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# CAUGHT ON CAMERA

## NARCS SNIP STORE'S SURVEILLANCE WIRES BEFORE THEY ALLEGEDLY LOOT & ROB IT: PAGE 3



Philadelphia Narcotics Unit officer is seen cutting store's surveillance-camera wires.

Security camera video image intentionally blurred



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# Video sharpens focus on raid

## Store owner's hidden back-up shows cops snipping security-camera wires

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**T**HE NARCOTICS officers knew they were being watched on video surveillance moments after they entered the bodega.

Officer Jeffrey Cujdik told store owner Jose Duran that police were in search of tiny ziplock bags often used to package drugs. But, during the September 2007 raid, Cujdik and fellow squad members seemed much more interested in finding every video camera in the West Oak Lane store.

"I got like seven or eight eyes," shouted Officer Thomas Tolstoy, referring to the cameras, as the officers glanced up. "There's one outside. There is one, two, three, four in the aisles, and there's one right here somewhere."

For the next several minutes, Tolstoy and other Narcotics Field Unit officers systematically cut wires to cameras until those "eyes" could no longer see.

Then, after the officers arrested Duran and took him to jail, nearly \$10,000 in cash and cartons of Marlboros and Newport were missing from the locked, unattended store, Duran alleges. The officers guzzled sodas and scarfed down fresh turkey hoagies, Little Debbie fudge brownies and Cheez-Its, he said.



Still image taken from a security video during a narcotics unit raid at a West Oak Lane grocery store on Sept. 22, 2007, shows an officer reaching for a video camera. The owner of the store has alleged that the raiding officers disabled all the security cameras in his store.

See the video: <http://go.philly.com/cops>

What the officers didn't count on was that Duran's high-tech video system had a hidden backup hard-drive. The backup downloaded the footage to his private Web site before the wires were cut.

Although Duran has no video of the alleged looting, he has a 10-minute video that shows the officers using a bread knife, pliers, milk crates and their hands to disable the surveillance system.

The officers didn't "touch the

money with the system looking," said Duran, who came to the United States from the Dominican Republic 15 years ago and has no prior criminal record in Philadelphia.

They touched "the money after

they destroy all the system," he said.

Duran, 28, of South Jersey, a technology buff, said that he was upset that the officers had wrecked his \$15,000 surveillance system.

"That was his main complaint — that they destroyed his surveillance system," Duran's attorney, Sonte Anthony Reavis, said last week. "I believed him."

Duran's video bolsters allegations by eight other Philadelphia store owners who said that Cujdik and other officers destroyed or cut wires to surveillance cameras. Those store owners also said that after the wires were cut, cigarettes, batteries, cell phones, food and drinks were taken. The *Daily News* reported the allegations March 20.

The officers also confiscated cash from the stores — a routine practice in drug raids — but didn't record the full amount on police property receipts, the shop owners allege.

Six more store owners or workers, including Duran, contacted the *Daily News* after the March 20 article. All six described similar ordeals involving destroyed cameras and missing money and merchandise.

The officers arrested the stores' owners for selling tiny bags, which police consider drug paraphernalia. Under state law,

See **VIDEO** Page 5

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## Transcript of the raid

The *Daily News* has obtained surveillance video of a Sept. 11, 2007, police raid at a West Oak Lane grocery store.

The following is a transcript of the raid before the officers — all from the Narcotics Field Unit — cut the wires to the store's surveillance camera, cutting off the audio feed:

**OFFICER THOMAS TOLSTOY:** Hand me the phone. Gimme the phone.

**STORE OWNER JOSE DURAN:** Hey, I work here.

**TOLSTOY:** Put your hands on your head.

**DURAN:** I'm the owner.

**OFFICER ANTHONY PARROTTI:** Put your hands on your head.

**DURAN:** I'm the owner. I'm the owner of the store. (inaudible)

**SGT. JOSEPH BOLOGNA:** How many people are in here?

**DURAN:** I'm the owner of the store. I'm talking to my brother-in-law

**BOLOGNA:** Who else is in the store? . . . You work here? You work here? Anybody else in the store? (inaudible)

**TOLSTOY:** Put your hands behind your back . . . Is there a gun in this store?

**DURAN:** No.

**TOLSTOY:** You're allowed to have one. I just want to know for my protection.

**DURAN:** I no have nothing in the store. (inaudible)

**OFFICER THOMAS KUHN:** You got anything on youse? No? OK. Anybody else — put your hands on your head. Anybody else in the back?

**STORE WORKER:** No. No, it's just you and me, working in the back. (inaudible)

**BOLOGNA:** Anybody live on the second floor, pal?

**DURAN:** No. Nobody lives there.

**BOLOGNA:** Do you have a basement here?

**DURAN:** Yes.

**TOLSTOY:** Is there any dogs in the basement?

**DURAN:** No, no dogs in the basement.

**BOLOGNA:** No?

**PARROTTI:** Why is that door locked up there? There's one door locked. (inaudible)

**DURAN:** That's not my property. That's somebody else's property.

**BOLOGNA:** Who lives in there?

**BOLOGNA:** Whaddya got, camer- as over there?

**DURAN:** Yeah.

**BOLOGNA:** Where are they hooked up to?

**TOLSTOY:** Right here. Here's the monitor.

**DURAN:** You see the monitor, right?

**BOLOGNA:** Yeah.

**TOLSTOY:** No gun, right?

**DURAN:** No.

**TOLSTOY:** You're allowed to have one.

**DURAN:** No, no, I no have one any- way because I'm not — (inaudible)

**OFFICER RICHARD CUJDIK:** Is that recording? Is that recording right now? . . . You have a gun in here?

**DURAN:** No. No.

**R. CUJDIK:** It's your store?

**DURAN:** Yes.

**R. CUJDIK:** You have a safe in here?

**DURAN:** No.

**R. CUJDIK:** Is there a safe in here?

**DURAN:** No.

**R. CUJDIK:** What's upstairs?

**DURAN:** Empty.

**R. CUJDIK:** Empty? What's in the basement?

**DURAN:** Merchandise, like-

**R. CUJDIK:** Whose ATM machine?

**DURAN:** Ahh . . .

**R. CUJDIK:** Yours?

**DURAN:** No. The company (pause) called Fast Cash.

**R. CUJDIK:** OK. . . . There's no gun in here, right?

**DURAN:** No.

**R. CUJDIK:** You're allowed to have a gun in here.

**DURAN:** No, I don't have any.

**R. CUJDIK:** You have any illegal drugs in here?

**DURAN:** No.

**R. CUJDIK:** You have any paraphernalia in here? Twelve- twelves [tiny bags often used for

Continued on Next Page

*Continued from Preceding Page*

drugs]?

**DURAN:** What you mean twelve-twelves?

**R. CUJDIK:** The baggies. You got twelve-twelves?

**DURAN:** I sell that only for green and —

**R. CUJDIK:** You have some?

**DURAN:** A little bit, yeah.

**R. CUJDIK:** Where they at?

**DURAN:** Right there.

**R. CUJDIK:** Right where?

**TOLSTOY:** I got it, right here.

**KUHN:** You got 'em?

**R. CUJDIK:** You got any in the basement?

**DURAN:** No.

**R. CUJDIK:** You got no cases?

**DURAN:** No.

**R. CUJDIK:** You got your car outside?

**TOLSTOY:** Did you say you sold out?

**DURAN:** What?

**TOLSTOY:** Did you say you sold out?

**DURAN:** No. No.

**ONE OF THE OFFICERS:** He only got a couple colors.

**TOLSTOY:** Oh, you sold out of green.

**R. CUJDIK:** That stuff's illegal, boss.

**DURAN:** Oh, I don't know. I buy the business-

**R. CUJDIK:** OK, it don't matter. You should know your business.

**OFFICER JEFFREY CUJDIK:** There's a recording device . . .

**DURAN:** (inaudible)

**R. CUJDIK:** You have cats in here, too?

*(J. CUJDIK asks a young store patron where he lives, what's his name, and his age. J. CUJDIK tells him that he can go.)*

**R. CUJDIK:** There's cameras all over the place.

**KUHN:** There's one here.

**R. CUJDIK:** Where's the video cameras? The cassette for it?

**J. CUJDIK:** Does it record? Does it record? I'm gonna seize it as evidence because you're selling drug paraphernalia. So we gotta get rid of it (inaudible). You got yourself on video selling drug paraphernalia.

**R. CUJDIK:** It's illegal, boss. It's illegal.

**TOLSTOY:** I got, like, seven or eight eyes.

**KUHN:** There's three right there.

**R. CUJDIK:** Is there more down-

stairs?

**DURAN:** No. No . . . (inaudible)

**TOLSTOY:** Listen to me. There's one outside. There is one, two, three, four in the aisles, and there's one right here somewhere.

**R. CUJDIK:** There's one in the back.

**BOLOGNA:** We'll take care of that.

**DURAN:** Can I call my — Can I call my wife?

**TOLSTOY:** No, you cannot call anybody. Not right now. You cannot call anybody.

**R. CUJDIK:** Just cooperate with us. Everything's gonna be cool, OK?

**STORE WORKER:** Ooh, Ooh, Ooh. That's OK. I work in the store. You know what I mean?

**R. CUJDIK:** You live in Jersey?

**DURAN:** Yeah. My wife come and get me.

**R. CUJDIK:** Is that your — Whose white van is that?

**DURAN:** That's my wife's. She . . . (inaudible)

**R. CUJDIK:** Where's the key to it?

**STORE WORKER:** The key to the store?

**R. CUJDIK:** I need the key to the store, and also, where's the key to the van? You got the key to the van?

**STORE WORKER:** No, just the key to the store.

**KUHN:** I need to be f---ing taller. You got a ladder in here, Cuz?

**DURAN:** In the back.

**KUHN:** In the back?

**TOLSTOY:** Yo, does this camera go home? Can you view this on your computer, too?

**DURAN:** I can see, yeah, home, yeah.

**TOLSTOY:** So your wife knows we're here, then?

**DURAN:** My wife? No. She not looking the computer right now. Like I'm not here . . . (inaudible)

**TOLSTOY:** Hey sarge?

**BOLOGNA:** Yeah.

**TOLSTOY:** Come 'ere.

**J. CUJDIK:** There's one in the back corner, right there.

**TOLSTOY:** It can be viewed at home.

**BOLOGNA:** OK, we'll disconnect it. That's cool.

*(screen goes black, audio only)*

**BOLOGNA:** They could watch what's happening at the store at your house?

**DURAN:** (inaudible). ★



A still image taken from a security-camera backup system video shows a hand with a knife reaching to cut the cord to a camera during a police raid of a West Oak Lane store. The camera was positioned behind the front counter.

**VIDEO**  
*Continued from Page 3*

it's illegal to sell containers if the store owner "knows or should reasonably know" that the buyer intends to use them to package drugs.

Duran alleged that the officers seized nearly \$10,000 in the raid on his store, on 20th Street near 73rd Avenue. He said that the money included a week's worth of profits and cash to pay his three employees.

The property receipt filed by the officers said that they had confiscated only \$785.

Told of the new allegations, George Bochetto, an attorney representing Cujdik, said that he stood by his earlier response:

"Now that the *Daily News* has created a mass hysteria concerning the Philadelphia Narcotics Unit, it comes as no surprise that every defendant ever arrested will now proclaim their innocence and bark about being mistreated.

"Suffice it to say, there is a not a scintilla of truth to such convenient protestations."

Police Commissioner Charles

Ramsey said that he's disturbed by the store owners' allegations.

"It's pretty serious and I want to get to the bottom of it," Ramsey said last week.

Cujdik is at the center of an expanding federal and local probe into allegations that he lied on search warrants to gain access to suspected drug homes and became too close with his informants.

Ramsey said that Duran's video now "needs to be made part of this larger investigation."

The video also calls into question the validity of the search warrant that enabled the officers to raid Duran's store.

In a search-warrant application, Officer Richard Cujdik — Jeffrey Cujdik's brother — wrote that he "observed" a confidential informant enter Duran's store to buy tiny ziplock bags at about 4:30 p.m. on Sept. 11, 2007.

The informant left the store two minutes later and handed two bags to Richard Cujdik, according to the search-warrant application.

Two-and-a-half hours later, at about 7 p.m., the Cujdik brothers and four other officers, including Tolstoy, Thomas Kuhn, Anthony Parrotti and squad supervisor

Sgt. Joseph Bologna raided the store.

The *Daily News* watched the time-stamped Sept. 11 surveillance footage between 4 and 5 p.m.: Not a single customer asked for or bought a ziplock bag.

"At the time, I had no reason to question the validity of the warrant," said Reavis, Duran's attorney.

When told by the *Daily News* that no bags were sold during that time frame, Reavis expressed shock.

"That's manufacturing evidence," Reavis said. "If the basis for the search warrant is a lie, that's perjury. It's illegal. It's criminal on the officer's part."

Richard Cujdik also wrote in the search-warrant application that the same informant had bought ziplock bags from Duran twice before — on Sept. 5 and 6, 2007. Duran said he was unable to locate the footage from those days.

The *Daily News* attempted to contact each of the officers who took part in the raid. Except for Bochetto's response on behalf of Jeffrey Cujdik, none returned

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messages seeking comment.

The footage from the day of the raid is crystal-clear:

Duran is chatting on his cell phone in front of the cash register when the officers enter the store. With gun drawn, Tolstoy is in the lead. Most of the officers are wearing vests or shirts with the word "Police."

Tolstoy handcuffs Duran. The officers ask routine questions: Does Duran have a gun? Does anyone live on the second floor? Are there dogs in the basement?

Then Sgt. Bologna looks up and waves his finger toward the ceiling: "Whaddya got, cameras over there? ... Where are they hooked up to?"

In fact, every officer seems fixated on the surveillance system.

"Where's the video cameras? The cassette for it?" Richard Cujdik asks.

"Does it record?" Jeffrey Cujdik quickly adds.

Officer Kuhn then steps up on a milk crate that he had placed underneath a ceiling camera and struggles to reach it. "I need to be f—ing taller," Kuhn mumbles as another officer laughs.

"You got a ladder in here, Cuz?" Kuhn asks Duran.

"Yo," Tolstoy calls out from behind the register. "Does this camera go home? Can you view this on your computer, too?"

"I can see [at], yeah, home, yeah," Duran replies.

"So your wife knows we're here, then?" Tolstoy asks.

"My wife? No. She not looking the computer right now," Duran says.

"Hey, Sarge ... Come 'ere," Tolstoy shouts out.

Bologna ambles over to the front counter.

Jeffrey Cujdik leans in and whispers, "There's one in the back corner right there."

"It can be viewed at home," Tolstoy says.

As the others talk, Officer Parrotti reaches up to another camera in front of the register. He pulls the wire down and slices it with a bread knife taken from the store's deli.

"OK. We'll disconnect it," Bologna assures Tolstoy. "That's cool."

Meanwhile, Parrotti's hand covers the camera lens and he appears to yank the camera from the ceiling.

The screen goes black.

"They could watch what's happening at the store at your house?" Bologna asks.

The audio cuts out.

There is footage of Kuhn looking for a camera outside the store and of Richard Cujdik searching Duran's white van. In the audio portion of the video, Richard Cujdik asks Duran, "Is that your — whose white van is that?"

Then Richard Cujdik simply asks for the keys and heads outside. The search warrant for the store makes no mention of a van. The *Daily News* could not find a search warrant for the van in court records.

The officers arrested Duran on misdemeanor charges of possessing and selling drug paraphernalia, specifically tiny ziplock bags.

The next day, while Duran was in jail, his brother-in-law Anthony Garcia entered the store, which had been locked after the officers left.

The place was trashed, Garcia said. Goods had been knocked off shelves onto the floor. The oven and deep fryer were left on and the refrigerator door was left open, spoiling the food inside.

"It looked like they were having



**Store owner Jose Duran (above, inset) alleges that narcotics officers trashed his West Oak Lane grocery during a Sept. 11, 2007, raid. This photo was supplied by Duran. He also said the officers helped themselves to chips, sodas, cakes and deli sandwiches.**

a party in there," he said. "There was a lot of money missing."

Garcia said that Duran's van was left unlocked with the keys in the center console.

The initial police report says that the officers "also recovered in the store ... eight (8) overhead cameras." The officers, however, do not list the cameras on any property receipt or state why they took them, according to police documents.

During the raid, Jeffrey Cujdik told Duran that he was seizing the cameras and computer monitor "as evidence because you're selling drug paraphernalia. So we gotta get rid of it. ... You got yourself on video selling drug paraphernalia."

Duran's cameras, however, were digital and contained no tape and, therefore, no evidence.

Commissioner Ramsey said that he couldn't think of any official reason for police officers to cut camera wires.

He said that the officers could confiscate surveillance equipment, including the cameras, if they believed that the footage provided evidence connected to the drug-paraphernalia case. But, Ramsey added, the officers must include the equipment on a property receipt and explain why they had confiscated the cameras.

"You wouldn't just cut it and take it, because that's somebody's private property," Ramsey said.

During the raid, Richard Cujdik told Duran that the ziplock bags were illegal. Duran tried to explain that he bought the store fully stocked and the bags were already inside.

"OK, it don't matter," Richard Cujdik told him. "You should know your business."

In February 2008, Municipal Court Judge James M. DeLeon sentenced Duran to nine months' probation after he pleaded "no contest" to the charges. He paid \$5,000 in attorney's fees.

And Duran, who was renting the first floor that housed the store, lost his lease. The building owner said that Duran had to leave to prevent the city from taking the building in forfeiture, Duran said.

He now operates a grocery in Camden County, but remains angry about the raid.

"That's not fair, what they did to me," Duran said. "That's no way to treat me when they don't know me."

"You work 18 hours [a day] and they come in and do that?" ★

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