

EXHIBIT D

Linda Moore, As Next Friend vs. City of Detroit, et al.
Honorable Denise Page Hood
Case No.: 07-11787

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSE LEWIS, DEYONE BRIDGES, AKEILA
CLAYPOOL, ROBERT BLACKWELL, JANARRIO
GARDNER, QUINTON BARBER, ERIC BLACKMAN,
JASON BROWN, NATHANIEL GREEN, DANIEL
HOUSTON, MARTINIS IRVING, CLYDE JACKSON,
KIMBERLY JENNINGS, ANTHONY MYERS,
MICHAEL MCKINNEY, MICHAEL PATTON,
WILLIE RAMSEY, KENNETH TOWNS, PRESTON
WEST, JAMIEL WILLIAMS, SHAMIKA WILLIAMS,
CRYSTAL WILLIAMS, TIFFANY TAYLOR,
JAMES RICHMOND, and ROZELL RICHMOND, JR.,

Plaintiffs,

vs

Case Number

No. 05-70667

CITY OF DETROIT, a municipal
corporation,

Defendant.

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The deposition of JOANN KINNEY, a
witness in the above-entitled cause, taken before
Cynthia Layer, Certified Reporter and Notary Public in
and for Macomb County, State of Michigan, acting in
Wayne County, at 660 Woodward Avenue, Detroit, Michigan,
on Thursday, December 7, 2006, commencing at 10:40 a.m.

APPEARANCES:

PAUL M. HUGHES, ESQUIRE
2915 Cadillac Tower
Detroit, Michigan 48226, 313-964-6465
Appearing on behalf of the Plaintiffs.

1 APPEARANCES (Continued):
 2
 3 CITY OF DETROIT LAW DEPARTMENT
 4 BY: JOHN P. QUINN, ESQUIRE
 5 660 Woodward Avenue, Suite 1650
 6 Detroit, Michigan 48226, 313-237-3082
 7 Appearing on behalf of the Defendant.

8 Reported by: Cynthia Layer, CSR-6265
 9

Detroit, Michigan
 Thursday, December 7, 2006

* * *

(Deposition Exhibit Numbers 1
 through 8 were marked for
 identification.)

JOANN KINNEY,

having first been duly sworn by the Notary Public, was
 examined and testified as follows:

MR. HUGHES: Let the record
 reflect this is the discovery deposition taken of Joann
 Kinney, taken pursuant to Notice and agreement as to
 time and date and place.

DIRECT EXAMINATION

BY MR. HUGHES:

- Q. Could you state your full name for the record, please?
- A. Joann Kinney.
- Q. And do you go by Ms., Mrs., Sergeant?
- A. Joann Kinney. I'm retired.
- Q. Ms. Kinney, you're currently retired from the Detroit
 Police Department?
- A. Yes.
- Q. When did you retire?
- A. January 30th, 2006.
- Q. It's true you were working for the homicide section at

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- the time that you retired?
- A. Yes.
- Q. In what capacity were you working with homicide?
- A. I was sergeant.
- Q. How long had you held the position of sergeant with
 homicide?
- A. Nineteen years.
- Q. And before that were you with the Department as well?
- A. Yes.
- Q. And what position did you hold prior to becoming
 sergeant?
- A. Police officer.
- Q. Where were you assigned as a police officer?
- A. Internal Affairs.
- Q. How long were you with Internal Affairs?
- A. Fourteen months.
- Q. And before that?
- A. 10th Precinct for about three months.
- Q. Okay.
- A. Mayor security.
- Q. That would have been Mayor --
- A. Coleman Young. I was with them two and a half years.
- Q. Okay.
- A. Prior to that I was at 10 for two months, 10th
 Precinct. And Gang Squad, I was there for, I believe,

1 two years. Prior to that 13th Precinct, and I was there
 2 for five years. And that's where I started, 13th
 3 Precinct.
 4 Q. What year would that have been?
 5 A. 1977.
 6 Q. Thank you. And as part of your preparation for becoming
 7 a police officer did you go through the Police Academy
 8 for training?
 9 A. Yes, I did.
 10 Q. How long of a period is that?
 11 A. I believe it was six months.
 12 Q. Now, are you basically familiar with the allegations
 13 being made in the lawsuit that the plaintiffs have filed
 14 in this case?
 15 A. Based on their arrests, being arrested.
 16 Q. Based on being arrested, also an allegation that the
 17 arrests were made without probable cause and pursuant to
 18 either an unwritten policy or practice within the
 19 homicide department. Are you aware of that general
 20 allegation?
 21 A. Yes.
 22 Q. You've been identified as a person who may have
 23 knowledge concerning the arrest of two of the
 24 plaintiffs, Deyone Bridges and Willie Ramsey?
 25 A. Yes.

1 if they were eye witnesses, but had knowledge of the
 2 shooting.
 3 Q. Just so the record is clear, this was homicide case
 4 Number 99-164; is that correct?
 5 A. That's correct.
 6 MR. HUGHES: We need to wait
 7 for the exhibits now.
 8 MR. QUINN: Okay.
 9 (A short recess was taken.)
 10 MR. HUGHES: Back on the
 11 record.
 12 BY MR. HUGHES:
 13 Q. Ms. Kinney, have you had an opportunity to briefly
 14 review the exhibits that we marked here?
 15 A. Yes.
 16 Q. The first one that we've marked was something that I
 17 found in going through the homicide file once the City
 18 had produced it to us to look at, it's marked Deposition
 19 Exhibit Number 1, and at the top it has the title
 20 "WTD for Questioning"; is that correct?
 21 A. That's correct.
 22 Q. What does that stand for?
 23 A. Wanted for questioning regarding homicide file 99-164.
 24 Q. Do you know whose handwriting that is?
 25 A. I have no idea.

1 Q. Have you had an opportunity prior to today to review the
 2 homicide files that were associated with those arrests?
 3 A. Yes.
 4 Q. Do you feel confident and familiar enough with the facts
 5 to answer certain questions about their arrests?
 6 A. I can do my best.
 7 Q. With respect to plaintiff Deyone Bridges, would it be
 8 fair to say that the decedent was involved, or at least
 9 alleged to be involved in a certain gang?
 10 A. Yes.
 11 Q. That would have been a gang called the Jeffries Boys?
 12 A. I believe the complainant was a Brewster.
 13 Q. Was a Brewster. I saw some notes in the file, I think
 14 it was called Brewster Boys?
 15 A. Yeah, Brewster Street Boys.
 16 Q. And it was the understanding of the homicide department
 17 that he had an altercation or some kind of beef going on
 18 with the Jeffries Project Boys, correct?
 19 A. That's correct.
 20 Q. Now, to the best of your knowledge were there any eye
 21 witnesses to the shooting of the decedent, who I believe
 22 was a man by the name of Ronald Johnson?
 23 A. Were there witnesses to the shooting?
 24 Q. Correct.
 25 A. We had interviewed a bunch of witnesses. I don't know

1 Q. Would this be -- can you explain what this document
 2 would be used for, why it would be in the homicide file?
 3 A. During the crime scene investigation we did get
 4 information that the Jeffries Street Boys were
 5 responsible for Mr. Johnson's death. After talking to
 6 witnesses this list was compiled because it was an
 7 ongoing feud between the Brewster Project Boys, the
 8 Jeffries Project Boys, and the Third Street Boys.
 9 Q. This would be compiled by whatever investigator, for
 10 lack of a better word, was working up the case?
 11 A. Exactly.
 12 Q. And then who would this information be transmitted to,
 13 would it be put out over tele-type or something of that
 14 nature?
 15 A. Either it was put out over tele-type, or the information
 16 was given to officers that were working the area and was
 17 familiar with the Jeffries Street Boys.
 18 Q. All right. And there are eight names on there, are
 19 there not?
 20 A. Yes, there are eight names.
 21 Q. One of them, Number 7, is Deyone Bridges; is that
 22 correct?
 23 A. That's correct.
 24 Q. Just for the record, we indicate it's spelled
 25 differently than some of the other reports indicate.

1 it's a probability or capability of this person being
 2 involved in the crime. If the person's not involved in
 3 the crime, I may get a phone call and the person that
 4 they say is involved in the crime is locked up in the
 5 Wayne County Jail.
 6 Q. All right.
 7 A. So if I don't do the background investigation and check
 8 on that person, guess what, I'm on a wild goose chase.
 9 Q. Right.
 10 A. So I have to check out all my leads to make sure it's a
 11 probability that this person may have or could have been
 12 involved in this case. That's my -- that's what I do.
 13 Maybe another investigator, they may run out and just
 14 pick up John Jones.
 15 Q. Okay.
 16 A. But I do my research first before I go, and make sure
 17 it's a probability that this person may have been
 18 involved in the crime.
 19 Q. Okay. Why would you indicate that another investigator
 20 may go out and arrest John Jones based on an anonymous
 21 tip or just on no --
 22 A. I said may have. I don't know.
 23 Q. Well --
 24 A. I know what I did and I know what people did in my squad
 25 when I was there. I'm not there. I can't say what they

1 did, but when I'm in charge, this is what we do, we
 2 check this person out.
 3 When we get the information we
 4 make sure that this person is somewhat connected to the
 5 case. We don't go lock up Belinda Smith and she works
 6 at the bank NBD. Why would we go and take her off her
 7 job without verifying the information that we received
 8 from a witness.
 9 Q. I understand that. But somehow being connected with the
 10 case is not the same necessarily as having probable
 11 cause to arrest someone, is it?
 12 A. What do you mean? Probable cause is that we believe
 13 this person may be involved in the homicide. Probable
 14 cause we believe that this person is responsible for a
 15 homicide. That's what probable cause is, unless I'm
 16 wrong about probable cause. It's belief that someone
 17 committed a crime.
 18 Q. Again, I thought your testimony was in order to effect
 19 an arrest you would have to have information that a
 20 person was somehow connected with the homicide?
 21 A. No. What I said was, we believe that this person had
 22 some involvement in the homicide, that gives us probable
 23 cause to interview and talk to this person. We bring
 24 this person in and find out what this person knows about
 25 the homicide, or whether this person committed the

1 homicide.
 2 I mean, I have to do my job as
 3 an investigator. That's what I am, I'm an
 4 investigator. And I have to investigate. So if you
 5 call me and said John Jones is the one that committed
 6 this murder, and I sit on my ass and I don't do anything
 7 about it, I don't even interview him or don't do a
 8 background check on him, then I'm not doing my job as an
 9 investigator.
 10 Q. I understand and I appreciate that. But let's get down
 11 to the practices that were operating within the homicide
 12 department, let's just pick a couple years, during 1999,
 13 2000, 2001.
 14 Isn't it a true statement,
 15 Ms. Kinney, that there were -- that it was a practice,
 16 not by you, by other officers of arresting either
 17 witnesses to homicide in order to bring them down to
 18 find out exactly what they knew in order to help solve
 19 the homicide, or possible suspects but with information
 20 less than would create probable cause, arrest these
 21 individuals down, convey them, question them on
 22 homicide, in some cases if necessary if they were
 23 uncooperative to hold them for periods of two to three
 24 days up on 8th and 9th floor?
 25 MR. QUINN: Object to form,

1 compound.
 2 A. What type of answer do you want, a yes or no answer, or
 3 you want me to elaborate?
 4 BY MR. HUGHES:
 5 Q. I would like a yes or no answer.
 6 A. Yes.
 7 Q. There was a practice occurring in homicide as I
 8 described during those years, correct?
 9 A. What I'm -- the way you made the question, it's hard for
 10 me -- I mean, it's a yes and no answer.
 11 Q. Okay. Go ahead. Elaborate.
 12 A. Okay. I'll give you a scenario. We have a bar
 13 shooting, we have two people dead in a bar. Okay. It's
 14 a hundred and twenty people in this bar. We don't have
 15 enough manpower at the scene to interview all these
 16 witnesses. So what we do, we get a bus and we take all
 17 the people down to homicide so that they can be
 18 interviewed. They're detained because they witnessed a
 19 homicide, which is a crime. They were there when the
 20 homicide occurred.
 21 We put all these people on the
 22 bus and we convey them down to homicide so they can be
 23 interviewed, identified and interviewed. We get their
 24 identification, find out who they are, interview them
 25 about what they saw, what they heard, then they're free

1 to go.
 2 They're detained because of the
 3 investigation. Yes, we have brought people down. Yes,
 4 we have brought witnesses down. I can't deny that, yes.
 5 Q. And they would be detained, as you said, until the
 6 homicide investigators determine what, if any,
 7 information they knew, or the nature or extent of their
 8 involvement in the homicide itself?
 9 A. Exactly. They're detained, not arrested.
 10 Q. Detained means not -- they certainly were not free to
 11 leave, correct?
 12 A. If I'm talking to you, I mean, you going to just walk
 13 away from me and I'm getting information about a serious
 14 crime. Nothing serious than murder.
 15 Q. I agree.
 16 A. So if I'm talking to you, you just going to walk away
 17 from me? Give me your information, then you're free to
 18 go.
 19 Q. Are you telling me then, using your hypothetical, there
 20 is a bar shooting, we know there were a hundred patrons
 21 in the bar. We don't have enough squad cars to take
 22 everybody down, so a bus is ordered, take everybody down
 23 that was in the bar?
 24 A. That's correct.
 25 Q. And all homicide knows at that point is these people

1 A. I don't recall how many times that happened.
 2 Q. More than five, more than ten?
 3 A. I don't remember.
 4 Q. But it did happen, correct?
 5 A. Yes, we have done that.
 6 Q. There was a famous shooting, I believe it was in a bar
 7 on Livernois, I'm trying to remember the name of the
 8 decedent, and maybe it's not jogging your memory either
 9 where --
 10 A. I didn't make all the scenes, so I can't --
 11 Q. Oh, I know.
 12 A. It's too many of them. Trust me.
 13 Q. All right. Now, say the witnesses or possible witnesses
 14 in the bar, let's go on that same hypothetical, were
 15 detained, taken from the bar, put on the bus, taken
 16 downtown. If the homicide investigator felt that person
 17 was not being cooperative with them and was not telling
 18 the truth, that homicide officer -- strike that. Let me
 19 ask this again.
 20 A. Are you asking me --
 21 Q. I'm going to ask you a little bit differently, okay,
 22 because I don't want to confuse the issue.
 23 Sticking with our hypothetical
 24 that you said in fact did happen on a number of
 25 occasions, correct, where there's been a shooting in a

1 were all in the bar at the time of the shooting?
 2 A. Exactly.
 3 Q. Some could have been in the restroom?
 4 A. That's correct.
 5 Q. Some could have been dancing, correct? Some could have
 6 been in another area of the bar. We don't know what
 7 those people know, correct?
 8 A. Exactly.
 9 Q. But this is a -- was a procedure that was used, was it
 10 not, say in this hypothetical, that people were not free
 11 to walk away from the homicide detectives who were
 12 basically escorting people from the bar onto the bus so
 13 they could come to homicide; people were not free to
 14 leave in that circumstance, correct?
 15 A. No, they're not. They're being detained.
 16 Q. In fact, let's not talk hypothetical, this happened in
 17 certain cases, certain bar shootings in the City of
 18 Detroit?
 19 A. Yes.
 20 Q. Do you know approximately how many times it may have
 21 happened that there may have been say a bar shooting, or
 22 shooting in a dance hall, or something of this nature
 23 where you say a bus would have been ordered because
 24 there were so many people being detained that it was
 25 necessary to have a vehicle that size?

1 bar or closed location, once those witnesses or possible
 2 witnesses are taken downtown, they're interviewed, if a
 3 homicide investigator determines they're not
 4 cooperating, these people could then be and would be in
 5 certain circumstances detained on the 8th and 9th floor
 6 for sometimes one day, sometimes two days, sometimes
 7 three days, isn't that a correct statement?
 8 MR. QUINN: Object to form.
 9 A. I don't understand what you mean by detained. We're
 10 there talking to them. We may set them aside until
 11 they're willing to cooperate. A lot of witnesses don't
 12 want to talk to you because they fear for their lives
 13 and they're scared.
 14 So sometimes we may set a
 15 witness aside and go to another witness, yes. Unless
 16 that witness is involved in the homicide, and then
 17 sometimes we may have to go to the prosecutor's office
 18 to get a detainer on the witness because we may feel
 19 this witness may flee, or we may not be able to find a
 20 witness again and this is an eye witness. Yes, we have
 21 put witnesses up on the 8th and 9th floor.
 22 We would go and get a detainer
 23 for that witness because that witness is valuable to the
 24 case, and if we let this witness go we may not be able
 25 to find this witness again when it's time to go to