

EXHIBIT O

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS ORIGINAL
3 EASTERN DIVISION
4 JUDGE FRANKLIN U. VALDERRAMA
5 MAGISTRATE JUDGE SHEILA M. FINNEGAN
6 MASTER DOCKET CASE NO. 19-CV-01717

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10 IN RE: WATTS COORDINATED
11 PRETRIAL PROCEEDINGS
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DEPONENT: TIMOTHY MOORE ON BEHALF OF THE CITY OF
 CHICAGO
DATE: MARCH 19, 2024
REPORTER: TALIA JACKSON

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<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND</p> <p>4 TIMOTHY MOORE:</p> <p>5 Paul Michalik, Esquire</p> <p>6 Reiter Burns</p> <p>7 311 South Wacker Drive</p> <p>8 Suite 5200</p> <p>9 Chicago, Illinois 60606</p> <p>10 Telephone No.: (312) 878-1294</p> <p>11 E-mail: pmichalik@reiterburns.com</p> <p>12</p> <p>13 ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED</p> <p>14 BY HALE & MONICO:</p> <p>15 Kelly Olivier, Esquire</p> <p>16 Hale & Monico</p> <p>17 53 West Jackson Boulevard</p> <p>18 Suite 330</p> <p>19 Chicago, Illinois 60604</p> <p>20 Telephone No.: (312) 500-2951</p> <p>21 E-mail: kolivier@halemonico.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, MICHAEL SPAARGAREN AND</p> <p>4 MATTHEW CADMAN:</p> <p>5 Jake Stortz, Esquire</p> <p>6 Leinenweber Daffada & Sansonetti LLC</p> <p>7 120 North LaSalle Street</p> <p>8 Suite 2000</p> <p>9 Chicago, Illinois 60091</p> <p>10 Telephone No.: (815) 993-4656</p> <p>11 E-mail: jrs@ilesq.com</p> <p>12 (Appeared via videoconference)</p> <p>13</p> <p>14 Also Present: Sydney Little, Videographer</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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3	PROCEEDINGS	9	3 The 30(b)(6) VIDEO deposition of TIMOTHY MOORE ON BEHALF	
4	DIRECT EXAMINATION BY MR. HILKE	11	4 OF THE CITY OF CHICAGO was taken at LOEJVY & LOEJVY, 311	
5	CONFIDENTIAL PORTION I REDACTED	88	5 NORTH ABERDEEN STREET, THIRD FLOOR, CHICAGO, ILLINOIS	
6	CONFIDENTIAL PORTION II REDACTED	107	6 60607, via videoconference in which some parties	
7	CROSS-EXAMINATION BY MR. MICHALIK	207	7 appeared remotely, on TUESDAY the 19TH day of MARCH 2024	
8	REDIRECT EXAMINATION BY MR. HILKE	221	8 at 10:02 a.m. (CT); said 30(b)(6) VIDEO deposition was	
9	RECROSS-EXAMINATION BY MR. MICHALIK	225	9 taken pursuant to the FEDERAL Rules of Civil Procedure.	
10	FURTHER DIRECT EXAMINATION BY MR. HILKE	227	10	
11			11 It is agreed that TALIA JACKSON, being a Notary Public	
12			12 and Digital Reporter for the State of ILLINOIS, may	
13	EXHIBITS	Page	13 swear the witness and that the reading and signing of	
14	Exhibit		14 the completed transcript by the witness is not waived.	
15	1 - Notice of Rule 30(b)(6) Deposition	12	15	
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2	Exhibit	Page	1	PROCEEDINGS
3	9 - January 13, 2017, DOJ Investigation of The Chicago Police Department	195	2	
4			3 THE VIDEOGRAPHER: We're on record. My name is	
5			4 Sydney Little. I'm the video technician, and Talia	
6			5 Jackson is the court reporter today representing	
7			6 Kentuckiana Court Reporters. We are located at the	
8			7 offices of Loevy & Loevy, 311 North Aberdeen Street,	
9			8 Chicago, Illinois 60607. Today is the 19th day of	
10			9 March, and the time is 10:02 a.m. Central. We are	
11			10 convened in person and by videoconference to take	
12			11 the deposition of Timothy Moore in the matter of	
13			12 Watts Coordinated Pretrial Proceedings, pending in	
14			13 the United States District Court for the Northern	
15			14 District of Illinois, Eastern Division, Master	
16			15 Docket Case number 19-CV-01717. Will everyone, but	
17			16 the witness, please state you're appearance, how	
18			17 you're attending, and the location you are attending	
19			18 from, starting with Plaintiff's Counsel?	
20			19 MR. HILKE: Wally Hilke for the plaintiffs,	
21			20 represented by Loevy & Loevy.	
22			21 MR. MICHALIK: Paul Michalik on behalf of	
23			22 Defendant City of Chicago and the witness, Timothy	
24			23 Moore. I'm attending in person.	
25			24 MR. FLAXMAN: Kenneth Flaxman for the Flaxman	
			25 plaintiffs, attending remotely.	

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1 MR. RAVITZ: Gary Ravitz for Kallatt Mohammed.
 2 I'm attending remotely.
 3 MS. OLIVIER: Kelly Olivier on behalf of the
 4 individual defendants represented by Hale & Monico,
 5 attending remotely.
 6 MS. MIAN: Aleeza --
 7 MR. STORTZ: Jake Stortz --
 8 MS. MIAN: Sorry. Go ahead.
 9 MR. STORTZ: Jake Stortz -- go ahead.
 10 MS. MIAN: Aleeza Mian for Ronald Watts,
 11 attending remotely.
 12 MR. STORTZ: Jake Stortz on behalf of the
 13 Leinenweber defendants, attending remotely.
 14 THE VIDEOGRAPHER: Okay. Thank you.
 15 Mr. Moore, will you please state your name for the
 16 record?
 17 THE WITNESS: Timothy Moore.
 18 THE VIDEOGRAPHER: Thank you. And do all
 19 parties stipulate that the witness is, in fact,
 20 Timothy Moore?
 21 MR. HILKE: Yes.
 22 THE VIDEOGRAPHER: Counsel via Zoom, do we
 23 stipulate to the witness' identity?
 24 MR. MICHALIK: Well, hearing no objection.
 25 THE VIDEOGRAPHER: Okay. I'm hearing no

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1 time. I really can't.
 2 Q. That's all right. So you've heard this
 3 before, but just a few things. We should speak one at a
 4 time so the reporter can take everything down, fair
 5 enough?
 6 A. Fair enough.
 7 Q. I'll ask that you let me finish my question
 8 and that you can -- I'll let you finish your answers;
 9 does that sound good?
 10 A. Sounds good.
 11 Q. I want to ask you my -- the best questions I
 12 can. If you don't understand me at any time, will you
 13 please ask me to clarify?
 14 A. I will.
 15 Q. And if you answer my question, I'll assume
 16 you've understood it, fair enough?
 17 A. Fair enough.
 18 Q. We can take breaks whenever you need, but I'll
 19 just ask that you answer any pending question before we
 20 go on break, fair enough?
 21 A. Fair enough.
 22 Q. Is there any reason you couldn't give true and
 23 honest testimony today?
 24 A. No.
 25 MR. HILKE: I want to show you Exhibit 1, our

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1 objection. Mr. Moore, will you please raise your
 2 right hand for the court reporter to swear you in?
 3 THE REPORTER: Sir, do you solemnly swear or
 4 affirm that the testimony you're about to give will
 5 be the truth, the whole truth, and nothing but the
 6 truth?
 7 THE WITNESS: I do.
 8 THE REPORTER: Thank you. Counsel, you may
 9 begin.
 10 DIRECT EXAMINATION
 11 BY MR. HILKE:
 12 Q. Good morning, Mr. Moore.
 13 A. Good morning.
 14 Q. I know you've been deposed at least a couple
 15 of times before. You've given testimony as the City of
 16 Chicago's 30(b)(6) witness before, correct?
 17 A. That is correct.
 18 Q. How many times?
 19 A. A -- a couple. I don't -- no more than four
 20 or five, I think.
 21 Q. Can you tell me what cases those were?
 22 A. I don't recall. I -- it's been a while.
 23 Q. What was the most recent time, if you
 24 remember?
 25 A. I honestly can't recall how -- the most recent

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1 30(b)(6) Notice. Do you mind marking this?
 2 (EXHIBIT 1 MARKED FOR IDENTIFICATION)
 3 THE REPORTER: Sure.
 4 THE WITNESS: Thank you.
 5 BY MR. HILKE:
 6 Q. Did -- sir, did you review this list of topics
 7 in preparation for the deposition today?
 8 A. I don't think I reviewed this document prior
 9 to today.
 10 Q. Let me draw your attention, do you see Topic
 11 11 on Page 2, the disciplinary systems within the
 12 Chicago Police Department available to address CRs
 13 initiated between 1999 and 2001? I mean, sorry, 2011?
 14 A. Yes.
 15 Q. And are you prepared to give testimony on that
 16 topic today?
 17 A. Yes.
 18 MR. MICHALIK: Okay. And, Wally, just for the
 19 record, that topic has been limited by subsequent
 20 conversations between Mr. Rauscher and Mr. Nolan,
 21 what -- to specify certain areas within the broad
 22 Topic 11.
 23 MR. HILKE: Sure. I'll -- let me put on the
 24 record what I understand. The subtopics that have
 25 been specified to be, and we can have a further

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1 conversation about that if we need to.
 2 BY MR. HILKE:
 3 Q. One of the subtopics the party discussed was
 4 which departments and divisions processed CRs, and how
 5 CRs were processed within the Chicago Police Department.
 6 Are you prepared to discuss that topic?
 7 A. Yes.
 8 Q. Another subtopic discussed was what changed
 9 and didn't change when the Office of Professional
 10 Standards became the Independent Police Review
 11 Authority. Is that a topic you're prepared to discuss?
 12 A. Yes.
 13 Q. Another subtopic was various disciplinary
 14 options, including SPARS and reassignment to desk duty.
 15 Are you prepared to discuss that subtopic?
 16 A. Yes, I am.
 17 Q. Another subtopic was policies and practices
 18 for accepting and investigating CRs. Are you prepared
 19 to discuss that subtopic?
 20 A. Yes, I am.
 21 Q. And another subtopic was purposes and goals of
 22 the disciplinary system. Are you prepared to discuss
 23 that subtopic?
 24 A. Yes.
 25 Q. And are you prepared to discuss all those

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1 subtopics for the time period of 1999 to 2011?
 2 A. Yes.
 3 Q. And then the Topic 12 on the next page is the
 4 Chicago Police Department's practices and policies for
 5 conducting confidential CR investigations and CR
 6 investigations associated with allegations of criminal
 7 conduct between 1999 and 2011. Are you prepared to
 8 discuss that topic?
 9 A. Yes.
 10 Q. Okay. And I'm not aware of anything that
 11 limits Topic 12 in any way. Are you prepared to discuss
 12 that topic in its entirety?
 13 A. Yes.
 14 Q. And that's the entirety -- that's -- as you
 15 understand it, those are the only two topics that, you
 16 know, as discussed just now that you're going to be
 17 presenting testimony on today, correct?
 18 A. As I understand it, yes.
 19 Q. Okay. Okay. Sir, without telling me what you
 20 said to your attorney, or what your attorney said to
 21 you, could you please tell me how you prepared for the
 22 deposition today?
 23 A. I reviewed, with my attorney, several
 24 depositions related to this case. I reviewed other
 25 police documents. There was an standard operating

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1 procedures form. There was one of our department
 2 orders. I think it was 93-03 That I reviewed. And
 3 there were -- there might have been an interrogatory and
 4 some, several other documents that -- that I reviewed.
 5 Q. And I'm sorry, I didn't hear what you said
 6 before several other documents.
 7 A. I think it was -- well, there -- there were
 8 several other documents, but there was an interrogatory.
 9 Q. **Interrogatory response.**
 10 A. Interrogatory, yes. That's -- yes.
 11 Q. Okay. I'm going to -- I'm going to take those
 12 things one thing at a time, please.
 13 A. Okay.
 14 Q. **Whose depositions did you review?**
 15 A. I reviewed retired Chief Debra Kirby, retired
 16 Chief Tina Skahill, retired Chief Juan Rivera, and
 17 Barbara West. I think she retired as an assistant
 18 deputy superintendent.
 19 Q. And to your knowledge, were those all
 20 depositions taken in proceedings by the Watts
 21 plaintiffs?
 22 A. I -- I believe, yes.
 23 Q. Okay. And you described some policy documents
 24 you reviewed, including 93 -- general Order 93-03?
 25 A. Yes. Correct.

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1 Q. Other than General Order 93-03, did you review
 2 any other general orders?
 3 A. No, no. Well, there was a -- I think general
 4 -- one packet contained, like, General Order, it might
 5 have been 08-01, or something like that. I think there
 6 was some other general orders mixed in, but I -- I
 7 mainly review 93-03.
 8 Q. Okay. And you mentioned an interrogatory
 9 response. Do you remember what -- whose interrogatory
 10 response you reviewed?
 11 A. I don't remember.
 12 Q. What was the content of the interrogatory
 13 response?
 14 A. It -- it kind of spelled out, I believe, the
 15 -- the process of conducting internal affairs
 16 investigations, I believe it was.
 17 Q. Okay. And you mentioned several -- you --
 18 what other documents beyond these four depositions, the
 19 policies you named, and the IA investigations, did you
 20 review to prepare?
 21 A. There was a standard operating procedures, a
 22 document that I reviewed and I think it was dated 19 --
 23 might have been 1999 or so, and it was for the Bureau of
 24 Internal Affairs.
 25 Q. Okay. And how long was the standard operating

<p>1 procedures document?</p> <p>2 A. I'd say maybe 40 pages.</p> <p>3 Q. Was that something you gathered on your own,</p> <p>4 or was it provided to you by counsel?</p> <p>5 A. It was provided to me by counsel.</p> <p>6 Q. Is that a document you had seen before?</p> <p>7 A. It is.</p> <p>8 Q. And any other documents you reviewed to</p> <p>9 prepare?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Okay. Would you -- are you currently employed</p> <p>12 by the Chicago Police Department?</p> <p>13 A. I am.</p> <p>14 Q. Could you talk me through the positions you've</p> <p>15 held and the time period you've held them since you've</p> <p>16 been in the department?</p> <p>17 A. I'll do my best. I entered the police academy</p> <p>18 in December of 1992. After completing my time in the</p> <p>19 academy, I was assigned to the 24th Police District.</p> <p>20 And that would've been in May of 1993. From there, I --</p> <p>21 I made sergeant in 1999 and I was assigned to the Third</p> <p>22 Police District. I remained -- in'99, in the third</p> <p>23 Police District until 2003, where I was detailed to the</p> <p>24 FBI's Joint Terrorist Task Force. I remained there for</p> <p>25 two years, and after I left in December of 2005, I was</p>	Page 18	<p>1 Affairs, where I currently work.</p> <p>2 Q. When you were on the joint FBI Terrorist Task</p> <p>3 Force from 2003 to 2005, did you participate in any</p> <p>4 public corruption investigations?</p> <p>5 A. I did not.</p> <p>6 Q. Okay. And then in 2006, for the five months</p> <p>7 you did confidential investigations, would that have</p> <p>8 included investigations of police officers?</p> <p>9 A. Yes.</p> <p>10 Q. And would've included public corruption</p> <p>11 investigations?</p> <p>12 A. You talking about at -- well, mainly, when I</p> <p>13 was in confidential, during that time, I -- yeah, I -- I</p> <p>14 investigated police officers and it was misconduct, but</p> <p>15 they weren't criminal cases for the most part at the</p> <p>16 time, because that was new to the unit.</p> <p>17 Q. And then in 2013, when you could return to --</p> <p>18 well, strike that actually. In -- other than</p> <p>19 conversations with your attorney, did you speak with</p> <p>20 anyone else to get ready for the deposition today?</p> <p>21 A. I did not.</p> <p>22 Q. Anything else you did to prepare for the</p> <p>23 deposition that I haven't asked you about yet?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>	Page 20
<p>1 assigned to the Area 1 Detective Division, robbery,</p> <p>2 burglary, theft team. Stayed there for about five</p> <p>3 months.</p> <p>4 And then in, I think it was sometime in 2006,</p> <p>5 I was assigned to the Bureau of Internal Affairs, and I</p> <p>6 was assigned to the Confidential Investigations Section</p> <p>7 of Internal Affairs. With -- five months later, I was</p> <p>8 reassigned to the Special Investigation Section of</p> <p>9 Internal Affairs, where I remained there for</p> <p>10 approximately seven years. After that, that would --</p> <p>11 that would take me to about 2013, where I was reassigned</p> <p>12 back to the Confidential Investigation Section of</p> <p>13 Internal Affairs, and that was done just so I can be</p> <p>14 detailed to the FBI's Law Enforcement Anti- Corruption</p> <p>15 Task Force, which I ended up working inside the FBI</p> <p>16 office space. I think that was, like, April of</p> <p>17 2014.</p> <p>18 And I remained there as a sergeant until I got</p> <p>19 promoted to lieutenant in 2017. When I made lieutenant,</p> <p>20 I remained at the FBI Task Force until 2020, when I made</p> <p>21 commander of Internal Affairs. And, at that point, I</p> <p>22 left the task force. About a year and a half later, in</p> <p>23 December of 2021, is when I retired from the police</p> <p>24 department. February of 2023, I was hired back as a</p> <p>25 civilian deputy director of the Bureau of Internal</p>	Page 19	<p>1 A. Oh, I'm sorry. I -- I did -- I -- I reviewed</p> <p>2 some of our databases just so I could formulate a</p> <p>3 timeline of -- of my employment. And I used our police</p> <p>4 -- BIA, Bureau of Internal Affairs, database to</p> <p>5 determine the years that I was assigned to Special as</p> <p>6 opposed to Confidential. And that was based on the</p> <p>7 cases that I handled, and they were marked Special</p> <p>8 Investigations, as opposed to Confidential</p> <p>9 Investigations. So I was able to pull that up to see my</p> <p>10 movement within Bureau of Internal Affairs.</p> <p>11 Q. Thank you. So that was just in regard to your</p> <p>12 own employment timeline, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay. And in -- are you aware of any policies</p> <p>15 governing the conduct of Internal Affairs investigations</p> <p>16 during the time period you're talking about, other than</p> <p>17 the ones you mentioned reviewing to get ready for today?</p> <p>18 A. Yes. I'm familiar with the policies.</p> <p>19 Q. Yeah. I'm sorry. What I meant is, you</p> <p>20 described a few specific policies you looked at, right?</p> <p>21 93-03, 08-01 --</p> <p>22 A. Yeah.</p> <p>23 Q. As well as the BIA standard operating</p> <p>24 procedures --</p> <p>25 A. Yep.</p>	Page 21

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22..25

<p>1 Q. -- correct?</p> <p>2 A. That's correct.</p> <p>3 Q. What I'm wondering is, other than those three</p> <p>4 sources of policies for those investigations, if there</p> <p>5 are any other sources you're aware of that govern how an</p> <p>6 Internal Affairs investigation should be conducted?</p> <p>7 A. Oh, yeah. We -- we have numerous department</p> <p>8 general orders and special orders that -- that govern</p> <p>9 that.</p> <p>10 Q. Okay. What are the other policies you're</p> <p>11 aware of that govern the conduct of Internal Affairs</p> <p>12 investigations?</p> <p>13 A. So I would have to -- I would have to access</p> <p>14 it in our Internal Affairs database, because there's --</p> <p>15 they all -- I mean, there's -- I think it's 08-01,</p> <p>16 08-02, 08-03. There's -- there's so many different</p> <p>17 department, general orders, and special orders that we</p> <p>18 have, and they're all numbered. But I just, I have not</p> <p>19 really committed those to memory.</p> <p>20 Q. And some of those I'm definitely aware of,</p> <p>21 like 93-03 has subcategories like 93-03-01, 93-03-02,</p> <p>22 correct?</p> <p>23 A. That's -- that is correct.</p> <p>24 Q. And the 08, whatever policy you're talking</p> <p>25 about has 08-01-01, 08-01-02, et cetera, correct?</p>	<p>Page 22</p> <p>1 Q. Could you tell me what your involvement was at</p> <p>2 the tail end?</p> <p>3 A. At the very end, and this is after both</p> <p>4 Mohammed and Watts had -- had been found guilty, we had</p> <p>5 to resolve the administrative portion. So I completed</p> <p>6 the summary, the closing summary report, and uploaded</p> <p>7 all their attachments to their case into our automated</p> <p>8 CR system. And I'm the one that recommended that they</p> <p>9 be separated from the police department</p> <p>10 administratively.</p> <p>11 Q. And what was your -- were you a sergeant at</p> <p>12 the time?</p> <p>13 A. I was a sergeant.</p> <p>14 Q. Okay. Okay. And so, your involvement, was</p> <p>15 that after there were actually the pleas or conviction</p> <p>16 in the criminal case and, subsequently, an</p> <p>17 administrative action?</p> <p>18 A. That is correct.</p> <p>19 Q. And then, other than recommending their</p> <p>20 separation following the guilty pleas or findings in the</p> <p>21 criminal case, was there any other step that Internal</p> <p>22 Affairs took then in relation to the Watts cases?</p> <p>23 A. No. I mean, aside from recommending that they</p> <p>24 be separated, that was -- that was basically it, because</p> <p>25 it is my understanding that they -- they both resigned</p>
<p>Page 23</p> <p>1 A. That is -- that's correct.</p> <p>2 Q. But other than those subcategories of 93 and</p> <p>3 08, can you help me understand what other policies are</p> <p>4 out there about Internal Affairs investigations, if</p> <p>5 there are any?</p> <p>6 A. Aside from our general orders and special</p> <p>7 orders, when we're talking about policy, that's --</p> <p>8 that's all that we -- we -- we go by, when we're</p> <p>9 conducting investigations.</p> <p>10 Q. Got it. So to understand the rules CPD has</p> <p>11 for conducting Internal Affairs investigations, it's the</p> <p>12 general orders and special orders where those will be</p> <p>13 memorialized, correct?</p> <p>14 A. That is correct.</p> <p>15 MR. HILKE: Okay. And just confirming to track</p> <p>16 it down, Paul, the standard operating procedures,</p> <p>17 that's a document produced in discovery by the City</p> <p>18 in this case?</p> <p>19 MR. MICHALIK: I believe it has been, yes.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. Okay. So from your time working in Internal</p> <p>22 Affairs, did you have any personal involvement in the</p> <p>23 investigations into Ronald Watts and Kallatt Mohammed?</p> <p>24 A. Yes. At the tail end of the investigation, I</p> <p>25 -- I did.</p>	<p>Page 25</p> <p>1 from the police department, or retired at that moment,</p> <p>2 so...</p> <p>3 Q. Got it.</p> <p>4 A. There was nothing else to be done.</p> <p>5 Q. There wasn't at that time, for example, a</p> <p>6 follow-up into other officers under Watts who were</p> <p>7 supervised by Watts, was there?</p> <p>8 MR. MICHALIK: I'm just going to object to the</p> <p>9 question. It's beyond the scope of this particular</p> <p>10 deposition, but you can go ahead and answer.</p> <p>11 THE WITNESS: No, that -- that concluded the</p> <p>12 investigation into this Watts and Mohammed case.</p> <p>13 There was no further investigative work to be done.</p> <p>14 BY MR. HILKE:</p> <p>15 Q. Okay. And then I have just a couple questions</p> <p>16 about your personal knowledge and connection, and then</p> <p>17 I'm going to move on to another topic. But before your</p> <p>18 involvement at the tail end, following the criminal</p> <p>19 conviction, did you have any knowledge of the</p> <p>20 investigation into Watts, Mohammed, or any officers on</p> <p>21 Watts's squad prior to that time?</p> <p>22 A. I did not.</p> <p>23 Q. Okay. All right. So one of the topics is</p> <p>24 about the conduct of criminal investigations -- or</p> <p>25 strike that. One of the topics is about confidential</p>

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1 investigations conducted within Internal Affairs from
 2 1999 to 2011.

3 A. Okay.

4 Q. And I think you already testified that any
 5 policies for conducting those investigations would be in
 6 the general orders or the special orders; is that
 7 correct?

8 A. That is correct.

9 Q. And so, in those orders, is there any way in
 10 which a confidential investigation differs in the
 11 investigative steps from any other Internal Affairs
 12 investigation to be conducted?

13 A. Yes. Just by the -- the nature of the cases
 14 that were handled by the Confidential Investigation
 15 Section. Those cases, they were usually long-term
 16 investigations that required coordination with either
 17 the U.S. Attorney's office or the State's Attorney's,
 18 surveillance work, and sometimes working with outside
 19 agencies to fulfill the requirements of the
 20 investigation. So and the -- and so that's kind of the
 21 main thing that differed, was the fact that Confidential
 22 had covert vehicles, we used resources from other
 23 agencies, and we conducted a lot of surveillance at
 24 Confidential.

25 Q. That makes sense. In terms of -- now the

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1 and there may be more surveillance involved. But in
 2 terms of just how the policies list out the steps, it's
 3 the same set of steps that are listed in the policies
 4 for any kind of Internal Affairs investigation, correct?

5 A. Yes. For the most part, yes.

6 Q. Are there any -- is there anywhere you saw in
 7 the policies that sets out, here's how the steps that
 8 you take in an investigation are different when you're
 9 doing a confidential investigation?

10 A. Well, like I said, the -- the different steps
 11 will be the -- the fact that these are long-term, covert
 12 operations in confidential, which differs from cases in
 13 special and general, where you just contact everyone,
 14 gather information, bring everybody in, and interview
 15 everyone, you know, in real time, as opposed to doing
 16 surveillance and gathering information and -- and
 17 working with the State's Attorney's office and the U.S.
 18 Attorney's office to pursue criminal charges for most of
 19 the cases that -- that happen outside of the -- inside
 20 of the Confidential Section.

21 Q. And are those differences written out in the
 22 general order and special order that govern the
 23 investigations?

24 A. Yes.

25 Q. Okay.

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1 general orders and special orders, they provide, for
 2 example, a list of steps that should be taken in an
 3 Internal Affairs investigation, correct?

4 A. That's correct.

5 Q. And in terms of the overall investigative
 6 steps, are those the same between general Internal
 7 Affairs investigations and confidential investigations?

8 A. Yes. On the onset, yes, they -- they are the
 9 same to the point where you -- you make contact with the
 10 complainant to find out the nature of the -- of the
 11 investigation and find out what we're dealing with here.
 12 At that point is where the case is assigned to either
 13 the Confidential Section, Special Investigation Section,
 14 or General Section. And after that's determined, the
 15 case is assigned to an investigator in that particular
 16 section and then the -- the investigation is worked up
 17 and handled. And if -- if you're asking about the
 18 processes of it, so we -- we have to gather, like, if we
 19 have witnesses to what happened, we -- we gather the
 20 information of the witnesses. If there's any kind of
 21 external, like, media, like, video camera footage or --
 22 we gather all of that just to build our case.

23 Q. That makes sense and I understand that
 24 operationally, there are going to be different
 25 considerations, because, for example, it's longer term

1 A. Yes, I believe, yeah, that was in 93-03.
 2 Q. And so -- and was that the -- was the reason
 3 for listing the differences in investigative steps
 4 between confidential investigations and regular
 5 investigations, was the purpose of listing those
 6 differences in the general orders and special orders so
 7 that Internal Affairs investigators would know what
 8 other and additional things they need to do during any
 9 confidential investigations?

10 A. Well, it -- it would -- it would provide --
 11 yeah, it would -- it would provide an understanding of
 12 what to be -- what's to be expected when you work in
 13 Confidential and the different types of cases you would
 14 work and the manner in which you would work those cases.
 15 I mean, I just -- wait, are you still asking about the
 16 differences, or...

17 Q. I -- I'm more asking about the purpose of
 18 writing down the differences in the general orders and
 19 special orders. The purpose is so that confidential
 20 investigators can be informed as to what they might need
 21 to do differently in a confidential investigation,
 22 correct?

23 A. No. Well -- well, I -- I think it's to a
 24 larger degree that we -- each order kind of spells out
 25 everything that needs to be done within Bureau of

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1 Internal Affairs. So there are sections within our
 2 department, with our department policy that just
 3 explains, like, every nuance to the different
 4 investigative sections, just so we -- everyone can kind
 5 know what to do, what to expect, and how to do it, and
 6 follow a certain guideline.

7 Q. Right. And so, if, for example, if an --
 8 well, strike that. And did that -- in addition to
 9 confidential investigations, there was also a unit
 10 within Internal Affairs that did criminal
 11 investigations, correct?

12 A. Right. So -- yes.

13 Q. And so, did -- is the same thing, true for the
 14 criminal investigation section? The differences in how
 15 they proceed are going to be in the general orders and
 16 the special orders?

17 A. Okay. So there -- there was not a criminal
 18 investigation section.

19 Q. Okay.

20 A. There was there was the Confidential
 21 Investigation Section that handled criminal matters.

22 Q. I understand. Let me back up, then. What
 23 were the sections of Internal Affairs investigators
 24 during this time?

25 A. So you -- you had Confidential, you had

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1 Special, you had General. Then you have the
 2 administrative section, the advocate section, and the
 3 record section.

4 Q. And then the three investigative subunits are
 5 going to be confidential, special, and general, correct?

6 A. That is correct.

7 Q. Okay. So a better question would've been the
 8 differences between Confidential Investigations, Special
 9 Investigations, and General Investigations, those are
 10 going to be delineated in the general orders and special
 11 orders, correct?

12 A. Yes.

13 Q. Okay. And you mentioned different unit --
 14 could you tell me what are the different subunits within
 15 the Confidential Investigation Section during this time
 16 period?

17 A. Within Confidential, you have the -- the
 18 medical team that -- that oversaw medical abuse. If
 19 somebody is on the medical and they're outside lifting
 20 weights when they had an arm injury. So we have those
 21 cases. We have residency cases. If you work for the
 22 police department or the City, you have to live within
 23 the City. So we -- we had a section that investigated
 24 officers for residency violations. We had the -- the
 25 criminal team that worked up the criminal

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1 investigations, and -- and then there was like, within
 2 Confidential, there was a general team. There was a
 3 General team that just handled kind of everything that
 4 belongs to Confidential that is not one of those
 5 subcategories that I mentioned.

6 Q. So do I understand correctly that there are
 7 four separate teams, medical, residential, criminal, and
 8 general?

9 A. Within Confidential.

10 Q. Within Confidential?

11 A. Yes.

12 Q. Okay. And what about in the special
 13 investigations unit? What subunits, if any, are there
 14 within that group?

15 A. So within special, you -- you had a team that
 16 worked the EEOC complaints. There was a team that
 17 worked a rank investigation, which were -- that's the
 18 team I was on, and that was lieutenants and above. We
 19 investigated those cases. We also investigated the,
 20 what I considered to be the high-profile media cases.
 21 These cases where you'll -- you'll see an -- an officer,
 22 you know, conducting misconduct that's newsworthy that
 23 needs to be worked up quickly because the people want
 24 answers. So that also fell under the Special
 25 Investigation Section.

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1 Q. Okay. So I'm hearing those as three separate
 2 units, EEOC, rank, and high profile?

3 A. High-profile, correct.

4 Q. Okay. And what about in the -- among the
 5 general investigations? Is that divided into different
 6 subunits?

7 A. So no, general investigations are handled by
 8 -- usually, it's like some of the newer investigators,
 9 and they handle everything that's not handled by Special
 10 or Confidential, but they do handle officer intoxication
 11 cases, on or -- on or off duty, officers involved in a
 12 -- traffic crashes. Just your -- your run-of-the-mill
 13 complaints that come in against officers that are not
 14 handled by Special, Confidential, or IPRA, OPS, or now
 15 COPA. So the bulk of our cases in BIA are handled by
 16 general.

17 Q. Okay. One second. So from 1999 to 2011, you
 18 -- I'll use the abbreviation CR to mean complaint
 19 registered, fair enough?

20 A. Fair enough.

21 Q. During that time period, the City could
 22 receive complaints of misconduct from residents,
 23 correct?

24 A. That is correct.

25 Q. And other officers could also make complaints

1 against each other, correct?

2 A. That is correct.

3 Q. And supervisors could request that an
4 investigation of misconduct be initiated against their
5 subordinates, correct?

6 A. That is correct.

7 Q. Likewise, an officer could request an
8 investigation against one of their superiors, correct?

9 A. Correct.

10 Q. Other than coming from an officer or coming
11 from a resident, were there any other sources from which
12 complaints were generated?

13 A. Yeah. During that time frame, a citizen can
14 -- could go to OPS to file a complaint. They can go to
15 IPRA to file a complaint. They can file a complaint
16 over the phone. They can -- they can file a complaint
17 with any supervisor, with any district, or with any
18 unit. Yeah, that's the -- the main reason -- the main
19 ways to do it, yes.

20 Q. So other than, like, a civilian initiating a
21 complaint or an officer making a complaint, there wasn't
22 like a third way, like a computer system that would
23 generate a complaint automatically, was there?

24 A. At that time, no.

25 Q. Okay. It would have to -- it would have to be

1 either a civilian deciding to initiate one or a -- an
2 officer deciding to initiate one, correct?

3 A. That is correct.

4 Q. Can you walk me through, and I know that IPRA
5 came onto the scene during this time frame we're talking
6 about, right? 1999 to 2011. So if this process
7 differs, you know, changed during the time, please just
8 advise me of that and I'll ask you about, you know, any
9 distinct time period where the process might have been
10 different; is that fair enough?

11 A. That's fair.

12 Q. Can you tell me -- can you describe to me as
13 sort of the initial stage of a complaint? What -- after
14 a complaint is received, whether from an officer or from
15 a civilian, what the initial stage is in processing that
16 complaint.

17 A. Okay. So -- so when the when the complaint is
18 received to either Internal Affairs or directly to IPRA
19 or COPA, the -- the cases -- all cases are like,
20 basically, triaged through either OPS or IPRA, at the
21 time. So if -- if I was a sergeant and I received a
22 complaint from a citizen, I would do an initiation
23 report that would spell out, you know, everything: who
24 the complainant is, who the accused officer is, list of
25 witnesses. And I would put that in a memo, a to-from

1 subject report. And then that, at the time, would be
2 faxed over to IPRA or COPA.
3 At that point, they will determine if they're
4 going to keep that case and handle it, if it fell under
5 their jurisdiction, or if they'll send it back to the
6 BIA after they've assigned a log number to it. Then if
7 it comes back to us, we'll handle the investigation. If
8 they decide to keep it, if it's -- if it falls within
9 their purview, they'll keep the case, and they will --
10 they will investigate it themselves.

11 Q. Okay. And when you say Internal Affairs, is
12 that the same as the Bureau of Internal Affairs, or
13 BIA?

14 A. Yes. Yes, it is.

15 Q. And the log number that's generated, is that
16 the same as the CR number that's used to track the
17 complaint?

18 A. So what happens is, all cases, all
19 investigations are assigned initially a log number.

20 Q. Okay.

21 A. That's the -- that's how it's -- especially
22 back then, they were at log numbers. So when you
23 mention CR number, these log numbers are converted to CR
24 numbers when the sworn affidavit has been executed.
25 Then once it's been executed and signed off by the

1 complainant, then within the auto CR system, there is a
2 -- a toggle button and you would -- you would switch it
3 over to a CR number. So that's -- so all the numbers
4 come, in back then, as infos. Not all, but most of them
5 come in as infos, and then we convert them -- I'm sorry,
6 as log numbers. Then we convert them to CR numbers,
7 unless the person making the complaint is a officer. If
8 it's an officer complaining against an officer, that
9 case is automatically a CR number.

10 Q. I understand. And when it changes from a log
11 number to a CR number, does that change the number?

12 A. It does not.

13 Q. Okay. One second. Okay. And IPRA is the
14 agency that replaced OPS, correct?

15 A. That is correct.

16 Q. And when OPS was in -- was in effect all of
17 its investigators were civilians, correct?

18 A. I -- I believe, because this is going back
19 sometime, but I believe there were sworn Chicago police
20 officers assigned to work at OPS at the time.

21 Q. And so, that would -- including up until the
22 time it became IPA, correct?

23 A. I'm not sure of the time frame, but I do
24 recall there being Chicago Police officers at OPS.

25 Q. Okay. And then when IPRA was created, did any

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<p>1 sworn CPD officers work there?</p> <p>2 A. No.</p> <p>3 Q. And do you know -- and did OPS also employ</p> <p>4 civilian investigators?</p> <p>5 A. Yes.</p> <p>6 Q. Were most of the investigators at OPS</p> <p>7 civilians?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. What was the extent of sworn officers</p> <p>10 participation as in -- as working within OPS?</p> <p>11 A. From what I recall, the sworn officers and the</p> <p>12 civilian investigators, they did the same work. It's</p> <p>13 just that they had sworn officers doing investigations</p> <p>14 for them as well.</p> <p>15 Q. Okay. What is the -- what is the Auto CR</p> <p>16 system?</p> <p>17 A. The Auto CR system is the -- is the -- it's an</p> <p>18 electronic system that we use to investigate our cases.</p> <p>19 So we were able to upload all of our attachments to the</p> <p>20 cases. We were able to memorialize who the accused</p> <p>21 were, the witnesses were, and that's the case we use to</p> <p>22 -- just really to work up the whole investigation and</p> <p>23 then to submit it for approval once we close the case.</p> <p>24 So that -- that was a standalone system. It had nothing</p> <p>25 to do with OPS or IPRA. It was our internal database</p>	Page 38	<p>1 THE WITNESS: I'm -- I'm not aware.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Got it.</p> <p>4 A. I'm not aware of that.</p> <p>5 Q. So you wouldn't have an answer one way or</p> <p>6 another as to whether CPD participated in -- like, for</p> <p>7 example, the superintendent participated in selecting</p> <p>8 the leadership of IPRA?</p> <p>9 A. I would have no knowledge of that.</p> <p>10 Q. Okay. You're not aware of any role that</p> <p>11 prevent the superintendent from weighing in on these</p> <p>12 leadership of IPRA, are you?</p> <p>13 MR. MICHALIK: Object to form.</p> <p>14 THE WITNESS: I'm not aware.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. You understand, just because I got a form</p> <p>17 objection, that by weighing in, I mean the</p> <p>18 superintendent participating in, you know, giving</p> <p>19 feedback on or otherwise having involvement in the</p> <p>20 selection of IPRA's leaders?</p> <p>21 A. Yes. I understood, yeah.</p> <p>22 Q. Then -- so when IPRA and OPS investigated CRs,</p> <p>23 did the Bureau of Internal Affairs have any involvement</p> <p>24 in that investigation by OPS or IPRA?</p> <p>25 A. No.</p>	Page 40
<p>1 that was used to work up our complaints.</p> <p>2 Q. Did the Bureau of Internal Affairs also use --</p> <p>3 wait, sorry. Let me take a step back. Did OPS and IPRA</p> <p>4 also use Auto CR, or was it just -- well, actually,</p> <p>5 strike that. Did both the Bureau of Internal Affairs</p> <p>6 and OPS and IPRA use the Auto CR system?</p> <p>7 A. No, that was just our system. Now, if they</p> <p>8 had a different version of our system, I wasn't aware of</p> <p>9 that because I never worked there. But I -- as I -- as</p> <p>10 a supervisor, even up to a commander, I -- I just -- I</p> <p>11 never saw their cases within our system. It was only</p> <p>12 our investigators that were working within that system.</p> <p>13 Q. During -- no. Was the -- was the leadership</p> <p>14 -- well, it was leadership of OPS Civilian Law</p> <p>15 Enforcement, or could it be either?</p> <p>16 A. I -- I'm not aware -- I wasn't aware of their</p> <p>17 leadership structure. I'm not sure.</p> <p>18 Q. And what about IPRA?</p> <p>19 A. IPRA, their -- their leadership was civilian.</p> <p>20 I do recall that.</p> <p>21 Q. And, the City -- what was -- what was CPD's</p> <p>22 role, if any, in giving input to the leadership of</p> <p>23 IPRA?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question.</p>	Page 39	<p>1 Q. And when OPS investigated CRs, did the Bureau</p> <p>2 -- and -- so let me -- there's kind of two separate</p> <p>3 sides to it, right? One is the Bureau of Internal</p> <p>4 Affairs, and the other is OPS, later IPRA, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Did either agency have involvement in the</p> <p>7 other's investigations?</p> <p>8 A. I can say with certainty for IPRA, no. OPS,</p> <p>9 it goes back -- it goes back quite a while and, as I</p> <p>10 said, they had sworn CPD officers working at OPS. So I</p> <p>11 just don't know if they had any involvement in Internal</p> <p>12 Affairs cases back then.</p> <p>13 Q. Sure.</p> <p>14 A. I can't say for certain.</p> <p>15 Q. During our time period, 1999 to 2011, do you</p> <p>16 have any reason to believe they would have had</p> <p>17 involvement in those investigations?</p> <p>18 A. I -- I have no reason to believe that they</p> <p>19 would have.</p> <p>20 Q. Okay. Other than OPS or IPRA, you know,</p> <p>21 taking the -- being the first reviewer of complaints to</p> <p>22 decide if they were going to keep them or refer them to</p> <p>23 Bureau of Internal Affairs, are you aware of --</p> <p>24 actually, Let me take a step back. At one point during</p> <p>25 this time period, I believe it's the 2003 to 2007</p>	Page 41

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1 Fraternal Order of Police contract, there is introduced
 2 an affidavit requirement for investigating complaints,
 3 and also an affidavit override procedure. Are you
 4 familiar with those?

5 A. I am.

6 MR. MICHALIK: I'm just going to object to that
 7 form of that question, the preliminary aspect of
 8 that, but the answer can stand.

9 BY MR. HILKE:

10 Q. Sure. And as far as the affidavit override
 11 procedure, that meant the head of OPS or IPRA could
 12 override the lack of a civilian affidavit if requested
 13 to by the Bureau of Internal Affairs, correct?

14 A. That is correct.

15 Q. And, likewise, the other way, that the head of
 16 the other agency could override from the first, correct?

17 A. That is correct.

18 Q. Other than sort of processing the complaint
 19 initially for assignment and that override procedure,
 20 are you aware of any other interaction between Bureau of
 21 Internal Affairs and OPS-IPRA during this time period?

22 A. No. No.

23 Q. And would it be -- would it be all right if we
 24 agree when we say OPS or IPRA, we're referring to both
 25 during this time period, unless we further specify?

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1 A. If that helps you.

2 Q. It will help me. I'm going to get tired of
 3 saying OPS-IPRA, if you don't correct me.

4 A. Sure. Not a problem.

5 Q. Thank you. So getting back to the stages.
 6 After OPS decides whether it will retain the complaint
 7 or refer it back to the Bureau of Internal Affairs,
 8 what's the next stage in the investigation?

9 A. Well, if it's -- if it's returned back to the
 10 Internal Affairs Division, then that case would -- well,
 11 first of all, it would be a determination made of what
 12 section within Bureau of Internal Affairs it would go
 13 to. So if it stays in Special, then the administrative
 14 sergeant in the Special Investigations section would
 15 create a folder, put whatever attachments he or she has
 16 available into the folder, and then assign that case to
 17 an investigator. And that's the same for General and
 18 Special as well, they all have administrative sergeants
 19 assigned to those sections, and they'll create the file
 20 folder and add any attachments that were obtained from
 21 COPA. Well, not -- I'm sorry. IPRA or OPS and have it
 22 -- it will be in a file already.

23 Q. Is that the same process for OPS-IPRA? You
 24 put everything in a folder, you put in the attachments,
 25 and you assign it to an investigator?

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1 A. If it's assigned to OPS or IPRA?

2 Q. Yeah.

3 A. I don't know their process. You know what I
 4 mean? So if they -- if they keep the case, I don't know
 5 how -- how they would assign their cases because that's
 6 not -- I don't -- I -- I was never able to see what they
 7 did.

8 Q. Okay. So you don't -- do you have any reason
 9 to believe that OPS and IPRA had a procedure for what
 10 they did when they assigned an investigation, in terms
 11 of putting the materials together for the investigator?

12 A. Well, I'm -- I'm sure they had a procedure
 13 because what I -- what I do know is at the tail end of
 14 your investigations, their cases would come to the
 15 Internal Affairs Division and it would be housed in our
 16 records section, and their file folders and attachments
 17 looked similar to ours. So I'm -- I'm almost certain
 18 that their processes were pretty similar.

19 Q. Okay. And is that -- and so, based on how the
 20 folders -- well, strike that. Okay. And in describing
 21 what's similar, you're specifically describing the
 22 process of gathering materials to assign a case to an
 23 investigator, correct?

24 A. Right. So what I'm -- what I'm saying is you
 25 have a manila folder, right? Inside the folder --

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1 inside every folder is going to be a face sheet, and
 2 that's going to spell out the allegations and who the --
 3 the complaint itself, and who the complainant is, and
 4 who the accused officers or witnesses are. If we have
 5 them, it's going to be on the face sheet. And that's --
 6 unless there's some other photos or anything, that is
 7 what the investigators are going to get NBIA and now, I
 8 can assume, as well as OPS or IPRA.

9 Q. Okay. So then, what's the next step in the
 10 investigations?

11 A. The next step is to -- you're going to review
 12 the face sheet. I'm going to see what the allegations
 13 are. I'm going to see who the accused officer is.
 14 You're going to determine whether or not that accused
 15 officer is still employed with the City because why
 16 conduct this investigation when he's no longer working,
 17 you know, to a certain extent. And then, from there,
 18 you'll determine who the -- if there were any witnesses
 19 and at -- so, at that point, once you have everything,
 20 then you reach out to the complainant and you set up an
 21 interview with the complainant to see if everything
 22 that's contained in that initial quick view sheet, face
 23 sheet, is the extent of their complaint, or if they have
 24 anything else to add, or additional information.

25 Q. Okay. If -- when -- if the investigator

1 contacts the complainant and the complainant gives a
 2 statement that indicates additional allegations, maybe
 3 warranted, are you able to expand the allegations in the
 4 investigation?

5 A. Oh, definitely.

6 Q. And, you mentioned to an extent why
 7 investigate an officer if they've left the department.
 8 What was the practice during this time as to what would
 9 be done, if the officer had left the department?

10 A. Well, depending on the nature of the
 11 allegation and depending on the date that the incident
 12 happened and the date that the officer retired because,
 13 if the date of the incident, like, occurred -- April 1st
 14 is the date of the incident, but the officer retired in
 15 March, that officer is no longer a department member, so
 16 we would not investigate that case.

17 Q. But, what if -- what if the incident is from
 18 before the date the officer left the department? What
 19 is the --

20 A. Right. So we would -- we would -- so we would
 21 in -- we would investigate the case. We would take all
 22 the witness statements and we'll interview the
 23 complainant and, at that point, when it's -- so, we
 24 won't -- we would reach out to the -- to the officer, if
 25 we're going to serve allegations. But, most times, if

1 the officer is no longer employed, they refuse to come
 2 in because they're not going to be paid to come in, so
 3 they're not going to want to come in. So then, we would
 4 finalize the investigation and oftentimes put it in a --
 5 what's considered a closed hold status.

6 Q. Okay. So the practice during this time was to
 7 continue investigations against an officer, even if that
 8 officer had retired, as long as the allegation occurred
 9 before the retirement, correct?

10 A. And as you -- and -- and as long as the
 11 complainant signs the affidavit.

12 Q. Okay. Let me take a step back. During this
 13 time period, CRs could also be assigned to supervisors
 14 within the accused officer's chain of command for
 15 investigation, correct?

16 A. That is correct.

17 Q. And I've heard that referred to as, like, an
 18 accountability sergeant. Is that familiar to you?

19 A. That's -- that's the newer term. We do have
 20 accountability sergeants currently in all districts in
 21 all units.

22 Q. Okay. So if that's newer, what was -- I want
 23 to focus on this 1999 to 2011 period --

24 A. Okay.

25 Q. -- and not what's newer. How did it -- what

1 was the process by which an accused officer's supervisor
 2 would be assigned a CR to investigate during this time
 3 period?

4 A. Okay. During that time period, there were
 5 certain districts, if they had the manpower, they would
 6 assign -- they would have a CR sergeant that handled all
 7 CRs, if they had the manpower to do that. If -- but,
 8 that's -- that's -- that didn't happen a lot. So where
 9 you had units that didn't have a CR sergeant, those
 10 cases would be assigned to the district and it would be
 11 handled by the officer's immediate supervisor.

12 Q. And would that be -- would OPS decide that the
 13 complaint should go to the district as part of its
 14 process of reviewing the CR?

15 A. Well, the -- no. So what happens is OPS,
 16 they're like the repository, they all go to OPS. Those
 17 cases are assigned to Internal Affairs, and then
 18 Internal Affairs supervisors, or administrative
 19 sergeants, will determine if those cases are to be
 20 handled in the unit with the -- where the incident
 21 occurred, or if it will be kept at BIA.

22 Q. Got it. So the only CRs that would be
 23 investigated by the unit would be those CRs that had
 24 first been referred to Bureau of Internal Affairs by
 25 OPS or IPRA, correct?

1 A. That is correct. So -- because here's the
 2 thing. So if a -- if a sergeant in, say, the 18th
 3 District types up an initiation report and takes a
 4 complaint from a citizen, that complaint would be --
 5 would be generated, and then it would be faxed over to
 6 IPRA or OPS. OPS would take a look at it. The --
 7 whatever they -- they'll do whatever they do with it,
 8 and then if -- it's not going -- if they're not going to
 9 handle it themselves, they will send it back to Internal
 10 Affairs. Internal Affairs will then look at it and say,
 11 okay, this could be handled at the district level, and
 12 they would -- Internal Affairs would send it back to the
 13 district for it to be handled by a sergeant in the
 14 district.

15 Q. Got it. And how did OPS and IPRA decide which
 16 complaints they would investigate and which ones they
 17 would refer to Internal Affairs?

18 A. Well, the -- the -- OPS and IPRA only handled
 19 certain types of cases. Police-involved shootings,
 20 domestics, excessive force complaints. So they -- they
 21 just really didn't handle a lot of investigations. Only
 22 those types of investigations. And they've expanded it
 23 to, you know, search and seizure, and some other
 24 categories. But back then, it was really only a handful
 25 of complaint types they handled.

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1 Q. Okay. And the expansion to search and
 2 seizure, that was after the time frame we're talking
 3 about of 1999 --

4 A. That is correct.

5 Q. Okay.

6 A. That is correct.

7 Q. And then, for those complaints that were
 8 referred to Internal Affairs during that time period,
 9 how did Internal Affairs decide which complaints should
 10 be investigated by BIA investigators as opposed to
 11 assigned to the unit?

12 A. So typically, when cases go back to the unit,
 13 the administrative sergeant would review that face sheet
 14 or the -- the quick view and determine that, okay, this
 15 case is -- everything about this case happened within
 16 that district. So he can go back to the district and it
 17 be handled by a sergeant within that district because it
 18 didn't cross over to another district. So I mean, if
 19 it's -- if it's one of those situations where it's not
 20 criminal, it doesn't -- it doesn't take a lot of
 21 investigatory work -- investigative work, and that
 22 sergeant can handle it with, really, just minimal
 23 investigative avenues, then it would handle -- be
 24 handled in the district because we can't -- we can't
 25 afford to have our district sergeants taking on lengthy

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1 don't -- we don't need them to spend so much time
 2 working an investigation if these -- if -- you know,
 3 hey, this officer threw my keys down a manhole cover.
 4 All right, do we have witnesses? Are there cameras?
 5 Did you do it? Did you not do it? And it's done. We
 6 just don't -- we just do not assign cases to the
 7 districts or units that were complex and took a lot of
 8 investigative steps.

9 Q. I think I understand, but just to make sure I
 10 did, that was a question of the exercise of judgment
 11 within Internal Affairs and not a written policy with
 12 criteria for assigning --

13 A. That is --

14 Q. -- one to the other, correct?

15 A. Yeah. That is correct.

16 Q. Okay. And could -- and like -- and you talked
 17 about allegations of, you know, where the conduct would
 18 be criminal, right? Did Internal Affairs receive some
 19 CRs, some complaints alleging conduct that would be
 20 criminal, if proven?

21 A. Yes.

22 Q. And did -- and actually, who within Internal
 23 Affairs actually makes that decision of whether the
 24 complaint is going to be kept by IA investigators or
 25 assigned to the unit?

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1 investigations because it would take away from them
 2 monitoring and overseeing these -- the officers on the
 3 watch. So if they're, like, very straightforward cases,
 4 they will go back to the district.

5 Q. And as part of the practice for assigning to
 6 the unit versus an Internal Affairs investigators, was
 7 the seriousness of the allegation also a factor? Was it
 8 believed that more serious allegations should be
 9 investigated by the Internal Affairs investigators?

10 A. Well, there's -- there's two ways of looking
 11 at it because when you talk about seriousness, a lot of
 12 cases are serious. I mean, are -- if we're -- we're
 13 talking criminal, or we just talking in serious? Because
 14 these cases, when citizens make complaints, it's serious
 15 to them, so in that respect, all cases are -- are
 16 serious unless you're talking about the criminal cases,
 17 you know?

18 Q. So one -- am I correct that -- well, actually,
 19 let me ask you this. Was -- were there written
 20 standards that -- were there written standards for which
 21 cases should be assigned to IA investigators versus
 22 assigned to the units?

23 A. No. As I -- as I explained, it -- it all
 24 depends on how much effort it would take an investigator
 25 to complete that at -- at the district level because we

1 A. Well, they would be -- once the case comes in,
 2 it -- it's kind of triaged by a lieutenant in the -- a
 3 lieutenant in the General Investigation Section, at the
 4 time, during that time frame. And then, that case would
 5 either be sent to Confidential, Special, or kept in
 6 General, depending on the type of the case it was.

7 Q. Okay. Or, it could be sent out to the unit to
 8 investigate, correct?

9 A. That is correct.

10 Q. And, did the -- was there any policy, any
 11 written policy, that prevented that lieutenant from
 12 assigning allegations that alleged criminal conduct to
 13 the unit to be investigated?

14 A. A written policy?

15 Q. Yes, sir.

16 A. Well, I -- I don't -- I don't really -- I
 17 don't really believe there was a written policy. I
 18 don't think that's spelled out in the Special Order or
 19 General Order.

20 Q. Who did that lieutenant report to?

21 A. The -- well, during that time, there was a
 22 commander, and then there were -- there was also the
 23 chief. But there was no deputy chief. There was a
 24 commander or a chief.

25 Q. And could you walk me through the chain of

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1 command between the lieutenant and the superintendent,
2 please?

3 A. And the superintendent?

4 Q. Yes, sir.

5 A. Okay. Sure. You -- you have the lieutenant,
6 then you have captains -- or are you talking about
7 within BIA?

8 Q. Yeah. Specifically, for that -- you know,
9 that lieutenant in BIA who is making these decisions,
10 who is his chain or her chain of command up to the
11 superintendent?

12 A. Okay. So you have the lieutenant, then you
13 have the commander of the unit, then you have the chief
14 of Internal Affairs, and then you have the
15 superintendent.

16 Q. So let me go back -- let me go back to the
17 stages of the investigation again. We had gotten so far
18 as trying to interview the complaining. And again, if
19 you have reason to believe the steps would be different
20 for a BIA investigation versus an OPS investigation,
21 please tell me and we'll lay them out separately. But
22 my question is: After interviewing the complainant,
23 what's the next step?

24 A. Well, it all depends on what information you
25 gather from the complainant. If the complainant, let's

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1 Q. In terms of these general steps for proceeding
2 in an investigation, do those differ between units
3 within Bureau of Internal Affairs?

4 A. They -- they could. So those -- those steps
5 that I laid out are pretty consistent with General and
6 Special investigations. But then, when it comes --
7 yeah. There -- there's some differences where we work
8 up cases that are confidential.

9 Q. Got it. So tell you what, let's put
10 confidential to the side and we'll walk through it next
11 and if it changes in any other unit or subunit, we'll
12 figure -- we'll specify as we go.

13 A. Okay.

14 Q. Okay. So after the allegations are served on
15 the accused officer -- well, actually, one question.
16 You mentioned trying to contact witnesses in -- as one
17 of the investigative steps. Does that include
18 non-accused officers?

19 A. Yes.

20 Q. And so, any -- okay. And so, after all that
21 has been completed, all of those investigative steps are
22 completed and the allegations are served on the accused
23 officer, what happens next?

24 A. Okay. At that -- at that point, the -- the
25 officer is given 72 hours to -- to submit to a -- a form

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1 see, for instance, tells us that it -- it happened in
2 front of a 7-11 and I saw cameras, then the investigator
3 would have to go out to that 7-11 and try to get video
4 evidence of the incident if there is some available. If
5 the complainant lists several witnesses to the incident,
6 we would -- the investigator would try to make contact
7 with the witnesses to -- to interview the witnesses.
8 And if the complainant was able to identify the officer,
9 then, at that point, either the officer would have
10 already been named as the accused in the investigation
11 or, at that point, the investigator will name the
12 officer as the accused.

13 Q. Okay. And what happens next after those
14 steps?

15 A. So after -- after that, once all the
16 investigative steps have been taken for the case, then
17 there's the -- the accused member is served with their
18 allegations.

19 MR. MICHALIK: And I don't mean to interrupt,
20 but just so that we're clear, we're talking about
21 the BIA general investigations, as opposed to
22 confidential investigations, compared to?

23 MR. HILKE: Well, I'm sorry. Let me ask that
24 as a question then.

25 BY MR. HILKE:

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1 -- a statement. So that can be done two ways. They can
2 be brought down to the Bureau of Internal Affairs and --
3 and they can sit for a formal Q and A statement that's
4 typed out or the investigator can request that the --
5 the member submit a to/from report answering specific
6 questions that the investigator poses to him or her in
7 writing.

8 Q. And by the way, all these steps we've gotten
9 through as far -- thus far, are those the same when the
10 supervisor -- when the complaint is assigned to a unit
11 and the supervisor investigates, just as if another
12 investigator would be conducting the investigation?

13 A. Yes. The only difference is in the -- in
14 units, the investigator would typically just take a
15 to/from report from the accused officer and not sit with
16 the officer and type out a formal Q and A statement.

17 Q. And did -- why is that?

18 A. For the sake of time. For the sake of time.
19 They just -- because if you go way back, we -- you know,
20 we -- we had typewriters and it was time consuming
21 typing out, yeah, statements. So it was easy -- made it
22 a lot easier for the -- for the member to just respond
23 to a series of questions in a written report and they
24 could just hand write the responses out.

25 Q. Got it. And was that a -- was that a fairly

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1 universal practice during this time period that if a
 2 supervisor is investigating, the accused's statement is
 3 going to be a to/from and not a typed up interview?

4 A. Yeah, during that time frame, and if it's in
 5 the unit, yes. In the District Corp unit, yes.

6 Q. And to your knowledge, were supervisors ever
 7 told that they should be taking, you know, typed up
 8 statements as opposed to a to/from Reports?

9 A. No. They were not told that.

10 Q. Okay. So then, after the officer is -- either
 11 gives a statement or submits a to/from, what's the next
 12 stage?

13 A. The investigator will make a determination of
 14 the finding of the investigation to -- to -- to see if
 15 there was enough information to -- to suggest that what
 16 was alleged had happened to sustain the complaint, or
 17 there were other findings that -- that could have been,
 18 you know, levied on that particular investigation and --
 19 and then the investigator will just close the case out,
 20 based on one of those findings.

21 Q. Is there any written guidance you're aware of
 22 -- and so strike that actually. To -- were there
 23 different accounts of what happened, for example a
 24 complainant says misconduct happened and the officer
 25 denies it, the investigator has to weigh credibility to

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1 exonerated, right?

2 A. Yes.

3 Q. Wherein -- and is that the category where the
 4 investigator says, actually, I can go a step further.
 5 This did not happen. That's what the evidence shows me.

6 A. Oh, exoneration?

7 Q. Is that what exonerated means?

8 A. No, that means it actually happened, but the
 9 officer's actions are lawful and proper.

10 Q. I see. What was -- what's --

11 A. Unfounded.

12 Q. Thank you. Unfounded is what I was just
 13 talking about, right? That's when the evidence shows to
 14 the investigator that what was alleged did not occur,
 15 correct?

16 A. Right. It's false, not factual, meaning that
 17 if a citizen alleges any officer did X, Y, and Z, the
 18 evidence shows that that officer was in Florida that
 19 day, so he did not do it.

20 Q. Okay. And then, to make a sustained finding,
 21 there needs to be evidence in the opposite direction,
 22 right? Something that is sufficient for the
 23 investigator to believe that the allegation actually did
 24 occur as alleged, correct?

25 A. Preponderance, more -- more likely than not,

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1 determine whether to sustain complaint or not, correct?

2 A. Correct.

3 Q. And is there any written guidance that you're
 4 aware of that tells investigators how they should weigh
 5 credibility?

6 A. Well, the -- the way the findings are
 7 spelled out, you know, like when -- if you have a
 8 one-on-one, if it's the investigator and the -- the
 9 citizen, then you have the accused officer, and all
 10 parties have been interviewed and the investigator
 11 cannot make a determination of whether or not what was
 12 alleged did occur, then typically that investigation
 13 will be not sustained because we -- you can't prove or
 14 disprove one way or the other that it happened based on
 15 the limited information you received or the witness
 16 statements that were available.

17 Q. I understand. What kind of additional
 18 evidence would typically be necessary to -- well,
 19 actually, strike that. Because -- so that category of
 20 not sustained, when it's not possible to make a
 21 determination, that's not saying that happened, it's not
 22 saying it didn't happen, it's just saying you can't
 23 tell, it's not sustained, correct?

24 A. That is correct.

25 Q. There's another category, I think it's

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1 that happened. 51 percent.

2 Q. Okay. So when an investigator is faced with
 3 -- one second. When an investigator is dealing with
 4 conflicting accounts, for example, the complainant says
 5 misconduct happened of a certain kind, the off -- the
 6 accused officer factually denies it, what kind of
 7 additional evidence is necessary for the investigator to
 8 make a determination that, this isn't just unfounded,
 9 this is either sustained or -- I'm sorry. This isn't
 10 just not sustained. This is either unfounded or
 11 sustained?

12 A. So -- okay, well, as far as even -- additional
 13 evidence, videos, photos, witness accounts, impartial
 14 witnesses, that are -- you know, so if you have an
 15 officer, you have a citizen, typically an investigator
 16 would not, you know -- if you interview the officer's
 17 partner or the civilian complainant's brother, you know,
 18 it's -- it's -- you still kind of weigh it out as being
 19 one-on-one because, of course, they're going to side
 20 with their -- their parents or significant others or
 21 what have you. So it's like, you just, you need some
 22 impartial evidence to -- to really weigh in on the
 23 investigation to show that it actually did happen, or it
 24 didn't happen.

25 Q. Okay. And so, you're essentially looking for

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1 either video or photo, something objective or a witness
 2 who, you know, isn't a relative of the complainant,
 3 isn't a partner of the accused officer?

4 A. That is correct.

5 Q. Getting back to my question about weighing
 6 credibility, are you aware of any written material given
 7 to investigators that guided them as to how they should
 8 try to weigh the credibility of the witnesses in an
 9 investigation?

10 MR. MICHALIK: Objection. Asked and answered,
 11 go ahead.

12 THE WITNESS: Well, so basically, that just
 13 boils down to the four -- the four findings. So you
 14 have to make your determination based on whether or
 15 not the case is sustained, not sustained, unfounded,
 16 or exonerated. So I mean -- and -- and reaching
 17 that conclusion, it's all based on the attachments
 18 and the evidence you -- you gather during the course
 19 of your investigation.

20 BY MR. HILKE:

21 Q. I asked you a bad question. What I should
 22 have asked is the guidance that the department provided
 23 to investigators, to your knowledge, was limited to its
 24 description of the four allegation categories; is that
 25 correct?

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1 A. That is correct.

2 Q. Okay. And was it the role of the investigator
 3 if the investigator may -- and -- strike that. Do you
 4 understand by investigator I mean, anyone investigating
 5 a complaint, whether it's someone in the chain of
 6 command for unit assigned CR, as well as an OPS or BIA
 7 investigator?

8 A. Yes.

9 Q. Okay. For an investigator, if they recommend
 10 that a -- well, actually, I should ask you a question.
 11 Does the investigator have the power to sustain a CR, or
 12 are they just making a recommendation that will be
 13 reviewed by others?

14 A. So -- so -- so that's -- that's -- to me, it's
 15 a weird question because back then, we had -- were
 16 called police agents that were not -- were not
 17 sergeants, but they were investigators. So when the
 18 police agent finished their investigations, they would
 19 -- they would recommend a finding for the case that's
 20 reviewed by a sergeant. But the majority of
 21 investigators at BIA were and are sergeants now. And --
 22 so we make our -- we would make our own recommendations
 23 for penalty.

24 Q. Okay. So --

25 A. And findings.

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1 Q. Yeah, so let me separate two things. I'm
 2 going to ask you about the findings now, and I'll ask
 3 you about the penalty next.

4 A. Okay.

5 Q. But as to the findings, whether it's a police
 6 agent or a sergeant, there's further review after the
 7 recommendation of the investigator, correct?

8 A. That is correct.

9 Q. The investigator never has a final say on,
 10 like, the investigator, whether a police agent, or a
 11 sergeant, or whoever's investigating, never has power to
 12 finalize a disciplinary recommendation, that's always
 13 made it a higher level in the chain of command, correct?

14 A. That is correct.

15 Q. Okay. And then when a sergeant -- actually,
 16 which investigators had power to also recommend
 17 punishment when they made a recommendation as to
 18 disposition?

19 A. The sergeants.

20 Q. Okay. So within OPS-IPRA -- well, within
 21 OPS-IPRA, few of the investigators, and at the time of
 22 IPRA, none of the investigators are sergeants, correct?

23 A. That is correct.

24 Q. They're all civilian -- at IPRA, they're --
 25 it's all civilian employees, correct?

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1 A. That's correct.

2 Q. Does that mean that the IPRA investigators
 3 would not make disciplinary recommendations?

4 A. That's a good question. I'm not -- I'm not
 5 certain if they -- I'm not certain if they did make the
 6 penalty recommendation because that -- those cases went
 7 directly to the advocate section. So I, you know, as an
 8 investigator, I would not have seen that process, but
 9 I'm not certain if they made their penalty
 10 recommendation or they made the finding recommendation
 11 of their investigation.

12 Q. Yeah. Is it fair to say that the process for
 13 who makes penalty recommendations and how is going to be
 14 in the general orders and special orders you talked
 15 about before?

16 A. It should, yes.

17 Q. Okay. And you just mentioned the advocate
 18 section. Can you explain to me what the advocate
 19 section is?

20 A. The -- the advocate section is -- is a -- a
 21 section that is supervised by the department advocate,
 22 who -- who's typically an -- an attorney, an attorney
 23 within the department, and they -- they have a team of
 24 anywhere from ten to 15 officers, and maybe another -- a
 25 sergeant or two, that review the cases and prepare the

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1 cases to be reviewed by the superintendent and cases for
2 the police board.

3 And -- yeah, so after the -- after the
4 investigation is completed, and our cases are turned in,
5 they go to the advocate section for review and they make
6 sure that the -- the case is sound, complete, the
7 attachments are in order. That the -- the findings are
8 appropriate and all the -- all the complaints that were
9 made by the -- the citizens or the officer
10 complainants have been addressed within the -- the
11 investigation. And then they -- they prepare it for
12 either at -- now command channel review. Because at
13 this point, they -- these cases go out to the command
14 channel for the accused officers. If you -- if you
15 understand what I'm saying.

16 Q. I do.

17 A. So -- and then they also prepare it -- these
18 cases, for review by the -- by legal affairs and the
19 superintendent's office.

20 Q. Does the advocate section review all
21 investigations, or just those recommended sustained?

22 A. No, they review all, not sustained -- yeah.
23 All cases.

24 Q. And so, at is it the case --

25 A. I -- I'm sorry. Except for cases that are

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1 Channel back then. I think we had a complaint review
2 panel, is what it was called.

3 Q. Okay.

4 A. So sustaining cases -- see, I don't -- I'm not
5 -- I'm not -- I remember the complaint review panel, and
6 I just don't know if they only worked up or reviewed
7 cases that were sustained, or if they did cases with the
8 other findings as well, but it was comprised of the -- a
9 lieutenant, a -- a sergeant, and another PO, or an
10 officer that's the same rank as the accused member. And
11 they would sit, and they would go over the investigation
12 and they would make the determination of -- of, like,
13 penalty, you know, as -- as -- and it would serve as the
14 -- the Command Channel at the time.

15 Q. Okay. And -- one second. So -- sorry.

16 During this time frame from 1999 to 2011, after the
17 investigator completes the investigation and makes a
18 recommendation, and after the advocacy section, then
19 package -- you know, reviews the investigation, is the
20 immediate next step the complaint review panel?

21 A. Back then -- see, I'm -- I'm not certain if
22 the complaint review panel occurred. Well, no. The
23 case would have to go to the advocate section first, and
24 then the complaint review panel. Yes.

25 Q. And then what happens after the -- and the

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1 administratively closed.

2 Q. Is it the case that all investigations from
3 1999 to 2011 then should be reviewed by the advocate
4 section before they go to Command Channel Review?

5 A. Yes.

6 Q. And do all complaints whether, you know,
7 sustained, not sustained, or any disposition get command
8 channel review?

9 A. No, just -- just the complaints that are not
10 administratively closed, but the cases with findings,
11 unfounded, not -- not sustained, sustained, they go
12 through command channel.

13 Q. Okay. And is the Command Channel Review
14 process different for sustained complaints versus
15 unfounded, exonerated, or not sustained complaints?

16 A. I think the only -- the only difference is for
17 the sustained complaints, if these cases are, I believe,
18 30 days are over and a penalty that's recommended, those
19 cases, I believe go to a third level of review, as
20 opposed to the -- the first and second level that
21 typically gets reviewed.

22 Q. And can you describe to me how the Command
23 Channel Review process worked during this time period?

24 A. During this time? So -- well, so during that
25 time period, there was -- I don't think we had Command

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1 complaint review panel, is that all allegations or --
2 strike that. Is that all CRs, or just those where the
3 accused officer requests it?

4 A. I think it was all -- it was -- I believe it
5 was all CRs. I recall it being all CRs that had a
6 sustained final -- sustained finding, and there was a --
7 a certain penalty. And I don't know -- I really don't
8 recall if it was a penalty of five days or more, or six
9 days or more, but there was some -- there was a trigger.
10 There was a trigger in order for it to go to the
11 complaint review panel and I just don't really recall
12 what that was.

13 Q. Okay. So it was -- in any case, it was some,
14 but not all, sustained CRs were eligible for complaint
15 review panel review, correct?

16 A. Yes, I can say that.

17 Q. And so, then, for those where the complaint
18 review panel -- where it wasn't eligible, did the
19 complaint just go straight from the investigator --
20 well, strike that, actually. What happened next in the
21 complaint review process, after the complaint review
22 panel?

23 A. After the complaint review panel, then if the
24 -- if the member was going to be suspended X number of
25 days, the advocate section would prepare paperwork and

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1 -- and basically serve the department member with their
 2 suspension paperwork and it would show that you are
 3 being suspended for X number of days.

4 Q. I mean, did the, like, superintendent's office
 5 or someone else have to approve the investigator's
 6 recommendation before it got to that stage of this one?

7 A. No. For -- for the majority of cases, not the
 8 superintendent's office, unless we're talking about
 9 cases that were separation cases, or cases where the
 10 penalty was 30 days or more, and that's at the time --
 11 during that time period.

12 Q. So if it wasn't 30 days or more, or
 13 recommending separation from the department, the
 14 complaints would go straight from being investigated to
 15 the -- by the investigator, the, like, quality control
 16 of the --

17 A. Advocate.

18 Q. -- complaint review of the advocate, the
 19 complaint review panel, if eligible, and then actually
 20 administering the discipline onto the accused officer?

21 A. That's correct.

22 Q. Okay. And then what -- after the discipline
 23 is decided, and the officer -- accused officer is
 24 notified, what were the appeal or further steps that the
 25 accused officer could then take?

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1 A. He can enter into the grievance process, if he
 2 wanted to grieve the matter. So that would require him
 3 to do a to/from report, or a memo, requesting that -- a
 4 grievance process. And then the grievance process will
 5 play out.

6 Q. And how does the grievance process play out?

7 A. At the time, I -- I -- I believe the -- it
 8 might have been the member's commander was the --
 9 facilitated the grievance for the -- yeah, for the
 10 member, at the time.

11 Q. How does that work?

12 A. So the -- the commander would set a date to
 13 say, okay, we're going -- we're going to have this
 14 grievance on this particular date. And the -- the
 15 member would go into the commander's office and -- and
 16 -- and plead his case. And -- and just say that he -- I
 17 guess, he would like his penalty reduced or -- and then
 18 the commander would make the determination. That's at
 19 the time.

20 Q. If the officer doesn't get the relief that the
 21 officer wants from the commander, are there further
 22 opportunities to appeal?

23 A. No.

24 Q. And then, what about where the suspension was
 25 30 days or more, or separation from the department, how

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1 would the process play out where that's a disciplinary
 2 recommendation?

3 A. So that -- after -- see, what I'm not sure of
 4 is if they still had the complaint -- I -- I believe
 5 they still had the complaint review panel, but then once
 6 the case made its way back to the advocate section is
 7 when the -- the case would be prepared for review by the
 8 superintendent's office.

9 Q. Okay. And if the superintendent -- and do you
 10 know, during this time period, do you know who within
 11 the superintendent's office was reviewing and making
 12 these decisions?

13 A. I do not.

14 Q. Okay. Could it have been either the
 15 superintendent or any person delegated by the --

16 A. Or designee, correct.

17 Q. Okay. Am I correct that it's the
 18 superintendent who has the authority to do it, even
 19 though they can designate who they want to exercise
 20 their authority?

21 A. That is correct.

22 Q. Okay. So then if the designee -- if the
 23 superintendent, or their designee, decides to proceed
 24 with the suspension of 30 days or more, or a separation,
 25 what are the next steps?

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1 A. So -- so I -- I know there's paperwork
 2 involved and I -- I know that the -- the member -- if
 3 it's -- let's -- let's go with the suspension. So 30
 4 days pending separation or more, so the superintendent
 5 can say, okay, we're not going to fire you. We're going
 6 to recommend a 90-day suspension. So at that point
 7 paperwork is drawn up. A lot of that paperwork is for
 8 finance because back then there was an option to either
 9 be suspended from work, or just be at home for 90 days,
 10 or you can -- you can give up 45 days of compensatory
 11 time and the rest of the time you'll remain home. So
 12 there is, like, a lot of paperwork involved in
 13 determining -- determining how that member was going to
 14 satisfy that suspension time, depending on what options
 15 were given to the member by the superintendent's office.

16 Q. So in those cases, the superintendent's office
 17 would decide whether and how much to offer in terms of
 18 options, meaning substituting paid time off for days
 19 actually is suspended and not working?

20 A. That is correct.

21 Q. And so, if the officer chooses to exercise the
 22 option and give up paid off -- days paid off, they can
 23 return to work sooner and they can start earning money
 24 sooner than if they had taken the suspension as a full
 25 suspension; is that correct?

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1 A. That is correct.

2 Q. Okay. And then what if -- what if the officer
3 disagrees with the superintendent's recommendation, what
4 appeal options do they have?

5 A. So at -- at the time during the time frame, I
6 just don't -- I don't recall whether or not there was an
7 option for the case to be brought before the -- I don't
8 think we had a -- maybe -- maybe we had a police board
9 back then. I'm just not -- I'm not sure if we did.

10 Q. Sure. So you --

11 A. I'm sorry. There -- during some of that time,
12 yeah, think that we did have a police board because I
13 recall going to some of the police board meetings.
14 Yeah. With the -- well, with the -- with Chief Konow.
15 So -- but that was after 2013, so...

16 Q. Yeah.

17 A. Yeah.

18 Q. Okay. And so, then the police board makes an
19 independent evaluation of whether to -- well, strike
20 that. I'll ask -- let me ask this as a question, can
21 the police board either choose to uphold the
22 recommendation or impose different discipline based on
23 its assessment of the evidence?

24 A. Yes.

25 Q. And the police board can also decide that no

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1 probability that this case is going to be sustained, so
2 this would be a good case for -- for mediation. And
3 then, if they agree, the department advocate would be
4 brought in because the -- at the time, the department
5 advocate was the person that was mediating the cases.

6 Q. And then what is the department advocate's
7 role during this time period in mediating the cases?

8 A. So they would draft up paperwork and the
9 paperwork would spell out the allegations and there -- I
10 think it was some statutes that were explained out within
11 the mediation paperwork. And then the -- the -- I won't
12 call it a negotiation, but the -- the department
13 advocate would -- would basically spell out what the --
14 what the potential penalty -- penalties are that the
15 member's going to be signing off on. So back then
16 typically, if the officer and the attorney for the
17 officer agreed to mediate the case -- say if the officer
18 was facing a ten-day suspension, through mediation, the
19 penalty will be -- will be reduced because we would
20 really weigh in the fact that the officer is admitting
21 guilt -- is admitting guilt and for -- for that, there
22 was a reduction in their recommended penalty.

23 Q. And so, in terms of the stage where mediation
24 occurs, it's after all the investigative steps have been
25 taken up to the point that the officer would give a

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1 discipline is warranted, correct?

2 A. That is correct.

3 Q. And then if the officer doesn't -- disagrees
4 with the police board, are they able to appeal it
5 further?

6 A. To the best of my knowledge, no.

7 Q. Okay. Yes. Could you tell -- please tell me
8 about how the department -- well, are you familiar with
9 mediation as a potential means of resolution for CRs?

10 A. Yes.

11 Q. Can you tell me how the department -- what the
12 process was for -- actually, I'll back up. During this
13 time period, in what circumstances was mediation an
14 option during the CR investigation?

15 A. So during the course of the investigation, if
16 the investigator determined earlier on based on the
17 evidence that was gathered during his investigation,
18 that there was a high probability that the case would be
19 sustained. There were -- there was a conversation after
20 serving the member with the allegations, there was a
21 conversation that took place between the member, the
22 member's counsel, and the investigator to say, hey, you
23 know, this is a strong case for mediation because the
24 evidence that I have, and based on my interviews,
25 there's a -- there's a probability -- this is a high

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1 to/from or a statement, correct?

2 A. Right. So -- back -- here, so back during
3 that time frame, this mediation process was fairly new.
4 So we were conducting full investigations, interviewing
5 everyone prior to mediation, but -- but then the
6 mediation process really evolved to where the FOP and
7 the member's attorneys -- after the member was sometimes
8 served the -- served the allegation, or after witnesses
9 were interviewed regarding the case, the attorneys would
10 -- would get ahead of the case and say, Hey, my -- my
11 client wants -- would like to mediate the case. And
12 once the case is mediated, a lot of the other
13 investigative steps would not be taken because -- and
14 this is after the member is served the -- the
15 allegations, of course. We wouldn't have the member sit
16 for a statement. We would just go ahead and mediate the
17 case, based on the member reviewing the allegations with
18 the attorney.

19 Q. Got it. And so, as part of the mediation
20 process, the accused officer, essentially, agrees that
21 the finding will be sustained, and agrees that there'll
22 be a such and such penalty, but they do not give a
23 to/from, or a statement as part of the investigation; is
24 that correct?

25 A. That is correct. But then there are -- there

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1 are times where a member has sat for a statement, but
 2 then the case has been mediated after that.

3 Q. Okay. And is that usual -- is that usual or
 4 unusual in terms of the mediation process?

5 A. That --

6 MR. MICHALIK: Object to the form. Go ahead if
 7 you understand.

8 THE WITNESS: That is -- it doesn't happen that
 9 often.

10 BY MR. HILKE:

11 Q. Okay. And the example you're talking about,
 12 is that from the 1999 to 2011 time frame, or is it after
 13 that time period?

14 A. Well, like -- well, back between the -- the --
 15 the time period, mediation was fairly new. I could say
 16 I mediated the first case, but mediation was fairly new
 17 and the -- a lot of the mediations took place after the
 18 interview -- after the interview, but then it -- it
 19 evolved to where the mediations were taking place after
 20 the member was served with the allegations.

21 Q. Okay. So -- just so I -- just so I understand
 22 it right -- okay. When did you -- when did you conduct
 23 the first mediation?

24 A. Oh, wow. I would -- I would have to say --
 25 five, six -- if I had to guess, maybe somewhere around

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1 2008 or '9, maybe. I'm not -- I was -- I'm just really
 2 -- I'm not certain of the date, but I -- I recall it. I
 3 really -- I recall the mediation, but -- yeah.

4 Q. What was the reason for the department
 5 introducing mediation as a way to resolve CRs?

6 MR. MICHALIK: Object to the form, foundation.

7 THE WITNESS: I -- I -- I think -- I believe it
 8 is -- it was to -- to resolve -- I -- I won't say
 9 resolve cases quickly, but if we can have officers
 10 come in and admit their wrongdoing, then we can move
 11 forward with the investigation and -- and close out
 12 these cases, instead of spending a lot of time in --
 13 in doing investigative work and interviewing a lot
 14 of people, when the member can just come in and
 15 admit their wrongdoing and be -- you know, penalized
 16 for it. And then we -- so we can just move on.

17 BY MR. HILKE:

18 Q. I apologize if I asked this, but the victim or
 19 complainant, they do not participate in the mediation
 20 process, correct?

21 A. No.

22 MR. MICHALIK: That is correct?

23 BY MR. HILKE:

24 Q. You mean is that correct?

25 A. Oh, that is -- I'm sorry. That -- that is

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1 correct.

2 Q. Okay.

3 A. The victim or complainant do not.

4 Q. Your Counsel just mentioned that when I --
 5 sometimes, the double negatives are confusing for the
 6 record, but it's correct that the victim and complainant
 7 play no role in mediation, right?

8 A. That is correct.

9 Q. Okay. Now, so some -- one way that complaints
 10 could come in to the department during this time frame
 11 is if a complainant was arrested and they made an outcry
 12 of, for example, being mistreated during their arrest,
 13 that could be taken in as a complaint by the department,
 14 correct?

15 A. Correct.

16 Q. And department members were obligated to
 17 report any outcries of mistreatment, so that such an
 18 investigation could take place, correct?

19 A. That is correct.

20 Q. Was there any -- so was there any policy that
 21 prevented investigators from investigating a complaint
 22 where the complainant had subsequently pleaded guilty or
 23 been found guilty of a crime?

24 A. I'm sorry, can you repeat that one more --

25 Q. Yeah. Like, I'll give an example. Say a

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1 complainant says, you know, I was falsely arrested for
 2 jaywalking. I didn't jaywalk, and then they plead
 3 guilty to jaywalking. Would the department be prevented
 4 from investigating their outcry of false arrest?

5 A. Prevented from it? No. No. So I mean, if --
 6 if he's making the allegation that he's false -- he's
 7 been falsely arrested, the department will generate a
 8 log number for that complaint.

9 Q. Okay. And then, you know, say it's -- say
 10 it's something more serious, right? Like, say it's a --
 11 say it's a domestic battery and the complainant says I
 12 was falsely arrested. I've got a complaint against the
 13 officers who arrested me and then they plead guilty to
 14 the crime. Is there any policy or practice that if the
 15 investigator learns the guilty plea, they should stop
 16 investigating the allegation?

17 A. If -- if the member learns of the guilty plea?
 18 No.

19 MR. MICHALIK: If the investigator learns of
 20 the guilty plea?

21 MR. HILKE: Yes, correct.

22 MR. MICHALIK: I'm not sure --

23 BY MR. HILKE:

24 Q. Correct. Like, the investigator is
 25 investigating this complaint of false arrest.

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1 A. Okay.

2 Q. One of the pieces of evidence the investigator
3 gathers is oh, I learned in the criminal case, my
4 complainant -- the complainant has pleaded guilty to
5 this offense. My question is: At that point, is there
6 any policy or practice for that investigator to stop
7 investigating at that point?

8 A. No. So the -- the investigation's going to
9 move forward. So you -- when, like, you gave the
10 example of domestic, so when dealing with domestic
11 cases, we -- we -- there -- there isn't an
12 administrative allegation associated with the -- the
13 domestic case, and it can be as simple as a case -- the
14 case report number that will lead the investigator to
15 review the actual -- case report, or there can be more
16 information within the -- the face sheet and the
17 administrative case that would -- would lead the
18 investigator to take a deeper dive and investigate the
19 -- the different elements that are contained within the
20 -- the original administrative complaint into the
21 domestic.

22 Q. Yeah. I --

23 A. You know what I mean? So there's -- there's
24 -- because you're -- we're talking about a criminal,
25 domestic case and then we're talking about an

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1 administrative log number that has to be satisfied
2 during the criminal case for the investigator.

3 Q. Yeah. And actually, I -- let me -- let me put
4 a different example in front of you so I'm not -- so I
5 can keep straight what I'm trying to talk about. So you
6 know, call it just, like -- call it just, like, a
7 battery, right? Not a -- not a domestic, just one
8 person battering another, right? And so, Person A is
9 arrested for battery. Their complaint is I didn't hit
10 anyone, the officers made it up. I was falsely
11 arrested. I want that investigated. Investigators
12 working on the case. They later learn in their
13 investigation, that Person A has pleaded guilty to
14 battery. Would that stop the investigation, according
15 to any policy or practice the department had?

16 A. No. So -- no, because during the course of
17 the investigation, we -- we have to continue it because
18 we're going to interview the complainant that's saying
19 that he was falsely arrested for battery and -- and ask
20 him a series of questions regarding what transpired
21 during this battery case.

22 Q. Sure.

23 A. And if we -- during that course of that
24 interview, if we -- if we determine, okay, the member
25 pleads guilty, that -- no, that -- we can also bring him

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1 back in and say, okay, you're -- you're saying that you
2 were wrongfully arrested, but yet you plead guilty for
3 battery and why would you do that? So he might -- he
4 might say, well, I -- I wasn't, you know, you don't know
5 how it's going to play out. So during the course of the
6 administrative investigation, you have to ask a series
7 of questions and if we re-interview the complainant, he
8 might say, well, I was just making it up and I wasn't
9 falsely arrested. So and that would play out during
10 the, you know, also the administrative Q and A.

11 Q. That makes sense. So just so I understand
12 from the investigator, the guilty plea wouldn't be
13 dispositive, it would be important to follow up with the
14 complainant and ask why they pleaded guilty?

15 A. Correct.

16 Q. The department would want to know if they
17 pleaded guilty, just because they got a favorable deal,
18 as opposed to really admitting that they had committed
19 the crime, correct?

20 MR. MICHALIK: Object to the form, incomplete
21 hypothetical.

22 THE WITNESS: Okay. Can you -- can you repeat
23 that?

24 BY MR. HILKE:

25 Q. I kind of -- saying that the department would

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1 want to know if there was some reason other than -- the
2 department would want to know whether the person pleaded
3 guilty, because they really -- they really admitted they
4 had done it, as opposed to other reasons they might have
5 pleading guilty, like to avoid a harsher sentence,
6 correct?

7 MR. MICHALIK: Object to form. Go ahead.

8 THE WITNESS: Yes, that's -- that's -- that's
9 exactly -- we just -- we want to know, really, why
10 you would plead guilty in court when you're making
11 this allegation that you are wrong -- wrongfully
12 arrested for battery.

13 BY MR. HILKE:

14 Q. One second. And why would the department want
15 to have that follow up conversation instead of just, you
16 know, looking at a transcript of a -- of a plea under
17 oath and saying, well, that's good enough. That is
18 dispositive of what actually happened here?

19 MR. MICHALIK: Object to form.

20 THE WITNESS: Well, because you -- yeah. Well,
21 in order to do a -- a thorough investigation, you
22 just want to close out all avenues and you -- if the
23 person is pleading guilty in court, we just -- we
24 need to just hear from that person, why that person
25 would do that so we can complete this investigation

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1 and make sure it's thorough and that every avenue's
 2 been -- it's been closed.

3 BY MR. HILKE:

4 Q. Got It. And by being thorough and every
 5 avenue being closed, you mean getting a full explanation
 6 from the complainant of what additional information they
 7 may have to provide, correct?

8 MR. MICHALIK: Object to form.

9 THE WITNESS: Yes.

10 MR. HILKE: Okay. Let's take break. We'll go
 11 ten minutes.

12 THE VIDEOGRAPHER: All right. We're off the
 13 record. The time is 11:49.

14 (OFF THE RECORD)

15 THE VIDEOGRAPHER: All right. We are back on
 16 the record in the deposition of Timothy Moore.
 17 Today is March 19, 2024 and the time is 12:04 p.m.

18 MR. HILKE: Let's mark Exhibit number 2,
 19 CR 29405. This is General Order in 93-0303.

20 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

21 MR. MICHALIK: Counsel --

22 MR. HILKE: Yeah.

23 MR. MICHALIK: -- before we start, this
 24 particular exhibit is marked confidential.

25 MR. HILKE: Oh, fine. Yeah. I see that.

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1 MR. MICHALIK: So I think we produced it in a
 2 non-confidential way, but to the extent that this
 3 exhibit is going to be used, I think we have to
 4 designate this part of the deposition as
 5 confidential.

6 MR. HILKE: You know, the problem I had was the
 7 version you produced had -- was cut off in sections
 8 I wanted to use. This is the one in discovery that
 9 wasn't cut off. Do you want to take a second and
 10 just skim through? It's literally just the policy.

11 MR. MICHALIK: I -- yeah, I don't disagree. I
 12 -- you know, it's just that to the extent that this
 13 is -- this exhibit is going to be used --

14 MR. HILKE: Okay.

15 MR. MICHALIK: -- I -- you know, I'm concerned
 16 that, you know, that this exhibit has been marked as
 17 confidential. That's the issue. Because I think
 18 this has been produced in a non-confidential way,
 19 so...

20 MR. HILKE: But it's in a -- it's in a form I
 21 can't use though because it cut off parts of the
 22 policy I need.

23 MR. MICHALIK: All right. Well, let's proceed.

24 MR. HILKE: Yeah.

25 MR. MICHALIK: You know, we'll -- we can

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1 designate this as confidential for purposes now,
 2 but, you know, we can talk about it afterwards.

3 MR. HILKE: All right. I -- let's do this.
 4 I've marked the exhibit. I'm going to invite the
 5 witness to read it, and then I think we're going to
 6 be able to go off the -- off the confidential record
 7 to ask questions about this policy that's in
 8 discovery.

9 MR. MICHALIK: That's fine.

10 MR. HILKE: All right.

11 (CONFIDENTIAL PORTION I REDACTED)

12 BY MR. HILKE:

13 Q. Sir, you've just reviewed Section C, Items 1
 14 through 15 of General Order 93-0303, correct?

15 A. That's correct.

16 Q. That's one of the policies you reviewed to get
 17 ready for this deposition?

18 A. Yes.

19 Q. And that showed the steps that the general
 20 orders say need to be taken in an Internal Affairs
 21 investigation?

22 A. That is correct.

23 Q. And did -- other than some -- and it includes
 24 some language about what should be done if the
 25 investigator suspects a criminal prosecution may also be

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1 involved, correct?

2 A. Correct.

3 Q. Other than that, does it differentiate
 4 between, you know, General Investigation, Confidential
 5 Investigation, or any other kind of investigation?

6 A. No. The -- the initial steps are pretty much
 7 the same --

8 Q. Okay.

9 A. -- with respect to all different sections
 10 within the bureau -- Bureau of Internal Affairs.

11 Q. And this is -- this is going back to an
 12 earlier topic. I said I would ask you about how does
 13 investigative steps proceed for a confidential
 14 investigation.

15 A. Yes.

16 Q. Could you please tell me what's different in
 17 terms of the investigative steps during a confidential
 18 investigation during this time period?

19 A. Well, the -- it really depends on the nature
 20 of the investigation itself than the -- than the -- the
 21 case. Typically, when cases make their way to the
 22 Confidential Section, those cases are going to require
 23 some level of surveillance. Those cases are typically a
 24 lot longer to investigate to -- to gather evidence and
 25 information regarding the -- whatever particular

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1 allegation it is. And those cases -- a lot of those
 2 cases are criminal in nature. The -- some of those
 3 cases involve our policies with respect to people living
 4 within the city boundaries, so those are our residency
 5 cases. And there are also cases that we handle
 6 regarding our medical policy that we investigate, and
 7 those -- those cases also require surveillances.

8 Q. So am I correct then that the main difference
 9 is that there may be a more complex operational
 10 component involving surveillance specifically for these
 11 kinds of investigations?

12 A. Yes, you can say that.

13 Q. Okay. Other than the more complex
 14 surveillance operations that may be involved, are there
 15 any other differences in the steps to be taken in
 16 Confidential Investigations?

17 A. Well, yes, because a -- a lot of the -- a lot
 18 of the cases that are handled in Confidential, they
 19 require a coordination with other agencies, be it the
 20 State's Attorney's Office or the U.S. Attorney's Office
 21 or our federal partners also get involved in some of our
 22 criminal cases over in Confidential. And that does not
 23 typically occur with cases that are assigned to Special
 24 or General investigations.

25 Q. Got it. And the steps to take to coordinate

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1 with other offices, are those also laid out in the
 2 general orders and special orders you referred to at the
 3 beginning of your deposition?

4 A. I -- I think it -- I think, if I'm not
 5 mistaken, it does make -- mention to contact the State
 6 Attorney's Office and maybe the U.S. Attorney's Office
 7 for assistance with some of our criminal investigations.
 8 And it -- it may mention the working with our
 9 federal partners as well.

10 Q. Okay.

11 A. Not in that language, but --

12 Q. Are there any other sources, other than the
 13 general orders and special orders, where it's written
 14 down the steps to be taken in an investigation when
 15 coordinating with other offices?

16 A. I -- I think there is some language in the --
 17 there's a -- there's an SOP that was out back -- back
 18 then, standard operating procedures for the whole unit
 19 that was out there. And under the Confidential
 20 Investigation Section within the SOP, I think it -- it
 21 mentioned some of our investigative steps that were to
 22 be taken --

23 Q. Okay.

24 A. -- during that time frame.

25 Q. Got it. Any other sources I'm not asking

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1 about, the general orders, the special orders, and the
 2 standard operating procedures?

3 A. No. No.

4 Q. And so, are you familiar -- this is from the
 5 2003 to the 2007 Fraternal Order of Police contract with
 6 the requirement that no new complaint register file be
 7 opened or -- and no CRB reinvestigated or reopened more
 8 than five years after the date the complaint was made
 9 known to the police department?

10 A. Yes, I -- I -- I do recall that.

11 Q. And in those instances, the superintendent's
 12 requirement -- strike that. The superintendent's
 13 approval is required to proceed if so much time has
 14 passed, correct?

15 A. That is correct.

16 Q. During 1999 to 2011, what was the process for
 17 seeking the superintendent's approval to investigate
 18 outside of that time frame?

19 A. So I -- I think -- I -- I don't think there
 20 was a -- a written report that was needed. I just think
 21 that request was communicated up the chain, and then the
 22 chief of Internal Affairs would have, I guess, a
 23 conversation with the superintendent. But I don't --
 24 there was not, that -- that I recall, a written request
 25 to have that open.

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1 Q. So could have -- is -- so -- and when you say
 2 not a written request -- so forgive me if this is
 3 obvious, but it would have been a verbal request to seek
 4 the permission from the superintendent?

5 A. Yes, because I -- I mean, I just don't --
 6 because a lot of things that we do is done by a to/from
 7 or a memo to -- to -- to memorialize it in writing, but
 8 I just don't know if that request required that to, from
 9 report. And I don't know if it was -- if not, it would
 10 have been as simple as, you know, me communicating it to
 11 the lieutenant, who would talk to the -- to the chief,
 12 who in turn would have a conversation with the
 13 superintendent.

14 Q. I understand. Do you have -- do you have any
 15 reason to think that a record was kept of how many times
 16 the superintendent approved or did not approve such
 17 requests during the time frame?

18 A. I don't think there's a -- a record of that.

19 Q. So there -- do you know how many times the
 20 superintendent approved or denied requests to
 21 investigate outside of the time frame?

22 A. I do not.

23 Q. So it would be if the superintendent had --
 24 strike that. So if -- do you have any sense of, you
 25 know, how often the superintendent made such decisions?

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1 MR. MICHALIK: Object to form, foundation.

2 THE WITNESS: I do not.

3 BY MR. HILKE:

4 Q. Okay. So it'd be consistent with your
5 understanding if the superintendent never approved such
6 an investigation during this time frame, correct?

7 MR. MICHALIK: Object to form. Argumentative,
8 foundation, asked and answered.

9 BY MR. HILKE:

10 Q. I'm just trying to make sure I understand your
11 answer. If the superintendent never approved a request
12 to investigate outside of the time frame, that would be
13 consistent with your knowledge of the process for giving
14 approval outside of five years from 1999 to 2011,
15 correct?

16 MR. MICHALIK: Object to form.

17 THE WITNESS: Well, during that time period, I
18 -- I -- I never -- I personally never had an
19 occasion to request that a case be reopened, me,
20 personally. So -- and as a sergeant investigator
21 back then, that I just -- I -- that -- that never
22 really crossed my desk -- desk or my path, so I just
23 -- I would have no knowledge of that.

24 BY MR. HILKE:

25 Q. Let me go back to the confidential

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1 investigation steps for a little bit. After the
2 investigation was finished in a confidential
3 investigation, and now the investigator is making their
4 recommendation for the disposition, does the process
5 from that point on differ in any way from the process
6 you described for other types of investigations?

7 A. No. For -- for -- for your investigation that
8 was conducted in Confidential, within the Bureau of
9 Internal Affairs, that process is the same. Just I want
10 to add one thing, one level of review. So after me, as
11 a sergeant, investigate my case and finish it, my case
12 is reviewed by a lieutenant within that section of
13 Confidential, or when I was working in Special --
14 Special, the lieutenant would review my case.

15 Q. Okay.

16 A. Then it would move on to either Command
17 Channel or the police review -- review -- review panel.

18 Q. So that -- is that an additional step that
19 applies to all the kinds of investigation we've
20 discussed, that the investigator's supervisor will
21 approve it before it goes to the advocacy section to
22 review?

23 A. That is a -- that's correct. So on our
24 closing summary report for our investigation, there's
25 always a signature line for the -- the lieutenant within

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1 that section that after they review the case, they would
2 sign it -- sign off on it.

3 Q. So if a complaint is assigned to the unit and
4 the sergeant is investigating, their lieutenant would
5 approve it when they finish their investigation,
6 correct?

7 A. Yes.

8 Q. And if a lieutenant was investigating a
9 sergeant, their commander or whoever's above them in the
10 chain of command would approve it, correct?

11 A. That is -- that's correct.

12 Q. Is it not the commander?

13 A. No, no, no. It's -- it's the commander,
14 because remember, as I said that I was an investigator
15 as a lieutenant --

16 Q. Yeah.

17 A. -- over at the FBI, so I did handle cases as a
18 lieutenant and my cases were signed off by the commander
19 of Internal Affairs.

20 Q. Okay. And the same is true even if it's
21 assigned to the unit, right? If a unit -- if a unit
22 lieutenant is investigating a unit sergeant, that unit
23 lieutenant's supervisor is going to approve their
24 recommendation?

25 A. That is correct.

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1 Q. All right. Okay. Any other differences, just
2 in terms of the stages applying to confidential
3 investigations that we haven't talked about yet?

4 A. Well, we -- when we spoke about the -- the
5 stages within Confidential, yeah, the investigative
6 steps are -- are same as -- as far as processing the
7 case through, the administrative case. The only
8 difference is the -- the criminal cases and the -- the
9 cases that were worked with the -- the task force that
10 was assigned from the Confidential section of Internal
11 Affairs.

12 Q. Which task force are you referring to?

13 A. I'm referring to the Law Enforcement
14 Anti-Corruption Task Force.

15 Q. And what was the -- what was the nature of
16 that task force, the Law Enforcement Anti-Corruption?

17 A. The nature of it?

18 Q. Yeah.

19 A. Like, what do they investigate? Or what --

20 Q. Yeah, what do they investigate?

21 A. They just -- just allegations of corruption,
22 like coercion, thefts, you know, child trafficking
23 cases, adult trafficking cases, civil rights violation
24 cases. It was just a lot of -- any case that could be
25 -- that would be handled at the federal level that

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1 involved law enforcement officers. And not just CPD,
 2 any law enforcement officer in the Northern District of
 3 Illinois.

4 Q. And was this task force in effect for the
 5 entirety of the 1999 to 2011 period?

6 A. I'm -- I'm not sure if it was in effect back
 7 in 1999, because that kind of predates my involvement on
 8 the task force, but I -- I know it was in effect as far
 9 back, as I can recall, 2006.

10 Q. 2006. So you're aware that the first -- are
 11 you aware that the first -- are you aware that the FBI
 12 was engaged in the investigation of Ronald Watts as
 13 early as 2004?

14 A. Yes.

15 Q. Was this task force in effect then?

16 MR. MICHALIK: I'm just going to object. This
 17 is beyond the scope of this particular 30(b)(6)
 18 deposition. You can answer if you know.

19 THE WITNESS: Well, I -- I can say that there
 20 were CPD officers assigned to the FBI to work that
 21 case at the time. Whether or not it was considered
 22 a task force that was under an MOU, I'm not certain
 23 of that, but I know that there were officers that
 24 were embedded in the FBI to -- that were working on
 25 this case. But to -- if -- I don't want to call it

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1 a task force back then when I wasn't aware -- if I'm
 2 not aware that there was a -- an MOU in place.

3 BY MR. HILKE:

4 Q. Okay. And this is -- the reason that you
 5 brought up the task force is because there are different
 6 practices for investigating CRs as to this task force,
 7 correct?

8 A. Yes.

9 Q. Okay. And do you know if this task force --
 10 do you know if this task force was ever connected with
 11 the investigation into Ronald Watts?

12 A. Well, see, like -- like I said, I mean, I
 13 don't -- at the time back then, I don't -- it's hard for
 14 me to call it a task force. I know that there were
 15 officers assigned to the -- the FBI at that time, or
 16 working with the FBI, working out of the FBI space, but
 17 I don't -- I just know when I was there, I was on a task
 18 force.

19 Q. What -- at the end of the Watts investigation,
 20 you personally did the final steps of the administrative
 21 proceedings against Watts and Mohammed, correct?

22 A. That is correct.

23 Q. Was the -- and at that point, it was a task
 24 force, right? That's after 2006, correct?

25 MR. MICHALIK: I'm going to object. It assumes

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1 a fact not in evidence.

2 BY MR. HILKE:

3 Q. The let me ask it as a question. The -- what
 4 you described as a task force, in effect, in --
 5 actually, let me take two steps back. Aside from CPD,
 6 were there other agencies who participated in the task
 7 force that you were talking about?

8 A. Yes.

9 Q. Did the FBI participate in the task force?

10 A. Yes.

11 Q. Did the U.S. Attorney's Office participate in
 12 the task force?

13 A. They weren't -- they weren't on the task
 14 force. They didn't have a physical presence in the FBI
 15 space, but our investigations involved coordination with
 16 the U.S. Attorney's Office, but they were not actually
 17 on the task force and part of the memorandum of
 18 understanding that governed the -- the task force that I
 19 was on.

20 Q. Okay. And was that the same -- was that same
 21 task force in existence at the -- at the end of 2011, at
 22 the end of the time period we're talking about today?

23 A. Well, so when -- here's the thing. So when I
 24 started working in the FBI space, that was 2014, and --
 25 and at that point is when they brought on board the

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1 state police, the county sheriff's police, and there was
 2 an MOU, and that formulated the actual task force.
 3 Prior to me being there, there were officers assigned to
 4 the FBI to work certain cases. Now, those officers --
 5 sergeants did not work in Internal Affairs, right? They
 6 worked out of what's called VTeck Services (phonetic),
 7 which is over -- overseen by the first deputy's office.
 8 So it wasn't until I got there that I had a physical
 9 presence at the FBI, but was assigned to the Bureau of
 10 Internal Affairs, if you understand what I'm saying. So
 11 there --

12 Q. I do --

13 A. -- was changes that -- that took place when I
 14 arrived.

15 Q. Yeah. And I don't really care what we call
 16 it. What I'm really trying to get at is you're talking
 17 about policies and practices being different for some
 18 kinds of investigations within CPD. And I guess when
 19 you're talking about -- one second. I guess for -- can
 20 you define for me, like, the kinds of investigations,
 21 involving collaborations with other agencies, where
 22 there was a distinct set of practices and policies in
 23 this time period?

24 MR. MICHALIK: Object to the form, vague.

25 THE WITNESS: '99 to 2011?

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1 BY MR. HILKE:

2 Q. Yeah. And what I'm trying to ask is, I've
 3 gotten mixed up in whether it's a task force or a
 4 collaboration with the FBI that predated the task force.
 5 And I don't care what it's called, all I want to know is
 6 about the kinds of investigations where the policies and
 7 practices were different from what we're talking about.
 8 So if you could define for me what you're referring to
 9 when you're talking about a set of investigations where
 10 the policies and practices were different, that would be
 11 very helpful, and we can go from there.

12 A. Okay. Different from -- from the two
 13 different time periods, or different from -- in what
 14 respect?

15 Q. Different from the stages you've talked about
 16 that apply to general investigations, confidential
 17 investigations, any category of investigations we've
 18 already talked about.

19 A. Okay. Got you. So even been dating back from
 20 1999 to 2011, cases that were assigned to the
 21 confidential investigations sections that were worked up
 22 at the -- in FBI space, when it -- when it came to
 23 investigating those cases, those cases were heavily
 24 coordinated by the FBI, because those were what was
 25 considered to be the FBI's cases. That CPD had a role

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1 considered a task force that these sergeants from
 2 Internal Affairs were working on.

3 BY MR. HILKE:

4 Q. And I'm sorry, I didn't mean, was it a task
 5 force? I just meant what -- you know, whether it was a
 6 task force or not. You're aware that CPD confidential
 7 investigations worked with the FBI in an investigation?

8 A. Yes.

9 Q. And that's what you were just talking about
 10 now, correct?

11 A. Yes.

12 Q. So --

13 MR. MICHALIK: I don't mean to -- but we could
 14 call it a joint investigation. I think that would
 15 clear it up.

16 BY MR. HILKE:

17 Q. Yeah. Can we call it a joint investigation?

18 A. Yes.

19 Q. Okay.

20 A. Between CPD and the FBI.

21 Q. And the FBI. Good. Were there any -- now, is
 22 the Bureau of Internal Affairs SOP where I would look
 23 for documentation about joint investigations?

24 A. I -- I -- I think there is a -- a paragraph in
 25 the SOP under the Confidential Section that -- that

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1 Page 103
 2 in assisting the FBI in investigating these cases and --
 3 and working those cases up to potential charging of --
 4 of -- of officers. So when -- when those cases are
 5 near, like, completion, right? We still -- those cases
 6 also had a complaint register number, or a log number,
 7 associated with those cases that was housed at the
 8 Bureau of Internal Affairs. And those cases were
 9 assigned to the sergeants that were on the FBI task
 10 force. So depending on what happened with the
 11 investigation against the officer, that was handled at
 12 the FBI building. The sergeants assigned to the FBI
 13 will -- will finalize the case and go through those
 14 steps of typing up summaries, conducting their
 15 interviews, and making a finding based on the result of
 16 the -- the case and the allegations that were made at
 17 the time the case was initiated, if that helps you.

18 Q. It does. Okay. So what you were just talking
 19 about refers to investigations in the Confidential
 20 Investigation Section where the FBI was working together
 21 with CPD, and it would also include the task force that
 22 you described earlier, correct?

23 MR. MICHALIK: Objection, misstates the
 24 testimony.

25 THE WITNESS: Well, between 19 -- 1999 and
 2011, I cannot say for certain that that was

1 mentions working with outside agencies on
 2 investigations.

3 Q. Is there any other written source you're aware
 4 of that addresses joint investigations?

5 A. That would be in the MOU.

6 Q. When did CPD first enter -- during this time
 7 period, when did CPD first enter into an MOU with the
 8 FBI?

9 A. I -- I don't -- I'm not aware of the -- the
 10 date of that.

11 Q. We've received, I believe, just one. So I
 12 believe the only MOU we've received in this case in
 13 discovery is dated 2011. Are you aware of any other
 14 specific documented agreement between the FBI and CPD
 15 prior to 2011?

16 A. No.

17 Q. Do you have any -- would you have any basis to
 18 disagree that the first MOU between CPD and the FBI was
 19 entered in 2011?

20 A. I can't disagree with that.

21 Q. Now, in terms of the MOU between the -- in
 22 terms of -- and MOU means memorandum of understanding,
 23 right?

24 A. That's correct.

25 Q. Were the -- is a memo of understanding between

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<p style="text-align: right;">Page 106</p> <p>1 the FBI and CPD specific to an individual case, or 2 governing all investigations between the -- all joint 3 investigations?</p> <p>4 A. All joint investigations.</p> <p>5 Q. Okay. And did the memorandum of understanding 6 prohibit the Chicago Police Department from moving 7 administratively to discipline an officer who was being 8 investigated in the joint investigation?</p> <p>9 A. I would -- I would have to review the document 10 to see what the actual language is in the MOU.</p> <p>11 Q. Okay. And do you have any -- your basis to 12 testify about the memorandum of understanding, is it 13 based on knowledge of any specific conversations that 14 occurred, or would it just be based on the written text 15 of the document?</p> <p>16 A. As to the written test of -- text of the -- of 17 the document.</p> <p>18 Q. Okay. And do you have any reason to believe 19 that the Chicago Police Department, during this time 20 period, ever consulted with the FBI about moving for -- 21 administratively for discipline against a police 22 officer?</p> <p>23 A. I have no knowledge.</p> <p>24 Q. Do you have any reason to believe that the CPD 25 ever consulted with the FBI about changing the</p>	<p style="text-align: right;">Page 108</p> <p>1 A. No, I am not.</p> <p>2 Q. Okay. All right. Exhibit 4, PL Joint 83511.</p> <p>3 It's an excerpt of Evaluation of the Use of The 4 Affidavit Override. Sir, have you seen this document 5 before?</p> <p>6 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>7 THE WITNESS: I have not.</p> <p>8 BY MR. HILKE:</p> <p>9 Q. All right. This is an inspector general 10 report, the Chicago's inspector general, about the 11 affidavit override procedure at CPD.</p> <p>12 A. Okay.</p> <p>13 Q. Let me -- one second, please. Let me refer 14 you to Page 8 of the document.</p> <p>15 A. Okay.</p> <p>16 Q. And the situation -- and situations in which 17 the affidavit is required. The first sentence there 18 says, in situations in which an affidavit is required, 19 at the conclusion of the preliminary investigation, the 20 investigator should either -- should have either secured 21 an affidavit, or determined whether it is appropriate to 22 request an affidavit override; do you see that sentence?</p> <p>23 A. Yes.</p> <p>24 Q. Now, the affidavit requirement, did that come 25 into effect -- and strike that. That's a requirement</p>
<p style="text-align: right;">Page 107</p> <p>1 assignment around -- yeah, changing the assignment of an 2 officer who was under investigation?</p> <p>3 A. Can you repeat that one more time?</p> <p>4 Q. Yeah. So for example, like, moving to desk 5 duty or reassigning to another district or role, do you 6 have reason to believe the CPD ever consulted with the 7 FBI about moving an officer who is a subject of a joint 8 investigation to another assignment?</p> <p>9 A. You know, is that during that time frame?</p> <p>10 Q. During that time frame?</p> <p>11 A. No, I have no knowledge.</p> <p>12 Q. Okay. So I'll mark Exhibit 3. We'll mark 13 this part of the deposition confidential, since this 14 does have a confidential stamp on it.</p> <p>15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>16 THE WITNESS: Yep.</p> <p>17 (CONFIDENTIAL PORTION II REDACTED)</p> <p>18 BY MR. HILKE:</p> <p>19 Q. And other than the document we've just looked 20 at, which is City BG62266 and is marked confidential, 21 you're not aware of any other written document 22 reflecting the memorandum of understanding between the 23 FBI and Chicago Police Department, are you?</p> <p>24 A. Are you talking about from that time frame --</p> <p>25 Q. During this time frame?</p>	<p style="text-align: right;">Page 109</p> <p>1 that a civilian complainant -- strike that. That's a 2 requirement that a sworn affidavit be submitted in 3 support of a civilian complaint, in most circumstances, 4 before that complaint can be fully investigated, 5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And did that requirement take effect 8 with the 2003 to 2007 FOP contract? Do you know when 9 that requirement started at CPD?</p> <p>10 A. No, I don't know the exact time frame of when 11 that requirement was in place.</p> <p>12 Q. What were -- what were the circumstances that 13 caused that requirement to be implemented in CPD 14 investigations?</p> <p>15 A. I -- I don't know.</p> <p>16 Q. Would you have any reason to disagree that 17 it's because it was bargained between the police union 18 and the department in their 2003 to 2007 contract?</p> <p>19 MR. MICHALIK: Object to the form of the 20 question. It assumes facts not in evidence.</p> <p>21 THE WITNESS: I have no reason to disagree with 22 that.</p> <p>23 BY MR. HILKE:</p> <p>24 Q. Okay. So then the -- was that sentence we 25 just read, that once a preliminary investigation is</p>

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1 done, the investigator needs to have an affidavit if one
 2 is required or determine whether to request an affidavit
 3 override, was that true during this time period at the
 4 point in which the affidavit requirement was introduced?

5 A. Yes.

6 Q. And the sentence at the bottom -- there's a
 7 sentence at the bottom. Interviewing the accused CPD
 8 member is the only investigative action prohibited
 9 before an affidavit or override is obtained. Was that
 10 true as to investigations once the affidavit requirement
 11 was introduced during this time period?

12 A. Yes.

13 Q. Who -- in an investigation, it's the -- kind
 14 of, like, the sister agency that can actually approve an
 15 affidavit override. It's BIA for OPS-IPRA and vice
 16 versa?

17 A. That is correct.

18 Q. Whose decision is it to request an over write
 19 from -- ride from the sister agency?

20 A. Well, the request initially is going to be
 21 made by the investigator to the investigator's immediate
 22 supervisor. And yeah, it's going to come from the
 23 investigator.

24 Q. And then does it go all the way up the chain
 25 of command, so the head of one agency asks for it from

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1 the head of the other agency?

2 A. That is correct.

3 Q. Did -- are you aware of any guidance that was
 4 provided to unit investigators, like supervisors of
 5 units, where complaints were referred to as to when and
 6 how to request affidavit overrides?

7 A. So I'm not familiar with that process of what
 8 occurred at the district level or unit level.

9 Q. Sure. But I guess from the Chicago Police
 10 Department, are you aware of any information that the
 11 department provided to supervisors in the unit about
 12 affidavit overrides?

13 A. No. The only thing that they would have at
 14 their disposal to review is our department policy --
 15 policies. Other than that, there's nothing that BIA
 16 just handed to the investigators that spoke about the
 17 overrides.

18 Q. Okay. So it would just be among all the
 19 policies provided to the supervisors, correct?

20 A. That's correct.

21 Q. Then on Page -- if you'll look at Page 12 of
 22 the report --

23 A. Can I -- can I add something to that? So
 24 those --

25 Q. Sure.

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1 A. Those cases that -- at the district level that
 2 would -- would -- would -- would require an affidavit
 3 override, that's -- it was -- those cases are getting
 4 into the area where those cases will probably be
 5 reassigned back to Internal Affairs because now we're --
 6 it's becoming a time-consuming investigation. You know
 7 what I mean? So there will be a judgment call made of
 8 whether or not that case will remain at the district
 9 unit level or if that case will be brought back to the
 10 Bureau of Internal Affairs if there are extra
 11 investigative -- investigative steps that will be
 12 --

13 Q. Sure.

14 A. -- taken to complete that case.

15 Q. You -- so if I understand, do you mean that if
 16 a unit supervisor requested an affidavit override,
 17 there's a decent chance that that might prompt the case
 18 to be reassigned to BIA?

19 A. That's correct.

20 Q. Do you know whether any unit supervisor ever
 21 requested an affidavit override during this time period?

22 A. I do not.

23 Q. And you don't have knowledge of any location
 24 where that information would be tracked, do you? Or
 25 documented?

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1 A. No.

2 Q. Turning back to Page 12, if you'll look at the
 3 third paragraph, the -- Page 12 says that BIA -- it
 4 refers to BIA, COPA, and their respective predecessor
 5 agencies. It was -- COPA is what replaced IPRA, and
 6 IPRA is what replaced OPS, correct?

7 A. Correct.

8 Q. So the predecessor agencies to COPA are IPRA
 9 and --

10 A. OPS.

11 Q. Thank you. It's IPRA and OPS, right?

12 A. Correct.

13 Q. So the -- this document says that BIA, COPA,
 14 and their predecessor agencies submitted a total of 98
 15 affidavit override requests between February 18, 2005,
 16 and December 26, 2018, but that 64 of those 98 requests
 17 were submitted after January 1, 2016. Do you have any
 18 reason to disagree with those numbers?

19 MR. MICHALIK: Objection, foundation.

20 THE WITNESS: No, no reason.

21 BY MR. HILKE:

22 Q. Do you have any reason to think that the
 23 Office of Inspector -- and strike that. Has the Office
 24 of Inspector General, on occasion -- well, sorry. During
 25 this time period, did the Office of Inspector General

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1 ever participate in a CR investigation?

2 A. I -- I'm not -- I'm not sure if during that
3 time frame, they did. Because now they -- they do, but
4 during that time frame, I'm not sure if they did.

5 Q. Sure. When the offer -- well, strike that.
6 That's fine. Okay. All right. During this time
7 period, was it CPD's policy that an investigator should
8 contact all complainants and witnesses as soon as
9 possible?

10 A. According to the policy?

11 Q. Yes, sir.

12 A. Yes. I think it's -- it's written in the
13 policy, yes.

14 MR. MICHALIK: Okay. He's --

15 BY MR. HILKE:

16 Q. Okay. And I'm done with the exhibit.

17 A. No, it's just --

18 Q. Was -- and was that also the expectation, that
19 investigators would contact all complainants and all
20 witnesses as quickly as possible?

21 A. Yes, that -- that was the policy.

22 Q. And did the policy set out that the
23 investigators should, you know, when they weren't --
24 sorry, I'm -- am I correct that -- strike that. Did the
25 policy require that an investigator -- actually -- I'd

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1 like to refresh you on -- I'd like to pull up Exhibit --
2 the exhibit is 93-0303.

3 A. Exhibit 2?

4 Q. Exhibit 2. Thanks. If you'll go to Page 4
5 and 5, and just read Item Number 5, please.

6 MR. MICHALIK: And for the record, you're going
7 to be asking questions about Policy 93-0303, and not
8 Exhibit 2?

9 MR. HILKE: That's correct. I'm just asking
10 about the policy, not -- yeah, correct.

11 THE WITNESS: Okay.

12 BY MR. HILKE:

13 Q. Okay. So having reviewed Policy 93-0303
14 Section 5, when possible with -- strike that. One of
15 the steps in an investigation is to interrogate the
16 accused member, correct?

17 A. Yes.

18 Q. And did the department provide any guidance as
19 to when to from memorandum should be used and when
20 statements should be taken?

21 A. Typically, the -- when we're doing the -- the
22 -- the Q and A statements, those are the -- the more
23 serious cases that result in separation of the member,
24 so there's more of a thorough question and answer format
25 as opposed to just having the member respond to

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1 questions in a -- in a to/from report.

2 Q. And is there any specific guidance that you
3 have knowledge of that was provided to investigators
4 regarding that?

5 A. The -- the -- the guidance for that at the
6 time, that came from our lieutenants. They required --
7 because they reviewed the case, and they required that
8 these types of investigation be long form Q and A and
9 written-out statements.

10 Q. And when did lieutenants start enforcing that
11 requirement?

12 A. From the -- from the day I stepped foot in BIA
13 in 2006, that was a requirement back then.

14 Q. And that was -- in 2006, remind me, which
15 section of BIA were you in?

16 A. I initially started in Confidential for about
17 five months, and then I was reassigned to Special
18 Investigations for about seven years.

19 Q. Okay. And do you have any basis to say that
20 the same requirement was applied in general
21 investigations?

22 A. Same requirement, yes.

23 Q. Oh, but I mean, what's your basis to say that?

24 A. Because it -- well, in -- in general, they
25 also had a lieutenant and their -- General and Special,

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1 the way they conducted their investigation was very
2 consistent, very consistent. It is just the type of
3 investigations that were conducted were different, but
4 the manner in which they were conducted were all
5 similar.

6 Q. What's your --

7 A. I've -- I've --

8 Q. What's your basis to say that --

9 A. I've -- I've -- I've seen --

10 Q. -- they're very similar?

11 A. I've -- I've -- I've seen -- I've seen
12 investigative work from General Investigation Section.
13 I've sometimes worked with people assigned to general to
14 help with their investigations. So it was -- it's the
15 same process.

16 Q. During this time period, 1999 to 2011, how
17 many general investigations did you review?

18 A. That I assist with?

19 Q. That you personally have knowledge of?

20 A. Oh, I would say a couple of thousand.

21 Q. A couple thousand?

22 A. Yeah.

23 Q. Okay. Are general -- for -- during that time
24 period, were general investigations and special
25 investigations, did they operate out of the same

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1 building?

2 A. Yes. Right -- yes, down the hall from one
 3 another. Special Investigations section, we were -- we
 4 were contained in two offices, and the rest of the floor
 5 at police headquarters was General investigations. So
 6 yeah.

7 Q. Where was Confidential Investigations?

8 A. It was offsite. It wasn't inside the police
 9 headquarters. It was housed in a -- a separate building
 10 on, like, the West Side of Chicago.

11 Q. And the investigation -- oh, actually,
 12 specifically, what categories of allegations required
 13 statements as opposed to/from memos?

14 A. Category. So it all depends. Like, cases
 15 involving an officer intoxication -- intoxicated on
 16 duty. Cases involving an officer lying, which would be
 17 Rule 14 cases. Those are typically your separation
 18 cases, and that requires a to/from format. Any --
 19 really, any case just based on the -- because you're --
 20 you're talking specific category codes. So those --
 21 that can -- that can really be -- it could be anything
 22 from -- you're talking about just handled with BIA,
 23 right? As opposed to -- because it'll be -- we're
 24 talking criminal sexual assault, we're talking excessive
 25 force, we're talking, you know, search-and- seizure

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1 complaints. Depending on the severity of the -- the
 2 allegations, the penalty can be as stringent as
 3 separation. So the category code, that -- that's one
 4 thing, but the severity of it and what's uncovered
 5 during the course of the investigation, the penalty can
 6 -- can be higher.

7 Q. I guess I'm -- were there specific criteria
 8 that all lieutenants applied as to when the
 9 interrogation of an accused officer should take place in
 10 the form of a question-and-answer statement, as opposed
 11 to a to/from memo?

12 A. Yeah. So I think the -- the standard was --
 13 one of the criteria were if you had numerous witnesses.
 14 For instance, if a complaint occurred in roll call room,
 15 you got 20 officers sitting there, right? And you --
 16 you want to get -- get statements from all the officers.
 17 Instead of dragging each officer down to the station for
 18 a formal Q and A, you can just type out a series of
 19 questions related to the allegation and have the
 20 officers respond in a -- a typed-out memo regarding the
 21 allegation that took place inside the roll call room.
 22 So that's -- that was one -- that was one criteria.
 23 Like, if you're interviewing multiple people, and
 24 depending on the allegation, that could be done in a --
 25 a to/from format, as opposed to bringing each and every

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1 officer down to police headquarters for a Q and A.

2 Q. What other criteria -- what other common
 3 criteria for deciding whether to require a statement
 4 from the officer, as opposed to a to/from memo, did all
 5 the lieutenants use during this time period?

6 A. Well, there -- Okay. So you have your Rule 14
 7 cases. Every case that comes in where some officer
 8 violated Rule 14, that's a false statement, written or
 9 oral. Those are -- those cases should always leave the
 10 Bureau of Internal Affairs as separation cases because
 11 that's just -- that was -- that was the standard for
 12 Rule 14s. So with that said, those cases are always in
 13 -- in typed-out, Q-and-A format.

14 Q. And typed out -- when you say typed-out Q and
 15 A, you mean there's, like, a live conversation with the
 16 accused officer that's recorded in writing, correct?

17 A. Yes. So the -- the investigator is typing out
 18 the question, the -- and asking the question, and the
 19 accused member would give a response, and then the
 20 investigator would type out the response. So it's just
 21 whatever is taking place in that conversation will be
 22 typed out. And then at the end of it, the accused
 23 member will sign off on that document.

24 Q. Any other common criteria?

25 A. I mean, from what I can think of right now,

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1 that's kind of what I recall being some of the criteria.

2 Q. And -- well, do you recall any others right
 3 now?

4 A. No.

5 Q. And then did the department do anything, like,
 6 in terms of running reports, collecting data, or
 7 otherwise monitoring to make sure that those criteria
 8 you've just described were consistently enforced?

9 A. No.

10 Q. The -- it was also the policy, CPD's policy,
 11 that interrogation should include all members of the
 12 department who had knowledge of whether the alleged
 13 misconduct occurred, correct?

14 A. Correct.

15 Q. And it was also the policy that officers were
 16 not allowed to submit joint statements, correct?

17 A. Correct.

18 Q. And what was the reason for specifically
 19 prohibiting joint statements?

20 A. Well, we need -- we needed to have each and
 21 every officer's independent recollection of what took
 22 place that required this investigation to take place.
 23 So yeah, each officer was responsible for drafting their
 24 own report or sitting for the respective Q-and-A
 25 interview.

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1 Q. And were officers allowed to work together on
 2 their statements when they sent -- like, as in exchange
 3 information with one another about what they would
 4 submit in a to/from report?

5 A. Were they allowed to?

6 Q. Yeah.

7 A. Well, they -- so what they -- what they did
 8 was -- well, we -- when you receive some of these
 9 reports, you would look at them and -- and you would
 10 notice that, okay, there's a lot of similarities in this
 11 verbiage between these seven witnesses, and even
 12 sometimes to the point where if one word is misspelled,
 13 they're misspelled on every last document, so you know
 14 that all they did was change their name. So me
 15 personally, I would either bring them in for a Q and A,
 16 or I would -- I would not accept the report.

17 Q. And was that a policy you were following, or
 18 your personal discretion in your --

19 A. That was my discretion as an investigator.

20 Q. Were you ever told by a supervisor to do that,
 21 one way or another?

22 A. No.

23 Q. Are you aware of any broader policy or
 24 practice for reviewing statements in the way you did, of
 25 trying to identify if the officers had collaborated on

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1 MR. MICHALIK: Object to the form.

2 THE WITNESS: Typically, the -- if the -- if
 3 the case is handled by the Bureau of Internal
 4 Affairs, the immediate supervisor may only be made
 5 aware of the case when the notification goes to the
 6 -- the district or unit to have the member answer to
 7 the allegations or -- or if the member is called
 8 down for a statement. Other than that, the
 9 supervisor would not have much knowledge of the
 10 investigation. Only during the notification process
 11 to have that member submit paperwork or acknowledge
 12 the allegations or be interviewed.

13 BY MR. HILKE:

14 Q. Got it. And what about after the
 15 investigation? Does a supervisor learn the outcome of
 16 the investigation after the investigation is complete?

17 A. No, just the member.

18 Q. And I know you said you specified BIA before.
 19 Would you have any reason it would -- to believe it was
 20 different for OPS or IPRA investigations?

21 A. I -- I have no reason -- or no knowledge of
 22 their processes.

23 Q. So is it fair then that, as far as you know,
 24 the only instance in which a supervisor of an accused
 25 officer would learn of the disciplinary recommendation

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1 the statements they were going to give?

2 A. I'm not -- I'm not sure. I don't want to say
 3 there -- that there isn't any policy, but I just -- if
 4 there is, I just can't recall where that policy would --
 5 would lie.

6 Q. It's -- if the policy were in writing, it
 7 would be in one of the places we've talked about
 8 already, correct?

9 A. That's correct.

10 Q. And in terms of a practice, I know you already
 11 said your supervisor didn't tell you to do one way or
 12 another, but are you aware of any practice of
 13 supervisors telling their investigators to look, or not
 14 to look, for those kinds of similarities between
 15 officers' to/from reports?

16 A. As far as policy and practice, no. But I -- I
 17 knew -- I do know that supervisors have had
 18 conversations with investigators regarding, you know,
 19 catching that. But as far as a -- a policy, or stating
 20 a policy when they're having these conversations, I'm --
 21 I'm not aware of that.

22 Q. Okay. So under what circumstances would the
 23 supervisors of accused officers be made aware of the CR
 24 of the complaint made against an officer under their
 25 supervision?

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1 is if the supervisor actually investigated it because it
 2 was assigned to the unit?

3 A. That's correct. Or if the -- or if the
 4 accused officer tells the supervisor.

5 Q. Sure. And if the complaint was assigned to
 6 the unit, even in that situation, would the supervisor
 7 who investigated the complaint learn the ultimate
 8 outcome of -- you know, like, after it got sent up for
 9 approval and final disposition?

10 A. No.

11 Q. And is that true for all kinds of
 12 investigations, general investigations, criminal
 13 investigations, and confidential investigations?

14 A. For General, Special, yes. For Confidential,
 15 the supervisor may be made aware of the outcome if it
 16 becomes newsworthy. Other than that, it -- there will
 17 be no internal notification to the supervisor if the
 18 case was handled by Confidential.

19 Q. And when you say would become newsworthy, can
 20 you explain what you mean?

21 A. Well, a -- a lot of times, cases that are
 22 handled in -- in Confidential that are criminal in
 23 nature, it -- it becomes newsworthy. And then of
 24 course, the supervisor can see it in writing, or in the
 25 news, and learn of the disposition of the case.

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<p>1 Q. So you mean literally, that --</p> <p>2 A. Yes.</p> <p>3 Q. -- they might see it on TV or the news?</p> <p>4 A. They might see it on Channel 2 or 3. Yes.</p> <p>5 Q. Okay. And why didn't CPD give supervisors</p> <p>6 more information about CRs against their subordinates?</p> <p>7 A. Why didn't they?</p> <p>8 Q. Yeah.</p> <p>9 A. I don't -- I don't know. I think it was -- it</p> <p>10 was a judgment call from the department higher up. So I</p> <p>11 just -- I just don't -- I can't -- I don't -- I don't</p> <p>12 know.</p> <p>13 Q. In terms of -- did supervisors have access to</p> <p>14 the -- strike that. Could you -- could supervisors,</p> <p>15 like in the various, you know, units and divisions of</p> <p>16 the CPD, could they find out what CRs had been initiated</p> <p>17 against their subordinates if they wanted to?</p> <p>18 A. I guess if -- if they wanted to, yes. If they</p> <p>19 wanted to request some of their disciplinary history</p> <p>20 from the Records Division within the Bureau of Internal</p> <p>21 Affairs, they can. And that typically takes -- takes</p> <p>22 place if a department supervisor, like a -- a -- a</p> <p>23 tactical supervisor or lieutenant, is considering</p> <p>24 placing an officer, like, on a tactical team. So you</p> <p>25 just want to look at their -- their history or their</p>	<p>Page 126</p> <p>1 transition from OPS to IPRA.</p> <p>2 A. Okay.</p> <p>3 Q. When did OPS end and IPRA start?</p> <p>4 A. I would be guessing.</p> <p>5 Q. Okay. That's all right. What were the --</p> <p>6 operationally, what changed when OPS became IPRA?</p> <p>7 A. I -- I think the -- the -- the biggest</p> <p>8 difference, from what I recall, is that IPRA -- OPS had</p> <p>9 sworn officers assigned to that unit, as opposed to</p> <p>10 IPRA, where it was all civilian investigators. That was</p> <p>11 the biggest -- that was the biggest change.</p> <p>12 Q. Okay. Any other major changes between the</p> <p>13 entities that you're aware of?</p> <p>14 A. I -- I think a -- a big part of IPRA was a bit</p> <p>15 more transparency in their investigation. Yeah.</p> <p>16 Q. So a change in how much information was shared</p> <p>17 about investigations they did, correct?</p> <p>18 A. Yeah.</p> <p>19 Q. Anything else?</p> <p>20 A. Not that I can recall right now.</p> <p>21 Q. And is it correct that many of the staff would</p> <p>22 work at -- that OPS joined IPRA when IPRA was formed?</p> <p>23 A. I'm not certain of that.</p> <p>24 Q. You wouldn't have any reason to agree or</p> <p>25 disagree, fair enough?</p>
<p>Page 127</p> <p>1 background and just make a request to see it prior to</p> <p>2 making a decision.</p> <p>3 Q. And did that history include just sustained</p> <p>4 CRs or all dispositions and CRs?</p> <p>5 A. It -- it typically contains a five-year</p> <p>6 sustained history.</p> <p>7 Q. Okay. So just sustained in just the last five</p> <p>8 years, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so beyond sustained in the five years --</p> <p>11 in the last five years, would supervisors be able to</p> <p>12 access any other disciplinary information about</p> <p>13 subordinates if they wanted to?</p> <p>14 A. The SPAR history.</p> <p>15 Q. Okay. And other than SPAR history and CR,</p> <p>16 anything else to --</p> <p>17 A. You talking about the -- the findings of,</p> <p>18 like, all their -- their cases?</p> <p>19 Q. Yeah.</p> <p>20 A. A -- a request can be made. And if the -- if</p> <p>21 the -- the chief agrees to it, they -- they could</p> <p>22 provide it. But normally, that's at a -- a higher</p> <p>23 level, and if the commander of the unit requests that,</p> <p>24 typically, that request is honored.</p> <p>25 Q. Okay. So I want to ask you a little about the</p>	<p>Page 129</p> <p>1 A. I would not have reason to disagree.</p> <p>2 Q. Okay. And -- one second. In terms of -- if I</p> <p>3 understood your testimony, in terms of operations, in</p> <p>4 terms of how IPRA actually conducted its investigations,</p> <p>5 are you aware of anything that IPRA was able to do in</p> <p>6 investigations that OPS, its predecessor agency, could</p> <p>7 not do in investigations?</p> <p>8 A. I'm not aware.</p> <p>9 MR. HILKE: I only have, like, another 15</p> <p>10 minutes. And you, how are you doing?</p> <p>11 MR. MICHALIK: I'm fine. How are you doing?</p> <p>12 THE WITNESS: I'm good.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. Okay. Exhibit 5. To my knowledge, this -- so</p> <p>15 this is General Order 933, City BG-59013. Well, let me</p> <p>16 -- I'm going to draw your attention kind of far back in</p> <p>17 the packet to 59060. Is that -- no, I'm sorry. 59063,</p> <p>18 please.</p> <p>19 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>20 THE WITNESS: Okay. Thanks.</p> <p>21 BY MR. HILKE:</p> <p>22 Q. And these are -- this is the order on summary</p> <p>23 punishment. This would be the order describing how what</p> <p>24 you referred to earlier as SPARs are implemented,</p> <p>25 correct?</p>

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1 A. Correct.

2 Q. Now, the -- all right. So looking at 2A, the
3 definitions. SPARS are an alternative to complaint
4 register disciplinary procedures, specifically for
5 conduct defined as a less serious transgression,
6 correct?

7 A. Correct.

8 Q. And that 2B gives a definition. What less
9 serious transgression means is it's an act or omission
10 listed in Item 4 of this addendum, correct?

11 A. Correct.

12 Q. And it further says that it's the items on
13 that list which warrant prompt and appropriate action,
14 but do not require a complaint register number, right?

15 A. Correct.

16 Q. So even if a complaint or -- strike that. Even
17 if an act or a mission falls under one of the items in
18 Item 4, one of the less serious transgressions, that can
19 still be escalated to a complaint register if the
20 situation warrants, correct?

21 A. Oh, definitely.

22 Q. And is there any, like, specific rule as to
23 how to tell if an act or omission should be treated as a
24 SPAR, or should be treated as a complaint register?

25 A. One -- one thing to consider is the severity

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1 of the infraction and the penalty that's warranted for
2 that infraction. You know, and that's case-by-case.
3 Summary punishment, violation noted, reprimand to a
4 three-day suspension. If you believe that that
5 infraction requires a higher penalty that's going to go
6 beyond the three days, then that case would have to be
7 handled up by a CR investigation.

8 Q. I understand.

9 A. So that's one of the things you want to look
10 at.

11 Q. And during this time period, there's no
12 disciplinary matrix laying out the different punishments
13 to be imposed for different categories of misconduct, is
14 there?

15 A. For SPAR, during -- during that time?

16 Q. During that time in general.

17 A. No.

18 Q. And so, the appropriate punishment is
19 ultimately -- well, strike that. Other than the
20 discretion and judgment of the investigator or
21 supervisor, was there any other basis for identifying
22 what the appropriate penalty would be for different
23 kinds of offenses during this time period?

24 A. Well, yeah. You -- you would weigh in their
25 histories, their complaint history, their disciplinary

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1 history, their SPAR history, and then because you -- you
2 don't -- you don't want to continue giving someone a
3 reprimand for the same infraction because in Internal
4 Affairs, we're -- we're kind of all about progressive
5 discipline if needed be -- need be. So if -- if a
6 member continues to violate certain policies, then the
7 -- the penalty gets more and more severe, to the point
8 where that infraction will not be handled by SPAR and
9 will be handled by a CR number.

10 Q. No, I understand. Let me take a step back
11 because I'm -- the question I'm trying to ask is not
12 just about SPARS, but about kind of any kind of
13 misconduct a supervisor might observe.

14 A. Okay.

15 Q. If -- during this time period, if I'm a
16 supervisor and I observe -- I believe one of my officers
17 has committed misconduct, I have to decide whether I
18 want to handle it as a -- well, you -- I -- your
19 testimony before was one of the ways that supervisor
20 will know whether it should be treated as a SPAR is to
21 figure out what the severity of discipline would be for
22 the misconduct, correct?

23 A. Well, yes. But then also, it depends on what
24 we're talking about here, as far as what -- what
25 infraction, or what misconduct the member is completing.

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1 Even though in attention to duty, it -- it can be, okay,
2 yeah, it's a SPAR, right? It -- it's spelled out. And
3 its duty, it's a SPAR. But depending on what the
4 inattention is, it would be handled as a CR
5 investigation.

6 Q. Sure. And I guess my question is: Other than
7 that supervisor's judgment about what punishment is
8 warranted, is there any other source that was given to
9 the officers to refer to, like, guidelines, examples?
10 Anything, you know, for these different kinds of
11 offenses, this is the kind of punishment you should be
12 looking at?

13 A. Okay. So we -- for this order here, so when
14 you -- for the summary replenishment, are you talking
15 about just discipline in general?

16 Q. I'm just talking about discipline in general.
17 Like, what's the reference point for a supervisor when
18 they're trying to figure out -- you know, is there a
19 reference point given to supervisors in determining what
20 kind of discipline do I think would be warranted for
21 this misconduct?

22 A. No, see, it's hard to answer that question. It
23 could be -- see, I -- I have -- see, me, I have the
24 experience, I -- and I know, you know, because I -- I've
25 been doing this for a long time, but the average

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<p style="text-align: right;">Page 134</p> <p>1 sergeant in the district -- no, there's -- there's no 2 reference point, but depending on the nature of the 3 infraction, or the complaint, you know, if it's not a 4 citizen-based complaint, then they have the ability to 5 decide whether or not it's going to be handled by SPAR, 6 if a SPAR is warranted, or if it'll be handled as a -- a 7 log number.</p> <p>8 Q. Got it. So that's kind of in their 9 discretion --</p> <p>10 A. Yeah.</p> <p>11 Q. -- to figure out how to proceed, correct?</p> <p>12 A. Correct.</p> <p>13 Q. So -- okay. So the -- if you go to the next 14 page, 59064, and the following page also, Section 4A 15 lists 26 specific, less serious transgressions that can 16 be appropriately disciplined via SPARs, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And this is a -- this is an inclusive list, 19 right?</p> <p>20 A. Yeah.</p> <p>21 Q. These are all the categories that should be 22 handled by SPARs, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Or I should say can be handled by SPARs, 25 because even if it qualifies, you could still make it a</p>	<p style="text-align: right;">Page 136</p> <p>1 MR. MICHALIK: Object to the form of the 2 question.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Okay.</p> <p>6 A. But SPARs only go from reprimand to three 7 days.</p> <p>8 Q. Right.</p> <p>9 A. So depending on the nature of the infraction, 10 the penalty, it might -- it might require a ten-day 11 suspension that cannot be fulfilled during the SPAR 12 process.</p> <p>13 Q. So if this list is so broad it could include 14 any misconduct, why even have a list of 26 items? Why 15 not just say any minor misconduct can be treated as a 16 SPAR?</p> <p>17 MR. MICHALIK: Object to the form.</p> <p>18 THE WITNESS: I didn't create this, unless -- I 19 can't answer that question.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. Sure. But based on how broadly it applies, it 22 would've been just as accurate to, instead of 26 items, 23 say, look, if it's -- if you think it's a minor 24 misconduct, it's okay to classify it as a SPAR; is that 25 correct?</p>
<p style="text-align: right;">Page 135</p> <p>1 CR, if you thought it warranted, correct?</p> <p>2 A. Correct.</p> <p>3 Q. But if an item does not fall -- if you observe 4 misconduct as a supervisor and you can't classify it as 5 one of these 26 categories, it would be inappropriate to 6 proceed with it as a SPAR, correct?</p> <p>7 A. Correct. But there's -- there's a caveat 8 because if -- if the investigator still wants to make it 9 a less serious transgression, depending on the nature of 10 the infraction, because a lot of this is very specific 11 to smoking inside of a car, that kind of very specific. 12 But then you -- you have failure to perform any duty, 13 right? So that's not telling you exactly what that duty 14 is. So depending on the nature of the allegation, it 15 could be handled as a SPAR, you know? So it's really 16 case by case, of what can be handled as a SPAR, because 17 these -- a lot of this stuff is very specific, but then 18 some of it is very general in language. Failure to 19 perform an assigned task. You know, it's like you can 20 do a CR number, or you can SPAR for numerous things that 21 the officer does.</p> <p>22 Q. So how far does that extend? I mean, is it 23 the case that any kind of alleged misconduct could be 24 re-classed -- could be phrased as failure to perform a 25 duty and appropriately treated as a SPAR?</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. MICHALIK: Object to form.</p> <p>2 THE WITNESS: I think it's a minor -- yes.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. So the list of -- when -- so one of the factor 5 when -- I'm going to ask you a question about CRs, but 6 I'm going to bring it back to SPARs.</p> <p>7 A. Okay.</p> <p>8 Q. When a CR is sustained, the recommended 9 discipline can consider other recent sustained CRs, 10 correct?</p> <p>11 A. It can -- yes. It -- it will -- you have to 12 weigh in their disciplinary histories. Yes.</p> <p>13 Q. And specifically, the sustained CRs, right?</p> <p>14 You're not allowed to consider unsustained CRs?</p> <p>15 A. Right. Your five-year sustained history.</p> <p>16 Q. Okay. When considering discipline for a CR, 17 are investigators also allowed to consider SPARs that 18 have been applied against the officer?</p> <p>19 A. Yes. You also received the SPAR history.</p> <p>20 Q. And for what time frame do you receive the 21 SPAR history?</p> <p>22 A. That's a good question. It might -- yeah. 23 I'm not certain if it's the five-year SPAR history or 24 the full SPAR history. It's either or.</p> <p>25 Q. And is it correct that the SPARs are expunged</p>

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<p>1 after one year?</p> <p>2 A. They -- they are.</p> <p>3 Q. And what does that mean, that they're</p> <p>4 expunged?</p> <p>5 A. They're -- they're taking off your record.</p> <p>6 Yeah, I think it -- it falls off your -- your record</p> <p>7 after a year.</p> <p>8 Q. Okay.</p> <p>9 A. You're right.</p> <p>10 Q. So if it falls off after a year, it wouldn't</p> <p>11 be considered a discipline then, correct?</p> <p>12 A. It would -- that -- that is correct. I stand</p> <p>13 corrected.</p> <p>14 Q. So does expunging the SPAR mean that actual</p> <p>15 documents or information about the SPAR are destroyed?</p> <p>16 A. I think they're -- that means it's -- they're</p> <p>17 -- it is no longer available to the investigator as --</p> <p>18 as for the purposes of weighing in on future penalty.</p> <p>19 Q. Asking about CRs now, my understanding is that</p> <p>20 CRs are essentially -- although they -- they're not</p> <p>21 available in the same way after five years, the actual</p> <p>22 files are sustained indefinitely; is that correct?</p> <p>23 A. Yes.</p> <p>24 MR. MICHALIK: Object to the form.</p> <p>25 THE WITNESS: I'm sorry. Yes, there is a</p>	Page 138	<p>1 page, describe hearing officer review and complaint</p> <p>2 review panel.</p> <p>3 A. Okay. Yes, okay.</p> <p>4 Q. Okay. So the ability to appeal and have the</p> <p>5 complaint review panel, that would've been in effect at</p> <p>6 this time period, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And then looking to the final page, 59070, or</p> <p>9 Page 8. The SPAR policy actually does provide a</p> <p>10 schedule of policies for various transgression</p> <p>11 categories, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And so, am I correct that this schedule</p> <p>14 provides minimums and maximums, meaning any punishment</p> <p>15 given for a SPAR would have to fall within the period</p> <p>16 defined -- or nature defined here, based on whether it</p> <p>17 was first second, third, fourth, or following?</p> <p>18 A. Correct.</p> <p>19 Q. Are SPARs only given by direct supervisors of</p> <p>20 subordinates?</p> <p>21 A. No, not necessarily.</p> <p>22 Q. So if a sergeant -- and if a sergeant observes</p> <p>23 a patrol officer from another unit committing</p> <p>24 misconduct, they can elect to initiate a SPAR against</p> <p>25 that officer?</p>
<p>1 record. There -- we have the file.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. And is the same true for SPARs? Is a SPAR</p> <p>4 file retained indefinitely, even if it's not made</p> <p>5 available?</p> <p>6 A. I -- I'm not certain about how the SPARs are</p> <p>7 maintained and the retention period for SPARs.</p> <p>8 Q. Okay. In any event -- one second. All right.</p> <p>9 And even the -- even -- well, strike that. A sustained</p> <p>10 CR can be appealed by an officer to the complaint -- to</p> <p>11 a complaint review panel, correct?</p> <p>12 A. A sustained CR can be appealed?</p> <p>13 Q. No, I'm sorry. A SPAR. This -- the SPAR</p> <p>14 process also includes command -- complaint review panel</p> <p>15 review, if the officer wants it, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And if you look at BG --</p> <p>18 A. Well, I'm trying -- I'm trying to think about</p> <p>19 that because within the -- within the SPAR system, I --</p> <p>20 I'm -- I'm trying to think about this in terms of the --</p> <p>21 the time frame.</p> <p>22 Q. Can I interrupt you and just point you to</p> <p>23 59068, Section C?</p> <p>24 A. Okay.</p> <p>25 Q. Describes C on that page and B on the next</p>	Page 139	<p>1 A. Correct. I can SPAR an officer if I'm driving</p> <p>2 home.</p> <p>3 Q. Okay.</p> <p>4 And the policy we've just been looking at was</p> <p>5 provided to all officers, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And so, officers would know, for example, how</p> <p>8 long a SPAR can be used against him in future</p> <p>9 disciplinary proceedings, correct?</p> <p>10 A. Correct.</p> <p>11 MR. HILKE: Okay. All right. Let's take a</p> <p>12 break.</p> <p>13 THE VIDEOGRAPHER: We're off the record. The</p> <p>14 time is 1:31 p.m.</p> <p>15 (OFF THE RECORD)</p> <p>16 THE VIDEOGRAPHER: We are back on the record</p> <p>17 for the deposition of Timothy Moore. Today is</p> <p>18 March 19, 2024, and the time is 2:13 p.m.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. I want to ask a couple of questions about,</p> <p>21 like, reassignments. Did the disciplinary system play</p> <p>22 any role in recommending that an officer be reassigned,</p> <p>23 like, from one assignment to another?</p> <p>24 A. The disciplinary -- no. No, not the</p> <p>25 disciplinary role. It did not play a role.</p>

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1 Q. Okay. And so, likewise, did the disciplinary
 2 system play any role in the recommendations that
 3 officers be reassigned to desk duty?

4 A. Not the disciplinary role, but the -- the
 5 investigation itself may lead to someone being
 6 reassigned, but that's at the direction of the
 7 superintendent.

8 Q. Okay. And in terms of that decision process
 9 of reassignment or being put on desk duty, would that
 10 happen with, you know, BIA, OPRA -- or IPRA in
 11 communication with the superintendent, or would that
 12 instead be located with whatever unit the officer who
 13 that was being discussed for sits in?

14 MR. MICHALIK: I'm just going to object to the
 15 form that question. Go ahead, if you know.

16 THE WITNESS: Can you -- one more -- can you go
 17 over that one more time?

18 BY MR. HILKE:

19 Q. Yeah. I guess I'm trying to understand --
 20 basically, I'm trying to understand more about what you
 21 mean when you say the superintendent would make that
 22 decision. Would that be the superintendent with the
 23 chain of command of the accused officer?

24 A. No. That would skip to the superintendent of
 25 police.

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1 Q. Okay. So --

2 A. To make the decision of personnel movement.

3 Q. So that's -- okay. And just so I apologize,
 4 because I think you just said this, but IPRA, OPS, BIA,
 5 they're not involved in that conversation, correct?

6 A. Well when you say -- well when it comes to
 7 BIA, for movement purposes, the chief of BIA would
 8 probably have a conversation with the superintendent so
 9 he can get an understanding of why it's taking place.

10 Q. Okay.

11 A. Because cases -- cases that involve movement
 12 of officers, typically, the superintendent is aware of
 13 the investigation. So it's -- it's easy for him to
 14 decide whether or not to make the decision to move the
 15 person because he's aware of the case already.

16 Q. I understand. Does the chief of BIA make any
 17 recommendation in that situation?

18 A. Yeah, yeah. In -- in the -- at -- at times,
 19 the chief has, yes.

20 Q. Okay. So the chief of BIA -- and actually, at
 21 what point in the investigation would such a
 22 conversation about reassignment take place?

23 A. It -- it's case by case, and it depends on the
 24 -- the nature of the complaint and the allegation to
 25 determine whether or not the department as a whole is

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1 better served by that member not being actively on the
 2 street, working.

3 Q. Okay. So even before the investigation is
 4 concluded, the chief of BIA can go to the superintendent
 5 and say, you know, I think this officer should be on
 6 desk duty, correct?

7 A. Correct.

8 Q. Chief of BIA can also say, this officer should
 9 at least be reassigned to another unit while the
 10 investigation is completed, correct?

11 A. Yes. When it -- yes. But of course, the --
 12 the members do have collective bargaining rights. So
 13 it's a little bit harder to move the person from one
 14 unit to the next without calls. And a lot of times,
 15 they would have to go through legal affairs to -- to
 16 make that -- that move happen.

17 Q. I see. Is it more straightforward to put an
 18 officer on desk duty than to get them reassigned to
 19 another area?

20 A. Yes, it is.

21 Q. And so, would that typically be the
 22 recommendation if an officer -- if the thought is that
 23 something needs to happen while the investigation
 24 continues? Like, meaning desk duty instead of changing
 25 units.

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1 A. Yes.

2 Q. Did -- during this time frame, did BIA keep
 3 track of how many investigations were assigned at the
 4 unit level?

5 A. I would say yes. Yes --

6 Q. Okay.

7 A. -- that -- that information is tracked.

8 Q. All right. And if I -- am I correct that --
 9 well, strike that. When a CR is initiated, a category
 10 code is assigned to the CR, correct?

11 A. That's correct.

12 Q. And those are the codes that the department
 13 uses to understand what's the nature of the allegations
 14 being made?

15 A. That's correct.

16 Q. Was there any limit on categories of
 17 allegations that could be assigned to be to the unit
 18 level?

19 A. A limit?

20 Q. Yeah. Meaning, were there any categories of
 21 allegations that could never be assigned to the unit
 22 level?

23 A. Yes. There are certain category codes that
 24 would not -- would not be assigned to a unit level.

25 Q. Which category --

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1 A. Coercion, for example. It -- all -- all
 2 criminal investigations, EEOC complaints are not
 3 assigned. Basically, any category code that would fall
 4 under Special Investigations, Confidential
 5 Investigations. Yeah, most of your -- your criminal
 6 cases, those would not be assigned to the units and
 7 districts.

8 Q. And you mentioned coercion as a category that
 9 wouldn't be assigned to the unit level. What
 10 categorizes a coercion complaint? What's a -- what's
 11 the definition of coercion?

12 A. I don't know, coercion is when you, I don't
 13 know, compel someone to -- to -- to do an act. Yeah. I
 14 -- I -- yeah, I don't know the specific definition, but
 15 it's -- I know you're -- you're compelling someone to --
 16 to do an act of some sort.

17 Q. Yeah. When you say -- when you say
 18 compelling, could you explain a little bit more about
 19 what you mean?

20 A. Well, compelling -- so as an officer working
 21 with the streets, you -- you -- you want to -- I -- I
 22 don't -- it's hard for me to describe it. But you want
 23 to make a citizen -- for instance, like a tow truck
 24 driver, you -- you want the tow truck driver to -- to
 25 call you when -- when it's time to tow cars, so you can

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1 -- you can benefit from it.

2 Q. So like taking bribes would be an example,
 3 correct? Or to seek soliciting bribes -- or I'm sorry.
 4 That's not what you're talking about. It sounds like --

5 A. It's not --

6 Q. -- you're talking about sort of -- well,
 7 coercion -- sorry. Let me take a step -- let me ask you
 8 if these are examples that you're talking about. So just
 9 to give one example, if an officer -- you know, if
 10 someone -- if, for example say that there's someone
 11 who's, like engaged in prostitution. If an officer, you
 12 know, asks for sex or money in exchange for not
 13 arresting that person, would that constitute coercion?

14 A. I -- I would say so, yes.

15 Q. Okay. And if -- what if an officer says, I'm
 16 going to put charges on you unless you can bring me --
 17 unless you pay me, would that be coercion?

18 A. I think that's more of extortion.

19 Q. Could -- would extortion -- would complaints
 20 of extortion be appropriate to assign to the unit level?

21 A. No.

22 Q. Say it's instead, I need you to bring me a
 23 gun, right, a gun that I can, you know, report as
 24 getting -- or I'm going to arrest you for some charge,
 25 would that constitute coercion?

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1 A. Yes.

2 Q. Say you say, I need you to give me a statement
 3 against, you know, this other person I'm investigating.
 4 If you don't, I'm going to arrest you. Would that
 5 constitute coercion?

6 A. Yes.

7 Q. None of those CBs -- none of those should be
 8 investigated at the unit level, correct?

9 A. Correct.

10 Q. And we talked before a little about how
 11 supervisors would take statements or two from them
 12 Miranda from accused officers when supervisors
 13 investigated their subordinates. I want to ask you, in
 14 the Bureau of Internal Affairs -- actually, so stepping
 15 back from that. For Internal Affairs, did they have
 16 interview rooms where police officers could come in and
 17 give statements if they were required to give
 18 statements?

19 A. Yes.

20 Q. And were those set up with whatever things
 21 might be needed to conduct those interviews?

22 A. Yes.

23 MR. MICHALIK: Objection, vague. Go ahead.

24 THE WITNESS: I'm sorry. Yes.

25 BY MR. HILKE:

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1 Q. You know, for example, you know, they'd have a
 2 workstation, a computer for typing up a statement,
 3 correct?

4 A. That's correct.

5 Q. And were these interviews with police officers
 6 -- accused officers recorded at any time during this
 7 time period?

8 A. No, not during that time period.

9 Q. Did they use tape recorders to record the
 10 statements at all?

11 A. Not during that time period.

12 Q. Okay. Then -- and the investigators in
 13 Internal Affairs would've been familiar with like the
 14 form and formatting needed to take a statement in an
 15 Internal Affairs investigation, correct?

16 A. Yes.

17 Q. And same for IPRA and OPS, correct?

18 A. I would -- I would hope so.

19 Q. But what about the -- when supervisors
 20 investigated their subordinates, was there, like, any
 21 training or process to make sure that they were familiar
 22 with the right format and method of taking of statements
 23 in their investigations?

24 A. As far as training, that -- that -- a lot of
 25 that came about with, like, on the job training.

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<p style="text-align: right;">Page 150</p> <p>1 Supervisors that had experience in CR investigations, 2 that worked, like, the same watch as the, like, newly 3 minted sergeants that hadn't done CR numbers. So a -- a 4 lot of -- sometimes, that's how the training would take 5 place, by asking other supervisors for assistance.</p> <p>6 Q. Okay.</p> <p>7 A. And -- and -- and creating your -- your 8 Q-and-A format, or your memo asking for -- asking for a 9 question to be answered in a case.</p> <p>10 Q. Got it. Could -- when -- and so when 11 supervisors were investigating their subordinates in CR 12 investigations, was the expectation that if a statement 13 was taken, the investigator would be the one to take it, 14 as opposed to referring that person to an -- another 15 investigator in Internal Affairs or OPS?</p> <p>16 A. No. If -- there was the understanding that 17 the -- the supervisor, at the time, would take the -- 18 the investigation.</p> <p>19 Q. Okay. And meaning that the supervisor doing 20 the investigation would either request a to/from memo, 21 or interview the accused officer?</p> <p>22 A. That is correct.</p> <p>23 Q. Do you recall that the policies for 24 investigating CRs state that, if, you know, a serious 25 allegation of -- you know what, strike that. CPD's</p>	<p style="text-align: right;">Page 152</p> <p>1 A. That's correct.</p> <p>2 Q. Everyone in the group has to keep the 3 information within the group of investigators until it's 4 time to serve the allegations or end the investigation, 5 correct?</p> <p>6 A. That's correct to a certain extent, that over 7 in the Confidential Investigation Section, you have the 8 investigator of the -- of that particular case and maybe 9 a -- a partner for that investigation. But everyone at 10 confidential did not know everything about everybody's 11 case.</p> <p>12 Q. Right. So it's an even smaller group than the 13 whole unit. It's a -- it's a need to know basis, 14 correct?</p> <p>15 A. Exactly.</p> <p>16 Q. Okay. So I think what I'm saying is, if the 17 -- if the investigator learns somehow the subject of the 18 investigation has learned there's a confidential 19 investigation against them before they're served with 20 charges, is that the kind of potential violation that 21 needs to be also investigated?</p> <p>22 A. Yes. That could be the subject of another 23 investigation or a log number, yes.</p> <p>24 Q. Yeah, you said it could be. Was that -- was 25 it policy that it was required to investigate such a</p>
<p style="text-align: right;">Page 151</p> <p>1 policy was that if there's a CR investigation, and the 2 investigation reveals a serious new allegation, or an 3 integrity violation, that that needs to be investigated 4 too, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And would that include allegations that 7 information about a confidential investigation had been 8 leaked to the subject of that investigation?</p> <p>9 MR. MICHALIK: Objection, incomplete 10 hypothetical.</p> <p>11 THE WITNESS: Can -- can you repeat that one?</p> <p>12 BY MR. HILKE:</p> <p>13 Q. I can. So in the Confidential Investigation 14 Section --</p> <p>15 A. Okay.</p> <p>16 Q. -- the department's goal was to make sure that 17 the subject of the -- of an investigation, the accused 18 officer, would not learn that there was a confidential 19 investigation proceeding against them, until it was time 20 to serve them with the allegations?</p> <p>21 A. That is correct.</p> <p>22 Q. And it would've been a violation of those 23 policies to disseminate information about the 24 investigation, such as the subject of the investigation 25 learned before then, correct?</p>	<p style="text-align: right;">Page 153</p> <p>1 leak?</p> <p>2 A. It -- it depends on -- see for that, a 3 determination has to be made whether or not another log 4 number is going to be obtained. And that's going to 5 come about based on finding out, okay, how can this leak 6 have taken place? You know what I mean? Is it -- yeah. 7 I mean, it's just -- so when we -- it's hard to say if 8 we're going to get a CR number, when we know that a lot 9 of times when we're conducting these investigations, we 10 have to reach outside of Internal Affairs to get 11 information, right. So we have to sometimes contact 12 information services to do database queries of say, for 13 instance, not just watch sheets, but like the vehicles. 14 Tracking vehicles, or requesting OMC tapes and stuff. 15 So in order to do that, we have to kind of go 16 outside of the -- of the unit. And depending on what 17 information we provide these outside agencies, that can 18 lead to a leak or disclosure of information regarding 19 confidential cases. So at that point, a number may or 20 may not be obtained because we only get numbers on 21 department members, like sworn officers or civilians. 22 So it's kind of hard to say. But typically, as you're 23 -- to answer your question, yes, a lot of times, it does 24 lead to another investigation. 25 Q. And is it the department's policy that a leak</p>

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<p style="text-align: right;">Page 154</p> <p>1 or a disclosure like you described should always be 2 investigated? Whether or not there is a new CR number 3 or not, the investigator needs to follow-up and try to 4 find out what happened and why?</p> <p>5 A. Well, right. So if there's an allegation of 6 misconduct on the part of a department member, yes. 7 That -- a number should be generated and that should be 8 investigated.</p> <p>9 Q. I guess, I want to make sure my question's 10 syncing up with your answer. What -- I guess just to 11 clarify my question, I'm not just asking about whether a 12 situation -- strike that. Regardless of whether the 13 investigator thinks there was misconduct by a police 14 officer, if the investigator believes there's been a 15 leak or a disclosure of a confidential investigation, 16 must that investigator pursue that information and try 17 to find out what happened?</p> <p>18 MR. MICHALIK: Object to the form.</p> <p>19 THE WITNESS: So I don't -- so when you say -- 20 when you say must, you know, the investigator can. 21 They -- they can, but depending on what information 22 has been leaked, how that information impacts the in 23 -- the full investigation, the investigator can do a 24 to/from requesting that a number be generated. But 25 to say must, it's the investigator's case. And</p>	<p>1 be identified?</p> <p>2 Q. Yeah. Like, if you wanted to say how many 3 times did CPD investigate leaks or disclosures in 4 confidential --</p> <p>5 A. That was not tracked, no.</p> <p>6 Q. Okay. All right. This is Exhibit 6. Do you 7 see here in front of you, the Internal Affairs Division 8 standard operating procedures?</p> <p>9 (EXHIBIT 6 MARKED FOR IDENTIFICATION)</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. HILKE:</p> <p>12 Q. This is BG-28997. And this is -- are these 13 the standard operating procedures you described 14 reviewing?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Let me take you to Page 6. It's 17 double-sided. Do you see on Page 6, the description of 18 four different possible disposition categories for CRs?</p> <p>19 A. Yes.</p> <p>20 Q. Is this what you were describing in terms of 21 the description of CR dispositions that would guide 22 investigators as to credibility findings?</p> <p>23 A. Yes.</p> <p>24 Q. And so, that's the section starting, A, 25 unfounded, and ending with justified disciplinary action</p>
<p style="text-align: right;">Page 155</p> <p>1 depending on how or if that information impacted 2 their investigation, it will determine whether or 3 not he chooses to -- to -- to ask that a complaint 4 be initiated.</p> <p>5 BY MR. HILKE:</p> <p>6 Q. So whether to pursue more information about a 7 leak or disclosure in a confidential investigation is at 8 the discretion of the investigator, is based on all the 9 circumstances; is that accurate?</p> <p>10 A. Yeah. I would say that's accurate, yes.</p> <p>11 Q. All right. And do you know if the department, 12 during this time frame, did ever initiate new CRs to 13 pursue information about leaks or disclosures in 14 confidential investigations?</p> <p>15 A. I'm not aware.</p> <p>16 Q. Is that a category --</p> <p>17 A. Well, I'm sorry. I -- I honestly that, when I 18 think back, I -- I believe there were times where 19 numbers have been generated to investigate, yeah, leaks 20 from ongoing investigations over at the Confidential 21 Investigation Section. Yes.</p> <p>22 Q. And were those -- were those CRs given a 23 category or otherwise tracked in any way that would 24 allow them all to be identified?</p> <p>25 A. You're talking about the -- the case itself to</p>	<p>1 on Page 6 of the manual, correct?</p> <p>2 A. Yes.</p> <p>3 Q. I'll take you to Page 13, the second paragraph 4 from the bottom, do you see where it says, in-depth 5 interviews should be conducted with complainants, 6 victims and/or witnesses. Interviews with parties via 7 the telephone will be documented and the conversation 8 will be summarized in as much detail as possible in a 9 progress report. Do you know whether the department 10 during this time frame did any sort of monitoring or 11 auditing to evaluate how much detail was being put into 12 the reports of interviews with witnesses?</p> <p>13 A. That -- no, I'm not aware of that.</p> <p>14 Q. Okay. I'll take you did the next page, Page 15 14. Under the section withdrawal of complaints, are you 16 familiar with the requirement discussed here that even 17 if a complainant withdraws their complaint, the 18 investigator still must complete a thorough and 19 comprehensive investigation?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know if that policy was followed during 22 this time period, whether investigators would stop 23 investigations because they -- because the complaints 24 were withdrawn?</p> <p>25 A. Do I know if it was followed across the board?</p>

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1 Q. Yes.

2 A. Oh, no. I -- I -- I -- I know I followed it.
3 I don't know if everyone else was following it.4 Q. Do you know if investigations were monitored
5 or audited in any ways to ensure compliance with this
6 requirement?7 A. The -- the investigators -- investigations
8 were all overseen by immediate supervisors. In my case,
9 it was a lieutenant. So yeah, they were monitored by
10 the supervisors.11 Q. So it would've just been at the discretion of
12 the super -- direct supervisors of the investigators
13 during this time period?

14 A. Correct.

15 Q. Let's go to Page 16. Now do you see there's a
16 section on Page 16 titled Criminal Allegations?

17 A. Yes.

18 Q. And if you look near the bottom of the page,
19 there is some specific information about what to do if
20 the allegations are of a confidential nature; do you see
21 that?

22 A. Yes.

23 Q. And there are five steps, A through E, on this
24 page and the next, including personally preparing the
25 case report, giving limited information to the control

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1 investigators keep their own cases to -- while the
2 investigation is active?3 A. The -- the investigators keep their own --
4 their own working file --

5 Q. Okay.

6 A. -- at -- at their desk.

7 Q. So -- and if I read this right, does even the
8 supervisor of the investigator have a separate copy of
9 the -- of the case report?10 A. It's not uncommon that they wouldn't have a
11 copy of the case report, but typically, they -- they --
12 they wouldn't. They wouldn't. It -- it would just --
13 the investigator would have it, and if the supervisor
14 had questions, they would sit down and discuss any
15 matters, but the investigator would have the working
16 file, and everything will be held with the -- the --
17 with the investigator.18 Q. Got it. So the idea is until the case is done
19 -- or it wouldn't impede the investigation to share it
20 further, all the information is concentrated in a single
21 place, and that's with the investigator, correct?

22 A. Correct.

23 Q. Okay. And even records division doesn't get a
24 copy of it until the investigation is done, correct?

25 A. Until it's closed.

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1 desk, so -- and telling them the matter is confidential,
2 submitting a report through channels to the director of
3 the records division, informing them of the delay,
4 maintaining control of both copies of the case report,
5 and forwarding to the report -- to the records division
6 when the investigation is completed, or if it won't
7 impede the investigation.

8 A. I think I (Inaudible). All right, I'm good.

9 Q. Do you see that?

10 A. I'm sorry. Yes, I see that.

11 Q. Okay. And when it says, maintain control of
12 both copies of the case report, how is that different
13 from a regular investigation?14 A. Okay. So for a regular investigation that's
15 not confidential, the -- the actual case report will be
16 maintained at the detective division or, you know, or
17 another division within the police department, as
18 opposed to keeping everything internal at the -- at the
19 Bureau of Internal Affairs' Confidential Section. And
20 there's an avenue in which to mark the -- the case
21 confidential, just so no one else can see the -- the
22 case reports.23 Q. And during this time in the Confidential
24 Section, do all the investigators in the Confidential in
25 -- Section share a common filing system, or do the1 Q. And below on Page 17, there's a section about
2 the State's Attorney's Special Prosecutions Bureau and
3 Felony Review. Am I correct that that's different from
4 the joint investigations with the FBI that we talked
5 about earlier?

6 A. Yes.

7 Q. So other -- I guess stepping back a second to
8 what we just looked at under criminal allegations and
9 the description of what happened in Confidential
10 Investigations there, are you aware of any other place
11 in the standard operating procedures that it talks about
12 procedures specific to Confidential Investigations?13 A. There -- there was a section in here that's
14 titled Confidential Investigation Section. I think I
15 remember that.

16 Q. Yes.

17 MR. MICHALIK: Page 2.

18 THE WITNESS: Yes, Page 2.

19 BY MR. HILKE:

20 Q. Sure. So Page 2, you've got the -- kind of
21 the org chart of the -- of the Confidential
22 Investigation Section, right?

23 A. Page 2. I -- I wouldn't call it a org chart.

24 Q. Oh, no, I'm sorry. Thank you. One minute. I
25 see. Yes, okay. And so, you've also got the

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<p style="text-align: right;">Page 162</p> <p>1 description at the bottom of Page 2, Confidential 2 Investigation Section, right? 3 A. Correct. 4 Q. And that describes what the Confidential 5 Investigation Section does, that it conducts long-term 6 investigations, involving allegation of department 7 members involved in criminal activity, and it lists 8 certain categories of investigations that they conduct, 9 correct? 10 A. Yep, that is correct. 11 Q. So other than this paragraph you've just 12 pointed to and what we looked at under the criminal 13 allegations section, is there anywhere else in the 14 standard operating procedures that describes how 15 confidential investigations are conducted? 16 A. Well -- 17 Q. And you should take as long as you need to 18 review the document. I won't rush you. 19 A. Okay. Like Page 22, it kind of goes over the 20 medical rule -- medical roll abuse investigations and 21 residency. Those are all handled by the Confidential 22 Investigations Section. 23 Q. Got it. And those are describing specifically 24 the subunits of medical roll abuse in residency, 25 correct?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Okay. Anything else I've missed yet? 2 A. I hope not. 3 Q. And certainly like, as you said before, this, 4 the general orders, and the standard -- and the special 5 orders that you've identified are exactly where you'd 6 look for any further documentation, correct? 7 A. Correct. 8 Q. This is Exhibit 7. This is Plaintiff's Joint 9 83612. I see a report of the Commission on Police 10 Integrity. Have you seen this report before? 11 (EXHIBIT 7 MARKED FOR IDENTIFICATION) 12 THE WITNESS: No. 13 BY MR. HILKE: 14 Q. So this is a commission appointed by Mayor 15 Daley in February 1997 in response to the indictment of 16 members of the Chicago Police Department on charges of 17 conspiracy, racketeering, and extortion in the police 18 district in Austin. I just have a few questions about 19 -- I just have a few specific questions about this. I 20 want to point you to Plaintiff's Joint 83621. It's 21 maybe about seven pages in or so. Or I'm sorry, it's 22 also marked Page 9, and in the middle of the page. 23 A. Okay. 24 Q. It says, history of police corruption in 25 Chicago; do you see it?</p>
<p style="text-align: right;">Page 163</p> <p>1 A. Correct. 2 Q. Okay. 3 A. Looks like the -- that's about it. 4 Q. Okay. Any other sections that you see that 5 are about confidential investigations? 6 A. No. 7 Q. Okay. 8 MR. MICHALIK: Just to avoid any -- can I point 9 out one that he's overlooking? 10 MR. HILKE: Yeah. Fine. 11 MR. MICHALIK: Yeah, on Page 12. 12 MR. HILKE: Page 12. 13 MR. MICHALIK: By the way, we'll have to back 14 on it later. So might as well do it now. 15 MR. HILKE: No, that's fine. 16 BY MR. HILKE: 17 Q. Okay. So there's also some detail on Page 12 18 about how to initiate confidential complaint register 19 numbers, correct? 20 A. Yes. 21 Q. And this describes the report to be submitted, 22 what facts should be included, who to submit it to, and 23 warns members not to tell anyone else about it, other 24 than certain identified persons, correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Uh-huh. 2 Q. So if you look at the bottom one on 1989, this 3 report from 1997 describes the conviction of ten 4 Wentworth District officers convicted of taking 5 thousands of dollars in protection money from gamblers 6 and drug dealers; do you see that? 7 A. Yes. 8 MR. MICHALIK: Just for the record, I'm going 9 to object to the use of this exhibit during this 10 deposition. Because obviously, it's from 1997, the 11 time frame involved is '99 through 2011. So for the 12 record, I object. 13 MR. HILKE: Okay. 14 BY MR. HILKE: 15 Q. And then if you go to the next page, PL Joint 16 83622, look at the second of -- sentence of that 17 paragraph. It says, it is no coincidence that the ten 18 Chicago officers under indictment today were assigned to 19 two of the police districts with the highest instance of 20 narcotics arrests, nor that they all worked on tactical 21 teams, whose primary function was narcotics enforcement; 22 do you see that? 23 A. I do. 24 Q. And I'm going to take you to a page of the 25 recommendations of this commission appointed by Mayor</p>

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<p style="text-align: right;">Page 166</p> <p>1 Daley in 1997. That's going to be Page 22 --</p> <p>2 A. Okay.</p> <p>3 Q. -- of the report. I'm sorry, Page 21 of the</p> <p>4 report. And then if you look at the second sentence of</p> <p>5 the second paragraph, do you see it saying, according to</p> <p>6 the information presented to the commission, the seven</p> <p>7 indicted Austin officers had a total of 93 complaints,</p> <p>8 CR numbers, lodged against them during their respective</p> <p>9 careers?</p> <p>10 A. Yes.</p> <p>11 Q. And do you see -- this is going to be the next</p> <p>12 -- the next paragraph recommends, you know, a</p> <p>13 non-sustained complaint is not the same as one that is</p> <p>14 unfounded. It indicates if the evidence was such that</p> <p>15 the complaint could not be proven or disproven. And</p> <p>16 that's the same as what you said before is the</p> <p>17 definition of a -- of a non-sustained complaint,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And it says, you know, the commission -- in</p> <p>21 the judgment of the commission, some system needs to be</p> <p>22 in place which allows a department to take some</p> <p>23 appropriate action when a clear pattern of</p> <p>24 non-sustained complaints exists; do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 168</p> <p>1 BY MR. HILKE:</p> <p>2 Q. No, I'm sorry. In 1999 to 2011, in your time</p> <p>3 frame for this deposition.</p> <p>4 A. Okay.</p> <p>5 Q. Did the disciplinary system do anything to</p> <p>6 identify patterns of misconduct among specific units of</p> <p>7 officers?</p> <p>8 A. Yes. At some point, the -- the Internal</p> <p>9 Affairs Division, or Internal Affairs -- you know,</p> <p>10 utilized the -- let's call it the CRM System. And the</p> <p>11 CRM system would identify patterns of misconduct. And</p> <p>12 it was -- it was based on the -- the findings of a --</p> <p>13 from a particular category code or allegation. And the</p> <p>14 trigger was, like, five -- five investigations, which</p> <p>15 could -- it could be all unfounded, but five similar</p> <p>16 investigations into one member in a short period of</p> <p>17 time, that would raise a flag, to where that member</p> <p>18 would be identified, and steps will be taken to correct</p> <p>19 that member's behavior. Although, those cases were not</p> <p>20 sustained. And that was in the -- that was contained</p> <p>21 within the CRM System.</p> <p>22 Q. Could you spell the name of the system you're</p> <p>23 saying?</p> <p>24 A. C -- C-R-M-S, System. It's the Complaint</p> <p>25 Reporting Management System.</p>
<p style="text-align: right;">Page 167</p> <p>1 MR. MICHALIK: Again, same objection as before</p> <p>2 regarding this document. Also, foundation. I --</p> <p>3 MR. HILKE: Sure.</p> <p>4 MR. MICHALIK: You're just reading the document</p> <p>5 into the record.</p> <p>6 MR. HILKE: Yeah. I'm going to tie it up.</p> <p>7 BY MR. HILKE:</p> <p>8 Q. If you -- and then if you look at the next</p> <p>9 paragraph, it says, looking towards sort of the last</p> <p>10 sentence or so, it says, corrupt police officers, like</p> <p>11 other groups of criminals, tend to bond together in</p> <p>12 groups. As the Chicago Police Department moves towards</p> <p>13 to a comprehensive early warning system, therefore, an</p> <p>14 effort should be made to identify specific units which</p> <p>15 have a higher than usual rate of allegations of</p> <p>16 misconduct; do you see that?</p> <p>17 A. I do.</p> <p>18 Q. All right. In this time frame, did the</p> <p>19 department -- did the disciplinary system do anything to</p> <p>20 identify patterns of misconduct within specific groups</p> <p>21 of officers?</p> <p>22 MR. MICHALIK: Objection to the form. In this</p> <p>23 time frame, are you talking about the '97 time</p> <p>24 frame, or...</p> <p>25 MR. HILKE: Oh, thank you.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Okay. And if I understand what you just</p> <p>2 described, if there were a surging number of CRs against</p> <p>3 an officer in a time period, like a -- an -- a specific</p> <p>4 individual officer, that's what would be the trigger for</p> <p>5 the system, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And what would -- when was -- when did what</p> <p>8 you're describing, that trigger for several allegations</p> <p>9 of misconduct in a short time against an officer, when</p> <p>10 did that start being used?</p> <p>11 A. So that -- I -- you've got to figure my -- it</p> <p>12 was -- it was being used when I was in the Special</p> <p>13 Investigations Section, so that would be, like, after</p> <p>14 2006, but before 2013, when I was working out of</p> <p>15 headquarters. I just remember some of my own personal</p> <p>16 cases involved department members that fell within that</p> <p>17 category, and there was a trigger that -- that came from</p> <p>18 the records section, that -- and they told me that, hey,</p> <p>19 this particular person has five non- sustained or</p> <p>20 unfounded findings for the same category code in a very</p> <p>21 short period of time. And -- and so -- but it was -- it</p> <p>22 was in place at that time, but I don't know when it</p> <p>23 started, and when they started utilizing that system for</p> <p>24 that.</p> <p>25 Q. And do I understand correctly, that there were</p>

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1 multiple criteria that had to be met for the trigger.
 2 One, a surging number of CRs, and two, all in the same
 3 category code?

4 A. Yeah. It was -- it was five. It was -- the
 5 trigger was the number -- where it's five cases. And if
 6 you had five unfounded cases in a -- I forgot what the
 7 time period was, then that would trigger it. It would
 8 trigger the system to --

9 Q. Right.

10 A. -- to basically report out that this member is
 11 a candidate for whatever sanction, or program, that
 12 number we would be put in.

13 Q. And in the same category code, right? So it
 14 did have to be five, like, excessive forces, or
 15 inventory procedure, or whatever the case may be, they
 16 all had to be the same?

17 A. Well, I -- I believe they -- they were the
 18 same -- yeah. I believe they were the same type of
 19 misconduct cases.

20 Q. Yeah, and when you talked about different
 21 options for how to proceed after receiving the trigger,
 22 what were the options after receiving that trigger for a
 23 specific officer?

24 A. I -- I believe they were put in probable -- a
 25 personal concerns program, or behavioral intervention.

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1 to recommend that that person be put in a behavioral
 2 intervention program.

3 Q. And was that -- was it automatic in -- was
 4 there an automatic process by which -- well, strike
 5 that. Did -- were individual investigators involved in
 6 deciding whether to refer to personal concerns or
 7 behavioral intervention?

8 A. I'm sorry.

9 Q. That's okay. Were investigator level staff
 10 involved in deciding whether an officer should be
 11 referred to personal concerns or behavioral
 12 intervention?

13 A. At the time, no.

14 Q. Okay. Who from Internal Affairs decided?

15 A. Well, it was a notification from the sergeant
 16 that worked in the records section of Internal Affairs
 17 to the chief.

18 Q. Okay. And then do you know what criteria the
 19 chief used to decide how to handle those notifications?

20 A. It was -- it was really based on the nature of
 21 the -- the cases that you were looking at. So we had
 22 five individual cases, all different allegations, or the
 23 same allegations, but they happened in the -- you know,
 24 a certain time period. I don't know if -- if it was six
 25 months or a year, but --

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1 I think it was, at the time, behavioral intervention
 2 program, which was -- which was organized or -- the
 3 Personnel Division was weighing in on that, on the
 4 program.

5 Q. And -- I'm sorry. The Personnel Division?

6 A. The Personnel Division. Yeah.

7 Q. Wait. So who decided whether to put such an
 8 officer in the program? Was that in the disciplinary --
 9 like, was that a discipline issue, or -- actually,
 10 strike that. What's the Personnel Division?

11 A. Personnel is human resources for the police
 12 department.

13 Q. It's different from Internal Affairs?

14 A. Definitely.

15 Q. Okay. And so, who decided whether to place an
 16 employee in personal concerns or behavioral
 17 intervention, Internal Affairs or Personnel?

18 A. Internal Affairs, initially. So there's a
 19 sergeant in their records section that would notify the
 20 -- the -- the chief of the Bureau -- the Bureau of
 21 Internal Affairs, and say, okay, this person has been
 22 flagged. And the chief would take a look at it, and
 23 see, okay, these cases that were unfounded or not
 24 sustained, let me see what they involved. And then
 25 they'll -- the determination will be made whether or not

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1 Q. Okay.

2 A. Yeah, they would determine whether or not this
 3 person would be put in a program, just based on the
 4 nature of the complaints.

5 Q. Do you know how many -- is there anywhere we
 6 could find how many officers were referred from the
 7 records sergeant to the Internal Affairs chief?

8 A. See, I don't -- I don't know if that
 9 information is contained in the CRM System somehow,
 10 because that is still active. They still -- for now,
 11 they still use the CRM System, because it -- it -- it
 12 will be added to our -- our new CMS system. But for
 13 right now, it's still active, and that's something that
 14 I can ask, you know.

15 Q. Is it something that's reported in any way on
 16 a regular basis?

17 A. No.

18 Q. Okay. Is it -- is -- and by the way, is CRMS,
 19 is that part of the CLEAR System?

20 A. No. That's a standalone system that's
 21 maintained in the records section of Internal Affairs.

22 Q. Okay. And how long did the specific CRMS
 23 trigger for behavioral investigation -- behavioral
 24 intervention you've been discussing. For how long was
 25 that trigger in place?

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<p style="text-align: right;">Page 174</p> <p>1 A. You're talking for a particular case, or how 2 long -- because I think it's -- I mean the system's 3 still working. It's still working.</p> <p>4 Q. And when you say it's still working, do you 5 mean --</p> <p>6 A. It's still active. It still triggers cases --</p> <p>7 Q. Okay.</p> <p>8 A. -- involving individual officers.</p> <p>9 Q. And your -- and do you -- am I correct, the 10 earliest that you can say it was in effect would have 11 been overlapping the time you were in Special 12 Investigations?</p> <p>13 A. Yes.</p> <p>14 Q. And before that, you wouldn't know one way or 15 another, right?</p> <p>16 A. I wouldn't know.</p> <p>17 Q. Now -- okay. So let me get back to the 18 question I meant to ask, which is the report we've been 19 looking at contains a recommendation that trends of 20 misconduct allegations be looked at as a group. So not 21 just officer by officer, but say squad by squad, manager 22 by manager. From 1999 to 2011, did the disciplinary 23 system ever analyze misconduct allegations in that 24 manner?</p> <p>25 A. By teams? I'm not --</p>	<p style="text-align: right;">Page 176</p> <p>1 the last five years, correct?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. With records, yes.</p> <p>5 Q. And so, there are lots of other CRs that were, 6 you know, not sustained, unfounded, exonerated, 7 administratively closed, et cetera, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. For all those other CRs, those that were not 10 sustained, did the department conduct any analysis or, 11 you know, take any action with regard to those CRs, 12 after the individual investigations were complete, 13 during this time period?</p> <p>14 A. Only if there was a trigger within the CRM 15 System that would notify the department that -- or BIA 16 that an individual or particular officer had five or 17 more investigations within that time period of, say, if 18 it's a year, within that year.</p> <p>19 Q. Was the disciplinary system, as a whole, 20 during this time period, was one of its purposes to 21 specifically address potential corruption among officers 22 who worked in narcotics enforcement?</p> <p>23 MR. MICHALIK: Object to the form.</p> <p>24 THE WITNESS: Specifically, to --</p> <p>25 BY MR. HILKE:</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Yeah.</p> <p>2 A. I'm not aware of that.</p> <p>3 Q. Do you have any reason to believe that any 4 kind of squad level, division level, team level analysis 5 took place during this time period?</p> <p>6 A. I'm -- I'm not aware if it did.</p> <p>7 Q. Then -- other than the behavioral intervention 8 system you've been describing, was there any other way 9 you're aware of that the department used, other than 10 sustained complaints during this time period?</p> <p>11 MR. MICHALIK: For what purpose?</p> <p>12 MR. HILKE: For any purpose.</p> <p>13 THE WITNESS: Other than sustained complaints?</p> <p>14 BY MR. HILKE:</p> <p>15 Q. I think I just made up a new category. But 16 what I mean to say is -- so you've got sustained CRs, 17 right?</p> <p>18 A. Correct.</p> <p>19 Q. And for example, when assessing discipline, 20 the only thing that a supervisor is given is sustained 21 CRs, correct?</p> <p>22 A. Did you say a supervisor?</p> <p>23 Q. Yeah. If a supervisor is recommending 24 discipline after a sustained investigation, the 25 disciplinary record they get is just sustained CRs in</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Yeah. For example, the 1997 report we just 2 looked at says, it's actually to be expected that -- the 3 place this kind of misconduct will happen, meaning 4 taking bribes, corruption, is in drug enforcement work, 5 because there's so much money there. And so, my 6 question is: During this time period, was the 7 disciplinary system's purpose to specifically address 8 the problem of money and temptation in narcotics 9 enforcement? I know -- I know it's meant to address all 10 kinds of misconduct. My question is: If its purpose 11 singled out that kind of misconduct, as one of its 12 purposes?</p> <p>13 MR. MICHALIK: Object to the form.</p> <p>14 THE WITNESS: I would say -- I would say no, to 15 the extent that those type of cases -- those cases 16 are developed when there is a complainant, or an 17 allegation of misconduct. As officers that work on 18 gang tactical teams, out of Narcotics, conduct their 19 daily business of just working their cases and 20 investigating narcotics cases, we're -- we're not -- 21 there wasn't a -- a system where we were just 22 monitoring them day to day, if there was no 23 allegation of misconduct for any particular team 24 working narcotics investigations. It just -- that's 25 just not how it was. If there was an allegation,</p>

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1 then the case would be open, and then we would
 2 conduct investigations.

3 BY MR. HILKE:

4 Q. And one of the complaints of the Internal
 5 Affairs investigators in this 1997 report is that they
 6 spent a lot of time looking at parking tickets and other
 7 minor administrative investigations. Was that -- do you
 8 know how much capacity of the investigators was taken up
 9 investigating parking tickets and more minor
 10 administrative investigations during this time period?

11 A. I don't --

12 MR. MICHALIK: Objection, form, foundation.

13 THE WITNESS: I don't know. I don't know. I'm
 14 unaware of that.

15 BY MR. HILKE:

16 Q. All right. As far as you know, was there any
 17 effort to shift the allocation of resources during this
 18 time period away from more minor administrative
 19 investigations and towards more serious allegations of
 20 misconduct?

21 A. No. I don't -- I don't think there was a
 22 shift in manpower at the -- at Internal Affairs.

23 Q. I want to ask you a few questions about -- and
 24 I'm done with this exhibit for now. About civil
 25 lawsuits specifically -- actually, strike that. I want

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1 to ask you about civil and criminal cases, and how
 2 information from those cases could inform CR
 3 investigations. Am I correct that during this time
 4 period, if a civil lawsuit was filed alleging police
 5 misconduct, that that would typically be forwarded to
 6 CPD to open up an CR on?

7 A. Correct. And typically, those cases would
 8 make their way to Internal Affairs from the Office of
 9 Legal Affairs.

10 Q. Okay. And if -- and for those cases, just
 11 like any cases, the first step is to try to talk to the
 12 complainant, right?

13 A. Yes. At some point during the course of those
 14 investigations, the complainant would be -- would be
 15 reached out to, but during that time frame, those cases
 16 weren't immediately investigated. You would kind of
 17 wait to see how the civil suit plays out in civil court,
 18 and then make a determination of how to proceed with
 19 your administrative investigation, after monitoring the
 20 civil case. And those civil suit cases were handled by
 21 General Investigations.

22 Q. Okay. And can you tell me, in terms of
 23 monitoring the civil suit, at what stage of a civil suit
 24 would a decision be made about how to proceed in the
 25 investigation?

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1 A. Back then, after being notified by the Office
 2 of Legal Affairs, the disposition -- disposition of the
 3 -- the civil case is when the investigator would start
 4 to work up their administrative case.

5 Q. Got it. And when you say the disposition, you
 6 mean at the point the case is over, like --

7 A. Yeah.

8 Q. -- civil trial, et cetera --

9 A. Yup.

10 Q. -- dismissed?

11 A. Yes.

12 Q. Okay. And then what was the purpose of
 13 waiting until the -- until the civil case was disposed
 14 to proceed in the administrative investigation?

15 A. Well, when we received those -- when BIA
 16 receives those cases from the Office of Legal Affairs,
 17 OLA, the allegation would be as simple as there's a
 18 civil suit, and the -- the CR number that's associated
 19 with the civil suit is, for lack of a better term, a
 20 placeholder until the civil suit plays out in court.
 21 And so, then after the civil suit plays out, then you
 22 kind of know what we're dealing with, and then you'll
 23 move forward with the administrative investigation, if
 24 there's any administrative investigation to be
 25 completed. Because depending on how the case is

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1 resolved in civil court, it just may be adjudicated in
 2 court, and there would be no need for a full-fledged BIA
 3 investigation, so..

4 Q. And then, in terms of the information that the
 5 department requested about those cases, would they just
 6 receive the disposition, like, how the case ended, or
 7 would they also request, like, you know, transcripts,
 8 discovery, other materials that might exist from the
 9 case?

10 A. There are times where the investigator will
 11 receive the transcripts and other paperwork and
 12 materials from the -- the civil trial, in the civil
 13 case, as part of their -- to use as part of their
 14 administrative case.

15 Q. And was there a policy regarding what
 16 materials the investigator should request during civil
 17 suit cases during this time period?

18 A. I -- I just -- I don't recall. But I wasn't
 19 in General, but I -- I'm -- I'm aware of how the process
 20 worked.

21 Q. Sure. And if there were a policy, it would be
 22 in the general orders, or special orders, or standard
 23 operating procedures we discussed?

24 A. That is correct.

25 Q. And -- so in every civil suit case during this

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1 time period, once the civil suit has been disposed, at
 2 that stage, the investigator following the standard
 3 procedures would be charged with taking the preliminary
 4 -- the investigative steps in reaching out to the
 5 complainant, correct?

6 A. Correct. If there was a need for it, yes,
 7 they would follow your -- the typical, regular
 8 investigative steps to handle, like any -- any other CR
 9 number, depending on what the allegation is.

10 Q. And I said the complainant, in this case it
 11 would be the person who had alleged that they were
 12 harmed by police, correct?

13 A. Correct.

14 Q. And when you say if there was a need for it,
 15 are there -- like, could the investigators say, well,
 16 this lawsuit was, you know, dismissed, it was settled,
 17 so there's really nothing more to do?

18 A. Well, the -- it's -- it's case by case,
 19 obviously. And yeah, when the -- yeah. When the civil
 20 suit case has been resolved, yeah, typically the -- the
 21 administrative investigation, more often than not, is
 22 closed out.

23 Q. And is it more often -- when you say more
 24 often than not it's closed out, do you mean closed out
 25 without further investigation or context?

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1 A. Yes.

2 Q. Okay. So -- and that's consistent with the
 3 discretion investigators had to decide how to handle
 4 their cases, correct?

5 A. Well, it's not just the -- the discretion of
 6 the investigator. You -- you do make the decision while
 7 consulting with the department advocate, and as well as
 8 Legal Affairs, to get an understanding of what happened
 9 with the case, and basically how to move forward, and if
 10 there's a need to move forward, you know. So there is
 11 coordination with -- especially the -- the department
 12 advocate that works for BIA.

13 Q. Who makes the decision whether to move
 14 forward?

15 A. With the -- the case?

16 Q. Yeah. To --

17 A. Well, ultimately, it's the investigator's
 18 case, but typically, with the civil suit cases, the
 19 investigator would speak with the immediate supervisor
 20 and the -- the what you call it? The department
 21 advocate.

22 Q. Okay. So the investigator is supposed to
 23 consult with others, but ultimately, they decide whether
 24 to proceed with the investigation or not, correct?

25 A. It -- right. Unless instructed, you know, by

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1 their supervisor to -- to take one step, or you know,
 2 take this direction with the case.

3 Q. Exhibit 8, and this is the Police
 4 Accountability Task Force, Plaintiff's Joint 6794. Sir,
 5 have you seen this report before?

6 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

7 THE WITNESS: I have not.

8 BY MR. HILKE:

9 Q. So I believe Lori Lightfoot wrote this report
 10 before she became mayor. Is that the --

11 A. Oh, she's --

12 Q. -- taskforce appointed by Mayor Emanuel, to
 13 make recommendations to reform the Chicago Police
 14 Department in the wake of the Laquan McDonald shooting?

15 MR. MICHALIK: I'm going to object to that
 16 statement. It actually mischaracterizes what this
 17 -- Public Police Accountability Task Force Report
 18 and how it was generated.

19 MR. HILKE: That's fine.

20 BY MR. HILKE:

21 Q. I really just have a couple questions for you
 22 about it. I'm going to focus on -- sorry, I lost my
 23 questions. Okay. Can I please turn you to 68 --
 24 Plaintiff's Joint 6872? Also, it's marked Page 73 of
 25 the report. This is an excerpt of a few pages I'll ask

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1 you about. It has a section that said -- that says,
 2 missed opportunities to identify misconduct; do you see
 3 that?

4 A. Nope. I think I'm on the wrong page. Yep.
 5 Got it.

6 Q. Good. If you look at the bottom paragraph, it
 7 says, since its inception, IPRA has had the power to
 8 examine patterns of complaints when investigating police
 9 misconduct, but has not exercised it. Now is that --
 10 and IPRA is distinct from Bureau of Internal Affairs,
 11 correct?

12 A. Correct.

13 Q. And what you described before as the CRMS
 14 System, that was within Internal Affairs, correct?

15 A. That's correct.

16 Q. Do you have any reason to disagree with this
 17 statement that since IPRA was formed, it had the power
 18 to examine patterns of complaints when investigating
 19 police misconduct, but has not exercised it?

20 MR. MICHALIK: Objection, form, foundation.
 21 And it relies on a statement here without providing
 22 the source of that information.

23 THE WITNESS: I'm -- I'm not aware if they --
 24 if they did have the -- the power to do that during
 25 the time frame.

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1 BY MR. HILKE:

2 Q. Sure. You don't have any reason to say that
 3 IPRA lacked the power to examine patterns of complaints
 4 when investigating police misconduct, do you?

5 MR. MICHALIK: Objection, form, foundation.

6 THE WITNESS: No.

7 BY MR. HILKE:

8 Q. And you don't have any reason to say that
 9 IPRA, during this -- and again, all my questions are
 10 about this time, the 1999 to 2011 time frame, right?

11 A. Understood.

12 Q. That's all I'm asking about today. My
 13 question is: During that time frame, 1999 to 2011, you
 14 don't have any reason to believe that IPRA did examine
 15 patterns of complaints when investigating police
 16 misconduct, do you?

17 MR. MICHALIK: Objection, form, foundation.

18 THE WITNESS: No.

19 BY MR. HILKE:

20 Q. Okay. Then, I will show you -- actually, one
 21 second. I -- actually, let me ask you this sort of
 22 independent of the report, so if you can put the report
 23 aside, I'm just going to ask you the question. During
 24 this time frame, 1999 to 2011, did CPD have policy --
 25 well, strike that. In this time frame, there are times

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1 when an officer would be the subject of a criminal
 2 investigation and a complaint register number would be
 3 active at the same time, correct?

4 A. Correct.

5 Q. And that could include situations where --
 6 well, strike that. Yeah, so in that situation, where
 7 there's a criminal investigation of a police officer
 8 concurrent with an administrative disciplinary
 9 investigation being opened, did CPD have any policy
 10 about whether they should proceed at the same time, or
 11 one after the other, during this time frame?

12 A. Not that I -- not that I can recall.

13 Q. So if there's a pending criminal
 14 investigation, but the investigator thought it was
 15 appropriate to pursue a disciplinary investigation, they
 16 could do that, correct?

17 A. Well -- okay. So it's -- here's the thing.
 18 So when handling these criminal investigations, you
 19 almost have to look at it as being one in the same
 20 sometimes, as the administrative case. Because the --
 21 depending on how the -- the criminal investigation plays
 22 out, if it plays out in court, if there's a case report,
 23 of course, associated with the criminal case, and
 24 there's resolution in court regarding that, that
 25 criminal case would carry over to the administrative

1 process.

2 The administrative process determines penalty
 3 and holds the officer accountable, based on our rules
 4 and regulations, and it determines whether or not the
 5 member's going to be separated from the police
 6 department. As opposed to the criminal investigation,
 7 it's going to decide whether or not this officer's going
 8 to be incarcerated. So it's -- it's -- it's kind of --
 9 one kind of feeds off the other, but it's hard to say
 10 kind of move forward with the administrative
 11 investigation, when you're trying to find the proper
 12 finding, penalty, resolution for the administrative
 13 case, which you're going to get from the criminal case.

14 So depending on what the crime is, if it's --
 15 if the member's convicted of a felony, therefore, when
 16 you move back to the administrative case, now you're
 17 looking at a violation of Rule 1, and recommending
 18 separation from the police department, because as a
 19 condition of our employment, you cannot be convicted
 20 felons. So kind of -- one kind of feeds off the other,
 21 so it's kind of hard to move forward with the
 22 administrative case, without knowing the outcome of the
 23 criminal investigations.

24 Q. I think I understand. So investigators would
 25 wait for the criminal case to resolve before proceeding

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1 with the administrative investigation?

2 A. Well, they'll -- they'll -- they'll wait. You
 3 won't finalize the administrative case until you get
 4 resolution on the -- you can move forward. You can do
 5 certain things. You can do certain things if you're
 6 handling criminal cases at Confidential, right? We're
 7 not talking task force or anything, we're just talking
 8 criminal cases at Confidential. The -- yeah, yeah.

9 then you -- you can move forward with the
 10 case. You can do certain things. You can take -- you
 11 can get video evidence. You can do certain
 12 investigative steps, but you don't want to make a final
 13 decision or disposition without knowing how the criminal
 14 case played out in court.

15 Q. Aside from waiting to make the final
 16 disposition, were there any other steps that
 17 investigators could not take before the criminal case
 18 finished?

19 MR. MICHALIK: Object to the form.

20 THE WITNESS: Well, so -- typically, the
 21 investigator wouldn't interview the for the
 22 administrator, the officer, because that would be a
 23 compelled statement. And then that -- that
 24 information that was garnered from the
 25 administrative case could not be used for the

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1 criminal case. So typically, you would hold off on
 2 interviewing the accused officer before the -- the
 3 criminal is complete.

4 BY MR. HILKE:

5 Q. Okay. So other than those steps, was the
 6 expectation that the regular preliminary investigative
 7 steps should still be taken even if there's a pending
 8 criminal case?

9 A. They could be taken.

10 Q. Was there any expectation about what steps
 11 should or should not be taken?

12 A. Like I said, interviewing of the -- of the
 13 accused officer. And depending on -- it's depending on
 14 the nature of the -- of the complaint or the -- the
 15 crime. Certain steps will or will not be taken, you
 16 know, as not to impact the outcome of the criminal case,
 17 which really takes precedence when you're looking at
 18 both investigations.

19 Q. And the -- during this time frame, did CPD
 20 close administrative investigations that were concurrent
 21 with criminal conduct, just because of a not guilty or
 22 dismissed finding against an accused officer in a
 23 criminal case?

24 MR. MICHALIK: Object to the form.

25 THE WITNESS: Did they close them? Just --

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1 times when you have these criminal investigations
 2 into a department member and you have the
 3 administrative case, the fact that the member is
 4 found not guilty in a court of law, that doesn't
 5 mean you just close out the case totally and stop
 6 investigating the case, because the administrative
 7 case is based on allegations -- allegations.

8 So the -- you know, you have your criminal
 9 case, but you can have a series of rule violations
 10 and misconduct that's contained within that log
 11 number, even though it's a criminal case, but you
 12 still have to answer and work up each individual
 13 allegation that's in the case. You know what I
 14 mean? So a lot of times, those cases will be --
 15 get reassigned to General because at that point,
 16 we're not looking at it criminally, we're just
 17 looking at administrative allegations and stuff. So
 18 a lot of times, that case will be reassigned to
 19 General Investigation Section, or it'll still be
 20 handled within Confidential, but you still have to
 21 have resolution for the other, like, underlying
 22 misconduct allegations.

23 BY MR. HILKE:

24 Q. And am I correct that the special order,
 25 general order, and standard operating procedures that

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1 just --

2 BY MR. HILKE:

3 Q. Should I try again?

4 A. Just administratively close the case, or...

5 Q. Yeah. Well, what --

6 A. Or reach -- reach a finding?

7 Q. What -- I guess what I mean is, and I'm going
 8 to give you two possibilities and I'll ask you if either
 9 or something totally different was how CPD did it. So
 10 you're not limited to these two. One possibility is
 11 when a -- you know, if there's a criminal and
 12 disciplinary investigation, if the officer is found not
 13 guilty, then the case should be closed because the
 14 officer was found not guilty. Another possibility is
 15 well, criminal cases are beyond a reasonable doubt,
 16 administrative investigations are a preponderance
 17 standard, and so we should still conduct a supplemental
 18 investigation when an officer is not guilty. It could
 19 also be something completely different from either of
 20 those two things. I'm just trying to ask you what CPD's
 21 practice was for how the administrative investigation
 22 would proceed after the criminal case finishes.

23 MR. MICHALIK: Object to form.

24 THE WITNESS: Okay. So we -- no, you -- you
 25 will continue the investigation because a lot of

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1 you've already testified about, those are the locations
 2 that you'd look for, for any written guidance on how to
 3 handle these situations, correct?

4 A. Well, I -- I -- I'll tell you this. Yes,
 5 those are -- that's our policy. Those are our policies
 6 and that's the -- the special -- the SOP is some -- is a
 7 -- a guideline to how we conducted our investigations.
 8 But yeah, typically a -- a lot of what we did was also
 9 learned through on-the-job training and just working
 10 cases with other, more seasoned investigators, that --
 11 that really explained to us how to resolve a situation
 12 like that, where you -- you have someone that is found
 13 not guilty in a court of law, but there are still other
 14 less significant matters to be addressed within that log
 15 number.

16 Q. That makes sense. And I was just asking about
 17 the written guidance. I've specified where we would
 18 find that on this issue, correct?

19 A. Yeah. Yeah. There's policies to that.

20 MR. HILKE: You know, I'm close, but let's take
 21 a short break.

22 MR. MICHALIK: Okay.

23 THE VIDEOGRAPHER: We're off the record. The
 24 time is 3:27.

25 (OFF THE RECORD)

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1 THE VIDEOGRAPHER: We are back on the record
 2 for the deposition of Timothy Moore. Today is March
 3 19, 2024 and the time is 3:37 p.m.
 4 BY MR. HILKE:

5 Q. Rule 14 violations are for -- strike that.
 6 Are Rule 14 violations made for intentional misconduct
 7 by police officers?

8 MR. MICHALIK: Object to the form.

9 THE WITNESS: Intentional, yes. I would say --
 10 I would say yes, it's got to be willful misconduct.

11 BY MR. HILKE:

12 Q. All right. During this the 1999 to 2011 time
 13 period, was it the policy to recommend separation when
 14 officers committed Rule 14 violations?

15 A. I would say it was a -- it was a policy, but I
 16 am aware that there are a number of officers that have
 17 sustained Rule 14 as findings and that are still
 18 employed by the police department.

19 Q. And is it the case that in some of those --
 20 some of those instances of sustained Rule 14 violations,
 21 a superintendent did not recommend separation?

22 MR. MICHALIK: Objection, foundation.

23 THE WITNESS: So here's the thing, so I don't
 24 know if that came about by the superintendent or
 25 another outside agency, be it the police board or

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1 sentence of that paragraph, where the report says,
 2 witnesses and accused officers are frequently not
 3 interviewed at all, or not interviewed until long after
 4 the incident, when memories have faded; do you see that?

5 A. Yes.

6 Q. Do you know whether the -- in the 1999 to 2011
 7 time period, there was any sort of -- any monitoring or
 8 auditing to determine, you know, how often witnesses
 9 were interviewed, or how quickly witnesses were
 10 interviewed in investigations?

11 MR. MICHALIK: Object to the form of the
 12 question, and also the use of this document. You
 13 can answer if you know.

14 THE WITNESS: I'm not aware of that.

15 BY MR. HILKE:

16 Q. Okay. We'll go back to that if we need to.
 17 I'll take you three pages ahead to Page 50, please.

18 A. Okay.

19 Q. The second sentence of the bottom paragraph
 20 says, but in nearly every case, neither IPRA nor BIA
 21 will conduct any meaningful investigation of the
 22 complaint, unless the investigator -- sorry, unless the
 23 complainant meets an investigator in person. And
 24 provides a complete recorded statement of the incident
 25 and submits a sworn statement that all claims are true

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1 whomever. I just don't know case by case, but that
 2 -- that -- that could be one avenue, the
 3 superintendent's recommendation.

4 BY MR. HILKE:

5 Q. Got it. Sitting here, you don't have any
 6 reason to say that the superintendent recommended
 7 separation in every case of a sustained Rule 14
 8 violation during this time period, do you?

9 A. I -- I -- I can't speak to that.

10 Q. Okay. Exhibit 9, it's Plaintiff's Joint 5134.
 11 This is the Department of Justice Investigation of the
 12 Chicago Police Department dated January 13, 2017. Have
 13 you seen this report before?

14 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

15 THE WITNESS: I -- I have not, but it's odd
 16 that everything happened on my birthday. January
 17 15th.

18 BY MR. HILKE:

19 Q. It's this is just excerpt in that. I'm only
 20 going to ask questions -- I'm using it as a jumping off
 21 point in a few specific pages. Could I start you by
 22 looking on -- it's Joint 5183, Page 47 of the document?

23 A. Okay.

24 Q. And I'll point you to the third paragraph. Do
 25 you see, in the second of -- the sentence -- the second

1 and correct under penalties provided by law. Now, in
 2 terms of the issue addressed here, which is whether a
 3 meaningful investigation of a complaint is conducted in
 4 the absence of a sworn statement, do you have any basis
 5 to say how often during the 1999 to 2011 time period a
 6 meaningful investigation was conducted when the
 7 complainant did not provide a sworn statement?

8 MR. MICHALIK: Just object to the form of the
 9 question and reliance on this document. You can
 10 answer if you know.

11 THE WITNESS: Okay. So there -- there are many
 12 meaningful investigations conducted absent the -- a
 13 complainant's signature, because there are
 14 oftentimes where the complainant was another police
 15 officer. You understand, so --

16 BY MR. HILKE:

17 Q. Okay. I do.

18 A. -- with those cases.

19 Q. Yeah. Other than complaints not requiring an
 20 affidavit, like from another police officer, do you have
 21 any basis to say how often a meaningful investigation
 22 was conducted in the absence of a sworn statement during
 23 our time period?

24 MR. MICHALIK: Object to the form of the
 25 question.

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<p style="text-align: right;">Page 198</p> <p>1 THE WITNESS: I wouldn't know how many.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. New to -- one second. Can I jump you ahead,</p> <p>4 please, to Page 61?</p> <p>5 A. Sure.</p> <p>6 Q. Plaintiff's Joint 5197, Page 61. Do you see</p> <p>7 Subsection 4, Hidden Witness Coaching During Officer</p> <p>8 Interviews?</p> <p>9 A. Yes.</p> <p>10 Q. Do you see, starting with the second sentence,</p> <p>11 IPRA's investigation procedures manual expressly</p> <p>12 requires investigators to permit legal representatives</p> <p>13 to consult with officers about questions and their</p> <p>14 answers during a recorded interview. In addition, these</p> <p>15 procedures require investigators to hide the extent of</p> <p>16 this consulting by turning off the tape recorder</p> <p>17 whenever officers or their representatives request, even</p> <p>18 if, and often because, a critical question is pending.</p> <p>19 The procedures likewise require investigators not to</p> <p>20 state on the record who was requesting a pause in the</p> <p>21 recording, why the request was made, how long the</p> <p>22 parties were off tape, and not to mention anything that</p> <p>23 occurred while off tape. Do you have any reason to</p> <p>24 disagree that the investigation's procedure manual as</p> <p>25 summarized here reflects IPRA's practices during the</p>	<p style="text-align: right;">Page 200</p> <p>1 THE WITNESS: I'm -- I'm not sure if there was</p> <p>2 a -- a policy in place.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Do you have any reason to believe that's</p> <p>5 something that was required, that if, like, a</p> <p>6 complainant had a parallel criminal case against the</p> <p>7 complainant, that the investigator was required to</p> <p>8 review those criminal proceedings?</p> <p>9 A. Can you repeat that, because you said a</p> <p>10 complainant -- complainant against complainant.</p> <p>11 Q. I meant complainant both times. Like, if a</p> <p>12 complainant is being prosecuted, was there any</p> <p>13 requirement you were aware of that the investigator</p> <p>14 review those proceedings and the process of</p> <p>15 investigating their complaint?</p> <p>16 MR. MICHALIK: Object to the form.</p> <p>17 THE WITNESS: No, I don't -- I don't think</p> <p>18 there -- there was a process in place for that.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. Okay. And do you have any reason to believe</p> <p>21 any periodic review of criminal proceedings parallel to</p> <p>22 disciplinary investigations was done during the 1999 to</p> <p>23 2011 time frame?</p> <p>24 MR. MICHALIK: Object to form.</p> <p>25 THE WITNESS: I'm -- I'm not sure if that was</p>
<p style="text-align: right;">Page 199</p> <p>1 1999 to 2011 time period?</p> <p>2 MR. MICHALIK: Object to the form of the</p> <p>3 question, foundation, and the reliance on this</p> <p>4 document.</p> <p>5 THE WITNESS: I do not.</p> <p>6 BY MR. HILKE:</p> <p>7 Q. Okay. I'll point you to Page 65, Plaintiff</p> <p>8 Joint 5201. I'm going to point you to Subsection A,</p> <p>9 Ignoring Evidence from Civil and Criminal Proceedings;</p> <p>10 do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. The bottom sentence of the first paragraph</p> <p>13 under it says, yet there is no system that requires</p> <p>14 investigators to review parallel criminal proceedings</p> <p>15 and no such periodic review of criminal proceedings is</p> <p>16 done. And if you look at the paragraph, it's</p> <p>17 specifically discussing information from parallel</p> <p>18 criminal prosecutions, like for example, motions to</p> <p>19 suppress criminal trials and other potential sources of</p> <p>20 information for misconduct investigations. My question</p> <p>21 is: Do you have a -- was there a system requiring</p> <p>22 investigators to review parallel criminal proceedings to</p> <p>23 their investigations in 1999 to 2011?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question and reliance on this document.</p>	<p style="text-align: right;">Page 201</p> <p>1 done or not.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Then I'll point you to Page 75, please?</p> <p>4 A. Sure.</p> <p>5 Q. Joint 5211. I'll point you to the second</p> <p>6 paragraph from the bottom, starting, rather; do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. It states, rather than aggressively enforcing</p> <p>10 and seeking discharge for violations of CPD's Rule 14,</p> <p>11 which prohibits making false statements, enforcement in</p> <p>12 this area is rarely taken seriously and is largely</p> <p>13 ignored. The IPRA enabling ordinance makes it</p> <p>14 discretionary for IPRA to initiate Rule 14</p> <p>15 investigations incidental to one of its delegated</p> <p>16 mandatory investigations. Investigators rarely exercise</p> <p>17 this discretion, and it is so little used, but there is</p> <p>18 much confusion even over whether EIA or IPRA would have</p> <p>19 jurisdiction over such a Rule 14 investigation. Do you</p> <p>20 have any reason to disagree with that characterization</p> <p>21 of IPRA during the time frame you're testifying about?</p> <p>22 MR. MICHALIK: Object to the form of the</p> <p>23 question, foundation, and reliance on this document.</p> <p>24 THE WITNESS: I have no reason to disagree with</p> <p>25 it. Just not aware of IPRA's policies.</p>

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<p>Page 202</p> <p>1 BY MR. HILKE:</p> <p>2 Q. And then on the next page is 76 near the 3 paragraph, in practice, IPRA rarely asserts, about 4 halfway down; do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. It says, in practice, IPRA rarely asserts Rule 7 14 charges when officers make false exculpatory 8 statements or denials in interviews about alleged 9 misconduct. Even when the investigation results in a 10 sustained finding as to the underlying misconduct. Do 11 you have any reason to disagree with that 12 characterization of IPRA during the 1999 to 2011 time 13 frame?</p> <p>14 MR. MICHALIK: Objection to form, foundation, 15 and reliance on this document.</p> <p>16 THE WITNESS: I do not.</p> <p>17 BY MR. HILKE:</p> <p>18 Q. Then at the bottom, I going to pull you to the 19 very last sentence on Page 76, it says, we learned in 20 our investigation that there is no, and then turning to 21 Page 77, system in place to ensure that all officer 22 disciplinary findings bearing on credibility, including 23 Rule 14 findings, are supplied to the State's Attorney's 24 Office and criminal defendants, even though this is 25 required under Giglio v. United States. Do you have any</p>	<p>Page 204</p> <p>1 discussed how of the 33 officers with 30 or more 2 complaints between 2001 and 2006, fewer than half had 3 been flagged within intervention -- for intervention; do 4 you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any reason to disagree with that 7 characterization of the EIS system during the time frame 8 discussed in that portion?</p> <p>9 MR. MICHALIK: Object to the form of the 10 question, foundation, and reliance on this document.</p> <p>11 THE WITNESS: I do not.</p> <p>12 BY MR. HILKE:</p> <p>13 Q. Okay. Before I had asked you about different 14 steps in the investigation and the appeal process, all 15 the stages of a disciplinary investigation during this 16 time frame, from the moment the complaint comes in, to 17 the moment that the final appeal is over. Do you 18 remember those questions?</p> <p>19 A. Yes.</p> <p>20 Q. I just want to confirm now, are there any 21 stages of that process I had neglected to ask you about?</p> <p>22 A. I -- I -- I think at the time, I didn't 23 mention that after the investigator completes the 24 investigation, the case is reviewed by the lieutenant of 25 that section. The -- that -- that would be the</p>
<p>Page 203</p> <p>1 reason to disagree with the statement that there was no 2 system to put all -- to give all officer disciplinary 3 findings bearing on credibility to the State's 4 Attorney's Office during this frame?</p> <p>5 MR. MICHALIK: Objection to form, foundation, 6 incomplete hypothetical, and reliance on this 7 document.</p> <p>8 THE WITNESS: I do not.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. Okay. And then just one more. It's 5553, our 11 Page 117, towards the very end. I want to point you to 12 the paragraph midway down, that starts, more recent 13 studies of CPD's system; do you see that?</p> <p>14 A. Uh-huh. Yes.</p> <p>15 Q. So this section is talking about what it 16 describes as EIS and BIS Systems, which I believe mean 17 early intervention system and behavioral intervention 18 system. Are those terms familiar to you?</p> <p>19 A. Yes.</p> <p>20 Q. So the paragraph I pointed to you says, more 21 recent studies of CPD's systems reaffirm the need for 22 reform. A 2007 study noted that nearly 90 percent of 23 individuals with multiple complaints were never flagged 24 by the EIS, including officers who amassed more than 50 25 abuse complaints within five years. The study also</p>	<p>Page 205</p> <p>1 immediate supervisor of that investigator.</p> <p>2 Q. Okay. So that's, like, one level of review of 3 the investigator's findings, you know, separate and 4 apart from all the other stages you talked about?</p> <p>5 A. That is correct. That is correct.</p> <p>6 Q. Any other steps or details about those stages 7 that I haven't asked you about yet?</p> <p>8 A. No.</p> <p>9 Q. Okay. Anything I've asked you about that you 10 need to correct, or amend, or supplement at this point?</p> <p>11 A. So during the review process of cases, after 12 the case is completed and the case is submitted for 13 approval from the supervisor, and then it goes to the -- 14 to the department advocate, and then it goes through 15 Command Channel Review. After Command Channel Review is 16 when the officer, or the accused member, has the ability 17 to utilize the complaint review panel as a grievance 18 process. I think earlier when I spoke, I got the -- the 19 -- the timing of that reversed, and I went from the 20 advocate section to complaint review panel, then to the 21 Command Channel Review. So Command Channel Review is 22 first.</p> <p>23 Q. Got it. So the grievance process is -- sorry, 24 strike that. So the correction -- sort of the what 25 you're adding now -- strike all that. Just to make sure</p>

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<p style="text-align: right;">Page 206</p> <p>1 I understand, complaint review panel happens after the 2 superintendent recommends discipline, not before, 3 correct?</p> <p>4 A. Correct. And it's after the Command Channel 5 Review.</p> <p>6 Q. Okay.</p> <p>7 A. Because during Command Channel Review is when 8 the penalties can be modified.</p> <p>9 Q. Okay.</p> <p>10 A. Before the officer determines whether or not 11 he wants to answer the complaint review panel for 12 grievance purposes.</p> <p>13 Q. And were you also adding more details about 14 command channel review that I didn't ask you about 15 earlier, or is that just as you described it earlier?</p> <p>16 A. Just as I described it earlier.</p> <p>17 Q. Okay, great. Anything else?</p> <p>18 A. That's it.</p> <p>19 MR. HILKE: I'm done for now. If other 20 attorneys have questions, I may have more following, 21 but that's all I have at this moment. I much 22 appreciate it.</p> <p>23 THE WITNESS: Okay. Thank you.</p> <p>24 MR. MICHALIK: Anybody on Zoom have any 25 questions?</p>	<p style="text-align: right;">Page 208</p> <p>1 the conclusion of the investigator's investigation, 2 correct?</p> <p>3 A. That is correct.</p> <p>4 Q. All right. What happens where his 5 recommendation exceeds five days' suspension?</p> <p>6 A. Okay. At that point, the -- the investigator 7 will complete a summary report of the investigation as 8 -- as -- as opposed to the summary digest report.</p> <p>9 Q. When is that appropriate?</p> <p>10 A. That's for anything five days or under. Any 11 recommended penalties of five days or under.</p> <p>12 Q. Okay. What if the recommendation is 13 unfounded, exonerated, or not sustained?</p> <p>14 A. That would be memorialized on a summary digest 15 report.</p> <p>16 Q. All right. Okay. Once that summary digest 17 report, or the summary report, is completed, what 18 happens next, from that investigator's perspective?</p> <p>19 A. So the investigator would upload all the 20 attachments into the -- at the time, the auto CR system. 21 And then the final attachment would be either the 22 summary report or the summary digest report. If -- for 23 sustained cases, the officers would have to also get the 24 member's disciplinary and complimentary histories to add 25 as some of the final attachments. And then the full</p>
<p style="text-align: right;">Page 207</p> <p>1 MS. OLIVIER: No questions from Kelly Olivier.</p> <p>2 MR. STORTZ: No questions from Jake Stortz.</p> <p>3 MS. MIAN: No questions for Ronald Watts, thank 4 you.</p> <p>5 MR. MICHALIK: All right. I do have --</p> <p>6 MR. RAVITZ: Or for -- or from Mohammed -- just 7 for -- Mohammed, just for the record.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MR. MICHALIK:</p> <p>10 Q. I do want to go through a couple of things 11 just to clarify, maybe the first thing to do is go back 12 to the topic that you were just clarifying, and that's 13 the review process. And so, I think the best way to do 14 this, if you take a look at Exhibit number 5, it's 93- 15 3.</p> <p>16 A. Okay.</p> <p>17 Q. Just make sure that we've got this clear on 18 the record.</p> <p>19 A. Okay.</p> <p>20 Q. If I could direct you to Addendum number 4, 21 which starts at City BG-59029.</p> <p>22 A. All right. Okay.</p> <p>23 Q. All right. So let's start off with Section 24 2A. It talks about cases where the recommendation 25 exceeds five days of suspension, all right? That's at</p>	<p style="text-align: right;">Page 209</p> <p>1 investigator file will be handed off to the immediate 2 supervisor, which will be a lieutenant within the -- 3 that officer's section.</p> <p>4 Q. All right. And so --</p> <p>5 A. The investigator's section.</p> <p>6 Q. So the investigator provides that report to 7 his or her supervisor, regardless of the recommendation?</p> <p>8 A. Correct.</p> <p>9 Q. So if it's sustained, it's reviewed by a 10 supervisor?</p> <p>11 A. That is correct.</p> <p>12 Q. If it's not sustained, it's reviewed by a 13 supervisor?</p> <p>14 A. That is correct.</p> <p>15 Q. Same for unfounded or exonerated?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Let's start with the unfounded, 18 exonerated, or not sustained cases. Those are submitted 19 to the supervisor. What is the supervisor expected to 20 do once they get one of those reports?</p> <p>21 A. Just -- just to review it, to make sure that 22 the investigator noted the proper finding for the 23 investigation. And the supervisor would also make a 24 determination -- oh, this is just for unfounded, not 25 sustained, and exonerated?</p>

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1 Q. Right.

2 A. Yeah. They would just make sure that the --
3 the member had the proper finding for the case.4 Q. Okay. Could the supervisor recommend
5 additional investigation be conducted?

6 A. Yes, definitely.

7 Q. All right. That's one of the things the
8 supervisor would be looking for to make sure that the
9 investigation was thorough?

10 A. That's correct.

11 Q. All right. Would that be true also sustained
12 -- where -- a report where there was a recommendation of
13 a sustained finding?

14 A. Yes.

15 Q. All right. Again, it would go to the
16 supervisor, who would review it for completeness?

17 A. That is correct.

18 Q. And if the supervisor determined additional
19 investigation would need to be done, it would be kicked
20 back to the investigator to do that?

21 A. That is correct.

22 Q. All right. So now the supervisor has approved
23 the report, what happens next?24 A. At that point, the -- the case is sent
25 to the advocate's section for review, and they'll --

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1 bypass Command Channel Review, and then the case would
2 go right to the superintendent for review.3 Q. Okay. You mentioned administratively closed.
4 When would an investigation be administratively closed?5 A. Typically, those are -- those are closed
6 absent -- absent the signing of the affidavit.
7 Sometimes, those cases are closed out administratively.
8 Yeah, if the -- if you reach out to the complainant and
9 the complainant has a change of -- of heart, or what
10 transpired out there, those -- and the -- that member is
11 not willing to sign an affidavit or a letter of
12 declination, sometimes those cases are also
13 administratively closed.14 Q. So then after Command Channel Review, the next
15 step would be what?16 A. So after Command Channel Review, the case goes
17 -- comes back to the Bureau of Internal Affairs. It's
18 reviewed by the -- the chief of Internal Affairs, who
19 has the final say-so for penalty recommendations. And
20 then after the chief reviews the case, depending on the
21 case, the case would go over to the sup's office to
22 review for significant penalty cases. And then at that
23 point, the member is notified of the finding of the --
24 of the investigation and the penalty recommendation.
25 And that's when the member decides whether or not he

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1 they'll review it to make sure that every attachment is
2 contained in the file, because there is an attachment
3 list. So they want to make sure the -- the number of
4 attachments match the -- the attachment list. And they
5 also want to make sure that the -- the findings are
6 proper, and that the investigation is sound and complete
7 and thorough.8 Q. Okay. If the advocate determines additional
9 investigation is required, does that then get kicked
10 back to the investigator?11 A. Yes, it's -- it's typically sent back to the
12 -- the investigator supervisor, and then the supervisor
13 would make sure that the investigator gets the case
14 back.15 Q. Okay. Once it's cleared the advocate, what
16 happens next?17 A. Then that case is prepared, and it's sent for
18 a Command Channel Review.19 Q. All right. Is there any different Command
20 Channel Review based on the recommendation?21 A. Yes. If the -- if the -- well, if the case is
22 administratively closed, then that particular case
23 wouldn't go through Command Channel Review. A lot of
24 cases that are sustained, and depending on the nature of
25 the case, there -- there's an avenue in which you can

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1 wants to file a grievance, which would trigger the
2 complaint review panel.3 Q. Okay. And I think you said earlier that in
4 terms of cases that would go to the superintendent's
5 office for review, those would be 30 or more days'
6 suspension recommendation or separation?

7 A. That is correct.

8 MR. HILKE: I'm sorry. Objection, form. Go
9 ahead.

10 THE WITNESS: That is correct.

11 BY MR. MICHALIK:

12 Q. In answering questions as to talking about the
13 -- a member's ability to appeal certain findings, you
14 said eventually, a case might be presented to the police
15 board, correct?

16 A. Correct.

17 Q. And I think you said that there was no further
18 appeal after the police board made its decision; is that
19 right?

20 A. That's what I said, yes.

21 Q. Okay. And that's within CPD, correct?

22 A. Correct.

23 Q. Could a member then file a lawsuit challenging
24 the police board's finding?

25 MR. HILKE: Objection, form. Go ahead.

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<p>1 THE WITNESS: Yes.</p> <p>2 BY MR. MICHALIK:</p> <p>3 Q. Okay. So at least there are additional 4 avenues of appeal for a member who disagreed with a 5 police board's finding?</p> <p>6 A. That is correct.</p> <p>7 Q. Counsel had asked you questions earlier about 8 the change from OPS to IPRA. Do you remember that 9 series of questions?</p> <p>10 A. Yes.</p> <p>11 Q. All right. In terms of that, was there any 12 change in the subject matter that IPRA would investigate 13 that OPS did not?</p> <p>14 A. The subject matter that --</p> <p>15 Q. Let me ask it this way.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. OPS, I think you testified, 18 investigated excessive force, domestics, 19 police-involved shootings, and deaths in custody, 20 correct?</p> <p>21 A. I -- I didn't mention deaths in -- in custody.</p> <p>22 Q. But that was one of the areas --</p> <p>23 A. That is -- that is one, yes.</p> <p>24 Q. -- that OPS would investigate?</p> <p>25 A. Correct.</p>	<p>Page 214</p> <p>1 Q. That would have to be something that would go 2 to BIA?</p> <p>3 A. Yes. That would -- that would be handled 4 through the CR process.</p> <p>5 Q. All right. And that would be directed to 6 Confidential Investigations?</p> <p>7 A. That is correct.</p> <p>8 Q. All right. I think the last thing I want to 9 ask you about is conducting administrative 10 investigations concurrently with a criminal 11 investigation. First off, that would be something that 12 would be handled within BIA, correct?</p> <p>13 A. Correct.</p> <p>14 Q. All right. Because -- and that would 15 specifically be the Confidential Investigation Section?</p> <p>16 A. Correct.</p> <p>17 Q. Would there be any criminal investigation by 18 BIA that was not being handled by the Confidential 19 Section?</p> <p>20 A. Yes.</p> <p>21 Q. Okay, what kind of -- what kind of case?</p> <p>22 A. You -- you have -- it's quasi-criminal. We're 23 talking about DUIs. We're talking about certain 24 positive tests for narcotics and -- and other drugs. We 25 put officers through our random testing process that</p>
<p>Page 215</p> <p>1 Q. All right. Was that the same types of matters 2 that IPRA would investigate, after IPRA came into 3 existence?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. And as far as cases that IPRA would refer to 6 BIA, it was the same as the cases that OPS would refer 7 to BIA?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know, did OPS have subpoena power?</p> <p>10 A. I -- I'm not sure if they did.</p> <p>11 Q. Do you know if IPRA had subpoena power?</p> <p>12 A. I believe IPRA and now COPA does.</p> <p>13 Q. All right. You also were asked some questions 14 about the SPARS, and there was a list of 26 categories 15 of less serious transgressions that were listed in that 16 order; do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. One of the things that you were asked 19 was about any misconduct that could be -- could any 20 misconduct be the subject of a SPAR; do you remember 21 that testimony?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Could an allegation that involved 24 criminal misconduct, could that be the basis of a SPAR?</p> <p>25 A. No.</p>	<p>Page 217</p> <p>1 have some -- a criminal nexus to it, but those are 2 handled by the General Investigation Section.</p> <p>3 Q. Would that be the type of a case where you 4 could have a parallel criminal investigation with an 5 administrative investigation?</p> <p>6 A. Yes.</p> <p>7 Q. All right. What about a confidential criminal 8 investigation, one that would involve a joint CPD-FBI 9 investigation of criminal conduct? Is that something 10 where the administrative investigation could proceed in 11 parallel with a criminal investigation?</p> <p>12 A. Well, when -- when dealing with the -- 13 or when looking at criminal investigations that are 14 handled at the task force, those -- those cases are 15 cases that are spearheaded by the FBI. Those are the 16 FBI's investigations. And the administrative 17 investigation that parallels those cases typically are 18 halted as not to compromise the integrity of the ongoing 19 criminal investigation from that -- from the FBI or any 20 other outside agency, because it -- it could compromise 21 the case itself. And if someone chooses to move forward 22 with the administrative investigation they -- you know, 23 they can actually be held accountable and either charged 24 with obstructing the criminal investigation through the 25 FBI.</p>

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1 Q. What sort of dangers would there be in
 2 conducting the administrative investigation at the same
 3 time as the confidential federal CPD investigation of
 4 criminal conduct?

5 MR. HILKE: Objection, form.

6 THE WITNESS: Well, a lot of these cases, these
 7 long-term criminal investigations involve officers,
 8 guns, drugs, what have you. And the officers are
 9 conducting long term surveillances and they're --
 10 they're put in very serious situations, depending on
 11 the nature of their surveillances and whether or not
 12 they are actually purchasing narcotics from these
 13 officers and stuff. If their -- if the
 14 investigation is compromised and -- and we move
 15 forward with the administrative case and start
 16 questioning people, when it gets back to the
 17 officers that are being investigated, there -- there
 18 could be some harm brought to some of the
 19 investigators that are -- that are out there in the
 20 field doing surveillances and -- and working up
 21 these investigations.

22 BY MR. MICHALIK:

23 Q. All right. One of the -- in order to proceed
 24 administratively against a department member, you have
 25 to inform that member of the charges, correct?

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1 Q. -- they would charge the investigator?

2 A. Yes, yes, the investigator.

3 Q. Okay. And you mentioned that, you know, in
 4 terms of these joint CPD-FBI investigations, the FBI was
 5 in charge of the -- of that investigation?

6 A. That is correct.

7 Q. All right. The information that was derived
 8 from that investigation, who did that belong to?

9 MR. HILKE: Object -- wait. Object to form.

10 THE WITNESS: I'm sorry.

11 MR. HILKE: Go ahead.

12 THE WITNESS: FBI.

13 BY MR. MICHALIK:

14 Q. One last thing. In the SOP, there was a
 15 reference to initiating a confidential CR for a
 16 confidential investigation; do you remember that?

17 A. Yes.

18 Q. Is that a different process, in terms of
 19 initiating a CR for a confidential investigation, as
 20 opposed to a general investigation?

21 A. Yes. When -- in -- in General or Special, or
 22 just your run-of-the-mill investigation, when initiating
 23 those cases, those -- that initiation report gets sent
 24 back, to at the time OPS or IPRA, which would then
 25 either keep the investigation, or send it back to BIA to

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1 A. That's --

2 MR. HILKE: Object to form. Go ahead.

3 THE WITNESS: That is true.

4 BY MR. MICHALIK:

5 Q. All right. Would that present any impact on a
 6 confidential criminal investigation?

7 MR. HILKE: Objection to form.

8 THE WITNESS: Well -- well, yes, because the --
 9 the member would know that there's an ongoing
 10 investigation into their -- their activity, and a
 11 lot of times, the administrative case really
 12 directly parallels and impacts the criminal case.
 13 So that would tip off the member as to the -- the
 14 full scope of the investigation. Even if the member
 15 doesn't know that the FBI is part of the
 16 investigation, that would tip off the -- the member,
 17 and that member would -- would cease his activities,
 18 which would taint the overall investigation.

19 BY MR. MICHALIK:

20 Q. And then you mentioned there could be
 21 consequences as a result of tainting that investigation?

22 A. Yeah. You know, the -- if they choose to, the
 23 -- the FBI can -- can -- can charge a member --

24 Q. So --

25 A. -- criminally.

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1 be handled. Confidential investigations are initiated
 2 by the admin sergeant, the bureau of internal affairs,
 3 who works directly for the chief of internal affairs.
 4 That person -- that sergeant would initiate the number,
 5 and it would be maintained in-house. And then number
 6 would be only shared with the investigator of that case
 7 initially.

8 Q. It would not be shared with IPRA or OPS?

9 A. It would not.

10 MR. MICHALIK: Director, that's all I have.

11 THE WITNESS: Okay.

12 REDIRECT EXAMINATION

13 BY MR. HILKE:

14 Q. Sir, I've got just a few follow-ups. The --
 15 we talked about -- are you aware of anything in the FBI
 16 Chicago Police Department MOU that at all suggested that
 17 charges of obstruction of justice would result if the
 18 CPD moved administratively against an officer under
 19 investigation?

20 A. I'm not aware that that was part of the -- the
 21 MOU.

22 Q. What's your basis for saying that -- well, and
 23 strike that. In saying that if an investigator moved
 24 administratively against an officer and it compromised
 25 an FBI investigation, it could be the cause for

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1 obstruction of justice charges. Are you -- do you have
 2 any basis to conclude that the FBI would have any
 3 likelihood of proceeding with such charges?

4 MR. MICHALIK: Object to form.

5 THE WITNESS: Well, I mean, so if we're -- if
 6 we're outside of the time frame, and we're within
 7 the time frame of me working on a FBI task force --
 8 BY MR. HILKE:

9 Q. I actually just want to keep you in the time
 10 frame.

11 A. I have -- well, the answer -- no. No, no
 12 basis.

13 Q. There was no -- and as far as -- do you
 14 believe that during the time frame, an investigator who
 15 believed it was necessary to get a corrupt officer off
 16 the street could not have said, you know, for example,
 17 we need this investigation to move faster, we have to
 18 get this officer off the street. Would that kind of
 19 feedback have been prohibited in Chicago Police
 20 Department-FBI joint investigations during this time
 21 frame?

22 A. Are -- are you talking about the investigator?

23 Q. Yeah. Is there any reason they -- like, if
 24 the investigation had gone on, in their opinion, too
 25 long, and they were concerned about leaving an officer

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1 A. That's correct.
 2 Q. There's no reason -- strike that. The
 3 investigator could still do any of the other preliminary
 4 investigation steps without informing the accused
 5 officer of the charges against him, correct?

6 MR. MICHALIK: Objection, mischaracterizes his
 7 testimony.

8 THE WITNESS: Yes.

9 BY MR. HILKE:

10 Q. And by the way, in terms of joint -- during
 11 this time period, in 1999 to 2011 -- strike all that.
 12 You testified about joint criminal civil investigations
 13 -- or strike that, too. You testified before about
 14 criminal investigations and situations that could be
 15 parallel with the disciplinary investigation, and you
 16 testified about different categories of complaints where
 17 there could be parallel criminal investigations. Are
 18 excessive force allegations among those that could have
 19 parallel criminal proceedings?

20 A. Excessive force cases were handled by OPS or
 21 IPRA at the time.

22 Q. And a civilian complaint of excessive force
 23 could have a parallel criminal case against an officer
 24 for that force, correct?

25 A. It could. There could be -- there could be a

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1 on the -- on the street, on the, you know, on the joint
 2 FBI CPD operations, could the CPD give feedback about
 3 the pace of the operation?

4 A. The -- no. No. I mean, well, you can always
 5 give feedback about it and say what's taking so long,
 6 but this -- at the end of the day, it was still the
 7 investigation -- the FBI's investigation.

8 Q. Right, but that -- okay. Right. So it's not
 9 that it was -- there's nothing prohibiting that
 10 feedback, but it was still the FBI's investigation?

11 A. That is correct.

12 Q. Okay. And was there anything prohibiting an
 13 investigator on an FBI-CPD investigation from saying, we
 14 think it's necessary to move administratively. We need
 15 your feedback, FBI, on how we can proceed?

16 A. Well, they -- they can always say that, but --
 17 yes.

18 Q. And you mentioned that if CPD moved
 19 administratively against an officer who is the subject
 20 of a joint Chicago Police Department FBI investigation,
 21 the officer would need to be informed of the charges
 22 against them. Now, the time they would have to be
 23 informed is when the investigator decided to proceed
 24 with an interrogation or statement from the accused
 25 officer, correct?

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1 -- an actual case report number associated with that
 2 excessive force complaint.

3 Q. And same for shootings by officers, correct?
 4 Those were also investigated by OPS-IPRA?

5 A. That's correct.

6 Q. And those could also have parallel criminal
 7 proceedings, investigations into shootings by police
 8 officers?

9 A. Yes.

10 Q. And so, excessive force and shootings by
 11 police officers, if OPS-IPRA learned that there was a
 12 criminal investigation as they investigated such
 13 allegations, would they maintain the administrative
 14 investigation, or transfer it to Internal Affairs?

15 A. Internal Affairs did not handle shooting
 16 incidents involving department members. And excessive
 17 force complaints, those are also IPRA and OPS cases.

18 Q. Okay. So those are investigations with a
 19 criminal component OPS-IPRA could conduct, correct?

20 A. Yes.

21 MR. HILKE: Okay. Nothing else for now.

22 RECROSS-EXAMINATION

23 BY MR. MICHALIK:

24 Q. Just two quick follow-ups, Mr. Moore, and I
 25 think we'll be done. You were asked about an

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1 investigator where there was a confidential -- a joint
 2 CPD-FBI investigation, and he would have to inform the
 3 accused member of the charges against him before taking
 4 that individual's statement, remember that?

5 A. Yes. Administratively.

6 Q. Right. And then you were asked, could he do
 7 other steps short of interviewing the officer? And I
 8 think your answer was yes, he could. But I think
 9 earlier, you said that he -- there were things that he
 10 should not do, such as talking to witnesses, or other
 11 things that might tip off the subject of the
 12 confidential investigation, correct?

13 A. Correct.

14 Q. Also, the investigator who was involved, some
 15 of the evidence and investigation that was part of the
 16 joint FBI-CPD investigation would be something that that
 17 investigator could use subsequently in administrative
 18 proceedings?

19 A. Yes, they could.

20 Q. Second thing is, you were asked about
 21 excessive force in police-involved shooting cases, could
 22 they be parallel to criminal investigations; do you
 23 remember that?

24 A. Yes.

25 Q. Are excessive force cases or police-involved

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1 shootings confidential investigations?

2 A. No. Those cases are handled by OPS or IPRA at
 3 the time.

4 Q. Not confidential?

5 A. No.

6 MR. MICHALIK: That's all I have. Thank you.

7 FURTHER DIRECT EXAMINATION

8 BY MR. HILKE:

9 Q. Quickly, just because we did different terms.
 10 What's the difference between a police-involved shooting
 11 and a shooting by a police officer?

12 A. It -- it's one in the same.

13 MR. HILKE: Okay. Nothing more.

14 THE WITNESS: Okay. I thought that was a trick
 15 question.

16 MR. HILKE: No, no, I just -- I wanted to make
 17 sure we're talking about the same thing on the
 18 record.

19 MR. MICHALIK: I think we are.

20 MR. HILKE: I think so, too.

21 MR. MICHALIK: All right. We will reserve
 22 signature.

23 THE REPORTER: Do you want me to just send it
 24 to you?

25 MR. MICHALIK: Sure, that's fine.

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1 THE VIDEOGRAPHER: I'm going to take us off the
 2 video record, but we'll stay on the written so that
 3 the court reporter can get orders. All right, we're
 4 off. It's 4:22.

5 THE REPORTER: Yes. So just very quickly,
 6 would you like a transcript or video?

7 MR. HILKE: I'm -- I'll handle it off the
 8 record, please.

9 THE REPORTER: Would you like one?

10 MR. MICHALIK: If he orders, we'll take a copy.

11 THE REPORTER: Okay. Anybody on Zoom would
 12 like a copy of the transcript or the video?

13 MS. OLIVIER: No, thank you.

14 MR. STORTZ: No, thank you.

15 MS. MIAN: I don't think so.

16 THE REPORTER: All right then. With that, we
 17 are off the written record at 4:23.

18 (DEPOSITION CONCLUDED AT 4:23 P.M. CT)

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1 CERTIFICATE OF DIGITAL REPORTER

2 STATE OF ILLINOIS

3
 4 I do hereby certify that the witness in the foregoing
 5 transcript was taken on the date, and at the time and
 6 place set out on the Title page here of by me after
 7 first being duly sworn to testify the truth, the whole
 8 truth, and nothing but the truth; and that the said
 9 matter was recorded digitally by me and then reduced to
 10 typewritten form under my direction, and constitutes a
 11 true record of the transcript as taken, all to the best
 12 of my skill and ability. I certify that I am not a
 13 relative or employee of either counsel, and that I am in
 14 no way interested financially, directly or indirectly,
 15 in this action.



19
 20 
 21
 22 TALIA JACKSON,
 23 DIGITAL REPORTER/NOTARY
 24 COMMISSION EXPIRES: 11/28/2027
 25 SUBMITTED ON: 03/28/2024

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