

EXHIBIT 3



CASE NO. 19 L 10035

ALVIN WADDY

V.

CITY OF CHICAGO, ET AL.

DEPONENT:

DESIGNATED OFFICER NO. 4 JOHN HENEGHAN

DATE:

November 07, 2023



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1 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
2 COUNTY DEPARTMENT, LAW DIVISION
3 CASE NO. 19 L 10035

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5 ALVIN WADDY,
6 Plaintiff

7
8 V.

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10 CITY OF CHICAGO, ET AL.,
11 Defendant

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23 DEPONENT: DESIGNATED OFFICER FOR NO. 4 JOHN HENEGHAN
24 DATE: NOVEMBER 7, 2023
25 REPORTER: LAUREN TOUSSAINT

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| <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, ALVIN WADDY:</p> <p>4 Scott Rauscher, Esquire</p> <p>5 Loevy & Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: scott@loevy.com</p> <p>11</p> <p>12 ON BEHALF OF THE DEFENDANT, CITY OF CHICAGO:</p> <p>13 Daniel M Noland, Esquire</p> <p>14 Reiter Burns LLP</p> <p>15 311 S Wacker Drive</p> <p>16 Suite 5200</p> <p>17 Chicago, Illinois 60606</p> <p>18 Telephone No.: (312) 878-1291</p> <p>19 E-mail: dnoland@reiterburns.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>Page 2</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, OFFICER JONES, SMITH, BOLTON, GONZALEZ, LEANO, NICHOLS AND LEWIS:</p> <p>4 Brian Stefanich, Esquire</p> <p>5 Hale & Monico, LLC</p> <p>6 53 West Jackson Boulevard</p> <p>7 Suite 334</p> <p>8 Chicago, Illinois 60604</p> <p>9 Telephone No.: (312) 341-9646</p> <p>10 E-mail: bstefanich@halemonico.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13</p> <p>14</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> |
| <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED</p> <p>4 Eric Palles, Esquire</p> <p>5 Daley Mohan Groble, P.C.</p> <p>6 55 West Monroe</p> <p>7 Suite 16</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 422-9999</p> <p>10 E-mail: epalles@mohangroble.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, WATTS:</p> <p>14 Aleeza Mian, Esquire</p> <p>15 Johnson & Bell</p> <p>16 33 West Monroe Street</p> <p>17 Suite 2700</p> <p>18 Chicago, Illinois 60603</p> <p>19 Telephone No.: (630) 765-7766</p> <p>20 E-mail: mianajbltd.com</p> <p>21 (Appeared via Videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 PROCEEDINGS</p> <p>4 DIRECT EXAMINATION BY MR. RAUSCHER</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 Exhibit</p> <p>8 1 - Notice of Illinois Supreme Court Rule</p> <p>9 206(a)(1) Deposition</p> <p>10 2 - Department of Special Order CITY-BG-062130</p> <p>11 to CITY-BG-062147</p> <p>12 3 - Processing Narcotics Cases CITY-BG-062148 to</p> <p>13 CITY-BG-062165</p> <p>14</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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| <p>1 STIPULATION 2 3 The deposition of DESIGNATED OFFICER NO. 4 - JOHN 4 HENEGHAN was taken at 31 NORTH ABERDEEN STREET, THIRD 5 FLOOR, CHICAGO, ILLINOIS 60607 on TUESDAY the 7TH day of 6 NOVEMBER 2023 at 10:10 a.m. (CT); said deposition was 7 taken pursuant to the CIRCUIT COURT OF COOK COUNTY, 8 ILLINOIS Rules of Civil Procedure. 9 10 It is agreed that LAUREN TOUSSAINT, being a Notary 11 Public and Court Reporter, may swear the witness. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | Page 6 | Page 8 |
| <p>1 PROCEEDINGS 2 THE REPORTER: We are now on the record. My 3 name is Lauren Toussaint. I'm the online video 4 technician and court reporter today representing 5 Kentuckian Court Reporters. I'm here in person with 6 the witness located at Loevy and Loevy, 311 North 7 Aberdeen Street, Chicago, Illinois, 60607. Today is 8 the 7th day of November of 2023, and the time is 9 10:10 a.m. Central Time. We are convened by video 10 conference and in person to take the deposition of 11 the Designated Officer Number 4, John Heneghan, in 12 the matter of Alvin Waddy v. City of Chicago, et 13 al., pending in the Circuit Court of Cook County, 14 Illinois. Number 19L10035. Will everyone, but the 15 witness, please state your appearance, how you're 16 attending, and the location you're attending from, 17 starting with the Plaintiff's Counsel? 18 MR. RAUSCHER: Scott Rauscher for Plaintiff, 19 Alvin Waddy, attending in person at my firm's office 20 in Chicago. 21 MR. NOLAND: Daniel Noland for the City of 22 Chicago and the witness, attending in-person at the 23 Loevy firm. 24 MR. STEFANICH: Brian Stefanich -- 25 MR. PALLES: Eric Palles --</p> | Page 7 | Page 9 |

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| <p>1 the City of Chicago?</p> <p>2 A. Yes.</p> <p>3 Q. What did you do to prepare for today's</p> <p>4 deposition?</p> <p>5 A. I met with -- met with my attorney.</p> <p>6 Q. Is that Mr. Noland?</p> <p>7 A. Yes.</p> <p>8 Q. When did you meet with Mr. Noland?</p> <p>9 A. Last week. Was it Thursday? Well, Wednesday</p> <p>10 or Thursday.</p> <p>11 Q. Just the best that you remember?</p> <p>12 A. Last week.</p> <p>13 Q. Okay. And for about how long did you meet</p> <p>14 with him?</p> <p>15 A. I'd say approximately an hour.</p> <p>16 Q. Was that the only meeting you had?</p> <p>17 A. Yes.</p> <p>18 Q. Did you look at any documents?</p> <p>19 A. Yes.</p> <p>20 Q. What documents did you look at?</p> <p>21 A. This one.</p> <p>22 Q. Okay.</p> <p>23 A. I -- I -- I can't memorize all the documents</p> <p>24 that I looked at.</p> <p>25 Q. You looked at a bunch of documents?</p> | Page 10 | <p>1 THE WITNESS: I apologize.</p> <p>2 MR. NOLAND: Yeah, I -- I'm one of the worst</p> <p>3 offenders because it's just conversational, you're</p> <p>4 always talking over people, but, yeah, just as a</p> <p>5 reminder.</p> <p>6 THE WITNESS: Okay. Thank you.</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. How many Special Orders do you recall looking</p> <p>9 at with -- in your meeting with Mr. Noland?</p> <p>10 A. I just recall one.</p> <p>11 Q. Okay. Did that Special Order speak to Chicago</p> <p>12 who -- city of Chicago's policies and practices with</p> <p>13 regard to fingerprinting evidence in narcotics cases?</p> <p>14 A. No.</p> <p>15 Q. Are there any policies or procedures that</p> <p>16 you're aware of from -- that were in effect in 2007 with</p> <p>17 regard to fingerprinting evidence in narcotics cases?</p> <p>18 A. Any written policy?</p> <p>19 Q. Written policy.</p> <p>20 A. Written policy? No.</p> <p>21 Q. And I assumed that you were aware of, but what</p> <p>22 I meant was, I -- I'm going to strike were you -- that</p> <p>23 you're aware of. So I'm going to re-ask that question.</p> <p>24 In your role today as the representative for the City of</p> <p>25 Chicago, can you tell us whether there were any written</p> | Page 12 |
| <p>1 A. I looked at a few documents. I don't know</p> <p>2 what a bunch means.</p> <p>3 Q. About how many documents did you look at</p> <p>4 during your meeting with Mr. Noland?</p> <p>5 A. In this moment, I really don't recall.</p> <p>6 Q. Okay. Do you recall what any of them were</p> <p>7 other than this notice?</p> <p>8 A. This -- there was something regarding</p> <p>9 narcotics -- narcotics arrests and processing of -- in</p> <p>10 narcotics cases.</p> <p>11 Q. When you say there was something about that,</p> <p>12 are you talking about a Chicago Police Department</p> <p>13 Policy?</p> <p>14 A. Yeah, it -- it was a Chicago Police Department</p> <p>15 Special Order.</p> <p>16 Q. Do you remember which Special Order it was?</p> <p>17 A. In this moment I don't recall.</p> <p>18 Q. Do you -- had you seen that Special Order</p> <p>19 before your meeting with Mr. Noland</p> <p>20 A. Yes.</p> <p>21 Q. And --</p> <p>22 MR. NOLAND: Hey, John, just one -- make sure</p> <p>23 that Counsel is done with his question before you</p> <p>24 speak, so that the court reporter doesn't have to</p> <p>25 take things down at the same time. So --</p> | Page 11 | <p>1 policies in 2007, with regard to fingerprinting evidence</p> <p>2 in narcotics cases?</p> <p>3 A. There are no written policies regarding the</p> <p>4 fingerprinting of narcotics evidence --</p> <p>5 Q. And were there any written --</p> <p>6 A. -- in 2007.</p> <p>7 Q. I'm sorry, I didn't mean to --</p> <p>8 A. In 2007.</p> <p>9 Q. Were there any written policies in 2007 with</p> <p>10 respect to fingerprinting packaging or baggies that</p> <p>11 contained alleged narcotics?</p> <p>12 A. There were no written policies.</p> <p>13 Q. And were there any practices in the City of</p> <p>14 Chicago in 2007, with regard to fingerprinting evidence</p> <p>15 in narcotics cases?</p> <p>16 A. Yes.</p> <p>17 Q. And what were the practices in the City of</p> <p>18 Chicago with respect to fingerprinting evidence in</p> <p>19 narcotics cases in 2007?</p> <p>20 A. The practice was it wasn't done.</p> <p>21 Q. And same question with respect to</p> <p>22 fingerprinting packaging or baggies containing alleged</p> <p>23 narcotics in 2007, what were the practices?</p> <p>24 A. Again, the practice was it was not done.</p> <p>25 Q. Why was it not done? Why was fingerprinting</p> | Page 13 |

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| <p>Page 14</p> <p>1 of narcotics or finger -- or packaging or baggies that 2 contained alleged narcotics not done in 2007? 3 MR. NOLAND: Objection to the extent it is 4 beyond the scope of the notice, but go ahead and 5 answer. 6 THE WITNESS: I'd say the first reason is just 7 the sheerer magnitude of what that would require 8 both for the Chicago Police Department, the Illinois 9 State Police Crime Lab, Cook County State's 10 Attorneys. There's just not enough people. 11 BY MR. RAUSCHER: 12 Q. What is the basis for your belief that there 13 aren't enough people with the State Crime Lab and the 14 Cook County State's Attorney, to handle fingerprinting 15 narcotics evidence or baggies or packaging of narcotics 16 evidence? 17 A. Just from my experience as a -- an evidence 18 technician since 2006, the practice that they just 19 didn't do it, that there was just -- there were just too 20 many cases, you know, thousands and thousands of 21 narcotics packaging. The State, you know, they just 22 couldn't handle the workload, nor could the Chicago 23 Police Department. 24 Q. So you mentioned that you had been an evidence 25 tech since 2006?</p> | <p>Page 16</p> <p>1 A. Approximately, 2003. 2 Q. And then do you know why there was a delay of 3 approximately three years before you became an evidence 4 tech? 5 A. No, I can't speak to why the City delayed the 6 process. 7 Q. And have you been an evidence tech since 2006? 8 A. Yes. 9 Q. What do you do as an evidence technician? 10 A. My primary function is to respond to crime 11 scenes and -- where I search and document the crime 12 scenes through photographs, search and locate evidence, 13 collect package evidence. Sometimes fingerprinting is 14 required on scene, latent fingerprint friction-ridge 15 detail development, photography. 16 Q. Do you receive ongoing training as an evidence 17 technician? 18 A. Yes. 19 Q. Do you -- have you been trained on collecting 20 fingerprint evidence? 21 A. Yes. 22 Q. When did you first receive fingerprint 23 collection training? 24 A. In 2006. 25 Q. Have you ever been asked to collect</p> |
| <p>Page 15</p> <p>1 A. Yes. 2 Q. When did you join the Chicago Police 3 Department? 4 A. December 13th of 1999. 5 Q. In what capacity did you join in December of 6 1999? 7 A. As a patrol officer. 8 Q. How long were you a patrol officer? 9 A. Until 2006. 10 Q. Did you have to -- did you do any training 11 before you became an evidence technician? 12 A. Yes. 13 Q. And what training did you do before you became 14 an evidence tech? 15 A. Training to be an evidence technician? 16 Q. Yeah. That was a vague question. So yes, 17 what training did you do to become an evidence 18 technician? 19 A. Well, you are required to take a test, so I 20 passed a -- passed a written test. 21 Q. Anything else. 22 A. Before I became an evidence technician, that's 23 what was required to become an evidence technician. 24 Q. Okay. And when did you take that written 25 test?</p> | <p>Page 17</p> <p>1 fingerprint evidence in a narcotics case? 2 A. Never. 3 Q. Do you -- when you're at a crime scene, are 4 you making your own decisions about what evidence to 5 collect, are people asking you to collect certain 6 things, or is it some combination? 7 A. It's a combination. 8 Q. So is it accurate to say you've never been 9 asked to collect fingerprint evidence in a narcotics 10 case and also you have never collected fingerprint 11 evidence in a narcotics case? 12 A. Yes, that'd be accurate. 13 Q. Did you read an expert report prepared by Matt 14 Marvin in this case? 15 A. No, I did not. 16 Q. Did the Special Order that you reviewed in 17 preparing for your deposition inform your testimony 18 today at all? 19 A. No. 20 Q. And is that because it doesn't address 21 fingerprinting, narcotics evidence, or baggies? 22 A. Well, it does address -- it does address the 23 recovery of narcotics, but it does not -- it does not 24 require evidence to be fingerprinted. 25 Q. It doesn't require it. It doesn't speak to it</p> |

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| <p>1 at all, right? 2 A. No, it doesn't. 3 Q. Do you know whether plastic bags containing 4 alleged narcotics could have been tested for 5 fingerprints in 2007? 6 MR. NOLAND: I think I know what you're asking, 7 but I'm going to object to the form of the question. 8 Are you asking if it's feasible to pull a print -- a 9 latent print off of a plastic bag? 10 BY MR. RAUSCHER: 11 Q. Yes. 12 A. Yeah. Clarify? 13 Q. What -- is it feasible -- I'll ask it just 14 like your Counsel did. Is it feasible to -- was it 15 feasible in 2007, to test a narcotic -- a plastic bag 16 containing alleged narcotics for fingerprints? 17 A. It was physically possible. 18 Q. Do you take issue with my use of the word 19 feasible in that sentence? 20 A. I do. 21 Q. Okay. Why is that? 22 A. Not -- because of the magnitude and the amount 23 of narcotics cases that go on in the City of Chicago. 24 Feasible lends itself -- the word feasible lends itself 25 to the fact that it probably should have been done, but</p> | Page 18 | <p>1 Chicago saying you cannot -- I -- I've heard your 2 testimony before about how it wouldn't have been 3 feasible because of the resources, but was there 4 anything saying you cannot test narcotics evidence? 5 A. No. 6 MR. RAUSCHER: I'm going to Mark Exhibit 2, 7 which is a packet. And I'm given this basically as 8 it was produced in this case, so it's City BG062130 9 to 147. Dan, that'll be your copy. 10 (EXHIBIT 2 MARKED FOR IDENTIFICATION) 11 MR. RAUSCHER: And then I'm going to also mark 12 Exhibit 3 at the same time, which is City 13 BG0621482165. 14 (EXHIBIT 3 MARKED FOR IDENTIFICATION) 15 BY MR. RAUSCHER: 16 Q. Take a look through those, and my question is 17 just going to be are those the -- is somewhere in there 18 the Special Order or Special Orders that you reviewed in 19 preparing for today's deposition? 20 A. This was the document I do -- 21 Q. Which one are you looking at? 22 A. I -- I -- I'm sorry. 23 Q. Exhibit 2? 24 A. Exhibit -- yes, Exhibit 2. 25 Q. And did you look at all of the -- it's, you</p> | Page 20 |
| <p>1 wasn't. That's the way I interpret that. So yes, it is 2 possible that a plastic baggie of any sort could develop 3 friction-ridge detail, but it's not feasible in the City 4 of Chicago to develop latent finger -- ridge detail off 5 of every narcotics package that's recovered. 6 Q. So the issue with feasible in the -- in the 7 question is not in the technological sense, but in the 8 sense that in the City of Chicago's view, it just isn't 9 realistic to be able to test all the baggies; is that 10 fair? 11 A. That is a fair statement. 12 MR. RAUSCHER: Actually, can we go off the 13 record? Can I talk to you for a second? 14 THE REPORTER: Okay. 15 MR. NOLAND: Yes. 16 MR. RAUSCHER: Just before I start asking -- 17 THE REPORTER: Let me get us off record. 18 (OFF THE RECORD) 19 THE REPORTER: We are back on the record. 20 BY MR. RAUSCHER: 21 Q. Were there any prohibitions at the City of 22 Chicago against fingerprinting narcotics evidence in 23 2007? 24 A. I don't know what you mean by prohibitions. 25 Q. Well, was there anything at the City of</p> | Page 19 | <p>1 know, it's a few different things, I think. Did you 2 look at everything in there? 3 A. Yes. 4 Q. Okay. Did you look at Exhibit 3 also or -- 5 A. I did not. 6 Q. Okay. And were there any other Special Orders 7 other than Exhibit 2 that you looked at to prepare for 8 your deposition today? 9 A. In this moment, I don't recall. 10 Q. All right. Any -- did you look at any general 11 orders? 12 A. In this moment, I -- I don't recall. 13 Q. There's a reference here to -- if you look at 14 the first page of Exhibit 2, there's a reference to 15 certain general orders, including inventory system for 16 property taken into custody and then processing waste 17 complaints. Do you see that? 18 A. My responsibilities -- no, I don't. 19 Q. So look at the top. 20 A. Oh, I see. 21 Q. We have related directives. 22 A. Okay. I do see it. 23 Q. Are you familiar with the directive about 24 inventory system for property taken into custody? 25 A. Yes.</p> | Page 21 |

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| <p style="text-align: right;">Page 22</p> <p>1 Q. And does that speak at all to fingerprinting 2 narcotics evidence? 3 A. No, it does not. 4 Q. Do you know if it speaks to narcotics evidence 5 at all? 6 A. Yes, it does. 7 Q. All right. What -- do you know what it says 8 about narcotics evidence? 9 MR. NOLAND: Objection. Overly broad, but go 10 ahead. 11 THE WITNESS: The answer is yes. It -- it -- it 12 -- it spells out when a narcotics arrest is made, 13 what the -- what the preliminary investigator is 14 required to do. 15 BY MR. RAUSCHER: 16 Q. Okay. And do the evidence techs have any role 17 in that stage? 18 A. No. 19 MR. RAUSCHER: I actually don't think I have 20 any more questions. 21 MR. NOLAND: Okay. Anybody on the Zoom have 22 any questions? Actually, before you guys answer, 23 Scott and I spoke out briefly off the record, and I 24 think you -- we -- you want -- the question is, 25 would the City stipulate that the answers that</p> | <p style="text-align: right;">Page 24</p> <p>1 MR. RAUSCHER: We don't need a copy. 2 THE REPORTER: No copy. And for you, 3 Mr. Nolan? 4 MR. NOLAND: No, thank you. 5 THE REPORTER: No copy. Ms. Mian, did you want 6 a copy of the transcript? 7 MS. MIAN: Not at this time. 8 THE REPORTER: Ms. -- Mr. Palles, did you want 9 a copy of the transcript? 10 MR. PALLES: No, I don't. 11 THE REPORTER: Nope. And for you, 12 Mr. Stefanich? 13 MR. STEFANICH: Nope. 14 THE REPORTER: Alrighty. We are now off the 15 record. 16 (DEPOSITION CONCLUDED AT 11:36 A.M. ET) 17 18 19 20 21 22 23 24 25</p> |
| <p style="text-align: right;">Page 23</p> <p>1 Officer Heneghan, ET Heneghan, has given today, 2 would they be applicable through a broader time 3 frame, not just 2007, which would include, I think, 4 what you're asking '99, to '11? 5 MR. RAUSCHER: 1999, to 2012. 6 MR. NOLAND: Or '12. 7 MR. RAUSCHER: 2012. 8 MR. NOLAND: And the City will stipulate that 9 the answer would be the same. 10 MR. RAUSCHER: And I think, based on that, we 11 will not have to cover these topic -- this topic 12 again in the coordinated proceedings. 13 MR. NOLAND: Great. Okay. With that said, 14 does anybody on the Zoom have any questions? 15 MR. STEFANICH: Nothing for the Defendant 16 Officers. 17 MS. MIAN: Nothing for Defendant Watts. Thank 18 you. 19 MR. PALLES: Nothing for Kallatt Mohammed. 20 Thanks. 21 THE REPORTER: Okay. And before we go off the 22 record, let's see, is it Rauscher? 23 MR. RAUSCHER: Rauscher. 24 THE REPORTER: Did you want a copy of the 25 transcript?</p> | <p style="text-align: right;">Page 25</p> <p>1 CERTIFICATE OF REPORTER 2 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 hereof, 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. 16 17 18 19 20 21 22 LAUREN TOUSSAINT, 23 COURT REPORTER/NOTARY 24 MY COMMISSION EXPIRES: 08/13/2028 25 SUBMITTED ON: 11/10/2023</p>  |

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