
received 24:15 33:4 34:5
36:11,15,21 37:12,20,25 39:2
40:20 45:17 49:13,23 50:15
60:12 75:10 85:4 93:4 100:5
107:5 122:5 134:17 140:10
receiving 46:11
recent 19:1 66:17,21,22 68:4
73:21
recently 12:4 39:12 58:10
recess 49:9 78:9 89:8 104:21
115:6 148:13 155:13
recipient 24:17
Reco 14:9
recognition 36:22 37:5,10
49:14,16,25 50:9,14,22 66:25
67:4,9,12,17 68:10,16 70:23
71:13,20 72:24 73:7,9 74:2,3,
6 78:22,24 79:7 80:10,19,23
81:8,24 82:5,14,18,20,22
83:3,12 84:1,21,25 85:2,4,6,
21 86:4,9,23 88:2 89:12,19

98:14 99:12 100:12 105:13,21
106:20 109:3,6,7 116:9
123:21,22 127:22 128:2,13
132:16,23 144:23
recognize 29:24 66:14 69:10
99:4 106:25 116:25 123:15
139:18
recognized 122:13
recollection 58:18 128:5
130:16
recommendation 44:8 156:23
recommendations 70:7,9
recommended 70:13 156:18
reconnaissance 14:10
record 8:5 9:14 115:8 116:22
140:22
recounted 158:8
refer 8:19 31:25 54:18,19
64:17 65:13 66:8 88:22
134:10
reference 84:7 125:22,25
referred 11:1
referring 16:16 120:10
refers 80:6
reflect 70:5 109:23 110:15
reflected 125:16
reflects 57:24
refresh 110:5
regard 103:24
regular 44:20
Reid 33:11
reinventing 152:3
related 26:8 78:12
relates 21:15,22 50:9 77:22
78:20 79:1 87:2 92:15 116:7
relation 33:4 133:15
Relations 88:25

relative 38:17 87:11 117:5
128:6
relay 118:12 136:21
relayed 81:17 95:24 136:21
remain 86:14
remained 86:21
remaining 148:10
remedial 43:1 44:3,9
remember 10:20,22 11:5,8
12:25 13:6,10 14:20,21 15:2,
14 18:3,15,17,21,22,24 19:21
20:20 32:6 33:18,21,23 34:17,
20,21 36:14 38:7,22 39:25
40:3 41:2 51:19 66:16 68:3,6
69:16,19,21,24 73:20,24
75:22 83:18 90:7 92:8 93:12,
19,21 94:10,19 96:14,16
97:11,13,17 107:2,7,14
117:14 120:16 124:22 128:18
129:13,16 136:6,12,23 138:3
141:8,9 144:5 147:2 151:17
155:15 156:7,10
remind 56:1
removed 151:21
rephrase 7:23
report 42:24 45:3 65:5 66:2
95:23 104:13 106:24 107:20
109:20 110:9,24 115:11,14
117:4 127:4 132:8 134:15
representation 142:16
representative 145:1
representing 6:15
reprimand 18:14 148:15
request 16:21 17:7 20:2 24:8,
11,14,25 25:3 49:17,20 62:1,
16,17 63:2,13,19 64:3,8,22
65:1,22 79:16,21,23,24 84:8,
15 93:4 96:21,24 97:2 98:18,
23 99:12,15 104:15 109:18
111:13,20 112:14 114:5,7,8
150:13 155:4
requested 17:11,23 69:14

98:15 112:15 142:25 151:2,10
152:22 153:8 155:3 158:24
requesting 37:13,16,19 71:19
115:16
requests 17:10 21:23 84:1,20
112:7 113:24 114:10
require 41:12 51:2 77:13,14
required 36:4,18 37:21 38:9
53:16 54:7,8,9 66:2 67:11
68:17 70:21
requirement 52:23 54:12
64:13 72:19
research 68:12 69:14
reserve 150:12
resided 88:25
residents 88:23
resolution 40:1
resolve 40:5
respective 91:25
respond 96:3
responded 32:13,14 95:22
136:21
responding 34:3
response 98:23 99:11 135:24,
25 152:6
responses 7:16
responsibilities 19:6 21:14,18
responsibility 19:18 42:6
59:18 114:6 150:1
responsible 19:7 29:14,25
30:6 59:5,21,23 60:3 79:3
rest 74:19
restart 132:1
restored 152:19
result 46:3,12 140:13,16,25
149:4 150:24 154:23
resulted 18:20

retire 154:24
retired 154:4
retreats 35:13
returned 98:21
reverse 153:4
reversed 151:22 158:25
review 9:23,25 10:2 25:19
26:1,8 27:21 39:7 55:15 56:3
66:5 70:6,11,14,15 76:19,23
77:1,2 109:18 110:4 111:1
112:13,15 142:21
reviewed 27:22 47:10 64:25
65:6 67:6 70:16 76:19 101:9
109:13,15,22 110:8,10,14,25
124:7
reviewing 13:21 26:19 27:18,
21 29:9 110:18
reviews 29:12 65:1 109:8,17
revision 57:15
RMS 66:1 117:4 120:25
Robert 6:15
Rodney 9:16
role 10:22 19:1,2,3 24:4 25:17
30:3,4 34:5,12 35:9,25 36:15
38:5 40:9 41:21 44:24 45:24,
25 46:2 50:18 53:8,9 85:2
143:16,24
roles 13:16 19:1,17 46:12 61:6
roll 23:12,18 42:4,8,13,19
44:1,12 48:10 57:5,8
Ronan 126:20,24
room 149:12 155:18,20
round 40:5
row 117:10
rule 6:16 55:14
rules 6:18 7:5
ruling 149:25
run 19:25 53:24 72:25

running 23:22

S

S-A-T-I 111:24
Sati 111:24 112:1 114:12
satisfied 130:25
scenarios 34:3
scene 53:23
scenes 34:4
school 11:14,15 12:12 13:8
33:12 34:8,18 35:12 40:20
149:21
scope 21:8
score 31:12
search 72:24 73:7,10 80:10,
19,23 84:1 98:14,18 105:13
section 14:6,7,8 15:4 59:1,18
63:6 67:3 71:19 108:18
143:17,20,25
sections 61:13
security 12:18,21 13:9 67:14
101:9,12 102:4,9 110:4
seek 89:20
seeking 112:19
selected 156:21
send 25:14 44:3,4,13,17 70:18
84:4 94:14 111:12 118:17
sending 41:7 121:21
seniority 157:25
sense 13:4,5 19:17 21:7 23:21
26:15,18 27:13 34:24 77:17
85:18,20 86:18 100:8,10
105:25 112:22 113:10 153:7,
10
sentence 59:14,19 130:11
sentences 59:19
separate 22:17 131:20

September 75:2 118:2

sergeant 13:24 14:18,23,25
15:5,6 17:13,14,22 20:1,4,6
25:22 26:20 27:15 28:13,19
29:16 31:10 34:7 35:11 44:13
45:21 55:18 58:23 62:2,7,11
63:14 64:21 76:25 79:14
111:24 112:1 114:12,16
118:11 122:19 123:3

sergeants 16:20 17:6 19:20,
23 20:4,9,12,13,22 21:23
23:2,7 29:9 30:7,17 40:12
42:16,18 43:8,16 44:2 46:19,
21 52:21 56:1,2 57:5,6 98:6
116:3 123:1 148:25

served 151:9

service 96:9,10

services 14:6,8 15:4 96:8

set 32:24 56:8 78:12 104:22
122:1 126:2 133:24 140:20

settled 11:9

share 29:21,23,25 96:3

shared 21:14,17 68:24 153:23
154:2,22

sheet 99:14 141:19

Shield 146:24

shift 19:23,24 30:8 42:14,20
57:7 112:14 158:1

Shinola 8:23,25 24:2 31:24
61:10 66:17 67:20 69:17 84:7
87:7,17 89:10,22 90:1,4,5,7
91:5 92:2 95:3 97:15,25
101:14 102:2,15 117:5 126:7
129:10 133:16 138:19 141:1,
11 144:13,22 145:1,3,16
147:2 153:18

shocked 155:2

Shonda 30:10

shoot 130:4

shooting 28:22 29:1

short 19:25 32:15

shorter 51:15

show 65:5 101:22 102:3,4

show-up 61:6,13,16 62:1,18,
21 63:7,18,20 64:9,11,12,19,
25 65:22

show-ups 62:15,19 104:1

sick 45:6 48:20

side 14:9 106:10,17 157:18

sign 24:15 39:7 44:9 54:25
62:3 75:24 97:4,5 112:6,13,16
113:19

signature 65:5 111:17 121:18

signed 24:18,19,22 107:17
113:11 152:17

signing 113:23

signs 114:5

similar 29:19 30:2 36:7 37:21
57:24 72:14 96:5

single 19:16 30:14 91:19
147:12 151:3 158:24

sit 151:5

sitting 129:9

situation 25:8 42:23 49:4
54:18 89:17,18 109:24 110:12

situations 112:11,17 114:10
135:6

skills 35:8

skin 81:6,19,23 87:2

sloppy 142:4,11

small 27:15 28:4,6

smaller 27:20

so-and-so 76:23

software 49:19 79:25 81:20
105:22,23

SOPS 56:9,11,12,13,18

sort 16:11 19:1 20:20 26:18
27:13 33:18,23 64:9 72:13
83:23 89:11 144:6

sought 37:9 40:18,22 41:3,24
153:2

sound 135:1

sounds 16:8 18:2 30:19 43:13
46:4 131:19 135:5

source 81:14

southern 89:2,3

southwestern 15:9

speak 41:13 51:5,16 52:3
56:13 80:20 84:6 85:12 92:19
104:7,10 105:21 106:11
110:19,23 119:18 149:24
155:21

speaking 72:4 125:24 138:3

speaks 57:16 58:13 85:16
121:8

special 16:4 20:6,16 22:21,22
32:6 56:21,23 57:11,14,18,22
58:17 87:25 93:20 97:23
118:12 119:5,9,15 120:1,7,18

specialist 101:12

specific 37:24 56:14 58:4
82:15 100:18 119:13 137:20
146:12 147:20,21

specifically 8:2 40:23 45:14
49:3 71:7 82:21 84:23 87:19
104:7 128:3 131:2 137:12
146:7 153:18

specification 139:23

specifics 11:6 83:21 93:11
94:4,6 107:8 114:18 147:5,6

speed 93:14,16

spoke 9:24 39:6 41:5 92:15
102:1 157:8

St 11:15

staff 33:17 50:23 74:20 82:20
83:1

staffing 33:11 34:14

stamped 121:10

stand 144:20 146:13 147:14

151:23
standard 56:8,15
standards 142:19
standpoint 51:2
stands 92:9 147:9,11 157:12
Starks 30:10
start 11:13 19:4 42:13,19
45:19 69:3 123:24 129:6
131:22 132:2 156:19
started 11:19 12:23 13:12,17
14:4 54:12,13 61:14 95:9
97:15,25 122:7 126:8 127:2
155:25
starting 19:12 33:3 78:3 95:2
124:5 127:10 131:17,21 133:2
134:13
starts 75:6 117:8 127:8 129:1
131:18
state 8:22 11:19 38:20 49:18
54:13 84:2,14 88:14,16 90:3,5
95:22 96:1,6 98:19 99:11
stated 124:6,11 127:12 129:7
130:12,13 134:16,19 139:9
statement 131:1 142:8
statements 145:20
station 145:20
status 129:10
Stay 152:10
stayed 154:25
step 47:12 94:7 123:11
steps 65:25 66:3 94:7 152:24
Sterling 12:15
steward 156:11
sticking 108:7
stop 115:24 124:15 127:17
stores 12:14 90:11
strategies 90:19

stretch 9:6
study 58:25
studying 58:22
stuff 19:17 33:19 39:4 89:12
submit 79:15,24 108:25 113:6,
15 115:15 130:14
submitted 96:21 97:2 109:1
113:9 119:4 137:24 138:17
submitting 49:17
successes 157:4
successfully 157:7
suffer 8:14
suffice 130:23
sufficient 115:15 121:16
suggestion 63:10
sum 115:12
summary 123:24 128:25
summer 66:20 88:7 143:15
summon 151:13
superiors 122:5 137:24
supervise 19:15,18 30:12 47:6
57:3 59:8 61:24 149:19
supervised 19:10,11 98:8
140:4
supervises 30:9
supervising 77:9 103:1
111:18
supervision 21:11 33:19 34:9
35:2 75:17 76:22 77:10 93:17
98:5 140:3 157:9
supervisor 17:19,20,24 23:1
24:15 29:22 35:8 44:6 62:2
65:1 66:4 79:13,22 97:4
111:21,22 112:5,6,12,14,15,
18,20,23 113:14 114:4 115:22
116:1,7,9 120:7 121:4,16,22
supervisors 19:19 21:3 22:15,
19,20,23 23:7,14 29:15 46:16
47:4,6 48:10 52:10 112:4

113:4,7,11 114:5,13,22,24
118:12 122:22 137:2
supervisory 47:1 86:19 98:5
102:19,22,24 103:2
supplement 117:4
support 14:7,9 67:13
supporting 154:9
supposed 55:15 65:15 98:11
surmise 71:11 125:21
suspects 103:10
suspended 140:8,11,12
148:21 150:15
suspension 150:8,12,15
151:8,9,21,22 152:21
SVU 154:22
sweep 119:11 120:10,15
sweeps 119:22,24 120:11
switch 30:24
sworn 6:7
system 47:19,20 58:13 66:1,2
76:13 79:25 93:11 107:16,18,
21,23

T

table 9:8 117:8,25
tables 40:5
tactical 14:6,8 15:4
takes 111:2
taking 9:8 47:12 52:1,3
talk 29:4 47:4,9 78:22 87:7
93:3,6,17 94:25 99:23 119:22
126:18,24 134:5 135:9 155:3
talked 22:7 35:7 76:22 78:14
84:24 86:7 89:14 99:13 100:7
108:17 115:12,19 116:15
126:10,12 134:4 136:1,4,13,
14 137:4,10 138:5 150:6
158:19

talking 46:10,13,15 50:2,3
51:5,9 52:15 71:16 89:23
95:4,12 115:21 120:20 129:13
132:7,9 155:16

tangent 157:3

task 14:13 33:7

teach 50:24

teaching 50:13

team 6:15 17:3 71:11,12
74:12,13,14,19 75:12,17
82:21,25 88:16 95:10 138:10
147:17,18 156:10

technique 33:11

technology 36:22 37:5,10
49:14,16,25 50:14 67:1,4,10,
12,13 68:10,16 70:23 71:5,13
78:23,24,25 82:5,10,14,20,22
83:3,8,13 84:9 85:2,21 86:23,
24 106:9,12,14 144:23

tele-type 58:15

teletype 48:4

telling 130:16

ten 27:25

tenure 19:12

terminologies 74:4

terms 43:9 48:23 50:13,16
53:24 62:25 105:19 116:10

test 31:6,11,14

testified 6:9

testing 157:12

text 109:23 134:9 155:5

texted 156:1,7

texting 155:25

Theater 12:22

theft 8:24 95:3,18,23 96:22
101:7 110:2

thing 34:15 47:21 63:24 86:20
110:25 125:21 128:23 133:25
152:9

things 8:19,20 15:12 17:10
21:21 23:20,22 35:7,16 39:22
42:25 43:14 44:23 48:1,6 49:2
66:7 86:20 90:15 100:7
108:17 115:19,20 121:24
128:18 137:19 142:14 157:6

thinking 105:11 106:7 116:8
134:3

Thomas 19:13

thought 32:18 45:8 124:19
143:8,22 150:5

thoughts 154:4

thousands 27:8

thumb's 7:17

ticket 32:16

tied 57:22

time 10:23 11:4 24:1 26:23
28:1 32:15 35:9,21 41:6 47:14
54:11 58:20,21 67:20 69:19,
21 70:17 72:6,9,11,17 75:5
82:12 93:19 98:7 103:22
107:22 110:5 111:8 112:2,20
113:20 116:14 121:9 122:6
124:25 132:19 134:11 138:5,
6,13 149:3 150:13,14,17,19,
20,21,22,23 151:11 152:20
153:14 154:3 157:20

time-keeping 112:3

timeline 10:3,4,5 137:1,5,7,18,
23 138:1,12,14,16 158:12

times 10:13 11:2 18:4,13
26:12 28:18 54:4,15 83:6
112:8,10 119:12 134:5,7
135:2,4,7 136:6,7,8

titles 30:16

today 6:19 8:5,12,16 108:17
139:8 158:8

Todd 154:14 155:19

told 16:18 77:1 80:21,25 81:4
92:13 102:8 122:2,10,25
124:18,19,25 125:3 138:25
139:5 149:16 153:12,16

tool 82:16,23 85:7 87:6 89:15

tools 85:1

top 141:25 157:2 158:14

total 20:7 27:5 147:12

totally 97:12

touched 34:10

town 9:18

Township 9:19

tracking 117:4,8,25 121:2

traction 87:21

traffic 66:24 68:9

trained 40:14 45:15 114:15
140:4 149:20

training 32:25 33:3,8,14,17,
18,25 34:6,8,15 35:1,5,23
36:4,7,11,16,21 37:3,8,12,19,
25 38:3,10,12,13,14,23 39:2,
16,21 40:8,13,18,20 41:2,7,9,
11,13,17,20 42:1,12 43:1,3,8,
23 44:3,4,9,11,14,17,19 45:4,
7,10,16,22 46:2,8,11 47:13,
16,25 49:6,13,24 50:4,12
51:10,12,18 52:6,16,18 58:16
66:24 68:18,22,24 69:2 100:5
114:13,23

trainings 35:6 39:13 40:22

transcript 7:16 131:10 134:10
141:18

transfer 17:1 24:8,11,14,23,25
25:5 96:25 97:2,5 144:7

transferred 14:5,16 16:2,13,
21 17:11,12 24:5,7 96:16,18,
19,23 97:8 144:2,9

transfers 16:9 17:7 24:24

transmittal 68:11 69:11 75:7

trickled 86:16

trigger 25:11

Trizec 12:17 13:13

true 141:7 154:1

truth 6:7,8 138:25 139:3,6
turn 84:14
turned 95:18 105:7 106:17
turning 141:21
two-week 52:15
type 33:19 40:8 41:20 42:12
45:7 131:3
types 53:18 85:8 95:25
typical 28:3 90:11 117:13
145:22
typically 17:19 20:2 23:12
27:10 29:3 43:2,7 45:18 96:2,
3 104:1 117:17

U

uh-huh 148:18
ultimately 8:25
unclear 105:4
uncommon 24:12 43:4 119:2
147:25
undergrad 11:22
underneath 20:11,13,24 30:20
82:10 96:13
understand 7:13,19,21,23 8:7,
12,15 9:11 16:19 18:25 27:3
32:25 54:10 127:20 148:19
157:25
understanding 53:8 63:16
64:7 65:20 67:15 71:3 79:4
80:7 116:13,17 141:2 143:13,
15 145:17 150:19
Understood 41:25
underway 72:20
union 149:10,11,13 153:12
154:2 156:11
unit 14:9 16:4,14 18:5 20:5,7
32:7 56:5,7,14 80:8 87:25
114:13 143:19,22 156:19
units 16:10 76:12

University 11:19,20,21,23
33:12 88:14
unofficial 78:16
unusual 94:14
up-to-date 38:19
update 13:23 55:12 57:23 70:1
72:21 90:24
updated 39:6 54:9 70:5 72:3,
21
updates 35:15 38:16 54:9
55:3,7,17,21,22 56:3 59:21
60:5 75:10,13
uphold 158:21
upset 157:13
urgency 112:22 113:10
utilize 50:16 79:7,14,15 102:8,
10 103:24 150:13 151:11
utilized 78:25 87:6

V

vacation 22:1 45:6
varied 15:12 20:9 26:24 27:2
28:1
varies 43:20
Varvatos 144:17,22
vary 19:25 28:8
vehicle 10:21 11:7 18:16
verbal 7:15
verbally 154:9
versa 22:4
version 74:18 105:2,3,10
versus 82:22
vice 22:4
victims 16:4 32:7
video 109:13,15,20,23 110:8,
10,14,15,18 124:7 128:8

view 48:8 63:8 105:19 106:10
viewed 110:2
views 39:4
violates 77:10
violation 77:16,22 104:5
123:21 139:2
violations 60:10 74:5
violent 70:24 73:5 79:10 130:5
voluntary 96:24
vote 154:20

W

W-O-R-B-O-Y-S 30:11
WADOOD 115:3
wait 7:9,11 28:19 112:18,23
113:8 152:23
waited 152:23
waiting 48:8
walk 11:12 12:10 13:15
wanted 16:23 25:1 40:17
44:12 92:16 105:6 133:21
149:14 157:16,18
warrant 62:1,8,16,17 63:2,13,
18 64:3,8,22 65:1,22 87:24
89:20 92:22 93:11,23,24 94:3,
7,23 99:15 104:15 107:15,18,
21,23 108:1,3,20 109:18
111:2,8,20,21 112:7,13 113:6,
7,9,16,24 114:7,8 115:16
118:1,22 119:10,11,14,22,24
120:9,11,15 130:15,23 132:10
143:1
warrants 37:13,17,19 112:21
118:19 119:3,7,16 120:1,2,5
Warren 12:16
watched 128:8
watches 8:25
water 78:3

Wayne 11:19 88:14,16 90:3,5
95:21 96:1,6

ways 28:14 42:11 55:6 75:12
92:1 150:14

Wednesday 6:2

week 26:2 27:1,5 28:3 45:23
134:19

week's 26:23 27:25

weekend 94:11,17

weekly 25:21,25 26:20 27:12,
14 28:11 29:5,11 86:2 129:24
146:20

weeks 45:23 151:16 156:12

west 14:9,10

white 99:1 138:3,15 151:1,2,3
152:17,23 153:1,13,16 158:23

Williams 6:15 87:24 92:22
93:21,25 94:9,20 118:23
122:2 124:19 126:21 127:13,
21 128:1,12 135:15,16

Williams' 6:20,22 9:1

witnesses 63:9 99:22 101:22,
24 102:1,14

Worboys 30:11

word 7:19 53:25 54:5

words 6:18 78:24 152:3

work 16:21,23 17:16 20:18
26:3 29:9 30:1,7,10 33:4
36:24 46:1 82:4 86:9 94:18
96:7 98:13 100:17 106:12
111:14 112:1 114:18 117:13
119:17 123:2 136:14 142:4,11
152:11

worked 12:13,17,20 13:11,18,
24 14:12,17,23 15:3,13,16
21:13 23:14 24:18 94:16
96:14 98:1,2,3,7 103:11
112:2,3,4 114:24 144:13

working 13:1 14:3 18:10 22:9,
10 23:19 25:20 26:22 27:6,17
28:5 29:10 96:13 97:15,25
103:18 113:13,17 117:6

136:22 145:22

works 50:17 65:24 79:5
105:23 114:17

Wow 27:7

wrap 78:11

written 18:14 58:12,13 68:11
69:12 79:16,17

wrong 44:16 53:25 122:3,11
124:20 140:21 150:3 158:2,4

wrongful 6:23

wrote 32:16

Y

year 12:5,7 18:22 38:15 53:2
97:19

years 13:1 32:4 38:22 97:13
104:3

Yu 6:11,14 13:4 49:10 58:5,8
60:20,23 66:11,13 67:23,25
69:7,9 73:14,17 78:10 89:9
95:16,17 98:25 99:4 104:17,
22 105:1 106:22,23 115:5,9,
10 116:23,25 123:13,15
131:4,6,10 132:5 139:15,18
141:15,17 148:9,14 155:14
159:2

Z

zoom 105:8 138:8,11 149:12,
13 153:13 156:8,9