

# **EXHIBIT C**



Transcript of the Deposition of  
**Jeffrey A. Danik**  
**Case:** Ben Baker, et al. v. City of Chicago, et al.  
**Taken On:** April 18, 2024

Royal Reporting Services, Inc.  
Phone: 312.361.8851  
Email: [info@royalreportingservices.com](mailto:info@royalreportingservices.com)  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BEN BAKER and CLARISSA GLENN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 16 C 8940
	)	
CITY OF CHICAGO, Former CHICAGO	)	
POLICE SERGEANT RONALD WATTS,	)	
OFFICER KALLATT MOHAMMED,	)	
SERGEANT ALVIN JONES, OFFICER	)	
ROBERT GONZALEZ, OFFICER	)	
CABRALES, OFFICER DOUGLAS	)	
NICHOLS, JR., OFFICER MANUEL S.	)	
LEANO, OFFICER BRIAN BOLTON,	)	
OFFICER KENNETH YOUNG, JR.,	)	
OFFICER ELSWORTH J. SMITH, JR.,	)	
PHILIP J. CLINE, KAREN ROWAN,	)	
DEBRA KIRBY, and	)	
as-yet-unidentified officers	)	
of the Chicago Police Department,	)	
	)	
Defendants.	)	

The deposition of JEFFREY A. DANIK,  
called by the Defendants for examination, taken via  
videoconference, pursuant to notice and pursuant to  
the Federal Rules of Civil Procedure for the United  
States District Courts pertaining to the taking of  
depositions, taken before Jennifer Seastrom,  
Certified Shorthand Reporter, commencing at  
9:30 a.m. on April 18, 2024.

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1 APPEARANCES (via videoconference):

2 LOEVY & LOEVY

BY: WALLACE B. HILKE

3 311 North Aberdeen Street

3rd Floor

4 Chicago, Illinois 60607

Phone: 312.243.5900

5 E-mail: hilke@loevy.com

6 and

7 LAW OFFICES OF KENNETH N. FLAXMAN, P.C.

BY: KENNETH N. FLAXMAN

8 JOEL A. FLAXMAN

200 South Michigan Avenue

9 Suite 201

Chicago, Illinois 60604

10 Phone: 312.427.3200

E-mail: knf@kenlaw.com

11 jaf@kenlaw.com

12 on behalf of the Plaintiff;

13 BURNS NOLAND

BY: ELIZABETH A. EKL

14 311 South Wacker Drive

Suite 5200

15 Chicago, Illinois 60606

Phone: 312.982.0090

16 E-mail: eekl@burnsnoland.com

17 on behalf of the Defendant City of Chicago;

18 MOHAN GROBLE SCOLARO

BY: ERIC S. PALLES

19 55 West Monroe Street

Suite 1600

20 Chicago, Illinois 60603

Phone: 312.422.9999

21 E-mail: epalles@mohangroble.com

22 on behalf of Defendant Kallatt Mohammed;

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1 APPEARANCES (via videoconference CONT'D):

2 HALE & MONICO, LLC  
3 MR. WILLIAM E. BAZAREK  
4 53 West Jackson Boulevard  
5 Suite 334  
6 Chicago, Illinois 60604  
7 Phone: 312.229.0719  
8 E-mail: web@halemonico.com

9 on behalf of the individual defendant officers;

10 JOHNSON & BELL, LTD.  
11 BY: BRIAN P. GAINER  
12 33 West Monroe Street  
13 Suite 2700  
14 Chicago, Illinois 60603  
15 Phone: 312.372.0770  
16 E-mail: gainerb@jbltd.com

17 on behalf of Defendant Ronald Watts;

18 BORKAN & SCAHILL, LTD.  
19 BY: TIMOTHY P. SCAHILL  
20 20 South Clark Street  
21 Suite 1700  
22 Chicago, Illinois 60603  
23 Phone: 312.580.1030  
24 E-mail: tscahill@borkanscahill.com

on behalf of defendant Calvin Ridgell.

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1 (Witness sworn.)

2 MS. EKL: For the record, this is the  
3 deposition of Jeffrey Danik, D-A-N-I-K, being  
4 taken in the case of Ben Baker and Clarissa Glenn  
5 versus City of Chicago, et al., Case No. 16 CV 8940,  
6 filed in the Federal District of Illinois in the  
7 Northern District of Illinois.

8 JEFFREY A. DANIK,  
9 having been first duly sworn, was examined and  
10 testified via videoconference as follows:

11 EXAMINATION

12 BY MS. EKL:

13 **Q. Mr. Danik, could you please state and**  
14 **spell your last name for the court reporter?**

15 A. My last name is Danik, D-A-N-I-K.

16 **Q. And your first name is Jeffrey; is that**  
17 **correct?**

18 A. Correct.

19 **Q. Where are you currently located?**

20 A. I'm in West Palm Beach, Florida, in my  
21 office building, which is a tall office building  
22 in downtown West Palm.

23 **Q. Is anyone else present with you for the**  
24 **deposition today in that room?**

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1           A.     No. I'm in a small office with the door  
2 closed.

3           **Q.     Okay. Great.**

4           MS. EKL: And just for the record, are  
5 any of the counsel who are present on the record  
6 anywhere other than in Chicago, Illinois, also  
7 attending via Zoom?

8           A.     Where?

9           MR. HILKE: Was that a question for  
10 counsel? I'm in Chicago.

11 BY MS. EKL:

12           **Q.     Mr. Danik, have you ever given any**  
13 **depositions in the past?**

14           A.     Yes.

15           **Q.     And how many times?**

16           A.     Three.

17           **Q.     And were they each depositions, or were**  
18 **some of what you're referencing testimony in a**  
19 **hearing or some other forum?**

20           A.     These were -- the three -- I think it's  
21 three. The three I'm thinking of were depositions  
22 like this where, you know, it's like a pretrial  
23 thing, and you're sworn in, and there's a court  
24 reporter. I think there were -- there was one



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1 that was an FBI traffic accident that -- there  
2 might have been two. I was a traffic accident  
3 investigator. So, you know, related to that kind  
4 of stuff where it was a civil suit against the  
5 FBI.

6 And then a couple as an expert --  
7 at least one as an expert, for sure.

8 Q. Okay. I'll ask you some more questions  
9 about that in a minute, but just to, kind of --  
10 I'm going to remind -- want to remind you of some  
11 of the rules while we sit here today that will  
12 help things go a little smoother.

13 I guess, my first question is, were  
14 any of those depositions over Zoom like we're  
15 doing here today?

16 A. One of them was over Zoom. Or -- I'm  
17 not sure of the platform, ma'am. It was over the  
18 computer like this.

19 Q. Okay. Well, similar to that case, I'll  
20 be asking you a number of questions today. Other  
21 attorneys may also be asking you questions. And  
22 we want to make sure that we get a complete  
23 record, so I just ask that even if you know what  
24 I'm -- where I'm going with a question or, you

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1 know, what -- if you think you know what it is  
2 that I'm asking, that you let me get the full  
3 question out on the record before you answer; is  
4 that fair?

5 A. Yes, ma'am.

6 Q. And same thing, I'll do my very best to  
7 try to not cut you off so that you can complete  
8 your answer before I ask you another question.  
9 Okay?

10 A. Yes, ma'am.

11 Q. If at any point in time I ask you  
12 something that you either don't hear because of  
13 this platform of doing it over Zoom, or you just  
14 don't understand, it may be an unclear question, I  
15 ask that you let me know that you either need me  
16 to repeat it or to ask it a different way. Okay?

17 A. Yeah. If you could speak up just a  
18 little bit or get close to your mic when you're  
19 asking questions, it helps a lot. You know, I'm a  
20 little older now, and this left side, and that's  
21 where the speaker is for this laptop.

22 Q. Okay. I'll do my best. If you could do  
23 the same.

24 A. Okay.

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1           Q.    Great.  And if you answer the questions,  
2   I'm going to assume that you both heard it and  
3   understood it, fair enough?

4           A.    Okay.

5           Q.    Great.  I will -- I expect your  
6   deposition will go for, you know, a number of  
7   hours today.  I'll do my best to make sure that we  
8   take regular breaks, not only for you and me and  
9   the rest of the attorneys, but most importantly  
10  for our court reporter, who's taking everything  
11  down.  But if at any point in time, you need a  
12  break, let me know.  We can certainly accommodate  
13  you.  Okay?

14          A.    Okay.  Thank you.

15          Q.    I would just ask that if I ask you a  
16  question, you answer the question first before you  
17  ask for the break.  Okay?

18          A.    Okay.

19          Q.    Great.

20                   Do you currently have any documents  
21  in front of you, Mr. Danik?

22          A.    Yes.

23          Q.    And what documents do you have in front  
24  of you?

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1           A.     I have a copy of my report and the MOU.  
2     And they're not in front of me, but off on the  
3     side, I have, you know, my -- this is my -- one of  
4     my off-site offices, so it has all the documents  
5     around me, but I don't have easy access to them.

6           **Q.     Okay. That's great. It will be helpful**  
7     **that you have those things available to you. I**  
8     **just ask that you not look at them unless you're**  
9     **being asked to look at them, or if you do need to**  
10    **look at them, that you let us know that you're**  
11    **doing so. Okay?**

12          A.     Okay.

13          **Q.     And is it fair to say that you don't**  
14    **have anything up on your computer screen at this**  
15    **time other than the Zoom platform, correct?**

16          A.     Oh, good point. Let me close -- I think  
17    there's stuff behind open. Let me close it.

18                         There was an e-mail that was open.  
19    Okay.

20          **Q.     Okay. Great.**

21                         **Let's talk a little bit about your**  
22    **background. Could you briefly describe your**  
23    **educational background for us?**

24          A.     Educational is I went to four years of

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1 college. I graduated from the University of  
2 Memphis. At the time, it was Memphis State  
3 University; that was in 1984. I got a bachelor of  
4 business administration with a concentration in  
5 accounting, and I was honors graduate. That's  
6 about my formalized training.

7 I went to the FBI Academy, that was  
8 four or five months, and graduated from there in  
9 1987, March of 1987.

10 **Q. Did you attend any graduate school?**

11 A. No.

12 **Q. Upon graduation from the University of**  
13 **Memphis, or at that time Memphis State, did you go**  
14 **to work for the FBI, or did you work somewhere**  
15 **else in between?**

16 A. I worked for a large international CPA  
17 firm.

18 **Q. What was the name of that firm?**

19 A. They're Ernst & Young now. It was  
20 Ernst & Whinney then.

21 **Q. How long did you work for Ernst & Young?**

22 A. Two years.

23 **Q. And what was your job --**

24 THE REPORTER: Did you say two years?

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1 THE WITNESS: Two years. Yes, ma'am.

2 BY MS. EKL:

3 Q. And, Mr. Danik, do you have any  
4 documents that are over -- perhaps over the  
5 microphone at this point in time? It's like  
6 you're muffling your microphone a little bit.

7 A. I think what it was I'm pulled in tight  
8 so I can hear you, and it might be covering the  
9 microphone, my chest.

10 Q. I think you're better now without the --  
11 once you moved that document.

12 A. Okay.

13 Q. Yeah, that's better. Great.

14 You worked at Ernst & Young, or  
15 what is now Ernst & Young, for two years?

16 A. Yes, ma'am.

17 Q. And what was your job title at that  
18 time?

19 A. At that -- you're required to have  
20 two years of practice as an apprentice CPA to get  
21 fully licensed yourself, so it was related to  
22 that, so I can get my full CPA license on my own.

23 My assignment was general staff  
24 auditing assignments on -- they have a large

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1 international client base. So I worked doing bank  
2 reconciliations and due diligence inquiries into  
3 different business systems to make sure they're  
4 properly reflected in the financial statements,  
5 executed audit plans, planned engagements,  
6 conducted inventories, that type of thing.

7 **Q. And why after two years did you leave**  
8 **that accounting firm to go work for the FBI?**

9 A. Well, one reason was that a lot of  
10 people leave these large CPA firms, because it's  
11 like going to a large prestigious law firm to get  
12 the experience, and then you move on. And that's  
13 kind of the attrition rate they expect. And if  
14 you stay around, they want people that are serious  
15 about trying to make a progression to partner.

16 So I wasn't interested in staying  
17 in accounting and CPA work my whole life, and so I  
18 was looking for something else. And, frankly, the  
19 head of security for Ernst & Young at the time,  
20 the national security director had just retired  
21 from the FBI in Cleveland, which is where I was.  
22 And I met him, and he was filling me in on how  
23 much the FBI tries to recruit CPAs. It's a very  
24 difficult job -- and I had a military background.

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1 I was in the Air Force, and I was a pilot. So we  
2 were --

3 (Reporter clarification.)

4 (Discussion had off the record.)

5 THE WITNESS: I was recruited at Ernst &  
6 Young by the security director, who was a recently  
7 retired FBI agent. And he took me to lunch and  
8 talked to me about the opportunities that the FBI  
9 had in that it's difficult -- very difficult for  
10 them to recruit CPAs to come in. And they're --  
11 they're a sought-after job lane for agents in the  
12 FBI. And he encouraged me to apply, which I did,  
13 and then was accepted.

14 BY MS. EKL:

15 Q. When did you apply to the FBI, what  
16 year?

17 A. It might have been late 1985 or -- yeah,  
18 it was in 1985. During 1985.

19 Q. And then when were you officially hired  
20 by the FBI?

21 A. I was officially hired in November of  
22 1986.

23 Q. And then you mentioned earlier that you  
24 attended the FBI Academy in 1987; is that correct?



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1           A.    I attended the academy then from  
2 November -- mid-November of '86 through March of  
3 '87.

4           **Q.    After completing the academy, where was**  
5 **the first unit of assignment that you had within**  
6 **the FBI?**

7           A.    I was shipped to Omaha, Nebraska.

8           **Q.    And what was your position or title**  
9 **working in Omaha, Nebraska?**

10          A.    Special agent.

11          **Q.    In general, what are the job duties and**  
12 **responsibilities of a special agent with the FBI?**

13          A.    Well, there are a lot of them if you're  
14 talking about a special agent.

15                   As a first office agent in Omaha,  
16 Nebraska, I worked all the violations that the FBI  
17 had, because it's a small office, and they don't  
18 have that many people to work these violations, so  
19 you get a wide variety of cases. So I worked bank  
20 robberies, fugitive, drugs, corruption, a lot of  
21 white-collar crime, government theft. We had  
22 foreign counterintelligence, a significant foreign  
23 counterintelligence case -- cases that I was on,  
24 because they had the Strategic Air Command just

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1 outside of Omaha.

2 I mean, pretty much all of the FBI  
3 programs, we had in Omaha. Just, you know, not as  
4 many cases as a large office would have.

5 **Q. And how long did you stay in Omaha**  
6 **before you received another assignment?**

7 A. I think it was about May -- May of 1991.

8 **Q. Where did you go at that point?**

9 A. Miami.

10 **Q. And how long were you in Miami?**

11 A. I was -- I was in the headquarter city  
12 about one -- which is downtown -- or which was in  
13 Miami, one year. And then I was transferred to  
14 start a new squad of agents in West Palm Beach,  
15 and that was about January of '93 -- '92 or '93,  
16 right in there.

17 **Q. During the year that you were in Miami,**  
18 **were you still a special agent?**

19 A. Yes.

20 **Q. And so you were still handling a variety**  
21 **of cases at that point in time?**

22 A. Okay. I did -- I did work some other  
23 cases. I had a bank robbery that I worked and  
24 things like that.

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1 But in Miami in a larger office,  
2 cases tend to be assigned by squad, and a squad  
3 specializes in a set of violations. I was on a  
4 set of violations that were -- there were so many  
5 banks that failed at that time that they had a  
6 special squad just to work bank failures. Not  
7 bank fraud. We had a separate squad for bank  
8 fraud. There were so many bank failures, we had  
9 one squad that were bank failures, which were the  
10 most complex, difficult, longer-term  
11 investigations in terms of these banking cases.  
12 So I was on that squad for one year.

13 **Q. And then when you went to West Palm**  
14 **Beach as part of this new squad, can you describe**  
15 **how that differed from the squad that you were on**  
16 **in Miami?**

17 A. Yeah -- yes, ma'am.

18 When I got to West Palm Beach, I  
19 was charged with starting a brand-new squad,  
20 because there was so much complex white-collar  
21 crime in the county. West Palm covers Palm Beach  
22 County. That's their territory. And there was  
23 quite a bit of complex white-collar-type crime:  
24 Stock fraud, healthcare fraud, regular bank fraud,

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1 government fraud.

2 So those types of allegations,  
3 along with corruption, were all being parked in,  
4 kind of, a holding pattern and worked by one  
5 agent. So they were -- wanted to start a new  
6 squad to address all these.

7 That was about 50 -- 60 percent of  
8 my time. The other percentages of my time, since  
9 it was a very small office, we all worked  
10 everything. So -- especially in those first five  
11 or six years, I had all kinds of other  
12 assignments: Drug cases, fugitive cases, bank  
13 robberies. All kinds of other cases on top of --  
14 on top of starting that new program.

15 **Q. And how long did you work in West Palm**  
16 **Beach as a special agent?**

17 A. That went from '92 through about 2006.  
18 I had an 18 -- straight through until 2006, where  
19 I then had about an 18-month assignment at FBI  
20 headquarters in the counterterrorists division.

21 **Q. During the time that you were at**  
22 **West Palm Beach as a special agent, you mentioned**  
23 **that one of the types of cases you worked on was**  
24 **corruption cases. How many different corruption**

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1 **cases did you work on between that time period of**  
2 **1992 and 2006?**

3 A. A lot. What happened was, is that every  
4 allegation that came in had to be vetted on  
5 corruption matters. So I was the vetter-in-chief,  
6 for lack of a better term, and evaluated, assessed  
7 many, many of these cases.

8 What happened is that the -- it  
9 formalized -- there were so many allegations that  
10 it formalized into a task force, which was spun  
11 off as yet another new squad, a public corruption  
12 and human-trafficking squad. And it was all those  
13 cases rolled into that new squad, which I, then,  
14 eventually became a supervisor of.

15 So toward the end -- well, toward  
16 the end. Between -- in the last five or six years  
17 of that -- before that time, it was a normal pace  
18 of cases, so not -- not many prosecutions. A lot  
19 of those are just evaluations of cases,  
20 assessments. Some cases opened and then closed  
21 and referred to Internal Affairs.

22 At the end, though, we had a large  
23 number of cases come in. So many so that they  
24 started this new squad. So I would say at least

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1 15 to 20 convictions. So if you go back in -- you  
2 can even Google it. It's -- I think they call it  
3 "corruption county." And our squad worked all of  
4 those cases. Lots of politicians went to jail.  
5 That's when we worked the case that's on my r sum  
6 about the -- the law enforcement corruption at the  
7 prison, that kind of thing.

8 **Q. Okay. Let me, kind of, take you step by**  
9 **step before we get to that case you're talking**  
10 **about on your r sum .**

11 **The vetting process that you**  
12 **described, so before this new -- this new task**  
13 **force was formalized, was that a vetting process**  
14 **that only related to public corruption cases, or**  
15 **was that a process that occurred in relation to**  
16 **any case that you handled at that time while you**  
17 **were in West Palm Beach?**

18 A. During many of those years, I was the  
19 white-collar crime -- I was one of the lead people  
20 for evaluating white-collar crime cases, assisting  
21 management, or in a role as a fill-in manager.  
22 They call those "acting supervisors" in the FBI.  
23 In my role as acting, I would assign those cases.

24 So it was -- it was most

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1 white-collar crime cases that came in, especially  
2 corruption allegations, were directed to me to  
3 evaluate in the scheme of squad resources and  
4 abilities and to discuss with the U.S. Attorney's  
5 Office and prosecutorial merit based on the  
6 allegations.

7 So for the corruption -- well, for  
8 the white collar, I mean, it's a nonstop, constant  
9 influx of allegations. In public corruption,  
10 it's -- it's got a good tempo to it, meaning  
11 there's -- there's a lot of corruption allegations  
12 coming in. There are a lot of people complaining  
13 about a lot of corruption all the time.

14 **Q. Let me just -- I want to make sure that**  
15 **you listen carefully to the questions. You're**  
16 **going to have lots of time to talk today. I just**  
17 **want to make sure we get some of the preliminary**  
18 **information down.**

19 So my question was, was this  
20 vetting process different for corruption cases  
21 than it was for other types of cases that were --  
22 that were coming into your unit?

23 A. Yes.

24 **Q. Okay. And your role -- again, your role**

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1 specifically, you said that you were the person  
2 who was evaluating those cases, correct?

3 A. Many of them, yes.

4 Q. Okay. Were there other individuals, any  
5 other special agents within your task force, then,  
6 that were -- that had a different role, aside  
7 from -- like, after you got through the evaluation  
8 process or the vetting process, were there other  
9 special agents who, then, investigated those  
10 cases?

11 A. Both. My -- both. It would be myself,  
12 or they would investigate them. And I was  
13 evaluating them for management or in my role as  
14 management.

15 Q. Okay. Were you -- was part of your  
16 evaluation process to determine merit of the cases  
17 when they came in?

18 A. I'm not sure what you mean by "merit."

19 Q. They would come in as allegations,  
20 correct?

21 A. Correct.

22 Q. Okay. So you wouldn't be able to  
23 initially determine whether a case had merit until  
24 you -- until there was some investigation



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1     **conducted to see whether or not there was**  
2     **corroboration for whatever the allegation was,**  
3     **correct?**

4           A.     Not really. The -- the case can come in  
5     very hot. Say somebody walks in with a tape and  
6     says, this is a tape of me being shook down by X,  
7     Y, Z, okay. That case, you know, regardless of  
8     whether the tape is admissible or not, it's  
9     corroborative information.

10           Some cases have come in highly  
11     corroborated. Other cases come in not so much.  
12     And you have -- maybe to your point or your  
13     question, you have to be careful not to misjudge  
14     those two just because they come in cold or hot.

15           **Q.     And was part of your evaluation process**  
16     **to determine what type of resources might be**  
17     **needed to conduct further investigation to see if**  
18     **there was corroboration for whatever the**  
19     **allegation was?**

20           A.     Yes, ma'am.

21           **Q.     What are some of the resources that**  
22     **might -- or that were utilized at that time period**  
23     **to investigate public corruption? So when you**  
24     **were at West Palm Beach, what were some of the**

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1 **resources that you utilized?**

2 A. It's mainly what's the caseload now and  
3 what can we do to evaluate this, and what's the  
4 rank within what's there, right? You could have  
5 something brand new come in that outranks  
6 everything else. It's a triage. The evaluation  
7 is really just a triage of the case for management  
8 or for me to decide how to assign the case or just  
9 refer it back to the department.

10 **Q. When you say "rank," what do you mean by**  
11 **that?**

12 A. Rank them in importance or deserving  
13 short-term attention.

14 **Q. And how --**

15 A. I'm sorry, ma'am.

16 Attention in the short term.

17 **Q. And how would you determine if a**  
18 **particular allegation was more important or less**  
19 **important than another?**

20 A. The one big one is the impact on the  
21 public. That's a big one, immediate impact on the  
22 public. Where we're at in the arc of the  
23 allegation would be another one. For instance, if  
24 we're eminent toward the end, like a corrupt

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1 commissioner is about to vote on something that's  
2 going to be difficult to change, or somebody is  
3 about to be arrested that shouldn't be arrested,  
4 that would require a faster response. Just like  
5 normal bank robberies would require, you know,  
6 where there's a hunt for the suspect, as opposed  
7 to a guy who's got a gun and going into banks  
8 every three days. Everyone would drop everything  
9 they have to do and work that bank robbery -- that  
10 set of bank robberies versus the other ones. It's  
11 the same in most cases.

12 **Q. And focusing on the public corruption**  
13 **cases, although it may apply across other types of**  
14 **cases as well, is it fair to say that cases come**  
15 **in, in different -- in different statuses, meaning**  
16 **some may have, like you said, someone may come in**  
17 **with an allegation that has some corroborative**  
18 **evidence versus another case where it starts as an**  
19 **allegation, it may eventually grow into something**  
20 **that has strong corroboration, correct?**

21 A. Yes, ma'am.

22 **Q. And when you talk about triaging, at the**  
23 **end of the day, there are a number of allegations,**  
24 **and you have to figure out how to apply the**

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1     **resources of your office, the FBI, to determine**  
2     **how best to investigate those cases, correct?**

3         A.     Correct.

4         **Q.     When you were in West Palm Beach, did**  
5     **any of those corruption cases involve joint**  
6     **investigations with another law enforcement**  
7     **agency?**

8         A.     Going to what with the law enforcement  
9     agency?

10        **Q.     A joint investigation.**

11        A.     That were public corruption?

12        **Q.     Right. An allegation of public**  
13     **corruption, was it investigated by your task force**  
14     **in West Palm Beach, along with some other law**  
15     **enforcement agency?**

16        A.     That was a normal course, except for  
17     public -- except for the police corruption cases.

18        **Q.     And what was different about the police**  
19     **corruption cases?**

20        A.     The police corruption cases, we usually  
21     worked ourselves. We didn't cut people in from  
22     the -- we didn't have members of the police  
23     department involved in the actual investigative  
24     portion of it.

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1           **Q.     Why was that?**

2           A.     Well, it's the FBI standard. That's the  
3     default position of the FBI police corruption, is  
4     that the local department being targeted, you  
5     don't know where the corruption is going. And  
6     many of us and many FBI officers have deep hooks  
7     into those -- a deep liaison into those police  
8     departments, so we already have some familiarity  
9     with them.

10                     But basically, I think, my  
11     experience was the FBI has those procedures in  
12     place, and some of that is from the  
13     U.S. Attorney's Office, because of potential  
14     leaks, which could compromise your investigation;  
15     because you don't want to put allegiances inside  
16     of departments, pitting them one against the  
17     other; and, quite frankly, you -- you don't want  
18     to come across these, they're called "Garritty  
19     statements," but normal police sworn statements  
20     that are given quite often. You don't want to end  
21     up having that make its way into your criminal  
22     case. So that was one of the main reasons I was  
23     very careful about it.

24           **Q.     And let's talk a little bit about those**

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1     **Garrity statements.**

2                     **What is your understanding of what**  
3     **that means, what a Garrity statement -- what is a**  
4     **Garrity statement?**

5             A.     A Garrity statement is -- well, it's  
6     federal -- it's a federal case, and so it's  
7     called, I guess, case law. But they teach it when  
8     you take your public corruption, I'll call it,  
9     on-the-job training. But it's mainly being  
10    schooled by the U.S. Attorney's Office.

11                    And what a Garrity statement is, is  
12    a police officer -- just like we do in the FBI, I  
13    was subject to what are Garrity statements -- when  
14    there's an internal inquiry -- so it isn't --  
15    you're told it's not criminal as the -- as the  
16    employee of the organization -- you're told it's  
17    not criminal. We're not looking into criminal  
18    acts. We're looking into administrative  
19    violations to discipline you or not discipline you  
20    and resolve those.

21                    So we swear -- you get sworn in  
22    under oath, and you give us -- you have to answer  
23    questions. You don't have a -- well, you always  
24    have a Fifth Amendment right, but it's probably

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1 going to result in termination of your job.

2 So you're sworn in. And because of  
3 that override of your right to self-incrimination,  
4 what's in that statement is protected. And that  
5 protected information now is something I, as a  
6 criminal investigator, don't want to get, because  
7 it's tainted and obtained against the person's  
8 civil rights.

9 That's my best explanation in the  
10 short term.

11 **Q. And when you say it's protected, is it**  
12 **fair to say that if an officer gives a statement**  
13 **pursuant to Garrity, it cannot be used in your**  
14 **criminal case, correct? Is that why you're saying**  
15 **it would be against their civil rights if you**  
16 **used -- if you used a Garrity statement as a basis**  
17 **for a criminal charge, that would violate Garrity,**  
18 **correct?**

19 MR. HILKE: I'll just object to form and  
20 foundation.

21 But you can answer.

22 THE WITNESS: Well, I'm familiar with  
23 how to enforce laws and what laws are and some  
24 interpretations. And I understand Garrity.

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1                   You said you can never use a  
2                   Garrrity statement in a criminal case. I'm not  
3                   sure about that. It sounds right. But the idea  
4                   is, is put the statement aside, any information  
5                   from the statement or anybody who read the  
6                   statement and might talk to you could be a  
7                   problem. That's -- that's the -- that's why I  
8                   would eliminate most people from a department from  
9                   participating in the cases I had as a normal  
10                  course of business.

11               BY MS. EKL:

12               **Q.     And is it fair to say that if**  
13               **administratively in that type of a circumstance an**  
14               **individual is questioned about allegations**  
15               **administratively, it's then going to put them on**  
16               **notice of the same conduct that you're attempting**  
17               **to investigate, correct?**

18               MR. HILKE: Same objection.

19               You can answer.

20               THE WITNESS: Yes, it could -- it could  
21               put them on notice. It could put them on notice  
22               that -- that the activity is being looked at, by  
23               somebody at least.



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1 BY MS. EKL:

2 Q. And would that, do you think -- was it  
3 your belief at the time when you were  
4 investigating public corruption cases that  
5 interference by taking a Garrity statement could  
6 compromise your investigation on the criminal  
7 side?

8 A. I would never -- personally, ma'am, I  
9 would -- my opinion is, I would never characterize  
10 that as interference.

11 Q. Okay. If an individual becomes aware of  
12 the fact that they are the target of misconduct,  
13 was it your belief at that time when you were  
14 investigating public corruption cases that that  
15 could hinder your ability to investigate them?

16 MR. HILKE: Object to form.

17 Go ahead.

18 THE WITNESS: It -- yes.

19 BY MS. EKL:

20 Q. You mentioned that you were schooled in  
21 some ways by the U.S. Attorney's Office -- and I'm  
22 paraphrasing. Is it fair to say that the United  
23 State's Attorney's Office provided guidance to FBI  
24 agents in terms of how to conduct certain

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1 **investigations?**

2 A. 100 percent.

3 **Q. Okay. And did you follow, when the**  
4 **United State's Attorney's Office said that they**  
5 **provided you with guidance, did you follow that**  
6 **guidance?**

7 A. Well, they provided guidance. I would  
8 say we didn't always follow it, or it's not like  
9 we ignored it. We addressed any differences, and  
10 they were resolved. So it's not like we were  
11 being told what to do and we just executed it.  
12 But they did provide a lot of guidance. Guidance  
13 is not an order.

14 **Q. Is it fair to say that guidance by the**  
15 **United State's Attorney's Office, it was expected**  
16 **that you wouldn't ignore it, correct?**

17 A. Correct.

18 **Q. Did they provide you training on how to**  
19 **conduct public corruption investigations?**

20 A. I would call it -- I would say, yes, and  
21 it was on-the-job training.

22 **Q. And how did -- if you could explain what**  
23 **you mean by that?**

24 A. They would have you read things, the

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1 justice manual and different cases, but they would  
2 just explain the case law and what would be  
3 required to get something that was admissible  
4 based on that, what the statutes were that we were  
5 trying to -- that were best fitting what the  
6 potential criminal allegation was. Many of these  
7 were very experienced corruption AUSAs. Two of  
8 them were in the public integrity section at DOJ,  
9 they came to West Palm. So they were, kind of, my  
10 mentors over there.

11 So there was a -- there were two  
12 others that became very good at public corruption  
13 too. And so, yeah, long discussions about cases  
14 and specifics, application. Just like -- when I  
15 say it's field training or on-the-job training, it  
16 had to do -- it was much less amorphous, ma'am,  
17 than it was specific to certain factual situations  
18 presented to us.

19 **Q. How early in the process was it expected**  
20 **that you would basically loop in the United**  
21 **State's Attorney's Office into an allegation of**  
22 **corruption?**

23 A. You're talking about corruption? From  
24 the beginning.

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1           **Q.     And so was it common that United State's**  
2           **Attorney's Office would be updated regarding**  
3           **ongoing investigations related to corruption?**

4           A.     Except for -- except for the corruption  
5           cases that -- let me answer it this way: We would  
6           not discuss in any way with the U.S. Attorney's  
7           Office if -- if, I'm not saying it happened -- if  
8           there were cases opened on federal judges. So  
9           these are Article III sitting judges in the  
10          district. If we actually got so far down the road  
11          that we would open a case on a federal court  
12          district judge, if that happened, that would be  
13          without the U.S. Attorney's local office  
14          involvement and the case would be shipped out to a  
15          different U.S. Attorney's Office.

16                   So a U.S. Attorney's Office was  
17          still involved, just not our district. So other  
18          than that, they are pretty much involved from the  
19          beginning.

20           **Q.     Now, you talked about -- you touched on**  
21           **in this time period between 1992 and 2006 when you**  
22           **were in West Palm Beach, that there were times**  
23           **when you would be evaluating a public corruption**  
24           **case where you would send it back to Internal**

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1     **Affairs. So I'm going to ask you some questions**  
2     **about that.**

3                     **What would, you know -- what would**  
4     **cause you to send something back to Internal**  
5     **Affairs versus to send it to -- you know, to**  
6     **assign it to an agent to continue investigating?**

7             A.     We couldn't --

8                     MR. HILKE:   Sorry. Let me just make an  
9     objection.

10                    THE WITNESS: I'm sorry.

11                    MR. HILKE:   It's okay. Just give me a  
12     second.

13                    Just object to form.

14                    You can go ahead and answer.

15                    THE WITNESS: I would refer it back, or  
16     we would refer it back, the U.S. Attorney's  
17     Office. Those decisions are made, you know, kind  
18     of, globally, more globally with the  
19     U.S. Attorney's Office and the -- it could involve  
20     FBI management making the decision. But if the  
21     allegations are pretty serious and we can't seem  
22     to penetrate it quickly -- those cases have to  
23     have pace to it. They have to be done quickly.  
24     So if we couldn't get it done quickly, or we tried

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1 a few times and we couldn't penetrate and get the  
2 information, we would say, listen, it's not worth  
3 it. Let's give it back to the chief or whoever,  
4 and let them take administrative action, because  
5 administrative action will interrupt the activity  
6 in most cases.

7 BY MS. EKL:

8 **Q. When you say that there had to be pace,**  
9 **and it had to be done quickly, is that something**  
10 **that is in some FBI manual or DOJ manual that**  
11 **directs that public corruption cases have to be**  
12 **done at a quick pace?**

13 A. It's -- I'm sure it's in there  
14 somewhere. Can I point to it right now, public  
15 information that I could point to right now? You  
16 know, there's probably some public information out  
17 there I could find that would indicate that.

18 Some of it is commonsense driven,  
19 and -- you know, these -- a good example is, let's  
20 just say -- and I'm not saying this ever happened  
21 either -- but let's just say you had, say, a  
22 patrol officer who was out on the highway all the  
23 time, and you were getting allegations, multiple  
24 allegations, that he was having the females that

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1 he stopped flash their tops, and they would let  
2 him -- he would let them go. So let's say you had  
3 that. You want to resolve that pretty quickly.  
4 You want that person, if it's true, off the  
5 street.

6 And -- but think about it. It's a  
7 difficult thing to try to investigate, should it  
8 happen. And it is very difficult to investigate.  
9 So you look for some way in for a criminal  
10 violation, like maybe they're disabling their  
11 recording devices prior to these encounters, that  
12 type of thing.

13 But when you realize, look, this  
14 character might not -- let's just say, the guy is  
15 not going to stop, because it just keeps  
16 happening, but periodically over time. You can't  
17 have that going on, so you turn it back over.  
18 Turn it back over to the chief. We can't get in  
19 on this case. Put a recorder in his car 24/7 and  
20 hope we catch him, you know, doing this, something  
21 like that.

22 You don't know who he's going to  
23 stop. The -- the victimization of the public is  
24 paramount. So you try to get it done quickly.

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1 And the administrative process is very powerful.  
2 It's a very powerful tool. And so you turn it  
3 back over there for resolution of it.

4 **Q. So let's talk a little bit about that.**  
5 **Do you have any background at any point in time**  
6 **when you were at the FBI working in Internal**  
7 **Affairs?**

8 A. Yes.

9 **Q. And when -- during what time period did**  
10 **you work in Internal Affairs?**

11 A. I don't -- I don't -- we didn't have --  
12 we have a unit called inspection division that  
13 handles our internal inquiries. So the way they  
14 conduct their businesses, if it's not high-ranking  
15 people or significant, significant allegations,  
16 they -- the -- that component is only at  
17 headquarters, and they assign field people,  
18 special agents in the field divisions, to conduct  
19 the interviews and leads for them.

20 So my actual work as an Internal  
21 Affairs investigator, but what I was, was actually  
22 an adjunct to the inspections division of the  
23 FBI's unit, was the limit of it. It wasn't -- and  
24 there weren't a lot of cases. So these are cases



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1 where you give the Garrity -- well, I gave Garrity  
2 admonishments to the target, to the person being  
3 interviewed, the special agent being interviewed,  
4 gave him the form. Here's your rights, which are  
5 basically none. Sign this document. If you lie,  
6 you're going to get fired. And you take a sworn  
7 or a written statement from them.

8 **Q. And how many times did you do that in**  
9 **your career?**

10 A. Two or three cases.

11 **Q. And was that during the 1992 to 2006**  
12 **time period, or was that at a later period of**  
13 **time?**

14 A. I think it was all before '06. I don't  
15 remember doing it while I was a supervisor of  
16 public corruption. But I may have. I may have  
17 done one of them as a supervisor.

18 **Q. Other than taking a Garrity statement**  
19 **from -- I guess, in this case, it would be another**  
20 **agent; is that correct?**

21 A. Correct.

22 **Q. Were you responsible for making any**  
23 **findings in relation to whether or not there was**  
24 **any type of an -- a violation that would -- an**

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1     **administrative violation?**

2             A.     No.

3             **Q.     Are you aware of what the standard of**  
4 **proof was for determining whether or not there was**  
5 **a violation of some type of administrative policy?**

6             A.     Yes.

7             **Q.     And what was that standard?**

8             A.     That -- well, I'm not going to give you  
9 a -- there were standards that were promulgated,  
10 and they were published so that all agents knew  
11 what they were. So the administrative -- are you  
12 asking about the administrative process in the  
13 FBI?

14            **Q.     Correct.**

15            A.     Okay, ma'am. Yes.

16                     It's very formalized. So there --  
17 it's much like a criminal log. I mean, there are  
18 violations, and it's determined that the  
19 allegation, if it's this violation, just like a --  
20 a bank robbery would meet the bank robbery  
21 statute, this false voucher that you filled out  
22 meets this violation that we say is a violation of  
23 FBI policy that will result in an internal  
24 inquiry. So those are -- those are pretty well

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1 distributed internally to the FBI as to what you  
2 can do wrong to cause yourself to come under this  
3 administrative action. And most of them are just  
4 very commonsense.

5 So that's published. The  
6 investigation is conducted. The reports are sent  
7 to -- there's two units at FBI headquarters.  
8 They've bifurcated the units now. And one unit  
9 conducts investigations. I think it's called the  
10 investigative summary unit, but these things  
11 change all the time. And then there's a second  
12 unit, though, that decides what the punishment  
13 will be.

14 And what they do once it gets to  
15 that second unit that decides what the punishment  
16 will be -- and that's only if the first unit  
17 finds -- you know, adjudicates, acts in a way of  
18 saying, yes, there's a violation. So then it goes  
19 to the administrative summary unit, ASU. It goes  
20 to the administrative summary unit, who then  
21 applies -- which is basically a benchmark of,  
22 okay, if you fill out a false voucher, the FBI  
23 says this happens to you, X happens to you. And  
24 then you add in the mitigating and aggravating

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1 circumstances, just like you do in a criminal case  
2 in federal court. You know, points go up, points  
3 go down. And then they do a look-back.  
4 Administrative summary unit looks back at the last  
5 14, say, violations -- say, ten violations that  
6 they adjudicated on that violation, filling out a  
7 false voucher, crashing your Bucar, of an agent  
8 the violation is. What were our last 14  
9 adjudications, and what did we do, and let's make  
10 this one somewhat in line with it so we know.  
11 That's how formalized it is. And then it's  
12 finally doled out to the agent.

13 **Q. And my question was a little bit -- and**  
14 **I appreciate that, that's helpful, but a little**  
15 **bit different.**

16 **What I was looking for is there**  
17 **some kind of burden of proof in terms of the**  
18 **evidence that must be found in order to establish**  
19 **that someone had violated, you know, one of these**  
20 **formalized requirements of an agent? So if, for**  
21 **instance, using the example you gave about, you**  
22 **know, misuse of resources if -- you know, what**  
23 **burden of proof -- it couldn't be just an**  
24 **allegation. What -- what else was there that**

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1 **needed to be found?**

2 A. Having read some of them, I think I saw  
3 that they thought there was probable cause. I  
4 thought they -- they used the term "probable  
5 cause." But it's not probable cause in the sense  
6 that you're going to arrest the person.

7 Many of these cases, also, in the  
8 FBI side are referred to the U.S. Attorney's  
9 Office for a declination, so -- and they're almost  
10 always declined on. So there's -- there is  
11 criminal referrals in most of these, in many of  
12 them.

13 Q. So I guess my point is, there's -- in  
14 terms of public corruption, and if we're talking  
15 about an officer, there's a couple of different  
16 things that could happen, and one, obviously, they  
17 could be investigated criminally. And in order to  
18 do that, there's -- you need to investigate it  
19 until you have probable cause or more. And the  
20 U.S. Attorney's Office has to accept it before  
21 that crime can be charged, correct?

22 MR. HILKE: Object -- sorry.

23 THE WITNESS: Yes.

24 MR. HILKE: Sorry. Just to object to

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1 form. You're asking about Internal Affairs,  
2 still?

3 MS. EKL: No. I'm talking about -- that  
4 question was not specific to Internal Affairs at  
5 all.

6 MR. HILKE: Okay. I'm sorry.  
7 You can answer, sir.

8 THE WITNESS: You said for police  
9 officers, right?

10 BY MS. EKL:

11 Q. Correct.

12 A. Yeah, you went back to police officers.

13 And what did you want to know  
14 specifically?

15 Q. Sure. If a police officer is being  
16 investigated or there's an allegation of police  
17 corruption --

18 A. Yes, ma'am.

19 Q. -- I'm saying there's a number of  
20 different routes that that could go, and one would  
21 be to investigate the allegation of police  
22 corruption to determine whether or not criminal  
23 charges could be brought, correct?

24 A. Correct.

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1           **Q.     And separate from that, there also could**  
2 **be an internal investigation that could lead to**  
3 **there being some kind of administrative action,**  
4 **correct?**

5           A.     Yes.

6           **Q.     And you indicated that if there's an**  
7 **administrative action, generally, that will derail**  
8 **the criminal action, correct?**

9           A.     It may.

10           MR. HILKE:   Object to form.

11           THE WITNESS:   Oh, sorry, Wally.

12           MR. HILKE:   That's okay.   You're fine.

13           BY MS. EKL:

14           **Q.     I'm sorry.   I didn't hear your answer.**

15           A.     It may derail your criminal  
16 investigation.   That's part of the police  
17 corruption or public corruption investigative  
18 environment.   It's very easy to -- to get  
19 discovered.

20           **Q.     And even if an allegation of police**  
21 **corruption is only investigated administratively,**  
22 **would you agree with me that there has to be**  
23 **evidence to support the allegation before any**  
24 **action can be taken, whether it's by a police**

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1 department or in the case of an FBI agent being  
2 investigated, administratively, there still has to  
3 be evidence to support the allegation, correct?

4 A. Yes.

5 Q. And if the goal is to protect the  
6 public, you need to have a finding, even if it's  
7 just administratively, that the person actually  
8 engaged in the conduct in which they were accused,  
9 correct?

10 MR. HILKE: I'll object to form and  
11 foundation.

12 You can answer.

13 THE WITNESS: Yeah, I mean, generally,  
14 it might be, yes, there are administrative process  
15 in realities and like that. But generally, you --  
16 you need to sustain that they did something wrong.

17 BY MS. EKL:

18 Q. Using the example you gave about an  
19 officer requiring women, for instance, to flash  
20 when they are pulled over for a traffic stop,  
21 would you agree that if that gets sent -- if the  
22 FBI is unable to investigate that to the level of  
23 criminal charges and it gets sent back  
24 administratively, there would still need to be



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1 **evidence that that was occurring, correct, in**  
2 **order for the action to be taken administratively?**

3 A. No.

4 MR. HILKE: Same objection -- wait.  
5 Same objection.

6 You can answer.

7 THE WITNESS: No. They wouldn't have to  
8 prove that he was doing that.

9 BY MS. EKL:

10 Q. So you don't agree -- would you agree  
11 that officers have rights?

12 A. They have rights.

13 Q. And that in order for administrative  
14 action to take place, they have a right for there  
15 to be evidence to support of an agent the  
16 allegation is, correct?

17 MR. HILKE: Same objection.

18 THE WITNESS: Yes.

19 BY MS. EKL:

20 Q. Okay. So would you agree with me, there  
21 has to be evidence to support it in order for  
22 the --

23 A. Well --

24 Q. -- for subsequent action to be taken?

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1 MR. HILKE: Sorry, Jeff. I'm just going  
2 to remind you to let her finish the question and  
3 give me a chance to object too, and we'll go one  
4 at a time.

5 Same objection.

6 And you can answer.

7 THE WITNESS: The reason I say "no" is  
8 because, let's say in this hypothetical of  
9 flashing, that the police department itself can't  
10 prove that -- that the officer did it. They can't  
11 prove demonstrably that it happened. But they  
12 can -- they can easily say, we believe these two  
13 people who don't know each other, one who's a  
14 medical doctor, let's say, and the other one who's  
15 a -- you know, a restaurant manager. We believe  
16 them. Why would they make that up? And in that  
17 case, you're going to have other evidence, which  
18 the officer could be held liable over. During the  
19 investigation, you find out these things. Like  
20 their -- a police department has a tremendous  
21 amount of rules, a lot of rules. So basically, if  
22 you got out of bed this morning, you broke one of  
23 them. And that's, kind of, what an Internal  
24 Affairs assessment often looks like.

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1           If the officer did that, he had to  
2 cover his tracks through the video cameras. So  
3 maybe he disabled his video camera. That's a  
4 fireable offense. So you may start off the case  
5 as a flashing case as an Internal Affairs person,  
6 and you end up the case through a termination  
7 because he or she did something that was  
8 against -- strictly against department regulations  
9 and allowed you to fire them, or take any action  
10 or take no action. So it's not just the original  
11 allegations. It's what you learn through the  
12 process that can be the real solution that cleans  
13 up the situation.

14 BY MS. EKL:

15           **Q. So if a case is sent back**  
16 **administratively to be investigated, and using our**  
17 **hypothetical about the flashing, there's not**  
18 **evidence to support the allegation of flashing, is**  
19 **it your testimony that that investigation could**  
20 **uncover other wrongdoing by the police officer**  
21 **that could be actionable? Is that what you were**  
22 **saying?**

23           A. That's part of what I was saying. The  
24 other part of what I was saying was, it's -- in

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1     that case -- in our hypothetical you're -- it's a  
2     he said/she said case, but there could be evidence  
3     corroborating -- outside of a videotape of it  
4     happening, there could be evidence that  
5     corroborates the victim's story, that she was  
6     stopped by this officer and that the encounter at  
7     least happened, that the officer has all these  
8     procedures that they have to follow, and they  
9     didn't follow them on that particular call.

10                 So there's things that can  
11     corroborate the victim's statement, just like any  
12     victim's statement, that can cause you to conclude  
13     that the victim is telling the truth and to take  
14     action, as -- as that's what they are, they're  
15     finders of fact at some point in that process in  
16     the police department. And that's why the FBI  
17     separated those units; the fact finders were  
18     separate from the investigators.

19                 **Q.     And that goes back to my initial**  
20     **question, which is in order for the department to**  
21     **take action, they have to have evidence that it**  
22     **occurred, correct? They can't take action even on**  
23     **an administrative level just based on an**  
24     **allegation; would you agree with that?**

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1 MR. HILKE: Same objection -- sorry.

2 Same objection to form and  
3 foundation.

4 You can answer.

5 THE WITNESS: I don't know for Chicago  
6 PD. I don't know for sure with -- I didn't have  
7 in the record their Internal Affairs go-by book,  
8 their guidelines.

9 I can tell you, in the FBI, it  
10 takes nothing, zero, almost nothing to cause an  
11 investigation of you. The most minimal of rumor  
12 can do it.

13 BY MS. EKL:

14 Q. And, again, my question isn't about what  
15 causes an investigation. I'm getting at what  
16 causes action to be taken, a finding  
17 administratively?

18 And so are you saying that you are  
19 not aware of the standard that would have been  
20 required had CPD, for instance, in this case taken  
21 action without FBI involvement, you're not aware  
22 of what evidence would have been needed in order  
23 for a finding to be made?

24 MR. HILKE: Form. Compound.

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1                   You can answer.

2                   THE WITNESS: It would not have required  
3 FBI involvement in the administrative process,  
4 so...

5 BY MS. EKL:

6           Q.     And that's not my question.

7                   But the administrative -- would you  
8 agree with me that the administrative process, in  
9 order for there to be a finding against a police  
10 officer, would require evidence of the wrongdoing?

11           A.    Yes. Yes.

12           Q.    Okay.

13           A.    I would hope so, in fact.

14           Q.    Okay. And I would hope that that would  
15 be your belief.

16                   All right. So we'll get a little  
17 bit more into some of that later. I want to  
18 finish going through your background, and then  
19 we'll take a break.

20                   In 2006, was there any change in  
21 terms of the location or the status of your  
22 employment within the FBI?

23           A.    In 2006?

24           Q.    Correct.

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1           A.    Yes, I -- well, it was in that time  
2 frame I transferred to FBI headquarters into the  
3 counterterrorism division.

4           **Q.    Okay. And you said that that was**  
5 **18 months?**

6           A.    Yeah, it was about 18 months. I  
7 can't -- I think there was a small extension, but  
8 I'm not sure, 18- to 20-month time frame.

9           **Q.    And after the 18- to 20-month time**  
10 **period, where did you go after that?**

11          A.    I came back to West Palm Beach.

12          **Q.    And where were you assigned when you**  
13 **came back?**

14          A.    I was made the supervisor of the public  
15 corruption and human-trafficking civil rights  
16 squad.

17          **Q.    And what were your -- how did your**  
18 **duties differ as the supervisor versus when you**  
19 **were a special agent in that unit?**

20          A.    Now I oversaw agents' cases and set the  
21 squad's goals and priorities to align them with  
22 both the division and the FBI's national  
23 priorities and initiated -- was given ownership to  
24 initiate these two pretty significant programs,

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1 human trafficking and to further take the  
2 corruption cases that we had through their  
3 conclusion.

4 The squad was started -- the squad  
5 was conceived and started while I was at FBI  
6 headquarters. Because there were so many cases of  
7 corruption that I left behind when I went to the  
8 counterterrorism division, that they actually  
9 formalized it as a separate squad and then brought  
10 me back as the supervisor of the squad.

11 (Deposition Exhibit No. 1A was  
12 marked for identification.)

13 BY MS. EKL:

14 Q. Let's go ahead -- I'm going to show you  
15 what I have marked as Exhibit 1A.

16 I'm going to get myself back into  
17 the -- remembering how to screen share here.

18 A. I'm going to see it?

19 Q. You should be able to see it. Let me  
20 just make sure that...

21 All right. Are you able to see on  
22 your screen --

23 A. I can see what it is. I -- I should  
24 know it good enough to -- without having to squint



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1 at it.

2 Q. Okay. Well, I can -- I'll -- I can make  
3 things bigger too.

4 But just for the record, Exhibit 1A  
5 is an eight-page document that was -- that is --  
6 well, let me just ask you. Is this your CV?

7 A. Yes, ma'am.

8 Q. And this was Appendix A to your report,  
9 correct?

10 A. I think it was A, but it should have  
11 been in my report.

12 Q. Okay. I'm going to move this forward to  
13 page 4.

14 Are you able to see where it says:  
15 FBI supervisor, acting SSRA Miami Division, and it  
16 talks about 2007 to 2011, public corruption task  
17 force?

18 A. Yes, ma'am.

19 Q. Okay. First off, is this CV current and  
20 accurate as of today's date?

21 A. I don't know how much it's been updated.  
22 It's -- and it's -- it's a general summary of what  
23 went on in those years.

24 Q. Okay. You have identified on your CV

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1    **what you list as successes, and there are**  
2    **operations listed here:  Operation Sledgehammer,**  
3    **Operation Farmhouse Cantina, and Operation Blind**  
4    **Justice, correct?**

5           A.    Yes, ma'am.

6           **Q.    Are these the only operations that you**  
7    **worked on during that time period of 2007 to 2011,**  
8    **or is this just a few examples of operations that**  
9    **you found to be successes?**

10          A.    Those three?

11          **Q.    Correct.**

12          A.    Those three operations, I planned, I  
13    conceived.  First I conducted an intelligence  
14    assessment.  And then I conceived a solve to the  
15    crime problem identified.  Then I conceived how to  
16    solve it in a task force environment.  In those  
17    cases, I wrote undercover projects.  I staffed  
18    those cases.  I worked them.  Those are -- those  
19    are cases that I was -- during that time, those  
20    were my heart-and-soul cases through that time  
21    period on, say, 50 percent of my time, at least  
22    50 percent of my time.

23          **Q.    Okay.  Let's talk about them.**

24                   **Starting with Operation**

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1 **Sledgehammer. Could you just generally tell me**  
2 **what this operation entailed in terms of what was**  
3 **being investigated?**

4 A. Sledgehammer? There was a lot of  
5 insurance fraud going on in South Florida, a lot.  
6 And I had been getting complaints about it for  
7 years. And finally, I decided to get with the  
8 Florida Division of Insurance and try to figure  
9 out what the best way to do -- to assign law  
10 enforcement resources, maybe to get to the bottom  
11 of it. And as -- as -- sometimes when you try to  
12 take actions, it's -- it's the mundane stuff that  
13 people need help with. The -- the broken windows,  
14 the smaller things. And this seemed smaller  
15 coming in, but it really wasn't once you looked at  
16 it.

17 This case involved -- the insurance  
18 division was saying, and so were the insurance  
19 companies complaining, that there was this  
20 personal injury protection coverage, that was  
21 called PIP, and it was paid automatically if you  
22 were involved in an accident. So it lent itself  
23 to corruption by doctors and lawyers getting  
24 together and sharing the money of this insurance

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1 payment.

2 And so we figured out that there  
3 were gangs that actually specialized in this for  
4 payment. And they would go around and wreck cars  
5 into each other, fill out the police reports, then  
6 be PIP victims for these various individuals. So  
7 many of these people were charged.

8 What we did was we did a,  
9 basically, an undercover case. They called the --  
10 the agent that I assigned to it came up with this  
11 name "Sledgehammer" for the undercover, and I  
12 approved it. And it had to do -- because what we  
13 would watch these gangs do is they would wreck the  
14 cars into each other, but before the police  
15 arrived, to make sure they had the damage correct,  
16 they'd take a sledgehammer and hammer in some more  
17 dents in the correct places to really sell the  
18 product, you know, as having been a traffic  
19 accident. So he named it "Operation  
20 Sledgehammer." And that was what that case was  
21 about.

22 It was a lot of -- there were --  
23 that was late in my assignment as a supervisor.  
24 And the case really -- I got it born, and the case

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1 really took off after that. I think they got a  
2 hundred people in that case, and they won the  
3 Attorney General's award for it.

4 **Q. This particular case, was there any harm**  
5 **that was being caused to the public as a result of**  
6 **the corruption that was occurring?**

7 A. Overall in the short term, there was --  
8 there was harm, because the PIP insurance payment  
9 is, you know, part of your insurance payment here  
10 in Florida, or was at the time. I think they  
11 revamped the law after this case. But, yeah, so  
12 the short term -- there's a short-term impact on  
13 the public; they're all paying higher PIP  
14 premiums.

15 **Q. When did this first come in to your**  
16 **attention that these -- that this fraud was**  
17 **occurring and there may be an investigation that**  
18 **needed to be conducted?**

19 A. When did it first come in? I can't say  
20 the exact time. I know it was toward the end of  
21 my assignment there. And I said -- you know, I  
22 thought, this is a problem. Let's -- let's take  
23 it on. And it was -- we did a lot of work. Those  
24 guys worked a lot on that to resolve it as quickly

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1 as possible.

2 **Q. Do you remember approximately what year**  
3 **this came in?**

4 A. I don't. Ten -- I mean, I'm going to  
5 guess -- or I'm going to -- I don't want to guess.  
6 I'm going to say my best recollection is 2010,  
7 but, you know, it's going back 15 years, 14 years  
8 now.

9 **Q. And was it concluded before you left**  
10 **that unit of assignment, or was it still ongoing**  
11 **when you left?**

12 A. When I went to headquarters -- no, no.  
13 I left -- I left this position for Saudi Arabia.  
14 So when I -- when I left this position, that's --  
15 I had just gotten -- oh, yeah, I had just gotten  
16 the case started, and the case was just approved  
17 as an undercover, which is six months. It was a  
18 Group 2 undercover, I believe, which has a term of  
19 six months. And that's when the case took  
20 off in that six-month period.

21 **Q. When you say it's "six months," was it**  
22 **six months to get it approved, or it's an approval**  
23 **of a six-month undercover operation?**

24 A. The operation is allowed to stay in

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1 operation for that six-month period. I mean, it's  
2 like anything else. You can get a re-up -- I'm  
3 not sure if they re-upped that thing. I don't  
4 think they did.

5 I think they also were taking off  
6 people as it went, which, you know, wasn't -- at  
7 first, wasn't really, I don't think, deterring the  
8 criminal activity. They were taking off gangs,  
9 but other gangs thought they could get away with  
10 it still, so they kept on going and kept on  
11 chasing the other gangs, I think, is the way that  
12 case went down.

13 The operational side of it, I  
14 wasn't directly involved in, because I had left.  
15 I just wanted to get the case off and running, and  
16 the two guys that I left it with were extremely  
17 capable, and they both, you know, took this case  
18 and ran with it.

19 **Q. You referred to it as a long-term FBI**  
20 **undercover operation. When you say "long term,"**  
21 **how long -- what do you mean by that?**

22 A. Six months to a year.

23 **Q. As you sit here today, though, do you**  
24 **know exactly how long this particular**

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1 **investigation lasted, even after you left?**

2 A. I don't, because I didn't -- I mean, I  
3 could maybe resurrect it from the federal record.  
4 There's going to be federal cases filed on that,  
5 as a matter of -- it would be a matter on the  
6 docket for -- I'm not sure that they would have  
7 been prosecuted in a court case called "Operation  
8 Sledgehammer." They probably just are under their  
9 names. But there's a way to resurrect it. I  
10 could ask the two case agents. I still talk to  
11 one of them quite frequently.

12 **Q. Would it surprise you that there was --**  
13 **that there was a press release referring to it as**  
14 **a three-year joint operation?**

15 A. Well, it might have had a three-year  
16 life cycle, because we had a task force of all  
17 kinds of insurance fraud. And I don't know who  
18 classified it as three years. But this  
19 investigation -- well, maybe they did have some --  
20 they kept going gang to gang to gang. So it's not  
21 just one gang that they were trying to take off or  
22 to erupt.

23 **Q. At the time when you were involved in**  
24 **Operation Sledgehammer, was it a joint operation**



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1     **at that time, or was it just an FBI operation?**

2           A.     We were -- I was coordinating with some  
3     insurance -- Florida insurance people, but not --  
4     I think it more formalized where they were on this  
5     operation when I left. But I can't say for sure.

6           **Q.     And the plan that you conceived, did**  
7     **that include any investigation being conducted by**  
8     **those insurance agents, or was it a plan that**  
9     **anticipated investigation being completed by the**  
10    **FBI only?**

11          A.     In that case, you know, there weren't  
12     insurance -- there weren't insurance agents as  
13     targets, so they were fine to have on the task  
14     force if they were on the task force. They would  
15     probably be a good addition.

16          **Q.     As you sit here today, though, do you**  
17     **recall anything that involved the insurance agents**  
18     **conducting any investigation on their own, not as**  
19     **part of the task -- your FBI task force, but**  
20     **conducting their own investigation?**

21          A.     They routinely did their own  
22     investigations.

23          **Q.     My question was, in this particular**  
24     **operation, Operation Sledgehammer, do you recall**

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1   **whether or not that was something that was**  
2   **authorized or that you were aware of that**  
3   **insurance agents were conducting their own**  
4   **separate investigation?**

5       A.    I'll bet you they --

6           MR. HILKE:   Jeff.   Jeff.   Just -- object  
7   to form.

8           You can answer.

9           THE WITNESS:   Sorry.   I will wait.

10           I'm sure they were doing this all  
11   over the state.   The insurance agents were  
12   investigating this everywhere.   This wasn't just a  
13   Palm Beach County into North Broward or  
14   South Martin County, our contiguous county area,  
15   case.   It was a crime problem.   It was just a  
16   localized crime problem -- it was just -- it was a  
17   statewide crime problem, I think, that we  
18   approached for our area of operation.   And I would  
19   have to look back -- when you say "three years," I  
20   would have to -- maybe they took this model and  
21   used it other places.   I think I remember saying  
22   that, and that's why they're calling it  
23   three years.   I don't know.

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1 BY MS. EKL:

2 Q. Well, I don't want -- you know, I want  
3 to make sure that I'm getting answers from you  
4 about things that you have personal knowledge of.  
5 So I don't -- you know, obviously, I'm not asking  
6 you to speculate.

7 A. Okay.

8 Q. Let's look at your -- the second one  
9 that you have listed, Operation Farmhouse Cantina.

10 And you say in here that this an  
11 undercover operation. Human-trafficking  
12 supervisor. Assisted case agent. Planned and  
13 initiated an FBI undercover operation that  
14 penetrated a violent gang's human trafficking, gun  
15 running, and narcotic distribution network.

16 What was your -- your specific  
17 involvement in Operation Farmhouse Cantina?

18 A. Same parallel to the Sledgehammer. The  
19 human -- human trafficking was just emerging then  
20 as a serious crime problem on the -- as a national  
21 priority. And we would -- we had been getting  
22 complaints about human traffickers in Palm Beach  
23 County. So I conducted -- I'm calling it, in this  
24 case, an intelligence assessment. It makes it

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1 sound pretty formal. I talked to the cops, and I  
2 talked to what are called NGOs, nongovernmental  
3 organizations, that offer aid to these trafficked  
4 individuals. And realized, yeah, there is --  
5 there is a significant influx of these folks  
6 coming in and being trafficked in different forms,  
7 for labor and for sexual exploitation.

8 So I picked an agent who was  
9 extremely capable and very motivated to work these  
10 cases. And got with her and planned a way to  
11 target these cases to interrupt this activity.  
12 And we identified, in this case, a methodology.  
13 It didn't take long. It was pretty quick. We  
14 figured out a methodology of how these girls were  
15 trafficked. And a lot of them were girls, for  
16 this portion of the case in Cantina.

17 How they were brought in, who was  
18 bringing them in, and where they were going, and  
19 how they were being upstreamed from -- being muled  
20 into the country for a fee into the sex trade.  
21 How was that transition happening, and where could  
22 we penetrate it to arrest the traffickers.

23 So that's -- that's what this  
24 operation was about. We realized that when the

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1 girls were brought in, they weren't just asked to  
2 do sex acts; although, they were sometimes, but  
3 they weren't just asked to do sex acts. They  
4 were -- they were, kind of, groomed into it at  
5 these cantinas. And these cantinas were -- you  
6 know, you could get -- you could go in there and  
7 dance with these girls for \$5 for a ticket and get  
8 beer and wine and mixed drinks. And so these  
9 cantinas were the starting point.

10 And so she came up -- my case  
11 agent, she came up with that term. We're going to  
12 call it, they go from the farmhouse, which is  
13 where they -- most of them lived in Central and  
14 South America, to the cantina. So she named it  
15 "Farmhouse Cantina," and that got approved by the  
16 U.S. Attorney's Office, and we did -- we brought  
17 up an undercover. We injected police officers and  
18 undercover agents in. And what we learned quickly  
19 in that case, ma'am, was that the traffickers  
20 won't sell these girls. That was our plan. We  
21 wanted to go in and buy the girls from the -- the  
22 government wanted to buy these girls, and we  
23 couldn't do it, because the traffickers wouldn't  
24 give them up. They were earning assets.

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1 But what they would sell us -- they  
2 wouldn't sell us the girls; they would rent them  
3 to us. But that wasn't going to do us a lot of  
4 good. It would show that they had control, but --  
5 so we wanted to get to the bottom of it, and we  
6 realized they would sell us guns. And -- so we  
7 just started buying guns off these traffickers,  
8 and the gun charges are pretty cut-and-dry,  
9 black-and-white.

10 So as an example of going in under  
11 one -- one set of circumstances, and we had to  
12 switch the undercover proposal quickly and get  
13 authority to buy the guns, because that's not  
14 covered in the first operation. So we switched  
15 and got authority to purchase these guns. And we  
16 just started buying guns and putting -- putting  
17 these guys away for selling illegally obtained  
18 weapons.

19 And that was very -- it worked very  
20 well. And the girls, a lot of times, too, didn't  
21 consider themselves trafficked, even though they  
22 were. They were victimized and groomed to a point  
23 where they wouldn't be, at first, realizing, you  
24 know, what exactly had happened to them, because

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1 the transition, and they were drugged and went  
2 on -- I mean, it was just a -- it was a terrible  
3 case that we resolved. We resolved this case  
4 pretty quickly. At least the cantinas ceased to  
5 exist in our county pretty quickly. We went in  
6 with a high-profile attack in this case.

7 **Q. So when this case -- do you remember how**  
8 **this case came in?**

9 A. I'm not sure. Not off the top of my  
10 head, I don't.

11 **Q. And were you involved from its**  
12 **initiation and -- basically, meaning, were you**  
13 **involved from the time that it was first came --**  
14 **first came into -- excuse me -- into the FBI, or**  
15 **did it start somewhere before it came to your**  
16 **attention?**

17 A. This case started with me.

18 **Q. Okay. Do you remember what year it was**  
19 **that this first came to your attention?**

20 A. When I got there, so I'm going to say  
21 2007, when I got back from headquarters, and I had  
22 civil rights and human trafficking on my squad. I  
23 had known that it was -- you know, those cases,  
24 the FBI -- a lot of FBI officers hadn't paid a lot

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1 of attention to civil rights. I know it doesn't  
2 sound great, but civil rights cases, everyone  
3 rolled their eyes at. And I thought, no, I'm  
4 going to do something about it. I'm going to do  
5 something about it.

6 And so the human trafficking was  
7 part of the civil rights program, or at least it  
8 was then. And I said, if we do one case and we  
9 hit hard, what are we going to do? And this is  
10 it. This was a good...

11 **Q. So it came in approximately 2007. You**  
12 **said that initially, at least, there was one**  
13 **female case agent who worked on it with you,**  
14 **correct?**

15 A. One what?

16 **Q. Female case agent?**

17 A. Was there one female case agent?

18 **Q. Right. I think you referenced a female**  
19 **case agent who gave you the name Farmhouse**  
20 **Cantina?**

21 A. Yes, ma'am.

22 **Q. Okay. Eventually, approximately how**  
23 **many, let's just start with the FBI agents, worked**  
24 **on the case, other than that one female?**



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1           A.     A lot -- the whole squad from time to  
2     time. And on some of those operations under  
3     Farmhouse Cantina, our undercover -- well, I don't  
4     want to go into too much nonpublic information.

5                     What I can tell you is that we had  
6     large contingencies of people assigned for officer  
7     safety reasons, and we were putting in undercover  
8     in proximity to a gang member who was a human  
9     trafficker and who we knew had a gun when the  
10    officer arrived. So we had a very substantial  
11    package deployed each time that happened for  
12    officer safety purposes.

13                    So surging on the case, a lot of  
14    people, you know, day to day -- the day-to-day  
15    cases, I mean, you talk about FBI case, ma'am,  
16    it's one person. You only have one person working  
17    these cases. It all comes down to the case agent.  
18    They're making all of the decisions, or the  
19    majority of them. And they're steering the case  
20    from day to day. It's their case.

21                    So you can have a lot people  
22    working on it to help, but that Operation  
23    Farmhouse Cantina, if you pulled it up in the FBI  
24    file system, it would have this female agent's

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1 name on it, and no one else's, as the owner of the  
2 case.

3 **Q. How many other agencies worked on**  
4 **Farmhouse Cantina, other than the FBI?**

5 A. It would be more than two or three. Let  
6 me think. Let me see if I can recall more  
7 precisely.

8 **Q. Sure.**

9 A. Maybe only one. I -- I know one, for  
10 sure. One state -- or state law enforcement  
11 agency worked that with us.

12 **Q. In order to move forward with the**  
13 **investigation, especially if it was going to**  
14 **involve undercover -- if it was going to be an**  
15 **undercover operation, did you have to seek**  
16 **approval above your level for that to occur?**

17 A. Yes, ma'am.

18 **Q. And who did you have to seek approval**  
19 **from?**

20 A. The -- these undercover cases, which I  
21 think all three of these headings are, they have a  
22 very formalized approval process. So the document  
23 has to be written up as an undercover proposal,  
24 and there are a lot of people who have to approve

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1 it.

2 So you want the examples of who has  
3 to approve it? Is that what your question is?

4 **Q. How high up does it have to go, or how**  
5 **many levels of approval does it take for something**  
6 **to be approved for an undercover operation?**

7 A. For sure, through the division head,  
8 which is the special agent in charge. Some cases  
9 require headquarter's approval, also.

10 **Q. And approximately how long does that**  
11 **process take, in general?**

12 A. In general, if the case doesn't have  
13 a -- isn't some imminent kind of a threat, then it  
14 can take six weeks. If it's imminent, it can be  
15 done verbally and start right away.

16 **Q. Do you recall whether or not Operation**  
17 **Farmhouse Cantina was considered an imminent**  
18 **threat, or if that was something that went through**  
19 **the regular course of approval?**

20 A. I don't recall. I recall what my --  
21 what I do remember is these cases went pretty  
22 quickly through to approval. There wasn't a long  
23 process to it.

24 **Q. In addition to getting approval for just**

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1 the operation itself being an undercover  
2 operation, are some of the tools that you might  
3 utilize in an operation like this, do they also  
4 require approval?

5 And what I'm getting at is, for  
6 instance, if you were going to use, like, a  
7 Title III wire, is it fair to say that there's a  
8 whole nother separate level of approvals that that  
9 would require?

10 A. With that particular technique, that's a  
11 separate application. But the undercover  
12 proposal, like I said, is formalized. So you put  
13 the techniques you intend on using in there, and  
14 they're preapproved for use.

15 And a Title III would have to be a  
16 separate one, if that's the one you're asking  
17 about.

18 Q. Right. Because Title III can't just be  
19 approved, for instance, by the agent in charge.  
20 That has to go through the U.S. Attorney's Office,  
21 correct?

22 A. It has to go to the federal judge.

23 Q. And then it has to go to the federal  
24 judge. That was my next question. Correct?

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1 A. Yes, ma'am.

2 Q. And how long does just taking that one  
3 technique, using a Title III wire, how long, and  
4 just on average, does it take for a Title III wire  
5 to go through the approval process through the  
6 U.S. Attorney's Office and up to a federal judge  
7 for approval?

8 A. I mean, in a -- in a routine case,  
9 30 days, 60 days at the most.

10 Q. And is there an expiration period by law  
11 in terms of how long those approvals last?

12 A. Yes.

13 Q. And what is that time period?

14 A. Generally, it is six months.

15 Q. And if your investigation reveals that  
16 you need more time, does that require a  
17 reapplication for an extension of time to continue  
18 the Title III wire?

19 A. You have to go back to the federal judge  
20 and tell them why and give them examples -- him or  
21 her examples from the first intercept period --  
22 now -- did I say the -- the thing is six months,  
23 the Title III is six months?

24 Q. Correct, that's what you said.

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1           A.     I think it's 90 days.   It's 90 days.  
2     And the undercover operation is six months if  
3     you're a Group II.

4                     And so the Title III, I think, is a  
5     90-day -- I've been the affiant on several  
6     Title IIIs, and now I can't even remember. I  
7     think it was 90 days we had before we had to  
8     re-up, and you have to go back to the judge.

9                     MR. HILKE:   Just to interject quickly.  
10    If we could take a comfort break when we're down  
11    with this example, it would be appreciated.

12                    MS. EKL:   I was planning on it. I think  
13    we're -- we're almost done with this line.  
14    BY MS. EKL:

15           **Q.     Just to, kind of, again, close the loop**  
16    **on the Farmhouse Cantina, is this an example of a**  
17    **situation when you went in with -- well, let me**  
18    **ask this first:   What was the initial goal in**  
19    **relation to Farmhouse Cantina?   What were you**  
20    **hoping to accomplish by this undercover operation**  
21    **initially?**

22           A.     Well, my recollection is, it was a  
23    couple of things:   One, you wanted to thwart as  
24    quickly as possible the criminal activity in your

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1 county.

2                   Secondarily, you wanted to see if  
3 you could work your way out of your county to help  
4 other areas and eliminate further up the chain of  
5 these trafficking networks if they existed.

6           **Q. And as you continue -- as you proceeded**  
7 **in your investigation, you talked about how --**  
8 **that you somewhat pivoted into trying to buy the**  
9 **girls into purchasing guns. You realized that the**  
10 **first method wasn't going to work, that you were**  
11 **going to have to -- and you pivoted, correct?**

12           A. We had to pivot, yes. Well, did we have  
13 to? We probably didn't, but it was -- it seemed  
14 to be working better. The undercover -- well, can  
15 I say how that -- these undercovers are pretty  
16 well trained, and they're very good on the street.  
17 So, yeah, when -- when they saw the first gun,  
18 they already have a -- have a device they just  
19 have in their tool kit, which is, "Hey, what kind  
20 of gun is that? Let me buy that thing off of you  
21 right now."

22                   So maybe they -- maybe that's a  
23 tool kit that they use, if it exists. And if it  
24 works out, then, you know, you discover a new way

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1 to go in those cases.

2 So getting the guns off the street  
3 were -- was pretty important, too. Getting those  
4 guns off the street was a very important law  
5 enforcement goal to try to achieve.

6 Q. If the undercover operation was not  
7 achieving the goal of being able to develop the  
8 evidence to, for instance, prove the cases against  
9 the human traffickers, they're not selling the  
10 girls, but you were able to get them by other  
11 means by developing evidence of this gun -- the  
12 gun -- as you referenced it, gun running, would  
13 that be a reason to pivot and try another tactic  
14 to try to develop evidence of another crime  
15 against the same gang?

16 A. Yes.

17 Q. Because, again, the goal is to gather  
18 the evidence in order to convict the individuals  
19 and take them out of operation, correct?

20 A. That's one of them.

21 MS. EKL: Let's go ahead and take a  
22 break, since it's 11:09.

23 Is five minutes enough, or does  
24 everyone want a little bit more time?



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1 MS. EKL: Why don't we come back at  
2 11:15.

3 MR. HILKE: That's good with me.

4 (A short recess was taken.)

5 BY MS. EKL:

6 Q. Operation Farmhouse Cantina, did that  
7 result in the convictions of any individuals?

8 A. Yes.

9 Q. And from the start of the investigations  
10 until the time that those individuals were  
11 charged, do you know how much time passed?

12 A. Not offhand.

13 Q. Operation Blind Justice, was your role  
14 similar to the role that you had in Operation  
15 Sledgehammer and Operation Farmhouse Cantina?

16 A. Let me see that r sum again. In the --  
17 in Blind Justice -- no, I don't need to see the  
18 r sum . In Blind Justice, that was my case.  
19 Yeah, that was my concept. I assigned it to  
20 another person, but I came up with that case.

21 Q. Okay. I'm going to go ahead and bring  
22 that back up.

23 A. It was just the time frame, that's all.  
24 Yeah, it was in that time frame, correct.

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1           Q.    Okay.  This case, according to your  
2           r sum , references that it was another undercover  
3           operation that targeted approximately 19 prison  
4           guards at a Florida maximum security prison,  
5           correct?

6           A.    Correct.

7           Q.    And this involved prison guards who were  
8           smuggling drugs and phones into the prison, and  
9           that they were also being -- they also involved  
10          some bribes, correct?

11          A.    It involved drug trafficking also.

12          Q.    Okay.  This particular operation,  
13          Operation Blind Justice, did it result in the  
14          convictions -- or I'm sorry -- in the arrests of  
15          any individuals?

16          A.    Yes.

17          Q.    And do you recall how much time passed  
18          from the time that that case first came in at its  
19          inception when you started putting together the  
20          plan until those arrests occurred?

21          A.    I'm going to say it was a year, maybe  
22          14 months.

23          Q.    Did that --

24          A.    That's general.  I mean, the case file

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1 is going to have an opening, and it traces into  
2 the first person we arrested. So -- but  
3 generally, a year, 14 months.

4 **Q. Are you guessing, or, I mean, is that**  
5 **something that you recall?**

6 A. That's my best recollection, sitting  
7 here 15 years later, 14 years later, whatever it  
8 is.

9 **Q. Okay. Did that case involve other law**  
10 **enforcement agencies other than just the FBI?**

11 A. Yes.

12 **Q. And do you recall whether or not those**  
13 **law enforcement agencies were working, basically,**  
14 **under the direction of the FBI and the**  
15 **U.S. Attorney's Office, or if they had a parallel**  
16 **and separate investigation running?**

17 A. The ones that were working with me were  
18 working at our direction.

19 **Q. And who -- what agencies did that**  
20 **include?**

21 A. The sheriff's office and a -- and a  
22 police department, primarily those two.

23 **Q. There's also reference in here to the**  
24 **Florida Bureau of Prisons, correct?**

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1 A. Correct.

2 Q. Were there certain high-level officials  
3 within the Florida Bureau of Prisons who were  
4 aware of your undercover operation?

5 A. Aware of it? At the end, we cut them in  
6 on it, yes.

7 Q. They weren't aware in the beginning?

8 A. No.

9 Q. Why was that?

10 A. Operational security.

11 Q. The Florida Bureau of Prisons was the  
12 employer of those guards that were being  
13 investigated, correct?

14 A. I believe so, yes.

15 Q. And is part of the concern -- in  
16 bringing them into the operation, was part of the  
17 concern that you didn't know how high up the  
18 corruption went beyond the guards?

19 A. Basically, yes.

20 Q. And was there also a concern that if it  
21 was widely known within the Florida Bureau of  
22 Prisons, or if they were, basically, read into  
23 your investigation, that information could leak to  
24 the prison guards who were being -- that were

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1 under investigation?

2 A. Yes.

3 Q. Do you know whether or not the Florida  
4 Bureau of Prisons was running any administrative  
5 investigation in relation to any of those prison  
6 guards at the same time that you were  
7 investigating them in the course of this  
8 undercover operation?

9 A. I don't -- I don't remember. I don't  
10 think so, but I don't remember. It could have  
11 been.

12 Q. Would you have had concern in telling  
13 the Florida Bureau of Prisons about your  
14 undercover operation and allowing them to run a  
15 parallel administrative investigation at the same  
16 time?

17 A. I guess I missed the end of that. I'm  
18 sorry, ma'am. Could you repeat that?

19 Q. Yeah, of course.

20 Would you have been concerned about  
21 notifying the Florida Bureau of Prisons about your  
22 undercover operation and allowing them to run a  
23 parallel administrative investigation while your  
24 operation was in play?

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1           A.     I mean, it would have been something we  
2     would have had to have factored in, telling them,  
3     and then they're going to take their own action,  
4     which may remove some of these people. But it  
5     wasn't a big, big factor when you balanced it  
6     against -- I don't want to call it public safety,  
7     but inmate safety.

8                     So I need to go back and look at  
9     exactly what was in the court documents on these,  
10    so I don't -- I don't want to disclose anything  
11    that, you know, I knew from the FBI.

12                    Generally, you want to make sure  
13    that the people cooperating with you, whoever they  
14    are, are insulated from the people that you're  
15    targeting in case there's retribution. And you  
16    want to be very careful of that. So that's one  
17    reason.

18                    In this case that you're asking me  
19    about, that I did not include them as a full-time  
20    partner in the actual undercover case. They were  
21    administratively included much later.

22           **Q.     If they had been -- if the Florida**  
23    **Bureau of Prisons had proceeded forward with an**  
24    **administrative investigation of those prison**

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1     **guards, as we discussed before, is it your**  
2     **understanding that those prison guards would have**  
3     **been told what the -- you know, what it was that**  
4     **they were being investigated -- that they would**  
5     **have been told the basis for the investigation?**

6           A.     Well, I wouldn't have disclosed what we  
7     were looking at, I don't think, but I may have. I  
8     mean, we're talking hypotheticals.

9                     In this case, we did not, because  
10    we -- what happened in this case is we tried to do  
11    the case very quickly, which, again, was -- the  
12    actual operational part was pretty quick, and we  
13    made determinations as to what these officers were  
14    doing and how dangerous the impact is. And that  
15    ratcheted up our tempo. And our tempo in this  
16    case started, you know, decent, and it -- but it  
17    ratcheted it up a lot based on the activity  
18    increase that we saw.

19                    For example, it's illegal to take  
20    bribes to bring Subway sandwich meals in to  
21    inmates, right? But a Subway sandwich meal,  
22    especially if it's exactly what the guy wants on  
23    the sandwich, can get you a hundred bucks. You  
24    know, it costs you ten, and they're giving you a

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1 hundred for it.

2 So it's corruption, but is it, you  
3 know -- and we aim -- and the cell phones get to  
4 be more dangerous and problematic. So that's what  
5 we were finding. At first, we were finding cell  
6 phones and Subway. It's not like they were  
7 beating inmates to death or anything. It  
8 wasn't -- it wasn't something that was going to  
9 cause -- and these are -- these are routine police  
10 corruption, law enforcement corruption. They're  
11 lower level, you know, heinous stuff, possibly,  
12 getting somebody to flash you to let them go, a  
13 single beating on a guy you were chasing. You  
14 know, those kinds of things are -- are very bad.  
15 They're crimes, but they're not, kind of, a huge  
16 systemic problem.

17 What happened with these guards  
18 was, is that, ma'am -- so we wouldn't have told  
19 the Florida Department of Corrections, "Hey, your  
20 guards are bringing in cell phones." We trusted  
21 our exit procedure for the cell phone, which was  
22 working, to be the safety check valve to get the  
23 phone out of the facility without saying how we  
24 did that. And --



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1           **Q.     Well, let's -- I'm sorry.**

2           A.     But my point is, is that the guards --  
3     certain of the guards, once we had cases on them,  
4     we would -- we would drop them and move on to the  
5     new guards so we could resolve the case quickly.  
6     And some of the old guards were calling us and  
7     wanting to do -- because they thought they were  
8     dealing with a bad guy on the outside who was our  
9     undercover. They were asking to do more things  
10    for more money with their badges and uniforms. So  
11    they kept calling. They wouldn't stop calling.  
12    So finally one day we said, "Well, we got a load  
13    we need covered. Put your uniforms on and drive  
14    it to Orlando for us." They were in, five grand  
15    apiece. So we thought, well, we better -- we did  
16    that two times and took the case down.

17           **Q.     When you say "a load," are you talking**  
18    **about -- you're not talking about a load of**  
19    **phones, you're talking about a cocaine delivery,**  
20    **correct?**

21           A.     A load of cocaine, cocaine deliveries,  
22    yep.

23           **Q.     Right. So this wasn't just about phones**  
24    **being smuggled in. This case was about the drugs**

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1     **that were smuggled into the institution, correct?**

2           A.     They were smuggling in no drugs. We  
3     never let drugs walk in there.

4           **Q.     Well, was it your -- was it your**  
5     **understanding that, taking aside what you were**  
6     **providing them in an undercover capacity, that**  
7     **prior to that, these guards were allowing drugs to**  
8     **be smuggled into the institution?**

9           A.     I think that might have been an  
10    allegation. I can't remember.

11          **Q.     And so if the allegation came in and it**  
12    **proved to be true, as it ultimately did, that was**  
13    **something very serious, correct?**

14          A.     If they were smuggling drugs in?

15          **Q.     Correct.**

16          A.     Yeah, that would be serious.

17          **Q.     Right. And so is it fair to say that**  
18    **you conducted your investigation using the tools**  
19    **available to you to find out what evidence**  
20    **supported any crime that those correctional**  
21    **officers were committing, and as it turned out,**  
22    **you learned they were smuggling phones and drugs,**  
23    **correct?**

24          A.     I can't remember what -- we didn't

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1 smuggle any drugs, and I -- I don't remember drugs  
2 being a problem in there. I -- I can't -- I can't  
3 remember. It wasn't significant, let's put it  
4 that way.

5 There was a drug counselor in there  
6 that wanted to smuggle stuff. And, I think, at  
7 one point, I had the undercover ask him if he  
8 would bring in drugs, but I don't think we ever  
9 gave him drugs. We just recorded him saying he  
10 would. I think that's what -- the way that went  
11 down. But I don't -- we didn't put any drugs in  
12 there, and -- but there may have been allegations  
13 at first, or there may not have been. I can't  
14 remember off the top of my head.

15 **Q. Just looking at page 5 of your report,**  
16 **which we've marked as Exhibit 1A. You say, "At my**  
17 **direction, multiple undercover agents paid bribes**  
18 **to smuggle drugs and phones into the prison and**  
19 **the targets transported multi-kilo cocaine**  
20 **deliveries."**

21 **Did I read that accurately?**

22 A. I don't know. I'd have to look at it.

23 We didn't -- if I put "we smuggled  
24 drugs into the prison," that was inaccurate.

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1           **Q. Can you see on the screen -- do I**  
2           **have -- am I sharing right now?**

3           A. We smuggled drugs, or what they thought  
4           were drugs, but not into the prison. We smuggled  
5           multiple kilos of cocaine, but across a highway by  
6           guards.

7           **Q. And what's the distinction that you're**  
8           **making between smuggling it -- allowing these**  
9           **guards to transport multi-kilo cocaine deliveries**  
10          **versus bringing it into the prison?**

11          A. Because if you -- once it's -- anything  
12          that gets into that prison, you lose control over.

13                 The cocaine distributions that we  
14          did were videotaped from the beginning with  
15          undercover agents counting out kilos on video and  
16          audio while these officers were in uniform, taking  
17          a transport bag, putting it into a vehicle. We  
18          watched all of this and watched them transport it  
19          to a second location, you know, many miles away.  
20          Protecting the load and putting it into another  
21          vehicle, where we recovered it.

22                 So that's -- that's what we did.  
23          We would have never brought drugs into a prison.  
24          Walking drugs, meaning letting them go into a

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1 public area, is not -- I mean, it's prohibited  
2 activity by most law enforcement officers, or most  
3 law enforcement organizations.

4 (Deposition Exhibit No. 1 was  
5 marked for identification.)

6 BY MS. EKL:

7 Q. I'm going to show you what I am going to  
8 bring up what I have marked as Exhibit No. 1,  
9 which, for the record, I'll indicate is a 28-page  
10 document.

11 Is this your -- the expert opinions  
12 that you rendered in this case?

13 A. Yes, ma'am, I think so.

14 Q. And just showing you the last page that  
15 I've marked for purposes of the exhibit. Is that  
16 your signature on page 28?

17 A. Yes, ma'am.

18 Q. Okay. And it's dated April 1st of 2024,  
19 correct?

20 A. Yes.

21 Q. Okay. And just for the record,  
22 Exhibit 1 does not contain the -- any of your  
23 exhibits to your report. Those are marked  
24 separately.

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1                   **Just as an initial matter, I want**  
2                   **to direct you to page 3, which is talking about**  
3                   **your qualifications, and ask you about a couple of**  
4                   **things on here.**

5                   **You say -- and I'll try to**  
6                   **highlight, "As a case agent, I used the FBI" --**  
7                   **I'm not able to highlight it, but if you can see**  
8                   **here where the hand is --**

9                   A.     Group II.

10                  **Q.     Group II undercover technique.**

11                   **What is the FBI Group II undercover**  
12                   **technique?**

13                  A.     This -- there's multiple undercover  
14                   techniques -- well, there's two primary ones,  
15                   Group I and Group II. And a Group II is limited  
16                   with lesser budget and length of time of  
17                   operation. So generally, a Group II -- it changed  
18                   over time. But let's say the budget is 50 to --  
19                   it might be 100,000 and under plus six months.  
20                   That's what you're constrained by. So you can  
21                   spend up to \$100,000 on a budget that's  
22                   preapproved. You can't just take the 100,000.  
23                   You have to say, this is what the money will be  
24                   used for, and it has to be applied in those.

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1                   There's an accounting -- on these  
2 undercover projects, there's an accountant  
3 assigned to them, so it's -- it's pretty  
4 formalized.

5                   And so a Group II is six months and  
6 a budget amount. And a Group I has a longer  
7 length of time and a higher budget, and is also  
8 resolved -- reserved for more high priority,  
9 complex cases. I don't want to call them higher  
10 priority. I want to call them cases that have  
11 been designated for higher oversight.

12               **Q.    Is it fair to say that in these**  
13 **undercover operations, for instance, sometimes you**  
14 **are -- you're using money to bribe someone as part**  
15 **of the operation, correct?**

16               A.    Yes.

17               **Q.    And when you say that everything is**  
18 **highly formalized to the extent that you are going**  
19 **to use money to bribe someone as apart of the**  
20 **operation, is there a very formalized procedure**  
21 **for how you obtain the funds that you're going to**  
22 **use and how they're accounted for in the course of**  
23 **the operation?**

24               A.    Yeah, it's formalized.

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1           Q.    And is it true, also, in relation to the  
2    use of undercover cars or other -- cars or cameras  
3    or anything like that, that there's a formalized  
4    process for obtaining those for use in the  
5    undercover operation?

6           A.    There's a process to it, yes.

7           Q.    Okay. And all of those things take  
8    approval, correct --

9           A.    Yes.

10          Q.    -- or require approval?

11          A.    Yes.

12          Q.    You, also, in the same paragraph  
13    reference -- you say, "I was promoted and served  
14    as a public corruption task force supervisory  
15    special agent where I identified numerous police,  
16    judicial, public official matters -- and public  
17    official matters for investigative priority, and  
18    instituted sophisticated techniques in those cases  
19    as well."

20                       What do you mean when you say  
21    "instituted sophisticated techniques"?

22          A.    The "sophisticated techniques" is an FBI  
23    term. It's not my term. Or at least not in this  
24    context. I've used it as the FBI uses it. And



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1 they designate a series of actions you take as an  
2 investigator as "sophisticated."

3 It doesn't really mean  
4 sophisticated in the plain English way. It means,  
5 really, higher scrutiny for monitoring its ongoing  
6 use. So sophisticated techniques are primarily  
7 Title IIIs, which you mentioned before, wiretaps  
8 or microphone installation and undercover  
9 operations, are two of your classical-type  
10 sophisticated techniques.

11 **Q. In addition to learning about the**  
12 **sophisticated techniques or other, you know,**  
13 **undercover techniques in the course of your job as**  
14 **an FBI agent, there were certain assignments that**  
15 **you had where you were also working on terrorism**  
16 **cases, correct?**

17 A. Terrorism?

18 **Q. Yes.**

19 A. Yes, ma'am.

20 **Q. And without going into detail about any**  
21 **of it, in general, when you worked on those**  
22 **terrorism cases, you also learned certain**  
23 **techniques through the FBI that were utilized in**  
24 **investigating terrorism, correct?**

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1 A. Yes.

2 Q. And would you agree that those  
3 techniques are not something that are generally  
4 public information in terms of -- yeah, just --  
5 let me strike that and try again.

6 Would you agree with me that the  
7 techniques that you use as an FBI agent in  
8 investigating terrorism are not generally  
9 available to the public?

10 A. I think a lot of them are, but -- well,  
11 a lot of them are. I mean, they lay out in their  
12 public documents what we do: Interviews,  
13 surveillances. The public is aware of these.

14 One of the biggest things being  
15 talked about right now is 702. My neighbors are  
16 asking me about 702. I'm, like, it's -- you know,  
17 so a lot of our techniques are out there. But  
18 certainly, yes, there are techniques that aren't.

19 Q. When was it that you left the FBI?

20 A. When did I leave? January 10th of 2015.

21 Q. And why did you leave the FBI?

22 A. 28-plus years, and I was ready to retire  
23 and move on.

24 Q. You currently work for Danik Solutions,

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1 **is that correct, and Templeton Investigative**  
2 **Services?**

3 A. I'm primarily employed by Templeton  
4 Investigative Services.

5 **Q. Okay. Is it two separate entities?**

6 A. Yes.

7 **Q. Okay. Let's start with Danik Solutions.**  
8 **Is that a company that you own?**

9 A. It's not a company. It's just a  
10 website, and it's a -- it's a way for me to --  
11 well, it's an LLC that I started in 2015 or '16,  
12 yes, ma'am.

13 **Q. What was the reason for you starting**  
14 **that LLC?**

15 A. To be a think tank for complex  
16 white-collar crime. To be a center for evaluating  
17 evidence, collection procedures in federal cases,  
18 to assist attorneys. That type of thing.

19 **Q. Through your work through Danik**  
20 **Solutions, do you ever work with law enforcement**  
21 **agencies in assisting them in complex white-collar**  
22 **crime or in solving white-collar crime or any**  
23 **other crime?**

24 A. I mean, I have just recently had a case

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1 with the U.S. Attorney's Office where I was their  
2 main witness in a case that I worked with  
3 Templeton.

4 If you're saying with Danik  
5 Solutions, I mean, I'm sure I talk to police  
6 officers, but I'm talking to them as Jeff Danik.  
7 They don't know if they're talking to me as Danik  
8 Solutions.

9 **Q. Well, is the -- when you say that it was**  
10 **created as a think tank and that you're using it**  
11 **in terms of trying to find solutions -- or, I'm**  
12 **sorry. I don't want to -- I'm probably going to**  
13 **misstate your testimony.**

14 **But is it fair to say that Danik**  
15 **Solutions, the goal was to work with defense**  
16 **attorneys in helping them in terms of defending**  
17 **white-collar crime, as opposed to helping law**  
18 **enforcement agencies in investigating white-collar**  
19 **crime?**

20 **A.** I would do both, but it's a -- it's been  
21 mostly formally helping defense attorneys in  
22 numerous types of activities: Civil cases,  
23 federal, criminal, terrorism cases.

24 **Q. And so in that vein, you utilize your**

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1 **experience as an FBI agent working on white-collar**  
2 **crimes and terrorism cases in assisting those**  
3 **attorneys, correct?**

4 A. Yes, ma'am.

5 **Q. And the goals of those attorneys are to**  
6 **have their clients be found not guilty, correct?**

7 A. As not guilty as possible. Meaning,  
8 sometimes they're just looking to -- they know  
9 that the case is a problem, and they're looking to  
10 get the best deal, the best leverages to get the  
11 best deal for their client. So sometimes that's  
12 it. That's on a criminal case.

13 On the civil cases, you know,  
14 there's a whole plethora of things they're looking  
15 to get out of it.

16 **Q. Usually, the civil cases, they're**  
17 **looking for money, correct?**

18 A. Or to not pay money.

19 **Q. Well, in the civil cases, are you**  
20 **generally representing parties who are -- maybe**  
21 **were at one time a criminal, they got off from**  
22 **their criminal case, and now are seeking to sue a**  
23 **law enforcement agency?**

24 A. I'm sorry. What was that?

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1           **Q.     Sure. In the civil cases -- well, in**  
2           **the civil cases, are there circumstances where**  
3           **you're assisting attorneys in representing**  
4           **plaintiffs who were former criminals who are now**  
5           **seeking money damages?**

6           A.     I mean, this case is about that, right?  
7           Is that what you're asking?

8           **Q.     This is an example of one, sure.**

9           A.     I hadn't thought about it that way, but  
10          I guess that this case might fit that, as far as I  
11          know any of these defendants.

12          **Q.     How does your work at Templeton**  
13          **Investigative Services differ from what you're**  
14          **doing at Danik Solutions?**

15          A.     I don't have any clients at Danik  
16          Solutions, no paying clients. That's from 2020  
17          until now -- 2019, I'm sorry -- February of 2019  
18          until now. It's not a -- it's not something I  
19          make money with. My entire -- any professional  
20          money is done through Templeton -- the Templeton  
21          firm. So I don't really have work at Danik  
22          Solutions. It's just another way for people to  
23          find me.

24          **Q.     If people find you through Danik**

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1     **Solutions and they need your assistance, do you**  
2     **then direct them to Templeton Investigative**  
3     **Services where you, then, work for them and charge**  
4     **them money?**

5           A.     Correct, yes.

6           **Q.     Okay. Prior to 2019, were you -- I**  
7     **guess, at any point in time, have you obtained**  
8     **money through Danik Solutions?**

9           A.     I think -- if I have -- I think the way  
10    I did it for the few clients I did take was just  
11    in my private name. I don't think -- because  
12    Danik Solutions isn't a -- well -- Danik Solutions  
13    is not an LLC. It's just a website. It's not an  
14    LLC.

15          **Q.     Okay.**

16          A.     So it's just a website. And I would --  
17    the couple of folks I did help, I think I just --  
18    I'm pretty sure I just used my name. I don't  
19    think I used -- you know, personal. Just not a  
20    company LLC entity.

21          **Q.     Do you have any financial stake in**  
22    **Templeton Investigative Services?**

23          A.     No -- well, they say they pay me a  
24    little bonus. Is that -- I don't know if that's a

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1 financial stake. But, no, I don't share profits  
2 here.

3 In fact, all of my stuff is --  
4 everything I do, ma'am, is run through a separate  
5 LLC called Templeton Investigative Services. It's  
6 not a -- I'm not really part of the Templeton  
7 group as far as operational control.  
8 Administrative control, yes, you know, insurance  
9 and all that kind of stuff, yes.

10 Q. Do you receive a salary from Templeton?

11 A. Yes, ma'am.

12 Q. So let's talk about your current work  
13 with Templeton. Again, I believe, on your CV, you  
14 reference that you consult on criminal defense  
15 strategies. And maybe that was -- am I still  
16 sharing the screen? No. Let me pull that back  
17 up.

18 All right. So looking at the first  
19 paragraph on the front page of -- this is  
20 Exhibit 1A, which is your r sum again. Are you  
21 able to see that on your screen?

22 A. Yes, ma'am.

23 Q. Okay. It says, "28-year retired FBI  
24 veteran consulting on criminal defense strategies,



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1 **discovery review, federal law enforcement,**  
2 **investigative policies, procedures, and best**  
3 **practices."**

4 **Do you see that?**

5 A. Yes, ma'am.

6 **Q. And then you go on to say, "Consultancy**  
7 **includes assisting lawyers, defend complex**  
8 **white-collar and terrorism indictments," correct?**

9 A. Yes, ma'am.

10 **Q. So in your current job at Templeton**  
11 **Investigative Services, you are helping defend**  
12 **white-collar criminals and people who are accused**  
13 **of terrorism, correct?**

14 MR. HILKE: I just object to the form.

15 You can answer.

16 THE WITNESS: Yes, I'm -- I'm helping  
17 their attorneys in the federal process and defend  
18 them, yes.

19 BY MS. EKL:

20 **Q. And you also say that you -- that you**  
21 **assist attorneys in defending public corruption,**  
22 **international violent crime, and advising on FBI**  
23 **informant operation, correct?**

24 A. Correct.

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1           **Q.     So what does advising a criminal defense**  
2           **attorney on FBI informant operation involve?**

3           A.     It involves -- it involves an attorney  
4           calling me and saying, "There's all these issues  
5           going on with informants and my client in this  
6           case he's charged in. Can you help me figure it  
7           out?"

8                     That's your typical call weekly to  
9           me.

10          **Q.     Okay. And you also go on to say that**  
11          **you assist them in the use of the undercover**  
12          **techniques by the FBI, and then list some**  
13          **additional categories, correct?**

14          A.     Yes, ma'am.

15          **Q.     So you are currently using the**  
16          **techniques that you used -- that you learned**  
17          **through the FBI to assist people accused of these**  
18          **violent crimes and terrorism in defending their**  
19          **cases, correct?**

20                   MR. HILKE: Object to the form.

21                   You can answer.

22                   THE WITNESS: I guess, yeah, generally,  
23           yes, I am.

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1 BY MS. EKL:

2 Q. How much of your casework is working on  
3 criminal cases versus civil cases?

4 A. Over the course of the year -- this is a  
5 civil case, right? I'm just rough guessing,  
6 80/20, that 80 percent is criminal.

7 Q. Other than this civil case, are you able  
8 to describe any other civil cases that you've  
9 worked on over, say, the last five years?

10 A. Can I discuss them?

11 Q. Can you describe them? Have you had  
12 other -- have you had other civil cases other than  
13 this case in the last five years?

14 A. Yes, many. And -- and I have them now.  
15 Current, pending, litigation filed.

16 Q. All right. Well, I won't have you go  
17 through all of them.

18 You reference -- again, referring  
19 to your CV -- policies, procedures, and best  
20 practices -- federal law enforcement investigative  
21 policies, procedures, and best practices. What  
22 is -- what are you doing in regard to those  
23 policies, procedures, and best practices?

24 A. Yes, ma'am. It's -- it's -- I review

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1 the case file, or I review the discovery with the  
2 attorney, and I -- I look for violations of policy  
3 by the officers or the agents. Reasons with the  
4 policy violations that they may be crossed on  
5 these violations, if it affects credibility or the  
6 timing of evidence and that kind of thing.

7 That -- policies take the form of procedures, so  
8 that would be included also. And what are the  
9 best practices, particularly in the FBI, a lot of  
10 my cases have to do with federal investigations.

11 So as a supervisor -- well, I'm  
12 attuned, based on my experience to reviewing case  
13 files in detail repeatedly for decades. So this  
14 is almost the same thing, only looking for, maybe,  
15 ways to leverage the investigations -- what  
16 happened in the investigation against the  
17 government for some beneficial outcome that the  
18 attorney can craft, if any.

19 **Q. During your time in law enforcement,**  
20 **were you ever tasked with writing policy?**

21 A. Yes -- well -- well, I mean, I answered  
22 "yes," but -- yes, but you're drafting policies.  
23 I'm not approving final written policies, I  
24 wouldn't say. But depending on what your

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1 definition of "policy" is.

2 **Q. Since leaving the FBI, have you ever**  
3 **been hired to do work for the prosecution in a**  
4 **criminal case?**

5 A. Hired?

6 **Q. Yes. Hired by the prosecution?**

7 A. No, I've never -- let me make sure when  
8 I say "never," right.

9 I haven't been paid by the  
10 government on the prosecution side. I've taken --  
11 I think I'm on my third -- I've only taken three,  
12 I think, but I'm on my third Criminal Justice Act  
13 case, which is on the defense side where the court  
14 pays the defendant's investigator or consultant.

15 So that's from the government, but  
16 it's just not the prosecution.

17 **Q. Have you ever been hired to do any work**  
18 **for a governmental entity in a civil case?**

19 A. No.

20 **Q. Why is it that you've chosen, since**  
21 **you've left the FBI, to take the information that**  
22 **you learned as an FBI agent pursuing criminals and**  
23 **investigating crimes and to use it now to assist**  
24 **criminals?**

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1 MR. HILKE: Object to form.

2 You can answer.

3 THE WITNESS: Yeah. Well, the important  
4 thing is these people are not criminals until  
5 convicted, so that's one thing.

6 The second thing is a lot of my  
7 cases that I take, a lot of them, I vet them  
8 coming in, and there's a lot of signs of corrupt  
9 activity within the ranks of the investigators.  
10 So those are the cases I, kind of, specialize in  
11 where there's these things done that weren't  
12 proper during the investigation, and it can help  
13 the defendant in their trial process. So  
14 that's -- that's one thing.

15 You know, another thing is, I have  
16 to tell you, having been on both sides personally  
17 and now -- as a defense side for eight years or  
18 seven years, I think I've been doing it, it's --  
19 it's equally as important to defend the person, if  
20 maybe more important.

21 Many of these cases -- my  
22 experience, ma'am, is many, many, many cases on  
23 the defense side, when I was an agent, there's  
24 just no fight on the other side or very limited

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1 fight, not even a low standard of fight. So I try  
2 to bring the fight so that they have at least a  
3 chance.

4 And, you know, I have clients that  
5 get convicted at trial. Just had a client put in  
6 prison for 27 years that we went to trial on.

7 So it's not like we -- you know, we  
8 win all these cases, but we do win a lot. I've  
9 had a lot more victories than I thought I would  
10 have at this point. So that's the -- I was going  
11 to say short answer, but it was probably a long  
12 answer to your question.

13 BY MS. EKL:

14 **Q. You would agree that just because**  
15 **someone is accused of public corruption and**  
16 **investigated by the FBI does not mean that they**  
17 **necessarily committed the corruption that they're**  
18 **accused of, correct?**

19 A. Yes, correct.

20 **Q. You -- as far as your prior testimony,**  
21 **just to kind of close a loop on that, you talked**  
22 **about testifying in a couple of depositions. Was**  
23 **one of the depositions that you testified in a**  
24 **case -- I'm not sure how to pronounce it, but**

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1 **Wagafe, W-A-G-A-F-E, versus Trump/Biden?**

2 A. Yes, ma'am.

3 **Q. And that was out of the Western District**  
4 **in Washington?**

5 A. Yes, ma'am.

6 **Q. What was the nature of your testimony in**  
7 **that case?**

8 A. I was hired as an expert by the ACLU,  
9 who were the primary litigators for the defendant  
10 class. It's a class action suit. The ACLU didn't  
11 pay me. They had a sponsor who paid me. It's a  
12 big law firm, Perkins Coie, paid me -- or, I'm  
13 sorry -- they paid Templeton investigative -- or  
14 they paid Templeton -- the Templeton entity.

15 But my role was as an expert on the  
16 delay and a program that was called CAARP, and it  
17 was a way that immigration authorities were slow  
18 walking or no walking a group of Muslim applicants  
19 who were longtime businesspeople and entrants into  
20 the United States legally, and who had been  
21 subjected to the secondary examinations and the  
22 delay of the processing of their immigration  
23 services. So that's what my expert report was  
24 about was an analyzation of the -- of the



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1 government's methodologies applied against these  
2 particular class of defendants.

3 Q. And is it fair to say that you based  
4 your opinions in that case, at least in part, on  
5 your experience working antiterrorism cases  
6 through the FBI?

7 A. Yes.

8 Q. Your counsel in this case, Mr. Hilke,  
9 also sent us notice that you had testified in a  
10 case, he said it was In Re: MH in June 2020, in an  
11 immigration court matter in Detroit, Michigan.  
12 Was that a case captioned In Re: Murtada,  
13 M-U-R-T-A-D-A, Abduladim, A-B-D-U-L-A-D-I-M, R,  
14 and Al Haddad, A-L, new word H-A-D-D-A-D.

15 Was that the name of the case that  
16 you testified in?

17 A. First, as much as I like Mr. Hilke, he's  
18 not my counsel. I'm sure he's a very good  
19 counsel, but he's not my counsel.

20 But he's -- if he sent that to you,  
21 yes, I -- that's a case that I had testified in,  
22 and I did not -- I wasn't sure if I can disclose  
23 the defendant -- the person being processed name,  
24 if that's something I'm allowed to do or not. I

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1 thought it was, but I wasn't sure, so I left it  
2 out. But you got it right, if you got it from a  
3 public record.

4 **Q. I believe I got it from another one of**  
5 **your -- from your other expert opinion. You**  
6 **identified it in your other expert opinion. So --**

7 **A. Oh, okay. So, then, they must have said**  
8 **it was okay. I checked it back then. I didn't**  
9 **have time to check it for this one, so I -- in an**  
10 **abundance of caution, I didn't put it in. It must**  
11 **be okay, though.**

12 **Q. And sorry. Let me ask you one more**  
13 **question about the Wagafe -- am I saying that**  
14 **right, Wagafe case?**

15 **A. Wagafe.**

16 **Q. Wagafe.**

17 **In Wagafe, did you ever testify in**  
18 **court?**

19 **A. No.**

20 **Q. So you were not ever qualified by a**  
21 **judge as an expert in that particular case,**  
22 **correct?**

23 **MR. HILKE: Just object -- wait. Sorry.**

24 **Just object to form and foundation.**

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1 But you can answer.

2 THE WITNESS: I don't know. I thought I  
3 was, that's why I disclosed it. I mean, I went  
4 through one of these seven-hour depositions with  
5 the Department of Justice. But I don't even know  
6 what's happening with that case now. So I guess I  
7 don't know the specific answer. You could -- we  
8 could ask the lawyers.

9 BY MS. EKL:

10 Q. From the Haddad case that you testified  
11 to in Detroit, Michigan, what was the nature of  
12 your testimony in that case?

13 A. It was terrorism related, whether the  
14 FBI was labeling this guy as a terrorist threat to  
15 be returned to his country of origin, and I was  
16 disputing their conclusion.

17 Q. And did the judge make a finding during  
18 your testimony that you were an expert in relation  
19 to the expert opinions you were providing?

20 MR. HILKE: Same objection.

21 THE WITNESS: As far as I remember, yes.  
22 He said, I'll -- I'll hear your testimony as an  
23 expert. That's what I remember. I'm pretty sure.  
24 But, again, that was, you know, four years ago,

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1 five years ago.

2 BY MS. EKL:

3 Q. Do you recall in what area you were  
4 qualified or the judge -- in what area the judge  
5 told you you would be deemed an expert?

6 MR. HILKE: Same objection.

7 THE WITNESS: I don't know. I'm not  
8 sure.

9 BY MS. EKL:

10 Q. I think in the beginning of this  
11 deposition, you mentioned there might have been  
12 three cases in which you provided a deposition.  
13 Were there any other -- any other deposition that  
14 you can recall other than those two cases we just  
15 talked about where you provided testimony?

16 A. I think I was referencing these, while I  
17 was on the job with the bureau, some cases,  
18 because I investigated car wreck cases, bureau car  
19 wrecks, quite a few of them. So I remember being  
20 deposed on one of them, or maybe two of them,  
21 maybe even one that I hit somebody, so -- it  
22 was -- I was usually the investigator on them,  
23 though.

24 So I do remember one guy, for sure,

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1 being -- being in a depo with him. There could  
2 have been two, though.

3 **Q. Okay. Have you ever written any**  
4 **articles that were published?**

5 A. Not in that sense of a, you know, like,  
6 just like a newspaper or anything like that. I  
7 think I've written stuff, though.

8 **Q. Well, when you say you've written stuff,**  
9 **has any of it been published anywhere? Has it**  
10 **been published on the internet or anywhere else?**

11 A. I mean, are you talking, like, do I type  
12 anything on social media or somebody -- blog or  
13 something? Maybe. I don't know. I don't think  
14 so, though. I don't think, anything about  
15 corruption or -- maybe I do say something about --  
16 no, not that I recall. Not that I recall.

17 **Q. Taking aside perhaps commentary, I'm**  
18 **talking about more of a formal article. Have you**  
19 **written any articles that have been published in**  
20 **any way?**

21 A. No, ma'am.

22 **Q. Other than, again, your -- what you just**  
23 **testified to in terms of the MH case and believing**  
24 **that a judge said that you could testify as an**

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1 **expert, have you ever been qualified in any court,**  
2 **even when you were in the FBI, as an expert by a**  
3 **judge?**

4 MR. HILKE: Same objection.

5 Go ahead.

6 THE WITNESS: I don't think so, no.

7 BY MS. EKL:

8 **Q. For purposes of today's deposition, you**  
9 **were hired by plaintiffs Ben Baker and Clarissa**  
10 **Glenn to review materials provided to you by their**  
11 **counsel and render opinions in relation to their**  
12 **cases, correct?**

13 A. Yes.

14 **Q. And are you aware that although your**  
15 **report references two other plaintiffs' cases, the**  
16 **purpose of the deposition today is in relation to**  
17 **those two plaintiffs, Ben Baker and Clarissa**  
18 **Glenn, correct?**

19 MR. HILKE: Sorry.

20 I -- I guess I'll just object to  
21 the extent it misstates the scope of his report.

22 You can answer.

23 MS. EKL: Okay. Well, I guess, let me  
24 just ask you this.

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1 I mean, we don't have any dispute.  
2 We're not -- this deposition isn't for the  
3 purposes of the Gibson case or -- what's the other  
4 case -- or the Lionel White case, correct? I  
5 mean, we are -- you disclosed him, and we're  
6 taking his deposition here today in relation to  
7 Ben Baker and Clarissa Glenn, correct?

8 MR. HILKE: I mean, we -- we may have a  
9 dispute in that if -- if he submits an identical  
10 report. We don't think re-deposing the experts  
11 for the same reports in all of the, you know, ten  
12 test cases is going to be warranted. I don't know  
13 what the status is of that, but we may have a  
14 dispute.

15 MS. EKL: I mean, that's something to  
16 go -- something to address down the road. But I'm  
17 just -- my point is, today, you agree that the  
18 disclosure was only made in relation to Ben  
19 Baker's case?

20 MR. HILKE: Yeah. The disclosure  
21 deadlines in the other cases are later, so we  
22 haven't made formal disclosures in the subsequent  
23 cases at this stage, that's correct.

24 MS. EKL: I'm sorry, Bill. Did you want

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1 to add something?

2 MR. BAZAREK: Yeah, well, just so it's  
3 clear. This deposition today is in Ben Baker and  
4 Clarissa's case. It's not in Leonard Gibson.  
5 It's not in Lionel White. And whenever those  
6 disclosures were made, or even if -- even if  
7 plaintiffs adopt this complaint as a disclosure in  
8 those cases, we're going to be deposing this  
9 expert in the Leonard Gibson case and in the  
10 Lionel White case at some other time. Just so  
11 it's clear. You know that.

12 MR. HILKE: No, I don't agree with that.

13 MR. BAZAREK: Okay. Well, that's the  
14 way it's going to go.

15 MS. EKL: Let's go off the record for a  
16 second. I don't think this needs to be eating up  
17 our time, if we're going to dispute this, and we  
18 can discuss it offline.

19 (Discussion had off the record.)

20 BY MS. EKL:

21 **Q. Mr. Danik, prior to your deposition here**  
22 **today, what did you do to prepare?**

23 MR. HILKE: Just before you answer,  
24 Mr. Danik. Our communications are confidential,



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1 so the substance of your communications with  
2 plaintiffs' attorneys should not be disclosed.

3 With that said, you can answer.

4 MR. PALLES: That is absolutely a  
5 misstatement of the law, Wally. I don't  
6 understand that. Are you saying that -- what  
7 privilege are you asserting here?

8 MR. HILKE: It's Rule 26.

9 MR. PALLES: What privilege are you  
10 asserting?

11 MR. HILKE: Right. I'm relying on  
12 Rule 26. If you give me a minute, and we -- Beth  
13 wants to do this on the record, I can pull it up.

14 MR. PALLES: Okay.

15 MR. HILKE: Sure. So Rule, let's see,  
16 26(b)(4)(c), says that "These rules protect  
17 communications between the parties' attorney and  
18 any witness required to provide a report under  
19 Rule 26(a)(2)(b), which is this witness,  
20 regardless of the form of the communications,  
21 except to the extent that the communications  
22 relate to compensation, identify facts or data  
23 that the parties' attorney provided, and that the  
24 expert considered in forming the opinions to be

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1 expressed, or identify assumptions of the parties'  
2 attorney provided and that the expert relied on in  
3 forming the opinions to be expressed."

4 MR. PALLES: So as I understand it,  
5 then, he could be questioned about factual  
6 materials that you gave him, factual comments that  
7 you made to him, but not your mental impressions;  
8 is that your understanding?

9 MR. HILKE: You know, so what would be  
10 an exception under the rule, as I understand it,  
11 would be facts or data I provided and he  
12 considered in forming the opinions, or assumptions  
13 that I provided and that he relied on in forming  
14 the opinions on --

15 MR. PALLES: Okay. Okay. Okay.

16 MR. HILKE: Yeah, I can say more if it's  
17 helpful, but I -- I don't need to.

18 MR. PALLES: All right. I understand.  
19 Okay. Proceed. Whatever.

20 Is he instructed not to answer  
21 that?

22 MR. HILKE: No. I -- my instruction  
23 was, you can answer, just leave out what I said to  
24 you and you said to me as privileged

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1 communications between the plaintiffs' attorney  
2 and the witness.

3 MS. EKL: I think --

4 MR. PALLES: More accurately, I think  
5 work -- work product, but all right.

6 MS. EKL: Yeah. And I think,  
7 Mr. Palles, we'll -- there may be some more  
8 specific questions I'm going to ask that may  
9 address this. I think this is just an initial  
10 question when we're not really getting into the  
11 concern that Mr. Hilke has.

12 BY MS. EKL:

13 **Q. So my question to you, Mr. Danik, is**  
14 **just first off, without asking you about specific**  
15 **communications, what did you do to prepare for**  
16 **today's deposition?**

17 A. I bought a lot of food, because this is  
18 seven hours. I have a big backpack of food. And  
19 I reviewed my report. I took a -- I printed a  
20 copy of the MOU again so I'd have it. And I  
21 looked through the exhibits that I -- most of the  
22 exhibits that I cite in my report.

23 I think that's about it. That's  
24 the majority of it.

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1           **Q.     And is it fair to say you also, at some**  
2 **point in preparation for the deposition, met with**  
3 **Mr. Hilke and/or other attorneys representing the**  
4 **plaintiffs in this case, correct?**

5           A.     I talked to him. I never met him in  
6 person, but I talked to him on a Zoom or a phone  
7 call.

8           **Q.     How many times did you talk to him via**  
9 **Zoom in preparation for your deposition?**

10          A.     Once.

11          **Q.     And how long was that?**

12          A.     An hour or -- it might have been --  
13 maybe it was two hours. It was no more than  
14 two hours.

15          **Q.     When did that take place?**

16          A.     I think it was -- what is today,  
17 Thursday? Tuesday.

18          **Q.     Was there any factual material discussed**  
19 **during those conversations that has further**  
20 **supported, in your mind, your belief or your --**  
21 **I'm sorry -- has further supported your opinions**  
22 **in this case that you didn't otherwise know from**  
23 **the documents in the case?**

24          A.     Not that I recall. But no -- I would

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1 say no, but I don't think so. I mean, I'm not one  
2 hundred percent on it. I don't think we talked  
3 about much factual stuff, except what -- what is  
4 in the report.

5 Q. How many times did you talk to Mr. Hilke  
6 about -- how many times did you talk to him over  
7 the phone in preparation for your deposition?

8 A. In prep for the deposition or -- I mean,  
9 the whole time? It was six weeks, six times.

10 Q. In preparation for your deposition, how  
11 many times did you talk to him?

12 A. Zero, probably.

13 Q. Was anyone else on the call when you --  
14 or on the Zoom when you talked to him for that  
15 hour or two hours?

16 A. No, not with me.

17 Q. All right. Let's talk about your  
18 initial involvement in the case.

19 When were you first contacted about  
20 this case?

21 A. It was pretty recently. A few months  
22 ago.

23 Q. Do you remember the date or the month?

24 A. It was right around February 1st.

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1           **Q.     And how were you contacted?**

2           A.     It was either a phone call or an e-mail.

3           **Q.     Do you still have an e-mail that**  
4 **references your first contact with them?**

5           A.     I -- I have deleted nothing that I know  
6 of that wasn't by accident.

7           **Q.     Who was it that first contacted you**  
8 **about your possible involvement in this case?**

9           A.     I don't even remember. I mean, it was  
10 probably Wally, or Mr. Hilke. But I don't know  
11 for sure.

12           **Q.     Do you know how it was that he found you**  
13 **or why -- how it was that he contacted you?**

14           MR. HILKE: Sorry. Just -- I'll caution  
15 you not to reveal anything that I said to you or  
16 you said to me in our conversations.

17           MS. EKL: So you're refusing to let him  
18 answer how it is that -- his understanding about  
19 how it was you came in contact with him?

20           MR. HILKE: Yeah, I think if I tell  
21 him -- and I'm not saying I did -- how I found him  
22 that, to preserve the privilege, we've got to  
23 claim work product or privilege over that.

24           MS. EKL: Just making sure.

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1 BY MS. EKL:

2 Q. When did you accept the case?

3 A. Around February 1st.

4 Q. Was it during any initial conversation  
5 that you had with Mr. Hilke or any other attorneys  
6 representing the plaintiff that you accepted --  
7 that you agreed to provide services for them?

8 A. I guess I don't understand what you're  
9 saying, ma'am. I'm sorry.

10 Q. Sure. So you said you were contacted,  
11 you believe, on or about February 1st of 2024  
12 regarding your involvement in this case, correct?

13 A. Yes. Yes.

14 Q. And was it on that first contact with  
15 Mr. Hilke and/or someone else from his firm that  
16 you also agreed to provide services in this case?

17 A. It's rare that I agree right away. I  
18 usually think about it and factor it in. Get --  
19 you know, even ask me about how he found me. I  
20 get calls every day, at the least, every other  
21 day, from all kinds of people about the services.  
22 So I can't remember how people get me or -- and I  
23 can't remember -- well, did I agree right away?  
24 Probably not. Did I agree, I think, on a -- on a

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1 somewhat expedited basis than I usually do? Yes,  
2 because they had a deadline, and they needed to  
3 know if I could, you know, review the stuff and  
4 get it to them, because they had to disclose their  
5 expert.

6 Q. During your conversation with Mr. Hilke  
7 and/or someone else from plaintiffs' firm, did  
8 they provide you with certain information about  
9 the case that they were seeking?

10 MR. HILKE: I'm going to --

11 BY MS. EKL:

12 Q. Actually, let me rephrase that.

13 Did they -- I'm going to break that  
14 down.

15 Did they ask you to provide  
16 opinions on certain topics in relation to the  
17 case?

18 A. Eventually, yes.

19 Q. And when was it that they asked you to  
20 provide opinions on certain topics related to the  
21 case in comparison to the first conversation?

22 MR. HILKE: Give me one second, please.

23 You can answer.

24 THE WITNESS: When did they -- when did



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1 I accept the case based on the first call?

2 BY MS. EKL:

3 Q. No. When were you asked to provide  
4 certain opinions or to look into certain topics  
5 about the case in relation to the first call?

6 So you have the first call with  
7 them. And you said it wasn't during the first  
8 call that they told you what they were looking  
9 for. So when was it that they told you what they  
10 were looking for?

11 MR. HILKE: Actually, I -- I'm sorry,  
12 Jeff.

13 I don't think this falls into any  
14 of the exceptions, so I'm going to instruct you  
15 not to answer on work product grounds.

16 BY MS. EKL:

17 Q. During either the first conversation or  
18 the second conversation, did you learn any factual  
19 information that you relied upon in formulating  
20 your opinions in this case?

21 A. You know, if you want me to answer  
22 these -- I don't want to sound like I'm  
23 uncomfortable. All I have to do is read back  
24 through the e-mail to refresh my recollection, and

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1 I can probably answer these more precisely to the  
2 extent I'm allowed to answer. So dates and all  
3 that, it's something I can probably give you if I  
4 can look at the actual documents and, you know, in  
5 my e-mail over -- if we're going to take a lunch  
6 break or whatever.

7 My recollection is that it was very  
8 general and that I wanted to see some documents  
9 before I took the case. Wally -- Mr. Hilke  
10 made -- of course, I had to sign all of the -- the  
11 two releases. And I had to own -- well, it's on  
12 my side. I have to own that once I do that, I  
13 might not ever be able to be associated with that  
14 case again, because now I'm possibly vetting it  
15 with inside information.

16 So I took that chance, and I think  
17 he sent me some documents. And I read it, and I  
18 thought, okay, this is something I would want to  
19 allocate some time to. And then I was given the  
20 research questions.

21 **Q. What were the initial documents that you**  
22 **were sent?**

23 A. Again, I would have to look. Maybe it  
24 was just the complaint, or maybe he sent me -- he

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1 might have sent me -- because I signed the  
2 releases. He might have sent me that on the 1st  
3 of February, a zip file with a lot of the records,  
4 just so I could get the flavor of how much to look  
5 at.

6 I think -- oh, thinking back, that  
7 was another thing. I've got a couple other  
8 projects going on, and depending on how many pages  
9 of records I had to look at. So I wanted to get  
10 an idea of the totality of the records. So he did  
11 send me a zip file with depositions and the  
12 complaint and that kind of stuff. And so I just  
13 paged through that and decided to take the case.  
14 That -- that's -- that's what I remember generally  
15 happening.

16 **Q. Did your decision to take the case have**  
17 **anything to do with an assumption that Mr. Baker**  
18 **and/or Ms. Glenn were innocent of crimes that they**  
19 **were convicted -- initially convicted of?**

20 A. When I took the case?

21 **Q. Right.**

22 A. I had no idea who they were.

23 **Q. Was the decision to take the case based**  
24 **on any assumption that you were provided that any**

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1     **plaintiffs were unfairly -- or I'm sorry --**  
2     **unlawfully arrested by Mr. -- by former**  
3     **Sergeant Watts or anyone that was working with**  
4     **him?**

5           A.     Nope.

6           Q.     I'm going to pull up, again, Exhibit  
7     **No. 1 and share it with you.**

8                     On page 4 of your report, you have  
9     **a heading called "Research Questions." Do you see**  
10    **the page that I'm referring to?**

11          A.     Yes, ma'am. Um-hum.

12          Q.     Is that big enough, or do you need me to  
13    **make it bigger?**

14          A.     I think it's -- I can get it.

15          Q.     Okay.

16          A.     Unless you're going to ask me to read  
17    it.

18          Q.     Not -- not at this point.

19          A.     Okay.

20          Q.     Where did these research questions come  
21    **from?**

22                     And what I'm getting at is, are  
23    **these questions that you formulated as part of**  
24    **something that you thought needed to be answered**

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1     **in the case, or is this something that you were**  
2     **specifically asked by plaintiffs' counsel to**  
3     **answer?**

4             MR. HILKE: You know, before you answer.  
5     I don't actually think that those are facts, data,  
6     or assumption. So I think I'm going to object on  
7     work product grounds here. And I'm instructing  
8     him not to answer.

9     BY MS. EKL:

10            **Q. Do these two research questions form the**  
11     **basis for your opinions in this case?**

12            MR. HILKE: Object to form.

13            You can answer.

14            THE WITNESS: They have -- they're the  
15     scope of what I'm supposed to look into.

16     BY MS. EKL:

17            **Q. Is it fair to say, for instance, you are**  
18     **not rendering any opinions as to whether or not**  
19     **former Sergeant Watts or anyone else is guilty of**  
20     **any of the crimes that they were accused of and**  
21     **ultimately convicted of, you're not rendering your**  
22     **own opinions about that, correct?**

23            A. No.

24            **Q. And you're not rendering opinions as to**

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1    **whether or not Mr. Baker or Ms. Glenn are guilty**  
2    **of the drug offenses that they were charged with,**  
3    **correct?**

4           A.    I'm not making any assumptions or  
5    factual findings about anything, including that.

6           **Q.    These research questions on page 4, both**  
7    **deal with -- or address the memorandum of**  
8    **understanding between the City of Chicago and the**  
9    **FBI, correct?**

10          A.    Yes, ma'am.

11               MR. HILKE: Object to form.

12               You can answer.

13               THE WITNESS: Yes.

14   BY MS. EKL:

15          **Q.    You know what, actually, before we get**  
16    **into that, let me just ask you some other -- so**  
17    **that we don't have to come back to it, I'm just**  
18    **going to come back to that in a second.**

19               During your conversations with  
20    counsel when you were first contacted, did you  
21    discuss the rate that you would be paid in this --  
22    for your work in this case?

23          A.    Yes.

24          **Q.    And what is that rate?**

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1           A.     \$150 an hour.

2           **Q.     And is that your rate for both document**  
3 **review, report writing, as well as your hourly**  
4 **rate for testifying in deposition and at trial?**

5           A.     Yes, ma'am.

6                                 (Deposition Exhibit No. 2 was  
7                                 marked for identification.)

8     BY MS. EKL:

9           **Q.     I'm going to show you what I've marked**  
10 **as Exhibit No. 2. Trying to, anyway.**

11                         All right. I'm showing you a  
12 **five-page document Bates-stamped Danik Subpoena**  
13 **Response 1 through 5.**

14                         Well, the first page of this  
15 **document is dated March 11, 2024, and it is on**  
16 **letterhead for Templeton Accountants and Advisors.**  
17 **Do you see that?**

18           A.     Yes.

19           **Q.     And is this a document that you provided**  
20 **in response to a subpoena that we issued to you**  
21 **for invoices related to your work on this case?**

22           A.     Yes, ma'am.

23           **Q.     And this document reflects that between**  
24 **February 15th of 2024 and February 29th of 2024,**

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1     **you spent 22 hours doing --**

2           A.     That's what I invoiced for, yes.

3           **Q.     Okay. Is February 15, 2024, the first**  
4 **day that you began doing work on the case aside**  
5 **from just the initial contact with counsel to**  
6 **request your services?**

7           A.     I think so, yes. I might have looked at  
8 some stuff before that, because I spent more time  
9 than -- whatever is on there, 22 hours, that's all  
10 I billed for. It was a little bit more time than  
11 that, so I might have looked at something earlier  
12 and read through something. But my recollection  
13 now is that that was part of taking the case, that  
14 I wouldn't be able to do anything on it for a  
15 couple of weeks. I had something going on those  
16 first weeks of February in another matter.

17          **Q.     Okay. And you billed \$3,300 for that**  
18 **time period, February 15th through February 29th,**  
19 **correct?**

20          A.     Yeah, that -- that's my firm getting  
21 that money. But, yes, I bill -- that's for my  
22 services on this case, correct.

23          **Q.     Okay. And that time that you invoiced**  
24 **is broken down on page 2 of this document,**



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1       **correct?**

2           A.     Okay.   Yes.

3           **Q.     And that includes things like reviewing**  
4       **the complaint, the MOU in the case.  It says,**  
5       **"Overview of case.  Reviewed these items."**

6                       **What does that mean, "Overview of**  
7       **case.  Reviewed these items"?**

8           A.     Just the -- reading the complaint of Ben  
9       Baker, reading some of the depositions.  Just  
10      trying -- it's more related to the output.  Why am  
11      I looking at that document?  Or I'm looking at it  
12      for overview.  Because some of these depositions were  
13      500 pages, so you could get stuck down in the  
14      weeds for three days on one of them, taking  
15      detailed notes.  So you read them as an overview  
16      just to get through everything.  That's what --  
17      that's what I usually use "overview" for on an  
18      invoice.

19           **Q.     Okay.  Further down on that page, it**  
20       **does reference on the 26th that you reviewed some**  
21       **depos, correct?**

22           A.     "Multiple depositions reviewed," yes, ma'am, I  
23      must have.

24           **Q.     And that continued on both the 27th and**

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1     **the 29th, correct?**

2             A.     Yes.

3             **Q.     And as you indicated, there were a lot**  
4     **of depositions that were taken in this case that**  
5     **were provided to you, correct?**

6             A.     There were depositions that were  
7     provided to me?

8             **Q.     Correct.**

9             A.     Yes.

10            **Q.     Deposition transcripts.**

11                    **When you reviewed those deposition**  
12     **transcripts, did you take notes to help you**  
13     **organize what you were reading and to help, kind**  
14     **of -- help you understand the facts in the case?**

15            A.     There's probably a few notes, but I use  
16     the concordance a lot rather than taking notes;  
17     it's faster. That -- that's the thing at the end.  
18     I guess you know what that is. And my firm has  
19     really advanced the expensive, fancy Adobe stuff.  
20     So -- maybe yours does too. You can search it.  
21     So it's very little -- I'm, like, hey, where was  
22     that, you know, in this 500-page depo? I don't  
23     have to have a note; I can search it. I  
24     constantly search depositions for stuff I thought I saw

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1 in there. So there's not a lot of notes, no.

2 **Q. When you say "concordance," can you**  
3 **explain for the record how it was you used**  
4 **concordance?**

5 A. Rather than using the search bar, I  
6 would go to the concordance to see maybe somebody  
7 misspelled something or it's written in there  
8 wrong. And there's a spot in there where it's  
9 talked about, but it's not, you know, exactly the  
10 way I'm looking at the word. So sometimes the --  
11 the alphabetical/numerical breakdown at the end of  
12 the deposition is sometimes helpful to  
13 double-check for, if you're looking for something  
14 specific.

15 **Q. Did you review all depositions through**  
16 **Adobe or some other electronic format, or were**  
17 **there some depositions that you reviewed in paper**  
18 **copy?**

19 A. I don't think I printed any depositions  
20 that I recall.

21 **Q. Okay. Page 3 of this document is**  
22 **another invoice, dated April 5th of 2024. And it**  
23 **reflects work between March 1st, 2024, and**  
24 **March 31st, 2024, in the amount of 38 hours.**

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1                   Is this another invoice for your  
2 time that was sent over to Loevy & Loevy, to your  
3 knowledge?

4           A.     Correct, yes, ma'am.

5           Q.     And that was for a total of \$5,700?

6           A.     Yes, ma'am.

7           Q.     And, again, it also includes details  
8 about the tasks that you were performing during  
9 that time period, correct?

10          A.     Yes.

11          Q.     And it includes additional review of  
12 some depositions and then the beginning of the  
13 draft of your report and the continuing of the  
14 draft of your report and opinions, correct?

15          A.     Generally, that's what happened, yes.

16          Q.     This document that we received shows  
17 work through March 8th of 2024. Is that when you  
18 completed the work in the case, or was there  
19 additional work other than preparing for this  
20 deposition that you conducted after March 8th of  
21 2024?

22          A.     After March 31st?

23          Q.     No, after March 8th.

24          A.     Yeah, that -- you know, I noticed that

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1 when I sent that, that my billing department -- I  
2 don't know why that's not printed in chronological  
3 order. So if you look above it --

4 **Q. Gotcha. Okay.**

5 A. I don't know why they did that. I don't  
6 know -- I use their billing system. That's not  
7 mine. That's Templeton's billing system. So I  
8 put the time in there, and then that's what spits  
9 out.

10 **Q. Okay. So it reflects different --**  
11 **different billing between March 1st and**  
12 **March 27th, correct?**

13 A. Yes.

14 **Q. Okay. And is this -- does this include**  
15 **all of the billing that you had during that time**  
16 **period?**

17 A. Did I do what?

18 **Q. Does it include all of the billing that**  
19 **you had between March 1st and March 27th, 2024?**

20 A. That's all I billed for. I probably had  
21 a little more time than that, but not a lot. Just  
22 like everybody spends more time than they bill  
23 for, usually, that -- you know, that kind of time.

24 **Q. There -- I think I had initially meant**

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1     **this to be a separate e-mail -- I mean, a**  
2     **separate -- yeah.**

3                 **So just for the record, we'll take**  
4     **this document off of the last page. So**  
5     **Exhibit No. 2 will be four pages.**

6                         **(Deposition Exhibit No. 3 was**  
7                         **marked for identification.)**

8     BY MS. EKL:

9                 **Q.     Looking at Exhibit No. 3, which for the**  
10     **record, is Danik Subpoena Response No. 5.**

11                         **Do you recognize this e-mail?**

12                 A.     Oh, I -- yes.

13                 **Q.     Okay. And is this an e-mail, dated**  
14     **February 2nd of 2024 at 3:30 p.m. from Mr. Hilke**  
15     **to you, and it copies Scott Rauscher and Lilia**  
16     **Martinez from the Loevy & Loevy law firm, correct?**

17                 A.     Yes.

18                 **Q.     And the document states, "I understand**  
19     **that you will charge 150 per hour for your work,**  
20     **reviewing materials, and preparing a report in**  
21     **these cases. Please let me know if that is**  
22     **correct."**

23                         **Did I read that accurately?**

24                 A.     Yes, ma'am.

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1           **Q. Was this e-mail sent to you after you**  
2           **agreed to review materials and work for the**  
3           **plaintiffs and possibly providing expert reports**  
4           **in the case?**

5           A. I can't -- I can't remember if it was  
6           after I formally said, okay, let me look at it, or  
7           if I discussed my general hourly rate.

8                       The hourly rate almost always comes  
9           up in the first conversation. So that could have  
10          just been -- that could be before or after, but  
11          it's right in there. It's right in the few days.  
12          Because I took the case. Right in that time  
13          frame.

14                      Usually, I have a written  
15          agreement. We have a -- what do you call those --  
16          an engagement letter. This one -- with attorneys,  
17          sometimes I do things on a handshake or an  
18          electronic handshake, like an e-mail, which this  
19          is what it is. But now you're asking me detailed  
20          questions, I can't remember if -- if we formalized  
21          our verbal contract before this e-mail at this  
22          time at 3:30. It was right around this time. It  
23          could have been just before or just after.

24           **Q. All right.**

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1 MS. EKL: Before I move on to the  
2 next -- I just want to ask counsel and everyone  
3 what their thoughts are in terms of either a  
4 longer break or a lunch break. Maybe if we can go  
5 of the record for just a minute, we can discuss  
6 that.

7 (A short recess was taken.)

8 BY MS. EKL:

9 Q. Mr. Danik, I'm going to show you what  
10 I've marked as Deposition Exhibit 1-B, which is  
11 Appendix B to your report, that is 57 pages long.  
12 And it is titled "Materials reviewed."

13 Are you able to see this document?

14 A. Yes.

15 Q. Does this document contain all of the  
16 materials that you reviewed in preparation for  
17 your opinions here today?

18 A. It was -- it was the best effort, but I  
19 believe, yes. There's a depo that -- there's a  
20 depo that I think I didn't list on here, but then  
21 I never did go back to check and see if I did it,  
22 or I just don't remember that it's on there.

23 Q. Okay. At a break, can you maybe look  
24 and see what you can determine what dep that is



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1     **that's missing from this -- from this list and let**  
2     **us know?**

3           A.     Yes.

4           Q.     Okay.   Great.

5                   Other than possibly one deposition  
6     **transcript, are there any other documents that you**  
7     **believe that you reviewed that are not contained**  
8     **in Exhibit 1B?**

9           A.     No.   There was a -- I saw a press  
10    release from the Chicago PD about their  
11    computer-aided dispatch system.   This is, like,  
12    2020.   It's a one-page thing.   I did see that  
13    briefly, and maybe I should have put it on here,  
14    because it came up and caught my attention because  
15    of this case.   So...

16          Q.     Did that article in any way help you  
17    **formulate your opinions in this case?**

18          A.     It didn't help formulate my opinions.  
19    It gave me questions, but not -- it didn't  
20    formulate the opinion.

21          Q.     In this exhibit, you have a footnote to  
22    **it.   I think there was seven, but I did not**  
23    **document the page, so -- there we go.**

24                   On page 68 of Exhibit 1B, your

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1     Footnote 7 says -- and this is a footnote that's  
2     attached to one of the video recordings from the  
3     FBI/DEA recordings. It says, "These recordings  
4     were made available to me, but at the time of this  
5     report, I have relied on written summaries of the  
6     recordings contained in the documents and not a  
7     review of the recordings themselves."

8                     So first off, where were these  
9     written summaries contained that you are  
10    referencing in Footnote 7?

11            A.     Just how they're referenced or the  
12    summary of the activity that would have been in  
13    the production that I was given.

14            Q.     And when you refer to the production  
15    that you were given, does that mean that any  
16    summaries that you reviewed in relation to these  
17    recordings are all contained in your index -- in a  
18    document that's referenced in your index?

19            A.     There weren't transcripts in the  
20    records. That's not what I'm referring to.

21                     I'm referring to in the reports  
22    where either the agents or the Chicago police  
23    officers are describing what happened in a meeting  
24    that was recorded.

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1           **Q.     And my question is, are all of those**  
2 **reports that you reviewed that reference or are a**  
3 **summary of the recordings, are they all listed in**  
4 **this index?**

5           A.     Yes, ma'am. Yes. I'm sorry. Yes.

6           **Q.     Okay. After you prepared your report,**  
7 **have you since gone back and listened to or**  
8 **watched any of the video/audio recordings that you**  
9 **identify in your index?**

10          A.     No.

11          **Q.     So when they're listed as materials**  
12 **reviewed, you haven't actually reviewed any of the**  
13 **FBI/DEA recordings in this case, correct?**

14          A.     I think it says -- the way I understand  
15 that is this attachment is what was made available  
16 to me, but I didn't review it. That was made  
17 available to me, but I did not review it.

18          **Q.     Okay. So that goes to one of my other**  
19 **questions. So other than possibly one deposition**  
20 **and the article that you referenced, are there any**  
21 **other materials that you were provided, whether**  
22 **you reviewed them or not, that are not contained**  
23 **on the list?**

24          A.     No. I don't -- I really made the best

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1 effort I could, and I don't think so, no.

2 Q. So now understanding that this index  
3 contains all of the documents that you received,  
4 are there certain documents that you -- other than  
5 the FBI/DEA recordings that you did not review?

6 A. There's probably some in here that were  
7 available that I didn't open, because there's  
8 thousands and thousands of pages. But a lot of  
9 them, the majority of them, a large group of them,  
10 I did look at and read in detail.

11 Q. And as far as -- as you indicated  
12 before, the very long depositions that are  
13 referenced in this index, the depositions that you  
14 reviewed, did you review them in totality or  
15 completely? Meaning, did you read every single  
16 page of those deposition transcripts, or did you  
17 jump around to certain topics using the search  
18 function that you referenced earlier?

19 A. The depos that came in my depo file --  
20 which I can tell you which ones were in there, I'd  
21 have to look at the file, though -- I read every  
22 single one of those.

23 Q. Were there depositions that you were  
24 provided that weren't in this depo file?

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1           A.     That's the one that I can't remember. I  
2     think I got it later, but I can't -- I can't say  
3     for sure. I don't think it was in the first one.  
4     That would be the only -- well, I'm sorry. No,  
5     there's two that I -- I remember right now.

6                     I think that one, which I'll find  
7     the name of it here in a minute. The other one  
8     was the other expert's deposition in a state case.  
9     I think it's a state case. I'm not sure.

10           **Q.     How is it determined what documents that**  
11     **you would receive in this case?**

12                     MR. HILKE: I'll just instruct you not  
13     to reveal the things you said to us or we said to  
14     you in working on the report.

15                     But you can answer.

16                     THE WITNESS: I only reviewed things  
17     that I was given by Mr. Hilke or his firm, except  
18     for things that I thought might be helpful.  
19     Outside of those, which I usually ask to make sure  
20     there were no -- that the judge didn't have some  
21     rule or there was some agreement that I would be  
22     violating, just to make sure. And so there were,  
23     like, some things I wanted to look at outside of  
24     what he gave me, and I would have asked them --

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1 BY MS. EKL:

2 Q. And what were -- sorry. What were those  
3 things?

4 A. They're listed in here toward the end.  
5 Yeah, that's the end piece there. Go down  
6 further.

7 Q. Are you able to see past page 85?

8 A. Yes, right -- go back one page. There  
9 would go.

10 Starting with "Domestic  
11 investigations operations guideline."

12 Q. Okay.

13 A. On down, the next four or five, whatever  
14 the entries are, are what I asked if I could see  
15 off campus or go get myself.

16 Q. Okay. What was it about -- so then did  
17 you, in fact, review, for instance, the Domestic  
18 Investigations Operations Guideline, FBI  
19 publication, December of 2011?

20 A. What did I want to review there?

21 Q. Did you review it?

22 A. Yes.

23 Q. And what was the -- why was it that you  
24 wanted to review this additional document?

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1           A.     That is the DIOG, which that is what  
2     that stands for, Domestic Investigations  
3     Operations Guideline, is the FBI's operating  
4     manual for investigations in the United States.  
5     It's what's expected of the FBI. And I had a lot  
6     of experience with that document when I was in the  
7     FBI. I didn't recall it having specific MOU  
8     language in it or specific police corruption  
9     language or corruption language in it.

10                 There is some language in there  
11     about it, and I just wanted to make sure I wasn't  
12     missing anything. And that's the only one --  
13     that's the latest version of it available  
14     publicly. In fact, the FBI put that out, the  
15     2011.

16                 But it was -- the good thing is  
17     having this case being so old, there's actually --  
18     you know, like, that document actually applies  
19     during that time frame -- is relevant during that  
20     time frame, I would say, in my opinion.

21           **Q.     Was there any information in the DIOG**  
22     **that you relied upon in formulating your opinions?**

23           A.     Not really. I was just making sure that  
24     there wasn't anything there that was contradicting

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1 what I was, kind of, reading in the -- in the  
2 production.

3 **Q. And why was it that you wanted to review**  
4 **the federal complaint in USA versus Watts in**  
5 **Mohammed?**

6 A. The federal case could have a lot of  
7 information. The federal docket and the federal  
8 filings in any case are a large source of  
9 information about people and their activities in  
10 those charge cases.

11 **Q. Was there anything in that document that**  
12 **you relied upon in formulating your opinions?**

13 A. In forming the opinion, I don't -- not  
14 directly. I mean, what -- there was some helpful  
15 things in there. The U.S. Attorney's Office  
16 response to Watts' sentencing memorandum broke out  
17 the payments to Watts, which, in the record I was  
18 given, I was having -- it wasn't clear -- and I  
19 looked -- to see who was paying those specifically  
20 and how they were being paid. And that broke it  
21 out. It talked about two people, how much one  
22 paid, how much the other paid. So it was  
23 additional information. Whether I -- and there's  
24 information about those payments in my report.



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1                   So there's some, maybe, tangential  
2 stuff that would have been involved in the  
3 decision-making process of my report, but nothing,  
4 like, really related that I took out of that.

5           **Q.    And same questions in regard to the**  
6 **federal sentencing memorandum by Watts and**  
7 **government's response to Watts' sentencing**  
8 **memorandum. Why did you want to review those two**  
9 **documents?**

10           A.    Just for -- you know, when a defendant  
11 in a federal case files their sentencing  
12 memorandum, it has some version -- some  
13 representation of their version of the story about  
14 this case. So I was looking for -- I was  
15 looking -- frankly, I was looking for exculpatory  
16 information, like, something that was not -- yeah,  
17 that -- that explained what had happened here.

18           **Q.    And then on the next page, these**  
19 **additional documents, were these additional**  
20 **materials that you requested after you were**  
21 **provided materials by the plaintiffs' counsel?**

22           A.    Yes.

23           **Q.    One of them was the federal criminal**  
24 **docket. Was the reason that you wanted to review**

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1     **that the same reason you wanted to review the**  
2     **other documents related to USA versus Watts and**  
3     **Mohammed?**

4           A.     It was to make sure there weren't any  
5     documents filed that could be helpful to me, and  
6     that's why I look at the docket.

7           **Q.     And then you have identified here, FBI**  
8     **Manual of Investigative Operations and Guidelines,**  
9     **Section 18, archived.**

10                   **What was the reason for wanting to**  
11     **review this particular document?**

12           A.     I knew that -- like, this -- this Manual  
13     of Investigative Operations and Guidelines that  
14     is -- MIOG is what that's called in the FBI.  
15     That's the old system we had for decades, maybe  
16     50 years. MIOG controlled the FBI's -- was the  
17     policy book for the FBI field investigators. And  
18     it changed to DIOG, which is that first document  
19     that we looked at.

20                   And I was searching the FBI vault,  
21     which is their public document release site and --  
22     for MOU, to see if there was any guidance  
23     publicly. Sometimes you find little gems on the  
24     vault. And then I realized, yeah, there was -- in

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1 the old MIOG, we published examples of current  
2 MOUs so that the agents were on notice. If you  
3 came across these kinds of cases, you had to  
4 operate under this MOU. And that section had all  
5 the MOUs printed in it, or many of the most  
6 important ones with other federal agencies. Not  
7 all of them, but a lot of them. And it was during  
8 the -- it seemed during the relevant time frame  
9 back at the beginning of the, you know, case we're  
10 all here about. So I pulled it up.

11 And this did form some of the basis  
12 where I talk about some historical guidance or  
13 what these MOUs have been in use. And you can see  
14 that they're memorialized in the FBI operating  
15 manual. That's how routine they were to use.

16 **Q. And then, lastly, you have listed:**  
17 **Testimony before the Subcommittee on Housing and**  
18 **Community Opportunity Committee on Banking and**  
19 **Financial Services, House of Representatives.**

20 **What was the purpose of wanting to**  
21 **see this document, which is also dated June 1995?**

22 A. Frankly, that was a little bit of a  
23 rabbit hole. I originally thought -- I realized  
24 that the Housing Authority had changed hands. It

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1 was actually a HUD. It wasn't a city property.  
2 And I thought, why -- why are local police on a  
3 federal property in the first place?

4 And, you know, it made me wonder in  
5 the record, was I going to find -- that I was  
6 provided, was I going to find that the FBI  
7 addressed that as a potential violation, and was  
8 there an MOU between Chicago PD and HUD to police  
9 that, and was there a contract.

10 And I read that, and I thought,  
11 well, you know, obviously, there's something that  
12 has kept Chicago PD in there, and I'm not going to  
13 go trying to search for all of that. I thought it  
14 was too far off the beaten path, so I kind of  
15 dropped it.

16 **Q. Okay.**

17 A. But I did read that report, so I  
18 included it.

19 **Q. You did not -- I'm sorry. You did or**  
20 **you did not?**

21 A. I did -- I did read most of it. It's  
22 not that long.

23 **Q. Okay. What was the -- your methodology**  
24 **for reviewing materials and in coming to the**

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1 **conclusions that you did in this case?**

2 A. I read the record -- when I say  
3 "record," the documents sent to me -- and tried to  
4 piece together the timeline of events, tried to  
5 keep the past of individuals and their roles in  
6 context with one another, and tried to analyze it  
7 through the optic or the one angle. Because the  
8 problem with all of these thousands of documents  
9 and numerous issues and people, you can begin  
10 analyzing it from all kinds of different angles  
11 that you haven't been asked to deal with.

12 So I was asked about the MOU. I  
13 tried to focus on looking through these records  
14 from that standpoint and not get too distracted by  
15 these other -- every time that I saw these other  
16 important issues, I tried to stay focused on the  
17 MOU.

18 And then I drafted -- some, I  
19 drafted -- most, I drafted as I read, drafted the  
20 report. And then I went back through and checked  
21 for facts. Went back through and looked at the  
22 exhibits.

23 My main source, ma'am, really, was  
24 I -- some of the -- most of the exhibits from the

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1     depos were -- were a good source. And then the --  
2     the FBI file, which was -- you know, I think that  
3     one was 1,200 pages. I looked -- that was a good  
4     source, because it laid out a lot of things I was  
5     familiar with that -- that helped provide an  
6     anchor to my understanding of the events.

7                     And I actually accidentally  
8     printed -- meant to print one page, but I  
9     accidentally printed the entire 922-page document,  
10    which I can't even remember which one that was --  
11    but that 922-page document, electronically I  
12    looked at quite -- you know, a lot too. That  
13    was -- I can't remember what the file title of  
14    that was. So --

15           **Q. Can you describe -- can you describe**  
16    **that --**

17           A. I refined my report, and pretty much it  
18    was in its final copy.

19           **Q. Okay. Can you describe the 922-page**  
20    **document that you're referencing?**

21           A. Can I describe it?

22           **Q. Correct.**

23           A. Yeah. I think it's -- if -- I think if  
24    I look at the Bate number on them, right, that

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1 should tell me what the file was. I can look real  
2 quick.

3 **Q. Sure.**

4 A. Hold on one second.

5 I caught some wind over printing  
6 this by accident, believe me.

7 I think it it's marked -- oh,  
8 Spalding Exhibit 50.

9 **Q. Okay.**

10 A. That's what it is marked on the front  
11 page.

12 **Q. Did you take any handwritten notes on**  
13 **this document?**

14 A. Excuse me?

15 **Q. Did you take any handwritten notes on**  
16 **that document?**

17 A. No. I didn't even really use it for any  
18 kind of review. I hid it in my drawer in shame,  
19 and then used the electronic version.

20 **Q. You would agree with me that there --**  
21 **when you referred earlier to the cast of**  
22 **individuals involved in this case, there are a**  
23 **large number of individuals who were interviewed**  
24 **and/or were part of the investigation in some way**

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1 **through Ida B. Wells, correct?**

2 A. There were people involved in the  
3 investigation that lived there?

4 **Q. Just in general, in terms of the**  
5 **investigation, there were a lot of individuals**  
6 **involved in the investigation, correct?**

7 A. It seemed like it, yes.

8 **Q. How was it that you were able to glean**  
9 **down the important individuals to focus on in this**  
10 **case?**

11 A. Well, the important individuals are the  
12 ones making the decisions around what actions are  
13 being taken to resolve this situation. So they're  
14 the important ones, and what is their relation to  
15 the MOU, to executing the MOU agreement.

16 **Q. And how is it that you were able to**  
17 **determine who those individuals were?**

18 A. I just took it from the documents. So  
19 the documents would have -- the Chicago PD to/from  
20 reports showed who were -- who was working what,  
21 who was involved in what actions. And so I took  
22 it from there that they were in a position to know  
23 these things, especially if it was written in  
24 their reports, that -- summarizing some piece of



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1 information.

2 Q. During any telephone conversations with  
3 Loevy & Loevy, did they provide you with any names  
4 that you should focus on that you relied on in the  
5 course of your review of documents?

6 MR. HILKE: Just one minute, please.

7 I -- I don't think I need to object  
8 to that, if you're asking about whether he relied  
9 on it in forming his opinion. Is that the  
10 question?

11 MS. EKL: It's more a question of  
12 assumptions. You know, are there certain  
13 individuals that he is assuming were the important  
14 players based on information -- based on being  
15 told that by your office?

16 MR. HILKE: You can answer that.

17 THE WITNESS: No.

18 BY MS. EKL:

19 Q. Same thing in relation to the documents,  
20 did you make certain assumptions that there --  
21 that certain documents you were provided were key  
22 documents based on anything you were told by Loevy  
23 & Loevy?

24 MR. HILKE: One second.

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1                   You can answer that.

2                   THE WITNESS: Basically, no.

3       Everything -- they did tell me that the MOU would  
4       be an important thing for me to review. They told  
5       me things that they wanted to make sure that I did  
6       review, I think, and the MOU was one of them. But  
7       they never -- I mean, their case actually was  
8       remarkably -- came in remarkably -- I'm just being  
9       honest -- came in remarkably neutral. And I was  
10      gaining, you know -- I was surprised by the things  
11      I was reading, and then realizing for myself for  
12      the first time just by reading the documents. I  
13      had no knowledge of this -- you know, the actual  
14      allegations in this case, other than the big  
15      picture. Like, obviously, the complaint, the  
16      Baker complaint, is -- has some of the details in  
17      it. But the complaint isn't always, you know --  
18      these are just allegations. They're not backed up  
19      by, like, the records. So...

20      BY MS. EKL:

21               **Q.     And do you understand that there are**  
22      **thousands and thousands and thousands of pages of**  
23      **discovery that has been produced in the course of**  
24      **this litigation and that what you were provided is**

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1     **a small subset of that, correct?**

2           A.     I don't know that for sure, but I  
3     would -- I think it's safe -- it would be safe to  
4     think that there's a lot more out there that I  
5     haven't had a chance to go over.

6           **Q.     And are your opinions based, in part, on**  
7     **the assumption that you have been provided with**  
8     **all relevant information?**

9           MR. HILKE:   Object to form.

10          But you can answer.

11          THE WITNESS:  I would like to think  
12     that, if you're asking for an expert opinion, that  
13     you had the integrity to provide enough records to  
14     have somebody come to an expert, rather than a  
15     slanted opinion.  That's the way most attorneys  
16     approach these, and that's been my -- when  
17     evaluating these cases, that's been my experience.

18          So I'm thinking in this case, it's  
19     at least in the ballpark, yes.  I'm happy to  
20     review anything else that is proper for me to  
21     review.

22     BY MS. EKL:

23          **Q.     And are all of your opinions that -- at**  
24     **least the ones that you expect that you may be**

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1 called upon to testify about, contained within the  
2 report that we've identified earlier as Exhibit  
3 No. 1?

4 A. Yes.

5 Q. I'm going to show you what I've marked  
6 as Deposition Exhibit No. 4. Which, I will -- for  
7 the record, is Danik Subpoena Response No. 6  
8 through 14. It's a nine-page document containing  
9 some handwritten notes.

10 (Deposition Exhibit No. 4 was  
11 marked for identification.)

12 BY MS. EKL:

13 Q. Do you recognize this document? And I  
14 can -- if you need me to flip through each page, I  
15 certainly can.

16 A. Yes, ma'am, I recognize it.

17 Q. Okay. And are these nine pages of notes  
18 that you provided to us in response to a subpoena  
19 for your notes in this case?

20 A. Yes.

21 Q. And are these nine pages of notes the  
22 totality of all of the notes, the handwritten  
23 notes, that you took in this case?

24 A. They're all the ones I can find. I

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1 don't know -- do I have yellow stickies or some  
2 other -- I might. But, I mean, these are the  
3 majority of the -- anything I would wrote side --  
4 side -- on the side. I try to write the report as  
5 I'm reading stuff, and then it's easier to just  
6 cut it out.

7 **Q. This first page on -- Page No. -- marked**  
8 **Page No. 6, it says, "PC violations." What is**  
9 **"PC" referenced in this particular context?**

10 A. Public corruption.

11 **Q. And then you have some numbers on the**  
12 **left and reference to other documents. What's**  
13 **the -- are those page numbers where it says 51,**  
14 **56, 58, and so forth?**

15 A. Yes. Those are -- on the left column  
16 are FBI classification numbers, which is all --  
17 what do you call that -- public information. And  
18 the -- the -- what those violations are. Those  
19 are your wheelhouse corruption violations. When I  
20 started reviewing, I thought, boy, it's been a  
21 while. What -- what were all the violations?  
22 Because in the FBI records, right, you can read a  
23 lot -- that's the old FBI system, by the way. So  
24 there's a lot of things written on those old

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1 records from that case that give you quite a bit  
2 of information about the -- what that particular  
3 document is you're looking at, that's not just  
4 typed.

5 So I try to -- I was trying to  
6 remind myself of what the various numbers were.  
7 Like this case was a 194 case in the FBI  
8 classification system. So in case I saw any of  
9 the other ones pop up for reference, I wanted to  
10 make sure I could do -- I didn't have to go look  
11 them up again.

12 **Q. Okay. So those numbers aren't page**  
13 **numbers. They're classification -- FBI**  
14 **classification numbers that correspond to**  
15 **different classifications of public corruption; is**  
16 **that accurate?**

17 A. Correct.

18 **Q. What is the classification for 194?**

19 A. 194 is state and local public official  
20 corruption.

21 **Q. Looking at the next page, which is**  
22 **Bates-stamped page 7, it -- that going into --**  
23 **well, actually, I guess, it's just this page.**  
24 **There's a number of individuals listed here and**

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1     **some nicknames. Where is it that you obtained**  
2     **this information to writing your notes?**

3           A.     This is -- this is deposition stuff,  
4     notes from depositions that I started seeing all  
5     these names, and I thought, man, I need a  
6     playlist. And I started writing, and there's so  
7     many, I stopped writing it.

8           Q.     Okay. And just taking a look at the  
9     line, if you can see where the hand is. These  
10    names here where it says, Wilbert Moore, Arthur  
11    Kirskey, Big Shorty, Art, Ben Baker, and then  
12    looks like Tweak/Tweak, and then with an arrow to  
13    it, Jamar Lewis.

14                   On the far left side, it says:  
15    **Extortion dealers, question mark.**

16                   Did I read that all accurately?

17           A.     I think that's what it says. It's a  
18    little small, but it would make sense.

19           Q.     Here, I can -- there you go. Does that  
20    **make it easier?**

21           A.     Okay. What does it say? It might not  
22    say extortion. I'm not sure what that says. Make  
23    it a little bigger. Let's give it one more shot.

24                   Oh, yeah, I think it does say

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1 extortion dealers.

2 Q. Okay. And is that dealers, exclamation  
3 point, or is that a question mark?

4 A. I think it's a -- what do you call  
5 that -- colon.

6 Q. Oh, a colon. Okay.

7 Based on the records that you were  
8 reviewing, was it your understanding that the  
9 records reflected that -- and I guess, actually --  
10 correct me if I'm wrong, is Alvin -- is Alvin  
11 Jones included in this group? Or did you intend  
12 to include Alvin Jones in the group with the  
13 others?

14 A. No. I think Alvin Jones was probably  
15 the first time I ever read his name, so I put it  
16 down there.

17 Q. Okay. But as far as the other names:  
18 Wilbert Moore, Big Shorty, Arthur Kirskey, Art,  
19 and then Ben Baker and then Tweak/Tweak, Jamar  
20 Lewis, are those all individuals that you were  
21 referring to as dealers?

22 MR. HILKE: Objection to form.

23 You can answer.

24 THE WITNESS: As dealers?



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1 BY MS. EKL:

2 Q. Correct.

3 A. Yes.

4 Q. And you learned that based on the  
5 documents that you reviewed that the investigation  
6 showed that those individuals were, you mean drug  
7 dealers, correct?

8 MR. HILKE: Wait.

9 Objection. Compound. Form.  
10 Foundation.

11 You can answer.

12 THE WITNESS: Well, I mean, yeah, this  
13 was in the documents. I mean, there's an  
14 interview where Wilbert Moore says, "I've been a  
15 drug dealer for 20 years. I haven't had a regular  
16 job."

17 So, yeah, these are -- it would be  
18 inside the documents where they may have been  
19 dealing drugs. And I'm not saying that they  
20 really were. I mean, obviously, Wilbert Moore is  
21 admitting it. But this is just other people  
22 saying there were arrests or actions. I don't  
23 think Jamar Lewis, Ben Baker -- Ben -- I can't  
24 remember. There's an interview of Ben Baker in

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1 there.

2 BY MS. EKL:

3 **Q. Right.**

4 A. I can't remember if he said he was a  
5 dealer or not in that particular interview.

6 **Q. But it's possible you read a document in**  
7 **which the investigation, at least, reported to**  
8 **reveal that Ben Baker admitted to being a drug**  
9 **dealer, correct?**

10 MR. HILKE: Object to form.

11 THE WITNESS: No, I didn't say that. I  
12 said -- in fact, I said the opposite that, that  
13 I'm not sure what he said in his 302. I know --  
14 his FBI 302. I know he was interviewed, but  
15 that's, kind of, my -- these are the potential  
16 people who were extorted and were also potentially  
17 dealers.

18 BY MS. EKL:

19 **Q. There's some reference down a little bit**  
20 **further, and I'll direct you to the line that**  
21 **starts with "Kamane Fears." And then it says in**  
22 **parentheses, "Shorty, headman Obama drug line."**

23 **What's your understanding about**  
24 **what the Obama drug line was?**

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1           A.     Obama drug line was one of the drug  
2     lines operated out of those housing -- Public  
3     Housing Authority, and Fears was in charge of it.

4           **Q.     And so is it fair to say that the**  
5     **documents you reviewed reflected that there was**  
6     **what has been referred to as on "open drug market"**  
7     **within the Ida B. Wells, correct?**

8           MR. HILKE:   Objection to form.  
9     Foundation.

10                  But go ahead.

11           THE WITNESS:   The documents -- yeah, I'm  
12     not saying that these guys were actual drug  
13     dealers.   I know that there are probably even some  
14     criminal histories in there, so maybe it could be  
15     concluded based on those.

16                  But to answer your question  
17     directly, the documents reflect that this was an  
18     open air drug market in many of these buildings  
19     inside of these projects, yes.

20     BY MS. EKL:

21           **Q.     Other than reading the complaint, which**  
22     **as you acknowledged, is allegations, would you**  
23     **agree that a large number of the documents that**  
24     **are from the investigation that was conducted by**

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1 the FBI and also that are reflected through the  
2 IAD document -- I mean, the -- yeah, the IAD  
3 documents reflect that the individuals who were  
4 being arrested by Watts were, in fact, drug  
5 dealers?

6 MR. HILKE: Objection. Form.

7 You can answer.

8 THE WITNESS: Yes, that -- that the  
9 documents reflect there's a lot of criminal drug  
10 activity going on by these people. That's what  
11 the -- that's what the documents are -- are  
12 representing.

13 BY MS. EKL:

14 Q. And you have not personally spoken to  
15 Ben Baker or any of the other plaintiffs who have  
16 filed lawsuits against the City of Chicago and  
17 Sergeant Watts and the others, correct?

18 A. No, ma'am, I approached nobody.

19 Q. And so the information that you're  
20 relying upon, is it fair to -- in terms of the  
21 factual information, is it fair to say that it's a  
22 hundred percent coming from the documents that you  
23 reviewed?

24 MR. HILKE: Objection. Form.

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1                   You can answer.

2                   THE WITNESS: Yeah -- yes. I haven't  
3                   gone outside. I haven't interviewed anybody. I  
4                   haven't conducted any internet searches other than  
5                   for what I disclosed I looked at. So, yeah, it's  
6                   coming from the record I was given.

7                   BY MS. EKL:

8                   **Q. What is your understanding about how the**  
9                   **allegations against Sergeant Watts first came to**  
10                  **light within the Chicago Police Department?**

11                  A. Well, I saw somewhere in there that he  
12                  had allegations prior to 2004. So that was -- I  
13                  didn't have many records available from then, so I  
14                  don't know how he first came on their radar.

15                  **Q. I'm going to pull up Deposition Exhibit**  
16                  **No. 1. And I'm going to direct your attention to**  
17                  **page -- this is your report. On page 5, if you**  
18                  **could look at the bottom of this second full**  
19                  **paragraph. It starts -- on the right-hand side,**  
20                  **it starts, "Additionally," and you say -- do you**  
21                  **see where I'm referencing? I've got the hand next**  
22                  **to it?**

23                  A. Okay. Yes, ma'am, I see it.

24                  **Q. I'll make it a little bit bigger here.**

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1                   You say that, "Acts alleged to have  
2       been perpetrated were of such grave public safety  
3       concern, it is nearly incomprehensible any police  
4       department commander would not take immediate  
5       steps to intervene and protect the public, but  
6       instead allow the activity to continue for several  
7       years."

8                   Do you see that?

9           A.     Yes, I do.

10          Q.     And in the context of that statement,  
11       are you referencing, back in 2004 -- let me ask  
12       you this: What time period are you referencing  
13       when you make those statements?

14       A.     That's a global -- that's the whole case  
15       taken together, for the most part. And then  
16       there's specific times that I really don't  
17       understand why things weren't followed up on.  
18       But, again, I was reviewing this through the optic  
19       of the MOU, not to grade the Internal Affairs  
20       Department.

21          Q.     When you say, "through the optic of  
22       MOU," are you saying that -- well, let's back up,  
23       then, a little bit. Let's talk about the MOU.

24                   Let me take this down.

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1 MS. EKL: We'll mark this document as  
2 Exhibit No. 5.

3 And I'll put on the record, it's  
4 Bates-stamped CBG-62266. It's a 13-page document  
5 that ends CBG-62278.

6 (Deposition Exhibit No. 5 was  
7 marked for identification.)

8 BY MS. EKL:

9 Q. Do you recognize this document as a  
10 document that you reviewed in preparation for your  
11 report?

12 MR. HILKE: I don't think it's up yet,  
13 Beth.

14 MS. EKL: Sorry. Thank you. I'm  
15 looking at it; you're not.

16 BY MS. EKL:

17 Q. Okay. Are you able to see the document?

18 A. Yes. Yes, I see it. And, yeah, I  
19 believe that's what I reviewed.

20 Q. Okay. And is this the memorandum of  
21 understanding that you referred to a few times in  
22 your testimony?

23 A. Yes, ma'am.

24 Q. Okay. And this document, as I think

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1     **you've pointed out in your report, is dated -- at**  
2     **the end, it's signed on January 18th of 2011 and**  
3     **January 20th of 2011 by both someone from the FBI**  
4     **as well as Chief Rivera from the CPD Internal**  
5     **Affairs Division, correct?**

6           A.     Yes, ma'am.

7           Q.     Okay. We talked about earlier how your  
8     **focus of your review is on this MOU. So let me**  
9     **ask you first, what -- based on your experience**  
10    **working for the FBI, what is a memorandum of**  
11    **understanding, also referred to as an MOU?**

12          A.     My understanding of it is it's an  
13    agreement between two agencies on how to proceed  
14    in a crime -- on a crime problem, basically.

15          Q.     And would you agree that it's an  
16    **understanding in relation to how the two agencies**  
17    **should work together in relation to that**  
18    **investigation?**

19          A.     It's not really related to any  
20    investigation. MOUs address all kinds of cases.  
21    Every case in an investigative area. So that's --  
22    they address more globally. They rarely talk  
23    about a specific case; although, it can happen.  
24    But the vast majority of them are program --



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1 programmatic-type understanding. That's why we  
2 need a task force, a group of people to do it, as  
3 opposed to, you know, singular detectives and  
4 agents.

5 Q. And I think my statement just was not  
6 clear.

7 What I meant was, it's an  
8 understanding that assists two different agencies  
9 in understanding how they can work together, not  
10 in necessarily a particular investigation, but in  
11 general in relation to investigations in which  
12 they both might be involved, correct?

13 A. Yes, ma'am. That's it, yes.

14 Q. All right. And this particular  
15 memorandum of understanding is between the Federal  
16 Bureau of Investigation and the Chicago Police  
17 Department, correct?

18 A. Yes.

19 Q. Would you agree with me that prior to  
20 2011, the FBI had occasion to work with the  
21 Chicago Police Department on investigations in  
22 general?

23 A. Yes.

24 Q. So the fact that this memorandum of

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1 understanding is dated in 2011, and you may not  
2 have another memorandum of understanding before  
3 that time, does not indicate that there was never  
4 an occasion for a CPD and the FBI to work together  
5 on an investigation, correct?

6 A. Right.

7 Q. And that's actually a quite common  
8 occurrence that different agencies would work  
9 together, correct?

10 A. Yes, ma'am.

11 Q. And even absent a memorandum of  
12 understanding that memorializes an understanding,  
13 would you agree that there are certain things  
14 within this MOU that you would expect to occur  
15 whether it's in writing or not, in terms of the  
16 relationship between the two agencies?

17 A. Maybe generally, yeah. The police -- we  
18 already know how to play well together, most  
19 agencies. This is formalizing a lot of the  
20 administrative differences so that we don't have  
21 any disagreements there. And, also, it basically  
22 unpacks a lot of liability over to the FBI.  
23 Frankly, that's what these things do.

24 Q. Okay. Would you agree, again, absent

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1     **the written memorandum of understanding, that you**  
2     **would expect there was, kind of, just an unwritten**  
3     **understanding that that's how the two agencies**  
4     **would work together?**

5             MR. HILKE: Sorry. Objection. Form.

6             You can answer.

7             THE WITNESS: The two -- there's going  
8     to be some understanding of how to work together.  
9     What it was, there's nothing in the record that's  
10    formal about it. I can -- I can only try to glean  
11    it from the written documents on how the working  
12    relationship was going during different periods of  
13    the case by what the two agencies were doing.  
14    Were they coordinating? How coordinated were  
15    they?

16            You can tell by the documents, some  
17    of that. And it's difficult to make an absolute  
18    conclusion, but you can tell -- you can get the  
19    flavor of it, at least from the documents I had.

20    BY MS. EKL:

21            **Q.     And, again -- so let's shift gears a**  
22     **little bit. Taking aside the MOU in this case**  
23     **that is dated 2011 and just talking about our**  
24     **specific investigation in relation to Watts and**

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1     **the officers working with him. Would you agree**  
2     **that the FBI's involvement in that investigation**  
3     **was the result of CPD asking for the FBI to**  
4     **provide their assistance?**

5           A.     I'm not sure from the -- I didn't see  
6     Serial 1 in the file anywhere. It could have been  
7     in there. I looked, but I didn't see it. So  
8     Serial 1 is the FBI's very first page of their  
9     case, and it would have laid out who referred the  
10    case. So it could have been -- it could have  
11    easily been Chicago PD, but it could have been,  
12    you know, somebody falsely arrested. It could  
13    have been anybody.

14           **Q.     Well --**

15           A.     If there's a document there that I saw  
16    that you're aware of, I mean, I could -- I might  
17    be able to say, okay, well that does look like it  
18    was CPD. CPD was involved with the FBI from  
19    pretty early on, it looks like.

20           **Q.     And there's certainly investigations**  
21    **into public corruption that the FBI is involved in**  
22    **where they don't -- like in the earlier example**  
23    **you gave about the correctional officers, where**  
24    **they don't involve the law enforcement agency that**

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1 might employ the person who's the target, correct?

2 A. That's the vast majority of them, ma'am.

3 Q. Every investigation is somewhat  
4 different, correct?

5 A. Sure. Yes.

6 Q. And there are investigations similar to  
7 this investigation where other agencies beyond the  
8 local agency and the FBI are involved, correct?

9 A. Yes.

10 Q. You're aware in this investigation that  
11 at some point in time, the ATF was involved,  
12 correct?

13 A. Yeah, I know the ATF was involved --  
14 yeah, they did attend some meetings, you're right.  
15 Correct.

16 Q. And the DEA was also involved, correct?

17 A. Yes.

18 Q. And the mere fact that we don't have  
19 before us today, for instance, a memorandum of  
20 understanding between the DEA and CPD or DEA and  
21 FBI, doesn't necessarily mean that everyone was  
22 just free to do whatever they wanted on that  
23 particular investigation, correct?

24 A. Well, I don't know that ATF and DEA were

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1 participating in this investigation. In fact, I  
2 don't think they were, from the records I saw.  
3 Attending a meeting or being sensitive to what  
4 another agency is looking at, so in case you come  
5 across something that you can disseminate to them  
6 is not being, you know, directly involved. And  
7 the FBI has MOUs in place with ATF and DEA, and  
8 they're rarely cut in -- they're rarely  
9 participants in a police corruption case, rarely.

10 You know, we're using the term  
11 "participating," and I get it. But it -- they're  
12 not really participating as a member of the task  
13 force on this case. We're trying to share  
14 information to the extent we can. And most of  
15 these cases -- most police cases should almost  
16 never have other agencies involved outside the  
17 FBI. That's kind of the default best practice, in  
18 my experience.

19 **Q. And why is that?**

20 A. Leaking of information, common  
21 informants that can cause untold havoc, a --  
22 excuse me -- allegiances that you don't even know  
23 about, things -- sources of information your  
24 targets might have that you're unaware of, they

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1 could blunder into.

2 So there's a whole host of reasons  
3 to use very solid operational, meaning  
4 communication security, on any public corruption  
5 case -- I'm sorry -- well, on a public corruption  
6 case in general, but definitely a police  
7 corruption case.

8 **Q. If, for instance, CPD had gone ahead and**  
9 **taken administrative actions earlier on in the**  
10 **investigation and not waited for, as they did**  
11 **here, the FBI investigation to conclude and result**  
12 **in the arrest, then would you agree that all of**  
13 **those -- all of those things that you talked about**  
14 **would be concerns, that information would be**  
15 **provided to the target, information -- evidence**  
16 **would be provided to the targets, and essentially,**  
17 **the investigation might then become meaningless,**  
18 **because the target would already know that they**  
19 **were being looked at?**

20 A. Well, like either you said or I said,  
21 each case is different. So what you're saying is  
22 a possibility on a commonsense occurrence. But --  
23 well, the administrative process in a police  
24 case -- in a police corruption case is always just

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1 sitting there waiting to disrupt the -- the police  
2 criminal case. And you recognize that going in,  
3 and that's one of the reasons you do these cases  
4 as quickly as possible, so that you can allow the  
5 administrative process, if it's not known to the  
6 police department, to take over. But you would --  
7 well, I guess that's -- I guess that's the answer  
8 to your question.

9 **Q. So you would agree that it was common**  
10 **for the law enforcement agency that employs the**  
11 **target of the investigation to wait until the FBI**  
12 **concludes their investigation before taking their**  
13 **administrative actions and interviewing that**  
14 **target, correct?**

15 A. No.

16 MR. HILKE: Objection. Form.

17 THE WITNESS: That's not what I said.  
18 And that would be the opposite. The  
19 administrative process, at any point -- well, I  
20 can just give you my experience.

21 You tell a chief or a sheriff he's  
22 got a bad apple maybe that you're investigating,  
23 you don't know, they're going to give you a very  
24 short leash to resolve it, and then they're going



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1 to move. That's what happens --

2 BY MS. EKL:

3 Q. That's two different -- that's two  
4 different things.

5 My question is -- so whether it's a  
6 short leash or a long leash, so we're talking --  
7 we use your example and say CPD gave the FBI a  
8 short leash, assuming that they were able to do  
9 that, in either scenario, they're waiting until  
10 the FBI concludes their investigation before they  
11 take the action, correct?

12 A. It's the period of time that I don't  
13 want to agree to.

14 There could be a conversation where  
15 you say, I need three days, or I need three weeks.  
16 That's a different story. You know, it could  
17 be -- and it's a balance. It's a balance of what  
18 the allegations are and how close you are to  
19 proving them, or at least having probable cause.  
20 An officer doing very violent things on the street  
21 is not going to be there very long, whether you  
22 can put the case on them or not, a criminal case  
23 on them. That's just a fact. That's how the  
24 program operates, and that's how it should

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1 operate.

2 Q. Let's go -- let's go back to my  
3 question --

4 MR. HILKE: Wait. Sorry. I just --  
5 Jeff, were you done with your answer?

6 THE WITNESS: Yeah, basically. I'm  
7 sorry.

8 BY MS. EKL:

9 Q. So, again, I'm trying to strip this  
10 down. So we're taking aside the length of time.  
11 So it's not -- it's something you're comfortable  
12 with, say the length of time is 48 hours, where  
13 the law enforcement agency brings in the FBI and  
14 says, we have -- we think we may have -- we have  
15 an allegation of a bad apple. For all of the  
16 reasons that we've talked about during this  
17 deposition, it's important to have an outside  
18 agency come in with their resources to investigate  
19 and try to gather evidence to determine whether or  
20 not there's merit to that allegation.

21 Would you agree that under that  
22 scenario -- under any scenario, that the law  
23 enforcement agency should wait until the  
24 conclusion of that investigation by the FBI before

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1     **they take their administrative steps, because once**  
2     **they take those steps, the investigation is over?**

3             MR. HILKE: Object to form.

4             Go ahead.

5             THE WITNESS: No, I don't agree, because  
6     you said "anytime." That's not correct. And even  
7     ask -- even making a decision to not do anything,  
8     right -- like, the FBI receives the allegations,  
9     one of our options is to go straight to the police  
10    department and refer it to IAD. Why don't we do  
11    that? Why don't we just go straight to them?  
12    Because whatever is being alleged possibly  
13    requires the investigation and balancing against  
14    what's going on on the street versus what --  
15    what -- the length of time it's going to take to  
16    try to resolve it is a calculated -- is something  
17    that's calculated and -- and -- you know, the  
18    issue is a good one, because it is the subject of  
19    a lot of discussion on the people who work these  
20    cases and the case you brought up with me.

21             I mean, you're leaving a police  
22    officer -- you're leaving these law enforcement  
23    agents or their prison guards, so they're just  
24    bringing cell phones in. You know, we don't know.

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1 But you're risking -- quite frankly, you're  
2 risking what do we not know that they're bringing  
3 in? Would they bring in a gun? And what if they  
4 bring in a gun while we're messing with these  
5 other people? So let's get this figured out.

6 And you just don't abandon it and  
7 hope either. You start -- this is the most  
8 important thing, really: You start building in  
9 breaks and safeguards to the public. So how do we  
10 know the guy's not bringing in a gun? Well, we  
11 start looking at him. We assign somebody to look  
12 at him and say, does he have access to guns? Does  
13 he deal in guns? If he does, there might be an  
14 intervention taken to remove him. But there's at  
15 least an assessment or something done to insulate  
16 the public or inmate from it.

17 And that is all part of the  
18 calculus about how long you can wait in a police  
19 corruption case. And, you know, I'm more than  
20 willing to concede, yes, the FBI might verbally  
21 ask for a period of time, and they might get it  
22 where administrative action is held in abeyance.  
23 But that is always measured against the activity  
24 and the impact on the public. And I think that's

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1 pretty much what you were asking.

2 BY MS. EKL:

3 Q. Sort of. I mean, again, I keep trying  
4 to get you to take out of the calculus -- I  
5 understand that you're saying there are factors  
6 that assist in determining how long you can wait  
7 until, basically, the administrative action takes  
8 place and the target becomes aware of the  
9 investigation. And that if there's, you know,  
10 say, the person out there shooting -- you know,  
11 shooting at people, then, obviously, there's an  
12 immediate -- that's using an extreme example --  
13 there's an immediate danger to the public. You  
14 can't even say, give us 24 hours. He's out  
15 shooting, we got to move in?

16 A. Correct.

17 Q. I'm saying taking aside this -- taking  
18 aside the why for the timing, my question is, once  
19 you have the administrative action, would you  
20 agree with me that your investigation is, then,  
21 compromised? Once the target knows through an  
22 administrative action that they're being accused  
23 of allegations and the evidence against them, your  
24 investigation is now going to be basically

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1 **destroyed, correct?**

2 A. If it's -- it's not cut and dry. It's  
3 not black-and-white like that. It's much more  
4 nuanced than that.

5 Could it be a result? It could  
6 certainly be. No question about it. It depends  
7 on what the IA referral is, what they actually do,  
8 who they actually talk to and how -- how  
9 susceptible the officer perceives they are to  
10 harm. If they think they can unwind and -- or  
11 avoid any kind of liability or scrutiny in an  
12 Internal Affairs case, they might be pretty brazen  
13 about it.

14 There are cases where they have --  
15 you can investigate an officer for all kinds of  
16 things that they would expect to be investigated  
17 for while you have your undercover going. I  
18 think, the -- the -- well, the unique thing here,  
19 and it is pretty unique, it's -- you don't bring  
20 in -- now, Chicago PD, maybe it's because they're  
21 so big, New York PD is huge -- the police agencies  
22 here are very, very large too. But you -- you  
23 wouldn't bring in that agency to work a case on  
24 that agency just for all of the things that came

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1 up in this.

2 So they wouldn't have the burden in  
3 a lot of cases under the way that I'm -- my  
4 understanding and my experience was that the  
5 police department, then, doesn't have the burden  
6 of balancing, should I do something and blow their  
7 case up. They don't have that burden until you  
8 place it on them as -- as the FBI you go in and  
9 disclose the case to them.

10 **Q. And so if the FBI is brought -- is**  
11 **either brought in because they're asked by the**  
12 **local law enforcement agency, or they start an**  
13 **investigation on their own in the example you gave**  
14 **of, you know, someone coming and saying, you**  
15 **should look into this officer. No matter why it**  
16 **starts, would you agree that in general, even**  
17 **taking aside the written memorandum of**  
18 **understanding, that there should be an**  
19 **understanding between those two agencies that the**  
20 **FBI is going to control the investigation while**  
21 **it's pending in terms of the criminal aspect of**  
22 **it?**

23 A. No. The FBI is -- it's going to be an  
24 FBI case, but, you know, these are -- a joint

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1 case, the fastest way to get divorced is to -- is  
2 to say it's my way or the highway; they're  
3 leaving. So they got to be cut in on a lot of  
4 these decisions and how things are done. This  
5 would all be being asked about in the real world.  
6 Like, you'd be asking these IAD sergeants, when  
7 are we going to cut this thing?

8 **Q. When you talked about how at any point**  
9 **in time the FBI can turn it back to IAD, again, is**  
10 **it the -- well, let me ask you this: Is it the**  
11 **FBI who is performing the calculus that you're**  
12 **talking about, in terms of deciding, look, we are**  
13 **now at a point where there's a danger to the**  
14 **community, and this needs to go to IAD for**  
15 **immediate action versus the criminal case?**

16 A. If I --

17 MR. HILKE: Just objection to form, just  
18 for the record.

19 You can answer.

20 THE WITNESS: In the case where they  
21 don't know about it?

22 BY MS. EKL:

23 **Q. I'm sorry. Don't know about what?**

24 A. Don't know about your investigation.



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1           **Q.    No, they're involved. So the FBI is**  
2 **involved in an investigation. Is it their**  
3 **calculus that at that point in time to say, look,**  
4 **this -- this target, this officer is a danger to**  
5 **the community. We don't have enough evidence to**  
6 **prosecute him criminally, so we're going to turn**  
7 **it back to you administratively?**

8           MR. HILKE: Same objection.

9           Go ahead.

10          THE WITNESS: If the police department  
11 doesn't know about the case, if they don't know  
12 about it, so -- and that's most police corruption  
13 cases. You have an allegation about somebody in a  
14 police department, and you -- the FBI -- it meets  
15 the predication, and you're able to at least  
16 corroborate something and be able to move forward  
17 on a case with a plan, a short-term plan usually,  
18 and the police department has no idea that you're  
19 looking at one of their people. And you might be  
20 having lunch with the chief the next day, that  
21 you're not telling them.

22                 So -- and I could tell you your  
23 boss is probably having lunch with them, and  
24 somebody is probably going to one of the officer's

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1 weddings. You know, that's the kind of things you  
2 have in law enforcement. So you -- they don't  
3 know. We don't tell other agents most of the  
4 time. These cases are restricted. So there's --  
5 I'm trying to explain: These are very different  
6 cases in the FBI. They're not classified  
7 information, but they're highly restricted. So  
8 the fact that we're looking at an officer, we  
9 don't talk about it a lot in most FBI bays. So  
10 open bays or -- that's kept very quiet. The cases  
11 is restricted so in case somebody searches,  
12 they're not going to see that officer's name.

13 Your squad mates probably know, but  
14 they don't know what you're doing operationally.  
15 You try to keep it under wraps, because you can't  
16 let the information leak out. That's the way most  
17 cases are operated. So that's why I'm saying that  
18 in that scenario, the normal scenario, it's not  
19 what's going on here. Normal scenario is the  
20 agency doesn't know, so then the calculus is on  
21 you. It's on you.

22 BY MS. EKL:

23 Q. "On you" being -- who are you referring  
24 to when you say "on you"?

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1           A.     I'm referring to me, the FBI supervisor.

2                     So I'm the one deciding, listen,  
3     things are getting -- this is -- this is too hot.  
4     My boss would be involved in that decision, the  
5     case agent. But your -- you have some skin in the  
6     game at that point as far as leaving the officer  
7     out there without telling somebody, just for  
8     public safety.

9                     And, sure, you could work a case.  
10    You know, it depends on what the guy is doing, or  
11    the gal is doing. It depends how long you would  
12    wait, what you would tell, when would you tell.  
13    In our case, which is, basically, 20 -- 20 law  
14    enforcement officials going to prison, the way  
15    that -- and I'm just giving you the most -- the  
16    most -- that's what I do with my report. I try to  
17    contextualize, so that what happened -- the facts  
18    as you -- as they're developed -- I'm not  
19    developing the facts -- as they seem to be  
20    developed or evidence comes out, it can be looked  
21    at through the optic of somebody with experience.

22                     So that's all I'm really trying to  
23    do with my report. And --

24           **Q.     Let me ask you -- sorry. I was going to**

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1     **say, let me ask you some questions.**

2                     **Would you agree that the FBI's goal**  
3     **in an investigation is to gather sufficient**  
4     **evidence by lawful means to convict people who are**  
5     **guilty of public corruption?**

6             A.     Or decline the case or close it or  
7     realize they're not guilty or can't prove it or --  
8     it's not primarily to -- to prosecute the case.  
9     There's a small percentage that get prosecuted of  
10    our open investigations. And police -- and  
11    corruption in general, the vast majority are not  
12    prosecuted. The vast -- the -- very few are  
13    prosecuted. And a limited amount make it through  
14    to being open cases, in fact.

15            **Q.     Well -- and for the cases where you**  
16    **don't have enough evidence that someone doesn't**  
17    **get prosecuted, then the person's left out there**  
18    **to continue to commit crimes, correct?**

19            A.     Not -- not necessarily. You can refer  
20    it to the Internal Affairs, and that's usually the  
21    course of action.

22            **Q.     Okay.**

23            A.     You certainly could just leave them out  
24    there.

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1           **Q.     And if you refer something to Internal**  
2           **Affairs in order for action to be taken, there**  
3           **still has to be evidence -- we talked about this**  
4           **before -- to support the allegations, correct?**

5           MR. HILKE:   Same objection of form and  
6           foundation.

7                     You can answer.

8           THE WITNESS:   That's generally my  
9           understanding.

10          BY MS. EKL:

11           **Q.     Okay.   So if you refer something to IAD,**  
12           **and there's no evidence to support the allegation,**  
13           **it's not going to stop the corruption by IAD doing**  
14           **anything -- IAD won't be able to do anything to**  
15           **stop the correction, correct?**

16          A.    No, it's the opposite.

17                     IAD -- people -- the cops are  
18           really afraid of IAD.   Regardless of their union  
19           contract, regardless of attorneys, they are --  
20           they are very fearful of IAD.   And an IAD  
21           investigation carries a lot of weight, if the --  
22           if the department is operating under normal  
23           circumstances.

24           **Q.     If an individual officer has an**

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1     accusation against him, an IAD looks into that  
2     accusation but has no evidence to support it so  
3     that the officer can't be disciplined, because  
4     there's no -- there's no evidence to support it.  
5     So he's -- it's not sustained, or it's unfounded  
6     and he's on the streets again, wouldn't you agree  
7     with me that that may embolden that officer to  
8     believe that he can get away with the crime,  
9     because, look, there was a complaint, and I got  
10    away with it, and the more times it happens, the  
11    more emboldened he may become?

12         A.    It could embolden him, or it could shut  
13    that activity down.

14         Q.    Isn't the best-case scenario, whether  
15    you're talking about investigating someone for a  
16    crime or IAD looking into an internal violation,  
17    that you have evidence to support whatever the  
18    allegation is?

19         A.    Yeah, you would -- I would hope so.  
20    You'd want evidence to support it if you're going  
21    to take action.

22         Q.    Right. So in this case, ultimately -- I  
23    know you have a -- I know that you have a belief  
24    about the length of time it took. But ultimately,

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1     **Ronald Watts, you were aware of, and Kallatt**  
2     **Mohammed, they were arrested and pled guilty to**  
3     **certain crimes, and they subsequently lost their**  
4     **jobs with CPD, and we know they're not going to**  
5     **get jobs as law enforcement officers, correct?**

6           A.     Yeah, I know all of that.

7           **Q.     Okay. So they're -- the best-case**  
8     **scenario is they are no longer out in the public**  
9     **able to harm the public in any way, correct?**

10          A.     It was -- I guess, isn't this -- I take  
11     it that this case is about the damage done along  
12     the way and that these charges could have been  
13     brought earlier or that something else could have  
14     been done earlier.

15          **Q.     Okay. So let me ask you this: What**  
16     **evidence do you have that there was -- or when do**  
17     **you think that sufficient evidence had been**  
18     **gathered to, let's start with the criminal side of**  
19     **it, enable an earlier charge to be brought against**  
20     **Watts or any of the other officers?**

21               MR. HILKE: Object to form.

22               You can answer.

23               THE WITNESS: Well, you know, you're  
24     asking me to put on a different hat, like a

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1 criminal investigator or an IAD investigator.

2 So -- I mean, I would start with how I started on  
3 this case. The opening scene of the opening act  
4 of this case that I reviewed was of significant  
5 impact on me that I started off having a hard time  
6 believing -- I had to read it twice to make sure  
7 there wasn't something else. And I have to tell  
8 you, through every single other thing I read, I  
9 was looking for resolution of some of these  
10 things.

11 So in that first act, you have --  
12 you have a police vehicle chasing across a  
13 field -- which I'm thinking is a field between two  
14 buildings -- but is chasing a civilian vehicle at  
15 a high speed, and at such a high speed that it  
16 wrecks into an innocent third-party's car.

17 And then you have the report from  
18 the victim being falsified, that one vehicle is  
19 being towed that's not being towed that another  
20 vehicle hit, all to cover these police officers.

21 This is, like, brazen -- this is --  
22 just that activity could have been investigated  
23 and resulted in charges. So we're talking about  
24 hypothetically or -- or just the facts that I had



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1 available and what -- you know, when do I think  
2 something could have been done? In June of 2004,  
3 in that first traffic wreck. And as soon as you  
4 start looking into it, you start realizing, why  
5 are they chasing this guy? Who is he? And you  
6 realize, the guy they're chasing is the number one  
7 drug dealer in the whole area, and he's somehow  
8 related to the guy who's changing -- he's friends  
9 with the officer who's changing -- having the  
10 report changed. I mean, it's -- right away, you  
11 have so much going on there.

12 So if you're asking me when I  
13 think, I think it was -- in the first scene of the  
14 first act of this thing, from my view, if you're  
15 asking my opinion.

16 BY MS. EKL:

17 **Q. Let's pull up -- so I think in your**  
18 **report -- and, again -- and you're talking about**  
19 **where you reference Phase 11, correct? From the**  
20 **first piece of information that you reference --**  
21 **and this is on page 13 of your report -- is a**  
22 **July 21st, 2004, letter by a person by the name of**  
23 **Ron Henley.**

24 MR. HILKE: Sorry, Beth. Will you give

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1 me the Bates? I want to get it pulled up before  
2 you start asking about this.

3 MS. EKL: Yeah. There's -- we'll use  
4 Baker Glenn 10863.

5 MR. HILKE: Thanks. Let me actually get  
6 it up here, please.

7 MS. EKL: Yeah, I'm just going to mark  
8 it.

9 And for our record, we'll mark this  
10 as Exhibit No. 6.

11 (Deposition Exhibit No. 6 was  
12 marked for identification.)

13 MS. EKL: Let me know when you're ready.

14 MR. HILKE: It's loading, but it will  
15 take it a second to load now.

16 THE WITNESS: I have it. Thank you.  
17 BY MS. EKL:

18 **Q. All right. Mr. Danik, looking at**  
19 **Exhibit No. 6, do you recognize this document?**

20 A. Yes, ma'am.

21 **Q. And is this the July 21st, 2004,**  
22 **Ron Henley letter that you reference on page 13 of**  
23 **your report?**

24 **And if you need to put your report**

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1 in front of you, just so you can juxtapose both of  
2 them, feel free to do that.

3 A. This is his letter, right?

4 Q. That's what I'm asking you. Is this the  
5 letter that you're referencing in your report?

6 A. It's -- yeah, it's the incident, yes.

7 Q. Okay. And this is the incident that  
8 you're referencing -- well, let me ask you first  
9 off: What's your understanding about who Ron  
10 Henley is?

11 A. He's a citizen of Chicago who had his  
12 car hit by a police officer on that day.

13 Q. And he references a person by the name  
14 of Patrick Nooner, correct?

15 A. Correct.

16 Q. Do you have an understanding as to who  
17 Patrick Nooner was?

18 A. From the records, yes. Independently,  
19 no, none.

20 Q. Okay. What's your understanding about  
21 who Patrick Nooner was?

22 A. Patrick Nooner is -- Patrick Nooner is  
23 one of the major drug dealers -- from the record,  
24 that's not me saying it factually -- from the

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1 records I was given, the major drug dealer in the  
2 housing projects there based on the write-ups that  
3 were in the documents I was given.

4 **Q. Do you know what, if anything, was done**  
5 **with this letter when it came in?**

6 A. By the Chicago PD?

7 **Q. Correct.**

8 A. Not offhand. I can't remember if there  
9 was anything in there about it.

10 **Q. Okay. And do you know if it was in --**  
11 **if this incident was investigated?**

12 A. I don't know if it was investigated.

13 **Q. Do you know if Ron Henley provided a**  
14 **statement, other than this letter, to IAD or any**  
15 **other investigative agency within CPD about what**  
16 **he's alleging in this July 21st, 2004, letter?**

17 A. I only have what's in the record. So if  
18 it wasn't in there, I wouldn't have seen it.

19 **Q. My question is, as you sit here, do you**  
20 **recall seeing anything like that?**

21 A. No -- well, was this case investigated?  
22 I -- I don't think I saw the -- the resolution of  
23 this that -- that there was some explanation as to  
24 why there was this chase. Why there wasn't an

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1 arrest. Was it official police action, or was it  
2 something not a police action?

3 These are the kinds of things I'm  
4 saying aren't in the record. It just has this,  
5 kind of, unusual incident being reported, and an  
6 upset citizen. And no -- if he would have gotten  
7 a check from Chicago PD or had something given to  
8 him, I would have hoped it was in the record for  
9 completeness. But doesn't his letter -- or what's  
10 in the record is he's never heard back from Watts,  
11 and no one is calling him, and he doesn't have any  
12 money to fix his car.

13 **Q. What you have in front of you is an**  
14 **allegation, correct?**

15 A. Allegations by Henley?

16 **Q. Correct. You have an allegation by**  
17 **Henley, correct?**

18 A. There -- he's writing this letter and  
19 saying he has pictures and all of these kinds of  
20 things, so it's a little more than -- but it's  
21 still allegations, yes.

22 **Q. Do you know anything about Ron Henley's**  
23 **credibility?**

24 A. I made no credibility assessments. I'm

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1 just taking it at its face value. So...

2 Q. Would you charge someone with a crime  
3 based on a letter that you received from a  
4 citizen?

5 A. Probably not.

6 Q. The next thing you reference in your  
7 letter -- I mean, in your report, and this is on  
8 page 14, is that a couple of months later, a  
9 memo -- a To/From, from Holliday, dated  
10 September 17, 2004. And this is Bates -- I'm  
11 pulling up -- the next exhibit will be  
12 Bates-stamped Baker Glenn 18627.

13 MR. HILKE: Thanks. Give me one second  
14 on that.

15 MS. EKL: When I flip over the exhibits,  
16 did it switch? Can you see it now, the new  
17 exhibit, or is it still showing the old one?

18 MR. HILKE: I see the new one here.

19 Give me just -- this is just a  
20 one-pager, right?

21 MS. EKL: Correct.

22 MR. HILKE: I'll use your copy. Thanks.

23 MS. EKL: All right. We'll mark this as  
24 Exhibit No. 7.

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1 (Deposition Exhibit No. 7 was  
2 marked for identification.)

3 BY MS. EKL:

4 Q. Mr. Danik, do you recognize this  
5 document?

6 A. It says "Exhibit 1" on the top of it?

7 Q. Correct. On the right-hand side. But  
8 we're marking it for purpose of your deposition as  
9 Exhibit No. 7.

10 A. Okay. Yes. I'm looking at a To/From  
11 report, right, September 17th, 2004.

12 Q. Correct.

13 A. Yes, I see it. And I -- I generally  
14 recognize it as something I had.

15 Q. Okay. On page 14 of your report, is  
16 this the next document that you reference in your  
17 report, that's the To/From from Holliday that is  
18 dated September 17th of 2004?

19 A. I think so. I think so. I would have  
20 to go and look, if you want me to make absolutely  
21 sure. I think it is.

22 Q. Do you have your report in front of you?

23 A. What page is it, ma'am? Yes, I have it.

24 Q. Page 14, if that will assist you in

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1 **being able to identify it. Please take a look.**

2 MR. HILKE: After this exhibit, another  
3 comfort break would be appreciated.

4 MS. EKL: Certainly.

5 THE WITNESS: May 21 at page 14 -- oh,  
6 okay, at the top of 14. Yes. I think that's it,  
7 yes, ma'am.

8 BY MS. EKL:

9 Q. And would you agree with me that this is  
10 a couple of months after that letter came in from  
11 Ron Henley, correct?

12 A. Yes.

13 Q. And it references a complaint register  
14 number and a confidential number, correct?

15 A. Yes.

16 Q. What is your understanding of what a  
17 complaint register number is?

18 A. From the -- from the documents, is my  
19 only understanding, and that's -- it's an official  
20 entry in their recordkeeping system of IAD.  
21 They -- that's their administrative function of  
22 opening a case and assigning a number. So  
23 something they're looking into, it has that  
24 number.



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1           Q.    And the author of this report, Calvin  
2 Holliday, does this document indicate that he  
3 is -- that he is an employee of the Internal  
4 Affairs Division, Confidential Investigation  
5 Section?

6           A.    Yes.

7           Q.    This report states that on  
8 September 16th, 2004, the undersigned agent was  
9 made aware of unknown public housing unit officers  
10 taking, in parentheses, tax money from drug  
11 dealers, allowing them to sell their product.

12                   Do you see that?

13          A.    Yes.

14          Q.    It goes on in the next paragraph to talk  
15 about a CI, correct?

16          A.    Yes.

17          Q.    And that's referring to a cooperating  
18 individual?

19          A.    Somebody that the police department  
20 doesn't want to name in this written document, it  
21 refers to.

22          Q.    Based on the documents that you've  
23 reviewed, in total, were you able to determine who  
24 the CI is that's referenced in this September 17th

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1 memo?

2 A. No, not necessarily. I -- I had some,  
3 kind of, guesses as to who it could be.

4 Q. Okay. In any event, would you agree  
5 with me that the memo indicates that according to  
6 the CI, the officers had approached him and  
7 requested payment for his doing business, selling  
8 drugs in their area?

9 A. Yes, that's what it says.

10 Q. Does that support that the person who is  
11 the CI is basically admitting to selling drugs in  
12 the area?

13 A. The CI is admitting to selling drugs,  
14 yes. That was common that people were admitting  
15 to selling drugs.

16 Q. And he references many of the large drug  
17 dealers in the area are paying tax, in  
18 parentheses, money, to these officers, correct?

19 A. Yes.

20 Q. So he's referencing that he, at least,  
21 has a belief that other large drug dealers are  
22 also paying money to the officers, correct?

23 A. Yes.

24 MR. HILKE: Sorry. Just object to form.

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1 And you can answer.

2 THE WITNESS: Sorry about that.

3 Yes.

4 BY MS. EKL:

5 Q. The targeted public at that time, would  
6 you agree, was drug dealers, at least as  
7 referenced in this memo?

8 MR. HILKE: Object to form.

9 THE WITNESS: Run that by me one time,  
10 ma'am. I'm sorry. I was --

11 BY MS. EKL:

12 Q. Sure. Sure.

13 So assuming that this is -- you  
14 know, this information is correct, according to  
15 the CI, the public that is being targeted by the  
16 officers at issue are drug dealers, correct?

17 MR. HILKE: Same objection.

18 THE WITNESS: No. The victim in this  
19 allegation is the public, not -- it's the -- it's  
20 the drug dealer, yes, but it's also the public,  
21 and there could be more victims besides that. Is  
22 that your question?

23 BY MS. EKL:

24 Q. Well, I'm not asking you a hypothetical

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1     **about there could be other victims.**

2                     **I'm saying according to the**  
3     **information in this document -- so not other**  
4     **speculative information. But the information**  
5     **being provided and that's being documented by the**  
6     **Internal Affairs Division, is that it's -- that**  
7     **the victims of this are drug dealers, correct?**

8             MR. HILKE: Same objection.

9             THE WITNESS: They're one of the  
10    victims.

11    BY MS. EKL:

12            **Q. Point to me in this memo where it**  
13    **indicates that anyone other than a drug dealer is**  
14    **a victim of the alleged misconduct?**

15            A. It's just common sense, ma'am. The --  
16    if this information is true, drugs are -- that  
17    shouldn't be on the street are working their way  
18    into these housing projects that shouldn't be  
19    there. The public is being victimized is the end  
20    result of this.

21            **Q. Let me --**

22            A. Any law enforcement -- that's a normal  
23    law enforcement officer response to what's being  
24    told there. You know, that's all I can give you.

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1           **Q.     Let me ask this a different way.**

2                       **This is an allegation against some**  
3 **police officers, correct?**

4           A.     Yes.

5           **Q.     And the misconduct by the police**  
6 **officers is not that they are selling or in any**  
7 **way injecting drugs into the community, correct?**

8           A.     By allowing it to be dealt, that's  
9 exactly what they're doing. By allowing others to  
10 sell and taking a piece of it, yeah, they're  
11 putting drugs on the street. That's exactly what  
12 they're doing.

13           **Q.     All right. Would you agree with me**  
14 **that, at least based on this document, that the**  
15 **information was not ignored by the Internal**  
16 **Affairs Division?**

17           A.     Well, they did write it up and put it  
18 into their report and -- and recorded in the CR  
19 number, so it's not like they ignored it. They  
20 told the guy, go away, we don't want to hear it.

21           **Q.     And there's no allegation in this memo**  
22 **that any of the drug dealers were being framed by**  
23 **the officers, correct?**

24           A.     You got -- you got one of them being

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1 shot at by them. But I don't know about this  
2 particular CI saying that there was planting of  
3 evidence in this -- yeah, there's nothing about  
4 planting the drugs in this memo, correct.

5 **Q. I'm showing you the next exhibit --**

6 MR. HILKE: Could we actually take our  
7 break now?

8 MS. EKL: Oh, I'm sorry. Yep. Yep.  
9 Sorry. I forgot.

10 It's 2:40. Five minutes enough, or  
11 do you need more?

12 MR. HILKE: Is that good for you, Jeff?

13 THE WITNESS: Yeah, fine.

14 MR. HILKE: That's good for me.

15 (A short recess was taken.)

16 BY MS. EKL:

17 **Q. Incidentally, when you were in the FBI,**  
18 **you were obviously trained -- received training on**  
19 **how to write police reports, correct?**

20 A. Case reports?

21 **Q. Correct.**

22 A. Yes. Yes, ma'am.

23 **Q. I meant case reports, yes.**

24 A. Yes.

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1           Q.    Is it fair to say that words like  
2    "stunning" are words that you would not -- that  
3    you would be -- you were trained are not  
4    appropriate in a case report?

5           A.    In a -- well, yeah, the case reports  
6    have to do with -- yeah, I'm taking that you mean  
7    a report -- I interview somebody -- or an agent  
8    interviews someone, and they write down and type a  
9    report of what they said. So it's what they say,  
10   not what I say.

11          Q.    I'm saying if you're writing a report  
12    memorializing, whether it's an investigation or  
13    your view of an interview being not the  
14    interviewee's words, so your summary of an  
15    interview, in general, your -- you were trained on  
16    how to write reports in the course of your job,  
17    that's my first question, correct?

18          A.    Yeah. I mean, most of it's on the job,  
19    but, yes.

20          Q.    Okay. And using words like -- using  
21    words to describe evidence as "stunning," would  
22    you agree that that would be something that is not  
23    allowable in an FBI report unless it's being --  
24    you're quoting someone else as saying that?

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1           A.    I don't -- I'm not aware that it's  
2 prohibited from using that. I've seen some  
3 language like that. But it's not -- I mean, it --  
4 there's not that much that would stun an agent.  
5 It would have to be something significant. So  
6 they don't use the word, but they could use it.  
7 You don't see it a lot. Is that your point?  
8 There's no prohibition. There's no section that  
9 says you can't use these words -- well, there  
10 probably is a section that says you can't use  
11 these words, but you know what they are already.

12           **Q.    Are you allowed to inject personal**  
13 **opinion into reports when you write them for the**  
14 **FBI?**

15           A.    Well, personal, it's your -- it's your  
16 opinion, but maybe not, like, your personal  
17 opinion; meaning, off-duty opinion, religious  
18 opinion. But your opinion is often asked for in  
19 written reports or in written documents of the  
20 FBI.

21                       What's your opinion of what we  
22 should be doing the next 60 days. Write it down.  
23 Make agents do that all the time.

24           **Q.    Fair enough.**



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1                   **If you wrote down -- if you**  
2                   **described evidence as "stunning" in a report,**  
3                   **would you expect that when you -- before you were**  
4                   **a supervisor and when you were an agent, that your**  
5                   **supervisor would tell you, you need to change your**  
6                   **report?**

7           A.     No.

8           **Q.     Have you ever, at any point in time in**  
9           **your career, referred to evidence as "stunning"?**

10          A.     I might have referred --

11          **Q.     In a report?**

12          A.     I wrote so many reports. But I -- I may  
13          have used worse language than that or better  
14          language.

15          **Q.     Take a look at Exhibit No. 8, which I**  
16          **will share with you.**

17                 MS. EKL: Again, for the record, this is  
18          Baker Glenn 186238. It is a memo, dated  
19          September 21st, 2004, and it purports to be from  
20          Police Agent Calvin Holliday to the Internal  
21          Affairs Division.

22                                 (Deposition Exhibit No. 8 was  
23                                 marked for identification.)  
24

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1 BY MS. EKL:

2 Q. Do you recognize this document?

3 A. Yes, ma'am.

4 Q. And is this the next document that's  
5 referred to on page 14 of your report?

6 A. Can I take a quick look just to make  
7 sure?

8 Q. Of course.

9 A. 21 -- should be it, yes, ma'am.

10 Q. Would you agree with me that this is a  
11 report, as you state in your report that was -- or  
12 a memo that was prepared four days after Mr. --  
13 Officer Holliday's September 17, 2004, report in  
14 which he talked about officers requiring drug  
15 dealers to pay a tax?

16 A. Yes.

17 Q. And the September 21st report documents  
18 a meeting with representatives from the United  
19 States Attorney's Office, the Federal Bureau of  
20 Investigations, the DEA, the ATF, and the CPD, to  
21 determine whether or not the allegations would  
22 be -- would be subject to a federally prosecuted  
23 investigation?

24 A. Yes.

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1           **Q.    And do you have any criticism about the**  
2 **fact that there was a meeting called between these**  
3 **different agencies to investigate the allegation**  
4 **that was made in the public housing unit of money**  
5 **from drug dealers being taken by police officers?**

6           A.    Do I have criticism?

7           **Q.    Right.**

8           A.    No. I think I pointed this memo out  
9 primarily -- well, one of the reasons I pointed it  
10 out was because it was good. It was -- it was a  
11 fast pace to a significant response. I thought it  
12 was a good thing for -- well, that was one of the  
13 parts of referencing it.

14           **Q.    And as you said, not only about the**  
15 **pace, but earlier, the fact that CPD recognized**  
16 **this was a police officer within their own law**  
17 **enforcement agency. It was a proper step for them**  
18 **to reach out to the FBI and the other agencies for**  
19 **assistance in investigating, correct?**

20           A.    Sure. Yes.

21           **Q.    Would you agree that on this date of**  
22 **September 21st, 2004, that based on the**  
23 **information we have in the two memos alone, that**  
24 **IAD did not have a basis to seek to --**

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1 **administrative charges against any officer?**

2 MR. HILKE: Objection. Form.

3 Foundation.

4 You can answer.

5 THE WITNESS: Yeah, again, you're asking  
6 about the Chicago Police Department, and I'm not  
7 trained in their --

8 BY MS. EKL:

9 Q. So are you saying you don't have -- I  
10 mean, you don't have enough expertise or knowledge  
11 to provide opinions related to when the Chicago  
12 Police Department should administratively move  
13 forward with charges against an officer?

14 A. No --

15 MR. HILKE: Same objection.

16 THE WITNESS: I'm sorry.

17 MR. HILKE: No, go ahead.

18 THE WITNESS: That's not what I'm  
19 saying.

20 I'm -- it's -- to me, your  
21 question -- and I might have misunderstood it --  
22 was trying -- that I would have a foundation of --  
23 of the internal policy of the Chicago Police  
24 Department. I don't -- I don't have -- I haven't

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1 read their internal policies and how they're  
2 supposed to investigate these matters.

3 Do they -- does -- is there  
4 enough -- if there's enough -- I can tell you  
5 this: If there's enough information to open a  
6 criminal investigation, there's always enough  
7 information to open an administrative. There's --  
8 there's -- I can't think of a single example where  
9 that wouldn't be the case.

10 So you can -- if you're referring  
11 it to the FBI, you absolutely could have an  
12 internal on it, either at the same time or  
13 tracking it, something.

14 BY MS. EKL:

15 Q. And that's not -- that's not my  
16 question. Because we've already established there  
17 was an internal number -- there was a case opened  
18 by Internal Affairs. We have a case number, and  
19 we have a confidential number, correct?

20 A. Yes, ma'am.

21 Q. Okay. So my question is, is do you  
22 believe that there was enough to for them to move  
23 forward with administrative charges against any  
24 officer?

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1 A. Charges?

2 Q. Yes.

3 A. I don't know. I think you would have to  
4 do more of an investigation. But I -- I wouldn't  
5 have charged them based on that one memo I saw.

6 Q. Okay. That was my question --

7 A. Oh, I'm sorry.

8 Q. -- which is whether or not there was  
9 enough for administrative charges at this point in  
10 time on September 21, 2004?

11 A. Charges being taking, like,  
12 administrative action and holding them guilty or  
13 found -- I took that the wrong way. I thought you  
14 meant initiate.

15 Q. Oh, no.

16 A. Okay. I misunderstood you. I  
17 apologize.

18 No, I don't think there probably  
19 was enough in the record that I saw to do anything  
20 to them that day.

21 Q. Okay. And there, obviously, wasn't  
22 enough to charge them with a crime on  
23 September 21, 2004, correct?

24 A. I -- I don't think they had enough on

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1 that day, no.

2 Q. Okay. Let's take a look at the next  
3 exhibit that's referenced in your report, which is  
4 the 9 -- so the March 9, 2005 To/From memo from  
5 Holliday. I'll get you the Bates-stamp number in  
6 a second.

7 It's a three-page document. I'll  
8 pull it up in a second, but it's Bates-stamped  
9 Baker Glenn 18629 through 18631.

10 MR. HILKE: Okay. Give me one second to  
11 pull it up, please.

12 MS. EKL: Sure.

13 MR. HILKE: I'm at home, so it's just  
14 connecting to network to pull it up here.

15 THE WITNESS: I have the name of that  
16 deposition, too. I looked -- I looked it up on  
17 break, as you requested.

18 MS. EKL: Oh, great. Can you go ahead  
19 and let us know who that is while we wait for that  
20 document to pull up?

21 THE WITNESS: Timothy Moore.

22 MS. EKL: Okay.

23 THE WITNESS: I referenced it in the  
24 report. I referenced something he said in the

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1 report, I think.

2 MS. EKL: You did. You did.

3 MR. HILKE: Okay. Thanks. I got it.

4 Thanks for waiting.

5 BY MS. EKL:

6 Q. Mr. Danik, do you recognize the document  
7 that I have marked -- or that I will mark as  
8 Exhibit No. 9, which is a March 9, 2005, memo from  
9 Calvin Holliday to IAD?

10 (Deposition Exhibit No. 9 was  
11 marked for identification.)

12 THE WITNESS: Yes. Yes, I do recognize  
13 it.

14 BY MS. EKL:

15 Q. Okay. And as I indicated, it's a  
16 three-page memo with the subject, "Integrity  
17 check," and an allegation that reads, "It is  
18 alleged, while assigned to Unit 715, Sergeant  
19 Ronald Watts, Star No. 2640, and Police Officer  
20 Kallatt Mohammed, Star No. 14122, were taxing drug  
21 dealers, in parentheses, taking money, allowing  
22 them to remain in business."

23 Did I read that accurately?

24 A. Yes.



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1           **Q.     Okay. First off, my question to you --**  
2           **and if you need me to zoom in or turn pages, let**  
3           **me know -- but is there anywhere in this**  
4           **particular document, in this memo of March 9,**  
5           **2005, where there's an allegation that any drug**  
6           **dealers are being framed for crimes that they were**  
7           **not committing?**

8                   MR. HILKE: Sorry. You can answer.

9                   But if you need to scroll  
10           through -- through and -- to review it, you can.

11                   THE WITNESS: I might have this one in  
12           my file over here, handy. Can I look here or --  
13           or make this one bigger.

14           BY MS. EKL:

15                   **Q.     I can make it bigger.**

16                   A.     That might be the easiest thing.

17                   **Q.     Just let me know when to scroll.**

18                   A.     Oh, that's nice, yeah. Nice. In fact,  
19           it's in even better resolution.

20                   Okay. You'll have to go down --  
21           this is the integrity check. I'm not -- yeah,  
22           go -- there's a second page or a third page even,  
23           right?

24                   Now, this is -- yeah, this is

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1 mostly the plan for that integrity check. I don't  
2 think it's a full description of the case, so I  
3 don't -- I didn't see it in there, no.

4 **Q. Have you seen any documentation in this**  
5 **case to suggest that an integrity check was**  
6 **actually performed?**

7 A. No.

8 **Q. Okay. And you'll agree with me that**  
9 **this just documents an intent to conduct an**  
10 **integrity check, but it doesn't reflect that it**  
11 **was actually done?**

12 A. It -- yeah, the import of the document  
13 to me was that it was planned and not done. And  
14 don't forget my -- it's the context -- I'm  
15 including it just because of the context of what I  
16 was asked to look at.

17 If the MOU is in force, even if  
18 it's in force as an unwritten agreement back in  
19 the early days, I saw things that would contradict  
20 that. So this unilateral plan, without the FBI  
21 being involved after the FBI case was open for a  
22 year, is the reason I put it in.

23 It's a good plan. It's, you know,  
24 something I would have expected to see, but not if

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1 you were under the impression that you couldn't do  
2 a single thing in the case without the FBI being  
3 the owner and in charge of it. So that's why I  
4 included it.

5 **Q. So if they had actually executed the**  
6 **plan, they would have been, I'll say, in**  
7 **violation, for lack of a better way of saying it,**  
8 **of the MOU, assuming it was in place?**

9 A. It could have been shut down through  
10 that. It could have been shut down for a number  
11 of reasons. It might not have been shut down. I  
12 don't know that -- what happened with this. And I  
13 don't know that I saw it in the record, if  
14 somebody explained what happened with that.

15 This was Holliday wrote this. I  
16 don't know if he's the one who was having a hard  
17 time recalling things from this long ago. I don't  
18 know if he shed light on that. I could look on a  
19 break.

20 **Q. Well, you acknowledge -- and this is in**  
21 **the bold -- the middle of the bold section of your**  
22 **report on page 15, in relation to this memo that**  
23 **if, in fact, the plan had moved forward, it**  
24 **would -- these are your words, quote, burn the**

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1 operation, correct?

2 A. Yes. Most likely, it would burn the  
3 operation if you did the arrest.

4 Q. Right. Right.

5 So let me go -- actually, I need to  
6 flip back to the previous exhibit, which was  
7 Exhibit 8. I just realized I wanted to ask you  
8 about another section of that.

9 The last -- this is a  
10 September 21st, 2004, memo regarding the meeting.  
11 The last line of that memo reads, "The cooperating  
12 individual is to be prosecuted in federal court  
13 and the United State's Attorney's Office believes  
14 they should be in control of everything that  
15 results from his cooperation."

16 Do you see that?

17 A. Yes.

18 Q. What does that language, "United State's  
19 Attorney's Office believes that they should be in  
20 control of everything that results from his  
21 cooperation" indicate to you?

22 A. That's -- you would have to ask them  
23 exactly what they meant by that, as to what was  
24 said in that meeting and what they meant.

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1                   But I'm just giving my experience  
2     in the context of that MOU being in, say it's --  
3     the understanding is in effect. So somebody --  
4     even I don't see any -- I'm just saying that --  
5     okay, so it's -- it is in effect. Does this --  
6     does this have an impact on that assessment? And  
7     so, yeah, in the plain language of it. But I  
8     could tell you that this is -- this is nuanced  
9     words that the U.S. Attorney's Office usually  
10    uses. Not nuanced. Standardized. Boilerplate  
11    kind of words, like we control everything for this  
12    source. That -- they don't want anybody showing  
13    up articulating for the -- maybe I'm saying it the  
14    wrong way.

15                   At sentencing for what this  
16    individual was credited for, the U.S. Attorney's  
17    Office wants to be the main person. They don't  
18    want other people coming in and interfering with  
19    that in the -- in the public venue of the  
20    courtroom.

21                   Behind the team -- behind the  
22    scenes, you can argue with them a lot, and it  
23    happens a lot. And they're used to it, and  
24    they're very accepting of it. But as far as the

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1 final decision, it's theirs, and they just want  
2 everybody to know that. And that's what I'm  
3 taking was actually said there. But it's not as  
4 cut-and-dry. It's just reading that  
5 black-and-white sentence there, in my view.

6 **Q. There's nothing in this memo that**  
7 **suggests -- or that references the United States**  
8 **Attorney's Office referring to sentencing of the**  
9 **CI, correct?**

10 MR. HILKE: Objection to form.

11 You can go ahead.

12 THE WITNESS: Well, it talks about  
13 federal court in the CI. And CIs are -- does it  
14 say CI?

15 The cooperating individual, that's  
16 where this whole thing is headed. They are under  
17 some kind of proffer agreement or case settlement.  
18 They've pled. And so what comes of this  
19 cooperation, the U.S. Attorney's Office gets to  
20 decide how this particular cooperator benefits  
21 from it, if at all. They're the decision-maker --  
22 the final decision-maker.

23 That's, kind of, what they tell you  
24 in these meetings. Not kind of. That is what

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1 they tell you in these meetings.

2 BY MS. EKL:

3 Q. And this is another indication, or at  
4 least it's an indication, of control, basically,  
5 being taken -- or not being given to the CPE in  
6 relation to the CI, correct?

7 A. Now, they have -- what the  
8 U.S. Attorney's Office is never going to say is,  
9 we told -- this means that we told them to not  
10 investigate these officers internally.

11 I can nearly guarantee you they're  
12 going to say that, that, well, we didn't tell them  
13 not to investigate. That's not what this sentence  
14 says.

15 And it means -- it means something  
16 else than that, if you want to -- maybe that's the  
17 best way to approach it.

18 Q. You don't know what was said in the  
19 meeting, correct? All we know is what's on the  
20 paper. Is that what you're saying?

21 A. Correct. Correct.

22 Q. All right. Then let's just move on.

23 Let's look, now, at the April 7th,  
24 2005, interview report of Wilbert Moore. And that

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1 is Bates-stamped Baker Glenn 18618, it's nine  
2 pages, through 18626.

3 Let me know when you're ready. I  
4 know it will take you a minute.

5 A. This one, I've got. You're good to go.

6 Q. All right. Great.

7 MS. EKL: All right. We'll mark this as  
8 Exhibit No. 10.

9 (Deposition Exhibit No. 10 was  
10 marked for identification.)

11 BY MS. EKL:

12 Q. Mr. Danik, do you recognize the document  
13 that I have on the screen right now that has a  
14 title, "Report of Investigation"?

15 A. Yes.

16 Q. And is this the April 7th, 2005, report  
17 that you referenced in your -- on your report on  
18 page 15, that's the interview of Wilbert Moore?

19 A. It should be. Yes, I'm pretty sure.

20 Q. Okay. In your report, you point out  
21 that Wilbert Moore is also known as "Big Shorty,"  
22 correct?

23 A. Yes.

24 Q. And that he admitted to 15 to 20 years



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1 of heroin and cocaine dealing on a daily basis at  
2 IBW, which is Ida B. Wells, correct?

3 A. Correct.

4 Q. And to being a member of the drug gang,  
5 the Gangster Disciples, correct?

6 A. Yep. Yes.

7 Q. And this report that we've marked as  
8 Exhibit No. 10 is a report of an investigation and  
9 an interview that was conducted by ATF, DEA, and  
10 members of the Chicago Police Department, correct?

11 A. Yes.

12 Q. All right. You reference in your  
13 statement -- so this page 15 into 16 -- page 16,  
14 that the statement is -- or this document --  
15 sorry. You say, "No FBI presence is documented  
16 during the lengthy meeting during which Moore  
17 provides a sweeping detailed account of the  
18 massive illicit drug market operated unfettered in  
19 the IBW's housing complex, mostly because Watts is  
20 paid with cash and guns by dealers like him to  
21 allow it to thrive."

22 That an accurate statement from  
23 your report.

24 A. Yes. Am I quoting -- am I saying this

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1 report, or is that in the narrative?

2 Q. I'm saying in your report. And even --  
3 just in general, is that one of the things that  
4 you believe about the report?

5 A. That's one of the things I read in it.

6 Q. Okay. If you -- let me just flip this  
7 real quick to Exhibit 1, which is your report. On  
8 page 16, you say in the second paragraph, "Moore  
9 offered CPD a stunning, detailed witness account  
10 regarding Watts' and Mohammed's corruption."

11 Do you see that?

12 A. Yes.

13 Q. All right. Let me ask you this first,  
14 what is your understanding of the circumstances  
15 under which Moore provided the statement to the  
16 law enforcement officers?

17 A. He was being interviewed related to his  
18 cooperation agreement, or that he had agreed to  
19 cooperate.

20 Is this -- is this one where --  
21 they might have -- one of -- a few of these  
22 reports, you had the advice of rights form. I  
23 don't know -- I would have to look back.

24 Did they arrest him, and then he

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1 gave a statement, or is this --

2 Q. I keep trying to scroll down a little  
3 bit, and I'm making it worse.

4 Directing your attention to  
5 paragraph 2. Do you see where they gave him his  
6 advice to -- he signed an advice of rights and  
7 waiver?

8 A. Yes.

9 Q. Okay. Would you agree -- and I'll flip  
10 to the back page, because it's not a memory  
11 test -- that there are 62 paragraphs to this  
12 memorandum?

13 A. Yeah. And before you switched, I did  
14 see that it must have been through a cooperation  
15 agreement, because they said in there that, here's  
16 your rights, and that we'll tell the  
17 U.S. Attorney's Office, you know, whatever you  
18 told us to -- indicates to me that he was under  
19 some cooperation agreement with the DOJ at that  
20 point.

21 Q. Okay. And the fact that he was under a  
22 cooperation agreement, does that indicate to you  
23 that there was some benefit offered to Moore in  
24 exchange for providing information?

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1           A.     There's no benefit promised. What's  
2     said is that your -- we'll take your information  
3     and we'll consider it, but there's no promises.

4                     Most -- I get what you're saying,  
5     though. Most defendants take that as a potential  
6     benefit, for sure.

7           **Q.     Now, in reference to your statement that**  
8     **it provides that this memo or report details**  
9     **long-term corruption, violent acts by Watts and**  
10    **Mohammed, wouldn't you agree with me that 56 of**  
11    **the 62 paragraphs -- and I can go through them one**  
12    **by one if you want -- involve information from**  
13    **Moore that doesn't relate to Watts?**

14          A.     It doesn't mention him by name, but a  
15     lot of the people in there are people that Watts  
16     has some contact with.

17                     But, true, they move to Watts  
18     specifically at a point in this report. That is  
19     correct, yes.

20          **Q.     And the other paragraphs leading up to**  
21    **that are about other drug dealers involving sales**  
22    **of heroin lines within Ida B. Wells, correct?**  
23    **Along with acts of violence and various shootings,**  
24    **and there was a reference to a murder for hire; is**

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1     **that correct?**

2             A.     Yes.

3             **Q.     Okay.   When we get to page --**  
4     **paragraph 53 -- and I'll just represent to you,**  
5     **this is the first paragraph that mentions Watts --**  
6     **would you agree that this paragraph documents**  
7     **Moore's statement that Watts was taking payments**  
8     **from drug dealers?**

9             A.     Well, no -- well, I mean, does -- it  
10    says what it says.   It's a written report.   But a  
11    lot of these other paragraphs do talk about people  
12    that Watts knows.   I mean, Nooner is all -- Nooner  
13    is the guy that they were chasing in June of 2004  
14    across the empty field that was the opening scene  
15    of the thing.

16                    So here he is again showing up in  
17    Moore's report, who's a cooperator.   He's talking  
18    all about Nooner's major drug activity.   I  
19    think -- is this the report, at one point he says  
20    Nooner had 50 ki's of coke in his white van?  
21    Which is probably the same white van that was from  
22    2014.   And that Moore was in the van with him, and  
23    he had 3 ki's -- 3 kilos of heroin with him.

24                    This is -- according to Moore, this

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1     guy is a major dealer, and he's friends with  
2     Watts.

3           **Q.     Well, Mr. Danik, this does -- this**  
4     **report doesn't say anything about any individual**  
5     **being friends with Watts?**

6           A.     Yes, but the -- the police department  
7     has all this information. We started in '04, and  
8     I don't have any information before '04. So,  
9     yeah, the first few days, you don't have a lot of  
10    information. By the time of this report, there's  
11    a -- I know a lot of information, and I'm  
12    looking -- it's not through a keyhole, but just  
13    the documents I've been given. I can tell -- I  
14    already know about Nooner. I know who half of  
15    these people are. Gaddy -- I know Gaddy was shot  
16    at. And I already know the connections to these  
17    people by this date, and I only have a few of the  
18    reports.

19                   So it's not a standalone in the  
20    real world, but I get what you're saying,  
21    paragraph 53 might be the first time they turn  
22    officially to Watts as, you know, the focus of  
23    what they're talking.

24           **Q.     My question was --**

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1 MR. HILKE: I'm sorry. Just quickly.  
2 If you need to zoom in or you need to review the  
3 report, you can. Just because I know you don't  
4 have it physically in front of you.

5 THE WITNESS: Okay.

6 Yeah, it's -- it's fine. I mean,  
7 you know --

8 MR. HILKE: Again, you don't have to  
9 answer that. I'm not the one asking questions. I  
10 just wanted to remind you since we're on Zoom.

11 Sorry about that.

12 THE WITNESS: No, this is fine. She's  
13 fine with this.

14 BY MS. EKL:

15 Q. My question, and I want to make sure  
16 it's clear and we get a clear answer, is that in  
17 none of the previous paragraphs until we get to  
18 paragraph 53 -- and I am more than happy to go  
19 through them one by one so that you can look at  
20 them again -- would you agree with me that they do  
21 not reference Watts?

22 A. I don't remember that. I would have to  
23 look.

24 Q. Okay.

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1           A.     I mean -- let me see it, to see if it --  
2     if your question is -- I might not have to look at  
3     it.

4                     If your question is, do they  
5     reference Watts by name, then it's an easy answer,  
6     if his name is in it. If they reference somebody  
7     that, I think, oh, that's a guy that knows Watts,  
8     according to an earlier report I saw, then it  
9     would, to me, include that under your term of  
10    reference. That's all I'm saying.

11                    I'm not trying to be argumentative.  
12    I'm just trying to say some of these paragraphs  
13    give you important information that Moore doesn't  
14    even realize is -- that Moore definitely doesn't  
15    realize is tying in to other things I know.

16           **Q.     Well, the --**

17           A.     I don't think he knows.

18           **Q.     The fact that Moore is giving**  
19    **information, saying that someone is actually a**  
20    **drug dealer or is a person who is willing to do**  
21    **murders for hire or who is involved in gun sales,**  
22    **without tying that specifically to Watts or**  
23    **Mohammed or any other officer, there's no**  
24    **allegation against them, correct?**



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1                   Just because he gives information  
2 about them being criminals, doesn't mean that  
3 there's a tie to Watts, correct?

4           A.    No. I'm sorry --

5           Q.    All right. Let's look at a paragraph  
6 here then.

7                   All right. Let's look at  
8 paragraph -- let's take one, paragraph 7. Do you  
9 see it?

10          A.    Yes, ma'am.

11          Q.    Okay. Paragraph 7, "Moore related that  
12 he came back to Chicago when Patrick Nooner, a/k/a  
13 PT, asked him to come back to Chicago to show him  
14 how to mix heroin and help run the heroin  
15 distribution operation. Moore related that PT  
16 paid for his airline ticket."

17                   Do you see that?

18          A.    Yes, ma'am.

19          Q.    And you have seen a document that  
20 existed prior to this date that referenced Patrick  
21 Nooner and Watts in the same document, correct?

22                   Well, I'll just strike that.

23                   Paragraph 7 doesn't say anything  
24 about Watts, correct?

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1           A.     It doesn't say -- yeah, it just talks  
2     about Nooner.

3           **Q.     Right, it talks about Nooner, and it**  
4     **talks about Moore, correct?**

5           A.     It talks about Nooner and Moore, but  
6     Moore runs the drug line in the building they call  
7     the "Watts building." And --

8           **Q.     Where do you see that? Where do you see**  
9     **anything in reference to the Watts building?**

10          A.     I'm talking this report -- okay. If  
11     you're asking in a vacuum, pretending we don't  
12     know anything else except this report, no, it  
13     doesn't talk -- if you didn't know who Nooner was  
14     and you didn't know the other -- that -- that --  
15     the connection from the earlier incident, at least  
16     with Watts or any of the other information, then  
17     you wouldn't know that this has anything to do  
18     with Watts, that's correct. His name isn't here  
19     in paragraph 7.

20          **Q.     None of -- none of these paragraphs,**  
21     **until you get to paragraph 56 -- I'm sorry -- 53,**  
22     **says anything about Sergeant Watts, correct?**

23          A.     Not by name.

24          **Q.     Not even by reference, correct?**

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1 MR. HILKE: Objection. Wait. Wait.

2 Wait.

3 Just, objection to form.

4 You can answer.

5 THE WITNESS: I can answer it?

6 MR. HILKE: Yeah. I'm sorry. You can  
7 answer.

8 THE WITNESS: Yeah, I mean, I don't --  
9 to me, it means something right away.

10 BY MS. EKL:

11 Q. That wasn't my question. My question  
12 was, do any of these paragraphs, before you get to  
13 paragraph 3, even indirectly reference Watts?

14 A. Not by name. But he knows a lot of  
15 these people, and a lot of information is known  
16 before this. So they do -- reference to who? To  
17 the investigators? The -- they would -- they  
18 should know a lot of this going in. They should  
19 know who Gaddy is. They should know who these  
20 people are. They should know who Nooner is.

21 MR. GAINER: So this is Brian Gainer.  
22 I'm objecting, because that is completely  
23 nonresponsive, in addition to being almost  
24 ununderstandable. So I'm moving to strike it.

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1 MR. HILKE: Tell you what, let him  
2 finish his answer, please --

3 MR. GAINER: Okay. Then I'll make the  
4 same objection when he finishes.

5 MR. HILKE: I guess, we'll take the  
6 objection now, but, Jeff, you should feel free to  
7 finish your answer before we move on to the next  
8 question.

9 THE WITNESS: Yeah, I -- I'll try to  
10 make it as understandable as possible.

11 There's a lot of -- there's --  
12 there's paragraphs in this that would tie into  
13 other information known about other people, Watts  
14 especially. How much of the report, I didn't go  
15 through it in that detail, paragraph by paragraph  
16 parsing it out. It's just that there was a lot of  
17 information that tied in to Watts to contextualize  
18 for anybody looking into this what his actions  
19 were.

20 MR. GAINER: This is Brian Gainer. Same  
21 objection. Move to strike. Completely  
22 nonresponsive.

23 MR. HILKE: For the record, the question  
24 was indirectly referenced. So I think with that

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1 question, it's actually entirely responsive.

2 But I'm not trying to argue about  
3 objections on the record.

4 MR. GAINER: Well, you're not trying to,  
5 but you are.

6 But anyway, I don't have anything  
7 else to say about it.

8 BY MS. EKL:

9 Q. I'm going to move on.

10 The paragraphs that you referenced,  
11 that do mention Watts talk about -- and this is  
12 paragraphs 53 through 58 -- would you agree,  
13 reference Watts taking payments from drug dealers,  
14 taking guns from drug dealers, and also money from  
15 drug dealers, and that's in 54.

16 In 55, references Watts letting a  
17 drug dealer go after a traffic stop.

18 It says in 56 -- this is the  
19 paragraph that referenced, "Moore related that he  
20 had heard that Gaddy was paying Watts money.  
21 Moore -- again, he's hearing something. Moore  
22 related that Gaddy decided he was not going to pay  
23 Watts, and Watts shot at Gaddy when Gaddy was  
24 running away, and that that incident was two years

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1      **ago, which was not new information."**

2                      **And then that Watts had a gambling**  
3      **problem, is referenced in paragraph 57.**

4                      **And then in paragraph 58, it says**  
5      **that Watts allegedly took some weed off of a drug**  
6      **dealer and gave it to another.**

7                      **That's the totality of the**  
8      **information in here about Watts, correct?**

9                      MR. HILKE: Object to form.

10                     THE WITNESS: By name, yes.

11                     But if you just look at the one  
12      paragraph you talked about, just one example of  
13      it, 55. Here, you have Watts by name, but it's --  
14      it's Nooner that he has this familiarization with.  
15      He just lets him go.

16                     And earlier in a paragraph that  
17      does not have Watts' name in it, Moore says -- or  
18      maybe it's later -- I think this is the report  
19      where Moore says, I was in a van with Nooner, a  
20      white van -- which we already know about from the  
21      other incident, or most likely is the same van --  
22      and he had 50 ki's of coke and multiple ki's of  
23      heroin with him.

24                     So Watts' name isn't in that one,

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1 but it's in the one you just read, 55, which is  
2 the same guy from the other paragraph where his  
3 name isn't. So that's -- that's all I'm trying to  
4 say is that these -- this isn't a law book where  
5 you can take one sentence and dissect it. All of  
6 these pieces fit together in these reports.  
7 That's what these investigative reports usually  
8 are.

9 BY MS. EKL:

10 **Q. Aren't the investigative reports**  
11 **precise, so that if in the paragraph Moore had**  
12 **said, I was in a van with 50 kilos of cocaine, and**  
13 **I was in that van when Watts pulled us over and**  
14 **Watts let us go, the information about the kilos**  
15 **of cocaine at the point in time when Watts let**  
16 **them go would be in the same paragraph, correct?**

17 A. Yeah. Yeah.

18 MR. HILKE: Wait. Wait. Wait. Just  
19 let me -- give me a chance to object. Form and  
20 foundation.

21 You can answer.

22 THE WITNESS: If I meant that he let him  
23 go with 50 ki's, that's not what I was saying.

24 I'm saying a different paragraph

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1 that it ties into this paragraph, because now this  
2 guy, Nooner, is a major dealer, according to  
3 Moore, and he's also friends with Watts. And  
4 those -- so those two paragraphs are linked, in my  
5 view. One doesn't have Watt's name, and the other  
6 one does.

7 So that's all I was saying earlier  
8 about this, and these paragraphs about Watts  
9 specifically.

10 BY MS. EKL:

11 **Q. What document says that Watts was**  
12 **friends with Nooner?**

13 A. They grew up together, and, "Oh, it's  
14 you Pat." I mean, that's -- he gets let go on the  
15 side of the road. He doesn't know who the guy is?  
16 Why does he stop him? He must have some friendly  
17 relationship with him. And other people have said  
18 he was friends with Nooner, I thought, in these  
19 records.

20 **Q. The document itself does not say that**  
21 **Watts was friends with Nooner, correct? That's a**  
22 **conclusion that you're making?**

23 A. I think it's from a different document.  
24 It probably doesn't say it in this record, though,



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1 correct.

2 Q. Would you agree that nowhere in this  
3 document of 62 paragraphs does it say that Watts  
4 or Mohammed or any other officer was framing  
5 anyone for crimes that they did not commit?

6 A. I'd have to read the whole thing to see  
7 if that's some kind of -- I mean, I don't think  
8 so. I don't think he came right out and said he  
9 put cases -- well, I don't know. He might have.  
10 He knew -- I think he knew that was going on, from  
11 what I recall.

12 It's a -- you're asking me a very  
13 detailed question about what Moore knew or what  
14 you're actually asking is that in this report. So  
15 I'd have to actually look at it to see if there's  
16 some -- if it's obvious that he's saying Watts  
17 plants drugs.

18 Q. You reference on page 16 of your  
19 report -- and I can flip back to it, if you  
20 want -- that the detailed witness statement was in  
21 regards to Watts' and Mohammed's corruption.

22 I'm going to flip back, again, to  
23 Exhibit 10, which is the memo of the Wilbert Moore  
24 interview. And if you want me to go through it

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1 paragraph by paragraph, I will. But let me know  
2 where in here it mentions Mohammed anywhere. I  
3 can start at the beginning. Or is this just an  
4 inference that you're making that it somehow  
5 refers to Mohammed without mentioning his name?

6 A. Yeah -- well, he's -- at this point,  
7 it's the investigation itself that I was taking.  
8 If it's not in this report, it's not in this  
9 report. But by now, they have identified several  
10 people in these records in Watts' unit. Those are  
11 the two primary ones, so that's why I put his name  
12 in here.

13 Did he say his name in here? I  
14 mean, it's an easy answer. If his name is not in  
15 here, no.

16 Q. When you say they had referenced people  
17 in his unit, what documents are you referring to  
18 that you reviewed as of April 7th of 2005 that  
19 reference anyone other than Watts? What you are  
20 referring to?

21 A. Well, I guess, some -- I would have to  
22 look through the To/From reports that as to who  
23 they were looking at at that time.

24 In my report, including Mohammed --

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1 I'm not sure what I was thinking right then. Was  
2 it that he talked to Moore about -- if Moore  
3 didn't say his name, then he didn't specifically  
4 say, hey, I did this with Mohammed, correct? So  
5 that would be correct.

6 **Q. So if this document doesn't reference**  
7 **Moore giving information about Mohammed, then**  
8 **would you agree that your statement that Moore**  
9 **offered CPD a stunning, detailed witness statement**  
10 **regarding Watts' and Mohammed's corruption, would**  
11 **be incorrect?**

12 MR. HILKE: Object to form.

13 But you can answer.

14 THE WITNESS: I would have to reread  
15 this document and look at it and figure that out.

16 It doesn't -- if it doesn't mention  
17 his name by name, you would be generally correct,  
18 that if he didn't say his name, then there would  
19 have to be an inference in here. And I don't  
20 agree that there's not, but I would have to go  
21 through the whole thing slowly to figure it out.

22 MS. EKL: Did someone just join us?

23 MR. HILKE: Tim.

24 MS. EKL: Tim, okay.

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1 MR. SCAHILL: I had to switch devices.

2 Sorry.

3 MS. EKL: That's okay. I just wanted to  
4 make sure we don't have a stranger.

5 MR. SCAHILL: Yeah, I'm going to leave  
6 the one and stay on this one.

7 BY MS. EKL:

8 Q. Flipping back to Exhibit 1 -- and this  
9 is your description of the document we were just  
10 looking at. The next sentence, which is the  
11 second paragraph -- in the second paragraph. You  
12 say, "Moore had credibility, because he implicated  
13 himself in several serious crimes not involving  
14 Watts directly, including a shooting Moore  
15 implicated himself in."

16 Is it your opinion that because  
17 Moore gave detailed information about being a drug  
18 dealer and having knowledge of multiple other drug  
19 dealers in response to this cooperation agreement,  
20 that he was credible?

21 A. No -- well, I'm not -- I guess, the --  
22 the sentence there, the way I meant it, Moore had  
23 credibility, because he implicated himself in  
24 several serious crimes, is -- again, I'm talking

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1 the MOU, and I'm saying what do the officers know.  
2 He would have had credibility to them, I think, is  
3 what I'm saying. Not to me. I don't know if the  
4 guy is -- the guy is dead now. He was killed.

5 So I don't know today what, you  
6 know, sitting here, if he was credible or not. A  
7 lot of things he said could be corroborated or  
8 refuted. I think he would have had credibility to  
9 those investigators that this was a serious  
10 situation, that he wasn't making these things up,  
11 because he had access.

12 **Q. Do you think, based on Moore's**  
13 **statements, now that we're -- that were given on**  
14 **April 1st of 2024, that CPD should have, to the**  
15 **possible risk of blowing up the criminal**  
16 **investigation, now moved administratively against**  
17 **Watts or anyone else?**

18 MR. HILKE: Object to form.

19 But you can answer.

20 THE WITNESS: I think they should have  
21 immediately -- you're asking my opinion? I think  
22 they should have immediately moved on that, just  
23 because of the rifles that Moore said he gave to  
24 Watts.

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1 BY MS. EKL:

2 Q. And if they had moved administratively,  
3 do you agree that Watts would have been confronted  
4 with the allegations made against him by Moore?

5 A. Maybe -- maybe eventually.

6 Q. Well, if they moved expeditiously, they  
7 would have brought him in, read him his rights,  
8 and they would have asked him whether or not he  
9 had engaged in the conduct that Moore accused him  
10 of, correct?

11 A. No, they may not have. That wouldn't  
12 have been the right thing to do. The right thing  
13 to do would have been to start checking all the  
14 records. What day did that happen? Where were  
15 you? Get your phone out, Wilbert, and tell me --  
16 start looking through it. Do you have anything  
17 texting him? Corroborate what he says. Get all  
18 of that information. Where did you get the guns?  
19 You know, and then start doing an ATF check.  
20 Maybe it ties right back into him -- right back  
21 into Watts, maybe it doesn't, and you refute what  
22 he says.

23 I don't want to speak too fast.  
24 But when I say "moved on that," that's the kind of

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1 thing you could do in parallel, instead of leaving  
2 those guns on the street, if it's true. I'm not  
3 saying it's true. I'm just saying if it's true,  
4 then -- you've got two rifles now. You don't know  
5 where they're at. That's a problem. That's a big  
6 problem.

7 **Q. And ATF was investigating at this point**  
8 **in time, correct, because ATF was the one**  
9 **interviewing Moore, correct?**

10 A. Maybe -- maybe that's the answer. Maybe  
11 ATF did all that. I saw nothing in the record  
12 about that. I was -- honestly, ma'am, I kept  
13 hoping there was something in the record, at least  
14 about the rifles or the guns. But I saw nothing  
15 in there. If there is, I would rewrite portions  
16 of the opinion. It's based just on what I saw.

17 **Q. Do you think there was enough to charge**  
18 **Watts criminally based on Moore's statement alone?**

19 A. Based just on Moore's statement?

20 **Q. Right.**

21 A. No.

22 **Q. And if Watts had come in and been**  
23 **confronted with these allegations made by Moore**  
24 **and he denied it, then you would have a situation**

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1     **where it would be an unsustained finding, correct?**  
2     **Because you would have Watts denying it and Moore**  
3     **saying it happened, and IA would not have been**  
4     **able to determine either way, correct?**

5             MR. HILKE:  Objection to form and  
6     foundation.

7             You can answer.

8             THE WITNESS:  No, that's not the way it  
9     would be.  It's not just, what do you say?  What  
10    do you say?  Okay.  They actually look into --  
11    they make the -- the officer produce records.  
12    Give me your phone, Watts.  Give me your -- what's  
13    the password?  They take the -- you know, whatever  
14    the contract allows in the FBI, they already have  
15    your phone.  They don't even need to ask you for  
16    it.

17    BY MS. EKL:

18            **Q.     What's your basis for saying that CPD,**  
19            **as a contract or would otherwise would have the**  
20            **ability to take Watts' phone?**

21            A.     It's just -- I think I did see some kind  
22    of contract in the records there.  But most  
23    police -- the reason I say that, ma'am, is because  
24    most police departments operate under some



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1 collective bargaining unit and agreement, and it  
2 involves how Internal Affairs will be adjudicated.

3 **Q. Do you think that if CPD had moved to do**  
4 **all of these investigative steps that you're**  
5 **talking about in an administrative capacity, it**  
6 **would have in any way compromised the**  
7 **investigation that was being run by the FBI and/or**  
8 **the ATF?**

9 MR. HILKE: Just objection to form.

10 You can answer.

11 THE WITNESS: If they had moved on it?

12 BY MS. EKL:

13 **Q. Correct.**

14 A. If CPD had moved on it -- well, it's --  
15 yeah. Basically, if you're going to notify the  
16 guy he's under investigation by IAD, you don't  
17 necessarily tell him that the FBI has a case on  
18 him. So they may, though. So that may compromise  
19 it.

20 We got this from the FBI. Maybe  
21 the contract requires them to show. I don't know.  
22 But I didn't see any of that in the record.

23 I do know that -- and some of this,  
24 too, is I do try to be careful and be -- so I can

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1 be fair about it, really. The technology today is  
2 so much different than the technology in 2004.  
3 Even if you move into 2008, you start moving into  
4 more and more technology, and the police  
5 departments are leveraging all of that in their  
6 Internal Affairs investigations and normal  
7 investigations.

8 So, you know, asking for his phone,  
9 at points, people didn't even have a phone; they  
10 had a pager. So I think he had a phone at this  
11 point, but -- and that's just an example.

12 **Q. Okay. But you're speculating at this**  
13 **point in terms of what information would have been**  
14 **available, even if they were able to access Watts'**  
15 **phone, correct?**

16 MR. HILKE: Objection to form.

17 THE WITNESS: Yes.

18 BY MS. EKL:

19 **Q. And if they had asked -- and if they had**  
20 **advised Watts that they were investigating him,**  
21 **would you agree that it would compromise the**  
22 **ability of the FBI to conduct further surveillance**  
23 **and all of the other investigative steps that they**  
24 **took later on?**

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1           A.     It could have. It's not conclusive in  
2 any way, but it could have.

3           **Q.     Let's look at Exhibit No. -- I'm**  
4 **sorry -- the June 28th Holliday memo, which is**  
5 **Bates-stamped Baker Glenn 10947 and 10948.**

6           MR. HILKE: Give me just one second on  
7 that.

8                     I've got it. Thank you.

9           MS. EKL: We'll mark this as Exhibit  
10 No. 11.

11                     (Deposition Exhibit No. 11 was  
12 marked for identification.)

13 BY MS. EKL:

14           **Q.     Do you recognize this document that**  
15 **purports to be a memo, dated June 28, 2005,**  
16 **between Police Agent Calvin Holliday and the**  
17 **Internal Affairs Division, regarding Ronald Watts**  
18 **and the same complaint number and confidential**  
19 **number?**

20           A.     Yes, ma'am.

21                     And can I ask permission to look at  
22 my report just briefly to make sure that's the  
23 date?

24           **Q.     Yes, of course.**

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1           A.     Okay. I'm sorry. I believe -- just to  
2     make sure I don't give an answer for some other  
3     thing.

4           Q.     No, that's okay. And I'm actually going  
5     to flip for a second to your report. Page 16, do  
6     you see where it says, "June 18, 2005, To/From  
7     Holliday, Baker?"

8                     And it actually has the Bates stamp  
9     in here, Baker Glenn 10947 to 10948, correct?

10          A.     Yes, ma'am.

11          Q.     Okay. The second sentence of that  
12     paragraph, you write, "Gaddy was interviewed  
13     without notice to or participation by the FBI  
14     public corruption squad, correct?"

15          A.     According to that To/From report, yes.

16          Q.     That was my question. And that's  
17     speculation on your part that the FBI Public  
18     Corruption Squad was not notified, correct?

19                     And I'll go back to the memo, if  
20     you need me to.

21          A.     Well, they weren't there, is what I'm  
22     saying, on this -- you know, somewhat -- this  
23     pretty important interview, I guess, is the idea.

24          Q.     Okay. Well, the report doesn't indicate

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1     **that they were there. But your report, you state**  
2     **that he was interviewed without notice to or**  
3     **participation by the FBI Public Corruption Squad.**

4                 **So would you agree with me that the**  
5     **statement that you wrote in your report is**  
6     **speculation?**

7                 MR. HILKE: Object to form.

8                 You can answer.

9                 THE WITNESS: What's that?

10                MR. HILKE: Just object to form.

11                You can answer.

12                THE WITNESS: I don't see anything in  
13     the FBI record during that time to show that they  
14     were told about this particular meeting or  
15     information or invited. Is it possible they were  
16     told and said, we don't want to come? It's  
17     possible.

18     BY MS. EKL:

19                **Q. This memo details a meeting that**  
20     **included the Cook County State's Attorney or**  
21     **Assistant State's Attorney, David Navarro, and**  
22     **Matthew Mahoney, who was then Baker's attorney,**  
23     **correct?**

24                A. Yes. Yes, ma'am.

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1           Q.    And Ben Baker, it was his criminal  
2 defense attorney; is that correct?

3           A.    I think so, yes.

4           Q.    I'm going to go back to your report.  
5 Page 17, where you're referencing this To/From  
6 memo. In this bold section, where I'm indicating  
7 here, it reads, "Normal law enforcement processes  
8 would have been to make a written request for use  
9 of the source and then agree on a cooperation plan  
10 related to both cases."

11                       And actually, let me just -- so we  
12 get that context. The To/From memo talks about --  
13 it says, "Baker spoke of Watts wanting Baker to  
14 pay Watts to stay in business and of Baker's  
15 resisting to do so."

16                       It says, "Baker alleged his present  
17 case in court was placed on him by Sergeant Watts.  
18 Baker pledged his cooperation in our investigation  
19 and to work as a CI. Baker stated he would  
20 immediately contact the undersigned if he had any  
21 contact with Sergeant Watts."

22                       And in relation to that, you say,  
23 "Normal law enforcement processes would have been  
24 to make a written request for use of the source

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1 and then agree on a cooperation plan related to  
2 both cases. Possibly, cooperation would not be  
3 permitted; however, I would have expected  
4 substantial documentation of who made that  
5 decision and the reasons."

6 What do you mean by -- like, what  
7 do you mean by "normal law enforcement processes  
8 would have" -- what normal law enforcement  
9 processes are you referring to?

10 A. So if you look in the report, I use a  
11 quote from this memo. Just go up a little bit  
12 where it says -- it's quotation mark, Gaddy was  
13 never able to assist the undersigned.

14 Do see that quotation?

15 Q. Right here? Yes.

16 A. Yes, ma'am. Yes, right there.

17 "Gaddy was never able to assist the  
18 undersigned, as he was being worked by the  
19 narcotics and gang investigation section."

20 And the reason -- the way this  
21 report is written -- maybe I should have explained  
22 this earlier. The non-bold portion is just a  
23 reciting of the memo, and why I thought this memo  
24 was relevant to the two research questions I was

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1     tasked with.

2                     And then the bold doesn't really --  
3     it's not really -- like, this is the most  
4     important thing. That's so we differentiate my  
5     opinion -- that -- or that's what I'm observing  
6     about this on the -- on the progression of this  
7     entire case.

8                     And the reason this memo is  
9     important is because you don't have the FBI there,  
10    and you're -- you're shutting down a critical  
11    source without -- if -- if I was sitting there --  
12    if the FBI -- this is why I think the FBI wasn't  
13    notified. If -- if an FBI agent was sitting  
14    there, they would say, wait a minute, you don't  
15    own sources. You have a -- you have a great  
16    control over them. You might own them. But I'm  
17    going to make a point about using them.

18                    It just doesn't -- the agents or  
19    somebody doesn't just get to say, no, you're never  
20    using this guy. There's easily up the chain. And  
21    if the FBI -- the research question is, if the FBI  
22    is in charge of the case, why aren't they making  
23    this decision? And I don't see anything that the  
24    FBI was asked to intervene in this Gaddy not



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1 available issue.

2           **Q.     So you're critical that we didn't take**  
3 **investigative steps -- "we" being CPD -- take**  
4 **investigative steps outside of -- outside of what**  
5 **the FBI was doing to pursue our administrative**  
6 **charges against Watts. But yet, here, you're**  
7 **saying -- you're being critical that we should**  
8 **have included the FBI. I guess, I'm confused by**  
9 **what you're trying to say.**

10           A.    No, it's -- where is the police  
11 department taking unilateral investigation prior  
12 to the signing of the MOU?

13                       That would show -- that would tend  
14 to show that they weren't abiding by the MOU.  
15 They say -- it's not me saying -- that MOU is in  
16 existence, even though it's not written. So here,  
17 you have a situation where the FBI or DOJ who have  
18 a lot of -- could have a lot of sway -- I'm not  
19 saying it would work, but would have a lot of sway  
20 in the use of a source and their application.

21                       Maybe the answer is, that gets all  
22 vetted out, and the guy ain't going to be used in  
23 this Watts case.

24           **Q.     As an FBI agent, have you ever used a**

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1 **cooperation plan in a similar circumstance?**

2 A. Cooperator in a similar circumstance?

3 **Q. Cooperation plan that you referenced?**

4 A. Yeah. We're joint sourcing a lot of  
5 people. I've done it.

6 **Q. And can you give me an example of a time**  
7 **that you've used a cooperation plan in a similar**  
8 **circumstance?**

9 A. I don't -- I don't think that they're  
10 formally written. You're calling it a  
11 "cooperation plan." They're not formally written.

12 It's a situation where -- and I  
13 don't know if I want to give a specific example,  
14 but a common occurrence would just be that DEA has  
15 a source, or I have a source, and now he has drug  
16 information. And it's significant, so we let DEA  
17 decide whether they're going to task him with  
18 certain things. And -- or some agents are like  
19 this, like this memo is documenting. You ain't  
20 using my -- you're not using my source. It's my  
21 source. My ownership. I own him.

22 And sometimes, that works. Other  
23 times, that agent is taught that that is a source  
24 of the organization, not yours. And the best

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1 interest of the public and our mission will decide  
2 who uses that source, not you. So that's my point  
3 here.

4 **Q. By the way, the words "cooperation plan"**  
5 **that I'm asking you about, those are your words.**  
6 **I'm indicating where they are right now on your**  
7 **report.**

8 A. Okay. Well, the way you were using  
9 them, I took it to mean you thought that there is  
10 actually, like, a written plan that should be done  
11 if this is agreed to.

12 That's -- that's just the plain  
13 language of them, on some type of plan of  
14 cooperation. So, yeah, it's -- that use of the  
15 term is fine. There's no -- there's very few --  
16 well, I shouldn't say that.

17 There could be a formalized  
18 agreement, they're just not unusually. The agents  
19 usually work this out, and the source gets used.

20 **Q. So similar to a memorandum of**  
21 **understanding, whether there's a written one or**  
22 **not, there's usually some sort of understanding**  
23 **between two agencies as to how the -- how they're**  
24 **going to work together on investigations, correct?**

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1           A.     Yeah, that's what I said at the  
2 beginning, that the agencies already know how to  
3 interact with each other and what's expected, the  
4 sharing of information, what shouldn't be asked,  
5 what should be asked. And it's when you get into  
6 these more complex relationships where there's  
7 cars and resources and money and overtime and  
8 computers and sources, that you have to start  
9 having some understanding of who's liable and  
10 what's being assigned, correct.

11           **Q.     Are there any FBI or other law**  
12 **enforcement standards that you can point to, to**  
13 **show where such a process was followed or is**  
14 **required to be followed?**

15           A.     That a what's required?

16           **Q.     This cooperation plan, whether it's in**  
17 **writing or orally?**

18           A.     No, I don't think there's a format or a  
19 policy that says, in this situation, you must have  
20 this plan. It must have this -- these pieces. I  
21 don't think there is.

22           **Q.     Looking back at Exhibit 11, which is the**  
23 **memo that we were just talking about. Do you**  
24 **agree that there are not any allegations in this**

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1 **interview that Watts was framing innocent people?**

2 A. What was the date of this? I'm sorry.  
3 Was it -- I forgot the date already.

4 **Q. June 28, 2005.**

5 A. Yeah, there's no -- if it's not in here  
6 that he's framing -- if he didn't say it in this  
7 interview -- is it Baker -- stated he would --  
8 Baker pledged his cooperation in our investigation  
9 and to work as a CI. Baker stated he would  
10 immediately -- yeah, Baker's whole complaint is  
11 about planting drugs. That's everything he talks  
12 about. Is that your question, or is -- did Baker  
13 say it again in this memo? Is that what you're  
14 saying?

15 **Q. No. I'm -- this memo suggests that it's**  
16 **not disputed that Baker is a drug dealer. So my**  
17 **point is, so would you agree with me he's not**  
18 **innocent in the sense that he's some civilian**  
19 **who's having drugs planted on him?**

20 MR. HILKE: Object to form.

21 You can answer.

22 THE WITNESS: No, that is what Baker is  
23 saying, that the drugs were planted on him and  
24 planted on his girlfriend. That is his

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1 allegation.

2 BY MS. EKL:

3 Q. He's alleging that Watts -- Baker spoke  
4 of Watts wanting Baker to pay Watts to stay in  
5 business, and Baker's resisting to do so, correct?

6 A. Yes.

7 Q. And that's referring to Baker staying in  
8 business dealing drugs, correct?

9 MR. HILKE: Objection to form.

10 THE WITNESS: That's the way I take it.

11 BY MS. EKL:

12 Q. Okay. At the bottom of this page and  
13 onto the top of the next page, it talks about  
14 another interview, and that was of Willie Gaddy,  
15 correct?

16 A. Yes, ma'am, I believe so.

17 Q. And that references Gaddy being a drug  
18 dealer as well, correct?

19 A. For not paying the protection money,  
20 correct. Yeah, it says it right there in that  
21 last sentence. And was selling drugs, while Gaddy  
22 was selling drugs, correct.

23 Q. It says, "He spoke -- 'he' being  
24 Gaddy -- spoke of having been shot at by

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1     **Sergeant Watts for not paying protection money**  
2     **while Gaddy was selling drugs." He goes on to**  
3     **say, "He spoke of other drug dealers in**  
4     **Ida B. Wells who are selling drugs and paying**  
5     **Watts to remain in business. Gaddy was never able**  
6     **to assist the undersigned, as he was being worked**  
7     **in the narcotics and gang investigation section,"**  
8     **correct?**

9           A.     Yes, ma'am.

10           Q.     So essentially, it shows that CPD  
11     **Officer Holliday was unable to use the evidence or**  
12     **anything that was being provided by Gaddy, because**  
13     **he was otherwise being used in another**  
14     **investigation, correct?**

15           A.     No -- well -- no.

16           Q.     That's what it says, correct?

17           A.     That's what the memo -- yeah, that's --  
18     **what you just read is what the memo says, yes.**

19           Q.     Okay. And there was no information from  
20     **Gaddy of anyone being framed, correct?**

21           A.     Framed?

22           Q.     Correct.

23           A.     I didn't see it in those paragraphs.

24           Q.     Right. You spoke of drug dealers who

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1     **were selling drugs and paying Watts to, again,**  
2     **remain in business. So continue dealing drugs?**

3           A.     Yes.

4           Q.     And same with the documented interview  
5     that comes after that with -- on April 7, 2005,  
6     with Wilbert Moore, correct?

7           A.     Yes.

8           Q.     There's more allegations of Watts  
9     requiring money from drug dealers, but no  
10    allegations that the drug dealer -- that these  
11    individuals are being framed for being drug  
12    dealers?

13          A.     Being framed, I don't see it in there,  
14    no, ma'am, not in that paragraph.

15          Q.     That paragraph refers to Moore's  
16    cooperation, allegedly, becoming known to Watts,  
17    and it reflects that Watts stopped talking to  
18    Moore.

19                    Would you agree with me that  
20    Watts -- if that's all true, that it -- it's an  
21    indication that if Watts was tipped off to someone  
22    cooperating against him that he's -- well, in this  
23    case, it says that Watts refused to talk to Moore,  
24    correct?



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1           A.    Yeah, he's avoiding him, because he  
2           thinks he's cooperating, maybe.

3           **Q.    Right.  So Moore couldn't be used to**  
4           **gather any more information from Watts, because he**  
5           **couldn't have contact with him, right?**

6           A.    Well, not -- not at that point.

7                       He couldn't be used in a -- in a  
8           manner to engage Watts himself in some type of  
9           continuing payment or other criminal activity,  
10          most likely.  He could assist in many other  
11          things, like his phone and his -- whatever else he  
12          has, where he got those guns.  There's a lot of  
13          things he could help with, but not the direct --  
14          if that's what you're asking, correct, not a  
15          direct contact with Watts.

16          **Q.    And you haven't seen any evidence that**  
17          **Moore had phone calls with Watts, correct?**

18          A.    I can't recall.  Not off the top of my  
19          head, I can't think of him saying we talked on the  
20          phone.

21          **Q.    And you haven't seen anything to suggest**  
22          **that Sergeant Watts was providing guns to Moore,**  
23          **correct?**

24          A.    Isn't providing Moore what?

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1           **Q.     There's nothing in the records to**  
2           **suggest that Sergeant Watts was providing guns to**  
3           **Moore?**

4           A.     Didn't Moore say that he gave Watts two  
5           rifles with shock at 39th and whatever street that  
6           was?

7           **Q.     My question was, was there information**  
8           **that you read that suggested that Watts was giving**  
9           **guns to Moore, not that Watts was retrieving guns**  
10          **from Moore, that he was giving guns to Moore?**

11          A.     Oh, I'm sorry. No, I don't have -- I  
12          don't think anywhere in that record did I see  
13          where Watts gave up guns to somebody. He was  
14          taking guns from people. Or the allegations were  
15          he was.

16          **Q.     I'm flipping back to your report,**  
17          **Exhibit 1. I want to ask you a couple of**  
18          **questions about page 18, just in general.**

19                   It seems to me that you're  
20          **suggesting that Watts had something to do with**  
21          **Moore's subsequent murder. Is that what you're**  
22          **trying to say here?**

23          A.     Absolutely not.

24          **Q.     Okay. You're aware that members of the**

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1 **Hobo street gang were convicted of Moore's murder,**  
2 **correct?**

3 A. Yeah, I think I did read that.

4 **Q. And you're not aware of any evidence**  
5 **that Watts was involved in that murder; is that**  
6 **fair to say?**

7 A. Am I aware -- well, just what I read  
8 some of the -- the pieces about somebody seeing  
9 him there at the scene, and that type of thing.  
10 But, no, I don't have any evidence that he was  
11 behind that or involved.

12 And don't forget, I'm including  
13 this, because it's not as of today. It's as of  
14 what they knew on that date, basically. Kind of,  
15 the way you're asking me questions, like, what did  
16 they know that day? Yeah, what -- that's why some  
17 of these are in here. As of that day, what did  
18 they know and what they should have done. So as  
19 of that day, they have allegations and that they  
20 don't address of serious potential involvement. I  
21 don't see the hurried activity in the record.  
22 Although, it could be there. I don't see the  
23 hurried activity in any of the documents I saw  
24 that I would have expected when you have those

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1 kind of allegations.

2 Q. You're not saying that you think that  
3 Sergeant Watts should have been arrested for  
4 murder back -- based on what was known on that  
5 day, correct?

6 A. No, ma'am, I'm not saying that.

7 Q. Okay. And you're not saying that CPD  
8 should have taken administrative action against  
9 Sergeant Watts for murder based on what they knew  
10 back at that time, correct?

11 MR. HILKE: Object to form.

12 You can answer.

13 THE WITNESS: Not criminal -- well, they  
14 can take -- Internal Affairs Department can take  
15 investigative action based on almost anything,  
16 especially a shooting. Shooting is like -- car  
17 accidents and shootings are the main things that  
18 IAD exists for.

19 So, yeah, a shooting -- anybody  
20 involved in a shooting or potentially in a  
21 shooting could be looked at by IAD. And I  
22 don't -- I would have to look, but I don't think  
23 what counsel -- Arnold Council, yeah, he was  
24 arrested, and it was quite a ways later. So, you

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1 know, now in -- with hindsight. But, like,  
2 Mohammed was never asked about any of that when he  
3 was arrested. That's, you know --

4 BY MS. EKL:

5 **Q. Sir, we know that Watts had nothing to**  
6 **do with that murder. Today, we know that,**  
7 **correct?**

8 A. I don't know --

9 MR. HILKE: Wait. Wait. Wait. Sorry.

10 Objection. Form. Foundation.

11 You can answer.

12 THE WITNESS: Yeah, that, I have no  
13 idea.

14 BY MS. EKL:

15 **Q. So are you planning on rendering**  
16 **opinions in this case that CPD should have**  
17 **investigated Ronald Watts for that murder -- for**  
18 **Moore's murder?**

19 MR. HILKE: Objection to form.

20 You can answer.

21 THE WITNESS: They should have -- if  
22 somebody said -- if somebody actually said he was  
23 there, they should have probably looked into it  
24 somewhat. Why was he there?

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1 I mean, you would look into any  
2 witness. Why wouldn't you look into -- a police  
3 officer wouldn't be exempt from that, in my view.  
4 And I'm not saying he did it. I'm not saying he's  
5 involved. And I'm not going to say that he has  
6 anything to do with it at all.

7 BY MS. EKL:

8 Q. And if CPD had investigated him for that  
9 murder, you would expect that they would come up  
10 with the evidence that ultimately was developed to  
11 show that the Hobo street gang killed Wilbert  
12 Moore, and it wasn't Sergeant Watts, correct?

13 MR. HILKE: Wait. Wait.

14 Object to form and foundation.

15 You can answer.

16 THE WITNESS: Yeah, I don't know what  
17 CPD did. I would hope that they did a thorough  
18 investigation and actually exonerated him, and  
19 then -- or at least resolved that lead, and that  
20 would have been in the record.

21 MS. EKL: Let's take a five minutes.  
22 We're coming into the last stretch. I just want  
23 to check in with everyone else and see timing-wise  
24 how many people have questions, if any, just to

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1 make sure I'm not eating up too much.

2 (A short recess was taken.)

3 BY MS. EKL:

4 Q. Mr. Danik, I have a few more questions,  
5 and then I'll pass it along to the other counsel.

6 I want to ask you about your report  
7 on page 22, in reference to the time period  
8 between December of 2007 -- 2007 and June 2008.

9 Are you able to see on the screen  
10 what I'm showing?

11 A. Can I look at may report too, real  
12 quick?

13 Q. Yeah.

14 A. What page?

15 Q. This is page 22.

16 A. Okay. I have it now. Do you want me to  
17 read something on it?

18 Q. No. I'm just -- I'm directing you to  
19 that section first off.

20 A. Oh, okay. Go ahead.

21 Q. On page 22, in relation to the time  
22 period between December 2007 and June 2008, you  
23 note a number of controlled buys that were -- or a  
24 number of cash bribes, as you called it -- or as

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1     **you reference them in your report, were made to**  
2     **Mohammed by the FBI, correct?**

3           A.     Yes.

4           Q.     And at that point in time between  
5     December of 2007 and June 2008, would you agree  
6     that the FBI had not developed any direct evidence  
7     against Ronald Watts?

8           A.     I have no idea.

9           Q.     You reference in the bolded section  
10    that, "Nothing precludes the use of that evidence  
11    to be used in a proceeding against Watts or  
12    Mohammed with a lower or no bar for its use, such  
13    as in an IAD administrative action against the  
14    officers."

15                   Do you see that?

16          A.     Yes.

17          Q.     Okay. Would you agree first off, that  
18    the FBI's ability to basically catch Mohammed in  
19    cash bribes is not going to be able to provide a  
20    basis alone to move administratively against  
21    Watts?

22                   MR. HILKE: Object to form.

23                   You can answer.

24                   THE WITNESS: If the bribes are only to



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1 Mohammed and you don't have any other evidence,  
2 then it would be just Mohammed. But I don't know  
3 what other evidence was out there. Or I might  
4 know, but I didn't summarize it for this time  
5 frame.

6 BY MS. EKL:

7 **Q. If the department had moved**  
8 **administratively against Mohammed at this time**  
9 **period after he was caught in these controlled**  
10 **buys, do you think that the chances of gathering**  
11 **additional evidence against Watts would have**  
12 **decreased?**

13 A. I don't know. And it comes down to time  
14 frames too. I guess I could have put a time frame  
15 in my report. It's, like, you pay it, and you  
16 confront them, no. But it's June of 2008. You  
17 have all of these payments. Take -- you know, you  
18 could take action at some point down the road.

19 **Q. But at this time period, would you --**  
20 **well, let me ask you this: The evidence that's**  
21 **collected during that time period, that was**  
22 **collected by the FBI, correct?**

23 A. Yeah, I think so.

24 **Q. What do you think --**

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1           A.     These bribes are definitely paid by the  
2     FBI.   That's what the document said.

3           **Q.     Right.   And what do you think the**  
4     **chances are that the FBI, at this point in time**  
5     **when they're still investigating Watts, that they**  
6     **would have turned over the tapes to CPD to allow**  
7     **them to use them administratively against**  
8     **Mohammed?**

9           A.     You're asking my opinion about that?

10          **Q.     I'm asking your opinion about that.**

11          A.     My opinion is that we made six  
12     payments -- six -- in to Mohammed.   We got nothing  
13     on Watts at this point.   If that's -- if that's  
14     what you're saying, let's -- let's go on Mohammed.  
15     This is enough.

16                     These guys don't have to rip off  
17     drug dealers; the FBI is paying them.   And this  
18     isn't the only money.   They ripped off two other  
19     big heists --

20          **Q.     You're not answering my question.   My**  
21     **question was really simple.   My question was, what**  
22     **do you think the chances are that the FBI would**  
23     **say at this point in time, they just now got these**  
24     **tapes on Mohammed.   We're going to give them over**

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1 to CPD to use in an administrative proceeding, in  
2 June of 2008, after they were completed?

3 A. I don't know. I don't know.

4 Q. Okay. On page 23 of your report, the  
5 bottom of the page, you reference, "incredible  
6 bungling of the operation."

7 Do you see where you stated that?

8 A. Yes.

9 Q. Okay. When you talk about incredible  
10 bungling of the operation, you're referring to the  
11 FBI operation, correct?

12 A. Mostly, yes, ma'am.

13 Q. You're not referring to any operation by  
14 CPD at that point, correct?

15 A. That term, it was mainly of the bureau's  
16 bungling, yes.

17 Q. Okay.

18 A. What I -- what I took as bureau  
19 bungling, based on those records and what was  
20 going on.

21 Q. You're aware that Mohammed was arrested  
22 and charged in early February of 2012, correct?

23 A. Yes.

24 Q. And on page 27, I believe you note that

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1 he requested legal counsel, and also noted that he  
2 did not provide any information at that point in  
3 time, correct?

4 A. I think so, yes.

5 Q. In other words, you said in here,  
6 "Mohammed was arrested and charged in early  
7 February of 2012. He requests legal counsel and  
8 does not, quote, flip, end quote, on Watts at that  
9 initial approach," correct?

10 A. Yeah, I think that came from one of the  
11 operational plans. But, yeah, that's -- that was  
12 what I took out of the documents.

13 Q. Any reason to believe that had Mohammed  
14 been arrested earlier, he would have provided  
15 information against Watts or done anything  
16 different than what he did when he was arrested in  
17 February of 2012?

18 MR. HILKE: Object to form.

19 You can answer.

20 THE WITNESS: Yeah, I think it's all  
21 how -- how he's approached and what -- what he  
22 knows at that point. I mean, at this -- so it  
23 depends. It depends. He could have just lawyered  
24 up right away, if that's what you're asking,

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1 absolutely. Could have the exact same outcome.  
2 Or he could have -- maybe not, depending on when  
3 the approach was made and how it was made.

4 BY MS. EKL:

5 Q. As far as the investigation of Watts and  
6 Mohammed, looking back at what was done, you  
7 referenced that you think that it should have  
8 been -- you mentioned a high tempo -- it should  
9 have been a quicker, high-tempo investigation,  
10 correct?

11 A. At different points, yes, that's the way  
12 I -- that was my opinion about it.

13 Q. And, again, the criticism about the --  
14 the amount of time that the investigation was  
15 taking was a criticism about how long it was  
16 taking the FBI to proceed with the criminal  
17 investigation, correct?

18 MR. HILKE: Object to form.

19 Go ahead.

20 THE WITNESS: That was a small part of  
21 it, yes.

22 BY MS. EKL:

23 Q. The end result in this case after the  
24 FBI investigation was completed, was that Watts

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1 and Mohammed not only lost their jobs at CPD, but  
2 they both now have convictions, correct?

3 A. Yes. That happened, yes.

4 Q. And they'll never again be police  
5 officers, correct?

6 A. I hope not. But, no, I don't think they  
7 will.

8 Q. And they're off the street forever?

9 A. As law enforcement officers, they should  
10 be.

11 Q. And there's no evidence that was  
12 developed by the FBI that anyone -- any direct  
13 evidence that anyone was framed for a crime that  
14 they did not commit, correct, that you're aware  
15 of?

16 MR. HILKE: Object to form and  
17 foundation.

18 Go ahead.

19 THE WITNESS: I think they were told  
20 repeatedly that drugs were planted. And what they  
21 did to corroborate that, I don't know, or if they  
22 have evidence of it. You're talking about  
23 evidence.

24 Evidence is somebody saying it

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1 happened. It -- how good is the evidence is  
2 another question. How good is their evidence? I  
3 don't know. I don't know their case. That's  
4 something you should ask them.

5 BY MS. EKL:

6 **Q. My question was to you. And taking**  
7 **aside the individuals saying, "I was framed," I'm**  
8 **saying, was there any other direct evidence to**  
9 **corroborate an individual saying, "I was framed"**  
10 **that you're aware of, based on the documents that**  
11 **you viewed?**

12 MR. HILKE: Just object to form.  
13 Foundation. Direct evidence.

14 You can answer.

15 THE WITNESS: Yeah, I would say there is  
16 pretty good circumstantial evidence that things  
17 like that would have happened.

18 BY MS. EKL:

19 **Q. Again, my question was direct evidence.**  
20 **You're not aware of any audiotapes, videotapes,**  
21 **any other type of direct evidence to establish**  
22 **that someone was framed, correct?**

23 MR. HILKE: Same objection.

24 THE WITNESS: Yeah, I'm not aware of

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1 any, sitting here, that I recall.

2 BY MS. EKL:

3 **Q. And that would be something for the**  
4 **civil juries to decide in our civil cases,**  
5 **correct?**

6 MR. HILKE: Objection to form.

7 You can answer.

8 THE WITNESS: I don't know what their --  
9 I think their finders of fact, they'll figure all  
10 of that out.

11 MS. EKL: Okay. I don't have anything  
12 further at this time. I'll pass it along to the  
13 other counsel.

14 Oh, let me take this document down.  
15 Sorry.

16 EXAMINATION

17 BY MR. PALLES:

18 **Q. Hello, Mr. Danik. I'm Eric Palles. I**  
19 **represent Kallatt Mohammed. I just have a few**  
20 **questions, jumping off some of the issues that**  
21 **came across in your report today.**

22 **At one point, you talked about a**  
23 **cooperation agreement. What is a cooperation**  
24 **agreement, in your understanding?**



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1           A.     It's a written document between the  
2     U.S. Attorney's Office and a defendant, that's  
3     basically a signed contract that the  
4     U.S. Attorney's Office has the standard format  
5     for, and the person cooperating and their lawyer  
6     and the U.S. Attorney's Office all sign it to lay  
7     out their understanding the terms of the person's  
8     cooperation. That's the way I was using it  
9     earlier, sir. Is there -- if there's a specific  
10    name -- if that's not the --

11           **Q.     I'm sorry --**

12           A.     -- the contact that you thought.

13           **Q.     Well, let me -- my question is this:**  
14     **Have you heard of a proffer agreement or a**  
15     **proffer?**

16           A.     Oh, yes. Yeah, that's what I'm talking  
17     about.

18           **Q.     Okay. Okay. Your understanding of a**  
19     **proffer is -- well, your term for what I would**  
20     **call a proffer is what you're calling a**  
21     **cooperation agreement?**

22           A.     Well, you know, the lawyers, I'm sure,  
23     you're calling it by its correct name. There's --  
24     there can be a couple steps to cooperation.

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1                   A proffer agreement, I think you  
2                   are using the correct term that I hear the  
3                   U.S. Attorney's Office use. They also always call  
4                   a "Queen for a day letter," where you get a -- you  
5                   get a chance to give a statement that won't be  
6                   directly used against you, and some other  
7                   agreements.

8                   Then there's the, you agree to  
9                   plead guilty and cooperate, and then you get  
10                  turned over to law enforcement. And that's a  
11                  separate type of agreement as to what -- it  
12                  usually is mostly centered on what you're going to  
13                  get credit for if you do it, at least consider for  
14                  credit, and that there's no promises. That's a  
15                  cooperation agreement.

16               **Q.     I see.**

17                       **Well, let me ask you a question:**  
18               **Would you disagree, then, with the statement made**  
19               **by the Fourth Circuit Court of Appeals that the**  
20               **proffer negotiation process resembles a poker game**  
21               **rife with understatement bluff and bluster?**

22                       **Would you -- do you disagree with**  
23               **that statement?**

24               **A.     I'm not going to disagree with anything**

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1 a circuit court wrote in an opinion.

2 Q. Let me ask you this -- I'm sorry.

3 Let's -- I'm trying to hurry, because I -- you  
4 know, the other attorneys want to ask you some  
5 questions, and I'd like to get you out of here.

6 You say in here that you found the  
7 Gaddy testimony credible as well as Big Shorty's  
8 testimony -- or the proffers, I should say,  
9 because they implicated themselves?

10 A. No. No. And I had said that when I got  
11 asked that question.

12 I'm making these assessments based  
13 on what the investigators knew at that time.  
14 So -- and how they should have acted under the  
15 MOU.

16 So he would have had credibility to  
17 the investigators, because he was admitting all of  
18 this stuff. That's a common -- that's a common  
19 link in law enforcement. Why would this person --  
20 if he's admitting to things that are much worse  
21 then what he's telling me about, why would -- why  
22 wouldn't you believe him? That's kind of a  
23 credibility factor. It's not me making the -- the  
24 determination, do I find Gaddy credible? You

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1 know, no, I don't find him credible, incredible.  
2 I'm just reporting what I think the situation  
3 there is.

4 Q. Well, you reported the facts. These  
5 facts, I assume, that you put in were intended to  
6 support your opinion, correct?

7 A. Fact? Yeah. Everything --

8 Q. The facts you laid out.

9 A. -- is to support the opinion, yes, sir.

10 Q. Okay. All right. And so if any of  
11 those facts turned out to not be true, that might  
12 affect or alter your opinion; would it not?

13 A. Yes.

14 Q. Okay. All right. So suppose you knew  
15 that Willie Gaddy had been arrested with guns and  
16 drugs in February of 2004, made a proffer -- well,  
17 you may know this -- he made a proffer to ATF and  
18 DEA, as well as a part of a -- some Chicago police  
19 officers were part of the multi-jurisdictional  
20 enforcement, and -- and this may be new, because  
21 this is from his deposition, which I understand  
22 you didn't read -- but he said that they --  
23 meaning the feds -- seemed more interested in guns  
24 than the actual drugs. So we used to -- we used

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1 to get that, sort of, get-out-of-jail-free card.

2 He also stated that he understood  
3 that he would have used immunity for any statement  
4 he made to the U.S., and -- well, let me stop  
5 there. Oh -- and that -- excuse me -- and that he  
6 thought that he would be protecting anybody who he  
7 testified about.

8 Now, would that change your  
9 evaluation of the facts as you've laid this out  
10 here?

11 MR. HILKE: I'll object to form.

12 You can answer.

13 THE WITNESS: I would have to read all  
14 that and factor in globally and go through. There  
15 was several parts of it that you asked about.

16 You said he was arrested. Was he  
17 arrested by Watts? If he wasn't arrested by  
18 Watts, it was by ATF or whoever, then that's a  
19 different matter, of course.

20 The fact that --

21 BY MR. PALLES:

22 Q. Okay. Let me interject. I'm sorry to  
23 interrupt you. Let me interject.

24 That he was not arrested by Watts.

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1     **He was arrested by a multi-jurisdictional**  
2     **enforcement outfit, including ATF and the Chicago**  
3     **Police?**

4           A.     Okay. And then he -- he said something  
5     about, "they're more interested in guns." Well,  
6     if you're arrested by ATF, that's their mandate to  
7     do drug -- to do drugs, DEA, or maybe even FBI.  
8     So they're usually more focused on the drugs.

9                     And -- I mean, you bring up a bunch  
10    of topics that could possibly impact the report.  
11    I would need to read what Gaddy said and look at  
12    the documents.

13           **Q.     Well, listen, as you say, the FBI's -- I**  
14    **believe you say that the FBI's top priority is**  
15    **public corruption, correct? Do you remember**  
16    **saying that?**

17           A.     Top --

18           **Q.     I can find you the quote.**

19           A.     Yeah. Top non-national security.

20           **Q.     Well, you didn't make that**  
21    **qualification.**

22                     But other than national security  
23    now, the FBI's major interest is public  
24    corruption?

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1           A.     It should be in the report. I was  
2     pretty sure that's exactly the way I wrote it,  
3     because I would more say that it's above national  
4     security, which is the most important thing we do,  
5     and it's drilled into your head.

6           Q.     All right. I'm sorry. I don't want to  
7     take a lot of everybody's time. Let's at least  
8     see if I can find that.

9                     If you don't mind, maybe you could  
10    look at -- oh, here we go. This is on page 6,  
11    entitled the, "FBI Public Corruption Program."  
12    Public corruption is the FBI's top criminal  
13    priority. Okay, then it says, it is outranked  
14    only by programs dealing with threats to national  
15    security.

16                    Okay. I see that.

17                    But -- now, let me ask you a  
18    question about the FBI. First of all, you cite  
19    James Comey, statement to the Senate Judiciary in  
20    2015. Is it your understanding that public  
21    corruption is still the shiny object for the FBI?

22           A.     I'm pretty sure it's still the lead --  
23    it's the top priority in a threat nature to the  
24    criminal cases, yes.

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1           Q.    Okay. But other law enforcement  
2 agencies, they have certain priorities as well; do  
3 they not?

4           A.    Yes.

5           Q.    Okay. For example, Chicago Police  
6 Department may put a larger priority on getting  
7 guns off the street or getting drugs off the  
8 street, than public corruption, correct?

9           A.    I think -- well, they may have  
10 priorities, but their number one priority is  
11 making sure their officers are in line with doing  
12 the right thing.

13          Q.    Okay. Now, there are federal agencies  
14 that have other priorities too. In this case, ATF  
15 originally arrested William Gaddy. They're  
16 interested in the guns, correct? They're more  
17 interested in getting guns?

18          A.    That's their specialty, yes, sir.

19          Q.    Okay. And what about DEA, they were  
20 brought into the picture, too, to get Gaddy to  
21 cooperate and go back out on the street. DEA,  
22 they're interested in drugs. That's their top  
23 priority; is it not?

24          A.    Yeah, I'm not sure what their plan was



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1 for using Gaddy. It sounds like he would have  
2 been a good drug source, if that's what you're  
3 saying.

4 Q. Okay. Okay. So when the Chicago Police  
5 Department -- and by the way, not the IAD, but  
6 certain officers of the police department met with  
7 ATF and DEA, and they were told to keep their  
8 hands off Gaddy -- well, your criticism is what,  
9 that the FBI wasn't allowed to sit at the table?  
10 Is that your -- is that your criticism?

11 A. I'm not sure. Are you referencing that  
12 memo where Holliday said that he wasn't available?

13 Q. Okay. Yes. Yes. Okay. Holliday,  
14 yeah.

15 You said he made that decision --  
16 correct me if I'm wrong. You said he made that  
17 decision without bringing FBI public corruption  
18 into the loop, correct?

19 A. Well, it -- he let a significant source  
20 go without bringing it to the FBI. And if the FBI  
21 is in charge of these -- this case at the time,  
22 which is the premise of one of the research  
23 questions I was given, then I would have thought  
24 he would have said, hey, they told me I can't -- I

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1 can't be in that yard with them, and went to the  
2 FBI.

3 And I don't know that they would  
4 tell an officer, keep your hands off of a person.  
5 I don't think they would say that. They need  
6 Chicago PD -- they need Chicago PD bad to be  
7 successful.

8 **Q. Okay.**

9 A. They're not going to say that to them,  
10 not like that.

11 **Q. All right. Now, let's talk about your**  
12 **Appendix B, okay. It's got, maybe, oh, I don't**  
13 **know, maybe 100 or 200 recordings. Okay? Now,**  
14 **you've indicated that you didn't review any of**  
15 **those recordings, correct?**

16 A. Correct.

17 **Q. Okay. Now, let me ask you, why did you,**  
18 **then, identify your appendix as materials that you**  
19 **reviewed?**

20 A. My understanding of this is that you're  
21 supposed to do an appendix of everything available  
22 to you, so -- it was made available, but the link  
23 expired, and it was given to me a little bit late  
24 in the process.

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1           Q.    But you created an Appendix B that is  
2   entitled "Materials reviewed." Do you find that  
3   in any way misleading?

4           A.    No.

5           Q.    Okay. And why not? Why -- why may I  
6   not assume that you have reviewed all of those  
7   recordings?

8           A.    Because -- because I'm under oath  
9   telling you which ones I didn't review. And there  
10   are other ones besides that. I didn't review  
11   every single exhibit, but I listed them just to be  
12   complete. I had access to them. They weren't  
13   mentioned in the depo. I didn't look at them.  
14   That's --

15          Q.    Okay. So now let me ask -- I'm sorry.  
16                 Let me ask you this: So you  
17   haven't reviewed all of those documents. Do you  
18   intend to review them before you give your opinion  
19   in court?

20          A.    I don't think so, not unless I have to.

21          Q.    Okay. So is there any way that you can  
22   discern what documents you have looked at, looked  
23   at, reviewed, today for purposes of your opinion?

24                 MR. HILKE: Just object to form.

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1                   You can answer.

2                   THE WITNESS: Yes. For the most part, I  
3 can identify which ones would be yes and no.

4 BY MR. PALLES:

5           **Q. Okay. All right.**

6           A. Sir, there's thousands and thousands of  
7 pages. Would there be a couple that I might not  
8 remember? Yes. But most of them, I could tell  
9 you --

10          **Q. Okay.**

11          A. -- which ones I did look at and which  
12 ones I didn't look at.

13          **Q. Okay. Could you, within -- or may we**  
14 **agree with your counsel that, say, within the next**  
15 **week, you will give us a list of all the documents**  
16 **and/or recordings you have reviewed?**

17               MR. HILKE: I'm happy to discuss that  
18 off the record. But I'm --

19               MR. PALLES: Will do. That's fine. All  
20 right. Thank you. I want to finish. Fine.

21 BY MR. PALLES:

22          **Q. I just want to ask you about one or two**  
23 **other things. You say from time to time in your**  
24 **report that you would have expected to see certain**

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1 documents, certain investigative steps taken  
2 place, correct?

3 A. Yes, sir.

4 Q. Okay. But you have just said that you  
5 have not reviewed all of those documents, correct?

6 A. On my list?

7 Q. Yes, on your list. You have not  
8 reviewed all of those documents?

9 A. Well, the documents that I reviewed  
10 mainly -- that I wouldn't have reviewed have to do  
11 with exhibits to the depositions that weren't  
12 mentioned in the deposition. So that is what I'm  
13 generally referring to. Because there were so  
14 many mentioned in the deposition, just reviewing  
15 those was hard. The one document was 900 -- the  
16 one exhibit, Exhibit 50, was 922 pages. That's  
17 the one I accidentally printed. These were not  
18 small exhibits to look at, some of them.

19 Q. I may be familiar with that myself.

20 But in addition to that, though,  
21 you are aware that you were provided, spoonfed,  
22 certain documents from plaintiffs' counsel for  
23 your review, right?

24 MR. HILKE: Object to form.

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1                   You can answer.

2                   THE WITNESS: From plaintiffs' counsel  
3 for my review. That's Wally -- I mean, that's  
4 Mr. Hilke's firm --

5 BY MR. PALLES:

6           **Q.    Wally, yeah.**

7           A.    He gave me the documents?

8           **Q.    All the documents in the case or -- or**  
9 **just documents he wanted you to see?**

10           MR. HILKE: Object to form.

11           THE WITNESS: The documents --

12           MR. HILKE: Wait. Wait. Just let me.

13                   Object to form. Argumentative.

14                   You can answer.

15           THE WITNESS: The documents on that list  
16 is what he gave me.

17 BY MR. PALLES:

18           **Q.    Okay. So if it's not on that -- let's**  
19 **take an example, okay. You seem to rely a little**  
20 **bit on the testimony of Arthur Kirskey, correct?**

21           A.    I --

22           **Q.    -- controlled buys by Arthur Kirskey?**

23           A.    Is that -- that's who I thought was  
24 doing those controlled buys, but I never saw it

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1 confirmed in the records I saw.

2 Q. All right. Let's assume for a moment  
3 it's Arthur Kirskey, okay.

4 Had you been -- had you received  
5 his criminal history, you might have been aware --  
6 or read his deposition, you might have been aware  
7 that he was arrested on 11/9/07, November 9, 2007,  
8 with coke and with guns, again, by a  
9 multi-jurisdictional outfit, and it was on --  
10 four days later, on -- on November 13th that he  
11 was interviewed by the FBI and offered to --  
12 ultimately, to work with the FBI. Are you aware  
13 of that?

14 A. What was the date?

15 Q. November 9th of '07. He was arrested,  
16 November 13th. He gave a statement to FBI.  
17 November 30th, the FBI says, he agreed to work  
18 with them.

19 A. And those bribe payments started in  
20 November, right, November 17th?

21 Q. Correct. The first one was  
22 December 11th, 2007, December 18, 2007, January 4,  
23 2008, and January 21st, 2008.

24 A. Yeah, that would make sense to me. Is

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1     that your question?

2           **Q.     What I'm saying is, the statement that**  
3     **Arthur Kirskey made about his prior involvement**  
4     **with, say, Watts and Mohammed, would you find that**  
5     **credible if you knew that he was giving it**  
6     **under -- under the fact that he was trying to cut**  
7     **a deal for very serious charges that he was**  
8     **facing?**

9           A.     It would -- it would -- I wouldn't  
10    apply -- I'm just saying how I would have done it  
11    if I was there, and how most agents would do it.  
12    They would not find it credible without a  
13    recording. So as soon as we put a recorder on  
14    him, he made that first recording, Mohammed took  
15    the money, he came back, it was controlled enough  
16    where I have a recording, suddenly this bad guy,  
17    he's now got a lot of credibility.

18          **Q.     All right. And let me ask you this:**  
19    **You know, you criticize the city for suspending**  
20    **that investigation for some unknown reason.**  
21    **Suppose you were to learn that Arthur Kirskey was**  
22    **arrested again for drugs by another tactical**  
23    **outfit on January 23rd, 2008, two days after he**  
24    **made that last payment, that last payment to**



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1 **Mohammed. Would that explain to you why the**  
2 **federal -- the feds refused to use him further?**

3 A. No.

4 MR. HILKE: Object to foundation.

5 You can answer.

6 THE WITNESS: I don't think so. I think  
7 as long as it was on tape and they had, maybe, an  
8 agent that could testify that they saw this go  
9 down, and there was controlled money, and -- guys  
10 testify all the time with multiple convictions.

11 BY MR. PALLES:

12 **Q. Yeah, but this one was, at some point,**  
13 **incarcerated. Do you think -- well --**

14 A. I would say abused him.

15 MR. HILKE: Wait. Wait. Wait. Just  
16 wait for a question.

17 THE WITNESS: I'm sorry.

18 MR. PALLES: I'm going to withdraw the  
19 question, and I'm going to apologize to my  
20 cocounsel, who, I believe, I represented I'd be  
21 quicker than I was.

22 But thank you for your time, sir.

23 MR. BAZAREK: Can we take a quick break.  
24 Tell me how much time we have.

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1 (Discussion had off the record.)

2 EXAMINATION

3 BY MR. BAZAREK:

4 Q. Good afternoon, sir.

5 A. Hello.

6 Q. My name is William Bazarek, and I  
7 represent a number of the officers Mr. Baker and  
8 Ms. Glenn are suing.

9 I'm just going to ask you, you  
10 mentioned earlier in this deposition that you had  
11 some mentors from the DOJ many years ago?

12 A. Yes.

13 Q. Who were the mentors that you had?

14 A. The first one would have been Tom  
15 Thalken. He's the first AUSA in the District of  
16 Nebraska. He became a U.S. magistrate.

17 Then Linda Reade was another big  
18 one at the U.S. Attorney's Office. She taught me  
19 quite a bit. She's now a federal judge,  
20 Article III judge in the Northern District of  
21 Iowa.

22 Here in West Palm, it was Michael  
23 McAuliffe, who is a public integrity section, DOJ  
24 attorney, and AUSA and supervisor here in the

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1 Southern District of Florida, who I did a lot of  
2 corruption cases with, and who was, then, the  
3 elected state's attorney and went over to the  
4 State Attorney's Office, and we jointly worked the  
5 public corruption cases together between the state  
6 attorney. That was part of the reason I did my  
7 federal passport. And so I really learned a lot  
8 from him.

9 And Bruce Reinhart is the other  
10 AUSA, who's now a judge here.

11 **Q. Tell me, have you ever been a subject of**  
12 **an internal investigation when you were an FBI**  
13 **agent?**

14 A. Where I was a target? No.

15 **Q. I'm not saying target.**

16 **Has any -- during the time that you**  
17 **were an FBI agent, was there ever made a complaint**  
18 **against you for any reason?**

19 A. Oh, probably.

20 **Q. What were some of the complaints that**  
21 **were made against you?**

22 A. I can't recall any. I don't have any  
23 that -- most complaints would result in an  
24 Internal Affairs investigation, but I have none.

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1           **Q.    Were you ever accused of falsely**  
2 **arresting a subject?**

3           A.    No.

4           **Q.    Were you ever accused of planting**  
5 **narcotics on a subject?**

6           A.    No.

7           **Q.    Have you ever done narcotics**  
8 **investigations at housing projects?**

9           A.    I think, some public housing was  
10 involved. But not -- not in the scale and type  
11 that you're referring to, probably, in Chicago.  
12 No, nothing on those -- on that scale.

13           **Q.    Have you ever observed hand-to-hand**  
14 **narcotics transactions occurring?**

15           A.    Yes. Yes.

16           **Q.    And did you observe those hand-to-hand**  
17 **narcotics transactions occurring while you were**  
18 **doing an investigation?**

19           A.    Yeah. I hope. If I didn't, it might  
20 have been a problem.

21           **Q.    And when -- as part of the investigation**  
22 **in your observing this hand-to-hand transaction**  
23 **occurring, what steps did you take to apprehend**  
24 **the individuals who would have been involved**

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1 **selling the narcotics?**

2 MR. HILKE: Object to form.

3 You can answer.

4 THE WITNESS: They would be arrested.

5 Usually arrested. Sometimes, they would --

6 depending if they were small time, they might be

7 flipped. They might be given -- or turned into a

8 cooperator. They might be handed over to the

9 state.

10 BY MR. BAZAREK:

11 **Q. During any of these investigations, did**  
12 **they occur -- or strike that.**

13 **During these investigations when**  
14 **you were -- would observe these hand-to-hand**  
15 **narcotics transactions, would any of those have**  
16 **been occurring at public housing sites?**

17 A. I don't think so, no.

18 **Q. Okay. I want to ask you, in terms of**  
19 **the -- the documents, materials that you reviewed,**  
20 **you reviewed -- strike that.**

21 **Did you ever ask for specific**  
22 **materials to review in this case?**

23 MR. HILKE: I'm going to instruct the  
24 witness not to reveal the contents of his

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1 communications with counsel. I think that's  
2 protected by Rule 26 and his work product.

3 BY MR. BAZAREK:

4 **Q. Sir, were you relying on the plaintiffs'**  
5 **counsel to provide you with the materials that**  
6 **would be important for your review?**

7 A. Yes, generally. I did ask for  
8 permission to look at other things. I wasn't sure  
9 what the court order was, as far as what you  
10 could -- what they needed experts to look at, what  
11 they were allowed to look at. So I did rely  
12 somewhat on Mr. Hilke's firm to make sure they  
13 were complying with whatever court instructions  
14 that we were abiding by that.

15 **Q. And at no point were you ever provided**  
16 **the deposition transcript of Ben Baker, correct?**

17 A. I don't think so.

18 **Q. Well, it's not in the materials that you**  
19 **said you reviewed in the appendix, right?**

20 A. Okay. If it's not in there, I did not  
21 receive it.

22 **Q. Okay. And you never reviewed or were**  
23 **provided the deposition transcript of Clarissa**  
24 **Glenn, correct?**

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1           A.     That, I definitely didn't get.

2           **Q.     Don't you think that would be of some**  
3 **importance to review, since you're the so-called**  
4 **expert for Ben Baker and Clarissa Glenn?**

5           MR. HILKE:   Okay.   That's -- the tone  
6 you're using is harassing, totally unnecessary.  
7 You can be civil.

8           MR. BAZAREK:   I'm not harassing.

9     BY MR. BAZAREK:

10          **Q.     Go ahead.**

11          MR. HILKE:   Hold it.

12          MR. BAZAREK:   Don't -- don't -- don't  
13 interrupt.

14                        Hey, listen, you got an objection,  
15 make it.   Don't interrupt my questioning.

16          MR. HILKE:   If you harass my witness,  
17 I'm going to say something.

18                        Jeff can answer your question.

19          MR. BAZAREK:   Can you read back -- can  
20 you read back the question, please, Jennifer.

21                        (Record was read back.)

22          THE WITNESS:   I read the complaint.   I  
23 would think that whatever they had to say was in  
24 the complaint.   But anybody's deposition talking

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1 about these could be relevant. These situations  
2 could be relevant, if they -- especially if they  
3 were doing what -- one of the things I was looking  
4 for was exculpatory or things that proved that,  
5 hey, look, this -- this was resolved, and it was  
6 resolved -- you know, it was either -- I don't  
7 want to say integrity, but with speed and with,  
8 there's a resolution to some of these things. So  
9 it could affect it.

10 BY MR. BAZAREK:

11 **Q. Well -- so was it your belief that it**  
12 **was sufficient to just review allegations in the**  
13 **complaint that were drafted by plaintiffs'**  
14 **counsel?**

15 A. Well, it's -- they're allegations, but  
16 they're filed in a court, so I -- you know, I'm  
17 hoping that they have some basis and fact  
18 coming -- well, the deposition is after, right,  
19 the complaint is filed.

20 So, yeah, I mean, I would look at  
21 any deposition that it was okay to look at. I  
22 don't know if that's a public record. I didn't  
23 search dockets. I didn't search Google. So I  
24 wasn't given this. And do I think it would have



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1 an impact? It might if they have a lot of  
2 exculpatory information in there for any of these  
3 officers.

4 **Q. Well, if, in fact, the deposition would**  
5 **have been provided to you by plaintiffs' counsel,**  
6 **you would have looked at it, right?**

7 A. Most likely.

8 **Q. Are you aware that Ben Baker falsified**  
9 **multiple interrogatory answers in this litigation?**

10 MR. HILKE: Well, hold on.

11 Object to form. Misstates the  
12 evidence. You can -- and foundation.

13 You can answer.

14 THE WITNESS: I don't have any  
15 information about that.

16 BY MR. BAZAREK:

17 **Q. Is that something you would want to know**  
18 **in your review in this case?**

19 MR. HILKE: Object to form.

20 You can answer.

21 THE WITNESS: I mean, it could impact if  
22 that was found that they were false.

23 BY MR. BAZAREK:

24 **Q. Right. And that's a big deal, right,**

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1     **falsifying interrogatory answers in a federal**  
2     **lawsuit?**

3             MR. HILKE: Object to form and  
4     foundation and misstates the evidence.

5             You can answer.

6             THE WITNESS: Well, you know, you're  
7     saying they were falsified, and I'm taking you at  
8     your word. But, I mean, I just can't help but  
9     thinking -- an interrogatory is not written by the  
10    defendant. It's written by the plaintiffs -- the  
11    lawyer. I don't even know. I guess it's  
12    plaintiff, the lawyer.

13            So, you know, what was said there  
14    and how was it said and what's in there and what  
15    are you calling false?

16            But, yeah, anytime somebody says  
17    something that is false, that's why you -- most of  
18    these agents do tapes. They -- we don't care, as  
19    long as it's on tape, that's what we're looking  
20    for.

21    BY MR. BAZAREK:

22            **Q. But you don't even know that Ben Baker**  
23    **falsified interrogatory answers, because you**  
24    **weren't provided with his deposition, and those**

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1 **were actually exhibits in the deposition?**

2 MR. HILKE: Wait. Wait. Wait. Stop.

3 Objection. Form. Not a question.

4 You can answer.

5 THE WITNESS: I have no information  
6 about any of that with Ben Baker or his  
7 deposition.

8 BY MR. BAZAREK:

9 Q. Right, because you were never provided  
10 it by plaintiffs' counsel, right?

11 A. Yes.

12 MR. HILKE: Objection -- wait.

13 Objection. Asked and answered.

14 You can answer.

15 THE WITNESS: Yeah. Yes.

16 BY MR. BAZAREK:

17 Q. Is that something, you know, you think  
18 you'd want to look at it? Like, say tomorrow,  
19 would you want to look at that? Because you've  
20 done a written report in this case. Do you think  
21 that's something you'd want to take a look at even  
22 after you've done the report?

23 MR. HILKE: Objection. Asked and  
24 answered.

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1                   You can answer.

2                   THE WITNESS: Yeah, I mean, I'm happy to  
3 look at any other documents I'm allowed to look  
4 at. I don't know if I can do it tomorrow.

5 BY MR. BAZAREK:

6                   **Q. What -- sorry. Were you done? I'm**  
7 **sorry.**

8                   A. Yeah, I'm thinking of a time in my  
9 schedule when I could give it some -- a good read,  
10 because I honestly was thinking that I had next  
11 week to do this other project. So if I start  
12 getting other depositions and it's going to -- I'm  
13 willing to do it, though, if it's allowed or...

14                  **Q. During your -- during your service with**  
15 **the FBI, did you ever investigate gangster**  
16 **disciples?**

17                  A. I don't think, that particular gang.

18                  **Q. Okay. Are you aware that Ben Baker was**  
19 **a Gangster Disciples?**

20                  A. I think I did see that in there  
21 somewhere.

22                  **Q. Okay. And you're aware that the**  
23 **Gangster Disciples controlled the drug trade at**  
24 **Ida B. Wells?**

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1           A.     That was generally the tenor of that --  
2     the records I looked at, yes, sir.

3           **Q.     Okay. And what building was it where**  
4     **Ben Baker sold narcotics out of at Ida B. Wells?**

5           A.     I think it was the 5 -- well, I'd have  
6     to look at my notes. My recollection is 574, and  
7     that was Moore's -- was that Moore's? Is that --  
8     is that right?

9           MR. HILKE: Belated objection to form  
10    and foundation.

11   BY MR. BAZAREK:

12           **Q.     I mean, right now, you're guessing,**  
13     **right?**

14           A.     I'm not guessing. That's what I recall.  
15    But --

16           **Q.     Okay.**

17           A.     -- there's, like, ten buildings.  
18    There's multiple drug lines in these buildings  
19    with multiple dealers. So it's -- sometimes it's  
20    hard to keep the players in order in my mind,  
21    especially after seven hours of a deposition. I  
22    think that's correct.

23           **Q.     Yeah. Was it your understanding that**  
24     **Ben Baker was a drug dealer who sold narcotics out**

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1     **of the building where he lived with his wife and**  
2     **children?**

3             MR. HILKE:   Objection to form and  
4     foundation.

5             You can answer.

6             THE WITNESS:  I don't know that it was  
7     in the same building with his wife and children.  
8     It may have been, but I was -- I was knowledgeable  
9     that he had a drug -- you know, these drug  
10    arrests.

11    BY MR. BAZAREK:

12            **Q.    I have a question in your written**  
13    **report, and I'll just read it.  It's on page 2.**  
14    **You write --**

15            A.    Can I look at it, sir?

16            **Q.    Yeah, sure, if -- yeah.  It's page 2.**  
17    **And it's the last paragraph on page 2.**

18                    **Are you there?**

19            A.    Yes, sir.

20            **Q.    Okay.  And it's the second sentence, you**  
21    **write, "The extreme recklessness of leaving**  
22    **demonstrably corrupt officers loose in a**  
23    **particularly vulnerable segment of the community**  
24    **is so far removed from anything that I've ever**

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1 **experienced in my law enforcement career. Its**  
2 **negative impact cannot be overstated."**

3 **Did I read that right?**

4 A. Yes, sir.

5 **Q. Who are the demonstrably corrupt**  
6 **officers you're referring to?**

7 A. Mainly Watts and Mohammed.

8 **Q. Anyone else?**

9 A. Others just were mentioned as being in  
10 supporting roles or as parts of his -- his  
11 operation, and there were allegations in there  
12 about several officers. But the two that I  
13 centered in on were Watts and Mohammed, because  
14 they were eventually charged, and they were  
15 demonstrably -- it was demonstrably corrupt, both  
16 with the charges and all the tapes and all the  
17 other things that were apparently not admissible  
18 for some reason.

19 **Q. Well, Watts and Mohammed were arrested**  
20 **for an incident that occurred while they were both**  
21 **off duty, correct?**

22 A. I can't remember if that was the one  
23 where they -- I think they were off duty on the  
24 November 21st theft at 5200. I think that was --

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1 that was an off-duty one, if I remember correctly.

2 **Q. Right.**

3 A. Because you've got multiple ones: Some  
4 of them were on duty. Some of them they're off  
5 duty. Some of them they're off duty and they come  
6 on and get in their police car and then go out.  
7 So, you know, it's in the records. But there was  
8 one that they were -- that's the one that Mohammed  
9 mentioned, right, that, look, we should be on duty  
10 if we're going to do this. Get an explanation why  
11 we're in the area.

12 **Q. Well, but it was -- it occurred in 2011,**  
13 **right, towards the end of 2011?**

14 A. November 21st, 2011, is the transaction  
15 I'm talking about. I believe that's the date,  
16 sir.

17 **Q. Okay. Just a real quick -- strike that.**

18 **Real quick question: When you were**  
19 **acting as an FBI agent, would you ever be supplied**  
20 **Garrity protected statements when you were**  
21 **investigating criminal activity?**

22 A. Of the officer that gave the Garrity  
23 statement?

24 **Q. Yes.**



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1           A.     No -- well, I take that back slightly.  
2     I'm not sure how much we can disclose. But I got  
3     brought into a case that was a police corruption  
4     case, a large-scale police corruption case, and  
5     Garrity statements had been collected previous to  
6     me arriving. And when I recognized that, that  
7     caused the case to immediately be shut down and  
8     the AUSA to be reassigned.

9                     So I did get them theoretically  
10    once, but it's kryptonite. You stay away from  
11    them.

12           **Q.     Okay. Thank you. And I have a**  
13    **question -- I see from your appendix, you reviewed**  
14    **the deposition transcripts for former**  
15    **Superintendent Eddie Johnson and former**  
16    **Superintendent Gary McCarthy; is that correct?**

17           A.     I remember McCarthy's, for sure.

18           **Q.     Right. And do you -- do you know who**  
19    **Robert Grant is?**

20           A.     Who?

21           **Q.     Robert Grant.**

22           A.     Robert Grant, yeah. He was the SAC. He  
23    was the social agent in charge of the Chicago  
24    field office.

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1           **Q.     Okay. And do you recall from McCarthy's**  
2           **deposition that he mentioned a conversation that**  
3           **he had with Robert Grant after Watts and Mohammed**  
4           **had been arrested?**

5           A.     I read his deposition in detail, and I  
6           think -- I think I know what you're referencing.

7           **Q.     What do you think I'm referencing?**

8           A.     Well, that he -- he talked to Grant  
9           about other officers being involved or something  
10          like that.

11          **Q.     And what did Grant tell him?**

12          A.     That they arrested who they had in that  
13          case.

14                     It's in the -- it's in the depo, so  
15          I hate to summarize it based on something I read  
16          six weeks ago.

17          **Q.     Well, I'll show it to you.**

18          A.     Okay.

19                     MR. BAZAREK: So what exhibit number are  
20          we on?

21                     MS. EKL: We're on 12.

22                             (Deposition Exhibit No. 12 was  
23                             marked for identification.)

24                     MR. BAZAREK: Okay. So this is going to

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1 be an excerpt from Gary McCarthy's June 14th,  
2 2023, deposition.

3 Just give me a moment.

4 MS. EKL: Did you need me to pull this  
5 up? Is that one you sent?

6 MR. BAZAREK: Oh, yeah. Yeah, I'm  
7 asking you to pull it up.

8 MS. EKL: Okay.

9 BY MR. BAZAREK:

10 Q. So let's take a look at that exhibit.  
11 It would be on the PDF, it would be page 7, but of  
12 the deposition, it's actually page 37 of the  
13 deposition.

14 And I want you to just -- just read  
15 that page, sir, if you can, and then I'll have a  
16 few questions.

17 A. Just a little bigger. Okay.

18 MR. HILKE: I don't know if there's a  
19 difference, but for the record this is a read and  
20 sign only copy.

21 BY MR. BAZAREK:

22 Q. And tell me when you're done, sir.

23 A. Okay, I'm good. I'm good. You can move  
24 it up.

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1           **Q.     Okay. Does this refresh your**  
2 **recollection about the conversation that former**  
3 **Superintendent Gary McCarthy had with Robert**  
4 **Grant?**

5           A.     Yes.

6           **Q.     Right. And then as you see on line 6,**  
7 **Mr. McCarthy says, "The other thing that goes**  
8 **along with it was the fact that I remember asking**  
9 **Grant specifically what else they had, and he told**  
10 **me, 'Nothing. It's just these two officers.**  
11 **That's all there is to it.'"**

12                     **Did I read that right?**

13           A.     Yes.

14           **Q.     Why didn't you mention that in your**  
15 **report?**

16           A.     Well, if you look down farther -- go to  
17 the bottom of that page, or a little farther  
18 down -- he says, "It was really an assumption of  
19 mine. It could have been an assumption, or it  
20 could -- he could have told me. I really don't  
21 know."

22                     I think I read that correct.

23           **Q.     According to --**

24           A.     It says, also --

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1 MR. HILKE: Hold on. Let him finish.

2 He's answering. Let him finish.

3 BY MR. BAZAREK:

4 Q. Go ahead.

5 A. If you look at the question, it also  
6 said, "Watts and his team."

7 So, you know, I took that as just  
8 to a morphous as to what Grant would have said to  
9 him as being, like, the FBI signing off that,  
10 like, exculpating all the other officers of any  
11 activity.

12 He -- I mean, you're asking me what  
13 I think he meant, you know, what he probably  
14 meant, I could tell you that.

15 Q. Okay. So let's take that down.

16 Do you remember reading Eddie  
17 Johnson's deposition? And let's take a look at  
18 page -- give me a second.

19 Okay. Let's take a look at page --  
20 let's start reading page 38, line 13, through  
21 page 39, line 9.

22 A. Do you want me to start on 13, sir?

23 Q. I'm sorry. It's -- we're on Eddie  
24 Johnson's deposition. On the PDF, it's going to

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1     **be page 38, beginning on line 13.**

2           A.     This is a Word document.

3           **Q.     You know what, I'm just going to read**  
4     **it -- you know what, I'm going to read it for --**

5           MS. EKL:   Am I showing a Word document?

6           THE WITNESS:  Is this thing that's open,  
7     it looks like Word.  Hey, I -- I've demonstrated  
8     my skills with electronic media.  But...

9                                 (Deposition Exhibit No. 13 was  
10                                marked for identification.)

11    BY MR. BAZAREK:

12           **Q.     Okay.  You know what, I'll speed this**  
13     **up.  I'm just going to read for you --**

14           A.     It would change the pagination, is my  
15     point.

16           **Q.     All right.  I'm going to read from you.**

17                               This was the question asked of  
18     **Eddie Johnson, former superintendent, "Were you**  
19     **ever given any specifics about any of the evidence**  
20     **that the federal government with CPD developed**  
21     **against Watts and other members of the team?**

22                               "ANSWER:  No.

23                               "QUESTION:  Did you ever ask for  
24     **that information?**

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1                   So with Watts and Mohammed, they  
2                   were -- prior to me becoming superintendent, as  
3                   far as I knew, they had been indicted and went to  
4                   prison. I don't know if they were out of prison  
5                   at the time that I became superintendent. So  
6                   there would have been no need for me to inquire  
7                   about them. As far as the other members of the  
8                   team goes, when we got notification from the  
9                   State's Attorney's Office concerning their  
10                  credibility issues, I knew that I personally  
11                  reached out to the U.S. Attorney's Office and the  
12                  FBI to ask them, did they have anything further at  
13                  that point that would suggest that I should take  
14                  further action against those officers? If they  
15                  could share it with me, fine. If not, I  
16                  understood. But if I were to take a job action  
17                  against them, was -- did they have any reason to  
18                  think that they had evidence that would suggest  
19                  that? And they said, no."

20                  So you have the superintendent  
21                  police, he's reaching out to the U.S. Attorney and  
22                  the head of the FBI in Chicago, asking them if  
23                  there's any issues with his officers. Do you  
24                  remember reading that?

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1 A. I think I did.

2 **Q. And he was told, "No," right?**

3 A. That's what he says he was told.

4 **Q. Why wouldn't you put that in your**  
5 **report?**

6 A. My report mainly was about the MOU and  
7 the Watts and Mohammed activity and the general  
8 investigation between the FBI and the Chicago PD  
9 and what they should and maybe shouldn't have  
10 looked at different times.

11 These other officers --

12 **Q. Go ahead.**

13 MR. HILKE: Were you done?

14 THE WITNESS: The other officers, I  
15 didn't center on them a lot, so I can't make a lot  
16 of comments about were they involved? I mean,  
17 they were named in a bunch of stuff, but my review  
18 mainly -- and I could go back through and look for  
19 one of the officers. Then I could go back through  
20 and look for a different officer.

21 You have to be careful looking  
22 through the documents that you're not -- you know,  
23 what you're paying attention to, what trail you're  
24 on.



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1                   My trail was basically the MOU, not  
2                   some of these other officers. And I never meant  
3                   to implicate them -- his wider team, if that's  
4                   your question. His wider team may have been  
5                   completely involved or may not have been involved.  
6                   I didn't have the -- I didn't have the instruction  
7                   to review that, so I really don't know.

8                   BY MR. BAZAREK:

9                   **Q.     So are you done?**

10                  A.     Yes, sir.

11                  **Q.     So you were -- you had no instruction to**  
12                  **include exculpatory information for the police**  
13                  **officers that worked for Ron Watts, right?**

14                  A.     No.

15                  MR. HILKE:   Object --

16                  THE WITNESS:   Go ahead.

17                  MR. HILKE:   No.   Go ahead.

18                  THE WITNESS:   I tried to include  
19                  exculpatory information. If it was, say,  
20                  firsthand information, that's what I'm talking  
21                  about.

22                               Somebody who's saying that somebody  
23                               else said something, it starts to get -- if I'm  
24                               going to keep, you know, going to all that, I'm

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1 not going to include that as incriminating, and  
2 I'm not going to include it as exculpatory unless  
3 there's some kind of -- now, I will grant you that  
4 a conversation between the superintendent and  
5 the -- that he's claiming the U.S. Attorney's  
6 Office, you know, would have a little bit more  
7 weight than a different conversation.

8 BY MR. BAZAREK:

9 **Q. All right. Let's look at the next**  
10 **exhibit. This is going to be the declaration of**  
11 **Craig Henderson.**

12 MR. BAZAREK: And, Jennifer, this is  
13 exhibit number -- is this 14 or 15?

14 MS. EKL: It's 14.

15 (Deposition Exhibit No. 14 was  
16 marked for identification.)

17 BY MR. BAZAREK:

18 **Q. Sir, have you ever seen this document**  
19 **before?**

20 A. A declaration of Craig -- no, I  
21 definitely haven't seen this.

22 **Q. Is this something you think you would**  
23 **have like to have reviewed, since he was one of**  
24 **the lead case agents in Operation Brass Tax?**

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1           A.     I mean, I would have reviewed it if I  
2     had it. It -- it depends on what it says.

3           **Q.     All right. By the way, do you know**  
4     **Craig Henderson?**

5           A.     I do not know him.

6           **Q.     Okay. So --**

7           A.     Well, I know who he is.

8           **Q.     You would agree this is the first time**  
9     **you've ever seen this declaration, correct?**

10          A.     Yes, sir.

11          **Q.     Okay. I want to direct you to**  
12     **paragraph -- start with paragraph 14. I'll just**  
13     **read it to you.**

14                   He writes, "During my review of the  
15     items of electronic material collected by the FBI  
16     in its investigation of Mr. Watts and  
17     Mr. Mohammed, I did not perceive anything that  
18     indicated that the subjects of the investigation  
19     were engaged in falsification of criminal charges  
20     against any individual."

21                   Do you see that?

22          A.     I do see it, yes.

23          **Q.     Paragraph 14?**

24          A.     Yes, sir.

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1           **Q.     Would that be of some importance for you**  
2           **as you were reviewing this case?**

3           A.     Well, that it's not in the electronic  
4           media. If he said he was exculpating them and  
5           that was in there, that would be very significant.  
6           But he's saying there's nothing in the electronic  
7           media. So maybe this thing is about whether those  
8           documents have to be produced or that media has to  
9           be produced. I don't know. There's a lot of back  
10          and forth on these record productions in federal  
11          court. I --

12          **Q.     Well, there's all these FBI recordings**  
13          **that you never reviewed, right?**

14          A.     Yes, there's a lot of recordings that I  
15          didn't have, I didn't review.

16          **Q.     Right. And Special Agent Craig**  
17          **Henderson is saying, at least from the electronic**  
18          **material collected by the FBI, there's nothing in**  
19          **there that the subjects of the investigation were**  
20          **engaged in falsification of criminal charges**  
21          **against any individual, right?**

22          A.     Correct.

23          **Q.     And I'll go to paragraph 15, "Per FBI**  
24          **protocol and my standard practice, if I had**

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1 perceived anything that indicated a subject of the  
2 investigation was engaged in falsification of  
3 criminal charges against an individual, I would  
4 have documented that information into the existing  
5 investigative file and either incorporated that  
6 information into the existing investigation or  
7 referred the information to the appropriate  
8 investigative squad in the FBI Chicago Division  
9 for initiation of a separate investigation. As I  
10 stated, I did not perceive such information in my  
11 review of electronic material collected by the FBI  
12 in the public corruption investigation of  
13 Mr. Watts and Mr. Mohammed, and I did not make any  
14 such record or referral."

15 Did I read that right?

16 A. I think so, yes.

17 Q. And would you agree that that is  
18 exculpatory information when allegations are being  
19 made that individuals are being, you know, framed  
20 for narcotics offenses?

21 MR. HILKE: Object to form.

22 You can answer.

23 THE WITNESS: Well, had I seen it  
24 before, I would have at least paid attention to

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1 it. But, I mean, I would need to -- I would need  
2 to go back and look. I'm kind of surprised it  
3 says that, because I think it's in the FBI records  
4 people are saying they had drugs planted on them.  
5 I think there's things going on in there.

6 I mean, if the FBI interviewed Ben  
7 Baker, I would need to look back at that record  
8 and see what -- Ben Baker is one of the leading  
9 proponents of being -- having drugs planted on  
10 him. And these documents -- these documents from  
11 Chicago PD were routinely given to the FBI.

12 So I don't know -- although, he  
13 could be right and my recollection is wrong. I'm  
14 not sure. I would need to factor this in, look at  
15 it, and look at the records.

16 BY MR. BAZAREK:

17 **Q. Well, Ben Baker and his wife, Clarissa**  
18 **Glenn, were only making complaints after Ben Baker**  
19 **was caught in his narcotics operations, right?**

20 MR. HILKE: Object to form and assumes  
21 facts not in evidence.

22 You can answer.

23 THE WITNESS: I think he made his  
24 complaint after he said that those drugs were

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1 planted on him, and he was complaining about the  
2 one -- the incident where he claimed they were  
3 planted on him and his girlfriend.

4 BY MR. BAZAREK:

5 Q. Can we take a look at -- I want to go  
6 back to exhibit -- take that down, please.  
7 Thanks.

8 Go back and look at Exhibit 4.  
9 Those are your handwritten notes. And I just have  
10 a question for you.

11 MR. HILKE: I think we've got  
12 five minutes left.

13 MR. BAZAREK: Okay.

14 BY MR. BAZAREK:

15 Q. If you go to page 6 of your handwritten  
16 notes, there's an entry about Daniel Hopkins on  
17 March 24, 2009.

18 A. Okay. I see it. I haven't looked at it  
19 for a while. Do you want me to read it or --

20 Q. Okay. Well, there's a reference -- I'll  
21 just read it to you. It's, like -- you have  
22 3/24/09, Daniel Hopkins, and 302, you're talking  
23 about the 302 report, right?

24 A. I would guess, yes.

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1           **Q.     Okay. And then got Echeverra present,**  
2           **Shannon Spalding, regarding an April incident.**  
3           **And I want to direct you to, it says, "Four other**  
4           **officers, none of which were ever moved on."**

5                     **Do you see that?**

6           **A.     Yes.**

7           **Q.     So you recall, you reviewed some report**  
8           **about what Daniel Hopkins said happened to him,**  
9           **correct?**

10          **A.     Correct.**

11          **Q.     Now, if what Daniel Hopkins said was**  
12          **false, is that something that you would want to**  
13          **know?**

14          **A.     Well, the parts of what he said that I**  
15          **would have -- that I relied on, were the stuff**  
16          **that was recorded and reported in the records as**  
17          **recorded.**

18                     **He had a very long history --**  
19          **criminal history, and he's not a credible person,**  
20          **in my view. But he did a lot of recordings --**

21          **Q.     Right.**

22          **A.     -- and -- so those were very credible.**

23          **Q.     But he also said that he was falsely**  
24          **arrested by Watts' team, right?**



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1           A.     He may have. I can't recall. This  
2 incident struck -- was important to me, because he  
3 said they beat him and kicked him, because he  
4 wouldn't tell them about what was going on there.

5           **Q.     Right. But he also said that he was**  
6 **framed, and drugs were planted on him, correct?**

7           A.     I can't -- I can't recall off the top of  
8 my head if he said that too.

9           **Q.     Okay. Well, if what he said -- and I'll**  
10 **represent to you that he did say he was framed,**  
11 **so --**

12          A.     I think he did. Yeah, I do remember  
13 now, sir.

14          **Q.     Okay. So now you remember, okay.**

15                   **So if that was false, is that**  
16 **something that you'd want to know from your review**  
17 **in this case?**

18          A.     That he said, I lied and that was false?

19          **Q.     No. I'm saying that -- I'm saying if he**  
20 **did lie about being framed by Watts' team, would**  
21 **that be something that you'd want to know?**

22          A.     Yes.

23          **Q.     Right. As an FBI agent, if someone**  
24 **says, hey, I was framed by some police officers,**

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1     **you could go back as an FBI agent and look at the**  
2     **reports about the arrest, right?**

3           A.     I could.

4           Q.     Wouldn't you -- if someone is telling  
5     you that they're falsely arrested, there's ways  
6     that you can verify to see if they were even  
7     arrested by law enforcement, right?

8           A.     Yeah, I would have conducted a -- you  
9     know, if I could, if I had -- if it was an  
10    assessment, I mean, right, we have to have an  
11    administrative open. But, yeah, I would get the  
12    computer-aided dispatch reports. I would look at  
13    all that, see if it was a contact, what the  
14    contact was about. Did it follow the procedure.  
15    You know, what happened there, if there was a  
16    record of it.

17          Q.     And so if, in fact, an informant lies to  
18    an FBI agent about an arrest, what does that do to  
19    the credibility of that particular informant?

20          A.     Yeah, most informants, you record  
21    everything with them, or you have them do a --  
22    something that's object -- objectively evidence,  
23    like an e-mail or something like that. You take  
24    the other information as background and that type

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1 of thing.

2 So -- but it would -- yeah, when  
3 people are lying, yeah, they don't have as much  
4 credibility when they're all lying.

5 **Q. All right. And then --**

6 A. As an FBI agent -- I mean, my role in  
7 this is, like, trying to provide context of how an  
8 MOU works, and that -- what Chicago PD was  
9 precluded from doing under this. You're asking as  
10 an FBI agent. It has immediate impact as an FBI  
11 agent, yeah, that the person is lying.

12 **Q. So if you're working with Assistant**  
13 **U.S. Attorneys on a case and you find out that**  
14 **your main informant has been lying, are you going**  
15 **to let the federal prosecutors know that?**

16 A. Yes.

17 **Q. And then the federal prosecutors,**  
18 **they're going to let -- they would likely let the**  
19 **criminal defense attorney know that and the judge**  
20 **know that, right?**

21 A. If they're going to use that source.  
22 They just might not use the source.

23 **Q. Okay.**

24 A. They wouldn't tell them if they're not

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1 going to use them, most likely.

2 MR. BAZAREK: I think that's time.

3 Well, let's -- let's ask the  
4 official timekeeper.

5 MR. HILKE: Sure.

6 (Discussion had off the record.)

7 MR. BAZAREK: I just have, like -- yeah,  
8 I have one or two minutes.

9 BY MR. BAZAREK:

10 Q. Let's look at --

11 MR. HILKE: I'll cut it in two minutes.  
12 Go ahead.

13 MR. BAZAREK: Okay. That's fine.

14 BY MR. BAZAREK:

15 Q. Let's look at, next exhibit is the USA  
16 versus Ben Baker criminal complaint.

17 Now, sir, I know you had the  
18 criminal complaint, you know, USA v Watts. Is  
19 this the first time you've seen USA v Ben Baker?

20 A. I don't -- I don't know. I may have  
21 seen this. This is his arrest not that long  
22 ago -- yeah, it's 2018?

23 Q. Right.

24 A. I might have seen this somewhere,

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1 that he --

2 **Q. Well, it's not -- it's not listed in**  
3 **your appendix.**

4 A. Maybe I didn't see it, then. I was  
5 aware of some kind of 2018 incident. I can't even  
6 remember how. But he had -- he had multiple  
7 arrests, I think.

8 **Q. Oh, right, I mean, you've reviewed his**  
9 **arrest history, right, Mr. Baker's arrest history?**

10 MR. HILKE: Object to form.

11 You can answer.

12 THE WITNESS: I didn't get the printout  
13 of it. If it's in the file, I didn't see it.

14 I had a bunch of printouts; I just  
15 didn't look at them.

16 BY MR. BAZAREK:

17 **Q. But are you aware he's been convicted of**  
18 **attempted murder? Are you aware of that?**

19 A. I wasn't specifically aware of that  
20 charge, no.

21 **Q. Okay. And you are aware he's been**  
22 **convicted of multiple narcotics violations?**

23 A. That I was generally aware of, yes.

24 **Q. Okay. What about UYW by a felon, are**

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1     **you aware he was convicted of that?**

2             A.     Not specifically.

3             **Q.     Have you ever testified on behalf of**  
4     **any -- a plaintiff that had more arrests and**  
5     **convictions than Ben Baker?**

6             MR. HILKE:   Object to form.

7                     You can answer.

8             THE WITNESS:   I don't know how many he  
9     had, but you're asking if I've testified as a  
10    plaintiff -- as the plaintiffs' side?

11            BY MR. BAZAREK:

12            **Q.     Right.   Have you ever testified on**  
13    **behalf of a plaintiff that had more convictions**  
14    **than Ben Baker?**

15            MR. HILKE:   You can answer, but that  
16    will be the last question.

17            THE WITNESS:   Yeah, I wouldn't consider  
18    myself -- I'm testifying in his case, but it's --  
19    it's not on his behalf like that.   I wouldn't  
20    consider it on his behalf.   If it's legally that's  
21    what I'm doing, then -- but in -- to me, I'm  
22    trying to provide context for the fact finders to  
23    understand how this MOU works, what the  
24    environment is like, and how this relationship can

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1 have some context to find the facts in the case.

2 BY MR. BAZAREK:

3 Q. Can you answer the question, though,  
4 that I just asked?

5 A. I thought I did.

6 Q. You didn't answer it.

7 MR. BAZAREK: He didn't answer the  
8 question. And then we're done.

9 Can we read back the question, and  
10 then -- let's read it back.

11 MR. HILKE: I think, the question was,  
12 right: Have you testified for another plaintiff  
13 with more criminal convictions than Ben Baker?

14 Was that your question, Bill?

15 MR. BAZAREK: Yeah.

16 MR. HILKE: You can answer.

17 THE WITNESS: No, that -- not that I  
18 know of. I don't think I've testified for any  
19 plaintiffs. So any conviction, probably.

20 MR. BAZAREK: Okay. That's all I have.

21 MR. HILKE: Thank you. I have just a  
22 couple of quick ones.

23 EXAMINATION

24 BY MR. HILKE:

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1           **Q.    Mr. Danik, your report identifies two**  
2 **research questions that center the opinion you're**  
3 **giving, correct?**

4           A.    Yes.

5           **Q.    And those are on page 4 of your report?**

6           A.    I think so, yes.

7           **Q.    Do -- now, do your opinions in this case**  
8 **depend in any way on whether what Ben Baker said**  
9 **was true or credible?**

10          A.    It is page 4.

11                   And Ben Baker, no, I didn't make  
12 any credibility assessments on Ben Baker or  
13 anybody else.

14          **Q.    Does your opinion depend in any way on**  
15 **whether Clarissa Glenn's statements are true or**  
16 **credible?**

17          A.    No.

18          **Q.    You talked earlier about providing the**  
19 **context necessary for your opinions in your**  
20 **report. Does that have anything to do with the**  
21 **information that was available to the**  
22 **investigators, according to the records?**

23          A.    I looked at the records that the  
24 investigators authored.



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1           Q.    Did -- I guess, what was more important  
2   to you in terms of forming your opinion, the  
3   ultimate truth of -- well, strike that. Strike  
4   that also. I'm going to ask you something  
5   different.

6                    Let me -- I forgot what exhibit  
7   this was, but I'm showing you the ATF report that  
8   was previously marked as an exhibit.

9                    Do you see that here?

10          A.    This is the Moore interview on  
11   April 7th? I think it is.

12          Q.    Yes, sir. If you look at the first page  
13   of that report, you can see it's the Moore  
14   interview on April 7th; is that correct?

15          A.    Okay. Yes, now -- yes, that's it.

16          Q.    And then if I scroll down to paragraph  
17   No. 53, the final sentence of paragraph 53 says,  
18   "Moore related that Mohammed was on the Watts'  
19   team but is not there now."

20                   Did I read that correctly?

21          A.    Yes.

22          Q.    So this section of the ATF report  
23   actually does make reference to Mohammed, correct?

24          A.    Yes.

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1           Q.    All right. I don't remember what  
2 exhibit number this was either. But I'm showing  
3 you now the Internal Affairs Division To/From  
4 dated June 28, 2005, from Agent Calvin Holliday --

5                   MS. EKL: Exhibit 11.

6                   MR. HILKE: Exhibit 11. Thank you,  
7 Beth.

8 BY MR. HILKE:

9           Q.    Do you see that exhibit in front of you?

10           A.    Yes.

11           Q.    I just want to point you to where it  
12 says, if you look around midway down the paragraph  
13 that says, "The undersigned in May 2005." It  
14 says, "Baker alleged his present case in court was  
15 placed on him by Sergeant Watts."

16                   Do you see that there?

17           A.    Yes.

18           Q.    And is that language, Baker alleged his  
19 present case in court was placed on him, among the  
20 allegations of fabrication of charges or evidence  
21 that you considered?

22           A.    Yes. That -- that's Ben Baker saying  
23 that, those drugs were planted on me, if I take  
24 that sentence at its face value.

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1           **Q.    Okay.**

2                   MR. HILKE:   One second.

3                               I'm all done, sir.   Thank you for  
4   your time today.

5                               We will read and sign, please.

6                                       (Concluded at 5:55 p.m.)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BEN BAKER and CLARISSA GLENN, )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. 16 C 8940  
 )  
CITY OF CHICAGO, Former CHICAGO )  
POLICE SERGEANT RONALD WATTS, )  
OFFICER KALLATT MOHAMMED, )  
et al., )  
Defendants. )

I, JEFFREY A. DANIK, state that I  
have read the foregoing transcript of the  
testimony given by me at my deposition on April  
18, 2024, and that said transcript constitutes a  
true and correct record of the testimony given by  
me at said deposition, except as I have so  
indicated on the errata sheets provided herein.

\_\_\_\_\_  
JEFFREY A. DANIK

SUBSCRIBED AND SWORN to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NOTARY PUBLIC

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REPORTER CERTIFICATE

I, Jennifer A. Seastrom, Certified  
Shorthand Reporter, do hereby certify  
that on April 18, 2024, the videoconference  
deposition of the witness, JEFFREY A. DANIK,  
called by the Defendant, was taken before me,  
reported stenographically, and was thereafter  
reduced to typewriting under my direction.

The said deposition was taken via  
videoconference and there were present  
counsel as previously set forth.

The said witness, JEFFREY A. DANIK,  
was first duly sworn to tell the truth, the whole  
truth, and nothing but the truth, and was then  
examined upon oral interrogatories.

I further certify that the  
foregoing is a true, accurate, and complete record  
of the questions asked of and answers made by the  
said witness, JEFFREY A. DANIK, at the time and  
place hereinabove referred to.

The signature of the witness,  
JEFFREY A. DANIK, was reserved by agreement of  
counsel.

The undersigned is not interested in

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1 the within case, nor of kin or counsel to any of  
2 the parties.

3 Witness my official signature as a  
4 Certified Shorthand Reporter in the State of  
5 Illinois on April 24, 2024.

6  
7 



8 \_\_\_\_\_  
9 Jennifer A. Seastrom  
10 Certified Shorthand Reporter  
11 License No. 084-003293  
12  
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