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VOLUME 1

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DEFENSE:

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DEFENSE:

1 CASE NUMBER: 4VY01172-01
2 CASE NAME: PEOPLE VS. [REDACTED]
3 VAN NUYS, CALIFORNIA THURSDAY, APRIL 3, 2014
4 DEPT. NW-G HON. ALVIN NIERENBERG, COMR.
5 REPORTER: ELAINE M. ALAOGU, CSR #4626
6 TIME: 2:00 P.M.
7

8 APPEARANCES:
9 (DEFENDANT [REDACTED] WAS NOT
10 PRESENT IN COURT BUT WAS REPRESENTED BY MARK
11 ROSENFELD, PRIVATE COUNSEL; THE PEOPLE WERE
12 REPRESENTED BY ROBERT A. ORLICH, DEPUTY CITY
13 ATTORNEY.)
14

15 THE COURT: [REDACTED]
16 MR. ROSENFELD: GOOD AFTERNOON, YOUR HONOR,
17 MARK ROSENFELD APPEARING 977.

18 THE COURT: WHAT DO YOU WANT TO DO?

19 MR. ROSENFELD: FIRST, I WANTED TO SAY IT'S A
20 PLEASURE TO SEE YOU THIS AFTERNOON.

21 THE COURT: MY PLEASURE.

22 MR. ROSENFELD: THANK YOU.

23 I WOULD LIKE TO ENTER A NOT GUILTY
24 PLEA, WAIVE READING OF THE COMPLAINT, STATEMENT OF
25 RIGHTS, DENY ANY SPECIAL ALLEGATIONS, ASK IT GO OVER
26 TO APRIL 21, IF THAT'S ACCEPTABLE TO THE COURT AND
27 THE PEOPLE.

28 THE COURT: IS THAT GOOD FOR YOU?

1 MR. ORLICH: THAT IS GOOD.

2 THE COURT: APRIL 21, LAST DAY MAY 19.

3 I NEED A COURT, PLEASE.

4 THE CLERK: 115.

5 THE COURT: STIPULATE TO 115, MULCAHY?

6 MR. ROSENFELD: THAT WOULD BE FANTASTIC.

7 THE COURT: THERE'S A FORM; YOU HAVE TO SIGN

8 THAT.

9

10 (AT 2:23 P.M. PROCEEDINGS WERE ADJOURNED
11 UNTIL APRIL 21, 2014, AT 8:30 A.M. IN
12 DIVISION NW-115.)

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1 CASE NUMBER: 4VY01172
2 CASE NAME: PEOPLE VS. [REDACTED]
3 LOS ANGELES, CA JULY 3, 2014
4 DEPARTMENT 115 HON. DENNIS MULCAHY, COMMR.
5 REPORTER: BROOKE A. BRUBAKER, CSR NO. 9420
6 TIME: A.M. SESSION
7

8 APPEARANCES:

9 DEFENDANT [REDACTED] PRESENT WITH COUNSEL, MARK
10 ROSENFELD, ATTORNEY AT LAW; PATRICIA ROSMAN, DEPUTY CITY
11 ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF
12 CALIFORNIA.
13

14 THE COURT: [REDACTED] 4VY01172.
15 [REDACTED] IS PRESENT, REPRESENTED BY
16 MR. ROSENFELD.

17 FOR THE PEOPLE IN THIS MATTER?

18 MS. ROSMAN: PATRICIA ROSMAN, FOR THE PEOPLE.

19 THE COURT: MS. ROSMAN...

20 THIS MATTER IS HERE FOR A MOTION TO
21 SUPPRESS.

22 MR. ROSENFELD, READY?

23 MR. ROSENFELD: READY, YOUR HONOR.

24 THE COURT: MS. ROSMAN, YOU ARE READY?

25 MS. ROSMAN: YES, YOUR HONOR. BUT WE WOULD LIKE
26 TO STIPULATE AS TO A COUPLE OF MY WITNESS'S EXPERTISE AS
27 DRE EXPERTS, JUST TO SAVE TIME FOR THE COURT. AND ALSO,
28 WE WOULD LIKE TO FIND OUT WHAT THE SCOPE OF THE MOTION

1 IS.

2 THE COURT: WELL, FIRST, HAVE YOU TALKED TO
3 COUNSEL ABOUT ANY STIPULATION?

4 MR. ROSENFELD: NO DISCUSSION ON A STIPULATION.
5 AND IT WAS A LITTLE NOISY, SO I DIDN'T HEAR WHAT SHE
6 SAID ABOUT A DRE.

7 THE COURT: WHAT SHE HAD INDICATED IS SHE WANTED
8 TO GET A STIPULATION AS TO THE WITNESS'S EXPERTISE AS TO
9 I BELIEVE IT WAS A DRE. BUT THAT'S WHY I ASKED IF THERE
10 WAS A DISCUSSION WITH COUNSEL, BECAUSE IF THERE IS GOING
11 TO BE A STIPULATION, THERE SHOULD HAVE BEEN A DISCUSSION
12 BEFORE, AN AGREED UPON STIPULATION; OTHERWISE, THE CASE
13 JUST PROCEEDS WITHOUT THE STIPULATION.

14 MS. ROSMAN: YOUR HONOR, MY APOLOGIES. THERE WAS
15 NOT A DISCUSSION PREVIOUSLY.

16 THE COURT: AND THE SECOND ISSUE?

17 MS. ROSMAN: WHAT THE SCOPE OF THE MOTION IS, I AM
18 NOT CLEAR IF OPPOSING COUNSEL IS OBJECTING TO THE
19 SOBRIETY CHECKPOINT ITSELF, AND ALSO THE ARREST, OR IF
20 HE IS ONLY OBJECTING TO THE SOBRIETY CHECKPOINT AND ITS
21 VALIDITY.

22 THE COURT: I WOULD ASSUME IT'S PROBABLY BOTH.

23 MR. ROSENFELD?

24 MR. ROSENFELD: THANK YOU, YOUR HONOR. THE STOP,
25 DETENTION, PROLONGED DETENTION, AND ARREST.

26 MS. ROSMAN: OKAY. THANK YOU.

27 THE COURT: OKAY. SO HOW MANY WITNESSES DO YOU
28 HAVE?

1 MS. ROSMAN: TWO WITNESSES, YOUR HONOR.

2 THE COURT: WHO IS GOING TO BE YOUR FIRST WITNESS?

3 MS. ROSMAN: FIRST WITNESS, SERGEANT HOM, H-O-M.

4 THE COURT: OKAY. SERGEANT HOM, WOULD YOU
5 APPROACH THE WITNESS STAND.

6 IS THERE GOING TO BE A MOTION?

7 MR. ROSENFELD: ACTUALLY, YOUR HONOR, DEFENSE
8 WOULD LIKE TO CALL OFFICER ARGUETA FIRST.

9 THE COURT: IT'S THEIR BURDEN. ARE YOU GOING TO
10 STIPULATE THERE IS NO SEARCH WARRANT, ARREST WARRANT?

11 MR. ROSENFELD: STIPULATE THERE IS NO WARRANT,
12 SEARCH OR ARREST.

13 THE COURT: ALL RIGHT. DO YOU JOIN IN THAT
14 STIPULATION?

15 MS. ROSMAN: OKAY.

16 THE COURT: THE COURT WILL ACCEPT THE STIPULATION.
17 NO SEARCH WARRANT, ARREST WARRANT. BURDEN SHIFTS.

18 MR. ROSENFELD: OKAY.

19 THE COURT: OKAY. ANY OTHER WITNESSES ON THIS
20 CASE ARE ORDERED OUTSIDE, PLEASE. DON'T DISCUSS YOUR
21 TESTIMONY WITH ANY OTHER WITNESS.

22 THE WITNESS: I JUST NEED TO SEE IF I CAN GET A
23 COPY OF THE REPORT.

24 MS. ROSMAN: OH. DO YOU WANT TO TAKE A LOOK AT
25 IT? SERGEANT HOM IS GOING FIRST.

26 THE COURT: OFFICER [REDACTED] YOU'RE GOING TO WAIT
27 OUTSIDE.

28 MS. ROSMAN: SORRY, OFFICER.

1 THE COURT: SERGEANT HOM, WOULD YOU APPROACH THE
2 WITNESS STAND. RAISE YOUR RIGHT HAND. FACE MY
3 DIRECTION, SO THE CLERK CAN ADMINISTER THE OATH, PLEASE.

4 THE WITNESS: YES, SIR.

5 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

6 YOU DO SOLEMNLY STATE THE TESTIMONY YOU ARE
7 ABOUT TO GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
8 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
9 TRUTH SO HELP YOU GOD?

10 THE WITNESS: I DO.

11 THE CLERK: THANK YOU. PLEASE BE SEATED.

12

13

14 [REDACTED]
15 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN DULY
16 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

16

17 THE CLERK: PLEASE STATE AND SPELL YOUR FIRST AND
18 LAST NAME, FOR THE RECORD.

19 THE WITNESS: [REDACTED] FIRST NAME IS

20 [REDACTED] LAST NAME IS SPELLED [REDACTED]

21 THE COURT: ALL RIGHT. YOU'RE GOING TO BE ASKED A
22 SERIES OF QUESTIONS BY BOTH ATTORNEYS. LOUD AND CLEAR
23 VOICE, PLEASE, BUT AT A REASONABLE CADENCE, SO THAT THE
24 COURT REPORTER CAN GET IT DOWN, PLEASE.

25 THE WITNESS: YES, SIR.

26 THE COURT: GO AHEAD.

27 ///

28 ///

DIRECT EXAMINATION

BY MS. ROSMAN:

Q GOOD MORNING, SERGEANT HOM.

A GOOD MORNING.

Q WHERE ARE YOU CURRENTLY EMPLOYED?

A I AM EMPLOYED AT THE LOS ANGELES POLICE
DEPARTMENT EMERGENCY OPERATIONS DIVISION.

Q AND WHAT IS YOUR CURRENT POSITION OR TITLE
HELD WITH THE EMERGENCY OPERATIONS DIVISION?

A I'M A POLICE SERGEANT, A SUPERVISOR RANK.

Q AND HOW LONG HAVE YOU HELD THAT TITLE?

A I'VE BEEN AT EMERGENCY OPERATIONS FOR FIVE
YEARS. I'VE BEEN A SERGEANT FOR 16.

Q AND HOW LONG HAVE YOU BEEN EMPLOYED AS AN
OFFICER FOR THE LAPD?

A 21 YEARS.

Q CURRENTLY AS A SERGEANT, WHAT ARE YOUR JOB
DUTIES?

A I HAVE A VARIETY OF JOB DUTIES. I WORK AS
A -- I'M ASSIGNED TO THE TRAFFIC COORDINATION SECTION,
WHICH HAS CITYWIDE TRAFFIC RESPONSES. I ALSO AM THE
ASSISTANT TO THE COMMANDING OFFICER, AND I PERFORM A
VARIETY OF ADMINISTRATIVE DUTIES.

Q IS THERE A PARTICULAR AREA THAT YOU
CURRENTLY OVERSEE?

A WITHIN THE DIVISION?

Q CORRECT.

A I AM ASSIGNED AS A SUPERVISOR AT THE

1 TRAFFIC COORDINATION SECTION. AGAIN, THAT HAS CITYWIDE
2 TRAFFIC-RELATED RESPONSIBILITIES.

3 Q SO YOU DON'T HAVE ANY PARTICULAR AREA
4 WITHIN THE CITY OF LOS ANGELES THAT YOU OVERSEE?

5 A NO. WE HAVE CITYWIDE JURISDICTION.

6 Q AND WHAT TRAINING DID YOU RECEIVE TO
7 QUALIFY AS A SERGEANT?

8 A I ATTENDED THE BASIC SUPERVISORY COURSE
9 BACK IN 2000 THAT'S REQUIRED BY THE CALIFORNIA PEACE
10 OFFICER STANDARDS AND TRAINING FOR ENTRY LEVEL SWORN
11 SUPERVISORS -- THAT WAS 160 HOURS -- AS WELL AS A
12 VARIETY OF OTHER DEPARTMENT SPONSORED COURSES THROUGHOUT
13 MY TENURE AS A SERGEANT.

14 Q AND DID YOU RECEIVE ANY TRAINING TO BECOME
15 AN LAPD OFFICER?

16 A OH, YES, I DID.

17 Q AND HOW MUCH TRAINING DID YOU GO THROUGH?

18 A THAT WAS OVER 1,000 HOURS OVER THE COURSE
19 OF SEVEN MONTHS BACK IN 1993 AND EARLY PART OF 1994.

20 Q IN ANY OF THE TRAININGS, WHETHER IT WAS FOR
21 SERGEANT OR LAPD, DID YOU EVER RECEIVE TRAINING
22 REGARDING SOBRIETY CHECKPOINTS?

23 A YES, I HAVE.

24 Q DID YOU HAVE ANY EXPERIENCE WITH SOBRIETY
25 CHECKPOINTS?

26 A DO I NOW HAVE EXPERIENCE?

27 Q YES.

28 A YES, I DO NOW.

1 Q OKAY. ABOUT HOW MANY SOBRIETY CHECKPOINTS
2 HAVE YOU CONDUCTED?

3 A I'VE WORKED MY OWN, AN ESTIMATION, MAYBE
4 200 DUI CHECKPOINTS.

5 Q AND WAS THAT IN A SUPERVISORY ROLE OR --

6 A YES, ALL IN A SUPERVISORY CAPACITY.

7 Q ARE YOU IN CHARGE OF DECIDING WHETHER TO
8 ESTABLISH A SOBRIETY CHECKPOINT?

9 A NO, I'M NOT. I'M IN -- ONE OF MY ROLES IS
10 TO MAKE A RECOMMENDATION TO THE LIEUTENANT WHO IS THE
11 OFFICER IN CHARGE.

12 MR. ROSENFELD: OBJECTION. MOVE TO STRIKE. NO
13 PENDING QUESTION.

14 THE COURT: ANSWER STRICKEN. THAT'S
15 NONRESPONSIVE.

16 BY MS. ROSMAN:

17 Q ARE YOU IN CHARGE OF RECOMMENDING, THEN, TO
18 ESTABLISH A SOBRIETY CHECKPOINT?

19 A YES, THAT'S ONE OF MY DUTIES.

20 Q AND WHAT DATA DO YOU USE TO MAKE THAT
21 DECISION?

22 A I USE THE DEPARTMENT'S COMPSTAT PROFILE,
23 WHICH IS STATISTICS COMPILED BY OUR COMPSTAT UNIT THAT
24 WORKS UNDER THE CHIEF'S OFFICE. AND THEY COORDINATE
25 STATISTICS RELATED TO ARRESTS, TRAFFIC COLLISIONS,
26 DUI-RELATED TRAFFIC CONDITIONS, AND THE LIKE.

27 Q YOUR HONOR, I'M HOLDING A TWO-PAGE DOCUMENT
28 ENTITLED "COMPSTAT VALLEY TRAFFIC DIVISION."

1 THE COURT: HAVE YOU SHOWN IT TO COUNSEL?

2 MS. ROSMAN: THIS WHOLE PACKET WAS PREVIOUSLY
3 SHOWN TO COUNSEL, PROVIDED BY THE LAPD.

4 THE COURT: OKAY.

5 MS. ROSMAN: DO YOU WANT TO SEE IT?

6 THE COURT: TWO PAGES, COMPSTAT STATISTICS.
7 MARKED PEOPLE'S 1 FOR IDENTIFICATION?

8 MS. ROSMAN: I'M SORRY. FOR REFERENCE, YOUR
9 HONOR.

10 THE COURT: MARK IT FOR IDENTIFICATION.

11
12 (PEOPLE'S EXHIBIT 1 WAS MARKED
13 FOR IDENTIFICATION.)

14
15 MS. ROSMAN: OKAY. AND THIS DOCUMENT IS DATED
16 MARCH 3RD, 2014.

17 MAY I APPROACH THE WITNESS.

18 THE COURT: YES. IT WAS MARCH -- WHAT DAY OF THE
19 WEEK?

20 MS. ROSMAN: MARCH 3RD, 2014.

21 THE COURT: THANK YOU.

22 BY MS. ROSMAN:

23 Q I'M HANDING YOU PEOPLE'S 1.

24 DO YOU RECOGNIZE THIS DOCUMENT?

25 A YES, I DO.

26 Q AND HOW IS IT YOU RECOGNIZE THIS DOCUMENT?

27 A IT'S THE COMPSTAT PROFILE THAT I USE TO
28 MAKE MY RECOMMENDATION TO THE LIEUTENANT.

1 Q OKAY. AND WHAT INFORMATION DOES THIS
2 DOCUMENT CONVEY TO THE READER?

3 A IT SHOULD CONVEY THE STATISTICS FOR
4 TRAFFIC-RELATED INCIDENTS, INCLUDING TRAFFIC COLLISIONS.
5 AND IT'S BROKEN DOWN BY TYPE OF INJURIES, MEANING THAT
6 THOSE ARE TRAFFIC DEATHS, INJURIES, MEANING THAT THEY'RE
7 SEVERE INJURIES. AND THEN DUI-RELATED TRAFFIC
8 CONDITIONS MEANS THAT THE INVESTIGATING OFFICER BELIEVED
9 THAT DUI WAS RELATED TO A CAUSE OF THE TRAFFIC
10 COLLISION.

11 THE COURT: AND WHAT SYMBOL WAS THAT?

12 THE WITNESS: THAT THE INVESTIGATING OFFICER AT
13 SCENE BELIEVED THAT THE COLLISION WAS RELATED TO --

14 THE COURT: NO. I UNDERSTAND THAT. BUT WHAT WAS
15 THE CODE FOR THAT? YOU HAD --

16 THE WITNESS: OH, I'M SORRY. THERE IS NO CODE FOR
17 THAT. IT'S JUST MARKED AS DUI-RELATED.

18 THE COURT: OKAY.

19 BY MS. ROSMAN:

20 Q AND UNDER THE DUI-RELATED COLLISIONS ON
21 THIS COMPSTAT, PEOPLE'S 1, WHAT CITIES ARE LISTED THERE,
22 OR WHAT AREAS?

23 A OKAY. THE DIVISIONS THAT ARE LISTED ARE
24 VAN NUYS, WEST VALLEY, NORTH HOLLYWOOD, FOOTHILL,
25 DEVONSHIRE, MISSION, AND TOPANGA. AND THEY'RE ALL
26 THE SEVEN GEOGRAPHIC AREAS WITHIN THE SAN FERNANDO
27 VALLEY, IN THE CITY OF LOS ANGELES.

28 Q AND OF ALL THE AREAS LISTED, WHICH ONE HAS

1 THE HIGHEST INCIDENCE OF DUI-RELATED TRAFFIC COLLISIONS
2 FOR THE YEAR TO DATE 2013 TO 2014?

3 A THAT'S NORTH HOLLYWOOD.

4 Q OKAY. I'M TAKING PEOPLE'S 1.

5 YOUR HONOR, I'M HOLDING A ONE-PAGE
6 DOCUMENT, ENTITLED "COMPSTAT NORTH HOLLYWOOD AREA
7 ARRESTS," FEBRUARY 2ND, 2014, TO MARCH 1, 2014. AND IT
8 IS ALSO DATED MARCH 3RD, 2014. A COPY HAS ALREADY BEEN
9 PROVIDED TO COUNSEL PREVIOUSLY.

10 THE COURT: PEOPLE'S NO. 2, FOR IDENTIFICATION.

11 MS. ROSMAN: THANK YOU, YOUR HONOR.

12

13 (PEOPLE'S EXHIBIT 2 WAS MARKED
14 FOR IDENTIFICATION.)

15

16 MS. ROSMAN: MAY I APPROACH THE WITNESS?

17 THE COURT: YES.

18 BY MS. ROSMAN:

19 Q HANDING YOU PEOPLE'S 2, DO YOU RECOGNIZE
20 THIS DOCUMENT?

21 A YES, I DO.

22 Q HOW IS IT YOU RECOGNIZE THIS DOCUMENT?

23 A IT'S THE DOCUMENT THAT I USED TO ASSIST ME
24 IN MAKING MY RECOMMENDATION FOR THE CHECKPOINT.

25 Q AND WHAT INFORMATION DOES THIS DOCUMENT
26 CONVEY?

27 A IT CONVEYS INFORMATION ABOUT ARRESTS IN
28 THAT NORTH HOLLYWOOD AREA, AND THEY INCLUDE ALL OF THE

1 SERIOUS CRIMES, INCLUDING ROBBERY AND BURGLARY, AS WELL
2 AS THE LESSER OFFENSES, INCLUDING GAMBLING AND DRIVING
3 UNDER THE INFLUENCE.

4 Q AND FOR DRIVING UNDER THE INFLUENCE
5 ARRESTS, FROM THE YEAR 2013 TO 2014, WHAT TYPES OF
6 ARRESTS HAVE THE HIGHEST INCIDENCE IN NORTH HOLLYWOOD?

7 A DRIVING UNDER THE INFLUENCE ARRESTS.

8 Q THANK YOU.

9 DID YOU DECIDE OR RECOMMEND TO ESTABLISH A
10 SOBRIETY CHECKPOINT ON MARCH 7, 2014, IN NORTH
11 HOLLYWOOD?

12 A I DID.

13 Q AND THE TWO COMPSTAT -- PEOPLE'S 1 AND
14 PEOPLE'S 2, IS THIS THE INFORMATION THAT YOU USE TO COME
15 UP WITH THAT RECOMMENDATION?

16 A YES, IT IS.

17 Q AND YOU ARE ALSO IN CHARGE OF RECOMMENDING
18 THE PARTICULAR LOCATION WITHIN NORTH HOLLYWOOD FOR A
19 SOBRIETY CHECKPOINT?

20 A YES.

21 Q AND HOW DID YOU DECIDE TO RECOMMEND -- YOUR
22 HONOR, I'M HOLDING A ONE-PAGE MAP THAT'S BEEN PRINTED
23 FROM GOOGLE DOCS. AND IT HAS ALSO BEEN PREVIOUSLY SHOWN
24 TO COUNSEL.

25 MAY IT BE MARKED AS PEOPLE'S 3 FOR
26 IDENTIFICATION?

27 THE COURT: PEOPLE'S 3, FOR IDENTIFICATION.

28

1 (PEOPLE'S EXHIBIT 3 WAS MARKED
2 FOR IDENTIFICATION.)

3
4 MS. ROSMAN: MAY I APPROACH THE WITNESS?

5 THE COURT: YES.

6 BY MS. ROSMAN:

7 Q HANDING YOU PEOPLE'S 3, DO YOU RECOGNIZE
8 THE AREA THAT'S REPRESENTED ON THIS MAP?

9 A I DO.

10 Q AND HOW IS IT YOU RECOGNIZE IT?

11 A IT'S THE MAP OF THE LOCATION OF THE
12 CHECKPOINT THAT WE CONDUCTED ON MARCH 7TH.

13 Q CAN YOU PLEASE POINT OUT WHAT THE MAJOR
14 HIGHWAYS AND ROADS ARE ON THIS PARTICULAR MAP.

15 A YES. THE LOCATION OF THE CHECKPOINT ITSELF
16 WAS ON VICTORY BOULEVARD. AND THAT'S A MAJOR EAST/WEST
17 THOROUGHFARE THAT BASICALLY DIVIDES THE SAN FERNANDO
18 VALLEY IN HALF INTO THE NORTH HALF AND SOUTHERN HALF.
19 AND THE MAJOR CROSS-STREETS OR HIGHWAYS IN THE AREA
20 INCLUDE LAUREL CANYON, AND ABOUT A HALF MILE TO THE EAST
21 OF THAT IS LANKERSHIM, AND INCLUDES CALIFORNIA STATE
22 ROUTE 170; AND WHITSETT AVENUE IS NOT ON THE MAP.
23 HOWEVER, THAT'S JUST TO THE WEST OF THE 170 FREEWAY.

24 Q USING THIS PEN, CAN YOU PLEASE MARK AN "N"
25 WHERE "NORTH" IS ON THIS MAP.

26 A NORTH WOULD BE -- I WILL DRAW -- WRITE THE
27 LETTER "N," AND I'LL PUT AN ARROW THAT POINTS NORTH.

28 Q PERFECT. THANK YOU.

1 AND WHICH WAY DOES VICTORY RUN?

2 A VICTORY IS AN EAST/WEST THOROUGHFARE.

3 Q AND HOW MANY LANES OF TRAFFIC ARE ON EACH
4 THE EAST AND WESTBOUND LANES?

5 THE COURT: AT WHAT LOCATION?

6 BY MS. ROSMAN:

7 Q AT VICTORY.

8 THE COURT: AT WHAT LOCATION?

9 BY MS. ROSMAN:

10 Q AT ST. CLARE AVENUE.

11 A AT THE CHECKPOINT LOCATION, IT IS FROM MY
12 RECOLLECTION THREE LANES IN THE EASTBOUND DIRECTION, AND
13 THREE LANES IN THE WESTBOUND DIRECTION. AS IT
14 APPROACHES ST. CLARE, I BELIEVE THERE IS A CENTER ISLAND
15 THAT SEPARATES THE EASTBOUND HALF FROM THE WESTBOUND
16 HALF.

17 Q AND HOW WOULD HAVING A SOBRIETY CHECKPOINT
18 ON VICTORY -- WITHDRAWN.

19 WHICH DIRECTION OF TRAFFIC WAS THE SOBRIETY
20 CHECKPOINT SET FOR?

21 A FOR WESTBOUND TRAFFIC ON VICTORY.

22 Q AND HOW WOULD A SOBRIETY CHECKPOINT
23 WESTBOUND ON VICTORY AFFECT TRAFFIC GOING EASTBOUND?

24 A IT WOULDN'T PHYSICALLY AFFECT EASTBOUND
25 TRAFFIC, OTHER THAN EASTBOUND TRAFFIC SLOWING DOWN TO
26 SEE WHAT WAS GOING ON, DUE TO POLICE CARS AND LIGHTING
27 AND PEOPLE ON THE SIDEWALKS.

28 Q OKAY. IS VICTORY A MAIN HIGHWAY OR A MAIN

1 ROAD IN THIS PARTICULAR AREA? IS THERE A LOT OF
2 TRAFFIC?

3 A YES, THERE IS. IT'S A THREE-LANE
4 HIGHWAY -- THREE-LANE BOULEVARD IN EACH DIRECTION, AND
5 THOSE PORTIONS THAT'S NOT DIVIDED BY THE CENTER ISLAND,
6 THERE IS A TWO WAY LEFT-TURN LANE. SO THE ENTIRE --
7 WITH VICTORY BOULEVARD, AT LEAST EAST OF ST. CLARE IS
8 SEVEN LANES.

9 Q OKAY. SO WHY DID YOU DECIDE TO ESTABLISH
10 THE SOBRIETY CHECKPOINT, SPECIFICALLY AT VICTORY
11 BOULEVARD AND ST. CLARE AVENUE?

12 THE COURT: WHY DON'T YOU REPHRASE THAT? I DON'T
13 THINK HE DECIDED. HE MADE A RECOMMENDATION.

14 MS. ROSMAN: CORRECT, YOUR HONOR. MY APOLOGIES.

15 Q WHAT MADE YOU GIVE THE RECOMMENDATION TO
16 ESTABLISH A SOBRIETY CHECKPOINT AT VICTORY BOULEVARD,
17 CLOSE TO ST. CLARE AVENUE?

18 A THERE WERE SEVERAL REASONS. THE MAIN
19 REASON IS THE NATURE OF THE THOROUGHFARE. THERE IS
20 CONSISTENT TRAFFIC FLOW. IT IS NICE AND WIDE. THE
21 LIGHTING IS -- THE LIGHTING IS VERY GOOD. THERE IS ROOM
22 FOR PEDESTRIANS TO WALK BY. WE'RE NOT AFFECTING MANY
23 BUSINESSES, SINCE MOST OF THEM WERE CLOSED. WE HAVE
24 LOCATION TO PARK CARS, TO PARK POLICE CARS, AND IT'S
25 CLOSE TO A MAJOR INTERSTATE OR MAJOR STATE ROUTE 170,
26 AND IT'S DESIGNED TO -- TO ALLOW AS MANY PEOPLE TO SEE
27 THAT WE'RE DOING THE CHECKPOINT.

28 Q AND WHAT WAS THE TIMING THAT YOU CHOSE OR

1 RECOMMENDED FOR CONDUCTING THE SOBRIETY CHECKPOINT?

2 A IT WAS FROM 8:00 P.M. TO ABOUT 2:00 P.M. --
3 I'M SORRY -- 8:00 P.M. TO 2:00 A.M.

4 Q SO 2:00 A.M., ON MARCH 8TH?

5 A THE FOLLOWING DAY, YES, MARCH 8.

6 Q WHAT DAY OF THE WEEK WAS MARCH 7TH?

7 A I BELIEVE IT WAS A FRIDAY.

8 Q AND HOW DID YOU RECOMMEND THAT OFFICERS
9 WOULD DETERMINE HOW TO STOP -- WHO TO STOP AND
10 INVESTIGATE, AND WHO TO ALLOW TO PASS AT THE SOBRIETY
11 CHECKPOINT?

12 A THE WAY WE SET UP -- THE WAY THE CHECKPOINT
13 IS SET UP -- AND THAT'S BEEN OUR STANDARD OPERATING
14 PROCEDURE -- IS TO SET THE LANE -- TO SET THE SCREEN
15 LANE -- THE SCREEN LANE IS A SEPARATE LANE, WHERE THE
16 CARS ARE SENT IN SEPARATELY FROM THE REST OF THE TRAFFIC
17 FLOW TO BE SCREENED, AND IS DESIGNED FOR ABOUT SIX CARS,
18 DEPENDING ON THE SIZE OF THE CARS. AND IF THE CAR --
19 IF -- ONCE THOSE SIX CARS ARE IN, THEN THE OTHER CARS
20 THAT DON'T FIT ARE ALLOWED TO CONTINUE ON THEIR WAY.
21 NOW, OF COURSE THAT'S SUBJECT TO CHANGE, DEPENDING ON
22 TRAFFIC FLOW AND THE NUMBER OF OFFICERS WE HAVE
23 AVAILABLE, AND A VARIETY OF OTHER CONDITIONS. IF, FOR
24 INSTANCE, TRAFFIC WAS BACKED UP FOR HALF A MILE AND
25 WE'VE CAUSED SOME SIGNIFICANT TRAFFIC DELAYS -- WE'VE
26 CAUSED A SIGALERT BEFORE -- AND IF THAT HAPPENS, WE'LL
27 ALLOW TRAFFIC TO CONTINUE FOR PERHAPS 15, 20, 30 MINUTES
28 WITHOUT SCREENING ANY CARS, JUST TO ALLEVIATE THE

1 TRAFFIC BACK-UP.

2 Q WAS A SIGALERT CALLED IN THIS CASE?

3 A NOT IN THIS CASE, NO.

4 Q WAS THE SOBRIETY CHECKPOINT AT VICTORY AND
5 ST. CLARE PUBLICIZED BEFORE IT OCCURRED ON MARCH 7?

6 A IT WAS, YES.

7 Q YOUR HONOR, I'M HOLDING A THREE-PAGE
8 DOCUMENT, ENTITLED "NEWS ADVISORY," DATED MARCH 4, 2014.
9 IT WAS ISSUED BY LAPD, AND A COPY HAS BEEN PREVIOUSLY
10 PROVIDED TO COUNSEL.

11 MAY IT BE MARKED AS PEOPLE'S 4, FOR
12 IDENTIFICATION?

13 THE COURT: MARKED FOR IDENTIFICATION, PEOPLE'S 4,
14 THREE-PAGE ADVISORY.

15
16 (PEOPLE'S EXHIBIT 4 WAS MARKED
17 FOR IDENTIFICATION.)

18
19 MS. ROSMAN: MAY I APPROACH THE WITNESS, YOUR
20 HONOR?

21 THE COURT: YES.

22 BY MS. ROSMAN:

23 Q HANDING YOU PEOPLE'S 4, DO YOU RECOGNIZE
24 THIS DOCUMENT?

25 A YES, I DO.

26 Q AND HOW IS IT YOU RECOGNIZE IT?

27 A IT'S THE PRESS RELEASE THAT'S PUBLISHED,
28 THAT NOTIFIES THE PUBLIC THAT THE DEPARTMENT IS

1 CONDUCTING CHECKPOINTS AND SATURATION PATROLS RELATED TO
2 DUI.

3 Q SO HOW IS THIS DISSEMINATED TO THE PUBLIC?

4 A I DON'T DISSEMINATE IT, BUT MY
5 UNDERSTANDING IS THAT IT IS PUBLISHED ON OUR WEBSITE,
6 AND IT IS SENT OUT THROUGH THE NEWSWIRE TO ALL OF THE
7 MAJOR MEDIA SOURCES, AND IT'S UP TO THEM TO PUBLISH IT,
8 OR DISCLOSE IT TO THE PUBLIC.

9 Q CAN YOU PLEASE POINT OUT WHERE THE VICTORY
10 AND ST. CLARE CHECKPOINT WAS PUBLICIZED IN THIS NEWS
11 ADVISORY?

12 A ON THE FIRST PAGE, THAT'S THE THIRD ONE
13 DOWN FROM THE TOP.

14 Q OKAY.

15 A AND IT'S DATED MARCH 7TH THROUGH MARCH 8TH,
16 AT VICTORY AND ST. CLARE AVENUE, IN NORTH HOLLYWOOD.

17 Q OKAY. THANK YOU. SO I KNOW YOU CREATE THE
18 RECOMMENDATION FOR THE CHECKPOINT, BUT WHO ACTUALLY
19 APPROVED THE CHECKPOINT?

20 A THE OFFICER IN CHARGE. IN THIS CASE, THAT
21 WAS [REDACTED]

22 Q WERE YOU ON DUTY ON THE EVENING OF MARCH 7,
23 2014, AT AROUND 8:00 P.M. TO 2:00 A.M., ON MARCH 8TH,
24 2014?

25 A I WAS.

26 Q WERE YOU -- WHERE WERE YOU WORKING AT THAT
27 TIME?

28 A I WAS AT THE DUI CHECKPOINT.

1 Q WHICH -- THE ONE HERE, VICTORY AND
2 ST. CLARE?

3 A YES, I WAS.

4 Q WERE YOU IN UNIFORM?

5 A I WAS.

6 Q AND WHAT WAS YOUR ROLE AT THE SOBRIETY
7 CHECK OPINION AT VICTORY BOULEVARD AND ST. CLARE THAT
8 EVENING?

9 A MY ROLE WAS TO SUPERVISE THE OFFICERS ON
10 THE SCREENING LINE, WHICH IS WHERE THE CARS ON VICTORY
11 COME IN TO THE CHECKPOINT AREA.

12 THE COURT: SO HOW MANY OFFICERS WERE YOU
13 SUPERVISING?

14 THE WITNESS: THAT WOULD INCLUDE 10 TO 12.

15 THE COURT: THANK YOU.

16 BY MS. ROSMAN:

17 Q AND DID YOU RECEIVE ANY SPECIAL TRAINING TO
18 ACTUALLY OVERSEE SOBRIETY CHECKPOINTS?

19 A I RECEIVED THE POST-APPROVED TRAINING IN
20 SOBRIETY CHECKPOINTS. SOME OF MY EXPERIENCE COMES FROM
21 ACTUALLY DOING THE CHECKPOINTS AND INFORMAL TRAINING
22 FROM OFFICERS AND SUPERVISORS WHO HAVE CONDUCTED
23 CHECKPOINTS BEFORE I EVER HAVE DONE ANY.

24 Q WERE ANY SIGNS POSTED CLOSE TO OR AT THE
25 SOBRIETY CHECKPOINT THAT NIGHT?

26 A YES, THERE WERE.

27 Q HOW MANY SIGNS?

28 A THERE WERE THREE SIGNS.

1 Q AND WHAT WAS THE SIZE OF EACH OF THOSE
2 SIGNS?

3 A I BELIEVE THEY ARE 48 INCHES, AND THEY'RE
4 SHAPED IN A DIAMOND-TYPE SHAPE, STANDARD ORANGE COLOR,
5 REFLECTIVE SIGNS.

6 Q AND WHERE WERE THOSE SIGNS PLACED?

7 A THERE WERE THREE SIGNS. THE FIRST SIGN WAS
8 PLACED ON VICTORY BOULEVARD -- WAS PLACED ON WESTBOUND
9 VICTORY BOULEVARD, EAST OF LAUREL CANYON. THE SECOND
10 SIGN WAS PLACED WEST -- I'M SORRY -- THE SIGNS WERE ALL
11 PLACED FACING A WESTBOUND DIRECTION. SO THE FIRST SIGN
12 WAS WEST VICTORY, EAST OF LAUREL CANYON. THE SECOND
13 SIGN WAS WESTBOUND VICTORY, EAST OF BELLINGHAM. AND THE
14 THIRD SIGN WAS WESTBOUND VICTORY, JUST A LITTLE BIT WEST
15 OF BELLINGHAM, TO THE RIGHT OF THE CHECKPOINT.

16 Q YOUR HONOR, I'M HOLDING P-3 --

17 THE COURT: NO. DID YOU POST THESE SIGNS OUT
18 THERE YOURSELF?

19 THE WITNESS: I DIDN'T, SIR.

20 THE COURT: SO YOU DIRECTED SOMEONE ELSE TO?

21 THE WITNESS: YES.

22 THE COURT: AND YOU IN FACT SAW THAT THEY WERE
23 POSTED?

24 THE WITNESS: YES, SIR. I ACTUALLY DROVE THE
25 ROUTE TO ENSURE THAT THEY WERE POSTED EXACTLY WHERE I
26 HAD INSTRUCTED.

27 THE COURT: GO AHEAD.

28 BY MS. ROSMAN:

1 Q DID THE PLACEMENT OF THE SIGNS GIVE DRIVERS
2 ENOUGH TIME TO AVOID GOING THROUGH THE CHECKPOINT?

3 A IN MY OPINION, IF A DRIVER WAS OBSERVANT OF
4 THE SIGNS, IT CERTAINLY SHOULD HAVE.

5 Q SO BASED ON WHAT YOU JUST TESTIFIED WHERE
6 THE SIGNAGE WAS, DOES THAT MEAN THAT SOMEONE GOING
7 WESTBOUND ON VICTORY GETTING CLOSE TO LAUREL CANYON,
8 WOULD THEY HAVE AN OPPORTUNITY TO MAKE A TURN, EITHER
9 RIGHT OR LEFT ON LAUREL CANYON?

10 A YES, THEY WOULD HAVE.

11 Q AND WOULD THEY HAVE THE SAME OPPORTUNITY AT
12 BELLINGHAM AVENUE?

13 A YES, THEY WOULD HAVE.

14 Q AND WHAT ABOUT AT ST. CLARE? WOULD THEY
15 HAVE AN OPPORTUNITY TO TURN?

16 A NOT A LEGAL TURN, NO.

17 Q IS IT LEGAL TO MAKE A U-TURN ON VICTORY
18 BOULEVARD, BEFORE HITTING ST. CLARE AVENUE?

19 A I WOULD SAY THAT IT WOULD NOT BE, BECAUSE
20 IT'S A BUSINESS DISTRICT. AND IN A BUSINESS DISTRICT,
21 IT'S UNLAWFUL TO MAKE A U-TURN WITHIN 300 FEET IF THERE
22 IS BUSINESSES ON ONE SIDE OF THE STREET. AND IN THIS
23 CASE, THERE WERE BUSINESSES ON BOTH SIDES OF THE STREET.
24 SO IT WOULD BE -- IN MY OPINION, IT WOULD BE UNLAWFUL TO
25 MAKE A U-TURN THERE.

26 Q GOING TO THE PERSONNEL THAT WERE ACTUALLY
27 WORKING, YOU SAID YOU HAD ABOUT 10 OR 12 PEOPLE WORKING.
28 WERE THEY ALL SWORN OFFICERS?

1 A YES, ALL THOSE OFFICERS WERE SWORN.

2 Q AND WHAT ROLE WAS BEING PLAYED BY EACH OF
3 THOSE OFFICERS?

4 A SIX OFFICERS WERE ASSIGNED TO THE ACTUAL
5 SCREENING LINE WHERE THE CARS COME IN ON THE CHECKPOINT.
6 THERE WERE FOUR OFFICERS ON MOTORCYCLES WHO WERE
7 ASSIGNED TO THE PERIMETER OF THE CHECKPOINT, AND THEN
8 THERE WERE AN ADDITIONAL TWO OFFICERS WHO WERE IN PATROL
9 CARS WHO WERE ASSIGNED JUST EAST OF THE CHECKPOINT AREA
10 AND TO LOOK FOR TRAFFIC VIOLATORS WHO WERE CONDUCTING
11 ILLEGAL TURNS OR ANYTHING UNLAWFUL. AND IT WAS THEIR
12 DUTY TO CONDUCT A TRAFFIC STOP BASED UPON WHATEVER
13 TRAFFIC INFRACTIONS OR MISDEMEANORS THAT THEY OBSERVED.

14 Q THE EMPLOYEES THAT WERE ACTUALLY
15 SCREENING -- SORRY -- THE OFFICERS THAT WERE ACTUALLY
16 SCREENING DRIVERS, DID THEY HAVE TO HAVE ANY SPECIAL
17 TRAINING TO BE SCREENING FOR DUI?

18 A THERE IS NOTHING SPECIFICALLY REQUIRED, BUT
19 THE OFFICERS THAT ARE SELECTED TO WORK THE TRAFFIC
20 COORDINATION SECTION CHECKPOINTS ALL ARE CONSIDERED VERY
21 EXPERIENCED DUI OFFICERS -- OFFICERS EXPERIENCED IN
22 DUI-RELATED ARRESTS AND INVESTIGATIONS.

23 Q WERE ALL THOSE OFFICERS IN UNIFORM?

24 A YES, THEY WERE.

25 Q WERE THERE ANY MARKED POLICE VEHICLES
26 PRESENT AT THE SOBRIETY CHECKPOINT?

27 A YES, THERE WERE.

28 Q ABOUT HOW MANY?

1 A WE ONLY DRIVE MARKED POLICE VEHICLES, SO I
2 RECALL AT LEAST THREE OR FOUR ON VICTORY, ALONG WITH TWO
3 OR THREE POLICE MOTORCYCLES.

4 Q AND WHAT WERE THE LIGHTING CONDITIONS LIKE
5 AT THE SOBRIETY CHECKPOINT ITSELF?

6 A THEY WERE RELATIVELY BRIGHT FOR NIGHTTIME.
7 WE WERE OVER SEVERAL OVERHEAD STREETLIGHTS, AND WE ALSO
8 BRING PORTABLE LIGHTING OUT WITH US.

9 Q HOW MANY PORTABLE LIGHTS DID YOU BRING?

10 A WE USED THREE PORTABLE LIGHTS.

11 Q AND I KNOW YOU HAD MENTIONED THAT TRAFFIC
12 WAS DIVERTED. HOW WAS TRAFFIC CONTROLLED AND DIVERTED
13 BY THE OFFICERS?

14 A I'M SORRY. IF YOU CAN REPEAT THAT?

15 Q SURE.

16 HOW WAS IT THAT YOUR OFFICERS WERE
17 CONTROLLING TRAFFIC? WERE THEY DIRECTING PEOPLE? DID
18 THEY HAVE TRAFFIC CONES TO TELL PEOPLE WHERE TO GO?

19 A YES. THE CHECKPOINT AREA WAS MARKED WITH
20 STANDARD 28-INCH TRAFFIC CONES. SO THEY'RE ORANGE WITH
21 A REFLECTIVE STRIPE. AND WITH PROPER HEADLIGHTS, IT
22 SHOULD BE VERY VISIBLE AS THE DRIVER APPROACHES THE
23 CHECKPOINT AREA. AND AT THE START OF THE CHECKPOINT
24 AREA WHERE THE CARS ARE DIVERTED OFF INTO A SCREENING
25 LANE, THERE IS AN OFFICER WHO WAS ASSIGNED TO DIRECT THE
26 CARS IN, AS INSTRUCTED.

27 THE COURT: WHO GAVE THAT OFFICER INSTRUCTIONS?

28 THE WITNESS: I DID, SIR.

1 THE COURT: AND WHAT WAS THAT OFFICER'S NAME?

2 THE WITNESS: OFF THE TOP OF MY HEAD, I CAN'T
3 RECALL THAT.

4 THE COURT: ALL RIGHT.

5 BY MS. ROSMAN:

6 Q WOULD SEEING A DOCUMENT --

7 A IT CERTAINLY WOULD.

8 Q -- REFRESH YOUR MEMORY?

9 A YES.

10 MS. ROSMAN: YOUR HONOR, I'M HOLDING A UNIT LOG
11 FROM THE LAPD, JUST TO REFRESH HIS MEMORY.

12 THE COURT: OKAY.

13 MS. ROSMAN: THANK YOU.

14 THE WITNESS: YES, IT DOES.

15 BY MS. ROSMAN:

16 Q OKAY. AND SO TO ANSWER THE JUDGE'S
17 QUESTION, WHO WAS IT THAT --

18 A THAT WAS OFFICER MIN, M-I-N.

19 Q WAS THERE A LANE FOR MOVING TRAFFIC?

20 A YES, THERE WAS.

21 Q AND WAS THERE A LANE FOR DUI
22 INVESTIGATIONS?

23 A YES.

24 Q AND WAS THERE ALSO A PLACE TO CONDUCT FIELD
25 SOBRIETY TESTS?

26 A YES.

27 Q SEPARATE AND APART FROM THOSE LANES?

28 A YES.

1 MS. ROSMAN: YOUR HONOR, I'M HOLDING SEVEN COLOR
2 PHOTOGRAPHS THAT HAVE BEEN ISSUED BY THE LAPD TRAFFIC.
3 COPIES HAVE BEEN PROVIDED TO OPPOSING COUNSEL. THEY
4 DEPICT THE SCENE MARCH 7, 2014 AT VICTORY BOULEVARD AND
5 ST. CLARE AVENUE. THEY'VE BEEN PREVIOUSLY MARKED AS
6 PEOPLE'S 5-A THROUGH 5-G FOR IDENTIFICATION,
7 RESPECTIVELY.

8 MAY I APPROACH THE WITNESS?

9 THE COURT: ALL RIGHT. 5-A THROUGH 5-G.
10

11 (PEOPLE'S EXHIBITS 5-A-5-G WERE
12 MARKED FOR IDENTIFICATION.)
13

14 BY MS. ROSMAN:

15 Q I AM HANDING YOU PEOPLE'S 5-A THROUGH
16 PEOPLE'S 5-G. PLEASE TAKE A LOOK AT THOSE AND LOOK UP
17 AT ME WHEN YOU'RE FINISHED.

18 A OKAY. I'VE REVIEWED THE PHOTOS.

19 Q OKAY. AND DO YOU RECOGNIZE PEOPLE'S 5-A
20 THROUGH 5-G, RESPECTIVELY?

21 A YES, I DO.

22 Q AND HOW IS IT YOU RECOGNIZE THEM?

23 A THEY DEPICT THE CHECKPOINT AS THAT NIGHT
24 THAT I WORKED AT --

25 Q AND ARE THE PHOTOS A FAIR AND ACCURATE
26 REPRESENTATION OF THE SCENE AT THE SOBRIETY CHECKPOINT
27 ON THE EVENING OF MARCH 7, 2014?

28 A YES, IT IS.

1 MS. ROSMAN: YOUR HONOR, DO YOU NEED TO HAVE THE
2 WITNESS DESCRIBE THE ACTUAL PHOTOS?

3 THE COURT: NO. I CAN TAKE A LOOK AT THOSE.

4 MS. ROSMAN: OKAY. THANK YOU.

5 Q ACTUALLY, JUST TO BRING YOUR ATTENTION TO
6 PEOPLE'S 5-B, WHAT IS THAT THAT IS LABELED AT THE BOTTOM
7 LEFT-HAND CORNER?

8 A IT'S LABELED THE NUMBER TWO, AND IT SAYS
9 "48-INCH SIGN, NUMBER THREE, VICTORY, EAST OF LAUREL
10 CANYON."

11 Q SO THIS IS WHAT YOU COULD SEE GOING
12 WESTBOUND ON LAUREL CANYON?

13 A THIS IS WHAT --

14 Q I MEAN, ON VICTORY BOULEVARD.

15 A YES. IT SHOULD HAVE BEEN SEEN BY A DRIVER.

16 Q OKAY. AND THEN PEOPLE'S 5-C, CAN YOU
17 PLEASE READ WHAT IT IS LABELED AS?

18 A "NUMBER THREE, 48-INCH SIGN, TWO, VICTORY
19 EAST OF BELLINGHAM."

20 Q SO THAT'S WHAT A DRIVER COULD SEE, DRIVING
21 DOWN VICTORY BOULEVARD TOWARDS BELLINGHAM?

22 A YES.

23 Q OKAY. AND THEN SAME WITH PEOPLE'S 5-D.

24 A THAT'S CORRECT.

25 Q OKAY. THANK YOU.

26 YOUR HONOR, I'D LIKE TO PLAY AN ACTUAL
27 VIDEO OF DRIVING THROUGH THE SOBRIETY CHECKPOINT. I
28 PROMISE MY COMPUTER WILL NOT DIE LIKE LAST TIME.

1 DO YOU WANT TO SEE --

2 THE COURT: A VIDEO OF A VEHICLE THAT WAS BEING
3 DRIVEN THROUGH THAT PARTICULAR CHECKPOINT THAT WAS SET
4 UP FOR THAT PARTICULAR EVENING? IS THAT WHAT YOU'RE
5 SAYING?

6 MS. ROSMAN: YES.

7 THE COURT: WHAT IS THE RELEVANCE OF THAT?

8 MS. ROSMAN: JUST TO SHOW THE LIGHTING CONDITIONS,
9 THE SIGNAGE; JUST HOW A PERSON WILL ACTUALLY SEE THE
10 SOBRIETY CHECKPOINT WHEN DRIVING DOWN VICTORY BOULEVARD
11 TOWARD ST. CLARE AVENUE. IF THE COURT DOESN'T FEEL IT
12 NECESSARY TO LOOK AT, THEN I DON'T NEED TO BRING IT IN.

13 THE COURT: HAVE YOU SEEN THIS?

14 MR. ROSENFELD: I HAVE SEEN IT.

15 THE COURT: ARE YOU PREPARED TO MARK THE DISK AND
16 HAVE IT RECEIVED AS PART OF THIS RECORD, OR NO?

17 MS. ROSMAN: YES, YOUR HONOR. IT WOULD BE MARKED
18 AS PEOPLE'S 6.

19 THE COURT: HOW LONG IS THIS?

20 MS. ROSMAN: IT'S ABOUT 20 SECONDS.

21 THE COURT: ALL RIGHT. MR. ROSENFELD, IF YOU WANT
22 TO COME BACK BY THE WITNESS, I'LL HAVE HER PUT THE
23 COMPUTER ON THE WITNESS STAND SO YOU CAN OBSERVE IT AT
24 THAT TIME.

25 MR. ROSENFELD: THANK YOU, YOUR HONOR.

26 THE COURT: SO YOU HAVE -- IT'S A DISK? THAT'S
27 WHAT'S IN YOUR COMPUTER?

28 MS. ROSMAN: YES, YOUR HONOR, PEOPLE'S 6.

1 THE COURT: PEOPLE'S NO. 6, A DISK CONTAINING
2 DRIVING THROUGH THE CHECKPOINT FOR IDENTIFICATION.

3
4 (PEOPLE'S EXHIBIT 6 WAS MARKED
5 FOR IDENTIFICATION.)
6

7 THE COURT: IF THERE IS ANY AUDIO ON THAT, YOU
8 KNOW, THE COURT REPORTER WILL NOT BE TAKING DOWN ANY
9 AUDIO.

10 MS. ROSMAN: CORRECT, YOUR HONOR.

11 Q SHOWING YOU PEOPLE'S 6, DO YOU RECOGNIZE
12 THIS FOOTAGE? I'M PLAYING IT NOW.

13 DO YOU RECOGNIZE THIS FOOTAGE?

14 A YES, I DO, MA'AM.

15 Q OKAY. HOW IS IT YOU RECOGNIZE IT?

16 A THAT'S THE FIRST SIGN THAT'S ON VICTORY
17 BOULEVARD, AND THAT'S EAST OF LAUREL CANYON BOULEVARD.

18 Q AND IS THAT A SIGN FOR THE SOBRIETY
19 CHECKPOINT?

20 A YES, IT IS.

21 Q IS THAT ANOTHER SIGN FOR THE SOBRIETY
22 CHECKPOINT?

23 A YES, IT IS.

24 Q WHAT STREET IS THIS OVER HERE THAT YOU'RE
25 ABOUT TO CROSS?

26 A THAT'S BELLINGHAM.

27 THE COURT: SO THERE IS A TRILIGHT?

28 THE WITNESS: YES, SIR.

1 BY MS. ROSMAN:

2 Q AND SO YOU WERE SAYING EARLIER THAT A
3 PERSON COULD TURN ON BELLINGHAM?

4 A THEY CERTAINLY CAN, JUST AS THE TAXICAB IS
5 DOING SO.

6 Q IS THAT THAT THIRD SIGN YOU WERE REFERRING
7 TO?

8 A THAT IS.

9 Q AND WHAT IS THIS THAT'S BEING TURNED INTO?

10 A THAT IS ACTUALLY THE SCREENING LANE WHERE
11 THE OFFICERS WILL ACTUALLY TALK TO THE DRIVERS. AND IF
12 THE DRIVER IS NOT DIRECTED TO THAT LANE, THEY ARE
13 ALLOWED TO CONTINUE TO PROCEED WESTBOUND IN THE LANE
14 THAT THEY ARE ALREADY IN.

15 THE COURT: STOP IT. THE VEHICLE THAT WAS IN
16 FRONT OF YOU THAT VEERED TO THE RIGHT LANE THAT WAS
17 CONED OFF WAS DIRECTED TO GO INTO THAT LANE; CORRECT?

18 THE WITNESS: YES, SIR.

19 THE COURT: OTHERWISE, THAT VEHICLE WOULD HAVE
20 BEEN DIRECTED TO PROCEED STRAIGHT THROUGH; CORRECT?

21 THE WITNESS: YES, SIR.

22 THE COURT: WHAT WERE THE INSTRUCTIONS ON STOPPING
23 VEHICLES THAT EVENING THAT YOU GAVE TO THE OFFICER?

24 THE WITNESS: THERE WERE TWO SEPARATE
25 INSTRUCTIONS. AT THE START OF THE CHECKPOINT FOR
26 APPROXIMATELY THE FIRST TWO HOURS, WHEN TRAFFIC FLOW WAS
27 SIGNIFICANTLY HEAVIER, THE INSTRUCTION WAS TO DIRECT SIX
28 CARS INTO THAT SCREENING LANE, AND THEN WHEN THOSE SIX

1 CARS CLEARED OUT AND ACTUALLY PHYSICALLY DROVE AWAY, THE
2 NEXT SIX WILL BE SENT IN.

3 THE COURT: SO BEFORE ANY OTHER CARS COULD BE
4 DIRECTED INTO THERE, THE FIRST SIX, ALL SIX WOULD HAVE
5 TO BE CLEARED OUT?

6 THE WITNESS: EXACTLY, SIR.

7 THE COURT: ALL RIGHT. AND THEN AFTER THE TWO
8 HOURS, WHAT WAS THE NEXT SET OF INSTRUCTIONS?

9 THE WITNESS: TRAFFIC FLOW FROM ROUGHLY 10:30 AND
10 ON BECAME A LOT LIGHTER. IT BECAME VERY SPORADIC, AND
11 THE INSTRUCTION WAS TO DIRECT ALL CARS INTO THE
12 CHECKPOINT TO BE SCREENED.

13 THE COURT: SO FROM 10:30 P.M., UNTIL THE CLOSEST
14 CHECKPOINT, ALL VEHICLES THAT CAME THROUGH WOULD BE
15 STOPPED?

16 THE WITNESS: YES, SIR.

17 THE COURT: AND AT THAT POINT, YOU STILL HAVE SIX
18 OFFICERS WORKING INSIDE THE SLOT?

19 THE WITNESS: NO. THE OFFICERS HAD DWINDLED DOWN
20 TO ROUGHLY ONE OR TWO OFFICERS.

21 THE COURT: AND HOW LONG WOULD THE OTHER
22 VEHICLES -- IF THERE WERE ONE OR TWO OFFICERS WITH THOSE
23 VEHICLES, HOW MANY VEHICLES WOULD BE ALLOWED TO BACK UP?
24 FOR WHAT LENGTH OF PERIOD OF TIME?

25 THE WITNESS: I'M SORRY?

26 THE COURT: DO YOU UNDERSTAND MY QUESTION?

27 THE WITNESS: NO, SIR.

28 THE COURT: ALL RIGHT. YOU'RE AFTER 10:30. LET'S

1 SAY YOU HAVE TWO OFFICERS WORKING -- YOU HAVE TWO OF
2 THEM WORKING ON VEHICLES. THE LINE OF VEHICLES IS NOW
3 STOPPED.

4 HOW FAR WOULD THAT BACK UP?

5 THE WITNESS: OH, IT DIDN'T BACK UP VERY FAR AT
6 ALL. MOST OF THE TIME, IT DIDN'T BACK UP TO BELLINGHAM,
7 ONLY BECAUSE TRAFFIC BECAME VERY, VERY LIGHT AS THE
8 NIGHT PROGRESSED.

9 THE COURT: OKAY. GO AHEAD.
10 BY MS. ROSMAN:

11 Q AND THIS IS THE LANE YOU'RE REFERRING TO,
12 THAT JUST --

13 A YES. YES, I WAS.

14 Q OKAY. NOW, MY COMPUTER IS BEING SLOW. AND
15 ARE THESE THE LIGHTS YOU WERE REFERRING TO? THE
16 PORTABLE LIGHTS?

17 A YES, THOSE ARE THE YELLOW PORTABLE LIGHTS.

18 Q OKAY. AND THAT WAS JUST --

19 A THAT'S CONTINUE ON WESTBOUND, APPROACHING
20 THE 170 OVERPASS.

21 Q ALL RIGHT. HOW LONG DID YOU DETAIN PEOPLE
22 WHO WERE SELECTED FOR INVESTIGATION?

23 A MOST WEREN'T DETAINED MORE THAN A MINUTE --
24 GENERALLY, LESS THAN THAT -- OR AS LONG AS IT TOOK TO
25 ALLOW THE CARS TO CLEAR OUT OF THE SCREENING LANE.

26 Q DID YOU HAVE ANY TIME LIMITATIONS SET FOR
27 PEOPLE THAT WERE BEING INVESTIGATED IN THIS SCREENING
28 LANE?

1 A THE GENERAL TIME LIMITATION WE SCREEN IS
2 THREE MINUTES, BUT RARELY IS THAT EVER APPROACHED.

3 Q YOU MEAN, IT'S MUCH MORE TIME THAN
4 NECESSARY?

5 A IT'S A LOT LESS TIME. USUALLY, OFFICERS
6 CAN MAKE THEIR DETERMINATION OF WHETHER TO DETAIN THE
7 PERSON FURTHER IN THE FIRST 30 SECONDS, TO A MINUTE.

8 Q ONCE A DRIVER SHOWS SIGNS OF IMPAIRMENT
9 DURING THAT INITIAL INVESTIGATION, WERE OFFICERS
10 DIRECTED TO PERFORM FST'S, OR TO CONDUCT FST'S?

11 A YES.

12 Q AND TO YOUR KNOWLEDGE, AND BASED ON
13 EXPERIENCE, HOW LONG DOES IT TAKE TO CONDUCT A DUI
14 INVESTIGATION AT SOBRIETY CHECKPOINTS FROM THE INITIAL
15 SCREENING, TO THE TIME THEY MAY BE ARRESTED?

16 A OF COURSE, IT'S DEPENDENT UPON THE -- IT
17 DEPENDS HOW FAST THE OFFICER DOES THE FIELD SOBRIETY
18 TEST, AND DEPENDS ON THE ABILITY OF THE DRIVER TO
19 PERFORM IT, OR THE WILLINGNESS TO PERFORM IT. I'VE SEEN
20 ALL KINDS OF THINGS, DELAYS AND THINGS OF THE NATURE,
21 BUT IN MY EXPERIENCE, IT SHOULDN'T TAKE MORE THAN 15, 20
22 MINUTES.

23 Q DO YOU KNOW HOW MANY VEHICLES CAME THROUGH
24 THE SOBRIETY CHECKPOINT THAT NIGHT?

25 A I DON'T KNOW THE EXACT NUMBER. I LOOK --
26 BRIEFLY LOOKED THROUGH THE COUNT SHEET THAT WE USE. I
27 BELIEVE IT WAS SOMEWHERE IN THE AREA OF 1,700 CARS THAT
28 ACTUALLY -- A TOTAL NUMBER OF 1,700 THAT CAME TO THE

1 CHECKPOINT, AND I BELIEVE IT WAS ABOUT 1,100 CARS THAT
2 WERE ACTUALLY SCREENED.

3 Q OF THE VEHICLES THAT WERE SCREENED, DO YOU
4 KNOW HOW MANY VEHICLES/ DRIVERS WERE ACTUALLY ASKED TO
5 PERFORM FST'S?

6 A I CAN'T RECALL THE EXACT NUMBER. I BELIEVE
7 IT WAS 14 OR 15.

8 THE COURT: SO YOU ARE SAYING OUT OF 1,100 CARS
9 THAT WERE PULLED OVER AND SCREENED, THERE WERE ONLY 14
10 OR 15 OF THE DRIVERS ASKED TO DO FST'S?

11 THE WITNESS: YES, SIR.

12 BY MS. ROSMAN:

13 Q AND OF THOSE DRIVERS THAT WERE ASKED TO
14 PERFORM FST'S, HOW MANY OF THEM WERE DEEMED DUI?

15 A I BELIEVE IT WAS EIGHT OR NINE.

16 Q YOUR HONOR, I HAVE NO FURTHER QUESTIONS FOR
17 THE WITNESS.

18 THE COURT: MR. ROSENFELD?

19 MR. ROSENFELD: THANK YOU, YOUR HONOR.

20

21 **CROSS-EXAMINATION**

22 BY MR. ROSENFELD:

23 Q GOOD MORNING, SERGEANT. HOW YOU ARE DOING
24 TODAY?

25 A GOOD, SIR.

26 Q I'VE GOT A FEW QUESTIONS FOR YOU. YOU'RE
27 IN LAPD; RIGHT?

28 A YES.

1 Q AND ARE YOU PART OF VALLEY TRAFFIC?

2 A I AM NOT.

3 Q ARE YOU FAMILIAR WITH VALLEY TRAFFIC?

4 A I HAVE SOME FAMILIARITY WITH VALLEY TRAFFIC
5 DIVISION.

6 Q OKAY. WHAT AREA DOES VALLEY TRAFFIC COVER?

7 A THEY COVER THE OPERATIONS VALLEY BUREAU OF
8 THE LAPD, WHICH IS BASICALLY THE CITY OF L.A. PART OF
9 THE SAN FERNANDO VALLEY.

10 Q DO YOU KNOW HOW LARGE IT IS, HOW MANY
11 SQUARE MILES?

12 A OH, SQUARE MILES, I DON'T KNOW THE EXACT
13 NUMBER. A BALLPARK WOULD BE ABOUT 200 -- 200, 250.

14 Q WHAT ABOUT NORTH HOLLYWOOD? HOW LARGE IS
15 NORTH HOLLYWOOD?

16 A I BELIEVE NORTH HOLLYWOOD IS SOMEWHERE IN
17 THE AREA OF 15 TO 16 SQUARE MILES.

18 Q AND ARE THERE AREAS OF NORTH HOLLYWOOD THAT
19 ARE INDUSTRIAL?

20 A YES, THERE ARE.

21 Q AND ARE THERE AREAS THAT ARE RESIDENTIAL?

22 A YES.

23 Q AND ARE THERE AREAS THAT ARE RETAIL?

24 A YES.

25 Q AND WHERE THIS CHECKPOINT WAS SET UP,
26 VICTORY BOULEVARD AND ST. CLARE, THAT'S RIGHT BY THE 170
27 FREEWAY?

28 A YES.

1 Q AND IN ORDER TO GET ONTO THE 170 FREEWAY,
2 YOU WOULD HAVE TO GO THROUGH THE CHECKPOINT THAT YOU
3 SAID; CORRECT?

4 A TO GET ON THE 170 FREEWAY AT VICTORY, YES,
5 YOU WOULD HAVE TO -- GOING WESTBOUND, YOU WOULD HAVE TO
6 DRIVE TO THE CHECKPOINT AREA.

7 Q SO ANYBODY GOING WESTBOUND THAT WAS TRYING
8 TO GET ON THE 170 FREEWAY WOULD -- AND WANTED TO GET ON
9 AT VICTORY WOULD HAVE TO GO THROUGH YOUR CHECKPOINT?

10 A CORRECT.

11 Q OKAY. AND IF ANYBODY WAS GOING EASTBOUND
12 ON VICTORY AND THEY WANTED TO GET ON THE 170 WEST, WOULD
13 THEY BE ABLE TO DO THAT?

14 A TO GET ON THE 170 NORTH, YOU MEAN, SIR, TO
15 GO TOWARDS SANTA CLARITA?

16 Q RIGHT. WHERE THE CHECKPOINT WAS, WAS THE
17 SOUTHBOUND 170 ON-RAMP?

18 A IT WAS THE NORTHBOUND 170 ON-RAMP.

19 Q OKAY. SO TO GO NORTH ON THE 170, IF
20 SOMEONE WAS GOING EAST ON VICTORY, WOULD THEY BE ABLE TO
21 GET ON THE 170 NORTH?

22 A NO. WE ACTUALLY CONED OFF THE TURN LANE
23 ONTO THE NORTHBOUND 170.

24 Q SO WHAT WOULD SOMEBODY HAVE TO DO TO GET ON
25 THE 170 NORTH IF THEY WERE COMING EAST ON VICTORY?

26 A WELL, THEY COULD HAVE DONE ONE OF TWO
27 THINGS: THE DRIVER COULD HAVE GONE TO LAUREL CANYON AND
28 MADE A LEFT TO GO NORTH, AND THE NEXT ON-RAMP ON THE 170

1 WOULD HAVE BEEN SHERMAN WAY, AND THERE IS AN ON-RAMP AND
2 OFF-RAMP AT SHERMAN WAY; OR, CONTINUED SOUTH ON LAUREL
3 CANYON, AND THE OXNARD ON- AND OFF-RAMP OF THE 170 IS
4 ESSENTIALLY RIGHT AT LAUREL CANYON. SO EITHER WAY --
5 EITHER DIRECTION, IT'S ABOUT A MILE NORTH AND SOUTH.

6 Q IF SOMEBODY'S COMING EASTBOUND ON VICTORY,
7 APPROACHING THE CHECKPOINT, WHAT SIGNS ARE THERE TO
8 NOTIFY DRIVERS GOING EASTBOUND THAT THERE IS A ROADBLOCK
9 AHEAD?

10 A THERE AREN'T ANY SIGNS FOR EASTBOUND
11 TRAFFIC.

12 Q WHAT --

13 THE COURT: EASTBOUND TRAFFIC WAS NOT BEING
14 STOPPED; CORRECT?

15 THE WITNESS: NO, SIR.

16 THE COURT: THE ONLY THING THAT YOU DID WAS BLOCK
17 OFF THE RAMP ON THE FREEWAY FOR EACH TRAFFIC?

18 THE WITNESS: THAT'S CORRECT, SIR.

19 THE COURT: WHY?

20 THE WITNESS: BECAUSE OUR -- WE HAVE CARS AND
21 PEDESTRIANS THAT WERE STILL CROSSING, AND WE DIDN'T WANT
22 TO HAVE THE SPEED OF THE VEHICLES COMING INTO THAT TURN
23 TO BE A HAZARD FOR US TO WORRY ABOUT. IT'S A RELATIVELY
24 NARROW ON-RAMP AND TURN WITH PARKED CARS; A LITTLE BIT
25 DIM ON THE ON-RAMP.

26 THE COURT: HOW DO THE 1,100 -- OUT OF THE 1,100
27 SCREENED, WERE ANY OF THOSE TRAVELING EASTBOUND?

28 THE WITNESS: NO. THEY WERE ALL TRAVELING

1 WESTBOUND.

2 THE COURT: ALL RIGHT. GO AHEAD.

3 BY MR. ROSENFELD:

4 Q WHAT CONES OR BARRICADES DID YOU SET UP FOR
5 EASTBOUND TRAFFIC?

6 A FOR EASTBOUND TRAFFIC -- WE DIDN'T SET ANY
7 CONES UP FOR EASTBOUND TRAFFIC, OTHER THAN TO CONE OFF
8 THE LEFT-TURN LANE TO THE NORTHBOUND 170 ON-RAMP. I'M
9 SORRY. THE TURN LANE WOULD HAVE CLOSED OFF NOT ONLY THE
10 170 ON-RAMP, BUT IT CLOSED OFF THAT NORTHBOUND PORTION
11 OF ST. CLARE. SO A PERSON TURNING EASTBOUND VICTORY
12 INTO THAT TURN LANE CAN EITHER ENTER THE NORTHBOUND 170
13 FREEWAY, OR CONTINUE NORTHBOUND ST. CLARE. SO THERE IS
14 AN OPTION IF WE HADN'T BLOCKED IT OFF.

15 Q WERE THERE ANY POLICE CARS WITH THEIR
16 LIGHTS ON, DIRECTING TRAFFIC EASTBOUND ON VICTORY TO
17 DIRECT THEM AWAY FROM THE TURN LANE AND THE FREEWAY
18 ON-RAMP?

19 A NO, NOT PRIOR -- I DON'T RECALL ANY POLICE
20 CARS BLOCKED OFF ANY LANES BEFORE APPROACHING THAT TURN
21 LANE.

22 Q ALL RIGHT. YOU HAD TESTIFIED EARLIER
23 REGARDING A COMPSTAT STATISTICS?

24 A YES, SIR.

25 Q AND THE PAPERWORK MARKED AS PEOPLE'S 1, DID
26 YOU PREPARE THAT DOCUMENT YOURSELF?

27 A NO, I DID NOT.

28 Q DO YOU KNOW WHO PREPARED THAT DOCUMENT?

1 A THE SPECIFIC PERSON, I DO NOT. IT'S THE
2 COMPSTAT UNIT THAT WORKS OUT OF OUR REALTIME ANALYSIS
3 AND CRITICAL RESPONSE DIVISION, AND THEY WORK DIRECTLY
4 UNDER THE CHIEF OF POLICE.

5 Q DO YOU KNOW WHEN THAT DOCUMENT WAS ACTUALLY
6 PREPARED?

7 A I DO NOT.

8 Q DO YOU KNOW HOW THE INFORMATION IN THAT
9 DOCUMENT WAS ENTERED INTO THE COMPUTER SYSTEM?

10 A DO YOU MEAN WHERE THEY GET THE STATISTICS
11 FROM, OR HOW THEY PHYSICALLY ENTER IT INTO THE SYSTEM?

12 Q PHYSICALLY HOW IT WAS ENTERED.

13 A I AM NOT FAMILIAR WITH THEIR PROCESS ON HOW
14 THEY DO IT.

15 Q OKAY. SO WHEN YOU TELL US WHAT'S ON THAT
16 PIECE OF PAPER, ON WHAT'S BEEN MARKED AS EXHIBIT 1,
17 YOU'RE READING THE PIECE OF PAPER?

18 A THAT'S CORRECT, SIR.

19 Q YOU DON'T HAVE ANY INDEPENDENT KNOWLEDGE OF
20 THE NUMBER OF INJURIES OR DEATHS THAT OCCURRED IN A
21 PARTICULAR TIME PERIOD?

22 A PERSONAL KNOWLEDGE, I DO NOT.

23 Q AND AS FAR AS DUI-RELATED OFFENSES, DO YOU
24 HAVE ANY PERSONAL KNOWLEDGE OF WHAT THOSE WERE? WHEN
25 THOSE WERE?

26 A NO, SIR.

27 Q THE PEOPLE MARKED EXHIBIT 4, A NEWS
28 ADVISORY. DID YOU PREPARE THAT NEWS ADVISORY?

1 A I DID NOT, SIR.

2 Q DID YOU POST THAT NEWS ADVISORY ON LAPD'S
3 WEBSITE?

4 A NO, SIR.

5 Q DID YOU CHECK TO SEE WHETHER IT WAS POSTED
6 ON THE WEBSITE?

7 A ACTUALLY, I DID.

8 Q WHEN DID YOU DO THAT?

9 A I DID THAT THE DAY BEFORE THE CHECKPOINT.

10 Q OKAY. AND WHAT DID YOU FIND?

11 A THE PRESS RELEASE THAT LISTED THE DUI
12 CHECKPOINTS THROUGHOUT THE CITY, AS WELL AS OUR DUI
13 SATURATION PATROLS.

14 Q DID YOU CONTACT ANY NEWS AGENCIES OR
15 NEWSWIRE?

16 A I DID NOT, NO.

17 Q DO YOU KNOW WHO DID?

18 A I DO NOT.

19 Q OKAY. DO YOU KNOW IF THE INFORMATION WAS
20 ACTUALLY DISSEMINATED OR SHARED?

21 A I BELIEVE THE DAILY NEWS HAD IT ON THEIR
22 WEBSITE.

23 Q HOW DO YOU KNOW THAT?

24 A I GET A GOOGLE ALERT TEXT FROM ANYTHING
25 RELATED TO LAPD ON MY PHONE.

26 Q DID YOU GET THAT IN THIS CASE?

27 A I -- MY RECOLLECTION IS THAT I DID.

28 Q OKAY. DID YOU DOCUMENT THAT ANYWHERE?

1 A OH, I DID NOT.

2 Q SINCE MARCH 7TH OF THIS YEAR, HOW MANY DUI
3 CHECKPOINTS HAVE YOU PARTICIPATED IN?

4 MS. ROSMAN: OBJECTION. RELEVANCE.

5 THE COURT: OVERRULED. HE CAN ANSWER.

6 THE WITNESS: MY ESTIMATION, PERHAPS 20, 25.

7 BY MR. ROSENFELD:

8 Q AND DID YOU RECEIVE TEXT MESSAGES REGARDING
9 LAPD ALERTS ON ALL OF THOSE?

10 A I GET THEM WHEN -- WHEN THE MEDIA CARRIER
11 DECIDES TO PUBLISH IT. SO SOMETIMES THE MEDIA CARRIER
12 PUBLISHES IT, SOMETIMES THEY DON'T. SOMETIMES THE
13 SMALLER LOCAL PATCHES, LIKE THE STUDIO CITY PATCH,
14 PUBLISHES THOSE AND ANYTHING RELATED TO LAPD IS MY
15 SEARCH WORD THAT COMES UP ON MY GOOGLE ALERTS. SO THE
16 ANSWER IS SOMETIMES YES, SOMETIMES NO. SOMETIMES IF THE
17 CARRIER -- DEPENDS IF THE CARRIER DECIDES TO PICK IT UP
18 AND PRINT IT.

19 Q YOU WERE THE ONE RESPONSIBLE FOR
20 RECOMMENDING THIS LOCATION FOR A CHECKPOINT?

21 A YES, SIR.

22 Q HOW MANY TIMES HAVE YOU RECOMMENDED THIS
23 LOCATION BE USED AS A CHECKPOINT?

24 A JUST MY OWN ESTIMATION, PERHAPS ONE
25 PREVIOUS TIME.

26 Q SO HAS IT BEEN USED FOR A CHECKPOINT SINCE
27 THEN, THIS LOCATION?

28 A SINCE THEN, I'M NOT AWARE IF IT HAS BEEN OR

1 NOT. I DON'T BELIEVE IT HAS BEEN. I HAVEN'T WORKED
2 THIS LOCATION AGAIN SINCE THAT TIME, BUT I HAVE WORKED
3 THIS LOCATION PREVIOUSLY, PRIOR TO THIS CHECKPOINT.

4 Q OKAY. SO TO THE BEST OF YOUR KNOWLEDGE,
5 THIS PARTICULAR LOCATION WAS USED TWICE?

6 A YES, AT LEAST TWICE.

7 Q AND CAN YOU TELL US EXACTLY HOW MANY
8 ARRESTS WERE MADE AT THIS CHECKPOINT?

9 THE COURT: ON THIS --

10 MR. ROSENFELD: ON MARCH 7TH.

11 THE WITNESS: THE EXACT NUMBER -- I DON'T RECALL
12 THE EXACT NUMBER. I BELIEVE IT WAS SOMEWHERE IN THE
13 AREA OF EIGHT TO NINE.

14 BY MR. ROSENFELD:

15 Q IS IT DOCUMENTED SOMEWHERE?

16 A IT IS DOCUMENTED. WE DID KEEP -- WE KEEP A
17 LISTING OF THOSE WHO ARE ARRESTED.

18 Q DID YOU BRING ANY OF THAT WITH YOU TODAY?

19 A ACTUALLY, I DID NOT.

20 Q SO CAN YOU TELL US FOR CERTAIN THE NUMBER
21 OF DUI ARRESTS THAT WERE MADE ON MARCH 7TH?

22 A FOR CERTAIN, I CANNOT. I WOULD ONLY BE --

23 Q CAN YOU TELL ME HOW MANY ARRESTS TOTAL WERE
24 MADE AT THE CHECKPOINT?

25 THE COURT: OTHER THAN DUI, INCLUDING DUI AND
26 OTHER ARRESTS, AS THROUGH THE CHECKPOINT? IS THAT WHAT
27 YOUR QUESTION IS?

28 MR. ROSENFELD: NON-DUI ARRESTS.

1 THE WITNESS: FROM MY RECOLLECTION, I DON'T
2 BELIEVE ANYTHING OTHER THAN DUI-RELATED ARRESTS WERE
3 MADE.

4 BY MR. ROSENFELD:

5 Q CAN YOU TELL US HOW MANY CARS WERE TOWED?

6 A I DON'T RECALL THE EXACT NUMBER. I KNOW WE
7 GENERALLY DON'T TOW ANY, OR VERY, VERY FEW.

8 Q DO YOU RECALL TOWING ANY CARS IN THIS
9 PARTICULAR CHECKPOINT?

10 A MY RECOLLECTION IS THAT WE DID NOT TOW ANY
11 CARS. USUALLY, OUR -- WE LIKE TO LEGALLY PARK THEM, IF
12 POSSIBLE. OUR CURRENT POLICY GENERALLY WANTS US TO DO
13 EVERYTHING BUT TOW THE CAR, AND THAT'S EXACTLY WHAT WE
14 TRY TO DO. WE PARK IT LEGALLY, WITH THE OWNER'S
15 CONSENT, AND THE OWNER IS -- OR THE DRIVER IS GIVEN BACK
16 THE KEYS.

17 Q HOW MANY TRUCKS DID YOU HAVE ON SCENE?

18 A OH, WE DIDN'T HAVE ANY TOW TRUCKS ON SCENE.

19 Q WHERE DID YOU PARK THE CARS?

20 A AS FAR AS I BELIEVE, THEY WERE PARKED ON
21 ST. CLARE ALONG THE CURB. WE CLEAR OUT THE PARKING
22 AREA, AND CARS ARE PARKED THERE.

23 Q WHAT PARKING AREA?

24 A IT'S ACTUALLY ON THE STREET ON ST. CLARE.
25 IT'S THE NORTHBOUND ST. CLARE AT THE EAST CURB.

26 Q IS THAT AROUND THE CORNER FROM WHERE YOU --

27 A YES, IT IS, JUST 7,500 FEET.

28 Q OKAY. SO ANYBODY THAT WAS ARRESTED, THEIR

1 CARS WERE PARKED AROUND THE CORNER ON ST. CLARE?

2 A YES.

3 Q AND YOU HAD CLEAR STREET PARKING FOR THAT
4 PURPOSE?

5 A WE POSTED UP "NO PARKING" SIGNS. THE SIGNS
6 ARE OBTAINED FROM OUR DEPARTMENT OF TRANSPORTATION, AND
7 THOSE ARE POSTED FOR NO PARKING FOR THAT LIMITED PERIOD
8 OF TIME. I BELIEVE IT'S AN EIGHT-HOUR WINDOW.

9 Q YOU WERE THE ONE RESPONSIBLE FOR PICKING
10 THIS LOCATION ON VICTORY AND ST. CLARE; CORRECT?

11 A YES.

12 Q AND YOU SAID THAT IT WAS A WIDE STREET?

13 A VICTORY BOULEVARD IS A WIDE BOULEVARD
14 THOROUGHFARE.

15 Q AND YOU SAID IT WAS WELL-LIT?

16 A I CONSIDER IT TO BE VERY WELL-LIT IN
17 COMPARISON TO OTHER CITY STREETS.

18 Q COMPARED TO LIKE A RESIDENTIAL SIDE STREET?

19 A OR A -- AGAIN, IT DEPENDS ON THE PORTION OF
20 THE STREET. SOME PORTIONS OF THE STREET ARE WELL-LIT
21 BASED ON THE BUSINESS LIGHTING HERE. WE WERE RIGHT
22 UNDERNEATH WEST COAST UNIVERSITY, AND THEY HAVE A
23 VARIETY OF WHITE LIGHTS, AND THEY ALSO HAVE A LARGE
24 BILLBOARD SCREEN THAT THEY PUT MESSAGES ON. AND JUST
25 THOSE LIGHTS ALONE IS -- MAKES IT VERY BRIGHT EXACTLY
26 WHERE WE WERE AT, IN ADDITION TO OUR OWN LIGHTING.

27 Q YOU SAID THAT YOU HAD SIX OFFICERS ON THE
28 LINE; RIGHT?