

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-cv-10827

8 HON. LAURIE J. MICHELSON

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

16 _____/

17 Pages 1 - 151.

18

19 The virtually recorded deposition of

20 LT. JEFFREY HAHN

21 taken via Hanson Virtual Remote

22 commencing at 10:07 a.m.

23 Thursday, May 18, 2023,

24 before Ann L. Bacon CSR-1297.

25

1 APPEARANCES:

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

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3 WITNESS PAGE

4 LT. JEFFREY HAHN

5 Examination by Mr. Wadood 6

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8

9 E X H I B I T S

10 NUMBER PAGE

11 Deposition Exhibit A 7

12 (Rule 30(b)(6) Deposition Notice)

13 Deposition Exhibit B 142

14 (Training Directive 19-07)

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1 Hanson Virtual Remote
2 Thursday, May 18, 2023
3 10:07 a.m.

4 - - -

5 COURT REPORTER: My name is Ann Bacon,
6 a Michigan State notary public and certified
7 shorthand reporter and this deposition is being
8 held via videoconferencing equipment. The
9 witness and reporter are not in the same room.
10 The witness will be sworn in remotely pursuant
11 to agreement of all parties. The parties
12 stipulate that the testimony is being given as
13 if the witness was sworn in person.

14 L T. J E F F R E Y H A H N
15 was thereupon called as a witness herein, after
16 having been first duly sworn to tell the truth,
17 the whole truth, and nothing but the truth, was
18 examined and testified as follows:

19 EXAMINATION

20 BY MR. WADOOD:

21 Q. Good morning, Lieutenant Hahn. My name is Ramis
22 Wadood. I'm one of the lawyers representing
23 Mr. Robert Williams in this case.

24 Just the first thing I want to do for
25 the record is just to state that Mr. Cunningham

1 and Lieutenant Hahn are currently in the same
2 room, but Mr. Cunningham is not on camera. I have
3 no concerns about Mr. Cunningham feeding
4 Lieutenant Hahn questions or indicating anything.
5 We just want to note that for the record since
6 the record is only words and not what we see on
7 the screen, so right now I'm looking at
8 Lieutenant Hahn and not Mr. Cunningham.

9 So before we begin with questioning
10 today, Lieutenant Hahn, let me just start with
11 some introductory words, lay out some ground
12 rules just so we're on the same page about how
13 to communicate and then we can get going with
14 the substance of the conversation. Does that
15 sound good to you?

16 **A. Sure.**

17 Q. So I am deposing you today in connection with
18 Mr. Robert Williams' lawsuit against the City of
19 Detroit, Chief James White and Detective Donald
20 Bussa for his wrongful arrest. Are you aware of
21 that lawsuit?

22 **A. Yes.**

23 Q. And the reason we're deposing you specifically
24 today is because you have been designated as
25 what's called a 30(b)(6) representative for the

1 City of Detroit to address the department's
2 detective trainings. Are you aware that you have
3 been designated as that 30(b)(6) representative?

4 **A. Yes.**

5 Q. Okay. And so you understand that as a 30(b)(6)
6 representative, you're here to testify not in
7 your personal capacity, but on behalf of the
8 City of Detroit. Is that right?

9 **A. I understand that, yes.**

10 Q. So you understand that the answers you provide
11 me today are binding on the City of Detroit,
12 right?

13 **A. Would you repeat that again? Sorry.**

14 Q. You understand the answers you provide me today
15 are binding on the City of Detroit?

16 **A. Okay. Yes.**

17 Q. Okay. In other words, when you answer my
18 questions, you're not answering those questions
19 as Lieutenant Hahn personally. You're answering
20 as if the City of Detroit is answering those
21 questions, is that right?

22 **A. I understand.**

23 (Marked Exhibit A.)

24 Q. (Continuing, by Mr. Wadood) And just to make
25 sure we cover our bases, I'm going to introduce

1 Exhibit A and this is what I'll do for all the
2 exhibits. Since this is a virtual deposition,
3 what I'll do is I'll throw them up on the
4 screen. I'll also drag them into the Zoom chat
5 box so that if you want to open them separately
6 on your side, you can do so, but I will also
7 open them on the screen. Do you see the
8 document on your screen, Lieutenant Hahn?

9 **A. Yes.**

10 Q. Okay. So this is Exhibit A. Do you recognize
11 this document?

12 **A. I've been shown it, yes.**

13 Q. Okay. And can you tell me what it is?

14 **A. The Notice of Deposition.**

15 Q. Okay. This is a Notice of Deposition for the
16 City of Detroit, is that right?

17 **A. Correct.**

18 MR. CUNNINGHAM: So Lieutenant Hahn,
19 that's not actually the one I showed you. I
20 showed you the one this one refers to. I showed
21 you the March 28th one.

22 Q. (Continuing, by Mr. Wadood) Okay. So you have
23 not seen this document, Lieutenant Hahn?

24 **A. I have not seen this version apparently.**

25 Q. Okay. But do you understand that you are being

1 compelled to testify today on the basis of the
2 document you're seeing on the screen right now?

3 **A. Yes.**

4 Q. Okay. So then let's read some key components of
5 it together so you understand fully why you're
6 here. The first sentence of this Notice says,
7 "Pursuant to Rule 30(b)(6) of the Federal Rules
8 of Civil Procedure, Plaintiff Robert Julian-Borchak
9 Williams will take the deposition of Defendant
10 City of Detroit by its designated representative,
11 Lt. Jeffrey Hahn, before a court reporter, notary
12 public, or other officer authorized by law to
13 administer oaths." Did I read that correctly?

14 **A. Yes.**

15 Q. And so you understand that you are the designated
16 representative of the City of Detroit for the
17 30(b)(6) deposition happening right now, is that
18 right?

19 **A. I understand that.**

20 Q. Okay. Let's jump down to the second sentence of
21 the second paragraph. "The person so designated
22 by Defendant shall testify on matters known or
23 reasonably available to Defendant concerning the
24 following subject matter, which was designated
25 as item 12 in Plaintiff's March 28, 2023 30(b)(6)

1 notice." As a side note, that's probably the
2 document that Mr. Cunningham showed you, and
3 I'll read the topic. "The City of Detroit's
4 policies, practices and training related to the
5 onboarding and training of new DPD detectives."
6 Did I read all of that correctly?

7 **A. Yes.**

8 Q. And so you understand that you are here today to
9 discuss on behalf of the City of Detroit the
10 City of Detroit's policies, practices and
11 trainings related to the onboarding and training
12 of new DPD detectives, right?

13 **A. Correct.**

14 Q. And do you feel prepared to play that role today?

15 **A. Yes.**

16 Q. Okay. Speaking of preparation, can you tell me
17 what you did to prepare for this deposition?

18 **A. Okay. Well, I have experience in this a little**
19 **bit prior to this just being assigned to the**
20 **academy as a lieutenant and conducting multiple**
21 **detective schools. I contacted various people**
22 **being the union or labor trying to get dates and**
23 **answers to questions that came up. I searched**
24 **to see various databases with the aid of other**
25 **employees to refresh my memory or come up with**

1 trainings from the past. I've looked at newer
2 course schedules, had conversations. I've
3 reviewed some of the policies related. That's
4 all I can recall at this time.

5 Q. Okay. So let's take those things piece by
6 piece. I heard you saying that you have some
7 prior experience in the world of detective
8 trainings at the Detroit Police Department. You
9 also spoke to a number of individuals at the
10 department, at the union. You searched databases
11 and reviewed documents, is that right?

12 A. Correct.

13 Q. Okay. So let's talk about first the people that
14 you spoke to. Can you be more specific and tell
15 me who you spoke to specifically in preparation
16 for this deposition?

17 A. I spoke to Lieutenant Toniqua Davis at labor
18 trying to get a copy of some paperwork. She
19 works at the labor for us regarding promotion
20 versus appointment questions. I had a short
21 conversation back and forth with text messages
22 with president of the LSA, which is the
23 Lieutenants and Sergeants Association, which is
24 our union that argues for our collective
25 bargaining agreement regarding a question I had

1 regarding the requirements for the assessment
2 center. I spoke with Fatima Elzein, who is a
3 data person, to try to acquire some information
4 on past detective schools, attendance, stuff
5 like that when they're held. I spoke with the
6 attorney Patrick Cunningham regarding what this
7 is all about. I met with him and I made some
8 inquiries at the academy. I spoke with Sergeant
9 Nicole Kirkwood attempting to get some information
10 regarding syllabuses for previous detective
11 schools, which were not available, so then I
12 ended up talking to Corporal Alicia Fullilove.
13 She wasn't able to find the historic data that I
14 was looking for either. That's -- well, that's
15 all I can recall at this time.

16 Q. Okay. Can you tell me roughly how long each of
17 these conversations lasted?

18 A. Well, most of the actual conversations were
19 probably fairly short. I spent more time trying
20 to retrieve information, and some of them were
21 short conversations, but there may have been
22 e-mail requests submitted in attempts to get
23 information and I was either successful or not,
24 so then I might have to move on to the next
25 person. I probably spent five hours in total

1 just preparing and trying to gather data and get
2 and review documents and stuff like that in the
3 last couple weeks I guess, week or so.

4 Q. Okay. And specifically your conversation with
5 Mr. Cunningham, without telling me what the two
6 of you spoke about, can you tell me how long
7 that conversation lasted?

8 A. It was probably less than an hour.

9 Q. And when did that conversation occur?

10 A. I think it was yesterday, that would be the 17th
11 around noon.

12 Q. Okay. And then if you spoke to Mr. Cunningham
13 yesterday, how did you know before then or how
14 were you made aware before that time that you
15 were designated as a 30(b)(6) representative and
16 that you had to prepare for the deposition?

17 A. I spoke with him prior to that on a short phone
18 conversation. I'm not sure who gave him my
19 contact, but or who --

20 MR. CUNNINGHAM: Ratted you out?

21 A. I'm not sure who pointed him in my direction.
22 It started I would say weeks ago with some
23 e-mails regarding questions. Prior to my
24 knowledge that I was going to be involved in a
25 deposition, I believe that there was a

1 stipulation that he was working on and I was
2 attempting to answer some questions for him
3 regarding that. He had sent an e-mail to myself
4 and another lieutenant who took my old spot at
5 the academy and so I'm more familiar with
6 detective school with my detective background
7 and my involvement in the prior detective
8 school, so I told the other lieutenant that I
9 would just try to answer the questions because I
10 was more knowledgeable.

11 MR. WADOOD: Okay. And just a quick
12 note for the record, Mr. Cunningham, we really
13 can't hear any comments you make and I would
14 like your comments to be on the record if you
15 make any, so if you do have anything to say, if
16 you could just get closer to the microphone or
17 the laptop or your actual audio, whatever you
18 can do so we can hear what you say, that would
19 be great.

20 MR. CUNNINGHAM: How's this?

21 MR. WADOOD: Yeah, I think that should
22 be fine.

23 MR. CUNNINGHAM: Okay.

24 Q. (Continuing, by Mr. Wadood) Okay. So as far as
25 you gathering and reviewing documents,

1 Lieutenant Hahn, can you tell me which documents
2 you did ultimately review in preparation for
3 this deposition?

4 A. I looked at a special order for facial recognition
5 to refresh my memory. I looked at a special
6 order for eyewitness identification. I collected
7 some or like a class schedule or some people
8 call it a curriculum, but it's more like a
9 schedule for some of the or one of the courses
10 we did while I was at the academy. I looked at
11 an arbitration agreement regarding the appointment
12 versus promotion of detectives. I attempted to
13 get some class curriculums for the time prior to
14 when I was at the academy, which would have been
15 the time period where the detectives were being
16 appointed, but I was not able to acquire one,
17 but I did attempt several places to try to get
18 that, and I did briefly review some screen shots
19 of an Impulse database which gave a brief
20 synopsis of the prior classes, but it did not give
21 a very specific curriculum as I was hoping, but
22 I did review those briefly. That's all I can
23 recall at this time.

24 MR. WOOD: Okay. And then also just
25 noting for the record, Mr. Cunningham, I don't

1 believe we received any class schedules, curriculum,
2 screen shots of databases that list classes in
3 our productions to date, so to the extent those
4 documents exist, we believe they're responsive
5 and we would expect that they be produced at
6 your earliest convenience.

7 MR. CUNNINGHAM: Well, I guess I have
8 his -- I think everything he provided to me I
9 already provided to you. Is there anything you
10 discovered in your research preparing for this
11 that wasn't on the detective school flash drive
12 that you had sent me?

13 **A. I sent you everything that I have. I sent you**
14 **the e-mail with the arbitration.**

15 MR. CUNNINGHAM: I have that.

16 **A. And yesterday I e-mailed you the snapshots of**
17 **the Impulse. Those were pics that someone made**
18 **from their phone. I believe I sent those.**

19 MR. CUNNINGHAM: Okay. I'll provide
20 those.

21 **A. And I thought I gave you my schedule, but it**
22 **wasn't for the time period that we were hoping.**

23 MR. CUNNINGHAM: Okay. I'm not sure
24 about that. Yes, whatever he's provided to me,
25 I'll provide to you.

1 MR. WADOOD: Okay. Thank you.

2 Q. (Continuing, by Mr. Wadood) So just to summarize
3 what you told me, it sounds like you spent about
4 five hours gathering and reviewing documents in
5 preparation for this deposition and you've also
6 had a few short conversations with your fellow
7 DPD personnel regarding the position of detective
8 and some potential trainings or classes they may
9 have taken in the past, is that right?

10 **A. Yes.**

11 Q. Anything else I'm missing?

12 **A. No, I don't think so.**

13 Q. Okay. So let me move on to some ground rules
14 for this deposition. I don't know. Have you
15 had your deposition taken before?

16 **A. I have.**

17 Q. Okay. And how many times?

18 **A. One time that I recall.**

19 Q. Okay. And did that deposition have to do with a
20 case involving facial recognition technology?

21 **A. It did not.**

22 Q. Did it have to do with a case involving
23 detective trainings in any way?

24 **A. I don't think that was the focus. I can't say**
25 **for certain, but that wasn't the focus.**

1 Q. When was that deposition?

2 A. I don't recall exactly what it was, but it was
3 regarding an investigation that occurred when I
4 was at internal affairs, when I was a lieutenant
5 in internal affairs.

6 Q. I'm sorry. When was the deposition?

7 A. Oh, when? Probably 2020, 2021 time frame during
8 the COVID times.

9 Q. Okay. So I'm sure you've gotten a sense of how
10 these virtual depositions work now, but just to
11 make sure we understand each other and the court
12 reporter understands both of us, let's agree on
13 a few things so we don't have any issues with
14 communication, so first things first, let's
15 agree that we won't interrupt each other in this
16 deposition. In other words, please wait until I
17 finish asking my question before you give the
18 answer and I will also wait until you finish
19 your answer before I ask my next question. Is
20 that okay with you?

21 A. That sounds reasonable.

22 Q. Okay. Second, let's agree that you should only
23 give verbal answers. The transcript isn't going
24 to be able to pick up you nodding your head or
25 giving a thumbs-up. So if the answer is yes,

1 please say yes. If it's no, please say no. Is
2 that okay with you?

3 **A. Yes.**

4 Q. And if you don't understand my question or you
5 can't hear my question because of the audio-visual
6 issues, you should feel free to ask for a
7 clarification, and I'll try my best to either
8 restate the question or rephrase it. Is that
9 okay with you?

10 **A. Yes.**

11 Q. And your lawyer, Mr. Cunningham, may object to a
12 question that I ask, but unless he specifically
13 tells you don't answer that question, you still
14 have an obligation to answer my question and you
15 should answer it even if he objects. That
16 objection is just to put on the record so we can
17 fight about it later, but for now in this
18 deposition, you should still answer the
19 question. Is that okay with you?

20 **A. Yes.**

21 Q. Now, finally, virtual depositions get a little
22 difficult when exhibits are shared, so if
23 there's any exhibit that you can't see or read,
24 just let me know and I'll try to fix that. Is
25 that okay with you?

1 **A. Yes.**

2 Q. And like I said before, I'm going to be showing
3 exhibits on the screen and I'm also going to be
4 dropping them in the chat box just so there's
5 two ways for you to access a document in case
6 one of the other ways is providing some
7 difficulty. Is that okay?

8 **A. Yes.**

9 Q. And some quick definitions of acronyms I might
10 use just so we're on the same page. If I say
11 DPD, I'm referring to the Detroit Police
12 Department. Does that work for you?

13 **A. Yes.**

14 Q. And when I say MSP, I'm referring to the
15 Michigan State Police. Does that work for you?

16 **A. Yes.**

17 Q. And when I say CIU, I'm going to be referring
18 the Crime Intelligence Unit or Crime Intel.
19 Does that work for you?

20 **A. Yes.**

21 Q. And when I reference the Shinola investigation,
22 I'm talking about the investigation into the
23 October 2018 theft of five watches at a Shinola
24 store in midtown Detroit and ultimately led to
25 the arrest of our client, Mr. Robert Williams.

1 Does that sound okay with you?

2 **A. Yes.**

3 Q. Anything else, I'll try to define it as I go.

4 Is that okay?

5 **A. That sounds good.**

6 Q. Last thing before we jump into the substance of
7 the deposition is breaks. You're free to take
8 breaks whenever you want. If you need to go to
9 the bathroom, stretch, whatever it may be. The
10 only thing I ask is that you answer any question
11 that's on the table before you ask for a break,
12 and so if I ask a question, answer the question
13 first and then say I'd like to take a break.
14 You shouldn't be taking a break once I ask the
15 question and before you answer. Is that okay
16 with you?

17 **A. Okay. Yes.**

18 Q. Okay. Great. So let us get into it then. Can
19 you please identify yourself again for the
20 record, just your name and position?

21 **A. My name is Jeffrey Hahn, H-a-h-n. I'm a**
22 **lieutenant with the Detroit Police Department.**
23 **I currently work at the homicide unit.**

24 Q. Okay. And what town and county do you currently
25 live in?

1 A. That I work in? Is that what you said? I'm sorry.
2 Q. Live in.
3 A. Live in. I live in Allen Park in Wayne County.
4 Q. Okay. Can you quickly walk me through your
5 educational background?
6 A. Sure.
7 Q. Let's go with high school. You don't have to do
8 elementary.
9 A. I was going to -- so, well, I did my freshman
10 year in Indiana. I moved to Michigan when I was
11 15. I went to Birmingham Groves High School,
12 graduated in the top ten percent of my class,
13 went to Michigan State University. I received,
14 in four years I received a degree in civil
15 engineering. From there I went into the work
16 force. I worked a year approximately in
17 engineering and then I got back to my education.
18 I attended Oakland Police Academy in Auburn Hills.
19 I became certifiable to become a police officer.
20 I then went to or I got hired in Detroit shortly
21 after and attended their academy as a pre-certified
22 officer for a couple months. I was not in the
23 normal recruit training, but I had to attend
24 some classes as a pre-certified. I have since
25 as far as education attended the leadership

1 academy at Wayne State University, which is a
2 collaboration with Wayne State University and
3 the Detroit Police Department, so I got a Master's
4 certificate for that. That was a couple years
5 ago and that's it as far as education.

6 Q. Okay. Let's try to put some dates on those, and
7 just to make things easier, I'll just run
8 through each phase of your education.

9 A. Sure.

10 Q. To see if we can get some dates. So for Groves,
11 can you tell us when you graduated?

12 A. I graduated in 1991.

13 Q. And I'm guessing you then graduated from MSU in
14 '95, is that right?

15 A. That's correct. I also did -- I forgot one
16 thing. I attended some classes in a Master's
17 for the summer after graduation, so I graduated
18 in May, but obviously stopped going to Michigan
19 State in the end of July.

20 Q. And then after that for a year until '96 you
21 were working in the engineering space?

22 A. Yes.

23 Q. And then the police academy, can you tell me what
24 years you attended the Oakland Police Academy?

25 A. I think that was in 1997 I think March to June.

1 Q. And when were you hired at the Detroit Police
2 Department?

3 **A. My official hire date was August 11th, 1997.**

4 Q. And when did you attend the academy within the
5 police department?

6 **A. From that day August 11th, 1997 until mid to
7 late September of 1997.**

8 Q. Okay. And the leadership academy at Wayne
9 State, what years did you attend that?

10 **A. That was I think fall of 2021 through spring of
11 2022, if I remember correctly.**

12 Q. So you received a Master's certificate in spring
13 of 2022?

14 **A. Yes.**

15 Q. Okay. So now I want to jump to your work history.
16 Specifically since it seems like the majority of
17 your career has been with the police department,
18 I want to start in August of 1997 moving forward
19 until the present day, so with date ranges to
20 the best of your ability, can you tell me how
21 you moved through the police department as far
22 as jobs go?

23 **A. Sure. So I was in the academy from August to
24 mid to late September of `97. From there I was
25 assigned to the 6th Precinct. I worked there**

1 for a year and a half, so into '99. I'm not
2 sure about the month. And then I went to
3 narcotics forfeiture where I investigated
4 forfeiture claims for when -- so when the
5 officers would confiscate a vehicle or money
6 regarding a narcotics arrest, we would basically
7 investigate the civil claim that the people had
8 to try to get that back, so I did that until I
9 was promoted to sergeant in October of 2000, so
10 I became a sergeant in October of 2000. I went
11 back to the 6th Precinct. I worked on patrol on
12 midnights until around February of 2001, then I
13 was still at the 6th Precinct, but I was assigned
14 as one of the officers in charge of the morality
15 unit, so I investigated vice complaints with my
16 crew. We did OTE operations, which is offer to
17 engage, soliciting, flagging, stuff like that.
18 Did that until probably September or October of
19 2021 when they decided to cut that down. I did
20 some community policing for some months. I was
21 still at the 6th Precinct, and then eventually I
22 became the admin sergeant for the 6th Precinct,
23 which I did that for a couple of years, then
24 around 2004 or 2005 I think I was assigned to
25 the 6th Precinct investigative operations unit,

1 which is basically like the detective unit now.
2 I did that for up until, in some fashion I did
3 that up until I was promoted to lieutenant in
4 November of 2013. It did change, so it was the
5 6th Precinct and then it was northwest combined,
6 so I was still doing basically the same thing.
7 It's just the district had changed and then they
8 split back up, so for like two weeks I was doing
9 number eight investigations, but then they moved
10 me back to number six, then they combined the
11 west side until about I think in like 2012 we
12 went to an east side/west side formula, so I was
13 doing my investigations. I was doing a lot of
14 them still from number six, but I was actually
15 working out of the 2nd Precinct, but we would
16 technically be covering the whole west side. I
17 did predominantly -- well, I started off doing
18 general assignment cases, but then I did start to
19 specialize moreso in home invasions shortly
20 after that and I did those for years, then I was
21 promoted to lieutenant, as I stated, in October
22 of 2013. I was immediately assigned to the 6th
23 and 8th Precinct detective units, so I covered
24 both of those and that was when we had the
25 inception of the detective unit and we were

1 going back focusing on precincts as opposed to
2 the west side/east side operations, so that was
3 a whole new type of unit, so I covered six and
4 eight for like three or four months, and then
5 they promoted again and I stayed with the
6 6th Precinct. I did that until I think 2016,
7 where I went to force investigations, so I
8 investigated my unit, investigated Category 1
9 use of forces and officer-involved shootings and
10 stuff like that. Then probably around 2017 I
11 was in charge of internal affairs unit, and
12 towards the end I was in charge of both force
13 and internal affairs because we were short a
14 lieutenant, and then in 2020, in July of 2020, I
15 went to the police academy and then July of 2022
16 I was reassigned to my current command of
17 homicide and I handle the west side squads.

18 Q. Okay. A long list, but let me just try to
19 quickly summarize it. So roughly from 1997
20 until about 2000 you were a patrol officer
21 jumping from the 6th Precinct to narcotics
22 forfeitures, is that right?

23 A. So it was `97 to `99 I did patrol, then `99 to
24 2000 I was at forfeiture.

25 Q. Okay. And then you were a sergeant generally

1 speaking from 2000 until 2013, is that right?

2 **A. Correct.**

3 Q. Okay. And within that time around 2004, 2005
4 you started in the investigative operations unit?

5 **A. I'm sorry. Can you repeat that?**

6 Q. Around 2004, 2005 you started in the investigative
7 operations unit?

8 **A. Yes, that's correct.**

9 Q. And in 2013, October of 2013 you were promoted
10 to lieutenant?

11 **A. Correct.**

12 Q. And you covered the detective units in the 6th
13 and 8th Precincts, is that right?

14 **A. Correct.**

15 Q. In 2016 you moved on to force investigations?

16 **A. Correct. Well, I didn't cover six and eight the
17 whole time in between, just at the beginning and
18 then maybe about three or four months later I
19 was only covering the 6th Precinct, just to be
20 clear.**

21 Q. Okay. And then in 2017 you added internal
22 affairs to your portfolio?

23 **A. Yes, correct.**

24 Q. And then in 2020 you moved on to the police
25 academy?

1 A. Correct.

2 Q. And in 2022 you moved on to homicide?

3 A. Correct.

4 Q. And that's where you are now?

5 A. Correct.

6 Q. Just a quick clarification, so the internal
7 affairs for the entire time from 2017 until 2020
8 were you doing both internal affairs and force
9 investigations?

10 A. At first when I was there, so I was at force and
11 they moved me to internal affairs and they put
12 someone in my old spot and that person was there
13 maybe six months and then it didn't work out, so
14 I ended up covering the whole both sides of the
15 shop until they finally found a replacement,
16 which was like during the protests and all that
17 upheaval that was going on in 2020.

18 Q. Okay. So I want to move on to asking about the
19 detective rank or the detective program itself.
20 So the Detroit Police Department currently has a
21 detective rank or position, is that right?

22 A. That's correct.

23 Q. Okay. And can you just generally describe what
24 a detective does at the police department?

25 A. Well, it varies from team to team obviously, but

1 predominantly they're responsible for investigating
2 whatever crime their unit would handle. In the
3 precinct detective unit, there would be generally
4 squads for like non-fatal shootings, there would
5 be a squad for general assignment and a squad
6 for maybe burglaries and so whatever they're
7 assigned to, they'll be generally responsible
8 for investigating their assigned cases, which I
9 don't know how specific you want me to get.

10 Q. That's sufficient. So I heard implied in your
11 testimony up until now that the department didn't
12 always have a detective rank, is that right?

13 A. That's correct.

14 Q. When did they establish the detective rank?

15 A. The first appointment on record is August 14th,
16 2014.

17 Q. Okay. And did they establish the program before
18 that or was that established with the first
19 appointment?

20 A. I'm sorry. Did they establish what?

21 Q. Did they establish the detective rank before
22 2014 or did they kind of announce it along with
23 the first appointment?

24 A. I mean there was a process, so I mean they were --
25 they had a test that they established and they

1 made an announcement. I'm not sure when they,
2 like I don't know when they said, hey, we're
3 going to have this new rank, but when they actually
4 took effect, it would have been August 14th or
5 August 15th, 2014.

6 Q. Okay. And before August of 2014, did the police
7 department have any kind of predecessor role to
8 a detective as far as investigative duties go?

9 A. Yes. So when I first started with the police
10 department, we had the rank of investigator, and
11 then there was a time just prior to the detectives
12 where they didn't really promote. They stopped
13 promoting into the investigator rank and there
14 were some labor issues that I think created that
15 situation, but prior to the detectives we did
16 have investigators, then they stopped promoting
17 the investigators and that's kind of how I got
18 my position because when I was a sergeant in the
19 IOU, I was doing basically the same function as
20 an investigator would do.

21 Q. Okay. So as far as the detective rank itself goes,
22 it has existed from August of 2014 until now?

23 A. Correct.

24 Q. Okay. But the pre-detective investigators weren't
25 just all promoted to detectives, is that right?

1 A. Could you repeat that again?

2 Q. What happened to the investigators that existed
3 before the detective rank was a position?

4 A. Gotcha. So the investigators kept their rank.
5 They didn't change them, but they had been
6 getting rid of them through attrition, so if you
7 were an investigator then and you're still on
8 the job, you're still an investigator unless you
9 get promoted to be a sergeant or you retire, and
10 we probably have less than ten I would say left.
11 That would be my estimate.

12 Q. Okay. And in practice are those investigators
13 effectively doing detective work?

14 A. In most situations, yes.

15 Q. In which situations does it differ?

16 A. Well, sometimes we have people that are kind of
17 out of rank doing more of an administrative,
18 especially if someone is like you might have an
19 investigator that was injured. You can't go out
20 in the field, so they might assign them to a
21 more administrative task, so you have the rank.
22 They're not taking the rank away, but you might
23 not necessarily, but most of the people, they
24 would be doing that job. There would just be a
25 few exceptions.

1 Q. Okay. And so other than, I'm speaking about
2 today, other than detectives and kind of legacy
3 investigators, are there any other positions at
4 the police department that have investigative
5 duties similar to those of the detective?

6 A. Yeah, so there would be some sergeants doing
7 investigations. We have officers doing
8 investigations. The detective rank is capped by
9 the budget, so I'm not sure currently, but in
10 the past we have had more need for filling spots
11 than we have had in the budget for detectives,
12 so there are officers that do the detective
13 function as well.

14 Q. Okay. And a similar question that I have for
15 investigators. Do sergeants and officers who
16 take on investigative duties do largely the same
17 thing as a detective, just without the rank?

18 A. Yeah, they, yeah, if they're in that position,
19 they would be doing basically the same thing.

20 Q. Okay. And what do you have to do to become a
21 detective during this era of actually having a
22 detective rank?

23 A. Well, it's changed, so it's not stagnant. So at
24 the beginning there was a test and they basically
25 did the test and scored people and they promoted

1 people from there, then there was an arbitration
2 regarding that process because that was a test
3 that was conducted by the department and
4 traditionally, I mean DPD is very unionized.
5 We're in the motor city, so we're very unionized,
6 so the unions did not like that whole process
7 work because traditionally there is an agreement
8 when they're going to make someone a different
9 rank and there's a process like a test and like
10 either an assessment center now, which is more
11 current jargon, but back in the day they had
12 oral boards. When I was promoted in 2000, they
13 had oral boards, so there used to be a process
14 when you were promoted to investigator, you took
15 a test, you went through an oral board and then
16 you went through training and you were promoted.
17 There was no agreement to do that and initially
18 it was done by appointment from the chief, so
19 there was -- he could take whoever he wanted off
20 the list that was at his discretion, so that was
21 initially how they did it. They did a test.
22 They scored people. They drew a line on the
23 score and it was pass/fail. The chief appointed
24 people as he saw fit. There was an arbitration,
25 so in 2020, we went back to a more formal testing

1 process that was done by an outside source. So
2 there would be a test and then an assessment
3 center, and then you'd go through the training
4 and then you would be promoted as opposed to
5 before when they were --

6 Q. Okay. So I'm hearing two, maybe three different
7 changes or I guess eras of the detective promotion
8 or appointment process. In the beginning and in
9 2014 you took a test. The chief appointed
10 people who passed the test to his liking. They
11 went through some training and then they assumed
12 the role of detective, is that right?

13 A. They didn't necessarily go to training when they
14 were appointed.

15 Q. So they were appointed and then they became a
16 detective, is that right?

17 A. Correct.

18 Q. And how long did that kind of regime last before
19 the arbitration kind of got rid of it?

20 A. That's a complex question. I don't know if I
21 can 100 percent answer it, but I know it was, so
22 they were appointed in August, the arbitration
23 started in November of 2014, however, as we all
24 know, it takes a long time to get through that
25 process, so they did continue to appoint for a

1 time, and then there was a gap that I can't
2 really account for where they probably didn't
3 appoint anybody or promote anybody, and then I
4 know in June of 2020, that's when they started
5 back promoting, but I think that the decision to
6 promote happened at some time before that, but
7 then they had to go through the whole process of
8 creating a new test. They had to wait for a test
9 because they weren't going to do that process
10 for just detectives, so they waited for the
11 sergeants and lieutenants test to be necessary
12 and then they do, because that's a very expensive
13 and long process, so that takes probably sometimes
14 like a year to get through before they do
15 promotions.

16 Q. Okay. And so you said that there may have been
17 a gap sometime between obviously 2014 and 2020
18 where kind of the detective pipeline was closed?

19 A. Yeah, well, once they decided that they were
20 going -- I don't know exactly when they said you
21 cannot do this anymore, but then once they've
22 made that determination, they had to start the
23 process for promotions, which is you got to get
24 your company in and they got to formulate a
25 test, you got to post it so that they can study

1 for the test, and then you got to go through the
2 test process and then you got to go through the
3 assessment center process and then you got to
4 make your list, so that could take a year, so
5 there's probably a year gap in there where we
6 didn't promote or appoint.

7 Q. Okay. So looking backwards from June 2020,
8 there was maybe a year between 2019 and 2020
9 where you didn't appoint or promote detectives,
10 right?

11 A. Correct, yes.

12 Q. But before then, from 2014 until at some point
13 in 2019, was that process of testing and
14 appointment by the chief still in place?

15 A. Yeah, I don't know exactly when it stopped, but
16 arbitration was going on, so I mean it could
17 have been over a year that there was a gap. I
18 can't really account for the gap, but there was
19 a period in there where they did not promote and
20 they probably would have had an officer filling
21 that spot and they just weren't promoting them
22 to detectives.

23 Q. I guess my question is is there some additional
24 kind of phase of this process in between the
25 original testing appointment process and the gap

1 where they did something different or was it
2 testing and appointment and then, you know, the
3 arbitration process weaved its way and then
4 there was a gap, and then now it's a more formal
5 promotion process, or was there something in
6 between the promotion process and the gap?

7 **A. If I understand what you're saying, I don't**
8 **think there was anything in between. There was**
9 **an appointment period, then the arbitration came**
10 **in and muddied the waters a little bit and we**
11 **were still appointing until it took effect and**
12 **then there was a gap started, and then once we**
13 **got our first test together, then we started**
14 **moving along and we were able to promote**
15 **June 1st of 2020.**

16 **Q. Okay. So the test that's in place now, is it**
17 **different substantially for the test that was in**
18 **place in 2014?**

19 **A. In my opinion, yes, I believe so.**

20 **Q. Okay. And in what ways is it different?**

21 **A. So the 2014 test was very scenario-based. You**
22 **would basically give them detective scenarios**
23 **and they'd have to answer a question on how they**
24 **would handle it. However, once you go to a**
25 **promotion, the promotional test is more rooted**

1 in policy and less rooted in like story problems
2 to answer how you'd handle, but in the new
3 process there's an additional aspect of it, but
4 the original one had a written test and that was
5 pretty much it. This one has a written test
6 which in my opinion focused more on policy.
7 There may be some questions of a general nature,
8 but the new one is multiple choice. The one in
9 2014 was more essay or bullet points, and in
10 addition to why they're able to do that with the
11 promotion and why it's necessary is, one, when
12 you're promoting somebody and giving them rank,
13 there is more policy stuff that they have
14 responsibility for theoretically and also there is
15 a second portion of that whole process which is
16 the assessment center, which is an oral
17 presentation, so they'll be given more
18 circumstances to handle in the oral assessment,
19 so that kind of takes over for the original test
20 that they did in 2014, which is basically the same
21 or similar to the oral assessment that they get
22 with the promotion.

23 Q. Okay. Now, I'm going to move on in a little bit
24 to kind of the onboarding process and what
25 happens once someone is previously appointed,

1 now promoted, but before I get into that, I'm
2 kind of curious to know what kinds of officers
3 are promoted to detective? Is it just those who
4 take the test and pass it based on whatever
5 threshold that is set or are there additional
6 factors or qualifications that go into the
7 determination that someone should be previously
8 appointed, but now promoted?

9 **A. Are you talking about the appointments or are**
10 **you talking about a promotion period?**

11 **Q.** If it's different, then I guess there's two
12 different answers that I'm looking for.

13 **A.** Okay. So with the appointments, it was a test
14 and then it was up to the discretion of the
15 chief of police and some of the factors that he
16 would take into consideration are attendance,
17 discipline history, stuff like that, but that
18 was pretty much the gist of it for the
19 appointments. He had a lot of discretion with
20 that. With the current promotional process,
21 there is a lot of factors. I'm probably not
22 going to remember them all because there's so
23 many, but it's a scoring process. The written
24 test is weighted a certain percent of it. The
25 assessment center is weighted a different portion.

1 You get credits a lot of times for seniority.
2 Sometimes, and they change every time because
3 there's a different agreement, but when I got
4 promoted, they took into account your service
5 rating. There's discipline. If you've had
6 discipline within, significant discipline in the
7 last two years, I think you're disqualified.
8 You would get points for the level of education,
9 you might get a few extra points. That's all of
10 the factors that I can recall at this time, but
11 the promotional process is much more formal and
12 laid out. There's a whole agreement that they
13 have with all of the stuff and they announce it
14 three months ahead of time. They give you a
15 bibliography and then you study for the test,
16 whereas the appointment, there was just a lot of
17 discretion given to the chief of police.

18 Q. Okay. One thing I want to ask real quickly
19 about the appointment era. You had mentioned
20 previously that once someone is appointed to
21 detective in the previous era, they didn't
22 necessarily have to go through kind of a
23 training process before assuming the role of
24 detective. I'm going to get into onboarding
25 training more deeply, but I'm going to ask

1 because I didn't hear your answer completely,
2 there was no specialized detective training that
3 was required once you're appointed, is there,
4 back when there were appointments being made in
5 2014 onwards?

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

7 Q. Okay. And so before I jump into questioning
8 about that more deeply, would you agree that
9 when someone has been appointed, now promoted to
10 the rank of detective, it's a pretty major
11 change of duties, right?

12 **A. Well, not exactly. To put it more in perspective,**
13 **so in 2013 when I was made lieutenant, they**
14 **created this whole precinct detective unit**
15 **concept, so just prior to that we've gone**
16 **through a lot of changes just due to the police**
17 **work in general that, you know, and having**
18 **different chiefs, so we went from precincts to**
19 **districts to west side/east side and back to**
20 **precincts, so they were kind of bringing us back**
21 **manpower-wise to the precinct concept from**
22 **November 2013 when I was promoted to lieutenant.**
23 **So when I was promoted to lieutenant, they had**
24 **all officers were doing detective functions at**
25 **that time and I had, initially I had three**

1 squads that each had a sergeant, so it was me,
2 three sergeants for each precinct and probably
3 four to five officers and we have no detectives.
4 Some of the spots were filled with investigators,
5 but I actually at number six, I don't think I
6 had any investigators. Now, my guys at number
7 eight, I probably had three or four, so a lot of
8 these people being appointed to detective had
9 been doing the same job at a different rank for
10 however many other months it took them to get to
11 doing their appointment, so in that sense there
12 was not a significant change in job. They were
13 doing the exact same thing, just at a different
14 rank.

15 Q. Okay. But for your standard patrol officer who
16 is applying to become a detective who didn't
17 hold investigative duties when they were an
18 officer, would you say for that standard change
19 it's a pretty significant jump in duties?

20 A. Yeah, coming from patrol to investigative work,
21 that's a significant ideology and different work.

22 Q. And, for example, your standard patrol officer
23 prior to becoming a detective wouldn't have a
24 reason to be constructing photographic line-ups,
25 right?

1 A. Generally not. Some of the special ops would do
2 some, but like a shift, like a regular patrol
3 shift answering police runs every day, they
4 would, I don't know that they would have an
5 opportunity to do that.

6 Q. Okay. And similarly speaking, a patrol officer,
7 your average patrol officer wouldn't be applying
8 for warrants, right, because they would be
9 arresting on the spot, is that right?

10 A. They generally wouldn't be doing arrest warrants.
11 Some of them have done like search warrants for
12 different things, but generally not a lot of
13 them have done probably felony warrants at least.
14 They might have done misdemeanor traffic warrants
15 and stuff like that.

16 Q. And they wouldn't be, for example, requesting
17 that facial recognition be run in a certain
18 case, is that right?

19 A. I would think in general on a shift, a regular
20 shift, one, two or three, they probably wouldn't.
21 They might on special ops, but that special ops
22 platoon four is more of a hybrid between regular
23 patrol and maybe a little bit more into the
24 investigative side, but generally I would say
25 most of them don't, wouldn't request, especially

1 **in those times.**

2 MR. WADOOD: Let's take a quick break
3 for a few minutes. After that break, I'm going
4 to jump into some more questions about onboarding
5 training, so let's break for a few minutes.

6 **A. Okay.**

7 MR. CUNNINGHAM: When do you want to
8 come back?

9 MR. WADOOD: It's 11:08 now. Let's
10 come back at 11:13, five minutes.

11 (Recess 11:08 a.m. to 11:16 a.m.)

12 Q. (Continuing, by Mr. Wadood) Lieutenant Hahn, I
13 want to move on to training. I just have a couple
14 of questions to wrap up about the appointment
15 and promotion process. So you said that from
16 2014 until some point in 2019 perhaps personnel
17 were appointed to the role of detective by the
18 chief, right?

19 **A. Yes.**

20 Q. And you said that they take a certain story-based
21 problem test in order to qualify for that
22 appointment?

23 **A. Yes. Well, for part of the qualification, yes.**

24 Q. So for that test can you tell me what that test,
25 those story problems covered?

1 A. I probably can't tell you what the exact -- I
2 can tell you the process. I don't know exactly
3 what the questions were.

4 Q. Generally speaking, what did the story problems,
5 what issues, questions did they present to
6 test-takers?

7 A. They were more like setting up a scenario, so
8 they might give you a scenario and say this is
9 your -- you get to the scene or, you know, and
10 there's a broken window and blood or whatever
11 and, you know, what do you do, you know, or so
12 some of the answers might involve like
13 interrogation or if it's a known suspect or, you
14 know, or going through the process for collection
15 of evidence and handling a scene. They were
16 very scenario-based and I don't -- it was a long
17 time ago. I can't remember specifically what
18 topics they focused on.

19 Q. Okay. So this is more questions that kind of
20 test the investigative intuition or experience
21 of test-takers?

22 A. Yeah, so it's kind of, it was set up kind of
23 like an assessment center which, sure, that's
24 kind of our industry standard now for promotions
25 and stuff. It's like an assessment center, so

1 they modeled it, they kind of modeled it after
2 an assessment center and one of the theories
3 that they used to evaluate is they'll give you a
4 scenario and then they'll have a couple lists,
5 so there might be three lists. One is worth
6 five points, one might be worth three points,
7 and one might be worth one point and it's a list
8 of basically almost the values of the department,
9 Like this is what we would want done and we want
10 you to hit on these things, and so the more of
11 them that they speak on, then the more points
12 they get and it would be up to, like the idea is
13 to kind of take away some of the bias in the
14 evaluation. The only subjectivity there is its
15 it's not necessary just enough to say I would do
16 this, mention it like lightly. You have to
17 determine if they spoke about it enough to give
18 them the points for that topic, so in the
19 assessments they use those a lot just to make
20 sure that people are following the expectations
21 of the department and their ideology.

22 Q. Okay. But they were more, kind of more
23 knowledge-based questions on the test? So, for
24 example, were test-takers asked what is the
25 definition of probable cause?

1 A. They weren't asked like straight questions like
2 that. It was all scenario-based.

3 Q. So there was no question directly speaking about
4 what the definition of probable cause is?

5 A. I mean I don't remember specifically, but that
6 wouldn't fall within what I remember of it, so I
7 don't believe there was any questions for
8 definitions and stuff like that.

9 Q. And was there any question kind of along the lines
10 of how do you submit a request for a warrant?

11 A. No, I don't -- I mean it might have been part of
12 the answers to submit a warrant, but I don't
13 know that there was a specific, there is no
14 specific question on how you submit a warrant.

15 Q. Right. They weren't testing like the components
16 of a warrant packet, were they?

17 A. They were just testing that you knew what steps
18 kind of to take in a more general sense.

19 Q. And by that you mean what steps to take in the
20 investigation or what steps to take when you
21 submit a warrant?

22 A. In the investigation.

23 Q. And they weren't asked during the appointment
24 testing era who counts as an eyewitness?

25 A. I don't think there was any questions direct

1 **like that.**

2 Q. Okay. And you mentioned -- sorry. So just to
3 wrap up, there weren't those kind of
4 knowledge-based direct questions like the
5 examples I just gave. Instead there were more
6 what would you do scenario type questions?

7 MR. CUNNINGHAM: What do you mean by
8 knowledge-based? Ramis, what do you mean by
9 knowledge-based?

10 MR. WADOOD: I'm sorry. Can you say
11 that again?

12 MR. CUNNINGHAM: Yeah. What do you
13 mean by knowledge-based?

14 Q. (Continuing, by Mr. Wadood) So let me rephrase
15 my question. So the examples I just gave as far
16 as the questions about probable cause, how to
17 submit a warrant, who is an eyewitness, those
18 types of questions, the more direct questions
19 that have perhaps an objective answer, those
20 weren't being asked on the test? It was more
21 what would you do scenario type questions?

22 A. **So I would say I agree with they're not direct**
23 **questions like that, however, if you had a**
24 **scenario and there was like five people involved**
25 **in the scenario, you know, if one was a witness**

1 and one was not a witness and you said you
2 talked to this guy that's not a witness, you
3 wouldn't have got points, so it wasn't direct,
4 but they were asking some of those questions
5 like, you know, if you said I would go lock this
6 guy up right away and you didn't have probable
7 cause in that stage of the investigation, you
8 would not have got credit, whereas if you -- but
9 we didn't ask so what is probable cause, but you
10 would have to recognize it and that's something
11 that they should know just from the basic
12 recruit academy that that's one of the founding
13 principles, one of the basic principles of
14 police work. They are out there as officers and
15 they have to -- they make probable cause arrests
16 all the time, they just don't go through the
17 process of writing it up and having it reviewed
18 by a prosecutor, so it's almost worse for them
19 as police officers because there's no one to
20 evaluate what they did and say, yeah, we agree
21 with you and that's kind of our -- when we do
22 the warrant, generally those are the more
23 serious crimes that go through the warrant
24 process, right, so there's more at risk for them
25 if we don't get it right, so there is a process

1 where you do the warrant and you have your
2 supervisor evaluate it, and then you have a
3 prosecutor evaluate it, and then it goes to the
4 judge to evaluate it, so they do have to
5 recognize the probable cause when they're doing
6 the scenario. It's just we didn't directly ask
7 them what is probable cause, if that makes sense.

8 Q. Okay. That's understandable. You also mentioned
9 that once we got to the new kind of promotion
10 regime in June of 2020, for that test which was
11 more multiple choice based, there was a
12 bibliography provided, right?

13 A. Yes.

14 Q. Was there a bibliography provided for the
15 pre-promotion to the appointment test?

16 A. Yes. It was not as long, but there was one and
17 I noticed that the people that did very well
18 obviously honed up on their procedure because
19 that's kind of where we got the answers from was
20 the procedure because if you hit all those
21 elements in our procedure, then you got more
22 points. Some of the seasoned detectives didn't
23 do as well because they didn't -- the answers
24 were almost right there for you if you read the
25 procedure. You just had to apply it to the

1 scenario.

2 Q. Okay. And what was on that bibliography for the
3 appointment test?

4 A. For the appointment test? Pretty much it was
5 just policy for that test, if I remember
6 correctly. There might be a couple other things,
7 but predominantly it was the investigative
8 portions of the manual or anything to do with
9 like crime scenes or the investigative portions
10 of the manual.

11 Q. And when you say policy and you say manual,
12 you're talking about DPD policy and DPD manual?

13 A. Yes, and I only say policy as opposed to just
14 the manual because some things are in special
15 orders because all our manual has to be approved
16 by the Board of Police Commissioners, so if
17 there's a change to be made, until they approve
18 it, the chief has the ability to go in and do a
19 special order to temporarily for all practical
20 purposes change it until up to like I think it's
21 good for a year just because we have to go through
22 the whole process to get policies changed
23 through the board and sometimes that's not easy.

24 Q. Okay. So for the pre-2020 appointment test,
25 test-takers were given the option of reading

1 relevant policies before taking the test, is
2 that right?

3 A. Yes, they were encouraged to read them, yes.
4 They were given what they need to study in order
5 to do well on the test.

6 Q. Was it possible for a test-taker to pass the
7 test without having read those policies?

8 A. It is possible if they had been, I mean if
9 you've been working in like the detective, like
10 I have a lot of knowledge of some of the
11 policies that I never read maybe just because
12 I've been doing it for a long time, so somebody
13 knew it taught it to me, so it's theoretically
14 possible, but for my own observations with the
15 process, the people that studied the policy did
16 much better. You probably still could maybe
17 pass it on your work experience because we, I
18 mean a lot of stuff is just on-the-job training
19 so we're constantly learning to do interviews
20 and line-ups and stuff from someone that's done
21 it for a long time, so they would have taught
22 you the procedures, so it's theoretically
23 possible, but I think if you studied, you
24 probably did way better.

25 Q. All right. So just so I'm clear on the types of

1 questions on the appointment test, I just want
2 to give one more example so I can understand the
3 spirit of the questions. So let's take the idea
4 of constructing a line-up. If a scenario question
5 on that test included potentially the possibility
6 of a line-up, you wouldn't be asking that
7 test-taker how would you construct a line-up in
8 this scenario. You would just be asking the
9 test-taker what would you do and, you know,
10 seeing in the answer if they mentioned a line-up?

11 **A. I don't recall any question being specifically**
12 **about a line-up. There was probably some**
13 **mentioned. They wouldn't have been asked**
14 **specifically what the instructions would be to**
15 **my knowledge. I don't remember anything that**
16 **specific. They were more general questions,**
17 **just to see that they would hit all of the**
18 **elements of a good investigation, but not**
19 **necessarily as specific as that. Some people**
20 **might have answered that specifically, but it**
21 **wasn't asked specifically.**

22 **Q.** Okay. So in a similar way, like if a question
23 on that test kind of dropped hints about
24 exculpatory information, the question wouldn't
25 be what pieces of this scenario are exculpatory

1 evidence that you should submit to a magistrate.
2 They question would moreso be what you should do
3 in a situation and the reviewers of the test
4 would look at the answer to see if they spotted
5 the exculpatory information?

6 A. Yeah, it would be more general like that, yeah,
7 I think that's, I mean we didn't have anything
8 like that, but it kind of would be out of the
9 span of what they were looking for I think, but --

10 Q. And do you recall any questions that had to do
11 with facial recognition, maybe using facial
12 recognition as a search, using the results of
13 facial recognition?

14 A. I don't recall any, and I think it's fair to say
15 that there weren't any because we didn't have a
16 policy at that point. It was such a new
17 technology to us. It had been available to us
18 in limited circumstances just because MSP has
19 had that technology, but I don't know precisely
20 when we got that technology. I do know that it
21 was not in common usage when we were promoting
22 to detective, and any time you've had any type
23 of technology, it takes a while to catch up
24 because you have to have a technology and then
25 you have to kind of as an industry figure out

1 how can we properly use this and safely use
2 this, and then once you have that all figured
3 out, then planning, they would probably be doing
4 research on best practices and stuff like that,
5 and then after that, we would come up with a
6 policy, but to my knowledge at that time in
7 2014, we did not have a policy and I haven't
8 seen one until maybe within the last two or
9 three years, so I'm pretty sure it wouldn't be
10 on the -- I'm sorry.

11 Q. You can finish.

12 A. I'm pretty sure it wasn't on the test just
13 because they were very policy-based and we
14 didn't have a policy at that time.

15 Q. Okay. And because you didn't have a policy at
16 that time, obviously there wouldn't have been
17 any facial recognition documents in the
18 bibliography, right?

19 A. Correct, that's safe to say I would think.

20 Q. So I keep saying we're going to get to onboarding.
21 Now let's actually move on to onboarding. So
22 what I'm hearing from you, and I'm just trying
23 to kind of create some categories to help us
24 guide this conversation. What I'm hearing from
25 you is that from 2014 until June of 2020, we had

1 a process by which the chief was appointing
2 detectives and I know there's a gap at some
3 point in the late part of that period where
4 there weren't any appointments or promotions,
5 kind of just a stalled pipeline, but generally
6 speaking, is it all right to say that from
7 August of 2014 until June of 2020 detectives
8 were appointed by the chief?

9 **A. I think that's fair to say.**

10 Q. Okay. And then is it fair to say from June 2020
11 until the present day detectives are now
12 promoted to the position?

13 **A. They are now promoted, yes.**

14 Q. So in order to guide us through these next set
15 of questions, I'm going to refer to August 2014
16 until June 2020 as the appointment era and I'm
17 going to refer to June 2020 until the present
18 day as the promotion era. Is that okay?

19 **A. Yes.**

20 Q. Okay. So let's talk about onboarding finally,
21 and we'll start -- I want to discuss this in
22 chronological order, which is why I intended to
23 use the era statements. We'll start with the
24 appointments era and then I'll move on to the
25 promotions era. If there are kind of like

1 within those two categories changes and
2 evolutions of onboarding, then we can suss those
3 out as we kind of navigate the two categories,
4 but let's start in chronological order with the
5 appointments era, and I want in these set of
6 questions to understand what onboarding training
7 you detectives had. Once they accepted the
8 position and assumed their role as a detective
9 in this case, whether they were appointed as
10 detective, I want to understand what onboarding
11 training they got. So for the appointments era,
12 you previously testified that there was no
13 required training for newly appointed detectives,
14 is that right?

15 **A. Correct.**

16 Q. Okay. So was there any training for newly
17 appointed detectives during the appointments era?

18 **A. There was available training periodically, so there**
19 **is different facets to the training. There was**
20 **certainly a lot of on-the-job training, pairing**
21 **up, you know, new detectives with someone that's**
22 **been doing it a while and, you know, maybe it**
23 **was supervised doing on-the-job training. There**
24 **was periodic and the names changed, so it's a**
25 **little difficult to say but there was a school**

1 for detectives periodically and there still is,
2 that has nothing to do with people that are
3 specifically promoted, because we do have, like
4 I said before, we have a lot of officers that
5 are working in a detective function in order to
6 give them the best possibility to succeed.
7 Occasionally we do a week-long detective school
8 or introduction to investigations, whatever
9 we're calling it this week. It's all pretty
10 much the same thing, so there was available
11 training that they could put in for and, in
12 fact, during that era, they would have been
13 given the priority over another officer if
14 they're working in that capacity as an appointed
15 detective.

16 Q. Okay. So I'm going to eventually move on from
17 onboarding trainings to kind of like ongoing or
18 continuing trainings, but I want to focus now --
19 I hear you saying they have on-the-job training
20 and there's periodic kind of week-long courses
21 that are offered, but I'm going to focus on
22 onboarding like the first couple weeks to a
23 month that a newly appointed detective gets on
24 the job. So am I right to say there was no
25 training provided as a part of onboarding for

1 those new detectives?

2 A. There was no formal training, just the
3 on-the-job training would have been the extent
4 of their training when they started.

5 Q. Okay. And so there would have been no new
6 training for a new detective from the years 2014
7 to 2020 on what, for example, what constitutes
8 probable cause?

9 A. I don't know that we specifically talk about
10 what probable cause is just because that's one
11 of the basic recruit trainings. They teach you
12 probable cause in the academy. You have to know
13 that to do probable cause arrests. You have to
14 do that all across the job, so I don't know that
15 that's a topic that we specifically get into.
16 We do not force them to do training with
17 appointments. I think at the time it was
18 logistically difficult because when I say
19 appointments, he might have appointed four
20 people today and it's a little logistically
21 impractical to do an entire week of training for
22 four people, so the best solution to that would
23 be like every four or six months, or whatever it
24 is, to try to do a week-long training and offer
25 it up to people that feel like they need it and

1 they can put it, if they're not in court or
2 there's a lot of other things that conflict, but
3 we try to get them in and we do that periodically
4 just to help people succeed.

5 Q. Okay. So I'm going to ask some questions about
6 some specific topics that may or may not have
7 been addressed in the first couple weeks of a
8 new detective. Given your testimony up until
9 this point, I assume the answer to these questions
10 is going to be no, but obviously you're free to
11 answer in whichever way, but I just want to
12 cover my bases. So what I hear you saying is
13 that there was no onboarding training given to
14 newly appointed detectives on what constitutes
15 probable cause, is that right?

16 A. I don't believe there specifically is, no.

17 Q. And was there any onboarding training provided
18 to newly appointed detectives on how to properly
19 submit a warrant request?

20 A. There wouldn't be formal training. That's
21 something that they would have to do with their
22 supervisor or another detective that would give
23 them a sample and review. They're reviewed, so
24 there is no training. They didn't go to a
25 formal training right out of appointment

1 automatically, so --

2 Q. That's just part of the on-the-job training?

3 A. There's no formal onboarding training. That's
4 just a part of on-the-job training.

5 Q. Okay. And were detectives, newly appointed
6 detectives given any onboarding training on
7 eyewitness identifications or photo line-ups?

8 A. Not as part of the onboarding process, but they
9 did receive that, you know, we do talk about
10 line-ups in the academy quite a bit, and if they
11 went to the elective detective school, they
12 would have had a nice section of that as well.

13 Q. And when you say academy, you mean the police
14 academy?

15 A. In the recruit academy they learn about line-ups
16 and witness identifications.

17 Q. Okay. And even if a patrol officer has been on
18 the job for a decade before being appointed to
19 detective, that academy is referencing the
20 academy that they participated in when they
21 first became a patrol officer?

22 A. Yes. And they do, we do, you know, they used to
23 call it the 40-hour training for all police
24 officers, so I know that we on occasion, I mean
25 they talk a lot about seizures and stuff like

1 that, but they would talk about any changes in
2 the laws and stuff and the legal update portion
3 of our 40-hour. Now it's not 40 hours long, but
4 it's like 24 hours long now, but that's still
5 one of the required trainings, yearly trainings
6 is a legal update, so they would in that training
7 every officer would go through a portion that
8 would cover, they don't talk in general about
9 your probable cause, but they might talk about
10 specific scenarios where probable cause,
11 especially with the legalization of marijuana,
12 there was some changes in enforcement which
13 might affect determining probable cause and
14 stuff like that, so that would be something that
15 an attorney at legal update would update them on
16 yearly, but as part of the onboarding process,
17 there was no formal onboarding for that that
18 everyone had to go through.

19 Q. And just a couple more onboarding questions just
20 to close the book on it. Were newly appointed
21 detectives provided any onboarding training
22 about current DPD policies?

23 A. Not as part of an onboarding, but every time
24 they update a policy, they send it out and they
25 have to read it and acknowledge that they read

1 it. Sometimes that was done on a computer where
2 you just click the button that you read it and
3 understood it and sometimes it was your supervisor
4 gave you a hard copy and you acknowledge that you
5 read it, but not as a part of a formal onboarding.

6 Q. Okay. And whenever the DPD started to use
7 facial recognition technology, from that point
8 onward in the appointments era, were newly
9 appointed detectives doing any onboarding training
10 about the use of facial recognition technology?

11 A. Not as a part of the formal onboarding. I don't
12 know -- I can't really determine -- I wasn't
13 able to -- I don't know specifically when we
14 started because it's kind of a very niche job,
15 like we have our Crime Intel Unit, now they do
16 it, so we talk about it currently, but at that
17 time, not to my knowledge. I'm not even sure
18 when we formally started to do facial recognition
19 or when our -- I know our policy is newer than I
20 believe that era.

21 Q. Right, but there wouldn't have been any
22 trainings on facial recognition technology
23 before a policy was appointed?

24 A. Probably not just because, you now, how do you
25 train when there's no procedure in place for it,

1 you know? It's kind of difficult. If something
2 came up, we might have talked about it, but
3 without a policy, it's kind of hard to
4 specific -- a topic like that with the
5 technology, I mean we talk about technology in
6 general and using that in investigations, but
7 kind of the way it works, it's such a rapidly
8 expanding technological era, that these things
9 pop up and people don't even really know how to
10 really apply them, you know, so it takes a while
11 to catch up and the policy really helps because
12 you can tell them like you cannot use it for
13 this and the current policy specifically says it
14 has to be a violent felony or a home invasion
15 one. We didn't have that regulation back then,
16 so there was really no regulation to speak to
17 them about specifically, so I think that we
18 wouldn't have done that training as onboarding.

19 Q. Okay. So all these examples of questions that I
20 was giving you, all kind of drive home this
21 over-arching question, which is what I hear you
22 saying, but I just want to confirm with you. So
23 am I right to say that from 2014 until June of
24 2020 newly appointed detectives weren't receiving
25 any type of formal onboarding training for the

1 assumed role?

2 **A. I think you're correct if I interpret onboarding**
3 **training to be training that you specifically**
4 **are required to go to as part of becoming a**
5 **detective. Is that --**

6 Q. That is my intention in asking that, yes.

7 **A. I would say that's a fair statement.**

8 Q. Okay. So other than what a newly appointed
9 detective knew from the recruit academy or from
10 their prior work experience, a newly appointed
11 detective would have had no formal required
12 training on the topics we discussed, probable
13 cause, line-ups, warrant requests?

14 **A. Correct.**

15 Q. And that, you know, the week-long elective
16 detective school that you mentioned a few times,
17 I want to talk about that a little more later
18 on, but just to make that clear, was that
19 required of detectives or was that optional?

20 **A. That was not required. It was more of an**
21 **elective. They could put in a request to do it**
22 **and at the time the new detectives would have**
23 **got priority over an officer, but an officer**
24 **could have taken it as well that was on patrol**
25 **just because they were interested in becoming a**

1 **detective in the future.**

2 Q. Okay. So a detective had to request to --

3 **A. Right, they put out a notice saying we're holding**
4 **this training. If you're interested, submit a**
5 **568, which is an inter-office memorandum requesting**
6 **to attend the training and they generally would**
7 **give priority to, at the time they were giving**
8 **priority to people in that rank and then they**
9 **would backfill it with people that were**
10 **interested that weren't doing that job, so --**

11 Q. Okay. So for a newly appointed detective who
12 didn't have a good grasp on kind of key
13 investigative duties for whatever reason, maybe
14 they took the police academy a decade ago, maybe
15 they didn't do any investigative work prior to
16 being appointed, for a newly appointed detective
17 who didn't have a solid grasp on investigative
18 duties, it would have been important for them to
19 request to attend this week-long elective
20 course, right?

21 **A. I think if they feel like they didn't have a**
22 **grasp, yes, it would be very imperative to seek**
23 **out additional training, yeah.**

24 Q. Okay. I apologize. Can we take a quick one-minute
25 break, or let's just reconvene at 11:50?

1 **A. All right.**

2 (Recess 11:48 a.m. to 11:51 a.m.)

3 **Q.** (Continuing, by Mr. Wadood) Let's jump back in
4 then. Now I want to give you the opportunity to
5 talk about the ongoing or periodic trainings
6 that you mentioned from time to time, so what I
7 hear from you is that from 2014 to 2020, June of
8 2020, which I'm referring to you as the
9 appointments era, as far as ongoing or periodic
10 training given to newly appointed detectives or
11 to detectives in general, you mentioned that
12 there's on-the-job training from either fellow
13 detectives or supervisors. You mentioned a
14 periodic week-long course provided to any
15 officer with a priority to the new detectives
16 and you mentioned an annual 24-hour training
17 that's provided to all officers, is that right?

18 **A. Yes.**

19 **Q.** Was there anything else that I missed as far as
20 continuing education for detectives?

21 MR. CUNNINGHAM: Ramis, are you
22 speaking about the appointments era right now?

23 MR. WADOOD: I am, yes, August 2014
24 until June 2020.

25 MR. CUNNINGHAM: And the 24 hours, what

1 was that?

2 A. So 24 hours would have been after that. It
3 would have been 40 hours during the appointments
4 era, but we did take during COVID, that shutdown
5 for a time period, like a year or whatever just
6 because we couldn't have people in a classroom
7 together, so we did 40-hour trainings up until
8 COVID, so in 2020 they stopped, and then after
9 that it took a while to reintroduce the in-person
10 training, but we did, when we went back, we
11 decided to narrow it down to three days instead
12 of five.

13 Q. Got it. So let me just revise that. As far as
14 during the appointments era as far as the extent
15 of continuing education for detectives, you had
16 on-the-job training. You had a periodic
17 week-long course and you had 40-hour annual
18 training, is that right?

19 A. Yes, as far as more consistent, there are
20 periodically we have other trainings, but I
21 don't know at that time specifically what
22 trainings. If we see an issue, we might come up
23 with a new training. We're always coming up
24 with something new. I mean I don't know
25 specifically for that period, but since then

1 some of the examples of something we might do is
2 if we have a problem with officers not doing a
3 good job testifying in court, we might put
4 together a training, have the prosecutors come
5 in or whatever and we'll talk about how to
6 properly do it, so we do that occasionally, but
7 I don't know specifically what they were doing
8 at that time.

9 Q. Okay. But those are more ad hoc trainings based
10 on whatever emerging issue there was, right?

11 A. Well, I wouldn't say ad hoc necessarily. I mean
12 they were put together, but they were put
13 together a lot of times to address an issue and
14 we might have something in our toolbox per se,
15 our metaphorical toolbox. Like we have a lot of
16 trainings that have been developed and one of
17 the investigators that is still around is at the
18 academy and he'll occasionally do like a line-up
19 training or he'll do a testifying or he'll do a
20 canvass training and he could do that. He's
21 already got power points and presentations
22 available, so if something comes up and emerges
23 that we need to improve upon this particular
24 subject, there is a lot of those things that he
25 can just pull together, but they're very

1 organized. It's just we've already developed
2 them and sometimes we develop things rather
3 quickly, but we go through a procedure and
4 whenever we put something into the MCOLES, the
5 state database, we have to come up with like, we
6 have to put kind of a synopsis of what the
7 training is about and stuff like that, so it's
8 got to be organized to get credit.

9 Q. Right. So to clarify my question, the
10 additional trainings you're talking about,
11 they're not recurring on the same topic. For
12 example, you know, we're not talking about a
13 training on probable cause that happens on the
14 first Monday of every month. We're talking
15 about a training that happens for a specific
16 purpose given whatever issue that emerges out in
17 the field?

18 A. It doesn't necessarily have to be for purpose,
19 but a lot of times it is, but sometimes we might
20 just feel like, oh, the purpose might be like,
21 hey, officers are not doing court, let's do
22 testimony or, hey, there is a person that didn't
23 secure the crime scene or whatever properly, so
24 let's just do some training on that so that we
25 get people back on -- keep them focused and on

1 the right track. So most of the time, a lot of
2 times it will be to focus on an emerging trend
3 that we want to make sure we stay on point, but
4 sometimes we might just pop up with a training
5 every once in a while just to keep people on top
6 of their game or if something significantly
7 changes in policy or industry standards, then we
8 might start doing a training to address that to
9 make sure people are up-to-date when that emerges.

10 Q. I see. Okay. So I want to briefly go through
11 each of these components of the continuing
12 education just to understand the obligations of
13 the detectives. So when you talk about on-the-job
14 training, are you talking more about detectives
15 learning from their fellow detectives and their
16 supervisors as they carry out their duties or
17 are you talking about something more formal
18 where a supervisor sits a detective down and
19 gives them the rundown of their job when they
20 first start?

21 A. It's more as it comes up and it's not super
22 formal, but like the first time you do like a
23 photo line-up or something, we're not just going
24 to say hey, go do this. Where are you going to
25 start, right? You got to learn the computer

1 system to pull the stuff up, the pictures, so
2 someone is going to have to walk you through
3 that the first couple times and they're going to
4 teach you the rules. If they're in custody, you
5 have to call the attorney, and then call
6 notification control, get their attorney because
7 they're in custody. They're going to teach them
8 those rules. They're not just going to do it
9 the first day, but they probably do it the first
10 day that this person gets, oh, you got to do a
11 line-up? All right. We're going to teach you
12 how to do a line-up, and I'll walk you through
13 it. I'm not going to let you struggle.

14 Q. I see. So let's say that I'm a newly appointed
15 detective in 2015 and I'm at a point in my first
16 case where I should be constructing a line-up
17 and you're my lieutenant. Can you just give me
18 an example of how that on-the-job training might
19 come about for constructing a line-up? For
20 example, do I have to mention to you, hey, I
21 think I'm at a point where I might need a
22 line-up done, or are you plugged into my case
23 enough where you know that this is coming up.
24 Let me sit you down and talk about it?

25 A. Well, as a lieutenant I'm a little bit removed

1 from the day-to-day sometimes, but they work in
2 squads, so the sergeant is going to be right
3 there, so it would probably be more realistically
4 the sergeant. Sometimes it would be me as a
5 lieutenant, but not because I'm a lieutenant,
6 just because I've been doing investigations for
7 so long, so they would come to me, but generally
8 the sergeant is going to recognize that this is
9 their first line-up and either they'll walk them
10 through it the first time or they'll have one of
11 their co-workers, if they're more experienced,
12 they might have them do it as well.

13 Q. Okay.

14 A. But they would know. They wouldn't probably
15 come to me as a lieutenant. I mean they might,
16 but generally speaking, the sergeant is going to
17 know, like okay, you just got here, you've never
18 done a line-up, let's go pair up with whoever.

19 Q. Okay. And the same would go, for example, for
20 putting together your first warrant request?
21 Once I get to that stage in my first case, that's
22 when the on-the-job training would happen?

23 A. Well, yeah, and plus with the warrant request
24 the supervisor is going to read it and approve
25 it and, you know, help say, hey, this is what

1 you need to do, but generally for something
2 written, they'll give them, a lot of times when
3 you do come in, they'll give you -- we'll tell
4 you, okay, here, you're new, you tell me the
5 first day you don't have anything to do.
6 They'll be like here's a stack of warrant
7 requests. Why don't you read through them and
8 familiarize yourself with this report? Or like
9 here's a bunch of this type of report, so, you
10 know, it probably wouldn't have been the first
11 time they had seen one, but they might have
12 someone there helping them that they could ask
13 questions and do I put this or do I not put this
14 or what do I need in here and then it goes to a
15 level of review. The supervisor's got to read
16 it, prosecutor's got to read it, and then
17 ultimately the judge will read it and sign it or
18 not sign it, so it goes through a level of review.

19 Q. And I'm assuming, but please correct me if I'm
20 wrong, that this type of on-the-job training
21 continues throughout your course as a detective,
22 if you ever confront a new issue or do something
23 wrong, you're learning as you go?

24 A. Yeah, I mean that does continue throughout as
25 long as you need it. I mean there are other

1 ways, you know, if there's something you're
2 interested in, you can put in for additional
3 training, but that doesn't stop the on-the-job
4 training.

5 Q. So now I want to move to that elective week-long
6 school that you mentioned that the department
7 offers every four to six months or offered every
8 four to six months. Am I describing it right?

9 A. It's not always a week, but yeah, it's anywhere
10 from a week to two weeks, but generally the
11 elective one would be one week. All the ones I
12 can remember were a week.

13 Q. Okay. And can you kind of describe what that
14 training consists of, and in doing so, can you
15 also mention -- actually, let's start with that.
16 Can you describe what that elective course
17 consists of?

18 A. So in general terms it's very similar to our
19 current promotional process, but we take out all
20 of the HR, what I term HR stuff, so whenever we
21 do a promotion, they make sure you go through
22 sexual harassment, EEOC, and you have to go
23 through some stuff with the union to get your
24 new rank and stuff like that, so there's a lot
25 of extra stuff in the promotion, but we basically

1 took most of or all of the topics and squish it
2 into a week, but we talk about interrogations.
3 We talk about handling a crime scene. We talk
4 about eyewitness identifications. They talk
5 about canvassing. They talk about using videos
6 because that's a big thing that we have now with
7 all these green lights and surveillance videos.
8 We talk about some of the limitations of video
9 evidence and stuff like that. We talk about
10 cell phone evidence because that's a huge
11 technological topic because not everybody knows
12 what the capabilities of getting information off
13 of phones and the difference between dumping it
14 off of an actual phone or getting call records
15 and stuff like that and the different limitations,
16 so they talk quite a bit about that. We talk
17 about DNA evidence, submitting the process for
18 doing the buccal swabs and finding the CODIS
19 reports and putting that stuff together. I do a
20 course on kind of a detective mindset just to
21 get them thinking in a detective kind of mindset.
22 That's all I can think of. There's probably
23 something else in there, but that's the main
24 gist of it I think.

25 Q. And when you're saying we do or I do, are you

1 talking about the detective school that exists
2 today or are you talking about the week-long
3 training we were talking about back in the
4 appointments era?

5 A. So I've been involved in it in some fashion since
6 July of 2000. Before that I had a little bit of --
7 I taught like, oh, there's a time management
8 class for the detectives we talked about, so
9 I've done that on one of the previous or prior.
10 That would have probably been in the appointment
11 era or maybe it was the first promotions, I
12 don't know, but that was before my time at the
13 academy. I think I've done it a couple times.
14 I do spend the prior -- I know when I've done
15 them, it's pretty much generally the same, so,
16 you know, and I attended one in the 2000s, which
17 they changed over the year as technology is
18 introduced or whatever we have had to change our
19 focus a little bit, but they're always going to
20 have something to do with interrogations,
21 something to do with line-ups, canvassing,
22 handling a crime scene, so that's been pretty
23 consistent. Some of that technology stuff was
24 added in later and that probably would have come
25 in, like the phones and the video stuff, that

1 was prior to my involvement, so I don't know
2 when that started, but it would have been in
3 some of those classes held in the appointment
4 era, but it evolves just because technology
5 creeps up on us and we have to adjust to that.

6 Q. And you had mentioned that you got involved in
7 trainings back in 2000. Did you mean 2020?

8 **A. Yes, that's what I meant. I'm sorry.**

9 Q. No, I just wanted to clarify for the record.
10 Okay. So all of these training components you
11 mentioned, interrogations, handling crime
12 scenes, eyewitness identifications, et cetera,
13 all of this was in that one-week optional course
14 during the appointments era?

15 **A. Correct, yes, I believe so.**

16 Q. Okay. And, again, there was no requirement for
17 new detectives to join those courses, right?

18 **A. It was not required.**

19 Q. So for a detective who was appointed between
20 2014 and 2020, in theory they could still be on
21 the job today without having participated in any
22 of those one-week courses?

23 **A. Yes, in theory.**

24 Q. Okay. Let me then move on to what is now 24
25 hours of what was during the appointments era 40

1 hours of training for all officers. Am I right
2 in saying that that was a once-a-year annual
3 training?

4 **A. Correct.**

5 Q. Okay. Was that required of all DPD officers,
6 including detectives?

7 **A. That was all current duty, I mean if you were,**
8 **unless you had like military leave or it was**
9 **required of everyone that was currently actively**
10 **working.**

11 Q. Let me ask that again. During the appointments
12 era, were appointed detectives required to
13 attend the annual 40-hour training?

14 **A. Yes.**

15 Q. Okay. And what did that annual 40-hour training
16 consist of?

17 **A. Well, it changes every year. It generally had,**
18 **well, one, one day is at the range, you know,**
19 **qualifying with your duty weapon and there would**
20 **be a portion for -- there would be a portion**
21 **where they're being trained with their**
22 **intermediate weapon. Now it's the taser, but**
23 **prior, earlier on it would have been the PR-24.**
24 **There is generally at least half a day on some**
25 **type of mental health. It's either maybe**

1 dealing with people going through mental health
2 crisis, or it might be, some years it might be
3 dealing with officers' mental wellness. That
4 was put on by Kappa. There is currently they're
5 doing DEI, which is diversity, equity and I
6 think inclusivity or something like that, where
7 back in the day we would have referred to that
8 as diversity type training, but that's the new
9 idea. It's not only celebrating the diversity,
10 but it's making sure people are all included, so
11 it's going to be generally there's going to be a
12 portion where it's going to do some type of
13 diversity or equity and inclusivity training, so
14 in 2018 I taught a two-hour class on responding
15 to an officer-involved shooting and handling the
16 scene. They'll vary on different topics and
17 currently they're doing, there's got to be one
18 component has to be on use of force and currently
19 the block on use of force is reviewing the force
20 continuum, and then they might pull in different
21 topics from time to time, but those are the
22 basics and then they'll throw in -- there's
23 always a legal update, so the ones that have to
24 be in it are the firearms training, legal update
25 and some type of diversity. Those are the ones

1 that are required to be in it. The rest of them
2 are, that's just a good opportunity for the
3 department to address anything that they want
4 people to be familiar with on an annual basis.

5 Q. Okay. So just to make sure I have this right,
6 the 40-hour training, the two primary recurring
7 topics are firearms training and diversity
8 training and the rest depends on the year based
9 on what the department deems important?

10 A. So there's three that are consistent, the
11 firearms, the diversity and the legal update.
12 Those are the three that they really need to do.
13 The other ones vary, but they generally refer,
14 since we've done it, they've always had, up
15 until recently they've had some kind of component
16 to do with mental health, but now we've got a
17 whole separate training on that with the CIT,
18 Crisis Intervention Training, so we're training
19 up the department a little bit by little bit on
20 that and that's a whole week training.

21 Q. And at what point of the year is this, during
22 the appointments era, at what point in the year
23 was this 40-hour training offered?

24 A. So it's pretty continual and the way they do it
25 is there is two sections and based on your last

1 name, like they start off usually in July,
2 July 1st they'll start, and they'll take the
3 whole department and they'll give you -- the
4 first half of the department will go the first
5 half of the year, and they'll give you a week
6 that you're supposed to go. If you can't go,
7 then you have to make arrangements to go a
8 different week, but it's continually going on,
9 but they will take, especially during that
10 period when we were still going 40-hour, say
11 holiday weeks they couldn't do, because like if
12 Monday is Memorial Day, you can't do all five,
13 so they would take that week off, so then the
14 other half of the department would go to the --
15 we go to the range twice a year, so they would
16 go their second -- they would go one session
17 while the first -- the second half would go to
18 the range while the first half is going to the
19 40-hour, then they swap for the second half in
20 the next six months, and then the people that
21 went would go to the range for their second time
22 and then the other ones would go to the 40-hour,
23 so that's a continual thing, but realistically,
24 we probably only do it maybe a little more than
25 40 weeks a year just because of holidays and

1 obviously they probably won't do it during the
2 Grand Prix being here because they're going to
3 have extra people assigned out to that and it's
4 going to be a restricted day, so they have to
5 take certain days off. They probably take ten
6 weeks, that's an approximation just because of
7 holidays and restricted days, but it's continual.

8 Q. Okay. So now I'm going to ask a question first
9 about the one-week elective school and then the
10 annual 40-hour training. This general question
11 is why? Why does DPD for the elective school,
12 speaking first during the appointments era, why
13 did DPD feel they need to offer this optional
14 one-week course to detectives?

15 A. I don't know if I can answer why the department.
16 I can give you my opinion and interpretation if
17 you'd like. So my opinion is why we do that is
18 I think partially because we have officers in
19 detective positions, so they obviously didn't
20 get a chance to go to the detective school and
21 because the logistics of sending appointed,
22 because of the way they did the appointments, it
23 might be two detectives are appointed today and
24 four another, so it wasn't -- my estimate is
25 that it's just not logistically responsible,

1 financially responsible to do a training for two
2 people when you have 20 more instructors than
3 you've got students. That doesn't logistically
4 make sense and it would not really be practical.
5 So recognizing that training is important, it's
6 important to give these opportunities for people
7 that need it, and so a lot of times, so if someone
8 doesn't feel confident or if a supervisor thinks
9 that someone needs a little additional training
10 on top of their on-the-job training or anything
11 they've done otherwise, we recognize that
12 training is important. It's just not always as
13 easy to get to as many people as we would like,
14 so those trainings are kind of labor intensive
15 because you have a lot of experts in fields
16 teaching about subjects, so it's not realistic
17 that our cell phone expert teaches a class every
18 week because they have a lot of work to do and
19 they have to take time out of their day to do
20 that, so in my opinion the reason we do that
21 periodic training is to give opportunities to
22 the people that are working in a detective
23 capacity, be it a detective that didn't have an
24 opportunity to go to the training or be that an
25 officer that is doing the detective position.

1 It's just important to give training as much as
2 we can possibly manage, so that's why we do that
3 training.

4 Q. So is it fair for me to say that during the
5 appointments era, the Detroit Police Department
6 offered this optional one-week course because it
7 felt that training detectives was important for
8 them to do a good and constitutional job?

9 A. Well, it's not just during that period. That's
10 been kind of a consistent, well, not consistent
11 in the terms of when they do it, but like when I
12 got put in an investigative capacity as a
13 sergeant, I didn't go to detective school
14 because there was no promotion or anything at
15 that time, but I did have an opportunity after I
16 had been there for a couple years to attend a
17 similar one to like the week that we were
18 discussing, so I think it's important that
19 everyone has the opportunity to get training,
20 but it's not just limited to the people that
21 were appointed. Anybody doing that job, we want
22 to get you as much training as possible. The
23 more training the better, just not always
24 possible, and also sometimes after you've done a
25 lot of the topics, especially like interrogation,

1 you can talk to me all day long in an academic
2 sense about an interrogation, but if I've never
3 done one, I'm not getting the full amount out of
4 it, so a lot of these things after you've done
5 it a while and you've had an opportunity to do
6 the training, sometimes you get a little more
7 out of it because you put it in the context of
8 the instructors think, but the gist of it is
9 people need training. Everybody needs more
10 training than they're getting, so we try to give
11 those opportunities as much as possible.

12 Q. And I'm going to move on to the 40-training, but
13 just to make sure I'm clear on what the 40-hour
14 training covers and doesn't cover, the 40-hour
15 training doesn't cover investigative techniques,
16 does it?

17 A. It's not geared towards investigative techniques,
18 not to say that they would never discuss them,
19 but it may come up in some circumstances. The
20 audience for the 40-hour is law enforcement in
21 general. It's not like a specific -- this isn't
22 meant specifically for detectives, but when they
23 do the legal update, if there's a significant
24 change in law that applies to or there's a case
25 or something that applies to like detectives, it

1 may come up, but that's not -- the intended
2 audience is much broader.

3 Q. Got it. So the 40-hour training is not a
4 substitute for the optional one-week elective
5 course?

6 A. No, no, it's additional.

7 Q. And that's why the one-week course that focuses
8 on investigative techniques, that's why that's
9 separate?

10 A. Yeah, that's a very much more focused training.
11 That's why that's separate.

12 Q. So I had the same question about the 40-hour
13 course. Why does DPD provide a required
14 40-hour, you know, I guess now it's 24, so let
15 me ask that again. During the appointments era
16 why did DPD offer the required annual 40-hour
17 course for all active duty?

18 A. Well, there's numerous reasons for that. One is
19 liability, one is probably the consent decree
20 had a lot to do with us starting that, and also
21 to, it's a good opportunity to update officers
22 and ensure that they are up-to-date on the new
23 things that are coming up in law enforcement and
24 there's a lot of different topics that we talk
25 about that like the legal update, the reason

1 that's required is because the laws are
2 changing, especially, you know, like when they
3 legalized marijuana, there was a lot of city
4 ordinances and stuff that were kind of very
5 vague at first, you know, or enforcement was
6 very confusing because they had to, people
7 needed more direction on it just because
8 everything that was coming out, so there are
9 multiple reasons for it, but it's a good
10 opportunity for us to update on the important
11 topics and there are some other topics that we
12 do just moreso for probably liability and human
13 resource reasons and it's a lot easier to deal
14 with like our diversity training and our sexual
15 harassment training, it's a lot easier to deal
16 with those issues when someone has been trained
17 every year. If you haven't received training on
18 diversity or sexual harassment and an issue
19 comes and you haven't received any training or
20 the last training you had was 25 years ago, it's
21 really hard to sometimes deal with those
22 problems, address those issues adequately. If
23 they haven't, it makes it a lot easier if
24 they've been to training telling you what you
25 can and cannot do. Every year you should know

1 it's really harder for them to fight those
2 disciplines or whatever corrective actions or
3 whatever, so there's a lot of value to doing it.
4 Unfortunately, we can't always get to as much
5 stuff as people would like, but I think a year
6 is the most or one time a year is what's
7 practical. It's actually not practical, it's a
8 little difficult, but it's the most reasonable
9 one solution that we have.

10 Q. And so during the appointments era, why was this
11 40-hour training required for all active duty
12 officers, but this one-week course was optional
13 for detectives?

14 A. I don't really know the answer to that. I can
15 answer halfway maybe, like the 40 hours was
16 required because that was one of the requirements,
17 not specifically 40 hours, but the yearly
18 training on certain things was required of us in
19 the consent decree and that was our corrective
20 action for some of our shortcomings in the past,
21 so that's what we agreed on when we had the
22 consent decree here as a solution to prevent
23 some of the violations, so that was required by
24 the consent decree, so we didn't have a choice
25 at that time. Now we found that it was useful,

1 so we've stuck with it, but at the time we were
2 required for that. As far as the investigator
3 training, I can't really 100 percent say. I
4 just know that when you appoint someone and
5 you're doing it sporadically one or two at a
6 time, it just becomes logistically difficult to
7 do a training for that many people, so the
8 logistical option was to put a more broad one
9 out there and try to get as many people in as
10 possible and try to get it out there, but it was
11 not. I didn't have anything to do with the
12 decision to make it required or not required,
13 but that's the best I can do on that.

14 MR. CUNNINGHAM: How are you doing?
15 You want to take a break?

16 **A. I could use a break.**

17 MR. WADOOD: Yes, by all means.

18 MR. CUNNINGHAM: How about a five
19 minute-break?

20 MR. WADOOD: Okay. Perfect.

21 (Recess 12:27 p.m. to 12:35 p.m.)

22 **Q.** (Continuing, by Mr. Wadood) So I want to move
23 forward to the second category that we established,
24 the promotions era and really go through the
25 same set of questions. So now just to reiterate,

1 we're going to be talking about detective
2 training from June 2020 until the present day
3 and, again, if there have been any changes since
4 June 2020 until now, we can kind of elaborate on
5 those changes as we go along.

6 **A. Okay.**

7 Q. Does that sound good to you?

8 **A. Yes.**

9 Q. Okay. So during the promotions era from June
10 2020 until now, are newly promoted detectives
11 provided any kind of onboarding training when
12 they first assume the job?

13 **A. Yes.**

14 Q. Okay. And can you tell me about what that
15 training consists of?

16 **A. So it's pretty similar to the week-long elective**
17 **training that we did, except it's either a two**
18 **to three-week training and there's additional**
19 **items that are HR related because it's our**
20 **practice basically when someone is promoted to**
21 **go through an assessment training course, so**
22 **there are -- we still do interrogations. We do**
23 **handling a crime scene. Usually we do something**
24 **with the buccal swabs evidence, canvasses.**
25 **There is an HR component, so we have human**

1 resources talk to them, union comes in and sets
2 up certain benefits and stuff. There is usually
3 some sexual harassment training. There is the
4 video extraction or using video in investigation
5 which the people that extract the video come and
6 talk to them about how they can use this to
7 better their investigations and there's someone
8 that comes in and talks about cell phones.
9 That's pretty consistent what they do. There
10 might be additional stuff that I'm not thinking
11 of, but that's the main gist of it.

12 Q. Okay. I'm going to rattle off some topics just
13 to see if they were included. If they're not,
14 just let me know if they're not. So does the,
15 again, these are all about the promotions era
16 post-June 2020?

17 A. Mm-hmm.

18 Q. Does the onboarding training include any
19 training about what constitutes probable cause?

20 A. Not specifically. We would feel that's
21 something that's covered in recruit training.

22 Q. Okay. So am I right to say that if a new
23 detective starts, if a new detective is promoted
24 from June 2020 until now, they're not provided
25 with any onboarding training about what

1 constitutes probable cause other than what they
2 may have remembered from the police academy?

3 **A. Correct, that would be a fair assessment I think.**

4 **Q.** And does the onboarding training include training
5 of how to properly submit warrant requests?

6 **A.** No, not specifically, no. That's such a broad
7 topic that even talking to prosecutors, I don't
8 know that I can get a straight answer on what it
9 is or isn't, like you can read it and know that
10 it's enough, but they're generally not so willing
11 to tell us what you need to put in there because
12 they don't want to put themselves in a box, so I
13 mean we have like a document that will tell you
14 like what you put in this box and what you put
15 in this box, like there's three different places
16 for dates and we do have, somewhere they have
17 that I've seen it where it tells you this is the
18 date you're submitting it, this is the date the
19 crime happened, and this is the date it was
20 reported to the police, so there are, there is
21 documentations out there that you can read and
22 like a little go-to or every box has got a
23 number and it tells you what goes there, but
24 it's pretty straightforward. The only complexity
25 to writing a warrant, it's very similar, it's so

1 similar to writing a regular report, it's just
2 your end goal is a little bit different and it
3 covers a different portion of the -- you're not
4 reporting the incident. You're reporting more
5 of the investigation and there's different ways
6 that people do it I've seen, so it's not really
7 something -- it's a little bit easier to teach
8 on-the-job where you can just have them physically
9 write it. It would be difficult to do a class
10 of say they promote 40 people, so to have them
11 each writing reports individually, it's a little
12 bit more problematic to do that specifically,
13 but so I don't think we really have a class that
14 specifically addressed writing that report.

15 Q. Okay. And that document you mentioned that kind
16 of gives you the basics of how to fill out the
17 report, is that presented during the onboarding
18 training or is that something a detective
19 receives at some other point?

20 A. I don't know that anyone specifically has given
21 it out. I've seen it floating around, so if I
22 was doing on-the-job training, I probably would
23 find a copy and give it to them to help them.
24 I've put that out there individually at times
25 just because -- especially because of the --

1 there is a lot of confusion about those dates
2 because there's three different places to put
3 dates and it's kind of confusing if you don't
4 know the proper thing to put there.

5 Q. Okay. So let me make sure I have this right.
6 So if a detective is newly promoted during the
7 promotions era, so from June 2020 until now,
8 they don't receive any onboarding training on
9 what to include in a warrant request packet, is
10 that right?

11 A. Not specifically, no.

12 Q. Okay. So they would have no training --

13 A. But wait. I'm sorry. Did you say packet or did
14 you say --

15 Q. Yes.

16 A. So they do have a training that teaches them
17 what to put in the packet. So they have the
18 court officer -- this is something that I had
19 added to it, so I've done a bunch of these when
20 I was there. The very first one I basically
21 copied what they had done before, but then as we
22 did that, with my experience in investigation
23 and one of the guys I was working with, he works
24 at the academy, he was also an investigator.
25 Him and I spent so much time on it, we kind of

1 tweaked it a little bit when I was there, so we
2 added a couple different parts and one of that
3 was that I forgot when I was going over, there
4 is a two-hour block where I had the court officer
5 come in and she explained like every single
6 document that they needed and how they wanted it
7 for their warrant package, but they didn't
8 specifically say write this or write that. They
9 just said this is what we need, you know.

10 Q. Okay. So in the promotions era newly promoted
11 detectives are trained on what documents to
12 include in the warrant request packet?

13 A. Yes.

14 Q. Would they have any training on the responsibility
15 to include exculpatory evidence in the warrant
16 application?

17 A. I don't know that they specifically address what
18 to put in, or you mean to put in the package?
19 I've heard them -- I don't know if that's part
20 of their spiel, but I know I've heard them mention
21 that at times, so maybe that is something they
22 do every time. I don't know specifically if
23 that's something that they've covered every time,
24 but I've heard them mention it at times, so --

25 Q. So it's not a standard part of the onboarding

1 training to tell detectives what exculpatory
2 evidence is and whether they should include it
3 in the warrant application?

4 **A. Not that I can recall.**

5 Q. But it is a core job responsibility of the
6 detectives to apply for in cases that they were
7 investigating, right?

8 **A. I'm sorry. I didn't hear the last part.**

9 Q. And it's a core job responsibility for detectives
10 to actually apply for a warrant in the cases
11 they investigate, right?

12 **A. Yes.**

13 Q. And those detectives naturally will sometimes
14 come across exculpatory information when
15 investigating that case, right?

16 **A. Yes, on occasion.**

17 Q. Okay. But the onboarding training does include
18 training on what exculpatory information is and
19 how or when to include it in a warrant
20 application?

21 **A. Not that I recall. It's possible, but not that
22 I recall.**

23 Q. Does that onboarding training include any training
24 about eyewitness identifications or photo line-ups?

25 **A. Yes.**

1 Q. Okay. Can you tell me what the training looks
2 like?

3 A. It's a power point usually done by the investigator
4 that works at the academy. His power point is
5 about 150 slides. He doesn't go into great
6 detail, but he talks about, and we're -- I'm
7 currently updating this training because the
8 industry standard has changed and our policy has
9 caught up in the last several years, so in 2014
10 our policy was still back in the six-pack kind
11 of frame of mind, even though homicide and major
12 crimes had been caught up with the industry,
13 except its standard, which is the double-blind,
14 so we're currently updating this, so going
15 forward that's something I'm actually working on
16 currently, but his training, we did speak a
17 little bit about the double-blinds. It wasn't
18 included in the power point, but we would show
19 them folders and kind of explain how to do it.
20 He talks a lot about selecting photos for photo
21 arrays or selecting filler people for the live
22 line-ups about it's a very interactive type of
23 training where he'll do examples to see if it
24 looks suggestive or, you know, not, and then he
25 also talks about, you know, he'll talk about the

1 peak characteristics and the procedures of how
2 to put it together and how to do it, and then
3 he'll also talk about certain little things like
4 make sure that like the backgrounds are
5 consistent and the person doesn't stick out for
6 some other reason and about not making any
7 remarks suggesting anything or whatever, so
8 he'll go over the whole spiel for the line-ups
9 and he'll explain that if it's in custody that
10 you have to have the attorney present and he
11 explains that they need to call a notification
12 control for the 24-hour on-call attorney, and he
13 talks a little bit about the reliability of like
14 eyewitness testimony and like what you see is
15 not always what you see and he has some visual
16 cues to explain some of the discrepancies and
17 how sometimes eyewitness testimony is not always
18 reliable, kind of emphasizes that it's important
19 that we do it a certain way so we can get the
20 right answer and not be suggestive.

21 Q. Okay. And just some more specific questions to
22 make sure I cover my bases.

23 A. Sure.

24 Q. Does the training cover who counts as an
25 eyewitness versus a non-eyewitness?

1 A. I don't think it does, just because I think
2 that's kind of subjective for what you're using
3 it for, so I guess it all depends on what you're
4 trying to identify, so I don't know that that
5 would ever come up, so it's probably something
6 we haven't thought of including. Of course when
7 they come up, then we might add stuff because
8 we're trying to evolve.

9 Q. Okay. And you also mentioned that the industry
10 standard double-blind line-up administration
11 process, you said that you're currently in the
12 process of putting that in the training?

13 A. Yes, we are, because it, and I had come across
14 this where I saw that -- I was looking into
15 something unrelated to this case regarding
16 line-ups and someone had asked me a question, so
17 I was doing some research and at the time the
18 current procedure was dictated by a 2014 policy,
19 but like I think I spoke about it earlier,
20 whenever we update our manual, we have to get
21 everything approved by the Board of Police
22 Commissioners, which sometimes takes forever
23 because there's some little thing that they
24 don't like or they don't understand, so in order
25 to bridge that gap, we have a special order, so

1 I know as far as back as 2021 we had a special
2 order, but those are limited in time frame, so
3 they only last a year, so we are currently
4 dictated under a special order, but we're trying
5 to get everybody up to speed with how to do a
6 double-blind and we're still focusing on some of
7 the other principles because some of the
8 principles don't change on picking a proper filler
9 based on non-suggestive traits and stuff like
10 that, so a lot of that stuff stays the same, but
11 just the presentation and some of what research
12 has shown, like some of the stuff we never did
13 back in the day, you know, we never asked
14 someone how confident they were. That was kind
15 of a no-no 20 or whatever years ago, but now
16 additionally they want us to ask their confidence
17 level just because now what's happened since
18 those times is all of these studies where people
19 have been exonerated with DNA, they're finding
20 that eyewitness testimony was not as reliable,
21 so there are a lot more things, processes we're
22 going through just to make sure that these
23 line-ups are done in a fair and legal and
24 constitutional way that we're not violating
25 someone's constitutional rights and that we're

1 fair and impartial and doing it the right way
2 for justice.

3 Q. And I want to understand where the line is between
4 the old days and now. So for double-blind
5 administration, is it the case that prior to the
6 most recent special order the department wasn't
7 training newly promoted detectives on how to
8 conduct a double-blind administration?

9 A. So I don't know if I'm going to be able to give
10 you as clear an answer as you would like, but
11 I'll try. So the major crimes, which is
12 homicide and special victims units, well, this
13 has been an ongoing thing for a lot of years, so
14 I know back as far as 2006, they were doing
15 studies on sequential line-ups as opposed to
16 simultaneous line-ups, so the double-blind
17 involves a sequential line-up, so we're not
18 showing you, like the old days we showed you six
19 photographs all on one sheet and it was all
20 there together and then they were doing studies
21 because what we're finding is that some people
22 just want to pick a person and they think the
23 police have the right person, so sometimes they
24 pick the closest person, not the person that
25 necessarily did it, but maybe that person is

1 closest looking to the person, so the sequential
2 thing has been in studies since the mid-2000's
3 probably and I just know that because I was in
4 investigations and that was something that we
5 were almost part of that study, but something
6 happened and it didn't go through, so they've
7 been looking into this and I know a handful of
8 years ago, well, I don't even know how many
9 years ago, but as far back as maybe 2016, major
10 crimes has been doing these double-blinds and
11 that's the way, that was kind of the way it's
12 been moving and as time passes, it becomes more
13 of an accepted practice, so there's not like a
14 specific date, but in our policy, the farthest
15 back that I've seen, it was sometime in 2001 we
16 had a special order that changed from the old
17 procedure to the double-blind is the preferred
18 method, and we have been teaching it to some
19 extent since 2020, but it wasn't a formal part
20 of the power point, but we've gone through kind
21 of some examples of this is how it goes, but I'm
22 updating it now so it's a little bit more geared
23 towards that and I'm trying to get away from the
24 six-pack and we're teaching, we're just expanding a
25 little bit to be more current and more appropriate.

1 this time, so we have been talking about it a
2 little bit, but we're really hitting it hard
3 because a lot of years some people were doing
4 one and the some people were still doing like
5 the double-blind major crimes and then the
6 procedure was still on six-packs, so in 2021 and
7 a little bit before that we were discussing
8 moreso the double-blinds, but I'm currently
9 updating the training so it's specifically
10 geared towards the double-blinds.

11 MR. CUNNINGHAM: You said 2001 were
12 special order for double-blinds. Did you mean
13 2021?

14 A. I'm sorry, 2021, not 2001.

15 Q. (Continuing, by Mr. Wadood) Am I right to say
16 that the reason that DPD is updating these
17 trainings and providing the trainings in the
18 first place about all of these line-up principles
19 we're talking about, double-blind, not being
20 suggestive, is because those principles are
21 important to avoid arresting the wrong person?

22 A. That's why I'm updating it. I've done a little
23 bit of research. I mean I'm very passionate
24 about investigations. That's just my life
25 passion and I've added -- well, when I teach, I

1 like to focus on we don't want to get "a"
2 person. We want to get "the" person that did
3 it, so I think it's important as a supervisor
4 and a detective to reinforce those principles
5 and I do, I'm very -- I'm intrigued personally
6 in interrogation processes and line-ups, so I've
7 been doing some research on my own on the
8 double-blinds and I've been going -- I've been
9 questioning like why our policy hasn't been
10 updated, you know, like what are we doing,
11 because we got this policy, but we're doing
12 something different and I want our policy to be
13 consistent with what we're doing, and I started
14 looking into it and, you know, talk about
15 further education. I gave you like all of the
16 official formal things I've done, but like I'm
17 reading a book called Convicting the Innocent
18 that kind of addresses some of the issues and I
19 think out of their study, 76 percent of the
20 cases that people were exonerated on, in that
21 case they had some type of issue with their
22 witness identification, so that kind of made me
23 more interested in looking at it, so I've been
24 reading some of the literature from different
25 police, like the International Chief of Police

1 Association has literature on the double-blinds,
2 so I've researched a little bit and I'm just
3 kind of getting a sense of some of the things
4 that we were doing that they were okay at the
5 time and they made sense and we thought that
6 they were okay, but then the studies have shown,
7 oh, wait, there's a better way to do it. So I'm
8 trying to get everybody onboard and even though
9 I don't work in training, I'm still passionate
10 about it and we do monthly training with our
11 detectives and officers at major crimes and
12 that's something I've been working on actually
13 this month, so --

14 Q. Okay. Generally speaking, the objective of
15 avoiding false arrests is a motivating factor
16 for these trainings, is that right?

17 A. Yes, that's a pretty big, one of the main
18 factors, for me at least.

19 Q. And that was equally important in let's say 2019
20 before this promotions era detective training
21 program was implemented?

22 A. I think the factor was the same principle. We
23 want to avoid locking up the wrong person.
24 Although technology changes and studies change,
25 the ideologies of how we do things sometimes

1 change based on us gathering more information.

2 We're ever evolving and trying to improve in

3 that connection.

4 Q. But you said major crimes was doing
5 double-blinds since at least 2016, right?

6 A. Yeah, I did one for them in 2016, and I don't
7 know how much longer they were doing it. That
8 was coming into the industry. It just wasn't
9 100 percent the accepted standard, you know, and
10 but it was coming in and it was I think obvious
11 at the time that that was going to be the accepted
12 standard, so they were holding their people to a
13 higher standard and the rest of the department
14 hadn't caught up yet, but we're at the place now
15 for the last couple years where this is an
16 accepted standard and we need to catch up.

17 Q. So you're now catching up to the decision that
18 major crimes had made back in 2016?

19 A. Yes.

20 Q. Okay. Just a couple more things about line-ups.
21 Does the onboarding training include any
22 training about the importance of recording
23 line-ups by video or other means?

24 A. It does now. I'm not sure when that started,
25 but that's another technology that's been

1 evolving with us, so, you know, back in the day
2 you took a photograph of everything or you
3 xeroxed everything, but now that we have the
4 availability of videos and we can either do it
5 on a body cam now or we can do it like the DDC
6 has a camera, I don't know if they have a camera
7 to provide line-ups, but we do it in major
8 crimes. All our interrogation rooms are
9 videotaped, so that's easy, but it wasn't always
10 the case that we had the availabilities to do
11 that, so we do talk about that now. I'm not
12 sure when that started though.

13 Q. Okay. And you had mentioned that having a witness
14 confirm how confident they are in their selection
15 is an important part of the process, right?

16 A. It is of the double-blind, which we're just
17 getting to. Previously they didn't want you to
18 do that, but now that's part of most of the
19 departments or the academics that come up with
20 the procedure, they all differ like a little bit
21 on maybe the language or whatever, but most of
22 them have gone to asking them their confidence
23 level, which is a dangerous question just because
24 if they say they're 80 percent confident, then
25 that is difficult in court. It's very confident

1 mathematically, but in court you're leaving it,
2 so I think that was the idea in the past,
3 however, it just helps the jury decide on how
4 much weight to put to the decision, and plus
5 it's very powerful, and I think it's the
6 confidence level is not static. It's very
7 dynamic, so it is beneficial to us in the
8 line-up if they're very confident when they do
9 it because when they get to court, they might be
10 less confident, so I think you get a more honest
11 answer on their confidence level if you ask it
12 in the heat of the moment rather than leaving
13 that unasked and then wait for it to be in court
14 where they've had like six months or a year to
15 be less confident because as time goes on, your
16 confidence level is probably going to go down,
17 but then on the opposite way for the defense,
18 you know, they might be more confident in court
19 just because the guy is standing right there, so
20 that's a little bit suggestive, so it's better
21 to get that initial confidence level. That's
22 what the documents that I've read, the literature
23 I've read on it are now recommending, so --

24 Q. And all these factors as far as confidence levels
25 go, is that reflected in the onboarding training?

1 A. Well, like I said, we're updating the training,
2 so now it is, but in the past we were still
3 geared more towards the live line-up and adding
4 elements of this, so it is reflected in the
5 new -- and there's, well, there's a couple
6 different like kind of spiels that they have,
7 like written, MSP has a good one, you know, when
8 you do a double-blind, they read it to the
9 witness and that's one of the parts of that, I
10 don't know what you call it, but like a speech,
11 kind of a pre-written speech to give them,
12 that's one of the things.

13 Q. Does the eyewitness I.D. line-up onboarding
14 training, does it include training about the
15 conduct of the witness in the line-up? For
16 example, what the witness can or cannot look at,
17 refer to, who they can or cannot speak to?

18 A. Well, we talk about separating witnesses, you
19 know, if you do a line-up with multiple
20 witnesses that you want to have them stage an
21 area and then you want them to do the line-up
22 and stage the person that's already seen it in a
23 different area, so they don't have contact and
24 in the pre-written speeches there is something
25 about not talking to anybody about, you know,

1 the line-up and not telling them who they picked
2 and stuff like that.

3 Q. Does the training address the situation where a
4 witness may be looking at surveillance footage
5 or a screen shot of a video, of the potential
6 videos while participating in the line-up?

7 A. I don't understand that question.

8 Q. Does the onboarding training right now address
9 situations where a witness either does or want
10 to look at a picture of the witness or a picture
11 of the potential suspect, either surveillance
12 footage, screen shot picture while they are or
13 before they are going to participate in the
14 line-up for identification?

15 A. I'm not sure I understand, but let me repeat
16 what I think you're saying. So are you asking
17 if our training includes some kind of statement
18 about the witness viewing a video and then doing
19 a line-up and if that's recommended or not? Is
20 that what you're asking?

21 Q. Right. Either a video or a screen shot of the
22 video. So let me give you an example. Let's
23 say I'm a witness in a photo line-up, okay? I
24 come into the room and I'm looking at either
25 sequentially or a six-pack of the potential

1 suspects and I have -- maybe I'm a store owner
2 or security guard. I have a screen shot of the
3 theft as it took place to refer to either right
4 before I look at the six-pack or after looking
5 at the six-pack. Does the training address
6 situations as to whether or not that's proper,
7 whether or not that's suggestive?

8 **A. I don't think it does because I don't think**
9 **that's ever really come up, so it's not that we**
10 **would avoid that subject. I just don't think**
11 **that scenario has ever popped into my head, so**
12 **not to my knowledge have we ever, unless someone**
13 **specifically asks that question, it's not included.**

14 **Q. And does that situation not come up because it's**
15 **typically improper for a witness to do that?**

16 **A. I don't know if that's not why it doesn't come**
17 **up. It just doesn't come up because it's kind**
18 **of an odd situation. It's a very unique situation.**
19 **Typically our witnesses just saw a crime or they**
20 **know the person or something, but it doesn't**
21 **typically go that way, so that's probably why we**
22 **never thought of it.**

23 **Q. Okay. So during the promotions era, did the --**
24 **one more question about eyewitness identifications.**
25 **As far as suggestiveness training goes, does the**

1 training include anything regarding whether it's
2 suggested to tell a witness that the police
3 already have a suspect when they're conducting
4 the line-up?

5 A. So the old training, I don't think talked about
6 that because I don't know that that was on law
7 enforcement's radar, however, with the new changes
8 in the industry, that is one of the steps that
9 we've addressed and we will be addressing because
10 moreso for court purposes once we tell them that
11 we picked -- and I mean I never, it was my practice
12 just because I came up with it on my own where I
13 never really told them if they had the right
14 person or not. I would always just say, hey,
15 you're the witness. You're the one to tell me if
16 it's the right person. I'm just trying to get
17 information from you, so I don't know who is the
18 right or wrong person. I just know my
19 investigation led me here and I'm trying to
20 figure out what the right answer is. That's
21 part of what my spiel was, but I don't think
22 that was ever told to me with the old standard,
23 but with all of these new ideas and new changes
24 with the recommendations, that is something that
25 added to not tell them because if they do pick

1 the person out, then they go to court. Now
2 their confidence level is altered based on the
3 fact -- I don't think we ever thought about it
4 in the day because it's kind of like, well, if
5 you pick somebody out and you go to court,
6 they're kind of going to figure it out, right,
7 so I never really ever thought that much about
8 it, but through these studies how they've kind
9 of shown that that can affect their confidence
10 level once they get to court, so that's now on
11 our radar, so that's something that's been added
12 as we move into this new double-blind kind of idea.

13 Q. And when was it added, just roughly speaking?

14 A. Well, within the last, I mean we have been
15 gradually adding it for the last couple years,
16 but before prior to sometime in 2001, it wasn't
17 even in our policy and procedures, so we've
18 talked about them in general and we've added
19 more as we've learned more and done more
20 research, but that's now part of our program.

21 Q. By 2001, you mean 2021?

22 A. Yeah, I'm sorry, 2021.

23 Q. No problem, no problem.

24 A. I lost 20 years somewhere in here.

25 Q. Okay. So let me move on to my witness

1 identifications and I want to ask during the
2 promotions era, does the onboarding training for
3 newly promoted detectives include any training
4 about current DPD policies?

5 A. Not all of them, but we do address some of them
6 on specific topics at times.

7 Q. Can you just give me a quick rundown or list of
8 what policies regularly come up in onboarding
9 training?

10 A. Well, we would talk about certain policies, I
11 mean we might pick and choose policies that are
12 significant, like it's our policy. A lot of it
13 we don't say necessarily flat out this is policy
14 just because it's also like court either case
15 law or some kind of statute or whatever, but we
16 do talk about, you know, that you're required by
17 policy to call for an attorney if the person is
18 in custody and then we go in to talk about what
19 in custody means, you know, what all of the
20 different examples. We give examples of this is
21 this and this is this, so we've added, we add
22 stuff as stuff comes up or we get new policies.
23 We talk and not as formally as part of in a
24 bigger program, but when we do examples, we
25 might do an example for like this case with

1 facial recognition. We would talk about the
2 policy which we never had in the day, but now
3 that we do have a policy and the technology is
4 there, you know, we make it very clear to them
5 that they can only use it for a Part 1 crime,
6 violent felony or a home invasion. Those are
7 the only times, so we talk about that a little
8 bit. We talk about line-up stuff a little bit.
9 We talk -- that's all I can really think of. We
10 might talk about different requirements for like
11 different type of notifications and stuff, but
12 in general that's the ones I can think of.

13 Q. Okay. So let's talk about facial recognition
14 technology for just a second.

15 A. Sure.

16 Q. So during the promotions era, does the onboarding
17 training include training about facial recognition
18 technology?

19 A. So we don't have like a whole course on facial
20 recognition because that's not a topic that we
21 probably -- well, most people don't need to get
22 that deep in the woods about all the scientific
23 parts of it, but we do address it and I do like
24 almost like a case study a little bit or a
25 practical exercise where we talk about a case

1 and we talk a little bit about the implication
2 or the use to see, you know, and then afterwards
3 we go over stuff and then we talk about when you
4 can or can't use it and stuff like that, so we
5 talk about it a little bit as a scenario more.

6 Q. Okay. So I'm hearing that you present a case
7 study, you talk about when or when you can't use
8 it, for example, violent crimes and home invasions?

9 A. Yes.

10 Q. How about does the training include how to
11 request a facial recognition search?

12 A. Not really. That's a little -- I don't really
13 get that into the basics of it because that's
14 kind of a, I don't know, I just figure people
15 can figure that stuff out. We'll direct them
16 like, hey, this goes through Crime Intel, but I
17 don't pull out forms for them. I don't spoon-feed
18 them that much. They should be able to figure
19 that out.

20 Q. And how about does the training include how you
21 utilize an investigative lead that a facial
22 recognition search might produce in your
23 investigation?

24 A. In the scenario we talk about a little bit about
25 it specifically, but we talk about investigative

1 leads in general throughout different topics,
2 but you know, it generally comes out when you go
3 over the case study and the scenario what you
4 can and can't do, what the value of it is and
5 stuff like that, but not anymore than that that
6 I can think of.

7 Q. So let me as an example of using an investigative
8 lead produced by facial recognition technology,
9 does the training cover whether a detective
10 should conduct a line-up based solely on an
11 investigative lead that's produced in facial
12 recognition?

13 A. No.

14 Q. Okay. And so for the components of the training
15 that we've talked about, I just want to talk
16 more broadly about what the format and the
17 language is, so just to make sure I have some of
18 these terminologies right, I heard the term
19 detective school throughout this case and
20 throughout these depositions. In the modern day
21 I guess in the promotions era, this onboarding
22 training we have been talking about, is that
23 what you're referring to as detective school?

24 A. I guess technically all of the, yeah, we call it
25 something different. I know that's confusing.

1 We call it something different every other week
2 I think, but technically the promotion would be
3 called DPAC, which is Detective Promotional
4 Assessment Center, but in laymen's terms I
5 normally refer to that as the detective school,
6 but some people use it for the one week school,
7 but during the promotion era, like the official
8 DPAC, and they're both basically the same thing
9 because the only difference really between the
10 promotion and the one week is that the promotion
11 has a lot of human resource kind of stuff
12 involved in it and we have maybe a little bit
13 more time to address certain subjects just
14 because it's a two or three-week course and we
15 generally for the detective school, that's part
16 of DPAC, we're able to do like a whole day of
17 like scenarios and my investigator that does
18 that will set up like crime scenes in the
19 academy building and have them come and they've
20 got to go through and do their warrant request
21 and do like their teams, which is paperwork that
22 they do to like document stuff at the scene and
23 stuff like that, so they have to go through all
24 that as a scenario, otherwise we cover all basic
25 topics, just maybe not as much time on some of

1 them. We get rid of some of the theoretical
2 stuff in the one-week course, but the DPAC is
3 actually the official name of the detective
4 school when it's involved in the promotion and
5 the other -- and I changed it when I did it to
6 Intro to Investigations for the one week.
7 That's what I refer to it as just because it was
8 less confusing, so --

9 Q. Okay. So for the promotions era the detective
10 school was DPAC?

11 A. Yes.

12 Q. How long did that training last?

13 A. Two to three weeks depending on how the chief is
14 feeling.

15 Q. And is the chief involved in the trainings?

16 A. Well, the old chief -- well, the current chief
17 does stuff with the sergeants and lieutenants,
18 so the LPAC and SPAC. He does a significant
19 amount. He does like half a day on leadership.
20 He usually gets an hour or two to address the
21 detectives. It's more of a motivational like
22 just to congratulate them and tell them how
23 important their job is and how important it is
24 to do a good job and do constitutional policing
25 and not blur the lines, you know, just do

1 integrity and, you know, so it's more of a --
2 it's not so much as a specific topic content,
3 but just to reinforce how important their job is
4 and stuff like that. The old chief didn't do --
5 well, he would address all three of them, but so
6 he would have been during the prior to, well, I
7 don't know when he left up until like 2021 I
8 think or maybe into '22 when he left, but he
9 wouldn't be as involved.

10 Q. So then what do you mean by depending on the
11 chief, the training would be either two or three
12 weeks?

13 A. Well, so there's not like a formal thing that
14 says of the promotional things that it's got to
15 cover this topic, this topic, this topic, but
16 it's been pretty consistent over the last three
17 or four years at least, probably farther than
18 that, but that's all I can really speak on, but
19 so when they come up with the curriculum, that
20 has to be approved by the chief, so they would,
21 you know, I would type up when I was there, I
22 would type up or have my sergeant type up like a
23 schedule of all the classes and they might be
24 like, oh, no, we don't want that, we want this.
25 That typically didn't happen with detective

1 school, but it might happen moreso with the
2 sergeants or lieutenants, but they didn't touch
3 with the detective school too too much, and also
4 the old chief, I don't know that there was a
5 good reason for sometimes doing it three weeks.
6 It just seemed like, well, and a lot of it had
7 to do with COVID, so they wanted to try to add I
8 think they used to always do two weeks and then
9 they tried to make it three weeks, but then
10 COVID hit us and they're like, well, we don't
11 want them to sit in front of a computer for
12 three weeks, that would be cruel, so we got it
13 down, we had to narrow it down, so depending on
14 -- and then sometimes there might be you got two
15 weeks before a major event happens and we need
16 all these people on the street, so they're like
17 we're only going to do two weeks instead of
18 three, so there might be extenuating circumstances
19 that made them do two. We tried to get to
20 three. We would do lieutenants, sergeants and
21 detectives all at the same time, so like they'd
22 be in different classrooms, but you got three
23 separate simultaneous classes going on. If you
24 promote 40 sergeants, 40 detectives and ten
25 lieutenants, that's 90 people off the street.

1 That's pretty significant for our department, so
2 if we got something major going on, they might
3 just keep it back to the two weeks, but that's
4 the chief's prerogative how long we make it and
5 the final decision on the classes.

6 Q. Okay. And is this two to three weeks eight
7 hours a day like full-time?

8 A. Yes, eight hours for, yeah, and we do that
9 online. During the heat of COVID, it was online
10 predominantly.

11 Q. Okay. And this training, this DPAC training is
12 required for all newly promoted detectives?

13 A. The DPAC training is required for all promoted
14 detectives, yes.

15 Q. So when exactly are these new detectives taking
16 this training? Is it they get promoted and then
17 they sit in this training for two to three weeks
18 and then they start their detective duties or
19 are they kind of concurrently doing their
20 detective duties while sitting in this training?

21 A. So by their agreement, we'll announce a promotion
22 and then they'll send them to training and then
23 they'll do a ceremony the final day of training
24 and then that following Monday they'll start
25 work and that's going to be the day that shows

1 as their promotion date is the Monday following
2 training. That's why they call it DPAC because
3 it's the Detective Promotion Assessment Center,
4 so they have to successfully complete this
5 before. If they don't, then they don't have to
6 promote them or if someone shows up there and
7 they do, I don't know, it's never happened, but
8 theoretically if they just show that they were
9 not suitable, we would have leeway to not
10 promote them.

11 Q. Okay. So this promotions era detective school,
12 the DPAC, that was implemented in June 2020, right?

13 A. Yes.

14 Q. Okay.

15 A. Well, so the promotion date was June 1st, so I'm
16 guessing that the class started late May and
17 then that would have been, the promotion would
18 have been right after the class, so --

19 Q. Okay. And so starting from the decision to
20 switch from appointments to promotions, why was
21 the decision made to implement DPAC, this
22 detective school as a required component of
23 becoming a detective?

24 A. I can't specifically speak on why that somebody
25 else decided to make that decision, but my

1 understanding would be that, well, any time we
2 do a promotion, that's our practice, and in the
3 past it was actually, it used to be in the
4 contract that when, for lieutenants and
5 sergeants, that when they did a promotion, that
6 they had to do a class. It's not in our current
7 contract, or at least I couldn't find it and I
8 went through the whole thing, but I think the
9 idea from a human resource standpoint is that,
10 well, the difference between an appointment and
11 their interpretation when they have -- there's a
12 little bit -- there's some nuance differences
13 between an appointment and a promotion that
14 sometimes gets lost and I don't know that it 100
15 percent worked out like the old chief thought it
16 would, but the idea with the appointment was if
17 I appoint you, I can deappoint you, so it was a
18 lot easier if I put somebody in this position
19 that was not working out, I can just take them
20 out, but with a promotion, from a labor law
21 standpoint, it's a lot harder for us to demote
22 someone than it is to deappoint them, so for
23 responsibility and liability reasons, whenever
24 we promote, it's very important that we take
25 certain steps, because if we do have an issue,

1 it's hard for us to backtrack, so that's why
2 there's a lot of those HR issues that are
3 covered in DPAC, but also, you know, we want to
4 make sure that if we've got to demote, if
5 they're not working out as a detective, we want
6 to show that we trained them because demoting
7 them is going to be very hard, so we have to go
8 through all those steps just in case it doesn't
9 work out, and then so I think we went to the
10 DPAC kind of on our prior practices that
11 whenever we promote, we do the DPAC or liability
12 and also to give everyone a fair shake, but
13 predominantly I think they do that because of
14 liability. Like if I get promoted to lieutenant
15 and I just don't work out, it's kind of hard to
16 get rid of me, but if you train me on your
17 expectations, then it's a lot easier for them to
18 move in that direction if I'm not doing what I'm
19 supposed to be doing.

20 Q. Okay. And so once DPAC was implemented in June,
21 May or June of 2020, how about the detectives
22 who came up with the appointments that were
23 appointed during 2014 and 2020, did they have to
24 kind of go back and do DPAC?

25 A. No, because they were grandfathered in, so they

1 had already kept their rank, so they wouldn't
2 have -- I don't know anyone that's crazy enough
3 to voluntarily go through a test process for
4 promotion. That's a big commitment of time, so
5 I don't think that anybody, because they didn't
6 remove you as a detective once they came up.
7 Everyone that was already appointed, they
8 grandfathered them in, so they would have been
9 left out of that whole process.

10 Q. Okay. So they weren't required to join the
11 detective school component of DPAC, the training
12 part?

13 A. Correct.

14 Q. And so you said that the detective school for
15 the promotions or the DPAC, the contents were
16 largely the same as the one-week Intro to
17 Investigations course that was provided during
18 the appointments era, right?

19 A. Mm-hmm, yes.

20 Q. And we had previously discussed how those
21 trainings are important for a detective to do a
22 good job and to do constitutional policing, right?

23 A. Okay.

24 Q. Is that right?

25 A. It's always helpful when an officer gets

1 **trained, but when it's practical and possible.**

2 Q. And for this promotions era detective school,
3 the DPAC, would you say that it's also important
4 all the components we talked about, would you
5 say those are also important trainings for new
6 detectives to be able to do a good job?

7 A. **Well, I think it certainly helps. I mean**
8 **there's a lot of people that have been doing**
9 **this for a long time as a police officer, so**
10 **they might not get as much out of it, but if**
11 **you're talking about someone coming straight**
12 **from patrol, I think it would be very, very**
13 **helpful as a person coming from a detective to,**
14 **a detective job as a police officer and doing**
15 **the rank of detective, I think they probably**
16 **will get a little bit out of it, but not nearly**
17 **as much as the person coming off the street into**
18 **a detective position.**

19 Q. Given its importance, why were these types of
20 trainings required starting in June of 2020 or
21 May of 2020, but only optional before that?

22 MR. CUNNINGHAM: We have been over this.

23 A. **I don't really know why it was optional. I just**
24 **know that if you're going to appoint one or two**
25 **people at a time, it's impractical, so our**

1 answer was we'll put out as many of these
2 elective classes as we can and try to cover as
3 many people as we can. Not the perfect solution,
4 but the best solution that we had at the time I
5 think.

6 Q. (Continuing, by Mr. Wadood) The one-week Intro
7 to Investigations course that was optional, is
8 that still given today or has the DPAC kind of
9 taken over that role?

10 A. We still do it. We just did one a few weeks ago
11 just because there are still a lot of officers
12 doing detective jobs, so they wouldn't have had
13 the opportunity to go to DPAC, but still it's
14 helpful and we recognize that and so as much as
15 we can, we like to get as many people trained as
16 possible, so we do it as often as we can.

17 Q. Okay. And now I want to ask about continuing
18 education in the promotions era and I'll ask
19 this in a way that might make this quicker. Has
20 continuing education changed in any way during
21 the promotions era from what it looked like
22 during the appointments era; that is, on-the-job
23 training, the kind of optional one-week
24 investigations course and what was then 40
25 hours, but is now 24 hours of required training?

1 A. So you're asking -- I'm a little confused.
2 You're asking has training changed significantly
3 since before between eras?
4 Q. Yeah, continuing education, the ongoing or
5 periodic training that's offered to detectives,
6 whether or not it's required, has that changed
7 between the promotions era and the appointments
8 era? Are there any new one-week courses or
9 anything that you got rid of?
10 A. So it's continually changing just because
11 technology changes and our needs change, so we
12 add classes, especially since, for example,
13 during COVID they shut down the courts for a
14 long period of time, so there is a lot of people
15 coming out of COVID that had maybe two years on
16 the job that never testified in court, so they
17 did -- one of the sergeants created a testifying
18 in court class just because our on-the-job
19 training before was you go to court and you
20 watch a bunch of people in court and then as
21 part of your FTO program is that you had to
22 attend court at least twice to complete the FTO
23 program, so you learn a lot in court about
24 investigations when you see how the questions
25 that the defense attorneys ask may make you do

1 things in a different way, or the questions that
2 the prosecutor asks may help you understand why
3 you need to do certain things in a certain way,
4 so because we weren't going to court, we had to
5 create a new class to kind of stop gap that lack
6 of experience that they were getting, so it's
7 constantly changing. We're re-doing, like we're
8 re-doing the line-up training, you know, to
9 update it to be more current. Technology and
10 police work is changing so much that we have to
11 constantly update things, but the foundation is
12 still the same.

13 Q. Okay. I want to hone in on facial recognition
14 technology trainings and just kind of understand
15 the landscape there and just to make sure I have
16 this right, you testified that during the
17 appointments era there was no training on facial
18 recognition technology in part because there
19 wasn't a policy on facial recognition until
20 2019, is that right?

21 A. That's my understanding. I hadn't heard of one
22 that had occurred and we didn't have a policy,
23 so --

24 Q. That's okay.

25 A. That's my understanding.

1 Q. And speaking of the policy, you also mentioned
2 that when DPD acquires new technology like facial
3 recognition or anything else, you don't really
4 train on it until a policy is implemented, is
5 that right?

6 A. Not always, but we can't train on policy specific.
7 We might, if we're introducing something that's
8 being used widespread, we might train on it, but
9 if we don't have a policy, that's kind of your
10 foundation for doing the training, so I mean we
11 don't have a lot of stuff on videos. We don't
12 have a lot of policy on video, but we still
13 train on that, but something like it's difficult
14 to train on facial recognition if we don't have
15 a policy because we don't know what -- that's
16 kind of the department saying this is our stance
17 on how we're going to use this, so normally you
18 need a policy to be able to train on something.
19 It's not like a basic principle.

20 Q. Okay. So before facial recognition technology
21 specifically, you are aware that prior to 2019,
22 prior to a policy on facial recognition being in
23 place, DPD still was able to use facial
24 recognition technology, right?

25 A. I know that we -- I don't know when we specifically

1 got the technology, but I know it was an option
2 for MSP, but we had to go through their filters
3 on making sure we use it right. I don't know
4 when we got it, but I know when we went to MSP
5 we had to follow their rules, but it wasn't
6 commonly used, so --

7 Q. So there was no training on how to use facial
8 recognition technology before 2019?

9 A. Not to my knowledge because really the only
10 people you ever saw use it because they had to
11 let you use it if it's MSP, right? They aren't
12 automatically going to do it and so it would
13 have to probably be a pretty serious crime
14 before you'd be able to ask, you know, for
15 something like that, so it wasn't tremendously
16 common and if they did use it, it was probably a
17 homicide or maybe a rape suspect or something
18 serious, so I think major crimes probably used
19 it a little bit, but in the precinct generally
20 it wasn't super common.

21 Q. Okay. And why do you say that it would have
22 probably been reserved for serious crimes?

23 A. Well, if we're using MSP's resources, they have
24 to manage their resources, so, you know, we
25 limit our requests generally to outside agencies.

1 We're not going to do it on jaywalking or
2 something like that because we want to, you
3 know, we want to use it when it's something
4 that's major, so I mean that's just typically
5 how it works and major crimes, they have more
6 resources, you know, like they have embedded
7 people in the task force that work for MSP, so
8 there's a conduit right there to do it, so
9 that's something that you would see them, just
10 through my observations you would see it maybe
11 on something major that was happening.

12 Q. Okay. And is this your opinion and observation
13 or is this the kind of the --

14 A. That would be my observation I suppose.

15 MR. CUNNINGHAM: I'm going to object to
16 this line of questioning. This is not about
17 detective onboarding.

18 MR. WADOOD: This is about detective
19 training and I'll get back to asking questions
20 about the facial recognition training as it's in
21 place.

22 Q. (Continuing, by Mr. Wadood) So up until the
23 promotions era detective school, DPAC, there is
24 no facial recognition technology training for
25 appointed detectives, right?

1 **A. Correct.**

2 Q. Okay. And then now during the promotions era,
3 DPAC training, are there any facial recognition
4 trainings for newly promoted detectives?

5 **A. We discuss it in the training. It's not like a**
6 **segmented thing that we specifically only talk**
7 **about for an hour, but we just brought up**
8 **different scenarios.**

9 Q. So we're talking about the same facial recognition
10 training that we were discussing earlier where it's
11 kind of a case study and you walk through it?

12 **A. Correct.**

13 Q. When did the department start to provide that
14 training for newly promoted detectives?

15 **A. Sometime in 2020.**

16 Q. Okay.

17 **A. Fall-ish. I don't think we discussed the first**
18 **one I did, which was right when I got there, but**
19 **the second one, that was something we added.**

20 Q. And I believe you testified to this before, but
21 that component of the training didn't discuss
22 how to request facial recognition searches, right?

23 **A. That's correct.**

24 Q. It didn't include how to use the results of
25 facial recognition in your investigation, right?

1 A. It would have discussed the detective principles
2 and how to apply it. It wouldn't tell you how
3 to fill out the form. If they wanted to know
4 that, they would have to, you know, when they
5 came out with the policy that they would have
6 had to read, it would have told you you can only
7 use it now on a Part 1 crime, violent felony or
8 home invasion or it would have told you who to
9 contact to request it. That's all in the policy
10 which they would have had to read in their unit
11 or precinct or whatever, they would have to make
12 sure that they read their policy.

13 Q. Okay. And you also said that the training
14 didn't really address the signs or -- well, let
15 me ask it this way. The training didn't cover
16 how facial recognition technology itself
17 operates, right?

18 A. Yeah, I don't think we're qualified to teach
19 them the algorithms for identifying, I mean it
20 doesn't get into the science and the nuts and
21 bolts.

22 Q. I mean did it discuss what qualities of the
23 input photo, the photo you feed into the system,
24 may impact the reliability or accuracy of the
25 results?

- 1 **A.** No, not really.
- 2 Q. So did you discuss things like a darker photo
3 may result in a less accurate result?
- 4 **A.** Not that I'm aware of. That would be more of a
5 question for the -- that would be a more
6 pertinent question for the analyst that was
7 inputting it. So we have a process where if I
8 wanted to do this and it was a violent felony, I
9 would take it to the analyst and the analyst
10 would evaluate whether this is usable or not and
11 they receive quite a bit more training on this
12 and then it has to be peer reviewed and then
13 that would give us the lead, so I would think
14 that that's a more adequate or a more appropriate
15 training for the analyst who is actually making
16 the determination whether this is a viable photo
17 or not.
- 18 Q. But the training doesn't cover the process of
19 going to an analyst and requesting a search, right?
- 20 **A.** Not specifically, no.
- 21 Q. So it doesn't address anything about which
22 questions to ask the analyst about the types of
23 photos to submit and whether a photo is quality
24 enough?
- 25 **A.** Well, no, the only ones that can do it are the

1 analysts. They're the only ones that have the
2 physical capability. I can't do facial recognition
3 on my own. I don't have those capabilities, so
4 they would have to go to the analyst and the
5 analyst would, they review it and they look at
6 it regardless of whether I ask or know to ask.
7 They would just say this is not a viable picture or
8 this is, so they would make that determination.
9 I don't teach them on that because it seems kind
10 of pointless because it's already happening
11 whether they know to ask for it or not.

12 Q. Does the facial recognition training include
13 anything about whether or not facial recognition
14 works well on people with darker skin tones,
15 people of color?

16 A. We don't really discuss that. That's some
17 debatable topics with all of the facial
18 recognition, so we leave those determinations up
19 to analysts. I think, that's a much deeper
20 topic than the average everyday detective is
21 going to get into because there is some studies
22 and there are debatable answers on those, so I
23 would leave that to the experts on who are
24 actually doing it rather than have them debate
25 on what -- it's just more appropriate for the

1 analyst who has more advanced training on this
2 to determine whether it's a viable candidate or
3 not and that's why we say it's just a lead.

4 Q. Okay. And I know you testified that you're not
5 or the department is not qualified to teach its
6 detectives about the algorithms themselves, but
7 as far as the operation of the technology, does
8 the training explain the general process of
9 feeding an image into the technology and the
10 technology returning multiple hits after which
11 an analyst makes a decision on which hit might
12 be the best investigative lead?

13 A. We do discuss that in general terms, but not the
14 science of it, but yes.

15 Q. But not the what of it? I'm sorry.

16 A. Not the algorithm, but we teach them that this
17 is basically an algorithm goes in and it picks
18 out a bunch of candidates and that was just a
19 lead which is in our policy and that we can't
20 use it based solely on that, that that's a lead
21 and they give us candidates and we have to
22 determine who is the actual person on some other
23 method that it's not saying that this is the
24 person. It's saying that this is a candidate
25 that could possibly be the person, so we talk

1 about that kind of stuff, but we don't talk about
2 like the science behind it or the math behind it.

3 Q. Okay. Do you talk about how you get from the
4 multiple candidates to the investigative lead?

5 A. I mean, I don't understand your question. I
6 thought I answered that. So we teach them that
7 you get the leads and then you have to go
8 through and you have to vet them and, you know,
9 if you have a witness, then they would -- it's
10 not good enough just to have the facial
11 recognition. It would have to be someone that
12 would identify them, so we get into that portion
13 of it, but not that they put it in this computer
14 and it has this specific formula and it comes
15 back, so, you know, if it's not the first one,
16 then maybe it's the second one or the third one
17 or whatever, but you have to vet it out on other
18 investigative methods because it's only a lead.

19 Q. Let me make sure and see if I have any additional
20 questions about this. I want to ask some questions
21 a little bit, although I may come back to any of
22 the topics we discussed, so I want to introduce
23 I believe we're still on, Ann, we're still on
24 Exhibit B, right?

25 COURT REPORTER: We've only marked A.

1 MR. WADOOD: So I want to mark Exhibit B.

2 (Marked Exhibit B.)

3 Q. (Continuing, by Mr. Wadood) Let me know when you
4 start seeing it on your screen.

5 A. **I see it, training directive.**

6 Q. Right. Are you familiar with this document?

7 A. **I haven't looked at it before or in a while.**

8 Q. Okay. It's labeled Detroit Police Department
9 Training Detective (sic), right?

10 A. **Training directive, yes.**

11 Q. Training directive. I apologize. And it's
12 about the use of traffic light mounted cameras
13 and facial recognition technology, right?

14 A. **Yes.**

15 Q. And it's dated April 9th, 2019, right?

16 A. **Yes.**

17 Q. Okay. So I just want to use this document as an
18 example of a training directive. Can you tell
19 me what a training directive is?

20 A. **It's just a directive or it's just a document**
21 **that we use to push out training when we don't**
22 **have in-person training. It's easier to get out**
23 **to the masses in a written directive than it is**
24 **to get everybody in one place to undertake**
25 **training, so that's just one of our documents**

1 that we use.

2 Q. Am I right in saying -- so am I right to say
3 that the training itself is this document?

4 A. Sure, yes, that's a form of our training, yes.

5 Q. There is no subsequent in-person training based
6 on this document? This document itself is the
7 training?

8 A. Well, it's an independent training. There may
9 be training on the subject in other forms, but
10 this is one way to do it, so but this is
11 independent of other trainings.

12 Q. Okay. And how does this differ from a typical
13 manual directive or even a special order?

14 A. These are more information than like requirements,
15 so the policy and the special orders tell you
16 what you can and can't do or their requirements
17 and these are more informational in general and
18 talk about the practices. You know, they might
19 instruct you how to do something, but they're
20 not like an order that we would attach to
21 discipline, so if you violate a policy, you
22 would cite like what policy you violated and
23 then you'd have to go in the code of conduct and
24 find it, so this is more just informative, but
25 it puts out information.

1 Q. Moving down to the end of this document, do you
2 see the section on use of facial recognition
3 technology?

4 A. Yes.

5 Q. It says, "DPD members will not use facial
6 recognition technology unless that technology is
7 in support of an active or ongoing criminal or
8 homeland security investigation." Did I read
9 that correctly?

10 A. Yes.

11 Q. So in the context of this training directive,
12 would you consider that more informational or
13 more a requirement on detectives?

14 A. It's more informational in the sense that it's
15 not for enforcement purposes. You would have to
16 find something in policy, but generally these
17 mimic. So when they came up with this, they
18 were going to have a special order come out and
19 that would be enforced based on the special
20 order, but this is more pushing out the
21 information that would go with the policy, but
22 they might put this out before the policy is
23 approved because we're not just going to -- we
24 need to make changes. We're not just going to
25 wait for everything to be perfect before we try

1 to implement our changes, but as far as I mean
2 it's a requirement in the sense we're telling
3 you to do this, but as far as an enforceable
4 action, you would have to have something in the
5 -- if this didn't reflect what the policy was,
6 then the policy would be the default.

7 Q. Got it. So if someone in theory, in theory if a
8 detective didn't follow this criminal investigation
9 required section, there wouldn't be any actual
10 disciplinary consequences on them?

11 A. In theory, but generally when they put these
12 out, there is some type of policy in the works
13 or whatever, so I don't, you know, we have a
14 problem getting our policies in, so I don't
15 think they could enforce anything about this,
16 but most likely they were either requesting or
17 something would have reflected this and they
18 needed a special order or policy at the time.

19 Q. I see we're coming up on time. I'm going to
20 take just a quick one-minute break just to make
21 sure we don't have anything else and I can be
22 back at 1:57 just to confirm either way, okay?

23 A. Sure.

24 (Recess 1:56 p.m. to 1:59 p.m.)

25 Q. (Continuing, by Mr. Wadood) Just a couple quick

1 questions to wrap this up. You testified that
2 detectives don't need to be trained on how
3 facial recognition technology works because
4 that's what the CIU analysts do, is that right?

5 A. Yeah, I mean in the sense of general terms, yes,
6 we teach them, but as far as like the specifics
7 of, I mean I don't know how they came up with
8 this algorithm, like I think that's a little bit
9 out of our capabilities there. It's more
10 important that the analysts know specifically
11 because they're the ones that are going to be
12 using it more often. The officers using it
13 aren't going to be using it nearly as frequently,
14 so I mean they need to understand some basics,
15 but not the specifics of how you put it into the
16 computer and all that. They're never going to
17 do that and they, you know, it's more important
18 that the analyst knows what is good and bad
19 because they're the ones making that evaluation.
20 I'm not going to make the evaluation on whether
21 this is a viable candidate or not. That's not
22 my job. My job is to investigate stuff and that's
23 part of their process is to analyze whether this
24 photo is something that's a viable candidate, so --

25 Q. And when a CIU analyst, when a CIU analyst makes

1 that determination, they provide the requesting
2 detective with a standardized investigative lead
3 sheet, right?

4 **A. If they have a viable match or whatever, yeah.**
5 **They send them a lead they call it.**

6 Q. Okay. So the detective receives the lead sheet
7 from a CIU analyst if the CIU analyst makes a
8 choice on there being an investigative lead, right?

9 **A. Yes, because they put it in, the analyst puts it**
10 **in the computer and then they do a visual to see**
11 **if this is a viable person, so when the analysts**
12 **look at it, there is a reasonable belief that**
13 **this is probably the person, right, so you know**
14 **if they run it in facial recognition and they're**
15 **looking for a white male and a lead came back**
16 **and it was a black male, well, they would know,**
17 **they wouldn't even send that to the detective**
18 **because they visually would eliminate that right**
19 **away, so it's not like this is a computer AI**
20 **telling us this is the person. There's a whole**
21 **process that they go through.**

22 Q. And so the detectives aren't trained on how
23 analysts make that decision, how they generate
24 the investigative lead or how certain they are
25 that this is a viable investigative lead, right?

1 A. They're not instructed on that, no, not in the
2 past.

3 Q. Okay. So that means that a detective wouldn't
4 be able to convey to a magistrate judge how
5 certain or how reliable this investigative lead
6 is, right?

7 A. Well, they would get information from the analyst
8 and it's a lead, so that would be their level of
9 confidence. We're not presenting that facial
10 recognition is telling us who did it. It's just
11 a lead for them to do more investigation to
12 determine whether our lead is more than a lead.

13 Q. So all that a detective can present to the
14 magistrate when it comes to the facial recognition
15 results is that this is an investigative lead?

16 A. Yes.

17 Q. And based on what a detective is or isn't trained
18 on, they aren't able to communicate to the
19 magistrate how certain the analyst was that this
20 is a viable lead without actually asking the
21 analyst?

22 A. The analyst is as certain as saying that this is
23 a lead, that's all they're going to say, I mean
24 there is no mathematical probability for us, you
25 know, there is an algorithm and there can be

1 some probabilities on matches for algorithms,
2 but they can do a physical match. There is no
3 way they can convey that would be appropriate
4 for them to present it. They're probably more
5 confident than would even be appropriate for
6 them to say because it is just a lead. If I say
7 that I'm 99 percent certain this is the guy,
8 it's no longer a lead. It's now evidence, so
9 we're not trying to portray this like this alone
10 is enough. We're saying this is a lead. We're
11 confident this is a lead that it may be this
12 person and we're confident that we should do
13 some more stuff to figure out, you know, so this
14 alone, whenever you have something in the law
15 enforcement that says it's a lead, that alone is
16 not enough by itself to establish probable
17 cause. That's why we have other issues like
18 doing line-ups and stuff like that or other
19 things. There's other ways of getting there,
20 but it's just a lead, so it would be inappropriate
21 I think to present something as a lead and then
22 say you're 99 percent confident, so of course we
23 do not train that.

24 MR. CUNNINGHAM: I'm getting antsy
25 about missing my meeting.

1 MR. WADOOD: Okay. I think that's all
2 I have. Patrick, if you have any questions.

3 MR. CUNNINGHAM: I have no questions.

4 MR. WADOOD: Okay. That's it then.

5 MR. CUNNINGHAM: Thank you.

6 (Deposition concluded at 2:05 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 Macomb County

25 My commission expires: 6/29/23

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