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Exhibit A - Defendant Detroit Police Lieutenant Vicki Yost Deposition Transcript.

Exhibit B - Defendant Detroit Police Sergeant Daniel Buglo Deposition Transcript.

Exhibit C - Anticipatory Search Warrant and Affidavit.

Exhibit A

Vicki Yost
12/20/2011

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

5 IAN MOBLEY, et al,

6 Plaintiffs,

7 vs.

Civil Action

8

No. 10-cv-10675

9

HON. VICTORIA A. ROBERTS

10 CITY OF DETROIT, et al,

MAG. MONA K. MAJZOUB

11

Defendants,

12

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15 The Deposition of INSP. VICKI L. YOST,
16 Taken at 18th floor, 660 Woodward Avenue,
17 Detroit, Michigan,
18 Commencing at 10:39 a.m.,
19 Tuesday, December 20, 2011,
20 Before Dale E. Rose, CSR-0087.

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1 APPEARANCES:
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1 APPEARANCES (CONTINUED)
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1 Detroit, Michigan
 2 Tuesday, December 20, 2011
 3 About 10:39 a.m.
 4 INSP. VICKI L. YOST,
 5 having first been duly sworn, was examined and
 6 testified on her oath as follows:
 7 EXAMINATION
 8 BY MR. GOODMAN:
 9 Q. For the record, your name is Inspector Vicki
 10 Yost, am I correct?
 11 A. Yes.
 12 Q. Insp. Yost, have you ever been deposed before?
 13 A. Yes.
 14 Q. How many times would you say?
 15 A. Oh, good God, a handful.
 16 Q. Half a dozen perhaps?
 17 A. Perhaps.
 18 Q. My name is Bill Goodman, I represent the
 19 Plaintiffs in this action and I'm going to be
 20 asking you some questions and as you know from
 21 your other experiences having been deposed before
 22 I'll expect you to answer those questions.
 23 If there's anything you can't hear or
 24 you don't understand or that requires repetition
 25 or clarification, please let me know and I'll

1 Q. Okay. Insp. Yost, what documents have you
 2 reviewed in preparation for today's deposition?
 3 A. Recently the CRISNET or handwritten PCR -- not
 4 handwritten, but the typed PCR relating to a
 5 March observation and then an April observation
 6 in 2008.
 7 Q. These were CRISNETs or PCRs?
 8 A. They were PCRs.
 9 Q. And what's the difference between a PCR and a
 10 CRISNET?
 11 A. They're both a written record for the police
 12 department. One is electronic, one is not.
 13 Q. Both are official forms, is that right?
 14 A. Yes.
 15 Q. And it's my understanding on occasion -- the PCR
 16 is the form that is non-electronic, am I right,
 17 and the CRISNET is electronic, is that correct?
 18 A. Correct.
 19 Q. So that if you want to contain information and
 20 not spread it throughout the department you will
 21 generate a PCR and if that's unimportant, it
 22 doesn't matter, you'll generate a CRISNET?
 23 Is that a fair characterization?
 24 A. That's not always the truth, no. There can be
 25 more than one reason. You asserted one reason

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1 attempt to repeat or clarify the question.
 2 Do you understand that?
 3 A. Yes.
 4 Q. And as you are doing, it's important that you
 5 answer verbally. Some people shake their heads,
 6 some people will say "uh-huh" or "uh-uh" and that
 7 makes for an unclear record, and I may have to
 8 remind you from time to time. If I do, I
 9 apologize in advance, all right?
 10 A. Yes.
 11 Q. And you have two attorneys here today. If your
 12 attorney objects to any of my questions, please
 13 withhold your answer until the objection is
 14 stated on the record.
 15 At that time most likely you will be
 16 expected and allowed by your attorney to answer
 17 the question, do you understand?
 18 A. Yes.
 19 Q. Finally, I will attempt not to interrupt your
 20 answers. If I do, I apologize and I will attempt
 21 to rectify or clarify that and I would ask that
 22 you wait until I complete my question before you
 23 start answering.
 24 That you understand as well, right?
 25 A. Yes.

1 you might want to do PCR in lieu of a CRISNET,
 2 but there could be others as well.
 3 Q. Give me a few examples of those?
 4 A. Something that's confidential, something that's
 5 preliminary in nature, something that may be
 6 sensitive to an Internal Affairs investigation,
 7 Narcotics investigation, a Vice investigation.
 8 So there's other avenues where you
 9 might opt to prepare a handwritten or -- I'm
 10 sorry, not a handwritten, but a typed PCR instead
 11 of a CRISNET.
 12 Q. Typed non-electronic?
 13 A. Correct.
 14 Q. For purposes of this deposition let's just -- and
 15 to attain a certain amount of brevity here if we
 16 talk about the PCR we're talking about the
 17 non-electronic form.
 18 If we talk about the CRISNET, we're
 19 talking about the electronic form, is that a fair
 20 way to proceed in your judgment?
 21 A. That's fine.
 22 Q. In this case I think you indicated there were two
 23 PCRs that were generated, one in March and I
 24 believe that would have been March 29th, and one
 25 in April and I believe that would have have April

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1 26, is that correct?
 2 A. I'm not sure of the specific dates.
 3 Q. But --
 4 A. One was in March and one in April.
 5 Q. And why were those PCRs as opposed to CRISNETs,
 6 if you can recall?
 7 A. You'd have to ask Sgt. Buglo, he prepared them.
 8 Q. And anyway you reviewed both of those PCRs before
 9 today's deposition, am I right about that?
 10 A. Briefly.
 11 Q. And anything else?
 12 A. Nothing specific, no.
 13 Q. Any activity logs?
 14 A. No.
 15 Q. Also there was the Internal Affairs investigation
 16 into this matter, am I right about that?
 17 A. Not that I'm aware of.
 18 Q. Citizen's complaint -- I apologize, it was my
 19 terminology. There was a citizen's complaint
 20 investigation. I think it was conducted by
 21 Internal Affairs.
 22 Do you know anything about it?
 23 A. Not to my knowledge.
 24 Q. Did you give a statement?
 25 A. Not that I recall.

1 words, did you go to college?
 2 A. I have an undergraduate degree and a master's
 3 degree.
 4 Q. And your undergraduate degree is from?
 5 A. University of Maryland.
 6 Q. What is that degree? What was your major in
 7 that?
 8 A. Some version of government and politics. I'm not
 9 sure what's officially on the degree.
 10 Q. When did you receive your undergraduate degree?
 11 A. 1994 I believe.
 12 Q. And you have a master's degree also?
 13 A. Yes.
 14 Q. From?
 15 A. Eastern Michigan.
 16 Q. In what?
 17 A. Liberal studies with an emphasis in police staff
 18 and command.
 19 Q. When did you receive that master's degree?
 20 A. I'm not sure, sometime in --
 21 Q. Within the last five years?
 22 A. Probably not, no. It was within the last ten.
 23 Q. Did you write a thesis or a dissertation to get
 24 that degree?
 25 A. I'm not sure.

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1 Q. Okay, we'll get back to it. I'll give you time
 2 to take a look at it and then we can talk about
 3 it.
 4 MR. GOODMAN: All right, and for the
 5 record there is some outstanding discovery in
 6 this case which we anticipate there will be
 7 further production of documents.
 8 If any document is produced that
 9 requires further interrogation or questioning of
 10 this witness, I would ask that the deposition be
 11 continued for that point in time.
 12 BY MR. GOODMAN:
 13 Q. Insp. Yost, what is your date of birth?
 14 MS. GIAQUINTO: Objection, law
 15 enforcement privilege. Do not answer.
 16 BY MR. GOODMAN:
 17 Q. You're employed by the Detroit Police Department,
 18 am I correct?
 19 A. City of Detroit Police Department, yes.
 20 Q. How long have you been so employed?
 21 A. Since June 12, 1995.
 22 Q. Did you have any law enforcement background
 23 before that time?
 24 A. No.
 25 Q. What's your educational background? In other

1 Q. So when you came to the Detroit Police Department
 2 which would have been June 12, 1995 what training
 3 did you receive at that time?
 4 A. Assigned to the Detroit Metropolitan Police
 5 Academy and went through training there.
 6 Q. How long was your training at the academy? How
 7 long a course of training as it?
 8 A. To the best of my recollection approximately
 9 five months.
 10 Q. And what was your first assignment as a Detroit
 11 police officer?
 12 A. I was assigned to the 12th Precinct.
 13 Q. You were promoted at some point from police
 14 officer to sergeant, is that right?
 15 A. Yes.
 16 Q. When was that?
 17 A. January of '99.
 18 Q. At a police officer did you have occasion to work
 19 with the Vice Enforcement Unit of the Detroit
 20 Police Department?
 21 A. I don't specifically recall having worked with
 22 them, no.
 23 Q. When you became a sergeant what was your
 24 assignment, first assignment?
 25 A. Tactical Mobile.

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5 (Pages 14 to 17)

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1 Q. And as a sergeant did you have occasion to work
 2 with Vice Enforcement, if you can recall?
 3 A. I don't recall.
 4 Q. When were you promoted to lieutenant?
 5 A. November of 2000 -- or October of 2000, I'm
 6 sorry.
 7 Q. What was your first assignment as lieutenant?
 8 A. 11th Precinct.
 9 Q. And at some point as lieutenant you did have
 10 occasion to work with Vice Enforcement, am I
 11 right?
 12 A. At some point as a lieutenant I was assigned to
 13 Vice Enforcement, yes.
 14 Q. You were the commander, is that right?
 15 A. I was the commanding officer, yes.
 16 Q. When was that?
 17 A. Oh, boy. I'm trying to do the math backwards,
 18 hang on.
 19 Q. Take your time.
 20 A. Somewhere between 2006 and 2007.
 21 Q. How long were you the commanding officer of Vice
 22 Enforcement?
 23 A. I believe a little over -- between two and three
 24 years.
 25 Q. Who was your predecessor?

1 Q. By whom?
 2 A. I don't know who signed -- I'm not sure who
 3 prepared the performance appraisals.
 4 Q. That's the official title, performance
 5 appraisals?
 6 A. Yes.
 7 Q. And those are annual?
 8 A. Semi-annual.
 9 Q. And you don't know who evaluated you?
 10 A. No.
 11 Q. Did you have any discussions with anyone about
 12 your performance evaluations?
 13 A. I'm sure -- I don't recall.
 14 Q. Who was your direct supervisor at the time that
 15 you were commanding officer of Vice Enforcement?
 16 A. There was more than one, Commander Louis Bray,
 17 Kevin Robinson was there. I'm not sure who else
 18 was in charge at the time.
 19 Q. I assume -- withdraw that question.
 20 Is it fair to say that your performance
 21 appraisals were based upon a number of factors in
 22 terms of the job that you were doing when you
 23 were with Vice Enforcement, a variety of factors?
 24 A. Yes.
 25 Q. Was one of those factors the number of arrests

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1 A. Commander -- she was a lieutenant at the time,
 2 she's now a commander, Debra Fair.
 3 Q. Who was your successor?
 4 A. No one at the time.
 5 Q. There's no commanding officer at Vice
 6 Enforcement?
 7 A. Not at this time.
 8 Q. When you left Vice Enforcement where did you go?
 9 A. Tactical Mobile.
 10 Q. That was as lieutenant?
 11 A. Yes, I was the officer in charge of Tactical
 12 Mobile.
 13 Q. And at some point you were promoted to the rank
 14 of inspector, is that correct?
 15 A. Yes.
 16 Q. When was that?
 17 A. September of 2011, this year.
 18 Q. Congratulations.
 19 A. Thank you.
 20 Q. What was your first assignment as an inspector?
 21 A. I'm assigned to the 8th Precinct.
 22 Q. During your time as the commanding officer of
 23 Vice Enforcement were your -- was your job
 24 performance evaluated, inspector?
 25 A. I believe so.

1 that were made by your unit during any period of
 2 time?
 3 A. Not to my knowledge.
 4 Q. How about the number of citations that were
 5 issued?
 6 A. Not to my knowledge.
 7 Q. How about the number of automobiles that were
 8 confiscated and towed by -- in conjunction with
 9 operations of your unit?
 10 A. Not to my knowledge.
 11 Q. Were those statistics maintained by your unit,
 12 that is the number of arrests, number of
 13 citations issued or the number of vehicles that
 14 were towed?
 15 A. Yes.
 16 Q. In what form?
 17 A. In the form of just a statistical recap report.
 18 Q. And how -- what were the -- how often were those
 19 reports prepared, let's put it that way?
 20 A. At least monthly, but it could have been more
 21 frequently than that.
 22 Q. And those reports were based upon raw data that
 23 came from where?
 24 A. Patrol functions.
 25 Q. Were there like data sheets of some sort, were

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1 there -- was there an electronic file somewhere
 2 where this data was maintained, if you can
 3 recall?
 4 A. I know that we gathered data from like cover
 5 sheets put on activity logs or something like
 6 that.
 7 Q. Were there things known as tally sheets that you
 8 can recall?
 9 A. I don't recall the specific jargon.
 10 Q. In your performance appraisals were the numbers
 11 of either arrests, citations issued or vehicles
 12 that were towed, were those reported in your
 13 performance evaluations?
 14 A. Not to my knowledge.
 15 Q. When you say not to your knowledge, are you
 16 saying that you read the performance appraisals
 17 and they did not report these kinds of statistics
 18 or that you have no knowledge that they were?
 19 A. I don't believe any of my performance appraisals
 20 have quoted statistics.
 21 Q. Is there a general category of productivity in
 22 terms of the numbers of arrests, citations issued
 23 or vehicles that were towed that's noted?
 24 In other words, this unit has been very
 25 effective at making many arrests?

1 kinds of data were noted or commented on?
 2 A. What kind of data?
 3 Q. The ones that we've been asking about, arrests,
 4 citations or vehicles?
 5 A. Not that I can recall.
 6 Q. Now, in addition to being appraised yourself,
 7 your own performance being appraised, you
 8 appraised the performance of the officers and
 9 supervisors who worked under your command, is
 10 that correct?
 11 A. No.
 12 Q. Who did?
 13 A. The officers were appraised by their sergeant and
 14 I appraised the sergeants.
 15 Q. So you appraised the sergeants, is that correct?
 16 A. Yes.
 17 Q. And during your years as the commanding officer
 18 of Vice Enforcement how many sergeants -- such
 19 sergeants were there?
 20 A. Sgt. Buglo and Sgt. Turner.
 21 Q. How many such evaluations of Buglo and Turner did
 22 you do?
 23 A. I don't specifically recall.
 24 Q. In those evaluations did you take into account
 25 the productivity of those two sergeants or the

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1 A. Not as you specifically laid out in the
 2 supervisor's appraisals, no.
 3 Q. How about in a more general sense, not perhaps
 4 using my words because I don't have those
 5 appraisals in front of me, but in a general idea
 6 of concept where it was reported or noted, if you
 7 can recall?
 8 A. You're going to have to repeat that.
 9 Q. I'm sorry. I'm sure I do have to repeat that.
 10 What I'm saying is, you indicated that
 11 those data were not noted or commented on as I
 12 specifically phrased it earlier, and I'm asking
 13 you was there any general view or evaluation of
 14 your performance or the performance of your unit
 15 that took into account the fact that there were
 16 many arrests made, there were many citations
 17 issued or there were many vehicles that were
 18 towed?
 19 A. I think you'd have to ask the person who prepared
 20 the performance appraisal.
 21 Q. And you don't know who that was, right?
 22 A. Off the top of my head, no.
 23 Q. Those performance appraisals are written?
 24 A. Yes.
 25 Q. Can you recall one way or the other whether those

1 officers under their command or under their
 2 supervision in terms of numbers of arrests,
 3 numbers of citations or numbers of vehicles
 4 towed?
 5 A. Without reviewing the specific appraisals I can't
 6 tell you.
 7 Q. Just one moment. Do you think you reviewed the
 8 performance of Sgt. Buglo more than one time?
 9 A. I would believe so, yes.
 10 Q. Let me ask this, inspector. Is that something --
 11 withdraw that.
 12 As the commanding officer at Vice
 13 Enforcement were you conscious of the numbers of
 14 arrests, the numbers of citations and the numbers
 15 of vehicles which were being confiscated and
 16 towed from month to month?
 17 Was that something you were aware of?
 18 MR. ASHFORD: Objection as to form.
 19 BY MR. GOODMAN:
 20 Q. I don't -- you may answer that question.
 21 MR. GOODMAN: Let's go off the record.
 22 (An off-the-record discussion was
 23 held.)
 24 BY MR. GOODMAN:
 25 Q. Back on the record. Do you remember the

Vicki Yost
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7 (Pages 22 to 25)

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1 question?
 2 A. No.
 3 MR. GOODMAN: Would you read it back,
 4 please.
 5 (Record repeated as requested).
 6 A. Yes, I was aware of the productivity of my unit,
 7 yes.
 8 Q. And you would agree that those data, that is
 9 arrests, citations, and vehicles confiscated and
 10 towed are a part of productivity, would you not?
 11 A. It's a part, yes.
 12 Q. What else goes into productivity in your
 13 judgment?
 14 A. We have citizen complaints that can be answered
 15 in other forms or fashions that don't result in a
 16 tangible outcome like a ticket or an arrest or
 17 something like that, but it resolves the
 18 community concern that's been raised, so that
 19 would be an outcome also that, like I said, isn't
 20 necessarily tangible, but also would be
 21 considered.
 22 Q. Do you keep track of the number of such
 23 complaints that are resolved without those kinds
 24 of formal actions by your department or by your
 25 unit?

1 A. Yes, it is.
 2 Q. Do you ever receive complaints from that
 3 particular entity?
 4 A. Yes.
 5 Q. So you receive them from the Michigan Liquor
 6 Control Commission which is a state agency?
 7 A. No, the MLCC sends it to Liquor License who
 8 forwards it to us generally speaking.
 9 Q. So they operate through the same channel, is that
 10 correct?
 11 A. I'm not sure what you mean.
 12 Q. Withdraw that question, that's okay.
 13 Were you aware, let's say, in May of
 14 2008 that when a vehicle was towed and
 15 confiscated that the person whose vehicle was
 16 being towed would have to retrieve it and in
 17 doing so would have to pay some money in order to
 18 get the vehicle back?
 19 MS. GIAQUINTO: Objection, foundation.
 20 You can answer.
 21 BY MR. GOODMAN:
 22 Q. Go ahead.
 23 A. There's a nuisance abatement seizure process I
 24 was aware of, yes.
 25 Q. Which involved the payment of money by the

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1 A. I believe we did.
 2 Q. And how are they characterized, those kind of
 3 complaints?
 4 A. It would depend how the complaint was received.
 5 Q. Give me an example? Suppose a complaint comes in
 6 over the telephone?
 7 A. It could generate in several different forms. It
 8 could have been generated through the MLCC, they
 9 could have routed something to Liquor License
 10 that routed to us and there may be a resolution
 11 that doesn't involve enforcement action, but the
 12 complaint was resolved.
 13 A complaint could have been received
 14 via anonymous phone call. Those complaints would
 15 be received and then resolved depending upon what
 16 the outcome was.
 17 Q. Resolved by way of investigation?
 18 A. Correct.
 19 Q. And the MLCC, so we have a clear record, stands
 20 for what?
 21 A. Michigan Liquor Control Commission.
 22 Q. There's also a licensing unit within the Detroit
 23 Police Department, is there not?
 24 A. Liquor License.
 25 Q. It's called Liquor License?

1 automobile owner to whoever has towed the
 2 vehicle, is that correct?
 3 A. That was between the owner and Wayne County.
 4 Q. But you were aware that money was paid?
 5 A. Yes.
 6 Q. Were you aware of the fact that some of that
 7 money came back to the City of Detroit?
 8 A. Yes.
 9 Q. That is one of the reasons why the numbers of
 10 vehicles towed was a factor in determining the
 11 productivity of your unit?
 12 A. No.
 13 Q. Do you have any idea what percentage of the fines
 14 and costs that were paid by the vehicle owner
 15 were returned to the City of Detroit?
 16 MR. ASHFORD: Objection as to form.
 17 MS. GIAQUINTO: If you know.
 18 A. In regards to a percentage, no. I'm aware that
 19 there is some returned to the City.
 20 BY MR. GOODMAN:
 21 Q. Were you aware of the amount of money that was
 22 produced annually as a result of that?
 23 A. I believe it would have been contained in an
 24 annual report, yes.
 25 Q. The annual report of?

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8 (Pages 26 to 29)

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1 A. Vice Enforcement or Liquor License, one or the
 2 other.
 3 Q. Well, during the year 2008, for example, do you
 4 remember how much money was generated as a result
 5 of these actions?
 6 A. No, I do not.
 7 Q. Now, in addition to the vehicles being towed
 8 you're aware that when a citizen receives a
 9 citation or when someone receives a citation as a
 10 result of the actions of your unit sometimes
 11 monies are paid as a result of fines that are
 12 imposed, are you not?
 13 MR. ASHFORD: Objection to the form,
 14 foundation.
 15 MS. GIAQUINTO: You can answer.
 16 A. Can you repeat that?
 17 BY MR. GOODMAN:
 18 Q. When someone is given a ticket they often have to
 19 pay some money in order to -- as a fine in order
 20 to resolve that, isn't that right?
 21 MR. ASHFORD: Objection to the form.
 22 A. They may via the court proceeding have to pay a
 23 fine, yes.
 24 BY MR. GOODMAN:
 25 Q. Do you know how much money was generated as a

1 A. No, I did not.
 2 Q. When you assumed the responsibilities and became
 3 the commanding officer at Vice Enforcement what
 4 did you understand the mission of Vice
 5 Enforcement to be?
 6 Can you please describe it?
 7 A. The mission was to address the prostitution,
 8 gambling and liquor-related violations within the
 9 city.
 10 Q. Prostitution, gambling and liquor related, is
 11 that right?
 12 A. Yes.
 13 Q. And by liquor related, you mean what?
 14 A. Violations at licensed liquor establishments,
 15 instances of violence at licensed liquor
 16 establishments would also be considered a
 17 violation.
 18 Your non-licensed locations.
 19 Q. Anything else that you can think of right now?
 20 A. Like minor sales, sales to people under 21.
 21 Again, that goes back to a liquor violation.
 22 Q. Well, that's a lot, right. I understand there
 23 may be some other -- a few other things that you
 24 can't think of, but those are the principal
 25 activities of your unit at that time, is that a

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1 result of the fines that were paid for the
 2 citations that were issued by your unit when you
 3 were in Vice Enforcement?
 4 A. No, I do not.
 5 Q. Was that number reported anywhere?
 6 A. To the best of my recollection I don't believe
 7 that number is captured.
 8 Q. When you became the commanding officer of Vice
 9 Enforcement did you receive any specific training
 10 in order to assume those responsibilities?
 11 A. Not that I recall.
 12 Q. Did you talk with your predecessor? Were you
 13 briefed by your predecessor how she had run this
 14 particular unit?
 15 A. Yes.
 16 Q. How long was that briefing if you can recall?
 17 A. I don't recall.
 18 Q. Did she write a report, an exit memo or anything
 19 like that when she left that unit?
 20 A. I don't recall.
 21 Q. Did you when you left the unit?
 22 A. There's no one currently in my position.
 23 Q. I understand, but sometimes you can leave a
 24 position, do an exit memo even though you don't
 25 know who's going to replace you?

1 fair statement, with regard to liquor violations?
 2 A. I don't think that was the totality of it, but
 3 that's the first thing that comes to mind.
 4 Q. As you know, this particular case involves a raid
 5 that occurred on May 31, 2008, is that correct?
 6 A. Correct.
 7 Q. You remember the raid?
 8 A. Somewhat, yes.
 9 Q. You were present?
 10 A. Yes.
 11 Q. We're going to go into some of that in a while,
 12 but what percentage of the activities of the Vice
 13 Enforcement Unit involved raids on liquor
 14 establishments or liquor-related raids back in
 15 the spring of 2008?
 16 MR. ASHFORD: Objection to form.
 17 MS. GIAQUINTO: You can answer.
 18 A. I'd have to review the reports to tell you what
 19 percentage was involved.
 20 BY MR. GOODMAN:
 21 Q. Are you able to give me a general range, that is
 22 30 to 40 percent or something like that for that
 23 period of time or do you still have to review it
 24 in order --
 25 A. I wouldn't want to speculate.

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9 (Pages 30 to 33)

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1 Q. Would you say that a substantial amount of the
 2 resources and time of the Vice Enforcement Unit
 3 went into those kinds of operations?
 4 A. No, I would not.
 5 Q. A small amount?
 6 A. Again, I would not like to speculate.
 7 MS. GIAQUINTO: She says she doesn't
 8 want to speculate on that.
 9 MR. GOODMAN: She's already answered.
 10 MS. GIAQUINTO: Well, I'm just
 11 enforcing her answer.
 12 MR. GOODMAN: You're enforcing the
 13 answer.
 14 MR. ASHFORD: I join the objection,
 15 asked and answered.
 16 BY MR. GOODMAN:
 17 Q. Can you describe the process of how a decision
 18 was made as to whether a raid would be conducted
 19 on an establishment or not, a liquor-related
 20 raid?
 21 MS. GIAQUINTO: Objection, foundation.
 22 You can answer.
 23 A. Basically through the investigation process we
 24 would determine if probable cause exists. If it
 25 did, we would get an anticipatory search warrant

1 location after hours.
 2 So subsequent to that an undercover
 3 operation was performed where myself and Sgt.
 4 Buglo entered the location in April.
 5 Q. So March was that a part of the undercover
 6 operation, the observations that you made?
 7 A. You're still undercover because you're not
 8 sitting there in a police car in full uniform,
 9 but in terms of actually engaging, it's more of
 10 an observational undercover.
 11 Q. Observational undercover and then the April
 12 version of the undercover operation was what
 13 might be called proactive, went into the
 14 establishment itself, is that right?
 15 A. I don't know about proactive, but we went into
 16 the establishment to determine if there were
 17 violations of the law occurring inside.
 18 Q. And you did that, is that correct? You made that
 19 determination, is that right?
 20 A. We went in and we made the determination that
 21 there were illegal activities inside, yes.
 22 Q. Were there any further undercover operations
 23 after the April operation?
 24 A. Not that I recall, no.
 25 Q. Before the raid on May 31, 2008 did you have any

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1 or a search warrant from the judge based on
 2 observations of the UC officers, and after the
 3 requirements of the said search warrant were met,
 4 the raid would be executed.
 5 BY MR. GOODMAN:
 6 Q. And the investigative process consisted of what?
 7 A. It would vary. I mean --
 8 Q. Well, give me some examples as to what kind of
 9 things --
 10 A. Some examples could be observations, undercover
 11 work, could be even using a third party
 12 confidential informant, it varies.
 13 Q. When you say undercover work can you describe the
 14 undercover operation which could lead to a raid?
 15 A. Can we talk about a specific raid as opposed to
 16 just in general?
 17 Q. Sure, let's talk about the raid that happens on
 18 Rosa Parks on May 31, 2008 where you were
 19 present.
 20 What was the investigatory process that
 21 led to that particular raid?
 22 A. The location was observed from the outside in
 23 March and a subject was observed going in with
 24 alcohol which is a -- and then the marijuana was
 25 smelled as well as lots of people entering the

1 -- did you participate in an undercover operation
 2 immediately before?
 3 A. I'm not sure I understand.
 4 MR. ASHFORD: Can you read the --
 5 MR. GOODMAN: I'll rephrase it.
 6 BY MR. GOODMAN:
 7 Q. Weren't you yourself dressed in plainclothes on
 8 that particular night?
 9 MS. GIAQUINTO: Which night?
 10 BY MR. GOODMAN:
 11 Q. May 31, 2008?
 12 A. Now I understand the question. Yes, I was.
 13 Q. So you engaged in an undercover operation before
 14 the raid itself occurred on that very night, is
 15 that a fair statement?
 16 A. Yes.
 17 Q. So there's a total of three undercover
 18 operations, is that right, that occurred prior to
 19 the raid?
 20 A. Yes.
 21 Q. Did you have a procedure or policy at that time
 22 that required three undercover operations before
 23 a raid could be called in?
 24 A. There was two observations, that was a
 25 requirement, yes.

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10 (Pages 34 to 37)

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1 Q. There was a requirement of two observations, is
 2 that right?
 3 A. Yes.
 4 Q. So in this case the two observations would be one
 5 in April and the last one in May?
 6 A. One in March and then the one in April would have
 7 been the two observations that would have been
 8 the basis and the foundation for the search
 9 warrant.
 10 Q. That created the basis for the search warrant,
 11 but before the raid itself was it necessary for
 12 you and Sgt. Buglo to go into the premises in
 13 order to make additional undercover operations or
 14 did you just do that as part of good law
 15 enforcement?
 16 A. We did it to ensure that illegal activity was
 17 going on.
 18 Q. And, again, was there a requirement that you do
 19 that before a raid is called in, that you make
 20 that kind of verification?
 21 A. The search warrant was anticipatory and did
 22 require certain observations.
 23 Q. Before the raid being initiated, is that right?
 24 A. Yes.
 25 DEPOSITION EXHIBIT 1

1 you see that?
 2 A. Yes.
 3 Q. So did that shift on that particular occasion go
 4 over onto March 29 as well?
 5 A. According to the activity log it did.
 6 Q. Is there anything in this particular activity log
 7 that notes your observations that you referred to
 8 earlier of activity at 5141 Rosa Parks Boulevard?
 9 A. No, but I don't recall the specific date either.
 10 I said it was in March.
 11 DEPOSITION EXHIBIT 2
 12 PCR dated 3-29-08
 13 WAS MARKED BY THE REPORTER
 14 FOR IDENTIFICATION.
 15 Q. Can you identify Exhibit 2, please?
 16 A. It's a PCR prepared by Sgt. Buglo.
 17 Q. And did you ask Sgt. Buglo to prepare this PCR?
 18 A. I don't recall.
 19 Q. Have you seen this PCR before?
 20 A. Yes, I have.
 21 Q. When did you last see it?
 22 A. I reviewed it briefly prior to this deposition.
 23 Q. And does this refresh your recollection as to
 24 what occurred on that particular early morning or
 25 late evening?

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1 activity log, 3-28-08
 2 WAS MARKED BY THE REPORTER
 3 FOR IDENTIFICATION.
 4 Q. Inspector, can you identify this exhibit?
 5 A. It appears to be an activity log.
 6 Q. Whose activity log is it?
 7 A. It appears to be for the Vice crew or certain
 8 members of the Vice crew.
 9 Q. Including yourself?
 10 A. Yes.
 11 Q. So was this your activity log for that particular
 12 date?
 13 A. I did not sign it.
 14 Q. Did you have another activity log for that date?
 15 A. I don't know.
 16 Q. Who did sign that particular activity log?
 17 A. It appears Officer McClendon, Officer Johnson and
 18 Sgt. Buglo.
 19 Q. What date would this be?
 20 A. March 28, '08.
 21 Q. What shift was it?
 22 A. Afternoons.
 23 Q. So that shift started at what time, 3?
 24 A. 2:45 PM.
 25 Q. And I see it says 3 AM as the time checked in, do

1 A. Yes.
 2 Q. Is there anything that's recorded in this PCR
 3 that you do not recall as having happened on that
 4 particular night?
 5 A. I'm sorry, I don't understand.
 6 Q. In other words, does Sgt. Buglo report anything
 7 in this PCR that you do not remember as you sit
 8 here having happened?
 9 MS. GIAQUINTO: Objection, foundation.
 10 You can answer.
 11 A. Anything in here that I don't agree with?
 12 BY MR. GOODMAN:
 13 Q. Anything that you -- yeah, anything that he says
 14 that you don't remember, that's all?
 15 A. No, I remember this activity.
 16 Q. Is there anything that you remember that's not
 17 reported in there?
 18 A. No.
 19 Q. Now, you indicated that you saw somebody bring
 20 liquor into the establishment, is that correct?
 21 A. Correct.
 22 Q. What is it that you specifically recall having
 23 seen at that particular --
 24 (An off-the-record discussion was
 25 held.)

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11 (Pages 38 to 41)

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1 Q. Do you remember the question?
 2 A. No.
 3 Q. My question is, can you give me a specific
 4 description based on your memory at that time of
 5 what you saw this woman doing and carrying in,
 6 what activities are engaged in?
 7 A. I don't believe I was a woman, I believe it was a
 8 male who exited a vehicle who was putting what
 9 appeared to be a liquor bottle and concealing it
 10 into his pants.
 11 Q. And what conclusions did you draw from that
 12 particular action on his part?
 13 A. It was just information, there was no conclusions
 14 based on that one fact alone.
 15 Q. Did that suggest there was illegal activity going
 16 on in the establishment that he was entering?
 17 A. It gave rise to further investigation.
 18 Q. Did it suggest to you that possibly the people
 19 inside the establishment were not permitting open
 20 alcohol to be brought in and out of the
 21 establishment?
 22 A. That on its face did not suggest anything. As I
 23 said, it led to further investigation or by
 24 itself did not.
 25 Q. Do you remember how cold or how warm it was that

1 same side of the street as the building?
 2 A. I'm sorry, what?
 3 Q. Was your vehicle across the street from this
 4 building or were you on the same side, if you can
 5 recall?
 6 A. I believe we were across the street.
 7 Q. You pulled up across the street and stopped the
 8 car, is that correct?
 9 A. I'm sure we stopped the car, but --
 10 Q. Who was driving?
 11 A. I believe Sgt. Buglo was, but --
 12 Q. Turn the ignition off?
 13 A. I don't recall.
 14 Q. How long were you there?
 15 A. I don't recall.
 16 Q. And you were both in plainclothes, is that
 17 correct?
 18 A. To the best of my recollection, yes.
 19 Q. Do you remember how you were dressed?
 20 A. No.
 21 Q. Did you have a cap on?
 22 A. I don't know.
 23 Q. So you smelled marijuana, you saw somebody bring
 24 what looked -- appeared to be a bottle that might
 25 contain alcohol into the establishment after

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1 particular night?
 2 A. No, I do not.
 3 Q. Do you remember whether your windows were up or
 4 down?
 5 A. I imagine they were down because we could hear.
 6 Q. What could you hear?
 7 A. Music, people outside.
 8 Q. Talking?
 9 A. That's fair.
 10 Q. Could you hear any of the conversations?
 11 A. Not specifically that I recall, no.
 12 Q. Was there any yelling going on?
 13 A. I don't recall.
 14 Q. Screaming?
 15 A. Not that I recall.
 16 Q. Did you smell anything?
 17 A. Marijuana, the smell of what appeared to be
 18 marijuana, yes.
 19 Q. Now, Rosa Parks Boulevard runs --
 20 A. North/south.
 21 Q. North and south, and your vehicle was parked
 22 where in relation to this particular location, if
 23 you can recall?
 24 A. I believe we were on Rosa Parks.
 25 Q. Were you across the street or were you on the

1 having concealed it.
 2 Anything else of note that you can
 3 recall at this time?
 4 A. Just the amount of cars and amount of people
 5 entering the location.
 6 Q. How many cars and how many people?
 7 A. I don't know, there was at least 10 to 20 that
 8 entered while we were there. There were numerous
 9 cars. I wouldn't dispute Sgt. Buglo's assertion.
 10 I don't know if he put the number in here, but
 11 there was a lot of cars.
 12 50 to 60 is what Sgt. Buglo's PCR says,
 13 I wouldn't dispute that.
 14 Q. Why did you happen to stop by this place in the
 15 first place?
 16 A. We had a complaint.
 17 Q. Can you say who the complaint was from?
 18 A. I don't recall.
 19 Q. Did you log the complaint or note it anywhere?
 20 A. I don't recall.
 21 Q. Who did the complaint come from?
 22 A. I don't recall.
 23 Q. A neighbor or another law enforcement officer or
 24 do you know?
 25 A. I don't recall.

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12 (Pages 42 to 45)

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1 Q. How do you know that you were responding to a
 2 complaint? What's the basis for your -- for that
 3 statement?
 4 A. General recollection of how we came to look at
 5 that location.
 6 Q. Was it one complaint or more than one complaint?
 7 A. I don't know.
 8 Q. Sgt. Buglo also reports seeing a white female
 9 outside the entrance drinking from a beer bottle.
 10 Do you recall observing that as well?
 11 A. I do not specifically recall that.
 12 Q. Is there a reason why the activity that's
 13 recorded in the PCR which is Exhibit 2 is not
 14 noted on Exhibit 1 which was the activity log?
 15 A. Not that I'm aware of, but again, I didn't sign
 16 the activity log.
 17 Q. The activity log was checked by Sgt. Turner?
 18 A. That appears to be his signature.
 19 Q. And Sgt. Turner was -- what was the chain of
 20 command within that particular unit? Was he
 21 directly under you?
 22 A. Both him and Sgt. Buglo were directly under me,
 23 yes.
 24 Q. It's my understanding that at some time -- at
 25 some point in time Sgt. Turner was suspended from

1 A. Sgt. Turner was involved in that, yes.
 2 Q. Who else in your unit was involved, if you can
 3 recall?
 4 A. I know there were other people associated with
 5 it. I believe Officer Johnson, Officer Gray,
 6 Officer Williams, Officer Passmore, I believe
 7 Officer Smith as well.
 8 Q. Was Officer Williams one of the officers working
 9 under your command?
 10 A. At the time of the Internal Affairs report?
 11 Q. Yes.
 12 A. I believe so, yes.
 13 Q. What's his first name?
 14 A. Her first name is Paytra.
 15 Q. And after you filed that information with
 16 Internal Affairs what was the result, do you
 17 know?
 18 A. The officers were suspended as well as the
 19 sergeant.
 20 Q. For how long?
 21 A. I'm not sure. I don't think the sergeant ever
 22 returned to duty -- no, actually he did,
 23 disregard that, he did. I'm not sure how long
 24 they were suspended.
 25 Q. Now, going back to your investigation of 5141

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1 the Detroit Police Department.
 2 Do you recall that?
 3 A. Yes.
 4 Q. Were you the commander of the -- commanding
 5 officer of that unit when he was suspended?
 6 A. Yes.
 7 Q. Was his suspension as a result of any action that
 8 you took, disciplinary action that you took?
 9 A. It was a result of information that I reported.
 10 Q. That you reported?
 11 A. Yes.
 12 MS. GIAQUINTO: Objection, relevance.
 13 Can I have a continuing objection to this line of
 14 questioning?
 15 MR. GOODMAN: You may.
 16 MS. GIAQUINTO: Thank you.
 17 BY MR. GOODMAN:
 18 Q. Can you tell us what the information was that you
 19 reported, inspector?
 20 A. I notified Internal Affairs that I had received
 21 information regarding the falsification of arrest
 22 locations, I believe it was on both -- arrest
 23 locations.
 24 Q. And Sgt. Turner was involved in that, is that
 25 right?

1 Rosa Parks after you made these initial
 2 observations that were recorded in the
 3 preliminary complaint report you decided that
 4 additional investigation was warranted, is that
 5 correct?
 6 A. Yes.
 7 Q. And as a result of that what actions were taken?
 8 A. We had a subsequent UC operation in April.
 9 Q. "UC" stands for undercover?
 10 A. Undercover.
 11 (A recess was taken)
 12 DEPOSITION EXHIBIT 3
 13 PCR dated 4-26-08
 14 WAS MARKED BY THE REPORTER
 15 FOR IDENTIFICATION.
 16 Q. Have you had to chance to review Exhibit 3?
 17 A. I don't believe it was sitting here when I
 18 departed.
 19 Q. Take a moment here and take a look.
 20 A. Okay.
 21 Q. So can you identify this exhibit, please?
 22 A. It appears to be a PCR, preliminary complaint
 23 record, prepared by Sgt. Daniel Buglo.
 24 Q. And it reports an undercover activity in which
 25 you and he engaged on April 26, 2008, is that

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13 (Pages 46 to 49)

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1 correct?
 2 A. Yes.
 3 Q. Does it refresh your recollection as to the
 4 events of that particular evening?
 5 A. Yes.
 6 Q. And is what is reported in here -- are the events
 7 and actions that are reported in here accurate in
 8 your judgment at this time?
 9 A. Yes.
 10 Q. Is there anything in here that happened that you
 11 do not -- that's reported in here that you do not
 12 recall?
 13 A. No.
 14 Q. Is there anything that you can recall that's not
 15 reported in here?
 16 A. Other than the beer wasn't very good and I poured
 17 it out.
 18 Q. We'll save that for the restaurant review in the
 19 Metro Times.
 20 A. Well, you asked the question.
 21 Q. I did, and that's a very good answer. I think
 22 actually --
 23 MR. GOODMAN: Off the record a moment.
 24 (An off-the-record discussion was
 25 held).

1 the road, it's intended to fit in.
 2 Q. And you were in an undercover vehicle, is that
 3 correct, on this evening?
 4 A. Yes.
 5 Q. And do you recall what time you arrived at this
 6 location?
 7 A. According to Sgt. Buglo's PCR it says 1 o'clock.
 8 Q. And this was 5141 Rosa Parks, correct?
 9 A. Yes.
 10 Q. The same location that you had observed a month
 11 earlier that you've just described here at your
 12 deposition, is that right?
 13 A. Yes.
 14 Q. And do you know what this institution or this
 15 location was known as or called?
 16 A. CAID.
 17 Q. And do you know what CAID stands for?
 18 A. It believe it's Contemporary Arts Institute of
 19 Detroit.
 20 Q. And you went there, according to Sgt. Buglo's
 21 report, to investigate a complaint of illegal
 22 blind pig activity that occurs on the last Friday
 23 of each month, is that correct?
 24 A. That's what it says, yes.
 25 Q. Do you recall that?

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1 Q. Do you recall how you were dressed this
 2 particular evening?
 3 A. No.
 4 Q. But you were undercover, is that right?
 5 A. Yes.
 6 Q. Unmarked vehicle, correct?
 7 A. Undercover vehicle being different than an
 8 unmarked vehicle.
 9 Q. Tell me what the difference is?
 10 A. Well, generally the department has three
 11 different classes of vehicles -- well, actually
 12 more than that, but we'll start with they have
 13 the marked which is with the lights and siren,
 14 the ones you'll see, the white ones with the
 15 police emblem on the side.
 16 You have a semi-marked which is your
 17 black -- normally your Impalas or your Crown Vics
 18 that have lights inside, lights on the front,
 19 whatnot.
 20 You also have an unmarked car that may
 21 be like a general assignment vehicle that doesn't
 22 have any obvious police logos or anything, and
 23 then you had an undercover which has a suppressed
 24 plate which has -- there's no "X" plate on and
 25 it's suppressed, it's similar to any other car on

1 A. Yes.
 2 Q. Was that the same complaint that you described
 3 earlier when you were discussing your
 4 observations that occurred in March?
 5 MS. GIAQUINTO: Objection,
 6 mischaracterization of her testimony. I don't
 7 believe she could recall what the initial
 8 complaint was, but if you can answer --
 9 A. That's correct. I didn't recall what the
 10 specific complaint was. I know there were
 11 complaints directed at that location.
 12 BY MR. GOODMAN:
 13 Q. What I'm asking here is, does the PCR in this
 14 instance, Sgt. Buglo's PCR when it refers to a
 15 complaint refer to a complaint other than the one
 16 that you've already discussed in connection with
 17 your March observation of CAID?
 18 MS. GIAQUINTO: I don't understand.
 19 A. I still don't understand.
 20 BY MR. GOODMAN:
 21 Q. In other words, you said in March you went out
 22 there to observe this location based upon a
 23 complaint that you received.
 24 Do you recall that testimony?
 25 A. Yes.

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14 (Pages 50 to 53)

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1 Q. My question is, did you get any additional
 2 complaints between March and April that caused
 3 you to go in there in April?
 4 A. I don't recall.
 5 Q. So this may be the same complaint as before or a
 6 new complaint, is that correct?
 7 A. We could have had more than one complaint, yes.
 8 Q. You don't know?
 9 A. Not without reviewing documents, no.
 10 Q. What documents would you review in order to
 11 determine that?
 12 A. I'd have to try to see if we had a complaint
 13 book.
 14 Q. You have a complaint book?
 15 A. Yes.
 16 Q. For this particular unit, Vice Enforcement?
 17 A. Yes.
 18 Q. Would the records from 2008 still be available or
 19 accessible?
 20 A. I don't know.
 21 Q. Who maintains the records for the complaint --
 22 who maintains the complaint books and those
 23 records from the Vice Enforcement, if you know?
 24 A. I don't know.
 25 Q. Now, it talks about illegal "blind pig" activity.

1 bald, chin goatee?
 2 A. That appears accurate.
 3 Q. 30 to 35. When you say it appears accurate, it
 4 appears accurate and in accordance with your
 5 memory of this gentleman?
 6 A. It's consistent with my vague recollection, yes.
 7 Q. Then you paid for a membership in CAID, am I
 8 right about that?
 9 A. Yes.
 10 Q. And that membership was for one month, correct?
 11 A. Yes.
 12 Q. Was there any description of what the privileges
 13 of membership entitled?
 14 A. Not that I recall.
 15 Q. You then bought some beer, am I right about that?
 16 A. Yes.
 17 Q. Do you remember the bartender who is described
 18 here by Sgt. Buglo?
 19 A. Not as detailed as this described here, no.
 20 Q. What do you recall about her at the time?
 21 A. The white female, 20-25, shoulder length blond
 22 hair. I don't remember the tattoo.
 23 Q. Do you remember the live band?
 24 A. Yes.
 25 Q. As far as the music activity everything that's

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1 Do you see that reference in the PCR?
 2 A. Yes.
 3 Q. What in your judgment is meant when there's -- by
 4 the phrase "blind pig activity"?
 5 A. Illegal sale or consumption of alcohol without a
 6 license.
 7 Q. Without a license only?
 8 A. One could be underage is also a common
 9 denominator of a blind pig.
 10 Q. And sales after 2 AM in the morning, is that also
 11 a blind pig?
 12 A. That's also a blind pig as well.
 13 Q. So any of those three possible forms of illegal
 14 activity with regard to the sales of liquor
 15 constitute blind pig activity in your
 16 understanding, is that correct?
 17 A. Under 21 wouldn't by itself, but the other two,
 18 whether they don't have a liquor license or
 19 whether they're selling after hours would.
 20 Q. Now, the PCR goes on to describe the person to
 21 whom you paid a \$5 cover charge, do you see that?
 22 A. Yes.
 23 Q. Do you remember that gentleman yourself?
 24 A. Vaguely.
 25 Q. Do you remember him by this description, that is

1 described in here is what you observed as well, a
 2 live band was playing and a deejay booth was
 3 active, is that correct?
 4 A. I have trouble basing my statement on what he
 5 wrote down. Yes, I observed a deejay booth and
 6 yes, I observed the live band.
 7 Q. Was there music going from both sources at the
 8 same time?
 9 A. Yes.
 10 Q. Were people dancing if you can recall?
 11 A. I believe so.
 12 Q. How many?
 13 A. A handful.
 14 Q. Were they dancing to the deejay or to the live
 15 band?
 16 A. I don't recall.
 17 Q. You then entered -- both of you entered it says
 18 an outside fenced area, is that correct?
 19 A. Yes.
 20 Q. And is that outside fenced area like a yard of
 21 some sort?
 22 A. Yes.
 23 Q. Was it accessible from the street if you could
 24 tell?
 25 A. It appeared to be secured from the street.

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15 (Pages 54 to 57)

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1 Q. So the only way to get to it was through the CAID
2 facility itself, is that right?
3 A. I wouldn't say it's the only way. It's the most
4 practical way without jumping the fence or
5 climbing said fence, yes.
6 Q. The only way to do so without jumping a fence?
7 A. That it was a pretty tall fence.
8 Q. But I'm right about that, the only way you can
9 get in without jumping the fence or --
10 A. From what I observed, yes.
11 Q. You observed people drinking, is that correct?
12 A. Yes.
13 Q. And you observed several people smoking what
14 appeared to be marijuana, this is according to
15 Sgt. Buglo, by sight and smell, is that also
16 correct?
17 A. Yes.
18 Q. You observed someone named Dan roll three
19 marijuana cigarettes which were passed around to
20 people who were in the area, am I right about
21 that?
22 A. I don't remember his name. I did observe a white
23 male roll several marijuana cigarettes, yes, and
24 pass them around the picnic table, yes.
25 Q. Did they pass any to you or Sgt. Buglo?

1 you saw at the CAID leading up to and immediately
2 prior to the police coming in by way of a raid?
3 A. Well, when we got there there was a lot of cars
4 and people, there was some people inside.
5 Waited, paid to enter, went to the bar that was
6 closest to the front door and purchased a drink,
7 talked for a little bit.
8 After we purchased a drink talked for a
9 little bit, looked around, not much though and
10 fairly shortly thereafter the raid was called.
11 Q. What time was the raid called, if you can recall?
12 A. I want to say about 2:30. If I could look at the
13 --
14 Q. I'll show you in just a minute, yeah. Sometime
15 between 2 and 2:30, would that be a fair
16 statement?
17 A. I believe I said it was approximately 2:30.
18 Q. And -- well, here.
19 DEPOSITION EXHIBIT 4
20 DPD CRISNET report dated 5-31-08
21 WAS MARKED BY THE REPORTER
22 FOR IDENTIFICATION.
23 Q. Can you identify what's been marked as Exhibit 4?
24 A. It's a CRISNET report entered by Sgt. Buglo.
25 Q. If you turn to Page 7 of that report you'll see a

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1 A. No, it was time to get up and take a stroll at
2 that point.
3 (An off-the-record discussion was
4 held).
5 Q. You also observed after hours sales according to
6 this report, is that also right?
7 A. Yes.
8 Q. And then you left?
9 A. Yes.
10 Q. How soon after you left was this PCR written, if
11 you know?
12 A. You'd have to ask Sgt. Buglo.
13 Q. Did he show you the PCR after he wrote it?
14 A. I don't recall if I -- I reviewed it at some
15 point, but I don't recall specifically when that
16 was.
17 Q. And you reviewed it before coming in here to
18 testify today at your deposition, am I right?
19 A. Yes.
20 Q. I'll going to show you a document in a minute in
21 connection with what you've already described as
22 your undercover activities immediately leading up
23 to the raid, but can you -- out of -- based on
24 your memory of that incident, I'm now talking
25 about May 31st -- tell me what you did and what

1 description of what occurred.
2 A. Okay.
3 Q. And according to that descriptive paragraph or
4 narrative on Page 7 you were charged \$5 cover
5 charge, a \$3 membership fee, observed people
6 drinking, purchased beer, saw after hours
7 purchases of alcohol and then called for the
8 raid, is that correct?
9 A. Yes.
10 Q. All right, so in all three observations the
11 actions which you saw were sales of alcohol in
12 this establishment, is that right?
13 A. That's not the only thing.
14 Q. Not the only one, but that was one of them, am I
15 right about that?
16 A. What was your --
17 Q. One of the illegal activities that you saw were
18 sales of alcohol in the CAID establishment,
19 right?
20 MS. GIAQUINTO: I'm going to object to
21 the form of the question; go ahead.
22 A. Yes, without a license and after hours.
23 BY MR. GOODMAN:
24 Q. How did you know there was no license?
25 A. I checked.

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16 (Pages 58 to 61)

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1 Q. Who did you check with?
 2 A. MLCC.
 3 Q. And when did you check?
 4 A. Right before the raid and prior to the UC
 5 activity.
 6 Q. You mean prior to March, to the March observation
 7 of the CAID?
 8 A. After the March observation we would have checked
 9 to see if there was a license, yes.
 10 Q. So you checked with them twice?
 11 A. I believe so.
 12 Q. And you determined there was no license, is that
 13 right?
 14 A. Yes.
 15 Q. Therefore any sales of alcohol on the premises in
 16 your judgment as a law enforcement officer at the
 17 time were illegal, am I right?
 18 A. Yes.
 19 Q. You also observed sales after 2 AM in the
 20 morning, is that right?
 21 A. Yes.
 22 Q. That was another form of illegal activity that
 23 you observed, is that correct?
 24 A. If you were a licensed liquor establishment you
 25 can't sell after 2 AM, yes, so it's an unlicensed

1 A. There are rules and laws against BYOB, bring your
 2 own beer or alcohol, yes.
 3 Q. Other than those actions did you see any illegal
 4 activities by anyone in the CAID at any time or
 5 outside the CAID?
 6 A. Other than the failure to have a liquor license,
 7 the sale after 2 AM and the prevalent use of
 8 marijuana?
 9 Q. Yes?
 10 A. And the bringing of alcohol into the location?
 11 Q. Right.
 12 A. I think that covers it.
 13 Q. Did you see any weapons?
 14 A. No.
 15 Q. Did you see any violence?
 16 A. No.
 17 Q. Was there any form of briefing of the officers
 18 who would be involved in the raid before the raid
 19 took place?
 20 A. Yes.
 21 Q. Where was that?
 22 A. I don't recall.
 23 MR. ASHFORD: I'm going to object to
 24 that to the extent it calls for confidential law
 25 enforcement information.

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1 liquor establishment so the time isn't -- yes,
 2 after 2 AM in a licensed liquor establishment you
 3 cannot sell.
 4 This is not a licensed liquor
 5 establishment.
 6 Q. So it makes no difference as to what time it was?
 7 A. They can't sell.
 8 Q. You also observed marijuana being used and
 9 ingested, is that correct?
 10 A. On the April, yes and on March we could smell it.
 11 Q. Did you observe any marijuana in May?
 12 A. I think there was a smell, but I don't believe I
 13 observed any, no.
 14 Q. When you say you think there was a smell, are you
 15 -- do you recall that specifically or are you
 16 just guessing?
 17 A. I'm not guessing, I recall it.
 18 Q. And you recall at one point having seen somebody
 19 bring a container of alcohol into the
 20 establishment and that would have been March, am
 21 I right about that?
 22 A. In March I observed someone take what I believe
 23 to be alcohol into the establishment, yes.
 24 Q. And that would have been illegal activity also,
 25 right?

1 To the extent it does not, the witness
 2 can answer. My objection is on behalf of the
 3 City of Detroit.
 4 MS. GIAQUINTO: You can answer.
 5 BY MR. GOODMAN:
 6 Q. Do you understand the objection?
 7 A. Yeah. I don't recall where we held the briefing.
 8 Q. Was it -- how long was the briefing? How long
 9 did it take?
 10 A. I don't recall.
 11 Q. How long before the actual raid did the briefing
 12 occur?
 13 A. I don't specifically recall.
 14 Q. Who was present at the briefing?
 15 A. It would have been the entry team, the support
 16 teams, myself and other members of Vice
 17 Enforcement.
 18 Q. Approximately how many law officers were present?
 19 A. I don't recall the specific number.
 20 Q. Can you give me a range? Was it a couple of
 21 dozen or more or less?
 22 A. I don't want to speculate.
 23 Q. If I were to say that it appeared to me, having
 24 viewed some videotape of this raid, that I
 25 counted over two dozen law officers, would that

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17 (Pages 62 to 65)

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1 in any way surprise you?
 2 MR. ASHFORD: Objection to the form.
 3 MS. GIAQUINTO: You can answer.
 4 A. Like I said, there were members of Vice
 5 Enforcement, the supporting team and entry team.
 6 The total number, without reviewing something
 7 that's not in front of me here I can't give you
 8 the total number.
 9 BY MR. GOODMAN:
 10 Q. And I wasn't asking you to, but I'm saying --
 11 well, withdraw the question.
 12 Let me put it this way. If I were to
 13 say that there were more than two dozen law
 14 enforcement officers there, would you be able to
 15 disagree with me before you looked at these
 16 records?
 17 A. I wouldn't want to speculate without looking at
 18 the records.
 19 Q. So any disagreement with that number would be
 20 speculation on your part, is that right?
 21 A. Yes.
 22 Q. When you said that you had smelled marijuana
 23 there on May 31 I want to -- back up for just a
 24 moment, withdraw that question.
 25 When you went in there as an undercover

1 Q. That's where you smelled the marijuana, is that
 2 right?
 3 A. Yes.
 4 Q. Now, going back to the briefing, what happened
 5 during the briefing? Describe the briefing for
 6 me.
 7 MS. GIAQUINTO: You can describe it.
 8 A. Essentially officers are given information about
 9 where the location -- where the entry points are,
 10 what the location looks like. They're given a
 11 look at the undercover officers so they have an
 12 idea who we are.
 13 The entry team -- the raid entry is
 14 determined by the entry team, not by the briefing
 15 that I would have conducted. A hospital would be
 16 selected, an evacuation unit should we need it
 17 would have been identified, and assignments would
 18 have been prepared.
 19 BY MR. GOODMAN:
 20 Q. Now, you said something about the entry team,
 21 they determines their own entry?
 22 A. Yes.
 23 Q. What do you mean by that?
 24 A. Meaning I'm not the commanding officer of either
 25 SRT or Narcotics, which would be the typical

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1 -- part of the undercover operation on May 31
 2 before the raid you went into the premises of the
 3 CAID itself, is that correct?
 4 A. 5141 Rosa Parks, yes.
 5 Q. You went into the building?
 6 A. Yes.
 7 Q. Was there music?
 8 A. I believe so.
 9 Q. Was there a deejay?
 10 A. I don't know.
 11 Q. Was there a band?
 12 A. I don't recall.
 13 Q. Was there dancing?
 14 A. Not that I observed.
 15 Q. And did you go from the inside of that location
 16 outside into the patio that we talked about
 17 earlier?
 18 A. Not prior to the execution of the search warrant,
 19 no.
 20 Q. When you smelled the marijuana did you smell it
 21 inside the establishment or after the execution
 22 of the warrant somewhere else?
 23 A. Inside.
 24 Q. Do you know where inside you were smelling it?
 25 A. I was at the bar by the front door.

1 entry teams, and they would determine the entry.
 2 Q. When I say "the entry", they determine where they
 3 enter?
 4 A. They determine everything about the entry.
 5 Q. Whether the weapons would be drawn when they
 6 enter?
 7 A. They determine everything about the entry.
 8 Q. Do you talk to the commander of the SRT or the
 9 Narcotics Unit, whoever is doing the entry?
 10 A. The briefing was there, but they make their
 11 assignments based on their personnel and their
 12 familiarity with their personnel.
 13 Q. Did you advise the officers who were present at
 14 the briefing that you had not observed any
 15 weapons and you had not observed any violence
 16 while you were there on two prior occasions?
 17 A. That's part of a normal briefing.
 18 Q. How long were you present at 5141 Rosa Parks
 19 before you called in the raid?
 20 MS. GIAQUINTO: Objection, foundation.
 21 We don't know that she called the raid, maybe
 22 Buglo did.
 23 A. Probably between 5 and 15 minutes.
 24 BY MR. GOODMAN:
 25 Q. You called in the raid, didn't you?

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18 (Pages 66 to 69)

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1 A. I don't recall.
 2 Q. So either you or Buglo, you don't know which of
 3 you?
 4 A. Correct, would have been one of us.
 5 Q. What did it consist of, calling in the paid?
 6 MR. ASHFORD: I'm going to object to
 7 that, confidential law enforcement information
 8 and instruct -- on behalf of the City of Detroit
 9 instruct the City employee not to respond.
 10 BY MR. GOODMAN:
 11 Q. Let me ask you this. Do you make a telephone
 12 call and say, "Come on in"?
 13 MR. ASHFORD: Same objection. Instruct
 14 the witness not to answer that.
 15 BY MR. GOODMAN:
 16 Q. When you called in the raid or when Sgt. Buglo
 17 called in the raid did he advise the -- withdraw
 18 that question.
 19 When you call in the raid do you call
 20 the entry team, is that the way in which the raid
 21 is initiated, inspector?
 22 A. I was waiting to see if there was an observation.
 23 Q. I know. I was trying to cut short the process.
 24 A. It would vary from -- it could vary from case to
 25 case, but in this scenario I don't recall who was

1 rephrase the question.
 2 BY MR. GOODMAN:
 3 Q. At the time the raid was called in the decision
 4 to call in the raid was your decision as the
 5 commanding officer of the unit, was it not?
 6 A. In this instance it would have been my decision,
 7 yes.
 8 Q. And at that time that that decision was made you
 9 were well aware, were you not, that everybody who
 10 was in the establishment would receive a citation
 11 for loitering or for engaging in an illegal
 12 occupation, is that right?
 13 MS. GIAQUINTO: Objection, foundation.
 14 You can answer if you can.
 15 A. I was aware.
 16 BY MR. GOODMAN:
 17 Q. And that would be regardless of whether they were
 18 drinking, is that right?
 19 A. Not necessarily.
 20 Q. You mean there might be a situation when someone
 21 would not be given a citation if they were not
 22 drinking?
 23 A. I'm sure there were possibilities. I'm not sure
 24 what happened here in terms of -- my experience
 25 and my observations were that the people present

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1 called.
 2 Q. Did you advise them that you did not observe
 3 weapons and you did not observe any violence
 4 inside?
 5 A. That would have been covered at the briefing.
 6 Q. But the information that would have been new is
 7 what was going on when you were there as an
 8 undercover immediately prior?
 9 A. That's assuming new information was provided.
 10 Q. That's my question.
 11 A. Was new information provided?
 12 Q. Right.
 13 A. I don't recall.
 14 Q. If you had observed weapons, if you had observed
 15 violence, that would have been something that you
 16 would have communicated when calling in the raid,
 17 is that right?
 18 A. If the opportunity presented itself, yes, that
 19 would be information that would be shared.
 20 Q. Now, at the time you called in the raid you were
 21 well aware, were you not, that everybody --
 22 MS. GIAQUINTO: Objection to the
 23 mischaracterization of her testimony. She said
 24 she didn't remember --
 25 MR. GOODMAN: I'll withdraw it, let me

1 were engaged in that activity.
 2 Q. It was your observation that everybody who was in
 3 the CAID was drinking, is that right?
 4 A. Not everybody. The people that I observed were.
 5 Q. Were there people you did not observe?
 6 A. I said I didn't go outside.
 7 Q. Everybody who was in the CAID at the time that
 8 you were inside the location in the building
 9 itself, was drinking, is that your --
 10 A. The people that I observed had red cups or other
 11 types of bottles or cans or whatever that would
 12 be consistent with the consumption of alcohol,
 13 the people that I observed.
 14 Q. How many --
 15 A. But I don't know if I saw the bartender drinking.
 16 Q. How many people did you observe?
 17 A. The people in the front room and then the -- I
 18 don't know what it's called. There's a rather
 19 large -- I don't even know how to describe it --
 20 probably 30 to 45.
 21 Q. Thirty to 45 people --
 22 A. Roughly.
 23 Q. -- you observed drinking, is that right?
 24 A. Yeah.
 25 Q. Do you know how many people received citations

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19 (Pages 70 to 73)

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1 that night?
 2 A. Off the top of my head, no.
 3 Q. If I were to tell you there were over 100, would
 4 you have any reason to disagree with that?
 5 A. No.
 6 Q. So of the more than 50 people who you did not
 7 observe was there -- can you as the commanding
 8 officer of the Vice Enforcement Unit at this time
 9 indicate to me why those people were given
 10 citations?
 11 A. For loitering in a place of illegal occupation.
 12 Q. So it made no difference one way or the other
 13 whether they were actually drinking, is that
 14 correct?
 15 A. Correct.
 16 Q. So the fact that someone was or was not drinking
 17 had nothing to do with the reason they were given
 18 a citation on that night, is that right?
 19 A. Correct.
 20 Q. And you say -- I think you testified earlier not
 21 everybody has to be given a citation, is that
 22 right?
 23 A. There are instances in enforcement actions that
 24 sometimes citations are not issued.
 25 Q. What kind of instances, can you give me an

1 as large as the one on this particular night?
 2 A. I'm sorry?
 3 Q. What range of times were involved in processing a
 4 group as large as the group that was involved at
 5 the CAID on May 31, 2008?
 6 A. How long did it take to process?
 7 Q. In general, yeah. What's the average or what's
 8 the longest, what's the shortest, that type of
 9 thing?
 10 A. I don't want to speculate.
 11 Q. You knew it could take hours, didn't you?
 12 A. To do what?
 13 Q. To process a group this large?
 14 A. It may.
 15 Q. So there would be people who would be detained
 16 for that length of time, is that right?
 17 A. They were pending processing.
 18 Q. I'm sorry?
 19 A. There could be.
 20 MR. ASHFORD: Can you keep your voice
 21 up?
 22 MR. GOODMAN: I'm sorry.
 23 BY MR. GOODMAN:
 24 Q. Taking a look at Exhibit 4, in addition to the
 25 narrative that we've just discussed what other

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1 example?
 2 A. It could be a minor that we returned to a parent,
 3 it could be -- there's several options.
 4 Q. Anything else?
 5 A. That's one.
 6 Q. Anything else?
 7 A. Not off the top of my head.
 8 Q. So in addition to knowing that everybody who was
 9 in the establishment at that time unless they met
 10 some unusual circumstance or situation would be
 11 given a citation, you knew that the people who
 12 were given citations would be detained for a long
 13 period of time, is that correct?
 14 A. They would be processed.
 15 Q. How long would the processing take?
 16 A. Depends on the establishment.
 17 Q. In your experience how many raids such as this
 18 had you engaged in before May 31, 2008?
 19 A. I don't specifically recall.
 20 Q. Dozens?
 21 A. No.
 22 Q. Less than a dozen?
 23 A. I don't specifically recall.
 24 Q. How many raids -- all right. What was the
 25 variation in time that it took to process a group

1 information is contained in this document?
 2 A. There's a list of individuals who -- looks like
 3 they were either cited or investigated.
 4 Q. Anything else?
 5 A. There's a brief paragraph above that that says
 6 Vice Enforcement Narcotics Code 3025 and 2913 and
 7 Tactical Mobile assisted in the execution. It
 8 has the warrant number contained.
 9 Q. So all that's contained -- I mean -- and that's
 10 it, is that right?
 11 A. No, there's a note on the back that we didn't
 12 discuss regarding a purse that was left at the
 13 location.
 14 Q. Anything else?
 15 A. That was released to Jacob Timlin after I talked
 16 to the owner of said purse or who I believe to be
 17 the owner.
 18 Q. Anything else? The purse, the people who were --
 19 A. Well, yeah, the daytime addresses, who entered
 20 it, disposition, you have a case number, report
 21 number, report date, offense details.
 22 Q. How about the individuals who were in the entry
 23 team?
 24 A. Code 3025 and 2913.
 25 Q. Does that give you the names of the officers?

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20 (Pages 74 to 77)

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1 A. No, gives you the code for them.
 2 Q. The code meaning what?
 3 A. That's the unit they go by.
 4 Q. So if you checked through that code number, you
 5 will get the names of the officers who were
 6 involved in the entry?
 7 A. Narcotics should be able to look at that and tell
 8 you who's involved in the entry.
 9 Q. Where does it say which unit was involved in the
 10 entry?
 11 A. Narcotics code 3025 and 2913.
 12 Q. I see the code numbers for the Narcotics Unit,
 13 but why do I know that Narcotics did the entry or
 14 why do you know that Narcotics did the entry and
 15 not Tactical Mobile?
 16 A. Tactical Mobile does not do entries.
 17 Q. And were there Narcotics officers there other
 18 than the entry team or was the entry team -- were
 19 the only Narcotics officers who were present
 20 those involved in the entry?
 21 A. To my knowledge it would be the officers involved
 22 in the entry.
 23 Q. No other Narcotics involved?
 24 A. Not that I'm aware of.
 25 Q. Does it indicate where these various individuals

1 Q. Yes.
 2 A. I don't know.
 3 Q. Were any of them between the age of 18 and 21?
 4 A. I believe so.
 5 Q. Were many of the people between the ages of 18
 6 and 21 either observed by you or any other law
 7 enforcement officer consuming alcohol?
 8 A. I don't know.
 9 Q. If so, would it be reported in this particular
 10 document? By "this document" I'm referring to
 11 Exhibit 4.
 12 A. What's the question?
 13 Q. If someone -- if there was a minor actually
 14 drinking or in possession of alcohol would it be
 15 reported in this Exhibit 4, in this CRISNET?
 16 MR. ASHFORD: Object to form.
 17 A. You'd have -- Sgt. Buglo prepared the report,
 18 you'd have to ask him.
 19 BY MR. GOODMAN:
 20 Q. Well, as his commanding officer and law
 21 enforcement officer yourself, if someone was --
 22 if a minor was in possession shouldn't it be
 23 reported in some official police report or
 24 document?
 25 A. It depends on the circumstances.

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1 -- how many are listed here?
 2 A. Assuming they're numbered correctly, 134.
 3 Q. Of the 134 persons who was detained near the bar,
 4 who was detained in another room, who was
 5 detained near the music and who was detained out
 6 in the courtyard?
 7 A. The engagers would have been detained towards the
 8 front, the doorman, the bartender, the other
 9 doorman and the houseman. Where the other people
 10 were investigated and/or detained I do not know.
 11 Q. Is that kind of detail of any importance to you
 12 as a law enforcement officer in terms of
 13 documenting these kinds of incidents?
 14 MR. ASHFORD: I object to the form.
 15 MS. GIAQUINTO: You can answer.
 16 A. Where specifically they were located in the
 17 building?
 18 BY MR. GOODMAN:
 19 Q. Yeah.
 20 A. It would be nice to have.
 21 Q. Can you indicate why it wasn't documented?
 22 A. No.
 23 Q. Were any of the people who were detained and
 24 given citations that day minors?
 25 A. As in under 18?

1 Q. What do you mean by that? How does it depend on
 2 the circumstances?
 3 A. Well, normally upon entry for a raid execution
 4 everything hits the floor, so as opposed to
 5 you're saying officers coming in and identifying
 6 that you had seen a minor still holding a beer
 7 bottle is highly unlikely.
 8 Now, if the undercover officers had the
 9 opportunity to return and, say, identify that
 10 subject as a minor and then cite them
 11 accordingly, then they would do so.
 12 Q. Let's talk about -- and was that done in this
 13 particular instance?
 14 A. I didn't go back in and identify anyone as being
 15 under 21 that I observed consuming.
 16 Q. Did you go back in and identify anyone as having
 17 consumed alcohol at all?
 18 A. I think I went and identified the engagers.
 19 Q. And that was it?
 20 A. Yeah.
 21 Q. Let's talk about the processing for just a
 22 moment. How was the processing set up in this
 23 particular raid?
 24 A. I don't recall how the specific processing was
 25 set up.

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21 (Pages 78 to 81)

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1 Q. Were there several long tables in some part of
 2 the establishment at which officers sat and
 3 people shuttled past them?
 4 A. I don't recall.
 5 Q. Were people interviewed at all? By "people", I
 6 mean were any of the customers interviewed?
 7 A. You'd have to ask the officers that did the
 8 processing.
 9 Q. Were you present while the processing was being
 10 done?
 11 A. Parts of it, yes.
 12 Q. Did you observe it happening?
 13 A. I observed conversations, but I wasn't in-depth
 14 paying attention to what the officers were having
 15 said conversations about, so if there was an
 16 interview or something of that nature, the
 17 characterization I can't confirm or deny.
 18 Q. When you say "observe conversations", you
 19 observed conversations between Detroit police
 20 officers and patrons of the CAID, is that what
 21 you're saying?
 22 A. Yes.
 23 Q. You have no idea what they were talking about?
 24 A. In most -- I wasn't paying particular attention
 25 to their conversations.

1 happened in those raids routinely, is that right?
 2 A. That was based on my familiarity with the City
 3 Code.
 4 Q. And how are you familiarized with the City Code?
 5 A. I don't understand.
 6 Q. Who showed it to you, who informed you this is
 7 the law that we're enforcing here?
 8 A. I don't specifically recall.
 9 Q. Was it your predecessor, Debra Fair?
 10 A. I'm sure I had seen that version of the City Code
 11 prior to my time at Vice Enforcement.
 12 Q. Prior to your time in Vice Enforcement?
 13 A. I'm sure.
 14 Q. Why is it that you would have seen it prior to
 15 your time in Vice Enforcement?
 16 A. One --
 17 Q. Did you have occasion to enforce that particular
 18 provision of the law?
 19 A. Not that I would specifically recall.
 20 Q. But it was your understanding that the law itself
 21 authorized Detroit police officers to arrest
 22 anyone who was present at a location -- an
 23 unlicensed location where alcohol was being sold
 24 and where alcohol was being sold after 2 AM
 25 regardless of whether those people knew that the

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1 Q. Did you hear anyone ask, "Why am I being given a
 2 citation"?
 3 A. Not that I specifically recall.
 4 Q. Did you hear anyone say, "I had no idea one way
 5 or another whether this was a licensed
 6 establishment"?
 7 A. Not that I specifically recall.
 8 Q. Did you hear anybody say one way or another, "I
 9 had no idea there was drinking going on here"?
 10 A. Not that I specifically recall.
 11 Q. Would it have made any difference whatsoever had
 12 that information been communicated to any of the
 13 officers who were engaged in the processing in
 14 terms of whether or not the person would receive
 15 a citation?
 16 MS. GIAQUINTO: Objection, foundation.
 17 You can answer.
 18 A. I wouldn't want to speculate. You'd have to ask
 19 the officers issuing the tickets.
 20 BY MR. GOODMAN:
 21 Q. The circumstance that you described earlier, that
 22 is that regardless of whether anybody was
 23 drinking and they would be given a citation for
 24 loitering in a site of an illegal occupation,
 25 that was based upon your familiarity with what

1 alcohol was being sold without a license at that
 2 location, is that right?
 3 A. No, it isn't. You said arrest.
 4 Q. I'm sorry, you're right. Let's go back then to
 5 citations. Is it your understanding then that
 6 people would be given a citation for loitering at
 7 a location where alcohol was being sold without a
 8 license or being sold after hours, regardless of
 9 whether they had knowledge of whether the place
 10 was licensed or not?
 11 Was that your understanding at the
 12 time?
 13 A. I don't think that's accurate either.
 14 Q. How is that inaccurate?
 15 A. Well, one, I mean after hours sales of alcohol 2
 16 AM is a commonly known thing. That's why bars
 17 close, etc, etc, so that would be fair notice to
 18 the after hours sales.
 19 As far as the blind pig activity, we
 20 did not -- for them not having any license, we
 21 did not execute until after such time that people
 22 should have been familiar with that information
 23 that alcohol was being sold after hours.
 24 Q. So that's the reason that you executed after 2
 25 AM, is that right?

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22 (Pages 82 to 85)

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1 A. That was in part a reason, yes.
 2 Q. Because then you said people should have fair
 3 notice that sales were being -- purchases were
 4 being made and alcohol was being sold after 2 AM,
 5 is that right?
 6 A. In part.
 7 Q. What else?
 8 A. There would be tactical and other considerations
 9 which probably wouldn't be privy to discuss, but
 10 there would be other considerations as to the
 11 time of the execution.
 12 Q. How is it that people would be on fair notice
 13 that alcohol was being -- withdraw that question.
 14 What time was it that the raid was
 15 called in according to Exhibit 4?
 16 A. I'll say it again, I believe the raid was
 17 executed around 2:30 AM.
 18 Q. If videotape of the raid showed the raid being
 19 executed at about 2:15 would you have any reason
 20 to disagree with that?
 21 A. My recollection is it was executed approximately
 22 2:30.
 23 Q. Do you have any documentation of that
 24 recollection?
 25 A. Not that's sitting before me, no.

1 recollection or that that's just a rough
 2 estimate?
 3 A. I'm saying people have different perspectives.
 4 Q. Do you disagree with 2:20?
 5 MR. ASHFORD: I'm going to object to
 6 that, asks and answered. She's answered that
 7 several times.
 8 BY MR. GOODMAN:
 9 Q. Go ahead.
 10 A. 2:20 for them could be the time they received the
 11 notification. They would still have to leave
 12 whatever location they were at and then come to
 13 the scene to make entry.
 14 2:30 could also be right because of my
 15 recollection of when they came in the door and
 16 executed would be that, so I don't know which one
 17 they were reflecting on this activity log. I did
 18 not prepare said activity log so, like I said,
 19 perspectives can be different.
 20 My recollection was it was
 21 approximately 2:30 AM.
 22 Q. Is there any other documentation that you can
 23 think of or would there be any other
 24 documentation other than the activity log that
 25 would tell us at what time this warrant was

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1 Q. Is there some anywhere?
 2 A. There could be.
 3 Q. Where?
 4 A. There would be an activity log attached to this,
 5 there would be other documents.
 6 Q. Let's take a look at that.
 7 DEPOSITION EXHIBIT 5
 8 DPD activity log, 5-30-08
 9 WAS MARKED BY THE REPORTER
 10 FOR IDENTIFICATION.
 11 Q. Can you identify what's been marked as Exhibit 5?
 12 A. It's a Detroit Police Department activity log
 13 dated 5-30-08 for Vice Enforcement.
 14 Q. Does it show what time the raid was executed --
 15 the warrant was executed?
 16 A. 2:20 AM.
 17 Q. Any reason to disagree with that estimate or with
 18 that account?
 19 A. My recollection is what my recollection is. The
 20 document isn't going to make me change the
 21 position that, like I said, I recall it being
 22 around 2:30. I said approximately 2:30.
 23 If it says 2:20, that might be when
 24 they looked at their watch and saw as the time.
 25 Q. Are you saying they're wrong based upon your

1 executed?
 2 A. I'm sure there could be other documentation.
 3 What it would be at this point, I don't know what
 4 it would be. Like I said, that could be the time
 5 of notification as opposed to the time of entry,
 6 it could be the time of entry. I don't know what
 7 they were recording here.
 8 "Execution of search warrant" could be
 9 from the notice to go.
 10 Q. What's does the phrase "execution of search
 11 warrant" mean to you?
 12 A. It means you're going to execute the search
 13 warrant.
 14 Q. Okay. Now, did you at any time go out into the
 15 patio area that we've described and discussed
 16 here earlier?
 17 A. On which date?
 18 Q. The 31st of May.
 19 A. I believe I went out there after the search
 20 warrant was executed, yes.
 21 Q. How many people were out in the patio area?
 22 A. There were a number. I don't know how many, I
 23 didn't do a headcount.
 24 Q. Half a dozen, dozens? Can you give me a rough
 25 estimate or range?

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23 (Pages 86 to 89)

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1 A. Between 10 and 25.
 2 Q. Was there any alcohol being served in the patio
 3 as far as you know, sold?
 4 A. I went out there after the execution of the
 5 search warrant. There was no alcohol being sold
 6 after we had executed the search warrant.
 7 Q. Was there any alcohol being sold in the patio
 8 area -- withdraw that question.
 9 Do you have any reason to believe there
 10 was any alcohol being sold in the patio area
 11 before you went out there?
 12 A. I don't understand.
 13 Q. Do you have -- did anyone tell you, did you have
 14 any other reason to believe that someone was
 15 selling alcohol outside in the patio before 2:20
 16 or 2:30 AM on the morning of May 31st?
 17 A. I don't know if they were selling alcohol in the
 18 patio prior.
 19 Q. That's not my question. My question is, did you
 20 have any reason to believe that there was any
 21 alcohol being sold out there?
 22 MR. ASHFORD: Objection to form.
 23 MS. GIAQUINTO: You can answer.
 24 BY MR. GOODMAN:
 25 Q. Go ahead, inspector.

1 MS. GIAQUINTO: Objection, foundation.
 2 MR. ASHFORD: Object to the form.
 3 A. I can't say.
 4 BY MR. GOODMAN:
 5 Q. You couldn't see what was going on on the patio
 6 as you were standing near the bar, is that right?
 7 A. Once I was inside the location, no.
 8 Q. So the people who were in the patio, if there
 9 were people in the patio, could not see what was
 10 going on at the bar, is that right?
 11 A. At the inside bar, no, they could not.
 12 Q. There was no reason for those people to be on
 13 notice that sales were going on after 2 AM in the
 14 morning as far as you know at this time, was
 15 there?
 16 A. I don't know.
 17 Q. So the reason those people were given citations
 18 -- let me withdraw that question.
 19 The people who were in the patio were
 20 given citations, is that correct?
 21 A. Actually I'm not going to assume. I believe they
 22 were.
 23 Q. And whether -- and they were given citations for
 24 being at a location where alcohol was being sold
 25 that was unlicensed, is that right?

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1 A. I don't recall.
 2 Q. At this time you can't recall any reason that you
 3 would have had to believe people were selling
 4 alcohol out there, is that right?
 5 A. One, I don't understand the question. You're
 6 asking me to -- I don't understand the question
 7 to begin with, so --
 8 Q. There were people out in the patio when you were
 9 sitting at the bar observing sales of alcohol, is
 10 that right?
 11 A. I wasn't sitting at the bar, but --
 12 Q. Near the bar?
 13 A. I was standing near the bar.
 14 Q. Standing near the bar. Were there people in the
 15 patio as you were standing near the bar?
 16 A. I didn't observe the patio. From that location
 17 you cannot observe outside, so you're asking me
 18 to speculate as to what was occurring outside. I
 19 did not observe it.
 20 Q. There may or may not have been people on the
 21 patio at that time, is that right?
 22 A. There may or may not.
 23 Q. That's right. And there may or may not have been
 24 alcohol being sold out there, is that right?
 25 MR. ASHFORD: Objection.

1 A. Yes.
 2 Q. And you said you waited until after 2 AM to call
 3 for the raid because the people who could observe
 4 alcohol being sold after 2 AM were on fair notice
 5 that that was happening, is that right?
 6 A. That was a consideration. That was not all the
 7 consideration.
 8 Q. But that consideration may not have applied to
 9 people who were on the patio who could not see
 10 what was going on in or around the bar, isn't
 11 that right?
 12 A. Correct.
 13 Q. So the only basis that the people on the patio
 14 were given citations was because they were at or
 15 near a location which was unlicensed which was
 16 selling alcohol?
 17 A. They were loitering in a place of illegal
 18 occupation.
 19 Q. And loitering consisted of being at or near an
 20 unlicensed place where alcohol was being
 21 provided, is that right?
 22 A. Yes.
 23 Q. Regardless of whether they knew that the alcohol
 24 was being provided or not, is that right?
 25 MR. ASHFORD: Object, call for a legal

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24 (Pages 90 to 93)

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1 conclusion. Go ahead.
 2 MS. GIAQUINTO: You can answer.
 3 A. Regardless whether they were. They were issued
 4 the ticket regardless, yes.
 5 BY MR. GOODMAN:
 6 Q. And that practice of issuing tickets or citations
 7 for proximity or being in a location, in or
 8 around a location where alcohol was being
 9 provided without a license, was something that
 10 had been happening and the way in which this law
 11 was enforced by the Vice Enforcement Unit before
 12 you got there, is that right?
 13 A. I can't speak to what happened before I got
 14 there.
 15 Q. Did you ever speak to Debra Fair about--
 16 A. You'd have to ask her her interpretation.
 17 Q. That's not my question. My question is did you
 18 ever speak with her?
 19 A. Yes.
 20 Q. Did she tell you about how these raids were
 21 conducted?
 22 A. Yes.
 23 Q. What did she tell you?
 24 A. I don't specifically recall.
 25 Q. Did she tell you that they were conducted in the

1 warrant and advised him how to get a 24-hour
 2 liquor license and be in compliance with the law
 3 and advised him that he did not have -- he was
 4 aware that he did not have a liquor license and I
 5 advised him how he could go through the process
 6 to ensure that he was complying with the law and
 7 his patrons weren't subject to ticketing or he
 8 wasn't exposed to any nuisance abatement activity
 9 at his location.
 10 Q. Do you have any documentation of those contacts
 11 with Aaron Timlin?
 12 A. I'd have to look.
 13 Q. Well, as you sit here today --
 14 A. As I sit here today, no.
 15 Q. Let me finish my question, please. As you sit
 16 here today you do believe you have such
 17 documentation somewhere?
 18 A. I could.
 19 Q. That would be in what form?
 20 A. It could be in a variety of forms.
 21 Q. What did you tell Mr. Timlin about how he could
 22 get a license?
 23 A. The process in which to obtain a 24-hour permit,
 24 how a non-profit would work, what he needed to
 25 do, who he needed to contact, gave him the number

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1 same way that the raid at 5141 Rosa Parks was
 2 conducted on May 31st?
 3 A. I don't recall the specific exchange. I do know
 4 we had a general conversation.
 5 Q. Was it your understanding -- when you became the
 6 commanding officer of this unit did you change
 7 the manner or way in which these raids were
 8 conducted?
 9 A. In some cases, yes.
 10 Q. How?
 11 A. We actually started to try to reach out to
 12 places. In lieu of executing search warrants we
 13 tried to reach out to locations and advise them
 14 of other ways to obtain a 24-hour permit or
 15 something of that nature.
 16 Q. How many such instances of reaching out can you
 17 recall?
 18 A. More -- probably more than 10.
 19 Q. Now that would involve locations which did have a
 20 license to sell alcohol, is that right?
 21 A. No, that would not.
 22 Q. Give me an example, if you would, of one of those
 23 instances of reaching out?
 24 A. An example is I talked to Aaron Timlin who runs
 25 the CAID prior to the execution of this search

1 of who to contact at Liquor License.
 2 So if they wanted to hold fund-raisers
 3 -- his assertion was that they wanted to hold
 4 fund-raisers, they were raising money and my
 5 comment was that you're allowed to get 12 in a
 6 year. You only have these events supposedly once
 7 a month and that the 24-hour permit process would
 8 allow him to do fund-raisers in a legal form and
 9 he kind of joked that that was kind of besides
 10 the point.
 11 Q. How was that a joke?
 12 A. He seemed to appreciate the unlawfulness of the
 13 activity and he declined my offer of assistance.
 14 Q. How many times did you have conversations with
 15 him about this?
 16 A. He showed up the night we executed the search
 17 warrant and I had a long conversation outside
 18 again about how to do it again, even after we
 19 executed the search warrant, about how it could
 20 be proper, how to lawfully proceed if he wanted
 21 to continue to host these types of events.
 22 Q. How many times did you talk to him before that
 23 night?
 24 A. I know I at least talked to him once. Probably
 25 only that once.

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25 (Pages 94 to 97)

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1 Q. When?
 2 A. I don't specifically recall.
 3 Q. Was it after you made your initial observation of
 4 the CAID in March?
 5 A. It was after I knew there was illegal activity
 6 occurring at that location, yes.
 7 Q. So that would have been after March of 2008, am I
 8 right?
 9 A. Yes. And prior to May 31 of 2008.
 10 Q. Was it a telephone conversation or a face-to-face
 11 conversation? What was it?
 12 A. I believe the first one was -- actually both of
 13 them was face to face.
 14 Q. You went over to the CAID and talked to him or
 15 did he come to your office and speak with you?
 16 A. He didn't come to my office. He did not come to
 17 my office.
 18 Q. You went to the CAID?
 19 A. I don't recall where we had the meeting.
 20 Q. Was anyone else present?
 21 A. I don't recall.
 22 Q. So you've described ways in which you changed the
 23 practices of the Vice Enforcement Unit by
 24 reaching out to Aaron Timlin and others and
 25 trying to help them to get 24-hour licenses to

1 Q. Do you recall any of it at all?
 2 A. Not without reviewing it, no.
 3 Q. Were there any changes with regards -- in policy
 4 since when you became the commanding officer of
 5 the unit with regard to who would be issued
 6 citations or tickets when a raid such as this was
 7 conducted?
 8 A. Were there any changes --
 9 Q. In policy?
 10 A. In policy about who would get a ticket? Not to
 11 my knowledge.
 12 Q. The practice of reaching out as you've described
 13 it and trying to talk to the proprietors of these
 14 kind of operations was a policy change, is that
 15 right?
 16 A. I don't know if it's written policy, but it is an
 17 informal practice that was a change in direction
 18 to the best of my knowledge, yes.
 19 Q. And who made the decision to change it that way?
 20 A. I did.
 21 Q. Did you clear it with anybody, with anybody above
 22 you in the chain of command?
 23 A. I'm sure I would have, but I don't specifically
 24 recall.
 25 Q. Did you advise the other officers who worked in

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1 sell alcohol, is that right?
 2 A. If it was appropriate. That was the
 3 recommendation, if it was the appropriate
 4 recommendation. Otherwise we would discuss the
 5 illegal activity and impending enforcement.
 6 Q. In other words, you warn them that you were going
 7 to --
 8 A. I told them how to come into compliance with the
 9 law and then if they did not, that there would be
 10 enforcement activity.
 11 Q. That was a change in policy also?
 12 A. To the best of my knowledge, yes.
 13 Q. Any other changes that you can recall?
 14 A. Pertaining to what specifically?
 15 Q. Pertaining to the way in which raids were
 16 conducted?
 17 A. I believe the SOPs were rewritten, the standard
 18 operating procedures were rewritten.
 19 Q. After when?
 20 A. I don't recall.
 21 Q. Was it before the raid on the CAID?
 22 A. They were rewritten when I was there. At which
 23 point, I do not know.
 24 Q. What in the SOPs was rewritten?
 25 A. I can't specifically recall.

1 your unit of this change?
 2 A. They should have been aware.
 3 Q. How should they have been aware?
 4 A. We had meetings. Another example, we had a
 5 meeting with various motorcycle clubs similar
 6 where they were having blind pig activity, we had
 7 meetings with them and whatnot.
 8 So these meetings were secretive in
 9 nature.
 10 Q. Were not secretive?
 11 A. Were not.
 12 Q. And those meetings occurred at your office, at
 13 motorcycle clubs?
 14 A. Neutral location.
 15 Q. And you had others from your unit with you when
 16 these meetings took place or was it just you?
 17 A. I'm pretty sure I didn't go alone, but I can't
 18 say who went with me.
 19 Q. So, Insp. Yost, is it your -- I want to go back
 20 to the discussion you had with Aaron Timlin. How
 21 long did that discussion go on if you can recall?
 22 A. To the best of my recollection it was maybe 10
 23 minutes or so, that's a ballpark and a general
 24 vague recollection.
 25 Q. You told him that there were special provisions

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26 (Pages 98 to 101)

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1 for non-profits that allowed them to get a
 2 24-hour liquor license 12 times a year, something
 3 like that, is that right?
 4 A. Yes.
 5 Q. Is it your testimony here that had he gotten such
 6 a license this raid never would have happened on
 7 May 31, 2008?
 8 A. Had he gotten a proper liquor license and not
 9 sold after hours this raid would not have
 10 occurred.
 11 Q. One of those 24-hour licenses?
 12 A. Correct.
 13 MR. GOODMAN: I would like to take a
 14 brief break if we could. I'm keeping in mind
 15 your concerns about your time.
 16 (A recess was taken and Mr. Ashford
 17 not present for rest of deposition).
 18 BY MR. GOODMAN:
 19 Q. Taking a look -- I want you to go back to Exhibit
 20 4. Let's take one of the -- withdraw that
 21 question.
 22 Did you yourself sign any of the
 23 citations that were issued that night to any of
 24 the people?
 25 A. I believe so.

1 you as to how it is to be decided that a certain
 2 officer will sign a certain person's citation, is
 3 that right?
 4 A. Excuse me?
 5 Q. In other words, let's take Sgt. Turner as an
 6 example. How does -- what guidelines does Sgt.
 7 Turner use to determine who's going to sign a
 8 citation or a ticket for any particular patron?
 9 A. You'd have to ask him.
 10 Q. You don't give him any general approach as to how
 11 you do that?
 12 A. I'll reiterate, you'd have to ask him. I do not
 13 micro-manage my sergeants.
 14 Q. Let's take just an example, Defendant 81 at the
 15 top of Page 5 -- oh, no, that's Timlin, I don't
 16 want to use him.
 17 Let's take Defendant 59 at the top of
 18 Page 1, Neil Matouka. He was charged with
 19 loitering in a place of illegal occupation by a
 20 police officer J. Cobb-Sanders.
 21 You know that officer?
 22 A. Vaguely.
 23 Q. Did that officer work for Vice Enforcement at
 24 that time or under your command at that time?
 25 A. I don't think she was assigned to Vice

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1 Q. Can you find any of those references in here?
 2 A. 1 and 3.
 3 Q. These would be the engagers?
 4 A. Yes.
 5 Q. Any of the -- how about any of the patrons, did
 6 you sign any for any of the patrons?
 7 A. I don't believe so, but let me look. It does not
 8 appear so.
 9 Q. Now, going to the processing of the patrons after
 10 the raid was executed, after the warrant was
 11 executed and the raid occurred how was it decided
 12 which officers would sign the citations for
 13 individual patrons?
 14 A. That would have been determined by probably the
 15 supervisor inside.
 16 Q. Who was the supervisor inside?
 17 A. I believe it would be Sgt. Turner.
 18 Q. So you had nothing to do with this process?
 19 A. I don't know that I had nothing to do with that
 20 process, but I don't micro-manage my supervisors
 21 to the extent that if they have a process that
 22 works, then they have people who are familiar
 23 with certain assignments and those people would
 24 be assigned based on their determination.
 25 Q. So the guidelines though are guidelines set by

1 Enforcement, no.
 2 Q. What would have been the basis for Officer
 3 Cobb-Sanders deciding that Mr. Neil Matouka had
 4 violated the law if you can testify as the
 5 commanding officer of this --
 6 A. You'd have to ask Officer Cobb-Sanders. I can't
 7 speak to what her rationale was.
 8 Q. Would it be based upon the fact that Matouka was
 9 present at the time?
 10 A. You'd have to ask her, she issued the ticket.
 11 Q. So you have no idea as to why these people were
 12 or were not given citations?
 13 A. You asked me about a specific individual and what
 14 an officer's specific understanding was --
 15 Q. Yeah.
 16 A. -- when they issued the ticket. You'd have to
 17 ask the officer what her specific understanding
 18 is.
 19 Q. Would there have been any special circumstances
 20 based upon which Mr. Matouka might have not been
 21 issued a citation at that time along the lines of
 22 the kind of special circumstances that you
 23 outlined earlier when people were not given
 24 citations?
 25 A. I don't understand.

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27 (Pages 102 to 105)

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1 Q. You testified earlier that there are times when
 2 people are not given citations for loitering in a
 3 place of illegal occupation such as if they're a
 4 minor. Do you remember that?
 5 A. There may be exceptions, yes.
 6 Q. How are those exceptions taken into account by
 7 the arresting officers in a raid such as this?
 8 A. You'd have to ask the officers who issued the
 9 tickets. They were not the arresting officers,
 10 but they were the officers who issued the
 11 tickets.
 12 Q. Right, the officers who issued the tickets. So
 13 as the commanding officer, you have no
 14 decision-making authority with regard to whether
 15 these people are or are not given citations?
 16 A. You didn't ask me that.
 17 Q. That's what I'm asking now.
 18 A. As the commanding officer I would have discretion
 19 that I could certainly provide an exception for
 20 if I thought it was valid.
 21 I don't recall providing any said
 22 special circumstances here.
 23 Q. How is that description brought into play in a
 24 raid such as this one? How is your discretion
 25 called upon?

1 A. If information comes to my attention that
 2 consideration or exercise of that discretion is
 3 warranted.
 4 Q. How is that information brought to your
 5 attention?
 6 A. It would depend on the circumstances. Like I
 7 said, in this case I don't recall anything that
 8 came to my attention that drew my review or
 9 consideration.
 10 Q. Is there some point at which a decision is made
 11 that everybody who is on the premises at a
 12 particular time after a warrant has been executed
 13 and the raid has occurred is to receive a
 14 citation?
 15 A. The people who are loitering in a place of
 16 illegal occupation would be cited.
 17 Q. Is there an order given? You're the commanding
 18 officer. Is there an order given by you saying
 19 to either your sergeants or the officers who were
 20 working under them, "Everybody who is here is to
 21 be given a citation"?
 22 A. I don't know that there's an order. That was a
 23 practice.
 24 Q. And that practice -- at some point after the raid
 25 had occurred did someone say to you, "Should we

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1 A. Mine?
 2 Q. Yeah. You say you have the discretion as the
 3 commanding officer.
 4 A. All the officers --
 5 MS. GIAQUINTO: Object to foundation
 6 here. Did she use that discretion in this
 7 particular raid?
 8 BY MR. GOODMAN:
 9 Q. That's where we're -- go ahead.
 10 A. No, I had already said I had not used that
 11 discretion in this raid.
 12 Q. But if your -- you say as the commanding officer
 13 you would have discretion if it were called upon,
 14 is that right?
 15 A. So would the officers, yes.
 16 Q. You and the officers?
 17 A. Yes.
 18 Q. So under what circumstances are you asked to make
 19 a decision when the officer is issuing a citation
 20 as either not make -- withdraw that question.
 21 Under what circumstances will your
 22 discretion be brought into play in terms of
 23 whether special circumstances should be taking
 24 into accounts in the issuance of a citation such
 25 as this?

1 set up the processing of these particular
 2 people"?
 3 A. I don't recall.
 4 Q. Did you order people, "All right, you can now
 5 start processing people"? Did you issue that
 6 kind of command?
 7 A. I was one of the UC officers. The supervisor in
 8 charge of entry would have determined when it was
 9 safe and after that the supervisor which would
 10 be, like I said according to the documents Sgt.
 11 Turner, would have determined what assignments
 12 were to be made and how it was to be processed.
 13 Q. Did you talk to Sgt. Turner at all about what was
 14 going to happen during that time?
 15 A. I don't specifically recall.
 16 Q. Back in 2008 when a raid such as this was
 17 conducted was there a point at which someone
 18 would come to you and say, "Are we going to treat
 19 this in accordance with our usual practice and
 20 issue a citation to everybody who's on the
 21 premises or are we going to treat it any
 22 differently"?
 23 Was that kind of discussion held or was
 24 it held back at that time?
 25 A. This is three and a half years ago. I don't

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28 (Pages 106 to 109)

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1 recall any discussions that were happening in
 2 2008.
 3 DEPOSITION EXHIBIT 6
 4 part of standard operation procedures
 5 WAS MARKED BY THE REPORTER
 6 FOR IDENTIFICATION.
 7 Q. Can you identify what's been marked as Exhibit 6?
 8 A. Looks to be part of the standard operating
 9 procedures for Vice Enforcement, but that's what
 10 it appears to be.
 11 Q. And do you know who wrote this policy?
 12 A. Like I said, the SOPs were revised. At what
 13 point, this doesn't indicate so not sure.
 14 Q. Was this the written policy that was in place at
 15 the time of the raid on CAID on May 31, 2008?
 16 A. Without looking at something further, no, I can't
 17 tell.
 18 Q. Does this fairly -- on the front of this exhibit
 19 it says there's a caption called, "Target
 20 information," do you see that?
 21 A. Yes.
 22 Q. It says here,
 23 "Under no circumstances shall any
 24 officer enter an illegal establishment
 25 for purpose of discovery without prior

1 is can an officer enter a blind pig in a UC
 2 capacity without telling his supervisor, the
 3 answer would be that they should not.
 4 Q. And that was the practice or policy of your unit
 5 back on May 31, 2008, right?
 6 A. Yes.
 7 Q. Let me just say for the record I'll represent to
 8 you that this policy has been produced to us as
 9 the policy that was in place at that time.
 10 Now, if that's wrong, you're here to
 11 tell me that. I just need to know it from you.
 12 So just as background, this is what we've been
 13 given, this is what we know.
 14 A. Okay.
 15 Q. And if I'm wrong or somebody gave this to us and
 16 they're wrong, you let us know, that's all I'm
 17 asking.
 18 A. I'm only stating that when I don't know a
 19 timeline or when something was published, I'm
 20 merely acknowledging that because I swore to tell
 21 the truth.
 22 Q. Of course. Now, this under "Target information"
 23 uses the phrase "enter an illegal establishment
 24 for purpose of discovery."
 25 What does that mean? What is the

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1 notification to and receiving approval
 2 from his immediate supervisor."
 3 Was that the policy at the time of the
 4 CAID raid?
 5 A. Again, three and a half years ago I don't recall.
 6 Q. Was that the practice at the time of the CAID
 7 raid?
 8 A. Same answer.
 9 Q. So is it possible that officers could enter an
 10 illegal establishment for purposes of discovery
 11 without approval from a supervisor?
 12 A. To my -- so your assertion is can officers enter
 13 an illegal establishment without telling a
 14 supervisor?
 15 Q. I'm just trying to figure this out. You're
 16 saying you don't know if this was the practice in
 17 your unit on May 31, 2008. So I'm saying if it
 18 wasn't the practice of your unit, then is it
 19 possible that officers could enter these
 20 establishments without prior approval back at
 21 that time for discovery purposes?
 22 A. Well, one, this isn't a complete document so
 23 you're asking me to look at something in
 24 isolation. I don't know when this was revised
 25 and/or -- well, just revised and if the question

1 purpose of discovery? Does that just mean an
 2 undercover operation?
 3 A. That's my interpretation of it, yes.
 4 Q. And then it says under no -- withdraw that.
 5 Here it says -- withdraw that.
 6 Then it says, "Under no circumstances
 7 shall a target be raided without prior
 8 notification and receiving approval from the OIC
 9 or their designee."
 10 Now, OIC, I take it, means officer in
 11 charge, right?
 12 A. Yes.
 13 Q. And in this particular instance with reference to
 14 the CAID raid on May 31, 2008 who was the OIC?
 15 A. I was, of Vice Enforcement.
 16 Q. So this particular provision which says that a
 17 target cannot be raided unless the OIC approves
 18 the raid would be a reference to you, right?
 19 A. It also says -- for accuracy it says "or their
 20 designee".
 21 Q. But in this instance --
 22 A. In the instance of the CAID raid the OIC was me.
 23 Q. You were the one then who authorized the raid?
 24 A. Yes.
 25 Q. And when you authorized that raid what you

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29 (Pages 110 to 113)

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1 authorized was the decision to issue a citation
 2 to everybody who was there on the premises as a
 3 patron, is that right?
 4 A. Yes.
 5 Q. Now, there is the next part of this document is
 6 called "Planning the raid" and it says,
 7 "The OIC shall be updated on the
 8 planned raid. The raid commander shall
 9 have operational control over the raid
 10 and designate assignments
 11 of personnel."
 12 Do you see that language?
 13 A. Yes.
 14 Q. Who was the raid commander?
 15 A. It would have been one of the Narcotics crews.
 16 Q. Do you remember who they were?
 17 A. No.
 18 Q. But it would not have been you, is that right?
 19 A. As I said before, the entry team has control over
 20 that entry, in that case the raid commander.
 21 Q. Then turning the document over, it says
 22 "The raid commander and the deputy raid
 23 commander when conducting a raid shall
 24 assign personnel tasks according to as
 25 follows:"

1 said.
 2 BY MR. GOODMAN:
 3 Q. As soon as the raid starts people who were in the
 4 establishment are ordered to get to the ground?
 5 A. What I said is the location was under the control
 6 of the raid team until the situation was declared
 7 safe.
 8 How they do that entry is the
 9 determination of the raid team.
 10 Q. So whether or not they get down on the ground or
 11 not during the raid or during the entry, you're
 12 not going to testify about that or you don't
 13 know, is that right?
 14 A. I didn't say I didn't know. I know what I did, I
 15 know what I observed.
 16 Q. What did you do?
 17 A. I got down.
 18 Q. You were told to get down, right?
 19 A. They came in, said, "Police - search warrant" and
 20 I got down. That's what most of the people
 21 around me had done. I don't specifically recall
 22 them saying "get down", but I do know that that's
 23 what I did as well as the sergeant as well as
 24 other people in the area I could see.
 25 Q. And by getting down, what do you mean?

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1 And then there's a number of tasks that
 2 are designated here. That again is a reference
 3 to the Narcotics Unit?
 4 A. In this instance it would be a reference to the
 5 entry team which was the Narcotics Unit.
 6 Q. Do you recall -- if I've asked this, I apologize
 7 and I'll withdraw the question.
 8 Do you recall who the raid commander
 9 was from Narcotics on that date, the CAID raid?
 10 A. You had asked that and I said I didn't recall.
 11 It would have been one of the Narcotics.
 12 Q. How would we go about finding that out?
 13 A. It should be documented by Narcotics.
 14 Q. In what form, if you know, activity log?
 15 A. It could be an activity log. I don't know if
 16 they prepared a CRISNET report.
 17 Q. Now, we talked before about how long it would
 18 take to go through processing of certain
 19 individuals and I think you also testified that
 20 the first thing that happens is that everybody
 21 gets down on the ground, is that right?
 22 MS. GIAQUINTO: Objection,
 23 mischaracterization of testimony. We hadn't
 24 gotten that far.
 25 MR. GOODMAN: I thought that's what she

1 A. I don't remember if I went seated or went lying
 2 down.
 3 Q. At some point you got up and Sgt. Buglo got up,
 4 right?
 5 A. Right.
 6 Q. How long were you down on the ground?
 7 A. Again, I don't know if I was seated or if I was
 8 lying down. A little bit, I don't know, maybe
 9 three to five minutes as a guesstimate.
 10 Q. Under what circumstances did you get up?
 11 A. We were pulled out.
 12 Q. You were pulled out because the officers on the
 13 entry team knew that you were the undercover, is
 14 that right?
 15 A. Yes. I don't know who pulled us out, but yes, we
 16 were removed from it because we were the
 17 undercover officers.
 18 Q. When you got up and were removed from the area
 19 other people were still lying down, is that
 20 right?
 21 A. Again --
 22 Q. Or seated?
 23 A. Yes, I believe they were.
 24 Q. Were they free to walk around?
 25 A. I don't believe so, no.

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30 (Pages 114 to 117)

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1 Q. Did you see people who had to kneel at some
 2 point? Did you see anybody who was kneeling?
 3 A. Not that I can recall, no.
 4 Q. Did you see anybody who was lying on the floor?
 5 A. Yeah.
 6 Q. Did you see other people who were sitting?
 7 A. I don't recall.
 8 Q. You're aware of the fact, of course, that people
 9 who are lying on the floor are not going to be
 10 allowed to stand up or even sit up until an
 11 officer tells them, "It's okay, it's okay for you
 12 to stand up or sit up," isn't that right?
 13 MS. GIAQUINTO: Objection, foundation.
 14 You can answer if you can.
 15 A. Are you asking me a hypothetical or are you
 16 asking me what I observed?
 17 BY MR. GOODMAN:
 18 Q. Let's start with what you observed. Did you
 19 observe that?
 20 A. When I left the people were still either seated
 21 or lying down.
 22 Q. Was anybody asking, "Can I get up, can I leave"?
 23 A. Not that I recall.
 24 Q. Was anybody asking, "Can I move"?
 25 A. Not that I specifically recall.

1 generalization of something conducted by people
 2 -- other people than me.
 3 Q. As the commanding officer at that time of this
 4 unit your experience was that if you tell people
 5 to lie down, they are to stay down until you tell
 6 them they can move, wouldn't that be correct?
 7 A. I don't think that changes anything.
 8 Q. As a police officer, isn't that correct, as a law
 9 enforcement officer?
 10 A. You're asking me to interpret someone's
 11 expectations.
 12 MS. GIAQUINTO: No, on your experience,
 13 in your experience what would you do? What is
 14 your expectation in your experience?
 15 A. My expectation is that they would comply with the
 16 verbal command given.
 17 BY MR. GOODMAN:
 18 Q. So if they're told to lie down, they're going to
 19 stay down until they're told to move if you're
 20 the officer in charge right there and commanding
 21 them, right?
 22 A. That's not necessarily the case, no. You're
 23 making this very cut and simple like you say
 24 "don't move" and they freeze. That does not
 25 happen that way.

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1 Q. But as a matter of course and practice of your
 2 department you understand that no one is going to
 3 be allowed to either sit up or stand up until an
 4 officer tells them they can, isn't that right?
 5 A. I don't think that's a fair characterization.
 6 Q. In what way is that unfair?
 7 A. Well, you're asking, for one, me to speculate on
 8 what happened when I wasn't there and as a matter
 9 of course there is no matter of course in law
 10 enforcement. Things happen very quickly and
 11 unfold in manners that you wouldn't expect and
 12 people aren't necessarily compliant.
 13 So for me to guess at what answer
 14 you're going for here, I can't.
 15 Q. If someone is compliant and does what they're
 16 told they are expected by police officers who
 17 conduct a raid such as this to stay where they
 18 are until they're told that they can move, are
 19 they not?
 20 A. That's a broad generalization. You're asking me
 21 to speak to -- I can tell you what my presence
 22 would be in an entry. I can tell you what my
 23 expectation would be, what I would communicate
 24 during that time.
 25 But asking me for a broad

1 Q. If a person intends to comply with what they're
 2 being told --
 3 A. They may put their -- go ahead, sorry.
 4 Q. Go ahead, say whatever you want.
 5 A. If they -- just because they intend to comply
 6 doesn't mean they're not going to -- they may
 7 raise their hand, they may ask questions, they
 8 could turn, they could try to get up.
 9 Compliance has very different levels.
 10 Q. But your expectation is that they're going to
 11 stay where they are located until --
 12 A. It would be my hope that they would comply and
 13 that they would stay until the area was deemed
 14 safe.
 15 Q. And if they don't stay where they're told, you're
 16 going to charge them with some kind of violation,
 17 are you not?
 18 A. Not that I'm aware of.
 19 Q. Obstructing your operation as a police officer,
 20 could be doing a number of things, right?
 21 Somebody moves and you say "don't move" and they
 22 keep moving, don't you expect them to stop and if
 23 they don't you're going to charge them with
 24 something?
 25 A. Not necessarily, no.

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1 Q. So you think that people who are in this kind of
 2 situation are free to move around, is that right?
 3 A. I didn't say that.
 4 Q. You don't think they're free to move around, you
 5 think they are not free to move around?
 6 A. You'd have to ask them what they thought.
 7 Q. No, I'm asking you as a police officer at that
 8 time --
 9 MS. GIAQUINTO: Listen to the question.
 10 BY MR. GOODMAN:
 11 Q. -- if you're telling people, "This is a raid,
 12 everybody get down, you're going to be processed,
 13 don't move" you expect them -- let me put it this
 14 way.
 15 It is your judgment that they are not
 16 free to move around wherever they want, isn't
 17 that right?
 18 A. Maybe I don't understand the question.
 19 Q. I'll try and rephrase it. If you don't
 20 understand, you can tell me you don't understand,
 21 I can try to rephrase it, okay.
 22 And here's the rephrasing of it. If
 23 you're in charge of a raid and you tell people to
 24 get down and stay where they are, it is your
 25 understanding as a law enforcement officer that

1 isn't that right?
 2 A. Yes.
 3 Q. Which means they have to stay in a building if
 4 they're in a building, right?
 5 A. They have to stay, yes.
 6 Q. And sometimes it can take an hour or two hours or
 7 more before they're processed if it's a large
 8 people of group, isn't that right?
 9 A. It could.
 10 Q. Now, on the back of this exhibit that we've been
 11 talking about there's something called "Raid
 12 Procedures".
 13 Have you ever seen this before?
 14 A. Yes.
 15 Q. This document or something like it?
 16 A. Yes.
 17 Q. What does it mean when the raid procedures are
 18 listed? What does that advise you as law
 19 enforcement officers was to what is to happen and
 20 what is expected?
 21 A. What was the question?
 22 Q. Are these instructions to you as the OIC about
 23 how to go about handling the raid?
 24 A. Yes.
 25 Q. So the first thing it says is you get a search

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1 they're not free to move around and go wherever
 2 they want or leave the building, isn't that
 3 right?
 4 A. It's my understanding they would comply with the
 5 directive, yes.
 6 Q. And they're not free to move around?
 7 A. Correct.
 8 Q. And they're not free to go wherever they want?
 9 A. Correct.
 10 Q. And sometimes that processing where they're not
 11 free to move around or go wherever they want can
 12 take an hour or two hours or more, isn't that
 13 right?
 14 A. I don't agree with that characterization.
 15 Q. Why, in what way do you disagree?
 16 A. Well, I guess maybe I don't understand it. If
 17 you're asking me whether they were told they
 18 can't move for an hour or two, would that be the
 19 usual circumstances, no that would not be the
 20 usual circumstance.
 21 Were they not free to leave for that
 22 time, that may be, but as far as not being able
 23 to move --
 24 Q. Let's start with not free to leave. They're not
 25 free to leave until after they're processed,

1 warrant, right?
 2 A. Yes.
 3 Q. Then you engage in surveillance according to
 4 this, right?
 5 A. Correct.
 6 Q. And then there's a briefing?
 7 A. Yes.
 8 Q. And while we're on the briefing, how many
 9 briefings do you recall for this particular raid,
 10 the one on May 31st?
 11 A. One that I can recall.
 12 Q. And at that briefing who was -- were all the
 13 officers involved in the raid present, that is
 14 the entry team, everybody else or was it just a
 15 briefing for Vice Enforcement?
 16 A. I wouldn't have called the Vice Enforcement
 17 pre-meeting a briefing. The briefing was held
 18 with the raid entry team with Vice Enforcement,
 19 with Tactical Mobile and Narcotics which is the
 20 raid entry team.
 21 Q. There would be a separate meeting which you I
 22 think just characterized as a Vice Enforcement
 23 pre-meeting, am I right about that?
 24 A. We would have discussed the goals for the day,
 25 yes.

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32 (Pages 122 to 125)

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1 Q. On the day of the raid which would have been May
2 30 or 31?
3 A. Yes.
4 Q. Was there or were there any notes taken, minutes,
5 any documentation of that meeting?
6 A. Not to my knowledge.
7 Q. Who was there?
8 A. Would have been the Vice crew.
9 Q. Which consisted of the people we've already
10 mentioned?
11 A. Yes.
12 Q. So going back now to raid procedures, we've
13 gotten through the briefing. Then there are the
14 raid entry and the assignments for the raid
15 entry, is that right?
16 A. Yes.
17 Q. Then the next section is called "Prisoner
18 Processing", is that right?
19 A. Yes.
20 Q. And that refers to information being obtained on
21 the patrons and loiterers or patrons who are
22 described in parentheses as loiterers, correct?
23 A. I'm sorry, what?
24 Q. It says, "Information on all patrons (loiterers)
25 shall be recorded before a disposition is made of

1 Q. So you disagree with that use of the word
2 "prisoner", correct?
3 A. Well, I think the problem here is we're talking
4 about two different things. Prisoner processing
5 may apply and some of the raids we do end up
6 arresting folks and prisoner processing does
7 apply.
8 In some cases, it's just more of a
9 detaining processing.
10 Q. Do you agree -- well, let me put it this way.
11 Was this policy with regards to
12 "prisoner processing" in place at the time of the
13 CAID raid which would have been May 31, 2008?
14 A. I don't recall.
15 Q. Wasn't it the case that the disposition with
16 regards to each patron/loiterer as of May 31,
17 2008 was at the discretion of the raid commander
18 which would have been you?
19 A. I think that would be fair.
20 Q. Now, who was -- which unit was responsible for
21 the processing of the patrons/loiterers?
22 A. You would have to ask Sgt. Turner or someone who
23 made that assignment.
24 Q. But it was handled by Sgt. Turner who was from
25 Vice Enforcement, isn't that right?

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1 these individuals."
2 A. Yes, that's what it says.
3 Q. "This disposition will be at the discretion of
4 the raid commander," is that right?
5 A. Yep.
6 Q. And the raid commander was the person from
7 Narcotics?
8 A. They would have been the entry team commander,
9 yes.
10 Q. The entry team commander has the discretion to
11 decide the disposition of the individuals from
12 whom the information is taken?
13 A. No, that would have been mine.
14 Q. So that reference to raid commander is to you, is
15 that right?
16 A. That's the way I would interpret it, yes.
17 Q. And at this point the patrons who were loiterers
18 are prisoners, is that right?
19 A. No.
20 Q. I thought this section of the policy here is
21 called prisoner processing. Is that a misnomer,
22 they're not prisoners?
23 A. They're not -- they're detained, they're not
24 prisoners in the sense of they're going to be
25 escorted to the precinct and processed there.

1 A. He would have been designated, yes.
2 Q. And the officers who were taking the information
3 that's referenced in this section of the policy
4 would have been Vice Enforcement officers or --
5 A. Perhaps, perhaps not.
6 Q. What other units might they have come from?
7 A. The units already stated, Narcotics or Tactical
8 Mobile.
9 Q. All of those units are available to assist in
10 taking information during the processing?
11 A. Depending on how the sergeant had it set up.
12 Again, that was the sergeant's determination.
13 Depending on how he would have set it up, could
14 have been.
15 Q. So where it says, "All crew members will be
16 assigned secondary assignments after the raid is
17 considered safe," the crew members here are
18 members of what crew?
19 A. This is a Vice Enforcement SOP, so it would be
20 referring to the Vice crew.
21 Q. It says, Number 1, prisoners processing
22 (searched, name check, etc), evidence processing
23 (counting confiscated monies, liquor, etc)".
24 Is every person, every patron who is
25 given a citation for loitering to be searched?

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1 A. Not necessarily.
 2 Q. How is the decision made whether a person is
 3 going to be searched or not?
 4 A. By the individual officer.
 5 Q. Which individual officer?
 6 A. Whoever is making the determination if they were
 7 searched.
 8 Q. Well, there are individual officers assigned to
 9 each of the citations. There were also
 10 individual officers who were involved in the
 11 processing of the patrons/loiterers.
 12 Which one makes the decision as to
 13 whether the person is going to be searched or
 14 not?
 15 A. You confused me again.
 16 Q. I'm saying you say that the officer is the person
 17 who makes the decision about whether someone is
 18 going to be searched.
 19 My only question is which officer makes
 20 that decision?
 21 A. It would be the determination as the raid was
 22 conducted as to how -- if people were to be
 23 searched and how were they to be searched.
 24 Q. That's the decision that's made. Who's it made
 25 by?

1 safe if they on their face or it's apparent they
 2 present some threat or possibility of a threat,
 3 is that right?
 4 A. They can be searched for officer safety, yes.
 5 Q. Any other reasons that you can think of?
 6 A. They would all evolve around officer safety for
 7 the most part.
 8 Q. Now, after the raid is considered safe they also
 9 can be searched, right?
 10 A. They can be.
 11 Q. And who makes the decision as to whether they are
 12 to be searched after the raid is considered safe?
 13 A. It would probably be the sergeant in charge of
 14 the processing.
 15 Q. That would be Sgt. Turner in this particular
 16 instance?
 17 A. I believe it was Sgt. Turner.
 18 Q. So are you saying that people -- that there is no
 19 practice or policy and was no practice or policy
 20 in the department at that time to search
 21 everybody on the premises, but the decisions were
 22 made on a person-by-person basis?
 23 A. I think there was a practice of searching the
 24 individuals. I'm not going to say that there
 25 wouldn't have been exceptions to that.

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1 A. How that process would take place?
 2 Q. Yeah.
 3 A. It would be the entry team who would be
 4 responsible for declaring this place safe.
 5 Q. Once it's declared safe -- after it's declared
 6 safe people are searched, right?
 7 A. I don't know in what order that happened.
 8 Q. Well, I'm just reading your policy here. It says
 9 prisoner processing. Number 1 or just above
 10 Number 1,
 11 "All crew members will be assigned
 12 secondary assignments after the raid is
 13 considered safe.
 14 Number 1. Prisoners processing
 15 (searched, name check, etc) evidence
 16 processing (counting confiscated
 17 monies, liquor, etc)".
 18 So at least as I read this -- and if
 19 I'm wrong, please tell me -- the people are
 20 searched after it's considered safe. Is that
 21 right or wrong?
 22 A. They may be searched also prior to being
 23 considered safe.
 24 Q. Patrons and loiterers can be searched before a
 25 determination is made that it's safe, the raid is

1 Q. And the practice was to search everybody unless
 2 there was some reason for an exception, is that
 3 right?
 4 A. A cursory search, yes.
 5 Q. And what does a cursory search consist of?
 6 A. You would be looking for officer safety. We're
 7 still dealing with a few officers with large
 8 crowds, so you would be looking for something
 9 like weapons and whatnot.
 10 Q. Would it be a frisk, would it be a pat-down,
 11 would it be -- what kind of search?
 12 A. It should be something similar to a frisk.
 13 Q. Were people expected to turn their pockets inside
 14 out at that time as a part of this kind of
 15 search?
 16 A. As a matter of policy?
 17 Q. Yeah, or just regular practice?
 18 A. Not to my knowledge.
 19 Q. Now, going back to the citations that were
 20 issued, these were misdemeanors at the time, is
 21 that right? Loitering was considered a
 22 misdemeanor, if you know?
 23 A. Yes.
 24 Q. In order to charge someone with a misdemeanor
 25 there has to be probable cause, you know that, is

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34 (Pages 130 to 133)

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1 that right?
 2 A. Yes.
 3 Q. There has to be probable cause to make such a
 4 charge, is that right?
 5 A. Yes.
 6 Q. Who made the decision of probable cause with
 7 regard to each of these individuals who was
 8 issued a citation of loitering on that date?
 9 A. As to each of them?
 10 Q. Yeah.
 11 A. Probably me.
 12 Q. In this particular raid a number of vehicles were
 13 confiscated, is that right?
 14 A. I believe so.
 15 Q. Were you told at the time that the raid was going
 16 on that the vehicles were being confiscated?
 17 A. While it was going on?
 18 Q. After?
 19 A. Subsequent to the raid I was aware that vehicles
 20 were being confiscated, yes.
 21 Q. How were you made aware of that?
 22 A. It was a determination made to seize the
 23 vehicles.
 24 Q. Who made that determination?
 25 A. I did.

1 I don't even know if it was reviewed by them or
 2 someone else without looking at it.
 3 Q. Other than the warrant itself and the affidavit,
 4 there's no other documentation that you can think
 5 of?
 6 A. Not that I can think of.
 7 Q. Now, the exhibits you have in front of you which
 8 is, I think, 6, has the nuisance abatement
 9 statute which you mentioned, it contains the
 10 language of the nuisance abatement statute, is
 11 that right?
 12 A. Yes.
 13 Q. And you are familiar with that statute, is that
 14 right?
 15 A. Yes.
 16 Q. And you were familiar with it on May 31, 2008, is
 17 that correct?
 18 A. Yes.
 19 Q. What is it in that statute, what language in that
 20 statute, that you believe authorizes you to
 21 confiscate people's vehicles?
 22 A. You'd have to read it in its totality, but
 23 there's certainly a reference here to
 24 "buildings, vehicles, boats, aircraft" and
 25 there's a reference to "manufacturing,

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1 Q. What was that determination based on?
 2 A. Based on the nuisance abatement statute and
 3 conversation with the Wayne County Prosecutor's
 4 Office.
 5 Q. Who did you talk to at the Wayne County
 6 Prosecutor's Office?
 7 A. I don't recall.
 8 Q. Was it an assistant prosecutor?
 9 A. Could have been.
 10 Q. Could have been anyone else?
 11 A. It could -- it was someone in Forfeiture.
 12 Q. So --
 13 A. There's a deputy chief over Forfeiture that I've
 14 had contact with, there's also APAs, so which one
 15 I spoke to about this particular raid I don't
 16 recall.
 17 Q. So you might have spoken to a deputy chief or you
 18 might have spoken to an APA, is that correct?
 19 A. Correct.
 20 Q. Who was the deputy chief at that time?
 21 A. Brian Moody I believe.
 22 Q. Would there be any documentation of the
 23 conversations that you had with Deputy Chief
 24 Moody or an APA?
 25 A. Other than the review of the search warrant, but

1 storing, possessing, transporting,
 2 sale, keeping for sale, giving away,
 3 bartering, furnishing or otherwise
 4 disposing of narcotic and/or hypnotic
 5 drug as defined by law or any" -- I
 6 don't know how to say that word
 7 "vinous, malt, brewed, fermented,
 8 spirituous or intoxicating liquor or
 9 any mixed liquors or beverages, any
 10 part of which is intoxicating in hereby
 11 declared a nuisance, and the furniture,
 12 fixtures and contents of any such
 13 building, vehicle, boat, aircraft or
 14 place and all such intoxicating liquor
 15 therein are also declared a nuisance
 16 and all such narcotic and/or hypnotic
 17 drugs and nuisances shall be enjoyed
 18 and abated as hereinafter provided..."
 19 Q. Okay.
 20 A. "... in the court rules."
 21 Q. Where does it say anything about confiscation or
 22 towing?
 23 A. That would probably apply to the part that's on
 24 the forfeiture paperwork provided by the Wayne
 25 County Prosecutor's Office.

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1 Q. But the statute is the source that allows you to
 2 confiscate the vehicle, is that right?
 3 A. I don't know that this is the only source in the
 4 statute or law. There is another excerpt. I
 5 don't know if it's the same one or a different
 6 one on the forfeiture paperwork and based on my
 7 conversations with the Wayne County Prosecutor's
 8 Office that the forfeiture of the vehicles,
 9 because they were used to further the endeavor,
 10 that they were to be seized.
 11 Q. Anything that was used to further the endeavor
 12 was to be seized, is that correct?
 13 A. The vehicles, the vehicles were specified. We
 14 could also seize, for instance, deejay equipment.
 15 Q. And what vehicles were seized on that date, if
 16 you know? Where were they located?
 17 A. There were quite a few vehicles. There was some
 18 in the parking lot, there were some on the
 19 streets, there was some on the side street, could
 20 have been located in or about that area.
 21 Q. About that area meaning within what range of
 22 distance?
 23 A. Well, if you have cars strung out 100 yards, then
 24 you may have them strung out a quarter mile down
 25 the road. It would be based on where the people

1 I believe. Go ahead and read through it. Let me
 2 know when you're done.
 3 A. Okay, I've had a cursory look.
 4 Q. Did you see that Mr. Mobley indicated that he had
 5 parked his vehicle a half a mile away from the
 6 location?
 7 A. Can you direct me to it?
 8 Q. Yeah, sure, under III, at the bottom of the first
 9 paragraph, "The complainant stated the art
 10 gallery was raided and the vehicle was parked a
 11 half a mile away".
 12 A. Okay.
 13 Q. Do you remember ever being told that before
 14 today?
 15 A. If it was mentioned as part of the citizen
 16 complaint, I don't recall.
 17 Q. Do you recall at the time anybody saying, "Hey,
 18 there's a guy here who says his car is half a
 19 mile away, should we go get it"?
 20 A. No, I do not recall.
 21 Q. You don't recall that being brought to your
 22 attention?
 23 A. No.
 24 Q. If you had been told someone had a vehicle that
 25 was half a mile away, would you have authorized

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1 were exiting from those vehicles how far people
 2 had to park away.
 3 Q. Was there an instance in which you were advised
 4 that there was a vehicle that was as far as half
 5 a mile away, that somebody had driven a half a
 6 mile away and then managed to get over to the
 7 CAID location from there and that vehicle needed
 8 to be confiscated as well?
 9 A. Not that I recall.
 10 DEPOSITION EXHIBIT 7
 11 inter-office memo, 3-11-10
 12 WAS MARKED BY THE REPORTER
 13 FOR IDENTIFICATION.
 14 Q. I've handed you what's been marked as Exhibit 7
 15 and I'm going to ask you first of all if you can
 16 identify this, have you seen it before, and then
 17 take a moment to read it?
 18 A. I don't recall seeing it before. It appears to
 19 be an inter-office memorandum regarding a
 20 citizen's complaint which I am the involved
 21 officer, allegation for procedure and the
 22 findings were exonerated.
 23 Q. Right, and you never heard about this before?
 24 A. I'm sure I did. It's a citizen's complaint.
 25 Q. This involves a vehicle belonging to a Ms. Mobley

1 its confiscation and tow?
 2 A. It would depend on the circumstances. If cars
 3 were lined up bumper to bumper half a mile down
 4 the street and they were all going to that
 5 location, then that would be appropriate, but if
 6 for say -- well, so half a mile could be
 7 appropriate.
 8 Q. Well, were cars parked bumper to bumper for a
 9 half a mile from 5141 Rosa Parks down the road,
 10 if you can recall?
 11 A. I don't recall.
 12 Q. They may have been, but you don't recall?
 13 A. There were quite a few cars.
 14 Q. How many? I have something that will help you
 15 with this.
 16 A. Okay.
 17 DEPOSITION EXHIBIT 8
 18 CRISNET report, 6-2-08
 19 WAS MARKED BY THE REPORTER
 20 FOR IDENTIFICATION.
 21 Q. Can you identify Exhibit 8?
 22 A. It's a Detroit Police Department CRISNET report
 23 regarding impounded vehicles.
 24 Q. And it starts at Vehicle 40 I believe, is that
 25 right?

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1 A. Yes.
 2 Q. And goes through to Vehicle Number 83 which means
 3 there were 43 vehicles that were impounded that
 4 night, is that right?
 5 A. Yes.
 6 Q. Did you ask every patron/loiterer who was
 7 processed at the CAID location as to whether or
 8 not they drove there in a vehicle?
 9 A. I didn't ask, no.
 10 Q. Did your crew ask that question?
 11 A. You'd have to ask them.
 12 Q. Were they instructed to ask that question?
 13 A. They were instructed to identify the vehicles
 14 that were driven to that location.
 15 Q. And in so doing -- withdraw that question.
 16 Once the vehicles were confiscated and
 17 towed were there still a lot of vehicles either
 18 in the parking lot or parked along the streets in
 19 the vicinity of the CAID?
 20 A. I don't believe so, no.
 21 Q. So if there were 43 vehicles that were
 22 confiscated and towed, does that sound to you
 23 like vehicles that would have been backed up for
 24 about a half a mile from the CAID location, 5141
 25 Rosa Parks?

1 Q. I'm asking you if you can answer hypothetically.
 2 If you can't answer that question, say you can't
 3 answer it.
 4 A. Well, I'm having trouble with a hypothetical
 5 intertwined with a raid that has occurred.
 6 Q. My hypothetical is assuming for the moment
 7 Mr. Mobley parked his car in a friend's driveway
 8 a half a mile away and then walked over to the
 9 CAID from there and then was issued a citation.
 10 Would his vehicle have been, in your
 11 judgment, one that was used to further the
 12 nuisance or was a part of the nuisance or the
 13 illegal activity?
 14 A. With only concerning that limited information you
 15 just gave me, probably not.
 16 Q. How do you define what is used in furtherance of
 17 a nuisance or an illegal activity as you
 18 referenced it before?
 19 A. It's based on whether that vehicle was involved
 20 in bringing someone to that location that
 21 resulted in an activity occurring.
 22 Q. So something that conveyed them to the location
 23 of the nuisance?
 24 A. Yeah, they brought the deejay equipment, they
 25 brought the individuals, they brought the

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1 A. I certainly think it's possible. Depends on how
 2 they were parked.
 3 Q. If someone, in this case let's say Mr. Mobley,
 4 parked his car in his friend's driveway a half a
 5 mile away and walked from the friend's house over
 6 to the CAID and then was cited for loitering at
 7 the CAID, in your judgment as the commanding
 8 officer at that time --
 9 MS. GIAQUINTO: Objection, foundation
 10 and form.
 11 MR. GOODMAN: Let me finish the
 12 question.
 13 BY MR. GOODMAN:
 14 Q. In your judgment as commanding officer at that
 15 time would it have been appropriate and proper
 16 and within the guidelines of the nuisance
 17 abatement statute as you understood them to have
 18 confiscated and towed that person's vehicle?
 19 MS. GIAQUINTO: Objection, form and
 20 foundation.
 21 A. My problem with that question is you're asking me
 22 to speculate as to facts I don't know to be true
 23 and what I would have done in a given raid that
 24 was already conducted based on hypothetical
 25 information.

1 patronage. Yes, they're used as a vehicle to get
 2 them to that location.
 3 Q. Inspector, did you see that a part of this
 4 Exhibit 7 which is the citizen's complaint
 5 included an interview with you?
 6 A. It said it did, yes.
 7 Q. Do you recall being interviewed?
 8 A. Honestly, no.
 9 Q. Do you know if the interview was recorded or not?
 10 A. I believe it was, but just because I think I just
 11 read that it was.
 12 Q. Is the synopsis of the interview with you as set
 13 forth in this exhibit, Exhibit 7, to the best of
 14 your knowledge accurate and correct?
 15 A. Which synopsis -- what part of this report are
 16 you referring to?
 17 Q. I'm now talking about Page 2 of the citizen's
 18 complaint where it says "Lt. Yost stated...".
 19 Turn the page -- here.
 20 A. Okay.
 21 Q. Is that an accurate recitation of what you said
 22 at the time to the investigator?
 23 A. I do not recall the interview, much less what was
 24 specifically stated therein.
 25 Q. Was the information stated therein, at least

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37 (Pages 142 to 145)

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1 purported in this document, accurate and correct
 2 as far as you can tell today?
 3 A. I don't recall the interview.
 4 Q. Well, are the things they report you as having
 5 said accurate as reported in this document?
 6 A. You want me to say that something is accurate
 7 when I don't remember having the interview? I
 8 can't do that.
 9 Q. Okay. Do you have any reason to believe that
 10 anything that is reported in this statement is
 11 inaccurate?
 12 A. I don't recall the interview.
 13 Q. So you can't say one way or the other, is that
 14 right?
 15 A. I don't recall the interview.
 16 Q. I understand you don't recall the interview, but
 17 there is a report of the interview that's set
 18 forth on this page.
 19 I'm saying does anything that is on
 20 this page as far as you can tell attributed to
 21 statements that you have made inaccurate?
 22 A. The reports making reference to statements I made
 23 for an interview I don't recall, and you want me
 24 to -- your question is -- I don't recall what the
 25 interview was.

1 "Lt. Yost stated that as a result of
 2 the sale of alcohol not being allowed
 3 after 2 AM and location being an
 4 unlicensed establishment she notified
 5 the raid crew to execute the search
 6 warrant. The raid crew was shortly
 7 notified after 2:15 AM and they entered
 8 at approximately 2:20 AM."
 9 Is that accurate?
 10 A. As I previously stated, I don't recall who
 11 made the notification for the raid to go ahead,
 12 and my recollection was it was approximately
 13 2:30.
 14 Q. When did you give this statement to the citizen's
 15 complaint investigator for the OCI?
 16 A. Unless it says in here, I do not know.
 17 Q. At the top of the exhibit it says March 11, 2010,
 18 is that correct?
 19 A. It says what?
 20 Q. Turn to the front page.
 21 A. That's the date that the memorandum was
 22 generated, not necessarily the interview was
 23 conducted.
 24 Q. Right, correct, that's right, and so my question
 25 is the statement -- this is the date that the

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1 Q. It says here that "she..." that's you,
 2 "... stated that vehicles were seized under her
 3 direct order."
 4 Is that an accurate statement?
 5 A. I don't know if I said that to them or not.
 6 Q. I'm not now asking whether you said these things.
 7 I'm asking whether what's said is true, that
 8 vehicles that were seized were seized under your
 9 direct order?
 10 A. Yes.
 11 Q. So the statements that are -- I'm not asking
 12 whether you said these things. I'm asking you
 13 whether they are accurate or not, whether they
 14 are true or not?
 15 A. The statements plural?
 16 Q. Yes, that are attributed to you on this page.
 17 A. There's a lot that's attributed to me on this
 18 page.
 19 Q. That's right.
 20 A. And were we charged a cover, yes. Did I observe
 21 people with alcohol, yes.
 22 MS. GIAQUINTO: Let him ask questions,
 23 if he's asking a question.
 24 BY MR. GOODMAN:
 25 Q. All right, here's one.

1 memorandum was prepared and the memorandum was
 2 prepared after presumably the investigator spoke
 3 with you, is that right?
 4 A. Right.
 5 Q. So that on or before March 11, 2010 your
 6 recollection of events from May of 2008 would
 7 have been fresher and better than they are today,
 8 is that right?
 9 A. They would have been fresher, yes.
 10 Q. Going back to the -- what we spoke about about
 11 the vehicles that were used in furtherance of
 12 concerning illegal activity, if someone had taken
 13 a taxi cab, let's say, to the CAID in your
 14 judgment would the taxi cab have been subject to
 15 confiscating or towing?
 16 A. No.
 17 Q. Why is that?
 18 A. The driver wasn't there, they're dropping off a
 19 passenger.
 20 Q. Well, let's say the passenger had said, "Pick me
 21 up at the CAID at 2:30" in the morning and the
 22 taxi comes back, would you seize that taxi cab?
 23 A. No.
 24 Q. And the reason is what?
 25 A. The reason is that they weren't inside, the

Vicki Yost
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1 driver of the vehicle wasn't a participant.
 2 Q. Okay. And driver of the vehicle or the owner of
 3 the taxi cab had no knowledge one way or the
 4 other about illegal activity going on inside the
 5 CAID, isn't that right?
 6 A. I don't know what the driver of the hypothetical
 7 taxi cab would know or not know.
 8 Q. That's why you wouldn't have their vehicle towed,
 9 right, inspector?
 10 A. Excuse me?
 11 Q. Isn't that right?
 12 A. No, I don't know what you're asking me is right.
 13 MR. GOODMAN: Would you read the
 14 question back, please?
 15 (Record repeated as requested).
 16 A. I still don't understand.
 17 BY MR. GOODMAN:
 18 Q. What I'm saying is, the taxi cab drops a person
 19 off and then comes back to pick them up and you
 20 have no idea of whether the taxi cab driver or
 21 owner knows whether illegal activity is going on
 22 inside the CAID and that's why their vehicle
 23 would not be towed or confiscated?
 24 A. And that's part of it and in connection with the
 25 fact they weren't loitering inside where the

1 at that time? He was commander of what?
 2 A. I don't know what time frame you're referring to.
 3 Q. Well, when you started at Vice Enforcement, the
 4 period you were at Vice Enforcement.
 5 A. I don't know if he was there when I came on or
 6 when I left. He was there at some point when I
 7 was at Vice Enforcement.
 8 Q. At that point what was his job?
 9 A. He was a commander over Narcotics.
 10 Q. How about Kevin Robinson?
 11 A. He was a lieutenant at Narcotics.
 12 Q. And the reason or the function that they had with
 13 reference to your activities at Vice Enforcement
 14 was supervisory in any way, either Robinson or
 15 Bray?
 16 A. I'm not sure about Lt. Robinson. Essentially
 17 whoever the commander at Narcotics would have
 18 been my direct report, unless there was some
 19 other direction that they designated someone else
 20 for me to report to.
 21 Q. Just one final brief area of questioning. When
 22 these citations were issued on May 31, 2008 as
 23 we've agreed that the charge of loitering in a
 24 place of illegal occupation is and was a
 25 misdemeanor at the time, is that right?

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1 activity was occurring.
 2 Q. But they did convey the person who was loitering?
 3 A. They could have.
 4 Q. And if they did, the reason that the vehicle is
 5 not confiscated is because of their lack of
 6 knowledge of any illegal activity going on?
 7 A. The fact -- well, their lack of involvement.
 8 Q. Let me take a break.
 9 (A recess was taken).
 10 Q. You mentioned before right at the beginning when
 11 you became the commanding officer of Vice
 12 Enforcement your -- the people immediately above
 13 you in the chain of command were, I think you
 14 said, Lt. Bray was it or Commander Bray?
 15 A. I don't know who was immediately in my chain of
 16 command when I went to Vice Enforcement.
 17 Q. The people who engaged -- who did your
 18 performance appraisals would have been Bray and I
 19 think --
 20 A. It could have been Bray, it was Commander -- he
 21 was my supervisor at one point.
 22 Q. Or Kevin Robinson you mentioned?
 23 A. Could it -- could have been other individuals as
 24 well.
 25 Q. Who was -- what was Commander Bray's job or role

1 A. Yes.
 2 Q. The issuance of a citation means that the person
 3 to whom it is handed and given has to appear in
 4 court at some point on that charge, isn't that
 5 right?
 6 A. I think normally that would be the course, but
 7 there's exceptions to that.
 8 Q. What are the exceptions?
 9 A. I've had attorneys appear in lieu of their
 10 clients.
 11 Q. That's interesting, but I mean let's say that
 12 somehow a judge allows the attorney to appear in
 13 lieu of their client.
 14 Somehow it requires somebody to go to
 15 court, is that right?
 16 A. Unless a warrant is issued for their arrest
 17 because they failed to appear, but at some point
 18 somebody should go to court in conjunction with
 19 it, yes.
 20 Q. If somebody doesn't go to court, a warrant is
 21 going to be issued and they're going to be
 22 arrested, right?
 23 A. Ideally a warrant would be issued and they're
 24 arrested -- sometimes yes, sometimes no.
 25 Q. A warrant is going to be issued as a result of

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12/20/2011

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1 which they could be arrested?
 2 A. A warrant would be issued, right.
 3 Q. By the way, is it your understanding that the
 4 ordinance that you were operating under at that
 5 time, that is loitering in a place of illegal
 6 occupation, has been changed since that date?
 7 A. Yes, it is.
 8 Q. How were you informed of that change?
 9 A. I don't specifically recall.
 10 Q. Were you consulted at all with regards to the
 11 change in language that was made on the
 12 ordinance?
 13 A. I had discussed it with city attorneys, but I
 14 don't know that it was a consultation.
 15 Q. What is your understanding of the change that's
 16 been effected in the ordinance since that time?
 17 A. That there has to be an intent to engage in the
 18 activity to be illegal occupation.
 19 Q. And did you change your practices once the
 20 ordinance was amended or changed?
 21 A. I'm not at Vice Enforcement.
 22 Q. Do you know if Vice Enforcement changed their
 23 activities afterwards, after this change in the
 24 ordinance?
 25 A. I know they're aware of the change, but there's

1 A. It states that see attached activity log,
 2 Lt. Yost and Sgt. Buglo detached from PO
 3 McClendon and Johnson at 9:30.
 4 Q. What does "detached" mean?
 5 A. It means we weren't operating with them and we
 6 went off to do something different.
 7 Q. So is that why your surveillance activity is not
 8 referenced on this particular activity log?
 9 A. Yes, it indicates another activity log exists.
 10 Q. And is it your information that there's -- is it
 11 your information and belief there's another
 12 activity log?
 13 A. Based on this, yes.
 14 MS. GIAQUINTO: Thank you, no further
 15 questions.
 16 RE-EXAMINATION
 17 BY MR. GOODMAN:
 18 Q. Is there any reason whatsoever why that activity
 19 log should be unavailable that you can think of?
 20 A. Not that I'm aware.
 21 MR. GOODMAN: That's all.
 22 (The deposition was concluded at 2:48 p.m.,
 23 signature of the witness was not requested by
 24 counsel for the respective parties hereto)
 25

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1 not anybody currently assigned to Vice
 2 Enforcement that I know of.
 3 Q. No law enforcement officer at all is assigned to
 4 Vice Enforcement?
 5 A. Not that I'm aware of.
 6 Q. At the time that the ordinance was changed were
 7 there any law enforcement officers assigned to
 8 that unit?
 9 A. I don't know. I don't know specifically.
 10 MR. GOODMAN: Nice to meet you.
 11 MS. GIAQUINTO: I have one question.
 12 MR. GOODMAN: Oh, I'm sorry, I'm sorry.
 13 EXAMINATION
 14 BY MS. GIAQUINTO:
 15 Q. I want you to look at Exhibit 1 that we've marked
 16 as Exhibit 1. It is the Detroit Police
 17 Department activity log dated March 28 of 2008.
 18 And there was some questioning as to
 19 why your surveillance activities on that date was
 20 not referenced on this particular activity log.
 21 I want you to look at the miscellaneous
 22 information. Does that give you any -- does that
 23 refresh your recollection as to why your
 24 surveillance activity is not on this activity
 25 log?

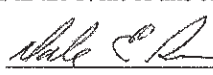
1 CERTIFICATE OF NOTARY
 2
 3 STATE OF MICHIGAN)
 4) SS
 5 COUNTY OF WAYNE)
 6 I, DALE E. ROSE, Certified Shorthand
 7 Reporter, a Notary Public in and for the above
 8 county and state, do hereby certify that the
 9 above deposition was taken before me at the time
 10 and place hereinbefore set forth; that the
 11 witness was by me first duly sworn to testify to
 12 the truth, and nothing but the truth, that the
 13 foregoing questions asked and answers made by the
 14 witness were duly recorded by me stenographically
 15 and reduced to computer transcription; that this
 16 is a true, full and correct transcript of my
 17 stenographic notes so taken; and that I am not
 18 related to, nor of counsel to either party nor
 19 interested in the event of this cause.
 20
 21 
 22 DALE E. ROSE CSR-0087
 23 Notary Public,
 24 Wayne County, Michigan
 25 My Commission expires: 7-15-12

Exhibit B

Daniel Buglo
9/21/2011

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4 IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
5 ANGIE WONG, JAMES WASHINGTON, NATHANIEL
6 PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
7 JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
8 DARLENE HELLENBERG, THOMAS MAHLER, and
9 LAURA MAHLER,

10 Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mema K. Mazoub
No. 10-cv-10675

11 -vs-

12 CITY OF DETROIT, a municipal
13 corporation, Lieutenant VICKI YOSHIDA,
14 a Detroit police officer, in her
15 individual capacity, Sergeant DANIEL
16 BUGLO, a Detroit police officer, in his
17 individual capacity, Sergeant G. MCWHORTER,
18 a Detroit police officer, in his/her
19 individual capacity, Sergeant A. POTTS,
20 a Detroit police officer, in his/her
21 individual capacity, Sergeant CHARLES TURNER,
22 a Detroit police officer, in his individual
23 capacity, Officer M. BROWN, a Detroit police
24 officer, in his/her individual capacity, Officer
25 B. COLE, a Detroit police officer, in his/her
individual capacity, Officer TYRONE GRAY, a
Detroit police officer, in his individual
capacity, Officer SHERON JOHNSON, a Detroit
police officer, in her individual capacity,
Officer K. SINGLETON, a Detroit police officer,
in his/her individual capacity, and UNNAMED
DETROIT POLICE OFFICERS, in their individual
capacities,

Defendants.

DEPOSITION OF SERGEANT DANIEL BUGLO

WEDNESDAY, SEPTEMBER 21, 2011

Daniel Buglo
9/21/2011

2 (Pages 2 to 5)

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Page 4

1
2 Deposition of SERGEANT DANIEL BUGLO,
3 taken in the above-entitled cause before Denise Moorfoot,
4 (CSR-2275), Court Reporter and Notary Public for the County
5 of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
6 Detroit, Michigan, on Wednesday, September 21, 2011, commencing
7 at or about the hour of 10:10 a.m.
8 APPEARANCES:
9 MR. DANIEL S. KOROBKIN
10 American Civil Liberties Union Fund of Michigan
11 2966 Woodward Avenue
12 Detroit, Michigan 48201
13 -and-
14 MR. WILLIAM H. GOODMAN
15 MS. KATHRYN BRUNER JAMES
16 Goodman & Hurwitz, P.C.
17 1394 E. Jefferson Avenue
18 Detroit, Michigan 48207
19 Appearing on behalf of the Plaintiffs.
20 MR. JERRY ASHFORD
21 City of Detroit Law Department
22 660 Woodward Avenue
23 1650 First National Building
24 Detroit, Michigan 48226
25 Appearing on behalf of the Defendants.

1 Detroit, Michigan
2 Wednesday, September 21, 2011
3 10:10 a.m.
4 ---

5 DANIEL BUGLO
6 was thereupon called as a witness herein and, after
7 having been first duly sworn to tell the truth, was
8 examined and testified as follows:
9 ---

10 MR. GOODMAN: The record will reflect that this
11 is the deposition of Sergeant Daniel Buglo taken pursuant
12 to Notice under the Federal Rules of Civil Procedure, for
13 any and all purposes therein provided.
14 EXAMINATION

15 BY MR. GOODMAN:
16 Q Sergeant, have you ever been deposed before?
17 A Yes, sir.
18 Q How many times would you say?
19 A Approximately two to three. I don't remember exactly.
20 Q Okay. Well, for the record, we have met off the record,
21 but formally and officially on the record, my name is Bill
22 Goodman. I'm one of the lawyers who represents the
23 plaintiffs in this case, and I'm going to be asking you
24 some questions; and given the fact that you have had your
25 deposition taken before, I take it you know the ground

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25

1 rules generally, but I want to go over them with you just
2 briefly here if you don't mind. Is that all right?
3 A That's fine.
4 Q First of all, I'll be asking questions. You'll be
5 expected to answer questions. You're represented here
6 today by Mr. Ashford, and if Mr. Ashford makes an
7 objection, I want you to withhold your answer until the
8 objection is stated on the record. Do you understand
9 that?
10 A Yes.
11 Q Probably, after his objection is completed, you will be
12 allowed to answer the question or complete your answer,
13 and if at that point you need to be refreshed as to what
14 the question was, the court reporter here, Ms. Moorfoot,
15 can repeat it, can read it back for you, or I can repeat
16 it or clarify it if you have any question about any
17 question. Do you understand that as well?
18 A Yes.
19 Q And as you're doing, it's very important that you answer
20 questions verbally so that we can get an accurate and
21 complete record here. Sometimes people will nod and say
22 mun-humm and uh-uh, and those kinds of answers make for an
23 unclear record, and I may have to remind you from time to
24 time. If I do, I apologize in advance. I'm simply trying
25 to clarify the record. Do you understand?

Daniel Buglo
9/21/2011

3 (Pages 6 to 9)

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1 A Sure.
 2 Q Once again, if there is anything you don't remember,
 3 please say so. If there's anything you can't hear, please
 4 indicate that as well, and if there's anything that
 5 requires repetition or clarification in any way, you'll
 6 let me know, right?
 7 A Yes, sir.
 8 Q For the record, your full name is, sir?
 9 A Daniel William Buglo.
 10 Q And your date of birth?
 11 MR. ASHFORD: I'm going to object to that as
 12 being not reasonably calculated to lead to admissible
 13 evidence, the law enforcement privilege, and instruct the
 14 witness not to answer. He can tell you his age.
 15 BY MR. GOODMAN:
 16 Q All right. I think that's, just for the record, an
 17 improper invocation of the law enforcement privilege, but
 18 over and above objection, how old are you?
 19 A Forty-six.
 20 Q You're a Detroit police officer; is that right?
 21 A Yes, sir.
 22 Q In fact, you're a supervisor; you're a sergeant. Am I
 23 right about that?
 24 A Yes.
 25 Q How long have you been a law enforcement officer for the

1 right, sir?
 2 A No. When I first got promoted in February of '04, I was
 3 sent to the Tenth Precinct, and then approximately in
 4 March of '06 I was transferred to vice enforcement.
 5 Q So you're in vice enforcement from -- did you say March of
 6 '06?
 7 A March of '06 to sometime in '09. August of '09 I believe.
 8 Q So that complete time that you were -- The whole time you
 9 were at vice enforcement you were a supervisor. Am I
 10 right about that?
 11 A Yes.
 12 Q Now, before becoming a Detroit police officer, what was
 13 the training routine that you went through? What training
 14 did you receive?
 15 A You mean in the academy?
 16 Q Yes.
 17 A Basic academy training, defensive tactics, report writing,
 18 legal training, things of that nature. It's been a long
 19 time.
 20 Q How long was the course at the Detroit Police Academy?
 21 A I started on April 10th, and we graduated sometime in
 22 early August of '89. It's about four months.
 23 Q Four months, yeah. Okay.
 24 Before you became a sergeant in I think you said
 25 February of '04, had you applied for promotions before

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1 City of Detroit?
 2 A Approximately twenty-two and a half years.
 3 Q Before that were you in law enforcement in any other
 4 capacity?
 5 A No.
 6 Q All right. And how long have you been a sergeant,
 7 Sergeant Buglo?
 8 A I got promoted in '04, so six years, seven, going on seven
 9 years.
 10 Q Okay. What's your current assignment with the DPD?
 11 A I'm a sergeant at the tactical mobile unit.
 12 Q How long have you been with TMU?
 13 A In October it will be a year. I was there as an officer
 14 before that for approximately fourteen years.
 15 Q What was your assignment before this present assignment
 16 with TMU?
 17 A I was a sergeant in the special operations unit at the
 18 Sixth Precinct.
 19 Q How long did you do that?
 20 A Approximately a year.
 21 Q And before that?
 22 A I was a sergeant at vice enforcement.
 23 Q And how long did you work in vice enforcement?
 24 A About three years.
 25 Q That whole time as a sergeant, as a supervisor; is that

1 that time?
 2 A I believe I did take one promotional test before that,
 3 possibly two, but at least one for sure.
 4 Q And when was that?
 5 A The first one?
 6 Q Yes.
 7 A I don't recall. Possibly '97, '98 maybe. I don't recall
 8 for sure the date. The second one would have probably
 9 been three to five years after that if I took two. I
 10 don't remember if I took two or three.
 11 Q Thank you, Sergeant.
 12 When you were assigned to vice enforcement, did
 13 you have an understanding at the time that you were
 14 assigned to vice enforcement as to what your job at vice
 15 enforcement would be?
 16 A I did have some knowledge of what their duties were. I
 17 knew they did liquor license enforcement, prostitution,
 18 blind pigs, illegal gambling, unlicensed businesses,
 19 things of that sort.
 20 Q And how did you arrive at that understanding? Was that
 21 just general chitchat within the department, or did you
 22 receive a briefing before you went there?
 23 A I think it was just from my experience on the department,
 24 how many years I had on and knowing what -- You've seen
 25 what vice did and having some contact with some of the

Daniel Buglo
9/21/2011

4 (Pages 10 to 13)

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1 people that had worked there in the past, I had a general
 2 idea of what they did.
 3 Q Were you ever briefed as to what the mission of vice
 4 enforcement was either before you went to vice enforcement
 5 or after you were assigned to it?
 6 A I imagine my first week there, there was another sergeant
 7 that had been assigned to vice, Sergeant Turner, who had
 8 extensive vice experience. He was there as an officer for
 9 many years, and then he got promoted I think before I did,
 10 and he got sent back to vice as a sergeant, so working
 11 hand in hand with him I was brought up to speed.
 12 Q So basically on-the-job training through Sergeant Turner,
 13 is that correct?
 14 A And the other officers at vice, yes.
 15 Q But you have singled him out, so I take it he was a major
 16 source of your information?
 17 A We were in the same office. We were both sergeants, so
 18 most of the guidance came from him.
 19 Q And having spoken with Sergeant Turner and whatever other
 20 officers you spoke with, was your knowledge as to the
 21 mission of the vice enforcement unit of the Detroit Police
 22 Department enlarged?
 23 A It's pretty much a complaint-driven unit. It's the
 24 enforcement arm of the liquor license unit. Complaints
 25 would come in on a daily basis to liquor license regarding

1 make would be to liquor license or vice, and they'd give
 2 up all their secrets, and we would go in and investigate
 3 their complaint and handle whatever enforcement we came
 4 across.
 5 Q This is just speaking as a citizen of the City of Detroit,
 6 but my understanding is there are a lot of these strip
 7 clubs up and down Eight Mile Road. Am I right about that?
 8 A I don't know if there's a lot.
 9 Q There are a number of them?
 10 A There's six or seven, sure.
 11 Q And those, would you get complaints from adjoining law
 12 enforcement officers or adjoining communities outside of
 13 Detroit with regard to those places in particular or
 14 others as well?
 15 A I don't remember ever getting a complaint from an outside
 16 jurisdiction about a strip club. We had a noise complaint
 17 from a lady who lived across Eight Mile, I believe in
 18 Warren, from a bar that was playing their music too loud
 19 at the end of the night, and I guess they kind of spilled
 20 out to the parking lot at closing time, and the bar was
 21 called Eight Mile Run. And I don't remember the exact
 22 location, but it was on Eight Mile. The complaint came
 23 from a Warren citizen.
 24 Q Now, when you -- Excuse me. I'm sorry. I interrupted. I
 25 apologize.

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1 some of the topless clubs, prostitution going on in there,
 2 illegal activities going on at various bars, if there was
 3 a heavy area of prostitution. Maybe a precinct commander
 4 would call and ask us to do some type of operation, but it
 5 was mostly complaint driven, and on a daily basis we would
 6 get complaint locations, and if it involved an undercover
 7 operation, we would do that. If it involved putting one
 8 of our girls out to do a prostitution operation, we would
 9 do that. So the majority of it was complaint driven.
 10 Q By "one of our girls," I take it you mean --
 11 A Detroit police officers.
 12 Q -- female Detroit police officer, correct?
 13 A Yes, correct.
 14 Q And going back to the complaint-driven aspect of your
 15 operation, when you say complaint driven, do you mean
 16 driven by complaints from neighbors, citizens, people who
 17 live and work in the community?
 18 A Yes. Some of them were from there.
 19 Q And others were from other law enforcement officers?
 20 A Others were from law enforcement officers. Others came
 21 from -- There seemed to be a consistent amount of
 22 complaints about the strip bars. A lot of those I think
 23 were generated from employees that were at the strip bars
 24 that would get fired for whatever reason. It seemed like
 25 they would be disgruntled, and the first call they would

1 When you arrived at vice enforcement, did you
 2 receive any written materials, anything like that that
 3 either described your operation or gave you assistance in
 4 carrying out your duties as a vice enforcement Detroit
 5 police officer?
 6 A There's several I want to say code names of officers, of
 7 streets, of descriptions of black male, white male, black
 8 female, white female. There's a numeric system. I
 9 believe I got kind of a cheat sheet of ordinances that are
 10 vice specific, you know, things of that nature.
 11 Q Let me ask you first of all about the designation of
 12 people describing them by both race and gender. Is this
 13 something that was specific or peculiar to the vice
 14 enforcement unit, or was this common throughout the
 15 department in terms of report writing? Let's start with
 16 that.
 17 A I have never used it in a report. I believe it generated
 18 from narcotics I don't know how many years ago. Like an
 19 04 I believe is a black male and 04 plus I believe is a
 20 black female if I'm remembering correctly, but those are
 21 never used in a report. I believe it generated before we
 22 had secure radio channels, and those were the codes that
 23 were given over the channel; so if anyone would be
 24 listening, I guess it would help to throw them off.
 25 Q You understand we're here in connection with an incident



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5 (Pages 14 to 17)

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1 that occurred on May 31st, 2009, at a club or --
2 MS. JAMES: 2008.
3 BY MR. GOODMAN:
4 Q 2008, excuse me. May 31st, 2008, at the institution known
5 as the CAID. Do you remember that incident?
6 A Yes.
7 Q And we'll go through some of the reports, the CRISNET
8 reports and PCRs for that incident, but I noticed that
9 people were described as WF or WM, those kinds of
10 designations in the reports themselves. Is that something
11 that's peculiar to vice enforcement, or was that a
12 designation that was department-wide in terms of report
13 writing at that time?
14 A Peculiar? It's not peculiar. It's common throughout the
15 department.
16 Q Throughout the Detroit Police Department?
17 A Yes.
18 Q Okay. Is it something that you're supposed to do when
19 describing a person who you either have seen or
20 encountered as a police officer, describe them both by
21 race and gender in that way?
22 A Yes, sir. It's a universal -- not universal -- but
23 universal to our department. It's an accepted practice
24 and accepted description.
25 Q Thank you. Did you receive any specialized training on

1 training along those lines?
2 A Yes.
3 Q And my question is: Can you recall receiving any such
4 training?
5 A At the academy level, I did.
6 Q But after academy, can you recall that?
7 A We have instituted a forty-hour block of training that's
8 been in effect maybe for the last four years that every
9 officer has to go through once a year, and it's covered in
10 there, also.
11 Q Had you had this training before the 2008 incident at the
12 CAID?
13 A I don't know if the forty-hour block was instituted at
14 that time or not. It was probably right around that time
15 that it got started.
16 Q So whether you had been through that process before that
17 raid or not, you can't recall at this time?
18 A I can't recall. Correct.
19 Q Okay. In connection with that training that you received,
20 is one of the areas that is covered the question of when
21 an officer has probable cause to make an arrest and when
22 the officer does not have probable cause to make the
23 arrest? Is that an area that you recall receiving this
24 forty-hour block training in?
25 A Yes.

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1 issues bearing on constitutional law when you became a
2 supervisor in vice enforcement?
3 A No.
4 Q You did receive such training when you were at the
5 academy, however; is that right, sir?
6 A I would imagine so. I remember the legal class went for a
7 week or two, so I'm sure it was covered. Specific
8 recollection of it I don't have.
9 Q And did you have any discussions, for example, with
10 Sergeant Turner about constitutional law issues, people's
11 rights, that kind of thing that you can recall?
12 A I don't recall ever having that type of conversation, no.
13 Q Or anyone else within vice enforcement?
14 A As far as violating people's rights, I'm sure, if we were
15 doing an operation or were doing something, we don't make
16 it a practice to violate anybody's rights, so I think it's
17 something a police officer is always aware of and tries to
18 avoid it.
19 Q Right. Thank you very much for that. That's helpful.
20 But in terms of knowing what those rights are before you
21 can decide whether you might be violating them or not, you
22 have to have some kind of instruction or learning in that
23 regard; is that right, sir?
24 A That would be correct.
25 Q And in order to have that, you would have required some

1 Q But, again, whether you had that training prior to May
2 31st, 2008 or not, you don't know; is that right, sir?
3 A Correct.
4 Q When you started in the vice enforcement unit in 2006, how
5 many officers were assigned to that unit that you can
6 recall?
7 A I believe it was myself, Sergeant Turner, and only two
8 other officers that had vice as their permanent
9 assignment. They had a narcotics crew that would rotate
10 in every twenty-eight days to help with the enforcement.
11 Q So the narcotics crew would rotate in for a term of about
12 twenty-eight days; is that what you're saying?
13 A Yes, sir.
14 Q And how large would that narcotics group be? How many
15 members would you get from that?
16 A It would be another sergeant and maybe seven to ten
17 officers.
18 Q Was there a commander of your unit in 2006 when you
19 started at vice enforcement?
20 A There was a commanding officer, Lieutenant Debra Fair at
21 that time.
22 Q How do you spell that?
23 A D-E-B-R-A and then F-A-I-R.
24 Q Is she still with the DPD?
25 A Yes. She's a commander now with the DPD. She's since



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6 (Pages 18 to 21)

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1 been promoted.
 2 Q And in 2009 who was the commanding officer of that unit at
 3 the time of the CAID raid?
 4 A Lieutenant Vicki Yost, Y-O-S-T.
 5 Q Is Lieutenant Yost still with vice enforcement as far as
 6 you know?
 7 A No. She is the acting inspector of the Eighth Precinct.
 8 Q When you were assigned to vice enforcement, were you
 9 regularly evaluated? Was your job performance regularly
 10 evaluated?
 11 A Yes. There's a service rating that goes once a year where
 12 we are evaluated.
 13 Q Who did your evaluation?
 14 A That would have been Lieutenant Fair and then subsequently
 15 Lieutenant Yost.
 16 Q What were the metrics, if you follow me, for determining
 17 whether you were doing a good job or not?
 18 A There's several categories on the sheet that we're rated
 19 on, resourcefulness, punctuality, knowledge. I don't
 20 remember all of them. If I had the form in front of me,
 21 it would probably help. The top score is a ninety, and
 22 like I said, there's probably ten different categories
 23 maybe.
 24 Q And is it fair to say that you consistently scored
 25 relatively high in this evaluation process?

1 is that correct?
 2 A On the regular officers' monthly sheets, there's a column,
 3 I believe, for vehicles investigated. I'm not positive if
 4 there's one for vehicles impounded.
 5 Q Is there a different tally sheet for vice enforcement than
 6 there is for other units within the department?
 7 A We did keep a daily tally sheet. There was a daily packet
 8 that we put together, and on the cover sheet it listed the
 9 enforcement that we did for that shift. And then there
 10 was -- I think there was a weekly stat report that was
 11 done, also, that kept a running year-to-date total of our
 12 activities.
 13 Q That would include numbers of people arrested; is that
 14 correct, sir?
 15 A People arrested, seizures, tickets written, yes, all that,
 16 those things. There were several categories on there.
 17 Q Were those tally sheets looked at in evaluating officers
 18 at the -- Withdraw that question.
 19 Was the tally sheet something that was used by
 20 the commanding officer in calculating the evaluation for
 21 given officers, including yourself, in vice enforcement?
 22 A I don't know if Lieutenant Fair specifically looked at
 23 that when doing it. She would have to answer that. I
 24 couldn't answer what her process was or what she used.
 25 Q What about Lieutenant Yost?

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1 A I think my first two were probably in the mid eighties,
 2 but after maybe a year and a half, two years, I
 3 consistently had a ninety since then and currently.
 4 Q Were the number of arrests that you made in connection
 5 with your operations and duties ever taken into account in
 6 evaluating you?
 7 A There's a quality of work category, I believe, on there,
 8 but there is no quantity or, you know, there's no numbers,
 9 no quota or anything like that.
 10 Q Is there any record or document or computer system that
 11 keeps track of the number of arrests you make over a given
 12 period of time, let's say every year, if you know?
 13 A I think we're trying to set one up now with our MAS
 14 system, but I don't know if that's completely online, and
 15 I don't know if the supervisors are actually making
 16 entries of every arrest an officer makes, so I imagine you
 17 would have to go back. Officers fill out a monthly sheet.
 18 It's a tally sheet of what they have done for the month,
 19 and those are supposed to be kept in their personnel file;
 20 so I guess that would be the most accurate way to
 21 calculate the arrest totals.
 22 Q And the monthly tally sheets do keep track of the number
 23 of arrests that are made; is that correct?
 24 A Yes.
 25 Q And they keep track of the number of cars that are seized

1 A Lieutenant Yost probably did, knowing her personality. I
 2 can't say for sure, but just knowing her better than I
 3 know Lieutenant Fair, she may have. She would be more
 4 likely to.
 5 Q And what do you mean by that? What aspect of her
 6 personality are you referring to in that regard?
 7 A She was more hands on, more aggressive. She came out with
 8 the crew every now and then and actually worked with the
 9 vice crew.
 10 (Discussion off the record.)
 11 MR. ASHFORD: Can we go off the record for a
 12 moment?
 13 MR. GOODMAN: Surely.
 14 (Recess taken from 10:35 a.m. to 10:40 a.m.)
 15 BY MR. GOODMAN:
 16 Q We're sort of sidling up to what happened on May 31st,
 17 2008, but I want to ask you some general questions about
 18 your procedures and policies within vice enforcement
 19 before we get there.
 20 First of all, within vice enforcement, there's
 21 an operation known as a raid; is that correct?
 22 A That's correct.
 23 Q Is there a definition for a raid that you know of?
 24 A It's usually a forced entry of a location with a search
 25 warrant in hand, an execution of a search warrant.



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7 (Pages 22 to 25)

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1 Q That's how you would define it?

2 A Yes, sir.

3 Q And within the vice enforcement operation, that would be a

4 location where there was certain kinds of activities going

5 on, either after-hours drinking or illegal sales of

6 alcohol or drug use or gambling or something like that; is

7 that right, sir?

8 A Yes.

9 Q Are there, leading up to the raids themselves, operations

10 that are known as review surveillance operations?

11 A Yes. If we were looking at a place that we were going to

12 execute a search warrant on, the general rule is to have

13 three observations of illegal activity going in. If

14 possible, we would send an undercover officer into the

15 location as well. And we -- Go ahead.

16 Q And what is the purpose of having, as you said, three of

17 these undercover operations before the raid?

18 A That was a standard that was set before I got there. I

19 could speculate that it was to make sure that you were on

20 solid ground of illegal activity actually going on and you

21 didn't do an illegal search, an illegal raid or something

22 that wasn't above board.

23 Q Let me ask it this way: Usually, when you conducted your

24 raids, it was once you had a warrant and once your unit

25 had a warrant in hand; is that right?

Page 23

1 A The execution of the raid would be with a search warrant

2 in hand, yes, sir.

3 Q And in order to get a warrant, it's your understanding,

4 I'm sure, that a police officer must fill out an affidavit

5 as to certain kinds of activities that he has observed or

6 knowledge that he has presented to a judge or magistrate

7 in order to get the warrant signed; is that right?

8 A Yes.

9 Q Do you know one way or another whether the requirement of

10 a warrant before a raid is conducted is a constitutional

11 requirement or simply a requirement by statute or by

12 custom? Do you have any idea one way or another about

13 that?

14 A I believe there are exigent circumstances where you could

15 go in without a warrant in hand.

16 Q Right. And I believe you're right as well, but my

17 question is: Is the necessity of a warrant, if at all

18 possible, one which is imposed by the Constitution or some

19 other source of law, if you know?

20 A I don't know.

21 Q So that in your judgment as a law enforcement officer, the

22 reason to engage in these undercover surveillance

23 operations is to verify that there is illegal activity or

24 an illegal occupation going on at a particular location.

25 Am I correct about that?

Page 24

1 A Yes.

2 Q Is it also to verify that a certain person is engaged in

3 illegal activities or criminal behavior, if you know?

4 A Are you asking if the search warrant could be specific for

5 that for a specific person?

6 Q No. Whether the undercover surveillance operation leading

7 up to a search warrant and a raid is one which is engaged

8 in, you know, in an attempt to identify certain people who

9 are engaged in criminal activity, if you know.

10 A I don't know. I haven't run across that.

11 Q You engaged in such undercover surveillance operations --

12 excuse me. You engaged in such review surveillance

13 operations with regard to the CAID operation. Am I right

14 about that?

15 A Yes.

16 Q And the CAID is located where if you can recall?

17 A It's on 12th, I believe north of Warren. I don't remember

18 the exact side street. It could be Bryant. I'm not

19 positive. I know it's on 12th Street.

20 Q If I told you it was 5141 Rosa Parks Boulevard, would that

21 sound right to you?

22 A Yes.

23 Q And the cross street at Rosa Parks would be what?

24 A I think it's Bryant, but I'm not positive.

25 Q And were you involved in all three surveillance review

Page 25

1 undercover operations leading up to the CAID raid?

2 A Yes.

3 (Discussion off the record.)

4 BY MR. GOODMAN:

5 Q Before we mark certain documents as exhibits, have you

6 reviewed anything before your testimony here today,

7 Sergeant?

8 A I did review two PCRs that I did and the search warrant

9 that I was the affiant on.

10 Q Anything else?

11 A And I did -- There might be three. There may be three

12 PCRs.

13 Q Three PCRs?

14 A Yes, there are three PCRs. One of them -- I did all three

15 of the PCRs, and I reviewed them today.

16 MR. ASHFORD: And the activity log.

17 THE WITNESS: And the activity log is also in

18 here.

19 MR. ASHFORD: Search warrant.

20 THE WITNESS: And the search warrant.

21 BY MR. GOODMAN:

22 Q Now, in order to just inform me as to what you have

23 reviewed, you had to be reminded my Mr. Ashford of the

24 number of documents you looked at; is that correct?

25 A Correct.



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8 (Pages 26 to 29)

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1 Q I take it from that that that means that you looked at
 2 these documents just this morning before walking into this
 3 deposition. Am I right about that?
 4 A Yes.
 5 Q You have not looked at them since the time that you wrote
 6 them, or am I right about that?
 7 A I may have reviewed them when I got served with the
 8 lawsuit and read the lawsuit. I may have reviewed them.
 9 I don't recall if I did or not.
 10 Q Can I take a look at the documents you have reviewed,
 11 please, sir? Thank you.
 12 MS. JAMES: What's the third PCR? I thought you
 13 said there was a third.
 14 THE WITNESS: I think the third one is the list
 15 of people that were written an ordinance violation.
 16 BY MR. GOODMAN:
 17 Q So is this the third PCR?
 18 A Yes.
 19 Q Well, so when you talk about a third PCR, what you're
 20 really talking about is a document that we have also --
 21 may also be identified as a CRISNET document. Am I right
 22 about that?
 23 A That's correct. The reason the CRISNET is different than
 24 the first two PCRs, the CRISNET system can be accessed
 25 pretty much by anybody in the department. So when we did

1 Q Thank you, Sergeant. I'll give you your documents back.
 2 Did you have any handwritten notes, by the way,
 3 that you made during any of the operations that are
 4 described in these PCRs and CRISNETs?
 5 A I usually keep a pad of paper with me at all times. I
 6 don't recall on the first observation when we saw people
 7 walking in and I had a description of people that were
 8 walking in and what they were walking in with. I imagine
 9 I did write that down somewhere and then went back to the
 10 office and typed it into the report, but I can't say for
 11 sure, but that's usually my practice that I would jot that
 12 down somewhere so I was accurate when transposing it into
 13 the actual police document.
 14 Q And where are those handwritten notes at this time?
 15 A Garbage maybe. Maybe in a box somewhere. I don't know.
 16 (WHEREUPON, Deposition Exhibit I
 17 was marked for identification.)
 18 BY MR. GOODMAN:
 19 Q I have had a document marked as Exhibit 1. Off the
 20 record.
 21 (Discussion off the record.)
 22 MR. GOODMAN: I'm going to hand you what has
 23 been marked as Buglo Exhibit 1, Sergeant. Jerry, do you
 24 want your own copy?
 25 MR. ASHFORD: I have it.

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1 our observations, we did them on the older PCR form so
 2 they weren't able to be accessed by any other members of
 3 the department.
 4 Q What would be the down side of having them accessible by
 5 any other member of the department?
 6 A Unfortunately, some of our members frequent these places
 7 or know people that frequent these places and are friends,
 8 and they may try to warn them that something is coming, to
 9 stay away.
 10 Q So it's a security measure?
 11 A Yes, sir. There's also a CRISNET on the impounded
 12 vehicles that I reviewed. I did not enter that into the
 13 system.
 14 Q Well, we're going to go through all the CRISNETs. The
 15 CRISNETs are numbered, and then at the end have a decimal
 16 point and a point one, point two, and point three after
 17 them; is that right?
 18 A Correct.
 19 Q But all three CRISNETs -- and we're going to get into all
 20 of them, including the vehicle impoundment -- have the
 21 same principal number. Am I right about that?
 22 A Correct. It's a case number, and the dot one, dot two,
 23 dot three after it just signifies that they are all part
 24 of the same case, and there's several different reports
 25 attached.

1 BY MR. GOODMAN:
 2 Q I want to ask you some questions about this, sir. Can you
 3 identify this, first of all?
 4 A That's a Preliminary Complaint Record that I completed on
 5 -- it looks like Saturday, March 29th, at about 1:40 a.m.
 6 would be when the activity was. I would have done the PCR
 7 shortly thereafter.
 8 Q Okay. And this is a preliminary complaint report which is
 9 kept within your unit; am I right about that?
 10 A Yes, sir.
 11 Q And it's a report on, quote, blind pig activity, end
 12 quote; is that correct, sir?
 13 A Yes, sir.
 14 Q And what do you mean by blind pig activity?
 15 A I think the general definition is a place that served
 16 alcohol after hours that is unlicensed. Sometimes there's
 17 prostitution activity, gambling activity, things of that
 18 nature.
 19 Q And after hours would be after two a.m.; is that right,
 20 sir?
 21 A Yes.
 22 Q So this indicates that you and Lieutenant Yost were
 23 working in an undercover capacity; is that correct, sir?
 24 A Yes.
 25 Q And that simply means nonuniformed; am I right?

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9 (Pages 30 to 33)

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1 A Nonuniform, in an unmarked car, an undercover car.
 2 Q And how were you dressed at this time?
 3 A Plainclothes. In plainclothes, civilian attire.
 4 Q Was it a business suit? Was it blue jeans?
 5 A I believe blue jeans and probably a T-shirt.
 6 Q Yeah. And Lieutenant Yost, how was she dressed?
 7 A The same way.
 8 Q So casual undercover clothes, is that right?
 9 A Yes, sir.
 10 Q And you indicate that there had been a complaint of blind
 11 pig activity at the above address; is that right, sir?
 12 A Yes, sir.
 13 Q The above address being the 5141 Rosa Parks, correct?
 14 A Yes.
 15 Q And to whom was that complaint made, if you know?
 16 A I don't know who it was made to, but I got my information
 17 from Lieutenant Yost.
 18 Q Do you know who made the complaint?
 19 A No, I do not.
 20 Q Do you know whether she knew?
 21 A I don't know if she knew.
 22 Q Do you know if there's any documentation of the fact that
 23 a complaint was made about this particular location?
 24 A I cannot say specifically for sure if she had a flier or
 25 if she had notes, but I believe she did have something

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1 A It would have been -- We would have started the shift on
 2 Friday, and it would have went over into Saturday. We
 3 usually worked seven at night until three in the morning,
 4 so it bled into the next day.
 5 Q Do you remember that it was a Friday, or do you know that
 6 these particular events at this location always happened
 7 on Friday nights?
 8 A Our shift would have been that Friday, and our information
 9 was that the activity went on the last Friday of the
 10 month.
 11 Q And these were known as, quote, Funk Night, unquote; is
 12 that right?
 13 A Yes, sir.
 14 Q As advertised, what did you understand was to happen at
 15 Funk Night?
 16 A The information I had, that there was drinking going on,
 17 that they were charging a cover charge at the door to get
 18 in. They had security, and it went past two a.m. was the
 19 general information that I had.
 20 Q The event went past two a.m.?
 21 A Yes, sir.
 22 Q And the drinking went past two a.m.?
 23 A Yes.
 24 Q You had that information as well?
 25 A Yes.

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1 written about it with the information of what went on the
 2 last Friday of the month at the location.
 3 Q Right. And we'll get to that in just a moment, but what
 4 I'm indicating is not some general distribution, publicity
 5 as to what was going on at that location but an indication
 6 that someone had complained about illegal activity at that
 7 location.
 8 A I don't recall. She was really good about filling me in
 9 on things, and I don't recall if she gave me the
 10 specifics. She probably did, but I don't remember what
 11 they were or, in fact, if she did; but that would be her
 12 practice to fill me in on it, and I just don't remember.
 13 Q And whether or not the identity of the complainant is
 14 preserved somewhere, documented somewhere, can you say?
 15 A Depending on where it came from, if it was like a city
 16 council, an ombudsman complaint, a complaint that came
 17 through liquor license, those were kept on file. We got
 18 fliers in of illegal activity locations, you know, bars
 19 that may be having a special event or something like that.
 20 Those fliers, I don't know if she set up a folder for
 21 those or not. So not knowing the source of the complaint
 22 or how it came through, I'm not sure if it would be on
 23 file anywhere.
 24 Q Now, going to this particular date, which was March 29th,
 25 2008, do you know what day of the week this was?

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1 Q Any other illegal activity that you were informed of
 2 before you went there?
 3 A That's all I can remember.
 4 Q So once you and Lieutenant Yost got inside, can you
 5 describe the location both from the outside and then what
 6 it looked like once you got inside, if you can?
 7 A Well, the 29th we didn't go inside. We stayed outside.
 8 But the date that we actually went inside was on April
 9 26th.
 10 We went inside the door that was located on the
 11 north side of the building. I believe they had two
 12 security people there. We were patted down, and then we
 13 went into the actual building, and there was a table set
 14 up.
 15 Q You were patted down?
 16 A Yes, sir.
 17 Q Is it a regulation of the Detroit Police Department that
 18 officers are to carry a weapon at all times with them?
 19 A On duty, yes. Off duty, they recently changed it and made
 20 it optional to carry your weapon off duty, but on duty,
 21 yes, but there are exceptions for these type purposes.
 22 Q Officers who are working undercover are allowed to work
 23 without a weapon on them; is that what you're saying?
 24 A Yes. No weapon, no badge, no police ID. I had -- I
 25 believe we both had alternate identification provided from



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10 (Pages 34 to 37)

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1 the State of Michigan with different names.
 2 Q Let's go back to the first event now where you said you
 3 didn't go inside at all.
 4 A Okay.
 5 Q March 29, what did you do at that time?
 6 A We parked on the east side of 12th Street, which is Rosa
 7 Parks, directly across the street from the building and
 8 watched people go in, get out of their cars, pull up in
 9 their cars, get out, and go into the building.
 10 Q And how many people did you observe?
 11 A Going into the building?
 12 Q Yeah.
 13 A We probably stayed for a half an hour or so and probably
 14 fifteen to twenty, possibly more people pull up and go in.
 15 Q That's your recollection?
 16 A Yes, sir.
 17 Q Your PCR reports only two observations of people going
 18 into the building; is that correct?
 19 A No.
 20 Q Sorry.
 21 A It says writer observed several white males and females
 22 entering the location through the side door.
 23 Q Okay. And you believe that was fifteen or twenty people
 24 is that right?
 25 A Yes, sir.

1 were trying to conceal your identity and presence; am I
 2 right?
 3 A Yes.
 4 Q You also observed a white female drinking from a beer
 5 bottle; is that correct?
 6 A Yes.
 7 Q And is that illegal for her to have been drinking from a
 8 beer bottle?
 9 A At that location?
 10 Q Yes.
 11 A Drinking in public like that, yes.
 12 Q But you did not arrest her, either; is that right?
 13 A Did not.
 14 Q For the same reason, in order to conceal your presence and
 15 your identity; am I right?
 16 A Correct.
 17 Q You smelled a strong odor of marijuana coming from a patio
 18 area where several persons were gathered; is that correct?
 19 A Yes.
 20 Q Again, you attempted no law enforcement action in terms of
 21 arrests at that time; is that right?
 22 A Yes.
 23 Q For the reasons that we have already mentioned, in an
 24 attempt to conceal your identity and presence; am I right?
 25 A Yes.

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1 Q You observed one white male enter his vehicle?
 2 A Exit.
 3 Q Exit, excuse me, exit his vehicle and conceal what
 4 appeared to be a fifth of liquor in his left front pant
 5 pocket; is that correct?
 6 A Yes, sir.
 7 Q And did that disclose to you illegal activity going on?
 8 A Yes.
 9 Q In what way?
 10 A I don't believe, in the City of Detroit, bringing your own
 11 liquor to an establishment, that it's not permitted.
 12 Q So you think there's a law against bringing liquor into
 13 any establishment in the City of Detroit?
 14 A No, not any establishment, but where they're paying a
 15 cover charge at the front door and bringing in liquor
 16 after hours is not above board or legal.
 17 Q At any rate, it was obvious to you that this particular
 18 individual was attempting to conceal the presence of this
 19 alcohol from people who were operating the location there
 20 on Rosa Parks Boulevard; is that right, sir?
 21 A It appeared so.
 22 Q And did you either arrest or attempt to arrest that
 23 particular individual?
 24 A No.
 25 Q And that's, because this was an undercover operation, you

1 Q You observed fifty to sixty vehicles parked in front of,
 2 on the side of, and in the parking lot north of the
 3 location; is that correct, sir?
 4 A Yes.
 5 Q Why is that pertinent that you observed those vehicles?
 6 A The proximity to the location, it kind of indicates how
 7 many people could be in the location. There's nothing --
 8 there's no other open businesses or anything else going on
 9 around there.
 10 Q Did the presence of the vehicles in and of themselves
 11 suggest any illegality, criminality here?
 12 A I don't know who owned the lot. They were parked on a
 13 vacant lot. They could have been parked there illegally,
 14 but without doing research of who owned the lot and
 15 whether or not they had permission to be on that lot, I
 16 couldn't tell you.
 17 Q So they could have been parked there perfectly legally?
 18 A Could have been, sir.
 19 Q Did you take down any license plate numbers?
 20 A No.
 21 Q Why not?
 22 A Didn't think to. I hadn't done that in the past. This
 23 was our first observation. We weren't doing any
 24 enforcement, so I didn't see a reason to take down any
 25 license plates.



1 A Yes.
 2 Q And that's important from a law enforcement perspective.
 3 Do you agree with that?
 4 A Yes.
 5 Q Now, your report indicates that you paid a five-dollar
 6 cover charge; am I right?
 7 A Yes.
 8 Q And this was to the same gentleman who frisked you?
 9 A Yes.
 10 Q Did this gentleman frisk Lieutenant Vost, by the way?
 11 A I don't recall.
 12 Q Then it says you paid three dollars each for a one-month
 13 membership; is that right, sir?
 14 A Yes.
 15 Q So both you and Lieutenant Vost paid three dollars and
 16 became members of the CAD; am I right?
 17 A I don't know if we became members of the CAD or members
 18 of whatever this was to get in the last Friday of the
 19 month, but it was -- everybody that came in, I believe, it
 20 was three dollars for the monthly membership, and there
 21 was another fee for I think a yearly membership. I don't
 22 recall what that was.
 23 Q But you became a member of something?
 24 A Yes, sir.
 25 Q Once you had your membership, were you given something to

1 on April 26th, 2008, approximately 2:30 in the morning.
 2 Q And this describes your second undercover surveillance
 3 review of this location on Rosa Parks Boulevard; am I
 4 right?
 5 A Yes.
 6 Q And the name of the location was known as the Contemporary
 7 Art Institute of Detroit or the CAD, right?
 8 A Yes.
 9 Q So if I refer to CAD as capital C, capital A, capital I,
 10 capital D, you know what I'm talking about, right?
 11 A Yes.
 12 Q This was approximately a month since your last visit to
 13 the CAD, that is, April the 26th; am I right?
 14 A Yes.
 15 Q And you were again dressed, and Lieutenant Vost was
 16 dressed similarly to the way which you had been dressed in
 17 March; am I right, sir?
 18 A Yes.
 19 Q This time you went into the CAD, and I think you have
 20 already started to describe what happened. You said you
 21 were patted down; am I right?
 22 A Yes.
 23 Q Who patted you down?
 24 A A gentleman who was standing outside the door.
 25 Q Can you describe him?

1 A I believe he was a white male, heavyset, had some facial
 2 hair. He was bald.
 3 Q Okay. Can you describe that facial hair?
 4 A It was a goatee fashion.
 5 Q Chin goatee, right?
 6 A Yes. I'm refreshing myself with my report here.
 7 Q And his age?
 8 A About thirty to thirty-five.
 9 Q And the way you know that is because you recorded it at
 10 the time in your PCR; am I right?
 11 A Yes.
 12 Q You wouldn't remember that without having the PCR here to
 13 refresh your recollection, though, would you?
 14 MR. ASHFORD: Remember what?
 15 BY MR. GOODMAN:
 16 Q The details of this man's physical description.
 17 A I believe I remember the heavyset and the baldness, maybe
 18 not so much the chin, you know, the facial hair, but I
 19 mean, I can almost picture him now vaguely. So a general
 20 -- not as in depth as this was after it happened.
 21 Q What I'm asking, I guess, another way of asking, the
 22 reason and the importance of writing down details as to
 23 what occurred is so that you can have a good recollection
 24 later for testifying in hearings such as this or in other
 25 hearings as to what happened, is that right, sir?

1 Q You also in this report describe what you observed in
 2 considerable detail. Do you agree with that?
 3 A Yes.
 4 Q For example, you mention that the man who exited his
 5 vehicle and attempted to conceal what appeared to be a
 6 fifth of liquor had the liquor not only in a pocket but in
 7 his left front pocket which gives some detail for what you
 8 observed at that time; is that right?
 9 A Yes.
 10 Q And the reason that you provided that kind of detail was
 11 in order to record your recollection as best you could in
 12 order to have an accurate and preserved recollection as to
 13 what happened at that time and moment; am I right?
 14 A Yes.
 15 Q And that's what you're taught in terms of training with
 16 regard to report writing, and that's what's expected of
 17 you as a police officer and police supervisor with regard
 18 to report writing; am I right, sir?
 19 A Yes.
 20 (WHERBUPON, Deposition Exhibit 2
 21 was marked for identification.)
 22 BY MR. GOODMAN:
 23 Q I have now handed you what has been marked Buglo Exhibit
 24 No. 2. Can you identify this, sir?
 25 A Yes. It's a Preliminary Complaint Record that I completed



1 right?
 2 A Yes.
 3 Q Again, a detail which you can recall now by refreshing
 4 your recollection through the police report, am I right?
 5 A Right.
 6 Q And the same is true as to what the tattoo was of, which
 7 was of Chinese letters, am I right about that?
 8 A Yes.
 9 Q What did you do then after standing at the bar for ten or
 10 fifteen minutes?
 11 A Walked around the location, the property, the outside, the
 12 inside.
 13 Q Was there live music?
 14 A Yes.
 15 Q Do you remember the name of the band?
 16 A I do not.
 17 Q Did you ever know the name of the band?
 18 A You know what? I'm deeply into alternative music and
 19 local music, and if I heard their name, possibly I could
 20 remember, but I don't at the time.
 21 Q There was a fenced outside yard that's described in your
 22 PCR. Do you see that?
 23 A Yes.
 24 Q South of the building, right?
 25 A Yes.

1 A There were people in front of us that were getting cups of
 2 beer and cups of wine, and there was a money exchange
 3 between them and the bartender.
 4 Q So you observed commercial transactions going on involving
 5 the payment of money for alcoholic beverages, is that
 6 right, sir?
 7 A Yes.
 8 Q And over what period of time did you observe that activity
 9 going on?
 10 A From the time we walked in to the time we stood in line, I
 11 imagine it would have been ten to fifteen minutes
 12 approximately.
 13 Q And what time did you walk in?
 14 A My report says one a.m., which probably would have been
 15 right. I don't know why it wouldn't.
 16 Q Now, at that point, had you observed anything illegal
 17 happening?
 18 A At one a.m. when we first went in?
 19 Q Yes.
 20 A Besides the sale of the alcohol, I believe that was the
 21 only illegal activity we saw or I saw.
 22 Q What was unlawful about the sale of the alcohol?
 23 A They don't have a liquor license.
 24 Q How did you know that?
 25 A I believe -- I'm only speculating here, but I believe

1 either Lieutenant Vost or myself called liquor license
 2 after the first observation that we did of the place. I
 3 don't recall which one of us called or which member called
 4 liquor licensing to find out if the address had a liquor
 5 license attached to it.
 6 Q And when you say liquor licensing, do you mean the
 7 Michigan Liquor Control Commission or do you mean the City
 8 of Detroit?
 9 A City of Detroit.
 10 Q A separate department or the police department?
 11 A It's a unit within the police department, liquor licensing
 12 unit.
 13 Q Thank you. And how much was the cup of beer selling for?
 14 A Three dollars for one.
 15 Q And who was serving the alcohol or the wine?
 16 A A white female was behind the bar with blonde hair.
 17 Q Which was shoulder length?
 18 A Yes. I could read the description from the report if you
 19 would like.
 20 Q No. But do you recall as her being white?
 21 A Yes.
 22 Q Is your recollection refreshed by looking at this police
 23 report?
 24 A Yes, it is.
 25 Q And she also had a tattoo on her left wrist, is that

1 indicate that you're a member, a card or anything like
 2 that?
 3 A I don't recall specifically. I want to say we did, but I
 4 don't recall specifically. I know we had to show a
 5 picture ID, and I don't know if we got anything in return
 6 for the three dollars. I don't remember specifically.
 7 Q And you have already indicated that the ID you showed was
 8 a false ID provided to you as a law enforcement officer by
 9 the State of Michigan, is that right, sir?
 10 A Yes.
 11 Q So it had a false name and a false address on it, am I
 12 right?
 13 A Correct.
 14 Q And I assume that Lieutenant Vost had the same thing, is
 15 that right, sir?
 16 A She did.
 17 Q Did they at the CAID photocopy your false ID?
 18 A I don't believe so. I believe there was some computer --
 19 he had a laptop, and something was entered into a
 20 computer. I don't recall him making a copy.
 21 Q Then your report indicates that you approached the bar and
 22 observed beer on tap and wine, boxed wine for sale, is
 23 that right?
 24 A Yes.
 25 Q And how did you know it was for sale?

1 the bar?
 2 A Serving alcohol after two is illegal.
 3 Q So you purchased a beer at 2:20. Did Lieutenant Yost also
 4 purchase another beer at 2:20?
 5 A No, she did not.
 6 Q Did you consume that beer?
 7 A I believe I took a couple sips out of it, and I don't
 8 believe I finished it.
 9 Q And then ten minutes later you observed approximately --
 10 Withdraw that question.
 11 You left the CAID about ten minutes after you
 12 purchased the beer which would have been at 2:30, am I
 13 right?
 14 A Yes.
 15 Q And you observed ten people standing in line,
 16 approximately ten people standing in line outside the door
 17 waiting to get in, is that right?
 18 A Yes.
 19 Q And, again, you note that vehicles were pulling into the
 20 location's parking lot as you drove off, is that right?
 21 A Yes.
 22 Q How many vehicles did you observe in the parking lot that
 23 night, if you can recall?
 24 A I don't recall.
 25 MR. ASHFORD: Off the record a moment.

1 while you were there on April 26th or 25th?
 2 A No. We did obtain the name of a person who was usually at
 3 the function. I believe it was a younger black male who
 4 carried a backpack. I don't recall what his name was, but
 5 we were told that he would sell marijuana and I believe
 6 mushrooms if approached, but I didn't observe him there at
 7 the time.
 8 Q Do you know who told you that?
 9 A I believe it was Dan, the guy that was rolling the
 10 marijuana. If not him, it was somebody at the picnic
 11 table.
 12 Q But you never verified that one way or the other, is that
 13 right?
 14 A No. I never saw the black male matching that description,
 15 and he wasn't there as far as the patrons I talked to. He
 16 wasn't there at the time that we were there.
 17 Q Did you see any or experience any alcohol being sold after
 18 two a.m.?
 19 A I want to say that we purchased another beer after two, or
 20 our first purchase was after two, but I'm not positive.
 21 Well, my report here says I purchased another beer at
 22 about 2:20, so at 2:20 I did purchase another beer from
 23 the bar.
 24 Q And based upon that purchase, were you able to conclude
 25 that there was illegal or criminal activity going on at

1 marijuana. That is illegal for police to do that, drugs.
 2 Q And how many beers did you drink?
 3 A I drank all of mine, and I believe I drank part of hers.
 4 Q "Hers" being Lieutenant Yost?
 5 A Lieutenant Yost, yes. She didn't like the taste of it at
 6 all. I didn't mind it.
 7 Q You observed several people with cans of beer, liquor
 8 bottles, and soda containers; is that right, sir?
 9 A Yes.
 10 Q As far as you were concerned, was there anything unlawfu
 11 about the cans of beer, liquor bottles, or soda
 12 containers?
 13 A Well, I didn't see a license, a liquor license posted, and
 14 the research showed they didn't have one, so being in
 15 there with their alcohol --
 16 Q I'm sorry. You can finish.
 17 A -- in an unlicensed facility would have been illegal.
 18 Q Do you know whether the cans of beer, liquor bottles, or
 19 soda was purchased at the CAID?
 20 A I do not know if it was purchased there. I didn't see any
 21 liquor or anything canned or bottled for sale.
 22 Q Do you know whether the marijuana was purchased at the
 23 CAID?
 24 A I do not.
 25 Q Did you see any transactions in which marijuana was sold

1 Q Was that the same patio that was described in your first
 2 PCR from March 29th?
 3 A Yes.
 4 Q And what happened? Did you go out into that patio or that
 5 yard?
 6 A Yes, we did.
 7 Q Can you describe that series of events, please?
 8 A There was a couple of picnic tables set up out there.
 9 There was people mingling around. It was a nice night,
 10 several people sitting at the picnic tables. Myself and
 11 Lieutenant Yost talked to several people. We eventually
 12 sat down at one of the tables, and a gentleman pulled out
 13 a baggie of what looked like marijuana and rolled some
 14 marijuana cigarettes, passed them around to the people at
 15 the table.
 16 Q Did he offer them to you and to Lieutenant Yost as well?
 17 A Yes.
 18 Q Did you partake of marijuana?
 19 A No, I did not.
 20 Q Did she? Did Lieutenant Yost?
 21 A No, she did not.
 22 Q Is that forbidden as a part of an undercover operation,
 23 not to use intoxicants in any way?
 24 A Well, alcohol could be considered an intoxicant, I guess.
 25 I did drink the beer, but I did not partake of the

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1 A Correct.

2 Q And, therefore, this activity log should record -- Well,

3 withdraw that.

4 What is an activity log, and what is it supposed

5 to report?

6 A Its supposed to record the activities and the enforcement

7 actions that were taken during the tour of duty listed.

8 Q And your name and your signature are both attached to this

9 activity log; is that right?

10 A That's correct.

11 Q Now, do sergeants routinely have activity logs in the

12 Detroit Police Department that document their activity

13 over any particular shift?

14 A Yes.

15 Q Every particular shift that they work?

16 A Patrol sergeants do have an individual activity log.

17 Entities like narcotics and vice, they do what's called a

18 crew activity log where the whole crew is on one log.

19 Q So that's what we're looking at here in Buglio Exhibit 3;

20 is that right, sir?

21 A Yes.

22 Q And is there a crew activity log, in your experience, for

23 every shift that you work as a -- or worked as a

24 supervisor within the vice enforcement unit?

25 A The majority of the time there is. If you're like on the

1 A No, I did not know if the same people would be frequenting

2 that night as a month prior.

3 Q And even besides knowing it, you had no indication or

4 evidence that there would be any of the same people there,

5 did you?

6 A Did not.

7 MR. GOODMAN: Would you mark this as Exhibit No.

8 3.

9 (WHEREUPON, Deposition Exhibit 3

10 was marked for identification.)

11 BY MR. GOODMAN:

12 Q Sergeant Buglio, I have handed you what has been marked

13 Buglio Deposition Exhibit 3. Can you identify that, sir?

14 A It looks like a Detroit Police Department Activity Log

15 from March 28th, 2008.

16 Q Is this your activity log?

17 A This is mine and my crew's activity log.

18 Q This would be for March 28th, 2008; is that correct?

19 A Yes.

20 Q And what shift would that be?

21 A It looks like we started at three. It would be three to

22 eleven. No. Three to three we got off duty, so we must

23 have been on overtime.

24 Q So this shift extended into March the 29th; is that

25 correct?

1 A The only one that looked the same would have been the

2 doorman, the person working the door. We didn't go inside

3 the first time so --

4 Q I'm sorry.

5 A So, no, the only one I would have recognized would have

6 been the doorman. I didn't see a bartender or any other

7 people from outside.

8 Q But you did see people on March 29th outside the building?

9 you saw individuals who were going into the building.

10 coming out of the building. Am I right about that?

11 A Yes.

12 Q You mentioned fifteen to twenty approximately, at least;

13 is that right, sir?

14 A Yes.

15 Q And were you able to observe, while you were in the CAID

16 on April 26th, any of the same individuals that you

17 observed on March 29th, if you know?

18 A No, I do not know.

19 Q So is it fair to say that upon your return a third time to

20 the CAID, you had no indication whatsoever that any of the

21 same individuals who had been in there on March the 29th

22 and on April the 26th would be in there if you were to

23 return a month later, am I right?

24 A Did I know if the same people would be there?

25 Q Yes.

1 BY MR. GOODMAN:

2 (Discussion off the record.)

3 Q Now, again, that night you observed a series of illegal

4 actions in and around the CAID when you were out there,

5 and by "that night" I'm referring to April 26th, 2008, and

6 April 25th; is that right, sir?

7 A April -- Yes. I believe it all occurred on the 26th. It

8 was after midnight.

9 Q It was after midnight. So everything, your arrival there

10 and the whole situation that is observed and recorded in

11 Buglio Exhibit No. 2 occurred on April 26th, 2008, correct?

12 A Yes.

13 Q And I think you have agreed there were a number of illegal

14 actions that happened; is that right?

15 A Yes.

16 Q And you made no arrests; is that right?

17 A Correct. We did not.

18 Q And other than the name, quote, Dan, unquote, you made no

19 identification of anybody who was engaged in illegal

20 activity. Am I right about that?

21 A By name, that's correct.

22 Q Did you observe, when you went into this location, the

23 CAID, on April 26th, the same people that you had observed

24 there when you had been there a month -- approximately a

25 month earlier on March 29?



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1 A Yes, I just turned to page 7 and saw that it is.
 2 Q So it is recorded and reflected there; is that correct?
 3 A Yes.
 4 Q And that indicates what happened by way of your undercover
 surveillance aspect of this operation. Describe it,
 please.
 5 A Describe what happened?
 6 Q Yes.
 7 A Lieutenant Vost and I entered the location to make sure
 8 that there was still illegal activity going on. If there
 9 was not illegal activity going on, then the search warrant
 10 would not have been executed. We paid our five-dollar
 11 cover charge. We paid a three-dollar membership fee
 12 again. We observed a bunch of people inside the location,
 13 and we purchased -- I purchased a cup of beer for four
 14 dollars, and we ramed about the -- walked around the
 15 location.
 16 Q Okay. And you were dressed in an undercover capacity; am
 17 I right?
 18 A Yes.
 19 Q And can you describe that again?
 20 A I would have been in blue jeans and some type of either
 21 long-sleeve or short-sleeve shirt depending on the
 22 weather. I imagine I was in short sleeves.
 23 Q And the lieutenant?

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1 Q Because, in each instance, these events occurred only on
 the last Friday of every month as you understood; is that
 2 correct, sir?
 3 A Yes.
 4 (Discussion off the record.)
 5 (WHEREUPON, Deposition Exhibit 4
 was marked for identification.)
 6 BY MR. GOODMAN:
 7 Q Okay. I've handed you what has been marked as Bugio
 8 Exhibit No. 4. Can you identify that, sir?
 9 A It's a Detroit Police Department Crime Report.
 10 Q And this is what we have referred to earlier in this
 11 deposition as a CRISNET; is that right?
 12 A Yes, sir.
 13 Q And there is a point one at the end of the report number;
 14 is that right?
 15 A Correct.
 16 Q Which indicates that there may be more than one segment or
 17 section to this crime report; is that right, sir?
 18 A Yes.
 19 Q Is the third surveillance review that you did reflected or
 20 indicated anywhere in this report?
 21 A No, it's not. Maybe it is.
 22 Q If I can refresh your recollection, I'll ask you to turn
 23 to page 7, the last page.

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1 cover sheet that was done at the end of the night, it may
 2 be listed on there, but I'm not positive, but it should
 3 not have been left off.
 4 Q I think you have indicated earlier that as a general
 proposition you attempted three undercover surveillance
 5 review sessions before you undertake a raid itself; is
 6 that right, sir?
 7 A Not necessarily undercover so far as an officer entering
 8 in, but three observations of the location.
 9 Q Was that done in the case of the CADP?
 10 A Yes.
 11 Q What were the three dates?
 12 A The first date was Lieutenant Vost and I sitting outside
 13 in the undercover vehicles. The second one would have
 14 been --
 15 Q Which would have been March 29th?
 16 A Correct.
 17 Q The second one?
 18 A The second one would have been the April 26th where we
 19 actually entered it. The third one would have been the
 20 night of the execution of the search warrant.
 21 Q Which was May 31st; is that right?
 22 A I believe so.
 23 Q May 30th and May 31st, is that right, sir?
 24 A Yes.

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1 street, there would be. If you're, say, assigned out to
 2 work the Tiger game or a different detail, something like
 3 that, you may not have an activity log. You would just be
 4 carried as assigned out. You wouldn't have to do an
 5 activity log.
 6 Q And this log is supposed to record anything of any
 7 significance that you do as a law enforcement officer
 8 during that period of time; am I right?
 9 A Yes.
 10 Q Now, I note here that there appears to be, anyway -- and
 11 you can tell me whether I'm right or wrong about it.
 12 There's no indication of the undercover review
 13 surveillance that you did at the CADP on March 29th; am I
 14 right?
 15 A No, there does not appear to be. It is not, in fact,
 16 listed on there.
 17 Q Can you explain that?
 18 A We worked a Tiger ball game that day, and Lieutenant Vost
 19 and I would have broken away from the crew while they
 20 caught the paperwork up towards the end of the night, so
 21 we would have went out and did this observation. It
 22 should have been -- technically, it should have been
 23 listed on the activity log. The officer that did the
 24 activity log was probably Officer Johnson, and it was left
 25 off. Why it was left off, I couldn't tell you, but on the



1 A Served and consumed.
 2 Q And consumed and paid for; is that right, sir?
 3 A Yes.
 4 Q And is that an illegal act as far as you know?
 5 A To offer alcohol for sale in an unlicensed establishment?
 6 Yes.
 7 Q And that, again, would be an illegal act on the part of
 8 the operator of the CALD, is that correct, sir?
 9 A Yes.
 10 Q And of the bartender, the blonde woman with the
 11 shoulder-length hair, right?
 12 A Yes.
 13 Q What about the person purchasing the beer or the alcohol?
 14 If it's after two a.m., it would be.
 15 Q But before two a.m., would there be anything on its face
 16 unlawful about buying alcohol in an establishment simply
 17 because that establishment does not have a license to sell
 18 such alcohol as far as you know?
 19 A Yes.
 20 Q And what would that -- How would that be illegal?
 21 Selling alcohol by an unlicensed establishment?
 22 Q I'm talking about the purchase, not the sale.
 23 A Oh, the purchase?
 24 Q Yeah.
 25 A Well, it's an unlicensed liquor license establishment, so

1 is that right, sir?
 2 A Yes, sir.
 3 Q Go ahead.
 4 A And the purchase of the alcohol, the cover charge.
 5 Q What was illegal about the cover charge?
 6 A I believe charging members to get into a location and
 7 serving alcohol for sale is illegal in the City of
 8 Detroit.
 9 Q So it would be illegal for the operator of the CALD to
 10 have charged the cover charges; is that correct?
 11 A If the purpose is to come in to drink, I believe so. I'm
 12 not positive.
 13 Q You don't know what the law would be that makes that
 14 illegal?
 15 A I'd have to do research to get you the specific answer.
 16 Q As you sit here, you don't know; is that right, sir?
 17 A Correct.
 18 Q Do you know one way or another whether there is such a
 19 law?
 20 A Not firmly.
 21 Q Okay. So you can't answer that question since you don't
 22 have firm knowledge; is that right, sir?
 23 A Correct.
 24 Q And I think you said you saw alcohol being served; is that
 25 correct, sir?

1 The same way.
 2 Q Now, did you observe any illegal activity going on while
 3 you were in the CALD location?
 4 MR. ASHFORD: Objection, asked and answered.
 5 Well, maybe not. Go ahead. I'm sorry. Withdraw that
 6 objection.
 7 BY MR. GOODMAN:
 8 Over objection anyway, would you please answer?
 9 A I did purchase a cup of beer from the same person that was
 10 there a month prior.
 11 Q Who was that person?
 12 A The white female with the shoulder-length hair.
 13 Q Shoulder-length blonde hair?
 14 A And the Chinese writing on her -- I believe it was her
 15 left wrist.
 16 Q Tattoo?
 17 A Yes, sir. And the odor of marijuana was pretty prevalent,
 18 also.
 19 Q Is that recorded anywhere in this document you have before
 20 you which is Buglo Exhibit 4?
 21 A Is what recorded?
 22 Q Your observation that marijuana was being ingested.
 23 A Just the odor. I smelled it. I did not -- It is not
 24 written in this portion of the report.
 25 Q You just recall it but didn't write it down at the time;

1 A Served and consumed.
 2 Q And consumed and paid for; is that right, sir?
 3 A Yes.
 4 Q And is that an illegal act as far as you know?
 5 A To offer alcohol for sale in an unlicensed establishment?
 6 Yes.
 7 Q And that, again, would be an illegal act on the part of
 8 the operator of the CALD, is that correct, sir?
 9 A Yes.
 10 Q And of the bartender, the blonde woman with the
 11 shoulder-length hair, right?
 12 A Yes.
 13 Q What about the person purchasing the beer or the alcohol?
 14 If it's after two a.m., it would be.
 15 Q But before two a.m., would there be anything on its face
 16 unlawful about buying alcohol in an establishment simply
 17 because that establishment does not have a license to sell
 18 such alcohol as far as you know?
 19 A Yes.
 20 Q And what would that -- How would that be illegal?
 21 Selling alcohol by an unlicensed establishment?
 22 Q I'm talking about the purchase, not the sale.
 23 A Oh, the purchase?
 24 Q Yeah.
 25 A Well, it's an unlicensed liquor license establishment, so



25 Q And there's a P number after that, right?

24 A Yes.

23 Q P number 63073 it appears, right?

22 A Seven or a four.

21 Q And a judge's signature from the 36th District Court, is that right, sir?

20 A Yes. That was a magistrate.

19 Q Magistrate. Do you know whose signature that is?

18 A It was Lockhart.

17 Q Now, attached to the warrant itself is an affidavit, is that correct?

16 A Yes.

15 Q And that is your affidavit, is that right?

14 A Yes.

13 Q With your signature at the bottom of each page of the affidavit, correct?

12 A Correct.

11 Q As well as it appears the signature of the same assistant prosecutor and the same magistrate, right?

10 A Yes.

9 Q In the third paragraph of your affidavit it states that vice enforcement has received complaints of after hour alcohol consumption and illegal narcotic activity occurring at the location on Rosa Parks Boulevard. Do you see that?

1 A It's the Central District.

2 Q For a moment, I want to go -- We'll come back to this, but I want to mark another exhibit.

3 (WHEREUPON, Deposition Exhibit 5 was marked for identification.)

4 BY MR. GOODMAN:

5 Q Do you have a copy of the search warrant?

6 A Yes, I do have it.

7 Q I have handed you a document which I have described as Buglio Deposition Exhibit No. 5. Can you identify that, sir?

8 A It's an Anticipatory Search Warrant No. 08001827.

9 Q At the bottom of the warrant itself is the signature of an affiant. Do you see that?

10 A Yes.

11 Q And who is that?

12 A It's my signature.

13 Q And there's some notation below the line where your signature appears, and I can't read that. Can you?

14 A The name, I think it's DeYoung for the assistant prosecuting attorney.

15 Q Yeah.

16 A I believe it's DeYoung.

17 Q You're right.

18 A And there's a P number.

1 be their radio code.

2 Q Anyway, that would be -- what you have meant by that is that there were a group of officers from the narcotics enforcement unit that joined you in this action, is that right, sir?

3 A Yes. According to this, it looks like there were two full narcotic crews, 2913 and 3025.

4 Q And two full narcotics crews would mean how many officers and supervisors?

5 A Two sergeants most likely and probably between five and maybe eight officers per crew, so ten to fifteen officers, maybe one or two more.

6 Q And when you state here "district executed a search warrant," what do you mean by that?

7 A I think that's an error. I don't know how the word "district" got in there. It should just be tactical mobile. District could mean district officers, but I don't recall any officers from the district being there. We don't use district officers when we're executing a search warrant in a particular district. It's for security reasons. We don't want people tipped off. So that word, why that word is in there, I'm not sure. I believe it's an error.

8 Q What address, what district is 5141 Rosa Parks Boulevard located in?

1 couple for engaging in a place of illegal occupation, but the majority were for loitering.

2 All right. We'll get to that in a moment.

3 And are you saying that the illegal activity would be loitering in a place that is unlicensed to sell alcohol where there are alcohol sales going on regardless of whether there's any evidence that person knew or did not know that the establishment was licensed? Is that your statement?

4 MR. ASHFORD: Objection, asked and answered.

5 MR. GOODMAN: I don't think so.

6 BY MR. GOODMAN:

7 Q Over objection, please.

8 A Yes.

9 Q Going to the top of what has been -- the first page of what has been marked Buglio Exhibit 4, the first paragraph states, quote, "On the above date and time, vice enforcement, narcotics code 3025 and 2913 and tactical mobile, district executed a search warrant number 08001827 on 5141 Rosa Parks Boulevard with the following enforcement actions: " And then there's a whole series of enforcement actions that are described. First of all, what is code 3025, sir?

10 A That's a narcotics crew code. That would be the sergeant and whatever officers are assigned under him, that would

1 Q In fact, what happened on that date, May 24th?

2 A Was that the raid date? I'm not positive what happened on

3 May 24th.

4 Q I believe the raid date would have been the 31st. You can

5 verify by looking at the CRISNET report.

6 A I see what you're saying. May 24th, that's probably a

7 typographical error.

8 Q What happened? When you say it's a typographical error,

9 what is an error, the date?

10 A The date was probably an error. This looks like what I

11 typed into one of the PCRS.

12 Q Well, what date --

13 A When Lieutenant Yost and I entered the location.

14 Q On what date did these things happen?

15 A It looks like this was the first observation we did,

16 Lieutenant Yost and I, which would have been on probably

17 March -- was it March 24th?

18 Q March 29th, I believe.

19 A Probably the March 29th.

20 Q In the affidavit, the paragraph of the affidavit we were

21 just looking at, it states that, quote, "Two canopies were

22 also set up in the yard," unquote. Do you see that?

23 A Where is the two canopies?

24 Q I'm looking at your affidavit, the last paragraph of the

25 third page of your affidavit.

1 A Okay. I see the canopies part.

2 Q Okay. That wasn't described in either of your earlier

3 PCRS, was it?

4 A No.

5 Q And then at the bottom of that paragraph, the last

6 sentence of that paragraph, it states, "A white male/30s,

7 bald, chin goatee beard, appeared to be the door man (as

8 he was on previous occasions.) Affiant watched the

9 location for approximately 15 minutes."

10 Now, Sergeant, it appears that what you're

11 talking about here is another surveillance that occurred

12 sometime, because you have described the man with the chin

13 goatee in earlier PCRS; is that right?

14 A Yes.

15 Q So this is not describing -- This last paragraph of page 3

16 of your affidavit, which is Buglo Exhibit 5, does not

17 describe anything that occurred on March 29th because you

18 didn't see that man on March 29th, am I right?

19 A Yeah. I was looking at my calendar to go back to see what

20 day of the week that was, and it was a Saturday, and this

21 most likely was a separate observation.

22 Q This is a separate observation that you believe you made

23 on --

24 A May 24th at 2:05 a.m.

25 Q -- May 24th; is that right?

1 A Yes.

2 Q Is it your testimony here today that there was more than

3 one complaint of that activity?

4 A I believe there was a complaint that Lieutenant Yost had,

5 I want to say from liquor license, but I'm not positive.

6 I know there was another complaint, a noise complaint

7 generated from someone in the neighborhood, so there was

8 at least I believe two.

9 Q All right. After that it indicates that you conducted,

10 quote, review investigation of the location, correct, sir?

11 A Yes.

12 Q And the affidavit goes on to describe your actions on

13 March 29th, April 26th -- and April 26th of what is also

14 recorded in your PCRS which are Buglo Exhibits 1 and 2; is

15 that right, sir?

16 A Could you repeat that?

17 Q Yeah, sure. I'm sorry. You describe what happened at the

18 CAID on March 29th and then again on April 26th when you

19 and Lieutenant Yost appeared there as undercover officers;

20 is that correct, sir?

21 A Yes.

22 Q And what you describe in your affidavit is pretty much

23 what you described in your PCRS that we have already

24 discussed; is that correct, sir?

25 A Yes, correct.

1 Q And the PCRS are, for the record, what have been marked

2 Buglo Exhibits 1 and 2.

3 Is there anything in your affidavit which

4 describes what occurred on March 29th and April 26th that

5 is not in your PCRS? And you may take a few moments here

6 to read them if you wish. Would you like to do that?

7 A Sure.

8 Q Go ahead. We'll go off the record until the witness is

9 ready.

10 BY MR. GOODMAN:
(Discussion off the record.)

11 Do you want the question read back?

12 A I believe you asked were the reports and affidavits

13 substantially the same?

14 Q Yes.

15 A Yes, they are.

16 Q Now, the last paragraph of the affidavit -- Pardon me,

17 Strike that.

18 At the bottom of the third page of this exhibit,

19 which is Buglo Exhibit 5, it indicates that a surveillance

20 was conducted at the CAID location on May 24th, 2008, at

21 2:05 a.m. Do you see that?

22 A Yes.

23 Q Is that correct, that date?

24 A No, it would not be correct.

1 Q You keep your schedule, a diary on your telephone?
 2 A No. I went to the calendar function and just scrolled
 3 back three years to 2008.
 4 Q So if May the 24th was a Saturday, I think it's fair to
 5 say that May the 23rd was and would have been a Friday; is
 6 that right?
 7 A Yes. For your purposes with the activity log, you would
 8 probably want the May 23rd activity log, because we would
 9 have started at seven p.m. on the 23rd, and the events
 10 would have been recorded after midnight.
 11 Q But May the 23rd was not the last Friday of May of 2008.
 12 It was the second from last Friday of that month and year,
 13 right?
 14 A Yes.
 15 Q Why were you out there on that particular date since you
 16 had focused on these Funk Nighs which I think you had
 17 previously testified occurred on the last Friday of every
 18 month in your understanding?
 19 A Like I said a few minutes before, something may have come
 20 into the office. I don't want to speculate, but there was
 21 some reason that we went there on that night. I don't
 22 remember exactly why it was we went there on that Friday.
 23 Maybe it was to see if there was any activity going on on
 24 any other Fridays, but there was some reason that we went
 25 on May 24th.

1 Q And you can't say at this time what that reason was?
 2 A I don't recall what it was, sir.
 3 Q On the fourth page of your affidavit, if you would turn to
 4 Buglio Exhibit 5, you indicate that earlier that day, on
 5 May the 29th, in fact, you had spoken with someone at the
 6 business license department of the city and somebody with
 7 the liquor licensing of the police department; is that
 8 correct, sir?
 9 A Correct.
 10 Q Was May the 29th, 2008, the first time that you learned to
 11 that there was no business license that had been issued to
 12 the CAID?
 13 A I believe either myself or Lieutenant Yost made a call
 14 earlier during our -- shortly after our first observation
 15 for freshness of the search warrant. Between that time
 16 and the execution of the search warrant another call would
 17 be made to ensure that they didn't get a license between
 18 our first call and as close to up to the execution of the
 19 search warrant as possible.
 20 Q And would the same thing be true with regard to the call
 21 that was made to the police department's liquor license
 22 unit?
 23 A Yes.
 24 Q This was the second call, in other words, that was made;
 25 is that what you're saying?

1 A Yes.
 2 Q And it was your observation; is that right?
 3 A I would have been there, and I don't know who I would have
 4 been with. I would have to go back and see the activity
 5 log and confirm who I would have been with then.
 6 MR. GOODMAN: I would request that we be
 7 provided with a copy of that activity log for that date so
 8 that we can question this witness in connection with those
 9 particular events.
 10 BY MR. GOODMAN:
 11 Q Did you fill out a PCR for that particular --
 12 A It's my practice to, and I would have. Like I said, I
 13 would have to research or the files would have to be
 14 pulled from that date to see if, in fact, there is one,
 15 but that's the common practice.
 16 MR. GOODMAN: I would request the PCR from that
 17 particular date and observation.
 18 BY MR. GOODMAN:
 19 Q Do you see that your affidavit is signed May 29th, 2008?
 20 A That's the date that the prosecutor put under his
 21 signature, yes.
 22 Q When do you think you filled out and signed the affidavit?
 23 A Same day. It would have been the same day.
 24 Q So that would have been five days after May the 24th, am I
 25 right?

1 A Yes.
 2 Q And two days before May 31st when you executed the raid
 3 am I right, sir?
 4 A Yes.
 5 Q Or executed the warrant.
 6 So at the time that you filled out this
 7 affidavit, is it fair to say that you had a fresh
 8 contemporaneous recollection of the events that occurred
 9 on May the 24th?
 10 A Yes.
 11 Q Do you have an independent recollection of those events
 12 now as you sit here?
 13 A Kind of. I don't want to speculate. I would have to
 14 research it, why we went back there on May 24th. For some
 15 reason, something is clicking in my head that we had
 16 further information that there was a special event going
 17 on that day. I'm not a hundred percent positive about
 18 that, but I would have to look at the CRISNET or the PCR,
 19 if I filled one out, to refresh my memory more and the
 20 activity log from that day to see exactly what our
 21 activities were for that particular shift.
 22 Q And May the 24th, 2008, I think you testified was a
 23 Saturday; am I right?
 24 A Yes. I looked up on my phone, and it did say it was a
 25 Saturday.



1 Q Okay. So that means that there were 130 patrons or customers or people who were inside the CADD who were issued citations that night, am I right about that?

2 A Yes.

3 Q And was everybody who was located inside the CADD location cited or given a citation --

4 A I don't know.

5 Q -- and charged with a misdemeanor that night?

6 A I don't know.

7 Q Do you have any recollection of anyone who was released without a citation?

8 A I do not.

9 Q Was a decision made by either you or Lieutenant Yost that everybody inside the location would receive a citation that night?

10 A That's standard procedure.

11 Q When you say that's standard procedure, you mean that that's what happens every time such a raid is conducted, is that right?

12 A That's correct. There are exceptions. People who are on a sidewalk who maybe wanted to go in but didn't make it in, they're not going to be cited, and I'm sure there are other exceptions that would come up on a case-by-case basis.

13 Q Was there a live band that night?

1 That was the essence of relief in your affidavit, am I right, sir?

2 A Yes.

3 Q Now, I want to go back to Exhibit No. 4 which is the CRISNET that in part describes what happened during the raid, is that right?

4 A Which one?

5 Q Exhibit No. 4, this one, sir.

6 A Is it the dot one? Okay.

7 Q Yeah, that one. The report narrative we have already read, and in that you set forth and you say that the following enforcement actions occurred, and you then describe a series of what appear to be 134 citations or arrests. Am I right about that?

8 A Yes.

9 Q The first four people described are described as engagers. What do you mean by that?

10 A They would have been comparable to an employee, somebody partaking in running or functioning of the establishment. So these people were engaging in an illegal activity, is that what you mean by an engager?

11 A Yes.

12 Q In this case, the illegal activity would have been what? The ticket, the person I wrote, I wrote the bartender for selling alcohol. Lieutenant Yost wrote the doorman who I

1 believe was collecting money and selling the memberships and taking the cover charge.

2 Q The doorman was Joseph 'Timmy' is that right?

3 A Here it has, yes, Mr. Timlin is the doorman, and also Christopher Shoemaker as a doorman.

4 Q Which one of those guys was the one with the chin goatee?

5 A I believe that was Mr. Shoemaker.

6 Q The bartender, Jennifer Anne Schreder, would have been the woman with shoulder-length blonde hair?

7 A Yes.

8 Q The same woman that you had observed earlier?

9 A Yes.

10 Q Were those people essentially issued citations, or were they arrested and taken into custody?

11 A I don't believe we made any arrests that night, so everyone would have gotten a citation and released.

12 Q Starting with defendant number 5, Kayla Artette-Whitney Burton, were all of the other people who were cited or handed citations that night people who were customers or patrons of the CADD?

13 A It would appear so. I'm trying to go through this as quick as possible.

14 Q Go ahead. Take your time. I don't want to rush you. Take your time and read through it.

15 A Yes.

1 A Yes.

2 Q Now, on the same page, you indicate that you had probable cause to believe that the CADD was operating an illegal operation by way of selling any alcoholic beverages at 5141 Rosa Parks Boulevard, is that right?

3 A Yes.

4 Q And by allowing the open use of narcotics, specifically but not limited to marijuana, is that right?

5 A Yes.

6 Q Did you observe any other narcotics being used or ingested at that location at that time?

7 A Any other --

8 Q -- narcotics other than marijuana.

9 A No, I did not.

10 Q And you also indicate that you have probable cause to believe that this operation created a public nuisance threatening the peace and good order of the neighborhood, is that correct, sir?

11 A Yes.

12 Q And you indicate that an assortment of contraband would be found in the building itself if you were to engage in a search, correct?

13 A Yes, that's what I believed.

14 Q And you go on to ask the magistrate then for a warrant to be executed in the early morning hours of May 31st, 2008.



1 Q Had you read the ordinance before you wrote them?
 2 A No, I have not.
 3 Q All right. Other than your attorney, has anyone within
 4 the Detroit Police Department advised you that the
 5 ordinance, the loitering ordinance of the City of Detroit
 6 has been changed, altered, or amended since the date of
 7 this particular raid?
 8 A I believe Lieutenant Vost informed me that it was under
 9 review. There was a problem with the wording, or there
 10 was some flaw in it. I don't recall exactly what the flaw
 11 was. For some reason, the word "knowingly" comes to mind,
 12 and I believe it was going to be changed or has been
 13 changed since then. I'm not positive if it has.
 14 MR. GOODMAN: Off the record for a moment.
 15 (Discussion off the record.)
 16 (WHERBURTON, Deposition Exhibit 6
 17 was marked for identification.)
 18 BY MR. GOODMAN:
 19 Q Let the record show that I have handed you what has been
 20 marked Buglo Deposition Exhibit 6 which I will represent
 21 is the provision of the City of Detroit ordinance that was
 22 in effect on May the 31st, 2008. I'm going to ask you,
 23 first of all -- and I know you have said you don't ever
 24 recall seeing it. Now that you look at this, does this
 25 refresh your recollection, or do you recall ever having

1 Q And the citation was for loitering in a place of illegal
 2 occupation, is that correct, sir?
 3 A Yes.
 4 Q And what was the legal authority upon which this citation
 5 was issued? What law, in other words, authorized you to
 6 issue this citation as you understood it?
 7 A They were in a place that was providing entertainment,
 8 selling alcohol after the legal hour. It was an
 9 unlicensed business or liquor licensed establishment.
 10 Q That was the factual basis for why you issued these people
 11 the citations that were issued, am I right about that?
 12 A Yes.
 13 Q What was the legal foundation for that, as you understood
 14 it? Was it a city ordinance, a state law, or anything
 15 else that you were aware of?
 16 A A city ordinance.
 17 Q Were you familiar with that ordinance at the time of this
 18 particular raid which had been May the 31st, 2008?
 19 A Familiar to the extent that I have written it several
 20 times before this actual raid, yes.
 21 Q Written what?
 22 A Loitering in a place of illegal occupation.
 23 Q You have written those citations in the past, is that
 24 right?
 25 A Yes, sir.

1 everybody or, excuse me, to cite everybody in such a
 2 location. That's your testimony, is that right?
 3 A Yes.
 4 Q In other words, the general practice of the Detroit Police
 5 Department at that time in 2008 was that when such a raid
 6 was conducted, everyone in the location would receive a
 7 citation such as the one that was received here; is that
 8 right?
 9 A Yes.
 10 MR. ASHFORD: Objection, calls for speculation.
 11 MR. GOODMAN: Over objection, I think we have
 12 the answer already.
 13 BY MR. GOODMAN:
 14 Q In addition to this being the general practice of the
 15 department at this time, this was the custom and usage of
 16 the Detroit Police Department at that time; is that
 17 correct, sir?
 18 A Yes.
 19 MR. ASHFORD: I'm going to add another
 20 objection, same objection. Calls for speculation.
 21 BY MR. GOODMAN:
 22 Q Everybody received the same citation other than the four
 23 engagers who are listed at the top of your report; is that
 24 correct, sir?
 25 A Yes.

1 A I don't remember. I remember there was music, and I
 2 definitely know there was a DJ. I don't have if there was
 3 live music.
 4 Q Was the DJ given a citation?
 5 A I don't know. If he was there, he should have been.
 6 Normally, he would have been issued one, but I can't say
 7 specifically if he was.
 8 Q Now, this, what you have described as what happens
 9 normally, which is that everyone is given a citation, was
 10 that the policy of the Detroit Police Department at the
 11 time of this particular incident which would have been May
 12 31st, 2008?
 13 MR. ASHFORD: Objection, no foundation.
 14 BY MR. GOODMAN:
 15 Q Over objection, you may answer.
 16 MR. ASHFORD: Go ahead. You can answer.
 17 THE WITNESS: I don't know of any policy that's
 18 written. These tickets are discretionary. You can write
 19 the citation or not write the citation. There is not a
 20 shall statement that says everyone that enters shall be
 21 written or arrested, or there's not that type of wording
 22 in the policy.
 23 BY MR. GOODMAN:
 24 Q Right. So there's nothing in writing that says it's the
 25 policy of the Detroit Police Department to arrest



1 Q And you were asked, pursuant to Federal Rules of Civil Procedure 34, to bring a number of documents and documentation with you today. Have you brought any of the things that were asked or all of them?

2 A Where is this listed, sir?

3 Q It's starting on page 2.

4 A Okay.

5 Q Paragraphs 1 through the end, which is paragraph 12. I did not personally bring any of these. I believe our law department handles that aspect of the records, gets the records from whatever entity's file that they may be in. I believe they collect those records. I do not do it personally.

6 MR. GOODMAN: Okay. I will request that to the extent that any of the documents that are requested therein that have not yet been produced and are subsequently produced, we may need to continue questioning with regard to the contents of any documents which we subsequently receive.

7 BY MR. GOODMAN:

8 Q Just one or two questions before we break, Sergeant. Was there an understanding that you had, before you undertook this particular raid of the CAID on May 31st, 2008, that if you observed illegal activity going on inside the location of the CAID, everyone who was present in the

1 Q This is the first time I have read it. I have seen the wording that is similar to this before.

2 Q Have you seen the amended ordinance to which Lieutenant Yost referred when she spoke with you about changing the law?

3 A I have not, and if it's been amended, this is the first time hearing of it. I know they were working on rewording it. Whether or not it's been completed, I don't know, or amended. I'm not sure. I don't know.

4 Q I'm skipping around a lot here, and I apologize for that. I want you to assume that the words -- Withdraw that. Do you see the last line of the exhibit that I just handed you?

5 A Yes.

6 Q Litter in a place of illegal occupation?

7 A Yes.

8 Q Do you see that? I want you to assume that after the word "occupation," the following phrase was added as a result of an amendment to the Detroit ordinance. Quote, "with the intent to engage in such illegal occupation," unquote, "shall be guilty of a misdemeanor." Do you see that? I mean, did you follow me as I --

9 A Yes.

10 Q Did you understand on May the 31st, 2008, that in order to

1 issue someone a citation in a location such as the CAID and such as the ones that you issued on May the 31st, 2008, it was necessary for you to have evidence that a person must have had the intent to engage in an illegal occupation at the time that you issued that citation?

2 A No, I did not have that understanding.

3 Q In fact, it was your understanding that they need not have such an intent in order for you to issue a citation, isn't that right?

4 A Yes.

5 Q So in terms of the old ordinance, what did you understand illegal occupation to consist of? What did you think it meant as a law enforcement officer?

6 A Being in a place where illegal activity such as what was going on at the CAID was taking place.

7 Q Simple presence there at that location, correct?

8 A Correct.

9 Q And one violated the ordinance simply by being present there, is that correct, sir?

10 A Correct.

11 Q And, therefore, as far as you were concerned, what constituted probable cause at that time was presence at the location, is that correct?

12 A Yes.

1 Q And that, as far as you know, is the reason that -- referring now to Exhibit No. 4 which is CRISNET point one -- defendants 5 through 134 were given citations on that particular early morning, is that correct, sir?

2 MR. ASHFORD: Objection as to form, foundation.

3 Go ahead.

4 BY MR. GOODMAN:

5 Q Go ahead, sir.

6 A Yes.

7 Q And I apologize. I know you testified about this already, but you left vice enforcement in two thousand -- A 2009.

8 MR. GOODMAN: I want to take care of a couple of details here. Could I have the notice of deposition? Off the record.

9 (Discussion off the record.)

10 (WHERBUPON, Deposition Exhibit 7) was marked for identification.

11 BY MR. GOODMAN:

12 Q I'm handing you now what has been marked Deposition Exhibit 7 which is the Notice of Deposition of this deposition. Have you seen this before today, sir?

13 A The cover page looks familiar. The listing of the officers on page 3, I have never seen that listed like that, but I do recall seeing the cover sheet or page 1.



1 A Correct

2 Q And she used a cell phone I assume; is that right, sir?

3 A Yes.

4 Q From inside the location?

5 A Yes.

6 Q And then did you stay inside the location until the team arrived, or did you go outside?

7 A We stayed inside.

8 Q Once the team arrived, did they come inside the CAD location, inside?

9 A Yes.

10 Q And how did they enter, if you can recall?

11 A Through the north door.

12 Q Did they knock before they entered?

13 A I don't know -- I don't know.

14 Q Is there an announcement made that there was a police entry into the place?

15 A Yes, there was.

16 Q Who made that announcement?

17 A It would have been someone on the mid team. I don't know the specific individual.

18 Q What was said?

19 A "A search warrant, police" was repeated over two, three, four times.

20 Q And what were the people who were inside the establishment

1 location would be cited for jostling in a place of illegal occupation?

2 Unless there was some type of exigent circumstances, yes.

3 Q And by exigent circumstances, can you give me an example of any such situations where you had observed such exigent circumstances? You already mentioned a person who had not yet been able to get in.

4 A We conducted a raid in the past where I believe there was a child. It was at a residence, and there was a child living in the home there. The child didn't get a citation. That's the first thing that pops into my mind, and I'm sure there are others. It's not a blanket thing. There are exceptions that can be made.

5 Q So other than that, it was your understanding, as a supervisor in connection with this particular raid, that all of the people who were given citations would be given citations for the reasons that we have already discussed here on the record; is that right, sir?

6 A Yes.

7 MR. ASHFORD: Objection to form and foundation.

8 BY MR. GOODMAN:

9 Q When we come back, I want to ask you some questions about the transition between your undercover activity on May 31st, 2008, and the actual raid. You described that you and Lieutenant Yost were in casual clothes, and in no way could anyone tell, unless they know you, that you were police officers, is that right?

10 A Yes, sir.

11 Q And you said your dress was casual; hers was similar. Did you have a hat on that evening if you can recall?

12 A I don't recall.

13 Q Did she?

14 A I don't recall, either. I usually don't wear a hat, so I don't know why I would have at the point of entry. If I came back in after giving up my cover and had a police hat on, police ball cap, that's entirely possible. But when we first went in, I did not have a hat on.

15 Q I'm more interested for the moment now in Lieutenant Yost. Do you recall a baseball cap she had on?

1 Not that right. She's been known to wear one, so it wouldn't be unusual if she did, but I don't recall if she had one on that night or not.

2 Q She occasionally wears baseball caps. You don't recall if she had one on that evening, however; is that right?

3 A Yes.

4 Q Now, once, after this situation where you observed what you observed as described earlier in your testimony, how was the decision made that a mid would take place?

5 A After we entered the location, observed the activities that were going on, we stayed for some time, and then a phone call was made, I believe by her, to the staging area where the entry team was, that indeed there was illegal activity going on and to go ahead and execute the search warrant.

6 Q There was already a raid team that had been organized and was waiting to come into the place; is that right?

7 A Yes.

8 Q Where was that raid team located?

9 A I believe they were staged at the tactical mobile base at 5671 Trumbull.

10 Q About, what, five minutes away?

11 A Approximately five minutes away.

12 Q You say "she made a telephone call." "She" would have been Lieutenant Yost, correct?

1 discussed.

2 MR. ASHFORD: Reconvene at 1:00?

3 MR. GOODMAN: 1:00 is just fine.

4 (Recess taken from 12:30 p.m. to 1:20 p.m.)

5 BY MR. GOODMAN:

6 Q Back on the record.

7 Sergeant Buglio, when we broke for lunch, I wanted to ask you a few questions about the transition between your undercover activity on May 31st, 2008, and the actual raid. You described that you and Lieutenant Yost were in casual clothes, and in no way could anyone tell, unless they know you, that you were police officers, is that right?

8 A Yes, sir.

9 Q And you said your dress was casual; hers was similar. Did you have a hat on that evening if you can recall?

10 A I don't recall.

11 Q Did she?

12 A I don't recall, either. I usually don't wear a hat, so I don't know why I would have at the point of entry. If I came back in after giving up my cover and had a police hat on, police ball cap, that's entirely possible. But when we first went in, I did not have a hat on.

13 Q I'm more interested for the moment now in Lieutenant Yost. Do you recall a baseball cap she had on?



1 I don't know. She was there at the base. I don't know if she participated in the briefing.

2 A We always have in the past. I don't know why there wouldn't be this time, so there should have been.

3 MR. ASHFORD: Do you know if there is one?

4 THE WITNESS: Knowing the crew that participated in it, I don't know for sure, but there always has been one in the past, and we have been very thorough with it. I did not see it, so I don't know if one was done or not.

5 MR. GOODMAN: I would, Mr. Ashford, object to questioning out of order, but I understand.

6 MR. ASHFORD: Just helping you clarify.

7 MR. GOODMAN: I understand. Appreciate it.

8 BY MR. GOODMAN:

9 Q So you don't know if the warrant was read at the briefing meeting?

10 A I do not.

11 Q Or if a map or photographs were shown to the raid team?

12 A I do not.

13 Q In the end, you said you and Lieutenant Yost stood up, went outside, and put on different garb; am I right?

14 A Not different clothing. I would have had a necklace that had my badge on it. I retrieved my firearm and my police -- I have a separate wallet I carry my police ID and badge

1 instructed or ordered to do?

2 A To get down on the ground or lay down on the ground.

3 Q Was this an order or an instruction?

4 A From my perspective, it's a police order. How they look if, I don't know, but it's an order.

5 Q Did everybody get down on the ground?

6 A The people within my field of vision did. Some look longer than others. I mean, there's a certain amount of confusion that goes on.

7 Q Did anyone express any opinions about the fact that the place was being raided or that people were being ordered to get down on the ground?

8 A With the amount of people there, I have heard stray comments just of a general nature of, "What's going on?" You know, paraphrasing things like that.

9 Q How many police officers entered the location upon the announcement that they were coming in, and once they started to enter, how many came in?

10 A When they first reached the door, I probably saw seven or ten before I got down on the ground as well. My field of vision was then skewed, and after a certain amount of minutes, I sat up and had my hands on my knees and watched.

11 Q Why was it that you got down on the ground?

12 A To be in compliance and to fit in with what the rest of

1 the people were doing and to follow the commands of the police. I didn't want to look out of place.

2 Q Why didn't you -- I mean, you were a police officer. Why didn't you want to at that point just simply identify yourself as a police officer and participate in the raid?

3 A Well, the narcotics people are raid trained, and they do raids two, sometimes three a day. Myself or anyone else popping up in my opinion could cause confusion to the team, maybe cause things to not go as smoothly as they would like.

4 At that point in time, when they breach the door, they have certain procedures and certain things that they do for their safety, for everyone else's safety, and I didn't want to put any confusion or throw them off in any way.

5 Q Did Lieutenant Yost do as you did?

6 A Yes, she did.

7 Q At some point did you identify yourself as police officers to anyone?

8 A We did get up and go out to the vehicle to get badge necklace, I believe our firearms, police identification, but there was no standing up and announcing, "Hey, I'm Sergeant Buglo. I'm a policeman, too." There wasn't any formal announcements or anything like that.

9 Q You just stood up and left the premises?

10 A I do not.

11 Q Or if a map or photographs were shown to the raid team?

12 A I do not.

13 Q In the end, you said you and Lieutenant Yost stood up, went outside, and put on different garb; am I right?

14 A Not different clothing. I would have had a necklace that had my badge on it. I retrieved my firearm and my police -- I have a separate wallet I carry my police ID and badge

1 Q Well, let's take a look at Exhibit No. 4 here for just a second. Just randomly, I'm going to pick somebody on this. Let's say defendant number 20, Jennifer Lynn Agar, white female, 24, date of birth 3-13-84, with an address in Farmington Hills, Michigan, was charged with loitering in a place of illegal occupation by you, by Sergeant Daniel Buglio, is that right, sir?

8 A Correct.

9 Q How did you know that Jennifer Lynn Agar had been in a place of illegal occupation when you wrote that ticket?

10 A She was in the place at the time of the raid, and she was in the place when people were processed, so she came up to the table when she was called up.

13 Q Basically, did you see her in there before the raid started?

14 A I can't specifically recall what she looks like now, no.

16 Q So you can't say one way or another if you saw her in the location, is that right?

18 A Not at this time, correct.

20 Q And, really, the only way you know that she was in the location was that she worked her way through an assembly line process essentially and ended up at a desk where the citation was written and handed to her, is that right?

23 MR. ASHFORD: Objection as to form and foundation.

25

1 BY MR. GOODMAN:

2 Q Over objection, you may answer, sir.

3 A That's correct.

4 Q Let's go to number 21, Jessica Lynn Martin, white female, 22, born in 1985, residence in Warren, Michigan, also charged with loitering in a place of illegal occupation by Police Officer J. Passmore. Now, who is Officer J. Passmore?

8 A A police officer that was assigned to vice enforcement at the time of the raid.

10 Q Had he been in the establishment before the raid started?

11 A At any time?

12 Q On this particular --

13 A On the night of the raid was he in the establishment?

14 Q Yeah.

15 A Not before the raid crew entered.

16 Q As far as you can tell, as the person who wrote this CRISNET, how did Officer Passmore know that Jessica Lynn Martin had been inside the establishment at the time that illegal activity was going on there?

20 A I cannot speak for Officer Passmore's observation. I don't know what he would convey to me.

22 Q Based on your description, however, at most, what Officer Passmore would have seen was Jessica Martin lying on the floor at the time that he wrote this citation, isn't that

25

1 in.

2 Q All right. And you then retrieved your identification, got your other paraphernalia and put on a vest did you say?

4 A No.

5 Q What kind of garb did you put on?

6 A Just a necklace with my badge on it, a badge holder on it, my firearm, and my police wallet with my ID in it.

8 Q What did you do after you did that?

9 A There was a laptop computer in the car that we used to help process the people's information. For instance, this CRISNET that I did, I typed all that in a Word document and then copied and pasted it into the CRISNET. As the tickets were being written, they were given to me, and I typed the information onto the report.

15 Q And by CRISNET, you're referring to Exhibit No. 4, is that correct?

17 A If it's the point one, then that's correct, yes.

18 Q So all of these names and the charges that people are charged with and other identifying information, addresses, dates of birth, that kind of thing were typed in by you once, as you say, a ticket was written, is that correct?

22 A Yes.

23 Q Tickets were brought out to you by whom?

24 A There's a whole processing area that's set up. There was

25

1 I believe a couple of tables with officers sitting behind the tables and with the patrons in front. They would come up one at a time with their identification, or if they didn't have identification, they would give their name. The tickets were written, and they were eventually brought over to me. I put them in the computer.

6 Q The tickets were brought over to you, or the people were brought over to you?

8 A The tickets.

9 Q Did you see the citation being given to any of the particular people who were --

11 A Myself and another officer were set up right behind the main processing table, so I saw -- They were forward, kind of where the person taking the entry fee or the cover charge was, and we were a few feet behind them, so I saw them as they went to the table and then subsequently out the door.

17 Q Different officers were writing different citations, is that right?

19 A Yes.

20 Q And the officers were members of the raid team; is that correct?

22 A Members of the raid team and members of vice. I don't know if tactical mobile officers had their names written on any of the tickets or not.

24

25



1 assuming he did not take the information from her at the
 2 table where people were being processed and he did not see
 3 her in the location itself, why could his name have
 4 theoretically been assigned to her citation?
 5 MR. ASHFORD: Objection, no foundation. You can
 6 answer.
 7 THE WITNESS: The logic behind it is everyone
 8 that participates or was in the building and observed the
 9 activities going on or observed the people in there at the
 10 time of the raid, their name gets put on a ticket.
 11 BY MR. GOODMAN:
 12 Q Is it because every ticket or citation has to have the
 13 name of an officer on it?
 14 A Yes, every one does.
 15 Q And why wouldn't someone just -- Withdraw that question.
 16 Why wouldn't it have made sense simply to place
 17 your name as the officer on each of the citations?
 18 A It would have.
 19 Q That could have happened?
 20 A It could have happened that way.
 21 (Discussion off the record.)
 22 (WHERBUPON, Deposition Exhibit 8
 23 was marked for identification.)
 24 BY MR. GOODMAN:
 25 Q I have handed you now what has been marked Buglio

1 was nothing forbidding anybody from speaking or having a
 2 conversation.
 3 Now, I want to get into the issue of vehicles in a minute,
 4 but were people asked, as they were being processed,
 5 whether they had a vehicle, if you know?
 6 A Yes.
 7 Q Who asked?
 8 A The officers at the processing table, and I believe we had
 9 officers set aside to process the vehicle end of the
 10 nuisance abatement and the forfeiting of the vehicles, so
 11 it would have been one of those two officers.
 12 Q Where were the processing tables set up?
 13 A When you go into the entrance, they were set up kind of
 14 east to west against the north wall, and I believe we
 15 moved them so the tables would be north to south, kind of
 16 like a blockade so they could go, and they'd have to go
 17 around to get out the door.
 18 Q Were the tables inside or outside?
 19 A Inside.
 20 Q How many officers were sitting behind the tables filling
 21 out forms or taking information?
 22 A I don't know the exact number. It would have been four,
 23 four or more.
 24 Q Four or more? Would it have been as many as ten?
 25 A No. Uh-h.

1 Q So somewhere between four and seven or something like
 2 that?
 3 A That sounds right.
 4 Q Do you remember who any of those officers were?
 5 A Officer Sheron Johnson would have been one of them for
 6 sure. I'd have to see who else was at the raid location
 7 at the time. I believe Officer Singleton was from
 8 narcotics, and I'm not sure who else.
 9 Q Let's go back to number 21 on that Exhibit 4, Miss Martin.
 10 Is the fact that Officer Passmore's name is on her
 11 citation, does that signify that he was at the table that
 12 you have described and filling out the information for
 13 her? Is that what that would mean?
 14 A Not necessarily.
 15 Q Why would his name have been on her citation if he wasn't
 16 sitting at the table taking information from her?
 17 A He was one of the officers during the execution of the
 18 raid that would have observed the mass amount of people in
 19 there.
 20 Q So does that mean that he observed her in there?
 21 A It could.
 22 Q But not necessarily?
 23 A It could mean, not necessarily.
 24 Q Explain to me the logic behind placing his name on --
 25 Passmore's name on Martin's citation. For the moment,

1 right?
 2 MR. ASHFORD: Objection, calls for speculation.
 3 BY MR. GOODMAN:
 4 Q Sir?
 5 A That's entirely possible.
 6 Q How would Officer Passmore have known, if you know, that
 7 citation should be written to Jessica Lynn Martin?
 8 MR. ASHFORD: Objection, calls for speculation.
 9 BY MR. GOODMAN:
 10 Q Again, over objection, you may answer.
 11 A How would he have known?
 12 Q Yeah.
 13 A Speculating, just by her presence in the building I would
 14 imagine.
 15 Q And that would have been a legitimate basis, as far as you
 16 were concerned as a supervisor, for him to write a
 17 citation. Simply because she was present in the building,
 18 she was then subject to criminal liability under this
 19 loitering ordinance, is that correct, sir?
 20 A Barring any exigent circumstances or any other explanation
 21 that she could have given, yes.
 22 Q Do you know if she was given any opportunity to provide an
 23 exigent circumstance or explanation?
 24 A I don't know if she was given the opportunity. There was,
 25 during the processing, when they were at the table, there



1 Q What about the computer? Do you know anything about that or where that was seized or why?

2 A I believe that was seized from the person who was making the data entry, if you will, at the front door of the patrons that came in.

3 Q And what was the purpose of seizing the computer?

4 A I believe it was seized as evidence of -- I don't know what the nature was, and I don't know who ordered the computer to be taken, but because names were being entered in at the point of paying the cover charge, it was taken as evidence.

5 Q Okay, TV, radio, stereo, VCR, under that category is a turntable. Why was the turntable taken?

6 A Because there was an active DJ playing, and I believe that goes to show evidence of the illegal party and illegal activities that were going on as far as the entertainment goes.

7 Q What was illegal about the entertainment?

8 A Charging a cover charge after hours and selling alcohol and having dancing and music after that point in time of the day, I believe there's a city ordinance against that.

9 Q City ordinance against having music after what time of day?

10 A I believe it's two a.m. I believe by 2:15 those activities are supposed to be shut down.

1 Q What's your name doing there on the right-hand side of the first page of this document?

2 A Oh, the report -- Well, the report "Entered By" would be the reporting officer which would be Raymond Smith.

3 Q "Reporting Officer" is like an additional officer involved in the case.

4 Q That's you?

5 A Yes. The "Entered By" where it says Raymond Smith -- I see that.

6 A -- he's the one that entered it into the actual CRISNET system.

7 Q But you are the reporting officer on this Exhibit 8; is that correct?

8 A Yes.

9 Q Let me see that. Maybe I'm missing something. The report was entered by you, is that right?

10 A No.

11 Q What's your name doing there on the right-hand side of the first page of this document?

12 A Oh, the report -- Well, the report "Entered By" would be the reporting officer which would be Raymond Smith.

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22 A Oh, the report -- Well, the report "Entered By" would be the reporting officer which would be Raymond Smith.

23 Q "Reporting Officer" is like an additional officer involved in the case.

24 Q That's you?

25 A Yes.

1 Deposition Exhibit No. 8 and ask you if you can identify that, sir?

2 A This is an additional CRISNET report attached to the original case number.

3 Q And you are the reporting officer on this; is that correct?

4 A That's not correct.

5 Q It's not?

6 A No.

7 Q Let me see that. Maybe I'm missing something. The report was entered by you, is that right?

8 A No.

9 Q What's your name doing there on the right-hand side of the first page of this document?

10 A Oh, the report -- Well, the report "Entered By" would be the reporting officer which would be Raymond Smith.

11 Q "Reporting Officer" is like an additional officer involved in the case.

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19 Q What's your name doing there on the right-hand side of the first page of this document?

20 A Oh, the report -- Well, the report "Entered By" would be the reporting officer which would be Raymond Smith.

21 Q "Reporting Officer" is like an additional officer involved in the case.

22 Q That's you?

23 A Yes.

24 Q Let me see that. Maybe I'm missing something. The report was entered by you, is that right?

25 A No.

1 or any mixed liquors or beverages, any part of which is
 2 intoxicating is hereby declared a nuisance?
 3 A Has anyone told me?
 4 Q Are you familiar with that general concept as outlined in
 5 the statute?
 6 MR. ASHFORD: Objection as to form. You can
 7 answer.
 8 THE WITNESS: No, I have not read it.
 9 BY MR. GOODMAN:
 10 Q Or that any person who owns, leases, conducts, or
 11 maintains a vehicle used for the purposes or by any of the
 12 persons carried on, is guilty of a nuisance?
 13 A No, I have not heard that language before.
 14 Q Who made the decision that the vehicles were to be seized
 15 in this particular raid?
 16 A I don't know that anyone came out and said, "We're seizing
 17 vehicles." It's been done that way long before I got to
 18 vice. It was done that way when I got to vice. That's
 19 just how it was done. There was no statement made that
 20 we're not seizing vehicles this time. It's just part of
 21 the raid procedure as far as I understood.
 22 Q Is it your testimony that any time a raid is conducted and
 23 people are handed citations for loitering in a place of
 24 illegal occupation, their vehicles will be confiscated and
 25 seized by the Detroit Police Department?

1 Q And the alcoholic beverages were seized because they were
 2 evidence of illegal activity, also?
 3 A Of the sale of alcohol, that I purchased a beer from
 4 behind the bar where the keg was set up.
 5 (WHRBERUPON, Deposition Exhibit 9
 6 was marked for identification.)
 7 BY MR. GOODMAN:
 8 Q I'm going to hand you what has been marked Exhibit 9 and
 9 ask if you can identify this?
 10 A It's a Detroit Police CRISNET report, a point three to the
 11 main case number. It's like a third portion of the
 12 report.
 13 Q And this one was entered again by Raymond Smith, was it?
 14 A Correct.
 15 Q But you, again, are indicated as the reporting officer
 16 because you were the initial reporting officer, is that
 17 correct?
 18 A Correct.
 19 Q What is reflected on this particular portion of the
 20 CRISNET?
 21 A It appears to be a list of vehicles that were impounded
 22 from the location.
 23 Q How many vehicles were impounded, if you know?
 24 A I don't know. Just by recollection, I believe that night
 25 there was approximately forty altogether. I don't

1 A No. It's my testimony that the raids that I have been on
 2 in any time at vice, that has been the case.
 3 Q How many such raids have you participated in?
 4 A Seven to ten approximately. I don't know the exact
 5 number.
 6 Q In those seven to ten, in each of them, vehicles were
 7 confiscated, is that a fair statement?
 8 A Yes.
 9 Q Vehicles of anyone who was cited for loitering?
 10 A Yes. There were vehicles taken in each instance.
 11 Q So has anyone ever told you that you should not seize any
 12 of the vehicles or all of the vehicles in these
 13 situations?
 14 A No.
 15 Q In fact, you have been instructed that you should seize
 16 any and all of these vehicles, is that correct?
 17 A That's correct.
 18 Q By whom?
 19 A Whoever the commanding officer was at the time. Nobody
 20 came out and specifically said, "This is what we do."
 21 It's part of the vice procedure, as I understood it, when
 22 I got assigned to vice.
 23 Q You understood this was part of vice enforcement
 24 procedure, is that right?
 25 A Correct.

1 remember the exact number.
 2 Q Could it have been a few more than forty?
 3 A Could have.
 4 Q And in these raids -- and by "these raids," I mean raids
 5 that are conducted by the vice enforcement unit -- were
 6 vehicles routinely confiscated?
 7 A Yes.
 8 Q And can you explain under what -- Withdraw that question
 9 Can you indicate what the legal authority was
 10 for the confiscation and seizure of people's vehicles.
 11 A I believe the county has a nuisance abatement law, if you
 12 will, that says they can be forfeited under their nuisance
 13 abatement act.
 14 Q Might that be a state statute, Michigan statute?
 15 A I don't know.
 16 Q Michigan nuisance abatement statute?
 17 A I don't know.
 18 Q Have you ever read that statute, the contents of it?
 19 A I have not.
 20 Q One moment, please.
 21 Has anyone ever told you that the pertinent
 22 language states that any vehicle used for the purpose of
 23 furnishing or otherwise disposing of any narcotic and/or
 24 hypnotic drug as defined by law or of any of the various,
 25 malt, brewed, fermented, spirituous or intoxicating liquors



1 A Yes.

2 Q For weapons?

3 A Yes.

4 Q Was there a procedure whereby male officers would search male defendants, and female officers would search the women?

5 A Yes, that's our policy.

6 Q All right. So going back to the vehicles for a moment, once the officer has done an inventory of the vehicle, has the keys to the vehicle, what then happens to the car?

7 A Our policy is to inventory. Before it's impounded, they do an inventory of the contents of the vehicle. Two impound cards are filled out. There's a forfeiture sheet which I believe is filled out. Copies of the paperwork are given to the individual that the vehicle was seized from, and the car gets towed to a designated spot, a tow yard or another designated spot.

8 Q The car gets towed even though the department has the keys and can --

9 A The keys to the vehicle go with the car. Other keys, personal keys like that stay with the individual.

10 Q But no one drives the vehicle, is that right?

11 A No.

12 Q No one drives the vehicle to the towing yard or impoundment?

1 you got there, and the answer would be given. Where your vehicle -- a determination of where your vehicle was would try to be established, and then the keys would be -- the officer would get the keys from the individual.

2 Q And what would the officer do with the keys?

3 A Go to where the car is, do an inventory of the vehicle. Impound cards would be filled out, and then the car would be towed to a designated tow company.

4 Q So each of these cars was searched, is that what you're saying, or should have been searched?

5 A Invented or searched. There's an opportunity given to the individuals to get any personal belongings out.

6 Q But people whose cars are confiscated, are they told that we're going to search your vehicle to see what's in there?

7 A I don't know.

8 Q By the way, in the evidence log which was Bugle Exhibit 8, including money, do you know whether any marijuana was found that night at the CAID?

9 A I do not know.

10 Q None was seized, is that correct?

11 A I would have to look through the CRISNET. I don't recall seeing any seized.

12 Q None is logged or registered as far as you know, is that fair enough -- Go ahead. Take your time and take a look

1 A Okay. No, there's none listed.

2 Q If marijuana would have been found, would it have been seized and itemized in the CRISNET?

3 A It would have been seized and processed and itemized somewhere in a CRISNET.

4 Q So is it fair to infer from the fact that there is no reference whatsoever to marijuana that none was found?

5 A As far as I know, yes. I did not search any people and found marijuana on anyone myself.

6 Q Speaking of searching, people's pockets were searched?

7 A People's pockets, I believe when the narcotics crew initially came in, they did a pat-down, a frisk of people's outer garments for weapons. I did not see people's pockets being searched.

8 Q Is it routine to go into people's pockets and see what's in there in such a raid situation?

9 A Hands are made to be clearly seen. If an officer sees a person reaching into their pocket or making some type of gesture quickly like that, for their safety, an officer may go in and crunch a pocket or ask, "What are you doing there? Don't move around," things of that nature.

10 Q People's pockets were not routinely searched, however, is that what you're saying?

11 A No, correct.

12 Q Were people routinely frisked?

1 Q And that therefore you understood that this was routine practice and policy of the vice enforcement unit of the Detroit Police Department, is that right, sir?

2 A Yes.

3 Q Now, in making a decision to seize a vehicle, was any attempt made to determine what the purpose of the vehicle was, in other words, whether the purpose was that the person would be using the vehicle for purposes of loitering in a place of illegal occupation?

4 A No.

5 Q And it wasn't done in this particular instance with the CAID raid, is that correct, sir?

6 A Establishing a purpose of what the vehicle's use would be? That's right.

7 A Other than transporting the person to the location?

8 Q Yes.

9 A No.

10 Q What was the procedure whereby vehicles were confiscated and then seized? How did it work?

11 A To verify that they were seized?

12 Q No. Let's say I'm at a place that's raided, and I am given a citation, and my car is parked in the parking lot. How is possession of my car taken from me by the City of Detroit Police Department?

13 A The officers would ask the individual if you drove or how



1 is

2 Q But you were aware that the city gets a portion of that

3 fee, is that correct, the towing fee and seizure fee?

4 A The towing I'm not positive about. I think that's under

5 contract with the city, but I believe of that forfeiture

6 money there is a split between the city and the county.

7 Q And how were you made aware of the fact that the city gets

8 part of the money from the seizure fee?

9 A There was the weekly stat report that we do. There was a

10 breakdown of amount per vehicle, and there's a weekly

11 total of revenue generated that went into that report, and

12 that's where, when I first started doing the stat report,

13 that I saw that.

14 Q Were you ever commended for the number of vehicles that

15 were seized in any particular raid because of the fact

16 that the city would benefit financially as a result of

17 that?

18 A Commended?

19 Q Yes.

20 A No.

21 Q Did anyone ever verbally tell you, "Good job. The city is

22 going to be able to make some money off of this particular

23 raid?"

24 A We were told good job a lot, but I don't recall anybody

25 saying, "Good job. You made the city some money." Nobody

1 that of over a hundred people, them being in the location.

2 You were not the arresting officer on every one of these

3 citations; isn't that right?

4 A Nobody was arrested.

5 Well, the writer of -- the issuer lets call this.

6 A Yes, I was the issuing officer.

7 Q You did some of the issuing of citations; is that right?

8 A Yes.

9 Q But not all of them?

10 A Correct.

11 Q Approximately how many did you do?

12 A Three or four.

13 Q Is there any reason why you couldn't have written down a

14 description of the three or four people who you issued

15 citations to?

16 MR. ASHFORD: Objection to foundation.

17 BY MR. GOODMAN:

18 Q Over objection.

19 A Just the logistical reason. I would have had to have gone

20 back through the crowd and tried to pick out this person

21 from that person. Getting the main engagers is a priority

22 over the jitters, if that makes sense.

23 Q Even the main engagers, however, weren't described; is

24 that right?

25

1 has ever said that.

2 MR. ASHFORD: Off the record.

3 (Discussion off the record.)

4 BY MR. GOODMAN:

5 Q Now, we talked a little bit about your PCR's and the level

6 of detail that was set out in the PCR's about what you saw,

7 what you observed, who did what, identification of people

8 as best you could. Was any such description filled out by

9 you in the CRISNET of this particular incident, what you

10 saw any particular individuals doing in the course of your

11 activity other than the undercover surveillance which you

12 did before the raid started?

13 A As detailed as the first two?

14 Q Yes.

15 A No.

16 Q Were there any details whatsoever in the CRISNET report

17 other than the names, addresses, dates of birth, and

18 charge as to the people who were cited in that raid?

19 A No.

20 Q Why not? Why didn't you put more details in in terms of

21 what you observed and what you saw happening at the time?

22 A Well, there was over a hundred people in there, and

23 there's myself and Lieutenant Yost. The engagers we try

24 to be thorough with. The other mass of people, it's just

25 not possible from my brain's output to try to, you know,

1 A No.

2 Q Who did the towing for you on this particular raid?

3 A I don't know. The report says AC Towing and B & T Towing

4 B & G Towing according to the CRISNET

5 B & T Towing stands for Boulevard & Trumbull Towing, if

6 you know?

7 A Yes, it does.

8 Q Do you know what is required if a person wants to get

9 their car back after it's been towed?

10 A I know they have to go through the county. Our paperwork

11 goes to a county prosecutor, and I know there's a fee

12 involved that has to be paid, but as far as a waiting

13 period, how long they have to wait, I believe there was a

14 two-day processing waiting period for the county to get

15 the paperwork done. I'm not very familiar with that end.

16 Q When you say a fee has to be paid, you mean the person

17 whose vehicle has been seized has to pay a fee in order to

18 get the vehicle back; is that right?

19 A Yes.

20 Q Do you know how much it is?

21 A At one time I believe it was \$900. I don't know if that's

22 changed or if it's the same.

23 Q Do you know who gets that money?

24 A I believe the county gets a portion, and I believe the

25 city gets a portion. I'm not positive on what the split

1 four more.

2 Did you observe any physical force being used to either

3 get people to stand up or sit down or comply in any way

4 with these orders?

5 A When they first made entry, myself and Lieutenant Vost

6 were more toward the front where there were less people.

7 The majority of the people were either in the back dance

8 area, in the back outside gated area, or in the little

9 hallway. So the people that I saw, the handful that I

10 saw, the narcotics crew, as they went through, people got

11 down on the floor on their own, and I did not see any

12 assistance being given to them to get to the floor. The

13 people I saw complied verbally with the verbal commands.

14 Q So you observed no physical force whatsoever, is that

15 correct?

16 A Correct.

17 Q Did you see anyone being kicked by a police officer?

18 A No.

19 Q Have you ever heard reports of anyone being kicked by a

20 police officer?

21 A In my career?

22 Q No. In the course of this particular raid.

23 A I think afterwards I overheard somebody say that he was a

24 law student or a lawyer, and he was forced to the ground,

25 or he tried to get up and express himself, and he

1 complained that he was forced to the ground, but I did not

2 observe it firsthand.

3 Q Do you know whether that gentleman said that he had been

4 kicked?

5 A You know, he said forced to the ground. I don't know. I

6 don't recall if he said kicked or not.

7 Q Might have?

8 A Possibly. I don't recall.

9 Q Do you recall him showing you any article of his apparel

10 that showed any footprints on his shirt let's say?

11 A No.

12 Q Did you investigate his claim that he had been forced or

13 pushed to the ground?

14 A No. Like I said, there's a lot of things that you hear

15 going in passing, and I believe I heard that when I was

16 getting up to walk outside to get my badge and then come

17 back in, and after that, it wasn't brought up again to my

18 attention, and I did not investigate it further.

19 Q To whom did that gentleman make that statement?

20 A I don't believe he singled out anybody. I believe he was

21 just talking.

22 Q Can you describe him physically?

23 A He was a male, and he was kind of around a corner from

24 where I was. From where I heard his voice from, he was

25 around the corner, and I believe I saw him briefly later,

1 A The bartender isn't as in depth as the last time; no, they

2 weren't.

3 Q Not at all.

4 A They were described as engagers and what their function

5 was as far as bartender, doorman, things like that were.

6 Detailed clothing or facial hair, things like that, no.

7 Q So let's go back to Exhibit 4, if we may, and defendant

8 number 20, Ms. Jennifer Lynn Agar. If I asked you to

9 describe her at this point, you wouldn't be able to; am I

10 right about that?

11 A That's correct.

12 Q Blonde, brunette, tall, short, you have no idea, right?

13 A Right.

14 Q Heavy, thin, none of that?

15 A No.

16 Q Now, Miss Agar was charged with a crime, ordinance

17 violation of loitering, correct?

18 A Correct.

19 Q If she had gone to court and you had been asked to

20 identify her, would you have been able to?

21 A Depending on how quickly the case went to court after

22 issuing the citation, possibly.

23 Q Possibly not, though?

24 A Possibly not.

25 Q And you had no assurance that you would be able to

1 identify her because you didn't have a written description

2 of her anywhere; isn't that right?

3 A Correct.

4 Q That's the reason why, when you do write detailed PCRs,

5 CRISNETS, and other police reports, you do describe people

6 as best you can, isn't it?

7 MR. ASHFORD: Objection, no foundation.

8 BY MR. GOODMAN:

9 Q Go ahead.

10 A Correct.

11 Q In the course of the raid, from what you observed, were

12 any firearms drawn by any of the officers engaged in the

13 raid when they entered the building?

14 A The narcotics crew routinely enters, makes entry with

15 weapons drawn. There's a shotgun person that has an

16 exposed shotgun, and the other members of the raid team do

17 have their side arms drawn.

18 Q And side arms would I assume be semi-automatics; is that

19 right?

20 A Yes.

21 Q And how many members of the narcotics team were there?

22 A Like I said before, there was two sergeants and two crews

23 made up of probably five to seven people, so fourteen to

24 fifteen officers, and then they were followed by other

25 vice enforcement officers which would have been three or

1 and I believe he was ordered back down to the ground
 2 because it was in that process while people were still
 3 trying to get secured, and then after that I didn't hear
 4 anything else of it.
 5 Q Did you hear any other complaints from any other persons
 6 that they had physically been mishandled, of any physical
 7 force whatsoever?
 8 A I didn't hear of any physical force. I heard some
 9 complaints of people got dirty, because I think it was
 10 raining at one point or it had rained, and people outside,
 11 the narcotics crew made them lay on the ground, also, and
 12 there was some complaints of being made to lay on wet
 13 ground or dirty ground, things of that nature.
 14 Q How long were people detained?
 15 A From the point of entry to the last person walking out was
 16 three hours, four hours. I'm not positive of the exact
 17 time.
 18 Q Was the period of time during which they were detained
 19 there documented in any form? In other words, was there
 20 time from the beginning of the raid, was that set out in
 21 any documentation and then for the end of the raid as
 22 well?
 23 A I don't think so. I think there would be the point from
 24 when Lieutenant Yost called to get the raid crew rolling
 25 to our off-duty time, we're usually off duty within an

1 location. " Would the car in which they drove to the State
 2 Fatgrounds which is parked on Woodward Avenue and Eight
 3 Mile or something like that, would that be seized?
 4 A I would not seize it.
 5 Q Who makes the decision?
 6 A Probably the -- I guess the convenience or the logistics
 7 of it would be a factor. I can't -- processing a scene
 8 like this, I can't spare an officer from there to go to
 9 Eight Mile and Woodward to get the vehicle if the vehicle
 10 is in fact there. Whether you would believe the person or
 11 not would be a factor.
 12 Q Suppose someone says, "Well, I drove about a half mile
 13 over to my boyfriend's house, and he drove me the rest of
 14 the way over here," would you go over a half mile away and
 15 pick the car up and seize and impound it?
 16 A The boyfriend drops her off, she stays, he goes back?
 17 Q Let's say.
 18 A I would not.
 19 Q What if the boyfriend stayed?
 20 A He was in the location during the time of the raid?
 21 Q Right.
 22 A His vehicle would most likely be impounded.
 23 Q What about the girlfriend's vehicle that's a half mile
 24 away at his house?
 25 A No.

1 there that night, I'm not sure.
 2 Q What else from the raid van do you bring into the site of
 3 a raid like this?
 4 A All the needed paperwork, the forfeiture paperwork,
 5 impound cards, extra tickets. There's a big raid box we
 6 call it. It's a plastic tub filled with those type of
 7 things. It's mostly paperwork.
 8 Q How many tickets do you routinely bring along with you on
 9 a raid such as this?
 10 A Depending on our surveillance that we do prior, I mean, we
 11 usually have a couple of hundred in the tub on hand.
 12 Q Now, with regard to locating the vehicles -- Withdraw that
 13 question.
 14 With regard to the vehicles that get impounded,
 15 seized and impounded, where are those vehicles located?
 16 A Once they're impounded?
 17 Q Before they're impounded.
 18 A Oh, there's some -- Well, the building is on a corner, so
 19 there's some on either side of either street, and there
 20 was a vacant lot north of the location that was filled
 21 with vehicles.
 22 Q Are there any guidelines in terms of which vehicles are to
 23 be seized? In other words, someone says, "Well, I drove
 24 to the State Fatgrounds in my car, and then I took a bus
 25 Downtown from the State Fatgrounds to get to this



1 The narcotics crews have a pre-designated shotgun person, and they do have assignments. I have briefed with personnel in this particular raid?

2 Did the search warrant give you the authority to detain the people who you detained that night?

3 A Yes.

4 And to ticket them as well?

5 A Yes.

6 And then to tow their vehicles as well, is that correct, sir?

7 A That's my understanding.

8 (Discussion off the record.)

9 (WHEREUPON, Deposition Exhibit 10 was marked for identification.)

10 BY MR. GOODMAN:

11 I'm handing you what has been marked Bugio Exhibit No. 10

12 Can you identify this, sir?

13 A Yes, it's the Nuisance Abatement Statute.

14 And a Raid Execution/Blind Pig policy, is that correct, sir?

15 A Correct.

16 Have you seen this before?

17 A No.

18 I want you just to take a minute and take a look at the Raid Execution/Blind Pig Policy. I may have one or two questions about that.

19 A Okay.

1 Sergeant Bugio, you have now read the Raid Execution/Blind Pig portion of Exhibit 10, is that correct, sir?

2 A That's correct.

3 Does the information that's contained in that exhibit conform with your understanding of what the policy is to be in connection with a blind pig raid?

4 A Yes.

5 Starting at the bottom of the front page of this exhibit, it says, "The OIC shall be updated on the planned raid." Who is the OIC in this particular instance, if you know?

6 A Lieutenant Vost.

7 And then it says, "The raid commander shall have operational control over the raid and designate assignments of personnel." Who was the raid commander of this particular operation, if you know?

8 MR. ASHFORD: Objected, asked and answered.

9 MR. GOODMAN: Yeah, but I would like an answer with reference to this exhibit.

10 MR. ASHFORD: Go ahead.

11 THE WITNESS: It would have been one of the sergeants from narcotics.

12 BY MR. GOODMAN:

13 And who are the sergeants from narcotics, if you know?

14 A I don't know.

15 Do you know whether assignments were designated to

1 question?

2 Did the search warrant give you the authority to detain the people who you detained that night?

3 A Yes.

4 And to ticket them as well?

5 A Yes.

6 And then to tow their vehicles as well, is that correct, sir?

7 A That's my understanding.

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15 A Correct.

16 Have you seen this before?

17 A No.

18 I want you just to take a minute and take a look at the Raid Execution/Blind Pig Policy. I may have one or two questions about that.

19 A Okay.

1 Why not?

2 A I guess, because those two are in that place at the time of the raid, and his vehicle was there, he transported them there, her vehicle isn't attached.

3 So is it a matter of practicality, what is practical in terms of seizing someone's vehicle?

4 A Practically and discretionarily.

5 Well, what factors play upon one's discretion, deciding whether or not to seize a vehicle or not?

6 A Just the things you mentioned there, the location of the State Fairgrounds, whether or not it's actually there. A girlfriend driving to her boyfriend's house, and then they both get in his car and go there, that would be a discretionary thing.

7 Once the raid started, as I understand your testimony, everybody who was in the location was detained, ticketed and if they had a vehicle, the vehicle was towed. Is that your testimony, sir?

8 A That's my understanding.

9 In your judgment, as a law enforcement officer, did the search warrant by itself authorize you to do those things on that particular evening?

10 A Do which things, sir?

11 To detain and ticket people and tow their cars.

12 Did the search warrant give me -- Could you repeat the



BY MR. GOODMAN: 25
 (Discussion off the record.) 24
 MR. GOODMAN: Can we take a brief break here? 23
 A No. 22
 should be dismissed? 21
 Q Did she ever ask your opinion about whether the charges 20
 A No. 19
 of the charges should be dismissed? 18
 Q Did she ever indicate to you that she had agreed that all 17
 were eventually, I don't know. 16
 legal fight to get them dismissed. Whether or not they 15
 A She said that they were on that track, that there was a 14
 were going to be dismissed? 13
 Q Did she ever tell you that the cases had been dismissed or 12
 specifics of it, I don't recall any. 11
 going on, and they were being held up, but as far as the 10
 A I believe Lieutenant Yost informed me there was a lawsuit 9
 Q Did you ever talk to Lieutenant Yost about that? 8
 A No. 7
 whether there would be a prosecution? 6
 Q Did you talk to a prosecutor about what was going on and 5
 but I haven't testified on any of them. 4
 himbo, but they were in himbo for a while or possibly not, 3
 hangup with them, and I don't know if they are still in 2
 what the legal hangup was, but I believe there was a legal 1

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Q And it says, in point 3, a photo of all the engagers and 1
 lotterers are to be taken. Is that right, sir? 2
 A Yes. 3
 Q Where photos taken in this case? 4
 A No. 5
 Q And why not? 6
 A I don't believe the vice unit was issued a camera by the 7
 department. 8
 Q Now, has it been your experience that when people are 9
 cited for lottering, there are hearings in the 36th 10
 District Court or some court? 11
 A Yes. 12
 Q In order to determine guilt? 13
 A Yes. 14
 Q Have you appeared at such hearings? 15
 A Yes. 16
 Q Have you testified? 17
 A I don't recall ever testifying. Most of the defendants 18
 take some type of plea agreement. 19
 Q Did you appear on the particular charges that were issued 20
 on this night, May 31st? 21
 A No. I don't recall appearing for any of the citations for 22
 this date. 23
 Q Do you know why? 24
 A I believe there was an injunction possibly. I don't know 25

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Q Whether they're to be charged with violation of the 1
 lottering ordinance or not? 2
 A Possibly, yes. 3
 Q Then it says, "This disposition will be at the discretion 4
 of the raid commander." Do you see that? 5
 A Yes. 6
 Q You don't know who the raid commander was in this 7
 particular instance. It was one of the sergeants from 8
 narcotics, is that correct? 9
 A That's typically how it works, yes. 10
 Q Do you know whether a raid commander made the decision as 11
 to each particular individual as to whether or not they 12
 would be ticketed or not? 13
 A I do not. 14
 Q Did you see anyone conferring with a raid commander on 15
 each individual citation in determining whether or not 16
 there would be any basis for not -- 17
 A No. 18
 Q -- issuing a citation? 19
 A No. 20
 Q Then at the bottom of this exhibit there is a procedure 21
 for secondary assignments of police personnel and how they 22
 are to proceed in terms of handling evidence, prisoners, 23
 vehicles, and so on; is that right? 24
 A Yes. 25

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Q identification of all engager, and seizure of persons and 1
 evidence. Is that right? Do you see that? 2
 A Yes, I see that. 3
 Q Is that your understanding of the different components 4
 after the raid entry? 5
 A Yes. 6
 Q And they are to occur in this chronological order, first 7
 assignments, then entry, then identification of all 8
 engager, then seizure of persons and evidence; is that 9
 right? 10
 A Yeah. The identification of all engagers, I mean, that 11
 was done by Lieutenant Yost and myself, so they were 12
 identified actually before entry, if that matters, that 13
 specific order there. I mean, if that went out of order, 14
 then that went out of order. It's not hard and fast. I 15
 mean, the engagers were identified by us before the actual 16
 entry was made, if that makes sense. 17
 Q Then it says, under "Prisoner Processing: Information on 18
 all of the patrons (lotterers) shall be recorded before a 19
 disposition is made on these individuals." Do you see 20
 that? 21
 A Yes. 22
 Q Do you understand what is meant by the word "disposition 23
 there? 24
 A Whether they can go or stay. 25

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1 of who goes first and who goes last. I believe it was
 2 determined just from who was closest to the processing
 3 table from front to back.
 4 BY MR. GOODMAN:
 5 Well, somebody had to be calling the people up and saying
 6 you go now, you go next, you go next. Who was doing that?
 7 Officers at the processing table.
 8 Were there any supervisors at the processing table?
 9 I don't know.
 10 Q You indicated that for a while you lay on the floor, and
 11 then you sat up with your legs crossed in front of you, is
 12 that correct? Do you remember that?
 13 Yes. I believe I had my legs -- just my knees up. They
 14 weren't crossed, but I did sit up, yes.
 15 Q With your knees folded in front of you, is that right,
 16 sir?
 17 A It was a sitting position.
 18 Q Did anybody tell you you could rise from the lying
 19 position to a sitting position?
 20 A No.
 21 Q When you sat up and looked around, did you see other
 22 people lying down?
 23 A Yes.
 24 Q Did you see other people sitting up?
 25 A Yes.

1 Were people told that they could sit or that they had to
 2 remain lying down, if you know?
 3 A I don't know.
 4 Q Did you see any people kneeling?
 5 A I don't know if they were kneeling or sitting. They were
 6 in a raised position, not laying. Some people were higher
 7 up than others.
 8 Q I'm sorry.
 9 A Some people were higher up than others, so they were
 10 either kneeling or sitting.
 11 Q Did you hear anybody saying that they were uncomfortable
 12 in the position they were in other than the people who
 13 were complaining about getting dirty?
 14 A I don't recall anyone saying that they were uncomfortable.
 15 Q How many people complained about getting dirty?
 16 A I don't know an exact number.
 17 Q More than one?
 18 A From the voices that I heard from where my position was, I
 19 would say, yes, it was more than one. I heard more than
 20 one voice.
 21 Q How long did you personally stay at the location?
 22 A Until I was either the last one to leave or Lieutenant
 23 Yost was the last one to leave. I was one of the last two
 24 or three people to leave.
 25 Q Were any of the people that were issued citations still

1 Q Sergeant, I think you indicated that the people who were
 2 issued citations on this particular evening, which would
 3 have been May 31st, 2008, at the CAID, there was a
 4 processing context -- information was
 5 taken, people were handed a citation after they had been
 6 forced to lie on the floor, sit on the floor, and then
 7 were they released after they were processed, sir?
 8 A Yes.
 9 Q And I think you said that it might have taken three to
 10 four hours before the last person was released, is that
 11 correct, sir?
 12 A That was an approximation, yes.
 13 Q How soon was it before the first person was released in
 14 that group after the police entered the premises?
 15 A Between thirty minutes and an hour I would estimate.
 16 Q Okay. How is it decided who would go first and then who
 17 would go later?
 18 MR. ASHFORD: Objection to the form, garbled.
 19 Counsel, if you're going to keep me here all day, I'm
 20 going to have fun.
 21 MR. KORORKIN: That's the food-in-the-mouth
 22 objection.
 23 MR. ASHFORD: That's the food-in-mouth
 24 objection. Go ahead. You can answer.
 25 THE WITNESS: There's no formal decision process

1 Q Were people told that they could sit or that they had to
 2 remain lying down, if you know?
 3 A I don't know.
 4 Q Did you see any people kneeling?
 5 A I don't know if they were kneeling or sitting. They were
 6 in a raised position, not laying. Some people were higher
 7 up than others.
 8 Q I'm sorry.
 9 A Some people were higher up than others, so they were
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 22 A Until I was either the last one to leave or Lieutenant
 23 Yost was the last one to leave. I was one of the last two
 24 or three people to leave.
 25 Q Were any of the people that were issued citations still



1 A Yes.
 2 Q Were there interrogation sheets in this raid bin?
 3 A I don't know for sure.
 4 Q Have you ever seen such a thing as an interrogation sheet?
 5 A Yes.
 6 Q And is that something that the vice enforcement unit used routinely?
 7 A Not routinely. Three of the officers that were assigned to vice were transferred there from narcotics, and narcotics routinely used those sheets, and during some of our vice operations, we would confiscate narcotics, and those officers would fill out an interrogation sheet during the prisoner processing.
 13 Q And the interrogation sheet would record what was said between the officer and the suspect?
 14 A If I filled out an interrogation sheet, it was years ago, so I don't really recall what the procedure is. I know it is required with narcotic arrests, so I can't speak on that with any good authority.
 19 Q Are you saying that it was rarely used during vice enforcement operations?
 21 A No. I said it was routinely used when we got drugs off a prostitute or off of any investigation, that was part of the narcotic case packet. An interrogation sheet is a required piece in that process.

1 A No.
 2 Q For any reason?
 3 A No.
 4 Q During the times that you engaged in surveillance, had you observed any weapons being handled or held or in the possession of anyone?
 6 A No.
 7 Q Your first surveillance opportunity or event on March the 29th lasted for how long?
 9 A Maybe a half hour, approximately a half an hour.
 10 Q What about the second one where you actually entered the premises and had a couple glasses of beer?
 12 A I think that was approximately an hour and a half.
 13 Q And what about the third, which is when you entered before the raid occurred and were on the premises for some period of time; how long did that last?
 16 A I believe it was a little less than an hour.
 17 Q In any of the complaints that you or your unit had received in connection with this location, had anybody said that weapons were being brandished or held or used or were present?
 21 A Not that I recall.
 22 Q You mentioned a raid kit before or something like that which you said was kind of a bin in which different documents and equipment were held. Do you recall that?

1 the shirt, also.
 2 Q So that would identify them as being members of the Detroit Police Department, is that correct?
 3 A Yes.
 4 Q Would it identify them by name?
 5 A No.
 6 Q Did they have anything on them that would allow a person who was seated on the floor or who was being detained to identify them by name other than asking the person's name?
 9 A No.
 10 Q Did they have any kind of shields or formal -- any kind of protection like such as a shield? Do you know what I mean by shield? Riot gear.
 13 A No.
 14 Q Was anyone carrying a flashlight?
 15 A Yes.
 16 Q How many of the officers had flashlights?
 17 A I don't know.
 18 Q Were the flashlights on?
 19 A I don't recall. In our front room, it was lit up pretty well, but every officer routinely carries a flashlight.
 21 Q Now, you had engaged in undercover surveillance of this location on three separate occasions; is that right?
 23 A Yes.
 24 Q Had you ever been there before that, by the way?

1 face masks on.
 2 Q By face masks, what do you mean?
 3 A Their faces are covered; their nose and eyes are exposed. Is this something that's also known as a balaclava? Have you heard that?
 5 A Yes, I have heard that. That is comparable to the gear they wear, and the rest are a uniform that's black like mine. And they're in black shirt and black pants much like I'm wearing, but I don't believe they have name tags or their badges or patches. I think they have a narcotics patch on.
 11 Q The narcotics patch being what? Can you describe that, please?
 13 A It's their unit insignia patch. It says Detroit Police Narcotics. I believe it's gray and white.
 15 Q As far as personal identification of the officers, if I were to encounter you on the street, I would know your name immediately because you have a name tag on your shirt there, right?
 19 A Correct.
 20 Q What about the officers that came in on the raid the night of May 31st, 2008?
 22 A I don't know if they have name tags embossed on their shirt. There is a police patch on either the left or right side, and there's a big police patch on the rear of



1 I was not the undercover officer like I was at the CAID.
 2 And when you say for the listing of the ordinances, that
 3 would be the raid that occurred in November, am I right?
 4 A Yes.
 5 Q All right. Which, for the record, let me just see, would
 6 be Exhibit 12, and then the October --
 7 A -- is 11.
 8 Q Exhibit 11 is October 8. Which of those two raids is the
 9 raid in which you crossed-threaded with the gang squad?
 10 A I don't remember.
 11 Q Let me ask you, how is it if you managed to conduct a raid in
 12 October and then go back and conduct a similar raid a
 13 month later without, you know, any precautions being taken
 14 by the Spoon Room?
 15 A The location was being rented out by a lady to different
 16 entities to have parties, and she had a manager -- I don't
 17 recall his name right now -- who was renting it out to
 18 different people to have different functions there. After
 19 we raided it the first time, we routinely drive by places
 20 that we raid a week or so later to see if they pop back
 21 up, and this place did pop back up.
 22 Q So the second group didn't even know about the first raid
 23 perhaps?
 24 A Perhaps. I don't know.
 25 Q And in the first raid, how many people were issued

1 locked out, and we had to do a forced entry. I don't
 2 remember if that was the first or second one, but one of
 3 those times there was a conflict with us and a gang squad,
 4 a couple of gang squad cars.
 5 Q Where was the Spoon Room located, if you recall?
 6 A It's on Schaefer just north of Lyndon.
 7 MR. GOODMAN: Would you mark that as 11, I
 8 guess?
 9 (WHIRBURN, Deposition Exhibits 11 & 12
 10 were marked for identification.)
 11 BY MR. GOODMAN:
 12 Okay. I'm going to hand you what has been marked Buglo
 13 Deposition Exhibits 11 and 12, and I think these are
 14 descriptions or CRISNETs for both of the raids that you
 15 mentioned. If you would, just take a few minutes. Go
 16 through them so that you can sort out in your own mind
 17 which is which, and then tell us about it.
 18 A Okay.
 19 Q One of the Spoon Room raids occurred in October of '07,
 20 and the next one occurred the following month in November
 21 of '07; is that correct?
 22 A Yes.
 23 Q And were you the reporting officer on each of those
 24 incidents?
 25 A For the listing of the ordinances that were issued, yes.

1 (WHEREBUPON, Deposition Exhibit 13 was marked for identification.)
 2 BY MR. GOODMAN:
 3 Tell me when you're done, if you would.
 4 A You can go ahead, sir.
 5 Q Approximately how many people were issued citations in connection with this raid? And if I were to say -- would an approximation of approximately 104 people sound correct to you?
 6 A Yes.
 7 Q And were you present at this raid?
 8 A Yes, I was.
 9 Q And what was the illegal occupation that was going on at that time?
 10 A It was an unlicensed establishment charging a cover charge for me to go in. They were selling alcohol. There was drug use on the premises.
 11 Q You issued a number of citations in this particular instance; is that correct?
 12 A Yes.
 13 Q Again, pursuant to the same ordinance, loitering in a place of illegal occupation; is that correct?
 14 A Correct.
 15 Q And the illegal occupation would have been the illegal sale of alcohol and some drug use; is that correct, sir?
 16 A Correct.

1 A Correct. I believe we took a couple of firearms out of the place, also.
 2 Q I believe you did. And you made a number of -- you issued a number of citations yourself during this particular operation; is that correct?
 3 A Yes.
 4 Q And the people to whom you issued your citations were issued citations based solely upon their presence at this location at the time of the raid; is that correct?
 5 A Correct.
 6 Q And as far as you know, that would be true of the others as well? At least you know of no other reason why any others were issued citations; is that a fair statement?
 7 A Yes.
 8 Q Just one moment. I don't believe I have any more questions, but I need to consult with my fellow counsel. Give us a half a minute.
 9 (Discussion off the record.)
 10 MR. GOODMAN: I have no further questions, but I would like to make one brief statement here for the record which is that we have been advised, in the course of this deposition, of the following materials of which we have not -- with which we have not been provided despite the fact they have been requested in discovery. One, training material from the annual forty-hour block training; two,

1 Q At any rate, almost everybody who was at the location was arrested at that time; is that right?
 2 A They were detained and issued citations and released.
 3 Q Excuse me. That's right. Issued citations. And those citations were issued based solely upon the fact that they were present at the location at the time; is that correct?
 4 A I wasn't the undercover officer during that, so if there were citations or arrests due to their observations, I don't know.
 5 Q Well, looking at Exhibit 11, everyone there, other than the people who were what you might call engagers, were charged with loitering, violation of the loitering ordinance; is that correct?
 6 A Correct.
 7 Q And are you aware, as the person who entered this report, of any circumstances with regard to any of these individuals, other than their presence at the Spoon Room, that would have subjected them to criminal liability pursuant to the loitering ordinance?
 8 A No.
 9 Q Is the same thing true for Exhibit 12 which would be the November Spoon Room raid?
 10 A Yes.
 11 Q And how many people, approximately, were arrested at that time?
 12 A Zero.

1 A Zero.
 2 Q Excuse me. Were issued citations, how many people? I'd have to count.
 3 Q If I were to say approximately --
 4 MR. ASHFORD: If you know.
 5 BY MR. GOODMAN:
 6 If I were to say approximately ninety-five, would that appear to be correct?
 7 A Looking at the pages of how many pages it took to record the names, that could be correct.
 8 Q Were you also present at a raid at a location known as the Cozy House?
 9 A Yes.
 10 Q And where is the Cozy House, if you know?
 11 A It's on Six Mile. I'm not sure. Six Mile and Livernors area, I believe.
 12 (Discussion off the record.)
 13 BY MR. GOODMAN:
 14 Do you remember when the Cozy House raid was? A No, I don't.
 15 Q We're going to look for the records now, but my notes indicate that it was April 5th, 2008. Does that sound more or less correct to you?
 16 A Could be.
 17 Q All right.

COURT REPORTER & VIDEO

313-567-8100



Denise Moorfoot
Notary Public, Oakland County
Acting in the County of Wayne
My commission expires: 10-30-11

1
2 STATE OF MICHIGAN
3) ss.
4 COUNTY OF OAKLAND
5 I, Denise Moorfoot, a Notary Public in and for
6 the above county and state, do hereby certify that the
7 witness, whose attached deposition was taken before me in
8 the entitled cause on the date and the time and place
9 heretofore set forth, was by me first duly sworn to
10 testify to the truth, the whole truth and nothing but the
11 truth; that the testimony contained in said deposition was
12 by me reduced to writing in the presence of said witness
13 by means of stenography; that said testimony was
14 hereafter reduced to written form by mechanical means;
15 and that the deposition is, to the best of my knowledge
16 and belief, a true and correct transcript of my
17 stenographic notes so taken.
18 I further certify that I am not of counsel to
19 either party nor interested in the result of this cause.
20
21
22
23
24
25

1 Sergeant Buglo's annual evaluations from his date of hire
2 to the present. Only two were produced, and there are
3 more. Three, the monthly tally sheets; four, a cover
4 sheet that is done at the end of every shift; five, the
5 weekly statistical reports; six, the raid plan for the
6 raid at the CAD on May 31st, 2008.
7 MR. ASHFORD: I have no questions.
8 (Deposition concluded at 3:20 p.m.)

Exhibit C

08001827

Anticipatory Search Warrant

State of Michigan

SS

County of Wayne

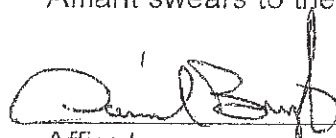

To the Sheriff or any peace officer of said county:

Affiant, Sergeant Daniel Buglo, badge S-444, having subscribed and sworn to an affidavit for a search warrant, and I having under oath examined affiant, am satisfied that probable cause exists:

THEREFORE IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command that you search the following described place, **5141 Rosa Parks Blvd.** This location is on the southwest corner of Rosa Parks Blvd. and Bryant and described as a two story, red and gray brick, two story commercial building, commonly know as "Contemporary Art Institute of Detroit." The eastern portion of the building is red brick, and the western half is painted gray brick. This location is in the City of Detroit and the County of Wayne. The door utilized as the main point of entry into and out of the location is located on the north side of the building at the western most corner. There are black silhouettes of people painted on the north side of the building on the gray portion of the building. It is the only door on the north side of the building.. The front of the building (facing Rosa Parks blvd.) has two doors, both secured by black metal security accordion type gates. There is a dark gray awning spanning the length of the front of the building with the words "Contemporary Art Institute of Detroit" stenciled onto it. There is an approx. 6'5" red wood fence encasing the yard south of the building.

Further, to seize, secure, tabulate and make return according to the law the following property and things: All suspected controlled substances, all monies, contraband, books, and paraphernalia used in connection with illegal narcotic trafficking and gambling; alcoholic beverages of any type and the money and profits from same; any photographic, video and audio equipment, computers, hard drives, any data storage devices to store data, commonly used in association with the operation of a "Blind Pig." All firearms used in connection with the above described activities, all ownership occupancy, possession or control of the premises.

Affiant swears to the following facts in support of the issuance of this warrant:


Affiant

Assistant Prosecuting Attorney
PL 3013


Judge/Magistrate 36th Dist. Ct.

08001827

STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne

The affiant is a sworn member of the Detroit Police Department, and has been so employed for nineteen years. Affiant is assigned to Vice Enforcement.

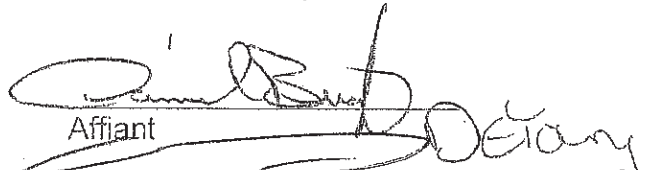
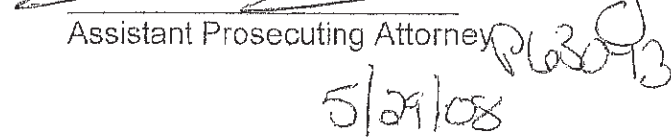
Affiant has participated in Narcotic and Vice related raids and along with members of Vice Enforcement, is currently conducting an investigation after receiving a complaint of unlicensed, after hours alcohol sales, and narcotic activity occurring at 5141 Rosa Parks Blvd, commonly known as "Contemporary Art Institute of Detroit."

Vice Enforcement has received complaints of unlicensed after hour alcohol consumption, and illegal narcotic activity occurring at 5141 Rosa Parks Blvd. with heavy activity on the last Friday night of each month and carrying over into the early morning hours of Saturday.

Affiant conducted a review/investigation of said location from March 29, 2008 to May 23, 2008, which revealed the following.

On Saturday, March 29, 2008, at 1:40AM, Vice enforcement conducted a surveillance operation, (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate a complaint of illegal "Blind Pig" activity that occurs the last Friday of each month. At location, Vice Enforcement officers observed several white males and females entering the location through the side (north) door. Affiant observed one w/m exit a vehicle and conceal what appeared to be a fifth of liquor in his left front pants pocket and proceed to the entrance of the location. Affiant observed a w/f outside of the entrance drinking from a beer bottle. Affiant and partner both smelled a strong odor of marijuana coming from an attached outside patio area where several persons were gathered. Affiant observed approx. 50-60 vehicles parked in front of, on the side of, and in the parking lot north of the location. During our surveillance, affiant and observed approx. 15-20 white males and females enter the location. Music was heard coming from inside the location.

On Saturday, April 26, 2008, at 1:00AM Vice Enforcement conducted an undercover operation at 5141 Rosa Parks Blvd. Lt. Vicki Yost and Sergeant Daniel Buglo, entered the location in order to investigate a complaint of illegal "Blind Pig" activity that occurs the last Friday of each month.


Affiant

Assistant Prosecuting Attorney
5/29/08


Judge/Magistrate 36th Dist. Ct.

08001827

STATE OF MICHIGAN

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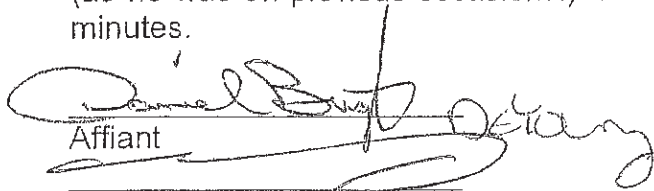
SS

County of Wayne

Both officers paid \$5.00 cover charge to a w/m 30-35, heavy set, bald, chin goatee, and paid \$3.00 each for a one month membership and were asked to fill out a membership card.

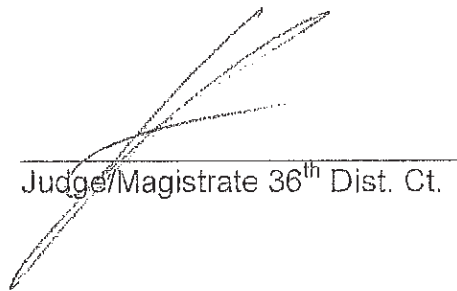
A w/m/20-25, sitting on a chair at a table near the entrance, entered our membership information into a lap top computer. We were then allowed to enter the location. Both officers approached the bar and observed beer on tap (Budweiser Select) and boxed wine for sale. Both officers purchased a cup of beer for \$3.00 each from a w/f/20-25, shoulder length blonde hair, tattoo on left wrist of Chinese letters. Affiant and partner then mingled with the crowd of approx. 100 people. A live band was playing and a DJ booth was active. Affiant and partner entered the outside fenced in yard, south of the building. Affiant observed several people with cans of beer, liquor bottles, and soda container. All were allowed to be brought in by patrons. Affiant and partner observed several people smoking what appeared to be marijuana (by sight and smell.) Affiant and partner sat at a picnic table and observed a w/m/19-22, named "Dan" take out a baggie of suspected marijuana and roll three marijuana cigarettes. The cigarettes were lit and passed around the group sitting/standing around the picnic table. At approx. 0220 hours, affiant purchased another beer from the bar. Affiant and partner exited the location at approx. 0230 hours and observed approx. 10 people standing in line outside of the door, waiting to get in. Vehicles were pulling into the location's parking lot as affiant and partner drove off.

On May 24, 2008 at 2:05AM, Vice Enforcement conducted a surveillance operation (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate of illegal "Blind Pig" activity that occurs the last Friday of each month. At the location, affiant observed several white males and females entering the location through the side (north) door. Affiant observed approx. 60 vehicles parked on the north side of the location in the street and in the parking lot. Affiant could here voices coming from the fenced-in yard on the south side of the location. Affiant could smell a strong odor of marijuana coming from the fenced-in yard. Two canopies were also set up in the yard. Affiant could hear music coming from inside the location and observed at least three w/ms carrying cans of beer into the location. A w/m/30s, bald, chin goatee beard, appeared to be the door man (as he was on previous occasions.) Affiant watched the location for approx. 15 minutes.


Affiant

Assistant Prosecuting Attorney

5/29/08 PLB/AB


Judge/Magistrate 36th Dist. Ct.

08001827

STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne

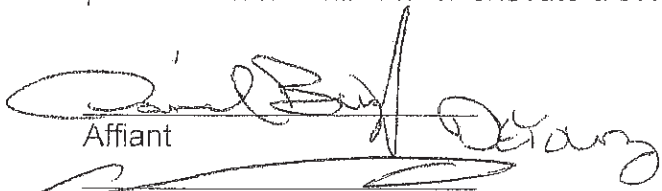
On May 29, 2008, affiant spoke with Ms. Tamara Williams of the Business License Department of Consumers Affairs who stated that the business located at 5141 Rosa Parks Blvd. has not been issued a City of Detroit Business License.

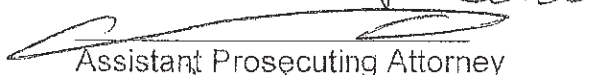
On May 29, 2008, affiant spoke with Police Officer Kenneth Hayes of the Detroit Police Department's Liquor License Unit and inquired into the status of 5141 Rosa Parks Blvd. Affiant was advised that this location has no license on file with the Liquor License Unit. Affiant confirmed this information with Ms. Jean Fickes of the Michigan Liquor Control Commission who stated that the Michigan Liquor Control Commission has not issued a license to 5141 Rosa Parks Blvd.

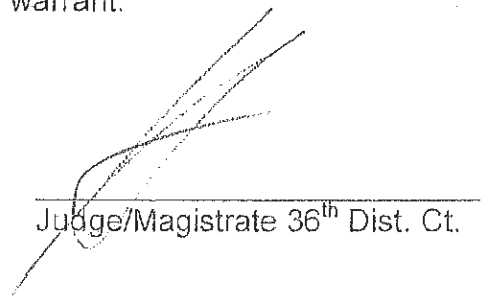
Wherefore, the affiant has probable cause to believe that the unlicensed facility located at 5141 Rosa Parks Blvd. is operating as an illegal operation, selling alcoholic beverages without a license, allowing the open use of narcotics, specifically but not limited to marijuana, and creates a public nuisance threatening the peace and good order of the neighborhood. This illegal activity has occurred and continues to occur unabated. The affiant also believes that an assortment of contraband will be found inside of the location, based upon affiant's police experience, training, observations made inside of the location, and previous experience in Vice related raids/activity conducted in the City of Detroit

Therefore, the affiant is requesting the granting of this search warrant to aid in the padlocking and abatement of the nuisance activity and the forfeiture of any of the equipment that is used to facilitate the illegal operation. Further based on training and experience, your Affiant knows that this illegal, unlicensed, after-hours business operates at least one (1) to (2) days per month, that being the ~~last Friday of each month and occasionally an additional Friday, and based on~~ previous surveillance and intelligence, this operation operates on Friday nights/Saturday mornings.

Affiant anticipates the above-referenced activity will be occurring during the early morning hours of May 31, 2008. Affiant will enter the location to do further investigation. Should Affiant observe the same type of activity as referenced above - loud music, marijuana use, illegal sales of alcohol—Affiant believe probable cause will exist to execute a search warrant.


Affiant


Assistant Prosecuting Attorney
5/29/08 R-3013


Judge/Magistrate 36th Dist. Ct.

08001827

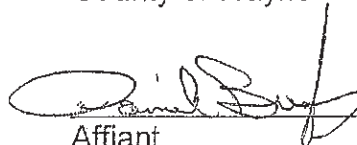
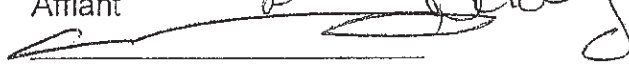
Should Affiant not observe this activity, this warrant will not be executed

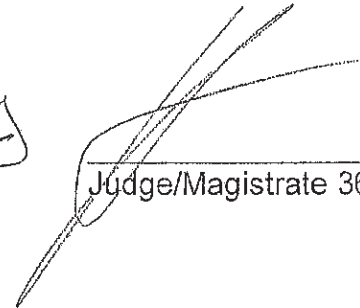
STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne


Affiant

Assistant Prosecuting Attorney
P60013


Judge/Magistrate 36th Dist. Ct.